

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **August 15, 2022, Minutes**

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

6 **Staff Present:** Preston Bristow, Zoning Administrator/Town Planner, at Town Hall; and Susan
7 Bailey, Recording Secretary, via Zoom.

8 **Citizens Present:** Bill Lindsay, Doug Curtis, George Bellin, and Arne Jonynas at Town Hall;
9 Nancy Flint-Budde, Steve Mancuso, Jason Rasmussen of Mt. Ascutney Regional Planning, Paul
10 Martorano and Peter Paggi of Windham & Windsor Housing Trust, Edward Grossman, Hugh
11 Pennel, Eva Ryan, Zigza, and Cynthia Prairie of Chester Telegraph via Zoom.

12 **Call to Order**

13 Chair Hugh Quinn called the meeting to order at 6:30 p.m.

14
15 **Decisions Made:**

- 16
 - None.

17 **Action Items:**

- 18
 - Community Survey draft will be reviewed at next meeting where there is time available.
 - Jason Rasmussen will follow up with the board about the website capabilities discussed.

19
20
21 **Agenda Item 1, Add or Delete Items on the Agenda, if necessary.**

22
23 Hugh asked if there were any changes and there were none.

24
25 **Agenda Item 2, Citizens Comments**

26
27 Hugh asked for comments for items not on the agenda.

28
29 Steve Mancuso tried to shake the tree for the Planning Commission's benefit to no avail and said
30 they may want to consider bringing the workshop to the business community rather than the
31 business community coming to them.

32
33 **Agenda Item 3, 2nd Bylaw Modernization Workshop with Windham & Windsor Housing**
34 **Trust**

35
36 Hugh handed the meeting over to Jason Rasmussen of the Mt. Ascutney Regional Commission
37 who introduced Peter Paggi and Paul Martorano of the Windham & Windsor Housing Trust, which
38 was formerly the Rockingham Community Land Trust that they purchased several years ago. They
39 are the housing provider in this part of Vermont and have developed several affordable housing
40 projects. They were present to speak about their perspectives on housing and what it takes to
41 develop. The goal was to inform the zoning update process about ideas to consider when amending
42 zoning for the benefit of housing.

1
2 Peter Paggi said he had given a presentation about 10 months ago and the recording from it was
3 available on the Windham Regional website and was a more complete version of what he was
4 going to talk about.

5
6 Peter Paggi gave a brief history. They started in 1987 in Brattleboro as The Brattleboro Area
7 Community Land Trust in response to the imminent loss of naturally occurring affordable housing
8 or loss of buildings acting as housing for low- and moderate-income people without restrictions
9 tied to it in Brattleboro. It was buildings located along Canal Street and slated for demolition to
10 build a strip mall. A group of concerned citizens got together to try to preserve it and that was how
11 The Brattleboro Community Land Trust was founded. It coincided with the Tax Reform Act of
12 1986 and the founding of The Vermont Housing and Conservation Board. Those pieces of
13 legislation represented a shift in how affordable housing was funded throughout the country. The
14 project along Canal Street became synonymous with some of their earlier work. In 2011, they
15 acquired the assets of Rockingham Community Land Trust to become the Windham & Windsor
16 Housing Trust extending their footprint into upper Windham and Southern Windsor County. Their
17 homeownership program extends throughout the entirety of Windsor County, but their rental
18 development stops essentially in the Town of Windsor. North of Windsor and into the Upper
19 Valley, rental housing development is done by Twin Pines Housing, a non-profit with a similar
20 mission to Windsor & Windham Housing Trust. In the approximately 35 years since they were
21 founded, they now have over 800 units of permanently affordable rental housing, a homeownership
22 center, and they develop affordable housing, but the model has adapted over time.

23
24 Peter continued saying development is a team sport that involves developers and planning and a
25 tremendous amount of input from various finance and funding sources at both the federal and state
26 level. A SMART planning process can help guide development in a way that most benefits the
27 town and its residents, which includes having a well-integrated town plan, providing guidance to
28 zoning administrators, DRBs, and selectboards, which can help provide a foundation of support
29 for SMART development. Strong municipal support can lead to strong financing applications for
30 development so having the integrated process benefits everyone. SMART planning leads to smart
31 community growth. It is great towns are undertaking these processes currently and they have
32 spoken with several towns.

33
34 One of the big things they look at when they develop is zoning. Development is a very risky
35 process even in the non-profit world. They hear that non-profit organizations have access to
36 funding that private developers don't have, which isn't 100% accurate. They spend anywhere from
37 \$50k to \$500k on a project before funding is fully committed which is all at risk funding so they
38 try to limit their risk as much as possible. Their mission is to develop housing in their entire service
39 area, so they do assume the risk but must be smart about where they apply their financing and their
40 capacity.

