

**TOWN OF CHESTER  
PLANNING COMMISSION**

**January 5, 2019 Minutes**

**Commission Members Present:** Naomi Johnson, Claudio Veliz, Barre Pinske, Cheryl Joy Lipton and Tim Roper.

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

**Citizens Present:** Brandy Saxton.

**Working session on proposed Unified Development By-Laws with consultant Brandy Saxton**

The Commission began the working session with general questions and comments. Cheryl Joy Lipton asked whether the Planning Commission would receive a list of topics that had been tabled for further discussion. Naomi Johnson said a list would be provided along with a copy of the proposed bylaws with the edits requested to that point from Brandy Saxton. The revised document from Brandy will show the changes from the original draft. The Commission would have time to study the list and the issues would be decided by vote if no other agreement could be reached.

The Commission then resumed discussion of the proposed bylaws at Sub-Section 3020 Stormwater Management. Brandy Saxton read the notes she provided with this section aloud. This section applies to all development that increases the amount of impervious surface on a lot. If the increase in impervious surface is 2,500 – 10,000 square feet the applicant will need to complete the green stormwater infrastructure (GSI) spreadsheet. A professionally prepared plan will be required when more than 10,000 square feet of impervious surface is created. When a state permit is required, the state permit will meet the bylaw requirements.

Naomi Johnson noted that requiring a professional plan for 10,000 square feet of impervious surface is more stringent than the state standard. If the state regulations are revised, the new permit threshold may be one-half acre or about 20,000 square feet. Brandy Saxton said that the Planning Commission had chosen 10,000 square feet as the trigger for a professional plan for erosion control in Sub-Section 3012, increased from her original suggestion. Barre Pinske, Tim Roper and Naomi Johnson agreed that this should coordinate with the erosion control bylaw. Barre Pinske said he didn't want to add to the cost of a small house by requiring work from another professional. Naomi pointed out that a single-family residence would likely not reach the 10,000 square-foot limit. Cheryl Joy Lipton said that investing in stormwater control and erosion control saved the homeowner money. Claudio Veliz cited studies that showed design professional costs saved 4 – 6 times the fee in overall costs for a project.

Tim Roper asked what constitutes an impervious surface. Brandy Saxton said there was a definition for it in Section 5 and that it included building roofs and gravel surfaces. She said paved pervious surfaces have been developed and tried in Chittenden county, but they did not work well in this climate. The winter sand and freezing weather destroyed the surface. Tim

Roper and Michael Normyle said this information about pervious surface material should be added to the Chester Building Permit so that people could avoid that problem. Cheryl Joy Lipton asked if pervious pavement should be discouraged. Brandy Saxton suggested that with the requirement for a plan prepared by a professional, and the current trend away from pervious pavement design, adding language may not be necessary. Naomi Johnson said she knew of some professionals who still favor it. Brandy Saxton said the University of New Hampshire has done research on pervious pavement. That research might be helpful if the Planning Commission is considering banning it.

Brandy Saxton said she took parts of Sub-Section 3020.H, post-construction soil depth and quality, from the state regulations. Cheryl Joy Lipton asked if this was part of Low Impact Design standards (LID). Brandy Saxton said it was, and noted the reference to LID in other parts of the sub-section. Tim Roper asked for the size of the minimized driveway widths specified in 3020.G(3). Brandy Saxton said those specifications were listed in Section 310.

The Commission next addressed Sub-Section 3021, Swimming Pools. Brandy Saxton said Sub-Section 1101.A(13) excluded above ground pools less than 5 feet high and less than 20 feet across at any point. The bylaw required a zoning permit for a pool. There was a suggestion of requiring no fee from applicants seeking a permit for a pool, but the Planning Commission decided that anyone who could afford a pool could afford a zoning permit. No changes were proposed to this sub-section.

Sub-Section 3022, Utility Facilities was discussed. Brandy Saxton gave the Communication box that sits along the side of the road as an example of a Utility Facility. Sub-Section 1101.A(25) lists Utility Facilities that are exempt from regulation. Tim Roper and Michael Normyle suggested that a definition for Utility Facility be added to Section 5.

