

**TOWN OF CHESTER
PLANNING COMMISSION**

September 13, 2018 Minutes

Commission Members Present: Naomi Johnson, Claudio Veliz, Tim Roper, Barre Pinske, Cheryl Joy Lipton.

Staff Present: Michael Normyle, Zoning Administrator, Cathy Hasbrouck, Recording Secretary.

Citizens Present: Brandy Saxton, Julie Hance.

Call to Order

The meeting was called to order at 7:00 PM by Chair Naomi Johnson.

Agenda Item 1 Review minutes from August 20th meeting

Tim Roper moved to accept the minutes from the August 20, 2018 meeting. Barre Pinske seconded the motion. There was no discussion. A vote was taken and the motion passed.

Agenda Item 2 Citizen Comments

There were no comments from citizens about any issues not on the agenda.

Agenda Item 3 Review proposed Zoning map and District descriptions with Brandy Saxton of PlaceSense.

Brandy Saxton began the discussion of the proposed zoning district map and descriptions. She listed the groups of proposed districts: 3 types of village districts, a general business district, a residential district and 3 types of rural districts. She chose the 3 village districts to discuss in detail first.

The Commission discussed the General Provisions first, pages 2-14 through 2-18. This section gave definitions of terms, such as allowed uses and accessory structures, and administrative level rules, such as which standards may be waived. Cheryl Joy Lipton asked if the 15-foot minimum lot frontage required by a frontage waiver was sufficient. Should it be increased to 20 feet? (Section 2005.E.3.b, page 2.17). Brandy Saxton said the 15-foot minimum would allow for a shared driveway for a back lot and, in the case of a shared driveway, 15 feet of frontage was usually sufficient. Cheryl Joy was satisfied with 15 feet.

Cheryl Joy then asked about 2005.E.3.c, the waiver for frontage requirements on lots restricted to farming, forestry or open space. She said she could understand allowing no access for open space lots but thought farming and forestry lots would need some type of access. Brandy Saxton said the waiver for a frontage requirement did not refer to access. Access could be allowed by a right of way.

Cheryl Joy also asked why a height waiver was allowed for industrial structures only. Brandy Saxton said that the industrial waiver was intended to allow for pieces of equipment which exceeded the height limits. It was not intended to allow people to work in spaces that are beyond the height limit because the Fire Department would not have the equipment needed to rescue them in the event of a fire. For this reason, the waiver was limited to industrial buildings.

Brandy Saxton next discussed the presentation of the zoning districts and uses in the document. Each zoning district had a page that listed the district name, purpose, dimensional standards and specific district standards. The list of conditional and permitted uses for each district is contained in a grid of districts and uses (pages 2-29 – 2-33). The document also had a table of dimensional standards by district (page 2-34) and a table of supplemental standards by district (page 2-35).

Brandy Saxton said the proposed village zoning districts followed existing property boundaries. No lot was part of two zoning districts. She said there were some larger lots in the rural districts that were part of two zoning districts, and some places where a body of water formed a zoning district boundary, which also created some existing lots in more than one zoning district.

The first zoning district discussed was the Village 10, district which ran along the green between School Street and Cobleigh Street. Brandy Saxton said it was unlikely that there would be any new development in the district unless a building was destroyed. She listed some of the uses proposed to be allowed in the district, referring to the use table: some residential, some lodging, retail, services, office, dining, not many industrial uses, some arts and entertainment uses and some civic uses.

Tim Roper and Barre Pinske asked why the hotel use was left out of the district. Brandy Saxton explained that Inn was allowed. She said the difference between a hotel and an inn is that an inn looks more residential and has a resident manager. There is usually a cap on the number of rooms in an inn. A hotel is not an adapted private home. Brandy Saxton said she didn't think a hotel would fit in the space available along the green and Chester would not want a hotel there. The Commission discussed the implications this rule would have for the Fullerton Inn. If a hotel chain were to purchase the Fullerton Inn they would have to continue to run it as an inn. Brandy Saxton said the definition of an inn was not part of the documents she has released to the Commission. The Commission could review the definition of inn and hotel with the Fullerton in mind when those documents were released. No one on the Commission wanted to blight the Fullerton's future prospects.

