

Chester Planning & Zoning Commission
Regular Meeting, December 11, 2014
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1. Call to Order

The Chester Planning & Zoning Commission held its regular meeting immediately following two public hearings on Thursday, December 11, 2014, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Lavy called the meeting to order at 8:15 PM.

2. Roll Call & Seating of Alternates

Members present and seated were Jon Lavy, Mel Seifert, Steven Merola, Errol Horner, Henry Krempel, Keith Scherber, Peter Zanardi, Doreen Joslow and Sarah Jansen (seated for S. Murray). Michael Sanders was also present and seated for Applications #14-06 and 14-07 only.

3. Audience of Citizens – none.

4. Old Business

(a) Application for Special Exception #14-06 submitted by A.I.S. Properties LLC (owner and applicant) to construct 80' x 70' building for rental spaces, on property located at 25 Airport Industrial Park Road (Map 17, Lot 21, Zone RLM).

There was no discussion as the public hearing for this application was continued until the January 8, 2015 meeting.

(b) Application for Special Exception #14-07 submitted by A.I.S. Properties LLC (owner and applicant) to construct 70' x 100' building for rental spaces, on property located at 35 Airport Industrial Park Road (Map 17, Lot 20, Zone RLM).

There was no discussion as the public hearing for this application was continued until the January 8, 2015 meeting.

(c) Discussion regarding Section 72 Controlled Development District, Section 80 Research and Light Manufacturing and Section 20 Definitions Fitness and Wellness Center

Mel Seifert outlined for Mr. Nucci what has transpired over the last few months with Sections 72 and 80. He noted a couple years ago the Economic Development Commission had said Chester was the only town that didn't have General Principal Uses in these districts which put the town in a non-competitive position with surrounding towns. Mel reviewed the General Principal Uses and Special Principal Uses that were developed for Section 72. He then reviewed General Principal Uses for Section 80 which included all the ones in Section 72 as well.

Chairman Lavy noted the Commission withdrew its petition last month taking into account concerns of the neighbors. It was hoped the adjacent property owners of Airport Industrial Park would work with the Commission to come up with a regulation what would satisfy all

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concerned.

Bill Sangster noted with the proposed new regulation the protections afforded in Section 130 had gone away. Other issues were property values, landscaping, etc. He also noted there was no mechanism for public comment or notification to abutting property owners of new applications. He noted in the last application he was concerned about vibration to his business and under the proposed change, there would be no way for him to have asked questions. There needs to be a middle ground for this process.

Mr. Sangster noted his building is also set up for 4 units so he is interested in not having to go through the Special Exception process too.

There was discussion regarding dust and noise.

Chairman Lavy noted the question in his mind is how does the Commission get past the flexibility in the use of the buildings and not effect the other buildings. In the proposed regulation a General Principal Use determination would be made by the ZCO and the P&Z Chairman and there was no method for notifying neighbors.

Mel Seifert noted he felt manufacturing should be a Special Principal Use which would require notification to neighbors. He felt the neighbors should be able to take a look at these and have an opportunity for public comment. Mel also felt the inside storage should be a General Principal Use and outdoor storage be moved to a Special Principal Use. It was noted 80A.1.D would only apply if someone sells a business and there is a new owner. Mel also noted any change to the property and building would have to come before the Commission.

Mel reiterated the Commission doesn't want to drive these people to surrounding towns.

Section 130 was reviewed. Mel noted that is the Section that protects the neighbors. He also noted General Principal Uses and Site Plan Uses are subject to the same provisions.

Errol Horner noted the Commission is trying to develop some form of transparency so neighbors have an idea of what's happening if there is a change. Errol asked if there could be a middle ground and perhaps a committee of 3 people to review applications, contact the neighbors directly, have a conversation with the neighbors and then bring that back to the Commission.

Chairman Lavy noted that is already done in this Town. If a use falls under a permitted General

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Principal Use, then its done. The ZCO asks questions about what is being done. If it complies, then it is allowed as a permitted use. If it falls under a Special Principal Use, then it comes before the Commission.

There was much discussion as to whether there is a method available that people in the Airport Industrial Park and the neighbors would be notified of all applications, even General Principal Uses. It was again suggested there be an ad hoc committee that would bring this back to the full Commission at the next meeting and the whole Commission would vote on it.

Mel asked Mr. Sangster as an example, if someone bought a business they would come to the ZCO and that person would have to notify everyone in the area. Sangster replied yes, neighbors should be notified in some way. Chairman Lavy noted this gives the RLM and CDD a particular right that is not given to anyone else in the rest of Town.

Mr. Sangster noted it is not reasonable to expect people on this Commission to understand the minutia of his business and if he has no knowledge of what's going on, he can't make public comment.

Keith Scherber noted if people want to move their businesses to Chester, they will have to deal with this provision.

Joel Nucci noted he was told he would have problems getting what he wants in Chester. He would be at the mercy of the board and people who talk about problems and issues. There has to be some kind of leeway. Something like he is proposing has everything indoors, no problems. If tenants are violating the regulations, they will be out. Everyone has to be aware of the surroundings.

There was discussion regarding pharmaceuticals. These are major and could hurt the environment and the Town.

Chairman Lavy reiterated right now everyone has to come in for a Special Exception.

Michael Sanders noted the Commission is trying to give the ZCO clear direction of what can be approved and what cannot be approved. The use may be permitted but if it's a Special Principal Use it would have to come before the Commission.

Mel Seifert noted the propane hearing would never have occurred under the proposed regulations. It would have been nixed by the ZCO, but under the current regulations it was

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allowed and that had to come before the Commission. Chairman Lavy noted before Section 80B.1.B didn't have any teeth.

Bill Sangster reiterated transparency is important. Someone may not know that vibration is not good for my business.

Chairman Lavy noted the regulation has to be fair for everyone. There was discussion regarding similar use vs. permitted new use. Doreen Joslow pointed out the more specific a regulation is, it becomes easier to find a loophole.

Chairman Lavy suggested everyone think about this some more and it will be discussed further next month. Mel will make the couple of changes suggested and circulate the document to everyone.

(d) Application Fees – continuing review – nothing further at this time.

(e) Proposed Village Sign Regulation – continuing review

Chairman Lavy urged all members to review Attorney Royston's comments distributed at the last meeting. This will be discussed further at the January meeting.

5. New Business – none.

6. Report of Officers and Subcommittees

(a) Report from Zoning Compliance Officer – no report.

7. Bills for Payment

Motion by Joslow, second by Krempel, to approve invoice of J. Brown Associates for secretarial services for meetings held July through November 2014 in the amount of \$1,300. Unanimously approved. Motion Carried.

8. Communications, Receipt of New Petitions, New Applications – none.

9. Approval of Minutes – November 13, 2014 Minutes

Motion by Seifert, second by Krempel, to approve November 13, 2014 Public Hearing Minutes as amended. Unanimously approved with Zanardi and Joslow abstaining. Motion Carried.

Motion by Krempel, second by Jansen, to approve November 13, 2014 Regular Meeting

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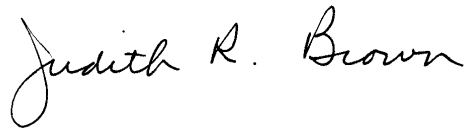
Minutes as amended. Unanimously approved with Zanardi and Joslow abstaining.
Motion Carried.

10. Pending Litigation – nothing further to report.

11. Adjournment

Motion by Seifert, second by Krempel, to adjourn at 9:25 PM. Unanimously approved.
Motion Carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Judith R. Brown, Recording Secretary