

**Town of Chaplin  
Planning and Zoning Commission  
Regular Meeting Minutes  
March 14, 2019  
Chaplin Town Hall**

MEMBERS PRESENT: Doug Dubitsky (Chair), Peter Fiasconaro (Vice Chair), Randy Godaire, Helen Weingart, Dave Garceau,

ALTERNATES SEATED: Ken Fortier for Eric Beer

ALSO PRESENT: Bill Rose, First Selectman; Jay Gigliotti, Zoning Enforcement Officer (ZEO); Elizabeth Marsden, Recording Clerk

CITIZENS PRESENT: None

The meeting was called to order at 7:11 p.m.

Motion to table November 29, 2018 and February 14, 2019 meeting minutes by P. Fiasconaro, seconded by D. Garceau, all in favor, motion carried.

Motion to move New Business before Old Business by D. Garceau, seconded by P. Fiasconaro, all in favor, motion carried.

CITIZENS HAVING NEW BUSINESS: None

NEW BUSINESS: Bill Rose proposed the following 2 requests for the PZC to issue a nonbinding recommendation to the town:

- A. CGS 8-24 Request - Natchaug River Subdivision Open Space Access Easement -- Joshua's Trust Access deed still in town's name, Joshua's Trust wishes to have deed transferred to its name.
  
- B. CGS 8-24 Request - Old Hampton Road -- close off access via locked gates in order to stop dumping.

Bill Rose will discuss with some remaining neighbors and revisit at next month's meeting. These items will be placed on next month's agenda.

OLD BUSINESS: Discussion and possible action on revisions to the following sections of the Chaplin Zoning and Subdivision Regulations:

Markups are included in the minutes for reference to the following:

Sec. 5.7 A -G (Page 22/23): Motion to amend (as marked up) by R. Godaire, seconded by H. Weingart, all in favor, motion carried.

Sec. 8.3 A-C (Pages 36-38) (Except agricultural sections as noted on draft:) Motion to amend (as marked up) by D. Garceau, seconded by R. Godaire, all in favor, motion carried.

Sec. 8.4 C, D, E (Page 40) Motion to amend (as marked up) by H. Weingart, second by D. Garceau, all in favor motion carried.

Sec. 8.7 A-H (Pages 44-51) (Except agricultural sections as noted on draft:) Motion to amend (as marked up) by H. Weingart seconded by P. Fiasconaro, all in favor, motion carried.

Sec. 8.10 A-H (Pages 54-58) Motion to amend (as marked up) by R. Godaire, seconded by P. Fiasconaro, all in favor, motion carried.

Sec. 9.1 (Page 69) Motion to amend (as marked up) by H. Weingart, seconded by D. Garceau, all in favor, motion carried.

Sec. 9.3 was discussed briefly, but ZEO wanted to get input from surrounding towns on changes to permit fee schedules prior to amending this.

Sec. 5.4 and 5.6 were on the agenda but not discussed.

CORRESPONDENCE: Letter from CME Engineering citing state mandate that all towns in CT create updated plans for affordable housing every five years and offering to assist Chaplin with such planning.

REPORT OF THE ZONING OFFICER: The ZEO presented his report, which is available at Town Hall. Items requiring action from the Commission were as follows:  
NONE

ITEMS PRO RE NATA:

Helen Weingart and Ken Fortier will comprise the Bylaws Committee. H. Weingart made remarks about their progress and distributed a highlighted, amended copy of the bylaws for input from the PZC. This will be placed on next month's agenda.

ADJOURNMENT: Motion to adjourn by D. Garceau, seconded by K. Fortier, all in favor, motion carried.

The meeting was adjourned at 10:03 pm

Respectfully submitted,  
Elizabeth Marsden, Recording Clerk

2. Septage lagoons and the disposal or spreading of septage on the ground.
3. Disposal of toxic substances or hazardous waste materials to the ground, including wetlands, surface water and groundwater.
4. In-ground storage tanks, pipelines or distribution systems for gasoline, fuel oil, solvents, herbicides, or other hydrocarbons, fuels or chemicals.
5. Any activity which involves the manufacture, use, generation, storage, transportation of toxic substances or hazardous materials, as defined in Sec. 2.2 of these Regulations, in quantities greater than that for normal, single household use.
6. Sanitary wastewater disposal to on-site septic systems in an Aquifer Protection District shall not average more than 350 gallons per acre per day. Septic systems for multifamily residences shall be approved by the Connecticut Department of Energy and Environmental Protection as consistent with maintenance of the quality of groundwater in the Aquifer Protection District.
7. Road Salt storage, except at a site maintained and monitored by the Town of Chaplin.
8. Gasoline service stations.
9. Fuel oil dealers.
10. Dry Cleaners.
11. Automotive repair garages.
12. Furniture stripping businesses.
13. Electronic circuit manufacturing.
14. Nothing herein shall be interpreted to restrict the transportation, storage, application or use of manure, compost or other commercial fertilizers and farm chemicals on Farms when following Generally Accepted Agricultural Practices.

