

BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, APRIL 9, 2025
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, Alternate Diane DeNunzio

PZC Members Present Via Zoom: Alternate Tom Crockett

PZC Members Absent: Vice-Chair James Cropley, Steven Clark, Jeremy Flick, Alternate Kawan Gordon

Staff Present Via Zoom: Recording Secretary Kacie Cannon

1. Call to Order: T. Manning called the meeting to order at 7:31 p.m. T. Crockett was seated for James Cropley, and D. DeNunzio was seated for Steven Clark.

2. Approval of Minutes: March 12, 2025

T. Crockett MOVED to approve the minutes as written. D. DeNunzio SECONDED. MOTION CARRIED 6:0:0.

3. Residents' Forum: None

4. Staff Reports: None

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

T. Manning noted that the PZC can begin simplifying regulations now that everything has been codified to make them easier to use and allow residents to enjoy their properties. He added that the Town has made all of the changes to its regulations to conform to the current statutes, and the PZC can begin focusing on increasing accessory dwellings and affordable housing.

a. Removal of Minimum Floor Area Requirements

T. Manning stated that Desegregate Connecticut wants to remove floor area requirements and suggested that the Town consider doing the same since they already exist in HUD and building code standards. The current minimum is 1,000 square feet of living area for a single-family house. A. Fiano suggested referencing existing standards set by other entities instead of requiring local minimums. T. Manning agreed.

b. Next Steps Toward Affordable Housing

The PZC discussed whether duplexes are allowed in any of the zones. T. Manning noted that the R-1 zone is for single-family housing only, and duplexes in the Town were built prior to zoning regulations. He suggested allowing two-family homes, and possible three- to four-family homes, in the R-1 zone. T. Crockett pointed out that the State of Connecticut is seeking a ban on the prevention of two-family homes and noted

that Trumbull has had a moratorium on building multi-family dwellings for six years. The PZC noted their support for duplexes in R-1 zones to increase affordable housing. A. Fiano noted that she would support two-family dwellings but disagrees with three- to four-family dwellings.

c. Discuss the Districts and Table of Uses in the Zoning Regulations

T. Manning recommended that the PZC decide on the type of uses that are acceptable in different zones, in order to reduce the need for special permits and public hearings. A. Fiano suggested creating an easy-to-read chart outlining the list of zones and what is acceptable. T. Manning stated that he prefers using the table since it can be quickly referenced and suggested reviewing examples from other towns.

The PZC discussed developer interest in the Town and a potential lack of interest in developing smaller houses. They also discussed finding more ways to implement shared septic systems that would be acceptable to the Eastern Highlands Health District. A. Fiano suggested holding a Q&A session with local developers to discuss ideas. T. Manning also suggested reaching out to CT Water since they own wells in the aquifer to find out about their interest threshold. The PZC also discussed land-lease options and whether the practice is still in use.

d. Additional Updates to Subdivision Regulations:

1. Revisit Rear Lots

T. Manning asked if there is any interest in putting the provision for rear lots back into the subdivision regulations. T. Crockett noted his support, and A. Fiano suggested consulting with staff to discuss any potential issues. She also noted that rear lots must have their own driveway.

2. More Flexibility in Lot Shape/Size Around Natural Restrictions of Water/Septic

The PZC discussed challenges with placing septic systems at an appropriate distance from smaller homes. T. Manning stated that the Town requires a 200 x 200 foot lot to set frontage, and proposed setting the size according to national restrictions on water and septic systems.

3. Reduce Exactions for Open Space

A. Fiano recommended protecting any open space if more development is going to take place.

8. Correspondence: There was no correspondence.

9. Adjournment

T. Crockett MOVED to adjourn the meeting at 8:23 p.m. T. Robbins 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.

**PL-25-3****Planning & Zoning**

Status: Active

Submitted On: 5/5/2025

Primary Location0 VERNON RD
BOLTON, CT 06043**Owner**James Read
Pleasant St. 45 Holliston , MA
01746**Applicant** James Read
 774-217-3608
 jamesread311@gmail.com
 45 Pleasant Street
Holliston, MA 01746

Permit Info**Permit For***

Site Plan Review

Development Title, if any**Occupancy Type**

Residential

New Building or Expansion of Existing Building Size?

Yes

Is this a modification of a previously approved application? (please note the Commission may require a new application if the proposed modification significantly alters the previously approved application)*

No, this is a new application.

 **Comments**

Deed Reference (Bolton Land Records) (you may obtain this information from the Town Clerk's office or online at <https://recordhub.cottsystems.com>)

Volume*

195

Page*

242

Assessor's Records Reference (you may obtain this information from the Assessor's Office)

Map No. *

5

Block No. (if known)**Parcel/Lot No. ***

Parcel ID 1153/Lot 9

Subject Property Location

Current Zone*

R3

Acreage*

.16

Located in Aquifer Protection District?*

No

Located in FEMA Flood Zone?

Yes

Wetlands Application Required? (if activity is within 100 ft. of wetlands, a wetlands permit may be required. Please check with the Wetlands Agent if you are unsure).*

Yes

Is the neighboring town line within 500 ft of the subject property?

No

Applicant Information

Applicant Type*

Owner

Applicant Name*

James E. Read

Applicant Address (street, city, state and zip)*

45 Pleasant St. Holliston, MA 01746

Applicant Phone Number*

774-217-3608

Applicant Email Address

JamesRead311@gmail.com

Owner Name (of subject property)*

James E. Read

Owner Address*

45 Pleasant St. Holliston, MA 01746

Owner Phone Number*

774-217-3608

Owner Email Address

JamesRead311@gmail.com

Name of Official Contact/Representative of Application*James E. Read/Andrew Bushnell
(Engineer)

Contact Address (street, city, state and zip)*

45 Pleasant St. Holliston, MA 01746

Contact Phone Number*

774-217-3608

Contact Email Address

JamesRead311@gmail.com

Project Information**Brief description of proposed use of subject property (provide greater detail in separate written Narrative)***

My family and I want to develop our vacant land in Bolton CT. Our parcel is a "Lot Of Record" which predates zoning standards. The property is located between 21 & 31 Vernon Road. We are proposing a single family residential cottage to be built. We already have a septic system plan approval from Thad King of EHHD. We have a sewer line at the edge of the road which we plan to hook up to. We already have an approval from the Bolton CT Inland Wetlands group, which was highly supported! We already have an approval for a front & rear yard setback variance from the Bolton CT ZBA. We are asking for your endorsement. Thank you.

