



TOWN OF THOMPSON

Planning & Zoning Commission

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Minutes – PZC Special Meeting-New Zoning Regulations Review
Tuesday, July 20, 2021 at 7:00 PM
Zoom Meeting

p. 1 of 13

Topic: PZC Special Meeting _ New Regulations Review
Time: Jul 20, 2021 07:00 PM Eastern Time (US and Canada)

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Topic: PZC Special Meeting _ New Regulations Review
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1. Call to Order, Roll Call, Seating of Alternates
John Lenky Dave Poplawski Alvan Hill
Alvan Hill Michael Krogul
Brian Santos Joseph Parodi-Brown
Absent: Missy Desrochers, Robert Werge Sr., Christopher Nelson, Charlene Langlois, Christine Chatelle,
Christopher Nelson, Randy Blackmer, John Rice
Staff Present: Cindy Dunne, ZEO; Tyra Penn-Gesek, Planner, Gloria Harvey, Recording Secretary
2. Review and Discussion of Zoning Regulations

Material covered in the June Meeting:

Shooting Ranges are not addressed in amended regulations.

Article 5A, Section 9 Shooting Ranges

A. Intent

The regulations for the location and operation of shooting ranges are intended to create clear standards by which these uses may be pursued by landowners in Thompson, while also establishing standards to prevent physical harm that might inadvertently result from such use.

B. General Provisions

1. In Districts where shooting ranges are an allowable use, a special permit shall be required as outlined in **Article 3A, Section 4, C and Article 3C**.
2. In addition to the requirements described in **Article 3A, Section 4, C and Article 3C**, a special permit application for a shooting range shall show:

- a. The location of the backdrop and any additional bullet containment device, and shall include verification that the backdrop conforms to the standards set by the State Police of Connecticut, in the form of a signed letter from the State Police.
 - b. The configuration of any bullet containment device.
 - c. A narrative describing the planned measures for the management of lead on the site.
3. The minimum lot size for any property upon which an outdoor shooting range is proposed shall be 10 acres-Added
4. A shooting range shall follow guidance as outlined in **CGS Chapter 92 Section 7-32k**, as amended; and **CGS Chapter 442 Section 22a-74a**, as amended.
5. Any owner of real property upon which a shooting range is approved shall enter the location of such property on a list maintained by the Town Clerk, which shall include the name of the owner, the address of the subject property, the corresponding map, block and lot number, and the owner's signature and date of entry.
6. In addition to the general provisions for entry with the Town Clerk. The owner of the private shooting range shall provide their respective gun licensing, a list of firearms registered, shall be responsible for visitors, and shall have copies of the licenses of visitors available upon request.-Added
7. The owner of a shooting range shall not allow the accumulation of lead (e.g. spent ammunition rounds) in the soils and water of Thompson. To avoid such accumulation, the operator of any shooting range shall follow the guidelines described in the [EPA publication Best Management Practices for Lead at Outdoor Shooting Ranges](#). The owner of any shooting range shall agree to permit the Town or other appropriate entities to conduct inspections of the site, in order to ascertain that spent ammunition is regularly cleared from the site.
8. There shall be no use of exploding targets or tannerite on any shooting range in the Town of Thompson.
9. A special permit for a shooting range shall not be granted to any person convicted of any felony offense.
- C. Private Shooting Ranges**
1. For the purposes of these Regulations, a private shooting range shall be one that is located outdoors on a privately owned parcel, and which is operated solely for the personal use of the property owner. A private shooting range shall not operate as a business. Provisions for shooting ranges operating as businesses are described below in **Article 5A, Section 9, D**.
2. Private shooting ranges are only allowed in the [Rural Residential Agricultural District](#).
3. A private shooting range shall not be located closer than 1,250 feet from the boundary line of any adjacent property or public right-of-way.
4. A private shooting range shall not be located closer than 500 feet from any building. Add occupied by people, domestic animals or containing combustible or flammable materials.
5. No private shooting range shall be permitted on a property that shares a boundary with any designated public recreation area.
6. The owner of the property on which a private shooting range is located shall post notice along all boundary lines of the property, at intervals of 150 feet or at least once on any adjacent boundary line, whichever is the lesser interval. Such notice shall include the name and address of the property owner, and the emergency phone numbers for the Thompson Emergency Medical Services and the Connecticut State Police.
7. A private shooting range shall only be in use during daylight hours, or between the hours of 8 a.m. to 8 p.m., whichever period of daylight hours is shorter.
- D. Commercial Shooting Ranges**
1. For the purposes of these Regulations, a commercial shooting range shall include any shooting range operated as a for-profit business; and shall also include privately operated clubs offering membership for dues, whether non-profit or for-profit.
2. As part of the special permit requirement described in Article 5A, Section 9, B 2.c the narrative shall use the **Template for an Environmental Stewardship Plan for Management of Lead Shot/Bullets** found in the [EPA publication Best Management Practices for Lead at Outdoor Shooting Ranges](#)
3. A commercial shooting range shall only be allowed in the [Business Development District](#).
4. A commercial shooting range may be outdoors or indoors. For an indoor shooting range, the 10 acre minimum is waived.

