

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **February 7, 2022, Minutes**

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

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

8 **Citizens Present:** Steve Mancuso and Cheryl Joy Lipton via Zoom. Bill Lindsay at Town Hall.

9 **Call to Order**

10 Chair Cathy Hasbrouck called the meeting to order at 6:30 p.m. (2:08 on recording)

11 **Agenda Item 1, Review Minutes from January 3, 2022, and January 10, 2022, Meetings**

12 Cathy asked for a motion to review the minutes of January 3, 2022, and January 10, 2022. Tim
13 moved and Peter seconded. Tim commented that Sue did an unbelievably fantastic job with them.
14 A vote was taken, and the minutes were unanimously approved.

15 **Agenda Item 2, Citizens Comments**

16 (2:58 on recording) Cathy asked for citizens comments for anything not on the agenda.

17 Steve Mancuso said the Planning Commission was doing a wonderful stroke of business and
18 thanked them for it. He had noticed things were progressing. He noted that Cathy had introduced
19 a little bit of 11th hour cross-referencing. He is a student of the NFPA, a library inclusive of every
20 trade you could think of which employs a technical correlating committee, whose sole existence
21 is to portray the cross-referencing. He saw parking on the table for them which he thought they
22 were trying to transpose to The Green. Cathy said they weren't. Steve said they were trying to
23 exclude it. Steve said as soon as they started talking about parking, the business community was
24 on fire, likely without knowing the details. He suggested that 3104(c) provided a lot of wiggle
25 room. The DRB and ZA are both mentioned and concessions such as if you're going to park your
26 Zamboni in the backyard until winter, it's okay. Things like that are inclusive. The public doesn't
27 know it exists. He suggested they walk the public through it at their workshops. He noted his
28 advice came from an ex-board member who used to sit next to Bill Lindsay who was in the
29 audience. The board could walk business owners through whatever metric they employ for parking
30 and show them it is not as complex or as hard as they think.

31 Cathy told Steve they would get to parking during the final changes to the proposed Village Green.
32 She said Julie was waiting patiently for them to approve and sign a funding proposal and Cathy
33 asked if they could address that first. Steve apologized for being intrusive and Cathy said it was
34 only that the issue he had raised was on the agenda and they would get there in about 3 minutes.

35 She asked for any other citizens comments on items not on agenda and there were none.

36
37 **Agenda Item 3, Vote to Authorize Planning Commission Chair to sign grant application for**
38 **Wayfinding project.**

39 (7:28 on recording) The Planning Commission needed to authorize the Chair to sign an application

1 for Wayfinding project funding, so Cathy asked for a motion stating, “The Planning Commission
2 resolves that Chester Planning Commission recommends applying for funding for the downtown
3 transportation grant. She said if the motion carried, she would sign the application and Julie could
4 leave the meeting. Julie offered to answer any questions. Tim asked Cathy to read the motion
5 again.

6 Resolved that the Chester Planning Commission recommends applying for the downtown
7 transportation funding grant. It had been in the works for 2 years and required authorization by the
8 Department of Transportation, which took 2 years. As the Planning Commission, they couldn’t
9 modify anything. Cathy said it was something they really wanted to get funding for. Tim wanted
10 the motion read how she would like it to be moved so that someone could say, “so move” rather
11 than having to come up with the motion. Cathy read the motion, “The municipal planning
12 commission recommends applying for said grant, the said grant being municipal resolution for
13 downtown transportation fund.” Hugh moved and Tim seconded. The motion carried unanimously.
14 Cathy signed the document, and Julie thanked the Commission.

15 Barre asked if it was to put signs up, as the motion wasn’t worded that way, and Cathy told him
16 Julie had found a wonderful opportunity to get the money to do it and that’s what it was. Julie said
17 it was the downtown transportation fund and the project was the Wayfinding plan.

18 **Agenda Item 4, Review proposed Village Green Zoning District given input from the**
19 **1/10/22 meeting with the DRB.**

20 (11:33 on recording) Cathy said they had made a few modifications after considering the input
21 from the DRB, and they would discuss parking.

22 Cathy referred Steve to the draft of the Chester Development Bylaws that had been given to those
23 in attendance. She pointed out that it would be a modification to the adopted bylaws and had come
24 from the proposal and would be going into the currently adopted bylaws. The parking regulations
25 in those bylaws were in Section 3.20, off-street parking. For the subject district, on page 2 of the
26 document at the very bottom it noted for parking. They added an explanation about the goal of
27 why they had parking regulations in the subject district, which was to make as many parking spaces
28 as possible in front of businesses, on Common Street, and on Main Street available for customers.
29 It was part of the reason that Peter had conducted the parking study to ensure there were enough
30 parking spaces in the general area. If you go to The Green at a random time, there could be several
31 empty spaces available, but retail and restaurants get business during certain times. She used the
32 day after Thanksgiving as an example of when parking was essential. Other days it may not be as
33 important. She suggested that some may think there’s a parking problem because on the days they
34 do the most business there wasn’t enough.

