

TOWN OF BOZRAH
REGULAR MEETING
PLANNING AND ZONING COMMISSION
BOZRAH TOWN HALL
June 8, 2023

Chairman Steve Seder called the Regular Meeting of the Bozrah Planning and Zoning Commission to order at the Bozrah Town Hall on June 8, 2023 at 7:00p.m.

Members Present: Chair Steve Seder, Scott Barber, Nancy Taylor, Steve Coit, Seymour Adelman, Manny Misarski, Dan Tracy, Steve Gural

Others Present: Glenn Pianka (First Selectman), Sam Alexander (SCCOG/Town Planner), Jennifer Lindo (SCCOG/Zoning Enforcement Officer), Pete Parent (Engineer CHA), Debra White-Palmer (DWP Events), Brian Palmer, Warren Strong, Raymond Barber, Scott Taylor

Item 1: Review and Approve Minutes

a. Regular Meeting May 11, 2023

S. Barber noted Steve Gural should be listed as a member.

S. Coit noted a correction on page 2 under item 3, "expectations" changed to "exceptions."

MOTION 1: S. Barber made a motion to approve the minutes for the regular meeting held May 11, 2023 as amended. S. Coit seconded the motion.

Vote unanimous - **MOTION CARRIED**

Item 2: Review Correspondence Pertaining to Agenda Items

S. Alexander noted the review comments of the drainage report for 28 Stockhouse Road by Barton & Loguidice, LLC, pertaining to Item 4.

Item 3: Hear the Report of the Zoning Enforcement Officer

J. Lindo presented the Commission with the Zoning Enforcement Officer's report including letters sent to 3 Bozrah Street and 421 Salem Turnpike. The commission discussed 349 Salem Turnpike, J. Lindo noted she has just spoken to the owners of the property to inform them of the issues with the property. J. Lindo noted 290 South Road is continuing to be cleaned by the owners and the porch was removed. J. Lindo explained there was a building permit signed by Tom Weber for a personal garage at 54 Scott Hill Road.

S. Barber requested a monthly report from the Building Official.

Item 4: Old Business

- a. Steven J. Coit: Site Plan Modification to a plan approved 4/14/22. Additional material stockpile accessed by Brush Hill Road. Property at approx. 28 Stockhouse Road (Map 03, Lot 044) with secondary access from Brush Hill Road.

S. Alexander presented the Commission with the review comments prepared by Barton & Loguidice LLC and the Inland Wetland Conservation Commission approval conditions. S. Alexander also presented the Commission with the Zoning Enforcement Officer's report for 28 Stockhouse Road and the Town Planner's Report.

Pete Parent, Professional Engineer CHA, presented the Commission with the Drainage Report, Erosion and Sedimentation Control Plans and the Drainage Basin Maps. P. Parent noted S. Coit's business could be considered a wholesale business. J. Lindo noted she does not agree that S. Coit's business should be considered a wholesale business as it is not proposed as one.

The Commission is not ready to vote on the Site Plan Modification at this time. S. Seder noted the site plan should describe its permitted use. S. Alexander noted S. Coit could withdraw the application and submit an administrative permit to the Zoning Enforcement Official for 28 Stockhouse Road and an Accessory Use Permit for the property where the material is being stockpiled. S. Coit agreed to withdraw the application and resubmit as requested.

Item 5: Discussion

- a. Commission-initiated regulation amendments relative to "Event Venues" and similar uses.

S. Alexander presented the Commission with the Draft Regulation Amendments: Event Venues. S. Seder noted on page 3 item e should be corrected to 200 guests. S. Alexander clarified event venues and special events, noting special events are "one off" events by businesses for profit while an event venue is a property where it's primarily used for the purpose of hosting events for profit.

S. Alexander also presented the Commission with the town of Preston special event ordinance.

S. Alexander noted a temporary special event application would be beneficial while an ordinance is created. J. Lindo agreed on the importance of the temporary special event application and without the special event application any event would be in violation. G. Pianka noted the Board of Selectmen did not agree to the temporary special event application. J. Lindo noted Attorney Londregan explained the Board of Selectmen have the power to regulate the special events through the temporary application. G. Pianka noted he will bring the temporary special event application back to the Board of Selectmen for review.

Item 6: Public Comment Period

No public comment.

Item 7: Review General Correspondence

No other correspondence.

Item 8: Executive Session: To discuss on-going litigation concerning 211 Bashon Hill Road.

MOTION 2: S. Barber made a motion to enter executive session with Sam Alexander, Jennifer Lindo and Glenn Pianka at 9:23 p.m. N. Taylor seconded the motion.

Vote unanimous - **MOTION CARRIED**

MOTION 3: N. Taylor made a motion to exit executive session at 9:40 p.m. S. Barber seconded the motion.

Vote unanimous - **MOTION CARRIED**

Item 9: Such Other Business as the Commission May Vote to Hear

No other business.

Item 10: Adjourn

MOTION 4: N. Taylor made a motion to adjourn the meeting at 9:41 p.m. S. Barber seconded the motion.

