

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

**BOZRAH PLANNING & ZONING COMMISSION**

AGENDA

Wednesday, November 10, 2021, 7:00 p.m.

The Bozrah Planning & Zoning Commission will hold its regular meeting on Wednesday, November 10, 2021, at 7:00 p.m., at the Bozrah Town Hall, 1 River Road, Bozrah, CT. This meeting was scheduled in order to avoid a conflict with Veterans' Day.

1. Review and approval minutes:
  - a. October 12<sup>th</sup> Special Meeting/Public Hearing.
  - b. October 14<sup>th</sup> Regular Meeting/Public Hearings.
2. Review correspondence pertaining to agenda items.
3. Hear the report of the Zoning Enforcement Officer.
4. New Business:
  - a. Change of Use Informal Discussion: Occupation of 171 Fitchville Road by Mid City Steel.
  - b. Bozrah Planning & Zoning Commission: Application to "opt-out" of a provision of Public Act 21-29 affecting the Commission's authority to impose parking requirements on certain residential dwellings. *The Bozrah Planning & Zoning Commission intends to exercise its right, pursuant to Section 5 of PA 21-29, to "opt out" of PA 21-29's revision to CGS 8-2, which restricts a zoning commission's ability to "Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of Section 5 of this act.." This revision to CGS 8-2 is in conflict with the Town of Bozrah Zoning Regulations.*
5. Discussion of Other Regulation Amendments:
  - a. Recreational Cannabis.
  - b. Accessory Dwelling Units.
  - c. Other Provisions of Public Act 21-1.
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

**SPEIAL MEETING  
TOWN OF BOZRAH  
PLANNING AND ZONING COMMISION**

**October 12, 2021**

Chairman Steve Seder called the special meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:00pm, on Tuesday, October 12, 2021. The meeting was at Fields Memorial School, 8 Bozrah Street Ext., Bozrah.

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

Members absent: Steve Coit, Frank Driscoll (alt.).

Others present: Glenn Pianka (First Selectmen), Bill Ballenger (Board of Selectmen), Sam Alexander, AICP (Town Planner/SCCOG), Jeff Londregan (Counsel), numerous members of the public.

Steve Gural was seated in place of Steve Coit. Seymour Adelman recused himself and remained in the audience throughout the meeting.

1. Public Hearing:

a. GotSpace Data Partners, LLC, 268 Newbury Street 4th Floor, Boston, MA 02116: Zoning Regulation Amendments – Add new Section 9A (Technology Park District).

Chairman Steve Seder called the public hearing to order at 7:00pm. Chairman Seder read the hearing notice. The applicant was not present at the meeting. Sam Alexander (Town Planner) reviewed correspondence on the application, which included a staff memo, a letter from the Southeastern Connecticut Council of Governments, and written testimony from an abutter.

Chairman Seder asked for comments from the public.

- Ray Barber, 25 Goshen Road, remarked on the fact that the applicant was not present.
- Henry Granger, 141 Caroline Road, also remarked on the applicant's non-presence.
- Earl Lathrop, 21 Hough Road, remarked on the fact that abutters are not listed on the data center concept plan.
- Unidentified members of the public spoke in opposition.
- There was general discussion amongst the public and questions raised. Some members of the public spoke in opposition.
- An unidentified member of the public suggested greater coordination with the Town of Wallingford staff.
- Staff provided clarity on the purpose of the zoning regulation amendment and the process implied by proposed Section 9A.
- Members of the Board of Selectmen answered questions from the public about the host agreement.
- Members of the public remarked on the floating zone concept and suggested that a floating zone not be utilized.

- Bruce Neild, 142 Gifford Lane, remarked on noise from data centers.
- Sara Schmidt, 67 Bashon Hill Road spoke in opposition.
- Ralph Banning asked about fees in lieu of open space. Staff responded. Mr. Banning spoke separation from dissimilar land uses.
- An unidentified member of the public spoke about the applicant's non-attendance.
- Scott Taylor, 95 Wawecus Hill Road, stated that he was hoping to ask the applicant questions about the floating zone concept and regulation language.
- Evelyn Brown, 145 Fitchville Road, spoke about the allowed uses in proposed Section 9A
- Nancy Taylor of the Commission stated that all vital portions of the operation would be best contained in buildings and that data centers should be the only allowed use.
- Steve Gural of the Commission voiced his opposition to the amendments as written.
- Numerous other unidentified members of the public spoke in favor and in opposition. A member of the public remarked in opposition to a floating zone concept.
- Glenn Pianka (First Selectman) spoke about economic development and past successes.

