

Chester Planning & Zoning Commission
Regular Meeting, June 9, 2016
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1. Call to Order

The Chester Planning & Zoning Commission held its regular meeting on Thursday, June 9, 2016, at the Chester Town Hall, 203 Middlesex Avenue, Chester, CT. Chairman Lavy called the meeting to order at 7:30 PM.

2. Roll Call & Seating of Alternates

In attendance and seated were Jon Lavy, Mel Seifert, Sally Murray, Steven Merola, Keith Scherber, Henry Krempel, Peter Zanardi, Doreen Joslow and Pat Bisacky.

3. Audience of Citizens

Pat Woomer, 44 Maple Street, was present. He noted he made a complaint back in January about 48 Maple Street. This was turned over to the Commission attorney for review some time in February. To date there has been no response. Chairman Lavy noted Attorney Royston has indicated he has not completed his report. Mr. Woomer noted he came as a spokesman for a group. He indicated a Cease & Desist Order had been issued a few years ago and now this has become a new issue. He questioned the Commission's procedures and how this change was made. There were no Minutes from the Commission back in 2014 for that change. He stated he was concerned about the Commission and the proper process involved. Does the Commission participate in these changes. Chairman Lavy asked Mr. Woomer to put his questions in writing and forward to the ZCO who will forward them on to Attorney Royston for a response. He also noted the Commission will ask Attorney Royston to complete his report.

Carlisle Schaefer was present. He noted 16-18 Main Street was for sale and he was exploring the possibility of a microbrewery. He briefly reviewed some of the recent regulations relating to microbreweries. It was noted both Killingworth and Guilford either have or working on microbrewery regulations. There were two issues – no food was going to be served (therefore not a restaurant) and it is within 1000 feet of the liquor store and they would be selling beer for off site consumption (which is not allowed Section 40T, Sale of Alcoholic Beverage.) Both the potential applicant and the ZCO will work together to investigate this further.

4. Old Business

(a) Discussion re Medical Marijuana Regulations – extend moratorium

Chairman Lavy noted everyone received a copy of John Schroeder's article. He asked Commission members if it wanted to go back to the public or think about banning the production/sale of medical marijuana in Chester. Mel Seifert suggested treating production and sale separately.

Sally Murray proposed using Inspiration Lane for production only subject to Special

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Exception.

There was much discussion regarding the 1000 buffer from Churches, municipal buildings, schools, public playgrounds, etc. Mel Seifert noted he couldn't find any reference to the 1000 feet in the latest version of State regulations.

There was discussion regarding security, maintenance and odor. Sally Murray noted odor would be covered during the Special Exception process. Murray also noted only licensed pharmacists are allowed to deal with the components and sell.

It was noted the 1000 foot buffer would keep this away from residences. CDD can't do 1000 feet. Perhaps there is no place in Chester that would accommodate the 1000 foot buffer. It was noted the ban should be based on land use and safety issues. Mel Seifert noted Chester is a residential community and we really don't have a spot for this type of facility.

Sally Murray noted she was okay with a ban based on land use.

Doreen Joslow noted the Commission has to show reasons why it can't be here.

Pat Bisacky noted the Commission should also consider the possibility the State will eventually approve recreational use. Sally Murray noted that should also be included in any verbiage.

Keith Scherber noted the Commission is definitely going in the right direction.

Henry Krempel noted he didn't want to make a noteworthy decision or see an article that Chester bans or doesn't want marijuana.

Chairman Lavy noted discussion will continue regarding this subject.

Chairman Lavy noted the Marijuana Moratorium expires on August 31, 2016. As the Commission is continuing to discuss this matter, does the Commission want to extend the moratorium another six months. It was decided to schedule a public hearing for the July meeting to extend the moratorium until February 28, 2017. Previous correspondence from Attorney Cronin and Attorney Royston should be scanned and email to members.

(b) Application Fees – continuing review – nothing further at this time.

