

Planning & Zoning Commission – Zoning Regulations – Review of Updated Regulations
Special Meeting
Tue 22 June, 7:00 p.m.
Via Zoom

Meeting Recording:

https://us02web.zoom.us/rec/share/x-qM6ZTz_XifxgtNVzFftu5ZFV3ySHALaOasBU7ORcAPgh2r_mvtdy37kqLRuY3M.t8-TAM09VQG6aXgQd

Access Passcode: H9=KRM^P

Or via YouTube:

Minutes

1. Call to Order – 7:00 p.m.
Roll Call – J. Parodi-Brown, Chair; A. Hall; M. Krogul; J. Lenky; D. Poplawski; B. Santos; Cindy Dunne, ZEO; Tyra Penn-Gesek, Director of Planning & Development
2. Review and Discussion of 2020 Zoning Regulations – Suggested Amendments
 - Discussion of the remaining memo items from March 2021, items called out for possible revision following publication of the 8th Edition Zoning Regulations of 15 Sept 2020. Text below shows the topics discussed with sidebar comments added from the membership.

Shooting Ranges are not addressed in amended regulations.

Article 5A, Section 9 Shooting Ranges

A. Intent

The regulations for the location and operation of shooting ranges are intended to create clear standards by which these uses may be pursued by landowners in Thompson, while also establishing standards to prevent physical harm that might inadvertently result from such use.

B. General Provisions

1. In Districts where shooting ranges are an allowable use, a special permit shall be required as outlined in **Article 3A, Section 4, C and Article 3C**.
2. In addition to the requirements described in **Article 3A, Section 4, C and Article 3C**, a special permit application for a shooting range shall show:
 - a. The location of the backdrop and any additional bullet containment device, and shall include verification that the backdrop conforms to the standards set by the State Police of Connecticut, in the form of a signed letter from the State Police.
 - b. The configuration of any bullet containment device.
 - c. A narrative describing the planned measures for the management of lead on the site.
3. A shooting range shall follow guidance as outlined in **CGS Chapter 92 Section 7-32k**, as amended; and **CGS Chapter 442 Section 22a-74a**, as amended.
4. Any owner of real property upon which a shooting range is approved shall enter the location of such property on a list maintained by the Town Clerk, which shall include the name of the owner, the address of the subject property, the corresponding map, block and lot number, and the owner's signature and date of entry.
5. The owner of a shooting range shall not allow the accumulation of lead (e.g. spent ammunition rounds) in the soils and water of Thompson. To avoid such accumulation, the operator of any shooting range shall follow the guidelines described in the [EPA publication Best Management Practices for Lead at Outdoor Shooting Ranges](#). The owner of any

Comment [u1]: Include provision for 10-acre minimum for outdoor shooting ranges, private or commercial

Comment [u2]: Confirm that the State Police would provide this letter. Otherwise strike the last half of the sentence.

Comment [u3]: Include verification of firearms license of owner (pistol permit/hunting license).

shooting range shall agree to permit the Town or other appropriate entities to conduct regular inspections of the site, in order to ascertain that spent ammunition is regularly cleared from the site.

Comment [u4]: For outdoor shooting ranges, private or commercial, there shall be no shooting on Sundays (check with Kelly)

C. Private Shooting Ranges

- For the purposes of these Regulations, a private shooting range shall be one that is located outdoors on a privately owned parcel, and which is operated solely for the personal use of the property owner. A private shooting range shall not operate as a business. Provisions for shooting ranges operating as businesses are described below in **Article 5A, Section 9, D**.
- Private shooting ranges are only allowed in the Rural Residential Agricultural District.
- A private shooting range shall not be located closer than 1,250 feet from the boundary line of any adjacent property or public right-of-way.
- No private shooting range shall be permitted on a property that shares a boundary with any designated public recreation area.
- The owner of the property on which a private shooting range is located shall post notice along all boundary lines of the property, at intervals of 150 feet or at least once on any adjacent boundary line, whichever is the lesser interval. Such notice shall include the name and address of the property owner, and the emergency phone numbers for the Thompson Emergency Medical Services and the Connecticut State Police.
- A private shooting range shall only be in use during daylight hours, or between the hours of 8 a.m. to 8 p.m., whichever period of daylight hours is shorter.

Comment [u5]: In addition to the general provisions for entry with the Town Clerk. The owner of the private shooting range shall provide their respective gun licensing, a list of firearms registered, shall be responsible for visitors, and shall have copies of the licenses of visitors available upon request.

Comment [u6]: Also not located closer than 500 ft from any building.

Comment [u7]: Should this be 300 ft? Members are generally comfortable with 150 ft but for large properties that could be a lot of posted signs.

