

**TOWN OF CHESTER
PLANNING COMMISSION**

March 28, 2019 Minutes

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

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

Call to Order

Chair Naomi Johnson called the meeting to order at 6:00 PM

Agenda Item 1 Review draft minutes from the March 15, 2019 Workshop

Tim Roper moved to accept the minutes from March 15, 2019. Barre Pinske seconded the motion. Cheryl Joy Lipton had two corrections to the third complete paragraph on page three which discussed the definition of wetlands and soils present in wetlands. She also had a correction to the last paragraph on page 6. She said other Commissioners as well as herself, agreed that there were a number of entertainment choices available in the area. Her last correction was on page 7 in the third paragraph. She said she was not the only person who thought dirt roads brought invasive species into the forest. Tim Roper said he had spoken in agreement on that issue. His name was added to the sentence.

Tim Roper asked that the fragment of the paragraph at the top of page 5 be changed to say a vote was taken on the issue of measuring from the edge of the right of way. Naomi Johnson said the Commission had not actually agreed to change the zoning district on some lots along Route 103 between Chester and Gassetts. She asked that the last full paragraph on page 7 be changed to reflect that. Tim Roper said the Commission had agreed to discuss that matter further after new maps were made available. There were no other changes to the minutes. A vote was taken and the minutes were accepted as amended. Claudio Veliz, who had not been present at the March 15, 2019 meeting abstained from voting.

Agenda Item 2 Citizen Comments

There were no citizen comments.

Agenda Item 3 Continue Work Shop on propose changes to the Unified Development By-Laws.

This meeting focused on the proposed zoning district boundaries. Naomi Johnson had brought her laptop and projector to the meeting. She identified three maps she could display to aid in the discussion. She had the current zoning map for the town of Chester, a mapping tool from the Vermont Agency of Natural Resources that offered several overlays of information and Google Earth with several .kmz files from Brandy Saxton.

Because the discussion centered around the projected maps it appears disjointed when recounted chronologically. These minutes list the proposed adjustments to the zoning district boundaries that were agreed to during the meeting and the issues that were discussed.

The Commissioners focused on the land along the major roads leading away from the center of Chester. They agreed to request the following changes:

- Change the area along Route 103 north of the center of town between the town line and the area north of Wyman Falls, where larger lots begin, from R3 to R6.
- Change the area along Route 35 south of Popple Dungeon Road to the town line to R6.
- Change the four large lots along Route 35 north of Popple Dungeon Road to R6.
- Change the area along Route 11 from Andover Road west to the town line to R6.

The Commissioners had these questions to discuss with Brandy Saxton at the next meeting:

- Why is the area around Richardson Road, off Lovell Road, was designated R6 instead of R18?
- Can the R2 (residential, 2 dwelling units per acre) be given a different name so that it isn't confused with the rural R3, R6 and R18 districts?
- What is the final plan for the General Business zoning districts?

The Commissioners raised the following issues in their discussion:

Naomi Johnson reminded the Commissioners that, in the previous meeting, Brandy Saxton had said the zoning district names reflect the potential number of dwelling units that may be put on a parcel, but other development standards, such as setbacks and natural limits such as water supply and wastewater capacity, will have a material impact on how many dwelling units or other buildings the parcel can support. Citizens will focus on the number in the zoning district name and make plans for their parcel based on that number. While it is true that a 9-acre parcel may potentially be subdivided into 3 3-acre parcels in the R3 district, wastewater and potable water supply permits must be issued to all three lots. Setback requirements must also be met. If these requirements are not met, the three lots cannot be created. A large parcel with steep slopes may actually have very few potential building sites. Flat parcels in the floodplain have to meet flood zone requirements. New development is not allowed in 100-year flood hazard areas. Towns can also ban development in river corridors if they include specific restrictions referred to as the Flood Hazard Overlay District. All these factors impact the development potential of a parcel, but they are not as easy to quantify as the acreage number that is part of the zoning district name, and they are often ignored.

Naomi Johnson, Tim Roper, Claudio Veliz and Barre Pinske all expressed concern about getting approval from the Selectboard and citizens for the proposed bylaws. It was noted that currently a large portion of Chester is in the R120 zoning district. In the new proposal, large tracts of land will be in the R6 and R18 zoning districts. Although these large tracts of proposed R6 and R18 land are known to be rocky, wet and have steep slopes, and known to be very difficult to develop, changing the zoning district on so much land is still a big change for the citizens to absorb.

