

Bolton Zoning Board of Appeals
Regular Meeting Minutes
June 14, 2022 7:00 p.m.
Bolton Town Hall, 222 Bolton Center Road
Hybrid Meeting-In person and virtual via Zoom

Members Present: Chairman Mark Altermatt, William Pike (present via Zoom), and Morris Silverstein and Alternates William Anderson (seated for Jonathan Treat), Joshua Machnik and Mary Terhune (seated for Anne Decker)

Regular Meeting

1. **Call to Order:** Chairman M. Altermatt called the meeting to order at 7:11 p.m.
2. **Public Comment:** No public comment

Public Hearing

3. PUBLIC HEARING - Application #ZBA-22-2 Daniel Johnston of Ambassador Pool Distributors, Inc., on behalf of homeowner Tonya LaPlante – 11 Enrico Rd. – variance request to install above-ground pool with integrated deck and fence

Present via Zoom were the homeowner, Daniel LaPlante and Daniel Johnston, representing Ambassador Pools.

Ambassador Pools installs kayak pools and the pool in question is the smallest size available. The only viable location for the pool on this property is where it was installed.

M. Altermatt noted that in order for the variance to be granted, Mr. Johnston needs to provide the board with hardship reasons.

Mr. Johnston noted that the property is an odd shape and the topography of the lot slopes down significantly.

Mr. LaPlante noted that the Eastern Highlands Health District was concerned about the distance of the pool from the septic tank and leaching field. He is concerned that if he is granted the variance, there still may be a problem with the Eastern Highlands Health District. The pool must be ten feet away from the septic tank and the leach field.

M. Altermatt noted that the septic field seems to be drawn in pencil on the official plans. The land survey was done in 2001 and the septic field was drawn in later. There is no official stamp on the plans. He questioned the credentials of the person who drew in this information and asked if it was done by a surveyor. At this time, Mr. Johnston could not provide the name or qualifications of the person who drew in the septic tank and field although he offered to provide that information at a later date.

W. Pike asked if the site plan was included when the permit was pulled. Mr. Johnston stated that his employee who pulled the permit made some errors. Mr. Pike asked how this situation happened in the first place. The proximity to the septic tank is a concern. He feels that it would be wrong to grant a variance if it puts the pool too close to the septic tank and leach field. That data is necessary to make a decision. The pool has been installed since August 2021.

M. Terhune asked if a building permit was pulled. M. Altermatt doesn't think that any permit was pulled prior to installing the pool. The pool company thought that a building permit had been granted.

W. Anderson asked if there is another map at the town hall that shows the "A" and "B" locations of the septic tank and leach field. Mr. LaPlante noted that the "B" location is in the front of the house, not near the pool.

M. Altermatt asked if the board members feel that more info is needed before making a decision. M. Terhune would like to hear what the Eastern Highland Health District says before she makes a decision. Mr. Johnston will look into how the septic area was drawn on the plot map.

W. Anderson stated that the location of the existing leach field was drawn on the map and gives a false sense of information. When a map is altered there is typically a revision date. This shouldn't be an issue as long as the numbers that are on the map agree with the numbers that the town has.

W. Pike responded to W. Anderson that although the numbers look realistic, somehow the Health District has become aware of this issue. Mr. Anderson said that the rear yard offset is the concern before this board.

W. Anderson feels that this is a Health Department issue. W. Pike said that the mistake was that the permit was not pulled correctly and the pool was installed. This should have never happened but we don't punish anyone for making a mistake.

W. Anderson questioned what would happen if the variance was granted tonight and the Health Department has an issue. The general consensus was that the Health Department will worry about that.

Mr. Johnston indicated that he would like the board to proceed with a vote tonight.

All of the adjacent neighbors were notified via certified mail and there were no objections.

The public hearing is closed and a two minute recess was granted.

