

**BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, APRIL 12, 2023
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD
In-Person and Via Zoom**

MINUTES

PZC Members Present In-Person: Chairman Tom Manning, Vice-Chair James Cropley, Arlene Fiano, Rodney Fournier, Thomas Robbins

PZC Members Present Via Zoom: Jeffrey Scala, and Alternate Tom Crockett, Kawan Gordon, Steven Clark

PZC Members Absent: Jeremy Flick

Staff Present Via Zoom: Michael D’Amato, Interim Zoning Enforcement Officer, Recording Secretary Linda H. McDonald

Others Present Via Zoom: Alan Cavagnaro for DesegregateCT

Others Present in-person: Andrew Ladyga

1. Call to Order: Chairman T. Manning called the meeting to order at 7:31 p.m. Stephen Clark was seated for Jeremy Flick.

2. Approval of Minutes: March 8, 2023

J. Cropley MOVED to APPROVE the regular meeting minutes of March 8, 2023 as presented. A. Fiano SECONDED. By roll call vote, the MOTION CARRIED 6:0:1 with J. Scala abstaining.

3. Residents’ Forum: A. Ladyga commented he asked the Resident State Trooper in Bolton what seems to be the problem in town. He said the RST told him the biggest problem he sees in town is alcohol.

4. Staff Reports:

M. D’Amato reported the Chief Building Official started this past Monday and staff updated him on the projects and recent approvals the commission has issued. He and P. Carson met with someone about a possible text amendment that may be submitted to the commission next month. Also, a slight modification was issued for 271 Hop River.

5. Old Business:

a. Discussion: Zoning Regulation Amendment regarding Cannabis (#PL-22-6):

- 1. allow only retail sales of cannabis products only in the GB Zone by Special Permit, or**
- 2. prohibit any cannabis establishment, or**
- 3. extend the current moratorium to continue to further evaluate public input and consider amendments to draft regulations**

J. Cropley requested a copy of the regulation to review before making a decision.

T. Manning noted the commission could set an effective date of the regulation if no modifications are made, if approved as soon as fifteen days from publication. He said the commission is not under any obligation to make a decision tonight.

M. D'Amato reported he had calls as people were trying to build a database as to what towns were doing but had not had anyone reach out.

A. Fiano MOVED to move the decision on the Zoning Regulation Amendment regarding Cannabis (#PL-22-6) to the May meeting. J. Cropley SECONDED. K. Gordon said he has spoken to residents around him (neighbors) and they were in favor of adopting the regulation. MOTION CARRIED 7:0:0.

b. Other: None

6. New Business

a. Presentation by Alan Cavagnaro of DesegregateCT's Work Live Ride:

A. Cavagnaro, Campaign Coordinator for DesegregateCT shared a power point presentation on Work Live Ride. He explained goals of the group are to address the affordable housing crisis in Connecticut and trying to push economic prosperity for many towns who are struggling on that front. The group is with the Regional Plan Association as a program. The group is going after transit-oriented communities, developing housing around transit stations.

A. Cavagnaro said the vision of House Bill No. 6890 (Work Live Ride) is to align local and state planning goals toward a sustainable downtown community. He said the PZC would determine the size and where they would like the transit community to go. Bolton would fall under the Transit Community tier with a density requirement of 15 homes per acre. A. Cavagnaro said towns could opt into this, as it is not mandated. He described the criteria the TOC districts must include and the assistance and funding the community would get from the state. If a town did not opt-in, it would be deprioritized for certain competitive state funds tied to infrastructure.

T. Manning commented Bolton got a grant in 2007/2008 to re-write zoning regulations to include an incentive housing zone and the regulations now include an Incentive Housing Overlay Zone. He said the state was to come up with funding to implement this but that did not happen. He said staff could contact the Office of Responsible Growth for technical assistance to review the regulations the town already has in place. Parking regulations have been reduced considerably to fit the needs based on statistics. The regulations already call for mixed use, mixed income housing. He noted there are issues with the limitations on sewer and water issues on infrastructure side.

M. D'Amato said he is working with another town researching information on transit-oriented housing. He shared visuals and information with the commission members on units developed in Old Saybrook and Essex built on septic systems. Discussion followed. M. D'Amato said he would keep the commission informed on his findings as his work progresses.

b. Other: None

7. Correspondence: No correspondence.

8. Adjournment: J. Cropley MOVED to adjourn the meeting at 8:52 p.m. J. Scala SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Linda H. McDonald

Linda H. McDonald

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

SECTION 10- Golf Courses Special Provisions

Golf Courses-10A-10G (to remain)

New 10H- Cannabis Establishments

1. Purpose

The purpose of this section is to allow for the comprehensive review and deliberation of cannabis establishments to ensure any cannabis establishment proposed is in harmony with and will not have a detrimental effect upon the surrounding area and, that both the operation and location are protective of public health and welfare.