41
42 The first thing they look at for multi-family rental housing is where it's an allowed use. In most
43 communities, including Chester, single-family zoning is by right in most districts and multi-family
44 housing is a conditional use. That creates regulatory roadblocks which equals risk and the chance
45 of an appeal which slows down the process. They look for areas that have a clear path.
46 Occasionally duplex and triplex development may be a permitted use, but modern development

1 trends have pushed them into larger single multi-family buildings. It's generally less expensive to
2 build that way, operating costs are lower, and overall, it's more financially efficient. Conditional
3 use review adds a layer of review and potential appeal that all adds to the risk of development. He
4 suggested the Planning Commission consider where they would want potential density and would
5 it make sense to have more permissive zoning districts in that area. Chester has a designated village
6 center and is that where they would want growth, as well as some of the neighborhoods outside
7 the Village Center? And would it be possible to have zoning that allows different types of uses and
8 not just single-family as a permitted use? Peter said there are different ways to accomplish that,
9 whether it's form-based zoning, permitted use with site plan review, or having a design review
10 overlay. He wasn't going to say which was best and they would work within whatever frame
11 communities decide are best but having a permissive zoning path makes it easier and removes
12 more risk from multi-family development. It was a great way to make sure your Main Street is
13 lined with buildings and activity and your density is where you want it.

14
15 He had a site plan for a 26-lot subdivision on 150 acres. It was an Act 250 permit in Brattleboro
16 from about 15 years ago. It was estimated that 77 people would live on the 26 lots and 150 acres.
17 They completed a building in Brattleboro in the Urban Center District which does not have a
18 density requirement and is in an area where they are actively aiming for residential density, and
19 they have 23 housing units on a 9000 square foot lot. It is a good example of Brattleboro wanting
20 residential density in their urban center and downtown core and they have zoning to help support
21 it. Density goes hand in hand with the discussion about where you want permitted uses and
22 conditional uses.

23
24 Windham & Windsor Housing Trust has done scattered site development in the past. The 6-unit
25 building on Depot Street was financially tied to another 6-unit building in Bellows Falls. It was
26 done in 2012 and since then, costs have skyrocketed. It is more financially feasible to develop
27 more units on single lots. That scattered site model used to be reasonable but modern trends are
28 pushing them towards developing larger buildings on smaller lots. Zoning can impede building at
29 that scale, whether through minimum lot sizes or residential density calculations known as
30 dwelling units per acre that can limit what can go on a piece of land. He questioned if they wanted
31 lots that could only have 20% or 30% coverage or lots that were essentially zero lot lines which
32 would make sense in a downtown core. They may want to look at it closer for a village center. He
33 thought they should consider what kind of neighborhoods they wanted to incentivize and create
34 them while creating zoning regulations. A lot of work around the state is going into building
35 walkable and compact communities and residential density only helps that.

36
37 The last item they consider which informs what they can do with any given piece of property is
38 they closely look at parking and we live in an area that requires vehicle ownership. Cars take a lot
39 of room to store, and parking lots take up a lot of real estate. As a developer, they try to limit the
40 amount of space parking lots take up. They have strategies they can implement such as covered or
41 underground parking, but they are generally expensive. They do them where they make sense such
42 as a larger building. They are currently working on a development in downtown Windsor that has
43 covered parking, but not underground. It is a 30-unit, four story building that may not make sense
44 in Chester Village. They have a building in Guilford Center and due to the nature of the property,
45 which is built into a hill, they were able to capitalize on that and build some parking into the hill.
46 There are a few ways the town can help to incentivize development and one is to provide public

1 parking. Towns don't often think about it in this way, but public parking can be viewed as a utility
2 like water and sewer. You can decide where parking is, and you don't end up with private parking
3 lining your Main Street but buildings and activities and parking where it makes sense. Towns are
4 also able to charge for parking which can be helpful. In their experience, they need one parking
5 space per dwelling unit. On average, they have one car per dwelling unit. Most zoning they see is
6 1 ½ to 2 cars per dwelling unit. He thought Chester was 2 cars. In that case, they may end up with
7 a half empty parking lot which represents cost of project, real estate that could have gone to
8 residential space. The intent is clear that you want residents and guests to have the ability to park
9 on site but a lot of times they end up with dead space. They consider areas that have permissive
10 parking requirements. A lot of places allow for use of on street parking or public parking as part
11 of the parking requirements or develop parking management plans to address parking that gives
12 them leeway in how they design their sites. Peter uses Brattleboro a lot because much of their work
13 is focused there. Early on, Brattleboro discouraged private parking because they want to control
14 where their buildings and parking go to maintain activity on Main Street, and it dictates how the
15 urban center looks and operates.

16
17 Those are the 3 big areas they look at. They look at density requirements; what's allowed in the
18 zoning regulations in terms of permitted and conditional uses and site plan reviews; and parking.

19
20 Other areas they look at are infrastructure and Chester is off to a great start with water and sewer.
21 They look for good sidewalk and transportation infrastructure. Public transportation across the
22 state is a challenge. As part of a good planning process, if you're able to work with any public
23 transportation authorities, that's always a benefit to have. They also look at public parking
24 availability and state designated SMART growth areas. Chester has a designated Village Center
25 which is a good start. They look at other SMART growth areas. The one most relevant to Chester
26 would be a neighborhood development area. Neighborhood development areas are a planning area
27 that surround a village center and extend about a quarter mile outside the village center boundary
28 and provide certain relief for developers to incentivize development, which includes potential Act
29 250 relief, there's state permitting cost relief for water and wastewater. It gives towns priorities
30 for certain grants, especially community development block grants. The way towns can apply for
31 and get these designations is through having certain zoning requirements that are permissive to
32 dense development in areas that make sense, like around the village core. They are trying to
33 incentivize development to keep within historic development patterns and develop in areas that are
34 already impacted and make sense rather than going out into some of the larger more rural zoning
35 districts and trying to prevent parcelization of those districts. A town that has a neighborhood
36 development area is a great signal to them that the town has had a SMART planning process with
37 zoning that is really trying to achieve a lot of the goals they are trying to achieve, and their funding
38 sources are trying to achieve so they know if it will be easier to attract funding and financing for
39 projects in these areas.