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#### 5.7 Performance Standards

Each ~~land-use or non-farm~~ non-residential use permitted in the Town of Chaplin shall ~~meet~~ be governed by the following performance standards:

A. No unnecessary dust, dirt, fly ash, or offensive smoke will be ~~emitted into the air~~ transmitted outside the boundaries of the premises.

B. No offensive odors or noxious, toxic or corrosive fumes or gases be ~~emitted into the air~~ transmitted outside the boundaries of the premises.

C. No unnecessary noise be transmitted outside the boundaries of the premises. Noise levels outside the boundaries of the premises shall not exceed those described in the Regulations for Control of Noise in

the State of Connecticut for stationary noise and Maximum Permissible Noise Levels for Vehicles in the State of Connecticut for Motor Vehicles.

D. No unnecessary vibration will be transmitted outside of the boundaries of the premises. Noise levels shall not exceed those described in the Regulations for Control of Noise in the State of Connecticut for stationary noise and Maximum Permissible Noise Levels for Vehicles in the State of Connecticut for Motor Vehicles.

E. No radiation will be transmitted outside of the building where it originates. No heat, or glare will be transmitted outside the boundaries of the building where it originates premises.

F. None of the activities or business conducted within the premises will be hazardous nor have or cause any detrimental effect to adjacent property, nor that shall fire or explosions explosion hazards will exist such as to produce dangerous exposure to adjacent property.

G. No offensive, hazardous or toxic; wastes will be discharged into the air, stream, watercourse or storm drainage.

H. Nothing herein shall be construed to conflict with the Connecticut Right to Farm Statute, Connecticut General Statutes § 19a-341, nor to limit Agricultural uses carried out in conformity with Generally Accepted Agricultural Practices.

- already approved "H" earlier,

## 5.8 Prohibited Uses

A. Manufacturing uses involving primary production of products from raw materials such as: asphalt, cement, charcoal, plastics, strong chemicals and acids, manufacturing of explosives, paints and varnishes, and rubber products.

## 5.9 CO - Corridor Overlay District

[Added, effective April 6, 2003]

The Corridor Overlay District (CO) is an Overlay Zone which exists in addition to and overlapping one or more of the other use districts. The purpose of the Corridor Overlay District is to assure that the use of land, buildings and other structures and site development within its boundaries are conducted in a manner that promotes the establishment of village nodes, discourages the establishment of strip development, and promotes community character.

This district is primarily intended for small-scale business or personal service uses developed in a manner that:

- helps enhance the rural character of the district and the town,
- helps implement pertinent recommendations of the Chaplin Plan of Development,
- avoids creation of traffic congestion or hazards within the Route 6 corridor,
- demonstrates protection of water quality in the Natchaug River corridor, and
- demonstrates excellence in building and site design.

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**8.3 Minimum Parking Space Requirements**

A. Type of Use and Space Requirements:

Use	Minimum Number of Spaces
Residences	2 per family unit
Hotels, Motels	1 per each guest room or suite and 1 per each 3 employees
<del>Buildings / stands for sale of agricultural products</del> → Farm Stands	<del>1 per 5 feet of building frontage plus 1 per each 2 employees</del>
Funeral Home	1 per each 5 seats
→ Home Occupation	2-9 spaces in addition to those for <u>the each</u> dwelling
Retail Business	6 per each 1000 square feet of gross floor area
Office Building	4 per each 1000 square feet of gross floor area
Hospitals: Convalescent & Rest Homes	1 per bed and 1 per each 3 employees
Restaurants, including Drive-In Type	1 per each 4 seats and 1 per each 2 employees
Private Recreational Facilities	1 per each 4 members
Industrial Buildings	1 per each 4 employees on largest shift
Uses not listed here	As determined by the Commission based on the anticipated need of the facility

1. In all non-residential uses, handicapped parking spaces shall be provided in accordance with State requirements.

2. Each parking space shall measure at least 9 feet by 18 feet with a 24-foot wide travel aisle.

3. The Commission may permit a permanent reduction of up to 25% of the required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day.

4. The Commission may waive the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the ~~judgement~~ judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use. Before approval of a waiver by the Commission, the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements. The owner shall file that plan in the Office of the Town Clerk, stipulating that the owner, or the successor and, assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within 6 months of the Commission's request when, in the opinion of the Commission, such installation is needed.

**B. Minimum Loading Space:**

In a Business or Industrial District at least one off-street loading space shall be provided, and may not be in the required front yard. The size shall be at least 12 feet wide and 68 feet long, with a clearance 14'-6", and be located on the same lot as the principal use.

**C. Special Regulations:**

1. Not more than one commercial vehicle or trailer may be parked or stored on a lot in the RAR district. Such vehicle shall be limited to a maximum of 20,000 lbs. Gross Vehicle Weight (GVW). Additionally, one single axle or one dual axle trailer is permitted, with no more than two tires per axle. Parking or storage of such commercial vehicle and/or trailer(s) shall be restricted to the rear or side yard of the property, a minimum of thirty feet from any lot line, or be parked in a building.

