

Chaplin Planning and Zoning Commission
Regular Meeting Minutes
May 12, 2016
Chaplin Town Hall
495 Phoenixville Road, Chaplin, CT

Chairman Doug Dubitsky called the meeting to order at 7:13 PM

Members present were Chairman Doug Dubitsky, Vice-Chairman Peter Fiasconaro(7:12pm), Helen Weingart, Eric Beer and Dave Garceau. Alternate Members present were Ken Fortier and Brandon Cameron. Also present was Zoning Enforcement Officer Jay Gigliotti

Members Absent were Dave Garceau and Randy Godaire. Alternate Member absent was Bill Ireland .

Seat Alternates:

Chairman Dubitsky seated Ken Fortier for Randy Godaire

Approval of April 14, 2016 Meeting Minutes:

Vice-Chairman Peter Fiasconaro motioned to approve the April 14, 2016 Regular Meeting Minutes as written. seconded by Hele Weingart. Dave Garceau abstained. All other members voted in Favor. Motion Carried.

Chairman Dubitsky asked the commission members for a motion to reorder the 5/12/16 meeting agenda by switching letter "A" & letter "B" under Old Business.

Motion made by Eric Beer to reorder the meeting agenda by switching letter "A" & letter "B" under Old Business. Seconded by Dave Garceau. All Members voted in Favor. Motion Carried.

Citizens having New Business:None

Old Business:

- A. #SP16-051-** William Covey- Connecticut Casket Company, LLC.- Applicant, Kenneth & Jessica Ives- Property Owners- 238 Willimantic Road, Assessor's Map 89-5, Special Permit Application per Chaplin Zoning Regulations Sec.5.3.B.I, establishment of new business proposing small-scale assembly, proposed business use is located within "Business" Zoning District on the subject property and encompassed by the "Corridor Overlay" District, property entrance is on Willimantic Road (Route 6), approx. 280' to the South- Southwest of Mansure Road and approx. 760' to the Northeast of Old Willimantic Road

Chairman Doug Dubitsky asked PZC Staff J. Gigliotti if the application was complete and what the status of the application was in respect to the zoning regulations. J. Gigliotti explained that the application was complete, the fee had been paid in full and the application materials were in compliance with the requirements set forth in the zoning regulations for the submission of a special permit. He further explained that he had been through one (1) complete revision with the applicant.

Chairman Doug Dubitsky asked the commission members if anyone had any comments and/or concerns with applications. The commission was in consensus that the business was to be a great addition to the town and the town is lucky to have the business moving into the 238 Willimantic Rd. Discussion followed regarding when the Casket Company will begin to move and when will they open for business.

Motion made by Helen Weingart to approve Special Permit Application #SP16-051. Seconded by Dave Garceau. All Members Voted in Favor. Motion Carried

B. Discussion and Possible Action on Town Ordinances relating to the Planning and Zoning Commission

Chairman Dubitsky asked the commission members if everyone had an opportunity to look at the ordinances and was prepared to discuss them. The commission determined all PZC members had ample time to review the list of ordinances and all members were prepared to discuss each one. The PZC came to the consensus to go through each PZC related ordinance one by one, beginning with the first one on the list. The table below summarizes the discussions and details the action to be taken for each individual town ordinance included on the list.

