

**TOWN OF CHESTER**  
**PLANNING COMMISSION**  
**January 20, 2020 Minutes**

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

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

**Citizens Present:** Ed Grossman, Joan Grossman, David Nied, Mark Ouellette, Kathy Giurtino, Chuck Giurtino, Josh Schroeder, Rich Deyermond.

**Call to Order**

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

**Agenda Item 1 Review minutes from January 6, 2020**

Tim Roper moved to accept the minutes from the January 6, 2019 meeting. Peter Hudkins seconded the motion. Cheryl Joy Lipton and Tim Roper requested changes on pages 2, 3, 4 and 6. Michael Normyle had some comments on the differences between Vermont's River Corridor program and the National Flood Insurance Program. He also pointed out that when Vermont defines "substantial improvement" to a piece of property, it is looking at the value of the building only, not the building plus the land. A vote was taken and the minutes were accepted as amended.

Cheryl Joy Lipton pointed out that the agendas have carried an item about Riparian Buffers for the past few weeks, but in actuality the topic to be addressed was River Corridors and Flood Plains. She noted that, during the last meeting, she did mention Riparian Buffers as something that could and should be addressed, but that was not noted in the minutes. Naomi Johnson said she didn't think the agendas could be corrected. Peter Hudkins said agendas were public records and could not be altered after publication. Tim Roper said the issue could be noted in the minutes of the current meeting.

Naomi Johnson explained the evening's agenda and the purpose of having Gabe Ladd and Jason Rasmussen address the Commission.

**Agenda Item 2, Citizen Comments**

There were no citizen comments.

**Agenda Item 3 Go over map changes with Gabe Ladd**

Naomi Johnson summarized the work Gabe Ladd has done on the zoning district maps. She said he worked with the Planning Commission to make changes to the Smokeshire area in September and many specific parcels and smaller areas since then. Tim Roper asked if the maps distributed at the last meeting are superseded by the maps distributed for this meeting. Gabe Ladd said there were no substantial changes to the zoning districts, but he had highlighted the areas he had questions about. The Commission had decided to have a 1,000-foot buffer of zoning district R6 along most class III roads. This left a number of parcels with a portion in two different zoning districts. Where the portion in the different district was small, Gabe wanted to know if the Commission had a policy for making an adjustment in that case. He had caused the map to

highlight property and district boundaries more clearly, which emphasized the parcels he had questions about.

Naomi Johnson said the issue had been discussed several times, and the Commission knew that having a 1,000-foot buffer would create a number of parcels with parts in 2 different zoning districts. She asked if the yellow areas shown on the map were the bisected parcels. Gabe said the yellow areas were parcels he thought should be put entirely in the R6 zoning district. He said the green areas on the map were parcels he thought should be put entirely in the R18 district.

Naomi Johnson wanted to know how widespread the issue was. Gabe showed an area in Smokeshire that had the issue. The Commission discussed the area for a few minutes. There was a parcel at 341 Whitmore Brook Road that had been sub-divided before 2016, but didn't show as sub-divided on the map. The parcel was in the R18 district and in previous discussions the Commission thought it should be in the R6 because it bordered R6 and had already been sub-divided. Gabe changed the parcel back to R6.

Gabe Ladd had made a list of issues to resolve and passed it out to the Planning Commission members. The first item was a question about boundaries on roads. He showed an example of the issue on Popple Dungeon Road, where the actual road right of way zoning district differed from the zoning district on the property surrounding the road. The Commission asked him to make the roads part of the zoning district the abutting property was in.

The next issue on the list was the 1,000-foot buffer that surrounded rural roads. The precedent was that class III or better roads would have this buffer which would allow greater development. There were some parts of Class IV roads that also seemed to merit the 1000-foot buffer and the map currently had a buffer on all Class IV roads. The Commission decided not to put a buffer on every Class IV road, only those parts that were well-maintained and passable. Clemons Road in Gassetts and another road off Route 11 near Springfield were examples of Class IV roads that should have a buffer.

