

Chaplin Planning and Zoning Commission  
Regular Meeting Minutes  
August 10, 2017  
Chaplin Town Hall  
495 Phoenixville Road, Chaplin, CT

**Chairman Doug Dubitsky called the August 10, 2017 Regular meeting to order at 7:14pm**

Members present were Chairman Doug Dubitsky, Helen Weingart, Dave Garceau and Randy Godaire. Alternate member present was Ken Fortier. Also present was Zoning Enforcement Officer Jay Gigliotti. Regular Members absent were Vice-Chairman Peter Fiasconaro, Alan Burdick and Eric Beer. Alternate Members absent were Bill Ireland and Brandon Cameron.

**Seat Alternates:**

Chairman Doug Dubitsky seated Ken Fortier for Vice-Chairman Peter Fiasconaro.

**Approval of July 13, 2017 Public Hearing #1 #RC17-076 Meeting Minutes:**

The 7/13/17 Public Hearing #1 #RC17-076 Meeting minutes shall be amended to include the following:

Page 1, in the 2nd paragraph under "SEAT ALTERNATES", the 3<sup>rd</sup> sentence shall read "...let the applicants..."

-Page 2, in the last paragraph, the last sentence shall read "Ms. Schine..."

-Page 3, under "Christopher Komuves", the 1<sup>st</sup> sentence shall read "...proposed change will..."

-Page 4, under "Susan Peifer", the acronym "SFR" shall read "Single Family Residence"

-Page 4, under "Susan Peifer", the 6<sup>th</sup> line down shall read "...in the RAR Zone..."

-Page 4, under "Paul Peifer", the 2<sup>nd</sup> line up from the bottom shall read "...the proposed regulation would allow..."

-Page 4, the 2<sup>nd</sup> to last paragraph, the 1<sup>st</sup> sentence shall read "...anyone else who wished to speak..."

-Page 4, the last paragraph, the 1<sup>st</sup> sentence shall read "...the applicants brought..."

-Page 5, "Dylan Strong", the 1<sup>st</sup> sentence shall read "...Said that all it..."

**Helen Weingart motioned to approve July 13, 2017 Public Hearing #1 #RC17-076 Meeting Minutes as amended. Seconded by Dave Garceau. Randy Godaire Abstained. All other members voted in Favor. Motion Carried.**

**Approval of July 13, 2017 Public Hearing #2 #RC17-074 Meeting Minutes:**

The 7/13/17 Public Hearing #2 #RC17-074 Meeting minutes shall be amended to include the following:

-Page 1, the 2<sup>nd</sup> to last paragraph, the 1<sup>st</sup> sentence shall read "...explained that this public hearing..."

**Dave Garceau motioned to approve the July 13, 2017 Public Hearing #2 #RC17-074 Meeting Minutes as amended. Seconded by Ken Fortier. Randy Godaire Abstained. All other members voted in Favor. Motion Carried.**

**Approval of July 13, 2017 Regular Meeting Minutes:**

Chairman Doug Dubitsky felt that the July 13, 2017 Regular Meeting minutes lacked sufficient reasoning why the commission denied application #RC17-074. The CT General Statutes requires a planning & zoning commission to clearly state the reasons for the action they took on a regulation change, on the record. He has asked PZC Staff to re-write the minutes for the next meeting in September. Chairman Doug Dubitsky asked for a motion to table the approval of the 7/13/17 Regular Meeting Minutes to 9/14/17 regular meeting.

**Helen Weingart motioned to table the July 13, 2017 Regular Meeting Minutes. Seconded by Dave Garceau. All members voted in favor. Motion Carried.**

**Citizens having New Business:**

Bob Dubois, 101 Bedlam Road- explained to the commission that he has a significant concern that his neighbor directly across the street at 100 Bedlam Road has commenced and has continued renovation work on a single family residence, without the required permits. He noticed a new 4- meter electrical service had been installed and spoke to the electrician completing the work. The electrician told Mr. Dubois the new meters were for two (2) apartment rental units and a home owner unit. working on the property, resulting in an unknown number of apartment units. Mr. Dubois explained that the current zoning regulations regarding Accessory Apartments prevents the establishment of accessory apartments on the 100 Bedlam Road Property. He further explained that the eastern highlands health district had no record of an permits issued for the property.

PZC Staff explained that he located an electrical permit application on the building officials desk submitted on 8/8/17. The permit was only submitted and had not been approved or even evaluated by the building official. PZC Staff has already contacted the electrical contractor and the property owner regarding the unpermitted work. Discussion followed on the appropriate action and permits needed to be secured. The PZC had Mr. Dubois complete an official written complaint form to officially commence enforcement activities.

