



# TOWN OF THOMPSON

## Planning & Zoning Commission

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### Minutes – PZC Special Meeting Monday, March 29, 2021 at 7:00 PM ZOOM Meeting

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Topic: PZC Special Meeting \_ Discussion of 09/15/2020 Amended Regulations  
Time: Mar 29, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

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#### 1. Call to Order, Roll Call, Seating of Alternates

John Lenky

John Rice

Charlene Langlois

Alvan Hill

Brian Santos

Dave Poplawski

Josep Parodi-Brown

Absent: Missy Desrochers, Robert Werge Sr., Christopher Nelson, Christine Chatelle, Michael Krogul, Randy Blackmer

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

#### 2. Review and Discussion of 09/15/2020 Amended Regulations

1. Shooting Ranges are not addressed in amended regulations. ZEO received a couple of calls on the placement and safety of having a shooting range in neighborhoods.
  - My limited research indicates that the town does not have an ordinance addressing shooting ranges.
  - In communication with the State Police, who regulates shooting ranges, they stated their responsibility is to determine the placement of the backdrop.

Further research needs to be done with state statutes in determining if a town has the authority to create and enforce regulations, either through ordinance or zoning regulations.

**T. Penn comment:** Given the hazardous nature of shooting ranges, it is probably worth it for the PZC to determine if it should be an allowable use, and if so, establish the level of review & the allowable districts. Recommendation if allowed: special permit use only in the Business Development District, possibly with generous separation distances from other uses (with guidance from the State Police)

Commissioners suggested contacting other towns to see if they have shooting ranges and backdrops and questioned if it's legal for the town to legalize. Brian Santos stated the Town of Stamford, CT had a Code of Ordinances regarding shooting ranges. Alvan Hill commented that there are two shooting ranges in the Town of Thompson. Joseph Parodi-Brown suggested tabling shooting ranges until September and reviewing then.

2. Amended Regulations do not address riding stables, academies, or boarding stables for five or more horses.
  - This issue was addressed in previous regulations in the R80 and R40, Article VIII, Section 1 R80, A2 and Section 2 R40, A2.
3. Amended regulations, Article 4A RRAD, Section 2 E Fertilizer and Manure Management addresses this topic referencing state statutes, and Agencies requirements, it does address the distance management needs to be from property boundaries.

- This issue was address in previous regulations in the R80 and R40, Article VIII, Section 1 R80, A1b and Section 2 R40, A 1b.
4. I have received inquiries of how many horses one is allowed on their property. Amended Regulations does not address a number per acre.
- Is this something that needs to be researched for limitations restrictions per acreage.

T. Penn comment: the guidance document Zoning Regulations for Livestock: Best Practices, published by the CT RC&D recommends against setting specific animal density limits in municipal regulations. That document specifically recommends the use of setbacks and buffers as controlling measures within zoning. However, it does suggest that site plan review for livestock within residential areas may be appropriate. Recommendation: consider altering the level of review for livestock agriculture to site plan review by the commission, and establish some objective criteria which the PZC can use. Avoid animal density language if a better alternative can be found.

Joseph Parodi-Brown stated the question before us are criteria for number of animals on a piece of property. He further stated riding stables are recreational business and boarding stables are regular businesses. ZEO asked for criteria for how many horses are required for riding stables and boarding stables. Tyra asked if the Commission wants to vote to change level of review to site plan review by Commission. John Rice in favor of acres per horse. Joseph Parodi-Brown suggested separating Livestock Agriculture from Agriculture and in those areas where zoning permit bumping it up to site plan review by the Commission. Tyra asked the Commissioners if they wanted to vote to move to site plan review and Joseph Parodi-Brown stated that if the ZEO wanted to bump a request up to the Commission who would then decide if the request would warrant a site plan review.

