



# *TOWN of* **THOMPSON**

## **PLANNING AND ZONING COMMISSION**

**Minutes–PZC Sub-Committee Meeting**  
**Tuesday, June 9, 2020 at 6:00 PM**  
**Zoom Meeting**

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### **Zoom Meeting June 9, 2020**

*Topic: Planning & Zoning Commission Sub-committee - Zoning Regulations*  
*Time: Jun 9, 2020 06:00 PM Eastern Time (US and Canada)*

*Join Zoom Meeting*  
*<https://us02web.zoom.us/j/83134624891>*

*Meeting ID: 831 3462 4891*

*Dial by your location*  
*+1 929 436 2866 US (New York)*  
*Meeting ID: 831 3462 4891*  
*Find your local number: <https://us02web.zoom.us/j/83134624891>*

*Topic: Planning & Zoning Commission Special Meeting*  
*Date: Jun 9, 2020 05:49 PM Eastern Time (US and Canada)*

*Share recording with viewers:*  
*<https://us02web.zoom.us/rec/share/7OZkF6DZ1XNLX6fG717BWYpmFbb1eaa823dM-KFZzk754IHxWEJBjHKJT75l8llo> Password: 2r@330#k*

### **1. Call to Order at 6:00 PM by Chairman Joseph Parodi-Brown**

#### **Roll Call:**

<b>Joseph Parodi-Brown</b>	<b>Alvan Hill</b>	<b>Missy Desrochers</b>
<b>Robert Werge Sr.</b>	<b>John Lenky</b>	<b>Michael Krugel</b>
<b>Charlene Langlois</b>	<b>Brian Santos</b>	

### **2. PZC Commission Discussion of Comments Received on Proposed Regulations**

#### **Discussion Guide #2**

#### **Page i – Table of Contents**

M. Butts: (general formatting comment) I suggest the PZC employ the services of a professional document editor familiar with regulation construction (town's legal counsel may be able to help with this).

C. Dunne: Not being an expert in editing I think Marla's suggestion of having a document editor review this document is a good idea.

T. Penn: I signed up for an account with editorworld.com, with the intent of uploading our final accepted draft for formatting review, once all of our other changes are made. Based on their pricing structure, editing a document of this size will be somewhere between \$600-\$700. John Rice indicated that we should have plenty of FY20 funds available to cover that cost. Since it is for an expenditure of Commission funds, recommend voice vote to confirm approval.

#### Voice Vote

Joseph Parodi-Brown called for a vote. Yes to approve. No to not approve.

John Lenky moved and Charlene Langlois seconded the motion to approve hiring an editor from Editorworld.com for uploading our final accepted regulation draft for formatting review.

Missy Desrochers-Yes

John Lenky-Yes

Michael Krugel-Yes

Charlene Langlois-Yes

Brian Santos-Yes

Alvan Hill-Yes

Joseph Parodi-Brown-Yes

Motion Carried.

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##### Article 2, Section 9 Amendments

C. Dunne: In my March 30<sup>th</sup> submitted review I questioned the wordage, application and petition, interchanged throughout the zoning amendment section. Requested a decision be made is this a petition or an application. This section now only refers this to a petition. So now my question is

1. Do we develop a new form for this (past zone amendment request was on the Zoning Application for Review form, which has a list of type of request to check off.
2. No definition of petition in Definition section
3. Does this petition need to have more than one signature?
4. And finally why is it being called a petition and not an application that could include a petition, meaning several signatures, to rezone.

In reviewing my comments keep in mind that a single individual can submit an application for a Zone Change. My interpretation of this section is only a petitioner (meaning many signatures) can request a zone change. How do we identify that a single individual request a zone change. The way this reads indicates only a petition can request a zone change.

T. Penn: Cindy and I have discussed this, and we agreed to leave it as a "petition" process, based BOTH on our current regulations, which refer only to a petition to change, not to an individual application (regardless of the fact that we also currently have it as an application item); AND on the intent behind the increased flexibility of uses in the newly described districts, which should reduce the need for an individual to apply for what amounts to "spot-zoning". Petition by multiple property owners would remain an acceptable avenue for a request to change the zoning. A glossary definition of petition will be added, but otherwise the language in this article will continue to reference "petition" only, not individual applications.

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Article 3A, Section 5 Exemptions

Sheds and similar structures of less than two hundred (200) square feet shall not require the issuance of a building permit, but shall require the issuance of a zoning permit under the provisions of Article 3A, Section 4 A. Such structures require side and rear setbacks of five (5) feet. Front setbacks shall be in conformance with the district in which the structure is located.

