

**Town of Chaplin
Planning and Zoning Commission
AMENDED Public Hearing Minutes
September 13, 2018
Chaplin Town Hall**

MEMBERS PRESENT: Chairman Doug Dubitsky, Helen Weingart, Randy Godaire, Alan Burdick

ALTERNATES SEATED: Bill Ireland for Eric Beer

ALSO PRESENT: Jay Gigliotti, Zoning Enforcement agent (ZEO), Elizabeth Marsden, Recording Clerk

CITIZENS PRESENT: Catherine Smith, Steven J. Smith, Paul Peifer, Susan Peifer, Bill Rose, Cesar Beltran, Kitty LeShay, Joe Pinto, Dick Weingart, Bob Mott, Julius Giaccone, Ellen Mott

PUBLIC HEARING was called to order at 7:03 p.m. Chairman Dubitsky read the public notice of the hearing which was published Sept 1 and Sept 8, 2018 in the Willimantic Chronicle. The hearing concerns the following:

Proposed Regulation Revisions- #RC18-094-Town of Chaplin Planning and Zoning Commission, Applicant, proposed revisions to the following sections of the Chaplin Zoning and Subdivision Regulations:

Subdivision Regulations Article IV.

Open Space Subdivisions-Deletion of Entire Section

All Sections of the Zoning Regulations Relating to Agriculture

Section 5.3 -Business District Accessory Apartments-New Sub-Section

Section 8.6 Earth Excavation-Revisions to entire section

Section 8.8- Open Space Subdivisions- Deletion of Entire Section

D. Dubitsky proposed that each member of the public be allowed to comment in turn concerning any of the revisions and tentatively be permitted 5 minutes each. Each member of the public was given a copy of the proposed regulations.

PUBLIC COMMENTS:

Paul Peifer, 63 Bedlam Rd, asked for more information about the background of the regulation changes and D. Dubitsky explained that for example the POCD aims to make the town more agriculture-friendly. He summarized the background for changes regarding each of the sections being revised. (*Clerk's note: meeting minutes from 2017 and 2018 may be consulted for detailed information on the revision process*).

Susan Peifer, 63 Bedlam Rd, addressed several agricultural definitions, and wanted improved clarification. She said 3 to 5 acres is not enough land for unlimited livestock, she thought that the Limited Farm definition sounded like everyone can be a limited farm. The exemption of permits for unpaved farm roads would be a way around driveway permits. She strongly opposed the sections allowing abutting neighbors to give consent for neighbors to avoid a zoning regulation, she mentioned specifically manure pits, accessory agricultural buildings, slaughterhouses, setbacks. She stated that this would cause a great deal of tension between neighbors and possibly retribution if someone didn't get what they wanted. She thought the section allowing farm buildings to be higher than 35 feet sounded like the Commission had someone in mind they were trying to accommodate. She thought the sections concerning agricultural signs and billboards sounded like someone could have up to 12 signs on a property if they have an event, farm store and farm stand.

Paul Peifer, 63 Bedlam Road, asked if the town attorney has reviewed the proposed regulation changes and D. Dubitsky affirmed that Attorney O'Brien has. Mr. Peifer was concerned about allowing earth excavation on farms in the RAR zone, he is concerned about the noise of excavation and stone crushing. He asked about leaseholders being able to do earth excavation as well as owners, and D. Dubitsky confirmed that was correct. Mr. Peifer read from page 58 of the 2010 Comprehensive Plan where it was recommended that stone crushing operations be limited to the industrial zone, and he agrees with that. D. Dubitsky mentioned that the Commission reviewed other local towns' regulations to compare to these proposals, including earth excavation regulations. Mr. Peifer said he was only concerned about Chaplin, not what other towns are doing.

Steve Smith, 44 Chaplin Street, wanted to give his 5 minutes to Ms. Peifer. D. Dubitsky declined that request, and Mr. Smith had no further comment.

Catherine Smith, 44 Chaplin Street, agreed with Paul and Sue Peifer, specifically regarding the “neighbor consent” issue, which she agreed would cause bad relations between neighbors.

Cesar Beltran, 28 Chaplin Street, asked whether riding horses is an agricultural activity and also wanted to know if the definition of farm contiguous land only, or could it be two parcels in the same family near each other. D. Dubitsky allowed that the definition is currently ambiguous as to whether or not it is contiguous.

