PUBLIC HEARINGS (2) AND REGULAR MEETING
TOWN OF BOZRAH
PLANNING AND ZONING COMMISION
November 14, 2019

Public Hearing #1

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.

Chairman Stephen Seder called the public hearing to order at 7:00 PM, at the Bozrah Town Hall, on Thursday, November 14, 2019.

Members present: Stephen Seder (Chm.), Scott Barber (Vice Chm.), Nancy Taylor, Manny Misarski, Steve Coil (alt.), Seymour Adelman (alt.) (arrived at 7:20pm).

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

Others present: Glenn Pianka (First Selectman), Emily Perko (ZEO/WEO), Sam Alexander (Town Planner), Carl Zorn (Board of Selectmen), Ray Barber (resident), Kurt Reynolds (applicant), Mark Reynolds (Reynolds Engineering Services), Janet Blanchette (J&D Civil Engineering), Rocco Sabatino (Pelletier Builders), Tony Goulart (resident), Todd Murphy (resident), Ben Piacenza (resident), Kathy Howard-Murphy (resident), other members of the public.

Steve Coit was appointed to sit in place of Steve Gural.

Town Planner, Sam Alexander, read the public hearing notice into the record. Sam Alexander stated that a copy of the public hearing record is available for review during the meeting. Files in the record were:

- Abutters’ notices and certificate of mailing receipts.
- Application and resubdivision plan.
- Inland Wetlands and Conservation Commission report.
- Erosion and sediment control bond estimate.
- Town engineer’s report.
- Town planner comments.

Sam Alexander read a letter addressed from himself to the Commission, amounting to a summation of the Inland Wetlands and Conservation Commission (IWCC) report on the proposed resubdivision. Sam Alexander stated that the IWCC made a jurisdictional ruling and declared that the application is “not a regulated activity” under jurisdiction of the IWCC. Sam Alexander stated that the IWCC makes a recommendation that no drainage easement appears to be needed, but if the Planning & Zoning Commission determines an easement is needed, the IWCC recommends “Alternative 1” of the Town Engineer’s report. The IWCC also recommends that erosion and sediment controls be put in place, as shown on the plan prior to development, and removed after site stabilization.
Chairman Seder read a letter from Uncas Health District, stating that the proposed septic siting is compliant with the Public Health Code.

Sam Alexander reviewed the letter from the Town Engineer, which was discussed at the October meeting. Sam Alexander explained that the Town Engineer’s letter proposes one of two alternative easements, if the Commission chooses, to be put in place of the extant drainage easement.

Chairman Seder explained that two members of the Planning & Zoning Commission (himself and Manny Misarski) and two members of the IWCC conducted a site walk, which was a meeting of the IWCC on October 9th.

Chairman Seder stated that an estimate for a bond for erosion and sediment controls was filed. Sam Alexander explained that it is not typical for an erosion and sediment control bond to be put in place for single-family lot development, but asked the Commission their thoughts and whether this had been done in the past. Scott Barber asked the amount. Sam Alexander stated it was $8,340.

Glenn Pianka (First Selectman) stated that, in relation to correspondence, Todd Murphy, adjacent landowner on Fitchville Road, asked him to come to his property and see a drainage swale. Todd Murphy was concerned that additional activities around Bentley Brook could impact his property. Glenn Pianka stated that he did not believe so.

Chairman Seder stated that he does not believe a bond had ever been put in place for single-family residential construction. The Commission was generally open to requiring a bond because of the uniqueness of the application.

Nancy Taylor asked about the proposed easement modification. Sam Alexander and Chairman Seder jointly answered that the applicant proposes to replace the extant easement with an identical easement, shifted to the southwest, which could potentially accommodate drainage from Gifford Lane, to Bentley Brook.

Todd Murphy (78 Fitchville Road) stated that he believed the rear portion of the subject parcel, abutting property, contains wetlands, which is not shown on the resubdivision plan. He stated the application is of concern to him.

Chairman Seder asked Mark Reynolds (applicant’s consulting engineer) to present on the application.

Mark Reynolds stated that he is a licensed Professional Engineer, and the plan was prepared by him, with surveying from Francis Hamm, L.S. Mark Reynolds stated that the lot is 4.8 acres, abutters have been notified via certified mail, and explained the history of the property in regard to past subdivisions. Mark Reynolds presented a map. Mark Reynolds explained that a variance was granted for a reduction in frontage (from 200’ to 172’) in 2007. Mark Reynolds stated that the property is subject to a 300’ by 50’ drainage easement running from the road frontage to Bentley Brook. Mark Reynolds stated that there is no known reason for the drainage easement in the record of the approval for the C&M Investments subdivision application in 1989, when it was put in place. Mark Reynolds stated that his intention, in part from direction of the Town Engineer is to propose an alternative drainage easement, which runs along the southwest edge of the property to access Bentley Brook, and which should
achieve the same intent of the extant easement. The applicant does not argue whether or not the drainage easement is necessary.

Mark Reynolds stated that the property gently slopes away from the road toward Bentley Brook, north of Bentley Brook there is greater slope to the north, and the southwester portion and norther portion of the property is wooded and contains wetlands per the original subdivision map. Mark Reynolds noted that the IWCC disputes, based on the October 9 Site Walk, the extent of the wetlands, believing there are fewer wetlands. Mark Reynolds stated that the soils in the development area are moderately well-drained sandy loam soils that sustain a perched water table.

