

The Chester Planning & Zoning Commission held two public hearings on Thursday, July 9, 2015, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. In attendance for both hearings were Jon Lavy, Mel Seifert, Steven Merola, Errol Horner, Keith Scherber, Henry Krempel, Peter Zanardi and Doreen Joslow.

Chairman Lavy opened the following public hearing at 7:30 PM -

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, Health and Sports Facility.

Chairman Lavy read the Notice of Public Hearing into the record, said notice having been published in The Hartford Courant on June 25 and July 2, 2015. He also noted the Planning & Zoning Commission is the petitioner in this instance.

Chairman Lavy asked Commission members if there were any questions or comments.

Keith Scherber questioned whether there was ever discussion by the Commission of disassembling, crushing, demolishing as noted in Section 80A.3, Special Principal Uses. Chairman Lavy replied that was discussed by the Commission and added in to Special Principal Uses in order to have it fall under a public hearing process so neighbors would get notified of an application. This would also enable the Commission to know what was being disassembled, crushed or demolished.

Mel Seifert noted these regulations will be in existence for a long time and one can't anticipate what is going to happen in the future particularly in the recycling world.

Errol Horner asked how does one quantify crushing in terms of vibration, etc. There are no standards. Isn't this a problem area? Crushing is so general. It seems a little vague and unenforceable.

Mel Seifert noted Section 130 provides for protection in that regard.

Attorney Ed Cassella introduced himself as representative for 4 property owners in Airport Industrial Park. He submitted a Protest Petition (Exhibit A) dated 7/8/15 signed by John Schiavone (80 Airport Industrial Park Road), William Sangster (65 AIPR), David Grow (60 AIPR) and Kenneth Grass (85 AIPR) along with a letter from Cloutier & Cassella dated 7/9/15 (Exhibit B) outlining specific reasons for objecting to the changes which he reviewed in detailed.

Attorney Cassella noted there are 3 main reasons for objecting - 1) the present regulation works, 2) administrative approval of Section 130 is improper and 3) new special exception uses are incompatible uses.

Chairman Lavy noted the Commission has sat extensively with these property owners and in his own personal opinion, these regulations reflect their concerns. Attorney Cassella confirmed that he was aware of those discussions.

Attorney Cassella asked why make the changes at all. This is an economic development drive. In looking at the Plan of Conservation & Development (POCD), industrial uses in town are favored as they are good economic tax generators with low service requirements. The POCD states all industrial development should be compatible with the neighborhood and not have an impact on neighbors.

Attorney Cassella noted there are 3 areas of RLM in town - Winthrop Road, Greenwald and Denlar Drive. It is a pretty defined area. He further noted the current regulation is working. Those areas are at almost full capacity now. Airport Industrial Park was approved in 2001. The property owners here own 7 out of the 10 lots. Denlar Drive is at capacity.

Greenwald is standalone and ongoing. He asked what these changes are geared to do and are they necessary. These property owners bought and invested in their properties because there were limited uses allowed and there were strong regulations. Public hearings were required for everything.

Attorney Cassella noted he understood the requirements for Special Exception and that it will cause a delay. However, it's the Commission's job to weigh a 30-60 day delay in getting a permit versus being able to consider special exception criteria.

Attorney Cassella noted the Commission (in this new regulation) is delegating the information in Section 130. Is this something that can be delegated? The Commission is trying to push some uses in that direction. Administrative and site plan uses will become "check the box" type approvals and not go through Section 130 A3 thru A10. Is this type delegation proper?

Attorney Cassella indicated Research and Testing Labs will have an adverse effect on neighboring properties. That is a major legal concern. That delegation is improper. This is a heavy burden to be delegated to the Zoning Enforcement Officer.

Attorney Cassella noted the property owners are objecting to the addition of more uses even with Special Exception. The property owners would not like to see disassembling, crushing, etc. in the RLM District at all.

Attorney Cassella reiterated there aren't a lot of vacant areas in town where the regulations need to be opened up. He thanked the Commission for its time.

Henry Krempel noted Attorney Cassella mentioned an objection to Research and Testing under General Principal Uses. He asked if there were any additional things not under special exception. Attorney Cassella noted there is an overall objection to General Principal Uses as these only require a zoning permit. The major objection is taking any use out of the Special Exception process.

Chairman Lavy asked if there was anyone in the audience that

wished to comment.

John Schiavone, 80 AIPR, submitted and read a statement into the record (Exhibit C). He noted he first addressed the Commission 10 years ago. He was the 2nd person at Airport Industrial Park. At that time he applauded the Commission for its regulations. Every application would go through a special exception process. The new proposal to replace Section 80 places everyone's investment at serious risk. He noted they have been told changes are needed to shorten the approval process yet there are 4 property owners who feel the process is worth the effort. He also noted he knows of 1 other person who would like to move into the Park, but was told there are no properties available. He strongly urged the Commission not to throw the the baby out with the bath water. Section is a good solid regulation that only requires minor tweaking to fast-track uses that are truly benign.