40
41 Peter suggested other ways to attract funding to your town was to read through some of the state
42 priorities and guiding documents, including the State HUD Consolidated Plan, which is completed
43 and published by the Agency of Commerce and Community Development and specifically for
44 Windham & Windsor Housing Trust developments, the Qualified Allocation Plan, which is a plan
45 developed by the Vermont Housing Finance Agency and signed off by the governor and approved
46 by the IRS. It guides the housing tax credit program. They are two good documents that outline

1 state goals for development and can help guide towns with their planning to help incentivize
2 communities. The State Consolidate Plan can be found on the ACCD website and The Qualified
3 Allocation Plan can be found on the Vermont Housing Finance Agency website.

4
5 Peter stated that he works with larger scale rental housing development. A lot of towns have
6 interest in rehabbing some multi-family buildings that already exist and there is a current state
7 program called Vermont Housing Incentive Program that is incentivizing private landlords to
8 rehab those units. Paul would talk more about it.

9
10 Paul Martorano spoke about the Vermont Housing Improvement Program, which is a grant
11 program funded by the American Rescue Plan from the Federal Government. It was initially a
12 program for rehousing funded by the CARES Act and the premise of the program was to house
13 people exiting homelessness or who were currently homeless in what they called The Coordinated
14 Entry Program. That fundamental idea is still part of this program except the definition of
15 coordinated entry has expanded. The main goal of the program is to house folks that are generally
16 challenged in finding housing. The program goes through the Windham & Windsor Housing Trust
17 through the Homeownership Center. A homeownership center is about homeownership and single
18 families buying homes, but this program is for rehabbing units. If people have vacant units, there
19 are grants from \$30,000 for zero to two bedrooms and three bedrooms can get up to \$50,000. The
20 grants have a 20% owner match and there are limits for the property owner. For thirteen units, you
21 can get up to thirteen grants as an individual property owner for rehabbing existing units. The
22 program has been expanded to include new units. He has a few in the works currently. People are
23 purchasing commercial properties and converting them into residential units. He's finding it can
24 be a nice way for towns to gain residential housing. He said someone had just purchased a feed
25 store and they were going to split it into six units. For new units, it's \$50,000 with no minimum
26 number of bedrooms due to the extra cost to convert the space which is mainly water and sewer.
27 It is subject to tenancy requirements. The tenancy requirements are once you get an occupancy
28 permit from the Department of Fire Safety and you work with the continuum of care which in
29 Chester would be Springfield Supported Housing on Main Street. They work with the property
30 owner to try to find a person who might fit, and the property owner has a right to review the
31 application just like they would any application, so it isn't like they just assign someone. The
32 homeowner can have restrictions within the law, such as no smoking. Paul tries to get that going
33 while the project is in phase so there's plenty of time to try to find a good match. After the
34 occupancy permit is issued, Paul does an oversight of the project and once it's complete, he reviews
35 it and does his final visit. There is one month you must continue to work with the Continuum of
36 Care. If there's some reason you still can't find a tenant, there's an option to petition The
37 Department of Community Development to go out of the Continuum of Care to find a tenant. The
38 option is there so it won't become a stonewall you can't get over.

39
40 The program is also funding accessory dwelling units. The current problem with accessory
41 dwelling units is the definition is vague so there are several questions about it on the table. If
42 someone has a primary residence where they live and want to convert their barn or garage or add
43 a unit inside their house, it's an accessory dwelling unit. There are spatial limits, and the state has
44 a fundamental definition. Towns can create additions to the definition in their bylaws. You can get
45 up to a \$50,000 grant for ADUs because of the extra cost. ADUs are not required to find a tenant
46 through the Continuum of Care. But if anyone receives a grant from the Vermont Housing initiative

1 program, they sign a covenant and for five years, and it either has the tenancy covenant or it doesn't
2 but it all has the rent cap based on HUD's fair market rent. When the program began, the rent was
3 higher than many people in the area were charging and now with current market rents, it seems
4 lower. The cap is adjusted annually. Part of the rent cap is also utilities, so it's based on full utilities
5 paid by the property owner. If you don't include utilities, the rent is adjusted to account for that.
6 There are no income guidelines to receive the grant and it is available to private owners. Paul
7 hasn't seen it yet, but he didn't see why a non-profit or some other organization couldn't apply for
8 the grant. He knew Chester had several old commercial buildings hanging around. People must go
9 to the town and seek permission from their zoning officer or the town first. All state permits are
10 generally required. That is another issue with ADUs. People are supposed to have an occupancy
11 permit per the federal guidelines but not every town provides one. He is currently trying to work
12 through how to get that occupancy situation resolved because there are concerns with the code
13 enforcement folks. Nobody really has authority over the ADUs. It's just a sticking point and they
14 are eligible. There is a ninety-day vacancy requirement. Another goal of this program is to get
15 blighted or unused properties online or into the market. After the five-year period is up, there are
16 no more restrictions, and they are free to use the property. It's the main program that Paul is
17 currently working with and there is potential for developing multiple units.

