

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, Wednesday, September 13, 2017
Bolton Town Hall, 222 Bolton Center Road
Minutes & Motions

Members Present: Members Chairman Eric Luntta, Arlene Fiano, Neal Kerr, Adam Teller, Christopher Davey (alternate), Thomas Robbins (alternate).

Members Excused: James Cropley, Carl Preuss, Jeffrey Scala.

Staff Present: Patrice Carson, AICP, Director of Community Development, Sarah Benitez, Recording Secretary.

Others Present:

1. Call to Order: Chairman Eric Luntta called the meeting to order at 7:35pm. Thomas Robbins was seated for James Cropley and Christopher Davey was seated for Carl Preuss.

A. Fiano moved to advance agenda items 3 and 4 to precede item 2. N. Kerr seconded. Vote 6:0:0.

2. Public Hearing (7:45):

a. SPECIAL PERMIT APPLICATION: Dentist's Office, 1100 Boston Turnpike (Rosenlicht Property), Bolton Cosmetic & Family Dentistry

P. Carson read the public hearing legal notice and stated she had received no comments.

Timothy Coon, Engineer from BSC Group representing the applicant, presented the plans. Previously the lot was approved for commercial development in the late 1980s, but work stopped in the '90s and the lot became overgrown. In accordance with RMUZ requirements, this new plan was developed to move the lot forward. Eventually the plan is to have three commercial building lots on the parcel. There will be a single boulevard-style entry, connected driveways, and a common architectural theme in keeping with a Unified Village Development. The other two buildings besides the dentist's office have yet to be planned; they hope the dentist facility will help market the site. Since the layout has patients facing away from the parking lot for privacy and reduced stress, and windows should face north for best lighting, the parking has to be to the south, towards Route 44. Landscaping will buffer and screen the site from the road, help protect the wetlands, and include a rain garden to catch water runoff. The facility will be serviced with existing sewer capacity. The building is designed to be attractive and in line with town character and Design Guidelines. There is a conservation easement in response to the earthwork and landscaping done for the benefit of the wetlands. The town attorney and P. Carson are working with them on language. Comments received from the fire marshal have been addressed.

The PZC and T. Coon discussed details of landscaping, lighting, and wetlands. P. Carson said the applicants have met everything staff requested. A. Fiano noted the significant deer population in the area and advised the landscaping use plants that would be less likely to attract them, such as native seeders.

Public comments:

Robert Morra, First Selectman, 15 Tinker Pond Road, thought it was a great project. It was low impact and, since it would be on a state highway, would be low maintenance for the town. It would be good for the community and function as a gateway to the parcel, so it was the best of both worlds.

Andy Hoar, 11 North Road, spoke as an abutter. He asked how far back the silt fence would be from the property line and who the contact would be in case of an issue. T. Coon said it would be done according to the standard two feet, set back from the property line, and the contact would be the property owner. A. Hoar added the plan looked good.

Dorothy Larson, 1071 Boston Turnpike, asked about traffic exit and entry since she lived roughly across the street. She wanted to know where the entrance would be in relation to her driveway and whether a measure such as a stop sign could be added at the site exit. T. Coon and the PZC discussed the entrance with her and determined the driveway was further down the road and would not be directly across from the residence's driveway. However, since Route 44 is a state road, the site owner would have to clear anything to do with the road (such as a stop sign) with the state.

Thomas Manning, 18 School Road, asked if the larger plan of three lots was due to original intent or in response to buildout planning requirements. T. Coon answered it was due to both. T. Manning asked if the PZC was approving the whole buildout or the one lot. The application was for the one lot. The other lots will require their own special permits. T. Manning also asked if the concept included any residential plans. T. Coon said not at this time.

The PZC discussed conditions for approval. A. Teller moved to close the Public Hearing. E. Luntta seconded. Vote 6:0:0. The hearing closed at 8:39pm.

The PZC continued to item #6b.

3. Approval of Minutes:

August 9, 2017 Regular Meeting Minutes: A. Teller moved to approve with the amendment of "A. Teller moved to install a streetlight" to "A. Teller moved to recommend installation of a streetlight" in item 6a. A. Fiano seconded. Vote 5:0:1, C. Davey abstaining due to absence at that meeting.

E. Luntta moved to proceed to items #4 and #5 as it was not yet time for the Public Hearing. J. Cropley seconded. Vote 7:0:0.

