

**TOWN OF Chester**  
**PLANNING COMMISSION**  
**October 19, 2020 Minutes**

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

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

**Citizens Present:** Julie Hance, Matt Wilson and Arne Jonynas.

**Call to Order**

Chair Peter Hudkins called the meeting to order at 6:30 PM. All the meeting's participants were attending via Zoom teleconference.

**Agenda Item 1 Review minutes from October 5, 2020 meeting**

Barre Pinske moved to accept the minutes from the October 5, 2020 meeting. Tim Roper seconded the motion. Tim Roper had 2 corrections. There was a typo on page 1 and he had a change to clarify the first full paragraph on page 5 where he was quoted. Naomi Johnson pointed out a second typo on page 1. No one else had any changes. A vote was taken and the minutes were accepted as corrected.

**Agenda Item 2 Citizen comments**

There were no citizen comments.

**Agenda Item 3 Action Items list**

Peter Hudkins asked Cathy Hasbrouck when the Planning Commission could meet in person again with people able to join remotely as well. Cathy Hasbrouck explained that the training on equipment needed to make this possible, planned for October 13<sup>th</sup> had not taken place. Some equipment had not been ordered. It was expected to arrive in two weeks and there could possibly be training on October 27<sup>th</sup>. Without that special equipment discussions of maps and mapping will not be very effective. Cheryl Joy Lipton asked whether her presentation on forest block connectivity and the work with Gabe Ladd would be delayed for that reason. Peter said they would. He suggested that once the new hardware and software was installed, the Planning Commission could fine-tune the process of gathering to discuss maps as a group. Perhaps the maps Cheryl Joy is planning on presenting could be sent to Gabe Ladd and he could integrate them with the maps already in place. The best way to work with maps during the pandemic still needed to be discovered.

Peter Hudkins read through the list of action items with these comments:

- Barre Pinske brought up a hardship situation where a property owner cannot be cared for in his or her home for a time and wants to rent both the main and accessory dwelling units on the property while he or she is unable to live at home. Peter Hudkins said this hardship is covered in the adopted bylaws. We need to verify that all hardships covered in the adopted bylaws are included in the proposed bylaws.
- The Vermont legislature has passed some laws to address Air B&B and other short-term rentals. An e-mail with more information about the new legislation will be circulated to the commission members.

#### **Agenda Item 4 Quick review of Stone Village zoning district page changes**

The item was tabled until after the discussion of building height.

#### **Agenda Item 5 Review building height measurement and proposed Dimensional Standard**

Chester Fire Chief Matt Wilson and Town Manager Julie Hance were attending the meeting to discuss building height. Matt Wilson said he had been looking over the information on building height maximums and methods for measuring heights that Naomi Johnson had gathered from the bylaws of other towns. This information had been sent in the packet. Matt said that, as fire chief, he could not respond to a call at a building that was 48 feet tall. Chester's Fire Department did not have equipment to safely vent a roof that high. He amended his statement to say that he would certainly respond to the call, but he could not properly deal with it. He said such a call would not only put the occupants and building in danger, but it would also endanger the town's firefighters. The Fire Department's ground ladders were 35 feet high. Leaning against a building at an angle, a 35-foot ladder would not actually reach the very top of a 35-foot building, let alone the top of a 48-foot building. Matt said he answers inquiries from insurance companies frequently about specific properties and the last question the insurance companies ask always is, "Can you properly respond to this call?" He said he would have to say, "No" if the building was too tall. This makes getting any type of fire insurance for the building very expensive.

Peter Hudkins said the Planning Commission had noted that there were several buildings in the Village Center that were 3 stories. Many of those buildings are commercial. Commercial buildings must meet NFPA standards and the commercial building code which is enforced by the State Division of Fire and Safety. Chester does not have a building code or a building inspector. He said the Chester Fire Department can handle 35-foot buildings and he thought 35 feet should be the maximum height in the bylaws.

Cheryl Joy Lipton asked whether Peter was suggesting that commercial buildings be considered separately from residential buildings in the bylaws. Peter said he was only trying to give background information. He said building height had been limited to 35 feet since zoning started in the 1970's. He said Matt Wilson would like to see the height limit remain 35 feet. He thought Julie Hance agreed because the town's insurance is planning on a height limit of 35 feet.

Cheryl Joy Lipton asked whether a building that is taller than 35 feet may be built back to its former height if it was damaged, as in a fire. Julie Hance said the current bylaws allow a building to be reconstructed to its original height. Julie Hance said she felt the height issue was a matter of not making an existing problem worse than it already is. Cheryl Joy Lipton asked whether a ladder truck was being considered for the Fire Department. Julie Hance said a ladder truck would cost over 1 million dollars and it was not being considered.

