

**TOWN OF BOZRAH
BOZRAH TOWN HALL, 1 RIVER ROAD
BOZRAH, CONNECTICUT 06334**

BOZRAH PLANNING & ZONING COMMISSION

AGENDA

Thursday, November 14, 2019
Bozrah Town Hall, 7:00 p.m.

Public Hearings

The Bozrah Planning & Zoning Commission will two (2) public hearings on Thursday, November 14, 2019 in the Bozrah Town Hall meeting room, beginning at 7:00 p.m.

1. #09-00-19. Kurt Reynolds, Gifford Lane (08/005-B): Application for Resubdivision (one lot). Applicant wishes to reconfigure a reserved drainage area to make a vacant lot buildable.
2. #10-00-19. Collins and Jewell Company: Application for zoning text amendment to increase the maximum allowable height of buildings in the Industrial-80 Zone (Section 9.4.6) to 65 feet.

Regular meeting scheduled for 7:30p.m. to follow

Stephen Seder, Chairman
Planning & Zoning Commission

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BOZRAH PLANNING & ZONING COMMISSION

AGENDA

Thursday, November 14, 2019
Bozrah Town Hall, 7:30 p.m.

The Bozrah Planning & Zoning Commission will hold its regular meeting on Thursday, November 14, 2019 in the Bozrah Town Hall meeting room, at 7:30 p.m., following two scheduled public hearings.

1. Review and approve the minutes of the October 10, 2019 regular meeting.
2. Review correspondence pertaining to agenda items.
3. Hear the report of the Zoning Enforcement Officer.
4. Old Business.
 - a. **#09-00-19. Kurt Reynolds, Gifford Lane (08/005-B):** Application for Resubdivision (one lot). Applicant wishes to reconfigure a reserved drainage area to make a vacant lot buildable.
 - b. **#10-00-19. Collins and Jewell Company:** Application for zoning text amendment to increase the maximum allowable height of buildings in the Industrial-80 Zone (Section 9.4.6) to 65 feet.
5. Public comment period.
6. Review general correspondence.
7. Such other business as the commission may vote to hear.

Stephen Seder, Chairman
Planning & Zoning Commission

**REGULAR MEETING
TOWN OF BOZRAH
PLANNING AND ZONING COMMISSION
October 10, 2019**

Chairman Stephen Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:30 PM, at the Bozrah Town Hall, on Thursday, October 10, 2019.

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

Members absent: Steve Gural, Seymour Adelman (alt.).

Others present: Glenn Pianka (First Selectman), Emily Perko (ZEO/WEO), Sam Alexander (Town Planner/SCCOG), Ray Barber (resident), Mark Reynolds (Reynolds Engineering Services - applicant's engineer), Jordan Hyde (resident).

Chairman Stephen Seder called the meeting to order at 7:30pm.

1. Review and approve the minutes of the September 12, 2019 regular meeting.

Scott Barber made a motion to approve the minutes as presented. Manny Misarski seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

2. Review correspondence pertaining to agenda items.

Chairman Seder seated Frank Driscoll in place of Steve Gural.

Town Planner, Sam Alexander reported on correspondence. Sam Alexander stated that three items pertained to agenda item 4a: (1) review letter from the town planner to project engineer, Mark Reynolds, (2) Town Engineer review of proposed and existing easements, and (3) minutes from the a 2007 Zoning Board of Appeals and 2017 Planning and Zoning Commission concerning the application by Kurt Reynolds. Sam Alexander stated that an application package was received from Collins and Jewell Company, agenda item 5a.

3. Hear the Report of the Zoning Enforcement Officer.

Emily Perko, Zoning Enforcement Officer and Wetlands Enforcement Officer reported on zoning matters in the town and answered questions from Commissioners. Emily Perko reported that she will be visiting with representatives from Hillendale egg farm regarding dust mitigation strategies.

4. New Business.

a. Collins and Jewell Company: Application for zoning text amendment to increase the maximum allowable height of buildings in the Industrial-80 Zone (Section 9.4.6) to 65 feet.

Sam Alexander reported that no one from Collins and Jewell or their contracted engineering firm were able to attend the meeting. Sam Alexander stated that this application was recently submitted, but discussed preliminarily last month. Collins and Jewell, due to the height of their envisioned new building on Rachel Drive, is requesting an increase in the maximum height of buildings in the Industrial-80 (I-80) zone, from 50 feet to 65 feet.

Chairman Seder stated that the height of their building is not yet known because they still have not chosen a crane vendor. Chairman Seder stated that 65 feet would be sufficient and reminded the Commission that the maximum height of buildings in the Highway Commercial zone is 70 feet.

Nancy Taylor made a motion to accept the application. Frank Driscoll seconded the motion. There was discussion about the timing of the hearing. It was decided that the hearing could be conducted in November.

