

1. Call to Order

The Chester Planning & Zoning Commission held its regular meeting on Thursday, November 13, 2014, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Lavy called the meeting to order at 8:31 PM immediately following a public hearing.

2. Roll Call & Seating of Alternates

Members present and seated were Jon Lavy, Mel Seifert, Sally Murray, Steven Merola, Errol Horner, Keith Scherber, Henry Krempel, Sarah Jansen (seated for P. Zanardi) and Michael Sanders (seated for D. Joslow).

3. Audience of Citizens - no one spoke at this time.

4. New Business

(a) Section 8-24 Main Street Project (East) Improvements

Chairman Lavy read into the record a statement prepared by First Selectman Ed Meehan "Main Street East Reconstruction Project, Section 8-24 Municipal Improvement Report Chester Planning & Zoning Commission 11-13-2014."

Chairman Lavy noted the 8-24 referral is advisory only from the Planning and Zoning Commission and based strictly on the Plan of Conservation & Development.

First Selectman Meehan and Michael Joplin, Main Street Project Committee Chairman, were present. Copies of large scale project plans were submitted.

Meehan noted the POCD is a 10 year looking forward document. It is very well organized by chapter and recommendations so its easy to find references in the Plan that compliment what they are trying to do. The expenditure of town and grant funds will further the POCD.

Meehan explained the Main Street Project Committee worked on the Village District Plan for about 18 months. It was brought before the Board of Selectmen. Phase 1 of the 5 Phase Plan was Main Street East. The Main Street Plan was adopted at Town Meeting in July of 2013. This is important because it is being used as a guide line for capital improvements and puts us in position for grants. So far the Town has been awarded \$980,000 for this project. \$200,000 is already under contract with the Department of Transportation to be used for soft costs for engineering, surveying and development of bid documents. The other \$780,000 has been approved by Office of Policy and Management and is available once the Town is ready to go out to bid. That's an indication on how important it is to use our local

Plan documents and local funding to go after grant money. The other important thing by adopting this at Town Meeting is that it opens the Main Street Investment Fund which a lot of municipalities have tapped into. We can take advantage of this when we get to the center commercial district of our town. Its more germane to signage improvements, decorative lighting than what is being done in the residential section of Main Street.

Meehan noted the Main Street East Project is 1800 linear feet as described in the 8-24 report. They hope to get that into final bid documents by the end of this year and submitted to the D.O.T. for its review. The D.O.T. is the Town's funding agency so they have to look over the documents from an engineering point of view and review cost estimates. This can't go out to bid until their consent is received. The schedule is to go out to bid early 2015, get the project approved and going in the spring of 2015. This could be a 4 to 5 month project and needs to be balanced with getting ahead of the Main Street Bridge Project which is scheduled to start in the fall of 2015. The first part of that project will be relocation of utilities in the center. Construction is scheduled to start in January of 2016 with an end date of later May 2016. Meehan reviewed the process for the bridge replacement. Michael Joplin noted progress will be seen on this project in probably less than a year, particularly with moving the utility poles. The bridge will be shut down January thru May. Meehan noted this is all weather dependent. He noted there will be no work in the water. This project will effect the downtown businesses. There is a stakeholders meeting on Monday, November 17th with the Department of Transportation at the Meeting House. The D.O.T. will talk about project schedule, traffic management, road closure and interface with businesses and public safety.

Meehan further noted the Connecticut Water Company has started replacing the water main along Main Street. They will work as long as they can in the fall/winter, shut the job down and then finish in the spring. That project should be done before the Town puts in a new road. The water main is over 100 years old and is not reliable. This section, Maple to Middlesex, will be done prior to the start of the Main Street East Project. The rest of that project will also be done from Maple to the Bridge so there will be a new water system in the center of Chester by the end of 2016. Meehan briefly reviewed the water main replacement project. He noted there will be a new hydrant in front of Jacobson's office and relocation of the hydrant in front of Chesterfield's. Joplin noted the CWC came into this project ahead of their schedule.

