



# TOWN OF THOMPSON

## Zoning Board of Appeals

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### Minutes: Zoning Board of Appeals

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**Monday, August 9, 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 Lavallee, Paul Lenky

Jeff Bolte, Ken Weiss, Ross Dimock

Seating Alternates: None

Staff Present: Cynthia Dunne, Zoning Enforcement Officer; Amy St. Onge, First Selectman, Gloria Harvey, Recording Secretary

3. Public Hearing:

**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. Continued from July 12, 2021 ZBA meeting.

The notification sign was changed, stating the appropriate date for the Public Hearing continuance and placed on property.

At the ZBA meeting held on July 12, 2021, Attorney Cotnoir and Mr. Bastos presented the following plan:

- o Clean the front of the property, not seeking any changes to the footprint of the property.

- o 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.

- o 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.

- o 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.

- o 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 comments to the presentation are entered in the ZBA Memo dated August 9, 2021.*

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Attorney Cotnoir, 163 Providence Street, Putnam, CT, commented that the last administrative task, putting up the sign, has been completed. He also addressed a technical matter that the real estate was transferred to Mr. Bastos as an LLC and will remain an LLC and Attorney Cotnoir will provide documentation to that once it receives Probate Court approval. He addressed the ZEO's conditions and stated that his client had no issues with them, except for condition number 5 regarding structures on the property. Attorney Cotnoir stated that Mr. Bastos would like, for the short term, to have a temporary structure on the site until the yard is cleaned up.

Paul Lenky asked Mr. Bastos to address the meeting and state what his plans are at the site for the future. Mr. Bastos, 77 Silk Street, Dayville CT stated:

- Bought property from Mr. Bates 8 years ago.
- One week before signing paperwork Mr. Bates backed out after Mr. Bastos had invested \$100,000.
- Prior to Mr. Bates backing out, Mr. Baston worked on the property with two other employees for about 4 months and during that 4-month period he started cleaning it up the site. He cut down trees within the 3.18 acres. He piled all the tires in one spot and started to remove the tires from the property. He organized and started disposing the scrap that was on the property. Aluminum with aluminum and metal with metal, etc.
- Plans for the future are to do what he can do such as:
  - Remove the tires and the scrap
  - Erect an 8-foot fence so he can work behind the fence
  - Clean up the debris on the road in front of the site
  - Cut trees down in the center of the site
  - Remove a pile of trash and separate the material that is there into piles. Once he has piles organized, he stated that he can't be expected to have trucks coming in and hauling that away without any income.
- However due to the cost associated with the disposal of tires, scrap and erecting a fence, he can't do everything immediately as these things will take a little bit of time and money.
- He will reach out to a couple of companies that take tires and hopefully will be able to get rid of most of the tires fairly quickly
- He will try to get rid of the oil as soon as possible
- The trash and the fence will take a little bit of time
- The process we are doing today is extremely preliminary and he stated that he can't be spending all this money without knowing the impact on his investment,
- If approval of Application #21-02 is received today, he will then need to resolve issues with DEEP
- He will need to be operating and selling salvageable on-site material in order to clear property of debris. Clean up will depend business on the site in order to clean it up and that will depend on what the town allows him to do and what the DEEP allows him to do. He said he can't spend thousands of dollars without having any income coming in. He further said that he can't take that risk without a license to operate.
- He offered to do well testing for the abutters
- The first step is getting approval from the town
- The next step is resolving issues with the DEEP. In order to get the site up to the new standards and codes of today, it is going to take time and money. The DEEP will tell him what needs to be done to cleanup the site. He cannot begin cleaning up the property without instruction from the DEEP. And he cannot have a conversation with the DEEP without approval from the town.
- The Permit to operate will come from the State Motor Vehicle Department

The ZBA members asked Mr. Bastos what would happen if two months into the cleanup, he found out that it would take \$300,000 to clean the site up and he decides to leave the site. Paul Lenky agreed that Mr. Bastos should receive income to offset the amount of money he is spending to clean up the site. Kevin Beno mentioned that the neighbors want the property cleaned up before operating the facility. Discussion took place about operating the facility during the cleanup operation. Ross Dimmock asked if the DEEP would allow Mr. Bastos to operate. Mr. Bastos replied that the DEEP will allow him to operate as long as he was making progress in cleaning up the site. Ken Weiss commented that Mr. Bastos is willing to come in to the town spend money and clean up a giant mess in the town.

ZEO read the Connecticut General Statutes Regulation for what the ZBA responsibilities are for establishing operation for maintaining a motor vehicle recyclers yard for recycling business. The ZEO further stated that what Mr. Bastos is requesting is approval of the location for the operation and he will not be able to operate a recycling yard until the DEEP has the Motor Vehicle Department sign off.

