

1. Call to Order:

The Chester Planning & Zoning Commission held its regular meeting on Thursday, June 14, 2018, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Jon Lavy called the meeting to order at 7:30 PM.

2. Roll Call and Seating of Alternates:

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

3. Audience of Citizens:

Karli Gilbertson Spinella, 10 East Liberty Street approached the Commission to read a communication in connection with the pending revisions to the Zoning Regulations. Chairman Lavy explained that the Public Hearing for the pending revisions had been closed on April 30, 2018 and that the Commission was not allowed to accept any additional testimony or evidence. Legal Counsel Rutkowska confirmed this advice. Considerable discussion followed between both members of the audience, Lavy and counsel regarding the closed Public Hearing.

4. Old Business:

Chairman Lavy reported that, having been unable to attend the May 10, 2018 meeting of the Commission, he has listened to the recorded record of that meeting. He specifically noted the conversation at that meeting in which members who were not in attendance at this meeting had expressed opinions and views, advising that, in his opinion, no further decision-making actions in connection with the proposed amendments to the Zoning Regulations should be made until those members were present. He further stated that other matters, such as affordable housing, were still facing Commission consideration, and that it was important to move forward as quickly as possible through the decision-making process.

a. Petition to Amend Zoning Regulations

- Commission members expressed a wide range of comments, opinions and views in connection with the proposed Zoning Regulation amendments. Based on the recently concluded Public Hearing, the need to avoid “kicking the can down the road”, and the need to address a changing economic environment while maintaining the character of neighborhoods were brought up. Among the points raised were the following:

- Concern that any decisions should be made based on rational, measured concerns without allowing emotional or location-specific considerations was also noted.
- Concern for the need to protect the quality of life for affected neighborhoods, as well as “public good versus private rights” were also pointed out.
- The ability to enforce any requirement in the Regulations was also an issue, with note that, while a Regulation might be enacted, enforcement could be problematic and costly for both the Town and property owners.
- What zones the proposed activities for amended regulations would be included in were also discussed, as well as the potential associated activities/events that might be regulated.

Counsel Rutkowska advised that at this time Courts are still not clear on the various aspects of similar uses within zoning parameters, and that any amended Regulations should take this uncertainty into consideration. Based on this, it was suggested that the Commission should review its options with the potential for future litigation and carefully review proposed changes with legal counsel.

Counsel Rutkowska reviewed the various suggested “red line” changes to the proposed amendments based on the Commission’s discussions at the May 10, 2018 meeting, providing commentary and advice as appropriate. Noted were discussion points associated with activities in additional zones, the Town’s perceived initiatives to bring more activity and “vibrancy” to areas where short-term rentals might be permitted/regulated, and how to implement potential changes in such a way as to minimize the effect on neighborhoods while enacting regulations that are enforceable.

Among discussion points raised and discussed by Commission members were the following:

- The need to protect both abutting neighbors and entire neighborhoods from negative impact(s) of potential activities;
- The fact that there are already similar, unregulated activities currently taking place in town, without any regulation or obvious effect on neighbors or neighborhoods was noted;
- The different requirements and responsibilities of “resident/owner” versus “owner/occupant” were extensively discussed, with particular note that the distinction should be clearly identified and that the requirements should be both allowable and enforceable;

- A permitting process which could include a Zoning Permit, Special Exception or other similar approval process will need consideration and determination of a best method to ensure compliance, regulation and enforcement.

Members were advised to review updates to the proposed amendments and be prepared with feedback at the next Commission meeting so finalizing the approval process could move forward.

From the audience, Karli Gilbertson Spinella, 10 East Liberty Street questioned earlier advice to Commission members and others to avoid discussion of pending proposed regulation amendments. Counsel Rutkowska advised that conversations between Commission members and others must be open to the public.

(At 8:58 P.M., Counsel Rutkowska’s participation in the meeting was no longer required at this time and she left the meeting.)

- b. MasoniCare Amendment to Special, 317 Main Street: adding second floor to common area.

ZCO Brown reported that email correspondence had been received from Fire Marshal Leighton advising that the plans for the proposed addition did not meet current Code requirements and could not be reviewed or processed. Based on this information, the Commission did not review the information available, deferring any action to a future time without prejudice.

