

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.

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.

Chairman Lavy read correspondence from the following into the record:

- Laura Grimmer, The Perfect Pear, 51 Main Street
- Richard Leighton, Fire Marshal, Town of Chester

Members of the audience were invited to speak. The following spoke, presenting correspondence and other evidence to the Commission in support of their presentation:

Karli Spinella, 10 East Liberty Street  
Carol Riordan, 24 East Liberty Street  
Joel Severance, 4 East Liberty Street;  
John Gerchak, Chester resident;  
Martin Nadel, 7 East Liberty Street;

John Rachford, 85 Wig Hill Road;  
Kim Senay, 9 Spring Street.

Others spoke informally during the latter portion of the Public Hearing

Points raised by speakers, some of which were raised by more than of one speaker and also repeated much of the same evidence presented during the April 12, 2018 initial phase of this Public Hearing, include the following:

- Evidence of activity for the current year for one property;
- The impact of activities the proposed regulatory changes may have on real estate values;
- The lack of an effective mechanism to check on and/or regulate enforcement of regulations and/or permits;
  - “Enforcement of (these) rules is ‘toothless.’”
- The different activity levels in residential neighborhoods versus those in retail/mixed use areas;
- Activities associated with parties and gatherings, with particular reference to events with fireworks;
  - It was again pointed out that regulation of fireworks is not within the purview of this Commission and enforcement must come from other authorities/agencies;
- Support of strong, enforceable regulations;
- Commercial uses in Residential Zones and whether such uses should be permitted in Residential Zones;
- Requiring owner present on the premises or an adjacent property;
- The inability of offended neighbors to secure immediate, timely resolution when activities warrant action;
- The effect on the quality of life in affected neighborhoods;
- The potential of a changing economic climate producing further changes and pressures on residential neighborhoods;
- Provide mechanism in the regulations to revoke permits, if issued, and fine violators;
- The impact of other, different activities/events acerbating neighborhood disruption which are, in fact, of a commercial nature;

- Suggestion to allow specified activities in only designated areas/zones.

Members of the Commission presented additional thoughts and views, including, among others, the following:

- How to regulate/control events and under what jurisdiction?
- Owner/occupant versus on-site management, on-site versus remote location?
- Requirement for Special Exception processes as well as different requirement levels predicated on zone, neighborhood characteristics, etc.;
- The distinction between requirements regulating land uses versus structures;
- Transient use versus a more permanent use of premises in a commercial manner;
- The distinction between Residential, Bed & Breakfast, Hotel, Motel, Boarding House or other type of use;
- The perception that if an activity is “making money”, it is commercial in nature;
- The need to have an enforceable process to follow when someone violates the Regulations or permitting process, a method the legal process can follow;
- Whether a permitting process should be with an annual review or if more frequent or actual intervention action can be implemented;
- The need to quantify occupancy by the number of persons versus the number of bedrooms.

Chairman Lavy inquired if there was anyone present who wished to speak in favor of the proposed changes; the same question was asked for those who might wish to speak in opposition to the proposed changes. There were no responses. Attorney Rutkowska reviewed the Special Exception process, indicating there can be two levels of action: administrative in nature versus requiring a Public Hearing and notification to other property owners. It was also noted there is a distinction between Commercial zones and the Village District.

There was no further input from those present.

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

Respectfully submitted,

*Bettie Perreault*

Secretary