Brandy Saxton explained that Sub-Section 3023, Water Supply and Wastewater Disposal, was needed to show that the town of Chester requires citizens to follow state rules for water and wastewater.

Sub-Section 3024, Wetlands, addresses development within wetlands and wetland buffers. Cheryl Joy Lipton objected to sub-section 3024.D(3) which allowed redevelopment of a use in a wetland buffer. She felt no redevelopment or expansion should be allowed. Brandy Saxton said redevelopment is any change beyond normal repair and maintenance. Claudio Veliz asked if the state had any rules about redevelopment in a wetland. Brandy Saxton said the state does not have any clear language on redevelopment.

Brandy Saxton gave adding a deck to an existing house as an example of redevelopment. Claudio Veliz said adding a deck sounds like construction. Brandy Saxton said construction and development were the same thing. Claudio Veliz disagreed. Michael Normyle suggested that the term "redevelopment" be defined in Section 5. Barre Pinske said he greatly enjoyed dining in the Mill that sits on the bank of the Williams River at the edge of the Stone Village. He didn't want to lose that possibility. He wanted to keep the proposed language.

Naomi Johnson asked the Commissioners if they agreed or disagreed that redevelopment of an existing use in a wetlands or wetlands buffer, or new development in a wetlands buffer should be allowed as a conditional use. When Naomi Johnson explained her question in more detail, Tim Roper said he agreed with it and Cheryl Joy Lipton did not agree. Cheryl Joy Lipton said a wetlands buffer should never be disturbed. Brandy Saxton said redevelopment could only occur where there is currently existing development. She said she would like to change this proposed bylaw and separate rules for redevelopment from rules for new development in wetland buffers.

Tim Roper asked what agency created the maps of wetlands referred to in the proposed bylaw. Brandy Saxton said it was the Vermont Wetland Inventory maps and she will add that to the bylaw. She agreed with Tim that wetland boundaries shift and the Vermont Wetland Inventory has an amendment process available.

Cheryl Joy Lipton asked if an Environmental Impact Statement would be done for a redevelopment project. Brandy Saxton said they weren't always required in Vermont and they aren't done quite the same way as in other states. Barre Pinske asked how the public would react to allowing redevelopment in wetlands. After further discussion, Naomi Johnson polled the Commission to see if they agreed on allowing redevelopment in a wetlands or wetland buffer and new development in a wetland buffer, for preexisting development within wetlands or their buffers, as a conditional use. The Commission decided 3 votes to 2 to allow it.

Sub-Section 310 Site Design and Performance Standards was discussed next. Brandy Saxton reminded the Commission that these standards apply to commercial and multi-family residential projects only. In Sub-Section 3101, Landscaping, Michael Normyle said he thought the period of extra watering for newly planted trees (3101.C(4)(b)) should be 3-4 years, not one year. He said trees need 3 – 4 years to become firmly established. Brandy Saxton said 3101.C(4)(d) addressed the long-term health of the landscape plants. Cheryl Joy Lipton said the requirement to prune the plants (3101.C(4)(d) iv) should be removed. She did not think pruning plants was good for them. Barre Pinske said pruning is sometimes essential for plant health, especially with ornamental plants.

Tim Roper wondered if the landscape requirements will oppose the goals the town has for solar energy. Naomi Johnson suggested that the words “without reducing solar access” could be added to the bylaw. Brandy Saxton suggested the words, “avoid excessive loss of solar access” might work and will provide revised wording.

Michael Normyle said the paragraph describing applicability (3101.B) was very helpful to him as Zoning Administrator. It makes it clear which projects are subject to this bylaw. Brandy Saxton reviewed Sub-Section 4304.C, Classification which defines the distinction between major and minor site plans.

The Commission had a long discussion about how to identify invasive and potentially invasive plants in order to prohibit them from being planted in Chester. Cheryl Joy Lipton said only a horticulturalist can be relied on to identify invasive and potentially invasive plant species. It was decided that putting a list in the bylaw would be the best way of insuring invasive species were identified. Cheryl Joy Lipton agreed to write a list. Tim Roper asked how the list would be

verified and modified. It was decided to make the list and incorporate it in the law once it is created.