Nancy Taylor made a motion to close the public hearing. Scott Barbers seconded the motion.

**VOTE: UNANIMOUS – MOTION CARRIED**

The public hearing was closed at 7:50pm.

2. Old Business:

a. GotSpace Data Partners, LLC, 268 Newbury Street 4th Floor, Boston, MA 02116: Zoning Regulation Amendments – Add new Section 9A (Technology Park District).

The Commission discussed options available to them given the disposition of the application and the comments received. The Commission that the pragmatic decision was to deny the application without prejudice. Scott Barber made a motion to deny the application without prejudice. Nancy Taylor seconded the motion.

**VOTE: UNANIMOUS – MOTION CARRIED**

The meeting was adjourned at 7:52pm.

Respectfully submitted,  
 Samuel Alexander  
 Town Planner/SCCOG

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

**October 14, 2021**

Chairman Steve Seder called the regular meeting of the Town of Bozrah Planning and Zoning Commission to order at 7:00pm, on Thursday, October 14, 2021. The meeting was at the Bozrah Town Hall, 1 River Road, Bozrah, CT.

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

Members absent: Frank Driscoll (alt.).

Others present: Glenn Pianka (First Selectmen), Sam Alexander, AICP (Town Planner/SCCOG), Mark Reynolds (Reynolds Engineering Services), Jason Reynolds (Reynolds Engineering Services), Gordon Sime (McMinn Associates), Wes Wentworth (Wentworth Civil Engineers), Jennifer Paternostro (Bashon Hill Farms LLC), Matt Grohocki (Revelation Church), David Held (Provost and Rovero), Ray Barber, Earl Lathrop, Charlene Lathrop, Nancy Renshaw, numerous members of the public.

Seymour Adelman recused himself and remained in the audience throughout the meeting.

1. Public Hearing:

a. Revelation Church, 166 Bishop Road: Special Exception - Excavation. Applicant proposes to remove surface stones and boulders from 26.6 acres on the subject property.

Nancy Taylor recused herself from the public hearing. Steve Gural sat in place of Nancy Taylor. Chairman Steve Seder called the public hearing to order at 7:00pm. Chairman Seder read the hearing notice. Sam Alexander (Town Planner) remarked on new items of correspondence.

Dave Held, P.E., L.S., Provost & Rovero began a short presentation on minor changes to the application. There was a discussion with the Town Engineer in September that resulted to modified plans for temporary vegetative cover. The bond estimate was also revised per Town Engineer comments.

Sam Alexander reviewed deviations from the regulations, that the Commission may find are allowed or necessary given the unique nature of the excavation: (1) requirement to add four inches of top soil and permanent cover; (2) requirement of A-2 quality survey for plans; (3) use of estimate of daily truck trips in place of an estimate of excavated material; (4) limited deviations from the phases to obtain certain rocks for clients. Sam Alexander also reviewed the Special Exception general criteria.

Charles Hawke (234 Bishop Rd.) asked questions about boundary walls. Boundary walls will remain in place, the limit of work is 20 feet from all boundaries. Mr. Hawke asked about limiting truck traffic to the hours of 9am to 4pm, as well as seasonality of work. There was discussion of method for splitting stone. It is split by hand. Matt Grohocki stated that he will notify Mr. Hawke when phase lines are staked.

Earl Lathrop (21 Hough Road) asked about involvement from the State of Connecticut. There is no requirement in the regulations to notify abutters for Special Exception applications.

Carolyn Dziengiel (194 Bashon Hill Road) spoke in opposition.

The Commission asked question of the applicant and discussed the equipment used, and raised questions about the impact to the land. Matt Grohocki discussed the history of the operation and stated that he will be a good steward of the property. The Commission discussed limiting truck traffic to the hours of 9am to 4pm. It was discussed that the contractor has one dump truck.

Steve Gural made a motion to close the hearing. Scott Barber seconded the motion.

**VOTE: UNANIMOUS – MOTION CARRIED**

The public hearing was closed at 7.39pm.

