

1. Call to Order

The Chester Planning & Zoning Commission held its regular meeting immediately following a public hearing on Thursday, September 8, 2016, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Lavy called the meeting to order at 8:15 PM.

2. Roll Call & Seating of Alternates

Those members present and seated were Jon Lavy, Mel Seifert, Sally Murray, Steven Merola, Jacqueline Stack, Keith Scherber, Peter Zanardi, Doreen Joslow and Patricia Bisacky (seated for H. Krempel).

4. Audience of Citizens

Audience members included John Schroeder, Selectwoman Carol Linn, Tom Metcalf, Steve Karlson, Joe Cohen and Boy Scouts Jake Peterson and Jared Heart (Communication Merit Badge).

(1) Attorney Elliott – preliminary discussion re Moraveles rezoning  
No one was present for this agenda item.

(2) Carlisle Schaeffer – preliminary discussion re microbreweries  
Carlisle Schaeffer was present to see if there was any update on the microbrewery discussion. A letter had been received from Attorney Dave Royston, however, Chairman Lavy noted it was a little confusing so wanted to confirm the contents of the letter first. Chairman Lavy confirmed with Mr. Schaeffer he was not going to be serving food and was going to be selling beer on site for consumption as well as selling beer for off site consumption. This would not be a restaurant.

5. Old Business

(a) Application for Special Exception #16-02 and Coastal Site Plan Review submitted by Chester Point Real Estate LLC (owner and applicant) to construct 15,000 sq. ft. marine commercial building at Chester Point Marina to replace damaged building by winter storm events, on property located at 72 Railroad Avenue (Tax Map 15, Lot 56, Zone Waterfront District and Gateway District).

Chairman Lavy noted a public hearing had been held prior to this meeting. Sally

Murray noted the applicant has added measures to control stormwater runoff per the CT DEEP Standards. This seems to be a minimal project and pretty straight forward.

**Motion by Murray, second by Seifert, to approve Application #16-02 Chester Point Real Estate LLC with the following conditions.**

- 1. All requirements of the Fire Marshal, Building Official and Sanitarian shall be met.**
- 2. Down lighting over the doors of the type submitted with the application shall be used.**
- 3. A neutral color of light gray and blue as noted during the public hearing shall be utilized.**
- 4. Conditions from Kelly Starr of Connecticut River Coastal Conservation District, Inc. letter dated September 6, 2016 -**
  - a. First 1” of stormwater runoff – adherence to CT DEEP Standards should be sufficient.**
  - b. Due to the site being located in a floodplain, a flood contingency plan should be requested for the construction period, which is expected to be approximately three months.**
  - c. According to 2002 Guidelines, any stockpiles should be located to maximize distance from wetlands and watercourses, stabilized and secured.**
  - d. No mechanical equipment or utilities, including but not limited to water supply, plumbing fixtures, heating or air conditioning, duct work, electric, telephone, cable TV systems, or other service facilities, and specifically includes all electrical outlets, switches, lights, furnace, hot water heater, fuel tank, appliances, etc.) will be located in any**

**portion of the building at or below Base Flood Elevations.**

**e. There shall be no storage of paints, petroleum products, solvents and any other hazardous materials within the building at or below Base Flood Elevation.**

**5. Conditions from Nathan L. Jacobson & Associates letter dated September 6, 2016 as follows -**

**a. All construction below elevation 10.0 NAVD 88 must consist entirely of flood resistant materials as specified in FEMA Technical Bulletin 2 entitled “Flood Damage-Resistant Materials Requirements”. This includes, but is not limited to, all framing; floors; interior and exterior wall materials; insulation materials; and all doors.**

**b. All enclosed areas located below elevation 10.0 NAVD 88 shall be designed to allow for automatic entry and exit of flood waters to equalize hydrostatic flood forces on external walls by providing a minimum of two openings, located on different sides of each enclosed area below the base flood elevation, having a total of not less than one square inch of permanent net open area for every square foot of enclosed area subject to flooding, unless approved engineered vents (ICC-ES certified) are used (i.e. Smartvents). The bottom of all such openings shall be no higher than one foot above the lowest adjacent exterior grade, and set at or above the exterior ground elevation so as to permit free drainage away from the structure. Such openings must also be equipped with screens, louvers, valves or other devices, which permit the automatic flow of flood waters in both directions. Under no circumstances shall flood vents ever be blocked or made inoperable such that the automatic flow of floodwaters in both directions cannot occur. These requirements shall apply individually to each separate enclosed area. It is important to note that only those portions of the openings below the base flood elevation of 10.0 NAVD 88 are counted towards compliance with the flood opening requirement.**

**c. No mechanical equipment or utilities of any kind shall be located in any portion of the proposed structure below elevation 10.0 NAVD (this includes, but is not necessarily limited to water supply, plumbing fixtures, heating, air conditioning equipment, duct work, electric panels, transfer switches, electric meter, telephone, cable TV systems, and specifically includes all electrical outlets and switches, lighting fixtures, fans, furnace, hot water heater, fuel tank, gas regulator valves, appliances, etc.). This minimum elevation requirement also applies to all exterior utilities, including any located on exterior pads and platforms.**