Gross Sq Ft of Existing Structure(s)

0

Gross Sq Ft of Proposed Structure(s)

832

Existing Parking Spaces

0

Proposed Parking Spaces

4

Total Acreage / Sq Ft

6970

Linear Feet of Frontage

111

List section(s) of Zoning Regulations under which application is made:

Sec. 450-3.7

Engineer Information

Company Name

Bushnell Associates LLC

Engineer Name

Andrew Bushnell

Address (street, city, state and zip)

563 Woodbridge St. Manchester, CT 06042

Phone

860-643-7875

Email

ABushnell@BushnellAssociatesLLC.com

Architect Information

Company Name

Architect Name

Address (street, city, state and zip)

Phone

Email

Attorney Info

Name

David Blackwell

Address (street, city, state and zip)

158 East Center St. Manchester, CT 06040

Phone

860-432-0676

Email

DBlackwell@EastCenterLaw.com

Application Submission and Certification

I hereby certify that I am the owner of the record of the named property or that the proposed work is authorized by the owner of record and I have been authorized to make this application as agent, and we agree to conform to all applicable laws, regulations, and ordinances. All information contained within is true and accurate to the best of my knowledge.

Applicant's Electronic Signature*

✓ James Edward Read
May 5, 2025

Owner's Electronic Signature*

✓ James Edward Read
May 5, 2025

PLEASE BE ADVISED THAT A SEPARATE AUTHORIZATION PAGE CONTAINING THE LIVE SIGNATURES OF THE APPLICANT AND OWNER (IF DIFFERENT THAN APPLICANT) IS REQUIRED TO BE UPLOADED TO THIS APPLICATION. THAT DOCUMENT MAY BE OBTAINED BY CLICKING ON THE LINK BELOW.

[Click Here to download a copy of the required signature page](#)

Internal Use

🔒 Conditions

🔒 Date Application Received

—

🔒 Hearing Not Required

☐






🔒 Petition Received?

—


🔒 Date of Newspaper Publication of Planning and Zoning Commission Action


—


 **Summary of Planning and Zoning Commission Action**


 Legal/Technical Review NOT Required	 Bond amount if Legal/Technical review required:
<input type="checkbox"/>	—
 Date of Planning and Zoning Commission Action	 Date Application Received by Inland/Wetlands Commission (if applicable)
—	—
 Date in Inland/Wetlands Commission Action (if applicable)	
—	


Attachments

- 

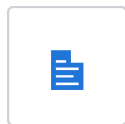
Wetlands Permit_IW_25_3_030425.pdf
IW_25_3_030425.pdf
Uploaded by Danielle Palazzini on May 5, 2025 at 2:55 PM
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041125_Variance_Vernon Rd_Read.pdf
041125_Variance_Vernon Rd_Read.pdf
Uploaded by Danielle Palazzini on May 5, 2025 at 2:55 PM
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0 Vernon Rd Bolton Lot 9 Approval Site Plan 4-16-25.pdf
0 Vernon Rd Bolton Lot 9 Approval Site Plan 4-16-25.pdf
Uploaded by James Read on May 5, 2025 at 3:04 PM
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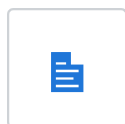
022525_Wetlands Minutes.pdf
022525_Wetlands Minutes.pdf
Uploaded by Danielle Palazzini on May 6, 2025 at 3:02 PM
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Vernon Rd_Riparian Buffer Plan.pdf
0 Vernon_Buffer Plan.pdf
Uploaded by Danielle Palazzini on May 6, 2025 at 3:03 PM

**Signed PZC Application Authorization**

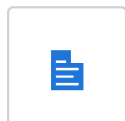
PZC Application.pdf

Uploaded by James Read on May 5, 2025 at 12:42 PM

REQUIRED**Site Plan**

0 Vernon Rd Bolton CT Revised Site Plan 4-16-25.pdf

Uploaded by James Read on May 5, 2025 at 12:42 PM

**A written narrative of intended use of the property**

PZC Narrative.pdf

Uploaded by James Read on May 5, 2025 at 1:00 PM



Town of Bolton

222 BOLTON CENTER ROAD • BOLTON, CT 06043

BOLTON PLANNING & ZONING COMMISSION APPLICATION AUTHORIZATION

APPLICANT:

The Applicant, (name) James E. Read, certifies that he/she is authorized to submit the attached Application for a (subject/project) Single family residential dwelling, at (address) between 21+31 Vernon Rd., and that the statements made within are true to the best of the Applicant's knowledge, information and belief.

Applicant Signature: James E. Read 5/5/25

OWNER (IF DIFFERENT THAN APPLICANT):

I, (name) Same N/A, certify that I am the owner of the property located at (address) Same N/A; that I authorize (name) Same N/A to act as my Agent/Representative; and that I am a willful participant and am fully aware of the contents of the attached Application for a (subject/project) Same N/A.

Owner Signature: James E. Read

Dear Planning & Zoning,

My name is Jimmy Read. Last July, my family and I purchased the vacant land lot between 31 and 21 Vernon Road in Bolton CT. We are very excited to join you in your beautiful town, on Lower Bolton Lake! We hope to build a very small, reasonably sized cottage. The footprint of the proposed house is only 18'X32' (though two story) and the footprint of the deck is 8'X32' including the staircase. We are from Holliston Massachusetts, but have always loved Connecticut! It is a place we like to go in our free time.

