



TOWN OF CHESTER

CHESTER PLANNING COMMISSION AGENDA **May 3, 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 19, 2021 meetings.
2. Citizen comments.
3. Answer questions submitted by Hugh Quinn for 30 minutes.
4. Discuss whether to proceed with the bylaws as a complete package or to break them into smaller pieces for implementation.
5. Discuss agenda and set date for next meeting.

Packet Materials

- Minutes from 3/29 and 4/19/2021
- Proposals for moving ahead from Hugh Quinn

Have on hand

- Proposals from Barre Pinske, Tim Roper, Peter Hudkins and Cathy Hasbrouck, part of 4/19/21 packet
- Questions from Hugh Quinn, part of 4/19/21 packet



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TOWN OF Chester
PLANNING COMMISSION
March 29, 2021 Draft Minutes

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Commission Members Present: Tim Roper, Peter Hudkins, Cathy Hasbrouck and Barre Pinske via Zoom Teleconference.

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Staff Present: none.

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Citizens Present: Cheryl Joy Lipton.

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Call to Order

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Tim Roper and Cathy Hasbrouck called the meeting to order around 6:30 PM. Given that the Planning Commission had no elected chair or vice-chair, but was not willing to have a full reorganizational meeting that day, Peter Hudkins moved to elect a temporary chair to serve for the duration of this meeting and to start the next meeting on April 5, 2021. Tim Roper clarified the duration of the temporary chair's position. It will end upon the election of a new chair at the meeting on April 5. Barre Pinske suggested modifications to the plan, but no one felt changes were needed. Since Tim Roper had added to Peter Hudkins motion, Peter Hudkins seconded Tim's addition. A vote was taken and the motion passed.

Barre Pinske nominated Tim Roper to be temporary chair. Peter Hudkins nominated Cathy Hasbrouck to be temporary chair. There were no further nominations.

Peter Hudkins said he thought it would be easier for Cathy Hasbrouck to manage affairs at the moment since she will be at the Town Hall frequently in the next week tending to other duties. Tim Roper said he was concerned that Cathy would have too much to do given that she is already the Recording Secretary, a member of the Planning Commission and Interim Zoning Administrator. He expressed confidence in her abilities and was concerned about the potential appearance of impropriety. Barre Pinske was similarly concerned, though he felt it being only a week until the next meeting mitigated the burden somewhat. He thought letting someone else try out the job would be helpful. Hugh Quinn thought that whoever would be most efficient for this limited time would be a reasonable choice. He noted that Cathy appeared to have been coordinating things to date.

Cathy Hasbrouck said she wondered what the duties of the chair would be for carrying out whatever decision the Planning Commission made about replacing the Zoning Administrator in the coming week. Barre Pinske asked if the Recording Secretary was allowed to be the chair. Cathy Hasbrouck said it had been the chair's responsibility to do the minutes in the past.

A vote was taken. Tim Roper and Barre Pinske voted for Tim Roper. Peter Hudkins, Hugh Quinn and Cathy Hasbrouck voted for Cathy Hasbrouck. Cathy Hasbrouck would be temporary chair until a new chair was elected at the next meeting on April 5, 2021.

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Agenda Item 1, Discuss recommending a candidate for the Zoning Administrator position to the Selectboard.

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Cathy Hasbrouck began by noting that there were several applicants for the Zoning Administrator job in November. The Planning Commission had ranked the candidates and Greg

1 Kepler was only one-half point behind the leader in the voting. The other applicants were
2 Melissa Howe, with little government experience and William Goodwin who held the Zoning
3 Administrator job in two other towns.

4 Barre Pinske asked why the Planning Commission was going through the formality of a meeting
5 when it had already recommended Greg Kepler as a back up for their first choice of Jill Barger.
6 He asked why didn't they just call Greg Kepler and ask him if he was still interested. Cathy
7 Hasbrouck explained that it would be awkward to inquire about a candidate's interest in the job,
8 only to retract it if the Planning Commission decided not to make an offer to the candidate. She
9 said the question before the Planning Commission was to decide to offer the job to Greg Kepler
10 or open the job to other candidates.

11 Tim Roper moved to recommend Greg Kepler for the position to the Selectboard. Peter Hudkins
12 seconded the motion. Hugh Quinn, having read the minutes of the November meeting when the
13 interviews took place endorsed the idea. Barre Pinske also favored the idea. The Commission
14 agreed that interviewing Greg a second time was not necessary. The procedure for
15 recommending Greg Kepler to the Selectboard for the job included Greg discussing the job's
16 responsibilities and pay with Julie Hance, the Town Manager. A vote was taken and the motion
17 to offer the job to Greg Kepler passed unanimously. Cathy Hasbrouck agreed to call Greg that
18 evening and offer him the job.

19 Hugh Quinn asked what the Planning Commission would do if Greg Kepler did not accept the
20 job. He then moved that if Greg did not accept the job, the Planning Commission would
21 advertise for new candidates. Tim Roper seconded the motion. A vote was taken and the motion
22 passed unanimously.

