

**BOLTON PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**7:30 p.m., Wednesday, January 13, 2021**  
**Virtual Meeting**  
**Minutes & Motions**

**Members Present:** Chairman Adam Teller, Christopher Davey, Benjamin Davies, Arlene Fiano, Thomas Robbins, T. Manning, and Alternates Rodney Fournier, Marilee Manning, Jeremy Flick (arrived 7:42 p.m.)

**Members Excused:** Vice Chairman James Cropley

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

Others Present: Denise McLennon, Bill Phillips, Jon Mancini, Steven Penny, Sandra Pierog

1. **Call to Order:** Chairman A. Teller called the meeting to order at 7:30 p.m. R. Fournier was seated for J. Cropley.

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

Corrections:

Page 1 – move from Members Excused to Members Present Jeremy Flick.

Page 1, item 3 – remove “Audience of Citizens” heading before “Ronald”.

Page 1, item 3, third paragraph – remove “be put on”.

Page 1, item 4, second sentence – change “asked” to “raised”.

Page 4, third paragraph – change “IWA” to IWC”.

Page 4, third paragraph, first sentence – change to “T. Manning reported the CRCOG meeting included a presentation by Desegregate CT.”.

**T. Manning moved** to approve the minutes of the December 9, 2020 regular meeting as amended. **R. Fournier seconded.** Vote: 6-0-1 (Davies). 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) – Request to Withdraw and Reserve the Right to Re-file in the Future**

Chairman Teller opened the public hearing at 7:46 p.m. Bill Phillips was on the call. An email from the applicant’s attorney was sent requesting this application be withdrawn at this time. Bill Phillips said he had nothing to add to the email request. However, he does want to be able to come back and refile an application.

A. Teller said the process would be for the PZC to accept the request and close the public hearing. A. Teller called for discussion from the Commissioners about the request being withdrawn without prejudice. T. Manning said he sees no reason the applicant can’t refile; he recognizes this is a difficult location and intersection with very active neighbors. T. Manning feels the applicant needs additional time to make a full presentation in response to the concerns. C. Davey agreed and asked if there is a time limit to refile an application without prejudice? A. Teller said he does not know but does know if the request to refile without prejudice is denied, the applicant cannot file again for a year unless there are substantial differences in the application. R. Fournier agrees with T. Manning and thinks there should be no time limit on when they can refile.

Ronald Beaudoin – He would like to discuss several issues to be addressed before coming back with an application. He sees potential problems in the area.

A. Teller said this record will not be part of the new record if/when the application is refiled. A. Teller suggested Mr. Beaudoin present his concerns in bullet points to staff to be reviewed if another application is filed.

Mr. Beaudoin said there is quite a gap near the catch basin of the apartments, so much so that a small child could fall in. This needs more immediate attention. The apartment owner feels the Town is responsible and the Town thinks the owner is responsible. Some water comes from the quarry into this catch basin; it streams out of the wetlands, off the property, and across the road. P. Carson said the water coming off the quarry property will be looked at with a drainage study if a new application is filed. The catch basin seems to have an underlying issue that might be addressed between the apartment owner and the Town. A. Teller suggested making the Highway crew aware of the issue via email.

**T. Manning moved** to close the public hearing on Special Permit Application #PL-20-12. **C. Davey seconded.** Vote: 7-0-0. Motion passed.

#### **4. Residents' Forum:**

This item was taken up before the Public Hearing.

Jon Mancini, 11 Cook Drive – He is trying to look into getting the traffic light changed at the intersection of Routes 85 and 44 by the Mobil station. Mancini feels there should be a left turn signal for all directions, at least during rush hour, and thinks this would be safer. He has spoken to the Town and the State. Mr. Mancini has calls out to his representatives. Can the PZC provide assistance in this matter?

A. Teller said this is best directed to the First Selectman because the PZC has no role in this matter. P. Carson said these are both state roads; we can discuss it but it is a state decision. A. Teller said changes to traffic signals are based on accident rates. Mr. Mancini said there are accidents recorded there. The lights were changed last year. A. Teller referred Mr. Mancini to the Board of Selectmen.

**5. Staff Reports:** Staff had nothing new outside of items on the agenda.

#### **6. Old Business:**

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

**A. Teller moved** to accept the withdrawal request for Special Permit #PL-20-12 without prejudice to refile. **T. Manning seconded.**

Discussion: P. Carson said in the “Planning world” withdrawals without prejudice means when the application is refiled the fee is waived – is that the intent of the motion? A. Teller is not in favor of waiving the fee when the application is refiled as P. Carson and J. Rupert have spent time on it and will again. P. Carson said the fee is in the range of \$300 - \$400. J. Rupert added he and P. Carson have spent that in terms of their time. If the fee is waived he would ask it not be allowed to extend beyond the current fiscal year. C. Davey asked if the application will come back substantially the same? C. Davey feels a waiver can be granted for a short period of time for refiled if the changes are minimal. A. Fiano said we should allow the same period of time for refiled without a fee as was done for Happy Town, LLC which was 90 days. P. Carson said the applicant would be subject to paying the State fee again.

Motion amendment: **A. Teller moved** to accept the withdrawal request for Special Permit #PL-20-12 without prejudice to refile. The applicant will pay the application fee if a new application is not refiled within 90 days. **T. Manning seconded.**

Discussion: P. Carson asked that an exact date for the refileing without a fee be stated in the motion. Ninety (90) days would be before April 10, 2021.

Motion amendment: **A. Teller moved** to accept the withdrawal request for Special Permit #PL-20-12 without prejudice to refile and with a waiver of the Town application fee provided the refileing is on or before April 10, 2021. **T. Manning seconded.** Vote: 7-0-0. Motion passed.

**b. Discussion of Accessory Dwelling Units/Living Space**

By consensus the PZC deferred items 6.b. and 6.c. to hear items 7.a. and 7.b. next.

This item was returned to after the New Business section.

T. Manning and A. Teller thanked P. Carson for the information provided. P. Carson said this is a basic draft. The legislature may come up with more requirements and a model. If Commissioners have comments/questions please contact P. Carson before the next meeting. A. Teller wonders what the rationale is in including the highlighted items. P. Carson said those are discussion items she did not want to lose track of. A. Teller noted owner occupation is being preserved.

**c. Other:** There was none.

**7. New Business**

**a. Presentation/Discussion: UConn Senior Design Project/Proposal for Bolton Town Hall Expansion**

Administrative Officer Joshua Kelly was present to talk about the project. P. Carson, J. Rupert, and J. Kelly have been working with four seniors from UConn on design concepts for Bolton Town Hall. There have been conversations with Town staff to understand their office space needs, site restrictions, ADA requirements, and other plans that have been developed in the past. The students were encouraged to bring organic and original expansion concepts that could be brought to an architect for more detailed plans. The three concepts being presented this evening represent one semester's worth of work. The options have been presented to the Board of Selectmen (BOS) and their preference has been given to the students. Input from the PZC will also be given to the students. The options show a basic footprint for each with each being two stories high. The next step for them is to prepare schematics showing how the office space will be laid out. This work is being provided to Bolton free of charge while allowing the students to have a real-life project to design. J. Kelly said one of the greatest challenges for Town Hall staff is that the Finance Department is ¼ - ½ mile away from Town Hall in the Notch Road Municipal Center. An Emergency Response Center is needed for the town to prepare for imminent storm threats and creating a peace of mind for an aware community.

The options include:

Alternative #1: The "Retrofit" is an addition off the back of the building. The addition of a driveway will be needed as well as a CT DEEP permit as the area of the addition provides housing for endangered species according to the Natural Diversity database.

Alternative #2: The "Seclusion" is suggested to be built behind the historic town hall with a courtyard or green space between the buildings. This option allows the historical aspect of Town Hall to be maintained. This option would be fully built in the wetlands requiring Army Corps of Engineers approval and the CT DEEP permit. Approval from the Army Corps may take more time.

Alternative #3: The “Expansion” is a more modern look than the other two options. The addition building would be connected to Town Hall via a walking bridge on the second floor to go over the existing driveway. This is likely to be the most expensive option but does allow for a little more flexibility than alternative #1.

The purpose of this presentation to the BOS was for input on which of the three alternatives the students should be honing their attention on. The BOS’s choice was for alternative #2. The BOS liked the fact that it could be built more to the liking of the town with the historic Town Hall maintained and preserved. The presentation shared this evening is to keep the PZC in the loop, keep the commission apprised of the project, and to hear more feedback that can be given to the students.

A. Fiano said that at the BOS meeting there was some discussion about placing the addition on the Prestredo property to the north to take the building out of the intermittent stream thereby removing the Army Corps of Engineers from being involved. J. Kelly said that is still an option to be discussed with the students when they return for the spring semester. That option might help the project, the timeline, and the environment. A. Fiano said moving it north would get it out of the wetlands and create a campus setting at Town Hall. Any monies saved could be used to put in the planned cistern, retention pond or other community amenities. This option would also save the view shed from Bolton Center Road to Heritage Farm.

A. Teller asked about the parking and public entrance to that building and how that would fit into the rest of the site. J. Kelly said that will vary depending on the final footprint. P. Carson said the current parking behind Town Hall would be in front of that building and could be straightened up a bit. J. Kelly said the discussion included the building not having to be C-shaped and being down gradient of the parking lot. The farther out of the wetlands the building is placed would make the location less desirable to the employees and the public. A. Teller expressed concern of people walking back and forth between the buildings in a parking lot that is a little tight. What is the practicality of putting it there rather than somewhere on the 12 acres Bolton has for development? A. Teller prefers a connected building, adding on to Town Hall, or starting new. Alternative #2 does not share parking or an entrance to Town Hall. P. Carson said this alternative would be a Town Hall Annex which many towns have and the current look from the street of Town Hall can be maintained. A. Teller said that can be done by sticking it on the back of the current building. What are the advantages of putting it there, attaching it to Town Hall, or putting it further away? J. Kelly said the BOS mentioned the annex concept. All town offices should be able to fit into such a building and to use the existing Town Hall for meetings. The BOS’ idea was to leave Town Hall as a meeting space and build a separate building to have full customization options. A. Teller asked why not build a new Town Hall that is not necessarily in wetlands, where there is no curb cut, or driveway? J. Kelly said those issues could be addressed if built in a new location. The direction of having the expansion near current Town Hall came because of the vibrant community study.

M. Manning asked how much land is available from the Prestredo property? A. Teller recalls it is ~12 acres but it is wet. J. Rupert said that is accurate.

T. Robbins asked about a price estimate? J. Kelly said that will come toward the end of the student’s work this semester.