Commented [u1]: Confirm that the State Police would provide this letter. Otherwise strike the last half of the sentence.

Commented [u2]: For outdoor shooting ranges, private or commercial, there shall be no shooting on Sundays (check with Kelly).

Per Kelly: Valley Springs was given permission for Sunday shooting recently, in a letter signed by the First Selectman.

How do we want to handle this, then? Later hours on Sunday: Noon to 6pm or sunset whichever is the shorter period

Commented [P3]: Add to table of uses

Commented [u4]:

Commented [P5]: Add to table of uses

Commented [u6]: Check parcel sizes within the district. Is this a feasible stipulation?

5. The hours of operation for a commercial shooting range shall be limited to 7 a.m. to 10 p.m. daily.
6. A commercial shooting range shall have an implemented safety plan that substantially includes, but is not limited to, the following items:
 - a. A description of the range that stipulates how, when, why, and by whom the facility will be used.
 - b. The safety plan should divide rules and regulations into the categories of gun handling rules, general range rules, specific range rules, and administrative rules and regulations.

ADD TO DEFINITIONS

Shooting range (also "firing range" or "range") An area designed and operated primarily for persons using or discharging rifles, shotguns, pistols, revolvers, black powder weapons, archery, air rifles, paintball guns, or any other air-powered projectiles; or making use of silhouette targets, skeet ranges trap ranges, or any other similar sport shooting elements. Alvan Hill added: An area designed or operated primarily for person 16 or older using and discharging pistols, revolvers, black powder weapons, archery, air rifles, paintball guns or any other air-powered projectiles.

SUGGESTED AMENDMENT TO DIMENSIONAL REQUIREMENTS – ALL DISTRICTS

A. Frontage and Setback Requirements:

Use	Frontage	Front	Side	Rear
Residential	150'	40'	20'	20'
Agricultural, Non-Residential, Non-Livestock	150'	40'	20'	20'
Agricultural, Livestock, Non-Swine	150'	150'	150'	150'
Agricultural, Livestock, Swine ¹	300'	300'	300'	300'
Accessory Structures to the Primary Building (greater than 200 sq. ft. footprint)	n/a	²	20'	20'
Sheds and other structures less than or equal to 200 sq. ft. footprint	n/a	²	5'	5'
Special Needs Access	n/a	³		

¹ CT Public Health Code Section 19-13-B23(a).

² When the application is for new construction of the primary structure, the setback for an accessory structure shall equal or exceed that of the primary structure. Where there is an existing primary structure that predates the adoption of these Regulations, the Commission may waive the front setback requirement based on the physical characteristics of the site. Suggestion by Commissioners: For new construction, standards have been described. Tyra will research further with Town Attorney Rich Roberts.

³ 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.