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Patty Jezierski, 88 Linehouse Road, an abutter, stated that she doesn't want Bates Auto any closer than it is right now and expressed concern about her well. Mr. Bastos said he will test her well before starting cleanup of the site and he would monitor abutting wells periodically.

Sharon Mayotte, 56 Linehouse Road, an abutter stated that she has no problem with Mr. Bastos making money while cleaning up. She asked if it would be possible to make approval for one year. She also asked for a live fence so she will not be able to see the trailer and fence. Attorney Cotnoir stated that the ZBA can put stipulations on the approval. Sharon Mayotte asked for the stipulation in writing.

ZEO will periodically inspect property for compliance with Zoning Regulations and operating permit conditions.

A concerned citizen from 135 Providence Pike, Putnam, CT stated that if there is anything the Motor Vehicle Department does not like, they will shut down the operation immediately. He also stated that he is for the Variance for ZBA Application #21-02 100%.

Curby Kunha moved and Jason St. Onge seconded the motion to close the Public Hearing. The ZBA members consented unanimously. Kevin Beno stated that the Public Hearing is closed.

**ZBA #21-03 Karol and Grazyna Wojtowicz** Owner of Record, 2 Marcy Lane, Map 83, block 57, Lot 13 D, Zone RRAD requesting 16-foot Side Yard setback to build a 36' x 21' detached garage.

**Application Amended - ZBA meeting on June 7, 2021, to request a variance from Town of Thompson Amended Zoning regulations**, Article 4A Rural Residential Agricultural District, Section 3, General Development Standards, Accessory Structure to the Primary Building, Front setback for an accessory structure shall equal or exceed that of the primary structure.

**ZEO Comment** - The notification sign was changed, stating the appropriate date for the Public Hearing Continuance and placed on property

Applicant redesigned the garage, detaching it from the shed and requested a 10' side setback plus a front setback. Plans were included in the packet sent to all ZBA members. Leave shed there and add a building to it. Kevin Beno questioned the roof structure and the applicant replied that it would be a slanted roof.

Abutter, Claudette Hyrzon, 3 Marcy Lane, stated she had no objection to this project. The applicants did a great job of fixing up the house they purchased, expects the standards to be maintained, and is looking forward to seeing the finished results.

Eric Rustic, 93 Thompson Hill Road, had no objections to what the Wojtowicz's are doing. He further stated that they are hard-working people, and wanted to make sure a respectable amount of time is going to be taken for doing the work as well as work being done during respectable hours.

Penny Matthews, an abutter expressed concern about early morning blasting, digging, tree removal noise. She was not opposed to the requests for these Variances as long as there would be no damage to her property.

**Kevin Beno moved and Kirby Cunha seconded the motion to close the Public Hearing .on Application #21-03.** The ZBA members consented unanimously. Kevin Beno stated that the Public Hearing is closed.

4. Discuss Public Hearing and Possible Action:

**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. Continued from July 12, 2021 ZBA meeting.

Discussion on ZBA Application #21-02 followed. Ken Weiss stated he has no problem with accepting ZBA Application #21-02 as Mr. Bastos is willing to clean up a giant mess in the town. He also stated that Mr. Bastos has many more steps of accountability to take care of before he gets his license to operate. Kevin Beno expressed concern about enforcing cleanup of the site and back taxes of \$50,000 which includes interest, be paid contingent on getting the permit issued.

Kevin Beno moved and Ken Weiss seconded the motion to accept ZBA Application #21-02 for approval to use the premises for the operation and maintenance of a motor vehicle recycler's yard adhering to the ZEO's and ZBA members conditions outlined below, plus the payment of back taxes and the conditions of abutters 100-foot setbacks and a live fence be added to the ZEO's plan be met, contingent on issuing the permit.

Kirby Cunha-Yes  
Geoff Bolte-Yes

Jason St. Onge-Yes  
Kevin Beno-Yes

Ken Weiss-Yes

***Entered into the record of ZBA Application 21-02 are the following conditions:***

***Certificate of approval to operate a Motor Vehicle Recycling will be issued to applicant with the following conditions:***

- 1. Any amount of Back Taxes must be paid and proof of payment submitted to the ZBA application #21-02 Record***
- 2. Certificate is allowing applicant to sell salvageable on site in order to clear property of debris. Clean up will be guided by DEEP guidelines.***
- 3. Before the Town of Thompson Zoning Enforcement Office signs off on the State Motor Vehicle Recycling Application the following conditions must be completed:***

***Conditions:***

- 1) Supporting documents for the record, ZBA Application 21-02, confirming that the estate of Bates Auto Parts, Inc and the real estate Linehouse Rd, LLC will be in the ownership of Carlos Bastos.**
- 2) Footprint of the business property will be according to past permit granted of 3.18 acres.**
- 3) 8 Foot solid fencing will be installed around the permitted work area of 3.18 acres, business entrance will have a solid 8' fence locked gate, which will be locked after business hours.**
- 4) Clean up will consist of the following:**
  - a. Abandoned, discarded, or irreparably damaged furniture including, but not limited to, sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs, and chests of drawers.**
  - b. Any household appliance, including but not limited to, a stove, washing machine, dryer, dishwasher, freezer refrigerator, air conditioner, water heater, or television.**

