

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, DECEMBER 11, 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

PZC Members Present Via Zoom: Vice-Chair James Cropley (7:45pm), Arlene Fiano, Alternate Diane DeNunzio

PZC Members Absent: Steven Clark, Jeremy Flick, Alternate Tom Crockett

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: Atty Ed Joy, Michael Bugnacki, Morris Silverstein, Brian Mensinger, Andrew Ladyga

Others Present Via Zoom: Tyler Clark

1. Call to Order: T. Manning called the meeting to order at 7:33pm. D. Denunzio was seated for J. Flick.

2. Approval of Minutes: November 13, 2024

M. Manning MOVED to APPROVE the regular meeting minutes of November 13, 2024 as presented. D. Denunzio SECONDED. MOTION CARRIED 5:0:0.

3. Residents' Forum:

Morris Silverstein stated that he previously spoke to the PZC regarding an expansion to a non-conforming property on behalf of Tyler Clark and asked if there was an update on this. T. Manning stated that there was a discussion on vertical expansion; however, a formal text change and public hearing would be required for the PZC to consider and implement the amendment. He suggested that Mr. Silverstein submit a formal text amendment for public hearing. P. Carson noted that a formal application and fee would be required to submit a text amendment. Mr. Silverstein stated that he would not be submitting the application but would be happy to assist with the process if needed.

Andrew Ladyga stated that he is preparing to market his properties on Boston Turnpike and asked if the PZC could provide a letter of support welcoming potential buyers and the potential for development of housing. T. Manning replied that the first step would be to speak with staff, and the next step would be to request an informal discussion with the PZC to gain an understanding of their stance on the matter. He added that the PZC would not provide a formal statement. P. Carson explained that the PZC is not in a position to write such letters as it could cause bias in any future applications that come before the PZC. She advised Mr. Ladyga to look at the housing plan online that was approved by the PZC and part of the Plan of Conservation and Development. P. Carson added that the sewer is intended for commercial activity, not higher-density residential development.

Tyler Clark informed the PZC that he is working on putting a text amendment together for the vertical expansion of his non-conforming property.

4. Staff Reports:

P. Carson stated that staff met with someone about a Right-of-Way. She also noted that a few meetings had taken place regarding a property on West Street; however, the property was just sold, and the matter is no longer an issue. She stated that she does not believe there will be a development on the property as the buyer seems more interested in using it for hunting.

P. Carson shared several photos of the new trail behind the gas station located at 271 Hop River Road. She noted that the trail is very impressive and shared photos of a bridge that was built over the stream and a drainage pipe that was installed under the trail for water to pass so it does not run over the trail. P. Carson stated that she is unsure when the gas station will open. She spoke with the Hop River Trail Alliance to see if they might maintain the trail if necessary. P. Carson reported that she is also working on providing information on the Cider Mill property for the state.

M. D'Amato was also unsure when the gas station will open. Other than meetings with property owners, he spoke with a gentleman who acquired a lot through the Town's tax sale. The property is a very small lake lot, and the owner is trying to determine if he can build a house on it. M. D'Amato spoke with the owner's engineer today, and he stated that their conversation reminded him of previous discussions with the PZC about the lack of clarity in the term "coverage" as it pertains to building coverage versus impervious coverage. He stated that the terms need to be clarified at some point.

Vice-Chair James Cropley joined the meeting.

5. Public Hearings:

a. APPLICATION: Zoning Regulation Amendment to Section 450-6.1N(12)(a) Traditional Multiple Dwelling Complexes for (the Elderly) Seniors, Reducing the Resident Age Restriction from 62 to 55 Years of Age, Michael Bugnacki (#PL-24-5)

T. Manning opened the Public Hearing. P. Carson read the Legal Notice. P. Carson stated that the Capitol Regional Council of Governments (CRCOG) has not replied, and the hearing will need to be kept open for their response until 35 days has passed. She added that the PZC can still hear from the public, and a Notice to Abutters was sent to everyone within 500 feet of the property.

Attorney Ed Joy introduced himself on behalf of Michael Bugnacki and stated that Mr. Bugnacki has been a builder in the community for several years. He stated that the application is for the property located at 7 Loomis Road, which is a six-unit building with a Resident Age Restriction of 62 years of age, and Mr. Bugnacki is seeking to reduce the age restriction from 62 years of age to 55 years of age.

P. Carson stated that all four tenants submitted letters of no objection. Atty Joy added that several good applicants have been turned away based on their age, and changing the age restriction would help to get the remaining two units occupied. He also stated that the amendment would not cause a hardship for any other complexes in town and added that many complexes, such as mobile home communities, commonly restrict the age to 55 and older.

