



# TOWN OF THOMPSON

## Planning & Zoning Commission

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Minutes – PZC Regular Meeting

Monday, December 27, 2021 at 7:00 PM

Merrill Seney Community Room, Thompson Town Hall, 815 Riverside Drive, North Grosvenordale, CT 06255

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Topic: Planning & Zoning Regular Meeting - Hybrid

Time: Dec 27, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82838974939?pwd=UTZzaDJEL0FmZDZhRFJ0eWx2bkdvZz09>

Copy the link below to share this recording with viewers:

[https://us02web.zoom.us/rec/share/8r4Ny1nSCSAsSNXgFYzNO0Po1lVNqMGja1Rot\\_I00Wae-X2is1zq9-k4BBMuX\\_U1.4sV3pCthTusNAUj](https://us02web.zoom.us/rec/share/8r4Ny1nSCSAsSNXgFYzNO0Po1lVNqMGja1Rot_I00Wae-X2is1zq9-k4BBMuX_U1.4sV3pCthTusNAUj)

Passcode: 6zKHHhe.

<https://www.youtube.com/watch?v=f62GJkd1Utc>

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

**Jane Salce**

**John Rice**

**Ray Williams**

**Charlene Langlois**

**Alvan Hill**

**Randy Blackmer**

**John Lenky**

**Joseph Parodi-Brown**

**Michael Krogul**

**Brian Santos**

**Dave Poplawski**

Seating: Alvan Hill was seated for resigned Christine Chatelle, Brian Santos was seated for Charlene Langlois and Dave Poplawski was seated for Christopher Nelson

Absent: Christopher Nelson, resigned Christine Chatelle, Charlene Langlois

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

Also In Attendance via Zoom: Attorney Slater

Charlene Langlois joined the meeting at 7:12 pm.

2. Public Hearing

**PZC Application 21-41- Applicant – Robert Werge and Petitioners** – Statement of Request for Approval of Designation of Scenic Road, all of Lowell Davis Road or the portion of Lowell Davis Road from I-395 to Wilsonville Road according to Town of Thompson Ordinance 10-042 and Connecticut State Statute 7-149a.

**Petition, Ordinance, State Statute and (2) Legal opinions are attached to the application.**

**Action taken to prepare application for Public Hearing.**

- 1. According to Town of Thompson Ordinance 10-042, Section 3 – a; it is the responsibility of the office of the Planning and Zoning Commission to send out the abutting property owners' notice.**

When a highway is to be considered for designation as a scenic road, the Planning and Zoning Commission shall schedule a public hearing on the proposal. Hearing notices and deadlines will be in accordance with the provisions of Section 8-26(d) and (h) and 8-26(e) of the Connecticut General Statutes. **The Planning and Zoning Commission shall notify the Selectmen, the**

**highway foreman, and owners of lot frontage abutting the highway or portion of a highway of the proposed designation and scheduled public hearing.**

**2. According to Town of Thompson Ordinance 10-042, Section 3-b – I interpret reading this section that the abutting property owners were to file a written statement of their approval for the scenic designation with the Town Clerk.**

Following the public hearing, the Planning and Zoning Commission shall vote on the proposed designation. No highway or portion of a highway may be designated as a scenic road under this section **unless the owners of a majority of lot frontage abutting a highway or a portion of the highway agreed to the designation by filing a written statement of approval with the Town Clerk of the Town of Thompson.** The designation shall become effective upon such date as the Planning and Zoning Commission may establish.

3. The applicant Robert Werge questioned why the abutters had to file a written approval of statement with the Town Clerk if they signed the petition attached to the application. The ZEO told him that was how she interpreted the ordinance and that she was following the instructions. The ZEO stated if he disagreed with her she would seek Town Counsel opinion.

**The following is Attorney Roberts' opinion:**

1. Generally, if the petition is worded in such a way that the signers are affirmatively asking to have it declared a scenic road, you don't need them to sign a second form of document to approve it.
2. The petition has to be signed by the owners of a majority of the lot frontage along the whole road (or the part of it that is the subject of the petition). It is not a majority of the owners of lot frontage. And if there are multiple owners of a particular parcel, they would all have to sign it."
4. In respect to Attorney Roberts opinion on December 14, 2021, the ZEO sent out a second letter notifying the property owners if they signed the petition they did not have to send in a written approval.
5. As of this date (Dec.20<sup>th</sup>) the petition has 35 signatures.  
Given my interpretation and the Attorney's written opinion it is the decision of the Planning and Zoning Commission to determine the accurate system, petition or written approval to the Town Clerk, if the frontage ownership and system of approval is sufficient for majority of approval to designate Lowell Davis Road as scenic road.
6. On December 17<sup>th</sup> the ZEO road with Applicant Robert Werge to view the road and surrounding historical attributes to the road.
7. Applicant Robert Werge did a power point presentation to the Commission and Public at the Public Hearing on December 27, 2021.
8. Below are the DPW Director comments on designating Lowell Davis as a Scenic Road  
Lowell Davis road 395 east to Thompson Rd is on the Highway Department 2-year schedule of road repair.

**Repairs are:**

- If road is designated scenic 395 east to Thompson Rd then this prevents the Town Highway garage from widening the narrow part of the road for directional traffic
- No issues on Wilsonville East to 395 area  
dirt road (some pavement) near Airline trail, make repairs to the existing hill for proper drainage, rip out payment repave the dirt section.
- The work on this section will be done at the same time work is done on Lowell Davis Road 395 east to Thompson Rd
- 

**To Date ZEO has recorded the following Public Comments**

- a. Brian Loffredo, not opposed to a scenic road, however opposed to the reason for it.

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b. On December 21<sup>st</sup>, Ralph Leonard from Numa Tool called ZEO to discuss the effect for Industrial partition of the Rd. Concerned down the road he might want to expand his business and that would involve more traffic into the operation. Email communication was placed in the record

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and read to the members at the Public Hearing. He stated at this time Numa is requesting the Planning and Zoning Commission to:

- *Approve the partial designation of Lowell Davis Road from I-395 to Wilsonville Road*
- *Decline the full designation of Lowell Davis Road from I-395 to Thompson Road.*

c. On December 20<sup>th</sup>, ZEO discussed with Selectman St Onge the concerns brought to her by a Lowell Davis Property Owner, remarking that the first notice did not give the property owners the opportunity to record objection to the application. (Note: ordinance **“stated written letters of approval”**). Nowhere in context of the ordinance does it state written statement of objection.

d. Nicholas Donahue, who owns a commercial business on Lowell David Road stated 2 issues:

1. Concerned about possible future expansion of road for business expansion
2. If scenic road is approved and looking into the future, when the I-395 Bridge needs infrastructure repair, will DOT decide since Lowell Davis Road is a designated scenic road to close down the I-395 Bridge area.