35 Cathy called attention to the bottom of page 2 and the beginning of page 3 regarding parking
36 stating that uses located within the Village Green District shall comply with the following
37 minimum parking requirements and a would not be subject to the requirements in Section 3.20.
38 The requirement for anyone wanting a permit after the bylaw was adopted would be they would
39 need one off-street parking space for each employee based on the maximum number of employees
40 on site for any given time. It also included one off-street parking space for each dwelling unit.
41 With those requirements they hoped it would keep the Common Street parking available for
42 customers. They were not asking business owners to prove there were enough spaces for their
43 customers and only asking them to be sure their tenants and staff have parking not on Common
44 Street.

1 Barre asked when it was written and who wrote it. Cathy said they had discussed it several times,
2 including the meeting prior to the one with the DRB. It seemed to Barre the language wasn't so
3 specific but rather encouraging people to park off-street. His concern was how businesses would
4 acquire off-street parking space. Cathy said there was space available on Cobleigh Street and was
5 only for new permits. It would not be retroactive for current permit holders. Cathy noted most of
6 the permits that the DRB had issued referenced there was public parking available, so it wasn't an
7 issue. She added there was parking available in the Main Street Parking Association lot behind
8 Meditrina and Six Loose Ladies. There are spaces behind Barrett & Valley. Barre understood that.
9 He asked if any of the current businesses, such as Scott who owned Southern Pie Café, had parking
10 permits and why Cathy was using the word permit. Cathy said they did not have parking permits.
11 She said the permit Scott had to operate the restaurant didn't require that he show spaces. Barre
12 told Cathy she had used the term parking permit and asked if they now gave out parking permits.
13 Cathy didn't recall using the term. Peter said they weren't requiring parking permits and every
14 business that was there now could continue as they had been. The only change was if there was a
15 change in use and you needed a new zoning permit. Barre was concerned the language required a
16 business to have off-street parking. Cathy said the business would be required to show they had an
17 arrangement for parking for staff and tenants. Barre questioned that since Cobleigh was public
18 parking, who would they have an arrangement with. Peter said the object was to keep them off
19 Main and Common Streets. Barre didn't think they could use the word requirement when the
20 spaces couldn't be guaranteed since they were public spaces. He felt they should use strongly
21 encourage rather than require. He said if it was required, the Cobleigh Street lot should be a
22 municipal lot and people could acquire a space in the lot. Peter said that would need to be the
23 Selectboard because the Planning Commission didn't have control over the lot.

24 Hugh said the current adopted bylaws had much stricter parking requirements than the ones they
25 were proposing. If enforcement was an issue regarding the proposed change, then the current
26 enforcement was even a bigger problem. This would be a less stringent requirement.

27 Barre said the whole idea was to help the businesses. Cathy said they were concerned a business
28 wouldn't have a place for customers to park. Without a way to regulate it, they were helpless.
29 Barre understood that. It seemed to Barre that Cobleigh wasn't that big. Cathy said there was quite
30 a bit of space.

31 Preston understood what Barre was saying but thought strongly encourage would have no weight
32 in a bylaw. For a new business, the owner would give Preston the number of employees and tell
33 him they would park in Cobleigh, and he would issue a permit stating the employees will park in
34 Cobleigh.

35 Hugh said if the permit was issued and the employees were parking out front, as a neighboring
36 business, he would contact Preston so he could enforce it. Preston stated if they don't require it
37 and a business has the same complaint of employees parking out front, there's nothing he could
38 do. Barre said if there wasn't enough room, it would become an issue with the town and the town
39 would need to step up and create more parking. Preston said they could hope to have that problem
40 that things will prosper to the point that Main Street and the Cobleigh parking lots are full and then
41 they would have to come up with another solution.

42 Peter was hoping to improve the parking with signs and striping on Main Street. He hoped those
43 inexpensive fixes would be included at the public meeting when it went before the Selectboard.
44 Barre said he understood now that it was important to have some wording with teeth, to get people

1 to do things, but was having trouble with the wording, as he felt it was implying that they were
2 required to have ownership in the parking spaces for their employees and tenants. Tim suggested
3 that instead of saying one off-street parking space for each employee based on the maximum
4 number of employees at any given time is required for all applicable uses, they said one off-street
5 parking space, whether private or public, is required. Barre said that solved it for him. Tim asked
6 if the town plowed the Cobleigh Street lot and if so, how was it handled during a snowstorm. Peter
7 said it wasn't an issue. Cathy said there was generally a cooperative spirit there and they were
8 reasonable. Barre really wanted to see tenants and employees in a public lot creating open spaces
9 for customers. He wanted it highly encouraged and if this was the way to do it, he thought that was
10 awesome. If someone new comes in, Preston would explain the parking situation to them and who
11 to contact. Cathy clarified new only applied to a new use and not to a business turning over to a
12 new owner. Tim thought the goal was to create a culture in that part of town where business owners
13 got in a habit of directing their employees not to park on Common Street. To Cathy's and Peter's
14 point, it would only impact a new business but by having it in the UDBs may help create that
15 culture. He didn't disagree that it needed some clarification. He would even move they add the
16 words public or private space in Section A and B to clarify that. Anyone could come to the
17 Planning Commission or Preston and say they would use the Cobleigh Street lot and maybe it
18 would become full. Tim agreed with Cathy that it would be a great problem to have.