Grafton Road had a parcel south of Popple Dungeon Road that was marked as R6, but the Commissioners had meant it to be R18, like the surrounding parcels. The parcel was changed to R18. Michael Normyle suggested that Gabe be allowed to choose on the many small portions of parcels that were in a different zoning district. Naomi Johnson asked the Commissioners how they felt about the suggestion. Barre Pinske said he thought it was a good idea. He thought small bits of property in a different zoning district would not sit well with property owners. Naomi Johnson suggested that the Commissioners look at the yellow portions on the quadrant maps and note any bisected parcels that should not be changed to be one zoning district.

Cheryl Joy Lipton said she didn't think the buffers were a good idea in principle. She didn't think that the yellow portions should automatically be given the higher density. Barre Pinske pointed out that the green portions on the map were proposed as R18 zoning, so the choice was not always higher density.

Tim Roper suggested that Gabe make a list of the parcels he was uncertain about, give the list to the Commission and the Commission could work on it. Naomi Johnson recapped the agreement proposed by Tim and the Commission agreed.

Gabe Ladd verified that the fourth item on his list, the Wyman Falls – Baileys Mills Road area, was as the Commission wanted it. The Commission agreed that it was. The Commission looked at the parcels in the area of the town well and aquifer across Route 103 from Trebo Road. They

agreed with the zoning districts in that area. Gabe Ladd also asked about the Trebo Road and Crow Hill areas. The Commission agreed that those areas were as they had requested.

Gabe Ladd asked about parcels on Route 11 West and Lovell Road, east of the Rod and Gun Club. The 1,000-foot buffer for Lovell Road had generated some awkward shaped areas. Much of the area surrounding Lovell Road was R18. Naomi Johnson read the discussion of the area from the November 4, 2019 minutes. The commissioners settled which area should be R18 and which R6. This finished Gabe's list of questions.

Naomi Johnson asked about Blue Hill Road. The Commissioners had asked to stop the 1000-foot R6 buffer where the road stops being passable. Gabe Ladd adjusted the map. There were two roads in question, Blue Hill and Joe Swett Roads and the buffers were sorted out. The next parcel Naomi Johnson asked to see was on Wheeler Road. The property was partly steep and partly flat and the owner wanted to put the flat area into the R6 district. The Commission wanted to see how the R6 buffer on Wheeler Road divided the parcel before drawing a new line. The Commission was satisfied that the R6 buffer split the parcel appropriately between flat and sloped areas.

Tim Roper suggested the Commission look at Clemons Road near the junction of Routes 10 and 103. The Commission had decided to keep the R6 buffer along Clemons Road, even though the road is a Class IV road. No changes were proposed there.

Gabe Ladd is leaving the area and will be back around February 23, 2020 for a short time. His visit will not coincide with a Planning Commission meeting. The Commission thanked him for his assistance.

#### **Agenda Item 4 Discuss PC initiatives/ issues with Regional Planning Commission (RPC) assistance**

Naomi Johnson introduced Jason Rasmussen from the Southern Windsor County Regional Planning Commission. Jason said the Regional Planning Commission checks in with local Planning Commissions a couple of times a year. He began by verifying the status of Chester's current Town Plan. The current plan was adopted in 2015. At that time, a Town Plan expired after 5 years. Act 90 passed the year after that. Act 90 extended the adoption period to 8 years and applied it to all existing Town Plans. Chester will not have to adopt a new town plan until 2023.

Jason noted that there are amendments to four town plan chapters currently before the Chester Selectboard. He said the amendment process has been adjusted by Act 90 to apply when a town makes changes to a plan that currently does not meet all the statutory requirements and the change will not address those unmet statutory requirements. He suggested that Chester handle the four-chapter changes before the Selectboard as an amendment and not an adoption process. This is what Chester is currently doing.

Tim Roper summarized, saying an amendment to a town plan does not change the existing expiration date and does not require that the plan be modified to comply with all the statutory changes that have been made since the plan was adopted. Jason Rasmussen said Tim's understanding was correct. Michael Normyle asked if an amendment requires the same process an adoption does now. Jason said it did. The difference is in the word amendment vs. adoptions and the standards under which the change is evaluated.

