

**BOLTON PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**7:30 p.m., Wednesday, October 14, 2020**  
**Virtual Meeting Utilizing Zoom**  
**Minutes & Motions**

**Members Present:** Chairman Adam Teller, Vice Chairman James Cropley, Christopher Davey, Arlene Fiano, Thomas Manning, Thomas Robbins and Alternates Jeremy Flick (joined at 7:35 p.m.), Rodney Fournier, Marilee Manning

**Members Not Present:** Benjamin Davies

**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 to order at 7:32 p.m. and seated R. Fournier for B. Davies.

**2. Approval of Minutes: September 9, 2020 Regular Meeting Minutes**

**C. Davey moved** to approve the minutes of the September 9, 2020 regular meeting as presented. **A. Fiano seconded.** Vote: 6-0-1 (Fournier). Motion passed.

**3. Public Hearings (begin at 7:45 p.m.)**

**a. Application: Special Permit Application: Proposed Garage/Office Building, Excavation Business, Equipment Storage & Material Processing Areas, 1 Notch Road, William Phillips (#PL-20-12)**

P. Carson read the legal notice. Applicant Bill Phillips was present. P. Carson received an email from the applicant's attorney asking that the hearing be opened and continued until the next meeting so the applicant can deal with concerns from the Cook Drive neighborhood.

**A. Teller moved** to continue the public hearing on William Phillips' Special Permit Application #PL-20-12 for a Proposed Garage/Office Building, Excavation Business, Equipment Storage & Material Processing Areas at 1 Notch Road, to Wednesday, November 18, 2020, via Zoom or at Town Hall, if permitted, at 7:45 p.m. requested by the applicant. **T. Manning seconded.** Vote: 7-0-0. Motion passed.

**4. Resident's Forum (Public Comment for items NOT on the agenda):** There were none.

**5. Staff Reports:**

**a. Discussion of Accessory Living Space**

P. Carson and J. Rupert have been asked about ADUs (accessory dwelling units). This is a recent topic of conversation of where the State is heading. J. Rupert reported he had been approached two or three times by people wanting to use spaces above detached garages for living units. The regulations don't allow for living space above detached garages. P. Carson said they have seen "construction gymnastics" to attach a garage to the house to satisfy the regulation. P. Carson questioned if there is a real difference of having living space above an attached garage versus a detached garage. The discussion is to see if the PZC has any interest in making adjustment in the regulations. The State is trying to allow an accessory apartment as-of-right while being limited to less than 1200 square feet and meeting the building code. Sewer, water, and fire codes are issues to look at. T. Manning said we should look at the regulations and make it as easy as possible to allow ADUs. Mansfield recently passed a regulation which P. Carson can distribute for the PZC to start the discussion. An ADU has to have a bathroom, bedroom, and some kind of cooking unit. R. Fournier said that as long as the ADU fits with the septic and well does it matter where the ADU is located. A unit over a garage would not be handicapped accessible. A. Teller would like to see the Mansfield regulations and asked P. Carson to check some towns in Fairfield County and other western towns with sophisticated regulations. A. Teller's feeling was Bolton's regulation was crafted to not allow an ADU in a detached garage was "to

not give the store away”. The concern is the units can become places for servants and for people who are at risk. It is an easy way to house a worker and exploit them. It could be substandard housing for people that usually have no choice. T. Manning said if the unit is required to meet minimum property standards that will give you a substantial kitchen. A. Teller wants to look at other regulations; he supports the goal. J. Rupert said the regulations do allow people to rent in-law apartments as long as the main unit is owner/occupied.

J. Rupert reported the office continues to be busy with deck and swimming pool permits. No permits for new houses. He is working an enforcement issue with chickens on Brookfield Road. The owners have contacted him after receiving a cease and desist order.