2. Definition of Terms:

For the purposes of this section only, the terms referred to herein shall be defined and used as outlined and defined in PA-21-1 (SB 1201) as amended.

Cannabis Establishment: a non-profit, person(s) or business entity otherwise engaged in an activity which would be defined as a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, and product package, delivery service or transporter.

Cannabis Hybrid Retailer: A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Cannabis Retailer: A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and sell cannabis to consumers and research programs.

Cultivator: A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.

Micro-cultivator: A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of DCP.

Food and Beverage Manufacturer: A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

Producer: A person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder.

Product Manufacturer: A person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

Product packager: A person that is licensed to package and label cannabis.

3. Cannabis Establishments Allowed by Special Use Permit

Cannabis Establishments may only be permitted in the General Business Zone subject to the standards specified herein in addition to the standards set forth in Section 16 of these Regulations.

Cannabis Establishment Type	GB		
Retailer or Dispensary Facility	SP		
Hybrid Retailer	SP		
Cultivator	X		
Micro-Cultivator	X		
Food and Beverage Manufacturer	X		
Product Manufacturer	X		
Product Packager	X		
Producer	X		

4. Cannabis Retailers, Hybrid Retailers and Dispensaries:

A. All retail establishments shall meet the following criteria:

1. Shall not be located within one thousand (1000) feet of any other cannabis establishment as defined herein or, within five hundred (500) feet of any child day-care facility, park, playground, school or place of worship when measured using a direct line between any main entrance of the proposed permit premises and any part of a lot used as such.
2. Hours of operation will be limited to no earlier than 8:00am or later than 9:00pm.
3. No consumption of any cannabis product may take place on site.
4. Signage shall be in accordance with Section 300-29 of these Regulations and comply with the provisions of RERACA.

B. Any application for a Cannabis Retailer shall include:

1. An operational plan to indicate at a minimum, how the facility will be managed related to:
 - i. Hours of operation
 - ii. Security and access
 - iii. Installed signage
 - iv. Odor monitoring and mitigation
 - v. Parking and Circulation and Traffic

5. Conditional Approval:

In addition to any conditions imposed pursuant to Section 16 of the Regulations, all special permits for cannabis establishments shall be subject to the following conditions:

- A.** Special Permits shall be approved with the condition that the applicant continuously maintains all necessary approvals required by the State of Connecticut for the duration of the operation.
- B.** The conditional approval shall not be considered fully executed until a copy of the State issued license has been provided to the Land Use Office. Such approval must be filed with the Town within six (6) months of the issuance of the Special Permit.
 1. The Zoning Officer may issue not more than two six-month extensions to this requirement provided the applicant can demonstrate that an application has been filed with the Department of Consumer Protection and the expected decision date will fall within the timeframe of the extension.
- C.** No entity shall commence operations, sales or advertisements without a valid, current license from the State and fully executed Special Permit from the Town.

Proposed Prohibition Language:

SECTION 5 – PROHIBITED USES

(new)5J: Any Cannabis Establishment, as defined by PA 21-1 “An Act Concerning Responsible and Equitable Regulation of Adult Use Cannabis” or “RERACA” including but not limited to: Retailer, Hybrid Retailer, Dispensary Facility, Cultivator, Micro-Cultivator, Food and Beverage Manufacturer, Product Packager or Producer. However, for the purposes of this Section, the lawful delivery and/or transportation of Cannabis within Bolton by any person or entity who has obtained and maintains all necessary licenses by the State of CT and, as defined by RERACA shall not be subject to this prohibition.

Proposed Extension of 9-Month Moratorium Language:

The Planning and Zoning Commission hereby adopts a three (3) month extension to Section 17-2 Section 3 Temporary Moratorium in order to further evaluate the public input and consider amendments to draft regulations that were presented at the public hearing.

Section 17-2: Temporary Moratorium on Cannabis Establishments

Section 3: Temporary Moratorium:

For the reasons set for above, and notwithstanding any other provisions of the Zoning Regulations to the contrary, the Planning & Zoning Commission hereby adopts a temporary moratorium related to the acceptance, review and/or approval of applications seeking to establish the use of land and/or structures for a Cannabis Establishment and other uses related to recreational marijuana. This moratorium shall be in effect until July 16, 2023~~nine (9) months from the date of adoption~~ or until such time as the Commission adopts Zoning Regulations that regulate the establishments and activities described herein, whichever occurs earlier. While this moratorium is in effect, the Commission will undertake a planning process to evaluate the potential impact of allowing these establishments and uses and consider any draft regulatory language provided by the CT Department of Consumer Protection with the ultimate goal of adopting a new Zoning Regulation which addresses these uses in a manner that is suitable to the Town.

