

**CHAPLIN
PLANNING AND ZONING COMMISSION
Regular Monthly Meeting Minutes
Chaplin Town Hall, 7:00 P.M.
March 9, 2017**

Call to order at 7:05 p.m.

Members present: Chairman Doug Dubitsky, Dave Garceau, Helen Weingart, Alan Burdick, Eric Beer, Randy Godaire

Members Absent: Vice-Chairman Peter Fiasconaro, Ken Fortier (alt), Brandon Cameron (alt)

Alternates Seated: Bill Ireland for Peter Fiasconaro

Also present: Daniel Cates, Allen Newton, Paul Selnau, Minnu Srinivasan, David Berso, Alex Koenigsberg, Tammy Trudeau, Jay Gigliotti, Zoning Enforcement Officer (ZEO), Elizabeth Marsden, Recording Clerk

Chairman Dubitsky invited a ***motion*** to move Item A of New Business to the top of agenda in order to expedite citizens' business after approval of minutes. E. Beer moved to do so, A. Burdick seconded the ***motion***, all in favor, ***motion*** carried.

Approval of minutes:

E. Beer moved to approve January 12, 2017 minutes, D. Garceau seconded the ***motion***. To be amended: strike "Minutes of a Business Meeting" and change to "Regular Monthly Meeting Minutes" in title. A. Burdick and R. Godaire abstained, all others in favor of approving minutes as amended, ***motion*** carried.

H. Weingart moved to approve September 8 minutes, R. Godaire seconded the ***motion***. To be amended: under "Alternates seated," B. Cameron and K. Fortier should be moved to "Also Present", because only B. Ireland was seated. P. Fiasconaro's last name was misspelled several times. D. Garceau abstained, all others in favor of approving minutes as amended, ***motion*** carried.

Citizens Having New Business:

Alex Koenigsberg of the non-profit organization Creative Living Community of Connecticut (CLCC) introduced a plan for which he wants input from PZC. His group has an opportunity to purchase land at the intersection of Bedlam Road and South Bedlam Road and their vision is to create a farming community for people with autism and other disabilities.

He said CLCC has had prior success in a similar venture in Vernon, a greenhouse which sells produce at farmers' markets and to restaurants.

Architect Paul Selnau presented a detailed site plan and demonstrated how the plan interacts with wetlands; there is one wetlands crossing. The plan depicts, among other features, 2.2 acres of pasture for 20 alpaca, a parking area with space for 60 cars, a greenhouse space, a farmstand, garden spaces, housing with barn structures, leaving existing trails and paths, 30 units of apartment housing centrally located inside site; courtyard space, a community building with central kitchen and dining area, and an ecological waste water sewage treatment system.

Chairman Dubitsky invited questions. D. Garceau asked about the apartments, and P. Selnau explained there would be 30 separate apartments, total number of bedrooms in Phase I is 62 bedrooms. H. Weingart asked about staffing, A. Koenigsberg said they would be hiring a subcontractor such as United Services to provide direct care for residents and that the only live-in site staff would likely be the alpaca manager. Chairman Dubitsky said they will need zoning regulation changes to be able to begin the myriad of things they want to do. David Berso said that CLCC wanted to discuss this now among other reasons, because the town is in the process of changing some of the zoning regulations, and CLCC would use input from PZC in order to determine which zoning regulations they might wish to focus on for changes. Chairman Dubitsky said PZC will need time to digest what was presented tonight. CLCC has the option to purchase at this point, based on its ability to use the property as they plan. CLCC believes the farm and housing development would be an asset to the town and would blend well with the rural character of Chaplin. H. Weingart and David Berso discussed the Village District (sound interference, unintelligible).

Chairman Dubitsky said that he imagines the Commission will want to digest the material and discuss the proposal before having comments on it.

B. Ireland said he is familiar with the land, says the access road goes right through a wetland and that the road should go over by the barn to stay out of the wetland, P. Selnau said he would be glad to do that. Ireland also said the plotted garden area is a wetland and far too wet to be a garden area. He gave input into where they should put parking area, etc. B. Ireland asked if they had spoken to Wetlands Commission, they have not yet. P. Selnau said they will contact the Wetlands Commission. Chairman Dubitsky said that this proposal would have a more difficult time with PZC than with Wetlands because PZC would have to change many existing regulations in order to accommodate the plans.

B. Ireland said that if CLCC would consider proceeding with regular subdivided lots, they would not have to change the regulations.

D. Berso asked if the Commission and the ZEO would be ready to talk about this at the April meeting, and Chairman Dubitsky asked for a consensus from the Commission. They all thought that the May meeting would be a better time to revisit the proposal.