#	ORDINANCE TITLE	DATE	SUMMARY DISCUSSION	ACTION
1.	Building Permits- Withholding of	5/27/1997	Consensus of PZC was that this ordinance does not relate to the PZC at all	No action was taken on this ordinance
2.	Ordinance Establishing a regional council of Governments	5/27/1997	This ordinance was established to supersede a similar ordinance dated 6/30/65. This ordinance refers to the "Windham Region" which has since become the Northeast Region.	PZC Recommends to the BOS revise this ordinance accordingly.
3.	Economic Development & Chaplin Community Commission	8/18/2010	The Economic Development Commission was a comm. developed by the BOS, however, to date, this commission has never conducted any official meetings.	PZC determined that this ordinance did not have any relationship to the PZC.
4.	Farm Building Exemption	11/26/2007	The Chaplin Tax Assessor and the BOS are more responsible for this ordinance than the PZC. The current ordinance specifies Farm Buildings assessed up to \$50,000 are exempt, the State has since increased the assessed value to \$100,000 since this ordinance was adopted.	Provide notice to the BOS & the Tax Assessor of the need to revise this ordinance in order to be in conformance with the current value
5.	Fees; Authorizing Land Use Agencies for processing of Applications	11/30/2004	This ordinance appears to be superseded by a later Land Use Fee Ordinance, dated 8/18/2010. Discussion of the current PZC application fees and the location where they can be found. PZC Staff indicated the listed fees are in need of revision, both for the type of fee as well as the amount. Also compared this fee ordinance against the two (2) other land use application fee ordinances and assessed the differences.	Send request to BOS to revise, vacate or officially supersede this ordinance (already superseded by 8/18/10 fee ordinance). Request BOS to provide PZC the authority to set application fees and list the fees within the Zoning Regulations.
6.	Open Space lands; Authorizing the Board of Selectmen to accept on behalf of the Municipality	8/18/2010	This ordinance was developed in response to a subdivision which proposed to donate land to the town to satisfy the open space requirement. The Conn. Gen. Statutes states a municipality cannot accept a donation of open space land without an ordinance allowing the town to do so. The ordinance allowed the BOS to accept Open Space Land instead of Town Meeting for 5 years beginning on 8/18/10. 5 years has passed so Open Space Land Donations has now reverted back to Town Meeting.	PZC is a key component of ordinance, the intent of the ordinance specifically deals with the legislative authority of Town Meeting vs. that of the BOS. Only action is to ensure the BOS is aware of the expiration of the 5 years.
7.	An Ordinance Authorizing Land Use Agencies to Establish Reasonable Fees for Processing of Applications or Retaining Technical or Professional Consultants	8/18/2010	This ordinance was previously discussed at length during the review of #5 above, the 11/30/2004 land use fee ordinance	In addition to #5 above, Request BOS to provide PZC the authority to set application fees and list the fees within the Zoning Regulations.
8.	Historic District Commission- Supplement #7- Ordinance for Historic District & Historic District Commission	7/31/2004	The ordinance should be reviewed against the most recent version of the Historic District Commission Regulations. Section 6 "Boundaries" may have changed since this ordinance. If the Boundaries have not changed, the listing of properties included within the district most likely have changed.	Ordinance appears to be current, however, Inform the BOS to ensure that this ordinance is in compliance with the current HDC regulations, limits and

				properties.
9.	An Ordinance Amending the Ordinance Creating the Historic District Commission	5/8/2000	No Discussion occurred on this ordinance	No action
10.	Ordinance to Control Abandoned, inoperative and Junk Motor Vehicles	1/18/1988	This ordinance conflicts with the recently adopted zoning enforcement ordinance. It is also quite clear that this ordinance has not and is currently not being enforced. The ordinance is written with an extreme amount of detail and some of the content included within may be illegal in today's world. The zoning Regulations allow for one (1) Motor Vehicle to be kept on any residential or non-automotive business property. Excess Unregistered Motor Vehicles is a violation of the zoning regulations and can be addressed using the zoning violations enforcement ordinance. The zoning violation ordinance can effectively handle excess unregistered M.V.s, making this ordinance is obsolete.	Send recommendation to the BOS to officially repeal or vacate this ordinance as the zoning violations ordinance addresses the issue of multiple unregistered Motor Vehicles.
11.	Planning & Zoning Commission-Alternates	4/21/1964	This ordinance was the enacting legislation of both the Planning & Zoning Commission and the Zoning Board of Appeals. This ordinance, dated 4/21/64, details the membership composition for both the PZC & ZBA. Only the ZBA was provided with Alternate Members. The Planning & Zoning Commission is identified to consist only of seven (7) members. Several years after this ordinance, the need for alternate PZC members must have been realized & Another PZC Ordinance was adopted in 6/2/73, providing the Planning & Zoning Commission with three (3) Alternate members (See #13 below-PZC-Alt. Ordinance dated 6/2/73.	No Action Required-Ordinance appears to be proper and effective
12.	Planning & Zoning Commission-Alternates	6/2/1973	This ordinance was developed following the original PZC ordinance dated 4/21/1964 (#12 Above). It provided the Planning & Zoning Commission with three (3) alternate members where the previous 4/21/64 PZC ordinance only provided the Zoning Board of Appeals with three (3) Alternate Members	No Action Required-Ordinance appears to be proper and effective
13.	Ordinance for Participation in Regional Planning	6/30/1965	This ordinance was superseded by the ordinance dated 5/27/1997, entitled "Ordinance Establishing a Regional Council of Governments" See #2 above.	Send Recommendation to the BOS that this ordinance has been previously superseded by the 5/27/1997 Ordinance and should be officially vacated.
14.	An Ordinance Creating a Municipal Planning Commission for the Town of Chaplin	1/30/1958	During the time when this ordinance was adopted (1958), it was a common for municipalities to have a separate Planning Commission and a separate Zoning Commission. The Town of Chaplin combined the Planning & Zoning Commissions in 1964 by adopting an ordinance which superseded this ordinance on 4/21/1964 (See #11 Above)	This ordinance was superseded by an ordinance adopted on 4/21/1964 (#11 above) entitled "Planning & Zoning Commission" No Action is Required

15.	Signs- Town of Chaplin, Addition to List of Ordinances No. 10	11/16/82	This ordinance provides the Selectmen with the ability to post signage which prohibits parking of vehicles in areas on or adjacent Town Roads or Town Property. The signage component of this ordinance does not relate at all to the Planning & Zoning Commission.	No Action is Required
16.	Town of Chaplin Zoning Violations Ordinance	12/5/2012	This is the recently adopted Zoning Enforcement Violations Ordinance which imposes fines on a per day basis for violations of the zoning regulations which continue to occur beyond a deadline given to the property owner of the violation. This ordinance appears to be functioning correctly and is returning positive results.	This ordinance is still new and has not been in effect a long enough time to determine whether or not any revisions are required. No Action is Required at this time.

