



TOWN of **THOMPSON**

PLANNING AND ZONING COMMISSION

Minutes-PZC Special Meeting Tuesday, June 2, 2020 at 7:00 PM Zoom Meeting

P 1 of 18

Zoom Meeting June 2, 2020

Topic: Planning & Zoning Commission Sub-committee - Zoning Regulations
Time: Jun 2, 2020 07:00 PM Eastern Time (US and Canada)

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Topic: Planning & Zoning Commission Sub-committee - Zoning Regulations

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1. Call to Order at 7:00 PM by Chairman Joseph Parodi-Brown

Roll Call:

Charlene Langlois

John Lenky

Missy Desrochers

John Rice

Brian Santos

Joseph Parodi-Brown

Michael Krogul

Robert Werge Sr.

Alternate Seating: None

Absent: Randy Blackmer, Alvan Hill, Christopher Nelson, Christine Chatelle

Staff: Planner Tyra Penn-Gesek, ZEO Cindy Dunne, Gloria Harvey Recording Secretary

2. PZC Commission Discussion of Comments Received on Proposed Regulations.

Discussion Guide/Public Comments on Proposed Zoning Regulations

Page i – Table of Contents

M. Butts: (general formatting comment) I suggest the PZC employ the services of a professional document editor familiar with regulation construction (town's legal counsel may be able to help with this).

C. Dunne: Not being an expert in editing I think Marla's suggestion of having a document editor review this document is a good idea.

T. Penn: **Recommend a voice vote** by the commissioners to decide whether to expend funds to have the document reviewed for **formatting consistency**. If they choose that option, I will follow up with Halloran & Sage to find out if they would be able to do that review, or recommend an appropriate option.

Page i – Table of Contents

A. Landry: Believes the definitions should be at the beginning of the document or the end

T. Penn: **Recommend a voice vote** for preferred formatting. The substance of the document is not affected by either choice.

Charlene Langlois moved and Missy Desrochers seconded the motion to seek a qualified document editor.

Discussion on format. Expense will be involved contracting an editor to format and not changing language

Roll Call:

Charlene Langlois-Yes

John Lenky-Yes

Missy Desrochers-Yes

John Rice-Yes

Brian Santos-Yes

Michael Krogul-Yes

Robert Werge Sr-Yes

Joseph-Parodi-Brown-Yes

Recommend a voice vote

Table of Contents-Definitions at beginning or end

Voice Vote:

Charlene Langlois-End

John Lenky-End

Missy Desrochers-End

John Rice-End

Brian Santos-End

Michael Krogul-End

Robert Werge Sr-End

Joseph-Parodi-Brown-End

Page 1

Article 1, Section 1 Authority

The Thompson Zoning Regulations, are adopted pursuant to Chapter 124 of the Connecticut General Statutes, as amended

C. Dunne: Recommends adding: Hereafter referred to Chapter 124 Zoning, unless reference another Chapter of the Connecticut General Statutes (CGS), as amended.

T. Penn: Agree that the addition, and subsequent abbreviation to CGS, is preferable. In a prior draft, another commenter had suggested spelling the full title out. No action needed by the Commission.

Page 2

Article 2, Section 2 Regulations – General

M Butts: In the second paragraph the reference to the Department of "Health" should be changed to its legal name "Public Health".

C. Dunne: concur with Marla's statement

T. Penn: Agree to the addition. No action needed by the Commission.

Page 3

Article 2, Section 8 Enforcement

B. Davis: This does not spell out the legal right to require removal of any structure illegally built.

T. Penn: This is also not explicitly spelled out in the existing regulations. **Recommend addition of the following, as letter E: The Commission, in addition to other remedies, may institute legal action to prevent, correct or abate any condition it finds to violate these regulations, up to and including requiring the removal**

of any structure found to be illegally built. The Commission may decide this by general consensus rather than a voice vote.

Page 4

Article 2, Section 8 Enforcement

A. These regulations shall be interpreted and enforced by the Zoning Enforcement Officer, hereafter referred to as the ZEO, in such a manner set forth in Section 8-12 and other applicable sections of the Connecticut General Statutes, as amended, and in such a manner as set forth in these regulations.

C. Dunne: How is enforcement determined by the PZC? Article 2 section 8 states ZEO regulates etc but there is no reference up to this section in this document who has the Authority to appoint ZEO. Recommended text: These regulations shall be interpreted and enforced by the appointed agent of the Commission, Zoning Enforcement Officer, hereafter referred as the ZEO, in such a manner set forth in CGS Section 8-12 and other applicable sections of the CGS, as amended, and in such a manner as set forth in these regulations.

T. Penn: Recommend adopting ZEO's suggested changes. No action needed by the Commission.

Page 4

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T. Penn: Recommend adopting ZEO's suggested changes. No action needed by the Commission.

Page 4

Article 2, Section 9 Amendments

C. Dunne: In my March 30th submitted review I questioned the wordage, application and petition, interchanged throughout the zoning amendment section. Requested a decision be made is this a petition or an application. This section now only refers this to a petition. So now my question is

1. Do we develop a new form for this (past zone amendment request was on the Zoning Application for Review form, which has a list of type of request to check off.
2. No definition of petition in Definition section
3. Does this petition need to have more than one signature?
4. And finally why is it being called a petition and not an application that could include a petition, meaning several signatures, to rezone.

In reviewing my comments keep in mind that a single individual can submit an application for a Zone Change. My interpretation of this section is only a petitioner (meaning many signatures) can request a zone change. How do we identify that a single individual request a zone change. The way this reads indicates only a petition can request a zone change.

