



TOWN OF THOMPSON

Planning & Zoning Commission

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Minutes – PZC Subcommittee Meeting-Subdivision Regulations
Thursday, February 3, 2022, 7:00 PM
ZOOM Meeting

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Topic: PZC - Subdivision Regulations Subcommittee
Time: Feb 3, 2022, 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/84179022294?pwd=bzZDSFBSTXdwS0gyVUdPNmZWRR3A5UT09>

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Zoom link from last night for minutes

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and youtube link:

<https://www.youtube.com/watch?v=1M7kbDvNzv4>

1. Call to Order, Roll Call
Ray Williams **John Lenky** **Alvan Hill**
Joseph Parodi-Brown **Jane Salce**
Absent: Charlene Langlois, Michael Krogul, Randy Blackmer, Dave Poplawski, Brian Santos, John Rice
Staff Present: Tyra Penn-Gesek, Planner, Gloria Harvey, Recording Secretary
2. Discussion of Proposed Revisions to Subdivision Regulations

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Commented [MB2]: What was the reasoning for moving the definition for Article II to become Article IV?

T. Penn response: the reasoning was to make it consistent with the formatting of the Zoning Regulations (i.e. including definitions as a glossary). Based on the advice of the consultant for the online codification project, Definitions will be moved back to Article II.

Commented [MB3]: Section demoted and placed as Section 2.B.

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Commented [MB4]: Global search "storm water" replace with "stormwater" to be consistent

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Commented [MB6]: Was this moved to Article 3, Section 4, subsection I.?

T. Penn: is this question regarding the provisions for water supply & sanitary requirements? If so, then the answer is "yes," based on following the same logic that the subcommittee accepted that the NDDH is the arbiter of water supply & sanitary requirements. The applicant is required to provide documentation of approval of the plan by NDDH in Article II, Section 2, B, 4 in this draft.

Commented [MB7]: Where did water supply & sanitary requirements go – was it completely deleted?

T. Penn: as per above

Commented [MB8]: Where did digital data requirement go – was it completely deleted??

T. Penn: Yes, this subsection was deleted because it was reiterative of information in the application requirements (Article II, Section 2, B, 5 in this draft)

ARTICLE I – General Provisions

SECTION 1 – Title

These regulations shall officially be known, cited, and referred to as the ~~subdivision regulations~~ Subdivision Regulations of the Town of Thompson, Connecticut, hereinafter "these regulations."

SECTION 2 – Authority & Public Purpose

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

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~~accordance with Article 1, Section 8, of these regulations.~~

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

~~B.C.~~ The Commission may grant waivers from these Regulations in accordance with Article 1, Section 8, of these Regulations.

SECTION 3 – Purposes

These ~~regulations~~Regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the municipality.

B. To guide the future growth and development of the municipality ~~in accordance consistent~~ with the ~~guidance of the~~ Plan of Conservation and Development.

C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land ~~and undue congestion of population.~~

~~D.~~ To protect the ~~character and the social physical resilience~~ and economic stability of all parts of the municipality ~~and t~~

~~E.~~ To encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, ~~and the~~ promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities.

~~F.~~ ~~to~~ To assure proper urban form and open space separation of ~~urban urbanized (higher density)~~ areas.

~~D.C.~~ To protect environmentally critical areas and areas premature for urban development.

~~F.H.~~ To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, ~~and~~ to minimize the conflicts among the uses of land and buildings.

~~F.I.~~ To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard ~~to for~~ the avoidance of congestion in the streets and highways and ~~the pedestrian for non-~~vehicular traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and

~~G.J.~~ width of streets and building lines.

~~H.K.~~ To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.

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

~~J.M.~~ To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.

~~K.N.~~ To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features.

~~L.O.~~ To provide for open spaces through the most efficient design and layout of the land, including ~~the use~~consideration of average density ~~in providing for created by~~ minimum width and area of lots, while preserving the density of development as established in the ~~zoning ordinances~~Zoning Regulations of the municipality.

SECTION 4 – Interpretation, Conflicts, Separability & Appeals

A. Interpretation

In their interpretation and application, the provisions of these ~~regulations~~Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These ~~regulations~~Regulations shall be construed broadly to promote the purposes for which they are adopted.

B. Conflicts

~~B.1.~~ Public Provisions

These ~~regulations~~Regulations are not intended to interfere with, abrogate, ~~an or~~ annul any other ordinance, rule, or regulation, statute, or other provision of law except as provided in these

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~~regulations~~Regulations. Where any provision of these ~~regulations~~Regulations imposes restrictions different from those imposed by any other provision of these ~~regulations~~Regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

G.2. Private Provisions

These ~~regulations~~Regulations are not intended to abrogate any easement, covenant, or ~~any~~ other private agreement or restriction, ~~provided that where unless~~ the provisions of these ~~regulations~~Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction. ~~In such cases~~ the requirements of these ~~regulations~~Regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction imposes duties and obligations more restrictive or standards that are higher than the requirements of these ~~regulations~~Regulations, ~~or the determinations of the Planning & Zoning Commission or the Governing Body in approving a subdivision or in enforcing these regulations or the determinations made under these regulations,~~ then the private provisions shall be operative and supplemental to these ~~regulations~~Regulations and the determinations made under the ~~regulations~~Regulations.

