

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, FEBRUARY 8, 2023
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD
In-Person and Via Zoom

MINUTES

PZC Members Present (In-person): Chairman Tom Manning, Arlene Fiano, Rodney Fournier, Thomas Robbins

PZC Members Present (via Zoom): Vice-Chair James Cropley, Jeffrey Scala, Jeremy Flick, and Alternates Steven Clark, Tom Crockett, Kawan Gordon

Staff Present (In-person): Patrice Carson, AICP, Consulting Director of Community Development

Staff Present (via Zoom): Michael D'Amato, Interim Zoning Enforcement Officer and Linda H. McDonald, Recording Secretary

Others Present (In-person): Peter DeMallie, Design Professionals, Trevor Forbes, James Waskey, Jerry Fossey, Eric Luntta, William Anderson, Pamela McIntyre, Daniel McIntyre, Jim Pendergrast, Judi Lodi, Andrew Ladyga

Others Present (via Zoom): Terri Christians, Alison Fracchia, Thomas Danieluk, Sara Trueax (8:05pm), Bernice Dixon (8:42pm)

1. Call to Order: Chairman T. Manning called the meeting to order at 7:30 p.m.

2. Approval of Minutes: January 11, 2023

J. Cropley MOVED to APPROVE the regular meeting minutes of January 11, 2023 as presented. J. Scala SECONDED. By roll call vote, the MOTION CARRIED 7:0:0.

3. Residents' Forum: No one came forth to speak.

4. Staff Reports:

P. Carson reported she is working on the senior housing regulations and on items for Connecticut's Countryside group.

M. D'Amato reported he received an application for a person to open a new business at 299 Boston Turnpike. They would like to operate a candle business where small groups of people would come in and make candles. The property sits in the GMUIZ. He said looking at the regulations, unless you are a school or public utility, there are no permitted uses in the zone, only by special permit. There would be no changes to the property, no additional parking required, no more intensive interior or exterior modifications of any kind. M. D'Amato said Section 16 of the regulations which permits the Commission to review a proposed use and determine, because there is no increase in intensity, parking, exterior renovations or, effectively, no real changes, the Commission could find no special permit would be required.

P. Carson said the prior use of the property was a Thai restaurant and there is plenty of parking.

T. Manning said there should be a Special Permit application to the Commission.

5. Public Hearings

a. **APPLICATION: Modification of Special Permit to Allow Part-Time Use for Religious Assembly & As-Needed Preparation of Humanitarian Packages/Emergency Relief Items, 180 West Street (Highland Meeting Room), Peter DeMallie, Design Professionals, Inc. (#PL-23-1)**

P. Carson read the legal notice into the record.

P. DeMallie stated he was here representing the applicant. He said the restaurant on the property closed around March 2020 and has been vacant ever since. Highland Meeting Room is in need of an area for part-time use for faith-based sessions for under two hours and for humanitarian efforts to prepare packages for emergency relief purposes, for example, if there is a natural disaster. He said this particular building is well-suited for these uses. The applicant is not interested in food service right now. The purpose right now is to take a pre-packaged item and put into a container, no baking or cooking.

P. DeMallie noted, Eastern Highlands Health District said if the applicant was to get into the food service business of actually preparing the food, they would have to get a food service permit.

P. DeMallie introduced three members of the non-profit in the audience, Trevor Forbes, Jerry Fossey and James Waskey. He said this is a 501-C nonprofit, based in Manchester and they have a facility for when they break out into groups for their faith purposes, they do not have the space. That is why they are looking for a satellite facility that is nearby where some of their members can gather up to three times a week. He noted they will be going way down on intensity of use, used only three times a week, small numbers of people and they are going to do anything such as funerals, memorial services, weddings or anything like that. They are not proposing to use the space for anything other than their faith-based things and for when they are preparing kits and relief packages on a humanitarian basis on an as-needed basis. If there is a crisis in the South, a hurricane comes through or a need in Ukraine or something like that, they will assemble people from their membership and put together kits, at their own expense and ship them out. The kits will not be distributed there, so no one is coming there for that purpose. They call it the Rapid Relief Team and they respond to local emergencies and domestic and overseas disasters. P. DeMallie said his perspective is that it is what they do is very admirable what they do and he is pleased to be associated with it.

