

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **October 17, 2022, Minutes**

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

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

10
11 **Citizens Present:** Bill Lindsay, Peter Franzen, and Amy Franzen at Town Hall; and Steve Mancuso
12 via Zoom.

13 **Call to Order**

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

16
17 **Decisions Made:**

- 18
- None.

19 **Action Items:**

- 20
- Members will go through the proposed UBD administrative section updates and come to
21 the next meeting prepared to discuss specific things that they wanted clarification on or
22 propose a change.

23
24 **Agenda Item 1, Changes to the Agenda**

25
26 There were none.

27
28 **Agenda Item 2, Review and Approve Minutes from October 3, 2022, meeting**

29
30 Tim moved to review and approve the October 3, 2022, meeting minutes and Cathy seconded the
31 motion. Hugh asked if there were any comments or feedback on the minutes. Tim noted that he
32 meant to say Main Street Arts in Saxton River and not First Stage in Saxtons River. A vote was
33 taken, the motion carried, and the minutes were approved as written.

34
35 **Agenda Item 3, Citizens Comments**

36
37 Hugh asked for comments for items not on the agenda.

38
39 Steve Mancuso thanked the Board for their work for adaptive and legacy and helping save Chester
40 from itself. It was commendable and for the betterment of the community. He hoped the word
41 would get out to the businesses that these tools were available. The information made the
42 newspaper, he wasn't sure they read it and hoped to help get the word out.

43

1 There were no other comments.

2
3 **Agenda Item 4, Status Update Bylaw Modernization Grant Workshop #4**
4

5 Three of the four workshops associated with the grant have been completed and they were getting
6 ready to schedule the fourth. The fourth would consist of bringing in realtors and builders to share
7 their experiences with developing affordable housing and what barriers they have encountered.
8

9 Preston had talked with Jason, who took care of the first 3 workshops, and Jason wasn't sure who
10 to contact for the fourth, so Preston offered to coordinate it if Jason made the administrative
11 changes. Preston wanted to keep it simple and knew two realtors he could ask, one being Gary
12 Coger from the DRB, and the other guy was Daire Gibney who was also the Zoning Administrator
13 in Andover. They would be good resources. For builders, he wanted to find someone in Chester,
14 and it had been suggested to invite Jason Savage who also owns the map house property and has
15 a lot of history in Chester. Barre said he had a friend he could call who Preston said could attend
16 via Zoom. Barre knew someone from Walpole and another friend with a place at Okemo who lives
17 in Connecticut, and both do a lot of affordable housing projects. Barre offered to reach out to them.
18 Preston said they were considering November 7th. Barre thought the company was licensed in
19 Connecticut, Massachusetts, New York, and Vermont. Preston wasn't sure what local builder they
20 wanted to attend.
21

22 Tim just did a quick search and Vermont Timberworks of North Springfield came up. Tim thought
23 he lived in Weston. Barre thought the goal was to have someone who had experience with the
24 issues. Tyler Merrill was building for people, doing renovations, and bigger projects and it was
25 private, and they weren't dealing with the hurdles that the housing trust spoke about. He said they
26 could get anyone who builds, such as Crowne Point, but they aren't dealing with these issues. The
27 goal was to recognize these hurdles and what, if anything, they could make easier to happen. Barre
28 said if they could get his friend, it would be insightful and that's what they were looking for.
29

30 Hugh said if they were going to have the workshop on the 7th, they should have a press release out
31 by October 28th. Hugh asked if there was anything that would keep them from going forward, such
32 as if they only had realtors and not builders.
33

34 Jason had initially thought they would have a roundtable and any contractors and realtors in town
35 would come. Preston didn't think anyone would come and suggested they ask two realtors and two
36 builders, but they could note in the press release it was an open invitation for any realtor or builder.
37 Cathy said the press release should be submitted by the 21st to make the deadline for the October
38 26th paper.
39

40 Barre said they would have polls and wondered if the 7th was a good date. Preston thanked him for
41 pointing that out and noted they would need to meet elsewhere. Cathy said they could meet
42 downstairs because everything is portable and she could undertake to handle that.
43

44 Hugh suggested publishing the press release on November 2nd. Tim noted The Telegraph could
45 advertise it on short notice but not The Vermont Journal and Shopper as they are a print paper.
46 Preston suggested November 8th for the workshop.

