

1 **TOWN OF Chester**
2 **PLANNING COMMISSION**
3 **October 4, 2021 Minutes**

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

6 **Staff Present:** Preston Bristow, Zoning Administrator, and Jason Rasmussen, Director of Planning
7 at Mt. Ascutney Regional Planning at Town Hall; and Susan Bailey, Secretary, via Zoom.

8 **Citizens Present:** Bill Lindsay at Town Hall; and Steve Mancuso, Scott MacDonald, Joy Slaughter,
9 and Cheryl Joy Lipton via Zoom.

10 **Call to Order**

11 Chair Cathy Hasbrouck called the meeting to order at 6:30 p.m. (1:35 on recording)

12 **Agenda Item 1, Review Minutes from September 20, 2021 Meeting**

13 Cathy asked for a motion for a review of the minutes. Peter Hudkins moved to review the
14 September 20th minutes and Hugh Quinn seconded the motion.

15 There was no discussion.

16 The minutes were approved unanimously.

17 **Agenda Item 2, Citizens Comments**

18 (6:31 p.m. – 2:37 on recording)

19 Cathy asked for citizens comments on anything that was not on the agenda.

20 Steve Mancuso thanked Jason Rasmussen for showing up to the meeting and helping the town of
21 Chester.

22 **Agenda Item 3, Discuss V-12 Zoning District Proposal with Jason Rasmussen**

23 (6:32 p.m. – 3:29 on recording)

24 Cathy announced the third item on the agenda, as well as the two documents from the meeting
25 packet, one which was marked up with changes and one which was not.

26 Jason said there was a version of the proposed V-12 District with track changes, and a clean version
27 of the same document. He said the subcommittee and Preston had been meeting with him and
28 Alex Taft in their office for a couple of months and had been reviewing the V-12 District to see
29 how it would be affected by the proposed bylaws changes. Jason said they considered the town
30 planning goals, and the village center master plan, and then more practically considered the uses
31 and types of projects they wanted to see happen on the Green and how the regulations would work.
32 They found several things they may want to consider changing. He recommended going through
33 one section at a time followed by answering questions.

34 Jason thought it may be difficult to stay within the V-12 District, as there was a lot of overlap, and
35 they had some related changes in the other sections, and they should be aware of that. He asked if
36 anyone from the subcommittee wanted to say anything before he continued. They did not.

37 Jason referred to the handouts. He said the clean one was easier to read, but the marked up one

1 showed their changes.

2 In the first section, Jason said they didn't change a lot but wanted to add housing to that part of
3 town. He asked if there were any comments and there were none.

4 In the next section, Jason said there was a list of uses. Permitted use was the first, and conditional
5 use was second. He said they added another layer to it. He said some of the permitted uses required
6 site plan review and some didn't. Jason said there was both a major and minor site plan category.
7 The minor would go through the zoning administrator and the major through the DRB. It was not
8 clear to him when it would go to the DRB. As a result, they proposed changing the language, so it
9 was clearer. Permitted uses were included under 2101.b and a new item, administrative review,
10 and finally, conditional use review. Jason said administrative review would kind of serve the same
11 function as the minor site plan category.

12 Cathy added that it overlapped what Preston had shared with the commission at the last meeting
13 of what he goes through with a generic building permit.

14 Jason said there was an option that if something was more complicated and detailed and it felt like
15 a DRB review was necessary, the zoning administration could just kick it up to the DRB for review.
16 He then asked if there were any questions.

17 Hugh thought it was important to note that Jason had called out in the current proposed bylaws
18 that the minor and major site plan review wasn't clear. Hugh said one of the things he liked about
19 the section was this it created some clarity about what things could get reviewed by a process
20 administered by the zoning administrator and what could go to the DRB. He found it helpful. He
21 said that many of the things that have been tweaked in V-12 under residential uses were the result
22 of a discussion they had a month ago expressing the desire for dwelling units to be allowed in V-
23 12. Originally in the proposed V-12, dwelling units were not allowed unless they were already
24 there. Hugh said he liked it for that reason, and that it provided clarity as to what is a permitted
25 zoning administrator review and what needs to go to the DRB. Hugh thought everyone had agreed
26 one of the goals was to reduce the number of permits that need to go through the full DRB process.
27 They had decided to lighten the load where applicable and Hugh felt that this started to address
28 that.

29 Jason asked if there were any other questions on that aspect of things.

30 Steve Mancuso said in talking with area businesses, the biggest concern was how grandfathering
31 usage works. Steve said it had become a big concern.

32 Jason asked Preston if he wanted to address that.

33 Preston replied the term grandfathered was used for a lot of things. He said it was a shorthand term
34 that wasn't in the statute. Preston told Steve he was probably referring to the current bylaw that
35 states a non-conforming use can continue indefinitely but if it ceases operation for longer than two
36 years, it cannot be resumed. Preston said it was something they have talked a lot about and felt it
37 was too restrictive. He thought there should be some means to resume certain uses by DRB.

38 Steve said that was what he was asking and thanked Preston for his answer.

39 Scott MacDonald had a question. He said Preston and Cathy both attended the last DRB meeting
40 and it was mentioned the Planning Commission is looking at modifying what comes to the DRB
41 and what doesn't in the new plans. He said he is new to the DRB and suggested the DRB should
42 be included in that part of the Planning Commission's plans so everyone was on the same page.

