

CHAPLIN PLANNING AND ZONING COMMISSION
CHAPLIN, CONNECTICUT
PUBLIC HEARING--#RC17-076
7PM, June 8, 2017 Chaplin Town Hall
495 Phoenixville Road, Chaplin, CT

Chairman Doug Dubitsky opened the public hearing for #RC17-076 at 7:08pm.

Chairman Doug Dubitsky read the Public Hearing Legal Notice and stated the notice was published in the 4/27/17 and 6/3/17 editions of the Chronicle. The Legal Notice is as follows:

Legal Notice

CHAPLIN PLANNING AND ZONING COMMISSION NOTICE OF PUBLIC HEARING
THURSDAY, JUNE 8, 2017

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

RC17-076- Proposed Regulation Revisions- Town of Chaplin Planning & Zoning Commission, Applicant, proposed revisions to the following sections of the Chaplin Zoning Regulations:

- Section 1.4-Temporary & Limited Moratorium
- Section 5.2.A.10-Accessory Apartments
- Section 5.2.B.12-Dog Boarding and Training Facility
- Section 5.5-MR-Multi-Family Residential District
- Section 5.11-Municipal Adaptive Reuse Overlay District (MAROD)
- Section 8.11-Logging Operations

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

Respectfully submitted, Doug Dubitsky, Chairman

Regular members present were Chairman Doug Dubitsky, Helen Weingart, Dave Garceau, Alan Burdick, Randy Godaire and Eric Beer. Alternate members present were Brandon Cameron and Bill Ireland (7:24). Also present was Town Attorney Dennis O'Brien and Zoning Enforcement Officer Jay Gigliotti.

Regular Member Absent was Vice-Chairman Peter Fiasconaro

Alternate member Absent was Ken Fortier

SEAT ALTERNATES: Chairman Doug Dubitsky seated Brandon Cameron for Vice-Chairman Peter Fiasconaro.

Chairman Doug Dubitsky asked the zoning enforcement officer, Jay Gigliotti, for a summary and a update on the status of the application.

Jay Gigliotti, zoning enforcement officer, explained that this application was for the proposed revision of the first six (6) sections of the regulations the PZC had developed revisions of, over the past several meetings. He further explained all six (6) sections of the proposed revisions were sent to the three (3) surrounding Council of Governments; 1. The Capital Region Council of Governments 2.The Southeastern CT Council of Governments and, the Northeastern Council of Governments, to offer them a chance to

comment on the proposed revisions. In addition to the Council of Governments, the six revised sections of the regulations were also sent to the Chaplin Town Attorney as well as the six (6) towns that abut the Town of Chaplin. He explained that the public hearing record item list, which included the revised sections of the regulations, has been on display for the public to view at the Town Clerk's office.

Chairman Doug Dubitsky explained that due to a printing error, the revision to section 5.11, shall not be discussed to night and the public hearing shall be kept open and continued to the next meeting to allow time to send the correct revision of section 5.11 out and give the public the opportunity to review the section as well.

The Chaplin Town Attorney was present at the meeting and had prepared a review of the six (6) revised sections of the regulations. Before accepting comments from the public, Chairman Doug Dubitsky asked Attorney O'Brien if he would like to first discuss his review with the PZC. Jay Gigliotti passed out the review of the regulation revisions from Attorney O'Brien.

Attorney O'Brien stated PZC Staff Jay Gigliotti, requested him to review the proposed revisions to ensure their consistency with the codes and laws of the United States and the State of Connecticut. And further that the revisions themselves were legal and also consistent with the Town's POCD. After a thorough review of the proposed regulation revisions, Attorney O'Brien developed a letter dated June 7, 2017, indicating the revisions compliance with the local, state and federal laws. PZC Staff Jay Gigliotti, provided copies of Attorney O'Brien's 6/7/17 letter to each PZC commission member.

