

The meeting was called to order at 7:06 PM.

**Members present:** Doug Dubitsky (Chair), Pete Fiasconaro (Vice-Chair), Helen Weingart, Randy Godaire, Dave Garceau, Alan Burdick.

**Alternates seated:** Ken Fortier for Eric Beer.

**Also present:** Attorney Dennis O'Brien, Zoning Enforcement Officer (ZEO) Jay Gigliotti and Recording Clerk Kathleen Scott.

**Approval of minutes 8.12.19 Public Hearing:**

Motion to approve by A. Burdick, seconded by D. Garceau. Correction to page 1 should read – The business has been open for a long time and for the last 60 days, there has been little noise and noise complaints. Page 2 under comments opposed to the Proposed Dog Care Facility – D. Garceau commented that the setback distances were not correct. H. Weingart and P. Fiasconaro abstained. All others in favor as amended, motion carried.

**Approval of minutes 8.12.19 Regular Meeting:**

Motion to approve by R. Godaire, seconded by D. Garceau. Correction to Old Business, page 2 should read - No site walks are permitted after the Public Hearing is closed but PZC members wishing to visit the property (with no more than 3 people at a time) should coordinate with the Zoning Enforcement Officer. H. Weingart and P. Fiasconaro abstained. All others in favor as amended, motion carried.

**Citizens having new business:** None

**Old Business:**

**A. SP19-103- 29 Pumpkin Hill Road, Adam Bernardin- Applicant/Owner, Assessor's Map 75-60-5, Proposed Dog Care Facility per section 5.2.B.12**

A Public Hearing was held with three meetings with some questions directed to the Town Attorney and Zoning Enforcement Officer.

ZEO J. Gigliotti addressed the following:

- State licensing is through the Department of Agriculture and requires local zoning approval. The Animal Control Officer in the licensing division recommended the applicant meet with them to discuss their business and determine what is needed. There are three categories for licensing: commercial kennel, training and grooming.
- The Eastern Highlands Health District gives approval with no license required. A B100a is required along with operation's impact to health facilities (water, septic). They also recommend the applicant meet with them to discuss their business to determine what is needed.
- There are 3 property lines that do not comply with regulations and would require a waiver. Two are next to Natchaug Forest (the revised kennel line is 31 feet, the other is 61 feet). The 3<sup>rd</sup> property line does not abut town property and is 287 feet.

Attorney Dennis O'Brien addressed the following:

- The Zoning Ordinance can be used to enforce the special permit with fining up to \$30 a day for violation of the conditions of the special permit. Can be enforced by filing a case in Superior Court (the decision can be appealed). The Zoning Commission can enforce zoning regulations through an ordinance. A condition could be made to get the ordinance into play to enforce conditions (allows discretion in the ordinance to comply with a special permit).
- The special permit can be revoked if not timely renewed and a condition should clearly state the specific standard required.
- The special permit can be revoked for non-compliance and a condition should be stated clearly what is required and what happens if not followed.
- The special permit should include reasons for allowing more dogs than covered by the ordinance.

K. Fortier asked if testimony and experiences from the past 6 years can be considered in making a decision on special permit. D. Dubitsky suggested only considering information presented during the Public Hearing. Attorney O'Brien suggested giving it minimal consideration.

The Commission has 65 days from the close of the Public Hearing to make a decision. There is one more Planning & Zoning meeting scheduled before a decision needs to be made.