C. Davey said government buildings and the employees should be more public facing. He wonders about a message being sent to have them hidden behind Town Hall. A. Teller said he visits many Town Halls and buildings and it is frustrating when they are in a campus setting without being able to find the correct office. It should be made clear from the street where one must go to carry out their business.

R. Fournier asked if this would allow room for voting or if provisions are being made for voting as parking for this is a big issue. Windows in the addition overlooking the farm would be the way to go.

T. Manning said the existing Town Hall already has the vaults for public records. A new building would create the need to recreate vault space and that is expensive. S. Pierog said the current vault space is inadequate; regardless of options vault space needs to be added. The BOS did talk about parking as well as parking issues at Heritage Farm. Some sort of parking could be developed to serve both with a walkway to the new building and the Farm. The roundabout at the back of Town Hall is not on town property. It is used by the church and access to their property has to be maintained. The Notch Road Center has to come down; maybe that is the right place for a new building. The BOS felt the Bolton Center Road plan would be more economical which taxpayers would appreciate and support. The BOS feels alternative #2 gives us something that works, is portable, is frugal, and is useful. Many people and functions currently sit in hallways in the Town Hall. This option would be a building of useable space, with windows, and would be safe and welcoming to meet the public without having to sit in a hallway.

J. Kelly said this discussion has provided valuable feedback for the students.

**b. Special Permit Application for Nursery and Value Added Agricultural Business, 1225 Boston Turnpike, Happy Town LLC (#PL-20-13)**

Attorney Steven Penny for the applicant, was present. P. Carson said this application is being received this evening and a public hearing set for the February meeting. The application was applied for before the end of the year as requested and includes a list of abutters, the checklist, and is a complete application.

Attorney Penny said this matter has to go before the Inland Wetlands Commission (IWC) at their January 26, 2021 meeting. His guess is that IWC will not require a public hearing. These are farm wetlands. A. Teller thinks the public hearing for PZC on February 10, 2021 will work.

**A. Teller moved** to receive Special Permit Application #PL-20-13 for Nursery and Value Added Agricultural Business at 1225 Boston Turnpike, Happy Town LLC and set a public hearing for February 10, 2021 at 7:45 p.m. via Zoom. **T. Manning seconded.** Vote: 7-0-0. Motion passed.

**c. Other:** There was none.

**8. Correspondence**

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

P. Carson reported there was a meeting for PZC Commissioners last week at which T. Manning was present. Most people at the meeting felt owner occupancy should be a requirement. The intent is not allowing Accessory Dwelling Units as AirBnBs; it is about housing, not vacationing. A. Teller said his concern is how enforcement of having the owner on site can be done and how owners could get around that requirement. P. Carson said that will be discussed as they move on with this matter.

T. Manning said this meeting was different from previous ones with a lot of push back in the chat window from people who were seeing this for the first time. A. Fiano asked why there was push back? T. Manning said it was mostly from people who were new to the meetings. P. Carson said there was also discussion about towns who don't want to be told how to do something they feel they are already handling well. Every town has its own rules in Connecticut. P. Carson said there was healthy discussion.

**9. Adjournment: T. Manning moved** to adjourn the meeting at 8:56 p.m. **T. Robbins seconded.**

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.*



# Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

## BOLTON PLANNING AND ZONING COMMISSION

### APPLICATION FOR SPECIAL PERMIT, SITE PLAN REVIEW OR MODIFICATION OF A PREVIOUSLY APPROVED APPLICATION

1. Application Title: Happy Town, LLC

2. Check all that apply:

Special Permit Application       Modification of an Approved Special Permit Application\*

Site Plan Review Application       Modification of an Approved Site Plan Review Application\*

\* The Commission may require a new application if the proposed modification significantly alters the previously approved application.

3. Street Address of subject property 1225 Boston Turnpike, Bolton, CT

4. Deed Reference (Bolton Land Records) Volume 174 Page 989

5. Assessor's Records Reference: Map # 06 ; Block # 27 Parcel / Lot # 936

6. Current zone(s) of subject property RMUZ Acreage: 4.93

7. In Aquifer Protection District? Yes  No

8. In FEMA Flood Area? Yes  No

9. Wetlands Application Required? Yes  No

10. Applicant(s) Happy Town, LLC c/o Andrew T. Ladyga, Member

Address 2812 Boston Turnpike, Coventry, CT Zip 06238

Phone # 860-810-0905 Fax # 860-487-0736 E-mail allbusiness2047@gmail.com

11. Owner(s) of subject property same as applicant

Address \_\_\_\_\_ Zip \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ E-mail \_\_\_\_\_

12. Official Contact / Representative regarding this Application: Stephen T. Penny, Esq.

Address 202 West Center Street, Manchester, CT Zip 06040

Phone # 860-646-3500 Fax # 860-643-6292 E-mail stpenny@pbolaw.com

13. Project Engineer: Richard Mihok  
Address 18 Laurel Lane, Marlborough, CT Zip 06447  
Phone # 860-295-9049 Fax # \_\_\_\_\_ E-mail 6906@att.net

14. Project Architect: N/A  
Address \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ E-mail \_\_\_\_\_

15. Other Experts Retained by Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Briefly describe the proposed use of the subject property. Provide greater detail in Project Narrative.  
Two tree service tenants will both grow nursery stock, specifically trees, on the property. One of those will process logs on the property and sell firewood and wood chips. The other will provide landscaping services and also process logs on the property for use as lumber and timber for building materials and also firewood and a heating product.

17. Square footage of new / expanded space: N/A # of new parking spaces 35

18. List the Section(s) of the Zoning Regulations under which application is made: 8C.2.b.; 8C.2.c.

19. Provide all the applicable items for a complete application including a completed Checklist for Site Plan Review and Special Permit Applications. A completed checklist must be provided to comprise a complete application.

20. Applicant's Endorsement:  
I am a willful participant and fully familiar with the contents of this application.  
Signature Andrew Ludyn Date 12/30/20

21. Owner's Endorsement:  
I am a willful participant and fully familiar with the contents of this application.  
Signature Andrew Ludyn Date 12/30/20

**NOTE: If there are any material changes to this application, the Applicant shall immediately notify the Town Staff in writing.**  
**Applicants may be subject to Supplemental Review fees to defray the cost of Professional Review Services such as engineering or legal reviews.**

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**For Town Use Only**

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Base Fee Paid \_\_\_\_\_ Check # \_\_\_\_\_

Date application received by Inland Wetlands Commission (if applicable) \_\_\_\_\_

Date of Inland Wetlands Commission action (if applicable) \_\_\_\_\_

Date application received by Planning and Zoning Commission \_\_\_\_\_

Date of public hearing (if required) \_\_\_\_\_

Date of Planning and Zoning Commission action \_\_\_\_\_

Date of newspaper publication of Planning and Zoning Commission action \_\_\_\_\_

Summary of Planning and Zoning Commission action \_\_\_\_\_

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**Revised March 11, 2009**



**BOLTON PLANNING & ZONING COMMISSION  
CHECKLIST FOR SITE PLAN REVIEW (§ 16A)  
AND SPECIAL PERMIT (§ 16B) APPLICATIONS  
March 11, 2009**

THIS CHECKLIST MUST BE COMPLETED BY THE APPLICANT OR AN AUTHORIZED REPRESENTATIVE AND SUBMITTED WITH THE APPLICATION.

The Planning and Zoning Commission will use this checklist in determining the completeness or incompleteness of the application. The applicant is responsible for providing all the applicable information on this checklist. The applicant is encouraged to provide any additional information to clearly present a proposed activity and its potential effects on the community. The Commission may require additional information not included in this checklist to determine compliance with the regulations.

AN APPROVAL OF AN APPLICATION COULD BE DENIED IF AN APPLICATION LACKS SUFFICIENT INFORMATION.

Some of the items below are essential for any application while others may not be applicable for a particular proposal. The applicant is encouraged to ask the town staff to review the completed application with all supporting information and the completed checklist, prior to submitting the application to the Planning and Zoning Commission so that the staff can provide the applicant an opinion on the completeness of the application.

Pursuant to Section 16A.2.p, at time of application submission, the applicant may request in writing that the Commission determine that all or a part of the information required under Section 16A.2.c through o. (except subsections e., f., i., and j.) is NOT necessary in order to decide on an application.

Applicants may be subject to supplemental review fees to defray the costs of professional review services such as engineering or legal reviews. Please see attached information sheet.

Name of Development 1225 Boston Turnpike

Applicant Happy Town, LLC Date 12/30/2020

Item	Description	Applicant		Staff	
		Included	Not Included	Completeness Opinion	
				Yes	No
1	Completed, signed application by applicant and owner	X			
2	Payment of required application fees	X			
2A	Statement of Use in accordance with § 16A.2.b	X			
3	All draft deeds for any roads, road widenings and easements for drainage, conservation, driveways, utilities		X		
4	Evidence of request for approval by the Health District and/or Sewer Authority for review, as appropriate		X		
5	Evidence of submission of application to the Inland Wetlands Commission if it is within that Commission's jurisdiction	X			
6	Evidence of submission of a request for review and approval by the Fire Marshal and Fire Chief of the water supply for fire protection		X		
7	Copies of any required applications to other local, state or federal regulatory approvals		X		
8	Written evidence of applicant's legal interest in the subject property (deed, lease option to purchase, bond for deed, etc.)		X		

Item	Description	Applicant		Staff	
		Included	Not Included	Completeness Opinion	
				Yes	No
9	List of mailing address of all current property owners within 500 feet of the subject property, from the Town Assessor records (for special permit only)	X			
10	List of all hazardous or potentially hazardous materials which will be present on the property with a full description of procedures that will be used to assure safety with the material safety data sheets		X		
12	Digital copy of plans in DXF or DGN format if available		X		
13	Paper and digital copies of all reports including hydrology, hydraulic and drainage computations and		X		
14	14 sets of complete stamped and signed site plans measuring 24" x 36	X			
	<b>THE FOLLOWING ITEMS 15 THROUGH 51 SHALL BE INCORPORATED IN PLANS</b>				
15	A-2 boundary survey of the subject property showing all existing and proposed boundary lines and markers, easements, adjoining property lines and the names of all current abutting property owners	X			
16	Names of abutting lot owners	X			
17	USDA Soils boundaries and types		X		
18	Plan title block in the extreme lower right corner (not sideways) to include the name of the town of Bolton	X			
19	All plan sheets numbered with the format "sheet x of y"	X			
20	Clear legible plans with all lines, symbols and features readily identifiable	X			
21	North arrow on each plan including the reference meridian	X			
22	Graphic bar scale on each plan sheet, not smaller than 1"= 40' unless otherwise approved by the Commission	X			
23	Overall plan of site at a smaller scale, with sheet index, if the site does not fit on one sheet at a scale of 1"=40'	X			
24	Key map at a scale of 1"= 500' showing the relation of the site to abutting properties and streets, shown on plan and zoning district boundaries within 500' of site	X			
25	Original and revision plan dates and revision explanations shown on the affected plan sheets	X			
26	Existing and proposed grading with two foot contours to T-2 standards, for all ground surfaces, shown on plan		X		
27	Existing and proposed structures and features, their uses and those to be removed, shown on the plan	X			
28	HVAC equipment located outside the building(s)		X		
29	Existing and proposed driveway entrances to street, parking, loading areas, fire lanes, sidewalks and construction detail drawings, shown on plan	X			
30	Sight distances from property entrances along public roads shown on plan and on profile if grading is needed		X		
31	Soil test locations and soil test results shown on plan		X		
32	Existing and proposed sewage disposal systems and design information, shown on plan		X		
33	Outside Storage Areas	X			

