

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

**MINUTES**

**PZC Members Present In-Person:** Chairman Tom Manning, Rodney Fournier, Thomas Robbins, & Alternate Tom Crockett

**PZC Members Present Via Zoom:** Jeffrey Scala (arrived 7:34 p.m.), Alternates Kawan Gordon & Steven Clark

**PZC Members Absent:** Vice-Chair James Cropley, Arlene Fiano, Jeremy Flick

**Staff Present Via Zoom:** Patrice Carson, AICP, Consulting Director of Community Development, Recording Secretary Linda H. McDonald

**Others Present in-person:** Michael Bugnacki, Sydney Shifrin, John Lorch, Anne Lorch, Larry Pease

**Others Present via zoom:** Nicholas Shifrin

**1. Call to Order:** Chairman T. Manning called the meeting to order at 7:30 p.m. T. Crockett was seated for J. Cropley. K. Gordon was seated for A. Fiano. S. Clark was seated for J. Flick.

**2. Approval of Minutes: June 14, 2023**

T. Crockett MOVED to APPROVE the regular meeting minutes of June 14, 2023 as presented. R. Fournier SECONDED. By roll call vote, the MOTION CARRIED 6:0:0.

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

**4. Staff Reports**

P. Carson reported most of the staff's work is for items on tonight's agenda. Staff met with several members of the public who are looking at purchasing property and wondering what they can do with that property. Work has started on 271 Hop River Road gas station and the building permit was issued about a week ago. Staff applied for the State permits to connect the gas station with the Hop River Trail.

P. Carson noted Interim Zoning Enforcement Officer Michael D'Amato is working with the town of Mystic to get some plans for the transit-oriented housing units developed built on septic systems to bring to the commission.

**5. Public Hearing**

**a. APPLICATION: Zoning Regulation Amendments to Sections 6A.14 & 8B.2.b. to Amend Traditional Multiple Dwelling Complexes for (the Elderly) Seniors and Allow in NB Zone, Michael Bugnacki (#PL-23-4)**

P. Carson read the legal notice into the record.

M. Bugnacki explained he is applying for a change in the zoning regulations to allow for senior housing in the Neighborhood Business zone and said there is a need for senior housing. The regulation proposes one-level, one-bedroom handicap accessible units no larger than 1,000 square feet. Each unit would have a patio in the rear for enjoyment of the outside or other amenity.

J. Scala asked why the applicant is restricting the units to the elderly versus creating smaller one-bedroom apartments. M. Bugnacki responded this is to fill a need in the community. J. Scala asked if there was any need for small single bedroom apartments for non-age restricted housing. P. Carson said the regulations already allow for traditional housing complexes that are not necessarily for the elderly. She said, when the applicant came in to talk to staff about this, they were trying to allow for something different from just these large complexes and noted this change is only applicable in the Neighborhood Business (NB) zone. She said if it is successful, maybe it can be expanded to other zones at that point.

J. Scala said he personally has mixed feelings about age-restricted housing because he believes it is discriminatory against young people. He said he is wondering why have age-restricted rather than just opening up this style of housing to all in the zone.

P. Carson said the Plan of Conservation and Development (POCD) supports diverse types of housing and one of the types of housing is for the seniors. She said seniors in town are trying to downsize and stay where they have been. If you have younger people trying to move in, like children who grew up in town, there are regulations that allow for that type of housing already.

In response to a question of whether the commission can make changes to the proposed regulation change, P. Carson said the applicant is asking to alter a specific section of the zoning regulations that is already about apartments for the “elderly”. He is not asking to alter the section that has nothing to do with the elderly.

K. Gordon commented he has mixed thoughts. He said as a person who served on the former Diversity Commission, one of the populations that was identified in the commission’s findings as not having full representation was elderly persons and one thing that came up was affordable housing. He said he thinks the overall idea being presented is good. However, he thinks it make sense to make sure the commission is not locking themselves into a situation where they are not going to be compliant for that type of zoning for that type of housing in the future when it comes to age restrictions.

P. Carson, for the record, stated this application was referred to the Capital Region Council of Governments. They responded that they find no apparent conflict with the regional plans or policies or concerns and the CROG staff commends the amendment to better enhance public health for all ages. Neighboring municipalities were also notified and no comments were received. P. Carson said there is a staff report that discusses the amendments for seniors and the key issues that are taken from the POCD that support this change.

