

**TOWN OF Chester**  
**PLANNING COMMISSION**  
**December 7, 2020 Minutes**

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

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

**Citizens Present:** None.

**Call to Order**

Peter Hudkins called the meeting to order at 6:30 PM. Peter Hudkins thanked Tim Roper for the great job he did handling the zoning administrator candidate interviews. He also welcomed our new Zoning Administrator Jill Barger to the meeting.

**Agenda Item 1 Review minutes from November 2, 9 and 16, 2020.**

Tim Roper moved to accept the minutes from November 2, 2020. Barre Pinske seconded the motion. Naomi Johnson asked to have line 27 on page 1 changed from, “the Planning Commission had declined to operate by Robert’s Rules” to. “the Planning Commission discussed that they had not adopted rules of procedure.” No one objected to the change.

Cheryl Joy Lipton objected to the statement, “The Commission agreed that the words should say something about removing signs when a business is no longer in that location.” She did not feel the Commission had agreed to anything in that discussion. Naomi Johnson suggested that the word “agreed” in the statement be changed to “discussed.” No one objected to that change.

Cheryl Joy also noted that she was not mentioned in the discussion of Agenda Item 5 **Discuss interview process for new zoning administrator**. She thought she had said something about getting hold of the job description for the Zoning Administrator position.

Peter Hudkins noted that it had been difficult to hear Cheryl Joy over Zoom at the last couple of meetings, but the audio was much better tonight. He and Cheryl Joy discussed the possibility that the poor audio quality might have been a problem on November 2<sup>nd</sup>. Peter Hudkins asked Cheryl Joy if the tape should be checked for anything she had said which was not noted in the minutes. Cheryl Joy said she thought that would be more work than it was worth.

Cheryl Joy brought up Agenda Item 4 of the November 2, 2020 minutes, **Create table of subdivision and boundary line adjustment plat requirements**. The topic discussed in the minutes was whether a list of conditional and permitted uses in force at the time of the sub-division should be included on the plat. The paragraph ended with the sentence, “Cathy Hasbrouck said the purpose of a plat was mainly to show who owns what piece of ground.” Cheryl Joy said that statement contradicted the rest of the conversation about what should be included on the plat. Naomi Johnson suggested that the discussion of the topic should be part of the meeting and not part of accepting the minutes. Peter Hudkins said the topic will come up as part of the subdivision discussion planned for the rest of the meeting.

Barre Pinske suggested that someone contact Jill Barger, who appeared to be having difficulty with the Zoom connection. Cathy Hasbrouck was not able to reach Jill Barger and the matter remained unresolved.

Peter Hudkins took a vote on accepting the November 2, 2020 minutes as amended and the motion passed. Cheryl Joy Lipton moved to accept the minutes for November 9, 2020 as written. Naomi Johnson seconded the motion. There were no changes requested. A vote was taken and the minutes were accepted.

Barre Pinske, after some urging, moved to accept the minutes of November 16, 2020. Tim Roper seconded the motion. There were no changes requested. A vote was taken and the minutes were accepted as written.

### **Agenda Item 3, Old Business, review Action Item List**

Naomi Johnson said that 2 items added to the Action Item list from the November 2, 2020 meeting may already have been at least partly addressed in the proposed bylaws. Perhaps the items only need to be reviewed and discussed. Item 14, signs left on abandoned businesses, is addressed in Section 3107.T(Sign Removal), and Item 15, parcels that became non-conforming due to changes in the zoning districts, is addressed in Sections 1202.A and B.

Cheryl Joy Lipton suggested considering the proposed bylaw immediately to see if it covered the action item. If it did so, the item could be closed. Naomi Johnson read Section 3107.T of the proposed bylaw aloud. Peter Hudkins asked Barre Pinske if the bylaw as written met the requirements of Action Item 14, which Barre had originally suggested. Barre Pinske said in suggesting the item he was primarily concerned about enforcement. He pointed to a business at the corner of Main and Depot Street that has been closed for 2 years and the sign remains in place.

Naomi Johnson suggested that action item 14 be closed and an action item about enforcement be put in its place. Cheryl Joy Lipton asked if enforcement was actually the Selectboard's job. Peter Hudkins explained that enforcement was the Zoning Administrator's job, and the Planning Commission oversaw the Zoning Administrator. Naomi Johnson pointed out that parts of Section 1 of the bylaws may address the issue of enforcement, particularly Subsections 100 and 120.

Naomi Johnson asked the Commission to consider action item 15, parcels that are or become non-conforming due to bylaw changes. She read Sub-section 1202.B, Prior Zoning Permits for Phased Projects aloud, which did seem to address the issue. Cathy Hasbrouck noted that Sub-section 1202.A also applies to lots that have become non-conforming due to bylaw changes. The discussion revealed that this was a complex issue and there was no general agreement on how the new bylaws should address this. Cheryl Joy Lipton was not in favor of allowing a non-conforming lot to use the dimensional standards in force at the time the lot was created. Peter Hudkins said that this issue was partially covered in the existing bylaws. Tim Roper asked that Action Item 15 be modified to specify non-conforming lots.