Chairman Doug Dubitsky explained that the commission shall go one by one, through each proposed revision and take comments from the public at each revised section. The sections shall go in the order in which they appear on the agenda.

1. Section 1.4- Temporary and Limited Moratorium- Complete Deletion from the Regulations

Irene Schein, Miller Road- Asked Chairman Doug Dubitsky for a summary and background of the reason for the moratorium and also the reason for the deletion of the section. Chairman Doug Dubitsky provided a synopsis of sec. 1.4.

No other public comments were received.

2. Section 5.2.A.10- Accessory Apartments

Irene Schein, Miller Road-Asked Chairman Doug Dubitsky for some clarification of the proposed revision to the existing section, specifically if the owner of the main dwelling was required to reside on the property with the accessory apartment and how would the commission enforce the regulation.

Steve Smith, 44 Chaplin Street- Mr. Smith wanted to recommend that the property owner should live on the property in which an accessory apartment shall be occupied. He explained that he wants to make sure that this is a principle applied in the Town of Chaplin so people have a nice community to live in, rather than having "vacant landlords" which he has some experience with.

Paul Peifer, 63 Bedlam Road-Mr. Peifer explained that he was the former chairman of the PZC and current chairman of the Historic District Commission. This evening he is speaking as a concerned Chaplin citizen. While he was Chairman of the PZC, he developed the current regulation for accessory

apartments. He continued to explain the current accessory apartments regulation has quite a few safeguards incorporated into the regulation and it is restrictive because there can be a number of problems with accessory apartments being used as rental units. He agrees with Mr. Smith in that the owner should occupy the property of the accessory apartment.

Mr. Peifer submitted a series of documents into the record. First, a CERC Town Profile 2016 for Chaplin, CT, which includes data for a number of different categories such as demographics, government, housing & real estate, education...etc. After discussing the data included within the Chaplin profile, Mr. Peifer concluded by stating the data indicates the Town of Chaplin has plenty of rental housing available already, so why do we need a regulation at all. He also submitted a 2.22.17 Chronicle article by Brian McCarthy which details the problems Mansfield is having with non-owner occupied dwellings as rental units. He submitted a third document to the record, an article from the Hartford Current dated 4.23.17 which also provided examples of how non-owner occupied properties being used for rentals creates a problem for the town and the neighborhood.

In summary, Mr. Peifer stated the existing regulation is restrictive for a reason and the purpose of zoning regulations is to balance the needs of the town with the needs of the property owner. The draft of this section does not complete that balance.

Katherine Smith, 44 Chaplin Street- Agreed with Paul Peifer- Knows someone personally who rents out to students in Storrs, CT and there have been real problems with parties & drinking and really impacts the neighborhood.

AnnChuk, 61 Chaplin Street- Asked if she could rent her house if she was away for 6 months or so. This section only relates to Accessory Apartments.

Robert Dubois, Bedlam Road- Strongly Supports Paul Peifer's statements

Diane Cox, 31 Chaplin Street- Also supports what Paul and the others have said and the regulation will be subject to a number of abuses.

Kathy Leshey, 381 Tower Hill Road- Also agrees with Mr. Peifer, feels that it would be a mistake to pass this proposed regulation.

No other public comments were received.

3. Section 5.2.B.12: Dog Boarding and Training Facility

Jay Gigliotti submitted an email from Chaplin Resident, Adam Bernardin, into the record relating to the revision of this specific section.

Susan Peifer, 63 Chaplin Street- Feels the proposed revision to this section is a bad idea for a number of different reasons. She stated the existing regulation, was originally written for a specific person, in the RAR Zoning District and the Business District already allows for the operation of a commercial kennel. Mrs. Peifer's comments on the proposed revision to sec. 5.2.B.12 are as follows:

-Subsection a. regarding the 100' setback from a property line & 500' from a dwelling is vague and confusing; it should be better descriptive and clear on the setbacks.