## **6. Old Business:**

### **a. Discussion/Possible Decision: Special Permit Application: Proposed Garage/Office Building, Excavation Business, Equipment Storage & Material Processing Areas, 1 Notch Road, William Phillips (#PL-20-12)**

There was no further action on this agenda item since the public hearing was continued.

**b. Other:** There was none.

## **7. New Business**

### **a. Informal Discussion: GB Zone Milton Hathaway**

Mr. Hathaway sent an email requesting this item be removed from tonight’s agenda.

### **b. 8-24 Referral: Purchase of Property (214 Bolton Center Road) for Relocation of Town Office Space**

Joshua Kelly and Sandra Pierog were present to speak on this matter.

J. Kelly shared a presentation that discussed the scheduled demolition of the Notch Road Municipal Center (NRMC). A 2018 report showed that renovation to that building would cost \$8M and a cost of \$6M to add on to the Town Hall in 2014. This purchase is currently a residence built in 1879 that could contain private office spaces and two possible meeting rooms. This property is within walking distance to the State Trooper’s office and to Town Hall. The property came onto the market mid-week. J. Kelly broached a possible purchase with S. Pierog. The Board of Selectmen held quick meetings and approved the purchase which was approved by the Board of Finance. An engineering report raised some items of potential concern. The Town is hoping to continue with the purchase if the PZC approves the referral this evening. Then a Town Meeting will be held for a vote. Use of this property would relieve the need for immediate office space needs and may allow people currently working in the Town Hall large meeting room to be moved out allowing for a larger meeting space. The Town Clerk is outgrowing filing space and the Tax Collector’s office is not handicapped accessible. Only the first floor would be accessible and the bathroom would have to be renovated for accessibility.

R. Fournier said the Town already owns 12 acres contiguous to Town Hall. How would this purchase compare to building a modest space while losing \$7,500 in tax revenue? J. Kelly said renovation and expansion of the Town Hall facility would be \$6M in 2014 construction costs. The thought is to leave the 12 acres open. And the town could make money back by selling this in the future. Acquiring a building already constructed leaves options open; it does not close doors.

J. Cropley asked if the plumbing and electrical are up to code. J. Rupert said the home has had significant renovations with building permits and inspections. For its age it is in remarkable condition.

C. Davey asked for an estimate of how many years having the property would gain us? S. Pierog said the BOS has discussed this as being useful for the foreseeable future but it does not solve all of the issues related to Town Hall. This house will take us out to four years and perhaps farther.

J. Crolley asked when NRMC is scheduled to be demolished. The demolition costs came in just under \$4M with the engineering report suggesting the building has 3-5 years of useful life left. The space behind the house has a 3-car garage. By doubling up on the parking in the driveway 5 cars could be parked there during the day. Otherwise, there is parking in front of the library along Toomey Road and at Town Hall in the evening. There could be office space for the five people who are currently housed in the Notch Road building. The septic system is adequate for that number of people.

A. Fiano asked if a structural engineer has reviewed if the upstairs bedrooms could be converted into offices. J. Kelly said to change from bedrooms to office space the structure must hold 50 pounds per square foot. The house would need a number of upgrades to make that possible.

J. Kelly showed the floor plans with suggested modifications while trying to preserve as much of the house as possible to sell as a residential property in the future. A total of nine people may be able to work in the building. The garage and shed are storage possibilities. A ramp would be installed to access the porch and two entrances to the first floor. A pedestrian walkway is planned with grant money. Rather than having the walkway along Toomey Road the suggestion would be to now have it along the front of this property. There is potential for hosting community gardens and events on the property.

T. Robbins asked if it is possible to offset some of the tax loss by having the State Trooper move here and rent their current location. J. Kelly said they need a considerable amount of space dedicated to them with some of the space being 100% soundproof. S. Pierog added she does not see that happening easily.

J. Crolley asked if there are estimates for the renovations to office space and then conversion back to a home in the future. J. Kelly said no renovation quotes have been received. R. Fournier said this is a relatively good idea as long as it is sold as a residential property but may want to reconsider putting a connectivity path through the front yard and need to get a handle on the renovation costs.