Vote unanimous - **MOTION CARRIED**

Respectfully submitted for the Commission,

Heather Provost
Recording Secretary

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

5 Connecticut Avenue, Norwich, Connecticut 06360
(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

To: Town Bozrah Planning and Zoning Commission

From: Jennifer Lindo, AZT, Municipal Land Use Specialist, SCCOG (Bozrah ZEO)

Date: June 8, 2023

Re: Zoning Enforcement Officers Report

I have received several zoning complaints from members of the public and the commission. Their status is as follows:

1. 349 Salem Turnpike: This abandoned single family dwelling sits at the entrance to Bozrah from Route 82 in Norwich. Neighbors have begun calling about people dumping items and items being stolen from the house. I was advised by Attorney Cohen's office that the property is valued at less than what is owed on it, making it difficult to sell. At a recent inspection I noticed that the house is unsecured, doors are open, windows missing, and the brush/trees have started growing through the porch roof. I have a new address for the owner, and mailed a letter which did NOT come back. I have also sent notice to the mortgage holder.
2. Acorn Acres: In response to concerns from the Commission about year round occupancy and residence, I established through the tax collector and registrar of voters that, in my opinion, campers are establishing residency and we will need to address this with the campground owners. A meeting has been scheduled with the Town Attorney, First Selectman Pianka, Chairman Seder, myself, Attorney Hollister and the property owner for June 15, 2023
3. 53 Bozrah St: I received a complaint regarding the number of unregistered and inoperable vehicles and a trailer, as a potential junkyard. I received a call from the owner's boyfriend stating the vehicles are registered in his name, and that the inoperable vehicles have been removed. He and his wife are dismantling the camper that was in the woods, as best they can, and disposing of it at the dump. This will take time. I asked that they send me photographs of their progress, and they are complying.
4. 290 South Road: Following up on some complaints about the property, I met with John Faulise of Boundaries to discuss the issue of the illegal split, he will discuss with Dr Betten to get it straightened out. Owner removed the porch which was falling down, and secured the building.
5. 54 Scott Hill Rd: the building official brought to my attention the construction of garage that appears to have interior plumbing and heat without Zoning Approval and may be

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larger than house. It is connected to its own septic. It appears to be a commercial use in a residential zone. It is also adjacent to wetlands and may require their approval. Tom Weber did issue a building permit on this. On May 23, 2023 I visited the property with Bob Russo, the wetlands agent. We completed our inspection and since everything was compliant, I issued the Certificate of Zoning Compliance noting that it is not to be used for Commercial purposes.

6. 38 Bozrah St Ext: Camp Odetah, swimming pool rebuild with retaining wall. Tom Weber issued a building permit for this replacement of the swimming pool. The retaining wall is a replacement and was previously hidden by large arborvitae. Inspection conducted on May 23, 2023 with Bob Russo, the wetlands agent. Construction is progressing according to plan and is compliant.
7. 3 Bozrah St: person residing in a motorhome on the side of the property with a pickup truck, and enclosed trailer of belongings in violation of Zoning Regulations. Letter sent to property owner on May 26, 2023 (see attached).
8. 421 Salem Turnpike: miscellaneous debris and junk piled around the structure, reportedly for a possible consignment shop at the first floor location. In violation of the Zoning Regulations, letter to be sent on May 31, 2023 (see attached). Note, prior business approvals note there is no outside storage allowed on the property for business use.
9. 435 Salem Turnpike: possible full service restaurant and bar. Some issues and concerns with Uncas Health approval of the water (prior contamination monitoring is not confirmed), and the septic (not big enough). Working through this with the applicant and the health department. ⇒ follow up.
10. Special Exceptions: Reminder pursuant to CGS 8-3d requires that all Special Exceptions be recorded on the land records with a description of the parcel to which it applies. The Special Exception is not valid without that recording. There appears to be some confusion about this, so it's important that moving forward we remind applicants this is required.

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5 Connecticut Avenue, Norwich, Connecticut 06360
(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

May 26, 2023

John Darryl Golkowski
3 Bozrah St
Bozrah CT 06334

RE: Observation of Potential Zoning Violation & Request for Voluntary Zoning
Compliance
3 Bozrah St, Bozrah

Dear Mr. Golkowski,

It has come to my attention that the above referenced property appears to be in violation of the Town's Zoning Regulations. More specifically there is a motor home on the property that appears to be used as a residence. The following sections of the Town of Bozrah Zoning Regulations are in violation:

2.6 Camper Unit. A vehicle designed, used or intended for use temporarily for camping, recreation, travel and vacationing, and is or can be mounted on wheels and may be self-propelled, but shall not include a mobile home.

2.27 Recreation Campground. A parcel of land used for the parking of camper units or the establishment of overnight living quarters, such as tents or other temporary shelters, and occupied temporarily by families engaged in travel.

Your property is in an RU-1 zone, requiring a Special Exception for a Recreation Campground. A review of Town files indicates no such Exception exists for your property.

It is my duty to inform you of this possible violation. This letter is a request that you bring your property into compliance with the Zoning Regulations by June 25, 2023. You may also provide this office with any information that would allow for a determination to be made that such violation does or does not exist.