D.C. Separability
If any part or provision of ~~these regulations~~ or the application of these ~~regulations~~Regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgement shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these ~~regulations~~Regulations or the application of them to other persons or circumstances. The Governing Body hereby declares that it would have enacted the remainder of these ~~regulations~~Regulations even without any such part, provision, or application which is judged to be invalid. ~~Governing Body-unclear who the governing body is-unanimous consent PZC replace~~ **Governing Body with Commission.**

E.D. Appeals
Appeals may be made in accordance with Sections ~~8~~ 8-28 and 8-30 of Chapter 126 of the Connecticut State Statutes as amended.

SECTION 5 – Saving Provision
These ~~regulations~~Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing ~~subdivision regulations~~Subdivision Regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these ~~regulations~~Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these ~~regulations~~Regulations.

SECTION 6 – Reservation & Repeals
Upon the adoption of these ~~regulations~~Regulations according to law, these ~~se~~ Subdivision Regulations of Thompson, Connecticut supersede ~~regulations~~Subdivision Regulations previously in effect.

SECTION 7 – Amendments
For the purpose of protecting public health, safety, and general welfare, the ~~Planning & Zoning~~ Commission may from time to time propose amendments to these ~~regulations~~Regulations which shall then be approved or disapproved by the ~~Planning & Zoning~~ Commission at a public meeting following a public hearing and with public notice.

SECTION 8 – Waivers
A. Where the Commission finds that extraordinary ~~legal~~ hardships or practical difficulties may result from compliance with these Regulations, it may approve waivers ~~to these Subdivision Regulations~~ so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these Regulations; and further provided the Commission shall not approve waivers unless it shall make findings based upon evidence presented to it in each specific case that:

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Commented [MB10]: What is the "Governing Body"?

T. Penn: This is language that was carried over without change from the current subdivision regs. Agree that "Governing Body" is unclear. The "Governing Body" of the Town is presumably the BoS, but the PZC "governs" its own regulations. Therefore it seems that the correct edit is to change to the Commission.

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1. The granting of the waiver will not be detrimental to the public safety, health, or welfare, or have a significant adverse effect on other adjacent property~~;~~.
 2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property~~;~~.
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if these Regulations are carried out~~;~~.
- ~~A. With the concurrence of the NDDH, the Commission may waive the required submission of certain data required for a sanitation report under Sanitary Requirements, Article IV, Section 11, B. when not deemed essential to make a decision on the application.~~
- ~~B.4.~~ The waiver will not in any manner conflict with the provisions of the Zoning Regulations, Plan of Development, or the Regulations of any other Town Board or Commission.
- B. In approving waivers, the Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements of these Regulations.
- C. Petitions for any such waiver shall be submitted in writing by the subdivider-applicant or developer at the time when the subdivision plan is filed for the consideration of the Commission. The petition shall state fully the grounds for the application waiver request and all of the facts called upon by the petitioner. The Commission shall hold a public hearing before acting on any such request. A three-quarters vote of the total members of the Commission shall be required to approve a waiver ~~and the Commission shall state on its record the reasons for granting the waiver.~~ PZC membership concurs.

SECTION 9 – Enforcement, Violations & Penalties

~~F.A.~~ General

1. It shall be the duty of the Zoning Enforcement Officer ~~to-of~~ the Planning & Zoning Commission to enforce these requirements and to bring to the attention of the Commission any violations of these ~~regulations~~Regulations.
2. No owner, or agent of the owner, of any parcel of ~~the~~ land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the ~~Planning & Zoning Commission and submitted to the Town Clerk~~ in accordance with the provisions of these regulations.
3. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
4. No building permit shall be issued for the construction of any building or structure located on a lot or plat-plan subdivided or sold in violation of the provisions of these ~~regulations~~Regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these ~~regulations~~Regulations.
- ~~4.5.~~ No street or utility construction shall be started until a plan for such construction has received either conditional or final approval from the Commission, and been filed with the Town Clerk. PZC concurs items 2-5 move to requirements for subdivision of land

~~G.B.~~ Violations and Penalties

Any person making a subdivision or re-subdivision of land without approval of the ~~Thompson Planning & Zoning~~ Commission shall be subject to the penalties provided in the Connecticut General Statutes, and the Town and the Commission may seek other remedies as provided by the laws of the State of Connecticut.

SECTION 10 – Revision & Effective Date

~~G.A.~~ Regulation/Revision

The Regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission, in accordance with the General Statutes of the State of Connecticut. The adoption of ~~this any~~ amendment shall not render as conforming or legal any previous non-conforming or illegal division of land, but anything previously classified shall retain that classification, except as expressly changed.

~~D.B.~~ Amendment of Regulations

The “SUBDIVISION REGULATIONS OF THE TOWN OF THOMPSON, CONNECTICUT – Fifth Edition” made effective by the Planning & Zoning Commission on February 3,

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Commented [MB11]: Comment [P1]: Question: is “petition” assumed to be a specific legal process? Is this a waiver “request” instead?

