

**CHAPLIN PLANNING AND ZONING COMMISSION  
CHAPLIN, CONNECTICUT  
PUBLIC HEARING--#RC17-074  
7PM, July 13, 2017 Chaplin Town Hall  
495 Phoenixville Road, Chaplin, CT**

Chairman Doug Dubitsky opened the public hearing for #RC17-074 at 7:02pm.

Chairman Doug Dubitsky read the Public Hearing Legal Notice and stated the notice was published in the 7/1/17 and 7/8/17 editions of the Chronicle. The Legal Notice is as follows:

**Legal Notice**

**CHAPLIN PLANNING AND ZONING COMMISSION NOTICE OF PUBLIC HEARING  
THURSDAY, JULY 13, 2017**

Public Hearing at 7pm, Regular Meeting to Follow. Chaplin Town Hall, 495 Phoenixville Road, Chaplin, CT

Proposed Regulation Revision- #RC17-074-Proposed Regulation Change-Creative Living Community of Connecticut, Inc. proposed revision to the Chaplin Zoning Regulations Section 5.2 RAR Zoning District

Proposed revisions of all sections are available for review in the Town of Chaplin Town Hall, 495 Phoenixville Road, Chaplin, CT.

Respectfully submitted,  
Doug Dubitsky, Chairman

Regular members present were Chairman Doug Dubitsky, Helen Weingart, Dave Garceau, Alan Burdick, and Eric Beer. Alternate members present were Ken Fortier and Bill Ireland. Also present was Town Attorney Dennis O'Brien and Zoning Enforcement Officer Jay Gigliotti.

Regular Members Absent were Vice-Chairman Peter Fiasconaro and Randy Godaire

Alternate member absent was Brandon Cameron

**SEAT ALTERNATES:** Chairman Doug Dubitsky seated Ken Fortier for Vice-Chairman Peter Fiasconaro.

Chairman Doug Dubitsky explained that copies of the proposed regulation revision and the associated application materials have been available of the public to view since the public hearing was scheduled.

This public hearing was heavily attended, with standing room only in the meeting room (Town Hall Lobby). Chairman Doug Dubitsky took a minute to explain the process that he would follow in conducting the public hearing on application #RC17-074. He explained that he would first let the applicant's make their presentation on the proposed regulation revision and then take comments from the public.

Planning & Zoning Commission staff provided each commission member with a copy of the applicant's proposed regulation revision.

David Berto, of Housing Enterprises, Inc., consultant for the applicant Creative Living Community of Connecticut (CLCC), first introduced himself and his background. He explained that he would briefly provide an overview of the regulation change, followed by CLCC's Executive Director Alex Koenigsberg, who would introduce CLCC and provide an overview of their mission and who they are. Mr. Berto would then conclude their presentation by discussing the proposed regulation revision in detail. He continued by stating that tonight's application was part one of many, needed to achieve their overall goal of the Multi-family Agricultural community development. The proposed regulation was developed using the Town's existing regulation as a starting point and worked off of them.

Alex Koenigsberg, Executive Director of CLCC, provided an overview of CLCC, how and when it began and its evolution over time to what it's current mission is today. Mr. Koenigsberg explained CLCC understands the importance of preserving farmland and the rural character that is Chaplin. CLCC chose Chaplin because of its Historic, Agricultural and Rural Character. The purpose of CLCC's vision includes a development that fits in and is consistent with the character of the neighborhood as well as the Town. Mr. Koenigsberg explained that in the development of the proposed regulation, CLCC made sure the proposal was consistent with the Town's 2010 Plan of Conservation and Development (POCD).

Mr. David Berto again took the floor, this time to discuss the proposed revision. The draft revision is section 5.2.13 and has subsections a. through h. Mr. Berto went one by one through each of the twelve (12) subsections (a. - l.). As he went through each of the proposed subsections, he took time to explain to the commission and the public how the applicant had arrived at the final draft language before them. Much of the language included in the proposed draft is either taken directly from the existing zoning regulations or makes reference to one of the existing zoning regulations. He explained that the applicant's goal was to develop the regulation to provide for some flexibility in the development of Multi-Family, while still providing the commission with control over the development.

Once Mr. Berto had concluded with his presentation of the proposed regulation revision, Chairman Doug Dubitsky explained now comments from the public would be accepted. He began by asking for a show of hands in the audience of anyone who was in support of the proposed regulation change. Chairman Doug Dubitsky asked three (3) times if there was anyone who was in the audience who was in support of the proposed regulation change. No hands were raised in support of the application. He then asked for a show of hands in the audience of anyone who was in opposition of the proposed regulation change. A large number of hands were raised, so Chairman Doug Dubitsky stated he would start at one end of the first row and work his way down, then up the row until anyone wishing to speak had a chance to do so. Before beginning, Chairman Doug Dubitsky stated the hearing was being recorded and he asked everyone wishing to speak to first state their name and address. Comments were to be limited to a total of 3 minutes for each person.

