

**REGULAR MEETING
TOWN OF BOZRAH
PLANNING AND ZONING COMMISSION**

July 8, 2021

Chairman Steve Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:00pm, on Thursday, July 8, 2021. The meeting was at the Bozrah Town Hall, 1 River Road, Bozrah.

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

Members absent: Frank Driscoll (alt.).

Others present: Glenn Pianka (Board of Selectmen), Sam Alexander, AICP (Town Planner/SCCOG), Scott Taylor, Evelyn Brown, Robin Berry, Jordan Hyde, Ray Barber, Jim Rossman, L.S. (Stadia Engineering representing GotSpace Data Partners, LLC), William Sweeney (TCORS, representing GotSpace Data Partners, LLC).

1. Review and approval minutes:

a. June 10, 2021 regular meeting.

Scott Barber made a motion to approve the minutes as presented. Nancy Taylor seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

2. Review correspondence pertaining to agenda items.

There was no new correspondence.

3. Hear the report of the Zoning Enforcement Officer.

There was no report from the Zoning Enforcement Officer. The Town Planner and the Chairman are in receipt of items that will need to follow-up.

Ray Barber (8 Goshen Rd.) asked about an on-going enforcement action related to property at Haughton Road/Route 2. Sam Alexander stated that there is no update; the Town is waiting on a court hearing still.

4. New Business:

a. Revelation Church: Special Permit - Excavation. 166 Bishop Road. Applicant proposes to remove surface stones and boulders from 26.6 acres on the subject property.

A representative from Revelation Church was not in attendance. Sam Alexander briefly described the application and its history. Mr. Alexander stated that the Commission could schedule a public hearing at this time, which must commence within 65 days. The Commission determined to wait until August to schedule a public hearing, which would likely begin in September.

5. Pre-Application Discussions.

a. GotSpace Data Partners, LLC: Zoning text amendments to create a new floating zone, which will allow for development of “data center” campus, conforming to a master plan concept.

William Sweeney, Tobin, Carberry, O’Malley, Riley & Selinger (TCORS) Law Firm, and James Rossman, L.S., Stadia Engineering, both representing GotSpace Data Partners, LLC, (GotSpace) addressed the Commission. Mr. Sweeney noted that this is a non-binding, informal, pre-application discussion regarding zoning regulation amendments that GotSpace hopes to propose. The regulation uses a novel zoning tool: floating zones, which would be used in this case to permit development of a “data center”. Mr. Sweeney stated that he is not discussing any specific site or specific data center, just the regulation amendments.

Mr. Sweeney described what a data center is: a facility that contains networked computer servers and can serve data/information needs of a variety of industries. Data centers developers seek a predictable regulatory environment, access to affordable power, access to fiberoptics, and competitive tax treatment. The state legislature passed a law this session granting competitive tax treatment to data centers through a licensing process. Mr. Sweeney discussed further the needs of a data center and the applicable state law and municipal fees in lieu of property tax. Mr. Sweeney discussed other data center proposal by GotSpace in Connecticut and the need for affordable power.

Mr. Sweeney discussed the draft zoning text amendments that were delivered to the Commission and their purpose. GotSpace intends to utilize a “floating zone”, which exists in the regulations, but not on the zoning map, until an application is made to place the zoning district in a discrete location. The zoning map amendment must be accompanied by a “master plan”, which is a detailed proposal for development within that zoning district and, if approved, will act as regulations for that development, thereby constraining the development within the floating zone to what was shown in the master plan. The master plan may also contain flexibility if the Commission allows. Future site plans will need to conform to the master plan. Mr. Sweeney discussed “legislative” versus “administrative/regulatory” powers of the Commission. The proposed regulation amendments call for master plans in the envisioned “Technology Park District” to contain: a master plan narrative, existing conditions plan, conceptual layout plan, development standards, architectural standards, traffic analysis, list of required approvals. As the draft regulation are written, Technology Park Districts would only be allowed in certain locations and would need to be consistent with the Plan of Conservation and Development. Mr. Sweeney discussed the other contents of the draft amendments (attached). The Commission asked questions of Mr. Sweeney and Mr. Rossman.

- The Commission will need to approve site plans that materially conform to an approved master plan, so long as there are no serious issue with the site plan (e.g.: threats to public safety).
- The Commission has its highest level of discretion when acting in a legislative capacity. It acts in its legislative capacity when acting on regulation or map amendments.
- The municipal host agreement and the state statute controls the payment in lieu of taxes. A host of a data center will receive graduated payments

based on the design capacity of each building within a data center campus. If a data center no longer is qualified under the state licensing procedure, its property is taxed at a normal rate.