In response to an email from Michael Sanders as to what's new and

what's not new, Meehan pointed out Laurel Hill Cemetery is new and the proposal to put a sidewalk from School Lane to NQP is new. The rest of this project is basically reconstruction. The parking being provided will be functional and safe. The other question was are we adding more impervious surface. Meehan noted not really. The off street parking in the Cemetery is about 5 spaces. Right now its a mix of lawn, scrub brush and process stone and the 7 spaces on Main Street is about 1,480 square feet. The road is so irregular from Laurel Hill Cemetery to Middlesex Avenue, the results of this project will be to standardize it to a curb to curb 24 foot width. The proposal is to bring the radius' down to 30 foot radius' which tends to slow people down and the combination of the curbing, sidewalk and landscaping will tell people they are coming into a residential street. Meehan also reviewed the traffic management plan which includes additional speed signs, pedestrian ahead signs, crosswalks, etc.

Meehan noted they are proposing to remove 8 trees within the public right-of-way and replant 21 trees. There are trees out of the public right-of-way on private property that have to be removed to repair the walls. Negotiations have been ongoing with those property owners. Replacing the culvert is an expensive proposition but necessary because of the hydrological capacity and the fact it is collapsing and walls are falling in. A wetlands permit has been received for that work as well as Laurel Hill Cemetery.

Chairman Lavy noted the 7 parking spaces are out of the right-of-way. Meehan reviewed the 7 parking spaces. He noted in all respects they are staying within the 50 foot right-of-way. He pointed out one small easement in the area of Laurel Hill Cemetery. Temporary grading and erosion control rights will be necessary as well as planting rights. Individual letters have gone out to the property owners along the corridor. Meetings will be held with those property owners to discuss the full plans in detail.

Sarah Jansen asked if the sidewalk has been abandoned in front of Chesterfield's. Meehan replied yes, the part up high would be abandoned. He also reviewed the stone walls in front of Chesterfield's. The lower stone wall will become a granite curb. The back stone wall will be capped and pillars fixed.

Sarah Jansen asked if the pathway up to Maple Street Parking lot will be done. Meehan noted that is another phase. There will be a formal crosswalk over to a bench and putting in a conduit for lighting. Meehan also noted they will be putting in a conduit in Laurel Hill Cemetery in order to extend lighting down Main Street and that will

set the stage for what is done from Maple & Main to the Town center. The Town will take responsibility for the lighting and be under public ownership getting away from the private ownership which currently exists. Chairman Lavy confirmed no lights will be added from Laurel Hill up to Middlesex. Meehan confirmed it will only be street lights in a residential section of Town. He noted they have to meet dark sky requirements. The existing lights do not meet those dark sky requirements. Joplin noted the design being suggested is very similar to the existing antique lights. Lavy noted there should be a very calm even light, no hot spot lighting. There was discussion regarding the lighting in Laurel Hill Cemetery. Joplin noted there will be no fencing to block lighting. It will be designed to not shine on the neighboring house. They have agreed to fix the wall.

First Selectman Meehan noted overall the concept is to make this a successful first phase of Main Street/Town Center renovation. The commercial district will be done after 2016 between Maple and Main and Water Street. The Main Street Bridge Replacement project will do quite a bit of that. A lot of the street level embellishments that are part of this Master Plan has been agreed to be done by D.O.T. on the bridge area.

Chairman Lavy asked if there were questions from the Commission.

Errol Horner noted the sidewalk from School Lane up to Route 154 is a classic mission creep effect. Who decided that? Meehan noted that came about because of some of the references in the POCD for connection of downtown to NQP. Horner noted a lot of that had to do with the fact we had a Community Center which is not longer there. Horner referenced Page 2 which referred to the 1995 POCD. He felt this was a serious breach of the existing character of Chester. Meehan noted that is a value judgment and a matter of taste. Horner asked if that enhances the character of Chester. If all the vegetation is cut down, the soft edge is eliminated which is critical for making the street work visually. Horner felt this was mission creep and contrary to the POCD.

Michael Joplin noted the POCD repeatedly mentions pedestrian safety. The Committee observed how many people walk up the north side who get to School Lane and cross. He noted most people stay on the north side of the street.

Several people starting talking at once. Chairman Lavy noted everyone, including the public, will have a chance to speak. The reality is that this is before the Commission for an 8-24 referral.

