



TOWN of THOMPSON

PLANNING AND ZONING COMMISSION

**Minutes: Regular Meeting
Monday, March 24, 2014
Merrill Seney Room, Town Hall**

p. 1 of 6

Chairman Greg Lee called the meeting to order at 7:00 PM.

Roll call and seating of alternates

1. Present:

Randolph Blackmer, Jr.
Peter Nedzweckas
Robert Werge, Sr.

William Cacciapouti
Christopher Nelson

Greg Lee
Charles Paquette

John B. Lenky
John Rice

Alternate Michael Krogul was seated for Daniel Touchette. Alternate Charlene Langlois was not seated. There was a quorum

2. Absent: Joseph Parodi and Daniel Touchette

3. Staff Present:

Mary Ann Chinatti, Director of Planning and Development
John Mahon, ZEO
Ida Ransom, Recording Secretary

Public Hearing

1. ZC 2013-02: – Town of Thompson Planning & Zoning Commission, to amend Article IX, Section 2 Aquifer Protection Program, Subsections A through I, by deleting the entire section.
 - a. Mary Ann Chinatti explained the material to be deleted. There are two parts of this Section; one is the APZ- I which deals with the well head for Crystal Water Company; the other is APZ- II which deals with the stratified drift areas throughout the Town.
 - b. Joan Swearer, 451 Quaddick Town Road, shared her concerns about removing these aquifer protection regulations and the potential detrimental affect such removal could have for the residents. She explained her telephone conversation with the state and further noted that she had asked the State if they had been notified of the Town's proposed change.
 - c. John Rice stated that he had notified the State today, March 24, 2014.
 - d. Nick Swearer, 451 Quaddick Town Road, shared his understanding that one zone is very broad and the other is much more restrictive; he stated that there is no reason to remove the regulation and that the Town should stay with what we have right now.
 - e. Al Landry, 33 Randall Road, stated that he was dismayed about this having come up. He had asked while he was on the Commission and when the Thompson Speedway was being discussed why this was in the Planning and Zoning books.
 - f. Sally White, East Thompson Road, asked for clarification as to why this is being eliminated.
 - g. Mary Ann Chinatti read into the record a communication from Carolyn Werge, Conservation Officer, in which Carolyn Werge shared her concern about removing both levels. The A-I level will be needed when the mapping is completed. She summarized the rules, citing specifically page 45 of the Planning and Zoning Regulations, and shared a map of the Town which shows a significant amount of stratified drift in the Town.
 - h. Charles Paquette suggested that the current regulations be held as they are and that they be tailored to our current needs via a Committee of the Planning and Zoning Commission.

- i. Denise Coffey, 264 Quaddick Town Farm Road and a reporter for *The Reminder*, asked if there was to be construction that caused a problem without the regulations in place, what the Town's recourse would be.
- j. Mary Ann Chinatti explained that plans that are submitted are reviewed by Inland Wetlands and that the aquifer protection is another layer of protection for the health and safety of the residents.
- k. John Rice stated that he was told by a representative from the State that the regulations should not have been implemented. The information in the current Town regulations were written with the 2007 rules and that there are now updated State regulations. A copy of the new regulations are being sent to him. He clarified that the Level A mapping will be for the well site on Rachel Drive.
- l. Robert Werge asked for further clarification on the differences being discussed.
- m. John Rice stated that the APZ-I applies to the well head on Rachel Drive that Crystal Water has and that the APZ-II covers all the stratified drift areas throughout the Town which covers approximately fifty percent of the Town.
- n. Joan Swearer shared her concerns about various pollutants and their potential damage to the water supply.
- o. John Rice explained that are two pages of pollutants listed. Businesses are required to have monitoring and/or precautionary measures in place to prevent pollution but that this does not prevent the businesses from existing.
- p. Nick Swearer, Al Landry and Denise Coffey were in agreement to keep the regulations that are currently in place.
- q. John B. Lenky stated that we need to change to meet the current regulations and go forth with the new rules.
- r. Chairman Lee stated that the changes were done with good intentions.
- s. John Rice stated that the changes had been made in anticipation that the mapping would be done shortly after the regulations were put in place by the State; that did not happen.
- t. **Charles Paquette moved and John B. Lenky seconded the motion to close the public hearing.**

Randolph Blackmer, Jr. - Yes	William Cacciapouti - Yes	Michael Krogul - Yes
Greg Lee - Yes	John B. Lenky - Yes	Peter Nedzweckas - Yes
Christopher Nelson - Yes	Charles Paquette - Yes	John Rice - Yes
Robert Werge, Sr. - Yes		

The motion carried. The public hearing was closed.

Discuss Public Hearing

1. **John Rice moved and Randolph Blackmer seconded the motion to table the Zoning Change to the April meeting.**

Randolph Blackmer, Jr. - Yes	William Cacciapouti - Yes	Michael Krogul - Yes
Greg Lee - Yes	John B. Lenky - Yes	Peter Nedzweckas - Yes
Christopher Nelson - Yes	Charles Paquette - Yes	John Rice - Yes
Robert Werge, Sr. - Yes		

The motion carried. The zoning change was tabled to the April meeting.

