

BOLTON PLANNING & ZONING COMMISSION
Regular Meeting
7:30 p.m., Wednesday, September 8, 2021
Virtual Meeting utilizing Zoom
Minutes & Motions

RECEIVED
SEP 14 2021
Town Clerk of Bolton

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

Members Excused: Benjamin Davies

Staff Present: Patrice Carson, AICP, Consulting Director of Community Development, Mike D'Amato, Interim Zoning Enforcement Officer

Others Present: Sandy Pierog, Dr. Christine Ilies

1. Call to Order: Chairman A. Teller called the meeting to order at 7:30 p.m. J. Flick was seated for B. Davies.

2. Approval of Minutes: August 11, 2021 Regular Meeting Minutes

J. Cropley moved to approve the minutes of the August 11, 2021 regular meeting as written. **C. Davey seconded.** Vote: 6-0-1 (Robbins). Motion passed.

3. Resident's Forum (Public Comment for items not on the agenda)

Dr. Christine Ilies, 1120 Boston Turnpike was present to discuss the common sign approved for the properties at 1100 Boston Turnpike. A "Unified Monument Sign" and its location was originally approved in 2017 by the town as a common sign for the three properties. When Dollar General made their application the sign was approved to be moved to their property which Dr. Ilies feels denies her of having her own sign. It was clarified that the original sign location was approved on Dr. Rosenlicht's property, not on property of Dr. Ilies. A. Teller said that Dr. Rosenlicht has control over his property and Dr. Ilies might need to take her issue up with him.

It was clarified that the public hearing took place during COVID and under the Governor's Executive Order which meant a sign posted on the property, in this case directly abutting Dr. Ilies property, served as notice. There was a public hearing and no one told the PZC that there was an issue with signage or common signage. It was suggested that Dr. Ilies might have some contractual or easement right to have a sign on Dr. Rosenlicht's property and therefore Dr. Ilies needs to deal with the person she has an agreement with. The easement that is filed with the town is for access and utilities and does not address the sign.

Dr. Ilies stated that the town approved the sign for the three properties. She brought the electricity in to the site and built the common driveway according to the plans, and has been landscaping the area ever since. Only one sign was approved for the three businesses and Dr. Ilies thought she had to wait until the other two businesses were approved to install the sign.

Dr. Ilies explained that four weeks ago she was contacted by Dr. Rosenlicht's lawyer asking her to sign an agreement within one week to agree to the sign relocation and giving her a 1/6th space

on the sign below the other properties signs. She was told that if she did not sign the agreement that she would not be able to use any space on the common sign. P. Carson said that the Zoning Regulations say that the Unified sign that was approved in both plans is for the three businesses so she is not sure how Dr. Ilies business can be kept off the sign.

Dr. Ilies did not understand why the sign was allowed to be moved to someone else's lot and now why would she want her sign on someone else's lot instead of in the easement – it did not make sense to her. It was explained that the same sign that was approved in the original application was also approved in the second application, on land owned by the same person, just in a different location and it was for the safety of truck traffic delivery.

Dr. Ilies said she waited to install a sign that she could have installed three years ago and feels like she was not informed about all the changes that would happen and the town approved something without her knowledge. A. Teller stated that was not quite true - she was informed by the sign on the property that there was an application pending on that property, and the application was available for review before the hearing. She does not own the property and the application included a request to move the sign and there was a public hearing. It would be up to her, an abutting property owner, to follow up to understand what is being applied for. The property owner in this case controlled all the property where the sign was located and requested to be relocated for safety reasons and the PZC approved his request. However, had the sign location issue been brought up at the public hearing the PZC could have dealt with it at that time, but at this point the PZC has no other control. Dr. Ilies might have separate agreements but the PZC has no control over those – they are between property owners. The PZC cannot control content of the sign and who gets what size on the sign. Since a common sign was approved, all three properties have rights to use it, but the PZC does not get involved in private landowner's agreements. The PZC enforces the regulations for the use and acts on the application that is before them at the time. The PZC only changed things on land owned by the property owner who was before them, not on Dr. Ilies' property.

T. Manning asked if the PZC can request the ZEO not to approve the sign application until the PZC has reviewed it? M. D'Amato explained that if a sign application is made and it is compliant, unless it requires a Special Permit where this is some flexibility for the PZC to review it and determine appropriateness, then it really has to be approved. The PZC cannot regulate the content of a sign which seems to be the concern. The PZC can regulate that the sign is a coordinated sign for the three businesses but not who gets how much of the sign; size, location and purpose is all the PZC has control over.

Dr. Ilies expressed that she did not think that the town would approve something different from what had been approved for the three businesses and was upset that that could happen. A. Teller explained that the PZC is only in control of the applications that are before them and in this case the property owner had control of the entire property where the sign was being located and the purpose of the sign, a directory for the three businesses, did not change. A. Fiano stated that the sign was asked to be moved for safety reasons for access and egress of larger vehicles, not as a promotion of one business over another.

A. Teller stated that he understood the issue and understood that Dr. Ilies felt she was not well-served by the public hearing, but the PZC did what they did based on what appeared to be safe. If she feels that it infringed on something she thought she was entitled to have then that is

between Dr. Ilies and Dr. Rosenlicht and whatever agreements were in place between them at the time. A. Teller said he appreciated Dr. Ilies coming to the meeting and her time, and wished she had come to public hearing where, at that time, something different might have been able to be worked out during the public hearing process that would have been more satisfactory, but the PZC cannot do that if people don't come to the public hearings and make their interests known.

4. Staff Reports:

P. Carson reported that she and Mike have been working on the Regulation amendments to address the Legislative Changes. They are also working with an intern to prepare an Affordable Housing Plan for the Town which the Selectmen and PZC will have some involvement with.

