

**BOLTON PLANNING & ZONING COMMISSION**  
**REGULAR MEETING**  
**7:30 PM, WEDNESDAY, NOVEMBER 13, 2024**  
**BOLTON TOWN HALL, 222 BOLTON CENTER ROAD**  
**In-Person and Via Zoom**  
**MINUTES**

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

**PZC Members Present Via Zoom:** Vice-Chair James Cropley, Arlene Fiano, Jeremy Flick, Alternate Kawan Gordon

**PZC Members Absent:** Steven Clark

**Staff Present Via Zoom:** Jim Rupert, Town Administrator, Patrice Carson, AICP, Consulting Director of Community Development, Michael D'Amato, Zoning Enforcement Officer, Recording Secretary Kacie Cannon

**Others Present In-Person:** Tyler Clark

**Others Present Via Zoom:** Jim Loersch

1. **Call to Order:** T. Manning called the meeting to order at 7:31 p.m. T. Crockett was seated for J. Flick. D. Denunzio was seated for S. Clark.

2. **Approval of Minutes: October 9, 2024**

The following amendments (in bold) were made to the meeting minutes of October 9, 2024:

- PZC Members Present In-Person: T. Crockett was listed as being both present in person and on Zoom. T. Crockett was Present-In-Person and was removed from Members Present Via Zoom.
- PZC Members Absent: K. Gordon was added as Absent.

T. Crockett MOVED to APPROVE the regular meeting minutes of October 9, 2024 as presented. J. Cropley SECONDED. MOTION CARRIED 7:0:0.

Jeremy Flick joined the meeting, and T. Crockett was unseated as his alternate.

3. **Residents' Forum:**

Tyler Clark, 37 Carpenter Road, explained that he previously brought a matter before the PCZ to determine if he can expand the second story of his non-conforming property. He asked if a determination has been made on next steps and whether he needs to have a survey completed to take it to the Zoning Board of Appeals (ZBA) or whether the PCZ will make an amendment to allow the addition. T. Manning stated that the regulations would have to be changed to allow the addition, and a public hearing would need to be held. P. Carson added that Mr. Clark would need to provide proposed regulation language for the application.

Mr. Clark explained that his home is currently one and a half stories with one bedroom on the second floor. He stated that his family has recently grown to a family of five, and his three children currently share the bedroom upstairs. Mr. Clark stated that he is interested in expanding the second story into a full story so he can remove the current bedroom and add three bedrooms. He added that Thad King, Town Sanitarian, informed him that the septic system is suitable for a five-bedroom home. Mr. Clark noted that he attempted to sell the home a few years ago; however, due to the small size, there were no interested buyers, and he feels stuck because he cannot sell or expand the home. If allowed to expand the property, Mr. Clark would plan on doing so in the spring.

P. Carson stated that since Mr. Clark needs a variance, the PCZ would have to adopt regulations for a property that is already over the setback, send it to CRCOG for review, and hold a public hearing. She stated that it could not likely be done within Mr. Clark's timeframe. T. Crockett stated that the house was built in 1907 and pre-dates the zoning regulations. He asked if that could be put into the regulations and added that he hopes the PCZ can help Mr. Clark.

P. Carson asked why a survey is needed. M. D'Amato explained that a survey is necessary for the variance for the setback that he is currently in violation of because the distance to the setback line is unknown. He added that the ZBA needs to know the distance they are granting the variance for. M. D'Amato stated that the options to allow the expansion include providing a text amendment, adjusting the setbacks for the zone for homes built prior to the implementation of zoning requirements, and allowing vertical expansions only.

T. Robbins asked if an old survey is available to use for the property, and M. D'Amato stated that there is none. J. Flick asked why there is an issue with expanding up when it would not encroach on the boundary, and M. D'Amato replied that the Town regulates both horizontal and vertical expansions, and the intent of zoning is to discourage the expansion of any non-conforming structure. He added that allowing the expansion would double the square footage and volume, making the property even more non-conforming. D. Denunzio asked if the regulations could be changed just to apply to the vertical expansion since it is not affecting the footprint. D'Amato replied that the regulations could be changed but explained that if a text amendment was done, it would impact the entire zone or, potentially, the entire town. He noted that a variance would only impact Mr. Clark's property, but a text amendment would be town wide. J. Flick stated that if it does not encroach on a boundary, it should be allowed. P. Carson noted that the zoning regulations have to be obeyed, and each option requires a survey. She added that a change in zoning regulations can take a long time, and it would be quicker for Mr. Clark to apply for a variance.

