

TOWN OF Chester
PLANNING COMMISSION
April 5, 2021 Minutes

Commission Members Present: Tim Roper, Hugh Quinn and Barre Pinske via Zoom Teleconference. Peter Hudkins and Cathy Hasbrouck at the Town Hall

Staff Present: Cathy Hasbrouck, Recording Secretary and Zoning Administrator, Amie O'Brien assistant Town Clerk.

Citizens Present: Steve Copping, William Lindsay at Town Hall. Steve Mancuso, Dan Patenaude, Joy Slaughter, Cheryl Joy Lipton, Lee Gustafson, Scott Blair, Shawn Cunningham, Brian Mosher, Arne Jonynas, Tory Cosgrove, Leigh Dakin, Steve Crosier, Sue Pollard, Linda Diak.

Call to Order

Cathy Hasbrouck, acting as temporary chair, called the meeting to order shortly after 6:30, once all participants could hear each other. She announced an agenda change. The review of the minutes would be moved to the end of the meeting. She told the Planning Commission that the runner up candidate for the Zoning Administrator position from the November interviews had contacted Town Manager Julie Hance. The Zoning Administrator job was offered to him. He told Julie he would consider the offer and respond by Thursday, April 8, 2021.

Cathy Hasbrouck also announced that the town was seeking a Recording Secretary for the Planning Commission. Until that position could be filled, someone will handle the audio-visual details of running the meeting and taking attendance and Cathy Hasbrouck will use the recording to produce the minutes.

Barre Pinske clarified that Cathy Hasbrouck would resign as Recording Secretary as soon as a Recording Secretary is hired.

Cathy Hasbrouck announced that the Mount Ascutney Regional Planning Commission would have a training session April 16, 2021 going over basic zoning concepts. The training is aimed at Planning Commission and Development Review Board members. The session will be recorded and can be made available to anyone who wants to see it. Cathy Hasbrouck noted that Lee Gustafson had suggested that a video describing town government be made and Barre Pinske had suggested that Chester look for any videos already made that would serve the purpose.

Agenda Item 1 Reorganizational meeting

Cathy Hasbrouck began by asking each member of the Planning Commission to give a brief overview of their vision of Chester, its future and how they would like to proceed with the bylaws.

Hugh Quinn offered to go first, since he was new to the Planning Commission and didn't have much history to address. He said he wanted Chester to be a place where people want to live because of the quality of education, and ability to find affordable housing. He thought it would be great to attract people who have a sense of the greater or common good, beyond their own lives. He said he knew that quality was not directly a result of town government but he felt it was related to town government. He said he had spent the past week studying the adopted and proposed bylaws. He thought plans should be developed to achieve a specific goal, to mitigate a

known risk or to mitigate a probable risk. He did not believe that a lot of planning or oversight should be undertaken for things that are too far out in the future or can't be foreseen. He said the Planning Commission could adapt to changes as they come if it is agile. He thought it was important to look into the future, but not useful to spend an undue amount of time on things that are unknown or that cannot currently be understood. He thought it was important to streamline the process of getting permits. He said he had looked at other town's bylaws and seen that permitting is a complex process. He said he was not interested in catering to political, financial or special interests as a Planning Commission member. He wanted to focus on the common good.

Barre Pinske thanked Hugh for his words and his participation on the board. He said he was a member of the board because the town needed volunteers, the way kids need players for a team. He said his interest was to do what was best for the community, listen to what is being proposed and make a decision on what makes the most sense. The Town Plan is a vision for the town and he looks forward to working on the vision in that document.

Barre speculated that zoning had begun in cave man days when 2 men picked up the same stick and fought over it. He imagined that instead of fighting over firewood the men had made some rules to clarify whose wood was whose. He felt zoning helped neighbors be neighborly by giving notice of plans to build and having setbacks. Zoning helped towns function. It shouldn't make anyone's life any worse than before the rules were around. It should help keep the town functioning in a civil atmosphere. He felt zoning was not really romantic or eventful, unless a big development came in. He noticed the Planning Commission moved slowly, in part because of the time spent looking at the future. He wanted the Planning Commission to look at what would help the community most and deal with that first. He was not certain he wanted to bring the whole package to the Selectboard at once. He said he didn't know what would be most helpful right now and wanted to consult with the Development Review Board and the town for their input.

