

CHAPLIN PLANNING AND ZONING COMMISSION
CHAPLIN, CONNECTICUT

Regular Meeting Minutes
May 8, 2014

Call To Order Regular Meeting

The meeting was called to order at 7:03 PM.

Roll Call, Seat Alternates

Regular Members Present:

Chairman Peter Fiasconaro, Vice-Chairman Doug Dubitsky, Alan Burdick, Dave Garceau, John Meyer and Alternate Cesar Beltran

Members Absent:

Eric Beer, Randy Godaire and Alternates Bill Ireland and Ken Fortier.

Staff Present:

Zoning Enforcement Officer Jay Gigliotti

Staff Absent:

Recording Clerk Jennifer Nelson

Seat Alternates: Cesar Beltran was seated for Randy Godaire

Approval of Minutes- April 10, 2014

Revisions to 4/10/14 Minutes:

Item #4, 2nd paragraph, 1st line, to be changed to read “Gary Mott purchased the trailer formerly used for “Lefty’s Grill and would like to install a 3 foot white vinyl fence around the perimeter of the property at 3 & 11 Lynch Road”.

A. Burdick motioned to approve the minutes of 4/10/14, as ammended, Seconded by J. Myer. All members voted in favor.

D. Garceau Abstained. Motion Carried

Citizens Having New Business: None

Old Business:

A. Update of Existing PZC Litigation

J. Gigliotti asked D. Dubitsky if he would like to explain the update to the commission as he is more familiar with the case. D. Dubitsky stated he would be glad to. Mr. Dubitsky explained that this was an update of the Natchaug River Watershed Overlay Zone (NRWOZ) court case. He explained that the appeal was dismissed and the court issued a 24-25 page ruling. Many of the facts within the ruling were incorrect, however the ruling corrected cited the law. Mr. Dubitsky continued to explain that the court essentially found that there was no allegation of conflict of interest. The laws which discuss bias relate to

conflict of interest. So therefore, without any conflict of interest, there can be no bias. There was no personal interest and this case was for a regulation of “General Application” meaning that it didn’t only apply to a specific property. The progression of this case was similar to that of pre-disposition cases. In this case, the proposal was proposed by the commission and there is a different standard with regard to pre-disposition when the proposal is made by the commission vs. an outside party. D. Dubitsky stated that the court made a strong point that elected officials should not be constrained in their ability to tell people the truth, and their difference between other candidates when they are running for office. Mr. Dubitsky again confirmed that this case regarding the NRWOZ is completely finished and stated he believed the time for an appeal to the court’s decision has already expired.

D. Garceau asked if the court had ruled or made any determination for the responsibility of fees associated with this litigation. D. Dubitsky explained that in municipal appeals, the courts follow the “American Rule” which means that each party pays their own way, relating to filing fees. He further explained the fees were for the filing of the lawsuit, not for attorney fees.

J. Myer stated that he had got the impression that the individuals opposed to the NRWOZ wasted the hundreds of hours of towns’ people’s work, commissioner’s work, thousands of dollars of effort spent on the NRWOZ. There was substantial effort at the time to protect the Town’s natural resources. J. Myer felt the individuals that either did not agree or were opposed to the NRWOZ, did not make any attempts to work with those who supported the NRWOZ. Mr. Myer stated it was very sad for the future of the community of Chaplin to not make some effort to protect this natural resource and it’s water. Mr. Myer concluded by stating that he personally felt that he was doing a real service to the Town and the Community by supporting and working to implement the NRWOZ and he was very disappointed in the outcome.

Discussion followed regarding the specifics of NRWOZ process during PZC meetings.

New Business: None

Correspondence: None

Report of the Zoning Officer:

Jay Gigliotti; Zoning Enforcement Officer, reviewed and discussed the items in the Zoning Enforcement Officer’s report, dated May 2014.

Zoning Permits Issued:

Blanchette- 212 south Bear Hill Rd.

Property is Located in the RAR zone. The permit application was made for the construction of a 24’ x 24’ addition to an existing detached shed. The existing shed is located in the rear corner of the property, approx. 60 feet from the closest property line. The zoning permit was issued on March 3rd, 2014

Shashok- 256 Singleton

Property is Located in the RAR zone. The application was for the construction of a 9’ x 9’ front foyer. The house is set back 60’ from the front property line so the addition did not fall in the front set back. The zoning permit was issued on April 15, 2014.

