

1 **TOWN OF CHESTER**  
2 **PLANNING COMMISSION**  
3 **December 5, 2022, Minutes**

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

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

10  
11 **Citizens Present:** None.

12 **Call to Order**

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

15  
16 Decisions Made: None.

17  
18 Action Taken: Preston and Jason will continue to modify the UBD Administrative Section.

19  
20  
21 **Agenda Item 1, Changes to the Agenda**

22  
23 There were none.

24  
25 **Agenda Item 2, Review and Approve Minutes from November 21, 2022, meeting**

26  
27 Tim moved to review and approve the November 21, 2022, meeting minutes and Cathy seconded  
28 the motion. Hugh asked if there were any updates to the minutes. There were no changes. A vote  
29 was taken, and the minutes were approved as written.

30  
31 **Agenda Item 3, Citizens Comments**

32  
33 There were no comments.

34  
35 **Agenda Item 4, Complete 1<sup>st</sup> Pass Review of Proposed UBD Administrative Section**  
36 **Updates**

37  
38 Jason Rasmussen was not in attendance. Hugh said anything that needed to be communicated back  
39 to Jason would be.

40  
41 Peter wanted to talk about lot size modification. The DRB was who adjusted the boundaries, a  
42 hearing was required, and written notification of all abutters. The way the part about non-  
43 conforming lots was written, the DRB was bypassed, and it was up to Preston. With the DRB, the  
44 abutters are notified. If someone wanted to move something closer to a property, the only way  
45 people would know is a pink tag that's displayed on the property. He wanted a way the abutters

1 would be notified, and it didn't have to be through the DRB, but he thought the abutters should  
2 have 30 days. Hugh asked him if it would even apply to the small number of non-conforming lots.  
3 Peter said currently, for the change that's warranted for 25% of the distance, it goes to the DRB  
4 anyway. Cathy asked what part of the bylaw they were discussing, and Hugh said it was 3.19(b)  
5 on page one. Hugh said it was the discussion that said when you have a non-conforming lot, that  
6 you could tweak the setbacks according to this recommendation. Peter said the DRB is currently  
7 the one who can tweak the setbacks so they would take that out of the DRB's hands where there  
8 would have been notification. Hugh agreed with that part of it but the other discussion about the  
9 DRB is they have very little latitude to change the setbacks. Peter said they took it away from the  
10 DRB and Cathy asked how it was gone if it was never there. Preston understood that Peter was  
11 saying right now, if someone wanted to build closer to the setbacks, their only recourse is to go to  
12 the DRB. In Preston's desire to streamline things, he suggested how it could be handled without  
13 going to the DRB. Peter didn't have a problem with not going to the DRB but thought the abutters  
14 should be notified. Hugh asked for Preston's thoughts and if it was doable. Preston thought it was  
15 a question of when they should be notified, 30 days before the decision, or after the decision was  
16 made. It wasn't a problem to notify, and he would probably do it by mail according to the grand  
17 list address. Tim said initially he thought they should be notified but the reason they are notified  
18 for a DRB hearing is so they can attend and offer testimony or support. In this case, there would  
19 be no testimony or support. They could complain but if it was written in the bylaws, it wouldn't  
20 matter. Peter wondered if it should still be a DRB prevue if someone complained and said it was  
21 up to the zoning administrator to decide. Peter thought the zoning administrator should have the  
22 ability to waive the DRB fee. Hugh pointed out the power that would be given to the zoning  
23 administrator only applied to a non-conforming lot. Peter said a non-conforming lot was already a  
24 small lot and they didn't know where they all were. Many were owned by the town so they couldn't  
25 be built on. If it was decided before that the one who should control that kind of a setback was the  
26 DRB, he wondered why change the prevue from the DRB to the zoning administrator. Tim asked  
27 if Peter was suggesting it be allowed but that there would still be a DRB hearing, and they would  
28 determine the setbacks. Peter wanted the abutters to be notified so they weren't surprised. Barre  
29 thought the reason they chose to try to put more authority with the zoning administrator rather than  
30 the DRB was to expedite permitting timeframes. He understood what Peter was saying that if in  
31 the interest of expediting timeframes, they were taking away the rights of abutters to know what's  
32 going on, especially if they would get something closer to their property line than would normally  
33 happen, how would they ensure they are aware of it while keeping in the timeframe. From Barre's  
34 perspective, he agreed where Peter was coming from because it was important for abutters to know  
35 what was going on. If their goal was to shorten the timeframe and not have big hurdles but keep  
36 the neighbors aware, they needed to create language that the neighbors are notified. If Preston was  
37 willing to send them a letter, would that work? Down the road, the Selectboard would need to go  
38 along with it also. Barre asked if they expected development on the non-conforming lots. Peter  
39 and Cathy said there already is development. Cathy said there were people that were unhappy there  
40 was a 25-foot strip in the middle of their lot they can build on but nothing else.

