

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, AUGUST 9, 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, & Alternate Tom Crockett

PZC Members Present Via Zoom: Vice-Chair James Cropley, Jeffrey Scala, Alternates Kawan Gordon & Steven Clark

PZC Members Absent: Jeremy Flick, Thomas Robbins

Staff Present Via Zoom: Patrice Carson, AICP, Consulting Director of Community Development, Michael D’Amato, Interim Zoning Enforcement Officer

Others Present in-person: Michael Bugnacki

Others Present via zoom: James Grady, Grady Construction; Andrew Ladyga

1. Call to Order: Chairman T. Manning called the meeting to order at 7:30pm. T. Crockett was seated for T. Robbins. S. Clark was seated for J. Flick.

2. Approval of Minutes: July 12, 2023

T. Crockett MOVED to APPROVE the regular meeting minutes of July 12, 2023 as presented. S. Clark 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 that the majority of her time since the last meeting has been spent on the Sustainable CT recertification application which is due this Friday. T. Manning asked how this benefited the town. P. Carson stated that it tells people that Bolton is a Sustainable Community, but she was unable to say if the town had benefited from grant applications or other things because of the accreditation. It helps the town look at things it might not normally consider. It is a voluntary program and not all municipalities in CT participate. M. D’Amato stated that the process is more slanted toward larger communities that have large staffs and budgets to put towards the effort.

M. D’Amato reported on doing permit reviews, ongoing and new enforcement, Zoning Regulations work, met with property owners on their projects, and still on his list is getting some of the high-density housing information – the town that has that is going through a document scanning project so their files aren’t readily available, but he will get the information for the Commission as soon as it is available.

5. Old Business

a. Other: No other old business.

6. New Business

a. DISCUSSION/POSSIBLE DECISION: Site Plan Application for Deck, 35 Lakeside Circle, James Grady (#PL-23-5)

Applicant James Grady of Grady Construction presented a plan for a deck at 35 Lakeside Circle. He has received a wetlands permit and zoning variance and is now looking to get final PZC approval. The plan is to use Techno piers so there will be no heavy machinery or digging. The rest will be installing the wood and composite decking and railings, installing silt fence before starting the project to prevent anything from washing down into the lake, and vacuuming sawdust daily to keep a clean, tight jobsite. The Commission is reviewing this because there will be construction within 50 feet of the lake and the setback lines are trapezoidal so it's a bit awkward on the site. The new owners who are older have a set of stairs where the deck will go which are unsafe and would like to be able to get to the back yard safely and easily. The previous house that was once there had a covered deck in the same location that was closer to the lake and larger than the deck now proposed. It was removed and never put back except some of the foundation is still there. Zoning Regulation 3A7. James Grady stated he graduated from UConn in 2004 with a bachelor's degree in engineering for natural resource management and can confidently say that this project would not have any effect on the ecology of the lake or polluting the lake at all. No abutters have commented at any of the permit meetings he has attended.

T. Manning MOVED that the PZC approves the deck proposed by James Grady for 35 Lakeside Circle in the Site Plan application #PL-23-5 and finds that it is in compliance with the requirements of 3A7 of Zoning Regulations. J. Cropley SECONDED. No discussion. By roll call vote, MOTION CARRIED 7:0:0.

b. APPLICATION: Special Permit for 6-Unit Senior Housing Project, 7 Loomis Road, Michael Bugnacki (#PL-23-6)

Applicant Michael Bugnacki submitted an application and maps for 6 one-bedroom, one-bathroom, 1000 square foot apartments for age-restricted 62 and older at 7 Loomis Road where the PZC previously approved a commercial building of 6 1000 square foot business spaces. There does not seem to be a need for more office or business space recently but there is a need for senior housing and Mr. Bugnacki thinks it's a good match for that need. P. Carson stated that the application is complete.

