



TOWN OF THOMPSON

ZONING BOARD OF APPEALS

**Minutes: Zoning Board of Appeals
Monday, February 8, 2021
Zoom Meeting 7:00 PM**

p. 1 Of 4

Topic: Zoning Board of Appeals

Time: Feb 8, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85934300087?pwd=bVNwRE55VXk3UCs5ZLBjN1VxVEqxZz09>

Meeting ID: 859 3430 0087

Passcode: 618201

One tap mobile

*+13126266799,,85934300087#,,,,*618201# US (Chicago)*

*+19292056099,,85934300087#,,,,*618201# US (New York)*

Topic: Zoning Board of Appeals

Start Time : Feb 8, 2021 06:37 PM

Meeting Recording:

https://us02web.zoom.us/rec/share/bKXsaxnncDJR5ZLUkHtiRKmH4x9_gv8Z8DIUrXr_Tq91rfM0VOFCeNK-d4qsseJV.vfpdQnWcljBx8qGg

Access Passcode: .1TX.P8x

1. Call to order
Chairman Kevin Beno called the meeting to order at 7:00 PM via Zoom.
2. Roll call and seating of alternates
Chairman Kevin Beno, Jason St. Onge, Geoffrey Bolte, Leslie Lavallea
Seating of Alternates: Leslie Lavallea
Absent: Earl Rosebrooks, Ken Weiss, Ross Dimock, Kirby Cunha
Staff Present: Cynthia Dunne, Zoning Enforcement Officer; Amy St. Onge, First Selectman;
Gloria Harvey, Recording Secretary
3. Public Hearing – Continuation of Public Hearing
ZBA Application #20-07- David R. Blake of 29 South Shore Rd, property owner of 31 South Shore Road, Map 133, Block 1, Lot 48, Zone RRAD (formerly R20), request for a Variance, 20-foot front setback, to build a residential dwelling.
At the December 12, 2020 ZBA Meeting the Board Members expressed concern of giving Front Setback on property that is not owned by David Blake, and the courts have not yet made a decision concerning legal ownership of .16 acres in front of Mr. Blake's property. Therefore Mr. Blake is pursuing a Variance with the .26 acres he presently owns. This lot is non-conforming referencing the Zoning Regulations of 2012, Article 4, General Use and Dimension Provisions, Section 2, Non-Conforming Lots. Side and back setbacks are 12' which complies with the Zoning Regulations of 2012. NDDH approval has been granted.

Mr. Blake proposed the following amendment to ZBA Application #20-07. Applicant is requesting a front setback Variance of 20' to be amended to a front setback Variance of 22'.

Kevin Beno said in order to open the Public Hearing the amendment; Applicant is requesting a front setback Variance of 20' to be amended to a front setback Variance of 22', would have to be allowed or not allowed to go forward with the discussion. **Jason St. Onge moved and Leslie Lavallee seconded the motion to accept ZBA Application #20-07 with amendment. Motion carried and vote was unanimous. Chairman Kevin Beno opened the Public Hearing.**

4. Discuss Public Hearing and Possible Action:

Discussion on ZBA Application #20-07 with amendment followed. Questions were raised about ownership of unclaimed property, ownership of unaccepted street, right of way in writing, right of way over property not owned by applicant, and access to the building lot.

ZEO stated that Mr. Blake received permission from the Planning and Zoning Commission to build a house off of an unaccepted street. The ZEO said all Mr. Blake is looking for is a 22' Variance from his boundary line to the unaccepted street. Bruce Woodis, KWP Associates, stated the driveway would go from the garage and join up on the existing gravel road and turn left onto South Shore Road and would not go through David Blake's lot. Attorney Adams, David Blake's attorney, cannot find the owner of the unclaimed property, and that is why he's going through the courts to obtain possession of it. David Blake, 29 South Shore Road, Thompson, Connecticut and the ZEO referred to the deed to determine if there was a right of way in the deed and it was unclear. David Blake asked the ZBA members if it would be possible to approve Application #20-07 with the stipulation that the court signs off on the lot. Attorney Adams working on getting a signature from the court. Kevin Beno stated that he was comfortable with that suggestion.

Jason St. Onge moved and Leslie Lavallee seconded the motion to close the Public Hearing. The motion carried and the vote was unanimous. The Chairman closed the Public Hearing.

Discussion followed on ZBA Application #20-07 with amendment.

Jason St. Onge suggested to approve the Variance under the condition that the applicant can acquire adequate documentation from the court to prove ownership of unclaimed land. Kevin Beno agreed with Jason St Onge as he doesn't believe the ZBA can give permission to an applicant to cross over land that he doesn't own as it is not set a good precedent. Geoff Bolte and Leslie Lavallee were both in agreement with proceeding in this manner.