Tim Roper asked if the district height limit of 48 feet was set in view of the Fullerton building. Brandy Saxton said it was not. The Commission discussed the relationship between the building height maximum and the Fire Department's ability to rescue people. Claudio Veliz said he has known situations where a use permit for a tall building was issued on the condition that the developer obtain a ladder truck for the Fire Department. Naomi Johnson said that if a taller building were proposed and the town was generally in favor of the project, the bylaws could be amended. Brandy Saxton said that if a piece of property needed to be re-developed, the Fire Department would be consulted as part of the permitting process and could state whether or not they could safely rescue people from the upper floors.

The Commission discussed the possibility of offering a waiver on height. Brandy Saxton said a height waiver would carry more implications than most waivers. She thought the Commission would be better off deciding how many floors it would allow in the district. Claudio Veliz said taller buildings could further the goal of denser residential development and pedestrian centered communities, but a tall building could also change the character of an area. Brandy Saxton said that a four-story building in an area of three-story buildings would not be noticeable, but a five- or six-story building in that same neighborhood would be noticeable. She said there were ways to minimize the impact of a taller buildings, such as setting the upper floors back from the façade of

the building. The Commission concluded that the proposed height limit of 48 feet was acceptable.

Tim Roper noted that the minimum height in the district was 24 feet. Brandy Saxton said that, as written now there was no requirement in the V10 district for a functional second floor. It could be added as a standard. Claudio Veliz asked what “functional” meant. Brandy Saxton and Cheryl Joy Lipton explained that it meant useable living space. Brandy Saxton said a functional second floor could be added as a requirement. She pointed out that there is almost no open land available for development in this particular district. She said that not requiring a functional second floor would open the way to a use such as a medical office building. If no functional second floor is required, the developer wouldn’t have to deal with accessibility issues which make the building less expensive. On the other hand, while requiring a functional second floor could limit the initial list of uses that would work on a practical and financial level, it makes the building more adaptable to future uses. Claudio Veliz said he was inclined to require a functional second floor because it would reinforce higher density in the community. Tim Roper asked if a functional second floor could be a requirement with the possibility of a waiver. Brandy Saxton said it might be difficult to craft waiver language for that specific requirement.

Barre Pinske wondered whether writing bylaws to get people to do something they don’t want to do, such as developing properties in a manner that increases density, creates an impasse that eventually drains the vitality from the community. People who can’t do what they want to do end up leaving. Tim Roper acknowledged that possibility and said that’s why he was hoping a waiver could be available. Claudio Veliz said architects are not often stopped by the types of regulations being discussed. They can generally find solutions that meet bylaw requirements. It would be up to the property owner to decide if they can accept the effect the bylaw has on their plans to develop their property.

Naomi Johnson said that currently the minimum building height is 24 feet and there is no requirement that the second floor be functional. After some further discussion, the Commission agreed that this was acceptable.

Cheryl Joy Lipton said she knew there was at least one building on the green that had two dwelling units and exceeded the proposed maximum density. Brandy Saxton said the density requirement could be removed and she would check to see how many dwelling units were currently available in the existing buildings.

In response to a question from Tim Roper about the names of the districts, Brandy Saxton explained that the number in the village zoning district names referred to how many dwelling units were allowed per acre. For example, in the V10 district one dwelling unit was allowed per 4,000 square feet of lot space, or 10 per acre.

The next district addressed was the V5 district which ran along Main Street from Lover’s Lane Road to somewhere in the area of the Country Girl Diner on both sides of the street with the exception of the V10 district along the Green, and also included many lots in Chester Depot near the Town Hall. Cheryl Joy Lipton said she felt more of the town should be given over to higher density districts. Claudio Veliz said he thought the Maple and Depot Street area would be more appropriate in the V5 district than V3. Brandy Saxton said her decision to put that area in the V3 district was based on current use patterns, but the Commission could change the designation. She

also said she wasn't sure what the water and sewer infrastructure could support. She said the density of the V5 district, 1 dwelling unit per 8,000 square feet, was a neighborhood of small multi-family houses of up to 6 dwelling units per building. The Commission discussed the differences between the V5 and V3 districts. There were differences in dimensional standards and conditional vs. permitted uses. Barre Pinske said the conclusions of the Village Master Plan study was that the commercial potential of Depot and Maple streets was higher than the Green because so much traffic traveled Route 103 toward Okemo. He felt zoning bylaws should support commercial development of those lots. The Commission concluded that the V3 district area on Depot Street should become V5.

