

**TOWN OF CHESTER
PLANNING COMMISSION**

January 14, 2019 Minutes

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

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

Citizens Present: Brandy Saxton, Courtney Gammell, Ryan Bogard.

Call to Order

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

Agenda Item 1 Review minutes from December 10, 2018 and January 5, 2019.

Barre Pinske moved to accept the minutes from December 10, 2018 and January 5, 2019. Claudio Veliz seconded the motion. Claudio Veliz had 2 corrections to the December 10, 2018 minutes. In the last paragraph on page 5, the word “requires” should have been “require”, and the second paragraph on page 8 began with a space. There were no corrections for the January 5, 2019 minutes. A vote was taken and the minutes were accepted as amended.

Agenda Item 2, Citizen Comments

There were no citizen comments.

Agenda Item 3 Continue Work Shop on proposed changes to the Unified Development By-Laws

The previous meeting had ended at Sub-Section 305.H, Junk and Junk Vehicles. No one had any comments for Sub-Sections 3105.I – 3105.K Waste and Material Storage, Underground Storage Tanks, or Flammable, Toxic or Hazardous Substances and Wastes. The discussion began with Sub-Section 3106, Screening. Brandy Saxton called the Commission’s attention to the Purpose and Applicability sub-sections which said, in part, that a landscaped buffer would be required between incompatible uses for development requiring major site plan approval. She noted that this sub-section outlined the minimum requirements and the Development Review Board could require more screening if they felt the project required it.

Barre Pinske asked which dimensions Sub-Section 3106.E(1) referred to (“The buffer must not be less than 8 feet in any dimension”). Brandy Saxton explained that it was width and length, not height. In response to a second question from Barre, Brandy Saxton said the screening requirements apply to borders between different uses, such as light industry or commercial and residential. Two abutting industrial uses will not require this type of screening. Also, abutting parcels with the same owner will not have to be screened at the shared property line. Michael Normyle asked if the vegetation for screening must fill the required planting area. Brandy

Saxton said it did not. A bush that grows to four feet in diameter would be sufficient in an 8-foot border.

Naomi Johnson asked about the distinction between the Route 11 and 103 portions of the General Business district noted in 3106.F. Brandy Saxton said she would like to defer discussion of this until the district boundaries had been reviewed and revised. She expects to split the General Business district into two different districts, one district encompassing Routes 11 and 103 and the other along Elm Street, with different requirements for the two districts.

Barre Pinske asked what purpose this Screening sub-section would serve, as Chester does not currently have blight laws. He felt the requirements were very stringent when compared to areas in the center of town which have houses in poor repair. Naomi Johnson asked Brandy Saxton for an example of a situation the bylaw would address. Brandy Saxton cited a restaurant's trash area that was visible from the street or a service entrance or loading dock visible to neighbors. Michael Normyle noted that Chester currently does not have design review and asked if the requirements for fences in Sub-Section 3106.G, which prohibits chain link fencing, would be acceptable. Naomi Johnson asked if any Commissioners opposed prohibiting chain link fencing. None did.

Claudio Veliz asked if the word *organically* used in Sub-Section 3106.H, Berms, is defined in Section 5. Brandy Saxton said the dictionary definition of *organically* is sufficient for Sub-Section 3106.H. It is used in the bylaw the way the dictionary describes it. Naomi Johnson asked if a trapezoidal berm was acceptable. Brandy Saxton said it would not be considered an organic shape. Michael Normyle and Cheryl Joy Lipton suggested changes to the language to make the meaning of "organically shaped" clearer. Brandy Saxton said she planned to add photographs of berms which will illustrate what is specifically meant by organically shaped. Claudio Veliz said this requirement leans toward architectural review board. Cheryl Joy Lipton wanted the plantings mentioned in Sub-Section 3106.H to exclude invasive species. Brandy Saxton pointed to the General Standards for Screening (Sub-Section 3106.C) which refer to Sub-Section 3101.C, where there will be a list of forbidden invasive species provided by Cheryl Joy Lipton. Naomi Johnson called attention to 3106.I, Waivers, which allows the Development Review Board to waive or modify requirements if the topography of the site warrants it. Aside from clarification about the General Business District and the areas on Routes 11 and 103, no changes were requested to this sub-section.