He concluded that he was a rower in the boat. He wanted to row very hard and he did not want to row in circles. He was looking for leadership and direction.

Peter Hudkins said he approached the Planning Commission from a practical viewpoint, having been on the Zoning Board of Adjustment and the Development Review Board. He felt the Planning Commission needed to be reasonable and the bylaws must be able to be applied to present situations. He said Chester must be agile enough to move back and forth and not locked down in one place. In his youth it appeared that talc mining would be a strong industry in Chester, there were sawmills in the middle of town and people worked at J&L. Chester was a blue-collar town. Now Chester has broadband coverage for the internet and a different group of workers is coming to town. He said he didn't consider the internet and the changes in the citizens' outlook to be problems. He thought the bylaws should be transparent and should not be a set of handcuffs. It's about the people in the town and not the state. The process should be able to respond to move back and forth as needed.

Steve Mancuso said he wanted to meet the person who just spoke. Barre's dog Buster endorsed that point.

Tim Roper spoke next. He said he thought in terms of the big picture. He saw the Planning Commission members' role as a cog in the process of a democratic republic. The decisions the Commission makes have far-reaching implications for the future of the town. He said he has

lived in Vermont for 34 years, but he grew up in South Florida. That area had once been considered a paradise, but it has been ruined by rampant development. He now has no desire to go back and visit the area. He understood that the rampant development was the result of local governments being persuaded to put development rights ahead of maintaining the quality of life, and the beautiful landscape. These are things taken for granted in Chester. He said it happened in Florida a little at a time because the people who could make bylaws did not try to balance the economic benefits of development with protecting the paradise that was South Florida.

Tim said other communities have made the same mistake, naming Cape Cod, coastal Maine and Chittenden county in Vermont as examples. He said once people have begun to flock to an area it was too late to enact new zoning and development bylaws. It would be too late to maintain the balance between development, scenic landscape and a wonderful quality of life. Tim said it was tempting to say this will never happen in Chester. He said the Planning Commission should not take the path of least resistance, it has a responsibility to do what is needed and do what is right for the long-term benefit of the town.

He said there was currently an influx of people seeking to escape crowded cities and the conditions created by the COVID pandemic. Chester offers high-speed internet, which supports the current trend of working from home. He said he did not believe that trend will be reversed after COVID. Tim predicted that when friends and relatives of people who are moving to Chester learn of the benefits of small-town life, they will want to move to Chester as well. He said the trend was indicated by the increase in building permit applications which caused the Planning Commission to meet in emergency session to look into hiring another Zoning Administrator to address the incoming permits in a timely manner.

Tim said he believed that Chester was facing a transition that required clear, strong, fair and well considered set of zoning bylaws that are done well. He said the town has invested 1,000 hours in the draft bylaws. He agreed that the document was not perfect because it has not been completed. He said the document is approaching completion and the portions completed had been agreed to by a consensus of Planning Commission members after consideration and debate.

Cathy Hasbrouck said she would like more of Chester in the bylaws. She felt there was a huge reservoir of energy, ingenuity and creativity that has not been tapped. She thought the project was much bigger than anyone realized and it is almost impossible to fairly evaluate anything that is so large. She thought it would be wise to break down the process into smaller chunks that can be more easily explained. She suggested that the Planning Commission look at how other towns address each piece and make a decision about how Chester wants to deal with the issue. She said she wanted the people to be able to bring their talents to the Planning Commission and wanted to change the meeting model where one person brings ideas and the others approve or disapprove them. She believed that when people are allowed to be creative and use their talents, they are happier. She also felt that under the current process, it is difficult for anyone to fill in for the chair when needed. She said she felt blessed to have moved to Chester 25 years ago. She loves the way Chester takes care of their children and appreciates how people took care of her when her husband died. She wanted to give something back to the community.