The Commission discussed the General Business district designation in part of the Depot area near the railroad station. Brandy Saxton said she made the area General Business based on the way the properties were used now. A significant part of the area belongs to the railroad and the town has almost no jurisdiction over what the railroads do with their property. Brandy Saxton said the town's street scape project could continue whether the area was designated General Business or not. Tim Roper pointed out that the first lot outside the V3 district on Depot Street was a well-kept apartment house and should be in the V3 or V5 district. Barre Pinske said that the lot on the other General Business boundary was also an apartment house. Barre Pinske asked whether anything needs to be done to make it easier to "hang out a shingle" (start a new small business) in the Depot Street and Stone Village area. Brandy Saxton asked Barre to study the uses proposed for the areas and note any uses that ought to be included and are not.

Gassetts is designated as a V3 area and the Commission discussed whether making it a V5, denser area would be helpful. Julie Hance pointed out that there was no municipal water or sewer available there, so the density could not be increased.

Brandy Saxton turned to the General Business district on page 2-22 and the table of uses by district. Most notable was that single- two- and multi-family residences would not be allowed. She said that there were residences in the proposed General Business district, but no new residences could be constructed. Cheryl Joy Lipton asked why residences would not be allowed. Brandy Saxton said that by allowing more residences, more conflict between residences and businesses would be created. It would be more difficult to start a new business because more neighbors might object. Tim Roper asked how the General Business designation would affect the property values of existing residences. Brandy Saxton said that in many parts of the proposed district, the property would be more valuable as a commercial property than a residential property. Brandy Saxton said she was still working on design standards which would affect how the General Business areas would be developed. The Commission might want to wait until they saw the entire bylaw treatment of the area before proposing changes. She said she based the outline of the district on the way the properties are currently used. Frontage along Routes 103 and 11 and space between the buildings is what prompted her to designate the area a General Business district. Claudio Veliz said he felt the area along the railroad was more industrial than commercial.

The Commission discussed this for some time. Flood plain issues, the Pleasant Brook apartment complex, and the proposed site of the new emergency services building were all touched on. It was resolved that more research needed to be done. Brandy Saxton said she could get a flood zone overlay for the zoning maps. She also said that industrial uses were easier to manage in a flood plain than residential uses, particularly from an insurance point of view.

The R2 district was discussed. This district allows two dwelling units per acre. Brandy Saxton said that areas with municipal water and sewer available could have the density increased. Julie Hance asked Naomi Johnson to send Brandy a map of Chester's water and sewer service areas. Very few commercial uses are allowed in the Residential 2 district.

Brandy Saxton said the three rural districts were based on the quality of the roads. The names, R3, R6 and R18 referred to the number of acres required per dwelling unit. R3 is land primarily located on paved state and town roads. R6 is land served by unpaved town and private roads. R18 is conserved, environmentally sensitive and remote land. Some large lots in the R6 and R18 districts are in more than one zoning district.

One feature of the rural district is that multiple houses may be built in a cluster as long as there is sufficient acreage in the lot to cover the minimum acreage required for a dwelling. A lot of 180 acres in the R18 district could have 10 3-acre lots set aside for single family houses in a cluster as long as there is an agreement that the other 150 acres of the lot will never be developed.

The document showed a number of commercial and industrial uses allowed in the R3 district due to its proximity to paved roads. Cheryl Joy Lipton in particular thought this would promote sprawl. Naomi Johnson urged the Commission members to study the proposal and be ready to discuss the list of uses they believe should be allowed in the district.

The Commission discussed the ongoing bylaw rewrite process and some of the next steps to be taken. They thanked Brandy Saxton for her efforts. She urged the Commission members to study the proposed zoning maps in detail.

Agenda Item 4 Review and sign Municipal Planning Grant application for a housing study.

Julie Hance had prepared a Municipal Planning Grant application for a housing study which required the signature of the Planning Commission Chair. Julie Hance explained that the study would research the town's housing needs and present them. Barre Pinske moved to endorse the study and have Naomi Johnson sign it. Cheryl Joy Lipton seconded the motion. A vote was taken and the motion passed. Naomi Johnson signed the application.

Agenda Item 5 Set date for next meeting

The next meeting will be Monday September 17, 2018 at 7:00 PM.