Mark Reynolds stated that Sheet 2 depicts a possible layout for single-family home development. Mark Reynolds discussed compliance with the zoning regulations in regards to setback, frontage for which there is a variance, and lot and buildable area dimensions. Mark Reynolds stated that the conceptual layout was designed with the intent of keeping development away from wetlands and Bentley Brook. Mark Reynolds stated that the test pits for the septic system are suitable for sub-surface sewage disposal. Mark Reynolds stated that the erosion and sediment control plan accompanies the conceptual layout. Mark Reynolds stated that the IWCC determines that the resubdivision is “not a regulated activity” and proposes that the easement area be revised.

Chairman Seder asked for questions from the Commission. Nancy Taylor stated that she was concerned because there is a boggy area across the street from the lot that tends to flood the road, for example during recent rain. Nancy Taylor stated she was concerned about sheeting and ice. Chairman Seder asked if there was sheeting recently. Nancy Taylor stated she believed there was, which is a concern with ice. Nancy Taylor asked if a public utilities person has looked at the proposal. Seymour Adelman stated that there hasn’t been major rain in 20 years but explained that 20 years ago there was a major storm. Seymour Adelman stated that he went to the site with the Fire Department and water was over the road and the area where the house is shown in the conceptual layout looked like a pond.

Chairman Seder asked if Emily Perko (Zoning Enforcement Officer/Wetlands Enforcement Officer) had any comments. She did not.

Chairman Seder asked for members of the public to speak in favor of the application. No one spoke in favor.

Chairman Seder asked for members of the public to speak in opposition of the application. Ben Piacenza (31 Gifford Lane) stated that he has lived near the property since 1989. Ben Piacenza stated that the property has always been wet, and has also been filled in. Ben Piacenza stated that the rear of the property has also been very wet. Nancy Taylor asked if the lot was filled in toward the frontage of the lot. Ben Piacenza stated that he believed the lot was filled in down the middle. Chairman Seder asked Mark Reynolds about test pits. Mark Reynolds stated that test pits were dug with assistance from Uncas Health District. Ben Piacenza stated that he is also concerned about his well. Chairman Seder asked for clarification. Ben Piacenza explained where his well is in relation to the property boundaries. Steve Coit explained that the septic needs to be separated by 75’ from his well.

Chairman Seder asked for more members of the public to speak. Kathy Howard-Murphy (78 Fitchville Road) stated that she believes whatever has happened on the back end of the subject property is affecting the wet area on their property. Kathy Howard-Murphy stated that
Chairman Seder asked the applicant to rebut the comments received. Mark Reynolds addressed a comment made by Nancy Taylor. Mark Reynolds explained that there is boggy area across the street to which a catch basin outlets. Mark Reynolds stated that this is an off-site consideration. Nancy Taylor stated that shed believes it will impact the lot because the water sheets across the road. Mark Reynolds stated that the proposal does not intend to improve drainage on Gifford Lane, but proposes an alternative easement for future drainage construction. Mark Reynolds referred to his map and pointed out the extant drainage easement and wetlands areas, for informational purposes for the audience and commission. Mark Reynolds stated that the extant easement does not have an identified purpose based on the record of the original subdivision form 1989. Ben Piacenza stated that it is in the low point of the property. Mark Reynolds replied that it is not, and water would actually flow differently. Mark Reynolds responded to Ben Piacenza’s comment about his well. Mark Reynolds explained that the 75’ of separation is required between a well and new septic system. Mark Reynolds referred to his map and explained that there is adequate separation. Mark Reynolds responded to comments about filling activities. Mark Reynolds stated that he has spoken to no one, including the IWCC and town staff that raised any concerns about past filling and had no knowledge of it and saw no evidence of it. Mark Reynolds responded to comments about timing of the percolation tests, explaining that they are done to determine septic system suitability and that July is an appropriate time to conduct the test. Mark Reynolds stated that the test pit data indicates a perched water table, which is seasonal and is about 19” below the ground. Mark Reynolds stated that the septic system would be constructed in fill, which is common.

Chairman Seder asked Ray Barber (25 Goshen Road), former First Selectman, and Seymour Adelman (34 Bozrah Street), alternate and former Planning & Zoning Chairman, if they remember any filling occurring on the lot. Both answered no. Seymour Adelman answered that he remembers the town building up the road, and that it was beneficial for the town to have the easement for future use. Chairman Seder agreed that the town needed an easement. Scott Barber stated that he was concerned about the lack of road frontage. Scott Barber stated that he would like to see the variance. Sam Alexander stated that he provided a copy for information purposes at the last meeting. Sam Alexander explained that the subject parcel deeded a portion of its frontage, then sought a variance at a later date. Ben Piacenza stated that someone asked him to move his property boundaries at some point in the past. Mark Reynolds submitted for the record the minutes from the May 2007 Zoning Board of Appeals public hearing and meeting. Sam Alexanders stated that he can attest it was filed on the land records. Mark Reynolds stated that the house was built and a portion of the road frontage deeded away in 1996. The issue with frontage for the subject parcel was discovered later and
the Zoning Board of Appeals granted a variance in 2007. Scott Barber read the minutes of the May 2007 Zoning Board of Appeals public hearing and meeting. Chairman Seder stated that the Commission is presented with an approved variance. Scott Barber read the reasons for the decision given by the Board members. Chairman Seder stated that the Commission does not have authority to overrule a variance. Scott Barber noted that most of the members of the Board cited a need to “keep family land together” as one of the reasons for approving the variance.