On lots within the B district, commercial vehicles shall be regulated as follows: If the Commission or its Agent determines that a legally established business or commercial use exists upon the subject property, the number of commercial vehicles and/or trailers parked or stored upon the lot shall not be limited provided that said vehicles are deemed by the Commission or its Agent to be related to the business operation. If the Commission or its Agent determines that such a legally established business or commercial use does not exist, the requirement shall be the same for B districts as it is for RAR districts (see above paragraph).

2. In the RAR district and on properties located in the B district upon which a legally established business or commercial use does not exist, parking or storage of a second commercial vehicle or one single or dual axle trailer with no more than two tires per axle not to exceed a maximum 20,000 lbs. GVW shall be subject to the issuance of a Certificate of Zoning Compliance by the Commission or its agent. If issued, the Commission or its agent may review such Certificate periodically, for compliance. The Certificate may be revoked due to non-compliance. In considering the proposed use, the ~~Chaplin Planning and Zoning~~ Commission, or its agent, may require certain measures to help mitigate the impact of parking commercial vehicles in the RAR and B districts. These measures may include, but are not limited to:

- a. Requiring vehicles be kept on a prepared surface suitable for parking including but not limited to: concrete, asphalt, compacted gravel, or reinforced turf.
- b. Requiring any driveway connected to a town road have a paved apron.
- c. Requiring vehicles be screened from a public right-of-way and neighboring properties by methods including, but not limited to: fencing, vegetative buffering<sup>1</sup>, earthen berms, or by parking the vehicles in a building.
- d. Requiring vehicles be kept in good mechanical condition, in order to reduce noise, odors, air pollution or other nuisances transmitted to the neighboring properties.
- e. A Certificate of Zoning Compliance requires a minimum of two acres.

3. Farm equipment and farm vehicles are exempt from the provisions of this regulation, but shall be kept in a building or parked or stored a minimum of thirty feet from any lot line ~~or kept in a building except where the owner of such adjoining parcel has consented to a smaller setback.~~ Farm equipment shall not include construction equipment, semi-trailer boxes, or shipping containers unless deemed by the Commission or its Agent to be used in conjunction with a ~~the~~ farming activity legally established upon the subject property.
4. Businesses existing in their present location prior to February 8, 1968 which used these types of vehicles in the operation of the business shall be declared a permitted non-conforming use, when the Commission or its agent receives proof of business operation prior to this date.
5. Vehicles owned, leased, rented, or necessary to the operation of the Town of Chaplin are exempt from the provisions of this regulation provided these vehicles are properly stored on Town property.
6. Historic vehicles<sup>2</sup> (vehicles twenty-five years or older as of the current calendar year) are exempt from obtaining a Certificate of Zoning Compliance, however, they are not exempt from other regulations contained in section 8.3.C.
7. Not more than one unregistered motor vehicle, or one recreational vehicle, may be parked or stored on a lot in the RAR or B districts, unless the unregistered motor vehicles are stored in a garage or building or structure. In both districts, the parking of one unregistered vehicle, or one recreational vehicle outside of a garage or building or structure is restricted to the rear of the principal building. The single permitted unregistered motor vehicle is subject to the provisions of Sec. 8.3.C.1., if applicable.

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#### 8.4 Signs and Billboards

##### A. Signs Permitted in Any District

The following signs are permitted in any district:

1. \*One non-illuminated sign or name plate not exceeding two (2) square feet in area, giving the name of the occupant or the use of the premises, except on Routes 6 and 198, signs may have areas up to four (4) square feet and be non-illuminated.

<sup>1</sup> Vegetative buffering recommendations are available upon request.

<sup>2</sup> Historic vehicles are those twenty-five years or older as of the current calendar year.

3. Wall signs for industrial uses shall not exceed 3 square feet per running foot of building frontage and limited to 200 square feet in area. [Amended, effective April 6, 2003]

4. A single free-standing or pylon sign not to exceed a maximum height of eight (8) feet above natural grade or a maximum elevation of twelve (12) feet above road grade, whichever is higher, and shall not exceed a total area of 32 square feet, except where 4 or more businesses are located upon a single property. In such cases, allowance for signage may be increased by 8 square feet per business over 3, however under no circumstances shall total free-standing or pylon signage exceed 80 square feet. (Effective May 7, 2009)

4.5. All the illumination of externally and internally illuminated signs shall be turned off during the hours in which a business is closed.

+C. Prohibited Lighting

No flashing, rotating, or intermittent illumination shall be permitted on any sign. Roadside advertising signs shall not use any fluorescent or reflective letters, numbers, symbols, figures or background. No illumination from any sign shall shine directly into the eyes of any person external to the business' premises, or cause a nuisance from excessive glare. ~~All existing signs which do not conform to these regulations are considered to be non-conforming, and if replaced for any purpose, shall conform to the criteria in Sec. 8.4 of these Regulations.~~

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D. Prohibited Positioning of Signs

