

Chester Planning & Zoning Commission
Regular Meeting, November 10, 2016
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1. Call to Order

The Chester Planning & Zoning Commission held its regular meeting immediately following a public hearing on Thursday, November 10, 2016, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Vice Chairman Seifert called the meeting to order at 8:15 PM in the absence of Chairman Lavy.

2. Roll Call & Seating of Alternates

Members in attendance and seated were Mel Seifert, Sally Murray, Steven Merola, Jacqueline Stack, Keith Scherber, Henry Krempel, Michael Sanders (seated for D. Joslow) and Elaine Fitzgibbons (seated for J. Lavy). Peter Zanardi arrived at 8:22 PM.

3. Audience of Citizens – none.

5. Old Business

(a) Amendment to Special Exception #16-04 submitted by Chester Housing Association Ltd. Partnership (owner) and MSL Group, Inc. & Chip Fund 7, LLC (applicant) for roof and ground mount solar installation at 218 Middlesex Avenue, Chester, CT (Map 4, Lot 72, R2 Zone).

Motion by Murray, second by Sanders, to approve Application #16-04 for roof and ground mount solar installation at 218 Middlesex Avenue subject to the following conditions -

- **1. Contingent upon submission of a revised site plan showing additional landscaping to the Zoning Compliance Officer within 10 days.**
- **2. Removal of Condition #2 from the original Special Exception granted in 1991.**
- **3. All requirements of the Building Official and Fire Marshal shall be met.**

Unanimously Approved.

(b) Special Exception Application #16-05 submitted by Realty Securities (owner) and Jenny Adey (applicant) for combined Art

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Gallery and Coffee House (Cafe) at 16-18 Main Street, Chester CT
(Map 14, Lot 334, Village District).

No one was present to represent this application. It was be noticed again for the December meeting.

(c) Review Medical Marijuana Regulation

The latest draft from Attorney Royston was reviewed. Vice Chairman Seifert noted there were a couple of typos that needed to be corrected. He also noted members should think about reasons for prohibiting this. Sally Murray noted because the Federal Government has refused to take responsibility, she didn't feel a safe business environment could be guaranteed. Vice Chairman Seifert noted the Federal Government will not fund enforcement. Murray further noted she felt strongly it was a bad idea to ban a specific use. Seifert further noted these are all cash businesses and a potential danger to the community. That is what Colorado is now experiencing. Peter Zanardi asked if banking was a land use issue. Henry Krempel asked if someone could change this regulation if it was passed. Vice Chairman Seifert replied yes.

Vice Chairman Seifert noted he didn't think there was a place in town for production facility. Its more complicated for dispensaries. These businesses also aren't allowed to say on signage what they sell. The Town cannot regulate signage.

Henry Krempel asked if a prohibition could have a limitation on it for say 15 years at which time it would be reviewed.

It was decided to take this regulation to public hearing in January at which time there will be further discussion.

(d) Clearwater Holdings LLC Appeal, Section 80 Research & Light
Manufacturing

Vice Chairman Seifert noted Attorney Ed Cassella has asked that discussion on this item be postponed until the December meeting.

(e) Proposed Variance Amendment to Regulations, Section 140J

(f) Proposed Special Exception Amendment to Regulations, Section 120L

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(g) Repeal Section 40T(1), Sale of Alcoholic Beverages

ZCO Brown explained there has been some confusion regarding the language in Sections 140J and 120L and Counsel has recommended these sections be revised as drafted. The new language will bring the time periods for Variances and Special Exceptions more in line with time periods for Wetlands Permits and Subdivisions. The Commission is also recommending the elimination in its entirety of the separation distance between liquor sales establishments. A public hearing for Sections 140J, 120L and 40T(1) was scheduled for January 12, 2017.

6. New Business

- (a) 15 Airport Road LLC (owner), Olsen Sanitation (applicant), 15 Airport Industrial Park Road – #16-06 Amendment to Approved Special Exception #09-01, Building Addition, Map 17, Lot 22, RLM

Gene Robida introduced himself as Professional Engineer representing Olsen Sanitation. He noted the subject property was 1.57 acres and reviewed the access to the property through an adjacent property. He also reviewed the locations of the existing building, storage area, plantings and parking spaces. All activities and uses were pursuant to a Memorandum of Decision from April 13, 2009 by the Planning & Zoning Commission.

Mr. Robida noted the applicant is now proposing an amendment to add an addition to the building (18' x 50'). Olsen Sanitation has acquired a new pump truck and Condition #4 of the approval requires vehicles to be kept inside. He also explained Condition #5 of that approval requires the applicant to come back for an Amendment to Special Exception if any new equipment is acquired necessitating the expansion of the building. Robida noted as a result of the addition two parking spaces are being relocated to the grassy area just outside the storage area. He also stated he spoke to Anna Sweeney, Wetlands Compliance Officer, and provided her with a plan. She indicated no permit was required because all activity was beyond the 100 foot review area. There was a brief discussion regarding the parking spaces.

Vice Chairman Seifert asked Commission members if they felt this was a minor change to the original Special Exception that would not require a public hearing or a significant change that would require a public hearing. Henry Krempel noted this was following the spirit of the original Special Exception of when the

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equipment does not fit inside. He felt the only impact was the placement of parking used by the business itself. He felt this was minor. Sally Murray, Steven Merola and Jacqueline Stack all felt this was minor. Vice Chairman Seifert noted everyone agreed this was a minor change highly consistent with the original Special Exception and did not require a public hearing.

Motion by Zanardi, second by Murray, to approve #16-06 Amendment to Approved Special Exception #09-01, Building Addition as presented subject to all requirements of the Building Official, Fire Marshal and Sanitarian. Unanimously Approved.

7. Report of Officers and Subcommittees

(a) Report from Zoning Compliance Officer

ZCO Brown reported on the following -

- 1 Main – new business would like a sign on an 8' post due to the fact the location is on a lower level and is difficult to be seen. Brief discussion followed. It was noted this is probably the only location in town where this would occur. **Motion by Zanardi, second by Murray, to allow this sign as this is a unique situation and is overall consistent with the Village District Regs. Unanimously Approved.**
- KeyBank Signage – working with New Haven Sign to verify the signage was in conformance with what was approved regarding size and illumination.
- There was discussion regarding loud music and people congregating with drinks in hand on the public sidewalk in the Village. The Commission felt this was strictly a police matter and not something to be addressed by the ZCO.

8. Bills for Payment – none.

9. Communications, Receipt of New Petitions, New Applications

(a) Carlisle Schaefer, 16-18 Main Street – #16-07 Special Exception for Microbrewery

A public hearing was scheduled for December 8, 2016.

10. Approval of Minutes – October 13, 2016 Public Hearing and Regular Meeting

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Minutes

Motion by Murray, second by Merola, to approve October 13, 2016 Public Hearing and Regular Meeting Minutes as written. Unanimously Approved.

11. Adjournment

Motion by Murray, second by Krempel, to adjourn at 9:20 PM. Unanimously Approved.

Respectfully submitted,

Sally Murray /jrb

Sally Murray, Secretary