M. Butts: The PZC has no authority to regulate when a build permit is required for a structure – that is controlled by the State Building Code. This is not an exemption and the subsection should be either removed or at least rewritten to remove the reference to when a building permit is or is not required. (e.g. “For any shed and similar structure, regardless of the requirements of the State Building Code for a building permit, shall require a zoning permit...”). Also, the current zoning regs (page 24) allow sheds less than 140 square feet to be 6 feet from property line. If there is a desire to continue that option then it could be listed as an exception here.

B. Davis: Requiring a zoning permit for a shed is an unnecessary burden on a property owner. The whole point of no building permit required for sheds up to 200 sq.ft. is to make it simple to install a shed

C. Dunne: Suggested language: sheds and similar structures of less than two hundred (200) square feet shall not require the issuance of a building permit, but shall require the applicant to complete the listed criteria on the zoning permit application. Such structures require side and rear setbacks of five (5) feet. Front setbacks shall be in conformance ....I guess we have to format a permit for sheds 200 sq ft and under. Requiring the applicant to complete the information required in Article 3A, Section 4A is a large task for a simple shed.

T. Penn: Cindy, Joe and I all agree that the vote as it was worded at the meeting on 2 June was confusing. Having listened to the recording, it appears that some commissioners thought they were voting to not require permits, when their vote indicated that a permit should be required. We all agree the vote needs to be taken again, for clarity. Propose the vote be phrased plainly as a choice between “permit required” vs “no permit”, with each member stating the exact thing s/he means. Discussion at June 2, 2020 PZC Subcommittee Meeting if a shed or other building under 200 square feet would require a Zoning Permit.

Voice Vote

Joseph Parodi-Brown moved and Michael Krugel seconded the motion to waive the votes from the June 2, 2020 meeting on a Zoning Permit required or not required for a shed 200 square feet or less. A Yes will waive the June 2<sup>nd</sup> vote, a No will not waive the vote.

Missy Desrochers-Yes

John Lenky-Yes

Michael Krugel-Yes

Charlene Langlois-Yes

Brian Santos-Yes

Alvan Hill-Yes

Robert Werge-Yes

Joseph Parodi-Brown-Yes

Motion Carried.

Voice Vote

Joseph Parodi-Brown called for a vote for “No Zoning Permit required” for structures 200 square feet or less or “Zoning Permit required for structures 200 square feet or less.

Missy Desrochers-Permit Required

Brian Santos-No Permit Required

John Lenky-Permit Required

Joseph Parodi-Brown-No Permit Required

Michael Krugel-Permit Required

Robert Werge Sr.-No Permit Required

Charlene Langlois-Permit Required

Alvan Hill-Permit Required

Motion Carried.

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Article 3C, Section 3 Additional Application Information for Special Permits

B. The Commission may, after the date of receipt of any application, require the applicant to submit additional information if the Commission finds that such information is necessary or would be helpful in determining whether the proposed building, structure or use conforms to these regulations. Such additional information may include, but is not limited to, the following:

3. The location of rock outcropping, slopes in excess of twenty-five (25) percent, soil types delineated by a qualified soil scientist, forested areas on the lot, wetlands and watercourses.

J. Rice: questions who would verify these items & recommends deletion

T. Penn: soil types, core forest, wetlands & watercourses are likely verifiable via online databases (need to identify the exact sites, and add references). Rock outcroppings probably are not cataloged online. Commission should discuss, but I do not recommend striking any items reasonably easy to verify online via official databases, given that the additional information is a discretionary item for the Commission.

General consensus-This is a discretionary request. Unanimous consent to strike the words wetlands and watercourses.

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Article 3C, Section 3 Additional Application Information for Special Permits

B, 6 Analyses of wildlife habitats on or near the site, including any rare or endangered species, and the impact of the proposed use on such habitats.

C. Dunne: Why are we addressing this, why are we putting this here? As far as I know this is not a zoning requirement from the state. Recommends striking the item

T. Penn: Since the item is discretionary (the Commission “may” require), whether it is a zoning regulatory requirement may not be strictly relevant. Agree that **analyses may be an onerous request to make; but, an easily accessible online database of threatened/endangered species habitats does exist**. It may be considered reasonable for the Commission to request verification of whether or not a site falls within such a habitat, where it is suspected. Commission should discuss, and recommend input from Conservation Officer as to whether the item is reasonable to include.

Tyra asked for a voice vote to strike item B6 entirely, keep and amend it so it doesn’t ask for analysis for wildlife habitat.

Joseph Parodi-Brown moved and Brian Santos seconded the motion to strike language in B6 or amend and keep the language in B6.