**Old Business:**

**A. RC17-076- Proposed Regulation Revisions- Town of Chaplin Planning & Zoning Commission, Applicant, proposed revisions to six (6) sections of the Chaplin Zoning Regulations**

The public hearing on this application was closed earlier in the meeting. The public hearing on the six (6) regulation revisions was opened on 6/8/17, continued twice and was open for a total of three (3) months. Chairman Doug Dubitsky explained the commission has completed the CT legal requirements for a zoning regulation revision and can now vote on the application. Chairman Doug Dubitsky suggested the commission go one by one through the six (6) revisions and vote on each revision separately. It was the consensus of the commission this was a good idea and the best way to vote on the proposed revisions.

**Section 1.4 Temporary & Limited Moratorium**

The revision is the proposed deletion of this section from the regulations.

**Motion Made by Helen Weingart to approve the deletion of Section 1.4 from the Chaplin Zoning Regulations. Seconded by Randy Godaire. All Members voted in Favor. Motion Carried.**

**Section 5.5 MR-Multi-Family Residential District**

The revision is for the deletion of this section from the regulations. Discussion followed regarding the zoning map and the lack of the MR Multi-Family Residential District on the map.

**Motion Made by Randy Godaire to approve the deletion of Section 5.5 from the Chaplin Zoning Regulations. Seconded by Dave Garceau. All Members Voted in Favor. Motion Carried.**

**Section 5.11 Municipal Adaptive Reuse Overlay Zone (MAROD)**

The revision includes several text amendments to the body of the regulation and removes the "Grange" from the list of eligible MAROD properties, as the Grange was sold to a private property owner. It was incorrectly stated in the public hearing that this revision was only for the removal of the Grange building from the list of eligible properties, where in fact, there was a number of text amendments that are proposed as well.

**Motion Made by Dave Garceau to approve the revisions to Section 5.11. Seconded by Randy Godaire. All Members Voted in Favor. Motion Carried.**

## Section 8.11 Logging Operations

The commission discussed the proposed revision. There had not been any concerns identified at the public hearing on this revision and the current section of the regulations is not consistent with the Connecticut General Statutes. Discussion followed regarding the proposed language and use of the term "Permits". State law states that only Inland Wetlands Commissions can regulate logging operations and some PZC members felt the proposed use of the word "Permits" makes the regulation seem like there is a permit for timber harvests that must be obtained prior to commencing harvest activities.

Chairman Doug Dubitsky explained that he would ask the Town Attorney if they could make a small alteration to the proposed revision of section 8.11, without having to send the revision back out to the regional planning agencies and conduct another public hearing.

**Motion Made by Dave Garceau to table the revision of Section 8.11. Seconded by Helen Weingart. All Members voted in Favor. Motion Carried**

## Section 5.2.B.12- Dog Boarding & Training Facilities

There were a lot of comments and concerns received from the public on this proposed regulation revision, during the public hearing. Discussion followed on the comments received during the public hearing on this section. Some of the concerns about the revision included items such as the permit requirements, limits on the # of Dogs, the location of the facility within the RAR Zoning District...etc. Seeing the concerns, Chairman Doug Dubitsky stated he would develop a revision of section 5.2.B.12, taking the received comments & concerns into account.

**Motion made by Randy Godaire to approve the revision of Section 5.2.B.12. Seconded by Ken Fortier. All Members voted in Opposition. Motion Failed.**

## Section 5.2.A.10- Accessory Apartments

Chairman Doug Dubitsky stated the revised section was approved by the PZC many months ago and also had been received a positive review from the town attorney at that time. The revision had received a significant number of comments from the public during the public hearing. The owner occupied portion of the regulation was discussed along with the number of bedrooms, apartments and square footage of the accessory apartment. Chairman Doug Dubitsky stated he would revise the current revision and try to turn it around before the next month.

**Motion made by Helen Weingart to table the revision of Section 5.2.A.10. Seconded by Randy Godaire. All Members voted in Favor. Motion Carried**

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

## Section 8.13 Site Lighting

Chairman Doug Dubitsky developed a draft revision of Section 8.13-Site Lighting and was originally provided at the 3/9/17 PZC meeting. Discussion of the revision to this section has been tabled at the past several meeting so that the commission could discuss the revision while members familiar with current lighting technologies were present. These members were present at this evenings meeting.

The draft revision was discussed and the following changes were made to the draft:

- The title section "Lighting Plan" shall be re-lettered from "A" to "B" and the remaining section headings shall be re-lettered accordingly.
- The first sentence in section 8.13.B.3 shall be removed completely
- In section 8.13.C.2, "(see Appendix C for examples)" shall be removed.
- Section 8.13.C.8 shall be removed completely

No motion was taking as another draft shall be developed incorporating the discussions/ revisions received during the meeting this evening.

