

Chaplin Planning and Zoning Commission
Regular Meeting Minutes
December 12, 2019
Chaplin Town Hall
495 Phoenixville Road, Chaplin, CT

Chairman Doug Dubitsky called the December 12, 2019 Regular meeting to order at 7:08pm

Members present: Chairman Doug Dubitsky, Vice-Chairman Peter Fiasconaro, Helen Weingart, Dave Garceau, Randy Godaire and Alan Burdick. Alternate members present were Ken Fortier and Bill Ireland. Also present was Town Attorney Dennis O'Brien and Zoning Enforcement Officer Jay Gigliotti.

Members Absent : Eric Beer

Seat Alternates:

Chairman Doug Dubitsky seated Bill Ireland.

Approval of October 10, 2019 Regular Meeting Minutes:

The 10/10/19 Regular Meeting minutes shall be amended to include the following:

-Page 1, in the last paragraph, the first sentence should read " Motion made by Eric Beer....."

Peter Fiasconaro motioned to approve the October 10, 2019 Regular Meeting Minutes as amended. Seconded by Helen Weingart. Bill Ireland, Alan Burdick and Helen Weingart abstained. All other members voted in favor. Motion Carried.

Citizens having New Business: None

Old Business:

A. Discussion & Possible Action on Revisions to the following sections of the Chaplin Zoning Regulations:

-Home Occupations

Chairman Doug Dubitsky will coordinate a meeting with a representative from the CT DMV. Vice-Chairman Peter Fiasconaro will provide several dates when a meeting can be held at his place of employment.

New Business:

A. SP19-115- 64-66 Willimantic Road- Bestway Food & Fuel- Applicant, Canterbury Horticulture, LLC- Owner, Assessor's Map 91-35, Proposed Convenience Store and Gasoline Station

Jay Gigliotti provided the commission with the application documents and a brief overview of the application. He explained that the application is a special permit application under sections 5.3.B.1.d and 5.9. A public hearing shall be required and the commission must schedule it for no later than 65 Days from tonight's meeting. The commission discussed the completeness of the application and whether all of the required documents had been submitted.

Motion to accept application SP19-115 made by Randy Godaire, Seconded by Dave Garceau. All members voted in favor. Motion Carried.

The commission discussed the potential for a third party review of the application. It was the consensus to retain Towne Engineering to review the application on behalf of the commission. The cost of the third party review shall be paid by the applicant per section 8.7.D.2 of the Chaplin Zoning Regulations.

Motion to retain Town Engineering Services for engineering review made by Bill Ireland, seconded by Dave Garceau. All members voted in favor. Motion Carried.

The commission discussed when to schedule the public hearing. It was decided to schedule the public hearing for the February meeting.

Motion made to schedule a public hearing for application SP19-115 on February 13, 2019 made by Randy Godaire, seconded by Alan Burdick. All members voted in favor. Motion Carried.

B. Bylaws

The commission reviewed the third draft of revisions made by Helen Weingart. The commission went through each article of the bylaws and discussed, among other items, consistency, legal requirements and ease of operation. The revisions to the draft made have been attached. The commission tabled the discussion of the "Possible new article: Complaint Enforcement Policy" until the next meeting.

Motion made to table the remainder of the discussion on the Bylaws made by Randy Godaire, seconded by Peter Fiasconaro. All members voted in favor. Motion Carried.

C. Plan of Conservation and Development

Motion made to table the discussion of the POCD until next meeting made by Alan Burdick, seconded by Dave Garceau. All members voted favor. Motion Carried.

D. 2020 Meeting Schedule

Jay Gigliotti distributed copies of a draft 2020 PZC meeting schedule. The meeting are all scheduled at the same times as previous, the 2nd Thursday of each month, at 7pm, at the Chaplin Town Hall.

Motion made to adopt the PZC 2020 meeting schedule made by Bill Ireland, seconded by Dave Garceau. All members voted in favor. Motion Carried.

E. Election of Officers

Chairman Doug Dubitsky asked for a motion to appoint Randy Godaire as acting Chairman to preside over elections.

Motion made by Dave Garceau to appoint Randy Godaire as an acting Chairman, to preside over elections. Seconded by Alan Burdick. All members voted in favor. Motion Carried.

Randy Godaire took over as acting PZC Chairman. Randy Godaire invited nominations for PZC Chairman.

Alan Burdick motioned to nominate Doug Dubitsky as Chairman. Seconded by Dave Garceau.

There were no other nominations for PZC Chairman.

Dave Garceau motioned to close nominations for Chairman. Seconded by Bill Ireland. All members voted in favor. Motion Carried.

