

TOWN OF Chester
PLANNING COMMISSION
November 2, 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: None.

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 19, 2020 meeting

Tim Roper moved to accept the minutes from the October 19, 2020 meeting. Cheryl Joy Lipton seconded the motion. Cheryl Joy Lipton asked for small changes on page 3, 4, and 5. Tim Roper asked that a bullet on page 1 be put in clearer language. Naomi Johnson pointed out a typo on page 7. 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

Barre Pinske asked when an item should be added to the Action Item list and when it may be added to the agenda for a meeting. Peter Hudkins said two people need to recommend an item for the agenda in order for the item to be added, later explaining the requirement comes from Robert's Rules of Order. He said, in practice, anyone can get an item added to the action item list or the agenda. Tim Roper thought requiring two people was a cumbersome process and asked if the Planning Commission was bound by Robert's Rules of Order. Naomi Johnson said she recalled a meeting with Jim Carroll a couple of years before where the Planning Commission had declined to operate by Robert's Rules. The Commission agreed to continue allowing one person to add an item to the agenda.

- ❖ Barre Pinske said he wanted to add an action item which addressed signs left in place after a business closes permanently. He thinks it should be the landlord's responsibility to remove the sign. He gave the Vermont Institute for Contemporary Art as an example. The Commission discussed that the words should say something about removing signs when a business is no longer in that location. This item should be added to the Action Item List.

Continuing with action items, Peter Hudkins declared item 6, Maximum building height and measurement of height to be settled. Cathy Hasbrouck said she had completed item 10, Put the latest version of the proposed zoning district maps on the town website.

Cheryl Joy explained an e-mail she sent to Peter Hudkins asking about action items becoming an agenda item. It was resolved that an action item to be discussed at a meeting will be listed on the meeting's agenda.

Tim Roper had studied the new statutes governing Air B&B. He said the enumeration of powers statute for towns and cities now allows regulation for short-term rentals via ordinance or bylaw. He read the statutory definition of short-term rental as follows: a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

Naomi Johnson wondered if any other towns have tried to regulate short-term rentals. She found Burlington had recently enacted an ordinance or bylaw (she did not know which) on this topic. Stowe had language stating they could not regulate short-term rentals. Peter Hudkins said Ludlow was working on a bylaw that would charge a tax for short term rentals because so many town resources were required to manage incidents stemming from absentee landlords and short-term rentals. Tim Roper said he had heard anecdotes of properties in Chester recently being purchased by out-of-town people who do not intend to live in town, but only intend to do short-term rentals. He was concerned that this would reduce available housing stock for long-term rentals. Peter Hudkins said concern for the housing stock would be something to be addressed in the town plan. Naomi Johnson said she thought the Agency of Commerce and Commercial Development or the Regional Planning Commission was likely to come up with model regulation to address this issue and she thought it would be helpful to wait for these proposals to be released.

Naomi Johnson said that under Action Item 13, shared driveways, she had created a list of places in the proposed bylaws that reference shared driveways and will need to be addressed given the decision to follow Chester's Road and Bridge Standards. She didn't want that information to be lost or forgotten. Peter Hudkins said his plan was to get through the plat standards which are missing from the proposed bylaws. The plat standards will be the beginning of a checklist for a subdivision. The checklist will bring up the issues such as landscaping and shared driveways.

Cathy Hasbrouck told the Planning Commission members that the delay in being able to hold meetings with a group of people gathered in a room and other participants joining via teleconference is due to a critical piece of audio-visual equipment, being on back order. There is no ETA for delivery. Once a meeting with both in-person and teleconferencing participants is possible, work on zoning district maps may proceed.

Agenda Item 5 Discuss interview process for new zoning administrator

Cathy Hasbrouck said the town had received three applications for the position. The applicant information is not public information and would be sent to the Commissioners in a separate mailing, not to be shared with members of the public. Cathy Hasbrouck said she would send the applicant information as soon as she could get it. Tim Roper said he thought the Planning Commission is supposed to make a recommendation for the Zoning Administrator to the Selectboard. Naomi Johnson confirmed that was true. Tim Roper asked if Cathy Hasbrouck, the interim Zoning Administrator, could participate in the interviews. The last time the Commissioners interviewed candidates for Zoning Administrator, the current Zoning Administrator was a candidate and could not participate in the interviews. Article 7 of the

current bylaws, which addresses the position of Zoning Administrator was consulted. The Zoning Administrator was not specifically mentioned.