During the landscaping discussion, Brandy Saxton said she was going to propose changes to the way the General Business zoning district was defined. She thought it might be better to separate the business district along Routes 11 and 103 from other parts of the business district. Landscaping requirements in the Route 11 and 103 areas of the business district could be different than in other parts of the business district.

Tim Roper asked if the landscape standards need to address or allow for underground utilities. Brandy Saxton said the Chester Highway and Water/Wastewater Departments should be consulted about this. She said she could add language about allowing for underground utilities to the proposed bylaws. Cheryl Joy Lipton voiced concern that existing mature tree roots might be cut. Tim Roper pointed out that 3101.E(3) gave the DRB latitude to waive some requirements if it will adversely affect mature trees.

The issue of protecting mature trees was discussed some more. Brandy Saxton said zoning regulations cannot address trees growing in the right of way of a street or road. Naomi Johnson asked where trees can be protected in the bylaws. Brandy Saxton said they should probably be part of the general standards, not in the Landscaping for major site plans section. Barre Pinske said there should be different rules for the village and business district and the rural districts. Tim Roper pointed out that the streetscape language needs to be modified for solar access. Brandy Saxton said shade for streetscapes conflicted with solar access goals and the Commission would have to find some kind of compromise. Cheryl Joy Lipton said solar awnings over parking areas would provide both shade and solar energy. Tim Roper asked if a parking area solar array could be used to meet the parking area tree requirement. Eventually the Commission agreed to this proposal. Brandy will provide additional or revised language for section 3101F to address this item.

The proposal for parking area trees was discussed in detail. Brandy Saxton was not optimistic that trees would ever flourish in areas such as parking lots. She said the salt, lack of water and soil compression all were detrimental to trees. She said she preferred to see a variety of smaller plants in the planting islands. Cheryl Joy Lipton disagreed and said she had seen trees do well in parking lots. Cheryl Joy Lipton suggested that the streetscape standards be applied to the edges of parking lots, where conditions would be better for trees.

The Commission discussed other functions for trees and plantings in parking lots. They can also help filter and absorb stormwater. Claudio Veliz told the Commission about a mall in Minnesota which planted trees and other plants in their parking area, many more than surrounding businesses had done. Over time more people went to that mall because the parking lot had more shade. Visits increased by 4%. Cheryl Joy Lipton suggested that the parking lot landscaping requirements be extended to industrial zoning districts as well.

The width of islands in the parking area was debated. The proposed 8-foot minimum width is wider than many towns require and some Commission members wanted to expand it. Brandy Saxton admitted that bigger islands would make the parking area bigger. She said the best way to

visualize a parking lot with bigger islands was to sketch it on paper. In these proposed bylaws, a parking lot with more than 10 single-loaded spaces or 20 double-loaded spaces must have landscaped planting islands within the parking area. Cheryl Joy Lipton suggested that the Commission look for studies on planting island sizes to see which sizes are optimal.

Sub-Section 3102 Outdoor Lighting was discussed. Brandy Saxton said the standards in this section are the result of a collaboration between the Dark Sky movement and engineers. She explained that the measurements used in the bylaws are the number of lumens in the light bulbs used. The number of lumens is stamped on the light bulb and printed on the bulb packaging. No light meters or other devices are required to evaluate a proposed lighting plan or the amount of light actually shining on a parcel of land. The Commission examined the exemption for lighting standards (1101.A(18)) and asked to reduce the total lumens permitted on the exterior of a single- or 2-family home to 2,000 and to require that all fixtures are fully shielded, as suggested by Cheryl Joy Lipton. Existing fixtures are grandfathered, but the standards must be observed when the fixtures or lightbulbs are replaced. Barre Pinske suggested that lighting standards could vary by zoning district. Rural districts might require less regulation.

