

TOWN OF CHESTER
SPECIAL SELECTBOARD
UDB PUBLIC HEARING

March 1, 2017
Minutes

PRESENT: John DeBenedetti; Ben Whalen; Dan Cote; Heather Chase; Arne Jonynas;
David Pisha

VISITORS: Julie Hance; Randy Miles; Roy Spaulding, Jr.; Cathy Hasbrouck; Jan Moot; Gail Stewart; Gerry Stewart; Robert Record; Donna Whitney; Brandy Todt; Laurie Goodrich; Tucker Mulhalland; Russell Monier; Steven Hundsdon; Amy O'Neil; Mike O'Neil; Carla Westine; Hannah Monier; Robert Turco; Susan Turco; Richard Stocker; Prescott Warren; Joanna Warren; Phil Perlah; Maureen Savage; Justin Savage; David Nanfeldt; Steve Copping; Kelly Arrison; Marilyn Mahusky; Lillian Willis; Barre Pinske; Neil Allen; Shawn Cunningham; Raymond Stearns; Ron Patch; Mary Jane Miles; Kelly Spaulding; Kathy Pellett; Roger Batchelder; Ruthanne Batchelder; Charlie Record; Richard Paterno; Diane Holme; Amy Mosher; Suzy Forlie; Margaret Straub

The meeting was called to order at 7:00 p.m. Everyone stood for the pledge of allegiance.

John DeBeendetti stated that there are 3 letters that have been given to the Selectboard which are attached to the minutes.

John DeBenedetti stated that there was confusion relating to the statutes. The adoption of the UDBs only requires one public hearing, not two as previously stated.

John DeBenedetti requested that everyone maintain order and keep their comments to the point. The Board is trying to limit comments to 3 minutes.

Frank Bidwell stated that "indivisible" is something that cannot be divided. He stated that the pledge is a series of law, anything that can be defended in a Court of law. Frank Bidwell stated that he is not here on behalf of any one particular group. He is hopeful that the Board can come to a solution that works for everybody and that he wants to ensure that whatever decisions are made do not affect the character of the town. Frank Bidwell stated that he would like for the town to come together and work things through.

William Lindsay stated that in the past, Planning Commission meetings have been poorly attended. He proceeded to read his letter into the record. He urged the Board to adopt the bylaws that are being proposed.

Raymond Stearns stated that he is confused. He asked why these changes are being made and requested explanation of the changes being made to the old Palmer Goodrich property. Michael Normyle explained the changes that are being proposed and that these proposed bylaws will fix the problems that currently exist on the Palmer Goodrich property.

Phil Perlah read a letter to the Selectboard. A copy is attached to these minutes. Phil Perlah stated that a solution would be to allow all changes proposed with the exception of all conditional uses in the R120 District. Dan Cote questioned the consequences of this suggestion. Phil Perlah responded that this would achieve the goals of most of the businesses that are having issues.

Amy Mosher stated that she agrees with the proposal made by Phil Perlah. She stated that she feels that most inconsistencies are within the R120 District. Amy Mosher stated that most of the roads in the R120 District are limited in their capacity and this would put stress on the town's infrastructure. She further stated that the goal is to have most of these uses in the town center. Amy Mosher questioned why language relating to preserving open space is being removed. She also suggested that wood processing would be appropriate in the CI District.

John DeBeendetti requested comments relative to Article 3, General Use Standards. Amy Mosher stated that on page 29, Home Business/Home Occupation, there is confusion and she requested clarification. Michael Normyle summarized that Home Occupation is a small business being conducted clearly within the confines of the house. A home business typically requires a sign and takes on a different level of impact. This requires a conditional use. He stated that there are no proposed changes to Home Business/Home Occupation. Heavy Construction trade would consist of large equipment being stored outside of the house which creates a different appearance. This would also require a Conditional Use permit. Michael Normyle then discussed the DRB process and the conditions that can be placed on applicants.

Kelly Arrison requested clarification that none of the existing businesses are in the danger of being shut down. Michael Normyle stated that he is not aware of any movement that would shut down a business owner that simply operates his office out of his home and drives his truck home from the job.

John DeBenedetti requested comments relative to Article 4. Amy Mosher mentioned that on page 55, conditional uses, that under general standards (b), it was her understanding that the reference to the town plan would remain. She also suggested that there be an (f) which would require that no trucks exceed the weight limits. Amy Mosher stated that it was her understanding that language relative to undue adverse impact would be added to this section as well.

Mary Jane Miles stated that the language relative to undue adverse impact was removed because the DRB needed more specifics. She also stated that the language relative to the

Town Plan was removed because the Town Plan is always changing and is not regulatory.

Randy Miles stated that he would like to see a little more power given to the Zoning Administrator to follow up on violations. Michael Normyle stated that there are changes in these proposed bylaws that will give the Zoning Administrator more authority going forward. Dan Cote questioned if there is language relative to unfinished structures. Michael Normyle responded that these proposed bylaws tighten up the language regarding unfinished structures.

Michael Normyle stated the reference to the Town Plan is in the first Chapter and has been removed from the following chapters.

John DeBenedetti requested comments relative to Article 5. There were no comments.

John DeBenedetti requested comments relative to Article 6. There were no comments.

John DeBenedetti requested comments relative to Article 7. There were no comments.

John DeBenedetti requested comments relative to Article 8. There were no comments.

John asked for any final comments. Barre Pinske stated that he would like the UDBs passed. There has been a lot of effort put into this document and feels that it is a living document that can be amended in the future.

Lillian Willis stated that there are several definitions missing. One example is the missing definition for agricultural/forestry and fine tuning the definition of Childcare Facility.

Amy Mosher stated that Article 8 does need more work. She noted that commercial broadcast facility needs a definition. She also noted that the definition for Wood Processing is very simplistic and could use more added.

Randy Miles stated that he would like to clarify the wood processing use. He stated that he came to the DRB and was shot down because of a clarity issue. Randy Miles stated that wood processing is a function that is taking place in this town. He also urged the Selectboard to move these Bylaws forward as there are people depending on them.

Michael Normyle stated that he wants to assure everybody that if he is reappointed, he would be willing to work with the Planning Commission on the creation of overlay districts.

A motion was made by Heather Chase to close the public hearing. Seconded by Arne Jonynas. The motion passed. The public hearing closed at 7:58 p.m.

Amy O'Neil questioned the timeline relative to the adoption of these bylaws. John DeBenedetti stated that the Board has 3 options: move forward and adopt, send back to the Planning Commission or move to the voters for adoption. The Board discussed these possibilities. Julie Hance read the statutes relative to substantial changes. Ben Whalen reminded everybody that this is a living document. Arne Jonynas stated that he is more inclined to either move the document for adoption or send it to the voters.

Phil Perlah stated that there is uncertainty amongst the Board. He suggested that the Selectboard enter Executive Session to discuss this with the town's counsel. The Board agreed that Executive Session would be inappropriate.

A motion was made by Ben Whalen to move forward with adoption of the Bylaws by the Selectboard as presented at the next meeting. Seconded by Arne Jonynas. The motion passed. Dan Cote stated that he does not feel that Australian Ballot is appropriate as the Board is charged with this responsibility. Dan Cote stated that he would like the Board to make a list of changes to present to the Planning Commission for future changes.

Heather Chase stated that she feels that the Selectboard has moved these along. The belaboring has not taken place at the Selectboard level.

Bill Lindsay stated that there is currently not a Planning Commission. Therefore moving the bylaws back to the Planning commission would be moot.

The meeting adjourned at 8:15 p.m.