

**TOWN OF CHESTER
PLANNING COMMISSION**

February 4, 2019 Minutes

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

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

Citizens Present: Brandy Saxton Phil Perlah, and Lew Waters.

Call to Order

The meeting was called to order at 6:00 PM by Chair Naomi Johnson.

Agenda Item 1 Review minutes from January 26, 2019

Tim Roper moved to accept the minutes from January 26, 2019. Cheryl Joy Lipton seconded the motion. Cheryl Joy Lipton requested changes to the last paragraph on page 1 and the third paragraph on page 2. She wanted the statement of her objections to include more than what had been written. Tim Roper noted that in the discussion of sub-section 3108, Trash, Composting and Recycling Storage Areas, the compromise the Commission chose on exterior materials, “visually compatible material with equivalent durability” would be problematic in places such as the Stone Village, where the only material as durable as stone would be stone. No changes were requested to the text of the minutes. He also pointed out one typo on page 5. 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

Discussion began with Sub-Section 3217, Lawn, Garden, and Farm Supply Sales, Building Supply Sales and Lumberyards. Brandy Saxton said this section covers three different uses in the Use Table. All of them have large piles and pieces of merchandise which are often stored outside. The standards address the storage and display of those types of materials. Tim Roper asked if Chester Hardware, which usually displays merchandise in front of the building, would fall under this use and meet requirement 3217.A(1), “Only display or store merchandise outside an enclosed structure in designated display or storage areas as shown on the approved site plan.” He felt that their displays were not a problem because they were not in a setback area. Naomi Johnson agreed. She said a new business would have to submit a site plan which would have designated outdoor display and storage areas. Michael Normyle said that the Development Review Board had conditioned that both Dollar General and Jiffy Mart would not display

merchandise outside their buildings. He asked how Chester could be consistent in this regard. Brandy Saxton said sub-section 3103, Outdoor Use Areas, addresses this. She said this group of uses is unique in that a large part of their merchandise is kept out of doors. Claudio Veliz suggested that there was possible overlap between sub-sections 3217 and 3225, Contractor's Yard. Brandy Saxton said the uses addressed in sub-section 3217 are primarily retail, while the use in 3225, the Contractor's Yard is not a retail use. The Contractor's yard addressed screening and hazardous materials. She said sub-section 3213, Sales Lot, addressed retail sales of large pieces of machinery such as cars, trucks and construction equipment.

Phil Perlah asked if Benny's snowmobile sales on Elm Street fell under this use. Brandy Saxton said it was a sales lot and not a lawn, garden, or farm supply, building supply store or a lumberyard. Phil also noted that Chester Hardware moved almost all the merchandise displayed outside during the day, inside at night. He asked if that would be an appropriate criterium for deciding that a business fits into this category. Brandy Saxton said that hardware stores, often located in a downtown setting, display smaller items outdoors and find it best for the business to move those items indoors at night. A farm supply business is not likely to be located in a village center and the merchandise is often too large and heavy to move around for display purposes on a daily basis. This sub-section addresses that type of business. She said the DRB would have discretion to allow merchandise to be displayed and stored outside and it could set times of day restrictions on a case by case basis. Naomi Johnson said she did not think it would be appropriate for the Planning Commission to write regulations governing the time of day that items could be put on outdoor display.

Cheryl Joy Lipton addressed the use of equivalent planting units (EPU) in paragraph 3217.B(5). She asked Brandy Saxton where the concept of EPU came from originally and for examples of other places that it is used. Brandy Saxton turned to the information from the 21st Century Land Development Guide which she had distributed to the Commission members before the meeting. She said that document was the origin of the EPU concept. Cheryl Joy Lipton said she did not feel an area 16 feet deep with one tree every 20 feet was a buffer and should not be called a buffer. Brandy Saxton said this was not intended to be a screening buffer, it was proposed as an aesthetic buffer. She said perhaps using the word buffer should be changed to something else. Cheryl Joy Lipton said, in her experience, unless a developer is required to place landscaping plants around a sign, for example, they will not do so. They will plant the minimum that is required. Cheryl Joy Lipton said that a single tree every 20 feet was being required in this case. Brandy Saxton said using EPU's allowed a developer to substitute shrubs and ornamental plants for trees in a place where he or she doesn't want to block the view of the lot or the merchandise. To that extent it supported creativity.

Naomi Johnson asked Cheryl Joy Lipton if she had a suggestion for this sub-section. She said she did not at the moment, she wanted to know how other Commission members felt about the density of landscaping. Naomi Johnson said it appeared there were two issues here, one being the use and meaning of the word "buffer" and the other being what density of landscaping to require. Brandy Saxton said she will only use the word buffer in reference to screening and will find a new word to describe what is essentially a front yard for a business.

