



TOWN of THOMPSON

PLANNING AND ZONING COMMISSION

**Minutes–PZC Subcommittee Meeting
Monday, June 29, 2020 at 6:00 PM
Zoom Meeting**

p. 1 of 18

Invite

Topic: P & Z Special Meeting Regulation Subcommittee
Time: Jun 29, 2020 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

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Meeting ID: 825 4572 4069

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Zoom Recording available upon request from Town Clerk.

1. Call to Order at 6:01 PM

Roll Call:

Joseph Parodi-Brown

Brian Santos

Alvan Hill

Robert Werge Sr.

Missy Desrochers

Michael Krogul

Christine Chatelle

John Lenky

Charlelne Langlois

Seating of Alternates: Brian Santos for John Rice; Alvan Hill for Randy Blackmer

Staff Present: Cindy Dunne, ZEO; Tyra Penn-Gesek, Gloria Harvey, Recording Secretary

2. PZC Commission Discussion of Comments Received on Proposed Regulations

Discussion Guide 29 June

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Article 5A, Section 1 Development Standards for Home Occupations and Rural Businesses

A. Home Occupations

MUNICIPAL BUILDING

**815 RIVERSIDE DRIVE · NO. GROSVENORDALE, CONNECTICUT 06255
TELEPHONE (860) 923-9475 · FAX (860) 923-9897**

1. ***The purpose of these regulations is to provide economic opportunities in all districts by permitting the operation of small businesses which are capable of co-existing with residential uses, without undue adverse effects on the quality of life, environment, aesthetics and property values of the District***

B. Dunne: The purpose of these regulations is to provide economic opportunities in all districts by permitting the of ~~Home Occupation~~ operation of ~~small businesses~~ which are capable of co-existing with residential uses

T. Penn: Not sure I understand Cindy's rationale behind the suggested language change. Home occupations are small businesses, even if they are very very small. It seems less clear not to refer to them in this way. I do not recommend this language change.

C. Dunne: suggests adding the following text as item #2: Home Occupation Application shall be filed and approved by the ZEO. Questionable activities for compliance may be presented to the Commission, upon recommendation of the ZEO, for approval.

T. Penn: agree with the addition & will do so. No Commission action required.

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Article 5A, Section 1 Development Standards for Home Occupations and Rural Businesses

A. Home Occupations

2, c. The house shall be primarily used as a residence.

C. Dunne: suggests the following instead:

c. A home occupation located in a single family dwelling shall not occupy more than 50% of the habitable floor area of the dwelling. The uses shall be clearly secondary to the residential use of the dwelling. This prevents someone from buying a house in the area, not living in the house but opening a business under home occupation. This is very hard and time consuming when following up on a complaint.

d. A home occupation may use the total area of an accessory building :

i. The location and appearance of the accessory building is consistent with the residential character of the lot and neighborhood, and

ii. It can be demonstrated that the type and intensity of the proposed use in the accessory building will not alter the primary residential character.

B. Davis: No max size of business use space for home occupations is listed. I believe it is currently 25% of total floor space. No limitation means someone could put up a huge building in a residential area and use only one small corner for living space.

T. Penn: I strongly disagree with imposing an arbitrary limit on the % of the square footage that may be used in the home. Current regs stipulate 33%. I had proposed to the Commission, and they agreed, that it is not an effective use of the ZEO's time to be checking on what happens inside the walls of the home, and our jurisdiction should probably end once you cross the threshold. Theoretically it is correct that somebody could build a house and then sleep on a cot & use the rest for a business; but, all of the

dimensional requirements & limitations would have to be met, and there are stated limits on # of persons employed and parking/lighting; however, the **Commission may choose to vote on the two versions of this language to clarify their intent.**

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Article 5A, Section 1 Development Standards for Home Occupations and Rural Businesses

A. Home Occupations

g. Activities or storage associated with the Home Occupation may not take place outside the residential structure unless they are screened from view from the street and neighboring properties. An applicant shall be required to provide a statement detailing any anticipated need for outdoor use or storage, subject to review and approval by the ZEO.

C. Dunne: has this entire item struck through in her submitted comments

T. Penn: I do not understand why this item would be struck, and would ask Cindy to clarify her reasoning. One slight language edit: change to "shall not take place outside..."

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Article 5A, Section 1 Development Standards for Home Occupations and Rural Businesses

B. Rural Businesses

C. Dunne: Section 2 – separate from Home Occupation Section

'Rural Businesses are enterprises which may reasonably be pursued in the following districts: Mixed Use Corridor, Residential Agriculture'

Justification of limiting two 2 districts (or R80 and R40 if we keep them)

Definition of Rural - relating to, or characteristic of the countryside rather than the town.

Residential Ag is definitely rural and Mixed Use Corridor means a lot of uses are permitted.

C. Dunne: suggests the following additional requirement:

Business shall only be conducted from an accessory enclosed structure that meets all the district dimensional requirements and business may occupy 100% of the structure.

Of course this would prevent something like the paintball business if it has to be enclosed so maybe we can come up with a compromise on this type of activity.

B. Davis: Rural business definition is too vague. What's to stop non-compatible operations from coming in.....the whim of the board with the special permit process? Regulations need to at least attempt to be precise enough to prevent favoritism from taking place.