23 Tim Roper moved to adjourn the meeting. Peter Hudkins seconded the motion. A vote was
24 taken and the meeting was adjourned.

1 **TOWN OF Chester**
2 **PLANNING COMMISSION**
3 **April 19, 2021 Draft Minutes**

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

6 **Staff Present:** Amie O'Brien, assistant Town Clerk, Cathy Hasbrouck Zoning Administrator.

7 **Citizens Present:** Lee Gustafson, Julie Hance, Jason Rasmussen Matt Sokol. Steve Mancuso,
8 Shawn Cunningham, Cheryl Joy Lipton, Arne Jonynas, Scott MacDonald, Linda Diak, Matthew
9 Gorsky, Cynthia Prairie.

10 **Call to Order**

11 Chair Cathy Hasbrouck, called the meeting to order at 6:30.

12 **Agenda Item 1, Review minutes from March 29, 2021 and April 5, 2021 meetings**

13 As Cathy Hasbrouck had not included the March 29, 2021 minutes in the packet, the Planning
14 Commission reviewed the April 5, 2021 minutes only. Tim Roper moved to review the minutes
15 from April 5, 2021. Peter Hudkins seconded the motion. Peter Hudkins had no comments. Tim
16 Roper wondered whether he actually said poor planning will result in disaster as written at the
17 bottom of page 2 and asked that the tape be reviewed. Tim also asked that the minutes include
18 his statement that he had been in Vermont for 34 years. He said it took him a long time to find
19 his home and this is his home. Hugh Quinn and Barre Pinske had no comments or corrections.
20 A vote was taken and the minutes were accepted with those corrections.

21 **Agenda Item 2, Citizen Comments.**

22 Cathy Hasbrouck read aloud two letters that had been received in the Zoning Office during the
23 week, one from Kate Lunde and the second from Bill Lindsay. They are reproduced here:

24 From Kate Lunde:

25 Good Evening,

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27 I am a resident, homeowner and landowner in Chester, and am interested in the revision of the
28 bylaws and zoning. I am, however, finding it difficult to review such a large document and
29 compare it to its predecessor. It is simply too much material to digest all at once.

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31 I would therefore make two requests:

- 32
- 33 1. Divide the project into smaller pieces, if not for yourselves then at least for the public
34 review.
 - 35 2. Create a side-by-side simplified comparison of the changes, the reason for the changes,
36 and the intention/intended results so that we can understand what you are changing and
37 why.

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39 If left as is, I fear most of our residents (myself included) will be too intimidated by the
40 document's length and complexity to take an active part in the review.

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The letter from Bill Lindsay had one question:

What will be the implications of the proposed changes on the economic effects on the Town of Chester?

Hugh Quinn said that he had begun creating a document that compares the adopted and proposed bylaws. So far, he has comparisons of the dimensional standards and uses in tabs on a spreadsheet that is stored on Google. Cathy Hasbrouck described the spreadsheet and said it had been put on Google because Google supplied the software to view the sheet which avoids the problem of people needing the right copy of Excel to see it. She said she would put a link to the spreadsheet on the Planning Commission page of the Chester website so citizens could look at it. Tim Roper asked if a link could be sent to the Planning Commission members before the link was published on the website. Cathy Hasbrouck agreed to do so.

Barre Pinske said he wanted the community to be able to understand the bylaws as much as possible. He noted that the Planning Commission has a job to do and the Selectboard will also review the bylaws. He said having 3,200 people in a community understand every aspect of the zoning bylaw is probably not a requirement for the Planning Commission. He said the Planning Commission had a job to do and a certain amount of time to do it. He said there has to be a certain level of trust in the members of the Planning Commission who were appointed by the Selectboard.

Tim Roper agreed. He thought it was important that people not take Barre’s remarks out of context. He wondered how many people fully understand or have read the current bylaws. Barre Pinske said he felt the Planning Commission’s had enough to do as it stands. He said if someone wanted to volunteer to make comparisons they could do so. He didn’t think it was the Planning Commission’s job. Tim Roper said the Planning Commission needed to consider that there is a lot in the new document, that it has no table of contents or index. Cathy Hasbrouck pointed out that the document does have a table of contents. Tim Roper thought the table of contents could be more thorough. He thought an index would help people understand what is in the document.

Peter Hudkins said he thought any document that goes out in the packet or is shared among the Planning Commission members is part of the public record and cannot be withheld from the public. Amie O’Brien read a comment that was put in the chat feed for the meeting. Matthew Gorsky said, “I know I am currently zoned for property that has a larger minimum size than the plot my father and I own.” Amie O’Brien said she wasn’t sure whether there was a question in that or if Matthew wanted to say more.