M. Altermatt read the setback information aloud for W. Pike who was attending via Zoom.

M. Silverstein stated that the board should let the facts speak for themselves. The pool was installed without a permit. M. Altermatt stated that according to law, the board has to treat the decision on the variance as if the pool was never installed. M. Silverstein stated that is fine for

other board members but not for him. The pool was put on the site without a variance granted. The business is trying to save a sale and it is only a hardship on the part of the company. The company has not come to the board with clean hands and the variance should not be granted. The pool should be dismantled and moved offsite. The pool company should come in the front door and not the back door. The denial of the variance would be without prejudice so that it could be brought before the board again.

W. Anderson stated that case law says that a variance after the fact is no different than before the fact. He feels that the conditions of hardship have been met-the odd shaped lot, the topography and septic placement. W. Pike agrees with Mr. Anderson in approving the variance.

M. Terhune understands the point of the best location. The issue seems to be that the size of the pool infringes on the setback. Is there another pool company that would have a pool that would fit in this location? The board felt that the same issue would exist. The neighborhood was not impacted. Based on these facts, she would grant the variance.

M. Altermatt would grant the variance. There is no other practical place for the pool. If the application been presented a year ago he would have approved it.

W. Anderson made a motion to grant the twelve foot variance of the rear yard offset due to the location of the septic field, the topography and the geometric shape of the existing lot. W. Pike seconded. The motion carries 4:1:0.

Other Business

4. Approval of Minutes: March 8, 2022

M. Terhune made a motion to accept the minutes as presented. M. Silverstein seconded. The motion passed 4:0:1. W. Anderson abstained.

5. Correspondence: None

6. Other: None

7. Adjournment

M. Silverstein made a motion to adjourn at 8:14 p.m. W. Anderson seconded. The motion passed unanimously 5:0:0.

Respectfully submitted,

Leslie J. Brand

Leslie J. Brand

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



ZBA-22-3

Zoning Board of Appeals

Status: Active

Date Created: Sep 27, 2022

Applicant

Nathaniel Fleming
nfleming@fedusengineering.com
70 ESSEX STREET
MYSTIC, CT 06355
8024406130

Primary Location

271 HOP RIVER RD
BOLTON, CT 06043

Permit Info

Occupancy Type

Commercial

Application For

Variance

Aquifer Protection Area

No

Zone

General Business

Zoning Board of Appeals

Statement of Hardship

Existing non-conforming, Safety for drivers on the road. (For identification of Gas Station)

Brief Explanation of Specific Action(s) Requested of the ZBA

Variance from the following sections

- 18.D.4
- 18.G.1.a.ii

Has any previous application been filed in connection with these premises?

No

Setbacks

Front Required

35

Front Provided

41.8

Rear Required

40

Rear Provided

997

Left Required

25

Left Provided

78

Right Required

25

Right Provided

73

Lot Coverage Required

15

Lot Coverage Provided

7

Building & Parcel Size

Building Size

4,960

Lot Area

639,104

Applicable Section(s) of Zoning By-Laws

18.G.1.ii and 18.D.4

Does Property Need CCDRB Review?

Is Property Located in Aquifer Protection District?

Signature and Confirmation of Submission of Application

The property owner, or applicant/agent duly authorized by the property owner hereby acknowledges that this applicant has been submitted truthfully. The applicant further acknowledges that any information submitted herein which is found to have been submitted willfully in error may render such application null and void.

The above is hereby acknowledged and understood

The property owner, or applicant/agent duly authorized by the owner hereby grants permission to the Town of Bolton, it's agents and the Zoning Board of Appeals to make reasonable property inspections related to the review of the submitted application

The above is hereby acknowledged and understood

The property owner, or applicant/agent duly authorized by the owner hereby acknowledges the above and by endorsement of the digital signature below, hereby submits this application.