1 He said much of what comes before the zoning administrator contains gray areas with change of
2 use. Scott remembered some of the members of the DRB noted they did not want to change a lot
3 until they knew where they were headed. He asked that the DRB have advance notice of what the
4 commission is changing.

5 Cathy said she did not have a problem with that and could circulate the minutes from this meeting
6 and send a summary to the DRB members.

7 Scott said it may all be great, and they may say, “Wow, thank you.”

8 Hugh said it was a process they were going through in search of a methodology they can make
9 progress with and then model it for other zones. He suggested the DRB could look at the proposal
10 and the items under administrative review and decide whether they wanted to adjust the list and
11 move something into the DRB category or keep it under administrative review. He thought all
12 those things were on the table.

13 Cathy said a concern, especially in the V-12 where businesses come and go frequently, was not
14 having to go before the DRB too often due to the 3-month wait, which involves a meeting, the
15 need for a hearing, writing the findings and a 30-day appeal period required before making changes
16 to their property. She said Preston could share stories about people who were appalled they had to
17 wait that long to get their business going.

18 Barre asked if that only applied to non-conforming things. Cathy responded anything that required
19 action before the DRB took about 3 months.

20 Preston offered an example and said the Country Girl Diner wants to add a walk-in freezer, which
21 makes the footprint bigger, so it must go to the DRB and takes about 3 months.

22 Barre said they were an existing building that wanted to expand their footprint and in a flood zone.
23 Preston replied that the river didn’t touch them, but it was because they’re commercial use.

24 Barre said in the V-12 District, when a business changed hands, the new one wouldn’t require a
25 permit and Preston agreed. Preston said because they were already approved for retail. Barre felt
26 some of the language used makes it appear more difficult than it is. Barre said it was only difficult
27 if it was a significant change that didn’t fit. Barre said a lot had to do with notifying neighbors of
28 the change. Barre said it wasn’t that he didn’t want to make things easier for people, as he had
29 voted for that before. Barre didn’t want people to get the idea if an antique store moved out and
30 another one wants to move in that it would take 3 months.

31 Scott said one issue with the DRB was not everyone can wait, and they are trying to grow the town
32 and have businesses and families and they could lose opportunities because someone can’t wait
33 three months and they decide to go to another town. He wondered if there was a way for the DRB
34 to have emergency sessions and a change in protocol and work with Preston more and help people
35 get in. He couldn’t imagine the other members of the DRB wouldn’t want to help with that.
36 Because Scott is new, he wasn’t sure if procedurally they could do that. He suggested special
37 hearings may be an alternative.

38 Tim said that would be wonderful if the DRB could create a fast-track alternative. He thought the
39 point of tonight’s discussion was more about what is permitted and doesn’t go to the DRB.

40 Jason pointed out there were different procedures for a reason and baked into the conditional use
41 review process is that state statute dictates a public hearing and 15 days-notice requirements. He
42 thought part of the question was what needs to go through a conditional use review and what

1 doesn't. He thought everyone could agree the V-12 District - the Green is where they want stuff
2 to happen; where they want restaurants; shops; and the second or third floor could be an office or
3 some apartments. All the town plan language talks about village revitalization. Jason thought the
4 goal with the draft changes was to simply make it easier to make that happen. He said under the
5 conditional use permit section they were only seeing a few things - tourist lodging and healthcare
6 facilities and any new construction. Their thinking is in this small part of town, the DRB only
7 needs to see new construction and bigger stuff. He thought everything else, according to the draft,
8 would basically go through Preston. It would make it easier to do business in town.

9 Barre asked if new construction would mean tearing something down because there were no empty
10 lots. Jason suggested a back lot portion that had nothing on it, but it also applied to if something
11 burned down or was knocked down and rebuilt.

12 Jason said if a long list of uses was more specific, you may tend to need to go back as changes of
13 uses happen, so there was a philosophy that if you used a shorter list of uses, that could help a bit
14 with broader categories and as zoners come and go you may need fewer permits. They were
15 showing the commission what would happen if they went back to a simplified list of uses.

16 Barre asked if farming and forestry was a trick question. He wanted to know how it applied to V-
17 12.

18 Jason said it was an excellent question. In the proposed bylaws, those uses are listed as
19 subcategories. He said there was a natural resource-based use category that included farming or
20 forestry and non-farm businesses. He said it wasn't changing anything and thought it was allowed
21 under the current unified development bylaws. He said the reality is there would not be a farm in
22 that part of town.

23 Cathy asked if the statute required that it be listed.

24 Jason said if a farm falls under the regulated agricultural practices administered by the state, it's
25 exempt from zoning, and the state would oversee it. If it was smaller than that, it could go through
26 a town review. He said he supposed someone could establish a small farm there, but it was very
27 unlikely. He thought it was there for conversation's sake.

28 Tim said along the same lines, he wondered if group homes were required by statute and if not,
29 would they want to include group homes in V-12.

30 Jason said the current proposed bylaws have group home level 1 and level 2. He said they were
31 not included because he is trying to figure out what the commission wants. Jason said level 1 is
32 essentially the same thing that is protected under state law. Group homes with up to eight people
33 living there don't require a permit because they are protected under state law. Anything bigger
34 than that is an open question. Jason put it in there because it's in the existing bylaws. Jason thought
35 they should have more discussion about what group homes are and where they should and
36 shouldn't be located and what review was needed.

