

Chaplin Planning & Zoning Commission- Proposed Regulation Revisions

Public Hearing scheduled for 12/10/20 on Proposed Zoning & Subdivision Regulation Revisions- **#RC18-094**: (Revision Key: Added Items, ~~Items Removed~~, **Revised Items**, Existing Text)

-Subdivision Regulations Article IV. Open Space Subdivisions- Entire Article IV to be Deleted

-All Sections of the Zoning Regulations Relating to Agriculture:

Sec. 2.2- Definitions:

Agriculture: The growing, harvesting, transporting, storing, processing and sale of agricultural, horticultural, floricultural, aquacultural and forest products, byproducts, commodities and services; the commercial or non-commercial keeping or maintenance of crops and/or livestock; the breeding, raising, feeding, grazing, caring for and training of livestock;; the seasonal slaughter and processing of livestock and legally taken wild game; the development, maintenance and repair of land within a farm unit, farm buildings, structures, fences and equipment for such purposes; and those uses and activities set forth in Connecticut General Statutes § 1-1q as amended from time to time.

Agriculture Directional Sign: A permanent directional sign approved by the State Department of Agriculture.

Agriculturally Related Uses: Events of limited duration on a Farm or Limited Farm, that are incidental to agricultural uses, including events such as corn mazes, pick-your-own, harvest festivals, farm to table banquets, educational demonstrations, hay rides, riding demonstrations and competitions, petting zoos, and other similar uses.

Agricultural Sign: A permanent free-standing or attached sign related to a farm, limited farm, or farm stand with an area no larger than 16 square ft per side, limited to 2 sides.

Earth Excavation. The removal from land of ~~earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and other similar substances~~ Earth Products.

Earth Products. ~~Sand~~ Earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat and similar ~~natural~~ substances, including rock.

Earth Product Processing. Screening, sifting, washing, crushing or other forms of processing of Earth Products.

Farm: A parcel, or parcels, of land, cumulatively of ~~3~~ **5** or more acres under single ownership, leasehold and/or management including woodland, wetland, wasteland and associated dwellings, improvements and structures constituting a farm unit and used in whole or in part for agriculture.

Farm Animal: See "Livestock."

Farm Stand: A structure of no more than 1,000 square feet used by a farm business for the sale of raw and/or processed agricultural products, commodities, and related products, services and activities.

Farming: See definition of “Agriculture.”

Generally Accepted Agricultural Practices: Agricultural practices that are generally accepted in the farming community of the State of Connecticut as humane and appropriate for the location and circumstances. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the State Commissioner of Agriculture or his/her designee shall be prima facie evidence that such operation follows Generally Accepted Agricultural Practices.

Limited Farm: A parcel, or adjoining parcels of land cumulatively of less than 3 acres under single ownership, leasehold and/or management including woodland, wetland, wasteland and associated dwellings, improvements and structures constituting a farm unit and used in whole or in part for agriculture.

Livestock. Animals that are customarily housed outside of the home in a barn, stable, pasture, paddock, barnyard and/or stable yard, which include but not be limited to cattle, horses, ponies, mules, donkeys, other hooved animals, sheep, goats, swine, llamas, alpaca, other camelids, poultry, fowl, ratites and mutations or hybrids thereof. Livestock includes “livestock” set forth in Conn. Gen. Stat. Sec. 22- 279 and “poultry” set forth in Conn. Gen. Stat. Sec. 22-326s(5) as amended. Livestock animals are distinguished from household pets, which include but are not limited to domestic dogs, domestic cats, domestic tropical birds and pet rodents, which are customarily kept for personal enjoyment within the home.

Seasonal Agricultural Sign: A temporary free-standing or attached sign associated with a Farm, Limited Farm, Farm Stand, or Agriculturally Related Use, whose content may change per available goods, services or activities.

Sec. 5.1.C:

C. Driveway Construction Requirements*:

No person, firm, or corporation shall construct a new driveway or relocate an existing driveway leading onto a Town Road without first obtaining a Driveway Construction Permit from the Zoning Enforcement Officer and Road Foreman of the Town of Chaplin. Unpaved farm roads and cart paths leading onto a Town Road or State Road from Farms and Limited Farms shall not be considered driveways for the purposes of this section.

