

Chester Planning & Zoning Commission
Regular Meeting, April 14, 2016
Page 1 of 3

1. Call to Order

The Chester Planning & Zoning Commission held its regular meeting on Thursday, April 14, 2016, at the Chester Town Hall, 203 Middlesex Avenue, Chester, CT. Chairman Lavy called the meeting to order at 7:00 PM.

2. Roll Call & Seating of Alternates

In attendance were Jon Lavy, Mel Seifert, Peter Zanardi, Henry Krempel, Keith Scherber, Steven Merola, Pat Bisacky (seated for S. Murray) and Jacqueline Stack (seated for D. Joslow).

3. Audience of Citizens

4. Old Business

(a) Discussion re Medical Marijuana Regulations

John and Lisa Schroeder were present. John Schroeder discussed the Zoning Regulations and prohibiting uses. He noted the regulations have restrictions on height, lot coverage and setbacks and prohibit uses in the General Prohibitions. He noted if a use is not specifically called out in the regs, then it is prohibited. He reviewed regulations from the Towns of Chester, Deep River, Essex, Haddam, Old Lyme, Killingworth and Old Saybrook. They all have similar prohibitions. Some towns actually state what is prohibited, others if it is not stated as a permitted use, then it is prohibited. Mr. Schroeder noted the Zoning Commission has the discretion to prohibit what it deems not in compliance with the health, safety and welfare of the community.

John Schroeder noted it is hard nowadays for parents to keep their kids on the straight and narrow. People should take a stand and not make it easier for kids to get drugs, marijuana, etc. He also noted there is pending legislation to make marijuana legal for recreational use. He pointed out the Commission wants to make a specific zone for marijuana, so would it also have a specific zone for pain killers.

Greer Richardson, Asst. Professor of Psychiatry at Yale, noted he was concerned about marijuana coming into Chester. Chairman Lavy explained the process the Commission is going through in this matter. The Commission withdrew its proposed regulation at the last meeting and is continuing its discussion. There is currently a moratorium in place which expires August 31st. The Commission is soliciting public comment in the meantime. It will then decide whether to revise the regulation or just prohibit it outright.

Chairman Lavy gave Professor Richardson a copy of Sally Murray's memo comparing marijuana to opioids. Sally Murray asked what the difference was between these two from a land use standpoint. Would the Commission tell an opiod manufacturer or a pharmacy that sells opioids that can't come into Chester?

Chester Planning & Zoning Commission
Regular Meeting, April 14, 2016
Page 2 of 3

Mr. Richardson noted the one problem he has with the medicalization of marijuana is that the public is being sold snake oil. We are conflating a freedom of choice with medical treatments and the evidence is weak. Mr. Richardson noted his message is that it could hurt 10% of the people that get a hold of it, that the medical implications are dubious and the reason CT is selling it is to generate income. The public is being sold a bill of goods.

Mel Seifert noted the Commission needs to separate production and dispensary facilities. The Commission needs to focus on the land issue only. Chairman Lavy noted the Commission is not looking at this as an economic driver. It is strictly a land use decision as to whether it is appropriate in Chester. In the beginning the Commission was under the impression it could not prohibit it, but after some research, the Commission decided to withdraw the proposed regulation and continue its discussion.

John Schroeder noted part of the obligation of Planning & Zoning is to protect the health, safety and welfare of the people and everything Mr. Richardson talked about falls under that category.

Mel Seifert reviewed location and distance requirements from residences, schools, government buildings, etc. The State has indicated a distance restriction of 1000 feet. If Chester were to use 1000 feet, that would prohibit it anywhere in town. He also noted odor is a big issue.

Chairman Lavy noted the Commission will continue to discuss this matter and decide whether to revise the regulation or just prohibit it. We should also continue the moratorium at the July meeting.

(b) Application Fees – continuing review – nothing further to report.

5. New Business

(a) Review Sidewalk – Outdoor Dining applications

Chairman Lavy noted River Tavern and Pattaconk have submitted their zoning permit applications for Sidewalk Outdoor Dining. Everything is the same as previous years. The ZCO has not had a chance to review these applications yet due to illness. **Motion by Zanardi, second by Krempel, to approve the Sidewalk Outdoor Dining zoning permit applications pending ZCO review and receipt of all documentation. Unanimously Approved.**

6. Report of Officers and Subcommittees

(a) Report from Zoning Compliance Officer – Chairman Lavy reported in the

Chester Planning & Zoning Commission
Regular Meeting, April 14, 2016
Page 3 of 3

absence of the ZCO on the following -

Inquiry received from individual who has an interest in doing apartments/condos at 33 Liberty Street. He was wondering if the Commission would consider this as he wouldn't want to waste his time or money if not. Commission members decided they didn't have enough information and would ask the individual to come in if he is still interesting in pursuing this venture.

Inquiry received from someone who wants to open a retail pet store in the Village to sell pet accessories and products and do dog grooming. The question is would dog grooming be considered a retail use. **Motion by Krempel, second by Bisacky, that dog grooming and pet accessory sales would be considered retail which would be a General Principal Use. Unanimously Approved.**

Signage at Jake's Restaurant – it was noted the sign over the door does not conform to the Village Signage Regulations as it is too large. The owner of Jake's stated the regulations do not apply in this case as it is not on the street frontage as noted in the actual regulation. The Commission should review the Village Signage Regulation and decide whether it should be revised. As for the signage at Jake's, it should remain as is.

(b) Report on complaint re 48 Maple -nothing further to report.
48 Maple Street – Chairman Lavy gave Pat Woomer a copy of Attorney Royston's letter from the last meeting. Mr. Woomer noted he was not happy with the way Attorney Royston was dealing with this and would follow up.

7. Bills for Payment - none.

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

9. Approval of Minutes – March 10, 2016 Regular Meeting Minutes
Motion by Seifert, second by Zanardi, to approve March 10, 2016 Regular Meeting Minutes as written. Approved with Lavy and Krempel abstaining.

10. Pending Litigation – nothing further to report.

11. Adjournment

Motion by Seifert, second by Krempel, to adjourn at 9:02 PM. Unanimously Approved.

Respectfully submitted,



Judith R. Brown, Recording Sec.