37 Tim asked if when talking about existing bylaws and the subject document which he thought was
38 an edit to the draft proposed bylaws that they refer to it that way, so they were all clear about what
39 document they were referring to. Jason thought that was a good point. Tim wanted to know if the
40 group home levels 1 and 2 were included in the draft of the proposed bylaws or the existing bylaws.

41 Jason said it was in the proposed bylaws draft.

42 Hugh asked for clarification that if level 1 was going to happen, it would happen because it is

1 exempt from town zoning procedures. Jason said that was his interpretation, but Hugh could talk
2 with Preston how he administers that. Hugh asked if it was more people than that, they could have
3 discussions about whether it was allowed in certain zones. Jason believed that was true.

4 Barre said there was such a small number of structures on the Green and as a planning board they
5 have a chance to plan what goes there. He asked if childcare, like the one that had just been put in
6 Bill Austin's old building, would be appropriate for that part of town because of the retail nature.

7 Cathy said they had issued a permit to Jeanie Wade not long ago for school age children in the old
8 drug store building.

9 Barre said that was more of an educational thing than kids running outside with plastic toys and a
10 fence.

11 Preston said as much as they may want to plan and drive the way things go, they can't always drive
12 it with zoning bylaws. If economics changed where stores got boarded up and inns couldn't make
13 a go, if they said they must be a store or inn, they could stay boarded up. Their thinking was they
14 should have flexibility.

15 Barre said he was thinking about how things change.

16 Tim said if the Fullerton stopped working as an inn and a restaurant, which nobody wants to see,
17 and they permitted a level 2 group home to be downtown, is that something they would want there,
18 something that would benefit the town and the business district?

19 Peter said Rochester, VT had a good inn for a long time but not enough people and that turned into
20 a good senior housing project on their Green. He said the Green is a perfect location for that. Peter
21 said senior housing is not a group home and wasn't shown on there. He said it is specifically called
22 out in the draft bylaws. Peter said it could easily be called a group home and would be an excellent
23 use of that property.

24 Tim saw senior housing crossed out under administrative review, so it had been an item that was
25 included in the draft.

26 Jason said Tim was correct. He said he didn't feel the UDBs do a good job with senior housing
27 and assisted living unless he missed something. He thought it may be appropriate to add that back
28 into V-12.

29 Tim said senior housing was very different than a group home. He thought a group home would
30 include a halfway home or rehabilitation home that wouldn't necessarily benefit the business
31 district, where senior housing would bring more customers downtown.

32 Peter thought senior housing should be added as a conditional use and the others agreed.

33 Hugh said if it was up to him, he wouldn't allow a large group home. A Level 2 would have more
34 than 8 people and he wouldn't think they would want that.

35 Tim said he had difficulty imagining an argument for that.

36 Bill Lindsay said some group homes are run by the state and the town is somewhat left out of the
37 program. He said Chester went through that a few years back where the Jiffy Mart is currently
38 located. He said there had been a lovely Victorian home that was being used by the state for
39 transitional housing from Springfield Prison. The Select Board, at the time, found it difficult to
40 take a position because state statute dictated what was allowed and what was not allowed. He

1 thought a group home needed some more definitive explanation. It was very difficult for the board.
2 The building was close to the school, and the police department got involved in the group home
3 restrictions, as well. He said the term group home for Boy Scouts is one thing but a group home
4 for people transitioning back into society is viewed by many in the public a different way.

5 Barre said he felt the same way with respect to senior housing and the Fullerton building. Having
6 been on the downtown festival committee, although the people running the Fullerton didn't
7 contribute the way they had hoped, the element of a Bob Newhart sitcom type of inn in the
8 community was a huge asset. Barre said the reality is most of Chester's income is tourist oriented.
9 He said losing the inn would be a huge detriment to the community. The fact that people can sit
10 on a porch in a scenic area like Chester and have a meal – he did not want to lose that. Barre
11 pointed out that the town runs entirely on a grand list and doesn't make any more money whether
12 the properties are businesses or residences. The concept of a business has to do with success of
13 individuals to make income and if they are successful, they can give back to the community. Barre
14 said he is totally pro-business and wanted to see people be successful but the idea that if they don't
15 have businesses in town that Chester won't be successful were two different things.

16 Cathy pointed out that if a business property isn't producing income and the owner isn't paying
17 taxes which are only accruing, the town is out a lot of income.

18 Barre said that was not happening anywhere in town - not one place.

19 Tim thought the conversation was like trying to get a crystal ball out and see what the lodging
20 industry forecast is in a town like Chester. He thought it made sense if there was another suitable
21 use for that zoning district other than lodging. They are using the Fullerton as an example because
22 it is the largest lodging there and it made sense. He wondered if it ever did become senior housing,
23 what would stop it from being reverted to an inn if someone decided they wanted to put an inn
24 there. Tim said he didn't think it brought an end to that use.

25 Barre said as a planning board, they can set the stage for the future. They have a chance to paint
26 the picture for the community and move forward. He also said it was their job to protect and
27 preserve things that are significant.