## **Section 6.2 Dimensional Requirements (Rear Yard Set-Back)**

This section of the zoning regulations is not very clear or understandable relating to the setbacks from the side and rear yard property lines. A revision to this section was discussed and made at the 7/13/17 PZC meeting. The wording "Total" was removed from the sideyard setback and established a minimum only of 20' and the rearyard setback the wording "Total" was changed to "Min." and the 50' rearyard setback was changed to 20'

PZC Staff made the appropriate changes to the dimensional chart (which is located on page 28 of the zoning regulations) and passed out a revised dimensional chart which incorporated the above detailed revisions.

### **Recent Legislation- "Granny Pods"**

This new legislation is entitled Public Act 17-155 "An Act Concerning Temporary Health Care Structures" Chairman Doug Dubitsky explained the commission had briefly discussed this recently adopted legislation at the 7/13/17 PZC meeting. At that time, the commission discussed the idea of "Opting-Out" of the legislation, a provision which is allowed by the legislation itself. Since the previous meeting, Chairman Doug Dubitsky reviewed the Opt-Out provision and discovered that the PZC must hold a public hearing in order to do so.

**Motion Made by Randy Godaire to schedule a public hearing to opt out of Public Act 17-155. Seconded by Dave Garceau. All Members Voted in Favor. Motion Carried.**

### **Recent Legislation- "Farm Breweries"**

New Legislation was enacted allowing municipalities to develop regulations for Farm Breweries. PZC Staff provided each PZC Member with a full copy of the legislation. Chairman Doug Dubitsky told all members to take the document home, review and be prepared to discuss at the September meeting.

**New Business:** None

**Correspondence:** None

**Report of the Zoning Officer:**

### **ZONING PERMITS ISSUED-# 1**

#### **ZP17-079**

213 Hampton Road, Mr. Brian Cardinal, Assessor's Map 93-42, proposed demolition of existing SFR and reconstruction of new SFR in the same location as the previous, with a slightly larger footprint, Proposed new SFR consists of 32' x 40' SFR with 24' x 30' Garage, Property located in the RAR Zoning District, Approved on 7/25/17

### **ENFORCEMENT ACTIONS**

#### **100 Bedlam Road**

PZC Staff received a number of inquiries regarding activity taking place at 100 Bedlam Road. Recently, staff has witnessed what appears to be trenching and electrical work occurring on the property.

The property is 1.78 acres in size and contains has three (3) structures, including the primary residence. The concern is the work is being conducted in preparation for the installation of rental apartment units.

PZC Staff obtained a copy of a building permit submitted by the electrical contractor on 8/8/17. The permit is for a new, 400 Amp, 4-Meter Electrical Service and indicates Meter #1&2 are for apartment #'s 1&2, Meter 3 is for the owners and Meter 4 is a spare for the future.

On 8/10/17 PZC Staff called the Electrical contractor and explained a zoning permit was needed for the apartments and asked to convey to property owner.

#### **267 Phoenixville Road**

At the July PZC Meeting, The commission discussed the small structure which recently appeared on the property. Once the correct property address was identified, PZC Staff researched whether or not a permit had been issued

for any accessory structures and there was not. Upon close inspection, staff witnessed this small structure is actually on a trailer with wheels (see picture).

### **153 Chewink Road**

PZC Staff continues follow-up progress inspections and is in frequent contact with property owners, Most recent inspection 7/29/17-property owners have been given a 12/1/17 deadline to remediate their property and achieve compliance with the zoning regulations.

### **Correspondence**

Chaplin Neighborhood News

As you all most likely know, there is a somewhat recent new publication that is available for the public called the "Chaplin Neighborhood News" This is a resident free quarterly publication sponsored by the chronicle. All of you should know that PZC Staff has been writing articles for each publication. Staff is taking this opportunity to ask you, the members of the Chaplin PZC if there is anything that you would like to see me write about in this public newsletter.

If this publication really catches on, there might be a chance that we could do our legal advertisements in this publication, which could potentially save the entire town a lot in advertising fees. In the meantime, the Chaplin Neighborhood News is just a friendly, informative and local publication.

**Correspondence:** None

**Items Pro Re Nata:** None

### **Adjournment:**

**Motion Made by Randy Godaire to adjourn the 8/10/17 PZC Meeting. Seconded by Dave Garceau. All Members Voted In Favor. Motion Carried.**

**Chairman Doug Dubitsky adjourned the August 10, 2017 Regular PZC meeting at 10:22pm**

Respectfully Submitted,

Jay Gigliotti