The Bozrah Inland Wetlands and Conservation Commission will hold its regular meeting on Thursday, June 6th, 2019, at 7:00 pm in the Bozrah Town Hall.

1. Review and approve minutes:
   a. May 2nd Regular Meeting

2. Hear the report of the Wetlands Enforcement Officer.

3. Review correspondence pertaining to agenda items.

4. New Business:
   a. Discussion regarding standard conditions and decision criteria on applications.
   b. Discussion of Commission’s role in conservation.
   c. Follow-up regarding notices of violation.

5. Review general correspondence.

6. Such other business as the commission may vote to hear.

7. Public comment period.

Scott Taylor
Chairman
May 2, 2019

The regular meeting of the Bozrah Inland Wetlands Commission was called to order by Chairman Scott Taylor at 7:05 P.M. in the meeting room of the Bozrah Town Hall.


Regular members absent: Tom Main

Alternate members present: Barbara McFadden, and Jessica Carson

Members from the public present: Sam Alexander, SCCOG/Town Planner, Glenn Pianka, First Selectman, and Mark Reynolds from Reynolds Engineering Service

Chairman S. Taylor seated J. Carson and B. McFadden as regular members.

1. Review and approve minutes:
   a. January 9th Special Meeting

   E. Brown made a motion to approve the January 9th Special Meeting minutes with correction noted.

   S. Brunetti seconded the motion.

   VOTE – MOTION CARRIED

   B. McFadden and J. Sipperly abstained.

   b. April 4th Regular Meeting

   C. Mandel made a motion to approve the April 4th Regular Meeting minutes with corrections noted.

   J. Sipperly seconded the motion.

   VOTE – MOTION CARRIED

   B. McFadden and S. Brunetti abstained.
2. Hear the report of the Wetlands Enforcement Officer
   T. Webber was absent, no report was provided.

3. Review correspondence pertaining to agenda items.
   No correspondence was received pertaining to agenda items.

4. New Business:
   a. Bozrah Pizza: Three and an Apple, LLC, 709 Salem Turnpike. Proposal to construct a building for a restaurant and offices, parking, and other site improvements.

   Mark Reynolds, P.E., Reynolds Engineering Services, LLC provided an overview of the proposed project and the drainage system that would be installed. M. Reynolds also noted there are no wetlands on this property.

   C. Mandel asked if the drainage calculations were provided to S. Alexander and M. Reynolds replied they were not.

   C. Mandel questioned the maintenance schedule for the drainage system.

   M. Reynolds replied the plans will be updated with a maintenance schedule for the storm scepter and the drainage calculations will be submitted to S. Alexander for review.

   C. Mandel made a motion to approve the application as a non-regulated and to submit the comps as part of the record.

   J. Sipperly seconded the motion.

   VOTE – MOTION CARRIED

   b. Proposed Rain Garden: Bozrah Town Hall 1 River Road

   Dan Mullins from the Eastern Connecticut Conservation District presented the proposed Rain Garden project that would capture the stormwater roof runoff from the Town Hall and infiltrate it in a 11ft x 19 ft x 9-inch-deep rain garden.

   Presently stormwater from the roof is discharged into an underground pipe which runs under the parking lot into the grass area and into the river.
The Rain Garden will reduce the runoff and erosion as well as improve the water quality flow into the Yantic River.

Work would commence the third week of May and all material will be taken off site.

C. Mandel made a motion to approve as a not regulated activity as long as the excavated material is taken off site.

J. Siperly seconded the motion.

VOTE – MOTION CARRIED

5. Review General Correspondence

No correspondence was received.

6. Such other business as the commission may vote to hear.

Glen informed the commission T. Webber; Wetlands Enforcement Officer will be leaving but will carry on until a replacement is found.

J. Sipperly questioned the excavating taking place next to the brook under the power lines on Bishop Road and should silt fence be installed.

S. Taylor and S. Alexander will provide G. Pinaka with a letter to be delivered to A. Goulart requesting a silt fence be installed along the brook where the excavating is taking place.

The commission also discussed the excavating of a pond on Route 163, G. Pianka will take the action to investigate and issue a cease and desist order to the property owner.

J. Sipperly made a motion to adjourn

C. Mandel seconded the motion

VOTE – MOTION CARRIED
Meeting adjourned at 8:30 P.M.

Respectfully Submitted
Charlene Lathrop
Recording Secretary Town of Bozrah
Decision Criteria:
It is common for inland wetlands agencies to make the following part of the record for regulated and significant activity applications.

CGS § 22a-41(a) – when an agency makes a decision on a **regulated activity**, it is required to consider the following factors:

1. The **environmental impact** of the proposed regulated activity on wetlands or watercourses;
2. The applicant’s **purpose** for, and any **feasible and prudent alternatives** to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses;
3. The **relationship between** the short-term and long-term **impacts** of the proposed regulated activity on wetlands or watercourses and the **maintenance and enhancement** of long-term productivity of such **wetlands or watercourses**;
4. **Irreversible and irretrievable loss of wetland or watercourse** resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (A) **prevent or minimize pollution** or other environmental damage, (B) **maintain or enhance existing environmental quality**, or (C) in the following order of priority: **Restore, enhance and create productive wetland or watercourse resources**;
5. The **character and degree of injury** to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
6. **Impacts** of the proposed regulated activity on wetlands or watercourses **outside the area for which the activity is proposed** and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

CGS § 22a-41(b) – when an agency makes a decision on a **significant activity** or a **regulated activity** for which there is a **public hearing**, it shall determine that:

- A feasible and prudent **alternative does not exist**.
  - If the application is denied, the commission must propose alternatives.
Standard Conditions:
Approvals by the Bozrah IWCC are typically conditioned with posting of a bond and submittal of as-built plans. It is also common for inland wetlands agencies to make standard, boiler-plate conditions on all applications. One example is below.