Naomi Johnson said she had no opinion on how dense landscaping should be. Barre Pinske said he didn't think it was likely a lumberyard would ever be a business in Chester requiring this kind of regulation. Michael Normyle said he thought it was only a matter of time before the property along Main Street belonging to Ted Zachary would be sold to someone who would set up some sort of business. Barre Pinske said that since the DRB can set conditions and the bylaw is setting a minimum standard, he did not want to create a design review in the bylaws. Naomi Johnson took a poll on the requirement of 1 EPU per 20 feet of buffer. Four of the Commissioners accepted the 1 EPU standard and it remained as written.

Cheryl Joy Lipton and Brandy Saxton discussed the issue of street scape trees vs. front yards. Cheryl Joy Lipton said she was not happy with the 1 EPU and would like to consider it further. Brandy Saxton said she had e-mailed a link to Michael Normyle of drawings of streetscapes in downtown and more rural settings illustrating the concepts outlined in the proposed bylaws. Michael Normyle said he had not had access to his e-mail until the day of the meeting and had not yet forwarded the e-mail to the Commission members. It was agreed that the e-mail would be forwarded and the Commission members would study the illustrations.

Brandy Saxton turned to sub-section 3218, Open Market or Auction House. She said this would include uses such as flea markets. The markets addressed in this sub-section may include both temporary, seasonal and permanent structures. They are not one-time auctions or temporary events such as a sidewalk sale. Tim Roper asked if this use included farmer's markets. Brandy Saxton said it could if it included permanent structures and it also depended on how the municipality handled event ordinances. She said some farmer's markets have permanent structures.

Tim Roper asked if 12 days per year was an appropriate limit to differentiate one-time or temporary sales from open markets. Brandy Saxton said the 12 days aligns with the exemptions for garage sales in Section 110. Tim Roper found the wording for the limit of days ("not more than 3 contiguous days and a total of 12 days in any calendar year") confusing. He had not understood that the section only applies to sales events that happen more than 12 days in a calendar year or more than three days in a row. Brandy Saxton agreed to change the wording. Cheryl Joy Lipton asked if the hours allowed were appropriate. She felt that 9:00 PM was late to have an event running. It was noted that there is daylight until 9:00 PM in the summer and the Commission agreed the 9:00 PM stop time was appropriate.

Phil Perlah said he liked to see specificity in terms of authority for the DRB. He was concerned that it would not be clear that the DRB would actually be allowed to exercise the authority described in 3128.D "The Development Review Board may modify the parking requirements of Section 31043 for an open market or auction house that will be operated on a seasonal or limited basis." Brandy Saxton said Section 4 of the bylaws explained the extent of the DRB's discretion in general. Sub-section 3104 described the DRB's discretion in regard to parking specifically. Tim Roper asked if it was better to limit the number of places the DRB has latitude to overrule the bylaws. Brandy Saxton said she did have language for every place the DRB is allowed flexibility. Barre Pinske said he felt too much rigidity can be a trap which causes many more problems than it solves. No changes were requested for this sub-section.

The Commission then turned to 3219, Veterinary, Pet or Animal Service. Brandy Saxton said this was a broadly defined use and these regulations included the state definition of a kennel for breeding vs. an occasional litter of animals. Cheryl Joy Lipton wanted to lower the cutoff number from three litters per year to two per year. Above that limit, the breeder becomes a dealer. No other Commission members felt the number should be changed, so it was left at three per twelve-month period. Claudio Veliz noted that this sub-section did not have specific noise regulation. Brandy Saxton said it would fall under the Performance Standard noise regulation sub-section 3105.B.

Tim Roper and Michael Normyle asked if the requirement of 200 feet between a structure housing animals and a dwelling not owned by the business was a reasonable distance. Brandy Saxton said the required separation forced this type of facility to an area that was not densely developed. The Commission generally approved the requirement. Naomi Johnson pointed out that the noise requirement will always be enforced, regardless of how much separation is required. She also noted that dogs are territorial and the required 200-foot separation could be comforting to a neighboring dog. Michael Normyle said he would prefer that the separation distance would be measured from property lines as many other required distances are for the sake of consistency. No changes were proposed to this section.

