



TOWN of
THOMPSON
ZONING BOARD OF APPEALS

Minutes
May 11, 2015

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Chairman Dan Roy called the meeting to order at 7:00 PM in the Merrill Seney Community Room at the Town Hall.

1. Roll Call: A. David Babbitt
Kevin Beno
Dan Roy
Leslie Lavallee and Kirby Cunha were seated as alternates.
Alternate Ray Faucher, Sr. was also present.
There was a quorum.
2. Staff Present: Alvan Hill, ZEO
Tina Fox, Recording Secretary
3. Public Hearings:
 - a. **Variance 14-11:** Brian LaBonte, applicant. David LaBonte, Owner of Record. For property at 58 Center St., Thompson. Map 116/Block 13/Lot 4/Zone R-40. Requesting side yard setback deficiency of 18 feet.
Reason: Existing location of house and other structures.
 1. Brian LaBonte, 58 Center St., stated that he is attempting to build a 16'x24' shelter that is like a garage, with a setback deficiency of 7' on one side and 22' on the other side. He stated that the structure would have a wood frame, and be like a pole barn but stick-framed, with a rough cut wood and metal roof.
 2. Kevin Beno asked if there were clear property lines. Brian LaBonte answered affirmatively, and A. David Babbitt added that the property line is the street.
 3. Tony Reynolds, 196 Chase Rd., stated that he supports the applicant's request for a variance.
 4. **A. David Babbitt moved and Kirby Cunha seconded the motion to close the public hearing for Variance 14-11. The motion carried unanimously.**
 5. **A. David Babbitt moved and Leslie Lavallee seconded the motion to approve Variance 14-11. The motion carried unanimously.**
 - b. **Variance 14-12:** Scott Parker, applicant. Scott and Tracy Parker, Owners of Record. For property at 12 Woodstock Rd. Map 29/Block 104/Lot 22/Zone C. Requesting permission to locate liquor store within 1500 feet of another establishment that dispenses alcoholic beverages.
Reason: Pre-existing liquor store location less non-conforming than proposed location.

1. Scott Parker, 69 Dugg Hill Rd., Woodstock, CT explained that New Roxbury Liquors had been in the Woodstock Plaza since 1972, six (6) inches away from the Village Restaurant and Lounge, which also serves alcohol; they would now like to move the establishment 1400' away. The variance, he stated, is 1500', so they are becoming more conforming with the move.
 2. Kevin Beno asked if there had been a variance granted years ago, to which the applicant replied that he didn't know.
 3. Kevin Beno asked if the house next to the proposed building would become part of the commercial establishment, to which the applicant replied affirmatively.
 4. **Kevin Beno moved and A. David Babbitt seconded the motion to close the public hearing for Variance 14-12. The motion carried unanimously.**
 5. **Kirby Cunha moved and Kevin Beno seconded the motion to approve Variance 14-12. The motion carried unanimously.**
- c. **Variance 14-13:** Carolyn Parker, applicant. Cumberland Farm, Owner of Record. For property at 854 Riverside Dr. Map 169/Block 93/Lot 8-A/Zone C. Requesting permission to modify existing Pylon Sign.
Reason: Proposed sign will allow store personnel the opportunity to change fuel prices from a unit within the store, or from a remote location, rather than changing the numbers outside with a pole.
1. Carolyn Parker, 3 Lorion Ave, Worcester, MA, explained that there are already existing signs and place, and she is looking to replace those signs and make the setback further from the road. She further explained that one of the two signs, measuring 6'x4', would have a small LED strip that would alternate words every 8 seconds. Carolyn Parker played a video of what the proposed sign would look like to the Board, and added that it would be the same sign as the sign at the Dudley Cumberland Farms gas station. She reiterated that the signs would occupy the same square footage, be the same height, and the setback line would be improved.
 2. **Kevin Beno moved and A. David Babbitt seconded the motion to close the public hearing for Variance 14-13. The motion carried unanimously.**
 3. Kevin Beno stated that he would like to make sure the digital sign stays as-is, that it would be a digital sign for the pricing only.
 4. **A. David Babbitt moved and Kevin Beno seconded the motion to approve Variance 14-13. The motion carried unanimously.**
- d. **Variance 15-01:** Robert L, Witham, Jr., Applicant. Robert and Michele Witham, Owners of Record. For property at 12 Hill Rd. Map 109/Block 34/Lot 32B/Zone R-40. Variance requested for barn/shed to be less than 150' from property line.
Reason: The shape of the property does not permit sitting structure more than 150 ft from two sidelines. Would like to house two or three alpacas in a shed structure as well as fenced pasture.