The next sub-section discussed was 3107, Signs. The Planning Commission had re-written the bylaws for signs soon after the 2014 bylaws were adopted. The new signs language was adopted in 2017. The 2017 sign bylaws focus on the size and number of signs, where the currently proposed bylaws focus on the types of signs, such as free-standing, or wall mounted. Barre Pinske asked why, if the recent re-write was successful, the sign bylaw would need to be re-written. Claudio Veliz and Naomi Johnson both said the proposed bylaw has different dimensional standards, which might be an improvement on the 2017 bylaw. Brandy Saxton said there had been legal changes since the 2017 bylaws. The U.S. Supreme Court has decided that all non-commercial signs must be treated equally. There cannot be different rules for signs for a school and signs for a church. Vermont statute has exemptions which may violate the Supreme

Court ruling, but she said her proposed language follows the Vermont statute. Naomi Johnson said she favored moving forward with new sign bylaws, despite the recent effort spent on re-writing them. Brandy Saxton pointed out that, in the notes which accompany this section, she discusses regulating internally lit and electronic message signs. She said that the Commission may decide to prohibit both types of signs, but she felt the language should be in the draft for the Commissioners to consider.

Brandy Saxton said she kept many of the dimensional standards that were in the current version of the sign bylaws. She said it was important to balance size considerations with how the sign will be seen. A too-small sign that can't be read from the street will serve no purpose and could be seen as visual clutter instead of an aid to wayfinding. She said she expects to add illustrations to this sub-section once the first draft has been reviewed by the Commission.

No one had questions about Sub-Section 3107.C, Exempt Signs. Brandy Saxton explained that the exemption language offered takes into account the Supreme Court's ruling that all non-commercial signs must be treated equally. There were several comments about Sub-Section 3107.D, Prohibited Signs. Barre Pinske asked why neon signs were prohibited. Brandy Saxton explained that neon was now a banned substance. Claudio Veliz asked about 3107.D(11) Signs that make noise or emit sound. Did this address intentional noises or the creaking of one part of the sign rubbing against another? Brandy Saxton said it was intentional noise, some electronic message signs include equipment that can broadcast sound. Barre Pinske noted that internally lit signs, which are currently banned in Chester, are not in the list of prohibited signs. Brandy Saxton said they could be added to the list. She had included regulation in the proposed bylaws to cover many situations, expecting that the Commission would eliminate those that weren't wanted in Chester or were not relevant to the town. Cheryl Joy Lipton asked that the word "comprised" in 3107.D(8) be changed to "composed".

Michael Normyle discussed 3107.D(15), the prohibition of signs on parked vehicles or trailers whose primary purpose is to display the sign. He said it can be difficult to prove that the vehicle has no purpose in that location other than to display the sign, and difficult to enforce the bylaw. The small fine that could be levied in the event of a violation would not be worth the high cost of collecting it. Brandy Saxton said she could add words to clarify that the vehicle must be road worthy and be engaged in a clear business purpose such as making a delivery while it is parked.

The Commission moved on to Sub-Section 3107.E, General Standards. Cheryl Joy Lipton proposed that plastic be banned as a material for signs. Naomi Johnson said signs made of plastic are very common. It may be difficult to find signs made of other materials. Barre Pinske said there were towns on Cape Cod which only allowed wooden signs. He found it charming. However, he noted that there could be a shortage of sign carvers in Chester and computer-designed signs are almost always made with plastic. He suggested that there be different standards for different zoning districts. Claudio Veliz said limiting signs to painted, natural materials would not be too restrictive. He asked Brandy Saxton if any communities forbid plastic signs. Brandy Saxton said some places have. Naomi Johnson asked if metal would be considered a natural material. Claudio Veliz said it would qualify as a natural material. Cheryl Joy Lipton said signs made of natural materials would attract tourists. Naomi Johnson said she

was comfortable with requiring durable materials for signs, not limited to natural materials. Barre Pinske re-iterated that he would support requiring natural materials in some zoning districts. Brandy Saxton said the bylaw could require natural materials for signs on historic buildings and she would add new language for that.