Article 4A, Section 2 Table of Permitted Uses

The following uses are permitted in the RRAD, under the level of review indicated in the table below, in accordance with the requirements in Article 3A, Section 4:

Use	Construction Type	Zoning Permit, Simple	Permit with Commission Site Plan Review	Special Permit	Prohibited
1. Agriculture, non-livestock	Existing	X			
	New	X			
2. Farm Stands	Existing	X			
	New	X			
3. Home Occupations	Existing	X			
	New	X			
4. Single-Family Dwelling, Two-Family Dwelling, Accessory Apartment, Accessory Dwelling Unit (including conversion)	Existing	X			
	New	X			
5. Agriculture, Livestock	Existing		X		
	New		X		
6. Agricultural-Ancillary Entertainment Activities	Existing		X		
	New		X		
7. Care Services Facilities (see Article 7)	Existing		X		
	New		X		
8. Country Inns, Bed and Breakfast Establishments	Existing		X		
	New		X		
9. Farm-Based Recreational Activities (Seasonal or Ongoing)	Existing		X		
	New		X		

Commented [P7]: Add this breakout in all districts (except the Lake District, where it is already differentiated)

- 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.
- Amended regulations, Article 4A RRAD, Section 2 E Fertilizer and Manure Management addresses this topic referencing state statues, 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.
- 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.

Commented [P8]: Is this covered by "farm-based recreational activities?" Alternately, is this captured by the "safety valve" special permit provisions?

Commented [P9]: Cindy recommends adding language specific to these uses

Commented [P10]: Cindy raises a concern re: number of temporary shelters permitted on a property.

Commented [P11]: B. Santos calls up Pomfret's regulations as an exemplar.

Commented [P12]: Dave P. also feels there should be some limits on acreage for keeping horses

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 parameters which the PZC can use. Avoid animal density language if a better alternative can be found.

Suggested amendments to Article 4 A, Section 4

D. Livestock

1. Definitions of livestock shall not include animals kept as household pets. A household pet is a companion animal that resides with the owner in the dwelling unit.
2. Fertilizer and Manure Management—Livestock owners must comply with generally accepted agricultural practices through the Right to Farm Law (CGS Chapter 368m, Sections 19a-341 & 341a); prevailing CT Department of Energy and Environmental Protection water pollution control statutes (CGS Chapter 446k, Sections 22a-430); and the State of Connecticut Public Health Codes.
3. Slaughtering and/or butchering of animals is prohibited except for animals raised on the property for personal consumption and poultry (e.g., chickens, turkeys, ducks, etc.) raised on the property, slaughtered and processed according to the USDA Producer/Grower 1000 Limit Exemption. Ref: https://www.fsis.usda.gov/wps/wcm/connect/0c410cbe-9f0c-4981-86a3-a0e3e3229959/Poultry_Slaughter_Exemption_0406.pdf?MOD=AJPERES
4. Site Plan Review Standards for Livestock Agriculture - Site Suitability and Impact
In order to minimize potential adverse impacts, in addition to the requirements of **Article 3A, Section 4 B**, the site plan of an application for livestock agriculture shall include the following:
 - a. Location of all proposed animal shelters, paddocks, pastures and pens, including fences.
 - b. Type of animals to be kept
 - c. A narrative describing the total acreage of the site where animals are to be kept, the general nature and scope of the proposed use, and the provisions for storage of feed, grain, hay, animal excrement and any associated wastewaters.
 - d. Sites with slopes dominantly greater than 15% shall be avoided or improved utilizing generally accepted agricultural practices to avoid excessive surface water runoff, soil erosion or hazardous conditions for keeping animals.
 - e. Animal confinement areas shall not be located directly over land containing an on-site subsurface sewage disposal system.
 - f. Proper drainage shall be provided to avoid ponding of water. Clean water shall be diverted from animal confinement areas. Contaminated stormwater runoff shall be collected or treated to minimize impact on surface or subsurface water supplies, and runoff shall not be directed to neighboring properties.
 - g. All livestock shall be kept in such a manner that shall not cause unreasonable noise, ~~odor~~, vermin or insects.
 - h. Livestock shall always be suitably and adequately confined or controlled.
 - i. Requirements of public health codes shall be followed.
 - j. Fencing for livestock shall be installed so that no part of the animal can reach over the property boundary line and of a nature to ensure the livestock safely stay within the fenced area.

Commented [P13]: These suggested amendments are responsive to the comments included above

Commented [P14]: This language is lifted straight from the RC&D guidebook for consideration by the PZC for any modifications

Commented [P15]: Copied from the RC&D guidebook, but I am a little leery of this subjective language. Farms have noises and odors associated with them...what is "unreasonable?" Personally, I'd rather limit the language to vermin & insects

Add to definitions:

Paddocks, Pastures and Pens: A contiguous owned or leased area, used for confining of livestock which excludes areas occupied by dwelling units, non-agricultural buildings, onsite sewage disposal systems, and meets general criteria as described in the **provisions of Article 4 A, Section 4, D**. Animal shelters are permitted within the confined area.

