

**TOWN OF CHESTER
PLANNING COMMISSION**

July 2, 2018 Minutes

Commission Members Present: Naomi Johnson, Claudio Veliz, Tim Roper, Barre Pinske.

Staff Present: Michael Normyle, Zoning Administrator, Cathy Hasbrouck, Recording Secretary.

Citizens Present: Dick Jewett, Mike Westine, Lee Whiting

Call to Order

Chair Naomi Johnson called the meeting to order at 7:00 PM. She announced that she hadn't intended to work on agenda item 4, Review of elements of Town Plan Chapter 3 that evening and would only do so if there was time at the end of the meeting.

Agenda Item 1 Review the minutes from the June 21st meeting

Tim Roper moved to accept the minutes from the June 21st meeting. Claudio Veliz seconded the motion. Claudio opened the discussion with a correction to the second paragraph on page 2, where the word "said" was missing. He also corrected the fourth paragraph on page 4, the next to the last sentence. The word "naturalistic" should be in quotes. In the sixth paragraph on that page, the word "decommission" should be "decommissioned". Tim Roper said that on page 3, in the paragraph beginning, "Barre Pinske wanted to know" the last sentence should have said, ". . . a 50-foot setback from all mapped streams is required for any ground mounted solar installation larger than 15 kw . . ." Naomi Johnson, reading from the comments Cheryl Joy Lipton sent in her absence, said that on Page 5, at the top of the page where item j) was discussed, the words "forest defragmentation" were left out and should be included. Recording Secretary Cathy Hasbrouck could not remember if the words were intentionally left out or not. It was resolved that Cathy Hasbrouck would check the recording and verify if the words were there. Accepting the minutes was deferred until the tape could be checked.

Agenda Item 2, Citizen Comments

Speaking as a citizen, Naomi Johnson said she had seen a movie on Vermont Public Television called "Wind: A Struggle for the Character of Vermont". The movie was made by Mark Cline Lucey. She said it was an insightful discussion of wind power installations in Vermont and recommended that the Commission members watch it.

**Agenda Item 3 Review idea and location for a possible snow mobile fueling station in
Chester**

The discussion of a snowmobile fueling station raised many important points, summarized here, not necessarily in chronological order.

Naomi Johnson and Michael Normyle re-capped the history of the issue since 2016. Michael Normyle said in September 2016 Sheldon Ghetler had discussed this with the Planning Commission, seeking to have a fuel station at his business, the Stone Hearth Inn, which is in the A3 zoning district. The Planning Commission noted that there a fuel station could only be permitted in the Commercial Industrial and Residential Commercial districts and did not take any action to allow it in any other district. Naomi Johnson said the Planning Commission had

received a letter late in 2017 from the Chester Snowmobile Club, discussing the club's activities. While discussing the letter, the lack of a fueling station in Chester was again brought up. More recently, Town Manager David Pisha contacted Naomi Johnson and suggested a snowmobile fueling station could be good for the economy of Chester. Mike Westine said he had spoken to the Chair of the Development Review Board about this and said it was his understanding that a change might be needed to the definition of Automotive Fuel/Energy Stations in Article 8.2 (Definitions) of the Chester Unified Development Bylaws. Fueling for snowmobiles could be separated from fueling for cars. Currently two zoning districts, the Commercial Industrial and the Residential Commercial, allow Automotive Fuel/Service/Sales as conditional uses.

Lee Whiting did a very good job explaining the world of the Chester Snowmobile Club to the members of the Commission. He said Chester is known outside the state as a great snowmobile destination. He said the club had 917 members and has won awards in the past for trail grooming and signage. He said he, himself, moved to Chester many years ago after falling in love with the area on a visit to ride the VAST trails. He cited other members of the club who have also moved to Chester to be close to the snow and the trails. He noted that there has not been a great deal of communication between the club and the town, or a great deal of notice taken of the club's activities. Snowmobilers often patronize the Stone Hearth Inn and Motel in the Meadow, two lodging establishments on the VAST network. In the past snowmobilers gathered at Baba a Louis for snacks and lunch.

Club members at the meeting explained that it can be very helpful for snowmobiles to be able to refuel along a snowmobile trail instead of having to take the vehicle to a gas station on a trailer. In the past there have been places near Chester where snowmobiles could refuel from the trail, but those places are no longer in business. Currently the closest fuel station for snowmobiles on a trail is in Weston. Lee Whiting introduced the idea that cooperation between the club and the community could bring economic benefits to the community. Naomi Johnson and Dick Jewett, president of the club said that Town Manager David Pisha had also spoken to both of them about setting up a fuel station for snowmobiles. The current bylaws only allow a fuel station in the Commercial Industrial and Residential Commercial districts. The bylaws need to be changed to allow a fuel station along one of the VAST trails. The club would provide guidance to the Commission on where a fuel station would be useful, and possibly how the station would be managed.