P. Carson said the purview of the PZC is to make a recommendation for approval as being in concert with the POCD. The ultimate decision is with a Town Meeting. If the PZC does not recommend approval the Town Meeting vote would require 2/3 in favor of the purchase; with recommendation of approval a regular majority is needed.

A. Teller said he has been asked to moderate the Town Meeting therefore, he will abstain in this vote.

**A. Teller moved** that the PZC recommend to the town approval of the purchase of the property known as 214 Bolton Center Road for relocation of town office spaces as outlined in the presentation from the Administrative Officer, with the comment that, as presented, the purchase is consistent with the POCD. **T. Robbins seconded.**

Discussion: T. Manning said he has no objection to the purchase for the purpose but he will vote against this motion. He is familiar with the properties in discussion. He considered purchasing this for his home 33 years ago and was the architect for the code updates on the NRMC. Notch Road could have and should have remained a school. T. Manning has spoken many times about what should happen to this building. The building has been neglected which is a policy decision.

R. Fournier asked if we can condition the motion that an engineering report be viewed first. A. Teller said that is not up to PZC and could not be done before the Town Meeting.

C. Davey said he will vote in favor. This is a possible solution for the Town in dire need of additional office space. The location is ideal and will help to create a strong center. He sees this as a long term stopgap to get over the loan repayment humps and Bolton being better able to afford a large addition or new town hall.

A. Teller said the NRMC is not a solution for town offices, schools, or anything else because it has been allowed to fall into disrepair. His choice would have been for the town to move forward with new town hall or addition. However, that does not seem possible in the short term.

J. Cropley said he is concerned this is being pushed through and there is no estimate on what it is going to cost. A. Teller said if this is turned down because of renovation costs what will happen when Notch Road is not usable or taken down. This is repurposing a beautiful building as a town building for a few years.

R. Fournier asked about the foundation. J. Rupert said it is a stone foundation with a concrete floor in the shallow basement. Structural upgrades would be easily accomplished.

Vote: 5-1-1 (Manning, Teller). Motion passed.

**c. Release of Site Improvement and E&S Bonds for Able Coil, 837 Boston Turnpike**

P. Carson said Able Coil has requested in writing the release of their bonds.

**T. Manning moved** to release in its entirety Able Coil's Site Improvement Bond in the amount of \$110,282 for work completed in substantial conformance with the approved plans for 837 Boston Turnpike to satisfaction of the Town Engineer as stated in his memo of October 14, 2020. And release in part Able Coil's Erosion and Sedimentation Bond in the amount of \$20,880 which is 80% of the original \$26,100 Erosion and Sedimentation Bond held as recommended by the Town Engineer in his memo of October 14, 2020 updated by subsequent telephone conversation. The \$5,220 or 20% remaining bond shall be held through the start of the 2021 year's growing season to allow for re-evaluation of complete turf establishment on the site. **J. Cropley seconded.** Vote: 7-0-0. Motion passed.

**d. Discussion/Decision: Schedule of 2021 Regular Meeting Dates**

**C. Davey moved** to approve the 2021 regular meeting dates schedule as presented and file it with the Town's Clerk office as required by statute. **T. Manning seconded.** Vote: 7-0-0. Motion passed.

**e. Discussion: DOT Transportation Plan**

P. Carson sent out a copy of the plan. Items for Bolton are included in the plan.

**f. Other:** There was none.

**8. Correspondence**

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

P. Carson said this group is talking about ADUs as being as-of-right, creation of gentle density development, that towns with populations over 5,000 zone 10% of the town area for middle income housing, standardized permitting and hearings, training for Land Use Commissioners, eliminating the nomenclature that towns look at the "character" of the town, and model regulations that would be passed in all 169 towns.

**9. Adjournment:**

**A. Teller adjourned** the *virtual* meeting at 9:11 p.m.

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.*