NORWICH –

(1) That the approval is valid for FIVE YEARS and will expire on [date plus five years].

(2) That a bond, if deemed necessary, should be in an amount to be determined acceptable by the City Engineer, be submitted for Erosion and Sediment Control. The bond must be in the form of a check or letter of credit.

(3) That it should be noted that portions of this project are located within an archaeologically sensitive area, as such an immediate stop of work and notification of the City Planning Department and State Archaeologist should take place should any archeological resources or remains of any kind be uncovered during the development of the project.

(4) That all site activities shall be conducted in accordance with the plans, specifications and documents of record. Any deviation from the approved plans or construction sequence shall be cause for enforcement action by the Inland Wetlands, Watercourses and Conservation Commission.

(5) That the permittee shall notify the Inland Wetlands Agent prior to the commencement of work and upon its completion.

(6) That all work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this approval. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this approval and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this approval.

(7) That no equipment or materials including without limitation fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this approval.

(8) That the General Provisions stated in Section 11.9 of the Inland Wetlands and Watercourse Regulations are applicable to this permit.

(9) That the permit shall not be assigned or transferred to another entity without the written permission of the Commission.

(10) That all erosion and sediment control measures shall be in accordance with the Connecticut Guidelines for Erosion and Sediment Control (2002). Erosion and sediment control measures shall be installed and inspected prior to site disturbance. It is the permittee’s responsibility to schedule the inspection with the Norwich Planning Department. Additional erosion and sediment control measures shall be installed if determined to be necessary by the Designated Agent. The permittee shall take such necessary steps consistent with the terms and conditions of the approval, to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

(11) That this permit will be strictly enforced. The Commission may suspend or revoke this permit, may direct the Commission’s Agent to issue a cease and desist order or may require the applicant to modify, extend, or revise the site work or restore the area to its original condition if it finds that the applicant has not complied with the conditions set forth in this approval or if the applicant exceeds the scope of this approval as set forth herein or if the intended use or actual use of the general site is not as represented by the application or the plan of record.
Inland Wetlands & Conservation Commission

NOTICE OF VIOLATION

May 3, 2019

Owner: Bishop Road (Map 10, Lot 84), Bozrah, CT
153 Bozrah Street
Bozrah, CT 06334

At the Inland Wetlands & Conservation Commission meeting on Thursday, May 2nd, activity at your property on Bishop Road, referenced above, was discussed. It was brought to the Commission’s attention that clearing and grading activities are occurring directly adjacent to Mineral Spring Brook, and possibly Gardner Brook as well.

At the April 19, 2018 special meeting of the Commission, you received permission, as a non-regulated activity, to build a single-family home on this lot. The Commission found that construction would not directly impact a wetland or watercourse and that proper erosion & sedimentation controls would remain in place. There are no erosion & sedimentation controls in place to protect the brook from these additional activities, which go beyond the scope of your application.

New activity involving land clearing and grading that is directly adjacent to, or may impact, these watercourses or wetlands requires a permit from the Commission. We ask that you consult with the Wetlands Agent or Town Planner regarding next steps. We also ask that you immediately take the following corrective action, especially considering expected rainfall this coming weekend (May 4-5) and during the spring:

- Install a silt fence, using common practices, between newly disturbed areas and stockpiles and Mineral Spring and Gardner Brooks, in order to prevent sedimentation.

Please also be reminded that seeding and site stabilization will be required after all construction work is completed. If you have any questions, please contact the Wetlands Agent or Town Planner. Thank you for your attention to this matter.

Sincerely,

Scott Taylor
Scott Taylor
Chairman
Inland Wetlands & Conservation Commission
Inland Wetlands & Conservation Commission

NOTICE OF VIOLATION

May 3, 2019

Owner: 151 Bozrah Street
151 Bozrah Street
Bozrah, CT 06334

At the Inland Wetlands & Conservation Commission meeting on Thursday, May 2nd, activity at your property was discussed. It was brought to the Commission’s attention that excavation of a pond is occurring without a permit from the Commission.

Removal of material from a wetland or watercourse meets the definition of a “Regulated Activity”, and requires a permit from the Inland Wetlands and Conservation Commission. Please contact the Wetlands Agent, Tom Weber, or the Town Planner, Sam Alexander, to begin the process of applying for a permit. In the interim, no further activity should be undertaken at the site.

Tom Weber, Wetlands Agent
(860) 889-2689
buildingofficial@bozrahct.org
Town hall office hours: 4-6pm, Thursdays

Samuel Alexander, Town Planner
Southeastern Connecticut Council of Governments
(860) 889-2324
salexander@seccog.org

Thank you for your attention to this matter, and we look forward to your application.

Sincerely,

Scott Taylor
Chairman
Inland Wetlands & Conservation Commission
Plant List for Bozrah Town Hall Rain garden

1. Chelone lyonii – Turtlehead (6)
2. Eupatorium maculatum – Joe Pye (9)
3. Lobelia Cardinalis – Cardinal Flower (5)
4. Phlox divaricata – Woodland Phlox (5)
5. Phystostegia virginiana – False Dragonhead (5)
6. Tiarella cordifolia – Foamflower (6)
7. Ferns (combination of any 12, to be decided)
   Matteuccia pennsylvanica – Ostrich
   Onoclea sensibilis – Sensitive
   Osmunda cinnamomea – Cinnamon
   Osmunda regalis - Royal