

**Town of Chaplin**  
**Planning and Zoning Commission**  
**Regular Meeting Minutes**  
**February 8, 2018**  
**Chaplin Town Hall**

The meeting was called to order at 7:07 p.m.

Members present: Chairman Doug Dubitsky, Dave Garceau, Alan Burdick, Bill Ireland (alternate), Ken Fortier (alternate)

Members absent: Peter Fiasconaro, Eric Beer, Randy Godaire, Helen Weingart, Brandon Cameron (alternate)

Alternates Seated: Ken Fortier for Helen Weingart and Bill Ireland for Eric Beer

Also present: Zoning Enforcement Officer (ZEO) Jay Gigliotti, Recording Clerk Elizabeth Marsden

Chairman Dubitsky explained that tonight's scheduled public hearing couldn't be held due to a newspaper error in publishing notice of the hearing. The PZC members will discuss a new date at tonight's meeting.

APPROVAL OF JANUARY 11, 2018 PUBLIC HEARING MINUTES: D. Garceau moved to approve the minutes, K. Fortier seconded the *motion*, B. Ireland and A. Burdick abstained, all others in favor, *motion* carried.

APPROVAL OF JANUARY 11, 2018 REGULAR MEETING: Chairman Dubitsky noted an error on page 2 where 400 should be changed to 500. D. Garceau moved to approve the minutes as amended, K. Fortier seconded the *motion*, B. Ireland and A. Burdick abstained, all others in favor, *motion* carried.

CITIZENS HAVING NEW BUSINESS: None

OLD BUSINESS:

a. RC17-087 – Chaplin Planning and Zoning Commission proposed revisions to x5 sections of the zoning regulations. Set date for public hearing.

ZEO explained the newspaper error, and proposed March 8, 2018 as the new date for the public hearing. D. Garceau moved to set the new date for a public hearing for March 8, 2018 for RC17-087, A. Burdick seconded the *motion*, all in favor, *motion* carried.

b. Discussion and Possible Revisions to the following sections of the Chaplin Zoning and Subdivision Regulations:

1. Open Space Subdivisions – Zoning Regulations Section 8.8 / Article VI Subdivision Regulations:

Chairman Dubitsky said a number of PZC discussions have taken place in the preceding months about this. One of the primary questions has been whether or not the 2010 Plan of Conservation Development (POCD)'s mention of "Conservation Subdivisions" within the "Short-term Strategy" section legally prohibits the PZC from reducing or eliminating the Open Space Subdivision provisions of the Zoning Regulations and/or the Subdivision Regulations. To clarify this, Chairman Dubitsky requested an opinion from Town Attorney Dennis O'Brien. Chairman Dubitsky distributed a letter from O'Brien, whose legal opinion is that "all that is legally required of the PZC in this instance is that 'the commission shall take into consideration the plan of conservation and development'... and shall state on the record its findings on consistency of the proposed ... change ... with such plan."

Chairman Dubitsky said that the Open Space Subdivision allows for 1 acre minimum lots with reduced frontage setbacks, provided that the property owner "donates" 40 percent of the entire (pre-subdivision) parcel to the town for open space.

The members discussed making the Open Space Subdivision optional, not mandatory. Chairman Dubitsky mentioned striking the entire section, stating that the town shouldn't be encouraging that kind of development and taking people's land. He mentioned state legislature in the making to eliminate the required Open Space "donation" of land. B. Ireland and K. Fortier said they would like to make it available/optional for people to do smaller lots and donate open space. It was noted that undesirable land is often donated but B. Ireland likes the idea of land adjacent to the Natchaug River being protected. However, he thinks the existing regulation should be eliminated and a new one be written. Chairman Dubitsky referenced his set of proposed revisions which strikes the entire section from both the zoning regulations and the subdivision regulations.

K. Fortier said there should be a revision to address small family subdivisions, for instance a family member subdividing small lots vs. a commercial developer. State statutes allow for "one free cut" per parcel in the history of a property. The members discussed a recent family PZC subdivision case that had to be handled the same as would a larger, 20-lot commercial developer. They agreed that revisions addressing that problem will need to be made.