Approve minutes

1. **John Rice moved and Randolph Blackmer, Jr. seconded the motion to accept the minutes of the February 24, 2014 meeting as mailed.**

Randolph Blackmer, Jr. - Yes	William Cacciapouti - Yes	Michael Krogul - Yes
Greg Lee - Yes	John B. Lenky - Yes	Peter Nedzweckas - Yes
Christopher Nelson - Yes	Charles Paquette - Yes	John Rice - Yes
Robert Werge, Sr. - Yes		

The motion carried. The minutes were accepted as mailed.

Applications received: None

Applications received after agenda: None

Citizens' Comments

1. Donat Charron asked that item New Business 12. B. be moved before Old Business.
2. **Greg Lee moved and Charles Paquette seconded the motion to move New Business 12. b. to 10 A.**

Randolph Blackmer, Jr. - Yes	William Cacciapouti - Yes	Michael Krogul - Yes
Greg Lee - Yes	John B. Lenky - Yes	Peter Nedzweckas - Yes
Christopher Nelson - Yes	Charles Paquette - Yes	John Rice - Yes
Robert Werge, Sr. - Yes		

The motion carried. Item New Business 12. B. will be heard as item 10. A.

Reports of Officers and Staff

1. Monthly Budget Review
 - a. John Rice reported that 63.1% of the budget has been expended.

Because of a medical emergency in the building a recess was called. The meeting resumed at 7:42 PM and Charlene Langlois was seated for John Rice.

2. ZEO Report
3. Director of Planning and Development Report

John Rice returned to the meeting at 7:45 PM and Charlene Langlois stepped down from voting.

Correspondence – The starred (*) ones were sent only via email.

1. Agenda: Planning and Zoning Commission, March 24, 2014.
2. Minutes: Planning and Zoning Commission, February 24, 2014.
3. ZEO Report
4. Financial Report
5. *Agenda: Zoning Board of Appeals, March 10, 2014.
6. *Minutes: Zoning Board of Appeals, March 10, 2014.
7. Dated February 4, 2014, a copy of Inland Wetland Permit IWA 13020 – 0 Greene Acres Road – construction of residential home in upland review area.
8. Dated February 24, 2014, from the Citing Council to CL&P approval of the proposed staging area for the Interstate Reliability Project.
9. Dated February 24, 2014, from the Citing Council to CL&P approval of the proposed hours of operation for the Interstate Reliability Project.
10. Dated February 28, 2014, from Ida Ransom, her resignation as recording secretary.
11. Received March 6, 2014, notification of the 2014 Freedom of Information Commission Annual Conference, Friday April 4, 2014 8 AM – 2 PM, Haddam, CT. Please let Mary Ann Chinatti know if you would like to attend.
12. Dated March 10, 2014, a copy of a memorandum from Mary Ann Chinatti, Director of Planning and Development to the Board of Selectmen, requesting that the Board of Selectmen designate the First Selectman to contact those entities named in the Town of Thompson's Plan of Conservation and Development (POCD) to provide goal end dates and status updates.
13. Dated March 17, 2014 a request from Concerned Thompson Citizens Again [sic] Blasting Damage, signed by Donat Charron, to be on the March 24, 2014 Planning and Zoning Commission Agenda.
14. Dated March 18, 2014, from Attorney Peter Alter a letter re Thompson Rail bond.
15. From Donat Charron, a copy of the communication he received from William Warzecha at DEEP re the blasting issue. Mary Ann Chinatti read this communication into the record.
16. It was requested that Mary Ann Chinatti read into the record her communications with Sergeant Mark D. Grasso, CT State Police Fire and Explosion Investigation Unit; this was done.

Signing of Mylars: None

New Business

1. Request from Concerned Thompson Citizens Again (stet) Blasting Damage to be on the agenda to discuss blasting that is being done by Maine Drilling and Blasting/French River Material, LLC.
 - a. Donat Charron stated that to the best of his knowledge no one who had requested a post blast report of the blasting on February 2, 2014 had received a report.
 - b. Charles Paquette stated that the post blasting reports were to only go to the individual home owner and if they chose to share the information that was up to them.
 - c. Charles DeVivo, 442 Riverside Drive, asked about the records of the 2013 blasts and also asked if records of the future blasts will be available.
 - d. Chairman Lee responded that Marine Blasting has all the blast records.

