



TOWN OF CHESTER

CHESTER PLANNING COMMISSION AGENDA November 1, 2021, 6:30 PM

The Town Hall is now able to have a combination in-person and Zoom meeting. Please check the chestervt.gov website for a link to the Planning Commission Zoom meeting.

1. Review the minutes from the October 18 and 25, 2021 meetings.
2. Citizen comments.
3. Appoint Cathy Hasbrouck as the signatory for the Bylaw Modernization Grant Resolution.
4. Discuss the history of the document that was presented in the packet for October 25, 2021.
5. Discuss possible configurations for Administrative Review that would include DRB approval.
6. Discuss the agenda and set the date for the next meeting.

Packet Materials

- Minutes from October 18 and 25 2021
- List of Administrative Review Configurations
- List of Conditional Use permits issued for the last 6 years
- Copy of Bylaw Modernization Grant application

Have on hand:

- Adopted bylaws
- Proposed bylaws
- V12 proposal

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TOWN OF Chester
PLANNING COMMISSION
October 18, 2021 Draft Minutes

Commission Members Present: Peter Hudkins, Barre Pinske, Hugh Quinn, and Cathy Hasbrouck at Town Hall.

Staff Present: Preston Bristow, Zoning Administrator at Town Hall; and Susan Bailey, Secretary, via Zoom.

Citizens Present: Bill Lindsay at Town Hall; and Cheryl Joy Lipton via Zoom.

Call to Order

Chair Cathy Hasbrouck called the meeting to order at 6:34 p.m. (0:42 on recording)

Agenda Item 1, Review Minutes from October 4, 2021 Meeting

Cathy asked for a motion to review the minutes. Peter Hudkins moved to review the October 4th minutes and Barre Pinske seconded the motion.

Barre called attention to page 3, line 40 – “Jason pointed out there were different procedures for a reason and baked into a conditional use.” Barre questioned the word baked. Hugh said he remembered Jason saying the DRB has certain checks and balances by design so trying to expedite their process, would cause the expedited DRB process to be difficult. Cathy asked Barre if it made sense and Barre agreed that Jason could have said it. Cathy confirmed that he did and that he likes to say baked into.

Barre then called attention to Page 12, line 36, “Peter said the current language was king of big but it was New England architecture.” Sue said she would go back and listen to the recording from that meeting.

Cathy had some questions from fellow member, Tim Roper, who was not in attendance. She called attention to page 2, lines 14 through 16, Tim asked if the word couldn’t should instead be could. Hugh said he was pretty sure it was could, based on his memory. He said that was the discussion where at any time during the administrative review the Zoning Administrator could. Cathy agreed. That page 2, line 15 should say could and not couldn’t.

Cathy said lines 16 through 18 on page 5, “Tim said if the Fullerton stopped working as an inn and a restaurant and which nobody wants to see, and they permitted a level 2 group home to be downtown, is that something they would want there, something that would benefit the town and the business district.” Cathy said Tim was asking that it be edited to read, “is that something they would want there?” So, he wants a question mark added. Hugh said that made sense because he was asking a question and not making a statement. Cathy said she would send Sue Tim’s note.

Cathy said Tim also noted on page 5, lines 29 through 31, “Tim said senior housing was very different than group home. He thought it.” Tim wanted it to say “a group home” instead of “it” on line 29.

The minutes were approved unanimously, as amended.

1 **Agenda Item 2, Citizens Comments**

2 (7:36 on recording)

3 There were no citizen comments.

4 **Agenda Item 3, Discuss Concept of Administrative Review, Vermont Statutes that allow**
5 **and support it, adopted and proposed examples of administrative review, limits and**
6 **safeguards**

7 (7:50 on recording)

8 Cathy said Preston would take the board through the concept of administrative review.

9 Preston said that Cathy had provided a rather thorough package with the board minutes that
10 included the statute and examples of adopted administrative review from South Burlington; and
11 proposed administrative review from Ludlow, Springfield and Killington. Preston said he had
12 worked in communities that have administrative review. He said it was needed in larger
13 communities or they would be overwhelmed with hearing requests. If every restaurant that put an
14 entryway, new steps, a freezer on the back, a new deck, or anything that had to go through full
15 DRB review in a place like Burlington or Killington, they would have hearings day in and day out.
16 The advantage of the administrative review is that it's business friendly because it's much quicker
17 than the 3-month process of going through a hearing, and sometimes as quick as 3 weeks. It is a
18 tool that is authorized by statute, so Chester is free to consider it. Preston said he looked at it as a
19 matter of the right fit. He said when writing zoning bylaws, you seek to balance the benefit, which
20 is to be user friendly, with the risk, which is unintended impacts. It requires confidence in the
21 Zoning Administrator. He said he and Cathy had spoken with the DRB and there was at least one
22 member and maybe two who were uncomfortable with it, so they obviously were people who
23 should continue to be involved in the discussion. Preston said in terms of the subcommittee, right
24 now they are wearing blinders and talking about the Village Green District and that does have
25 administrative review in it. The proposed bylaws that Brandy Saxton worked on have
26 administrative review in them. Preston said he could see administrative review in one form or
27 another being applicable to all four of the village districts, the general business district, and the
28 mixed-use district, but not applied to the two residential and the three rural districts. He thought
29 there should be a lot of attention given in residential and rural districts to the things that DRB
30 reviews, such as traffic and parking, noise and lights and those kinds of things. Preston said in
31 Killington he could do things administratively but had to consult with his DRB Chair. He said Tim
32 and Peter have said they would rather have the DRB Chair sign off and Preston was fine with that.
33 Preston wants a process more streamlined but also doesn't want it abused. He said if someone was
34 pressuring him for approval, it wouldn't be a bad position for him to be in if they needed an
35 additional signature. He thought administrative review had its place.

36 Peter said when he looked at the site plan review in the proposed bylaws as opposed to the
37 administrative review, the administrative review would be called out by the Planning Commission
38 much tighter than it's called out in the site plan review. The site plan review that is in the proposed
39 bylaws covers all the districts and it covers a lot of new construction, as well. In the Village
40 District, new construction would be DRB. He thought there was better control in the way the
41 administrative review was set up than it was in the proposed bylaws. There you could do it in a
42 residential district or anywhere in town.

43 Preston said state statute provides for the possibility of a conditional use review and site plan

1 review. The current adopted bylaw doesn't use the term site plan review, but the proposed bylaw
2 does. Preston said the subcommittee is finding that to be confusing and suggested maybe they
3 shouldn't use the term at all but have a similar process. He thought Peter's point was the proposed
4 bylaw has the option for administrative review in all districts, but the way it's labeled is that the
5 administrator must go through site plan review criteria. He said it wouldn't apply to all districts
6 and they would probably avoid the term site plan review because they think it's confusing. Preston
7 said the criteria for conditional use and site plan review are the same. He wondered why they have
8 two different names for the same thing.

9 Cathy said conditional use had a few more criteria. Preston agreed. Cathy wanted to be clear that
10 when Preston stated the proposed bylaw had an administrative review function, he was talking
11 about the minor site plan review. Preston said yes, it was the minor site plan review that was
12 conducted by the administrator.

13 Hugh asked when Preston talked with the folks at the DRB, how would he characterize their
14 general concern with the administrative review.

15 Preston said that the DRB's view was five heads are better than one. They feel their process of
16 inviting public comment adds value. They feel they are welcoming, and they don't feel it should
17 be an intimidating process. Preston told the DRB that by and large, they are welcoming, but for
18 Preston on the front lines, when someone wants to open a business downtown and he tells them
19 what's required: he has to publish it in the paper; post a sign on their property; notify all their
20 neighbors; call a hearing which they will have to come before and answer questions; and because
21 there's a warning period before and an appeal after, it will take about three months, they look a
22 little stunned. So, whether the DRB members themselves are friendly or not, it's still a challenging
23 process.

24 Hugh agreed that they could be the nicest DRB ever, but the process still took a long time. Hugh
25 asked if during the last meeting, when they had briefly looked at the administrative review process
26 the subcommittee had begun to outline for the Village 12, if they said Preston would not use
27 administrative review for conditional uses, so that if it were a conditional use, it would still go to
28 the DRB. He asked if he was remembering that correctly.