P. DeMallie noted the building is just over 2,000 square feet in size and the group would not be using the second floor. He said it has a dining area, a bathroom, an office and a kitchen. Subsequent to the informal discussion with the Commission, back on December 14th, the conclusion was they did not need to do a text amendment because these particular uses, the relief assembly of packages for humanitarian efforts and the part-time usage of the building for up to three times a week for small parts of their group, would fit under the categories to modify the special permit for the restaurant so they could proceed with an application. Subsequent to that, Highland Meeting acquired the property and they are the owners. They reached out to some of the area businesses and neighbors and they want to be good neighbors and quiet neighbors. The property is in the Neighborhood Business Zone and to the south of it is the R1 Zone, just over an acre in size and five parking spaces in front and thirteen in the rear.

P. DeMallie said when they met with the Commission, two possible categories were discussed for permits, Personal Business Zone under Section 8.B.2.b and the thought was the services category would apply to the faith-based assembly and the light manufacturing use would be item 17, Light Manufacturing, which is just putting together relief kits. The consensus that day was those two categories would work and when they met with town staff, prior to meeting with the Commission, the

notion that maybe in the future it could be used for another use if Highland Meeting Room no longer needed the property and it would certainly be suitable for a restaurant or another permitted use.

P. DeMallie referred to exhibits, the original site plan, noting a new septic system was installed in 2015 and the septic system is much larger than what is needed for this part-time use, rated for 900 gallons a day. The prior restaurant had to have a state permit for the well system. If the applicant chooses to do food service, they will have to work with EHHD to make sure they have all the permits.

T. Manning asked if there were any questions from the Commission.

R. Fournier asked if there would be anything like fast food takeout at the facility. P. DeMallie responded no one will come to site to pick up food. He explained members of the 501-C would go to the facility when there is a need and put together packages in boxes/bags and distribute them from there. No one will be coming to the site to pick up relief items.

T. Manning asked for questions or comments from the audience and there were none.

A. Fiano MOVED to close the public hearing for Peter DeMallie's application to modify a Special Permit to allow part-time use for religious assembly & as-needed prep of humanitarian packages/emergency relief items at 180 West St (Highland Meeting Room) (#PL-23-1). T. Robbins SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

b. APPLICATION: Zoning Regulation Amendments Regarding Cannabis (#PL-22-6):

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

P. Carson read the legal notice into the record and noted this is a three-part public hearing. All proposals have been on file in the Land Use Department and on the Town website. No written correspondence has been received for this matter.

T. Manning asked for questions or comments from the audience regarding item **1: Allow only retail sales of cannabis products only in the GB Zone by Special Permit.**

William Anderson, 77 French Road, commented he got some data off the State's website of each town's status, and it looks like, as of today, 37 towns have approved it, 33 are in moratorium and 20 have prohibited it, out of 169 towns in the State. The rest have not reported. His concern is there is a 3% gross revenue to the Town and every town that prohibits this, the people in that town are going to go to another town. From a monetary standpoint, whether people approve or not, everyone is going to travel to get it if they want it so why not keep that revenue in this town. He questioned why only allow the retail because by State statute, each town is allowed one retail and one micro grower. Why is the Commission not allowing one grower as well?

T. Manning responded some of the reasons given were the difficulty of controlling the odor, whether there was any suitable location in town, what zone would it go in, so the Commission decided to bring these regulations.