Sec. 5.2.A.3:

3. Farming, provided no stable or agriculture subject to the following:

- a. No manure pit is shall be maintained within 100 feet of any lot line. Keeping, breeding, and raising ~~except with the adjoining landowner's consent without a special permit.~~
- b. Not more than one dwelling building, with a livable area not to exceed three thousand (3,000) square feet, for the housing of ~~cattle, sheep, chickens, goats, horses, and sale thereof~~ farm labor is permitted on ~~parcels~~ the same lot as a single-family dwelling under Section 5.2.A.1, or a two-family dwelling under Section 5.2.A.2, on Farms of ~~5~~ no less than ten (10) acres, provided that such dwelling building for the housing of farm labor complies with all other applicable provisions of these Regulations ~~and instituted in such way as to allow for future subdivision of the property, with one dwelling on each parcel.~~
- c. On Limited Farms, keeping of Livestock is permitted ~~in conformity with following animal density limitations~~ subject to a special permit.

- ~~a. one (1) acre for a single cattle, horse, pony, mule, donkey, llama and/or more other camelid, and an additional one-half (1/2) acre per each additional cattle, horse, pony, mule, donkey, llama and/or other camelid; one-half (1/2) acre for a single sheep, goat, miniature pony, ratite and/or alpaca, and an additional one-quarter (1/4) acre per each additional sheep, goat, miniature pony, ratite and/or alpaca;~~
- c. one-half (1/2) acre for a total number of poultry and/or fowl not to exceed ten (10) individuals, and an additional one-quarter (1/4) acre per each additional five (5) or less poultry and/or fowl.

Keeping of Livestock on Limited Farms except in conformity with the foregoing animal density limitations is permitted only with a Special Permit.

Sec. 5.A.7:

7. Roadside stand Farm Stands for sale of ~~farm produce~~ agricultural and homemade products and services.

Sec. 5.A.12-15:

12. Agriculturally Related Uses on Farms.

13. Temporary and/or portable agricultural buildings and structures are permitted on Farms without a zoning permit.

14. Community fairs under local sponsorship.

15. Other uses specifically permitted in these Regulations without a Special Permit.

Sec. 5.2.B.9:

~~Operations involving stockyards and Permanent~~ slaughter houses, for other than the seasonal slaughter and processing of livestock; keeping, breeding, and raising of foxes, minks, ~~pigs~~, or primates for commercial or laboratory purposes; provided:

- a. Operation is conducted on parcel ten (10) acres or more.
- b. No ~~buildings or enclosures housing~~ such activities shall be conducted closer than 200 feet from any lot line ~~except with the adjoining landowner's consent.~~
- c. Premises are to be maintained sanitary and clean.
- d. All ~~Connecticut State Laws~~ state and federal laws and regulations are to be observed.

Sec. 5.2.B. 13-15:

13. Keeping of Livestock on limited farms in excess of those permitted as of right under Section 5.2.A.3.c.

14. Agriculturally related uses on Limited Farms.

15. Temporary and portable farm buildings and structures on Limited Farms.

Sec. 5.6.B:

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.

Sec. 5.7:

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

Sec. 5.7.H:

H. Nothing herein shall be construed to conflict with the Connecticut Right to Farm Statute, Connecticut General Statutes § 19a-341, nor to limit Agricultural uses carried out in conformity with Generally Accepted Agricultural Practices.

Sec. 6.1.B:

Maximum height of buildings shall be two and one-half stories or 35 feet except churches, schools, public buildings, farm buildings and structures on Farms, electronic towers and utility structures which shall be reviewed and approved by the Commission.

Sec. 7.1.A.1, 4-6:

1. Accessory farm buildings and structures may be located in side or rear yards, but not in the front yard nearer to the lot lines than specified requirements for the principal buildings, except ~~roadside stands~~ Farm Stands which shall be a minimum of 2015 feet from the street line, and safe access, parking and loading space off the highway shall be provided

4. Agriculturally Related Uses are permitted on Farms. Agriculturally Related Uses are permitted on Limited Farms with a Special Permit.

5. The Commission may waive the setback requirements of this section for farm buildings, farm structures and farm uses when the required setback is from the property line of a parcel of farmland, forestland or open space, ~~or where the owner of such adjoining parcel has consented.~~

6. Boundary line and agricultural fences and walls shall not be subject to the setback requirements of these Regulations.