29 Peter said there were specific conditional uses. Hugh asked if he could look up the document. Peter
30 said conditional administrative review could be arts and entertainment, civic and institution,
31 private broadcasting facility, dwelling, multi-unit, family care facility, mixed use, personal shop,
32 professional office, recreation, restaurant, and retail. Peter said that in that, they can't do any new
33 construction.

34 Hugh thanked Peter for clarifying that and said it made sense. Hugh said the other thing he was
35 thinking about as Peter was describing the process and how it might work was it would seem,
36 which would reinforce what Tim said concerning checks and balances, that if the proposal were to
37 go forward for administrative review, it would require the DRB Chair to review and sign off. Hugh
38 asked if that would mitigate any of the concerns the DRB had. He asked if they had chatted with
39 the DRB about that.

40 Cathy said they haven't yet because they didn't get Tim's proposal until Sunday morning.

41 Preston said he was aware of the concept because he lived with it in Killington, but he didn't recall
42 it being brought up at the DRB meeting.

43 Cathy thought they may have talked a little bit about it but because it was in deliberative session,

1 she didn't have notes on it.

2 Preston said to Hugh's point, they could be clearer about it – saying this is where they are going.
3 And it would require the actual signature of the DRB Chair on the permit. You would have two
4 independent eyes and not just one.

5 Hugh said it made sense and if they could orchestrate it to apply to some zones and not to others,
6 that would be another way to make it more flexible.

7 Peter clarified he wasn't asking for a signature on a permit, but rather an email trail or something
8 in writing. He thought it seemed like an extra step to put it on the DRB Chair. He was fine with an
9 email trail being in the file rather than a second signature.

10 Preston said they could play around with it. He thought it could be intimidating to a Chair to think
11 they have to sign a permit.

12 Cathy added that they do sign findings to which Preston replied they sign findings and survey
13 plats. Cathy said at one time the DRB members wrote the findings. Cathy said they needed to
14 figure out how many it would be a year, but she didn't think it would be more than 10.

15 Preston asked how many DRB decisions there were currently in a year. He said it may reduce them
16 to half but wasn't sure.

17 Barre shared his experience with his friend, Rich. Barre believed that Rich would not have had to
18 go before the DRB had he not wanted a bigger sign, which he ended up not using. Barre said the
19 sign made it a home business rather than a home occupation. Barre said the process was way over
20 Rich's head and Barre thought if he hadn't helped his friend, Rich, he would have been able to do
21 it. The DRB had wanted charts and graphs, which Barre was able to do on Photoshop for Rich.
22 Barre said perhaps the leap wouldn't have to go quite so far as just making it with the Zoning
23 Administrator if they had something they could categorize as administrative review and the Zoning
24 Administrator presented it to the DRB rather quickly by having all the "i"s dotted and "t"s crossed.
25 By having the whole concept put together, they could have the discussion and it would be done. It
26 would still be conducted within the formal structure with more eyes on it and it would not put such
27 a big burden on the business owner. It would also eliminate the liability for the potential of
28 backlash on the Zoning Administrator. The paperwork would still be required, and questions
29 answered but the ZA could present it quickly with a brief discussion. Barre said the question
30 seemed to be whether to give unilateral authority to one person and/or engage someone else. He
31 thought the process could be quicker by having a person who knew what they're doing present it
32 for things that were less formal.

33 Cathy said the minute they involved the DRB they would be talking hearings, notices, and delays.

34 Preston said other towns have done that where they say the whole DRB can vote on it at a meeting
35 and not a hearing. Preston expressed being uncomfortable with that because it would be on the
36 agenda for a meeting. Then the owner asks if they should come and present, and the neighbor says
37 they were not legally notified and then the DRB starts asking questions. Even though it is in the
38 format of a meeting, it evolves into and feels like a hearing and people start to say they didn't get
39 due process. Preston said that's why he favors having the Chair do it and eliminating the risk.

40 Barre asked if the Chair who is responsible to go to meetings biweekly, if it was appropriate to ask
41 them to be available when needed to make that review since it really wasn't their job. He said he
42 didn't have strong feelings about it. Barre said he liked the idea of an administrative review and

1 the idea of signing off. Barre said the only question before them was did they need to involve
2 someone else and if so, how to do that and when would be the appropriate time. Barre asked
3 Preston in other places how they coordinated the time for the Chair to sign.

4 Preston told Barre he was right that there would suddenly be a new duty on the Chair. He said the
5 Chair doesn't merely run the meeting but is also the decision maker. It would be a little more work
6 for the Chair, and it may also affect the whole board with respect to who they chose as Chair.
7 Preston said, in his experience, he would email the Chair when an application came in and
8 sometimes the Chair would come in and discuss it, and other times they would read the email and
9 say it was a no-brainer and it was fine.

10 Barre told Preston, that what he was hearing him say was the idea that two people needed to
11 physically meet wasn't the case and that it could be done by email. Preston agreed and said it was
12 usually done by email.

13 Preston said in Killington, the Chair was not required to sign off. He would send him an email and
14 he would either say it was fine or ask for more details. Preston would then save the email and put
15 it in the file to document that he had consulted with him.

16 Bill Lindsay asked if when they involve the Development Review Board, because it has been
17 changed and is a legal process, would they incorporate the one member of the DRB into that
18 process. It would be on the record and is a termination of whatever the outcome would be. He
19 asked were they changing the process by just using that one member.

20 Preston said Chester is an on-the-record town, so hearings are supposed to be run according to
21 Rules of Evidence and Rules of Procedure, which the court uses. Administrative Review is a way
22 of simply taking certain minor decisions out of that process, so it wouldn't apply.

23 Bill said he liked the idea but questioned if once they asked the DRB Chair, were they starting the
24 process.

25 Preston said no and that it was a way to issue a permit without going through that process. It merely
26 provides checks and balances. Bill thanked Preston for answering his question.

27 Peter said having been the Chair of a DRB, it would give him more communication with the Zoning
28 Administrator. It would give him more of an opportunity to know what is going on. He said he
29 always had trouble with Michael setting the agenda and wanted to know what was going on and
30 in theory, he was the Chair. He would be setting the agenda and they should be discussing it first.
31 Peter thought this would make the ZA communicate more with the DRB Chair and Peter didn't
32 think that was a bad thing. Bill said he had no problem with that.

33 Peter asked what the statute was. Cathy answered it was 24 V.S.A. § 4464 and the relevant part
34 was (c) on the bottom of the third page where it talked about Administrative Review.

35 Hugh asked if it was on page 269 of Article XIV. He said he had looked up Administrative Review,
36 but later realized it was for South Burlington.

37 Cathy said the hierarchy of labels was odd.

38 Barre said he liked the idea. He said some people don't have the time or the skills or whatever it
39 takes to do what's required to obtain a permit and it is uncomfortable for them. He said it was
40 important there was a clear line about what can be done with Administrative Review and what
41 can't. Barre said he didn't see why it couldn't be applicable in all areas, including the residential

1 areas. One thing that was important for him, given the history of zoning, was that the neighbors
2 were not left out. He said it comes down to making good neighbors and sometimes that just makes
3 problems for people trying to do little things, which makes them complain. He said concerns for
4 him were how much it could potentially bother a neighbor, and how much will they want to know
5 what is going on, and will they be mad if they didn't know it was happening. Barre said he was
6 sure Preston could relate and he wasn't telling him anything new. Barre thought if what he had
7 expressed was in the language and everyone recognized the importance of it, it would be part of
8 the process.

9 Preston said when he suggested not including administrative review for the rural and residential
10 districts, it was mostly to improve people's comfort level. He said the only things that get reviewed
11 in rural or residential districts are an expansion of a nonconforming use or a home business, with
12 the home business being the more common one. Preston said in his experience, he thought it was
13 justified, with either an expansion of a nonconforming use or a home business, to listen to the
14 neighbors about their concerns. That doesn't mean you always go along with the neighbors, but
15 you must take it into consideration and listen to their concerns.

16 Hugh said that what he was hearing was there was some consensus that a second set of eyes was
17 good. Preston agreed. Hugh wondered if the DRB Chair did not want any part of it and refused to
18 do it, could they take that position and if so, would there be a Plan B in place.

