

**TOWN OF CHESTER  
PLANNING COMMISSION**

**August 5, 2019 Minutes**

**Commission Members Present:** Naomi Johnson, Barre Pinske, Tim Roper, and Peter Hudkins.

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

**Citizens Present:** Roy Spaulding, Kelly Spaulding, Randy Miles, Lloyd Brooks, Dennis Allard, Steve Mancuso, Gerry Gleason, Gabe Ladd.

**Call to Order**

Chair Naomi Johnson called the meeting to order at 7:00 PM. The Planning Commission and citizens attending the meeting squeezed into the Town Clerk's office.

**Agenda Item 1, Review the minutes from the July 15, 2019 meeting**

Peter Hudkins moved to accept the July 15, 2019 minutes. Tim Roper seconded the motion. Tim Roper had one correction to page 2, where the word 'is' needed to be changed to 'in'. Cheryl Joy Lipton was away and could not attend the meeting. She had sent an e-mail with several corrections to the minutes. Three were spelling and grammar corrections. She asked that it be noted on page 2 in the discussion of the format of the use table in the new bylaws that she suggested including both the use table and a list of permitted and conditional uses in the section that describes each district. She asked that it be noted that she said deer were an "edge species" who prefer an ecotone, and that it be noted that Barre Pinske left the meeting before it was over. A vote was taken and the minutes were accepted with those changes.

**Agenda Item 2, Citizen Comments**

Lloyd Brooks introduced himself and said he owns property at 351 Reservoir Road. His property is split between the R3 and R6 zones in the proposed zoning map. The property borders on Reservoir Road, Balch Road and Vermont Route 11 West. The property abuts the proposed Village 4 district. Municipal water, electricity, cable, phone and high-speed internet are available at this property. He would prefer to have this parcel designated Village 4. The Planning Commission looked at the property on the proposed zoning map. They located the parcel and where the structure was on the parcel. After some discussion, Peter Hudkins moved to review this area when mapping software is available. Barre Pinske seconded the motion. A vote was taken and the motion passed. The Planning Commission agreed that a list of properties to be discussed at a future meeting will be posted with the meeting agenda so that the property owner may attend if he or she wishes.

Randy Miles had 2 questions. First, he wanted to know the reason for changing the height limit of a building from 34 feet to 35 feet. Naomi Johnson noted that the measurement method had been changed as well as the dimension standard. No member knew why the dimensional

standard had been changed. Naomi Johnson said the matter would be researched and the reasoning would be shared.

The second question Randy Miles asked is why all the changes were being made now. He characterized the changes as radical. He said he was losing options for his property. He said the town needed growth and asked how these proposed changes promote growth. Naomi Johnson said the Commission was still going through the comments from citizens, particularly about rural areas and the Commission is a long way from finalizing the bylaw package. She said an audit was done after the last significant change to the bylaws to see how well the bylaws supported the Town Plan. Significant discrepancies between the goals of the Town Plan and the Bylaws were discovered. In addition, during the Village Master Plan study, many citizens said they could not do anything with their property in the village because of bylaw restrictions. The process for change was burdensome. Naomi Johnson said these bylaws streamlined the process for making changes to a parcel and allowed more changes to be permitted without a full hearing before the Development Review Board. She said that the last set of changes to the bylaws made in 2017 were controversial and many citizens objected. She pointed out that the fundamentals of the bylaws had not changed for many years and it was time to reconsider the basis of the bylaws.

Randy Miles asked if these new bylaws follow the Town Plan better. Naomi Johnson said the bylaws make progress toward honoring the Town Plan. Naomi Johnson said her goal was to work on the bylaws and take input from citizens so that when the bylaws are presented to the Selectboard there will be few objections from citizens and much support for the new bylaws. Barre Pinsky offered to answer some of Randy's comments. Naomi Johnson said Randy's concerns had been noted in the past and today and will be responded to in time. She wanted to streamline the process and not answer the same questions over and over. Randy Miles asked where the opportunities for growth were. Naomi Johnson said that opportunities have been added in the village area.

Roy Spaulding from Gassetts said that at the last meeting at Readex (This would have been the July 1<sup>st</sup> meeting), Cheryl Joy Lipton had said the focus was no business outside the village. He said he had verified that statement with her. He asked how there could be any growth if no business was allowed outside the village. He noted that no one corrected her statement at the meeting. He did not think the town could survive on only the businesses in the village center. He wanted to see an example of a town where the principal of keeping business in the village center had resulted in growth. He felt a study was in order. He suggested that the General Business and Mixed-Use districts be opened up.