T. Penn: Regarding where a "rural" business may be sited: the term "rural" in this case should probably not be viewed literally. It is meant to represent a level of escalation between a home oc and a business that is too intensified to be suitable in a residential area. In NECCOG's original list of definitions, several uses were posited to be one or the other, but many of those were determined by the Commission to be arbitrary in how that was determined. One of the goals of the commission has been to lower the threshold of entry to small business, and having this intermediary level of business makes sense in that context. Since residences are allowed in all districts, so should businesses that can operate out of a home. Regarding the suggested text stipulating that a business shall only be conducted in an accessory

structure: Cindy identifies the flaw in her own argument: that there are businesses which would not fit that requirement, but which could reasonably be found to be appropriate in a residential area. While I agree that additional criteria may be set to differentiate a rural business from a home occupation, I don't find the suggested language to be effective in that regard. **Regarding the question of "compatibility" with a given neighborhood:** Since a rural business must meet all of the conditions of a Home Oc + satisfy the additional stipulations regarding parking and hours of operation, it seems to me that the compatibility issue is addressed in those conditions. It is possible that some additional conditions could be added to further define the parameters of the rural business. Regardless of any adjustments made to the section on rural business, I do not believe the items need a separate section of their own. **Possible alternate name: Neighborhood Enterprise? Commission should decide two things: 1. Do they want additional conditions imposed on these businesses aside from those proposed, and if so, what conditions would they be? 2. Does the term "Limited Neighborhood Enterprise" capture the idea of what is being suggested, meaning a business that is compatible with being sited in a neighborhood, rather than limited to a home?**

The Commission agreed to the need to accept that a second tier of business is desirable to innumerate and describe. Definitions: Home occupation-within the structure nothing on the exterior. Rural four wall plus remaining property and adhering to home occupation and one or two more criteria to separate the two levels of integrity.

Joseph Parodi-Brown moved and Missy Desrochers seconded the motion to set as a condition of home occupation a percentage of residence used for home occupation. A "Yes" vote is in favor of imposing a percentage. A "No" is to leave as it.

Roll Call:

Brian Santos-Yes	Alvan Hill-Yes	Michael Krogul-Yes
Charlene Langlois-No	Missy Desrochers-Yes	Christine Chatelle-Yes
Robert Werge Sr.-Yes	John Lenky-Yes	Joseph Parodi-Brown-No

Motion carried 7-2

Alvan Hill moved and Michael Krogul seconded the motion to use 90% of the interior of the home for home occupation. A "Yes" vote is in favor 90%. A "No" vote will not.

Roll Call:

Brian Santos-No	Alvan Hill-Yes	Michael Krogul-Yes
Charlene Langlois-No	Missy Desrochers-Yes	Christine Chatelle-Yes
Robert Werge Sr.-No	John Lenky-No	Joseph Parodi-Brown-No
Christopher Nelson-No		

Motion failed 6-4

Michael Krogul moved and Alvan Hill seconded the motion to use 75% of interior of the home for home occupation. A "Yes" vote will go to 75%. A "No" vote will not.

Roll Call:

Brian Santos-No	Alvan Hill-No	Michael Krogul-Yes
Charlene Langlois-No	Missy Desrochers-No	Christine Chatelle-No
Robert Werge Sr.-No	John Lenky-No	Joseph Parodi-Brown-Yes
Chris Nelson-No		

Motion failed 8-2

Charlene Langlois moved and Michael Krogul seconded the motion to use 65% of interior of the home for home occupation. A "Yes" vote will go to 75%. A "No" vote will not.

Roll Call:

Brian Santos-No

Alvan Hill-Yes

Michael Krogul-Yes

Charlene Langlois-Yes

Missy Desrochers-Yes

Christine Chatelle-Yes

Robert Werge Sr.-No

John Lenky-No

Joseph Parodi-Brown-Yes

Christopher Nelson-No

Motion carried 6-4

Accept concept of Neighborhood Enterprise.

**Robert Werge Sr. moved to remove second tier of business. There was no second therefore the motion was not recognized
General Consensus keep 2nd tier.**

Joseph Parodi-Brown exited meeting at 7:13.

John Lenky moved and Michael Krogul seconded the motion to appoint Brian Santos pro-tem chairman for the remainder of tonight's meeting. All in favor say I.

Roll Call:

Brian Santos-I

Alvan Hill-I

Michael Krogul-I

Charlene Langlois-I

Missy Desrochers-I

Christine Chatelle-I

Robert Werge Sr.-I

John Lenky-I

Christopher Nelson-I

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Article 5A, Section 2 Trailers and Mobile Homes

J. Rice: Provided a general note to discuss this section

T. Penn: This did get added to the proposed draft fairly late in the process, when somebody pointed out that it was not otherwise addressed. The text is substantively cribbed from the existing regulations, although some changes were definitely included. Recommend the Commission discuss to determine if they prefer to make any additional changes to the section as proposed.

NDDH representative commented on Article referring to trailers and mobile homes. Disposal of sewage and garbage was discussed.

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Article 5A, Section 2 Trailers and Mobile Homes

3. Camping trailers or other vehicles designed for temporary occupation during travel, vacation or recreation shall not be occupied except in campgrounds operated by the State of Connecticut; in campgrounds approved by special permit; or when no more than two such trailers are parked on a single lot in the Rural Residential Agricultural District. No such trailer or vehicle shall be occupied as a permanent dwelling, nor shall any such trailer or vehicle be occupied on one property for more than fourteen (14) continuous days or nights during the annual period from April 1 – December 31. Such trailers or vehicles may be stored, without being occupied, in any district.

