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**TOWN OF CHESTER  
PLANNING COMMISSION  
September 18, 2023 Minutes**

**Commission Members Present:** Cathy Hasbrouck, Hugh Quinn, Tim Roper, and Barre Pinske at Town Hall. Absent: John Cummings

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

**Citizens Present:** Bill Lindsay, Peter Hudkins, and Jason Rasmussen of MARC at Town Hall; and Arne Jonynas and Steve Mancuso via Zoom.

**Call to Order**

Chair Hugh Quinn called the meeting to order at 6:31 p.m.

**Agenda Item 1, Review and Approve Minutes from August 7, 2023, meeting**

Cathy moved and Tim seconded a motion to approve the August 28, 2023, minutes. There were no changes. The minutes were approved, as written.

**Agenda Item 2, Citizen Comments**

There were none.

**Agenda Item 3, Final Review of UDB Updates**

Hugh noted there had been a lengthy discussion at the previous meeting when they were trying to get the uses in order and Jason had taken a lot of notes and now had come back with an updated document and spreadsheet reflecting the discussion.

Jason had updated the table and text to show those changes but wanted the members to let him know if he missed anything.

Jason asked how the Village Center updates looked and Tim said Jason got it. Hugh said the definition for arts and entertainment was clearer because studio and gallery now had their own definitions. Jason said the only changes to that district were separating arts and entertainment and adding residential care homes.

Jason hadn't made any changes to Village Green and asked if there were any comments or questions. Hugh was good with it. There were no questions.

For the Mixed-Use District, they separated out art studio and gallery and added club and nursery and pub/tavern/bar, as well as residential care home. Jason asked for comments and Peter said they had a Mixed-Use District with permitted uses and multipurpose and conditional use. Peter thought

1 mixed-use was chaos, but it seemed like all the permitted use in a mixed-use district should be able  
2 to be mixed-use. Peter thought although it was chaos, mixing those things together would get them  
3 residential housing. Peter would say for conditional uses that the lot size was so small that if any  
4 of the conditional uses were mixed with residential or adding apartments, it would make it a  
5 permitted use. It would still be required to go before Preston who could bring anything up to the  
6 DRB and could review all the plans. Peter thought because they had trusted Preston to review the  
7 drawings for site plan review, the Commission wouldn't be going out on a limb here. The biggest  
8 development in this district was storage buildings and Peter thought if it was the one place in town  
9 that they could make mixed-use from the start, it would be alright. Cathy wondered for  
10 multipurpose that if one of the uses was residential, it could be a permitted use. Hugh asked for  
11 the definition of multipurpose. While they searched for the definition, Hugh said they decided to  
12 replace the mixed-use use with a use called multipurpose because it was too confusing having two  
13 different mixed-uses. Hugh thought the definition of multipurpose use would help clarify what  
14 was included in that use in this district. Preston didn't see himself issuing a permit for  
15 multipurpose. Preston would issue a permit for commercial use and residential use in the same  
16 building and wondered what he would approve that would fall under the category of multi-use.  
17 Jason said he thought it was correct that it would allow for different uses in one building. Preston  
18 compared it to the Masonic building where there would be an office on the first floor and  
19 apartments on the second floor and he hadn't approved it as a multipurpose building but as an  
20 office on the first floor and apartments on the second floor. Hugh understood the argument that  
21 Preston was making to support that multipurpose should not be a use. Hugh wondered if there were  
22 any districts where they wouldn't allow Preston to issue permits for two different uses in the same  
23 structure. Hugh pointed out that in this district, they were encouraging the multi-use of a single  
24 building and if they weren't going to do that everywhere, they needed to be able to say it was okay  
25 to do it here but not there. Preston said there were multiple properties in the Village Green and the  
26 Village Center that were businesses of some type on the first floor and apartments on the second.  
27 In those districts, a permitted use is a use called multipurpose. Preston agreed. Hugh thought the  
28 definition had validity. Preston noted some permits were issued by him and some by the DRB, but  
29 they could approve it as a multi-use that includes an apartment and a pub, for example. Cathy read  
30 the definition of mixed-use, which they had changed the name to multipurpose, "The development  
31 of mixed-use buildings with a variety of complimentary and integrated uses such as, but not limited  
32 to residential, retail, restaurant, professional office, and personal services in a compact urban form.  
33 Mixed-use buildings generally include retail, personal service, restaurant, and similar uses located  
34 on the first floor with residential or professional office uses on the second or third floors above."  
35 Preston noted that definition existed in their current bylaw. Hugh suggested they change the name  
36 of the definition from mixed-use to multipurpose. There was agreement for that. Cathy said they  
37 could nudge towards more residences by saying if it's multipurpose and one of the uses is  
38 residential, it's permitted and not conditional. Barre said it couldn't be done because there was too  
39 much involved. Hugh said mixed-use, residential, and multi-household were permitted, so  
40 residences were permitted. With respect to the traffic on Route 103 and the availability of the lot  
41 next to him and the housing issues in town and him needing more space, Barre has considered  
42 doing a full storefront with more of a traditional industrial space underneath and apartments above.  
43 Barre thought it would be nice for Preston to sign off but thought there was so much involved that  
44 it wouldn't be permitted. Barre thought anything that would impact parking and neighbors would  
45 be a conditional use because it was the polite way to do it. Hugh asked what Peter was suggesting  
46 and Peter said housing should be mixed in with everything. Peter said New Zealand didn't have a

