

1. Call to Order:

The Chester Planning & Zoning Commission held its regular meeting on Thursday, July 12, 2018, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Jon Lavy called the scheduled Public Hearing 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, Steve Merola, Jacqueline Stack, Peter Zanardi, Patricia Bisacky (Alternate) seated for Sally Murray, Steve Tiezzi (Alternate) seated for Keith Scherber. Also present were Commission Counsel Sylvia Rutkowska and an audience of approximately 12 citizens, which included, among others, Sarah Jansen, Cait Clark, Keith Bracknell and Janet Good.

Public Hearing: Application for Special Exception #18-02 submitted by Caitlin Clark (applicant) and Sarah Jansen (owner) for Café (Coffee and Tea Bar, indoor and outdoor seating) located within retail business on property located at 1 Main Street (Tax Map 14, Lot 550, Zone Village District).

The Legal Notice, published in The Hartford Courant on June 29 and July 9, 2018 was read into the record. Proceedings of the Public Hearing are reported in separate, recorded document.

On Motion by Peter Zanardi, seconded by Steve Tiezzi, the Public Hearing was closed and adjourned at 7:51 P.M.

3. Audience of Citizens:

No citizens spoke at this point. Chairman Lavy advised that items on the posted agenda would be taken up at this point to allow those present to make their presentations. The minutes will reflect those actions in the order of the posted Agenda, although out of order in the proceedings of the meeting.

4. Old Business:

a. Petition to Amend Zoning Regulations

To allow all members to participate in discussion of this matter, Chairman Lavy inquired of and received assurance that the recordings of previous Commission proceedings had been listened to by Steve Merola, Steve Tiezzi and Peter Zanardi; Patricia Bisacky had not reviewed the recording.

In no particular order, the following items were discussed by Commission members, with advice and commentary from Counsel Rutkowska as indicated:

- Counsel Rutkowska advised throughout the discussion that one reason to clearly identify and describe a permitted or not permitted activity within the Regulations was intended to avoid, as much as possible, potential legal or Court actions;
- The regulations may regulate an activity or ban an activity, but regulations should be clear in the distinction to avoid potential legal actions;
- Once a regulation is enacted, it then becomes possible to enforce it through the legal process – a procedure which experience has shown to be time consuming, costly and often unpleasant for both the property owner and neighbors;
- Past experiences have shown that “the process works”, it “took time....and money”, but eventually it did work;
- The harsher or more stringent a regulation is, the more likely it is to result in legal or Court actions;
- If something arises during a rental period, it is the property owner’s responsibility to request/require the renter(s) to vacate; neighbors/abutters can also initiate legal action through the various enforcement agencies, i.e., Zoning Compliance, Police, etc.
- Commission members absent at this meeting have expressed strong opinions in connection with the proposed regulations and should participate in the decision;
- Proposed language for application in the Commercial and Village District zones was deemed to be basically acceptable, but concerns were voiced by several members for including the same requirements for Residential zones;
- Clear description of the intended meaning of “frequency” and “duration” within the Regulations will need to be addressed;
- The number of days of any single rental period, the number of occurrences of rentals which may be allowable, a limitation on the number of occurrences during a specified time span, etc. can be included in the regulations;
- Residents who may choose to stay elsewhere for extended periods of time while still maintaining legal residency offer potential renters the option of longer stays, which may need to be addressed in the regulations;
- Special Events in the Commercial and Village District zones, upon grant of a Special Exception could be allowable, with similar events potentially not allowed in Residential zones or elsewhere;

- Identification of requirements by “resident owner”, “full-time resident”, “on-site presence”, “management”, etc. during occupancy by renters will be needed,
- Whether to regulate the number of rooms in a residence versus the number of bedrooms was questioned;
- Requirement that a property owner must apply for and be granted a Special Exception for Short Term Rental uses, with Commission ability to apply conditions and/or restrictions on approvals;
- Consensus that it is the intention and goal of the Planning & Zoning Commission to be aware of, and protective of the interests of all the citizens of Chester in its proceedings.