4. Residents' Forum (Public Comment for items *NOT* on the agenda): No comments.

A. Teller moved to continue to item 6a as it was not yet time for the public hearing. C. Davey seconded. Vote 6:0:0.

5. Old Business:

a. **DISCUSSION/POSSIBLE DECISION: Application for Special Permit for Dentist's Office, 1100 Boston Turnpike (Rosenlicht Property), Bolton Cosmetic & Family Dentistry**

A. Teller moved to approve Dr. Christina Ilies' Special Permit for a Dentist Office, application #PL-17-3, in accordance with the plans submitted as "Bolton Cosmetic & Family Dentistry, 1100 Boston Turnpike, Bolton, Connecticut" (7 sheets), dated: 7-18-17, revised through 09/08/ 17, and elevation drawings (3 sheets), dated: June 7, 2017, no revisions, which is conditioned on the following:

1. Referral of this plan shall be made to the Connecticut Department of Transportation for the curb cut and work occurring within the state right-of-way. A copy of the referral (application) and approval shall be filed with the Town Land Use Department.
2. The easements for this property shall be revised to reflect the Town Attorney's comments noted in an email from Carolyn A. Young dated 09/12/2017.
3. This approval is subject to the applicant demonstrating in the field to the Fire Chief and Fire Marshal sufficient ability for the Town's existing and anticipated fire apparatus to enter and operate on this site.
4. The approval letter shall be placed on the mylars to be recorded in the Office of the Town Clerk.
5. This approval is subject to compliance with any comments or requirements of the Health District and the Town Engineer.
6. All appropriate seals and signatures of the design professionals for this plan shall be placed on the plans before recording.
7. The owner of the premises shall maintain the swale depicted along the berm on the western side of the parcel so that it continues to fulfill its designed drainage function.

The Planning and Zoning Commission finds with these conditions the plan meets the requirements of the Bolton Zoning Regulations. The PZC did not approve the overall concept plan as such other than demonstration that the site can develop as a unified whole; any other development will have to come before the PZC at that time. The PZC thought the presented concept was a good one that was appropriate and suited to the PZC's goals.

E. Luntta said that the new facility, if approved, would enhance Bolton. He wished the applicant goodwill and hoped the site worked in the best interest of both the applicant and the town. N. Kerr seconded. Vote 6:0:0.

- b. **Other:** P. Carson reported that changes to rear lot regulation are on the town website and no comments have been received since the last meeting. The hearing on the rear lot regulation continues at the next meeting on October 11.

6. New Business:

a. **APPOINTMENT OF PLANNING & ZONING COMMISSION ALTERNATE: To fill vacated 4-year term of Nancy Silverstein, term ending November 20, 2017**

Ben Davies was recommended as the Republican choice to fill the vacated term ending November 20, 2017. E. Luntta moved to appoint B. Davies to fill the term. N. Kerr seconded. Vote 5:0:1, A. Teller abstaining.

At this point the PZC moved to item #2 as it was time for the Public Hearing.

b. REVIEW & COMMENT: State Plan of Conservation & Development

Comments are due by October 16. The PZC reviewed a map of proposed funding areas subject to change under the state's second funding option. They agreed to recommend that the village area and development north of 44 be included in addition to the areas that would remain under the second funding option.

c. Other: None.

7. Correspondence: None.

8. Adjournment: C. Davey moved to adjourn, seconded by A. Teller. Vote 6:0:0, adjournment at 8:51pm. E. Luntta moved to reconvene at 8:53pm to address an attendee's question that had been missed. C. Davey seconded. Vote 6:0:0.

Jay Ussery, representing a client, asked for an informal opinion on the application of permitted accessory use regulation to a building that was partially in a General Business zone and partially in an Industrial zone. The client desired the accessory use that was already permitted in one zone to be located on the side of the building that was in the other zone. The PZC discussed the situation stating that the accessory use had to be allowed in the zone even if it was accessory and not the primary use, and recommended pursuing other options to allow such an arrangement under existing regulation, such as text amendment or rezoning. J. Ussery also requested that a PZC member and P. Carson visit the location and recommend a course of action.

A. Teller moved to adjourn, seconded by E. Luntta. Vote 6:0:0. Adjournment was at 9:14pm.

Respectfully submitted,

Sarah Benitez

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