



TOWN OF THOMPSON

Planning & Zoning Commission

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Minutes – PZC Special Meeting – Annual Update Review
Thursday, September 8, 2022, 7:00 PM
ZOOM Meeting

Topic: PZC Special Meeting - Annual Update Review
Time: September 8, 2022 7:00 PM Eastern Time (US and Canada)
Join Zoom Meeting
<https://us02web.zoom.us/j/88091505963?pwd=bExtMmNZWEtWSWI2Y3RtYzg4dnp6UT09>
Meeting ID: 880 9150 5963
Passcode: 633749
Find your local number: <https://us02web.zoom.us/u/kci5g6i2ll>

Zoom:
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Passcode: z1Xd1hN#

YouTube:
<https://www.youtube.com/watch?v=Lt3Pesp4b8k>

1. Call to Order, Roll Call-7:00 PM

<i>Jane Salce-Remote</i>	<i>Ray Williams-Remote</i>	<i>Brian Santos-Remote</i>
<i>Joseph Parodi-Brown-Remote</i>	<i>Randy Blackmer-Remote</i>	<i>Alvan Hill-Remote</i>
<i>John Lenky-Remote</i>	<i>Michael Krogul-Remote</i>	

Charlene Langlois-Remote Joined meeting at 7:24
Seating: Brian Santos seated for John Rice
Absent: Robert Werge Sr., John Rice, Dave Poplawski, Kies Orr
Staff Present: Tyra Penn-Gesek, Planner, Cindy Dunne ZEO; Gloria Harvey, Recording Secretary

Jane Salce commented she objects that Citizens Comments not on agenda.

2. Discussion and Possible Action on Annual Update of Zoning Regulations

Proposed Amendments – 2022 Zoning Regulations Update – Revised 16 Aug 2022

Article 1, Section 2 Intent

The intent of these regulations is to protect and promote the public health, safety and welfare; to preserve the unique character of the Town of Thompson; to provide for the best use of land in the Town of Thompson; to conserve and stabilize the value of property; to secure safety from fire, flood, environmental damage and other dangers; to prevent the overcrowding of land; to facilitate adequate provisions for transportation, water, sewerage, schools, recreation, and other public requirements; to conserve and protect existing and potential surface water and groundwater drinking supplies and other natural resources; to prevent unnecessary soil erosion and sedimentation; and to provide adequate housing opportunities for all citizens of Thompson in a manner consistent with soil types, terrain, infrastructure, capacity, the rural character of

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the Town and the **current** Town Plan of Conservation and Development. No objection from Commissioners to add the word current.

Article 2, Section 3 Application of Regulations

- A. These regulations are intended to state the uses, or the establishment of uses, of lands and/or buildings and structures that are permitted within the Town. **Uses not stated are not permitted.**

It has been requested that the PZC discuss the reasoning behind this construction, again.

Article 2, Section 9 Amendments

- B. In accordance with the provisions of **C.G.S.** Section 8-3, the following procedures shall be followed for any proposed amendment to the Zoning Regulations or to the zoning district boundaries as identified on the zoning map:
2. Upon receipt of a petition to amend the Zoning Regulations and/or the zoning map, the Commission may refer the materials to Town staff and/or consultants or experts as the Commission deems necessary or appropriate. In accordance with the statutory provisions of **C.G.S.** Section 8-3b. **No objection from Commissioners to add C.G.S.**

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

5.A legally existing non-conforming use may be changed to a legally conforming use, provided an application for a zoning permit, **zoning permit with site plan review by the Commission** or special permit, **as applicable**, has been issued for such a change. Such change of use shall not revert back to a previous non-conforming use. **No objection from Commissioners to adding highlighted language.**

Article 4, Section 3 State or Federally Owned Property

Wherever property owned by either the State of Connecticut or the United States of America is included in one or more zoning districts, it shall be subject to the provisions of these regulations only insofar as permitted by the laws of the State of Connecticut or the United States of America, respectively.

Whenever Federal or State owned property is included in one or more zoning districts, it shall be subject to the provisions of these Regulations only insofar as permitted by the Constitution and laws of the United States of America and of the Constitution and laws of the State of Connecticut. No objection from Commissioners to amend as read.

