BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:00 PM, WEDNESDAY, October 14, 2026
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD
In-Person and Via Zoom
MINUTES

PZC Members Present: Chairman Tom Manning, Vice Chair Kawan Gordon (arrived 7:30pm), James Cropley, Arlene Fiano, Ellen King, Eric Loveland (arrived 7:30pm), Marilee Manning, Alternates Rhea Klein, Joshua Lloyd, Peyton Rutledge
Others Present via Zoom: Jim Loersh

1. Call To Order: T. Manning called the meeting to order at 7:00pm. P. Rutledge was seated for E. Loveland. R. Klein was seated for K. Gordon.

2. Approval of Minutes: September 9, 2026: M. Manning MOVED to APPROVE the September 9, 2026 meeting minutes as written. E. King SECONDED. Motion passed 7:0:0.

3. Residents Forum: There were no comments.

4. Old Business: There was no other Old Business.

5. New Business
a. ***DISCUSSION/DECISION:*** **Schedule of 2027 Meeting Dates:** T. Manning MOVED to APPROVE the proposed 2027 Planning and Zoning Commission Regular Meeting dates schedule as presented, to be held at 7:00pm on the second Wednesday of each month and file it with the Town Clerk's Office as required by statute. J. Cropley SECONDED. Motion passed 7:0:0.
The commission requested that the change in meeting start time to 7:00pm be prominently displayed on the Town of Bolton website.

b. Other: There was no other New Business.

6. TRAINING SESSION FOR COMMISSIONERS – Presentations by CRCOG
a. Housing Growth Planning: 1 hour session as presented at CRCOG Regional Planning meeting of 9/3/2026.

b. SS PA 25-1 What we are Seeing in Referrals: 1 hour session as presented at CRCOG Regional Planning meeting of 6/4/2026.

7. Correspondence: There was no Correspondence.

8. Adjournment: Chairman Manning adjourned the meeting at 9:13pm.

Respectfully submitted by Rebekah Lyon
Rebekah Lyon

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.

Town of Bolton

222 Bolton Center Road ● Bolton, CT 06043

November 2, 2026

TO: Department Heads and Supervisors
FROM: Jim Rupert, Town Administrator; and Stephanie Smigala, Interim Chief Financial Officer
SUBJECT: FY2027-2028 Operations Budget

Dear Department Heads and Supervisors,

It is that time of year again where we need to prepare our budgets for the upcoming fiscal year. This process is beginning earlier this year to allow ample time for department planning and to ensure the Board of Selectmen can communicate budget needs to the public sooner.

As in previous years, we will need to budget conservatively, balancing the need to keep the mil rate low for our residents while supporting ongoing operations. When preparing your budget, please utilize the zero-based budgeting approach. This means that instead of using last year's budget as the baseline, you build your budget from the ground up starting at $0.00. The goal is to ensure that taxpayer money is actively evaluated and aligned with our community's core service needs.

If there is any increase, this increase must be documented using the Add Decision Package and have a clear explanation to show why this increase is required. Again, we must strive for a minimal increase to the overall budget and appreciate your understanding as you work to create a fiscally responsible budget.

As in previous years, all work will be conducted online in budget worksheets. The worksheets and the Add/Drop Decision Packages have been attached to this letter. To aid in budget preparation, the payroll line has been pre-populated using current pay rates and historical hours worked. Please review this for accuracy, and work with Stephanie Smigala directly if you need assistance with making changes.

Please return your completed operations budget worksheets directly to Stephanie Smigala no later than **Friday, December 11th**. If we have any questions or concerns about your submitted budget, we will reach out to you directly.

Once all submissions have been received, an overall budget will be created for the Board of Selectmen to review. Be prepared to attend the BOS workshop meetings to present your budget and answer any questions that the Selectmen might have. Since the Board may find that a reduction in costs is necessary it is important that you demonstrate where cuts could be sustained.

Thank you all for your hard work, and all that you do for the Town of Bolton.

