

1 **TOWN OF CHESTER**  
2 **PLANNING COMMISSION**  
3 **March 21, 2022, Minutes**

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

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

8 **Citizens Present:** Steve Mancuso, Scott MacDonald, Emily Beagle, Ginger's iPad, Jason  
9 Rasmussen of MARC, Noel Corbett, Linda Diak, and Leigh Dakin via Zoom. Bill Lindsay, Arne  
10 Jonynas, Lillian Willis, David Carey, and Justin Anderson at Town Hall.

11 **Call to Order**

12 Chair Cathy Hasbrouck called the meeting to order at 6:33 p.m.

13 **Agenda Item 1, Add or Delete Items on the Agenda, if necessary**

14 Since Cathy hadn't distributed a copy of the minutes for people to see, although they were on the  
15 website, they would not bother reviewing the minutes and would remove it from the agenda.

16 **Agenda Item 3, Citizen Comments**

17 Cathy asked if anyone had anything to discuss about anything not on the agenda. There were no  
18 comments. Cathy pointed out that Hugh Quinn was on Zoom, along with Jason Rasmussen and  
19 others who were citizens.

20 **Agenda Item 4, Public Hearing for Village Green Zoning District Bylaw Amendment**

21 Cathy went through the following PowerPoint presentation that Tim Roper designed and was  
22 shown both via Zoom and at Town Hall.

23 Cathy noted that Preston has said zoning is a balance between control and giving people enough  
24 room so they can innovate and have a business. They help us be good neighbors and we try not to  
25 stifle business and make sure everyone has a fair hearing.

26 They are creating the district because they want that area of Chester to flourish. Preston has pointed  
27 out the fact that Chester is unique and there is no comparable green in the surrounding towns. It  
28 is a remnant of a common pasture with lovely wooden buildings around it. It's not necessarily an  
29 economic powerhouse but certainly a symbol of how Chester is doing. They want Chester to look  
30 its best on The Green. Fifteen of the sixteen parcels on The Green in this district were non-  
31 conforming under the adopted bylaws. The adopted bylaws require a half-acre minimum lot size,  
32 and the median lot size is around 8,700 square feet. A half-acre is 20,000 square feet. If your lot is  
33 non-conforming, then it's likely you can't change the footprint of the building which is a problem  
34 for many. If they wanted to change a porch, add a loading dock, or take something out of the way,  
35 they can't. This is another reason for change. A lot of the lot lines are the drip line from the roof  
36 in this part of town. This is what came of the proposal Brandy Saxton put out and they thought it  
37 was a good proposal and were attempting to implement it.

38 The plan was not to disturb any of the existing permits, which were many. Since the 1970s, almost  
39 every building has had a restaurant permit, a retail permit, and there were also a few light industry

1 permits out there. All the existing permits would be valid, and none would be non-conforming so  
2 they can stay there.

3 The boundaries of the district were in orange on the map Cathy showed. She said it was basically  
4 the row of parcels between School and Cobleigh Streets. The only exception was part of the 2.5  
5 acre parcel The Fullerton was on had been bisected by the line. Further towards the river from the  
6 Inn is in the Village Center District, so if you put a building there, the Village Center guidelines  
7 would apply. The map showed how the Fullerton parcel was divided.

8 Cathy thought it was Mark Twain who said, “There are lies, damn lies, and statistics.” She then  
9 provided statistics. The median building footprint is 2,750 square feet more or less. The median  
10 lot size is about 8,000 square feet which is .19 acres. A half-acre lot is about 20,000 square feet.  
11 Historically, the buildings seemed to be built to be single family homes with businesses in the front  
12 room. The inn had been rebuilt two or three times because it burned and was a commercial  
13 building, but the other buildings had started out as single families or duplexes. This arrangement  
14 where you have living space, commercial space, or light industry is a mixed-use district.

15 If the total footprint of all the buildings on The Green were added, you would get 53,000 square  
16 feet. For a comparison, a typical Walmart has a footprint of 180,000 square feet. They didn’t go  
17 overboard on forbidding things because some of it would not be physically possible. There is no  
18 need to set up a lot of special rules because Walmart isn’t coming.