The above summaries of all the ordinances which have been discussed shall be included in the May 2, 2016 Regular Meeting Minutes. The 5/12/16 Meeting Minutes shall be reviewed, revised (if necessary) and approved by the Chaplin Planning and Zoning Commission at the regular meeting in June (6/9/16). Once the 5/12/16 minutes have been approved (including the ordinance review summary), all of the recommended actions shall be then forwarded to the BOS for their review and action. PZC Staff shall monitor any actions which have been recommended and update the PZC accordingly.

New Business: None

Correspondence: None

Report of the Zoning Officer:

Issued Zoning Permits:

ZP16-049- 84 Singleton Road- Richard & Katherine Schatz- Assessor's Map 73-2, Application is for the proposed Installation of a 15' x 30' Above Ground pool

ZP16-050 – 163 Willimantic Road, Tim Barr- Applicant, Assessor's Map 91-4, Previous Business "Route 6 Auto" has relocated out of the 163 Willimantic Road Building, the New Business has new Ownership and a new name "Family Auto Repair" Proposed operation to be consistent with previous business, Automotive sales and service- however, primarily automotive service.

ZP16-052- 46 Willimantic Road- George Baily-Applicant, Carol Tetzlaf-Property Owner-Assessor's Map 91-34- Business & RAR District within the corridor overlay, application for the placement of an 8' x 10' storage shed

ZP16-053- 51 Chaplin Street-Steve Monochnick Builders, LLC, Assessor's Map 75-32- Application proposing to reconstruct a 32' x 22' rear addition and a 57" x 98" side porch,

ZP16-055- 139 Bedlam Road- Mr. Victor Boomer- Applicant/ owner- Assessor's Map 95/150/2- Proposed installation of a Pre-Fabricated 10' x 16' storage shed

Enforcement

113 Cedar Swamp Road

Property Owner-Wayne Beloff- PZC Staff explained this property was also given a deadline of 4/30/16 to remedy the violations on the property. Essentially, the only violation occurring on the property is the keeping and storage of Junk. A significant amount of junk and other worn out and discarded debris is spread all across the front, western side of the property and throughout the rear. The junk is of really no consistency, however, there appears to be between 50-75 waste tires, 200-300 degrading pallets, a significant number of plastic planting pots, several discarded appliances, construction debris and paint cans. PZC Staff did not have any type of correspondence or communication with the property owner until the reminder notice was sent out during the first week in April. Within a week after sending out the reminder notice about the ordinance, deadline and potential fines, the property owner contacted staff to begin the process to remedy the property.

The property owner made enormous strides in cleaning the junk off of property. On day of the 4/30/16 deadline to clean up the property, PZC Staff conducted a site inspection of the property. The inspection revealed that the property owner had nearly completed all of the junk removal, however, the pile of the waste tires and the degrading pallets still remained on the property. Staff was able to speak with the property owner who explained he was working on getting a waste tire recycling company to come to the property to retrieve the waste tires and a group of associates to remove the pallets. Staff directed to Mr. Beloff to continue to clean up the property and because the deadline had passed, staff was going to speak with the town attorney.

18 Bedlam Road

Property Owner- Mr. Brett Gunn- PZC staff passed out an email which he had received from Mr. Gunn on 5/2/16. PZC Staff explained during his last site inspection of Mr. Gunn's property, he was surprised how clean the property looked. He explained that most notably, there was only one (1) unregistered Motor Vehicle which remained. All of the other items on the property were, in staff's mind, somewhat neatly organized as all of the items previously spread across the yard, was now collected and stored in common areas. There is also a large quantity of items which were now under cover out of the elements. In addition, the neighboring property (#28 & 30 Bedlam Road) have constructed a 8ft tall privacy fence, beginning at the end of the paved portion of the common drive and extending north, towards the rear property lines. The fence does not completely block the neighboring property's view of Mr. Gunn's yard, nor was the fence installed to do so.

