

1 **TOWN OF Chester**
2 **PLANNING COMMISSION**
3 **August 16, 2021 Minutes**

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

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

8 **Citizens Present:** Bill Lindsay, Naomi Johnson, Arne Jonynas, and Julie Hance, Town Manager,
9 at Town Hall; and Steve Mancuso, Cheryl Joy Lipton, Lee Gustafson via Zoom.

10 **Call to Order**

11 Chair Cathy Hasbrouck called the meeting to order at 6:30 p.m. (4:05 on recording)

12 **Agenda Item 1, Review Minutes from August 2, 2021 Meeting**

13 Cathy asked for a motion for review of the minutes. Tim Roper moved to review the June 21st
14 minutes and Hugh Quinn seconded the motion.

15 Discussion included:

16 Tim called attention to the transcript of the meeting, page 5, regarding the discussion about
17 breweries and how they would be handled by the water and wastewater systems. He asked why
18 the specifics of the discussion about how breweries in other towns dealt with wastewater was not
19 included in the minutes. He requested some of dialog be added as he felt it was pertinent as a
20 business development discussion.

21 Cathy said the statute requires the minutes be filed within 5 calendar days of the meeting: that
22 required them being posted to the town website and delivered to Amie by noon on Friday. That
23 only allowed a few days to get the minutes completed. To make it easier, it was suggested not to
24 include so much detail in the minutes. Tim said it made sense but felt that particular discussion
25 carried some weight since everything they were doing was around trying to become more
26 business friendly. There was explanation how that may or may not work for Chester. A lot of
27 people may have interest in establishing a brewery and requested it be added to the minutes.

28 Tim also said on page 6, line 4, he thought he had said he was under the impression the
29 subcommittee decided they would work on coming back with a whole new set of bylaws. He
30 thought the minutes sounded like it was his impression that was the assignment. He asked that it
31 be checked for clarity. He said if he could say it again, he would say he was under the impression
32 the subcommittee had decided to come back with a whole new set of bylaws because that was his
33 impression. It was decided instead of “would” it would say “had decided to.”

34 Tim said on line 17 it mentioned the possibility of businesses not being compliant with the
35 bylaws and whether grandfathering them in was a good idea or not. Tim said he was certain he
36 had said they would be grandfathered in as a part of that discussion. He asked that it be added
37 that he said they would be grandfathered in under the proposed bylaws. Cathy said she recalled
38 they would be grandfathered but whether grandfathering was helpful or not was another
39 question. Tim asked Cathy how she would want to edit it. Cathy said she would say is
40 grandfathering a good strategy and does it help the businesses in the longer term. Cathy said

1 businesses could be grandfathered in as long as they didn't change anything. Tim said he didn't
2 recall that discussion. Barre said that statement was not necessarily logical. Hugh recalled the
3 spirit of the discussion was when thinking about introducing new bylaws to have the awareness
4 of what is in place because creating a set of bylaws that doesn't acknowledge the existing reality
5 is not a good strategy. He said everyone would be grandfathered which would create a situation
6 where everything going forward would be inconsistent with the reality on the ground. Hugh said
7 the general conversation was when doing bylaws, don't ignore the reality of your world and he
8 remembered that was what spawned the discussion on grandfathering.

9 Cathy suggested changing the word "idea" to "strategy." Tim said that worked.

10 It was unanimously approved to accept minutes, as amended.

11 **Agenda Item 2, Citizens Comments**

12 (6:37 PM - 11:51 recording) Cathy Hasbrouck asked for citizens comments on anything that was
13 not on the agenda.

14 There were no citizens comments.

15 **Agenda Item 3, Report on Recent Zoning Activity from Preston Bristow**

16 (6:38 PM – 12:20 recording) Preston reported that Julie, in preparing a hazard mitigation plan,
17 asked him for information on zoning permits, new house permits, and business permits. There
18 was 7 years' worth of data. He took the first 6 months of 2021 and doubled them for the report.
19 The overall trend line is going up but not shockingly so. Vermont went up in every town in 2021
20 because of COVID. He said he thought housing starts had lagged because it takes a while to get a
21 house started. Preston said he had been in Chester for 2 1/2 months and there were fun things
22 going on. He mentioned he had been contacted by folks who want to establish a farm to table
23 café on the Commons where Free Range and Raspberry and Thyme were. A woman wants to
24 open a Victorian tea shop where the Contemporary Art Center and American Legion were at 15
25 Depot Street; a woman wants to open an art gallery at the store front that is Vintage Vermont;
26 and a woman that wants to open a comic book publishing and bookstore at the former general
27 store on Route 103 South, almost out of Chester. He said Baba Louis is developed property
28 approved under the bylaws that allowed it at the time, but has been closed for over 2 years, so it
29 creates a quandary of what to do since the bylaws have changed. The general store where the
30 comic book shop wants to go falls under the same category as it has been closed for more than 2
31 years and zoning has changed. He believed, because the comic book shop proprietor will live
32 upstairs, they could approve it as a home business.