All members voted in favor to elect Doug Dubitsky as Chairman. Motion Carried.

Randy Godaire invited nominations for PZC Vice-Chairman.

Helen Weingart motioned to nominate Peter Fiasconaro as Vice-Chairman. Seconded by Alan Burdick.

There were no other nominations for Vice-Chairman.

Motion made by Dave Garceau to close nominations for Vice-Chairman. Seconded by Alan Burdick. All members voted in favor. Motion Carried.

All members voted in favor to elect Peter Fiasconaro as PZC Vice-Chairman. Motion Carried.

Doug Dubitsky returned as PZC Chairman.

Correspondence:

Town Attorney Dennis O'Brien informed the commission of the status of the hearing officers for the Mott case.

Report of the Zoning Officer:

Tabled until the next meeting.

Items Pro Re Nata:

Chairman Doug Dubitsky reviewed recent events concerning the 153 Chewink Road enforcement case. He explained the he and the ZEO are attempting to get contractors to provide quotes for removing the waste from the property.

Adjournment:

Motion Made by Dave Garceau to adjourn the 12/12/19 PZC Meeting. Seconded by Vice-Chairman Peter Fiasconaro. All members voted in favor. Motion Carried.

Chairman Doug Dubitsky adjourned the December 12, 2019 Regular PZC meeting at 10:16pm.

Respectfully Submitted,

Jay Gigliotti

BYLAWS

Of THE TOWN OF CHAPLIN, CONNECTICUT PLANNING & ZONING COMMISSION

ARTICLE I: ~~Purposes and Authorization~~ Statutory Authorization and Purposes

The objectives and purposes of the Planning and Zoning Commission of Chaplin, Connecticut are those set forth in *Chapter 124 and 126 of the Connecticut Statutes*, (1958 Revisions) as amended, and those powers and duties delegated to the Chaplin Planning and Zoning Commission by the aforementioned statutes by Town Ordinances in accordance with the above enabling law.

ARTICLE II: Name

The Commission shall be known as the Chaplin Planning and Zoning Commission. In these Bylaws it is referred to as the "Commission" ~~or the "PZC"~~.

ARTICLE III: Office of the Agency

The office of the Chaplin Planning and Zoning commission shall be at the Chaplin town Hall where all Commission records shall be kept. Copies of all official documents, records, maps, etc. shall be filed or recorded with the Town Clerk.

ARTICLE IV: Membership

- Commission*
1. The ~~PZC~~ membership and their terms of office shall be as specified in the Chaplin Town Ordinance establishing the Commission published April 6, 1964, and the afore mentioned Connecticut General Statutes. A full Commission shall consist of seven regular members. There shall be three alternate members (as specified in Chaplin Town Ordinance published on May 18, 1973 and became effective June 2, 1973, See attached.)
 1. If a regular member of the Commission is absent, or disqualified, the Chairman of the Commission must designate an alternate to so act, choosing alternates in rotation, so that they can act as nearly equal a number of times as possible. ~~The procedures set forth in the General Statutes for the seating of alternates is specific, and must be closely followed. If any alternate is not available to sit in accordance with the regular rotation, such a fact must be reported in the minutes of the meeting.~~ *REASONABLY*
 2. Such alternate members shall, when seated, have all powers and duties of regular members as set forth in the General Statutes and Town Ordinances. When not seated, alternate members may discuss items of business. However, after a motion is made, or after the close of a Public Hearing, discussion on the motion or on the subject's application shall be limited to voting members. (Chapter 124, Sec 8-1b)
 3. Alternate members are encouraged to attend all meetings and executive sessions of the Commission, and they shall have the right to be members of Commission sub-committees.

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ARTICLE V: Officers and their Duties

1. The Officers of the Commission shall consist of a Chairman, (Chair person) and a Vice-chairman, and a Secretary who shall be members of the Commission.