Sec. 8.3.A:

~~Buildings / stands for sale of agricultural products – 1 per 5 feet of building frontage plus 1 per each 2 employees~~

Sec. 8.3.C.3:

Farm equipment and farm vehicles are exempt from the provisions of this regulation, ~~but shall be kept in a building or parked or stored a minimum of thirty feet from any lot line or kept in a building, except where the owner of such adjoining parcel has consented to a smaller setback.~~ Farm equipment shall not include construction equipment, semi-trailer boxes, or shipping containers unless deemed by the Commission or its Agent to be used in conjunction with a ~~the~~ farming activity legally established upon the subject property.

Sec. 8.4.A.9-11:

9. One Agricultural Sign per Farm, Farm Store and Farm Stand with an area no larger than 16 square ft per side, limited to 2 sides.

10. One Seasonal Agricultural Sign per Farm, Farm Store, Farm Stand and Agriculturally Related Use with an area no larger than 32 square feet per side subject to approval, if applicable, of the State Department of Agriculture and the State Department of Transportation.

11. Two Agriculture Directional Signs per Farm, Limited Farm, Farm Stand and Agriculturally Related Use are allowed, subject to approval if applicable, of the State Department of Agriculture and the State Department of Transportation.

Sec. 8.7.C.2:

The Agricultural and Agriculturally Related Use of land on a Farm, and the use, construction and alteration of any building or structure used exclusively for agriculture, horticulture or floriculture agriculturally related purposes

Sec. 8.12.B.1:

1. Agricultural uses without buildings. Agriculture and Agriculturally Related Uses

Sec. 8.12.C:

In a Flood Plain Area, except as permitted in section 8.12.B.1, no structure shall be erected, expanded or altered, nor shall any land use be established, or any parcel subdivided, and no excavation or filling of land be made until a site plan for all proposed structures, land use and fill be approved by the Planning and Zoning Commission. Approval of site plans shall be based upon the following requirements

-Section 5.3- New Subsection for Accessory Apartments in Business District:

Sec. 5.3.A.14:

Accessory Apartments, subject to the following conditions:

- a. An accessory apartment may be located within a business structure, sharing a common interior wall or on a separate level.
- b. An accessory apartment shall be provided with one kitchen, as well as two (2) means of egress, including at least one separate outside door. The accessory apartment's livable area shall not be less than 500 square feet, nor greater than 1200 square feet. The accessory apartment shall have no more than two (2) bedrooms and shall have at least one complete bathroom (with toilet, tub/shower and sink), but no more than two (2) bathrooms. The combined square footage of all residences in a given business structure shall occupy no more than 50% of the square footage of any business structure.
- c. At least two (2) parking spaces, in addition to those used for the business structure shall be required for each accessory apartment.
- d. Before occupation, a Certificate of Zoning Compliance for the apartment must be obtained from the Commission or its Agent. The application for Certificate of Zoning Compliance shall include a drawing of apartment's floor plan and certification from the Chaplin Building Inspector that the apartment meets current standards for water supply, sewage disposal, wiring and construction.
- e. One accessory apartment, per business structure shall be allowed as of right. A Special Permit shall be required for two (2) or more accessory apartments in a business structure.
- f. The Commission may grant a Special Permit modifying the requirements of this subsection, provided it determines that such modification is sustainably consistent with the purpose of these regulations. Such modifications may allow, for example, such uses as converting into an accessory apartment existing barn or garage which might not otherwise meet the criteria set forth herein.

-Section 8.6- Earth Excavation:

Sec. 8.6:

A. Permit:

—The Commission may issue a permit for the excavation and removal of sand, loam, gravel, peat, stone and other earth products in excess of 100 cubic yards over a period of one year in any district in accordance with the following regulations:

—1. Application for permit shall be accompanied by a site development plan.

—2. An estimate of number of trucks and other equipment to be used, hours of operation shall be furnished. A. The following may be undertaken as of right without an excavation permit, providing that the measures in accordance with an approved erosion and sediment control plan are observed and notice in advance of commencement of the operation is given to the Commission or its agent.

1. Excavation of earth products by the Town of Chaplin and its agents;

2. Excavation, grading, Earth Product removal and Earth Product Processing in direct connection with the construction on the premises of buildings, structures, foundations, roads, driveways, storm sewers, utility services, septic systems, fences walls, swimming pools, or any bona fide construction project for which any required application for Zoning Permit has been approved or where said project is allowed without a permit. Necessary excavation, grading, and Earth Product removal pursuant to this subsection shall be deemed to permit the excavation and removal of only the quantity of material which shall be necessary to make the premises suitable for the proposed use.

