

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

BOZRAH PLANNING & ZONING COMMISSION

AGENDA

Thursday, January 9, 2020
Bozrah Town Hall, 7:00 p.m.

The Bozrah Planning & Zoning Commission will hold its regular meeting on Thursday, January 9, 2020 in the Bozrah Town Hall meeting room, at 7:00 p.m.

1. Review and approve the minutes of the December 12, 2019 regular meeting.
2. Review correspondence pertaining to agenda items.
3. Hear the report of the Zoning Enforcement Officer.
4. Old Business.
 - a. **#12-00-19. Three and an Apple, LLC (Bozrah Pizza), Salem Turnpike (19/007):** Site Plan. Construction of 10,500sf building containing a restaurant and office space, parking, and other site improvements.
 - b. **#12-01-19. Collins & Jewell Co, 3 Rachel Drive (04/057-2):** Site Plan. Construction in four phases of 105,600sf building for manufacturing, parking, and other site improvements.
5. Public comment period.
6. Review general correspondence.
7. Such other business as the commission may vote to hear.

Stephen Seder, Chairman
Planning & Zoning Commission

**REGULAR MEETING
TOWN OF BOZRAH
PLANNING AND ZONING COMMISSION
December 12, 2019**

Chairman Stephen Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:30 PM, at the Bozrah Town Hall, on Thursday, December 12, 2019.

Members present: Stephen Seder (Chairman), Scott Barber (Vice Chairman), Manny Misarski, Steve Gural, Seymour Adelman (alt.), Steve Coit (alt.).

Members absent: Nancy Taylor, Frank Driscoll (alt.).

Others present: Carl Zorn (First Selectman), Glenn Pianka (Board of Selectmen), Sam Alexander (Town Planner/SCCOG), Ray Barber (resident), Mark Reynolds (Reynolds Engineering Services), Jordan Hyde (resident), Janet Blanchette (J&D Civil Engineers), Rocco Sabatino (Pelletier Builders), Chris Jewell (Collins & Jewell Co.), Paul Papathanasiou, Robert Varney (B&R Auto), Robin Varney (B&R Auto), Asif Choudry (business owner).

Chairman Stephen Seder called the meeting to order at 7:30pm. Chairman Seder appointed Steve Coit (alt.) to sit in place of Nancy Taylor.

1. Review and approve the minutes of the November 14, 2019 regular meeting and public hearings.

Scott Barber made a motion to approve the minutes of the first public hearing as presented. Manny Misarski seconded the motion.

VOTE 4/0/1– MOTION APPROVED

Scott Barber made a motion to approve the minutes of the second public hearing as presented. Manny Misarski seconded the motion.

VOTE 4/0/1– MOTION APPROVED

Scott Barber made a motion to approve the minutes of the regular meeting, with the addition of naming three properties called out for correction in the October meeting minutes. Manny Misarski seconded the motion.

VOTE 4/0/1 – MOTION APPROVED

2. Review correspondence pertaining to agenda items.

The Commission was in receipt of two new applications, and has received all files related to those applications.

3. Hear the Report of the Zoning Enforcement Officer.

The Commission reviewed the report provided by the Zoning Enforcement Officer. Scott Barber noted that he would like the addresses of properties stated for all properties

receiving or that may be receiving enforcement orders. Chairman Seder stated that he would like to have the Zoning Enforcement Officer present at meetings.

4. Old Business.

a. #09-00-19. Kurt Reynolds, Gifford Lane (08/005-B): Application for Resubdivision (one lot). Applicant wishes to reconfigure a reserved drainage area to make a vacant lot buildable.

Sam Alexander reminded the Commission that the public hearing on this application is closed, and the Commission could not receive or discuss any new testimony. Sam Alexander reminded the Commission that unseated alternates could not deliberate. Sam Alexander asked Steve Gural if he was confident enough to proceed with deliberations, having read the minutes of last month's hearing and regular meeting, and reviewed the record. Steve Gural stated that he was confident to proceed.

Chairman Seder asked the Commission if members were ready to act. Members generally agreed. Sam Alexander reiterated that there appeared to be concern in November that the proposed easement was not a satisfactory replacement for the extant easement. Sam Alexander explained that the Commission could choose to act in either direction; and it sounds like a decision to deny would be based on the fact that the application does not satisfactorily demonstrate buildability of the lot without interfering with the existing easement area. Sam Alexander reiterated that the Commission could act however they choose. Chairman Seder stated that the attorney is comfortable with how the application has been handled. Sam Alexander suggested taking an informal read of the Commission and their feelings on approval and denial. Members stated their feelings on the application. Steve Gural stated he would abstain.