While our lot is undersized, it is a proven "Legal Lot Of Record". We have already received approvals from EHHD for a septic plan. Though we do plan to tie into the sewer line which is already on our land. We already have an approval from Inland Wetlands too. They were extremely supportive of our project. We also already have an approval from the ZBA for a front and rear yard setback variance. I have already registered the ZBA approval with your town clerk. We are here today asking for your support. Thank you!

- Jim Read 5/5/25
James E. Read

SURVEY NOTES:

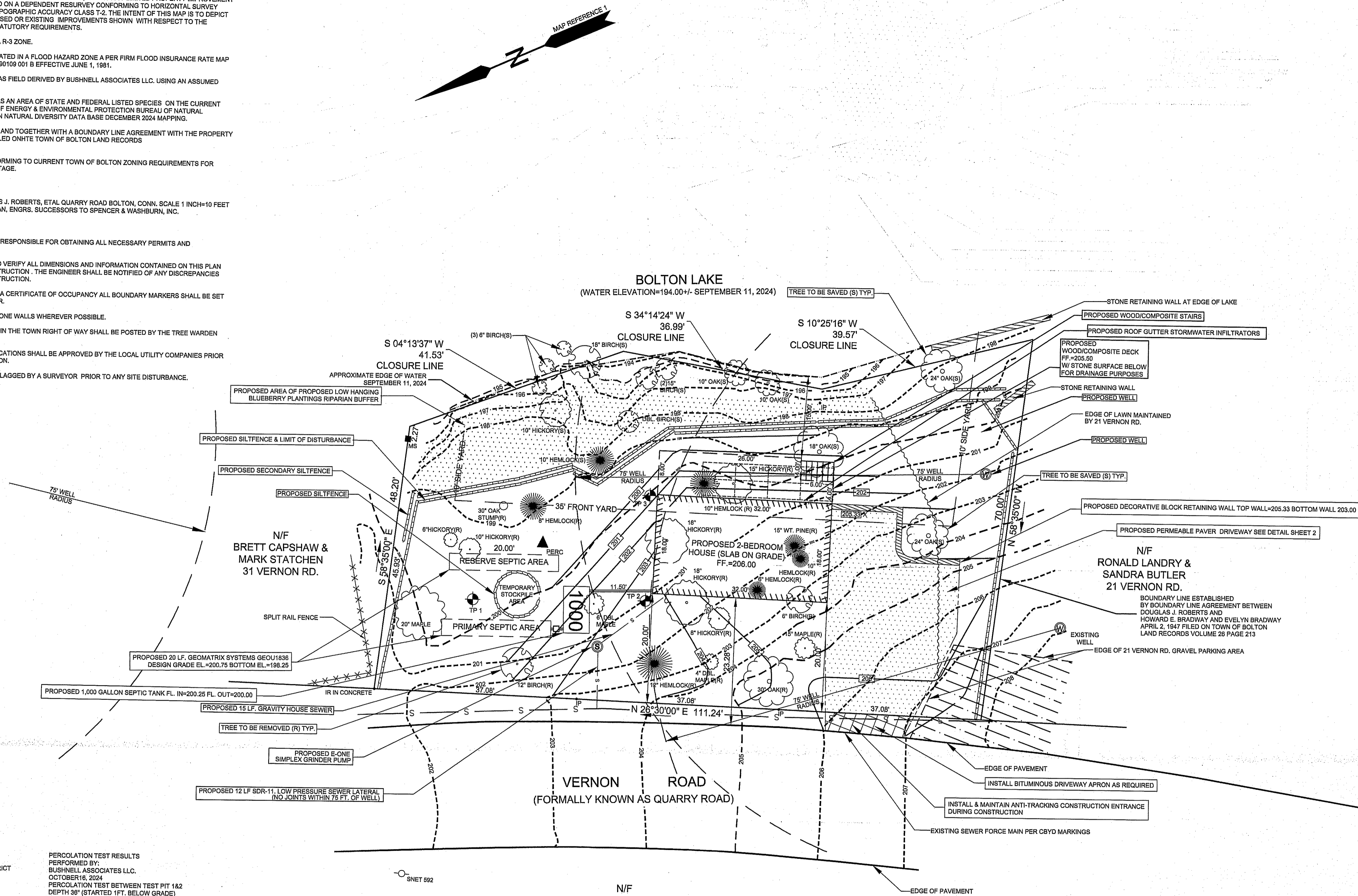
- 1) THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES "MINIMUM STANDARDS OF ACCURACY, CONTENT AND CERTIFICATION FOR SURVEYS AND MAPS". AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS INC. ON OCTOBER 28, 2018. IT IS A LIMITED PROPERTY IMPROVEMENT LOCATION SURVEY MAP BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL SURVEY ACCURACY CLASS A-2 AND TOPOGRAPHIC ACCURACY CLASS T-2. THE INTENT OF THIS MAP IS TO DEPICT THE LOCATION OF THE PROPOSED OR EXISTING IMPROVEMENTS SHOWN WITH RESPECT TO THE APPLICABLE MUNICIPAL OR STATUTORY REQUIREMENTS.
- 2) PROPERTY IS LOCATED IN A R-3 ZONE.
- 3) THE PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE A PER FIRM FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 090109 001 B EFFECTIVE JUNE 1, 1981.
- 4) TOPOGRAPHY DEPICTED WAS FIELD DERIVED BY BUSHNELL ASSOCIATES LLC. USING AN ASSUMED DATUM.
- 5) THE PROPERTY IS SHOWN AS AN AREA OF STATE AND FEDERAL LISTED SPECIES ON THE CURRENT CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION BUREAU OF NATURAL RESOURCES WILDLIFE DIVISION NATURAL DIVERSITY DATA BASE DECEMBER 2024 MAPPING.
- 6) THE PROPERTY IS SUBJECT AND TOGETHER WITH A BOUNDARY LINE AGREEMENT WITH THE PROPERTY LOCATED AT 21 BOLTON RD. FILED ON THE TOWN OF BOLTON LAND RECORDS VOLUME 26 PAGE 213.
- 7) THE PARCEL IS NON-CONFORMING TO CURRENT TOWN OF BOLTON ZONING REQUIREMENTS FOR MINIMUM LOT AREA AND FRONTAGE.