- GotSpace's principles initiated the legislation granting competitive tax treatment to data centers and creating the state licensing process.
- GotSpace has a host agreement with Griswold. Griswold also approved a regulation amendment similar to what is being discussed in Bozrah. The Griswold conceptual site is larger than Bozrah's.
- GotSpace has a host agreement with the Town of Groton. Groton already allows data centers in their industrial zone. GotSpace is also interested in developing sites in Norwich and Wallingford.
- GotSpace could show a conceptual layout plan at the time of making an application to establish Technology Park District regulations. Mr. Sweeney agreed to do this.
- Accepting the Technology Park District regulations sets the framework for a future application for zone change and master plan submission. The Commission will have significant discretion in approving, modifying, or disapproving of any of those proposals.
- The draft Technology Park District regulations contain language that allows for deviations from a master plan, at the site plan stage and gives examples of permissible deviations. The Commission felt that it would be better to not give examples of permissible deviations but leave all discretion to the Commission when determining what is a permissible deviation. Significant deviations from the master plan will require a public hearing to amend the master plan.
- The draft Technology Park District regulations contain a list of uses other than data centers that would be allowed in the zone, subject to a master plan approval. This was so that the zone could be used for high-technology developments other than data centers. If the Commission deems necessary, the list of other uses could be taken out.
- If, at the master plan stage, the Commission disagrees with an applicant on a portion of the proposed master plan, the Commission can deny the master plan or approve it with a modification.
- GotSpace will plan to seek a pre-application discussion on a master plan in the same way they are having a pre-application discussion on the Technology Park District regulations.
- A floating zone does not exist on the zoning map until a map amendment is approved. The floating zone in question could be used in numerous locations.
- The Town Planner will share zoning regulations from other towns, including Griswold's recently adopted regulations.
- GotSpace would be prepared to submit a formal application within the next couple weeks.
- Possible difficulties with the data center proposal previously discussed at the March 25th special meeting are noise, lighting, and location on the site relative to other properties. GotSpace is comfortable meeting noise

requirements. The generators to be used on site are highly modern. There are going to be multiple generators per building to handle times when the power grid goes down and for peak-shaving purposes.

- Buffering has been an issue in every community. Mr. Sweeney will work to make sure the plan is respectful of buffering.
- About 1,500 construction jobs would be created. A traffic analysis would take this into consideration. Once the data center is operating it would employ about 80 people.
- Commissioners should get any remaining comments to the Town Planner. The Commission will have the ability to modify certain parts of the proposed regulations during the public hearing and decision-making phase.
- GotSpace is open to incorporating a noise standard into the draft regulation amendment.

Nancy Taylor made a motion to move agenda item #8, Public Comment, to agenda item #6. Scott Barber seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

6. Public Comment Period. *Moved up from Agenda Item #8*

Chairman Seder asked if any members of the public had questions for GotSpace.

- Robin Barry (151 Bishop Rd.) expressed that the Commission needs to be very careful in reviewing draft text amendments and making sure that they are not opening the door to development or nuisances that they aren't envisioning. Ms. Barry stressed that most people wouldn't be able to determine the decibel level of certain sounds or what is appropriate or causes a nuisance.
- Jordan Hyde (27 Bozrah St.) asked about the host municipal agreement and the applicability of the host fee to an unused building. If the building/data center maintains certification from the state, even if it isn't in use, it will pay a fee based on the design energy capacity of the building. If it is not certified by the state, the owners will pay property taxes.
- GotSpace will own the property and lease to end users. There is the possibility of carving out the property so that a data center user could own underlying land as well, if that's what the tenant wants. There was additional discussion around which parties make payments in lieu of taxes and the Town's ability to recoup money. Glenn Pianka added that there is an escalator clause in the host municipal agreement, so that payments go up over time.
- Mr. Sweeney stated that building fees associated with the project would be significant.
- Evelyn Brown (57 Hough Road) asked about nearby and comparable data centers. There is a small data center in Norwalk. GotSpace submitted a list of comparable data centers in advance of the March 25th special meeting. Northern Virginia is home to many large data centers. The draft text amendment was not available online.
- Ray Barber (8 Goshen Rd.) asked about the 40-acre minimum parcel size for the Technology Park District. That figure was put in place so that the Technology

