

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

April 1, 2021

The meeting of the Bozrah Inland Wetlands and Conservation Commission was called to order by Chairman Scott Taylor at 7:07pm via Zoom teleconference/videoconference.

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

Others present: Glenn Pianka (Board of Selectmen), Steve Seder (PZC Chairman), Sam Alexander (SCCOG/Town Planner), Katey DeCarli, P.E. (CHA/Land Use Agent), Wes Wentworth, P.E. (Wentworth Civil Engineers, LLC), James Paternostro, Jr. (Stoney Hill Farm LLC/Bashon Hill Farms, LLC), Kathy Shoepfer, Gregory Moore, Jordan Kaiser, Liz Gilman, Whitney Helm, other members of the public unnamed.

Scott Taylor sat Jessica Carson as a regular member.

1. Review and approve minutes:

a) March 5th 2020 regular meeting.

Charlene Lathrop made a motion to accept the meeting minutes as presented. Scott Taylor seconded the motion.

VOTE – 3 yes / 0 no / 1 abstain (Brown) – MOTION CARRIED

b) March 4th 2021 regular meeting.

Charlene Lathrop made a motion to accept the meeting minutes as presented. Scott Taylor seconded the motion.

VOTE – 3 yes / 0 no / 1 abstain (Brown) – MOTION CARRIED

Chuck Mandel arrived.

2. Hear the report of the Wetlands Enforcement Officer:

Katey DeCarli (Land Use Agent) reported on her recent activity. Ms. DeCarli reported positively on the timber harvest by Hull Forest Products on Bozrah Street.

Ms. DeCarli briefly reported on 211 Bashon Hill Road, which appears later on the agenda.

The silt fence associated with the water/sewer line installation on Salem Turnpike will be removed in the spring pending successful grass growth. A Notice of Violation was issued for perceived wetlands and zoning violations associated with excavation and processing stone. The ultimate goal of the activity is to expand and improve agricultural fields.

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Ms. DeCarli reported on other activities: a septic system replacement on South Road and contact with the owners of Revelation Church regarding a site visit.

3. Review correspondence pertaining to agenda items:

There was none.

4. Old Business:

a) James and Jennifer Paternostro (Stoney Hill Farm, LLC): Discussion regarding future application following Notice of Violation for earth products excavation, expansion of farmland in or near wetlands.

Sam Alexander (Town Planner) noted the three packet items related to agenda item 4a: a notice of violation, an inspection report by Katey DeCarli, and a temporary stabilization plan by the property owner's engineer.

Katey DeCarli reviewed her knowledge of the activity at 211 Bashon Hill Road. A Notice of Violation was issued due to the owner's willingness to comply. Efforts were made immediately to stabilize the exposed soils on site. Commissioners were able to ask questions of Ms. DeCarli. There is a newly constructed settling basin on site in a formerly wet area of an agricultural field. The property is likely subject to the zoning regulations regarding excavation. A portion of the site remains disturbed and stabilization activities will not involve disturbing any new areas. The rock screener is still being used in a portion of the site suspected not to be wetlands. The Commission considered why a Cease and Correct Order was not issued instead of a Notice of Violation.

Wes Wentworth, P.E. (Wentworth Civil Engineers, LLC) described the activity on the site and the temporary stabilization plan. Mr. Wentworth is a civil engineer and soil scientist. Woodchip berms are used as the primary means of erosion and sediment control. Activity primarily occurs in agricultural fields or areas previously cleared by a past owner and intended to become agricultural fields. Some agricultural fields were drained with trenches. Mr. Wentworth did not find any evidence of sediment mobilized off of the site and into wetlands or watercourses. The areas of the screening plan drains to the interior settling pond. Soil profiles in trenches did not display wetlands qualities. Some activity did occur in likely wetlands and watercourses and those will be delineated as soon as possible and part of an application. All application materials can be completed by the June meeting. The intent is to have the stabilization plan fully implemented by the May meeting.

Mr. Wentworth reviewed the temporary stabilization plan for the Commission and answered questions about the site. The settling pond is drained by a ditch, which contains four sets of staked hay bales before reaching an unnamed brook. Wood chip berms control erosion from stockpiles and exposed areas. The end goal of the activity is to expand agricultural fields for livestock and Christmas tree farming. Mr.

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Paternostro spoke with the Commission about the end use of the property. Mr. Wentworth stated that in most areas groundwater levels are as low as six feet. Wetter areas are in and around the pond, and northeast from there.

