

1 **TOWN OF CHESTER**  
2 **SELECTBOARD MEETING**

3 **May 3, 2023, Minutes**

4 **Board Members Present:** Arne Jonynas, Lee Gustafson, Peter Hudkins, and Arianna Knapp at  
5 Town Hall. Absent: Heather Chase.

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

8 **Visitors Present:** Shawn Cunningham, Scott Kilgus, Preston Bristow, Hugh Quinn, Lori Quinn,  
9 Bill Lindsay, Nancy Lindsay, Cathy Hasbrouck, John Cummings, Ranney Melanson, Barre  
10 Pinske, Greg Donabedian at Town Hall; and Scott Blair, Joy Slaughter, Tim Roper, Evan Parks,  
11 and SAPA TV via Zoom.

12  
13 **Call to Order**

14  
15 Chair Arne Jonynas called the meeting to order at 6:30 p.m. with the pledge of allegiance. He  
16 welcomed everyone.

17  
18 **Agenda Item 1, Public Hearing re Unified Development Bylaws**

19 Members of the Planning Commission were present, including Hugh Quinn, Cathy Hasbrouck,  
20 Tim Roper, Barre Pinske, John Cummings, and Preston Bristow. The principal purpose of the  
21 proposed development bylaws amendment was to encourage work phase housing in the Village  
22 District, clarify uses exempt from zoning, define primitive camps and short-term rentals, and  
23 require new roads conform to Chester's roads and bridge standards. Hugh Quinn, Planning  
24 Commission Chair, presented.

25 Preston had done most of the heavy lifting in authoring the changes. In addition, Jason Rasmussen  
26 was part of the team to provide insights into the updates, and the Planning Commission. Hugh  
27 thought they had a good process. They have had one public hearing, and this was the second.  
28 Hugh said they made sure it aligned with the town plan, and they were trying to make the process  
29 of permitting easier and friendlier and create more opportunities for housing. They used the input  
30 from the community survey they conducted last year. This is only one of several updates they are  
31 working through. This section was an important boilerplate that would apply to all districts. They  
32 were starting in the center of town and working their way out. Hugh said they added clarification  
33 and detail to help guide folks consuming the bylaws to understand them.

34 The first item described the flood damage prevention district in terms of an overlay. They wanted  
35 to help people understand what it was. Arne asked what the genesis was for DRB to determine if  
36 an area was not in a floodplain. Hugh said that was 2.14 (b) which was giving the DRB authority  
37 to make discretionary decisions regarding areas in the floodplain fringe area. Preston explained  
38 there were parts of the floodplain in town that were mapped with boots on the ground and some  
39 parts were Zone A which were done by people in Texas in the 1970s. Preston said initially, he  
40 would have the power for minor structures and the DRB thought it should be their power and then  
41 they received input it should only be exempt structures, like a children's playset. Preston said in  
42 floodplain, they should be anchored because they can get swept downstream. Preston has seen  
43 bylaws that include a garage but that wasn't where the Planning Commission went with it. Preston

1 said there was now an effort to update the flood maps via satellite photos and not boots on the  
2 ground. Lee wondered if there was a size limitation and if a certain size would kick it out of the  
3 flood zone. Preston said there was no size limit but there was a LOMA (Letter of Map Amendment)  
4 that FEMA will issue to remove certain spots from the flood zone. Quite often, they are only  
5 footprints around a building. Preston said there are various definitions for exempt structures, such  
6 as a shed. Arianna wanted to know who the governing body of floodplain designation was. Preston,  
7 at one time, had his certification as flood plan administrator but had let it lapse, so he knew quite  
8 a bit about it. FEMA sets the rules, delegates to the state who then delegated it to the towns. They  
9 must follow FEMA's rules, but the DRB is the one who issues flood permits. The state is given  
10 the opportunity to comment on anything before the DRB for flood. Towns can be penalized if they  
11 don't follow the rules and have their flood insurance taken away.

