

The Chester Planning & Zoning Commission held two public hearings on Thursday, November 12, 2015, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. In attendance for both hearings were Jon Lavy, Mel Seifert, Sally Murray, Henry Krempel, Keith Scherber and Peter Zanardi.

Chairman Lavy opened the first public hearing at 7:30 PM.

Continued Public Hearing

Application for Special Exception #15-07 submitted by Skyview Properties LLC (owner/applicant) for storage of personal belongings, materials, business inventory, vehicles, tractors, trailers and equipment, on property located at 59 Winthrop Road (Tax Map 17, Lot 27, Zone Research & Light Manufacturing).

Chairman Lavy further noted the applicant, Christopher Komondy had sent an email dated 11/11/15 requesting an extension to December 10, 2015.

Chairman Lavy indicated the Commission needs to decide whether it wants to do a site walk even though it does not have sufficient information regarding the application. Members agreed a site walk was necessary. Chairman Lavy suggested the Commission do a site walk once a plan is received, the site walk date and time to be determined by the Chairman. Lavy also noted on December 10th, the Commission will close the public hearing. **Motion by Murray, second by Krempel, to continue Public Hearing for Application #15-07, Skyview Properties, until December 10, 2015 with a site walk to be scheduled date and time to be determined by the Chairman. Unanimously Approved.**

Chairman Lavy opened the second public hearing at 7:41 PM.

Amendment to Zoning Regulations

Add new Section 117 Medical Marijuana Dispensary and Production

Secretary Murray read into the record the Legal Notice of Public Hearing which was published in the Hartford Courant on October 29th and November 5, 2015.

Chairman Lavy explained the public hearing procedures.

Lavy noted in 2014 he attended a public hearing in the Town of Haddam

for new regulations regarding the dispensing and growth of Medical Marijuana. They were going to allow this in the residential neighborhood. He spoke in opposition to this and advised them if they allowed it in a residential area, the Chester Planning & Zoning Commission would appeal that and take it to Court.

Chairman Lavy explained medical marijuana growth is an agricultural product that is currently allowed in the R1, R1/2 and R2 residential zones. The Commission started to look at this and see where it could be regulated and located in the Town of Chester according to Planning & Zoning. There are State regulations that regulate the growth and dispensing of medical marijuana but the town shouldn't rely on those regulations for the Town of Chester. The Commission agreed it should take an active role in regulating this and that is why these regulations were written and proposed.

Chairman Lavy noted it is the Planning Commission's job to encourage land to be used in the most appropriate way. The Planning Commission regulates and restricts. It needs to determine where the growth and dispensing of medical marijuana would be most appropriate.

Chairman Lavy read into the record a letter from Torrance Downes, Senior Planner with the Regional Planning Commission, indicating they reviewed the proposed regulation and find no intermunicipal impacts.

Chairman Lavy noted this petition and public hearing will have to be continued until December 10th to allow for the Gateway Commission to review it at their December 3rd meeting.

Chairman Lavy asked if there were any further questions from the Commission members. Being none, he asked if anyone in the audience had any questions or wished to speak in favor or in opposition.

Jack Meyer, Winthrop Road, asked if the Commission was aware that marijuana is a violation of Federal law. He noted in the late 60's he was drafted into the Coast Guard as a Federal Officer in Law Enforcement and they arrested people for drug possession. Mr. Meyer noted it is a great insult that one can grow illegal drugs in his back yard. It should be done in some place else than the Town of Chester.

Madeline Meyer, Winthrop Road, noted this could cause crime, accidents and arrests. She would be insulted. It has unforeseeable

consequences. The word marijuana does not belong in Chester. Mrs. Meyer did not believe this regulation was needed. If a regulation is needed, it should be that no marijuana is going to be in Chester. She further noted no one knew about this meeting and there were other events scheduled for tonight (annual meeting at Camp Hazen and First Selectman's Meehan party). Mrs. Meyer noted the Commission hasn't listened to anything she has said for the last 35 years. The Commission should listen to this.

Keith Scherber noted he has said what Mrs. Meyer has just said. Why don't we just not have it in the Town of Chester. Chairman Lavy noted he will ask Attorney Royston.

Sally Murray noted she started with sample regs from 3 other towns and customized them for Chester.

Peter Zanardi noted this is protecting us. Murray noted it would have to be by Special Exception in Chester. Chairman Lavy noted we as a Planning Commission are getting ahead of the curve by doing this.

Peter Zanardi noted it is legal in the State of Connecticut to do this.

Mel Seifert noted Attorney Royston is the best in his field and trusted what he recommends. We are treading on thin ground here. He noted this right now could be put in his front yard without the Zoning Commission permission as an agricultural use. This is not what we want.

Sally Murray noted this would be subject to Special Exception approval which means Planning & Zoning would hear every application.

Chairman Lavy noted the Commission is trying to make sure that everything would come before the Commission. There would be notification to neighbors and public comment. Right now under Agriculture, it's just a zoning permit and no one would know. Lavy noted this regulation is being proposed so everyone knows what is being proposed in town. Murray noted this regulation would be a deterrent rather than an invitation.

Mel Seifert reiterated an applicant would have to come before the Commission and say why it complies and abutters would be notified.

Peter Zanardi noted without this regulation there would be more lawyers and legal fees.

Sally Murray noted the State has said it is legal for this to exist. By putting these regulations in place, they would not only have to go to the State but also come to Planning & Zoning for approval. Mel Seifert noted right now the town is as loose as can be on this matter.

Chairman Lavy noted the Commission is not trying to make this easier. The Commission is trying to control it, restrict it and regulate it. The regulations right now do not.

Henry Krempel noted if it is prohibited, then its discriminatory.

Mel Seifert noted right now it falls under agricultural and requires nothing more than a zoning permit. If we want to discourage it, then the Commission needs to do something.

Peter Zanardi noted the Commission is trying to either discourage it or control/restrict it.

Chairman Lavy noted abutting towns were notified of this proposed regulation. Chester is trying to be a good neighbor as well. Anyone applying for this would have to go through the Special Exception process. Right now they do not.

**Motion by Zanardi, second by Krempel, to continue Public Hearing for Amendment to Zoning Regulations to Add new Section 117 Medical Marijuana Dispensary and Production until December 10, 2015.
Unanimously Approved.**

Respectfully submitted,

Sally Murray /jrb

Sally Murray, Secretary