

1 Bill asked that he be able to ask questions and make comments when sewer extensions were
2 discussed.

3 4 **Agenda Item 4, Community Survey Update**

5
6 Hugh had chatted with Tim prior to the meeting, and he said the survey was closed at the end of
7 December. The next step is to compile the results and incorporate what was done in Survey
8 Monkey and what was filled in on paper and they planned to follow up on the survey at the next
9 meeting.

10 11 **Agenda Item 5, Discuss DRB Feedback on the Proposed UDB Admin Changes**

12
13 Hugh suggested participants look at what was included in the packet that summarized the feedback.
14 Hugh thought the DRB meeting was constructive, and they got some good feedback. He turned
15 the meeting over to Preston.

16
17 Preston said all 5 DRB members were present at that meeting and Hugh, Peter, Cathy, and Preston
18 attended. Preston noted they had gone through the entire document. They understood their role
19 was only advisory, and they suggested they change 5 things. The document in front of the Planning
20 Commission was Preston's attempt to include the DRB's suggested modifications.

21
22 In Section 2.14, having to do with the Flood Damage Prevention District. The Planning
23 Commission's draft stated the ZA and/or the DRB could make these observational judgments in
24 the areas mapped as floodplain but only done through arial photos. The DRB thought that should
25 be their exclusive power and not Preston's. They asked for more clarity about what observational
26 things could get someone out of a flood zone, so Preston had included that in the text: due to a
27 knoll, a mound or ridge, a hummock or other high ground that by observation, is clearly above the
28 risk of flooding. Barre was impressed by the words hillock and hummock were used and was
29 impressed with Preston's vocabulary.

30
31 In Section 3.11 only looking at the blue lettering, the question came up about the difference
32 between a home office and a home occupation and the question came up about shouldn't the clarity
33 be in the bylaw. Peter also thought there should be some home occupations that don't require a
34 permit. Following what the Planning Commission had previously decided, Preston did his best to
35 distinguish what didn't need a permit. He found the best definitions he could about a remote worker
36 and to say a remote worker is not a home occupation and attempted to define it the best he could.
37 Hugh thought it was good the clarity could be created and liked it. Preston noted Hugh was a
38 remote worker and not running a business.

39
40 In Section 3.14.c.10, had two blue words. The DRB said rather than the bylaw said a fence on the
41 boundary could be up to 6 feet high and now it said up to 8 feet which was consistent with other
42 changes that had been made in the bylaw. They discussed how sometimes people want to put up
43 something higher than 8 feet, and this would say if they wanted to do that, they need to meet
44 setbacks. Preston hadn't run into that in Chester.

45
46 Section 3.19.b has to do with non-conformities. Preston had written it so that he could make the

1 decision as ZA. Peter suggested Preston could make the decision, but neighbors should be notified.
2 The DRB said they would rather make the decision and if they did that, they would notify
3 neighbors. As a result, that was the change.
4

5 Peter noted Section 3.19.a.1 was missing. Preston had written the number incorrectly and Section
6 3.19.b was really 3.19.a.1. The wording was correct, but the numbering was wrong. Preston had
7 inserted the blue words saying it was by the Development Review Board and removed the sentence
8 requiring notification of neighbors as that is already part of the DRB process.
9

10 Barre thought when they were discussing it, they were concerned about the amount of time and
11 wondered if the time concern was brought up at their meeting as the reason. Barre wondered if
12 time was no longer a concern because it was better to have their input. Hugh didn't recall this
13 change being about time but rather being able to do it. Without the change, it couldn't be done
14 because of the size of the lot. Time wasn't the issue from his recollection. Hugh wasn't concerned
15 about giving it to the DRB to make the decision. Cathy noted that was when they were done
16 tweaking it, it would go to the townspeople and they would be profoundly affected by having to
17 go through a hearing instead of letting the Zoning Administrator decide. That's when the
18 townspeople would say it wasn't acceptable and they have to wait 6 weeks to get something done.
19 Peter said it would sell better to the Selectboard when they could say the DRB agreed with the
20 change.
21