Item	Description	Applicant		Staff	
		Included	Not Included	Completeness Opinion	
				Yes	No
34	Underground / overhead utilities, existing and proposed		X		
35	Existing and proposed water supply shown on plan	X			
36	Existing wells and sewage disposal systems on other properties that could conflict with proposed site improvements, shown on plan		X		
37	Existing and proposed footing drains, curtain drains and dry wells, shown on plan		X		
38	Existing and proposed drainage systems, any affected floodway or floodplain and construction detail drawings, shown on plan, including base flood elevation and floor elevation data.	X			
39	Existing and proposed bridges and culverts on or adjacent to the site, shown on plan	X			
40	Existing and proposed signs with dimensions and construction detail drawings, shown on plan	X			
41	Existing and proposed fences and walls with dimensions and construction detail drawings, shown on plan	X			
42	Zoning district boundaries affecting the site, shown on plan	X			
43	Table shown on plan of zoning dimensions required and provided for lot area, street frontage, lot width, yard setbacks, impervious area, building coverage and the height and floor area of each building		X		
44	Table on plan of parking / loading spaces required / provided		X		
45	Fire lanes		X		
46	Sidewalks and other pedestrian ways		X		
47	Off-site traffic improvements		X		
41	Limits of wetlands as delineated by a certified soil scientist with the soil scientist's signed certification, shown on plan or a certification signed by a soil scientist that no wetlands are within 100 feet	X			
42	Natural features including 100 year flood plain areas, ponds, vernal pools, aquifers, slopes steeper than 25% and potential areas of endangered species, shown on plan		X		
43	Landscaping plan including the locations, numbers, installed sizes, anticipated mature sizes, species and common names of proposed plants plus cost estimate based on published Connecticut DOT unit prices	X			
44	Existing trees of 6" caliper or greater		X		
45	Significant archaeological sites		X		
46	Lighting plan including the location, size, height, light intensity coverage areas and manufacturer's product descriptions for each light type	X			
47	Erosion and Sedimentation Control Plan, with narrative and construction detail drawings, in accordance with the latest Connecticut Guidelines for Soil Erosion and Sediment Control		X		

Item	Description	Applicant		Staff	
		Included	Not Included	Completeness Opinion	
				Yes	No
48	Best management practices to remove contaminants, including sediments and oils, from runoff water, shown on plan, in construct detail drawings, and explained in a report by a qualified professional		X		
49	Architectural elevation drawings of proposed buildings		X		
50	Architectural floor plans of existing and proposed buildings		X		
51	Perspective color drawings or digital views of the site as seen from adjacent roads and from abutting property lines showing the proposed conditions including buildings, landscaping and appurtenant features		X		
52	Traffic Impact Report for applicable sites as described in Zoning Regulations Section 16A.2.k.		X		
53	Thorough, well organized drainage design report for before and after development conditions, that conforms to the latest Conn. Dept. of Transportation and Conn. Dept. of Environmental Protection guidelines and requirements with appropriate calculations, maps, graphics and narrative descriptions of hydrology, hydraulics, assumptions, erosion controls, drainage paths and systems for the 1, 2, 10, 50 and 100 year storm events		X		
54	Statement in drainage report that the after development flows for all storm events do not exceed the before development flows		X		
55	Sanitary Waste Disposal Plan (if community sewerage system)		X		
56	Evaluation of the impact of proposed development upon existing and potential public surface and ground drinking water supplies, pursuant to CGS, Section 8-2		X		
57	Certified copy of Certificate of Public Convenience and Necessity in connection with a "water company", in accordance with CGS, Section 8-25a		X		
58	Existing and proposed Covenants or Restrictions				
59	Engineer's itemized cost estimate for the installation of all erosion and sediment controls based on published Connecticut DOT unit prices		X		
60	Engineer's itemized cost estimate for site improvements based on published Connecticut DOT unit prices as basis for the establishment of a completion bond		X		

**Bolton Planning & Zoning Commission Pending Application**

**Date:** December 30, 2020

**Applicant:** Happy Town, LLC

**Application:** Special Use Permit

**Property:** 1225 Boston Turnpike, Bolton

**Document:** List of Abutters within 500 feet of subject property

Street and Property Address

Owners and Mailing Address

**Boston Turnpike**

1145	1638 Trust & 1638S Trust 540 East Main Street, Branford, CT 06405
1159	HD Property Group LLC 3515 South Street, Coventry, CT 06238
1173	Jessica L. Gagnon 1173 Boston Turnpike, Bolton, CT 06043
1177	Est. of Dominic A. Giglio & Dorothy A. Giglio 1177 Boston Turnpike, Bolton, CT 06043
1191	Andrew & Catherine Breault 1191 Boston Turnpike, Bolton, CT 06043
1201	Jeffrey A. Poquette & Dawn Strede 1201 Boston Turnpike, Bolton, CT 06043
1212	Westwood LLC 154 Brandy Street, Bolton, CT 06043
1230	Happy Town LLC 2812 Boston Turnpike, Coventry, CT 06238
1262	James V. Cropley 27 Stonehedge Lane, Bolton, CT 06043

Street and Property Address

Owners and Mailing Address

1266

Est. of Charles Minicucci  
218 Hebron Road, Bolton, CT 06043

1270

Celjab LLC  
6 Mendon Road, Sutton, MA 01590

1239

Kevin A. Byam  
276 Jobs Hill Road, Ellington, CT 06029

1276

Mark D & Keri A. Renner  
1276 Boston Turnpike, Bolton, CT 06043

1288

Paul Mohr Ditalia  
1288 Boston Turnpike, Bolton, CT 06043

2874

Joseph A. Mercure  
2874 Boston Turnpike, Coventry, CT 06238

**Old Coventry Road**

No #

AMGN LLC  
29 Fernwood Drive, Bolton, CT 06043

No #

Amanda G. Olmstead & Robin A. Giglio  
137 Washburn Avenue, Coventry, CT 06238

15

Amanda G. Olmstead  
137 Washburn Avenue, Coventry, CT 06238

**Tolland Road**

1

Philip M. Blazawski  
2724A Boston Turnpike, Coventry, CT 06238

4

Maya Properties LLC  
83 Lookout Mt. Road, Manchester, CT 06040

11

Milly Jo Medina  
11 Tolland Road, Bolton, CT 06043

15

Joseph D. & Sharon W. Madore  
15 Tolland Road, Bolton, CT 06043

Street and Property Address

Owners and Mailing Address

20

Lainie A. Bickford & Roxann E. Feda  
20 Tolland Road, Bolton, CT 06043

21

Robert L. & Diane M. Madore  
21 Tolland Road, Bolton, CT 06043

30

Patricia L. LeBrun  
30 Tolland Road, Bolton, CT 06043

## Bolton Planning & Zoning Commission Pending Application

**Date:** December 30, 2020

**Applicant:** Happy Town, LLC

**Application:** Special Use Permit

**Document:** Statement of Use per § 16A.2.b. of the Zoning Regulations

### 1. Detailed Narrative Description as to the Nature and Extent of Proposed Use

Two tree service tenants will both grow nursery stock, specifically trees, on the property. Two locations are shown on the site plan for the raising of the nursery stock, one along the easterly lot line and the other in the northwesterly corner of the 4.93-acre property. "Nursery (agricultural) is a special permit use under § 8C.2.b. of the zoning regulations. One of the tenants will also process logs on the property and sell firewood and wood chips. The other will provide landscaping services off-site and process logs on the property for use as lumber and timber for building materials and also to produce firewood and a heating product. These processing operations will take place out-of-sight of persons travelling on Boston Turnpike (Rte. 44) or even those persons on the front portions of the property.

At least one of these businesses holds a Farmer Tax Exemption Permit from the Connecticut Department of Revenue Services for the acquisition of property (machinery and equipment) "used exclusively in agricultural production".

The proposed uses will not require the construction of any additional buildings on the site, or alteration of the existing buildings. The only new structures will be two ten-foot-high privacy fences strategically located to screen the "value added agribusiness and forestry uses (processing and sale)" that constitute a special permit use under § 8C.2.b. of the zoning regulations. Both companies will store their equipment, overnight and/or when not in use, inside the existing structures on the site, or as necessary if inside space is inadequate, behind the buildings or privacy fences, or within the two existing concrete bunker silos.

### 2. Provision for Water Supply, Sewage, Solid and Liquid Waste Disposal, Drainage, and Utilities

There is a private well on the property, which is also served by the public sewer system. There is no need for additional utilities to support the proposed uses. The site is flat and the project engineer has concluded that it presents no drainage issues.



3. Number of persons estimated to occupy or visit the premises on a daily basis, and the basis for determining the parking and loading requirements for the use; provisions for pedestrian access within and into the site, where appropriate.

The two businesses combined will employ six persons in their on-site operations, but they will only be on the site part-time for approximately 20 hours per week. The proposed (overly generous) 35 parking spaces were based on ten spaces for employees, and twenty-five spaces for customers of the farm stand, though only five at any one time are expected based on past experience. The farm-based nature of the proposed uses do not lend themselves to an expectation of or need for specific provisions for pedestrian access within the site, while entry onto this particular site given its location will be exclusively by vehicle.

4. An estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours.

The engineer based his estimates on 10 vehicle trips a day for the tenant companies and 25 per day for the farm stand (35 both in and out). The traffic manuals do not provide information on these uses.

5. Equipment or other methods to be established to comply with required performance standards.

The applicant is not aware of any such equipment or methods that would be required with respect to the proposed uses.

6. Disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy.

No such toxic or hazardous materials will be used or processed on the site in connection with the proposed uses other than pesticides by the licensed arborist applicators.