1
2 Hugh thought the options were doing something on the 7th in an alternate room or moving the date
3 to the 21st. Cathy noted the old meeting room has been cleaned up. It wasn't painted and ready
4 but was usable. She could check.

5
6 Barre wasn't sure the press releases were that important and thought if there was something they
7 were doing with significant value to the citizens, the meetings were warned and not many attended
8 anyway. He didn't think they should hinge their ability to have a meeting on whether they could
9 get a press release out. Hugh said he had moved away from having a press release and was
10 considering whether they could meet in the meeting room downstairs.

11
12 Cathy was told mid-summer that they needed expertise from Rutland to set up the audio-visual
13 logistics and all summer they were busy with outdoor events and would be more available in the
14 fall. Barre thought that was ridiculous and wondered why they needed someone from Rutland.
15 Cathy said they would wire the room and other things so the new room would be more turnkey
16 than things currently are. Hugh thought they could hold a regular meeting in the new room on the
17 7th and have the workshop on the 21st upstairs.

18
19 There was discussion about having Zoom available for the November 7th meeting and how easy it
20 would be to accommodate moving the equipment. It was decided they could have the meeting on
21 November 7th in the new room via a laptop and the workshop be the 21st where they meet now.

22
23 Hugh thanked Barre for remembering that voting would take place near the date of their meeting.
24 Discussion followed about the expected turnout given the ballots were mailed and the Green
25 Mountain bond question not being on the mailed-out ballot.

26 27 **Agenda Item 5, Review Updated Sewer Map**

28
29 Peter presented the updated sewer map. He said the system was installed in the late sixties and the
30 seventies and it was important to realize who the Selectmen were at the time. They had federal
31 money to get the design and as the design was completed, they realized they hadn't included all
32 the houses, so they included those with hand sketches which they haven't located. Because of the
33 missing sewer lines, the map includes people that pay for sewer. Peter said there were at least 6
34 manholes that aren't located but must be there because the system works.

35
36 Tim asked about the legend and if the sewer lines shown existed and Peter said all the existing
37 were in the hatched area. He wasn't proposing anything but suggesting possibilities. Peter had used
38 the flood map as his background for the sewer map.

39
40 Barre thought there was a difference between floodplain and floodway and Peter agreed. Barre
41 asked if they were both depicted in blue. Barre thought building could take place at a certain height.
42 Preston said the darker blue was floodway and, no construction should go there. Preston said the
43 state discourages building in floodplain but are easier about commercial properties than residences.
44 The State's view is not to encourage anything in either zone. The floodway is a no build zone, and
45 the floodplain is negotiable. Peter said the map did not include the river corridor and Act 250
46 recognizes the river corridor. He said although the light blue area on the map was negotiable, it

1 would not allow for an Act 250 permit. The hatched area currently has sewer attached to homes.
2 The only place not hatched was Green Mountain High School and he didn't think that was
3 developable. The southeast corner of the map showed the end of the sewer and water lines were at
4 Drew's. The town owns the piece behind Drew's, so he didn't know if it was developable.

5
6 All the way around until the bridge by Jiffy Mart, such as Breezy Lane, the houses on the back end
7 do not have sewer. Breezy Lane doesn't have any sewer except what is fronted on Route 103.
8 Mountainview and Flamstead Acres, the back of Flamstead Acres has a sewer manhole and a water
9 line cap for an extension which they probably thought was the next biggest place for expansion.
10 Peter noted that between Putnam Hill Road and River Street there is no sewer. Barre asked if all
11 the houses in that area had septic systems, and Peter said they did. Barre thought the water and
12 sewer should be part of the town budget, like the roads, for easier grants and bookkeeping because
13 there are so few people on water and sewer and the cost was a lot.

14
15 Peter said he had drawn this map for future zoning because if there was water and sewer, the base
16 size of a lot could come down to a quarter of an acre. Barre asked if the reason they were doing it
17 was to recognize where the system was so they could focus on where potential developable land
18 was. Peter said for housing, if they were on sewer, they could all have accessory dwellings. Peter
19 said if they had an accessory dwelling, the town could kick up to put sewer on. The people in the
20 hatched area were in an area that could easily be done. At Putnam Hill from River Street going a
21 little out Route 35 toward Grafton was a small catch area. The bigger catch area that could connect
22 with that sewer line was High Street. Peter said there was a water main that ran up there and it
23 could be done without a pump station and that section on High Street was reasonable for sewers.