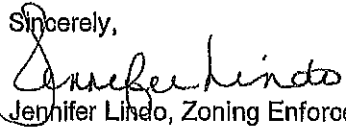
This is NOT a Notice of Violation, but failure to remedy this situation within 30 days may lead to the issuance of such a notice. This does not constitute a decision by the Zoning Enforcement Officer and is not an appealable action. If a Notice of Violation is issued and you fail to comply with it within an additional 10 days, the Town may consider legal action in issuing a Cease and Desist Order. We trust that you will take advantage of this opportunity to avoid such future actions and costs.

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Your anticipated cooperation in this matter is greatly appreciated. Please call me at (860) 889-2324, or email me at jlindo@seccog.org, so that we may discuss the situation further.

Sincerely,



Jennifer Lindo, Zoning Enforcement Officer
Town of Bozrah
Municipal Land Use Specialist
Southeastern Connecticut Council of Governments

cc: Planning and Zoning Commission
Glenn Pianka, First Selectman
File

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5 Connecticut Avenue, Norwich, Connecticut 06360

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

May 31, 2023

Ibrahim Ali LLC
96 Route 32
Franklin CT 06254

RE: Observation of Potential Zoning Violation & Request for Voluntary Compliance
421 Salem Turnpike, Bozrah

Dear Mr. Choudhry,

It has come to my attention that the above referenced property appears to be in violation of the Town's Zoning Regulations. More specifically the house closest to South Road appears to be falling down and in a state of disrepair. Other unpermitted structures on the property are also in various states of disrepair.

Recently, the parking lot in front of the prior business building has acquired several vehicles, a bus, items placed under a tarp, a dumpster, some metal ductwork, a canvas shed (also unpermitted) and a trailer. Prior businesses in that location were not allowed outside storage. Any new proposed business (which at this time is not permitted), will also not be allowed outside storage.

This specifically is not allowed under Zoning and may be a violation of health or building codes. The following sections of the Town of Bozrah Zoning Regulations are in violation:

2.21 Junk Yard. Any property or portion thereof used for the outside storage keeping, or abandonment of worked out, cast-off, or discarded articles or materials ready for destruction or collected or stored for salvage or conversion to some use.

10.4 Junk. Junk or refuse as defined in Section 2 shall not be collected or deposited in any zone in such a manner as to create a nuisance or unsightly condition.

It is my duty to inform you of this possible violation. This letter is a request that you bring your property into compliance with the Zoning Regulations by May 6, 2023. You may also provide this office with any information that would allow for a determination to be made that such violation does or does not exist.

This is NOT a Notice of Violation, but failure to remedy this situation within 30 days may lead to the issuance of such a notice. This does not constitute a decision by the Zoning Enforcement Officer and is not an appealable action. If a Notice of Violation is issued and you fail to comply with it within an additional 10 days, the Town may consider legal

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action in issuing a Cease and Desist Order. We trust that you will take advantage of this opportunity to avoid such future actions and costs.

Your anticipated cooperation in this matter is greatly appreciated. Please call me at (860) 889-2324, or email me at jlindo@seccog.org, so that we may discuss the situation further.

Sincerely,



Jennifer Lindo, Zoning Enforcement Officer
Town of Bozrah
Municipal Land Use Specialist
Southeastern Connecticut Council of Governments

cc: Planning and Zoning Commission
Glenn Pianka, First Selectman
Asif Choudhry, 7 Jean Dr, Old Lyme CT 06371-1514
File

PLANNING AND ZONING APPLICATION REVIEW
APPLICATION FOR MASS LEDGE REMOVAL & COMMERCIAL BUILDING SITE PLAN
STOCKHOUSE ROAD & BRUSH HILL ROAD
BOZRAH, CT
June 7, 2023

Review Comments prepared by:
Barton & Loguidice, LLC

Documents Reviewed:

Prepared by CHA Companies:

- Drainage Report, Dated: January 2022; revised March 17, 2022 with Proposed Condition Calculations printed 5/26/2023;
- Plans dated 04/28/2023 and revised 05/26/2023: Erosion & Sedimentation Control Plans, Comparison to Approved Plan, Drainage Basin Maps – Existing and Proposed Conditions

Based on the information submitted relating to the additional disturbance to the west of the proposed development, we offer the following:

1. The configuration of the proposed watershed 11S which drains to the new water quality basin has been revised from the approved layout. The total area is now 0.35 acre smaller with less wooded area due to clearing/disturbance to the east. A revised HydroCAD analysis for the proposed conditions demonstrates that the water quality basin will still provide attenuation of the peak flows. There is now an increase of 0.6 CFS for the 50 and the 100 year peak flows but both are still below the existing flows. **The new analysis included raising the grate of the basin outlet structure (CB 1) to 179.35, please ensure that the construction plans include this modification.**
2. As referenced in #1 above, there is 0.35 acres less draining to the water quality basin. This 0.35 acres will now drain to the adjacent property to the north or to Stockhouse Road to the south of the development. Due to this change and the change in clearing/grading to the west, it is recommended that the applicant provide the stormwater flow calculations (before and after conditions) of the area south and north of the development watershed.

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Staff Report

6/1/2023
For Regular Meeting 6/8/2023

Application by Steven Coit – Modification of existing Site Plan to accommodate material storage.
Prepared by: Sam Alexander, AICP, SCCOG/Bozrah Town Planner

Date of Receipt: April 13
Pre-requisites to Action: Action by IWCC (second IWCC meeting: June 1)
Action Required by: June 15 (65 days). Applicant may grant extensions up to 65 additional days.