- If horses are considered differently than agricultural livestock, and the PZC opts to use density-per-acre as a measure, what is the appropriate density (ref. Pomfret as example)? This would be contrary to the recommendation of the RC&D guidebook.
- How to accommodate for riding stables/riding schools & boarding stables was left unresolved at the last meeting. Recommend a binary vote: leave as written (meaning: they are already substantively covered by the current options in the tables of uses) OR add to the table of uses under the site plan level of review. **Put in definitions**

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.

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.

Commented [P16]: These questions are still unresolved, although the consensus from the last meeting seemed to be leaning toward accepting the suggested amendments above without further changes.

Commented [P17]: Repeat additions for Storage, Commercial – Passive AND Retail Stores across all 3 of these districts

Use	Construction Type	Zoning Permit , simple	Zoning Permit with Site Plan Review by Commission	Special Permit	Prohibited
1. Agriculture, non-livestock	Existing	X			
	New	X			
2. Farm Stands	Existing	X			
	New	X			
3. Home Occupations	Existing	X			
	New	X			
4. Single-Family Dwellings, Two-Family Dwellings (including conversion), Accessory Apartment, Accessory Dwelling Unit	Existing	X			
	New	X			
5. Storage, Commercial – Passive	Existing	X			
	New	X			
6. Agricultural-Ancillary Entertainment-Based Activities	Existing		X		
	New		X		
7. Business/Professional offices	Existing	X			
	New		X		

Planning and Zoning Commission Special Meeting July 20, 2021

8. Care Services	Existing		X		
	New		X		
9. Country Inns, Bed and Breakfast Establishments	Existing		X		
	New		X		
10. Farm-Based Recreational Activities (Seasonal or Ongoing)	Existing		X		
	New		X		
11. Fitness, Dance or Sports Training Facilities	Existing		X		
	New		X		
12. Food and Beverage Service Establishments, Including Outdoor Cafes	Existing		X		
	New		X		
13. Food and Beverage Stores for the Sale of Groceries, Fresh and Packaged Foods. Includes Farm Stores. Does Not Include Liquor Stores.	Existing	X			
	New		X		
14. Meeting and Conference Centers	Existing		X		
	New		X		
15. Neighborhood Limited Enterprise	Existing		X		
	New		X		
16. Research (applied and basic) Development and Testing Laboratories or Centers (exclusive of medical facilities)	Existing		X		
	New		X		
17. Retail Stores	Existing	X			
	New		X		
18. Wholesale and Distribution Facilities, Storage Rental facilities	Existing		X		
	New		X		

Add definition: Storage, Commercial – Passive: a structure or facility used for the purpose of storing goods or equipment for a business. Passive storage does not include storage rental facilities or any other business aspect which is available to the general public.

Commented [P18]: Not previously included, but should it be?

Consensus following the last meeting seemed to be favorable to this suggestion

Planning and Zoning Commission Special Meeting July 20, 2021

Pick up Discussion here on 20 July:

p. 8 of 13

(Re-ordered from the original memo to flow in the order of appearance in the regulations...all comments from T. Penn, C. Dunne, D. Hall and others are shown together for each item in question. Items specific to the zoning map have been removed from this memo, as changes to the map occur under a different process)

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

4. A non-conforming use may be continued, changed to a conforming use or changed to another non-conforming use that 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 lot. Remove total existing square footage and change to footprint.

Commented [P19]: Based on a conversation with Donna, recommend amending this to "footprint" rather than square footage.

Doing so will bypass an issue created by changing some R20 lots in the outlying districts to RRAD. The new zone is appropriate based on access to utilities, but hampers homeowners wishing to add on to existing homes. As worded, they are prevented from building up as well as out. Building up should be ok as long as NDDH approves any additional bedrooms (septic capacity).

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.