Each member of the Commission having spoken, Peter Hudkins nominated Cathy Hasbrouck for chair. Barre Pinske nominated Tim Roper. Barre Pinske said he was not looking forward to this election. He noted the recent losses to the Planning Commission: Naomi Johnson who had served on the Planning Commission for over 20 years, Peter Hudkins as chair, Cheryl Joy Lipton

as a member of the Planning Commission, Michael Normyle and Jill Barger as Zoning Administrator and Cathy Hasbrouck as Recording Secretary. He also noted that the Planning Commission had gained Hugh Quinn as a member. He acknowledged that the position of chair was not an easy job. He did not want the chair to set a direction for the Planning Commission. He wanted the chair to provide structure for the meeting and organize the agenda. Barre said he had expected Tim to seek the role of chair and he did not expect Cathy to do so. He felt Tim had shown his abilities in the past and was interested in seeing Tim step up and grow. He felt Tim's speech showed how much he cared about Chester. He did not think the role of chair was as good a fit for Cathy as the job of Recording Secretary. He was not looking forward to hiring another Recording Secretary. He noted that the position of Recording Secretary was paid and the position of chair was not and it required more work. He felt Tim was the kind of leader that was needed and he would step up to meet the challenge.

Peter Hudkins said after he had been on the Commission for a year, he noticed that ideas were being brought to the Commissioners for their approval instead of the ideas coming from the Commissioners. In that year he thought the bylaws had a reasonable chance of working. However, once he was chair and needed to study them more deeply, he began to see problems with them and lost confidence in them. They were full of big ideas and little details and he couldn't see how this was going to come together. He thanked Shawn Cunningham for his articles in the Telegraph which tried to illuminate the extent of the change from the adopted bylaws to the proposed. Peter was concerned about the level of detail contained in the proposed bylaws and by the tax implications to the Grand List if the districts with higher minimum lot sizes are implemented. He felt the workshops held in May and June of 2019 were less about finding out how the town could be helped and more about introducing the changes the proposed bylaws brought. He felt that the best way to adopt these changes was to put one small part in at a time which gave people a chance to understand what is being changed. Peter said he felt Cathy has an understanding of Chester and its businesses. He said he was concerned about how people could make a living in Chester and he knew that Cathy did as well. He said she had detail-oriented mind and an ability to organize which would serve the town well.

Barre Pinske said he was concerned that Cathy was too close to Peter Hudkins to be an effective chair. He felt it was unfair to Hugh Quinn to end up as the deciding vote in the election. Barre reiterated his wish that the chair would simply run the meeting and not impose his or her views on the Commission. He thought Cathy would impose Peter Hudkins' views on the Commission.

Hugh Quinn said Barre was right, he, Hugh, did not really know many of the Planning Commission members and he thought he might flip a coin. He said he had read a great deal in preparation for the assignment: both sets of bylaws, presentations by the consultant, minutes from meetings. He agreed that there was a ton of change from the old bylaws to the new bylaws. He wondered how the people of Chester could reasonably grasp the extent of the changes. He said he had spent about 40 hours looking at maps and documents. He did not think it was reasonable to ask citizens to devote that much time to understanding the proposal. He said each person would want to know how the bylaw applied to them. He did not think it was reasonable to proceed with a wholesale change to the bylaws. The process needed to be broken down and the various pieces given a priority to be worked on one by one. He said whatever the Planning Commission had been doing didn't seem to be working, based on what he read in the newspaper, and a new path was needed.

Tim Roper spoke next. He said he appreciated the time and work Hugh has invested in getting to know the bylaws. Tim Roper said the changes that are attempted in the new bylaws were requested by the Selectboard and the Town Manager who asked for a complete re-write of the bylaws to bring them into alignment with the goals of the Town Plan and the Village Master Plan. He said there are also state requirements that must be met by the bylaws. Tim said confusion and angst have taken place over the last year. Before that, progress was proceeding smoothly. Tim said that there are only three zoning districts in the adopted bylaws and there are several new districts in the proposed bylaws. This would account, in part, for the increased size of the proposed bylaws, as each district has its own set of pages.

