



# TOWN OF THOMPSON

## Planning & Zoning Commission

815 Riverside Drive  
P.O. Box 899  
North Grosvenordale, CT 06255  
PHONE: 860-923-9475  
E-MAIL: [zco@thompsonct.org](mailto:zco@thompsonct.org)  
[planner@thompsonct.org](mailto:planner@thompsonct.org)  
WEBSITE: [www.thompsonct.org](http://www.thompsonct.org)

Minutes – PZC Special Meeting-Subdivision Regulations  
Wednesday, September 22, 2021 at 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: Sep 22, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83795679250?pwd=cjRhT3pyTUplTL2laUmd5NzltV1dlUT09>

Copy the link below to share this recording with viewers:

[https://us02web.zoom.us/rec/share/gB7rXKv0X7Z\\_ahVRrYLMABk2DRkS1K7XBWkyYzkYfWQXQuRW4hAOKt776sT0yXbM.O\\_0zG5Hu\\_-HKIKDV](https://us02web.zoom.us/rec/share/gB7rXKv0X7Z_ahVRrYLMABk2DRkS1K7XBWkyYzkYfWQXQuRW4hAOKt776sT0yXbM.O_0zG5Hu_-HKIKDV)

Passcode: Y.%5=xAf

1. Call to Order, Roll Call  
Joseph Parodi-Brown                      John Lenky                      Alvan Hill  
Brian Santos                      Dave Poplawski  
Absent: Missy Desrochers, Robert Werge Sr., Christopher Nelson, Charlene Langlois, Christine Chatelle,  
Randy Blackmer, John Rice, Michael Krogul,  
Staff Present: Tyra Penn-Gesek, Planner, Ken Beausoleil, Selectman, Cindy Dunne, ZEO and Gloria  
Harvey, Recording Secretary

2. Review and Discussion of Subdivision Regulations

### SECTION 9 - Energy Conservation

#### A. Applicant's Responsibility

The applicant shall establish in the application that in the preparation of the final subdivision plan he has considered the use of passive solar energy techniques which would not significantly increase the cost of the housing to the buyer after tax credits, subsidies, and exemptions. An analysis and report concerning these types of factors may be required if deemed necessary by the Commission.

**Dave Poplawski commented he also feels this statement is outdated. Brian Santos agreed with Dave Held's comment. Tyra would like to see this section modernized. Alvan Hill wrote it's the applicant's responsibility to entertain the use of passive energy technologies.**

**Commented [P1]:** General question: is it possible to incentivize for inclusion of renewable energy measures in the plan?

**Commented [p12]:** See comments above...this is outdated given today's building codes and construction materials/methods. Also as noted above and as hinted at by Tyra, it's never really done. It's just a note on the plan. This made sense in the 1970s when this clause was added to a lot of regulations and today it's not necessary. It's also important to remember that lot layouts are conceptual and to demonstrate suitability for development. If a buyer wants to build a passive solar house, they'll find the perfect lot but 99.99% of builders and home buyers don't care. Today's builders can construct a net zero energy home on just about any lot conforming to the dimensional requirements of the zoning regulations. (D. Held)

**Commented [PS3]:** Tyra will peel out.

**Commented [P4]:** I am curious to know whether this standard is generally observed on applications.

## B. Techniques

Passive solar techniques and site design techniques which maximize solar heat gain, minimize heat loss, and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural cooling during the cooling season shall be considered. These techniques include:

1. House orientation and **siting**, so that the building is sited as close to the north lot line as possible to increase yard space for better owner control of shading.
2. Street and lot layout, so that the maximum number of building lots are placed on the south slopes.
3. Landscaping, by showing the location of any new trees with their mature height including canopy, and the planning of landscaping to facilitate the use of solar collectors and otherwise increase solar heat gain or shade protection as appropriate.

**Alvan Hill commented orientating houses for maximum energy use.**

**Commented [PS5]:** House orientation-Review

## SECTION 10 - Bonding for Public Improvements

The applicant has the option of either constructing public improvements depicted on an approved plan or bonding public improvements. Such public improvements include **proposed roads** and drainage, improvements to existing roads and drainage, erosion and sedimentation controls, proposed utilities and other work necessary for public or private use such as open space, recreation, access roads or paths, lighting, fencing, etc.

