



TOWN of **THOMPSON**

PLANNING AND ZONING COMMISSION

Minutes –Planning and Zoning Commission Regular Meeting
Monday, January 25, 2021 at 7:00 PM
Zoom Meeting

Tyra Penn-Gesek is inviting you to a scheduled Zoom meeting.

Topic: Planning & Zoning Commission
Time: Jan 25, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/83520166380?pwd=dFhubHhqbLFMM25ITmdsMDZpd25MUT09>

Topic: Planning & Zoning Commission
Date: Jan 25, 2021 06:38 PM Eastern Time (US and Canada)

Share recording with viewers:
[https://us02web.zoom.us/rec/share/0zvTQjQTRQ0_agvaCLmDR7-
NilOCwnECfNaQoieMPstP_yXavH7_AOh8wX8MRzRS.jsObHRhCogveVz_I](https://us02web.zoom.us/rec/share/0zvTQjQTRQ0_agvaCLmDR7-NilOCwnECfNaQoieMPstP_yXavH7_AOh8wX8MRzRS.jsObHRhCogveVz_I) Passcode: b?qW!UOE

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
Christine Chatelle Randy Blackmer Brian Santos
David Poplawski
Seating: Alvan Hill was seated for Missy Desrochers, Brian Santos was seated for
Christopher Nelson, David Poplawski was seated for Robert Werge
Absent: Missy Desrochers, Robert Werge Sr., Christopher Nelson
Staff Present: Cindy Dunne, ZEO; Tyra Penn-Gesek, Planner, Amy St. Onge, First Selectman,
Selectman Kenneth Beausoleil, Gloria Harvey, Recording Secretary

Michael Krogul left the meeting at 8:13 pm.

2. Public Hearing: None
3. Discuss Public Hearing and Possible Action: None
4. Approve minutes:
December 28, 2020 PZC Regular Meeting Minutes
John Lenky moved and Michael Krogul seconded the motion to approve the Minutes of
December 28, 2020.

Discussion on the motion to approve the Minutes of December 28, 2020 resulted in the
suggestion to Table the approval of the Minutes to the February 22, 2021 meeting so the
members would have an opportunity to read them.

John Lenky moved and Michael Krogul seconded the motion to amend the original motion to table the approval of the Minutes of December 28, 2020 until the February 22, 2021 meeting. A “Yes” vote to table the Minutes of December 28, 2020 to February 22nd. A “No” vote will leave it on tonight’s agenda for action.

Alvan Hill-yes	Brian Santos-yes	Christine Chatelle-Yes
John Lenky-yes	Michael Krogul-yes	David Poplawski-Yes
Charlene Langlois-yes	John Rice-Yes	Randy Blackmer-Y
Joseph Parodi-Brown-Yes		

Unanimous vote to table the Minutes of December 28, 2020 until February 22, 2021.

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 scheduled a Special Meeting on Thursday, January 28, 2021 at 7:00 pm via Zoom to discuss updates to the Subdivision Regulations. John Rice expressed concern about moving too quickly on updating the Subdivision Regulations. Joseph Parodi-Brown said the intention of Thursday’s meeting would be to identify the most pressing items. With no objection to creating a subcommittee to begin work on updating the Subdivision Regulations, Joseph Parodi-Brown confirmed work will begin on updating the Subdivision Regulations on Thursday at 7:00 pm via Zoom.

Regarding the Development of an Affordable Housing Plan, Tyra said the unsealing of proposals received after the Board of Selectmen in January will take place on Friday, January 29th and work on the Affordable Housing Plan will begin in March.

b. ZEO memo –

ZEO explained the last mailer the commission members received and encouraged the members to attend the upcoming Planning and Zoning Land Use Seminar and stated anyone interested in attending to let her before the requested date in her memo.

Connecticut Federation of Planning Zoning notice was mailed separately because it was received after the packets went out.

Interpretation of Amended Regulations, Article 4A, Section 1, Intent

Janet Blanchette, J & D Engineering designed and received approvals for a single-family house in 2010 for Ken Arpin. Mr. Arpin wants to erect a 40’ x 60’ accessory structure (storage garage/ workshop for personal (not business use) and he wants to build it now and

not build the house for another 5-10 years. Janet Blanchette asked if Mr. Arpin could get the building and zoning permits for the accessory structure before the primary residence is built. Janet Blanchette said the lot is 100% buildable, has 11 acres, the septic system is approved, they have an approved plan and are looking for the Commissioners thoughts on the interpretation of the regulations. The ZEO commented that the intent of the Rural Residential Agricultura District (RRAD) is "to provide for residential use" consistent with the furtherance of agricultural and rural businesses, while maintaining the rural character and protecting the natural resources of the town, therefore, "to provide for residential use" intends the primary building needs to be for residential use. When the residential structure is completed all other structures are then considered accessory structure.