Robert Werge 452 Lowell Davis Road, spoke on behalf of himself and 46 petitioners. He presented a power point presentation on the aspects of a scenic road. He stated that they are requesting the portion of Lowell Davis Road from Wilsonville Road to I-395 be designated as a scenic road. He further stated that his original request was to designate all of Lowell Davis Road from Wilsonville Road to Thompson Road a scenic road, but after speaking with abutters and business owners, he is now requesting only the portion of Lowell Davis Road from Wilsonville Road to I-395 be designated as a scenic road. Application #21-41 meets several of the following requirements:

- Free of intensive commercial development
- Free of intensive vehicular traffic
- Meet of one of six requirements
- Unpaved portions
- Boarded by mature trees and stone walls
- Not more than 20' wide
- Blends naturally into surrounding area
- Needs written approval from majority of lot frontage

Robert Werge presented and explained a map of Lowell Davis Road showing the portion requested to be designated a scenic road, along with a short slide show highlighting portions of the road. He also listed some of the questions people have asked about the designation of a scenic road and they are listed below:

Question	Answer
Does it restrict the road?	No
Will the town plow the road?	Yes
Will the town repair or repave the road?	Yes
Will the town widen the road?	No, not without a Public Hearing

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Will the town pave the unpaved portion of the road?	No, not without a Public Hearing <i>p. 4 of 19</i>
Can a property owner cut a mature tree down on his/her property?	Yes
Can I repair a stone wall?	Yes
Will property taxes go up?	No, not because of a scenic road
Is the road safe for emergency vehicles?	Parts of it are

### ***Charlene Langlois entered the meeting.***

Robert Werge then spoke to residents of Lowell Davis Road and the following concerns were expressed:

- The Highway Superintendent said that Lowell Davis Road is on his short list of roads being repaired and repaved. He also has plans to widen the road.
- Business owners want the ability to expand.
- Property owners, for the most part, are supportive and a few were not supportive. Over 72% were in favor of making Lowell Davis Road a scenic road.

Brian Laffredo 388 Lowell Davis Road said he is not opposed to a scenic road, but opposes the reason for a scenic road to keep it from being paved and made safe. He is also opposed because two cars cannot pass safely on the narrow portion of the road, there is an overpass to a highway, the road is not safe, speeding vehicles, increase traffic, litter and dumping on the unpaved portion of the road, safe passage for emergency vehicles, and tractor trailer traffic. He also believes the road should be a safe road.

In response to scenic roads in Thompson, the ZEO replied that there are two scenic roads in Thompson.

Mr. Warner, 223 Lowell Davis Road, made the following comments:

- How can you pave an unpaved scenic road?
- Hundreds of acres on Lowell Davis Road ready to develop. Can the property be developed without improving the road or does it mean that the property cannot be developed at all?
- If a scenic road designation, does this prevent the highway department from improving the road?
- Lowell Davis Road is 2.6 miles long from Wilsonville Road to Thompson Road.
- 80% of property owners on the northern part support the designation of Lowell Davis as a scenic road
- 20% do not support the designation and want to keep the Southern half just as it is.
- The northern portion of Lowell Davis Road is paved and the southern portion is not paved.

Mr. Warner questioned information that was sent out in the first letter. The ZEO replied that a second letter was sent out to correct the previous information.

Tom Brissette, 342 Lowell Davis Road, in favor to designate Lowell Davis as a scenic road. He stated that it is not fair to say pave the dirt part in order to develop it. He said he is in favor of commercial development and I-395 to 193 should be paved. He doesn't want to see traffic increase and the designation of a scenic road will hopefully make it less traveled. He further stated that he knew what he bought when we bought his property.

Nick Donohue, 0 Lowell Davis Road, a business owner who believes in keeping Lowell Davis Road scenic and beautiful. He said he has a high respect for property owners of Lowell Davis Road. He does not support scenic road for the south section of Lowell Davis Road to Route 193 for the following reasons:

- Commercial Industrial Zoning to almost the Airline Trail.
- Scenic road on north side property owners should be able to have a scenic road.
- Bought property on Lowell Davis Road to keep it beautiful and use as a business
- Don't have the infrastructure on Lowell Davis Road to commercially develop it
- Critical infrastructure being cell phone transmissions tower and bridge that goes over I-395
- Hopefully the south part can be developed and the road made safe

Charlene Langlois, 369 Lowell Davis Road, spoke as an abutter and will abstain from the vote. She stated that she wants the road paved, it is time to be at the top of the Highway Superintendent's list of road repaving and repairs. She believes Mr. Werge wants the road paved and he wants to keep it scenic. She bought property on Lowell Davis Road because it is a quiet road. She also stated that the northern part of the road should be paved and taken care of and do development on the south side so businesses can come in that way.

John Lenky asked Robert Werge what is the length of Lowell Davis Road from Wilsonville Road to I-395? Robert Werge replied that it is more than a mile.

Kevin Paquette, 36 Terrace Drive, expressed concern about desiring better representation for the citizens of the town.

Jane Salce stated that she lived on Lowell Davis Road years ago and chose that road because it was quiet and beautiful. She expressed concern about School Bus traffic. She also stated that she believes there are not enough statistics on trucks, busses, and accidents yet to make a decision on Lowell Davis Road as a scenic road and believes that some things have to be left as original.

Patrick Wyman 473 Lowell Davis Road, stated that he is favor of a scenic road designation. He loves this back country road and the beauty of the road.