Eric Luntta, 384 Lake Street, stated he does not know if any Commission member has considered looking at the Plan of Conservation and Development (POCD) because the Commission's decisions are based upon that document. On everything that sits in front of the Commission there is nothing, not one word, that supports drug use in this town or selling it. He would like to make sure that all the members are aware of this and consider this in their decision. The 3% revenue is not going to make or break Bolton because there will be many facilities put in Manchester, in Willimantic or Lebanon. Bolton is not a very densely populated area and when the POCD was done, Bolton, by the advisor that the town hired to help the Commission do it, made reference that Bolton is a drive-through town, it is not a town destination and if you want to make this town a destination over cannabis, shame on you for doing that. That's not what it is all about. We have destinations now, like Fish Farm, Munson's, things like that. But if the Commission approves this, they are giving the town a home to be a destination for cannabis. He is not sure this town is for that. If the Commission goes any farther with this, it should be on a referendum vote because the whole town should make the decision on what this should be. There are people for and against. There are a lot of people that feel that if this town goes through with this, it is a federal offense. Still on the books it is a federal offense for any of these cannabis operations to be selling this. The federal government law supersedes the State, but the federal government is not going to step on anybody's toes at this point in time until Congress and the Senate approve cannabis nationally, which is never going to happen. So, the federal government is just going to let this thing keep going and going. This is similar to the adult establishments that this Commission went through. There are a couple of you that were here on that Commission. I don't think anybody should vote on this until they see a regulation; distances from schools, distances from churches, distances from alcohol. He said he has not seen anything on a regulation.

T. Manning responded the proposed regulations have been published and they are available.

E. Luntta said he could not locate anything on the website and that is his mistake. He said he thinks the Commission really needs to take a hard look at this. He would like to see the Commission continue the hearing. He would like to get the selectpersons opinions on this regulation in writing so everyone in the town can see what their opinion is and every one of them that does not write an opinion that would be a "yes" vote. He said that is the only way you get politicians to respond. He is not sure the Commission has the power to do that, and would highly suggest before the Commission makes its decision, it gets their opinions on what they believe because most of the people in the selectman's position now want this to be a country town. Cannabis, we feel, is not a country town atmosphere. They want it rural. This is his opinion and he is not saying that he is for or against it. He is just here to voice his opinion.

T. Manning asked for any responses from the Commission.

A. Fiano clarified her understanding that W. Anderson is in favor of extending the current moratorium until the topic of growing and manufacturing is clearer and E. Luntta is in favor of extending it because he is not for or against but is not sure the board has done its due diligence.

T. Manning asked for questions or comments from the audience (in-person and online) regarding item **2: prohibiting any cannabis establishment**. There were no comments from the audience.

T. Manning asked for questions or comments from the audience (in-person and online) regarding item **3: Extend the current moratorium to continue to further evaluate public input and consider amendments to draft regulations**. There were no comments from the audience.

T. Manning asked if there was any kind of discussion the Commission needs to have for the record because he knows the Commission cannot bring up new topics in the meeting that has not been discussed at the public hearing.

J. Scala commented that this would be a much more controversial topic in the general public and, with only two people speaking tonight, he is surprised. In his many years of experience, in not only planning and zoning, but other public involvement types of meetings, generally you get people who come to things that do not want to see it. He said he is kind of surprised the Commission does not have more opposition one way or another.

T. Manning said he is aware of discussion in the community that is in opposition and he was expecting to see more of that here himself. It was published appropriately, on the website appropriately and he is kind of shocked that the Commission does not have more comments one way or another.

J. Cropley agreed with T. Manning. He is shocked and has heard comments everywhere he goes in town.

T. Manning asked if the Commission should continue the public hearing. J. Scala said he is leaning that way so the Commission can receive as much information as possible. Discussion followed on extending the public hearing in all three matters to give the public the opportunity to make comments.

T. Manning said if the Commission extends the public hearing to the March meeting, it will not effect any deadline for the moratorium so, given the controversial nature of this topic, he thinks the Commission should extend the hearing and try to get people to comment.

