



# TOWN OF THOMPSON

## Zoning Board of Appeals

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### Minutes: Zoning Board of Appeals

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**Monday, July 12, 2021 at 7:00 PM**

**Merrill Seney Community Room, Thompson Town Hall, 815 Riverside Drive, North Grosvenordale, CT 06255**

1. Call to order

Chairman Kevin Beno called the meeting to order at 7:00 PM

2. Roll call and seating of alternates

Chairman Kevin Beno, Jason St. Onge, Kirby Cunha, Leslie Lavalley, Paul Lenky

Absent: Jeff Bolte, Ken Weiss, Ross Dimock

Seating Alternates: Leslie Lavalley, Paul Lenky

Staff Present: Cynthia Dunne, Zoning Enforcement Officer; Gloria Harvey, Recording Secretary

3. Public Hearing:

**Kevin Beno, with the consent of the members of the ZBA present, agreed to change the order of Public Hearings scheduled for tonight's meeting as follows:**

**ZBA 21-03** Karol and Grazyna Wojtowicz Owner of Record, 2 Marcy Lane, Map 83, Block 7, Lot 13 D, Zone RRAD requesting 16-foot side yard setback to build a 36' x 21' detached garage.

The Application was amended at the ZBA meeting on June 7, 2021, to request a variance from Town of Thompson Amended Zoning regulations. ZEO read the following into the Minutes: The applicant is requesting a motion to add the following amendment to the application: To amend application #21-03 to include a variance to the Town of Thompson Amended Regulations, Article 4A, Rural Residential AG District, Section 3, Dimensional requirements, accessory structure to the primary building, front setback for an accessory structure shall equal or not exceed that of the primary structure. As noted in plans and the attached pictures presented by the applicant, the location of the garage will be in front of the primary structure. Their house is well within the front setback, however the accessory building is going in front of the house and the amended regulations say that the accessory building has to be equal or behind the house. A second notice, which included the application amendment, was sent out to abutters within 200 feet of

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boundary line. Certified receipts were returned to the ZEO office and a new sign was posted stating the new date and the application amendment.

Kevin Beno mentioned there is a deficiency on the side of the house where a 20' setback is required and the applicant is asking for a 16' side setback Variance. The ZBA members expressed concern about 4' to the side property line being too close and suggested the applicant reconfigure the layout and reposition the garage.

The applicants requested an extension to the Public Hearing so they could speak with the contractor and come back to the ZBA with an updated plan. Kevin Beno moved and Jason St. Onge seconded the motion to accept the applicants request to extend the Public Hearing to August 9, 2021. The motion carried unanimously.

Abutter Penny Matthews, 93 Thompson Hill Road expressed concern about the 4' side setback being too close to property line. She was also concerned that extending the building could require blasting, digging, heavy machinery, which could shake their foundation or property.

Claudette Hoffman, 3 Marcy Lane, stated that she had no objection to the application. She commented she observed that a new septic system was installed at the vacant house next to the applicants' property. There was substantial digging and she assumed there was no bedrock to deal with.

**ZBA 21-04 – James Brazel & Susan Waters**, Owner of Record 53 Wrightson Drive, Map 153, Block 17, Lot 14, Zone LD, request a variance to the Town of Thompson Amended Regulations, Article 4G, LD District, Section 3, Dimensional Requirements, Front setback for an accessory structure shall equal or exceed that of the primary structure. Applicant placement of the detach garage is on roadside of house.

Applicant presented information that clearly states location of proposed garage, 28' x 30', and justification for requesting the Variance. The required notice was sent out to abutters within 200 feet of boundary line. Certified receipts were returned to the ZEO office and the notice sign was posted in a timely manner. ZEO stated that the Town of Thompson Amended Regulations, Article 4A, Rural Residential AG District, Section 3, Dimensional requirements, accessory structure to the primary building, front setback for an accessory structure shall equal or not exceed that of the primary structure. The ZEO also stated that the PZC is going to address the deficiency about the accessory building being in front of the house at its next meeting.

There were no abutters present to speak for or against Application #21-04.

Kirby Cunha moved and Kevin Beno seconded the motion to close the PH.  
The motion carried unanimously.

**ZBA #21-02** Bates Auto Parts, Inc., Owner of Record Linehouse Road LLC, c/o Maher and Cotnoir, PO Box 187, Putnam, CT, property located at 64 Linehouse Rd, Map 38, Block 71 and 71B, Lot 13 and 5, Zone RRAD. This is an application pursuant to Conn. Gen. Stat. Sec. 14-67 for approval to use the premises for the operation or maintenance of a motor vehicle recycler's yard or motor vehicle recycler's business. Rescheduled from May 10, 2021.

ZEO read a summary of Important information of State Statute 8-7d regarding public hearing time line.