1 lot of bylaws and they ended up with mixed-use envied by everyone, but it required accepting the  
2 chaos. Peter said Preston can allow the use but requires the applicant provide him with a civil  
3 engineering drawing that shows where the drainage goes. Currently, it would take several months  
4 to go before the DRB. Barre wondered what the difference was. Hugh clarified that Peter was  
5 advocating for them moving multipurpose use into permitted. Peter said Preston has said it is  
6 permitted in all the districts but isn't filed as that kind of a permit. Hugh said if someone in the  
7 Mixed-Use District told Preston they wanted to put light industry on the bottom and apartments  
8 on top, it would go through the DRB. Peter wanted to see anything with housing not required to  
9 go through the DRB. Hugh asked if Peter was saying that for anything with apartments above, they  
10 could do anything below without it being reviewed. Peter said no, because they only had permitted  
11 and conditional uses and said for an equal number of square footages for dwellings as for the  
12 conditional use, they would be adding housing. Peter said what they had going on currently are  
13 storage buildings and car washes and wondered why they would make it difficult for housing.  
14 Hugh said there was housing in the district with a permit but not housing with something out. Peter  
15 said that was the point, they were trying to duplicate what naturally happened in the Village with  
16 businesses underneath and housing on top. Peter thought they should view it as chaos because  
17 that's really what it was. Barre thought Peter was trying to solve a problem expeditiously and the  
18 reality of the complexity of it was a burden on Preston. Barre said if went through the normal  
19 channels as it had for years and the DRB with checks and balances, it didn't matter if it took a few  
20 months because it was a process. Barre said if he was going to build a woodshop with three  
21 apartments across the top, he wanted to go through the process and notify the neighbors and make  
22 sure everything was done properly, and a few extra months wouldn't matter. Tim understood  
23 where Peter was coming from but also wanted to hear from Preston and Jason. Tim said under the  
24 current process of mixed-use per the proposal, any business was a conditional use, except for group  
25 homes and childcare, and would be required to go to the DRB. For the Village Green, they put  
26 multipurpose under permitted but also professional office, restaurant, and retail under permitted  
27 because that tiny district included all those buildings already, so it made sense and that was the  
28 rationale. Preston said if they moved multipurpose into permitted and the businesses on the first  
29 floor get conditional use, it works. Preston wasn't sure they were ready to duplicate that in other  
30 areas and noted it hadn't been done in the Village Center. Hugh said there were several districts  
31 where they were keeping multipurpose conditional. Cathy said they were currently permitted in  
32 the Village Center – mixed-use had been renamed multipurpose. Preston said it was in Village  
33 Green, but not Village Center. Hugh wanted to hear Preston's rationale for that, and Preston said  
34 the Green was a very small district and, in most buildings, there was already multi-use. Barre  
35 thought requiring the people in the Village Green to have to go through that process would be  
36 ridiculous since it already existed. Preston said there had been some changes of business use in the  
37 Village Center and he had sent them to the DRB. Barre spoke with someone who was excited  
38 about the work the Planning Commission was doing and explained to them when they said they  
39 didn't want the government telling them what to do with their land that zoning was meant to protect  
40 them from their neighbors doing crazy stuff. Although Barre understood it was their land, he  
41 thought they owed it to them to let them know what was going on as it was part of the nature of  
42 what was supposed to happen. Jason said going through the conditional use process was generally  
43 a better place for those conversations. Hugh was inclined to leave multipurpose as a conditional  
44 use. Jason said they could try to make it easier to make apartments. Cathy suggested they correct  
45 the grid to reflect that multi-use was permitted in the Village Green. The others agreed. Tim  
46 appreciated the discussion and told Peter it was a good observation. There were no other questions

