



CHESTER PLANNING COMMISSION AGENDA
April 19, 2021, 6:30 PM

This meeting will take place at the Chester Town Hall and via Zoom Teleconference. See the Town of Chester website for the Planning Commission Zoom link

1. Review minutes from March 29, 2021 and April 5, 2021 meetings.
2. Citizen comments.
3. Discuss Proposed bylaws with Jason Rasmussen, including Section 4302 of state statute and implementation options.
4. Briefly discuss, at the overview level, strategies proposed by members and distributed in the packet.
5. Discuss whether to proceed with the bylaws as a complete package or to break them into smaller pieces for implementation.
6. Discuss agenda and set date for next meeting.

Packet Materials

- Minutes from 3/29 and 4/5/2021
- Proposals for moving ahead from Tim Roper, Barre Pinske, Peter Hudkins and Cathy Hasbrouck
- List of questions from Hugh Quinn, also available on Google
- Review of proposed bylaws from Jason Rasmussen

Barre Pinske's Proposal for Moving Forward

Note from Cathy – I did an executive summary of Barre's proposal to keep track of all the points. Barre approved it and I include it here:

- I would like the Planning Commission to arrive at consensus when it makes decisions. This will require flexibility from the members.
- I would like the chair to keep order in the meetings and set agendas
- The members and the chair will share the work of investigation and research. The chair will not take the lion's share of the work.
- I would like to look at the proposed bylaws, pick out features that we like and implement those pieces
- I suggest this route for reviewing the whole of proposed bylaws: start with what we like and agree on, move on to those items that we are moderately concerned about and finally tackle bigger problems.
- I also suggest identifying current problems, making changes to address them and include them in a large bundle that includes as much of the whole proposed bylaws as possible.
- I suggest requesting written input from citizens to help insure they have done enough research to understand the bylaw and are their concerns are thought out.
- I suggest we keep track of public comment in the *Chester Telegraph* to keep the discussion fact based.

With respect to us moving forward I think it's very important to have a consensus among members as to the direction we want to go. It would be good as board members to have to have some flexibility with ideas in order for us to move forward and have direction. As much as the chair is a leader and that is very important other than setting the agenda and keeping order it's not the chair person's job to create or dictate a direction and they should not have to do overly extensive work out side of the meetings for us to achieve our goals.

With that in mind in my opinion we should keep focused on representing the people in our community putting the needs of our town over our own ideas or agendas. Because so much effort has been put forth with so much ground covered and keeping in mind trying to find common ground I suggest we start by identifying what we all like in the new zoning first wrap some of that up and put a bow in it.

Second identify what is of moderate concern and third identify bigger problems and tackle these in order. We have put so much work into the document I don't see any reason to toss the whole thing under the bus or review anything line by line trying to find fault. I'd like to identify anything that is in need of change now to solve a problem in the community and address that and package as much of the whole document as we can to be brought forward for passage.

I also think that fear of change is a big hurdle in any community so I think we should ask for written input from any individuals or groups with concerns. Having people be specific will get them to actually try to understand what's going on in order to make their point. So often there is a lack of understanding or as mentioned simply a fear of change.

On another note: being covered in the media with written comments like there's so many more words coming from the Chester Telegraph is another hurdle we have to jump. Comments from folks sitting behind a computer playing of parts of bigger statements is another challenge. I figured we were going having trouble when we were dealing with the previous chair the media would be getting in the mix, the ZA quitting drew more attention and now the new chair abs changing members even more. So now we have to deal with a greater level of scrutiny before our work is done. Unfortunately there are instances where some writers public or press will try to influence people so we need to pay attention to what's happening with that not fuel those fires and make sure things said are fact based.

Tim Roper's Plan for moving forward with UDBs

4/7/21

Under the following scenario the Zoning and UDB re-write project assigned to the Planning Commission by our Select Board could be completed and handed over to the Select Board for implementation of their approval process by late fall, or early winter of this year.