19 Peter said one problem with saying municipal lot is it would have to specify not Common Street
20 or Main Street, since they were public. Preston and Tim both said they were streets and not lots
21 and the word off-street solved that issue. Cathy didn't mind saying public or private but off-street
22 was the key.

23 Tim moved to add "whether public or private" to A, B, and C. Hugh seconded the motion.

24 Steve wanted to back them up. He also wanted to learn more about the Main Street Parking
25 Association. He agreed with them. He said you can't create bureaucracy for every circumstance,
26 and it wasn't their job. He gave an example of Fall Festival having 50 employers. He applauded
27 them and said if he could run with the ball, he would.

28 Cathy said the Main Street Parking Association was currently administered by Sue Ash. It formed
29 in 1977 and there was paperwork in the Zoning Office from its forming. Several businesses
30 contribute \$300 per year for lot maintenance and use it. It is where many St. Luke's parishioners
31 park on Sunday mornings; Inn Victoria guests during snowstorms; and people when their kids are
32 at the athletic field. Nobody monitors who uses the lot because it's generally not overused. It's
33 another one of those everyone is practical and reasonable situations.

34 Cathy said they would vote on the motion on the floor of whether to add private or public to a, b,
35 and c. The motion passed unanimously. Cathy said she would add those words.

36 Cathy asked Steve if he was now okay with parking and if he understood how it was working for
37 this one district. There was no reply.

38 Cathy said the other changes that had happened since January 3rd were the minimum front yard
39 setback: they were removing the 16-foot maximum as there were at least two parcels where the
40 building was more than 16 feet from the edge of the road. In E, supplemental standards landscaping
41 and screening, she suggested the word shall be replaced with may: The Development Review
42 Board may require landscaping or other screening between incompatible uses or structures. As far
43 as she, Preston, and Peter could figure, there were no incompatible structures in this zoning district

1 except possibly the building on the corner of Cobleigh Street because everyone else had business
2 and residential uses in the parcels. They didn't think it was reasonable to say the DRB had to
3 require landscaping in such tight quarters. They added the goal to the parking item in number 4 to
4 be clear why they were saying anything about parking at all. They wanted to ensure the spaces in
5 front of the businesses were available for customers. They added D to give the DRB power to
6 require more parking if it was needed and they didn't have any other way to say so since they had
7 just suspended all the requirements in 3.20. Tim asked for confirmation that it was only if it was a
8 conditional use and Cathy confirmed.

9 Cathy couldn't imagine a permitted use would create a problem with parking. Peter said it was a
10 safety net. Tim understood that it was helping with the culture they were trying to create. Tim
11 wanted to discuss the maximum setback. He recalled talking about it when they had the joint
12 meeting with the DRB, as well as other times. He wondered if there was, or should there be, a
13 concern that someone might ever build a building that was set far, far back. He couldn't imagine
14 what would cause that to happen. Cathy said they were looking at parcels that were 8k or 10k
15 square feet and were not big parcels. The only parcel that it could happen with was The Fullerton.
16 Tim agreed, and then wondered if something happened to The Fullerton, and someone came in
17 and wanted to build a new hotel and decided they wanted to push it way back and put a parking
18 lot in front of it, if it could happen by not having a maximum setback. Peter said the interesting
19 example to that was The Woodstock Inn, which was previously against The Green, and when they
20 built the new inn, it was behind the old one and it let a lot of sun into the green and it looked pretty
21 good. Peter thought for new construction the DRB would be able to change things. He recalled the
22 Dollar General had planned a flat roof, but the DRB changed it to a pitched roof and it's one of
23 the better-looking Dollar Generals around. With all the architectural requirements they currently
24 have, it would be difficult to build a monstrosity with all the architectural features required.

25 Cathy said the example was they had one successful rebuilt inn with a parking lot in front of it
26 behind some very attractive landscaping according to Preston. Tim agreed it was beautiful there.
27 He wondered if they could require the landscaping, or could they decide they wanted a parking
28 lot. Peter said the chief answer to all of it was the character of the neighborhood. That is where the
29 DRB can play all kinds of cards. It must match what happens in the neighborhood and that was
30 the card to play. They could require landscaping, where the parking is located, and could do all
31 kinds of things as the DRB. Tim said that may or may not be a good thing. The DRB could be
32 convinced by a new developer. Tim said they had a setback initially and wondered if it was an
33 overreaction to eliminate it altogether. Peter thought the answer was you needed to think about
34 what happened to St. Luke's, the Inn Victoria, and the one on the corner if they built to a zero or
35 a 16-foot setback. St. Luke's was back to 33 feet. If you were going to make that in compliance,
36 you have 33 feet. Tim wondered why it couldn't be non-conforming. Peter agreed.

37 Hugh said they way he thought about it was removing the maximum setback prevented those 2
38 properties from being non-conforming which was one of the goals they were shooting for. When
39 Hugh thought about the risk of not having a maximum setback, he felt if the DRB had a way to
40 shape whatever new construction would happen, it would be okay. Tim understood it was a risk
41 assessment.