Enforcement:

184 Palmer Road- Mr Michael Pascale and Sharon Marinoff

PZC Staff conducted x2 inspections 4/25/14. Staff met with Mr. Pascale and toured the property on with him on Friday, 4/25/14. Photos were taken and it was evident that progress has been occurring. The

progression of the clean-up was indicated by the removal of two large piles of tires, trash, cast off materials, x2 smaller trailers and many other smaller items. Comparison of previously taken photo's provided confirmation. Mr. Pascale has rented a dumpster from Willimantic Waste to continue to remove items from the site.

Correspondence:

"Road Dogs"

The former Lefty's Grill now has a new name and is under new ownership. The new name is "Road Dogs" and is owned by Mr. Gary Mott. Mr. Mott has worked with staff to submit the proper documents required to re-open the former business with a new name. At the April 10, 2014 Chaplin Planning & Zoning Commission Meeting, Mr. Mott, presented the commission, with a proposal to the install a 3' high, split rail, white vinyl fence along the portion of the property that has frontage on Route 6 and Lynch Road. Mr. Mott explained the purpose of the fence was to provide a safer environment for families and other patrons of the grill. PZC staff received documentation from the Eastern Highlands Health District, citing Mr. Mott's approval to conduct his "Road Dogs" operation. He officially opened the grill during the first week of May.

Ribbit's Restaurant

The restaurant closed a couple years ago, in order to undergo many updates and improvements to the building, grounds and operations. Recently, the improvements to the restaurant were completed, and the restaurant re-opened for business. Upon their re-opening, the owners decided to hang a string of multi-colored flagging on both the east and west side of the front building façade. No permits for this flagging were obtained and it is unlikely an application could have been approved as the flagging does not conform with the signage regulations. J. Gigliotti explained that this restaurant is located within "Sherman's Corner", a commercial focus area on the Route 6 Business corridor, identified in the 2010 Chaplin POCD. Staff explained to the Ribbit's owners the restaurant is re-opening, he shall allow the flagging to stay for a period of 1 Month in order to attract customers. The owners agreed that they shall take the flagging down in approx. 30 days.

Additionally, the owners had taken down a telephone pole which supported a security light. The pole was taken down as it was in a state of significant decay and its location was directly above the entrance to the restaurant. The owners decided to move the security light to a new steel pole, installed approx. 50' to the north of the previous location. After discussing the new location of the security light, the commission moved to direct staff to contact the owners and have them come to the PZC for a modification to their site plan.

2 South Cemetery Road

On Friday, April 25, 2014, Planning and Zoning staff met with the Property Owner of #2 South Cemetery Road, Mrs. Jane Stone, on her property. Staff and Mrs. Stone have had multiple discussions during March and April concerning a stone wall at the edge of her property.

Mrs. Stone's property is bordered by Route 6 to the north & west, South Cemetery Road to the south and the discontinued portion of South Bear Hill Road to the west. Mrs. Stone's property contains refurbished stone walls on portions of her property line along South Bear Hill Rd and So. Cemetery Rd. The refurbished stone wall traveling along her property line adjacent to So Cemetery Rd travels for approximately 92 ft. before turning north up into her property. Where the refurbished wall turns into her property, an existing stone wall continues approximately 290' along her property line which abuts So.

Cemetery Rd the remaining length of the property. This stone wall is not in very good shape as it has completely fallen down and has been nearly covered by vegetation.

After walking the entire limits of her property, Mrs. Stone explained that the demolished stone wall no longer serves its purpose, has been overrun by invasive species of vegetation, harbors a large amount of poison ivy and has continually become more and more of an eyesore. As the stone wall is in such a dilapidated state, it is doubtful that it will ever be repaired. If it was to be repaired it would be a significant expense. Mrs. Stone has approached staff with the idea of removing what is left of the stone wall and replacing it with a white, vinyl split beam horse fence.

Staff explained to her that if the stone wall was an original property boundary between the road ROW and her property, then the stone wall would be co-owned by her and the town. Staff explained that if she would like to pursue the option of the fence, she would have to obtain permission from the Chaplin Board of Selectmen as the half stones of the stone wall are town property. An agreement, maintenance terms and the correct property line/ROW location were also discussed.

Planning and Zoning Staff shall attempt to find out the exact property line/ROW area vs. where the stone wall lies and also inquire administration what, if any, process would need to be followed to complete the desired fence.

Items Pro Re Nata: None

Adjournment:

Motion to adjourn made by Doug Dubitsky, seconded by C. Beltran. All members voted in favor.

Motion Carried.

The meeting was adjourned at 8:09pm

Respectfully Submitted,

Jay Gigliotti, Zoning Enforcement Officer