

Town of Chaplin

Planning and Zoning Commission

AMENDED Regular Meeting Minutes

January 11, 2018

Chaplin Town Hall

The meeting was called to order at 7:45 p.m.

Members present: Chairman Doug Dubitsky, Vice Chairman Peter Fiasonaro, Helen Weingart, Dave Garceau, Randy Godaire, Ken Fortier (alternate)

Members absent: Eric Beer, Alan Burdick, Bill Ireland (alternate), Brandon Cameron (alternate)

Alternates Seated: Ken Fortier for Eric Beer

Citizens present: Robert Dubos, Bill Rose, Joe Pinto

Also present: Zoning Enforcement Officer (ZEO) Jay Gigliotti, Recording Clerk Elizabeth Marsden

APPROVAL OF DECEMBER 14, 2017 REGULAR MEETING:

H. Weingart moved to approve the minutes of the December meeting, D. Garceau seconded the *motion*, Chairman Dubitsky invited discussion. H. Weingart noted 2 minor typos on pages 4 and 5. P. Fiasconaro abstained, all others in favor of approving the minutes, *motion* carried.

CITIZENS HAVING NEW BUSINESS: None

OLD BUSINESS:

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

ZEO stated that three of these sections have been deleted and three were just commented on at tonight's public hearing. The deleted sections were 1.4, Temporary and Limited Moratorium; 5.5, Multifamily Residential District, and 5.11, Municipal Adaptive Reuse Overlay Zone. These three sections have already gone through public hearing and been approved, the process is completed, all that is needed is to set an adoption date and that will be done at the same time as the additional three sections discussed at tonight's public hearing.

Chairman Dubitsky invited discussion of those three sections.

Section 5.2.A.10 -- Accessory Apartments:

Chairman Dubitsky invited a *motion* to approve the revision as sent to public hearing. D. Garceau so moved, K. Fortier seconded the *motion*. Discussion: H. Weingart said she thinks they heard compelling comments on paragraphs C and G, and those need clarification. She thinks that paragraph G gives too much of a free pass. After a lengthy discussion of the various scenarios under which the PZC might use its discretion to approve accessory

apartment requests, Chairman Dubitsky reminded the members that legal review by Town Attorney O'Brien found that the revision conforms to the statutes. Chairman Dubitsky invited a withdrawal of the prior *motion* to approve this section and invited a new *motion* to approve it with Attorney O'Brien's suggested revisions. D. Garceau so moved, K. Fortier seconded the *motion*, all in favor, *motion* carried.

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

Discussion before motion: K. Fortier said the current regulation is more lenient than the proposed regulation, and he thinks the RAR should be able to have kennels, although noise is an issue. Chairman Dubitsky said he thinks comments were in favor of eliminating kennels in the RAR altogether. R. Godaire asked what would happen if someone wanted to subdivide, what about a subsequent setback for a subdivision, he favors the current minimum 25 acres. H. Weingart said this regulation is not doing the job it was supposed to be doing, she has heard from people who question why this is being allowed in the RAR. She also agrees that this will create undue noise. Chairman Dubitsky said that breeding primates, foxes, etc is allowed in the RAR. Dubitsky said the revision is more strict than the existing regulation. Chairman Dubitsky asked if H. Weingart wanted to eliminate this use as a business and she said no, but the noise issue is the problem. She doesn't think the revision is strict enough and R. Godaire suggested an increased setback. H. Weingart said sound carries. R. Godaire said the chances of a 5 acre lot with no neighbors isn't likely. Existing regulation is 100 feet from property line, and revision says *500* feet from any dwelling other than owner/operator. P. Fiasconaro said it should be 500 feet setback from kennel operator's property line. Chairman Dubitsky doesn't think this would necessitate another public hearing. P. Fiasconaro asked if there is a limit on the number of dogs and H. Weingart read from the revision. P. Fiasconaro asked about the Pumpkin Hill kennel operation, how many acres and dogs. ZEO said it is around 12-14 acres, ZEO said possibly 12 dogs and he would have to look through his files.

R. Godaire moved to increase the property line setback to 500 feet from the existing 100 feet setback, and to modify the language as such: "...maintained less than five hundred (500) feet from any property line ~~nor less than 500 feet from a dwelling~~ when such respective other property ~~and/or dwelling~~ is not owned or occupied by the owner or operator of the facility..." H. Weingart seconded the *motion*. H. Weingart abstained, Chairman Dubitsky and K. Fortier opposed, P. Fiasconaro, D. Garceau, and R. Godaire in favor, *motion* carried.

The members then discussed and agreed to changing the hours of outdoor activity from 10 p.m. to 9 p.m. No motion was deemed necessary, and Chairman Dubitsky explained that no public hearing would be required for these adjustments to the language.