On-going Reviews

The Town Engineer is in receipt of a revised drainage report for proposed stormwater facilities at 28 Stockhouse Road.

Background

- This Commission approved a Site Plan application for a 9,600sf commercial building at 28 Stockhouse Road on April 18, 2022. That site also has frontage on Brush Hill Road.
- Earlier this year, the Zoning Enforcement Officer observed a new driveway being put in, along with storage of excavated material (sand, rock, etc.) on the uphill portion of this lot, off of Brush Hill Road.
- In March 2023, I requested that the owner (Steven Coit) submit an application for a site plan modification, along with an updated site plan, which was to include a soil erosion and sediment control plan.

Zoning

The proposal runs into conflict with the zoning regulations for reasons outlined below. This is echoed in the Zoning Enforcement Officer's report.

- I originally requested an application for a modified site plan, because the work on-going had exceeded its original scope and new areas had been disturbed.
- I was led to believe the material being stockpiled originated on-site. It was later discovered that the material on-site originated elsewhere. It is not connected to on-going site development.
- This changes the use of the property. There are no use categories in Section 8.1 and 9.1 that would appear to apply to this use.
- Storage of rock, sand, and gravel might be considered accessory to certain principle uses allowed in the Industrial Zone, say a construction material wholesaler, but there is currently no principal use of the property; there is a proposed building, but it has not been constructed.

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*If language assistance is needed, please contact SCCOG at 860-889-2324, office@seccog.org.
Si necesita asistencia lingüística, por favor comuníquese a 860-889-2324, office@seccog.org.
如果您需要语言帮助, 请致电 860-889-2324 或发送电子邮件至 office@seccog.org.*

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To: Town Bozrah Planning and Zoning Commission

From: Jennifer Lindo, AZT, Municipal Land Use Specialist, SCCOG (Bozrah ZEO)

Date: June 8, 2023

Re: Zoning Enforcement Officers Report – 28 Stockhouse Road/Brush Hill Site Plan Modification

The applicant, Steve Coit, has applied for a modification of a site plan for a material stockpile area off of Brush Hill Road. The material is NOT coming from the existing work under the approved site plan for the construction of a building, but rather off site.

Therefore, the material stockpile is not incidental to the development of the property for which the site plan was approved; construction of a 9,600 sq ft building.

Stockpiling of material could be an accessory use, depending on the primary use, however, in this scenario there is no primary use/structure.

The commission should carefully consider the use of the property being requested as part of this site plan modification. The requested use, as a material stockpile for material from another site, is **NOT an allowed use** for this or any other parcel in the I-80 Zoning District.

I have included Section 9.1 Permitted Uses in the I-80 zone which details the permitted by right uses of the district, and Section 9.2 Special Exceptions in the I-80 zone which details the uses permitted subject to provisions of Section 11 of the regulations. Section 12 Site Plan also applies to this application. Copies are attached for your reference.

On April 27, 2023 I conducted a site visit with Wetlands Enforcement Officer, Bob Russo, CSS of CLA Engineers, of the stockpile area that is subject of this application.

A second site visit was conducted on May 23, 2023 with Wetlands Enforcement Officer, Bob Russo, CSS of CLA Engineers and Mr. Coit. It should be noted that during this site visit the area was stabilized, graded and seeded, and in much better condition than the previous visit.

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As a reminder, the original site plan approval was for the construction of a 9,600 sq ft building with parking, drainage and other site improvements; conducting rock removal and grading, which was approved on April 14, 2022 with the following conditions:

1. *Submission of an erosion and sediment control bond, in a form satisfactory to the Zoning Enforcement Officer, in the amount of \$28,050, prior to any site work. The bond will be returned upon final stabilization of the site and removal of erosion and sediment controls. The bond may be utilized by either the Planning & Zoning Commission or the Inland Wetlands & Conservation Commission.*
2. *Submission of a bond to cover the cost of public improvements, in a form satisfactory to the Board of Selectmen, in the amount of \$10,080, prior to removal of existing public infrastructure and installation of new public improvements.*
3. *The applicant will inspect and maintain the on-site Stormwater basin and all on-site infrastructure, as described in the Stormwater Facility Operation and Maintenance Plan provided in the plan set. Non-compliance may result in enforcement action.*
4. *Strict compliance with blasting permits and regulations, including all conditions established by the State of Connecticut and Town of Bozrah Fire Marshall.*
5. *A copy of the blasting plan shall be submitted to the land use office.*

SECTION 9 - INDUSTRIAL-80 DISTRICTS (7/91)

9.1 Permitted Uses. The following uses are permitted by right in this district only after issuance of a zoning permit as required by Section 3 and/or site plan as required by Section 12 of these Regulations. (3/10/89)

- 9.1.1 All uses permitted in Section 8.1 and 8.2. (Amended effective 2/28/88).
- 9.1.2 Major retail and wholesale businesses, show rooms, office buildings, lumber storage, warehouses, truck terminals.
- 9.1.3 Manufacturing, processing, and assembly plants, printing, and publishing.
- 9.1.4 Agricultural, including dairy farming, livestock raising, poultry farming.
- 9.1.5 Specialized agricultural buildings.
- 9.1.6 Wireless telecommunication facilities. (12/1/98) (See Section 10.17)

9.2 Special Exceptions. The following uses are permitted, subject to the provisions of Section 11 of these Regulations.

- 9.2.1 Temporary assemblies, such as fairs, flea markets, and festivals.
- 9.2.2 Recreation campgrounds.
- 9.2.3 Excavations.
- 9.2.4 Saw mills.

