BOLTON PLANNING & ZONING COMMISSION
REGULAR MEETING
7:30 PM, WEDNESDAY, JANUARY 8, 2025
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, Alternate Tom Crockett
PZC Members Present Via Zoom: Vice-Chair James Cropley, Arlene Fiano, Jeremy Flick, Alternates Diane DeNunzio and Kawan Gordon
PZC Members Absent: Steven Clark

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, Brian Mensinger, Andrew Ladyga

1. Call to Order: T. Manning called the meeting to order at 7:30 p.m. D. Denunzio was seated for S. Clark.

2. Approval of Minutes: December 11, 2024
The December 11, 2024 Regular Meeting Minutes were amended as follows:

- Item No. 4: "P. Carson stated that staff met with a **resident** about a Right-of-Way."

A. Fiano MOVED to APPROVE the regular meeting minutes of December 11, 2024 as corrected. D. Denunzio SECONDED. MOTION CARRIED 7:0:0.

3. Residents' Forum:
Brian Mensinger and Andrew Ladyga introduced themselves but did not wish to speak on this item.

4. Staff Reports:
P. Carson stated that she worked with Mr. Taylor to finalize the site selector information for the Cider Mill property and submitted it to the state. She added that she is working with someone at Advanced CT for that project but is unsure when it will be online. P. Carson provided the Board with a handout on the lot coverage and building coverage requirements for discussion on Item No. 8.

P. Carson stated that she and M. D'Amato met with a prospective buyer for the Phillips property on Notch Road and discussed the approved plan and allowed uses for the property. They spoke about potential gravel bank opportunities and advised the buyer that he would need to consult with an engineer. A. Fiano noted that residents on Wall Street previously raised concerns about blasting, undermining, and removing materials. P. Carson stated that is not currently allowed, however bringing material in to crush it a limited number of times is allowed. P. Carson added that he would be allowed to bring in material, crush it and take it away, and store equipment there. P. Carson also mentioned there was previously a lawsuit over a gravel operation on the property. K. Gordon asked if the lawsuit is attached to the land. P. Carson stated that it would not be attached to the land as it would have been a lawsuit against the Town for the permission provided in the permit or the property owner for overstepping the permit. M. Manning recalled that the lawsuit occurred a long time ago.

M. D'Amato reported that staff has been holding various meetings with residents and reviewing regulations that may require some additional amendments.

5. Public Hearings:

a. *CONTINUATION:* 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)

Attorney Ed Joy introduced himself on behalf of Michael Bugnacki, who owns a 6-unit apartment building at 7 Loomis Road that presently has a deed restriction of 62 years and older. He explained that Mr. Bugnacki is seeking an Amendment to reduce the age restriction to 55 years of age.

Atty Joy provided a letter from the Capitol Region Council of Governments (CRCOG), dated January 6, 2025, which states that CRCOG does not find any conflicts with regional plans and policies or concerns of neighboring towns. CRCOG also sent a copy of the letter to the surrounding towns, including Coventry and Manchester. Atty Joy provided information on senior housing policies from Coventry and Manchester and noted that they define senior housing as having an age restriction of 55 years of age or older.

K. Gordon asked if residents who will be turning 55 in the year they are applying to live at the property would be considered. Atty Joy replied that potential residents would need to be 55 years old on the date they sign the lease. T. Crockett noted that Manchester's policy mentions surviving members being allowed to remain in the property regardless of age and asked for clarification on how long the surviving member would be allowed to occupy the property. Atty Joy replied that he is unsure if they would be able to continue living at the property after the lease expires.

J. Flick asked to table the item since he has unanswered questions about the property and does not understand how the property received a Certificate of Occupancy. T. Manning stated that the time to get the questions answered is now; however, J. Flick declined to ask the questions.

T. Manning asked for comments from the public. Brian Mensinger, 12 Brian Drive, shared concerns about restrictions to the square footage of the units of 1,000 square feet and noted that his calculations show the units are 1140 square feet. Mr. Bugnacki stated that the overage is due to the covered patio and storage units, and confirmed the units are closer to 950 square feet. J. Cropley advised Mr. Mensinger that the discussion is only on the age restriction amendment. Atty Joy added that the building was approved and has a Certificate of Occupancy.

Mr. Mensinger disagreed with reducing the age restriction and noted that the dictionary and the State of Connecticut define senior citizens as persons who have reached the age of 65 years of age or older. He added that he understands the restriction to 62 years of age but believes 55 years of age does not equate to being elderly or a senior citizen. M. Manning asked Mr. Mensinger why he believes there is a problem in reducing the age restriction. He stated that if certain items are recognized as an aged senior, whether it is 62 or 65, then 55 becomes less than that which should bring in other restrictions that are not applied to the property. M. Manning explained that she believes the intent is to provide more options and a quiet place to an older demographic that are on their way to retirement and prefer to live where there are no children.