Chuck Mandel reviewed the discussion so far: Ms. DeCarli issued a Notice of Violation, erosion and sediment control measures will be installed per the temporary stabilization plan, including an anti-tracking pad, wetlands will be marked and delineated, a plan and application will be submitted showing existing and proposed conditions, and the owner will be able to continue operations in-line with the stabilization plan.

Steve Seder (Planning & Zoning Commission Chairman) stated that he is most concerned with the end goal. Mr. Mandel restated that he believes a Cease and Correct Order is appropriate with quick stabilization. Scott Taylor reiterated that the goal is to have the site stabilized and the Planning & Zoning Commission may want to consider a Cease and Desist Order associated with anything within their regulatory control. Sam Alexander asked about the role that newly sorted soils play in temporary stabilization. Mr. Wentworth stated that screened soil is to be moved back to disturbed areas to improve the agricultural fields and stabilize the areas long-term once seeded. Mr. Wentworth and Mr. Paternostro will appear before the Planning & Zoning Commission.

Mr. Mandel stated that he does not want the Commission to be complicit in authorizing continuance of any clear violation. Mr. Mandel made a motion to direct the Land Use Agent to issue a Cease and Correct Order. Charlene Lathrop seconded the motion. Mr. Mandel expressed urgency in seeing mapped wetlands and having all erosion controls in place.

VOTE – UNANIMOUS – MOTION CARRIED

Ms. DeCarli clarified with the Commission that the Cease and Correct Order will instruct the owner to continue with stabilization activities, with no further excavation or processing.

5. Open Space Plan:

a) Draft.

Sam Alexander the updated draft of the Open Space Plan and input that was provided from the Agricultural Commission:

- 1. Total acreage of the town listed in the plan along with how much in total is currently preserved would be a helpful point of reference. There are various acre listing mentioned but nothing cumulative.*
- 2. Setting goals for future preservation in terms of percent or number of acres would be important in applying for grants.*

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3. *Town putting funds into the open space fund annually even if small shows its a town priority.*
4. *Selling currently owned properties that don't have environmental benefit or corridor connections makes sense.*
5. *Evaluate current in lieu of fee rates to ensure they are up to date and appropriate for the region. Stop accepting pieces of land that don't add intrinsic value to open space goals.*
6. *Having acquisition priorities in ranking properties is important and supported.*

The Commission discussed how it would incorporate comments 1 and 3; comments 4 and 5 are consistent with the current draft.

b) Vision statement.

Sam Alexander presented a draft vision statement for consideration:

Consistent with the Town's goals for growth enshrined in the Plan of Conservation and Development, Bozrah's natural, agricultural, and scenic landscapes, which immeasurably contribute to its residents' high quality of life, will be preserved for generations to come.

The Commission asked that the word "historical" be added after "natural". The Commission can consider changes to the vision at a later date.

c) Photos.

Commissioners will provide photos for the draft.

d) Next steps.

The Commission wished to move ahead with a May public hearing, as part of the May regular meeting. The public hearing will begin at 7:00pm and end at 7:30pm. If more discussion is needed the hearing will be continued in June. In the interim, Mr. Alexander will make discussed change to the draft, reorganize maps in the draft, add photos, produce a Frequently Asked Questions document, and a letter from the Chairman.

6. Planner update on development projects around Town:

Sam Alexander briefed the Commission on upcoming and on-going projects. The Planning & Zoning Commission is drafting an "affordable housing plan" as required by a new State law; the Board of Selectmen has drafted a short-term rental or "Airbnb" ordinance; Mr. Alexander was contacted by a surveyor regarding a possible subdivision on Bashon Hill Road. Mr. Alexander reviewed a recent pre-application discussion between the Planning & Zoning Commission and a data center developer, GotSpace Data Paterners, LLC.

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7. Review general correspondence:

There was none.

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

There was none.

9. Public comment period:

Charlene Lathrop stated that she didn't believe there was a pond at the Bashon Hill property in the past and mentioned a possible clear-cutting elsewhere. Chuck Mandel stated that the owner needs to stop non-specified operations.

Glenn Pianka (Board of Selectmen) spoke about the GotSpace data center and explained that there are many moving parts. Mr. Pianka also reiterated the need to reduce town liabilities assist the open space fund by offloading excess properties of little natural value.

Jessica Carson stated that she received a comment from her neighbor about someone illegally marking trees with spray paint.

Meeting adjourned at 9:22 P.M.

Respectfully Submitted,
Samuel Alexander, AICP
Town Planner