

The Chester Planning & Zoning Commission held a continued public hearing on Thursday, June 8, 2017, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut for the following application. In attendance were Jon Lavy, Mel Seifert, Sally Murray, Steven Merola, Jacqueline Stack, Keith Scherber, Peter Zanardi and Elaine Fitzgibbons (seated for D. Joslow).

Amendment to Zoning Regulations, submitted by Clear Water Holdings, LLC, Hull Management, LLC and John Schiavone, c/o Clear Water Holdings 60 Airport Industrial Park Road, Chester, CT 06512 to amend Section 80 Research & Light Manufacturing.

Attorney Ed Cassella noted not much had changed relative to substance from the last meeting, but some of the language was moved around.

Attorney Cassella noted Section 80B.1, a Notice of the Application for General Principal Uses including the Statement of Use shall be provided to the owners of record of neighbors within 100' of the subject property. The Application shall then be on the next Commission Agenda. The neighbors can then come to the Commission meeting and argue that the use should not be approved administratively but by the Commission because it is an adverse impact to the neighboring owners. Cassella noted the other change was under Prohibitions. Under Section 80E, Prohibitive Uses, Waste shall not be allowed unless as part of a principal use.

Attorney Dave Royston, Commission Counsel, noted after the last meeting the Commission determined the formatting was a little confusing. Sally Murray agreed to do formatting changes to make things fall in a logical progression. That was done and provided to the ZCO and then to Attorney Royston for review.

Attorney Royston noted Sally Murray had a couple of questions relating to when a public hearing was required which were clarified. Special Principal Uses require a Special Exception regardless of what the application may be. That provides the right of the public to give testimony.

Attorney Royston noted General Principal Uses was divided into two subsections. The first category are those things that need Commission scrutiny. Then there are those things that do not need Commission scrutiny. The "no brainer" items are those under Section 80A.1, A-D, but they also have characteristics set forth under 80A.2 where no changes will be made to the property. In those situations, it probably doesn't need the Commission to look at it. There may be

circumstances, however, where it is felt what is being proposed could be something that needs scrutiny and not rely upon the ZCO. That type of circumstance gets handled under 80B.

Royston further noted every application is going to require the applicant to notify property owners within 100 feet of the subject property. When the application gets to the Commission, if nobody is there to object, the Commission doesn't need to even make a decision. It is handed off to the ZCO. However, if someone says they have a problem, they have the right to say they want the Commission to make the determination on whether or not this has the potential of an adverse impact. They then go through the site plan procedure. Anything before site plan or special exception has to meet the General Standards and Additional Standards under 80.F.

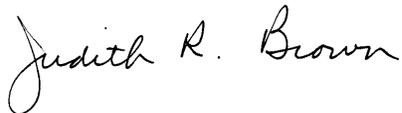
Chairman Lavy asked Attorney Cassella if the Commission adopts these revisions, will his clients withdraw their lawsuit. Attorney Cassella replied yes, his clients would withdraw the lawsuit.

Chairman Lavy asked if anyone wished to speak either in favor or in opposition to this amendment. No comments from anyone were offered at this time.

It is noted for the record the two changes to the regulation agreed upon during this hearing were to add the word "use" in Section 80E(C) and in Section 80F delete 80A.3 and replace it with 80A and 80D.

Motion by Murray, second by Seifert, to close public hearing for Section 80 Amendments to Zoning Regulation. Unanimously Approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown".

Judith R. Brown, Recording Secretary