19 Preston believed it was a condition of the job, but if they did not, it would be easy to say the Chair
20 or their designee.

21 Barre said the purpose of the Chair was to run the meeting and, in some cases, they carry a certain
22 amount of authority and greater knowledge, but maybe not in every case. Barre suggested if they
23 created a term for someone to be the second set of eyes person, and someone wanted to step up for
24 the position, it seemed it could be anyone on the DRB and hopefully someone out of the five would
25 want to do it.

26 Preston thought they could consult with a member of the DRB designated by the DRB.

27 Peter said there was a Chair and a Vice Chair, so if someone was not at the meeting, there was a
28 structure so the meeting could continue. He said if the Chair didn't want to sign off on something,
29 it would just punt up to the DRB meeting. Hugh agreed.

30 Preston said the current DRB Chair spends a fair amount of time in Martha's Vineyard so it's
31 possible they would want their Vice Chair to do some of it.

32 Cathy said they would be changing the description of the DRB and how it is organized in whatever
33 set of bylaws they add it to. She thought it should include a provision for who can act in the absence
34 of the designated second pair of eyes. Preston and Hugh agreed.

35 Hugh added that it sounded like Tim had wanted two town officials.

36 Preston agreed that Tim had said that and was hoping he had meant the ZA was one of them, but
37 Preston didn't know. Hugh said he was confused by it and wasn't sure if he meant the ZA and two
38 other town officials.

39 Cathy read from Tim's statement and it said, "as such, I feel strongly that our system of
40 Administrative Review require a minimum of two town officials for any and all approvals or
41 denials of submitted permits. Hugh said maybe he had read it wrong and the two was the ZA and
42 the DRB designator. Cathy said Tim also asked that "the responsible officials reasoning for all

1 decisions be written and recorded in town records.” Cathy mentioned that Preston had taken to
2 recording the zoning permits.

3 Preston said there have been cases in the past where he has opened the file and the application was
4 signed on the bottom and it made him question what process they had gone through before signing
5 it. Preston said it is his practice to comment on the formal permit and document the decision so
6 someone later will know his reasoning for doing what he did.

7 Peter said they have the DRB Chair write on the document why they approved it

8 Preston said what he would implement was in the process of writing an email to the DRB Chair,
9 he would lay out his thinking and if they Chair agreed, that would be the document. Hugh and
10 Peter agreed.

11 Barre joked that he thought there were some good examples in the United States Supreme Court
12 that Preston could look at. Preston replied, “Dissenting opinions.” Preston said he had worked in
13 a town once where someone disagreed with the DRB and wrote a dissenting opinion and demanded
14 that it be put in the file. Preston consulted the league who said it meant nothing but to put it in the
15 file.

16 Preston thought the night’s discussion was something they should think about and come back. He
17 thought a follow-up conversation with the DRB was needed. Preston suggested they could
18 wordsmith it and come back with it.

19 Cathy confirmed with Preston that he had offered the administrative review process would take
20 three weeks because once Preston issued the permit, there was still a 2-week appeal period.

21 Preston said statute dictates a 15-day appeal period for any zoning permit. So, even if he took in
22 the information, formulated his opinion, got the Chair to say fine and issued a permit, there would
23 still be a 15-day appeal period. He added the appeal period for the DRB decision was 30 days.

24 Barre asked if that just got the paper with a P stapled on a sign in front of the building or if letters
25 went out to the abutters.

26 Preston said it was a good question. Preston said he thought the Administrative Review would
27 make it a regular permit, which meant it would get posted at Town Hall and the P would go on the
28 building. Barre asked if it would be put in the paper or just posted at Town Hall and the P goes on
29 the building. Preston replied for administrative permits, that was all it was.

30 Barre said he has seen shed like garage things go up around town and they all looked far from the
31 property line. Barre didn’t think any was conditional use because they could just build a shed away
32 from the property line. He asked if they had gone through the DRB. He said at Mr. Lindsay’s
33 former property there was a little garage going up. He asked if they had to go through the DRB or
34 if it was just Administrative Review and they got a permit.

35 Preston said the way the bylaws read in Chester is if you were to put up a shed on a conditional
36 use property, the shed would even have to go through a conditional use because it’s affiliated with
37 the property. If the shed was being put up on a residential property, they still must get a permit but
38 it’s a very easy permit and he issues permits for sheds all the time.

39 Cathy clarified with Preston that when he said conditional use property, the parcel has a
40 commercial use and has a permit for that commercial use. Preston agreed. She said the shed is
41 assumed to be part of it.

1 Preston said there was a storage box that appeared on the Dollar General property and one of the
2 DRB members said they needed a permit. Preston said it needed a permit only if it wasn't
3 temporary and within a couple of months, the box was gone. Preston said if Dollar General decided
4 to make an enclosure in the backyard for their dumpster, technically they should go to the DRB
5 even though it's a minor structure.

6 Barre said Cathy and Preston were using two different words and he wanted to be clear. Cathy had
7 used commercial, and they were talking about conditional use. They are two different terms and
8 he asked Cathy if that's what she meant.

9 Cathy said almost every conditional use is commercial. It's conditional because commerce is
10 involved.

11 Preston said they all know what a commercial use is. Under Chester's bylaw, a conditional use is
12 things that only get approved for conditions and all commercial uses are conditional, so that's why
13 they use them interchangeably.

14 Preston said you could say a home occupation is commercial, and that farming is commercial, but
15 state statute specifically exempts them and says those aren't conditional uses to protect certain
16 classes that the state wants to occur. A third one that state wants is telecommunications and a fourth
17 one is solar, so they are all exempted.

18 Barre joked that he is worried about growing extra body parts, like horns, from the tower next to
19 his property. Preston said when the first 5G tower came to Killington a few people said it would
20 kill them.

21 Peter said the biggest control they have over the review is, by district, they can call out what
22 Preston can review. Hugh agreed. And in a site plan in a minor, they couldn't call out anything, so
23 it gives a lot more control about what's allowed to be reviewed and what can easily be done and
24 then what can't and that all varies on the district.

25 Cathy said they could pick districts that are defined, at least partly, by the size of their lots. It's
26 hard to put Walmart on a half-acre lot, it just isn't going to fly. Peter said but new construction
27 isn't allowed without DRB, unless it was a multi-family. Cathy agreed.

28 Cathy said they take the information to Jason, and he firms up his Section XX. She thought the
29 next DRB meeting was the 8th of November. Preston agreed and said there was a hearing, so they
30 should allow some time for discussion. Cathy said there was no need to have a meeting before
31 then. Preston said they could have a dedicated meeting, but he wasn't sure it was necessary. Cathy
32 said she would not be available to which Preston replied he is someone who says why do it in two
33 meetings if you can do it in one.

34 Barre said ultimately the things they are talking about now must go into the bylaws they are writing
35 and go through the whole process with the select board and everything else coming up. He asked
36 if they would be able to fast track it. Peter said they could. Barre asked how that would be done.

37 Preston said they can fast track any changes to the bylaw they want to make. They could do the
38 entire V-12 or just administrative review, or they could even do nonconforming uses. He said they
39 still need to have one hearing before the public by the Planning Commission and one hearing
40 before the public by the Select Board and adopt it. If it was a simple feel-good change that didn't
41 generate a lot of attention, it could go quickly. But if it's a hearing where people object, then it's
42 not so fast.

1 Barre said he didn't want to speak for Tim, but he was advocating quite strongly to run all of it
2 through at same time and Barre didn't know why, but it was Tim's opinion, and he wasn't at the
3 meeting. Barre said he wouldn't have a problem with bundling the two things if the V-12 was
4 ready or just this. He didn't want to waste the time of the Select Board. It seemed to him this is
5 something that could benefit the town and look good in the eyes of the public, so he thought maybe
6 they should be bundled so they could accomplish something.

7 Preston agreed and said he felt the same way. He said if they were going to do the whole big
8 package and it took two or three years, and half of the current board wouldn't be there because
9 they'd be doing something different, he felt if they could be unanimous and move forward, it would
10 be nice to do something.