No design decisions or changes will be made. It is incumbent upon the Commission to decide whether this is in keeping with the POCD only. Design changes are not the Commission's purview in an 8-24 referral, only if this meets what's in the POCD.

Henry Krempel read certain sections of the POCD noting "the full cost to the community as a whole should be considered." Sally Murray noted "it calls for a community invested decision on how much and what kind of growth is acceptable." Chairman Lavy noted the reality is that the community through Town Meeting has accepted this plan. They are here for an 8-24 referral because it has been approved by the Town. Krempel noted the plan as approved as of the July 2013 date did not include the sidewalk. Meehan noted the POCD is a 10 year document that has goals, policies and recommendations. After that a plan for a specific geographic area is adopted which is then divided into phases based on what project makes sense in what logical order. Its a concept, schematic design, not a engineered document. It does have to align itself with the POCD. Meehan further noted if this was contradictory to the POCD, the Main Street Committee would have wasted 2 years and a lot of money. This has a logical sequence. There is a lot of emotional issue over these 3 trees. The letter tonight addresses the key components of the POCD and why this plan furthers those key components. A lot of time has also been spent on restoring the area where the sidewalk is going through. Its all on public property. It will be safer and granted there will be a different look to the area. There will be a handicap ramp, better sight lines, better drainage, a safe passage to the Town's only Park in the Town of Chester. There is no other active recreation space in the whole Town. These are 25 and 30 year documents that if linked in a logical way will accomplish all the nice beautiful things talked about. The Town can't do everything at once.

Meehan noted as a Public Works Project, they look at public safety first, then aesthetics and then try to connect the dots. The Town is currently plowing up bricks, two walls are falling down, the corner is eroding, things in the right-of-way that don't belong there. The first appearance people have is that the Town does not do good housekeeping.

Chairman Lavy asked if everything is being done within the right-of-way. Meehan noted everything is within the right-of-way except for the easement in Laurel Hill Cemetery. Joplin noted there is one exception in that the Meades own the property on the northeast corner of School Lane and they have requested those trees come down. The Committee offered to plant new trees. The owner wants those trees down and does not want them replaced. The Committee is in

complete agreement with the property owners at that corner and they are hoping this project goes forward.

Henry Krempel asked if there was an ADA compliant 4 foot sidewalk throughout this whole plan. Joplin noted there is not a 4 foot sidewalk anywhere past Laurel Hill Cemetery.

Errol Horner referenced the POCD as it relates to pedestrian networks or pedestrian travel. He noted safety has already been addressed in Chapter 6 and read part of the section into the record. He noted he is going with what the POCD says that there is already a safe means of pedestrian travel. Meehan noted obviously there should be sidewalks in the Village Center and this section of Main Street is part of the Village Center. This area may have a Library some day or maybe not, but it will always be a Park. The Town owns that lot. A Master Plan for North Quarter Park was done in anticipation for the Library Grant.

First Selectman Meehan noted the important thing for the Commission is does this plan click in with what the Master Plan wants. The decision is not on benches, trash receptacles, lights, etc. This has gone through the Inland Wetlands Agency. It still has to go to the D.O.T. There's a financial component. There is \$375,000 in the budget. It should be released to do this project at Town Meeting in early December. The Town has waited too long to do stuff to make it look better and functional, drainage, traffic and parking. The old catch basins don't work. The culvert is collapsing. The private walls are collapsing. This one section, School Lane to NQP, has taken this project in a negative direction and this is a very positive project for the Town. Do we do this project now and do it right? Or wait until something happens and say we should have done it.

Michael Joplin noted this is a 75 year time line. The sidewalk was put in 100 years ago. There may not be a Library in NQP in 2018 but something will happen there because its the only opportunity for this Town to build something like a Community Center, Library, Playground, Ballfield, etc. The Town has to take the long term view.

Henry Krempel noted the Community Center could be at the Elementary School. School population is declining.

Michael Sanders noted the Plan said the "1969 Plan said the downtown was run down." He asked what the net parking increase or loss would be overall. Joplin noted in the Village Center there was a gain of 3, Maple Street gain of 10 and Water Street gain of 8. There is no

loss of parking spaces. Meehan noted in the first phase there is a gain of 2 parking space, but there will be 7 spaces that are legal and safe and 5 lighted and safe for business employees. Joplin noted in every phase there is a gain.