M. D'Amato reported that in addition to the Legislative changes he was getting up to speed with some of the in-progress enforcement issues that were pending, creating status points, reviewing the files and determining what the approach will be for each one. A. Teller asked about general enforcement actions and if anything has progressed. M. D'Amato said not at this point but will be following up on 17 Howard Road with a formal request to start a clock, and watching the Special Permit timeframes for 1225 Boston Turnpike.

5. Old Business:

a. Discussion: New Legislative Changes

The staff reviewed the recommended draft amendments to the Zoning Regulations to address the 2021 Legislative changes. The Commission discussed the draft and agreed to initiate an application to amend its regulations on the following to conform to the new statutory provisions:

Allow outdoor dining as an as of right accessory use to a restaurant:

- Amend Sections 3B.4.a. and 3B.4.f.
- Amend Sections 8A.2.c., 8B.2.c., 8C.2.c., and 9B.2.c. to add at the end “,unless these Regulations expressly allow a different review.”
- Amend Sections 8C.2.b.6. and 9B.2.b.4. to add at the end “per Section 3B.4.

Remove references to minimum floor area in certain circumstances:

- Amend Sections 11A. and 11B. to remove the minimum floor areas required.
- Amend Sections 11A., 11B. and 11C. to add footnote 4 “No dwelling unit shall be erected or created that does not comply with the minimum standards as set forth in all applicable Building, Housing and/or Health Codes.”

Allow Accessory Dwelling Units by right:

- Amend Section 2 to remove Accessory Apartment, rename and redefine Accessory Dwelling, and add ADU as a term.
- Amend Sections 6A.3 and 8C.2.a.4. to add ADU requirements.
- Amend Section 8C.2.b.13. to remove accessory apartments as a Special Use.

As a separate matter P. Carson questioned why Section 3.B4.d. required restaurants to have 30 seats. Commissioners stated it was probably to avoid allowing a taproom or bar to be operated under provisions intended for a restaurant. The concern is that 30 seats may be too many to allow a smaller café. The Commission decided to flag this section for a future discussion.

A. Teller moved for the Commission on its own application to present the draft regulations as just discussed with the amendments thereto and set a public hearing for Wednesday, October 13, 2021 at 7:45pm to be held remotely. **J. Cropley seconded.** Vote: 7-0-0. Motion passed.

b. Other: There was none.

6. New Business

a. Other: There was none.

7. Correspondence: There was none.

8. Adjournment:

J. Cropley moved to adjourn the meeting at 9:35pm. **A. Teller seconded.** Vote: 7-0-0. Motion passed.

Respectfully Submitted,

Patrice L. Carson

Patrice L. Carson, Recording Secretary

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

Bolton Planning & Zoning Commission
Notice of Public Hearing

The Bolton Planning & Zoning Commission will hold a Public Hearing on Wednesday, October 13, 2021 at 7:45pm virtually through Zoom (information to attend on the town Website), on amending the Zoning Regulations Sections 2, 3, 6, 8, 9, and 11 to comply with the 2021 Legislative changes regarding outdoor dining, minimum floor area, and ADUs (Accessory Dwelling Units).

Said proposal is on file in the Bolton Land Use Office or on the website at <https://town.boltonct.org/blog/post/zoning-regulation-amendments-for-pzc-october-13-2021-meeting>

All interested parties may attend virtually and testify or may submit written testimony.

Dated at Bolton, CT, this 15th day of September, 2021.

Adam Teller
P&Z Chairman

To be published in the *Hartford Courant* on October 1, 2021 and October 8, 2021

SECTION 2 - DEFINITIONS

For the purpose of these regulations, the following terms, phrases, words, and their derivations shall have the meaning given therein. When not inconsistent with the content, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Abutter - the owner of record of any property within 500 feet of the subject property of any application under these regulations.

~~Accessory Apartment - a subordinate apartment incidental to, and attached to, the principal dwelling on a lot.~~

Accessory Building or Structure - A building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building or on a contiguous lot under the same ownership. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the Bulk Regulations to such building.

~~Accessory Dwelling - a subordinate dwelling incidental to the principal dwelling on a lot.~~

Accessory Use - A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership.

Access-way - a paved or unpaved surface intended for a small amount of vehicle usage; a driveway.

ADU - See Dwelling, Accessory

Affordable Dwelling - A housing unit that will be conveyed by deed containing covenants or restrictions which shall require that, for a 40-year period after the initial occupation of the unit, such unit shall be sold or rented at or below prices which will preserve the unit as housing for which persons and families pay 30% or less of their annual income, where such income is less than 80% of the Median Income. Median Income shall be defined as the lesser of the State Median Income, or the Area Median Income for Bolton as determined by the U.S. Department of Housing and Urban Development, after adjustment for family size.

Agriculture - as defined in the State of Connecticut General Statutes Section 1 - 1 (q) as amended from time to time.

Alter, Alteration - As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions, or processes, or the extension into additional land or building area.

supplementary care for compensation to more than twelve (12) related or unrelated children, or any number of adults, outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week. "Day Care Center" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10-188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Day Care Center" includes "Child Day Care Center" as defined in Section 19a-77 of the Connecticut General Statutes, but does not include a "Family Day Care Home" or "Group Day Care Home" as defined in said Section.

Deck - a flat, open structure mounted to the ground surface by vertical posts or pilings, and intended for recreational purposes.

Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Disturbed Area - an area of land where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

Dock - a flat, open structure anchored to a lake or pond bottom by vertical posts or pilings, having one end abutting the ground above the surface of the water, and intended for recreational purposes.