Cathy Hasbrouck said a parcel that was smaller than the minimum lot size of the zoning district it was in was called a non-conforming lot. She said there were many such lots in Chester. Many were created when the R-80 district which had a minimum lot size of 2 acres, was changed to the R-120 district, which has a 3-acre minimum lot size. She said section 3.19 of the current bylaws addresses that issue and several sections of the new bylaws do as well. She said Matt was welcome to contact her as the zoning administrator to discuss the situation. Amie O’Brien said Matt had added to his chat, saying “I’m fine with the comment being passed on. It’s one reason I am looking forward to the document being provided that will list what the new rules will be.”

Agenda Item 3 Discuss Proposed bylaws with Jason Rasmussen, including Section 4302 of state statute and implementation options.

1 Cathy Hasbrouck told Jason Rasmussen the two questions the Planning Commission wanted to
2 discuss that evening was whether other towns in Vermont had done a full replacement of their
3 bylaws and with what degree of success, and how other towns view the requirements of Section
4 4302 of the Vermont Statutes.

5 Jason said other towns had comprehensively re-written their bylaws. It has typically been a big,
6 long and expensive process. It could be confusing. Jason said he often suggests that towns not
7 do it, as it is taking on a lot. He said zoning can be fussy. Punctuation can change the whole
8 meaning of a sentence. Opening up the entire bylaw increases the risk of a mistake. He said
9 other towns have re-written their bylaws, with a mixed success rate. In his experience it is not
10 typical. Usually, towns take one section at a time. He finds that approach to be more
11 manageable.

12 Tim Roper asked if Jason knew of any towns that initiated a rewrite, put a lot of time into the
13 rewrite and then decided not to move forward with it. Jason said he couldn't recall any specific
14 instances one way or the other. He has been personally involved in very few comprehensive
15 rewrites. He said it was possible it has happened elsewhere. He knows of efforts that have gone
16 down in flames, so to speak, and not adopted, but he does not know if the projects failed because
17 they were a full rewrite or for some other reason.

18 Barre Pinske thanked Jason for the amount of effort he had put into his analysis of Chester's
19 proposed bylaws. Jason said he had tried to look at everything. He was sure he could have
20 missed some things and it was possible the Planning Commission would not agree with every
21 one of his comments. He said he was trying to flag things that might be missing in the proposal
22 or that hadn't been considered.

23 Jason turned to the issue of Section 4302. He said Vermont is a Dillon's rule state, where towns
24 are only authorized to write laws as the state allows them to. This is in contrast to a home rule
25 state, like Massachusetts, where the towns have more autonomy to create zoning regulations to
26 protect health and safety.

27 Jason said in Vermont, zoning is optional, but if a town chooses to have zoning it must meet the
28 standards set forth in Chapter 117 of Title 24 of the Vermont Statutes. Section 4302 is the basic
29 framework for Chapter 117. It gives the purpose and goals for planning and zoning in Vermont
30 towns. Jason said Chester has chosen to have a Town Plan, which by state law must meet
31 specific requirements, such as chapters on economic development and energy. The plan needs to
32 be in conformance with the goals listed in Section 4302. There is nuance to the requirement of
33 meeting the goals of Section 4302. The language is concerned with a town's progress toward
34 meeting the goals.

35 There is also recognition that all the goals are not applicable in every community. Jason gave
36 the example of the little town of Baltimore, where the economic development goal doesn't make
37 sense because the residents travel to other towns for work. Jason said the town plan is where
38 Chester lays out the goals they have agreed on. There are many ways to implement the Town
39 Plan. Regulation, such as the bylaws are one step. Non-regulatory steps can also play a part.
40 The town could choose not to regulate something.

41 The zoning bylaws are supposed to be in conformance with the Town Plan and "adopted for the
42 purposes of Section 4302." Jason said he didn't think the meaning of "adopted for the purposes
43 of Section 4302" was very clear. The Town Plan must be consistent with the state planning

1 goals. The bylaws must be consistent with the Town Plan. He said the relationship between the
2 bylaws and the state planning goals was indirect, at the least.

3 Jason gave the example of the future land use maps which are part of the Town Plan, which do
4 not always align perfectly with the zoning map. He said it was typical that the zoning map does
5 not match the future land use map, but progress can be made in that direction. He said the state
6 regulations want to protect forests. The Town Plan could agree that Chester wants to protect
7 forests. Zoning is a regulatory method for protecting forests. Current use is a non-regulatory
8 method. Jason said hopefully the Town Plan discusses how forests could be protected. If it does
9 not, the Planning Commission has to figure out how to approach it. R18 is one way to
10 accomplish the goal of protecting the forest. There are other tools which could be employed as
11 well.

12 Barre Pinske said he thought a lot of the focus in 4302 was on the forest and environmental
13 issues and wondered if this was the source of some of the board member's passion. He said he
14 saw it as a motivational talk by a college coach. 4302 mentions agriculture, business,
15 community, and the arts with the same amount of enthusiasm as the environment. He thought
16 4302 was looking for the same excellence and care in all aspects of zoning, and it wasn't limited
17 to the environment. He thought that the fact that people owned property and zoning could limit
18 their rights to achieve a greater goal could upset people. He noted citizens' rights to property
19 were guaranteed by the constitution. He asked if any town was able to accomplish the many
20 goals set out in 4302.

