



TOWN OF THOMPSON

Planning & Zoning Commission

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Minutes – PZC Subcommittee Meeting-Subdivision Regulations
Thursday, February 17, 2022, 7:00 PM
ZOOM Meeting

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Tyra Penn-Gesek is inviting you to a scheduled Zoom meeting.
Topic: PZC Subdivision Regs Subcommittee
Time: Feb 17, 2022, 07:00 PM Eastern Time (US and Canada)
Join Zoom Meeting

<https://us02web.zoom.us/j/84557860849?pwd=U3JTMUxXSXVWQcEdXc3BU1yT2ZGQT09>

Meeting ID: 845 5786 0849
Passcode: 638111
One tap mobile
+19292056099,,84557860849#,,,,*638111# US (New York)
+13017158592,,84557860849#,,,,*638111# US (Washington DC)

Here is your zoom link:

https://us02web.zoom.us/rec/share/IXL_ksYyLbGEKbTi2oQIn-HE6ajJhNkFRhS1LBgCXQlr7CgZYcUl1g1neCkNYck.3yF2G3pafInfpD7-?startTime=1645142408000

(Passcode: Mq9@+gwT)

and the YouTube link:

https://www.youtube.com/watch?v=4_I3A6GFOCk

1. Call to Order, Roll Call
Vice Chairman Randy Becker called the meeting to order at 7:00 PM.
Jane Salce John Lenky Alvan Hill
Randy Blackmer Ray Williams Brian Santos
Seating: None
Absent: Charlene Langlois, Michael Krogul, Dave Poplawski, Joseph Parodi-Brown, Kies Orr, Robert Werge Sr. John Rice
Staff Present: Tyra Penn-Gesek, Planner, Gloria Harvey, Recording Secretary
2. Discussion of Proposed Revisions to Subdivision Regulations

ARTICLE IV – Requirements for the Subdivision of Land

SECTION 1 – Basic Requirements

- A. Each lot in a subdivision shall conform to the dimensional requirements for the district in which it is located, as defined in the Thompson Zoning Regulations. The Commission may waive this requirement for a proposed Conservation Subdivision, as described in Article III Section 7 of these Regulations.
- B. Boundaries of inland wetlands and watercourses shall be determined in the field by a certified soil scientist and approved by the Inland Wetlands Agent.
- C. Maintenance of views, historic buildings, monuments and significant landscaping elements shall be encouraged.
- D. A narrative may be required by the Commission for all subdivisions of three or more lots describing the following items in detail: General Description, Vehicular and Pedestrian Circulation, Utilities and Storm Water Drainage, Natural Conditions, Design Factors, Impacts and Phasing.
- E. The Commission may require the applicant to prepare an Impact Statement evaluating the effect on the environment and estimated traffic on the site, waste disposal, surface drainage, water supply, and other issues if the Commission feels the community has a significant interest. The Commission may request a report from the State Environmental Review Team (ERT).
- F. Any subdivision or re-subdivision plan shall conform to the requirements of the Town of Thompson Area Regulations.
- G. No plan for a subdivision with lots having the required frontage on an impassable or unimproved Town Road shall be approved unless the applicant agrees to improve such Town Road at all points along the road which provide the required frontage to lots in the subdivision, in accordance with Article III, Section 1 H-K of these regulations, as amended, or provide reasonable bonding as determined by the Commission.
- H. Each subdivision plan shall provide for stormwater drainage, surface water drainage, sanitary sewage disposal, fire hydrants, fire ponds, and dry hydrants, underground utilities, curbs, walkways, and any other improvements, in amounts and locations considered necessary by the Commission to protect health, safety and general welfare.
- I. New subdivision streets shall have underground utilities
- J. In order to provide safe and structurally adequate access onto streets, all driveways shall conform with the specifications set forth in the Town of Thompson Driveway Ordinance.
- K. Streets shown on a Record Subdivision Map, approved by the Commission, and fully recorded may not deviate in any line or grade unless the applicant has submitted and been approved for a revised plan following the procedures for a new subdivision. Such new subdivision plan shall contain a clear and distinct reference to the former subdivision plan and to the book and page on which it is recorded in the Town Clerk's Office and shall clearly show revisions or departures from the original plan.

SECTION 2 – Design & Construction Standards

A. Design

Subdivisions shall be designed with consideration of the guidance of the current Plan of Conservation and Development adopted by the Commission for the Town, particularly in regard to streets, drainage, and reservation of land for open space. Proposed subdivisions and all street, drainage, and other improvements required by these Regulations shall also be designed and constructed in accordance with the Town of

Commented [MB1]: Is there an application form provided by the PZC that is required to be submitted as a basic requirement? If yes then that needs to be added as a Basic Requirement. That application form should contain or be accompanied by a statement by the property owner that grants the PZC, its agent(s) and when improvements are to be made to the property that are subject to future ownership and/or maintenance by the Town, the Public Works Director, the right to enter onto the property as reasonable times for the purpose of inspection and/or the taking of samples as may be required by these Regulations. (see my comment for proposed Section 2, sub-section B below) The only place where a "right of entry" is referenced is in proposed Article II, Section 8, Bonding for Improvements, sub-section G Release of Surety, paragraph f. See my comment for proposed Article II, Section 2 Design & Construction Standards, sub-section B Supervision and Inspection.

