

**TOWN OF CHESTER**  
**PLANNING COMMISSION**  
**November 18, 2019 Minutes**

**Commission Members Present:** Naomi Johnson, Barre Pinske, Cheryl Joy Lipton and Peter Hudkins.

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

**Citizens Present:** Robert and Renee Nied, Russ Monier.

**Call to Order**

Chair Naomi Johnson called the meeting to order at 6:30 PM upstairs at the Town Hall.

Barre Pinske moved to accept the minutes from the November 4, 2019 meeting. Cheryl Joy Lipton seconded the motion. Cheryl Joy Lipton requested that the word “forbid” on page 5 be changed to “not allow”. A vote was taken and the minutes were accepted as amended.

**Agenda Item 2, Citizen Comments**

Russ Monier said he came to discuss the proposed zoning for his land on Trebo Road. He said the proposed change will unduly reduce the investment value of the property. Naomi Johnson said the Trebo Road area would be discussed as part of the evening’s agenda. Russ Monier agreed to wait for the agenda item to be discussed.

Robert and Renee Nied said they wanted to discuss the V4 area on Grafton Street. Naomi Johnson said the Commission had altered the proposed zoning from High Street toward Main Street along Grafton Street from Village 4 units per acre to Residential 2 units per acre. Robert Nied thanked the Commission for the change. He made the following points about the rest of the Grafton – High Street neighborhood:

- He did not perceive any current development pressure in the area of Grafton Street to open new businesses.
- Grafton Street was relatively narrow, there was very little parking available on the street. A business might need to buy an abutting property and demolish the building in order to construct parking.
- The proposed change to V4 zoning could seriously alter the character of the neighborhood, shifting it from residential to commercial and reducing the housing stock.
- The current commercial areas had significant vacancies. Extending commercial zoning would encourage commercial sprawl.
- People coming into Chester from out of town get their first impressions of the business district from the area around the Green. They are unlikely to notice a business on a side street a couple of blocks from the Green.
- vacancies along the green would make an unfavorable impression on people passing through

Naomi Johnson said the Planning Commission may delay discussing this area until it begins discussion of the Village Center zoning. Cheryl Joy Lipton asked the Nields whether uses

allowed in the district or density was more important to them. Robert Nied said he didn't see the density changing on Grafton Street given the parcels in place. His main concern was uses. He said he thought some businesses are compatible with residential uses, but some of the uses listed in the V4 district were not. He said converting a residential area to a commercial district seems premature, given the vacancies in the existing commercial district. Having made their points, Robert and Renee Nied apologized for needing to leave the meeting to take participate in a family conference call. The Commission thanked them for their input.

Naomi Johnson noted that there were no residents of the Stone Village at the meeting and decided to skip Agenda Item 3, Resume review of the Stone Village district, in favor of Agenda Item 4.

#### **Agenda Item 4 Continue reviewing draft boundaries in the R6 and R18 districts**

Russ Monier's property at 791 Trebo Road was discussed. The property is 90.24 acres and has frontage on Trebo Road and Vermont Route 103 North. It is currently in the R120 district. The proposed zoning splits the property between the R6 and R3 district. There is an R3 buffer approximately 1000 feet wide along Vermont Route 103 North. The rest of the property is proposed to be R6. Russ Monier said he had no specific plans to sub-divide the property. He had not consulted a surveyor or engineer. He noted that the state occasionally made changes in the current use law that allowed property owners to take land out of current use without a significant penalty. He did not want to lose any of the options for this parcel he believed he had when he bought it and he saw this zoning change as limiting his options.

The Commission determined the following facts about the parcel:

- The parcel has 1,700 feet of frontage on Trebo Road
- The parcel has 700 feet of frontage on Vermont Route 103 North
- The parcel is in current use
- There are some steep slopes on the parcel near Vermont Route 103 North
- There are no wetlands on the parcel
- There are no areas of poor drainage soils
- There is no high value wildlife habitat on the parcel.

The Commission noted that the current population of Chester is declining and the population is now about the same as it was in the 1860's. Cheryl Joy Lipton said the population in Vermont was decentralizing, moving away from the town centers and creating rural sprawl. The Commission noted that a shrinking population will not support an active real estate market. Barre Pinsky tried to quantify the dollar loss that could be anticipated by the change from R120 zoning to R3 and R6 zoning. The Commission determined that there was no clear answer to the question. Market conditions, tax law and geography had as much impact as zoning bylaws on the value of land. There was no research or formula that could predict the change in value to a piece of land based on a change to the minimum lot size.

