

Chester Planning & Zoning Commission

Minutes

September 8, 2022

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1. Call to Order

The Chester Planning & Zoning Commission met on Thursday, September 8, 2022 as a hybrid meeting, with virtual participation available via ZOOM. Chair Sanders called the meeting to order at 7:00 P.M.

2. Roll Call and Seating of Alternates:

Commission members attending in person in the Community Room of the Town Hall and seated were Pat Bisacky, Seth Fidel, Elaine Fitzgibbons, Bettie Perreault, Michael Sanders, and Peter Zanardi. Present via ZOOM were Shubert Koong and Zoning Compliance Officer John Guskowski. Present in person were: First Selectman Charlene Janecek, Officer Paul DeCrosta and Officer Matt Spina,

3. Public Hearing: Application for Text Amendment to the Zoning Regulations: Section 160D - Extension of Moratorium on Recreational Cannabis Establishments in the Town of Chester. Applicant: Chester Planning & Zoning Commission

Seated were: Pat Bisacky, Seth Fidel, Elaine Fitzgibbons, Bettie Perreault, Mike Sanders and Peter Zanardi (seated for Steve Merola).

Following explanation of the process, the steps being followed and the fact that other local towns have or are processing actions to address the need for zoning regulations, the Legal Notice was read into the record.

Members of the audience spoke on the matter, with Officer Spina asking what benefit establishment of a retail cannabis operation would bring to Chester. He further pointed out that the cash-basis on which such establishments would operate could become prime targets for criminal activities, potentially use of firearms, and other illegal actions. Officer DeCrosta pointed out that Chester regulations currently prohibit the sale of medical marijuana and asked why retail should be considered differently. He also noted that, historically, marijuana is often an introduction to "harder drugs". It was also pointed out that the volume of cash generated by such a retail operation is often a target for robberies and other illegal activities.

The officers were asked by Bettie Perreault what the potential cost associated with any and all police activities to the Town of Chester. The response was, "significant", with note that in addition to municipal costs, such operations also generate activity and oversight by other agencies, both Federal (ATF) and Local.

No one else spoke either in favor or in objection to the Application. There being no further questions from Commission members,

On Motion by Peter Zanardi, seconded by Seth Fidel, the Public Hearing was closed at 7:13 P.M.

4. Audience of Citizens: There was no audience of citizens.

5. Old Business

- a. Update on status of regulations in the Gateway Conservation Zone: Torrance Downes (Gateway staff) and Tom Brelsford (Chester rep.).

Tom Brelsford provided an explanation of the duties/responsibilities of both the representative from individual towns, introduced Downes and his role as staff director of the agency.

Downes distributed copies of Gateway regulations with recommended edits and updates that have been proposed by that agency, along with an overview and history of the formation and function of its purpose and function in the protection of the lower Connecticut River and its surrounding shorelines. The proposed “new” regulations address a variety of issues affecting current regulations, issues and concerns. Throughout the discussion, he noted that the proposed revisions were “minimum” standards that could be modified or more stringent by individual municipalities. It was also noted that the areas identified as “developed area” need additional clarification, including that the changes represent “current” conditions, not those which may be developed in the future. During the presentation and discussion which followed, Brelsford noted issues raised or discussed by Commission members to be brought to the Gateway agency for further refinement, review and/or revision.

Among the following items that would require revisions to the current Chester Zoning Regulations associated with Section 21 – Definitions were raised and discussed:

- Issues which addressed up-dated regulations and revisions to a variety of sections to meet those new standards.
- Identification of the location of the topographical elevation of tides based on current information.
- Clarification of the area within the Gateway Conservation Zone.
- Clear definition of the Gateway Conservation, now defined in the CT General Statutes Section 25-102c.
- Detailed definition of the Developed Area within the Gateway Conservation Zone..
- Addition of definition of enlargements/extensions of existing structures.
- Light pollution within the Conservation Zone, with details regarding location and its impact on multiple factors.