D. Commercial Shooting Ranges

- For the purposes of these Regulations, a commercial shooting range shall include any shooting range operated as a for-profit business; and shall also include privately operated clubs offering membership for dues, whether non-profit or for-profit.
- As part of the special permit requirement described in Article 5A, Section 9, B 2.c the narrative shall use the **Template for an Environmental Stewardship Plan for Management of Lead Shot/Bullets** found in the [EPA publication Best Management Practices for Lead at Outdoor Shooting Ranges](#).
- A commercial shooting range shall only be allowed in the Business Development District.
- In addition to the dimensional requirements found in **Article 5A, Section 9, C, 2-5**, a commercial shooting range shall have a minimum 10 acres.
- The hours of operation for a commercial shooting range shall be limited to 7 a.m. to 10 p.m. daily.
- A commercial shooting range shall have an implemented safety plan that substantially includes, but is not limited to, the following items:
 - A description of the range that stipulates how, when, why, and by whom the facility will be used.
 - The safety plan should divide rules and regulations into the categories of gun handling rules, general range rules, specific range rules, and administrative rules and regulations.

Comment [u8]: Check parcel sizes within the district. Is this a feasible stipulation?

Comment [u9]: Change requirements for indoor shooting ranges/acreage. 10 acre minimum added to general provisions for all outdoor ranges instead

ADD TO DEFINITIONS

Shooting range (also "firing range" or "range") An area designed and operated primarily for persons using or discharging rifles, shotguns, pistols, revolvers, or black powder weapons; archery; air rifles; silhouettes; skeet ranges; trap ranges; or any other similar sport shooting.

Comment [u10]: Add paintball, air powered projectiles. Edit language for better clarity regarding silhouettes, etc

SUGGESTED AMENDMENT TO DIMENSIONAL REQUIREMENTS – ALL DISTRICTS

A. Frontage and Setback Requirements:

Use	Frontage	Front	Side	Rear
Residential	150'	40'	20'	20'
Agricultural, Non-Residential, Non-Livestock	150'	40'	20'	20'
Agricultural, Livestock, Non-Swine	150'	150'	150'	150'
Agricultural, Livestock, Swine ¹	300'	300'	300'	300'
Accessory Structures to the Primary Building (greater than 200 sq. ft. floor area)	n/a	²	20'	20'
Sheds and other structures less than or equal to 200 sq. ft. floor area	n/a	²	5'	5'
Special Needs Access	n/a	³		

Comment [u11]: footprint

Comment [u12]: footprint

¹ CT Public Health Code Section 19-13-B23(a).

² When the application is for new construction of the primary structure, the setback for an accessory structure shall equal or exceed that of the primary structure. Where there is an existing primary structure, the Commission may waive the front setback requirement based on the physical characteristics of the site.

Comment [u13]: that predates the adoption of these Regulations

³ The ZEO shall permit the construction of a required special needs access-way to protrude into any setback provided that it is the only reasonable location for such access-way.

Article 4A, Section 2 Table of Permitted Uses

The following uses are permitted in the RRAD, under the level of review indicated in the table below, in accordance with the requirements in Article 3A, Section 4:

Use	Construction Type	Zoning Permit, Simple	Permit with Commission Site Plan Review	Special Permit	Prohibited
1. Agriculture, non-livestock	Existing	X			
	New	X			
2. Farm Stands	Existing	X			
	New	X			
3. Home Occupations	Existing	X			
	New	X			
4. Single-Family Dwelling, Two-Family Dwelling, Accessory Apartment, Accessory Dwelling Unit (including conversion)	Existing	X			
	New	X			
5. Agriculture, Livestock	Existing		X		
	New		X		

- Amended Regulations do not address riding stables, academies, or boarding stables for five or more horses.
 - This issue was addressed in previous regulations in the R80 and R40, Article VIII, Section 1 R80, A2 and Section 2 R40, A2.
- Amended regulations, Article 4A RRAD, Section 2 E Fertilizer and Manure Management addresses this topic referencing state statues, and Agencies requirements, it does address the distance management needs to be from property boundaries.
 - This issue was address in previous regulations in the R80 and R40, Article VIII, Section 1 R80, A1b and Section 2 R40, A 1b.
- I have received inquires of how many horses one is allowed on their property. Amended Regulations does not address a number per acre.
 - Is this something that needs to be researched for limitations restrictions per acreage.

- Comment [P14]:** The members agreed that separating non-livestock agriculture from livestock agriculture was appropriate, as well as the new level of review for livestock. Wherever Agriculture appears in the table of uses, this breakout will be added for livestock.
- Comment [P15]:** Is this covered by “farm-based recreational activities?” Alternately, is this captured by the “safety valve” special permit provisions?
- Comment [P16]:** Cindy recommends adding language specific to these uses
- Comment [P17]:** Cindy raises a concern re: number of temporary shelters permitted on a property.
- Comment [P18]:** B. Santos calls up Pomfret’s regulations as an exemplar.
- Comment [P19]:** Dave P. also feels there should be some limits on acreage for keeping horses

T. Penn comment: the guidance document Zoning Regulations for Livestock: Best Practices, published by the CT RC&D recommends against setting specific animal density limits in municipal regulations. That document specifically recommends the use of setbacks and buffers as controlling measures within zoning. However, it does suggest that site plan review for livestock within residential areas may be appropriate. Recommendation: consider altering the level of review for livestock agriculture to site plan review by the commission, and establish some objective parameters which the PZC can use. Avoid animal density language if a better alternative can be found.