Discussion by the Commissioners followed and included the following comments:

- Michael Krogul-House and accessory unit building permits should be obtained together.
- Brian Santos-Large lot with ample space to build a house in the future
- ZEO-People expect to see houses in Residential Districts
- Tyra-It's counterproductive to tell someone with an approved plan the order they are to build on the approved plan and suggested a category for storage be added to the Table of Uses which would require Site Plan Review by the Commissioners.
- John Rice-ZEO interprets the Regulations and makes decisions accordingly. If the applicant doesn't agree they should appeal and go to the ZBA.
- Randy Blackmer-Expressed concern about building an accessory structure first would open the town to a problem in the future. Brian Santos agreed with Randy Blackmer and supported the ZEO's interpretation.

Joseph Parodi-Brown said the Commissioners were sympathetic with the request of this applicant, and the consensus of the Commissioners is to agree with the ZEO's interpretation of the Regulations.

c. Town of Thompson Budget Reports December 2020

John Rice reported that the Planning and Zoning Commission has spent 42% of their budget. Also, he met with the Finance Director this week to go over budget. He is scheduled to meet with Board of Selectmen on February 9, 2021 to go over the budget for the next fiscal year.

9. Correspondence:

- a. Minutes: Zoning Board of Appeals – January 11, 2021 Meeting Cancelled
- b. Thompson Planning and Zoning Commission Bylaws
- c. Town of Douglas Planning Board Legal Notice of Public Hearing
- d. Town of Douglas Planning Board Legal Notice of Public Hearing
- e. Town of Douglas Planning Board Legal Notice of Public Hearing

10. Signing of Mylar: None

11. Old Business:

a. Brickyard Road Bonding

ZEO went out to property on Tuesday, January 19, 2021. Photos were viewed to indicate progress. Property will be leased for farming once the land is reclaimed.

b. 0 Plum Road-Hal Merrick, property owner, upgrade of Plum Road, Map 85, Block 51, Lot 12, Zone RRAD, 8.80 acres

Mr. Merrick requested a Building Permit for a residential dwelling located at the above property site April, 29, 2020, therefore the ZEO's decision to sign off on the Building Permit is under the criteria of the Zoning Regulations in place at that time.

A Building permit was not issued due the town's historical decisions to enforce the frontage requirement on a developed road. There is a letter in the record signed by the Building Inspector, The Town Public Works Director and The ZEO which states "the 2012 Town of Thompson Zoning Regulations, Article V Dimensional Requirements, Section 1, which states in an R-40 zone, 150 ft frontage on a Town maintained & accepted roadway is required." In hindsight and reviewing the regulation under the Dimensional Requirements, it states: "Minimum Lot Frontage on a Public Street" only. The section does not refer to maintained & accepted roadway is required. There is no Definition of a Public Street in the 2012 Regulations. There is a definition of "Frontage – the boundary of a lot abutting a public street."

ZEO contacted Town Attorney, Rich Roberts, for clarification on whether she should sign a Building Permit for Mr. Merrick to build a residential dwelling at 0 Plum Road based on the 2012 Zoning Regulations, Article 5, Section 1, District Dimension. Mr. Merrick says he has frontage on a legal town road and he should be issued a Building Permit for the residential dwelling.

ZEO reported Attorney Roberts recommended that the town stick with the interpretation of the 2020 letter as it reflects the town's consistent policy. He also stated that he thinks the definition of Street in the 2012 Regulations may rule out the use of unimproved roadway as frontage, therefore he can't build there until it's a developed road.

Bruce Woodis stated the new Regulations were not clear and he and his client don't believe the roadway has to be improved to the standards of a new town road. A new town road, in his interpretation, refers to subdivisions. Mr. Merrick has property on an existing legal town road. The new regulations say improved town road but does not indicate to what extent. Mr. Merrick is improving the road. He widened it, brought in fill and compacted it. Mr. Merrick wants to know why he has to bring the road up to the standards of a new town road instead of up to the standards of a legal town road. Bruce Woodis said Mr. Merrick is basing his argument on the fact that this is not a subdivision. John Rice commented that the Ordinance uses subdivision standards even if it doesn't apply to instances other than subdivisions. Bruce Woodis stated that the first 600' travels between

2 property owners who are not part of this application and if you require the road to be wider, the grading will spill over onto the neighbors' properties, which we don't have the right to do. The width we have to work with is 18' and it is adequate for an emergency vehicle to travel on.