1. No sign shall be placed in such a position that it will cause danger to traffic on the street by obstructing the view. [Amended, effective April 6, 2003]
2. Proposed signage and/or alterations to existing signage within the State of Connecticut right-of-way for Routes 6 or 198 shall require the express written consent of the State of Connecticut Department of Transportation prior to issuance of a Zoning Permit. (Effective May 7, 2009)
3. ~~Except as otherwise provided herein, all~~ forms of temporary signage advertising services, specified products, pricing of specified products, promotions, sign boards, springboards, or any signage not permanently affixed to the building or to a free-standing pylon structure in accordance with these regulations is expressly prohibited. (Effective May 7, 2009)

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E. Maximum Dimension

~~Eliminated~~

~~Except as otherwise provided herein, no sign shall have a maximum dimension greater than eight (8) feet except as specifically allowed by the Zoning Commission. [Added, effective April 6, 2003]~~

8.5 Buffer Strip

A. Requirements:

A buffer strip shall be required in a new business or industry district after the effective date of these regulations where a side or rear yard adjoins a residential district. Said buffer strip shall be at least 50 ft.

or nuisance to those using the street. This subsection does not apply to excavation for a building or structure for which a valid permit has been issued.

4. No building shall be erected on the premises for the purpose of Earth Product Excavation except as may be permitted in the Zoning Regulations or as a temporary shelter for machinery and field office, which latter structures will be subject to approval by the Commission.

5. Proper drainage shall be maintained at all stages of operations to prevent ponding of water and harmful effect on surrounding properties. Adequate barricades shall be provided at all times to protect pedestrians and vehicles to the satisfaction of the Commission. Access shall be arranged to minimize danger to traffic and surface shall be treated to reduce nuisances of dust and noise.

~~6.~~ ~~6.~~ Sound erosion and sedimentation control practices as specified in Section 8.10 shall be observed.

7. Earth Product Processing shall be conducted only on material excavated on the premises, in conformity with the approved plan and shall not be conducted closer than five hundred (500) feet to any dwelling which is not owned or occupied by the owner or occupant of the lot on which the Earth Product processing is being conducted unless consent is given by the dwelling owner or occupant to conduct such activities closer to the dwelling.

8. Upon completion of excavation, the disturbed areas shall be stabilized, graded and seeded or planted in accordance with an approved final grading plan.

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## 8.7 Site Plan Review Requirements

### A. Purpose:

This section of the *Chaplin Zoning Regulations* is adopted with the goal of protecting the health, safety, convenience and general welfare of the inhabitants of the Town. These Site Plan Review Requirements are written and amended as necessary by the Chaplin PZC in accordance with the ~~1989~~ 1989 ~~Town Comprehensive 2010~~ Plan of Conservation and Development. The Site Plan Review Regulation is intended to regulate the development of structures and sites in a manner which considers the following concerns, and, where necessary, requires modifications of development proposals in order to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

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1. The balancing of landowner's rights to use their land with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);

2. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas and roads.

3. The adequacy of waste disposal methods and protection from pollution of surface and groundwater; and

4. The protection of historic and natural environmental features on the site under review, and in adjacent areas.

B. Projects Requiring Site Plan Review:

No permit for the construction, exterior alteration, relocation, or change in use of any building shall be given, and no existing use shall be expanded in floor area except in conformity with a Site Plan approved by the Commission. Site Plan Review shall also be required for the resumption of any use discontinued for more than two (2) years, or for the expansion of any existing use. "Expansion" shall include a floor space increase of twenty-five percent (25%) or more within any 10-year period, or the introduction of new materials or processes not previously associated with the existing use.

Approval Except as otherwise provided herein, approval is required for proposals for commercial, industrial, office, multiple dwelling residential developments, municipal developments, institutional, utility, fraternal or recreational developments, earth excavation (see Sec. 8.6), and any use which requires a Special Permit.

Following an optional pre-application conference, and upon written request by the applicant, the Planning and Zoning Commission may authorize modifications to one or more of the Submission Requirements of the site plan application (subsection H) ~~if: (1) the proposed improvements or developments shall not affect existing traffic circulation, grading and drainage, building relationship, environmental effects or any other consideration of site plan approval, or (2) if the~~ information required shall be unnecessary for the particular application or the lack of such information shall not impair or prejudice the Commission's determination as to the application's conformity to these Regulations. [Added, Effective July 1, 2010]

C. Exemptions from Site Plan Review:

Site Plan Review shall not be required for:

1. ~~1.~~ The construction or enlargement of any single-family or two-family dwelling, or building accessory to such dwelling;
2. ~~2.~~ The Agricultural and Agriculturally Related Use of land on a Farm, and the use, construction and alteration of any building or structure used exclusively for agriculture, horticulture or floriculture agriculturally related purposes;
3. ~~3.~~ Construction or alteration of structures providing not more than two hundred (200) sq. ft. total floor area are involved after construction;
4. ~~4.~~ Customary home occupations Home Occupations;
5. As-of-right uses as defined set forth in the Chaplin Zoning these Regulations.

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D. Procedure:

1. An applicant for Site Plan Review under this section shall file with the Commission at a regularly scheduled meeting five (5) copies each of the Site Plan documents (see Sec. 8.7.H. for requirements). The Commission Chairman or Secretary shall acknowledge receipt of these plans by endorsing them with his/her signature and the date of receipt. A copy of the Site Plan shall be given by the applicant to the Town Clerk to be kept on file.