41  
42 It made sense to Hugh that they didn't want to drag people through the process but also wanted to  
43 notify the abutters. The only thing he wondered about was if the abutters were notified, they  
44 couldn't do anything about it. If they were okay including something that didn't give the abutters  
45 any recourse and just information, he was fine with that. Preston said if they have a formula and  
46 he follows it and mails notices to someone and if they don't like it, the project wouldn't stop. If he

1 has issued a permit, he can't withdraw it. He can only tell them they can appeal it with the DRB.  
2 Unless they create an overturn mechanism with the DRB, if he follows the formula, there's no  
3 criteria for saying it couldn't be done. Preston said in addition to the red P sign on the house, the  
4 abutters would get a letter that would let them know. Hugh thought that made sense. If people  
5 came to Preston and asked him to stop it, he would just need to tell them he can't. Cathy suggested  
6 including in a letter that there was no recourse and Tim added it was a courtesy. It may avoid irate  
7 calls from upset neighbors.

8  
9 Barre asked if Peter's goal was that neighbors should have input. Peter said no, it was only for  
10 notification and when they put it in front of the DRB, they would learn how they felt about it.

11  
12 Hugh said if there was no more discussion about what they reviewed on the 7<sup>th</sup>, they could pick  
13 the process back up at Section 4.2(b) which was all the exceptions. Preston said it would be the  
14 bulk of the night's meeting. Preston met with Jason Rasmussen on Friday. He was surprised Jason  
15 wasn't online at this meeting but in addition to being the Director of MARC, he's now the acting  
16 zoning administrator for Windsor. Jason will continue to be the keeper of the document and Preston  
17 will continue to send him things. Their thought was the next meeting would be on December 19<sup>th</sup>  
18 and if it wasn't too near the holidays, they would return with all the modifications the Commission  
19 has asked for and will take another cut at it. Hugh said the goal would be on the 19<sup>th</sup> to look at the  
20 final draft of the administrative changes. If they're lucky, they will say they're good and could  
21 move to the next step. He thought at this meeting, they would take the first pass and it was a matter  
22 of Jason and Preston incorporating what the Commission talked about into the document prior to  
23 the 19<sup>th</sup> meeting. Preston agreed that was the goal. Preston said there were 28 exceptions. Brandy  
24 had an exhaustive list of exceptions that went to 34. The current bylaw has very few exceptions.  
25 This spelled it out. Preston and Peter had gone through the list and picked out what they did and  
26 didn't like. The exceptions don't apply to floodplain because they have a different set of rules.

27  
28 #1, structures of 144 square feet or less and a footprint of 12 feet or less in height was basically a  
29 12 x 12 garden shed. Peter suggested adding it was not a dwelling as it could be a tiny house.  
30 Preston said often they will say not for occupancy. Tim's asked if notification of abutters was  
31 required. Preston said no and because they were exceptions, a permit wasn't necessary.

32  
33 #2 was unenclosed play structures for personal use such as jungle gyms or playsets and  
34 trampolines.

35  
36 #3 was standard in all zoning: normal maintenance and repair of an existing structure which does  
37 not result in exterior alterations in dimension or an expansion or change of use. Down country, if  
38 you remodel your kitchen, a permit is required. People are flabbergasted when they learn in  
39 Vermont it's not necessary. Tim asked if repair would include replacement of the whole structure.  
40 Preston noted sometimes, when people had a structure in a similar condition to the Chat and Chew  
41 and they restore it. Like the house on Route 103 North that burned, they may knock it down but if  
42 they rebuilt a similar house, a permit wouldn't be needed. If it was built as a different house with  
43 a bigger footprint, a permit was required. Usually, it's not a big deal but if the house was non-  
44 conforming, being able to rebuild on the same site was important if it didn't meet setbacks. Tim  
45 thought if someone had an old barn that was dilapidated and the roof had been leaking for years  
46 and they wanted to replace it if it was the same or a smaller footprint, they would be able to do

1 that. Preston agreed they would not need a permit. Tim then asked if the words repair, or  
2 replacement should be added. Preston didn't have a problem with that. He said it would apply to a  
3 new roof or replacing windows if they didn't make the building bigger or change the use.