21 Jason Rasmussen said a colleague of his claimed there would be no place to build anything if
22 those goals were all met. He said vibrant village centers, a working landscape, a great economy,
23 good schools and people happy with their jobs are goal to be striven for. The challenge with
24 planning and zoning was to figure out what it meant for their own town. What did that mean for
25 Chester's green, for Gassetts and other parts of town?

26 Tim Roper said he kept coming back to the same passage in 24 V. S. A. 4302, paragraph b. and
27 he quoted it, "It is also the intent of the Legislature that municipalities, regional planning
28 commissions, and State agencies shall engage in a continuing planning process that will further
29 the following goals:" with emphasis on the word shall. He felt the draft bylaws, as yet
30 unfinished, do all those things Jason described, including considering the citizens and the quality
31 of life. He said it takes a lot to cover all that and it's a big document. He thought the words
32 "shall engage in a continuing planning process that will further the following goals" was a
33 message to him that we need to do this stuff and carry it as far as we can. He said another
34 passage said any goals that a town determines are not applicable require an explanation.

35 Tim asked if the plan needs to be approved by the Regional Planning Commission. Jason said
36 the Town Plan must be approved by the Regional Planning Commission, but the bylaws do not.
37 Tim verified that if the Town Plan does not meet one of those goals there needs to be an
38 explanation to go along with it.

39 Jason Rasmussen agreed that Tim's statements were correct. He said subsection c discussed
40 more specific goals and the Town Plan should not go contrary to those goals without explaining
41 why. Jason said subsection f gave a standard of review which, to use an analogy borrowed from
42 Barre, discusses verifying that the ball keeps moving down the field. Jason said his interpretation
43 of subsection c, for instance, which states, "Growth should not significantly diminish the value
44 and availability of outdoor recreational activities" does not mean that a zoning bylaw must be

1 written that says X. He thought it did mean that a town should allow for outdoor recreation in
2 the bylaws and address outdoor recreation in the town plan.

3 Peter Hudkins asked Jason about using Current Use as a zoning tool. He asked if the town can
4 just note that Current Use program exists in the Town Plan? How could Current Use be linked
5 into the bylaws, or should it not be mentioned in the bylaws.

6 Jason Rasmussen said it should be worked into the Town Plan. He gave the example of
7 affordable housing. A town might say it wants affordable housing in the Town Plan, but housing
8 is market driven and the town may not believe it has any control over cost. Current Use is
9 similar. The town could say it wanted agricultural and forest land preserved. It could decide to
10 work with the Land Trust and get some easements in place. The Town Plan could state that 50%
11 of the town's land in in Current Use and the town wants to continue that because it thinks that
12 will preserve a lot of farm and forest land.

13 Jason said if the town feels those non-regulatory measures are adequate to protect the forest,
14 there may be no need to change the zoning bylaws. However, if the forest area to be protected
15 has one-acre zoning, that doesn't jive. Cathy Hasbrouck asked Jason to confirm that Current Use
16 is a decision the landowner makes and it is a deal between the landowner and the state. Jason
17 said that was correct. It was a non-regulatory approach to the problem. No choice was
18 necessarily right or wrong.

19 Jason said a town might influence subdivision using water and sewer infrastructure and the
20 Official Map, which projects future roads. These are powerful non-regulatory ways to influence
21 subdivision. Jason felt it was better not to rely on one tool to manage growth, but use both
22 regulatory and non-regulatory methods.

23 Tim Roper said he understood that the state recently changed the penalties and process for taking
24 land out of current use. He asked Jason if he had any details about that. Jason said he had heard
25 something to that effect from someone else, but he had no details about it. Tim asked where the
26 best place to get that information was. He asked if Jason could research the issue and get back to
27 the Planning Commission about it. Jason said he would. He said he thought a lot of that
28 information was found in the Department of Taxes.

29 Tim said he agreed that Current Use was a great tool, and he had used the argument that a lot of
30 the land that would be designated R18 was already in Current Use. If the penalty for taking land
31 out of Current Use were to be reduced, that would be pertinent.

32 Jason said he wanted to be clear that he wasn't saying Chester could do anything it wanted in the
33 zoning bylaws because Current Use would protect the forests. He said that was a judgement call
34 the community needed to consider. How the town writes its zoning is up to the town. The
35 bylaws should be informed by the Town Plan and the Town Plan is informed by the state
36 planning goals. He said there were multiple ways to do zoning that would move the ball toward
37 the goal.

