

MINUTES
BOLTON PLANNING & ZONING COMMISSION
SPECIAL MEETING
7:30 PM, WEDNESDAY, JANUARY 9, 2013
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD

Members Present: Eric Luntta, Tom Manning, Jim Copley, Jeffrey Scala,
Arlene Fiano, Adam Teller, David Treadwell (Alternate),
Carl Preuss (Alternate)

Members Absent: Loren Otter

Others Present: John D. Pagini, AICP, Director of Community Development;
Jim Rupert, Zoning Enforcement Officer; Karen Mills, Recording
Secretary; Jonathan Treat, 87 Bolton Center Road; Robert Morra,
First Selectman; Ray Walker, Fire Marshal; Attorney Dory
Famiglietti, representing Mather Clarke; Mather Clarke, 92 Volpi
Road

Chairman Luntta called the meeting to order at 7:33 p.m. Carl Preuss was appointed for Loren Otter.

1. Discussion of possible regulation of solar panel installations (Guest: Jonathan Treat)
Mr. Treat stated his concerns about large, free-standing solar panels. He suggested the following actions by the Commission: a moratorium; a creation of regulations similar to signage regulations; and at this time he wants the Commission to approve nothing that hasn't already been approved. He then explained his concerns, especially regarding the large array at 63 Volpi Road. Discussion ensued and further questions were asked of Mr. Treat. Mr. Pagini mentioned that he has looked into this issue on the CT Planners' listserve, and provided the Commission members with handouts showing how other towns such as Enfield and Windsor Locks have addressed this issue. Mr. Pagini suggested inviting the Town Planner from Enfield to come for a workshop discussion. Mr. Rupert confirmed that we have no permits pending for solar panels at this time.
2. Informal Discussion: Clarke Landscaping, 92 Volpi Road
Chairman Luntta stressed that this is an informal discussion only. Attorney Dory Famiglietti, representing Mather Clarke, of 92 Volpi Road, informed the Commission about the nature of the complaints against Mr. Clarke. She brought photos and stated that the noise being created with large equipment is not part of the landscaping business, but has to do with improvements on his property. Having said that, she stated that there is large equipment being stored on his property. He stores the equipment there off-season when they are not being used at job sites. Mr. Clarke would like to come to an agreement

with the Commission about how to continue having his landscaping business on this property. Attorney Famiglietti stressed that Mr. Clarke's other neighbors do not have a problem with his activities. She suggested that another level of home occupation be added to the regulations. Attorney Famiglietti wants to bring a draft regulation to the Commission, but does not want to waste that time if the Commission is averse to it. Mr. Pagini explained suggestions he and Mr. Rupert has made to Mr. Clarke regarding this issue, including a two-prong approach, approving a customary home occupation for the office component, and storage in an industrially zoned or non-conforming site for the equipment. Discussion ensued amongst staff, Commission members and the audience. Mr. Teller said that he would like to see the applicant find a place within town where he can store his overflow rather than get into rewriting regulations within a residential zone. Other Commission members expressed their opinion that it will be hard for Attorney Famiglietti to craft a regulation that would be approved by the Commission regarding this issue. Mr. Luntta asked if anyone else in the audience would like to speak on this issue. Bob Morra said he came in support of Attorney Famiglietti's opinion.

3. Regional Performance Incentive Program application with the Town of Andover for funding of coordinated POCDS for both towns (submitted to OPM December 30, 2012) Mr. Pagini wanted to make sure that the Commission members were aware that this was submitted and receipt was acknowledged. A short discussion ensued.
4. Request of Kevin Byam for partial release of E&S financial guarantee under Zoning Regulations effective December 17, 2012, Arbors, Turf, and Gardens, LLC, 1239 Boston Turnpike (formerly American Arborists)
Mr. Pagini reminded the Commission members about the specifics of this issue and provided them with a copy of the memorandum and a draft motion. A brief discussion ensued about this site and led to further discussion about applicants who comply with the regulations, and those that attempt to avoid compliance, which they deemed a fairness issue. Adam Teller made the following motion: **MOVED**, that the Bolton Planning and Zoning Commission does hereby approve a supplemental partial release of an Erosion and Sedimentation Control cash bond submitted in connection with the approval of special permit application of American Arborists (now known as Arbor, Turf, and Gardens, LLC) located at 1239 Boston Turnpike, such partial release in the amount of \$2,110 leaving a balance of \$7,700 for the purpose of providing erosion controls in connection with the construction of structural and parking improvements. This release supplements the release granted by the Commission on December 5, 2012 in the amount of \$10,640.00. This supplemental release is in accordance with amendments to the Zoning Regulations concerning financial guarantees, effective on December 17, 2012. This release is granted in accordance with a recommendation of Town Engineer Joseph Dillon, dated November 29, 2012. The Commission hereby grants an exception to its