Tim said the Development Review Board had requested fewer gray areas where they would have to make a judgement call. Tim said he couldn't see how to reduce gray areas except by spelling everything out, which would require more words. He did not consider the size of the document to be a problem. He said he felt strongly that discarding the document, carving up the document, cutting it down or re-writing it would be a disservice to the town and its citizens. He estimated that 1,000 hours of work has been put into the process already.

If he was elected chair Tim said he would complete the review of the bylaws, focusing first on the sections that have not been reviewed yet editing or re-writing them as a majority vote of the Commission decides. Then he would address the processing issues, contradictions, and impractical requirements. He acknowledged that there was quite a bit of work to be done. He felt the work of reviewing the proposed process in the new bylaws could be done in parallel with some tasks such as finishing the zoning district map and holding workshops. Tim said he found the workshops very valuable and looked forward to them. He fully expected that changes will be made to the document after the workshops. He reminded the Commission that there would be public hearings after the workshops. Tim said he felt it was essential that an introduction to the bylaws be written to explain how they are intended to work and the reasoning behind the document. The document should also have a thorough index and a table of contents to make it easier to use.

Tim said that once the Planning Commission has completed their review, introduction and maps, the documents would be turned over to the Selectboard for their analysis.

Barre Pinske used a football analogy to explain that not every person in Chester needed to understand the bylaws fully. He pointed out that if every fan called Bill Belichick to offer advice about plays to run, the Patriots would always lose. The fans needed to trust the coach to run the plays and the citizens of Chester needed to trust the Planning Commission to understand the bylaws and put the interests of the citizen first.

Peter Hudkins read a portion of the draft annotations document written by Brandy Saxton to accompany the bylaws. The portion read said that development with a certificate of public good, agriculture and silviculture, government and community facilities and group homes were the mandated by the state. Peter said there were no other items that were marked as mandated by the state.

Tim Roper said that was only a partial list. The documents from Brandy do not claim to have a complete list of state requirements. He said there were many other issues that the Planning Commission needs to address in order to have a legal set of zoning and development bylaws. He said much of the issues were around sustainability and ecology. He said the issue has become a political lever. He said in the past everyone agreed that the environment was not a

political issue. Without an environment that is safe, vibrant, where life can exist as designed by nature, we have nothing. He rebutted Peter's statement that those were the only state mandates.

Cathy Hasbrouck said she wanted more people in Chester to feel comfortable about contributing to the bylaws and the best way to do that would be to break them down into manageable pieces. She said the process of zoning is like an assembly line that cannot be stopped because the zoning administrator is not available. Permits continue to flow in and must be processed. She said implementing a completely new set of bylaws that have not been road tested was risky, because it would take at least a month, more likely two months to correct a problem that was not noticed when the bylaw was being reviewed. The adoption process took time.

Cathy said she wanted to make the process more human sized and after a while a rhythm would develop that would give people confidence in the process.

There being no more discussion a vote was taken. Barre Pinske and Tim Roper voted for Tim Roper to be the chair. Peter Hudkins, Hugh Quinn and Cathy Hasbrouck voted for Cathy Hasbrouck to be chair. By a vote of 3 to 2, Cathy Hasbrouck was elected chair.

After a discussion about the vice-chair position and three declines, Barre Pinske was elected vice-chair. Tim Roper declined on the grounds that he philosophically disagreed with implementing the bylaws in smaller pieces. Hugh Quinn declined because he felt he was too new to be comfortable. Barre Pinske was clear that he wanted Tim Roper and Cathy Hasbrouck to work together and thought that having Tim be vice-chair would ensure that would happen.