Sally Murray noted her first comment was identical to Michael Sanders. If the verbiage about the 1969 Plan needs to be submitted to the State, the first sentence as noted above should be deleted. She noted overall the plan is entirely consistent with the POCD. The Commission spent a great deal of time with citizens of Chester and repeatedly heard feedback to the effect that our sidewalks are in dangerous condition, they don't connect to appropriate destinations. She noted the only portion people talked about other than NQP was safe passage to the Elementary School which would not be part of this. The need for increased pedestrian safety downtown was referenced and this addresses that. In addition, the POCD is a 10 year plan and this takes it to the next step. She felt this was consistent with the POCD.

Mel Seifert noted this is highly consistent with 16 sections of the POCD.

Steven Merola noted this was consistent with the POCD. He has walked those areas, walls are falling down, trees are getting old and getting ready to go. It's time to clean house.

Sarah Jansen noted the north sidewalk was on the Plan that was voted on in July 2013. On the other hand she found the south sidewalk is in desperate disrepair. She didn't see a lot of longevity on the trees in question. Something will be done eventually at NQP. She don't she has always had a problem seeing with the hedge and diagonal crosswalk. That safety issue has been cleaned up. The hedge is all on Town property and hard to see through.

Keith Scherber noted he agrees with Errol. The sidewalk wasn't there and if brought to the Town now would not be approved. Why can't the sidewalk already there be fixed. Don't know why the bushes and hedges have to go. He felt it does meet the POCD but personally he didn't understand why the existing sidewalk just couldn't be fixed and left where it is.

Michael Sanders asked if there is a signage plan. Meehan noted there is a traffic management plan with signage. Sanders noted EDC is working on wayfinding. Meehan noted the Plan has a hierarchy of signage recommendations.

Chairman Lavy asked for public comment at this time.

Mrs. Comer Rudd Gates, 137 Main Street, noted she is the homeowner most effected by this project. She noted their house was very close to the street. There home front will be effected. She noted the trees are 90 to 100 years old. She sees them as the elders of this community welcoming people. Their canopies provide lovely shade. They are time honored, beautiful and noble. They have watched over us and provide a historical point of view. If concrete goes through, those beautiful markers/monuments will be lost. Cutting them down is a huge loss and the impact is way too great. The Town emblem is a tree leaf so she would like to see the trees preserved. The concrete going up changes the character of the Town turning it into a more urban/city like appearance.

Christopher Moore, 7 Old Depot Road, noted he is not directly effected by this sidewalk. He noted he read the POCD. This plan is being done with no talk about money and how much it will cost the community. The POCD notes that must be taken into account. This is a very ambitious plan, too big and should be scaled down to be in accordance with the POCD. The POCD guides the growth in the Town. He didn't think this would attract the rest of the growth the Town needs. With time the charm of Chester will never be able to be recreated. This project is being done for the wrong reasons. There is work to be done downtown but he didn't see how this was going to be financed. Its very ambitious and will take years for all the phases. Is the Town willing to go through all this? He is not and neither are the residents on his street. Moore noted he attended the last Main Street Project Committee meeting where there was talk about not doing the granite curbing and not doing the Chesterfield wall. Today the presentation is if everything will be done. There is a big contrast of presentation. It's much too ambitious. The POCD doesn't ask for an ambitious project such as this one.

Virginia Carmany noted she is not specifically effected by the Main Street Project Phase 1. She doesn't live on Main Street but uses it tremendously and has a vested interest in making sure this phase as all phases are in keeping with what she believes is important to the Town. She commended the Main Street Project Committee for its hard work, the First Selectman, Michael Joplin and the Commission. As citizens and members of the community they have gone above and beyond with their commitment of time and energy to create a vision to see on paper. Does this fit with the POCD? In parts yes, but other parts still need to be addressed.

