

**Chester Planning & Zoning Commission**  
**Regular Meeting, March 10, 2016**

**Page 1 of 4**

1. Call to Order

The Chester Planning & Zoning Commission held its regular meeting on Thursday, March 10, 2016, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Vice Chairman Mel Seifert called the meeting to order at 7:33 PM.

2. Roll Call & Seating of Alternates

In attendance and seated were Mel Seifert, Steven Merola, Keith Scherber, Peter Zanardi, Doreen Joslow, Pat Bisacky (seated for H. Krempel) and Michael Sanders (seated for J. Lavy). Zoning Compliance Officer, Judith Brown, was also present.

3. Audience of Citizens – none.

4. Old Business

(a) Discussion re Medical Marijuana Regulations

Vice Chairman Seifert noted Sally Murray had emailed everyone her thoughts from last meeting regarding medical marijuana. Seifert read Murray's notes into the record for anyone who hadn't received them or read them.

Vice Chairman Seifert noted there are multiple issues to think about. Do we ban both production and dispensaries and if so why? Do we ban one and not the other in a given district and if so, we would have to have specific reasons? If we do a total ban, there would have to be detailed reasons to say that was the proper course of action. Is it okay for our town and not others? Attorney Royston indicated if the town passes a regulation allowing this, specific requirements or standards could be added for a specific use. Odor is one. Seifert noted that was an interesting point in that the Commission could make specific conditions in Section 130. Is it an outright ban or should we permit it? One or the other or both?

Doreen Joslow noted in California, doctors write prescriptions, but they get paid to. It's an economic situation. In California, it was only to be a bonafide use but anyone can get a prescription. There is no list of specific conditions. Mike Sanders noted then there may be more users some of which do not have an actual medical reason.

Peter Zanardi noted he didn't think it was the Commission's job to ban. Doreen

**Chester Planning & Zoning Commission**  
**Regular Meeting, March 10, 2016**  
**Page 2 of 4**

Joslow noted she would rather use it to bring other business into town.

John Schroeder noted what he hears is that Planning & Zoning is uncomfortable about banning anything. He noted the first section of the regulations is General Prohibitions. The Commission either wants it or doesn't care. Commission Counsel gave legal backup to prohibit that type of facility in town. Schroeder reiterated it's right in his letter. There is clear legal precedent. Vice Chairman Seifert noted the case referred to is not that clear. Schroeder asked Seifert if he was an attorney. Seifert replied yes.

John Schroeder noted the Commission could go ahead and prohibit it and take the chance of being sued. We should put up a road block to slow people down. Vice Chairman Seifert noted the State Legislature make a call on this matter. Schroeder noted its illegal on the Federal Government level. They chose not to fund prosecution of the States.

Mike Sanders noted the Commission regulates how a business operates in our town.

John Schroeder noted this is a unique situation and a big deal. He further noted he was trying to be rational and reasonable about it. It seems like the Commission wants it.

Peter Zanardi noted he didn't particularly want this in Chester. He just didn't like prohibiting things. If we prohibit this, will it stop medical marijuana from coming into Chester? Schroeder replied no. Zanardi noted its already here. He stated he didn't understand the argument that banning this will have an effect on our kids smoking medical marijuana. Schroeder noted there's a Bill in the State Legislature for recreational use.

Pat Bisacky noted she didn't see anywhere where we prohibit any use. Sanders noted we allow certain things. Vice Chair Seifert noted we have not prohibited anything. Its a pharmacy with a very unattractive entrance. Sanders noted its already permitted in town under agriculture and farming.

Vice Chair Seifert noted he wasn't sure the Village District would be good for the

**Chester Planning & Zoning Commission**  
**Regular Meeting, March 10, 2016**  
**Page 3 of 4**

sale. The sign will be ugly and not in character with the Town by virtue of the State regulations. The State wants them to be non-descript. Doreen Joslow asked if selling marijuana through a regular pharmacy would make a difference?

Vice Chair Seifert noted Sally Murray stated if we banned a dispensary, then we would have to ban all pharmacies and what would be the reason for doing that. Seifert indicated Murray's notes were quite thought provoking.

Seifert noted quite a few Commission members were missing this evening and perhaps taking a poll would not be a good idea. It was agreed to table this until the next meeting. In the meantime, Murray's notes will be emailed again to everyone.

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

5. New Business – none.

6. Report of Officers and Subcommittees

(a) Report from Zoning Compliance Officer

(i) Report on complaint re 48 Maple

ZCO Brown read into the record a letter from Attorney David Royston dated March 10, 2016 and an email from Attorney Royston to Attorney Ed Cassella also dated March 10, 2016.

ZCO Brown reported on the following -

- Potential subdivision on Wig Hill Road, 23 acres being divided into 2 lots. Question was does the Commission allow an interior lot behind an interior lot. Commission members agreed that has been allowed in the past and it does allow for common driveways for up to 3 lots.
- Jake's – waiting for response on signs, possible sign violation.
- 16 Main – inquiry received regarding a potter wanting to purchase property and move business into Chester. It would be retail/classes/studio/gallery. Commission members agreed this would be by zoning permit only.
- 33 Liberty – an individual is looking at doing apartments on this property. They are currently working with the Wetlands Agency and the State Health Department. This would require a change to the Zoning Regulations.

**Chester Planning & Zoning Commission**  
**Regular Meeting, March 10, 2016**  
**Page 4 of 4**

- Heard through the grapevine there is a Bill pending in Hartford to allow “granny pods” as temporary housing for parents. State is contemplating making this a blanket State approval. Once the individual dies, this would not become established housing.

7. Bills for Payment – none.

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

9. Approval of Minutes – February 11, 2016 Public Hearing and Regular Meeting Minutes

**Motion by Joslow, second by Merola, to approve February 11, 2016 Public Hearing Minutes as written. Approved with Bisacky and Scherber abstaining.**

**Motion by Zanardi, second by Joslow, to approve February 11, 2016 Regular Meeting Minutes as written. Approved with Bisacky abstaining.**

10. Pending Litigation – nothing to report.

11. Adjournment

**Motion by Joslow, second by Zanardi, to adjourn at 8:30 PM.**

**Unanimously Approved.**

Respectfully submitted,

*Judith R. Brown*

Judith R. Brown, Recording Secretary

RECEIVED FOR RECORD A  
3/24/2016 AT 9:20 M  
*Christina*  
TOWN CLERK