12 3.1 allows the DRB to approve a second accessory dwelling unit on residential property. Currently,  
13 you're allowed one, but this would promote additional housing. Arne asked if this would allow 3  
14 families to live on a property. Hugh said there were size restrictions that would keep from having  
15 two houses on one lot. This would let the DRB approve a second ADU to increase housing density.  
16 Arne said although there were size restrictions, it would allow for multiple families. Preston  
17 pointed out that for the longest time, it was about protecting and preserving and now they've  
18 created a paradise that nobody can afford to live in. The grant they received from the state is called  
19 "Bylaws Modernization and Reform." They want them modernized and reformed. The mantra  
20 Preston hears from planning agencies is all about creating density. There may be neighbors that  
21 aren't thrilled about it, but it was a decision they needed to make. Lee asked why the state was  
22 pushing it. Preston said building in rural Chester easily costs half a million dollars. It was all about  
23 walkable neighborhoods and being able to reach any service within 20 minutes and people having  
24 affordable options and it is more efficient to provide water and sewer in more compact areas. There  
25 is current legislation that would allow a four-plex on lots of 1/5 acre in areas with water and sewer.  
26 Lee asked how much their hands were tied by state requirements on pushing these planning  
27 decisions. Preston said because they had not yet passed in the legislature, not much. Lee wondered  
28 if lot size was Chester's decision and thought a lot of the costs to build were forced upon them and  
29 wondered if the planning commission could do anything about that. Preston said the pushback  
30 from the legislature and Agency of Community Development see it as zoning creating the issue  
31 while zoning sees Act 250 as the issue. Preston said it was common that a septic can cost between  
32 \$20,000 and \$60,000. To get a town plan approved, they must meet state planning goals which  
33 include a compact village center surrounded by open space. If they reverted to zoning 20 years ago  
34 of 1 acre, it wouldn't be approved. Beyond that, they have flexibility in designating lot sizes. Septic  
35 is a big factor in building a house, but when it comes to structures, there are ones that cost less.

36 3.11 and the following would allow for a home occupation with 2 non-resident employees. Home  
37 occupation applies to whomever is the resident and they were suggesting allowing that with 2 non-  
38 resident employees. Below that was the home business which currently allows 4 employees, and  
39 they were suggesting 5. Lee wanted to know why those numbers. Hugh said he couldn't remember  
40 the rationale. Preston said for home occupation saying zero didn't seem right and noted other towns  
41 and bylaws often allow 5 employees for home business. Lee asked how they would handle  
42 someone wanting 6 employees. Preston said he administratively approves of home occupation, but  
43 home business goes before the DRB. There is a point where a home business outgrows its site and  
44 sometimes it just needs to find another site.

45 Fences were exempt and could be erected on a property line without setbacks. Preston added that

1 Brandy Saxton had addressed fences and she suggested 4 ½ feet high fences in the village and not  
2 6 feet. Elsewhere, they went to 8 feet which was high but the recommended height to screen from  
3 junk which can be a problem. Currently, a fence over 6 feet requires a permit but there's no criteria,  
4 so they added criteria. In the Village, if it were higher than 4 ½ feet and higher than 8 feet  
5 elsewhere, you would need to go before the DRB for approval. Article 4, page 5, item 14 addressed  
6 fences. Arianna asked if fences less than 4 ½ feet existed previously. Preston said that was new  
7 and what existed previously was any fence 6 feet or lower was exempt and didn't require a permit.

8 3.19(a)(1) gave the DRB latitude when it came to reducing setbacks on non-conforming lots. There  
9 is a scenario if you're in a district with a minimum lot size and you have a lot that is smaller or  
10 non-conforming, this change would allow the DRB to decide about setbacks using a ratio of the  
11 size of your lot to the minimum lot size of that zone and allow the property to be used. There are  
12 checks so that there never would be a situation where the setback would be reduced to less than 10  
13 feet or cause an obstruction from a traffic point of view. Preston said most of the town was R-120  
14 which is a 3-acre zone with a 50-foot setback from the shoulder of the road or any boundary. A  
15 non-conforming lot is a lot created when zoning came into being or when zoning had smaller lot  
16 sizes. There are a few lots with not much left after measuring 50 feet from every boundary. The  
17 test for a variance is strict and this would allow the setback to be reduced and the lot to be used.  
18 Preston didn't see any alarming consequences.

19 The next item was a concept that may seem shocking but comes up a lot. The requirement is for a  
20 50-foot setback but there are many homes that are right up to the road leaving the only place for  
21 an addition on the back. This would allow for a side addition if it wasn't any closer to the road  
22 than the house currently is. Preston said a lot of towns have the provision. He included an  
23 illustration to show what it meant.

24 Enabling Better Places, a Zoning Guide for Vermont Neighborhoods had guidance for parking and  
25 the commission looked at what Chester had versus their guidance. Preston said there was a push  
26 they should be thinking less about the car, and it was a waste of space. Preston said the document  
27 wasn't much different than what they had. The current bylaw has 2 spaces for an apartment and  
28 the document suggests one and was the trend people were going to.