Park District could be used in multiple places in town in the future, without needing a much larger parcel (e.g.: 100 acres). The site in question is about 150 acres. Mr. Barber asked about plans to buy other properties. GotSpace is interested in surrounding properties because they may be needed in the future. Mr. Barber asked about the primary and emergency entrance. The primary entrance is expected to be on Haughton Road across from Gorin's Furniture. An emergency entrance is expected to be on Bashon Hill Road. Mr. Barber asked about utility/infrastructure needs. GotSpace would be responsible for the entire cost of any water, sewer, gas, or other infrastructure extensions. Sewer needs are not yet know. If a sewer main is not extended to serve the development, then on-site disposal will be required. Mr. Barber asked about the material used in the buildings. It's expected that the buildings will be primarily concrete with architectural accents and signs of various materials.

7. Subdivision Regulation Discussion.

Sam Alexander reviewed a memo that discussed the "fee in lieu of open space" requirement in the subdivision regulations. The Commission had previously asked about amending the subdivision regulations to match the statutory requirement for open space fees to be assessed at 10% of the fair market value of the land to be subdivided, rather than the "\$1,800 per new lot" fee that the Commission had been using. No changes are need to the subdivision regulations, since the regulations already reference the statute. The Commission determined that from then on they would follow the statute.

8. Affordable Housing Plan.

There was no update to be given. The Commission should review the draft plan.

9. Review general correspondence.

Regulation amendments were received from neighboring towns.

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

Glenn Pianka remarked on the quality of the discussion and ability of the Commission to work with applicants to move a project forward.

Ray Barber asked about the Zoning Enforcement Officer (ZEO). The Chairman is currently the ZEO. The Board of Selectmen will discuss this on July 20th.

There was discussion about enforcement of the Short-term Rental Ordinance.

The Town Planner will pass along Public Act 1 and zoning regulations from other towns. Members of the public and the Commission had some outstanding questions, which were answered by staff or the Commission. Scott Barber made a motion to adjourn. Manny Misarski seconded the motion. The meeting was adjourned at 9:38pm.

VOTE UNANIMOUS – MOTION APPROVED

Respectfully submitted,
Samuel Alexander
Town Planner/SCCOG

ATTACHMENT

Conceptual zoning regulation amendments prepared by GotSpace Data Partners, LLC, for discussion at the July 8 PZC regular meeting. This is not part of a formal application.

Section 9A TECHNOLOGY PARK DISTRICT

9A.1 General.

9A.1.1 The Planning and Zoning Commission may establish site specific Technology Park Districts (“TPD”) for those properties suitable for the development of high technology industries by approving a Master Plan in conformance with Section 9A.4.

9A.1.2 The TPD is a floating zone governed by a conceptual Master Plan. The Master Plan will be subject to review and approval by the Commission as a zone change and text amendment, subject to a public hearing and all other applicable terms and conditions of these Regulations. It is recognized that the Master Plan may require certain fluidity in order to accommodate market changes during the complete development of any project. Notwithstanding the foregoing, any substantial and material change, at the Commission’s sole discretion, will be subject to the same procedural requirements for a zone change and text amendment as required by the original zone change and text amendment application adopting the TPD. Once approved, the TPD will replace pre-existing zoning for all or a portion of any lots included in said application, and any future development on the zoned property(ies) will be subject to the specific TPD requirements set forth herein and contained in the Master Plan for the property(ies).

9A.1.3 In that the approval of a TPD constitutes a change of zone and text amendment, it calls for the Commission to act in its legislative capacity, and to exercise legislative discretion. By filing an application for a TPD, the applicant acknowledges and accepts the nature of such application, and the level of discretion which the Commission possesses in such applications.

9A.2 Statement of Purpose.

Technology Park Districts are intended to provide locations for advanced technology industries such as computer software and hardware developers, research and development facilities, data centers, laboratories, highly specialized manufacturing and other similar uses within large-scale, organized, campus-like settings which stimulate economic growth and reinvestment, create quality employment opportunities, and generate significant revenue for the Town through taxes and/or other revenue streams. Factors to be considered by the Commission in approving a TPD include:

9A.2.1 That the location, uses and layout of the proposed TPD are in conformance with the general intent of, and the goals and objectives contained in, the Plan of Conservation and Development.

9A.2.2 That there exists harmony between the various uses that are proposed within the TPD and compatibility with neighboring land uses, taking into consideration reasonable buffers and/or screening and the capacity and safety of surrounding streets.