28 Cathy asked Barre if he was saying that he would not like to include senior housing as a use in V-
29 12. Barre said that was correct because in his opinion, if they lost the Fullerton, it would be like
30 losing a couple of fingers on your hand. It is just too vital to the community and thought it would
31 be a huge detriment to the culture.

32 Peter said it could be turned into one of the other uses. A rich person could convert it to a single-
33 family dwelling or a two-family dwelling. It could be a business with a home occupation, or arts
34 and entertainment, or anything on the list. He thought it would be spot zoning to say the Fullerton
35 can only be an inn.

36 Tim said to Peter's point it could be mixed use, it could be turned into a business incubator with a
37 bunch of offices. He said he agreed, for the downtown, he would hate to see it go and had already
38 said that.

39 Barre said due to it being a building with a bunch of rooms, he thought it would either be turned
40 into a school or another form of housing. Nobody would spend money to change it into something
41 different if there isn't an economic benefit.

42 Peter asked if they could table the discussion since Jason was there and discuss what Jason had

1 proposed. Tim said he agreed.

2 Tim referred to 2101.d, conditional uses and said he saw a lot crossed out and thought it was
3 pertinent.

4 Peter suggested going back to where they started, b instead of d, and work down through the page.

5 Jason agreed. Jason said under permanent uses, they noticed single family homes and two-family
6 homes were not allowed in the draft. They thought they really didn't want a single-family house
7 but thought it was problematic that if ownership changed and someone wanted a restaurant on the
8 first floor and an apartment above, it could not be permitted under the draft. So, they wanted to
9 change it so you could. They ended up just adding single family and two-family units back in.

10 Jason said he wanted to make a point because they had talked about group homes which were
11 already in there. He said they would see that group home level 1 was crossed out on the next page.
12 He was adding it back in but not saying level 1, only group home. He wanted to point out that it
13 was not really a change. He was initially thinking about eliminating levels 1 and 2, but it could be
14 added back in if they wanted.

15 Hugh said since they were on permitted uses, he almost felt to Barre's point, that farming and
16 forestry will never happen in V-12, so he suggested taking it off the list. Hugh added that if they
17 were agreeing, in general, that they don't completely know how to define and get their arms around
18 the notion of a group home, he would also take that off the list in V-12, unless it was by law.

19 Peter said it was by law.

20 Hugh said they need to understand what that law encompassed and allowed.

21 Jason said Hugh's point was a good one. Considering it is around the Green where there are
22 generally larger buildings with multiple uses, it isn't generally applicable. He could see getting rid
23 of group homes there. Jason said group homes were defined in state statute, which he was not
24 looking at, so he hoped he got it right. He said it was people with handicaps or other disabilities
25 with up to eight residents in a facility were basically exempt from zoning. They could live in any
26 existing house.

27 Hugh said the point was they don't need to list it in the bylaws because it's already provided for
28 in state statute. If someone wanted to put a group home on the Green, whether it's in the bylaws
29 or not, they're going to get to do it.

30 Jason said it was not a single residential use type district, so it wasn't applicable, and he agreed
31 with Hugh.

32 Hugh said his opinion would be to remove numbers 7 and 8.

33 Preston said he agreed that farming and forestry were also protected in statute. He said that Cheryl
34 Joy was listening and there was talk about a greenhouse across the road. It was conceivable but
35 not likely but since farming and forestry were allowed in the statute, it wasn't necessary to recite
36 them again.

37 Jason asked if there was any disagreement to striking the two from the list.

38 Cathy said if they didn't get arrested for leaving them out, it was fine.

39 Tim asked if the state would take issue with them for leaving those things off, because if not, he
40 was in full agreement they should leave those two things off the V-12.

1 Preston and Jason said they thought they could omit them.

2 Jason wanted to move on to administrative review but asked for questions before he did.

3 Cathy said she wasn't clear about dwellings and single-family homes. She thought a dwelling was
4 anything people lived in whether it was a single building or four rooms that were part of another
5 building. Jason said it depended how it was defined. Tim said an apartment was a dwelling and
6 Cathy replied so was a single-family house. Jason said they both would apply. He said there wasn't
7 much room for development on the Green, but if someone found some infield space to put one,
8 they could, but it would also allow for an apartment above a shop.

9 Jason said there were several things crossed off the list under conditional use and the primary
10 reason for that was they wanted to make them easier to permit. Except for senior housing, which
11 may be the exception, he thought everything else was mostly listed under administrative review.
12 He said it was an extra heightened review in terms of the standards, but it would all go through the
13 zoning administrator. Jason said it included arts and entertainment, retail store, restaurant, and a
14 lot of the types of businesses you would expect to see on the Green could get a permit quickly and
15 easily through the Zoning Office. He asked for questions.

16 Tim said he agreed with it but at the same time, it made him nervous. Currently they have a highly
17 competent zoning administrator. They have also had situations in the past where zoning
18 administrators made unilateral decisions that turned out very badly for the town. He wondered if
19 there was a way to put a check and balance on it without adding a deep layer of bureaucracy and
20 delay.

21 Jason said he didn't necessarily know about a check, but on page 6, Section XX Administrative
22 Review, which didn't have a section number yet, there was a check that he hoped was clear that
23 they need to meet certain criteria and the zoning application is clear. He said Preston was great
24 and it would work great with Preston here and hopefully it will work well with whoever comes
25 after him. Tim said that would be the goal and thanked Jason for pointing it out.