7. Waiver and Exception Under Section 15.Q. of the Regulations

To the extent that the Commission might conclude that a parking waiver is required under the circumstances presented by this application, the applicant believes that a waiver of the parking area impervious surface requirement would be appropriate here based on the following considerations:

- 1) the most intensive use from a traffic perspective is likely to be the pre-existing farm stand use, which is already served by bituminous paving;

2) the site, which has historically been occupied by direct agricultural and agriculture-related accessory uses, presents itself as a rural agricultural property and will continue to do so under the proposed uses, and so the introduction of a large area of bituminous pavement atop the existing gravel base would detract from that environment;

3) the parking areas shown on the plan are separated from one another as the uses they serve are also removed from each other, and so 5-space parking nodules can be accomplished;

4) the site is flat and, as stated above, the engineer has identified no existing drainage issues, so letting the parking area continue to drain by sheet flow onto the site would promote the commission's Low Impact Development requirements set forth in Section 16A.2.1 of the regulations; and

5) all parking is well-removed from the man-made agricultural wetlands located along the easterly boundary of the subject parcel.

Happy Town, LLC  
Applicant/Owner

By Andrew Ladyga  
Andrew Ladyga, its Member

Inland Wetlands

**C-20-11**

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**Your Submission**

Attachments

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Permit Fee

Application Review

Inland Wetlands

Issue Permit

**Your submission**

Submitted Dec 31, 2020 at 10:17am

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**Contact Information**

**Stephen Penny**

Email address

stpenny@pbolaw.com

Phone Number

8606463500

Mailing Address

202 West Center Street , Manchester, CT 06040-4855

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**Location**

**1225 BOSTON TPKE  
BOLTON, CT 06043**



REPORT DATE: November 11, 2020

PAGE 1 OF 3

**REMA ECOLOGICAL SERVICES, LLC**

164 East Center Street, Suite 8  
Manchester, CT 06040

860.649.REMA (7362)

**ON-SITE SOIL INVESTIGATION & WETLAND DELINEATION REPORT**

**PROJECT NAME & SITE LOCATION:**

(+/- 4.93 acres)

1225 Boston Turnpike

Bolton, CT

REMA Job No.: 20-2339-BOL19

Field Investigation Date(s): 9/26/2020

**Field Investigation Method(s):**

- Spade and Auger
- Backhoe Test Pits
- Other: \_\_\_\_\_

**REPORT PREPARED FOR:**

Mr. Andrew T. Ladyga, Member

Happy Town, LLC

2812 Boston Turnpike

Coventry, CT 06238

**Field Conditions:**

Weather: Mostly sunny, 70s

Soil Moisture: Low-moderate

Snow Depth: N/A

Frost Depth: N/A

**Purpose of Investigation:**

- Wetland Delineation/Flagging in Field
- Wetland Mapping on Sketch Plan or Topographic Plan
- High Intensity Soil Mapping by Soil Scientist
- Medium Intensity Soil Mapping from *The Soil Survey of Connecticut* Maps (USDA-NRCS)
- Other: \_\_\_\_\_

Base Map Source: CT Web Soil Survey; USDA-NRCS (attached); Figure A (attached)

Wetland Boundary Marker Series: RES-A-1 to RES-A-35 (closed line), and RES-1A-1 to RES-1A-6 (open line)

**General Site Description/Comments:** The "study area" or "site" is a roughly +/-4.93-acre parcel, on the south side of Boston Turnpike, in Bolton. The site, which was subdivided out of a large parcel known as the Giglio Farm, is characterized by agricultural fields, a residence, and several barns and storage buildings. At the far eastern section of the site, a ditched intermittent stream flows southerly to Bolton Pond Brook located off-site. Also, a wet meadow wetland occurs in this section and is hydrologically tied to the stream. The study area's soils are both disturbed and undisturbed (except for the plow layer), and include buried wetland soils at the location of the aforementioned wet meadow. The study area's soils are derived predominately from glacial till deposits (i.e., unstratified sand, silt, and rock), and sandy fill within the areas of past disturbance. The upland soil types are the moderately well drained Woodbridge (45) soil series, while the wetland-type soils are the poorly and very poorly drained Ridgebury, Leicester, and Whitman (3) soil series complex. Disturbed upland and wetland soils are mapped as Udorthents (308) and Aquepts (308w), respectively. The regulated areas associated with the study area, include the aforementioned ditched watercourse and wet meadow. The latter is a seasonally saturated wetland which also includes a scrub-shrub cover type, particularly along the stream. Dominant and common overstory trees include red maple, weeping willow, and cottonwood. The locally dense shrub thicket along the stream includes multiflora rose, silky and gray dogwoods, and Morrow's honeysuckle. Herbaceous species include asters and goldenrods, blue vervain, roughstem and narrow-leaved goldenrods, sedges, soft rush, smartweeds, Joe-pye-weeds, purple willowherbs, sensitive and marsh ferns, rough bedstraw, jewelweed, common reed, and others.

**ON-SITE SOIL INVESTIGATION & WETLAND DELINEATION REPORT (CONTINUED)**

**PROJECT NAME & SITE LOCATION:** (+/- 4.93 acres)  
1225 Boston Turnpike, Bolton, CT

**SOIL MAP UNITS****Upland Soils**

**Woodbridge fine sandy loam (45).** This series consists of deep, moderately well drained soils formed in a coarse-loamy mantle underlain by firm, compact glacial till on uplands. They are nearly level to moderately steep soils on till plains, low ridges and drumloidal landforms. The soils formed in acid glacial till derived mainly from schist, gneiss or granite. In tilled areas, these soils typically have a very dark grayish brown fine sandy loam surface layer 7 inches thick. The subsoil from 7 to 30 inches is dark yellowish brown and light olive brown fine sandy loam, mottled below 18 inches. The substratum from 30 to 60 inches is light olive brown, very firm and brittle gravelly fine sandy loam.

**Udorthents (308).** This soil mapping unit consists of well drained to moderately well drained soils that have been altered by cutting, filling, or grading. The areas either have had two feet or more of the upper part of the original soil removed or have more than two feet of fill material on top of the original soil. Udorthents or Made Land soils can be found on any soil parent material but are typically fluvial on glacial till plains and outwash plains and stream terraces.

**Wetland Soils**

**Ridgebury fine sandy loam (3).** This soil series consists of deep, poorly and somewhat poorly drained soils formed in a coarse-loamy mantle underlain by firm, compact glacial till on uplands. They are nearly level to moderately steep soils on till plains, low ridges and drumloidal landforms. The soils formed in acid glacial till derived mainly from schist, gneiss or granite. Typically, these soils have a black sandy loam surface layer 6 inches thick. The mottled subsoil from 6 to 16 inches is olive gray sandy loam. The mottled substratum from 16 to 60 inches is a light olive brown and olive, very firm and brittle gravelly sandy loam.

**Leicester fine sandy loam (3).** This series, which is some Connecticut counties is found only in complex with the Ridgebury and Whitman series, consists of deep, poorly drained loamy soils formed in friable glacial till on uplands. They are nearly level to gently sloping soils in drainage ways and low lying positions on till covered uplands. The soils formed in acid glacial till derived mainly from schist, gneiss or granite. Typically, these soils have a surface layer of black fine sandy loam 6 inches thick. The subsoil from 6 to 23 inches is grayish brown, mottled fine sandy loam. The substratum from 26 to 60 inches or more is dark yellowish brown, mottled, friable, gravelly fine sandy loam.

ON-SITE SOIL INVESTIGATION & WETLAND DELINEATION REPORT (CONTINUED)

PROJECT NAME & SITE LOCATION: (+/- 4.93 acres)  
1225 Boston Turnpike, Bolton, CT

SOIL MAP UNITS

*Whitman fine sandy loam (3)*. This series, which is some Connecticut counties is only mapped in complex with the Ridgebury and Leicester series, consists of deep, very poorly drained soils formed in a coarse-loamy mantle underlain by firm, compact glacial till on uplands. They are nearly level and gently sloping soils on till plains, low ridges and drumloidal landforms. The soils formed in acid glacial till derived mainly from schist, gneiss or granite. Typically, these soils have a black fine sandy loam surface layer 8 inches thick. The mottled subsoil from 8 to 15 inches is gray sandy loam. The mottled substratum from 15 to 60 inches is firm, olive gray to gray dense glacial till.

*Aquents (308w)*. This soil map unit consists of poorly drained and very poorly drained, disturbed land areas. They are most often found on landscapes which have been subject to prior filling and/or excavation activities. In general, this soil map unit occurs where two or more feet of the original soil surface has been filled over, graded or excavated. The *Aquents* are characterized by a seasonal to prolonged high ground water table and either support or are capable of supporting wetland vegetation. *Aquents* are recently formed soils which have an aquic moisture regime. An aquic moisture regime is associated with a reducing soil environment that is virtually free of dissolved oxygen because the soil is saturated by groundwater or by water of the capillary fringe. The key feature is the presence of a ground water table at or very near to the soil surface for a period of fourteen days or longer during the growing season.

Any accompanying soil logs and soil maps, and the on-site soil investigation narrative are in accordance with the taxonomic classification of the National Cooperative Soil Survey of the USDA Natural Resource Conservation Service, and with the Connecticut Soil Legend (DEP Bulletin No.5, 1983), as amended by USDA-NRCS. Jurisdictional wetland boundaries were delineated pursuant to the Connecticut General Statutes (CGS Sections 22a-36 to 22a-45), as amended. The site investigation was conducted and/or reviewed by the undersigned Registered Soil Scientist(s) [registered with the Society of Soil Scientists of Southern New England (SSSSNE) in accordance with the standards of the Federal Office of Personnel Management].

