

**Town of Chaplin
Planning and Zoning Commission
Regular Meeting Minutes
April 11, 2019
Chaplin Town Hall**

*Amended

MEMBERS PRESENT: Doug Dubitsky (Chair), Peter Fiasconaro (Vice Chair), Helen Weingart, Dave Garceau, ~~Allen Burdick~~

ALTERNATES SEATED: Ken Fortier for ~~Eric Beer~~ *Alan

ALSO PRESENT: Jay Gigliotti, Zoning Enforcement Officer (ZEO); Elizabeth Marsden, Recording Clerk

CITIZENS PRESENT: Irene Schein

The meeting was called to order at 7:01 p.m.

Motion to move New Business before Old Business by H. Weingart, seconded by D. Garceau, all in favor, motion carried.

Motion to approve November 29, 2018 Special Meeting minutes by P. Fiasconaro, seconded by D. Garceau, H. Weingart abstained, all others in favor, motion carried.

Motion to approve February 14, 2019 Regular Meeting minutes by H. Weingart, seconded by A. Burdick, K. Fortier abstained, all others in favor, motion carried.

Motion to approve March 14, 2019 Regular Meeting minutes by P. Fiasconaro, seconded by H. Weingart, A. Burdick abstained, all others in favor, motion carried.

CITIZENS HAVING NEW BUSINESS: None

OLD BUSINESS:

- A. Irene Schein of the Chaplin Community Economic Development Commission discussed the identified need, based on surveys she helped conduct, for affordable senior housing in town. She encouraged the PZC to look at the Pine Acres property as a desirable location for a mixed-use housing and retail location. No action was taken at this time.

NEW BUSINESS:

A. CGS 8-24 Request -- Natchaug River Subdivision Open Space Access Easement:

The ZEO and Commission members discussed this proposal to convey the easement to Joshua's Trust to address access issues.

Motion to give the selectman an advisory opinion that the PZC approves conveyance of the Natchaug River Subdivision Open Space Access Easement to Joshua's Trust by H. Weingart, seconded by D. Garceau, K. Fortier opposed, all others in favor, motion carried.

B. CGS 8-24 Request -- Old Hampton Road:

The members discussed that two sections of the road are involved, Bill Rose sent letters to the property owners on Hampton Road and on adjacent Cross Road. The ZEO discussed the proposal to close this road to prevent problems such as illegal dumping. The members agreed that it should be closed but landowners should be properly notified. Remaining steps for approval will include proper notice to landowners and public comment.

Motion to approve the Old Hampton Road 8-24 Request with the condition of proper notice to the affected landowners, with map, by H. Weingart, seconded by A. Burdick, all in favor, motion carried.

C. 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

The ZEO explained that this is a special permit use in the residential zone requiring a public hearing and PZC approval. The permit fees are paid. The PZC will receive a copy of the permit at the May, 2019 meeting.

Motion to schedule a public hearing for SP19-103-29 on June 13, 2019 by H. Weingart, seconded by D. Garceau, all in favor, motion carried.

OLD BUSINESS:

B. Discussion and possible action on revisions to the following sections of the Chaplin Zoning and Subdivision Regulations:

Sec. 5.4 (Pages 19 - 21): Motion to amend (as marked up) by A. Burdick, seconded by D. Garceau, all in favor, motion carried.

Sec. 5.6 (Pages 21 - 22): Motion to amend as marked up by D. Garceau, seconded by K. Fortier, all in favor, motion carried.

Sec. 8.9 (Page 54): Motion to amend as marked up by D. Garceau, seconded by P. Fiasconaro, all in favor, motion carried.

Sec 9.3 (Pages 69-71): Motion to table by P. Fiasconaro, seconded by A. Burdick, all in favor motion carried.

CORRESPONDENCE: Letter from Bill Rose referenced earlier in the meeting referring to the CGS 8.24 requests.

REPORT OF THE ZONING OFFICER: The ZEO presented his report, which is available at Town Hall. Items requiring a motion from the Commission were as follows: NONE

ITEMS PRO RE NATA: H. Weingart requested that a discussion of the bylaws be placed on the May, 2019 agenda.

ADJOURNMENT: Motion to adjourn by A. Burdick, seconded by H. Weingart, all in favor, motion carried.

The meeting was adjourned at 9:37 pm

Respectfully submitted,
Elizabeth Marsden, Recording Clerk

- h. Package store.
- i. Bowling alley; similar commercial recreation establishment.
- j. Outdoor theater.
- k. Accessory uses customary to permitted use.
- l. Any business which may involve ~~small scale~~ assembly, processing or fabrication, ~~provided such activity shall take place only for immediate sale or direct service to customers from the premises; and further,~~ that no excessive noise, odor, dust, vibration or disorder is experienced beyond the lot lines of said business.
- m. Fuel and petroleum products sales and storage underground in conformity with General Statutes Chapter 250 (Sect. 14-321).
- n. # Hospitals, sanitarium, rest, convalescent and nursing homes.
- o. Other uses as the Commission finds suitable for the Business District after a public hearing.

