

**REGULAR MEETING
TOWN OF BOZRAH
PLANNING AND ZONING COMMISSION
May 13, 2021**

Chairman Steve Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:02pm, on Thursday, May 13, 2021. The meeting was held via Zoom video/teleconference. Alternate Steve Coit was seated.

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

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

Others present: Glenn Pianka (Board of Selectmen), Sam Alexander, AICP (Town Planner/SCCOG), Katey DeCarli, P.E. (Land Use Agent/CHA), Kathy Schoepfer, Evelyn Brown, Scott Taylor, Amy Sanders-Banning.

1. Review and approval minutes:

a. April 8, 2021 regular meeting.

Nancy Taylor noted a grammatical error under agenda item 6. Scott Barber made a motion to approve the minutes with the noted correction. Manny Misarski seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

2. Review correspondence pertaining to agenda items.

A Cease and Correct Order was issued for 166 Bishop Road, and will be discussed under agenda item 3.

3. Hear the report of the Zoning Enforcement Officer.

Katey DeCarli, P.E., Land Use Agent reported on her recent activity. Ms. DeCarli first reviewed administrative matters and approvals.

Ms. DeCarli reported on staff activity associated with 211 Bashon Hill Road. Ms. DeCarli visited the site and noted that the owner is complying with their temporary stabilization plan. Two wetlands applications have been submitted at this time.

Ms. DeCarli reported on 166 Bishop Road. Ms. DeCarli explained that the owner and his engineer attended the May Inland Wetlands and Conservation Commission (IWCC) meeting. The engineer will aim to have applications into both IWCC and the Planning & Zoning Commission by June 24, for the July meetings.

The Commission discussed the report and Ms. DeCarli answered questions from commissioners. Staff will speak to the new tenants at 6 Commerce Park Drive about attending the June meeting for an informal discussion regarding the new business.

4. New Business:

a. Bozrah Planning & Zoning Commission: Zoning Text Amendment. Moratorium on “Cannabis Establishments”, related to Senate Bill #888.

Sam Alexander (Town Planner) spoke about an application for text amendment that he filed on behalf of the Commission. Senate Bill #888 legalized adult-use cannabis in Connecticut. It's a lengthy bill, not yet passed, and has components that affect land use. As currently written, the bill would require that zoning commissions assume that retail-sale cannabis businesses are allowed under the most similar use category in zoning, unless specifically called out in the regulations. The bill also requires that modifications to zoning regulations that affect retail-sale cannabis businesses be approved by both the zoning commission and the legislative body (town meeting). If the bill is passed, these two items would be effective July 1st.

The application for text amendment would establish a moratorium, which would halt incoming applications for cannabis establishments so that the Commission would have time to decide how they will be regulated or if they will be ultimately prohibited. The moratorium would last six months. The way the moratorium is written, if the Commission does not pass new regulations concerning cannabis establishments in the six-month timeframe, the use would be presumed to not be allowed. The proposed language is as follows:

ADD: 10.20 Cannabis Establishments. The Planning & Zoning Commission hereby adopts a Moratorium on cannabis establishments, which, in addition to any definition in the Connecticut General Statutes, provide for the retail sale of recreational cannabis and cannabis-derived products, whether as a primary retail product or in addition to non-cannabis retail products. This moratorium is adopted for a period of time not to exceed 180 days, in order to provide time for the Commission to determine if it will allow or restrict the use in any way. If no action is taken prior to 180 days from the effective date of this section, cannabis establishments shall be presumed to be not allowed in any zones. (Effective Date: [tbd]).

The Commission agreed that this is a pragmatic response to the proposed bill. The Commission determined to accept the application and schedule a public hearing for the June regular meeting. Some concern was raised around wording of the text and its possible effect on existing businesses selling "CBD" products. Prior to the public hearing, Sam Alexander will modify the application to address that concern.

b. Bozrah Board of Selectmen: Pavilion at Maples Farm Park. 45 Bozrah Street. Lot 018 of Assessor's Map 06.

Selectman Glenn Pianka spoke about the planned pavilion construction at Maples Farm Park. Mr. Pianka submitted an application along with a sketch plan. The planned gazebo conforms to zoning, but a site plan application was required because it is a non-residential accessory structure. Mr. Pianka noted that the pavilion will not be a typical pavilion but will include architectural treatments similar to a gazebo.

Sam Alexander suggested that the Commission could make one motion to approve the application in conjunction with the "8-24 referral" (agenda item 4c).

Scott Barber made a motion to approve the application and make a positive "8-24 referral" to the Bozrah Board of Selectmen. Nancy Taylor seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

c. 8-24 Referral: Pavilion at Maples Farm Park.

Prior to the Board of Selectmen taking final action on a municipal improvement, the Board of Selectmen must refer the project to the Planning & Zoning Commission for their report under Section 8-24 of the Connecticut General Statutes. The Commission made a positive finding of the proposal's consistency with the Plan of Conservation and Development in approving the application by the Board of Selectmen (see agenda item 4b).

5. Affordable Housing Plan.

Sam Alexander reviewed a report of the status of surrounding towns' affordable housing plans required under Section 8-30j of the Connecticut General Statutes. The Commission that Mr. Alexander would refine the draft plan and redistribute it to the Commission for consideration of next steps at the June meeting.

Sam Alexander will report back on an age-restrict senior housing complex in Salem.

6. Update from the Town Planner.

a. GotSpace Data Partners, LLC.

Sam Alexander spoke that day with the land use attorney representing GotSpace, the attorney has permission to begin moving forward with an application for zoning text amendments. Mr. Alexander will work with him to produce a good application before it gets to the Commission. The Commission discussed the proposed payment in lieu of taxes connected with the development.

b. IWCC Open Space Plan.

The IWCC produced a draft Open Space Plan and held a public hearing on May 6th. The IWCC will consider adoption in June.

c. Planning Reports for the Commission.

Sam Alexander reviewed a number of planning reports that were requested either by the Planning & Zoning Commission or by the IWCC:

- "Status of surrounding towns' Affordable Housing Plans" (5/6).
- "Combining zoning and subdivision regulations into one document" (5/6).
- "Open Space fee requirements. Comparison of current requirement to the statutory requirement" (4/29).
- "Process and requirements for selling town-owned open space" (4/29).

The Commission discussed the possibility of combining the subdivision and zoning regulations into one document, by adding the subdivision regulations as an appendix or new section to the zoning regulations. Sam Alexander will speak with the Town Attorney as directed by the Commission.

Steve Seder spoke about a Regional Planning Commission meeting and a "data center" webinar hosted by the Connecticut Conference of Municipalities.

7. Public comment period.

Glenn Pianka spoke about the GotSpace Data Partners project and the need to maintain transparency with the public. Mr. Pianka also mentioned that the Short-term Rental Ordinance will go to referendum/town meeting, which is stalled due to a notice requirement. The Commission discussed adopting parallel regulations to the proposed ordinance, which will stand on its own.

Evelyn Brown (resident/IWCC) asked questions about the data center webinar. Scott Taylor (resident/IWCC Chairman) spoke about the data center webinar and stated that he will arrange for a copy of the webinar to be sent to the land use commissions.

9. Review general correspondence.

There was none.

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

At this time, the Commission will plan to meet in-person in June. Scott Barber made a motion to adjourn the meeting. Manny Misarski seconded the motion. The meeting was adjourned at 8:20pm.

Respectfully submitted,
Samuel Alexander
Town Planner/SCCOG