Duplex - Same as "Dwelling, Two-Family".

Dwelling - a building designed or used as the living quarters for one or more families.

Dwelling, Accessory - a subordinate dwelling or apartment incidental to the principal dwelling on a lot either attached or detached.

Dwelling, Multiple or Multifamily - a residential building containing three or more dwelling units, including Townhouse Dwellings.

Dwelling, Single Family - a residential building containing only one dwelling unit.

Dwelling, Townhouse - A multifamily dwelling that contains three (3) or more dwelling units that are attached by a common or shared wall, and in which each dwelling unit extends from the foundation to the roof and has vacant land on at least two (2) sides.

Dwelling, Two Family - a residential building containing only two dwelling units.

Dwelling Complex, Multiple - one or more principal buildings designed for use as multiple dwellings, plus related facilities, all erected on a single tract of land.

Dwelling Unit - a building or portion thereof which is arranged to be occupied as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

- 3B3.e.1 Mobile food vendors within Town property or in Town rights of way are authorized by Ordinance by the Board of Selectmen regulated by the Health District and are not regulated by the Planning & Zoning Commission.
- 3B3.e.2 Mobile food vendors associated with Special Community-wide Events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization.
- 3B3.e.2.1 The Zoning Enforcement Officer may issue food vending permits in any zoning district in connection with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization subject to the same requirements as set down in Section 3B3.a.3, 3B3.a.5, 3B3.a.6, 3B3.a.7, 3B3.a.8, and 3B3.a.10, except that no bonds shall be required.
- 3B3.e.3 Mobile Food Vendors associated with special grand-opening events or special seasonal sales events.
- 3B3.e.3.1 The Zoning Enforcement Officer may issue food vending permits in GB, NB, or I zoning districts in connection with grand opening events, or special seasonal sales events (no more than 3 per year) for periods up to 5 days in duration for each event, and subject to the requirements of Section 3B3.a.3, 3B3.a.4, 3B3.a.5, 3B3.a.6, 3B3.a.7 (without bond), 3B3.a.8, 3B3.a.9, and 3B3.a.10.
- 3B3.e.4 Mobile Food Vendors on Vacant Lots
- 3B3.e.4.1 The Zoning Enforcement Officer may issue food vending permits in GB & I zoning districts on vacant lots for periods up to thirty (30) days in duration, subject to the requirements of Section 3B3.a.1 through 3B3.a.10.
- 3B3.e.4.1.1 Mobile food vendors shall not be allowed on a property within 1000 feet of the property line of a property containing a permanent eating establishment or an establishment that sells alcoholic beverages for on-premises consumption.

3B.4 Restaurants

- 3B4.a. Food service shall be primarily to customers seated at tables or at counters within an enclosed building. ~~There shall be no outdoor dining seating or eating shall be allowed, provided, however, that the Commission may permit outdoor café service~~ as an accessory use to a restaurant where the applicant establishes that adequate provisions have been made for litter, public health, insect/pest control, noise and crowd control, unauthorized access or use, safe and adequate access/egress for pedestrians/vehicles, and where the site is suitable for such accessory outdoor café service. An outdoor dining use as an accessory use to a restaurant shall require an application for a Zoning Permit, which shall include a narrative of information regarding the outdoor dining use including a plan of the area to be used, how it will be set up and protected, an adequate parking plan, and other relevant information required by the Zoning Enforcement Officer about the use. The Zoning Permit shall be submitted to the Zoning Enforcement Officer for their action.

5. The control of litter shall be the sole and exclusive responsibility of the owner/operator of the "fast food" restaurant which generated it, and adequate provisions shall be made for its containment, recovery, and removal from the site and from any surrounding properties where it may be found. This obligation shall be secured by a cash bond to be posted with the Commission, the size of which shall be determined by the Commission based on the size and anticipated volume of off-site consumption of food. Further, violation of this provision shall be considered a violation of these Regulations, and shall subject the owner/operator to those penalties set forth in these Regulations and the Connecticut General Statutes.

3B.4.f. Any ~~o~~Outdoor ~~d~~Dining that has not been the subject of a zoning enforcement action or nuisance activity report as of November 30, 2021, which is operating with a permit issued pursuant to 2020 Gubernatorial Executive Order 7MM, or any extension or amendment or reissuance thereof shall be permitted to continue to operate pursuant to that permit. ~~until November 30, 2021, provided that such extension shall not be interpreted to create any nonconforming right, and further provided that the operation of the Outdoor Dining between the date of the suspension of the State's declared state of emergency and November 30, 2021 shall be deemed to be a complete and total waiver of any claim of nonconforming rights under any local, state, or federal legal activity.~~

~~The Zoning Enforcement Officer (ZEO) shall be authorized to suspend and/or terminate any such permit issued under the Executive Order upon a finding that weather or other change of conditions at a particular site constitute a nuisance or a risk to health and safety.~~

The amendment of this Section 3B4.f. was approved on September 23, 2020.

- 3B.5 Hotel/Motel. Each hotel/ motel shall comply with the following requirements:
- 3B5.a. The Commission may require or permit that a hotel/ motel have a separate dwelling unit with adequate living space for a resident manager to provide for full-time supervision of the facility.
 - 3B5.b. The maximum number of rooms permitted on a lot shall be determined as follows: 4,000 square feet of land per room if all rooms are on one (1) floor; 2,500 square feet per room if rooms are on two (2) or more floors.
 - 3B5.c. Each room shall have a minimum livable floor area of two hundred seventy-five (275) square feet or, alternatively, two hundred twenty-five (225) square feet for fifty (50%) percent of the rooms provided the remaining fifty (50%) percent contain a minimum of three hundred twenty-five (325) square feet.
 - 3B5.d. The site shall be served by public water and sewer, or, alternatively, the application for Special Permit shall be accompanied by a written report from the Town Sanitarian indicating that the septic system and water supply (existing or proposed) are adequate for the size and intensity of the use proposed.
 - 3B5.e. The site shall be designed to allow safe and adequate access for guests, service vehicles, emergency vehicles and equipment, and safe pedestrian circulation.

