

1. Call to Order

The Chester Planning & Zoning Commission held its regular meeting on Thursday, September 14, 2017, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Acting Chairwoman Sally Murray called the meeting to order at 7:32 PM.

2. Roll Call & Seating of Alternates

In attendance and seated were Sally Murray, Steven Merola, Keith Scherber, Henry Krempel, Peter Zanardi, Pat Bisacky (seated for vacancy), Michael Sanders (seated for vacancy) and Elaine Fitzgibbons (seated for vacancy). Jacqueline Stack arrived at 7:35 PM and was seated. Commission/ZCO Counsel David M. Royston was also present.

3. Audience of Citizens

4. Old Business

Ivey Gianetti, 5 Prospect Street, introduced herself. She read into the record a letter she wrote to former Chair Jon Lavy requesting to be put on this Agenda for discussion regarding the school bus property on Prospect Street.

Ms. Gianetti passed around and reviewed some photos showing the border of her property with the bus company property and the stone wall. She indicated the ZCO had asked the bus company to stop parking buses along the stone wall, but the next day they were there again. Ms. Gianetti had some photos of wood left behind after cutting, although Mr. Castelli (owner of property) indicated they had done no cutting along the stone wall.

Ms. Gianetti noted according to the Special Exception permit, there was a stipulation that there would be some sort of screening on 3 sides of the property. Her property borders where there is currently no screening and from November thru April, that area is wide open. When she originally bought her property in 2013 there wasn't much activity in that area. Right after she moved in, they added dumpsters, garbage barrels and employees hang out in the back. Last year a bucket truck came in and cut down some trees.

Ms. Gianetti asked that the screening be enforced. Acting Chair Murray noted she spoke to the ZCO about this matter. The ZCO was going to contact Mr. Castelli

again to see if he would agree to planting some new trees in this area.

Attorney Royston noted the ZCO referred this matter to him and he is currently reviewing the file. He will make a determination as to whether or not the permit included the requirement of planting in this area. Apparently Mr. Castelli had told the ZCO he was in conformity with his permit.

Ms. Gianetti noted if there were plantings along the east side, they were hemlocks from years ago and died off. They are no longer there. Right now there are no plantings along the east border.

Attorney Royston reiterated the ZCO has referred this matter to him. He will make a determination and advise the ZCO what the next step is. The next step generally would be a Notice of Violation. After that, it would be a Cease & Desist Order.

Ms. Gianetti noted she has spent a lot of time researching this matter by looking at the file and going through Minutes and it appears this is black and white. Attorney Royston again noted he will make a determination as to whether what is there constitutes an adequate buffer.

Ms. Gianetti played a video from the day before of very noisy buses which goes on during the week as well as weekends. This is a nuisance at best.

Attorney Royston noted the ZCO always confers with him on these matters and we come to a decision. There are two factors here – one is the use and the other is the buffer.

John Williams introduced himself as the adjacent property owner. He indicated he has been there for 26 years and was involved with the remedy that took place in 2005. He might be able to provide additional information. Acting Chair Murray asked if additional plantings were instituted in 2005. Williams replied yes.

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Christine Palm introduced herself and James Baker, 29 E. Liberty Street, speaking on behalf of her family and with permission also Karli Spinella about the

AirBnB property at 18 E. Liberty. She pointed out while this does not directly effect her family, it is a violation of the spirit of the street and neighborhood Karli Spinella has sent photos to the Zoning Office. They have as many as 14 cars parked on the lawn, also porta potties which constitute a public nuisance. The transient nature of this AirBnB and having strangers coming in all day and night is disruptive especially to those contiguous properties. Its unclear as to whether or not this is a short term rental.

Ms. Palm noted AirBnB is a developing industry. There is a test case in Darien were a Cease & Desist Order has been issued to 5 properties because they are disruptive to the neighborhood. There are a lot of issues that fall under this Commission's purview that need clarification. On behalf of herself, her husband and at least one neighbor, if not others, she respectfully requests the Commission look into this as a violation of Zoning and the neighborhood's peace of mind.

Acting Chair Murray noted the Commission has discussed this in the past and she has done a lot of research in the last few weeks. The Commission will be looking into drafting regulations. She urged Ms. Palm to stay in touch with the ZCO on this matter. Ms. Palm noted she would be happy to be involved and was sure Karli Spinella would as well.