Claudio Veliz said he thought it would be difficult to implement 3107.E(6), "Signs must not be designed or located in a manner that would obscure architectural features such as cornices, arches, columns, etc." Brandy Saxton explained that a sign may block the view of an architectural feature from some angles, but it may not cover the feature completely so that no one may see it.

Brandy Saxton turned to Sub-Sections 3107.F through 3107.N, which addressed different types of signs. She noted that the current bylaws regulate the dimensions and number of signs by zoning district. This proposal begins by enumerating regulations for general types of signs, i.e. wall-mounted, hanging, pole-mounted, etc.

The Commissioners had comments on the following types of signs:

Claudio Veliz asked if the internally illuminated sign discussed in 3107.F(2) was referring to signs mounted inside or outside the building. Brandy Saxton said it was referring to signs mounted outside the building. He asked whether this meant that internally lit signs would be permitted in Chester where they had been banned by the current bylaws. Naomi Johnson said that issue was up for discussion and had not yet been decided. It would be discussed as part of Sub-Section 3107.Q. Brandy Saxton said the standards referred to in 3107.Q by Sub-Section 3107.F were design standards that sought to address issues some people had with internally lit signs.

Michael Normyle asked for an example of 3107.F(3) and (4), which regulates the size of a wall sign based on the width of a building. Brandy Saxton said old buildings typically were designed with space on the façade for a sign that is 1 to 2 feet high. This allows the letters to be read by slow-moving passing traffic on the street. Under these rules, a building that is 30 feet wide may have a sign of up to 30 square feet on the first floor. Michael Normyle and Brandy Saxton agreed that keeping the sign proportional to the façade of the building was aesthetically pleasing. Brandy Saxton noted that the regulation also limits the height of a sign to 36 inches, favoring long, thinner signs. Many Commissioners liked the idea that wall mounted signs will be sized in proportion to the building on which it mounted.

Brandy Saxton went over the definition of a backlit sign with the Commission. She said backlit wall signs are popular in communities that do not allow internally illuminated signs and are very visible at night. In a backlit sign, the light shines against the wall and silhouettes the letters in the sign or makes the glowing wall visible through cut-out letters. The light does not project out of the sign. The sign seen at Meditrina's former location by the post office was discussed as an example of a sign visible at night which did not project light out of the sign.

During the discussion of Sub-Section 3107.H, Window Signs, Barre Pinske said he liked the windows in Lisai's market as they are now. He wondered if the limit of 12 square feet of

signable area or 20% of glass surface that may be obscured by a sign will force a change to the signs at Lisai's. Michael Normyle said that Lisai's has been cited as a reason to allow other businesses to display more signage.

Barre Pinske said the challenge before the Commission was to come up with regulations that would move the town in a positive direction but will not force them to give up traditions that define them. He suggested excluding solid paper signs in windows and only allowing cut out letters. Cheryl Joy Lipton suggested favoring paper signs by allowing more of them than vinyl signs or even prohibiting vinyl window stickers altogether. Naomi Johnson suggested the 20% limit could be higher for paper letters than vinyl letters. Brandy Saxton agreed to look into language that might meet some of these suggestions. She noted that visibility into the building was also very important to a pedestrian friendly environment. A window obscured by large posters does not allow anyone to see inside the business.

