

BOLTON PLANNING & ZONING COMMISSION
Regular Meeting
7:30 p.m., Wednesday, December 14, 2022
Virtual
Minutes & Motions

Members Present: Chairman Tom Manning, Arlene Fiano, Jeremy Flick (joined at 8:21p.m.), Rodney Fournier, Thomas Robbins, Jeffrey Scala, and Alternates Tom Crockett, Steven Clark (joined at 8:11 p.m.)

Members Excused: Vice Chairman Jim Copley, Alternate Kawan Gordon

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

Others Present: Mohammad Ali, Peter DeMallie, Greg Fedus, Nathaniel Fleming, Asif Choudhry, Jerry Fossey, James Waskey, Carol Parada-Ziolko, Andrew Ladyga, Trevor Forbes

1. Call to Order: T. Manning called the meeting to order at 7:32 p.m. and seated T. Crockett for J. Copley.

T. Manning added by consensus item 7.d. Other: Holding Hybrid Meetings in the New Year.

2. Approval of Minutes: November 9, 2022, Regular Meeting Minutes

T. Crockett moved to approve the minutes of the November 9, 2022, Regular Meeting. **R. Fournier seconded.** Vote: 7-0-0. Motion passed.

3. Residents' Forum

Andrew Ladyga –Introduced himself. He and wife, Elicia, own Lyndale Farms and the property across the street. He wants to let everyone know they won two of the cannabis licenses. He has spoken with Coventry and Bolton about having businesses on their property. They know Bolton is under a moratorium. He would like to work together with the towns' staff about ideas and thoughts for cannabis and other commercial businesses. A goal is to attract some commercial businesses to the towns. The Ladyga's would like to share the information they have gotten from Coventry to move forward with the process. There is a lot of excitement in this area for these establishments. This might be a good opportunity for Bolton. He had a chance to visit Alltown Fresh and met with the people there. That building is a beautiful building. Congratulations to Bolton on having that business.

T. Manning: Once the PZC has had their discussion, A. Ladyga will need a sketch plan for a particular site if he wants an informal discussion. He can talk to Staff before a meeting for information that will be helpful to present to the PZC.

4. Staff Reports

P. Carson reported:

- Working on the items on the agenda
- Looking at some regulations for senior housing. Those will be brought forward along with other regulation amendments to be made.

M. D'Amato reported:

- Has been working on cannabis regulations
- Permit reviews
- Closing out some of the zoning violations
- Danielle has been fixing some of the issues with the permitting system. This is streamlining the application process and making the office more accessible.

5. Public Hearings (begin at 7:30 p.m.)

a. Continuation: Modification of Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathaniel Fleming (#PL-22-8)

Gregg Fedus, representing Nathaniel and Asif: This hearing was continued last month to get an opinion from the Town Attorney about Bolton's regulations pertaining to bonding for private property constructions.

P. Carson: The Town Attorney's opinion is that he agrees the PZC can ask for bonding for work which would be in the Town's control once a project was finished, such as drainage, trail work, and parking, etc. Since this property is private, bonding for those items are not under control of the town and would not be required. The town can control other aspects of the project by not issuing the CO until all the items required are completed. The PZC can and should ask for an Erosion & Sedimentation Control bond which, for this project, is \$9,784.60, and would have to be a cash bond. Staff also caught a previous review oversight of needing a signature block on each of the plan pages. Otherwise, the current plans have addressed Staff's concerns.

Audience of Citizens: No one wished to comment.

T. Crockett moved to close the public hearing. **T. Manning seconded**. Vote: 7-0-0. Motion passed.

6. Old Business

a. Discussion/Possible Decision: Modification of Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathaniel Fleming (#PL-22-8)

T. Manning moved: I make a motion to approve Nathaniel Fleming's Modification of a Special Permit application for a gas station/convenience store with drive-thru window at 271 Hop River Road, application #PL-22-8, in accordance with the application and plans submitted as "Planning & Zoning Submission, 271 Hop River Road, Proposed Convenience Store, 271 Hop River Road, Bolton - Connecticut" (11 sheets) dated: August 11, 2022, revised through 11/02/22, Elevation Plans dated: 08-17-22 which is conditioned on the following:

1. A copy of any required submission to the CTDOT shall be submitted to the Land Use Department.
2. A signature block for approval by the Commission and date of signing shall be placed on each page of the plans.
3. The approval letter with conditions shall be placed on the mylars to be recorded in the Office of the Town Clerk.
4. All appropriate seals and signatures of the design professionals for this plan shall be placed on the plans before recording.
5. This approval is subject to compliance with any comments or requirements of the State Department of Public Health, Eastern Highlands Health District, Fire Marshal, the Town Engineer, and Inland Wetlands Commission.