Chairman Seder asked for other questions concern and comments from the Commission, as well as any new information. There were no additional comments. Mark Reynolds addressed the variance. He stated he has worked in land use for 30 years, but is not an attorney. Mark Reynolds stated the variance runs with the land, it is approved, and the appeal period has expired.

Scott Barber made a motion to close the public hearing. Manny Misarski seconded the motion.

VOTE UNANIMOUS – MOTION APPROVED

The public hearing was closed at 7:47 PM. Mark Reynolds submitted his presented maps to be part of the record.

Public Hearing #2

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.

Chairman Stephen Seder called the public hearing to order at 7:48 PM, at the Bozrah Town Hall, on Thursday, November 14, 2019.

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

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

Others present: Glenn Pianka (First Selectman), Emily Perko (ZEO/WEO), Sam Alexander (Town Planner), Carl Zorn (Board of Selectmen), Ray Barber (resident), Kurt Reynolds (applicant), Mark Reynolds (Reynolds Engineering Services), Janet Blanchette (J&D Civil Engineering), Rocco Sabatino (Pelletier Builders), Tony Goulart (resident), Todd Murphy (resident), Ben Piacenza (resident), Kathy Howard-Murphy (resident), other members of the public.

Steve Coit was appointed to sit in place of Steve Gural.

Chairman Seder read the public hearing notice into the record. Sam Alexander stated that a copy of the public hearing record is available for review during the meeting. Files in the record were:

- Notice to abutting towns and certified mail receipts.
- Notice to the Regional Council of Governments.
- Application and letter from the applicant.
- Draft site plan and building plan sheets.
- Letter from Chris Jewell to the Commission

Sam Alexander read a letter from Chris Jewell, CFO/Principal Owner, which expressed his apology for him and his partner Brian Dudek being unable to attend. The letter also explained the company’s plans for expansion, reason for constructing a taller building, reasons for remaining in Bozrah, and appreciation for the Town of Bozrah.

Chairman Seder asked if there was additional correspondence. There was none. Chairman Seder asked for comments from the Zoning Enforcement Officer and Town Planner. They had no additional comments. Chairman Seder asked the Town Planner to read the proposed amendment. Sam Alexander stated that the change would replace “50 feet” with “65 feet” in Section 9.4.6, which affects the maximum height of buildings in the Industrial 80 zone.

Chairman Seder reviewed the letter from Collins & Jewell Co. contained with their application. Chairman Seder stated the maximum building height in the Highway Commercial Zone is 70’. Chairman Seder explained the stated consistency with the Plan of Conservation and Development, which sites the following passage in the plan: “The Town must continue to provide incentives for economic development… Ensuring that existing businesses are encouraged to thrive in town is equally important. This requires a continued assessment of local business needs.” Chairman Seder stated that the Fire Marshall has confirmed that fire apparatus would be able to access the roofline of a 65’ building.

Chairman Seder asked for member of the public to speak in favor of the application. Glenn Pianka (First Selectman) stated that the town is fortunate to have Collins & Jewell, an industrial leader, and stated that the envisioned building is generally fire resistant due to its nature of construction.

Chairman Seder asked for the applicant to speak. Janet Blanchette (J&D Civil Engineering) stated that everything contained in the letter attached to the application, and in the recent letter from Chris Jewell accurately expresses the position of Collins & Jewell, Janet Blanchette stated that if the application is successful, they will apply the Inland Wetlands and Conservation Commission next, then submit a site plan application.

Chairman Seder asked if any other members of the public wished to speak in favor of the application. Ray Barber (25 Goshen Road) stated that he was strongly in favor of the application and asked why not increase the maximum building height to 70’. Seymour Adelman (34 Bozrah Street) stated that he was in favor of the application. Kathy Howard-Murphy (78 Fitchville Road) asked if the text amendment would apply to the entire town. Sam Alexander explained that it only impacted the Industrial 80 zoning district. Sam Alexander explained that the application is narrowly tailored to the applicant’s plan and it isn’t in their interest to change the regulations for both Industrial districts. Chairman Seder suggested the Commission address the other Industrial district at a later date.

Chairman Seder asked for members of the public to speak in opposition to the application. There were none.

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

VOTE UNANIMOUS – MOTION APPROVED

The public hearing was closed at 8:04 PM.
Regular Meeting

Chairman Stephen Seder called the regular meeting to order at 8:05 PM, at the Bozrah Town Hall, on Thursday, November 14, 2019.

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

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

Others present: Glenn Pianka (First Selectman), Emily Perko (ZEO/WEO), Sam Alexander (Town Planner), Carl Zorn (Board of Selectmen), Ray Barber (resident), Kurt Reynolds (applicant), Mark Reynolds (Reynolds Engineering Services), Janet Blanchette (J&D Civil Engineering), Rocco Sabatino (Pelletier Builders), Tony Goulart (resident), Todd Murphy (resident), Ben Piacenza (resident), Kathy Howard-Murphy (resident), other members of the public.

Chairman Stephen Seder called the meeting to order at 8:05 PM. Steve Coit was appointed to sit in place of Steve Gural.