18
19 Jason asked if there were any questions.

20
21 Hugh said a lot of the discussions they've had are about where Chester wants to create additional
22 housing and there seems to be a lot of information around the Village Center or surrounding
23 neighborhoods. He wondered if people generally don't try to solve the housing problem by creating
24 housing in rural areas. He wondered if there is something people are doing to create additional
25 housing outside the Village Center or the neighborhood area.

26
27 Peter said the past six developments they have done have been in a designated downtown or just
28 outside a village center. They must follow a lot of the state guidance documents and they are driven
29 more towards previously developed areas rather than rural zoning districts. They try to stay in
30 developed areas. Challenges also arise if you get outside of those designated areas. Challenges
31 arise with Act 250 which isn't insurmountable, and they do it when necessary but it's easier to
32 avoid. Multi-family is often not an allowable use in rural districts. Multi-family, either permitted
33 or conditional, is often not an allowed use, or the density requirements don't allow them to build
34 the density they need in order to make it financially viable and there's a lack of infrastructure, in
35 terms of water and sewer, which for them is a showstopper. If there's no water and sewer available
36 for multi-family, they can't make it feasible – water especially. If they had a great opportunity that
37 hit all the boxes except that they needed to put a septic in, they might look at it but there would
38 have to be no other opportunity available to make that work. Those are the reasons they look more
39 towards previously developed areas.

40
41 Paul added it could potentially be a good use for the VHIP program. Sometimes someone may
42 have an old barn they're not using that's structurally sound and in good shape. He would ask to
43 have an engineer look at the property and make sure it can be done. It may be a good opportunity
44 to have a barn converted to 4 units in an outside of town space but as Peter mentioned, one of the
45 issues they've had in the past is trying to rent to people who don't have transportation and there's
46 not always public transportation available. He's had issues trying to fill units in the Wilmington

1 area which has the MOOVer coming through there, but people were reluctant because of the
2 distance from Brattleboro where all their services were. There is potential for this program to fill
3 that gap. There are hurdles that may need to be cleared such as the capacity of the existing septic.
4 On a smaller scale, it's more possible if someone is willing to invest in the project. He shared his
5 web page where applications are available for the program.
6

7 Peter noted that when he comments on things, it's the larger multi-family development that
8 Windham & Windsor Housing Trust is involved with. He thought solving the housing problem in
9 Vermont was a multi-pronged approach. It needs larger development but there's plenty of
10 opportunity for smaller development and that is what Paul works with.
11

12 Jason agreed with Paul that it was a scale issue, bigger stuff downtown and smaller ADUs and
13 barn conversions to a couple units rurally.
14

15 Steve Mancuso noted that the Town Plan and the State's document, Guiding Principles, allude to
16 infrastructure without defining it. Infrastructure is several things and more than water and sewer
17 but three phase power. Chester's Town Plan, along with Enabling Better Places, alludes to
18 commercial growth following infrastructure and it's not being done in Chester. There are plenty
19 of places where the infrastructure goes where it has shut out any kind of commercial growth. Steve
20 thought they may not realize that Chester has gone from a zero-growth town to a negative growth
21 town. They don't have developers knocking on their doors. There are a lot of factors, but the
22 bylaws are one. He wanted to see things lighten up for that growth to happen outside of the village.
23 The parking, sound requirements, and signage, and there was a lot going on with the bylaws, which
24 were 300 pages. They don't even read it but just go to the next town. He asked them to take that
25 into consideration. Jason told Steve he was speaking with the Planning Commission about that.
26

27 Jason noted Chester had a height restriction of 35 feet in part due to there not being a ladder truck
28 for fire. If Chester would realistically allow for affordable housing, how many units should they
29 consider and what would make financial sense for Windham & Windsor Housing for a project?
30 He asked if Chester should consider a 10 unit building or what was the scale they should consider?
31 Peter Paggi said that was a great question and it was almost a little challenging to answer now. He
32 was sure people were aware that construction costs have been haywire over the past couple of
33 years. Historically, they have looked to develop between 20 and 25 units as a standard which
34 generally provides a good cost per unit and a good enough cash flow for the operations of the
35 building. Their operating budget needs to sustain the buildings for 20 to 25 years before they do
36 any major rehabs. They will do capital needs in the meantime, such as room painting, replacing
37 mechanical systems as needed. Their goal as a housing non-profit is to keep the rents as affordable
38 as possible for their residents but they also need to make sure the housing has enough cash flow to
39 sustain itself and one of the ways to do that is increase the number of units. As construction costs
40 have increased over the past 2 years, 20 to 25 is looking more like 25 to 30. They have been
41 working in communities where there's a market for 25 to 30 rental units, so it hasn't been an issue
42 to move up. They would still consider a project if they could get in the 20 to 25 range but with
43 increased costs, it's not a guarantee it would work. He didn't believe Chester zoning had a dwelling
44 unit density calculation which was a good start because a lot of times that limits what they can do
45 with a property. It didn't look like Chester had that. Chester has relatively large minimum lot sizes,
46 such as 25,000 feet in the Village Center, which is larger than they typically see, so that may be

1 one thing to consider. It was one thing that stuck out to him while looking at the zoning. Jason said
2 they would look at it.

