

**CHAPLIN, CT
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
APRIL 13, 2017, 7:00 P.M.
CHAPLIN TOWN HALL**

Meeting was called to order at 7:33 p.m.

Members present: Chairman Doug Dubitsky, Vice Chairman Peter Fiasconaro, Dave Garceau, Helen Weingart, Eric Beer

Members Absent: Randy Godaire, Alan Burdick

Alternates Seated: Ken Fortier for Randy Godaire, Brandon Cameron for Alan Burdick

Approval of Minutes, March 9, 2017 meeting:

H. Weingart moved to approve the minutes, B. Cameron seconded the ***motion***, Chairman Dubitsky invited any comments or corrections, E. Beer asked whether “it may avail itself of” was grammatically correct, Chairman Dubitsky and H. Weingart said it was. P. Fiasconaro and K. Fortier abstained, all others in favor, ***motion*** carried.

Ch. Dubitsky invited a ***motion*** to move New Business, Item A to after Old Business Item A, and E. Beer so moved. B. Cameron seconded the ***motion***, all in favor, ***motion*** carried.

CITIZENS HAVING NEW BUSINESS:

ZEO introduced Brian Cardinal, re: 213 Hampton Road, Mr. Cardinal wants to put an addition on a house so his mom can live in the house. He has a setback issue, he would encroach approx 8-10 feet into the 20-foot setback. He is here to ask for leniency for the setback and/or get a denial for the setback so he can go to ZBA to appeal and request a variance from ZBA. This situation is addressed in section 6.2 on Page 28 of zoning regulations. ZEO showed a copy of a plan for the proposed addition. ZEO mentioned that the “neighbor” on the side where the addition would be is CT State Forest.

Mr. Cardinal answered questions from Commission members and Commission members discussed the plan amongst themselves.

Ch. Dubitsky invited a ***motion*** to approve a request for a waiver, B. Cameron so moved, D. Garceau seconded the ***motion***. Discussion: the Commission has no authority to grant a waiver. Mr. Cardinal said he thinks that ZBA should be able to

approve this waiver (it seemed that he meant to say PZC) and that this delay will mean construction will be held off for a month or two at least. Ch. Dubitsky said they can't grant a waiver. H. Weingart asked what abuts the property and ZEO reiterated it is state of CT forest. Ch. Dubitsky called for a vote, all opposed, ***motion*** failed.

OLD BUSINESS:

SUB 17 – 072, Proposed 2-lot Resubdivision, Daniel Cates, 638 Phoenixville Road, Assessor's Map 75-52. Property is 18.08 acres and located in the RAR Zoning District

Ch. Dubitsky invited a ***motion*** to approve the application for a resubdivision, D. Garceau so moved, E. Beer seconded the ***motion***. In discussion, H. Weingart read the regulation that states $\frac{3}{4}$ of the Commission must be present to approve. She believes that alternates don't count as Commission members for this purpose, Ch. Dubitsky stated that alternates seated for regular members count as Commission members and may vote in place of regular members.

Ch. Dubitsky asked if H. Weingart had done any research to support her position, and she quoted state statute Sec. 8-26. Ch. Dubitsky went online to research it. He read the statute. He said that since they can't have more than 7 people voting and since the alternates are sitting for members, they have enough members to vote, as they do for any issue. All the other members agreed.

Ch. Dubitsky asked ZEO if he thinks they have the authority to waive the specific sections and ZEO stated they do. Ch. Dubitsky said they will have to state each waiver and give the reasons in the record.

E. Beer explained the difference between a small, family 2-lot subdivision and a large commercial subdivision.

Requested waivers in this application, and votes:

Ch. Dubitsky invited a ***motion*** to waive the requirement that the applicant provide, pursuant to subdivision section 3.03.1.C, a formal subdivision plan conforming to Section 4.02 of these regulations, ***in digital form***. E. Beer so moved, D. Garceau seconded the ***motion***. Discussion: Ch. Dubitsky stated that the reason to approve this waiver is that Chaplin doesn't have digital drafting software to read a plan, and ZEO agreed that the town doesn't have it. E. Beer said that he would like to remove this language during the revisions in regulations. H. Weingart stated that the Commission looked at paper copies of the plan, so paper copies of a plan should not be included in the waiver.

All in favor, ***motion*** carried for the reason stated.

Ch. Dubitsky invited a ***motion*** to waive Section 3.03.1.D, a road plan and profile conforming to Section 4.03. E. Beer so moved, B. Cameron seconded the ***motion***. Discussion: It is a common driveway and no road is involved, this section doesn't apply to this situation. All in favor, ***motion*** carried for reason stated.

