

**Bolton Planning & Zoning Commission**  
**Regular Meeting**  
**7:30PM, Wednesday, October 11, 2017**  
**Bolton Town Hall, 222 Bolton Center Road**  
**Minutes & Motions**

**Members Present:** Chairman Eric Luntta, James Cropley, Arlene Fiano, Jeffrey Scala, Adam Teller, Christopher Davey (alternate), Benjamin Davies (alternate), Thomas Robbins (alternate)

**Members Excused:** Neal Kerr, Karl Preuss

**Staff Present:** Patrice Carson, AICP, Director of Community Development; Jim Rupert, Building Official; Kelly Martin, Recording Secretary

**Others Present:** applicants, their representatives and members of the public (approximately 12)

**1. Call to Order:** Chairman E. Luntta called the meeting to order at 7:32pm.

**2. Approval of Minutes:** September 13, 2017 Regular Meeting.

A. Teller suggested additional language to Item 8. Adjournment, stating it does not read correctly and recommends changing the word “accessory” to “primary”, and adding the words “being conducted on the property” after the words “primary use”.

C. Davies suggested, in Item 5, changing the language of the first paragraph after the conditions list from past tense to present.

A. Teller moved to approve the September 13, 2017 minutes as amended. C. Davey seconded. Vote 5:0:2 (J. Cropley and J. Scala abstain due to absence at the meeting)

**3. Residence Forum (Public comment for items NOT on the agenda):**

Tom Manning, 18 School Road, presented suggestions to encourage the use of bicycle transportation in the town. He referenced the use of jersey barriers to make it safer in high traffic areas and to make a connection with the new East Coast Greenway that would be helpful to town citizens and easy access for bicyclists to the public transportation system. He reflected on the resources used in Florida where there is high bike traffic, including bike racks on public buses and safe bike lanes even at busy traffic ways. A. Teller assured that CT Transit also has bike racks on the buses.

J. Cropley suggested he attend the UConn Gateway Study meeting regarding this issue that is being held on December 14<sup>th</sup>, 2017 at 10:00 am at 1712 Main Street, Coventry, CT. A. Fiano suggested to Mr. Manning that he get in touch with the Bike Walk Bolton Group which advocates for the same issues he is concerned with.

**4. Public Hearings (7:49pm):**

**a. CONTINUATION: Zoning Regulation Amendments to Section 2 Definitions and Section 11F. for Rear Lots (currently known as Irregular Lots), Bolton PZC**

P. Carson, citing corrections and prior submissions, received a letter from the town attorney, stating there is no legal issue with the proposal. The attorney states that as long as the Committee understands that they are proposing only for the R1 zone and not R2 and R3 which are

not part of the proposal because they are removing that section, Section 11F. E. Luntta opened up the discussion to the public but there were no additional comments.

J. Scala moved to close the public hearing at 7:55pm. J. Cropley seconded. Vote 6:0:1 (C. Davey abstained due to absence at previous meetings)

## 5. Old Business

### a. **DISCUSSION/POSSIBLE DECISION: Application for Zoning Regulation Amendments to Section 2 Definitions and Section 11F. for Rear Lots (currently known as Irregular Lots), Bolton PZC**

E. Luntta expressed the fact that the Commission has had multiple public hearings on this as well as hearing from the public and taken comments to redraft the original draft. He agreed that regulation is needed, even though some argue against the need for regulating rear lots, testimony has said it would help to know exactly what the town is looking for. He opened up questions or comments to the board asking if they felt the regulation met the goals.

A. Teller commented that the existing regulation is unclear and doesn't have standards that are easily implied. He said this new regulation is clear cut and easy to follow, it is less restrictive than the original and it meets the goal of simplifying and clarifying as well as giving people reasonable ability to make use of properties. He stated that it is an improvement on what is currently in place.

C. Davey cited paragraph 2 of the proposed regulation, "A rear lot shall not be created by first or free cut", asking if this was a statement of prohibition or fact. A. Teller assured it was a statement of prohibition and a lot that's created by first or free cut is not authorized to meet this regulation. P. Carson stated that this is current regulation and rear lots will not be eligible to free cut. C. Davey continued to acknowledge that "generally" is misspelled in 5b.