Voice Vote

Brian Santos-Keep and Amend

Robert Werge Sr.-Strike

John Lenky-Keep and Amend

Alvan Hill-Strike

Michael Krugel-Keep and Amend

Missy Desrochers-Strike

Charlene Langlois-Keep and Amend

Joseph Parodi-Brown-Amend and Keep

Motion Carried.

Missy Desrochers and John Lenky stepped out of the meeting at 6:56 pm.

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Article 3C, Section 3 Additional Application Information for Special Permits

B, 7 A description of vegetation types found on the site, including any rare or endangered species.

C. Dunne: using vegetation here but below in L. using the word plant. What is it? Plant or vegetation?

T. Penn: In most of the text, vegetation is probably the most proper term. In some places “plant” is appropriate, as in the citation of publications. Will review the document for usage of both terms and correct where appropriate. No Commission action required.

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Article 3C, Section 3 Additional Application Information for Special Permits

B, 8 A list of additional federal, state or municipal permits or licenses that the applicant will need to implement the uses proposed, and the status of any applications for such permits or licenses.

J. Rice: questions who would verify these items & recommends deletion

T. Penn: Based on similar concerns raised under Article 3A, Section 1 and the response from counsel under that section, agree that striking this item probably makes sense. Commission to discuss for consensus.

Joseph Parodi-Brown agreed with the advice of Town Counsel and moved to strike Article 3C, Section 3. Tyra also agreed with Attorney Roberts that asking the applicant to show additional permits was not within the jurisdiction of the PZC. Unanimous consent of the PZC to strike from the record.

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Article 3C, Section 5 Criteria for Evaluation for Special Permits

L. The impact of the proposed uses on sensitive wildlife and plant habitats

C. Dunne: Is this in our jurisdiction?

T. Penn: A similar question is raised on p. 16 Article 3C, Section 3, B, 6. Discussion on that item may inform this item as well; however, the question of jurisdiction is slightly different than whether it is a requirement under zoning statutes.

Strike L the criteria for evaluation for Special Permits as it is not in our jurisdiction to make that decision.

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Article 3C, Section 6, Conditions for Special Permits

A. The Commission may place, on a special permit, conditions it may reasonably deem necessary...

J. Luster: I write to encourage an addition to revisions already proposed for the Zoning Regulations. Zoning Regulations should play a significant role in preserving Thompson's historical assets.

Present Zoning Regulations only recognize Thompson Common as an "historic place". However, our Plan of Conservation and Development has already identified numerous other historic places; and many historic sites in our Town have yet to be discovered.

Suggested Content of Additional Zoning Legislation:

Historical and Archaeological Preservation Plan Before logging is initiated or permits issued:

The specific identity and location of all buildings over 100 years old; stone walls; roads bounded by stone walls; historic sites; pre-colonial sites; house foundations; stone lined wells; stone piles; burials; cow/pig pens; mill sites and factory sites; and archaeological and fossil sites or finds must be determined.

The applicant shall submit a plan for the protection of historical, archaeological, and other unusual features in accordance with the recommendations and standards herein.

The plan shall be undertaken by the applicant and should include the following:

- A. Identification of any historical, archaeological, and other unusual features described herein;
- B. An evaluation of the impact of the development on the subject sites and features; and
- C. A description of measures to be taken to mitigate any adverse impact of the development on the site and to protect and preserve the sites and features. These measures may include inclusion of the site in land dedicated to open space; conservation easements; locating roads, buildings, excavations or other improvements so as to minimize impact on sites; restoration of historic structures; or proper removal to an appropriate location.

A plan shall also be submitted should any of the features described herein be uncovered during work or construction.

Where it is found that the project will adversely impact a historically or archaeologically sensitive area or feature, the Commission shall not approve the project unless:

- A. Provision has been made by the applicant for a more intensive site investigation to be conducted by qualified professionals, such as a professional archaeologist or professional historian approved by the Commission; and/or
- B. The proposed project has been otherwise revised or modified to protect historic and archaeological sites and to mitigate adverse impacts.

The above is taken from Zoning Regulations for Killingworth, CT, which you may want to review.

T. Penn: Some further clarification is required for this comment. The text above was, indeed, taken from the online land-use regulations for Killingworth. I called the Killingworth ZEO to ask how this regulation is applied, and found that this item is only found in their subdivision regulations. It is not a requirement of every zoning permit, or even of every special permit. In the context of this



document, the Commission may consider whether they would want to include some level of historical/archaeological review for special permits, or for applications pertaining to lots at a certain size threshold. This Article seems to be the best place to include this comment for discussion, as it is at least alluded to in C-10 in the following list.

Tyra commented that the three top priorities of the residents expressed in a recent survey are trash and litter, community management and preservation of historic value. Therefore to mirror the priorities of the community in the land use regulations “historical/archaeological” will be added and the original language will remain as it is. Unanimous consent of Commissioners.