9A.2.3 That there is a positive economic impact of the proposed TPD to the community, including in terms of both revenue generation and job creation.

9A.3 Establishment of District.

The Commission shall establish a TPD by approving a Master Plan, which while not intended to be a substitute for the detailed drawings and documentation associated with a site plan, does provide sufficient conceptualized information to determine if the proposal is in conformance with Section 9A.2 and the Plan of Conservation and Development. Such adoption shall constitute a zoning map and text amendment in accordance with these Regulations.

9A.3.1 Numbering of Technology Park Districts. Each TPD shall be numbered and depicted sequentially on the official zoning map in accordance with the date of adoption as TPD-1, TPD-2 and so forth.

9A.3.2 District Eligibility. The area proposed for a TPD shall:

- (a) Encompass a minimum of 40 acres of land in one or more parcels under common ownership or other arrangement satisfactory to the Commission; and

- (b) Include road frontage along Connecticut Route 2 or other primary transportation corridor suitable and adequate for such designation in the discretion of the Commission;
- (c) Be serviced by adequate public utilities or be capable of being serviced by the same or by the provision of sufficient onsite facilities to be constructed.

9A.3.3 Additions and Alterations. Any additions or alterations to the Master Plan must comply with the criteria established in Section 9A.2, and any such change shall be made in a manner which will accomplish the purposes stated in Section 9A.2 hereof. Furthermore, any addition or alteration, which, in the sole discretion of the Commission, constitutes a substantial or material change, will be subject to the same procedural requirements for a zone change and text amendment as required by the original zone change and text amendment application adopting the TPD. A substantial or material change shall include any revision, extension, enlargement, movement or other change in the proposed development of the site which results in increasing the total amount of approved impervious coverage by more than 25%, increasing the total approved height of any building by more than 25%, reducing the approved relationship between the amount of building area and the amount of parking to be provided, reducing the total amount of an approved landscaped area or buffer by more than 10%, reducing any approved building setback, changing in any way the location of any approved intersection or driveway connection with a public street, or creating a new intersection or driveway connection with a public street.

9A.3.4 District Expiration. Approval of the zone change shall be void, without any further action of the Commission and the property shall automatically return to its prior zoning designation, unless a site plan for the TPD is approved within 24 months of the effective date of zone change approval. The Commission may grant one or more extensions of this period upon written request of the applicant, but in no event will the extensions exceed 24 additional months.

9A.4 Master Plan.

The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Section 9A.2 and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the development and design standards of the TPD and its uses. All elements of the Master Plan shall be professionally prepared to provide a conceptual plan for the overall development of the TPD. A Master Plan shall include the following components:

9A.4.1 Master Plan Narrative demonstrating the submitted Master Plan's consistency with the purpose of the TPD, policies, goals, and objectives of the Plan of Conservation and Development, and the orderly development of the Town.

9A.4.2 Existing Conditions Plan showing: (1) existing topography with 5-foot contours showing the general gradient of the site, existing structures, existing roads and rights-of-way, easements, major topographic features, bedrock outcrops, inland wetlands, watercourses, upland review areas, and flood plains; (2) land uses, zoning and approximate location of buildings and driveways within 100 feet of the site, (3) boundary survey; and (4) location map.

9A.4.3 Conceptualized Layout Plan showing: (1) general location and nature of proposed land uses; (2) proposed public and private rights-of-way, parking areas, easements, and public and private open space areas; (3) proposed building footprints, floor areas, and building heights; (4) proposed location of landscaping, buffering, and screening; (5) utility and highway improvements; (6) storm water management areas and structures; and (7) construction and improvement phasing plan.

9A.4.4 Development Standards for the proposed development provided in a narrative form including, but not limited to: (1) permitted uses subject to site plan approval; (2) bulk, dimensional, and density requirements; (3) parking and loading; (4) streets and sidewalks; (5) landscaping and screening; (6) lighting; (7) signage; (8) open space and conservation areas; and (9) any other standards the Commission may reasonably require.

9A.4.5 Architectural Standards for the proposed development provided in either narrative form and/or visual representations detailing: (1) architectural styles; (2) massing and scale; (3) materials and colors; (4) roof lines and profiles; and (5) typical building facades and elevations.

9A.4.6 Traffic Analysis including: (1) a preliminary traffic memorandum detailing the impact of the proposed development; and (2) a conceptual improvement plan and the measures necessary to mitigate those impacts if necessary.