Article 4, Section 4 General Provisions for All Districts

5. Household Domestic Fowl

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

- A. Setbacks shall be as for an accessory structure to the primary building greater than 200 sq. feet, regardless of the dimensions of any coop or other structure to house the domestic fowl.
- B. No more than 10 domestic fowl of any combination of species or breeds shall be permitted.
- C. Roosters are not permitted in the CRD, DMRD, LD or any section of the TCDD where the minimum lot size is 4,500 sq. ft.

Commented [P1]: B. Santos suggests that language be added similar to the "safety valve" language in each of the tables of uses.

A.Hill suggests adding some context on the difference between "Permissive" & "prohibitive" zoning models when the public document is posted.

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D. — Where the keeping of more than 10 birds is proposed, the applicant shall be subject to the provisions described in Article 4A, Section 4, D, Livestock.

Suggested Replacement as follows:

5. As-of-Right Poultry and Livestock

A. In furtherance of Thompson's commitment as a "Right to Farm" community, the keeping of poultry and livestock for recreation, food and fiber is considered an as-of-right use. Where the keeping of more than the as-of-right number of poultry or livestock is proposed, whether for an agricultural business or for more intensive homestead farming, the applicant shall be subject to the provisions described in Article 4A, Section 4, D, Livestock. For as-of-right levels of poultry and livestock, the following conditions and limitations apply:

B. The maximum as-of-right number of poultry or livestock permitted shall be determined by the actual dimensions of the subject property as follows:

	Less than 10,000 sq ft	10,000 sq ft – 39,999 sq ft	40,000 sq ft – 110,000 sq ft	Greater than 110,000 sq ft
Poultry – Small	12	25	50	150
Poultry – Large	0	0	2	12
Livestock – Honeybees	3 colonies + 2 nucs	5 colonies + 2 nucs	Unlimited	Unlimited
Livestock, Non-Swine – Small	0	3	6	25
Livestock, Non-Swine – Large	0	1	4	10
Livestock, Swine	0	0	0	6

C. The categories of Poultry and Livestock are delineated as follows:

i. **Poultry – Small** are domesticated chickens, ducks, geese, guinea hens, partridges, pheasants, quails and turkeys. This category also includes rabbits, to conform to USDA classifications.

ii. **Poultry – Large** are domesticated emu, ostrich, peacocks and any similarly sized species.

iii. **Livestock – Honeybees** are any of the domesticated subspecies of *Apis mellifera*.

iv. **Livestock, Non-Swine – Small** are domesticated animals, other than those fitting the definition of household pets, with an average mature weight between 30-500 pounds. Examples include but are not limited to: alpacas, goats, ponies, sheep and miniature breeds of livestock otherwise classified as "large."

v. **Livestock, Non-Swine – Large** are domesticated animals with an average mature weight over 500 pounds. Examples include but are not limited to: camels, cows, donkeys, horses, llamas and mules.

vi. **Livestock, Swine** are domesticated animals belonging to the taxonomic family *Suidae*, other than those fitting the definition of household pets.

D. Livestock housed on a property on a temporary basis (less than 60 days) are exempted from as-of-right limitations.

E. Roosters are not permitted on any property which is less than one acre in size.

F. Setbacks for any structures to house the as-of right number of non-swine livestock or poultry shall be as for an accessory structure to the primary building greater than 200 sq. feet, regardless of the dimensions of the structure.

Commented [P2]: This was moved up from letter D in this list, in response to comments by members of the AG Commission, that it was unclear what the distinction was between "homesteaders" and professional farmers. It was generally agreed that this construction is more clear.

Commented [P3]: Still needs more clarity to differentiate between homesteading and more intensive agriculture.

Commented [P4]: This is a new column added, based on the notion that lot sizes in the Lake District are going to be adjusted upward during this revision. The discussion at the AG Commission meeting revolved around a minimum lot size in the LD of 10k sq ft, but 15k sq ft is also on the table, and is Marla's preferred minimum lot size. If the PZC opts for the 15k sq ft minimum in the LD, I will adjust this table accordingly.