Chapter 126 refers to both petition & request without apparent distinction. A petition is a formal written request. Unlike in zoning, the statutes contain no process for petitioning a change in the subdivision regulations. To make clear intent add a definition for petition. Suggested definition for Petition “a request submitted in writing for a waiver from the requirements of these Regulations made pursuant to Article I, Section 8 of these Regulations.”

T. Penn: concur with Marla's suggestion & will add to definitions.

Commented [MB12]: Keep language as it is required by Sec. 8-26, Conn. Gen. Stat. that states “Such regulations may contain provisions whereby the commission may waive certain requirements under the regulations by a three-quarters vote of all the members of the commission in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area, provided that the regulations shall specify the conditions under which a waiver may be considered and shall provide that no waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. **The commission shall state upon its records the reasons for which a waiver is granted in each case.**” (emphasis provided) Suggest reviewing language in Section 8 to ensure it complies with the statutory requirements when granting waivers.

T. Penn: much of this section was retained from the current subdivision regulations. PZC should compare & discuss the statutory language vs the current draft language of Section 8 – Waivers.

Commented [MB13]: Need a period at the end of the sentence.

Commented [MB14]: This paragraph should be move to Section 2 as it is a prohibition from which an enforcement action falls. See my comment regarding the proposed deletion of existing Article Section 2 Basic Requirements, sub-sections A, B & C

T. Penn: I believe Marla's comment is actually related to the current Article 4 Section 2 (Requirements for the Subdivision of Land – Basic Requirements). If so, then I agree that items 2-5 are more descriptive of prohibitions than enforcement actions. Following the format of the V1 Draft, that would make its most logical landing place Article III Section 1 (Requirements for the Subdivision of Land – Basic Requirements)

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~~4969~~December 22, 2008 and all amendments thereto, are hereby amended by striking all existing language and substituting these amended Regulations thereof with the effective date of these Regulations.

ARTICLE IV – Definitions

Unless the context clearly indicates a different meaning, for the purposes of these Regulations, the following words and terms shall be defined as follows:

ADT/ Average Daily Traffic

The average number of cars, per day, that pass over a given point.

Abutting Owner

The owner of property sharing a contiguous boundary with the subject ; with parallel frontage on the other side of a Town, State, or private road or a shared driveway.

Agriculture

In accordance with Section 1-1(g) of the Connecticut General Statutes, as amended, shall mean the cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oyster, clams, mussels, and other molluscan shellfish; the operation, management conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging, timber or cleared land or brush or other debris left by a storm, as an incidental use to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation, or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to vegetables for market or for direct sale. The term “farm” includes farm buildings and accessory buildings thereto; nurseries, orchards, ranges, greenhouses, or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means farming of the waters of the state and tidal wetlands and production of protein food, including oysters, clams, mussels, and other molluscan shellfish, on leased, franchised, or public underwater farm lands. ***Commission concurs to move Agriculture***

Applicant

Any person, firm, corporation, partnership, association, or appointed agent having an interest in a parcel of land and who applies to the Commission for approval of a subdivision of such land. Written consent shall

Commented [P15]: To stay consistent with the formatting suggested for the online codification project, Definitions will be restored as Article II

Commented [MB16]: Recommend adding definitions for “ConnDOT” The Connecticut Department of Transportation, “Aquifer Protection Regulations” “storm water management facility”

T. Penn: concur and will add.

Commented [P17]: Note to self: do a keyword search for each of these terms within this document. It seems there are some terms included which are never referenced here.

Commented [MB18]: Consider providing specification for what an “interest in a parcel of land” means. I can have an interest but no legal right to apply for the subdivision of a parcel. Also, consider adding a clarification for what an “appointed agent” is. Who appoints the agent?

T. Penn: this is as defined in the existing subdivision regs. Agree that “interest” may be too vague.

be required from the owner of record of the premises if the applicant is not the owner. ***Commission concurs to add legal, Agent having a legal interest in a parcel of land.***

Application

The forms, maps, texts, reports and supporting data required by these Regulations by any applicant proposing a subdivision or re-subdivision.

Area of Special Concern

Land areas where soil conditions or topography require additional attention in the design of subsurface and sewage disposal systems as identified by the Connecticut Public Health Code, as amended. ***Commission concurs because term does not occur in the body of the regulations so there is nothing to define.***

As-Built Plans

Plans, including the site development plan, a grading plan, and a construction plan, showing any modifications or changes made including those made during construction.

Board of Selectmen

The governing body of the Town of Thompson, Connecticut

Bond

A deposit in a specified amount, as determined by the Commission for the purposes of guaranteeing completion of a subdivision plan.

Buffer Strip

An area identified on a site plan or by a zoning ordinance, unoccupied by building, structures, or pavements maintained as a grass area and/or planted with trees/shrubs or left in its natural state, the purpose of which is to protect one type of land use from another.