**Joseph Parodi-Brown moved and Brian Santos seconded the motion to propose the addition of a separate use for Livestock Agriculture. A "Yes" vote to approve the motion to propose the addition of a separate use for Livestock Agriculture. A "No" vote to not approve.**

Alvan Hill-Yes

Dave Poplawski-Yes

Charlene Langlois-Yes

Brian Santos-Yes

John Rice-Yes

John Lenky-Yes

Joseph Parodi-Brown-Yes

**Motion passed.**

5. Household pet is defined in Livestock section of Definitions, and referred to in RRAD, in Article A,4, Section 4 D.
- Should there be a separate definition in the Definition section of the Amended Regulations.

**Justification – who would think to look up definition of Household Pet under livestock?**

T. Penn comment: agree that if we define one, we should probably define both.

**The unanimous consent of the Commissioners was to define a household pet as its own item.**

6. Page 59, Article 5A, Earth and Gravel Removal, Section 3B is titled exemptions. The exemptions flow into what is criteria is needed for a permit. See below:

## **A. Exemptions**

The following uses are exempt from the provisions of this section as a requirement to obtain a permit:

1. Excavations (not fills) for pools, raised foundations, retaining walls, basements or other below-grade structures and earthwork associated with approved subdivisions do not require a grading/gravel excavation permit, but are subject to building permits. **A grading/gravel excavation permit is otherwise required if any of the following criteria apply.**
  - a. **Earth movement is greater than 1500 cubic yards, in order to avoid:**
    - i. **Deep excavations**
    - ii. **Excessive sloping**
    - iii. **Excessive fills**
  - b. **Grading obstructs or diverts a drainage course**
  - c. **Importing or exporting of earth is greater than 1500 cubic yards**
2. **Excavation, removal, filling or grading in direct connection with an agricultural use.**
3. **Excavation, removal, filling or grading of a total amount up to 1500 cubic yards.**

The above should have its own heading (such as Gravel Operation Special Permit) for easy identification of what activity needs a special permit.

**Justification** – easy reference for the lay person

T. Penn comment: I see Cindy's point here, although I am not sure there is a great solution. As I recall, this item was discussed at length and revised several times with help from Brian Santos and Janet Blanchette.

Tyra will adjust the format so exemption are clearer by indenting a, b, and c further.

7. The three Commercial districts, **BDDD, TCDD, DMRD, table of permitted use charts** do not address a structure on the property that is used only for storage.
  - I have had a couple of requests, one that needs to come before the PZC in the future and at this time I told the applicant's site design representative that I was going to put it under **Any other use not anticipated.....section of the table of permitted uses**

**Do we leave it this way or considerate a separate line item in the table of permitted use charts?**

T. Penn comment: discussed this item with Cindy. Her suggestion that structures for use as passive commercial storage (as opposed to warehousing for distribution or storage rental businesses) should have a line item within the table of uses would provide clarity for property owners. Recommend adding for each district. PZC may wish to discuss whether this is a simple permit or site plan review activity, but special permit is not recommended for a low-intensity use like passive storage.

**Joseph Parodi-Brown moved and Dave Poplawski seconded the proposal to add passive storage low intensity to be a simple Zoning Permit granted by the ZEO. A "Yes" vote will accept the proposal and a "No" vote keep as written.**

Discussion on the proposal to add passive storage low intensity to be a simple Zoning Permit granted by the ZEO: Brian Santos asked if this proposal was strictly for business use and not the topic of having a detached garage or other storage facility in the front of a house. The ZEO replied that this proposal is totally separate and only affects BDDD, TCDD and DMRD districts.

|   |                              |                           |
|---|------------------------------|---------------------------|
| <b>Alvan Hill-Yes</b>   | <b>Charlene Langlois-Yes</b> | <b>Brian Santos-Yes</b>   |
| <b>Dave Poplawski-Yes</b>                                     | <b>John Rice-Abstain</b>     | <b>John Lenky-Abstain</b> |
| <b>Joseph Parodi-Brown-Yes</b>                                |                              |                           |
| <b>Proposal passes with 5 "Yes" votes and 2 abstain votes</b> |                              |                           |

8. **Article 5 Special Uses – Article 5A Section 1 – Standards for Home Occupation**
  - No criteria for signs

T. Penn comment: PZC may wish to discuss whether separate sign criteria are needed for Home Ocs or whether the general guidelines for signs are sufficient.