22 Barre noted he wasn't advocating for his argument that it should take less time, but he wanted to
23 raise it because he thought it was an issue and he's always thought neighbors should be warned of
24 things. Preston is always looking for ways for the bylaws to be more user friendly, which generally
25 means not sending them to the DRB. The DRB noted Preston would not always be there and they
26 could have a ZA that was less conscientious and knowledgeable. Preston said currently they don't
27 have the power to make the change and now they do. He had no issue with it but noted it still
28 would take time. Preston thought the change would go under b.5. Preston was slightly surprised
29 the DRB didn't say it was a decision they wanted to make. What they did was they wanted to make
30 sure nothing got closer than 10 feet to the boundary line. Cathy asked Peter what his recollection
31 was, and he thought it was 20 feet. Cathy said she could go over the tape. Hugh would check his
32 notes but regardless of the number, the spirit was to make sure something didn't get so close to a
33 driveway or roadway to obstruct the line of sight when leaving your driveway.
34

35 Preston thought they could go forward with a public hearing but wondered if they wanted to see it
36 one more time in a full document. Hugh said he didn't need to see the document again. Barre felt
37 the same. Hugh said they had packaged up an executive summary in the past, which Cathy said
38 was required, and they could hone in on the stuff they cared about. Preston said Cathy was correct
39 and they were required to do a report that summarized their changes. There was a specific hearing
40 requirement so the public could understand what they proposed to change.
41

42 Barre said when they first were going to do it, they were going to run through a whole big thing
43 and they decided to break it up, which they were doing. Barre wondered if they should table some
44 of it and bundle it for more efficiency. Peter was for making smaller changes. Barre said Peter's
45 opinion that it wasn't that much work to bundle it and it kept it simpler and easier worked for him.
46 Hugh felt the same way. Preston added it was he and Cathy who do the bundling and they had said

1 at the start of the process if that's what got the job done, it was fine. Hugh thought a positive to
2 the bundling approach was most people may not want to have to care too much about the
3 administrative sections of the UDBs, so getting the admin stuff out of the way as a chunk made
4 sense. Preston said when the admin stuff was out of the way, they would be dealing with the nitty
5 gritty of the districts.

6
7 Hugh moved and Peter seconded a motion to package up the changes discussed and include the
8 DRB feedback and set a date for a public hearing. The motion passed unanimously.

9
10 **Agenda Item 6, Review Zoning Maps for Town Districts**

11
12 The packet included the current village map and a proposed map. Preston started the discussion
13 about maps. He said there were two paths going forward. They could tweak the current zoning
14 maps, or they could do something different. He suggested they start where the Planning
15 Commission left off with Brandy's suggestive changes but simplify them by merging some
16 districts which is recommended by the Better Places document. Brandy had included Village 6 and
17 Village 4, one was 6,000 square feet and one was 4,000 square feet and he questioned how different
18 that was. Preston said it was a wide-open question and they could say to stick with modifying the
19 current bylaw and make it simpler or they could say Brandy had put a lot of thought into it and to
20 keep going. He thought it was about getting some direction about where they go from there.

21
22 Jason was thinking in terms of the existing Village Center District. He wondered if the existing
23 Village Center boundary was a better starting point or the E20 version that originated with some
24 of Brandy's work. He asked their thoughts about what more closely reflected their vision of what
25 the Village Center should be. Hugh never completely understood why there were two different
26 size village districts like what they had with Residential 20,000 and 40,000. He never understood
27 that and wondered if there could be one district to represent that demographic. In the spirit of
28 simplification, he supported merging them. What he remembered from the work Brandy had done
29 was some of it was being driven by grant money associated with a zoning district that had certain
30 sized lots and that opportunity had come and gone. He probably wouldn't have created zoning
31 districts on the ability to get grant money because it didn't seem that durable and lasting over time.
32 For that reason, he didn't want to carry forward those multiple residential districts in the village.