**b. Bashon Hill Farms, LLC/Stoney Hill Farm, LLC, 211 Bashon Hill Road: Special Exception – Excavation. Applicant proposes to remove stones from soil over 7.2 acres on the subject property, with the goal of reclaiming agricultural fields.**

Nancy Taylor sat for this hearing. Steve Gural became an alternate. Chairman Steve Seder called the public hearing to order at 7:40pm. Chairman Seder read the hearing notice. Sam Alexander remarked on the items of correspondence and application materials in the hearing packet.

Wes Wentworth, P.E., Soil Scientist, Wentworth Civil Engineers, reviewed the plans for the Commission, including the phasing of operations. A Cease and Correct Order (wetlands) and Notice of Violation (planning and zoning) were issued in the spring. Mr. Wentworth noted that the Town Engineer commented on the plans and his comments were satisfied with the updated plans. A phased bond is being proposed.

Earl Lathrop (21 Hough Road) asked if rock crushers will be used. Only a screener for sifting dirt that will go back to the agricultural fields.

Carolyn Dziengiel (194 Bashon Hill Road) asked about tree clearing. No more trees will be cleared.

Alex Strickland (192 Bashon Hill Road) commented on the past hours of operation. Other commented as well. There was discussion. The applicant discussed unavailability of trucks; the applicant does not own dump trucks. Wes Wentworth stated that a limit of truck traffic from 9am to 4pm would be burdensome. The regulations limit all activities to 7am to 7pm.

There was discussion of screening. Screening would occur inside phase boundaries and would not be constant. Screening would get material down to three inches and less.

There was discussion of whether the costs of inspections should be borne by the applicant. Wes Wentworth suggested perhaps adding a bonded line item.

Ray Barber (25 Goshen Road) commented that the land would be returned to farmland.

Scott Barber made a motion to close the hearing. Nancy Taylor seconded the motion.

**VOTE: UNANIMOUS – MOTION CARRIED**

The public hearing was closed at 8:18pm.

2. **Review and approval minutes:**

**a. September 9<sup>th</sup> Regular Meeting.**

Nancy Taylor made a motion to approve the minutes as presented. Scott Barber seconded the motion.

**VOTE: UNANIMOUS – MOTION CARRIED**

b. October 12<sup>th</sup> Special Meeting/Public Hearing.

No action was taken.

3. Review correspondence pertaining to agenda items.

Sam Alexander reviewed new packet items pertaining to agenda item 5b.

4. Hear the report of the Zoning Enforcement Officer.

Chairman Steve Seder remarked on two enforcement actions taken: 117 Lake Road and 115 South Road. The enforcement action against 115 South Road was after the fact.

5. Old Business:

a. Revelation Church, 166 Bishop Road: Special Permit - Excavation. Applicant proposes to remove surface stones and boulders from 26.6 acres on the subject property.

Nancy Taylor recused herself. Steve Gural was seated. The Commission discussed the conditions placed on the excavation by the Inland Wetlands & Conservation Commission. Scott Barber felt strongly that the town should not bear the cost of staff inspections. There was discussion.

Sam Alexander read draft motion. There was additional discussion regarding the costs of inspections and hours of operation. Sam Alexander stated that he could come back at the next meeting with a recommendation for how the costs may be placed on the applicant, if the Commission feels strongly about it. Sam Alexander re-read suggested draft motions.

Steve Gural made a motion to approve the application with the following conditions:

1. The special exception shall not be valid until mylar copies of the plan sets and PZC and IWCC approvals are filed on the land records. Plan sets shall bear the signatures of the appropriate professionals and Commission Chairs.
2. Prior to filing on the land records, the applicant will post a surety bond in a form acceptable to the ZEO, in the amount of \$26,352, as proposed by the applicant's engineer. The bond may be utilized by either the PZC or IWCC.
3. The special exception shall only pertain to the phased areas noted on the plans and shall not be construed to apply to any other areas of the property.
4. The special exception shall expire three (3) years from the approval date. The applicant may apply for a permit renewal.
5. As proposed on the plans, no changes in the overall grade of the excavation area shall occur.
6. Erosion and sediment control measures shall be established per the erosion and sediment control plan, within worked phase areas prior to commencement of any activities.
7. Phase limits shall be clearly delineated in the field, per the plan, by a licensed land surveyor.
8. Per the condition of approval of the IWCC, the property owner will consent to regular staff inspections of the site. Additional erosion and sediment control measures may be required if deemed necessary by town staff.
9. The applicant shall keep a log of truck traffic leaving the property. The applicant shall provide such log to staff upon request.