9.3 Minimum Lot Size. 80,000 square feet for uses under Section 8.1, above, and 80,000 square feet for uses listed in Section 9.1 and 9.2. (5/21/87)

9.4 Dimensional Requirements. (3/10/89)

- 9.4.1 **Frontage:** 150 feet.
- 9.4.2 **Setback:** Shall equal one and one-half (1-1/2) the height of the building. In no case shall the set back be less than 50 feet.
- 9.4.3 **Side and Rear Yards:** 35 feet.
- 9.4.4 **Floor Area:** No minimum.
- 9.4.5 **Maximum lot coverage by building:** 30%
- 9.4.6 **Maximum height of all buildings:** 65 feet. (rev. 12/5/2019)

SECTION 12 - SITE PLAN

12.1 Applicability. A site plan, as prescribed in this Section, shall accompany the application for any permitted use, or for any expansion thereof, except for single-family homes and permitted accessory buildings and uses. The site plan shall be approved by the Commission prior to the issuance of a zoning permit by the Zoning Enforcement Officer. Applications for single-family and two-family dwellings and permitted accessory buildings and uses shall be submitted to the Zoning Enforcement Officer together with such information as he may prescribe, and such applications may be approved by him. (8/1/13)

12.2 **Decision Time Limit.** A decision by the Commission on a site plan shall be rendered within sixty-five (65) days after receipt of such site plan. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one further sixty-five (65) day periods, or may withdraw such plan. (6/1/06)

12.3 **Purpose of Site Plan.** The site plan is intended to provide the Commission with information that will enable it to determine that the proposed activity is consistent with both the specific requirements as well as the spirit of these Regulations; that it will be of such character as to harmonize with the neighborhood or accomplish a transition in character between unlike areas, that it will protect neighboring property values, preserve historic or significant natural features, enhance the character and beauty of the community, avoid undue traffic congestion; that it will not contaminate surface and groundwater supplies; and that it will not result in soil erosion or the sedimentation of natural and manmade drainage features.

12.4 **Bond.** The Commission may require a performance bond in an amount and in a form satisfactory to the Commission to guarantee satisfactory completion of drainage facilities, erosion and sediment control measures, parking and access features, walkways, recreation facilities, buffer strips, and any other site improvements, other than buildings.

12.4.1 The applicant shall provide an estimate of improvements to be bonded, together with a descriptions of the basis for the estimate.

12.4.2 No zoning permit or special exception shall be issued until the bond is received.

12.4.3 The bond shall be held by the Town Treasurer until its release is voted by the Commission. The Commission shall not release the bond until its receives certification from the Zoning Enforcement Officer that all of the requirements of these Regulations have been met.

12.5 **Time Limit on Construction.** A site plan shall become null and void with the expiration of the time periods stipulated by the Connecticut General Statutes (CGS). The time period begins at the date of approval and all work in connection with the site plan shall be completed within the time frames stipulated by the CGS.(8/1/13)

12.6 **Site Plan or Special Exception Application Ingredients.** The site plan or Special Exception Application shall be prepared, signed, and sealed by a Connecticut registered professional engineer or architect whichever is appropriate. All applications shall include an accurate class A-2 survey of the property and all improvements prepared by a land surveyor registered in the State of Connecticut. Site plans or Special Exception Applications shall be drawn at a scale not smaller than one (1") inch equals forty (40') feet. The plan shall contain the following, as applicable: (7/11/85) (3/10/89)(2/1/12)

- 12.6.1 Name of applicant and owner of property.
- 12.6.2 Scale and north arrow.
- 12.6.3 Property boundary, dimensions, angles, area and zoning classification.
- 12.6.4 Names of record owners of abutting properties.
- 12.6.5 A key map which clearly identifies the location of the property at a scale of not less than one (1") inch equals 2,000 feet.
- 12.6.6 Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, walkways, storage areas, drainage features, fences and walls, natural and artificial water features, wetlands and exposed ledge rock.
- 12.6.7 Locations and dimensions of all easements or rights-of-way on or adjacent to the site.
- 12.6.8 A rendering of any proposed sign and its location, dimensions and means of illumination.
- 12.6.9 Locations and methods of water supply and sewage disposal facilities.
- 12.6.10 Landscaped areas, including types of trees and shrubs to remain or to be planted.
- 12.6.11 Certification by the Town Health Officer (or his agent) concerning satisfactory conditions for sewage disposal, consistent with the State Health Code.
- 12.6.12 Where grading is required, existing and proposed contours at two foot (2') intervals unless the Commission agrees that ground surface conditions can be adequately represented by contours with larger intervals or by spot indications of elevations. Sufficient information shall be required to clearly show existing and post-construction surface drainage patterns.
- 12.6.13 The Commission may waive one or more of the site plan or special exception application ingredients if it agrees that the information is not needed to adequately evaluate the proposal.(2/1/12)