42 Cheryl Joy thought regarding setbacks, they didn't need to worry about buildings being put back
43 farther on lots given the likely new regulations coming down from legislation there would be
44 stricter regulations regarding flood plain and river corridor because of the climate action plan. A
45 lot of legislation will be coming down because of that. Regarding businesses and parking, she

1 thought maybe Preston could talk about the new way of thinking in planning about parking. The
2 proposed parking looked less stringent. She thought Barre had a point about using should rather
3 than required. She understood everything they talked about but still thought Barre had a point. She
4 suggested they provide bike racks so people could use alternative forms of transportation rather
5 than just parking and cars.

6 Cathy was opened to bumping the max to 30 feet instead of 16. She thought it was hard to imagine
7 what people may do. She understood how in Woodstock they built the new inn behind the old
8 building and once the building was up and running, they took the old building down and had a
9 parking area. It covered the issue about what to do while the new building was being built so
10 business could keep operating. The front of The Fullerton is in the Village Green and the back is
11 in the Village Center. In that case, wherever the building is the setbacks for that district apply.
12 Something on the back of the lot would have to meet the setbacks for the Village Center. Peter
13 disagreed. He said they would have to meet the setbacks of the Village Green because that's where
14 the principal structure was located. Hugh said if The Fullerton burned down and you built the
15 structure on the back part of the lot, it would be in the Village Center. The DRB would then be
16 involved because it was new construction. Hugh thought they leave it with nothing but picked a
17 number so the two properties would comply. He said if they picked 30, to him, it may as well be
18 100.

19 Peter referred to an article Preston had sent him. When you get to the end of a district, you say
20 now when it's adopted, regardless of everything, it's all in compliance and give it a blanket
21 compliance. Then nothing has a non-compliant use because at the time it was changed, you said
22 everything complied. Preston said one example they used was a bylaw that gave the DRB power
23 to convey compliance on a property that was non-compliant.

24 Barre said the reality was if a building burned down, they could rebuild it the same way it was no
25 matter what the setback was, so he didn't understand what the concern was. Hugh said he was fine
26 with leaving it off the way it was. Barre said the reason you would want to do this was to create
27 some sort of symmetry even though they currently weren't in a line. If they went before the DRB,
28 it wouldn't make a difference. They weren't building row houses. Barre was interested in talking
29 about the minimum setback.

30 Cathy asked if they wanted to vote on the maximum setback. Tim said they could keep it informal.
31 He just had wanted to raise it as a point of discussion and didn't have strong feelings either way.
32 If the Commission felt it wasn't a big deal, he was fine with that.

33 Cathy addressed Barre's question about the minimum setback. Barre said the current minimum
34 setback was zero and he thought it worked well for the parcels on The Green. At some point there
35 was a transition near The Masonic Lodge or the yarn store where there is parking in front of them
36 and then it became more residential with the buildings, where the setbacks were different. Cathy
37 said Common Street started where they stopped having head-in parking on Main Street. Barre said
38 his fear with a zero setback, which matched the structures on The Green, was if someone used it
39 as an opportunity to add onto the front of their building then those structures would be built with
40 modern materials and would look different from the rest. He wondered if there was a way to
41 separate the area from Common Street over to have the setback reflect what was currently going
42 on with those structures. He suggested leaving zero in the area called The Green. Cathy said if they
43 put them in the Village Center district which is where they are now, the Inn Victoria wanted to
44 expand but couldn't because of the setbacks in the Village Center district. Cathy said it would be

1 good to put the Inn Victoria in the Village Green district. Barre replied that it would be good if
2 you were their friends and wanted them to build out to the road. Cathy didn't think anyone with
3 any sense would think it was good to extend the inn past the sidewalk and out to the road. She
4 didn't think that would happen. Barre clarified that he meant from the space where it is now to the
5 road but not into the road. Cathy said there was special criteria in the conditional use section which
6 included architectural standards about a building which gave 18 criteria for building materials and
7 structures. The Village Green would fall under those criteria.

8 Barre felt creepy knowing they wanted to do something, as he didn't want to stand in front of
9 someone wanting to do something. He said it wasn't his role, so he was going to pretend he didn't
10 hear that. He had lived on Cape Cod and thought they had too many rules and was glad people
11 were allowed to do things more freely here. But in this case, he felt the character of the area where
12 Inn Victoria was, and The Green, had two different types of character and didn't think packaging
13 them as the same worked. His fear was if people built up to the road in this area and it looked more
14 modern, it would change the feel. Cathy said the special criteria wouldn't allow for them to make
15 something more modern. Hugh said a tweak in the setback wasn't the way this would be prevented.
16 If they wanted to build on the front of their property, they would go before the DRB and be required
17 to meet all the criteria for architectural consistency and everything else they were trying to put into
18 place to make sure the area didn't turn into a hodgepodge. The setback would not be the thing to
19 prevent it from turning into a hodgepodge, but the DRB.