Sincerely,

Jim Rupert
Town Administrator

Stephanie Smigala
Interim Chief Financial Officer

BOLTON BUDGET WORKSHOP **PLANNING & ZONING** **NO. 11**

Code 4153	PLANNING & ZONING											
			Unaudited	Unaudited	Unaudited	Unaudited	Unaudited	Unaudited				
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Approp. For	Actual	*Request*	Adopted
Accounting Codes	Category	Expenditures	Expenditures	Expenditures	Expenditures	Expenditures	Expenditures	Expenditures	this year	Expenditures	*for*	by Selectmen
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	07/01-10/31/26	*2027-2028*	2027-2028
51610	Payroll	685	1,025	845	878	825	***2,267***	400	0	0	***0***	
53100	Official/Admin. Services - PZC Recording Secretary = avg $92/meeting x 12 regular meetings						***525***	550	1,100	100	***1,100***	
53200	Professional Educational Training - required *PZC Training (avg $30ea x 10)*			0	25	0	0	0.00	300.00	0	***300***	
55400	Advertising - *legal advertising in The Hartford Courant for decisions (pub 1X = avg $40 - 1 per month = $480) and public hearings (pub 2X = avg $250 - 4 per year = $1000)*	209	0	658	1,195	547	553	219.00	1,200	151.61	***1,200***	
56120	Office Operation Expenditures - *PZC hearing signs ($24.50/ea), general office supplies related to PZC (avg $500)*	0	939	393	490	820	47	0.00	900.00	0	***900***	
58100	Due & Fees - *CTFPZC Newsletter & Dues - $110 for CTFPZC Dues*	110	190	140	110	130	130	130.00	200.00	0	***200***	
	Total	1,004	2,154	2,036	2,698	2,322	3,522	1,299	3,700	251.61	***3,700***	***0***

The P&Z budget flexes based on activity that comes before the Commission

An increase in proposals/development activity will increase each of the categories listed above

A decrease in proposals/development activity will require less expenditure

These 2 line items are an anomoly and were used to pay the Rrecording Secretary and the Intern

Any Change (+/-) in a category please explain.
By: Thomas Manning/Patrice Carson

Signature(s):

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CHANGE FROM NONCONFORMING HEMP OPERATION TO CANNABIS UPHELD BY COURT

The issue of whether the cultivation and processing of cannabis was a lawful continuation of the nonconforming cultivation and processing of hemp was answered in the affirmative by a Superior Court judge. The zoning board of appeals had reached the opposite conclusion based upon the reasoning that since Connecticut law treated hemp and cannabis differently, then the change of processing and cultivating hemp to cannabis would amount to a change of use.

The property in question had been used for the manufacture of tobacco products, a use no longer permitted at the site. When the use of the property was changed to the cultivation and processing of hemp, the town's zoning enforcement officer found this to be a continuation of the existing nonconforming tobacco activity. An opposite finding was made when the change was to be from hemp to cannabis.

The court found that the zoning board's sole reliance on the different treatment the law applied to cannabis and hemp was an insufficient basis to find that the processing and cultivation of cannabis could not be a lawful extension of the existing nonconforming use. Instead, the board should have determined whether the change from hemp to cannabis changed the character of the use. In this case, the processing was identical except that the end product would have a differing concentration of THC. *Lasa Extract LLC v. Zoning Board of Appeals, 355 Conn. 426 (2026).*

WHAT IS A MATERIAL CHANGE OR INTENSIFICATION OF USE

A zoning permit was approved to allow for certain changes to an approved special exception use. The permit holder wanted to make some interior changes to a building on the property. Neighbors appealed the issuance of the permit to the zoning board of appeals on the issue of whether the zoning permit violated a condition of approval for the special exception. This condition stated that 'there shall be no material change to the approved use or intensification of any use'.