LANDIE CONSTRUCTION, INC.

21 Clark Road, Bolton, CT 06043
Tel: 860-646-4305 Fax: 860-646-1347
CT P7 Lic. No. 0284144
CT Sub-Surface Lic. No. 003666

April 27, 2023

Town of Bolton
Patrice Carlson

Patrice,

I am writing to request a refund of the site improvement portion of the cash bond that I was required to put up on my property at 1 Notch Road. It has come to my attention that this bond is no longer required.

Please let me know if I need to do anything else. If there is a form or something I need to fill out, please email to bill@landieconstruction.

According to my records, the amount of the refund should be \$ 65,266.63 as the \$ 32,985.10 was for sediment and erosion control.

Thank you in advance for your cooperation.



Bill Phillips
Owner

May 8, 2023

Mr. Thomas Manning, Chairman
Planning & Zoning Commission
Bolton Town Hall
222 Bolton Center Road
Bolton, CT 06043

Re: Landie Construction
17 Wall Street / Notch Road
Bond Reduction
NLJ #0968-0044

Dear Ms. Carson:

As requested, we have reviewed the existing posted performance bond for the subject project and have reduced it accordingly to only account for improvements within the Town right-of-way. Our attached Opinion of Probable Construction Costs totals \$10,665.36. Please be advised that our estimate has been revised to reflect 2023 construction costs. Should items covered by this Bond not be constructed during this calendar year, an appropriate escalation factor may be applied.

Additionally, we have reviewed and updated the unit costs associated with the current Sediment and Erosion Control Bond. We have determined the revised amount to be \$35,643.95. The Sediment and Erosion Control Bond is required for installation and maintenance of all sediment and erosion control measures.

Enclosed for your information is a detailed quantity and unit cost tabulation for the recommended revised bond amounts.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "J.M. Dillon", written in a cursive style.

Joseph M. Dillon, P.E.

JMD:jmd

cc: Jim Rupert
Cameron Covill
File

NATHAN L. JACOBSON & ASSOCIATES, INC.
 Consulting Engineers
 Chester, Connecticut

OPINION OF PROBABLE CONSTRUCTION COSTS
 Bond Reduction

Project: Landie Construction
 17 Wall Street / Notch Road
 Bolton, Connecticut

Done by: JMD
 Date: 5/12/2021
 Revised: 5/8/2023

Project No.: 0968-0044

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	EARTHWORK FOR SIGHTLINE	\$5,000.00	L.S.	1	\$5,000.00
2	FURNISH & SPREAD TOPSOIL TO 6"	\$7.41	S.Y.	330	\$2,445.30
3	HYDROSEED (FERT. & MULCH)	\$0.80	S.Y.	330	\$264.00
4	EROSION CONTROL BLANKET	\$1.65	S.Y.	330	\$544.50
5	SIGNS	\$317.00	EACH	2	\$634.00
				Subtotal:	\$8,887.80
				20% Contingency:	\$1,777.56
				Total:	\$10,665.36

NATHAN L. JACOBSON & ASSOCIATES, INC.
 Consulting Engineers
 Chester, Connecticut

OPINION OF PROBABLE CONSTRUCTION COSTS
 Sediment & Erosion Control Bond

Project: Landie Construction
 17 Wall Street / Notch Road
 Bolton, Connecticut

Done by: JMD
 Date: 5/12/2021
 Revised: 5/8/2023

Project No.: 0968-0044

Item No.	Item	Unit Cost	Unit	Quantity	Total
1	FURNISH & SPREAD TOPSOIL TO 6"	\$7.41	S.Y.	2945	\$21,822.45
2	HYDROSEED (FERT. & MULCH)	\$0.80	S.Y.	2945	\$2,356.00
3	EROSION CONTROL BLANKET	\$1.65	S.Y.	850	\$1,402.50
4	SILT FENCE	\$6.70	L.F.	650	\$4,355.00
5	TEMPORARY CONSTRUCTION ENTRANCE	\$1,508.00	EACH	1	\$1,508.00
6	STONE CHECK DAMS	\$1,500.00	L.S.	1	\$1,500.00
7	WETLAND PLANTINGS	\$1,500.00	L.S.	1	\$1,500.00
8	SEDIMENT BASIN	\$600.00	EACH	2	\$1,200.00
				Total:	\$35,643.95