19 Every zoning district in the bylaws has a purpose. It sounds like legalese but is important. The  
20 purpose is worth studying because the rest of the bylaw was constructed to make sure they met the  
21 goals of the purpose. She wasn’t going to read them aloud because they are boring, but noted they  
22 are important.

23 Permitted uses must meet the standards in the bylaws but didn’t require going before the DRB and  
24 your neighbors to show how you are meeting those standards. They’ve added the traditional  
25 accessory dwelling unit, structure use, and they’ve added art studio or gallery. They also added  
26 restaurant, retail store, or professional office. Those are generally not permitted uses but have a  
27 history of being on The Green since it’s inception from what they know.

28 David Carey said church was not on the list. Cathy said it fell under civic/institutional use under  
29 conditional uses.

30 The four uses of mixed-use building, professional office, restaurant, and retail store in other zoning  
31 districts could be conditional uses but, in this district, they have been part of the landscape for so  
32 long that it wouldn’t shock the neighbors if someone wanted to have a restaurant at 23 School  
33 Street.

34 The conditional uses require a hearing before the DRB which takes time because they need to warn  
35 the neighbors and the hearing. The same standards are met but they need to explain to the DRB  
36 and any interested neighbors how the standards will be met. When they constructed the list, they  
37 not only considered the past and the present but what the future could bring, including if COVID  
38 was here a long time and how else those buildings could be used given the hospitality industry is  
39 struggling. That was their line of thinking when they came up with those conditional uses.

40 The dimensional standards were what they changed the most. They reduced the minimum lot size  
41 to 3,600 square feet. They reduced the frontage and reduced the setbacks quite a bit because for a  
42 lot of the buildings, the lot line is only 3 inches from the building. Instead of making everything  
43 non-conforming, they are trying to allow them to use what space is available to them. They also

1 increased the percent of coverage. The Zoning Administrator has had to deny requests from some  
2 businesses on The Green because they didn't meet the dimensional standards under the adopted  
3 bylaws.

4 David asked how they came to the 35-foot height. Cathy said it was driven by the fire department's  
5 ability to rescue someone. They don't have equipment that will go above 35 feet to rescue humans.

6 The supplemental standards for this district are important. They lay out in more detail the general  
7 appearance and character of the district. It serves as an insurance policy if someone proposes a  
8 change, they have something that says new buildings and modifications of existing ones shall be  
9 of a similar building mass and orientation as buildings in this district. This is how they plan to  
10 protect the look of The Green. In other districts, they won't have this kind of clear requirement,  
11 but they feel it's needed in this district. They don't want something modern and out of character  
12 with the other buildings being built. If something burned and it was replaced, they would want it  
13 to look like the rest of the neighborhood.

14 The other important issue is parking. The town wisely created a lot of parking on the street in front  
15 of the buildings which is called Commons Street. She had heard different businesses were unhappy  
16 about the number of spaces that were taken up during business hours by non-customers. The  
17 Planning Commission discussed this issue. Peter Hudkins and Cathy had counted spaces and  
18 looked at businesses and calculated how much parking was needed at any given hour of the day  
19 and into the evening. They came up with some ideas to ensure customers of businesses would have  
20 available parking during business hours. They could accommodate customers but not tenants and  
21 staff on Commons Street. They decided when someone obtains a permit, they would need to ensure  
22 the tenants and their staff had parking that wasn't on Commons Street. It could be behind the  
23 building, or in a parking lot but not on a traveled street. It only applied to new permits. It was an  
24 insurance policy to be sure businesses don't have customers circling The Green for parking.

25 She asked for questions. A few business owners from The Green and church representatives were  
26 in attendance.

27 Noel Corbett asked about the height requirement for buildings. She wasn't sure about the height  
28 of her building but knew it was quite tall and wanted to make sure they weren't in violation and  
29 that they didn't want them to chop off their spire. Cathy said they weren't. She said the height  
30 requirement was universal throughout Chester and was grandfathered. Preston said they could  
31 check but doubted she was in violation. He did have the height definition out and it said it was  
32 measured to the highest point of the roof but didn't include the chimney, the cupola, or any other  
33 non-habitable roof appurtenances, so church steeples and things like that are exempt. He doubted  
34 she was above 35 but they could be sure. Barre said even if there was an existing building above  
35 35 feet, it wasn't in violation because everything there now was grandfathered. Barre said these  
36 rules only applied to building something new. None of the rules applied to current functioning  
37 businesses. It was only if the business was sold to someone else and they wanted a change of use.  
38 Barre said most of what they were discussing was like taking a painting off the wall, dusting it off,  
39 and putting on a new mat. More than likely, it wouldn't affect anything, unless someone wanted  
40 to build out to the road and had room because they changed the setbacks and that was something  
41 he didn't agree with, but the rest of the board did. Cathy said if someone wanted to buy Chester a  
42 firetruck, they would consider raising the height limit. Noel said they would keep that in mind if  
43 they decided to go up.