Peter Hudkins brought up the possibility that Julie Hance, the Town Manager would add other tasks to the position. Cathy Hasbrouck confirmed that the hours for the position had been increased to 20 hours a week. It had been 12 hours a week. Cathy Hasbrouck explained that Chester had acquired a business-unfriendly reputation and Julie Hance hoped the additional hours would allow the zoning administrator to work more closely with the applicants to support and encourage them.

Tim Roper said it would be good to see the Zoning Administrator job description. Naomi Johnson said it would help to have a copy of the advertisement for the job, and the statutory duties of the Zoning Administrator. Cathy Hasbrouck said Article 7 of the Chester bylaws also had information about the Zoning Administrator job. She agreed to find the current job description for Zoning Administrator and send that, with the advertisement for the job, the statutory requirements for the position, and the resumes in a packet for the Commissioners. The packet was not to be shared with the public.

The Commission discussed other duties the person hired to be the Zoning Administrator might undertake. Naomi Johnson said the Commission's duty was to find someone to be Zoning Administrator and recommended leaving arrangement for other duties to the Town Manager.

Naomi Johnson said she thought Cathy Hasbrouck, as the interim Zoning Administrator, could attend the interviews. Tim Roper said he was in favor of that and asked how the other Commissioners felt. Peter Hudkins agreed that Cathy would be very helpful, having done the job for a couple of months. Naomi Johnson said Cathy would have to be invited to join the executive session via a motion. The Commission agreed that it would do all the interviews on the same night, if possible.

Barre Pinske suggested that the Commissioners discuss the candidates and questions at the next meeting on November 16, 2020 and interview them at the following meeting on December 7, 2020. The Commissioners were willing to extend their normal meeting time to get all the interviews done in one evening. Unless the audio-visual equipment to support in-person meetings arrives, the interviews will be held via Zoom.

Agenda Item 4 Create table of subdivision and boundary line adjustment plat requirements

The Commissioners examined a plat for a parcel on Route 103 North that was recently undergoing sub-division. The plat was accompanied by a list of requirements for the plat taken from the adopted bylaws and augmented by input from Harry Goodell, a long-time member of the Development Review Board. The list of plat standards and requirements is missing from the proposed bylaws. Peter Hudkins said his goal was to create a list of plat standards which would eventually become a checklist for sub-division applications in the proposed bylaws.

The first item on the list, a., covered the title block and its content as follows:

- I. The title block should include
 - i Proposed subdivision name or identifying title

- ii the address of the property including the name of the Town
- iii Name and mailing address of record of owner
- iv designer of Preliminary Plat

Cheryl Joy Lipton suggested that the date of the plat be listed as being part of the title block. The date requirement was listed in the standards under k. Clerical Details. Cathy Hasbrouck acknowledged that the order of the list seemed to be random and she thought it was reasonable to re-organize the list. The Commission decided to list the date and a numeric scale in the title block under item a. A graphical scale would also be required, but it would not be shown in the title block.

Barre Pinske suggested that the subdivider name be included in case a potential buyer or someone other than the property owner had been the person who commissioned the survey. Naomi Johnson said in a case many years ago, the applicant for a subdivision was not the owner of the parcel, so it does happen. The Commission debated whether the applicant name needs to be on the plat and decided it did not, it was not relevant to the function of recording land ownership.

Item b, Physical features was discussed. Peter Hudkins read through parts i. – x. of item b as follows:

b. Physical features including

- i The number of acres within the proposed subdivision,
- ii location of property lines,
- iii existing easements,
- iv rights of way
- v buildings,
- vi water courses,
- vii floodway
- viii culverts,
- ix drains
- x other essential existing physical features.

The Commissioners added width and location of roads and driveways, flood elevation, wetlands and the size of culverts to the list.