24
25 Going through Chester Village out to where the medical clinic is, and the manhole stops, Peter
26 said the possibility is it could be pushed out to Blue Hills Road to the turn where Route 11 circles
27 over the ledges. If they extended it out to Stone Hearth, it would require a lift station which is
28 expensive.

29
30 Barre asked if being able to tie into something had to be able to handle the extra and wondered if
31 the pipes could handle the flow and if Peter knew the size of them. Peter only knew the size of
32 some of them and noted the system was put in 50 to 60 years ago and nobody has had a problem,
33 so nothing had been done. He said he wasn't an engineer and was only giving them possibilities.
34 If someone was to do it, they would need to find some manhole covers and flip it up. Barre knew
35 some towns had sidewalk runoff and road drain that can overflow into the sewer system. Peter
36 wasn't aware of any of the drains flowing into the sewer. Peter said Springfield deals with a lot of
37 that, but Chester doesn't have that expense.

38
39 Barre asked if it was feasible to have septic systems in Chester. He wondered if anyone had a well
40 and if having sewer was necessary to encourage development or were they thinking they needed
41 an updated sewer infrastructure. Peter said you could have a half-acre lot if you had water and
42 sewer. If you only had water, it was a 2-acre lot and if you didn't have both, it was a 3-acre lot.
43 Peter wondered where it could easily be extended. He said everyone looks at the back of
44 Buttonwood, which was a big piece, but nobody had done anything with it. There was a piece just
45 north of the Pinnacle that was an old gravel pit and was flat. He said he does sleighrides there
46 during the winter carnival. He said it was a push out there for water and sewer, but it was a 31-

1 acre piece of land that has no building on it. Continuing in a clockwise direction from there, he
2 noted the sewer goes up Church Street almost to the top and the waterline goes through there.
3 Because it would require blasting through the waterline, he didn't see it working out.

4
5 Peter said continuing clockwise, the Lovers Lane Brook backs up on the village and holds
6 everything back there because you can't cross it and there's not an easy access point. To develop
7 it would require a bridge and road, so it wouldn't work. Peter told Barre the section behind him
8 and above there, including part of First Avenue, is covered. Peter said the block on the Depot side
9 is controlled by a pump station by the Mill near the bridge. He said when you load up the side of
10 the hill, things happen because the line is broken a couple times. Peter found the sewer line on
11 First Avenue crosses under the railroad tracks which would be the expensive thing to do. Once
12 under the railroad tracks it would give them the option of cutting off the side of the hill because
13 they could follow the railroad tracks up. It would open a big area of land that something could be
14 done with. Barre thought running along Elm Street was a lot flatter. Barre noted that the town he
15 grew up in, Plato, Minnesota, with a population of 350, pumps their sewage to Glencoe which is
16 10 miles away. He found that interesting. He asked Peter why they didn't go along Elm Street
17 when they installed the system. Peter said there was a lift station in Elm Street that pumps it up to
18 Depot Street and then it goes to the Mill and is pumped over the hill. He said there is another pump
19 on Pleasant Street and that pumps into the main. He said the Pinnacle has a lift station to get to the
20 main line by the town. Barre asked if the pumps run constantly or if they worked like a sump
21 pump. Peter said it was a sump pump and usually twin pumps that are at 2 different elevations and
22 was a standard thing. Barre wondered about the cost of running them. Peter said individual pump
23 stations aren't tracked and they had a terrible time on Pleasant Street because people were putting
24 everything in there. They now have a basket that catches everything before it plugs the pump. Peter
25 said that was a regular job to clean the basket out, so it doesn't go into the pump.

26
27 Hugh wanted Peter to remind him about something he said earlier regarding if you have water and
28 sewer, you can have a quarter acre lot and if it was just water, 2 acres. Preston said 2 acres was
29 required to fit a septic system in. And if you didn't have either, 3 acres was required. Peter said
30 the state now wants a backup system, so a leach area was needed for it to work.