**Tyra further researched and reported that there is a standard for signs for Home Occupation.**

- No criteria for notarized signature of dwelling owner when the applicant is a tenant.

T. Penn comment: this was definitely an error of omission and should be corrected as soon as is practical.

**No objection from Commissioners to add this into the regulations**

9. Zoning Districts, **Article 4D Business Development District (BDDD) and Article 4E Thompson Development District (TCDD)** do not have Retail listed on the chart of Permitted uses.
  - This is perhaps an oversight, but it is difficult to work with potential retail business inquires when the business is not specifically listed in the permitted uses and the business inquiry would fall under the generalization of **retail business**.

T. Penn comment: this was also definitely an error of omission to be corrected as soon as is practical

**No objection from the Commission to propose addition of retail to districts**

10. Previous Zone District for the area going to Webster off of Route 193 North, a portion of Sand Dam Road up Indian Inn Rd, encompassing Bonnette St, Leon, Elaine, Lillian Ave, Colonial Rd, South Shore Rd, were zoned R20 and are zoned RRAD.
  - Most of lots in this area are postage stamp lots.

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This change creates many nonconforming lots and development on the lots is more restrictive following the **nonconforming regulation and RRAD guidelines for development**.

T. Penn comment: while it is true that one of the goals was to reduce non-conformities, it will not be possible to eliminate all non-conformities. The parameters for the CRD (most of the former R20) were set to allow for increased density in areas served by water/sewer. The lots referred to above do not have public utility access, so it would be inappropriate to base their dimensional requirements on the CRD. These lots would therefore be "existing non-conforming" within the RRAD subject to those guidelines and limitations. New lots cannot be created at that size within the RRAD, with the exception of an approved conservation subdivision that has been signed off as feasible for water/septic by NDDH.

ZEO stated that homeowners have lived in this area with R20 criteria given the premise that R20 was based on water and sewer and some research has to be done to determine why this area was R20 years ago.

## **Article 2, Section 10, A**

2. A dwelling located on a lot that is non-conforming in size or other dimensional requirements may be extended, altered or rebuilt, provided such an 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, **the existing dimensional non-conformities are not further reduced** and the height of the building does not further exceed any maximums

## **And B.**

2. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these regulations, these dwellings may be erected on any non-conforming lot that was in separate ownership as evidenced by a deed recorded in the Land Records of the Town prior to the effective date of adoption of these Zoning Regulations, or any amendments thereto, that created such non-conforming lot, **provided that construction on and use of each such lot shall comply with all other provisions of these regulations**.

**Tyra will do background work with ZEO on this issue.**

11. In addition, sections of Oakwood and Shady Lane were zoned R20. Sections of Porter Plain Rd, Babula Rd, Liberty Lane and Emil Dr. were zoned R20.
- because there are no street names on the current zoning map it is difficult to determine if the streets referenced above were put into the Little Pond Lake District area.

**ZEO stated this item is clarified and she will look into it more.**

## **12. Article 4B Common Residential District: Section 3, E. And Article 4D, Lake District, Section 3, E Existing Non-Conforming Lots .....**

### **A. Existing Non-Conforming Lots (as defined in Article 2, Section 10, B)**

1. Front and rear setbacks shall be no less than one-sixth (1/6) of the lot's road frontage along a public way, or 35', whichever is less.
  2. Side setbacks shall be no less than one-half (1/2) of the front setback.
  3. Setbacks for an accessory structure shall equal or exceed that of the primary structure.
  4. The ZEO shall permit the construction of a required special needs access-way to protrude into any setback, provided that it is the only reasonable location for such access-way.
- What is this in the sections for? Don't we just go by non-conforming regulations?

**Justification** – confusing?

T. Penn comment: these special conditions for existing non-conforming lots were included as an accommodation for owners of these small parcels in the Lake District, and were discussed at some length. The consensus was that the history of the creation of so many of these lots for summer residences warranted special treatment.

