

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

Members Present: Chairman Adam Teller, Vice Chairman James Cropley, Tom Manning, Thomas Robbins, and Alternates Rodney Fournier and Marilee Manning

Members Excused: Christopher Davey, Benjamin Davies, Arlene Fiano, Alternate Jeremy Flick

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

Others Present: Sandy Pierog, Anne Decker

1. Call to Order: Chairman A. Teller called the meeting to order at 7:38 p.m. M. Manning was seated for C. Davey; R. Fournier was seated for A. Fiano.

2. Approval of Minutes: September 8, 2021 Regular Meeting Minutes

J. Cropley moved to approve the minutes of the September 8, 2021 regular meeting as written.

M. Manning seconded. Vote: 5-0-1 (Fournier). Motion passed.

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

a. Public Hearing: Zoning Regulation Amendments Sections 2, 3, 6, 8, 9, and 11 to Comply with 2021 Legislative Changes Regarding Outdoor Dining, Minimum Floor Area, and ADUs (Accessory Dwelling Units) (#PL-21-12)

P. Carson read the public hearing notice into the record. P. Carson did not receive any testimony from the public.

Members of the public were given the opportunity to comment by A. Teller before the PZC talks through the suggested amendments.

Anne Decker, 30 Toomey Road – She was present to comment on the ADU regulation; she wants to understand the reasoning for the 6 months rental provision. Ms. Decker is in favor of short term rentals. Her parents visited and it would have been nice to have found a place for them to stay in town rather than Manchester. J. Cropley said it would be nice to have such a situation. He owns a home in another town with a rental property nearby. This presents a headache and nuisance to the neighbors rather than being a help. People coming in and out of the rental house with some partying outside; he is not in favor of that. A. Teller said the intent of the regulation is to create more options for housing, not meeting the need for temporary places for people to stay. Short term rentals can become a sore point for neighbors. One person's AirBnB is another's crash pad. If someone wants to operate a Bed & Breakfast or small hotel in town there are ways to do that. The legislature adopted the law and towns need to deal with it. Even six month rentals are going to be hard to enforce. This regulation is to provide for more housing options. The PZC is always looking for ways not to have conflicts between neighbors.

PZC members and Staff discussed each of the suggested regulation changes. Reasoning for the language change was discussed, some of them being technical changes, and modifications were made in some instances

P. Carson said the draft language was referred to abutting Town Clerks and CRCOG. A report was received back from CRCOG that indicated no apparent conflicts. These changes also comply with the POCD for the same reasons that the CRCOG report lists. These changes are needed to conform to the new 2021 legislation.

J. Cropley moved to close the public hearing. **M. Manning seconded.** Discussion: J. Cropley said Staff did a great job on these amendments. A. Teller agreed. A. Teller said this is intended to give people one more option for their property. There is no reason the PZC should not allow it. This is a no lose proposition. Vote 6-0-0. Motion passed.

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

5. Staff Reports:

P. Carson reported:

- Progress is being made with the relocation of Bolton Vet with discussion taking place for more finalized plans.
- A question came to P. Carson about a salon as a home business. P. Carson feels a site plan is needed because people will be coming to the home. A. Teller agreed with that assessment. P. Carson asked for a parking plan, floor plan, sign plan, who will work there and the probable operating hours.
- D&S Landscaper on Route 6 has plans of using a building in the back site of the lot to work on vehicles and trucks. The owner has asked if this can be done in the building already there. That part of the building is in the GB Zone. P. Carson initially thought this would be up to the ZEO but asked if this is considered a minor modification or a modification to the permit. A. Teller said more information is needed regarding the intended activity – how big is the building, how far into the GB zone is the building, how intensive the repair work may be, and how big are the vehicles. A. Teller said this is a judgement call from the ZEO with the ZEO having the option of bringing this matter to the PZC. Staff will get more information from the owner.