38 Cathy Hasbrouck said she thought Chester had about 50% of its land in Current Use. She asked
39 if that was an unusual figure. She said Burlington obviously would not have much land in
40 Current Use. Jason said he did not have any specifics. He said Reading and West Windsor had a
41 good chunk of land in Current Use. Cathy Hasbrouck said Barre Pinsky liked to point out that
42 there isn't much flat land to develop in Chester. Current Use was one way to enable citizens to

1 hold their land in any case. Current Use brings a lot of money into town's coffers. The land
2 owners pay lower taxes and the state makes up the deficit.

3 Hugh Quinn asked Jason about his statement that he didn't favor zoning districts that followed
4 roadways. He wanted to know the reasoning behind that. He also wanted to know whether other
5 towns are using the concept of zoning density to create more of a rural setting away from the
6 village center. Jason said a preference for parcel-based boundaries for zoning districts over
7 buffer districts that follow roads have become more popular recently. Splitting a lot between
8 zoning districts with a buffer along a road would encourage development along roadways and
9 less development further back. He said that wasn't necessarily wrong. Parcels can be odd
10 shapes and not lend themselves to creating a reasonable boundary for a zoning district.

11 Jaxon suggested perhaps a hybrid approach would be reasonable, where the districts generally
12 follow parcel boundaries, but some exceptions are made. It depends on the zoning district and
13 the goals and purposes for the district. It could make sense to create a zoning district that
14 followed a municipal sewer line and allow smaller lots within so many feet of the line.

15 Jason was curious about the reasons for the R6 buffer along roads. He said it might make sense
16 to him if the reasons for doing it were explained, but he wasn't in favor of the 1,000-foot R6
17 buffer in the proposed zoning map. He said having buffers along paved roads which could
18 support more traffic made a little more sense to him. He said he thought the restraints such as
19 steep slopes and ability to put in a septic system were strong limits by themselves.

20 As far as density, Jason said he found himself encouraging towns to drop the minimum lot size in
21 rural districts and use a density standard. He used a conservation district as an example. If the
22 minimum lot size is 10 acres, the land would be divided up into 10-acre pieces which would be
23 too small for logging. If the density standard was one unit per 10 acres and the lot size didn't
24 matter, then someone may choose to build a house on a 2-acre lot and leave the other 8 acres
25 undeveloped. He said that the density standard could be difficult to administer and it can be
26 difficult for people to understand.

27 Cathy Hasbrouck asked whether the difference between the proposed R18 district and Jason's
28 density proposal is that in the density model there could be one residence for every 18 acres of
29 area, but the subdivided parcel could be any size. The proposed R18 allowed a 3-acre parcel for
30 a residential use, but required a minimum of 18 acres for any non-residential use.

31 Hugh Quinn asked about setbacks in the proposed R18. He asked if it was possible that someone
32 who owned a three-acre lot in the R18 would not be allowed to build on it if the buildings on the
33 lot were too close to boundary with another lot. Jason said he thought that provision would be
34 confusing to the average citizen. He did think the idea was moving in the right direction.

35 Tim Roper said the R18 proposal was similar to the density proposal in that it allowed a
36 residence to have a 3-acre lot as long as 15 acres was marked as undevelopable. He said the
37 Planning Commission had not looked at how difficult such a system would be to administer.
38 Hugh Quinn agreed with Tim's description. He asked how the density goals for the R6 or R18
39 could be achieved if there were a large number of 3-acre lots that had already been developed.
40 Tim Roper said he didn't think there were many 3-acre lots that had already been developed in
41 the proposed R18 district. The Planning Commission had studied that aspect of zoning when
42 they decided on using the 1,000-foot buffer along the roads for the rural districts.

1 Barre Pinske said perhaps the Planning Commission could look into Jason's proposal a little
2 further down the road. He said a friend of his had bought several old mining claims and
3 combined them in such a way that houses were built close together at the bottom of the hill with
4 acreage running up the hill behind the houses that was conserved. Barre said that in the proposed
5 R18 district, most of the 18 acres of a lot was a mountain and at the bottom of the mountain was
6 a river. There wasn't much room to put a house anywhere. He said that if there was a big
7 enough piece of flat ground to accommodate more than one house, he preferred to group the
8 houses close together and leave a greater area of land undeveloped. He said he liked the idea of
9 a buffer of zoning around a road.

10 Jason said there are not often right or wrong zoning plans, there are different ways of getting the
11 end result. He said he liked to keep language simple so that the average citizen could understand
12 it. He acknowledged that sometimes that is easier said than done. In any case the R18 proposal
13 seemed a little complicated to him.

14 Barre Pinske said a lot of the reason the proposed zoning followed roads had to do with where
15 the houses were already and the traffic that would accompany some uses, such as delivery trucks.
16 He said some of the land was off class 3 roads. The cost of maintaining roads that were getting
17 more traffic than expected was considered. Barre said he recalled that the plan made sense when
18 it was reviewed. Tim Roper said Brandy Saxton had told the Planning Commission that the first
19 complaint heard when development takes place is about the increase in traffic along the road.
20 Delivery trucks and worker's vehicles change the character of an area where people had chosen
21 to live on a dirt road for the peace and quiet.

