

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

February 10, 2022

Chairman Steve Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:00pm, on Thursday, February 10, 2022. The meeting was at Bozrah Town Hall, 1 River Road, Bozrah, Connecticut.

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

Members absent: Frank Driscoll (alt.).

Others present: Glenn Pianka (First Selectmen), Sam Alexander, AICP (Town Planner/SCCOG), Carolyn Dziengiel (resident), Ray Barber (resident), Arthur Goulart Jr. (resident), Jean Goulart (resident), Jordan Hyde (resident).

1. Public Hearings:

a. Bozrah Planning & Zoning Commission: Opt out of a provision of Public Act 21-29 affecting the Commission's authority to impose parking requirements on certain residential dwellings.

Chairman Steve Seder read the meeting notice.

Sam Alexander (SCCOG) noted items in the hearing file:

- Town Clerk notifications;
- Application and proposed new Section 20 of the zoning regulations, Opt Out Provisions;
- June 10 Staff Memo re: Public Act 21-29;
- October 7 Staff Memo re: Public Act 21-29;
- January 6 Staff Memo re: Active regulation amendment applications;
- Southeastern Connecticut Council of Governments 2/10;
- Correspondence - Town of Montville 1/28.

Sam Alexander elaborated on a new item of correspondence, a letter from the Southeastern Connecticut Council of Governments expressing that none of the proposed "opt-outs" or zoning amendments pose a negative intermunicipal impact.

Sam Alexander briefly discussed the purpose of the proposed application. There were no comments in favor or against the application.

b. Bozrah Planning & Zoning Commission: Opt out of a provision of Public Act 21-29 allowing as-of-right accessory dwelling units on lots with single-family homes.

Chairman Steve Seder read the meeting notice.

Sam Alexander (SCCOG) noted items in the hearing file:

- Town Clerk notifications;
- Application and proposed new Section 20 of the zoning regulations, Opt Out Provisions;

- June 10 Staff Memo re: Public Act 21-29;
- October 7 Staff Memo re: Public Act 21-29;
- January 6 Staff Memo re: Active regulation amendment applications;
- Southeastern Connecticut Council of Governments 2/10;
- Correspondence - Town of Montville 1/28.

Sam Alexander briefly discussed the purpose of the proposed application. There were no comments in favor or against the application.

c. Bozrah Planning & Zoning Commission: Regulation amendments, New Section 9.1.7, allowing “Cultivator” and “Micro-cultivator” Cannabis Establishments in the I-80 and I-30 zoning districts; Amend Section 10.20, clarifying that Cannabis Establishments other than Cultivators and Micro-cultivators are prohibited.

Chairman Steve Seder read the meeting notice.

Sam Alexander (SCCOG) noted items in the hearing file:

- Town Clerk notifications;
- Application and proposed amendments;
- November 4 Staff Memo re: Cannabis Establishments;
- January 6 Staff Memo re: Active regulation amendment applications;
- February 4 Staff Memo re: Cannabis Establishments;
- Southeastern Connecticut Council of Governments 2/10;
- Correspondence - Town of Montville 1/28.

Glenn Pianka noted an additional item of correspondence. An e-mail from resident Mary Jane Malone:

First Selectman Glenn Pianka,

I am unable to attend the Planning and Zoning Commission public hearing on Thursday, Feb.10, 2022.

I am not sure if this is the right channel of procedure to voice my opinion.

But I am voting No to allow Cultivators and Microcultivators Cannabis Establishments in the town of Bozrah.

As a retired nurse practitioner, I know the cannabis is a step toward addition--of cannabis itself and/or other drugs.

I worry about the safety issue of someone smoking it, especially with driving.

My vote in NO.

Thank you,

Sincerely,

Mary Jane Malone

3 Bozrah St.

Bozrah, Ct.

Sam Alexander briefly discussed the purpose of the proposed application. Sam Alexander referenced his February 4th staff memo and very recent changes to Department of

Consumer Protection (DCP) regulations that seem to allow for outdoor cultivation at Cultivator or Micro-cultivator establishments.

Carolyn Dziengiel commented on the extensiveness of the law and the Department of Consumer Protection regulations. Ms. Dziengiel also commented on the limitations on use of sales tax income micro-cultivators. Ms. Dziengiel also had questions about agricultural status of cannabis operations.

Jean Goulart stated that it did not seem like the work associated with creating regulations and reviewing applications for a Cultivator or Micro-cultivator was going to yield much in the way of a benefit from the town. Ms. Goulart also noted health problems arising from cannabis.

The Commission, commenters, and staff discussed the possibility of prohibiting Cannabis Establishments but modifying the regulations at a later date if approached by a developer. Sam Alexander noted that the regulations could probably be expanded to offer the town certain protections (particularly in regards to outdoor cultivation) but did not feel comfortable making on-the-fly suggestions.

d. Bozrah Planning & Zoning Commission: Regulation amendments, Amend Section 11.7. requiring annual renewal of excavation permits; Amend Section 11.7.11 affecting bonding requirements of excavations.

