

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

BOZRAH PLANNING & ZONING COMMISSION

AGENDA

Thursday, February 9, 2023, 7:00pm

The Bozrah Planning & Zoning Commission will hold its regular meeting on Thursday, February 9, 2023, at 7:00pm, at the Bozrah Town Hall, 1 River Road, Bozrah, CT.

1. Review and approve minutes:
 - a. January 12th.
2. Review correspondence pertaining to agenda items.
3. Appoint Zoning Enforcement Officer: Jennifer Lindo (SCCOG)
4. Hear the report of the Zoning Enforcement Officer.
5. Applications.
 - a. DWP Events, LLC, 410 Salem Turnpike, Bozrah: Zoning Regulation Amendment. Add NEW Sections 2.15.1, 8A.3.2, and 11.21 (11.21.1-11.21.5) pertaining to Event Venues.
6. Public comment period.
7. Review general correspondence.
8. Such other business as the Commission may vote to hear.

Stephen Seder, Chairman
Planning & Zoning Commission

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

January 12, 2023

Public Hearing

Chairman Steve Seder called a public hearing of the Town of Bozrah Planning and Zoning Commission to order at 7:00pm, on Thursday, January 12, 2023. The hearing was held at Bozrah Town Hall, 1 River Road, Bozrah, Connecticut. The public hearing was a continuation of a public hearing, which began on November 10th, 2022 and also took place on December 8th, 2022.

Members present: Steve Seder, Scott Barber, Nancy Taylor (recused), Steve Coit, Manny Misarski, Seymour Adelman (alt.), Steve Gural (alt.), Frank Driscoll (alt.).

Others present: Glenn Pianka (First Selectmen), Barbara Speerli, Dale Speerli, Jeanne Goulart, William Sweeney (TCORS), Debra White-Palmer (DWP Events), Brian Palmer.

1. Public Hearings:

a. DWP Events, LLC, 410 Salem Turnpike, Bozrah: Zoning Regulation Amendment. Add NEW Sections 2.15.1, 8A.3.2, and 11.21 (11.21.1-11.21.5) pertaining to Event Venues.

Vice Chairman Scott Barber chaired this portion of the meeting in place of Steve Seder. Steve Gural sat for Nancy Taylor (recused). Seymour Adelman sat for Steve Coit.

Scott Barber asked for comments from the applicant.

Attorney William Sweeney (TCORS), representing DWP Events, LLC, stated that before he begins his piece, he would like to address a letter distributed prior to the start of the hearing, which was received by the Commission that day as correspondence. One of the signatories of the letter is deceased. Steve Seder explained that he located the letter in his mail file that evening at Town Hall. Mr. Sweeney stated that he had no objection to the letter being included in the hearing file. Mr. Sweeney wanted it stated on the record that he believes an individual who is an alleged signatory died in November of the last year.

Scott Barber asked the Town Planner to read the letter into the record, as well as another letter received after the December meeting. Sam Alexander (Town Planner) first read the letter dated June 11, 2022 (received by the Commission January 12, 2023), from Gus and Rebecca Clifford, then read the letter dated January 4, 2023 (received by staff and the Commission January 5, 2023), from Carolyn Dziengiel, 194 Bashon Hill Road. Sam Alexander read both letters (attached).

William Sweeney addressed proposed revisions, submitted by him on behalf of DWP Events, LLC, to the application, which the Commission may consider incorporating into any approval.

- An event venue can be indoor or outdoor (clarification).
- Clarified that event venues are a commercial operation.
- Increased minimum lot size (from 120,000sf to 200,000sf).
 - This is almost two acres. There are few parcels in the zone to which this would apply.
- Access and egress must be approved by the Fire Marshall.
- Applicant must only notify town of events exceeding 100 persons, with a 12-month lookahead.

- Parking must be provided for catering staff.
- All off-site parking must have shuttle service. Cannot walk from a satellite parking location to an event venue.
- Legally enforceable parking agreement must be in place.
- Lighting must be reasonably screened and not trespass to properties.
- At “minimum”, a 25 foot vegetated buffer is required.
- The Commission may require a fence along the front property line.
- The Commission may require additional noise attenuation.
- Any amplified sound is not allowed before 12:00pm daily or after 10:00pm on any Friday, Saturday, or Sunday, or after 9:00pm on other days of the week.
- The local Health Department must approve of any water or sewer facilities.