Ch. Dubitsky invited a ***motion*** to waive Section 3.03.1. E, an Erosion and sediment control plan in accordance with Section 4.02.1.M. E. Beer so moved, B. Cameron seconded the ***motion***. Discussion: the reason to waive is that this is already shown on applicant's plan and ZEO explained that a notes section contains the specifics about erosion control. Applicant has already provided erosion control documentation. All in favor, ***motion*** carried for reason stated.

Ch. Dubitsky invited a ***motion*** to waive Section 3.03.1 F, Stormwater management plan conforming to Section 4.02.1.N. E. Beer so moved, B. Cameron seconded the ***motion***. Discussion: the reason to waive is that this Section is relevant to a large subdivision, not a small 2-lot subdivision, and the applicant's existing driveway is gravel. All in favor, ***motion*** carried for reasons stated.

Ch. Dubitsky invited a ***motion*** to waive Section 3.03.1.G, Parcel history map depicting the tract as of the effective date of adoption of subdivision regulations of the town of Chaplin, June 20, 1965 (and additional detail.) E. Beer so moved, B. Cameron seconded the ***motion***. Discussion: this section is designed for larger-scale developments which have had different subdivisions over the years with multiple tracts being put together for a larger development. It has no application to this case. All in favor, ***motion*** carried for the reason stated.

Ch. Dubitsky invited a ***motion*** to waive Section 3.03.1.J, Any subdivision application for a property which is in the watershed of the Windham Waterworks requires proof of mailing of a written notice to that water company. E. Beer so moved, B. Cameron seconded the ***motion***. Following a discussion, the ***motion*** was rescinded by E. Beer and B. Cameron.

This will have to be a condition for approval of application: the requirement of Section 3.03.1.J, letter to Windham Waterworks, will stand.

Ch. Dubitsky invited a ***motion*** to waive Section 3.03.1.K, Proof of mailing of written inquiry to state archeologist to determine if there is existing evidence or a reason to believe evidence exists of sites of archeological significance within the subdivision. E. Beer so moved, P. Fiasconaro seconded the ***motion***. Discussion: H. Weingart asked if this was done on original lot, and ZEO and applicant said it was not because the current lot was cut out before this section of the regulation was put in place. This is not a historically important piece of land, it has had earth disturbed on it many times, so this item is not a concern. PZC has waived this section in the past. All in favor, ***motion*** carried for reasons stated.

Ch. Dubitsky invited a ***motion*** to waive Section 3.03.1.L, Where the proposed subdivision includes only a portion of an existing tract or only a portion of the applicant's property, preliminary plan for the future street and lot pattern for the remainder of the tract or property may be required by the Commission. Discussion: the language includes "may" be required, so in this case a waiver is not necessary.

Ch. Dubitsky invited a ***motion*** to waive Section 3.03.1.M, Where existing topography is proposed to be altered, (entire Section language not reproduced here). ZEO stated that no "existing topography" is being altered in this case, and a waiver is not necessary.

Ch. Dubitsky invited a ***motion*** to waive Section 4.02.1.N, Soil and erosion sediment control plan (entire Section not reproduced here). P. Fiasconaro so moved, B. Cameron seconded the ***motion***. Discussion: Ch. Dubitsky said they already waived another erosion control section because the applicant already provided info on erosion control. All in favor, ***motion*** carried for reason stated.

Ch. Dubitsky invited a ***motion*** to waive Section 4.03.1, A portion of road plan profile from section 4.03, that existing ground surface on the center line and proposed line grade and existing elevations at both road lines. E. Beer so moved, B. Cameron seconded the ***motion***. Discussion: there are no roads involved so this is not applicable. All in favor, ***motion*** carried for reason stated.

Each of the above votes was unanimous, Ch. Dubitsky noted for the record.

Ch. Dubitsky invited a ***motion*** to accept the exemption of this subdivision under the Open Space Exemptions Section 5.12.13.BB. E. Beer so moved, B. Cameron seconded the ***motion***. Discussion: the Cates property qualifies for this exemption. All in favor, ***motion*** carried for reason stated.

Ch. Dubitsky stated for the record that each vote met the statutory requirement of at least $\frac{3}{4}$ of members in favor.

Ch. Dubitsky invited a motion to approve Sub 17-072, with the condition that Mr. Cates obtain a letter from Windham Waterworks, E. Beer so moved, B. Cameron seconded the ***motion***, all in favor, ***motion*** carried.

SUB17-073 proposed 2-lot resubdivision, 12 and 20 Cross Road, Debra and Alan Newton, Assessor' s Map 55-61. Property is 10.5 acres and is located within the RAR Zoning District.