3. Excavation, grading, Earth Product removal and Earth Product Processing in connection with improvements on the premises solely for farming or landscaping purposes, such as the improvement and expansion of agricultural lands, regrading of difficult contours, removal and burying of stones, maintenance of farm roads, the construction, improvement and maintenance of farm ponds and drainage ditches, and the improvement and maintenance of wetlands and water courses with any applicable approvals from the Inland Wetland and Watercourse Commission and/or the State of Connecticut. Necessary excavation, grading, and Earth Product removal pursuant to this subsection shall be deemed to permit the excavation and removal of only the quantity of material which shall be necessary to make the premises suitable for the proposed use.

4. Earth Product Processing conducted on land owned by the Town of Chaplin when the resulting materials are to be used for the purposes of road repairs and maintenance, or other municipal public works projects.

5. Excavation and removal from the property of Earth Products not in excess of 500

cubic yards over a period of one year.

B. Permit:

The Commission may issue an Earth Excavation Permit for:

1. Excavation and removal of more than 500 cubic yards of Earth Products over a period of one year from a single parcel of land recorded in the office of the Town Clerk;
2. Excavation of Earth Products within 100 feet of a street if excavation is to be below the established grade of the street;
3. Earth Product Processing on lots of twenty (20) acres or more when conducted on material excavated on the premises, and in conformity with an approved plan. Acreage of adjoining lots in common ownership or leasehold may be taken together to satisfy the minimum acreage requirement of this subsection.

C.

B. Public Hearing Required:

—Before issuing an excavation permit, the Commission shall hold a public hearing after legal notice in conformity with Section 8-3 of the General Statutes, Chapter 124, as amended, and shall issue the permit only if satisfied that the following conditions will be complied with in the course of excavation.:

1. The premises shall be excavated and graded in conformity with the plan as approved. Any uncured material deviation from the approved plan shall be a violation and cause for revocation of the permit.
2. The applicant shall file with the Commission a performance bond in the amount deemed sufficient by the Selectmen to insure completion of the work, restoration of the work area, or the stabilization and grading of any disturbed areas, as applicable, pursuant to ~~conditions~~ requirements of these ~~regulations~~ Regulations.

—3. Screening, sifting, washing, crushing or other forms of processing shall be conducted only on premises located within an industrial district

—4. Upon completion of excavation, the disturbed areas shall be graded so that slopes shall be no steeper than 1:3. A layer of arable topsoil shall be spread to a minimum of four inches in conformity with approved grading plan and the entire area seeded with suitable grass mixture containing a minimum of 50% of permanent grasses. Seeded areas shall be mulched, repaired and reseeded as necessary to prevent erosion and to stabilize the slopes to the satisfaction of the Commission.

C. Expiration of Permit:

— Permit shall expire one year from the date of issuance unless renewed by the Commission annually for a period up to five years. Renewal of permit may be refunded unless the operator is able to show by the report of a Registered Engineer, that the excavation already completed is in conformity with plan approved by the Commission.

D. Uses Allowed with Permit:

— Excavation and removal of more than 100 cubic yards of sand and gravel over a period of one year from a single parcel of land recorded in the office of the Town Clerk, excavation of earth products by the Town, and excavation of earth products for construction of a building for which a permit has been issued are allowed without permit.

E. ___

C. Excavation Permit Requirements:

Each application for an Earth Excavation Permit shall be accompanied by the following:

1. a site development plan, including a final grading plan;
2. an estimate of number of trucks and other equipment to be used; and
3. a statement listing the hours of operation.

D. Performance Standards:

1. In approving Earth Excavation permit applications, the Commission shall consider the facts of each case, effect on neighborhood, anticipated duration of operation, utility of the operation to the land owner, future usefulness of the premises and the general welfare of community.
2. Fixed machinery shall be located a minimum of 200 feet from any property line, ~~unless consent is given by the adjoining property owner to locate the machinery closer to the property line.~~
3. No commercial excavation of ~~earth products~~ Earth Products shall take place within 100 feet of a property line, ~~or unless consent is given by the adjoining property~~

~~owner to excavate closer to the property line.~~ No commercial Earth Product Excavation shall take place within 100 feet of a street if excavation is to be below the established grade of the street. ~~unless the applicant establishes to the Commission's satisfaction that such excavation shall not adversely affect the structural integrity and water shedding properties of the street and that such Earth Product Excavation shall not pose any danger or nuisance to those using the street.~~ This subsection does not apply to excavation for a building ~~or structure~~ for which a valid permit has been issued.