Respectfully submitted,

**REMA ECOLOGICAL SERVICES, LLC**



George T. Logan, MS, PWS, CSE  
 Registered Soil Scientist  
 Field Investigator/Senior Reviewer

**FIGURE A:** Wetland Delineations Sketch Map  
1225 Boston Turnpike, Bolton, CT  
(as seen on a 2019 aerial photograph)

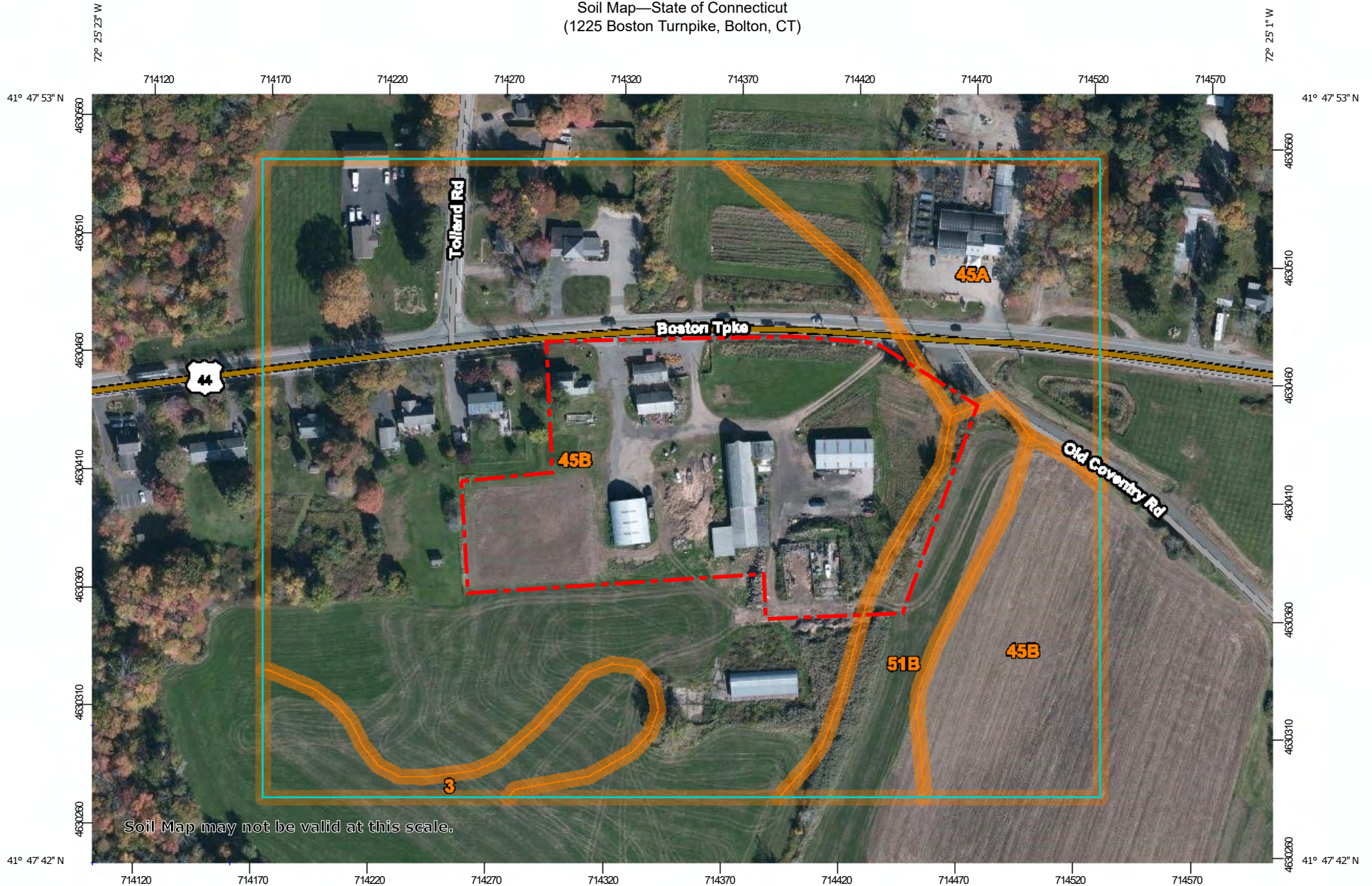


STUDY AREA

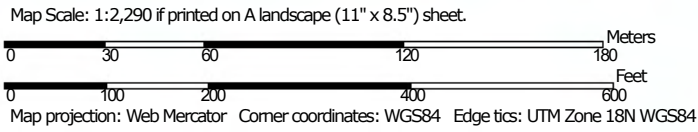
RES-A-1 to A-35

RES-1A-1 to 1A-6

Soil Map—State of Connecticut  
(1225 Boston Turnpike, Bolton, CT)




Soil Map may not be valid at this scale.






## MAP LEGEND


### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: State of Connecticut

Survey Area Data: Version 20, Jun 9, 2020

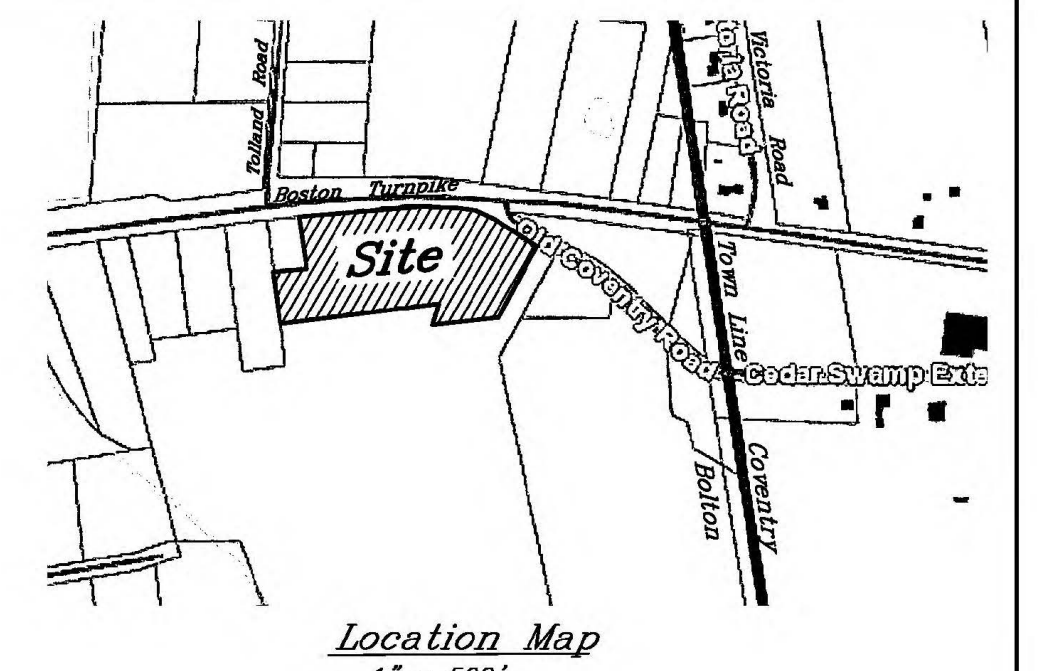
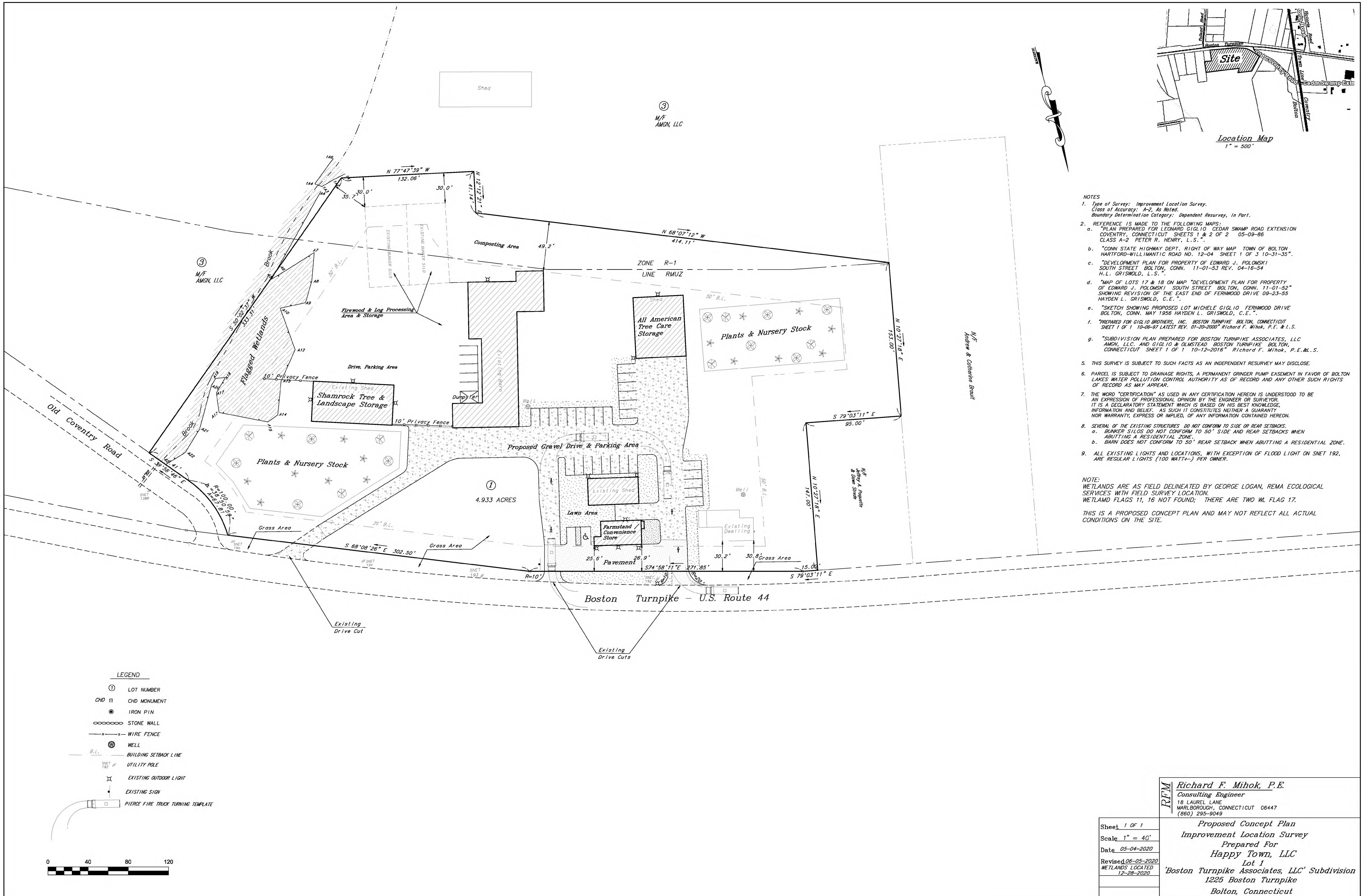
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 3, 2019—Oct 22, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Ridgebury, Leicester, and Whitman soils, 0 to 8 percent slopes, extremely stony	1.1	4.8%
45A	Woodbridge fine sandy loam, 0 to 3 percent slopes	2.9	12.3%
45B	Woodbridge fine sandy loam, 3 to 8 percent slopes	18.2	76.3%
51B	Sutton fine sandy loam, 0 to 8 percent slopes, very stony	1.6	6.5%
<b>Totals for Area of Interest</b>		<b>23.9</b>	<b>100.0%</b>



