

**TOWN OF BOZRAH
BOZRAH TOWN HALL, 1 RIVER ROAD
BOZRAH, CONNECTICUT 06334**

BOZRAH PLANNING & ZONING COMMISSION

AGENDA

Thursday, December 10, 2020
Zoom meeting, 7:00 p.m.

See bottom of agenda for participation instructions

The Bozrah Planning & Zoning Commission will hold its regular meeting on Thursday, December 10, 2020 via Zoom teleconference/videoconference, at 7:00 p.m.

1. Review and approve the minutes of the November 12, 2020 regular meeting.
2. Review correspondence pertaining to agenda items.
3. Hear the report of the Zoning Enforcement Officer.
4. Short-term rental ordinance.
5. Year-end discussion of Planning & Zoning topics.
6. Adopt 2021 meeting schedule.
7. Public comment period.
8. Review general correspondence.
9. Such other business as the commission may vote to hear.

Stephen Seder, Chairman
Planning & Zoning Commission

Join Zoom Meeting

Web: <https://us02web.zoom.us/j/81177550965>

Call-in: +1 (929) 205-6099

Meeting ID: 811 7755 0965

**REGULAR MEETING
TOWN OF BOZRAH
PLANNING AND ZONING COMMISSION
November 12, 2020**

Chairman Steve Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:03 PM, on Thursday, November 12, 2020. The meeting was held via Zoom video/teleconference.

Members present: Stephen Seder (Chairman), Scott Barber (Vice Chairman), Nancy Taylor, Manny Misarski, Steve Coit (alt.).

Members absent: Steve Gural, Seymour Adelman (alt.), Frank Driscoll (alt.).

Others present: Glenn Pianka (Board of Selectmen), Katey DeCarli (ZEO/WEO/CHA Assoc.), Sam Alexander (Town Planner/SCCOG), Gina Richards (prospective business owner), Michelle Webb (business owner), Kevin McDermott (property owner).

Chairman Steve Seder called the meeting to order at 7:03 PM.

1. Review and approve the minutes of the October 8, 2020 regular meeting.

Scott Barber asked about the open space set aside for the Fargo subdivision application. The subdivision was statutorily exempt from providing open space or fee in lieu of open space because both parcels will be conveyed to direct family. Scott Barber made a motion to accept the October 8 minutes as presented. Nancy Taylor seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

2. Review correspondence pertaining to agenda items.

There was none.

3. Hear the report of the Zoning Enforcement Officer.

Katey DeCarli, P.E. (ZEO/WEO) discussed her staff report and Commissioners were able to ask questions. Katey DeCarli discussed next steps in Town of Bozrah v. Haugh, which is progressing slowly through the courts due to COVID-19. There was discussion about the “peddler’s ordinance” and the legality of a hot dog cart wishing to locate temporarily on Fitchville Road.

4. New Business:

- a. Change of use: Proposed salon, 44 Lebanon Road (Rt. 87).

Gina Richards spoke about her plans to open a salon in a multi-tenant commercial building at 44 Lebanon Road. The Commission had questions about adequacy of parking, which the Town Planner will look into. Gina Richards will have two chairs and generally no more than two customers at a time.

b. Pre-application discussion: Kevin McDermott, 2 Wawecus Hill Road. Subdivision and Zoning Map Amendment.

Kevin McDermott (owner, 2 Wawecus Hill Road) spoke about his plans to subdivide the property in order to accommodate a residential mortgage. Previously, Mr. McDermott expected to also request a zoning map amendment for the property, but no longer believes this is necessary. Kevin McDermott explained his intention to divide two or three acres, which would include the residence and all outbuildings, from the 46-acre parcel. The Commission discussed options of future commercial subdivisions along Salem Turnpike (Route 82), from the remaining land.

The Affordable Housing Plan survey will be posted to the town website.

c. Planner's proposed modification to the Subdivision Regulations.

Sam Alexander discussed a memo in which he proposed modifications to the subdivision regulations that would eliminate the requirement for all subdivision applicants to notify abutters of their application. The modification would only require abutters' notifications on applications for which there was a public hearing. The Commission felt that the change was not necessary.

5. Old Business.

a. Affordable Housing Plan: Demographic multipliers data.