3
4 Tim asked Peter Paggi about site plan review as opposed to conditional review and what were the
5 advantages or disadvantages from a developer's standpoint and were there any risks from a
6 municipal standpoint? Peter said if multi-family was a permitted use and there was no conditional
7 use review, it provided a clearer path toward an unappealable permit. If it's permitted with site
8 plan review, that will give the town an opportunity to weigh in on things like landscaping and
9 parking requirements rather than a developer just getting a permit from a zoning administrator and
10 having at it. Peter thought it seemed like a good compromise and would give a developer a clearer
11 path toward getting a clean permit while giving the town the ability to review aspects of the site
12 plan such as things like landscaping and parking requirements and line setbacks.

13
14 Peter Hudkins said that Rockingham Land Trust came before the DRB when they rehabilitated the
15 6 unit building in Chester. One of the things they said was they needed more units. Peter Hudkins
16 was hearing from Peter Paggi that for them to even consider rehabilitating an existing building,
17 they were looking for 20 to 30 units. Peter Paggi said that was correct. He said there were always
18 exceptions to the rules such as a building was donated that required the typical amount of work or
19 was for sale and was up to modern code and didn't require a lot of work. Typically, rehabs are
20 more expensive than new construction, especially in a lot of the buildings they are looking at. With
21 the cost of construction, it doesn't make sense to consider 6 to 10 units anymore. Jason said they
22 were focused on the zoning piece to examine the zoning and make it work and make the process
23 more streamlined to get what the town wants. It wasn't everything so when it comes to getting a
24 housing project done, zoning will make things easier. Jason thought sometimes you need revolving
25 loan funds or for the town to own a property and give it away for free, or something to sweeten
26 the pot and make it make sense. Jason thought they needed to talk more about other things and not
27 just zoning.

28
29 Barre thought Chester was unique in that it's difficult to live here if you don't have transportation.
30 He's tried to get some art kids to move into his building because they'll work cheap. If they don't
31 have cars or transportation, they don't want to live here. Barre didn't see the town getting a bus
32 for people either. He thought it would be great if they could do this zoning wise. He said it was
33 obvious they needed housing and employees and he thought they had closed Smitty's early again
34 the other day because they didn't have help. He thought they had more hurdles than Brattleboro
35 that has infrastructure and they can do some of those things. Barre thought it would be nice if some
36 people in the community stepped up and were helpful. He didn't know if they could identify some
37 available lots in town where someone could build. He noted there was the space next to him and
38 he thought there was one on 11 and 103 next to the Post Office. He didn't know how many open
39 lots there were around town. He wondered what Chester's biggest one structure dwelling that has
40 people in it was. He thought possibly the old school and wondered how many units were there.
41 Arne guessed 18. Barre thought a 20-unit structure would need to be as big as that school so it
42 would be a big architectural addition to town. Barre asked what the biggest risk was in trying to
43 accomplish this.

44
45 Peter Paggi said spending money to make sure a project is feasible. They try to limit it early on
46 and try to get good information without spending a lot of money. An architect is required, do a

1 schematic design, and a cost estimate for construction which all adds up. If you spend 50,000 or
2 75,000 dollars, you get a concept that works, go to local permitting, and the entire town supports
3 it except one neighbor who can spend \$275 to appeal it to the environmental court and stop you in
4 your tracks for a full year. It's difficult to deal with on the developer's side. It's a good reason why
5 it's structured that way but can be an abuse of the public process. Thankfully it doesn't happen too
6 often but is a large risk the town can help mitigate with a good planning process that has a town
7 plan and zoning that supports development in certain areas. They want to do it in a way that works
8 best for Chester but helping minimize the potential risk to a developer is key to attracting
9 development to your town. The financial risk is the big risk for them. Jason thought some of the
10 conversation about streamlining the permitting process, if you're in the Village Center or the
11 surrounding area and can make a multi-unit dwelling go through something like a permitted review
12 process, it can still be appealed but it goes to the DRB and makes a clearer path for a developer.
13 Jason suggested they consider the scale of a project that would work, like 20 units, and where it
14 would go and would it make sense. He thought it was something they should consider over the
15 next few months.

16
17 Steve Mancuso wanted to back them up. He asked if they were aware of the dollar solution which
18 is popular in the urban areas. Municipalities tend to collect dilapidated buildings, foreclosures,
19 natural disasters, and whatever. They offer them for a dollar and the deal is they will hand over the
20 deed in 4 or 5 years if they can be brought up to code. He said Chester had several buildings slated
21 to fall over and the Jeffrey Barn was one of them. It's consideration for the town to keep something
22 on the grand list rather than having it fall over. Jason agreed that was another way to get things
23 done by having the town give away or sell for cheap property it acquires.