A. Teller moved to adopt the amendments to zoning regulations to replace current/existing Section 11F and to add to Section 2 new definitions of Interior Lot and Rear Lot in accordance with the draft of Zoning Regulation Amendments - Rear Lots – For Continuation of Public Hearing on 10/11/17 (as amended) pages 3 and 4 with the correction of the spelling of the word "generally" on page 2 - 5.b. to be effective November 1, 2017. E. Luntta seconded. Vote 6:0:1 (C. Davey abstained due to absence at previous meetings)

**b. Other:** No other old business to discuss

## 6. New Business

### a. **INFORMAL DISCUSSION: Convenience Store/Restaurant/Gas Station, 129 Boston Turnpike**

E. Luntta explained that the information heard and discussed was for informal discussion only and was not binding. Diane Whitney from Pullman & Comley LLC Attorneys representing AllTown stated that the plan is to show the concept for changes on the property and to hear the Commission's reaction. The idea is to make a convenience retail center on the property of 129 Boston Turnpike but will confirm the correct address. She introduced her two clients, Tom Daniellic and Luke DiStefano from Bohler Engineering.

T. Daniellic assured that this is just a general discussion and no decision is going to be made tonight regarding this project. He is the Senior Project Manager for AllTown. He and the company surveyed hundreds of customers for their opinion on the design. He gave examples such as Whole

Foods, Panera Bread and Trader Joes, something colorful with New England style architecture such as a farmhouse design with galvanized steel. There will be outdoor seating and the company is hoping that the building will be used as a community based location including a location for charitable events. The company gave customers magazines and clippings asking them to create a collage of what they wanted to see which gave them the idea for the architecture that they rendered.

L. DiStefano talked about the site itself and what they were ultimately proposing. This is an existing gasoline facility at the intersection of Boston Turnpike and Bolton Center Road and the proposal calls for a complete raise and rebuild from the ground up. It will be a 3200sqft retail convenience center at the south east corner of the property. It will have 18 parking spaces: 10 on the north side, 2 on the west side, 3 employee spaces on the south side and an additional 3 parking spaces on the west side of the property adjacent to Bolton Center Road. There will be 5 multi dispensers and an over canopy between the building and Boston Turnpike. The dispensers will be able to turn 90 degrees for any direction of traffic and fuel 10 cars at the property at once. The site will use existing curb cuts. The fuel dispensers will be supplied by 2 underground storage dispensers. One other feature will be a drive through window for an instore Dunkin' Donuts. The drive through is proposed for the west side of the building with a pick up window on the east side of the building. The proposal is intended to meet or reduce the impervious cover as well as a significant enhancement to the storm water runoff. The landscape is not yet finalized but the proposal tries to increase landscape/aesthetics. It is intended to be visually appealing to fit the characteristic of the neighborhood.

J. Cropley appreciated the concept but was worried that the Dunkin' Donuts drive through would cause cars to overflow out of the parking lot on to the street. He asked how many cars the drive through line will be able to hold. L. DiStefano confirmed that the lot will probably be allowed to queue up to ten cars in the drive through and there would be signs placed to avoid cars from blocking the entrance that would be coming off of Bolton Center Road.

E. Luntta also appreciated the concept but touched on the fact that it creates the potential for an immense amount of traffic increase, mainly due to the drive through. He asked if they have checked with any traffic studies from the state on these two roads. L. DiStefano said they have not looked into traffic patterns but they will certainly check on it.

A. Fiano noted that this lot is at the bottom of the new bike path and asked if they would consider supplying amenities for bikers such as air, help for any issues or bike tools. L. DiStefano said they would consider it.

J. Scala asked if there were any alternate design plans. L. DiStefano replied saying the other types of designs don't function well on this site the way it is oriented, i.e., the pumps in the back behind the building. They could potentially move some of the parking behind the building but ultimately want to keep a safe site that functions well and assured that this was the best layout for the property.

E. Luntta noted that at most gas stations there is very little room between parking of cars and pumps. There tend to always be cars blocking one another. L. DiStefano replied stating that he has had 24 years of experience and usually sees conflicts with the dispensers but generally there is now a push for 60 feet from the sidewalk to the nearest dispenser. This allows for a car to fuel

with ample room for cars to park and maneuverability for cars to enter and exit without any issues. He said they have about those dimensions on this concept.

J. Scala asked if they had accident data on this intersection. A. Teller added that visibility was an issue during certain times of the day due to the sun light.

P. Carson stated that from a staff prospective, their main concern was the look of the building and if they felt it fit the guidelines. Committee members agreed that the building was aesthetically pleasing overall, a mix between country and modern.

A. Fiano referenced Daniellie's comparison to Whole Foods and Trader Joe's and asked if the food being served inside will be of higher quality such as those stores. T. Daniellie responded that it was the intention of the store to be so.

E. Luntta asked for any additional comments which no one had.

**b. APPLICATION: Zoning Regulation Amendments to Section 8A.2.b. & 8A.3 to add Light Manufacturing in GB Zone, Howard Road Reality, LLC**

P. Carson stated that the staff received an application asking to add a section that allows for Light Manufacturing by site plan and special permit in General Business zones which is allowed in Neighborhood Business zones.