33
34 Peter thought the theory of if you had water and sewer, you could have a quarter acre lot and if
35 you only had water, you could have a two-acre lot and none of it reflected that. Peter said his
36 biggest problem was they had to look at and reflect on the floodway which was huge in Chester.
37 They could pretend it wasn't there and both zoning maps pretend they don't exist. He said there
38 were rules that could make it its own zoning district. Peter thought the state would say as a town,
39 they should conserve land. He thought the easier way to conserve land may be to have a flood
40 district that you can't build in. The FEMA map has an area you could call ag forestry recreation
41 that already has rules. He said in the general standards, there were rules for floodway, Article 2.14,
42 and Article 6, and currently it supersedes all the district overlays, but nothing could be done with
43 the land. He said they wouldn't have to add any rules to create the district. The only one he thought
44 that they would need to create had to do with minimum lot size. The minimum lot size would be
45 3 acres which was 50% of the abutting district. In the outlying areas if 50% of the abutting districts
46 were bigger than 3 acres, it would match that. Then you would take all the floodway out of the

1 residential calculations. There is a map that already defines it which must be followed.

2
3 Barre didn't want to disagree with Peter and hoped he could help with it because he had more
4 knowledge about it. When he drives out of town and goes past the firehouse and sees the big field,
5 there has been talk about a flood plain having mitigation so in theory, if you dig a hole big enough
6 to hold the water that would be displaced by making it higher to build something then that would
7 change the nature of the floodplain prior to the mitigation. When talking about these places as a
8 matter of fact, he wondered if it was really that true. If they say there is no possibility to build there
9 and there was a potential for flood mitigation and it could work with respect to density, are they
10 risking the opportunity to have the mitigation by saying you can't build there. Peter said there was
11 a difference between floodway and flood trench. Peter said Barre was talking about a flood trench
12 which was already defined in the bylaws. Hugh understood Barre's question and asked it
13 differently. What is the advantage or disadvantage to leaving the floodway an overlay versus its
14 own zone. Hugh wondered what went into the discussions around the merit of whether it was an
15 overlay or its own zone which would help them understand it.

16
17 Jason said it was currently an overlay district so there was an additional level of regulation on top
18 of the underlying zoning district. He used the Village Center District as an example which allows
19 commercial uses, has minimum lot sizes and setbacks. On top of it is the overlay which allows you
20 to do all those things in the district but requires you to meet the flood regulations. Things would
21 need to be raised above flood elevation. He thought Peter was suggesting making the flood hazard
22 area its own district and not be a flood overlay district anymore. Jason said he hadn't seen that
23 done too much and wondered how they differentiate the Village Center areas from the rural areas
24 where there would be a difference of commercial units. He said they could certainly do it, but he
25 hadn't seen it done. He asked for their thoughts.

26
27 Preston agreed with Jason that the flood districts were overlay districts. Preston wasn't opposed to
28 what Peter had said because specifically when he said stuff that had been mapped with boots on
29 the ground versus stuff that was approximate. You could set up a flood district and still allow flood
30 proofing and elevation. It might be more transparent to the public to have it as a separate district.
31 Preston was open to it. Barre wondered which was easier. Hugh understood with an overlay that
32 you had to meet the requirements of the district and then there were additional requirements. If
33 they created its own zone, Hugh thought it was up to them to make sure that zone can do the things
34 it's supposed to and isn't so restrictive that it becomes something they aren't happy with. Hugh
35 thought if they created a zone and it was possible to do something because of flood mitigation
36 techniques, he thought they would want to figure out how to have the zone requirements allow
37 that. To Preston's point, he thought overlays may be more difficult for people to understand. Hugh
38 thought it was much easier for someone to look at a map and see the boundary and say that's this.
39 Hugh heard Preston say it wasn't a bad idea that may work, and he was hearing Jason say they
40 hadn't seen it done a lot, so Hugh didn't find it helpful. Cathy wondered how often they change
41 the flood area. Jason didn't think that much but the area in this part of the state was done in 2007
42 and they are currently doing it with a draft expected maybe next summer. Preston added the
43 thinking behind overlays is they are changed as FEMA changes them and it could be an argument
44 for keeping an overlay. Jason asked the board if it was something they wanted him and Preston to
45 investigate. Jason was willing to give it some thought to see what a flood district might look like.
46 Hugh wanted more research done because it was the reality of this part of town. Peter said there