Commented [P20]: Suggestion from Alvan: The applicant shall provide evidence of approval with all the appropriate agencies, then apply for a building permit in the Building Department

Article 3C, Section 7 Public Hearing Requirements for Special Permits

Suggested addition as letter D under this item:

- D. If the applicant demonstrates to the satisfaction of the Commission that the application conforms to all requirements of these Regulations, then the Commission shall approve it. The purpose of the public hearing is to determine what additional conditions may be appropriate for inclusion, based on the concerns of the public. **Unanimous consent to add this paragraph.**

Commented [P21]: Amend as requested. This change was meant to be made in the last update, but did not get carried into the memo of changes that were voted on by PZC at that time.

Commented [P22]: This is a new item, not previously included in the memo suggestions

Commented [P23]: Possibly instead of letter D this could actually be earlier in the section? It is intended to set expectations.

Article 4, Section 4 General Provisions for All Districts

1. Accessory Dwelling Units

No more than two Accessory Dwelling Units shall be permitted on any single lot or parcel.

- 1) D Hall: **In-Law Apts:** There's no square footage limit on the in-law apt., it can be detached, so you're going to have multiple homes on one lot.
- 2) C. Dunne: *In addition there are no square foot requirements on Accessory Dwelling Units. Nowhere is there a size limit for a detached accessory apartment.*
- 3) D. Hall: **ADU** – have no size limitations, so you're going to have duplexes popping up all over Town. As well as having multiple homes on one lot which will overburden our school system.

T. Penn comments: the PZC had opted to leave the dimensional requirements for accessory apartments and ADUs generally open, except for the stipulation that ADUs should be subordinate in size to the primary dwelling. The PZC may wish to impose dimensional limitations when they update the regs. The idea that duplexes will pop up all over the place is inaccurate, in as far as districts without public utilities will be limited for the number of bedrooms a property can support for water/septic capacity. The statement regarding the

FWIW, if the PZC agrees that this is a good provision to include, then I would recommend also carrying similar language into the Subdivision Regs.

schools is inaccurate, in that the public school system has the capacity to absorb hundreds more students before it reaches the enrollment level for which it is designed.

Add to Definition of ADU following the word subordinate: ZEO stated Regulations must allow maximum ADU size of at least 1000 square feet or 30% of the size of the primary structure whichever is smaller.

Regulations also say ADU will not require an exterior door be connected to the primary structure.

2. Interior Lots

In the interest of preserving wildlife corridors, no more than one interior lot (flag lot) may be stacked behind any single front lot. An interior lot shall have an unobstructed right of access to a public road that is at least 50 feet in width. The lot line from which the right of access leads shall be considered the frontage line of the interior lot. An interior lot shall otherwise conform to all dimensional requirements for the district in which it is located.

- 1) C. Dunne: How many lots are permissible behind a lot? In a subdivision how many interior lots are permissible? **An inquiry into the office** – person did not know how to interpret regulation either for interior lot development or subdivision. Specifically on the subdivision is an interior lot permitted behind every lot? Or do the current subdivision regulations apply on interior lot?

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. Unanimous agreement to add amendment.**

3. Shared Driveways

Any development consisting of two or more buildings, or attached units (e.g., townhouses or professional office buildings) shall utilize shared driveways to provide access to their developments in order to limit curb cuts.

Suggested Additions/General Provisions:

4. Fences

- A fence or structure over seven feet in height shall meet building setbacks for the sides and rear and front boundary lines on shared driveways.**
- Fence setback from a Town road shall be determined by the Director of Public Works. Placement of the fence shall not obstruct sight-lines for the road**

Move from CRD to General Provisions, and amend as follows:

5. Household Domestic Fowl

The keeping of household domestic fowl is permitted in all districts, with the following limitations:

- Setbacks shall be as for an accessory structure to the primary building greater than 200 sq. feet, regardless of the dimensions of any coop or other structure to house the domestic fowl. B. No more than 10 domestic fowl of any combination of species or breeds shall be permitted.
- Roosters are not permitted in the CRD, DMRD, or any section of the TCDD where the minimum lot size is 4,500 sq. ft
- Where the keeping of >10 poultry is proposed, the applicant shall be subject to the provisions described in **Article 4A, Section 4, D, Livestock.**

Articles 4B, 4F & 4G

Commented [P24]: I would slightly alter my recommended edit to this: “For the purposes of these regulations, where five or fewer lots are arranged along a shared driveway, they shall not be considered interior lots.”