10. The applicant shall submit to the town staff any stormwater permits required by CT DEEP, as well as the results of any inspections or testing required by such permits.

11. The applicant shall, prior to filing mylar copies of plan sets, reimburse the Town \$756.68 for professional engineering services above and beyond the initial application review and comment.

12. The applicant shall notify staff prior to the commencement of work in each phase area.

13. Operations shall take place between 7am and 7pm. Truck trips and loading shall take place between 9am and 4pm.

Manny Misarski seconded the motion.

**VOTE: 4/1(Barber)/0 – MOTION CARRIED**

Mr. Held requested that the Commission consider requested “waivers”. The Commission felt those were implied in the approval.

**b. Steven Roy & Frank Adams, Fitchville Road and Bashon Hill Road (Map 03, Lot 069): Four-lot residential subdivision.**

Nancy Taylor sat for this application. Steve Gural became an alternate.

Mark Reynolds, P.E., Reynolds Engineering Services, presented changes to the plans and updates since September. Monumentation was added at lot angle points along all roads. An appraisal was completed by John Lo Mont. A copy was provided the Commission ahead of time. The appraisal figure was \$165,000. Turning radii for fire apparatus were shown in relation to driveways; driveways on Bashon Hill Road are proposed to have an extended, compact shoulder on each side to accommodate turning movements, per comments of the Fire Marshall. Water pressure tests results are forthcoming from Norwich Public Utilities (NPU).

There was discussion of provision of drinking water. Sam Alexander explained the Connecticut Public Health Code and stated that if there is the ability to connect to water, the owners of the lots would be required to by Uncas Health District. Sam Alexander did not feel it was a zoning matter, in this case, but could be in others where the regulations speak to requiring public water. An email was entered into the record from Uncas Health District stating that any of the four lots, not only lots 3 and 4, would be required to connect to the NPU system if feasible.

There was discussion of the driveway ordinance and the increased shoulder of driveways. Sam Alexander read aloud the comments of the Fire Marshall, which were to provide an extended shoulder and increase the length of the culvert under driveways on Bashon Hill Road.

There was discussion of the open space fee. Sam Alexander discussed the statutory requirement to assess a fee upon the sale of each new lot. The Commission determined that the applicant should be required to pay the fee up front. The applicant’s engineer stated that was ok.

There was discussion of subdivisions versus resubdivision and whether this was a resubdivision or a subdivision.

Sam Alexander discussed with the Commission draft conditions of approval.

Manny Misarski made a motion to approve the subdivision with the following conditions:

1. Mylar copies of the plan sets and PZC and IWCC approvals shall be filed on the land records. Plan sets shall bear the signatures of the appropriate professionals and Commission Chairs.
2. Prior to filing mylar copies of the plan sets, the applicant shall install property boundary markers as depicted on the plan.
3. The applicant shall obtain permission from the Board of Selectmen prior to commencing any work within the Right of way.
4. Stone walls along the frontage of lots shall be retained, except that stone walls may be improved or portions of walls removed in order to accommodate driveways.
5. Driveways of lots 1, 2, and 3 shall be built in excess of the Town standard, in order to accommodate emergency apparatus, and constructed in compliance with the plans and written comments by the Fire Marshall.
6. Prior to filing mylar copies of the plan sets, the applicant shall deposit a sum of \$16,500 in the Town open space fund.

Steve Coit seconded the motion. There was discussion. Scott Barber suggested an additional condition:

7. Any lots capable of being serviced by public water provided by Norwich Public Utilities shall be serviced by public water.

Manny Misarski modified his motion to include the additional condition. Steve Coit seconded the motion.

**VOTE: UNANIMOUS – MOTION CARRIED**

c. Bashon Hill Farms, LLC/Stoney Hill Farm, LLC, 211 Bashon Hill Road: Special Permit – Excavation. Applicant proposes to remove surface stones from 7.2 acres on the subject property, with the goal of reclaiming agricultural fields.

The Commission discussed limits on timing of activities, expenses associated with inspections, and draft approval conditions. Sam Alexander read draft approval conditions.