Under item d. “The provisions of the zoning standards applicable to the area to be subdivided”, Peter Hudkins brought up a situation where a two-acre lot was legally subdivided years ago. The zoning districts are later changed and the 2-acre lot becomes a non-conforming lot because it is smaller than the new minimum lot size. He felt it was important to include the dimensional standards of the zoning district the lot is in at the time of sub-division on the plat. This is what item d. requires. Peter then said he wanted the Commission to consider whether the setback requirements for a lot should be changed if the zoning district is changed. He would like that item added to the action item list. Tim Roper said this would be grandfathering. Cheryl Joy Lipton asked if the permitted and conditional uses allowed at the time of the sub-division should be listed on the plat. Peter Hudkins and Cathy Hasbrouck did not think so. Cathy Hasbrouck said the purpose of a plat was mainly to show who owns what piece of ground.

The next item discussed was g. “The width and location of any existing roads within the area to be subdivided.” Peter Hudkins said the key words were “within the area to be subdivided.” He said a plat for a parcel that crosses a road would show the entire road and its right of way.

Tim Roper said the plat being looked at has 3 properties using one driveway. Peter Hudkins explained that the state of Vermont took away one of the existing access points on Route 103 and forced the applicant to have the driveway serve three houses. The larger number of houses requires a wider driveway. Tim Roper asked whether the existing road requirement (g.) should have existing driveways included in it. Naomi Johnson said she felt existing driveways should be included and the requirement should be moved to b. Physical Features.

The Commission also discussed having a different requirement for proposed roads vs. existing roads. They discussed whether physical features such as a stream or road should be listed separately from something like easements, which are not physical features. They decided that the title of b. should be Existing features and that roads and driveways should be added to the list under b.

Proposed features were listed under item h. Peter Hudkins explained that for a sub-division, the proposed location for a house is exactly that, only a proposal. The house may end up somewhere else. Therefore, any driveway drawn in is also only a proposal. If the house is moved to another place on the parcel, the driveway would have to be changed as well. Cheryl Joy Lipton pointed out that the bylaws could constrain the placement of a house.

Cheryl Joy Lipton asked to have the list of physical features be separated from items that are not physical features. Peter Hudkins suggested that the Commission continuing to review the list and when the review is finished, the list may be organized into a more logical order.

For Item i. “road profiles for proposed roads may be required” Peter Hudkins added the words, “May be included on separate sheet.” No one objected.

The Commission discussed contour lines at intervals of five feet, a requirement that is frequently waived for 20 feet intervals. Tim Roper asked why the requirement is for 5 feet if it is frequently waived. Would it make more sense to require 20-foot contour lines and say the DRB may require 5-foot contours? After some discussion the Commission decided not to change the 5-foot contour requirement. It seems to have functioned well so far. Naomi Johnson said the in a different part of the new bylaws require design drawings. Design drawings could have closer intervals required.

Cheryl Joy Lipton suggested that endangered species be added to the drawing. The Commission decided that the plat should concentrate on portraying the land and ownership of it. Details such as endangered species belonged on a development plan, not a sub-division plat.

Peter Hudkins read Item k., Clerical details. Cathy Hasbrouck said a surveyor told her surveyors in the area work in magnetic north and have done so since surveying began in the 1700’s. The bearings on surveys are always quoted in magnetic north. The Commission decided that both magnetic and true north need to be shown on the plat.

No one wanted changes to the following items:

l. Deed description

m. map of survey of tract boundary made and certified by a licensed land surveyor tied into established reference points, if available.

For Item n. “Location of connection with existing water supply or alternative means of providing water supply to the proposed subdivision” the commission added “or waiver of development rights.” The Commission did not want to require that a sub-divided parcel had to prove it could support a single-family house with a well and septic system.

During the discussion Peter Hudkins said the proposed bylaws required that someone who decided to develop a lot whose development rights had been waived would have to apply to the town for some type of permit. He could not recall exactly where he saw the requirement and could not locate it during the meeting. He said he would locate the code and share it. This requirement was in addition to the application to the state Department of Environmental Conservation for a wastewater system and potable water supply permit.

For Item o. “Location of connection with existing sanitary sewage system or alternative means of treatment and disposal proposed” the same words “or waiver of development rights” will be added.

Item p. “Provisions for collecting and discharging storm drainage, in the form of lines indicating the direction of storm water flow. A separate drainage plan may be required” was discussed. It was not changed.

Barre Pinske pointed out the meeting had run out of time. Naomi Johnson asked the Commission members to consider the building envelope concept which is part of the proposed regulations. If the Commission accepts the concept of building envelope as put forth in the proposed bylaws, then a building envelope must be included in the list.

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