Peter Hudkins brought up the salvage yard ordinance passed in the last year or so by the Selectboard and said he had searched the new bylaws for any mention of a salvage yard, but could not find any references to it. He said the bylaws should coordinate with Town Ordinances and use the same terms and definitions. He said he did find a couple of mentions of junk in the bylaws. Cheryl Joy Lipton said the Planning Commission had been told that the bylaws could not address salvage yards. Those issues must be addressed by an ordinance. Peter Hudkins

asked that an action item be added to coordinate the mention of junk in the bylaws with the definition and mention of junk in the salvage yard ordinance.

This discussion of the proposed bylaws revealed that different commission members have different versions of the bylaws. Peter Hudkins set a goal of creating and distributing a current version of the bylaws to all members of the Planning Commission by the beginning of 2021.

#### **Agenda Item 4 Continue with table of subdivision and boundary line adjustment plat requirements**

Peter Hudkins turned to a document sent in the packet entitled Proposed Sub-Division Plat Standards Discussed 11/2/2020 Amended by Peter Hudkins and Cathy Hasbrouck 11/30/2020. He noted that item g. had been crossed off since existing roads and driveways were addressed by item b.v and proposed roads were addressed by item h. Peter read through items k through q.

Tim Roper asked when a wastewater system and potable water supply permit is required as part of the subdivision process. Naomi Johnson said if a parcel is sub-divided and a permit is not applied for, the plat must say the development rights for the subdivided parcel have been waived. She explained that it did not mean a wastewater system and potable water supply permit could not be applied for at a later date, but the purchaser of the subdivided lot had no guarantee that a home could be built on the lot, since there was no guarantee a permit could be obtained.

Peter Hudkins said he believed that developing lists of standards and tasks involved in a subdivision process would help the Planning Commission to discover omissions in the bylaws that need to be addressed. Cathy Hasbrouck said the surveyor who draws the plat is expected to be fully aware of state and local standards and should advise the applicant on the permits needed as well. Tim Roper said the surveyor would be the person who explained the list or requirements to the applicant.

Peter Hudkins read item q, storm drainage plan. He explained that drainage plans frequently result in lawsuits when water from roads and driveways of uphill parcels is diverted to property downhill, where it accumulates. He said that drainage plans can be complex and may not fit on the plat itself, but may need to be a separate document

Peter read through items s and t. He suggested that another item be added to the list to address placing permanent markers at the corners. Naomi Johnson said that when the Planning Commission handled sub-divisions, the surveyor was required to file a form saying he had installed permanent monuments at every corner. Peter Hudkins read sub-section 3305.N (1) of the proposed bylaws which addressed what the plat must show for monuments.

Items s – x were discussed. Naomi Johnson asked Peter Hudkins to parse the language of item x.i. After considering the words carefully, the Commission concluded that the location map needed to show either an intersection of two roads within 500 feet of the lot in question or a 2,000-foot stretch of the road the lot is on.

Peter Hudkins described the process that took place years ago when sub-division was handled by the Planning Commission. He said the applicant would bring in a sketch of the proposed sub-division to the Planning Commission. The Planning Commission would make suggestions about how the subdivision should be drawn. When the subdivision process was moved to the new

Development Review Board semi-judicial body, the review of a sketched plan was eliminated from the process.

Naomi Johnson suggested that a Project Review Sheet from the state be required for a subdivision, because a review by a state permit specialist was not a lengthy process and it could prevent omissions or other mistakes. This requirement was added to item x. ii, which asks for a list of permits. All the Commission members thought this was a good idea.

The last item in the list of plat standards was the endorsement block. Peter Hudkins said that the proposed bylaw allowed the Zoning Administrator or the Development Review Board to sign off on the plat. He said that he did not want the Zoning Administrator to be allowed to sign off on a plat. Tim Roper agreed that a majority of the DRB members should be required to sign the plat. No one voiced opposition to the idea.

There being only a few minutes left, Peter Hudkins decided not to proceed further with subdivision standards. He asked the Planning Commission members to study the dimensional standards of the proposed R-6 and R-18 zoning districts, which allowed lot sizes for residences as small as 3 acres. He wanted them to consider whether calling the districts Conservation and Forest instead of R-6 and R-18 would make much better sense. The 6 in the R-6 district and the 18 in the R-18 district names were referring to density, not minimum lot size. He felt it was essential that Chester's citizens understand that point when they consider the new bylaws.

Cheryl Joy Lipton asked to review more action items. Peter Hudkins asked for an item be added that required an updated, coordinated version of the proposed bylaws ready for distribution on January 4, 2021.

Peter Hudkins said he planned to give the revised list of plat standards to the Development Review Board and ask them for comment.

Naomi Johnson asked what would be discussed at the next meeting. Peter Hudkins said Section 330, Subdivision Standards would be discussed. He said he wanted to build a list of standards for subdivisions from this section. He noted that Flood standards are referred to in Section 330, but the location of those standards is not given. He also noted that building envelope is a concept frequently referred to in the proposed bylaws, but he could not find a definition for it anywhere. Cheryl Joy Lipton suggested that building envelope be added to the list of definitions. Peter Hudkins said the Canopy Management plan is not mentioned in the proposed bylaws.

Peter Hudkins said his goal for the next meeting is to come up with a list of standards for the actual subdivision, not the plat that describes it. He said he did not want to discuss individual standards such as landscaping in detail, he only wants to create a list of the issues to be addressed and the tasks to be done to create a subdivision. Cathy Hasbrouck said the subdivision standards in the existing bylaws is Article 5.

The Commission decided to meet next at 6:30 on December 21, 2020.

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