11 Barre asked how much more time they had on V-12. He knew Peter had mentioned how some of
12 the stuff relates to other things in other districts. Barre wasn't sure that he was totally up to speed
13 on that. He asked if they moved the V-12 items forward that they were currently reviewing and
14 tried to tighten stuff up and bring them forward, were there things that did not apply and were they
15 opening a can of worms by trying to do that.

16 Peter said they had to go with the uses in the current document, because if they went with the
17 proposed uses, they would affect everything else. He said if they go with the current uses, they
18 have, the current bylaw will not change. But if they went with the proposed uses, the nightmare
19 would begin. So, it needs to be simple and fit in. He thought the administrative review could plug
20 in easily. Peter said he and Cathy played with it the other day and it fit into the proposed once it
21 was put in the proposed document. He said it was difficult to figure out how the major and minor
22 would work. He suggested taking the minor out and putting the Administrative Review in, which
23 would be more defined. He said they could both be shuffled in without too much work, but the
24 uses were the big one and they would need to use what they currently have.

25 Hugh said what he remembered discussing when they reviewed V-12 a couple weeks ago was that
26 they discussed uses and he thought there was some agreement that leaving the uses more general
27 and categorizing them the way that they were, allowed a certain amount of flexibility. When you
28 had a use change or something like that, they felt it would be more important to be able to have
29 that flexibility. Hugh said he was feeling that even though in the proposed bylaws the uses were
30 more detailed, it tied the hands some because it was so specific. He thought there was some
31 understanding that if the uses were more rolled up or at a higher level and categorized, the way
32 they are in the adopted bylaws, that would be better. Hugh said it was his recollection of the
33 discussion from the last meeting. He didn't feel like it would be a big issue to him if they had to
34 use the adopted uses.

35 Barre asked if the stuff they had discussed at the last meeting was quite different than the current
36 bylaws. Barre asked Peter if what he was saying was the uses needed to be the same in order not
37 to disrupt all the other things and Peter agreed. Barre asked if once they did all the other things if
38 the uses could be reviewed again if necessary. He asked how that worked.

39 Peter said the thing about the bylaws was they can slowly continue to be amended. He asked Barre
40 if he remembered the ACC document. That document said to do small organic changes. Peter said
41 what it amounts to is a small organic change and matches up to what the Master Plan wanted. He
42 said maybe they look at the Village and when they start working through those others, they see
43 they may want to change uses. If it's kept to the small non-controversial thing, it's a public meeting
44 by the Planning Commission and it's a public meeting by the Select Board and it's done. Peter

1 said that was the thing, to try to avoid the larger controversy.

2 Preston said the V-12 was under the same format and style that the proposed bylaws had, but if
3 they put different terms for the uses, they needed to amend the definitions and then there were two
4 sets of definitions, one for one district and one for the others and it got really mucked. So, they
5 were saying they were still working from the proposed bylaw format but at least for now, they
6 were going to stick with the same uses and definitions.

7 Hugh said that made sense to him, because to Preston's point, if they changed that, they create two
8 sets of definitions, the definitions that apply to the zones they're not updating yet and then trying
9 to put V-12 in with something completely different. Hugh didn't see any way to make that work.

10 Preston said they already have, by statute, different definitions for flood plain words and different
11 definitions for telecommunication words and they can't change that, but they don't want to add
12 another one.

13 Barre asked if the proposed V-12 District was different in any way in size or shape from what it
14 was before. Hugh said no. Preston answered that it wasn't in size or shape.

15 Cathy said currently it doesn't exist and would be a new district and would be between School and
16 Cobleigh Streets on the Southwest side of Main.

17 Barre said if someone put up a new gas station between Chester and Rockingham and they would
18 need to create a slower speed limit, they would have a different rule there, but because they're
19 cutting it out as something else, it doesn't affect everything else around it then, and just changes
20 for that area. He said with respect to that, because these terms are used throughout the bylaws now,
21 they can't change those terms because it makes everything else screwy. He said you couldn't
22 switch to kilometers per hour when they're dealing with miles per hour. Preston thought that was
23 a good analogy.

24 Preston added the other rationale they can use for moving forward with V-12 was it implements
25 the Master Plan. Hugh thought that would be great. Barre said it sounded good to him.

26 Cathy asked if they wanted a motion to take the request to Jason and have him see what he could
27 do to put it into the adopted bylaws.

28 Barre noted that Jason had said something interesting about the grant money and getting paid and
29 Barre was under the impression that Regional Planning was a division of the state and was paid
30 for by the state with taxpayers' money, which Mr. Lindsay used to talk about on the Select Board,
31 which Barre enjoyed. Barre was confused how Chester was dealing with them because Jason
32 referenced needing grant money to get paid to follow through with it. Barre was concerned they
33 have a new consultant with Jason when they already paid a consultant, and he wasn't aware how
34 much they paid that consultant. He wanted to be clear, and it would be good for public record to
35 understand how it works and where the money comes from and if they're getting billed and what
36 all the stuff is because they're creating an extra burden, but it obviously has been helpful. He asked
37 if anyone knew how it worked.

38 Preston offered to answer but asked Bill Lindsay if he wanted to.

39 Bill Lindsay said in the town of Chester pays for Regional Planning in its budget, as did other
40 towns. He said it was somewhat funded by the state but also funded by the individual towns. Bill
41 said generally when there was a grant application, they helped to administer the grant because they
42 had more expertise in that. As he understood it, the grant had something to do with housing. He

1 said more information could be obtained from Regional Planning, but that yes, there is Chester
2 money that goes to Regional Planning. He said to think of them as a facilitator.

3 Barre said it appeared to him that they need to pay Jason or the organization of Regional Planning
4 for Jason's time to help Chester with the zoning bylaws.

5 Bill said Julie Hance could give him the specifics.

6 Preston said he could answer. The Regional Planning Commission is chartered by the state as a
7 quasi-public non-profit. They are not state employees. They get money from the state, they get
8 some money from their member towns in the form of dues, and they also get money in the form
9 of grants. Preston said they get a certain number of services through Jason because they are a dues
10 paying member but to get more services, they need to pay for them. So, from that point of view,
11 Preston said Barre was correct that they were a consultant. But they are more legitimate as a
12 consultant because they are chartered by the state and have that as their mandate and they're not
13 for profit. Preston said they are like sheriffs' departments because they have no income from the
14 state and must make all their income from selling their services to towns even though they are
15 public officials. The Regional Planning Commission is somewhat the same way.

16 Barre said maybe it was not their business as Planning Board members what was going on with
17 that, but they had requested the help. He just wanted an understanding of how it worked and said
18 it made way more sense to him now. Barre said it was good for the public to be aware of how it
19 works.

20 Preston said he had talked to Julie, the Town Manager, when they first went to Jason and told her
21 he would do a certain amount of work for dues but then would require more payment and she said
22 that was okay because there was some in the budget. But later she said why should they spend
23 their own money if they could get a municipal planning grant and have the state pay for it.

24 Cathy thought it would make sense to do a motion to ask Jason to write up this proposal into their
25 adopted bylaws. She asked if anyone had an opinion about that.

26 Peter asked if the DRB meets after the Planning Commission does next month and Cathy replied
27 that they met the second and fourth Mondays of the month. She said the Planning Commission
28 will meet on the 1st and the DBR will meet on the 8th. Peter said they would want the DRB to have
29 a look at it first and he would like to hear what the DRB says before they give it to Jason. Peter
30 said if they are going to modify it again because of what the DRB says, they should wait to vote.

31 Preston suggested there was a vacant slot to choose to call them together to meet. Cathy agreed.

32 Peter thought if they were going to try to put something forth that was new, they should get the
33 DRB input because they need to say they understand it and can work with it rather than saying this
34 is it. He thought it was better to have the discussion and have it on a non-meeting night.

35 Barre said the idea of being fiscally responsible. He didn't know and that was one of his concerns
36 in losing Naomi and not working with Brandy any longer, who would write this stuff. Barre said
37 they found someone in Jason and with Preston's help, they can get these things written. But at the
38 same time, since they were spending more money to do that, he wondered if they should try to do
39 more withing their group. He didn't know what the budget was and thought maybe they needed to
40 look into it with Julie. If there were some things, they could do on their own to get it going and
41 just have Jason review it rather than take all the time to write it.