T. Penn: concur with adding the application form as a basic requirement. The original section 1 was deleted as redundant to the text in the prior article; but we should still refer to the need for the application.

The requirement for a statement of right of entry is a good one, but more properly belongs under the list for application requirements (Article II, Section 2 – B)

Commented [MB2]: IMPORTANT: Recommend these subsections be maintained and moved to proposed Article I, Section 2, as they are required to establish the basis for an enforcement action and/or subsequent litigation and these prohibitions do not appear to be stated elsewhere in these Regulation.

Commented [MB3]: Covered by new Article III, Section 2 Design & Construction Standards, sub-section J Street Design and Construction, paragraph 3 Existing Street, sub-paragraph c. See my comment for that section.

Commented [MB4]: Replace "certified" with "qualified"

Commented [MB5]: Recommend replacing the proposed language "approved by the Inland Wetlands Agent" with "on any plan showing wetlands boundaries said plan shall be accompanied by a signed statement by said soil scientist that said plan accurately depicts his/her wetlands flagging and delineation."

Note the Inland Wetlands and Watercourses Act does have ...

Commented [MB6]: I have repeatedly asked the Planner to ensure that the language for net buildable area be maintained in the subdivision regulations as was previously provided in the Zoning Regulations amended to 9/24/2012. Net buildable area was removed in the most recent amendments to the Zoning Regs. I missed this significant change due to the ...

Commented [MB7]: Comment [p19]: You may wish to review some of this with legal counsel. I think it goes beyond the statutory authority of a PZC in evaluating a subdivision application. (D. Held)

Commented [MB8]: Comment [P10]: Note: I believe this provision renders Section 13, F redundant, so that section is deleted in this draft.

Obviously refers to zoning regs

Commented [MB9]: Comment [P11]: Check this citation.

Commented [MB10]: capitalize regulations

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Thompson Road Ordinance and all other applicable ordinances and regulations of the Town of Thompson.

B. Supervision and Inspection

Construction of all improvements shall be carried out to the specifications and under the supervision of the Director of Public Works for the Town of Thompson who shall be authorized to take materials, samples, cores, and tests as deemed necessary to determine compliance with these Regulations. The Commission may require the applicant, at the applicant's sole expense, to have such tests performed and certified by a professional engineer licensed to practice in the State of Connecticut. In addition, the Commission or its appointed representative shall have free access to the construction work at all times.

C. Building Lots

Proposed building lots shall be of such shape, size, location and topography that the buildings can be constructed reasonably and so they can be occupied and used for building purposes without danger to the health and safety of the occupants and the public. Any lot which is found to be unsuitable for occupancy and building by reason of water or flooding conditions, unsuitable soil, topography, ledge rock, shallow depth to bedrock, or other conditions shall be combined with another lot or lots that are suitable, which may result in a reduction of the total number of lots; ; or shall be designated an unbuildable lot. No lot so designated as unbuildable by the Commission shall be considered for approval until a grading plan meeting the requirements of Article IV, Section 4.E. has been submitted. Proposed building lots shall be designed and arranged to make best use of the natural terrain, avoiding unnecessary re-grading, and to preserve substantial trees, woods, and inland wetlands.

D. Lot Size

Any lot proposed within a subdivision shall meet the requirements of the Zoning Regulations for the minimum size for the district in which it is located, except as the Commission may:

1. Require larger lots to provide adequate separation between and among the well, septic system components and foundation , as required by the NDDH;or
2. Permit smaller lots for an approved Conservation Subdivision.

E. Frontage

Each lot shall have frontage on a public road or private way, except as otherwise allowed by these Regulations for shared driveways or interior lots.

F. Lot Numbers

When feasible, lots intended for separate ownership shall be numbered beginning with the number "1" and shall continue consecutively throughout the entire subdivision. Re-subdivisions having the same title shall not duplicate lot numbers.

G. Lot Lines

The Commission may refuse to permit Town boundary lines to cross any lot. In the event of such refusal, such Town boundary line shall be made to constitute one of the lot boundary lines.