Commented [P5]: Add a footnote to clarify the rough equivalencies of these sizes. A. Hill suggests that it be within the table (1 acre =)

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C. Setbacks for any structures to house the as-of-right number of swine shall be not less than 300 feet from any property line. The keeping of swine as-of-right thus is limited to properties of 110,000 sq. ft. in size or greater.

Article 4A Rural Residential Agricultural District (RRAD)

Article 4A, Section 2 Table of Permitted Uses

Use	Structure Type	Zoning Permit, Simple	Permit with Commission Site Plan Review	Special Permit	Prohibited
1. Agriculture (livestock)	Existing	X	X		
	New	X	X		

Additional recommendation for other districts (PZC to discuss): reduce the level of review for existing livestock agriculture to simple zoning permit, while keeping the level of review for new livestock agriculture at site plan review by the Commission. Livestock Agriculture is currently not permitted in either the CRD or the LD, due to the small lot sizes and sensitivity to runoff in the Lake District. Those prohibitions should probably remain in place.

Commented [P6]: Consensus was to amend the level of review as suggested here.

Article 4A, Section 3 General Development Standards

D. Frontage and Setback Requirements:

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

Article 4A, Section 4 Agriculture

C. Agricultural Ancillary Entertainment-Based Activities Businesses or Farm-Based Recreational Activities Businesses

1. All proposed agricultural-ancillary entertainment-based or farm-based recreational activities businesses shall submit a site plan to the Commission for review, as described in Article 3A, Section 4, B.

D. Livestock

- Definitions of livestock shall not include animals kept as household pets, as defined in Article 7 of these Regulations.
- Definitions of livestock shall not include free-roaming wild animals.
- Fertilizer and Manure Management—Livestock owners shall comply with generally accepted agricultural practices through the Right to Farm Law (CGS Chapter 368m, Sections 19a-341 & 341a); prevailing CT Department of Energy and Environmental Protection water pollution control statutes (CGS Chapter 446k, Sections 22a-430); and the State of Connecticut Public Health Codes.

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4. Slaughtering and/or butchering of **livestock is permitted in compliance with the following provisions:**
 - a. Where the **livestock is slaughtered and processed solely for personal consumption, or**
 - b. Where poultry (e.g., chickens, turkeys, ducks, etc.) raised on the property is slaughtered and processed according to the USDA Producer/Grower 1000 Limit Exemption - Poultry Products Inspection Act (PPIA) (21 U.S.C.464(c)(1)(B)), **or**
 - c. **Where the livestock is slaughtered and processed in accordance with the provisions for Custom Slaughter under The Federal Meat Inspection Act (FMIA) (21 U.S.C. 623(a))**

5. Site Plan Review Standards for Livestock Agriculture - Site Suitability and Impact

In order to minimize potential adverse impacts, in addition to the requirements of Article 3A, Section 4 B, the site plan of an application for livestock agriculture shall include the following:

- a. Location of all proposed animal shelters, paddocks, pastures and pens, including fences.
- b. Type of animals to be kept
- c. A narrative describing the total acreage of the site where animals are to be kept, the general nature and scope of the proposed use, and the provisions for storage of feed, grain, hay, animal excrement and any associated wastewaters.
- d. Sites with slopes dominantly greater than 15% shall be avoided or improved utilizing generally accepted agricultural practices to avoid excessive surface water runoff, soil erosion or hazardous conditions for keeping animals.
- e. Animal confinement areas shall not be located directly over land containing an on-site subsurface sewage disposal system.
- f. Proper drainage shall be **provided to divert clean water from animal confinement areas. Such diversion techniques may include collection, diversion, infiltration and/or treatment. Runoff shall not be directed to neighboring properties.**
- g. All livestock shall be kept in such a manner **as to minimize any vermin or insects which may be shown to pose a direct risk to neighboring properties. This will be accomplished through farming best practices as recommended by USDA, CT Dept of Agriculture and/or CT Farm Bureau.**
- h. Livestock shall be suitably and adequately confined or controlled. **Fencing for livestock shall be installed and kept in sufficiently good repair to confine the animals on the owner's property without access to neighboring parcels.**
- i. Requirements of public health codes shall be followed.