44 Leigh Dakin asked if she heard correctly that there were no reserved parking lots being considered

1 for residents on The Green. Cathy explained The Green's parking is on-street parking and Chester  
2 has an ordinance that states between November and April you can't park overnight on the streets.  
3 When she and her husband were at the inn, she didn't realize there was an ordinance, but they were  
4 members of The Main Street Parking Association, and they instructed their guests that they had to  
5 park in The Main Street Parking Association if there was snow that night. They were saying in the  
6 future if you wanted a permit for a new use that had never been in your building or on your parcel  
7 before, you would need to provide a plan for your tenants and staff to park somewhere else at  
8 night. If things go well and we recover and things get busy on The Green, they would be looking  
9 to get residents and staff not to park on Commons Street but to park in The Main Street Parking  
10 Association or Cobleigh Street or some people park in 34 School Street's parking lot. Several  
11 parcels also have parking. There is quite a bit of space behind Barrett and Valley and some behind  
12 the inn. There is also The Main Street Parking Association. Leigh was pleased and thanked Cathy.

13 Scott MacDonald thought one of their main purposes was to be business friendly. If you were  
14 coming with something new, you would need to prove you could handle the parking requirements.  
15 He asked if they were willing to help them figure it out because it could scare potential businesses  
16 having to deal with it. Cathy said she had the conversation with someone who owns 23 School  
17 Street. He was alarmed by it and Cathy suggested there was space in his lawyer, Sarah Vail's lot  
18 across the street. She introduced him to The Main Street Parking Association concept. She told  
19 him there were places to park and he only needed to come to the zoning office, and they would  
20 help him find some. He calmed down when he realized that they would help him find some space  
21 for his tenants. Scott was suggesting they should find a way to insert it into the bylaws that rather  
22 than making it sound scary and that they would work with them. He didn't know what the solution  
23 was. He said coming to a new place can be scary and if they were telling them they would need to  
24 figure out the parking on their own, they would go elsewhere. Cathy said if someone bought a  
25 parcel and continued the existing business, there was no new permit, and they wouldn't need to  
26 deal with it. If they buy the parcel with the intent of changing the use and that use has never been  
27 on that parcel before, they would be in the zoning office talking to the zoning administrator and  
28 that's where they would learn they would help them find space for their tenants and staff.

29 Tim thought Cathy brought up good idea about talking to realtors. If someone was looking at space  
30 in Chester, they would be talking to realtors who could let them know we would help.

31 Cathy knew Barrett and Valley had several spaces behind them. She knew the office wanted their  
32 agents to park there so their customers had parking.

33 Barre said reality was it wasn't enforceable. They were trying to encourage people to do what they  
34 should do anyway. He thought it was written more as an encouragement but had some teeth. They  
35 don't have a parking deal in town and it's not enforceable. Scott said it could scare someone away  
36 if they don't call the zoning administrator, so he was suggesting some wording somewhere that  
37 sounded like they want their new business. A change of use is potentially a great use for The  
38 Common. It's no longer a quilt store but a place selling wooden ducks.

39 Hugh mentioned the currently adopted bylaws had more stringent parking requirements to gain a  
40 permit on The Green today. So, they were actually relaxing the parking requirement to get a new  
41 permit because they understand by and large between spaces on The Common and spaces in Main  
42 Street Parking and Cobleigh Field that there's probably enough parking, so they are lowering the  
43 barrier in terms of the parking requirement with the new proposal.