Atty Joy pointed out information he provided on the Federal Fair Housing Act that restricts the age to 62 but noted that it also allows exemptions when at least 80% of the complex is 55 years or older. He added that this happens when difficulties arise in filling units with residents aged 62 years and older. T. Crockett asked if the current residents who will be affected support the change. Atty Joy confirmed that they support it.

A. Fiano MOVED to close the Public Hearing. J. Cropley SECONDED. T. Manning called the Roll. MOTION CARRIED 6:1:0 (J. Flick voted NO).

b. *CONTINUATION:* 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)
Atty Joy asked the Board to take notice of what has already been said in the first part of the hearing and added that if the Amendment is granted, he will promptly record a deed that complies with the Town Zoning Restriction of 55 years of age and older.

T. Manning asked the Board for comments. J. Flick stated that the property should not be approved for inhabitancy due to the condensing unit and propane locations. He reiterated that he does not understand how the property received a Certificate of Occupancy. J. Flick noted that he has discussed these issues with several people in the Town, but nothing has been done.

T. Manning asked J. Flick if he has provided his concerns in writing. J. Flick replied that it is not his responsibility to do so. T. Manning explained that, from his perspective as an architect, licensed building official, and certified fire marshal, he always cites regulations and measurements on his drawings and cites specific violations to make it easier for the person who has to correct the issues when reviewing plans. T. Manning suggested it might be helpful for J. Flick to outline the issues in writing. J. Flick replied that anyone driving by the property can see there are six condensing units hanging over 120-gallon propane tanks, and he just wants to bring awareness of the issue.

Atty Joy noted that the item is only to discuss the modification of the special permit for the previously approved complex located at 7 Loomis Road.

A. Fiano asked if there is a difference between a senior development versus an age restricted development and whether these discussions would have been necessary if the application did not include the word "senior". T. Manning replied that the Town only has a section on traditional multiple dwelling complexes for seniors. P. Carson added that the examples provided by the attorney say "senior housing". A. Fiano asked if there should be a regulation change to differentiate between senior housing and age restricted properties to make the process easier and less confusing in the future. P. Carson replied that she does not believe so since it is defined in the regulation. Atty Joy stated that if Mr. Bugnacki had come before the Board with an elderly complex that was also going to be funded by HUD or the State of Connecticut, the age would be restricted to 62 years and older. However, since it is a private property and no funding is involved, the age can be dropped to 55 in certain circumstances.

A. Fiano MOVED to close the Public Hearing. T. Robbins SECONDED. T. Manning called the Roll. MOTION CARRIED 7:0:0.

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)
T. Manning MOVED, pursuant to Application No. PL-24-5, that the PZC adopt the Zoning Regulation Amendment to Section 450-6.1N(12)(a) Traditional Multiple Dwelling Complexes for Seniors, reducing the resident age restriction from 62 to 55 years of age, effective January 15, 2025. J. Cropley SECONDED.

Discussion: J. Cropley stated that there are always discussions from the public about housing for younger people and older people that cannot afford homes in the town and believes this Amendment opens up more opportunities to some of the older demographic. He added that it does not tax the Town, and surveys have shown this is something that people in the Town want.

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

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)

T. Manning MOVED to modify Michael Bugnacki's Special Permit Application No. PL-24-4 to allow the reduction of the resident age restriction from 62 to 55 years of age for the 6-unit senior housing project at 7 Loomis Road. J. Cropley SECONDED.

Discussion: J. Flick requested that the building be brought up to code.

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

c. Other: No other old business.

7. New Business

a. Other: No other new business.

8. ONGOING DISCUSSION: Bolton Subdivision and Zoning Regulations

T. Manning stated that he would like to resolve the issue concerning the property expansion resident Tyler Clark has requested to accommodate his growing family. He noted that he is ready to take action to change the regulations so that Mr. Clark will not be required to apply for a text amendment, go to the ZBA, or pay $4,000.00 for a survey. T. Manning stated that the changes would not just be applied to the Clark family but would apply broadly to anyone seeking vertical changes to a non-conforming structure.

T. Manning stated that staff offered language to change the regulations. P. Carson replied that she had just provided some examples, and that staff has not offered a change yet. T. Manning noted that he likes the language in the example and would like to discuss the change and hold a public hearing. He read the proposed regulation which states, in part, that a non-conforming structure may be expanded provided a zoning permit is issued and as long as the expansion is no closer to property line than the existing building, does not create a public safety hazard, and conforms with all other restrictions. T. Manning added that the language applies to any zone or case.