Jason St. Onge moved and Kevin Beno seconded the motion to approve the Variance for ZBA Application #20-07 with amendment under the conditions that Mr. Blake can provide adequate documentation from the courts approving ownership of the lot off Jackson road and South Shore Road Extension. Kevin Beno said the vote on the motion will be based on

the fact that the Variance would be granted provided that the land is acquired through the court system. A "Yes" vote will grant the Variance. A "No" vote will not grant the Variance.

Geoff Bolte-Yes

Leslie Lavallee-Yes

Jason St. Onge-Yes

Kevin Beno-Yes

Motion carried and Variance granted provided the land is acquired through the court system.

5. Approval of Regular ZBA Meeting Minutes, December 14, 2020
Geoff Bolte moved and Leslie Lavallee seconded the motion to accept the Minutes of December 14, 2020. The motion carried and the vote was unanimous.
6. Correspondence:
 - a. PZC Minutes December 28, 2020 and January 25, 2021
 - b. Town of Thompson ZBA Budget Report January 2021-Budget Meeting scheduled for Tuesday, February 16, 2021. The ZBA members unanimously agreed to request the same budget as last year and asked the ZEO to present the budget at the meeting.
 - c. ZEO Memo
 - d. Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions
 - e. Town of Webster Zoning Board of Appeals Public Hearing
 - f. Town of Webster Zoning Board of Appeals Public Hearing
 - g. Town of Webster Notification of Zoning Board of Appeals Decision
 - h. Town of Webster Zoning Board of Appeals Decision
 - i. Town of Webster Zoning Board of Appeals Decision
 - j. Connecticut Federation of Planning and Zoning Agencies
ZEO commented that this is an all-day seminar and it is a very valuable seminar.
7. APPLICATIONS: APPEALS AND VARIANCES
ZBA 21-01 – Michael Barch, owner of 622 Fabyan Road, Map 17, Block 81, Lot 42 C, Zone RRAD, for a variance from the Amended Zoning Regulation, Article 42, Development Standards, Section 3, Footnote #2, Accessory Building Setback.
Jason St. Onge moved and Geoff Bolte seconded the motion to accept ZBA Application #21-01 from Michael Barch, owner of 622 Fabyan Road, Map 17, Block 81, Lot 42 C, Zone RRAD, for a variance from the Amended Zoning Regulation, Article 42, Development Standards, Section 3, Footnote #2, Accessory Building Setback. The motion carried unanimously to accept ZBA Application #21-01 for a Public Hearing.
8. APPLICATIONS RECEIVED AFTER AGENDA POSTED-NONE
9. Old Business:
 - a. 64 Linehouse Road – Discussion of use on the property
ZEO received a call from Attorney Cotnoir who is now officially the administrator of the estate of Fred Bates representing the estate only and has no financial commitment to

the estate. He is aware that the Town wants the property to be cleaned up. He has had several inquiries on the property: clean up current debris; re-open the business as a salvage operation. Both parties Attorney Cotnoir has been talking to will clean up the current debris and want to open the business as a salvage operation. Attorney Cotnoir is aware of the delinquent taxes that are due to the Town of Thompson and whoever takes on this project will have to clear up all debts. The interested parties, pending all debris and financial obligations being cleared, want to know if they can re-open the business. The interested parties feel they can reopen because they are a non-conforming business.

The ZEO will research to determine that if according to the 2012 or Amended 2015 regulations the following:

- If this business can be allowed to be classified as a Non-Conforming business - Regulations have not changed from 2012 or Amended 2015 Regulations.
- Investigate any responsibilities the estate has to the State - Any violations
- Investigate if the related State Agencies will let this business continue
- If the business will need a State Motor Vehicle Salvage License - the State will inform the ZEO.

The ZEO, in a discussion with a member of the Planning and Zoning Commission, was told that salvage operations are not allowed in Town of Thompson, however, the ZEO responded to this statement by saying this is a non-conforming salvage operation. Therefore, the ZEO asked if the state took the license away, with the ownership change can the Town allow this? Kevin Beno stated that Non-Conforming use after one-year reverts back to the current use and a Variance would be required to reopen. The ZEO will send a letter to the Town Attorney for his opinion on this issue. A question arose about the neighbors and the ZEO said that State Statues are stricter now requiring a fence to enclose the property and ensure the protection of the neighbors.

10. New Business:

a. Municipal Practice Group Update

The ZEO stated that this is an all-day seminar. She also commented that this is a very valuable seminar with breakout sessions on various topics including a session on the Zoning Board of Appeals. Kevin Beno said if any members are interested in attending this seminar they should contact the ZEO.

11. Next Meeting

Monday, March 8, 2021 at 7:00PM via Zoom

12. Adjournment

Kevin Beno moved and Jason St. Onge seconded the motion to adjourn at 8:25 PM. The motion carried unanimously.

Respectfully Submitted:

Recording Secretary, Gloria Harvey