T. Penn: ***Recommend discussion by the Commission to clarify how they would like this article to read.***

Page 5

P 4 of 18

Article 2, Section 9 Amendments

C. Dunne (recommended language edits): B. In accordance with the provisions of Section 8-3 the following procedures shall be followed for any proposed amendment to the Zoning Regulations or to zoning district boundaries as identified on the zoning map:

- 1. These regulations and/or the zoning map may be amended, whether on the initiative of the Commission or by petition.*
- 2. Upon receipt of a petition to amend the Zoning Regulations and/or the zoning map, the Commission may refer the petition materials to town staff and/or consultants or experts as the Commission deems necessary or appropriate. In accordance with statutory provisions of Section 8-3b referrals to the Northeast Connecticut Council of Governments (NECCOG) or adjacent municipalities may be required.*

Page 5

Article 2, Section 9 Amendments

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3. Page 5

Article 2, Section 9 Amendments

C. Petition Requirements:

The signatures of all petitioners and all subject property owners, along with any required fees, as set forth in the Town's land fee use ordinance under the authority of Ordinance No. 10-017.

M. Butts: Note the referenced Ordinance No. 10-017 states "There shall be a schedule of fines and fees for any violation of the Code of Ordinances including any citations issued pursuant to pursuant to 7-152(c) of the Connecticut General Statutes, as amended..." Petitions are not violations of any ordinance in the Code. In order for this ordinance to apply it needs to be modified so that the schedule of fines and fees is expanded to include a fee for petitioned zoning regulation amendments. Suggest review with legal counsel on this.

*C. Dunne: The signatures of all petitioners and all subject property owners, along with any required fees, as set forth in the **Planning and Zoning Fee Schedule** ~~Town's land fee use to ordinance under the authority of Ordinance No. 10-017.~~ This ordinance is for fees and fines related to the Ordinance.*

R. Roberts: I don't have a copy of the ordinance that is cited.

T. Penn: There was some back and forth as to whether the Ordinance cited was correct. Cindy is correct, the Ordinance does not apply. Recommend adopting ZEO's suggested language. No Commission action needed.

Page 7

P 5 of 18

Article 2, Section 9 Amendments

C. Petition Requirements

8...A copy of the petitioner's notice to neighboring property owners and a listing of those owners so notified shall be received by the Commission at least five (5) days prior to the public hearing.

C. Dunne: Is the 5 days put into this regulation, as opposed to the current regulation of 4 days just a number someone thought up or is the number of days a state statute?

T. Penn: Will confirm the correct number of days and edit accordingly. No Commission action needed.

Page 7

Article 2, Section 9 Amendments

C. Petition Requirements

9,e: In the case of extensions to the public hearing, the date, time and location information is to be continually updated for the benefit of the public.

C. Dunne: In the case of extensions to the public hearing, it is the petitioner (applicant whatever word we settle on) responsibility to continually update sign information for the benefit of the Public.

T. Penn: As per ZEO suggestion, will edit to indicate the responsibility is that of the petitioner/applicant. No Commission action needed.

Page 7

Article 2, Section 9 Amendments

E. In considering any petition to amend the Zoning Regulations or revise the zoning map, the Commission shall determine whether the changes proposed by the petition will promote the public health, safety, property values and general welfare. Further, the Commission shall make the following determinations:

M. Butts: Some language is missing here. What happens when the Commission doesn't agree with the changes proposed in the petition? Suggest legal counsel weigh in on this as to the appropriate language.

R. Roberts: I think it's OK as written. The Commission has to make a finding that the change promotes public health,,,,,

T. Penn: Recommend leaving as is, based on Atty. Roberts comment. No Commission action needed.

Page 8

Article 2, Section 9 Amendments

F, 1: petition must be appropriately signed by the owners of twenty (20) percent or more of the area of the lots included in such a proposed change

M. Butts: To avoid future potential litigation need to change wording to clarify what "appropriately signed" means. Suggest legal counsel weigh in on this as to the appropriate language.

R. Roberts: The final sentence of that section does state what constitutes an appropriately signed petition.

T. Penn: Recommend leaving as is, based on Atty. Roberts comment. No Commission action needed.

Page 8

Article 2, Section 10 Non-Conforming Buildings, Uses and Lots

A, 4: A non-conforming use may be continued, changed to a conforming use, or changed to another non-conforming use which is more conforming. A non-conforming use may be extended and/or expanded, provided that such extension or expansion shall not exceed 25% of the total existing square footage of the non-conforming use, and shall not exceed 25% of the remaining non-conforming lot.

M. Butts: In Paragraph 4 I request the highlighted language be added: A non-conforming use may be continued, changed to a conforming use, or changed to another non-conforming use which is more conforming. A non-conforming use may be extended and/or expanded, provided that such extension or expansion shall not exceed 25% of the total existing square footage of the non-conforming use, providing

such expansion does not require a waiver of state health codes for a subsequent septic repair caused by insufficient separation distances to residential water supply wells and watercourses, and shall not exceed 25% of the remaining non-conforming lot.

For the lake communities of Little Pond and Quaddick Reservoir there have been a number of existing dwellings on small lots with septic system repairs that cannot meet health code separation distances from wells and watercourses and cannot be repaired without the granting of variances of the health code from NDDH and the State Department of Public Health. For environmental reasons, the automatic 25% expansion of such dwellings without requiring the demonstration of a hardship is not appropriate and can place stress on existing septic systems caused by such expansions. Many cottages in these lake communities have been and are being converted to year-round homes, placing burdens on pre-existing septic systems that necessitate subsequent septic repairs. If the homes are expanded by 25% without consideration to the existing septic system limitations, conflicts with neighboring wells and watercourses can result in adverse effects on neighboring property values and water quality. The goal is to prohibit the expansion of non-conforming structures where separating distances cannot meet health code requirements without waivers, particularly important in cottages & homes like those found at Quaddick Reservoir and Little Pond.