C. Dunne: If you decide to keep this why December 31 camping season is past. This is not a realistic compliance control. There are many lots on the lake and an owner can stay in the trailer for two weeks leave for a day and then come back for 2 more weeks etc. Because we have so many empty lots on the lake regulations should

address seasonal occupancy such as length of time example May to October and check with NDDH to see what the requirements for a motor home, camper etc can enjoy their summer property without violating regulations or health codes.

T. Penn: I have reached out to NDDH for recommendations on this section, and will follow their guidelines. If those recommendations are not received in time for this discussion, we can table this section for the following week.

Consensus to remove 14 day continuous use.

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Article 5A, Section 2 Trailers and Mobile Homes

6. The Commission may, at its discretion, allow the use of a trailer or mobile home as a temporary dwelling on the site of a residential property with an active building permit for a new residence. Such temporary dwelling may only be occupied by the owner(s) of the new residence under construction. A temporary certificate of occupancy may be issued for a maximum of one year.

C. Dunne: Need to check NDDH on what water and sanitation requirements are for temporary trailer dwelling. I think this is a good idea. I have had A few requests for living in a trailer while the dwelling is being built.

T. Penn: As with the prior item, I will amend this based on any input received from NDDH, if that feedback doesn't come back to me in time for this discussion meeting. The ZEO confirmed that the town was depending on the integrity of the homeowner to dispose of waste.

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Article 5B Design

Article 5B, Section 1 Conservation Subdivisions

B. Davis: Will this wholesale change of the town's zoning regulations be compatible with the existing subdivision regulations? If not how can these regulations take effect before the subdivision regulations are made compatible.

C. Dunne: Why is this section in the zoning Regs – doesn't it belong in the Subdivision regs

R. Roberts (responding to my inquiry after Bernie's question): The two sections that you may want to look at for potential inconsistencies with the draft zoning regulations are:

soil and erosion control. Each set of regs has a section on that conservation subdivisions. They currently are permissible in RA-40 and RA-80 zones, which will be renamed and reconfigured.

T. Penn: Regarding Cindy's question: I posed that very question to John Filchak, early on. His response was that, if conservation subdivisions are allowed, then they must also be referenced in the zoning regulations, so we left it in. As to the potential conflict between new regs & old subdivision regs: I'm not sure there is a perfect solution to this problem, since there is bound to be a period where the new regs will be in place but the subdivision regs will not yet be updated. I am under the impression that the newer document may supersede the older one, where contradictions occur; but, if that is not the case then the sections where substantive conflict is found could be amended by the vote of the Commission in the short term. Either solution is somewhat untidy, but it would be a temporary state of untidiness. I can ask Atty Roberts for more clarification on how to handle any contradictions in the two documents.

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Article 5B Design

Article 5B, Section 1 Conservation Subdivisions

B. Reduction of Minimum Lot Size

In order to facilitate the intent of the Conservation Subdivision, minimum lot sizes for such a proposed development may be reduced or waived by the Commission, provided that any lots of reduced size so created satisfy the NDDH requirements for septic and potable water.

C. Dunne: Reduction? - Why if one subdivision without conservation area has to comply with minimum lot size why not for Conservation Subdivision?

*T. Penn: The reduction of minimum lot size is actually the main mechanism used in conservation subdivisions, as an incentive to developers to leave more of the parcel undeveloped. **No Commission action needed.***

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Article 5B Design

Article 5B, Section 1 Conservation Subdivisions

C. Interior Lots in Subdivisions

In the interest of preserving wildlife corridors, no more than one flag lot may be stacked behind any single front lot.

A. Hill: I understand Carolyn's recommendation to discourage stacking lots on long driveways...OK, I get that but the usage is confusing to me. So as not to conflict or misrepresent with Section 7 of our subdivision regulations, as I understand it, interior lots in Conservation Subdivisions are limited to a single flag lot. Therefore: In the interest of preserving wildlife corridors, an interior lot have but one (1) flag lot stacked behind any single front lot located in a cul-de-sac.

B. Werge: has commented in prior meetings that this item does not belong in this section

*T. Penn: This item has always been an odd-man-out, and the first time we fully went through the draft it landed here. It was originally included in the Rural Residential Agricultural District; but, perhaps where it really belongs is in Article 4, Zoning Districts as something that is applicable in all districts? The intent of the item is one I think we all agreed on, but where does it really go? **Recommend brief discussion.** Move to Article 4 General Provisions*

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Article 5B Design

Article 5B, Section 2 Low Impact Development

M. Butts: Strongly recommend combining Section 2 Low Impact Development (pages 71-72) and Section 5 Stormwater Management and Design (pages 77- 81) into one section as LID is included in stormwater management.

B. Davis: Aquifer Protection regs need serious further attention in some form. Recommend reviewing and rewriting the Intent subsections of each provision for consistency as to form.

*T. Penn: I would generally defer to Marla on these topics. I will combine the two sections. **No Commission action needed.** To address Bernie's comments on the Aquifer Protection regs: we did have a section on this in the original proposed draft. It was struck based on some input from Atty Roberts at Halloran & Sage. Essentially, his point was that the authority for the Aquifer Protection Areas exists independently of the Zoning regulations, and he advised we leave it out. We did retain the section Carolyn Werge wrote up for Groundwater Protection in Stratified Drift Deposit Areas under Article 5B Section 2 – Low Impact Development, which she thought was important to articulate separately. FWIW, when we*

were discussing this section earlier, I uploaded the Aquifer protection regulations to the website under forms & documents, so they are now more easily accessible.