+2. For developments also requiring a Special Permit, the applicant shall submit to the Commission in addition to the fee for site plan review, the fee for a Special Permit. (Fees are listed in Sec. 9.3.B., -as amended.)

a. The Commission, at its discretion, is authorized to retain the services of professional consultants such as an environmental review team, registered professional engineers, a soil scientist, an architect, a landscape architect, a traffic consultant, a forester or other professional consultants to advise the Commission on any or all aspects of the site plan. The cost of these services shall be borne by the applicant.

b. Prior to retaining such professional consultants, the Commission shall obtain an estimate of the cost of such consultants' services and shall provide such estimate to the applicant. The applicant shall have five (5) days after receiving such estimate to withdraw the application and receive, within thirty (30) days of such withdrawal, a refund of the fees paid for site plan review and/or Special Permit. The applicant's failure to withdraw the application shall be deemed consent for the Commission to retain such professional consultants at the applicant's expense.

c. Where consultants are retained by the Commission at the applicant's expense, a full accounting of the consultant's services shall be provided to the applicant.

3. After reviewing the application for completeness and determining that it is not incomplete, the Commission shall transmit to the Board of Selectmen, the Town Sanitarian, the Fire Marshall, the Building Inspector, and other Town Boards as deemed necessary, one copy each of the site plan documents. The Boards have up to thirty (30) days for regular applications, and sixty-five (65) days for developments requiring special permits to submit recommendations in writing to the Commission concerning:

a. The adequacy of the data and procedures used by the applicant to determine the — impacts of the proposed development;

b. The effects of the projected impacts of the proposed development; and

c. The recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

Failure of an agency or Board to report within the allotted time shall be interpreted by the Commission as non-opposition to the submitted Site Plan.

4. For proposals not requiring a Special Permit, the Commission shall deliver its decision in writing to the Building Inspector within thirty (30) days after determining that the application is complete, to allow the issuance of a building permit. For proposals also requiring special permits, the Commission shall hold a Public Hearing within sixty-five (65) days after the receipt of the application, and shall take final action within ninety (90) days from the time of the hearing. The Commission's final action, rendered in writing, shall consist of either:

a. Approval of the Site Plan based on a determination that the proposed plan will — constitute a suitable development, and is in compliance with the standards set forth in — this Regulation.

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b. Disapproval of the Site Plan based upon a determination that the proposed project — does not meet the standards for review set forth in this Regulation.

c. Approval of the Site Plan subject to any conditions, modifications, and restrictions as required by the Commission which will ensure that the project meets the Standards for —Review.

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E. Submission Requirements:

~~— A Site Plan shall be prepared by a registered professional engineer, architect, landscape architect and/or a licensed land surveyor at a scale of one inch equals 20 feet, on standard 24" x 36" sheets, with continuation on 8.5" x 11" sheets as necessary for narrative. A class A2 survey is required. A Site Plan shall include all data, details, and supporting information as outlined in Sec. 8.7.G. [Amended, Effective July 1, 2010] [DELETED]~~

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E. A Standards for Review:

The Commission shall review the Site Plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted by the Commission to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

1. *Legal*. Conformance with the provisions of the Ordinances and Regulations of the Town of Chaplin, the General Statutes of the State of Connecticut, and all applicable rules and regulations of State and federal agencies.

+2. *Traffic*: Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties. Modification of site lines by the removal of trees, vegetation, rocks and soil may be required by the Commission to ensure traffic and pedestrian safety. Modification shall be done in a manner to preserve the rural and scenic character of roads, wherever possible.

3. *Parking*: Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.

4. *Town Services*: Reasonable demands placed on Town services and infrastructure, including, but not limited to road construction and repair, police and fire protection, snowplowing, refuse collection and disposal, sewers, water supply, etc.

5. *Pollution Control*: Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and aquifers. This includes minimizing soil erosion both during and after construction according to the procedures set forth in Sec. 8.10 of these *Regulations*.

6. *Nuisances*: Protection of abutting properties and Town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.

+7. *Existing Vegetation and Natural Features*: The developer shall minimize the area over which existing vegetation is to be removed. Mature trees, stone walls, and any other unique and fragile features of the land shall be preserved wherever possible. Where removal of mature trees is required, special attention shall be given to planting replacement trees, shrubs and bushes, where applicable.

8. *Amenities*: The applicant's efforts to integrate the proposed development into the existing landscape through design features such as, but not limited to vegetative buffers, roadside plantings, and the retention of open space, existing stone walls and agricultural land.

9. *Town Character*: The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding architectural styles and the natural landscape.

+10. *Accordance with the Town Comprehensive Plan of Development*: The overall character of the development shall not conflict with the guidelines set forth in the 1989 *Comprehensive Plan of Development* of the Town of Chaplin.

+11. *Form, Proportion, Mass, Scale*: Buildings shall be compatible with the architectural features of neighboring buildings, where applicable. External features such as facade, width-to-height ratio, fenestration, complexity and variety of component forms, and vertical/horizontal emphasis shall be considered in new designs. Development shall be compatible with and maintain the existing and prevailing scale of the neighborhood.