29 Renewable Energy Facilities – the zoning bylaws don't get to say much and it's a state matter and  
30 this shed light on that. They added a note to the section of the bylaw to make it more obvious in a  
31 place people may look for it. Lee thanked them for clarifying it and said it would make his life  
32 easier. Preston said if panels are net metered, they're exempt. Lee said he is off the grid with panels  
33 on his roof and not net metered so he would need to get a permit for it. Preston said if they are on  
34 the roof, they haven't increased the footprint of the building but if there were pedestals in the yard,  
35 he would likely require a permit. Lee said the state penalizes people off the grid because they don't  
36 get the credits or anything that comes with federal dollars. Lee would hate to see the town fall into  
37 that trap and penalize people who want to put up solar without a permit. Arne thought no matter  
38 what solar array, if it wasn't on the roof, it would require a permit. Preston said the state doesn't  
39 notify neighbors and occasionally pedestals will show up 25 feet from the boundary and they are  
40 exempt because the state approved them. Peter asked if a permit was required for a hot water  
41 system on a pedestal outside your house or the roof because they weren't net metered. Preston said  
42 if they were under 122 square feet and not taller than 12 feet, it wouldn't be required. Lee said it  
43 would come up more and more when people want to reduce their energy bills. Preston thought it  
44 was all about tradeoffs and there were certain things the state exempted from zoning such as cell  
45 towers and energy production because they thought local communities wouldn't allow it.

1 The Town of Chester has an ordinance to regulate short-term rentals, but Jim Carroll indicated it  
2 was important to note it in the bylaws.

3 Hugh said there were 29 items that were exempt, and the exemptions were lacking or ambiguous  
4 in the existing bylaws which caused confusion and questions about what was permitted. They  
5 harvested from Brandy's list what was exempt and edited it and plugged it in the proposed change.  
6 Preston said the current bylaw was brief about exemptions and he receives calls all the time and  
7 he must decide because the bylaw doesn't address it. This would provide clarification. Lee and  
8 Arianna asked if there were any they should be concerned about. Preston noted the ones the  
9 commission chewed on the most. Pond is not mentioned in the bylaws and some towns have  
10 elaborate sections addressing it and in #12, they addressed it. #13 addressed swimming pools. They  
11 had discussed #19, self-contained travel campers a lot. Arianna said that was one she had questions  
12 about. #26 was food trucks. Preston had seen campers handled three ways. One was to treat them  
13 as a primitive or hunting camp which the state has a definition for a hunting camp and that was it  
14 could not be occupied more than 60 days out of a year. Many towns will allow someone to live in  
15 a camper for 3 months, but the general feeling is temporary structures are not used for more than  
16 6 months and that was where the Planning Commission landed. Preston said there are families in  
17 Chester who lived in campers, and he doesn't come down on them with the full weight of the law.  
18 State law says you're not supposed to live in a camper, but the Environmental Enforcement Officer  
19 for the State for Chester also says if they are dealing with their waste and not dumping it on the  
20 ground, he doesn't enforce it. Arianna appreciated everything he said but at a time where they had  
21 spent the past 45 minutes discussing housing and the crisis they are facing, it felt tone deaf for this  
22 to be the moment to add regulation that eliminated housing for current residents. She understood  
23 where it came from and would make sense if they weren't trying to figure out how to house people.  
24 There was no prior regulation in the bylaws addressing these units. Preston said the state water  
25 quality rules state you can't do it but there was nothing in zoning addressing it. He had one instance  
26 where the neighbor didn't want someone living on the next lot and he didn't have the authority  
27 and the state chose not to enforce it. Preston said he was a compassionate person and understood  
28 Arianna's point. Preston said the state has limited the Selectboard's power so that if they question  
29 part of what the Commission was proposing, they don't get to strike it and pass the rest. They must  
30 send it back to the Planning Commission for reconsideration. Preston noted the Commission had  
31 talked about it at length and it was a valid question. Peter had voted to put it through before and it  
32 troubled him after given the housing crisis and the number of people living in RVs. At the time of  
33 a housing crisis, Peter didn't think pushing them out was the right thing to do. Arianna thought it  
34 was contrary to the tone of what they were doing which was adding housing opportunities. Hugh  
35 remembered they debated it for quite some time, and it wasn't easy to think about enforcement of  
36 waste disposal. Barre said he was on Arianna's side when they had dealt with it several years ago,  
37 but Brandy's view was sometimes allowing people to live like that wouldn't encourage them to  
38 better themselves and it would create hardship. The idea wasn't to punish people or make their  
39 lives more difficult but to keep them at a certain level. Barre said running water and septic wasn't  
40 happening and that was the issue, and they were trying to get people to live at a certain standard  
41 of living. Lee thanked Barre for sharing but took exception to that mindset because they were  
42 forcing people to live beyond their means to better themselves. Lee suggested having something  
43 at the waste treatment plant to accept sewage from campers but wasn't sure what the answer was.  
44 Lee agreed with Arianna and was trying to figure out how to deal with a situation where people  
45 are stuck, they don't have the income, there's no affordable housing in town, and there's nothing  
46 they can do. Lee wondered how they deal with people compassionately when they are told by the

1 state what to do. Lee understood they must protect the rivers but thought they were better equipped  
2 to deal with the issue than those in Montpelier.