Agenda Item 3 Citizen Comments

Steve Mancuso spoke, representing the Chester Business Coalition, a group of 67 citizens who want to create a more attractive business atmosphere for Chester. He said the pandemic has caused a large loss in employment and business across the nation. He said this trend is reflected locally in a high turnover of real estate and business, an increase in foreclosures and a large number of businesses seeking assistance. Steve went on, saying the contribution of local businesses to taxes and infrastructure cannot be overstated. One-fifth to one-sixth of Chester residents also work in Chester. Steve Mancuso said the Chester Business Coalition was looking forward to workshops to discuss the bylaws and wanted to contribute to effort to revise them. Cathy Hasbrouck said she was looking forward to working with the Coalition.

Agenda Item 4 Discuss plans for moving forward with bylaw adoption.

Cathy Hasbrouck read aloud a short memo from Julie Hance dated March 9, 2021 which outlined a discussion she had with Jim Carroll, the Town Attorney, on 24 V. S. A. Section 4302 of the state statute. The section of statute addressed goals for managing municipal growth and outlined smart growth principles. The question the discussion addressed was whether Section 4302 was a mandate or aspirational language, and whether the statute was addressing the Town Plan or the Bylaws themselves.

I spoke with Jim Carroll this afternoon. Jim has confirmed my understanding of this statute, which is:

1. First of all, 4302 is used as a framework when writing the Town Plan, not the Bylaws. When writing the Bylaws, the PC should be referring back to our adopted Town Plan.
2. 4302 is aspirational in that it establishes a framework that is used when developing a Town Plan. There is tremendous leeway in how the Town Plan meets these goals. And, it is important

to note that 4302 acknowledges that some of these goals may not be attainable or applicable to every community.

3. While these are Smart Growth principals that the State of Vermont has established as goals, the development documents (Town Plan and Bylaws) need to meet the vision established by the town.

Cathy went on to say that Jim Carroll typically delivers his opinions informally, but in this case, she has asked him to give an opinion in writing so there can be no confusion about the legal opinion versus Julie's interpretation of a conversation with the lawyer.

Tim Roper requested that Regional Planning be invited to provide their interpretation on how that state statutes affect the Town Plan and zoning and development bylaws. Cathy Hasbrouck agreed to do so.

Cathy Hasbrouck asked the Planning Commission to return to the Zoning Audit produced by Brandy Saxton in 2018. The audit enumerated the ways the current bylaws fail to support the Town Plan. She suggested that the Planning Commission members each take a few sections of the document to extract the important points it covers and the documents involved (zoning map, bylaws, town plan), assign a degree of urgency to the issue and then share that with the Commission at the next meeting. She assigned the sections as follows: she would take parts 1 – 4, Peter Hudkins would take parts 5 – 8, Barre Pinske would take parts 9 – 12, Hugh would take parts 11 – 14 and Tim would take parts 15 – 18. She also asked the Commissioners to make their own list of urgent issues.

Hugh Quinn asked whether the zoning audit was the basis for the proposed bylaws. Cathy said that was true. Hugh asked if the Planning Commission then took the document and re-wrote the bylaws. Cathy Hasbrouck said Brandy Saxton took the document and re-wrote the bylaws.

Barre Pinske said Brandy had presented the bylaws to the Commission and the Commission discussed them at length and made choices based on the options presented. He objected to revisiting the issues that have already been discussed. Hugh Quinn said he wasn't asking to discuss them again; he wanted some context on how this had happened in the past. He said he thought the Planning Commission was looking for a way to break this down into more manageable parts.

Barre Pinske said breaking the process down had more to do with the help the town needed to understand the bylaws than the bylaws itself. Cathy Hasbrouck said she would be glad to hear his thought-out ideas on how to move forward with the process of breaking it down. She said she thought the proposed bylaws had a lot of useful structure and ideas. She found the zoning audit made the proposed bylaws more understandable, which was why she was suggesting the Commission revisit the audit. She said she had found notes Michael Normyle had made on the zoning audit on the Zoning computer. She didn't recall Michael sharing the notes with the Planning Commission and she would send them out in the next packet.

Barre Pinske wondered why Cathy Hasbrouck made a plan for moving forward as chair of the Planning Commission when she hadn't gotten the job. Cathy Hasbrouck said she was thinking ahead about what she would do with the rest of the meeting if she ended up as chair.