VOTE UNANIMOUS – MOTION APPROVED

Nancy Taylor made a motion to schedule a public hearing for November 14th, at 7:00pm, at the Bozrah Town Hall, 1 River Road, Bozrah, Connecticut, immediately following the previously scheduled public hearing for Kurt Reynolds (application for resubdivision on Gifford Lane), and preceding the regularly scheduled meeting, which is at 7:30pm. Scott Barber seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

5. Old Business.

a. Kurt Reynolds, Gifford Lane (08/005-B): Application for a Resubdivision. Applicant wishes to reconfigure a reserved drainage area to make a vacant lot buildable. Public hearing is scheduled for November 14.

Sam Alexander reported that the Inland Wetlands and Conservation Commission, along with several members of the Planning & Zoning Commission conducted a site walk at the Reynolds property on Gifford Lane, on Wednesday, October 9th, during a rain event. Sam Alexander reported that those in attendance were able to view the site, locations of existing and proposed easements, and potential locations of a house and septic system.

Sam Alexander reported on a letter from the Town Engineer regarding proposed changes to the existing drainage easement on the property. The Town Engineer studied the existing easement in relation to easements proposed by the applicant. Sam Alexander stated that the letter reported that there was no clear nexus between the size and location of the easement and any expected drainage needs on Gifford Lane; however, the engineer operated under the assumption that the easement was necessary to divert water through a pipe or swale to Bentley Brook. The Town Engineer proposed an easement modification that would allow for the development of the property, as envisioned by the applicant: The Town Engineer proposed two alternative easements that were the same size and shape as the existing easement, but ran up the southwestern and northeastern property boundaries between the right-of-way and Bentley Brook. The Town Engineer proposed that either alternative could serve the same purpose as the existing easement.

Chairman Seder asked the First Selectman, Glenn Pianka if he can recall any significant water or ice buildup on Gifford Lane, in the subject area. Glenn Pianka did not recall

anything. Commissioners asked questions about the two alternative easements. It discussed that easement alternative two would require an additional easement from a neighbor, and that neither appeared to impact other properties, aside from that aspect.

Mark Reynolds stated that his client would be supportive of the town's choice in location of a drainage easement. The Commission generally felt that alternative one (a 50' x 300' easement running along the southwestern property boundary, from the right-of-way to Bentley Brook) in the engineer's report is the preferred alternative.

6. Public comment period.

Ray Barber (resident) commented on a property located on Goshen Road and potential non-conformities. The ZEO is currently studying the issue.

7. Review general correspondence.

There was none.

8. Such other business as the Commission may vote to hear.

The Commission discussed the standing policy for fee in lieu of open space.

Nancy Taylor made a motion to adjourn the meeting. Scott Barber seconded the motion. The meeting was adjourned at 8:30pm.

Respectfully submitted,

Samuel Alexander (acting secretary)
Town Planner/SCCOG

REVIEW OF PROPOSED MODIFICATION OF EXISTING DRAINAGE EASEMENT
APPLICATION OF KURT REYNOLDS
GIFFORD LANE (08/005-B)
BOZRAH, CT
October 8, 2019

Review Comments prepared by:
Anchor Engineering Services, Inc.

Documents Reviewed (Prepared by Reynolds Engineering Services, LLC):
Application Drawings - 3 Sheets, dated 9/28/18
Historical Mapping – Final Subdivision Plan for Site, last revised 10/5/89

Anchor Engineering has spoken with and reviewed documentation, noted above, provided by the applicant's engineer, Mark Reynold, P.E. and also spoken with Sam Alexander, AICP, Bozrah Town Planner. Our understanding of the existing drainage easement and proposed modification is as follows:

- The easement is depicted on the 1989 subdivision plan noted above. On that plan, the easement is called out and a note on the plan is referenced, although the note does not appear to apply to this easement as the note references a swale to be constructed on lot 3 and this easement is on what was known as lot 2 on the plan.
- A review of the minutes from 1989 during which the subdivision was approved does not include a discussion of this easement or specific intended purpose.
- The easement as situated, impacts the ability of the owner of the lot to develop the non-wetland area in the southeastern corner of the lot, which is adjacent to Gifford Lane, with a single family residence. The easement does not appear to affect the possibility of developing the north/western section of the property, however this would require a wetland crossing with the driveway and soils information for this area is not included to demonstrate viability for septic, etc.
- The applicant proposes to replace the existing 300' x 50' easement, with two easements along the property frontage, one measuring approximately 50' x 50' and the second measuring approximately 140' x 20'.

Based upon the documentation and stated review of the historical records, the intended purpose of the easement is unknown. While that may be the case, it is unlikely that it was established for no reason. A likely purpose of the existing easement might have been to provide a pathway for the installation of a drainage swale or drainage pipe to transmit stormwater flow from Gifford Lane to Bentley Brook, which flows through the wetland tract that bisects the parcel.

There does not appear to be a functional purpose for the two easements that have been proposed to replace the existing easement. The easements as proposed will not serve the hypothesized purpose of the existing easement as stated above.