K. Gordon asked if there are any type of natural, metallic structures underground that could determine the property lines. Mr. Clark stated that his property backs up to the Town of Manchester boundary line and mentioned that he has an old stone marker with a metal pin on the property. M. D'Amato stated that a survey still must be done and only a surveyor can determine the property line. P. Carson stated that he could just get a survey of the side of the property infringing on the setback line. She also noted that since the property is in the R-1 zone, all properties in that zone would be impacted by any regulation amendment. T. Crockett asked P. Carson to explain what CRCOG is. P. Carson explained that the Capitol Regions Council of Government (CRCOG), is a planning arm of the state. She stated that any changes to regulations must be sent to CRCOG for review, and they have 30 days prior to any public hearing to respond with any changes or concerns.

T. Crockett asked if a survey from the Town of Manchester on the boundary line would be sufficient if they have a map available. T. Manning suggested a text amendment be written to make the exception that will correct the issue. P. Carson stated it would be quicker for Mr. Clark to get the survey and go to the ZBA. T. Manning stated that if the amendment is written the right way, Mr. Clark may be able to avoid the survey. He suggested editing the regulation to say that if the property pre-dates the zoning regulations, it can be expanded vertically up to a certain height so properties built prior to 1951 could just be permitted.

A. Fiano asked P. Carson if it would be difficult for Mr. Clark to get a variance if he cannot prove a hardship exists. P. Carson asked Mr. Clark if he has been to the ZBA, and he replied that he has not brought the matter before them yet.

T. Manning stated that an answer cannot be provided on the matter tonight, but he recommends a text amendment as long as the neighbors are supportive of the expansion. Mr. Clark confirmed that he will write an amendment for the PCZ to consider. T. Crockett stated that he will check with the Town of Manchester to see if

they have a survey available of the boundary line. T. Manning advised Mr. Clark to work with staff to obtain and complete the application that needs to accompany the text amendment.

T. Crockett asked whether the Town of Manchester would need to be notified if the matter goes to a public hearing. P. Carson confirmed that it would and added that Hebron, Andover, Coventry, Vernon, Glastonbury, and Manchester would all need to be notified as those towns are abutting the affected zone. M. Manning asked if any of the neighboring towns have any non-conforming exceptions allowing vertical expansions. M. D'Amato stated that he does not know but noted that it is not uncommon in other towns. J. Flick shared his support for helping Mr. Clark and any residents who need to build more square footage for their family.

#### **4. Staff Reports:**

P. Carson stated that she had a question come up during a meeting from someone who is interested in purchasing Mr. Phillips' property at 1 Notch Road, which was previously approved for construction yard type work. The buyer is interested in purchasing the property to create shop spaces for rent, and the property is in the industrial zone. She explained that the buyer is interested in putting up 3-4 units for small contractors to use as a shop and to store equipment and supplies. She stated that she is not sure what the regulations allow.

D. Denunzio shared her concerns regarding the difficult access on the 384 and Notch Road and potential traffic hazards from people going in and out of the property. J. Cropley asked if the units would be considered storage facilities. P. Carson replied that storage facilities are not allowed, and that is the issue that needs to be determined. She stated it is not clear whether it would be used as a workshop or a storage facility. T. Manning stated that it sounds like more of a workshop where contractors could perform work in the units. J. Flick agreed that it would not equate to a storage facility. He stated that workshop units would be a great use of the property as they would generate high income with low traffic and would likely be filled very quickly. T. Robbins stated that it also would not require an elaborate septic system. P. Carson agreed that having a septic system would differentiate it from a storage facility but noted that the buyer described it more as an industrial storage facility than a workshop. The PCZ discussed the need to clarify the use of the facility, the impact on neighbors, how safety and traffic would be impacted with vehicles coming in and out of the facility, and whether it would comply with the industrial zone regulations. T. Manning stated that those questions would be addressed in a public hearing.