Chairman Dubitsky invited a *motion* to adopt the revisions as amended. R. Godaire so moved, P. Fiasconaro seconded the *motion*, H. Weingart and K. Fortier opposed, all others in favor, *motion* carried.

D. Garceau moved to include Attorney O'Brien's suggested revisions to Section 5.2.B.12, P. Fiasconaro seconded the *motion*, all in favor, *motion* carried.

Section 8.11 – Logging Operations:

Discussion: D. Garceau stated that tracking pads are important, Chairman Dubitsky mentioned that Wetlands requires a tracking pad, PZC has no jurisdiction to require this.

P. Fiasconaro moved to adopt the revisions as is, H. Weingart seconded the *motion*, all in favor, *motion* carried.

Chairman Dubitsky invited a *motion* to revise Section 8.11 to add the word “any” after the word “of” in the second paragraph, fourth line, so it would read “assessment of any such damage.” H. Weingart so moved, P. Fiasconaro seconded the *motion*, all in favor, *motion* carried.

ZEO stated the next step is to set an Adopted Date for the six sections discussed in Old Business above. Appeals are permitted within 15 days after legal notice is placed. ZEO suggested March 1, 2018. D. Garceau moved to set March 1, 2018 as the Adopted Date for sections 1.4, 5.5, 5.11, 5.2.A.10, 5.2.B.12, and 8.11, P. Fiasconaro seconded the *motion*, all in favor, *motion* carried.

A. RC17-087- Chaplin Planning and Zoning Commission proposed revisions to 5 sections of the zoning regulations. Proposed revisions are:

1. Section 3.2- Building Lots of Record
2. Section 5.1.D.8.a- Bituminous Pavement
3. Section 5.2.E- Underground Storage Tanks (UST's)
4. Section 6.2 – Revised Dimensional Chart
5. Section 8.13 – Site Lighting

All of the above are ready to go to public hearing, prior to that they will be sent to COGs, town attorney, abutting towns, and town clerk.

ZEO proposed to set a date for the public hearing for February 8, 2018. R. Godaire moved to schedule a public hearing for February 8, 2018, P. Fiasconaro seconded the *motion*, all in favor, *motion* carried.

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

Open Space Subdivisions- Zoning Regulations Section 8.8 / Article VI Subdivision Regulations

This section has been discussed several times at prior PZC meetings. The zoning regulation subdivision requirements differ from the conservation subdivision requirements. Members have differing opinions on this regulation compelling property owners to give 40 percent of land to the town or pay a fee to avoid doing so. Chairman Dubitsky clarified that the open space land donation requirement is mandatory. He distributed an email he sent to all members in December supporting the clarification. H. Weingart explained some of Mansfield’s open space subdivision requirements. They mention subdividing to family members up to five parcels if they are gifted to the family members. She said there are options to encourage open space and meet concerns about passing on land to family. Chairman Dubitsky would not compare Chaplin to Mansfield due to the large amount of state forests in the town, and said that Chaplin is similar to Hampton or Scotland.

D. Garceau would like to research other towns such as Hampton and Scotland, and K. Fortier, D. Garceau, and P. Fiasconaro are opposed to the requirement. R. Godaire thinks the theory is great but he does not agree with the process as detailed in Dubitsky's email.

Chairman Dubitsky said the three options as he sees it are to delete the whole section, make the land donation optional, or some other rewrite.

The members discussed this at length. Chairman Dubitsky said he has been looking into the open space regulations of many towns in the state, and has found that 20 percent is the higher end of the required amount of land to be donated. He proposed that they make the land donation optional and change the amount of land to 15 percent. H. Weingart said that the town attorney has stated that, when making decisions, the PZC must demonstrate how such decisions agree or disagree with the POCD. ZEO stated that the state statute requires that when PZCs revise their regulations, they must make a finding that the revisions are in compliance with the POCD. Chairman Dubitsky pointed out that the town has already met one earlier goal of the POCD, which was to expedite the acceptance of open space transferred to the town through subdivision, because now the town has an ordinance to allow the town to accept such land. None of the revisions can be in conflict with the goals of the POCD. The members decided to seek counsel from the town attorney in terms of revising the regulations and being in conflict with the POCD. K. Fortier said these regulations don't help citizens, they help developers. Chairman Dubitsky stated that his interpretation of the POCD in terms of house construction was bigger houses set back from the road on bigger lots. H. Weingart disagrees. R. Godaire mentioned that developers favor shorter driveways and roads because road construction is expensive. The members then discussed long-range vision, changes over time, and how, if the PZC revisions deviate from the POCD they need to justify it.

D. Garceau moved to table the discussion in order to get input from the town attorney, R. Godaire seconded the *motion*, all in favor, *motion* carried.

D. Garceau moved to table the rest of tonight's agenda and to adjourn, Weingart seconded the *motion*, all in favor, *motion* carried.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Elizabeth Marsden, Recording Clerk

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