The ZEO read a letter sent by Bruce Woodis: "Based on our interpretation it appears that the Merrick's have an existing lot with more than 150' of frontage on an existing town road. Having gained approval of the Health Department and the Wetlands Commission it appears that the Merrick's should be able to apply and obtain a Building Permit without having to formerly improve the road to the standards of a new town road. As such, the Merrick's are proposing to modify the plan to the improvement of the road to provide a gravel-based road with a surface of trap rock grindings on top of the layers of approved gravel."

Joseph Parodi-Brown stated the question before the Commission is the property owner putting forth that they have frontage on a roadway and the Building Permit should be granted as is. Originally this came before us with the request to improve the road. Therefore, the Commission needs to move on this action. Bruce Woodis stated the goal of the Merrick's is to get a Building Permit and asked what the Merrick's have to do to get started. John Rice commented that he would like to see the road expanded beyond the abutting neighbors' properties if the town is going to be responsible for maintaining it.

Joseph Parodi-Brown stated the question of frontage still remains and asked what the proposed action of the Commission should be. Bruce Woodis proposed if the Merrick's could get a Building Permit with the roadway being a driveway to their house, the Merrick's would maintain the road and the town would not have to. He also said that the Merrick's are willing to improve the road as a gravel road, compact the road, install the culvert and put in an area to turn around at the end. It would still be a town road, however the town would not have to maintain it. The ZEO asked if this stipulation will be signed by Mr. Merrick and applied to the Building Permit. The Merrick's verbally agreed to this stipulation and agreed to sign it and stated that he would take care of the road up to the cul-de-sac and make sure it is plowed.

Joseph Parodi-Brown reiterated John Rice's proposal that the applicant can improve the gravel road on this legal non-conforming lot and agree to maintain the portion of the road from the cul-de-sac which the town will not be held responsible for any maintenance and the ZEO will submit this proposal to Attorney Roberts for review and pending his acceptance of its legality, this would be the Commission's action going forward. The ZEO will ask Attorney Roberts to write up the legal proposal. John Rice suggested provisional acceptance pending legal review in order to not delay the ZEO signing off on the Building Permit and putting it in the Building record.

C. Conservation Land Donation to Wyndham Land Trust-Parcel #1

First Selectman, Amy St. Onge, updated the Commission on the status of Parcel #1. She stated that a previous meeting Planning and Zoning approved the disposal of 6 landlocked parcels at the recommendation of Conservation Commission to donate land to the Wyndham Land Trust. Parcel #1, a 21-acre parcel off Ravenelle Road, had a deed restriction that restricted the use of the land because it was meant for the benefit of the poor. Attorney Ken Slater reviewed the deed restriction and told First Selectman, Amy St. Onge that the deed restriction would carry over to Wyndham Land Trust and any profits that would be made on that acreage would have to be donated to a charitable organization within the Town of Thompson. She further stated that the town is not required to keep the property because it's not making a profit on it because it is being donated. **Joseph Parodi-Brown said that with the legality of such a donation, he moved and Randy Blackmer seconded the motion to recommend to transfer Parcel #1 to Wyndham Land Trust as indicated on the materials the Commission received.**

Discussion on the motion to transfer Parcel #1 to Wyndham Land Trust followed. John Rice suggested putting the deed restriction in writing to Wyndham Land Trust in order to ensure the money received by any harvesting lumber would go to the Social Services Department in the town (TEEG). Joseph Parodi-Brown stated that according to First Selectman, Amy St. Onge, Attorney Slater said the deed restriction would carry over to Wyndham Land Trust and all money would go to organizations to benefit the poor. Charlene Langlois suggested a separate line item in the town for any profit received to ensure it would be used for the poor. Joseph Parodi-Brown stated that it's his understanding that once the land is conferred to Wyndham Land Trust, it would be up to them to distribute any profits to the poor because the town no longer has ownership of the land and Amy St. Onge said that once the land is in a trust it is not to sold or timber harvested. Wyndham Land Trust is the steward of the land and it's meant for the greater of nature and conservation. Tyra said that Wyndham Land Trust puts land in Public Trust for the Public Benefit. It opens up lands for recreational use for every citizen without cost.

Joseph Parodi-Brown moved and Randy Blackmer seconded the motion to recommend to transfer Parcel #1 to Wyndham Land Trust as indicated on the materials the Commission received. A "Yes" vote will recommend the transfer of Parcel #1 to Wyndham Land Trust. A "No" vote will oppose the recommendation.