4  
5 #4 was kind of the same thing which was interior alterations or repairs that don't result in an  
6 increase in bedrooms or change in use. Septic permits are issued by bedroom, so he needed to look  
7 at that.

8  
9 #5 addressed fuel or propane storage tanks. If someone complained that they had to look at their  
10 neighbor's storage tank which was ugly, most zoning would say that was the way it is. Tim asked  
11 if that would also apply to commercial tanks and Peter said a 1000-gallon propane tank didn't need  
12 to meet the setbacks, and would be your neighbor's tough luck. Cathy said landscaping could  
13 come into play for commercial use. Preston didn't write it down, but it wasn't uncommon to  
14 include language that said even though it was an exempt use, it still needed to meet setbacks.  
15 Preston could pull that language. He agreed if someone put a horizontal tank on the boundary, it  
16 could be annoying. The others agreed.

17  
18 #6, addressed ground mounted HVAC systems or backup generators with a footprint or placed on  
19 a pad that does not exceed 120 square feet. Preston and Peter both thought that was big, but it was  
20 the language Brandy had. They agreed half that size was still big. Preston would change it to 60  
21 square feet.

22  
23 Preston said #7 addressed people who have progressive yard sales that never end. The current  
24 bylaw allows a temporary sign but doesn't state the number of sales you can have per year. This  
25 would limit the number per year and how long they can last. 10 in a calendar year some people  
26 may think was generous. He thought it also came from Brandy.

27  
28 #8 was Brandy's. Preston didn't know that they had lots of trouble with the sales of vehicles, but  
29 it does happen from time to time. Peter thought there was a state statute and Preston said there is  
30 a trigger of how many cars you can sell annually before a dealer's license is required. Cathy  
31 thought there were people in the past who sold near Country Girl Diner and possibly Bob Parker.  
32 Peter said that was a real used car lot and was permitted. Hugh said #8 also applied to junk in the  
33 yard for sale as it said vehicles, equipment, or similar personal or business goods. Peter wanted to  
34 look up the state statute because it specifically addressed vehicles. Preston researched the state  
35 statute. It was limited to vehicles and boats. There is nothing like this in the current bylaw, but he  
36 wasn't sure if it went far enough.

37  
38 #9 they couldn't say much about. If you have a certificate of public good from the Vermont Public  
39 Utilities Commission, you are exempt from zoning. Peter noted if you lived off grid, you wouldn't  
40 have a certificate of public good. Preston said if you have a solar panel on your roof and it's part  
41 of the grid and the grid goes down, you go down. Preston said some people don't get a certificate  
42 of public good because they want the power for their own direct use and not part of the grid. In  
43 those instances, it needs to meet setbacks because it's a structure. Things that get a certificate of  
44 public good include utility poles, subpanels, wind towers, solar, and an entire class of things the  
45 state doesn't allow zoning to comment on. The legislature did that so those things could go forward  
46 and if they had let towns comment on them, nimbyism would never let it happen.

1 Telecommunications, certificate of public good, and farming are exempt.

2  
3 #10 is a generally accepted practice in the zoning world. If something is installed at grade or ground  
4 level, it doesn't require a permit. A deck that is above ground does. Occasionally people have  
5 raised patios out of stone and Preston must decide if it requires a permit.

6  
7 #11, Preston stated elsewhere in the performance standards they do not permit outdoor light  
8 fixtures that aren't shielded or downward pointing, but this would be one more way to bring it  
9 home. Tim wondered how a motion sensor light applied here because they aren't shielded nor  
10 downward facing. Peter thought in theory, they would need to be. Preston would consider it. In  
11 other places he has heard of it being an issue. There was discussion regarding what constitutes  
12 downward facing lighting and Hugh said the reality was most people have motion detection  
13 lighting nowadays. Peter said the issue was it was light trespass beyond your property. They  
14 thought it may be best to leave it alone until there is a complaint.

15  
16 #12, the current bylaw doesn't mention ponds. Every now and then they have an issue with a pond  
17 and people are shocked they don't need a permit. This would say it needs to meet the setback  
18 requirements so you can't put a pond right on someone's boundary. Stating it's in conformance  
19 with state and federal regulations is basically anything beyond a 1,000 square foot surface requires  
20 a state permit. They want to ensure you're not altering a stream or disturbing a wetland. Hugh  
21 asked about ponds that are dredged and Peter and Preston replied it was okay if the pond wasn't  
22 made bigger. Preston said some bylaws get picky about what is going to happen to the material  
23 that gets dredged and where it is put, etc. and he preferred not to get into that. He will say it was  
24 stating you only had to meet the setback requirements if you build a pond, otherwise it's exempt.  
25 It also was a reminder there are state and federal regulations that apply. It used to be a federal  
26 permit was necessary but now there's been a delegation, so the state permit covers the Army Corp's  
27 permit, at least for now.