- NOTES**
- Type of Survey: Improvement Location Survey.  
Class of Accuracy: A-2, As Noted.  
Boundary Determination Category: Dependent Resurvey, In Part.
  - REFERENCE IS MADE TO THE FOLLOWING MAPS:
    - PLAN PREPARED FOR LEONARD GIGLIO CEDAR SWAMP ROAD EXTENSION COVENTRY, CONNECTICUT SHEETS 1 & 2 OF 2 05-09-96 CLASS A-2 PETER R. HENRY, L.S.
    - CONN STATE HIGHWAY DEPT. RIGHT OF WAY MAP TOWN OF BOLTON HARTFORD-WILLMANTIC ROAD NO. 12-04 SHEET 1 OF 3 10-31-35.
    - DEVELOPMENT PLAN FOR PROPERTY OF EDWARD J. POLOMSKI SOUTH STREET BOLTON, CONN. 11-01-53 REV. 04-16-54 H.L. GRISWOLD, L.S.
    - MAP OF LOTS 17 & 18 ON MAP "DEVELOPMENT PLAN FOR PROPERTY OF EDWARD J. POLOMSKI SOUTH STREET BOLTON, CONN. 11-01-52" SHOWING REVISION OF THE EAST END OF FERNWOOD DRIVE 09-23-55 HAYDEN L. GRISWOLD, C.E.
    - SKETCH SHOWING PROPOSED LOT MICHELE GIGLIO, FERNWOOD DRIVE BOLTON, CONN. MAY 1956 HAYDEN L. GRISWOLD, C.E.
  - PREPARED FOR GIGLIO BROTHERS, INC. BOSTON TURNPIKE BOLTON, CONNECTICUT SHEET 1 OF 1 10-06-97 LATEST REV. 01-20-2000 Richard F. Mihok, P.E. & L.S.
  - SUBDIVISION PLAN PREPARED FOR BOSTON TURNPIKE ASSOCIATES, LLC AMGN, LLC, AND GIGLIO & OLMSTEAD BOSTON TURNPIKE BOLTON, CONNECTICUT SHEET 1 OF 1 10-12-2016 Richard F. Mihok, P.E. & L.S.
- THIS SURVEY IS SUBJECT TO SUCH FACTS AS AN INDEPENDENT RESURVEY MAY DISCLOSE.
- PARCEL IS SUBJECT TO DRAINAGE RIGHTS, A PERMANENT GRINDER PUMP EASEMENT IN FAVOR OF BOLTON LAKES WATER POLLUTION CONTROL AUTHORITY AS OF RECORD AND ANY OTHER SUCH RIGHTS OF RECORD AS MAY APPEAR.
- THE WORD "CERTIFICATION" AS USED IN ANY CERTIFICATION HEREON IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE ENGINEER OR SURVEYOR. IT IS A DECLARATORY STATEMENT WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF. AS SUCH IT CONSTITUTES NEITHER A WARRANTY NOR WARRANTY, EXPRESS OR IMPLIED, OF ANY INFORMATION CONTAINED HEREON.
- SEVERAL OF THE EXISTING STRUCTURES DO NOT CONFORM TO SIDE OR REAR SETBACKS.
- BUNKER SILOS DO NOT CONFORM TO 50' SIDE AND REAR SETBACKS WHEN ABUTTING A RESIDENTIAL ZONE.
  - BARN DOES NOT CONFORM TO 30' REAR SETBACK WHEN ABUTTING A RESIDENTIAL ZONE.
- ALL EXISTING LIGHTS AND LOCATIONS, WITH EXCEPTION OF FLOOD LIGHT ON SNET 192, ARE REGULAR LIGHTS (100 WATT+) PER OWNER.

**NOTE:**  
WETLANDS ARE AS FIELD DELINEATED BY GEORGE LOGAN, REMA ECOLOGICAL SERVICES WITH FIELD SURVEY LOCATION.  
WETLAND FLAGS 11, 16 NOT FOUND; THERE ARE TWO WL FLAG 17.  
THIS IS A PROPOSED CONCEPT PLAN AND MAY NOT REFLECT ALL ACTUAL CONDITIONS ON THE SITE.

- LEGEND**
- ① LOT NUMBER
  - CHD □ CHD MONUMENT
  - IRON PIN
  - ○ ○ ○ ○ STONE WALL
  - - - WIRE FENCE
  - ⊙ WELL
  - - - B.L. BUILDING SETBACK LINE
  - ⊕ UTILITY POLE
  - ⊗ EXISTING OUTDOOR LIGHT
  - ⊕ EXISTING SIGN
  - ⊕ PIERCE FIRE TRUCK TURNING TEMPLATE



**Richard F. Mihok, P.E.**  
Consulting Engineer  
18 LAUREL LANE  
MARLBOROUGH, CONNECTICUT 06447  
(860) 295-9049

**Proposed Concept Plan**  
Improvement Location Survey  
Prepared For  
Happy Town, LLC  
Lot 1  
'Boston Turnpike Associates, LLC' Subdivision  
1225 Boston Turnpike  
Bolton, Connecticut

Sheet 1 of 1
Scale 1" = 40'
Date 05-04-2020
Revised 06-05-2020
WETLANDS LOCATED 12-28-2020



# Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

Date: February 5, 2021

To: Planning & Zoning Commission

From: Patrice L. Carson, AICP, Consulting Director of Community Development

**Subject: Happy Town LLC' Special Permit Application, 1225 Boston Turnpike for Nursery and Value Added Agricultural Business**

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## INFORMATION

**Application No.:** VP#PL-20-13                      **Wetlands Permit Submitted:** December 31, 2020  
**Application Date:** December 31, 2020           **Wetlands Permit Effective:** not yet approved  
**Receipt Date:** January 13, 2021                **Wetlands Permit Expires:** not yet approved  
**Public Notification:** Posted on Website January 28, 2021 per Governor's Executive Order  
**Public Hearing Date(s):** February 10, 2021  
**Applicant(s):** Happy Town LLC  
**Owner(s):** Happy Town, LLC

## PROPOSAL / EXISTING CONDITIONS/BACKGROUND

Applicant, Happy Town, LLC, of 2812 Boston Turnpike, Coventry, is seeking a Special Permit for nursery and value added agricultural business(s) on a 4.93 acre parcel at 1225 Boston Turnpike under Section 8C.2.b.19 of the Bolton Zoning Regulations. Two tree service tenants will both grow nursery stock, specifically trees, on the property. Both tenants will process logs on the property; one will sell firewood and wood chips, the other will provide landscaping services and use processed logs for lumber and timber for building materials, firewood, and a heating product. No new construction of any additional buildings or alteration of existing buildings is proposed on the site; two ten-foot high privacy fences for screening are being proposed.

Located on the south side of Route 44/Boston Turnpike, this is the second to the last lot before the Coventry Town line, and considered part of the "gateway" into Bolton. The lot has gently sloping topography and access is provided from Route 44 from three "Existing Drive Cuts". (Please see concerns of the Town Engineer and Highway Supervisor regarding the informal driveway access which has developed over the years that connects Old Coventry Road with the easternmost driveway apron for the parcel at 1225 Boston Turnpike.)

The property is zoned mostly RMUZ and is surrounded by RMUZ on all sides except the south where it's bound by a large farming field which is zoned R-1. The R-1 zone also extends into and runs along a portion of the rear of the property and encompasses a composting area and two existing silos. The plan also identifies that area as being part of the lot for "Firewood and Log Processing Area and Storage", which is presumed to be a new use on the property. The property is mainly developed containing approximately eight structures from the prior use as the Lyndale Farm Stand. There are wetlands on the property and an application has been made to the Bolton Inland Wetlands Commission for the activity proposed within 100 feet of wetlands or watercourses.

The PZC will have to determine whether the activities proposed in this application are "nursery and value added agricultural business" and as such fit under the Bolton Zoning Regulations. The applicant's narrative outlines generally how much truck and vehicular traffic is expected, what kind of materials will be processed and stored on site and how, hours of operation, and number of employees.

#### **REPORTS RECEIVED**

- Site Plan Checklist - completed
- 02/04/21 Review email from Lance Dimock, Highway Supervisor with access concerns
- 02/04/21 Additional comments on DPW concerns
- 02/03/21 Review email from ZEO/Fire Marshal with 14 issues to address
- 02/03/21 Review email from IWA with issues to be addressed
- 02/02/21 Review email from Joseph Dillon, PE with 5 issues to address

#### **ADDITIONAL INFORMATION RECEIVED**

- Abutters List
- Project Narrative/Statement of Use
- 05/04/20 Site Development Plan & Details 1 page revised through 12-28-2020
- Inland Wetlands Application proof of filing
- 11/11/20 Wetlands Soils Report
- Engineering & Legal Review Fee of \$2,000

#### **INFORMATION STILL NEEDED:**

- Public Health Approval
- Drainage Report, if needed
- An affidavit for the posting of the public hearing sign
- E&S Cost Control Bond Estimate
- Site Improvements Bond Estimate
- EDU Assessment from BLRWPA

## STAFF ANALYSIS

A Wetlands application is running simultaneously with this Special Permit application. The IWC will not be meeting until the end of February and therefore no approval or report will be presented to the PZC until then. As such, the PZC will need to continue the Public Hearing until its March 10, 2021 meeting in order to received and review the IWC report.

Other items that may need to be addressed or may require additional information:

- Lighting Detail (fixtures & cut sheets) and Isometric map/lighting plan
- A Landscaping Plan
- The plan needs to show any dumpster location(s) with required screening.

## STAFF RECOMMENDATION

The staff has determined that:

- the application is complete
- the application still needs to address some regulation and engineering concerns
- a report or approval from the IWC still needs to be submitted to the PZC
- the PZC will have to determine whether the use is a nursery and value-added agricultural business under Section 8C.2.b.19 of the Bolton Zoning Regulations, and if it is in keeping with the zone in which it is located
- the applicant has requested a waiver and exception under Section 15.Q. of the Zoning Regulations for a parking waiver should the PZC determine it is needed.

---

**From:** Dimock, Lance  
**Sent:** Thursday, February 04, 2021 1:10 PM  
**To:** Carson, Patrice <[pcarson@boltonct.org](mailto:pcarson@boltonct.org)>  
**Subject:** Boston Tpk

I believe the work at the Lyndale Farm should include some changes to the driveway entrance that comes out at the start of Old Coventry Rd. The sightlines at that point are less than adequate coming out of the driveway and vehicles that turn in coming from the Coventry direction are making a long diagonal crossing of Rt. 44 and Old Coventry Rd to enter there. This entrance should either eliminated or in some way changed to be safer.