T. Manning MOVED that the PZC receive application #PL-23-6 and set a public hearing for 7:30pm on Wednesday, September 13, 2023 at the Bolton Town Hall, 222 Bolton Center Road and virtually. J Scala SECONDED. No discussion. By roll call vote, MOTION CARRIED 7:0:0.

c. Other: There was no other new business.

7. Ongoing Discussion: Bolton Subdivision and Zoning Regulations

P. Carson updated the Commission on where the town was on the codification process and read a note from the Town Clerk. The timeline is still up in the air. Since the last meeting, Commissioners were supposed to review the use chart - that shows business and industrial uses in those zones and combines all the uses allowed in those zones and how they are allowed; by site plan (SP) or special permit (SUP) – and identify things they think do not require a special permit or could be done at a staff level and not necessarily have to come to the Commission. Kawan reviewed his comments which were approached with an eye toward making sure the public is safeguarded as he looked at the type of business and potential risks or exposures (chemicals, radiation, etc.). In his opinion, there were about 6 business types that would not need a special permit, i.e., offices would not need a special permit because the public would probably not interface with potential hazards; same with banks or financial institutions, driving ranges or miniature golf courses. Retail shops might be different as a clothing retail shop may not pose any risk, but he questioned places that sell food products. Also questioned a studio, depending on what they do. Kawan did not really separate those things that needed to go to the Commission or just to staff. The chair thanked Kawan for his review and asked that it be shared with the PZC.

There was a short discussion about Special Permit/Special Use Permit which requires a public hearing versus Site Plan which does not require a public hearing. P. Carson reminded the Commission that almost everything in Bolton is allowed by Special Permit and this was pointed out during the POCD process. The Commission had decided then that it would be good to do what they are doing now and review what could be allowed without Special Permit, simplifying the process, shortening the length of time for a decision, and lessening the cost by going through either Site Plan or just a staff review.

J. Cropley said he is concerned about allowing things by staff review only - not currently because he feels we have a great staff reviewing things – but he feels like that hasn't always been the case and would be concerned about that in the future. He also asked about the recourse for someone who didn't get approved by the staff. M. D'Amato stated that any decision by the ZEO can be appealed to the ZBA to see if the decision had been made correctly. But Site Plan applications are "yes or no" questions. If the criteria in the regulations is met, then the answer is yes, whether it's the PZC or staff making that decision. You cannot attach special conditions to Site Plans. The goal would be to establish the standards within the regulations so that the yes or no questions are very easy to understand and demonstrate so that staff or the PZC is simply going through the plans and application to be sure it complies with the established standards. The current regulations are pretty comprehensive as to what the standards are, but the PZC might want to review them and combine them so they are in one place and easy to understand. The staff could still seek guidance from the PZC if it needed to. There are towns that have language that dictates that if staff has any concerns about the compliance of a particular application that they can review the application with the PZC. The process does not change, but it allows staff to seek guidance from the Commission on what a particular interpretation might be (for example how to categorize axe throwing). The first step for the PZC might be to look at the uses that no one is going to argue what they are (Site Plan) and leave the more complicated uses as they are (Special Permit). A cap on the use could also be established, i.e., any office space over 2,000 square feet goes to the PZC but under 2,000 square feet could be done by staff. Staff will send out the original table again and Kawan's comments.

8. Correspondence: An email was received from Town Administrator Jim Rupert regarding the 8-24 Referral for the temporary office structure in front of the Notch Road Municipal Center that the PZC recommended approval on last month. Jim said that after meeting with the contractors on site they found it necessary to change the orientation of the building based on the utilities and other factors so that the long side is parallel to the street which is different from what was originally proposed, and wanted to notify the PZC in case there was anything else necessary for them to proceed. A sketch was included in the packet. P. Carson said that since the PZC already recommended approval of the proposal for the use, they probably did not need to re-recommend anything for the orientation of the building. R. Fournier stated it was a big plus to move the building to take advantage of what is already on the site.

9. Adjournment: J. Cropley MOVED to adjourn the meeting at 8:24pm. R. Fournier SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Patrice Carson

Patrice L. Carson

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