SECTION 6 - RESIDENCE ZONES

6A. In ALL Residence zones, no building or land shall be used and no building or structure shall be erected or altered except for the following uses:

6A.1 Single family detached dwellings;

6A.2 Two-family dwellings in R-1 and R-2 zones subject to the following:

- a. both dwelling units shall be equal or nearly equal in floor area;
- b. the two-family dwelling shall maintain the exterior appearance of a single family dwelling.

6A.3 Not more than one (1) ADU accessory ~~apartment within or attached to~~ a single-family detached dwelling, subject to a zoning permit, and ~~subject to~~ the following conditions:

- ~~a. the unshared portion of such accessory apartment shall not total more than thirty (30) percent of the total floor area of the existing dwelling, or 750 square feet, whichever is less;~~
- ~~b. such apartment shall contain not more than one bedroom;~~
- ~~a. e. — the principal dwelling shall be owner occupied at all times. The applicant shall provide a floor plan to demonstrate that separate cooking, bathing, restroom and sleeping facilities have been provided.~~
- ~~b. For detached units or units which will result in an expansion of the structure's footprint, a site plan shall be provided to demonstrate compliance with all applicable bulk standards.~~
- ~~c. Only one ADU with a maximum of one bedroom shall be allowed per parcel.~~
- ~~d. The ADU shall not exceed 35% of the total of the above ground floor area of the primary dwelling and shall not exceed 900 square feet.~~
- ~~e. The applicant shall submit a site plan to demonstrate that two (2) parking spaces for the primary dwelling and one (1) parking space for the ADU will be provided.~~
- ~~f. An ADU shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.~~
- ~~g. No such unit shall be rented for a period of less than 6 months.~~
- ~~h. A new driveway curb cut to serve the principal unit or ADU shall not be permitted.~~
- ~~i. Design and construction should be consistent with the primary dwelling.~~

15. Motion Picture or Live Theater, subject to Section 8G
16. Newspaper printing and job printing
17. Mortuaries / Funeral Homes
18. Motor Vehicle Gasoline Station, subject to the Special Regulations of Section 3B.1 of these Regulations
19. New and Used Car Sales, subject to the Special Regulations of Section 3B.2 of these Regulations
20. Motor Vehicle Service and Repair (General and Limited), subject to the Special Regulations of Section 3B.1 of these Regulations
21. Child Day Care Centers
22. Wholesale sales, sample room for such commodities as furniture, hardware, appliances, and other household goods.
23. Candy manufacturing, with retail sales.
24. Driving ranges and miniature golf courses
25. Any Light Manufacturing, subject also to the Additional Conditions set forth in Section 8A.3. (effective 12/01/17)

8A.2.c. Accessory Uses: Accessory uses, as defined in these Regulations, may be permitted subject to the same type of review (Certificate of Zoning Compliance, Site Plan Review, or Special Permit) as the use to which it is accessory, unless these Regulations expressly allow a different review.

8A.3. Additional Conditions:

8A.3.a. Not more than four (4) persons shall be engaged in making goods to be sold, except that up to ten (10) persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.

8A.3.b. All Principal uses shall be conducted in a completely enclosed building (except for Open Lot Sales Operations) subject to the following conditions:

1. Selected merchandise may be displayed in an area depicted on a site plan approved by the Commission in accordance with Sections 16A or 16B.
2. There shall be no display or storage of goods or products within any minimum required yard for the General Business Zone.

8A.3.c. Permanent storage or display of materials, vehicles, merchandise or equipment between the street line and the building line is prohibited.

8A.3.d. Any Light Manufacturing use approved per Section 8A.2.b.25. above, shall require the approval of a Site Plan and Special Permit, pursuant to Section 16 of the Regulations, and the following additional conditions shall apply:

1. Design/Operational Standards:

- a. Notwithstanding the provisions of Section 8A.3.a. to the contrary, not more than 150 employees shall be engaged in the Light Manufacturing use upon the premises provided the applicant demonstrates, via a baseline traffic analysis, that the proposed number of employees will not cause undue congestion or adverse impact on traffic in the surrounding area. For purposes of this subsection, a baseline traffic analysis shall measure the existing background traffic at the time application is made for a Special

8B.2.a. Permitted by Site Plan Review. Uses and use categories permitted as a matter of right subject to Site Plan Review by the Planning and Zoning Commission in accordance with Section 16A of these Regulations and all requirements of the NB Zone and any applicable provisions of these Regulations:

1. Public Utility Building or Substation
2. State or Town operated public commuter parking lots.
3. Municipal facilities of the Town of Bolton
4. Farm stands pursuant to Section 3B3.c.1 and farmer's markets pursuant to Section 3B3.c.2.