F. Enforcement:

1. The Commission may require the posting of a performance bond or other similar guarantee of performance to ensure compliance with the Site Plan and stated conditions of approval. The Commission may suspend any permit or license when it judges that the work is not being performed as required.

2. Any special permit issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause. The time required to pursue and await a judicial appeal shall be included within the one (1) year time limit.

G. Submission Requirements:

The Site Plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, with notations explaining the reasons for any omissions. Site plans shall be prepared by a registered professional engineer, architect, landscape architect, and/or licensed land surveyor at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets, with continuation on 8.5" x 11" sheets as necessary for written information. ~~A class A2 survey is required.~~ A class A2 survey of the affected areas is required. However, the Commission or its agent may allow submission of a lesser class of survey if the Commission or its agent find that such lesser class survey will show an adequate amount of information in the given circumstance. [Amended, Effective July 1, 2010]

Items required for submission include:

The site plan shall also be submitted in electronic format acceptable to the Commission.

1. Name of the project, boundaries, and locus maps showing the site's location in Town, the date, North arrow, and the scale of the plan.
2. Name and address of the owner of record, the developer, and seal of the engineer, architect, landscape architect, and/or licensed land surveyor. [Amended, Effective July 1, 2010]
3. Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property lines.
4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within three hundred (300) feet of the site.
- +5. The location and use of all existing and proposed building signs and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations. When requested by the Commission, elevation plans at a scale of 1/4" = 1' for all exterior facades of the proposed structure(s) or existing facades plus proposed additions showing design features and indicating the type and color of materials to be used.
6. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, stone walls, paths, landscaping, ponds, streams and walls. Location, type, and screening details for all waste disposal containers shall also be shown.
- +7. The location, height, intensity, and lamp type (e.g., fluorescent, incandescent, sodium, mercury vapor) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown. ~~Mercury vapor or fluorescent external lighting shall not be used in residential developments.~~
8. The location, height, size, materials and design of all proposed signage.
9. The location of all present and proposed utility systems, including:
  - a. Sewage or septic systems, including reserve drain fields;
  - b. Water supply systems;
  - c. Telephone, cable TV and electrical service; and
  - d. Storm drainage systems including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.
- | The Commission may also request soil logs, percolation tests and storm-run-off calculations for large or environmentally-sensitive developments.
10. Plans to prevent the pollution of surface and groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
11. Existing and proposed topography at five (5) foot contour intervals. The Commission may require two (2) foot contour intervals in cases where wetlands, drainage problems, or steep slopes are present. All elevations shall refer to nearest U.S. Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100 year flood plain, the area shall be shown, and base elevations given. Indicate

areas within the proposed site and within fifty (50) feet of the proposed site where soil removal or filling is required, and give its approximate volume in cubic yards.

12. A landscape plan showing all existing natural land features, trees, forest cover and watercourses, and all proposed changes to these features including size and type of plant material. The Site Plan shall include all aquifers, ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas. A certified soil scientist shall delineate all wetlands on the proposed site.

13. Zoning district boundaries within five hundred (500) feet of the site's perimeter shall be drawn and identified on the plan.

14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.

The Commission may require a detailed traffic study (to be done at the applicant's expense) for large developments or for those in heavy traffic areas or served by marginal Town Roads. This study shall include:

- a. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
- b. The projected traffic flow patterns including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
- c. The impact of this traffic upon existing abutting and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

15. For new construction, or alteration of any existing building, a table containing the following information must be included:

- a. Area of buildings to be used for a particular use, such as retail operations, offices, storage, etc.;
- b. Maximum number of employees;
- c. Maximum seating capacity (where applicable); and
- d. Number of parking spaces existing and required for the intended use.

16. For developments which propose fifteen or more residential units, or other large developments, the Commission may require the applicant(s) to prepare a Financial Impact Statement. In this document, which shall be part of the Site Plan Review documents, the applicant(s) shall estimate the cost to the Town of services which must be supplied by law to the inhabitants of the proposed site. These services shall include, but not be limited to, the yearly costs of fire protection, emergency ambulance service, snow plowing (if applicable), education costs of children living in the development (including school busing), refuse disposal, police protection, and road maintenance (if applicable). The Financial Impact Statement shall be prepared at the applicant's cost, and shall include the basis upon which each cost estimate was made.

+17. When there is reasonable cause to suspect that a proposed development may produce a strain on groundwater resources in the area adjacent to the development, particularly if the development is not in an Aquifer Zone, the Commission, at its discretion, may require an independent engineering consultant to prepare, at the developer's expense, a Hydrogeological Report which shall contain information on the site's geological conditions, soil conditions, ground water flow conditions, ground water quality (including chemical and bacteriological analysis) and ground water recharge figures.

