



TOWN of **THOMPSON**

PLANNING AND ZONING COMMISSION

Minutes –Planning and Zoning Commission Regular Meeting
Monday, December 28, 2020 at 7:00 PM
Zoom Meeting

Topic: Planning & Zoning Commission

Time: Dec 28, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89896682708?pwd=UU9ndDQ5S3RYTkdfRUhLVzd4bzZkZz09>

Zoom Recording not available from Zoom.

1. Call to Order, Roll Call and Seating of Alternates p. 1 of 8
Joseph Parodi-Brown John Rice John Lenky
Alvan Hill Charlene Langlois Michael Krogul
Christopher Nelson Randy Blackmer
Seating: Alvan Hill was seated for Christine Chatelle
Absent: Missy Desrochers, Christine Chatelle, David Poplawski, Brian Santos,
Robert Werge Sr.
Staff Present: Cindy Dunne, ZEO; Tyra Penn-Gesek, Planner, Amy St. Onge, First Selectman,
Gloria Harvey, Recording Secretary
2. Public Hearing: None
3. Discuss Public Hearing and Possible Action: None
4. Approve minutes:
November 23, 2020 PZC Regular Meeting Minutes
John Lenky moved and Charlene Langlois seconded the motion to accept the Minutes of
November 23, 2020. A “Yes” vote to approve. A “No” vote to not approve.
John Lenky-Yes Michael Krogul-Yes John Rice-Yes
Christopher Nelson-Abstain Alvan Hill-Yes Charlene Langlois-Yes
Randy Blackmer-Abstain Joseph Parodi-Brown-Yes
The Minutes are approved.
5. Applications: None
6. Applications received after agenda posted: None
7. Citizens Comments:
8. Reports of Officers and Staff:

- a. Discussion of update to Subdivision Regulations and Development of an Affordable Housing Plan/DOH grant.

Tyra reported the PoCD is finished. Work now needs to begin on the Subdivision Regulations to eliminate contradictions with the new Zoning Regulations. Also, the Affordable Housing Plan needs to be completed. She recommended forming two subcommittees, one to work on the Subdivision Regulations and one to work on the Affordable Housing Plan. The Affordable Housing Plan is a project of Tyra's office and the Board of Selectmen because the Board of Selectmen accepted the Grant, however she would like members of the Planning and Zoning Commission to be involved. John Rice suggested the Commission table work on the Subdivision Regulations until we can meet in person. Joseph Parodi-Brown commented that he would like to see the work of the of the Planning and Zoning Commission continue until we can meet in person because of the long process it took to update the Zoning Regulations and anything that the Commission can do to start working on the Subdivision Regulations on a timely basis will bring the time period for completion down. Additionally, when the Zoning Regulations were passed there was a guiding reason for changing those regulations and ideally the Zoning Regulations and Subdivision Regulations should have a consistent idea running through them both. Randy Blackmer agreed that the Commission should start working on the Subdivision Regulations via Zoom now. John Rice suggested meeting at the Library and Tyra responded that the issue with the Library is the public would not be able to dial in to the virtual aspect and holding a public meeting requires Zoom or a hybrid format, therefore the Library doesn't have that connectivity. Amy St. Onge, First Selectman, commented the current meetings at the Library are workshops not Public Hearings. Joseph Parodi-Brown will continue to look at options to meeting in person.

The following subcommittees were formed along with the Commission members who volunteered to work on them:

1. Subdivision Regulation Subcommittee

Joseph Parodi-Brown
Randy Blackmer
John Lenky
Michael Krogul
Alvan Hill
John Rice

2. Affordable Housing Subcommittee

John Lenky
Michael Krogul
Joseph Parodi-Brown

Tyra will reach out to the Commission members who were not at tonight's meeting to see if anyone is interested in working on either or both of these committees.