42 Peter said one big advantage with Jason is he wrote all the current bylaws. Barre thought he had

1 done the same for Springfield. Peter said Jason made all the changes that he was aware of since
2 the mid-90s, so he knows Chester's bylaws which is a really good place to be. Peter said he likes
3 the way Jason does a document with them. Each page is doublechecked before they move on. Peter
4 said he has been through this process with Jason 3 times, and it takes longer, but the product is a
5 solid valid document.

6 Barre said he just didn't want to spend extra money that wasn't necessary. If there are things the
7 board can do on their own to save the town money, that's what he was suggesting.

8 Cathy said the subcommittee meets with Jason at his office rather than him driving to Chester,
9 which saves time and money. She said Barre was correct that Jason has written a lot of bylaws for
10 the surrounding towns.

11 Hugh said he was envisioning that if they develop a pattern with V-12 that starts to look in any
12 way good and repeatable, he suggested that as they go into other zones, some of them could shell
13 out some of the content so that it isn't always Jason's responsibility. Hugh wants Jason to run the
14 first course with Jason primarily behind the wheel and then they can go from there.

15 Barre said they spent \$80,000 on the downtown Master Plan and they got a seating area down by
16 the river that nobody ever goes to. He said V-12 was part of that. He didn't know what they had
17 spent on Brandy, but it seemed like they spent a lot of money on things that they didn't have a lot
18 to show for it and he didn't know where the money was coming from. If it was part of their job to
19 do some of these things, maybe the board could do some of the heavy lifting. But Barre said he is
20 thankful they have someone with the skills to do it, because it was out of his league.

21 Peter said if they met with the DRB and there wasn't too much of an outrageous change, they could
22 give it to Jason and then they would have it for the meeting on November 1st and then look at what
23 they have for V-12 and review the administrative uses.

24 Hugh said if everything worked as far as chatting with the DRB, it was possible that Jason could
25 have an updated V-12 with an administrative review section ready for the Planning Board to review
26 at the next meeting.

27 Cathy asked who would like to go to the DRB meeting with her.

28 Preston said he would go. Peter said he would like to go. Cathy said she would warn it if anyone
29 else wanted to go.

30 Barre thought it was important that it could be communicated well and with Preston and the two
31 members of the subcommittee going, he thought it would be presented fine.

32 Hugh and Peter said they wanted to hear the reactions.

33 Barre asked if they were in the audience would it be a regular meeting. Peter said yes, that if 3 of
34 them get together anywhere, it's supposed to be warned. Barre's recommendation was they warn
35 it as members and that would enable whoever wants to be there to be able to go.

36 Preston thought that was fine.

37 **Agenda Item 4, Discuss the Agenda and Set the Date for the Next Meeting**

38 Hugh made a motion to adjourn the meeting and Peter seconded it. It passed unanimously and the
39 meeting was adjourned at 7:51 p.m.

1 **TOWN OF CHESTER**

2 DEVELOPMENT REVIEW BOARD and
3 PLANNING COMMISSION JOINT MEETING

4 DRAFT MINUTES

5 *October 25, 2021*

6 **DEVELOPMENT REVIEW BOARD MEMBERS PRESENT:** Harry Goodell, Robert
7 Greenfield, Gary Coger, and Phil Perlah at the Town Hall and Scott MacDonald via Zoom.

8 **PLANNING COMMISSION MEMBERS PRESENT:** Hugh Quinn and Peter Hudkins at the
9 Town Hall, Tim Roper via Zoom.

10 **STAFF PRESENT:** Sue Bailey, Recording Secretary via Zoom and Preston Bristow Zoning
11 Administrator at the Town Hall.

12 **CITIZENS PRESENT:** Cynthia Prairie, Donna Matthews, Chris Kleeman, Steve Mancuso, Lee
13 Gustafson, Arne Jonynas, Cheryl Joy Lipton, Joy Slaughter, Steve Crosier, and Linda Diak via
14 Zoom. Garrett Smith and Bill Lindsay at the Town Hall.

15 **Call to Order**

16 Bob Greenfield called the Development Review Board meeting to order at 6:00 PM. He led the
17 meeting in the Pledge of Allegiance. He introduced the members of the Development Review
18 Board. Hugh Quinn called the Planning Commission meeting to order at 6:03.

19 **Agenda Item 1 Review draft minutes from the September 27, 2021 meeting.**

20 The Board considered the minutes from September 27, 2021. Harry Goodell moved to accept
21 the minutes. Gary Coger seconded the motion. There was no discussion. A vote was taken and
22 the minutes were accepted as written.

23 **Agenda Item 2 Citizen comments.**

24 No citizen had any comments about any subject other than agenda items.

25
26 **Agenda Item 3 Discuss proposed Administrative Review concept with members of Planning**
27 **Commission**

28 Robert Greenfield turned the meeting over to Hugh Quinn who gave a summary of the Planning
29 Commission Subcommittee work on the proposed administrative review process. Preston
30 Bristow then explained that the Planning Commission is considering adding a Village Green
31 District to the adopted bylaws based on the V12 district in the proposed bylaws. He said this
32 would accomplish one of the goals of the Village Center Master Plan. It would also give the
33 Planning Commission a chance to accomplish something concrete after a long period of
34 discussion and evaluation. He said the purpose of the joint meeting with the DRB was to
35 introduce the concept of administrative review to the DRB, as they may have a role in the
36 process. It was important that the Planning Commission hear whether the DRB would accept
37 administrative review and their potential role in it before the bylaw changes are presented to the
38 citizens and the Selectboard.

1 Preston reviewed the document presented in the packet. He said the document included the
2 portion of state statute that allows administrative review, most of the zoning district page for the
3 proposed Village Green district and the chapter outlining the Administrative Review process.

4 He said that in researching administrative review, the Planning Commission saw that some towns
5 require the Zoning Administrator to consult with the head of the DRB on each application. This
6 gives the benefit of a second person reviewing the process and avoids the issues of holding a
7 warned hearing if the entire DRB were to be consulted. Preston said that larger towns use
8 administrative review to handle applications that would be so numerous the DRB could never
9 keep up with the volume of hearings. He said the question at hand is what is the right fit for
10 Chester.

11 Tim Roper said it was important that everyone understand that the document presented is a draft
12 document and has not been approved by the Planning Commission.

13 Harry Goodell asked why the change needed to be made. What was wrong with the present
14 system. Preston Bristow said that applicants who want to open a shop in town are faced with at
15 least a three-month wait to obtain a permit when a hearing is required. The hearing must be
16 noticed in print media two weeks in advance, the hearing held, the findings document written
17 and approved and a 30-day appeal period must elapse before the permit is final. This is not seen
18 as business-friendly.

19 Harry said the boards (the Planning Commission and DRB) were set up so that decisions were
20 not being made by a couple of people. He was not comfortable with changing that.

21 Scott MacDonald said he felt the granting of a recent permit by the Zoning Administrator to the
22 new tea house was an example of a situation which could easily get out of control if a single
23 person is allowed to grant permits. He felt that the DRB had been left out of the process in that
24 instance and this proposal would continue to leave the DRB out of the process. He was
25 concerned that the character of the town would change depending on who was the Zoning
26 Administrator. He thought that involving the chair of the DRB in the process would be helpful.
27 In the end, he thought this proposal was too much change too soon.

28 Bob Greenfield said the proposed changes only apply to the Village 12 district at present.
29 Preston Bristow said the Planning Commission had discussed the possibility of extending
30 administrative review to all the village and business districts, but the only district currently under
31 consideration was the Village 12.

32 Hugh Quinn said under the proposal a member of the DRB would participate in the decision-
33 making process and could require an application be referred to the DRB. He said the list of uses
34 which could be handled by administrative review could be reduced. He said the Planning
35 Commission was trying to allow uses that don't require extensive review to be handled more
36 expeditiously. He doubted that under this proposal a zoning administrator will be making bad
37 decisions that no one knows about.