policy of no partial E&S bond releases on the basis that this is a phased development, and the entire site has been rendered stable. The motion was seconded by Carl Preuss. Mr. Cropley mentioned that he has been very impressed that Mr. Byam has been constantly checking on the property and the fences, and he obviously cares about the site. The motion passed unanimously (7-0).

5. Fire Protection Regulations Advisory Committee:

Mr. Pagini directed the Commission to the letters of interest and Approval of Charge/Scope of Work in their packets. There is also a master sheet showing the appointments. He read through the list.

a. Appointments:

i. PZC representatives

Tom Manning volunteered to serve. Jim Cropley also volunteered.

ii. Acknowledgment of appointment of EDC member (Neal Kerr)

iii. Residential Builder

iv. Resident member at large

Mr. Manning nominated Rick O'Connor as the member-at-large.

Discussion ensued about the candidates for member at large. Most Commission members stated that they want to choose somebody with a known background. A decision was made to have Mr. Pagini illicit more information from the candidates so that a better-informed decision can be made by the Commission.

v. Business owner

Mr. Manning nominated Milton Hathaway as business owner. Mr. Luntta said he agrees with this choice since Bob Munroe already serves on a town committee.

Adam Teller made a motion to appoint to the Fire Protection Regulations Advisory Committee the following people: PZC members – Tom Manning and Jim Cropley; Board of Selectmen member – Robert Morra with an alternate Board of Selectmen member to be selected by the BOS; EDC member – Neal Kerr; Fire Marshal – Ray Walker; Fire Chief – James Preuss, Jr.; alternate to Fire Marshal and/or Fire Chief – Lt. Dale Bonn; Business owner – Milton Hathaway; Residential Builder – Jim Aldrich; Ex Officio – John Pagini and Jim Rupert; with

Bolton Planning & Zoning Commission
222 Bolton Center Road
Bolton, CT 06043

the Residential Member-at-large to be determined after further information is obtained. Eric Luntta seconded the motion and it passed unanimously (7-0).

b. Approval of Charge/Scope of Work for Committee

Mr. Pagini asked the members to review the draft document. The people writing the draft agreed on all of it except for #7. Mr. Manning said he believes the Town Charter requirement already covers this, so he wants to strike #7. Mr. Teller agreed. Mr. Cropley said he thinks it would be a good idea to have an initial public meeting at the beginning of this process to hear what the public has to say. A lengthy discussion ensued. Mr. Pagini suggested that #7 be changed to read: "The Committee shall hold a public informational meeting early in the process." Adam Teller made a motion that the Bolton Planning & Zoning Commission gives the Charge/Scope of work to the Fire Protection Regulations Advisory Committee according to the proposed draft with the following changes: Section 1e. strike the words "the potential"; Section 1f. add the word "with" between the words "concert" and "measures"; and Section 7 to read "The Committee shall hold a public informational meeting early in the process." Tom Manning seconded the motion and it passed unanimously (7-0).

Mr. Pagini briefly spoke about the proposed construction of the Charter Oak Greenway. He suggested that we put it on the agenda for next week's meeting.

6. Adjournment

A motion to adjourn was made by Arlene Fiano and seconded by Adam Teller. The motion passed unanimously (7-0) and the meeting was adjourned at 9:35 p.m.

Respectfully Submitted:



Karen Mills
Planning & Zoning Board Clerk