20 Tim asked if they would have to do that. Barre said it wasn't that easy to add something on and
21 make it look like it should. Someone would need to really care more about architecture and the
22 town than their business and profitability. In his opinion, making a zero setback would change it
23 down the road. Tim pulled up a Google Street view of the rest of the block between Cobleigh and
24 Common. For perspective, Tim offered that the only two buildings that sat far back at all were the
25 Episcopal Church and the Inn Victoria. The other two buildings between there and the corner were
26 very close to the sidewalk. He said the Diaks' home, and the apartment on the corner of Cobleigh,
27 were close to the sidewalk. The inn and the church were the ones that set back. Cathy added the
28 porch of the inn was 18 feet from the sidewalk. Tim said if they have a zero setback and the inn
29 applied for a permit for an addition, that would be permitted, and they could build up to the
30 sidewalk. They wouldn't need to go to the DRB. Cathy disagreed and said they could not build
31 without a conditional permit and would have to go to the DRB. Tim asked why. Peter referred to
32 number 3, construction of any principal structure or substantial replacement of existing or damaged
33 principal building was a conditional use. Tim said it wasn't a new principal structure but an
34 addition. If he owned the inn and wanted to add some more rooms and put the porch right up to
35 the sidewalk and had plans and budget and told Preston he wanted to build up to the zero-foot
36 setback, he had to say yes. Peter stated yes if it met the special criteria. He referred to page 66 of
37 the current bylaws, he would have to meet all those requirements. Barre disagreed with Tim some.
38 He said the buildings had to be 10 feet back from the sidewalk. Tim thought the one on the corner
39 was set back 12 feet and Diaks' was a lot closer, like 6 feet off the sidewalk. Barre agreed. That
40 was Barre's point. Each one was different like a puzzle piece and created the current feel. If zero
41 setback was allowed, every one of those structures could build right up to the road which would
42 change the feel. Barre said if you drove by, they would all look like they had something stuck on
43 the front of them.

44 Cathy said they would need a zoning permit and almost certainly it would be a conditional use.
45 They would also have to meet supplemental standards under E, character of development regarding

1 new buildings that must look like the rest of the area. Barre said it was the same wording for
2 another building where it had plastic siding with dimples and a goofy Asian flare. He said Cher
3 had a funny nose and was still beautiful and her nose job changed her. He compared changing the
4 look of the building to plastic surgery.

5 Tim asked Preston if they had a zero setback for the whole block and the Inn Victoria wanted to
6 extend their building to the sidewalk and demonstrated that it would fit with the character of the
7 neighborhood, was there any way he could say no because it wouldn't be a conditional use, it
8 would be permitted.

9 Preston had read number 3 multiple times and new principal structure or substantial replacement
10 of an existing or damaged principal building was not an addition, so he thought Tim's point was
11 well taken. Cathy thought E2 under supplemental standards was clear that you would have to be
12 in harmony with the existing environment. She emailed Jason and he said E2 was a guiding
13 principle for a setback. Preston said you would need a permit, and he would have to follow
14 character of development, but it would be his decision and not the DRB's. Cathy said he could
15 choose not to make the decision and give it to the DRB. Preston agreed that he always has that
16 latitude. Because this area of Chester was so important, Cathy didn't think many zoning
17 administrators would want to carry the responsibility for someone who wanted to make something
18 ugly.

19 Tim asked where the Inn Victoria wanted to expand. Cathy said they had applied a couple of times
20 to expand the little building on the west side of the driveway next to Diaks' driveway. Tim asked
21 which setbacks were stopping them from doing that and Cathy said it was the side setback. If they
22 went further back, they would be way too close to the Diaks'.

23 Tim wasn't trying to stop progress but wanted to make sure they were making informed decisions.
24 If he owned the inn and could afford to get 6 more rooms by bringing it up to the sidewalk and
25 make it look like the rest of the neighborhood and wanted his permit, he thought it would be hard
26 to pushback against. He wasn't saying they should.

27 Cathy asked if they wanted to add to 3 under conditional uses or additions so additions was a
28 conditional use. Barre thought this would open a can of worms that didn't need to be opened. It
29 wasn't that many properties and they had a certain amount of character. Peter suggesting changing
30 the setback from the Lutheran Church to Cobleigh Street and specifying the minimum setback.
31 Cathy said St. Luke's was 33 feet and Inn Victoria was 18 to their porch. Barre asked if she
32 remembered what the setback was for the house on the corner of Cobleigh, but she had not
33 measured it.

34 Peter suggested a 12-foot setback to start where Meditrina's lot ended and continue to Cobleigh
35 Street. Barre said it was a tough one for him because he didn't like regulations but saw it as opening
36 a can of worms and would result in structures all the way to the sidewalk that would look funny.

37 Tim said his opinion was it didn't matter whether they built up to the sidewalk. He just wanted to
38 have the discussion, so everyone was aware of the possibilities. He was fine with them building
39 up to the sidewalk. Hugh thought he was in the same place. He thought if it was done right and
40 went to the sidewalk, it wouldn't bother him because most of the other properties are up to the
41 sidewalk, so he also didn't care.

42 Peter said if the business expanded so there was a cute downtown, more power to them. That's
43 what they were trying to develop. Hugh said to Barre's point, the only risk was construction

1 wouldn't be done in a way to look good and you would end up with something you were sorry
2 about. If there was a way to mitigate that, he wouldn't care if it went to the sidewalk. Tim said if
3 keeping to the neighborhood had teeth, they were probably okay. If it didn't have teeth, maybe
4 they wouldn't be okay. He asked Preston how much control he would have or the DRB would
5 have with keeping with the neighborhood.