**Commented [P6]:** Make this the last example, to continue the internal logic of the document de-emphasizing construction of public roads.

1. **Form of Surety:** For the purposes of these regulations, the form of surety for a bond which may be provided and accepted by the Commission is as follows:  
a bond together with:
  - a. The pledge of a passbook savings account, or
  - b. A cash deposit with the Town of Thompson
2. **Pledge of Savings Account:** Bonds secured by a passbook savings account shall be accompanied by:
  - a. A savings account passbook,
  - b. A withdrawal slip in the amount of the bond properly endorsed and made payable to the Town of Thompson.
  - c. A letter from the bank acknowledging that the account has been assigned to the Town for a period established for the construction or installation of the improvements plus one year.
3. **Cash Deposit:** Bonds secured by a cash deposit with the Town shall be treated as follows:  
A certified check, cashier's check, or cash shall be delivered to the Treasurer of the Town of Thompson for the amount of the bond. The Town shall deposit said sum in a specified and separate bank account earmarked by the name of the surety to the bond, in the name of the Town of Thompson. The deposit shall be in a savings account drawing standard short-term interest.

**Commented [PS7]:** Add Suety Bonds to this list.

The surety shall use his, her, or its taxpayer I.D. number or Social Security number as the interest creditor for IRS and bank purposes. Within 30 days of the release of the bond by the Commission the Town shall cause the account to be closed and the proceeds, plus interest less IRS deductions, to be paid to the surety.

4. **Computations of Costs:** Prior the approval of any subdivision or resubdivision plan and before proceeding with any work or the filing of the approved subdivision or resubdivision plan, the subdivider shall review the scope of the road(s), public utilities, and services to be completed to fulfill the conditions of the subdivision or resubdivision plan (herein after referred to collectively as improvements) with the Commission who will review the subdivider's estimates of the cost of construction and will determine the type and amount of the surety to be furnished by the subdivider to guarantee the completion of the improvements. The performance bond shall increase in the amount of five (5%) percent per year after the third year to compensate for inflation costs until improvements are completed. The performance bond shall be in the form of a passbook payable to the Town of Thompson. No building permit for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of those improvements by the Director of Public Works.

Commented [PS8]: Add checkbox to renewal

**Dave Poplawski said cost of final road is approximately \$100 per foot. Also partial use doesn't relinquish the bond, however the Director of Public Works should be involved. Partial consideration of acceptance may be considered if approved by Director of Public Works and would not relinquish bond responsibilities. Brian Santos commented that building permits and associated buildings shall be evaluated on a case-by-case basis in order to meet certain required public improvements such as but not limited to binder courses and drainage systems. Those improvements must be accepted by the Director of Public Works. Bond remains in effect until all required improvements are completed. The ZEO confirmed that she has never required liability insurance on subdivision applications. Tyra will research the document to see if and where it is located and will put it under general requirements of the application.**

5. **Failure to Complete Improvements:** Where surety has been posted and required improvements have not been completed within the time required, the Commission may thereupon declare the subdivider to be in default and withdraw the total amount of surety from the pledged bank account and proceed to complete the improvements. All costs the Town may accrue in completing the work, including the value of the time of its public officials, employees, and attorney fees, shall be debited against the funds so withdrawn. If for some reason the security is insufficient to pay for all costs to the Town, the subdivider/owner shall remain liable for such costs in excess of the security.

**Brian Santos suggested a legal review so the town is protected.**

6. **Partial Releases:** When and if the Commission determines that a substantial portion of the improvements called for in the final plan approved by the Commission has been completed, it may recommend one or more partial releases of a portion of the security. The balance of the security at all times shall be sufficient to guarantee completion of all the remaining improvements. Such partial release shall be authorized by the Commission. Releases granted shall be in amounts in excess of \$10,000.00 (ten thousand dollars).
7. **Release of Surety:** The surety shall not be released until the following conditions have been met:
- All improvements of the subdivision or resubdivision have been approved and/or accepted by the designated Town Official.