31
32 Barre said he delivered a wooden bear in Ludlow to a cluster development in the woods. There
33 were 5 houses in a circle that had a combined septic system. He wondered if Chester should
34 advocate for a system like that and if it was better for the environment. Preston said that provision
35 was included in their bylaw under Planned Unit Development which allowed you to cluster.
36 Preston said they weren't cheap, and the same septic capacity was required. So, a cluster of 6
37 houses would require an 18-bedroom septic system. Peter reminded that the Windham & Windsor
38 Housing Trust said sewer was one of the first things needed. Barre had been communicating with
39 his friends who own some of the larger short-term rentals in town and some of his other friends
40 have houses they don't use rent out but aren't here all the time. Worker shortage and housing issues
41 are big topics in the community. Barre called his friend in Wisconsin who did some small
42 developments along the Birkebeiner Trail which is a cross-country ski trail which led him to think
43 if we had similar housing along a snow mobile trail, people may not buy a house along Flamstead
44 to snowmobile out of because they could be on that trail freeing up those houses for regular people.
45 He was glad they were looking at the density in town, expanding the sewer, and places where they
46 could have more affordable housing in the village, but he also wondered if they should try to

1 encourage development on Class 4 roads to take the pressure off regular homes being bought for
2 recreation. It came down to a supply and demand issue and he thought increasing the supply of
3 homes would help.

4
5 Peter said the basic idea was they don't know what they have. The hard part was when he showed
6 the map to Jeff Holding, he wasn't aware. The water system is immaculate and can be picked up
7 anywhere. They've done all kinds of things so they can map it all the time, but nobody has had
8 problems with the sewer except with the State, so it's not mapped. Barre asked with Peter's insight
9 where they should go. He wondered if they should communicate it to realtors or developers or turn
10 it into some sort of story, so it gets out there and makes sense. He wondered where it was going.
11 Peter said it was background needed for the zoning districts.

12
13 Hugh said they were in the process of updating the bylaws and trying to figure out how to create
14 opportunities to build more housing, especially in the areas serviced by water and sewer and one
15 of the things necessary before they could do that is to know where the water and sewer are. As
16 they move forward, with the bylaw updates, this information will help them understand where they
17 can adjust the zoning bylaws to encourage more available housing. It is a reference they will use
18 when they get to those different parts of town, so they don't create an unreasonable zoning bylaw.
19 The fact that there's no water and sewer will dictate the lot size. Barre added or make the lots
20 bigger than needed because there is water and sewer there. Hugh agreed. Hugh said as they move
21 into it, they have this great reference work.

22
23 Peter noted it was \$2,000 to \$3,000 per foot to move the sewer line. Barre wondered if the cost
24 was something the town absorbed ahead of time to encourage development or was it the
25 responsibility of a developer, or did they share the cost. Peter said it is different in different states.
26 He said in Baltimore County, Maryland, the County put in the sewer and water, but the developer
27 had to build the street. Here, that is all on the shoulders of the developer. If the town wanted to
28 encourage affordable housing, they could do something along those lines. The town put in sewer
29 up to Drew's as a selling point to get Drew's to come in and buy the property. Barre compared it
30 to when the town spends a million dollars to put in a bridge and 4 people live on the other side that
31 you could get grants to install the sewer and would be part of the deal for low-income housing.
32 Peter said he had no idea and that was not his area of expertise. Barre told Peter he was pretty good
33 at finding manhole covers. Peter said he has worked for developers who tell him what the site is
34 and to make it work. Peter said his best work was in Weston where he transformed the 400-foot
35 hole they took the stone from to make Route 128 into the cooling system for an office building

36
37 Bill Lindsay said Drew's was formerly Putnam and that they extended the sewer, but the town lent
38 them the money to do it. Bill noted that on Long Island, not only do you have to incur the cost of
39 the water and sewer but also the curbing and two feet of blacktop from the main road which limits
40 development. He said to encourage development, the contractor wants to know what his return on
41 investment will be. Bill said there were a lot of ledges in Vermont so developing in some areas
42 was more costly than others. He thought bringing in developers and real estate personnel was a
43 good idea. He wondered if they had knowledge of the average rents in Chester. Barre thought it
44 was \$1,000 to \$1,200 for rent currently. Bill suggested guidelines to encourage developers.

45
46 Steve Mancusso said infrastructure was fundamental to housing, growth, or whatever they wanted.