8B.2.b. Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the NB Zone and any applicable provisions of these Regulations:

1. Grocery Store
2. Drug Store
3. Beauty Salon / Barber Shop
4. Business or Professional Office
5. Studio (photographic, graphic arts, crafts)
6. Retail Shop
7. Personal and Business Services
8. Restaurants, Full Service, per Section 3B.4
9. Restaurants, Take-out, per Section 3B.4
10. Package Stores
11. Bank / financial institution
12. Bed and Breakfast up to 6 rooms
13. Mortuaries / Funeral Homes
14. Motor Vehicle Gasoline Station, subject to the Special Regulations of Section 3B.1 of these Regulations
15. Motor Vehicle Service and Repair (General and Limited), subject to the Special Regulations of Section 3B.1 of these Regulations
16. Child Day Care Centers
17. Light Manufacturing subject also to the Additional Conditions set forth in Section 8B.3.
(effective 05/13/12)

8B.2.c. Accessory Uses: Accessory uses, as defined in these Regulations, may be permitted subject to the same type of review (Certificate of Zoning Compliance, Site Plan Review, or Special Permit) as the use to which it is accessory, unless these Regulations expressly allow a different review.

8B.3. Additional Conditions:

8B.3.a. Not more than four (4) persons shall be engaged in making goods to be sold, except that up to ten (10) persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.

8B.3.b. All Principal uses shall be conducted in a completely enclosed building (except for Open Lot Sales Operations) subject to the following conditions:

- 8B.4. Signage: Business signs visible from the exterior of a building shall be subject to the requirements of Section 18 (Signage).
- 8B.5. Lighting. See 3A.20. of these Regulations.
- 8B.6. Adult Oriented Establishments: Adult-oriented establishments, as described in the Town of Bolton Ordinance entitled "Adult-Oriented Establishments" as may be amended from time to time, are prohibited in the Neighborhood Commercial Zone.
- 8B.7. Use Variances: The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the Neighborhood Business zone if such uses are not otherwise allowed in the Neighborhood Business zone.
- 8C. Rural Mixed Use Zone (RMUZ)
- 8C.1. Purpose. The principal purpose of the Rural Mixed Use Zone (RMUZ) is to encourage and produce quality, sustainable development in discrete nodes based on village style design standards referred to herein as Unified Village-style Developments. Sustainable development preserves or enhances surface and groundwater quality along the corridor, especially within aquifer protection areas and water supply watersheds by employing Low Impact Development ("LID") measures; mitigates traffic impacts by consolidating access points, creating shared parking, creating flexible parking standards, and by allowing uses which are in keeping with the scale and character of the corridor; and by creating mixed use opportunities which address Bolton's housing , retail, and service needs within village settings.
- 8C.2. Permitted Uses and Use Categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by Site Plan Review and Special Permit uses, subject to such standards and conditions which may be required by these Regulations. See the definition, where applicable, for any use or term in Section 2.
- 8C.2.a. Permitted by Site Plan Review. Uses and use categories permitted as a matter of right subject to Site Plan Review by the Planning and Zoning Commission in accordance with Section 16A of these Regulations and all requirements of the RMUZ and any applicable provisions of these Regulations:
1. Public Utility Building or Substation
 2. State or Town operated public commuter parking lots.
 3. Seasonal Commercial Agricultural Uses (i.e., farm stand, farmer's market), in accordance with Section 3B.3c of these regulations.
 4. ADU's, subject to the following conditions:
 - a. The applicant shall provide a floor plan to demonstrate that separate cooking, bathing, restroom and sleeping facilities have been provided.
 - b. For detached units or units which will result in an expansion of the structure's footprint, a site plan shall be provided to demonstrate compliance with all applicable bulk standards.
 - c. Only one ADU with a maximum of one bedroom shall be allowed per parcel.
 - d. The ADU shall not exceed 35% of the total of the above ground floor area of the primary dwelling and shall not exceed 900 square feet.

- e. The applicant shall submit a site plan to demonstrate that two (2) parking spaces for the primary dwelling and one (1) parking space for the ADU will be provided.
- f. An ADU shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
- g. No such unit shall be rented for a period of less than six (6) months.
- h. A new driveway curb cut to serve the principal unit or ADU shall not be permitted.
- i. Design and construction should be consistent with the primary dwelling.

3. _____

8C.2.b. Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the RMUZ and any applicable provisions of these Regulations:

1. Business or Professional Office
2. Studios (photographic, graphic, crafts)
3. Retail Shop
4. Bakery
5. Personal / Business services
6. Restaurants, Take-out, with outdoor seating, [including ice cream and desserts] per Section 3B.4
7. Taverns & Inns
8. Package Stores
9. Bank / Financial Institution
10. Hotel / motel / B&B
11. Motor Vehicle Gas Station
12. Mini-golf
13. ~~Single family homes and accessory apartments~~, solely located on a lot for which a CO has been issued for one or more of the foregoing uses.
14. Museums / art studios / galleries
15. Home occupations
16. House of worship
17. Nursery (agricultural)
18. Outdoor and indoor recreational facilities
19. Value added agribusiness and forestry uses (processing and sale)
20. Mixed Use
21. Child and adult day care
22. Multi-family residences on the upper floors above first-floor commercial uses and including at least 20% Affordable Dwellings

8C.2.c. Accessory Uses: Accessory uses, as defined in these Regulations, may be permitted subject to the same type of review (Certificate of Zoning Compliance, Site Plan Review, or Special Permit) as the use to which it is accessory, unless these Regulations expressly allow a different review.

8C.2.d. Prohibited Uses.

1. Residential uses, as that term is used in Connecticut General Statutes Section 8-30g(g), and that term has been construed by the Connecticut Courts, except where authorized by Section 7B, Incentive Housing Overlay Zone (IHOZ), if adopted, and except where authorized under section 8C.2.b.