1. Robert Witham, 12 Hill Rd., explained that the bard/shed is roughly trapezoidal in shape, and that he wants to have 2-3 alpacas on his property. He further explained that it is not a business, but rather a hobby, and that he has plans to compost the manure for use in his garden to take care of it.
 2. **A. David Babbitt moved and Kirby Cunha seconded the motion to close the public hearing for Variance 15-01. The motion carried unanimously.**
 3. Kevin Beno expressed concern that the applicant would be able to have as many alpacas as he wanted on his property. Ray Faucher, Sr. suggested imposing a limit on the vote.
 4. **Kevin Beno moved and Kirby Cunha seconded the motion to approve Variance 15-01 based on the stipulation that no more than four (4) alpacas be permitted on the property. The motion carried unanimously.**
- e. **Variance 15-04:** Dean Kwasniewski, Applicant and Owner of Record. For property at 169 Porter Plain Rd. Map 135/Block 22/Lot 9/zoneR-40. Variance requested for 15ft side yard setback deficiency.
Reason: Existing house location, septic and well location, and driveway location.
1. Dean Kwasniewski, 169 Porter Plain Rd., explained that he is looking to build a 24' wide by 34' deep addition attached to the existing garage. The addition would be an apartment on the second floor, with a garage below.
 2. Kevin Beno asked if there was a private drive, to which the applicant replied affirmatively.
 3. Dave Poplawski, 177 Porter Plain Rd., stated that the setback deficiency is against his property, and that he would have no problem with the variance being granted.
 4. **A. David Babbitt moved and Kirby Cunha seconded the motion to close the public hearing for Variance 15-04. The motion carried unanimously.**
 5. **Kirby Cunha moved and A. David Babbitt seconded the motion to approve Variance 15-04. The motion carried unanimously.**
- f. **Variance 15-05:** SHR Energy Management, Applicant. CRES-RI, Inc., Owner of Record. For property at 0 Riverside Dr. Map 61/Block/56/Lot 34/ Zone C. Use variance requested to allow installation of solar power generating infrastructure on the subject property.
Reason: Proposed use is not permitted by right, or allowed by special permit, in any zone.
1. Dennis Blanchette, J&D Civil Engineers, 401 Ravenelle Rd., explained that this variance is a joint proposal between the Town and SHR Energy, and that Noel Lafayette is supposed to make the presentation, but may be stuck in traffic.
 2. **A. David Babbitt moved and Kirby Cunha seconded the motion to revisit the public hearing for Variance 15-05 later in the meeting. The motion carried unanimously.**

4. Approval of Minutes
 - a. **Kevin Beno moved and Leslie Lavallee seconded the motion to accept the April 13, 2015 Regular Meeting and April 21, 2015 Special Meeting minutes as written. The motion carried unanimously.**

5. Correspondence
 - a. Sent via regular mail
 1. Agenda: Zoning Board of Appeals, May 11, 2015
 2. Minutes: Zoning Board of Appeals, April 13, 2015, April 21, 2015 Special Meeting, and *Planning and Zoning Commission, April 27, 2015
 3. ZEO Report: April 2015
 4. Budget Report: April 2015
 - b. Other correspondence (*sent via email only)
 1. Received April 13, 2015: Letter from Alvan Hill to Attorney St. Onge, and his response, regarding David Kress as a ZBA member.
 2. Received May 6, 2015: Letter from David Kress regarding resignation from ZBA, signed by members of the Board of Selectmen.