33 Tim asked for details on Baba Louis for proposed businesses there. Preston said there were none,
34 but it was for sale, and he was unable to give a potential buyer options. It had been a restaurant
35 but now a restaurant is not an allowed use. The DRB was able to approve the site for the
36 farmer's market but only as a temporary permit. He wasn't sure a restaurant could be re-
37 established unless it was a home business.

38 Barre asked if they had changed it in the proposed bylaws to make it a larger district. Tim didn't
39 think so. Barre asked Naomi if she remembered, and she said no. Preston said there may be a few
40 similar properties lurking out there they should consider.

41 Barre asked Preston to let the members know if any others came to his attention.

42 Preston said he had only been the Zoning Administrator for 2 1/2 months and there were still a lot

1 of things he didn't know, but those were two he was aware of.

2 Tim said what Preston had mentioned concerning housing starts conveyed some urgency upon
3 the Planning Commission to get its ducks in a row.

4 Preston said it was a small sample that looked like a shocking jump. He said they had 6 as of
5 June 30th so he doubled it but has only gotten one since that time.

6 Cathy said the information provided didn't represent subdivisions. Preston said they were only
7 talking about permits for new construction. Tim said he would be curious to see subdivision
8 requests and Preston said he would provide them.

9 Barre asked if the housing starts were in various places, or what district they were mostly in.

10 Preston said they strike him as scattered, but he could look. He said the business census only
11 included stick houses and there was one mobile home, but he included it.

12 Barre said he had been down Stage Road on his way to Grafton and there were probably 12
13 houses.

14 Cathy and Preston pointed out several other properties in Chester that may have zoning issues.

15 Preston also mentioned the former Chester General Store which was the Pilgrim Gift Shop
16 before that. It used to allow retail store as a use, and he believed the 2014 change eliminated that
17 use. Because it had been closed longer than 2 years, it no longer qualified as retail store use.

18 **Agenda Item 4, Discussion of the Origins of the Bylaw Project and the Intended Scope**
19 **with Julie Hance**

20 (6:47 PM – 21:37 on recording) Cathy started with the memorandum and noted she had
21 highlighted things she thought were interesting or worth thinking about. She asked for comments
22 from members of the Commission. Tim asked if she was looking for questions from just the
23 memo or from the entire packet.

24 Julie said the information all came from her and she had given some of the history of why the
25 Planning Commission was given the direction to look at changes to the zoning bylaws. She
26 offered to reiterate what is in the package. Tim said he was confused with one point from the
27 memo that indicated there was no intent to rewrite the zoning bylaws. He said he looked at the
28 RFQ from September 2017 and there was a statement under project description that the town was
29 anticipating a zoning rewrite. Julie said it was never the intent to scrap the entire document and
30 do a complete rewrite. She said along the way it had become confusing. She knew, because she
31 started the charge on it, that it was never the intent to do away and start brand new. They knew
32 the changes and the amendments would be many and complex. The intent was not to write a
33 brand-new document but to go through and identify the discrepancies since 1974 when zoning
34 was first adopted. When changes were made, they didn't necessarily look at how they impacted
35 the entire document. It was supposed to be a review of the entire document to see where the
36 conflicts were; and then taking Brandi's audit into consideration and picking those things from
37 the audit that the Commission wanted to change and using what made sense for Chester. She has
38 heard a lot about the charge was to completely rewrite the document. It has been going on for 5
39 or 6 years and things have gotten confused, and terminology used that it is not a rewrite but an
40 amended. It was not one person's fault; there have been different boards.

41 Tim said Brandi rewrote and did a lot of work. He assumed she was in contact with Julie and

1 Julie was in contact with the Select Board and everyone was aware of the rewrite. Julie said it
2 was not her job to babysit the Planning Commission, so she wasn't going to do that. Brandi's
3 charge was to work with the Planning Commission and make the changes the Planning
4 Commission felt necessary. David, who was the town manager at the time, did not babysit the
5 process but maybe they both should have. Julie wanted to make it clear there was no judgment
6 on her part but that they must circle back to figure out bylaws that fit Chester. The whole goal
7 was to create a document to help support and preserve where Chester was and move them
8 forward. If there is a way Julie can be helpful as town manager, she is there. But she reminded
9 the Commission that they don't work for her, and she has no authority over them, but she is a
10 tool they can use.

11 Tim said he was frustrated because they had spent three years on a process that they were now
12 being told was wrong. He said a lot of time and energy was put into it. Public hearings were held
13 regarding a total rewrite of the bylaws, and nobody ever said it was not the direction they should
14 go in. He said Naomi, who was at the meeting, may have had a different recollection than he did.
15 Tim said it now felt they were in a position where they must choose between proceeding and
16 trying to make the three years' work viable and work for Chester: its preservation, its history, its
17 feel, and business friendliness, all the things they want: live, work, play. He wondered if they
18 were better off to go back and look at the adopted bylaws and try to revise those. Tim said that's
19 where they are – in a catch 22 and have been for over a year.