**d. Means must be provided to adequately secure any boats located within the structure during a flood event to prevent their flotation and movement that could result in damage to the structure.**

**e. All paints, petroleum products, solvents and any other hazardous materials should be stored above elevation 10.0 NAVD 88.**

**6. The applicant shall submit a revised site plan showing all conditions of this approval to the Zoning Compliance Officer prior to issuance of a Zoning Permit.**

**Unanimously Approved.**

**Motion by Seifert, second by Murray, to approve Coastal Site Plan Review for Chester Point Real Estate LLC based on the fact it is consistent with all applicable goals and policies in Section 22a-92 and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities. Unanimously Approved.**

(b) Continued Discussion – Medical Marijuana Regulations  
Chairman Lavy read into the record a letter from John & Lisa Schroeder dated September 8, 2016 along with an article from The Journal of Clinical Psychiatry “A Systematic Review of the Evidence for Medical Marijuana in Psychiatric

Indications.”

Sally Murray (with Mel Seifert's amendment) had prepared a Draft “Proposed Amendment to the Zoning Regulations Adopting new Section 117 “Medical Marijuana Dispensary and Productions Facilities” and to remove the current moratorium on same. Commission members reviewed these documents.

Mel Seifert noted the only place where these facilities could go would be in the RLM and CDD Districts. Both districts have homes very close to these areas. Mr. Seifert noted he had been asked to research “containment of odors” in the State regulations, but found nothing. It only referred to ventilation. It was noted the State permitting requirements are not stringent enough to prevent noxious odors.

It was also noted Federal Regulations are at odds with State Regulations. The Town cannot assure a viable business. It would be unethical to expect someone to spend hours getting through the permitting process in order to do a start up business.

Mel Seifert noted this is a cash business and therefore would increase the risk of criminal activity. He also noted his preference would be a Special Exception procedure (with public hearing) and stringent regulations. An outright ban of unlawful activity may not be a land use issue.

Jacqueline Stack noted this would impact the community in terms of land use values of peoples' homes. Mel Seifert noted the applicant would have to prove under Section 130 there would be no change to property values, etc.

John Schroeder urged Commission members to refrain from using the word “ban”, but rather use “prohibit”. There was discussion regarding Section 130 and that if this were a Special Exception procedure, it would have to go through public hearing and if approved, the Commission could put conditions on such approval.

The consensus was to have Commission Counsel review this new draft prohibiting Medical Marijuana Dispensaries and Production Facilities in any zone within the Town of Chester.

John Schroeder noted there is a business in town called Shoreline MM which provides consulting services.

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

#### 6. New Business

Doreen Joslow asked about the process for updating the Plan of Conservation & Development and whose jurisdiction this falls under. Chairman Lavy noted the Plan of Conservation & Development falls under the Planning & Zoning Commission jurisdiction. We should start and make this a regular agenda item and at some point invite each Board and Commission in Town to come before P&Z to give their vision for the Town. Doreen Joslow volunteered to Chair a POCD Committee. ZCO will also ask Torrance Downes if RiverCOG gets involved with this sort of thing any more.

#### 7. Report of Officers and Subcommittees

(a) Report from Zoning Compliance Officer

(1) There has been no appeal on the decision for 48 Maple Street.

(2) New Thai Restaurant took over the former Jake's at 4 Water Street.

(3) Working with a few other businesses to obtain their zoning permits who have either already opened or are going to open.

(4) Received complaint from the Scherbers re Olsen Sanitation washing portable toilets. Will be discussing this with Commission Counsel.

8. Bills for Payment – none.

#### 9. Communications, Receipt of New Petitions, New Applications

(1) Kathleen McWade, 55 Railroad Avenue, Special Exception for Accessory Apartment

This application was received and a public hearing scheduled for Thursday, October 13, 2016 at 7:30 PM. Copies were distributed to members.

10. Approval of Minutes – July 14, 2016 Public Hearing and Regular Meeting

Minutes

**Motion by Murray, second by Stack, to approve July 14, 2016 Public Hearing Minutes as written. Approved with Seifert and Joslow abstaining.**

**Motion by Sanders, second by Stack, to approve July 14, 2016 Regular Meeting Minutes as written. Approved with Seifert and Joslow abstaining.**

3. Pending Litigation – Executive Session

**Motion by Murray, second by Seifert, to go into Executive Session at 9:25 PM for the purpose of discussing pending litigation. Unanimously Approved. The Commission came out of Executive Session at 9:40 PM. No action was taken.**

11. Adjournment

**Motion by Murray, second by Joslow, to adjourn at 9:45 PM. Unanimously Approved.**

Respectfully submitted,

*Sally Murray* /jrb

Sally Murray, Secretary