T. Manning read the comments from Nicholas Shifrin in the chat. Handicapped, or no? Would the code require to be fully ADA compliant regardless? T. Manning responded the building code requires all units on the ground floor of an apartment building that do not have an elevator be a Group B unit and those are not fully accessible. The building code does not require ADA compliance. It references the ICCNC accessibility standards.

Nick Shifrin comments: “This affects the entire town for the foreseeable future. That the man in the blue button down is saying that people that are not seniors are more difficult to have as tenants equals discriminatory.”

Sydney Shifrin, 56 West Street, read a prepared statement signed by her and Nicholas Shifrin into the record as property owners and residents of 56 West Street which abuts the property of Mr. Bugnacki that is the subject of this Application for an amendment to the Zoning regulations. They are opposed for the following reasons and are asking the Commission to deny the requested modifications.

The purpose of the NB zone, per section 8B.1 of the zoning regulations are summarized as follows:

1. "To support shopping and services in a village atmosphere for residents...", not for multi dwelling housing.
- 2) "Due to lack of sewer and water the area cannot support the intensity of development intended for general business zone."
- 3) "Because the zone is geographically small and surrounded by rural or residential uses, development should avoid adverse impacts to the value of surrounding properties; to avoid traffic hazards or congestion and to regulate the nature of the uses so that they provide necessary convenience shopping for local needs, but no more than that" (i.e.: not for multi dwelling or senior housing).

Modification to the regulations to allow multi dwelling housing and/or high-density housing structures does not fall within the intent or spirit of the regulation and is detrimental to the local neighborhood.

This proposal not only reduces the minimum lot size, but even though the lot size is reduced by more than 40%, it still allows for the same density of development of the current lot size. It is highly unusual for any Connecticut rural community to allow development of lots of only 1 acre (40,000 sq. ft) for the simple reason that small lot size creates a high-density use, even for single family structures, never mind multi dwelling units as with this proposal. Reducing the lot size requirement from 70,000 sq. ft. to 40,000 sq. ft. further increases the density to a very high level with significant impact on the local residences and not only seems unusual but is unreasonable particularly in this neighborhood/residential area and is in direct contradiction to the stated purpose of the NB zone.

If we understand correctly, if this modification is approved, the developer would need to meet the requirements of a Special Permit per section 16 of the regulations, however, Section 16 does not seem to require a public hearing for proposed projects. We are strongly opposed to this since this would not allow neighbors to have an opportunity to review the project nor voice support or opposition to a proposal. Any such proposals, moving forward, should at a minimum require a public hearing to allow for review and discussion of the specific project.

Since the proposal for modification of the zoning regulation is from one specific developer and targeted at one specific property, it doesn't seem reasonable or appropriated to modify the regulations to meet the desire of one developer at the potential detriment to the remainder of the community.

Based on the above, we specifically request:

- 1) That you deny this application in its entirety since it does not meet the purpose of the NB zone.
- 2) You modify the Special Permit Section 16 to require a public hearing to require a public hearing for anything other than a single dwelling home in the NB zone."

Anne Lorch stated she owns a property at 44 West Street and resides at 100 West Street. She agreed with the read comments by S. Shifrin. She said "I was here a few years ago for the possibility of having a multiple business building and had a lot more information at that point in time to look at; plans drawn to see what the building looked like, plantings, parking. We have none of that right now to look at. I know you probably don't want to invest in that kind of thing until this is passed by you guys. But I think

it is very important that more people than just the people who live next to this property have a say and I agree with a public hearing because, if this gets passed, this can end up being multiplied in many other places. I don't know if this rural, very lovely little town wants to have apartment buildings splattered here and there around this entire town. I think we need to think about that it would change the whole dynamic of this community and that I am very concerned about. I've lived here for almost 50 years."

Larry Pease of 11 Loomis Road stated "I own 2 and 1/2 acres downhill and east of this proposed project, a 90x93 foot building. I bought this for family with a 100-foot setback (buffer) for the purpose of selling this property, which now is being offered right now for sale, with negotiations from people coming at me. What I am worried about is what it is going to do to my potential of having to devalue the property, to carve a couple of hundred feet above it to park trucks there for these people who are trying to buy it from me to come put a small business there. Now you're talking about having patios in the back. There will be 12 cans out front on recycling day or is it going to be a garbage truck with a dumpster coming in? There's no plans to see like the last project you came up with. How come there are no plans? When are we going to see the plans?"

T. Manning responded this is a text amendment only. That is not a specific project. L. Pease asked, "so there will be no chance to see the plans?" T. Manning responded "Correct."

