

**Town of Chaplin
Planning and Zoning Commission
Public Hearing Minutes
January 11, 2018
Chaplin Town Hall**

The public hearing convened at 7:04 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, 101 Bedlam Road
Susan Peifer, 63 Bedlam Road
Joe Pinto, 55 Cedar Swamp Road

Paul Peifer, 63 Bedlam Road
Marvin Edelman, 57 Ridge Road
Bill Rose, 202 Tower Hill Road

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

Chairman Dubitsky read the legal notice for the public hearing, which was published in the Willimantic Chronicle December 30, 2017 and January 6, 2018. Chairman Dubitsky took a poll of citizens who learned about the hearing through the newspaper: 2 of 6. The remainder of 4 citizens found out through a town email group.

Chairman Dubitsky said this is the second public hearing on revisions to the following zoning regulation sections. Revisions were made following the first public hearing to consider public comments. Chairman Dubitsky proposed taking public comments for each section individually.

A. Proposed Regulation Revisions- #RC17-076-Town of Chaplin Planning and Zoning Commission, Applicant, proposed revisions to the following sections of the Chaplin Zoning Regulations:

Section 5.2.A.10-Accessory Apartments – Citizen Comments

Susan Peifer referenced paragraph C; she asked if someone built a separate accessory structure not attached to the main house, would the minimum square footage be 500 (as it is for an attached accessory apartment) or would it be 800 square feet as is now required for any new construction of a house. Chairman Dubitsky said he would not pre-judge any applicant's intention to subdivide, and he would assume that if an applicant did apply to subdivide in the future, they would be subject to regulations that existed at the time, which might mean building a 500 square foot structure would preclude later subdivision. He said this paragraph is not intended to supercede the subdivision regulations. Ms. Peifer said that paragraph G

gives an opening for the PZC to change regulations for special permits, and she thinks that the ZBA would be the more appropriate place for these variances to be determined. Chairman Dubitsky said special permits and variances go with the land, and they might have conditions placed on them. Ms. Peifer said that the regulations should be easy for anyone to read and understand now and in the future.

Robert Dubos said paragraph G is too much of a free pass, leaves the regulation open ended.

Bill Rose said he wants clarification on paragraph C, wondering if something has to meet the subdivision requirements before it can become an accessory apartment. He gave the example of a garage that could be built into an apartment and then turned back into a garage. R. Godaire and the other members concurred that the language needed to be tweaked in order to convey the correct intent, which is that construction of accessory apartments does not automatically have to meet subdivision requirements.

Paul Peifer said he thinks the regulation is confusing, he too has an issue with paragraph G leaving too much of an opening for special conditions.

Section 5.2.B.12- Dog Boarding and Training Facility—Citizen Comments

Susan Peifer asked if this is considered a home occupation in the RAR District and Chairman Dubitsky said it requires a special permit, it is not considered a home occupation as of right. Ms. Peifer asked why are we considering a business in the RAR, especially one that is not agricultural and can be so obnoxious to neighbors. Chairman Dubitsky stated that there are other businesses allowed in the RAR, including junkyards, slaughterhouses, air strips. Ms. Peifer opposes paragraph B concerning setback distance to neighbors. Chairman Dubitsky stated that this is a revision to an existing regulation and the revision is more strict regarding distance to neighbors. Ms. Peifer said this is going to be obnoxious and it sounds as if the revision is trying to accommodate a particular person. Chairman Dubitsky stated that as a special permit use, any applications will be subject to a public hearing and the PZC has the authority to impose more restrictions on any applicant.

Paul Peifer read (a.) of this section and said the revision allows a larger number of dogs on a smaller parcel. He said he can hear his neighbor's dogs barking from 1500 feet away, he doesn't understand why kennels are essential in a rural agricultural area, and at least the existing regulation requires a minimum of 25 acres and is more restrictive. He asked if this regulation was written to accommodate a current violator of the current regulation. Chairman Dubitsky said they had a request for an amendment, but the regulation was written by the PZC. He said the setbacks are more strict than the existing regulation. Mr. Peifer suggested that the person who requested the revision is currently in violation of the existing regulation. Mr. Peifer read from the Town Plan, page 58, specifically that home-based businesses should be compatible with Chaplin's rural character and should not create negative impacts to neighbors or lower property values. He said the revision will cause problems due to barking and seems to favor the few at the expense of the many, and could also impact property owners' enjoyment of their property. He thinks this revision should not be adopted. Dog kennels are already permitted in the business zone. He said that Carl Lindquist near the senior center wrote a letter to the PZC stating that he can hear the Pumpkin Hill kennel from his house, at least 1,500 feet away, and the town has no noise ordinance. The number of dogs allowed seems to be permissive and would be bad for abutting neighbors. Chairman Dubitsky asked Mr. Peifer if he would rather have the existing regulation and he said he would rather have no regulation allowing kennels in the RAR zone.

Bill Rose said the dog facility on Pumpkin Hill Road, which is maybe 1,000 feet away from town hall, would be unbearable if he lived at town hall. He wouldn't have been able to enjoy being outside and the noise would be irritating. He heard it for the time he was first selectman.

Joe Pinto said 10 p.m. is too late to allow outdoor dog activities. Chairman Dubitsky said the current regulation says 11 pm and Mr. Pinto said it should be 8 or 7 pm.

Section 8.11- Logging Operations—Citizen Comments

Joe Pinto said the current regulation requires a tracking pad and protection for the road, and the revision doesn't. Chairman Dubitsky said the current regulation is in violation of state law, because zoning commissions have no jurisdiction over forestry operations, including requirement of tracking pads. ZEO may continue to monitor logging operations and collect the bond check for road protection. Logging companies routinely build tracking pads in the course of doing business.

Bill Rose said that any road cut is a safety issue if mud covers the road.

Chairman Dubitsky said the Wetlands Commission can require a tracking pad.

No further comments.

H. Weingart moved to close the public hearing, R. Godaire seconded the *motion*, all in favor, *motion* carried. The public hearing closed at 7:44 p.m.

Respectfully submitted,

Elizabeth Marsden, Recording Clerk

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