I’ll run this by Janet for her input. We want to make sure the logic of the language doesn’t accidentally undermine the general intent of the PZC. Some of this may be rendered more clear in the Subdivision updates, as well.

Commented [P25]: Suggested re-wording by Alvan: All developments shall utilize shared driveways to provide access...

Commented [P26]: Per Alvan: side, rear and front boundaries

Commented [P27]: This is in response to comments made by Alvan to include the text for letter “B” in the definitions. Since both A and B actually refer to the physical standards for fences, it is more appropriate to include them in the actual regulations.

Also note: at a previous meeting, the working group had voted to make the latter edit; but, it did not get carried into the text that was approved for the June update.

Commented [P28]: Any Town Road or other right-of-way

Commented [P29]: This makes it clearer for residents in all districts.

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

1. Front and rear setbacks shall be no less than 1/6th 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 of the front setback.
3. 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.

- C. Dunne: What is this in these sections for? Don't we just go by non-conforming regulations? 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.

Article 5A, Section 2 Trailers and Mobile Homes

B. General Guidelines

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 Lake District or on a single plot within an approved campground in the Rural Residential Agriculture 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.

- 1) C. Dunne: 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 place, but the PZC may wish to clarify that.

4. Boxed trailer bodies are prohibited in all primarily residential districts (Rural Residential Agricultural, Common Residential, Thompson Common Village, Lake District). Suggested: Permitted for 90 days – Construction 365 days - Unanimous consent

- 1) C. Dunne: How do we address what people refer to as Storage Containers?

T. Penn comment: good question. PZC may wish to discuss whether they view storage pods to be the same as boxed trailers on wheels used as storage, or whether they are "accessory structures" like sheds. Storage pods are often, but not always, temporary. Does that make a difference?

NEW SUGGESTED ADDITIONS TO THE ZONING REGULATIONS, BASED ON RECENT LEGISLATIVE CHANGES:

Suggested new provisions for Adult-use Cannabis:

Article 5A, Section 7 Alcoholic Beverages

A. Intent

The purpose of these regulations is to provide appropriate guidelines for the development and operation of businesses selling retail liquor products while minimizing any harmful secondary effects of such businesses.

B. General Guidelines

Commented [P30]: Alvan suggests adding: wheelless temporary storage pods are allowed in all districts.

Question: assuming that the PZC accepts that adjustment, should it also stipulate that only one such storage trailer is allowed? What about length of time and/or placement?