Michael Krogul, addressed the school bus issue by stating that the Datco policy is to not go down any dirt roads. He questioned if there was a difference in taxes between paved roads and unimproved and unpaved roads. He also asked the minimum width of a town road and the response was 25'. John Lenky added that 5' off the road belongs to the town and if there is a stone wall there you can fix it but you cannot remove it. Michael Krogul also asked what areas of Lowell Davis Road are designated to be widened? Robert Werge replied that that the Highway Superintendent intends to widen the road from I-395 to Thompson Road. Michael Krogul asked why the road was paved at one time and was then torn up and Robert Werge replied that the town foreman was using road millings at the time and today they are using a better material, road millings and gravel, that will not wash away. Another question was why was it turned down 20 years ago and Robert Werge replied that it was turned down because of commercial activity at one end of Lowell Davis Road and the request for a scenic road was for all of Lowell Davis Road and Application #21-41 is for only the portion of Lowell Davis Road from Wilsonville Road to I-395.

Robert Werge stated that straightening referred to straightening the road not the wall. He said that walls can be repaired but road cannot be straightened without a Public Hearing. The ZEO commented that a Public Hearing was needed to have a road paved. She highlighted Section 4A, repair of stone walls, cut trees on property on a scenic road and added that a Permit would be required at a cost of \$100 to do any repair.

Amy St Onge stated that Rich Benoit, Public Works Director presented his plans for next 3 years and part of his plan was to widen the section of Lowell Davis Road that was close to 193 and close to the industry in that area. Therefore, the part of the scenic road didn't include that section is important. Additionally, the millings that Rich Benoit has been using is the most cost-effective fill that he can use and it is very effective as well.

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Bill Warner, 243 Lowell Davis Road, town highway repaved road years ago and ripped it out a few days later because Mr. Werge Sr. complained. He said on this ½ mile section from his property line to I-395, there is not a majority of people who have frontage to want it a scenic road.

Brian Santos read the following into the record: Nothing can prohibit a person from owning or occupying land abutting a scenic road from maintaining or repairing the land which abuts a scenic road if the maintenance or repair occurs on land not within the right of way paved or unpaved of the scenic road.

Joseph Prodi-Brown quoted Section 4A: No road designated as a scenic road under ordinance shall be altered or improved included or not limited to widening of the right of way or the traveled portion of the road, paving or of an unpaved or dirt road, changes of grade, removal of bridges, Straightening, removal of stone walls, and removal of mature trees except for good cause. John Rice commented that nothing that was just read is prohibited, the applicant only has to come to the Planning and Zoning Commission with a just cause and have a Public Hearing.

Randy Blackmer stated that in some cases the stone walls are the property line and the property owner owns half the stone wall and town owns the other, therefore if it is a property line, it cannot be removed.

Michael Krogul expressed concern that if Lowell Davis Road becomes a scenic road, there will be more traffic.

John Rice stated that his land borders a scenic road and the only traffic going there are crossing from Brandon Hill Road to East Thompson Rd. There is no increase in traffic.

Ray Williams stated that he has no problem with tarring ¾ of the road and asked why not pave and widen the road all the way through so emergency vehicles can turn around and get through.

Brian Santos asked if the town attorney read the petition list. The ZEO confirmed that he read the written formal acceptance. Brian Santos also asked if the commercial/industrial area starts at I-395 and the ZEO replied yes. He asked if the signatures included in the Commissioners packets were validated by the Town Clerk and the ZEO replied that they were validated.

Brian Laffredo commented that with the changes the Werges made at this meeting, he is in favor of scenic road if it stops at I-395. He also asked if the turn coming up from Wilsonville Road would be widened and Robert Werge replied that the Ordinance reads that it cannot be widened without a Public Hearing, however, if a tree falls across the road, a Public Hearing is not required to remove the tree.

Charlene Langlois asked if I-395 to 193 gets removed from scenic road and is commercial, which way will the tractor trailers be exiting? Will it become a thruway for tractor trailers? How will the narrow corners on Lowell Davis Road be managed if tractor trailers begin using this road?

An abutter expressed concern about growth that could potentially happen and believed that the town should look at the benefits it would have for the town.

Tom Brissett, 342 Lowell Davis Road, stated that curve statistics for fire and ambulance, show not a rash of accidents or impossible travel for emergency vehicles.

Nick Donohue questioned if the Northern Part of Lowell Davis Road is changed to scenic, can designation be reversed? Joseph Parodi-Brown replied yes and the procedure would be the same.

Ray Williams commented that from Mr. Warner's property and surrounding area where only 5% of the people that do not want a scenic road designation, can the request be changed to reflect what these people want, and the reply was that the Planning and Zoning Commission has to go with what the application references.

John Rice read Section 3 Scenic Road into the record. Scenic Road designation may be granted by the Planning and Zoning Commission using the same procedure and having the written confirmation of the owners of the majority of lot frontage abutting the scenic road.

**Brian Santos moved and Randy Blackmer second the motion to close the Public Hearing on PZC Application #21-41. Seeing no further discussion, a "Yes" vote will close the Public Hearing and a "No" vote will not.**

**Randy Blackmer-Yes**

**John Rice-Yes**

**Dave Poplawski-Yes**

**Brian Santos-Yes**

**Ray Williams-Yes**

**Jane Salce-Yes**

**John Lenky-Yes**

**Michael Krogul-No**

**Alvan Hill-Yes**

**Charlene Langlois-Yes**

**Joseph Parodi-Brown-Yes**

**The Public Hearing is closed.**

3. Discuss Public Hearing and Possible Action -

**PZC Application #21-41- Applicant – Robert Werge and Petitioners –** Statement of Request for Approval of Designation of Scenic Road, all of Lowell Davis Road or the portion of Lowell Davis Road from I-395 to Wilsonville Road according to Town of Thompson Ordinance 10-042 and Connecticut State Statute 7-149a.