B. Davis: Under non-conforming if someone owns a buildable abutting side lot in the old R20 zone the regs now preclude that lot from being built upon. That is taking a right away from the existing owner. I wonder if that side lot should not remain buildable as a non-conforming use.

C. Dunne: concurs with Marla's suggested language: providing such expansion does not require a waiver of state health codes for a subsequent septic repair caused by insufficient separation distances to residential water supply wells and watercourses.

R. Roberts: Valid point, but I think that would pertain to an expansion of a nonconforming structure more than the expansion of a nonconforming use. I'm assuming that residential use is a permitted use in the zones that are covered by those lakes and ponds.

T. Penn: Will add suggested language, but need clarification whether it is going under A-2 or A-4 (as per Atty. Roberts' comments). Recommend brief discussion by Commission to clarify. RE comment provided by B. Davis: such a property, existing legally at the time of adoption of new regulations, would be grandfathered in anyway; but, regardless, lot size requirements are actually reduced for what was R20.

Page 9

Article 2, Section 10 Non-Conforming Buildings, Uses and Lots

B. Non-Conforming Lot

6. No requirement contained within this Section shall supersede the provisions of Sections 8-2, 8-26a and/or 8-28b of the Connecticut General Statutes, as amended.

C. Dunne: suggested edit . No requirement contained within this Section shall supersede the provisions of CGS Chapter 124, Sections 8-2, and CGS Chapter 126, 8-26a and/or 8-28b.

Also, add #7: A legally existing nonconforming use may be changed to a legal conforming use, provided an application for a Zoning permit or Special Permit has been issued for such change. Such conforming use change shall not revert back to a previous non-conforming use.

T. Penn: Agree with ZEO suggestions and will edit/add accordingly. No Commission action required.

Page 10

Article Three3A. Permits and Application Processes

Article 3A, Section 1 Statement of the Requirement for a Permit

B. It shall be the responsibility of the applicant to obtain all permits required by other agencies, where

applicable, including other local authorities such as the Northeast District Department of Health (NDDH), the Inland Wetlands Commission, and any other department or agency of the state or federal government. The applicant shall provide evidence of application to such agency or agencies, and no zoning permit shall be issued until evidence of application for all other permits has been submitted. The Commission may require evidence of approval from other authorities as a prerequisite when feasible and necessary to ensure compliance with these regulations prior to zoning approval. Failure to receive approval from other required agencies may be grounds for denial of a zoning permit.

M. Butts: Subsection B states "... no zoning permit shall be issued until evidence of application for all other permits has been submitted." How does the ZEO or Commission know what permits are required by other regulatory bodies (e.g. DEEP stormwater discharge permits)? Second, prohibiting the issuance of zoning permit contingent upon the issuance of a permit by a third party may not be legal unless specified in the statute. I am not sure if it is legal to issue conditional permits for simple ZEO applications and site plan reviews. If yes, then the permit could be issued with a condition that prohibits the initiation of any work approved by the permit until such time as such other approvals are obtained. I suggest a check with Attorney Roberts on this.

C. Dunne: The only state statute that I could find is Chapter 124, Section 8-3c Special Permits and Exceptions ".....Involves an activity regulated pursuant to chapter 423 sections 22a-36 to 22a – 45 (Wetlands). If there are other requirements in the Statute then I didn't research enough. Agree with Marla to check this out with the Attorney.

R. Roberts: Those provisions could come out. You may not want to be put in the position of deciding whether the applicant needs a particular permit from a third party agency or not and each approval or application should stand on its own. It is up to the applicant to ensure that they have all of the required permits and I don't think you can legally deny a zoning permit because they haven't obtained some other unrelated permit.

T. Penn: Based on these comments, strike everything in that paragraph after "The applicant shall provide evidence of application to such agency or agencies..." No Commission action needed.

Page 10

Article 3A, Section 2 Administrative Action

A. An application, as required in Article 3, A Section 4, shall be submitted....

C. Dunne: Making reference Article 3, A Section 4 for a simple application described below is too involved.

*T. Penn: Ok to strike the reference to the later section if the Commission feels it is confusing. **Brief discussion point?***

Page 10

Article 3A, Section 2 Administrative Action

B. The ZEO shall review the application and the site plan to ensure compliance with the Zoning Regulations and shall either a) issue a permit within sixty-five (65) days of receipt, provided all other applicable requirements of these regulations have been met; or b) refer the application to the Commission for review.

M. Butts: throughout there is inconsistent use of "site plan": sometimes it's capitalized (Site Plan) and sometimes hyphenated (site-plan).

T. Penn: I will review for consistency and edit all to the preferred construction. No Commission action needed.

M. Butts: Subsection B states "The ZEO shall review the application and the site plan to ensure compliance with the Zoning Regulations and shall either a) issue a permit within sixty-five (65) days of receipt provided all other requirements of these regulations have been met or refer the application to the Commission for review."

Note "application" involves 3 types of applications: simple, site plan and special permit (pg. 11)

and "date of receipt" is "the earlier of (1) the day of the next regularly scheduled meeting immediately following the submission to the Commission or the ZEO or (2) thirty-five(35) days after such submission." (pg. 13) The way the draft language is written the ZEO cannot render a decision on a simple zoning permit application until the day before the next Commission meeting – a decision cannot be made on an application until it is determined to be received. If it is the intention to allow the ZEO to render decisions on simple zoning permit applications before the next regular Commission meeting, then the language in this section needs to be revised. I suggest a check with Attorney Roberts on this.

C. Dunne: The permit is now issued depending on the administrative actions of the building department.

R. Roberts: The "date of receipt" language sets the outer limit for commission action. If the application does not have to be heard by the commission, you don't need to wait until their meeting to act on it.

