

**BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, SEPTEMBER 11, 2024
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD
In-Person and Via Zoom
MINUTES**

PZC Members Present In-Person: Chairman Tom Manning, Arlene Fiano, Marilee Manning, Thomas Robbins, Alternates Diane DeNunzio and Tom Crockett

PZC Members Present Via Zoom: Alternate Kawan Gordon

PZC Members Absent: Vice-Chair James Copley, Steven Clark, Jeremy Flick

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

Others Present In-Person: Morris Silverstein, Tyler Clark

Others Present Via Zoom: No others were present via Zoom

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

2. Approval of Minutes: August 14, 2024

A. Fiano MOVED to APPROVE the regular meeting minutes of August 14, 2024 as presented. D. DeNunzio SECONDED. MOTION CARRIED 6:0:1 (Crockett).

3. Residents’ Forum:

Morris Silverstein, a member of the Bolton Zoning Board of Appeals (ZBA), appeared in a personal capacity to propose the PZC consider promulgating regulation allowing residents to bypass the ZBA process when making changes to non-conforming buildings. Mr. Silverstein explained that the ZBA held a hearing on a variance last night that was 8.4 inches short of a 10-foot requirement. Due to regulations, the Board could not pass the variance, but the resident was charged over \$300.00 to present the request to the Board.

Mr. Silverstein also introduced Tyler Clark, a resident that wants to add a second story to his existing property. He stated that although adding a second story will not change the footprint of the home, the non-conforming building requirements will not allow the addition. He stated that expanding the property upwards would benefit the town as it would increase the property tax for the same piece of property and asked the Board to consider easing the requirements to non-conforming buildings.

Tyler Clark, 37 Carpenter Road, explained that his family has recently expanded to five members with the birth of his twins, and he would like to add a second story to his home to accommodate his growing family. Since the survey will cost between \$3,000.00 - \$4,000.00, Mr. Clark asked the Commission what his chances are for approval and the next steps; he is looking for viable options to expand his current property to avoid moving away from Bolton.

A. Fiano asked why the resident has to spend money on a survey if there is plot plan registered in the town. P. Carson replied that the ZBA needs to know how much the expansion would be over the requirement if a resident is attempting to get a variance. If the variance is due to a hardship, they will typically grant it beyond the requirement; however, it is difficult to get such a variance if there is no hardship. She added that surveys are generally required if the house is older and does not have one on file. Mr. Clark explained that a partial second story addition was added to the home at some point, and he just wants to make it a full second story.

He stated that he spoke with Thad King and was told his home was suitable for a four-bedroom with respect to the septic system.

D. Denunzio asked why Mr. Clark cannot expand when he is not adding footage to the building size. M. D'Amato explained that the expansion would result in twice the volume of the structure within the setback, and Zoning Regulations do not allow for expansion of nonconformity. He added that staff has looked at alternatives but concluded a variance would be required because the requirements measure total cubic dimensions and that would require an amendment.

T. Robbins noted that he would be in favor of supporting a dwelling addition and distinguishing between outbuildings and dwellings. Mr. Silverstein stated that the issue he has is that the regulations do not currently make sense and there is no detriment in adding another story that is not encroaching on the building line.

T. Manning stated that he will discuss the requirements further with staff.

4. Staff Reports:

P. Carson reported that staff has been working on adding businesses to the map on the new Connecticut's Countryside website. She also provided an update on Dan Sandstrom's property on Hop River Road and stated that Dan is interested in re-opening the nursery part of the business. She mentioned that his attorney came to see her yesterday, and he is going to find out if the property was put in before zoning regulations. There is a need for outside storage of materials, but P. Carson does not believe that is a staff-level regulation. The attorney is working to determine how to move forward and will provide a sketch since there is no plot plan in place. A. Fiano stated that the property has existed for at least 60 years.

P. Carson reported that a cookie-oriented bakery is planning to open next to Subway soon and will serve gluten-free cookies. K. Gordon asked if the business signed up for the business website for advertising. P. Carson replied that she has, and the owner was very excited to receive free advertising. She added that a special e-bulletin geared toward the business community was sent out with a list of links and instructions to add their businesses and events to the website and the offer of staff help if needed.

T. Manning stated that he met with M. D'Amato and P. Carson to follow up on the last meeting with the Selectman and shared his notes on the next steps. He stated that all large parcels should be mapped, and also noted that developers are not interested in building residences with commercial property on the first floor. He suggested the PZC may want to eliminate that requirement.

In an attempt to remove restrictions on connections of housing to the sewer system, T. Manning is working on contacting relevant staff at DEEP and the BLRWPCA and will find out whether the restriction in the grant expires once the loan is paid off. He added that the grant expires in 2026. T. Manning also stated that the PZC may want to consider doing a phased development on the Drive-In site and build it piece by piece with a Master Plan to ensure it is economically viable.