1 or comments on the Mixed-Use District.

2  
3 Jason addressed General Business and there were no questions or comments. Hugh said it looked  
4 good to him. Tim, based on the conversation just had, asked if, hypothetically, it made sense to  
5 include mixed-use as a conditional use there as they had housing, and a list of conditional  
6 businesses. Preston said the general philosophy is businesses shouldn't be encouraged in  
7 residential districts. Preston said this was the former industrial which allowed housing if it already  
8 existed but didn't encourage new housing and this didn't either because the permitted use wasn't  
9 residential. Barre said they had previously had an in-depth discussion. Hugh said when people  
10 think multipurpose, they usually think of a combination of a residence and something else and if  
11 true, one reason they didn't see it here was you couldn't have a residence in a business district.  
12 Hugh knew by strict definition, multipurpose meant it could be one business on top and one  
13 business on bottom and if someone wanted an apartment on top, they would probably have a  
14 problem because it wasn't a valid use in the district. Preston said currently it was a conditional use.  
15 Hugh wanted to decide if they would allow multipurpose as a conditional use in the district. Jason  
16 said Peter pointed out that largely there was no sewer in the district which would limit how much  
17 could be put in on any given block and may be another reason for leaving it out. Preston was fine  
18 leaving it out and there was consensus to do so.

19  
20 Jason said there was one minor change in Stone Village, separating out art studio from arts and  
21 entertainment. There were no comments or questions by the Commission.

22  
23 Jason addressed the Neighborhood District and said no changes had been made. Hugh was  
24 scanning for formula business language that it was not allowed and found it. Jason noted it was  
25 under (e)(2). Preston had spoken with someone who lives in Stone Village about the setbacks and  
26 Preston wondered why 10-foot setbacks were being done in Neighborhood and 20 feet in Stone  
27 Village with the same minimum lot size. Hugh thought maybe it was because some of the buildings  
28 were large. Cathy questioned if they had decided the buildings were lined up at 20 feet in Stone  
29 Village. Preston said it could be a conscious decision to make Stone Village less compact. Cathy  
30 said Naomi had gone out with Cheryl Joy or someone and measured how far the existing buildings  
31 were. Peter said the right-of-way is different there than other places and was a state highway so  
32 someday there may be a sidewalk. Cathy noted there was a sidewalk part of the way and Peter  
33 thought someday, they may do the rest. Peter said the side setback should be narrower and Hugh  
34 said they came in from 30 to 20 feet. Hugh thought they were already wider. Tim recalled leaving  
35 them wider there would benefit the neighborhood. Hugh said the side yard went from 30 to 20 and  
36 in the neighborhood, it was already 20 so it went from 20 to 10. Hugh thought the rationale was  
37 that they had proportionally reduced setbacks from what they were. Preston said the person he  
38 talked to who lives in Stone Village was trying to figure out how to site a garage. Jason wondered  
39 if they were happy with what they came up with or wanted to revisit. There was consensus they  
40 were comfortable with it.

41  
42 Jason mentioned there was nothing to highlight on the definitions, except the tweaking of the arts  
43 and entertainment definition because of the art studio and/or gallery definition and he would add  
44 back in multipurpose.

