

BOLTON PLANNING & ZONING COMMISSION

Regular Meeting

7:30 p.m., Wednesday, July 8, 2020

Virtual Meeting Conducted via Zoom

Minutes & Motions

Members Present: Chairman Adam Teller, Vice Chairman James Cropley, Christopher Davey, Benjamin Davies, Arlene Fiano, Thomas Manning, Thomas Robbins, and Alternates Jeremy Flick and Rodney Fournier

Members Excused: Marilee Manning (alternate)

Staff Present: Patrice Carson, AICP, Consulting Director of Community Development, Jim Rupert, Zoning Enforcement Officer, and Yvonne Filip, Recording Secretary

1. **Call to Order:** Chairman A. Teller called the meeting (being conducted virtually through Zoom) to order at 7:32 p.m.

2. **Approval of Minutes: June 10, 2020 Regular Meeting Minutes**

J. Cropley moved to approve the minutes of the June 10, 2020 regular meeting as amended. **C. Davey seconded.** Vote: 7-0-0. Motion passed.

With the following corrections:

- Page 1, item 4, first bullet, second sentence – change “of” to “to” and “relocating” to “relocate”.
- Page 1, item 4, second bullet – add “(Happy Town LLC)” after Penny.
- Page 2, first bullet – change “busing” to “busy”.

3. **Residents’ Forum:** No one wished to speak.

4. **Staff Reports:**

P. Carson reported she has spent a lot of time moving public hearings around. One due to complications and the other needing scheduling.

J. Rupert reported the office continues to be busy. The PZC will be happy to hear that Able Coil is moving forward. The Certificate of Occupancy for the manufacturing space will be issued soon. The owner is excited to getting into the new space. A. Teller said the building looks very good. A lot of permits are being issued for swimming pools and decks. A restaurant has been opened.

5. **Old Business:**

a. **Discussion/Possible Decision: Request to Withdraw Without Prejudice Special Permit Application for Nursery and Value Added Agricultural Business, 1225 Boston Turnpike, Happy Town LLC (#PL-20-8)**

P. Carson said it was discovered this property needs to have the wetlands flagged and a wetlands application submitted. A timeframe of getting this portion completed was not discussed. J. Rupert said they may build fencing and putting in some additional gravel parking area.

A. Teller said he does not have an objection to waiving application fees when reapplying but that timeframe should not be open-ended. He suggests giving the applicant until 12-31-2020 as a deadline to reapplying without paying fees again. Staff has put time into this application already and staff’s time is valuable. It is not good practice to give people forever to file again and not be charged. J. Rupert said we would not want to hold it over to another fiscal year.

J. Cropley asked how long they can operate at this location as they are in violation. J. Rupert said the process is: a notice of violation is issued, then a cease and desist order is given, and then the case is referred to the Town Attorney. The notice of violation and cease and desist order have been issued. If it goes to the next step it will not proceed further at this time because of the virus. Attorney Penny has been trying to work with Staff and Staff has been pushing to get this resolved. If the owner was not being represented by an attorney, J. Rupert would have approached the Administrative Officer about referring this matter to the Town Attorney. During the informal discussion with the applicant/owner Mr. Ladyga he was told it is frowned on to come forward with an application while in violation.

C. Davey asked if there is any suspicion this is a stall tactic, is it rational that Attorney Penny would not have known a wetlands survey was needed? He has past experience in Bolton. J. Rupert does not think it is a stall tactic. It is an unfortunate oversight on everyone's part. P. Carson said the A-2 survey submitted for the subdivision did not require the wetlands to be flagged because nothing was proposed to be built at that time.

A. Teller asked if any of the abutters have been complaining about the activity on the property. J. Rupert answered they have not been heard from recently.

A. Teller moved to approve Happy Town LLC's request to withdraw Special Permit Application #PL-20-8 for nursery and value added agricultural business at 1225 Boston Turnpike without prejudice in order to prepare and submit a Wetlands Application which is now required. The applicant will not be charged when they reapply for the Special Permit Application provided such application is filed and complete before December 31, 2020. **J. Cropley seconded.** Vote: 7-0-0. Motion passed.

b. Reschedule Public Hearing: Special Permit Application for Proposed Garage/Office Building, Equipment Storage Area and Material Processing Area, 1 Notch Road, William Phillips (#PL-20-9)

P. Carson said the Town Engineer needs quite a bit more information than what was provided. Mr. Phillips requested the start of the public hearing be delayed until August 12, 2020. Phillips acknowledged the date in his letter was a typo and knows the correct meeting date.

J. Cropley referenced the letter from CT DOT. Will the owner have to redesign what he is doing based on that letter? P. Carson said she will have to speak to CT DOT. The plans of the DOT have not been formalized. The letter is giving notice of some future plans which the Town wants to happen. The owner will make the decision if he wants to move his proposed storage area or negotiate with DOT. This letter will go into the file in case it results in any conditions of approval. P. Carson will get clarification on options for PZC and the owner.

A. Teller moved to approve William Phillips' request to reschedule the public hearing for Special Permit Application #PL-20-9 for a proposed garage/office building, equipment storage area and material processing area at 1 Notch Road from tonight to the Planning and Zoning Commission's next regular meeting on Wednesday, August 12, 2020, beginning at 7:45pm and conducted virtually. **T. Manning seconded.** Vote: 7-0-0. Motion passed.

c. Other: There was none.

6. New Business

a. Subdivision Application: CARMA LLC Subdivision, 1-lot, 12 Webster Lane, CARMA LLC (#PL-20-11)

Jerry Hardisty, the applicant's representative, was present. This does not need a public hearing.

