

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

October 13, 2022

Chairman Steve Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:00pm, on Thursday, October 13, 2022. The meeting was at Bozrah Town Hall, 1 River Road, Bozrah, Connecticut.

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

Others present: Glenn Pianka (First Selectmen), Jack Santo, Jack Santo Jr., Carolyn Dziengiel, Barbara Speerli, Dale Speerli, Ray Barber, Ron Lyman (Lyman Realty), Vance Taylor (Commercial Real Estate Group), others from the public were present.

1. Review and Approve Minutes:

a. September 8th.

Motion by Scott Barber to approve the minutes as presented. Second by Nancy Taylor.

VOTE: UNANIMOUS – MOTION CARRIED

2. Review Correspondence Pertaining to Agenda Items.

Sam Alexander (Town Planner) noted that he forwarded an email to the Commission, prior to the meeting, which contained a profile of HF3 Group LLC.

3. Hear the Report of the Zoning Enforcement Officer.

The Commission was in receipt of a written report the Zoning Enforcement Officer, who was unable to attend the meeting. Sam Alexander read the report and answered questions:

- Responded to requests for Short-term Rental information.
- 211 Bashon Hill: Met with Attorney; Attended Zoning Board of Appeals (ZBA) hearing, ZBA unanimously upheld enforcement order; Received complaints regarding Sunday operations and use of a saw mill.
- Email discussion regarding South Road/Bozrah Street Subdivision.
 - Jack Santo and Jack Santo, Jr. (7 South Road) spoke in regards to residential development of three single-family homes on Bozrah Street. Mr. Santo asked what the Town would be doing in regards to complaints about burying stumps on the property. It was described where the stumps were buried. Sam Alexander responded explaining that a Department of Energy and Environmental Protection (DEEP) official visited and declined to take action; the Town has no legal basis or authority to enforce the State's regulation. Mr. Santo disagreed. The Wetlands Agent will be inspecting the property once again. Jack Santo, Jr. stated that there was a large pile of woody debris on the eastern portion of lot 1. It will be important to ensure that this is not buried. It was acknowledged that burying stumps can contaminate water supply, attract vermin, and create dangerous sink holes.
- Discussions with two realtors regarding affordable housing issues.

- E-mail to Norwich zoning official regarding car repairs at a home in Norwich, query as to whether a shop in Bozrah was damaged.
 - Questions are clarifications: the potential zoning violation was in Norwich.
- Assisted new Building Official.
- Reviewed Mid City Steel application.
- Telephone meeting with Attorney regarding Haugh property and hearing affidavit.
 - There will be a hearing in regards to this court case on Friday, October 14th, the Town is seeking summary judgement.
- Drafted comments for Commission consideration on application for zoning regulation amendments.
- Received call from Registrar of voters regarding a couple planning to live at Camp Odetah in a camper; Will draft a letter to property owner noting permanent residence in camper is not permitted in Bozrah.

4. New Business:

a. Ron Lyman: Discussion. Allowed zoning uses for a vacant property on Salem Turnpike (Map 19, Lot 051), in the Highway Commercial Zone, directly across from Elm Brook Village at Bozrah, and the possibility of multi-family housing.

Ron Lyman of Lyman Commercial Realty (representing Joe Fatone, seller) and Vance Taylor of Commercial Real Estate Group (representing Harold Foley, HF3 Group, potential buyer) discussed Lot 051 of Assessor's Map 19, with the Commission. HF3 Group is potentially interested in developing the property. Mr. Lyman, Mr. Taylor, and Mr. Foley, by phone, outlined their proposal, seeking feedback from the Commission:

- 50-60-unit townhouse-style, multi-family development.
- 2-3-bedroom units with attached garages.
- Mix of market-rate (10-20%) and deed-restricted affordable (80-90%) units.
- Sewer and water availability make this an attractive site.
- HF3 Group has delivered on recent projects in East Lyme and (planned) Waterford.
- HF3 Group does not typically use 8-30g to gain approval of a project but prefers to work cooperatively with towns where a project makes sense. The purpose of their attendance is to get a feel for the Commission's comfortability with a zoning map or regulation amendment.
- The Commission and the representatives were able to discuss specifics of the envisioned project. It was acknowledged that the Highway Commercial zone does not allow housing other than senior housing.
- Commissioners asked about a senior (55+) component. Harold Foley stated that the potential funding sources for the project were not friendly to age-restricted developments, but it would be a consideration if it moved the project forward. Reducing the number of bedrooms from two to three per unit was also discussed as a possibility.
- The Commission pointed out challenges of the site that do not support its use for such a development, such as presence of wetlands, slopes, access issues, and difficulty accommodating setbacks.

- Each unit would cost about \$450,000 to build.
- The Commission was generally in favor of maintaining commercial zoning in this area.
- Other discussion included schooling and public service challenges, whether 55+ housing is considered affordable or not, and funding mechanisms.

b. Zejak Realty, LLC (Mid-City Steel), 48 Stockhouse Road, Bozrah: Site Plan Application (Renewal/Extension): 40 Stockhouse Road (Map/Lot 04/19-A). Construct a 25,600 industrial manufacturing building, parking, and other site improvements remove approximately; mass ledge removal required.