Allen Newton, 12 and 20 Cross Road. ZEO took the floor and explained that Mr. Newton is looking to do 2-lot resubdivision on his property where currently there are two houses on a single lot. ZEO gave Commission a list of waivers of the zoning/subdivision regulations that Mr. Newton and his engineers have prepared. Mr. Newton wants to simply divide the lot on paper so that there will be two lots with one house each. Mr. Newton has not submitted a subdivision application yet. ZEO said this is very similar to the subdivision application on the agenda tonight of the Cates property. Tonight, Mr. Newton would like to determine whether the Commission has jurisdiction to waive the relevant sections (in general, not specific to this case) and based on that determination, Mr. Newton will prepare and submit his formal application with ZEO's assistance. Mr. Newton said he simply wants to be able to sell off the small house on its own lot instead of having to continue to rent it out. The Commission discussed the language of existing regulations and waivers, specifically in Section 9.04 which does give the Commission the right to modify/waive subject to appropriate conditions, and as long as $\frac{3}{4}$ of the Commission agrees. (Parts of the conversation were inaudible as Commission members discussed). Chairman Dubitsky referred to Section 4.02.1B and said that they would need a little more time to look at this issue.

ZEO will scan the map and the pertinent sections of the regulations and email to all the Commission members, and the Commission will discuss it again at the next meeting.

280 Bedlam Road, new single family house. ZEO described this case. It is a new, single-family house and ZEO issued a zoning permit for the house prior to construction. House was built on an existing lot where there was previously a trailer. The new house was built on a new foundation in the same spot where the trailer had been.

ZEO continued that Tammy Trudeau, property owner, needs her Certificate of Occupancy (CO) and the process involves the ZEO issuing a Certificate of Zoning Compliance. ZEO gave owner a list of items that are required on an as-built in order to issue the Certificate of Zoning Compliance; these items are consistent with an A2 plan. Ms. Trudeau wants relief from the requirements of this list. R. Godaire asked what discrepancies are present, and ZEO said a stamp and signature of a licensed land surveyor, the overhead power line location, the septic ties (tank in the field per installer), location of footing drain line, the lot number, abutting property owners, monuments pins, zoning setback lines, spot elevation in the centerline of driveway, well radius. ZEO said he had not been informed of a new septic system and that the septic requirements are

very stringent; and he also did not charge the owner the \$50 zoning compliance fee. ZEO said tonight was the first time he had spoken to Ms. Trudeau about this issue. He said that every other new house construction for which he has issued a Certificate of Zoning Compliance has adhered to the items on that list.

Chairman Dubitsky asked Ms. Trudeau why she couldn't get those items completed, and she said she doesn't see where Chaplin's regulations say she has to meet those requirements. R. Godaire pointed out that all the survey work has been done. The problem is that there is no licensed surveyor signature on the plan. Existing zoning regulations don't address as-builts per se, but discusses A2 survey standard list.

Chairman Dubitsky said they require a Class B survey unless the lot is 2 acres or less, or $\frac{3}{4}$ of an acre or more are disturbed. He asked if Ms. Trudeau knows why she had a class D survey and not a class B survey as required per the regulations. She doesn't know, she said she hired a surveyor and thought they should know what to do. However, the required items above are missing from the plan and the plan isn't signed and stamped by a licensed surveyor.

Chairman Dubitsky invited discussion among Commission members. E. Beer said he can't see the difference between D and B surveys. ZEO explained it. Chairman Dubitsky asked if there is any urgency, Ms. Trudeau said she wants her Certificate of Occupancy to move in. ZEO said if the Commission wants to waive the requirements, it would set an unfavorable precedent. If the Commission wants to say they don't want a surveyor's stamp, that is fine with him, but that would be breaking with procedure and precedent.

Chairman Dubitsky said he doesn't want the owner to be prevented from moving into her house, but doesn't want to set a negative precedent by accepting any plan without the required items.

H. Weingart moved to require that the items on the as-built list be depicted on the as-built drawing for the zoning compliance at 280 Bedlam Road. B. Ireland seconded the ***motion***. B. Ireland asked what this will involve in this case. ZEO repeated the motion and said he will be happy to help the property owner to comply. B. Ireland asked if the property owner can put the items on her own plan. ZEO stated that she would need to get her surveyor to put the required items on the as-built plan, sign and stamp it. B. Ireland asked what is wrong with a landowner signing their own plan. ZEO stated that the requirement is for a licensed surveyor's signature to be on every plan. All in favor of the above requirement in this case, ***motion*** carried.

SUB16-072, Proposed 2-lot resubdivision. Daniel Cates, 683 Phoenixville Road, Assessor's Map 75-52. Property is 18.08 acres and located in the RAR Zoning District. H. Weingart said that the address had been transposed to 683 on the agenda. This was noted. ZEO took the floor, distributed waivers similar to the

ones they just discussed in the Newton case. He said they need to schedule a public hearing for April 13 and discuss the waivers at that time. The Commission will need a formal waiver request from the property owner.

E. Beer moved to schedule a public hearing on the Cates case for April 13, seconded by D. Garceau, all in favor, ***motion*** carried.