22 Jason said his final thought was that the Regional Planning Commission was here to help
23 Chester. Their opinion about the bylaws didn't matter as much. They wanted to facilitate the
24 process. He said that in 2011 or 2012 he had helped Chester to work on the bylaws the list of
25 uses was shortened considerably in the interest of simplicity. He said the Commission expected
26 the Performance Standards to help regulate uses. He noted that the new bylaws have nearly
27 doubled the uses and that multiple uses are allowed on one parcel. He noted that there was some
28 streamlining of the permit process so the Zoning Administrator can issue a Site Plan permit in
29 the village districts. He thought that was a good idea. He did not think it was clear when the
30 Zoning Administrator could handle a Site Plan Review and when it went to the DRB,

31 Tim Roper said the number of uses had been increased to clarify the bylaws and make the town
32 more business friendly. The thought was that more uses would make it easier for a business to
33 get a permit without having to have a hearing before the DRB.

34 Cathy Hasbrouck said she didn't think many people understood that the number of uses had been
35 cut in 2011 because the Performance Standards could help regulate uses. She understood the
36 relief people felt seeing a long list of specific uses. However, she had a call a couple of weeks
37 ago asking about a fenced-in park for dogs. The proprietor would control which dogs could go
38 into the park and what the dogs could do in the park. There was no use on any list that covered
39 that. She cited the example to give an idea of the questions and requests that come to a Zoning
40 Administrator. Cathy said she was unsure how to craft bylaws that might say, here are categories
41 for uses and here are Performance Standards to apply to those categories. She wondered if that
42 system might make it easier to handle such unusual requests.

43 Barre Pinske said he thought Vermont was unique in that the Development Review Board is a
44 quasi-judicial board. He thought applicants felt they were being interrogated by law enforcement

1 when they had a hearing before the board. He thought it was helpful that people hear how the
2 proposed bylaws support businesses and offer some relief from having a hearing before the
3 Development Review Board.

4 Cathy Hasbrouck said she understood from studying the proposed bylaws that the standards to be
5 met do not differ whether a DRB hearing is required or not. She was concerned that people
6 understood that the same 36 pages of bylaws must be examined. Tim Roper asked where there
7 are 36 pages to go through. Cathy Hasbrouck said they were listed in Table 4-01. Tim asked
8 which uses were involved. Cathy said every time a site plan was required, the items in Table 4-
9 01 had to be addressed. Peter Hudkins said when he was on the DRB, they tried to use the
10 Performance Standards to gauge whether a use would be acceptable to the neighboring
11 properties.

12 Jason Rasmussen said the approach in the period Peter mentioned had been that retail in general
13 would be allowed in the Village Center, and it would not be necessary to specify the type of
14 retail. He said that if better specificity worked, that's fine, but be aware there is no such thing as
15 a perfect list.

16 Jason also mentioned that the R3 along paved highways allowed many non-residential uses such
17 as restaurants and he felt that would encourage strip development. He wanted people to be
18 aware of that. Peter Hudkins said he found it interesting to consider the area called Gassetts.
19 There had been a hamlet there, but when the state widened Route 103, many houses were
20 removed. Planners looking at the area now say the commercial uses should not be allowed
21 because the area was not part of a historical development. However, there was historical
22 development there and it was removed by the state.

23 Cathy Hasbrouck asked Jason Rasmussen about the expression he used, "zoning by parcel". She
24 asked him if the zoning by parcel expression connected to spot zoning. Jason explained that
25 zoning by parcel was referring to zoning district boundaries following parcel boundaries. Hugh
26 Quinn asked Jason Rasmussen if he had actually said that the R3 buffers along roads could turn
27 into strip development. Jason said he had some concerns in that direction. Hugh said the
28 Planning Commission probably did not want to go in that direction. Jason suggested that the
29 Planning Commission take another look at the uses allowed in the R3 district. He wasn't sure
30 that restaurants belong in the R3 district.

31 Barre Pinske said he wasn't sure why things were set up that way. He wondered if it was done to
32 accommodate the B and B on Route 10. He asked whether the Planning Commission had
33 discussed with Jason the possibility of bringing the entire package before the Selectboard or
34 bringing it in pieces. Cathy Hasbrouck said she had asked Jason at the beginning of the evening
35 whether he had any experience with towns completely replacing their bylaws and how that had
36 turned out. Barre said he was asking whether Jason thought the Planning Commission should
37 bring the bylaws to the Selectboard in smaller pieces because it would be easier for them to
38 understand. He asked Jason if he had an opinion on that issue.

39 Jason said he thought there were a couple of ways to do it. The Planning Commission could
40 break the town into districts and have meetings in each district to address how the proposed
41 changes would affect the citizens of that district. That would be done before a formal adoption
42 process.