Alvan Hill-Yes

John Lenky-Yes

David Poplawski-Yes

Christine Chatelle-Yes

Charlene Langlois-Yes

Brian Santos-Yes

John Rice-Yes

Randy Blackmer-Yes

Joseph Parodi-Brown-Yes

d. Discussion of Complaint, 1267 Thompson Road

Ms. Bernardi discussed with the ZEO via a phone conversation their plan to resolve the violation of a fourth apartment. A letter of intent was sent to the The Bernardi Family & Realty LLC resolving the complaint of a fourth apartment at the above address. The upstairs apartment will be vacated by February 28, 2021 and repairs will follow and

take about one month to complete. When the basement apartment is vacant, it will be used for storage. This process will be completed by April 1, 2021. They will offer the remodeled apartment to the tenant in the basement apartment. In the event the Bernardi Family Realty, LLC puts the property on the market it will be listed as a three-family dwelling. There was no objection by the Commissioners as the ZEO outlined it.

12. New Business:

a. Yearly election of officers and review of the bylaws

Nominations:

John Lenky moved and Alvan Hill seconded the motion to nominate Joseph Parodi-Brown Chairman, Randy Blackmer Vice Chairman, and John Rice Secretary/Treasurer. Upon hearing no further nominations, Joseph Parodi-Brown closed the nominations. A "Yes" vote will close nominations. A "No" vote will keep nominations open.

Alvan Hill-Yes John Lenky-Yes David Poplawski-Yes

Charlene Langlois-Yes Christine Chatelle-Yes Brianantos-Yes

Randy Blackmer-Yes Joseph Parodi-Brown-Yes

Nominations closed and the slate is elected.

Review of the Bylaws:

John Rice suggested Article 11, Section 8, states: The show of hands by those present shall not be allowed on any general question presented at a public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberation of the regular meeting of the Commission. He would like to add the regular and *special* meeting of the Commission. Joseph Parodi-Brown asked if John Rice would like to delete regular and leave it just meeting or have it read both regular and *special* meeting. It was the consensus of the Commission to have the Bylaw read *regular and special* meeting. Seeing no other edits, amendments or additions the By-Laws change made by John Rice will be put on the Agenda to be voted on at the February 22, 2021 Planning and Zoning meeting.

b. Progress on the division of responsibilities between Planning and Development and Zoning.

Tyra and the ZEO went over the pages and made some updates to the Planning and Development page and divided the duties. The ZEO will make further changes under the Planning and Zoning Commission, which would entail adding the duties of the Zoning Enforcement Officer on the Mission page. Tyra and the ZEO will further review the pages and make the necessary changes. Tyra asked if anyone had further changes to email her. John Rice asked Tyra to add the ZEO telephone number to the Planning and Zoning page.

c. Review of 9/15/2020 Amended Regulations

The ZEO received a question on South Shore Road from a person who wants to build a small cottage. Originally this area was zoned as R20 and now it is RRAD. His plans for

the cottage fit under the old regulations and the ZEO asked if it could go back to R20 as he has permission from the Town of Webster to tie into their sewer and water. Tyra commented that these parcels in this area were zoned R20 as a way to reduce non-conformity. However, she further stated that seeing there is public utility available it could be possible to go back to R20. The ZEO will inform them that the non-conforming lot will go under the setbacks of the previous regulations.

Due to the late hour Joseph Parodi-Brown suggested putting Review of 9/15/2020 Amended Regulations on the February 22, 2021 agenda under Old Business.

- d. Update on Subdivision Regulations Subcommittee and Affordable Housing Subcommittee-No update
Item was discussed under Section 8a, Reports of Staff

- 13. Update on discussion and possible action to adopt the PoCD
New deadline for additional comments to post publicly on Friday, January 30, 2021. Tyra did not receive any additional comments from PZC Commissioners. She received comments from Attorney Rich Roberts, Board of Selectmen, and she will make minor adjustments to the PoCD. If anyone has anything they want to comment please send her an email within the next 24 hours. Tyra believes that the Commission will have the PoCD ready to schedule a Public Hearing with possible action on March 4, 2021. John Rice questioned the posting for the Public Hearing. Tyra replied that the Public Hearing Notice will be posted in a local newspaper with clear instructions on where a copy will be available for everyone to read. The document will be filed with the Town Clerk, and posted on the town's Website.
- 14. Commissioners Comments:
John Rice asked for clarification of the communication the members received, listing old zone, new zone. Tyra replied that the Assessor sent her every parcel in town to make sure new zones indicated match the map. She attached the page with the incorrect zones. The corrected page needs the action of the Commission. Joseph Parodi-Brown asked Tyra and the ZEO to categorize the changes in Zoning for the February 22, 2021 meeting.
- 15. Next Meeting:
 - a. PZC Special Meeting January 28, 2021 7:00 PM via Zoom
 - b. PZC Regular Meeting February 22, 2021 7:00 PM via Zoom
- 16. Adjournment:
Randy Blackmer moved and Charlene Langlois seconded the motion to adjourn. Seeing no objection, the meeting adjourned at 9:48 pm.

Respectfully Submitted,
Gloria Harvey, Recording Secretary