3 Tim said there was an environmental aspect to it. Travel trailers, and he's lived in one, are not  
4 designed for winter in Vermont or to manage wastewater over a long period of time and keeping  
5 water running in winter is difficult. He didn't want to put people out or dictate how they live but  
6 there was an environmental and health aspect to it and the town just condemned property for health  
7 reasons and a lot of that had to do with the lack of wastewater.

8 Arne suggested re-examination of the travel trailer for the future and thought it would be good to  
9 revisit as a lot of people said they are trying to increase dwelling units. Arianna strongly felt that  
10 at a time when the initiative was to increase housing inventory, it felt tone deaf to take something  
11 away. Arne thought they had some leeway as far as enforcement. Arianna said it was not their job  
12 to tell people how to live. She viewed enacting something but choosing not to enforce as sketchy.

13 Lee asked what Arianna's recommendation was, and she said it was not a time to enact regulations  
14 surrounding trailers when there was not enough housing, so her recommendation was to strike #19  
15 but she understood they were not to edit it and it was all or nothing. Arne said they were allowed  
16 to make minor changes. Peter suggested striking occupancy of the trailer being limited. Julie said  
17 minor changes were referring to grammatical and that was a major change. Barre believed they  
18 were allowed 6 months to live in a travel trailer and up to 3 trailers on a property. Barre said they  
19 made it so more people could live in them and thought more of the snowbird scenario and take it  
20 somewhere warmer in the winter. Barre appreciated Arianna's compassion but hoped it didn't  
21 derail the process of keeping the changes moving. Lee and Peter agreed with Arianna. Preston said  
22 it wasn't necessarily derailing the process. If it was sent back to the Commission, they could act  
23 quickly and advertise the hearing again. Peter said they would be back again in the month with  
24 Open Spaces and could combine it. Julie agreed with Peter that it could come back with Open  
25 Spaces. Preston thought that was simpler and could be done. The consensus of the Board was to  
26 remove #19 or edit it. Preston said he too had been very troubled by it and having to tell families  
27 they are in violation wasn't pleasant. Barre said they have a perception of what people feel the  
28 community is like and if they come into town and see campers along the road, it is an impression  
29 on the town. Barre thought there was something to having a strong community and the aesthetic  
30 they were trying to achieve and having some rules, so things didn't go downhill. Barre said it could  
31 stop people from buying art at his gallery and frequenting other businesses if they saw campers  
32 along the road. Barre said every time he sees one, he wonders if there is a hose going into the river.

33 Regarding minor grading and excavation associated with road and driveway maintenance #17,  
34 Arianna wondered if the road crews were okay if doing your own excavation and culverts were  
35 exempt. Preston said road crews have control over the part of the driveway that's in the highway  
36 right-of-way and that's why they control access points and require culverts. Preston said zoning  
37 doesn't apply to the road right-of-way. It would only apply to things outside the road right-of-way.  
38 Preston hadn't asked the highway crew but didn't think it would concern them. Arne said it  
39 addressed replacement of a culvert, so if it was already there, it likely would have been approved  
40 by the road commissioner. Preston said the point of an exemption was to say if it was necessary  
41 for someone to see him to replace a culvert. If it was on their own property, they could have  
42 whatever size culvert they wanted. Preston didn't see it as a problem.

43 Clarification of the performance standards for air pollution would include smoke and odor.

44 Preston said Planned Unit Development was allowed by statute and big communities used them a

1 lot. Smaller communities, like Chester, rarely use them. Preston has had people come to him that  
2 want to purchase a 30-acre property and have a compound and it can't be done currently without  
3 meeting certain requirements but could be done through a Planned Unit Development. The current  
4 bylaw addresses it for a developer developing a site. This change would allow it to be a tool  
5 average folk could use. Density requirements would still need to be met but the buildings could be  
6 clustered together instead of scattered around the lot. It was possible to do it with DRB approval.

