

**TOWN OF BOZRAH
INLAND WETLANDS AND CONSERVATION COMMISSION
BOZRAH TOWN HALL
1 RIVER ROAD
BOZRAH, CT 06334**

April 15, 2021

The Special Meeting of the Bozrah Inland Wetlands and Conservation Commission was called to order by Chairman Scott Taylor at 7:02pm via Zoom teleconference/videoconference.

Members present: Scott Taylor (Chairman), Chuck Mandel, Evelyn Brown, Charlene Lathrop, Steve Brunetti, Jim Sipperly, Jessica Carson.

Others present: Steve Seder (PZC Chairman), Sam Alexander (SCCOG/Town Planner), Katey DeCarli, P.E. (CHA/Land Use Agent), Wes Wentworth, P.E. (Wentworth Civil Engineers, LLC), James Paternostro, Jr. (Stoney Hill Farm LLC/Bashon Hill Farms, LLC), Kathy Shoepfer.

1. Show Cause Hearing: Cease and Correct Order - Unpermitted excavation of earth products in or near wetlands and watercourses (violation of Section 6.1), at property located at 211 Bashon Hill Road, Bozrah (Lot 019 of Assessor's Map 05), owned by James and Jennifer Paternostro, Bashon Hill Farms, LLC.

Chairman Scott Taylor read the purpose of the hearing as noted in the agenda and explained the process for the hearing. Mr. Taylor opened the show cause hearing at 7:04pm. Commissioner Jessica Carson arrived.

Sam Alexander (Town Planner) reviewed the documents in the hearing file:

1. Site Photographs by the Land Use Agent (3/11)
2. Temporary Stabilization Plan by the Owners' Engineer (3/23)
3. Inspection Report by the Land Use Agent (3/25)
4. Notice of Violation by the Land Use Agent (3/25)
5. April Regular Meeting Minutes (4/1)
6. Cease and Correct Order by the Land Use Agent (4/9)
7. Site Photographs by Commissioner Steve Brunetti (4/10)
8. E-mail by Commissioner Chuck Mandel (4/15)

Sam Alexander (Town Planner) showed items 7 and 8 on the screen and read item 8 out loud: *"I have an ongoing commitment tonight at 7 and will try to attend when I am done. That said, while I understand not all land owners are aware of inland wetland regulations that does not give cause to continue with a violation per Section 6 of Bozrah wetland regulations. The cease and correct needs to remain in effect until the commission receives a site plan and application under Section 7 per our regulations. S&E controls need to be installed and maintained and no further work to be done until such time. Also recommend a bond be posted for S&E controls to ensure this is done and remain in effect until the site is stabilized to the commission's satisfaction. Bond amount should be based on the following schedule. Perimeter Silt Fence or Straw Bales [at \$4.00 per linear foot,] Construction Entrances [at \$ 75.00,] Topsoil, Seed & Mulch [at \$5.00 per square yard.]*

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Commissioner Chuck Mandel arrived. Katey DeCarli (Land Use Agent) reviewed the basis for issuing a Cease and Correct Order. Ms. DeCarli stated that based on her inspection of the site, and evidence contained in the Inspection Report and in site photographs, she observed filling or removal of soils within the mapped limits of wetland soils and observed watercourses.

Chairman Scott Taylor asked for the owner or their representative to offer a rebuttal or evidence justifying why the Land Use Agent's Cease and Correct Order should not remain in place. Wes Wentworth (Wentworth Civil Engineers, LLC) stated that he gave a detailed overview of the Temporary Stabilization Plan on April 1st. The meeting minutes are part of the record. Mr. Wentworth stated that his client will accept the outcome that the Commission thinks is best, but offered that they would appreciate removal of the Order. The Paternostros were very responsive to the Notice of Violation.

Mr. Wentworth and James Paternostro, Jr. answered questions from the Commission.

- Fifty-percent of the woodchip berms on the Temporary Stabilization Plan are currently in-place.
- Fifty-percent of the disturbed areas are loamed and fine-graded.
- A 100-foot anti-tracking pad will be put in place the following weekend, at the main entrance to the site.
- The purpose of the activity is two-fold: improve the agricultural fields which were former pastures and hay fields and have lots of stone close to the surface. The stone will be sold and profits will be put back into the farm, which requires capital to begin operations and improve the farmhouse.
- There is no evidence of sediment migration into wetlands or watercourses.
- The area of the settling pond is a seasonally wet area, but Mr. Wentworth did not believe, since it was interior to the fields, that it was a vernal pool.
- Mr. Paternostro did not know that a wetlands permit was required for his activity.
- A portion of the palletized stone was taken in from off-site and stored on the property.
- A rip-rapped water crossing exists at a barway off of the northern end of the property's frontage along Bashon Hill Road; no observed sedimentation in the brook.
- No property line walls have been touched, some interior stone walls have been removed for field preparation.
- Mr. Wentworth believes that Connecticut Department of Energy and Environmental Protection (CT DEEP) Stormwater General Permits are not required because the excavation drains to the interior.

Mr. Paternostro must wait until wetlands flagging before harrowing any fields within the subject area and planting crops.

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The Commission ultimately determined to continue the show cause hearing the May 6th meeting when a wetlands application is expected to be submitted and wetlands delineations are expected to be completed by Mr. Wentworth.

Jim Sipperly made a motion to continue the Cease and Correct show cause hearing until the May 6th regular meeting. Chuck Mandel seconded the motion noting that no work not discussed or shown on the Temporary Sedimentation Plan may be undertaken, remaining in compliance with the Order.

VOTE – UNANIMOUS – MOTION APPROVED

Jim Sipperly made a motion to adjourn the meeting. Evelyn Brown seconded the motion. The meeting was adjourned at 7:52pm.

Respectfully Submitted,
Samuel Alexander, AICP
Town Planner