C. Special Regulations:

- 1. Any use permitted in a RA-Rural Agricultural Residence District by approval of the Commission shall require similar approval in a B-Business District.

11/11/19 5.4 ~~L - Light I~~ - Industry District

A. Permitted Uses:

- 1. Any use permitted in an RA-Rural Agricultural Residence District and in a B-Business District, subject to same restrictions if a special permit is required.
- ~~2. The manufacturing, processing and warehousing of goods, except those processes for which a Special Permit is required; provided, that no noise, dust, odor, vibration or disorder is experienced beyond the lot line of said industry.~~

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B. ~~Industrial~~ Uses Requiring Special Permit:

- 1. The Commission may issue a Special Permit to allow ~~other light~~ the following commercial and industrial uses upon receipt of an application, a Site Development Plan (Section 8.7) and filing fee in accordance with Section 5.2.B. The Commission shall hold a public hearing in accordance with section 8-3 of the General Statutes.

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a. The manufacturing, processing, assembly, fabrication and warehousing of goods.

b. Research and development facilities and professional office parks.

c. Other uses as the Commission finds suitable for the Industrial District after a public hearing.

2. The Commission may approve, approve with modification or disapprove such an application after the public hearing. ~~Uses which may be considered shall not be more objectionable or injurious than permitted uses because of smoke, noise, odor, dust, glare, hazardous materials or processes or appearance.~~

3. In considering the proposed commercial or industrial use, the Commission shall be guided by the factors outlined in section 5.2-B ~~(1)~~.

4. Any use ~~permitted~~ allowed in an RA-Rural Agricultural Residence or B-Business District only by approval of the Commission, shall ~~require~~ be allowed with similar approval of the Commission in a Lightan Industry District.

~~5. a. Research and development facilities and professional office parks.~~

~~6.5.~~ The Commission may issue ~~a~~ Special Permit to permit establishment of a Junk Yard in ~~a L-~~ Lightan Industry District. The Commission shall hold a public hearing in accordance with Section 8.3 of the General Statutes.

a. In acting on the application the Commission shall consider the local and regional need for such a facility; existing and probable character of neighborhood; present and projected traffic; protection of watersheds, ponds and streams; and safeguards to protect neighborhood from detriment including fire hazard; disposition of materials, enclosure and screening, conformance with local and state codes governing operation; and future use of land if yard is abandoned.

~~7.6.~~ **Adult Uses (Adult Entertainment)**: In the development and execution of these *Regulations*, it is recognized that there are some uses, as defined in **Sec. 2.2** as Adult Uses, which due to their very nature are objectionable when they occur in **RAR** or **B** use districts, particularly when they are in proximity to other adult uses. The concentration of adult uses, and their proximity to other uses of public assembly under certain circumstances could have deleterious effects on adjacent areas. It is thus necessary to have special regulation of adult uses to insure that these adverse effects will not contribute to the blighting or downgrading of property values and the living environment, including public safety, of the surrounding neighborhoods. These regulations are intended to protect retail trade, prevent crime, maintain property values, preserve the quality of neighborhood districts and life, and to prevent associated problems involving littering, parking, noise, traffic and public indecency. Thus a linear separation shall be required for each adult use, as defined, as follows:

- a. An adult use shall be separated from another adult use, public library, or museum facility by a distance of not less than 300 feet.
- b. An adult use shall be separated from the boundary with an **RAR** or **B** use district by not less than 300 feet.

- c. An adult use shall be separated from the premises of a school or educational facility, day care facility, church or other recognized place of worship, public park or playground by a distance of not less than 1,000 feet.
- d. The method of measurement shall be determined by measuring in a direct line between the adult use boundary and the applicable property or district boundary.

+5.5 MR - Multifamily Residential District

A. Permitted Uses:

Sec. deleted 3/1/18

- 1. Any use permitted in an RAR district subject to the same restrictions if a special permit is required.
- 2. Dwellings for three or more families may be erected in a MR district, provided that:
 - a. The number of units, N, which may be built on a lot to be developed is given by the relation, $N = BA - 2$, where N is greater or equal to three, and BA is the Buildable Area (in acres) defined in Sec. 2.2 of these Regulations.
 - b. In Multifamily Developments, front side and rear yard setbacks for each multifamily structure shall meet minimum requirements as specified in Sec. 6.2 of these Regulations.
 - c. All Multifamily Developments shall require Site Plan Review, as described in Sec. 8.7 of these Regulations, and a Special Permit.
 - d. Each separate building in a multifamily development shall contain no more than six (6) dwelling units.