38 Scott MacDonald said he was concerned about the number of permitted uses in the proposal. He
39 said he would like to find a way to fast track a permit with full DRB involvement. Peter Hudkins
40 pointed out that under this proposal, the permitted uses must fit in an existing building. New
41 construction is a conditional use and requires a hearing. These restrictions are specific to the
42 Village Green zoning district. These uses in other districts could be treated differently. He said
43 that any meeting of the full DRB to review an application becomes by statute a hearing with all

1 the delay of noticing requirements and an appeal period. A full meeting of the DRB to consider
2 an application cannot be fast-tracked. He urged people not to generalize this proposal beyond
3 the Village Green district. This proposal is intentionally limited in scope.

4 Scott MacDonald asked for clarification of the differences between the permitted and conditional
5 use review processes and whether the Zoning Administrator would be able to issue many permits
6 with no input from the DRB. Hugh Quinn explained that a permitted use was reviewed in detail
7 by the Zoning Administrator. Uses requiring Administrative Review were reviewed in more
8 detail and the chair of the DRB would be need to approve the application as well. The third level
9 of review, Conditional Use required a full hearing by the DRB. Peter Hudkins added that the
10 DRB chair could refuse to approve any application presented to him or her and require a hearing
11 in front of the DRB.

12 Scott MacDonald verified that this process would be done district by district and each district
13 would have its own list of uses that would qualify for Administrative Review. Peter and Hugh
14 confirmed that was correct.

15 Phil Perlah repeated a question he had asked in the Zoning Office the previous week. He asked
16 whether there was any project in the pipeline that would benefit from this change. Preston
17 Bristow repeated the answer he had given Phil the previous week, that there were no projects in
18 the queue that would be affected by this change. He then referred the question to the members of
19 the Planning Commission present, asking them if they knew of projects which would benefit
20 from the change. Neither Peter, Hugh nor Tim knew of any.

21 Bob Greenfield asked how the DRB would be involved in Administrative Review. Peter
22 Hudkins said the Zoning Administrator would do the work of verifying that the application met
23 the requirements and then refer the application to the DRB chair. Preston Bristow pointed out
24 Section XX of the proposal, at the end of the packet document, which outlines the
25 Administrative Review procedure.

26 Peter Hudkins said the process presented that evening was less onerous than the process in the
27 proposed bylaws, which included a detailed site plan requirement.

28 Harry Goodell said he was somewhat concerned about allowing only two people to make a
29 decision for the town about permits. He said under the previous Zoning Board of Adjustment
30 system applicants could attend a meeting and have an informal discussion about the project with
31 the 5-member board. This did not require a formal hearing notice. The method worked well in
32 Chester, a small town. Many people could offer input and support before the formal hearing
33 took place. He asked why the town was considering the full re-write of the bylaws. He asked
34 what problems were being solved by the re-write or if it was simply the result of an available
35 grant which benefitted a consultant. He questioned whether the consultant was addressing
36 Chester's needs or those of other towns such as Woodstock or Manchester. Peter Hudkins said
37 the proposal before the DRB was written by Preston and Jason Rasmussen. The proposal was
38 intended to align with the Village Master Plan goal of making Chester more business friendly
39 and reflects Jason Rasmussen's line-by-line approach to bylaws. Peter said he also liked the
40 ZBA off-the-record approach to permits.

41 Hugh Quinn pointed out the changes were limited to the Village Green, a very small area that is
42 manageable both from the perspective of bylaws that need to be written and the process that has
43 to be developed to support the businesses. The Planning Commission believes that a streamlined

1 administrative process for this district would be helpful to Chester. Hugh said the DRB needs to
2 decide whether a streamlined process is good for Chester. If the DRB does not believe a
3 streamlined process is helpful, the Planning Commission needs to know that before the proposal
4 goes to the SelectBoard. If the DRB does not agree, the concept will not be included in the
5 bylaw proposal.

6 Scott MacDonald wondered whether a streamlined process would make or break some deals. He
7 asked if an e-mail chain to the entire DRB was possible. Phil Perlah said he wasn't an expert on
8 state statute, but he was concerned that if 3 members of the DRB were involved in a discussion,
9 on the telephone or in an e-mail it is considered a meeting and must be handled as such. Preston
10 Bristow confirmed that was true. An e-mail announcing a meeting may be sent to all the
11 members, but a discussion of an application would be considered a meeting.

12 Phil said he was also concerned about rushing an amendment to the adopted bylaws. He agreed
13 that the change being considered would be helpful. He said that currently every building on the
14 green is non-conforming, except the Fullerton Inn. That by itself severely limits the ability to
15 change what the green looks like.

16 Peter Hudkins agreed that simply adjusting the dimensional standards would be very helpful to
17 the existing businesses. If removing administrative review would make the proposed change
18 acceptable, changing the dimensional standards would be very helpful to businesses. New
19 dimensional standards would allow some new construction to take place in the rear of the
20 buildings. Harry Goodell said the lack of access to the buildings on the green are a problem for
21 fire safety and he wasn't in favor of allowing new construction. Scott MacDonald pointed out
22 that arguing fire safety with a former Fire Chief wasn't a good idea. Phil Perlah pointed out that
23 the proposal presented only required conditional use review for construction of a principal
24 building, not any new construction. Peter Hudkins acknowledged the difference and said the text
25 of the proposal would be changed.

26 Hugh Quinn said changing the adopted bylaw dimensional standards for the area around the
27 green only would bring relief to the business owners and it was worth considering amending the
28 adopted bylaws now to give business owners that relief. Harry Goodell asked how the
29 dimensional standards could be changed to make the existing lots conforming. He noted that the
30 existing structures are all grandfathered. Peter Hudkins said a grandfathered building would still
31 have to meet the current bylaw requirements in order to make any changes to the footprint. None
32 of the buildings except the Fullerton Inn can meet the current dimensional standards.

33 Harry Goodell said he thought parking was a bigger concern than non-conforming parcels. More
34 parking with ready access to the front of the buildings along Common Street was needed. He
35 said the buildings had apartments above the store fronts, which also required parking. Peter said
36 the Planning Commission wanted to increase density in the area because municipal water and
37 sewer were available. He noted that single- and two-family dwellings were permitted uses and
38 multi-family dwelling was under Administrative Review. He asked if multi-family dwelling
39 should be a conditional use.

40 Steve Mancuso said he was concerned about which persons administer and enforce the bylaws,
41 but he was more concerned about the proposed bylaw document. He felt that the document was
42 open to bias, agenda and translation, which opens the town to liability. He felt the proposed
43 bylaws should be cleaned up.

1 Harry Goodell asked Steve Mancuso what parts need to be cleaned up. Steve said he was
2 referring to the 300-page proposed bylaws. Hugh Quinn explained that the current meeting was
3 discussing altering the adopted bylaws. Peter Hudkins said they were only working to
4 implement one new zoning district in the adopted bylaws.

5 Scott MacDonald asked what the difference was between several of the members of the DRB
6 discussing an application via e-mail and one member of the DRB being consulted on an
7 application. Preston Bristow explained that three or more members discussing an application via
8 e-mail met the state definition of a public meeting which requires a notice posted at least 24
9 hours before.

10 Hugh Quinn suggested that the list of uses that would be candidates for administrative review in
11 2101.C could be changed. Tim Roper said his understanding of the proposal was that significant
12 construction would require conditional use review, but changes in use in existing buildings
13 would be eligible for the streamlined administrative review process. He asked if the DRB would
14 object to two persons allowing something like a doctor's office moving into an existing building.
15 Scott MacDonald said the proposed administrative review process would not allow abutters to be
16 heard. He gave the example of a Zoning Administrator who might allow a Starbucks to move
17 into a building on the green. He was concerned that abutters would not have a voice in that
18 process under the current proposal.

19 Tim Roper said he agreed with Scott's concern. He said the approval should not come from one
20 person and adding a DRB member with veto power to the process was meant to address that.
21 Phil Perlah said the example of a physician's office was not a good one, as under the proposal
22 such an office would require conditional use review. As an aside, Phil felt that physician's office
23 should be allowed under Administrative Review.

24 Bob Greenfield asked how difficult it would be to change the bylaws if one of the changes
25 doesn't work out. Preston Bristow said a change requires at least one hearing before the
26 Planning Commission and one hearing before the SelectBoard. The hearings must be spaced a
27 certain number of days apart. It was usually a 2- to 3-month process.