- 1) Focus on completing those sections of the proposed UDBs which haven't yet been worked to create consensus on, editing or rewriting according to what we as a commission agree is best for the long-term health of our town.
 - a) This can best be accomplished by the utilization of the existing list of open issues and adding items that are newly identified as we do the work.
 - b) This will also include "finalizing" the Zoning Districts maps
- 2) Complete work on the Zoning District maps (there is flexibility as to where this fits in the timeline)
 - a) "Finalize" proposed district boundaries
- 3) The next body of work is to seek out those process issues which are contradictory, onerous or that have not been thought through in order to ensure that their practical application is attainable in the real world of building applications, subdivision applications, development oversight needs and ultimately, enforcement of the bylaws.
 - a) Again, we can use the existing list and continue searching for additional issues for addition to that list as we do the work.
 - b) The process issues phase of work should be done in parallel with our holding Public Workshops on the "completed" Bylaws and the Zoning district maps.
- 4) Schedule a series of Public Workshops covering the "completed" Bylaws and the Zoning district maps.
 - a) Public workshops, as we learned from the first round, held in 2018, are a valuable and effective avenue for providing us with additional public perspective that leads to a better understanding of potential impacts on individual property owners.
 - b) This public feedback will initiate additional discussion, debate and more edits to the document before it's finalized.
- 5) Write an introductory overview of the new UDBs in order to create additional clarity around what's contained within the document as well as providing some explanation for the goals and reasoning for its content. (This could be shifted up in the timeline to precede the public workshops or done in conjunction with those workshops.)
 - a) The overview is crucial to helping with adoption of the new UDBs as well as providing an aid to anyone who's considering the development of a new business or residential property within our town.

- b) A step by step guide for some of the more common applications should also be considered and added.
 - i) Nothing like this currently exists and that leads to distrust from the public as they're faced with identifying and understanding the tasks and process needed for moving forward with their individual project(s).
- 6) Create a thorough index and a table of contents for the UDBs.
 - a) These will remove angst and confusion which those working with the UDBs might feel otherwise and simplify the navigation process as the public and town officials work with the document, since the provision of clear references allows one to go directly to those paragraphs pertaining to their specific situation without feeling becoming lost in the document.
 - i) This also serves to provide clarity since the table of contents is in essence, an outline, showing what's contained in the entire document in an easy-to-read format.
- 7) Next are Public Hearings to further vet the new UDBs with residents and property owners.
 - a) Having the written introduction, table of contents and index will aid immensely as we work through the Public Hearings since it will enable all involved to quickly and easily navigate the document for discussion of specific points and questions.
- 8) Revisit any valid issues raised during the public hearing process in order to verify the public hearing proposed changes are in alignment with our Town Plan and the state requirements associated with the UDBs..
- 9) Submit the finished document to the Select Board for their approval process.

Cathy Hasbrouck's plan to move forward with the bylaws

The strategy is to work with pieces small enough that explaining the zoning principles involved does not overwhelm the audience and they are able to evaluate the proposal instead of getting lost in a flood of concepts and details.

Start with the center of town.

Phase 1. Adopt the dimensional standards and district boundaries of at least the V12 and V6 districts, perhaps the V4 as well. This matches the reality of the built environment with the bylaw standards and allows people to make changes to their buildings that were not allowed before. Be sure to include the Baba a Louis property in a district that allows restaurants. That asset is in the R-120 now, restaurants are not allowed,

Phase 2. To make permits easier to obtain we'd have to consider the level of use concept these bylaws introduced. A use may be a permitted use in a specific district based on the level. We would need to re-examine the proposed uses to reconcile them to the adopted uses. The new list of uses would apply across all zoning districts. The list of uses would be adopted and the equivalent of the use table updated.

Phase 3. Work through and adopt a method for making some commercial use permits easier to obtain, i.e. not require a DRB hearing. This phase requires a clear understanding of the responsibilities assigned to the Zoning Administrator position and a review of the proposed site plan review process. Adopt the site plan review process and changes to the type of permit issued for certain district-use combinations.

Phase 4. We would seek ways to foster affordable housing in the residential districts, the Res 2 and Res 4. We would ask for education about Chester's water and sewer systems. What would it take to expand their reach? What kind of housing would make water and sewer extensions cost-effective?

Phase 5. Examine the changes to the sub-division and boundary adjustment processes in the proposed bylaws. Do they make sense? Will they make getting permits easier?