1 To his understanding, it borders on a level of local archaeology because it only existed in the minds
2 of a few people. Peter said it was archaeological for the fact that when you try to reference the
3 older drawings to figure out what they were thinking was difficult. He said there were some good
4 drawings that tell you what's going on. As for ledge, if you tried to expand over Church Street,
5 you would need to go back and look at the water line. When you see what they said when it was
6 installed. Peter said it was a guessing game and why you pay the big money for an engineer to
7 come out and do test borings. Steve wondered if Peter had used a metal detector to find the paved
8 over manholes. Peter said he couldn't find the manholes. The basis for the map was, with Cathy's
9 help, he was able to find all the people who paid for sewer. Peter said there was no drawing that
10 includes all the manholes. He said sewer lines should progress each time to a higher elevation to
11 let it flow downhill but that wasn't necessarily true with some of the sketches, but he knew the
12 system works or there would be complaints. He said if you wanted to connect to it anywhere, you
13 would have to get an engineer. Steve thanked Peter for all his work.

14
15 Barre thought between the floodways and the mountains, they had a lot of limits in Chester. They
16 have some hurdles that aren't easily jumped. He didn't know if it was their job to identify all of
17 them.

18 19 **Agenda Item 6, Review Proposed UBD Administrative Section Updates**

20
21 Hugh noted that at the last meeting, the work to update the bylaws was broken up into 6 major
22 chunks. The first was updates to the administrative section of the bylaws. Topic #6 was to begin
23 discussion on the proposed updates to the administrative section of the bylaws drafted by Jason
24 and Preston.

25
26 Jason and Preston lead the discussion. Jason was attending the meeting via Zoom from Maine as
27 he was there for a NNECAPA conference. NNECAPA is the Northern New England Chapter of
28 the American Planning Association. They appreciated Jason taking time out to attend the Planning
29 Commission meeting.

30
31 Preston said it was a 135-page long document but there was a shorter version. They went through
32 the shorter document, titled Administrative Changes in the packet, by section and noted the
33 changes.

34
35 Preston noted the first change was Article 2, page 2, under Flood Districts. Preston suggested it
36 because, in his experience, he has found it useful in other towns. There are parts of the floodway
37 and floodplain in Chester mapped with boots on the ground and there are parts that are photo
38 representations dating from the 1970s. The photo representations are often inaccurate, so it was
39 something that says either Preston as the Zoning Administrator or the DRB is empowered to say a
40 certain area is not in the floodplain because it seems obvious to them, but it also says it doesn't
41 change the determination on the map and doesn't exempt people from the requirement of having
42 flood insurance. And you probably wouldn't build a house without flood insurance because no
43 lender would issue a mortgage without it. So, it mostly applied to barns, sheds, and similar
44 buildings. Preston is always trying to look for ways to let people do things in a practical way
45 without spending a lot of money and time, so that's why he suggested it. Jason hadn't used the
46 language before but thought it was worth using.

1
2 Jason noted under 3.1, they had talked about how to make housing easier and considered allowing
3 a second accessory dwelling. So, each single-family house that exists could have a singular
4 accessory dwelling added onto it at some point and this change would allow for a second one.
5 Preston said the trend at the State level had been cautious but now with the housing crisis, they are
6 taking the attitude of the more the better. The second ADU would require the DRB's approval
7 and not just Preston's. Barre asked if the idea was they could not subdivide them, but they could
8 be for a friend, family, rented, or used for short-term rental. Preston said if it was subdivided, it
9 would require a full septic system. Barre thought it would have to fit on the lot, the setbacks, be
10 tied to town water and sewer or have a big enough septic capacity. Preston said Barre raised a good
11 point about subdividing having to meet the setbacks so that could disqualify some of them from
12 being subdivided. Preston thought it was an interesting question but wasn't the focus of the current
13 discussion. Jason added that an ADU must be on an owner-occupied lot, and it used to be 30% of
14 the house's footprint but was now 30% or 900 square feet, whichever was larger. He wanted them
15 to be aware of that. Preston pointed out they changed the definition of an ADU when they changed
16 Village Green. Jason said they should consider it because that's how the statute defines an ADU,
17 and the town could allow it to be bigger.
18

19 Preston said under item B, nonconformities, the biggest district in town, the R-120 District, is 50
20 feet from edge of road and boundaries. There are some small nonconforming lots where it's
21 difficult to do anything because the 50 feet covers the entire lot. What they proposed was for an
22 existing small lot or one that pre-dates zoning, it could be cut back to 20 feet from the road and 15
23 feet from any lot line.
24