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Article 3C, Section 6, Conditions for Special Permits

A. The Commission may place, on a special permit, conditions it may reasonably deem necessary...

N. Williams-Edwards: New -SPECIAL PERMIT Recommendations/Considerations

- All Special Permits (or at least for gravel mining) MUST/SHALL have a completed Conservation Review Checklist. Suggesting NECCOG reached out to Woodstock for Thompson to see what they include in their required Special Permit Conservation Checklist.

- Natural Resource Assessment Map(s) SHALL/MUST be providing a comprehensive analysis of existing conditions.

- A traffic study MUST/SHALL be prepared by a professional traffic engineer which must address sight

of line, traffic safety, traffic generation, existing and projected traffic conditions as well as traffic counts and accident history in or near the location.

- Areas with potential State and Federally-listed endangered, threatened, or special concern species as

indicated on current Natural Data Diversity Database Map MUST/SHALL be declared.

- Structures with archeological significance MUST/SHALL be declared.

ARTICLE VII – SPECIAL PERMIT AND SITE PLAN REVIEW

SECTION 2 - Criteria for Approval of Special Permit

- a. The proposed use is in harmony with Zoning regulations and current plans adopted the commission.

During the 363 Quaddick Town Farm Rd. battle the applicant replied criteria item “a” was met because the proposed use was allowed as a special permit and is therefore by definition in harmony with the zoning regulations. I challenged that justification as dismissive and if true there is no value to item “a” Item “a” should be removed if non applicable by default and/or clarity of definition is required.

f. The proposed use is in “harmony” with the neighborhood’s established character and development patterns. A clear definition of “harmony” needs to be added.

T. Penn: These comments are re-submitted on behalf of the group advocating against gravel mining. I have not received updated comments/suggestions since the proposed draft was published, but communication with Ms. Williams-Edwards indicates that they do not feel their original concerns have been sufficiently addressed, so I am submitting again as originally received.

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Although the suggested changes above do not mesh neatly with the new draft, here is a summary of what I believe are the most relevant points: Mandatory Conservation checklist - the Conservation Officer/Commission has an advisory role for PZC, not a prescriptive role; therefore, use of the mandatory "shall" would be an inappropriate reversal of those roles. Previously, based on that reasoning, PZC has similarly rejected the addition of the specific item of conservation checklist. It is my opinion that a conservation checklist could be included as a discretionary item, in the appendix, for applications where PZC, as advised by Conservation, believes it to be warranted. Similarly, with other items requested for the mandatory "shall" language: the requested items are not universally applicable to all special permit applications, and so the permissive "may" language is more appropriate. As under Article 3C, 3, B6, while the requested "detailed analyses" may not be practical, it may be reasonable to request verification from existing official databases for certain of these requested items. The question of jurisdiction remains open for items related to wildlife habitat. Of the list of items in the proposed draft, those where I believe the strongest case can be made for adding mandatory language are: #3 Buffer areas; #4 circulation; and #5 Low Impact Development. The comments related to Article VII Section 2a are in reference to the current zoning regulations. The problematic, subjective language relating to "harmony with the regulations" has already been removed from the proposed draft. Recommend the Commission discuss this section in some depth, with input from Conservation Officer.

Discussion on what conditions are appropriate for a Special Permit. Tyra suggested the inclusion of the Conservation Checklist in an appendix and Joseph Parodi-Brown agreed that it would be beneficial to add the Conservation Guidelines as an appendix. Tyra and Carolyn Werge will work together to create the document that represents the work the Conservation Commission is actually doing

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Article 3C, Section 6, Conditions for Special Permits

C, 1 Preservation of Landscape: the landscape shall be preserved insofar as practicable by minimizing grading and the removal of vegetation and soil. Where vegetative cover does not exist or has been removed, new plantings may be required. Preference is to be given to native vs non-native species. Species from the most current Connecticut Invasive Plant List, as compiled by the Connecticut Invasive Plant Council, are prohibited. <https://portal.ct.gov/-/media/CAES/Invasive-Aquatic-Plant-Program/Plant-Information/Invasive-Plant-List-2013.pdf?la=en>

C. Dunne: Using vegetation and plants together.

T. Penn: This is a specific instance where the two terms are used appropriately. Vegetation is the general term, but the Connecticut Invasive Plant List is a document title. No Commission action required.