6 Preston said there would be more control with the DRB than with him as an individual. He thought
7 as much control as they could make it. Cathy said court often cites character of a neighborhood as
8 a reason to do something and it carried weight. Preston agreed and said many towns were so big
9 that people can pick out eyesores and ask how it fits with the character, but this was a small district.
10 Hugh wondered if they would ever consider modifying number 3 under conditional uses and state
11 additions. Peter said if they modified number 3 to construction of any new structure, if anyone
12 changed anything from the outside of the structure, it would require a conditional use permit.
13 Preston said construction or enlargement would work.

14 Tim didn't think it seemed business friendly, which was one of their guiding principles. If a
15 business was doing well, like the Inn Victoria, and they wanted to add more rooms to their place
16 and build up to the sidewalk, why would they be made to go to the DRB?

17 Peter said they would still hit the special criteria, so they would be required to have drawings.

18 Barre said it was like raising kids. You try to give some sort of direction for the future, so things
19 don't end up in a way that you don't want. He wanted to go on the record that he believed 100%
20 if it went to a zero setback and they allowed things to be added on, it would look funny. The Inn
21 Victoria was a unique and interesting building and thought to match it to that would cost a lot of
22 money. He made his point and if he lived long enough, he could say he told them so.

23 Cathy had discussed zero setback and the maximum setback with Jason and discussed the
24 possibility of putting a different number on some of the parcels in the zoning district or any other
25 method that he could think of to change it and he offered four solutions, none of which put a
26 different number on some of the parcels. He said E2, character of development, was a very
27 important criteria and would prevent, in his mind, what they were describing. He recommended
28 keeping the 16-foot maximum and relying on character of development to justify a larger setback
29 than 16 feet. If they permitted 16 feet, then they couldn't do much at all with Inn Victoria. She
30 liked the idea of adding enlargement to number 3 under conditional use, so an enlargement or
31 addition to a building would get DRB review. Tim noted that every enlargement for any building
32 in this district would need to go to the DRB. Cathy agreed. Peter said the DRB wanted that because
33 of fire safety so there would be access since everything is so close together.

34 Peter made a motion with respect to number C3 and said, "construction of any new principal
35 structure or any substantial replacement or enlargement" which would just be adding "or
36 enlargement" after the word, "replacement" and before "of any existing or damaged principal
37 building." Hugh seconded the motion. Cathy asked for any further discussion. Tim said it seemed
38 anti-business friendly. Peter said it was also what the DRB wanted. Tim said it still didn't make it
39 business friendly just because the DRB wanted it. Hugh thought it felt like the 95/5 rule. It was an
40 edge use case for someone wanting to enlarge or replace or expand a building in this district, so he
41 wasn't worried about it. But at the same time, if they were trying to play the character of
42 development card, he wouldn't want it to rest solely on the Zoning Administrator's discretion.
43 Changing the language that way would cause it to go to the DRB and he thought that was good.

1 Cathy asked what the fee to go to the DRB was and Preston said \$200 plus the cost of the permit
2 which could be another \$50 or so. For most businesses, it wasn't the money but the time and
3 needing to present drawings and talking to neighbors. Cathy said they would want drawings no
4 matter what, so it was the time. The burden mostly was that it wouldn't happen for three months.
5 Preston said he was saying to Tim's point, having to notify your neighbors, have a public hearing,
6 and having to stand at the microphone and present your case was a little less than business friendly.
7 They were there with cost benefit.

8 Tim asked what drawings they would require with keeping within the character of the
9 neighborhood. He wondered if it would be an elevation drawing of the front of the building if
10 someone wanted to expand to the front. Preston said it would require a professional, likely an
11 architect or designer, so they would know what the front of the building would look like. Tim
12 thought that would be required whether it was permitted or conditional and Preston agreed. Tim
13 said it really wouldn't be a cost issue, but a time issue.

14 A vote was taken regarding adding enlargement to the C3 construction requirement. Hugh and
15 Cathy voted in favor, Tim voted against, and Barre and Peter abstained. The motion did not carry.
16 Barre said he would change his vote in favor of the motion.

17 A revote was taken and Hugh, Cathy, and Barre voted in favor; Tim voted against; and Peter
18 abstained. The motion carried.

19 Cathy asked if they wanted to reconsider removing the 16-foot maximum. Hugh asked if they left
20 it in, how it would help. Tim said it helped the scenario with The Fullerton having to rebuild and
21 building further back on the lot. There was no more discussion on it.

22 **Agenda Item 5, Set date for Village Green Zoning District bylaw amendment public**
23 **hearing.**

24 (1:31 on recording) Cathy asked if there was any more discussion on the Village Green Zoning
25 District changes to the adopted bylaws.

26 Barre said the only thing he questioned was if anyone knew what the Selectboard was going to do.
27 He thought when they wouldn't know how to handle the zero setbacks when they saw them. He
28 thought it would be a hurdle for them. Cathy said she had been working on a summary of changes
29 for them but the first thing they had to do was hold a public hearing to discuss it.

