

**TOWN OF BOZRAH
INLAND WETLANDS AND CONSERVATION COMMISSION
BOZRAH TOWN HALL
1 RIVER ROAD
BOZRAH, CT 06334**

September 2, 2021

The meeting of the Bozrah Inland Wetlands and Conservation Commission was called to order by Chairman Scott Taylor at 7:05pm at the Bozrah Town Hall, 1 River Road, Bozrah, CT.

Members present: Scott Taylor (Chairman), Chuck Mandel, Evelyn Brown, Steve Brunetti, Jessica Carson, Charlene Lathrop.

Members absent: Jim Sipperly.

Others present: Glenn Pianka (Board of Selectmen), Steve Seder (Planning & Zoning Commission Chairman), Sam Alexander, AICP (SCCOG/Town Planner), Matt Grohocki (Revelation Church), David Held, P.E., L.S. (Provost & Rovero), Jennifer Paternostro (Bashon Hill Farms LLC), James Paternostro (Bashon Hill Farms, LLC), Wes Wentworth, P.E., L.S. (Wentworth Civil Engineers), Yvonne Yang (resident), Seth Coty (resident).

1. Review and approve minutes:

a) August 5th regular meeting.

Steve Brunetti made a motion to approve the minutes as presented. Evelyn Brown seconded the motion.

VOTE – UNANIMOUS – MOTION CARRIED

b) August 12th special meeting/site walk.

Evelyn Brown noted that she was absent. Steve Brunetti made a motion to approve the minutes with the correction of marking Ms. Brown absent. Chuck Mandel seconded the motion.

VOTE – 5/0/2 (Brown and Taylor abstained) – MOTION CARRIED

2. Hear the report of the Wetlands Enforcement Officer:

There was no report due to position vacancy. Glenn Pianka remarked that the Board of Selectmen will meet on August 17th and recommend using the services of the Southeastern Connecticut Council of Governments (SCCOG), at least for the time being.

Chairman Taylor remarked that he visited 350 Fitchville Road and sent a letter to the address in response to a report of a possible wetlands violation. That homeowner is present today with an application, which was received in time for the meeting and may be added to the agenda.

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Glenn Pianka noted on the level of the Yantic River due to the recent rain.

3. Review correspondence pertaining to agenda items:

Sam Alexander (Town Planner) noted newly received items of correspondence: revised plans for the two applications by Bashon Hill Farms, and the following items pertaining to the application by Revelation Church: 2014 A-2 Survey submitted, revised plans, two memos from the project engineer, two memos from the town engineer, and one memo from the planner.

4. Old Business:

a) Bashon Hill Farms, LLC (1): 211 Bashon Hill Road, Bozrah, CT. Owner: Stoney Hill Farm LLC, James and Jennifer Paternostro. Creation of a farm pond.

Wes Wentworth (Wentworth Civil Engineers) reviewed revised plans pertaining to two applications by Bashon Hill Farms, 211 Bashon Hill Road and answered questions from the Commission.

- The farm pond replaces a previous wet area, mapped wetlands which were previously disturbed without a permit. The farm pond has a catchment area of about 0.8 acres.
- Pond is designed to create no increase in runoff out of the swale leading to a mapped wetland system and brook. The swale is an emergency overflow, and a drain pipe would be primary means of controlling the level of the pond.
- A curtain drain will be installed to drain a field to the west, and provide flow into the pond. The field drained by the curtain drain will be part of phase I of the farm field reclamation.
- 4-6 weeks of construction anticipated for farm pond construction.
- Phase I could take one and half years to two years to complete and stabilize with final vegetation; phases II and III would follow.
- The farm pond construction will involve removal of about 3,000 cubic yards of material. Roughly half of that has previously been removed.
- Stone removal in farm fields will take place within 48 inches of the surface.
- Mr. Wentworth reviewed plans for agricultural activity in each of the fields once they are cleared. It's recommended to plant a deep-rooted crop for the first year to establish soil structure.
- Ground water is up to approximately seven feet. If mottling is noticed, then excavation activities should stop at that depth.
- Chairman Taylor remarked on the wood chip berms being currently used, which kept the site stable during the previous night's rain.
- Screened rock will leave the site for sale or use elsewhere.
- One field will be worked on at a time before moving onto the next field.

