

CHAPLIN, CT
PLANNING AND ZONING COMMISSION
***AMENDED* SPECIAL MAKE-UP MEETING MINUTES**
NOVEMBER 22, 2017, 7:00 P.M.
CHAPLIN TOWN HALL

Meeting was called to order at 7:05 p.m.

Members present: Chairman Doug Dubitsky, Vice Chairman Peter Fiasconaro, Alan Burdick, Helen Weingart, Eric Beer, Dave Garceau, Ken Fortier (alternate), Brandon Cameron (alternate)

Members Absent: Randy Godaire

Alternates Seated: Ken Fortier for Randy Godaire

Approval of Minutes, October 26, 2017 Public Hearing and Regular Meeting:

P. Fiasconaro moved to approve the minutes of the public hearing, D. Garceau seconded the *motion*, Chairman Dubitsky amended a sentence on page 2 in order to replace the word “zoning” with “building.” A. Burdick abstained, all others in favor of approving minutes as amended, *motion* carried.

E. Beer moved to approve the minutes of the Regular Meeting, D. Garceau seconded the *motion*, Chairman Dubitsky amended a sentence on page 1 in order to insert the word “proposed.” A. Burdick abstained, all others in favor of approving minutes as amended, *motion* carried.

New Business:

Juan and Dorcas Velasquez, 153 Chewink Road. Sections of Zoning Regulations in violation: 1.2, 2.2 and 8.3C.7 ZEO introduced the owners of the property and reiterated that this is an ongoing enforcement action discussed at previous PZC meetings. The property is still not in compliance and fines of \$30 per day are due to begin Dec 1, the deadline previously issued. Property owners are here to ask for extension of deadline for compliance.

The ZEO distributed a packet to the members including several parcel maps showing the property on different dates in 2016/17, and showing the progress made to date with cleanup of large amounts of scrap, tires, and vehicles/partial vehicles. As of now, 16 vehicles remain. Originally, there were 250 – 300 tires, and remaining are approx 50 tires. Owners got a 40-yard dumpster that has been filled and removed 5 times, (scrap metal, fiberglass, etc).

ZEO has done monthly inspections and was there 4 times in November 2017. He showed a new aerial photograph as of 11/21/2017 showing vehicles and scrap removed as of 11/21/17. ZEO also showed his own photos of what has been

removed. A box trailer was also removed. Owners are doing this themselves, they have hired helpers as well.

Mr. and Mrs. Velasquez stated that they are elderly and have each had serious health issues to contend with, as well as caring for Mrs. Velasquez's 96 year-old mother. Mrs. Velasquez retired in August 2016 and the clean-up effort has continued before and after her retirement. She said she feels that the \$30/day fine is prohibitive and she thinks she has demonstrated their willingness to clean up the property. She strongly reiterated that she wants the place cleaned up for good. She asked for clemency to finish the job.

Chairman Dubitsky asked how much time they need, Mrs. Velasquez said 10 months, her husband is ill and the cold weather makes it much harder to make progress. E. Beer asked how long they have lived there, she said 25 years. E. Beer asked why Mr. Velasquez has so many cars. Mr. Velasquez said he studied auto mechanics and body work and he likes cars. People give him cars. He became emotional and was unable to continue answering.

Chairman Dubitsky said they are making progress and the commission will discuss. Mrs. Velasquez said she has told her husband to stop collecting stuff. She said things are only going out, nothing new is coming in. H. Weingart asked if they have a plan, do they clean up a section at a time? Mrs. Velasquez said they do a section at a time, they pile things up in one place for when the next dumpster comes. They pay for the time the dumpster is parked on site.

Chairman Dubitsky said it (the scrap) appears to encroach on a property line. ZEO said there could be some property encroachment near or on the Fin, Fur, and Feather Club property. He isn't certain, it's a close call.

Chairman Dubitsky opened the floor for commission members to discuss. E. Beer said considering the time and money already spent, he thinks issuing fines would be detrimental to the goal of getting it cleaned up, because money spent on fines could be spent on renting dumpsters. Winter is coming and he proposed extending the deadline to the end of Nov 2018. H. Weingart proposed extending it to the end of June 2018. P. Fiasconaro said ZEO will continue to monitor this, and if the winter is mild, they could still make progress. A. Burdick said possibly more scrap and cars could come in. Mrs. Velasquez said if anything else comes in she will be the first to call ZEO. K. Fortier said he could see different vehicles in both aerial photos, however ZEO said existing ones had been moved around and weren't new ones. K. Fortier agrees with A. Burdick about nothing else coming in. Mr. Velasquez said ZEO is welcome to come every week to check on whether anything new is coming in.