Manny Misarski made a motion to approve the application with the following conditions:

1. The special exception shall not be valid until mylar copies of the plan sets and PZC and IWCC approvals are filed on the land records. Plan sets shall bear the signatures of the appropriate professionals and Commission Chairs.
2. Prior to commencement of each phase, the applicant will post a surety bond in a form acceptable to the ZEO, in the amounts provided in an October 14 bond estimate provided by Wes Wentworth, PE. The bond may be utilized by either the PZC or IWCC. This bond may be released upon completion of each phase.
3. The special exception shall only pertain to the phased areas noted on the plans and shall not be construed to apply to any other areas of the property.
4. The special exception shall expire three (3) years from the approval date. The applicant may apply for a permit renewal.
5. Erosion and sediment control measures shall be established per the erosion and sediment control plan, within worked phase areas prior to commencement of any activities.
6. Per the condition of approval of the Inland Wetlands & Conservation Commission, the property owner will consent to regular staff inspections of the site. Additional



erosion and sediment control measures may be required if deemed necessary by town staff.

7. The applicant shall keep a log of truck traffic leaving the property. The applicant shall provide such log to staff upon request.

8. The applicant shall submit to the town staff any stormwater permits required by CT DEEP, as well as the results of any inspections or testing required by such permits.

9. The applicant shall notify staff prior to the commencement of each work phase.

10. The excavation is limited to the cubic yardages noted in the application.

11. Excavation will be limited to the hours of 7am and 7pm, and not take place on Sundays.

Nancy Taylor seconded the motion.

**VOTE: UNANIMOUS – MOTION CARRIED**

6. Affordable Housing Plan.

There was no discussion.

7. Discussion of Public Act 12-29 and possible regulation amendments.

Sam Alexander spoke about Public Act 21-29, formerly Substitute House Bill 6107. Sam Alexander provided the Commission with a memo in June and an updated memo in October. The memos outline the many land use impacts of the law.

There was discussion. The Commission determined to develop an “opt-out” application for the provision limiting the ability of the Commission to dictate parking requirements for residences. There are numerous other aspects of the law that necessitate regulation updates and will be handled in due time.

8. Public comment period.

There was none.

9. Review general correspondence.

There was none.

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

Mid-City Steel will come in for an informal discussion regarding their new occupancy of a Fitchville Road property, in November. Scott Barber made a motion to adjourn the meeting. Nancy Taylor seconded the motion. The meeting was adjourned at 9:53.

Respectfully submitted,

Samuel Alexander  
Town Planner/SCCOG

# SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

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

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## MEMORANDUM

TO: Town of Bozrah Planning & Zoning Commission  
FROM: Samuel Alexander, AICP, Bozrah Town Planner, SCCOG /s/  
DATE: November 3, 2021

### Miscellaneous Regulation Amendment Addressing Public Act 21-29

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We've preliminarily discussed a number of needed regulatory changes and opt-out considerations stemming from the passage of PA 21-29.

The Planning & Zoning Commission will receive an application to "opt out" of the portion of the law affecting parking minimums for residential units. Other regulatory changes should be discussed over the coming months. I've included changes for consideration below.

- Parking limits for residences..... *Proposed opt-out, received Nov*
- Accessory dwelling units .....*Expect to opt-out, discuss in Dec/Jan*
- Misc. changes (minimum floor area, mobile homes, etc.) .....*Discussed here in this memo*

### **Minimum Floor Area for Residences**

Purpose: Eliminate minimum floor area requirement for residences. Pursuant to PA 21-29, the requirements of the Connecticut State Building Code shall dictate the minimum floor area of a residence, not zoning. There are a number of references to minimum floor area required for dwelling units.

#### Possible Regulation Amendments:

~~5.5 Minimum Floor Area: 1,000 square feet per dwelling unit. (5/21/87)~~

5.A.2.1 - ....

b) Multi-family dwelling calculated at 4 units per acre with no single parcel containing more than 6 units. ~~The minimum floor area per unit shall be 600 square feet~~ and with no unit containing more than 2 bedrooms.

~~6.4.5 Floor Area: 1,000 square feet per unit in single-family and two-family dwellings. (Amended effective 2/28/88).~~

~~7.4.5 Minimum Floor Area: 1,000 square feet for single-family dwellings. (5/21/87)~~

~~8B.3.6 Floor Area: No minimum for Commercial uses, 1000 square foot minimum for single-family dwellings.~~

## Consideration of “a District’s Character” in Denials of Applications

Purpose: Make clear that site plans, special exceptions, or other applications cannot be denied based on “a district’s character”, unless that district’s character is expressed through physical standards contained in the regulations. The Village Overlay District has express physical standards, for instance.