1 was a flood damage prevention damage district. It was the overlay, but it wasn't what it was called
2 out as. The problem Peter saw with a lot of development was that people look at it and think there
3 is a lot to develop but when the overlay is added, it's a whole other program. Hugh was interested
4 in what Peter said about creating a district that had something to do with claiming the land as being
5 conserved. Peter said most of the land behind the Stone Village is farmlands. The floodways make
6 all the buffers happen without going through the other steps. A buffer is so you can't build up to
7 the river and a floodway removes that. Peter said that would allow environmental things to be done
8 without taking anyone's property rights away.

9
10 Barre was hearing what Peter said and thought he had a good grasp of it and understood both sides.
11 Barre thought their concern back in the day had to do with them being lots, and if you're going to
12 draw a line through a lot because the majority is in a floodway or floodplain, and if it's a whole
13 lot, it gets x-ed out. Barre thought the zone areas were defined by the lot size so if they were going
14 to do what Peter was suggesting, it had to be a different thing that happened within it and zoning
15 would still need to be created for what the lot was. But Brandy was saying if the zoning was just
16 made for what the lot was, the floodway would come in anyway. Barre thought the laws were there
17 and were vital no matter what and that's why they ended up making it what it was. Barre thought
18 by making the zoning happen around the lot size, it was easier to do that. Barre asked if he was
19 right about that, and Peter agreed.

20
21 Peter said the floodway was determined by elevation, so the natural course of the stream doesn't
22 follow property lines. They will follow the existing FEMA map. A chunk on higher ground that
23 was out of the FEMA map would end up being in the higher zone. Barre wanted to be clear and
24 that when they were making the zoning most of the zoning that they did work with the size of a lot
25 and determined where it is. Peter agreed. Barre thought if they changed it, they still had to call the
26 lot something.

27
28 Barre brought up the field next to the new firehouse and across from The Pizza Stone and said part
29 was in the floodway, part in the floodplain, and part may be high enough to put a structure there
30 which could be beneficial such as affordable housing. Barre said if they zoned it as a flood zone,
31 then nothing could be there but if they zoned it for town building, they could only build on the
32 high ground allowing them to still use part of it. Peter said the way he wanted to do it, you could
33 still build on part of it. Peter said the stream elevation is the determining factor and not the property
34 line. Peter said if the elevation was above it, it would be fine. Peter said the legislature is discussing
35 conserved land and that's what they would want to see. Peter said building a walking park through
36 the floodplain would be fine. Peter said they wouldn't be changing the value of people's land and
37 saw a lot of positives to it. Peter said it was a harder problem and would be much easier to do an
38 overlay but then they would be kicking the can down the road for 10 years. Barre considers the big
39 field by the Legion as a good place to build something and up by the road, it wouldn't flood but
40 there's a problem there and they can't use that and the same applies to the land where the firehouse
41 is. With respect to preservation, Barre also saw it as a hinderance. Barre said he would yield to
42 those who know more about it and care more about it and that they were hearing what he was
43 saying.