12.7 **Erosion and Sediment (E&S) Control Plan.** (7/11/85) Whenever the proposed development results in the disturbance or more than one-half (1/2) acre of land, the applicant will submit with the site plan or special exception application an erosion and sediment control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S plan may be based on "Connecticut Guidelines for Soil Erosion and Sediment Control," available from the Natural Resources Center of the Connecticut Department of Environmental Protection. A single-family dwelling that is not part of a subdivision of land shall be exempt from these E&S plan requirements.(2/1/12)

12.7.1 The E&S Control Plan shall include the following:

- a. A description of the project and a schedule of the major activities to be constructed on the land.
- b. Locations of areas to be stripped of vegetation.
- c. Locations of areas to be regraded and contour data indicating existing and proposed grades.
- d. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
- e. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.

- f. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.
- g. A description of procedures to be followed to maintain sediment control measures.

12.7.2 After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan/application is in compliance with these Regulations. (A vote of the Commission to approve a site plan or special exception application shall imply approval of the E&S plan as well.)(8/1/13)

12.7.3 The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which site plans have been approved to verify that erosion and sediment controls are consistent with the certified plan.

12.8 Site Plan or Special Exception Application Standards. The following standards shall apply to all site plans and special exception applications:(2/1/12)(8/1/13)

12.8.1 All buildings and use shall be located so as to be accessible by emergency vehicles.

12.8.2 The streets serving the proposed use shall be adequate to safely carry the vehicular traffic generated by the proposed activity, and there will be provision for entrance and exit points which will not create a traffic hazard or undue traffic congestion.

12.8.3 A planting strip along the frontage of the site shall be provided to a depth of not less than twenty (20') feet. Such strip shall be sodded or seeded to grass and may be planted with trees or shrubs, provided they do not interfere with visibility from driveways in both directions along the street.

12.8.4 The Commission may require a paved walkway the full width of the planting strip, four (4') feet wide and set back ten (10') feet from the edge of the roadway, where pedestrian traffic is likely.

12.8.5 The planting strip may be traversed by not more than one (1) driveway, unless the Commission finds that more than one (1) is desirable for safety reasons. Applicants are encouraged to arrange common accesses with adjoining properties, and the Commission may approve temporary access designs when a more desirable permanent access serving more than one (1) property appears achievable in the future.

12.8.6 Driveways shall be provided with an all-weather surface and shall be thirty (30) feet wide for two-way traffic and fifteen (15) feet wide for one-way traffic. No driveway shall be closer than forty (40) feet to another driveway or fifty (50) feet from a street corner. The Commission may require paved driveways and parking areas and the necessary drainage improvements to prevent surface water runoff from adversely impacting neighboring properties or Town roads.

12.8.7 The Commission may require planted buffer strips of twenty-five (25) feet in addition to the required yard setback along a property line where the adjoining property contains or may contain an incompatible or dissimilar land use. Such landscaped buffer strip shall be suitably seeded to grass and/or shall be suitably planted with trees or shrubs. Acceptable existing trees shall be preserved and supplemented by additional plantings as deemed necessary by the Commission to meet the requirements of privacy of adjacent yards and to eliminate noise, dust and objectionable lighting. The Commission may vary the above requirements as to planting in

accordance with the effectiveness of screening proposed and the architectural character of the neighborhood in which the use is located. (3/10/89)

12.8.8 Applicants are urged to consider solar access in the layout of features on the site plan. Building locations and positioning should be such that south facing walls are not shaded by buildings, topographic features, or trees on the same or adjoining lots. Buildings should not be located where they would cast shadows on the buildable part of an adjacent lot between the hours of 9:00 AM and 3:00 PM on December 21 of any year.

12.8.9 The bulk storage of materials and all loading facilities shall be located at the rear or side of the proposed or existing buildings and shall be fully screened so as not to be visible from adjacent property or public streets.

12.8.10 The remaining area of the lot not occupied by buildings and loading and unloading areas, parking and storage areas, vehicular access, sidewalks and landscape screen shall be well maintained, and any areas disturbed from their natural condition and which are not used for structures, parking areas or street shall be covered with four (4) inches of topsoil and planted with grass or other suitable groundcover.

12.8.11 Lighting from the installation of outdoor flood or spotlighting and illuminated signs shall be properly shielded so that such lighting will not adversely affect any abutting property in an unreasonable manner or traffic on a public street.

Draft Regulation Amendments: *Event Venues*

Bozrah Planning & Zoning Commission June 8, 2023
Prepared by: Sam Alexander, AICP Southeastern Connecticut Council of Governments

These draft regulation amendments, developed by staff, for workshopping/discussion at a public meeting. This is not a formal application under consideration. Any future application requires a public hearing.

Definition

REVISE SECTION 2.16, *renumber section 2 as necessary*

2.16 Event Venues. Any real property and/or temporary or permanent structures thereon, used in whole or in part for the purpose of hosting social events and gatherings not open to the general public. Such gatherings may commonly include, but are not limited to, weddings, receptions, showers, parties, corporate gatherings, or banquets. This definition shall not apply to residential properties hosting a limited number of private events per year, with a connection to the owners or inhabitants of the property, nor shall it apply to restaurants. This definition shall apply to any property or structure rented for a fee for such a private event, whether or not hosting events is the primary use of the property.