26 Preston said when they talk about checks and balances that anytime you have a public meeting and
27 get people involved, it isn't quick anymore. He has known bylaws that said under administrative
28 review, the zoning administrator can act after conferring with the DRB Chair, then it's two people
29 and not one. He said it does happen and doesn't trigger a public meeting and was something to
30 consider.

31 Cathy added Preston had promised to train his successor. Preston said zoning is becoming so
32 complicated that the day of a one day a week volunteer isn't going to work.

33 Hugh said when the administrative review process is crystalized, it won't be possible to work in a
34 vacuum and not keep any records about the decisions that have been made and what's been done.
35 If there is some level of transparency, he thought that was okay. What he didn't want was for it to
36 be a black box where stuff just happens and there is no explanation.

37 Barre said they had the same goal in the draft bylaws and that's where the questions came up that
38 Cathy thought were too many of. He said if you could answer those questions on your own with
39 the zoning administrator, you could do it and that was part of that purpose.

40 Jason said in his mind it was analogous to what they already have in the draft bylaws but clearer.
41 It is really the same process but with a different name.

42 Hugh said while they were in the Administrative Review section, he asked if they needed to keep

1 number 13, non-farm business, as a line item or if striking farming and forestry, maybe they should
2 strike non-farm business out for consistency.

3 Jason and Tim said it made sense.

4 Jason said in the draft there was stuff listed that was more specific: retail use and then under 3,000
5 square feet and above 3,000 square feet. For a couple of different reasons and because they were
6 discussing V-12, he didn't see the benefit of that. They were talking about establishing uses and
7 mostly change of use type situations in existing buildings, so he didn't know if that was necessary.
8 He said they were seeing that simplified and to let him know if they didn't like it, but that was the
9 thought process, especially in V-12. Keep it simple was the thought.

10 Hugh and Cathy both agreed. Hugh said he thought there seemed to be a lot of questions about the
11 value of density requirement, so he was glad that was stricken. As far as the footprint requirement,
12 it may make sense in other zones but didn't really apply in V-12 based on the reality of what's on
13 the street there.

14 Jason wanted to be clear. Conditional uses in V-12, there would only be a handful of things that
15 would need to go before the DRB – any kind of new construction, healthcare facility, tourist
16 lodging, and senior housing. He asked how people felt about it and if there were any further
17 comments or changes.

18 Tim said he thought they were on the right track and at some point, would need to agree or debate
19 and vote on anything that may be objected to. He wanted to come back and understand why the
20 sentence “The applicant must obtain conditional use approval from the Development Review
21 Board before the zoning administrator may issue a permit” for the uses listed there was stricken
22 from that. Then he realized it was an unintentional strike.

23 Jason thought it was semantics and the draft had slightly different language than what he was
24 playing with. He said he thought it was the same thing. They must go to the DRB which requires
25 approval before the zoning permit gets issued. That's what those uses will require. Tim said he
26 now saw that it basically said the same thing.

27 Hugh said the first sentence basically replaces the sentence that was stricken.

28 There seemed to be agreement that they said the same thing.

29 Barre said there were hot button topics that come up at these things. One of his friends doesn't
30 want a dispensary in Chester, and Barre asked if they need to define that. He said the Select Board
31 talks about it coming from the state rather than Chester, but he questioned if someone wanted to
32 put a dispensary on the Green, if that would be considered retail and wouldn't need to go before
33 the DRB, or other examples like adult entertainment or Asian massage.

34 Jason said they were good questions. He said you go back to the definitions. They are going back
35 to the definitions in the existing UDBs that are in effect and a little broader and may encompass
36 the things Barre was suggesting. He didn't know and would need to look at that.

37 Barre said he was an artist, and half the time people think he's one of the most conservative people
38 on the board. He said if we're doing those things and want business and should let things happen,
39 that is how you end up with a Kentucky Fried Chicken or whatever. Some places have that in their
40 zoning. It's an issue because when those types of businesses come up, people go crazy because
41 it's not in the bylaws.

1 Preston said regulating massage parlors is very difficult because it's legislating morality. He knew
2 some towns are very explicit they don't allow nightclubs or lounges. Preston said they hadn't even
3 thought about it. He said he would need to read up on the dispensary. The state had issued
4 something about towns voting on whether they could have a dispensary and he questioned whether
5 that period had passed.

6 Jason said he wasn't sure if they were talking about recreational cannabis retail or medical
7 marijuana. If it is recreational, the town would have to vote at a town meeting to opt in. The state
8 cannabis control board is establishing rules and they don't know how that will work until they
9 finish their rule making process. The town could opt in at their next town meeting if they wanted
10 to. Jason said they would need to do that to make it happen in Chester and would imagine it could
11 happen as a retail store in the zoning. Preston agreed if the town opted in, it would be retail and if
12 the town opted out, they couldn't do it.

13 Hugh said they have the discussion when they generalize the uses into categories and you don't
14 envision every use you could ever have, it will cause them to go back to the use definition part of
15 the bylaws and make sure that's the way they want it to be. If someone wants a retail store, they
16 will go to that section of the bylaws to see what is encompassed in a retail store by looking at the
17 definition of that use. They will need to go back to the definition of uses based on this list of uses
18 make sure the language has what they want it to have. He said there will always be something that
19 comes up that they couldn't have anticipated.