T. Manning reported that he attended the CCAPA Housing Forum today and learned that the Municipal Redevelopment Authority has been extended to the whole state. He stated that any town can now join voluntarily, and a public hearing and resolution from the Board of Selectman would be required to join. The Authority provides various sources of financial assistance for infrastructure, housing, traffic and other areas, and T. Manning also noted that there is a new municipal affordable housing technical assistance program within the Department of Housing that may also be able to provide assistance.

A. Fiano stated it would be in the town's best interest to have its housing authority active. T. Manning stated it has not been filled or funded, and M. Manning noted that the process of getting it funded was very complicated

when she was on the Board in the 1980's. T. Manning suggested speaking with Carol Martin who successfully financed the housing authority in the Town of Orange when nobody else could figure it out, and he will share her contact information.

T. Manning stated that the Board of Selectmen is currently pursuing public water with the Town of Manchester and negotiations are going quite well. He suggested joining them to get sewer and water in affordable housing.

5. Old Business

a. **Other:** There was no other old business.

6. New Business

a. **Other:** There was no other new business.

7. Ongoing Discussion: Bolton Subdivision and Zoning Regulations

a. Discussion of lot coverage/building coverage

P. Carson stated that T. Manning had tasked staff with providing recommendations on zoning regulations that have been difficult for staff. These items include minor modification requirements and what is required for staff approval, issues regarding multi-family residences with first floor commercial properties, front, side, and rear yard requirements, and whether the section on apartments and multi-dwelling units are too restrictive or not restrictive enough.

P. Carson explained that there is no definition for lot coverage in Article 11 of the zoning regulations but there is one for building coverage. She recommended simplifying this section to include lot and other types of coverage. She stated that lot coverage needs to be reviewed, especially for business and industrial zones, to make minor modifications less restrictive so that businesses will stay in town.

P. Carson recommended removing the need for the Town Engineer to review all minor modifications such as parking spaces and suggested changing the language from "Town Engineer" to "any applicable municipal department." She stated that the zoning officer should be able to request reports from any applicable official. After discussion on ensuring adequate checks and balances, P. Carson offered to issue the favorable report in the permit as an issue comment rather than issuing a formal favorable report. T. Manning stated that would be sufficient. The modifications will be edited to eliminate Item B(7), to change Item B(8) to Item B(7), and to modify the final portion.

P. Carson stated that she does not know why 5% is what triggers the minor modifications section or where the figure came from. M. D'Amado stated that it is a very small percentage and should allow for more flexibility. He also agreed that the Town Engineer review for minor modifications is unnecessary and expensive. M. D'Amado agreed that all entities should be combined into a single category that allows the Town Planner to consult with anyone applicable at their discretion. A draft of modifications will be provided at the next meeting.

There was discussion about the general mixed use and affordable housing options. T. Robbins asked if one unit out of three has to be affordable housing. P. Carson confirmed that 20% of units must be affordable housing. M. Manning stated that this policy seems to be unpopular and a difficult concept to sell to developers. T. Manning suggested changing the language for multi-family residences to read "including affordable dwellings as determined by the PZC."

P. Carson asked for clarification on whether the PCZ would like to allow adding multi-family dwellings without a commercial component and whether to keep the 20% requirement on affordable housing units.

M. D'Amato suggested allowing mixed use sites rather than mixed use buildings to prevent filling those zones with residential and limiting commercial availability. He added that keeping the 20% affordable housing requirement will severely limit interest from developers and suggested considering housing that is attainable. He stated that many towns have considered capping the unit size at 1,000 square feet or less in an effort to reduce monthly rental costs. M. D'Amato shared that the 20% requirement will prevent development as it comes with complex processes such as verifying the income of residents annually and evicting them if their income exceeds the limit as well as other ongoing maintenance.

M. Manning proposed building smaller houses that would allow families to build equity. P. Carson confirmed that there are no restrictions on building small houses but does not believe there is much interest from residents in building smaller homes. T. Robbins agreed that most residents do not want to build a small home on a large lot. M. Manning suggested site sharing to create communities of small houses. A. Fiano noted that the old Valentine development on Cook Street has small houses on .25-acre lots with septic and wells and it is a very successful neighborhood. T. Manning asked Staff to provide draft language at the next meeting.

P. Carson shared drawings outlining a discrepancy in yard regulations and asked for clarification on whether the yard requirements are determined by the property line and what the requirements are when there is a road on each side of the property. T. Manning stated that a corner lot provides two front yards, two side yards, and no rear yard, whether or not there are roads on each side. P. Carson suggested adding language to explain the yard requirements for corner lots and to correct the yard definition to read that it is parallel to the property line. T. Manning agreed and noted that the required yard is the setback from the street to the property. He added that a resident may add to the front of their house as long as the structure does not interfere with the required yard. P. Carson stated that staff will draft the corrections.

8. Correspondence: There was no correspondence.

9. Adjournment: D. Denunzio MOVED to adjourn the meeting at 8:54 p.m. M. Manning SECONDED. MOTION CARRIED 7:0:0.

Respectfully submitted by Kacie Cannon

Kacie Cannon

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