

**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 10<sup>th</sup>, 2022 and also took place on December 8<sup>th</sup>, 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 8<sup>th</sup>.

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 11<sup>th</sup> 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 7<sup>30</sup> 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