- b. ZEO memo
 - c. Town of Thompson Budget Reports November 2020
John Rice reported \$18,000 or 65% of budget is still available.
 - d. 2021 Thompson Boards, Commissions, Committees, & Area Agencies Meeting Schedule
9. Correspondence:
- a. Minutes: Zoning Board of Appeals – December 14, 2020
 - b. Town of Webster Planning Board Decision
 - c. Town of Webster Planning Board Decision
10. Signing of Mylar: 171 Brickyard Road, Gloria and James Fogarty
John Lenky moved and Alvan Hill seconded the motion to have the Chairman, Joseph Parodi-Brown, sign the Mylar for 171 Brickyard Road. A “Yes” vote will authorize the signing. A “No” vote will not authorize the signing.
John Lenky-Yes Michael Krogul-Yes John Rice-Yes
Alvan Hill-Yes Christopher Nelson-Yes Charlene Langlois-Yes
Randy Blackmer-Yes Joseph Parodi-Brown-Yes
Motion passed unanimously.
11. Old Business:
- a. Brickyard Road Bonding and Reclamation
ZEO drove there Saturday, December 26th. She stated the gate was up and it didn’t look like much has been done since she was last there. This item will be placed on the January 25, 2021 Agenda.
 - b. 0 Plum Rd – Hal Merrick up-grade of Plum Rd according to Town of Thompson Ordinance No. 10-041 Road Ordinance-update
Updated larger plan was submitted to the ZEO’s office and forwarded to the Commissioners.
Mr. Merrick purchased this property with the intention to build a residential dwelling on the property. Area where the dwelling is to be built is off an unfinished road extension of Plum Rd. Mr. Merrick will develop 600 - 700 feet to upgrade the existing street.

Summary of Road Ordinance procedure to approve road upgrade is:
 - 1. Application is made out to the Board of Selectmen, who will categorize the proposed work and take the appropriate action.
 - 2. At the Board of Selectmen meeting on Tuesday, November 17, 2020, the Board took the action according to the Town of Thompson ordinance 10-041, Section 3, b.

3. Upgrade shall be referred to the Planning and Zoning Commission for conformance with the Sub-division requirements for upgrading existing roads(street)
4. Projects greater than 200 feet shall be referred to the Commission for review and comments. The Board will decide upon the application after receipt of the Commissions comments.

Subdivision regulations, Article IV, Section 3, G Existing Streets is the apparent guide to comment to the Board of Selectmen for conformance of upgrading an existing street.

The Town of Thompson amended zoning regulations does not address criteria for street upgrade.

On the submitted site plans submitted by KPW Associates applicant is looking for a limited right of way of 25 feet and a pavement width of 18 feet to accommodate the grading and culverting required within the narrow right of way limit. All other minimum requirements should be able to be met for the road upgrade.

Bruce Woodis, KWP Associates represented Hal Merrick gave an overview of Mr. Merrick's plans and application. He stated that O Plum Road is not a subdivision it's a proposed road upgrade. He stated the width of most backroads in town have a maximum width of 18'. O Plum Road doesn't meet the 50' requirement. He further stated the applicant is willing to upgrade the road with drainage to town standards. The applicant is not opposed to people walking through his property to the Airline Trail, however he is opposed to vehicles parking on his property. Charlene Langlois commented she prefers the road to be finished and expressed concern about access to the Airline Trail. She suggested that the Commission get Mr. Merrick's approval to access the Airline Trail in writing. John Rice stated access to the Airline Trail should be a condition of approval.

John Lenky suggested leaving O Plum Road a dirt road. John Rice questioned the road width and culvert. He also stated that the town's regulations state that you cannot build on an unimproved road. Frontage on a legal town road was questioned by Bruce Woodis. Joseph Parodi-Brown defined a street, as stated in our regulations, is defined as improved. For clarification purposes, Bruce Woodis suggested tabling O Plum Road until the January 25th meeting in order to give everyone an opportunity to look at the regulations again and see what is required and what's not required. Bruce Woodis said his client is okay with postponing for another month.

Joseph Parodi-Brown moved and John Rice seconded the motion to table O Plum Road until the January 25, 2021 meeting. A "Yes" vote to table O Plum Road to the January 25th meeting. A "No" vote to continue discussion.

John Lenky-Yes

Alvan Hill-Yes

Christopher Nelson-Yes

Michael Krogul-Yes

Charlene Langlois-Yes

Joseph Parodi-Brown-Yes

John Rice-Yes

Randy Blackmer-Yes

C. River Mill Conceptual Redevelopment Plan – John Gumpert update

On November 23, 2020 an initial proposed layout for the interior of the River Mill was presented to the Planning and Zoning Commission for their feedback. The Commission agreed that the revitalization of the historic district in which the mill is located is a top priority and this development is a keystone in the revitalization. A letter of support from the ZEO and Planner for this project was sent to John Gumpert on December 1, 2020.