MAP REFERENCES:

- 1) PROPERTY OF DR. DOUGLAS J. ROBERTS, ETAL QUARRY ROAD BOLTON, CONN. SCALE 1 INCH=10 FEET FEB. 1947 PETERSEN & HOFFMAN, ENGRS. SUCCESSORS TO SPENCER & WASHBURN, INC.

CONSTRUCTION NOTES:

- 1) OWNER OR CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- 2) OWNER OR CONTRACTOR TO VERIFY ALL DIMENSIONS AND INFORMATION CONTAINED ON THIS PLAN PRIOR TO THE START OF CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION.
- 3) PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY ALL BOUNDARY MARKERS SHALL BE SET BY A LICENSED LAND SURVEYOR.
- 4) PRESERVE ANY EXISTING STONE WALLS WHEREVER POSSIBLE.
- 5) ANY TREES TO BE REMOVED IN THE TOWN RIGHT OF WAY SHALL BE POSTED BY THE TREE WARDEN PRIOR TO REMOVAL.
- 6) ALL PROPOSED UTILITIES LOCATIONS SHALL BE APPROVED BY THE LOCAL UTILITY COMPANIES PRIOR TO THE START OF CONSTRUCTION.
- 8) CLEARING LIMITS SHALL BE FLAGGED BY A SURVEYOR PRIOR TO ANY SITE DISTURBANCE.



LEGEND

- EXISTING MERESTONE
- IRON ROD TO BE SET
- EXISTING IRON ROD
- PROPOSED WELL
- PROPOSED SILT FENCE/ LIMIT OF DISTURBANCE
- LIMIT OF DISTURBANCE
- STONE WALL
- EXISTING UTILITY POLE
- PROPOSED SPOT GRADE
- EXISTING SPOT GRADE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- TEST HOLE
- PERCOLATION TEST
- EDGE OF FIELD LOCATED WETLANDS
- WETLANDS FLAG
- PROPOSED UNDERGROUND UTILITIES

TEST PITS OBSERVED BY:
THAD KING MPH REHS
EASTERN HIGHLANDS HEALTH DISTRICT
ANDREW BUSHNELL, P.E., S.
BUSHNELL ASSOCIATES LLC.
OCTOBER 16, 2024

TEST PIT 1
0-12" TOPSOIL
12-36" BROWN FINE SANDY LOAM
36-60" GRAY LOOSE FINE AND GRAVEL TRACED SILT ROCKS COBBLES SURFACE BOULDERS
DEPTH @ 80"
SEEPAGE - NONE
ROOTS @ 40"

TEST PIT 2
0-12" TOPSOIL
12-49" LT/BR FINE SANDY LOAM
40-60" GR LOOSE FINE AND MEDIUM SANDS AND GRAVEL ROCKS COBBLES BOULDERS
DEPTH @ 80"
SEEPAGE - NONE
ROOTS @ 40"

TEST PIT 3
0-7" TOP SOIL
7-30" LT/BR FINE SANDY LOAM
30-50" GR LOOSE FINE AND MEDIUM SANDS AND GRAVEL TRACED SILT ROCKS COBBLES BOULDERS
DEPTH @ 80"
LEDGE - NONE
SEEPAGE - NONE
MOTTLED - NONE
ROOTS @ 30"

PERCOLATION TEST RESULTS
PERFORMED BY:
BUSHNELL ASSOCIATES LLC.
OCTOBER 16, 2024
PERCOLATION TEST BETWEEN TEST PIT 1&2
DEPTH 30" (STARTED 1 FT. BELOW GRADE)
PRE SOAK @ 10:00 AM
DRY START 11:20

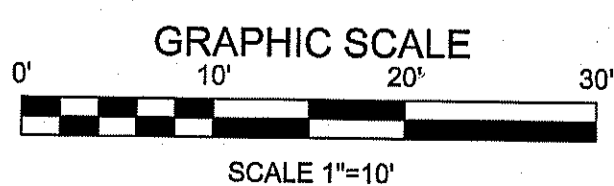
TIME	READING
0	7 3/4" 3/4"
5	8 1/2" 3/4"
10	9 1/4" 3/4"
15	10 3/4" 3/4"
20	11 1/4" 3/4"
25	12 3/4" 3/4"
30	13 3/4" 3/4"
35	14 3/4" 3/4"
40	15 3/4" 3/4"
45	16 3/4" 3/4"
50	17 3/4" 3/4"
55	18 3/4" 3/4"
60	19 3/4" 3/4"

PERCOLATION RATE = 1-10

SEPTIC SYSTEM DESIGN CALCULATIONS:

RESTRICTIVE LAYER: NONE
PERCOLATION RATE: 1-10 MIN./IN.
GROUND SLOPE:
2 BEDROOM HOUSE
MLSS: NOT APPLICABLE
EFFECTIVE LEACHING AREA REQUIRED 375 SQ. FT.
PROVIDED: 19.98 FT. ROW OF GEOMATRIX SYSTEMS GeoU1836(18.5" HIGH) LEACHING UNITS @ 21.7 SQ. FT./FT. EFFECTIVE LEACHING AREA = 433.57 SQ.FT. EFFECTIVE LEACHING AREA