6. An Erosion & Sedimentation Control Bond including contingency in the amount of \$9,784.60 shall be posted as part of the permit process prior to any commencement of work on the site.
7. Signs are not part of this decision. Any proposed signage or menu sign board will need separate permit application(s) and approvals from the Zoning Enforcement Officer.
8. Since the property is undergoing remediation, the water system shall be provided with treatment to remove those potential remediation contaminants, and the system water will be tested for those contaminants pursuant to the remediation plan and results shall be provided to the CTDPH and EHHD. This approval shall be binding to the applicant, landowner and their successors and assigns.
9. Prior to the Issuance of a Certificate of Zoning Compliance, final grading, stabilization and seeding shall be in place or adequate bond filed with the Town.
10. Prior to the Issuance of a Certificate of Zoning Compliance, one electronic PDF and paper copy of the final as-built survey showing structures, pins, driveways/parking, final floor elevations and spot grades shall be submitted.
11. Additional erosion & sedimentation controls may be required by Town staff as necessitated by field conditions.
12. By acceptance of this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

The Planning and Zoning Commission finds with these conditions the plan meets the requirements of the Bolton Zoning Regulations.

J. Scala seconded.

Discussion: J. Scala: PZC is asking for a copy of the submission to CTDOT in item 1. Do we want the approval from CTDOT supplied for the file for item 1? J. Scala suggested the approval from CTDOT be added to the application file.

T. Manning accepted this amendment. Vote: 7-0-0. Motion as amended passed.

b. Other: There was none.

7. New Business

a. Informal Discussion: Potential Non-Profit Use of 180 West Street, Peter DeMallie, Design Professionals, Inc.

Peter DeMallie was present representing Highland Meeting Room. The subject property was Our Place Restaurant zoned RMUZ. Client has their main property at 133 Highland Street, Manchester which is a faith based organization. This property would be used as a satellite facility. There is seating for 30 with commercial kitchen, septic system, bathrooms, and parking. They have contacted EHHD; the septic system has a capacity of 9,000 gallons. It is a public water system that is deactivated right now but could be reactivated. The use for Highland Meeting Room would be part-time assembly of this faith based system. They feel the use would be compatible with the neighborhood. There would be no weddings or funerals. The group could use the commercial kitchen for the assembling kits or care bundles for groups in the area when called upon helping out in disasters or other large, unexpected gatherings; the group calls this their Rapid Response team. They have reached out to neighbors to explain how the group would use the building. In conversation with Town staff it was agreed to the idea preserving the underlying zone for future commercial uses.

T Manning: There is no need to change the regulations for the first reason for this group's stated purpose. The Rapid Relief team work using the commercial kitchen fits the RMUZ use. The assembly of a small prayer group is the other use? P. DeMallie: Yes, but their main activity is at the main facility in Manchester. T. Manning: If there is any change of 50 people assembling it would be a business occupancy rather than assembly. With 30 it falls under Personal Business Services. This is his opinion and feels there is no need to change the regulation.

R. Fournier: Would the parking have to be changed? What is the group's tax status? P. DeMallie: They are not doing site improvements. 18 parking spaces is adequate for what they want to do. They are a non-profit and they would not pay taxes in Bolton. J. Waskey: The organization is classified as 501C3.

T. Crockett: Why is this phase part-time in the description of intended use? P. DeMallie: The intention is to use this satellite property less than the main property in Manchester. The commercial kitchen would be used to assemble the kits to respond to crises, which are all donated, never sold, perhaps assembling one evening a week and part time on Sundays.

R. Fournier: What is your primary area of service for the care kits? J. Fossey: It is as far as we can reach. We have reached as far as New Hartford and to the shore from this location as well as some of Massachusetts. T. Crockett: Will anyone live in this building? P. DeMallie: No one is residing there and there is no intention of residency there. It would be vacant most of the week.

J. Flick (joined the meeting at 8:21pm): For the food production portion, no one is going to be on site to receive anything? P. DeMallie confirmed that is correct.

P. DeMallie: Summed up his understanding of this informal discussion that the PZC feels this purpose will fit into the current regulations and zone. The group's next step is to submit a Special Permit application. Town staff has been very helpful through this process. Their candidness and assistance is appreciated. J. Waskey: Agrees about Staff's help and appreciates the PZC having this discussion with the group. J. Fossey: Thank you and our group could help out with Bolton's needs as well in the future if ever needed.

b. Election of Officers

R. Fournier nominates T. Manning for the position of Chairman. T. Crockett seconded. **R. Fournier moved** to close the nominations for Chairman and cast one ballot. Vote: 7-0-0. Motion passed.

Newly re-elected Chairman T. Manning asked for nominations for Vice Chairman/Secretary. **A. Fiano** nominated J. Scala. **T. Crockett** nominated R. Fournier. **R. Fournier** nominated J. Cropley. **R. Fournier** withdrew his nomination. The Chairman closed the nominations and called for a vote for the one of two nominees – J. Scala or J. Cropley. J. Scala received two votes; J. Cropley received five votes. J. Cropley was re-elected as Vice Chairman/Secretary.

c. Discussion/Possible Decision: FY 2023/24 Budget

P. Carson: The draft budget is a little less than last year at \$4,205. This is July 1, 2023-June 30, 2024 fiscal year. T. Manning: The professional mandated training is required in the coming year. That budgeted cost is \$640 until June 30, 2023 and \$500 for the next fiscal year.

