

**CHAPLIN, CT
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 14, 2017, 7:00 P.M.
CHAPLIN TOWN HALL**

Meeting was called to order at 7:10 p.m.

Members present: Chairman Doug Dubitsky, Alan Burdick, Helen Weingart, Dave Garceau, Randy Godaire, Ken Fortier (alternate)

Members Absent: Peter Fiasconaro, Eric Beer, Bill Ireland (alternate), Brandon Cameron (alternate)

Alternates Seated: Ken Fortier for Eric Beer

Also Present: Zoning Enforcement Officer (ZEO) Jay Gigliotti, Town Attorney Dennis O'Brien, Recording Clerk Elizabeth Marsden

Approval of Minutes, November 22, 2017 Special Make-up Meeting:

H. Weingart moved to approve the minutes, A. Burdick seconded the *motion*. An amendment was identified in order to add ***Community and*** Economic Development Commission and change the acronym EDC to CEDC in four (4) places on page six (6). R. Godaire abstained, all others in favor of approving minutes as amended, *motion* carried.

Old Business:

**RC17-076- Proposed Regulations Revisions – Town of Chaplin
Planning and Zoning Commission:**

(Accessory Apartments, Dog Kennels, and Logging Operations):

ZEO stated that these three (3) sections have been through revision, a first public hearing, a second revision, sent to Councils of Government (COGS) for comment, and have been reviewed by Town Attorney Dennis O'Brien. These sections are now ready for a second public hearing. Proposed public hearing date of January 11, 2018 in order to comply with the mandated two (2) notices in the paper published at the required intervals.

R. Godaire moved to hold a public hearing January 11, 2018, D. Garceau seconded the *motion*, all in favor, *motion* carried.

Section 8.13 Site Lighting This had been discussed and revisions proposed in previous meetings. A marked – up set of regulations with proposed revisions was distributed to members. The members discussed deletion of the mention of obsolete types of lamps under B Lighting Plan (3). Under C General Requirements (1), the reference to Appendix A will be deleted, under C (2),

reference to Appendix C will be deleted. Under C (3), the word “externally” will be deleted and language regarding a special permit for uplighting will be added. Under C (5) the sentence “Floodlighting is prohibited” will be deleted. Under C (7) the members discussed canopy lighting, flush vs. recessed and that both terms are sufficient. R. Godaire said the new LED bulbs and fixtures allow so much control that C (7) is largely obsolete. Under C (7) the reference to Appendix B will be deleted. The members proposed citing from the standards of the Illuminating Engineering Society of North America. They therefore proposed that appendices A, B, C be eliminated. They proposed eliminating paragraph C (8) in its entirety. Under D Special Permits, the opening paragraph will eliminate the reference to “the following cases” and then cases 1,2,3 and 4 will be deleted.

D. Garceau moved to approve the revisions as amended, R. Godaire seconded the ***motion***, all in favor, ***motion*** carried.

Section 8.8 Open Space Subdivisions

This section has been discussed several times at prior Commission meetings. The zoning regulation subdivision requirements differ from the conservation subdivision requirements. Members have differing opinions on this regulation compelling property owners to give 40 percent of land to the town or pay a fee to avoid doing so. Attorney O’Brien said most towns have open space subdivision requirements, and that under those, applicants can pay a fee in lieu of giving land. Chairman Dubitsky explained the ambiguity in the existing regulations regarding voluntary vs. involuntary participation in land being given to the town. The members discussed this at length but no action was taken.

ZEO suggested leaving the Open Space Subdivision language in the subdivision regulations and removing it from zoning regulations.

Chairman Dubitsky proposed tabling this section until the next meeting, and asked members to read the subdivision regulations prior to the next meeting. R. Godaire said that it would be important to address whether a developer would be able to get more lots on a conservation subdivision vs. a conventional subdivision. Chairman Dubitsky said they should also discuss the policy of allowing houses on smaller lots. They discussed frontage/setback issues on smaller lots. H. Weingart said that some people want the country environment but a smaller lot in order to have less upkeep and she also said that some people value the idea of land conservation. The main difference of opinion among members is whether land owners should be required to give land to the town in order to build houses on smaller lots.

Discussion of revisions to zoning regulations to make more “farm friendly” in accordance with 2010 Plan of Conservation and Development

Chairman Dubitsky identified several sections he wanted the members to discuss. He distributed a document to the members showing sections that might be revised. He asked members whether they wanted to discuss the sections or digest them and discuss them later. H. Weingart said she wanted to discuss definitions; the members did so and also discussed possibly changing the minimum acreage for farming to 3 acres or less rather than the current 5 acre minimum.

No action was taken on this regulation.