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Article 5B Design

Article 5B, Section 4 Erosion and Sediment Control

D. Compliance

All erosion and sediment control measures indicated on the certified E&S Plan shall be installed and maintained as scheduled. A cash bond or surety bond to guarantee completion of the control measures may be required, in an amount to be determined by the Commission in consultation with the ZEO and/or Wetlands Agent, as appropriate. If, in the opinion of the ZEO, the control measures have not been installed or maintained in conformance with the certified plan, the property owner will be so notified by certified US Mail. If the problem, as described in that notification, is not rectified within twenty-four hours of delivery, the ZEO may take steps to correct the problem using funds from the posted bond.

C. Dunne: Why are we requiring a cash bond we don't require it now?

... If the problem, as described in that notification, is not rectified within twenty-four hours of delivery...is this a state statute? Not a lot of time

T. Penn: As to the form of the bond, it is described as cash or surety bond, and it is also indicated as a discretionary item for the Commission. If the point is that we don't currently require bonding for this at all, then the Commission should decide whether they want to do so going forward. As to the twenty-four hour time frame, it appears that this was a carryover from one of the NECCOG draft iterations. I cannot confirm what the original source of that language would be.

Consensus agreement that a Specific Bond requirement not required.

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Article 5B, Section 5 Stormwater Management and Design

E. Stormwater Detention Structures

1. ... In the event that the owner of the property fails to maintain such areas in reasonable order and safe condition, the Commission may serve written notice to such individual or association, setting forth the nature of the maintenance deficiency and requiring its correction within thirty (30) days, after which time, if the deficiency remains, the Town may assume maintenance to avoid the creation or promulgation of a public nuisance, and shall assess the owner of such property for Town expenses incurred in the form of a lien on the property.

M. Butts: This legal stuff should be run by the town attorney

R. Roberts: that language looks OK. Whether I'd advise the town to go ahead and do that stuff in every instance is a different story, but it's good to have it in there

T. Penn: Based on Atty Roberts' response to Marla's point, will leave the text as is. No Commission action needed.

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Article 5B, Section 5 Stormwater Management and Design

Easements and Rights-To-Drain

1. General

All applications proposing easements as a part of the development shall submit properly executed written easements and deed describing the land involved and privileges of the Town and/or property owner(s) in a form eliminating any Town liability for installation and maintenance, satisfactory to the Town. Said easements

shall be submitted to the Town prior to final approval.

M. Butts: "Final approval" of what – the zoning approval, the town acceptance of the road or issuance of certificate of compliance / occupancy/ approval?

R. Roberts: I understand the question but I'm not sure what the right answer is. You'd want the proposed easements submitted to the town and reviewed and in a form acceptable to the town and its counsel before they start work.

T. Penn: Based on the comments above, I will edit the statement to read "Said easements shall be submitted to the Town for review by the Commission and by counsel before any approval shall be granted."

Tyra will edit to clarify language.

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Article 5B, Section 5 Stormwater Management and Design

Easements and Rights-To-Drain

2. Easements Dedicated to the Town

Drainage easements for drainage systems located outside of the street right-of-way lines shall be a minimum of twenty (20') feet wide centered on the pipe and shall be adequate to provide access and maintenance to all drainage features. Easements shall be provided for channels and shall be of minimum width to include a ten (10') foot access strip in addition to the width of the channel from top of bank to top of bank.

3. Easements Not Dedicated to the Town

The location and size of these easements shall be established in the same manner as easements for establishing short and long term maintenance for the drainage system within said easements. The Town shall be granted the right to enter such easements to maintain, repair, and/or modify the installments.

4. Right-to-Drain

Where downstream drainage features are not adequate to handle the increase in flows, the applicant shall secure drainage rights from the affected property owners, in writing. Such rights shall be noted on the final plans and shall be secured prior to final approval. Rights-to-Drain shall include the right for the Town to enter and maintain existing and proposed facilities, if the drainage system is to be owned by the Town, and shall be in a form satisfactory to the Town.

M. Butts: More legal stuff to check with attorney. Easement width and access strip are good.

R. Roberts (commenting only on Right-to Drain language): I think that's good language to have in there.

T. Penn: Will leave this section as-is. No Commission action needed.

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Article 5B, Section 6 Parking Standards

3. Handicapped parking Spaces

Parking spaces shall be provided for the physically handicapped, according to the table below. Parking spaces for the physically handicapped shall be designed in accordance with the Rules and Regulations of the Americans with Disabilities Act and Laws of the State of Connecticut, as amended.

C. Dunne: what is the reference to the law?

T. Penn: I believe Cindy is commenting on the correctness of the citation of the ADA. If so, then the correct citation appears to be: Americans With Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), and I will edit accordingly.

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Article 5B, Section 6 Parking Standards

D. Points of Entrance and Exits

6. Entrance and exit for residential driveways is governed by the Thompson Driveway Ordinance 10-053.

C. Dunne: Thompson Driveway Ordinance 10-053, December 20, 1988, amended, November 14, 1989, March 18, 2004, January 27, 2010. Lot of Text but ordinance dates are put in other reference to ordinances then you need to be consistent.

T. Penn: I will edit accordingly. No Commission action needed.

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Article 5B, Section 7 Signs

B. Lighting fixtures illuminating signs shall be aimed and shielded so that light is directed onto the sign façade, and shall not be aimed toward adjacent streets, roads or properties.