William Sweeney addressed the letter by Carolyn Dziengiel. The letter stated, in part, that Event Venues would be suited for other areas of town. Mr. Sweeney explained that it is not advantageous for an application to propose a new use in areas of multiple town, which would be a decision better left to the Commission after the new use is proposed in a discrete area.

William Sweeney explained that the Commission may approve, deny, or approve the application with modifications. Mr. Sweeney reiterated legal timelines and responsibilities, such as not having ex-parte communication.

Scott Barber asked for comments from the public. There were none. The Town Planner asked if a comment was addressed regarding off-site parking and whether people would walk. This comment was addressed. Per the proposed application revisions, shuttle service is required for any off-site parking regardless of distance, given that there are no sidewalks in the Highway Commercial zone.

Steve Gural asked about the size of the applicant’s property. William Sweeney stated that his client has secured adjacent land, bringing their total land area to over the 200,000sf proposed in the regulation.

Manny Misarski stated the applicant had addressed all of his past comments. Mr. Misarski expressed concern over the application of a Special Exception and was concerned that this was “spot zoning”. William Sweeney explained that the term “spot zoning” has more to do with changing an actual zone. Mr. Misarski stated that the Commission should consider making a use like this applicable to the entire town. William Sweeney explained why it is not advantageous for a citizen to propose a use that has town-wide applicability.

Frank Driscoll asked about the letter received by Gus and Rebecca Clifford. It was clarified that Rebecca Clifford is still alive.

A motion was made by Steve Gural to close the public hearing. Manny Misarski seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

The public hearing was closed and adjourned at 7:29pm.

Regular Meeting

Chairman Steve Seder called a regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:30pm, on Thursday, January 12, 2023. The meeting was held at Bozrah Town Hall, 1 River Road, Bozrah, Connecticut.

Members present: Steve Seder, Scott Barber, Nancy Taylor, Steve Coit, Manny Misarski, Seymour Adelman (alt.), Steve Gural (alt.), Frank Driscoll (alt.).

Others present: Glenn Pianka (First Selectmen), Barbara Speerli, Dale Speerli, Jeanne Goulart, William Sweeney (TCORS), Debra White-Palmer (DWP Events), Brian Palmer.

1. Review and Approve Minutes:

a. December 8th.

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

VOTE: UNANIMOUS – MOTION CARRIED

2. Review Correspondence Pertaining to Agenda Items.

There was none.

3. Hear the Report of the Zoning Enforcement Officer.

There was little activity to report on. John Herring has retired as Zoning Enforcement Officer. Commissioners asked about on-going zoning issues.

A new Zoning Enforcement Officer for the Towns of Bozrah and Preston was recently hired by the Southeastern Connecticut Council of Governments. The goal is to have more towns buy in to this staff person, who starts later in the month.

There is no Building Official report for this month due to a software issue. The Commission asked that a report be sent at the next meeting.

4. New Business:

a. Dean Grillo, 74 Bishop Road, Bozrah: Family Apartment in basement of single-family home.

Dean Grillo presented his application and plans for his property to the Commission and answered questions.

Scott Barber made a motion to approve the application. Steve Coit seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

b. DWP Events, LLC, 410 Salem Turnpike, Bozrah: Zoning Regulation Amendment. Add NEW Sections 2.15.1, 8A.3.2, and 11.21 (11.21.1-11.21.5) pertaining to Event Venues.

Scott Barber, Steve Gural, Seymour Adelman, and Manny Misarski sat for this agenda item. The Commission discussed whether or not it would act or deliberate. It was ultimately decided the members would like more time to digest public hearing file items before deliberating.

5. Public Comment Period.

Barbara Speerli (35 Goshen Road) stated that the Commission should not use or allow Special Exceptions.

6. Review General Correspondence.

The Connecticut Bar Association is hosting a virtual land use commission training seminar on Saturday, March 11. The Commission is required to obtain four hours of land use training per year. The Commission discussed this and the First Selectman determined that Town may invite members of the Commission and the Zoning Board of Appeals to come to Town Hall to watch the seminar. The seminar invitation will be circulated.

