



# *TOWN of* **THOMPSON**

## **PLANNING AND ZONING COMMISSION**

### **Minutes – Special Meeting**

**Thursday, January 28, 2021, 7:00 PM**

### **Zoom Meeting**

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

Topic: PZC Subcommittee - Subdivision Regs

Time: Jan 28, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87084304330?pwd=NklzbHF0UHI5YXA5YUhuMmxSZ2xGdz09>

Topic: PZC Subcommittee - Subdivision Regs

Date: Jan 28, 2021 06:52 PM Eastern Time (US and Canada)

Share recording with viewers:

<https://us02web.zoom.us/rec/share/OjfpqXduWBDhx9g9-GRBeJOEr8Z0gygjIMEzD52VtLFP-DVcUJ5ala7dK0mMreyc.razzmCGHr42QlnSA> Passcode: W.5EY?2E

1. Call to Order, Roll Call-John Rice Chaired the meeting in the absence of Jose[h Paodi-Brown

John Rice

John Lenky

Alvan Hill

Dave Poplawski

Brian Santos

Absent: Missy Desrochers, Robert Werge Sr., Christopher Nelson, Charlene Langlois,

Michael Krogul, Randy Blackmer, Christine Chatelle, Joseph Parodi-Brown

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

2. Review and Discussion of Subdivision Regulations

Article 1 – General Provisions

SECTION 1 - Title

These regulations shall officially be known, cited, and referred to as the subdivision regulations of the Town of Thompson, Connecticut, hereinafter “these regulations.” **No Comments by the Commissioners-Approved as Written**

SECTION 2 - Authority & Public Purpose

A. The Planning & Zoning Commission of the Town of Thompson, hereinafter “Commission” is vested by the Connecticut General Assembly through Title 8, Chapter 124 and Chapter 126, as amended, of the Statutes of the State of Connecticut with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision of land, including sketch, preliminary, and final proposals. The Commission may grant waivers from these regulations in

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accordance with **Article 1, Section 8, (refers to waivers)** of these regulations.

**No Comments by the Commissioners-Accepted as Written**

B. Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this municipality. **The developer** has the duty of compliance with reasonable conditions laid down by the Planning & Zoning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large. **Commissioners agreed to strike "The developer" and add "Any applicant or developer"**

### SECTION 3 - Purposes

These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the municipality. **No Comments by the Commissioners-Approved as Written**

B. To guide the future growth and development of the municipality **in accordance with the Plan of Conservation and Development**. **Commissioners agreed to remove "in accordance with the Plan of Conservation and Development" and replace it with "according to the guidance of the Plan of Conservation and Development"**

C. To provide for adequate light, air, and **privacy**, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and **undue congestion of population**. **Commissioners agreed to keep "privacy" and strike "undue congestion of population"**

D. To protect **the character and the social** and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development. **Commissioners agreed to strike "the character and the social" and replace it with "the physical, resilience"**

E. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings. **No Comments by the Commissioners-Approved as Written**

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities. **No Comments by the Commissioners-Approved as Written**

G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways and the **pedestrian** traffic movements appropriate to the various uses of land and buildings,

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and to provide for the proper location and width of streets and building lines.

***Commissioners agreed to strike "pedestrian" and replace it with "non-vehicular"***

H. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land. ***No Comments by the Commissioners-Approved as Written***

I. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development. ***No Comments by the Commissioners-Approved as Written***

J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land. ***No Comments by the Commissioners-Approved as Written***

K. To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features. ***No Comments by the Commissioners-Approved as Written***

L. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ***ordinances*** of the municipality. ***Commissioners agreed to strike "ordinances" and replace it with "regulations"***

#### SECTION 4 - Interpretation, Conflict, Separability & Appeals

##### A. Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted. ***No Comments by the Commissioners-Accepted as Written***

##### B. Public Provisions

These regulations are not intended to interfere with, abrogate, ***an or*** annul any other ordinance, rule, or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, other provision of law, the provision which is more restrictive or imposes higher standards shall control. ***Commissioners agreed to strike "an" and replace it with "or"***

##### C. Private Provisions

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These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirement of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or s=restriction imposes duties and obligations more restrictive or standards that are higher than the requirement of these regulations or the determinations of the Planning & Zoning Commission or the Governing Body in approving a subdivision or in enforcing these regulations or the determinations made under these regulations then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations. ***Commissioners asked Tyra to condense the wording in this paragraph.***

D. Separability

If any part or provision **of these regulations** or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Governing Body hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid. ***Commissioners agreed to strike "of these regulations"***

E. Appeals

Appeals may be made in accordance with Section 8:28 and 8-30 of Chapter 126 of the Connecticut State Statutes as amended. **No Comment by Commissioners-Approved as Written**

Section 5 – Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in those regulations. ***Tyra will review Section and compare it to the Statutes, Chapter 126.***

Section 6 – Reservation & Appeals

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Upon adoption of these regulations according to law, the Subdivision Regulations of Thompson, Connecticut supersede regulations previously in effect. Tyra will clarify the language of this section.