45  
46 Hugh wondered if they were ready to vote. Preston thought instead of having blanks on the table,

1 they should have Xs. Hugh asked if they were going to incorporate the table or if it was a working  
2 document. Jason thought initially it was a working document and tool, but it was up to the  
3 Commission. Barre thought they should incorporate it. Preston said if they were going to  
4 incorporate it, the blanks should be Xs and they should be sure that was what they meant. Tim said  
5 because of forestry, they couldn't all be Xs so Preston thought maybe they weren't ready to  
6 incorporate it. Hugh suggested incorporating the table at the end when they got through all the  
7 districts and uses. Preston agreed. Cathy said when Brandy presented her table with Xs in place,  
8 people panicked. Preston understood. Barre thought anything that helped people understand should  
9 be included and thought the table was helpful. Barre suggested using a different symbol than an  
10 X. Tim suggested an asterisk offering an explanation when necessary. Jason said if it was  
11 something they wanted to incorporate, he suggested adding some notes. Hugh said they should try  
12 it and if they needed to mitigate the fact they hadn't handled the rural districts yet, his suggestion  
13 was to either help people understand that it wasn't complete until they finish or include the rural  
14 districts and map it as best they can. Hugh thought they should give it a shot. Barre thought a lot  
15 of people had a preconceived notion and this could help. They agreed to use the table. Cathy  
16 suggested adding a translation for blank that meant it wasn't allowed. Jason said they needed to  
17 consider the exemptions and limitations under state law and include explanations. Preston said the  
18 table wasn't ready for approval tonight but could be. Jason thought they could add the table in a  
19 few months when it's ready. Hugh thought the table could be used to present at the public hearing  
20 even though it wouldn't show up in the bylaws at this time. Hugh didn't want to hold it up while  
21 they tried to make the table perfect. Tim agreed and looked at it as a guide to help people  
22 understand and that it would be completed later.

23  
24 Tim moved that they transmit Sections 2.3, 2.3.1, 2.4, 2.5, 2.6, and 2.7 to the public hearing  
25 process, as amended. Cathy said they were transmitting it to the neighboring towns and then  
26 submitting it to the Selectboard. Preston thought Tim's motion covered it and Cathy agreed. Hugh  
27 questioned if they wanted to do it by section or just coin it the Village Center Districts. Tim  
28 amended his motion to transmit to public hearing, the Chester Center Districts zoning district  
29 amendments, including Section 2.3, 2.3.1, 2.4, 2.5, 2.6, and 2.7. Preston noted the food truck was  
30 ready to go forward so they may want to include it. Hugh asked Tim to withdraw his motion, which  
31 he did.

32  
33 There was discussion on how to transmit it and if they should be done separately or include the  
34 food truck. Preston noted the Selectboard has split them before. Cathy said if they transmitted them  
35 separately, she would have to transmit separate packages to the 9 towns. If the Selectboard split  
36 them, Cathy wouldn't need to send two packages. They decided it was most efficient to transmit  
37 everything together.

38  
39 Cathy moved they transmit to the abutting towns the ACCD the changes for the Village Districts  
40 and the food truck together and schedule a public hearing for both. Tim seconded it. A vote was  
41 taken, and it passed unanimously.

42  
43 Preston noted that the goal was to get it done by the end of the year. Preston added it would make  
44 it easier to get the state grant money. Cathy wondered if they could do the hearing on October 16<sup>th</sup>  
45 and Preston thought they could have it then. Jason said there was a new requirement that a report  
46 was done after it was adopted. Tim asked who the report would go to, and Jason thought it was