Carmany referenced the following pages from the POCD -

- Page 1-7 - specifically the 3rd paragraph regarding Workshop Results. (copy attached).
- Page 2-18 - citing Urban Forestry and Recommendations Concerning Urban Forestry. (copy attached).
- Page 2-18 - under Chester Hills - "All recognize the importance of preserving the current wealth of scenic vistas...clearly we must be attentive to retain and enhance these views which give Chester so much of its character." (copy attached).
- Page 8-2 - Sustainability, several sentences on that page were referenced. (copy attached).
- Page 8-3 - under Sustainability Projects for Chester - "The focus of these actions is to reuse, recycle, substitute, use less, and be aware of long term and far-reaching consequences." (copy attached).
- Page 8-4 - "Develop and provide guidelines through the Town's land use offices and commissions on green principles as a Chester preference." (copy attached).
- Email from Al Bisacky to Main Street Project Committee dated 9/18/2014 - referenced several sentences in this email (copy attached).

Carmany noted she believed this does not maintain the character and charm outlined by the charrettes. This does not maintain traffic calming as bends and trees are being taken out. A significant portion of the project is over budget. The north side sidewalk and elimination of trees will significantly negatively impact the character of Main Street creating a much more commercial look and feel which is not what the Town wants.

Carmany noted Sustainability in the POCD talks about cost. One thing not discussed tonight is the fact the project is \$160,000 over budget and that significant portions are going to be eliminated (Laurel Hill parking for this phase, granite curbing, repair of Chesterfield wall and possibly other things). Her concern is that the north sidewalk will be built at a time when the funds should be used for the more desperate infrastructure issues. She noted the sidewalk in front of Chesterfield's was replaced about 8 years and is quite clean and neat. The sidewalk from School Lane down to Laurel Hill Cemetery has sections that are 4 feet wide. There is one major trip hazard in front of a tree, but for the most part the sidewalk is in good repair. Given the number of people who walk from Laurel Hill Cemetery to 154, she has a concern why \$1.3 million is being spent on this project. This project has become so big and overwhelming. She noted the town crew just redid a section of sidewalk. Why do we have to spend \$1.3 million to get this done. Just fix it as part of our

roads and sidewalk (capital plan).

Carmany noted Planning & Zoning is only looking at Section 8-24 tonight, but pointed out that P&Z is responsible in the State Statutes of taking care of our Capital Budget as it pertains to land use and various other things. She referenced CSG Section 8-23 noting the Commission should also look at 8-23 and spend some time with the Board of Finance. P&Z is an elected body and should be looking at this project in its entirety, not just Phase 1 and an 8-24 referral. This should be looked at as a whole - will there be a library. Those are huge funding issues and how these things effect the Town should be looked at in its entirety. In closing Carmany noted \$160,000 has been spent on plans and the project is going to be \$1.5 million.

Michael Joplin noted several items were mentioned in a misleading way. It was noted the project was too big and the Committee didn't consider cost. The Committee has been discussing cost for the last 2 months. He noted the \$160,000 overrun is about 12% of the budget. The Committee developed bid alternates to control the budget. The Selectmen will not go forward with a proposal that doesn't have funding in place. Lighting in Laurel Hill Cemetery was changed in order to control the budget. The Committee has talked about money a lot. This will come in under budget and there are ways to control this. Basically this is being funded by STEAP Grants. The reason for starting with Phase 1 is that on a State level if the Town is planning on applying for future STEAP Grants, Phase 1 and 2 must be successful to show the Town can do an improvement project over \$1 million. If this fails, another STEAP Grant will not be granted. The reason the Village Center wasn't done first was because of the impact of the Bridge Replacement. Joplin noted in 3 of the Committee meetings the Tree Warden supplied a report on each individual tree from Route 154 to Maple Street. That was taken into consideration. Joplin noted reducing impact on environment was mentioned. He noted the Town has the most miserable dysfunctional drainage system from 154 to Maple Street. It floods at times between the Post Office and the Lloyd residence. There are 24 new drainage basins being put in. The other thing mentioned was the green movement. There is a water filtration and echo system going in at the end of Laurel Hill Cemetery to filter the water.

Michael Joplin noted Al Bisacky, Committee member, felt a different kind of drainage system should have been used, but he missed 68% of the meetings. When we questioned the Committee's engineer at Stadia about this, he had substantial reasons why certain kinds of drainage do not work. The right-of-way wasn't big enough and the cost was \$35,000. Therefore, the result was the swale at the end of the

Cemetery.