Michael Normyle said establishing limits on the number of outdoor signs for products on sale inside the store was also important. Brandy Saxton said that kind of sign would be a wall sign and fall under the wall sign regulations. Barre Pinske said he saw examples of excessive signage all over Chester, but he considered it part of the charm of the town. He cited the hardware store as an example of displays that were excessive. He thought that people quickly become accustomed to how a store looks. It isn't until a new store opens with the same amount of signage that the signs are noticed as excessive. He suggested that Chester abandon the sign regulations and see what happens. No one else on the Commission favored that approach. Barre Pinske said he didn't like having rules that could not be enforced and would rather not have rules in that case. He wanted to live in a community whose rules reflected the spirit of the community. Naomi Johnson acknowledged Barre Pinske's position and said that the community wanted bylaws and the Planning Commission's job was to formulate bylaws that adequately reflected the community's wishes.

For Sub-Section 3107.I, Free-Standing Pole or Monument signs, the proposed bylaw called for allowing one pole or monument sign in all districts except the village districts. Michael Normyle pointed to businesses in the village districts but not on the green, where a monument sign is present now and is appropriate. The Inn Victoria and Hugging Bear are examples of this. Barre Pinske asked Brandy Saxton to give the definition of a monument or pole sign. It is a free-standing sign not attached to the building in any way. Everyone agreed that there was a variety of lots sizes and building placements on lots within the village districts. Michael Normyle suggested that a monument sign be allowed and sized based on the yard space on the street side of the lot. Brandy Saxton agreed that she could work on those changes. She would remove the prohibition in the village districts. She discussed the 12-foot height limit (3107.I(4)). She offered to link the size of the pole sign to how the sign would be seen: by pedestrians or by fast-moving traffic, and to the size of the yard. Barre Pinske liked having a scale for the size of the sign. Michael Normyle said having flexibility within guidelines was helpful to the Zoning Administrator.

No changes were requested for Sub-Section 3107.K Sandwich Board Signs. Since the Commission did not want to permit electronic message signs (as explained below), Sub-Section 3107.M, Fuel Pricing Signs was changed to reflect the current bylaw on Fuel Pricing Signs.

Brandy Saxton addressed Sub-Section 3107.P, Electronic Message Signs. She said she has seen several schools in Vermont with these signs. She urged the Commission to establish regulation for them now, so that businesses and schools who might buy them clearly understand where or if they will be permitted in Chester. She suggested the Commission would want to regulate rotation and flashing of these signs. Barre Pinske and Claudio Veliz were in favor of banning this type of sign completely. Michael Normyle said the Dunkin Donuts moving in to the Sunoco station would have a TV screen menu on the exterior rear of the building and inside. He wanted to know if the signs could be required to be dimmer. Brandy Saxton said lumens from the sign could be regulated and the signs could be forbidden to flash and rotate. Cheryl Joy Lipton pointed out that if churches and schools were allowed to have this type of sign, Main Street could be choked with signage. She also said that the video signs and electronic message signs, which shift images periodically, are distracting to drivers and may cause traffic accidents. Naomi Johnson verified that the town of Chester could use electronic message signs to direct traffic and warn of safety hazards, even if the type of sign is banned. Brandy Saxton said it could use an electronic message sign for traffic safety purposes. Naomi Johnson concluded that the majority of Commissioners wanted to prohibit electronic message signs. Brandy Saxton said she would add this type of sign to the prohibited list.

For Sub-Section 3107.Q, Internally Illuminated Signs, Brandy Saxton asked the Commissioners whether they preferred an internally lit sign with an opaque background and translucent text and symbols or an internally lit sign with a background that is simply darker in color than the text and symbols. The Commissioners preferred the background that is darker in color. A final decision was not reached on banning internally illuminated signs.