44 Shawn Cunningham of Chester Telegraph said one of the things Cathy had said was if there had

1 ever been a restaurant at a location, it was an allowed use. He asked if she was saying for this area  
2 that the sunsets either at 2 years, as it has in the past, or 5 years as it was changed to were no longer  
3 in force. Cathy said it applied to a non-conforming use and as far as she knew, restaurant was  
4 always allowed on The Green and wasn't a non-conforming use, as well as retail, so the sunset  
5 doesn't apply to those permits and the permits run with the land and not the business owner, so  
6 they were there until they come up with a new zoning rule that said the permit didn't run with the  
7 land. Shawn asked if someone stopped using it as a restaurant, if it could go back to being a  
8 restaurant in the blink of an eye if someone came in and did it and there was no end to it. Cathy  
9 agreed. She said there was no limit on when they could return and pickup restaurant unless for  
10 some reason, restaurant stopped being an allowed use in that district. Shawn asked about additional  
11 uses and if the 2- or 5-year sunset would apply. Cathy said it only applied to a non-conforming  
12 use.

13 Cathy suggested talking about the rights people had in Vermont regarding zoning or they could  
14 run through simulations to illustrate the bylaws and how they would work. She wasn't sure what  
15 the audience wanted.

16 Tim thought the simulation would prompt some questions.

17 Preston said one thing Cathy had not mentioned was formula business and suggested it be  
18 explained before the simulations.

19 Cathy said formula business was another piece of the supplemental standards. At the end of  
20 Character of Development was a single sentence, "Formula businesses are not permitted in this  
21 district." There was a definition included for formula business in the definitions. Formula business  
22 is a type of retail store, rental establishment, restaurant, hotel, or motel, which along with ten or  
23 more other businesses located within the United States, regardless of ownership of these  
24 businesses, maintains two or more of the following features. A standardized array of merchandise,  
25 a standardized menu, a standardized façade, a standardized décor and color scheme, uniform  
26 apparel, standardized signage or trademark or service mark. They were trying to keep Starbucks  
27 or Dunkin' Donuts off The Green or anything that would compete unfairly with local businesses.  
28 It only applies to this little part of town. They haven't heard anyone say they want this kind of  
29 exclusion anywhere else in Chester. If so, she advised them to let the Planning Commission know.  
30 They felt it was appropriate to limit it on The Green. She asked if there were any other questions  
31 and there were none.

32 For a simulation, if one of the parcels that had never been a restaurant became a restaurant, what  
33 would they go through to obtain a permit. Preston said there were a few properties in the district  
34 that were retail but haven't been a restaurant. There may have been a permit for an existing  
35 restaurant that seated 35 people, and someone came in and said they wanted a restaurant that seats  
36 65 or something similar. His opinion as a zoning administrator would be they were changing the  
37 use and significantly enough that it needed a permit. In this simulation, it would be his call as  
38 zoning administrator, although others are fully able to appeal everything he does or doesn't do. He  
39 would look at the business hours, the parking for staff, the exterior lighting, sign, the expected  
40 noise levels, would there be live entertainment, how deliveries would be made, and any planned  
41 changes to the exterior of the building. He would also make sure they checked with Jeff about  
42 sewer capacity and the grease trap. And he would check if there was adequate control for smoke  
43 and cooking odors. Those would be the kinds of things that Preston would look at in that sort of  
44 scenario. In many districts the DRB would also be included in the review. Cathy said they wouldn't

1 need to schedule a hearing which can take almost a month and they wouldn't be talking to the  
2 DRB, but they would need to meet all the criteria they have about a use.

3 Preston said another simulation they thought of, as there is more than one route to do certain things  
4 in this district, was they have talked to people who have home occupations and live there and carry  
5 out activities. Or if they live there, they could conceivably have a home business or be retail or  
6 they could light industry or some combination of all that. They have had some question in the past  
7 about what's up with light industry in a small district like this. There has been light industry there  
8 before and it must be reviewed by the DRB. The definition is the processing and fabrication of  
9 certain materials and products where no process involved will produce noise, vibration, air  
10 pollution, fire hazard, or noxious omissions that will disturb or endanger neighboring properties.  
11 It says where no process will involve things, which he thought was strong wording. Preston felt it  
12 was basically saying if someone did anything that bothered the neighbors, it was grounds for the  
13 DRB to say they can't do that.