28  
29 #13 addressed permits for aboveground swimming pools and it would basically say if it's not too  
30 big, you don't need a permit.

31  
32 #14 is a significant and very needed deviance from the current bylaw. It said within the Village  
33 Center and Green districts, fences must be no more than 4 ½ feet tall but outside there they can be  
34 8 feet tall. The current bylaw states 6 feet. It also talks about a retaining wall and what's the finished  
35 or good side. Preston has known bylaws that have pages of fence regulations and Chester has in  
36 their bylaw only one sentence. The problem with a 6-foot-high fence is wanting to put it higher  
37 than 6 feet and there is a junk problem in Chester. The state allows junk to be hidden behind an 8-  
38 foot-tall fence, but Chester's bylaw doesn't allow it. If someone put an 8-foot-high fence around  
39 their house on the Green, it would be a travesty. A permit is not required for a fence and it just  
40 states that is what is allowed. Tim was struggling with definitions regarding front yard versus back  
41 yard versus side yard. He asked if the intention applied only to the front lot line. Preston said if the  
42 front was only 4 ½ feet and the side was 8 feet, it would still be offensive in the Village Center.  
43 There was discussion about the fence gradually changing in height along the sides and Preston said  
44 he would work on finding appropriate language. Hugh asked if there was another part of the bylaw  
45 that addressed how close a fence could be to a boundary line. Preston said it stated it could be on  
46 the boundary line. He said one town he once worked for said fences had to be back 15 feet and

1 you had a 30-foot dead zone between people's properties that wasn't maintained and turned into a  
2 jungle, so he didn't like that. Since the year and a half that he has been in Chester, he's had one  
3 person complain to him about their neighbor erecting a fence on the property line without asking  
4 them. Hugh stated it could be difficult to paint or work on the other side of the fence because it  
5 would be on the neighbor's property. Preston didn't have an answer because whatever setback they  
6 decided could leave a piece of land that may get neglected. Hugh was fine with it but was curious.  
7 Barre thought he and Tim were the only ones on the board when the fence issue was discussed at  
8 length with Brandy. Preston thought he had lifted that language from there. Peter mentioned  
9 mutual fences where the property owner and neighbor are responsible for maintaining the fence.  
10 Barre didn't care what they did but thought that way back when they created the area they were  
11 talking about now. Peter said it would need to be found in the minutes. Cathy offered to find it.  
12 Barre thought they were more concerned about the owner of the fence being on their own property  
13 if they had to paint the backside of it than having it be right on the line. He wasn't sure if that's  
14 what Tim remembered and didn't know if it was worth revisiting but wanted to bring it up because  
15 he thought they had spent at least well over a half hour discussing it back then. Preston pointed out  
16 that they were going from a bylaw that said extremely little to something that said more.

17  
18 #15 addressed satellite dishes. Years ago, they were popular but aren't so much now. Preston chose  
19 to leave it in. He thought 15 square feet was big.

20  
21 #16 was common boilerplate. Noncommercial trails sometimes have steps and little bridges and  
22 sometimes handrails, and water bars and stuff like that.

23  
24 The State's definition of development says any ground disturbance so #17 was meant to say  
25 maintaining your driveway, installing a culvert, or leveling your lawn, or something similar  
26 doesn't require a permit. When he was in Killington a permit was necessary to pave your driveway.  
27 Barre thought it may have been related to runoff. Barre said they had discussed that because so  
28 much was done in the town without any consideration to runoff, that they have problems with it  
29 currently and there was some talk about addressing it. Barre thought he was discussing  
30 maintenance rather than installing a big driveway and it does not include sitework. Preston agreed.  
31 Hugh said if he was going to pave his driveway, he never would have thought he needed a permit.  
32 Peter said exceptions would include it needed to meet the setbacks so there would be a space  
33 between the road and where the setback is that's not paved. Preston said driveways don't normally  
34 meet setbacks, so they needed to be careful about that. Barre said water runs off from his property  
35 onto Route 103 and doesn't really cause ice like on the other corner heading into town but that is  
36 what happens when towns evolve without planning. Peter said they planned to fix from there all  
37 the way down next year. Tim said the sitework was spelled out and he didn't have any problem  
38 with #17.