7 5.2 was a change related to content in the bylaws that was in conflict with Chester's road standards.  
8 They reconciled the conflicts between those two documents and removed the ability for the DRB  
9 to waive road requirements because that's a requirement that should go to the highway department  
10 and not the DRB. Preston said road standards are a big deal and was brought to their attention by  
11 Peter. It's something that shouldn't be waived by someone who wants to develop their land.  
12 Arianna asked if there was a body that governed road standards and Julie said the road and bridge  
13 standards were adopted by the Selectboard and enforced by the Highway Commissioner but were  
14 basically State standards. Preston said there are public roads and private roads and now the DRB  
15 would need to say for a private road, it needs to be built to the same standards as a public road.  
16 There had been a provision allowing the DRB to waive certain standards and the Commission  
17 removed it. This refers to what the town says a road should be. There were conflicts between the  
18 two documents, and this removed all the questions. A road serving more than one dwelling must  
19 meet Chester's road standards. Preston assured Julie the town was not on the hook for anything.  
20 Barre thought when they discussed it, they had talked about firefighting. Peter said Brandy's  
21 document didn't match the road standards for the town. The goal was to not create two conflicting  
22 standards. Julie wanted to make sure the document was stating clearly what was required for a  
23 private road. Peter said they could review the document. Preston said all they were doing was  
24 removing the DRB's ability to waive any rights. Julie said there had been years of discussion about  
25 the topic and she didn't want something falling back on the town for something they have never  
26 regulated. Arne, Julie, and Peter agreed the town could choose not to deal with a road. A petition  
27 is required, and the town could deny the petition. Hugh said the spirit was they shouldn't have  
28 conflicting road standards in multiple documents and if you were going to build a private road that  
29 served more than one lot, make it meet Chester's road standards so if emergency services needed  
30 to access the lot, they could. Julie thought they should make it clear that the certification of whether  
31 it met the requirements was not on the town. If the DRB was requiring something be built to a  
32 standard, someone would need to certify it and Julie didn't want that to be the town. Hugh thought  
33 there was a difference between identifying requirements and then certification and validation. Peter  
34 said it would be easy enough to add a note since they were coming back before the Selectboard.  
35 Preston thought Julie needed to be comfortable with it. Julie wanted it made clear that the town  
36 would not certify it.

37 Article 5, page 4, item k, Modification of Road Standards, on page 2, had wording that said road  
38 standards applied to roads taken over by the town and they replaced it with that it applied to roads  
39 serving more than one lot. Preston suggested they include something in 5.2.a, New Roads, to say  
40 notwithstanding it was not the town's responsibility. The bottom line was the DRB approves  
41 private roads as part of its subdivision process. That could not be removed but they could add that  
42 a DRB approval was not the same as a town obligation. Julie's concern was liability taking on  
43 roads that would never be town roads. Barre said Preston follows up on permits he issues. Barre  
44 asked Julie about liability concerns. Julie said there was all kinds of potential for liability, and they  
45 have never regulated private roads and driveways due to liability issues but she would speak with  
46 Kirby about it. Preston told Julie the goal was when someone brings a subdivision to the DRB that

1 involves a new road, they must have a surveyor and engineer and they will tell them they must  
2 design the road to town standards, or they won't approve their subdivision. The goal wasn't to  
3 follow up with the highway crew to make sure they did it. Julie wanted it clear that the town would  
4 not certify a private road. Preston said he had to do that for Act 250 with Brookside. Julie and Arne  
5 said they would speak with the Highway Department for their input.

6 Hugh said the second to the last was 7.16 which was language that gives the DRB wiggle room  
7 from a waiver point of view as it relates to low- and moderate-income housing. In the current  
8 bylaws, the waivers are strict and unmovable. They thought it would be good to create latitude for  
9 certain kinds of housing. Preston said there was already a provision for waivers of subdivision  
10 requirements and dimensional standards which meant the setbacks and they had added one more  
11 criteria to enhance or facilitate the provision of subsidized or non-profit housing for low and  
12 moderate income residents.

13 Peter said the biggest part was they had not allowed multiple principal structures before, and you  
14 could only have one main house on a property. This would allow more than one principal structure.  
15 The State had previously wanted one house to have one septic system and not multiple things and  
16 what this would do is it would allow more than one principal structure. It would allow for two  
17 apartment buildings. Peter said Cathy Hasbrouck's apartment house is a principal structure and if  
18 she built another apartment house, it would be a second principal structure. It could be done  
19 anywhere in town. Arne said where you had one house, you could now have two. Hugh thought it  
20 was important that it be clarified it had to be an entity creating non-profit or subsidized housing.  
21 Lee wanted to know what happened when the house got sold to a for-profit. Preston knew some  
22 subsidized contracts were valid for 10 years. Lee was concerned about unintended consequences.  
23 Preston said they were trying to make it easier for housing. Peter said it required DRB approval.  
24 Lee understood the reason but wondered how they would deal with it getting bought up by short-  
25 term rentals after the 10 years expired. Arne wasn't sure where to go with it and was afraid it was  
26 opening a door and they didn't know what would be let in. Arne didn't mean it in a bad way but  
27 in a general way.