2. The **Chairman** shall preside at all meetings and hearings of the Commission and shall have duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, call special meetings, certify the expenditure of funds up to \$75 without prior approval of the Commission and generally perform other duties as may be prescribed by these *Bylaws*. The Chairman shall be one of the Commission members. He or she shall have the privilege of discussing all matters before the Commission and of voting thereon.
3. The **Vice-Chairman** shall act in lieu (the capacity) of the Chairman when the Chairman is absent at meetings or hearings.
4. ~~The **Secretary Staff** shall keep the records and minutes of the Commission, and shall be responsible for submitting legal notices for publication and sending notifications as required by certified mail. The **Secretary Staff** shall also record public hearings on magnetic tape a recording device, and attend to Commission correspondence, and The Commission shall submit PZC Annual Reports to the Board of Finance. The Chairman shall have the authority to have a **PZC Recording Clerk** who attends PZC meetings take the minutes of meetings and submit such minutes to the Town Clerk. Staff shall notify members and alternates of meetings, post PZC meeting notices and agendas with the Town Clerk, and distribute drafts of minutes to members and alternates. In the absence of the Secretary and the Recording Clerk, the Chairman shall appoint a Secretary pro tem to take meeting minutes.~~

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ARTICLE VI: Election of Officers

1. ~~The Commission shall hold its annual organizational meeting at the time of its regular meeting in December of every year. At this meeting officers shall be elected by the Commission to serve in the following calendar year. After the Town election, the Commission shall hold an organizational meeting in December at the time of its regular meeting. At this meeting officers shall be elected and Bylaws shall be reviewed and made part of the Minutes.~~
2. ~~Seven seated members must be present before election of officers can take place; a majority vote is required to elect any officer.~~
- 1.3. Nominations shall be made from the floor ~~at the annual organizational meeting,~~ and the election of the officers specified in Article V shall follow immediately thereafter.
- 2.4. A candidate receiving a majority vote from the entire membership of the Commission shall be declared elected, and shall serve for the next ~~two years,~~ or until his/her successor shall take office.

ARTICLE VII: Vacancies in Office

1. Vacancies in Office shall be filled by regular election procedures prescribed in the ordinance (~~April 6, 1964 and June 2, 1973~~) establishing the Commission.
2. Resignation from the commission shall be in written form and be transmitted to the Chairman, who shall then forward the same to the Town Clerk and the Board of Selectmen.

ARTICLE VIII: Meetings

1. **Regular meetings** will be held on the ~~Third Tuesday (second Tuesday) Second Thursday~~ of each month at the Chaplin Town Hall at ~~7:30 7:00~~. In the event of conflict ~~with holidays,~~ the meeting will be held on ~~the next business day the next available time to ensure a quorum. A designated PZC officer Staff~~ shall notify the membership of the change of date of such a rescheduled regular meeting not less than 24 hours before that meeting.

AND/OR LOCATION

2. Notice of a **Special Meeting** shall be communicated to members and alternates not less than 24 hours before such a meeting.
3. An Emergency Meeting of the PZC does not require an agenda to be posted in advance of the meeting. Minutes of an Emergency Meeting must be filed within 72 hours of the close of the meeting.
4. A majority of the voting membership shall constitute a **quorum**, and the number of votes necessary to ~~transact business~~ shall be a majority of the members of the Commission. Specifically, a quorum shall be four (4) regular members, or three regular members and a voting alternate member, or two regular members and two alternate members. A quorum is required to conduct business.
5. All Commission meetings shall be open to the public when in session, and can be open to the public when the Commission is in executive session when so voted by a majority of the Commission members present and voting.
6. Unless otherwise specified, Roberts' Rules of Order shall govern the proceedings at the meetings of the Commission.

PRESENT

ARTICLE IX; Disqualification

1. No member of any municipal commission or agency of the Town of Chaplin shall appear for or represent any person, firm, Corporation or other entity in any matter pending before the Commission whether or not he or she is a member of the Commission hearing such matter. No member or alternate of the ~~Commission~~ Commission shall participate in a hearing or decision of the Commission upon any matter in which he or she is directly or indirectly interested in a personal or financial sense. Such a member or alternate shall disqualify him- or herself from Commission deliberations and voting on the matter in question.

2. In the event of such disqualification, such fact shall be entered into the minutes of the commission, along with the reason for disqualification. Also, the Chairman shall temporarily appoint an alternate in attendance to act in lieu of a disqualified member for voting purposes on the matter in question.

3. If the matter of disqualification is questionable, i.e., the voting member or alternate in question does not think he should disqualify him- or herself, while other commission members feel circumstances warrant disqualification, then the member may call for a vote on the matter of disqualification. Disqualification shall be accomplished by majority vote.

ARTICLE X: Order of Business at Regular Meetings

1. Unless otherwise determined by the Chairman, the order of business at regular meetings shall be:
 - A. Call to order
 - B. Roll call. Seat Alternate(s) if necessary.
 - C. Approve minutes of previous meetings(s).
 - D. Citizens Having New Business Before the PZC.
 - E. Old Business
 - F. New Business
 - G. Correspondence
 - H. Report of the Zoning Officer
 - I. Items *pro re nata*
 - J. Adjourn

ARTICLE XI: Public Hearings

1. The Commission may hold public hearings, in addition to required hearings, when it decides that such a hearing will be in the public interest.