D'Amato: CCM will publish a state-wide calendar of training meetings that are recorded so

people can watch the recordings to obtain the necessary training credits. Each Commissioner needs four hours of training every two-three years. T. Manning: Payroll is up to \$1,000; that looks like a good number as does the professional training figure. What about the advertising line item? P. Carson: Based on rates and number of ads that are needed.

T. Manning moved to send the draft budget to the BOS. **R. Fournier seconded.** Vote: 7-0-0. Motion passed.

d. Other: Holding Hybrid Meetings in the New Year

T. Manning: Asked if A. Fiano was willing to learn to operate the Owl as mentioned in the past? A. Fiano: Has learned how to operate the system. Two people have to be trained in the event of an absence of a trained person. Running the Owl does not interfere with participation in the discussion. P. Carson: The operating person would be in Town Hall turning the system on and off. T. Manning: He could be the second person to run the Owl system. He thought he would be suggesting hiring someone to do this, including a salary in the budget, but there does not seem to be the need for that.

T. Manning moved that the 2023 meetings of the Planning & Zoning Commission be held in a hybrid format. **R. Fournier seconded.**

Discussion: A. Fiano: Is P. Carson's preference to be remote for these meetings? A. Fiano's concern is if the public is coming to Town Hall it might be important to have someone from Town staff present. P. Carson: Town staff will be part of the meeting whether online or in person. T. Manning: If the PZC wants Staff to be present in Town Hall we can ask them to attend in person. P. Carson: All of the applications are in digital format now. A. Fiano: BOS hybrid meetings have worked out fine. It is nice to have the option of meeting in person. T. Crockett: People coming to the meetings will expect to see the PZC or staff. M. D'Amato: Legislation says bodies can decide on the format on a meeting-by-meeting basis. That can be noted on the meeting agenda. P. Carson: The submitted meeting schedule already notes that.

R. Fournier: He has been on virtual meetings with the BOS and shown up and watched himself. You can do both.

P. Carson: The Chairman of the PZC can make the decision about the format for each meeting when he receives the draft agenda from staff. T. Manning: We can start by holding a hybrid meeting in January pending a weather event, and decided on each after that. No vote on the motion. Motion failed.

8. Ongoing Discussion: Regulations Regarding the Cultivation, Sale, and Distribution of Adult Use Cannabis Bolton PZC (#PL-22-6)

P. Carson: The proposal includes two options: (1) prohibition, or (2) allow retail sales by Special Permit in GB zone. Maps showing the general business zone and the abutters within 500 feet that would be affected were part of the packet as requested.

T. Manning: He feels this is ready to go to the public hearing but asked if anyone prefers to do something different? R. Fournier: He prefers to extend the moratorium for six months. He does not understand how Bolton benefits by allowing this. T. Manning: Is R. Fournier's feeling for prohibition rather than allowing this? Fournier: Yes.

T. Crockett: How long can we stay in moratorium? P. Carson: This was set for 9 months to decide whether to prohibit or allow it and adopt regulations. Under that guise you do not want to stay in moratorium much longer than 12 months. T. Crockett: He would be in favor of prohibition. J. Flick: Prohibition. A. Fiano: Permit by Special Permit. T. Robbins: He is not quite at a decision yet. T. Manning: One of the ways to get to a decision is to get the opinion of the public through a public hearing. J. Scala: No cultivation. Otherwise, he is ready to move forward. T. Manning: PZC is talking about a Special Permit for retail only. J. Scala: He is okay with someone making products and okay with retail sales, no cultivating.

P. Carson: The moratorium timeline gives you until the April meeting to decide this matter. Backing into that meeting the PZC should have something ready to go to CRCOG at the February meeting and you can set the public hearing for some time in March.

R. Fournier: He read that 50% of towns in the state are in a moratorium on this issue and it seems to be all of the smaller towns. Larger towns are permitting it because they have the commercial areas for the retail space. A. Fiano: If we have public hearing are we still in the moratorium? P. Carson: Yes, you are. A. Fiano: We need to get this to a public hearing. T. Robbins agrees. J. Scala: The public hearing can present both options? P. Carson: You have a meeting on prohibiting it and one on allowing it. M. D'Amato: You advertise them separately but can have a joint meeting. P. Carson: Suggests the PZC have the hearings and then possibly have an extension on the moratorium period if needed. M. D'Amato: Shared information from what has been happening in nearby towns. A. Fiano: Feels a virtual public hearing is unsuccessful; she strongly recommends this be an in-person meeting. P. Carson: Or hybrid. A. Fiano: From her experience people not in the room can spend a long time waiting to be heard. The people on Zoom can feel extremely left out. J. Scala: Wants the town residents to ultimately make the decisions.

T. Manning: Asked that staff send the regulations as prepared to CRCOG. The PZC can set the public hearing for February at their January PZC meeting. P. Carson: She will send the prohibition, retail, and the extension of the moratorium to CRCOG.

9. Correspondence: There was none.

10. Adjournment

R. Fournier moved to adjourn the meeting at 9:09 p.m. A. Fiano seconded. Vote 7-0-0. Motion passed.

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, Planning & Zoning Commission Recording Secretary

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