On appeal, the question before the court was whether the changes allowed by the zoning permit resulted in an intensification or material change to the use approved by the special exception. The court refused to apply the legal analysis for whether a nonconforming use had expanded or intensified. The reason was that a nonconforming use is a use not permitted by the zoning regulations while a special exception use is an approved use. This resulted in a less strict analysis.

For purposes of determining whether a special exception use had

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materially changed or intensified, the court applied the standard that for there to be a material change, the change in use must be significant to such a degree that the commission would change its mind as to whether it would approve the special exception. Similarly, intensification is equated to mean growing stronger.

Interior changes to a building did not amount to a material change or intensification as the type of use would not change. For example, the number of people working at the building would not increase. *Markatos v. Zoning Board of Appeals, 355 Conn. 143 (2026).*

APPLICANT CANNOT ALWAYS BE REQUIRED TO PAY COMMISSION'S ATTORNEY FEES

Connecticut General Statutes Sec. 8-1c provides that a municipality can establish a schedule of fees for the processing of land use applications. This fee schedule is established by ordinance and can require an applicant to pay the reasonable fees for consultants with land use expertise hired by the land use agency. The question raised in this case was whether the commission's attorney qualified as a consultant with land use expertise so that the applicant could be required to pay his fees.

Without evidence that there were any legal issues presented to the commission which required his legal expertise, the attorney's fees fell outside of this statute and the municipal fee ordinance. The application before the commission concerned a special permit for a home occupation. The legal issue presented by the application could have been addressed by the commission and its staff in the court's opinion. *Sherman Building Design LLC v. Planning & Zoning Commission, DBD-CV-25-6055215 (7.16.2026).*

TIME-TESTED INTERPRETATION OF REGULATONS

The owner of a nonconforming private golf club sought approval to construct tennis courts on its property. The applicable zoning regulation stated in part that permitted uses included unilluminated tennis, basketball and other outdoor sports courts. The application was denied by the Commission based on its long-held interpretation of this regulation that tennis courts, as well as other listed permitted uses such as swimming pools, patios, generators and accessory buildings are only permitted as accessory uses to a permitted use. Since the golf course was a nonconforming use, the application was denied.

On appeal, the Court found that the Commission's interpretation of the zoning regulations whereby certain listed uses were permitted solely as accessory uses to a permitted use followed long standing policy of the Commission. When reviewing a land use agency's application of a zoning regulation, courts afford considerable weight to a board's

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reasonable time-tested interpretation of a zoning regulation. *Washington Club Inc. v. Zoning Commission, LLI-CV-25-6040494 (4.27.26).*

REDUCTION IN NONCONFORMITY MAY NOT JUSTIFY VARIANCE

It has been long established that the reduction of a nonconforming use to a less nonconforming use constitutes an independent ground for granting a variance. This includes the situation when the overall nonconforming nature of a property would be reduced. Doubt has now been imposed on this rule.

An application for 6 variances was approved by a zoning board of appeals on the basis that the overall nonconforming characteristics of the property would be reduced. Older nonconforming structures would be removed and replaced by new structures, such as a swimming pool, that while nonconforming as to location were more in conformity with setback requirements than the old structures.

In reviewing this decision on appeal, the Court ruled that since the new structures created new nonconformities, the variances could only be approved upon a showing of unusual hardship. This decision has been appealed to the Appellate Court. *Connecticut River Gateway Commission v. Zoning Board of Appeals, MMX-CV-24-6042449.*

BUILDING PERMIT VALID FOR 9 YEARS

A Superior Court confirmed that any open building permit 9 years old or older is deemed closed pursuant to Connecticut General Statutes Sec. 29-265(c). Prior to the enactment of this law, a building permit could remain open indefinitely provided that work under the permit was not stopped for a continuous period of 180 days. *Lunney v. Palkimas, FST-CV-23-6061948 (3.31.26).*

ANNOUNCEMENTS

Workshops

Four hours of Commissioner training must be completed once every four years or once each term of a commissioner. At the price of $185.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'. **Email us at contact.cfpza@gmail.com to schedule a workshop.**

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

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