

**CHAPLIN
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chaplin Town Hall, 8:30 P.M.
September 8, 2016**

Call to Order 8:32 p.m.

Members present: Chairman Doug Dubitsky, Vice-Chairman Peter Fiasconaro, Eric Beer, Randy Godaire, Alan Burdick, Helen Weingart

Absent: Dave Garceau

Alternates Seated: Brandon Cameron, Bill Ireland for Dave Garceau, Kenneth Fortier

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

Approval of Minutes of August regular meeting. *Motion* to approve with corrections by D. Dubitsky. Corrections to be made: call to order is incorrect date 7/14/16 rather than 8/11/16 also incorrect date in adjournment paragraph. Corrections noted.

Chairman Dubitsky, A. Burdick, H. Weingart, K. Fortier, E. Beer, B. Cameron in favor, Peter Fiasconaro and R. Godaire and B. Ireland abstained, *motion* carried.

Citizens in Attendance: Darrell Chaloult

New Business: None

Old Business

- A. Special Permit Application SP16-059-Darrell Chaloult (applicant) 108 England Road, Assessor's Map 53-29** – Special Permit Application under zoning regulations section 5.2.B.10. Application for proposed establishment of non-profit facility to provide assistance to veterans. No proposed changes to the existing property or structure.

Discussion: Chairman Dubitsky recused himself.

E. Beer said it is going to be a non-profit, monies generated are put back into business. Applicant has a non-profit certificate. E. Beer said all the neighbors who attended the hearing seem positive about it. P. Fiasconaro asked the Applicant if he will have a medical professional onsite to make final decisions about who is or isn't good for the program. Chairman Dubitsky reminded the Commission that they cannot take any additional testimony from Applicant now that the public hearing is closed.

J. Gigliotti, Zoning Enforcement Official, said he would possibly look into questions and report back to commission if necessary. P. Fiasconaro said there was discussion about PTSD and gunshots, he is wondering shouldn't decisions about who is and isn't fit for the program fall into the hands of medical professionals. E. Beer commented that it seems unregulated. H. Weingart said she was confused about the 911 comments. R. Godaire said staffing and other operating concerns aren't regulated by Zoning, and he doesn't think J. Gigliotti should have to do a report about staffing qualifications. E. Beer said noise and safety are valid concerns, but they should be receptive to neighbors' concerns about the facility and the majority of neighbors supported the Applicant.

J. Gigliotti said the reason for a public hearing is to get input from the public, and the neighbors, who are most impacted by the proposal, and 90 percent said they strongly support the application.

K. Fortier asked if the Eden Property was a nonprofit, and that is the reason this property is zoned that way? J. Gigliotti said the application must fall under 5.2.B.10 -- it has to fall under the existing use under the code. Application does fall under it as a non profit. RAR section 5.2 permitted uses, 5.2B are by special permit and non profit club or camp as long as the Planning and Zoning approves the special permit.

The Commission discussed the history of the property at length.

H. Weingart says the application sounds like it meets the requirements.

Vice-Chairman Fiasconaro proposed that the Commission entertain a *motion* to approve. *Motion* to approve by H. Weingart, seconded by R. Godaire. Vice-Chairman Fiascondaro, A. Burdick, K. Fortier, E. Beer, B. Cameron in favor, B. Ireland abstained. *Motion* carried.

B. Discussion and Possible Action on the Revisions to the Zoning Regulations

Chairman Dubitsky recapped the various sections they want to look at to possibly revise. List of 19 were boiled down to 7 issues that will hopefully be the quickest to deal with.

Chairman Dubitsky said that he had emailed Commission members an initial draft of revisions as a starting point of discussion. He distributed additional copies. The changes will be subject to a public hearing and the town attorney will review their revisions before they adopt new regulations.

Section 1.4 Temporary & Limited Moratorium, is no longer applicable and should be removed from the regulations. E. Beer said it expired years ago and needs to be deleted. *Motion* to remove by B. Ireland, seconded by P. Fiascondaro, *motion* carried unanimously. It will say DELETED after the Section Title.