Roy Spaulding also thought that the R18 zoning district would take many potential building lots out of circulation. Naomi Johnson said the Commission has been seeking information about the impact of the zoning map changes on the current property owners in Chester. She said the information is not complete, but she knows there are more than 100 parcels.

A Trebo Road resident suggested that people in the village would also object to keeping business in the village center as well. If that happened there would be no place for business in Chester. He asked about a parcel that had no road frontage, only a right of way across another parcel to

the road. Naomi Johnson asked whether the citizen was referring to a restriction in the new bylaws that was not present in the current laws. He said no, it was simply a question about developing land. Michael Normyle said a deeded right of way from a parcel to the road should not affect the development rights of the property. He said that a building permit or a zoning permit for a sub-division would still be required, but land with a deeded right of way to a road could still be developed. Naomi Johnson said the current bylaws require road frontage in order to sub-divide a parcel and the new bylaw also require road frontage in order to sub-divide.

Gerry Gleason from Flamstead Road asked about the reduction of the minimum lot size in the village center area. He wanted to know if the town had sufficient water, sewer, fire and police capacity to accommodate the additional density. Did the town have any plans to expand services to accommodate growth. He thought the zoning changes could have a dramatic effect on the town. Naomi Johnson said she knew the town had an updated 20-year plan for municipal water infrastructure based on historical growth rates. She could not address other departments. Gerry Gleason said history does not predict the future and the change in zoning could spur a sudden burst of growth.

Steve Mancuso asked about the Performance Standards noise standard in Chester. He wanted to know whether outdoor events such as fireworks or a concert that created noise needed a permit. Michael Normyle explained that the Bylaws require that the noise level of a proposed development not exceed 60 decibels at the property line from 8:00 PM to 7:00 AM and 70 decibels at the property line from 7:00 AM to 8:00 PM. He said he thought the Selectboard issued one-time permits for special events. Steve Mancuso said he felt the town should have a permit for people who hold an event and plan to make noise. Tim Roper said he thought this would be an ordinance. In any case, it would not be a part of the Development Bylaws. Steve Mancuso said he would speak to the Selectboard.

### **Agenda Item 3 Status Update**

Naomi Johnson said the Commission has a list of 12 items to resolve from the public meetings in June. Six items have been examined. The Commission has accepted input from Monica Przyperhart of Vermont Fish and Wildlife. Cathy Hasbrouck added that 1,700 letters had been sent to taxpayers informing them of the bylaw project.

### **Agenda Item 4 Continue review of citizens comments from public work shops**

The first item to consider was a definition for Firewood Processing and Sawmilling proposed by Peter Hudkins. Peter Hudkins suggested that relying entirely on the definitions from the consultant hired to re-write the bylaw sometimes fails to incorporate the wisdom imbedded in the current bylaws which should be carried forward. He had sent two definitions for the Commission to consider. Naomi Johnson read Peter Hudkins first proposed definition aloud.

Firewood Processing and Sawmilling is “An establishment that processes logs and bolts into value-added products for wholesale or retail that are primarily harvested offsite and delivered to the premises. Portable Firewood Processing and Portable Sawmilling is a permitted use where logs and bolts are harvested on site.”

He proposed keeping the **Wood products, cabinet or furniture manufacturing** definition from Brandy Saxton more or less intact after removing the words, “from logs and bolts” as follows:

“An establishment that manufactures products primarily from wood, including but not limited to, lumber, plywood, veneers, wood containers, wood flooring, wood trusses, prefabricated wood buildings, cabinets and furniture. Manufacturing may include sawing, cutting, planing, shaping, bending, laminating, molding, or assembling. Included are establishments that make primarily wood products that are sawed and shaped, and establishments that purchase sawed lumber and make primarily wood products”.

Peter Hudkins reminded the Commission that one of the comments on this issue was that the proposed use definitions seemed to require that sawmills be enclosed. He thought wood products, cabinet and furniture manufacturing belonged under light manufacturing and sawmilling should be a separate use. Michael Normyle thought the proposed definitions had merit. He suggested that some limitations on portable sawmill use be considered, such as limiting the hours the sawmill could be used in some districts.