Article 4B Common Residential District (CRD)

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

- i. Front and rear setbacks shall be no less than 1/6th of the lot's road frontage along a public way, or 35', whichever is less.

Suggested edit: set a specific number on the front and rear setbacks instead of the fractional guideline.

Roll Call Vote: Keep as is or set a specific number. Vote recorded in Planner's note in margin.

Article 4D Business Development District (BDD)

Article 4D, Section 3 General Development Standards

Commented [P7]: MK – as is

AH – change
JS – as is
RW – as is
JBL – as is
RB – change
BS – as is
JPB – as is

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Use—Public Water/Sewer	Frontage	Front	Side	Rear
Primary Structure	50'	10' 20'	10'	10'

Roll call vote: Keep as is or take other action. Vote recorded in Planner's note in the margin.

Provision will change. Vote is to have different levels-20' or different levels. Vote recorded in Planner's note in the margin.

Article 4C Thompson Common Village District (TCVD)

Article 4C, Section 1 Intent

The purpose of the Thompson Common Village District (TCVD) is to encourage the protection, enhancement and use of buildings and structures having historic and/or aesthetic value representing or reflecting elements of the cultural, social, economic and architectural history of Thompson discussed in the most current version of the Plan of Conservation and Development (PoCD).

Article 4G Lake District (LD)

Article 4G, Section 3 General Development Standards

Dimensional Requirements

- A. The minimum lot area for development on new lots in this district shall be that which satisfies the NDDH standards for septic and potable water, **and is not less than 4,500 (10,000 or 15,000) square feet.**

Roll Call-Keep or set higher sq ft minimum. Vote recorded in Planner's note in the margin.

Roll Call- 20,000 square feet or 15,000 square feet. Vote recorded in Planner's note in the margin.

Article Five Special Provisions Article 5A Uses

Article 5A, Section 1 Development Standards for Home Occupations and Neighborhood Limited Enterprises

- c. ~~Activities or storage associated with the home occupation shall not take place outside the residential structure or a fully enclosed accessory building.~~ **Activities or storage associated with the home occupation shall only take place within the residential structure, or within a fully enclosed accessory building.**

Article 5A, Section 6 Wireless Communications

C.Dunne comment: Why is the Commission addressing this issue in our regs, since the Siting Council regulates Wireless Communication? The only regulatory issue for Zoning is setbacks, which will be reviewed when applicant applies for a Zoning Permit through the Building Office. Wasting space in the book.

T. Penn comment: This very point was raised when the 2020 update was discussed prior to adoption. Cindy is correct that the PZC has no jurisdiction over these installations; however, it does seem to be common practice that Towns will include provisions for these installations in their regulations, in order to express their preferences and priorities. That is the reason they were kept in the 2020 update. **The PZC may wish to revisit their inclusion,** but based on what seems to be the common practice, I would recommend keeping them.

Roll Call Vote: Eliminate or Keep in. Vote recorded in Planner's note in the margin.

Commented [P8]: R. Williams suggests setting different setbacks for residential vs non-residential properties.

MK – as is
AH – change
JS – as is
RW – change
JBL – abstains
RB – change
BS – change
JPB – as is

Provision will change. Vote is to have different setbacks, either all @ 20' or 10 v 20/non-res vs res

MK – different levels
AH – 20' for all
JS – different levels
RW – different levels
JBL – abstains
RB – 20' for all
BS – 20' for all
JPB – different levels

Commented [P9]:

MK – as is/abstains
AH – higher/15k
JS – higher/15k
RW – higher/15k
JBL – higher/15k
RB – higher/15k
BS – higher/15k
JPB – higher/15k

Will also change the table of uses for as-of-right livestock

Commented [P10]:

MK – keep
AH – keep
JS – keep
RW – keep
JBL – delete
RB – keep
BS – keep
JPB – keep

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Article 5B, Section 6 Signs

C. Dunne comment: We do not charge for a sign permit are we going to keep it this way?

T. Penn comment: Good question. PZC should discuss & decide one way or the other.

Article 6, Section 1 Zoning Board of Appeals Article 6, Section 1 Administration

- A. The Zoning Board of Appeals shall have all the powers and duties delegated to it by **Sections 8.5 – 8.10** of the Connecticut General Statutes.