28 Harry Goodell asked whether there was a way to review something through the full Development
29 Review Board without having to wait for the prescribed warning and appeal periods. Preston
30 Bristow said he has seen the Zoning Administrator bring an application to the Development
31 Review Board at a meeting, not a hearing. The meeting would not require 15 days' notice. The
32 DRB would only decide whether a hearing is required for the application or not. The problem
33 with such a meeting is that the neighbors can feel that they were denied due process since they
34 weren't notified of the meeting.

35 Harry Goodell wanted a bylaw that allowed a preliminary discussion of a project at a DRB
36 meeting which would determine whether a full hearing was required. Peter Hudkins suggested
37 that the Planning Commission write up an administrative review procedure based on the
38 discussion and ask the town attorney Jim Carroll for his advice on whether this would be an
39 acceptable. Preston Bristow liked that idea and suggested that Jim Barlow be consulted as well.
40 Harry Goodell and Scott MacDonald agreed with that proposal.

41 Phil Perlah addressed the list of uses in the document. He asked that the words in parenthesis in
42 2101.B(5) be removed, as the example of an accessory use given was not actually a defined use.
43 He said commercial and private broadcast facilities should be conditional uses because they

1 could involve the construction of an antenna. Dwelling, multi-unit should be changed to the
2 defined term Residential, Multi-family. Phil noted that light industry and agriculture are
3 currently allowed in the Village Center district are not allowed in the proposed Village Green.
4 Phil suggested that tourist lodging and healthcare facility could go into administrative review.
5 He also asked about senior housing, which is not defined in the adopted bylaws. Peter Hudkins
6 explained the history of the senior housing entry and agreed to provide a definition for the use.
7 He also agreed to change the principal building construction conditional use to say any exterior
8 construction would require conditional use review.

9 Preston said the Planning Commission had intended to be sure all the uses listed were uses
10 defined in the adopted bylaws, but they had not made all those edits before the packet went out.
11 Gary Coger asked about the pitfalls Preston had referred to when discussing a DRB meeting
12 where applications for permits would be presented to decide whether a full hearing was required
13 or not. Preston said the DRB would have a meeting, not a hearing, which does not require notice
14 be sent to abutters 15 days in advance. He said abutters sometimes show up at those meetings
15 and protest that they did not receive notice of the meeting. Abutters are not required to have a
16 notice sent to them for a meeting where their property may be discussed. It is also possible that
17 an abutter would not hear of the meeting and protest later. Preston explained the measures that
18 were taken to issue a permit for the Farmers' Market quickly enough to start the market during
19 the growing season. Phil and Preston were united in their determination to make extra effort to
20 help businesses get up and running as quickly as possible.

21 Hugh Quinn said the next steps were to take the feedback obtained at the meeting and make
22 some adjustments to the proposed administrative review process. Once the changes were made,
23 they would be circulated to the DRB members. Phil Perlah moved to adjourn the Development
24 Review Board hearing. A vote was taken and the DRB meeting was adjourned.

25 Hugh Quinn moved to adjourn the Planning Commission meeting. Tim Roper seconded the
26 motion. The Planning Commission meeting was adjourned.

27

28 **Agenda Item 4 Deliberative Session to review previous or current matters**

29 There were no matters needing discussion in deliberative sessions.

30

31

FY22 Municipal Resolution for Bylaw Modernization

WHEREAS, the Municipality of Chester is applying for funding as provided for in the FY22 Budget Act 74 and may receive an award of funds under said provisions; and

WHEREAS, the Department of Housing and Community Development may offer a Grant Agreement to this Municipality for said funding; and

WHEREAS, the municipality is maintaining its efforts to provide local funds for municipal and regional planning purposes or that the municipality has voted at an annual or special meeting to provide local funds for municipal and regional planning purposes,

Now, THEREFORE, BE IT RESOLVED

- 1. That the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of this grant program including a commitment to match funds in accordance with the program's requirements;
- 2. That the Municipal Planning Commission recommends applying for said Grant;

Cathy Hasbrouck _____
 (Name of Planning Commission Chair) (Signature)

- 3. That (Name) Julie Hance Title Town Manager

is hereby designated as the Grant Administrator, the person with the overall Administrative responsibility for the Bylaw Planning Grant program activities related to the application, and any subsequent Grant Agreement provisions.

- 4. If the grant application is successful, and funds are awarded, the following individual will be the signatory on behalf of the municipality:

Name: Julie Hance
 Title: Town Manager
 Email: julie.hance@chestervt.gov
 Phone: 802-875-2173

Note: The signatory must either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is a Select Board Member, the Town Manager, the City Manager, or the Town Administrator, is hereby designated to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

Passed this _____ day of _____, _____.

- Check the box if the municipality authorizes its regional planning commission to serve as the 'agent' for the applicant municipality, or multi-town applicant municipalities, by assisting with the preparation of the application, supporting grant administration, and being exempt from competitive selection if serving as project consultant.

5. That the Municipal Legislative Body recommends applying for said Grant.

Arne Jonynas

(Legislative Body Chair)

(Signature)

INSTRUCTIONS FOR RESOLUTION FORM

- A. The Legislative Body of the Municipality must adopt this resolution or one that will have the same effect. This Form may be filled in or the adopted Resolution may be issued on municipal letterhead, filling in the name of the municipality, the Legislative Body (e.g. Selectboard), and the name and title of the Grant Administrator and Municipal signatory.
- B. Following formal adoption, the Chair of the Planning Commission and Legislative Body must sign upon endorsement by vote of the Planning Commission and Legislative Body.
- C. This form must be submitted with the grant application.

CONSORTIUM APPLICATIONS: For a multi-town application, each municipality must complete a separate Resolution form. All municipalities in a consortium must designate the same Grant Administrator, and signatory from the primary grant municipality.

Possible Configurations for Administrative Review

October 28, 2021

- 1 We could drop the concept of Administrative Review entirely and just implement the new district with altered Dimensional Standards and modifications to the parking requirements.
- 2 We could drop the concept of Administrative Review entirely and implement the new district with altered Dimensional Standards and modifications to the parking requirements AND expand the list of permitted uses.
- 3 The Zoning Administrator could write up the permit with his or her reasoning for approving it and share it with a single member of the DRB, probably the chair. The DRB member could approve and/or sign the permit or refer the application to the whole DRB for a hearing.
- 4 The Zoning Administrator could write up the permit with his or her reasoning for approving it and share it with two rotating members of the DRB via e-mail. The DRB members could approve the permit or refer the application to the whole DRB for a hearing.
- 5 The Zoning Administrator could write up the permit with his or her reasoning for approving it and call a meeting of the whole DRB where the DRB would decide whether it wants to approve the permit or refer the application to the DRB for a hearing.
- 6 In cases 3 and 4, the list of uses eligible for Administrative Review could be changed to allow fewer uses to be handled that way.
- 7 In cases 3 and 4, the list of uses eligible for Administrative Review could be expanded to allow more uses to be handled that way.