Thank you  
Lance

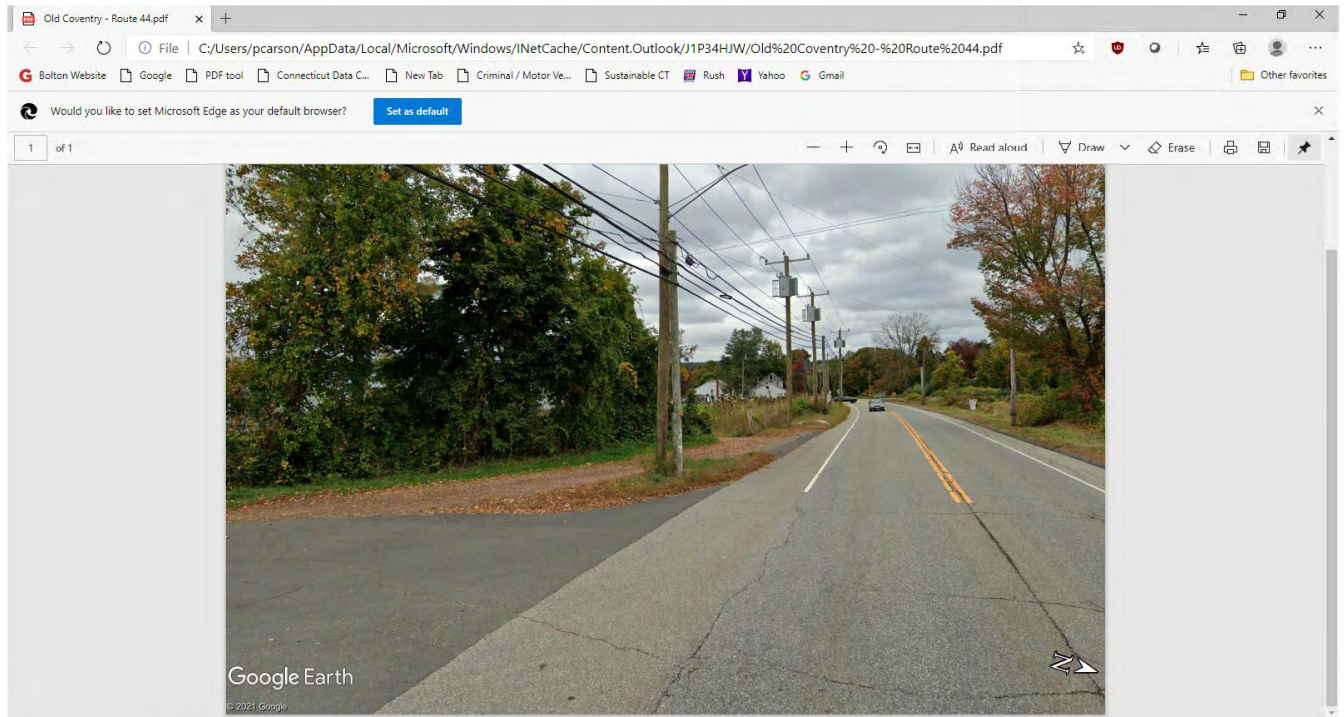
---

**From:** Joseph M. Dillon, P.E.  
**Sent:** Thursday, February 04, 2021 1:37 PM  
**Subject:** RE: Boston Tpk

To all,

As Lance has pointed out. An informal driveway access has developed over the years that connects Old Coventry Road with the easternmost driveway apron for the parcel at 1225 Boston turnpike. The connecting dirt road passes behind the utility pole (SNET 195) in the "grass area" at the northeast corner of the site. This direct connection to Old Coventry Road should be eliminated. I have attached a screen shot from Google Earth Street View (October 2019) of the area in question.

Regards,  
Joe



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**From:** Joseph M. Dillon, P.E. [mailto:jdillon@nlja.com]  
**Sent:** Tuesday, February 02, 2021 3:54 PM  
**To:** Carson, Patrice <pcarson@boltonct.org>  
**Subject:** Happy Town Review

Patrice,

Attached is my review letter for the Happy Town application.

Thanks,  
Joe



February 2, 2021

Ms. Patrice Carson, AICP  
Director of Community Development  
Town Office Building  
222 Bolton Center Road  
Bolton, CT 06043

Re: Happy Town, LLC  
1225 Boston Turnpike  
Site Plan Review           NLJA #0968-0045

Dear Ms. Carson:

As requested, we have reviewed the following information received for the subject project at our office through January 11, 2021:

Item 1: Drawing entitled "Proposed Concept Plan Improvement Location Survey prepared for Happy Town, LLC, Lot 1, Boston Turnpike Associates, LLC Subdivision, 1225 Boston Turnpike, Bolton, Connecticut", scale: 1" = 40', dated 05-04-20, last revised 12-28-20, prepared by Richard F. Mihok, P.E.

Item 2: Bolton Planning and Zoning Commission Application for Special Permit, Site Plan Review or Modification of a Previously Approved Application, dated 12/30/20, accompanied by Statement of Use and List of Properties within 500 Feet.

Item 3: Report entitled "On-Site Soil Investigation & Wetland Delineation Report", dated November 11, 2020, prepared by REMA Ecological Services, LLC.

The subject application proposes for two tenants to occupy the site. One tenant will grow nursery stock along with the processing of logs for firewood and wood chips. The second tenant will provide landscaping services along with the growing of nursery stock and processing logs for firewood, heating product, lumber, and timber building materials.

We have the following comments:

1. Referral should be made to the Bolton Lakes Regional Water Pollution Authority to determine if the allotted Equivalent Dwelling Units (EDU's) for the property are sufficient for the proposed use.
2. Referral should be made to the Connecticut Department of Energy and Environmental Protection to determine if a General Permit registration would be required for the wood processing operations.

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**Nathan L. Jacobson & Associates, Inc.**  
Nathan L. Jacobson & Associates, P.C. (NY)  
86 Main Street P.O. Box 337 Chester, Connecticut 06412-0337  
Tel 860.526.9591 Fax 860.526.5416

Consulting Civil and Environmental Engineers Since 1972





Ms. Patrice Carson, AICP  
Director of Community Development  
Re: Happy Town, LLC  
1225 Boston Turnpike  
Site Plan Review  
NLJ #0968-0045

February 2, 2021  
Page 2 of 2

3. The location of the sanitary sewer duplex grinder pump and curb stop should be identified on the Site Plan.
4. The limits for the storage areas for the processed materials should be clearly shown on the Site Plan. Additionally, details should be provided as to the methods of containment.
5. Section 15D. of the Bolton Zoning Regulations states “All parking areas consisting of greater than five spaces shall be provided with an asphalt or bituminous paved, all-weather surface or other dust free, structurally suitable, stable material as approved by the Commission and suitable sub-base throughout their entirety.” The regulations also states “Notwithstanding the above, the Commission may waive certain requirements of this section as appropriate to implement the Low Impact Development requirements of Section 16A.2.1 Stormwater Management, and the flexible design standards set down in Section 15.P, Waivers and Exceptions.” The application should state whether it intends to request a waiver from this regulation.

Should you have any questions, please feel free to contact our office.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'J.M. Dillon'.

Joseph M. Dillon, P.E.

JMD:jmd

cc: James Rupert  
Barbara Kelly  
File

**From:** Rupert, Jim  
**Sent:** Wednesday, February 03, 2021 4:36 PM  
**To:** Carson, Patrice <pcarson@boltonct.org>  
**Subject:** 1225 boston tpke

Patrice,

I have reviewed the plans for 1225 Boston Turnpike from the Zoning perspective as well as from the Fire Marshal perspective and have the following comments.

- 01>All outside storage areas should be depicted on the site plan including but not limited to outside storage south of the Shamrock Building, log piles and wood chip storage.
- 02>Please provide the pre and post development impervious and lot coverage areas.
- 03>Will there be any changes or additions to lighting?
- 04>Are there any additions or changes to signage proposed?
- 05>There do not appear to be any dumpsters or a dumpster enclosure depicted on the plan. How will trash be managed on the site?
- 06>Is a permit required from CT DEEP for dumping and storage of wood chips and logs?
- 07>Will there be any equipment or vehicle repairs taking place on the site?
- 08>The drive aisles were adjusted to allow for the turn radius on our largest fire truck.
- 09>Log and chip storage should be a minimum of 25 feet from any structure and there should be 25 feet between the log and chip piles to allow for firefighting activities.
- 10>No smoking signs should be posted and observed in the areas where log and chip storage occur.
- 11>There should be a written plan approved by the Fire Marshal to wet down chips weekly during dry weather.
- 12>NFPA 230 may be consulted as a guide for log and wood chip storage.
- 13>Will there be any flammable or combustible liquids stored on the property? If so there should be a written plan approved by the Fire Marshal for that storage.
- 14>Are there any refueling operations planned to take place on the property? If so there should be a written plan approved by the Fire Marshal for that operation.

Respectfully submitted,

James Rupert

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**From:** Kelly, Barbara  
**Sent:** Wednesday, February 03, 2021 1:18 PM  
**To:** Carson, Patrice <pcarson@boltonct.org>  
**Subject:** FW: 1225 Boston Turnpike

Hi Patrice,

The IWC minutes, which were forwarded to the Applicant (below) reflect some of the items to be addressed before the next IWC meeting on February 23<sup>rd</sup>. To provide orientation for my comments, please refer to the attached site plan with notes in red and a recent aerial photo.

- Use of the property in and near the wetlands requires clarification.
- Stormwater in general, and run off from the gravel lot into the wetlands in particular, should be addressed.

- The eastern portion of the southern property line is not obviously marked.
  - In what appears to be a (non-wetlands) tradeoff, the log stack extends onto the property to the south and the haying on the property to the south appears to extend north onto the 1225 property.
  - However, the wood chip berm south of the concrete bunkers is off the property and is located in the wetlands and regulated area. This will require resolution.

Please let me know if you have any questions.