T. Penn: Recommend Commission discussion/clarification from ZEO regarding how this section can better mirror current administrative flow, assuming there is no reason to change it & change text accordingly.

Page 10

Article 3A, Section 2 Administrative Action

C. The ZEO may refer the site plan to other town departments for review as necessary. To be considered, all comments from other departments shall be submitted to the ZEO within twenty-five (25) days from the date such site plan is so referred.

C. Dunne: The Building office does this for simple issues and it is the applicant's responsibility to figure out what other departments need to approve. Please note we do give the applicant guidance on the procedure.

T. Penn: Recommend Commission discussion/clarification from ZEO regarding how this section can better mirror current administrative flow, assuming there is no reason to change it & change text accordingly.

Page 10

Article 3A, Section 2 Administrative Action

D. The ZEO may waive any part or all of the site plan requirements, if the applicant can factually demonstrate that the information is not necessary for determining the conformity of a proposed use with these regulations.

M. Butts: While the draft regs allow for the ZEO to waive "any part or all of the site plan requirements", the draft regs state the applicant will have to "factually demonstrate that the information is not necessary for determining the conformity of a new use." How will the applicant do this? Will it be in writing or will it be a subjective judgement of the ZEO. If it is not in writing, then will that expose the ZEO to claims of favoritism? Will the demonstration for waiving of the requirement be included on a new application form? Additionally, what happens if the ZEO waives a site plan requirement and then subsequently the P&Z Commission feels the waived information is needed? Without specific language in the regs to address this instance, is the P&Z Commission legally able to deny a site plan approval based on the missing information? I suggest reviewing this with Attorney Roberts for advice.

C. Dunne: check with attorney, what legal right does ZEO have to do this?

R. Roberts: We can discuss this if you'd like.

T. Penn: Based on concerns above & Atty Roberts' willingness to further discuss, I will follow up with him directly. No Commission action needed, section will be edited based on advice of counsel.

Page 10

Article 3A, Section 3 Pre-Application Meeting

A. Prior to the initiation of any land development activity or use, it is recommended that these regulations be reviewed, and the ZEO be consulted regarding requirements and administrative procedures of these regulations.

C. Dunne: I guess what I am trying to say in Administrative Action and Pre-application Section is right now

P 9 of 18

the process is simple, applicants wanting to do a project usually start with the building office and then they lead the applicant in the process. But many times applicants start with Zoning office and I as your ZEO do my best to lead them to the right departments and of course if they need a PZC approval before any project starts then the ZEO office is their first step. Also for large projects Engineering firms are usually involved and they know how to lead the applicant into the procedures needed to receive approval for their project. The way I read the regulations for applications for Zoning Permits, it starts with ZEO first then ZEO parcels it out to the other departments. There doesn't seem to be a clear separation of simple permits and those permits requiring a site Plan or Special Permit approval.

T. Penn: Recommend the Commission discuss this item more fully with the ZEO to establish the best flow for the pre-application process.

Page 11

Article 3A, Section 3 Pre-Application Meeting

B. A pre-application meeting is optional, but is strongly recommended to facilitate general consideration of factors and issues before the applicant proceeds with the official application and preparation of maps, plans and documents required for formal consideration by the Commission.

C. Dunne: with who? And for what? Is this section intended for the preapplication meeting with the Commission?

T. Penn: This language could be tightened up to better mirror the intent of the statement. Recommend the Commission discuss this item more fully with the ZEO to establish the best flow for the pre-application process.

Page 11

Article 3A, Section 3 Pre-Application Meeting

C. Neither the pre-application meeting, nor any other informal consideration by the Commission...

C. Dunne: with who? And for what? Is this section intended for the preapplication meeting with the Commission?

T. Penn: The ZEO repeats her comment for both B and C in this section. It seems logical that clarifying the intent and the language in B will also provide clarity for C without any additional changes. No Commission action required, beyond that covered under the prior comment.

Page 11

Article 3A, Section 4, Application Requirements

Applications for all zoning permits and/or special permits shall be filed with the ZEO by the applicant or the applicant's agent, on a form provided by the ZEO.....

C. Dunne: a simple zoning review of those building permits that have issues relating to the zoning regulation. If application involves compliance with Zoning Regulations and applicant complies with regulations then the process is a simple sign off by the ZEO. Building office fills out the Zoning Permit and collects the fee from applicant, that action is reported on the ZEO's month Memo to the commission. If a project needs PZC Site plan review and/or Special Permit approval and receives that approval, applicant receives communication of the PZC granted approval. If the project requires a building permit then the ZEO signs off with the Building Office.

M. Butts: Why is there no reference to a required submission of a fee for zoning applications either a simple one reviewed only by the ZEO or with a site plan reviewed by the Commission or special permit reviewed by the Commission?

J. Rice: general comment to discuss this section

R. Roberts: Maybe add a reference to "together with any applicable application fees" in the intro paragraph

P 10 of 18

Article 3A, Section 4.

T. Penn: Concur with Atty Roberts on the addition of the reference to fees. No further discussion required on this part of the statement, I will make the change. The comment by ZEO mirrors prior comments about making sure the workflow described in the proposed regulations is as efficient as possible. Commission to discuss the intent & details of Section 4.

Page 11

Article 3A, Section 4, Application Requirements

The application shall contain a signed, written statement by the owner of the property or the owner's agent, giving consent for the Commission or the ZEO to inspect the property.

M. Butts: Suggest change the word "or" to "and" to read as follows in the sentence: "The application shall contain a signed, written statement by the owner of the property or the owner's agent giving consent to the Commission ~~or~~ and the ZEO to inspect the property." Don't you want both the Commission and the ZEO to have a consent to inspect the property?

C. Dunne: The application shall contain a signed, written statement by the owner of the property or the owner's agent, giving consent for the Commission ~~or~~ and the ZEO to inspect the property.

