

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT ZBA MEETING

TOWN OF CHESTER, CONNECTICUT
ZONING BOARD OF APPEALS
REGULAR MEETING
Monday, May 16, 2022
Chester Town Hall Meeting Room and via
ZOOM

CALL TO ORDER

Chairman Blair called the meeting to order at 7:02 p.m. In attendance included: Bob Blair, Chairman, Mike Peck, John DeLaura, Alex Stein (alt. seated for Erik Anderson, via ZOOM), and Seth Cohen (alt. seated for Errol Horner, via ZOOM). Also in attendance: Tom Metcalf and Steve Carlson.

APPROVAL OF MINUTES

Mike Peck made a motion to approve the minutes from the 4/18/22 meeting as presented. John DeLaura seconded the motion. The motion passed unanimously.

Bob Blair made a motion to add to the agenda the approval of minutes from the 7/19/21 meeting as presented. John DeLaura seconded the motion. The motion passed unanimously.

Mike Peck made a motion to approve the minutes from the 7/19/21 meeting as presented. John DeLaura seconded the motion. The motion passed unanimously.

PUBLIC HEARING

Application for Variance: 72 Railroad Avenue – Sections 40D, 100C.1, and 100C.9 for new Storage Building at Chester Point Marina. Applicant: Chester Point Real Estate LLC

John DeLaura made a motion to Open the Public Hearing relative to 72 Railroad Avenue – Sections 40D, 100C.1, and 100C.9 for new Storage Building at Chester Point Marina. Applicant: Chester Point Real Estate LLC. Mike Peck seconded the motion. The motion passed unanimously.

Detailed documentation relative to the application was available on the town's website and presented at the meeting. Tom Metcalf, P.E., L.S. representing the applicant reported on the parameters of the proposal and noted that in July 2016, the ZBA issued a variance for a project similar to the one presented at this evening's meeting (note that the variance granted previously has no bearing on this evening's discussion and was provided for informational purposes only as requested in the application).

The proposal calls for the construction of a 12,000 sq. ft. repair/maintenance/storage building that will replace and enlarge an existing "hoop" building. The variance is necessary to allow the floor slab elevation of the building to be below the base flood elevation as required per regulations. Note that this is an AE10 elevation zone. By its functional nature, the marina requires and depends on carrying out activities at or near the elevation of the adjacent boat basin with minimal sloping to access the building. Requiring the raising of the building to meet regulations would result in exceptional and prohibitive difficulty of essential marina functions. The structure will be built to FEMA requirements and will contain flood vents, flood resistant materials, etc. All mechanicals and electricals will be elevated.

The Gateway Commission reviewed the application and visited the site. They do not object to the granting of the requested variance of regulations. A copy of their letter was included in the application. In addition, DEEP reviewed the application and had no objections. The Health Department, CHRAD, reviewed the application per the Health Code. They had no objections.

As required, the application was submitted for Coastal Site Plan review.

Mr. Metcalf and Mr. Carlson were available to address questions/comments posed by board members including:

- Because the footprint is increasing, the roof water will be collected and placed in infiltration trenches around the building to capture the first inch of rainfall as recommended by DEEP. The plans include details of the storm drainage infiltration trench.
- No paving is proposed in the project.
- The application is in the tidal wetlands and under the jurisdiction of DEEP (not the Inland Wetland Commission).
- FEMA is administered via local Zoning and State Building Official.
- The owner intends to begin the project when all approvals are in place. The supply chain issues may affect the project. It is anticipated that if approved, demo would begin in the Summer and construction would begin in the Fall.
- The restaurant at the property did not require a variance as determined by P&Z and the Building Official.
- Clarification was provided indicating that this is not an “economic” hardship but that the property is unique and lends itself to a marina that depends on activities at or near water level of the adjacent waterway.

Mike Peck made a motion to close the public portion of the Public Hearing at 7:44 p.m. John DeLaura seconded the motion. The motion passed unanimously.

ZBA members deliberated on the Application for Variance.

Bob Blair reported no concerns with the application and commented that the hardship exists due to the uniqueness of the property.

John DeLaura had no objection to the project. The storm water mitigation is well managed; two letters were received in support of the project (Gateway and DEEP). He agreed that the uniqueness of the property is the hardship as it limits development. A marina is an appropriate use of the property. He commended the applicant for this well documented application.

Alex Stein commented that a literal interpretation of the Regulations creates the hardship. The aspect of raising the grade requires significant fill but you are not permitted to use fill that close to the water. He noted no issues with the application.

John DeLaura made a motion to approve the application for a variance for 72 Railroad Avenue – Sections 40D, 100C.1, and 100C.9 for new Storage Building at Chester Point Marina as submitted based on the hardship that the property as a marine water dependant use that is unique by its location. In addition,

the literal interpretation of the Regulations creates the hardship (as noted above). Mike Peck seconded the motion. The motion passed unanimously.

RECEIPT OF NEW APPLICATIONS - None.

OTHER BUSINESS

Coastal Site Plan Review

John DeLaura made a motion to approve the Coastal Site Plan Review as presented as it is consistent with the goals and policies of DEEP. Mike Peck seconded the motion. The motion passed unanimously.

ADJOURNMENT

John DeLaura made a motion to adjourn the meeting at 7:55 p.m. Mike Peck seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski
Clerk