1 Jason told Barre the Planning Commission could start the formal adoption process tomorrow and
2 see how it would work out. The Planning Commission could also choose to spend some more
3 time kicking the package around and then start a formal process. Finally, the Planning
4 Commission could figure out a way to consider one section at a time. Jason said he was
5 impressed by the amount of flipping pages back and forth the document required. He was afraid
6 the Planning Commission would find it wasn't as simple as implementing a section such as
7 Article 2, which is the list of zoning districts, dimensional standards and uses. He thought that
8 the Planning Commission would have to look at many other articles in the proposed bylaws to
9 make sense of Article 2.

10 Peter Hudkins said he has a hard time with how the proposed bylaws were adjudicated. He
11 wanted to stay away from Table 4-01 and keep the adopted adjudication process. He thought it
12 might work to choose one zoning district such as the Village 12 district, which is small and
13 contained in one area, and implement the proposed dimensional standards in the adopted bylaws.
14 He asked Jason whether he thought there was anything wrong with the adopted bylaw
15 adjudication process. Jason said he hadn't been part of the process long enough to make a good
16 judgement of that. He suggested that at least the review process be broken into segments. He
17 liked Peter's idea of breaking it down, but he wasn't sure how that could be done because the
18 segments were so interwoven.

19 Tim Roper said the problem he had with breaking the proposal down by district was that it would
20 be a very cumbersome process which would take years. He wondered whether it was time to
21 revisit Table 4-01 and look at streamlining it. He liked the idea of having workshops by zoning
22 districts. He thought that would enable the Planning Commission to zero in on issues by district
23 instead of trying to discuss the whole document at once.

24 Cathy Hasbrouck suggested that time was running short. She said the other item on the agenda
25 was to consider the plans the members had submitted for implementing the bylaws. She said
26 Barre had asked how the bylaws could be broken into pieces and that some of the plans sent in
27 the packet had addressed that issue. She said the plan she had submitted was more of an
28 example than a fully developed plan. She was hoping the Planning Commission could come to
29 an agreement about breaking the package into smaller pieces for implementation or
30 implementing it in one piece.

31 Cathy said she had a lot of faith in the citizens of Chester and she wanted to make it possible to
32 for them to feel they understand the document. She didn't want to implement a document that
33 required specialists to read it. She wanted people to feel comfortable about contributing to the
34 solution. Barre Pinske asked if Cathy meant that the review would be done in pieces and the
35 document would be adopted as a whole or if she intended to adopt a piece at a time.

36 Cathy Hasbrouck said she thought the smaller pieces should be adopted. She felt that the
37 Planning Commission gets stuck in the review process and can't move forward. The plan she
38 suggested was to implement a chunk at a time.

39 Tim Roper objected to the document being characterized as not understandable by a lay person.
40 He felt characterizing the document like that did a disservice to the work the Commission has
41 done and to the citizens of the town. Cathy Hasbrouck said more than one person had spent tens
42 of hours trying to understand it and she was concerned about that. Tim said it was up to the
43 Planning Commission to make the document understandable and he believed it could do that. He
44 was intrigued by the idea of having public hearings by zoning district. He opposed approving

1 the document district by district. He felt the adoption process for multiple districts was
2 somewhat onerous.

3 Barre Pinske said Peter Hudkins gave a good example of how the parts are woven together. He
4 said it was important for citizens to stop being afraid that someone is trying to take their rights
5 away or pulling the wool over their eyes. He said it wasn't the Planning Commission's job to
6 explain everything.

7 Hugh Quinn said there needs to be a way to transition from the old to the new. People will want
8 to know this is what it looks like today and this is what it will look like tomorrow. He noticed he
9 couldn't trace the path of a use from the adopted list of uses to the proposed list of uses. It
10 wasn't clear that specific uses were being dropped from the list or added to it. He said if the
11 Planning Commission can't agree on what the uses and standards should be then there is no
12 baseline to build on and apply those standards and lists to the different zoning districts. Once
13 agreement is reached the rest of the bylaws can be filled in.

14 Cathy Hasbrouck asked Hugh if he wanted to reconcile the adopted bylaws with the proposed as
15 a first step toward an implementation plan. Hugh agreed. He pointed out that there was no
16 nursery use in the proposed bylaws, but nursery is a use in the adopted bylaw. He wondered
17 what use would cover nursery in the proposed bylaws. He could not find one. He felt people
18 would want the uses mapped between adopted and proposed so they could understand how they
19 are changing.

20 Peter Hudkins said zoning has been adopted in Chester since the 1970's and the changes made
21 have always moderate in extent. Chester has never made a huge jump like this. He said there
22 were many good things in the proposed bylaws and he wanted to move those ideas into a set of
23 bylaws he knew functioned properly. He pointed out that Planning Commission members were
24 unaware that site plan approval requires a business to go through 36 pages of bylaws. Peter said
25 requirements like that, which are not readily discernable, scare him to death. He knows he can't
26 find all the problems and he can't be sure the proposed bylaws will work. He said the Planning
27 Commission was not on a killer timetable and it could take time to pick out the great ideas and
28 put them in the functioning framework of the existing bylaws. He agreed that it would be a
29 cumbersome process, but the state designed it to be cumbersome. He said there wasn't a lot of
30 practical experience among the Planning Commission members to draw on at present, aside from
31 Cathy being the Zoning Administrator. That made evaluating the proposal even more difficult.