New Business:

- A. LG17-086 – South Bedlam Road/Shuba Lane timber harvest, Joan Nichols, Applicant, Allen and Melinda Dzavit, property owners. Assessor’s Map #89-21, RAR Zoning District** Harvest is on a larger piece of land on the corner of Shuba and South Bedlam. ZEO distributed a skid map and a quad map to members. 22,000 board feet harvest and log trucks will come out of a nice gravel road. No bond is needed. Wetlands Commission will look at this application soon. ZEO recommends approving this application. It was noted that some of the harvest area might cross into Mansfield, but that doesn’t affect Chaplin’s approval.

A. Burdick moved to approve LG17-086, H. Weingart seconded the ***motion***, all in favor, ***motion*** carried.

- B. RC17-087- Chaplin Planning and Zoning Commission proposed revisions to 4 sections of the zoning regulations. Proposed revisions are as follows:**

- 1. Section 3.2 – Building Lots of Record**
- 2. Section 5.1 D.8.a – Bituminous Pavement**
- 3. Section 5.1.E – Underground Storage Tanks (UST’s)**
- 4. Section 6.2 – Revised Dimensional Chart**

ZEO said that all have been approved at the April 13 zoning meeting, they will have to go to public hearing and he proposed adding 8.13 (Site Lighting) to these and set a public hearing date once they hear back from COGS.

A. Burdick moved to add 8.13 (Site Lighting), D. Garceau seconded the ***motion***, Chairman Dubitsky said he would like to keep these items moving ahead, all in favor, ***motion*** carried.

Correspondence:

123 Palmer Road communications towers. Connecticut Citing Council has notified the town that Verizon Wireless (Cello) is proposing to replace six (6) existing antennas with nine (9) new antennas for a total of fifteen (15) all located at the same level, at the top of the 146 foot tower.

Election of Officers – Chair, Vice Chair and Secretary:

Chair: D. Garceau nominated Doug Dubitsky for Chair, A. Burdick seconded the ***motion***, no other nominations for Chair, A. Burdick moved to close nominations for Chair and H. Weingart seconded the ***motion***. No other discussion, Doug Dubitsky abstained, all others in favor, ***motion*** carried. All in favor of Doug Dubitsky for Chair.

Vice chair: A. Burdick nominated Peter Fiasconaro for Vice Chair, R. Godaire seconded the ***motion***, no other nominations, R. Godaire moved to close nominations, H. Weingart seconded the ***motion***, no other discussion, all in favor, ***motion*** carried. All in favor of Peter Fiasconaro for Vice Chair.

Secretary: D. Garceau nominated Eric Beer for Secretary, A. Burdick seconded the ***motion***, no other nominations, R. Godaire moved to close nominations, D. Garceau seconded the ***motion***, no other discussion, all in favor, ***motion*** carried. All in favor of Eric Beer for Secretary.

Report of the Zoning Officer:

ZONING PERMITS ISSUED- None issued.

ENFORCEMENT ACTIONS:

153 Chewink Road

At the 11/22/17 PZC meeting, the property owners Johnny & Dorcas Velaquez, were allocated an additional 10 months to complete their clean up of their property. The PZC approved their 10 month extension request after hearing testimony from both the property owners and staff. PZC Staff continues follow-up progress inspections and is in frequent contact with property owners. Their new deadline for completion is October 1, 2018.

61 Nyberg Road

On 11/7/17, PZC staff received a written complaint from the property owner of 60 Nyberg Road, regarding the keeping of multiple unregistered motor vehicles at 61 Nyberg Road. Staff concluded that there were no zoning violations occurring on the property as the what would be the second unregistered motor vehicle, is located within the town ROW and not on the 61 Nyberg Rd property. PZC Staff contacted the complainant and explained his findings. The complainant was less than pleased and stated we would be hearing from his attorney.

70 Singleton Road

During the 11/22/17 PZC meeting, the Commission indicated enforcement should be initiated on some of the Commission's previous, long-outstanding violations. 70 Singleton Road is certainly one of these outstanding violations. The PZC went to court with the property owner in 2009 for illegal dumping/ junkyard related violations. The property can be easily seen in the town's 2016 aerial imagery and staff is in the process of vetting the file and the property. If confirmed violations are identified, staff shall present to the commission in January, prior to initiating any formal enforcement due to the litigious history.

Items Pro Re Nata: Attorney O'Brien stated that he appreciates all the work the Chairman has done on revisions to the regulations and he is in the process of reading the revisions, and he commended the Commission for working on the revisions. He also said he sent Chairman and to ZEO a copy of the email he sent to the Board of Selectman regarding the need for the Board of Selectman to address the Opt-out of the Temporary Healthcare Structures law.

Adjournment:

H. Weingart moved to adjourn, A. Burdick seconded the ***motion***, all in favor, ***motion*** carried.

Meeting adjourned at 9:26 p.m.

Respectfully submitted,

Elizabeth Marsden, Recording Clerk