LOT AREA ALONG CLOSURE LINE: 6,727 SQ.FT. / 0.15 ACRES
PROPOSED AREA OF DISTURBANCE: 5,049 SQ.FT. / 0.12 ACRES
PROPOSED IMPERVIOUS AREA: PROPOSED HOUSE 576 SQ.FT.
PROPOSED IMPERVIOUS LOT COVERAGE: 8.6% (MAX ALLOWED 20%)

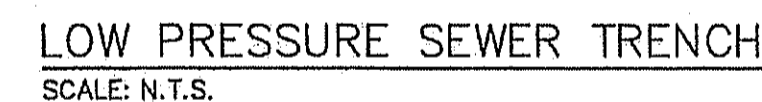
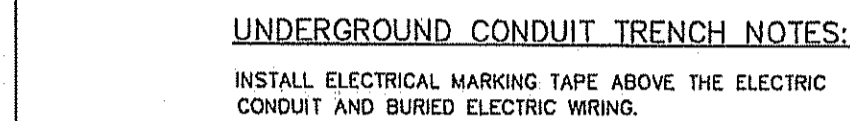
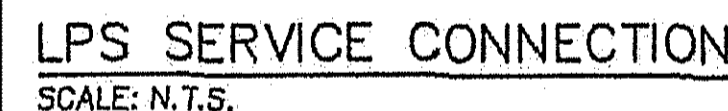
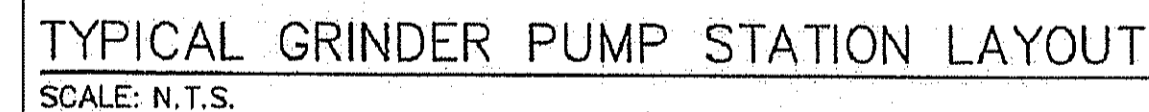


TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.


ANDREW F. BUSHNELL P.E. L.S. 24591
THIS MAP IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE LICENSED LAND SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE.

UTILITIES SHOWN ON THIS MAP WERE DERIVED FROM FIELD LOCATIONS AND EXISTING MAPPING CONTRACTOR TO VERIFY LOCATIONS AND DEPTH IN THE FIELD PRIOR THE START OF ANY CONSTRUCTION. "CALL BEFORE YOU DIG (1-800-922-4455)."

<p>PLAN PREPARED FOR</p> <p>JAMES READ</p> <p>VERNON ROAD (MAP 05 LOT 9 PARCEL ID 1153) BOLTON, CT.</p>	
<p>SITE PLAN</p> <p>SCALE: 1"=10' DATE: 12/10/2024 FILE NO. 2024-80 SHEET: 1 OF 3</p>	
<p>BUSHNELL ASSOCIATES LLC. CIVIL ENGINEERING AND LAND SURVEYING 563 WOODBRIDGE STREET MANCHESTER, CT. 06042 860-643-7875</p>	
<p>REVISIONS: 12/30/2024, 1/21/2025, 2/11/2025, 4/16/2025</p>	



PRELIMINARY PLAN NOT FOR PERMITTING OR
CONSTRUCTION PURPOSES

	<u>PLAN PREPARED FOR</u> <h2 style="margin: 0;">JAMES READ</h2>		
	VERNON ROAD (MAP 05 LOT 9 PARCEL ID 1153)		BOLTON, CT.
	CONSTRUCTION / E&S/ SEPTIC DETAILS		
	SCALE: NONE	DATE: 12/10/2024	FILE NO. 2024-80
	SHEET: 3 OF 3		
	<h2 style="margin: 0;">BUSHNELL ASSOCIATES LLC.</h2> <h3 style="margin: 0;">CIVIL ENGINEERING AND LAND SURVEYING</h3> <p style="margin: 0;">563 WOODBRIDGE STREET MANCHESTER, CT. 06042</p> <p style="margin: 0; text-align: center;">860-643-7875</p>		
REVISIONS:			

DISPLAY PERMIT IN A CONSPICUOUS PLACE ON THE PREMISES



State of Connecticut
Town of Bolton
222 BOLTON CENTER ROAD, BOLTON, CT 06043 Tel. (860)-649-8066 Fax (860)-643-0021