24
25 Cathy Hasbrouck assumed Jason had details of Peter and Paul's presentation. She asked if they
26 could get copy of the details. Jason would follow up with them. Jason thought one of the ways to
27 solve the housing problem or chip away at it was for homeowners to become housing developers.
28 He suggested they talk with Paul about his program to see how it could help them build an
29 accessory dwelling or something else. Jason suggested they think about parking, density, land uses,
30 and review processes which Peter had talked about. Jason encouraged them to consider the
31 neighborhood development area designation as they are working on zoning. Cathy said they had
32 looked at it once and concluded that geographically it didn't work in Chester. Peter Hudkins said
33 they had looked at High Street. Cathy said they had considered any place and couldn't find a place
34 where it would work. Tim agreed but thought they should look at it with fresh eyes. Hugh asked
35 what part of it didn't work and Cathy thought it was the geography relative to the Village Center
36 and possibly sewer. Tim thought sewer and flood plain. Peter Hudkins added it was the quarter
37 mile and Tim agreed. Barre asked if it was the thing Cheryl Joy Lipton had brought up and they
38 tried to fit in on the other side of the river and Cathy agreed. Barre said he remembered that. Barre
39 appreciated the presentations Windham & Windsor Housing Trust had given and he was onboard
40 with anything they could do to help make it happen. He understood obstacles and hurdles and
41 sometimes little hurdles turn into big hurdles and become deterrents for people so the more hurdles
42 they could eliminate they should because the benefits are great and that's what they were trying to
43 accomplish. It was what planning was all about. He hoped they would be able to help and get it
44 out into the public that these programs are available and there's money out there.

45
46 Cathy asked Paul if he's ever had any kind of organized homeowner/developer organization in

1 town because it looked like that was what would work in Chester. Paul had not yet but said they
2 have corporations and limited liability corporations applying for grants, and it could be anyone
3 who owns a property. He said a group of people could get together and form an LLC and purchase
4 a property with the purpose of rehabilitating properties and be eligible for the program. Peter
5 Hudkins mentioned that Cathy has 3 other places on her property with 4 units and 2 units could be
6 put into the barn. Peter said in Cathy's world, there could be \$50,000 per unit. Paul said if it was
7 a building structure that wasn't used as residential units in the past, they are eligible for up to
8 \$50,000 per unit. Preston asked if Paul had ever dealt with a vacant church being turned into
9 housing. Paul hadn't yet but had seen one in Massachusetts.

10
11 Paul included a direct link to his page in chat <https://www.homemattershere.org/rental-rehab/> and
12 anyone could go there and get his contact information and email him.

13
14 Peter Paggi was glad the Chester Planning Commission had taken this problem on because it is a
15 problem a lot of towns have but they aren't willing to address.

16 17 **Agenda Item 4, BMG Project Website Feedback**

18
19 Hugh said the next item was to consolidate some of the feedback in the different email threads as
20 it related to the website being set up for the bylaw modernization project. He thought everyone
21 had gotten a look at the website and the goal of the agenda item was to collect and reconcile any
22 feedback they would have for Jason and Kennedy. Hugh listed the things he remembered reading
23 per the request of the other members.

24
25 Hugh mentioned Tim's suggestion of renaming the link going to the draft of bylaws developed a
26 few years back. Hugh wanted to remove the link because there had been a fair amount of confusion
27 between the two documents and to reduce the confusion, he would advocate not to include that
28 link in the resources because they had the zoning audit which netted out the gaps. He opened it up
29 for other thoughts. Peter asked if when they did it with a link if they were conducting business.
30 Hugh asked if Peter meant the website itself. Peter said when they were going through links that
31 they were discussing outside of a meeting he wanted to know if it was legal. Hugh said everything
32 currently posted on the website under resources are documents that have already been presented
33 to the public. Peter was saying that if they were commenting back and forth through email threads,
34 they were conducting business. Hugh said they would get to that item in a minute, because there
35 was an item about how they would collect feedback, but he was trying to address the comment
36 about if they would include the draft bylaw document that Brandy had written and should they
37 include it in the project website as a reference document. Hugh was arguing that they shouldn't.
38 He was asking what people thought about it.

39
40 Tim asked if it was a document that Brandy drafted, and they had done a lot of work, so it wasn't
41 just Brandy's document. He followed Hugh's logic and agreed it may clarify better if wasn't there.
42 Cathy thought the zoning audit was much more useful now. Tim was in favor of removing it. Peter
43 thought they were stepping forward in a new direction and it would be difficult to sort out.

44
45 Hugh assuming as the project moved forward and they, as a Planning Commission, create draft
46 documents that would be part of the project. People should be able to find the draft documents and

1 read and provide feedback on them. The idea Jason had put forth as an example was if they
2 provided a way for people in the community to comment about something they read, where should
3 the comment go and how should they handle it. Cathy asked if this was where Peter's question
4 about who gets to comment came in. Peter thought if any of them responded to it, it could create a
5 slippery slope between the open meeting law. Cathy thought they shouldn't respond. Peter thought
6 they would have to have all the comments read into the record. Hugh wasn't wed to anything but
7 said they had the address set up that would send email to him, and he would be happy to have
8 comments come to him rather than the entire commission and he could bring those to a meeting
9 for a discussion. Peter thought they had to be read into the record because a comment sent to Hugh
10 was to the whole commission. Peter argued that by putting a public website up and asking someone
11 to comment, that person would be commenting to the Planning Board as a whole. Tim argued it
12 was feedback on a website and not a meeting. Peter said it was the open meeting law and had
13 nothing to do with feedback on a website. Tim said it was not a meeting and anyone could come
14 to a meeting and comment there. Peter said Hugh could edit the comments before he brought them
15 to the meeting. Tim said Hugh decides the agenda and Peter said that was all he could decide and
16 that he administers the meeting and does not dictate the information. Tim said he can decide what
17 their agenda is and choose from the topics he feels are pertinent for them to discuss and that any
18 resident is welcome to come to a meeting if their comment hasn't been discussed and present it
19 publicly and it wasn't censoring.