20 Julie thought it was important for the Planning Commission to understand they haven't done
21 anything wrong but have gone through their process. Now that the proposed changes are out
22 there and the process, they are getting a response from the community that they don't necessarily
23 agree with it. She said they should not review this as wrong but as part of the process.

24 Tim said he was struggling with the fact there was a lot of good work in the document and some
25 of the things they were objecting to should be revisited and adjusted because they weren't
26 discussed as they were never through the whole document. He felt it had been turned into two
27 factions as to which way to go and that has gotten them into the mud.

28 Barre thanked Julie for being there and said he had sent a letter to everyone thinking about his
29 participation to this point. He said he was the only person who was on the Downtown Master
30 Plan Committee and Planning Commission since the process began. He has been in Julie's office
31 and Arne has come to see him on occasion. When Peter took over as Chair, Barre felt like a
32 dedicated team player but was unsure of their direction. He had respect for Brandi and her
33 experience and felt she was being thrown under the bus.

34 Julie said it was unfortunate because Brandi is good at what she does.

35 Barre said when he came on board, the Chair had 18- or 19-years' experience. He tried to look at
36 what they were doing and give his opinion. They spent time looking at the zoning audit, town
37 plan, and unified development bylaw and assessment to get to where they were going and then
38 there was a change of direction. No document had been presented from anyone outside the board
39 indicating what they had done that didn't support or preserve the town in the way people would
40 like. They are told they're being watched and hear things in the background. That's what is
41 creating his confusion. He feels like he is being puppeted because someone else is making
42 decisions. He said it wasn't fair to the board members. They need to know what's going on and
43 why. He would like to see things get nailed down. Barre apologized for going on and on. He said
44 when he is trying to deal with people in situations that have an emotional element things become

1 black and white, good or bad, right or wrong and there needs to be a lot of gray area. He asked
2 how all their work and the zoning audit they went through could all be bad. He wondered if he
3 really cared as he's getting paid \$500 at the end of year and gets to be a community leader.

4 Julie wanted to clarify she wasn't aware of anyone saying everything he has done was bad. She
5 hasn't heard that and didn't believe he was given that message from the Select Board. She asked
6 if community members had expressed concerns to him about proposals in the bylaws.

7 Barre said he had not had one person in the community come to him and say anything about the
8 bylaws, good or bad. Julie asked if people from the community had attended meetings and Cathy
9 said they had.

10 Barre said he had some things to say about the minutes but didn't want to throw Peter under the
11 bus because Peter was not there. But from his perspective, Peter wanted to toss out the whole
12 thing. And that's where he was getting it from rather than the community. He said when Peter
13 speaks, he appears to have a lifeline in the community telling him that. There may be a small
14 group of people telling him that, but Barre didn't think people are engaged at the level they think
15 they are because they're busy.

16 Julie said that's why they need to get sections of their proposal into the community for public
17 hearings. Tim said they had but Barre clarified she was talking about the public hearings and not
18 the public forums.

19 Tim said what he hears when people address them now is a serious concern the document has
20 grown and a perception that's a bad thing. Tim also didn't want to talk about Peter while he was
21 absent but thought Peter had perpetuated that perception to a great degree. What the DRB had
22 asked them for since they started the process was to eliminate every gray area, they possibly
23 could so they would have clarity on what to do. Tim believed if the document was going to be a
24 good document, it was going to be a longer document.

25 Barre said the other thing they were going to do was put more things in the hands of the zoning
26 administrator to make it easier for people and in doing that, it took many more words because it
27 was necessary to list everything for them to understand. He said 1974 to 2001 was a large
28 amount of time. Barre felt if the biggest argument was too many words, it didn't mean anything.
29 He needs to know what the real problems are. He has some sense of zoning because he's been
30 there. For him, the primary goal for zoning is to help people be good neighbors, maintain their
31 property values, and have things put in the right places. He's not a rules guy and wants people to
32 have freedoms, enjoy Chester, and be able to do things. His goal has not been to make things
33 more difficult.

34 Hugh thanked Julie for her information. As a new member, he found the historical information
35 insightful that Julie provided. He thought the cause of problems, in general, was a step in the
36 transition was missed. The audit was against the adopted bylaws. One logical thing, in Hugh's
37 opinion, was to take the audit done against the adopted bylaws and then update the adopted
38 bylaws. That should provide a roadmap to get from the old to the new and aid in creating a
39 completely new document. Because they went from the audit to the new document, nobody
40 could figure out how to transition from what was in place to the new document. It became an
41 issue of trying to parse two documents: the old and the new bylaws and then trying to weave in
42 what the audit said. For him, he found it very difficult. He thought it would have made more
43 sense to use the audit to make the changes to the adopted bylaws and then sit back and ask if it

1 was good enough or if they needed to create a whole new format and new document.

