

The Chester Planning & Zoning Commission held a continuation of a Public Hearing, which commenced on Thursday, April 12, 2018, at the Chester Town Hall, 203 Middlesex Avenue, Chester. In attendance at the continuation of the Public Hearing held on Monday, April 30, 2018 were the following members:

Members present and seated: Jon Lavy, Michael Sanders, Bettie Perreault, Henry Krempel, Elaine Fitzgibbons, Steven Merola, Keith Scherber, Jacqueline Stack, Peter Zanardi, Steve Tiezzi (Alternate), Sally Murray (Alternate) and Patricia Bisacky (Alternate). Also present were Commission Counsel Sylvia Rutkowska, Zoning Compliance Officer Judy Brown and an audience of approximately 23 citizens.

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.

On Motion by Henry Krempel, seconded by Peter Zanardi, the Public Hearing was closed at 9:21 P.M.

1. Call to Order:

The Special Meeting was called to order at 9:31 P.M. following adjournment of the Public Hearing.

2. **Roll Call and Seating of Alternates:**

Members present and seated: Jon Lavy, Michael Sanders, Bettie Perreault, Henry Krempel, Elaine Fitzgibbons, Steven Merola, Keith Scherber, Jacqueline Stack, Peter Zanardi, Steve Tiezzi (Alternate), Sally Murray (Alternate) and Patricia Bisacky (Alternate). Also present were Commission Counsel Sylvia Rutkowska and Zoning Compliance Officer Judy Brown.

3. **Audience of Citizens:**

The audience from the earlier Public Hearing did not remain for this Special Meeting.

4. **Old Business:**

(b) Petition to Amend Zoning Regulations

Attorney Rutkowska reminded members that consideration of proposed amendments to the Zoning Regulations was intended to be applicable to all related uses/activities and should not be considered in the context of any single use/activity, past, present or future. She then went through a review of items within the proposed amendments that will need clarification and/or refined definition. These included, among others:

- Definition of what a “short-term rental” is to ensure clarity of interpretation;
- Distinction between frequency and duration in connection with short-term rental uses, including such considerations as the maximum number of days per visit, the number of visits per month/year, etc.;
- Clarification of terminology in connection with residential, owner occupied, owner resident, lessee, a resident of Chester, etc.
- Many aspects of the Special Permit process, from inception, through the approval process and/or how to revoke if terms and conditions were not adhered to;
- Whether or not short-term rentals constitute a commercial use;
- Permitted residential uses within the current Commercial (Route 154) and Village District are “by right”, and whether changes in uses may or may not require a Special Exception;
- Review of the current Bed & Breakfast regulations and the pending short-term rental regulations;
- With a clarified definition of a short-term rental as, potentially, a permitted use in the Village District, determination of what, if any, differences in duration or other requirements might apply;

- Determination that under the current Regulations the following zones would not be impacted by adoption of the proposed short-term rental regulations: CDD, RLM, Waterfront Design, and PRD;
- Significant discussion in connection with special events associated with short-term rentals, with recognition of the need to redefine the regulation to limit attendance/participation to occupants, elimination of a listing of types of events and hours of operation restrictions;
- The steps required to revoke a Special Permit, which currently require finding of a violation, subsequent issuance of a cease and desist, followed by an allowable appeal period, resulting in lengthy time lapse to bring to a resolution;
 - Consider imposition of requirement that failure to comply with the terms and conditions of an approved Special Permit will result in immediate revocation of such Permit;
- Ensuring that the numerous Code and jurisdictional items identified in correspondence from the Fire Marshal found to be in conflict with the proposed amendments are rectified;
- Discussion of how to identify and quantify children in a family's short-term lease, taking into consideration ages and the number of children permitted;
- Review and clarification of vehicle restrictions in connection with short-term leases and activities associated with them;
- Review of the requirements for on-site management, local management, primary resident, lessee, etc. and the ability of the Commission to make discretionary judgments in association with issuance of a Special Exception.

Chairman Lavy reminded members the next regular Commission meeting on May 10, 2018 would bring approval of the proposed regulations closer to enactment. Legal counsel will endeavor to incorporate items and recommendations discussed to that meeting.

5. Approval of Minutes: April 12, 2018 Public Hearing and Regular Meeting Minutes

On Motion by Jacqueline Stack seconded by Henry Krempel, the minutes of the April 12, 2018 Public Hearing and Regular Meeting were approved as written. Murray and Perreault abstained.

6. Adjournment:

On Motion by Peter Zanardi, seconded by Henry Krempel, the meeting adjourned at 11:31 P.M. The motion passed unanimously.

Respectfully submitted,

Bettie Perreault

Secretary