7. Such other Business as the Commission may Vote to Hear.

The Commission discussed preparing and receiving a transcript for court, of proceedings from a public hearing and meetings containing deliberation, from earlier in 2022.

Nancy Taylor moved to adjourn the meeting. Scott Barber seconded.

VOTE: UNANIMOUS – MOTION CARRIED

The meeting was adjourned at 8:15pm.

Respectfully submitted,

Samuel Alexander
Town Planner/SCCOG

January 4, 2023

Commissioner Seder, Vice Commissioner Barber, and other members of the Planning and Zoning Commission:

I am writing regarding the Public Hearing in process for the proposal by DWP Events for a Zoning Regulation Amendment – to add new sections pertaining to Event Venues.

Although I am not opposed to allowing Event Venues in Bozrah, I do have several concerns with the proposed amendments by DWP Events.

As I have stated in the first part of the Public Hearing, I am concerned with adding another “Special Exception” option into the Zoning Regulations. An approved “Special Exception” requires at minimal, monthly monitoring to ensure regulations are being followed. The Town of Bozrah is not staffed to monitor the current “Special Exceptions” already approved. To add additional Special Exception options would increase the burden of what should be expected of our volunteer-based Commission and part-time ZEO. Please also consider the financial burden that the town endures when a “Special Exception” goes awry, the effects it has on the town residents and the length of time it can take to rectify. There should be other options to amend regulations if the Commission sees it justified other than “Special Exceptions”.

To address the proposal specifically- I feel the DWP Events proposal is biased and is written with prejudice. It clearly is written in a manner to eliminate the possibility of competition by others and to exclude properties that could potentially offer a much better Event Venue. (The proposal even noted “there are few parcels in the district that this amendment might even apply to”).

As it was noted by our Town Planner, Event Venues are often within the rural areas, found at vineyards or farms, not typically in Highway areas. If the Commission approves the proposed amendment as is, you would be excluding places like the Bed & Breakfast with the beautiful vineyard, Mains Country Store (which is clearly already capable of holding a smaller event), the Alpaca Farm, Brush Hill Farm, and so on. Why would you not want to afford these existing businesses the opportunity to be an Event Venue given the right circumstances? I feel the Commission should ensure any amendments made should consider all areas openly and fairly.

One could also question would this amendment exclude events taking place at Maple Farm Park as you will have put into place a specific zone where events are allowed. Could one argue Maple Farm is not in Highway District so Events should not take place there?

Public health, safety, convenience, congestion in the street, all easily come into question with the size and location of the DWP property as well. I’m certain you are all reviewing those concerns already.

As I have stated, I am not opposed to Event Venues in town. I just feel that the DWP Events proposal is not in the best interest of the All of the residents of our town. If the Planning and Zoning Commission is ready to allow Event Venues into town, I ask that you consider ALL the areas of town fairly, without bias and take your time to write regulations that will consider all the residents, businesses and all of the properties in town fairly, safely and within the character of our town.

I appreciate you allowing the additional time for the Public Hearing. I appreciate your time.

Respectfully,

Carolyn Dziengiel

194 Bashon Hill Road

Bozrah, CT 06334

Dear Planning + Zoning,

We are writing with regard to the events on June 11th 2020.

In general we are very pleased with our neighbors. However, we were displeased with the level of music that took place as we have 2 infants that go to bed at 7³⁰ pm at night.

We also do enjoy sitting on our porch at night to unwind from a long week.

Thank You,

Gus and Rebecca Clifford
418 Salem Tpke
Bozrah CT 06334

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

5 Connecticut Avenue, Norwich, Connecticut 06360

(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

MEMORANDUM

TO: Town of Bozrah Planning & Zoning Commission
CC: DWP Events, LLC
FROM: Samuel Alexander, AICP, Planner III/SCCOG (Bozrah Town Planner) /s/
DATE: February 2, 2023

DWP Events, LLC – Action by the Commission

Statutory Process

- Date of Receipt: *October 13, 2022.*
- Public Hearing Start: *November 10, 2022.*
- Public Hearing Conclusion: *January 12, 2023.*
- Decision Deadline: *March 18, 2023 (Commission meets March 9).*

Applicant has consented to ~35 days of extension, so far. They may consent to an additional month of extension time, applied to the decision deadline. That is their choice.