4. No building shall be erected on the premises ~~for the purpose of Earth Product Excavation~~ except as may be permitted in ~~the Zoning~~ these Regulations or as a temporary shelter for machinery and field office, which latter structures will be subject to approval by the Commission.

5. Proper drainage shall be maintained at all stages of operations to prevent ponding of water and harmful effect on surrounding properties. Adequate barricades shall be provided at all times to protect pedestrians and vehicles to the satisfaction of the Commission. Access shall be arranged to minimize danger to traffic and surface shall be treated to reduce nuisances of dust and noise.

~~6.6.~~ Sound erosion and sedimentation control practices as specified in Section 8.10 shall be observed.

7. ~~Earth Product Processing shall be conducted only on material excavated on the premises, in conformity with the approved plan and shall not be conducted less than 100 feet from any lot line or closer than five hundred (500) feet to any dwelling which is not owned or occupied by the owner or occupant of the lot on which the Earth Product processing is being conducted unless consent is given by the dwelling owner or occupant to conduct such activities closer to the dwelling.~~

-Section 8.8-Open Space Subdivisions-Entire Section 8.8 proposed to be Deleted

October 9, 2018

TO: CHAPLIN PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2018-95: Numerous proposed amendments to the zoning regulations. Revisions pertain to agriculture (various sections), earth products excavation and processing (Section 8.6), accessory apartments in the Business District (new subsection of Section 5.3) and deletion of Section 8.8 - Open Space Subdivisions. (Note: the Town is also proposing to delete its Open Space Subdivision provisions from the Subdivision Regulations.)

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. Regarding earth excavation and processing operations, for sites located on a municipal border, we recommend that the Town take into consideration the uses across municipal boundaries and that any more limiting/restrictive measures related to traffic management, hours of operation, parking, screening, noise, lighting or signage, particularly for sites bordering residential uses in neighboring towns, be applied so as to mitigate potential impacts across municipal borders.

The public hearing date has been scheduled for 10/11/2018.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Lynne Pike DiSanto.

DISTRIBUTION: Planner: Mansfield, Northeastern COG

Respectfully submitted,

Karl Robert Profe, Chairman
Regional Planning Commission

Jennifer Bartiss-Earley, Vice Chairman
Regional Planning Commission



Lynne Pike DiSanto, AICP
Principal Planner and Policy Analyst

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

5 Connecticut Avenue, Norwich, Connecticut 06360

(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

(Via electronic mail)

September 17, 2018

Mr. Doug Dubitsky
Chairman
Town of Chaplin Planning & Zoning Commission
495 Phoenixville Road
Chaplin, CT 06235

Dear Mr. Dubitsky:

I am writing in response to proposed amendments to the zoning regulations of the Town of Chaplin, as referenced in correspondence dated September 12, 2018. The proposed amendments, which were received by Certified Mail on September 17th, were referred to this agency pursuant to Section 8-3b of the Connecticut General Statutes.

The proposed regulation amendments have the following effects:

Agriculture

The proposed amendments affect definitions and allowed agricultural uses. The amendments have the effect of being more permissive in regards to allowable agriculture uses, while relying on the use of best management principles to control off-site impacts.

Accessory Apartments

The proposed amendments seek to allow, and create standards relative to, accessory apartments in the Business District.

Earth Excavation

The proposed amendments modify and add definitions related to excavation, clarify standards for excavation permits, increase the threshold for operations requiring a permit, and specify activities not requiring a permit.

Open Space Subdivisions

The proposed amendments delete Section 8.8, Open Space Subdivisions. The Commission also proposes to delete an accompanying section of the subdivision regulations.

Member Municipalities:

Bozrah * Colchester * East Lyme * Franklin * Griswold * City of Groton * Town of Groton * Lebanon * Ledyard * Lisbon * Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague * Stonington * Stonington Borough * Waterford * Windham

Based on a review of the material submitted, SCCOG staff determined that the proposed amendments do not pose a negative inter-municipal impact to the Town of Windham.

If you have any questions, please contact me at 860-889-2324.