Sam Alexander discussed two interim reports that will aid in the Affordable Housing Plan. The reports discuss the types of households occupied by seniors and school-aged children. "Demographic multipliers" is a calculation showing how many persons of a particular age group are likely to occupy certain types of homes; more specifically, like renter- and owner-occupied homes with different numbers of bedrooms.

6. Public Comment Period

There was discussion regarding an ordinance on Short-term Rentals. The Town Planner is working with the chairman, vice chairman, Zoning Enforcement Officer, and Town Attorney to draft an ordinance regulating Short-term Rentals. The ordinance would eventually need to be passed at town meeting. Interim materials can be provided to the Commission at a future date.

Scott Barber suggested that the ordinance incorporate inspection fees to be applied for building and fire inspections for Short-term Rentals.

7. Review general correspondence.

Two zoning referrals for text amendments were received from Salem and Norwich. Sam Alexander spoke about both referrals. Sam Alexander explained that the intent of the Salem referral was to allow a private event facility on Gardner Lake, which would host weddings and other events.

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

Scott Barber made a motion to adjourn the meeting. Nancy Taylor seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

The meeting was adjourned at 8:24 PM.

Respectfully submitted,
Samuel Alexander (acting secretary)
Town Planner/SCCOG

Don and Deb Pirie
156 Gager Road
Bozrah, CT 06334
860-303-3495

November 6, 2020

Ms. Katey Decarli
Bozrah Land Use Agent
Bozrah Town Hall
1 River Road
Bozrah, CT 06334

Re: 162 Gager Road, Bozrah

Dear Ms. Decarli:

As of June 15, 2020, the residential property located at 162 Gager Road is being used as a short term rental property through AirBNB. The owner of the property does not live on the property and he has never lived on the property.

162 Gager Road is located in an R-1 Residential District. According to the Bozrah Zoning Regulations, R-1 regulations permit a "single family dwelling". The Zoning Regulations Paragraph 2.12 defines a single family dwelling as "a detached dwelling unit, other than a mobile home, designed for occupancy by only one family". Paragraph 2.17 of the Zoning Regulations define Family as "one or more persons occupying a single dwelling unit, provided that no such family shall contain more than five (5) persons unrelated by blood, marriage, legal adoption or foster arrangement".

There are two Special Exceptions for the R-1 zoning district and they do not include using the property as a hotel/motel or as a commercial enterprise. This property is clearly being used as a commercial enterprise since the owner does not reside on the property. There are multiple people renting this house on a daily basis with upwards of 15 people at the house. There may be more than 15 people as we have observed a tent set up on the property to accommodate all of the people renting the house.

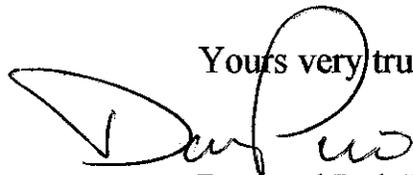
According to Section 8 of the Zoning Regulations, Paragraph 8.1.3, motels or hotels are only allowed in the commercial zoning district following the issuance of a zoning permit and/or a site plan. 162 Gager Road has not been granted a zoning permit to operate as a hotel/motel or as any commercial enterprise and is not located in a commercial zoning district. Nor has this property been granted a variance to operate as a hotel/motel. Paragraph 16.2 states that "no variance may be approved for a commercial or industrial use in a residential district".

Since 162 Gager Road is zoned for a "single family dwelling" and is currently being used as a commercial enterprise, we believe the property is in violation of the current zoning regulations for the town of Bozrah.

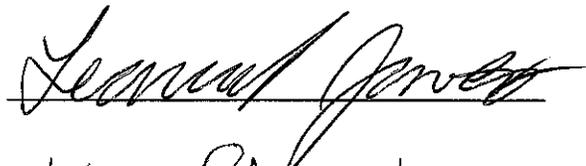
Several of our neighbors have signed this letter with us to request that the Town of Bozrah enforce the current zoning regulations and issue and pursue a "cease and desist" order to the owner of 162 Gager Road to stop the use of the single family dwelling as a commercial enterprise. Everyone who has signed this letter has been impacted by the continuous and excessive noise emanating from this property. Three of us have been subjected to continuous trespass on our own property by the renters at 162 Gager Road.

We await your response.