Chairman Lavy polled members, individually, as to whether, with further modification, the proposed Regulations would be acceptable. In final summary, Counsel Rutkowska will be asked to further revise the proposed regulations to reflect the following, all subject to final review and approval by Commission members at its September 13, 2018 meeting:

- Limit to the number of allowable bedrooms: three (3);
- Limit not to exceed two persons per bedroom, effectively limiting the number of people in a rental party to not more than six (6);
- Limit of not more than three (3) rentals during any three (3) month period;
- Limit of the number of days for an individual rental;
- Requirement for issuance of a Special Exception for any short term rental use with the customary conditions in connection with public health and safety among the considerations;
- Owner presence “on premises”/”on property” requirement;
- Note that once a Special Exception is granted it becomes “by right” for the property.

The Commission will consider the finalized Regulations presented by Counsel Rutkowska at its September 13, 2018 meeting, with action anticipated at that time.

(At 9:22 P.M., Counsel Rutkowska’s participation in the meeting was no longer required and she left the meeting.)

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

David Crowell, Director of Corporate Services, and Annie Hoefflerle, Executive Director reviewed the proposed addition of a 1,700-square foot, second floor addition over an existing office space to provide a multipurpose area for residents. There will be no change in the existing footprint of the structure and the roofline will not exceed that of the existing building. Chairman Lavy reviewed email correspondence outlining the status of outstanding issues, primarily involving Code compliance. Resolution of these items will be submitted to the Fire Marshal for review and approval.

On Motion by Henry Krempel, seconded by Steve Merola, the Amendment to Approved Special Exception #07-01 for a 1,700-square foot second floor addition (for a multipurpose area) to existing building structure (over present office space), not to increase the current footprint of the structure or extend above the current roof line of the building, was unanimously approved subject to receipt of updated design drawings, identification of applicable Code requirements and the subsequent approvals of the Fire Marshal and other applicable regulatory officials.

- c. Application for Special Exception #18-02 submitted by Caitlin Clark (applicant) and Sarah Jansen (owner) for Café (Coffee and Tea Bar, indoor and outdoor seating) located within retail business on property located at 1 Main Street (Tax Map 14, Lot 550, Zone Village District).

After brief review of the earlier proceedings of the Public Hearing,

On Motion by Steve Tiezzi, seconded by Peter Zanardi, Special Exception #18-02 was unanimously approved, with hours of operation to be between 7:00 A.M. and 10:00 P.M., seven days per week, subject to receipt of approvals from all applicable regulatory officials (Fire Marshal, Building Official and Sanitarian).

5. **New Business:** There was nothing to report at this time.

6. **Report of Officers and Subcommittees**

- a. Report from Zoning Compliance Officer

In the absence of ZCO Judy Brown, there was nothing to report at this time.

- b. Plan of Conservation & Development Update

Chairman Lavy advised that there is a new, updated survey being prepared to present items which may more clearly identify resident thoughts and comments. No timeline is available at this point.

7. Bills for Payment

On Motion by Jackie Stack, seconded by Henry Krempel an invoice in the amount of \$425 from J. Brown Associated for secretarial services in connection with the December 14, 2017 and the February 8, 2018 meetings was unanimously approved for payment.

8. Communications, Receipt of New Petitions, New Applications

- a. Bernard J. & Hazel C. Negrelli Family Trust, c/o Beth Wood Trustee, P.O. Box 1175, Truro, MA 02666, for 2 lot Subdivision at 39 Wig Hill Road, Chester, CT.

Application and Subdivision Plans were received by the Commission. John Corona, representing Bascom & Benjamin, LLC of Durham and the applicants, advised that this is a two-lot re-subdivision of property and that the designated lots would become rear, or interior lots requiring a lot area of a minimum of two acres each. He requested to be advised when the Commission would schedule a Public Hearing on the application. The Commission decided to conduct a site walk of the property on Saturday, September 8 at 8:30 A.M., with the Public Hearing to be held as part of its regular meeting on Thursday, September 13, 2018.

9. Approval of Minutes: June 14, 2018 Regular Meeting Minutes

On Motion by Henry Krempel, seconded by Elaine Fitzgibbons, the minutes of the June 14, 2018 Regular Meeting were approved as written. Merola, Perreault and Tiezzi abstained.

10. Pending Litigation

Nothing has been received at this time.

11. Adjournment:

On Motion by Peter Zanardi, seconded by Jackie Stack, the meeting adjourned at 9:27 P.M. The motion passed unanimously.

Respectfully submitted,

Bettie Perreault

Secretary