A. Landry: suggests "lighting fixtures illuminating signs shall be downcast, aimed and shielded..."

T. Penn: agree and will make the edit. No Commission action needed.

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Article 5B, Section 7 Signs

F. The following types of signs are exempt from obtaining a permit:

5. Flags

C. Dunne: too broad no definition of flags this needs more defining.

T. Penn: I would be cautious about defining what types of flags do or do not require a permit. Content of flags cannot be regulated (e.g. flags of nations, decorative flags, political flags). Possibly an upper size limit could be set for flags to be flown without a permit; but, I am not sure that the flying of giant flags is enough of a problem to seek a solution.

Content of flag cannot be controlled. Size and number are the only things that can be regulated. Alvan Hill suggested regulating the placement of signs.

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Article Six

Zoning Board of Appeals

C. Any appeal, application or other matter requiring a decision of the ZBA shall be submitted on a form prescribed by the ZBA, and shall be accompanied by the required fee and any maps, statements other documents required by the ZBA in order to properly evaluate and render a decision on such appeal, application or other matter

M. Butts: Reference is made to a "required fee" but nowhere in the draft is a "required fee" established. See my comments about Ordinance 10-017 previously referenced above as not being responsive to an application fee. Suggest review with legal counsel on this.

R. Roberts: Reference to a required fee is fine. Fees are established in a separate ordinance.

T. Penn: Based on comment by Atty Roberts, will leave item as is in the text. Fees can be included in the Fee Schedule Appendix, when that is created and added to the draft. No Commission action required.

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Article Six

Zoning Board of Appeals

E. No variance shall be granted by the ZBA unless that board can reasonably find that, owing to conditions especially affecting the parcel, but not generally affecting the district in which it is situated, a literal enforcement of the regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured; and provided further that the following conditions are met:

M. Butts: Recommends editing "unless the board can reasonably find that.." to "unless the board finds that"

C. Dunne: agree with Marla's suggestion+-"No variance shall be granted by the ZBA unless it finds that" Justification -This minor change makes the ZBA decision definitive and not based on an interpretation of what is "reasonable". the public safety and welfare secured; and provided further that the following conditions are met: "secured; and further provided the ZBA determines the following conditions are met:"

Justification - This minor change requires a determination by the ZBA involving an assessment of the conditions and not just the assumed existence of those conditions.

R. Roberts: This is more consistent with existing regulations which requires a finding.

T. Penn: agree with the logic presented above and will make the edits. No Commission action required.

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Article Seven – Definitions

Below are suggestions received for items to add to the definitions. More specific comments received on the individual definitions will be listed out item by item, as per the rest of the discussion guide.

M. Butts: Frontage, Street/Road

C. Dunne: Alcoholic Beverages, Board (meaning ZBA), Carnival (also Fair, Circus), Certification, Commercial Recreation Establishment, Cul-de-Sac, Day Care Center (including Adult Day Care, Elder Care, Family Child Care Center, Group Child Care Center), ECCD, Golf Course Development, Hours, Motel, Noise, Planner, Rehabilitation Center, Retaining Wall, Soil, Soil Erosion and Sediment Control Plan, Tennis Court, Use – Conforming, Use – Nonconforming, Yard – Front, Yard – Rear, Yard – Side

A. Landry: Alcoholic Beverages, Body Art, Carnival (also fair, Circus), Commercial Recreation Establishment, Day Care Center (including Adult Day Care, Elder Care, Family Child Care Center, Group Child Care Center), Day Time Hours, Downcast Lighting, Family, Golf Course Development, Junkyard, Motel, Night Time Hours, Noise, Rehabilitation Center, Retaining Wall, Secondary Use, Soil, Soil Erosion and Sediment Control Plan, Subdivision – Open Space, Tower, Use – Conforming, Use – Nonconforming

T. Penn: Many of these suggestions appear to have been made because the items are found in the existing regulations. The Commission did spend a good portion of one meeting deciding whether to include or exclude items from the previous list, and further items were removed based on the observation of Atty Roberts that they do not occur in the text, therefore they would have no purpose in the glossary of the text. The Commission may, of course, opt to include any of the suggested items that they like. Based on the draft as it exists, if we are going to add some of these into the glossary, these are the ones I would suggest make the most sense: Alcoholic

Beverages, Downcast Lighting, Frontage – Street/Road, Hours of Operation, Motel, Noise (more on this subject further down), Soil, Subdivision – Open Space/Conservation, Use, Yard (although I am not sure this term is used in the text. Commission should confirm whether any of these items need to be added to the Definitions, and which ones exactly.

Tyra and Cindy will work together on definitions to include that are appropriate to the town.

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Adult Entertainment – a use intended only for persons having achieved legal age of majority which is sexually explicit, but otherwise legal in nature. Adult entertainment uses include: adult bookstores, adult live entertainment establishments, adult motion picture theaters, adult mini-motion-picture theaters, adult video store, and adult paraphernalia store.