#### **5. Old Business**

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

#### **6. New Business**

##### **a. 8-24 Referral: Parking Lot for the Nathan Hale Greenway on Stony Road**

The Commission reviewed a map of the proposed parking lot. J. Rupert explained that finding a parking area for the Nathan Hale Greenway has been brought to the PCZ previously, and finding an appropriate location for parking has been very challenging. He stated that the Board of Selectmen located a parcel on Stony Road that is owned by the Town, part of the Greenway, and has a curb cut and remnants of a driveway as it was previously a home site. He added that the BOS is seeking permission from the PCZ to approve an 8-24 Referral so they can work on installing the parking area over the winter. P. Carson stated that this parcel was returned to the Town as part of the Route 6 project and noted that it can only be used as open space. She also noted that other areas have been looked at for parking and this property appears to be the best in terms of safe access and egress. J. Rupert stated that notices have gone out to residents, and only two residents have voiced opposition because they do not want the Town spending taxpayer money on trails or parking areas. He added that the parking lot would provide eight to ten spaces. The PCZ discussed other locations that were previously considered and the safety concerns of those locations due to poor line of sight in accessing the road and opposition from several residents.

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 to create a parking area for the Nathan Hale Greenway on Stony Road. 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.

Discussion: D. Denunzio asked for clarification on the motion. P. Carson explained that the PCZ is not approving the request, but rather sending a recommendation for approval to the Board of Selectmen. She stated that if the PCZ votes against it, the BOS can still pass it with a two-thirds majority.

T. Manning called the roll of each member. MOTION CARRIED 6:0:1 (Denunzio).

**b. APPLICATION: Zoning Regulation Amendment to Section 450-6.1N(12)(a) to Amend Traditional multiple Dwelling Complexes for (the Elderly) Seniors, reducing the resident age restriction from 62 years of age to 55 years of age – Michael Bugnacki (#PL-24-5), 7 Loomis Rd.**

P. Carson explained that Mr. Bugnacki has applied to change the zoning regulation age restriction of 62 to 55 years of age. She stated that this is a zoning regulation change similar to what Mr. Clark is seeking on his expansion, and explained that the PCZ must receive the application, send it to CRCOG, send Mr. Bugnacki a legal notification that he will have to notify abutters, and hold a public hearing. P. Carson stated that the public hearing could be held in December or January. She noted that CRCOG has 35 days to review and comment and suggested scheduling the public hearing for the meeting on December 11, 2024 in the event that a quick response is received from CRCOG and extending the hearing to January if a response is not received by December 11<sup>th</sup>.

T. Manning MOVED to receive Michael Bugnacki's application #PL-24-5 for a Zoning Regulation Amendment to Section 450-6.1N(12)(a) to Amend Traditional Multiple Dwelling Complexes for (the Elderly) Seniors, reducing the resident age restriction from 62 years of age to 55 years of age, and set the public hearing date for Wednesday, December 11, 2024 at 7:30pm in the Bolton Town Hall and virtually via Zoom. M. Manning SECONDED.

Discussion: T. Crockett asked if there would be any impact to grants as a result of discrimination. P. Carson stated that there is no grant money involved in the matter as the application is for private property. M. D'Amato stated that the application makes housing more accessible and is consistent with the national direction of expanding accessible housing. J. Cropley asked if this regulation was changed for Mr. Bugnacki before. P. Carson stated that he applied for changes to the senior housing regulations previously and now he is applying to modify it to lower the age by seven years. He asked if it was approved for the specific age of 62, and P. Carson confirmed that it was.

T. Manning called the roll. MOTION CARRIED 7:0:0.

**c. APPLICATION: Modification of Special Permit for 6-Unit Senior Housing Project to allow resident age restriction of 55 years of age – Michael Bugnacki (#PL-24-4), 7 Loomis Road**

P. Carson explained that this application is in anticipation of the PCZ approving the modification to the Senior Housing regulation and asks to change the age restriction on Mr. Bugnacki's previously approved project from 62 to 55 years of age. She stated that if the amendment is not approved, this application cannot be approved. P. Carson added that this application does not go to CRCOG, but the application for the amendment does.

T. Manning MOVED to receive Michael Bugnacki's application for Modification of Special Permit #PL-24-4 for 6-Unit Senior Housing Project at 7 Loomis Drive to allow resident age restriction of 55 years of age, and set the public hearing date for Wednesday, December 11, 2024 at 7:30pm in the Bolton Town Hall and virtually via Zoom. J. Cropley SECONDED. T. Manning called the roll. MOTION CARRIED 7:0:0.

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

Due to time constraints, there was no discussion on this item.

**8. Correspondence:** There was no correspondence.

**9. Adjournment:** J. Cropley MOVED to adjourn the meeting at 8:34 p.m. T. Robbins 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.*