District Regulations

ADD NEW SECTIONS 7.2.12 (Rural Residential Zone), 8.2.3 (Commercial Zone), 8A.3.2 (Highway Commercial Zone), 9.2.5 (Industrial-80 Zone).

X.X.X Event Venues meeting the requirements of Section 11.21.

Special Exception Use Regulations

ADD NEW SECTION 11.21. *Highlights used to call attention to certain items.*

11.21 Event Venues. In addition to the general special permit requirements found in this section, and the standards and requirements of Section 10.17, the following conditions shall be met for Event Venues.

Notwithstanding any other provisions of this Section 11.21, except for Sections 11.21.4, municipally owned property, such as parks or museums, may be used intermittently as an Event Venue with Special Exception approval from the Planning & Zoning Commission.

11.21.1 A Special Exception for an Event Venues must be renewed every three (3) years. Such Special Exception may not be reissued if it is found that the property is not maintaining compliance with any Special Exception standards contained in Section 11.3.1:

- a. That the proposed activity will not create any conditions that could endanger public health, safety, and welfare.
- b. That vehicle access is adequate to assure that traffic hazards will not result.

- c. That no adverse impacts to natural resources occur.
- d. That there will be no adverse effects or impacts on the character of the neighborhood or its property values.
- e. That the proposed activity will not hinder the orderly and appropriate development of adjacent property.
- f. That natural or structural screening is provided to minimize visual pollution.
- g. That adequate provision is made for storm drainage to eliminate flooding, icing, or erosion problems in the vicinity.

11.21.3 Each separate Event Venue, which has received approval under this section, shall submit to the Town of Bozrah Zoning Enforcement Officer semi-annual reports of past and planned bookings for the Event Venue. Past bookings shall include all bookings within the past six (6) months, and shall highlight bookings not included on the most recent semi-annual report. Future bookings shall include all planned future bookings. Such semi-annual reports shall be submitted July 1 and January 1 of each year. Event Venues on Town-owned property, under supervision of a municipal board, commission, committee, or other agency, shall be exempt from this provision. For any event exceeding 85% of the venue's capacity, the venue owner shall notify the Town of Bozrah First Selectman at least two weeks prior.

11.21.4 All Event Venues shall comply with the following performance standards. Special Exception applications must address each of these standards and explain how an Event Venue will mitigate any potential impacts to surrounding properties.

a. Amplified Sound:

- i. No amplified sound is permitted after 10:00pm or before 12:00pm. The Commission may place additional restrictions on hours of amplified sound when it is found that such restrictions are necessary to limit environmental and quality-of-life impacts, given the unique circumstances of the proposal.
- ii. Events with amplified sound shall be limited to Fridays, Saturdays, and Sundays.
- iii. All Event Venues shall comply with CGS §22a-69 as amended, and all CT DEEP regulations promulgated for such.

b. Number of Events per Year:

- i. In no case shall an individual Event Venue be permitted to host more than 100 events in a given calendar year. The Commission may further limit the number of events per year based on the unique circumstances of each proposal.

c. Lighting:

- i. All permanent site lighting shall be downcast and dark-sky compliant. Permanent lighting shall cause no trespass onto adjoining properties.
- ii. All temporary lighting, including string lights, shall cause no trespass onto adjoining properties, and shall be removed following each event.

d. Parking and Access:

i. Parking areas and access roads shall be designed and located so as to prevent headlight glare onto neighboring properties and limit noise.

ii. The Commission may require that parking areas and access roads be an all-weather surface if warranted to prevent erosion or limit noise.

iii. The applicant shall submit a parking proposal based on the anticipated capacity of the Event Venue. Such proposal shall account for at least one parking space per every three (3) guests at the largest expected function, and one parking space per employee or employee of a vendor anticipated at an event with the largest expected need for staff. No on-street parking is permitted.

e. Number of Guests:

i. No event shall exceed two-hundred (150) guests. The Commission may further limit the number of allowed guests at a proposed Event Venue, given the unique circumstances of the proposal.

11.21.5 Event Venues in Rural Areas. This section shall apply to any proposed Event Venue in the Rural Residential (RU-1) zoning district. This section shall not apply to Event Venues on Town-owned property.

a. Such venue shall be located on property containing at least ten (10) acres.

b. The portion of property containing the Event Venue shall be limited to interior areas of the property, as judged by the Commission, away from neighboring properties, unless such property is under common ownership to the proposed event venue.

i. At a minimum, there shall be no activity related to the Event Venue, other than an access drive, within 100 feet of any property exterior boundary.

ii. Sufficiently dense screening, by use of a berm, existing vegetation, or new landscape plantings, shall be maintained in order to limit sound emissions and light trespass. In no instance shall a vegetated buffer be less than 30' in depth.