1. Review and approve the minutes of the October 10, 2019 regular meeting.

Scott Barber made a motion to approve the minutes with corrections. Scott Barber asked for specific properties to be referenced under item 3 (report by the Zoning Enforcement Officer). These properties were errantly left out of the minutes. Nancy Taylor seconded the motion.

\[\text{VOTE UNANIMOUS – MOTION APPROVED}\]

2. Review correspondence pertaining to agenda items.

There was no correspondence other than items contained in the public hearing files for the two active applications.

3. Hear the report of the Zoning Enforcement Officer.

Emily Perko, Zoning Enforcement Officer and Wetlands Enforcement Officer provided a printout report of her activity and reported on zoning matters in the town. Emily Perko answered questions from the Commission regarding cleaning operations, dust pollution and plans for dust mitigation Hillendale Farms. Emily Perko is working with the owners and Dr. Sherman of the State Department of Agriculture to address the ongoing dust issue related to twice-a-year cleaning. Glenn Pianka and the Commission asked questions, and Emily Perko answered questions regarding mitigation practices. Emily Perko stated that the owners are willing to put additional mitigation measures in place. Emily Perko will be visiting during the next cleaning and will report back in January.

Emily Perko reported that she issued a friendly letter regarding zoning violations at 314 Bozrah Street. Emily Perko stated she will issue a notice of violation this month if issues are not addressed. Emily Perko stated that the issues raised with regard to 166 Gager Road and 20 Schwartz Road do not appear to be a zoning violations, but she sent letters to the owners asking them to clean up the properties. Emily Perko discussed the former
Mimmo’s Service Center at 421 Salem Turnpike, for which there is an application to the
Zoning Board of Appeals for location approval for a use car dealer. Emily Perko stated
that she was asked to look into environmental restrictions, but that this is under purview
of the Connecticut Department of Energy and Environmental Protection.

Scott Barber asked about a possible free split on 314 Bozrah Street and potential zoning
violations. Emily Perko stated that she instructed a realtor, who called about a free split,
to look into past subdivisions. Emily Perko stated there is potentially a zoning violation
and may move forward with a notice of violation if she does not receive a response to her
letter. Scott Barber asked about the location approval application in front of the Zoning
Board of Appeals. Emily Perko stated they will see the application next week. Scott
Barber asked about the Bozrah Pizza application. Emily Perko stated that the owner has
not applied yet but plans to apply with a revised site plan.

4. Old business.

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.

Sam Alexander reminded the Commission that, since the public hearing is closed, only
testimony received at the public hearing or contained in the file can be discussed or
considered when making a decision. Sam Alexander stated that unseated alternates
cannot deliberate.

Chairman Seder asked for comments from the Commission. Manny Misarski asked about
the frontage. Commissioners replied that there is 172.9’ of frontage, and a variance for
172’. Manny Misarski stated that the easement takes up 50’ of the frontage. Chairman
Seder asked if anything can be placed in the easement. Sam Alexander stated that it
would require the approval of the town and the nature of the easement. Sam Alexander
stated that an easement, with approval of town counsel would be placed on the land
records, for the purpose of a future swale or other drainage feature, if needed.

Chairman Seder stated that the variance runs with the land, and the Commission cannot
change that. Sam Alexander agreed.

Chairman Seder asked the Commission if they feel “Alternative 1” of the Town
Engineer’s report satisfies the same purpose as the extant easement. Scott Barber
disagreed. Nancy Taylor stated that there are more things the Commission should
consider. Steve Coit asked if the town would be liable for installing drainage
improvements if the road drainage failed and the house and lot flooded. Chairman Seder
did not answer but stated that the IWCC and Uncas Health District believe that “the lot is
fine”. Scott Barber reiterated that the Commission should assume the extant easement
was established for a reason by the Commission back in 1989. Scott Barber does not
agree that the Commission should change the easement.

Steve Coit said that lot has “been approved” as it is, and it’s hard to change that.
Chairman Seder reiterated that the Commission should make a decision based on the
information presented to them. Chairman Seder stated that the Town Engineer knows
more than he does about the issue. Nancy Taylor asked for more time to deliberate. There
was discussion about when to make a decision. Some members of the Commission
expressed that they would not approve of the application. Some members of the Commission asked for deliberation to be tabled. Sam Alexander stated that the Commission has 65 days to make a decision. Some commissioners expressed that they were ready to vote tonight.

Sam Alexander asked that the decision be tabled until he can speak with town counsel, in order to ensure a vote to approve or deny is handled appropriately.

Scott Barber made a motion to table discussion of the application until the December meeting. Manny Misarski seconded the motion.  
**VOTE UNANIMOUS – MOTION APPROVED**

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.

Scott Barber asked if the Commission could include the Industrial 30 (I-30) zone. Sam Alexander stated that that would be a due-process issue and advised against it.

Scott Barber made a motion to approve the application as presented. Nancy Taylor seconded the motion. Sam Alexander suggested setting an effective date of December 5th. There was no other discussion. Scott Barber amended his motion as suggested. Nancy Taylor seconded the amended motion, expressing that Collins & Jewell is a welcome business in Bozrah and it is a pleasure to help them expand their business.  
**VOTE UNANIMOUS – MOTION APPROVED**

5. Public comment period.

There was no public comment.

6. Review general correspondence.

There was none.

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

There was none.

Nancy Taylor made a motion to adjourn the meeting. Scott Barber seconded the motion. The meeting was adjourned at 8:49 PM.