Sincerely,



Samuel S. Alexander

Planner II

salexander@seccog.org

Member Municipalities:

Bozrah * Colchester * East Lyme * Franklin * Griswold * City of Groton * Town of Groton * Lebanon * Ledyard * Lisbon * Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague * Stonington * Stonington Borough * Waterford * Windham

October 9, 2108

To: Chaplin Planning and Zoning Commission

Re: Proposed Zoning & Subdivision Regulation Revision # RC 18-094

Received
10/9/18
JRG

Commission Members,

At the P&Z hearing held on September 13, 2018, the public was given inadequate time to discuss and ask questions on the eight and a half pages of proposed changes and additions to the Chaplin zoning regulations. The Chairman seemed unwilling to allow the public the extra time needed. *Considering some the members of the Commission are farmers and/or large landowners who will directly benefit from some of these changes, it is prudent that the revisions are examined thoroughly.* Paul and I have spent some time reviewing these revisions and deserve to have our thoughts heard and the Commission members deserve the time to review and consider the public's opinions before voting on these extensive changes.

There are a few key points that must be made. Under no circumstances do neighbors get to vary the zoning regulations. This can put neighbors in an awkward position and could even result in retribution, bullying or bribery. All phrases such as "except with the adjoining landowners consent" should be stricken. That is the ZBA's job under CGS 8.4. The changing of the "Farm" definition and reduction in acreage to have large animals to under 5 acres should be not be adopted without careful consideration of the quality of life for abutting landowners in areas of smaller parcels in Town. Plus, the foreseeable added workload of complaints to the ZEO of smells, noises and other problems that may result from allowing livestock on "Limited Farms". Why not start on a smaller scale, by allowing some animals on parcels of 3 to 5 acres first and see how that goes? The enforcement of how many emus or goats are on a small parcel is an unenforceable regulation. The pervasive wording "Generally Accepted Agricultural Practices" seems to allow a wide latitude to farmers. A specific section that spells out what exactly these practices are should be included in the Regulations so the limits and responsibilities are known to farmers and non-farmers alike.

The entire section 8.6 – Earth Excavation should be VERY carefully and cautiously considered as to its impact on neighbors and land values. It gives some landowners the right to disrupt the quality of life of abutters and nearby residents for extremely long periods of time. The time frames and cubic yard limits are far too generous. If earth excavation and processing can be done without a permit for a year, then it can be done every year without a permit and how would this be enforced or measured?

Then there are a lot of specific points I would like to make, some are minor clarifications, some are more involved:

Definitions:

Agricultural Related Uses: The term "limited duration" is too vague, how long is limited?

Farm: With this definition, separate small parcels without even single ownership – just "management" are given uses which should only be performed on larger parcels. The Commission should also know how many 5+ acre parcels, 3-5 acre parcels and smaller parcels exist in town that this definition covers.

Limited Farm: This should be eliminated, this is a tremendous burden on the ZEO and abutting owners.

Sec 5.1.C: Unless there is a survey conducted of how many “unpaved farm roads and cart paths leading onto a Town or State road” presently exist before this regulation is adopted otherwise this is a license to anyone to have such a driveway. Totally unenforceable!

Sec 5.2.A.3: b. Farm labor housing, Wow, will that use ever change? Maybe rented apartments, maybe a separate house lot. The foreseeable outcome of this idea is subdivision, so if the Commission wants this, make sure the site any housing such as this is located complies with acre size and set-backs.

c. Animals on “limited farms”. Do you really think this is enforceable? Do you expect the ZEO to go and count how many emus, llamas or other animals are kept and if there is an additional half or quarter acre? There is not enough hours available and the very wording of the regulation with “and/or” language makes it confusing.

Sec. 5.2.B.9. Permanent slaughter houses. Just what anyone wants next door to their property; this would completely crush the property values of any abutters. Who would want to live next to a slaughterhouse? We may look like a rural town, but we are suburban in many ways.

Sec 5.6.B: The storage of manure on small farms should have set backs and farm chemicals which are just as toxic as other chemicals.

Sec. 5.7. At the previous hearing we heard Bill Rose who is from a longtime farm family say “this gives a free pass to farmers”, so you know it is lenient. Farms should be able to be regulated, have we learned nothing about human behavior. The idea that farms should be exempt from all performance standards is ridiculous. If you contend that this is covered under “Generally Accepted Agricultural Practices”, then a citing of these complete practices should be included in the regulations, as I mentioned before.

Sec 8.4. A. 9-11: These need to be more specific, i.e. are they to be located only on the farm property, be in addition to other signs permitted, and the directional signs – what are the size, how many are allowed and where are these located?

Se. 8.7.C.2. You have added “structure” to these exemptions without defining structure in the definitions. Do you mean “building”?