P. Carson said part of this amendment also states that any application under this regulation requires a special permit. So, if the Commission passes this and somebody comes in and wants to put in an application for apartments, it will need a special permit and neighbors of the specific project would get notified. There would be a public hearing to review plans and speak. The application being reviewed tonight is just to amend the regulations, not for any specific plan. Mr. Bugnacki already has a six-unit business complex approved on the site that people were referring to.

S. Shifrin said she did not hear anyone from the Commission discuss the change from 70,000 sq. ft. to 40,000 sq. ft. She asked if the discussion was offline and are they not going to have that here? T. Manning responded there are no Ex parte conversations.

P. Carson noted that is just the minimum parcel size and you would have to have that to begin a project, but you would have to meet the requirements of the public health department which may require a larger parcel.

T. Manning read the proposed text amendments (in bold) into the record.

- **Onsite septic systems shall be designed in accordance with the Public Health Code.**
- Traditional multiple dwelling complexes for ~~the elderly~~ **seniors** may be permitted by Special Permit **in the R-2 and NB zones upon any parcel of land comprised of an area of at least 40,000 square feet.**

T. Manning explained 40,000 square feet is the minimum lot size for a single-family home.

- **40,000 square feet of land area for the first six dwelling units, plus 10,000 square feet of land area for each additional dwelling unit** up to a maximum of sixty dwelling units, inclusive of all phases, may be allowed.

T. Manning said the 40,000 square foot minimum is for six one-bedroom dwelling units so the maximum occupancy by the public health code is two per bedroom. In order to get that density, the existing land would have to support it.

J. Scala commented there is a concern about R-2 and this kind of development where you need 60,000 square feet and there is a member of the public saying allowing this kind of development in the NB

zone, it drops the 60,000 sq. ft. minimum to 40,000, so there is a potential increase in density. He understands that the land has to support it and asked if the applicant would be okay with amending the requested change in regulations to change the provisions to make it a 60,000 square foot lot in the NB zone to support this. He asked the public if that would address their concerns. S. Shifrin said that would make it more reasonable and in line with how things have been. She said the appearance is that the town is changing the code for a single project. T. Manning said it could apply to all the NB zones in town.

The applicant M. Bugnacki stated he would not want to change what he is asking. He reiterated that he is trying to fill the need for senior housing. He noted, presently approved is a building of very similar size with a parking area twice as large.

T. Manning resumed reading the proposed text amendments (in bold) into the record.

- **Each unit shall have its own direct access provided by an exterior door**
- **Dwelling unit requirements for full cellars in Section f, shall be optional.**
- **All multiple dwelling complexes for seniors shall contain a minimum of one (1) outdoor amenity, including, but not limited to, a deck or patio for each unit, common gazebo, walking path on the property, common community room, or other amenity to be approved by the Commission.**
- 6.a.15 Open Space Conservation Development Multiple Dwelling Complexes (see Section ~~7.D~~ **7A.4**)
- Added under 8B.2.b Special Permit **18. Traditional Multiple Dwelling Complexes for Seniors**

T. Manning asked if it would be appropriate to add under 8B.1 Purpose the following:

The purpose of the Neighborhood Business Zone (NB) is to provide convenience, shopping, and services in a village atmosphere **and expand housing choices** for residents in the southern portion of Bolton. Applicant M. Bugnacki agreed to adding a clause to 8B.1 to make the purpose of the NB zone consistent with the addition of additional multiple dwelling complexes for seniors.

Comments from the chat:

- Would we see an analysis of traffic and refuse? It seems residents would produce much more than a business. T. Manning responded those are parts of the site plan that would be required as part of a special permit.
- This should not be applied to the applicant. This applies to the entire town.
- This appears to be based on a single applicant's request for changes to the town's codes.
- What part of senior housing is the shopping village atmosphere that is the intent by the change to 8B.1?
- Can someone please disclose what percentage of NB zones in town are owned by M. Bugnacki or MTS Builders? M. Bugnacki said he only owns that one property and he is the President of M.T.S. Builders. J. Scala said he does not think that the last question was relevant to what is being discussed here and wanted to make sure the applicant was not feeling it necessary to answer that question.

Responding to a board question, P. Carson said the only new business in the past ten years in the NB zone was the revamping of the restaurant on West Street.

K. Gordon said he thinks it is important that the public has future opportunities to express their opinions and, once getting maps, tables and other supporting visual materials, may help the public.

S. Clark said he agrees that should be more public input. He said he does not know enough about this to take a position and would like more time to get into it for a better understanding.