**ZEO stated that the reality is more dwellings now, therefore take it lot by lot and go with new regulations.**

13. Definition of fence-

- **Fence**—A freestanding structure intended for division no more than seven feet tall, while maintaining maintenance space to owner's property line, on either side. A fence or structure over seven (7) feet in height shall meet building setbacks.

**Add to definition – Fence setback from a Town Road shall be determined by the Director of Pubic Works.**

**Placement of fence shall not obstruct road site vision.**

T. Penn comment: agree that the item should be added, but should it be in definitions, or Article 4 Section 4: General Provisions for all districts?

**Consensus of Commissioners to add provisions for adding a fence to Article 4 Section 4: General Provisions for all districts.**

14. Are we going to place a fee on a Zoning Permit for a new or replacement sign.

T. Penn comment: the logic to me seems that if we are requiring a permit, there should be a permit fee collected. Especially in light of the feelings some have that signs represent visual clutter, establishing a fee may reduce the number of sign permits an individual owner seeks.

**Unanimous consent of Commissioners to charge no fee for new or replacement signs.**

15. There is no reference in the new regulations on onetime events, such carnivals/fairs. Previously a zoning permit was required with criteria to follow. The Issue has not come up to date, but is this something the Zoning Office should regulate?

T. Penn comment: As I recall, this was discussed during the rewrite process. At that time, it was determined that the Fire Marshal permit was the only one that served the best interest of the town for such a temporary use. The issue has come up...a private homeowner had a "pop-up" event on her property over the holidays and was advised to have the Fire Marshal do an inspection for traffic safety. This seems sufficient.

ZEO commented that this issue does not need any approval because it is a non-issue at this time.

**No involvement by Commission required.**

16. Solar structures – is it necessary to identify a solar system that is placed on wheels for movement around the property. Issue will be coming before the PZC. Just asking!

T. Penn comment: Cindy and I discussed this in relation to a specific inquiry we had from a prospective buyer of a homestead property. It is my opinion that, if it is a portable unit it should be treated like any other generator that a homeowner might have, and regulating through zoning is probably unnecessary. Once a structure becomes permanently fixed, it should be subject to the provisions for solar.

**Commission unanimously agreed regulating through zoning is unnecessary.**

17. Article 5A, Section 2 Trailers and Mobile Homes

B-3 .....No more than two such trailers shall be parked on a single lot in the Rural **Residential Agricultural District** or the **Lake District**.

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- I interpret this to mean a property owner can park 2 trailers (Mobile/Motor Homes) on the lot. Any more than two is a violation even if it is registered and paying town taxes?

T. Penn comment: I concur with that interpretation. The commission had some concerns about cluttering up lots with trailers, as I recall.

**Commission is in agreement with interpretation of Planner and ZEO.**

B-3 ..... Any such trailer or vehicle may be occupied only during the annual period from April 1–December 31, except as described below in **Article 5A, Section 2, B, 5-7.**

- Did the commission intend to extend the living in the trailer to the Rural Residential Ag District?  
**If so, there is a wide-open door for abuse of living in the trailer year-round.**

T. Penn comment: the seasonal limitation prohibits year-round occupancy. There were strong feelings during the commission discussion that limiting the length of individual stays was too much interference with the property owner's rights. The item as written was the consensus of the majority.

**ZEO commented that it may be abused. Consensus of the Commissioners was to remove from RRAD and leave in the lake district. The Chairman stated that hearing no objection the proposal to remove from RRAD and leave in the lake district is approved.**

**B-3.....** Such trailers or vehicles may be stored, without being occupied, in any district.

- Are we still referring to 2 trailers?

T. Penn comment: a good question. I suggest that the answer is yes, based on the reasons they were limited to 2 occupied trailers in the first, but the PZC may wish to clarify that.