Tim Roper asked Matt Wilson whether sprinklers would make a difference in a tall building. Matt Wilson said sprinklers were designed to keep a fire small enough to allow people to escape from the burning building and allow the Fire Department to put out the fire. Sprinklers are not expected to extinguish a blaze. Matt said modern buildings are made of composite materials, not solid wood, and composite materials burn more quickly. Sprinklers can compensate for the quicker-burning materials.

Tim Roper asked whether sprinklers satisfy some insurance company requirements. Matt Wilson said he thought the state Fire and Safety code mandated sprinklers for commercial buildings. Matt said the town has no building code and when he signs off on a building, he states that the building owner will have to follow state regulations. Matt said sprinklers would help in a building over 35 feet tall, but the situation would still be dangerous because he doesn't have ladders that can reach to the top of the building.

Matt discussed using the mutual aid agreement to bring in a ladder truck from another town during a fire. The mutual aid truck usually arrives after other trucks have set up hoses and are fighting the fire. There may not be room to maneuver a ladder truck around the hoses to within reach of the building.

Cheryl Joy Lipton asked what is done when a building taller than a ladder truck can reach burns. Matt Wilson said towns actually get trucks specifically tailored to the buildings they will be caring for. The Springfield ladder truck is 35 feet taller than the Bellows Falls ladder truck because Springfield has taller buildings. New ladder trucks are so expensive because they are built for individual purchasers and not mass-produced. Matt Wilson said that if Chester ever were to get a ladder truck, he would want to get a used truck.

Cheryl Joy Lipton said Planning Commission was thinking about taller buildings because they would match the existing old buildings which give Chester so much character. She asked Matt Wilson if he had any suggestions for achieving the character of the older buildings while not making new buildings too tall. Matt echoed what Julie Hance had said, that the Fire Department did not want to ban the old buildings, but didn't want to make the problem worse by increasing the number of taller buildings. He said he favored allowing old buildings to be reconstructed if they were damaged. Matt Wilson said the Fire Department has pre-planned the response to the tall and densely-packed buildings on the green. If he had to start pre-planning responses to more tall buildings all over town it would be a time consuming and difficult job. It would require more than the part-time Fire Chief Chester has now. It would probably require more than a full time chief.

Tim Roper said it seemed like a height maximum of 35 feet limited buildings to two stories or two and a half stories. Tim Roper asked what happens in cities with very tall buildings. Matt Wilson said very tall buildings have something called standpipes. The Chester Town Hall and Vermont T's have standpipes now. A standpipe allows a pumper truck to attach to the sprinkler system and pump in additional water to fight the fire. He said it was also possible to have the equivalent of a fire hydrant in a building. Firefighters carry in hose and attach it to the hydrant to fight the fire. Helicopters are also used for tall buildings.

Tim Roper asked if a variance for a taller structure could be allowed with some special requirement such as sprinklers and/or hydrants, with the Fire Department's support. Peter Hudkins said commercial high-rise buildings have special requirements for floors and stairwells. They must have a four-hour rating, meaning they must withstand a fire for four hours before igniting. He said that, in Vermont, commercial buildings must meet these requirements, but non-commercial buildings do not.

Tim Roper said the State of Vermont takes responsibility for commercial buildings but if the bylaws do not allow buildings over 35 feet and there is no provision for a variance then larger commercial buildings will not be built. He suggested that buildings over 35 feet be allowed as

long as they get a variance which required meeting Chester Fire Department guidelines. He didn't want to close the door on the possibility of a 3-story building.

Naomi Johnson said that if the bylaws allowed a non-public or non-commercial building to be taller than 35 feet and the waiver depended on the Fire Department inspecting the building, it would put too great a burden on the Fire Department. Tim Roper suggested the waiver be limited to public and commercial buildings.

Barre Pinske said he was concerned about people choosing to build wider buildings with a flatter roof which would clash with the steeper pitches on the existing roofs. He said he wanted a qualified committee to evaluate proposed buildings to ensure they match the historic buildings in place. He said the upper levels could not allow human occupancy.

Matt Wilson said the Fire Department chops holes in roofs to vent the heat and smoke. Without a vent the heat would melt the firefighters' protective equipment. The Fire Department does not chop holes in roofs to rescue people who live on those floors. Allowing a tall building with no living space on the upper floors does not make it any easier for the Fire Department to fight a fire. In response to another question from Barre, Matt said the Fire Department needs to be able to reach the peak of a roof without having to walk on the roof. Roofs can collapse during a fire and are not safe to walk on. Matt Wilson said if the Planning Commission did allow taller buildings, he hoped strong restrictions about sprinklers and higher hour ratings would be required.