- This is a nuisance use and should not be allowed in the RAR District
- The revision does not put a limit on the number dogs
- No requirement or mention of the operation being conducted in a separate building, other than the primary dwelling on the property.
- In the old regulation talks about “Free Dog Access” the new one makes no mention this dog access, does this mean the dogs can roam freely the entire property right up to the neighboring property?
- The existing regulation requires the applicant to notice abutting property owners within 500’ of the kennel operation, 10 days prior to a public hearing and this appears to have been taken out of the revised section.
- The revision should include a kennel permit to be an annual permit that is renewed and revoked if non-compliant
- The revision also took away the requirement of the kennel operator to hold applicable professional credentials
- This operation is a public nuisance and has the potential to turn neighbor.

Chairman Doug Dubitsky explained that the revision still required an dog kennel or boarding dog facility to first obtain a “Special Permit” which, in accordance with the CT General Statutes, Special Permits must include a public hearing, the commission is allowed a lot of discretion and can place a number of conditions on a permit. The ability to do so allows for a high level of control of the operation through the permit process and also gives the town the ability to enforce the conditions should the town receive complaints.

Irene Schein, Miller Road- Agrees with Sue Peifer, this is a complicated section and there is a lot of potential to negatively affect the surrounding residents & neighborhood. There needs to be a number of tight restrictions, but in the end, Mrs. Schein, believes that these types of operations should not be allowed in the RAR Zoning District.

Warren Church, 115 Chaplin Street- Asked why the commission is proposing the revision to this section and also, how many existing permits for dog facilities are currently issued. Chairman Doug Dubitsky explained that the revisions were based off a long list of revisions needed to the regulations. The determination for the revision came from the public, previous & present administration & staff and the PZC. As far as the number of issued permits, Chairman Doug Dubitsky he was not able to provide that information without first conducting research.

Paul Peifer, 63 Bedlam Road- A kennel is a nuisance use and it does not belong in the RAR Zone, there is going to be problems, no matter how many conditions are applied to the permit.

Kathy Smith, 44 Chaplin Street- Agrees with Mr. & Mrs. Peifer, kennels should be eliminated from the RAR Zoning District. Mrs. Smith also commended the PZC for undertaking the revisions.

Warren Church, 115 Chaplin Street- Asked whether existing kennel operations would be required to comply with the revised section. Kennel permits shall most likely be handled on a case by case basis.

No other public comments were received.

4. Section 5.5-Multi-Family Residential District- MR

Section 5.5 is for a multi-family residential district and the official Chaplin zoning map does not have a multi-family residential zone. This section is proposed to be completely deleted from the regulations.

No other public comments were received.

5. Section 5.11 Municipal Adaptive Reuse Overlay Zone (MAROD)

Chairman Doug Dubitsky again explained, that due to a printing error this revision shall be continued to the following meeting so that the correct version can be provided for the public.

Warren Church, 115 Chaplin Street- Asked if the revisions would take any buildings in or out of the Historic District. Chairman Doug Dubitsky explained that the revisions shall not affect whether a specific building is or is not located within the historic district.

6. Section 8.11- Logging Operations

Susan Peifer, 63 Bedlam Road- Asked if some of the regulations were being transferred to the inland wetland commission. Chairman Doug Dubitsky explained that the revisions had no effect on the inland wetland commission's regulations and the revisions was being undertaken because the current section is in direct violation of the CT General Statutes and the state has already contacted the PZC regarding the issue.

Mrs. Peifer thanked the PZC for their hard work and time spent on the revisions.

No other public comments were received.

Motion made by Eric Beer to continue the public hearing specifically with regard to section 5.11- Municipal Adaptive Reuse Overlay Zone (MAROD). Seconded by Brandon Cameron. All members voted in favor. Motion Carried

The Public Hearing for Application #RC17-076 was closed at 7:55 pm.

Respectfully Submitted,

Jay Gigliotti