Sub-section 3220, Restaurant, Bar, Nightclub or Event Facility was taken up next. Brandy Saxton said she had combined four uses in this section because they have similar regulatory issues. Barre Pinske noted that massage parlors and “strip joints” were appearing in the area. He wondered if they would fall into this regulatory category. Brandy Saxton asked the Commission whether they wanted to include language about Adult Entertainment. She said, in her model, establishments are regulated as the business they resemble, such as a night club for a strip club or a retail store for a place selling magazines, books or other adult entertainment merchandise. They would also be regulated by a sub-section addressing Adult Entertainment specifically. Barre Pinske felt that it was important to have language in place and not wait for a business to appear and try to regulate it in retrospect. After enjoying a few moments of amusement at possible scenarios, the Commission agreed to add regulation for Adult Entertainment.

Barre Pinske asked how adult entertainment issues would be addressed. Brandy Saxton said there have been two ways to address this issue tried in the past. The first is to prohibit it, an approach that requires secondary effects studies and typically fails when challenged in court. The second is to have specific standards that require the business to look normal from the outside and contain all the material inside the building. Brandy Saxton said she would propose language using the second approach for the Commission to review

Phi Perlah asked for a definition of an event facility. Brandy Saxton said it was a venue that could be rented to hold an event such as a conference or meeting. She gave the example of a wedding barn. Phil Perlah asked about outdoor events. Brandy Saxton said outdoor events are not generally covered by zoning regulation, unless there was a permanent facility that hosted outdoor events on an on-going basis. Phil Perlah gave the example of open markets that have a sub-section of regulation. He wondered whether outdoor event facilities that have events on a regular basis should also have zoning regulation. Brandy Saxton looked at the definition of

Event Facility and said it would cover outdoor events as well because it did not specify indoor or outdoor. She said most municipalities have a special event ordinance. Sites that are used occasionally for outdoor events fall under that ordinance. Phil Perlah suggested that facilities that have more than a few outdoor events in a year be regulated the way the open market sub-section, 3218, regulates frequent outdoor retail events. Brandy Saxton said the proposed definition would include outdoor events. She said it would be useful to look at Chester's existing special event ordinance to see what is regulated and what limitations it might have.

Barre Pinske said the noise regulation in sub-section 3220 were stringent. Brandy Saxton said that noise is a frequent source of complaint about event facilities. She acknowledged that weddings are currently a big business. She wanted the DRB to have a say in the level and duration of noise allowed at these facilities. Tim Roper noted the sound proofing requirement in 3220.A(4) and asked about setting a standard for sound proofing. Brandy Saxton said she will address that in this section and in the mixed-use paragraph 3202.F(2).

Claudio Veliz said he had heard of a town in upstate New York which required that neighbors be notified of planned events such as weddings. He could not recall details. Brandy Saxton said she had seen requirements for notification of special events in some towns in Vermont. She also noted that recent changes to state law governing on-farm businesses loosen the standards for establishing an activity as an on-farm business. She said it might be possible to serve Vermont cheese at a wedding, in a barn, put placards at each table advertising the cheese, and call the wedding an on-farm business. No changes other than the adult entertainment language were proposed for this sub-section.

Sub-Section 3221, Mobile Food Service was discussed. Brandy Saxton said the zoning regulations proposed are for businesses that set up a vehicle or some other structure in one place to sell food on a regular basis. If the vehicle is an ice cream truck that travels along streets and only stops for customers, it will be covered by town ordinances and not this section. Zoning Administrator Michael Normyle said there have been several people who applied for permits or discussed applying for permits but no business has succeeded in maintaining a presence in Chester. The Commissioners requested a change to align paragraph 3221.E more closely with Section 3107, Signs, in terms of the square footage of signage allowed and whether something painted on a vehicle would be considered a sign as well as a mounted panel. Claudio Veliz brought up the issue of lighted signs and the Commission decided signs should not be lighted. Tim Roper asked about hours of operation. The Commission decided to use the same hours allowed for open markets, 8:00 AM to 9:00 PM.

Barre Pinske wanted to be sure lights were allowed for safety purposes. Tim Roper asked if a mobile food service could set up a tent next to the vehicle with tables and chairs and a light. Brandy Saxton said that would be part of the site plan review and it would depend on the location of the service. It was agreed that lights were allowed as long as they were not used to illuminate a sign.

Sub-section 3222, Self-Storage Services was discussed. Claudio Veliz asked why the bylaw required 4:12 roofs. He said that pitch tended to dump snow on people standing at the base of

the roof. Brandy Saxton said it was an aesthetic consideration to avoid flat-roofed buildings. A 4:12 roof was the steepest available among pre-fab units. Claudio Veliz said he felt that in the interest of safety, flatter roofs should be allowed. The Commissioners were polled and voted 3 to 2 to remove the 4:12 requirement. No other changes were requested to this sub-section.