**Brian Santos proposed the following additions be added to the motion: stipulation that clearly defines the right of way, area portion of the road be clearly stated and identified, and a breakdown of property owners in favor and those opposed to the scenic road designation.**

**John Rice moved and Brian Santos seconded the motion to Approve PZC Application #21-41 because it meets several requirements for a scenic road designation for the portion from Wilsonville Road to I-395 and with the stipulation that clearly defines right of way to the degree that pertains to the stone walls, area portion of road to be paved be clearly stated and identified and a breakdown of the numbers of property owners in favor and those opposed to the scenic road designation.**

*Discussion followed on PZC Application #21-41: John Lenky asked what is the rationalization of making Lowell Davis Road a scenic road. Major concerns have been stated and to go forward he suggested putting together an advisory committee to come up with a fair solution. He also is not 100% satisfied with whole thing and is looking for better input. Brian Santos stated that the Planning and Zoning Commission is not changing any zoning regulations for people to have businesses. John Rice stated that anybody in the town can have a road designated as a scenic road if they meet one of the six criteria, and in this case, the presentation was made and included several of the criteria required. John Rice further stated that how can you turn something down when they meet our regulations. Jane Salce asked for clarification of where Mr. Warner's property ends. She also stated that the residents from Wilsonville Road to Mr. Warner's property want the scenic road and the people from that point to 193*

*do not, therefore why not make that change. The chairman replied the Planning and Zoning Commission has to go with what the application references.*

**John Rice moved and Brian Santos seconded the motion to Approve PZC Application #21-41 because it meets several requirements for a scenic road designation for the portion from Wilsonville Road to I-395 and with the stipulation that clearly defines right of way to the degree that pertains to the stone walls, area portion of road to be paved be clearly stated and identified and a breakdown of the numbers of property owners in favor and those opposed to the scenic road designation. A "Yes" vote will approve PZC Application #21-41 with stipulations and a "No" vote will not.**

**John Lenky-No  
Michael Krogul-Yes  
Brian Santos-Yes**

**Jane Salce-No  
Randy Blackmer-Yes  
Charlene Langlois-Abstain**

**Ray Williams-No  
John Rice-Yes  
Alvan Hill-Yes**

**Joseph Parodi-Brown-Yes**

**Application #21-41 is approved with 6 Yes votes, 3 No votes and 1 Abstention**

**Reasons for Voting No:**

**Ray Williams-people on the south side of the road do not want Lowell Davis Road designated as a scenic road.**

**Jane Salce: people on the south side of the road do not want Lowell Davis Road designated as a scenic road.**

**John Lenky: people on the south side of the road do not want Lowell Davis Road designated as a scenic road. He also felt that there should be more discussion among the people and the Commission.**

**4. Approve Minutes:**

**a. November 22, 2021 Regular Meeting Minutes**

**Brian Santos moved and John Rice second the motion to approve the Minutes of November 22, 2021.**

Discussion on the Minutes: Alvan Hill commented to change the date on Page 9, "Comments will remain open" from January 2021 to January 2022.

**Brian Santos moved and John Rice second the motion to approve the Minutes of November 22, 2021 with the amendment to change the date on Page 9, Comments will remain open, to January 2022.**

**Randy Blackmer-Yes**

**John Rice-Yes**

**Brian Santos-Yes**

**Ray Williams-Yes**

**Jane Salce-Yes**

**John Lenky-Yes**

**Michael Krogul-Yes**

**Charlene Langlois-Yes**

**Alvan Hill-Yes**

**Joseph Parodi-Brown-Abstain**

**Minutes are approved**

**5. Applications:**



**PZC Application 21-47, Applicant Town of Thompson Planning and Zoning Commission –** Amendment to Article 5A, Section 5, Solar Photovoltaic (PV) Array Systems, B. Table of Permitted Uses, amend to add 7., Lake District, Residential – Roof Mounted, Zoning Permit\*, (\*Residential roof mounted, Zoning Permit) Residential Ground Mounted, Site Plan, Medium and Large-Scale Special Permit.

The purpose of Application #21-47 is to correct an error of omission when regulations were created relative to the lake district. Joseph Parodi-Brown commented that this is an amendment to the Zoning Regulations and requires a Public Hearing.

**Randy Blackmer moved and John Lenky seconded the motion to accept PZC Application #21-47 for a Public Hearing at the regular meeting of the Planning and Zoning Commission on January 24, 2022. Seeing no further discussion, a “Yes” vote will accept Application #21-47 and a “No” vote will not.**

**Randy Blackmer-Yes**

**Mike Krogul-Yes**

**John Lenky-Yes**

**Jane Salce-Yes**

**Ray Williams-Yes**

**Brian Santos-Yes**

**John Rice-Yes**

**Alvan Hill-Yes**

**Charlene Langlois-Yes**

**Joseph Parodi-Brown-Yes**

**PZC Application #21-47 is accepted for a Public Hearing**

6. Applications received after agenda posted: None

7. Citizens Comments:

Bill Warner-asked the following questions:

- Can you replace a resigning republican with a democrat alternate?
- Must you replace a resigning republican with a democrat alternate?
- Should you replace a resigning republican with a democrat alternate?

George O’Neal, 122 Fabyan Road, stated in the November 22, 2021 PZC regular meeting, expressed concern about where the staff was seated and citizens property rights being affected. He further stated at meetings citizens have a right to protest and use their constitutional rights. He asked the Commissioners to consider concerns of citizens respectfully and referred to a four-for-all test which is: is it truth, fair for all, will it build good will, and will it beneficial.

Valerie Clark, 105 Alm Road, referred to three documents in the new plan of conservation and development about open space designation, saying there was an omission and she believed that the previous plan and the current one were intended to build upon one another and not make a grand departure from the prior one. Currently the town is using CT PA 490 which contains three forms that apply for open space designation in CT. It is her understanding that

the PZC has limited the Town Assessor to accept only two of the three forms available. And those two forms are only to be used by people who have farm businesses, income and expenses that were declared in previous tax year with the IRS and CT State taxes, income and expenses greater than \$15,000 per year. The form that has been excluded is the one that allows small farmers and ordinary citizens that are interested in preserving open space in the town in keeping its rural and agricultural culture alive. As a farm friendly town that wants to preserve its rural character, scenery and open space, she is requesting the PZC allow the assessor to accept the third CT 490 form. This will allow new farmers who don't have a history on their tax submissions in a prior year as well as all residents of the town to preserve open space. This will save the town costs in increasing development, infrastructure.

Sarah White, West Thompson Road, stated to Attorney Slater that she is concerned about the Chairman seating an alternate to fill the seat of Christopher Nelson who is no longer on the Commission. She further stated that it is her understanding that alternates fill absentee member seats, therefore, she challenged seating an alternate when there is not an absentee member.