Take care,

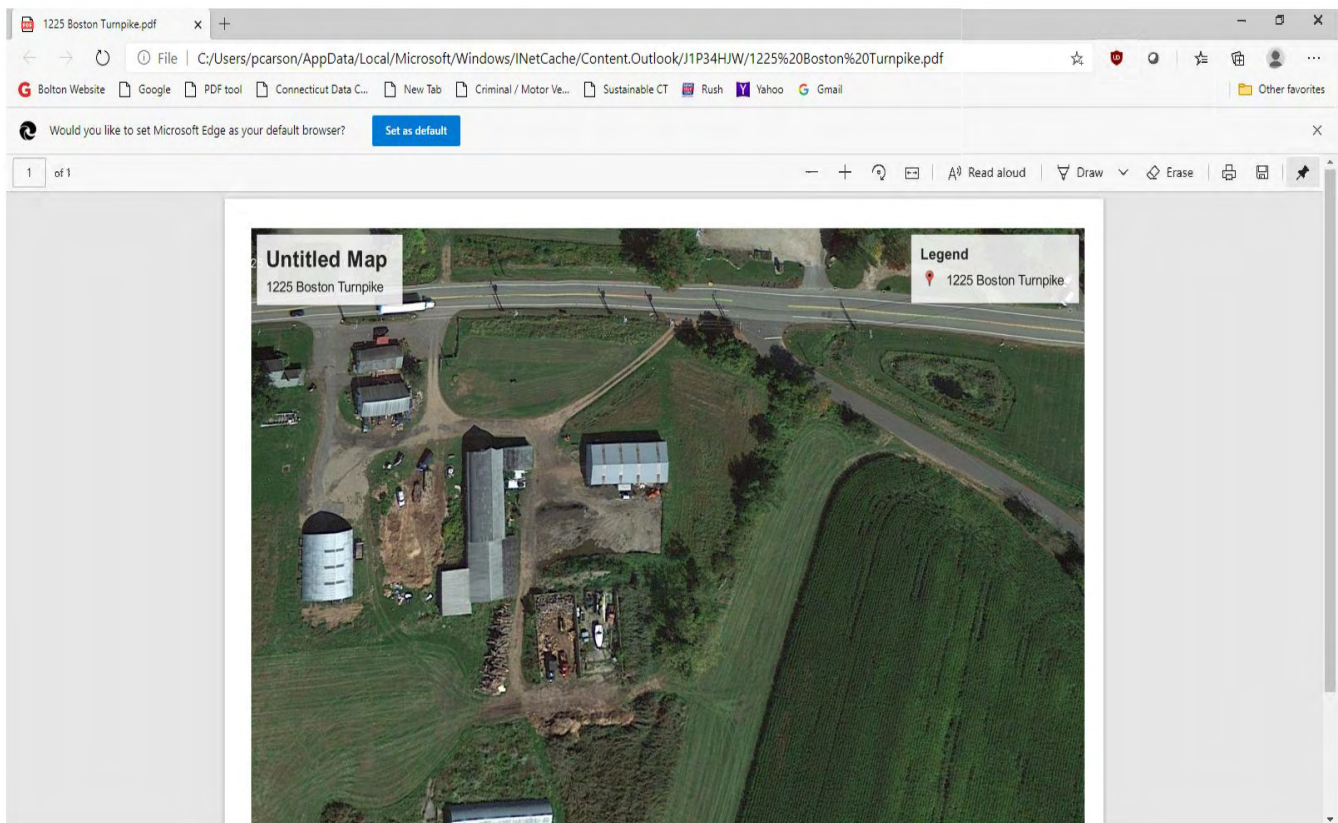
BK

Barbara Kelly, Agent

Inland Wetlands Commission

Town of Bolton

860.649.8066, x6113



**From:** Kelly, Barbara  
**Sent:** Wednesday, February 03, 2021 12:31 PM  
**To:** 'stpenny@pbolaw.com' <[stpenny@pbolaw.com](mailto:stpenny@pbolaw.com)>; 'rema8@aol.com' <[rema8@aol.com](mailto:rema8@aol.com)>  
**Subject:** 1225 Boston Turnpike

Hi Steve and George,

The draft minutes from last Tuesday's Inland Wetlands discussion of the 1225 Boston Turnpike application are copied below. The Commission is looking forward to your answers and comments at the February 23<sup>rd</sup> meeting.

Please let me know if you have any questions.

Take care,  
BK  
Barbara Kelly, Agent  
Inland Wetlands Commission  
Town of Bolton  
860.649.8066, x6113

Staff spoke to this matter. There is a copy of the plan and wetlands soil report in the packet. The proposal is for two existing tree businesses to use some of the structures and land on the property to house equipment, stage logs, and wood chips.

Lally asked if the businesses are processing or making the chips on site? Staff replied she believes the chips are brought in and out. It is unknown what is taking place inside the buildings. Staff and IWC will prepare questions about the operations to Attorney Penny and the applicant.

Staff shared an overview of the site. There are wetlands on-site along the property line and wetlands just off the property. Drainage from the site crosses the lot with discharge into the offsite wetlands. A privacy fence is proposed that is in the wetlands providing screening as required by the PZC. Over the property line is a berm, pieces of dumped concrete, and old Christmas trees. One of the tree businesses created the berm. The tree businesses are tenants of the property owner. The attorney said this can be resolved if Staff puts the violation in writing to the applicant. Hopefully the remediation can be resolved cooperatively.

Questions for the applicant include:

What are they planning to do on the property and what is the proposed infrastructure to support the activity?

What will be stored on the property?

What is occurring on the property and what is being done in relation to the wetlands?

How is the applicant going to manage stormwater runoff?

How is the impact to the wetlands going to be mitigated?

What is being processed on-site?

How is the pile of junk over the berm going to be resolved?

The plan is lacking in detail. The 100' upland review limit should be shown. A gravel area is not shown as such. The applicant needs to put the appropriate information on the plan; Staff should not be doing this. This matter needs to also go to the PZC for review.

Thank you for preparing these. They are attached as marked up with my preferences. I would prefer not to have C3 or C6, but I don't see how such provisions can be avoided and still achieve the purpose of the regulation. I think there could be two ADU per lot and meet D3. The original text highlighted in yellow does nothing to further the purpose of the regulation. I don't see why ADU can't be built in new or added later. The purpose of C4 will be effected by the Public Health Code. I have routinely parked 4 cars at my house without paving and without screening, so I see no need for C7. The change to D2 is for consistency with C2. The last clause in D6 is confusing and redundant. The building code will control.

*Thomas A. Manning*

## Draft for Discussion at PZC Meeting January 13, 2021

### Accessory Dwelling Units (ADUs) Overview

At most two ADU are allowed per lot and the minimum occupancy or rental term shall be 180 days.

- The property owner must occupy either the principal dwelling unit or the ADU as their principal place of residence.
- ~~The principal dwelling unit must have been constructed ? or more years prior to the date of application for a building permit to create an ADU.~~
- A Determination Letter granting pre-approval of the ADU must be received by the Land Use Office and an annual affidavit must be filed with the Land Use Office, attesting to the continued owner occupancy of the property.
- The ADU size shall be:
  - **Internal or Detached Unit:** a minimum of 250 sq. ft. and not more than 750 sq. ft. or 35% of the total building size of the structure, whichever is less; or ~~up to 1,000 sq. ft. by special permit.~~

each

in total

more

### REGULATION

#### X.X.X. Accessory Dwelling Units (ADUs)

A. Intent. Accessory Dwelling Units or ADUs are an allowed accessory use where they are, by design, clearly subordinate to the principal dwelling unit, meeting the requirements of the following section.

A. ADUs are intended to advance the following:

1. Diversify housing choices in the Town while respecting the residential character and scale of existing neighborhoods;
2. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;
3. Create more housing units with minimal adverse effects on Bolton's neighborhoods;
4. Provide flexibility for families as their needs change over time and, in particular, provide options for seniors to be able to stay in their homes and for households with disabled persons; and
5. Preserve historic buildings, particularly historic carriage houses and barns.

B. Accessory Dwelling Unit (Definition). A separate dwelling unit located within a Single-Family or a Two-Family dwelling, or within a detached building located on the same lot as a Single-Family or a Two-Family, as an accessory and subordinate use to the primary residential use of the property, provided that such separate dwelling unit has been established pursuant to the provisions of the Bolton Zoning Regulations and Building Codes.

### C. Rules for All Accessory Dwelling Units (ADUs)

1. No ADU shall be held in separate ownership from the principal structure/ dwelling unit;
2. No more than **two (2)** ADU shall be allowed per lot;
3. The property owner must occupy either the principal dwelling unit or tl
- ~~4. The total combined number of individuals residing in the principal and ADU may not exceed the number allowed in the principal dwelling unit alone;~~
- ~~5. The principal dwelling unit must have been constructed ? or more years prior to the date of application for a permit to construct an accessory apartment as evidenced by a certificate of occupancy for the original construction of the dwelling or, where no certificate is available, the owner provides other evidence of lawful occupancy of the existing dwelling on or before a date at least ? years prior to the date of application, except by special permit;~~
6. Where the ADU or the principal dwelling is occupied as a rental unit, the minimum occupancy or rental term shall be **180** days;
7. No additional parking is required for the ADU. ~~If parking for the ADU is added,~~ however, screening is required sufficient to minimize the visual impact on abutters, such as ~~evergreen or dense deciduous plantings, walls, fences, or a combination;~~
8. Once a Certificate of Occupancy is issued the property address will be added to a master list of ADUs and the Assessor's Office shall be notified;
9. When ownership of the property changes, the new property owner shall notify the Land Use Office within 30 days, at which time the Building Department may conduct a determination of compliance with this Section; and
10. The property owner shall file with the Land Use Office a sworn certification attesting to continued compliance with the requirements of this Section and all applicable public safety codes. Such certification shall be filed annually on the first business day of January or upon transfer to a new owner as provided above, and the property may be subject to inspection.

### D. Rules for Internal and Detached ADUs

1. An internal ADU is allowed by right as a use accessory to a Single Family Dwelling **or** a Two-Family Dwelling.

**2. An ADU shall be a minimum of 250 square feet. The total area of ADU shall be at most 750 square feet or 35% of the total Habitable Area on the lot, whichever is more.**

3. Exterior alterations to an existing structure or existing accessory structure, or the creation of a new accessory structure are permitted provided they are in keeping with the architectural integrity of the structure, and the look, character and scale of the surrounding neighborhood as viewed from the street, including, but not limited to, the following considerations:

a. The exterior finish material should be the same or visually consistent in type, size, and placement, as the exterior finish material of the remainder of the building;

- b. The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;
  - c. Trim should be consistent in type, size, and location as the trim used on the remainder of the building;
  - d. Windows should be consistent with those of the remainder of the building in proportion and orientation;
  - e. Exterior staircases should be designed to minimize visual intrusion and be complementary to the existing building;
4. Only one entrance may be located on the facade of the building facing a street unless the building had additional street-facing entrances before the ADU was created.
  5. A Detached ADU must be at least six (6) feet from the principal dwelling unit on the site.
  6. A Detached ADU must meet the setback requirements of the principal dwelling unit, as well as floor area and other applicable dimensional controls as required by the Zoning Regulations.