R. Roberts: concurs with the comments above

T. Penn: Concur, and will change. No Commission action required.

Page 11

Article 3A, Section 4, Application Requirements

*Zoning permit, simple – ZEO review and approval**

*C. Dunne: what is the *reference for simple? ADD The date of site plan. Need to distinguish and separate between what comes into the (1)zoning office from the building office and (2)what needs to be approved through the PZC through Site Plan Review and/or Special Permit.*

T. Penn: asterisk is a hold-over from a previous iteration of the draft and will be deleted. Concur with adding the (application?) date to the site plan. No Commission action required on these items. As to the distinction between what goes to ZEO and what goes to PZC for site plan review: those distinctions are made in the table of uses for each district. If the Commission feels further clarification is required in this section, I will adjust the text. Recommend brief discussion by Commission.

Page 11

Article 3A, Section 4, Application Requirements

A. Zoning permit, simple – ZEO review and approval

15. The site plan shall be signed and sealed by a land surveyor licensed to practice in the state of Connecticut.

M. Butts: The way this subsection is written all simple zoning permit applications will require a professional engineer to sign & seal plans (listed item # 15). Isn't this a significant departure from the current procedure? Doesn't the ZEO currently signoff on hand written drawings by applicants to issue a zoning permit for uses permitted as of right? The problem occurs when the simple zoning permit is required to meet surveying standards found in listed item # 14 and suggested in listed item #13. See waiving comment for Page 10 Article 3A, Section 2 Administrative Action, subsection D, referenced above

C. Dunne: replace with 15.The name, address, contact information and seal and signature of a civil engineer or land surveyor registered in Connecticut and responsible for drawing and representing for the applicant.

R. Roberts: It is up to the Commission which version of this item they prefer.

T. Penn: Concur with the logic of comments by Wetlands Agent & ZEO. Recommend the language suggested by ZEO. Commission should come to general consensus as to which they prefer.

Page 12
Article 3A, Section 4, Application Requirements
B. Zoning Permit with Site Plan Review By Commission
All of the above from Article 3A, Section 4, A plus: 1. Location map
C. Dunne: change to - A location map at a scale of one inch (1") equals 2,000 feet shall be submitted showing the subject property, streets, lot lines, and zoning district boundaries within 1,000 feet of the subject property. If space permits, the location map may be included as an insert on the site plan as required in CGS Chapter 124, Section 8.3.
Also, recommends striking #3 Utility pole or transformers, as it appears in the prior sub-section.
Also, Need to add the following requirement: 22. An 8-1/2x11 inch photocopy of a USGS Quad Map with the project site outlined must accompany the site plan
T. Penn: Concur with ZEO suggested language for #1 and addition of #22. #3 is a carry-over from a previous iteration of the draft & will be struck. No Commission action required.

Page 12

Article 3A, Section 4, Application Requirements

B. Zoning Permit with Site Plan Review By Commission

13. The location of all watercourses and inland wetlands, delineated by a qualified soil scientist (as defined in Section 22a-39 of the Connecticut General Statutes)

C. Dunne: suggested language- The location of all watercourses and inland wetlands, delineated by a qualified soil scientist (as defined in Chapter 440, Section 22a-39 of the Connecticut General Statutes).

C. Obert: I believe the item # 13 from Article 3 B. Zoning Permit with Site Plan Review by Commission, must be included in Article 3A, Section 4, A Zoning permit, simple, too.

T. Penn: Concur with ZEO suggested language & will make that edit. No Commission action required on this item. Recommend Commission discuss comment by C. Obert, preferably with input from Wetlands Agent as to the appropriateness of moving the item up to sub-section "A" for simple permits.

Page 12

Article 3A, Section 4, Application Requirements

B. Zoning Permit with Site Plan Review By Commission

16. Stormwater management plan, as identified in Article 5B, Section 5 of these regulations

M. Butts: Suggest replacing the word "plan" with "requirements" or "provisions" for consistency with the terminology used in Article 5B, Section 5.

T. Penn: Concur & will make the change. No Commission action required.

Page 12

Article 3A, Section 4, Application Requirements

B. Zoning Permit with Site Plan Review By Commission

20. Vertical accuracy (contours) should be Class T-2 or Class T-3 in areas of disturbance, and Class D in other areas

M. Butts: Recommend changing "should" to "shall" if you want it to be enforceable in the future.

R. Roberts: agree

T. Penn: Concur & will make the change. No Commission action required.

Page 13

Article 3A, Section 5 Exemptions

Sheds and similar structures of less than two hundred (200) square feet shall not require the issuance of a

P 12 of 18

building permit, but shall require the issuance of a zoning permit under the provisions of Article 3A, Section 4 A. Such structures require side and rear setbacks of five (5) feet. Front setbacks shall be in conformance with the district in which the structure is located.

M. Butts: The PZC has no authority to regulate when a build permit is required for a structure – that is controlled by the State Building Code. This is not an exemption and the subsection should be either removed or at least rewritten to remove the reference to when a building permit is or is not required. (e.g. “For any shed and similar structure, regardless of the requirements of the State Building Code for a building permit, shall require a zoning permit...”). Also, the current zoning regs (page 24) allow sheds less than 140 square feet to be 6 feet from property line. If there is a desire to continue that option then it could be listed as an exception here.

B. Davis: Requiring a zoning permit for a shed is an unnecessary burden on a property owner. The whole point of no building permit required for sheds up to 200 sq.ft. is to make it simple to install a shed

C. Dunne: Suggested language: sheds and similar structures of less than two hundred (200) square feet shall not require the issuance of a building permit, but shall require-the applicant to complete the listed criteria on the zoning permit application Such structures require side and rear setbacks of five (5) feet. Front setbacks shall be in conformanceI guess we have to format a permit for sheds 200 sq ft and under. Requiring the applicant to complete the information required in Article 3A, Section 4A is a large task for a simple shed.