Commented [P31]: Re-title: Alcoholic Beverages & Adult-Use Cannabis

Commented [P32]: Alcohol and/or adult-use (non-medical) cannabis products

Commented [P33]: Re-title: Alcohol

Planning and Zoning Commission Special Meeting July 20, 2021

p. 11 of 13

1. Alcoholic Liquor, Alcoholic Beverages, Restaurant and Restaurant Permit shall be defined according to Chapter 545 of the Connecticut Liquor Control Act.
2. Except as provided in **Article 5A, Section 7, B, 7-10** (below), no building or premises shall hereafter be used and no building shall be erected or altered that is arranged, intended or designed to be used for the retail sale of alcohol, spirits, wines, beer or alcoholic liquor or any other beverage requiring a permit under the State Liquor Control Act of the State of Connecticut, CGS 545 if the entrance of said building or premises is within 1,500 feet from the entrance of another building or premises in which alcoholic liquor is sold under a permit previously issued under the Liquor Control Act of the State of Connecticut. **Tyra will research language with Town Attorney Rich Roberts.**
3. When such proposed outlet and other outlets are located along the same street, such distance shall be measured along the center line of such street from the center of the entrance of the proposed outlet to the center of the entrance of the other outlet.
4. When such proposed outlet and other outlets are on intersecting streets, such distance shall be measured along a line running from the center of the entrance of the proposed outlet to the center of the entrance of the other outlet.
5. When such proposed outlet and other outlets are located other than as described in **Article 5A, Section 7, B, 2** above, such distance shall be measured along a line running from the center of the entrance of the proposed outlet to the center of the entrance of the other outlet.
6. ~~In addition, no new liquor outlet shall be permitted, from the nearest point of the building selling or serving liquor on any lot that is within 1,000 feet from any lot on that is located public or private schools, recognized public places of worship, public hospitals or libraries. In determining compliance with this provision, the controlling distance shall be the shortest distance between the door of the proposed outlet and those lot lines of the affected facility. Tyra will show it as a strike through but not remove it. Unanimous consent of Commissioners~~
7. The restrictions of **Article 5A, Section 7, B, 6** (above) shall not apply to retail sales authorized by said Liquor Control Act under grocery store beer permits; special club permit for picnics; and temporary permits for outings, picnics, social gatherings or restaurants as defined in Chapter 545 of the Connecticut Liquor Control Act.
8. Any such use presently existing contrary to the provisions of this section may be continued; however, if any such use contrary to the provisions of this section has been or shall be abandoned as defined elsewhere in these regulations, it shall not thereafter be reestablished.
9. ~~The 1,500 foot distance requirement between liquor outlets as set forth in **Article 5A, Section 7, B, 2** (above) shall not apply to a package store liquor outlet located in a shopping center, provided that such shopping center shall contain not less than 75,000 square feet of floor space, and further provided that each such shopping center shall be limited to not more than one package store liquor outlet. A package store liquor outlet shall be defined as set forth in **Section 30-20** of the State Liquor Control Act and shall be limited to the retail sale of alcoholic liquor for off premises consumption. The 1,000 foot distance requirements from public or private schools, recognized places of worship, public hospital, or libraries as set forth in **Article 5A, Section 7, B, 2** (above) shall be fully applicable to such package store liquor outlets in shopping centers. Tyra will show as a strike through but will not remove it – Unanimous consent of Commissioners.~~
10. The Commission may require the screening of the uses permitted herein from adjacent residential, institutional, religious or public uses and may prohibit access to a public thoroughfare containing such protected uses where a safer means of access is available.

C. Adult-Use Cannabis

1. Cannabis, Cannabis Products, Cannabis Paraphernalia and Cannabis Establishment shall be defined according to **SB 1201, §§ 1 & 141-142 —DEFINITIONS**.
2. The number of cannabis establishments permitted in the Town shall be as determined based on population by the Connecticut Department of Consumer Protection (DCP).

Commented [P34]: We carried over these separation requirements from the previous zoning book. Is this really what we want?

Commented [P35]: Again, we carried this over more or less verbatim from the 2012 regulations. Because we did it late in the process, I don't think it got a lot of scrutiny. Do we really need all this stuff?

Commented [P36]: Similar to the comment above: do these separation distances really serve the public interest? From schools, probably; however, we have a liquor store in the same plaza as a day care center, and toddlers aren't getting drunk because of it.

Commented [P37]: If the PZC does reduce or eliminate some of the separation requirements, this would have to change in relation.

Commented [P38]: Need to check with Rich Roberts what the correct citation is.

3. No non-medical cannabis facility or micro-cultivator shall be permitted within 1,000 feet from any public or private school, recognized public places of worship, public hospitals or libraries. In determining compliance with this provision, the controlling distance shall be the shortest distance between the door of the proposed outlet and those lot lines of the affected facility.
4. Adult-Use Cannabis Establishments or Micro-Cultivators shall be allowed by Special Permit in the BDD, TCDD and DMRD. Micro-Cultivators that do not engage in direct retail sales shall or home deliveries allowed by Special Permit in the RRAD.
5. As a condition of a Special Permit for an Adult-Use Cannabis establishment or Micro-cultivator, the Commission may require the screening of the uses permitted herein from adjacent residential, institutional, religious or public uses and may prohibit access to a public thoroughfare containing such protected uses where a safer means of access is available. **Tyra will check the legislative language for content about parking/shuttles.**
6. Public smoking or vaping of cannabis products is prohibited at food and beverage establishments, including outdoor seating areas.