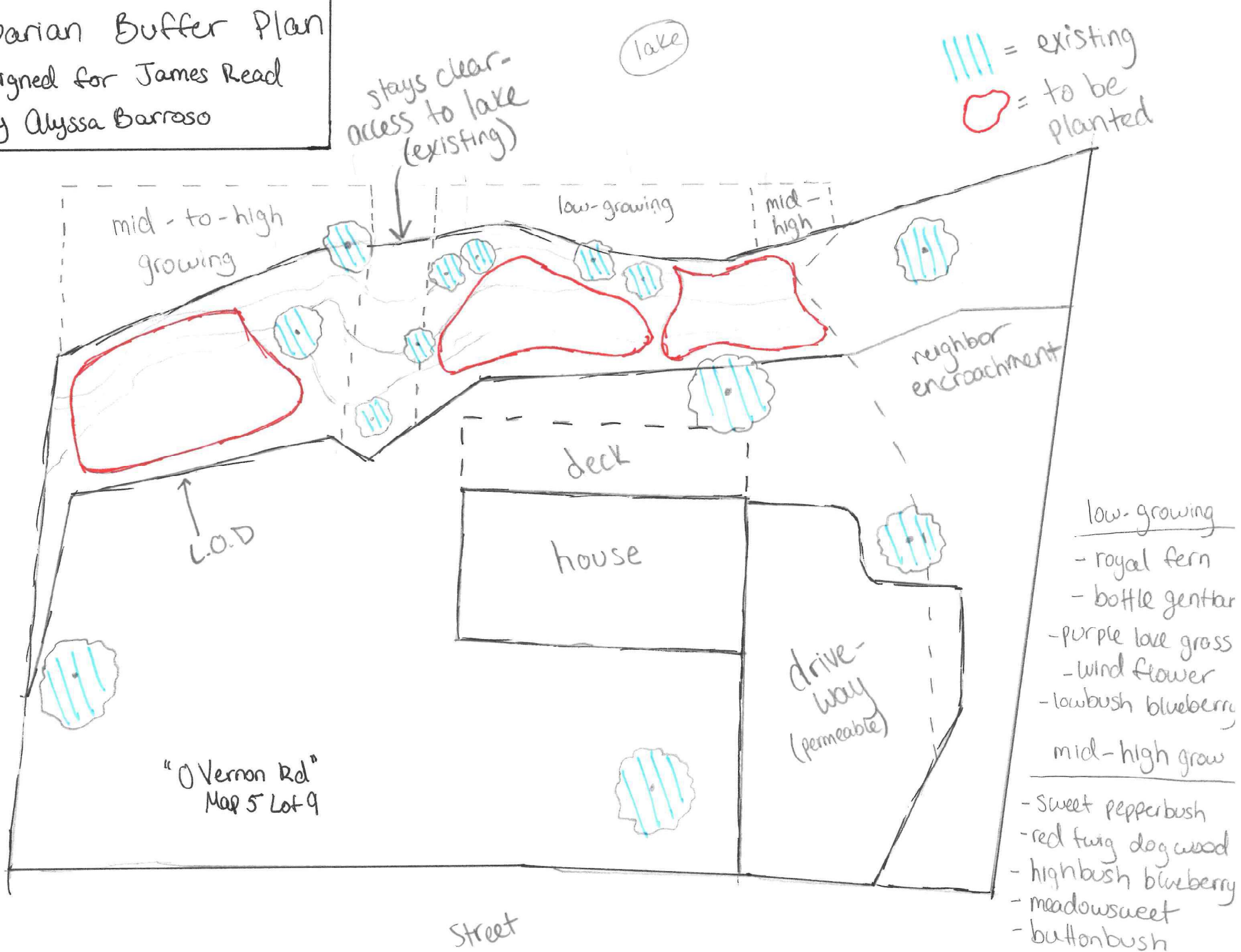
Conservation Permit

Permit No:	IW-25-3	Date Issued:	March 4, 2025
Property Owner:	James E. Read	Expiration Date:	March 4, 2027
Map/Block/Lot:	05/9	Owner's Address:	45 Pleasant Street Holliston, MA 01746
Zone:		Location:	0 VERNON RD
		Lot Size:	
Permit For:	Administrative Wetlands	Type of Application:	New Application
Occupancy Type:	Residential (Single Family/Duplex)	Lots:	1
Work Description:	Currently a vacant partially wooded lot. Ultimately seeking permitting to build a very small single family home as shown on the attached site plan.		

Call (860) 649-8066 For Inspection

Riparian Buffer Plan

designed for James Read
by Alyssa Barroso



low-growing

- royal fern
- bottle gentian
- purple love grass
- wind flower
- lowbush blueberry

mid-high grow

- sweet pepperbush
- red twig dogwood
- highbush blueberry
- meadowsweet
- buttonbush

remain. J. Loersch MOVED to issue the permit for #IW-25-2 – Chris Sutyla (County Line Septic) – 20 Goodwin Rd – New Septic Installation with conditions the work conforms to State of Connecticut regulations. D. Lynn SECONDED. MOTION CARRIED UNANIMOUSLY 4:0:0.

4iii. #IW-25-3 – James Read – 0 Vernon Rd – Construction of Single-Family Home

A. Barroso reported she worked with J. Read on a robust Riparian buffer by the lake with some areas to receive plantings. A. Barroso stated she provided a plant listing as a basic guide for the project. J. Read stated he was pleased with A. Barroso suggestion and will use this guide for the buffer. J. Loersch asked J. Read if he has received approval from the Health Department. J. Read replied he has received approval. D. DeNunzio MOVED to issue the permit for #IW-25-3 – James Read – 0 Vernon Rd – Construction of a Single-Family Home with conditions the work conforms to State of Connecticut regulations. J. Loersch SECONDED. MOTION CARRIED UNANIMOUSLY 4:0:0.

5. New Business

None.

6. Wetlands Agent Report

A. Barroso provided an update to the Cease and Correct order at 37 Notch Road. A. Barroso stated nothing has happened since the last meeting but the owner has been cooperative. A. Barroso stated the owner is waiting for the visit from a soil scientist. A. Barroso informed the Commission she is visiting the site on Friday. The owner will attend the March meeting.

A. Barroso reported on a neighbor issue on Shady Lane. A. Barroso stated the neighbor is not taking care of a overflow/maintenance issue in a ditch. R. Lally wondered if this was a public safety issue or enforcement issue. R. Lally would like more information before proceeding. A. Barroso will visit the site and report back to the Commission.

7. Other

7a. Review Fee Schedule

R. Lally discussed the current Fee Schedule that was last updated in 2015. After discussion, the Commission will review other same size communities fee schedule before making a recommendation to the Selectmen.

7b. Review Proposed Updates to Wetlands Regulations

A. Barroso discussed adding “Minimal Impact Permit” to the Wetlands Regulations. A. Barroso explained this new permit will be for projects that have a less time commitment and monetary. A. Barroso gave sample projects such as septic replacements and decks on concrete piers. A. Barroso stated these permits would become an agent permit and would require the applicant to attend one meeting instead of two. These permits could not be located in wetlands. The Commission discussed this addition to the regulations and would like more information on the definition on minimal impacts, definition in the fee schedule,

BY: _____
Town Clerk of Bolton, CT



Eastern Highlands Health District

4 South Eagleville Road Phone: (860) 429-3325 Fax: (860) 429-3321

Septic Plan Review Approval

April 24, 2025

James Read
45 Pleasant Street
Holliston MA 01746

RE: Septic Plan Review - New construction,

Address: 0 VERNON RD Bolton
Reference #: SPR-25-19

Dear James Read:

Your Application for the above referenced project has been reviewed for compliance with the Connecticut Public Health Code and Technical Standards. The plan is approved with the following conditions:

The revised 4-16-25 plan for 0 Vernon Rd is approved for the required code complying area and septic system design for a 2 Br dwelling.