Scott Barber made a motion to deny application #09-00-19, by Kurt Reynolds of 49 Gifford Lane, for one lot resubdivision, lot 5-B of assessor's map 8, Gifford Lane, for the reason that the applicant has not demonstrated ability to build a house and septic system without interfering with the town's rights to its extant easement area.

VOTE 4/0/1 (S. Gural abstained) – MOTION APPROVED

5. New Business.

a. #12-00-19. Three and an Apple, LLC (Bozrah Pizza), Salem Turnpike (19/007): Site Plan. Construction of 10,500sf building containing a restaurant and office space, parking, and other site improvements.

Mark Reynolds, P.E. (Reynolds Engineering Services) gave a presentation of the Site Plan for Bozrah Pizza. Mark Reynolds mainly focused on changes to the plan since the previous application and answered questions from the Commission. There is now only one access, per request from the Connecticut Department of Transportation (CT DOT) District 2; The building is slightly smaller than previous, there are 70 restaurant seats and three rental office spaces; Building architecture is slightly different; Lighting remains the same; The pedestrian access remains the same; There is now an overflow stormwater detention basin; There are now three catch basins (instead of 5); Infiltration system remains the same capacity despite less impervious area; The septic system location and well location remain the same; Outdoor seating is adjusted consistent with changes to the building layout. Mark Reynolds answered questions about traffic. There are 24-foot aisles. Parking is adequate for the restaurant and office spaces.

Mark Reynolds explained that he recently received a letter from CT DOT District 2 indicating approval. The letter is in-transit to the Commission. Mark Reynolds explained that he is in the process of getting preliminary approval letters from the Connecticut Department of Public Health regarding the Non-Transient Non-Community public water system and the septic system.

Sam Alexander explained that the application will be referred back to the Town Engineer to make sure his comments on the past plan are adequately addressed in the new plan. The Commission discussed access and traffic direction. Mark Reynolds and the client will consider directional arrows or signage to control traffic, with the idea that traffic could be controlled to go clockwise around the building rather than having multi-directional traffic.

Chairman Seder asked about access to Mr. Betten's land behind the proposed building. There will be a 50-foot strip for a future driveway, and Mr. Betten will maintain grading rights over the western edge of the property. The Commission recommended referring the application again to the Fire Marshall.

b. #12-01-19. Collins & Jewell Co., 3 Rachel Drive (04/057-2): Site Plan. Construction in four phases of 105,600sf building for manufacturing, parking, and other site improvements.

Janet Blanchette, P.E. (J&D Civil Engineers) presented a Site Plan for Collins & Jewell Company. Janet Blanchette went over zoning requirements, including building height, which are met by the plan. The site has well drained soils. Gas and municipal water is available. The site will be served by a septic system. Janet Blanchette and Rocco Sabatino (Pelletier Builders) answered questions from the Commission.

The size of the "phase 4" building addition will be reduced so that the overall building size is under 100,000sf. This was done so as not to trigger Office of the State Traffic Administration (OSTA) review. There will be employee parking in front and back. A truck entrance will be to the north. Trailer parking will be in back. The site will be lit by building lighting and pole-mounted lighting, all lighting will be downcast type. The stormwater system design is extremely important. Efforts were made to not increase peak-flow runoff to the Driscoll and Susquetonscut Brooks. Each detention basin includes pre-treatment to improve stormwater quality. Each basin is designed to drain dry. Collins & Jewell received approval from Uncas Health District for a septic system. The approval letter has been submitted.

The Bozrah Inland Wetlands & Conservation Commission determined that the proposal is "not a regulated activity". All proposed activity is roughly 120 feet or more from a wetland or watercourse. All comments by the Town Planner and Fire Marshall are currently being addressed. Janet Blanchette asked about phasing of the erosion & sediment control bond. Sam Alexander stated that he did not foresee an issue doing separate bonds for each of the four construction phases, but explained that the Zoning Enforcement Officer will have the final say. There will be only about 3,000sf of office space. The building will be heated. The "phase 4" addition will be at a lower grade, but the roofline will remain consistent with other phases.

c. B&R Auto: Informal discussion regarding change of use. 421 Salem Turnpike.

Robert Varney explained that he plans to reopen the former “Mimmo’s” service center at 421 Salem Turnpike to house his auto repair facility and used car dealership. He presented pictures of the site showing where he proposes parking cars. Robert Varney received location approval from the Zoning Board of Appeals in November. He is required to also receive approval from the Zoning Enforcement Officer and Fire Marshall.