H. Lot Grading

Lots shall be graded to prevent ponding of water on the lot after construction of streets, drainage and buildings are completed. Where filling of lots for final grading is required, compactable fill, and topsoil suitable for lawn or plant growth, shall be used. Tree stumps, logs or other decomposable material, or building debris shall not be used as fill material. When rocks or boulders are used for fill, they shall be

Commented [MB11]: What does "required improvements" mean? If they are for streets, drainage systems, land or other changes whose maintenance and/or ownership are to be transferred to the Town, then say that. If it more than that then specify what other construction activities are within the supervision of the DPW Director.

T. Penn: I'll look at this to see if the language can be improved. Add reference to building inspector.

Commented [MB12]: Recommend deleting the relocated sentence. Check with legal counsel – right of access to private property is not granted by the statute and is not likely capable of being provided by regulation without a violation of civil rights. – If needed it should be granted by the applicant during the application process as a requirement of the application and such a requirement should be added to **Section A Basic Requirements**. Unless this is granted by the applicant there could be a violation of civil rights.

T. Penn: This logic seems compelling. Will add as a requirement with the application. Also recommend adding as one of the sample required forms.

Commented [MB13]: What was the reason for promoting the existing paragraphs 1 through 6 (which all related to building lots) to individual sub-sections?

Commented [P14]:

Commented [MB15]: citation is incorrect – proposed Article IV is Definitions.

Commented [MB16]: Comment [P12]: If the lots must be combined or designated as open space, this statement becomes moot. Designated open space exists in perpetuity. Recommend striking this sentence.

Commented [MB17]: Wording is awkward. Is Design & Construction Standards for proposed subdivisions or approved subdivisions?

Commented [MB18]: Comment [P13]: J. Blanchette – suggest removing the first statement. It is contrary to LID where house owners should be encouraged to build rain gardens and developers should be encouraged to infiltrate runoff.

"lots shall be graded to divert water from planned structures, and to prevent runoff of water into neighboring properties or onto streets. The inclusion of rain gardens for the infiltration of runoff is encouraged in the development of the plan."

A.Santos also drafted an alternative to this first sentence. Will combine the two for the best clarity.

Commented [MB19]: Recommend keeping original language if the 2002 E&S Guidelines are to be complied with. Those Guidelines contain specifications for topsoil and when associated with the establish of vegetative cover contain specifications for the depth of topsoil needed. Simply stating "suitable" is not adequate to meet the Guideline standards.

Commented [P20]: These are split opinions as to whether stumps, etc, should be allowed as fill. Needs further discussion by PZC. Building materials may never be used as fill.

Per Alvan: the state allows up to 3 cu yd of buried stumps.

J. Salce recommends referring to this state limit in this

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located only in areas of the lot where they shall not adversely affect foundations, septic systems, drainage facilities or underground utility vaults or conduits. Any such areas shall be noted on the plan as an unbuildable area and they shall be so deposited that, in the opinion of the Commission or its authorized representative, voids likely to cause undue declivity will not be created.

I. Interior Lots

1. Interior lots (also known as flag lots) shall have the same minimum lot size required in the underlying district and shall meet the all other requirements of paragraphs above. The access right-of-way shall not be included in the calculation of the lot size for an interior lot. For the purposes of these regulations, five lots or fewer arranged along a shared driveway shall not be considered interior lots.

2. Interior lots shall:

- a. Only be used for single-family dwellings and accessory buildings and uses permitted in a residential zone
- b. The maximum number of interior lots shall not exceed one-third (1/3) of the total number of lots in any subdivision
- c. The lot line or lines nearest to the street to which the lot has access and most nearly parallel thereto shall be considered the street line for the purpose of establishing a building line

No interior lot shall be to the rear of another interior lot.

3. Adjournment

Randy Blackmer ruled the meeting adjourned and Alvan Hill second the motion. Hearing no objections, the meeting adjourned at 9:03 pm.

Respectfully Submitted,
Gloria Harvey,
Recording Secretary

Commented [P21]: This is the wrong term. Looking to avoid sinkholes, really. What's the better way to phrase?

Commented [MB22]: Prior Posting Comment by Planner states "It was agreed that more research would be done to confirm whether this is an acceptable solution. RECOMMEND looking at the requirements for Interior Lots using the Knapik proposal as a hypothetical. Possible solution for the problem of uncontrolled development along shared drives: limit the number of lots that may share a drive. Killingly's regs limit shared drives to 5 lots."

A. Santos has concerns about the potential for crowding along shared drives.

Need to create some sample diagrams with shared drive configurations to illustrate potential pros and cons.

Commented [MB23]: Comment [P14]: As observed in the first discussion: this assumes that all subdivisions are residential, but that is not always the case. Also, uses allowed in a given district are presumed to be compatible, therefore what is the compelling interest in creating this limitation? Possible solution: Only "zoning permit – simple" uses are permitted on interior lots in residential subdivisions. No such limitations apply to proposed commercial or mixed-use subdivisions

Commented [MB24]: Comment [P15]: Needs more discussion by PZC. What is the result that this provision is looking to avoid?