A. Landry: prefers the current definition: Adult Use An establishment of an adult store, adult cabaret, adult motion picture theater, or any other establishments which are distinguished or characterized by emphasis on matter of depicting, describing, or relating to "specified sexual activities" or "specified anatomical area" not stated herein. Adult Cabaret A public or private establishment of an enclosed building which is licensed by the State of Connecticut, that serves food, and/or alcoholic beverages. In addition, the establishment features live performance, which removal of clothing, appearing unclothed, modeling, dancing pantomime, or any other live performance for observation or acts relating "specified sexual activities" or "specified anatomical areas", offered to customers therein. Adult Motion Picture Theatre An establishment of an enclosed building that is regularly used for presenting material distinguished or characterized by emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein. Adult Store An establishment having substantial or significant inventory of books, magazines, videos, films, DVD's, CD-ROM's, sexual aids, toys, novelties, and other periodicals that are distinguished or characterized by their emphasis on matter of depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", offered to customers therein. Specified Sexual Activities Human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, fondling, or erotic touching of human genitals, pubic region, buttocks, or female breasts. Specified Anatomical Areas Human genitals, pubic regions, buttocks, female breasts below a point immediately above the top of the areola are less than completely and opaquely covered, and male genitals in a discernibly turgid state, even if completely and opaquely covered.

T. Penn: Commission should decide (by vote if necessary) which definition to include.

Unanimous consent to go with the new definition of Adult Entertainment.

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Bed and Breakfast – an owner-occupied dwelling, part of which is used as overnight accommodations for transients, in exchange for compensation. A morning meal may be provided to transient guests, but no additional food service, or food service to the general public, is permitted.

C. Dunne: recommend striking I don't recall seeing Bed and Breakfast in our regs

A. Landry: wants to define the # of rooms & limit to 4

T. Penn: B&Bs are referred to in the table of uses, and they are a use for which we have seen applications, so it is appropriate to keep the item. The Commission may

choose to limit the # of rooms, but I would be cautious in doing so. The # of rooms will be naturally limited by the size of the septic permitted on a site. Some big old houses have quite a lot of rooms, and if the owner wants to convert them and has the septic capacity, I don't think it benefits the commission to impose additional arbitrary limits.

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Bond - a deposit of a specified amount as determined by the Commission, generally required as security against proper completion of certain special permit activities.

A. Landry: prefers the current definition "a deposit of a specified amount as determined by the Commission"

T. Penn: The definition in the proposed draft seems more complete and useful to me. I would edit it to include "Cash bonds and surety bonds are acceptable to the Commission", to further clarify that issue, since it is a question that has come up before. Commission should decide (by vote if necessary) which definition to include. No limitation to number of rooms. Bonding discussed.

Page 92

Child Care Center (also Day Care Center) – an establishment conforming to the definition of CGS Sec. 19a-77 (as amended), and includes a use which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis.

C. Dunne: recommends striking as written and using the following instead:

Care Services: - regulated by CGS Sec. 19a-77 (as amended), recommend leaving this in did not have time to check if all subjects below are regulated by Section 19a-77

Adult Day Care Center A commercial facility which provides adult care services. The facility must have 60 square feet per adult and one (1) staff member per seven (7) adults. Services MUST meet all State, Federal, and Fire Marshall regulations.

Child Day Care Center A Commercial facility which provides child care. The facility must have 30 square feet per child and one staff member per 10 children. For children under three (3), there must be one (1) staff member per four (4) children. Day care services MUST meet all State, Federal, and Fire Marshal regulations.

Elder Care Service A family day care service, which consists of a private family home, caring for not more than five (5) elderly persons (including the providers' own elderly persons not enabling self-care). Elderly are cared for not more than 12 hours during a 24 hour period, and care is given on a regular recurring basis. Services MUST meet all State and Federal regulations. Note: restricted from adding child care services in the same dwelling.

Family Child Day Care A family day care service, which consists of a private family home, caring for not more than six (6) children full-time (including the providers' own children not in school full-time) and three (3) part-time children. Children are cared for not more than 12 hours during a 24 hour period, and care is given on a regular recurring basis. Part-time consists of child care for not more than four (4) hours in a 24 hour period. Services MUST meet all State and Federal regulations. Note: restricted from adding elder care services in the same dwelling.

Group Child Day Care A group care home, which consists of a private family home or commercial facility, caring for not more than 12 children in the group day 11 care. Services MUST meet all State and Federal regulations. Note: restricted from adding

elder care services in the same dwelling.

A. Landry: also prefers to see all of these individual items defined

T. Penn: The Commission may opt to include all of these items if they choose. I will point out that most of these uses would very neatly fall into the category of business that has been variously called Rural Business/Neighborhood Limited Enterprise. If the Commission wishes to specifically identify them as uses within certain districts, then they would also have to be added into the various tables of uses, with whatever level of review they deem appropriate. Commission should decide (by vote if necessary) which definition to include. Prefer to list categories. Tyra will retrofit them in.

Page 92

Connecticut Guidelines for Soil Erosion and Sediment Control, 2002 – a document (DEP Bulletin 34) intended to provide information to government agencies and the public on soil erosion and sediment control. These guidelines fulfill the requirements of Connecticut's Soil Erosion and Sediment Control Act (§§ 22a-325 through 22a-329 of the Connecticut General Statutes).

~~C. Dunne: Connecticut Guidelines for Soil Erosion and Sediment Control, 2002—a document (DEP Bulletin 34) intended to provide information to government agencies and the public on soil erosion and sediment control. These guidelines fulfill the requirements of Connecticut's Soil Erosion and Sediment Control Act (§§ 22a-325 through 22a-329 of the Connecticut General Statutes).~~ Anyone looking for Soil and Erosion etc is not going to now to look under Connecticut Guideline

T. Penn: This item is in the glossary because Marla requested it be added, and it is referred to in the text, so I would not recommend striking it. No Commission action required.