Joplin noted 15-18 years ago in the Town of Essex, two years running, Public Works, Police and Fire Departments, in writing, warned the Town of Essex about a tree on River Road. The Town did nothing. The tree finally fell down and killed a man's wife. The Town of Essex settled for \$4 million.

Joplin noted the Gates have trimmed the hedge, but the fact of the matter is it is 100% in the Town's right-of-way, creates a hazard and has to go. Right now the Town is on notice by the Police Dept. that that hedge is a hazard and Chester is running into the same liability as the Town of Essex. The fact is whether or not the sidewalk is on the north or south side, that hedge should come out. This has been in the Minutes of several meetings. Joplin further noted the property owners at the corner of School Lane want the trees to come down. They have agreed to a landscape plan for their front yard and don't want other trees of that size put in.

First Selectman Meehan noted there is no simplistic answer to comments from Mrs. Gates and Virginia Carmany. The Public Works Dept. just doesn't go out and build 100 feet of sidewalk unless its easy to do. That is not the case for the Main Street Project. There is no drainage system that works. This is not a patch and fix job. Its a job that needs to be done in a comprehensive way. There are sidewalk sections that are not being touched. The sidewalk between Chesterfield's driveway and 154 are not being touched, except for concrete driveway aprons. That is standard practice in design and drainage. The simple answer is the Town just can't patch this any more. The tree is a hazardous tree. The middle tree has been identified with mold and in tough condition. Every effort was made to save trees in this whole corridor. There are a couple sections where the sidewalk was pulled out around the tree to save the tree. Meehan noted he had a request from someone who just moved to Main Street asking if the Town would cut down the 32" Oak tree because of sight line issues. He noted the sight lines are bad but they are not going to cut down a healthy tree.

Meehan noted the budget is a big issue and taken out of context. There is a \$160,000 gap to close and that's why bid alternates are done. The project will have to be scaled back.

Meehan noted what he is hearing from these 3 people is that this is a good project except for the sidewalk on the north side. He noted the project should be done right as it will last 75 to 100 years. Chester has a great way of trying to skimp by. There are sidewalks

and drainage all over the town center that are broken. It doesn't look good and its time to put our money where our mouth is and fix it. Its got to get done sooner or later.

First Selectman Meehan noted he has been a town planner for several years. Its the public good versus a few private property owners. The Town of Chester is trying to make accommodations to those private property owners with landscaping enhancements and getting a front yard that is safe and attractive. The bigger public issue is safety, aesthetics and economics. The project can be downscaled but it has to be a good project. The question before the Commission tonight is does this meet the Plan of Conservation & Development. We recognize the whole project can't be done but don't dump the whole project because of 300 feet of sidewalk. Don't compromise public safety. We owe it to the business community to make safe parking and lighting in the center.

Sarah Jansen asked if one reason the sidewalk is being done is because there will already been machinery and resurfacing tools on the street and its a good time to do the sidewalk. Meehan noted the sidewalk does not meet ADA compliance. Chairman Lavy noted the Town wants to end up with a roadway that doesn't have a cut right down the middle of it. It makes more sense in the progression of things.

Meehan noted to take trees down and restore the property at the Meades would cost \$9000 and \$3000 for the Gates property.

Michael Joplin noted they are looking to do Municipal Improvements complete from Route 154 to Maple Street and up to the Maple Street Parking Lot.

Meehan noted even if the north side sidewalk isn't done, there will still have to be curbing there to control drainage.

Henry Krempel noted he was at multiple hearings and there were multiple opinions on the trees. He does not believe that it can be conclusively said that it is the tree knowing community that these trees are in trouble. Chairman Lavy noted he had a healthy tree in his yard last year and now its gone. Trees do die. Michael Sanders noted all the trees in Chester are 75 years old because they all blew down in 1938. They are all aging out.

Comer Gates noted her family has been told the hedge is going and they don't even care about the hedge any more. She indicated she has been showing up at numerous meetings because they are directly effected by this. She noted she is not the only person concerned

about this. She had two pages of signatures of people on Main Street and surrounding areas that are concerned about all of this. She submitted those pages to the Commission.

Virginia Carmany noted Phil Miller pushed through the grant request because he thought the whole community and the neighborhood were in 100% agreement with this. When she told him the neighborhood was not in agreement, Mr. Miller was upset.