Alan Newton presented the plan for a 2-acre lot with house which he would like to subdivide from the existing lot. Mr. Newton spoke at last month's meeting and at this meeting he provided a site plan. ZEO added that both resulting lots would

conform to regulations. A lot line would be created between the 2 properties. Windham Waterworks approved, State Archeologist approved, Wetlands approved. No physical work will be required.

The Commission discussed the plan and Mr. Newton answered questions. ZEO recommended that Commission accept Mr. Newton's application.

Ch. Dubitsky invited a ***motion*** to accept the application. E. Beer so moved, D. Garceau seconded the ***motion***. ZEO distributed the list of waivers involved with this application and instructed members not to discuss them before the public hearing. All in favor, ***motion*** carried.

Ch. Dubitsky invited a ***motion*** to schedule a public hearing on Newton application for May 11, 2017. B. Cameron so moved, E. Beer seconded the ***motion***, all in favor, ***motion*** carried.

Ch. Dubitsky invited a ***motion*** to schedule a public hearing on June 8, 2017 for the zoning regulation amendments that have been approved previously by the Commission. E. Beer so moved, H. Weingart seconded the ***motion***, all in favor, ***motion*** carried.

P. Fiasconaro moved to table the site lighting regulation section discussion for when R. Godaire can attend, B. Cameron seconded the ***motion***, all in favor, ***motion*** carried.

NEW BUSINESS:

Discussion of Revisions of Zoning Regulations

5.1 Basic Requirements (for underground oil storage tanks). The Commission discussed proposed changes to the existing regulations to prohibit burying oil storage tanks underground, while still allowing them to be inside basements. Exact language proposed: "Buried underground oil storage tanks are prohibited in all use districts. Below-grade oil storage tanks shall be permitted in a building or structure. Any existing exterior underground tank that needs replacement shall be replaced with an appropriate exterior above-ground or interior tank or tanks." Ch. Dubitsky invited a ***motion*** to approve proposed changes, E. Beer so moved, D. Garceau seconded the ***motion***, all in favor, ***motion*** carried.

5.1.D.8a Concerning bituminous concrete used in driveway aprons. Ch. Dubitsky discussed the many modern building materials that are pervious (allow water to pass through) that our existing regulations do not allow. Proposed change to the language will allow material other than bituminous concrete (asphalt) if it will function equally well for driveway aprons in new building lots. Language to be added: "The Zoning Enforcement Officer and Road Foreman shall have the power to issue a Driveway Construction Permit providing for the use of

appropriate paving material other than bituminous concrete in cases where the Road Foreman determines that such alternative material will function in that instance substantially the same as bituminous concrete in checking erosion, preventing surface flooding, minimizing maintenance, controlling storm water runoff, and protecting the public roads and highways.”

E. Beer moved to approve as amended 5.1.D.8a, B. Cameron seconded the ***motion***, all in favor, ***motion*** carried.

3.2 Building Lots of Record

Amend language to clarify intent of section, as follows: “The erection of a dwelling shall be permitted on a lot which is smaller than required or otherwise does not conform to these regulations if such non-conforming lot was a lot of record in the office of the town clerk prior to the effective date if these regulations or any amendment hereto which made the lot non-conforming.”

E. Beer moved to approve the amended language, B. Cameron seconded the ***motion***, all in favor, ***motion*** carried.

Correspondence: None

ZEO Report:

ZEO has had several recent situations where rear setbacks are in question and the current zoning regulation is not clear. ZEO suggests that the rear setback should be the same as the side and consistent within the regulation.

Ch. Dubitsky invited a ***motion*** to allow him to draft a setback chart to designate a consistent rear lot setback, which will correct the current confusing language. B. Cameron so moved, E. Beer seconded the ***motion***, all in favor, ***motion*** carried. Discussion: Commission discussed many factors and settled on a residential setback of 20 feet from both side and rear, and business district 10 feet from both side and rear, light industrial 50 feet both side and rear. Ch. Dubitsky will draft and circulate the proposed changes to the Commission members, and they may discuss this at the May meeting and possibly place it on the agenda for the public hearing in June. All in favor, ***motion*** carried.

Items pro re nata: Quasar Enterprises is moving into Chaplin from Willimantic according to D. Garceau.

H. Weingart showed a deed to Ch. Dubitsky regarding the Chaplin Museum; it shows that the town owns the land on which the museum sits. A brief discussion of the building and what is planned for it ensued. Ch. Dubitsky commented that the deed has been altered with different writing and different writing instruments.

D. Garceau moved to adjourn, E. Beer seconded the ***motion***. All in favor, ***motion*** carried.

Meeting adjourned at 9:57 p.m.

Clerk's audio #1