12. New Business:

- Q. Conservation Land Donation to Wyndham Land Trust – First Selectman Amy St. Onge
Amy St. Onge, First Selectman, stated that the Conservation Commission is requesting the Town of Thompson consider donating 7 lots owned by the Town that abut the Wyndham Land Trust parcels in the Bull Hill area as an extension to their extensive Bull Hill Preserve. These seven lots do not have any use or value to the Town except as dormant open space/undeveloped parcels in a remote area of town. The Bull Hill Preserve offers at its highest point a panoramic view of Woodstock and Thompson, it offers a high priority forest for interior forest nesting birds, the Old Connecticut Path used by Native Americans and colonial travelers passed through the Preserve, it contains trails for use, it's an important part of the watershed for Putnam's public water supply and it's highland habitat is adjacent to and complements 1800 acres of Federally protected diverse river valley habitat, and the Trust enjoys the support from abutters.

John Rice questioned Parcel #1 for the deed restrictions that the land was deeded for the poor and he would like legal to look at it to see if we can give it to Wyndham Land Trust. Joseph Parodi-Brown agreed we should contact legal to confirm if this use would legally fit into the convenience to the Wyndham Land Trust.

John Rice moved that Parcels 2-7 be recommended by the Planning and Zoning to the Board of Selectmen for conveyance to Wyndham Land Trust and leave #1 until we get an answer from legal.

Discussion on the motion to recommend to the Board of Selectmen that Parcels 2-7 be conveyed to Wyndham Land Trust took place. John Lenky suggested possibly making a tradeoff for some property that is near the soccer field to make improvements there.

John Rice moved and Alvan Hill seconded the motion that Parcels 2-7 be recommended by the Planning and Zoning to the Board of Selectmen for conveyance to Wyndham Land Trust and leave #1 until we get an answer from legal.

p. 6 of 8

Discussion continued on the motion to recommend to the Board of Selectmen that Parcels 2-7 be conveyed to Wyndham Land Trust. Joseph Parodi-Brown stated that John Lenky made an alternate suggestion which is now open for discussion. John Rice commented that the town's goal is to try to preserve more land in Thompson for conservation and to add it to the Wyndham Land Trust. Amy St. Onge, First Selectmen, referred to a discussion in a Board of Selectmen meeting that there was some land that was supposed to be conveyed to Wyndham Land Trust, however it was land that was already conveyed to land that was near the Bull Hill soccer fields. Once it is conveyed to the Wyndham Land Trust it becomes Conservation land and cannot be sold or traded. Tyra said having Parcels 1-7 in the Wyndham Land Trust connected in conservation parcels have a very high value from the Conservation point of view and she is in favor of authorizing the Board of Selectmen to convey. John Lenky stated that the Commission give authorization to the Board of Selectmen. Amy St. Onge responded that the Board of Selectmen cannot act without guidance from the Planning and Zoning Commission.

John Rice moved and Alvan Hill seconded the motion that Parcels 2-7 be recommended by the Planning and Zoning to the Board of Selectmen for conveyance to Wyndham Land Trust and leave #1 until we get an answer from legal.

Hearing no further discussion, Joseph Parodi-Brown moved the vote. A "Yes" vote to recommend to the Board of Selectmen to convey Parcels 2-7 according to the map that is in the Commissioners packets. A "No" vote to not recommend.

John Lenky-Yes

Michael Krogul-Yes

John Rice-Yes

Alvan Hill-Yes

Charlene Langlois-Yes

Randy Blackmer-Yes

Christopher Nelson-Yes Joseph Parodi-Brown-Yes

Recommendation is made.

b. Discussion of Compliant 1261 Thompson Road

The ZEO received a complaint from Mr. Giza regarding excessive motorcycle noise and motorcycle repair and an illegal 4th apartment on the property at 1261 Thompson Road. Motor cycle issues were resolved with the property owners.