2 Tim said Hugh had made a good point and asked when the decision was made to rewrite a whole
3 new set of bylaws and who had made it. Julie said she thought it came from Brandi but didn't
4 want to throw her under bus because she is a very intelligent woman. Julie said she could state,
5 with confidence, that Brandi would never have intended to cause problems. She did what she felt
6 was best for Chester. Julie said they never talked about a rewrite. It was a modification – taking
7 the audit and reviewing that with the Planning Commission and making appropriate changes to
8 the bylaws, but not a completely new document. She did so with the knowledge that it would
9 take a fair amount of time.

10 Tim said at some point Brandi started and wrote a completely new document.

11 Julie said the project was handed to the Planning Commission and she didn't babysit it, though
12 maybe she should have. She had attended a few meetings and was told by two members who are
13 no longer on the Commission that she was intimidating the Commission, so she stopped going.
14 She didn't want to interject what the town manager wanted.

15 Naomi said she didn't have any opinions to offer but thought a refresher would be helpful.
16 Naomi looked back at meeting minutes from 2018. In August of that year when the process was
17 started, Julie came with Brandi after she was selected to do the zoning revisions. Brandi outlined
18 her plan which included a series of meetings. At least three would be Saturday work sessions
19 open to the public. She told them when she came back a month later, she would outline when
20 they would meet. At the first meeting, she gave them the proposed zoning district outlines and
21 asked them to think about the proposed uses. When Brandi returned, she told them she had
22 sections 1 and 4 for them to go through. They were a new format and not the old bylaws. Brandi
23 explained there was a lot required by state statute, especially Section 1. Brandi did not go over
24 them sequentially; they focused on Sections 1 and 4 first. A lot was done over weekend sessions.
25 Brandi also gave them an annotated set which showed what she changed and why. Brandi told
26 them she would go through and discuss the changes with the members. Brandi had
27 approximately double the working sessions than what she originally planned. There has been
28 discussion about a complete rewrite. From inception, Brandi gave new chapters that did not look
29 like old. It made sense to Naomi, as a consultant, that Brandi would have started with a template
30 she had used before as a guide to give to a community and then go through it step by step. Naomi
31 said she did not use cookie cutter approach with Chester but something with the basics and
32 customized it for the community. Another reason Naomi was at the meeting was she wanted to
33 point out the document the Commission was looking at from the ACCD wasn't broad for an
34 entire town but focused on neighborhoods for affordable housing. She said while the advice
35 contained was good and may apply in many situations, the phrasing she has heard repeated from
36 that document was an incremental approach should be done for zoning provisions. Chester was
37 looking at broader changes and she wanted to point out there was focus in that document.

38 (7:16 PM – 50:58 recording) Arne stated the process had started in 2017 when the Select Board
39 tasked the Planning Commission with the rewrite of the zoning laws. He understood why they
40 had gone the direction they had and referred to what Hugh had mentioned regarding the
41 semantics because of what was written in some of the documents. He said some of the wording
42 could give the impression the whole document would be brand new. The impression he had,
43 which he thought also included most of the members on the Select Board, was it would be a big
44 change because issues had arisen over the years that were zoning related and weren't able to be

1 spot-fixed but required changes in the zoning regulations. They were aware the changes would
2 need to be extensive. He said they had gone through a process to be where they were; and the
3 entire thing was premised on the town plan which was devised in 2018 or 2019 and the laws did
4 not coincide with it. So much of the Village Center master plan was not compliant so that was a
5 big part of it. The work that has been done is not for nothing and is excellent work. They've
6 received a lot of input from the town's people. The path forward will be the hard part in figuring
7 out what to do. The members can get others' opinions and ideas, but it will basically be the
8 Planning Commission's decision to go forward with it. Arne hoped that whether they started
9 from scratch or tweaked the new document that they considered there were a lot of good things
10 in the new document that should be applied. He personally prefers a document that is
11 streamlined, simple, and efficient. Business friendly is fine but should be defined so that
12 businesses don't end up wherever someone wants them. In the end, they have a town plan that
13 has 11 goals. The new document looked like it could accomplish everything that was in the town
14 plan. Arne said the 11 goals that were set forward should be guidelines of what's going on. It
15 seemed like everything was going smoothly until last summer when there was a meeting between
16 2 members of the Select Board and 2 members of the Planning Commission. He didn't know
17 what happened but from then on, it seemed the train had derailed. He also, like Julie, said it was
18 not their job to micromanage. The Select Board appoints five members and it's the members'
19 jobs to do what they must to come up with a document. It will come before the Select Board
20 again and they will go through a process for final approval. There may be more comments and
21 changes. He didn't have any words of wisdom for them to set them back on track.