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- Chuck Mandel recommended establishing a baseline erosion and sediment control bond amount and having the Planning & Zoning Commission add to it if need be. Chuck Mandel recommended \$2,500 bond to be released upon stabilization.

Scott Taylor made a motion to approve the farm pond as an As-of-Right activity, and noted that its depth and size is not excessive but appropriate for the farming operation. Chairman Taylor and the Commission discussed the fact that the wetlands area has previously been disturbed and discussed the proper way to handle the application. Chairman Taylor withdrew his motion, not seeing a second.

Scott Taylor made a motion to determine the use is a regulated activity. Steve Brunetti seconded the motion.

VOTE – UNANIMOUS – MOTION CARRIED

Scott Taylor made a motion to determine the use is not a significant activity, and to approve the application. Charlene Lathrop seconded the motion.

VOTE – UNANIMOUS – MOTION CARRIED

- b) Bashon Hill Farms, LLC (2): 211 Bashon Hill Road, Bozrah, CT. Owner: Stoney Hill Farm LLC, James and Jennifer Paternostro. Excavation/reclamation of agricultural land.

Discussion of this application was in combination with the as-of-right application for a farm pond.

Chuck Mandel made a motion to approve the application with the following conditions: applicant will post a \$2,500 erosion and sediment control bond, which may be increased by the Planning & Zoning Commission; and the applicant will consent to monthly inspections by staff, if no wetlands agent is present, inspections will be quarterly. Charlene Lathrop seconded the motion.

VOTE – UNANIMOUS – MOTION CARRIED

Chairman Taylor asked the Commission to consider a finding of the application's consistency with the Plan of Conservation and Development and the Open Space Plan, including initiatives for retaining agriculture and rural aesthetics. Chairman Taylor noted the historic relevance of the property and the reinvigoration of an agricultural use, as well as stone wall preservation. The finding could serve as an advisory opinion to the Planning & Zoning Commission. Scott Taylor made a motion that based on the proposed agricultural use and reclamation of the property, the

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Commission supports the application in its role as Conservation Commission. Chuck Mandel seconded the motion.

VOTE – UNANIMOUS – MOTION CARRIED

c) Revelation Church: 166 Bishop Road, Bozrah, CT. Excavation of stone.

Chairman Scott Taylor recused himself. Charlene Lathrop took over the meeting.

David Held (Provost & Rovero) began a presentation on changes to the plans since the August meeting.

- Most notably a 25-foot wetlands buffer was added to the phases.
- Instructions for tree root protection were added to the detail sheet.
- The total area of previous wetlands disturbance was also added to the plans.
- Equipment will be parked in the staging area at the end of every day.
- Revisions were made to the erosion and sediment control plan.

Sam Alexander (Town Planner) remarked on the amount of back and forth with the Town Engineer. Mr. Alexander spoke to the possible need for CT DEEP stormwater permits. The applicant is working with Karen Abbott of the Department. A higher level of detail is typically required for a CT DEEP stormwater permit. There wasn't enough detail given on the plans for the Town Engineer to conduct an in-depth review of the adequacy of erosion and sediment controls; however, the applicant is also in front of the Planning & Zoning Commission, which has specific authority to require and review erosion and sediment controls for the entire site.

Mr. Held noted that Katey DeCarli inspected the site previously and was approving of the applicant's process for plans submission. Ms. DeCarli, in Mr. Held's memory was not overly concerned with the operation if steps are taken to avoid wetlands impacts.

Chuck Mandel asked Mr. Held about the Town Engineer's comments. If Mr. Held had to address the comments, he believes that erosion and sediment controls would be added the plans, downgradient to the operation; Mr. Brown is likely looking for more than that, remarked Mr. Held.

Mr. Held did not believe that specific plans are required to establish vegetation because of site conditions; the site conditions allow for natural replenishment of vegetation. Mr. Mandel noted that there is opportunity for invasive species to establish. There was discussion of "Princess Tree" seen on the site walk. Mr. Grohocki remarked on the simplicity of the operation. There is no intent to create fields; it is a temporary income-generating activity.