32 Tim Roper said he never said he was all set with the proposed bylaws. He did think it was a
33 good document, it is not finished and the Planning Commission needs to go back and rectify the
34 issues like Table 4-01.

35 Shawn Cunningham said he wanted to know how pieces of the bylaws could be adopted. Would
36 the pieces become part of the current bylaws or would the pieces be held apart and when all the
37 pieces had been adopted, the entire new bylaw would begin to be used.

38 Cathy Hasbrouck said the first thing she wanted to implement were the dimensional standards for
39 the parcels on the green, which are far superior to the adopted standards. In general, she would
40 figure out how to work the good ideas into the adopted bylaws. It would be like a directed
41 evolution of the current bylaws. She said the proposal she put forth was in the packet, along with
42 proposals from other Planning Commission members. Shawn Cunningham asked now the V12
43 dimensional standards would be inserted into the existing bylaws. Cathy Hasbrouck said the

1 V12 would have to be added as a district like the current Village Center district, but with the V12
2 dimensional standards. The zoning map would change to define the new district.

3 Barre Pinske asked if each change would have to go through the full adoption procedure of two
4 public hearings before the Planning Commission and two public hearings before the Selectboard.
5 Cathy Hasbrouck said that was true.

6 Cathy Hasbrouck made a plea for someone to be the Recording Secretary to the Planning
7 Commission. Tim Roper assured the assembly that the job paid big bucks. Barre Pinske said
8 Chester needed a Zoning Administrator as well and noted the DRB was short one person.

9 Cathy Hasbrouck asked for suggestions for the next meeting's agenda. Tim Roper said it seems
10 obvious that we have to come up with a plan that we can all get behind, support and work to
11 complete. He thought tonight's meeting helped him form some thoughts on how to do that. He
12 said it might be the only agenda item and wanted the Planning Commission to roll up their
13 sleeves and get to work.

14 Cathy Hasbrouck said she was glad to see every member contributed something to the packet for
15 the meeting. She suggested that the members look at the plans they had submitted and consider
16 fleshing them out and resubmitting them. Tim Roper said, as lengthy as the conversation might
17 be, the Commission could look at the plans brought forward pick and choose from among them,
18 see where the compromises might be and agree on a plan that moves the process forward. Cathy
19 Hasbrouck said people could add to or adjust their plan if they wanted to, as long as they turned
20 in the changes by Tuesday of the next week so she could put them out in the packet.

21 Peter Hudkins said he wished he had the answers to Hugh's list of questions. He cited questions
22 such as what are the most urgent gaps in the current bylaws? He would like to discuss those
23 questions at the next meeting. Cathy Hasbrouck suggested that the first half hour of the next
24 meeting be spent on the list of questions and the last hour on making a plan to go forward. The
25 members agreed to that format.

26 Cathy Hasbrouck asked Peter Hudkins who would answer the questions. Peter said he thought
27 the answers could be found in the minutes. Hugh suggested that the group could also see what
28 they recalled of the previous discussions. Hugh wasn't trying to figure out everything that had
29 been discussed in the past. These were the items he was most curious about. Cathy Hasbrouck
30 said she would take a stab at the questions.

31 Cathy Hasbrouck thanked Jason Rasmussen for his input, seconded by Tim and Barre. Tim
32 Roper moved to adjourn the meeting. Peter Hudkins seconded the motion. The meeting was
33 officially adjourned.

An Incremental Approach to update the UDB

Phase	Activities
1	<ul style="list-style-type: none"> • Review and approve Development Standards (section 3) of proposed UDB • Retrofit Development Standards into existing bylaws (article 4,5,6) • Submit updated development standards to SB for review and adoption
2	<ul style="list-style-type: none"> • Review and approve proposed village (V12,V6,V4) zone maps • Review and approve V12 Dimensional Standards • Review and approve V12 Uses • Review and approve V12 Supplemental Standards • Retrofit V12 zone into existing bylaws (Article 2) • Submit V12 zone to SB for review and adoption
3	<ul style="list-style-type: none"> • Review and approve V4 Dimensional Standards • Review and approve V4 Uses • Review and approve V4 Supplemental Standards • Retrofit V4 zone into existing bylaws (Article 2) • Submit V4 zone to SB for review and adoption
4	<ul style="list-style-type: none"> • Similar process for Residential 2,4
5	<ul style="list-style-type: none"> • Similar process for General Business and Mixed use
6	<ul style="list-style-type: none"> • Similar process for R3,6,18
7	<ul style="list-style-type: none"> • Review and approve Administration (section 4) of proposed UDB • Retrofit Administration into existing bylaws (article 7) • Submit Updated Administration to SB for review and adoption