J. Flick said he thinks the Commission needs to follow all avenues to get word to the community because if the town is just doing this on the town website, people do not go there. He said they are on Everything Bolton and East of the River, all this other stuff. He said the Commission needs to reach the community at the level they are using for communication now in 2023. A. Fiano asked if the Commission has the authority to use social media. P. Carson responded board dealings must be through the public hearing.

T. Manning commented the Commission as individuals cannot start posting stuff under their individual name because it is an open public hearing and if you get any feedback how do you collect that record as part of a formal public hearing record. It has to come through something formal through the town where they can collect everything.

K. Gordon asked if it would be possible to have signage throughout the town referencing the public hearing on cannabis with the date and time.

M. D'Amato commented it is important to note the reason why we are here. When cannabis was legalized in Connecticut, the legislature told towns if you do not adopt regulations you must allow it like a similar use. Towns had to be reactive and make a decision. The challenge is this happened a year ago so if you are using zoning regulations, POCD's, strategic plans, community input, anything that existed prior to that date is not referencing that because it was pushed upon the towns without notice. The legislature has made other changes since then. It is a mandated obligation that the Commission has.

M. D'Amato said it might be possible for someone in town to reach out to a social media site administrator and ask them to share the legal notice or whatever is on the town website into that group

and they can turn the comment ability off so it does not create a second quasi-public hearing via social media.

J. Cropley was in favor of extending the public hearings and not do anything special like putting up signs.
A. Fiano said she is in favor of extending the public hearing to March and not extend the moratorium.

P. Carson said she will hear from the newspaper and she could give them what happened at this meeting and perhaps an article about the continuation of the public hearing to March meeting.

K. Gordon fears the Commission will miss a majority of residents in Bolton just using the newspaper article. He said this is such a consequential decision, the more participation is best to help the Commission make the best-informed decision.

T. Manning MOVED to continue the public hearing to Amend the Zoning Regulations (#PL-22-6) re: cannabis regulations amendments to:

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

to March 8, 2023, 7:30 p.m., Bolton Town Hall, 222 Bolton Center Road in-person or virtual. J. Flick SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

6. Old Business

a. **DISCUSSION/POSSIBLE DECISION: Modification of Special Permit to Allow Part-Time Use for Religious Assembly & As-Needed Preparation of Humanitarian Packages/Emergency Relief Items, 180 West Street (Highland Meeting Room), Peter DeMallie, Design Professionals, Inc. (#PL-23-1)**

P. Carson referenced the conditions for approval of the application.

T. Manning MOVED to approve Peter DeMallie's application for modification of a Special Permit to allow part-time use for religious assembly and as-needed preparation of humanitarian packages/emergency relief items at 180 West Street, application #PL-23-1, in accordance with the application and information submitted which is conditioned on the following:

1. The applicant shall apply for a Food Service Establishment Plan Review Application.
2. The applicant shall obtain and maintain all necessary Food Service Licenses.
3. 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.
4. Distribution from the property directly to consumers is prohibited.
5. Signs are not part of this decision. Any proposed signage will need separate permit application(s) and approvals from the Zoning Enforcement Officer.
6. 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.

T. Robbins SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

b. DISCUSSION/POSSIBLE DECISION: Zoning Regulation Amendments Regarding Cannabis (#PL-22-6)
No action taken as the public hearing has been continued to the March 8, 2023 meeting.

c. Other: None

7. New Business

a. DISCUSSION/POSSIBLE DECISION ON BOND RELEASE REQUEST: Site Improvement Bond for AllTown Fresh, 129 Boston Turnpike, Global Montello Group Corp. (#PL-21-7)

P. Carson explained in a January 17th correspondence, the town engineer reported he has reviewed the site improvement plan and, based on his inspections, the work has been completed in substantial conformance with the approved plans and recommends the site improvement bond be released in its entirety as requested.