Sec. 8.12.B.1. The implication in this rewording is agricultural related uses with buildings are not restricted in flood plains. Why not?

Section 5.3 Accessory apartments in Business District. This may be a good idea, but an accounting of how many existing apartments already exist, if any, should be done, otherwise your regulations are not enforceable. People will claim they already had an existing apartment. This should be easy to do with a review of the Assessor’s records.

f. You should be writing regulations that are clear and specific. Variances are the job of the ZBA.

Sec. 8.6 Earth Excavation. This whole section is an abomination. It can negatively impact the quality of life of nearby residents. If processing of earth products is not suitable in the Industrial zone and should be removed according to the Comprehensive Plan of Development. What makes it suitable for residential areas? People have a right to use and enjoy their own property.

B. The inclusion of "leaseholds" seems a bit of a flim-flam with cooperating adjacent landowners to meet the acreage requirements to process earth products.

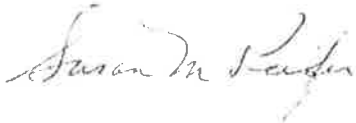
Under Public Hearing, "uncured material" is mentioned and there is no definition listed.

A permit expiration is necessary!!

D. Performance Standards. #7. If it is recognized that no earth product processing should be conducted closer than 500 feet to any dwelling not owned or occupied ... on the lot the processing is conducted, then the 500 feet set back should be from the property line of the owner or occupier of the property. Once again, why does someone who is conducting a noisy, onerous business get to benefit from an adjacent property owner having a large side-yard. Why do they lose the use of this property by noise, dust and other obnoxious operations? It should be the requirement of any operation of this type to have at least a 500 foot setback from their own property line.

I know I have gone on at length, but these are extensive changes and additions to the Regulations that affect the property values and quality of life of residents who are innocently located near these operations. These regulations do not contribute to the enjoyment and use of property in the RAR and some are actually destructive to the purpose of zoning regulations. I hope you will consider these comments and put yourself in the place of fellow neighbors who are not privileged to live on large parcels of land. It is difficult enough to live in Connecticut these days and Chaplin has been a haven from a lot of the nonsense happening in other parts of the state. It would be in everyone's best interest to preserve as much of it as we can.

Thank you,



Susan Peifer

63 Bedlam Rd, Chaplin

O'Brien and Johnson

Attorneys at Law

120 Bolivia Street, Willimantic, Connecticut 06226

Fax (860) 423-1533

Attorney Dennis O'Brien
dennis@OBrienJohnsonLaw.com
(860) 423-2860

Attorney Susan Johnson
susan@OBrienJohnsonLaw.com
(860) 423-2085

September 13, 2018

Planning and Zoning Commission
Town of Chaplin
495 Phoenixville Road
Chaplin, CT 06235

Re: #RC18-094 Proposed Regulations Revisions – Town of Chaplin Planning and Zoning Commission, Applicant, proposed revisions to the following sections of the Chaplin Zoning Regulations and Subdivision Regulations:

**Subdivision Regulations Article IV, Open Space Subdivisions
All Sections of the Zoning Regulations relating to Agriculture
Section 5.3. – New Subsection – Business District Accessory Apartments
Section 8.7 – Earth Excavation
Section 8.8 – Open Space Subdivisions**

Dear Mr. Chairman and Commissioners:

As requested by Chaplin Zoning Enforcement Officer Jay Gigliotti, I have completed my relatively extensive review of the aforementioned and multi-faceted recently **Proposed Regulation Revisions, File #RC18-094**, to be considered by the PZC at a public hearing to be held this evening.

As you know, the question for me as town counsel is whether the proposed revisions are legal. For the most part, it is my responsibility to say whether the proposed revisions are within the purview of the Commission's authority under our constitutions and laws, especially Connecticut General Statutes section 8-2, the statute which expressly authorizes the PZC to adopt regulations controlling the zoning of land to the extent set forth in that particular law, and General Statutes section 8-25 which applies to subdivisions.

My review of the zoning and subdivision law of the State of Connecticut has revealed no legislative provision or case directly on point that provides or holds that any condition or requirement like those proposed in these revisions is beyond the scope of the legislative mandate, or unconstitutional.

My opinion is that the proposed revisions present a multiplicity of policy issues to be determined by the PZC. The Commission does have the legal authority and discretion to enact and to implement the subject proposed revisions to the Town of Chaplin's Zoning Regulations.