**Attorney Slater stated that the ordinary rule for an alternate is to sit in for a regular member that is absent. Attorney Slater was uncertain if there was a vote to place an alternate in a vacant seat therefore, he wasn't able to answer that question. However, Attorney Slater said alternates are seated in the seat of an existing regular member who is not in attendance. He said there might be a law that applies to a vacant seat for a member who has no longer served, and that an alternate can be seated in that place, however, he was not certain about that and he will look into it and advise the Chairman accordingly. If the vote is essential to the action of the Commission and that person was not properly seated because it was based on a vacancy and not a regular member who was absent then there is a possibility that the Commission would have to revisit the vote. He didn't know the answer to that question and Attorney Slater further stated that he is here to advise the Commission in respect to filling the vacancy. Sarah White asked if the Lowell Davis Road petition presented was reviewed and approved by the Town Clerk, and the ZEO confirmed that signatures were verified.**

5. Reports of Officers and Staff:

a. Planners Report

The Planner gave an update of the Subdivision Regulations stating the draft is on the town website and is locked until the end of January 2022. No public comments have been received and Inland Wetlands is working on it now. She also addressed Valerie Clark's question regarding open space program. The Planner further stated that she does not believe the document Valerie Clark referred to is the Planning and Development Plan. The Planner stated that she believes that the document Valerie Clark is referring to is the Open Space and Conservation Plan which was not updated last year. The Plan of Conservation and Development is not a regulatory document it is an advisory document and nothing in that document has changed in respect to how the Assessor looks at open space designation, farm land or any of that and does not have any regulatory authority. Valerie Clark commented

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that the First Selectmen informed her that she had to bring it to the PZC and with their approval, the Assessor would accept the third form. The Planner will look into this further.

Amy St. Onge commented that she did not say that the issue of CT 140 had to be brought before the Planning and Zoning Commission she said it has to be listed in the Plan of Conservation and Development and it is not in the POCD currently, therefore she is standing in the Assessor's decision at this point.

### b. ZEO Memo

ZEO referred to misinformation in an Editorial letter in the Villager Newspaper on 12/10/21 and informed the commission of the accurate information which is:

**Because the letter contained mis-information, the ZEO addressed the facts of permitting sheds below:**

2 years ago, applying for a Zoning Permit for a shed 140 sq ft and under you did have to receive a Zoning Permit from the Zoning Office.

### **Before Amended Regulations**

All Zones, Zoning Permit required for sheds, 140 sq ft and regulated setback 6 ft– fee \$100.00

### **Amended Zoning Regulations October 22, 2021**

All Zones all sheds 200sq ft and regulated setback 5 ft – fee \$100.00

### **Current Building and Zoning Compliance:**

All Zones sheds over 200 sq. ft needs a Zoning Permit and Building Permit, and compliance with the regulated setbacks according to the district.

All Zones all sheds 200sq ft and under do not need a Building Permit, but need a Simple Zoning Permit, regulated set back is five feet.

A Simple Zoning Permit does not require applicant to go to the Planning and Zoning Commission unless the Shed is located in front of the existing residential structure. Regulation reads:

**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.**

Otherwise ZEO signs off on Permit.

Zoning Board of Appeals Permit is \$335.00 (note \$350.00)

### c. Town of Thompson Budget Reports October 2021

### d. UPDATED PZC Members List

## 6. Correspondence:

a. Minutes: Zoning Board of Appeals December 13, 2021

b. Memo – Marla Butts, Wetlands Agent

c. Robinson & Cole to Ct. Siting Council, Notice of Exempt Modification – 347 Riverside Rd.

d. Town of Sutton Planning Board Public Hearing Notice

e. Town of Douglas Planning Board Public Hearing Notice

f. Town of Douglas Planning Board Public Hearing Notice

g. Town of Webster Planning Board Decision

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7. Signing of Mylar: none

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8. Old Business:

1. Replace vacancies to regular PZC members. Joseph Parodi-Brown stated that there are two vacancies to fill this evening and an Ordinance in place to guide the Commission in filling these vacancies.

Jane Salce stated that if there is a discrepancy, the state ordinance takes precedence. According to her research, municipalities cannot enact ordinances contrary to public policy and put a democrat in a republican seat because it is against the state ordinance, Section 9, 167A, Minority Representation Section E, which states the vacancy shall be filled by a member of the same party of the vacating member.

Attorney Ken Slater stated the basic premise is that the town has no power at all except what is granted by state statute. The powers that the town gets come from the general statutes, Chapter 7-148 to adopt ordinances. Without state legislature, towns would not be able to have zoning or subdivisions which come from Chapter 124 for Zoning and Chapter 126 for Planning. What Section 8-1, the first section of the general state statutes related to Zoning, grants the power of a town, by vote of its municipal body to adopt Zoning and it also provides that the town can establish by ordinance the method in which members are selected. So, in many towns members are appointed and in other towns they are elected, which is something that can be established by ordinance or charter. Thompson has an ordinance which established the manner in which the number of members could serve, because those are not fixed by statute, those are established by the towns themselves which is a power the legislature gave the towns. The statute that was referenced above, Minority Representation, is a statute related to minority representation, which should be Maximum Representation, which sets the maximum number of persons who can serve from a particular party on a Board, and the Planning and Zoning Commission is a 10-member Board and under the state statute can only have 6 persons from a particular party.

The Minority Representation does not apply in this particular case. What kicks in is the ordinance and what the beauty of the Connecticut system of government is we have the ability to have town meetings, we have the ability to have questions and all of the members of the town can communicate, debate and adopt a policy, and that is what happened in Thompson. There was a point in time in which an ordinance was established in terms of how many members of the Board of Selectmen, the Planning and Zoning Commission and how they are to be seated and how vacancies are to be seated. The legislative body of the Town of Thompson at Town Meeting asked a question, it was debated, some may disagree with the outcome but the decision is as much of the law as the state statute, as the constitution of the State of Connecticut, Federal Law or the Federal Constitution. So what the State has allowed is for Thompson by Ordinance is to decide how people should be seated and what that Ordinance says is that the vacancies in a regular membership should be filled by alternates and that same Ordinance states that Alternates shall be seated by members of the same party. The Planning and Zoning Commission, therefore, should fill vacancies with Alternates and the Ordinance says nothing about party affiliation. Attorney Slater stated that perhaps this policy was followed by Ordinance because the voters saw that there is some value in a person sitting in meetings, taking their time, listening, not always being able to vote but being prepared to vote was an incredible service for Alternates. They are there to step in when needed and that is what the Ordinance says. However, Alternate seats have to be filled with members from the same party. The State gives the Towns the ability to make their own minds up and solve their own problems and people who are citizens and taxpayers made that decision to adopt that Ordinance. Attorney

Slater's recommendation, following his research, is to follow what the predecessors decided and fill the vacancies of regular members with alternates and then the Board of Selectmen fill the alternate vacancies with the parties that vacated those seats. Section 8-1 gives the Planning and Zoning Commission the right to decide how they are going to fill the regular member seats in their Commission. The power was given to the Town of Thompson by the State of Connecticut. The Town of Thompson took that power, adopted an Ordinance, and Attorney Slater said it is his legal advice to follow the Ordinance in the manner the Commission fills the seats. Attorney Slater asked the members of the Commission if they had any questions.