2. All public hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings in Chapters 124 and 126 of the Connecticut General Statutes.
3. The matter before the Commission may be presented in summary by a member of the Commission designated by the Chairman, or a staff member, and parties of interest shall have the privilege of the floor under conduct rules read aloud at the start of the hearing by the Chairman or other ~~the~~ **COMMISSION** officer.
4. The proceedings of every hearing shall be recorded by the Commission on magnetic tape, ~~or by a competent stenographer.~~ The recording or transcription of the proceedings shall be the legal record of the hearing, and will be placed permanently on file in Commission archives. **JAY WILL CHECK**

ARTICLE XII: Conduct of Public Hearings

1. The chairman of the commission shall preside at public hearings. In the advent of the Chairman's absence, the Vice-Chairman or a duly appointed member shall act as presiding officer.
2. The ~~Secretary or Chairman~~ shall read the legal notice advertising the hearing, and note the dates and the newspapers in which the notice appeared.
3. ~~A summary of the question or issue shall be stated by the~~ **PRESIDING OFFICER** presiding officer shall state a summary of the question or issue at the opening of the hearing. Comments shall be limited to subjects advertised for the hearing. ~~The Commission shall have the privilege of speaking first.~~ The presiding officer shall describe the method of conduct of the hearing.
4. **PRESIDING OFFICER** The presiding officer shall first call for comments from the proponents of the issue, to be followed by comments by those opposed to the issue. At the discretion of the presiding officer, this order of testimony may be reversed. In any case, each group shall make its statements without allowing an intermixture of comments pro and con. Rebuttal statements shall be permitted in their turn. **THIS PROCEDURE MAY BE VARIED AT THE DISCRETION OF THE PRESIDING OFFICER.**
5. It shall be made clear at the hearing that all questions and comments must be directed through the Chair only after being properly recognized by the presiding officer. Each speaker commenting on the issue shall first clearly state his or her name and address.
6. The presiding officer shall assure an orderly hearing and shall take necessary steps to preserve decorum and order at all times. The presiding officer shall reserve the right to adjourn or close the hearing in the event the discussion becomes unruly and unmanageable.
7. ~~The show of hands by those persons present shall not be allowed on any general question presented at public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations at regular meetings of the Commission. If a general consensus of the meeting is desired, the Commission may provide properly identified sheets of paper on which the electors may signify in writing their opinions as either in favor or opposed to the question before the public hearing.~~ **PRESENT VOTING**

ARTICLE XIII: Employees

1. Within the limits of the funds available for its use, the Commission may ~~employ~~ **RETAIN** such staff, personnel and/or consultants as it sees fit to aid the Commission in its work. Appointments shall be made by a majority vote of the ~~entire membership.~~ **RETAIN** The Chairman may be authorized to sign contracts for employing personnel and ~~to contracting~~ for planning services as might be approved by the Commission.
2. The term of office of the Zoning Enforcement Officer shall be on a continuing basis until he or she is replaced, and performance of the Zoning Enforcement Officer shall be reviewed every year at the ~~December~~ regular meeting.

ARTICLE XVI: Committees

MAY

~~Committees may be appointed by T~~he Chairman may appoint committees for purposes and terms of which the commission approves.

ARTICLE XV: Public relations

The Chairman or a duly appointed Commission member shall act as public relations officer for the commission. Duties of the public relations officer include the preparation of PZC position letters to legislators and other officials, and the writing of press releases.

ARTICLE XVI: Amendments

These Bylaws may be amended by ~~a majority vote of the entire voting membership of the Commission,~~ only after the proposed changes have been read and discussed at a previous regular meeting, except that the Bylaws may be changed at any time by a unanimous vote of the entire voting membership of the Commission. The Bylaws shall be reviewed biennially at the organizational meeting to elect officers and made part of the minutes.

COMMISSION
AN AFFIRMATIVE VOTE OF AT LEAST 5 MEMBERS

DATE OF ADOPTION: Jan.17, 1995

Date of Revision: November 2019

Possible New Article: Complaint Enforcement Policy

Any member of the community may submit a Zoning Complaint as follows:

1. Complete a Zoning Complaint Form obtained from the Town Clerk or the Zoning Officer
2. Submit the complaint to the Selectman who will then email the complaint to the Zoning Officer
3. Email the complaint directly to the Zoning Officer
4. Submit your complaint in writing to a member of the Planning and Zoning Commission

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