T. Penn: There seems to be a lot of confusion around this item. Recommend Commission discussion to clarify with ZEO what language best mirrors the intent of the exemption.

Voice Vote 5’ Setback for up to 200 square foot shed

Joseph Parodi-Brown told the Commissioners a “Yes” vote is to require a Zoning Permit and a “No” vote is not to require a Zoning Permit for a shed up to 200’ with a 5’ setback , and either way setback requirements will be published in the regulations.

Brian Santos-No

Charlene Langlois-Yes

Missy Desrochers-Yes

John Rice-No

John Lenky-Yes

Mike Krugel-Yes

Robert Werge Sr.-No

Joseph Parodi-Brown-No

Tie defaults to No Vote

Page 14

Article 3B, Section 1 Rendering the Decision

The Commission or ZEO, as applicable, may deny or approve the application as submitted; modify and approve the application; or approve the application with conditions.

R. Werge: He is concerned about some of the language in Article 3 - more particularly where it states “the Commission or the ZEO”. He understands that an appeal of the ZEO’s decision goes to the municipal ZBA. An appeal to a decision by the Commission goes to Superior Court. So, the question becomes - in drafting the regs for this issue should the Commission clearly have final authority for certain permits/decisions?

T. Penn: Bob highlighted the “Commission or ZEO” language in several places within this article of the draft, but this seems like the section in which his stated concern is most relevant. Recommend Commission Discussion.

Page 14

Article 3B, Section 1 Rendering the Decision

B. In conformity with Connecticut General Statutes section 8-3c (g), a site plan application submitted for review under the conditions of Article 3, Section 4, A or Article 3 Section 4, B (above) may be modified or denied only if it fails to comply with the requirements set forth in these Regulations, or the Inland Wetlands Regulations.

P 13 of 18

C. Dunne: suggested edits - B. In conformity with CGS section 8-3c (g), a site plan application submitted for review under the conditions of Article 3, Section 4, A or Article 3 Section 4, B may be modified or denied only if it fails to comply with the requirements set forth in these Regulations, or the Inland Wetlands Regulations.

T. Penn: edits are minor and consistent with prior suggestions by ZEO. No Commission action required.

Page 14

Article 3B, Section 1 Rendering the Decision

C. The Commission may, as a condition of approval of any modified special permit application, require a bond in an amount and with conditions satisfactory to it, securing that any modifications of such application are made, or that required amenities (e.g. erosion and sediment control, landscaping, etc.) are completed.

C. Dunne: The following is my remark from my March 30th review - The Commission may, as a condition of approval of any modified application, require a bond in an amount and with conditions satisfactory to it, securing that any modifications of such application are made, or that required amenities (e.g. erosion and sedimentation control, landscaping, etc.) are completed.

Questions: is the bond required only for a modified application? If so why? And why not for a site permit approval? An additional question there is no definition for modified application, do we need one? Need to do some clarification on the bonding issue.

T. Penn: Recommend Commission discussion to clarify intent/language based on ZEO questions.

Page 14

Article 3B, Section 1 Rendering the Decision

D. All administrative timeframes for rendering a decision shall conform to Section 8-7d of the Connecticut General Statutes. 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 period. No application will be accepted unless it is accompanied by the proper application form, or those forms have previously been filed with the Commission. For the purposes of this section, the date of receipt of an application or site plan shall be deemed to be the day of the Commission's next regularly scheduled meeting immediately following the day of submission of the application to the Commission or the ZEO, or thirty-five (35) days after such submission, whichever is sooner.

M. Butts: Does that mean a decision for ZEO simple applications submitted under Article 3A, Section 4A can't be made until the day of the next PZC meeting or 35 days whichever comes first? Previously I have suggested getting Attorney Roberts opinion on this.

C. Dunne: suggested edit - All administrative timeframes for rendering a decision shall conform to CGS Section 8...

... No application will be accepted unless it is accompanied by the proper application form, or those forms have previously been filed with the Commission.

What does this mean? why do we need this, seems out of context here, unnecessary statement this section is talking about rendering a decision and time frames

R. Roberts: re: comments by M. Butts - As addressed under an earlier item: The "date of receipt" language sets the outer limit for commission action. If the application does not have to be heard by the commission, you don't need to wait until their meeting to act on it.

T. Penn: concur with ZEO edit & statement about sentence #3, and will strike. If the "date of receipt" language is sufficiently clear to the Commission, then no further action is required on this item.

Page 14

Article 3B, Section 2 Notice of Decisions

M. Butts: Language from prior draft was changed to limit notice of decisions to simple ZEO applications and site plans approved by the PZC and removed the requirement to publish notice of decision in a newspaper. The title of the section should be changed to "Notice of Decisions on Simple Applications and Site Plan Approvals" as the notice of decisions on Special Permits is not contained here. Alternatively, you could revise the text to include a reference to notice of decisions on special permits found in Article 3C, Section 8, Rendering the Decision. Question: Do the statutes require the publication of a legal notice for a site plan approved by the commission? If yes, then this section should be revised further.

R. Roberts: section discusses mailing of notices rather than publication

T. Penn: Concur with the suggested title change. No Commission action required.

Page 15

Article 3, B, Section 3 Final Approval

Any application approved by the Commission without modifications or conditions shall become the approved plan. If the Commission approves an application with modifications or conditions, an approved site plan which incorporates such modifications or conditions must be submitted to the Commission by the applicant within sixty-five (65) days of the date of approval, or as provided in the prevailing Connecticut General Statute...