Suggested amendments to Article 4 A, Section 4

- D. Livestock
- Definitions of livestock shall not include animals kept as household pets. A household pet is a companion animal that resides with the owner in the dwelling unit.

Comment [P20]: This language is lifted straight from the RC&D guidebook for consideration by the PZC for any modifications. Following discussion of the CT RC&D guidelines in greater depth, the consensus was that these suggested additions resolve most of the concerns left open in the 8th edition regs

2. Fertilizer and Manure Management—Livestock owners must comply with generally accepted agricultural practices through the Right to Farm Law (CGS Chapter 368m, Sections 19a-341 & 341a); prevailing CT Department of Energy and Environmental Protection water pollution control statutes (CGS Chapter 446k, Sections 22a-430); and the State of Connecticut Public Health Codes.
3. Slaughtering and/or butchering of animals is prohibited except for animals raised on the property for personal consumption and poultry (e.g., chickens, turkeys, ducks, etc.) raised on the property, slaughtered and processed according to the USDA Producer/Grower 1000 Limit Exemption. Ref: https://www.fsis.usda.gov/wps/wcm/connect/0c410cbe-9f0c-4981-86a3-a0e3e3229959/Poultry_Slaughter_Exemption_0406.pdf?MOD=AJPERES
4. Site Plan Review Standards for Livestock Agriculture - Site Suitability and Impact
In order to minimize potential adverse impacts, in addition to the requirements of **Article 3A, Section 4 B**, the site plan of an application for livestock agriculture shall include the following:
 - a. Location of all proposed animal shelters, paddocks, pastures and pens, including fences.
 - b. Type of animals to be kept
 - c. A narrative describing the total acreage of the site where animals are to be kept, the general nature and scope of the proposed use, and the provisions for storage of feed, grain, hay, animal excrement and any associated wastewaters.
 - d. Sites with slopes dominantly greater than 15% shall be avoided or improved utilizing generally accepted agricultural practices to avoid excessive surface water runoff, soil erosion or hazardous conditions for keeping animals.
 - e. Animal confinement areas shall not be located directly over land containing an on-site subsurface sewage disposal system.
 - f. Proper drainage shall be provided to avoid ponding of water. Clean water shall be diverted from animal confinement areas. Contaminated stormwater runoff shall be collected or treated to minimize impact on surface or subsurface water supplies, and runoff shall not be directed to neighboring properties.
 - g. All livestock shall be kept in such a manner that shall not cause unreasonable noise, odor, vermin or insects.
 - h. Livestock shall always be suitably and adequately confined or controlled.
 - i. Requirements of public health codes shall be followed.
 - j. Fencing for livestock shall be installed so that no part of the animal can reach over the property boundary line and of a nature to ensure the livestock safely stay within the fenced area.

Comment [P21]: Copied from the RC&D guidebook, but this subjective language could be problematic. Farms have noises and odors associated with them...what is "unreasonable?"

Add to definitions:

Paddocks, Pastures and Pens: A contiguous owned or leased area, used for confining of livestock which excludes areas occupied by dwelling units, non-agricultural buildings, onsite sewage disposal systems, and meets general criteria as described in the provisions of the District Site Suitability and Impact. Animal shelters are permitted within the confined area.

Comment [u22]: Improve this language for clarity

- IF horses are considered differently than agricultural livestock, and the PZC opts to use density-per-acre as a measure, what is the appropriate density (ref. Pomfret as example)? This would be contrary to the recommendation of the RC&D guidebook.

How to accommodate for riding stables/riding schools & boarding stables was left unresolved at the last meeting. Recommend a binary vote: leave as written (meaning: they are already substantively covered by the current options in the tables of uses)OR add to the table of uses under the site plan level of review.

The three Commercial districts, BDDD, TCDD, DMRD, table of permitted use charts do not address a structure on the property that is used only for storage.

Comment [P23]: Repeat additions for Storage, Commercial – Passive AND Retail Stores across all 3 of these districts

Zoning Districts, Article 4D Business Development District (BDDD) and Article 4E Thompson Development District (TCDD)

Use	Construction Type	Zoning Permit, simple	Zoning Permit with Site Plan Review by Commission	Special Permit	Prohibited

18. Wholesale and Distribution Facilities, Storage Rental facilities	Existing		X		
	New		X		

Add definition: Storage, Commercial – Passive: a structure or facility used for the purpose of storing goods or equipment for a business. Passive storage does not include storage rental facilities or any other business aspect which is available to the general public.

Comment [P24]: Not previously included, but should it be?

3. Adjournment – 9:04 p.m.

Respectfully submitted,
Tyra Penn-Gesek, Director of Planning & Development