Naomi Johnson drew a distinction between property rights, specifically the right to sub-divide the property, and property value. She said the Planning Commission can impact a land owner's property rights by changing the minimum lot size or some other part of the Zoning Bylaws. The

change in value brought on by the change to the Zoning Bylaws cannot be predicted or controlled by the Planning Commission.

Naomi Johnson said the Commission had another e-mail from a resident of Trebo Road stating the same concern about the loss of value if the minimum lot size was increased. Peter Hudkins predicted that the areas of Chester changing from the R120 zoning district to the proposed R6 district would be the most controversial. It was also noted that the family who owns the Wright Farm near the intersection of Trebo Road and Vermont Route 103 North had questioned the proposed zoning in the area. The earlier discussion had ended with a request to the family for clarification of what they actually wanted as a change. One part of the family wanted the property to remain rural and low density, another part talked about developing a business such as a farm to table restaurant. As yet nothing had been received about this.

The Commission discussed several sub-division scenarios for the Monier parcel. Naomi Johnson pointed out that under the proposed bylaws, a parcel in the R6 district could be sub-divided into lots smaller than 6 acres if the entire parcel reflects a density of one dwelling per 6 acres. A 30-acre parcel could be divided into 5 3-acre parcels and one 15-acre parcel. It was impossible to know how the Monier parcel could be sub-divided under the current R120 zoning without studying the soils and slopes and determining access to the roads.

Russ Monier said he simply didn't want to lose the possibility of sub-dividing because of a change in the zoning. He suggested that a parcel should be sub-divided according to the regulations in effect at the time the parcel was purchased. Naomi Johnson said she wasn't sure how such a method could be administered but research on that could be done.

Peter Hudkins said that the original scheme Brandy Saxton had used to set up the new districts had a buffer of R3 zoning along paved roads. Trebo Road is not paved. The Monier parcel was split between the proposed R3 and R6 because part of the parcel abutted Vermont Route 103 North, a paved road.

Naomi Johnson asked if any Planning Commission member wanted to propose a change. She suggested changing the proposed zoning along Trebo Road to R3 on both sides, up to the Monier property. This would include the whole of the Monier property and all other land between Trebo Road and Route 103 North down to the intersection of the two roads. Cheryl Joy Lipton suggested putting the entire Monier parcel and the 1.9-acre parcel at 669 Trebo into the R3 district, but not changing any other parcels. There was a mixture of small and large lots in the area. Cheryl Joy Lipton suggested that a decision be delayed until the full Commission was in attendance. There were few restrictions for development, no poor soils or wetlands and little steep slopes to make smaller lots impractical.

Peter Hudkins moved to accept the change proposed by Naomi Johnson. Barry Pinske seconded the motion. A vote was taken and the motion passed with 3 votes in favor.

Naomi Johnson turned to a request about a parcel split between R3 and R6 with frontage on Route 10 and Gould Road belonging to Dan and Dianne Patenaude. The property owners said they were troubled by the proposed higher minimum lot size for the portion of the parcel in the R6 zone. They felt the higher minimum lot size would reduce the value of their land and they wanted to know if their taxes would be reduced if the minimum lot size were to change.

The Planning Commission noted these facts about the parcel:

- Most of the parcel is in R3 with a portion of the northwestern quadrant in R6
- The parcel has frontage on Gould Road and Vermont Route 10
- Gould Road is a dirt road
- There were areas of steep slopes in several places
- There are bigger lots along the roads to the north and east of this parcel.
- The roads off Route 10 in this area are not close together, making small lots impractical unless a road or right of way is developed to provide frontage
- There is currently no building on the Patenaude parcel
- As with the Monier parcel, there is no way to calculate a change in value for the parcel based solely on a change in minimum lot size for the district.

Naomi Johnson suggested that the R3 district could be extended on the Patenaude parcel to some extent by moving the line between the R3 and R6 west to the southwest corner of parcel 24-20-01.4, owned by Thomas and Mabel Bishop. No formal vote was taken, but the other Commission members concurred with that suggestion.

The area west of Vermont Route 103 North will be considered at the next meeting when all five Commission members are present.

