

Chaplin Planning and Zoning Commission
Public Hearing Minutes
Chaplin Town Hall
August 8, 2019

The Public Hearing opened at 7:02 PM.

Members present: Doug Dubitsky (Chair), Randy Godaire, Alan Burdick, Dave Garceau, Eric Beer.

Alternates seated: Ken Fortier for Peter Fiasconaro and Brandon Cameron for Helen Weingart.

Also Present: Jay Gigliotti, Zoning Enforcement Officer (ZEO); Kathleen Scott, Recording Clerk.

Subject of Hearing: SP19-103- 29 Pumpkin Hill Road, Adam Bernardin, Applicant/Owner, Assessor's Map 75-60-5, Proposed Dog Care Facility per section 5.2.B.12.

This hearing is continued from the July 11, 2019 Public Hearing. D. Dubitsky read the continuation notice that is posted at the Town Hall.

Adam Bernardin (applicant) presented report from a Sound Engineer (with a map drawing drafted by Towne Engineering), who recommended a solid vinyl 6FT tall perimeter fence and arborvitae to redistribute where the noise comes from and reduce the sound. The fence would comply with zoning regulations per ZEO Jay Gigliotti with installation pending approval of the special permit. Mr. Bernardin also clarified that his lot size is 10.7 acres. The business has been open for 60 days with little noise and no noise complaints.

Sound Engineer Carl Kashium whose expertise is with noise control and acoustics (worked 40 years for the military and 20 years for commercial businesses) presented information on noise levels (decibels). The measured noise levels for approximately 14 dogs at the 29 Pumpkin Hill Road property were 70-80db with one dog at 85db. The solid vinyl fence will knock the noise level down to decibels in the 30s. The state requirement during the day is 55db.

Joseph Mortelliti (applicant's attorney), reported that the dogs let outside would be staggered in small numbers 3-4 days a week. Mr. Bernardin has shown great transparency in working with the town. In addition, there is law in CT courts that if an application for a special permit complies with zoning requirements, the PZC is obligated under the state to approve a special permit. The applicant has complied with all the conditions except the number of dogs and the setback distance but there is flexibility with the wording in the regulations that can be met.

Public comments were opened.

Comments in favor of the Proposed Dog Care Facility:

- Amy Burnim from Eastford who uses the Bernardins to show her dogs, has never observed more than six dogs outside at a time.
- Jessica Thibault from 53 Pumpkin Hill Road, Ashford drops by the facility often and typically there are dogs outside with no barking. She commended Mr. Bernardin for making modifications to his home to help reduce any potential noise.

- James Lanham from 7 Pumpkin Hill Road, Chaplin, asked how many decibels there are from an average motorcycle. The Sound Engineer reported that the state requirement for motor vehicles is 60-70db from 50 feet. Mr. Lanham also commented that Mr. Bernardin is a great neighbor and that the sound level has decreased dramatically in the last two months.

Comments opposed to the Proposed Dog Care Facility:

- Susan Peifer from 63 Bedlam Road, Chaplin, expressed concerns with the permit meeting regulations and asked for clarification on the sound going over the fence. The PZC would have to give a waiver of 475 FT of 500 FT setback on the north side by the state forest and a waiver of approximately 400 FT of 500 FT setback adjacent to town land. She also expressed concerns with enforcing the number of dogs and the precedent that may be set for other applicants of a kennel if the special permit is approved.

Adam Bernardin (applicant) commented that he cares about disturbing his neighbors with barking dogs and wants to be able to conduct business.

Joseph Mortelliti (applicant's attorney) reported that the applicant is not in violation of current regulation and the language allows the PZC to control future applicants. The Town can assure that there is no bad precedent to be set. The Zoning Officer can do periodic inspections and the special permit can be revoked for non-compliance.

The Sound Engineer reported that the sound for the dogs that was measured within a few feet is a good comparison to a motorcycle at 50 FT.

Comments opposed to the Proposed Dog Care Facility:

- Robert Mott from 29 South Bedlam Road, Chaplin, expressed the importance of keeping the setback close to the footage in the regulation (500 FT) and should not be deviated more than 25%.

Motion to close the Public Hearing at 7:47 PM was made by E. Beer, seconded by B. Cameron, all in favor, motion carried.

Respectfully submitted by,
Kathleen Scott
Recording Clerk