- c. Any abandoned or discarded structure that is it is no longer habitable for occupancy or is in on premise in violation of the Town of Thompson Zoning Regulations.
  - d. Dead Landscaping debris
  - e. Any structures on property will need a Zoning Permit and Building Permit. Trailers used as office are not permitted.
- 5) ZEO will periodically inspect property for compliance with Zoning Regulations and permit conditions. If cleanup is extended beyond the stated year, August 31, 2022, property owner will be required to attend a ZBA meeting for future schedule of completion of requirements. For this action ZEO requires property owner's permission to enter property.
- 6) Before clean up begins Property and Business Owner will test, abutter's Patty Jezierski of 88 Linehouse Rd and Sharon Mayotte of 56 Linehouse Road, wells. Continued Testing will be done by Property and Business Owner every three months.
- 7) An 8 feet fence will be placed 100 feet from abutter's, Patty Jezierski of 88 Linehouse Rd and Sharon Mayotte of 56 Linehouse Road property line.
- 8) Native vegetation will be placed along the fence abutting the property line of Sharon Mayotte of 56 Linehouse Rd.
- 9) Large healthy trees along the property line of abutter Patty Jezierski of 88 Linehouse Rd will be preserved.
- 10) Opening Operation of the Business for the purpose of Motor Vehicle Recycling will be permitted when the following paper work is entered into the record, ZBA Application 21-02

Certification of Occupation Permit (required for new structures), and final Motor Vehicle Recycling Certificate will be signed off and issued when DEEP and the State of Connecticut Motor Vehicle `Recycling Permit documentation of compliance is received and placed inf the Record of ZBA Application 21-02.

ZBA 21-03 Karol and Grazyna Wojtowicz Owner of Record, 2 Marcy Lane, Map 83, block 57, Lot 13 D, Zone RRAD requesting 16-foot Side Yard setback to build a 36' x 21' detached garage.

**Application Amended - ZBA meeting on June 7, 2021, to request a variance from Town of Thompson Amended Zoning regulations**, Article 4A Rural Residential Agricultural District, Section 3, General Development Standards, Accessory Structure to the Primary Building, Front setback for an accessory structure shall equal or exceed that of the primary structure.

**Ken Weiss moved and Kevin Beno seconded the motion to accept ZBA Application #21-03 and confine construction from 7:00 am to 8:00 pm seven days a week.**

**Kirby Cunha-Yes  
Geoff Bolte-Yes**

**Jason St. Onge-Yes  
Kevin Beno-Yes**

**Ken Weiss-Yes**

**Kevin Beno moved and Kirby Cunha seconded the motion to accept the ZBA Application #21-03 amendment of allowing the Accessory structure placed in front of the primary structure.**

**Kirby Cunha-Yes  
Geoff Bolte-Yes**

**Jason St. Onge-Yes  
Kevin Beno-Yes**

**Ken Weiss-Yes**

- 5. Approval of Regular ZBA Meeting Minutes, July 12, 2021

Kirby Cunha moved and Kevin Beno seconded the motion to accept the ZBA Minutes of July 12, 2021. The Minutes of July 12, 2021 were accepted by unanimous consent.

6. Correspondence:

- a. PZC Regular Meeting Minutes July 26, 2021
- b. Town of Thompson ZBA Budget Report July 2021
- c. ZEO Memo
- d. Town of Webster Zoning Board of Appeals Public Hearing Notice
- e. Town of Webster Zoning Board of Appeals Decision
- f. Town of Webster Zoning Board of Appeals Decision
- g. ZBA Members List

7. APPLICATIONS: APPEALS AND VARIANCES- None

8. APPLICATIONS RECEIVED AFTER AGENDA POSTED: None

9. Old Business: None

10. New Business:

- a. StofC. General Assembly- Substitute House Bill No. 6107 Public Act No. 21-29  
The ZEO explained that on or after January 1, 2023 each member of the ZBA shall complete at least four hours of training by January 1, 2024, and shall complete any subsequent training every other year thereafter.
- b. 2021 Guide to Legislation Impacting Development and Land Use Procedures

11. Next Meeting

Monday, September 13, 2021 7:00PM, Merrill Seney Community Room, Thompson Town Hall, 815 Riverside Drive, North Grosvenordale, CT 06255

12. Adjournment

Kevin Beno moved and Ken Weiss seconded the motion to adjourn. The motion carried unanimously.

*Respectfully Submitted*

*Gloria Harvey, Recording Secretary*