M. D'Amato reported:

- He is working at taking over and understanding the ongoing items of the ZEO. One of the items that has been in progress is the Happy Town LLC approval. One condition of approval was that compliance matters be completed by the end of September. That has not happened so M. D'Amato is moving forward with enforcement due to lack of compliance with the permit as approved by the PZC. A. Teller said some of those conditions were for the safety of the site. A. Teller said if they are not in compliance the Cease & Desist order is still in effect. J. Cropley asked if there is anything the town can do about the house on the property. This could not be a worse gateway site than the condition of that house. P. Carson said Happy Town LLC was going to fix it or tear it down. M. D'Amato said property maintenance is usually handled through an ordinance. A. Teller asked if some official can condemn the building as uninhabitable. T. Manning said there is a step-by-step process in the building code for that; he will look it up and send that information to P. Carson.

J. Cropley asked what is happening with Bolton RV Storage. M. D'Amato said a notice of violation was issued about a month ago with a deadline to respond and reply to submit a zoning permit to seek formal approval. The owner responded on the last day saying he is working with the Town Engineer to try and work out the issues but basically saying a whole lot of nothing. The owner had an extension until this PZC meeting and he should not be working with the Town Engineer before an application is submitted. As of yesterday, nothing was forthcoming. ZEO will be moving forward with this violation as well.

6. Old Business:

a. Discussion/Possible Decision: Zoning Regulation Amendments Sections 2, 3, 6, 8, 9, and 11 to Comply with 2021 Legislative Changes Regarding Outdoor Dining, Minimum Floor Area, and ADUs (Accessory Dwelling Units) (#PL-21-12)

A. Teller asked if the Members were prepared to vote on the draft after the discussion or do they want to see a final version of it. J. Cropley said he thinks we should move on this; Staff did a great job on this. Other Members felt prepared to vote.

P. Carson reviewed the changes for the record.

- Page 2-1: No changes made to what was presented.
- Page 2-4: Added under Dwelling, Accessory the words “single-family” after principal and before dwelling. Added a new sentence at the end that said “Also referred to as an ADU.”
- Page 3-26: Added the words “application for a” after The and before Zoning in the last sentence on the bottom of the page.
- Page 3-28: No changes made to what was presented.
- Page 6-1: No changes made to what was presented.
- Page 8-2: No changes made to what was presented.
- Page 8-5: No changes made to what was presented.
- Page 8-7: No changes made to what was presented.
- Page 8-8: No changes made to what was presented.
- Page 9-3: No changes made to what was presented.
- Page 9-4: No changes made to what was presented.
- Page 11-1: No changes made to what was presented.
- Page 11-2: Removed the last sentence of footnote 4 that said “Areas for heating equipment, garages, bay windows, outside vestibules and open porches shall not be included.”
- Page 11-3: No changes made to what was presented.

A. Teller moved that the Commission approve the changes in the regulations in the form of the posted draft as amended by the changes that Ms. Carson just read into the record and that those regulation changes become effective after publication.

P. Carson asked that the effective date of November 1, 2021 be specified.

A. Teller amended the motion that the new regulations become effective November 1, 2021. **J. Cropley seconded** the amended motion. There was no further discussion. Vote: 6-0-0. Motion passed.

b. Other:

P. Carson said Nick, a UConn intern who is working on the town Affordable Housing Plan, would like to make a joint presentation to the PZC and the BOS. Possible dates and times were

discussed for the short presentation. The final options were for October 28 at either 5:00 p.m. or 7:00 p.m. S. Pierog will check with the BOS on those options.

7. New Business

a. Discussion/Decision: Schedule of 2022 Regular Meeting Dates

A. Teller confirmed this is the normal pattern of the second Wednesday throughout the year. T. Manning asked if there is another Wednesday in March that works that allows for P. Carson to be present. It was agreed by the Members that March 2, 2022 works.

J. Cropley moved to approve the 2022 Planning and Zoning Commission Regular Meeting dates schedule as presented with the exception of changing March 9 to March 2 and file them with the Town Clerk's Office as required by statute. **T. Robbins seconded.** Vote: 6-0-0. Motion passed.

8. Correspondence:

Information was provided about cell tower modifications.

9. Adjournment:

J. Cropley moved to adjourn the meeting at 9:05 p.m. **A. Teller seconded.** Vote: 6-0-0. Motion passed.

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, Planning & Zoning Commission Recording Secretary

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