## 8.8 Open Space Subdivisions: Deleted

### A. Findings:

The Commission finds that in some cases the strict adherence to traditional land development and subdivision techniques within the Town of Chaplin may result in:

1. The consumption of areas containing valuable recreational, agricultural, forest, and other unique natural resources.
2. The construction of extensive roads and other improvements requiring maintenance by the Town of Chaplin.
3. The development of sites without specific consideration of the limitations of, or opportunities offered by, the existing topographical and soil conditions.
4. The destruction of significant historic sites, geological features, severe slopes, scenic vistas, stone walls, significant stands of trees, watercourses, wetlands, wildlife habitat, or other areas of environmental and cultural value, natural beauty or historic interest.

### B. Purpose:

It is the purpose of this section to respond to the foregoing findings by providing an opportunity for the preservation and protection of the Town of Chaplin's natural resources by requiring the transfer of density by way of reduction in the minimum lot size normally required in specified zones for residential development in return for the dedication of designated areas as Open Space, provided, however, that the total number of lots in such subdivision approximates the number otherwise permitted under these Regulations and the Chaplin Subdivision Regulations. This is authorized under Sections 8-2(a) and 8-25(e) of the Connecticut General Statutes, as amended.

### C. General Eligibility Requirements for Open Space Subdivisions:

1. Shall only be permitted in the RAR Zone.
2. Shall consist of a parcel or portion of a parcel of land that on the date June 11, 2006 was equal to or larger than 15 contiguous acres. For parcels that are less than 15 acres on June 11, 2006, applicants may also utilize the provisions of the open space subdivision regulations at the commission's discretion.
3. Shall be consistent with the intent of planning and zoning to promote the public health, safety, and welfare of the Town of Chaplin and the Chaplin Plan of Conservation and Development.
4. Shall provide for the dedication of Open Space in accordance with Article VI of the Subdivision Regulations.

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area of the anomaly may not be included in the calculation of minimum buildable area. Accessory buildings, structures and other site improvements excluding the primary structure do not need to be located within the minimum buildable area but must be located on buildable land as defined by the zoning regulations and must meet all yard requirements.

~~6. Conformance. Any lot with reduced area approved under the provisions of this Section 8.8 shall be deemed to be a conforming lot notwithstanding the Normal Lot Size; provided, however, that such lot meets the requirements of the other applicable Articles of the Regulations and the Chaplin Subdivision Regulations. Any such lot shall be designated on the approved open space subdivision plan which is presented for recording.~~

### 8.9 Alcoholic Liquors

A. The Commission may issue a special permit for the sale of alcoholic beverages in a grocery store or a restaurant, after a public hearing if no part of the premises is located within a radius of 500 feet:

1. From another building where alcoholic liquor, as defined in the Liquor Control Act, is sold or dispensed under the same class of State permit.
2. From the lot boundaries of any school, church, charitable institution, hospital or library.

~~B. B. The Commission shall be guided by the need for the use in the proposed location, traffic, character of the neighborhood, and safeguards for its protection.~~

C. The Commission may issue a special permit for the small-scale production and bottling of alcoholic beverages in any district subject to site plan review pursuant to section 8.7. Such production and bottling of alcoholic beverages shall be subject to all applicable state and federal liquor laws and regulations.

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### 8.10 Sedimentation and Erosion Control [Sec. 8.10 Effective 8 May 1985]

2002

A. Intent:

This regulation is adopted to help preserve the natural environment in the Town of Chaplin and promote health, safety and general welfare in the Town. The establishment of specific site development principles and review procedures attempts to reduce damage from soil erosion and sedimentation, reduce downstream flooding, and to ensure proper storm drainage management.

B. Definitions:

1. "Certification" means a signed, written approval by the PLANNING & ZONING COMMISSION (Commission or its designated agent) that a Soil Erosion and Sediment Control Plan complies with the applicable requirements of these regulations ~~Regulations~~.

2. "Commission" means the PLANNING & ZONING COMMISSION of the TOWN of CHAPLIN, CONNECTICUT ~~Planning & Zoning Commission~~.

3. "County Soil and Water Conservation District" means the ~~WINDHAM COUNTY SOIL & WATER CONSERVATION DISTRICT~~ Windham County Soil & Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.

4. "Development" means any construction or grading activities to improved or unimproved real estate.

5. "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

6. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

7. "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

8. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.

9. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

10. "Soil" means any unconsolidated mineral or organic material of any origin.

11. "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development ~~and includes~~ which may included, but is not limited to, a map and narrative.

C. Activities Requiring a Certified Erosion and Sediment Control Plan:

A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

+D. Exemptions:

~~—A. The development of a~~ single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations unless more than one-half acre of land is disturbed.

+E. Erosion and Sediment Control Plan:

~~—To~~ Unless otherwise specified, to be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission ~~or its agent~~. The applicant shall bear the cost of Sedimentation and Erosion control field inspections. Said plan shall contain, ~~but not be listed to:~~

1. A narrative describing:

Department  
of Energy  
and Environmental  
Protection  
(DEEP)

- a. the development;
  - b. the schedule for grading and construction activities including:
    - i. starting and completion dates;
    - ii. sequence of grading and construction activities;
    - iii. sequence for installation and/or application of soil erosion and sediment control measures;
    - iv. sequence for final stabilization of the project site.
  - c. the design criteria for proposed soil erosion and sediment control measures and stormwater management facilities;
  - d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
  - e. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
  - f. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
2. A site plan map at a sufficient scale to show:
- a. the location of the proposed development and adjacent properties;
  - b. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
  - c. the existing structures on the project site, if any;
  - d. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
  - e. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
  - f. the sequence of grading and construction activities;
  - g. the sequence for installation and/or application of soil erosion and sediment control measures;
  - h. the sequence for final stabilization of the development site.
3. Any other information deemed necessary and appropriate by the applicant or —requested by the Commission or its designated agent.