Bill Rose, 202 Tower Hill Rd, protested the format for the comments and thought it would create redundancy, was very strongly opposed to the adjoining landowners’ consent issue, due to possible retaliation, people moving, grandfathering in, and it will cause a rift between neighbors. He thought it wasn’t clear which regulations would apply to limited farms vs. regular farms and is concerned because someone could get one farm animal and be a limited farm, add an illegal driveway, outbuildings, illegal fencing, etc. He thought that the definition of Limited Farm and allowable practices weren’t clear enough. He is concerned about animal density and suitability of the land. People paddock animals on top of septic systems, the limited farms issue gives too much leeway to owners who are not putting in much commitment. Dubitsky explained that the animal density is very modest under limited farms and above those numbers, it would be by special permit, and the Commission would then review animal density and suitability, site plans, surveys, all the processes of a special permit. Regarding the excavation issue, Mr. Rose agreed that people should be able to excavate for their own projects on their land and then screen the material, for example digging a house foundation and screening off topsoil, but not for a year. He thought that some of the clarification in the proposed regulations was an improvement, but he reiterated that the limited farm allowance gives too much freedom for not a lot of commitment from a small lot owner.

Joe Pinto, 55 Cedar Swamp Road, thought the acreage for animals is low, he believes the conventional wisdom is minimum of 2 acres for one horse, he was also opposed to the adjoining landowners consent. Regarding accessory apartment section 5.3.A.14 (b) two means of egress is mentioned, Mr. Pinto stated that is a building code, not a zoning regulation, so it doesn’t need to be there.

Dick Weingart, 75 Bujak Rd, wanted to support many of the comments already stated, he specifically disagreed with the adjoining property owners’ consent issue for the reason already stated in others’ comments. He asked what the intent of the agriculture regulation changes are other than to make the town more “farm friendly” -- he asked if

there is no minimum acreage for a limited farm, D. Dubitsky answered that with a special permit, there is not a minimum acreage for non-animal uses. Mr. Weingart agreed with Bill Rose's comments and said he is not well informed about the process of issuing a special permit. He said it sounded as if he could construct a garlic patch road that would not have to conform to zoning regulations because the garlic patch would be a limited farm. He said that he felt this format was limiting comments. D. Dubitsky stated they have already had 2-3 public hearings per ON PREVIOUS regulation REVISIONS. Mr. Weingart wanted to be sure everyone had the chance to speak. Mr. Dubitsky said everyone in the room tonight is being given a chance to speak.

Robert Mott, 29 South Bedlam Road, asked about gravel removal operation from farms, what would be allowed, to take for example 10,000 yards of gravel out at the farm level. D. Dubitsky said he didn't believe there had been any changes, but he would take the comment to mean that the regulation was ambiguous.

Kitty Leshay, 381 Tower Hill Rd, wanted to commend the citizens for coming out to speak, she agreed with all of them and is concerned about vagueness in the regulations and neighbors negotiating with neighbors.

Julius Giaccone, Mansure Rd, disagreed with the neighbor negotiation issue, he believed strongly that either there should be a regulation or not, with no neighbor consent clauses.

Susan Peifer, 63 Bedlam Road, asked about accessory apartments in the business district, she thought that was a fine idea, but since they would need a certificate of zoning compliance, is there a survey of existing apartments -- D. Dubitsky replied that they did an informal study of existing ones and one existing business owner in the business district wanted to add a multi-use building in that zone, and the ZEO realized there wasn't a zoning regulation for apartments in the business district. She thought that an accounting of all the buildings in town would be a good idea.

Dick Weingart said he was remiss earlier in NOT thanking the Commission for their service.

The ZEO said they just received a review on these regulation revisions from the town attorney, and the Council of Governments has not responded. The hearing must be kept open until the COG sends its input or until 30 days has passed, whichever comes first.

D. Dubitsky invited a motion to temporarily adjourn and continue the public hearing to October 11, 2018, the date of the next PZC meeting. H. Weingart so moved, A. Burdick seconded the motion, all in favor, motion carried.

At 8:06 pm, the public hearing was temporarily adjourned.

Respectfully submitted,
Elizabeth Marsden, Recording Clerk