22 Cathy said when she looked at the charge to rewrite the bylaws or have a zoning audit and adjust
23 the bylaws to conform with the audit, it seemed like it had been discussed between the town
24 manager, his assistant, and the Select Board. Then Brandi was hired. The Planning Commission
25 heard what the Select Board wanted through Brandi. Cathy thought it would have been better if
26 the Select Board and Planning Commission had checked in with each other. Going forward, she
27 suggested they spend ½ hour twice a year checking in with each other to avoid issues like this.

28 Arne said he didn't remember specifically, but when they looked at the audit it was obvious there
29 would be big changes and a lot had to happen; but they didn't revisit it on regular basis.

30 Cathy said she didn't think they were expecting a completely different set of bylaws that were
31 much more complex, figures to check, and facts to check before a permit could be issued. But
32 that's what was delivered, and it looked wonderful and very professional. It took a long time of
33 working with it before they realized that if the crank was turned, it may not result in a permit. As
34 some people dug into it more deeply, they didn't know how to make it work. It was harder to say
35 let's back up. She thought if the Select Board and Planning Commission had checked in with
36 each other, they may have been more open to say it was more than they wanted. The Planning
37 Commission had tried at times to point out to Brandi their concerns: did they really want to put a
38 time schedule on the activities of someone with a home occupation, but Brandi told them if
39 someone did something that upset their neighbors, they would have a law in place they could
40 enforce. Brandi was covering a lot of potential problems that may not need covering. When
41 people suggested they didn't want it, it was difficult because Brandi advocated for her bylaws
42 and could justify them. If someone had realized that such a complex and extensive change had
43 not been envisioned, it would have been easier to balance things, but Brandi is a very persuasive
44 speaker. She had a lot of good ideas.

45 Tim recalled he had raised the flag asking if the Select Board was aware of how much the new

1 bylaws would change the zoning boundaries and permitted uses, etc. Out of that flag, came the
2 meeting Arne had referenced with the two Select Board and two Planning Commission members.
3 Tim said he, unfortunately, had missed that meeting but sent a letter presenting his take instead.
4 Arne said that meeting had put them off the rails. He recalled raising the flag several times that
5 they needed to make sure they were not going down a path that would be completely shot down
6 by the Select Board.

7 Barre said no offense to Cathy, that if it were a debate, the way she was speaking she made
8 statements in her argument that she presented as truths that may not be so she could win her
9 argument. He said that was part of the problem they were having as a board because they were
10 not on the same page. He felt some were using debate tactics to make statements. He apologized
11 for throwing Cathy under the bus but said if Cathy, as their chair, were to tell them what the
12 Select Board was thinking or saying and he, as a member, would believe someone had told her
13 something. He questioned if they had autonomy to do things or if strings were being pulled. He
14 said he didn't want to make it about him, but nobody questions him or offers input from the
15 community. He welcomed anyone with ideas or questions to talk to him. He asked where the
16 bell ringing thing was that wouldn't allow a business. He viewed it as a statement that might not
17 be true. He didn't think there was anybody on the board smart enough to do this stuff. He
18 thought Preston and Jason could help, but if someone was hired who was doing this for many
19 towns in the state and the people on the board thought they understood it better, it was nonsense.
20 They didn't need to understand the language because it was the zoning administrator's job.

21 Julie asked Barre how he could expect someone in the community applying for a permit to
22 understand the language if he couldn't. Julie said that was the root of her problem.

23 Barre said when someone is dealing with a situation beyond their ability, they get help with it.
24 When they go into town to deal with zoning, the Zoning Administrator needs to communicate to
25 them in a way they understand. The whole town doesn't need to understand how to do zoning.
26 He thought part of their problem was they had lost confidence because of Peter and the way
27 things have happened between the board. He thought there was a lot of unnecessary fear.

28 Julie reminded Barre that there was not one person on the board but five people.

29 Cathy said people would want to go to the zoning bylaws on the website before they undertook a
30 project. She said it happens often in the Zoning Office. People will come in indicating they have
31 studied the bylaws. One couple came in looking for a permit for solar roof panels and the
32 bylaws didn't reflect that the state had removed the requirement. It took quite a while to figure
33 out they didn't need a hearing, nor a permit. Cathy said it was the Vermont way: people want to
34 be able to manage their own affairs and walk into the Zoning Office with some knowledge.

35 Tim questioned if the problem was the wording and if Cathy was referring to the new bylaws.

36 Cathy said she was talking about how zoning works on the ground and that people would expect
37 to be able to read the bylaws with the ability to grasp what they were facing.

38 Tim asked if they were not able to do that now.

39 Cathy said they currently do that, but the proposed bylaws were complicated and hard to follow.
40 She said walking through the requirements for a retail store permit equates to 30 pages of
41 bylaws.