T. Manning asked Atty Joy if any studies have been done for adjacent towns or states regarding the age restriction in elderly communities. Atty Joy replied that there have not but noted that he will provide a study in the form of an addendum.

Brian Mensinger asked for clarification on the language in Paragraph A, which states that no tenant shall be evicted due to a change in personal circumstance such as death, divorce, etc. as he believes the "etc." is too broad and could leave the door open to tenants who do not meet the age requirement. Atty Joy agreed that it could happen if, for example, an elderly resident is involved with a younger individual who is a co-habitant. He stated that if the older individual passed away, the language protects the younger individual from losing their residence.

Mr. Mensinger shared concerns about younger residents such as a younger adult residing in a unit with their elderly parents. Atty Joy stated that the young adult would not be on the lease, therefore, the rule would not apply. P. Carson further clarified that particular part of the regulation is already in effect and is not part of the change being requested by Mr. Bugnacki. She added that approving the reduction of the age restriction would apply to any future developers of senior housing, and they would receive the benefit of housing tenants aged 55 and older. J. Cropley asked if it is typical for senior housing to allow residents 55 and older. P. Carson stated Atty Joy will be providing that information to the PZC.

P. Carson stated that the next meeting will be held on January 8, 2025, and the PZC can assume that CRCOG approves of the Application if no response is received within the 35-day time period. Mr. Bugnacki asked how many days have lapsed. P. Carson stated that the letter was sent to CRCOG on November 25, 2024, and they have until the end of December to respond.

T. Manning MOVED to continue the Public Hearing until January 8, 2025 at 7:30 p.m. at 222 Bolton Center, in-person or virtual. J. Cropley SECONDED. MOTION CARRIED 6:0:0.

b. APPLICATION: Modification of Special Permit to Allow Reduction of Resident Age Restriction from 62 to 55 Years of Age for 6-Unit Senior Housing Project, 7 Loomis Road, Michael Bugnacki (#PL-24-4)

T. Manning introduced the item for Public Hearing. P. Carson read the Legal Notice. She stated that the hearing will need to be continued to January 8, 2025 as well to allow time for CRCOG to respond.

Atty Joy representing Mr. Bugnacki reiterated his previous comments regarding Mr. Bugnacki's interest in reducing the age restriction for tenants at 7 Loomis Road from 62 years of age to 55 years of age. He added that he will submit a report on the typical age restrictions of senior housing communities in the surrounding areas at least one week prior to the January 8, 2025 meeting. Atty Joy stated that he expects he will find that 55 years of age will be the common requirement for most communities. He echoed his previous comments that approval of the Application will not impose any burden on other senior complexes in the community and will open up the option for future senior housing developments to offer units to residents 55 and older.

T. Manning MOVED to continue the Public Hearing until January 8, 2025 at 7:30 p.m. at 222 Bolton Center, in-person or virtual. D. Denunzio SECONDED. MOTION CARRIED 6:0:0.

6. Old Business

a. DISCUSSION/POSSIBLE DECISION: Zoning Regulation Amendment to Section 450-6.1N(12)(a) Traditional Multiple Dwelling Complexes for (the Elderly) Seniors, Reducing the Resident Age Restriction from 62 to 55 Years of Age, Michael Bugnacki (#PL-24-5)

Since the public hearing is still open, this item is deferred.

b. DISCUSSION/POSSIBLE DECISION: Modification of Special Permit to Allow Reduction of Resident Age Restriction from 62 to 55 Years of Age for 6-Unit Senior Housing Project, 7 Loomis Road, Michael Bugnacki (#PL-24-4)

Since the public hearing is still open, this item is deferred.

c. Other: No other old business.

7. New Business

a. DISCUSSION/POSSIBLE DECISION: FY 2025/26 Budget

P. Carson shared a spreadsheet outlining the current budget expenditures so far for the 2024-2025 fiscal year, which runs from July 1, 2024 through June 30, 2025, and the budget request for the 2025-2026 fiscal year. She noted that Payroll expenditures include everything through November 2024; however, Advertising expenditures do not include all of November so that amount will increase. P. Carson stated that no budget increases are needed; however, she mentioned that the budget is based on PZC activity, but the Commission generally stays within the range allotted. P. Carson noted that several items will not be expensed until later this fiscal year such as dues, fees, office expenses and professional training.