A. Teller asked for a definition of light manufacturing. P. Carson read the definition which was approved and effective in 2012 but never put into the regulations. A. Teller requested that the correct regulation be put on the town website prior to a public hearing. P. Carson said the website will be updated prior to the public hearing, however she noted it is not required for a public hearing.

A. Teller moved to receive this application and set the public hearing for Wednesday, November 8, 2017, beginning at 7:45pm in the Bolton Town Hall, 222 Bolton Center Road, Bolton, CT. J. Cropley seconded. Vote 7:0:0

**c. RESUBDIVISION APPLICATION: Open Space Conservation Development, 4-Lots, 114 Brandy Street, Hackmatack Hills LLC**

Andrew Bushnell from Bushnell Associates displayed an outline of a 37 acre property south of Bolton High School on Brandy Street. There are wetlands on the property which received additional approval upon a minor shift of the driveway which services three lots. The fourth lot has its own driveway. A. Bushnell also worked with the Conservation Commission, Board of Selectman and high school principle on the areas show as open space which agreed that this land may serve the town in the future. There has been thorough soil testing. A. Bushnell gave a thorough explanation of the property including locations for wells, septic systems and wetland percentage of the property.

A. Teller moved to receive this application and set a public hearing for Wednesday, November 8, 2017, beginning at 7:45pm in the Bolton Town Hall, 222 Bolton Center Road, Bolton, CT. T. Robbins seconded. Vote 7:0:0

**d. REVIEW & COMMENT: State Plan of Conservation & Development**

P. Carson referenced a memo she sent based on a review of the proposed State Plan and Map. There were only a few comments which were stated in the memo. She asked for any additional comments and stated that the Board of Selectman had reviewed and agreed with the memo. With no other comments, P. Carson stated that the Plan may affect the town at some point which may require action. She suggested that neighboring towns will be reacting the same.

A. Teller moved that the Commission direct the staff to forward comments to the State regarding the State Plan of Conservation and Development in general accord with P. Carson's memo sent on October 6, 2017. J. Scala seconded Vote 7:0:0

**e. DISCUSSION: Temporary Health Care Structures ("Granny Pods")**

J. Rupert began the conversation explaining that this State approved bill went into effect October 1, 2017 under the name "Temporary Health Care Structures". The town can collect a bond up to \$50,000.00 to secure removal and restoration of these structures. They are only allowed for someone with medical needs or disability and require a medical certificate from the doctor which needs to be renewed every 6 months. If the person in need of the structure were to recover, move or pass, the structure is then required to be moved. J. Rupert explained that they were presented by a Senator who was finding it difficult to care for their parent. If the town wishes to opt out, both the Commission and the Board of Selectmen need to hold a hearing and vote to opt out. If one committee opts in and the other opts out, it is not adopted. These are not permanent foundation homes and they have to be anchored and wind resistant.

P. Carson stated that the list of towns opting in and out are approximately half and half and most small towns are opting out due to a lack of need from their residents or they don't feel this will be a burden on the town.

E. Luntta expressed his concern for the lack of options for senior citizens in the town and J. Rupert said it would not be difficult to follow through with the proposed regulation.

Sandra Pierog, 37 Brandy Street, stated that the article offered options. She supported the concept and expressed the need for the town to do something if they opt out. She believed that the town does not want to opt out.

J. Cropley asked how long the structure can stay up on a piece of property. J. Rupert said the requirement is for a medical certificate from a doctor that is renewed every six months. As long as the certificate is renewed, the structure can stay until death, health improvement or the person moves. J. Cropley asked if a spouse can stay in the structure with the person who needs it. J. Rupert confirmed that they are one bedroom structures but there can be an additional person. The owner of the property that this structure is on has to be an unpaid caretaker.

Tom Manning, 18 School Road, believed this was a good idea and expressed the towns need for more housing that is suitable for different needs of people. He related his personal experience trying to make room in his house for his in-laws and the difficulty of it.

Mary Terhune, 40 School Road, asked how the town will know that the structures are no longer needed or reapproved. J. Rupert answered with reference to the six month renewal. Once that

time is up and the certificate is not renewed it will need to be removed within one hundred twenty days. M. Terhune asked if these structures were taxable which J. Rupert replied with yes.

**f. Other**

As Chairman E. Luntta's last meeting, he took the time to thank the other members of the committee and appreciate the staff. He knows he's leaving it in good hands and is looking forward to new horizons.

**7. Correspondence**

**8. Adjournment**

E. Luntta made a motion to adjourn the October 11, 2017 meeting at 9:32pm. J. Scala seconded.  
Vote 7:0:0

Respectfully submitted,



Kelly Martin, Recording Secretary

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