Signature of Owner or Applicant/Agent duly authorized by the owner

Nathaniel Fleming, Fedus Engineering, LLC
09/20/2022

Additional Project Info

Date of Receipt

--

Hearings Commencement Deadline

--

Hearings Completion Deadline

--

Decision Deadline

--

Distance to Town Line

--

Extension Date

--

Public Hearings

Hearing Date	Hearing End Date
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11/08/2022

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Advertising Date

10/28/2022

Second Advertising Date

11/04/2022

Notice Date


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Conditions [Internal Use Only -- To be Printed of Permit]

Conditions

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Attachments


 21-000985 - Bolton - 271 Hop River Road - Asif Choudrey - Sign Plan (Variance).pdf
Uploaded by Nathaniel Fleming on Sep 27, 2022 at 9:42 am








IMG_1652.JPEG
Uploaded by Nathaniel Fleming on Sep 27, 2022 at 9:42 am

 Letter 2022 09-27 ZBA Statement of Hardship .pdf
Uploaded by Nathaniel Fleming on Sep 27, 2022 at 10:18 am

 ZBa Variance App.Owners Signature.pdf
Uploaded by Danielle Palazzini on Oct 17, 2022 at 3:56 pm

 23. 271_Hop_River_Road_Abutters_List_500-_Wed_Aug_17_2022_15-24-52.pdf
Uploaded by Danielle Palazzini on Oct 18, 2022 at 8:34 am

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Permit Fee	Paid	Sep 27, 2022 at 10:18 am	Oct 17, 2022 at 3:51 pm	-	-
 Application Review	Complete	Oct 17, 2022 at 3:51 pm	Oct 17, 2022 at 3:51 pm	Danielle Palazzini	-
 Zoning Board of Appeals Consideration	Active	Oct 17, 2022 at 3:51 pm	-	Danielle Palazzini	-
 Decision Issued and Noticed (Variance)	Inactive	-	-	-	-
 Project Closeout	Inactive	-	-	-	-

Frontage (cite section of Zoning Regulations) _____
Yard, front (cite section of Zoning Regulations) _____
Yard, side (cite section of Zoning Regulations) _____
Yard, rear (cite section of Zoning Regulations) _____
Max. building height (cite section of Zoning Regulations) _____
Max. lot coverage (cite section of Zoning Regulations) _____
Max. Impervious coverage (cite section of Zoning Regulations) _____
Other dimensional requirements (cite section of Zoning Regulations) _____
Other Zoning Regulation requirements: _____

Statement of Hardship: _____

Brief Explanation of specific action(s) requested of the ZBA: _____

Has any previous application been filed in connection with these premises? _____ If yes, give date: _____

12. Appeal from the decision of the Zoning Enforcement Officer (attach copy of letter from ZEO documenting decision being appealed)

Description of relief being sought: _____

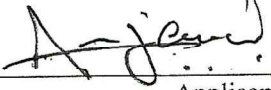
Attach a scale drawing certified by a surveyor or other qualified professional accurately showing the dimensions of the lot, the location of the lot (geographically), the location of the house or proposed building on the lot and the direction of drainage on the lot. Also show the location of the septic system, well and the driveway, if applicable. Maps must accompany this application to the Zoning Board of Appeals and will be retained by the Zoning Board of Appeals.

NOTE: Within one year of the granting of a variance all necessary permits must be obtained or the variance granted will become null and void unless otherwise specified.

NOTE: PLEASE LIST THE NAMES AND ADDRESSES OF THE CURRENT ABUTTING PROPERTY OWNERS OF THE SUBJECT PROPERTY ON AN APPENDIX TO THIS APPLICATION.

.....
I hereby depose and say that all the above statements and the statements contained in any appendix to this application are true.

Dated this 27th day of September, 2022



Applicant's Signature

Owner's Endorsement (If Owner is different than Applicant):

I am a willful participant and fully familiar with the contents of this application. Signature _____

Date _____





70 Essex Street, Unit 2C, Mystic, CT 06355 ■ Phone: 860-536-7390

September 27, 2022

Zoning Board of Appeals
Town of Bolton
222 Bolton Center Road
Groton, CT 06340

Re: 271 Hop River Road, Application for Gas Station/Convenience Canopy – Statement of Hardship

Dear Members of the Committee:

The hardships of site 271 Hop River Road are the existing non-conforming and safety. The existing site had wording on the canopy as most recent as 2013. Since then, the canopy has been painted with white paint per the request of the gas provider since it stopped providing service in 2013. However, the white paint still allows an individual to see where the lettering for the canopy was. We believe this applies to existing non-conforming.