These issues about sawmilling and firewood processing were recapped in the discussion:

- Is the product of the activity being sold commercially or is it only for the property owner’s use?
- Is the equipment permanently set up in one place where raw material is brought to the machinery or is the equipment moved from place to place to process material harvested on site?
- Should an attempt to control noise for portable sawmills be made?
- Is it practical to issue a permit for a portable sawmill that will only be in one location for a couple of days before it is moved to another location which will also require a permit?
- Should the Commission be concerned about logging equipment and loaded trucks being driven over back roads?

The issue of Dennis Allard’s commercial portable sawmill was discussed.

Naomi Johnson proposed that portable sawmill use be added to the list of exempt uses in Section 110. This would allow portable sawmills to be used in town without requiring any type of permit.

Barre Pinske suggested a limit to the number of days a sawmill could run in a single place. Tim Roper agreed with Barre. Peter Hudkins said he was currently working on his 35-acre lot and he could be sawing wood seven days a week for some time.

Barre Pinske said he didn’t want to interfere with the culture and tradition of cutting firewood and sawing a few boards as a homeowner. Naomi Johnson read the proposed forestry definition aloud, “An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats” and wondered whether sawmilling and firewood processing was considered forestry.

Michael Normyle asked if it was possible to separate commercial ventures from residential uses. Cathy Hasbrouck suggested that the difference between commercial and non-commercial activity was a basic tenet of zoning bylaws. Naomi Johnson said a portable commercial sawmill which was moved from place to place did not currently require a permit. A logger does not require a permit. Peter Hudkins said it would be cheaper and have less environmental impact if the logs were processed on the homeowner's property. He returned to the issue that Dennis Allard had with his portable sawmill which he mainly uses at his business on Route 103 South. Under the April 22<sup>nd</sup> version of the proposed bylaws, his sawmill would have to be enclosed in a building on his lot.

Peter Hudkins and Michael Normyle established that there should be two separate definitions, one for firewood processing and sawmill and one for portable firewood processing and sawmill. When the logs are brought to the equipment, it is a conditional use and a permit is required. When the equipment is moved from place to place to saw logs on-site, it would be a permitted use. Neither definition requires that the equipment be enclosed.

Naomi Johnson suggested again that the Commission look at an exemption for the portable sawmill and firewood processing. The merits of having an exemption vs. a permitted use were discussed. The prospect of avoiding paperwork by making portable sawmilling and firewood processing an exemption decided the issue in favor of making it an exemption.

Peter Hudkins moved to make portable sawmill and firewood processing when done with logs and bolts harvested on-site should be an exemption. He further moved to define firewood Processing and Sawmilling as "An establishment that processes logs and bolts into value-added products for wholesale or retail that are primarily harvested offsite and delivered to the premises." Barre Pinske seconded the motion. There was no further discussion. A vote was taken and the motion passed.

Naomi Johnson referred to the proposed use table. She looked at the use table entry for Firewood Processing, noted that it does not include sawmilling, and pointed out that the use is conditional in the R3, R6 and R18 districts and permitted in the General Business district. It was not allowed at all in the Mixed-Use district. The May 13<sup>th</sup> zoning maps were consulted. Naomi Johnson reviewed the history of Dennis Allard's property on Route 103 South, where he would like to set up his portable sawmill and use it frequently. Barre Pinske read the purpose of the proposed Mixed-Use district, where Dennis Allard's property is located. Michael Normyle endorsed the idea of making firewood and sawmilling a conditional use in the Mixed-Use district. Naomi Johnson pointed out that metal fabrication shop is a conditional use in the Mixed-Use district, as well as some industry such as food and beverage manufacturing. She also noted that wood products, cabinet and furniture manufacturing was a conditional use in the Mixed-Use district.

Peter Hudkins moved to make Firewood Processing a conditional use in the Mixed-Use district. Naomi Johnson seconded the motion. A vote was taken and the motion passed.

Naomi Johnson then took up the Wood products, cabinet and furniture manufacturing use, from which the words "from logs and bolts" had been struck. She read the districts where the use was

allowed. It is a conditional use if the square footage of the building footprint is under 6,000 in the V4, V6, R3, R6 and R18 districts. It is not allowed in any of those districts if it is over 6,000 square feet. It is a permitted use in the General Business and Mixed-Use districts if it is under 6,000 square feet and a conditional use in those districts if over 6,000 square feet. Peter Hudkins pointed out the Vermont Hardwoods business in the center of Chester. At first the business appeared to be in the V6 district, but was discovered to be in the General Business district. The business had a large kiln for drying wood and was certainly over 6,000 square feet.