39  
40 #18 Hunting and fishing are exempt under statute but that doesn't include firing ranges and rod  
41 and gun clubs. Tim asked if hunting camps were worth including and Preston didn't think so  
42 because they weren't a commercial activity.

43  
44 #19 is something they could spend a lot of time talking about. He has several cases in Chester  
45 where people are living in RV campers. The current bylaw doesn't address them. They're  
46 registered and they dump their effluent offsite. The message from the social service agencies and

1 department of environmental conservation is it's not a focus of enforcement because they feel  
2 these people have nowhere to go. Preston has a problem with it not because he's not compassionate  
3 but sometimes neighbors don't like someone living in an RV and it's not a good way to live. He  
4 said they're exempt if they are driven off the lot to remove their tanks. He sent a message out to  
5 the zoning administrators' listserv and some people said to treat it like a deer camp where you  
6 can't occupy it for more than two months. Some said to treat it like a temporary seasonal structure  
7 that you can't occupy for more than 6 months. He thought there was language he could include to  
8 say more than 2 RVs are like a campground and require a campground license. Preston wanted the  
9 board's feedback because it wasn't an easy topic. Barre wanted to revisit past minutes where they  
10 discussed this. Barre was on the side to let people live in a shack. He thought Brandy had language  
11 requiring a washer and dryer if people were going to live in a building because she was more  
12 concerned about the quality of life for people and landlords taking advantage of people by putting  
13 them in unsafe structures that didn't have proper facilities. They had also discussed it from a  
14 campground perspective and Barre was accepting of allowing them to live in a campground all  
15 winter if they could have heat. Brandy was not in agreement with that. Barre said he was swayed  
16 from allowing people to live as they wanted understanding Brandy's thoughts more. Tim recalled  
17 he was of the position that renters needed to have some minimal guarantees of a place they would  
18 pay to live in. Tim thought it may be regulated elsewhere, such as the State. He wasn't sure. Cathy  
19 said Fire and Safety regulates it. Peter thought the trailer should be licensed and inspected because  
20 that would mean the trailer wasn't just sitting there. Preston agreed. That wasn't strong enough for  
21 Hugh. Peter said it was a step that could be easily enforced. Hugh said they already had a step that  
22 included that. Peter said registration and inspection weren't included. Hugh thought if someone  
23 could live in a travel trailer on a property, that would be no different than an ADU. For him, a  
24 camper should not be considered an ADU or a dwelling or part of that equation in his opinion  
25 because if that was the case, it was no different than an ADU. Tim playing the role of devil's  
26 advocate said the company, WheelPad, was discussed in a recent meeting and they make mobile  
27 ADUs and trailer them onto the property so how was that different. Peter said they don't have  
28 wastewater or water tank included with them. Tim agreed they would need to be hooked up to the  
29 utilities there where an RV would stand alone. Hugh thought someone who wanted to turn a travel  
30 trailer into a place to live would need to meet all the requirements of an ADU. He didn't care if it  
31 was something from WheelPad or from someone selling their camper, but if it was going to be  
32 converted to a dwelling, the rules for a dwelling should apply. Peter asked what the time period  
33 would be. Peter said there was someone in Smokeshire who stays in a trailer in the summer and  
34 rents their house out as they didn't have a lot of money. Hugh agreed they needed to create a  
35 boundary that stated if it was being used for a certain amount of time, it wasn't a dwelling but  
36 something else. Barre suggested 6 months. Hugh would be in favor of a period and beyond that, it  
37 would be a dwelling and need to be permitted as an ADU and should be limited to the number you  
38 could have on your property. Barre thought it was like the fed bear is a dead bear analogy he has  
39 been using for different things in our culture. If you allow people to do certain things and that's all  
40 the higher, they need to jump, that may be all they'll do. For him, paying his bills is a motivation  
41 and he may goof off at times but has responsibilities he must adhere to so he can keep his building.  
42 If you allow people who may not be motivated to live in their camper all the time, they may choose  
43 to do that but if you set a 6-month limit, it may motivate them to get another part-time job and get  
44 an actual apartment. This is where it's hard to say they're helping people jump a hurdle of hardship  
45 because they say it's all they can do and they're saying there are plenty of jobs and they don't need  
46 to live in a camper, they're being lazy, and to get a job. He wasn't sure that was their job as a