The Commission discussed the difference between wall-mounted signs (Sub-Section 3107.F, Wall Signs) and signs projecting at right angles from a wall (Sub-Section 3107.J, Projecting or Hanging Signs). The Commission decided that projecting or hanging signs must be at least 9 feet over the surface below, not 8 feet. The height of awnings (Sub-Section 3107.G, Awning Signs) was also raised to 9 feet. Brandy Saxton said if a sign projects into the right of way, the Highway Department often has requirements for the height of the sign that address snow removal.

Michael Normyle verified that, as currently written, the proposed bylaws allow a monument sign, a wall mounted sign and a hanging sign on any business. He noted that the current bylaws only allow 2 signs per business. Naomi Johnson deferred discussing a limit on the number of signs until after all types of signs had been discussed.

No changes were requested for Sub-Section 3107.L Common Scheme Premises Signs. The Common Scheme Premises sign would allow a wall sign on a building as well as on a free-standing sign at the entrance to the complex. This covers a business or industrial park with many buildings or offices. It allows individual tenants to change their nameplate sign on the building

without having to get a new sign permit. Michael Normyle asked if sign plazas, of which there are currently several in Chester, would still be allowed. Brandy Saxton said they would be allowed.

Sub-Section 3107.M, Fuel Pricing signs were discussed. It was noted that Jiffy Mart does not display pricing signs big enough to read from the street, but the Sunoco station across the street does advertise the price on a sign big enough to read from the street. Barre Pinske asked why that was, and Michael Normyle said that the regulations changed between the time the Sunoco station was created and the Jiffy Mart was built. Barre Pinske said he would like to incorporate the current language about fuel pricing into the proposed bylaws. Brandy Saxton said she could do that and she would probably remove this sub-section. Cheryl Joy Lipton wished she could know what was discussed about fuel price signs when the existing bylaws were written.

The Commission did not wish to change anything in Sub-Section 3107.N, Menu Signs.

During the discussion of Sub-Section 3107.O, Sign Lighting, it became clear the Commission was deeply concerned about light pollution, feeling that part of Chester's attraction is the darkness of the night sky and the opportunity to see the Milky Way from many places, even near the center of town. The Commission specifically discussed wall signs lighted from below. Claudio Veliz was concerned that the light would likely escape into the sky. Brandy Saxton explained that the light must only fall on the sign and the building when lit from below. Cheryl Joy Lipton said that the type of sign which requires being lit from below is not going to be common in Chester, so the option of lighting signs from below may be removed. Brandy Saxton agreed to remove the option. She said externally lit signs develop problems, whether lit from above or below because the fixtures get out of adjustment easily and require maintenance. As it was past 9:00 PM, the discussion of signs ended here.

The next meeting of the Planning Commission will be Saturday January 26, 2019 from 9:00 AM to 1:00 PM. Brandy Saxton asked the Commissioners to read through Section 320 Specific Use Standards. Barry Pinske asked for details about the process of adopting the proposed bylaws. He was concerned that the bylaws will be reviewed by the Selectboard and the Planning Commission will have to re-work the bylaws if the Selectboard requests major changes. Naomi Johnson explained that the Selectboard will be concerned about the public's opinion of the bylaws. The Commission will hold public hearings once they have finished reviewing the first draft of the proposed bylaws and zoning map. They will consider input from the public at the hearings held by the Planning Commission and make changes to the proposed bylaws based on those before presenting the second draft of the bylaws to the Selectboard. Thus, the version presented to the Selectboard will already have public input. The Selectboard itself will also hold public hearings and more changes may be needed.

Brandy Saxton recapped the work process for producing the bylaws from her end. She said she has been editing the bylaws as the Commission has requested changes. She will present a clean version of them very shortly after the Commission finishes the first review. She said the draft will be released for public review and time will be scheduled to receive public feedback on it.

Then the list of issues that remain undecided will be addressed in light of the public feedback received. Once the second draft is complete the Selectboard can be brought into the process.

Claudio Veliz moved to adjourn the meeting. Cheryl Joy Lipton seconded the motion. A vote was taken and the meeting was adjourned.