### Possible Regulation Amendments:

11.3.1 A special exception shall not be granted unless the Commission finds the following...

- d) That there will be no adverse effects or impacts on ~~the character~~ of the neighborhood or its property values.

## Mobile Homes

Purpose: Eliminate language that treats mobile homes\* substantially different from single- and multi-family dwellings.

*\*This only applies to mobile homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes (“double-wides”). This need not apply to smaller mobile homes.*

### Possible Regulation Amendments:

2.11 Dwelling Unit. A room or rooms, connected together, constituting a separate, independent housekeeping establishment for a family, physically separated from any other rooms or dwelling units that may be in the same structure, and containing its own kitchen, sleeping, and toilet facilities. For the purposes of these regulation, dwelling units may be located in mobile homes with their narrowest dimension twenty-two (22) feet or more and which are built in accordance with federal manufactured home construction and safety standards.

2.12 Dwelling, Single-Family. A detached dwelling unit, ~~other than a mobile home,~~ designed for occupancy by only one family.

10.7.4 Mobile homes having their narrowest dimension less than twenty-two (22) feet or not built in conformance with federal manufactured home construction and safety standards shall not be used as a dwelling.

## Multi-family Housing/Middle Housing Unit Caps

Purpose: Remove unit caps to multi-family housing, consistent with PA 21-29: “Zoning... shall not... Place a fixed numerical or percentage cap on the number of dwelling units that constitute multifamily housing over four units, middle housing or mixed-use development that may be permitted in the municipality”.

I am still not sure what this means and have heard different interpretations. One interpretation would be ensuring that zoning does not say, “only X number of multi-family units may be built in town”. The regulations as currently written place two caps: four (4) units per acre, and six (6) units per parcel. As other towns address this issue, we might have more guidance. Right now, it’s difficult to determine if the regulations are out-of-line with the law or not.

## Affirmatively Furthering the Purposes of the Federal Fair Housing Act

I am not sure anything will need to be changed, at least not immediately. The requirement is that zoning must be designed to “*affirmative further the purposes of the federal Fair Housing Act*”. The Fair Housing Act is a federal law that prohibits discrimination in housing sales, lending, rental, etc. The Fair Housing Act isn’t really meant to apply to land use processes, but its purpose is essentially to reduce racial disparities and discrimination in housing. The purpose of this section of PA 21-29 could be to create a

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**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

way to legally challenge zoning restrictions that seem overly discriminatory.

### **Requirements for Energy Conservation Measures in Development**

Zoning regulations may now make certain allowances for energy conservation measures, such as requiring on-site solar, for new development. I think it will be interesting to see where other towns take this. No changes are required, but there could be some good lessons learned.

Planning & Zoning Commission  
Town of Bozrah  
1 River Road  
Bozrah, CT 06334

**Zoning Application**

Date of Submission: 11/1/2021

Application Number: 11-00-21

Fee Paid: NA

- |   |   |
|---|---|
| <input type="checkbox"/> Site Plan Approval | <input checked="" type="checkbox"/> Zoning Regulation Amendment |
| <input type="checkbox"/> Special Exception  | <input type="checkbox"/> Zoning Map Amendment                   |
| <input type="checkbox"/> Home Occupation    | <input type="checkbox"/> Change of Use                          |
| <input type="checkbox"/> Other _____        |   |

Name, Address and Phone Number of Applicant:

Town of Bozrah Planning & Zoning Commission  
1 River Road, Bozrah, CT 06334  
860-889-2324

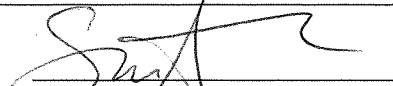
Name and Address of Property Owner: (if different from above)

\_\_\_\_\_  
\_\_\_\_\_

Describe in detail what is being requested by this application: (Attach all plans and sketches as required)

The Bozrah Planning & Zoning Commission intends to exercise its right, pursuant to Section 5 of Public Act 21-29, to "opt out" of PA 21-29's revision to CGS 8-2, which restricts a zoning commission's ability to "Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of Section 5 of this act.." This revision to CGS 8-2 is in conflict with the Town of Bozrah Zoning Regulations.