Building

Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals, or materials. The connection of two or more buildings by means of a porch, breezeway, passageway, carport or other roofed shall be deemed to make them one building.

Certificate of Occupancy

A document issued by the Town allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all applicable State and local, ordinances, and regulations, and all State Building Codes.

Certification

A signed, written approval by the Planning and Zoning Commission or its designated agent, confirming that a plan complies with the applicable requirements of these regulations. ***Review for proper context and amend accordingly. Alvan Hill asked to define type of plan referred to.***

Collector Street

A street or road which carries traffic from local streets to primary streets and arterial highways, including the principal entrances to developments and streets for circulation within such developments. The standards for construction of Collector Streets are set forth in the document "Connecticut Department of Transportation Highway Design Manual", latest edition.

Commercial Use

Activity involving the sale of goods or services carried out for profit.

Commission

The Planning and Zoning Commission of the Town of Thompson, Connecticut.

CONDOT- Add definition

Cul-de-sac

A road which has only one intersection with another right-of-way. The outlet from the cul-de-sac road is the same as the entrance. A cul-de-sac road shall not have any other intersecting road(s) for the entire length of the road other than its entrance/outlet. A cul-de-sac road cannot exceed 1,000 feet from the centerline of the intersecting street to the center of the turnaround. A cul-de-sac road shall not provide exclusive frontage to more than twelve (12) proposed or existing building lots. A cul-de-sac is distinct from any other dead end street in having a turnaround at the closed end. Within the Town of Thompson, cul de sacs may only be proposed as private roads or shared driveways. ***John Lenky suggested discussing this definition separately in a regular meeting and the consensus was to have the full Commission discuss this definition of cul de sac.***

Date of Receipt

The day upon which the application is received by the Planning & Zoning. Clarify if it means business days.

Dead End Street

A street having only one intersection with another right of way. A dead end street may or may not also be a cul de sac. Within the Town of Thompson, dead end streets may only be proposed as private roads or shared driveways. ***Commission concurs to purge this definition.***

Developer

Synonymous with "applicant" as previously defined.

Development

Commented [MB19]: Comment [P47]: J. Blanchette - Under the definition of cul-de-sac I suggest that the first words begin "A dead end street that..... Consider removing the '1000' length and allowing it to serve up to 25 dwelling units or lots. Sometimes its necessary to go a few hundred feet to get past wetlands or steep slope before actual houses lots are appropriate.

Commented [MB20]: Comment [P48]: These are standards for culs-de-sac, not a definition. This would be reiterative of the actual regulations.

Commented [MB21]: Needs hyphens to match definition

Commented [MB22]: Ditto above. What is the reasoning to limit cul-de-sac to private roads or shared driveway; in essence excluding all cul-de-sac roads in proposed subdivisions from becoming a town road?

T. Penn: the reason to limit culs des sacs to private ways is the relatively high cost for maintenance vs the overall benefit to the town. This is an ongoing discussion that needs to be resolved one way or another prior to adoption.

Commented [MB23]: Comment [P49]: The PZC has yet to come to a clear consensus on the cul de sac issue, but this remains my recommendation.

Commented [MB24]: Need to check the statute for the correct language.

Commented [MB25]: Cul-de-sac needs hyphens to match definition

Commented [MB26]: Comment [P50]: This statement stays or goes depending on the decision re: culs-des-sacs.

Any construction or grading activities to improved or unimproved real estate. Development includes but is not limited to the installation of required improvements and the disturbance of land related to the construction of a structure, installation of appurtenant utilities, and access from the existing or proposed public right of way.

Disturbed Area

An area where the ground cover is destroyed or removed, and therefore subject to accelerated erosion.

Suggestion to leave this definition as is.

Commented [MB27]: Keep the original language – it is that given in C.G.S. section 22a-327, Soil Erosion and Sediment Control Act as well as the model municipal regulations found in the 2002 CT Guidelines for Soil Erosion & Sediment Control, Appendix A

T. Penn: this is matched to the zoning regulations

Driveway

An access onto or an egress from an approved Town street. *Commission concurs using Tyra's definition for driveway.*

Commented [MB28]: Why an approved Town street- what about driveways on private roads? How is driveway used through out the regs- does this definition meet the intended usage?

T. Penn: see my comment on this item, below.

Dwelling

A building or part of a building which contains living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more individual residents.

Commented [MB29]: **Comment [P51]:** *This needs work. Suggestion: a private access-way connecting one or more buildings to a traveled right-of-way, public or private.*

Easement

A right, established in deed or other legal means, of one party to use a designated portion of the second party's land for a specific and limited purpose.

Eastern Connecticut Conservation District (ECCD)

Formerly the Windham County Soil and Water Conservation District established under Chapter 446h of section (a) of section 22a-315 of the General Statutes.

Commented [MB30]: A better way to phrase this would be "...established pursuant to section 22a-315(a) of the Connecticut General Statutes.

T. Penn: concur & will change

Erosion

The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, or gravity.