6. Applications and Appeals
 - a. **Application 15-06:** Francis and Charlene Langlois, Applicant and Owners of Record. For property at 1020 Riverside Dr. Map 167/Block 88/Lot 15/Zone R-40. Requesting determination of less non-conforming use and variance.
Reason: Proposed personal service and retail use of the property is less non-conforming than the former industrial use. Variance requested of Article VIII, Section 2.6, to allow a sign larger than the 6 sq. ft. permitted.
 1. **A. David Babbitt moved and Kevin Beno seconded the motion to accept Application 15-06. The motion carried unanimously.**

 - b. **Variance 15-07:** William LePage, Applicant. Ron Weiss, Owner of Record. For property at 226 Labby Rd. Requesting side yard setback relief from 25ft to 2 ft.
Reason: Due to position of house and driveway location, required side yard setback cannot be met.
 2. **A. David Babbitt moved and Leslie Lavallee seconded the motion to accept Variance 15-07. The motion carried unanimously.**

7. Applications and Appeals Received after Agenda Posted: None

8. Old Business: None

9. New Business:
 - a. Dan Roy mentioned the Letter of Resignation from David Kress, and thanked Kevin Beno for contacting Mr. Kress to write the letter, and read the letter aloud.
 - b. **Kevin Beno moved and A. David Babbitt seconded the motion to accept the resignation of David Kress. The motion carried unanimously.**

- c. Kevin Beno explained that someone had already contacted him with interest in filling the vacancy created by David Kress' resignation.
- d. Dan Roy recommended moving Leslie Lavallee to a full member position from her alternate position. Leslie Lavallee explained that she would prefer to stay on as an alternate member, and suggested moving Kirby Cunha to a full member position.
- e. **A. David Babbitt moved and Kevin Beno seconded the motion to recommend Kirby Cunha to become a regular ZBA member, and recommend Ross Dimock to become a ZBA alternate member. The motion carried unanimously.**

10. Citizens' Comments: None.

11. Commissioners' comments

A. David Babbitt moved and Kevin Beno seconded the motion to open the public hearing for Variance 15-05. The motion carried unanimously.

1. Kerstin Forrester, 593 Fabyan Rd., Selectman, explained that SHR Energy is trying to form a partnership with the Town to build a solar array for the school and Town Hall on privately owned land behind Town Hall. She further explained that SHR Energy will be leasing the land from the owner, and that the electricity generated would go directly to the two Town facilities.
2. Dennis Blanchette explained that granted the variance would not give anyone carte blanche to do anything they wanted. He further explained that Thompson Zoning Regulations state that if a use is not specifically permitted, which a solar farm is not, then it is not allowed. Kirby Cunha asked if the applicant is trying to get the Board to change the Zoning Regulations.
3. Ray Faucher, Sr. stated that if it is not in the Zoning Regulations, then it doesn't seem like ZBA can approve or disapprove the variance, but it seems like it needs to go to the Planning and Zoning Commission first.
4. Noel Lafayette, 24 Hill Farm Rd., Weston, CT, apologized for being tardy. He explained that there are no final plans for the solar farm because of the complicated process to have the solar farm approved. He explained that the land is a 20 acre parcel, and they would be building a 1.2 megawatt system. He stated that the variance is needed to take the process to the next step, and that once SHR Energy wins the bid, they will have full drawings for the Board at that time.
5. Kevin Beno asked what the cost of the project would be, to which Noel Lafayette replied \$2.4 million. Noel Lafayette further explained that during the first year of the project, the Town would be receiving over \$200,000 in energy savings, and would receive about \$5,000 in taxes per year. He added that the Town can set the taxes at whatever rate it likes, but as the Town raises taxes on the project, they would have to raise the cost of the power proportionately.