28 Barre wondered if it was about building something bigger on a lot. Hugh said it was a compromise  
29 because originally, they were proposing if someone had a big enough lot, they could put two  
30 principal structures on a lot. This would put some constraints on that concept while allowing  
31 something that would be beneficial to the community. Hugh said they didn't have a good answer  
32 for if it ultimately was sold. Arne asked if the issue was addressed in zoning. Hugh said currently,  
33 if you have a big enough lot, it will require a subdivision to put up another structure. This would  
34 eliminate the need to go through that hurdle. Arianna wondered if it wasn't in the bylaws and a  
35 builder wanted to build two affordable housing units, would the builder be unable to accomplish  
36 it or with lawyers and money was anything possible. Preston referenced Pleasant Brook next to  
37 the fire station that was more than one building on a lot and it had been approved as a Planned  
38 Unit Development. Preston thought if they were truly uncomfortable, to strike it and people could  
39 go through the PUD process. Arianna found it hard to believe there were going to be a dozen  
40 developers wanting to build along Main Street. If they didn't include it and a few people wanted  
41 to do something positive for the community, they had the mechanics in place to deal with it. Barre  
42 thought with the current rules, you could have one house on a lot and with the proposed lot sizes,  
43 they could subdivide and put something on there. Barre pointed out the entire parcel would need  
44 to be sold. Barre said the State was offering \$50,000 to turn your garage into an apartment and  
45 they had to offer it as affordable housing for 5 years and this would be a similar situation. There

1 was consensus to remove it. They decided the PUD tool was sufficient. Hugh said they were trying  
2 to make things easier and that wouldn't make things easier, but it was doable. Preston said one of  
3 the suggestions from Better Places was to allow two principal structures on a lot, so it wasn't a  
4 radical idea. Peter said many things are done with HUD funding because it costs a lot less. Peter  
5 said that could still be done with a PUD and it was the cheap money that gets the project started.  
6 Arianna said they risk keeping a developer away and eliminating an opportunity for housing  
7 development. Barre said the housing non-profit had told them that their biggest risk in getting  
8 involved in projects was getting turned away by the DRB because of neighbors complaining after  
9 they've invested money into the project, so they don't even start. This proposed change would  
10 allow them to avoid the risk and create a chance for more affordable housing to happen. Barre saw  
11 the Selectboard as stepping in the way of their goal of affordable housing. Arianna wants multi-  
12 unit affordable housing in multiple buildings on a single lot in Chester but thought there may be  
13 too much room for abuse if it was simply allowing two structures to be on a lot. She thought there  
14 was enough zoning regulation that it could be manageable. She looked to the Planning Commission  
15 to tell the board if the likelihood of the proposed change would increase housing or if removing it  
16 would decrease it. She was interested in Hugh and Preston's opinions, and they didn't think there  
17 was too much harm in removing it because they still had the PUD process. Hugh added that when  
18 they had discussed it, one of the ways they looked at it was not having a big developer come in but  
19 rather Cathy's example where she already has the land and wants to do something more to create  
20 an environment for more housing because she has the space and loves Chester and that was the  
21 genesis of the discussion. Cathy could still do it but would need to go through the PUD process.  
22 They weren't trying to make it easy for the developer but rather for someone who had a situation  
23 where it could be done. Arianna agreed anecdotally but feared the scenarios that had not been  
24 addressed. Arne said there was still a way to get to the same end. Preston saw it as a risk benefit  
25 analysis, the tighter the rules, the less risk, and less benefit. Arianna said she was still listening and  
26 didn't feel one way or another for this. Barre said someone must own the initial property before  
27 they can build the second, so a developer would need to buy the first house with the lot and make  
28 the investment. Barre said you must own the initial property with the lot big enough next to it.  
29 Preston disagreed. There was nothing to say that a developer couldn't buy an empty lot and put  
30 two buildings on it based on the proposal. Preston used the Adams Funeral Home as an example,  
31 which the owner is open to using the property for affordable housing, and then Preston asks what  
32 their rules would allow and not allow to accomplish that. Preston said that property may make  
33 more sense to have more than one structure on it without subdividing it and you could get more  
34 bang for your buck. Peter said by going through a PDU, the density could be increased by 50%.  
35 Preston saw the PDU as a tool that would get them there and not be much harder. Lee said this  
36 was a conversation the Planning Commission needed to have.

37 Julie said they were making a substantial change so it wouldn't be approved tonight. Per statute,  
38 Preston saw two routes, one being to send it back to the Planning Commission to figure it out and  
39 the other would be to bring it back for a second hearing and the board will figure it out. Julie said  
40 it had to go back to the Planning Commission one way or another so they could amend its report.