#### Public Speaking in Opposition:

Irene Schine, Miller Road- Felt that this would be a major project for the town and Chaplin really does not have the services to support a large size development as such. Regarding the Bedlam Road property, a full A-2 Survey should be required and a full environmental impact assessment should be completed. The property is a sensitive piece of land and has a really high water table. She questioned the impacts that would be relating to the water table and wells in the immediate area. Chaplin does not have any local police and there is plenty of affordable housing already in Chaplin. Mrs. Schine worked on the 2010 POCD and she does not feel that the proposed regulation change is consistent with the strategies for development, preservation, agricultural...etc. outlined in the POCD.

Margaret McKleroy, 5 Chaplin Street- Agrees with Irene and does not feel the town has the infrastructure to support multiple residences.

Sally Ireland, 22 North Bear Hill Road- Does not think the town can afford it, the town won't have the emergency services and the emergency services we have now is not that good, there are no police and the schools could not financially handle the additional students.

Diane Cox, 32 Chaplin Street- Agrees with Irene and the area of the development is a nice area and a good example of Chaplin. The Bedlam 4-corners is a well-known landmark and has not changed since she has lived in town and has not changed long before that. She also worked on the 2010 POCD and agrees that the proposed regulation change does not fit in with it (POCD).

Chairman Doug Dubitsky reminded all of the public in the audience that the proposed regulation change is for a town-wide change to the RAR Zoning District and the proposal is not specific to one property.

Christopher Komuves, 122 Bedlam Road- Agrees with the previous comments, the proposed will erode the character of Chaplin and will decrease property values which are already quite depressed, no need for additional housing, there is already too many houses for sale, the cost of the services to the development will be far more than whatever it brings in for taxes.

Craig Terrell, 39 South Bedlam Road- has lived on South Bedlam for 27 Years and he realizes that the application is for a town-wide regulation change, but he feels everyone feels the same who lives in town, Chaplin residents choose to live because they like it the way it is, they don't want change and they pay some of the highest mill rates in CT to keep it this way. They enjoy viewing the abundant wildlife and the scenic, rural, wildlife natural conditions, a development as such would bring lots of noise and light pollution to these rural areas, and the town certainly does not have the infrastructure to support it. There are a lot of wetlands on the south bedlam road site and because of that the permit process might be impossible anyways. The town does not have sidewalks, crosswalks or handicapped access, the town is just not ready for that.

Besty Terrell, 39 South Bedlam Road- Agrees with what Craig just said, Looking at the town as a whole and the Natchaug watershed and the potential impacts to the environment as well as nature.

Betty Garrison, 47 South Bedlam Road- She does not want the proposed to be approved for all of the examples stated previously.

Hope Garrison, 49 Cedar Swamp Road- Against changing the zoning regulations anywhere in town.

Lee Garrison, 28 Federal Road- Against zoning change and do not see how putting up a number of residences is preserving the appeal of any farmland.

Keith Guilbeault, 17 South Bedlam Road- Don't think it is a good idea, does not help the town in anyway, the applicant's idea of farming is probably not what the Chaplin resident's idea of farming is, does not make any sense, has two (2) little kids in this town and does not want to see it change.

Pat Pogmore, Chaplin, CT- Moved to Chaplin, lives, votes and pays taxes here for a reason, pays taxes to maintain towns integrity, believes that the tax payers and voters should have a voice and be heard on any development or regulation proposed, we need to provide judicious and prudent use of land, because one the agricultural land is gone, its gone, the applications impacts the entire agricultural community of this town, agrees with Mr. Guilbeault the applicant's idea of a farm is probably not what the Chaplin residents idea is, she knows what you have do to farm because she had an 80- acre farm, knows the

impacts it has on residences and others, she does not know why it needs to be in this town, we have lack of services, an education budget that is strained and very concerned right now as to what our tax base is, asked about property taxes, highways costs and road maintenance, she does not have enough information on this project, she does not support any of the changes.

Ellen Mott, 29 South Bedlam Road- Sounds like such a worthy project and there is a need for it, the regulation is town-wide and the change will potentially alter a significant amount of land and regulations which is probably not the in the best interests for the town.