Decision

- Application may be approved, denied, or approved with modifications, so long as such modifications do not run afoul of the hearing notice.
 - In general, it would be okay to make modifications that place additional restrictions on the use, but not okay to make modifications that make the regulations more lenient.
- Reasons for decision should be stated.
- Decision should be grounded in the Plan of Conservation and Development.
- The Commission has a very high level of allowed discretion when deciding amendment to its regulations.

Planner Commentary

- This application may be approved if the Commission finds it sufficient;
- It may be denied if the Commission finds that the use is not compatible with the zoning district;
- And it may be approved with modifications if the Commission finds that they are supportive of the use, but not with the regulations as written.

If the Commission approves it with modifications, it should consider what those modifications should be,

Member Municipalities: Bozrah * Colchester * East Lyme * Franklin * Griswold * Borough of Jewett City * City of Groton * Town of Groton * Lebanon * Ledyard * Lisbon * Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague * Stonington * Stonington Borough * Waterford * Windham

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in order to bring an Event Venue into harmony with the Highway Commercial District. There are a number of variables at-play in this application.

SUBSTANTIVE VARIABLES	AVAILABLE OPTIONS FOR MODIFICATION
Zoning District <i>Highway Commercial</i>	The use is only proposed in one district. This would not change for the purposes of this application.
Permitting <i>Special Exception Required</i>	A Special Exception is required. This would not change for the purposes of this application.
Minimum Lot Size <i>200,000sf, originally 120,000sf</i>	Increase minimum lot size above 200,000sf or reduce to no less than 120,000sf (the original proposal).
Max Guests <i>175 persons</i>	Decrease to fewer than 175 persons allowed.
Minimum Parking <i>Ratio of 1:4</i> <i>Must provide handicap parking</i> <i>2 van spaces for workers</i>	Increase ratio to greater than 1:4 and/or require additional staff parking, handicap parking, etc.
Off-site Parking <i>May use off-site parking with shuttle service</i>	Place additional restrictions on use of off-site parking (e.g.: must not be in the Highway Commercial district, if there is concern about traffic and lack of smart access management as provided in the HC regulations.
Screening/Buffering <i>Screened to prevent light trespass</i> <i>25' buffer required</i> <i>Commission may require greater</i>	Require additional screening and buffering above what is provided, or reduce to the original application, which did not speak to requirements for front-yard fencing.
Number of Amplified Events <i>Maximum of 30 per year</i>	Decrease to fewer than 30 or place some other restriction.
Amplified Music Hour Limit <i>12p-10p Friday - Sunday</i> <i>12p-9p Monday - Thursday</i>	Reduce hours or revert to original proposal of 12p-10p Monday through Sunday.
Sanitary Facilities <i>Must be provided and in compliance with health code</i> <i>Portable/temporary facilities are okay</i>	Require permanent facilities or require public drinking water and/or public sewer.
Lighting	Require greater control of light trespass (e.g.: removal of

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<i>Shall be properly screened to prevent unreasonable glare</i>	"unreasonable").
Max Number of Events <i>No limit on events other than events with amplified noise (30/year)</i>	Place a limit on the number of events.
Event Hour Limit <i>No limit on hours of events without amplified noise.</i>	Place a limit on the hours of events without amplified nose.
Breakdown Time <i>All guests shall vacate by 11:00pm</i> <i>Staff shall vacate by 12:00am</i>	Place a greater limit on breakdown/leave time. Please note that time should be in-sync with the limit on amplified music. It is unclear whether this only applies to events with amplified noise, or if it applies to all events. The Commission should strongly consider clarifying the propose regulations to ensure this applies to all events and not just those with amplified noise.
Emergency Access <i>Shall be provided and approved by the Fire Marshall</i>	Place some other restriction, that is more prescriptive in nature (e.g.: shall provide a fire or ambulance lane on site plan).

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