Old Business

1. Annual Renewal of Gravel Permit #2009-09; Thompson Rail Business Park, LLC, Map 65, Block 101, Lot, Ind.
 - a. Attorney Peter Alter, representing the applicant, summarized the operation and those involved at 307 Reardon Road. The closest house on Reardon Road is approximately 1350 feet from the site and across the river the closest house is probably about 1000 feet.
 - b. For the record, Attorney Alter submitted an original copy of the surety bond letter he had sent to the Town as well as a copy of the Certified Registration showing his applicant's compliance with the State's storm water regulations. The original was in 2008 and it has been updated.
 - c. The water-testing comparison of the tests done before and after the test blast by the Northeast District of Health showed no changes in potability.
 - d. Sue Shepley from Geo Sonics explained that originally 27 individuals requested a pre-blast inspection but that only 23 were finally requested. Of these 23, only two asked for a post inspection. The post inspection reports were mailed to the individuals on March 24, 2014. She noted that the standard acceptable limit for the seismograph readings is 2 inches per second and that of the eleven seismographs in place the maximum reading was .24 inches per second. She stated that essentially there was no difference between the before and after reports.
 - e. Charles Paquette asked how the power of the test blast compared to the previous blasts.
 - f. Attorney Alter stated that it was very similar to the previous blasts and future ones will be similar.
 - g. John B. Lenky stated, from his personal work experience, that lots of factors affect blasting and that for them to be "consistent" is enough.
 - h. Attorney Alter responded to points in the communication that William had sent to Donat Charron and cited how his applicant is in compliance with the various items that were noted as being important -- a comprehensive plan is in place, the .24 inch recording is only 10 % of the recommended 2 inch limit, residences were well beyond the 500 feet established standard.
 - i. Attorney Alter stated his client will continue to provide data in the future, that the French River Materials representative is willing to meet with homeowners on a regular, perhaps quarterly basis, and that they have acted appropriately and in good faith.
 - j. Attorney Alter requested renewal of the permit for one year effective from the date of the Commission's decision.
 - k. Charles Paquette asked if the type of land area could have had an effect on what the homeowners experienced. Attorney Alter stated that the reports of the seismographs are the scientific evidence of the impact and they would have reflected the geology.

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- l. Charles Paquette noted that he had previously asked about the plans for the site. Attorney Alter stated that there is a fully approved sub-division plan on record.
- m. Attorney Alter noted that this permit is listed as a gravel permit, but that the operation at 307 Reardon Road falls under the "earth processing and removal" portion of the regulation not that of a gravel bank.
- n. A question was raised about communications with the Corps of Engineers who are responsible for the West Thompson Dam. Mary Ann Chinatti had verbal communications with them, but is willing to follow through in writing.
- o. Harold Hopkins, French River Materials, reported that he has been in direct communication with the lead person at the Corps of Engineers, that a seismograph was located there for the test blast, and that the Corps is satisfied with the results.
- p. **John Rice moved and Robert Werge, Sr. seconded the motion to renew Gravel Permit #2009-09 -- Thompson Rail Business Park, LLC, Map 65, Block 101, Lot 1, Ind. for one year from March 24, 2014 with the following conditions:**
 - 1) **Blasting is not to exceed the test blast held February 12, 2014;**
 - 2) **Truck traffic is to continue turning left; the signage that is in place is sufficient and is to be retained;**
 - 3) **Residents who request notice and the ZEO are to be notified prior to all blasting; a copy of those requests is to be given to the Planning and Development Office;**
 - 4) **Continue to meet the requirements of Planning and Regulations Article 9, Section 5.**

Randolph Blackmer, Jr. - Yes William Cacciapouti - Yes Michael Krogul - Yes
Greg Lee - Yes, because it is in the best interest of everyone. John B. Lenky - Yes
Peter Nedzweckas - Yes Christopher Nelson - Yes Charles Paquette - Yes
John Rice - Yes Robert Werge, Sr. - Yes

The motion carried. Gravel Permit #2009-09 is renewed with conditions.
- q. The reclamation surety bond proposed by Thompson Rail, Inc. has been reviewed by Attorney Byrne; there are some minor adjustments. Attorney Byrne provided the Town with a sample of a "Letter of Credit" which he recommends the Town use. Attorney Alter will have the applicant's insurance company contact Attorney Byrne and assured the Commission that the bond will be posted before the next blasting.

Christopher Nelson left the meeting at 8:50 and returned at 8:53 PM.

- 2. Site Plan Review Application #2010-3 re evidence of bonding
 - a. ZEO John Mahon reported that bonding for this Site Plan was never put in place and asked for guidance from the Commission.
 - 1) **It was the consensus of the Commission that a \$500.00 bond be posted by the applicant with the full amount to be returned to the applicant when Phase I is completed.**

Charles Paquette left the meeting at 9 and returned at 9:02 PM.

Commissioners' Comments

- 1. John Rice reported that he, Mary Ann Chinatti, Randy Blackmer, Greg Lee and John Lenky attended the Annual CFPZA Conference. He and Charles Paquette were presented Lifetime Achievement Awards and Randy Blackmer receive a Length of Service Award. The topic was the new Medical Marijuana law. John Rice would expect that the Town's regulations will ultimately contain wording that "the State regulations will be followed."

Next meeting

- 1. The next regular meeting will be held Monday, April 28, 2014, at 7 PM in the Merrill Seney Room at the Town Hall.

Adjournment

1. **Randy Blackmer moved and John B. Lenky seconded the motion to adjourn. The motion carried unanimously.**
2. Chairman Greg Lee adjourned the meeting at 9:08 PM.

Ida Ransom
Recording Secretary