Page 92

Country Inn - an owner-occupied dwelling, part of which is used as overnight accommodations for transients in exchange for compensation. A Country Inn is distinct from a Bed and Breakfast in that the Country Inn may include an area for food service which a) may provide meals other than breakfast, and b) may also be open to the general public.

J. Blanchette: I noticed that the "country inn" definition in the new draft zoning regulations refers to an "owner occupied dwelling". I wonder if it would be appropriate to consider removing that language from the definition because this project would be non-conforming and probably Lord Thompson Manor would as well.

A. Landry: prefers the current definition: A dwelling unit in existence when Zoning was adopted in 1975, provided: (a) The country inn is operated by the owner of the dwelling unit who maintains it as his or her principal residence. It is the intent of these regulations to preserve to the greatest extent possible the residential character of the residence Inn and surrounding area. It is not the intent of these regulations that this residential use be construed as a commercial use or lead to other commercial uses.(b) No more than three full-time and/or three part-time employees who do not live in the dwelling unit shall be employed by the Country Inn. (c) No less than five (5), no more than ten (10) guest rooms shall be provided. (d) The building must be sound, safe and of adequate size to accommodate guest rooms, as determined by the Building Inspector in consultation with the Fire Marshal.

T. Penn: As it turns out, Janet has identified an inconsistency in the current regs that makes both LTM and the Mason House non-conforming, already. In truth, the

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real problem with the term Country Inn is that it is meant to represent a middle-ground between a B&B and a motel/hotel; but there really is no good distinction there. To circumvent this problem, I propose the following edit to this definition: a building originally designed as a residence which is converted to use as overnight accommodations for transients in exchange for compensation. A country inn may or may not be the primary residence of the owner, but may not be a part of a hospitality group or a franchise. A country inn may include an area for food and beverage service may provide meals other than breakfast and may also be open to the general public. Commission must choose which of the presented definitions they prefer.

Janet Blanchette questioned if Country Inns should be owner occupied. Formally approved Lord Thompson Inn and Mason House are not owner occupied. Tyra proposed to solve this problem with language she suggested.

Robert Werge Sr. moved and Alvan Hill seconded the motion to accept Tyra's proposed definition on Country Inns. A "Yes" vote will accept. A "No" vote will not. Roll Call:

John Lenky-Yes	Charlene Langlois-Yes	Alvan Hill-Yes
Christopher Nelson-Yes	Michael Krogul-Yes	Robert Werge Sr.-Yes
Missy Desrochers-Yes	Christine Chatelle-Yes	Brian Santos-Yes

Motion Carried

Page 95

Fence – a freestanding structure intended for division no more than seven (7) feet tall on either side. Any structure over seven (7) feet in height must meet building setbacks.

A. Landry: Wants to know why 7' not 6'

T. Penn: This question was raised earlier. There is a discrepancy between building codes & state statutes. Statutes say 7'. Atty Roberts has previously confirmed that the discrepancy is ok, it only means that the threshold for a building permit is lower than that for a zoning permit. They do not cancel each other out. No Commission action needed.

Page 96

Kennel, Commercial – a facility maintained for boarding companion animals, which may or may not include grooming services. The term "Commercial Kennel" shall include veterinary hospitals that board companion animals for non-medical purposes.

Kennel, Non-Commercial – a facility where five (5) or more companion animals over the age of four (4) months under one ownership are maintained at a single location and bred for show, sport or sale. Any owner who breeds more than two litters of dogs annually shall apply to the Thompson Town Clerk for a kennel license (CGS Section 22-344).

A. Landry: prefers the existing definition "Kennel - Any structure or premises on which five (5) or more dogs over four (4) months of age are kept or maintained. "

T. Penn: It appears that what Al prefers is that there be no differentiation between a Commercial and Non-Commercial Kennel, as has been suggested in the proposed draft. It seems to me that the two functions described are very different, one being the use the Commission has limited to the Business Development District & Corridor District, and the other being an enterprise suitable to the category of Home Occupation or Neighborhood Limited Enterprise. The Commission should decide whether to keep the two separate definitions, or revert to the existing language.

Commercial Kennels are allowed in Business Development and Thompson Corridor Section. Tyra will clarify the definition of Non-Commercial Kennels.

Page 97

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 lot line. In the case of 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.

M. Butts: recommends adding a definition for Road/Street Frontage. Related: how is frontage dealt with on private roads

M. Krogul: has requested, and the Commission has agreed, that the frontage does not need to be a continuous straight line.

R. Roberts: Is the intent to require frontage on an accepted town road, and all other lots are non-conforming?

T. Penn: Regarding Marla's & Rich's comments, I believe the answer is that we do want to define road frontage separately, and that the intent is for that frontage to only be conforming when on a town accepted road. I will add a definition accordingly. Here is my suggested edit to accommodate for the possibility of a non-continuous frontage line: ~~"the length of the shortest straight line~~ measured between side lot lines and located entirely within the lot, and passing through any point(s) of the front lot line. Such frontage may be non-continuous, i.e. it is not required to be a straight line between points, but may be irregular. **Commission should confirm whether that edit is acceptable.**

Edit acceptable by unanimous consent

Page 97

Manufactured Home – a prefabricated or transportable single family dwelling unit, which is transported in one or more sections. A manufactured home must be constructed in accordance with the Federal Manufactured Home Construction and Safety Standards of the Department of Housing and Urban Development (HUD). The manufactured home must be suitable for year round habitation, and equipped with a means to connect to water, sanitary, and electric facilities. A manufactured home must comply with all applicable flood management regulations.