Agenda Item 2 Review minutes from March 15, 2021 meeting.

Tim Roper moved to accept the draft minutes from March 15, 2021 as written. Peter Hudkins seconded the motion. There was no discussion. A vote was taken and the minutes were accepted as written.

Agenda Item 5 Discuss agenda and set date for next meeting.

Barre Pinske said he didn't want the chair of the Planning Commission to drive the direction of the Planning Commission. The direction of the Planning Commission should be something the whole body discussed and agreed to. Tim Roper also felt that way.

Cathy Hasbrouck said she didn't want people to show up at the next meeting without having thought through proposals on how to move forward and shared them with the other members via the packet. Barre Pinske suggested several possible directions.:

- There were items left on Naomi's list that had not been discussed.
- The Commission could decide to pick the bylaws apart.
- The next meeting could be about how to move forward after the re-organization.

Cathy Hasbrouck asked that the commission members send ideas for moving forward to her by the following Tuesday so she could send them to the other members in the packet.

Peter Hudkins said Cathy was asking the members to re-read the document on which the proposed bylaws were based. He asked Barre Pinske if that was an unreasonable request.

Barre Pinske said that after the reorganizational meeting, emotions were heightened and time was needed to determine a future path. A new direction should be determined at the next meeting. He suggested that a vote be taken on the proposed task of re-examining the zoning audit.

Cathy Hasbrouck suggested two alternatives: a vote could be taken on the proposed task immediately, or the members could develop suggestions for moving forward that would be put in the packet for discussion at the next meeting. Barre Pinske proposed that the suggestions for moving forward simply be discussed at the next meeting without being distributed beforehand in the packet.

Cathy Hasbrouck said she was reluctant to simply discuss random ideas at a meeting. She felt it was important for people to put their suggestions on paper so that the other members could give the ideas some consideration before the meeting. She asked if the members thought that was unreasonable.

Hugh Quinn said he felt it was reasonable to ask people to write down their thoughts so other members could consider them before the meeting. Tim Roper said the Commission hadn't actually decided to break the package of bylaws down and it needed to formally do so first. Barre Pinske agreed. He wanted time to take a breath before moving forward and he wanted a clear decision from the Commission about whether the proposed bylaws would be broken down and presented in smaller pieces.

Cathy Hasbrouck said she misinterpreted the Commission's sense of urgency and she had thought the imperative was to move forward immediately. Cathy Hasbrouck asked Barre if he was OK with spending time on the discussion. Barre said his only concern with time is to get things done that will help people in need. His concern about the past was getting things done

when he felt the group was rowing in circles. As long as no citizen was in a jam because something wasn't getting accomplished, he was willing to spend time sorting the issue out.

Cathy Hasbrouck again asked for the member's thoughts on paper. She said she begins organizing the packet on Tuesday and needed to receive input. Peter Hudkins suggested that the members follow the suggestions Cathy had made. She asked Hugh Quinn to send in the list of his questions. Tim Roper asked if the Commission should be reviewing the Zoning Audit document or writing down their plans for moving forward for the next meeting. Cathy Hasbrouck said it appeared the plans for moving forward must be addressed first and that is what she wanted for the next packet. She said the next meeting would be about discussing plans for moving forward, Hugh's list of questions, and if there was time and the Commission agreed to that the Zoning Audit would be discussed.

Steve Mancuso spoke on behalf of the Chester Business Coalition. He said they would like to know when the workshops will be and were interested in attending them. He said he agreed with many of Tim Roper's points and wanted to have further discussions with him. He agreed with Peter Hudkins that Chester is a blue-collar town. He said the members of the coalition are the Commissioner's friends and neighbors. The coalition members want to be part of the workshops when they are given.

Cathy Hasbrouck said the recording of the Basic Zoning workshop to be given Friday April 16th by the Mount Ascutney Planning Commission will be posted on the Zoning page of the town website as soon as it is available.

Given that all the agenda items had been covered, Peter Hudkins moved to adjourn the meeting. Tim Roper seconded the motion. A vote was taken and the meeting was adjourned.