11.21.6 Event Venues in Commercial Areas. This section shall apply to any proposed Event Venue in the Commercial, Highway Commercial, or Industrial-80 zones. This section shall not apply to Event Venues on Town-owned property.

a. If events are conducted outdoors, in tents or similar temporary structures, or in open air, such venue shall be located on property containing at least three (3) acres.

b. Sufficiently dense screening, by use of a berm, existing vegetation, or new landscape plantings, shall be maintained in order to limit sound emissions and light trespass, where properties abut residential or other incompatible land uses. In no instance shall a vegetated buffer be less than 30' in depth.

SPECIAL EVENTS

BE IT ORDAINED BY THE TOWN OF PRESTON:

SECTION 1. The regulation of Special Events and the supervision of such events are hereby declared necessary for the protection of the health, property, safety and welfare of the residents of the Town of Preston.

SECTION 2. Definition of Terms: As used in this ordinance unless the context otherwise indicates;

(a) The term "Special Events" shall mean any public gathering of more than five hundred (500) persons assembled at one time for one (1) particular event. The term "Special Event" shall not be interpreted to include the normal day-to-day operation of existing commercial enterprises. This ordinance shall not apply to events of civic or social organizations located in the Town of Preston existing on the date of adoption of this ordinance.

SECTION 3. License Required:

(a) No special event shall be held without a valid license.

(b) Application for such license shall be made to the First Selectmen not later than thirty (30) days before the starting date of the special event upon forms to be supplied by him for that purpose.

(c) Public notice of each application disclosing pertinent facts concerning the event shall be made by the First Selectmen within seven (7) days after application is received (cost of this notice shall be borne by the applicant.)

(d) The Selectmen shall not grant or deny the license until at least ten (10) days after such public notice but not more than fourteen (14) days after public notice.

SECTION 4. Application. The application for such a license shall obtain the following information under oath:

(a) Name of applicants; if a partnership, names of all partners; if a corporation, club or association, names of officers.

(b) Residents of Applicants.

(c) Age of applicants; if a corporation, club or association, date organized and under laws of what State.

(d) Type of business or activity.

(e) Whether applicants, or if a corporation, club or association, officers have ever been convicted of a crime.

(f) Description of the type of event to be held.

(g) Location where event will be held.

(h) Anticipated maximum number of persons who will be assembled at one time for the event. No persons in excess of this number shall be permitted within the confines of the location of the event.

(i) Plot plan or sketch of facilities and write-up demonstrating adequate plans to meet local, state and other applicable standards for:

- | | |
|-------------------|--------------------|
| 1. Parking | 6. Fire Prevention |
| 2. Food Service | 7. Fire Protection |
| 3. Drinking Water | 8. Refuse Disposal |
| 4. Toilets | 9. Law Enforcement |
| 5. Lodging | 10. Medical Care |

As may be required by the event must be submitted:

(j) The facilities for the event shall be subject to review by:

First Selectmen, Building Inspector, Fire Marshal, Director of Health, and the Zoning Enforcement Officer, of the Town of Preston within forty-eight (48) hours of the time the the licensed event will begin.

(k) Dates and hours of said special events must be specified and no licenses shall be valid for more than three (3) consecutive calendar days.

SECTION 5. Investigation of Applicants. The First Selectmen shall investigate the character and record of the applicants and the location wherein it is proposed to hold a Special Event described in the application and shall not approve said application or issue a license unless he finds that the applicants are over twenty-one (21) years of age and are persons of good moral character, and that the business or activity in such location is a bona fide and lawful one. The Selectmen in

granting or refusing the license shall consider each of the sections of this ordinance as well as all other valid concerns of the resident of the Town of Preston brought before them during the ten (10) to fourteen (14) days following the public notice concerning the application. In any case of the denial or refusal to grant or renew a license, the Selectmen shall notify the applicant in writing by Certified Mail, of their proposed action and set a day and place for a hearing thereon, giving the applicant reasonable notice in advance thereof and an opportunity to be represented by counsel at such hearing, after which hearing the Selectmen may reconsider their previous action.

SECTION 6. Prohibitions and Restrictions.

a) A license may not be transferred by the licensee to any other person, corporation, partnership, club or association.

b) Each licensee shall pay for police officers as shall be deemed required by the Selectman.

c) All state health regulations under State Health Code must be met and documented under regulations of the State Board of Health.

d) All refuse must be cleaned up and disposed of at the expense of the applicant.

e) Entrance and exit through property must be suitable to allow passage of emergency vehicles.

f) No person shall camp on the premises.

g) The Selectmen may require a bond to be posted. The rate of bond to be \$15,000 per 1,000 people in attendance.

SECTION 7. Revocation of License. The Selectmen shall have the power to revoke any license issued hereunder for cause, after due notice. Cause shall be deemed to include, but shall not be limited to false information in the application for a license knowingly given, failure to show good intent to comply with the conditions under which the license has been granted, any violation of this ordinance or conviction of a crime involving moral turpitude subsequent to the issuance of the license.

SECTION 8. Penalty. Any person, corporation, partnership, club or association violating any of the provisions of the ordinance shall be fined not more than twenty-five (25) dollars for each offense.

SECTION 9. Separability of Provision. Each separate provision of this ordinance shall be deemed independent of all other provisions herein, and if any provisions thereof shall remain valid and enforceable.

Effective date of this Ordinance - July 25, 1971