A. Landry: prefers the current regulations "A prefabricated or transportable single family dwelling unit, which is transported in one or more sections. A manufactured home must not be less than 22 ft. at its narrowest dimension and must be constructed in accordance with Federal Manufactured Home Construction and Safety Standards (HUD Code). The manufactured home must be suitable for year round habitation, and equipped with a means to connect to water, sanitary, and electric facilities. A manufactured home must comply with all applicable flood management regulations and have a minimum floor area of 600 square feet."

T. Penn: This language is substantively the same, except for the addition of the dimensional requirements. If the dimensional requirement reflect the standard in the HUD code, they should be removed from this item in case they are amended in the reference document in the future. If they are discretionary minimums chosen by a previous iteration of the commission, then to be consistent with the Commission's rejection of minimum size requirements as arbitrary, I would not add them back in. **No Commission action needed.**

Page 97 (new additions)

Manufacturing, Heavy (also Heavy Industrial) – processing or fabrication of products, primarily extracted from raw materials; or bulk storage and handling of

such products and materials; which involve more intense impacts associated with large industrial uses, their accessory outdoor storage uses, and large building areas. Uses which pose significant risks due to the involvement of explosives, radioactive materials, or other hazardous materials are included in this category. Examples include, but are not limited to: wrecking yards, building material manufacturing, chemical plants, concrete and asphalt plants, commercial slaughterhouses and freight facilities. Heavy Manufacturing is a prohibited use in the Town of Thompson. Manufacturing, Light (also Light Industrial) – fabrication or assembly of products lower in intensity, cleaner, and generally more compatible when located adjacent to commercial or mixed-use districts than are heavy manufacturing uses. Light manufacturing or industrial uses are those which do not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics. Examples include, but are not limited to: appliance and electronic device assembly; machine shop and related activities; construction of signs, including painted signs; light sheet metal products, such as ventilating ducts and eaves; Ice manufacturing; ceramic products, provided, that kilns shall only be operated by gas or electricity; products from previously prepared materials; tinsmith and roofing service; milk processing plants; Processing, sale, and display of monuments and stones; forming of small concrete products (I.e. stepping stones, fence posts, yard ornaments, etc.) and cultured marble products. Light Manufacturing is an allowed use in the Town of Thompson as described in the Tables of Uses of the various districts.

T. Penn: This is the pair of new definitions written to address previously addressed concerns regarding the level of intensity of use permitted in our business development districts. Commission should discuss and make any suggestions for additional edits before I add to the new draft.

Add Sawmills. Building Material Manufacturing will be taken out of Heavy Manufacturing.

Page 99

Person –an individual, firm, partnership, joint venture, association, club, corporation, estate, trust, receiver, syndicate or other entity or combination thereof.

A. Landry: strongly objects to this definition

T. Penn: I also find this language problematic, and the term “person” is not one used within the draft in such a way that it would require definition. Recommend striking. Commission must decide to strike or retain, with a vote if necessary. Strike the word person on Page 99.

Page 99 (new addition)

Petition – a written application from a person or persons to the Commission asking that some authority be exercised to grant relief, favors, or privileges. Article 2 Section 9 of these Regulations describes the petition requirements to request an amendment to these Regulations or the Zoning Map.

T. Penn: When discussing Article 2 Section 9, it was requested that a definition of petition be added to the glossary. Commission to confirm whether the proposed definition above meets their expectations.

General consensus-confirm proposed definition

Page 99

Photovoltaic Solar System - a system of components which generates electricity from incident sunlight by means of the photovoltaic effect, and which shall include all components, including energy storage devices where appropriate, necessary to

provide electricity for individual, industrial, agricultural, or governmental use.

A. Hill: suggests an alternate definition "a power system designed to supply solar power by means of photovoltaics, converting it to useable electrical current; and arrangement of several components that may include storage or energy containment, providing electricity for individual, agricultural, industrial or governmental use."

T. Penn: Commission should confirm which language they prefer.

Consensus to agree with Alvan Hill's suggestion noted above.

Page 99

Principal Building –that single building, or inter-related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

A. Landry: objects to the inclusion of "interrelated group of buildings"

T. Penn: agree that the "principal building" does not imply plural buildings. I will make the edit. No Commission action needed.

Page 105

Appendix A – Design Guidelines

B. Davis: There are a lot of "feel good" statements in Appendix A such as in the Pedestrians section where it says "buildings should offer attractive and inviting pedestrian scale features, spaces and amenities" While this all expresses the intent of the commission, I don't know if there is a legal benefit in it being there.

T. Penn: as a reminder, these guidelines are only considered prescriptive in the Thompson Common Village District (historic). Elsewhere they are only considered guidelines, which is why they are in an appendix; but, inclusion is meant to encourage responsive development. This section was suggested in the first iterations of the draft by NECCOG, and the Commission has accepted that suggestion since the beginning. No Commission action needed.

Page 105

Appendix A – Design Guidelines

Lighting

A. Landry: requests that this section specify downcast lighting only

T. Penn: Agree with this suggestion and will edit accordingly. No Commission action needed.

3. Next Meeting

TBD

4. Adjourn

Robert Werge Sr. moved and Alvan Hill seconded the motion to adjourn. The motion carried unanimously.

Respectfully Submitted,

Gloria Harvey, Recording Secretary