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- Identification of the municipalities that are a part of the Gateway Conservation Zone, which had not been clearly identified previously.
 - Clarification of plants and plantings within the Conservation District.
 - Clarification of the riparian area within the Gateway District.
 - Clear definition of the impact of activities within the Gateway District for future activities within that area.
 - Revisions and updates to details concerning both removal and addition of soil and earth materials.
 - Control of burning of undergrowth as regulated by the CT DEEP as they may evolve over time.
 - Significant update of Section 90E regarding Residential Structures and the permitting/procedural process involved, with the addition of details associated with lighting regulations.
- b. Status of RiverCOG region Comprehensive Economic Strategy: There was little information available other than that member towns are working on individual efforts to address the matter.
- c. Plan of Conservation and Development: Chair Sanders reviewed the activity and actions being undertaken by EDC Chair Jon Joslow, noting that the initiative and activities that have been started is both energetic and productive at many levels.
6. Proceedings of Public Hearing: Application for Text Amendment to the Zoning Regulations: Section 160D - Extension of Moratorium on Recreational Cannabis Establishments in the Town of Chester. Applicant: Chester Planning & Zoning Commission. (This item was addressed immediately following the Public Hearing so members of the audience might leave.)

Members reviewed the proceedings of the public hearing, with note of the remarks made by members of the audience and that Commissioners had no additional questions.

On Motion by Bettie Perreault, seconded by Elaine Fitzgibbons, the application for Zoning Regulations Text Amendment extending the moratorium in Section 160D.3 of the Chester Zoning Regulations to continue upon expiration of the current moratorium on October 1, 2022, and shall remain in effect for an additional six (6) months, expiring on April 1, 2023, unless further or other actions are taken by the Commission. The motion was unanimously approved. This MOTION will take effect on October 1, 2022.

During his opening comments, Torrance Downes had advised he would be retiring. Elaine Fitzgibbons pointed out the many years he has served the towns and residents of (now)

RiverCOG and CREPA (the name before the agency expanded). Her comments were repeated by Commission members, and

On Motion by Bettie Perreault, seconded by Seth Fidel, the Commission went on record with its thanks and appreciation to Torrance Downes, Deputy Director and Senior Planner of RiverCOG, for his years of dedication and service to that organization and the towns that it represents, the projects he has led, the successes those projects have generated and how the residents and area served have benefited. The motion was passed unanimously by everyone present. Thank you, Torrance!

7. New Business: There was nothing brought up.
8. Other – Guests or Members:
9. Report of Officers and Subcommittees: There was nothing reported.
10. Report of Zoning Compliance Officer

In connection with the status of zoning violation in the Gateway Conservation District at the end of Dock Road/mouth of Chester Creek, Torrance Downes reported that Gateway staff and representatives had met with the property owner to review the proposed planting of non-invasive plants as part of the restoration. Plants proposed were not deemed acceptable and different plants will be sought and proposed for review and approval. Gateway representatives will continue to be involved in the restoration, and will personally review the site before any plantings take place.

ZCO Guskowski advised there was nothing major to report for the month of August. A zoning violation on Butter Jones Road was addressed, with legal counsel initiating Court action to affirm the violation as the property had pending foreclosure action in the Court.

Chair Sanders reviewed the database of permits issued by the Zoning Office. It was noted that property on Kings Highway had a four-stall horse barn installed for which no zoning permit was recorded, although building permit and certificate of occupancy had been approved. “There’s a missing piece in the existing process” led to extensive discussion of the permitting process within all areas of the Land Use Office. ZCO Guskowski was asked, “How do you build a system where people know there is a process, and that they have to follow that process?” A clear, comprehensive and understandable website providing all the details of the process, what is needed, and is readily trackable and enforceable would be one route to follow. Regular, active visual reviews throughout the town by enforcement personnel could identify potential issues, avoiding non-compliance and violations. No conclusions or actions were taken, but all members agreed that “the system isn’t working as effectively as possible”.

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11. Legislative Update: No report available as Legislature is not in session

12. Bills for Payment: Arch Law Group - \$407.00 – invoice in connection with zoning violation (junk), Butter Jones Road.

On Motion by Seth Fidel, seconded by Pat Bisacky, the Arch Law Group invoice in the amount of \$407.00 was unanimously approved for payment.

13. Communications, Receipt of New Petitions, New Applications received after posting of Agenda: There had been nothing received at this time.

14. Approval of Minutes: August 11, 2022 Regular Meeting

On Motion by Peter Zanardi, seconded by Elaine Fitzgibbons, the minutes of the August 11, 2022 meeting were unanimously approved, with Seth Fidel and Bettie Perreault abstaining.

15. Pending Litigation: There is no pending litigation at this time.

16. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 8:52 P.M.

Respectfully submitted,

Bettie Perreault, Secretary