25 Tim asked if they would be discussing the items in detail. Preston said because of time constraints,
26 they would just be going through them at this meeting. Hugh said they would go through each item
27 briefly so Preston could provide a context and at a follow-up meeting, they would discuss them in
28 detail.
29

30 Non-conforming structures. If your house was 20 feet from the road and the setback in that district
31 was 50 feet, you could put an addition on the end of the house which got no closer to the road than
32 the current nonconformity or 20 feet. The current bylaw acknowledges the existence of
33 nonconformity but worded it so that it meant nothing. Jason said they were trying to clarify what
34 it means. Peter said he had discussed it with Cathy, and they agreed a small sketch with it would
35 explain the wording. Preston had seen sketches in bylaws, and they could come up with one to
36 explain it.
37

38 Preston addressed 3.30 which currently said every principal building must be on its own lot and
39 legally subdivided. That is expensive. He wasn't sure what the value of it was. Peter and Amy
40 Franzen were in attendance and Preston said they were in that bind now and came to see Preston
41 this morning, so he suggested they attend the meeting. They own 11.6 acres with a house on Jewett
42 Road and they want to build a second house on the property but per the current bylaws, they must
43 go through the subdivision process which means they must incur the cost of a survey costing up to
44 \$5,000 and go before the DRB which would likely take at least 2 months. By making the proposed
45 bylaw change, it would simply say they needed to demonstrate that it could be subdivided. In their
46 case, there is such a distance between the two buildings that the second home would have its own

1 water and sewer and they had already obtained the septic permit. He thought they were present to
2 say they were a living example of people where it could be a lot quicker and cheaper if the bylaw
3 were changed.

4
5 Barre said from his perspective, whenever he has thought about the concept of subdivision, the
6 hiring of a surveyor, marking the land, and creating a plat is what he thought the subdivision most
7 involved. When he read the proposal, without having a surveyor to subdivide the land and have a
8 plan, he questioned how it would happen. He asked Preston what the difference was because he
9 thought a surveyor would still be necessary. Preston said it simply said they could do it if they
10 could demonstrate it could be subdivided in the future. Tim asked how they would demonstrate
11 that. Preston said if it had its own well and septic and, in this case, a 50-foot setback so the
12 dwellings would need to be at least 100 feet apart. Tim asked if a site sketch would be required.
13 Preston said they would be relying on him to confirm it. Hugh said when he read it, it made sense
14 to him especially if it's your land and you can put another principal structure on it and follow all
15 the rules without a lot of administrative overhead. The only question he had was if they wanted to
16 sell the property later and create two parcels, would there be any problem in that regard. Barre said
17 it wouldn't have lot lines unless there was a survey and that was what he was talking about. Preston
18 said there are people like the Franzens who really don't want to subdivide. But the time may come
19 when they want to sell it, and someone doesn't want to buy two houses on the same property. The
20 idea is they can demonstrate now that it could be subdivided. Preston said there are people who
21 have a caretaker house, guest house, or a house for something else and the bylaws, except for an
22 accessory dwelling, don't allow for two houses on one lot. He knew from experience working with
23 the Vermont Land Trust that they used to pull their hair out for towns that are written like Chester's
24 because of the farm labor housing issue. Hugh agreed. Preston said it hadn't been an issue in
25 Chester but in some parts of the state, they often need an entire staff to run a dairy farm which
26 requires farm labor housing. If they must create a surveyed lot for each one, it's a real bother. Barre
27 asked if it wasn't an accessory dwelling because of the size of the building and there was enough
28 land to put a real house on it and the intent would be for the housing of workers and/or rent. Preston
29 said Barre raised a good question. For the Franzens, an accessory dwelling was too small for what
30 they wanted. With respect to the section that said both lots and their respective uses conforming to
31 all applicable provisions of this bylaw, Tim asked if it covered septic and water separately, or did
32 they need something spelling out it needed its own septic and water system contained within the
33 section of the lot subdivided with the house. Tim said it was his only question and he thought it
34 was a great idea. Preston was open to it but said he had known of people who have shared septic
35 and wells with reciprocal easement rights. Preston thought if it would make Tim more comfortable,
36 he suspected it would apply 98% of the times it comes up. Tim thought if a buyer who only wanted
37 one house and there was shared septic and drinking water, it could create an issue. Barre wondered
38 if some sort of survey could be included to indicate where the lot lines are or wondered if it had
39 already been surveyed ahead of time and was already included in the plan. Preston could see having
40 a checklist that included the basics. Barre was concerned about the neighbors if it was unclear
41 where the land lines were. A survey would be helpful. Preston said that would be looping back to
42 quite a bit of cost. Peter said that was a situation where they could adopt a site plan review which
43 gives Preston the power to do these things and eliminate going to the DRB. Barre said in an
44 instance where the lines are known and it's not questionable, why do it, but if there was a question
45 of where the lines were, it should be done. Preston said he currently does that when someone comes
46 in for a building permit and sometimes, they have to make a reasonable guess that it meets the 50

