

The Chester Planning & Zoning Commission held two consecutive Public Hearings on Thursday, April 12, 2018, at the Chester Town Hall, 203 Middlesex Avenue, Chester. In attendance were

Members present and seated: Jon Lavy (Chairman), Michael Sanders, Bettie Perreault (Secretary), Henry Krempel, Elaine Fitzgibbons, Steven Merola, Keith Scherber, Jacqueline Stack, Peter Zanardi and Steve Tiezzi (Alternate) and Judy Brown (ZCO). Also present were Commission Counsel Sylvia Rutkowska and an audience of approximately 25 citizens.

Secretary Perreault read the Legal Notice, published in The Hartford Courant into the record.

### **Public Hearing**

Application by Glenn and Margaret Reyer, 88 Goose Hill Road for Special Exception: Designation of apartment over garage as an Accessory Apartment.

Mr. Reyer advised the area over the garage was part of the original construction of the building and has been used over the intervening years as their residence and a home office. The designated unit has an independent exterior entrance; entry, through the garage, to the main house, a full kitchen, full bath, laundry facilities, dedicated heat and hot water. Members reviewed the submitted site and architectural plans. There was no input from members of the audience of citizens.

**On Motion** by Krempel, second by Sanders, this Public Hearing was adjourned at 7:40 P.M.

### **Public Hearing**

Petition to Amend Zoning Regulations

- Add to Section 20 Definitions – definition for Short Term Rental and add Short Term Rental to definition for Transient Accommodations.
- Add Short Term Rentals as General Principal Use or Special Principal Use requiring a Special Exception in such Districts as Commission deems appropriate after receipt of evidence and comment at Public Hearing. The Districts which will be considered for having Short Term Rentals as a General Principal Use or as Special Principal Use are RESIDENTIAL DISTRICTS R-2, R-1, and R-1/2, PLANNED RESIDENTIAL DISTRICT (PRD), CHESTER VILLAGE DISTRICT, COMMERCIAL DISTRICT, CONTROLLED DEVELOPMENT DISTRICT (CDD), WATERFRONT DESIGN DISTRICT, RESEARCH AND LIGHT MANUFACTURING DISTRICT (RLM).
- Add new Section 132 establishing Standards and Conditions for Short Term Rentals either as General Principal Use or as Special Principal Use requiring a Special Exception, including occupancy limits, parking, code compliance, management and special events.
- Provisions for obtaining a permit, permit renewal, permit termination and permit reinstatement after termination.

Chairman Lavy reviewed the Public Hearing process and introduced Commission Counsel Sylvia Rutkowska to provide explanation of the proposed amendments and answer questions as raised.

It was noted that this Public Hearing might be continued to allow the Commission time to review information received and the public to be available at a later date to continue that process. The process leading up to formulation of the proposed amendments was reviewed from its starting point to address various concerns voiced by residents and the public. Many of the provisions presented are discretionary by the Planning & Zoning Commission, with other provisions being of a policy-making nature, many of which are repeated throughout the Regulations to ensure connection and clarity. The proposed Amendments were reviewed, Section by Section, with discretionary items carefully pointed out.

Addition of Section 132 in an effort to minimize the effects of the proposed amendments on the different zones. Numerous parts of the proposed Amendments involve discretionary actions by the Commission, including the provisions of Special Exceptions.

Connecticut State Statute regulations pertinent to the activities included in the proposed Amendments were reviewed, with note of the fact that some municipalities have adopted regulatory policies while there is no regulation in others. Following a brief Q&A by Commission members, members of the audience spoke:

Dave Fortin, 41 East Liberty Street;  
Joel Severance, 4 East Liberty Street;  
Karli Spinella, 10 East Liberty Street;  
Suzanne Fetter, 62 Spring Street;  
Deborah Vilcheck, 23 Butter Jones Road;

Kim Senay, 9 Spring Street;  
Carol Riordan, 24 East Liberty Street;  
Conor McKeivitt, 22 East Liberty Street  
Christine Palm, 29 East Liberty Street

Points raised by speakers, many of which were raised by more than of one speaker, include the following:

- The number of people and/or vehicles to be regulated, with particular note of the passenger capacity of vans and similar multi-passenger vehicles;
- How enforcement of the proposed Regulations can be implemented and what enforcement agencies and/or authorities would be required;
- Commercial uses in Residential Zones, both intermittent and on-going, and whether such uses should be permitted in Residential Zones at all;
- Traffic issues of many natures, including increasing volume of traffic on streets where premises are being used for activities covered under the proposed Amendments; on-site, on-street and illegal parking, need to maintain a "fire lane" to allow access by emergency vehicles and personnel not only via public streets but to interior locations on properties;
- Fireworks and similar activities that are not properly conducted; (note was made that fireworks are not within the purview of this Commission);

- How to determine the actual number of patrons of the visited establishment, as differentiated from their visitors and/or guests;
- The effects on water quality and other environmental factors as a result of increased use and the impact on on-site waste disposal systems, etc.
- Evidence of actual experiences for the 2017 calendar year involving a single property;
- Management concerns, including note of the fact that off-site, remote management was not feasible and was ineffective to enforce;
- How neighbors can achieve immediate responses when violations occur, whether the issue involves a Zoning infraction, or a violation which would require intervention by others, such as Police, Fire, Fire Marshal, etc.,
- When/if a violation occurs, is responded to and document, the consequences should be of sufficient deterrent to discourage such activities.
- Noise affecting neighbors and others, including regulation of times when permitted/not permitted, whom to contact for immediate response, and a means to quantify the volume of sound being generated.
- The effects of activities associated with such uses on abutters and neighbors, including but not limited to loss of privacy, loss of real estate value in the neighborhood/area, presence of “strangers” in a smaller neighborhood; the loss of the “comfort” of a safe, quiet and secure neighborhood;
- The lack of regulatory oversight of such things as vermin/bedbugs, the submission of false and/or inaccurate information provided on applications, either to property owner or to any regulatory agency/authority;
- Requirement of an annual renewal process versus requiring a permit for each and every use;
- Requirement of fee(s) for the various applications and processes, whether such fees are imposition, and the impact on the present tax burden, local, state and federal on property owners and others.
- Limitation of the number of special events a single property may permit, including limitation on the number of participants, the size of the property, both the residence and land area;
- The recommendation that regulations adopted by other municipalities (Hartford was specifically noted), which are more restrictive, may better address resident concerns with the proposed Amendments.

Correspondence received by the Commission and read into the record of the Public Hearing include those from:

James Baker, 29 East Liberty Street  
Connecticut River Gateway Commission  
Connecticut River Council of Governments

Lee Foster, 26 East Liberty Street  
Lois Nadel, 7 East Liberty Street

There was no further input from those present. Chairman Levy recommended the Commission continue the Public Hearing to consider what had been presented and heard at this meeting and to allow additional public input; members offered opinions and Legal Counsel provided advice.

**On Motion** by Merola, seconded by Stack, the Public Hearing was closed at 9:32 P.M. to be continued on Monday, April 30, 2018.

Respectfully submitted,  
*Bettie Perreault*  
Secretary