Commented [MB31]: Keep the original language – it is that given in C.G.S. section 22a-327, Soil Erosion and Sediment Control Act

T. Penn: the original language is grammatically incorrect.

Excavation

Shall mean the severance from the earth's surface or removal from the ground of soil, loam, sand, gravel, clay, rock, topsoil, or any other earth material.

Final Subdivision Plan

The final subdivision layout, plans, and all required supporting data that is presented to the Commission for approval of a subdivision..

Flood Plain

The relatively flat area adjoining rivers and other large bodies of water, not normally covered by water. During peak flow, a water course overflowing its normal banks will temporarily spread through this area. The following related terms are used in these Regulations:

-Base Flood (100 Year Flood): A flood having a one percent chance of being equaled or exceeded in any given year.

-Base Flood Elevation: The particular elevation of the base flood as specified on the Flood Insurance Rate Map of the Town of Thompson.

-Floodway: The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot anywhere in Thompson; the regulated floodway is delineated on the Flood Boundary and Flood Insurance Rate map of the Town of Thompson.

-Special Flood Hazard Areas: Zones delineated on the map entitled "FIRM: Flood

Insurance Rate Map, Town of Thompson, Connecticut, Windham County" prepared by the Federal Emergency Management Agency." *Tyra will confirm the highlighted definitions occur in the regulations.*

Frontage

The boundary of a lot abutting a public street or other approved right-of-way.

Grading

Any excavating, grubbing, filling (including hydraulic fill), or stockpiling of earth materials or any combination thereof, including land in its excavated or filled condition.

Impervious Surface

An area of a lot that has been altered in such a way as to be impenetrable by surface water. Such surfaces include, but are not limited to, roofs, paved areas (e.g. roads, driveways, parking lots, sidewalks), patios and swimming pools. *Tyra will change Impervious Surface to Impervious Cover.*

Commissioners concur to add "any surface area that is impenetrable to surface water. Tyra will align this change with the Zoning Regulations.

Improvement

Any change to the existing conditions of the subdivision site for the purpose of complying with these regulations or rendering the site more suitable for development and/or habitation. As used in these regulations, improvements, include, but are not limited to: construction and installation of roadways, paved streets, curbs, gutters, sidewalks, utilities, street signs, monuments, shade trees, drainage facilities, erosion and sedimentation control measures, fire ponds, sewer and water systems, buildings, earth filling or removal, seeding, and grading.

Commented [MB32]: What about impervious surfaces caused by exposed bedrock that have not otherwise been altered by man? Perhaps it would be better to say "Any surface area that is impenetrable to surface water, including but limited to exposed bedrock, pavement, concrete, roofs, patios, and swimming pools" For the purposes of these regs is standing water considered to be an impervious surface?

T. Penn: this definition is the same as the zoning regulations, but differs from the original sub regs language. If it is changed to the suggested text above, it should also be changed in the zoning regs.

Inspection

The periodic review of the construction of a subdivision.

Landscaping

A component of a subdivision or re-subdivision plan on which is shown: proposed woody and/or herbaceous species (such as number, spacing, size at the time of planting, and planting details); proposals for the protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the Commission.

Local Street

A street or road used primarily for access to abutting property. ***Does not occur in subdivision regulations.***

Lot

One or more contiguous parcels of land under unified ownership and separately described in a Deed of Record, that is occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are

required by these regulations and which, in addition, meet the minimum area, width and other applicable requirements of these regulations for the district in which such parcel is located or which is a legal nonconforming parcel, as defined in these regulations. In the case of multi- or two-family dwellings, a group of buildings under the same ownership shall be considered as occupying the same lot. The term "Lot" includes the terms "Plot" and "Parcel," but those terms do not include the term "Lot."

Lot Frontage (also Lot Frontage Line) ***Out of order.***

The length measured between side lot lines, located entirely within the lot and passing through any point(s) of the front lot line. Such frontage may be non-continuous, i.e., it is not required to be a straight line between points but may be irregular.

Lot, Interior

A land parcel that lies at the end of a long driveway, not containing the minimum road frontage generally required by these regulations but otherwise conforming to all specific area and dimensional requirements for the district in which it is located. An interior lot may lie behind residences, buildings or open land. An interior lot may share a driveway with the lot behind which it is located, or it may have a separate driveway.

Low Impact Development (LID)

An approach to environmentally friendly land use planning. LID practices are designed to mimic pre-development site hydrology by identifying opportunities to soak rain water into the ground onsite, rather

than directing it offsite, often into storm drain systems. By capturing and retaining stormwater onsite, any pollutants contained in the stormwater runoff are prevented from being transported into nearby waterbodies.

Maintenance Bond

A deposit in a specified amount as determined by the Commission, for the purpose of guaranteeing the adequate performance of completed improvements.

NDDH

Northeast District Department of Health. *Consent should go to the entire Commission before final decision.*

Open Space

Land set aside for parks, playgrounds, active or passive recreation, or conservation purposes, on any subdivision plan and not including unbuilt land on any single lot. *Open Space shall be dedicated in a location approved by the Planning & Zoning Commission and regulated in accordance with applicable provisions of these regulations. The designation and purpose of the open space shall be noted on the subdivision mylars. Tyra suggested removing the last two sentences and Commission concurred. Change unbuilt land to undeveloped land.*

Owner

A person, or persons, having title to a parcel of real property.