20
21 Cathy asked if it was anything like letters to the editor in the local newspaper because Jason is
22 putting the website together and they're not administering it. Peter believed the way it was
23 structured was they were comments to the Planning Board, and they are a public body and have
24 no executive or private session, so it meant the comments were all public record and had no right
25 to executive session. Cathy asked if the comments could be read by anyone who opened the page.
26 Peter felt they were becoming part of the public record by being brought to the meeting. It didn't
27 make sense to Cathy. She questioned if they would have to read aloud anything that was written
28 by anyone at the meeting.

29
30 Preston said they wouldn't need to be read aloud at a meeting but suggested if it was a comment
31 to the Planning Commission, it be printed and brought to the meeting. Preston recommended there
32 be a notice on the website that anything written on there could be brought to a public meeting and
33 was not private.

34
35 Barre asked if what Peter was saying was true in part or whole. The idea would be to not have the
36 comments addressed to the Planning Board. It would be set up as a public discussion amongst the
37 public where they could communicate with each other like on Facebook and it would be social
38 media administered by Jason's people and not the Planning Commission. Hugh thought it was
39 worth discussing. He suggested they pretend that people could read draft documents and just like
40 comments are made on an article in The Telegraph and people can read and comment and there's
41 no way to respond directly to a comment other than leaving your own comment, it was one
42 approach. The approach that says everyone leave a comment and it just comes to an email address
43 and the person who receives it shares them by bringing them to a meeting. Hugh thought they were
44 two fundamentally different approaches. One was just leave it on the website and whatever will
45 happen, happens. He wasn't necessarily against it but wondered if the website could support that
46 commenting model or if it wasn't that sophisticated.

1
2 Tim thought the challenge with that kind of model is it would need administration because it could
3 get out of hand. He wasn't speaking for The Telegraph but suspected there were comments that
4 they deleted.

5
6 Sue read a comment left by Cynthia Prairie: "As an example from the Green Mountain Care Board
7 website, "Public comments are Public Records: All public comments received by the Green
8 Mountain Care Board, whether posted to the Board's website or sent only to Board members/staff,
9 are "public records" under Vermont law. This means that, absent a specific exemption under state
10 law, any member of the public may access the Board's public comments by submitting a public
11 records request." The board adds: "Posting of Public Comments: The Board will not post public
12 comments on its website where it determines, in its discretion, that the comment contains
13 inappropriate or offensive language.'" Hugh summarized what he heard. If someone were to
14 comment on some draft work, then that is available if someone made a public records request.
15 They would have to provide that comment back to them. Cathy added that the Londonderry site
16 has the capacity to show comments and asks for them and there are a lot of comments available to
17 look at. She assumed you could just type a comment and it would sit there open to public view.
18 Barre asked when the training session for Open Meeting was. Cathy thought the third week of
19 September. Barre didn't want to get in on it because he didn't want it to be a matter of opinion.
20 Barre said Peter believed it to be factual and Barre didn't want to comment because he didn't have
21 the knowledge about it and would be making an opinion. If it was a town attorney thing or they
22 needed to get facts, they should do so. The whole process was started to get feedback so if they
23 are in a position that it's a problem, how do they deal with it. He suggested they get a solution for
24 it if that's their goal. Peter thought people could comment to the email address and it would all be
25 distributed to the Board. Peter noted what Cynthia had said that it was all public record. Peter
26 thought doing it that way would eliminate feedback from multiple parties. Barre wanted to be clear
27 about what was happening. If someone makes a post or comment on the website, it would be cut
28 and pasted and printed and included in their packet where they would discuss them in the structure
29 of the meeting. Preston was thinking about it and said anyone can email any of them. It's public
30 information and he thought the open meeting law would be applied if they want to respond. They
31 would need to have a discussion like they currently were.

32
33 Hugh asked Jason to weigh in. Jason thought there were a couple of things there. What they were
34 initially hoping for with the website was to provide a place where drafts of documents as they work
35 through them are available for people to read and inform people so they could stay engaged and
36 read what they are working on and provide comments. Initially, comments could be just as simple
37 as sending them to an email address. It was important to Jason that they read the comments and
38 consider every one of them, but he was also hearing maybe a blog or something similar where
39 comments would be available for all to view. He needed to check if that was possible. Jason noted
40 that his organization asks people to review draft documents on their website all the time and he
41 doesn't get overwhelmed with comments.

42
43 Barre thought what Jason had said helped to clarify things. If the information is out there, there's
44 a difference between sending a comment to the Chair of the board or firing something off for
45 everyone to see that is going to get people riled up and that was where the fear lied. He thought
46 with respect to what Peter was saying, if they all get involved in that and they all comment, it's an

1 open meeting law violation. He thought they needed to decide if a blog was appropriate but maybe
2 it wasn't because they didn't necessarily need everyone to see what everyone's opinion was. Their
3 goal was to get feedback but if they had a destination for it and it was one email and if it's
4 deciphered through because someone had the time to do that, because it wasn't much anyway and
5 then the pertinent ones would come to the meeting they will know what's going on and they will
6 achieve their goal. Hugh wanted to do that.

