

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

October 14, 2021

Chairman Steve Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:00pm, on Thursday, October 14, 2021. The meeting was at the Bozrah Town Hall, 1 River Road, Bozrah, CT.

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 (First Selectmen), Sam Alexander, AICP (Town Planner/SCCOG), Mark Reynolds (Reynolds Engineering Services), Jason Reynolds (Reynolds Engineering Services), Gordon Sime (McMinn Associates), Wes Wentworth (Wentworth Civil Engineers), Jennifer Paternostro (Bashon Hill Farms LLC), Matt Grohocki (Revelation Church), David Held (Provost and Rovero), Ray Barber, Earl Lathrop, Charlene Lathrop, Nancy Renshaw, numerous members of the public.

Seymour Adelman recused himself and remained in the audience throughout the meeting.

1. Public Hearing:

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

Nancy Taylor recused herself from the public hearing. Steve Gural sat in place of Nancy Taylor. Chairman Steve Seder called the public hearing to order at 7:00pm. Chairman Seder read the hearing notice. Sam Alexander (Town Planner) remarked on new items of correspondence.

Dave Held, P.E., L.S., Provost & Rovero began a short presentation on minor changes to the application. There was a discussion with the Town Engineer in September that resulted to modified plans for temporary vegetative cover. The bond estimate was also revised per Town Engineer comments.

Sam Alexander reviewed deviations from the regulations, that the Commission may find are allowed or necessary given the unique nature of the excavation: (1) requirement to add four inches of top soil and permanent cover; (2) requirement of A-2 quality survey for plans; (3) use of estimate of daily truck trips in place of an estimate of excavated material; (4) limited deviations from the phases to obtain certain rocks for clients. Sam Alexander also reviewed the Special Exception general criteria.

Charles Hawke (234 Bishop Rd.) asked questions about boundary walls. Boundary walls will remain in place, the limit of work is 20 feet from all boundaries. Mr. Hawke asked about limiting truck traffic to the hours of 9am to 4pm, as well as seasonality of work. There was discussion of method for splitting stone. It is split by hand. Matt Grohocki stated that he will notify Mr. Hawke when phase lines are staked.

Earl Lathrop (21 Hough Road) asked about involvement from the State of Connecticut. There is no requirement in the regulations to notify abutters for Special Exception applications.

Carolyn Dziengiel (194 Bashon Hill Road) spoke in opposition.

The Commission asked question of the applicant and discussed the equipment used, and raised questions about the impact to the land. Matt Grohocki discussed the history of the operation and stated that he will be a good steward of the property. The Commission discussed limiting truck traffic to the hours of 9am to 4pm. It was discussed that the contractor has one dump truck.

Steve Gural made a motion to close the hearing. Scott Barber seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

The public hearing was closed at 7.39pm.

b. Bashon Hill Farms, LLC/Stoney Hill Farm, LLC, 211 Bashon Hill Road: Special Exception – Excavation. Applicant proposes to remove stones from soil over 7.2 acres on the subject property, with the goal of reclaiming agricultural fields.

Nancy Taylor sat for this hearing. Steve Gural became an alternate. Chairman Steve Seder called the public hearing to order at 7:40pm. Chairman Seder read the hearing notice. Sam Alexander remarked on the items of correspondence and application materials in the hearing packet.

Wes Wentworth, P.E., Soil Scientist, Wentworth Civil Engineers, reviewed the plans for the Commission, including the phasing of operations. A Cease and Correct Order (wetlands) and Notice of Violation (planning and zoning) were issued in the spring. Mr. Wentworth noted that the Town Engineer commented on the plans and his comments were satisfied with the updated plans. A phased bond is being proposed.

Earl Lathrop (21 Hough Road) asked if rock crushers will be used. Only a screener for sifting dirt that will go back to the agricultural fields.

Carolyn Dziengiel (194 Bashon Hill Road) asked about tree clearing. No more trees will be cleared.

Alex Strickland (192 Bashon Hill Road) commented on the past hours of operation. Other commented as well. There was discussion. The applicant discussed unavailability of trucks; the applicant does not own dump trucks. Wes Wentworth stated that a limit of truck traffic from 9am to 4pm would be burdensome. The regulations limit all activities to 7am to 7pm.

There was discussion of screening. Screening would occur inside phase boundaries and would not be constant. Screening would get material down to three inches and less.

There was discussion of whether the costs of inspections should be borne by the applicant. Wes Wentworth suggested perhaps adding a bonded line item.