Planning and Zoning Commission
Town of Chaplin
September 13, 2018
Page 2

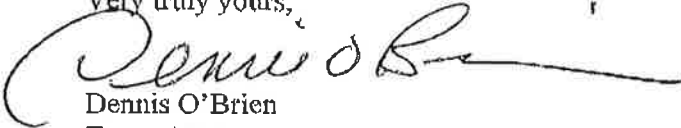
Among the policy issues that the PZC should consider is, for example, the option given in subsection 5.2.A.3.a. to an adjoining landowner to consent to the lessening of the prescribed minimum setback from the property line for a "manure pit," as in the subject example. Should any such consent be in writing, witnessed or sworn to? May or must it be detailed and recorded and run with the land? May it be sold and purchased? I fully realize that the determination of policy issues is for the PZC not for me, but the question of setbacks seems to me to be a particularly substantial element of these extensive regulations and merits your special attention.

On a much less important note, as I reviewed the several drafts of the proposed regulations, as I often do, I made notes regarding a few minor, substantially cosmetic and non-legal changes that I will mostly recommend to you in a subsequent writing under separate cover. The best example of this is the spelling of "structure" in the sixth line of proposed regulation 5.3.A.14.b., an obvious typographical error.:

As the foregoing proposed change and any other I would recommend are very minor and substantially cosmetic, there is no need to postpone the September 13, 2018 public hearing if you choose to consider or adopt any of them.

As you know, pursuant to Connecticut General Statutes section 8-3(a), any approved revisions must include a finding regarding compatibility of the changes with the Chaplin Plan of Conservation and Development.

Please let me know if you need any more from me on this.

Very truly yours,

Dennis O'Brien
Town Attorney

cc: Jay Gigliotti, Zoning Enforcement Officer

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Town of Chaplin, Connecticut

Incorporated 1822

Phoenixville Road, Chaplin, Connecticut 06235

chaplinct.org Telephone: (860) 455-0073 Fax: (860) 455-0027

September 12, 2018

094-Town of Chaplin Planning and Zoning Commission, Applicant,
 provisions of the Chaplin Zoning and Subdivision Regulations:

- Open Space Subdivisions-Deletion of Entire Section
- Provisions Relating to Agriculture
- Accessory Apartments-New Sub-Section
- Provisions to entire section
- Provisions- Deletion of Entire Section

In accordance with the Connecticut General Statutes, Section 8-7d, please find the enclosed drafts of proposed revisions to the Town of Chaplin Zoning & Subdivision Regulations, as proposed by the Chaplin Planning & Zoning Commission. These sections were selected for revisions to address numerous concerns raised by Chaplin residents, administration and commission members. In addition, these revisions shall ensure the regulations are consistent with the Connecticut General Statutes, as well as Chaplin Plan of Conservation & Development.

A public hearing has been continued to the 10/11/18 regular meeting of the Chaplin Planning & Zoning Commission. Please forward any comments you may have on the proposed revision to the following address:

Chaplin Planning & Zoning Commission
 c/o Jay Gigliotti, Zoning Enforcement Officer
 Chaplin Town Hall
 495 Phoenixville Road, Chaplin, CT
 06235

I have attached the revisions revised to this letter. Should you have any questions, please do not hesitate to contact me at (860) 455-0073, or by email at zoningofficer@chaplinct.org

Sincerely


Jay Gigliotti
 Zoning Enforcement Officer
 Town of Chaplin

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September 12, 2018

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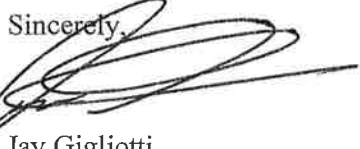
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Chaplin Town Hall
495 Phoenixville Road, Chaplin, CT
06235

I have attached the revisions revised to this letter. Should you have any questions, please do not hesitate to contact me at (860) 455-0073, or by email at zoningofficer@chaplinct.org

Sincerely,

Jay Gigliotti
Zoning Enforcement Officer
Town of Chaplin

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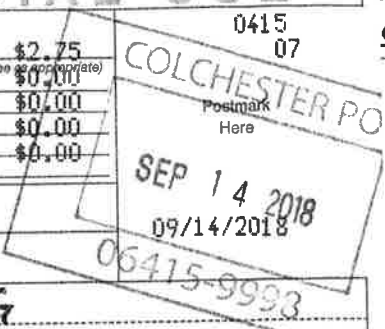
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