**Commission agreed two occupied trailers.**

## **FOR YOUR CONVEINCE I COPIED AND PASTED THE COMPLETE B-3**

B-3 Camping trailers or other vehicles designed for temporary occupation during travel, vacation or recreation shall not be occupied except in campgrounds operated by the State of Connecticut, in campgrounds approved by special permit or as described below in **Article 5A, Section 2, B, 5-7.** No more than two such trailers shall be parked on a single lot in the Rural Residential Agricultural District or the Lake District. No such trailer or vehicle shall be occupied as a permanent dwelling. Any such trailer or vehicle may be occupied only during the annual period from April 1–December 31, except as described below in **Article 5A, Section 2, B, 5-7.** Such trailers or vehicles may be stored, without being occupied, in any district.

### 18. Table of Contents does not have a line item for Site Plan Review

- Comment on this: all site plan review information is under the table of **contents Article 3.**

**Justification** - if I was looking for Site Plan Review requirements you have to jump around the whole section of Article 3 etc.

T. Penn comment: I should be able to add that in the TOC without too much difficulty.

**Commissioners had no objection, therefore Tyra will add to the Table of Contents.**

### **19. Article 3A, Section 4 Application Requirements**

Applications for permits described in **Article 3A, Section 2, B** will be completed by the Building Office. Applications for permits for any other activity described in the **Zoning District** table of uses.....

**Justification** for adding **Zoning District.** Need to include this for consistency in identifying what table of use table of uses.....

T. Penn comment: concur with the logic, and can amend if requested.

ZEO proposed perhaps rest of the document should be reviewed to determine if all reference to table of uses identifies is by Zoning District.

Commissioners had no objection to adding the words Zoning District.

## 20. Article 6, Section 1 Administration -

The Zoning Board of Appeal shall have all the powers.....

- This section references the responsibilities of the Zoning Board of Appeal, but nowhere, contents or Article Title does it say Zoning Board of Appeals.

**Justification** – Layperson looking for information concerning the duties and responsibilities of ZBA would not know to look in this section.

T. Penn comment: this was an error in the creation of the TOC and will be fixed.

T. Penn comment: this is one of the issues that has presented itself as among the most pressing for clarification, as it also has implications for the feasibility of shared driveways and the creation of subdivisions. My current recommendation is to amend the zoning regulations to add the following statement to Article 4, Section 4, 2 – Interior lots: “...For the purposes of these regulations, lots arranged along a shared driveway shall not be considered interior lots.” Further amendment to the stated requirement for public road access may also be needed.

## ADDITIONAL INFORMATION FROM THE PLANNING AND ZONING OFFICE

The Zoning Office and Building Office are working with the on line application process company to update the applications to be consistent with the new regulations.

Town Planner and I will meet to discuss the Webpage Mission Statement and What We do Statement before the next PZC meeting on Monday, January 25, 2021.

**The following are comments from Donna Hall in the Building Office. My comments are in bold, italic beneath her comments**

- 1) **Horses:** No minimum lot requirement. Previously you had to have 10+ acres for 5 or more horses, now there’s no minimum lot size. i/e 5 horses on a 2 acre lot – fertilizer and manure management becomes problematic for neighbors

T. Penn comment: as noted in a similar item raised by Cindy, animal density limits are not a recommended means of regulating livestock by CT RC&D in their guidebook for municipalities. PZC may wish to discuss other potential regulatory controls. Setbacks for livestock housing and manure management provisions in the regs were included based on recommendations from the RC&D guidebook.

**Discussed in Item 4 above.**

Definition of - **Farm Stand**—A structure that is not a permanent building and is used for the sale of seasonal agricultural products (add)**produced or grown on the property**

**Article Four Zoning Districts**

- All Districts, RRAD, CRD, TCVD, BDD, TCDD, DMRD and LD Allow Farm Stands with a Zoning Permit Simple.

Definition of - **Farm Stand**—A structure that is not a permanent building and is used for the sale of seasonal agricultural products (add) **produced or grown on the property**

**Article 4A Section 4 Agriculture**

**A. Farm Stands and Farm Stores**

1. For farm stands: ~~not less than 75% of~~ all products sold shall be agricultural goods grown or produced on the owner's ~~farm~~ **property**

T. Penn: Concur with the first suggestion. As I recall, the question of the % of product sold was discussed by the Commission, and the language adopted was arrived at by consensus, therefore I do not recommend the 2<sup>nd</sup> revision.