42 Hugh thought of it in some ways as the devil you know was better than the devil you don't know.

1 He understood why Brandi had to start with a boilerplate, but it represented the devil they don't
2 know because it's completely different than the adopted bylaw document. People were probably
3 concerned of the impact if they adopt something completely different than what they currently
4 have. It seemed straightforward to him but did not represent less work. They need to reconcile
5 three documents into something they can agree on: the audit, the adopted bylaws, and the
6 proposed bylaws. If they can't figure out where something is represented in the proposed bylaws,
7 it is unacceptable and won't work because nobody will have confidence that the proposed
8 document can be implemented and work for Chester.

9 Tim told Hugh he appreciated his perception as someone new to the Planning Commission and
10 found it helpful to hear from someone not involved in the process. Tim said Hugh had reminded
11 him of the process when Naomi was chair. They had gone chapter by chapter through the
12 proposed bylaws comparing them to the adopted bylaws. He felt all that work was being brushed
13 aside. Barre said he has said the same thing many times.

14 Hugh asked if he could go through all the minutes of all the meetings and put a map together. He
15 said people are worried when the new one goes in how they will know it will work.

16 Tim said they had never gotten to how they would administer things.

17 Naomi said there were meeting minutes to go through. Occasionally, when a member brings up
18 an issue and realizes it is missing from the new bylaws, she suggested that whoever calls
19 attention to it needs to document the issue not only verbally but in writing. One of the most
20 recent changes had to do with the driveways and the roads. They realized the proposed bylaws
21 were treating them differently and there was a disconnect. After a thorough comparison of the
22 old and the new, they came up with a merged document. She advised they should identify that
23 and that someone needed to sit down and do the research.

24 Tim said they hadn't gotten through the whole document while Naomi was chair and hadn't
25 recalled getting to the administrative aspects of it.

26 Naomi said a lot was done but before she left, she went through the proposed changes to see if
27 they were included in the document and prepared a list of items that still needed to be resolved.

28 Barre said one of goals he had was to figure out what the problems are and have them written
29 down and brought to the Commission so they can make the changes. From his perspective, he
30 didn't know what they were. That's why he suggested the subcommittee to do the work and get
31 it out there so they can look at it. He thought they were now doing what was needed to go in the
32 right direction. Barre is trying to represent the town the best of his ability but is not an expert on
33 what they're doing. He wants to identify the problems with the new document and how it's not
34 working and find a solution rather than waste all the work.

35 Tim said they should discuss them point by point which is what they were doing under Naomi's
36 leadership.

37 Julie said she thought the subcommittee was, in fact, doing that.

38 Cathy said the subcommittee was working on the Village 12 District and had asked her for lister
39 cards for properties in that district. There is currently no Village Green District which they feel
40 there should be. They will walk each property through the Village 12 District to see how they
41 would be affected by the proposed zoning bylaws and see if they will still be permitted.

42 Julie confirmed with Cathy they were working on identifying the problems in the document.

1 Preston said the subcommittee is Peter and Cathy and then himself and Jason Rasmussen and a
2 new planner, Alex Taft. Preston said Barre wants tangible written recommended changes and
3 Preston takes that to heart and that's what they'll do. They are taking 15 or 16 properties on the
4 Village Green to see if the proposed bylaws would create issues for these properties. So far, they
5 have identified two things: many businesses have second floor apartments, and they would not
6 be allowed in the proposed bylaws; the restrictions on lodgings are so strict that it appears a
7 certain number of the current establishments would become conditional uses under the proposed
8 bylaws. As discussed, that would be a problem because if they fall idle for more than two years,
9 they disappear or if someone new tries to do something different, they can't. They have only met
10 once between the two Planning Commission meetings, but they are committed to do it
11 thoroughly and report back to the Commission with something tangible.

12 Barre asked what the timeline was at the current rate and suggested three years.

13 Julie said she would rather have them be right and to take their time and do a good job.

14 Preston said the current district involves more than the other districts, but it is slow.

15 Tim said he didn't feel that way and was with Julie and would rather they take their time. Tim
16 said he also wouldn't mind beginning to discuss some of the points once they're concrete.

17 Preston said they would like to get to a point where they're comfortable reporting the problem so
18 it can be fixed. He said all of them think having a Village 12 District is the right thing to have
19 and is just a matter of making it say what they want it to say.

20 Barre said he's been optimistic and is grateful for what he is learning and grateful for suggesting
21 the subcommittee and it shows he's trying to be involved and help solve problems. His next fear
22 would be they are dealing with just fear of new. If they go through all that, will they end up in
23 the same spot. He said they must get to a point where there is confidence in the community.

24 Julie said the fact that they are responding to what they're hearing and have formed a
25 subcommittee and are looking at things in detail, is a process that is gaining trust back from the
26 community. She pointed out had the proposed bylaws gone through, the buildings on the Green
27 would have been non-conforming because of apartments upstairs. Mixed use is what is wanted
28 on the Green. Julie questioned whether The Fullerton Inn would have been in existence today.