- 9A4. Lighting. See 3A.20 of these Regulations.
- 9A.5. Use Variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the Industrial Zone if such uses are not otherwise allowed in the Industrial zone.
- 9B Gateway Mixed Use Industrial Zone (GMUIZ)
- 9B.1 Purposes. The principal purpose of the GMUIZ is to encourage and produce quality, sustainable development in discrete nodes based on village style design standards, referred to herein as Unified Village-style Developments. Sustainable development preserves or enhances surface and groundwater quality along the corridor, especially within aquifer protection areas and water supply watersheds by employing Low Impact Development ("LID") measures; mitigates traffic impacts by consolidating access points, creating shared parking, creating flexible parking standards, and by allowing uses which are in keeping with the scale and character of the corridor; and by creating mixed use opportunities which address Bolton's housing, retail, and service needs within village settings.
- 9B.2. Permitted Uses and Use Categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by Site Plan Review and Special Permit uses, subject to such standards and conditions which may be required by these Regulations. See the definition, where applicable, for any use or term in Section 2.
- 9B2a Permitted by Site Plan Review. Uses and use categories permitted as a matter of right subject to Site Plan Review by the Planning and Zoning Commission in accordance with Section 16A of these Regulations, and all requirements of the GMUIZ and any applicable provisions of these Regulations:
1. Public Utility Building or Substation.
 2. State or Town operated public commuter parking lots.
 3. Seasonal Commercial Agricultural Uses (i.e., farm stand, farmers market), in accordance with Section 3B.3c of these Regulations.
- 9B2.b Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the GMUIZ and any applicable provisions of these Regulations:
1. Taverns and Inns
 2. Studios and specialty shops, i.e. tea, crafts, etc
 3. Take out dining - drive-thru permitted only in business zones (except NB) (*effective December 1, 2015*)
 4. Restaurants / Banquet facilities with indoor and outdoor seated dining, per Section 3B.4
 5. Museums
 6. Art studios/ galleries
 7. Finance, insurance, real estate
 8. Service uses

9. Retail Shops (see Note 1)
10. Bakery
11. Personal / business services
12. Barber/ Salon
13. Cinema with or without accessory tavern or restaurant
14. Grocery / Convenience (See Note 1)
15. Package Stores
16. Bank / Financial Institutions
17. Hotel / motel / B&B
18. Motor Vehicle Service & Repair (see Note 2)
19. New and Used Car Sales (see Note 2)
20. Outdoor and indoor recreational facilities
21. Fitness Center
22. Driving ranges / mini golf
23. Manufacturing or processing of goods (see Note 2)
24. Manufacturing or assembly of outdoor recreation goods
25. Warehouse / freight terminal
26. Professional Offices
27. Telecommunications facilities
28. Veterinary hospital / veterinary emergency care
29. Lawn and garden equipment sales with accessory small engine repair
30. Child and adult day care
31. Community theatre/playhouse
32. Home occupations
33. Mixed Uses
34. Multi-family residences on the upper floors above first-floor commercial uses and including at least 20% affordable dwellings

Notes:

1. -See building coverage requirements and limitations for retail uses in Section 9B.7.d.
2. Such use is permitted to continue, and may by Special Permit be altered or expanded on the same lot or contiguous lots under the same ownership or control if existing in the Town as of the effective date of this section.

9B.2.c Accessory Uses. Accessory uses, as defined in these Regulations, may be permitted subject to the same type of review (Certificate of Zoning Compliance, Site Plan Review, or Special Permit) as the use to which it is accessory, unless these Regulations expressly allow a different review.

9.B.2.d Prohibited Uses.

1. Residential uses, as that term is used in Connecticut General Statutes Section 8-30g(g), and that term has been construed by the Connecticut Courts, except where authorized by Section 7B, Incentive Housing Overlay Zone, if adopted.
2. Motor Vehicle Services and Repair (See Note 2, above)
3. New and Use Car Sales (See Note 2, above)
4. Manufacturing or Processing of Goods (See Note 2, above)

9B.3 Additional Conditions

SECTION 11 - DIMENSIONAL REQUIREMENTS

A. The following standards shall be required for single family dwellings and associated accessory uses and structures within Residence Zones, except as expressly permitted by Sections 6A.13, 6A.14, 7C, 7D, and 11D, respectively, of these Regulations:

Zone	Min. Lot (Sq. Ft.)	Min. Lot Frontage (Ft.) ¹	Min. Front Yard (Ft.)	Min. Side Yard (Ft.) ²	Min. Rear Yard (Ft.)
R - 1	40,000	200	35	25	40
R - 2	40,000	200	35	25	40
R - 3	22,500	150	35	10	30

Zone	Maximum Building Height (Feet) ³	Minimum Dwelling Unit Floor Area (Square Feet) ⁴	Maximum Lot Coverage (%)	Maximum Impervious Coverage (%)
R - 1	35 (or 2.5 stories)	--- One-story: 1000 Others: 810 (Foundation)	15	20
R - 2	35 (or 2.5 stories)	--- One-story: 1000 Others: 810 (Foundation) 1200 (Total)	15	20
R - 3	30 (or 2.5 stories)	--- One-story: 810 Others: 1000	15	20

¹For a corner lot, this requirement must be satisfied along one existing public street.

²For any side yard that abuts an existing or future public street the minimum side yard shall be equal to the minimum front yard required for the zone.

³Whichever is less, the height in feet or the number of stories.

⁴No dwelling unit shall be erected or created that does not comply with the minimum standards as set forth in all applicable Building, Housing and/or Health Codes.