7
8 Hugh noted that, per Barre, the website didn't work if it was accessed from a mobile phone and
9 wanted an app installed. Barre noted that he does almost everything on his iPhone and because he
10 has so many apps, he didn't want to download another. It was a hurdle for him, and he thought
11 anyone else trying to access it from their phone might be discouraged. He didn't want them to do
12 more work than they had to but thought it was worth checking out. Jason wasn't aware and would
13 check it out. It is a free website so it's not all that sophisticated. He would check and see and would
14 try to fix it. Hugh also had the same experience as Barre. It worked fine with a computer but not
15 with a mobile device. Jason would follow up and let them know if there was a way to do that.

16
17 Tim suggested a unique email address. If there is ever a records request, it would all be in one
18 place. Hugh agreed and would look into it. He thought there was a cost.

19
20 That was all Hugh remembered reading from those who responded. He noted that there was a
21 "Let's Chat" function on the web page and thought it should be removed. Tim didn't like the black
22 text on the white block over the beautiful picture of Chester. He thought possibly color would fix
23 it. Tim mentioned the "Get Involved" heading and Jason asked what they would want under it.
24 Tim suggested coming to regular meetings, add the Zoom link, send us your thoughts with the
25 email address posted there too. It was decided to keep it simple.

26
27 Jason asked what documents should go on there and when. Should the short-term rental, legacy
28 use provisions, etc.? Cathy noted the short-term rental was an ordinance and not a bylaw so they
29 wouldn't want to put it there but maybe acknowledge it. Tim suggested referencing it with a link
30 back to the town website. Hugh said he didn't want the project website to look like it was taking
31 the place of the Planning Commission website/page. He wanted to keep the scope of the documents
32 related to the work done under the grant. Or because it was generally around updating the bylaws,
33 it would be a good place to put the other things like Village Green, legacy use, and moving forward,
34 it would be a great place to aggregate that stuff. Tim agreed and said meeting minutes and things
35 like that would remain where they are. Cathy suggested a calendar of related meetings. Jason said
36 there was a rudimentary schedule page that could be expanded as appropriate. Jason thought they
37 should continually keep it up to date as they go through this. Tim thought the workshops should
38 be included. If they forwarded something to the Selectboard for their review and public hearing, it
39 should be included. Jason thought it sounded good to him.

40
41 Hugh thought if they kept the site related to work in progress as it related to updating their zoning
42 bylaws, the workshop collateral, and any other resource that fits into that lane of work, if they just
43 used that as a guidepost, he thought they would be okay. They want to make sure they don't turn
44 the website into something that starts to get confusing about its goal and intent. He thought they
45 should keep it tight. He also thought there should be a link to the Planning Commission page from
46 the town website that takes you to the Project Website.

1
2 Tim thought with respect to the timeline, the newest dates should be at the top and the oldest stuff
3 be pushed off the bottom of the page.

4
5 Jason asked if there was anything else and there was not. Jason said it was a work in progress and
6 they were more than willing to either pull the plug if it's not helpful or make changes as appropriate
7 throughout the project.

8
9 Tim said it looked fantastic, including the photo selection, resolution, layout, and it was inviting.
10 Kudos to the designer. Jason said a lot of credit went to the photographer who worked on the Keys
11 to the Valley project which is where the pictures came from and Kennedy in their office, who did
12 everything else.

13
14 Because it was 8:15, the community survey was deferred. Tim introduced it. Hugh noted the next
15 regularly scheduled Planning Commission meeting is on a holiday so they could skip it or
16 reschedule it for Tuesday, the 6th. Hugh noted there was a meeting on August 22nd to hopefully
17 finalize the short-term rental ordinance draft. The next meeting would be Labor Day so they could
18 skip it or reschedule. Tim suggested the special meeting include the lower priority below it and if
19 they get through at a reasonable hour, they could take up the survey. The only changes from August
20 1st were some formatting and some typos. He thought if people read it ahead of time, they could
21 get through it quickly. He really wanted to get it out there.

22
23 Hugh said they would add the survey to next Monday's meeting and at the August 22nd meeting
24 they will decide if they need to meet the first week of September. Cathy noted that otherwise, they
25 wouldn't meet until September 19th. Barre asked if there was another thing with Jason in between.
26 Hugh said it wasn't scheduled yet but they have been trying to have one a month so it was likely
27 sometime in September there would be the next workshop. Cathy noted there was nothing in the
28 pipeline for the DRB. Preston agreed and said there was no DRB meeting on September 12th. Tim
29 asked if it was too late to warn a meeting for the DRB. Preston said it was for the DRB. Tim said
30 September 12th could potentially be a date. They will talk about it on August 22nd.

31
32 **Agenda Item 5, Review the Updated Draft Community Survey**

33
34 Moved to next agenda.

35
36 **Agenda Item 6, Review and Approve Minutes from August 1, 2022, meeting**

37
38 Moved to next agenda.

39
40 **Agenda Item 7, Adjournment**

41
42 Tim moved to adjourn, and Cathy seconded his motion. A vote was taken, and it passed
43 unanimously. The meeting was adjourned at 8:20 p.m.