First Selectman Meehan noted when a town talks to a legislator it is 8 to 10 months before a plan is designed. He noted he appreciates anything done by any legislator for this town. Of course he would support the Grant and probably doesn't know the exact details. That comment was out of context.

Christopher Moore noted then the trees are coming down not because they are sick but because of the sidewalk. If we are not putting in the sidewalk, the trees don't need to come down.

Michael Joplin noted while walking that area with the Tree Warden, Brian Kent noted those trees should come down. There was a conversation then with the Tree Warden who then indicated the middle tree was not healthy and gave the Committee a report a month later on the 3 trees.

Joplin noted this is the second iteration of this Committee, the first being 15 years ago. The Committee at that time talked for about 3 years and then disbanded because former Selectman Heft decided to overlay Main Street to save it for another 5 years. Since that time two POCD's have been done, as well as Village Regulations, Master Plan for the Village and funding has been obtained. It is time to move forward and act.

A five minute recess was taken at 10:20 PM.

Upon reopening the meeting, Chairman Lavy asked if anyone wished to make a motion on the 8-24 referral for the Main Street Project.

Motion by Seifert, second by Murray, to send a letter to the Board of Selectmen recommending approval of the Main Street (East) Improvements as supported in the plan presented to the Planning & Zoning Commission at its meeting of November 13, 2014.

Mr. Seifert noted this approval was based on the findings that the proposed capital improvements were consistent with and furthers the

goals and recommendations set forth in the Town's Plan of Conservation & Development, including improvements to deteriorating pavements, curbs, sidewalks and drainage infrastructure. The Plan also states several times where it would make a better connection between NQP and the downtown area. The project also implements the POCD recommendations that safe parking is essential for vital economy downtown. It also meets Section 8 in terms of sustainability because it makes in much easier for pedestrians and families with bicycles to go between NQP and downtown and not have to take a car.

Discussion followed. Henry Krempel noted one part of this is there are things in the POCD that talk about connecting NQP to the Village Center. He read that part of the POCD. Mr. Krempel noted there are several places in the POCD that are not consistent with this plan, most specifically the sidewalk. He felt the drainage ideas, expansion of parking, lighting on the parking lot are all terrific and didn't think anyone disagreed with that. The discussion is all about the removal of 3 trees that have an effect visually. There are places in the POCD that encourage building and site design, tree retention and landscape that maintains the rural appearance from the highway. Middlesex Turnpike is one of the 2 highways that comes in here. He felt that cutting down those trees was clearly in violation of that. Another point is "disturb natural areas only to the extent necessary to make use of a site for the permitted purposes, retaining existing trees, grading, landscaping to the greatest extent possible." Another point is "create a demolition day ordinance to allow time to consider alternatives." He felt before cutting down these 100 year old trees that have such an impact from the highway, time should be taken and not pushed through. He felt this plan was terrific except for the sidewalk aspect and recommend the Commission vote to say this is not in compliance with the POCD.

Sarah Jansen asked when does the Town have the right to say people have to keep trees on their property. These people say they don't want the trees and want them to come down. Who are we to say we like looking at that tree? Mr. Krempel noted those people are not here to speak for themselves.

Michael Sanders noted the question here is is the concern about the trees significant enough and in contradiction with what's in the POCD. Mr. Krempel replied yes. If any part of that project is not in conformance, then the whole thing is. Sanders noted then it was Mr. Krempel's opinion the Master Plan is fundamentally flawed because that one section of the Plan was not voted on.

Mr. Seifert noted the Commission's job is to determine whether or not

the plan is consistent with the statements from the POCD. Whether we think an individual tree should go or not, or whether there should be concrete somewhere kind of misses the point. Does the plan meet the POCD, does it move it forward. That is the limit of what we can do. The legislative body is the Town Meeting. Mr. Krempel noted if this recommendation is not made, the Statutes say the legislative body of the Town can do what it wants. Chairman Lavy noted this is advisory only.

Errol Horner noted his only problem is the sidewalk. It could have been done in a much more creative, sensitive manner. Putting a straight shot of concrete from School Lane to Middlesex Avenue is totally uncreative. Chester is sensitive and creative. Why don't we do something creative to the landscape that's there. That potential has never been investigated. He didn't think the sidewalk was special in any way. He noted he supported it but didn't think the sidewalk was technically approved by the Town. There should be a creative approach.