1 ACCD and was a result of Act 100.

2  
3 **Agenda Item 4, Planning Commission Member Update**  
4

5 Hugh recalled the discussion from the last meeting regarding John Cummings' fire training and he  
6 was following up from it. The options were: to operate as a 4-member commission and have John  
7 read minutes and listen to recordings so if there was a situation where a tiebreaker vote was needed,  
8 they could schedule a special meeting and he could participate in that vote; to seek out and appoint  
9 an interim member for the 5 or 6 months John is unavailable; or to operate as a 4-member panel  
10 until John returned. Hugh had discussed it with Julie and Arne and there are no rules the  
11 Commission is required to follow. Julie was concerned about the ability and process for an interim  
12 member as she couldn't find support for it in the statute, so she recommended they avoid it. Hugh  
13 thought the first option for John to participate digitally was something they could do. Tim added  
14 they could operate as a 4-member commission until John returned. Barre thought the two options  
15 were similar but the first was probably a good idea. Tim thought the first, although probably the  
16 better option, would be a burden on John while he was undertaking firefighter training. Barre  
17 agreed but didn't think John would be required to keep track unless there was a tiebreaker. Tim  
18 was in between the two and thought of going with the first option and only using John on an as-  
19 needed basis. Hugh thought they were suggesting operating as a 4-member board unless there was  
20 a tie and then John would bring himself up to speed. There was agreement that was the cleanest  
21 way to do it.  
22

23 Tim moved the Chester Planning Commission act as a 4-member body until and unless they have  
24 a tie-breaker vote at which time they would ask John Cummings to become involved and get up to  
25 speed and hold a special meeting where he could then vote, until such time as John is able to return.  
26 Cathy seconded the motion. A vote was taken, and the motion carried.  
27

28 **Agenda Item 5, Begin Discussion on renewable energy UDB Updates**  
29

30 When they were working on the admin updates to the bylaws, there was a snag in consistency with  
31 the renewable energy exemption and they tabled the exemptions until they could address that  
32 section of the document. Preston had picked the thread back up and was addressing them.  
33

34 Preston had found there was an exemption in statute, but they could make it broader. Preston said  
35 anything approved by the Public Utilities Commission is out of their control. Addressing the  
36 remaining exemptions, Preston searched zoning bylaws throughout the state, which really didn't  
37 say much. Preston knew Lee Gustafson was looking for something more nuanced and Preston had  
38 come up with proposed exemptions and under Section (a), those things regulated by the Public  
39 Utilities Commission are exempt and for ones not regulated by the Public Utilities Commission,  
40 the first one was wind turbines, and included the definition in statute of what was exempt. The  
41 second was solar voltaic or thermal panels located on a roof must still meet the maximum height  
42 requirement for the district. On item 3, Preston stated ground mounted solar systems that generate  
43 50 kilowatts or less are exempt and had done it because the Public Utilities Commission is required  
44 to consider the same criteria as Act 250 if it's more than 50 kilowatts. Preston was trying to  
45 consider things that were big and required reviewing. Item 4 requires wind turbines that aren't  
46 exempt go through the DRB. Preston incorporated the same criteria the current bylaws have and