- *Application #21-02 was received April 5, 2021*
- *Application #21-02 was accepted April 12, 2021*
- *Public Hearing commences 65 days after acceptance. Public Hearing opened on June 7, 2021, 57 days after acceptance.*
- *Public Hearing 35 days after opening which is July 12, 2021. Petitioner may consent to one or more extensions to keep the Public Hearing open provided the total extensions not be longer than 65 days.*
- *ZBA decision must be made within 65 days of Public Hearing closure.*

Attorney Cotnoir, 166 Providence Street, Putnam, CT, was appointed by Probate Court as the Administrator for Bates Auto Parts, Inc. He distributed more specifics regarding Application #21-02 and gave a brief summary of the Recycling Yard.

- Fred Bates, owner of Bates Auto Parts, Inc., and Linehouse Road LLC
- Bates Auto Parts, Inc., preexisting recycling establishment
- Real Estate involved 64 Linehouse Road and 0 Linehouse Road
- 64 Linehouse Road contains a small office building
- 0 Linehouse Road contained property owned by the Bates Family and is not part of Application #21-02 because it is now owned by other people, therefore not part of the estate.
- Looking for approval of location for a Recyclers Permit under Section 14-67 which is the first step in a series of applications that will need to be obtained.
- After Mr. Bates passed away, the Motor Vehicle Department revoked the Recyclers Permit because of a fatal accident that occurred on the property with a vehicle that had dealer plates. There were also compliance issues involving the Motor Vehicle Department and the DEEP.

- On April 6, 2021 the DEEP issued an order for fiduciary of the estate, so Attorney Cotnoir contacted the DEEP to find out what would be involved in addressing the permit violation which is separate from the Recyclers Permit. It addresses the disposal of solid waste such as fueling from cars.
- 1<sup>st</sup> thing the DEEP requires the applicant to obtain is a licensed environmental professional to determine to what extent this operation will be viable again.
- Current situation is a mess. There is a lot of junk there, some recycling, garbage, debris, tires, roofing material.
- The estate is insolvent and if the Recycling Permit is not granted this site will never be cleaned up.
- Mr. Bastos entered into a contract with Mr. Bates to become a part owner and has over \$100,000 invested in the operation of the business. If Mr. Bastos were to take over the business both the entity and the license would be owned by him and the Motor Vehicle Department would make sure he would be responsible to run the business.
- The estate wants to sell these entities to Mr. Bastos which he will assume because of the debt of over \$100,000. Then Mr. Bastos will apply for a Recyclers Permit if the ZBA gives acceptance to the location. Then he will contact the DEEP to find out what needs to be done.
- 1<sup>st</sup> thing that must be done is to secure the property by ZBA approval of the location. Once this is done, additional inspections and oversight will be required.
- Attorney Cotnoir and Mr. Bastos presented the following plan:
  - Clean the front of the property, not seeking any changes to the footprint of the property
  - Mr. Bastos will take possession of all 7 acres and be responsible for the entire cleanup. He would put up a new fence to make the site more attractive and secure.
  - In the next phase, Mr. Bastos will start to clean up the rest of the site, harvesting any fluids, take and separate scrap, tires, etc., and as soon as that is done, he would take those items out to whatever Recycling facility that handles those items.
  - Following the cleanup, he will build a small temporary office near the gate and gradually as things get finalized, put in a new building with a concrete floor for a more permanent office.
  - Mr. Bastos suspects after permit approval, front clean up and installation of a fence, his goal is to have the entire site cleaned and fenced within a year.
- ZEO walked the 3.1 acres of the site with Mr. Bastos and noted debris as well as a collection of debris beyond the 3.1 acres.

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Paul Lenky asked Attorney Cotnoir to clarify if the site is a Junk Yard or Recycling Yard. Attorney Cotnoir replied that it is only an automotive Recycling Yard. ZEO commented in the original 1992 Permit, there was supposed to be fencing around the 3.1 acres and she asked Attorney Cotnoir if there will be fencing around the 3.1 acres and he confirmed there would be.

John Lenky, Brickyard Road, asked Attorney Cotnoir the status of Probate for Bates Auto Parts. Attorney Cotnoir replied that Bates Auto Parts is already in Probate.

Patty Jezierski, an abutter commented that for the last 20 years there has been noise, yelling, screaming, fire at the site and it is quiet now. She asked who is going to manage the site if the Permit is granted. She was also concerned about her water system.

ZEO commented that if the Recyclers Permit is granted there would be conditions attached to the Permit and those conditions would be scrutinized by the Zoning Office to make sure they are abiding by the regulations. She also added that she really appreciates Mr. Bastos coming forward and wanting to do something with this site.