14 Preston suggested a simulation where it was a seamstress or tailor altering clothing in the apartment  
15 and it was two household members that would be considered a home occupation. Cathy pointed  
16 out that everyone was entitled to do that type of thing in their home whether they owned or rented  
17 it and they were entitled to have a home occupation if they didn't disturb the neighbors.

18 Scott had a question about home occupation. On the first page under permitted use, they were  
19 saying that home occupation required a permit. Cathy agreed. Scott said they had discussed that  
20 the State of Vermont assures people have the right to have a home occupation. He said the last  
21 time they all spoke via Zoom Preston talked about making it a voluntarily and a potentially free  
22 process for people that wanted a permit and that they couldn't enforce home occupation because  
23 of the state. He asked if that was correct. Preston said not quite. He said home occupation was a  
24 right protected by statute but that many towns require a permit for home occupation. They can't  
25 deny it if it meets the state exemption. The purpose of having a permit is so you know what they're  
26 doing, and you know when they've crossed the line from home occupation to something else. Scott  
27 said it said it was required to have the permit in that district. Preston said Scott was correct and  
28 that the bylaw was saying you were required to have the permit. Cathy added that applied to all  
29 districts. Every district listed home occupation as a permitted use. Preston said it hasn't always  
30 been followed but they were at a public hearing for people to tell them otherwise. They were  
31 feeling it would be good to have home occupation permits. Scott thought it was a great idea but  
32 wanted to make sure they weren't scaring people away by requiring them to have a permit. Preston  
33 said if someone came to them now, it would be \$50 to get a home occupation permit. Preston said  
34 they talked about making it free, but the fees were set by the Selectboard and not the bylaw or the  
35 Planning Commission. They talked about it but hadn't voted to suggest making home occupation  
36 permits free. Cathy said the Planning Commission would discuss it and then make a  
37 recommendation to the Selectboard to remove the fee on the home occupation permit. Tim  
38 suggested that they remove or lower the fee. Preston said for the purpose of their illustration or  
39 simulation was if someone said their seamstress or tailor business was so successful, they would  
40 be hiring additional help outside their household, then it would either be a home business or light  
41 industry and both of those go to the DRB. Preston said it would need to meet the general and  
42 specific standards which he had read, and the performance standards and special criteria. Cathy  
43 added that conditional use hearings are required and take some time to get scheduled. It would  
44 take 6 or 7 weeks from start to finish. Preston said it wasn't anything new and Cathy agreed. He  
45 said Cathy had been good about talking with people from this district and several have said they

1 do these things in their apartment. Cathy wanted to reassure people they were not violating the  
2 law, but it would probably be better if they got a permit. She could understand them not bothering  
3 to get a permit. But they weren't being a criminal, and nobody was out there looking for  
4 unpermitted home occupations.

5 Cathy suggested talking about if something burned down or was otherwise destroyed. Preston said  
6 under the proposed bylaw they had in front of them, always have right to rebuild in same footprint.  
7 Preston said currently you have the right to rebuild in the same footprint. But under the current  
8 adopted bylaw to make it any bigger, for almost all the lots, it would be close to impossible. Under  
9 this bylaw, there would be some possibility to make things bigger, but it would need to go before  
10 the DRB who would look at the criteria that it had to be consistent with other buildings in the  
11 neighborhood. They did not want to go with true control design standards. Preston lives in a town,  
12 Woodstock, that has true control design standards. If you want to replace a wooden front door with  
13 an Anderson door from Home Depot, you must go to a public hearing and be put under scrutiny  
14 which is pretty rough, and they did not want to go that far. Cathy said the adopted bylaws include  
15 a special criteria section that comes into play when you have a conditional use that gives you  
16 standards to meet. It has been there well over a decade, and nobody has complained about it.  
17 Preston had not researched when the character of development standards was implemented but  
18 said it was at least in 2014.