Respectfully submitted,

Samuel Alexander (acting secretary)  
Town Planner/SCCOG
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 7:30 p.m. to follow

Stephen Seder, Chairman
Planning & Zoning Commission
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
Notice of Public Hearing

The Bozrah Planning & Zoning Commission will hold two (2) public hearings Thursday, November 14, 2019, beginning 7:00PM, at the Bozrah Town Hall, 1 River Road, Bozrah, CT:

(1) Kurt Reynolds, 49 Gifford Lane, Bozrah: One-lot Resubdivision (Map 08, Lot 005-B).

(2) Collins and Jewell Company, 5 Rachel Drive, Bozrah: Zoning text amendment. Amend Sec. 9.4.6 to increase the maximum building in the Industrial-80 Zone from 50 to 65 feet.

At these hearings interested persons may appear and be heard and written correspondence received. Copies of both applications are on file and available for review in the Town Clerk’s Office in the Bozrah Town Hall.

FOR THE COMMISSION

Stephen Seder, Chairman
Planning & Zoning Commission

PLEASE PUBLISH IN THE NORWICH BULLETIN Thursday, October 31, 2019 and Thursday, November 7, 2019

cc: First Selectman
    ZEO
    Town Clerk
    Applicants
    Bulletin Board
    File
APPENDIX 2: HEARING RECORD FOR APP. #09-00-19

- Abutters’ notices and certificate of mailing receipts.
- Application and resubdivision plan.
- Inland Wetlands and Conservation Commission report.
- Erosion and sediment control bond estimate.
- Town engineer’s report.
- Town planner comments.

*Items submitted at the meeting.*
- May 2007 Zoning Board of Appeals minutes.
- Maps presented by applicant’s engineer.
(Via Certificate of Mailing)

Kurt Reynolds
49 Gifford Lane
Bozrah, CT 06334

November 1, 2019

Owners of Abutting Property

RE: Notice of Public Hearing, Bozrah Planning & Zoning Commission

Dear Property Owner:

The Town of Bozrah Planning And Zoning Commission will hold a public hearing on Thursday, November 14, 2019, beginning 7:00PM, at the Bozrah Town Hall, 1 River Road, Bozrah, CT, regarding the following application:

Bozrah Planning and Zoning Commission Application PZ 09-00-19:

Kurt Reynolds, 49 Gifford Lane, Bozrah, CT: One-lot Residential Resubdivision (Assessor’s Map 08, Lot 005-B). Applicant wishes to reconfigure a reserved drainage easement area to make a vacant lot buildable.

You are receiving this notice pursuant to Section 3.1.2 of the Subdivision Regulation of the Town of Bozrah. As an owner of property abutting the proposed resubdivision, you are hereby notified of the upcoming public hearing and your opportunity to review the application file and provide comment. Persons may appear and be heard at, and written correspondence may be received at or prior to, the public hearing. A copy of the application is on file and available for review in the Town Clerk’s office, Bozrah Town Hall, 1 River Road, Bozrah, CT.

Sincerely,

Kurt Reynolds
Property Owner/Applicant
From: RES
68 Bags Ln
Lebanon, CT 06249

To: Patrick & Kelly Flory
34 Gifford Ln
Bozrah, CT 06334

From: RES
68 Bags Ln
Lebanon, CT 06249

To: Todd Murphy
78 Fitchville Rd
Bozrah, CT 06334

From: RES
68 Bags Ln
Lebanon, CT 06249

To: David & Linda Riser
47 Gifford Ln
Bozrah, CT 06334
PLANNING & ZONING COMMISSION
Town of Bozrah, 1 River Road
Bozrah, Connecticut 06334

ZONING APPLICATION

Date of Submission: 09/15/19  Application Number: 02-09-00-19

Fee Paid: $10.00  CHECK #89  $50.00  06/20

( ) Zite Plan Approval  ( ) Zoning Regulation Amendment
( ) Special Exception  ( ) Zoning Map Amendment
( ) Home Occupation  ( ) Change of Use
( ) Other: RESUBDIVISION

Name, address and phone number of applicant:

Kurt Reynolds
49 Gifford Ln
Bozrah, CT 06334
860-213-1001

Name and address of property owner: (if different than above)

Same

Describe in detail what is being requested by this application: (attach all plans and sketches as required)

RESUBDIVISION - MODIFICATION OF DRAINAGE EASEMENT


(Signature of Owner)  (Signature of Applicant)

COMMISSION ACTION: ( ) Approved; ( ) Denied. Date: Initialed:
TO: Planning & Zoning Commission  
DATE: November 14, 2019  
RE: Reynolds Resubdivision, Gifford Lane

Commission Report

Wetlands Impact:
The area surrounding the “Alternative 1” drainage easement did not appear to contain wetlands, despite past wetlands identification in this area.

Jurisdictional Ruling – “Not a Regulated Activity”.

Formal Recommendation:
(At the November 7 Regular IWCC Meeting)

The Inland Wetlands & Conservation Commission conducted a site walk on October 9th. Based on observations made on the site walk, the Commission finds that the proposed easement on the resubdivision plan (Alternative #1) is not warranted and makes a recommendation to the Planning & Zoning Commission to extinguish the existing easement.

If the Planning & Zoning Commission finds that a replacement easement is warranted, the Inland Wetlands & Conservation Commission recommends “Alternative 1”.

The Inland Wetlands & Conservation Commission also recommends that erosion and sediment controls be put in place prior to lot development and not removed until the lot is stabilized.