1 foot setback. Barre said he wasn't trying to make life difficult for people. Preston wanted to resist
2 the idea of bringing expensive professionals out but did think they could come up with a better list
3 of what boxes to check.

4
5 Peter said for this piece, which he knows well, there is a survey and a plat, so it wasn't like they
6 were working from the deed description. Preston agreed. Peter suggested the requirement could be
7 there needed to be a registered plat which would answer most of the questions. Preston agreed. He
8 said the Franzens' property is surveyed but they would still need someone to draw a subdivision
9 line. Peter said Preston could look at the plat which would be the reference document. Preston
10 agreed. Barre said his idea wasn't for the folks and their land but didn't want someone building
11 something on the neighbor's land because they weren't aware. Peter has more than enough land to
12 subdivide but only has a deed description.

13
14 Cathy wanted to allow shared water because it wasn't hard to change if needed, but a shared septic
15 could be difficult. Preston said they could work on it. He knew of a subdivision being approved
16 with shared water and septic even though it's not common. It would include an exchange of
17 easement deeds. Tim wondered what unintended consequences they might create down the road
18 and it would seem simpler if they had their own septic system. Hugh thought if everything didn't
19 turn out right, it would affect the property owner more than anyone else because they wouldn't be
20 able to sell or subdivide and would either need to sell as one piece or be stuck with the property.
21 It was self-regulating in some way. They would want to do something that provides the most
22 flexibility going forward so were unlikely, unless a mistake happened, to close a door in the future,
23 so he thought it was self-regulating.

24
25 Preston mentioned under Limitations and Exemptions there was a very long section, 4.3.b. He said
26 they could look at the crossed-out section. He found the current bylaw section frustrating because
27 it doesn't clearly spell out things that he's used to seeing in bylaws about what is exempt. In some
28 ways, he admired Brandy's document because she was exhaustively detailed about what was
29 exempt. He ended up putting something together that relied heavily on Brandy but was not quite
30 as exhaustive. It included 28 items of things that are exempt. Preston listed the items. He didn't
31 think they could have a meaty discussion on this at the present meeting but looked forward to the
32 discussion as the current bylaw had very little on the topic.

33
34 Preston said there was a small change under Air Pollution. Performance standards are good to have
35 but he viewed air pollution as a narrow word and thought smoke and odor would be a prudent
36 change. He mentioned that sometimes concentrated marijuana production in greenhouses makes a
37 skunky odor. That was on his mind when he suggested this change. There are ways to control it
38 with charcoal filters but if the ability to control it isn't in the bylaws, would a natural odor from a
39 growing plant be air pollution, some may say no. But as smoke and odor, it would be.

40
41 4.12, Minor and Major Subdivisions. The DRB has been doing it at his recommendation. They're
42 not requiring two hearings for a minor but waiving a second hearing. This spells it out that they
43 can do it. They will conduct a preliminary plat review and if there are changes, they will trust
44 Preston to review it and make sure the surveyor did what they were asked rather than come back
45 for another hearing and have a final plat review.

1 Preston said the interesting thing under 8.2 was his opinion that the change on accessory dwelling
2 unit that they already have done, and it just hadn't made it into the document. The last item under
3 subdivision is the wording of the current bylaw. They included it in the definitions which Preston
4 had a beef about because not everyone thinks to read the definitions.

5
6 Hugh suggested that the homework for the members was to go through the changes in greater
7 detail and come to the next meeting prepared to discuss specific things that they wanted
8 clarification on or propose a change. That way they can take the high level and drill it down and
9 try to root stuff out at the next meeting.

10

11 **Agenda Item 7, Adjournment**

12

13

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