29 Cathy said she wasn't sure about The Fullerton being non-conforming.

30 Julie said by going through the research and proving the facts to eliminate hearsay and being
31 thorough is gaining trust back from the community.

32 Barre said he was concerned that every time they get a new chair and new people they shouldn't
33 have to go through this. He said Hugh is new and doesn't have any idea of what is going on and
34 then must flip a coin for a chair – that isn't fair. He said if the Commission is going to take on
35 something this big and they are just lay community people, they need more structure and they
36 need help. Someone can't come in and take over and change the direction of the ship.

37 Julie said there are five of them and they need to figure out how to come back together and
38 agree. They will not agree on everything and that's okay. They need to decide how to move
39 forward. She believed everyone on the Commission is focused on what is best for the town.
40 None of the members are on the board because they have nothing better to do. They are all
41 dedicating a lot of time to the community. There must be a way to pull all five back together and
42 focus on moving forward.

1 Tim said at some point they would vote, as a Planning Commission, whether to work to revise
2 the adopted bylaws or finish revising the proposed draft bylaws. Either one of those documents
3 will need to be revised. He wanted to put on the record that either way they go it will be a larger
4 document as a result.

5 Julie said they are five people who are very diverse in personalities and that's the way it is
6 supposed to be. They are not supposed to be five like-minded people. That is why the town
7 manager doesn't get to tell them what to do. That's why the Select Board doesn't get to tell them
8 what to do. Their role is to come to the table representing different sectors of town and different
9 groups within the community. She thought they were getting there as they were identifying the
10 issues.

11 Cathy said the Planning Commission, as an entity, must respond to changes in the world
12 frequently. She was startled how often the trajectory of the Planning Commission gets altered
13 because they must stop what they're doing to adopt an energy plan or hire a new zoning
14 administrator. Interruptions happen and things change. The document from the ACCD represents
15 a leap. She was talking with people on the Green yesterday and verifying how many apartments
16 were in the building and what else was going on. It occurred to her in the 60s and 70s all they
17 were interested in was urban renewal. They would wipe out older buildings and replace them
18 with modern ones. She noted how much the thinking has changed since then. She remembered in
19 high school when neighborhoods had gotten wiped out. She said, "They did that then but we're
20 not doing it now." The Planning Commission must respond to changes in the environment, and
21 some are quite abrupt.

22 Julie asked if there was something she could do for the Planning Commission; tools she could
23 provide.

24 Barre asked with respect to goals and thinking they were accomplishing them and a deadline;
25 and then having that all thrown out the window, did they have a timeline they should be trying to
26 achieve and if they had urgency to get something done and it won't happen fast enough, would it
27 be in their best interest to have another consultant to do it quicker.

28 Tim wished he would have taken more notes. The few notes he took were from Arne. He went
29 back to what started the whole thing: the village master plan and the town plan were out of
30 alignment with the UDBs and needed to be realigned. There are 11 goals of the town plan that
31 should be their guiding light for working on the UDBs. For Tim, that gives him a road map, an
32 anchor point. That is where they started trying to align all this stuff. He thought if they went
33 back, it would get them all pulling in the same direction and that's what they lack.

34 Barre wanted things in writing. He said there is a question of who the real big boss was. If they
35 really cared and wanted to have a voice, if some of the things were written down, they would
36 know the problems to address. It would eliminate the gray areas and he wouldn't feel like he
37 was being puppeted. He questioned how much of what was being said was true when people said
38 someone said something. He wanted to know what was really going on and what mattered and
39 wanted it written down, so he was able to digest it.

40 Arne said he didn't think the Select Board would get specifically involved in the Commission's
41 week-to-week workings. That wasn't their job. The Planning Commission's job is to do what
42 they're doing and stay with it. The subcommittee is trying to work out some of the problems and
43 provide specific answers. He didn't think they gave their selves enough credit. They are a board

1 of five intelligent people who are dedicated to the town and want to do what's right. They may
2 not have all the initials after their names like the experts. What he has seen with the state
3 regulations and Act 250 permits is there are too many laws. He believes simpler is better. It's
4 important to protect what you want to protect but also you want to make things easier for the
5 common man to understand. The more regular folks who understand the document, the more
6 buy-in will be received. The more people can't understand is when people put their hands up and
7 walk away from it.

8 Tim said the other guiding point he keeps coming back to is early in his time on the Commission,
9 they had regular visits from the DRB members and what they heard from them over and over
10 was not to leave any gray areas; they wanted clarity. He thought the town had to go to court over
11 those gray areas and the wounds were probably fresh then. He didn't think that should be
12 forgotten.

13 Arne said it was probably stemming from the Dollar General fiasco that ended up in court. He
14 suggested they will never legislate everything so go for the important big things.

15 Tim said that was mostly about uses: what is a permitted use and what is a conditional use and
16 what is not allowed.