Proposed new Special Provision Section:

Article 5A, Section 9 Food and Beverage Service Establishments – Outdoor Seating Areas

In Districts where outdoor seating for food and beverage service establishments is an allowable use (TCVD, BDD, TCDD, DMRD), the following standards apply:

- A. Any outdoor seating area shall be clearly defined by some physical partition, including, but not limited to: permanent enclosure such as fencing or knee walls; or temporary/seasonal enclosure by means of planters or other movable barriers.
- B. Any lighting of outdoor seating areas shall be configured so that all fixtures are downcast and illumination is contained entirely within the seating area. Lighting shall not be permitted that creates glare for adjoining residential properties or vehicular travel rights-of-way.
- C. Where outdoor amplified sound is proposed for an outdoor seating area (e.g. live or recorded music performance), such amplified sound shall only take place between the hours of 11 am – 10 pm. In areas where residential properties directly abut the food and service establishment, hours shall be limited to between 11 a.m. – 9:30 p.m. All amplification devices (speakers, etc.) shall be directed to contain the sound within the outdoor seating area, to the greatest extent possible.
- D. Where outdoor seating is proposed in an area normally reserved for parking spaces, the following additional standards apply:
 - a. For a parking area under the same ownership as the food and beverage service establishment, any amount of the parking area may be used, with the exception of required handicapped parking spaces, bicycle parking, EV charging stations or spaces otherwise reserved for specific uses (e.g. deeded parking spaces for rental units or offices in a multi-use development).
 - b. For a parking area not under the same ownership as the food and beverage establishment, a signed, notarized letter from the owner of the parking area expressly giving permission for the use of the area for outdoor seating shall accompany the application. A private owner may impose stricter conditions upon the use of the parking area than those stipulated in these Regulations.

Commented [P39]: I would suggest this separation requirement from schools ONLY. It seems to me that there is a compelling interest for the Town to limit "exposure" to minors, but does not have such an interest in controlling legal adult behavior. FWIW, this is also what I would recommend for separations for liquor stores.

Commented [P40]: This would require an amendment to the table of uses, accordingly.

Commented [P41]: In table of uses, outdoor seating areas was inadvertently left off for the TCVD. Also, the language construction is not consistent across BDD, TCDD, DMRD. Correct so that they all say the same thing

Commented [P42]: Comment per Alvan: why are restaurants (and therefore outdoor seating) excluded in the other districts.

My response to him was that it was a compromise for the members who wanted to preserve separation of residential and non-residential uses in those districts. The PZC may wish to discuss relaxing those separations. Restaurants, etc could be a special permit use within those districts, if a higher level of scrutiny is desired.

- c. For a municipally owned parking area, the applicant shall seek permission from the Town of Thompson Board of Selectmen, at a regular meeting of that Board. A record of the granting of such permission, in the form of a copy of the relevant meeting minutes, shall accompany the application.
- E. Where an outdoor seating area is proposed in direct proximity to a public sidewalk or other pedestrian right-of-way, the outdoor seating area shall not obstruct the use of such right-of-way; nor shall the outdoor seating area compromise the physical accessibility standards of the Americans with Disabilities Act.

Add to Definitions:

Food and Beverage Service Establishment - Any facility where food and/or beverages are sold to the public as a principal or accessory use. Examples of food and beverage service establishments include, but are not limited to: restaurants, banquet halls, event facilities, diners, cafes, coffeehouses, bars, taverns. Breweries, Micro-breweries and Craft Distilleries are not included in this definition, as they are subject to separate provisions under these Regulations. Food trucks are not included in this definition, but are considered a temporary use under the jurisdiction of the Fire Marshal.

Alternative definitions (provided by Alvan):

Restaurant – A licensed food service establishment as allowed in the following zones - ~~RRAD~~, TCVD, BDD, TCDD, DMRD ~~and LD~~; subject to conditions in each district. Included with food service establishments such as an event facility, stationary food trucks, taverns, hotels and outdoor dining.

Outdoor dining – A licensed food service as an accessory use to a food establishment. Outdoor dining seating area shall be no greater than fifty (50%) percent of the interior seating inclusive with thirty (30%) percent of the bar's seating. ~~Any outdoor dining stationary illumination fixtures shall be downcast~~; height of fixture not greater than seven (7) feet. Signage or advertisement information shall be tabletop only. Outdoor Dining-include provisions; Add a provision for seasonal business.

Michael Krobul-asked if there are any Regulations about security cameras. Tyra commented that security cameras are not under the jurisdiction of Zoning, however she will research further. Drones were also questioned and Tyra will look into it further.

- 3. Adjournment
Brian Santos moved and John Lenky seconded the motion to adjourn. By unanimous consent, the meeting adjourned at 9:19 PM.

Respectfully Submitted,
Gloria Harvey,
Recording Secretary