#### Section 7 – Amendments

For the purpose of protecting public health, safety, and general welfare, the Planning & Zoning Commission may from time to time propose amendments to these regulations which shall then be approved or disapproved by the Planning & Zoning Commission at a public meeting following a public hearing and with public notice. ***No Comments by the Commissioners-Approved as Written***

#### Section 8

- A. Where the Commission finds that extraordinary hardships or practical difficulties may result from compliance with these Regulations, it may approve waivers to these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these Regulations; and further provided the Commission shall not approve waivers unless it shall make findings based upon evidence presented to it in each specific case that:
1. The granting of the waiver will not be detrimental to the public safety, health, or welfare, or have a significant adverse effect on other adjacent property.
  2. The condition upon which the request for a waiver is based are unique to the property for which the waiver is sought and not applicable generally to other property;
  3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if these Regulations are carried out;
  4. With the concurrence of the NDDH, the Commission may waive the required submission of certain data required for a sanitation report under Sanitary Requirements, Article IV, Section 11, B, when not deemed essential to make a decision on the application.  
***The Commissioners agreed to strike #4 and let the NDDH handle the approval.***
- B. The waiver will not in any manner conflict with the provisions of the Zoning Regulations with the provisions of the Zoning Regulations, **Plan of** Development, or Regulations of any other Town Board or Commission. **Development**, or Regulations of any other Town Board of Commission. ***Commissioners agreed to strike "Plan and Development" from "B" because it is an inappropriate place for it.***

C. In approving waivers, the Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these Regulations. ***No Commissioners Comments-Approved as Written.***

D. Petitions for any such waiver shall be submitted in writing by the subdivider at the time when the subdivision plan is filed for the consideration of the Commission. The petition shall state fully the grounds for the application and all of the facts called upon by the petitioner. The Commission shall hold a public hearing before acting on any such request. A three-quarters vote of the total members of the Commission shall be required to approve a waiver and the Commission shall state on its record the reasons for granting the waiver.

#### Section 9 – Enforcement, Violations & Penalties

##### A. General

1. It shall be the duty of the Zoning Enforcement Officer to the Planning & Zoning Commission to enforce these requirements and to bring to the attention of the Commission any violations of these regulations. ***No Comments from the Commissioners-ZEO confirmed Approved as Written***

2. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final **plat** of the subdivision has been approved by the Planning & Zoning Commission in accordance with the provisions of these regulations. ***Commissioners discussed the difference between the term “plat” versus “plan” and confirmed they are the same.***

3. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited. ***No Comments from the Commissioners-ZEO confirmed Approved as Written***

4. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations. ***No Comments from the Commissioners-ZEO confirmed Approved as Written.***

##### B. Violations and Penalties

Any person making a subdivision or re-subdivision of land without approval of the Thompson Planning & Zoning Commission shall be subject to the penalties provided in the Connecticut General Statutes, and the Town and the Commission may seek other remedies as provided by the laws of the State of Connecticut. ***No Comments-Approved as Written***

#### Section 10 – Revision & Effective Date

A. Regulation/Revision

The Regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission, in accordance with the General Statutes of the State of Connecticut. The adoption of this amendment shall not render as conforming or legal any previous non-conforming or illegal division of land, but anything previously classified shall retain that classification, except as expressly changed. **No Comments by the Commissioners-Approved as Written**

B. Amendment of Regulations

The "SUBDIVISION REGULATIONS OF THE TOWN OF THOMPSON, CONNECTICUT" made effective by the Planning & Zoning Commission on February 3, 1969 and all amendments thereto, are hereby amended by striking all existing language and substituting these amended Regulations thereof with the effective date of these Regulations. ***Tyra will verify the effective date of the previous Subdivision Regulations of the Town of Thompson, Connecticut.***

3. Determine Schedule for Subcommittee Meetings  
Tyra will send a monthly schedule for Subcommittee Meetings on Monday, February 1, 2021.
4. Adjournment  
John Lenky moved and David Poplawski moved to adjourn at 8:39 pm.

Respectfully Submitted,

*Gloria Harvey*

*Recording Secretary*