20 Barre said Chester is a certain sized town with a certain amount of potential commerce and an
21 interesting store that may be somewhat edgy probably isn't going to be here because they're just
22 not going to be able to make any money, so they probably don't need to worry about a lot of those
23 things. It just doesn't fit to begin with so there really isn't anything to worry about. He said those
24 stores are fun and cool and great when you go to those towns, but some people don't like them in
25 their neighborhood for whatever reason. He said the Magic Mushroom is an interesting store but
26 did not see one going on the Green. If they put one there, people would question why it was there.
27 He thought it was their job to regulate that.

28 Jason moved on to dimensional standards. But before getting there, he reiterated they were striking
29 the site plan review for V-12, but they may decide it was worth keeping for other parts of town.
30 They left most of the dimensional standards alone. His opinion was the draft was pretty good. They
31 were more in line with what is on the ground today. The subcommittee didn't think the footprint
32 or density standards made a lot of sense. He thought they did a lot more analysis than he did, and
33 he just struck them out because they told him to. He thought everything else looked good. He asked
34 if anyone wanted to add anything.

35 Peter said he thought it important if you already decided on dwellings and the way they are set out
36 and the space you could have, the density standard didn't make any sense.

37 Jason thought they should keep it simple, and it wasn't an area where new development was
38 anticipated. He asked for questions.

39 Tim threw out a doomsday scenario regarding the maximum footprint. Back in the old days when
40 they had a fire, the whole side of a street could burn down. Tim asked if it would make sense to
41 say they wouldn't want anything rebuilt larger than what is there today. He said if the Fullerton
42 burned down, would they want to allow it to be replaced with one building, or two or three
43 buildings. He asked if they had the mechanism to control that through the conditional use process.

1 Peter thought the state had the ability to control it through the building code. If it was a commercial
2 building, the code would take over. He thought between the building and fire codes, there wouldn't
3 be an issue. He said it would also be on town water, so they could have a large enough sprinkler
4 system put in. He also thought a bigger tank would allow for a fire pump in the building if one
5 needed to be required to meet the demand. He didn't see it as an issue they needed to worry about.

6 Barre thought it sounded like Peter was saying two different things. He asked if they could build
7 something bigger than 6,000 square feet there and Peter replied they could. Barre thought Tim was
8 asking if they would want that like a big Hilton Hotel.

9 Cathy said her calculation of the Fullerton footprint was 9,255 feet.

10 Barre asked if that was the footprint and Cathy said it was according to the lister card. Barre asked
11 if that was the bottom floor and Cathy told him yes, it was the footprint – the space on the ground.

12 Tim said if it did burn, it could be rebuilt even if there was a 6,000-foot minimum because they
13 would be building back on the same footprint. Peter agreed. Tim said it didn't address his question.
14 Tim was envisioning The Fullerton, Masonic Lodge, and the old drug store, and then someone
15 wanted to put one building there. Tim said he wasn't saying they shouldn't allow it but that it bears
16 some discussion. He said maybe tonight was not the night to discuss it, but he wanted it on the
17 table.

18 Jason said they are separate lots today and someone would have to buy all three lots and merge
19 them and conceivably they could build one larger building instead of the three.

20 Peter said because it was new construction, they would have to go to the DRB. So, it would be up
21 to the DRB to make the difficult decision. He said his issue was the front setback is at maximum
22 feet. He remembered when the Woodstock Inn was on the Green on the south side, and it made
23 the Woodstock Green area dark. They built a new one behind it and tore the old one down which
24 opened up the whole south side and it made the Woodstock Green a much sunnier place. He said
25 with the Fullerton, if you were going to build a bigger building, you could set it back, and it would
26 be more of a DRB decision to figure that out. The architects and the planners and the people who
27 are knowledgeable could offer something. He thought it as something the DRB could decide.

28 Barre asked Peter if the DRB must follow specific rules rather than make them up as they go.

29 Peter said what was proposed for the Dollar General doesn't look like the current Dollar General.
30 He said the DRB changed the roofline to make it an acceptable building. Peter said once you're in
31 the commercial standards, you have newer building modified facades. When you get to the next
32 page, you're going to have to include all those things, too. He said that breaks the whole thing up.

33 Barre said he remembered asking Brandi about the 6,000 square foot deal because it didn't make
34 any sense to him and he believed she said there were few, if any, buildings that had a larger
35 footprint than that. The idea with that rule was to keep the same sort of feel for the town which
36 would eliminate larger buildings with flat roofs or whatever happens when you have that larger
37 sized footprint. He believed she said the smaller buildings would also have gable roofs which was
38 more keeping with the theme of the town.

39 Peter said they were talking about one district. He said if you think about 6,000 square feet, you
40 have kind of taken any industrial building out. You wouldn't have Drews or the dry kiln next to
41 Barre, or the fire station. Peter said 6,000 square feet for a residential home, it was a different
42 matter. Peter said if someone with a business came in that provided jobs and wanted a big enough

1 building, he would agree.