44
45 Hugh thought they shouldn't paint themselves into a corner if they create a zone. Hugh wondered
46 if the zone boundaries following the elevation would create a scenario whereby default, they would

1 create a zone with a lot of non-conforming lot sizes. Jason said they wouldn't create that problem.
2 Jason said they had generally tried to create zoning districts based on parcel boundaries so if they
3 do it with a floodplain, it won't work and would make it harder at that level to figure out which
4 district they were in. Hugh asked how a lot in 2 districts was treated. Peter said it was the location
5 of the principal district. Peter said in a floodplain they could make an exception and say it was the
6 location of the higher ground. Jason didn't see it as a major difference. Jason thought the question
7 was more the floodplain in different parts of town being clear a shop in the village is allowable but
8 a floodplain in the boonies would not allow for it. Barre wondered if Jason was saying that if
9 zoning was according to a floodplain and certain things were included, it would not be allowed in
10 any of those areas because the flood area would become its own zone. Jason clarified he was saying
11 the floodplain covered a lot of the town, some of which was in the village and a lot of it was in the
12 rural parts of town. Jason said they would have to decide if they created a flood district, how the
13 land use thing worked. Hugh thought if it could be all over the place, you may have something in
14 the floodplain in the village where you wanted to make retail a permitted use, but you would never
15 make retail a permitted use out there but now that it was in the same zone, what could be done
16 about it. Cathy asked if they could have more than one flood zone. Jason thought there were ways
17 to deal with it. Hugh said he would love to see Jason and Preston look at overlay versus zone and
18 help him and the rest of the commission understand the pros and cons of one versus the other.

19
20 Hugh also wanted to understand the reason why there were 2 different residential districts in the
21 village and if it had to do with water and sewer, or if they could do something to fix that so it
22 wasn't necessary. Jason wondered if he meant the existing zoning map and Hugh said yes,
23 Residential 20 and 40. Hugh also said Brandy's maps had Village 6 and 12 or similar and he never
24 understood why they existed and why Brandy was proposing them. Hugh thought if they were
25 trying to create a zoning district that made sense for water and sewer, why didn't they just do that
26 and call it neighborhood. Jason wasn't sure that made sense in today's world. He thought at that
27 point in time the thought was what sort of existing conditions, and they weren't thinking in terms
28 of where water and sewer were which they should think about. Jason thought Preston's thinking
29 in lumping Brandy's 2 Village districts together made better sense because they were both on water
30 and sewer. Jason thought simpler was better and the same with residential. Jason was trying to
31 look at the water and sewer map and make sense of where the zoning districts were. He wasn't
32 sure the 2020 draft nailed it but it was getting there. Hugh asked Jason if his strategy was to look
33 at the water and sewer maps and craft where the zoning districts around that. Hugh thought as a
34 strategy, that made sense and whatever map got them closer to that end state would seem to make
35 sense. Hugh asked the others to chime in.

36
37 Peter said if they were going to do that, they would talk about creating different sizes. He said you
38 wouldn't be looking at Residential 2000 but say if you have water and sewer, you can have a
39 quarter acre lot. A quarter acre lot was 10,000. Peter was more in favor of making a concentration
40 but that would require a qualifier. He said 40,000 if there was just water and they would be stuck
41 going up to 3 acres if they didn't have either. Peter said they would like to make more small lots
42 but finding the sewer and water is difficult and you make qualifiers within the district.

43
44 Barre said the other issue, which was more important earlier on with Brandy's work, in the area
45 Barre is maybe a good area for small shops such as on Cape Cod. The zoning back then was more
46 about commerce but wasn't as much of a big deal now due to the shortage of employees. Barre

1 noted that Bill Lindsay's place sat for 10 years and when COVID happened, it would have sold in
2 3 days, so things change and have changed within the time that Barre has been on the board. A
3 long-term vision for Barre's district and he was aware there were incentives back then to turn it
4 into a potential retail district and the ability to have a business and he didn't want to lose sight of
5 that because all those things matter. Preston said he and Jason had a conversation about an
6 upheaval in the planning and zoning world in the last 5 years and Better Places explains some of
7 it. There are voices in this world that ask why have a minimum lot at all. Jason compared a
8 neighborhood on the zoning map to water and sewer. Jason said some may be extensions and they
9 could have Class A and B and if you were served by water and sewer, it could be smaller. Hugh
10 was in support of that strategy. Hugh wondered why more wasn't in mixed use. Hugh wondered
11 why in areas where it would make more sense to have mixed use they didn't because it would
12 solve problems like Barre's about having it be a business and residence and it would solve the
13 problem of if there was water and sewer. Hugh thought if it was simple, they should be heading
14 that direction unless there was something he wasn't aware of. Barre said part of the problem was
15 if you made too many things business-oriented, it impacted the neighbors with increased traffic.
16 Hugh said there was a balance.