Sheet12

Date	Use	Permit type	Applicant name	Location
07/20	Used Car Sales	Conditional Use	Spaulding	103 North
08/18	Mixed Use	Conditional Use	Allard	103 South
06/18	Office,distribution ctr	Conditional Use	Chase	103 South
12/17	Mixed Use restaurant	Conditional Use	Dodier	103 South
07/19	Light Industry	Conditional Use	Ebelt	103 South
03/18	Drew's	Conditional Use	Rourke	103 South
09/19	Extraction	Conditional Use	Town of Chester	103 South
07/18	Restaurant	Conditional Use	Blair	Common St.
12/19	Mixed Use	Conditional Use	Wade	Common St.
02/20	Tourist Lodging	Conditional Use	Marcus	Cummings Road
07/21	Retail	Conditional Use	Crosby	Depot St.
01/16	Chainsaw carver	Conditional Use	Koonz	Depot St.
05/18	Personal Service	Conditional Use	Record	Depot St.
06/20	Multi-family	Conditional Use	Howe – Lynch	Elm Street
06/17	Kennel	Conditional Use	Stewart	Elm Street
08/17	Metal Fabrication	Conditional Use	Mulholland	Gold River
03/20	Tourist Lodging	Conditional Use	Jackson	Green Mtn. Turnpike
03/20	Dentist Office	Conditional Use	Fauver	Main St.
08/17	Tourist Lodging	Conditional Use	Kell - Hennessey	Main St.
07/21	Farmers' Market	Conditional Use	McClure	Main St.
05/21	Bargain Corner	Conditional Use	Norton	Main St.
11/15	Southern Pie	Conditional Use	S&L Blair	Main St.
05/18	Mixed Use	Conditional Use	Anderson	Main St. near green
05/16	Endless Creations	Conditional Use	Melissa Howe	Maple St.
01/20	Day Care	Conditional Use	SEVCA	Maple St.
06/18	Kettle Corn	Conditional Use	Leofanti Quелlette	North St.
08/19	meeting place	Conditional Use	Blackburn	Old Stage Road
11/16	Tourist Lodging	Conditional Use	Angela Rauscher	Pleasant St.
03/16	Water Tank	Conditional Use	Town of Chester	Route 103
02/17	Restaurant/retail	Conditional Use	Anderson	S. Main St.
05/17	Takeout food	Conditional Use	Newborn	S. Main St.
11/17	Multi-family	Conditional Use	Newell et al	S. Main St.
04/20	Multi-purpose	Conditional Use	Parker	S. Main St.

10/19	Animal Hospital	Conditional Use	Roeder	S. Main St.
03/18	Retail/Fuel	Conditional Use	Sandri	S. Main St.
05/17	Firewood processing	Conditional Use	Miles	Sylvan Road

Sheet2

2101 VILLAGE 12 (V12)

2101.A Purpose. The Village 12 district encompasses Chester Village’s historic business district. The purpose of this district is to:

- (1) Promote the long-term vitality of Chester Village;
- (2) Ensure that new construction and renovations are compatible with and enhance the historic character, scale and settlement pattern of the village;
- (3) Provide for economic development and housing opportunities;
- (4) Encourage investment that maintains or rehabilitates historic buildings; and
- (5) Provide an attractive streetscape and a pedestrian-friendly environment.



Figure 1: temporary, approximate zoning district map image – for reference purposes only

2101.B Permitted Uses¹. The following land uses and activities require a zoning permit issued by the Zoning Administrator under Section 420 and must meet all other relevant zoning provisions. Definitions for these uses are found in Section 2112.

- (1) Dwelling, single unit
- (2) Dwelling, two unit
- (3) Accessory dwelling unit
- (4) Accessory structure
- (5) Accessory use ~~(e.g. Home Child Care Facility)~~
- (6) Family childcare home
- (7) Home occupation
- (8) Home business

2101.C Administrative Review. The following land uses and activities require administrative review by the Zoning Administrator under Section XX.

- (1) Arts & entertainment
- (2) Civic/Institutional
- (3) Commercial broadcast facility — to 2101.D Conditional Uses
- (4) ~~Dwelling, multi-unit~~ Residential, Multi-family
- (5) Family childcare facility
- (6) Mixed use building
- (7) Personal service shop

¹ More than one principle use per lot and/or mixed used buildings are allowed under Section 2004.D

- (8) Private broadcast facility — to 2101.D Conditional Uses
- (9) Professional office
- (10) Recreation
- (11) Restaurant
- (12) Retail Store

2101.D Conditional Uses². The following land uses and activities require conditional use review by the Development Review Board (see Section 4305) before the Zoning Administrator issues a zoning permit (see Section 420). Definitions for these uses can be found in Section 2112.

- (1) ~~Construction of any new principal structure or any substantial replacement of existing or damaged principal building~~ *Any exterior construction*
- (2) Health care facility — to 2101.C Administrative Review
- (3) Tourist lodging — to 2101.C Administrative Review
- (4) Senior housing

2101.D Dimensional Standards. Proposed development in this district must conform to the following dimensional standards (also see Section 2113):

(5)	Lot size:	3,600 square feet minimum
(6)	Lot frontage:	30 feet minimum
(7)	Lot coverage:	90% maximum
(8)	Front setback:	0 feet minimum to 16 feet maximum, applies to principal buildings only
(9)	Side setback:	0 feet minimum
(10)	Rear setback:	8 feet minimum
(11)	Height:	35 feet maximum

2101.F Other District Standards. In addition to all the applicable standards in Article 3, proposed development must conform to the following:

Supplemental Standards
General Standards

- Drive-through service is prohibited in this district
- Corporate or franchise architecture is prohibited in this district.
- New buildings and additions must be compatible with the architectural form, scale, massing and materials of buildings found in the district.

Standards for new buildings

1. Designs must reference the form and materials of traditional village commercial buildings, residential buildings, barns or agricultural outbuildings (as appropriate to the subject location) .
2. Designs that use high-quality natural materials such as stone, wood — clapboards, board and batten, barn board or composite materials that are

² More than one principle use per lot and/or mixed used buildings are allowed under Section 2004.D

visually indistinguishable from traditional materials for exterior cladding are strongly encouraged.

3. Fit new buildings into the surrounding built environment in a manner that maintains the settlement pattern and scale of the neighborhood.
4. Facades will be broken into sections that are not more than 40 feet wide by using ells, bays, projections or recesses with not less than a 4-foot change in the wall plane.

New or Modified Building Facades

The applicant must incorporate these items into the design:

- A principal entrance that faces the road and with a walkway connection to the sidewalk (where existing or planned)
- A regular fenestration pattern
- No length of solid or blank walls between openings for windows or doors that exceeds 20 feet.

At least four of the following items must be incorporated into new or modified building facades:

1. A functional second story with a floor area that is not less than 40% of the floor area of the ground floor
2. A storefront design with clear glass windows offering views into the building interior composing a minimum of 60% of the ground-level wall area up to 10 feet above finished grade
3. An open porch, arcade or gallery at least 6 feet deep that extends along no less than 40% of the façade
4. Permanent awnings (vinyl or plastic awnings are prohibited), overhangs or trellises over the ground floor windows
5. One or more dormers or cupolas, which must be proportional in size to the building, relate to the size and placement of the windows below and break up the mass of a large roof expanse.
6. A cross gable or ell, which must not be less than 24 feet wide or 30% of the façade, whichever is less, and which must project from or be recessed behind the wall plane at least 4 feet.
7. Wood-clad exterior with corner board trim
8. Stone construction
9. Shutters that are appropriately sized and hung so as to appear functional (able to be closed and cover the window opening)
10. Vertical windows (taller than they are wide), which may be combined to fill a horizontal opening
11. One or more bay windows

Add Administrative Review before (or in place of) Section 4304 Site Plan Review

Section XX Administrative Review

XX.A Applicability. To streamline the permitting process, the Zoning Administrator may review and approve land uses and activities as specified in Section 2101.C pursuant to 24 V.S.A. § 4464(c).

XX.B Application Requirements. An applicant shall submit a complete application along with the accompanying site plan, associated fees, and all necessary information about how the project meets the review criteria.

XX.C Review Criteria. All developments subject to Administrative Review must meet the following review criteria:

- 1) Adequacy of traffic access and circulation for pedestrians and vehicles;
- 2) Landscaping and screening;
- 3) Protection of the utilization of renewable resources;
- 4) Exterior lighting;
- 5) Size, location and design of signs;
- 6) Performance standards (Section 3105); and,
- 7) All other applicable provisions in these Bylaws.

XX.D Decisions. The Zoning Administrator will confer with the Development Review Board Chair before granting administrative approval. No new development shall be approved that results in an undue adverse impact under any applicable standards set forth in these Bylaws. No amendment issued under Administrative Review shall have the effect of substantively altering any findings of fact of the most recent approval. All decisions, whether to approve, approve with conditions, or disapprove an application under Administrative Review shall be based upon the review criteria in these Bylaws.

XX.E Appeal. Decisions rendered under Administrative Review are subject to appeals under Section 4402.

XX.F Referral to Development Review Board. The authority to render an administrative decision does not mean that the Zoning Administrator is required to do so. The Zoning Administrator may refer any application to the Development Review Board where board review or interpretation is appropriate or necessary. In such cases, the applicant shall be responsible for any additional fees or submittals needed for board review.