30 Cheryl Joy had commented about the bike racks before, but nobody had talked about it, so she
31 wanted to bring it up again. She thought having parking requirements only for new businesses was
32 not business friendly. It would require someone who wanted to start a business to jump through
33 more hoops than existing businesses.

34 Peter told Cheryl Joy that when he went through the parking study, he looked at the ACCD
35 guidelines from the pamphlet and the way the Commission was going about it was more friendly
36 than what they proposed. The current parking regulations were more onerous than the new stuff
37 that came down but by doing it this way, you would count the spaces and say each space on
38 Common Street counts for three spaces because it's a public lot. When you start counting it like
39 that, you ended up with more problems. Cheryl Joy agreed it was better than it was before. Hugh
40 said he was in total favor of the bike racks, but he couldn't envision how they would create a
41 requirement of a new permit to have bike racks. He was in favor of them but couldn't wrap his
42 head around a regulation for them. Cheryl Joy thought Preston could give some ideas on that. Peter
43 thought the Selectboard would be better to handle the bike rack rather than an individual business.

1 Cheryl Joy asked Tim and Barre if they remembered where they were in the proposed bylaws. Tim
2 didn't know if it included the Village Center but knew they had a lot of discussion about bike
3 racks. Barre said the bike racks were right up there with the discussion of having the town be a
4 dark town. He thought it was great the community, had people that were passionate about things
5 but requiring those passions of others didn't apply in this case. He suggested fundraising to put
6 bike racks around town was a good idea but didn't think it should be required of businesses or
7 brought up. Cathy said now that they have a town planner, he was likely to take the lead on the
8 Cobleigh Street situation, she didn't think it would be difficult to put bike racks into the mix
9 somewhere. Barre said he would donate \$100 to a community bike rack. Preston was having
10 difficulty understanding how bike racks would be built into the zoning as a requirement but could
11 say he would certainly support bike racks, only outside of zoning. Hugh was looking at the other
12 proposed bylaw document and they had it in the landscape details.

13 Bill Lindsay said there were currently bike racks by the information booth so it wasn't an absence
14 of bike racks and thought you should be able to take your bike across the street if you're at The
15 Green.

16 Cathy said if they wanted to move forward with it, they would need to vote to accept the document
17 as they had amended it tonight and vote to transmit it to the abutting towns, the Regional Planning
18 Commission and the DHCD which is part of the ACCD state organization.

19 Tim thought it would be good to see the final copy before they voted to send it on and would feel
20 more comfortable. Barre was comfortable voting to send it on because they hadn't done much in
21 years. Cathy said if they were to look at it, they could vote to transmit it on February 21st and have
22 a hearing on March 21st. They would need to warn the hearing and send copies of the bylaws to
23 the 9 towns that touch. Barre asked if the hearing would be part of the meeting or on a Saturday
24 afternoon. Cathy said it would likely be on a Monday night, but they could choose to have it
25 another time. Tim thought Barre may be remembering the workshops they had, and this would be
26 different. Preston said a public hearing could be held anytime but would customarily be done
27 during a Planning Commission meeting. Barre said they were not workshopping it but having a
28 public hearing as part of the meeting.

29 Cathy wasn't sure what Barre meant by workshopping it. Barre said when they had the workshops
30 to see what they were doing, made comments on that so they could adjust what they did and all
31 the things they didn't ever do. Barre said he was confused but now was clear. He was fine with a
32 hearing but just wanted to be clear what it was. Preston said it was the law and couldn't be brought
33 before the Selectboard without having a public hearing first. Cathy said when they decide it's what
34 they want to put forward and when they have the hearing, they can change what they want to have
35 in the document. They're not forced to keep the document the same and can make as many changes
36 as they want without retransmitting the document. Barre asked Tim if he thought they should move
37 it forward as much as they could now and then address and change issues at the hearing rather than
38 it take longer. Tim said he would be more careful in seeing a final copy before voting. Cathy asked
39 if anyone else had comments. Hugh said he was in Tim's camp but wondered what the timeline
40 was and if they acted tonight, did it mean they could have the hearing sooner. Cathy said yes, they
41 were basically taking two weeks longer to get to point B. The only deadline in the process was if
42 they were able to get all the amendments to the bylaw done by February 2024, then the town gets
43 \$1,600 from the state. Barre asked when their readjustment was because if they got new people on
44 the board and then they didn't like it, they would have to go through the whole thing all again.

1 Preston said the appointments would be after Town Meeting in March. Barre asked if they had
2 their hearing on March 21st, and when the readjustment meeting was. Cathy said one seat was up
3 for reappointment and wondered if they had advertised yet. Preston said he would find out from
4 Julie.

5 Tim said the other option would be to have a special meeting to approve the revised document if
6 they wanted to rush it. He didn't see two weeks being a deal killer since they had been working on
7 it for four years. Hugh agreed that he wanted to see the markup copy. Cathy said she would mark
8 a copy up and send to everyone. The first order of business on the 21st would be to decide to send
9 it on.

10 Peter noted that home occupation used to have parking and they removed it. The home health care
11 facility was changed. He suggested they go back through and go over the changes of the definitions
12 because it had to be put forth with the document.