Chairman Steve Seder recused himself. Steve Gural sat in place of Steve Seder. Scott Barber read the hearing notice.

Sam Alexander (SCCOG) noted items in the hearing file:

- Town Clerk notifications;
- Application and proposed amendments;
- Revised application and revised amendments;
- January 6 Staff Memo re: Active regulation amendment applications;
- Southeastern Connecticut Council of Governments 2/10;
- Correspondence - Town of Montville 1/28.

It was noted that the application was revised at the January meeting to require bi-annual renewal of excavation permits.

Seymour Adelman raised an issue about the existing section of the regulations pertaining to “quarrying”. There was discussion amongst Commissioners about the definition of “quarrying”. There was discussion amongst the Commission about keeping pace with permit renewals; it was never strictly enforced in the past. The Commission discussed the practice in other towns.

There was additional discussion about Cannabis Establishments, the practices of other towns, and the benefits of acting now versus waiting to see if there is actual demand for Cannabis Establishments in town. Manny Misarski made a motion to close the public hearings on the four active applications. Scott Barber seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

2. Review and approval of minutes (This agenda item was moved ahead):

a. January 13th.

Scott Barber made a motion to approve the minutes as presented. Steve Coit seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

3. Review correspondence pertaining to agenda items (This agenda item was moved ahead).

There was none.

4. Hear the report of the Zoning Enforcement Officer (This agenda item was moved ahead).

The Commission discussed recent truck activity and an upcoming application for Bashon Hill Farms. The Town Planner had been discussing a Special Exception modification with the owner. If truck traffic remains an issue, the Commission may take enforcement. There were public comment in regards to truck traffic coming from the newly approved Bashon Hill Farms excavation operation. The owner is expected to seek a modification of the approved Special Exception. The Commission agreed that the issue of increasing allowed truck traffic will need a very close and considerate review.

A trade name certificate was received by the Town Clerk for a “general store” on South Road. Staff will look into this. There was discussion about past enforcement issues.

5. Old Business:

a. Bozrah Planning & Zoning Commission: Opt out of a provision of Public Act 21-29 affecting the Commission’s authority to impose parking requirements on certain residential dwellings.

Scott Barber made a motion to approve the application. Nancy Taylor seconded the motion. Sam Alexander suggested making an effective date of March 16th to allow for a decision from the Board of Selectmen, as required by Public Act 21-29. Scott Barber amended his motion and Nancy Taylor amended her second. There was discussion about the Board of Selectmen decision.

VOTE: UNANIMOUS – MOTION CARRIED

b. Bozrah Planning & Zoning Commission: Opt out of a provision of Public Act 21-29 allowing as-of-right accessory dwelling units on lots with single-family homes.

Scott Barber made a motion to approve the application. Nancy Taylor seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

c. Bozrah Planning & Zoning Commission: Regulation amendments, New Section 9.1.7, allowing “Cultivator” and “Micro-cultivator” Cannabis Establishments in the I-80 and I-30 zoning districts; Amend Section 10.20, clarifying that Cannabis Establishments other than Cultivators and Micro-cultivators are prohibited.

There was lengthy discussion. The Commission discussed modifying the language of the amendments in a way that would read that all Cannabis Establishments are prohibited. The Commission felt this was unnecessary because the existing regulations effectively

prohibit Cannabis Establishments. The Commission determined they can revisit this at a later date if necessary.

Scott Barber made a motion to deny the application. Manny Misarski seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

d. Bozrah Planning & Zoning Commission: Regulation amendments, Amend Section 11.7. requiring annual renewal of excavation permits; Amend Section 11.7.11 affecting bonding requirements of excavations.

Steve Seder recused himself.

The Commission did not feel these amendments were necessary at the time. There was also concern over the legal notice not accounting for the recent modification of the application.

Scott Barber made a motion to deny the application. Steve Gural seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

6. Affordable Housing Plan.

No update.

7. Public comment period.

There was none. The public participated under other agenda items.

8. Review general correspondence.

Sam Alexander reported on a conversation with an event planner. The event planner has requests to schedule weddings at various locations in town and does not want to run afoul of the zoning regulations. There is no zoning category for weddings or intermittent events, but there is a Special Exception category for Temporary Assembly. The Commission discussed whether weddings may fall under the Temporary Assembly category. It was determined that the category may apply, however, each wedding would need to seek permission separately; each wedding is a special case.

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

There was none. Scott Barber made a motion to adjourn. Steve Seder seconded the motion. The meeting was adjourned at 8:53pm.

Respectfully submitted,
Samuel Alexander
Town Planner/SCCOG