+5.6 AZ - Aquifer Protection District

The Aquifer Protection District (AZ) is an Overlay Zone which exists in addition to and overlapping one or more of the other use districts. The purpose of the Aquifer Protection District is to assure that the use of land, buildings and other structures and site development within its boundaries are conducted in a manner that protects the public health and the usability of the groundwater supply resource and prevents degradation of the quality of the groundwater. The Aquifer Protection District is defined as follows: That land colored green in the Town of Chaplin on the U.S. Geological Survey Map entitled *Ground Water Yields for Selected Stratified Drift Areas in Connecticut, 1986* identified as

4/1/19

A. Permitted Uses:

the surficial stratified drift areas by the Connecticut Department of Energy and Environmental Protection as shown on the Chaplin Zoning Map.

Within the Aquifer Protection District, land, buildings and other structures may be used as regulated for the underlying district, with the exceptions given below.

B. Prohibited Uses:

- 1. Disposal of solid and liquid wastes to the ground in sanitary landfills or dumps of any kind.

2. Septage lagoons and the disposal or spreading of septage on the ground.
3. Disposal of toxic substances or hazardous waste materials to the ground, including wetlands, surface water and groundwater.
4. In-ground storage tanks, pipelines or distribution systems for gasoline, fuel oil, solvents, herbicides, or other hydrocarbons, fuels or chemicals.
5. Any activity which involves the manufacture, use, generation, storage, transportation of toxic substances or hazardous materials, as defined in Sec. 2.2 of these Regulations, in quantities greater than that for normal, single household use.
6. Sanitary wastewater disposal to on-site septic systems in an Aquifer Protection District shall not average more than 350 gallons per acre per day. Septic systems for multifamily residences shall be approved by the Connecticut Department of [Energy and Environmental Protection](#) as consistent with maintenance of the quality of groundwater in the Aquifer Protection District.
7. Road Salt storage, [except at a site maintained and monitored by the Town of Chaplin](#).
8. Gasoline service stations.
9. Fuel oil dealers.
10. Dry Cleaners.
11. Automotive repair garages.
12. Furniture stripping businesses.
13. Electronic circuit manufacturing.
14. [Nothing herein shall be interpreted to restrict the transportation, storage, application or use of manure, compost or other commercial fertilizers and farm chemicals on Farms when following Generally Accepted Agricultural Practices.](#)

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3/14/19 5.7 Performance Standards

Each ~~land use or non-farm~~, non-residential use permitted in [the Town of Chaplin](#) shall ~~meet~~ be governed by the following performance standards:

- A. No ~~unnecessary~~ dust, dirt, fly ash, or offensive smoke will be ~~emitted into the air~~ transmitted outside the boundaries of the premises.
- B. No offensive odors or noxious, toxic or corrosive fumes or gases be ~~emitted into the air~~ transmitted outside the boundaries of the premises.
- C. No unnecessary noise be transmitted outside the boundaries of the premises. Noise levels ~~outside the boundaries of the premises~~ shall not exceed those described in the [Regulations for Control of Noise in](#)

area of the anomaly may not be included in the calculation of minimum buildable area. Accessory buildings, structures and other site improvements excluding the primary structure do not need to be located within the minimum buildable area but must be located on buildable land as defined by the zoning regulations and must meet all yard requirements.

6. ~~Conformance. Any lot with reduced area approved under the provisions of this Section 8.8 shall be deemed to be a conforming lot notwithstanding the Normal Lot Size; provided, however, that such lot meets the requirements of the other applicable Articles of the Regulations and the Chaplin Subdivision Regulations. Any such lot shall be designated on the approved open space subdivision plan which is presented for recording.~~

8.9 Alcoholic Liquors

4/11/19 A. The Commission may issue a special permit for the sale of alcoholic beverages in a grocery store or a restaurant, after a public hearing if no part of the premises is located within a radius of 500 feet:

1. From another building where alcoholic liquor, as defined in the Liquor Control Act, is sold or dispensed under the same class of State permit.
2. From the lot boundaries of any school, church, charitable institution, hospital or library.

~~B. ——— B. ———~~ The Commission shall be guided by the need for the use in the proposed location, traffic, character of the neighborhood, and safeguards for its protection.

C. The Commission may issue a special permit for the small-scale production and bottling of alcoholic beverages in any district subject to site plan review pursuant to section 8.7. Such production and bottling of alcoholic beverages shall be subject to all applicable state and federal liquor laws and regulations.

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3/14/19 8.10 Sedimentation and Erosion Control [Sec. 8.10 Effective 8 May 1985] 2002

A. Intent:

This regulation is adopted to help preserve the natural environment in the Town of Chaplin and promote health, safety and general welfare in the Town. The establishment of specific site development principles and review procedures attempts to reduce damage from soil erosion and sedimentation, reduce downstream flooding, and to ensure proper storm drainage management.

B. Definitions:

1. "Certification" means a ~~signed, written~~ approval by the ~~PLANNING & ZONING COMMISSION (Commission~~ or its ~~designated~~ agent) that a Soil Erosion and Sediment Control Plan complies with the applicable requirements of these ~~regulations~~ Regulations.

2. "Commission" means the ~~PLANNING & ZONING COMMISSION of the TOWN of CHAPLIN, CONNECTICUT~~ Planning & Zoning Commission.