Jason Rasmussen said Vermont is a Dillon's Rule state, in that the towns have no powers except those granted by the State. Vermont does not require towns to have a Town Plan, but if a town does have a Town Plan, the plan must meet numerous state requirements. Jason recommended that Chester have a town plan and keep it in place. Zoning bylaws must be in conformance with the Town Plan.

Jason Rasmussen said the 2015 adoption included flood resiliency and economic development standards. Since then, water quality and forest block connectivity requirements for Town Plans have been added by the state. Tim Roper asked how zoning would be affected by forest block connectivity? Naomi Johnson said the bylaws must agree with the town plan and the town plan would need to include forest block connectivity as a goal. Tim Roper asked how the bylaws, which have zoning districts and densities, need to be modified to comply with the forest block connectivity requirements. Naomi Johnson said the Planning Commission should continue as they have been doing, consulting the maps of forest blocks in regard to the proposed zoning map.

Tim Roper asked if the forest block connectivity requires a new chapter in the Town Plan. Jason Rasmussen said an entire chapter wasn't needed. There is new mapping data to help Chester figure out how to comply with forest block connectivity requirements. He said there is usually a mention of forest block connectivity in the resource section of the town plan and in the land use section.

Peter Hudkins said Chester does not have a Conservation Commission. He asked if a Conservation Commission would handle more of the work associated with forest block connectivity. Jason said forest block connectivity would be a good exercise for a Conservation Commission, but Planning Commissions can do the job as well. Cheryl Joy Lipton said Monica Przyperhart from Vermont Fish and Wildlife had spoken to the Planning Commission on this topic. She said she thought the Planning Commission should take the information Monica had given them and apply it to the proposed zoning bylaws. She said Chester's least dense zoning is R18. Naomi Johnson said it was her understanding that if the town plan is currently very light on forest block issues, the Planning Commission would add maps and other information to cover forest blocks and show the area the state would like protected. The Commission would also continue to evaluate the zoning map against the forest block map. She believed the Planning Commission was meeting requirements with the work they are doing.

Barre Pinsky said he sees deer tracks in his front yard after a fresh snow and he lives in the center of Chester. He feels that he is already living in the forest. He asked if the state wants forest blocks not to have humans living in them. Jason Rasmussen said he didn't think that was the goal. He said the state biologists are working on which forest blocks are the most important and would benefit most from protection from human encroachment. He said forest blocks were not just trees. Naomi Johnson reminded Barre that deer are only a small percentage of the species that make up biodiversity. The presence of deer in Chester does not make Chester a forest block. Barre said he had come to understand that.

Naomi said Monica had asked the Commission why they had asked her to speak to them. Was the Commission trying to meet the requirements of a new statute? Naomi said she was unaware of any new statutory requirements. She felt the State should be notifying Planning Commissions of new laws that affect them, such as forestry blocks. She said the Planning Commission was made up of volunteers who won't always hear about statutory changes in the course of their daily lives.

Jason Rasmussen said the regional planning commission could help Chester with the forest block issue. He said in the last five years there have been a number of legislative changes. He said towns were now allowed to regulate on-farm businesses more than formerly. The regulations around group homes have changed as well.

Cheryl Joy Lipton asked if there was money available from the state to help regulate water quality by keeping farm animals out of streams. Jason Rasmussen said money is available. Chris Yurek at the Southern Windsor County Regional Planning Commission was in charge of money to address water quality. He said the focus has been primarily on stormwater issues: roads, culverts and ditches.

Barre Pinske asked if water quality referred to drinking water or rivers and streams. Jason said it addressed both issues. In recent years the focus has primarily been on stormwater runoff, mainly because of the problems in Lake Champlain and Lake Memphremagog. The state is trying to get sediment and pollution out of the runoff.

