

Chester Planning & Zoning Commission

Minutes

January 13, 2022

Page 1 of 4

1. Call to Order

The Chester Planning & Zoning Commission met on Thursday, January 13, 2022 as a hybrid meeting, with virtual participation via ZOOM. Chair Michael Sanders called the meeting to order at 7:00 P.M.

2. Roll Call and Seating of Alternates:

a. Commission members attending in person at Town Hall and seated were Michael Sanders, Elaine Fitzgibbons, Andrew Landsman (seated initially for Keith Scherber, subsequently for Seth Fidel), Steve Merola, Bettie Perreault, and Peter Zanardi (for Shubert Koong). Present via ZOOM were Pat Bisacky, Henry Krempel, Keith Scherber (late), Zoning Compliance Officer John Guskowski, Steve Hnatuk, and Land Use Clerk Joy O'Brien. Present in person were First Selectman Charlene Janecek, Treasurer Joe Cohen (present as a citizen), Brooke Girty, Errol Horner and John Schroeder. Among those present via ZOOM were Matt Carroll of N.L. Jacobson & Associates, Susan Peck, Adam Boyd and Jason Litalien of The Brush Mill. (Not all listed were present for the entire meeting.)

3. Audience of Citizens: None spoke at this time.

4. Public Hearing

a. Application CGS 8-24 Submission in connection with NRCS Grant submitted by the Town of Chester. Connecticut General Statutes 8-24 requires review by the Planning & Zoning Commission.

A Public Hearing is not required for this Application and was not held.

b. Application for Text Amendment submitted by Brooke Girty: Section 40-J Height Limitation. The height of any improvement shall be measured vertically from the average ground level at the base to the highest feature of or appurtenant to, the improvement. Church spires, industrial storage tanks, chimneys, radio or television towers and antennas, AND CUPOLAS NOT MORE THAN 10% OF THE ROOF AREA AND NOT INTENDED FOR HUMAN OCCUPANCY, may be erected to a reasonable and necessary height....

Chair Sanders called the Public Hearing to order at 7:03 and re-affirmed the roll call and seated members of the Commission. Applicant Brooke Girty, provided an array of photographs of various existing cupola installations throughout Chester as well as from some surrounding towns, many of which are on buildings with historic backgrounds as well as more modern ones – including the Town Hall at 203 Middlesex Avenue and The Mill building of the Historical Society, and explained the reasons they are often included. While most seldom have occupational use, they may include features which allow ventilation, additional lighting, aesthetic addition to the primary structure and other uses. It was noted by Chair Sanders that the Hearing was on an application for zone text amendment. A considerable portion of the remainder of the Public Hearing included spirited and at times contentious exchanges concerning specifics related to recent construction at 91 Main Street, which includes a cupola and may have not addressed all issues associated with the various permitting process steps.

Minutes

January 13, 2022

Page 2 of 4

Errol Horner, Susan Peck, John Schroeder, Brooke Girty and Commission members were at various times all a part of those exchanges, which were not related to the actual Hearing application process and are, therefore, not included in these minutes. It was pointed out that both the Zoning Regulations and the current Plan of Conservation and Development (POCD) contain language which protects and encourages activities to support, maintain and enhance the vitality of the Village District. Chair Sanders pointed out that Gateway Regulations may require approval of a Special Exception for such an activity, which would need to be included in a potential zone modification for the Chester Regulations.

ZCO Guskowski noted that should the proposed zone regulation modification be enacted, there was a 15-day appeal period during which appeal might be filed, and that there were other procedural errors which may have taken place during earlier stages of the project which will need to be addressed in order to proceed.

On Motion by Bettie Perreault, seconded by Peter Zanardi, the Public Hearing on the above Application was adjourned on unanimous vote of Commission members.

5. Old Business

- a. Application CGS 8-24 Submission in connection with NRCS Grant submitted by the Town of Chester. Connecticut General Statutes 8-24 requires review by the Planning & Zoning Commission.

Recent action by the Inland Wetlands and Watercourses Agency approving the Grant application with a number of conditions had been filed and was noted. Commission members questioned N.J. Jacobson & Associated represented Matt Carrol on how those conditions would be addressed and adhered to; the response provided affirmative intended actions as needed.

On Motion by Peter Zanardi, seconded by Andrew Landsman, Application CGS 8-24 Submission in connection with NRCS Grant submitted by the Town of Chester as required by Connecticut General Statutes 8-24, is approved with conditions as called for in the earlier approval of the Inland Wetlands and Watercourses action taken on January 10, 2022. The vote on the motion was unanimous.

- b. Updates on Regional Housing Plan

ZCO Guskowski noted that additional information concerning the Plan would be presented and discussed at a January 24 meeting scheduled for 7:00 P.M. via ZOOM, which would be followed by the development of local annexes. Chester's local steering group for this step is being headed by Pat Bandzes, with a report due by June. Representatives from P&Z to this steering group were volunteered by Peter Zanardi and Andrew Landsman.