5. New Business

(a) Amendment to Approved Special Exception #11-02 – Dawn Niles,

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29 West Main Street, Montessori School Program, proposed capacity 48 children.

Dawn Niles was present. She noted they had an original approval back in 2011. A condition of that approval was they had to come back to the Commission if they wished to increase capacity. Ms. Niles explained when the prior Jack and Jill were there, their approval was for 57 children. Lee Vito, Sanitarian, submitted an email indicating his approval. Sally Murray noted as they are not changing the exterior footprint and the Sanitarian gave his approval, she didn't feel a public hearing was necessary. Mel Seifert agreed this was a minor change. **Motion by Krempel, second by Murray, to approve #16-01 Amendment to Approved Special Exception #11-02, 29 West Main Street, Montessori School Program to increase capacity not to exceed 48 as presented subject to Fire Marshal review and approval. Unanimously Approved.**

(b) Review Sidewalk Outdoor Dining applications

Motion by Zanardi, second by Krempel, to approve Sidewalk Outdoor Dining permits for The Villager and Simon's Marketplace subject to Fire Marshal approval. Unanimously Approved.

(c) Appointment of Full Member to fill vacancy

Chairman Lavy noted Errol Horner resigned a few months ago. In the past the Selectmen have appointed this position, but it has been determined the Commission actually votes and elects the person to take that position until the next Election. Letter was received from the Chester Democratic Town Committee which Chairman Lavy read into the record. The letter supported Jacqueline Stack to replace Mr. Horner as a full member.

Motion made by Krempel, seconded by Zanardi, to appoint Jacqueline Stack to fill the vacancy. Discussion followed. Doreen Joslow noted she favored Mike Sanders because of his background and knowledge of legal aspects of what the Commission can and can't do. **Motion by Joslow to appoint Michael Sanders to fill the vacancy.** There was no second. Discussion followed. It was agreed the Commission should hear from both Jacqueline Stack and Michael Sanders as to their interest and commitment to this position before voting. All motions were withdrawn. This vote will be postponed until the July meeting.

6. Report of Officers and Subcommittees

(a) Report from Zoning Compliance Officer – ZCO Brown reported on the following items -

- 136 W. Main Street – subject property has apartments and office. Property

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owner wants to change the office to an apartment. As this is a pre-existing nonconforming piece of property, that would not be allowed as it would be increasing a nonconformity. This is in the CDD zone where apartments are not allowed. Commission members agreed this would not be permitted as it would increase a nonconformity.

- Chapco, Denlar Drive – inquiry received regarding increasing the number of parking spaces. This is in an RLM zone. It should be determined whether this would come in as an Amendment to Special Exception or a new Special Exception.
- Complaint received from property owner on Wig Hill Road that neighbor was engaging in a commercial enterprise. ZCO met with the neighbor and visited the site. ZCO did not find any evidence of a commercial operation and has so notified the attorney for the complainant.
- Good Elephant – it was noted the Good Elephant sign was the same size and in the same location as the L&E sign.
- Several signage complaints had been received. All were contacted and told they must comply with the regulations.

(i) Report on complaint re 48 Maple

See Audience of Citizens above.

7. Bills for Payment

Motion by Joslow, second by Seifert, to approve invoice for J. Brown Associates for secretarial services for meeting from December 10, 2015 thru May 12, 2016 in the amount of \$987.50. Unanimously Approved.

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

9. Approval of Minutes – April 14, 2016 Regular Meeting Minutes

Motion by Seifert, second by Merola, to approve April 14, 2016 Regular Meeting Minutes amended as follows – correct start time of the meeting to 7:30 PM. Approved with Murray and Joslow abstaining.

10. Pending Litigation – nothing further to report.

11. Adjournment

Motion by Krempel, second by Murray, to adjourn at 9:15 PM. Unanimously

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Approved.

Respectfully submitted,

Sally Murray */jrb*

Sally Murray, Secretary