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Article 3C, Section 8 Rendering the Decision

Within sixty-five (65) days after the completion of the public hearing, or as required under the prevailing Connecticut General Statute, the Commission shall either:

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- A. Approve the special permit and the site plan as submitted
- B. Approve the special permit with conditions or modifications, as provided under these regulations
- C. Deny the special permit

Notice of decision shall be published in the form of a legal advertisement in a newspaper having substantial circulation in the Town, and addressed by certified mail to the applicant, under the signature of the Thompson Town Clerk in any written, printed, typewritten or stamped form, within fifteen (15) days after the decision has been rendered.

C. Dunne: ~~prevailing Connecticut General Statute~~, (CGS 124 Section 8-7a).

Also: now the zoning office sends out the letter with zeo signature and the permit with the chairman's name on the permit which the zeo signs and initials, this suggests that the Town Clerk does the letter, who does the permit?

T. Penn: suggested edit to CGS is fine & will be done. As with other comments regarding workflow/assignment of roles, the **Commission and ZEO should discuss in order to clearly articulate the process to match their needs**. Much of the language regarding workflow in this proposed draft was carried over from the original NECCOG suggestions, and may not have had sufficient scrutiny during the early discussion sessions.

Tyra and the ZEO will meet to formulate appropriate language.

John Lenky returned to the meeting at 7:41pm.

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### Zoning Districts

#### Article 4, Section 1 Establishment of Zoning Districts

For purposes of these regulations, the Town of Thompson is hereby divided into the following zoning districts:

- A. Rural Residential Agricultural District
- B. Common Residential District
- C. Thompson Common Village District
- D. Business Development District
- E. Thompson Corridor Development District
- F. Downtown Mill District

D. Couture: Please see her attached letter. It is difficult to distill her comments into this discussion guide. In synopsis, Diana favors retaining two separate acreage minimums (equivalent R40/R80).

B. Davis: There is no INDUSTRIAL zone. This is mixing any type of industry with any type of retail business. This is a recipe for the accumulation of non-compatible operations which will have a negative effect on the town in the long run. Getting rid of the INDUSTRIAL ZONE designation is a big mistake. What should be taking place is a consolidation of industrial locations rather than

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opening the door to scatter them even more widely than they already are.

B Davis: I would counter though that there is more than just "exclusivity" involved with the old RA80 zone. Thompson is a rural town and I think most people who live here would like to keep it that way. The 80,000 sq.ft. zoning minimum helps a great deal along those lines. Dropping to 40,000 for these areas in essence close to doubles the density of housing that will be allowed, both deterring from the rural nature of the town and potentially putting a huge burden in the future on the school system, and subsequently, tax payers. As you know any residence with children is a tax loss for the town. More dense zoning regulations may help lower home prices and thus open up more opportunities for young families to move to town. While this is good for the makeup of the town population the tax, school and traffic implications should not be overlooked.

C. Dunne: strongly recommend to keep present rural Districts R80/R40 – Justification to prevent more non-conforming issues from arising – Also the lake areas are now R40 with many nonconforming issues and the purposed regulations do not address specifics for the lake areas. Doing Site Visits on Thursday May 14, 2020 on Center street, surrounding side streets viewing the lots clearly indicates that our 2 lake communities need professional consultation on how to blend owners needs, septic and well issues, Town Roads, private roads, undeveloped roads, easements, right of ways etc.

T Penn: Regarding the lack of industrial zone: previously industrial zone areas still exist but have mostly been renamed as "Business Development District", with some falling under the "Thompson Corridor Development District". It is true that a greater mix of uses is permitted in those districts than would be in a strictly "industrial" district; but, there is no addition of an area of intensified use. The footprint of where industrial uses are allowed remains the same, and allowing more flexibility for the total number of allowed uses within that footprint will reduce non-conformities. It is possible that further clarification of what level of industrial intensity is permitted within Thompson would be prudent. That discussion can come as we discuss the table of uses for the Business Development/Thompson Corridor Development districts, respectively. Regarding the idea of keeping two separate rural residential zones R-40/R-80: Bernie and Cindy have both made arguments to keep two separate districts with 1-acre minimum and 2-acre-minimum lots (current R-40/r-80). Bernie makes a density/conservation argument, and Cindy makes the argument that more non-conformities will be created. I believe these arguments, while reasonable, are incorrect. In terms of the density argument: use the hypothetical of a 1000-ft long road, and a frontage requirement of 100'. Whether the lots permitted are 1-acre or 2-acre minimum, it is only possible to fit 10 lots in that frontage. A 1-acre lot does not cut into the remaining open space behind the lots as deeply, and will likely have a house with a smaller footprint; therefore, the smaller lot and house can be presumed to have a friendlier conservation profile, which preserves more green space. We have already stated that only one "flag lot" is permitted behind a lot with road frontage, and the same logic holds: the smaller the required footprint, the more open space is conserved. It is also important to note that larger lot sizes are not prohibited, they are just not required, therefore allowing for a lower threshold of entry to homeownership. It is the addition of new roads, and therefore new frontage, that creates the most negative impact on conservation. Therefore, further strengthening the desire to preserve green space/rural character is probably best achieved through updates to the subdivision regulations, when that document comes up for

