

**Town of Chaplin
Planning and Zoning Commission
Regular Meeting Minutes
October 11, 2018
Chaplin Town Hall**

MEMBERS PRESENT: Chairman Doug Dubitsky, Vice Chairman Peter Fiasconaro, Helen Weingart, Randy Godaire, Alan Burdick

ALTERNATES SEATED: Brandon Cameron for Dave Garceau
Ken Fortier for Eric Beer

ALSO PRESENT: Jay Gigliotti, Zoning Enforcement agent (ZEO), Town Attorney Dennis O'Brien, Tree Warden David Stone, First Selectman Bill Rose, Elizabeth Marsden, Recording Clerk

CITIZENS PRESENT: Juan Velasquez and Dorcas Velasquez

The meeting was called to order at 7:08 p.m.

Chairman Dubitsky invited a motion to move new business to the agenda ahead of approval of minutes, and to add an item to the agenda in order to discuss the tree removal at 36 Tower Hill Road. P. Fiasconaro so moved, H. Weingart seconded the motion, all in favor, motion carried.

The ZEO showed the original driveway permit, it did state that the trees should be removed, no sightline survey was done for the original permit, meanwhile a sightline survey was performed recently by a licensed land surveyor. The sightlines are 315 feet to the west and the standard is 200 feet, so the surveyor's memo said there is more than 100 feet of extra sightline. This assessment is signed and stamped by the licensed surveyor. The ZEO measured it himself and there is 315 feet from the driveway. He measured 10 feet back from the edge of the pavement and also 15 feet back. The apron is also now installed. The east sightline was never part of the driveway permit but it is within regulated requirements. The ZEO thinks there is adequate sightline. The previous tree warden recommended that the trees be trimmed and that recommendation is part of the file. The PZC now needs to decide if the surveyor's report and the ZEO's assessment is adequate, and if so, they members would instruct the ZEO to approve a revised driveway permit.

Chairman Dubitsky invited a motion. P. Fiasconaro moved to instruct the ZEO to administratively approve a revised driveway permit application at 36 Tower Hill Road if he receives one, B. Cameron seconded the motion, the Commission members mentioned they know of many other trees that are a sightline issue. All in favor, motion carried.

Dave Stone, the tree warden, stated it is a completely normal part of the process to require tree removal at property owner's expense as part of a driveway application. The Commission discussed that if there was an accident, if the property owner had a revised and approved permit application with the surveyor's stamp, the town would be protected from liability. One of the trees is in the right of way, so the town would be responsible for removing it.

Town Attorney O'Brien commented that he was satisfied that the town's liability would be minimal if the ZEO were to approve a revised permit application based on the new information and survey.

The PZC discussed whether this revised permit would be contingent upon a letter from the tree warden, Mr. Stone, who under statute has three days from today's public hearing to make his determination. It was pointed out that the tree warden was simply enforcing the order in the original driveway permit. Mr. Stone said his opinion (without decision) would be that the trees would stay. He said his concern is the accuracy of the survey. He was reminded that the ZEO also measured it himself.

APPROVAL OF MINUTES of September 13, 2018 Public Hearing: Motion to approve by R. Godaire, seconded by H. Weingart, P. Fiasconaro and K. Fortier abstained, all others in favor as amended, motion carried.

APPROVAL OF MINUTES of September 13, 2018 Regular Meeting: Motion to approve by H. Weingart, seconded by A. Burdick, P. Fiasconaro and K. Fortier abstained, all others in favor as amended, motion carried.

Citizens having new business: None

The ZEO said that the Chewink Road property owners will appear at 8:30 pm.

D. Dubitsky proposed to table the vote on the sections just discussed at the public hearing. R. Godaire so moved, A. Burdick seconded the motion, all in favor, motion

carried. D. Dubitsky will draft some suggested revisions based on public comments received, and the PZC will review the comments and discuss them at the November meeting.

A motion by A. Burdick was made to move the ZEO report to before Old Business, seconded by H. Weingart, all in favor, motion carried.

The ZEO gave his monthly report, a copy of which is available at town hall.

Dorcas and Juan Velasquez, property owners at 153 Chewink Road, appeared to discuss their open zoning violation case. The PZC, at the September 13 meeting, requested 3 quotes from companies for either the owners or the town to hire to clean up the property. The ZEO tried to get 3 quotes but could only get one, and it was for more than \$42,000. Bill Rose suggested a specific construction demolition company to see if they could get a competitive price, and said he will contact it and some other companies. Attorney O'Brien weighed in and said that hiring a company and putting a lien on the house would be his suggestion and he explained that process. D. Dubitsky wanted it on record that the preference was to try to work with property owners and unless the PZC takes some other action tonight, fines of \$30 per day would begin accruing tomorrow. Attorney O'Brien said that fines, while not desirable, do give an incentive for compliance. He explained the citation process and court process of attaching a lien. He said the town cannot pay for a clean up and bill the owners for it without a court order.

Juan Velasquez, property owner, said he works on the clean-up every day and has had church members helping him; the professional clean-up quote was too expensive. He said he is willing to pay \$900 per month in fines and he will keep cleaning up until it is finished. He said they will get a loan if they have to. They are willing to get a quote from the demolition company Bill Rose suggested. Dorcas Velasquez said the fine would be difficult to pay.

The Commission explained to them that they will discuss this again and if the PZC takes no further action, the fines would begin tomorrow, 10/12/18.

The members then discussed the case again, at length, and agreed that without a professional crew it will take years to clean up, but that the threat of fines seems to incentivize the owners. It was suggested that the town would not have liability if the disgruntled neighbor were to file for injunctive action.

They discussed the manner of fine collection and that fines will be assessed/collected in a similar way for any and all violators. Bill Rose suggested that there should be a system developed for fine collection, nothing is currently in place. Attorney O'Brien said there currently is a system in place in the ordinance. The question is the interval for collecting fines and details of that process.

P. Fiasconaro moved to table Old Business, seconded by R. Godaire, all in favor, motion carried.

H. Weingart moved to adjourn for executive session, R. Godaire seconded the motion, all in favor, motion carried. The PZC adjourned the meeting to enter executive session at 9:02 p.m.

R. Godaire moved to enter executive session and invite the first selectman Bill Rose, Town Attorney O'Brien, and ZEO Jay Gigliotti. B. Cameron seconded the motion, all in favor, motion carried. Entered executive session at 9:03 pm

B. Cameron moved to exit executive session, P. Fiasconaro seconded the motion, all in favor, motion carried. Executive session ended at 9:30 pm