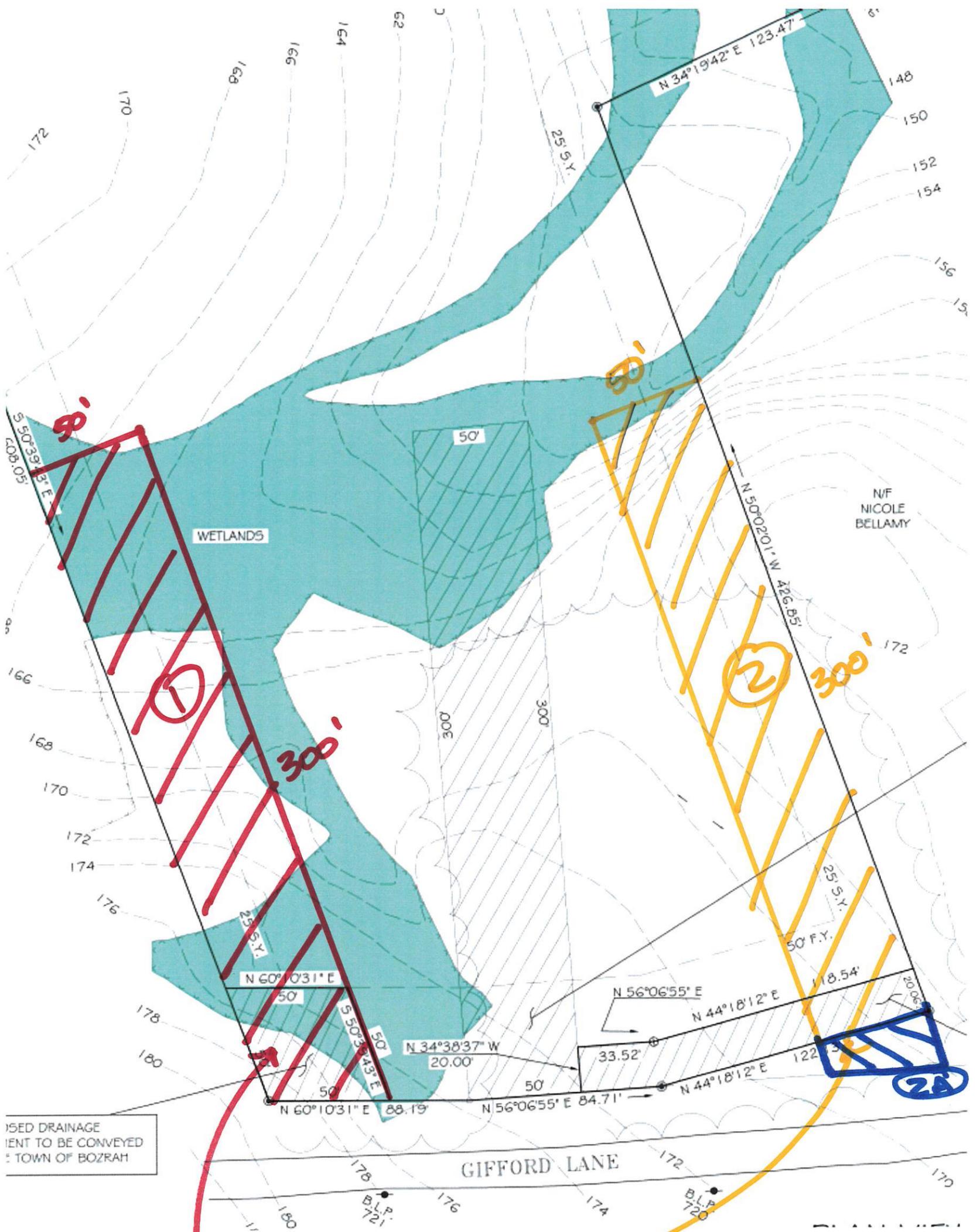
Drainage Easement Modification Review
Gifford Lane, Bozrah, CT
October 4, 2019

Should the Town entertain a modification of the existing drainage easement on this property, we recommend that the new easement allow the Town to maintain access between the property frontage and Bentley Brook so that a future swale or pipe could be installed to direct stormwater flow from Gifford Lane to Bentley Brook in the same manner the existing easement would allow.

We have attached a copy of the engineer's plan for the site showing the existing easement as well as two potential alternative easement configurations. Alternative 1 is along the southwestern property line and Alternative 2 is along the northeastern property line. Pros & Cons of each alternative are as follows:

- The property line along the front of the parcel at Alternative 2 is not the ROW line. An additional easement (2A as shown on the attached sketch) would also be required from the neighboring land owners to make this a viable alternative.
- The existing grades within Alternative 2 would require additional excavation as the elevation rises as you move away from Gifford Lane before dropping steeply towards Bentley Brook.
- Alternative 1 would require more extensive wetlands impacts should a swale or pipe be installed in the future when compared to Alternative 2.

We suggest that the Town consider the provided alternatives in lieu of what was depicted on the applicant's plans. We are available to review any additional information that may be provided and answer any questions the Town may have.



Potential Alternative
Drainage Easements

PROPOSED DRAINAGE SYSTEM TO BE CONVEYED TO TOWN OF BOZRAH

N/F NICOLE BELLAMY

GIFFORD LANE