

To: Town of Bozrah Planning & Zoning Commission  
From: Katey DeCarli, Zoning Agent (CHA)  
Date: April 8, 2021  
Subject: Zoning Agent Activity Report

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

- 211 Bashon Hill Road – Unpermitted Excavation Activities:  
An inspection report (3/11/2021) and a Notice of Violation are attached for this site.
- 166 Bishop Road – Unpermitted Excavation Activities:  
Inspection today (4/8/2021), violation of Section 11.7, inspection report forthcoming
- Administrative (agent) approvals issued:
  - 443 Fitchville Road – Pool/Deck
  - 143 Scott Hill Road – Pool/Deck (pending)
  - 410 Salem Turnpike – Shed
  - 289 Browning Road – Garage (pending)
  - 20 South Road – Shed (pending)

My Contact Information:

landuseagent@bozrahct.org  
cell 860-770-8509



**TOWN OF BOZRAH**  
1 RIVER ROAD  
BOZRAH, CT 06334

To: Bozrah Planning & Zoning Commission  
Bozrah Inland Wetlands Commission

From: Katey DeCarli, Zoning & Wetlands Agent

Date: March 25, 2021

Subject: Excavation at 211 Bashon Hill Road

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I conducted an inspection on March 11, 2021 at 211 Bashon Hill Road after receiving notification of excavation work near wetlands. I found no previously approved permits for work at this location in the records. The parcel (Map 5, Lot 19) is 99.6 acres, zoned residential RU-1, located on the west side of Bashon Hill Road. Austin Brook crosses the parcel on the south end. The owner of record is Stoney Hill Farm, LLC.

When I arrived at the site, there was one operator and two laborers excavating and processing rock. Large stockpiles of topsoil and fill as well as a large screener were present on site. A settling basin with outlet channel had been excavated. The settling basin was discharging directly to an unnamed brook which is culverted under Bashon Hill Road. Numerous pallets of selected, cleaned, and processed stone appeared to be ready for shipment off site at the entrance. The operator contacted the owner and received permission for me to conduct the site visit. Based on measurements taken on aerial imagery of the site, I estimated that there are greater than five acres of soil disturbance on site and that some of that disturbance may be in or near wetlands. The owners indicated that the goals were to restore the property to agricultural use after harvesting the stone to offset the cost of the purchase. The operation consists of removal of stone walls and surface mining to depths of up to 8-feet below surface elevation to remove rock.

A violation of the Bozrah Inland Wetlands and Watercourses Regulations Section 6.1 exists on site for a regulated activity without first obtaining a permit. A violation of the Bozrah Zoning Regulations Section 11.7 exists on site for an earth excavation project greater 100 cubic yards without first obtaining a permit. A Notice of Violation has been issued to the property owner. In addition, a referral was made to the Connecticut Department of Energy and Environmental Protection due to unpermitted soil disturbance greater than five acres.

I recommended the following actions to the owner for short-term corrective actions:

- Cease any further excavation, soil disturbance, and tree clearing or grubbing into undisturbed areas
- Stabilize (with loam and seed) any areas where excavation is complete
- Place check dams of straw/hay bales or silt fence within the excavated drainage channel that discharges off-site

- Stockpiles in place for more than 30 days must be stabilized (seeded) or covered (<https://portal.ct.gov/DEEP/Water/Soil-Erosion-and-Sediment-Control-Guidelines/Guidelines-for-Soil-Erosion-and-Sediment-Control>)
- Submit permit applications for town wetlands and zoning permits as soon as feasible.
- Let your engineer know that a registration for the DEEP Construction stormwater general permit will be needed for the project

The owner has been cooperative since the violations were identified and is anxious to resolve the violations as quickly as feasible. I have had preliminary discussions with the owner’s newly-hired engineer to facilitate corrective actions. The engineer has submitted a preliminary stabilization plan to reduce the overall acreage of disturbed soils and implement sediment and erosion controls.



CC via email: Sam Alexander, Town Planner  
Paternostro Family (owners)  
Wes Wentworth P.E., Wentworth Civil Engineers, LLC



## TOWN OF BOZRAH

1 RIVER ROAD

BOZRAH, CT 06334

Planning & Zoning Commission

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

### Notice of Violation

March 25, 2021

James & Jennifer Paternostro  
Stoney Acres Farm, LLC  
P.O. Box 221  
South Glastonbury, CT 06073

James & Jennifer,

Activities at the property 211 Bashon Hill Road (Map 5, Lot 19 of the Bozrah Assessor's Maps) in the Town of Bozrah have violated both the Town of Bozrah's Zoning Regulations and Inland Wetland and Watercourses Regulations as follows:

**Violation Description:** Unpermitted excavation of earth products in or near wetlands and having removed greater than 100 cubic yards of earth materials

**Zoning Regulation Violated:** Section 11.7

**Wetlands Regulation Violated:** Section 6.1

This Notice of Violation is issued in accordance with Section 13.3.3 of the Bozrah Inland Wetland and Watercourses Regulations and Section 3.4 of the Bozrah Zoning Regulations.

Please appear (yourself and/or your representative) before the Bozrah Inland Wetlands and Watercourses Commission on April 1<sup>st</sup> at 7:00pm via Zoom (link will be emailed.)

Please appear (yourself and/or your representative) before the Bozrah Planning and Zoning Commission on April 8<sup>th</sup> at 7:00pm via Zoom (link will be emailed.)

Upon receipt of this Notice:

- Cease all excavation in areas of undisturbed soils
- Cease all excavation in areas of suspected or known watercourses and wetlands
- Provide a conceptual (preliminary) plan demonstrating the limits of current disturbed areas, the limits of proposed surfacing mining, and erosion and sediment controls meeting the requirements of the Connection Erosion and Sediment Control Manual (2002)
- Provide an anticipated timeline for the corrective actions
- Provide an anticipated timeline for formal permit application submission to both the Bozrah Wetlands and Bozrah Planning & Zoning commissions for future activities at the site

This is not an “order” or “decision” of the Zoning Enforcement Officer and thus is not appealable to the Zoning Board of Appeals under the provisions of Connecticut General Statutes Section 8-6. In the event that this violation is not remedied, a formal order will be issued and filed on the Bozrah Land Record. Failure to meet these conditions by April 15, 2021 will result in further enforcement action, beginning with the issuance of a Cease and Correct Order.

I appreciate your cooperation thus far, please keep in touch.

Sincerely,



Kathryn L. DeCarli, P.E.  
Zoning & Wetlands Agent  
[landuseagent@bozrahct.org](mailto:landuseagent@bozrahct.org)  
(860) 885-1043

CC: Bozrah Planning & Zoning Commission  
Bozrah Wetlands Commission  
Bozrah Town Planner  
Wes Wentworth, Wentworth Civil Engineers (owner's engineer)