Passive Solar

A technique whereby a dwelling or structure is designed to use natural and architectural components for the collection and storage of solar energy without the use of external mechanical action. Passive solar in the creation or supplement of hot water may use a mechanical means to facilitate the movement of water to and from solar panels.

Performance Bond

A deposit in a specified amount, as determined by the Commission, amounting to the estimated cost to complete the public improvements required for an approved subdivision.

Pervious Surface

An area which permits the direct infiltration of at least thirty (30%) percent of all stormwater into the ground and does not create a point source of runoff greater than seventy (70%) percent. *This term does not occur in the subdivision regulations. Commission concurred to strike.*

Plan of Conservation and Development (PoCD)

The Plan of Conservation and Development is a guidance document for the most desirable use of land for residential, recreational, commercial, industrial, and other purposes. The PoCD contains the Commission’s recommendations for density, streets and other public ways, municipal development, public utilities,

Commented [MB33]: Recommend this definition not be deleted.

T. Penn: I assume you mean that Net Buildable Area, which previously occupied this space, should not be deleted. It was done because the concept was removed from the zoning regs. The PZC should discuss the concept again, preferably directly with Marla, for better context.

Commented [MB34]: Need period at end of sentence.

Commented [MB35]: **Comment [P52]:** *This language is not defining, it is regulatory. Move from here, to be included in the section on Open Space*

Commented [MB36]: Consider keeping this as person is used throughout without further qualification and needs to reflect that a person is not just an individual. Suggest using the language found in CGS section 8-25(a) or better yet use the definition found in CGS 1-1(k) as the subdivision statutes do not contain a definition for “person”.

T. Penn: the definition of “person” was struck from both zoning & sub regs because it was so broad as to be nearly meaningless. PZC may discuss if they would like to add it back in.

public housing and redevelopment; pursuant to Chapter 126 of the General Statutes of Connecticut, as amended.

Private Road (also Private Street, Private way)

An access-way to one or more privately owned properties, that has not formally been dedicated and accepted by the Town. Such access- ways are not maintained by the Town. The Town shall have right-of-way. ***Private Street does not occur in the regulations, therefore delete. Commission concur to define private road and private way separately.***

Public Improvements

Any improvement, facility, or service proposed by the applicant for conveyance to and acceptance by the Town, together with its associated site or right of way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.

Recordable

A plan or other document of such form, material and size as to be suitable for filing or recording in the office of the Town Clerk in compliance with Connecticut General Statutes, as amended and any regulations adopted pursuant thereto. ***Strike, term does not occur in the subdivision regulations.***

Residential Access Street

Any street or highway that provides frontage for access to lots, and carries traffic having destination or origin on the street itself, and designed to carry the least amount of traffic at the lowest speed. Residential access streets shall be designed to convey an ADT between 100 and 250. Each half of a loop street may be classified as a single residential access street, but the total traffic volume generated on the loop street should not exceed 500 ADT, nor should it exceed 250 ADT at any point of traffic concentration. A residential access street shall conform to the design criteria and cross section of these regulations. ***Delete sentences 3 and 4.***

Residential Lane

Any street or highway that provides frontage for access to lots and carries traffic having destination or origin on this street itself, and designed to carry no more than 100 vehicles per day. A residential lane street shall conform to design criteria and cross section for a ***"Sentence 2 and onward occurs in the appendix and are regulatory. Strike from definitions. residential access street"*** of these regulations.

Residential Collector Street

A street designed primarily to carry vehicular traffic, having origin or destination within the immediate neighborhood, but not intended to interconnect adjoining neighborhoods or subdivisions or to carry regional through traffic. A residential collector street has an ADT of 500+ vehicles per day.

Residential Sub-collector Street

Commented [MB37]: Recommend using only 1 term to mean the same thing. Delete reference "private street" as it is not used anywhere in the proposed regs. There is a distinction between the terms usage. A private road is a type of private way, but a private way is not necessarily a private road. I will provide greater detail in the near future.

T. Penn: I'll take a closer look at this.

Commented [MB38]: **Comment [P53]:** Regulatory, not definitive. This should be in the appendices

Commented [MB39]: **Comment [P54]:** As above

Commented [MB40]: **Comment [P55]:** J. Blanchette - There may be an industrial park or commercial subdivision so perhaps the term residential shouldn't be before all street types.