17 Arne said it was a great idea to meet with the DRB or Select Board now and then. He didn't start
18 keeping tabs on things until last summer when issues came up. He heard details and updates now
19 and then and things were moving along until there was serious controversy, nobody was paying
20 attention and now everyone is paying attention. He thought they were moving in the right
21 direction now and that sometimes it's a thankless job. The document is there for reference and
22 comparison, even if it's not used.

23 Hugh added if they try to anticipate all the gray areas and put them in writing, they could paint
24 themselves into a corner they're not happy with in terms of a situation that would have been
25 beneficial but was now ruled out. He agreed if there were too many gray areas, they make DRB's
26 job miserable but at the end of the day if it's done properly, DRB's job is to work in the gray
27 space. That is their only purpose.

28 Tim said he wasn't sure that was their only purpose. A big part of what they do is working with
29 conditional uses and ensuring the conditions are met by the applicant. Hugh said he was probably
30 being too general when he said what he said. Tim said he got Hugh's point and they can't think
31 of everything and can't include everything in the document. It is mostly about uses that are
32 allowed, conditional, not allowed, or permitted.

33 (8:02 PM -1:36 on recording) Cathy said there were two questions to be answered. When they
34 receive the output on the Village 12 from the planning trio, Jason, Alex and Preston, they would
35 look at how much effort it took them to complete it and ask them for an estimate of how much
36 effort would be expended to handle the other districts and any other administrative processing
37 needed in order to get an idea of the effort required to fully vet the proposed bylaws and what it
38 would take to modify the adopted bylaws. That would give them a sense of the cost of both
39 paths. She would like to hear from the planners as to their thoughts on the successfulness of both
40 paths. They will have spent a lot of time working with the proposed bylaws, and Jason was the
41 primary author of the adopted bylaws. If they can get those answers, they will be able to make an
42 informed choice of how they want to proceed.

43 Barre knew it was a touchy point with Tim but said he would rather put a stamp on it and get it

1 before the Select Board and get them run through in pieces before some other firestorm
2 happened and they end up in a bigger mess. He just wanted to accomplish something. He asked
3 if they thought it was better to put something together and get it put together and move on rather
4 than attempting to come up with a whole new package.

5 Julie said she has been advocating since the beginning to get it put before the Select Board in
6 pieces. It would gather community support and help identify where other hurdles exist. She
7 thought there was a lot of good and said that making it easier to get a permit for a business on the
8 Village Green is what had started the whole process.

9 Barre said after all the work that had been done it would be nice to get something across the
10 finish line. Other members agreed.

11 Cheryl Joy Lipton said she didn't see Preston's document in the packet online and thought
12 something else may have been missing online. She thanked Naomi for speaking, but Naomi had
13 already left the meeting.

14 Julie referenced an email Barre had sent out where he stated, "If it comes from Jason or Preston
15 to keep necks off the chopping block, it's fine." She wasn't sure what he meant by that. She
16 didn't think anyone was trying to keep their neck off a chopping block. She wasn't sure what it
17 alluded to and asked Barre to explain what he meant because she took great offense.

18 Barre said more than once he has been told he is one of the most misunderstood people. He said
19 he speaks in metaphors so much because he feels he often gets misunderstood, and not listened
20 to very much, which makes him upset. He said he has repeatedly said to please write things
21 down. Once things get written down and someone's name is attached to them, that puts them in
22 the position of receiving criticism. He said he feels a little bit like being puppeted. He would
23 hope people don't have a fear of being criticized because they have their name on something - he
24 hoped that wasn't the issue. He had spoken with someone in the community and was told some
25 people are afraid to speak in public and make their thoughts known for fear of being criticized
26 for it.

27 Cathy said she didn't understand how that related to Julie's question. Julie said it didn't, but she
28 would let it go.

29 Barre commented that he had just given a whole reason why and was still not understood. He
30 asked Cathy if she got it and she said no. Julie said it didn't connect to her question. She said "if
31 it comes from Preston and Jason to keep necks off the chopping block" made it sound like he
32 was insinuating someone had done something bad and there was a coverup from town
33 government. Barre said it wasn't his intention at all.

34 Julie thanked the Planning Commission for all the hard work they do.

35 **Agenda Item 5, Discuss Adding Parking and Density Suggestions from**
36 **the ACCD Better Places Document to the Adopted Bylaws**

37 Not discussed.

38 **Agenda Item 6, Report from the Bylaw Subcommittee**

39 Not discussed.

40

1 **Agenda Item 7, Discuss Plans for and Possible Formats for a Meeting Between the Select**
2 **Board, Development Review Board and Planning Commission**

3 Not discussed.

4 **Agenda Item 8, Discuss the Agenda and Set the Date for the Next Meeting**

5 Tim made a motion to adjourn the meeting and Hugh seconded it. The meeting was adjourned at
6 8:15 p.m.