Cindy's response to Tyra's comments

The 100% percent is intended for small stands for the hobby grower.

Case in point – Property owner has a small garden, likes to garden, would like some profit off of the work so decides to set up a couple of tables and maybe moves up to a nicely built wooden portable stand. Are we going to allow this grower to purchase 25% outside product which could be brought in by large delivery trucks which can create additional traffic in a residential area.

So the solution here is separate hobby seasonal farmer from Farm Stand that is an actual business which can bring in 25% outside product and will require a zoning permit. Make provision for seasonal hobby farmer easier. Remember you are allowing Farm Stands in every districts delivery Trucks going to the congested districts can create a cluster.

I had a call on this example. All she wants to do is put a couple of tables out during the growing season and sell her excess. Are we going to charge her \$100.00 to do that?

Area of Concern:

1. Zoning Permits cost 100.00
2. A hobby plant and vegetable grower would like to put their product in front of their house with a sign plants and vegetables for sale. Not a huge amount of product, but enough to satisfy a personal hobby and perhaps make a few dollars in the process.
3. A Farm stand does not have to be a permanent building.
4. \$100.00 zoning fee to pursue a hobby without a building could be considered excessive for a hobbyist that would like to sell extra product.

For Farm stands that want to go a little bigger than a couple of tables in front of your house, such as a structure then perhaps a zoning permit is required and we can allow 75% product to be grown or produced on owner's property.

T. Penn: I would be in favor of striking the requirement for a zoning permit for a farm stand, or perhaps indicating in the schedule of fees that farm stand permits are at a reduced cost.

I feel these are 2 separate issues and should be treated as such.

**The Districts that allow Agriculture** (based on the definition) and need a Zoning Permit Simple, existing and new are RRAD, CRD, TCVD, BDD, TCDD, DMRD.

- With The exception of RRAD what criteria is followed to issue a zoning permit for the other districts.

Cindy's Comment – I wrote this in a hurry last week, so I will elaborate on the above:

All the districts except for RRAD, do not have any criteria listed for a checkoff list for a Ag Zoning Permit.

Please review Previous regulations:



**Article VIII – Uses Permitted in Districts**

**Section 1 – Residential and Agricultural District (Ra-809) (RA-80)**

**And**

**Section 2 – Low Density Residential District (R-40)**

**Both of these Sections have:**

**A. Uses Permitted by Right**

**B. Uses Allowed by Special Permit**

**After each section A, B, are criteria for the uses.**

**Previous regulations only allow Agriculture in 2 districts. So again what criteria is used for all the districts that now Allow Agriculture that the ZEO would issue a permit on and what is existing Simple Permit?**

**Tyra suggested moving standards for Agriculture to general provisions in all districts or make notes in the other districts that agriculture is as discussed in the RRAD. ZEO agreed.**

- **Livestock**

Only limitation on livestock is 150 feet from boundary line. No limits of livestock per acre, particularly horses and does not address livestock that is not under cover.

Regulations do not address Riding Academies or boarding stables

Previous Regulation addressing this issue are attached.

T. Penn: this topic is covered in the memo from January. Language for livestock was based on the guidance document published by CT Rural Conservation & Development Area. If the Commission would like to add more specific language for keeping horses, both as private owners and as a business, that might be prudent.

- **Format issue-** Appendix E tables of Uses for All Districts –  
page 133 – Thompson Common Village District Heading does not have abbreviation TCVD  
page 137 – Thompson Corridor Development District Heading does not have abbreviation TCDD.

T. Penn: easy edits, nothing to discuss.

3. **Adjournment**

John Lenky moved and Brian Santos seconded the motion to adjourn. Hearing no objection the Special Meeting adjourned 9:13pm

Respectfully Submitted,  
Gloria Harvey,  
Recording Secretary