T. Manning MOVED to release the Global Montello Group Corp. Site Improvement Bond in the amount of \$300,000.00 for completed site improvements at 129 Boston Turnpike (#PL-21-7) as requested by Global Partners, LP on January 16, 2023 and as reviewed and approved by Town Engineer Joseph Dillon on January 17, 2023. A. Fiano SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

b. DISCUSSION/DECISION: Request for Extension of Time to File Plans With Town Clerk Under Zoning Regulations Section 16B.5.b: Special Permit Application for Bed & Breakfast, 60 Villa Louisa Road, (A Villa Louisa), Asim Etem (#PL-22-7)

P. Carson reported in a January 31st correspondence applicant Asim Etem requested a 90-day extension of time to file the approved Bed and Breakfast plans for 60 Villa Louisa Road with the Town Clerk.

T. Manning MOVED to grant a 90-day extension of time from February 8, 2023 to May 9, 2023 to file plans with the Town Clerk's office as allowed by and in accordance with Section **16B.5.b. Endorsement and Filing** of the Bolton Zoning Regulations for all approvals granted under Permit #PL-22-7 for Asim Etem, which application and plans were approved by the Planning and Zoning Commission on November 9, 2022. T. Robbins SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

8. Correspondence

a. Request for Letter of Support for Parking Area for Nathan Hale Corridor/Greenway

P. Carson said a letter was received from Gwen Marrion asking the PZC to write a letter of support for a parking area off Route 6, next to the Munson's employee parking lot, to provide public access to the Nathan Hale Corridor trail head. P. Carson said when the State gave the property back to the town, a requirement was that it stay as passive recreation.

T. Manning asked if any other parcels in the area had been considered. P. Carson said at least one other parcel owned by the town closer to Auto Collision but required a lot more in regard to site line to use it.

T. Manning MOVED the Commission send a letter of support for parking area at Nathan Hale Corridor/Greenway as requested. J. Cropley SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

b. Request from the BOS to consider and act on an 8-24 referral for the property located at 130 Hop River Road

P. Carson said looking at the POCD there are things that would support this request. Correspondence from the Town Administrator dated February 3, 2023, requesting, on behalf of the Board of Selectmen, the PZC consider and act on an 8-24 referral for the property located at 130 Hop River Road. The site is

owned by the Town of Bolton and will be the subject of some improvements in the future. The town's intention is to utilize an existing curb cut with the permission of the CTDOT and make a parking area for a trail head. The driveway is proposed to be gravel with the exception of the apron. The driveway is proposed to lead to a gravel parking for approximately ten cars and will be outlined with large stones or felled trees using natural material from the site to the extent possible. The town expects some limited signage identifying the location and that the parking area is closed at sunset.

T. Manning MOVED that, in accordance with Section 8-24 Municipal Improvements of the Connecticut General Statutes, the Bolton Planning and Zoning Commission has reviewed the request by the Town Administrator on behalf of the Board of Selectmen for improvements to 130 Hop River Road to make a parking area for a trail head for the Nathan Hale Greenway. The project is consistent with the POCD, and the Planning and Zoning Commission recommends acceptance of the same to the Board of Selectmen. J. Cropley SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

c. Request to Schedule Presentation on DesegregateCTs Work Live Ride at Future Meeting

S. Trueax with DesegregateCT explained this is an organization looking to use land use policy to help with the social and regional implications of redlining as well as the social justice issues revolving around that and to help with the affordable housing crisis through all types of housing. She said this is a presentation of a bill the group is working on. She said she is requesting to be added to the agenda of an upcoming meeting with the Planning and Zoning Commission to present a short brief on their upcoming state-level proposal, Work Live Ride.

Consensus of the board is to schedule the presentation for April 12, 2023 meeting.

9. Adjournment: J. Scala MOVED to ADJOURN the meeting at 9:05 p.m. 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.