Ms. Palm noted there are a great many municipalities up in arms over this. The regulations say the owner must reside on the property. The owner of this property moved out quite some time ago. This is a round the clock hotel and the owner does not reside there.

Acting Chair Murray noted there are a number of smaller towns that have written 2 sets of regulations – one for owner occupied and another for non-owner occupied. We will take this under consideration and begin to draft regulations.

It is noted for the record the photos Ms. Palm had, were returned to her.

Attorney Royston noted this is a complaint with respect to a specific property. That complaint is being investigated. That investigation is based upon the regulations in existence today.

Attorney Royston also noted they are also looking at AirBnB's in general. AirBnB is not a use of property. He has discussed this matter with the First Selectwoman. AirBnB's could be regulated by either an Ordinance or through Zoning Regulation. There are also matters that are not under the jurisdiction of Planning & Zoning which is health, fire code, etc. The ZCO has referred this to our office to be investigated as a general matter. In response to a question from an audience member, Attorney Royston noted AirBnB is just a different name for a mechanism for rentals, whether long term, short term or seasonal.

Lois Nadel, 7 E. Liberty Street noted she was delighted to hear the Commission is progressing in this matter. It should be made very clear that AirBnB's or short term rentals should not be eliminated. They are necessary for this community. The one at 18 E. Liberty is not an AirBnB. It's a hotel. She thanked the Commission for pursuing this matter.

Martin Nadel noted he was happy to see the Commission is following up on this matter. He suggested whatever is in a resort or vacation community may not be appropriate for short term rentals in an area such as E. Liberty Street. Acting Chair Murray noted there are towns that have a specific tourist zone where they have separate short term rental regulations and the rest of the town is under a different set of short term rental regulations. Murray noted she has gathered several different kinds of regulations to see what best suits Chester's needs. Input from the residents is welcomed.

## 5. New Business

### (a) Appointment of full members to fill vacancies

Acting Chair Murray noted there are 3 full member vacancies and it has been suggested the existing 3 alternates can be moved up to fill those positions. There was discussion between Commission members and Attorney Royston as to this process. It was decided to table this item until the next meeting. It was also noted the organizational meeting of the Commission to appoint Officers is December. This item should be on the next meeting agenda in case there is any additional information to be brought forward.

## 6. Report of Officers and Subcommittees

### (a) Report from Zoning Compliance Officer

In the absence of the ZCO, Attorney Royston will present the ZCO report. Attorney Royston noted files have been opened on the 18 E. Liberty and Prospect Street (bus company) matters and both are being investigated.

Attorney Royston noted under the previous discussion of short term rentals, the current Zoning Regulations have a definition of family, boarding house and B&B's. We need to look at short term rentals in the context of what is in the regulations and decide what may be appropriate. He also noted several towns are handling this topic by Ordinance and not Zoning. An Ordinance could be done with specific restrictions. He briefly reviewed what other towns are doing – New Haven, Middletown, Torrington, Clinton, Old Lyme, Old Saybrook. He noted some towns are doing nothing at all. He felt what Chester was doing was the appropriate approach. Chester needs to have something effective and enforceable. An Ordinance would require a Town Meeting. A Zoning Regulation would require a public hearing by the Commission. Another question is at what point is a rental considered a commercial enterprise? What is beyond a family with an accessory use? Having one family in a rental is not a zoning violation. Zoning does not regulate between ownership and rental.

(b) Plan of Conservation & Development Update

First Selectwoman Gister noted EDC, BOS, BOF and P&Z have been working on getting started with the update of the POCD. They are trying to develop a 10 year comprehensive town plan where projects become part of an overall plan. She understood the POCD is a statutory requirement of Planning & Zoning, but some of the process for a 10 year plan overlaps. The contract with Milone & MacBroom will be finalized shortly and hopefully they will begin work the first week of October. The goal is to have a POCD that is actionable rather than a reference document.

7. Bills for Payment – none.

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

9. Approval of Minutes – July 13, 2017 Regular Meeting Minutes

**Motion by Zanardi, second by Sanders, to approve July 13, 2017 Regular Meeting Minutes as written. Approved with Murray, Scherber and Stack**

**abstaining.**

10. Pending Litigation – none.

11. Adjournment

**Motion by Krempel, second by Stack, to adjourn at 8:47 PM. Unanimously  
Approved.**

Respectfully submitted,

*Sally Murray*     /jrb

Sally Murray, Secretary/Acting Chair