Madaline Meyer, neighbor, noted she has attended several meetings over the years. Every time the public speaks, the Commission doesn't listen. The neighbors do not want noise, dust, vibrations, etc. Crushing, etc. is not necessary. When the Commission started to tweak the rules after the Park was established is where the problem comes from. The Commission should go back to 2001 and go with that. Stop all this discussion and quit changing the rules. There are houses up and down the road with children. We don't need the pollution. Don't tweak the rules to add crushing and rocks.

Bill Sangster, 65 AIPR, submitted letter dated 5/14/15 which Chairman Lavy read into the record (Exhibit D). Mr. Sangster noted there are several citizens, taxpayers, owners in strong opposition to the proposed amendment. He urged the Commission to withdraw the new Section 80.

Chairman Lavy read into the record the Protest Petition submitted earlier by Attorney Cassella (Exhibit A).

Chairman Lavy read into the record an Appeal Letter from David Grow, 60 AIPR, dated 7/9/15 (Exhibit E) in which he was strongly opposed to the proposed changes.

Bill Sangster noted through this entire process, there has been no one heard or seen that was in support of these changes.

Chairman Lavy read into the record a letter Lower CT River Valley Regional Planning Commission, Torrance Downes, Senior Planner, dated June 22, 2015 (Exhibit F) in which the RPC finds no significant intermunicipal impact or adverse impact to the environment or ecosystem of Long Island Sound.

Chairman Lavy asked if there was anyone present who wished to speak in favor of the petition. No one spoke at this time.

Chairman Lavy asked if there was anyone present who wished to speak in opposition to the petition.

Bill Sangster, 65 AIPR, reiterated that through this process there has been no individual or correspondence in favor of this amendment.

John Schiavone, 80 AIPR, asked if there was anyone currently on the Commission that was on the Commission back when Section 80 was drawn up. It was noted this section was adopted many years ago. Chairman Lavy is probably the longest serving member on the Commission.

There were no further questions from the Commission.

Motion by Joslow, second by Horner, to close the public hearing at 8:09 PM. Unanimously approved.

The Commission held a second public hearing for Special Exception #15-04 and Coastal Site Plan Review submitted by Chester Point Real Estate LLC (owner/applicant) for Building Reconstruction and Associated Site Improvements for seasonal restaurant use and permitted marine uses, on property located at 72 Railroad Avenue (Tax Map 15, Lot 56, Zone Waterfront District and Gateway District).

Chairman Lavy opened the public hearing at 8:10 PM and read into the record the Notice of Public Hearing which was published in The Hartford Courant on June 25 and July 2, 2015.

Tom Metcalf introduced himself as representative for the owner/applicant. He indicated this was an extension of a previous approval granted several years ago.

Mr. Metcalf submitted a copy of the original Memorandum of Decision from the prior approval (Exhibit A). He also submitted a letter dated June 19, 2014 addressing all the prior conditions of approval and revised plans (Exhibit B).

Mr. Metcalf noted nothing has changed since the prior approval and revised plans were submitted. The Zoning Regulations limit the time for completion of a Special Exception project and thus thus the reason for the resubmittal. Chester Point Marina did not start the project but have every intention of following through with it.

Mr. Metcalf submitted referral replies from The Gateway Commission dated July 9, 2015 (Exhibit C), the Town Engineer dated July 7, 2015 (Exhibit D), the Fire Marshal dated July 7, 2015 (Exhibit E), Department of Energy and Environmental Protection dated July 7, 2015 (Exhibit F) and Connecticut River Coastal Conservation District dated July 7, 2015 (Exhibit G). Chairman Lavy read these referral letters into the record.

With regard to the CT River Coastal Conservation District letter, Mr. Metcalf noted Kelly Starr had recommended planting a buffer area. Metcalf explained they are removing a significant amount of gravel in the parking area and planting a grassed area. They are also introducing an infiltration system for the roof drainage. He felt it would be inappropriate to plant vegetation as it would be somewhat defeating. He also felt a visual buffer along the boat basin was not in keeping with a marina use. Chairman Lavy noted he remembered that conversation during the original application and the Commission agreed that the grassed area was okay.

Errol Horner asked what plan changes were done. Mr. Metcalf explained a condition of the prior approval was that revised plans be submitted including all the conditions from the Memorandum of Decision which included recommendations from the referring agencies. Chairman Lavy noted he and ZCO Brown went through the revised plans to be sure all the conditions of

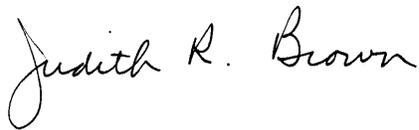
approval were in those plans.

Chairman Lavy read into the record letters/emails from the Harbor Management Commission (Exhibit H), Inland Wetlands Agency (Exhibit I) and Town Sanitarian (Exhibit J).

Chairman Lavy asked if there was anyone present who wished to speak in favor or in opposition to the application. No one spoke at this time.

Motion by Joslow, second by Zanardi, to close the public hearing at 8:25 PM. Unanimously approved.

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