13 Hugh said the only thing, up until now, nobody has had any additional feedback on the definitions
14 which had been written one to two months earlier. Unless something has changed recently that
15 would cause them to want to change them again, he didn't see a reason to change them. He asked
16 Peter if he expected something to change in what they had already updated based on where they
17 were.

18 Peter said he was just putting it out there.

19 Tim added that the DRB had some feedback they hadn't discussed, and he wasn't sure they needed
20 to because, to Hugh's point, they had already agreed upon the language.

21 Hugh said the one that came to mind for him was the feedback from the DRB on light industry.
22 Currently, the definition of light industry was sufficiently vague or open. One piece of feedback
23 from the DRB was to not allow light industry in the Village Green but when you looked at the
24 light industry definition, it was wide open and there may be some light industry businesses that
25 would be appropriate for The Green. When he thought about it with the current definition of light
26 industry, he would rather leave it in as a conditional use and let the DRB help shape the sort of
27 light industry that would be allowed. Even though he thought Phil was saying they should strike it
28 as a use, he didn't agree with that based on the definition.

29 Tim agreed and thought Phil was alone in that assertion and didn't hear anyone on the DRB
30 chiming in in support of it. The other discussion that Tim recalled with the DRB in the joint
31 meeting was around art studios or galleries and was in conjunction with the light industry. His
32 recollection and from looking at the minutes was that Phil was the only person who had any qualms
33 with how art studio was defined. He didn't have any problems with it but wanted to make sure the
34 question was raised.

35 Hugh asked if Tim remembered what the art gallery thing was. Tim said that it was a broad term
36 and could include people making a lot of noise and noxious fumes which was already covered
37 elsewhere. Hugh said that's what he thought and just needed his memory jogged on it. Hugh was
38 fine with leaving it as is.

39 Peter said at the next meeting when they write them up, they also have the minimum things like
40 the striping and signs that should be in the package that goes out with it that these are
41 recommendations for the Selectboard because that's one of the conclusions they came to. Tim
42 agreed. Cathy asked for clarification and Peter said it would have to go out with the packet. Peter
43 said part of the justification for the parking was they were saying to the Selectboard that striping

1 Main Street makes the parking easier, putting signs so you can find the Cobleigh lot, there was a
2 bunch of low-end short money fixes. Hugh asked if they would go as recommendations to the
3 Selectboard along with this bylaw. Tim said they should be part of the hearing as well.

4 Cathy said to be clear, when they talked about voting to transmit it, she wasn't talking about the
5 Selectboard but was talking about the abutting towns and the places they needed to post the
6 documents for the warned meeting. She said she would be glad to write a summary and had one in
7 progress and could add different things. That was separate from the reporting form which asked
8 for specific questions to be answered. She didn't think she would send the summary to any of the
9 surrounding towns, original planning, or ACCD but would put it in the packet that gets posted on
10 bulletin boards and the website because she thought it would be helpful to people. She imagined
11 at the hearing that they would talk about the summary.

12 Tim thought it was important locally that people understood the logic and thinking to behind the
13 change in parking and a big part of it was they were trying to create a cultural shift in how
14 businesses thought about parking.

15 Barre asked if they were sending it to the Selectboard, did it also have to go out to all the other
16 towns and Cathy said it did not. Cathy said at this moment, they were not talking about sending
17 anything to the Selectboard. They had to go through their hearing and process whatever
18 information and feedback they got from the hearing and then agree on the version they send to the
19 Selectboard.

20 Barre asked if they would be talking about the parking in the hearing with the public. Cathy said
21 the statutes have two steps. Barre said he understood.

22 Cathy said she would prepare the final version. She thought they included definitions for every use
23 they had in the proposal, and some were changed and highlighted in yellow, and the formula
24 business definition was new and highlighted in blue. Peter said home occupation had also changed
25 because they no longer required parking for it. Cathy didn't remember changing it. Peter said home
26 occupation had been requiring parking but that was against state law. It had changed in 3.20. Cathy
27 thanked Peter for catching that, as she didn't think she had it changed.

28 Cathy asked if there was anything else and there was not. She could send a copy of the entire bylaw
29 with their changes in blue ink, as there were several places where changes were required because
30 they were adding a new zoning district.

31 Hugh asked if the idea was in terms of education of the public and the Selectboard, was it her
32 summary that would help people to understand generally what was going on. She said it was. She
33 would publish the summary to the board, and they could discuss it on the 21st. She said they could
34 look for other questions that people may have and explain why they did it.

35 Tim thought that was a great idea. He would be away on the 21st and sadly would miss the
36 discussion but trusted his fellow commissioners to do it well. Cathy would make sure he had the
37 packet before he left on the 19th. Preston would also be away the 21st but assumed it could be
38 managed without him. Barre would also be away but could attend via Zoom.

39

40 **Agenda Item 6, Discuss Draft 2022 Project List and accompanying documentation of**
41 **Housing Study Municipal Planning Grant.**

42 (Not covered.)

Agenda Item 7, Adjournment

1

2 Tim moved to adjourn, and Hugh seconded the motion. A vote was taken, and it passed
3 unanimously. The meeting was adjourned at 8:29 p.m.