Ray Barber (25 Goshen Road) commented that the land would be returned to farmland.

Scott Barber made a motion to close the hearing. Nancy Taylor seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

The public hearing was closed at 8:18pm.

2. **Review and approval minutes:**

a. September 9th Regular Meeting.

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

VOTE: UNANIMOUS – MOTION CARRIED

b. October 12th Special Meeting/Public Hearing.

No action was taken.

3. Review correspondence pertaining to agenda items.

Sam Alexander reviewed new packet items pertaining to agenda item 5b.

4. Hear the report of the Zoning Enforcement Officer.

Chairman Steve Seder remarked on two enforcement actions taken: 117 Lake Road and 115 South Road. The enforcement action against 115 South Road was after the fact.

5. Old Business:

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

Nancy Taylor recused herself. Steve Gural was seated. The Commission discussed the conditions placed on the excavation by the Inland Wetlands & Conservation Commission. Scott Barber felt strongly that the town should not bear the cost of staff inspections. There was discussion.

Sam Alexander read draft motion. There was additional discussion regarding the costs of inspections and hours of operation. Sam Alexander stated that he could come back at the next meeting with a recommendation for how the costs may be placed on the applicant, if the Commission feels strongly about it. Sam Alexander re-read suggested draft motions.

Steve Gural made a motion to approve the application with the following conditions:

1. The special exception shall not be valid until mylar copies of the plan sets and PZC and IWCC approvals are filed on the land records. Plan sets shall bear the signatures of the appropriate professionals and Commission Chairs.
2. Prior to filing on the land records, the applicant will post a surety bond in a form acceptable to the ZEO, in the amount of \$26,352, as proposed by the applicant's engineer. The bond may be utilized by either the PZC or IWCC.
3. The special exception shall only pertain to the phased areas noted on the plans and shall not be construed to apply to any other areas of the property.
4. The special exception shall expire three (3) years from the approval date. The applicant may apply for a permit renewal.
5. As proposed on the plans, no changes in the overall grade of the excavation area shall occur.
6. Erosion and sediment control measures shall be established per the erosion and sediment control plan, within worked phase areas prior to commencement of any activities.
7. Phase limits shall be clearly delineated in the field, per the plan, by a licensed land surveyor.
8. Per the condition of approval of the IWCC, the property owner will consent to regular staff inspections of the site. Additional erosion and sediment control measures may be required if deemed necessary by town staff.
9. The applicant shall keep a log of truck traffic leaving the property. The applicant shall provide such log to staff upon request.

10. The applicant shall submit to the town staff any stormwater permits required by CT DEEP, as well as the results of any inspections or testing required by such permits.

11. The applicant shall, prior to filing mylar copies of plan sets, reimburse the Town \$756.68 for professional engineering services above and beyond the initial application review and comment.

12. The applicant shall notify staff prior to the commencement of work in each phase area.

13. Operations shall take place between 7am and 7pm. Truck trips and loading shall take place between 9am and 4pm.

Manny Misarski seconded the motion.

VOTE: 4/1(Barber)/0 – MOTION CARRIED

Mr. Held requested that the Commission consider requested “waivers”. The Commission felt those were implied in the approval.

b. Steven Roy & Frank Adams, Fitchville Road and Bashon Hill Road (Map 03, Lot 069): Four-lot residential subdivision.

Nancy Taylor sat for this application. Steve Gural became an alternate.

Mark Reynolds, P.E., Reynolds Engineering Services, presented changes to the plans and updates since September. Monumentation was added at lot angle points along all roads. An appraisal was completed by John Lo Mont. A copy was provided the Commission ahead of time. The appraisal figure was \$165,000. Turning radii for fire apparatus were shown in relation to driveways; driveways on Bashon Hill Road are proposed to have an extended, compact shoulder on each side to accommodate turning movements, per comments of the Fire Marshall. Water pressure tests results are forthcoming from Norwich Public Utilities (NPU).

There was discussion of provision of drinking water. Sam Alexander explained the Connecticut Public Health Code and stated that if there is the ability to connect to water, the owners of the lots would be required to by Uncas Health District. Sam Alexander did not feel it was a zoning matter, in this case, but could be in others where the regulations speak to requiring public water. An email was entered into the record from Uncas Health District stating that any of the four lots, not only lots 3 and 4, would be required to connect to the NPU system if feasible.

There was discussion of the driveway ordinance and the increased shoulder of driveways. Sam Alexander read aloud the comments of the Fire Marshall, which were to provide an extended shoulder and increase the length of the culvert under driveways on Bashon Hill Road.