Naomi Johnson asked if any member wanted to change the districts where this use is allowed. Michael Normyle asked why a business over 6,000 square feet would not be allowed in the R18 district. Jeff Ladd suggested that uses could be allowed in the R18 as conditional so that the use is available, but Development Review Board could decide whether the project would be appropriate for the parcel in question. Cathy Hasbrouck pointed out that during the previous meeting Commissioners had advocated for not allowing many uses in the R18 in order to conserve the land. Peter Hudkins said he did advocate for that, but he also felt that the district borders should be more nuanced and should mainly include land that was in current use already. He felt the proposed zoning district map should be revised to take current use parcels into account.

Michael Normyle said he thought that a landowner should be able to apply for a conditional use permit for a pre-existing structure for any use, anywhere in Chester. He said the fact that the structure exists at all implies that there were once roads and other infrastructure to support the business. Naomi Johnson requested that Michael's suggestion be recorded in the minutes so that it could be re-examined at a later date. She verified that Michael meant a landowner should be able to apply for any use as a conditional use, whether or not it is allowed in the district.

Naomi Johnson then suggested that the Commission could look at the areas of town that would be logical candidates for a conservation district and evaluate them for issues such as a greater than 25% slope, and current use. A more informed decision about the district could be made using data available in mapping tools.

Naomi Johnson returned to the original question should the Commission allow a large building (greater than 6,000 square feet) in the R18. Peter Hudkins said that he didn't want to add a conditional use of larger scale manufacturing in the R18 district. He did want to revise the district so it included land that was most appropriate for a low-density conservation district. The parcels that did not fit the new criteria for the R18 district would then be available for appropriate development, such as a large wood processing facility with a drying kiln. Naomi Johnson concluded that the use table did not need to be changed.

Barre Pinske said he felt the Commission should be balancing the need for conserving lands and saving the planet with the realities of making a living and supporting economic growth.

Naomi Johnson pursued the issue of where a wood products facility over 6,000 feet could be allowed. Did the Commissioners think it should be allowed in the R6 district? Barre Pinske thought that robotics might make a large facility productive without large numbers of people, cutting down on traffic. Tim Roper brought up the concept of quality of life and wondered

whether the traffic on back roads connected to a large facility would negatively impact the quality of life for other people living on that back road. Tim Roper and Michael Normyle discussed how people might duck regulation and permit conditions and grow a large business in a rural district. How would this impact the quality of life for their neighbors, and how would a problem like this be resolved? Tim Roper asked whether Peter Hudkin's proposal for the R18 district would add a lot of land to the R6 district. Peter Hudkins said he was not certain that the R6 district would expand. He felt there was a lot of land in Chester under current use.

Barre Pinske, Michael Normyle, Peter Hudkins and Tim Roper discussed several aspects of allowing development of businesses over 6,000 square feet in the rural districts. Points raised were:

- How likely was it that anyone would want to start larger business in Chester? Michael Normyle said he rarely received inquiries about this.
- How disruptive would a large business be in an R6 district?
- Does limiting potential businesses bring a lot of negative energy to Chester?
- Are any important concepts in the adopted definitions and uses left out of the current proposal from Brandy Saxton?

The Commissioners sought to understand where it would make sense to allow a business of over 6,000 square feet in the rural districts. Michael Normyle said he felt that the emphasis on specific uses played too big a role in the permitting process and the process should rely on more on the Performance Standards when a permit is being considered. Tim Roper asked whether the DRB would be able to sort out all the issues surrounding a permit without the forethought supplied by the rules on specific uses.

Naomi Johnson returned to the issue of how big a building to allow for the wood products use. Different ideas about how to make the decision were considered, including letting the DRB decide based on the Performance Standards and adding restrictions to specific uses. The Planning Commission acknowledged that it is much easier for the DRB to function when it has more than the Performance Standards to work with. Naomi Johnson reviewed Tim Roper's concerns about allowing large buildings in the rural districts. He said he was concerned about the quality of life for the neighbors, particularly the people who live between the rural large building and the main roads. Barre Pinske was interested in standards for the specific use of wood processing and cabinet and furniture building and offered to consider whether some specific use standards would be in order.

Naomi Johnson said Brandy Saxton was available to spend a limited amount of time with the Commission. Brandy Saxton said if the Commission had specific questions about specific issues, they could send them to her in writing and she would reply.

The next meeting will be August 19, 2019 in the Town Clerk's office. Peter Hudkins moved to adjourn the meeting. Tim Roper seconded the motion. A vote was taken and the motion passed.