FOR THE COMMISSION,  
Samuel Alexander, AICP

Town Planner / SCCOG
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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 Reynolds, 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.
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.
Planner Review – Resubdivision Plan, Gifford Lane (08/005-B)

As of the above date, I have the following comments on this plan and application.

A hydrology study will be completed to study proposed drainage easements versus the existing drainage easement.

Approvals/reviews remaining:

☐ UNCAS Health District (Septic system and well).
☐ Review by Town Engineer (hydrology and alternative easements).
☐ Bozrah IWCC.
☐ Bozrah PZC (public hearing 11/14).

Resubdivision Plan:

☐ Note variance approval with volume reference (frontage, 2007).
☐ The stated lot area (2.76ac.) appears to be incorrect.
☐ Show minimum buildable area and minimum buildable square (see Z.R. §5.7 and 2.5).
  ☐ Since this is a resubdivision, the lot will need to be buildable based on current zoning.
  ☐ Locate improvements in buildable area.
☐ Show the location and direction of Bentley Brook (or request a waiver of this requirement).
☐ Show contours for the back portion of the parcel (or request a waiver of this requirement).
☐ Are there any easements on the property aside from the drainage easement?
☐ Are there any stone walls on the property?
☐ Provide names of property owners across the street.

Lot Development Plan:

☐ Note variance approval with volume reference (frontage, 2007).
☐ Are there any proposed grade changes?
What are the approximate limits of disturbance?
It seems that a silt fence is necessary to protect areas to the northeast of the house and driveway.
Provide names of property owners across the street.
Note construction entrance on the plan.
What are the conditions of the slope to Bentley Brook that contains the proposed drain outlet? Is this area susceptible to erosion?

Detail Sheet:
Provide a construction sequence.

Other:
Provide a bond estimate for Erosion & Sediment control measures.
May 17, 2007

The Bozrah Zoning Board of Appeals will hold a public hearing on Thursday, May 17, 2007 at 6:30pm in the Bozrah Town Hall. The purpose of this hearing is as follows:

1. Consider a request for a variance from Pamela and Kurt Reynolds of 49 Gifford Lane Bozrah from Section 7.4.1 of the Bozrah Zoning Regulations for a reduction in road frontage of 28 feet for a total frontage of 172 feet. Assessor Map 8 Lot 5B.

The meeting was called to order at approximately 6:40 PM.

Mrs. Reynolds was given an explanation of the need for a concurrence of four members to pass the variance (only give members were present at the meeting). Mrs. Reynolds decided to proceed.

Regular members present were introduced: Mark Bennett, Maria Ceil, Carl Zorn, Catherine McCue, and Thomas Ververis. No one from the public was in attendance to speak in favor or oppose the variance.

The application from Mr. and Mrs. Reynolds was read into the minutes. The applicant, Mrs. Reynolds, spoke to explain the reason (not enough existing frontage) and hardship for the variance (care of elder family members next door). Tom Weber, BZEO, clarified boundary lines on the map.

The discussion was opened for anyone speaking in favor of the variance – None.

No one spoke against.

A letter from Donald Kniss opposing the variance was read.

No further public discussion was offered from the applicant.

The public discussion was closed.

The Board members discussed the layout of the property, surrounding lots, and how the land had been divided.

The applicant explained that the frontage had been reduced on this piece of land at the recommendation of the Bozrah Zoning Board to allow the adjacent to become a building lot.

Discussion subsided and the board was ready to vote.

A motion was made to close discussion and vote by Kitty, Re second – passed with 5 ayes.

Mark Bennett – In favor: Directed by BZB to create lot when divided in past.

Maria Ceil – In favor: Followed instructions from BZB to cut up property in such a manner.

Catherine McCue – In favor: Keep family land together to care for family members.

Carl Zorn – In favor: BZB created shape of lot.

Thomas Ververis – In favor: Shape of lot give appearance of allowable frontage; care for elderly family members.

The vote was unanimous in favor of the variance.

The file process and appeal time frame was explained to Mrs. Reynolds.

A motion was made to close the meeting by Mark, Re second – passed with 5 ayes.

Meeting adjourned at approximately 7:20 PM.

T. Ververis
ZBA Chairperson
APPENDIX 3: HEARING RECORD FOR APP. #10-00-19

- Notice to abutting towns and certified mail receipts.
- Notice to the Regional Council of Governments.
- Application and letter from the applicant.
- Draft site plan and building plan sheets.
- Letter from Chris Jewell to the Commission
October 15, 2019

Ms. Debra Beisiegel
Town Clerk
Franklin Town Hall
7 Meetinghouse Hill Road
North Franklin, CT 06254

RE: Referral of application for zoning regulation amendment

Ms. Beisiegel:

This notice is sent pursuant to Section 8-7d(f) of the Connecticut General Statutes. The Town of Bozrah Planning & Zoning Commission received the following application at its October 10 regular meeting:

Collins & Jewell Company: Zoning regulation amendment. Increase the maximum height of buildings in the Industrial-80 zone from fifty (50) feet to sixty-five (65) feet.

A public hearing is scheduled for November 14, at 7:00pm, prior to the next regularly scheduled meeting of the Commission, at the Bozrah Town Hall, 1 River Road, Bozrah, CT. Please direct any questions regarding this application to me. I may be reached at 860.889.2324 or salexander@seccog.org.