1 planning board. Barre also saw the aesthetic element and wondered why they're in the woods in a  
2 camper all the time that looks bad. Barre said they discussed having an ordinance where a camper  
3 couldn't be visible along the road but needed to be parked behind a building or a fence. He thought  
4 Tim and he were the only ones on the board when they had that dialogue. He thought it was tough  
5 because there was an element of compassion but putting in rules that motivate people and they  
6 modify their behavior. Peter thought they were discussing a couple of different things. If someone  
7 owns a piece of land and chooses to live in a camper and the way they've chosen to live and it's  
8 their piece of land. If someone has four on a property and people are living in four of them, you've  
9 started a campground and that's different. Hugh said it could be a house and four campers. There  
10 was an agreement that was different. Barre thought there was a big difference if it was out in the  
11 middle of the woods, and nobody saw it and it wasn't a bother to anyone versus if it was right in  
12 town. Peter said if someone owns the land and lives in a camper, it doesn't bother him at all because  
13 it's his land and he should be able to do it. Peter said there was a place in Ludlow that has five  
14 campers and there was one person who lives there full-time. He said he was a poverty-stricken guy  
15 who worked for a farmer all his life and has no money. Peter thought he was one of the nicest  
16 people in the world and kicking him out of there would not do anyone any good. Barre said that  
17 was the difficult decision. Cathy asked what they had for septic. Peter didn't know. Cathy said for  
18 Preston's job, that becomes a big issue. Some of the units are self-contained with their own water  
19 tank and they can be taken off the vehicle and be hauled away. Peter said to Hugh's point, after a  
20 certain period it becomes an ADU, or you can't rent the space. Hugh thought there were a lot of  
21 different scenarios, and they should be trying to allow the person who has a piece of land and a  
22 camper, and he hoped there was a way. Peter thought it was the multiples that were a problem.  
23 Hugh said as soon as it becomes multiple dwelling units on a principal lot, you're talking about an  
24 ADU or talking about multiple principal structures and that was a thing he had a problem with.  
25 Tim added on Route 11 West someone is gutting a house and is living in their travel trailer in the  
26 meantime. Hugh thought the bylaws accounted for a temporary dwelling while you build a house.  
27 Preston said that was allowed. Tim asked if you were repairing a house and Preston said he would  
28 be understanding about that. Peter pointed out it wasn't being used as a multiple dwelling. Peter  
29 said there was a size that defines a mobile home, and these trailers did not qualify. Preston said  
30 400 square feet was usually the rule of thumb. Cathy said property and dwelling ownership come  
31 into play and one of the thorns on Preston's side is someone who owns a trailer and it's sitting on  
32 land he doesn't own. Preston agreed. Hugh thought they should limit the amount of time you can  
33 live in a travel trailer and limit the amount of time on a parcel. They also needed to decide the  
34 number of campers that would qualify as a campground. If there's already a place for someone to  
35 live and they have a travel trailer, that travel trailer shouldn't be used as a dwelling for more than  
36 a certain number of months. Peter suggested that two or more RVs constitute a campground that  
37 requires a permit. Tim asked if they needed to specify occupied. Preston had thoughts about how  
38 they could legally word it. Cathy said the bylaws don't specify the number of campers that  
39 constitute a campground. There was a discussion of three or more campers. Preston noted that the  
40 campground definition needed to be fixed. Cathy said there was a definition of primitive camp and  
41 how long someone could live there. Preston said the State allows 2 months for a deer camp without  
42 a septic system and that was with an outhouse. Hugh has seen plenty of travel trailers that never  
43 leave the property even though they have their own tank. Preston would come back with something  
44 clearly different than #19. Barre thought being nice wasn't the way to deal with this because they  
45 were dealing with waste, trash, and eyesores. He saw it as an old-fashioned thing where you kick  
46 people in the butt, and they get a little more motivated and find a better place to live. If you let



1 them get away with it, they'll just drink beer, smoke weed, and live in their camper. He didn't  
2 think they needed to allow that. Preston agreed it needed to be regulated.

3  
4 Preston thought #20 was understood if you had a state wastewater permit, you could install it  
5 without getting a zoning permit.