Article Seven – Definitions

Accessory Apartment (also In-Law Apartment)

Rest Home (also, Nursing Home)—An establishment that is licensed by the Department of Health Services pursuant to Chapter 368v of the Connecticut General Statutes and that furnishes food and shelter to two or more persons unrelated to the proprietor. In addition, provides services that meet a need beyond the basic provisions of food, shelter and laundry. Such services may include, but are not limited to, assistance in personal hygiene, nutrition, exercise, recreation and health maintenance. This term shall not include “Convalescent Home” or “Skilled Nursing Facility.”

T. Penn Comments: the consultant on the online code project observed that neither term (rest home or nursing home) is used anywhere in the body of the regulations. **This raises these related questions: should the term be removed from the glossary? If not, how is that use to be accommodated in the various tables of uses? Is it the equivalent level of review as “Care Facility,” which in all districts is site review by the Commission? Or is it a special permit use?**

General Observation – Tables of Uses

The consultant on the online code project also observes that it is problematic to include the tables of uses in two locations (one for each district, and then the full set of tables as an appendix later on). The recommendation is to have them in one place, but not the other. This was a topic that the Commission discussed when the updated regs were adopted in 2020, and opinions were definitely mixed. The argument to keep them in the sections for the individual districts is that an applicant is only going to be interested in the requirements that apply to his own property/project; the argument for having them all together in an appendix is that it may be more convenient for staff to have them in one place. **The PZC should discuss and affirm which construction they prefer.**

2nd topic regarding all of the Tables of Uses– ZEO would like to discuss the level of review of several uses, throughout the tables of the various districts. Specifically, she is asking for clarification as to what “existing” and “new” mean within the tables, and she would like the PZC to consider relaxing the standard of review for several uses labelled “existing”

T. Pen comment: When this topic has come up, it has previously been clarified that “existing” refers to “construction type,” as stated in the header on the table; however, there are some cases when it may be ambiguous whether or not conversion of an existing structure to a new use is sufficiently articulated for some uses. **PZC should discuss and determine whether, and how, any such items may be further clarified, as well as review with the ZEO the items she is suggesting may have a lower threshold for review.**

Net Buildable Area – Not currently included in the Regulations

The Commission members have previously received the email thread between the Wetlands Agent and J&D Engineering on this topic, prior to the compilation of this discussion guide. In short, the Wetlands Agent feels strongly that the concept should be returned to the Regulations, with a revised definition. Comments by J&D further describe options by which the purpose of regulations regarding net buildable area may be

Commented [P11]: Bundle in with the various care services

Commented [P12]: Eliminate appendix

Commented [P13]: MK – leave out

AH – add
JS – add
RW – add
JBL – add
RB – add
BS – add
JPB – add

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accomplished. The following text was reviewed and agreed upon by Marla, Janet, the Chairs of the IWC and PZC and myself in a joint meeting on 25 August.

Article 4A Rural Residential Agricultural District (RRAD)

Article 4A, Section 3 General Development Standards

The following general standards shall apply to all buildings, structures and uses in the RRAD, except as these Regulations may specifically provide otherwise:

A. Dimensional Requirements

1. The minimum lot area for development in this District shall satisfy the Northeast District Department of Health's standards for septic and potable water and be not less than 40,000 square feet.

2. The Net Buildable Area shall be not less than 15,000 square feet

Article 4B Common Residential District (CRD)

Article 4B, Section 3 General Development Standards

The following general standards shall apply to all buildings, structures and uses in the CRD, except as these Regulations may specifically provide otherwise:

A. Dimensional Requirements

1. The minimum lot size shall be 4,500 square feet. New construction shall be permitted, provided that the requirements for setbacks and building height requirements are met.

2. There shall be no net buildable area requirement in this district.

Article 4C Thompson Common Village District (TCVD)

Article 4C, Section 3 General Development Standards

The following general standards shall apply to all buildings, structures and uses in the TCVD, except as these Regulations may specifically provide otherwise:

A. Dimensional Requirements

1. The minimum lot area for development in this District shall satisfy the Northeast District Department of Health's standards for septic and potable water and is not less than 40,000 square feet.