There was discussion of the open space fee. Sam Alexander discussed the statutory requirement to assess a fee upon the sale of each new lot. The Commission determined that the applicant should be required to pay the fee up front. The applicant’s engineer stated that was ok.

There was discussion of subdivisions versus resubdivision and whether this was a resubdivision or a subdivision.

Sam Alexander discussed with the Commission draft conditions of approval.

Manny Misarski made a motion to approve the subdivision with the following conditions:

1. Mylar copies of the plan sets and PZC and IWCC approvals shall be filed on the land records. Plan sets shall bear the signatures of the appropriate professionals and Commission Chairs.
2. Prior to filing mylar copies of the plan sets, the applicant shall install property boundary markers as depicted on the plan.
3. The applicant shall obtain permission from the Board of Selectmen prior to commencing any work within the Right of way.
4. Stone walls along the frontage of lots shall be retained, except that stone walls may be improved or portions of walls removed in order to accommodate driveways.
5. Driveways of lots 1, 2, and 3 shall be built in excess of the Town standard, in order to accommodate emergency apparatus, and constructed in compliance with the plans and written comments by the Fire Marshall.
6. Prior to filing mylar copies of the plan sets, the applicant shall deposit a sum of \$16,500 in the Town open space fund.

Steve Coit seconded the motion. There was discussion. Scott Barber suggested an additional condition:

7. Any lots capable of being serviced by public water provided by Norwich Public Utilities shall be serviced by public water.

Manny Misarski modified his motion to include the additional condition. Steve Coit seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

c. Bashon Hill Farms, LLC/Stoney Hill Farm, LLC, 211 Bashon Hill Road: Special Permit – Excavation. Applicant proposes to remove surface stones from 7.2 acres on the subject property, with the goal of reclaiming agricultural fields.

The Commission discussed limits on timing of activities, expenses associated with inspections, and draft approval conditions. Sam Alexander read draft approval conditions.

Manny Misarski made a motion to approve the application with the following conditions:

1. The special exception shall not be valid until mylar copies of the plan sets and PZC and IWCC approvals are filed on the land records. Plan sets shall bear the signatures of the appropriate professionals and Commission Chairs.
2. Prior to commencement of each phase, the applicant will post a surety bond in a form acceptable to the ZEO, in the amounts provided in an October 14 bond estimate provided by Wes Wentworth, PE. The bond may be utilized by either the PZC or IWCC. This bond may be released upon completion of each phase.
3. The special exception shall only pertain to the phased areas noted on the plans and shall not be construed to apply to any other areas of the property.
4. The special exception shall expire three (3) years from the approval date. The applicant may apply for a permit renewal.
5. Erosion and sediment control measures shall be established per the erosion and sediment control plan, within worked phase areas prior to commencement of any activities.
6. Per the condition of approval of the Inland Wetlands & Conservation Commission, the property owner will consent to regular staff inspections of the site. Additional

erosion and sediment control measures may be required if deemed necessary by town staff.

7. The applicant shall keep a log of truck traffic leaving the property. The applicant shall provide such log to staff upon request.

8. The applicant shall submit to the town staff any stormwater permits required by CT DEEP, as well as the results of any inspections or testing required by such permits.

9. The applicant shall notify staff prior to the commencement of each work phase.

10. The excavation is limited to the cubic yardages noted in the application.

11. Excavation will be limited to the hours of 7am and 7pm, and not take place on Sundays.

Nancy Taylor seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

6. Affordable Housing Plan.

There was no discussion.

7. Discussion of Public Act 12-29 and possible regulation amendments.

Sam Alexander spoke about Public Act 21-29, formerly Substitute House Bill 6107. Sam Alexander provided the Commission with a memo in June and an updated memo in October. The memos outline the many land use impacts of the law.

There was discussion. The Commission determined to develop an “opt-out” application for the provision limiting the ability of the Commission to dictate parking requirements for residences. There are numerous other aspects of the law that necessitate regulation updates and will be handled in due time.

8. Public comment period.

There was none.

9. Review general correspondence.

There was none.

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

Mid-City Steel will come in for an informal discussion regarding their new occupancy of a Fitchville Road property, in November. Scott Barber made a motion to adjourn the meeting. Nancy Taylor seconded the motion. The meeting was adjourned at 9:53.

Respectfully submitted,

Samuel Alexander
Town Planner/SCCOG