



145 Dennison Road
Essex, CT 06475
Phone: 860-581-8554
FAX: 860-581-8543
www.ctrivergateway.org

Chester
Deep River
East Haddam
Essex
Haddam
Lyme
Old Lyme
Old Saybrook

January 11, 2022

Mr. Michael Sanders, Chairman
Chester Planning and Zoning Commission
29 West Avenue
Essex, CT 06426

SUBJECT: Proposed Regulation Concerning Cupolas Exceeding 35 Feet in Height
Petitioner: Brooke Girty

Dear Mr. Sanders:

A request has been submitted to staff of the Gateway Commission prepare a memo regarding the interpretation of a petition to revise the zoning regulations for the Town of Chester. Specifically, a proposal has been submitted to include cupolas in Section 40J that are (1) less than 10% of the roof area upon which they are constructed, and (2) not designed for human occupancy, allowing such cupolas to exceed the 35-foot height maximum. This change would allow cupolas to be administratively approved through the issuance of a zoning permit rather than through the approval of a variance of height regulations. Such cupolas would be treated in much the same way as “church spires, industrial storage tanks, chimneys, radio or television towers and antennas”.

First, the members of the P&Z are likely aware that any zoning regulation that impacts properties within the Gateway Conservation Zone must first gain approval by the Gateway Commission before the regulation can become “effective”, this pursuant to the requirements of Section 25-102g of the Connecticut General Statutes. With respect to the proposed regulation, it was initially worded to allow administrative approval of cupolas throughout town, including in the Gateway Conservation Zone. As such, the regulation would require a Gateway Commission review in order to become “effective”. Although the Gateway Commission would likely not object to how cupolas are processed in non-Conservation Zone areas, the original language would not be acceptable in that cupolas over 35 feet on structures in the Conservation Zone can only be approved through a Special Permit by the Chester Planning & Zoning Commission through the requirements of Section 90F. The proposed regulation contradicted the Special Permit requirement established in Section 90F, one of the “minimum standards” of the Gateway Commission. The original proposal would therefore not gain Gateway Commission approval and the regulation could not become “effective”.

Subsequent to initial communications, the petition language has been revised to allow administrative approval of cupolas over 35 feet in height only in non-Conservation Zone areas of town. This leaves the Special Permit requirements of Section 90F intact. Further, with this revision, the regulation won’t impact properties within the Conservation Zone, so no Gateway Commission review and approval is necessary pursuant to Section 25-102g CGS.

Protecting the River Since 1973

Thank you for your ongoing partnership in protecting the river scene along the Chester shoreline and thank you for requesting this clarification of the processing of zoning regulations that impact properties within the Gateway Conservation Zone.

Sincerely,

A handwritten signature in black ink, appearing to read "J. H. Torrance Downes". The signature is fluid and cursive, with a long horizontal stroke at the end.

J. H. Torrance Downes, Deputy Director
Staff, RiverCOG/Gateway Commission

Copies via email to:

Jenny Kitsen, Chester Representative to the Gateway Commission

Tom Brelsford, Chester Alternate to the Gateway Commission