Robert Mott, 29 South Bedlam Road- 35- year Chaplin resident, regulation change is town wide and He counted at least 20+ properties in which would fall under the proposed regulation, and these properties could be poorly developed and bring in residents which don't have the same ideas and values as Chaplin residents do. In his experience, low-cost housing is not a good thing and certainly not for Chaplin.

Susan Peifer, 63 Bedlam Road-explained there was a large condo complex approved on tower hill road which made a lot of residents nervous, thankfully, a recession hit and instead of an condo complex, the town got a natural gas compressor station. Immediately after, the PZC changed the regulations to eliminate large condo house zoning, a portion of the proposed regulation says "In a manner that is compatible with existing & adjacent neighborhoods..." No development of this size is compatible with the SFR in the RAR, there are at least three (3) properties on Bedlam Rd alone that would qualify for the proposed regulation and many others, the roads cannot handle that type of traffic, there are many varieties of farming, the applicants will never be residents of Chaplin and properties sell & owners change, SFR's preserve farmland, she knows people who are doing it and she herself is doing it, the town definitely does not have the services to support developments and it will depress property values.

Paul Peifer, 63 Bedlam Road- Disclosed the fact that he was previously the former chairman of the Planning & Zoning Commission, He is questioning the validity of the regulation change, citing the CT General Statutes section 8-3a, he explained that section 8-3a required the PZC to make a finding that the proposed regulation change is consistent with the current POCD. He explained that page 32 in Chaplin's POCD required developments, like the regulation allows to be located in the Sherman's Corner and the Natchaug Village, the zoning changes should be based and in line with the Town's POCD.

Charles Avila, 13 York Road- Concerns on both water supply and the septic systems on the neighboring properties, impacts to the educational budget

Dylan Strong, 90 South Bedlam- Has lived in a number of Farm towns and has lived in Windham, he chooses to live in Chaplin, not Windham because it is a farm town, throwing up buildings and bringing a density of people is not a way to preserve farming, it will not be rural, does not want to wake up and look at tall apartment buildings every morning, not why he bought a house here.

Melinda Dziavit, 41 Shuba Lane- does not agree with the changes to the zoning and does not think the town should make these changes at all.

Chairman Dubitsky asked if there was anyone else left to speak in opposition of the proposed regulation change, seeing none, he offer the floor back to the applicant's to rebut some of the comments received from the public.

Mr. Berto explained that while developing the application, the applicant's brought up many of the same concerns which were said this evening from the public. He said protection of the environment, resources, existing infrastructure and the rural character are all extremely important concerns. He

explained that the regulation still requires the approval of a special permit from the PZC, which requires a public hearing before approval. Also, the proposed regulation does not make it too easy for a developer to come in and do whatever they want, the regulation is very specific and was developed that way on purpose, with the goal of protecting the town's resources and character. As far as affordable housing, the % is based on the median income of the town so Chaplin has a high median income so the people taking advantage of the "affordable Housing" would be in the \$80,000 ranges which are working class people, not individuals on section 8 or other government subsidy programs.

Once Mr. Berto was complete, Chairman Doug Dubitsky asked if there was any follow- up questions from the public.

Pat Pogmore, Chaplin, CT- Asked if the applicants had ever done any development similar to what the proposed regulation would allow and what, if any, other town's they looked into.

Dylan Strong, 90 South Bedlam Road- Said that it all it takes is to let one of these projects go through then another and another and pretty soon Chaplin will become Windham.

Susan Peifer, 63 Bedlam Road- Pointed out that according to the proposed regulation, a development just has to be a minimum of 20%, but it could be 100% affordable housing in multiple locations.

Paul Peifer, 63 Bedlam Road- Asked the Commission to get a written legal opinion on 8-3a from the town attorney

Christopher Komuves, 122 Bedlam Road-80 % of the farmland could turn into the preservation of 0%.

Chairman Doug Dubitsky asked Attorney Dennis O'Brien to present his findings.

Attorney Dennis O'Brien stated that in terms of the statutes & constitution, it would be legal for the PZC to adopt such a regulation and it is a matter of policy. He additionally stated that if the commission was to adopt the proposed regulation change, they would have make a finding on the record as to how the proposed would comply with the POCD as per CGS 8-3a. It would be up to the PZC to determine compliance with the POCD, not a legal opinion from him. He submitted his comments for the record.

**Motion made by Eric Beer to close the public hearing on application #RC17-074. Seconded by Dave Garceau. All members voted in favor. Motion Carried**

**The Public Hearing for Application #RC17-076 was closed at 8:06pm**

Respectfully Submitted,

Jay Gigliotti