Sub-section 3223, Tank Farm or Fuel Storage and Distribution Services was discussed. Tim Roper asked what purpose paragraph 3223.C (“The provisions of this section do not apply to storage of fuels or other materials for on-site use.”) served. Brandy Saxton said the paragraph was written to ensure that a business that stored fuel solely for its own use was not subject to this regulation. Tim Roper asked if there should be regulation as in 3223.A(6), which calls for a containment system, for all storage of fuel for commercial or private use. The Commission discussed the current regulation of fuel storage. Brandy Saxton said the state of Vermont had specific requirements depending on the size of the tank. She said these standards are aimed at commercial storage and distribution services only. She said the performance standards could be changed to cover fuel storage containment. Brandy Saxton said the use under consideration is only allowed in the General Business District. She said the Commission ought to verify that there is a potential location in town where new storage area could be located. Cheryl Joy Lipton asked if the requirements are as strict as in other places in Vermont. Brandy Saxton said the regulation was comparatively robust. No changes were requested to this sub-section.

Sub-section 3224, Communication Antennas and Towers is a use that is controlled by state statute. Brandy Saxton said currently under statute, a company erecting a commercial antenna had a choice of seeking a permit from the Public Service Board or the local municipality. The statute authorizing a choice has been renewed regularly since the law was written about 10 years ago. The issue was discussed at a meeting Brandy Saxton had attended a meeting a few days before. State legislators indicated they were going to keep control of communication towers within the purview of the Public Service Board and not allow municipalities to make any decisions about them. The coming of the 5G communication format is the primary reason the state wants to retain control. Though she did not think municipalities would have any control over communication towers, Brandy Saxton recommended that the town keep at least some language in the zoning bylaws for them, in the event that the state again allows municipalities to issue permits.

Barre Pinske asked Brandy Saxton if she thought having the state regulate this was better than leaving it at the municipal level. Brandy Saxton said she thought municipalities should have some voice in the aesthetics and siting of a tower, but the decision of whether an area needs a tower and what type of tower is needed would be better made by the state. Cheryl Joy Lipton asked about ham radio operators. Brandy Saxton said there was an exemption for ham radio operators in paragraph 1101.A(23)(c).

Brandy Saxton said the proposed bylaw for antennas and towers sets up priorities for choosing the sites, lists safety requirements for different types of antennae and makes installation requirements. Michael Normyle asked why a roof-mounted antenna was only allowed on a commercial building. Why could it not be mounted on a residential building on a large lot? Brandy Saxton said there were health concerns about mounting an antenna on a residence and it

also could interfere with wireless networks in the area. Claudio Veliz asked if the antennae being permitted were broadcast antennas only or if they could be receiving antenna. Brandy Saxton said there could be receiving antennae when the device being permitted was a repeater. No changes were requested to this sub-section.

Sub-Section 3225, Contractor's Yard or Unenclosed Storage, was discussed next. Brandy Saxton said the screening required in paragraph 3225.A(2) and (3) was actually intended to provide visual screening. The Commission reviewed the requirements for screening as outlined in 3106. F. Brandy Saxton said this is a minimal starting point and the DRB could require more screening if needed. Cheryl Joy Lipton wanted the wording to be changed to make it clear that the reason for the screening was to block all view of the contractor's yard or unenclosed storage area. Barre Pinske said he felt that requirement was excessive given the variety of conditions that exist in the Vermont climate, including the presence and absence of vegetation in season. Brandy Saxton said the contractor's yard use is currently permitted as a conditional use in the General Business district and the Rural 3 and Rural 6 districts. She offered that information as context to help the Commission to decide what level of screening is needed. Phil Perlah asked where the DRB is given the authority to impose a stricter screening requirement. Brandy Saxton read paragraph 3106.B which gives authority to the DRB to impose screening requirements.

Naomi Johnson asked if any actual changes to sub-section 3225 were wanted. Claudio Veliz suggested that clearer definitions of terms such as buffers could help resolve the confusion. Brandy Saxton said the documents she distributed at the beginning of the meeting, excerpts from 21st Century Land Development Code, did discuss these concepts in greater detail. She said she had developed a 5-level plan of screening for Brattleboro based on this document. She said Chester needed to decide whether it needed such a complex plan for screening and she would send out the table she had developed for Brattleboro for the Commission members to study. The Commission decided to review the Brattleboro examples before deciding to make changes to the current screening language.