Tim Roper asked how this would be a Planning Commission issue, wouldn't it belong to the highway department? Jason said it was probably already addressed in the Town Plan, but the Planning Commission should re-visit it, in light of recent state laws. Michael Normyle asked if the state will be changing the minimum lot size where a storm water permit is required. Jason Rasmussen he was not certain about that. Cheryl Joy Lipton said nutrient- and sediment-laden stormwater is a problem in agricultural areas. Gabe Ladd said that the phosphorus in the runoff is what causes toxic algae blooms. Tim Roper said he thought sediment was a bigger issue in Chester.

Naomi Johnson said there is regulation about stormwater in the bylaws, but having good language about water quality in the town plan will help Julie Hance when she tries to obtain grants for projects. Michael Normyle asked Jason Rasmussen about help for more regulation about farms and on-farm businesses.

Naomi Johnson summarized the Commission's long-term plans. She said once the current amendments to the Town Plan are adopted and the new bylaws are adopted, the next project will be to re-write the Town Plan and adopt it. She said she hoped the Regional Planning Commission would be able to help with the re-write. Michael Normyle asked if a grant would be needed to do that. Jason Rasmussen said a grant would be needed if a major re-write is proposed.

Jason said he understood from John Broker-Campbell that the Chester Planning Commission was looking at model flood hazard bylaws, which could get complicated quickly. Jason said he wasn't sure how much time John Broker-Campbell had available to help Chester with the flood hazard bylaws. He said the Regional Planning Commission could offer some help. Naomi Johnson asked Jason if he had been involved in other towns adopting Flood hazard bylaws. Jason said Reading and Cavendish had adopted the River Corridor standard. Ludlow had adopted new bylaws but they did not follow the River Corridor model. He said West Windsor decided not to change their bylaws at this time.

Michael Normyle and Jason Rasmussen discussed who should be consulted on the flood hazard bylaw issue and how much time would be needed. Jason said John Broker-Campbell, who is the Department of Environmental Conservation flood plain manager for the southern region, has worked with the Southern Windsor County Regional Planning Commission to bring advice and

expertise to towns working on flood hazard bylaws. Jason said it can take years for a town to come up with flood hazard regulations.

Barre Pinske asked what other towns in the area are working on. Jason said other towns are working on economic revitalization. They are seeking to make it easier to start a business in a village center. They are also talking about preserving natural resources. Cheryl Joy Lipton asked if other towns are working on parcelization. She noted that there are more parcels being created even though the population is decreasing. Jason Rasmussen said some towns are increasing their minimum lot size. Weathersfield has a 10-acre minimum. He said there have been discussions about a maximum density as opposed to a minimum lot size, which he feels is helpful. He said that concept encourages clustered housing.

Tim Roper asked if it made sense to have someone look at Chester's proposed zoning boundaries against the forest block requirements to see how it fits. Cheryl Joy said Chester had started to do that with Monica Przyperhart, who has left, and wanted to know if there was someone taking her place so that the work could continue. Jason said they had not yet hired a replacement for her.

Michael Normyle asked if short term rentals were something the regional planning commission addressed, and did they have any model bylaw language or suggestions for handling the issue. Jason said the topic had come up several times recently. He said it was an issue in Woodstock and they had language in the bylaws to address it.

Naomi Johnson thanked Jason for his time and his offer of help on the forest blocks. Jason said his office wanted to be helpful and urged people to call.

Naomi Johnson said the next meeting will be February 3, 2020 and will focus on the Stone Village District. She said uses and density will be discussed. She noted that Barre and Tim's terms as Planning Commission members end in March. They will be interviewed by the Selectboard in the near future. Cheryl Joy Lipton asked if the Planning Commission would be meeting on February 17<sup>th</sup>, Washington's Birthday. Naomi Johnson said it would be meeting. She thought that John Broker-Campbell would be speaking to the Commission then, but the appointment needs to be verified. Michael Normyle asked if there would be another agenda item for the next meeting. Naomi said there would, but did not choose a topic.

Cheryl Joy Lipton moved to adjourn the meeting. Tim Roper seconded the motion. A vote was taken and the motion passed.