The last area considered was the area along Trebo, Crow Hill and Flamstead Roads. The Planning Commission considered the following facts on this area:

- Trebo and Crow Hill Roads are unpaved their entire length.
- Flamstead Road is paved between Green Mountain Turnpike and just beyond the intersection with Crow Hill Road.
- Residents on the eastern end of these roads probably go to Springfield for many of their needs, not the center of Chester.
- There are a number of smaller lots (6 acres or fewer) at the eastern end of Flamstead and Trebo Roads.
- Zoning Administrator Michael Normyle could not remember issuing a building permit for a residence in this area during his tenure.
- The zoning along Kirk Meadow Road on the Springfield side of the town line was Residential 2-acre and Land Reserve 25 acre.
- At the end of Trebo Road in Springfield, the zoning was Land Reserve 10 acre.
- The Vermont Land Trust owns a 263-acre parcel at 1792 Flamstead Road close to the intersection with Crow Hill Road. The parcel spanned Flamstead Road.
- There is high-value wildlife habitat in the Vermont Land Trust parcel on the northern side of Flamstead Road and good wildlife habitat on the southern side of Flamstead Road. Cheryl Joy Lipton pointed out that some of the lower value wildlife habitat areas could serve as connectors between the 25-acre zoning blocks in Springfield and the high value wildlife 18-acre zoning blocks in Chester.

- Satellite imagery of Flamstead Road showed very few buildings in the central section of the road away from the center of Chester and the Springfield town line.

The Planning Commission considered the resemblance in circumstances between Trebo Road and Flamstead Road. They considered treating both areas similarly, making them R3 near the intersection with the main road, R6 toward the middle section of the road where larger lots are and R3 again just before the Springfield town line. On Trebo Road the first mile or so from Vermont Route 103 North has now been proposed as R3. On Flamstead road 6,000 feet from Green Mountain Turnpike arrives at the corner of the Vermont Land Trust property.

Naomi Johnson suggested that the middle section of Flamstead Road was clearly more rural than the other proposed R3 areas, such as Route 11 and Route 103. She felt that designating the middle section of Flamstead Road R6 would be consistent with the existing uses in that area. Cheryl Joy Lipton suggested that the eastern end of Trebo and Flamstead Roads, at the border with North Springfield could be made R3, given the presence of smaller lots there, and areas toward the western end of those roads, which look more like farmland, could be R6.

Naomi Johnson made a motion to extend the R6 district from the Springfield town line along Flamstead Road to the southern edge of the Vermont Land Trust parcel at 1792 Flamstead Road on both sides of the road for the next version of the mapping. Peter Hudkins seconded the motion. The motion passed unanimously. Cheryl Joy Lipton voted in favor of the motion and wanted to extend the R6 district even further south to encompass the other huge parcels whose owners obviously do not intend to develop them.

Peter Hudkins reported that he surveyed truck drivers about reasons they don't want to drive on dirt roads to reach businesses. The truck drivers told him primary reason for not driving on a dirt road was the unreliability of bridges.

Cheryl Joy Lipton offered to discuss sprawl issues and wildlife habitat issues with any member of the Planning Commission one at a time.

Barre Pinske expressed concern that people moving into Chester would be forced to purchase a 6-acre lot if they wanted to build a new house because the proposed zoning limited so many areas to a 6-acre minimum lot size. This led to a discussion of the need for more housing in Chester and possible locations for planned unit developments or apartment complexes. Peter Hudkins urged the Commission members to look around the center of Chester for possible locations for such housing.

Naomi Johnson suggested that it would be helpful to get GIS data for the area of Springfield bordering the ends of Flamstead and Trebo Road, so that zoning districts between the towns might be better coordinated. She said she thought she could get that data and add it to the maps.

Peter Hudkins maintained that the State of Vermont, by forbidding zoning variances, has materially changed what people are able to do with their property. He cited this as a reason to suppose that Chester's zoning bylaws will be revised in 10 years or so as much because of conditions imposed by forces outside the town as by any change in Chester.

Naomi Johnson recapped the progress made at the meeting:

- The R6 – R18 boundaries have all been reviewed with the exception of the area west of Vermont Route 103 North and south of Smokeshire.

- There are still areas of the R3 – V4 area to look at, including Reservoir Road and the area around the Armory.
- The Stone Village still needs to be resolved, both the boundaries and the uses allowed. This will be the first item on the next agenda.
- Riparian buffers need to be discussed.

Naomi Johnson expressed satisfaction with the tools the Commission has for reviewing the zoning districts and the progress made in reviewing all the comments received at the June meetings. She felt it was essential to review and consider each comment received. Barre Pinske was somewhat concerned about the time the process was taking. Peter Hudkins said there was work to be done on some proposed definitions. Michael Normyle said the proposed uses should be reviewed.

The next Planning Commission meeting will be Monday December 2, 2019 at 6:30 PM, downstairs at 352 Main Street, the Newsbank Conference Center. The location is changed because the upstairs at the Town Hall will be under construction and the Town Clerk's office will be filled by its annual holiday display. Naomi Johnson moved to adjourn. Peter Hudkins seconded the motion. A vote was taken and the meeting was adjourned.