19 Cathy asked for any questions or concerns.

20 Arne Jonynas and had a question about the definitions. Under Arts and Entertainment, it said the  
21 definition did not include adult-oriented businesses. He asked if they had a definition for that  
22 because he could see it coming up in some of the discussions about cannabis. He asked if it was  
23 for a wine shop or cigar shop and asked how it would work when they said adult-oriented  
24 businesses. Preston said it was on page four. Tim said he didn't think they had a definition for  
25 adult-oriented businesses and that may be something they need to work on. Preston thought he was  
26 good to bring it up because he thought they were thinking night clubs, girlie shows, and things like  
27 that, but it was not defined in their bylaw. They could say it doesn't include that, but he thought it  
28 was a good question. When he worked in Killington, they had a zoning district just for night clubs,  
29 but they may not want that in Chester. It also may be thinking more like exotic dancer. Cathy knew  
30 they discussed it some when they were discussing the proposed bylaws from Brandy Saxton, and  
31 it was in 32.20. Cathy said they could look at it which would be a good place to start in terms of  
32 what might work. She thought Jason Rasmussen may have some guidance on it. They have been  
33 thinking their adopted bylaws don't mention it at all. Cathy said she wasn't at a time in life where  
34 would be aware of other places that have this or any interest in starting something like that in  
35 Chester. Tim thought it was a good future agenda item for them soon. Preston said it is something  
36 you don't worry about until something comes to town with one and suddenly it's an issue. Tim  
37 said Arne's point about the discussion around cannabis and whether it is an adult-oriented business.  
38 Preston said the other thing as Arne said, is selling wine and beer an adult-oriented business. He  
39 thought they were well to bring it up. Cathy agreed.

40 Cathy asked for any other questions.

41 Lillian Willis, a member of St. Luke's, said they answered some things like speaking to  
42 grandfathered items. They had many questions, and their minutes of the church are not digitized  
43 nor easy to find from years back. There was quite a bit of information they couldn't find for their  
44 information so it may seem very elementary to them and very basic but nevertheless, she wanted

1 to read it. She said she was a member of the Vestry of St. Luke's Church, as well as David Carey  
2 who was also in attendance. In response to informing them in the letter about the change in zone.  
3 St. Luke's structure is grandfathered in the new zone for the maximum building height proposed.  
4 The church seems to possess more open land than any other building. Any new construction,  
5 substantial replacement or enlargement would have to be considered by the DRB for exemption  
6 from the proposed resolution. She asked if they could assume same grandfathered policy applies  
7 to church's signage. With reference to the new off-street parking requirements for staff, the church  
8 has been parking since 1977 in the adjacent private Main Street lot and pays whatever annual  
9 upkeep charges it is assessed. While the town cannot regulate that lot, the church needs easy access  
10 to the parish hall located behind and below the church and the downstairs office by church  
11 employees, presently parttime. And the parishioners, many of whom are elderly or physically  
12 handicapped. A long history of communal use of the lot by local businesses and the church has not  
13 presented a problem but businesses and property owners change, and the full particulars of the  
14 Main Street parking agreement are not detailed or updated. If something changes, the church can't  
15 be forced to seek off-street parking elsewhere. Therefore, the off-street parking lot requirement is  
16 a concern for St. Luke's that needs to be recognized and accommodated. The citizen summary sent  
17 to the church mentioned a parking study that provides justification to invest in a path from  
18 Cobleigh Street to The Green. While St. Luke's enthusiastically supports the creation of a new  
19 sidewalk along Cobleigh Street to connect the parking lot to the existing Main Street sidewalk,  
20 and thence to The Village Green area, St. Luke's opposes any sidewalk or path running along the  
21 ballfield lands that backs up to private property where the part of the church or the adjacent parking  
22 lot is used for the public to access The Village Green. They can appreciate the Planning  
23 Commission's eagerness to encourage business and housing opportunities in the center of town,  
24 but they ask for consideration for the church in the area and recognition of its history, architectural  
25 and environmental beauty and cultural and philosophic benefits that St. Luke's brings to Chester  
26 and surrounding towns through its parishioners and charitable mission.

27 Cathy assured Lillian there was nothing in the bylaws that would negatively impact the church,  
28 aside from her concern of what happens if the Main Street Parking Association disbands but that  
29 is nothing the bylaws can address. There was no plan to change any of it. She thanked Lillian for  
30 the letter.

31 Cathy said if there were no other questions, she would close the hearing.

32 **Agenda Item 5, Adjournment**

33 Tim moved to adjourn, and Peter seconded the motion. Cathy thanked everyone for showing up  
34 and dialing in. A vote was taken, and it passed unanimously. The meeting was adjourned at 8:29  
35 p.m.