C. Dunne: why use the word prevailing? – just name the chapter and statute. Justification –Statutes and chapter if is other than 124 are clearly named in other sections when it is referenced.

T. Penn: concur with the logic of the suggested edit. No Commission action required.

Page 16

Article 3C, Section 3 Additional Application Information for Special Permits

B. The Commission may, after the date of receipt of any application, require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed building, structure or use conforms to these regulations. Such additional information may include, but is not limited to, the following:

3. The location of rock outcropping, slopes in excess of twenty-five (25) percent, soil types delineated by a qualified soil scientist, forested areas on the lot, wetlands and watercourses.

J. Rice: questions who would verify these items & recommends deletion

T. Penn: soil types, core forest, wetlands & watercourses are likely verifiable via online databases (need to identify the exact sites, and add references). Rock outcroppings probably are not cataloged online.

Commission should discuss, but I do not recommend striking any items reasonably easy to verify online via official databases, given that the additional information is a discretionary item for the Commission.

Page 16

Article 3C, Section 3 Additional Application Information for Special Permits

B, 6 Analyses of wildlife habits on or near the site, including any rare or endangered species, and the impact of the proposed use on such habitats.

C. Dunne: Why are we addressing this, why are we putting this here? As far as I know this is not a zoning requirement from the state. Recommends striking the item

T. Penn: Since the item is discretionary (the Commission "may" require), whether it is a zoning regulatory requirement may not be strictly relevant. Agree that analyses may be an onerous request to make; but, an easily accessible online database of threatened/endangered species habitats does exist. It may be

P 15 of 18

considered reasonable for the Commission to request verification of whether or not a site falls within such a habitat, where it is suspected. Commission should discuss, and recommend input from Conservation Officer as to whether the item is reasonable to include.

Page 16

Article 3C, Section 3 Additional Application Information for Special Permits

B, 7 A description of vegetation types found on the site, including any rare or endangered species.

C. Dunne: using vegetation here but below in L. using the word plant. What is it? Plant or vegetation?

T. Penn: In most of the text, vegetation is probably the most proper term. In some places "plant" is appropriate, as in the citation of publications. Will review the document for usage of both terms and correct where appropriate. No Commission action required.

Page 16

Article 3C, Section 3 Additional Application Information for Special Permits

B, 8 A list of additional federal, state or municipal permits or licenses that the applicant will need to implement the uses proposed, and the status of any applications for such permits or licenses.

J. Rice: questions who would verify these items & recommends deletion

T. Penn: Based on similar concerns raised under Article 3A, Section 1 and the response from counsel under that section, agree that striking this item probably makes sense. Commission to discuss for consensus.

Page 17

Article 3C, Section 5 Criteria for Evaluation for Special Permits

L. The impact of the proposed uses on sensitive wildlife and plant habitats

C. Dunne: Is this in our jurisdiction?

T. Penn: A similar question is raised on p. 16 Article 3C, Section 3, B, 6. Discussion on that item may inform this item as well; however, the question of jurisdiction is slightly different than whether it is a requirement under zoning statutes.

Page 17

Article 3C, Section 5 Criteria for Evaluation for Special Permits

L. The impact of the proposed uses on sensitive wildlife and plant habitats

C. Dunne: Is this in our jurisdiction?

T. Penn: A similar question is raised on p. 16 Article 3C, Section 3, B, 6. Discussion on that item may inform this item as well; however, the question of jurisdiction is slightly different than whether it is a requirement under zoning statutes.

Page 17

Article 3C, Section 6, Conditions for Special Permits

A. The Commission may place, on a special permit, conditions it may reasonably deem necessary...

J. Luster: I write to encourage an addition to revisions already proposed for the Zoning Regulations. Zoning Regulations should play a significant role in preserving Thompson's historical assets.

Present Zoning Regulations only recognize Thompson Common as an "historic place". However, our Plan of Conservation and Development has already identified numerous other historic places; and many historic sites in our Town have yet to be discovered.

Suggested Content of Additional Zoning Legislation:

P 16 of 18

Historical and Archaeological Preservation Plan Before logging is initiated or permits issued:

The specific identity and location of all buildings over 100 years old; stone walls; roads bounded by stone walls; historic sites; pre-colonial sites; house foundations; stone lined wells; stone piles; burials; cow/pig pens; mill sites and factory sites; and archaeological and fossil sites or finds must be determined.

The applicant shall submit a plan for the protection of historical, archaeological, and other unusual features in accordance with the recommendations and standards herein.

The plan shall be undertaken by the applicant and should include the following:

- A. Identification of any historical, archaeological, and other unusual features described herein;*
- B. An evaluation of the impact of the development on the subject sites and features; and*
- C. A description of measures to be taken to mitigate any adverse impact of the development on the site and to protect and preserve the sites and features. These measures may include inclusion of the site in land dedicated to open space; conservation easements; locating roads, buildings, excavations or other improvements so as to minimize impact on sites; restoration of historic structures; or proper removal to an appropriate location.*

A plan shall also be submitted should any of the features described herein be uncovered during work or construction.

Where it is found that the project will adversely impact a historically or archaeologically sensitive area or feature, the Commission shall not approve the project unless:

- A. Provision has been made by the applicant for a more intensive site investigation to be conducted by qualified professionals, such as a professional archaeologist or professional historian approved by the Commission; and/or*
- B. The proposed project has been otherwise revised or modified to protect historic and archaeological sites and to mitigate adverse impacts.*

The above is taken from Zoning Regulations for Killingworth, CT, which you may want to review.