J. Cropley asked if the language means that a property could only be expanded in an upward direction. T. Manning replied that it is more general than that and explained that the side that is non-conforming could not be built in a manner that would create further violations, but the other sides could be expanded and could go up within the height limitations. T. Crockett stated he is in favor of the change. M. Manning agreed and noted that it would be beneficial for all property owners.

K. Gordon asked if this would create any issues with impervious structures and percentages. M. D'Amato replied that coverage requirements are in place, and they would still govern how large of an expansion would be permitted.

M. D'Amato explained that the examples include a mix of various regulations, including some language from Ashford and Woodstock, pertaining to non-conforming uses. T. Manning confirmed that the proposed amendment would be made to Section 450-3.3 Non-conforming Uses, Part C and added as Item No. 3. Since the amendment would require a public hearing, P. Carson suggested including some of the additional items that have previously been discussed and finalized to the Public Hearing to address all the changes at one time.

The commissioners reviewed a handout on lot coverage references in the zoning regulations. M. Manning asked for clarification on the "unified village style" mentioned in the handout. P. Carson explained that it is a zone that was designed for one particular location and intended for a housing plan that never happened. T. Manning added that the Town had received a grant to revise the zoning regulations, specifically for an incentive housing zone, and the unified village style development concept was created as part of it. P. Carson stated that, although it was intended for one specific area, it could be requested as an overlay for a different area. She referenced the Dollar General property on Route 44 as an example and noted that it can be applied to a mixed-use development.

T. Manning asked about the additional changes to include in the Public Hearing. P. Carson stated that the changes were provided in a recent meeting packet which referenced lot corners, measurements, photos, and simplifying modifications to go through staff rather than the engineer. T. Manning suggested trying to set a public hearing in March so that the changes would be effective in the spring and agreed the other changes should be included in the Public Hearing.

P. Carson referred to the lot coverage handout and explained the contents. She stated that there were questions on why building and lot coverage are different. P. Carson explained there is no definition for lot coverage; however, there is a definition for building coverage area and the PZC needs to decide whether to keep the categories separate or combine them to include everything under lot coverage. T. Manning stated it would be useful to keep them separate and recommended providing an additional definition for lot coverage that would be inclusive of building coverage in some zones to cover occasions where the building coverage should be restricted to leave developed lot coverage such as parking, and sidewalks, etc.

P. Carson asked if the coverage percentages of 15% should remain the same and noted retirement communities are higher at 25%. T. Manning replied that they would likely need to be adjusted to the definitions. M. D'Amato explained that two things led to this point. One is that commercial property owners trying to expand their businesses are limited to the lot that they have. He stated that if the Town does not have a lot of commercial properties, more flexibility should be provided. He stated that the other recommendation, if separating the definitions between lot coverage and building coverage, is to do it by zone to avoid non-conformity and complications in the event that a CCRC with an allowance of 25% changes to a multi-dwelling complex with a 10% allowance.

A. Fiano asked if the reason impervious coverage is limited is due to rainwater and maintaining runoff. M. D'Amato replied that he believes that is the intent along with ensuring green space, landscaping, and appropriate building situation to maintain a consistent look with other properties. He added that there are new ways to deal with stormwater. A. Fiano agreed and stated that businesses need to be dealt with differently than residences in terms of restrictions. M. D'Amato referenced what was done in the Ashford Lake District with respect to stormwater and overflow. A. Fiano suggested different regulations for lake areas, residences, and commercial properties. P. Carson stated that would be done by zones and noted that the lake is surrounded by an R-3 zone with the exception of the "lake house".

P. Carson brought up the subject of providing notice to "abutters" and stated that the only statutory requirement is that legal notice must be published twice prior to the public hearing. She noted that additional notice can be provided by mailing a notice to property owners that are ***adjacent*** to the subject property or posting a sign on the land. P. Carson explained that the regulations currently require that a sign be posted on the land and that the applicant notify land owners within 500 feet of the subject property. She asked if the commission wants to consider making any changes to the current policy since by statute, notice, if required, is only required to "adjacent" land owners. By law, "aggrieved" property owners are only those within 100 feet, and it would be more cost-effective if the applicant only has to notify those owners rather than all land owners within 500 feet.

The PZC discussed that notifying property owners within 500 feet may provide false hope that they can oppose something and take it to court when actually only those within 100 feet have standing to do so. P. Carson stated that anyone can speak at a public hearing but not everyone would have standing to take action. She asked the commission to determine whether posting a sign on the land and notifying property owners within 100 feet is sufficient or whether they want to require notice to those within 500 feet. She suggested the PZC may want to solicit input from the Town Attorney.

T. Manning stated that he will be in touch with P. Carson about specific languages for the text amendment changes and determine the list of items to include in the Public Hearing.

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

10. **Adjournment**
J. Cropley MOVED to adjourn the meeting at 8:54 p.m. A. Fiano 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.