Phase 6. Look at ways forest blocks are currently protected and whether those protections need strengthening. Forest block protection is a very complex topic. Road frontage can have as much of an impact on subdivision as minimum lot size. The Commissioners would need education about current use. I think Chester has a very high rate of participation in current use and there are real penalties associated with taking land out of it. Act 250 plays a part here as well. Ask Foresters for advice. Consider the agricultural which are also protected under Current Use. How much agriculture is protected in Chester? With that information look at zoning in the rural districts. Jason Rasmussen had a lot to say about that topic.

Plan for moving forward from Peter Hudkins

1. **Education.** All the board could use a short course in the basics of zoning, doing a basic permit, what is the ZA role in the permit process. What is ZA role at a DRB hearing. Follow a previous conditional use hearing to understand the testimony and the conditions showing how it can be reviewed up to the state level. An education in Current Use and Act 250, which are both state level zoning regulations. The board needs to know more about it.
2. **Small Steps to changes.** Start with the village 12 district. It is small and does need dimensional standard changes and use review. Take this one item to a public meeting and if that works, move it to the select board.
3. A district boundary is on the east side of Baba a Louis'. Move the line to the west side of the property to put Baba's in a district where a restaurant is allowed. Right now, three years have gone by and Baba's has lost the restaurant use permit. The property isn't very useful without the potential for a permit. Move the line, have a public meeting and pass it to the select board.
5. Another easy small step is to update the Flood Regulations but as just one item, take it to a public meeting and pass it to the select board. Just start small and move the pieces forward.
6. Use the existing zoning audit, the data from the survey and problems that have come to the attention of the ZA to identify each small piece. Some disconnects between the bylaws and the town plan may be accomplished by going back and revising the town plan.
7. There is a movement forming for innovative rural business development which advances creative economic solutions to climate change. Use rural innovation to strengthen business vitality, advance entrepreneurship, investment, and employment, thus advancing the economy of the working landscape.

By doing small adjustments to the current regulations, it will show the board is moving forward with adjustments that will have an impact to the town and build confidence in the board.

General Question

- What is the target timeline for adopting the proposed bylaws? What is the impact of missing the target?
- What is the most urgent gap or risk in the existing bylaws that needs to be mitigated by the new bylaws?
- What has been the major area of concerns from the Public about the proposed bylaws?
- What was the goal of creating RES2, RES4 as opposed to a single residential district?
- Why are there "façade" standards for RES2, RES4, R3?
- Why is there a footprint limit for Rural zones?
- How would Zone Density goals be achieved for 3 acre lots in R6,R18
- Can you elaborate on how the new density requirement is intended to work? What goal does this new requirement meet?
- Can you share the rationale for the new footprint requirement? What goal does this new requirement meet?
- How many permit applications were submitted in 2019 and 2020 respectively? How many in each of those years for new construction?
- How many permit applications were reviewed by the DRB in 2019 and 2020 respectively? How many were approved or approved with conditions?
- Which areas of the proposed bylaws have a high degree of subjectivity or would create a challenge for the DRB
- Which requirements in the proposed bylaws pose the biggest challenge from an enforcement point of view?
- In the original work by the consultant there is no mention of SV, When/How did this zone get created?
- Is there a mapping of the existing uses to the proposed uses?
- Has the zoning administrator or anyone from the DRB reviewed and provided feedback on the proposed bylaws. If so are the findings documented?
- What is the biggest challenge the DRB has with the existing bylaws?
- What is the biggest challenge the ZA has with the existing bylaws?
- Has anyone reconciled the uses in the existing bylaws to the uses in the proposed bylaws?
- What happens when a zone boundary bisects a property?

Use Question

- Senior Housing and Assisted Living are not uses in the current bylaws. What use would these have been covered under?
- Rooming and Boarding is not a use in current bylaws. What use would cover this?
- What does "Mixed Use" cover in the current bylaws?
- Private Broadcast Facility is not a use in proposed bylaws, is it covered under Home Occupation?
- Building and Construction Trades is not a use in proposed bylaws. Which proposed uses covers this?
- Arts & Entertainment is a single use in current bylaws. Which proposed uses should be mapped to this?
- Recreation is a single use in the current bylaws. Which proposed uses should be mapped to this?
- Civic/Institutional is a single use in current bylaws. Which proposed uses should be mapped to this?
- Heavy Construction Trades is not a use in proposed bylaws. Which proposed use covers this?