17
18 Bill Lindsay suggested that because of the age of many houses, they would be changing hands. He
19 said his wife had commented to him about the volume of traffic Barre had spoken about. Bill noted
20 there wasn't a lot of parking along Route 103 so it wasn't conducive for a lot of cars but could be
21 if they didn't have strict parking regulations. Bill said Route 103 was a main artery coming into
22 Chester and they should consider it when making changes to the zoning districts. Cathy suggested
23 sending the traffic down Pleasant or Elm Streets but not Church.

24
25 Jason asked which was the better starting point, the existing zoning or the 2020 draft. Jason was
26 looking at the Village Center and said the old district followed the wastewater service area closely.
27 Jason thought one thing Brandy's map did a little better was it pulled it out where you feel like
28 you're entering the village when you hit Lovers Lane driving in from Andover. To Jason, it starts
29 feeling like a village a little further west. Others agreed. Peter said he had looked at the sewer and
30 it could be extended to Blue Hills without too much trouble. They had talked about that previously.
31 Jason asked which zoning map they should start with. Jason said they may not know and want
32 Preston and he to look at it in a little more detail. Jason was leaning a little more toward the 2020
33 version. Barre's suggestion would be to do whatever is best moving forward and to use their
34 judgment because they were the experts. Barre said he had sat through all of it with Brandy and
35 had ideas, but it wasn't his expertise.

36
37 Preston, like Jason, leaned toward the 2020 map as a better starting point. Hugh was in Barre's
38 camp and wasn't an expert on zoning or planning. Hugh thought the 2020 map was simpler so his
39 point of view was they understood some of the goals and to make sure they take advantage of
40 where the water and sewer is and to make sure they can have businesses and residences in the
41 Village Center. Hugh thought they have high level goals for this part of town and if they knew
42 what they were, they should consider them as they develop the maps. Hugh thought it was up to
43 Preston and Jason to decide whether they start with a blank piece of paper or the 2020 map. Hugh's
44 only advice was not to create more zones and complication just because they could. Hugh thought
45 the least number of zones was the better if they weren't creating an issue somewhere with the
46 community or town. Barre thought some of the pertinent concerns when they had discussions with

1 Brandy and changed some of the things were the industrial area along the railroad tracks. And even
2 though it went out into the floodway and all the way down the river, which seemed ridiculous,
3 there was a reason they did it. Barre said the other thing that was important back then was Dennis'
4 property on the edge of town across from the place with the barn and the little houses and it was
5 in limbo. Barre wondered if it was in limbo on the 2020 map and not the 2022 map. Jason said
6 they were off the map. Barre said those were things he was recalling and wanted to share. Jason
7 was a big advocate of keeping it simple and they wouldn't overcomplicate it. Jason pointed out
8 that the Village Center was split in two and wondered why. Peter said two-thirds of it was above
9 Lovers Lane Brook. Peter thought it was bizarre. Cathy said there were two houses on that parcel
10 that were close to Route 11. Barre asked if they were talking about the blue lot on the other side
11 of the river. Barre wondered if there were different rules because of the gas stations. Barre thought
12 the zone was created that way because of the gas stations, Sunoco and Jiffy Mart. Jason agreed it
13 was probably why it was like that.

14

15 Jason thought they had enough to work with and Preston agreed.

16

17

Agenda Item 7, Adjournment

18

19 Hugh moved to adjourn, and Peter seconded the motion. A vote was taken, and it passed
20 unanimously. The meeting was adjourned at 8:05 p.m.