Claudio Veliz brought up the concept of full cutoff lights, which emit no light above an angle of 90°, versus a fully shielded light in which the light source is not revealed, but the light may travel in any direction. He distributed three pages of explanation of this concept. Shielding in the proposed bylaws is covered in Sub-Section 3102.C(2). Brandy Saxton said she would study the difference between fully shielded and full cutoff lights and may propose changes to that sub-section. She asked if partially shielded language in the section should be removed. Naomi Johnson asked if the bylaws covered what happens in the right of way of a road or street. Brandy Saxton said that they do not. Naomi Johnson suggested that, since street lights in the right of way were partially shielded, the partially shielded language could be left in the sub-section. Claudio Veliz recommended that all light fixtures be fully shielded.

There was very little discussion of Sub-Section 3103, Outdoor areas, which may be service, work, display, storage, dining or gathering spaces. No changes were requested to this sub-section.

Sub-section 3104, Parking and Loading areas challenged the Commission's commitment to encouraging a pedestrian-friendly, densely settled village center. Cheryl Joy Lipton felt that all parking should be in the rear, or if that is not feasible, on the side of the building, to facilitate pedestrian access in the front of the building. Tim Roper, among others, was concerned that businesses relied on the number of cars parked in front of the business to confirm that the business is open and draw customers. Parking in front of a building is, in effect, a marketing tool. Concerns about how customers parking in the rear would enter a store and how a service entrance would be handled were also raised. Cheryl Joy Lipton said she had seen many successful designs of businesses with parking in the back.

It was resolved that placing parking in the back would be required, but parking could be moved to the side of a building or in front if rear parking was physically impractical or for other reasons such as needing to attract customers. Brandy will provide new language to address this. Tim

Roper suggested that sub-section 3104.E Location Standards be changed. He wanted to eliminate 3104.E(3)(b) ii, which allowed parking on any side of the building in the General Business district, except for properties fronting on VT Route 103 or 11. He wanted to keep 3104.E(3)(b) iii, which says that all locations outside of the village districts could have one row only of parking in front of the building. Cheryl Joy Lipton felt that the rear parking requirement with allowed exceptions should be applied to all zoning districts. There was not a consensus on revisions to 3104.E(3)(b).

During this discussion, Brandy Saxton said that the number of parking spaces required in these proposed bylaws is fewer than in the existing bylaws. She said studies have shown that the traditional number of required parking spaces is about 1/3 more than is actually needed. This smaller number of required spaces will reduce the required minimum size of parking areas.

The Commission then addressed Section 3105 Performance Standards. It first discussed 3105.C, Glare. The Commission agreed with the wording.

Sub-Section 3105.B discussed Noise. This topic had caused issues in two DRB hearings in the past, so time was spent reviewing this sub-section in the light of those experiences. The standards for measuring noise, continuous time weighted average and impulse or impact noise are different from the current standards, which is a simple dB reading. The new standard will also apply 24 hours a day. It does not vary between day and night as the current standard does. The Commission decided to reduce the continuous time weighted average noise level to 70 dB from 80 dB. No other changes were requested.

No changes were requested for Sub-Sections 3105.D Odors, 3105.E Particulate Matter and Airborne Solids, 3105.F Vibration or 3105.G Electrical or Radio Interference. There was considerable discussion of 3105.H, Junk and Junk Vehicles. The state of Vermont has a law that says more than 3 unregistered vehicles on a piece of property constitutes a salvage yard, which must be registered with the state. The limit of 3 vehicles in the proposed bylaw supports that rule. The Commission discussed limiting the scope of the sub-section to village districts only, noting that the state could be involved in other districts and that the town had instituted other ordinances about junk and junk vehicles in the past summer. Brandy Saxton offered to put a section about limitations for unregistered vehicles in the General Regulations (Section 300) which would address junk vehicle storage town wide.

The next meeting of the Planning Commission will be Monday January 14, 2019 at 7:00 PM. This is not normally the night that the Planning Commission meets, but it allows the Commission to continue to work with Brandy Saxton on the bylaws. Another session is scheduled with Brandy Saxton on Saturday January 26, 2019 from 9:00 AM to 1:00 PM. There are no other planned meetings in the month of January.