Mr. Giza questioned the legality of a fourth apartment on the site. The ZEO stated that the owners of the property, Bernardi Family Realty, LLC, Geiselle and Paul Bernardi who were present at the meeting, purchased the property in 2003 with the understanding there were four legal apartment units. Presently on site are: 1 dwelling unit, 2 apartments upstairs and 1 apartment in the basement; 1 trailer rented as a dwelling unit and 1 trailer used only for storage. Building office records on 1261 do not reference any building permit for the apartment in the basement. The ZEO referenced State Statute Section 8-13a, Non-Conforming buildings, structures and land uses. The complainant is requesting the Zoning Office to issue a cease and desist on the illegal 4th apartment in the basement. The ZEO cited the Bernardi Family Realty, LLC with a notice of violation.

p. 7 of 8

The ZEO contacted Attorney Kenneth Slater Jr, Esquire and he recommended she take enforcement action on this complaint. Zoning Regulations in effect at the time of compliant Article VIII Uses Permitted in Districts, Section 2 – R-40, A-3 uses permitted as right – “Single family dwellings and accessory outbuilding, or structure for exclusive use by the inhabitant of the dwelling”, does not allow for the fourth apartment.

Considering that regulation please note that there are three dwellings on the property that can be traced back to building permits, a use on the property before regulations cited above, creating a non-conforming use. There is no building permit for the basement apartment in the dwelling unit. Therefore the 4th apartment in the basement is considered an illegal use. Once a nonconforming use is discontinued/abandoned, such as the, trailer that was a 4th dwelling unit and is now used as a storage structure, that use cannot be extended on the property. In reviewing the Amended Zoning Regulations of 9/15/2020, R20 is now Rural Residential Agricultural District, Article 4A, Section 2 Table of Permitted Uses does allow for Single-family Dwelling, Two Family Dwelling, Accessory Apartment, Accessory Dwelling Unit. In reading the definition of Accessory Apartment and Accessory Dwelling Unit, the ZEO interpreted the amended regulation that the limit of dwellings on a lot is currently two with an accessory apartment in one of the dwellings. In Attorney Slater’s comments he refers to “municipal estoppels” that relates to the municipality’s defense that the fourth apartment is an illegal use. Referencing the information presented and Attorney Slater’s comments the ZEO asked if the Zoning Office has a legal authority to issue a cease and desist.

Charlene Langlois asked if the Commission could offer some accommodation to the property owners to resolve this complaint. Joseph Parodi-Brown said the ZEO should issue the enforcement order because there is an illegal use that needs to be addressed and there are options available to them through the application process and if the applications meet the Zoning Regulations then they will be granted a permit for those uses and they will have to meet the Building Permit and NDDH regulations as well.

13. Discussion and possible action to adopt the PoCD
Tyra reported that the PoCD was fundamentally done. However, there can be no action to adopt tonight due to a statutory requirement that requires the Planning and Zoning Commission to have a Public Hearing. Therefore, the earliest we can adopt the PoCD is 65 days from today.
14. Commissioners Comments:
John Rice commented that on the town website, under Planning and Development, several things should be under Zoning responsibilities. The suggestion was made that the Planner and ZEO get together and redo the division of responsibilities between Planning and

Development and Zoning. Progress on this issue will be addressed at the January 25th meeting.

John Rice reminded the Commissioners of the yearly election of officers and review of the bylaws. This will be addressed at the January 25th meeting. The Commissioners asked that the bylaws be mailed to them as soon as possible so they could have time to review them before the meeting.

The ZEO reported that she and Donna in the Building Office have been working on the new regulations and some issues have come up. The ZEO has put a list of these issues together and asked if she could bring that list to the January meeting to work on making some adjustments. The Commissioners asked the ZEO to send that list to them as soon as possible.

John Rice stated that he received a notice that the budget review process will begin in January for next year and asked if the Planning and Zoning Commission would authorize him to negotiate the budget for the Commission.

John Lenky moved and Christopher Nelson seconded the motion to authorize John Rice to negotiate the budget for the Planning and Zoning Commission for 2021-2022.

A “Yes” vote to authorize John Rice to negotiate the budget process. A “No” vote to not authorize.

John Lenky-Yes

Michael Krogul-Yes

John Rice-Yes

Christopher Nelson-Yes

Alvan Hill-Yes

Charlene Langlois-Yes

Randy Blackmer-Yes

Joseph Parodi-Brown-Yes

Joseph Parodi-Brown commented that the Planning and Zoning Commission had a lot to be proud of this year including updating the Zoning Regulations and the PoCD Document and that he is very proud to be a member of this commission in 2020.

15. Next Meeting:
a. PZC Regular Meeting January 25, 2021 via Zoom

16. Adjournment:
John Lenky moved and Charlene Langlois seconded the motion to adjourn. The motion carried unanimously. Meeting adjourned at 9:17 PM.

Respectfully Submitted,
Gloria Harvey, Recording Secretary