B. The following standards shall be required for all two-family dwellings and associated accessory uses and structures within Residence Zones, except as expressly permitted by Sections 6A.13, 6A.14, 7C, 7D, and 11D, respectively, of these Regulations:

Zone	Min. Lot (Sq. Ft.)	Min. Lot Frontage (Ft.) ¹	Min. Front Yard (Ft.)	Min. Side Yard (Ft.) ²	Min. Rear Yard (Ft.)
R-1	60,000	300	35	40	40
R-2	60,000	300	35	40	40

Zone	Max. Bldg. Ht. (Ft.) ³	Min. Floor Per Dwelling Unit (Sq. Ft.) ⁴	Max. Lot Coverage (%)	Max. Imperv. Coverage (%)
R-1	35 (or 2.5 stories)	== One Story: 860;	15	20
R-2	35 (or 2.5 stories)	== One Story: 860	15	20

¹For a corner lot, this requirement must be satisfied along one existing public street.

²For any side yard that abuts an existing or future public street the minimum side yard shall be equal to the minimum front yard required for the zone.

³Whichever is less, the height in feet or the number of stories.

⁴No dwelling unit shall be erected or created that does not comply with the minimum standards as set forth in all applicable Building, Housing and/or Health Codes. Areas for heating equipment, garages, bay windows, outside vestibules and open porches shall not be included.

C. The following standards shall be required within Business (GB, NB, RMUZ) and Industrial (I & GMUIZ) zones

Zone	Min. Lot Area (Sq. Ft.)	Min. Lot Frontage (Ft.) ¹	Min. Front Yard (Ft.)	Min. Side Yard (Ft.) ²	Min. Rear Yard (Ft.)
GB	40,000	See § 11.J	35	See § 11.K	See § 11.K
NB	40,000	See § 11.J	35	See § 11.K	See § 11.K
I	40,000	200	35	30 but see § 11.M	10 but see § 11.M
GMUIZ	120,000	See § 11.J	See Build To Line requirement of §9B.78.a	See § 11.K	See § 11.K
RMUZ	80,000	See § 11.J	See Build To Line requirement of §8C.7.a.1	See § 11.K	See § 11.K

Zone	Max. Bldg. Ht. (Ft.) ³	Min. Floor Area (Sq. Ft.)	Max. Lot Coverage (%)	Max. Imperv. Coverage (%)
GB	40 (or 3 Stories)	600 (Grd. Flr.)	25	65
NB	35 (or 2.5 stories)	600 (Grd. Flr.)	20	50
I	45	1000(Grd. Flr.)	25	65
GMUIZ	40 (or 3 Stories)	600 (Grd. Flr.)	25 (See § 11.LN)	50 (See § 11.LN)
RMUZ	35 (or 2.5 stories)	600 (Grd. Flr.)	25 (See § 11.LN)	50 (See § 11.LN)

D. Accessory Buildings

Front and side yard requirements for accessory buildings shall be the same as for the principal building. In R-1 and R-2 zones, the minimum rear yard requirement for accessory buildings shall be twenty-five feet. In the R-3 zone, the minimum rear yard requirement for accessory buildings shall be ten feet.

In the R-1 and R-2 zones, including lots in Open Space Conservation Developments, one shed per property may be located as close as ten feet to a side or rear property line, provided that no principal building on the land adjacent to that property line is located within the minimum yard area along that property line. The front yard requirement

ZONING REFERRAL FORM



FOR: NOTIFICATION OF REFERRALS BY ZONING COMMISSIONS	
Please fill in, save a copy for your records and send with appropriate attachments by certified mail or electronically to: zoningref@crcog.org	
FROM: <input type="checkbox"/> Zoning Commission <input checked="" type="checkbox"/> Planning and Zoning Commission <input type="checkbox"/> City or Town Council (acting as Zoning Commission)	Municipality: Bolton
TO: Capitol Region Council of Governments Policy Development & Planning Department 241 Main Street Hartford, CT 06106	Date of Referral: 09/16/2021
Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed zoning amendment is referred to the Capitol Region Council of Governments for comment:	
NATURE OF PROPOSED CHANGE:	
<input type="checkbox"/> Adoption of amendment of ZONING MAP for any area within 500 feet of another Capitol Region Municipality. Attach map showing proposed change.	<input checked="" type="checkbox"/> Adoption or amendment of ZONING REGULATIONS applying to any zone within 500 feet of another Capitol Region Municipality. Attach copy of proposed change in regulations.
THE CHANGE WAS REQUESTED BY: <input checked="" type="checkbox"/> Municipal Agency: <input type="checkbox"/> Petition	
DATE PUBLIC HEARING IS SCHEDULED FOR: 10/13/2021	
MATERIAL SUBMITTED HEREWITH:	
<input checked="" type="checkbox"/> Regulation Changes	<input type="checkbox"/> Map of Change
<input checked="" type="checkbox"/> Public Notice	<input type="checkbox"/> Supporting Statements
<input checked="" type="checkbox"/> Other (Specify): PZC Minutes supporting the amendments	
HAS THIS REFERRAL BEEN SUBMITTED PREVIOUSLY TO CRCOG?	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. IF YES, ON WHAT DATE:	
(FOR USE BY CRCOG)	Name: Patrice L Carson
Date Received:	Title: Consulting Director of Community Development
Sent certified/e-mail?	Address: 222 Bolton Center Road Bolton, CT 06043
File Number	Phone: 860.359.1454
	Email: pcarson@boltonct.org

BY LAW, THE ZONING COMMISSION SHALL GIVE WRITTEN NOTICE OF ITS PROPOSAL TO THE REGIONAL COUNCIL OF GOVERNMENTS NOT LATER THAN THIRTY DAYS BEFORE THE PUBLIC HEARING TO BE HELD IN RELATION TO THE SUBJECT SUBDIVISION. NOTICE SHALL BE MADE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR BY EMAIL TO zoningref@crcog.org.