41 Hugh said the last item was changing the size for an Accessory Dwelling Unit from 900 to 1,000  
42 square feet. Preston had researched ADUs, and 1,000 square feet came up often. ADUs are a good  
43 thing that they like. Preston noted when the ADU statute was first passed by the State, they were  
44 cautious and limited them to 900 square feet. They have since amended the statute with no  
45 limitation. 900 seems small, so Preston researched, and most towns had 1,000 square feet but  
46 some had larger. Arne asked if there was an advantage to making it even larger. Preston thought



1 keeping ADUs smaller prevents having three primary houses on one property. Preston said the  
2 original ADU statute was for one bedroom, or a studio and it was supposed to be for affordable  
3 housing, but Preston wondered how many single parents want to live in one bedroom, so the State  
4 increased it. Hugh said they way they had discussed it was they wouldn't want an ADU to have  
5 no limits because you will end up with a small house and someone building a mansion and calling  
6 it their ADU, and things won't align with the original goal so they believed there should be  
7 boundaries and this would make them bigger.

8 Preston said they had a definition for a primitive camp and zoning administrators had been  
9 approving primitive camps in Chester forever and there's never been a definition. Their definition  
10 was the State's definition. They discussed how degree of nonconformity was a difficult concept  
11 and for some reason, in the definition they had extent of nonconformity and they removed that.  
12 Arne asked if a primitive camp currently existed and didn't meet the criteria, what was it. Preston  
13 said because it didn't have an outhouse, it wasn't supposed to be occupied overnight for more than  
14 sixty days and three consecutive weeks out of the year. Preston said if it didn't meet the definition,  
15 it was a violation. With the change, it would be a violation of both the State and the town's rules.  
16 Preston noted he wasn't outside a camp with a clipboard counting how many nights they were  
17 there. Lee felt the State shouldn't be sticking their nose in places where they shouldn't.

18 Preston said they added a definition for short-term rental. Jim Carroll suggested they do so, even  
19 though they now have an ordinance.

20 Barre said they feel Preston is invaluable and the number of resources he brings to the Commission.  
21 Barre also said he appreciated Hugh as a chair. Barre felt lucky to work with the entire Planning  
22 Commission. Lee thanked them for their work.

23 Arne recapped the changes: #19 about the campers, the addition to road design for talking with the  
24 highway department and removing the paragraph about the non-subsidized second structure. Peter  
25 said they discussed hot water solar panels that would not have a certificate of public good and  
26 wondered if a permit would be required to have them on the roof or would it only need a permit if  
27 it were ground mounted. Lee recommended if it didn't change the footprint, a permit should not  
28 be required. Preston agreed. The board was sending them back to the Planning Commission to  
29 work through the details. Arne thought it was a good discussion and good for the town and board  
30 to hear and understand what was happening.

31 Arne closed the hearing and thanked them for the time they put into it.

32

33

**Agenda Item 2, Approve minutes from the April 19, 2023, Selectboard Meeting**

34 Lee made a motion and Arianna seconded it to approve the April 19, 2023, minutes. There were  
35 no changes. The minutes were approved.

36

**Agenda Item 3, Citizens' Comments/Answers from Previous Meeting**

37 There were none.

38

39

**Agenda Item 4, Old Business**

40

41 Report given by the Town Manager:

42 Housing Commission

43 Julie met briefly with the Planning Commission on Monday to get feedback regarding the

1 formation of a Housing Commission since they would work closely with them. She will present  
2 the Selectboard with more information at the next meeting for their consideration for approval.

3  
4 Swinging Bridge Pocket Park

5 Scott Wunderle submitted the Swinging Bridge Pocket Park for the Vermont Public Places Award  
6 and Chester won.

7  
8 Master Plan

9 At the last meeting, there was a comment made that nothing came of the Master Plan. Julie noted  
10 the meeting goes out over SAPA and it was really important to her that people understood the  
11 amount of things that came from the Master Plan such as the Zoning Audit and Bylaw rewrite that  
12 was currently taking place, the Pocket Park, the Wayfinding Plan and the construction of the signs  
13 were out to bid and will go up this summer, the design of the signage, the Brookside Bridge and  
14 hiking trail, the scoping study for the Church Street sidewalk, the Depot Street sidewalk project  
15 was a million dollar grant received by the town, dealing with rail as far as right-of-way, the  
16 charging stations and expanded parking on Cobleigh. Out of 20 something initiatives, this  
17 addressed all but about 5 of them. They were very effective, and Chester is used as the model when  
18 ACCD does a presentation. Julie said it is her support for many grants that are awarded. She  
19 expected they would do a five-year update next year.

20  
21 Pleasant View Cemetery

22 Deb Daniels will be starting the Pleasant View Cemetery expansion in June. The \$5,000 for it  
23 came from the Trustee of Public Funds.

24  
25 Bike Ped Grant

26 It is the same program they used to get the scoping study for Church Street. She wants a formal  
27 one for a potential sidewalk from Jiffy Mart to the High School. An informal one was done 15  
28 years ago. She hoped to apply for it. The application is due June 9<sup>th</sup>.