\_\_\_\_\_  
Signature of Owner

  
\_\_\_\_\_  
Signature of Applicant

*SAMUEL ALEXANDER*  
*TOWN PLANNER*  
*For the Commission*

Commission Action:  Approved  Denied Date: \_\_\_\_\_ Initialed: \_\_\_\_\_

# SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

5 Connecticut Avenue, Norwich, Connecticut 06360

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

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## MEMORANDUM

TO: Town of Bozrah Planning & Zoning Commission  
FROM: Samuel Alexander, AICP, Bozrah Town Planner, SCCOG /s/  
DATE: November 3, 2021

### Regulation of Cannabis Establishments and Public Act 21-1

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On June 10, 2021, the Planning & Zoning Commission adopted a moratorium on Cannabis Establishments. The following regulations went into effect June 28<sup>th</sup>:

10.20 Cannabis Establishments. The Planning & Zoning Commission hereby adopts a Moratorium on cannabis establishments, which, in addition to any definition in the Connecticut General Statutes, provide for the retail sale of recreational cannabis and cannabis-derived products, whether as a primary retail product or in addition to non-cannabis retail products, except for products containing less than 0.3% Tetrahydrocannabinol. This moratorium is adopted for a period of time not to exceed 180 days, in order to provide time for the Commission to determine if it will allow or restrict the use in any way. If no action is taken prior to 180 days from the effective date of this section, cannabis establishments shall be presumed to be not allowed in any zones. (Effective Date: 06/28/21).

The moratorium expires December 25<sup>th</sup> (180 days). After expiration, it's presumed that the uses are not allowed.

### **Future Actions**

Moratoria are intended to be temporary, in order to allow a Commission to effectively develop regulations without the need to act on permit applications for that use in the interim.

I would suggest the Commission carefully consider whether it wants to:

- Continue prohibiting Cannabis Establishments;
- Permit Cannabis Establishments under certain conditions, or;
- Permit only certain classes of Cannabis Establishments under certain conditions.

### **Classes of Cannabis Establishments**

Zoning regulations may treat the various types of Cannabis Establishments separately. Eight classes of Cannabis Establishments are defined in PA 21-1, each needing a separate license from the Connecticut Department of Consumer Protection.

Cannabis Production:

Cultivator – Grows cannabis in an indoor setting of not less than 15,000sf. This is an industrial-type operation.

Micro-cultivator – Grows cannabis in an indoor establishment of between 2,000sf and 10,000sf.

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**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

#### Cannabis Processing:

Product Manufacturer – Extracts, distills, and manufactures cannabis/cannabis products.

Food and Beverage Manufacturer – Creates food and beverages using its extract (“edibles”).

#### Cannabis Distribution:

Product Packager – Packages and labels cannabis products for distribution.

Delivery Service or Transporter – Delivers cannabis products to consumers, laboratories, retailers, research facilities, or medical patients.

#### Cannabis Sale:

Retailer – Sells recreational cannabis to consumers or research programs. This excludes medical dispensaries and hybrid retailers.

Hybrid Retailer – Sells recreational cannabis as well as medical cannabis.

### Zoning Considerations

Zoning regulations may reasonably restrict hours and signage. Zoning may also limit proximity of Cannabis Establishments to religious institutions, schools, charitable organizations, hospitals, veterans’ homes, or certain military establishments.

PA 21-1 states that cannabis production does not qualify as agriculture under the definition of agriculture in the Connecticut General Statutes. Therefore, “Cultivators” and Micro-cultivators” are not afforded the legal protections and tax treatments from which farms benefit.

### Municipal Tax on Gross Receipts

PA 21-1 states that municipalities hosting “Retailers”, “Hybrid Retailers”, or “Micro-Cultivators” shall receive proceeds of a 3% municipal sales tax on gross receipts. Tax proceeds must be used only for:

- Streetscape improvements and other neighborhood developments in communities where cannabis or hybrid retailers or micro-cultivators are located;
- Education programs or youth employment and training programs in the municipality;
- Services for individuals living in the municipality who were released from Department of Corrections custody, probation, or parole;
- Mental health or addiction services;
- Youth service bureaus and municipal juvenile review boards; and
- Community civic engagement efforts.

### Regulating Use on Municipal and Private Property

Municipalities may regulate burning of recreational cannabis on municipal property and in outdoor sections of restaurants, through municipal ordinance. Existing smoking ordinances may apply as well. Municipalities with more than 50,000 residents must designate a public outdoor space where cannabis consumption is permitted.

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#### 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