Amy St. Onge, First Selectmen, commented, Point of Order following audience participation. She said, this is a meeting, and there are no citizens comments at this time. Let the Planning and Zoning Commission conduct their meeting. We have brought our Attorney in tonight to weigh in on this matter. Give them time to discuss this matter among the Commissioners. They are my elected officials and I respect them and I would ask you to do the same.

Attorney Slater commented that what the Chairman said was absolutely correct that the Planning and Zoning Commission, as a public body, is obligated to hold its meetings under the public eye and people can watch and listen to what the Commission does. No one has a right to be heard on anything unless the Chairman decides to give them the right to do that or if they are entitled to such as:

- A public hearing or
- A public comment period on the agenda

These are the only two ways they have a right to be heard. It was not inappropriate for the First Selectman to speak. She has a legal right to speak because she is **an ex-officio** member of the Planning and Zoning Commission and every Commission in town. She, however, has no right to vote. This is the system of government's way to move business.

**Replace Vacancies to Regular Members:**

Alvan Hill stated that he would like to become a full-time member of the Commission to replace the vacancy created by the resignation of Christine Chatelle.

**Joseph Parodi-Brown nominated Alvan Hill to replace the vacancy created by the resignation of Christine Chatelle. John Lenky seconded the nomination. Hearing no further nominations, a "Yes" vote will appoint Alvan Hill to full time membership filling the vacancy created by the resignation of Christine Chatelle and a "No" vote will not.**

**Charlene Langlois-Yes**

**Alvan Hill-Abstain**

**Randy Blackmer-Yes**

**John Rice-Yes**

**Brian Santos-Yes**

**Ray Williams-Yes**

**Jane Salce-Yes**

**John Lenky-Yes**

**Michael Krogul-Yes**

**Joseph Parodi-Brown-Yes**

**Joseph Parodi Brown moved the replacement of Christopher Nelson with Brian Santos. Brian Santos stated that he was not interested in the position.**

David Poplawski stated that he would like to become a full-time member to replace the vacancy created by the change in town residence of Christopher Nelson.

**Joseph Parodi-Brown nominated David Poplawski to replace the vacancy created by the change in town residence of Christopher Nelson. John Lenky seconded the nomination.**

**Discussion on the motion to nominate David Poplawski to full time member because of the vacancy created by the change in town residence of Christopher Nelson-John Lenky asked for confirmation on the term for which this vacancy will be filled and was told that it was until 2023.**

**Joseph Parodi-Brown nominated David Poplawski to replace the vacancy created by the change in town residence of Christopher Nelson to a term ending in 2023. John Lenky seconded the nomination. Hearing no further nominations, a “Yes” vote will appoint David Poplawski to full time membership filling the vacancy created by the change in town residence of Christopher Nelson, and a “No” vote will not.**

**Randy Blackmer-Yes**

**John Rice-Yes**

**Brian Santos-Yes**

**Ray Williams-No**

**Jane Salce-No**

**John Lenky-Yes**

**Michael Krogul-Yes**

**Alvan Hill-Yes**

**Charlene Langlois-Yes**

**Joseph Parodi-Brown-Yes**

**Vacancies have been filled.**

**John Lenky moved and Jane Salce seconded the motion to send a letter to the Board of Selectmen and the Town Clerk to fill the alternate vacancies. Hearing no objection, the motion carried unanimously and a letter will be sent by the Chairman.**

Attorney Slater asked the Chairman if the Commission wanted him to stay with the meeting for any other issues and the Chairman asked Attorney Slater to stay with the meeting. Joseph Parodi-Brown asked Attorney Slater if the vacancies that have been filled are effective immediately and Attorney Slater replied yes, therefore, Alvan Hill and David Poplawski are voting.

## **2. Election of Officers**

### **Chairman**

**Randy Blackmer nominated Joseph Parodi-Brown for Chairman. John Rice seconded the nomination.**

**Jane Salce nominated John Lenky for Chairman. Ray Williams seconded the nomination.**

**John Rice moved to close the nominations. Mike Krogul seconded the motion. Hearing no other nominations, nominations are closed. The motion carried unanimously. The Chairman called for a voice roll call vote: Each Commissioner will vote for the person they want to elect for Chairman:**

**Randy Blackmer-Joseph Parodi-Brown**

**David Poplawski-Joseph Parodi-Brown**

**John Rice-Joseph Parodi-Brown**

**Ray Williams-John Lenky**

**Jane Salce-John Lenky**

**John Lenky-John Lenky**

**Michael Krogul-John Lenky**

**Charlene Langlois-Joseph Parodi-Brown**

**Alvan Hill-Joseph Parodi-Brown**

**Joseph-Parodi Brown-Joseph Parodi-Brown**

**Joseph Parodi-Brown is elected Chairman.**

**Vice Chairman**

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John Rice nominated Randy Blackmer for Vice Chairman. Michael Krogul seconded the nomination. John Rice moved to close the nomination. Michael Krogul seconded the motion.

Discussion on the nomination of Randy Blackmer for Vice Chairman: Jane Salce mentioned that the results of the audit were not complete yet. John Rice commented that he was in the office of the registrar when the auditor was there and he indicated that nothing is going to change on the election because there was no appeal for results, therefore nothing is going to change. The Chairman proposed that the Commission move forward and if the Commission needs to make changes, they will do so in the future.

John Rice moved and Joesph Parodi-Brown seconded the motion to close nominations for Vice Chairman. Hearing no objection to close nominations, the Chairman declared nominations closed for Vice Chairman. The motion to appoint Randy Blackmer as Vice Chairman was Unanimous. Randy Blackmer is elected Vice Chairman.