A street or highway that provides frontage for access to lots, and carries traffic of adjoining residential access streets. A residential sub-collector street has an ADT between 250 and 500 vehicles per day. **Remove residential. From term.**

Re-subdivision

The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded by law. Re-subdivision is further defined in Section 8-18 of the Connecticut General Statutes and in these Regulations and shall conform to the requirements of Sections 8-25 & 8-26 of the Connecticut General Statutes. **Go by State Statute**

Right of Way

Any of the following:

- a) That portion of land which is made available for the construction of roadway, ditches, drainage structures, and utility lines, and is to be conveyed to the Town in the case of a proposed Town road or conveyed to an Association charged with maintenance of such right of way in the case of a private road. The form and content of the instrument of conveyance shall be subject to the approval of the Town Attorney at the option of the Commission.
- b) The parcel of land between street property lines, which are defined as the limits of land dedicated, secured, or reserved for public transportation uses.
- c) A narrow strip of land used to gain access to a parcel of land that does not otherwise have access to a street right of way. Right of way is owned in fee by the party having the right to use it.
- d) A legally cognizable right belonging to a party to pass and repass on and over land of another for ingress and egress. Such right can arise by easement of deed, by judicial interpretation, or by common law or statute.

Sediment

Solid material, either mineral or organic, that is in suspension, is transported or had been moved from its site of origin by erosion.

Single Family Dwelling

A building which is occupied by a single residential unit in which the habitable area shall be physically interconnected; and that is serviced by a single set of utilities e.g. electricity, water and sewer, private well and septic, etc. **Consensus to strike this definition.**

Slope

The deviation of a surface from the horizontal, usually expressed in percent or degrees.

Soil

The naturally occurring body of porous mineral and organic materials on the land surface composed of unconsolidated materials, including sand-sized, silt-sized and clay- sized particles mixed with varying

Commented [MB41]: Comment [P56]: This is the exact definition from CGS 8-18: "resubdivision" means a change in a map of an approved or recorded subdivision or resubdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map

Commented [MB42]: Note a search of the current & proposed regs shows no usage of the term "secondary use" and therefore is appropriate to delete

amounts of larger fragments and organic material. The various combinations of particles differentiate specific soil textures identified in the soil textural triangle developed by the United States Department of Agriculture (USDA) as found in Soil Survey Staff, USDA; Soil Survey Manual, Handbook 18, U.S. Government Printing Office, Washington, DC, 1993, p. 138. **Leave this definition in.**

Soil Erosion and Sediment Control Plan

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a written narrative. **Add Marla Butts suggestion.**

Soil Types

The classification of soils in a development as defined and explained in the Soil Survey of Windham County, Connecticut, Soil Conservation Service, as amended.

Soils Map

A map indicating the names and spatial distribution of soil types on a site including information relating to soil characteristics, such as slope, depth to seasonal high water, depth to bedrock, permeability, natural drainage class, stoniness, and stream and overflow hazard consistent with data prepared by the United States Department of Agriculture – “Soil Survey of Windham County, Connecticut.” **This definition does not occur in the subdivision regulations, therefore strike. Commission in agreement.**

Solar Orientation

The south wall of a structure being shade free 75% of the time from 9:00 AM to 3:00 PM on the winter solstice of each year. **Strike, does not appear in the subdivision regulations.**

Stabilization

Structural or vegetative treatment applied to an area in order to prevent soil erosion.

Stormwater Detention

A provision for storage of stormwater runoff and the controlled release of such runoff during and after a storm or flood.

Street

An avenue, boulevard, road, lane, highway, or any other thoroughfare between taking lines or right of way lines which provides a principal means of access to property, which is improved to allow the safe movement of traffic, and which will handle storm water drainage adequately. New streets must conform with the specifications set forth in the Town of Thompson Road Ordinance.

Street Hierarchy

Commented [MB43]: Keep the original language – it is that given in C.G.S. section 22a-327, Soil Erosion and Sediment Control Act as well as the model municipal regulations found in the 2002 CT Guidelines for Soil Erosion & Sediment Control, Appendix A

Note: soil does not have to be “naturally occurring” – it can be a manufactured product.

T. Penn: the original language is only “any unconsolidated mineral or organic material of any origin,” which is not very precise. This definition is matched to the zoning regulations

Commented [MB44]: Recommend after the word “narrative” add “as described in section 22a-327 of the Connecticut General Statutes” or use the entire language found in C.G.S. section 22a-327 definition “soil erosion and sediment control plan”

T. Penn: concur

Commented [MB45]: Needs research - may want to reference the updated data on the USDA website rather than the written publication. Some soil names may have changed since the original soil survey was published in hard copy.

T. Penn: I will look into this further

A system of classifying streets in order to determine widths, traffic control devices, building setback lines, and other factors. There are four accepted categories of roads within the Town of Thompson, as defined and described in Appendix A – Road Design and Construction. ***Strike, not in body of regulations.***

Street Plans

Plan(s) of new and/or existing streets, showing existing grades and proposed street profiles, cross- sections, center line data, horizontal and vertical curves, and drainage and utilities data, coordinated by stations, together with such additional information as may be required by the Commission. ***Tyra will double check to see if it appears in the regulations.***

Structure

Anything that is constructed or erected and the use of which requires a permanent attachment to ground or water areas, or attachment to something having permanent location on ground or water areas. An edifice of a building of any kind or any production or piece of work artificially built up or composed of parts and joined together in some definite manner. Signs, vending machines, fences or walls, a wharf or dock, an above-ground tank or a detached solar panel or satellite dish would be defined as structures. A structure shall not include a flagpole or an ornamental well.