The Town Planner was seeking additional information in the form of an existing conditions survey, due to the fact that it appears the initial limits of excavation were not observed. A review will be done upon receipt of new information. No one was in attendance to speak on the application and it was tabled until the next meeting.

c. 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.

Sam Alexander noted that the Commission only needs to schedule a public hearing on this application and suggested the November meeting. There was discussion regarding whether or not the applicant should have been present at the meeting.

d. Commission Discuss: 211 Bashon Hill Road activities.

Sam Alexander explained that a saw mill was located on the property and that enforcement would likely be taken. The Commission discussed that saw mills are not allowed in the RU-1 zone. It was pointed out that telephone poles appear to have been milled, and telephone poles contain creosote and other treatment chemicals.

e. Short-term Rental application referral from First Selectman.

Glenn Pianka stated that he received a Short-term Rental application (regulated by ordinance) for 15 Gager Road. He was intending to refer it to the Planning & Zoning Commission for an informal review, but discovered that the owner would not be living on-site, so the application does not comply with the ordinance. The Commission agreed that it did not comply with the ordinance.

5. Public Comment Period.

Ray Barber (25 Goshen Road):

- No one can force the Commission to change its regulations.
- Mr. Barber asked questions about the court case involving land off of Haughton Road; there will be a “mechanic’s lien” on the property.
- Mr. Barber questioned the estimated cost of construction for residential units from the discussion with HF3 Group.
- The Town Planner should not be taking minutes.
- Developers should contact the Commission directly, not through staff.

Carolyn Dziengiel (194 Bashon Hill Road):

- Passed out a letter to the Commission.
- Ms. Dziengiel brought up a portion of the regulations and a questioned whether the affordable housing development would be allowed.

- The Commission should request truck logs for 211 Bashon Hill Road; it is a condition of their Special Exception that the logs be available for inspection by staff.
- Ms. Dziengiel also noted other aspects of the Special Exception not being complied with: working outside of phase limits, removal of material under three inches, Sunday operations, crushing rocks. The Wetlands Agent is scheduled to inspect the property on Friday. The business operating in a residential area jeopardizes public health safety and welfare.
- Steve Seder stated that there is not a “rock crusher” but a hydraulic ram.
- Scott Barber asked Ms. Dziengiel to identify aspects of the operation that impact public health, safety, and welfare. Ms. Dziengiel discussed the saw mill on the property. Scott Barber asked that Attorney Heller attend the next meeting.

Barbara Speerli (35 Goshen Road):

- Last week the owners of 211 Bashon Hill Road were burning something.

Ray Barber (25 Goshen Road):

- Noted that the person using the saw mill in Bozrah was evicted from Franklin. How can someone have a business in a residential zone?

Glenn Pianka (First Selectman) asked if there are regulations on clothing donation collection bins. There are not. The First Selectman received an inquiry from the Loyal Order of Moose.

Nancy Taylor noted that telephone poles are covered in creosote as well as other chemicals.

Jack Santo, Jr. (7 South Road):

- Stone tracking pads are not adequate at the Bozrah Street/South Road subdivision; the Wetlands Agent is making an inspection, there are bonds for the project.
- Traffic is coming in and out of South Road, there should be stone tracking pads.

Jack Santo (7 South Road):

- The Commissions shouldn't allow people to speak by telephone (as was done in item 4a).
- Questioned the cost numbers offered during item 4a.
- A 7 or 8-year old kid died in New Jersey, in a sink hole created by buried stumps.

Seymour Adelman:

- Regarding the Zoning Enforcement Officer report: Odetah has always had a caretaker camper on-site.

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

Nancy Taylor acknowledged that the Commission never acted to schedule a public hearing on the application by DWP Events, LLC. Nancy Taylor made a motion to schedule a public hearing on November 10th, at 7:00pm, preceding the Regular Meeting. Scott Barber seconded the motion.

VOTE: UNANIMOUS – MOTION CARRIED

The application will be posted online.

Sam Alexander raised two topics:

- The Town was contacted by a property owner, Alex Gebbie. Mr. Gebbie is interested in purchasing a small town-owned property adjacent to his own property. If he were able to purchase it, he would be interested in building small storage units. The property is in the Industrial 80 zone. Sam Alexander asked the Commission for an interpretation of its own

zoning regulations, and whether Section 9.1.2 *Major Retail and wholesale business, showrooms, office buildings, lumber storage, warehouses, truck terminals* included storage buildings. There was discussion of the property in question. Glenn Pianka stated that there is a strong chance that the property would be used for a parking lot for the newly designed soccer field to be located behind Fields Memorial School. Therefore the town was not interested in selling it.

- The Town was contacted by a multi-family housing developer interested in a large property between Caroline Road and Bozrah Street, which surrounds the town-owned Mineral Spring property. The developer was interested in creating a large age-restricted (55+) development. Sam Alexander informed the developer that multi-family was not permitted in the zoning district.

Motion by Nancy Taylor to adjourn. Second by Manny Misarski.

VOTE: UNANIMOUS – MOTION CARRIED

The meeting was adjourned at 9:09pm.

Respectfully submitted,
Samuel Alexander
Town Planner/SCCOG