T. Manning said he is very sympathetic when a private party comes forward to develop something the town has had a need for a long time. He said he finds the proposed changes are a reasonable addition to the NB zone although his preference would be not to go for age-restricted housing. He agreed the town does need this type of housing and he intends to vote for this amendment.

T. Manning polled the other commissioners to see if anyone, in addition to S. Clark, would like to hold the public hearing open. Upon a request from R. Fournier, P. Carson shared the Zoning map showing the Neighbor Business zones in town that are applicable to the application with the commission.

R. Fournier MOVED to close the public hearing for application #PL-23-4 for Zoning Regulation Amendments to Sections 6A.14 & 8B.2.b. to Amend Traditional Multiple Dwelling Complexes for (the Elderly) Seniors and Allow in NB Zone, Michael Bugnacki. J. Scala SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

## **6. Old Business**

### **a. DISCUSSION/POSSIBLE DECISION: Zoning Regulation Amendments to Sections 6A.14 & 8B.2.b. to Amend Traditional Multiple Dwelling Complexes for (the Elderly) Seniors and Allow in NB Zone, Michael Bugnacki (#PL-23-4)**

T. Manning MOVED the Planning and Zoning Commission amend the Bolton Zoning Regulations Sections 6A.14, 6A.15 (as added and amended), 8B.1 (as added and amended), and 8B.2.b. as presented in Michael Bugnacki's application #PL-23-4 to address the need for smaller multiple dwelling complexes for seniors in the NB zone effective 08/01/2023, including the following amendments:

- 6.a.15 Open Space Conservation Development Multiple Dwelling Complexes (see Section ~~7-D~~ **7A.4**)
- 8B.1 Purpose

The purpose of the Neighborhood Business Zone (NB) is to provide convenience, shopping, ~~and~~ services, **and additional housing choices** in a village atmosphere for residents in the southern portion of Bolton. J. Scala SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

**b. Other:** No other old business.

## **7. New Business**

### **a. 8-24 Referral: Erect Temporary Office Structure in Front of Notch Road Municipal Center (104 Notch Road) for Relocation of Town Office Space**

P. Carson explained that 8-24 Referrals are statutory referrals under CGS 8-24 for any municipal improvement that the Planning and Zoning Commission gets to review and make a positive or negative recommendation to the Board of Selectmen.

P. Carson referred to the plans and map provided by the Town Administrator for this 8-24 referral and explained the referral is for the erection of a temporary office structure in front of the Notch Road Municipal Center at 104 Notch Road in Bolton. The structure will be supported by stone pile piers, containing a mix of single and multiple workstation offices and two restrooms. There are two entrances; one will have a ramp to meet current accessibility requirements. The purpose is to provide office space for those offices currently in the Notch Road Municipal Center so the existing structure may be torn down in the near future. Part of the process will include removal of utilities serving the portion of the building slated to be torn down which is everything but the Senior Center and rooms A and B. Utilities will be relocated to serve the temporary structure.

T. Crockett 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 to erect a temporary office structure in front of the Notch Road Municipal Center at 104 Notch Road for the relocation of Town office space. The project is consistent with the POCD, and the Planning and Zoning Commission recommends acceptance of the same to the Board of Selectmen. R. Fournier SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

**b. 8-24 Referral: Construct an Outdoor Patio at the Bentley Memorial Library Property (206 Bolton Center Road)**

P. Carson explained this 8-24 referral is for the construction of a patio at the Bentley Memorial Library. The patio is approximately 900 square feet and proposed to be constructed of concrete. The patio will be constructed at the rear of the structure up against the building where the rear door is. This will be used for outdoor programming and is ADA accessible. Discussion followed.

T. Crockett 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 to construct an outdoor patio on the Bentley Memorial Library at 206 Bolton Center Road for use for outdoor programming at the library. The project is consistent with the POCD by helping with the Town's goals for greater connectivity and civic engagement, and the Planning and Zoning Commission recommends acceptance of the same to the Board of Selectmen. K. Gordon SECONDED. By roll call vote, MOTION CARRIED 7:0:0.

**c. Other:** No other new business.

**8. Ongoing Discussion: Bolton Subdivision and Zoning Regulations**

T. Manning said there will be no discussion on this agenda item this evening. He referred to the simplified chart of the permitted uses in the packet.

P. Carson explained the chart 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). For homework, she requested the members 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.

**9. Correspondence:** No correspondence.

**10. Adjournment:** J. Scala MOVED to adjourn the meeting at 9:10 p.m. T. Crockett 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.*