H. Weingart moved to offer an extension for ten months, to September 30, 2018, if no new vehicles or junk are brought into property, D. Garceau seconded the ***motion***. All in favor, ***motion*** carried.

Bob Dubos, Bedlam Road, asked about a property on Rt 198 at Ridge Road with a small house and a couple of trailers, asking if that was a legal set-up. ZEO said he had previously checked on it and found that one trailer was a chicken coop on wheels. Chairman Dubitsky said he thought the trailers were registered. P. Fiasconaro said it is 2 separate properties owned by one person. ZEO said he is not currently engaged in any enforcement actions on this property but that he could check on it again.

Old Business:

- A. RC17-076- Proposed regulations Revisions – Town of Chaplin Planning and Zoning Commission, proposed revisions to six (6) sections of the Chaplin Zoning Regulations.

Chairman Dubitsky proposed continued discussions about accessory apartment revisions and specifically the legal definition of “kitchen.” He said he reviewed the regulations of approximately 50 CT towns to learn what language is being used. ZEO has a definition out of the International Residential Building Code. Chairman Dubitsky suggested they follow language from one of the existing building code definitions rather than using a dictionary. The members discussed this at length.

E. Beer moved to define a kitchen as: “a room, place or space within a structure equipped for the preparation and/or cooking of food.” K. Fortier seconded the *motion*, all in favor, *motion* carried.

B. Discussion and Possible Action on Revisions to the Following Sections of the Chaplin Zoning Regulations:

- Section 8.13 Site Lighting. Chairman Dubitsky proposed that they defer discussion because member Randy Godaire is not present and he could provide important input for this discussion. No vote was necessary, topic was deferred.
- Section 8.8 Open Space Subdivisions. Chairman Dubitsky said the PZC began to discuss the regulation which requires that anyone with a piece of property greater than 15 contiguous acres, if subdivided, is compelled to give 40% of the land to the town. Chairman Dubitsky proposes changing that. He said the PZC members had previously offered options for amending this regulation, but the discussion took place close to a year ago. Several members of the PZC stated that land donated to “the town” actually had been going to DEEP or Joshua’s Trust, as the town had no legal mechanism to accept donated land. The town has since passed an ordinance to accept land donations. Chairman Dubitsky suggested that revision options include: eliminate this regulation altogether, make it optional, reduce the amount of land that must be given to the town, or change it in some other way. He said he would like to discuss it. H. Weingart said they don’t have a

copy of the regulation in front of them. ZEO then copied and distributed copies of the current ordinance. Chairman Dubitsky said they did not need to come to any conclusions on this tonight, he wanted to get the discussion started on it and bring it back to the front and get a sense of what members are thinking.

The consensus after discussion leaned toward eliminating Section 8.8; ZEO then interjected that the Open Space Subdivision regulation applies to development of subdivided lots less than the 2 acre lot minimum. He said there is another set of Subdivision Regulations that isn't consistent with Sec 8.8 of the zoning regulations.

The members discussed the various options at length, but did not arrive at a consensus or take a vote on this. Chairman Dubitsky asked the members to review and think about this topic. H. Weingart said she recalled PZC member Randy Godaire, who was involved in the development of the POCD, had stated at a previous PZC meeting that he didn't recall how the 40% land donation stipulation had been selected and that he thought 40% was high. She recalled a discussion where members thought it would be good to reduce that amount.

- Discussion of revisions to zoning regulations to make more “farm-friendly” in accordance with 2010 Plan of Conservation & Development. Chairman Dubitsky proposed discussion of the issue of minimum lot size for farms keeping livestock. He had previously distributed proposed language for this. Chairman Dubitsky proposed a discussion of setbacks, manure management, etc instead of the current 5 acre minimum. In the draft revisions Chairman Dubitsky had distributed about a year ago, he proposed that a farm would be anything 3 acres or more, and anything under 3 acres would need a special permit (to have livestock, bees etc).