The club members explained the logistics of a fuel station. What was needed was a skid tank, something like the tank at the Town Garage for school buses, but much smaller, according to Dick Jewett. The club did not want anything as large as a gas station tank. The tank needed to be close to the VAST network and accessible for refilling by a fuel truck. Businesses such as the Stone Hearth Inn, Motel in the Meadow and Baba a Louis are close enough to the trail and the road to be a site for a fuel station. The Pinnacle was also a good site, and it had a better access trail in scant snow years. A method for collecting money was needed. This may or may not require staffing. The price of the fuel would be high enough to discourage people from going to the fuel station instead of a gas station. It would be seen as a special convenience for trail riders. The Commission and the club members agreed that having the fuel station unconnected with an existing business would be helpful because the station would not be vulnerable to a business closing or changing hands as it has in the past. Insurance for the business, and a way to remove and store the tank in the warm season were also mentioned as logistical issues. David Pisha had

made it clear in his discussion with Dick Jewett that the Town of Chester did not want to run the fuel station.

Concerns that were mentioned in the discussion were:

- environmental safety, preventing and containing spills
- unintended proliferation of fuel stations, which could happen depending on how the bylaws were amended
- noise of snowmobiles lined up waiting for fuel
- hours of operation, particularly if the station did not require staff to run it
- security of the fuel
- the initial financial outlay to set up the station, which included the tank, the fuel, insurance, regulatory fees and unknown costs
- resentment among businesses or individuals who felt the change to the bylaw favored one group or individual over another
- the possibility that the bylaw change could be seen as “spot zoning”.

During the meeting several possible ways to amend the bylaws were discussed.

The first option was establishing snowmobiles as a category of self-propelled vehicles separate from cars and trucks which could pay money to use a fuel station and were not required to use a gas station. Then Fuel Station would be established as a conditional use and allowed in some districts.

The second option was establishing Fuel Station as an accessory use allowed with some primary uses such as lodging, recreation or restaurant in certain districts. Brandy Saxton, a consultant Naomi Johnson contacted, suggested this idea.

The third option was to create a recreational overlay district around the VAST network which would define where fuel stations were allowed. Whether this process could be used with an overlay district would have to be researched. Barre Pinske came up with the concept of keeping the fuel station close to the VAST trails the way gas stations are close to roads and, particularly, intersections. Naomi Johnson thought the overlay district could work as a way to define the area near the trails, but she was not certain the state law that defined overlay districts would allow the concept to be used this way.

A fourth option came from Michael Normyle who suggested a method that was proposed in September 2016. He referred to Section 3.28, Storage of Flammable Fluids in the Chester bylaws: “The storage of all flammable fluids and the equipment in which it is stored is controlled under the Fire Code of Vermont as administered by the Division of Fire Safety. Storage of flammable fluids, other than bulk storage for commercial distribution, consistent with this code is permitted in any district, but will require a Zoning Permit if the capacity is over one thousand (1,000) gallons and must meet setback requirements. Bulk storage for commercial distribution does not include retail gas stations. Bulk storage for commercial distribution is only permitted in CI District as a conditional use.”

Michael said that in 2016, when Sheldon Ghetler asked about having a fueling station at his business, the Stone Hearth Inn, Michael consulted with the Department of Public Safety on the issue. They said that if another district was added to the last sentence of Section 3.28, the district where the Stone Hearth Inn was located, then the tank could be placed at the Inn.

Mike Westine cited the A to Z Snowmobile business in Woodford as an example of a business that seemed to be successful and offered a fuel station. The primary business was a snack bar. Naomi Johnson said the Commission should look at the Woodford bylaws to see how the fuel station was handled. It could be a possible model for Chester's bylaw change.

A fifth option brought up toward the end of the discussion was using the Civic/Institutional Conditional use now available in the R120 district. Civic/Institution is defined as follows in the bylaws: "A nonprofit, religious or public use, such as a religious building, library, cemetery, public or private school, hospital, or government-owned or -operated structure, or land used for public purpose." If the fuel station was cooperatively set up at the Pinnacle by the town and the non-profit snowmobile club, it's possible no changes to the bylaws would be needed at all.