CRCOG-2017

Andover / Avon / Berlin / Bloomfield / Bolton / Canton / Columbia / Coventry / East Granby / East Hartford / East Windsor / Ellington / Enfield / Farmington / Glastonbury / Granby / Hartford / Hebron / Manchester / Mansfield / Marlborough / New Britain / Newington / Plainville / Rocky Hill / Simsbury / Somers / South Windsor / Southington / Stafford / Suffield / Tolland / Vernon / West Hartford / Wethersfield / Willington / Windsor / Windsor Locks

A voluntary Council of Governments formed to initiate and implement regional programs of benefit to the towns and the region

September 24, 2021

TO: BOLTON PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2021-104: Proposed zoning amendment pertaining to outdoor dining and accessory dwelling units as a permitted use with single family detached dwelling units.

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. Staff commends the efforts around accessory apartments and which furthers CRCOG policy to encourage and support changes to zoning regulations to permit a greater diversity of housing types and costs.

The public hearing date has been scheduled for 10/13/2021.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Christopher Henchey.

DISTRIBUTION: Planner: Andover, Glastonbury, Hebron, Manchester, Vernon, Coventry

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman
Regional Planning Commission

Brendan Malone, Vice Chairman
Regional Planning Commission



Christopher Henchey
Transportation Planner

Bolton Planning & Zoning Commission
222 Bolton Center Road
Bolton, CT 06043

Date: October 14, 2021
To: Elizabeth Waters, Town Clerk
From: Planning & Zoning Commission

Subject: **REGULAR PLANNING & ZONING COMMISSION MEETING DATES FOR 2022**

The following are the regular meeting dates scheduled for the Planning & Zoning Commission in 2022 which fall on the second Wednesday of every month:

January 12

February 9

March 9 (Patrice will not be here)

April 13

May 11

June 8

July 13

August 10

September 14

October 12

November 9

December 14

Special meetings are scheduled as necessary and notified by posting an agenda at the Town Hall and on the Town Website.

All meetings begin at 7:30pm in the Town Hall Meeting Room unless otherwise notified and agendas are posted 24 hours prior to the meeting.

KENNETH C. BALDWIN



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Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
kbaldwin@rc.com
Direct (860) 275-8345

Also admitted in Massachusetts
and New York

October 4, 2021

Via Electronic Mail

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: **Notice of Exempt Modification – Facility Modification
130 Vernon Road, Bolton, Connecticut**

Dear Attorney Bachman:

Mountaintop Enterprises currently owns and operates two (2) communications towers (a 280-foot guyed lattice tower and a 150-foot guyed lattice tower) at the above referenced address (the “Property”). Cellco Partnership d/b/a Verizon Wireless (“Cellco”) currently maintains antennas and remote radio heads at the 120-foot level on the existing 280-foot tower. Equipment associated with Cellco’s antennas is located in a shelter near the base of the 280-foot tower. Cellco now intends to modify and upgrade its existing facility and plans to relocate its antennas and remote radio heads (“RRHs”) to the 120-foot level on adjacent 150-foot tower on the Property. Cellco will continue to utilize its existing equipment shelter and connect to the adjacent 150-foot tower via underground fiber optic antenna cables. The 150-foot tower was approved by the Town of Bolton (“Town”) in October of 1980. A copy of the Town’s approval of that is included in [Attachment 1](#).

Cellco intends to install four (4) NHH-665B-R2B antennas, two (2) Samsung MT6407-77A antennas, two (2) CBRS antennas and six (6) RRHs behind its antennas on new mounts at the 120-foot level on the 150-foot tower. A set of project plans showing Cellco’s proposed facility modifications and new antennas and RRH specifications are included in [Attachment 2](#).

Melanie A. Bachman, Esq.
October 4, 2021
Page 2

Please accept this letter as notification pursuant to R.C.S.A. § 16-50j-73, for construction that constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2). In accordance with R.C.S.A. § 16-50j-73, a copy of this letter is being sent to Bolton's Chief Elected Official and Land Use Officer.

The planned modifications to the facility fall squarely within those activities explicitly provided for in R.C.S.A. § 16-50j-72(b)(2).

1. The proposed modifications will not result in an increase in the height of the existing tower.
2. The proposed modifications will not involve any change to ground-mounted equipment and, therefore, will not require the extension of the site boundary.
3. The proposed modifications will not increase noise levels at the facility by six decibels or more, or to levels that exceed state and local criteria.
4. The installation of Cellco's new antennas will not increase radio frequency (RF) emissions at the facility to a level at or above the Federal Communications Commission (FCC) safety standard. A cumulative General Power Density table for Cellco's modified facility is included in Attachment 3. The modified facility will be capable of providing Cellco's 5G wireless service.
5. The proposed modifications will not cause a change or alteration in the physical or environmental characteristics of the site.
6. According to the attached Structural Analysis ("SA") and Mount Analysis ("MA"), the existing 150-foot tower, tower foundation and new antenna mounts can support Cellco's proposed modifications. Copies of the SA and MA are included in Attachment 4.

A copy of the parcel map and Property owner information is included in Attachment 5. A Certificate of Mailing verifying that this filing was sent to municipal officials and the property owner is included in Attachment 6.

For the foregoing reasons, Cellco respectfully submits that the proposed modifications to the above-referenced telecommunications facility constitutes an exempt modification under R.C.S.A. § 16-50j-72(b)(2).

Melanie A. Bachman, Esq.
October 4, 2021
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth C. Baldwin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth C. Baldwin

Enclosures

Copy to:

Sandra W. Pierog, First Selectwoman for the Town of Bolton
Patrice Carson, AICP, Bolton Director of Community Development
Mountaintop Enterprises, Inc., Property Owner
Karla Hanna, Verizon Wireless