H. Weingart asked what the plan was regarding Chairman Dubitsky's statement at a previous meeting that the regulations were “all over the place.” Chairman Dubitsky said the proposed revisions were the starting point and he will provide another copy. He said that the most pressing issue right now is the minimum lot size for livestock. ZEO agreed and said he hears every week from people who want to buy property in Chaplin and have horses, and they can't because of minimum 5 acres. D. Garceau said they have to consider the number of livestock on a given number of acres. Chairman Dubitsky said currently, there is no limit on the number of animals on 5 acres and proposed a change to 3 acres with no limit (“as of right.”) Chairman Dubitsky said the Farm Bureau recommends that zoning regulations stay away from density regulations and “animal unit” regulations and focus on setbacks, neighbor impact, etc. Chairman Dubitsky will distribute copies of these and also recommendations by the State Dept of Agriculture and the Natural Resource Conservation Service, and another copy of his proposed revisions. No further discussion or action was taken on this item.

Correspondence: ZEO wrote a memo to the Board of Selectman to place the Opt-out of the Temporary Healthcare Structures issue on the Board of Selectman Meeting agenda and then on the Town Meeting agenda.

Report of the Zoning Officer

Zoning Permits Issued:

ZP17-084; 789 Phoenixville Road. Matthias Rubiekel, Applicant/owner. Assessor's Map 8-27, proposed new, pre-fab 24 x 24 storage garage, property located within the RAR Zoning District. Approved on 11/21/17.

ZP17-085; 100 Bedlam Road. Kirsten Kelly and John Lucas, Applicant/owners. Proposed lot line revision to un-landlock the rear property and make the existing 1 acre lot conform with the current minimum lot size of 2 acres; making the property go from 1 acre to 5 acres. Property located within the RAR Zoning District. Approved on 11/21/17 – waiting to file the map.

Enforcement Actions (Summary -- complete report on file at Town Hall):

153 Chewink Road (covered as New Business above).

61 Nyberg Road – Complaint received about unregistered vehicles. One vehicle has been situated on town right-of-way for 6 years, although it is not obstructing traffic or town road maintenance. Chairman Dubitsky said that is a DOT issue, rather than Zoning. Complainant also wanted a wood pile removed, stating it is a health/rodent hazard. Eastern Highlands Health District inspected it and deemed it not a health threat.

8 & 10 Park Road – Complaint received about unregistered vehicles and junk. ZEO issued a notice of potential violations and is waiting to hear back.

Chewink Road – ZEO has witnessed multiple property owners in blatant violation, with multiple unregistered vehicles. ZEO wants PZC approval and guidance to initiate enforcement action on the most obvious violators.

Chairman Dubitsky said due to time and budget constraints, he thinks ZEO should spend his time on the biggest violators – the ones with many unregistered vehicles rather than just a few. He requested that ZEO bring a list of the violations he has witnessed and the PZC will discuss which ones to enforce first.

Correspondence:

100 Bedlam Road Timber Harvest: Continuing problems with the site, the newest is that a new artesian well is constantly discharging water down a

gradient to an area just above the tracking pad, resulting in sediment clogging up the pad and truck tires bringing it onto the roadway. ZEO said response actions are taken whenever he contacts logger and owner, but new problems keep arising, and the wetlands agent is now involved.

North Bear Hill Bridge: The contractor will be installing a temporary 250 gallon above ground propane tank to provide heat to the workers all winter. Due to the temporary nature, no zoning permit is needed but the building official must issue a permit.

Pine Acres/Chaplin *Community and* Economic Development Commission (*C*EDC):

The *C*EDC has asked PZC staff to look at the opportunity to develop senior housing at the Pine Acres Restaurant site. The property is located in the Business Zoning District and is in the Corridor Overlay Zone.

Chairman Dubitsky said that the restaurant and property are for sale and *C*EDC is interested in developing senior housing somewhere in town, and they're interested in subdividing 7 acres and tearing down existing cabins. *C*EDC wanted to know if there are any zoning issues with this.

ZEO found that a special permit in that zoned district would be possible, section (5.3b n) on page 16 of zoning regulations. (Hospitals, nursing homes etc). D. Garceau said there are no existing special zoning allowances for senior housing specifically.

The members discussed the senior housing proposal at length. No action was taken on this item at this time.

Approval of 2018 meeting calendar: 1/11/18; 2/08/18; 3/08/18; 4/12/18; 5/10/18; 6/14/18; 7/12/18; 8/09/18; 9/13/18; 10/11/18; 11/08/18; 12/13/18

E. Beer moved to approve the calendar, A. Burdick seconded the *motion*, all in favor, *motion* carried.

Items Pro Re Nata: None

Adjournment:

E. Beer moved to adjourn, P. Fiasconaro seconded the *motion*, all in favor, *motion* carried.

Meeting adjourned at 9:12 p.m.

Respectfully submitted,

Elizabeth Marsden, Recording Clerk