29  
30 Festival Committee

31 They have been speaking with Julie about funding electricity on the Green on the Academy  
32 Building side. Julie met with Steve Mancuso and some members of the committee today. They are  
33 considering having some bollards along the stone wall on the two sections divided by the Hearse  
34 House and the Tomb. They would provide 50-amp service and a few 120s for the food trucks. It  
35 would also provide power for the music series. In front of the Academy Building there is a corner,  
36 and a bollard would be hidden there to provide power for the music series and another food truck  
37 and the ice cream truck. The Festival Committee may pay 100% of the cost since it is used  
38 primarily by them. Currently extension cords are run from the Information Booth and Academy  
39 Building for the festival and the Academy Building doesn't support the service needed. Peter asked  
40 if they would upgrade the service at the Academy Building when they did it. Julie said when they  
41 do the work at the Academy Building, they would. They will hide things including some current  
42 lines, so it is aesthetically pleasing. Arne thought the future plans for the Academy Building would  
43 be an interesting discussion. Julie is gathering groups of people to form a committee for those  
44 plans. Arne asked about a parking issue at Academy Building. The property next door has a tenant  
45 in the back and when they plowed, they created the conditions for a mud field when everything  
46 thawed. The highway department and facilities director had an unpleasant conversation with the

1 tenant, so Julie had a pleasant conversation with the property owner and let them know the town  
2 fixed it this year because it wasn't a big deal to grade out and seed, but they won't do it again. The  
3 property owner doesn't anticipate a future problem.

#### 4 **Agenda Item 5, Adopt Amendment to Unified Development Bylaws**

5 No action taken.

#### 6 **Agenda Item 6, Q1 Financial Update**

7 Nothing of concern. They are roughly at a quarter percent. Some things are high, and some things  
8 are low. She told the new board members that some things look wonky as they don't bill their taxes  
9 until July so financial statements will look that way until the third quarter. There was nothing  
10 alarming. Arne noted numbers were where they should be per the budget which was a good  
11 indication of how things were. They are following the budget closely this year to not end in a  
12 deficit. Peter asked about the ambulance salaries. Julie said there was a one month overlap between  
13 ambulance chiefs. The health insurance was also affected by the employment change. She said the  
14 ambulance call volume is high and she would be coming to them with a proposal in the next month  
15 or two. Revenue with the new billing rates will offset the call expense because more calls would  
16 result in more billing. Because of the call volume, it would make financial sense if she had a second  
17 full-time member to provide full-time coverage and thought it would only be \$10,000 more than  
18 budgeted. Currently, they pay people to work weekends when the full-time person isn't there.  
19 There are also volunteers who work part-time. Michael Ranzio is now Deputy Chief and was hired  
20 as a part-time Public Safety Officer and Part-Time Police Officer. When he doesn't have a whole  
21 lot going on, he grabs a cruiser and runs radar. They are looking how they can also do that between  
22 ambulance and fire. They are trying to create an innovative position that's also affordable to the  
23 town. They are also talking about mental health issues, but they don't need a full-time social  
24 worker because there aren't enough calls. They are trying to figure out how to get a Behavioral  
25 Liaison for Chester and possibly share the position with another town. There may be some funding  
26 for the position. Lee asked if the truck had to go out to all calls received. Julie said every ambulance  
27 has a local hospital director and in order not to respond, there must be a program in place, and  
28 someone must be trained in behavioral. The EMTs are not qualified to determine if an issue is with  
29 their mental health. Julie said there are programs out there that require a paramedic, but the liability  
30 would be enormous. They are looking at ways to be creative and tailor it down to their level. She  
31 thought there were other options that may work but there was a lot they needed to work through  
32 to get there. Arne asked what was driving the uptick in calls. Julie thought it was the aging  
33 population, mental health, and more year-round residents. Last year they received 508 calls, which  
34 was 100 more than the previous year. If calls continue as they currently are, they will probably be  
35 up another 100 this year. The services are used a lot by Chester and Andover, who is paying their  
36 share. Conversations are going on with Bellows Falls about possibly providing some type of  
37 service. Peter asked about the property casualty insurance for the water and sewer department.  
38 Julie would have Cil doublecheck the figures.

39 Peter noted the police would generate \$40,000 for other services and wondered where it was  
40 coming from. Julie said it would come from detail that they are paid for contracting with the  
41 officers.

42 Julie said they are filling the fourth position for water and sewer. They felt for winter they didn't  
43 need to fill it but with summer coming, things are behind, and Jeff is retiring in 2025. They are  
44 advertising to fill the position. Julie said they currently have 3 certified water operators.