Also mentioned was the possibility of making the permit temporary or only allowing it during the winter months. The equipment would need to be removed during the months when there was no snowmobile activity.

At the end of the discussion there was a consensus that the best place to put a fuel station would be the town-owned Pinnacle. Naomi Johnson asked the club members to continue to discuss this with the town, to investigate insurance for the station and discuss the project with local wholesalers of fuel. Graham Kennedy was suggested as a resource for information about the town's skid tank.

Naomi Johnson said her plan for changing the bylaws to allow a snowmobile fueling station included getting permission from the town to formally consult with Brandy Saxton on language for the change. She felt Brandy's expertise and experience would result in language that was fair and acceptable to all parties which would speed up the public hearings process.

Barre Pinske expressed impatience to act on the changes immediately, especially since the process for adopting a change was so lengthy. He threatened to ride through Chester shirtless on a horse, the way Vladimir Putin did, to bring attention to the issue. No one on the Commission was willing to join him in that exercise, though they assured him that moving carefully with bylaw language would minimize the time spent in the obligatory hearings which would have to precede eventual acceptance of the change.

The club members and the Planning Commission agreed the goal was to have bylaw changes in place to allow the fuel station to be set up for the coming winter season. The topic would be revisited at the August 6, 2018 meeting.

Agenda Item 5 Review Village Master Plan relative to Town Plan

Naomi Johnson outlined three possible ways to include elements of the Village Master Plan in the Town Plan: including a summary of the Village Master Plan, devoting a chapter of the Town Plan to the Village Master Plan or adding the entire Village Master Plan as an appendix to the Town Plan. She noted that the Village Master Plan has many goals and objectives and those goals and objectives might belong in the Town Plan goals and objectives sections.

Barre Pinske, who was a member of the Village Master Plan committee, said the final document was very much like the Town Plan, but it pertained to one (geographically) small part of town. He felt it was so well written and thought out, he wondered if the entire Village

Master Plan could be included in the Town Plan. Claudio Veliz suggested that a summary paragraph be written and a reference to the entire document be included. Naomi Johnson thought the first section of the Village Master Plan, A Vision for Chester, was a very good summary and would fit well into the Town Plan. Claudio and Barre agreed that the first section would be a good idea.

Tim Roper said it was likely that the two documents would have some disagreements. Naomi said she agreed disagreements were likely. She thought the Commission should spend time identifying goals and recommendations in each document and resolving any misalignments between the two documents. Cheryl Joy Lipton had told Naomi in an e-mail that she thought the Commission should spend time crafting a summary of the Village Master Plan, which would be integrated into the Town Plan. Claudio Veliz said that as the Village Master Plan was being written, there were many goals and objectives that the Village Master Plan committee thought would apply to more than just the Village Center. He cited sidewalks, bike paths and street lighting that is pedestrian friendly as examples of this. Claudio thought a review of goals and objectives from the Village Master Plan with an eye to which goals would be appropriate for more than the Village Center would be useful.

Naomi summed up the discussion by saying goals and objectives from the Village Master Plan would be incorporated into individual chapter goals and objectives in the Town Plan, a summary would be added to the Town Plan introduction and a portion of the Village Master Plan document would be added as an appendix to the Town Plan. Given that the Commission's plan for completing the Town Plan revision was to complete a group of chapters and present the group to the Selectboard for approval, she suggested that the Commission review the Village Master Plan for goals and objectives that fit the Town Plan chapters being worked on and add them to the Town Plan chapters where appropriate.

Agenda Item 4 Review of elements of Town Plan Chapter 3 Facilities & Utilities

Cathy Hasbrouck said she had looked at *The Municipal Plan*, a document put out by the state of Vermont which outlines the requirements for a Town Plan and set out to meet those requirements for the Police, Fire and Ambulance sections of Chapter 3. She used information in the Town Report and information gathered from discussions in the Building Committee minutes. Claudio Veliz said there was a great deal of information in the Feasibility study for housing the Police, Fire, Ambulance and Public Works, published in March 2018 and available on the town website.

Agenda Item 6 Set date for next meeting

Naomi reminded the Commission that the next meeting was scheduled for Monday July 16, 2018 at 6:00 PM, which is an hour earlier than usual. The meeting will have only one agenda item, a discussion with the town's lawyer Jim Carroll about the workings and responsibilities of the Planning Commission and the Development Review Board.

Claudio Veliz moved to adjourn the meeting. Tim Roper seconded the motion. A vote was taken and the meeting was adjourned.