The second hardship is safety for drivers on the road. For any design, the main cannon is public safety. A canopy sign would allow drivers to see the gas station with enough time to signal and pull into the gas station safely. If no canopy sign is on the canopy, this could cause a situation where a driver is slamming on their brakes and pulling into the gas station recklessly. Given the sizing and traffic of the road, we believe the safest option is to allow a canopy sign.

If you have any questions or require anything further, please let us know at your earliest convenience.

Sincerely,



Nathaniel Fleming

299 HOP RIVER ROAD LLC
299 HOP RIVER ROAD LLC
CONNECTICUT STATE OF
MICHAEL R MARTIN LLC
CONNECTICUT STATE OF
ERICSON TIMOTHY D & SHELLEY M & SURV
GOUCHOE LOREN H JR LU &
GOUCHOE LOREN H JR LU &
JOHN & FREDERICA JOHNSON MEMORIAL CAMP INC
STAVENS BROTHERS INC
262 HOP RIVER LLC
262 HOP RIVER LLC
HABERERN DOLORES & RONALD G
ASPINALL MARGARET
255 HOP RIVER LLC
255 HOP RIVER LLC
IMS PETROLEUM LLC
CONNECTICUT STATE OF
BOLTON TOWN OF

407 1/2 LAUREL DR
407 1/2 LAUREL DR
79 ELM STREET
25 WATROUS RD
79 ELM
229 HOP RIVER RD
239 HOP RIVER RD
239 HOP RIVER RD
287 JAGGER LN
PO BOX 406
8 WEST ST EXT
8 WEST ST EXT
43 LONDON RD
71 JOHNSON RD
255 HOP RIVER RD
255 HOP RIVER RD
96 ROUTE 32
79 ELM STREET
222 BOLTON CENTER RD

FRIENDSWOOD, TX 77546
FRIENDSWOOD, TX 77546
HARTFORD, CT 06106
BOLTON, CT 06043
HARTFORD, CT 06106
BOLTON, CT 06043
BOLTON, CT 06043
BOLTON, CT 06043
HEBRON, CT 06248
WILLINGTON, CT 06279
ANDOVER, CT 06232
ANDOVER, CT 06232
HEBRON, CT 06248
BOLTON, CT 06043
BOLTON, CT 06043
BOLTON, CT 06043
FRANKLIN, CT 06245
HARTFORD, CT 06106
BOLTON, CT 06043



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	Michael B. Martine, LLC 25 Websters Road Bohler, CT 06043				
	Paul M. & Shirley A. Torney & Son 38 Torney Lane Bohler, CT 06043				
	Dolores & Donald G. Haberen 43 Landon Road Hebron, CT 06248				
	Margaret Apprill 71 Johnson Road Bohler, CT 06043				



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2.	Bernard Gouche 239 Hop River Road Bolton, CT 05043				
3.	John & Fredricka Johnson Memorial Corp Inc 287 Jagger Lane Hebron, CT 05248				
4.	Stevens Brothers Inc. PO Box 406 Willington, CT 06279				
5.	262 Hop River, LLC 8 Wald St, Ext. Andover, CT 06232				
6.	255 Hop River LLC 255 Hop River Road Bolton, CT 05043				



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Firm-specific Identifier

Address
(Name, Street, City, State, and ZIP Code™)

Postage

Fee

Special Handling

Parcel A/Rift

1.

Town of Bolton
222 Bolton Center Road
Bolton, CT 06043

2.

IMS Retailers LLC
271 Hop Run Road
Bolton, CT 06043

3.

4.

5.

6.