

TOWN OF Chester
PLANNING COMMISSION
March 1, 2021 Minutes

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

Staff Present: Cathy Hasbrouck, Recording Secretary, Jill Barger Zoning Administrator via Zoom Teleconference.

Citizens Present: Lee Gustafson, Shawn Cunningham via Zoom Teleconference.

Call to Order

Naomi Johnson called the meeting to order around 5:00 PM.

Agenda Item 1, Citizen Comments

No citizen had any comments.

Agenda Item 2, Discuss letter to Select Board about Peter Hudkins' presentation at the February 17, 2021 Select Board meeting.

Naomi Johnson asked if anyone wanted to make any changes to the draft letter received in the packet. Cheryl Joy said she thought the letter was good and suggested that the Planning Commission offer to make another presentation to the Select Board. Lee Gustafson was jokingly asked his opinion on the matter and he had no comment. The proposal was dropped.

Naomi Johnson said she had no changes to the content of the letter. She wondered if the signature of "Chester Planning Commission" should be kept, as Peter Hudkins was not able to attend the special meeting. One suggestion was to list the names of the four members present at that meeting. Cheryl Joy Lipton wondered if Peter should be invited to sign. Barre Pinske suggested that the letter be signed as, "the members present at the meeting date". Naomi Johnson suggested that the letter be left as it was and the minutes of the meeting were available if anyone wanted to know more.

Naomi Johnson then turned to the paragraphs that Tim Roper had suggested be added to the letter. Tim Roper read the paragraphs aloud:

While the vast majority of the sub, sub paragraphs contained under 24 VSA 4302 are written as aspirational statements, each of the primary (numbered) points under paragraphs (b) and (c) is written as a requirement or directive, as indicated by the use of the word, "shall." There are 4 numbered points included under paragraph (b) and 14 such points included under paragraph (c), which reads: (c) *In addition, this chapter shall be used to further the following specific goals.*

Further, each aspirational goal that a municipality deems not relevant or attainable, requires a written explanation as to why they are not applicable to that municipality. The submitted explanation shall be subject to review, as indicated under subparagraph (f) 1.

Tim had included some of the language from the statute in the note. Naomi Johnson asked if that language should be included in the letter.

The Planning Commission considered whether this should be a separate letter or included in the letter about Peter Hudkins' statements. Tim Roper said he had heard at least three different people state that the language is aspirational. He said the statute is not aspirational, it is a requirement. He said that fact should be widely and often related to everyone involved. Cheryl Joy Lipton said the statement that the statute was aspirational was in the newspapers and not corrected there. She suggested that a sentence be added that described why this is being pointed out, that misinformation was being spread. Tim Roper preferred to say there is an incorrect perception that the language under V. S. A. §4302 is aspirational only, when in fact it is required.

Naomi Johnson suggested that the information be put into a single letter so the Select Board has all the information on this topic in one document. She suggested that the paragraphs be put at the end of the letter after the statements had been reviewed. The Commission agreed to add the text after the last bullet.

A sentence before the paragraphs was added: For added clarity with regard to the reading of 24 V. S. A. 4302, the following is submitted, due to the fact that there is a misperception that the language of the statute is purely aspirational.

Naomi Johnson told Recording Secretary Cathy Hasbrouck that they would like her to submit the letter to the Select Board. Cathy Hasbrouck verified that the last paragraph, that began with, "Further each aspirational goal . . ." was not a quote from the statute. Tim Roper said it was not and the Commission agreed to add the words "of the statute" to the end of the paragraph to clarify the meaning.

Tim Roper said the paragraph could be included in the letter if that would add clarity. It wasn't terribly long. Cheryl Joy Lipton said the Select Board should be reading the statute in any case. She suggested printing the statute out for them. Cathy Hasbrouck said she could enclose it with the letter. Tim Roper said he got more meaning out of the statute each time he read it.

Barry Pinske said he thought everyone understood the basic concepts of zoning, but he was surprised to learn while Brandy Saxton worked with the Commission how much of the bylaws were mandated by Montpelier. He said the Planning Commission was not free to write bylaws exactly as they chose; they were governed by state statute in many cases.

Naomi Johnson asked Cathy Hasbrouck if the letter could be delivered on Tuesday in time for the Select Board meeting on Wednesday. Cathy said she would bring it to the Town Hall in the morning.

With the few minutes remaining before the Planning Commission had to give up the Zoom meeting login so the Town Meeting could use it, the Commission discussed the next meeting date and agenda. Naomi Johnson said the next scheduled meeting for the Planning Commission was Monday March 15, 2021. She said she would be present at that meeting because the Select Board will not have announced the makeup of the new Planning Commission by then. She also said the Commission could meet on Monday March 8, 2021. The Development Review Board was not meeting that night. The members agreed to meet on March 8, 2021 as the Commission had a lot of work to do. Tim Roper said the Commission needed to get the new bylaws on the books as soon as possible in view of the real estate boom Chester is experiencing. He said the sooner the new bylaws are adopted, the better off the town will be.

Cheryl Joy Lipton agreed. She thought there was a lot of development going on. Barry Pinske agreed as well.

Naomi Johnson said she had written a page and a half of definition reviews which would be distributed with the packet. She reminded the Commission about the first page of Version 3.4 of the bylaws which had a table of issues Cathy Hasbrouck could not resolve when editing them. Naomi said she had written responses to those issues in her 3-point memo of a couple of weeks ago.

Barre Pinske said the R-18 was a hot topic lately and he suggested that the Commission make a public statement about how much time it had spent discussing the district, how much of the land was in current use, and how much of the land was steep slopes and wetlands and could not be developed in any case. Naomi Johnson said she thought it would be good to talk about the district again and it had been discussed numerous times before. Barre Pinske thought that people did not realize how much of the R-18 is not developable due to geography and terrain. Naomi said there had been a specific presentation in 2019 on the rural districts and that could be reviewed.

Tim Roper said he thought the Commission needed to be timely around the R-18 issue. He said that misstatements are being picked up as fact and being repeated. He has seen them in letters to the Telegraph.

Cathy Hasbrouck asked if this should be an item on the next agenda. Tim Roper said the agenda item should be discuss creating a public statement about the R-18. Naomi Johnson said it would be a brainstorming session.

Cheryl Joy Lipton suggested that the collection of minutes for the bylaw project document (from August 2018 forward) could be moved to Google Docs, making it easier to keep up to date.

As the time to cede the Zoom account was rapidly approaching and most business was complete, Cheryl Joy Lipton moved to adjourn the meeting. Barre Pinske seconded it. A vote was taken and the meeting was adjourned.