Chairman Dubitsky suggested that the PZC could make it optional, and/or could reduce the amount of land required to be donated. B. Ireland thinks 40 percent should be reduced to 10 or 15 percent. Chairman Dubitsky mentioned a sliding scale where the more land you donate to the town, the smaller your lots can be. They discussed how the POCD goal is to keep large lots large.

D. Garceau wants to eliminate the section, but he agrees with B. Ireland about preserving lots along the river. Chairman Dubitsky said private land is preserved by people as well, not just by the government. K. Fortier said he wants to eliminate the existing section. B. Ireland said he favored a total revision. The other members favored eliminating it.

K. Fortier moved to accept the proposed revision to eliminate Section 8.8 of the Zoning Regulations and Article VI of the Subdivision Regulations, D. Garceau seconded the motion, B. Ireland opposes, all others in favor, motion carried.

**OLD BUSINESS (continued):**

**2. Discussion of revisions to zoning regulations to make more “farm-friendly” in accordance with 2010 POCD**

**3. Business District apartments**

Chairman Dubitsky suggested they discuss Business District apartments first.

ZEO explained that a package store on Rt 6, corner of Lynch Road has an apartment on the second floor, the new owner wanted a zoning compliance letter from ZEO. The building existed prior to any zoning regulations, so there have never been permits issued for either the building/business or the apartment. Current regulations do not permit accessory apartments within the business district or in commercial buildings. ZEO has also been contacted by someone who wants to develop a mixed-use building in the Corridor Overlay Zone. That does allow mixed use but the regulations don't have a mechanism to permit new or existing apartments as an accessory to businesses. A Certificate of Zoning Compliance cannot be issued due to there being no mechanism within the regulations for permitting them. Chairman Dubitsky said we need such a mechanism adopted into the regulations.

Chairman Dubitsky invited a *motion* to revise the regulations in order to allow apartments to be accessory to a business in addition to being accessory to residences. A. Burdick moved to have Chairman Dubitsky draft language for a revision to the Business District Section, B. Ireland seconded the *motion*, all in favor, *motion* carried.

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

Chairman Dubitsky said that throughout the zoning regulations, there are dozens of provisions that affect farmers and farming. The goal is to make it easier for farmers to farm, and to encourage farming in the town. His revisions propose a minimum 3 acres for farming (currently 5 acres). Parcels smaller than 3 acres would require a special permit. There was a lengthy discussion about revisions within the Definitions area, including Excavation, and where revisions should appear within the regulations. B. Ireland wanted a single section where all agricultural issues are addressed.

B. Ireland said that, for farming which doesn't involve animals, there shouldn't be any land size requirements. Chairman Dubitsky said if there are animals on land under 3 acres, there would be density requirements. There is a definition of a “Limited Farm” on page 6 of the proposed regulations.

The members discussed Agriculture Directional Signs and proposals where these types of signs would be allowed for agriculturally-related uses. Examples include pick-your-own, corn mazes, agricultural demonstrations and competitions.

The members discussed at length definitions and revisions concerning manure pits, roadside farm stands, farm worker housing, and slaughterhouses. Minor changes to the proposed revisions were agreed upon during the course of these discussions.

Chairman Dubitsky invited a *motion* to approve the above changes just discussed and adopted. A. Burdick so moved, D. Garceau seconded the *motion*, all in favor, *motion* carried.

**NEW BUSINESS:**

- a. Request for refund of application fees: Chairman Dubitsky said that the town had previously collected applications and fees for timber harvests. These are not proper or legal and, since the revisions to the regulations have taken place, a refund is owed to a particular landowner who was improperly charged these fees.

A. Burdick moved to refund the application fee Melinda and Allen Dziavit paid, D.Garceau seconded the *motion*, all in favor, *motion* carried.

- b. Discussion of 2020 POCD: tabled until further information.

**CORRESPONDENCE:** deferred.

**REPORT OF THE ZONING OFFICER:** deferred.

**ITEMS PRO RE NATA:** None

**ADJOURNMENT:** D. Garceau moved to adjourn the meeting, K. Fortier seconded the *motion*, all in favor, *motion* carried. The meeting was adjourned at 10:14 p.m.

Respectfully submitted,

Elizabeth Marsden, Recording Clerk

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