The proposed GeoU system also requires the Soil Air system.

The WPCA permit for sewer connection shall be consistent with the 75 FT separation distance from the simplex grinder pump and the proposed, or existing, well location.

Please note that this plan approval is not an approval to construct the sewage disposal system. If not already done, a completed application and fee for the Permit to Construct the Sewage Disposal System must be submitted to the Health District for review and approval. The permit will be approved when all above noted conditions of approval have been met.

If you have any questions, please contact me.

Sincerely,

Thad King, MPH, REHS RS

860-429-3325 (Mansfield)

860-649-8066 x6108 (Bolton)

kingtd@ehhd.org



Town of Manchester

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STEVE STEPHANOU, TOWN MANAGER

CERTIFIED MAIL (RRR)

April 21, 2025

Elizabeth C. Waters
Town Clerk
222 Bolton Center Road
Bolton, CT 06043

Re: Application to the Town of Manchester Planning and Zoning Commission
Zoning Regulation Revision: Comprehensive Update to the Zoning Regulations

Dear Ms. Waters:

The Town of Manchester Planning and Zoning Commission hereby notifies the Town Clerk for the Town of Bolton by certified mail of the following pending application:

TOWN OF MANCHESTER PLANNING AND ZONING
COMMISSION – Zoning Regulation Amendment (REG-0009-2025) –
Comprehensive update to the zoning regulations including
reorganization, reformatting, removal of redundancies, removal of
requirements that are no longer legal (such as minimum dwelling unit
sizes), and general cleanup of language for clarity. No substantive
changes.

We expect this application to be considered by the Planning and Zoning Commission no earlier than May 19, 2025. This application is available for review in this office at the Lincoln Center building, 494 Main Street, 2nd floor, and may be viewed by the public during business hours (8:00 a.m. to 4:30 p.m. on Mondays, Wednesdays, and Thursdays; 8:00 a.m. to 7:00 p.m. on Tuesdays; and 8 a.m. to 1:00 p.m. on Fridays). You may also view the proposed changes on our website at <https://www.manchesterct.gov/Government/Departments/Planning-and-Economic-Development/Regulations-and-Maps>.

If you have any questions, please contact me at 860-647-3288.

Sincerely,

Megan Pilla,
Principal Development Planner



cc: Patrice Carson, Director of Community Development

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

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PERMIT EXPIRATION ENDS APPEAL

A case heard by the State Appellate Court was ruled moot because the zoning permit that was the subject of the appeal had expired. The zoning permit concerned the erection of a concrete retaining wall within a required setback. The zoning official issued the permit because he believed that the wall was not a structure under the zoning regulations and thus was not subject to setback requirements. The abutting neighbor appealed the approval of the permit to the zoning board of appeals. The board's dismissal of the appeal led to the matter going to the courts.

At oral argument before the Appellate Court, the parties agreed that since no action had been taken by the permit holder to construct the wall, the elapse of time led to the expiration of the zoning permit. With no actual controversy in place, the court found the issue of the permit's validity to be moot. If another permit is approved, the whole administrative and judicial review process can begin anew. *Brown v. Zoning Board of Appeals*, 231 Conn. App. 372 (2025).

DISTRICT THAT PERMITS RESIDENTIAL USES SUBJECT TO 8-30G

The Affordable Housing Appeals Act, Connecticut General Statutes Sec. 8-30g, provides in part that districts zoned for industrial use which do not permit residential uses are exempt from the appeals provisions of the Act. A question faced by one Superior

Court Justice was whether a district designated as a planned commerce zone qualified for this exemption. The zoning regulations that applied to this district allowed for many commercial, office and retail uses as well as what could qualify as industrial uses. The zoning regulations also contained a peculiar provision which provided that residential uses in existence within the district when the planned commercial district was established would remain permitted uses. However, no additional residential uses would be permitted.

After reviewing the applicable zoning regulation in detail, the court found that the planned commercial district did not qualify for an exemption to Sec. 8-30g as its clear language stated residential uses were permitted within the district. The court found an additional reason to question whether the district was zoned for industrial uses in that only a few industrial uses were present, the rest being office and commercial uses. *Vessel RE, LLC v. Town Plan and Zoning Commission*, LND-HHD-CV-23-6167826.

77th ANNUAL CONFERENCE

The Federation's Annual Conference was held on March 27, 2025 at the Aqua Turf Country Club in Southington Connecticut. Our principal speaker was the Honorable Marshal Berger, who made a presentation on the legal implications of an affordable housing application on a land use commission's discretion as well as the likely

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outcome of an appeal to the Superior Court. Judge Berger then led a discussion on what commissioners can do to address affordable housing within their communities so as to lessen the effects the affordable housing act has on their decision-making authority. In closing, Judge Berger warned that further state intrusions on local land use authority are coming and the commissioners need to take steps now, such as by amending their regulations to permit more multi-family housing.

In addition to this presentation, Stacey Sefcik, land use administrator for the Town of Norfolk presented the Length of Service Awards and Lifetime Achievement Awards to those nominated for these awards. If you would like any of the presentation materials, please contact us at contact.cfpza@gmail.com.

FAILED MOTION IS A DECISION

An application to modify an approved condominium development was submitted to a town planning board. The applicant sought to modify two conditions of the original approval that were preventing the development project from moving forward. One of the conditions would prevent the rental of any of the condominium units while the other required an offsite sewage disposal system for the complex.