2 Barre said he agreed and thought it was odd at the time.

3 Tim appreciated Barre's memory on that. He said there was an architectural aspect to it and that
4 gave into a whole different realm. He wasn't sure if the DRB had the authority to dictate what type
5 of roof goes on a building. Tim said they wouldn't want a 6,000 square foot flat roofed building
6 on the Green.

7 Cathy said they would have to consider parking. Cathy asked how many cars would be needed to
8 support such a large building. Tim pointed out there was a lot of room in the back. Hugh said there
9 were other standards they hadn't gotten to yet. Cathy agreed.

10 Peter asked if the 6,000 square feet in Village 12 was a deal breaker and if it was something they
11 really should include.

12 Barre said he didn't care so much but was trying to remember why it was an issue, bring it up, and
13 relate to what Tim was saying. He said more than likely, they would not lose the whole Green, so
14 they were probably talking about silly scenarios that probably weren't going to happen, but he said
15 they are a planning board and it's their job and these were decisions they were trying to make.

16 Jason said the front setback needed to be a minimum of zero feet and a maximum of sixteen, so it
17 would be close to the street. He said he felt the DRB had tools in place, if necessary. He wasn't
18 sure if they were adequate, but they definitely have tools in place for such a situation.

19 Barre asked if they should use 9,000 because the Fullerton is there now and to have a number.

20 Peter said to look how the Fullerton is broken up. He said it wasn't a square 9,000 feet and Barre
21 agreed that it was L shaped. Peter said that changes the whole layout.

22 Hugh said he thought it was put in, so you didn't get a big ugly box with a flat roof. Because there
23 are other district standards that say you must maintain the character, have gables, and windows,
24 he called their attention to Section 2101.f. It seemed like it would be unlikely to end up with a
25 commercial flat roof ugly looking building in V-12. If that were true and with the combination of
26 new construction, it would require a DRB review, Hugh said he would probably be okay with
27 striking the footprint because they have other mitigating controls either through the other district
28 standards or in conjunction with the DRB review, it could manage something that was going to
29 turn out to be ugly.

30 Jason said it was probably unlikely but if someone wanted an addition off the back side of the
31 building to some new apartments and it pushed them over the 6,000 square foot magical footprint,
32 he didn't think that's what they would want. It would make a lot of sense if that was possible.

33 Tim said he didn't disagree with any of that and thanked Hugh for pointing out 2101.f. He said
34 looking at the second bold heading, Standards for New Buildings, the paragraph ends with
35 "strongly encourage." He suggested modifying the language somewhere to eliminate the concern.

36 Peter said the current language was kind of vague, but it was New England architecture and they
37 leveraged it a lot. He said it was much stronger than what they currently have.

38 Hugh asked if the stuff on other district standards came directly from the proposed draft bylaws.

39 Cathy said there were 18 special criteria that are similar.

40 Peter asked Hugh if he was in the current bylaws, and he responded he was in the proposed. Peter

1 said Cathy was talking about the current bylaws. Hugh said the language in the proposed bylaws
2 was identical and it had just been brought over. Cathy agreed. She said the proposed took its cue
3 from the special criteria. Hugh thought the proposed had more content.

4 (7:54 p.m.) Jason said for what it was worth, they hadn't changed any of the language from the
5 draft. He asked to pause for a time check and asked if everyone thought they were going in the
6 right direction. There was agreement they were going in the right direction.

7 Jason asked if they wanted to keep going or if there were other things on the agenda. Cathy told
8 him it was the only item on the agenda.

9 Peter said as a subcommittee, they had things to fill out. He thought if they got to the end of F,
10 they would be doing well. They are still working on the administrative review and definitions.

11 Jason said they made a few changes and were going in right direction, so he felt pretty good about
12 it. He asked if anyone on the subcommittee or anyone else had questions or other changes they
13 needed, so the subcommittee had enough to keep moving.

14 Cathy asked if they wanted to take a cursory look at XX, Administrative Review for some guidance
15 from the full Planning Commission for the subcommittee to work on going forward. She said it
16 was 7:55 p.m. and asked if that made sense.

17 Jason said it made sense to him if folks had had a chance to read it, or to look at it now. He wanted
18 to know if they thought it was appropriate. On page 6, Section XX, Administrative Review at the
19 top. He said it was all new and was to be a minor site plan review replacement. He asked for
20 questions and said there was basic applicability. He said it talked about state statute, enabling law,
21 application requirements were basic. He thought the review criteria is what they should look at.
22 He said they were basically site plan review standards. Jason said the subcommittee talked about
23 parking. He said they may not want to require parking in V-12. He asked if there were any other
24 issues under the criteria that weren't appropriate or should change.

25 Cathy asked how people would feel about reviewing the performance standards as part of it
26 knowing that it would be with the zoning administrator and not the DRB.

27 Peter thought the performance standards were important to go through because it was noise and
28 all the things that affect the neighbors.

29 Jason said it got into the noise and hours of operation and for a restaurant and other things would
30 be appropriate.

31 Hugh referenced number 6, all other applicable provisions of the bylaws and asked if that's what
32 pulls in the performance standards.

33 Peter said it should be its own. There was agreement. Hugh asked if they should look at
34 performance standards in the context of V-12. Jason thought it was a good idea to make sure it
35 made sense. Preston assumed they would not look at them tonight and everyone agreed.