For the Commission,

Samuel S. Alexander
Town Planner/SCCOG
salexander@seccog.org

Encl: Proposed zoning text amendments
Cc: Town of Bozrah Officials
File
Ms. Mary Ellen Wieczorek  
Town Clerk  
Lebanon Town Hall  
579 Exeter Road  
Lebanon, CT 06249

RE: Referral of application for zoning regulation amendment

Ms. Wieczorek:

This notice is sent pursuant to Section 8-7d(f) of the Connecticut General Statutes. The Town of Bozrah Planning & Zoning Commission received the following application at its October 10 regular meeting:

Collins & Jewell Company: Zoning regulation amendment. Increase the maximum height of buildings in the Industrial-80 zone from fifty (50) feet to sixty-five (65) feet.

A public hearing is scheduled for November 14, at 7:00pm, prior to the next regularly scheduled meeting of the Commission, at the Bozrah Town Hall, 1 River Road, Bozrah, CT. Please direct any questions regarding this application to me. I may be reached at 860.889.2324 or salexander@seccog.org.

Sincerely,

Samuel S. Alexander  
Town Planner/SCCOG  
salexander@seccog.org

Encl: Proposed zoning text amendments  
Cc: Town of Bozrah Officials  
File
Ms. Betsy M. Barrett  
City Clerk  
Norwich City Hall, Room 215  
100 Broadway  
Norwich, CT 06360-4431

RE: Referral of application for zoning regulation amendment

Ms. Barrett:  

This notice is sent pursuant to Section 8-7d(f) of the Connecticut General Statutes. The Town of Bozrah Planning & Zoning Commission received the following application at its October 10 regular meeting:

Collins & Jewell Company: Zoning regulation amendment. Increase the maximum height of buildings in the Industrial-80 zone from fifty (50) feet to sixty-five (65) feet.

A public hearing is scheduled for November 14, at 7:00pm, prior to the next regularly scheduled meeting of the Commission, at the Bozrah Town Hall, 1 River Road, Bozrah, CT. Please direct any questions regarding this application to me. I may be reached at 860.889.2324 or salexander@seccog.org.

Sincerely,

Samuel S. Alexander  
Town Planner/SCCOG  
salexander@seccog.org

Encl: Proposed zoning text amendments  
Cc: Town of Bozrah Officials  
File
ATTN: Southeastern Connecticut Council of Governments Staff

RE: Referral of zoning regulation amendments (C.G.S. §8-3b)

The Town of Bozrah Planning & Zoning Commission is in receipt of an application for a zoning text amendment. Because these amendments affect the Industrial 80 (I-80) zoning district, notice is hereby given to municipalities adjacent to the I-80 zone, pursuant to Section 8-3b of the Connecticut General Statutes. The application is summarized below and enclosed.

Collins & Jewell Company: Increase maximum height of buildings in the I-80 zone from 50 feet to 65 feet.

A public hearing is scheduled for November 14, 7:00pm, at the Bozrah Town Hall. Should you have any questions regarding this application feel free to contact me at salexander@seccog.org.

Sincerely,

Samuel S. Alexander
Town Planner/SCCOG
salexander@seccog.org

Encl: As stated
Cc: Town of Bozrah Officials
    File
PLANNING & ZONING COMMISSION
Town of Bozrah, 1 River Road
Bozrah, Connecticut 06334

ZONING APPLICATION

Date of Submission: __________________ Application Number: __________________

Fee Paid: $ 510.00

( ) Site Plan Approval  (X) Zoning Regulation Amendment
( ) Special Exception  ( ) Zoning Map Amendment
( ) Home Occupation  ( ) Change of Use
( ) Other

Name, address and phone number of applicant:

COLLINS & JEWELL COMPANY
5 RACHEL DRIVE
BOZRAN, CT 06334
860-887-8813

Name and address of property owner: (if different than above)

D.J COMMERCIAL REALTY LLC
5 RACHEL DRIVE
BOZRAN, CT 06334

Describe in detail what is being requested by this application: (attach all plans and sketches as required)

AMEND 9.4.6 TO INCREASE THE MAXIMUM BUILDING HEIGHT IN THE I-80 ZONE FROM 50 FEET TO 65 FEET

"9.4.6 MAXIMUM HEIGHT OF ALL BUILDINGS: 65 FEET"

(Signature of Owner)  (Signature of Applicant)

COMMISSION ACTION: ( ) Approved; ( ) Denied. Date: __________ Initialed: __________

ATTACHMENTS: PRELIMINARY SITE PLAN
LETTER OF EXPLANATION
PRELIMINARY FLOOR PLAN | ELEVATION
September 30, 2019

Planning and Zoning Commission
Bozrah Town Hall
1 River Road
Bozrah, CT 06334

RE: Text Zone Change Amendment – Industrial (I-80) zone

Dear Commissioners:

Collins and Jewell Company is planning on constructing a four phase, 100,000 square foot, industrial building on 3 Rachel Drive adjacent to our headquarters at 5 Rachel Drive. The proposed building will house a steel fabrication center. A large crane will be installed in the fourth phase of the building to enable us to lift and maneuver the steel structures. The building must have the necessary height to accommodate the crane.

The current maximum building height in the Industrial (I-80) zone is 50 feet. Although we have not yet selected our crane manufacturer, we know that this height is not tall enough to permit installation and operation of the type of crane we require. Therefore, we are requesting that the P & Z Commission increase the building height to 65 feet. Specifically, we are requesting that Section 9.4.6 be revised as follows:

“9.4.6 Maximum height of all buildings: 65 feet.”