The Commissioners agreed that the Planning Commission must be ready to explain to citizens the method used to develop the zoning map and to give cogent reasons that justify changing parcels that had R-120 zoning to R6 or R18 zoning. Tim Roper cited a state mandate or focus on forest block connectivity as one reason for the change. When Naomi Johnson asked him for specifics about the mandate, he said he would do some research and bring the results to the next Commission meeting. Naomi Johnson said one example the Commission could give to justify the new zoning is a 180-acre parcel sub-divided in the proposed R18 district into 10 3-acre lots for housing and one 150-acre lot which would conserve open land. Michael Normyle said that conservation is for everyone's benefit. Cheryl Joy Lipton said the energy chapter of the Town Plan will also offer justification for the proposed changes. The closer people live to services and stores, the less driving they will need to do in their everyday lives and the more energy is saved.

Naomi Johnson said she favored making only a few changes to the proposed zoning map, explaining the reasoning behind the zoning decisions to the public, then taking public comments. The Commission would consider the comments and other priorities before making further changes to the map.

Cheryl Joy Lipton felt it was imperative to connect as many state-designated priority forest blocks as possible, using R6 or R18 zoning in the areas between the R18 blocks. She wanted to provide more contiguous forest habitat. Continuity of the forest habitat was as essential to preserving wildlife as the existence of the habitat itself. Using the map tools, Naomi Johnson demonstrated that most of the priority forest blocks are designated as R18 in the proposed zoning district map. The areas also have steep slopes. She pointed out that the spaces between the R18 blocks are often designated R6. The parcels with frontage along major roads such as Routes 10, 35, 11 and 103 are generally designated R3. Tim Roper agreed that forest habitat connectivity was very important, but was willing to compromise in some cases for practical reasons.

Barre Pinske was concerned that families be able to purchase land and build a home in Chester. He felt that doubling the minimum lot size in a zoning district could double the price of land and put building a house out of reach for some families. He had similar concerns about quality of life, scenery and floodplains to those expressed by other Commissioners. He also had concerns for the financial well-being of citizens and their rightful, legal use of their property. He considered those two areas to be equally important. He felt that Brandy Saxton was doing a good job staying in the middle of the road, striking a balance between extreme views.

Cheryl Joy Lipton pointed out that the world's population has doubled in her lifetime and she is very concerned about insuring that Chester's bylaws support smart growth principles. Those principles seek to keep human population living in walkable town centers and maintain as much open space (undeveloped land) as possible between the town centers. Other Commissioners pointed out that rural populations in Vermont are expected to shrink in the next 40 years and the big challenge Chester faces is a lack of growth. It wasn't clear how smart growth principles can be helpful to a town that isn't growing. Cheryl Joy Lipton acknowledged that that some people will see the changes to zoning as negative and believe that the changes limit their rights to develop their land. She said other people will see the change as a positive effort to connect forest habitat and be attracted to the area.

Tim Roper said he has always been struck by the scenic beauty along Route 103 north of the Stone Village. He felt the Commission should do what it could to protect the beauty of the area. Naomi Johnson said she had grown up in that part of Chester and knew of only one house that had been new built on that stretch since her family moved there in 1973. The Commission discussed the question of how to protect the scenic area. If no development has taken place in all this time, what impact would changing the zoning have now? Would it serve to protect the area and increase the forest or would it create significant citizen opposition to the proposed changes?

Barre Pinske wanted the Commission to take a bus tour of Chester so they could all look at some of these areas together. Naomi Johnson said that, under the open meeting law, citizens would have to be allowed to accompany the Commission on the tour. The logistics may not be practical.

Barre Pinske wondered why the gradations of zoning jumped from a 6-acre lot minimum in the R6 district to an 18-acre lot minimum in the R18 district. Cheryl Joy Lipton suggested that having too many districts can be difficult to manage, but the question should be directed to Brandy Saxton.

The next meeting of the Planning Commission will be Monday April 1, 2019 at 6:00 PM. Cheryl Joy Lipton moved to adjourn the meeting. Tim Roper seconded the motion. A vote was taken and the motion passed.