

Bolton Planning & Zoning Commission
Regular Meeting
7:30 p.m., Wednesday, September 11, 2019
Bolton Town Hall, 222 Bolton Center Road
Minutes and Motions

Members Present: Chairman Adam Teller, Christopher Davey, Thomas Robbins and Alternates Rodney Fournier, Marilee Manning and Thomas Manning

Members Excused: James Cropley, Arlene Fiano, Benjamin Davies, Neal Kerr

M. Manning was seated for A. Fiano, T. Manning was seated for N. Kerr and R. Fournier was seated for J. Cropley

Staff Present: Patrice Carson, AICP, Consulting Director of Community Development, Jim Rupert, Zoning Enforcement Officer, and Joshua Kelly, Town Administrative Officer

1. Call to Order: A. Teller called the meeting to order at 7:32 p.m.

2. Approval of Minutes: August 14, 2019 Regular Meeting Minutes

Under 2. Approval of Minutes, amend July 20, 2019 to July10, 2019. T. Manning moved to approve the minutes as amended. C. Davey seconded. The motion carried 5:0:1 (Davey). Motion passed.

3. Resident's Forum (Public Comment for items *NOT* on the agenda):

Andrew Ladyga, 1225 Boston Turnpike, owner of the Lyndale Farm, went over the discussion that took place at the prior evenings Zoning Board of Appeals meeting. He feels that the Town has not been helpful in the past. He wants to sit with staff to discuss permits and his farming proposals.

A. Teller noted that there is a process to follow to submit applications and obtain permits. The P&Z Commission is willing to work with applicants. The town staff would be the proper starting point.

4. Introduction: Mr. Joshua Kelly, New Administrative Officer

P. Carson introduced Mr. Kelly as the town's new Administrative Officer. He spoke briefly and indicated his interest in meeting with the commission members and working with them in the future.

5. Staff Reports:

J. Rupert stated that there were 4 administrative zoning applications, 3 of which were approved. Activity at 65 Shoddy Mill Road is still an issue. Jim spoke again with Mr. Ladyga regarding activity at 1225 Boston Turnpike. There was a complaint about the condition of the back yard at 225 Hebron Road. A shed on Mt. Sumner Road was supposed to be removed but has not been as of yet. A permit for a driveway has not been submitted for the property at 11 Hebron Road. A cease and desist order will be issued if there is no compliance. Stable Studio is intending to hold a flea market on their property. This is not permitted in their zone. The property owner has been contacted and the staff hopes to help find an alternate location for the event. J. Rupert & P. Carson met with Charlie Dutch regarding owners of Sperry Glen and a possible, much smaller proposed subdivision.

P. Carson noted that a private caterer is interested in using the kitchen at Bolton Congregational Church for its business. A dumpster would be necessary. Parking may be an issue. It would seem to be a

commercial business in a residential zone. A. Teller noted that it would not be a permitted use in that zone. T. Manning noted that St. Maurice has turned away similar businesses.

6. Old Business

a. Correction of Dates in a Prior Motion: Expiration of/Void Approval of Sperry's Glen Subdivision Plan, 11 French Road (Frank & Luisa Wood-Original Applicant, Glenn Ostrager-Current Owner)

A. Teller moved to rescind the Commission's vote on June 12, 2019, with regard to the recognition of the expiration of the Sperry's Glen Subdivision because of an error in the dates in the motion. M. Manning seconded. Vote 5-0-1 (Davey). Motion passed.

T. Manning moved to terminate and void the subdivision approval of Frank & Luisa Wood's application for the Sperry Glen Subdivision on 11 French Road, currently owned by Glenn Ostrager, in accordance with Section 8-26c.(e) of the Connecticut General Statutes, as amended. This subdivision was approved on March 14, 2007 and valid until March 14, 2018. No extensions have been requested. Therefore the Commission declares this subdivision null and void. M. Manning seconded. Vote 6-0-0. Motion passed. With this motion a Notice of Expiration will be filed in the Town Clerk's office, the mylars filed in the Town Clerk's office will be marked "Expired", and the bond can be released.

b. Other: There was none.

7. New Business

a. Other: Informal Discussion with Chris Lange, Brenda Albert and John Beyer Regarding a Change of Use for a Portion of a Building (to be used as doggy daycare) at Bolton Kennels, 1270 Boston Turnpike

It was the consensus of the Commission to add this item to the agenda. Chris Lange, Brenda Albert and John Beyer were present for the discussion. Chris Lange noted that the property is currently used only as a kennel with 2 buildings on the property. The rear building is a kennel and grooming facility and the front building is used for rescue. The front building also had a prior use as a residence. They would like to use the original residential portion as a doggie day care with indoor and outdoor use (with fencing). Handicap parking would be provided along with all ADA requirements. Lighting would be also adjusted. There would be no increase to the size of the building. It is just a reallocation of space.

T. Manning asked what the difference is between kenneling and doggie day care as the dogs would be kenneled for the day.

A. Teller questioned that if there is signage in the front of the property isn't this a non-issue? He is more comfortable with a modification of an existing site plan.

J. Rupert noted that the front building was always a residence and the rear was always a kennel. P. Carson noted that this property is in the RMUZ zone. There may be a small area for a live-in caretaker. The consensus was that they do need to apply for a site plan. The group was invited to speak with Town staff whenever they are ready. No public hearing would be required.

8. Correspondence: There was none.

9. Public Forum: Discussion/Review of Possible Amendments to the Zoning Regulations (time permitting)-Section 2 & 3

P. Carson noted that with regard to the proposed flea market, approved regulations were never inserted into the regulations. They will have to be added. This should be in Sections 2 and 3B.3.e (formerly mobile food vending).

Regulations were discussed.

3.A.17a-Outdoor storage. J. Rupert suggested leaving the wording as is.

3.A.17b-Accessory to existing residential use. J. Rupert noted that he has had no questions or complaints regarding this regulation. Wording will be left as is.

3.A.17e-Gross vehicle weight was discussed. C. Davey noted that the first paragraph may be out of the purview of the P&Z commission. Discussion ensued.

3.A.18a-h-Special Flood Hazard Areas-A. Teller suggested moving the definitions in 3.A to the definitions section unless they are specific to this section. The FEMA definition of flooding would have to be followed. The definitions need to be reviewed to make sure that they are consistent. Duplicate definitions can be eliminated.

3A.19-Temporary Signs-A. Teller asked why this isn't in the sign portion of the regulations. It should either be moved to the sign portion or removed.

3A.20.c- Lighting Plan- A. Teller felt that the lighting plans should be in the site plan review section. The general requirements can remain.

3A.22 and 3A.23 will be reviewed by P. Carson and J. Rupert prior to the next meeting.

10. Adjournment:

R. Fournier moved to adjourn the meeting at 9:00 p.m. T. Robbins seconded. Vote: 6:0:0. Motion passed.

Respectfully submitted,

Leslie J. Brand

Leslie Brand
Recording Secretary

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