Yours very truly,

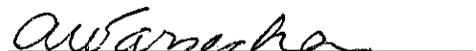
 
Don and Deb Pirie

Cc: Carl Zorn, First Selectman
William Ballinger, Selectman
Glenn Pianka, Selectman
Stephen Seder, Chairman, Planning & Zoning Commission




173 Gager Road




139 Gager Road

Mark Easter

Bonnie Easter
152 Gager Road

Lynn
191 Gifford Lane

Jant Williams
197 Gifford Lane

Myra

Town of Bozrah Planning & Zoning Commission

2021 Meeting Schedule

The Planning & Zoning Commission will conduct regular meetings on the dates below, every second (2nd) Thursday of the month. Meetings will take place at 7:00pm, at the Bozrah Town Hall: 1 River Road, Bozrah, CT.

January 14, 2021

February 11, 2021

March 11, 2021

April 8, 2021

May 13, 2021

June 10, 2021

July 8, 2021

August 12, 2021

September 9, 2021

October 14, 2021

~~November 11, 2021~~

Veteran's Day. Propose moving date to Wednesday, November 10.

December 9, 2021

(January 13, 2022)

To: Town of Bozrah Planning & Zoning Commission
From: Katey DeCarli, Zoning Agent (CHA)
Date: December 10th, 2020
Subject: Zoning Agent Activity Report

Below is a brief summary of the various zoning inquiries, permitting, and enforcement activities since my last report:

- The neighbors of the short term rental (Air BnB) on Gager Road sent a letter explaining that the disruptive noise, trespassing, and numerous vehicles and people continue. Attached is the response that was sent.
- Update from Town Attorney regarding the Haugh case on Route 2: Mr. Haugh contacted the Town Attorney last week and there is a strong possibility of reaching a stipulated agreement for the removal of the trailers from the property and avoiding the costs of the court hearing(s). The Town Attorney is pursuing an agreement for Mr. Haugh to have the trailers removed by May 1st, 2021.
- 410 Salem Turnpike: This parcel is for sale and generating many zoning inquiries, located in the Highway Commercial zone.
- Administrative (agent) approvals issued:
 - Zoning Compliance Letter for 93 Stockhouse Road
 - Renewed Single Family construction permit for 381 Bozrah Street (near Lake Road)

My Contact Information:

landuseagent@bozrahct.org
cell 860-770-8509



TOWN OF BOZRAH

1 RIVER ROAD
BOZRAH, CT 06334

Telephone: (860) 889-2689 • Fax: (860) 887-5449

December 10, 2020

Don & Deb Pirie
156 Gager Road
Bozrah, CT 06334

Mr. and Mrs. Pirie,

I have received your letter regarding the short term rental activity via the website AirBnB.com at 162 Gager Road in Bozrah, Connecticut. I understand that the rental activity is creating discomfort for others who reside in the neighborhood.

We have had in-depth discussions with our Town Attorney and local zoning experts to discuss the best way to manage this activity. Other towns in Connecticut have found that short term rentals are best managed with a Town Ordinance prescribing a permitting process for such a use. Town staff have begun drafting an Ordinance to address short term rentals. Ultimately, the Ordinance must be approved during a Town Meeting. If such Ordinance is approved by the residents of Bozrah, the owner of 162 Gager Road would be required to apply for registration and comply with the requirements of the Ordinance. Those towns that have already enacted such an Ordinance often include restrictions such as limiting the number of rental nights and/or the number of occupants, as well as consider neighbor complaints regarding noise or other disruptions in the decision. When the draft ordinance is prepared, your review and suggestions would be appreciated during the public comment period.

In the meantime, please be reminded that you are free to initiate a private zoning enforcement action in superior court against the owner of the property if you believe such a violation exists. I also understand that AirBnB.com accepts neighbor complaints. Detailed documentation will allow AirBnB.com to understand your issue and determine whether this property is in violation of their policies.

If you have any questions, I may be reached at landuseagent@bozrahct.org.

Sincerely,

Katey DeCarli, P.E.

Land Use Agent, Town of Bozrah

cc: Bonnie & Mark Easter, 152 Gager Road
Janet & Gregg Williams, 197 Gifford Lane
Wendy Corey, 191 Gifford Lane
Philip & Arlene Warzecha, 139 Gager Road
Leonard & Karen Jones, 172 Gager Road

Bozrah Chairman of the Planning & Zoning
Commission *via email*
Bozrah First Selectmen *via email*
Bozrah Town Planner *via email*
Bozrah Town Attorney *via email*