9A.4.7 Required Other Approvals including a listing of all anticipated local, state, and federal licenses, permits, and authorizations required to complete the development, together with an expected sequence and timeframe for obtaining such approvals.

9A.5 Site Plan.

After Master Plan approval and establishment of a TPD by the Commission, an application for a site plan must be submitted for approval, following provisions contained in these Regulations. The implementation of a Master Plan approval may be phased by the filing of multiple site plan applications.

9A.6 Specific Design Standards.

The following design standards shall apply to all TPD Districts:

9A.6.1 Area and Bulk Requirements. All bulk and dimensional requirements shall be established by the Master Plan.

9A.6.2 Architectural Design. All new construction shall be designed to provide a high quality appearance consistent with contemporary standards and all selected materials shall be durable with subtle colors and uniform treatments. The incorporation of sustainable and green design features shall be encouraged where prudent and feasible.

9A.6.3 Signage. A sign plan evidencing a unified signage program for the TPD, including the general position, size, content and appearance of signs visible from any public right of way shall be included in the Master Plan application and shall be approved by the Commission.

9A.6.4 Parking. On-site parking areas shall be adequate for the uses proposed. Specific parking standards shall be established as part of the Master Plan. Parking should be located onsite, but not lead to excessive impervious coverage. Design of parking areas should maximize landscaping and prevent large expanses of impervious area. Stormwater management shall be designed to handle anticipated run-off without creating negative impacts on adjacent properties or natural resources.

9A.6.5 Permitted Uses. Permitted uses shall be established by the Master Plan and implemented by site plan approval. The following list of uses is permitted in the TPD, but it is not exclusive. The Commission may approve other uses, provided said uses are not prohibited by Section 9A.6.6 and it is determined said uses are consistent the purposes of the TPD.

- .1 Computer software and hardware development.
- .2 Research and development facilities.
- .3 Data centers.
- .4 Laboratories, provided that no onsite patient visits are permitted.
- .5 Highly specialized manufacturing, including but not limited to, defense and aviation industries, and electronic and/or communication instruments and devices.
- .6 Power generation facilities only as accessory to a principal use and constructed in a manner to prevent distribution to the electric grid.
- .7 Professional offices only as accessory to a principal use.

9A.6.6 Prohibited Uses. In addition to the prohibited uses contained in these Regulations, the Commission has determined that the following uses are prohibited in the TPD.

- .1 Gasoline filling stations.
- .2 Vehicle sales, leasing and renting.
 - .3 Auto repair, storage, maintenance and paint shops.
 - .4 Theme parks and amusement parks.

- .5 Retail sales.
- .6 Outdoor storage as a principal use.
- .7 Residential uses.
- .8 Landscaping and construction businesses.

9A.6.7 Buffers. The purpose of buffer areas is to provide privacy from noise, light glare and visual intrusion to residential dwellings in all locations where uses within the TPD abut a residential district exterior to the TPD. A buffer area shall be required and permanently maintained between any developed area in the TPD which is abutting or directly across a street (other than a limited access highway) from any lot used for residential purposes in a residential district exterior to the TPD. The Commission may require additional buffering and screening where necessary to bring a TPD into harmony with surrounding uses and to ensure the orderly development of the community. Buffer requirements do not apply to internal property lines which are part of the TPD and do not border adjacent property. The Commission may allow the buffering to be located on adjacent property with the consent of the affected property owner; provided that the right to maintain such buffering and/or screening is memorialized by a permanent easement filed for record in the Bozrah Land Records. Such buffer areas shall comply with the following minimum standards:

- .1 Buffers from adjacent residential uses. The minimum width of the buffer area shall be 25 feet from the property line. In the event that the buffer area is not adequately vegetated, the Commission shall have the discretion to require the Applicant to install screening within the buffer area.
- .2 Screening, if required, shall consist, at minimum, of plantings not less than six (6) feet in height planted at intervals of ten (10) feet on center and other evergreen and deciduous shade trees and shrubs as may be appropriate. As an alternative, an earthen berm, stabilized with appropriate groundcover and plantings, may be permitted by the Commission in order to adequately buffer adjoining residentially used property.
- .3 The following accessory uses shall be allowed within buffer areas provided that they are adequately screened from abutting residential properties: access roads, pedestrian sidewalks, utilities, mailboxes and approved signs.
- .4 All site lighting shall be designed with full cut-off fixtures and facing in a general downward direction to shield and reduce glare.