The building currently has a residential tenant above the facility. Robert Varney answered questions from the Commission about site access. He agreed to make efforts to improve vehicle turning where vehicles exit onto South Road so as to reduce the risk of accidents.

6. Approve 2020 meeting schedule.

The Commission approved the 2020 meeting schedule by general consensus, making the decision also to change the meeting time from 7:30pm to 7:00pm.

7. Public comment period.

Glenn Pianka (Board of Selectmen) asked about the process for an OSTA permit. Sam Alexander explained that CT DOT could require mitigation, borne by a developer, of potential traffic issues (e.g.: paying to install a traffic signal) on nearby state roads.

8. Review general correspondence.

There was none.

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

The Commission discussed the standing policy for fee in lieu of open space.

Respectfully submitted,

Samuel Alexander (acting secretary)
Town Planner/SCCOG

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

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TO: Town of Bozrah Planning & Zoning Commission
FROM: Samuel Alexander, AICP, Town Planner/SCCOG SA
CC: Mark Reynolds, P.E., Reynolds Engineering Services
Paul Papathanasiou, Bozrah Pizza
Carl Zorn, First Selectman
Emily Perko, ZEO/WEO
DATE: 2 January 2020

Report Regarding Site Screening – Site Plan for Bozrah Pizza (Three and an Apple, LLC), Salem Turnpike

The stockade fence along the east side of the property is proposed to be removed and replaced with 24 [Eastern] White Pine (*Pinus Strobus*) trees, spaced ten feet (10') apart.

- While incorporating additional landscaping into the plan will make the proposal more attractive, these trees will not mitigate light and noise trespass to the adjoining residential property in the same way that a stockade fence will, especially in the near term.
- The plan does not indicate a variety of Eastern White Pine. The typical Eastern White Pine variety may grow over 100' tall; the adjoining residence is about 50' from the proposed plantings. I would strongly suggest, if Eastern White Pine is to be incorporated into the site, that a low- and wide-growing variety is used. The "UConn" variety is good for this purpose. It grows to be about 20' and is typically used for landscaped buffers. The specific variety, if one is chosen to be used, must be noted on the final plans.

Before acting on this plan, I recommend discussing the issue of the stockade fence with the applicant. I feel that a fence is appropriate given the proximity of the neighbor, and the plan could be approved with the condition of adding the fence.

The Commission should be reminded that Section 12.8.7 of the zoning regulations gives authority to require adequate planted buffers (which may be varied to provide other screening, such as a fence) where an adjoining property contains a dissimilar use. Further, Section 12.8.9 provides for the Commission to require screening of loading areas.

Member Municipalities: Bozrah * Colchester * East Lyme * Franklin * Griswold * Borough of Jewett City * City of Groton * Town of Groton * Lebanon * Ledyard * Lisbon * Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague * Stonington * Stonington Borough * Waterford * Windham

*If language assistance is needed, please contact SCCOG at 860-889-2324, office@seccog.org
Si necesita asistencia lingüística, por favor comuníquese a 860-889-2324, office@seccog.org.*

如果您需要语言帮助, 请致电 860-889-2324 或发送电子邮件至 office@seccog.org.

Staff Report

Haughton Road Map 06 Block Lot 028: Cease and Desist Order was appealed, the legal notices have been scheduled and will be on the ZBA agenda for 1/16/19.

314 Bozrah Street: Violation was sent via certified mail regarding the unapproved activities being conducted at this location and the property owner was asked to contact me by 2/7/2020

Activity Log

December 9-13

In office work: Worked on an FOIA request for the First Selectman, drafted notice of violation, general correspondence. Assisted citizens with various questions whom came to the town hall to meet with me.

Total hours: 6 hours

December 16-20

In office work: Met with an applicant regarding a new home, general correspondence with other staff members regarding on going applications. Corresponded with Darcy Winther at DEEP regarding wetlands questions. Worked on a fee evaluation spreadsheet for the first Selectman.

Total hours: 6 hours

December 23-27

Out office work: Corresponded with First Selectman regarding a drainage issue at Autumn Way and drafted a formal letter for him regarding the issue. General email correspondence with staff and applicants. Communicated with an applicant regarding a driveway permit on a state road and provided him with the proper documentation for their approval.

Total hours: 6 hours

December 30- January 3

Out office work: Communicated with ZBA Chair and town staff regarding January meeting. Drafted and sent legal notice for upcoming ZBA meeting. Began compiling documentation and preparing for upcoming ZBA meeting. Worked on a report for the IWA.

Total hours: 6 hours