Naomi Johnson moved to maintain a maximum height of 35 feet in all zoning districts. Barre Pinske seconded the motion. Tim Roper noted that the town doesn't have the capacity to inspect buildings but the state of Vermont does and he proposed that public buildings be allowed to have a height waiver. He thought that the state would understand that Chester does not have a ladder truck and impose requirements that would keep the building safe without a ladder truck. Julie Hance said she would want to know what the state fire code requires on a 48-foot building before she could endorse that proposal. She knows people have ducked fire code requirements in the past. She would want to be sure the town will not be liable for damages if a tall building burns.

Naomi Johnson said she would like the motion to stand as she proposed it. She cited Matt Wilson's statement that sprinklers are not all that might be needed to control a fire. She didn't feel comfortable with the proposed amendment. There being no second for Tim Roper's amendment Peter Hudkins called for a vote on Naomi's motion to limit building height to 35 feet everywhere. A vote was taken and the motion to limit building height to 35 feet. was approved. Peter Hudkins noted that zoning is not forever and can be changed in response to a changing world.

Julie Hance asked about the proposed minimum height for the V6 and V12 districts, which include the Green, Main Street from Church Street to the Country Girl Diner and Depot Street from Main Street to just before the railroad tracks. Julie said she was surprised to see a minimum height requirement. Cheryl Joy Lipton said she thought the minimum height was part of the template Brandy used to compose these bylaws.

Tim Roper summarized the discussion about the 24-foot height minimum from the October 5, 2020 meeting for Julie's benefit. Julie asked if the minimum would only be in effect in the village. Tim Roper said yes it would only be in the village. Cheryl Joy Lipton said limiting the minimum height to only the village center area would allow for less expensive one-story housing

away from the main streets. She said having too many one-story buildings on the main streets would change the character of Chester.

Peter Hudkins said the elementary school was also in the V6 and on a main street and would be affected by the 24-foot minimum if an addition to the building was needed. Tim Roper suggested that the minimum height for some areas be discussed when the Commission is able to discuss mapping again.

Barre Pinske said he had been thinking about how Chester could manage zoning standards and thought someone like a building inspector would be needed to handle all these requirements. He said he found Chester to be a cosmopolitan community and room should be made for architectural creativity and innovation. Julie Hance said she felt Chester already had a lot of “coolness” and people came to Chester to experience that unique character. Julie voiced her opposition to design review. She said Chester is not Woodstock. The variety in architectural styles is unique and should be preserved.

Tim Roper said he thought the 24-foot height minimum in specific areas would help preserve the character. Cheryl Joy said proposal to raise the maximum height was in the same vein. Julie Hance said the town needed to find a balance between preserving the town’s character and the town’s capacity to support certain types of architecture. Julie said she will pay more attention to the proceedings of the Planning Commission in the future to help resolve these kinds of issues more quickly. Barre Pinske hoped the new bylaws would support interesting architecture and not excessively limit creativity. This concluded the discussion on building height. Barre Pinske asked that the minutes state the he said thank you to Matt Wilson for his time and participation.

#### **Agenda Item 4 Quick review of Stone Village zoning district page changes**

Peter Hudkins re-opened the discussion of the Stone Village zoning district page which had been distributed in the packet. Peter Hudkins and Naomi Johnson reviewed the changes to uses agreed to at the August 17, 2020 meeting. Peter Hudkins noted a disagreement between himself and Cathy Hasbrouck on the definitions of Senior Housing and Group Homes. Peter wanted to discuss that at a later date. Naomi Johnson was able to list the uses that were changed during the August 17, 2020 meeting. The changes were mainly making some permitted uses conditional. Naomi said it looked like the Planning Commission had been able to discuss all the uses at the August 17 meeting before it got dark. She said the district boundary is the remaining item to be settled.

Peter said state statute requires that group homes be allowed in all districts and the presence of group homes in the Stone Village district is not open for discussion. This must be addressed in the state legislature. Peter brought up the letter from Lew and Bonnie Waters received on October 5, 2020. He felt the letter should be discussed by the Planning Commission at a later date, but before the meeting when boundaries for the district are discussed.