A motion to approve the modification application was made, but no second to the motion was offered and no vote of the Board members took place. The Board later

submitted to the town clerk a resolution which stated in part that the motion to approve failed for lack of a second.

The applicant filed an action in federal court claiming that the Board's action denied him certain civil rights and violated federal laws including the Fair Housing Amendments Act. The Board countered with a motion to dismiss the case because it had not issued a final decision on the application. There is a long-standing rule that courts will only address claims that are ripe. In land use cases, this means that the appropriate municipal land use agency or official has made a final decision on an application.

The Court of Appeals found that the Board had made a final decision. It found persuasive that the Board, in its resolution, stated that the motion to approve the application had failed. *Village Green at Sayville LLC v. Town of Islip*, No. 19-3353-cv (2nd Cir. 2022).

COMMISSIONERS CAN DECIDE • FOR THEMSELVES WHICH WITNESS TO BELIEVE

An application to construct a residential complex on land surrounded by wetlands was denied by the inland wetlands board on the basis that the proposed development would have an adverse impact on the wetlands. The applicant had retained various experts who were all of the opinion that no adverse impacts would take place and, even if they did, there were no feasible and prudent alternatives. The expert retained by

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the board came to the opposite conclusion, finding that the intensity of the development as well as the steep slopes on the property adjacent to wetlands and the removal of the tree canopy would lead to adverse impacts. In addition, by relocating certain stormwater controls and reducing the scale of the project, feasible and prudent alternatives existed.

The denial was appealed and presented the court with the issue of whether the expert testimony amounted to substantial evidence to support the board's decision. The court found that it did. The authority to decide which expert to believe rests solely with the board. A commission is not required to believe any witness, including an expert. What is required is that the proceedings be fundamentally fair which includes, in part, providing an expert witness with the opportunity to address the board and the board members expressing their opinions during the public hearing. *Ridgefield Professional Office Complex LLC v. Inland Wetlands Board*, DBD-CV-23-6047606.

PROPOSED BILL WOULD REQUIRE 100 FOOT WETLAND BUFFERS

House Bill 7174 would insert a new definition into the Inland Wetlands Statutes. Basically, what we all know as upland review areas would be known as riparian buffers in the state statutes. This buffer would need to be at least 100'. Any local wetlands upland review area of less than this distance would be superseded by this statutory requirement.

ANNOUNCEMENTS

2025 Legislative Agenda

An insert is included with this edition of the newsletter that summarizes several bills that affect local land use. The summary is also posted to the Federation's website.

Membership Dues

Notices for this year's annual membership dues were mailed March 1, 2025. The Federation operates solely on the funds provided by its members at no profit. So that we can continue to offer the services you enjoy, please pay promptly.

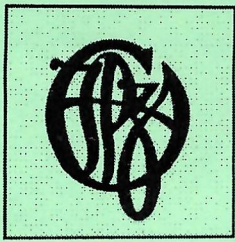
Workshops

Connecticut law now requires that every land use agency member receive 4 hours of training every two years. At the price of \$185.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'. Each workshop attendee will receive a booklet which sets forth the 'basics' as well as a booklet on good governance which covers conflict of interest as well as how to run a meeting and a public hearing.

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

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CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

PROPOSED LEGISLATION 2025

The following Bills are presently before the State Legislature. None, as of the date of this Conference, have been passed. The full text of these proposed bills can be found at www.cga.ct.gov.

Restricting Appeals by Intervenors H.B. 6249

The Connecticut Environmental Protection Act's intervenor provision, Sec. 22a-19 of the General Statutes, allows anyone to take an appeal of a planning and zoning commission decision to approve a development in regard to environmental issues. This bill would restrict such appeals to persons owning or renting property abutting or within 100 feet of the property involved in the decision if the development is for a residential use. There is an exception for nonprofit organizations.

Elimination of Parking Requirements H.B. 7061

Minimum off-street parking requirements would be prohibited from zoning regulations if this bill becomes law. The bill proposes to amend Sec. 8-2 of the General Statutes and remove any authority for a zoning commission to require a minimum number of off-street motor vehicle parking spaces for any development.

Open Space Requirement for Subdivisions H.B. No. 7034

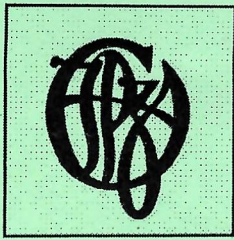
This bill would prohibit a planning commission from requiring the donation of land for open space purposes as a condition of approval for a subdivision application. It would also prohibit requiring that the applicant pay a fee-in-lieu of land donation as a condition of approval.

Prohibition on Multifamily Housing Moratoriums H.B. No. 7035

Section 8-2 of the General Statutes would be amended by this bill so that zoning regulations can not amend their regulations to either temporarily or permanently place a ban on development of multifamily housing or three or more dwelling units.

Publication of Legal Notices H.B. 7146

This bill places the burden on the chief elected official of a municipality of determining which, if any, newspaper publications have a substantial circulation within the municipality.



CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

Establishing a Housing Density Rating Program H.B. 5391

This proposed law would require that municipal zoning regulations be amended to include provisions: allowing any multi-family housing project in an area of public water service and sewer as of right; limit minimum lot sizes in these areas to no more than 7,500 square feet; allow accessory apartments as of right in any residential zone; limit parking requirement to one space per studio or one bedroom apartment and 2 spaces for homes of any size above that; and limit minimum lot sizes in area on well and septic to no more than one acre. The bill proposes a complicated point scheme that would allow a municipality to avoid some of these provisions. For example, if a zoning regulation was adopted that would create a housing transit zone, all boarding houses or not hold public hearings on applications for residential development projects, points would be awarded. Once a certain number of these points were accumulated, then the forced amendments to the zoning regulations stated in this Bill could be avoided. An interesting facet of this bill that if a municipality complies with all of the Bill's requirements, it would be exempt from the affordable housing appeals act.

THE CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

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