Old Business:

Discussion and Possible Action on Changes to Zoning Regulations:

Sec. 5.2.B.12 Dog Kennel page 14. Chairman Dubitsky distributed the new proposed language of this regulation. The Commission discussed point C and the stipulation that no outdoor activities shall occur between 11:00 p.m. and 6:00 a.m. and whether they should change it to 10:00 p.m. There is no other noise-related time restriction in the town of Chaplin.

E. Beer moved to approve revision of Section 5.2.B.12, including the 10:00 p.m. change mentioned above, D. Garceau seconded the ***motion***. ZEO will put the revised proposed language on the town web site so that interested parties can view it. All in favor, ***motion*** carried.

Sec. 8.11 Logging Operations page 51-52. Chairman Dubitsky said Chapter 451 A of CT General Statutes, 23-65K discusses municipal regulation of forest practices. Inland Wetlands is the only agency that can regulate forest practices. Zoning Enforcement is only permitted to regulate the impact on roads by requiring a bond.

E. Beer moved to approve revision of Section 8.11, R. Godaire seconded the ***motion***, H. Weingart pointed out where the word “is” before “to cover” should appear, all in favor with amended “is,” ***motion*** carried.

Sec. 5.11 Municipal Adaptive Reuse Overlay District (MAROD) page 25-26, E. Beer moved to approve revision of Section 5.11, A. Burdick seconded the ***motion***, all in favor, ***motion*** carried.

R. Godaire moved to give ZEO permission to strike “structure only” upon verification that it is town owned property, second by E. Beer seconded the ***motion***, all in favor, ***motion*** carried.

Sec. 5.2.A.10 Accessory Apartments page 13-14, H. Weingart questioned the removal of the current prohibition of a conversion of a detached structure, asking what the rationale for the change was. Chairman Dubitsky said there were a lot of barns in the town and a lot of people would like to have family members move onto their property, so they decided that apartments did not have to be attached

to the main house. He mentioned current state legislation that will allow “Granny Pods” on people’s properties without zoning restrictions. R. Godaire explained the rationale for the current wording requiring that in-law apartments be attached, stating that the Commission at that time felt that attached **accessory** apartments would more likely be occupied by family members and that detached units would more likely be rented to “strangers.” They discussed the square footage allowances of accessory apartments as well.

D. Garceau moved to approve Section 5.2.A.10, E. Beer seconded the **motion**, H. Weingart and R. Godaire opposed, all others in favor, **motion** carried.

Sec 1.4 Temporary and Limited Moratorium page 1, stricken. E. Beer moved to strike Section Section1.4, page 1, H. Weingart seconded the motion, all in favor, **motion** carried.

Sec 5.5 MR Multifamily Residential District page 18, stricken. E. Beer moved to strike Section 5.5, page 18, D. Garceau seconded the **motion**, all in favor, **motion** carried.

Lighting Plan: A copy of the plan was distributed to Commission members to peruse before later discussion of revisions.

Election of Officers:

R. Godaire opened the floor for nomination for **Chairman**, A. Burdick nominated Doug Dubitsky, D. Garceau moved to close nominations, E. Beer seconded the **motion**, D. Dubitsky abstained, all others in favor of D. Dubitsky for Chairman, **motion** carried.

E. Beer nominated Peter Fiasconaro for **Vice Chairman**, H. Weingart seconded, R. Godaire moved to close nominations, seconded by D. Garceau, all in favor, **motion** carried. All in favor of Peter Fiasconaro for Vice Chairman, **motion** carried.

A. Burdick nominated Helen Weingart for **Secretary**, R. Godaire seconded the **motion**, R. Garceau moved to close nominations, E. Beer seconded the **motion**, all in favor, **motion** carried. All in favor of Helen Weingart for Secretary, **motion** carried.

PZC Operational Budget Fiscal Year 2017/2018: ZEO Gigliotti submitted the budget to the Board of Finance on behalf of the PZC, the total of \$23,841.25 is the exact same total as last year’s, with a minor adjustments in allocation of funds for advertising public hearings, postage, office and clerical. D. Garceau moved to approve the budget, H. Weingart seconded the **motion**, the Commission discussed state budget cuts and how they affect Chaplin. All in favor of approving the budget, **motion** carried.

Correspondence: None

Report from Zoning Officer: None

Items pro re nata: Chairman Dubitsky discussed the budget for the Plan of Conservation and Development. Now that Chaplin is a member of NECCOG, it may avail itself of NECCOG facilities and staff at no charge. Chaplin had in its Capital Improvement budget, \$6,000 per year for 3 years for POCD for the PAC. That money had been deferred, but it is allocated for next two years. PZC will use NECCOG engineers, etc and try to save funds that way.

Adjournment:

E. Beer moved to adjourn, A. Burdick seconded the ***motion***, all in favor, ***motion*** carried. Meeting adjourned at 9:50 p.m.

Respectfully submitted,

Elizabeth Marsden
Recording Clerk

Clerk's audio file #20