6. Alvan Hill read Article VI of the Zoning Regulations aloud, and explained that the applicant is trying to make the solar farm a nonconforming use. Kevin Beno responded that this situation is not a nonconforming use, because a nonconforming use is something that was in place before the Zoning Regulations were adopted, not something that happens afterward. Kevin Beno added that he thought this should be written into the Zoning Regulations, rather than the applicant applying for a variance.
7. A. David Babbitt asked about similar solar farms in other Connecticut towns. Noel Lafayette explained that this project is very unique, because it is rare that a piece of private land sits between two Town properties, which is what makes this project work.
8. Ray Faucher, Sr. suggested that the Board get a legal opinion on whether or not the Board is empowered to approve this, rather than PZC.
9. Noel Lafayette explained that Mary Ann Chinatti suggested they apply for a use variance.
10. Vic Nizamoff, 6 Lavoie St., stated that he is against the solar farm being built because they are ugly and you will probably be able to see it from the road. Noel Lafayette stated that you will likely not be able to see the solar farm the road, and at the very top, each panel would be about 8' tall. Vic Nizamoff stated that at that height, on the hill, they would be seen from the road. He added that they will have to cut down trees and alter the landscape right in the middle of Town, with no tax money coming out of it.
11. Rodney Davis, 81 Riverside Dr., asked how big the solar farm would be, and how far beyond the Friendly Market it will go. Noel Lafayette answered that it will be as close to the Town side as possible, and as close to the school as possible. Rodney Davis added that it will be able to be seen from the road because the land is a hill. He added that the wildlife on the property has to be considered. He was also worried about the value of his property decreasing. He also stated that he will be able to see the solar farm from his window. Noel Lafayette stated that he likes to work closely with local residents, be very transparent, and is open to taking steps to make residents feel better.
12. Earl Brunette, 23 Rawson Ave., asked if the property value in the area will decrease or increase. He added that he's concerned about looking out his window and seeing the panels, and asked about the noise level. Noel Lafayette stated that the noise would be a mild hum, the same as the noise from a typical transformer, and that there would be one inverter for the whole solar farm, as close to the school as possible. Earl Brunette again asked about property value, and asked about the Wetlands area on the property. Noel Lafayette responded that the Town already has codes in regards to the Wetlands issues. Kevin Beno stated that it's hard to say if property values will increase or decrease because the Board doesn't know what the solar farm will look like. Noel Lafayette stated that he doesn't know the real estate market enough, and that other similar projects did not have homes close-by to the solar farms to offer a comparison.

13. **A. David Babbitt moved and Kevin Beno seconded the motion to close the public hearing for Variance 15-05. The motion carried unanimously.**
14. Kevin Beno stated that he is concerned that the Board is not able to look at what they would be approving in that they do not know the topography or what the solar farm will look like.
15. A. David Babbitt suggested delaying the vote for one month to answer some of the questions/issues (what the solar panels will look like, the positioning of the panels, where the farm will be situated, and the topography of the land), and to address the issue (if PZC or ZBA should be approving this) with Attorney St. Onge. He added that the Town Planner should get together with the applicants and Attorney St. Onge to make sure these concerns are covered.
16. Dennis Blanchette asked how the Board will be able to receive the additional information that they discussed if the public hearing has been closed. Kevin Beno responded that the public hearing will be reopened at the next meeting. Dan Roy explained that there will not be a problem. **Kirby Cunha suggested changing the wording of the motion to postpone/continue the hearing until the next meeting, rather than closing the public hearing. Dan Roy called for a vote, which was unanimous.**

12. Future Meetings

- a. The next regular meeting will be held Monday, June 8, 2015 at 7:00 PM in the Merrill Seney Room, Town Hall.

13. Adjournment

- a. **A. David Babbitt moved and Kevin Beno seconded the motion to adjourn at 8:26 PM. The motion carried unanimously.**
- b. Chairman Dan Roy adjourned the meeting at 8:26 PM.

Tina Fox
Recording Secretary