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review in 2021. Cindy's contention that reducing lot sizes will increase non-conformities is incorrect, and the reverse would be true, from a logical standpoint. The point made by the assessor is one I do not have the tools to fully address. From a conservation and inclusivity perspective, the reduction of the minimum lot size is compelling, as a land-use measure. While I believe her statement that there will be an administrative impact on the assessor's office, and that there will be effects on the assessment of properties, those effects have not been fully clarified. I will speak with the incoming assessor to see if he can further clarify this issue to the satisfaction of the commission. Note that there are no other differences proposed between R40/R80 other than a separation of lot sizes, so we would be creating two otherwise identical districts. Regarding the lack of a distinct district for the lake areas: This has been a pesky issue with the rewrite, all along. The Commission had opted to discard the NECCOG proposed Lake Protection Overlay District. The main difficulty seems to be one of septic/well separations, and trying to make accommodations for property owners to build on what otherwise should be unbuildable lots. The 1-acre minimum zoning proposed for the entire rural residential district is already in place where the lake properties are located, so there is no increase or reduction of non-conformities. From a public-health point of view, I do not believe the town has a compelling interest to make accommodations to allow for additional construction where there is no acceptable option for septic and wells. The Commission must have a substantive discussion on these three points: 1. Are they satisfied with the current footprint of the industrial zone, which is mostly renamed as the Business Development District? 2. Would they like to add some version of a Lake District back into the draft, adapted from the original NECCOG proposed language? 3. Does the Commission want to retain two otherwise identical residential districts with the sole difference being lot size minimums?

C. Dunne: Going Forward are acronyms be given to the Districts for reference?

T. Penn: Item needs quick Commission consensus.

New Town Assessor discussed 1 or 2 acre lots and the change of zoning on parcels stating the actual re-evaluation wouldn't go into effect until 10/21/2024.

Footprint of Industrial Zone/Business Development District

Litigated for two years and proposed draft indicates future direction. The footprint that has been renamed Business Development District and is the same as the previous Industrial or Commercial District. The kinds of zones are not changing. The footprint of the community is the same. It's just the uses within the individual districts are better articulated for a more resilient community going forward. Increased scrutiny of the kind of industrial use permitted is in order.

Lake District

ZEO stated the Lake District is a cluster and there are no accommodations for these smaller properties in the regulations. Tyra commented on wanting to make accommodations for these properties, but if you establish that Public Health is a consideration and a concern of the Commission and they know that the properties which have private sewage and wells don't conform to the standards, the Commission doesn't have a compelling reason to allow permanent construction. A reasonable compromise would be to go to a 40,000 square foot lot and have the

engineer design a plan. Tyra will review the original language in the NECCOG draft to see if there is any language that can be added to the proposed draft.

Tyra will contact Linda Collangelo to discuss a solution is to add a section in this Article for the Rural, Residential, Agricultural District, not as an overlay but identifying some carve out that acknowledges the area of non-conformity as well as upgrades and how to articulate their ability to build there with NDNH approval.

Tabled this Article pending discussion with Linda Collangelo.

#### Two Identical Residential Districts

Are we comfortable combining R40 and R80 into the Rural, Residential, Agricultural District

Tyra only difference between R40 and R80 is to separate minimum lot sizes

Tyra explained when the draft comes out there will be two identical districts, R40 and R80. The only difference between R40 and R80 is two different minimum lot sizes. In one district you will have 1 acre minimum zoning and in the other district there will be 2 acre minimum zoning.

#### Voice Vote

Joseph Parodi-Brown moved and Brian Santos seconded to vote on 1 District or 2 Districts. 1 will be Rural, Residential, Agricultural District or 2 meaning two Districts.

Brian Santos-1

Alvan Hill-2

John Lenkky-1

Robert Werge Sr.-2

Michael Krugel-1

Charlene Langlois-1

Joseph Parodi-Brown-1

Motion Carried. Rural, Residential District stays.

Acronyms—Currently they are all written out. Abbreviations will be added by the editor. The substance will not change.

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##### Article 4, Section 2 Zoning Map

The boundaries between districts are, unless otherwise indicated, either the centerline of streets; watercourses; rights of way of powerlines, railroads and other public utilities; or other such lines extended, or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse; or right of way of a power line, railroad or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or watercourse; or right of way of such power line, railroad, or other public utility lying within such portion of its length. Where uncertainty exists as to the location of any said boundaries as shown on the zoning map, the following rules shall apply:

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A. Landry: requests comparison between the proposed draft and pp. 21-22 of the current regulations.