J. Hardisty said this is a simple subdivision of 3.6 acres to be split into two lots. The new lot will be 2.2 acres in size. There is an existing house there now. The town line with Andover runs right behind the

existing house. The house has been refurbished and they want to cut out another lot. They have received wetlands approval from Bolton and Andover. J. Hardisty said he believes the plan complies with Zoning Regulations. Soil testing has been done and approval received from Eastern Highlands Health District.

P. Carson said a driveway cut in Bolton will be needed and the lot will have 200' of road frontage. The driveway will be on Webster Lane. The PZC is accepting the application this evening; a public hearing is not required but Staff review is needed. J. Hardisty added Andover will require a public hearing per regulations. That will require notifying the abutters within 500'. This includes abutters in Bolton.

C. Davey asked how services would work with the proposed property – trash, schools, address? A. Teller said children would go to school in Andover as the majority of the property is in that town. The owners would pay taxes to Bolton for the portion of the property that is in town. As for trash, there is only one street, Webster Lane, so they may be entitled to trash pick-up by Bolton's service.

T. Manning moved to receive CARMA LLC's application and set discussion and possible decision for the next meeting on Wednesday, August 12, 2020. **J. Cropley seconded.** Vote: 7-0-0. Motion passed.

b. Other: There was none.

7. Correspondence

a. Report on Statewide Planning Conversation – Racism, Planning, Zoning

T. Manning has been attending the meetings. The group is now preparing an agenda to get before the legislature in Special Session. To be included are ten items that T. Manning feels are reasonable and some of those Bolton has already done. Part of the discussion has included reducing lot sizes or not having size requirements but let the Health Code control the necessary lot size. Also included is a requirement of four hours of training for Commissioners and the elimination of regulations that refer to preserving a town's character. There is septic system technology that exists that DEEP does not accept today; the group is suggesting modernizing septic standards. P. Carson said some of the ideas are about cutting the cost of development. State-of-the-art septic systems can be costly.

Market forces, septic issues, and water issues affect if you can build multiple units in rural towns. Looking at the transportation corridors and services made the most sense. C. Davey asked if there is anything we can do to help the public understand what Bolton has already done to get affordable housing in town and what the challenges are for this? The public does not have a clear conception of the issues. T. Manning suggested pulling a page out of the POCD on affordable housing showing the incentive housing overlay to show what has already been done in town. P. Carson said a developer stills need an incentive or profit to build. Installing water and septic cuts into that cost. A. Teller said what we can do as the PZC and the Town and its leadership is to hold an event where we invite developers who are interested in building affordable housing. Those developers can talk to us about designing regulations that meet public safety. Work with Bolton; we would love to see something here if it is decent housing. People have come in seeking to do affordable housing and have not been able to make a plan work with the realities that have to be faced. C. Davey thinks that is a good idea and will go toward rebutting the impression out there that this Commission is unfriendly to business.

Sandra Pierog, First Selectman, does like that idea and thinks this is something that we ought to think about sooner than later. She has noticed that we are getting many more people paying attention to a Zoom meeting than we have ever gotten in Town Hall. This will advertise Bolton is open for business and ask how we can help developers in ways that will attract people. We can ask for people's concern and what we can do about those to help. S. Pierog has some contacts and will reach out to them for the next PZC meeting to help with releasing a communication to affordable housing stakeholders. P. Carson said we may be able to hold a joint BOS and PZC meeting. A conversation can be held with people telling us what they think? Do we already do those things and people don't know about them.

C. Davey said there may be a core group of people in town to ask the questions and provide answers of what we have tried and what the obstacles are. A. Teller is hesitant about this idea. People can show up at any meeting and ask questions. Having a variety of housing choices is about getting people to build housing. P. Carson said perhaps the BOS would want to hold a forum with the industry so they can identify the issues.

S. Pierog said the diversity group (Bolton Breaking Barriers) would be interested in knowing it was going on. This will be a positive step forward.

b. Discussion on Extension of Outdoor Dining/Retail Beyond Governor's Executive Order

P. Carson has had one restaurant (Georgina's) request to continue with outdoor dining and make the space larger. This would be used beyond the expiration date of the public health emergency. Georgina's has been getting a lot of positive reviews from people liking the outdoor dining. Once the order is lifted everything is supposed to go back as it was before. The Governor may be thinking about extending orders and the Town would not have to make changes. Otherwise, P. Carson thinks this will require a regulation change. Although, J. Rupert thinks there may be an Executive Order that includes a streamline process for towns to make changes to continue this beyond the deadline.

A. Teller asked Staff to make a list of the restaurants that have set up an outdoor dining area for the next meeting. Perhaps a regulation can be crafted for those that have temporary approval advising them to apply for a seasonal permit and then allow that annually with a short procedure, for example, getting a master permit and annually get it reapproved. The PZC should be looking at these sites for safety reasons. The PZC would give site plan approval after the commissioners are satisfied the plan is working well and authorize the ZEO to provide permission for the following year(s). If something changes, the ZEO would send a reapplication back to the PZC if something has changed enough that the ZEO thinks it should be reviewed by the Commission.

There are four places that have set up outdoor dining. A public hearing would be needed to change regulations, although an Executive Order may have eliminated that need. A. Teller would not want to change regulations without a public hearing. People need to have the opportunity to voice their opinion. We can consider putting an item on the next meeting's agenda granting an extension to continue the outdoor dining until the end of September. P. Carson said if the PZC considers an extension it should go until the end of December. A. Teller worries about winter in New England with snow removal, canopies, heaters, etc. He would consider an extension until the end of November.

8. Adjournment:

C. Davey moved to adjourn the *virtual* meeting at 9:00 p.m. **T. Manning seconded.** Vote: 7-0-0. Motion passed.

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, Planning & Zoning Commission Recording Secretary

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