

TOWN OF Chester
PLANNING COMMISSION
May 4, 2020 Minutes

Commission Members Present: Naomi Johnson, Cheryl Joy Lipton, Peter Hudkins and Barre Pinsky via video conference.

Staff Present: Michael Normyle, Zoning Administrator, at the Town Hall Cathy Hasbrouck, Recording Secretary via video conference.

Citizens Present: none.

Call to Order

Chair Peter Hudkins called the meeting to order at 6:36 PM.

Agenda Item 1 Review minutes from April 20, 2020 meeting

Cheryl Joy Lipton moved to accept the minutes from the April 20, 2020 meeting. Naomi Johnson seconded the motion. Cheryl Joy Lipton asked to have the words “the town” added to a sentence in the fourth paragraph on page 3. Peter Hudkins asked that action items be added to the minutes going forward and gave two items to be added to the April 20, 2020 minutes. The first is that Cathy Hasbrouck send Naomi Johnson the list of items to be addressed in the bylaw project assembled by Cathy and Peter. The second was that the Planning Commission would formally vote on delaying action on the River Corridor model bylaws until the proposed bylaws are adopted. A vote was taken and the minutes were accepted as amended.

Cheryl Joy Lipton brought up a map she thought had been prepared by the Vermont Fish and Wildlife Department showing Chester’s forest connectivity blocks mentioned on page 5. She said she had never seen the map and wanted to know where it was. Peter Hudkins proposed addressing this after the next agenda items are complete.

Agenda Item 2, Citizen Comments

No citizen had any comments to make.

Agenda Item 3 Make a formal decision on addressing the River Corridor issue after the bylaws are complete.

Naomi Johnson moved to consider making River Corridor regulations part of the bylaws after the proposed bylaws are formally adopted. Peter Hudkins asked what would happen to the flood regulations in the bylaws if the River Corridor regulations were adopted. Naomi Johnson said the River Corridor is a separate chapter of the bylaws. It is independent of the flood hazard regulations. Cheryl Joy Lipton asked if the River Corridor bylaws will be addressed immediately after the bylaws are adopted. Peter Hudkins said he knew the Town Plan needed to be re-written. He didn’t know of any other issues. Naomi Johnson said she didn’t know of any big issues beyond the Town Plan. Cheryl Joy Lipton asked if the Commission was planning on preparing some information about the River Corridor so the topic can be discussed with the Selectboard. Naomi Johnson said she had agreed to do some research on this at the last meeting and she was over halfway done with the research. She planned to have the information available at the end of May.

Barre Pinske seconded the motion to delay consideration of the River Corridor model bylaw project. Michael Normyle said he was interested in doing some research on his own as well and was glad to have some time to do it, since the River Corridor won't be discussed for some time. Naomi Johnson said she wanted to be clear that she expected her research to form the basis of a discussion first within the Planning Commission and then with the Selectboard about going ahead with the River Corridor or not. A vote was taken and the motion passed.

Peter Hudkins addressed Cheryl Joy Lipton's question about a wildlife map for Chester. He established that Cheryl Joy did have a copy of the CD the Fish and Wildlife Department distributed at the meeting in the summer. Cathy Hasbrouck said she thought there was a map of the area's habitat blocks on a file cabinet in the Zoning Office. Michael Normyle said he would look and Cheryl Joy said she would stop by there as well. The discussion made these points:

- The map Monica Przyperhart made was not available in digital format
- The GIS data that went into the map was available online
- Michael Normyle recalled the map as being hard to see
- Cheryl Joy thought she could recreate the map in digital format
- Michael Normyle said he could print the digital map in 11 x 17 format.
- Naomi Johnson recalled that Jason Rasmussen had offered to review the forest block data at the meeting on January 20, 2020.
- Michael Normyle said he was going to attend a forum the next day with Jason and other Zoning Administrators and he would check with him then.

Peter Hudkins said the following items would be action items:

- ❖ Cheryl Joy will contact Fish and Wildlife
- ❖ Naomi will check her notes for what Jason had said
- ❖ Michael Normyle will speak to Jason at the forum.

Agenda Item 4 Reconcile Chester Road standards with Section 3008 Driveway standards.

Peter Hudkins said the bylaws should have the same road standard as the town road and bridge standards. There were conflicts in the driveway width allowed and the degree of slope allowed between the proposed bylaws and the Road and Bridge specifications. The following facts were discussed

- Article 5.2 of the existing bylaws addresses Road Design, including driveways.
- Three of the zoning districts in the existing bylaws, R-40, A3, and R-120 have an entry for driveways in their Supplemental Standards section.
- There are differences between the Road and Bridge standards and the current and proposed bylaws about the width required and the grade allowed for driveways.
- The proposed bylaws have a narrower driveway standard than the Road and Bridge standards. This was discussed in December 2019 and was left unresolved.
- Up to 3 houses may share a driveway in all three sets of regulations.
- If more than 3 houses use the same driveway it is considered a private road.

- Michael Normyle liked the table in figure 3-02 of the proposed bylaws that showed the number of lots, the length of the driveway, the minimum paved width and the maximum grade.
- Naomi Johnson suggested that Article 5.2 of the adopted bylaws had a lot of history behind it and perhaps that history should be preserved. Peter Hudkins recalled substantial discussions about driveways when past iterations of the bylaws were written.
- Past negotiations, encoded in Article 5.2, were not discussed when Section 3008, Driveways, from the new bylaw was discussed.
- Naomi Johnson suggested that roads and driveways are different and need to be addressed in the bylaws separately.
- Cheryl Joy concurred that roads were different than driveways and wanted to ask the Fire Department for their requirements.
- It is important to be sure that the Fire Department is comfortable with the driveway specifications.
- The state standard B71 addresses driveways and is referenced in the Chester Road and Bridge standards and the proposed bylaws. It is not directly mentioned in the currently adopted bylaws.
- Peter Hudkins reported that Julie Hance wanted the new bylaws to refer to state statute when possible so that Chester's bylaws will not have to be revised every time the statute changes.