T. Penn: The two drafts are not very different. The Commission should have a voice vote as to which language they prefer. No effect on the substance of the document either way.

Discussion on this Article included in Discussion on Page 22.

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Article 4A Rural Residential Agricultural District

Article 4A, Section 2 Table of Permitted Uses

A. Landry: believes there should be one table of uses only, not a table included in each district

C. Dunne: Permitted Use Charts need to be organized either alphabetically or into like use such as dwellings, farming, business etc. Justification – better organization is a smoother process when viewing the chart.

T. Penn: Regarding having only one table of uses vs a table for each district: for an applicant looking to see what is allowed in the district where he wants to undertake an activity, the visual clutter of a full table of uses is probably not very helpful. Each of the districts has very different allowable uses, and I would recommend keeping the tables in each district as proposed. Having said that, it may be reasonable to add a single, comprehensive table as an appendix, for those who may want a more “zoomed out” look at what it allowed throughout the town. Commission should indicate their general preference for format. Regarding formatting of the individual uses within the tables: the Commission should decide how the information best flows. Cindy’s suggestions are fine. I tend to prefer grouping them by intensity of review (simple permit, site plan only, special permit), but perhaps they could be alphabetized within that, or grouped by usage type as Cindy suggests?

Add Table of Permitted Uses as an appendix

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Article 4A, Section 2 Table of Permitted Uses

Use	Construction Type	Zoning Permit	Site Plan	Special Permit	Prohibited
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C. Dunne: Site Plan when marked does that have to go to the PZC for review and approval (referencing the Mason House application that was approved by the PZC recently)

T. Penn: If I understand Cindy’s question correctly, then the issue should be resolved by renaming the headings to match those in Article 3 more closely: Zoning Permit – Simple; Zoning Permit with Site Plan Review; Special Permit. If that assumption is correct, then no further action is required by the Commission.



1. Single-Family Dwellings, Two-Family Dwellings, Accessory Apartments, Accessory Dwelling Units (including conversion)	Existing	x
	New	x

C.Dunne: Accessory Apartments and Accessory Dwelling Units use is plural does this mean that there is an unlimited amount of accessory apartments and accessory dwelling units on the property providing they meet other requirements?

T. Penn: Will change to the singular use to remain consistent with the rules of language construction established for the document. **No Commission action required on this.** As to the question of the # of units permitted on a lot: this was not specifically discussed, previously. For lots with private water/sewer (most of them), there will be a limitation on the number of bedrooms a septic on a given property can accommodate; but, it may be prudent to add a provision somewhere in the text stating some limitations on the addition of ADUs to a property. **Commission should establish how they would like to address potential limitations on #s of ADUs**

Grouped alphabetical by intensity.

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Article 4A, Section 2 Table of Permitted Uses

2. Agriculture (as defined in Article 7, of these regulations and also as in CGS, Section 1-1 (q))

C. Dunne: CGS, Section 1-1 (q)), what statute chapter is this?

T. Penn: will clarify the correct citation & edit accordingly. No Commission action required.

The Commission addressed the number of ADU's on a property.

Brian Santos moved and Charlene Langlois seconded the motion to adopt a maximum of two ADU's in all zones. A "Yes" vote to adopt, a "No" vote to not adopt.

Brian Santos-Yes to Adopt

Alvan Hill-Yes to Adopt

John Lenky-Yes to Adopt

Michael Krugel-Yes to Adopt

Charlene Langlois-Yes to Adopt

Joseph Parodi-Brown-Yes to Adopt

Robert Werge left the meeting at 8:36pm

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Article 4A, Section 2 Table of Permitted Uses

1. Gasoline Filling Stations					x
2. Drive-Through Facilities					x

C.Dunne: Why is this included in this Zone? If not allowed just leave it off the list.

T. Penn: The purpose of including a column for items that are specifically prohibited is to clarify

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that these uses will never fall under the category of “any other uses not anticipated in these regulations...” It indicates that the use has been anticipated, and the commission may not issue a special permit for it. Recommend leaving as-is. No Commission action required.

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Article 4A, Section 2 Table of Permitted Uses

16. Any other uses not anticipated in these regulations, but reasonably related to the intended purpose of this district, as determined by the Commission.

B. Davis: The allowed uses of every zone concludes with “Any other use not anticipated in these regulations .....” This opens the door for any use that a developer wishes to claim is compatible to be put before the board. If the boards denies the application the applicant can file suit against the town. My feeling is that it puts the zoning board on the defensive and opens the town up to many potential law suits. The point of the zoning regulations should be to specify what is allowed. If it isn’t listed as such it is not allowed. An applicant can always submit a proposed change to the regulations to the board. This would be far safer than giving a carte blanche to any use that someone might want to try to do.