6  
7 #21 was boilerplate also as agricultural and forestry practices are exempt. It follows state  
8 guidelines that a notice of construction is supposed to be given to Preston if you are going to build  
9 an agricultural structure. He generally responds by agreeing it's an agricultural structure or  
10 disagreeing. Peter thought a state permit was also needed for an agricultural structure. Preston said  
11 if someone was building a sugar house, it wasn't necessary. It was still Preston's decision if it was  
12 exempt or not and the agricultural agency could advise. Preston realized they hadn't included the  
13 farm legislation business and noted that it needed to be included. He said there was an extra review  
14 that a town can conduct for a farm or ag business.

15  
16 For #22, Preston noted ham radios weren't that popular anymore, but it was something Brandy had  
17 included.

18  
19 #23, wind turbines are provided for in state statute but a turbine less than 100 feet in height and 20  
20 feet in blade wouldn't generate too much power.

21  
22 For #24, Preston thought the granting of utility right-of-ways and easements was kind of obvious.

23  
24 #25, would allow Barre to have the Big Buzz. Someone once said he shouldn't be doing that.

25  
26 #26 addressed food trucks. Barre thought they should have more food trucks in town and Hugh  
27 said he liked them. Cathy said the restaurants don't. Preston included it because every now and  
28 then people want an event with a food truck. Tim thought they had a lot of discussions with Brandy  
29 about this. Preston had a request for one from a business that had an Employee Appreciation Day  
30 and wanted to know if they needed a permit, and he told them to just do it. Tim noted there was  
31 nothing on the town website about food trucks. Preston said in some urban areas there are permits  
32 to have them parked all summer along the side of the road. It wasn't a zoning issue but a vendor  
33 ordinance with the Selectboard. Hugh asked if they could have a food truck without this or was a  
34 permit needed. Barre thought if there was no law against it, they could do it. Preston agreed.  
35 Currently, because the bylaw is silent, he can make those decisions. Peter thought they were  
36 somehow knocked out of Chester Village, but he didn't know how. Tim mentioned that Meditrina  
37 had a food truck by the Selectboard granting it. Hugh thought it was because it was town property.  
38 Barre said a lot of things get checked off by the Selectboard because they don't have a specific  
39 ordinance.

40  
41 #27 was for construction office trailers and not for occupancy.

42  
43 #28, Preston said de minimis was Latin for not important or small and it gave a list which set the  
44 tone, and included mailboxes, flagpoles, clotheslines, cisterns, objects of art, and seasonal  
45 decorations. Preston could decide on it and if they objected to his decision, they could appeal it to  
46 the DRB.

1 #29, Preston mentioned smoke and odor was a better term than air pollution. Peter suggested  
2 keeping air pollution. Preston asked if someone had a greenhouse full of marijuana plants and if it  
3 produced a skunk odor would they call it air pollution. Peter would. They decided to keep “and air  
4 pollution.” Cathy asked if they needed a definition of air pollution. Preston thought air pollution  
5 was something toxic and harmful to living things where odors were just simply things that were  
6 unpleasant. Preston suggested “smoke, odor and air pollution” and then they wouldn’t need to  
7 worry about it.

8  
9 #30, Preston thought there was something flawed with the current bylaw. It defined a minor and  
10 major subdivision but there was no explanation for how to handle them separately. For a major  
11 subdivision, Preston had included both a preliminary and final review, two hearings and for a  
12 minor subdivision, you waive one of the hearings. The DRB has agreed it’s prudent and they do  
13 that, but this would put it in writing. What Preston had written is being done already.

14  
15 #31, Accessory Dwelling Unit included a definition change but, they already had adopted the  
16 change when they did the Village Green. They had already changed it so it wasn’t limited to 1  
17 bedroom and could be 900 square feet or more, if possible.

18  
19 Hugh thought the only other thing was under subdivision where Preston struck out construction of  
20 a second primary dwelling on a lot deemed went with the other thing they were tabling. Hugh  
21 thought he struck it out because of the proposal to have more than one building. Preston agreed  
22 and for now, they would say maybe it wouldn’t be stricken out. Hugh asked if they deferred the  
23 more than one principal building would they need to restore this or was it okay to leave it. If they  
24 didn’t adopt more than one principal building, this would need to be put back in.