**Secretary**

Michael Krogul nominated John Rice for Secretary. Joseph Parodi-Brown seconded the nomination. Randy Blackmer moved to close the nominations. Michael Krogul seconded the motion. Hearing no further nominations for Secretary, the nomination was closed. The motion to appoint John Rice to Secretary was Unanimous. John Rice is elected as Secretary.

3. Discussion and vote on By-Law amendments

Joseph Parodi-Brown stated that due to a change in state statutes, the following bylaw needs to be amended:

1. Due to the change in State Statutes the following By Law needs to be amended  
Section 2 – In the matter of the press, radio and television representatives, the Commission shall comply with Chapter 3, Sections 1-19, amended to Chapter 14, Section 1-210, repealed and 1-21 amended to Chapter 14, Section 1-225 of the Connecticut General Statutes, as amended by state statute.

**Suggested By-law Change**

**ARTICLE IX – ORDER OF BUSINESS**

**Section 1 – Unless otherwise determined by the chairman, the order of business of the regular meetings may be:**

- 1. Citizens comments amended (speaking time 3 or 5 minutes or at the discretion of the Chairman) *Add a second citizens comments.***
- 2. Rice moved to add comments after approval of minutes. Move #8 to #6 so they can comment on the agenda before we decide what we are going to do.**

Charlene Langlois commented that Citizens Comments is currently #7 on the agenda. Citizens can also comment during a Public Hearing as long as the comments are about the Public Hearing. If the Citizens Comments are moved to the end, then the Commission will have discussed everything, made changes to everything and citizens will feel that they are left out. Jane Salce suggested putting Citizens Comments in two places, at the beginning and at the end of the agenda. Joseph Parodi-Brown said the suggestion was not to move Citizens Comments from #7 but to add a second

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Citizens Comments. John Rice suggested that Citizens Comments be moved up to after the approval of the Minutes.

Attorney Slater stated that in addition to Citizens Comments during a Public Hearing, a lot of Commissions have Citizens Comments listed elsewhere on the agenda. So if their comments are on the Public Hearing they can comment during the Public Hearing, if the Public Hearing is closed, they cannot comment. In the bylaws, the Commission can be very liberal and allow Citizens Comments on things that are not on the Public Hearing by listing them separately under Citizens Comments. However, Attorney Slater cautioned the Commission to be very careful that if something is subject to a Public Hearing, the applicant makes a presentation, citizens comment and after the Public Hearing closes, if people start to comment again that will be very problematic. So, if the Commission decides in the bylaws to have comments on things that are not for a Public Hearing so citizens have an opportunity to speak on, it can be taken into consideration under Citizens Comments. Attorney Slater recommended that if the Commission is dealing with a Public Hearing, people and the applicant should be allowed to comment but after the Public Hearing is closed no one should have another opportunity or be permitted to speak another word on that.

Michael Krogul commented that Citizens Comments does not have to be dialog between the Commission and the citizens. Attorney Slater commented you cannot use Public Hearing comments in Citizens Comment. The Commission can allow other items that are not subject to a Public Hearing to be mentioned under Citizens Comments. He further stated that the Commission is in dangerous territory if a person is allowed to speak on something pertaining to a Public Hearing after the Public Hearing is closed.

Jane Salce addressed Attorney Slater and said that Citizens Comments can be managed on how the agenda is phrased and Attorney Slater said yes and through the actions of the Chairman, because the Chairman can call things out of order. If someone tries to speak on the topic pertaining to the Public Hearing, they should be declared out of order. Confine the Public Hearing to the Public Hearing.

Charlene Langlois asked if there is anything on the website so the citizens can see the order of business on how the meeting is run, and when they will have an opportunity to make a comment so citizens will know that the Commission is listening to them. The Planner will post a blank agenda on the website and moving forward the agenda will be available at the meetings. John Rice agreed with Charlene Langlois's point and he believed that according to Roberts Rules of Order a blank agenda should be on the website.

Attorney Slater, suggested it would be best to communicate with citizens at the beginning of the meeting to help them understand at what spots they get to speak in and that will establish the culture for the Commission so people don't feel as though they are cut out, because most taxpayers understand that they cannot just waltz into Congress and expect to raise their hand and be able to speak. He said the Planning and Zoning Commission is a lot like Congress because the Commission has business that needs to be moved and it cannot be moved very easily if everybody gets to speak on every single thing the Commission does. People need to know on what they can speak about and when they can speak to eliminate any confusion they may have. There are a lot of agenda items that people will not be able to raise their hands and speak on and by providing an agenda, citizens will know when they can comment.



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Jane Salce commented that the Commission needs to decide how long should people be able to speak in the Citizens Comment section. She suggested 5 minutes. With agendas available at the beginning of the meeting, it will clear up any confusion.

Randy Blackmer suggested a preamble at the beginning of the meeting stating please sign in and speak to the Commission. Speaking should be limited to 3 minutes. Jane Salce added that if the Chairman feels that the speaker should go on a little longer then it is at his discretion to extend the time.

The Planner stated that once the order of action on the agenda is established, she will create a blank agenda with protocol on the website.

**The Commissioners made several suggestions regarding a new format for the Planning and Zoning Commission agenda in the Bylaws. A draft will be prepared for discussion at the regular meeting on January 24, 2022.**

### 4. Revised PZC Meeting Calendar

**John Rice moved and Jane Salce seconded the motion to approve the updated meeting calendar for 2022. Hearing no objection, the motion carried unanimously.**

**Michael Krogul moved and Joseph Parodi-Brown second the motion to amend the agenda to add 11d Northeast Sand and Gravel. Following discussion, Michael Krogul moved and Joesph Parodi-Brown seconded the motion to amend his motion to address 11d Northeast Sand and Gravel later in the meeting.**

### 9. New Business:

#### a. Free Training Notice from CCM of Newly Elected Officials

***Information offered by CCM (Connecticut Conference of Municipalities) free training program for newly elected officials.***

#### b. Donovan Drive - Road Acceptance Procedure/Schedule

Email, dated December 14, 2021, from Contractor's Engineer simplifies the bond amount to be released upon the approval of the road in subdivision phases 1B and 1C and a description of the amount the Town will still hold.