Chuck Mandel asked about phase line markings and recommended stakes. Mr. Manel was most worried about the wetlands buffer and didn't feel a need to have interior phase limits staked. Sam Alexander explained that the applicant proposed six phases, and phasing and limiting disturbance ostensibly factored into the applicant's choice of

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erosion and sediment controls. Matt Grohocki stated that sometimes the contractor needs a specific rock for a specific request and needs to cross phase lines. Mr. Alexander reiterated that the project was built around phasing. Mr. Held stated that they are proposing flexibility. Mr. Held noted that no more than five acres would be disturbed at once. Mr. Alexander noted that there would be no way of determining that. Chuck Mandel suggested that a surveyor could determine.

Chuck Mandel discussed bonding. Mr. Held stated that the Town Engineer recommended values for determining a bond amount, which Mr. Held will use to determine two phases worth of erosion and sediment control bonding.

Charlene Lathrop asked about large rocks in the wetlands. Mr. Held noted that some of the rocks were from past disturbance. Steve Brunetti noted that the Commission cannot do anything about it now; the rocks shouldn't be disturbed at this point. Steve Brunetti recommended removing invasives. Mr. Grohocki volunteered to remove the Princess Tree at a time when it isn't seeding.

Chuck Mandel made a motion to approve the application with the following conditions:

- Stake phase limits with wooden, flagged stakes, three (3) feet tall, 50 feet apart along the wetlands buffer line.
- Proposed erosion and sediment controls must be depicted on plans. Mr. Mandel suggested wood chip berms.
- Posting of an erosion and sediment control bond, in an amount to be based on updated plans showing erosion and sediment control placement, taking into consideration given bonding recommendations by the Town Engineer of \$8/lf for silt fence and \$10/lf for hay bales, with additional costs for removal, and establishment of vegetation in disturbed areas. IWCC will hold and enforce the bond.
- Monthly staff inspections of the operation, unless a Wetlands Agent is not hired, in which case inspections shall be quarterly.

Steve Brunetti seconded the motion.

VOTE – UNANIMOUS (Taylor recused) – MOTION CARRIED

Chairman Taylor recommended to the Commission that it make a recommendation tot the Planning & Zoning Commission, in its conservation role, pertaining to the consistency with the conservation goals of the Town. There was discussion. Chuck Mandel made a recommendation that if the Planning & Zoning Commission finds any significant historical factors, that they be noted on the plans.

5. Discussion of Glemboski/Ous Property, and possible CT DEEP Open Space and Watershed Land Acquisition (“OSWA”) grant application:

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Sam Alexander noted that he is assisting the Town with an OSWA grant application and that a site walk with the Chairman and others is anticipated in the coming weeks.

6. Review general correspondence:

There was none. Chairman Taylor remarked on a walk he conducted with a geologist in the area of Bargy Ledges. Steve Brunetti asked to see a report.

7. Such other business as the Commission may vote to hear:

Chairman Taylor asked the Town Planner to introduce an application by Seth Coty, 350 Fitchville Road. Sam Alexander explained that the application was property received on Wednesday and is in response to upland activities being conducted near the Yantic River. The Chairman visited Mr. Coty at his home.

Seth Coty and Yvonne Yang, 350 Fitchville Road were present. Mr. Coty explained that he is clearing trees from a steep slope in order to obtain a view of the river. A wood chip berm is being used to divert water away from the slope. Tree stumps are still in place. Mr. Coty would like to add field stone steps to the slope.

The Commission discussed cutting the stumps flush and recommended Mr. Coty not attempt to remove stumps completely. The Commission recommended using native plants for permanent ground cover. Commissioners may coordinate with Mr. Coty to visit the site.

The Commission discussed the classification of the activity. Scott Taylor made a motion to make a jurisdictional ruling that the activity is a regulated activity. Charlene Lathrop seconded the motion.

VOTE – 4/2/0 (Brunetti and Mandel opposed) – MOTION CARRIED

8. Public comment period:

There was none.

Meeting was adjourned at 9:08pm.

Respectfully Submitted,
Samuel Alexander, AICP
Town Planner