*T. Penn: Some further clarification is required for this comment. The text above was, indeed, taken from the online land-use regulations for Killingworth. I called the Killingworth ZEO to ask how this regulation is applied, and found that this item is only found in their subdivision regulations. It is not a requirement of every zoning permit, or even of every special permit. In the context of this document, the **Commission may consider whether they would want to include some level of historical/archaeological review for special permits**, or for applications pertaining to lots at a certain size threshold. This Article seems to be the best place to include this comment for discussion, as it is at least alluded to in C-10 in the following list.*

Page 17

Article 3C, Section 6, Conditions for Special Permits

A. The Commission may place, on a special permit, conditions it may reasonably deem necessary...

N. Williams-Edwards: New -SPECIAL PERMIT Recommendations/Considerations

- All Special Permits (or at least for gravel mining) MUST/SHALL have a completed Conservation Review Checklist. Suggesting NECCOG reached out to Woodstock for Thompson to see what they include in their required Special Permit Conservation Checklist.*
- Natural Resource Assessment Map(s) SHALL/MUST be providing a comprehensive analysis of existing conditions.*
- A traffic study MUST/SHALL be prepared by a professional traffic engineer which must address sight of line, traffic safety, traffic generation, existing and projected traffic conditions as well as traffic counts and accident history in or near the location.*
- Areas with potential State and Federally-listed endangered, threatened, or special concern species as indicated on current Natural Data Diversity Database Map MUST/SHALL be declared.*
- Structures with archeological significance MUST/SHALL be declared.*

P 17 of 18

ARTICLE VII – SPECIAL PERMIT AND SITE PLAN REVIEW

SECTION 2 - Criteria for Approval of Special Permit

• a. The proposed use is in harmony with Zoning regulations and current plans adopted the commission. During the 363 Quaddick Town Farm Rd. battle the applicant replied criteria item “a” was met because the proposed use was allowed as a special permit and is therefore by definition in harmony with the zoning regulations. I challenged that justification as dismissive and if true there is no value to item “a” Item “a” should be removed if non applicable by default and/or clarity of definition is required.

f. The proposed use is in “harmony” with the neighborhood’s established character and development patterns. A clear definition of “harmony” needs to be added.

T. Penn: These comments are re-submitted on behalf of the group advocating against gravel mining. I have not received updated comments/suggestions since the proposed draft was published, but communication with Ms. Williams-Edwards indicates that they do not feel their original concerns have been sufficiently addressed, so I am submitting again as originally received. Although the suggested changes above do not mesh neatly with the new draft, here is a summary of what I believe are the most relevant points: Mandatory Conservation checklist - the Conservation Officer/Commission has an advisory role for PZC, not a prescriptive role; therefore, use of the mandatory “shall” would be an inappropriate reversal of those roles. Previously, based on that reasoning, PZC has similarly rejected the addition of the specific item of conservation checklist. It is my opinion that a conservation checklist could be included as a discretionary item, in the appendix, for applications where PZC, as advised by Conservation, believes it to be warranted. Similarly, with other items requested for the mandatory “shall” language: the requested items are not universally applicable to all special permit applications, and so the permissive “may” language is more appropriate. As under Article 3C, 3, B6, while the requested “detailed analyses” may not be practical, it may be reasonable to request verification from existing official databases for certain of these requested items. The question of jurisdiction remains open for items related to wildlife habitat. Of the list of items in the proposed draft, those where I believe the strongest case can be made for adding mandatory language are: #3 Buffer areas; #4 circulation; and #5 Low Impact Development. The comments related to Article VII Section 2a are in reference to the current zoning regulations. The problematic, subjective language relating to “harmony with the regulations” has already been removed from the proposed draft. Recommend the Commission discuss this section in some depth, with input from Conservation Officer.

Page 17

Article 3C, Section 6, Conditions for Special Permits

C, 1 Preservation of Landscape: the landscape shall be preserved insofar as practicable by minimizing grading and the removal of vegetation and soil. Where vegetative cover does not exist or has been removed, new plantings may be required. Preference is to be given to native vs non-native species. Species from the most current Connecticut Invasive Plant List, as compiled by the Connecticut Invasive Plant Council, are prohibited. <https://portal.ct.gov/-/media/CAES/Invasive-Aquatic-Plant-Program/Plant-Information/Invasive-Plant-List-2013.pdf?la=en>

C. Dunne: Using vegetation and plants together.

T. Penn: This is a specific instance where the two terms are used appropriately. Vegetation is the general term, but the Connecticut Invasive Plant List is a document title. No Commission action required.

Page 20

Article 3C, Section 8 Rendering the Decision

P 18 of 18

Within sixty-five (65) days after the completion of the public hearing, or as required under the prevailing Connecticut General Statute, the Commission shall either:

- A. Approve the special permit and the site plan as submitted*
- B. Approve the special permit with conditions or modifications, as provided under these regulations*
- C. Deny the special permit*

Notice of decision shall be published in the form of a legal advertisement in a newspaper having substantial circulation in the Town, and addressed by certified mail to the applicant, under the signature of the Thompson Town Clerk in any written, printed, typewritten or stamped form, within fifteen (15) days after the decision has been rendered.

C. Dunne: ~~prevailing Connecticut General Statute~~, (CGS 124 Section 8-7a).

Also: now the zoning office sends out the letter with zeo signature and the permit with the chairman's name on the permit which the zeo signs and initials, this suggests that the Town Clerk does the letter, who does the permit?

T. Penn: suggested edit to CGS is fine & will be done. As with other comments regarding workflow/assignment of roles, the Commission and ZEO should discuss in order to clearly articulate the process to match their needs. Much of the language regarding workflow in this proposed draft was carried over from the original NECCOG suggestions, and may not have had sufficient scrutiny during the early discussion sessions.

3. Next Meeting

June 9, 2020 @ 6:00pm

4. Adjourn

Charlene Langlois moved and Missy Desrochers seconded the motion to adjourn. The motion carried.

*Respectfully Submitted,
Gloria Harvey, Recording Secretary*