F. Minimum Acceptable Standards:

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1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Erosion and Sediment Control (1985), as amended. Soil Erosion and Sediment Control Plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation. DEEP

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2. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

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3. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

G. Issuance or Denial of Certification:

1. The Planning & Zoning Commission shall either certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and objectives of this regulation, or deny certification when the development proposal does not comply with these regulations.

2. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

3. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such a plan, provided such review shall be completed within thirty days of the receipt of such plan.

4. The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

H. Conditions Relating to Soil Erosion and Sediment Control:

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the Certified Plan, may be covered in a performance bond or other assurance acceptable to the Commission.

2. Site development shall not begin unless the Soil Erosion and Sediment Control Plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the Certified Plan.

4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

I. Inspections:

Inspections shall be made by the Commission or its ~~designated~~ agent during development to ensure compliance with the Certified Plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the Certified Plan and are being operated and maintained.

## 8.11 Logging Operations

### A. Intent:

This regulation is adopted to ~~preserve~~protect the ~~continued use of forest land in the Town~~roads and infrastructure of Chaplin and to ~~guide the logging industry in planning and applying erosion and sedimentation control to the forest lands of Chaplin.~~

### B. Erosion and Sedimentation Controls:

~~Sound erosion and sedimentation control practices as specified in Section 8.10 shall be observed; also as set forth in the "Woodlands of the Northeast, Erosion and Sediment Control Guides", prepared by USDA Soil Conservation Service, Upper Darby, Penn. 1977.~~

- ~~1. Avoid logging during wet seasons on soils with limited trafficability.~~
- ~~2. Keep skid trail grades low. Less than 10% if possible.~~
- ~~3. Keep road grades below 10%, except for short distances when necessary.~~
- ~~4. Avoid logging on or too close to streams.~~
- ~~5. Provide for good drainage on skid trails and roads.~~
  - ~~a. Out slope roads where feasible to do so.~~
  - ~~b. Vary the grade.~~
  - ~~c. Establish water diversion as needed. Use water breaks, drainage dips or culverts.~~
  - ~~d. Divert water into protected areas.~~
  - ~~e. Develop obstructions below water break outlets when needed to trap sediment.~~
- ~~6. Gravel roads when feasible.~~
- ~~7. Use bridges or culverts when crossing streams is necessary.~~
- ~~8. Restrict traffic on soft roads during the wet season.~~
- ~~9. Seed roads, skid trails and disturbed areas.~~
- ~~10. Leave protection strips between watercourses and roads, skid trails, or disturbed areas.~~

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**9.1 Enforcement Officer**

The Commission shall have an enforcement officer designated by the Commission, and called the Zoning Enforcement Officer. ~~Compensation of the Zoning Enforcement Officer shall be determined by the Commission.~~

**9.2 Official Authority**

The Commission, or person appointed by them, is designated as the official authority with full power to enforce these regulations as provided by law. All inspection duties in connection with the enforcement of these regulations shall be performed by any member of the Commission or such person as may be appointed by said Commission.

**9.3 Application Procedure for a Zoning Permit:**

**A. Requirements to Obtain a Permit:**

~~No~~ Except as otherwise provided in these Regulations, no building or structure may be erected, altered or changed in use and no land use may be commenced unless a permit has been granted by the Commission or its appointed agent. All applications for any permit shall be submitted on forms furnished by the Commission and shall be accompanied by the following:

+1. ♥A class B Zoning Location Survey plot plan in duplicate, drawn to scale of at least 1" = 40' showing dimensions, radii and angles of lot size, elevations and locations of driveway, building(s) and accessory building(s) built or to be built, the location of sanitary facilities and water supply, and any other information as required by the Commission and as may be necessary to determine and provide for the enforcement of these regulations. The Zoning Officer shall require a plot plan drawn by a Connecticut Licensed land surveyor or engineer if there appears that a boundary dispute may result. On large tracts of land only the lot boundaries most affected shall be shown as accurate. A 1":40' scale, class A2 survey plot plan is required for any lot of less than two acres for new house construction. A class A2, 1:40 scale plot plan is also required when 3/4 of an acre or more of land is disturbed by construction of a house, driveway, well, septic system, and accessory buildings. ♥Zoning officer may waive certain requirements if it appears that setbacks are met on 2 or acres or more.

2. Any revisions or change of information in the requirements of 9.3.A.1 requires written permission of the Commission or its appointed agent.

3. Permits are granted for a period of one year and must be renewed if construction is not completed.

**B. Permit Fee Schedule: See following two pages.**