Subdivider

An applicant for approval of a subdivision or re-subdivision plan, who shall be the owner of record of the premises to be subdivided or re-subdivided, or who shall have a legal or equitable interest therein, at the time of the Application for approval of such plan.

Subdivision

The division of a lot, tract or parcel of land into three (3) or more lots, tracts or parcels or other divisions of land for sale, building development or lease. Subdivision is further defined in Section 8-18 of the Connecticut General Statutes and in these Regulations, and shall conform to the requirements of Sections 8-25 & 8-26 of the Connecticut General Statutes. ***Tyra will follow up with J & D Engineering. She will copy and paste from the statute.***

Subdivision, Conventional

A subdivision design that is consistent with the provisions of the Thompson Zoning and Subdivision Regulations not withstanding Article IV, Section 7. ***Strike***

Subdivision, Conservation

A cluster development, as defined by Section 8-25 and 8-26 of the Connecticut General Statutes and found in Article IV, Section 7 of these Regulations, in which the required dimensions under the Zoning Regulations and these Regulations may be reduced for the purposes of encouraging the preservation of additional open space.

Topsoil

Commented [MB46]: Comment [P57]: J. Blanchette - I will ask Dennis to review the definitions of subdivision and resubdivision for compliance with state statutes and to forward you comments. These could be the two most important definitions in the book and often Towns' definitions do not conform with state statutes which make lawyers a lot of money

Commented [MB47]: Comment [P58]: This is the exact language from CGS 8-18: the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by the commission, for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision.

Commented [MB48]: If citation is correct should read "defined by sections 8-25 and 8-26 of the ..." or "defined by section 8-25 and section 8-26 of the ..."

T. Penn: easy edit.

Commented [MB49]: Check cited reference - If definitions are to be moved to Article IV then the proper citation would likely be Article III, Section 7.

T. Penn: will double-check in the final formatted draft for accuracy

The surface layer of a soil profile (known as a horizon of a soil), generally characterized as being darker than the subsoil due to the presence of organic matter, containing most of the nutrients available to plants, and supplying a large amount of the water used by plants and the zone where the respiration of plant roots occurs.

Trip

A single or one-way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time. **Strike, does not occur in regulations.**

Town

The municipal corporation having its territorial limits within the Town of Thompson, County of Windham and State of Connecticut.

Town Road

A public right-of-way meeting any of the following criteria:

Any road listed on the map entitled "Town Roads, Town of Thompson, Connecticut" prepared by the Connecticut Department of Transportation, as may be amended from time to time.

Any historic road which the Board of Selectmen determine is a Town Road according to the provisions of Ordinance No.10-041.

A road accepted as a Town Road by Town Meeting action.

Use

Means any purpose for which a building, structure or premises may be designed, arranged, intended, maintained or occupied or any activity, occupation, business or operation carried on in a building or structure or on a lot or parcel. **Strike does not appear in regulations.**

Yard, Front

The area between the primary structure and the front lot line. **Strike**

Yard, Rear

The area between the primary structure and the rear lot line. **Strike**

Yard, Side, Minimum

The area between the side lines of a lot and the primary structure. **Strike**

Water Courses

The term "watercourses" shall have the meaning set forth in the Inland Wetland and Watercourses Regulations of the Town of Thompson, Connecticut.

Commented [MB50]: Given the town is planning to have its ordinances renumbered in the near future might it be better to reference the ordinance by its title and adoption date?

T. Penn: good point. I will ask the contractor for her help with the correct new citation

Commented [MB51]: What does "primary structure" mean? Shouldn't be defined?

T. Penn: good point. In the zoning regulations, the reference is actually to the "principal building," therefore it would be most logical to add that definition and amend this one. HOWEVER, I am not sure that we even need to include that in the subdivision regs at all, or any of the definitions of "yard." Need to double-check whether these terms are even used in the body of the regs.

Commented [MB52]: Use statute citation in IWWA for this definition

T. Penn: concur

Wetland

The term “wetlands” shall be defined in the Inland Wetland and Watercourses Regulations of the Town of Thompson, Connecticut.

Commented [MB53]: Ditto above

T. Penn: concur

Zoning Enforcement Officer (ZEO)

The individual who is appointed by a majority vote of the Commission to carry out the functions and purposes identified in these regulations until such time as the appointment is revoked by the majority vote of the Commission.

3. Proposed meeting schedule for Subcommittee

Planning & Zoning Commission
Subcommittee for Subdivision Regulations Review
Proposed Meeting Schedule Feb-Apr 2022
All meetings to be held via Zoom 7-9p.m.
Thursday 3 February
Thursday 10 February
Thursday 17 February
Wednesday 23 February
Thursday 3 March
Monday 7 March
Thursday 17 March
Thursday 24 March
Thursday 31 March
Thursday 7 April

Tyra Will send out another poll to see if other dates work for the Commission.

4. Adjournment

John Lenky moved and Alvan Hill seconded the motion to adjourn. Hearing no objection, the vote was unanimous and the meeting adjourned at 8:40 pm.

Respectfully Submitted,
Gloria Harvey,
Recording Secretary