- b. All required monuments must have been set and a sworn affidavit filed by the land surveyor employed by the subdivider stating required monuments have been accurately set as required by these regulations. **Add markers, or pipes following monuments.**
- c. The applicant's engineer or surveyor has certified to the Town through the Commission and through submission of detailed "as-built" plans, and the "As Built Certification Form" in Appendix D, that the improvements are in accordance with the construction plans of the subdivision or resubdivision. "As-built" plans shall include the site development plan, a grading plan, and a construction plan as described elsewhere in these regulations. Such plans shall show any modifications or changes made including those made during construction.
- d. Warranty Deed for new streets and street stubs, also road frontage along existing Town roads where no street line had been established, must have been executed and delivered to the Selectmen with a copy to the Commission. Title to said roads shall be unencumbered.
- e. Maintenance Bond: The applicant shall be required to file a maintenance bond with the Town prior to dedication to the Town of public improvements in order to assure the satisfactory condition of the completed improvements until April 30 of the following year, or such later date as shall be necessary to correct any defects that may have developed after the winter season. Said bond may provide for snow removal on roads until acceptance of said improvements by the Town. The maintenance bond shall be in an amount not less than 25% of the costs of public improvements.
- f. Right of Entry for Correction of Violations: The applicant shall file a written agreement executed by the owner of the premises and the applicant in a form approved by the Town Attorney, which permits the Town of Thompson or its officials and employees or independent contractors, to enter upon the premises and to perform all work necessary to correct and abate any violations of these regulations, and of stipulations which the applicant has made and failed to execute within the required time. Such right of entry to arise upon the certification of such violation(s) by the Commission and shall continue for such time thereafter as is required for the Town to remedy such default.
- g. Attorney Approval: Any and all bonds with surety, agreements, deeds, or such other documents required by these regulations shall be in such form as may be approved by the Town Attorney.

#### Section 11 - Maintenance Bonding

- A. Maintenance bond, equal to twenty five percent (25%) of the cost of improvements accepted by the Town, will be held until April 30 of the following year after said acceptance following the release of a performance bond (or portion thereof) or Town acceptance of improvements. The purpose of the maintenance bond is to protect the Town against defective workmanship, materials, or design of improvements. See "Standard Agreement for Construction and Installation of Public Improvements and Utilities in Subdivisions." **Tyra will check where this document is located and how the cost of improvements are calculated.**

Commented [PS9]: Change to one calendar year.

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- B. The developer shall repair all defects in construction or operation during the period covered by the maintenance bond. The developer's failure to perform needed repairs within a reasonable time when so requested by the Board of Selectmen may result in the Town's undertaking the repairs and billing the developer for the cost of the repairs.
- C. No performance bond shall be released until such time as said maintenance bond has been accepted by the Commission and posted with the Town.
- D. No maintenance bond shall be approved by the Commission unless said bond is in a form acceptable to the Commission. The Commission reserves the right to add conditions to the bond which, in the opinion of the Commission, are deemed necessary to indemnify against defective workmanship, materials, or design of the improvements.
- E. No maintenance bond shall be released by the Commission until it has been in effect for a minimum of one year duration. The Commission shall release said bond only upon receipt of a favorable written report from the Director of Public Works or another qualified source retained by the Town to inspect all approved and required public improvements, indicating that all improvements are free of defective workmanship, materials, or design, or that any defects have been corrected to their satisfaction. This inspection is not intended to relieve the developer of liability for any cause of action arising from a covert or overt defect.  
**Dave Poplawski commented that the developer is responsible for snow plowing and regular maintenance for the year the bond is held by the Town. Once the road is accepted the town is responsible.**

**Commented [PS10]:** Should read: Approved by the PZC upon the advice of the Director of Public Works.

**Commented [PS11]:** Put "C" before "B".

5. Adjournment  
John Lenky moved and Brian Santos seconded the motion to adjourn. By unanimous consent, the meeting adjourned at 8:40 PM.

Respectfully Submitted,  
Gloria Harvey,  
Recording Secretary