- c. Next steps in review of marijuana statutes and local regulations.

First Selectman Janecek advised concerns from the Board of Selectmen were that potential future activities concerning marijuana not be in the downtown (Village) area, that officials need to hear advice/opinion from local Police officials, that an earlier CCM presentation had offered significant information and that Town-wide informational meetings should be

Minutes

January 13, 2022

Page 3 of 4

held and should include both other agencies and public input. Chair Sanders noted that there are divergent opinions voiced in connection with the issue and how the review/approval process proceeds needs and should include collaborative input from both officials and others. That process should include public notice of meetings and information presentation as much as possible. Chair Sanders and Elaine Fitzgibbons will represent the Commission on any local planning group which will be formed.'

6. New Business

- a. Application for Text Amendment submitted by Brooke Girty: Section 40-J Height Limitation. The height of any improvement shall be measured vertically from the average ground level at the base to the highest feature of or appurtenant to, the improvement. Church spires, industrial storage tanks, chimneys, radio or television towers and antennas, AND CUPOLAS NOT MORE THAN 10% OF THE ROOF AREA AND NOT INTENDED FOR HUMAN OCCUPANCY, may be erected to a reasonable and necessary height....

In discussion in connection with the earlier Public Hearing, it was noted that Chester is the only town in the area without requirement for a Special Exception process for this type of structure. ZCO Guszowski pointed out that the proposed amendment would require modification to include such a requirement. Commission members agreed such a change would allow P&Z oversight of such activity. Before voting, the Commission will review modification to the proposed zone change to ensure it meets expectations and addresses concerns voiced during the Hearing and discussions.

7. Other – Guests or Members

- a. Jason Litalien, representing The Brush Mill, 127 West Main Street, advised of recent renovations being done in connection with the property and asked for advice and direction concerning the possible acquisition of an abutting property to be used for events associated with The Brush Mill. The property proposed for acquisition is currently residential in use and development for event activities would include ADA access availability and the merger of the property with property currently held by The Brush Mill. A Special Permit would be required for the proposed activity after such a merger. It was also noted that any activity that would require construction or other activities would also require review and approval of the Inland Wetlands and Watercourses Agency prior to review and approval of a Special Permit. (Section 50.D.1 of the Zoning Regulations was referred to during these discussions.)

8. Report of Officers and Subcommittees – Nothing was brought up at this time.

9. Report of Zoning Compliance Officer

ZCO Guszowski had provided update of permits issued information and noted the recent employment of Joy O'Brien as Land Use Clerk, and the impending addition of Steve Hnatuk by his organization to provide ZCO services to Chester. Permit has been issued and construction activity initiated for the rebuilding of residence at 27 Ridge Road following destruction by fire. There was no Legislative update as it is not in session at this time.

Chester Planning & Zoning Commission

Minutes

January 13, 2022

Page 4 of 4

Bills for Payment

- a. Dzialo, Pickett & Allen: \$217.42 for legal services
- b. Hartford Courant: \$ 31.84 for publication of legal notice

On Motion by Andrew Landsman, seconded by Steve Merola, the bills for payment (listed above) were unanimously approved for payment

10. Communications, Receipt of New Petitions, New Applications received after posting of Agenda.

On Motion by Steve Merola, seconded by Andrew Landsman, the proposed budget for the Planning & Zoning Commission for fiscal year 2022 – 2023 (below) was unanimously approved for submission to the Board of Selectmen for review and transmittal to the Board of Finance.

<u>Planning & Zoning</u>	<u>Current</u>	<u>Proposed</u>	
Regular Payroll	\$10,000	\$1	*** \$1 as a "place holder"
Outside Clerical	\$ 1,400	\$1,500	12 meetings @ 4 hours @ \$25/hour plus \$300 for posting legal notices, etc.
Advertising	\$ 1,500	\$1,000	Based on current year experience
General Legal	\$10,000	\$5,000	Based on current year experience
Outside Contractor	\$36,000	\$36,000	Zoning Compliance Officer
Printing	\$ 2,000	\$1,000	Regulations and Map Printing when updated
Professional Dev.	\$ <u>0</u>	<u>\$1,200</u>	Mandated Professional Training: 12 X \$100
	\$60,900	\$45,701	

11. Approval of Minutes: December 8, 2021 Regular Meeting

On Motion by Elaine Fitzgibbons, seconded by Steve Merola, the minutes of the December 8, 2021 meeting were unanimously approved.

12. Pending Litigation – there is no pending litigation at this time.

13. Adjournment

There being no further business to come before the Commission,

On Motion by Peter Zanardi, seconded by Elaine Fitzgibbons, the meeting was adjourned at 8:58 P.M.

Respectfully submitted,

Bettie Perreault, Secretary