25  
26 Hugh thought they had made good progress on what they needed to review. The only thing as a  
27 Planning Commission that they hadn’t come to terms with was should they be able to put more  
28 than one principal structure on a parcel. They couldn’t agree on it, and it led to the notion of the  
29 camps or the compounds so at some point they needed to decide if they were going to defer it for  
30 the first rounds of updates or circle back and try to tackle that. Tim asked if multiple ADUs were  
31 part of that discussion. Preston said the Enabling Better Places Document recommends removing  
32 requirements that there only be one principal building per lot but doesn’t provide any guidance.  
33 The other thing Preston was reminded of was he and Jason had a very long conversation about  
34 flexibility to allow clustered development, rowhouses, townhouses, and cottage courts, and what  
35 do they do about it. Jason thought Lebanon, New Hampshire had some language he liked. The  
36 other thing was they have a PUD provision that gives the DRB the power to do it. The opening  
37 preamble to it is chilling. If that were changed and they said the PUD provision allowed them to  
38 approve rowhouses, townhouses, clustered development, and cottage courts, the DRB would  
39 probably look at it differently. Hugh thought they needed to look at it. Preston said they may bring  
40 them something on December 19<sup>th</sup>. Preston thought it only needed examples that made the DRB  
41 feel comfortable that it was something that could be done. He thought the language was probably  
42 alright. Preston thought it was partly his role too and he doesn’t send people that direction because  
43 he’s never used a PUD before, so nobody was quite sure what to do with it. Cathy said they still  
44 had no developers clamoring to create multi-unit housing. Tim said they were hoping to be able to  
45 figure that out, but they needed to do one thing at a time. Barre said he was working on a plan.  
46 Tim said they had talked about whether to change the 30% or 900 square feet, whichever is greater,

1 and wondered if it was worth discussing now or was it too detailed. Preston thought 900 was small  
2 and he thought the statute said you could allow more. Tim asked if they should include the same  
3 language as the state statute. A previous town that Preston had worked in cast out 1200 square feet  
4 and ultimately decided to stick with 900. It was a judgment call. Preston said if there was an ADU  
5 attached to a big farmhouse, it could be well off, but an ADU attached to a modest house would  
6 have the 900 square feet limit. Preston said it created an amusing scenario where the ADU could  
7 be bigger than the primary. Peter pointed out that the way the ADU language is, it had to be single-  
8 family. Tim added it had to be clearly subordinate to the primary dwelling, so you couldn't go  
9 bigger. Preston said the first house could become the ADU and the second one the primary. Cathy  
10 wondered what the point was discussing ADUs rather than dwelling units and principal buildings.  
11 She asked if the ADU was the bridge between what servants' quarters were. Nobody talks about  
12 servants' quarters anymore, but they talk about apartments. Preston said they had discussed what  
13 the difference was between a primary and an apartment that was an ADU or a duplex. To the  
14 Division of Fire Safety, maybe a little, but they get into arcana of whether it has a separate entrance.  
15 Preston also was a little chagrined that initially one of the great things about an ADU was it didn't  
16 trigger an inspection from the Division of Fire Safety but now it does. In the current bylaw where  
17 it says you can only have one principal building per lot, if the ADU is in a separate structure, that  
18 solves that. Hugh asked if there was a state statute around ADUs, so it seemed hard to throw that  
19 concept out. Preston agreed that it was specifically defined in statute. Tim didn't recall the caveat  
20 that allowed someone to go bigger than 900 square feet. Cathy thought the definition was quoting  
21 the statute. Tim said it didn't quote the full statute and Preston agreed and said the full statute said  
22 something about towns can adopt things that are different. Barre thought they would have multiple  
23 ways to do these different things and would be what fits for what reasons and that would be the  
24 way that it works. It would be a bigger hurdle to jump if you wanted a bigger structure or several  
25 cottage-like buildings. It was simple to get an ADU that just fit within the plan. He thought they  
26 would be looking at resolving the housing problem in different ways and this was one way. The  
27 other things they were discussing would take a little bit more time and have bigger hurdles to jump  
28 but the benefit would be greater so it would be worth it, so they don't want to try to fix it all with  
29 one thing. Peter was looking at page 82 about ADUs and thought it was something they needed to  
30 take out. It needed to be hooked into municipal water and wastewater so they couldn't build an  
31 ADU outside the village either. Preston agreed. Hugh said they would leave the 900 as it was,  
32 unless someone thought there was a more reasonable number. Preston would look into it. Barre  
33 said it well that ADUs were designed to be one tool in the toolbox that helps you get affordable  
34 housing. 900 was small but making it bigger could have other implications. Hugh thought there  
35 were a fair number of scenarios where they could use the 30% rule and get a bigger one. Barre  
36 suggested 1,200 or 1,500.

### 37 38 **Agenda Item 7, Adjournment**

39  
40 Cathy moved to adjourn, and Tim seconded. A vote was taken, and it passed unanimously. The  
41 meeting was adjourned at 8:22 p.m.