In reviewing the regulations, the applicant meets all items except the setback and number of dogs. The proposed conditions from the applicant (presented in the August 2019 minutes) were reviewed and will be considered with the following conditions:

- Kennel license if needed, Health District approval if needed
- Applicant agrees to use of Zoning Ordinance to enforce conditions
- Special Permit will expire if not time renewed within one year
- Permit can be revoked for non-compliance with regulations and conditions
- Condition regarding noise, facility complies with noise regulation which incorporates state law
- Dogs must be licensed and vaccinated with documents available on site
- Facility must be maintained in conformity with drawing
- The ZEO has the right to access the property for purpose of inspection
- 30 day deadline for the number of dogs
- 90 day deadline for conformity of the facility with the drawing and all remaining conditions
- Complies with Eastern Highlands state licensing permit regarding waste removal with yearly renewal

D. Dubitsky will work with the Town Attorney and Zoning Enforcement Officer to draft language for conditions and present at the next meeting for review.

Motion to table discussion of the Proposed Dog Care Facility until the next meeting, made by H. Weingart, seconded by D. Garceau. All in favor, motion carried.

D. Garceau left the meeting at 8:45 PM.

**B. Discussion & Possible Action on Revisions to the following sections of the Chaplin Zoning Regulations:**

- Home Occupations

There have been verbal complaints regarding automotive businesses in residential zones in town that do not meet regulations. The Commission can either approve with conditions or shut the businesses down. P. Fiasconaro reported that businesses must have proper state approval and meet DMV requirements. He suggested potential business owners meet with the state to determine requirements. R. Godaire suggested obtaining more information on state requirements. P. Fiasconaro will obtain more information for the next meeting.

### **New Business:**

#### **A. Enforcement Complaint Policy:**

There was previous consensus of the Commission to only address complaints that are in writing and signed. Currently, there is no written policy. The First Selectman is willing to sign complaints directed to his office. The Commission will maintain their policy to not respond to anonymous complaints (except related to health or safety) and will draft a written policy that will be included in the ByLaws.

#### **B. Discussion of By-Laws:**

The ByLaws will be reviewed after the November elections with new members. Discussion was held regarding Conduct at Public Hearings. D. Dubitsky suggested adding at the discretion of the presiding officer to Item #3.

Motion to table discussion of the ByLaws until the November meeting made by H. Weingart, seconded by A. Burdick. All in favor, motion carried.

**Correspondence:** None

### **Report of the Zoning Officer:**

ZEO J. Gigliotti presented the Annual Report required by the Board of Finance for review and due the end of September. It is a summary of what was done for FY 2018-19. ZEO J. Gigliotti and D. Dubitsky met with NECCOG to discuss the Plan of Conservation and Development (POCD). Updates will cost approximately \$5,000 to \$6,000 with more mapping needed. The Approved Budget was \$24,345.29 with no additional appropriations. Actual Expenditures were \$23,695.18.

Motion to approve the FY2018-19 Planning & Zoning Annual Report as amended with minor corrections, was made by R. Godaire, seconded by H. Weingart. All in favor, motion carried.

ZEO J. Gigliotti presented monthly report that is available at the Town Hall. Items requiring direction or action are as follows:

- 153 Chewing Road – progress on the cleanup continues, the property owner will be contacted to suggest hiring someone to clean up the property.
- Post Office – can't move forward due to hearing officer not appointed per property owner's request.
- 4 Miller Road – ZEO J. Gigliotti confirmed that the property meets criteria of actively being used for farming activities and should be released from the land records. The consensus of the Commission is to authorize ZEO J. Gigliotti to write a letter to release this property from notice of violation.

Building Official Terry Bellman is hanging up his tool belt after many years of services for the town with his last day in October. He was a valuable resource for staff and his knowledge of the town proved helpful on numerous occasions. Terry is wished the best and will be missed!

**Items Pro Re Nata:**

R. Godaire commented on condition of approval on application for a 2<sup>nd</sup> access that was not closed at the old LeBranches. It was requested by the state as a condition of the original approval. This issue will put on the next agenda and followed up by ZEO J. Gigliotti.

**Adjournment:**

Motion to adjourn by H. Weingart, seconded by A. Burdick. All in favor, motion carried.  
The meeting adjourned at 10:25 PM.

Respectfully submitted by,  
Kathleen Scott  
Recording Clerk