PZC Staff then reviewed Mr. Gunn's email in which he asked how much "stuff" could he keep. Staff presented the question to the PZC who felt that they could not answer without seeing up to date photos of the property. Since the deadline for Mr. Gunn's violations to be remedied is not until 8/31/16, staff shall present the commission with up to date photos of Mr. Gunn's rear yard at the next regular meeting of the PZC on 6/9/16.

184 Palmer Road

Property Owner- Michael Pascale- PZC Staff explained he had a significant amount of contact with the property owner since he sent out the reminder letter during the first week in April. PZC Staff summarized the items which have been removed from the property since the enforcement began. He explained that a total of six (6) unregistered Motor Vehicles have been removed from the property, 200-300 waste tires were removed from the property & brought to a recycling facility, four (4) trailers in disrepair were removed and the property owners had made a double-digit number of dump runs with nearly all of the junk cited in the original violation. The result of the work of the property owner was most noticeable during the final site inspection on 4/30/16. Staff stated that there was so many items removed that he had to make two separate itemized lists. PZC Staff explained the property appeared to have been brought into compliance.

Motion Made by Vice-Chairman Peter Fiasconaro, to release Mr. Michael Pascale of 184 Palmer Road from any further action associated with the issued Notice of Violation. Seconded by Eric Beer. All Members voted in Favor. Motion Carried.

80 Marcy Road

Property Owner- Joan McClure- PZC Staff stated the property owner(s) were given four (4) months to respond to an official, verbal request to either contact PZC Staff and/or commence the remedy of the zoning violations occurring on the property. April 14, 2016 marked the expiration of the allocated four (4) months and as of the

most recent site inspection on 5/7/16, no evidence was found indicating any work had occurred to remedy the zoning violations.

PZC Staff provided the commission members with an Aerial Photo of the property and explained he estimates there to be between 25-30 unregistered motor vehicles currently being stored on the property. Chairman Dubitsky asked Mr. Gigliotti what was needed from the PZC in order commence the enforcement ordinance for the property's zoning violations. Mr. Gigliotti stated he would like the commission members to agree on a deadline for the remedy of the violations on this property. He further explained the primary violation was the storage of multiple unregistered motor vehicles, however, there appears to be a significant amount of "Junk" (as defined in the zoning regulations) stored on the property as well.

Discussion followed regarding the length of time it would take the property owners to remedy the violations. After much discussion, the commission agreed to assign a deadline of November 30, 2016. This deadline would allow the property owner(s) nearly five (5) months to bring the property into compliance with the zoning regulations. PZC Staff J. Gigliotti explained with the deadline now in place, he will commence the Zoning Enforcement Ordinance, beginning with the directives of section 4, "Citation & Notice of Violation". As PZC Staff has done with previous enforcements, the PZC shall be consistently provided with enforcement status updates.

35 Shuba Lane

Property Owner- Sarah Bullard. PZC Staff explained he had received a formal, written complaint from an abutting property owner. The complaint cited the establishment and continued use of an accessory apartment at the 35 Shuba Lane property. The complaint indicated the 35 Shuba Lane property owner failed to secure any permits for an Accessory Apartment on the property. The abutting property owner who filed the complaint, was aware that while it was unlikely, the property owner may have obtained the required accessory apartment permits and Staff at the time, may have completely lost or incorrectly filed the permits. Before the abutting neighbor submitted their official, written complaint, they conducted at least a month, maybe even more than a month, of research into the alleged complaint. Staff knows this because staff unknowingly assisted the abutting neighbor in conducting several components of their extensive research. In case a situation like this had occurred, the complaint also inquired where was the Certificate of Zoning Compliance and the required annual renewals of Zoning Compliance Certificate. Lastly, complaint indicated that the owner of the property did not reside in either the Accessory apartment of the primary dwelling on the property.

Staff's research indicated the property owner had obtained building/ zoning permits for an addition, however, the permit paperwork, floor plan and site plan provided no evidence pointing toward the use of the addition as an accessory apartment. PZC Staff has compiled all of the evidence and information which he needs to commence the enforcement ordinance. Prior to doing so, staff has attempted to contact the property owner to discuss the situation. Staff noticed during his review of the regulations, that there is a high potential for the property owner to obtain the proper permits making the illegal Accessory Apartment into a legal one. The PZC members all felt that staff should first contact the owner to see if they would be willing to go through the Accessory Apartment Permit process so as to legally permit the apartment. The commission directed PZC Staff to first make every attempt to contact the property owner, before moving forward with the commencement of the enforcement ordinance.

Items Pro Re Nata: None

Adjournment:

Motion Made by Vice-Chairman Peter Fiasconaro to adjourn the 5.12.16 PZC Meeting. Seconded by Eric Beer. All Members Voted In Favor. Motion Carried.

Chairman Dubitsky adjourned the 5.12.16 PZC Meeting at 9:49pm

Respectively Submitted,

Jay Gigliotti