Section 5.5 Multifamily Residential District. No such “district” exists on the zoning map so it should all be cut. E. Beer asked if it will come back into play later. D. Dubitsky said there are multifamily housing units but there is no “district.” H. Wiengart said she did research and the “district” is not a geographical area in the town. E. Beer said the question is how does the town feel about having a multifamily district area (geographical) in town? B. Ireland asked for the definition of a Multifamily Unit and J. Gigliotti said that the regulation states a Multifamily Dwelling Unit is defined as “a building containing three or more dwelling units.” No more than six dwelling units are permitted per building. D. Dubitsky said the town should not have a multifamily zone in the code without having one in the town.

H. Weingart was concerned about where multifamily regulations would fall if this section is deleted. J. Gigliotti said Section 5.2.A states “not more than one, two-family dwellings on a lot of four acres or more” in the RAR zone. In the Business Zone, Section 5.3 there is a multifamily component under Uses by Special Permit; it states that uses are at the discretion of the Planning and Zoning Commission.

D. Dubitsky said we have regulations about what can and cannot be done in “multifamily zoning district” but the issue is that such a district doesn’t exist. He stated that as they did with 5.1, they should leave the header in, remove the text and write “deleted.”

J. Gigliotti referenced 5.3.C.1, which states that if someone applies for multi-family building or use, it would be under a special permit site plan review anyway. K. Fortier added that no one can apply for a multifamily zone that doesn’t exist. D. Dubitsky said that 5.9.B.1, non-existent Multifamily Residential District is also referenced, and that should be cut as well.

J. Gigliotti stated he was unable to find how the Multifamily Residential District was ever added to the regulations in the first place. D. Dubitsky wants to have a clean set of regulations that match the zoning map. Members looked at the maps on the wall and found errors on it depicting different zones. Several people were speaking at once; recording clerk was unable to hear each one.

E. Beer ***motion*** to add the word DELETED after the heading Sec 5.5 MR Multifamily Residential District, and delete the language therein, and to delete the mention of the District in Section 5.9.B.1, seconded by B. Ireland, ***motion*** carried unanimously.

Section 5.11 Municipal Adaptive Reuse Overlay District (MAROD). D. Dubitsky suggested striking mention of the town grange since it is no longer owned by the town. Also a clarification – the goal is to allow this zone to be used for beneficial use by private persons or entities – the proposal to add “persons or” so it reads “persons or entities.” B. Ireland said he thought entities were also persons. D. Dubinsky said that entities are made up of persons, but the way it is written now could be interpreted to mean that if you aren’t a corporate entity, you wouldn’t be able to take advantage of this intent. The proposed revision would correct the possible problem that an individual would have to incorporate (become a corporation).

E. Beer ***motion*** to add the words “persons or” after the word “private” and before the word “entities” in Sec. 5.11.B Municipal Adaptive Reuse Overlay District (Purpose) and to delete the Chaplin Grange from the list in 5.11.B; seconded Vice-Chairman Fiasconaro. ***Motion*** carried unanimously.

5.11.D: Use Regulations and 5.11.H, striking Planning and Zoning and referring to the “Commission” when repeating the name of the Commission

Proposed changes to the language in the introductory paragraph of Sec. 5.11.D, concerning “as of right” uses. If activities will be conducted entirely inside a building, applicant would not be subjected to a site plan and survey and special permit. Additionally, proposal to add “Small-scale commercial/light industrial uses.” And (H) “All uses specified herein shall otherwise comply with all applicable provisions of these Regulations.” The Commission discussed the potential changes at considerable length.

E. Beer ***motion*** to revise 5.11.D and 5.11.H by adding the “as of right” language and adding “small-scale commercial/light industrial uses.” And “All uses specified herein shall otherwise comply with all applicable provisions of these Regulations” and referring to “Commission” rather than preceding it with “Planning and Zoning.” Seconded by Vice-Chairman Fiascondaro, ***motion*** carried unanimously.

Vice-Chairman Fiascondaro ***motion*** to table all other business until next month’s meeting, seconded by E. Beer, ***motion*** carried unanimously.

E. Beer ***motion*** to adjourn, seconded by Vice Chairman Fiascondaro, motion carried unanimously at 10:08 p.m.

Respectfully submitted,

Elizabeth Marsden, Recording Clerk