5. New Business:

- a. Sidewalk Outside Dining Zoning Permits Review

- i. Simon’s Market, 17 Main Street

ZCO Brown reviewed the Application for Zoning Permit, advising that all requirements had been met.

On Motion by Steve Tiezzi, seconded by Henry Krempel, the Zoning Permit for Simon’s Marketplace, 17 Main Street was unanimously approved as submitted.

- ii. The Villager, 13 Main Street

ZCO Brown reported the Application for Zoning Permit had been submitted but did not include the required site plan indicating placement/installation of posts and rope as required by the Zoning Regulations.

On Motion by Steve Tiezzi, seconded by Henry Krempel, the Zoning Permit for The Villager, 13 Main Street was unanimously approved pending receipt of the site plan showing location of posts and rope as required by the Zoning Regulations.

6. **Report of Officers and Subcommittees**

(a) Report from Zoning Compliance Officer

ZCO Brown advised that compliance with a Cease and Desist order in connection with installation of fencing or screening on property on Prospect Street is in progress, with a fencing contracting company engaged and with work anticipated to be completed by the end of the month.

Based on the recent decision by the Zoning Board of Appeals to uphold the Cease & Desist order in connection with activities at property at 18 East Liberty Street, no appeal from the property owner of that decision was received by the deadline for appealing such decision. The property owner has cancelled previously received reservations for guests and/or activities, reportedly using the reason as being the result of actions taken by local authorities.

Application for installation of new signage for the ATM installation at Essex Savings Bank, 203 Middlesex Avenue was reviewed. After review of the applicable Zoning Regulations, confirmation of compliance (or non-compliance) with the requirements of the applicable section(s) of the Zoning Regulations needed to be reviewed. ZCO Brown will confer with Bank officials for details. (Tiezzi recused himself in connection with this discussion.)

Request for advice in connection with a potential subdivision of land at 37-39 Turkey Hill Road was reviewed. The submitted plot plan indicated access to a rear lot without street frontage via a right-of-way, potentially to avoid impacting possible wetlands. After careful review of both the Subdivision and Zoning Regulations, it was determined that the proposal appears to meet regulatory requirements.

Documentation has been received from the Connecticut Siting Council in connection with work proposed by Eversource associated with installation/replacement of utility infrastructure (poles and appurtenances) at various locations in Chester as well as other abutting towns. The information received is for notification only and does not require Commission review or action.

(b) Plan of Conservation & Development Update

Chairman Lavy reported on recent meeting activities, noting a number of activities, points of interest and concerns:

- Previous studies and surveys have typically reflected similar views from those done in the past, indicating that respondents generally “like things the way they are”, providing minimal suggestions for future change or actions;
- The need to take a broader view toward potential trends for the future,

- economically, physically and demographically;
- The advisability and benefits of a multi-town/regional approach to many initiatives at all levels of development;
- Based on work in progress, another survey may be forthcoming to better identify resident sentiment;
- The need to become “more visionary” in the outlook for the future;
- Reminder that the Planning & Zoning Commission will ultimately need to review and approve any final presentation;
- Observation that future Commission focus will need to include addressing the need for affordable housing that meets the changing and expanding needs of an evolving population.

7. Bills for Payment

There were none to be submitted at this time.

8. Communications, Receipt of New Petitions, New Applications

Receipt of Application for Special Exception from Caitlin Clark for property at 1 Main Street (Sarah Jansen, Owner) with description of all proposed uses and improvements as “Coffee & Tea Bar with indoor & outdoor seating located within retail business “Cait Shea”.

A Public Hearing will be scheduled on the application for the next regular Commission meeting.

9. Approval of Minutes: May 10, 2018 Regular Meeting Minutes

On Motion by Jacqueline Stack, seconded by Henry Krempel, the minutes of the May 10, 2018 Regular Meeting were approved as written. Lavy, Tiezzi and Perreault abstained.

10. Pending Litigation

Nothing has been received at this time.

11. Adjournment:

12. On Motion by Henry Krempel, seconded by Steve Tiezzi, the meeting adjourned at 9:44 P.M. The motion passed unanimously.

Respectfully submitted,

Bettie Perreault

Secretary