Carlos Bastos, 77 Soap Street, Dayville CT. stated that 8 years ago he went into business with Mr. Bates and he started cleaning up the property for three to five months. He started taking control of the business because Mr. Bates wasn't feeling well, however, the deal fell through and he couldn't take full control of the site because Mr. Bates wasn't ready to give up control. He stated that he has pictures of the site before he went into partnership with Mr. Bates and after. Mr. Bastos stated that his track record shows that when he takes control of a site, he always tries to make it better. He said his track record speaks for itself. He further stated that he grew up in Thompson and he is trying to better the Town as a whole.

Sharon Mayotte, Linehouse Road, an abutter, stated that she never got a registered letter stating the date of the meeting and sign was never changed. Mr. Bastos said he didn't change sign date and time. The ZEO stated that a second registered letter was not necessary because the original application did not change.

Kevin Beno stated that the ZBA cannot vote on Application #21-02 tonight due to a deficiency in the sign. The sign needs to be reposted with the correct date and time of the Public Hearing.

Attorney Cotnoir requested a continuation of the Public Hearing to August 9, 2021 when sign will be posted correctly.

Kevin Beno moved and Paul Lenky seconded the motion to accept the request for the continuation of the Public Hearing to August 9, 2021. The motion carried unanimously.

ZEO received the approval of the ZBA to put together a list of conditions she would recommend if the ZBA approves Application #21-02. Paul Lenky suggested the ZEO add a water monitoring system to the list of conditions.

4. Discuss Public Hearing and Possible Action:

**ZBA 21-04 – James Brazel & Susan Waters**, Owner of Record 53 Wrightson Drive, Map 153, Block 17, Lot 14, Zone LD, request a variance to the Town of Thompson Amended Regulations, Article 4G, LD District, Section 3, Dimensional Requirements, Front setback for an accessory structure shall equal or exceed that of the primary structure. Applicant placement of the detach garage is on roadside of house.

Kevin Beno moved and Jason St. Onge seconded the motion to accept the Variance request as proposed for a garage.

Jason St. Onge-Yes

Kirby Cunha-Yes

Paul Lenky-Yes

Leslie Lavalée-Yes

Kevin Beno-Yes

The motion carried unanimously.

5. Approval of Regular ZBA Meeting Minutes, June 7, 2021

Leslie Lavalée moved and Kirby Cunha seconded the motion to approve the Minutes of June 7, 2021.

Discussion on the ZBA Minutes of June 7, 2021 followed and Application #21-03 was changed to read that the opening of this Public Hearing was continued to July 12, 2021 and the wording **“Applicant is on vacation for this meeting, he asked to open the Public Hearing and continue Public Hearing to the next ZBA meeting on July 12, 2021”** was removed.

Leslie Lavalée moved and Kirby Cunha seconded the motion to approve the Minutes of June 7, 2021 with the following change: Remove the wording **“Applicant is on vacation for this meeting, he asked to open the Public Hearing and continue Public Hearing to the next ZBA meeting on July 12, 2021”** to read that the opening of this Public Hearing was continued to July 12, 2021.

6. Correspondence:

a. PZC Regular Meeting Minutes June 28, 2021

b. Town of Thompson ZBA Budget Report June 2021

c. ZEO Memo

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- d. Town of Webster Zoning Board of Appeals Zoning Board Decision
- e. Town of Webster Zoning Board of Appeals Public Hearing Notice
- f. Town of Webster Zoning Board of Appeals Public Hearing Notice
- g. Town of Webster Memorandum Meeting Agenda and Change of Meeting Location

7. APPLICATIONS: APPEALS AND VARIANCES- None

8. APPLICATIONS RECEIVED AFTER AGENDA POSTED-None

9. Old Business: None

10. New Business:

ZEO stated that the Public Hearing for *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* was closed at the February 8, 2021 ZBA meeting. Jason St. Onge moved and Kevin Beno seconded to approve the Variance for ZBA Application #20-07 with an amendment under the conditions that Mr. Blake provide adequate documentation from the courts approving ownership of the lot off Jackson Road and South Shore Road Extension. Kevin Beno said that 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.

*Mr. Blake obtained a new attorney and that attorney discovered through paperwork in the Town Hall that the Town of Thompson does own that section of the road, therefore it is back in the Selectmen's hands so they can now move forward with the disposition of that property. Chairman Beno changed the wording of "court system" to "legal action" made at the 2/8/21 meeting. Kevin Beno also stated that if the First Selectmen or the Selectmen as a group decide that the documentation to prove that it is the Town's property then they can move forward with the disposition of the property, and the ZBA members present agreed.*

11. Next Meeting

Monday, August 9, 2021 7:00PM, Merrill Seney Community Room, Thompson Town Hall, 815 Riverside Drive, North Grosvenordale, CT 06255

12. Adjournment

Kirby Cunha moved and Jason St. Onge seconded the motion to adjourn. The motion was unanimously approved.

*Respectfully Submitted, Gloria Harvey, Recording Secretary*