36 Jason asked if there was anything else or any criteria listed that they didn't think was appropriate.

37 Cathy read the headings of performance standards which she thought were in statute.

38 Preston said he would have to look to see if they were in statute.

39 Cathy read the six safety standard headings which included: noise; air pollution; glare, light or
40 reflection; safety hazards, such as fire and explosive or similar safety hazards; electromagnetic

1 disturbances; underground storage tanks; and ground or surface water pollution.

2 Preston said they were there to stop the annoying and irritating things that could bother people.

3 Hugh agreed they should call it out.

4 Jason said they would call it out but regarding the uses they had previously looked at, they would
5 come talk to Preston about parking, traffic access, sidewalks, landscaping, screening, protection
6 of renewable resources, exterior lighting, and signs. He asked if that was the right list plus
7 performance standards.

8 Tim said it was hard to say if it included everything, but it was a good list.

9 Jason said the other district standards they had discussed for new construction would also play into
10 it.

11 Tim said they had spent a lot of time talking about landscaping, screening, and exterior lighting as
12 they went through the draft proposed draft bylaws. He asked if those specifics would need to be
13 defined under the review criteria.

14 Jason said he was throwing it out to see if it stuck. He wasn't sure if the majority would want it.
15 He said if they all thought it was moving in the right direction, they need to clarify everything.

16 Cathy said the subcommittee talked about the fact there wasn't a lot of room for landscaping in V-
17 12. She said the Inn Victoria had a lawn, St. Luke's has a lawn, but everyone else had tar.

18 Peter said it was a good general list to work on and as a subcommittee they could work on it and
19 bring the commission something back. He thought it needed some filling out that couldn't be done
20 in one night.

21 Tim asked if it worked for the subcommittee or the full planning commission.

22 Cathy said the subcommittee needed to come up with a way to acknowledge the uniqueness of V-
23 12. There wasn't any land to landscape.

24 Tim repeated his question. Cathy thought it would be better for the subcommittee to work it out
25 and then present a proposal to the full commission.

26 Barre asked why. Peter responded they were kind of charged by Barre to do that and he thought it
27 worked out well and used the evening as an example. Peter said it was a much better way and gave
28 the night's work as evidence of the progress they had made.

29 Barre said they hadn't been making much progress. He said it was great they were able to
30 accomplish it and it was good, but it didn't mean they couldn't work as a group moving forward
31 and that was the whole point of having a committee.

32 Peter said they were going between the plan review and the administrative review which would be
33 completely different. Barre said that was fine.

34 Preston pointed out that they have been able to give Jason a break from night meetings by meeting
35 during the day and they drive to Jason's office rather than having him make the trip there at night.
36 Preston said it would be difficult to get Jason to come to Chester at night to do the same quality of
37 work as during the day. Tim thanked Preston for pointing that out and said he supposed he was
38 fine if the subcommittee wanted to continue to work on it, and drive to Jason's office, if he had
39 the time, and avoid COVID while they were there. Preston said they had been sitting on the porch,
40 but he wasn't sure how much longer they could get away with that.

1 Hugh said one last thing he wanted to suggest because it was implied there was that they had some
2 agreement about the direction it was going and there was the ripple effect. If they get V-12 close
3 to where they want it to be, other sections of the bylaws will be affected.

4 Preston said once they get through V-12 and the administrative section he thought the rest would
5 go quickly.

6 Jason said it was good step forward. They need to work through definitions and other sections and
7 specific use standards, but it was big if they could agree on that approach.

8 Tim wanted to throw out that it was important to continue to address the question does it work for
9 the whole planning commission or for the subcommittee as they go forward. He said they just
10 agreed that adding some definitions under the review criteria would be under the subcommittee.
11 He asked if anyone disagreed with that, and they did not.

12 Jason thought they had hit a wall in terms of the subcommittee wanted to go back and look. He
13 asked for any other comments or questions about things talked about tonight.

14 Tim brought up that he didn't think they had addressed whether senior housing should be a
15 conditional use, but they could address it later.

16 Jason said he had a note to include it as conditional use, but it wasn't written in stone and could be
17 changed.

18 Tim said Jason's point was good that it was still a draft. Jason said there was plenty of time to
19 change it down the road.

20 **Agenda Item 4, Discuss the Agenda and Set the Date for the Next Meeting**

21 Cathy said the Planning Commission's next meeting was October 18th. There had been discussion
22 about applying for a grant for housing, but she didn't think any of it would have coalesced enough
23 to be discussed at the next meeting. She hoped the subcommittee would be meeting in the next two
24 weeks. But she wasn't sure they would have anything more to present.

25 Preston suggested formatting what they had talked about at this meeting and find out if everyone
26 agrees.

27 Jason said he had spoken with Julie Hance about a grant. The town has money to pay for this work,
28 but if they could get state money instead of town money, why not. Jason said they are looking into
29 those options.

30 Tim asked what the grant would pay for, and Jason said essentially to pay for their time to work
31 and help Chester through this. Jason said even though the town has the money for it, his point to
32 Julie was if they could get Chester some state grants to pay for it, why not. He said if they
33 proceeded with it, they would see it in early November.

34 Cathy said, as a group, they could also go over the details and background for the grant as it was
35 challenging.

36 Peter made a motion to adjourn the meeting and Tim seconded it. It passed unanimously and the
37 meeting was adjourned at 8:12 p.m.