T. Manning asked if any input was provided on the budget. P. Carson stated that a letter was received indicating that budget submissions are due by December 20, 2024. The budget may be more difficult this year due to increases in various expenses, and budget cuts may be necessary. The PZC will not need to submit an add/drop package since the budget request will not change.

M. Manning asked if unspent funds are returned to the Town. P. Carson stated that the funds are generally returned and applied to areas where overspending has occurred.

T. Manning MOVED to APPROVE the FY 2025-2026 Budget as presented. J. Cropley SECONDED. MOTION CARRIED 6:0:0.

b. Election of Officers

P. Carson stated that the PZC Chairman and Vice Chairman/Secretary positions are open for nominations.

J. Cropley MOVED to nominate T. Manning as Chairman. A. Fiano SECONDED. MOTION CARRIED 6:0:0. A. Fiano MOVED to nominate J. Cropley as Vice-Chairman/Secretary. T. Robbins SECONDED. MOTION CARRIED 6:0:0.

c. Other

T. Manning stated that he learned at the last Regional Planning Commission meeting that several communities no longer have an RPC. He explained that staff now does the work of the RPC in those areas and takes any requests to the Mayors and Selectmen for approval. T. Manning stated that, after discussion, the Regional Planning Commission decided to keep the RPC as it serves as a great resource and provides excellent speakers. He added that he will continue to attend the RPC meetings.

8. ONGOING DISCUSSION: Bolton Subdivision and Zoning Regulations

T. Manning asked if the staff has any recommendations. P. Carson stated that there are none at this point. However, there are questions about the differences between building coverage and impervious surface coverage that M. D'Amato mentioned earlier. She asked the PZC if they wanted to treat building coverage the same as impervious surface coverage as they are currently two separate categories. A.

Fiano asked if they are both calculated the same way. P. Carson stated that she believes it would be very similar since impervious surfaces include roof runoff and runoff of an asphalt driveway, unless it is a gravel driveway, real brick sidewalk, or other surface that is more pervious.

P. Carson noted that properties are allowed 25% coverage but is unsure if that includes both buildings and all impervious surfaces. T. Manning stated that it should be defined as building coverage. M. D'Amato stated that the dimensional requirements reference lot coverage and impervious coverage; however, the definitions reference building coverage and impervious coverage which causes confusion. He stated the lot coverage could be 15% but the impervious coverage could be 20%; however, there is no percentage for building coverage as building coverage is only mentioned in the definitions. T. Manning stated that lot coverage is the same as building coverage and recommended replacing any references to lot coverage with building coverage. M. D'Amato replied that the change would make it more inclusive but it would not clear up the confusion between the different coverage percentages.

P. Carson asked if it would be easier to say that a lot can be covered up to 25% with buildings or impervious surfaces or if it would be better to keep it separate. M. D'Amato stated that there does not appear to be any value in separating them and agreed the Town should just regulate the total coverage. T. Manning noted that he believes it is separate because a building could take up all of the impervious coverage and that is why it is limited to 25 percent. He added that any additional impervious coverage can be added at a different percentage. P. Carson clarified that the impervious coverage percentage should be higher than the building coverage and that the lot coverage should be removed. T. Manning confirmed that is correct. P. Carson stated this is usually not an issue on large lots; however, it becomes confusing on smaller lots when an owner wants to add a shed.

M. D'Amato stated that the best way to codify it would be to show the calculation or add a third column to include the term. He added that when the Lake District regulations were adopted in Ashford, they specifically included how to calculate coverage, particularly regarding an open deck that would allow water to pass through. He explained that the deck would not be included as coverage, and structures measuring 200 square feet or less would be exempt. He added that including the calculation instructions and options, such as the deck option, helped avoid confusion and encouraged adding coverage that would not be counted. T. Manning asked if M. D'Amato could provide those calculations. M. D'Amato added that the R1, R2, and R3 percentages are the same but he does not know how they would need to be adjusted based on the lot size. He noted that staff will review it further. P. Carson added that the R1 and R2 minimum lot sizes are 40,000, and the R3 minimum is 22,500.

9. Correspondence

P. Carson sent out correspondence regarding Land Use Commissioner training taking place tomorrow, December 12 at 1:00 p.m. She added that a link to the webinar is provided once you register. This is a Fair and Affordable Housing Land Use Commission training with 0.5 training requirement credits.

10. Adjournment

J. Cropley MOVED to adjourn the meeting at 8:36 p.m. T. Manning SECONDED. MOTION CARRIED 6:0:0.

Respectfully submitted by Kacie Cannon

Kacie Cannon

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