ZEO visited the property with the contractor and engineer and received a thorough explanation of work completed and work still to be completed. ZEO is satisfied with the information and visual view of the site and agrees with DPW recommendation to accept the road.

Janet Blanchette, J & D Civil Engineers with Jason LaVallee, Contractor/Owner is requesting approval of a reduced bond amount. Asking that the Commission will accept the two roads and reduce the bond amount. A new bond will be made by Jason Lavallee, and open space and road will be conveyed to the town and to the Board of Selectmen to accept the road in February. Finished with binder course from the end of Phase 1 to the end of Donovan Drive. 19 acres will be donated to town along Quinebaug River. Rich Benoit's acceptance memo has been received. Two bonds exist for the remainder of the work for Phase 1, second bond was to complete the rest. Amount of those bonds should be reduced. Rich Benoit agreed to reduce 1A from 67,858 to 51,502 Phase 2 to 460,686 to 206,529--Mr. Lavallee still responsible for snow plowing. David Poplawski commented that he witnessed the road in multiple stages and stated that drainage is good and the road is in good condition. 1B and 1C is done altogether with the binder course.

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## Meeting Purpose:

- Obtain PZC recommendation of road acceptance (Phase 1B and 1C) Donovan Drive
- Obtain PZC approval of reduced bond amounts

## Proposed Schedule:

- 12/27/21 – PZC Approval
- January 2022-developer to submit reduced bonds to staff for review and acceptance
- January 2022 developer conveys open space and Donovan Drive to the town (Open space "C" along river, approximately 19 acres, includes conservation easement")
- February 2022-BOS accepts road

## Review Map

## Items submitted to town on 11/23/21

- As-built certification form (from subdivision regulations, signed by Dennis Blanchette, PE)
- Inspection memo from Dennis Blanchette, PE with compaction and materials test results.
- Proposed Phase 1A Bond Estimate
- Proposed Phase 1B and 1C Bond Estimate
- Sheets 1-3 As-Built plan and profile, Phase 1B and 1C

## Staff Coordination

- ZEO visited site on 12/14/2021
- Reviewed DPW director, Rich Benoit, road acceptance memo via email on 12/22/2021

## Bonding

- Language in current bonds was provided by ZEO in February 2020
- Looking for a motion to reduce bond amounts:
  - Reduce Phase 1A bond from \$67,858 to \$51,502
  - Reduce Phase 1B and 1C bond from \$460,686 to \$206,529
- Rich Benoit has reviews and approved the proposed bond amounts

## Practical Matters

- Lavallee must continue to maintain and plow road until after top course of pavement has been paved
- After top course of pavement added and all other work completed there will be a 10% maintenance bond for 1 year.

**John Lenky moved and Michael Krogul seconded the motion to accept Rich Benoit's recommendation on the reduction of the bond and acceptance of the road with the following conditions: Developer/Owner Lavallee Construction will maintain and plow the road until after the top course of pavement has been paved, and after the top course of pavement added and all other work completed there will be a 10% maintenance bond for one year. A "Yes" vote will accept Rich Benoit's recommendation on the reduction of the bond and acceptance of the road with the following conditions: Developer/Owner Lavallee Construction will maintain and plow the road until after the top course of pavement has been paved, and after the top course of pavement added and all other work completed there will be a 10% maintenance bond for one year. A "No" vote will not.**

**Michael Krogul-Yes  
Ray Williams-Yes  
Randy Blackmer-Yes  
Joseph Parodi-Brown-Yes**

**John Lenky-Yes  
John Rice-Yes  
Alvan Hill-Yes**

**Jane Salce-Yes  
David Poplawski-Yes  
Charlene Langlois-Yes**

c. Gregory Mountford, 0 Beattie Ave, discussion of development of 4 lots.

**Property Owner of four lots, 0 Beattie Ave, Map 174, Block 58, Lots 65, 66, 67, and 68, Zone CRD (Common Residential District) preliminary discussion of building four residential dwellings. Lot frontage for lots is on Beattie Rd. Two roads in that area are Town Accepted Roads, Beattie Road and Hutchinson Rd. Mr. Mountford will submit the documentation that the roads were accepted by the Town and present any easement restrictions on Beattie Rd.**

*David Held and Professional Land Surveyor with Provost and Riverro, reviewed lots off of Beattie and Hutchison Roads owned by Mr. Mountford which are accepted town roads with portions of the road that have not been built. Copy of road research conducted by previous planners' references Beattie and Hutchison Roads were formally accepted by the Town of Thompson in 1948. A copy of the GIS map was distributed. He further stated that improvements to the road still need to be made and that will be discussed with the Public Works Director. In regards to an easement, David Held said that an easement cannot be given over a public street. David Held asked the Commission to vote to allow the ZEO to issue building permits to construct homes on the above property.*

**John Rice moved and David Poplawski seconded the motion to authorize the ZEO to sign off on building permits for four residential dwellings on the property listed above. Hearing no further discussion, a "Yes" vote will authorize the ZEO to sign off on Building Permits for Beattie Road and Hutchinson Road and a "No" vote will not.**

**Randy Blackmer-Yes**

**David Poplawski-Yes**

**Jane Salce-Yes**

**Ray Williams-Yes**

**John Lenky-Yes**

**Charlene Langlois-Yes**

**Alvan Hill-Yes**

**John Rice-Yes**

**Michael Krogul-Yes**

**Joseph Parodi-Brown-Yes**

d. Northeast Sand and Gravel, Michael Krogul commented that Northeast Sand and Gravel has bounced two checks for \$4,000 and he asked the Commission to rescind their operating permit until the fees are paid because the motion, he made was subject to the fees being paid. The ZEO stated she issued a cease and desist on the operation, November 22 2021, until the fee is paid.

10. Commissioners Comments:

Langlois thank everyone for a wonderful evening

11. Next Meeting:

a. PZC Regular Meeting January 24, 2022, 7:00 PM, Merrill Seney Community Room, Thompson Town Hall, 815 Riverside Drive, North Grosvenordale, CT 06255

12. Adjournment

John Lenky moved and Jane Salce seconded the motion to adjourn. The motion carried unanimously and the meeting adjourned at 11:11pm,

Respectfully Submitted,  
Gloria Harvey, Recording Secretary