1 omitted the reference to setting a wind turbine on your property because the publication is no  
2 longer made. Preston sent it to Lee for his review and the only thing about it that he didn't care for  
3 was the requirement under (f) that the applicant forwarded all their documentation for the fire  
4 department. Lee felt it wasn't necessary. Preston had included limitations and exemptions for roof  
5 located and ground mounted panels. Preston said they had basically removed the roof mounted  
6 from the exemptions. Hugh clarified that the tail end of Preston's proposed document under 4.3  
7 would be additional line items. Preston said they would go into the limitations as part of the  
8 massive list and would become 30 and 31. Preston clarified that Lee was not a fan of the last  
9 sentence under (f) that stated, "The applicant shall forward a copy of the system specifications to  
10 the fire department." They wondered what Chester Fire Department thought of it. Barre asked if  
11 Lee said why he thought the requirement was included. Barre wondered if it was related to  
12 firefighters shutting off the power to a building before fighting a fire and if a battery backup would  
13 cause firefighters to become injured. Barre thought the language may be in there for awareness  
14 and for the health and safety of the firefighters and if so, they may want to leave it in there. Tim  
15 said coming out of the industry, he had some insight, but battery backup was a new thing when he  
16 retired so he didn't have any insight there. Tim wondered if firefighters knew when there were  
17 batteries. Hugh would check his as he thought they had stickers indicating that. Tim suggested  
18 rather than speculate, they discuss it with the Fire Chief. Preston was happy to speak with the fire  
19 department. Tim said he was probably the biggest advocate of solar in the room, for residential  
20 solar system in Vermont to be approved by the Public Utilities Commission, there must be 50kw  
21 AC or less. They will not approve larger than that. Tim noted they have no control over an off-  
22 grid system and that 50kw was a good-sized system and when he thinks about a 50kw ground  
23 mount, it's a large system. The only reason Tim was bringing it up was if neighbors saw a 220-  
24 foot-long ground array that was 12 to 15 feet tall and they had no heads up it was going in, he  
25 wondered if 50kw was the right size and didn't know how to resolve it. Tim said 50kw off the grid  
26 serves everyone. Barre asked what the solar array out of town was and Tim said it was 500kw.  
27 Barre asked why someone would need 1/10<sup>th</sup> of that at their house. Tim said the huge off grid  
28 homes want to be able to power what they want such as a plug-in car. Tim said Lee was putting in  
29 some bigger systems. Barre wondered if it was something they needed to add to the bylaws and  
30 Hugh said it was already in there and they were trying to make it easier. Currently, you can't do  
31 anything off-grid without going before the DRB. Hugh said if you wanted to do something off-  
32 grid with 10 panels, it had to go before the DRB, so this would make it easier. Tim pointed out  
33 near the high school on Route 103 that SunCommon had put in a ground-mounted 15kw system.  
34 Because it wasn't off grid, it was exempt. Tim and Barre didn't think it should matter how big a  
35 system was on a roof, because it was a roof and Preston said that was the advice he had received,  
36 so they were really talking about ground mount. Barre thought they were lucky to have Tim on the  
37 Commission with his knowledge of solar. Barre asked Tim what size kilowatt system would  
38 infringe on a neighbor. Tim thought a neighbor could be upset about 15kw because it was a  
39 structure and could be permitted without the town. Hugh and Tim thought the minimum would be  
40 15kw. Tim suggested the other members look at the solar array on 103 South where the  
41 Mountainview Subdivision is and said it was the first house on the left. Tim thought it may be able  
42 to be viewed by going down Breezy Lane. Barre said they had a large piece of land. Preston said  
43 Lee thought there should be fairness and 15kw would be fair. Barre wondered if it needed to be  
44 solved now. Preston's feeling was the existing bylaw was out of date and should be brought up to  
45 date, but they didn't need to rush. Tim thought they should also talk with the Fire Chief.

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3 **Agenda Item 6, New Business**

4 Barre asked if the Commission had anything to do with roads in the town. He said an intersection  
5 on Trebo was going to kill someone. Tim asked if he was talking about where it came out onto  
6 Route 103 and he was. Cathy said the town would have to purchase land to move the end of Trebo  
7 to a safer place. Cathy had lived on Trebo and 103 and when she did, there were 4 driveways on  
8 the property when she bought it or 4 access points and one of them was on Route 103, north of the  
9 current intersection and it was a lot flatter and provided a much better sight line. Cathy used it all  
10 the time because it was much safer. Barre thought if they cut down some trees and leveled it out,  
11 it would have a visible roadway. His question was more if Planning had anything to do with  
12 roadways and if they could get the ball rolling but if it wasn't in their wheelhouse as planners, then  
13 it wasn't. Preston said Planning was a broad word and they had a statutory responsibility to do the  
14 town plan and bylaws. Preston thought they could comment on roads and try to be helpful, but  
15 they fell under the jurisdiction of the Selectboard.

16 Preston noted next on their agenda were the rural districts and wondered if they should start that  
17 and Hugh agreed. Preston said Brandy had some interesting maps that were worth looking at but  
18 were completely different from what they have now. Barre said they had put a lot of time into them  
19 and part of why he was upset when they didn't move forward with them. Barre thought it would  
20 be nice if they could find some value in them and Preston agreed. Cathy said there were a lot of  
21 people in the district who felt it was their nest egg whether it was valid. Preston thought the rural  
22 districts may be the most difficult. Hugh said over a year ago they put together their own internal  
23 list, which he had, but they hadn't revisited lately, and he would look at it again.

24  
25 **Agenda Item 7, Adjournment**

26  
27 Tim moved to adjourn, and Cathy seconded the motion. The motion carried unanimously. The  
28 meeting was adjourned at 8:04 p.m.