

BOLTON PLANNING & ZONING COMMISSION
Regular Meeting
7:30 p.m., Wednesday, February 9, 2022
Virtual Meeting
Minutes & Motions

Members Present: Chairman Tom Manning, Vice Chairman James Cropley, Arlene Fiano, Jeremy Flick, Thomas Robbins, Jeffrey Scala, and Alternates Rodney Fournier and Kawan Gordon

Members Excused: Brittany Clark, Alternate Tom Crockett

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

Others Present: Nathaniel Fleming of Fedus Engineering, Gregg Fedus, Mercier's, Peyton Rutledge.

1. Call to Order: T. Manning called the meeting to order at 7:32 p.m. R. Fournier was seated for B. Clark.

2. Approval of Minutes: January 12, 2022, Regular Meeting Minutes

P. Carson: As an aside to the Minutes she clarified the alternate member appointment is a 2-year term. At one point it was misstated as 4-years.

Correction:

- Page 2, item 5.a., second paragraph, J. Scala's reference to development on 2+ acre lots is due to the physical constraints of the property. A septic system, well, and wetlands are controlling factors.

A. Fiano moved to approve the minutes of the January 12, 2022, regular meeting as corrected.

R. Fournier seconded. Vote: 6-0-1 (Cropley). Motion passed.

3. Residents' Forum: No one wished to speak.

4. Executive Session: Pending Litigation at 1225 Boston Turnpike & 17 Howard Road to include Patrice Carson, Director of Community Development, Michael D'Amato, Interim Zoning Officer, Jim Rupert, Administrative Officer, Richard Barger and Beth Mercier of Michelson, Kane, Royster & Barger, P.C.

T. Manning moved to enter Executive Session regarding pending Litigation at 1225 Boston Turnpike & 17 Howard Road to include Patrice Carson, Director of Community Development, Michael D'Amato, Interim Zoning Officer, Jim Rupert, Administrative Officer, Richard Barger and Beth Mercier of Michelson, Kane, Royster & Barger, P.C. **J. Scala seconded.** Vote: 7-0-0. Motion passed.

The PZC entered Executive Session at 7:40 p.m.

The PZC exited Executive Session at 8:38 p.m.

5. Staff Reports:

P. Carson reported on the status of Projects:

- Six business condos were approved on Loomis Road. Developer met with staff and PZC about the thought to turn this over into 55 housing. There has been no further movement.
- An approved permit for Notch Road has not moved forward because of discussion with CT DOT moving the entrance of Notch Road on I-384.

M. D'Amato had nothing to report other than the matters taken up in Executive Session.

6. Old Business:

- a. **Other:** There was none.

7. New Business

a. **Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathan Fleming (#PL-22-2)**

P. Carson: This is a Special Permit application for which there will be a public hearing held at the March PZC meeting. The applicant/representative can give brief overview this evening.

Gregg Fedus, Professional Engineer of Fedus Engineering, is representing the owner of the property. Nathaniel Fleming, listed as the applicant, works in his office. This property was a gas station that has been shut down for several years. It is on 14.6 acres with wetlands in the rear and the side; the river runs along the east side. This will be converted to a gas station/convenience store. IWC has given approval for the junk to be removed from the property. There is to be a new septic system, a new well, and new tanks installed. There will be parking in back, the dispensers will be in the same spot, and the canopy will remain. The project is now in an environmental clean-up stage with oversight from DEEP.

David Cook is one of the environmental people working on the clean-up. They are taking this phase methodically one thing at a time. The tanks have been removed and the soils were tested. Much contaminated soil will be dug out before putting in the replacement tanks. Dewatering will be done. The interior of the building is a mess and will be part of the clean-up.

Asif, the applicant, is doing his best to clean up this junk yard. They have done a few sites previously with contamination in a few area towns. It will be brought up to date with environmental standards, otherwise, DEEP would not let us open. This is going to be made into a nice site.

T. Manning moved to receive the application and set the public hearing date for March 2, 2022 at 7:45 p.m. via Zoom for Special Permit Application for Gas Station/Convenience Store, 271 Hop River Road, Nathan Fleming (#PL-22-2). **J. Cropley seconded.** Vote: 7-0-0.

b. **Discussion: Authority of ZEO to Approve Sign Permits**

i. **Discussion/Possible Decision: Free-Standing Sign Request, 1212 Boston Turnpike, FASTSIGNS**

M. D'Amato: The existing regulations for free-standing signs are written to outline the criteria and then uses the language 'the Commission may allow' so it is not clear that Staff has the authority to approve a free-standing sign. Therefore, staff felt the matter should be discussed with the PZC to provide guidance on the regulation. There is a narrative request from the

company that submitted the application. Section is 18g.1.d.ii deals with free standing signs in the RMUZ.

J. Cropley thought the PZC had decided that Staff could make those determinations. J. Scala said that was his recollection also but it was some time ago. P. Carson noted the regulation uses the phrase ‘the Commission may allow’ several times. As written the PZC has to approve it or pass it off to staff.

A. Fiano asked if the language need to be changed via a public hearing? P. Carson said staff is looking for direction for this application and may be change the regulation at some time in the future. A. Fiano is all for having staff being able to approve the sign request. J. Cropley agreed. J. Rupert said his recollection is that he has not approved a new, free-standing sign. R. Fournier feels it is safe to have staff review this request. J. Scala asked if staff is comfortable with the location of the sign? It does not interfere with sight lines? M. D’Amato did not think there are issues with the proposed location. He does not see any reason they cannot approve this.

J. Scala moved to have Town staff review and approve the sign request. **J. Cropley seconded.** Vote: 7-0-0. Motion passed.

Staff will take a look at changing the regulation.

c. Other There was none.

8. Correspondence:

P. Carson had sent an email with the information about annual conference for the CFPZA. Continuing education of Commission members begins in 2023. A. Fiano suggested nominating Adam Teller for recognition of his 20 years of service on the PZC. J. Rupert did not think a nominee necessarily has to be a current member. P. Carson will put in the application.

P. Carson reminded everyone that the next meeting is set for March 2, 2022.

9. Adjournment:

J. Cropley moved to adjourn the meeting at 9:09 p.m. R. Fournier **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.