Henry Krempel noted its important to state that the Commission recommend or not recommend. Their plan should not be amended.

Michael Sanders noted the 8-24 referral is not an 8-23. Its limited to what the Commission can say, either yes or no. There are other avenues for opinions to be expressed. There is a public informational meeting coming up on November 25th and a Town Meeting in early December. There are other venues where people can pursue design changes, bid alternates, etc.

Sarah Jansen noted she did not think this was voted on in July 2013. She noted she was at some meetings where sidewalk design was discussed. She indicated she did not continue to go to the meetings because she has other frustrations with other issues. This hasn't been completely closed out.

Voting in favor - Seifert, Murray, Merola, Scherber, Jansen, Sanders, Lavy. Opposed - Krempel. Abstained - Horner. Motion Carried.

5. Old Business

(a) Amendments to Zoning Regulations

Repeal Section 72, Controlled Development District, in its entirety and replace with new Section 72, Controlled Development District.

Repeal Section 80, Research & Light Manufacturing District, in

its entirety and replace with new Section 80, Research & Light Manufacturing District.

Add new Section 20 Definitions Fitness and Wellness Center.

Add new Section 120C.4(u) Emergency Services.

Amendment to Subdivision Regulations

Repeal Section 5.12 FIRE PROTECTION in its entirety and replace with new Section 5.12 FIRE PROTECTION.

Amendment to Road Regulations

Repeal first sentence of Section 130B.9 Ascending Driveways and replace with new sentence. (Withdrawn at October 9, 2014 Hearing)

Chairman Lavy noted Sections 72 and 80 were withdrawn by the Commission at the public hearing preceding this meeting. It was decided Section 20 should also be withdrawn as it applies to Sections 72 and 80.

Motion by Murray, second by Seifert, to approve Section 120C.4(u) Emergency Services in the Zoning Regulations and Section 5.12 FIRE PROTECTION in the Subdivision Regulations as presented, with an effective date of November 25, 2014. Voting in favor - Murray, Seifert, Merola, Scherber, Jansen, Sanders, Krempel, Horner, Lavy. Opposed - none. Motion Carried.

(b) Application Fees - continuing review - nothing further.

(c) Proposed Village Sign Regulation - continuing review
Comments were received from Commission Counsel regarding proposed Village Sign Regulation. Copies were distributed to members who should review them. This will be discussed at the next meeting.

6. Report of Officers and Subcommittees

(a) Report from Zoning Compliance Officer

J. Brown, ZCO, noted the property owner at 6 Main decided not to go forward with a Special Exception for the upstairs apartments.

7. Bills for Payment - none.

8. Communications, Receipt of New Petitions, New Applications

Two Special Exception Applications were received from Joel Nucci (A.I.S. Properties) for 25 and 35 Airport Industrial Park Road. Copies were distributed to members. Public Hearing was scheduled for December 11, 2014.

9. Approval of Minutes - October 9, 2014 Minutes
Motion by Seifert, second by Murray, to approve October 9, 2014
Regular Meeting Minutes as written. Voting in favor - Seifert,
Murray, Merola, Horner, Scherber, Krempel, Jansen, Lavy.
Opposed - none. Abstained - Sanders. Motion Carried.

Motion by Seifert, second by Murray, to approve October 9, 2014
Public Hearing Minutes as written. Voting in favor - Seifert,
Murray, Merola, Horner, Scherber, Krempel, Jansen, Lavy.
Opposed - none. Abstained - Sanders. Motion Carried.

10. Pending Litigation - nothing further to report.

11. Adjournment
Motion by Murray, second by Seifert, to adjourn at 10:45 PM.
Voting in favor - Murray, Seifert, Merola, Scherber, Jansen,
Sanders, Krempel, Horner, Lavy. Opposed - none. Motion
Carried.

Respectfully submitted,

Sally Murray /jrb

Sally Murray, Secretary

attachments - Page 1-7, 2-18, 8-2, 8-3, 8-4, email from Bisacky, all
referenced by Virginia Carmany