Action Items from this discussion were:

- ❖ Naomi Johnson agreed to look at the current and proposed bylaws and find the best parts of each for new road and driveway bylaws. She will have this prepared by the next meeting.
- ❖ Peter Hudkins will check with the Fire Department on their preference for driveway widths.

Agenda Item 5, Review Section 3105 Performance Standards

The Commissioners turned to the Performance Standards in the current and proposed bylaws. Performance Standards in both the currently adopted and proposed bylaws address issues such as noise, air pollution, light and glare, underground storage tanks, ground or surface water pollution, safety hazards such as explosive or flammable material, and electromagnetic disturbances. Performance Standards apply to every use in every zoning district.

The proposed bylaws have a list of 16 criteria to be addressed in a Development Review. These are found in Table 4-01. The criteria in the table are supplemented by standards for specific uses found in Section 320, General Regulations which apply to all development in Section 300 and Site Design and Performance Standards in Section 310.

The current bylaws have lists of General and Specific Standards for Conditional Use Review which apply to all zoning districts, and Special Criterial which apply to the Village Center, Stone Village and Residential – Commercial districts only. These are found in article 4.8 Conditional Uses. The Performance Standards are in article 4.9, Performance Standards. Every zoning district except the Conservation – Residential and Forest districts has Supplemental Standards unique to the district, concerning a variety of issues such as landscape, driveways, and building configuration. Article 3, General Use Standards, also has standards for eight specific uses including Accessory Dwelling Unit, Broadcast Facilities, Camping/Travel Trailers, Pickup Coach, Motor Home and Tent Site Park, Extraction Operations, Family Child Care, Home Occupation, Home Business and Mobile Home Park.

Peter Hudkins looked for a traffic safety standard in the proposed bylaw Performance Standard. It took some time to locate where each set of bylaws addresses traffic safety. In the current bylaws, traffic safety is addressed in the General Standards, Article 4.8. In the proposed bylaws, Traffic is addressed in Figure 4-01, item 12.

The Commission considered whether the traffic standard should be moved to the section that addresses Performance Standards. Michael Normyle showed the Commission how the contents of Figure 4-01 connects with the currently adopted standards. Peter Hudkins suggested that a weight standard be added for rural roads. The Selectboard would have to issue a letter allowing overweight vehicles on a rural road for a project.

Cathy Hasbrouck and Michael Normyle explained what is currently required to show that a proposed development project meets the bylaw standards. Naomi Johnson asked if the application process should include obtaining input from the town for the issue of weight limits on rural roads. Peter Hudkins thought the 24,000-pound weight limit should be part of the reason a conditional use hearing is called for. Cheryl Joy Lipton asked if weight limit checks are not already part of the Conditional use hearing. Cathy Hasbrouck said the current hearings discuss the size of delivery vehicles and letters from Highway Superintendent Graham Kennedy have been received in the past.

Cheryl Joy Lipton thought that the list of uses allowed in the rural districts would preclude heavy vehicles and the extra standard would be unnecessary. Barre Pinske explained that one of his trucks weighs 18,000 pounds and it would be easy to load 600 pounds onto it. Although his truck is bigger than a pickup truck most people would not think it was too heavy for a rural road. He assumed that logging trucks would be much heavier. Peter Hudkins said he didn't want to pay for rebuilding a bridge because someone started a business on the far side of it, constantly overloading the bridge and wearing it out.

Naomi Johnson asked Michael Normyle if the proposed bylaws are more specific than the existing bylaws, meaning do the proposed bylaws give specifics on what letters or forms need to be completed to meet bylaw standards? Michael Normyle said he was still studying the new bylaws. He said in Vermont the burden is on the applicant to prove that their project will not have an undue adverse effect on the environment, the abutters and the municipal services. Naomi Johnson cited section 4301. C of the proposed bylaws that specifies in general terms what information, documentation and fees the applicant must provide in order to apply for a permit. She asked whether the requirement was sufficient or whether there should be something more specific. Michael Normyle said he has been working in recent years to gather all the information needed to complete a hearing before the hearing starts and for that reason, there have been more

hearings that only require one meeting to complete. He said that when he has an applicant he sees is floundering, or new to the process, he provides them with checklists to help them prepare for the hearing. The Planning Commission asked to see those forms. Michael agreed to distribute copies. Cathy Hasbrouck suggested the bylaw was vague on what aid should be provided to an applicant because of ongoing changes in governments and statutes, and the variety of development projects presented. Peter Hudkins said he would like to see forms that showed the applicant which bylaw standards applied to his or her project and how to meet those standards.

Michael Normyle cited section 4301.D Determination of Completeness, which states the Zoning Administrator must tell the applicant if the application is complete, or if not, what information is missing. He said he spends a lot of time with applicants on that.

Agenda Item 7 Discuss date and agenda for next meeting.

The next scheduled meeting of the Planning Commission is May 18, 2020. No one objected to the date. Barre Pinske moved to adjourn the meeting. Naomi Johnson seconded it. A vote was taken and the meeting was adjourned.

Action Item Summary

- ❖ Cheryl Joy will contact Fish and Wildlife about the map Monica may have created
- ❖ Naomi will check her notes for what Jason had said about forest blocks assistance
- ❖ Michael Normyle will speak to Jason at the forum.
- ❖ Naomi Johnson agreed to look at the current and proposed bylaws and find the best parts of each for new road and driveway bylaws. She will have this prepared by the next meeting.
- ❖ Peter Hudkins will check with the Fire Department on their preference for driveway widths.