A zoning application as well as a check for the $510 fee is attached. We have also provided copies of preliminary plans consisting of a floor plan, building elevation, and site plan for your information. Please accept our application at your October 10th meeting and schedule a public hearing for your November 14th meeting.

The zoning regulations permit a maximum height of 70 feet in the Highway Commercial (HC) zone so this would not be the highest height permitted in Bozrah. In addition, this request is consistent with the Town’s 2015 Plan of Conservation and Development which states in the Plan Recommendations section that: “The Town must continue to provide incentives for economic development.....Ensuring that existing businesses are encouraged to thrive in town is equally important. This requires a continued assessment of local business needs.”
Collins and Jewell Company is looking forward too many years as a productive and valuable member of the business community and our expansion will help broaden the tax base in Bozrah. Thank you for considering the text amendment.

Sincerely,

[Signature]

Brian R. Dudek – Principal
Collins and Jewell Company Inc.
DJ Commercial Realty, Inc.

Cc: Rocco Sabatino, Pelletier Builders
    Janet Blanchette, J & D Civil Engineers
Town of Bozrah Planning and Zoning Commission  
Chairman Stephen Seder  
1 River Road  
Bozrah, CT 06334

Chairman Seder,

Unfortunately, both myself and my partner Brian Dudek will be unable to attend tonight’s meeting regarding the text change to the industrial zoning regulation for increasing max building height from 50’ to 65’. Brian was called out of town last minute for final negotiations on a large upcoming contract for Collins & Jewell and I have a trade group event that I need to attend in Putnam at the same time as the meeting. I am available via phone in the event any questions or concerns come up during the meeting that I may be able to address.

I wanted to briefly explain how our growth trajectory at Collins & Jewell has become the basis behind this text change request. As most of you may know Collins & Jewell is an industrial installer and custom steel fabricator of large low quantity structures. Most of our products require a large amount of space to be built and in turn a tall ceiling height. When we moved here from Norwich in 2013 we built our current location at 5 Rachel Drive with a top of crane hook height of 25’ which was 6’ taller than our prior Norwich shop. We felt at that time this would be plenty enough of an increase for our future workload. We quickly found out we were wrong. This new constraint forces us to go back to fabricating outside of the shop to build the large structures that our customers require. This is the reason we need a taller building allowing us fabricate in a building with a 35’ bottom of crane hook height.

Our business at Collins & Jewell has continued to grow during our time in Bozrah and now we have need for additional expansion. We are hoping to do this expansion in a phased approach, so we can grow in a controlled manner. We have enhanced our business capabilities which will allow us to help our customers in additional markets that we have not been able to serve in the past. Our customer’s demand curve for future work is very strong and they are forecasting multiple decades of work for supply chain vendors like Collins & Jewell. We have been very happy with our experiences in the town of Bozrah and we want to include Bozrah in our future growth plans. This zoning text change will help insure that both Collins & Jewell and the town of Bozrah’s growth patterns align.

Again, in the event you have any specific questions for me feel free to call me at 860-917-3473. Thanks for your time and consideration.

Christopher Jewell  
CFO/Principal Owner  
Collins & Jewell Company Inc.
LETTER FROM NEW EB PRESIDENT

Dear Shipbuilders,

I am excited to re-join the men and women of Electric Boat. Over the course of our 120-year history, the EB team established a reputation for delivering the highest quality and most innovative submarine technology in the world. Our submarines provided our nation with a competitive advantage for over more than a century and will continue to be a critical part of our nation’s defense for many years to come.

This is an exciting time for our company. Our build rate of two Virginia-class submarines a year, and the opportunity to build at an even higher rate, underscores the importance of our work. Our backlog of ships is historic, and I expect to deliver good news soon with the award of a Block V contract.

We are working hard on the design and construction of lead units of the Columbia class ballistic missile submarine program. Columbia, a program of 12 ships, is expected to begin construction in earnest in 2020 and will add to an already impressive backlog. To ensure Columbia’s success, General Dynamics and the Navy are investing more than $2 billion in our facilities in Quonset Point and Groton. These facilities will ensure we have the capacity and capability to build submarines efficiently.

We continue to hire and train thousands of new shipbuilders to support this growth. These jobs are vital to our regional economy. We are partnered throughout New England with universities, vocational schools, community colleges, and high schools to recruit and train this next generation of shipbuilders. This is meaningful work that develops important skills, and provides each of us with an opportunity for not just a job, but a career in shipbuilding.

This growth is not without its challenges. Our shipbuilding team—including our Navy, Electric Boat, Newport News, and our suppliers—must simply do better. Our efforts require world-class teamwork. Teamwork is built on trust and alignment toward a common purpose—designing, building and delivering the world’s best submarines. To succeed, we must scale our operations from our current pace while maintaining an unrelenting focus on safety, uncompromising quality, and affordability.

Recently, Electric Boat restated our core values: Value Each Other, Behave with Integrity and Purpose, and Commit to Excellence. While I fully endorse and am committed to these core values, I am accountable to you for ensuring these values are reinforced as part of our EB culture. As I transition into my new role, I, along with the senior leadership team, will work to demonstrate these values on a regular basis. I ask each of you to reflect on and personally commit to each of these values.

I look forward to meeting you as we work together to achieve an exciting future!

Kevin M. Graney
President of General Dynamics Electric Boat