#### **Agenda Item 6 Discuss format and process for Planning Commission meetings, particularly in the absence of the chair.**

The Commission discussed ways a meeting could be held when Peter Hudkins, the chair is not available. In the past Peter has put a great deal of time into preparation but has not committed all his thoughts to paper and was at a loss to share them with anyone who might run the meeting in

his place. Naomi Johnson, who had been the chair for several years, said she was able to conduct a meeting in Peter's absence. Tim Roper said it was possible to skip agenda items that Naomi did not feel sufficiently prepared to discuss. Naomi said she felt it was important that the other Commission members are also prepared for the meeting, having done research on their own to support their opinions on the topics to be discussed. She advocated going as far as writing a memo about topics to be discussed. Barre Pinske said he has often not been prepared for a meeting and he needed a better idea of what is required of him. He cited the previous meeting's materials that had information about plats in it which he did not understand.

Peter Hudkins said Brandy had presented an overview of the bylaws, but had not discussed any of the details of how the bylaw would be applied. As it happens, the proposed bylaws are missing the list of standards for plats, such as which features must be shown. Peter planned to discuss plats and subdivisions at the next meeting, and introduce the plat standards in the current bylaws so they could be added to the proposed bylaws. If Barre did not know what a plat was, then Peter was willing to teach him so that he could participate in the discussion of subdivisions and standards for the plat.

Barre suggested that Peter send out a memo explaining, for example, what a plat was, so that he (Barre) could study it before the meeting. Peter said he had initially assumed that the commission members knew what a plat was or that they would look it up before the meeting.

Naomi Johnson said the Commission has the action item list and suggested that Commission members could look at items on the action item list and do some research. There are currently 15 items on the action item list that could be addressed.

Cheryl Joy Lipton said workshops covering topics that would be useful for Planning Commission members are available from the state and she has attended several herself. She suggested that other commission members look into this and share information with the rest of the group.

Peter Hudkins said the next topic he'd like to address is subdivision and plats. He would find a past example of a subdivision, and go over the plat submitted. Tim Roper asked why it was necessary to do that. Peter said the list of plat requirements was part of the subdivision review process. That list is missing from the proposed bylaws. Peter thought the existing list could be improved. Peter also suggested that the bylaws could do a better job enumerating the duties of the Zoning Administrator. Tim Roper felt that these details were bogging down the process of reviewing the bylaws. He felt it was important to move ahead with getting buy-in from the Selectboard and town manager for the proposed bylaws.

Peter Hudkins said he believed the proposed bylaw did not match the current bylaws and did not cover all the bylaw requirements. He asked how the process of verifying that all issues addressed by the adopted bylaws are covered in the proposed bylaws could be moved forward. Cheryl Joy Lipton asked for clarification on what requirements were not covered. Cathy Hasbrouck explained that a preliminary plat for a minor subdivision must be checked for landmarks such as bodies of water, culverts, utility poles and easements. Those items are required by the adopted bylaws. They are essential to make the plat a useful record. The proposed bylaws don't list those items as requirements for a plat. In the future the town would be accepting sub-standard plats into the land records.

Cheryl Joy Lipton asked why the missing list couldn't just be added and the Commission would then approve the addition. She wondered why the commissioners needed to sit through a subdivision hearing. In the past items were simply added from the old bylaws to the new bylaws.

Naomi Johnson recapped the discussion saying it appeared the commissioners wanted Peter to show them the differences between the old and new bylaws and they would take his word about adding the missing pieces in. They did not need to understand the details of the processes. Tim Roper did not think the commissioners needed to have a class on plats in order to approve the addition of standards for plats to the bylaws.

Peter Hudkins suggested that another way to check the proposed bylaws would be to use them to follow an actual DRB hearing. Tim felt that Peter had the expertise to do that and he should present his findings to the commission. Peter wanted to educate the commission so they could evaluate the proposed changes together.

Tim Roper asked that Peter be prepared at the next meeting to present a section of the adopted bylaws, the corresponding section in the proposed bylaws, enumerate what is missing and show what is proposed to be added. Peter said such a task was extremely time consuming and he was not able to do that. The Selectboard had asked for a similar report in June and after 60 hours of research Peter was not close to finishing. The organization of the two bylaws is not similar enough to make easy comparisons.

Naomi Johnson suggested that Tim was asking to for a list of what is missing from the plat review process in the proposed bylaws. Peter Hudkins said that Harry Goodell was an expert on plat requirements and he would like to consult him on this.

Naomi Johnson asked if anyone would have information about action items to present at the next meeting. Peter Hudkins said the state has recently passed legislation allowing towns to regulate Air B & B's. Cathy Hasbrouck said she would forward an e-mail from regional planning about the new legislation and the commission members can study that. It could be discussed at the next meeting.

Tim Roper moved to adjourn the meeting. Naomi Johnson seconded the motion. A vote was taken and the meeting was adjourned.