C. Dunne: could this be a subjective statement in all the districts – as determined by the commission – any boundaries how a commission can determine

T. Penn: I agree that there is always potential for mischief when open-ended language like that is used. The reasoning was exactly as stated. Novel uses are always arising, and without “safety-valve” language like that, the default position in land use regulations is that if it is not articulated, then it is not permitted. I’m not sure that we have a great solution for that. I’m also not sure that making an applicant with an innovative new use go through the time and expense of petitioning for a regulatory amendment fulfills our philosophical goal of reducing barriers to reasonable uses of personal property. The Commission must decide whether to keep this item as is, amend it to match their intent better (and amend it how?), or strike it as too subjective.

Currently if an issue is not mentioned in the Regulations it’s prohibited. This Article will give the Commission flexibility to address these issues. General consensus keep flexibility

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Article 4A, Section 3 General Development Standards

C. Dunne: In regards to the dimensional standards instead of nick picking each zone district my recommendation is to go back to the dimensional chart we currently use adjusting them for the new districts. The chart is easy for the applicant to understand and use. And it is faster for the office to reference the chart when questioned about setbacks etc.

1. Remove the fraction configuration for setbacks and go back to a definite foot. Makes no sense to complicate setbacks. Make it simple
2. Going back to my suggestion of a dimensional Chart add the following instead of having this repeated in every district

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J. Rice: general note included to discuss this section, no further details given.

T. Penn: Personally, I find the formatting of this section in each of the districts to be clear and easy to follow. As with my prior comment regarding the table of uses, it seems to me that most applicants are likely only to be interested in the requirements for the actual district in which they intend to build; but, inclusion of a master table in the appendix is probably reasonable as well. **Commission to decide its preference on formatting.**

Unanimously agreed to keep charts in same current location.

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Frontage and Setback Requirements

M. Butts: The term “street frontage” is used and “street” is defined as being an improved right of way or fee simple parcel of land, dedicated and accepted by the Town or State of Connecticut by lawful procedure...” For parcels of land that abut “private roads” or “rights of way” there is no provision for “frontage” originating on the private road or right of way given the definition of “lot frontage”. [Definitions: “Lot frontage (also Lot Frontage Line) – the length of the shortest straight line between side lot lines and located entirely within the lot, and passing through any point(s) of the front line. In the case of rear a rear lot, the lot frontage shall be measured at the point closest to the street from which the lot derives its principal access, at which point the minimum lot width for the subject district is met ” and “Street – an improved right of way of fee simple parcel of land, dedicated and accepted by the Town of by the State of Connecticut by lawful procedure for the purpose of public travel, and suitable for vehicular travel; or a proposed street shown on a subdivision map approved by the Commission, in accordance with the applicable provisions of Subdivision Regulations.”] Question: based on these definitions how would the frontage be determined for lots on private access ways (commonly referred to as private roads) in the lake communities of Little Pond (e.g. Center Street) and Quaddick Reservoir (e.g. Breaults Landing Road), both of which predate subdivision regulation and have never been dedicated and accepted lawfully by the Town?

Is the intent to require frontage on an accepted town road and all of the other lots are nonconforming?

M. Krogul: Currently regulations state continual frontage. I do not see why it needs to be continuous if all the setback regulations are met.

T. Penn: I cannot fully address Marla’s questions, particularly regarding lots on private accessways. It does seem that it is not in the interest of the town to permit lots without road frontage, with the exception, as described in the section on cluster subdivisions, of a single allowable flag lot behind a frontage lot. As to Mike’s question, although I think the instances where road frontage for a lot is non-continuous are probably limited, I am inclined to agree that it is not necessary. **Both of these items require discussion by the Commission.**

Tyra commented that it isn't in the town's interest to accept frontage on a town road that doesn't exist for conservation reasons and maintenance reasons. The Commissioners unanimously agreed.

Joseph Parodi-Brown suggested changing the definition for road frontage for a lot that is non-continuous. Tyra will edit the definition.

**3. Next Meeting**

**Thursday, June 11, 2020 7:00pm via Zoom**

**Tuesday, June 16, 2020 at 6:00pm via Zoom**

**4. Adjourn**

**Charlene Langlois moved and Alvan Hill seconded the motion to adjourn. Motion carried. Meeting adjourned at 8:59pm. Missy Desrochers did not return to the meeting.**

Respectfully Submitted,  
Gloria Harvey,  
Recording Secretary