2. There shall be no net buildable area requirement in this district.

Article 4D Business Development District (BDD)

Article 4D, Section 3 General Development Standards

The following general standards shall apply to all buildings, structures and uses in the BDD, except as these Regulations may specifically provide otherwise.

A. Lot Area

1. For properties not served by public water/sewer, the minimum lot area for development in this district shall satisfy the NDDH standards for septic and potable water and is not less than 40,000 square feet. Shared septic and/or water are allowed,

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provided all applicable health and environmental codes are satisfied.

2. For properties served by public water/sewer, the minimum lot size within this district shall be 4,500 square feet. New construction shall be permitted, provided that the requirements for setbacks and building height requirements are met.

3. For properties not served by public water/sewer, the net buildable area shall be not less than 15,000 square feet.

4. For properties served by public water/sewer, the net buildable area shall be not less than 4,500 square feet.

Article 4E Thompson Corridor Development District (TCDD)

Article 4E, Section 3 General Development Standards

The following general standards shall apply to all buildings, structures and uses in the TCDD, except as these Regulations may specifically provide otherwise.

A. Lot Area

1. For properties not served by public water/sewer, the minimum lot area for development in this district shall satisfy the NDDH standards for septic and potable water and is not less than 40,000 square feet. Shared septic and/or water are allowed, provided all applicable health and environmental codes are satisfied.

2. For properties served by public water/sewer, the minimum lot size within this district shall be 4,500 square feet. New construction shall be permitted, provided that the requirements for setbacks and building height requirements are met.

3. For properties not served by public water/sewer, the net buildable area shall be not less than 15,000 square feet.

4. For properties served by public water/sewer, the net buildable area shall be not less than 4,500 square feet.

Article 4F Downtown Mill Rehabilitation District (DMRD)

Dimensional Requirements

A. The minimum lot size within this district shall be 4,500 square feet. New construction shall be permitted, provided that the requirements for setbacks and building height requirements are met.

B. The net buildable area shall be not less than 4,500 square feet.

Article 4G Lake District (LD)

Article 4G, Section 3 General Development Standards

The following general standards shall apply to all buildings, structures and uses in the LD, except as these Regulations may specifically provide otherwise:

Dimensional Requirements

A. The minimum lot area for development on new lots in this district shall be that which satisfies the NDDH standards for septic and potable water, and is not less than ~~4,500~~ **(15,000)** square feet.

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B. The net buildable area shall be not less than (15,000) square feet.

Article 7 Definitions

Net Buildable Area - A contiguous area of land that is at least 50 feet wide not containing wetlands, watercourses, conservation easements or areas waterward of the 100-year flood boundary as delineated by the Federal Emergency Management Agency.

Roll Call Vote – A “Yes” vote will add Net Buildable Area in and a “No” vote will not.

Michael Krogul-no	Alvan Hill-Yes	Jane Salce-Yes
Ray Williams-Yes	John Lenky-Yes	Randy Blackmer-Yes
Brian Santos-Yes	Joseph Parodi-Brown-Yes	

Vote passed 7-1. Charlene Langlois was absent from the vote.

The ZEO memo was discussed and a copy of it can be obtained in the Planning and Zoning Office. Tyra will add a definition on shared driveways to the draft. Box trailers were discussed, and Tyra will research and draft language for Commission review.

Trailers are not required in residential properties in the three commercial districts.

Roll Call-Patch now or later

<i>Jane Salce-later</i>	<i>Michael Krogul-later</i>	<i>Alvan Hill-now</i>
<i>Ray Williams-later</i>	<i>Brian Santos-now</i>	<i>Randy Blackmer-later</i>
<i>John Lenky-now</i>		

The “later” passed 4-3

Special permit for earth removal requirements was also discussed. Unanimous consent to add to draft.

Tyra will work on draft for public presentation tomorrow and she will post it for public comment.

3. Adjournment

John Lenky moved and Jane Salce seconded the motion to adjourn. The vote was unanimous and meeting adjourned at 10:41PM.

Respectfully Submitted,

Gloria Harvey,

Recording Secretary