Barre Pinske asked how a contractor changing the oil in his vehicle and storing the old oil on site would be handled. Brandy Saxton said a contractor changing oil in a vehicle would not be the primary use of the property and the property would come under the regulations for a contractor's yard and not a hazardous waste storage area. Cheryl Joy Lipton brought up paragraph 3225.B(4) which addresses specific areas of the business district associated with Routes 103 and 11. Brandy Saxton said the business district issues will be addressed when the Commission resumes discussion of the district boundaries and the district-use table. It also will be addressed in the screening level table from Brattleboro which will be sent out following the meeting.

Sub-section 3226, Campgrounds were discussed. Tim Roper said he thought shutting down campgrounds on October 15 was too early. He wanted them left open during deer hunting season. Brandy Saxton said she has debated this with hunters. The reason she suggests shutting down campgrounds in October is that the plumbing in campgrounds is not generally winterized. She said requiring that the campground close for some period during the year is to prevent people from living in campgrounds year-round. She said people living in campers with kerosene heaters and no water had caused serious issues in the past. Barre Pinske asked if closing the

campground would make someone homeless. He was not in favor of that. Brandy Saxton said she looked at the issue from a different perspective. For her, closing the campground prevented people from making money renting poor quality housing.

The Commission decided to allow campgrounds to stay open during hunting season and changed the required closing date to December 1. Tim Roper asked why 3226.A(10) (“Not have more than 40% of the total number of campsites within the campground designated and used as seasonal campsites”) was there. Brandy Saxton said that was to prevent the campground from becoming a sub-division of seasonal homes. If there is too strong a community of seasonal occupants, transient campers can feel uncomfortable, which discourages tourism. No other changes were requested for this section.

Brandy Saxton turned to Sub-Section 3227, Residential Treatment Facility, and explained that this use takes over when a group home has more than 8 residents. The Commission asked for the definition of this use in the zoning district-use table, but Brandy Saxton was not able to locate it. She will find it and send it along to the Commission. She said this type of facility is a larger version of the group home. It houses people with medical conditions or some type of disability, such as blindness or a developmental disability. Michael Normyle verified how the required distance in the separation requirement (paragraph 3227.A(5)) would be measured. It would run along streets from property line to property line. No changes were requested for this sub-section.

Sub-Section 3228, Firewood Processing, was discussed next. Brandy Saxton said firewood processing facilities were the subject of many complaints. Tim Roper asked if the complaints were the reason for the minimum 5-acre lot requirement. The Commission wanted to allow the use on smaller lots, taking into account the surrounding uses. Brandy Saxton said the use was a permitted use in the General Business district and a conditional use in the R-3, -6 and -18 districts. She reminded the Commission that firewood processing involved bringing in and carrying out truckloads of wood, which would require space for loading, unloading and stacking product as well as driveways for the trucks. The Commission considered the 3-acre minimum lot size in the Rural districts. It was thought at first that all lots in the district were at least that large, making a 3-acre minimum lots size for firewood processing reasonable. Michael Normyle said that there are many parcels in the proposed Rural districts that are smaller than 3 acres. Brandy Saxton said that the only allowed use for a pre-existing, non-conforming lot is residential according to state statute, so commercial firewood processing could not be conducted on those smaller lots. The municipality could allow a commercial use, but it is not obliged by law to do so. The Commission decided to allow the use on lots as small as 2 acres. The Commission was concerned that firewood processing is a necessary service in Vermont and commercial processing should not be unnecessarily limited. Barre Pinske asked what the setback requirements are and if wood could be piled in the setback area. He did not feel the setback requirements were fair and asked to have his objections noted for future discussion. No other changes were requested for firewood processing.

Sub-Section 3229, Extraction and Quarrying was discussed. Brandy Saxton noted that removing material from a site as part of a development process is not an on-going commercial extraction or quarrying operation and does not fall under this sub-section. Michael Normyle asked why the

minimum lot size of 5 acres was so large. Brandy Saxton said it was quite small compared to other towns, such as Bristol, VT. She said she felt it should be at least 10 acres to protect neighbors and give space to grade the excavation site when excavation is complete. Claudio Veliz said a transportation buffer around the perimeter was also needed to accommodate the heavy equipment used in the process.

Tim Roper asked if there were state requirements for extraction. Brandy Saxton said the state requires an Act 250 permit, which can take a long time to obtain. The effort to do so would make setting up an extraction operation on a parcel as small as five acres economically unfeasible. Naomi Johnson asked how surface rock would be handled. Brandy Saxton thought that even a small parcel of surface rock would require an Act 250 permit. No changes to the minimum lot size were requested.

Cheryl Joy Lipton asked why in 3229.A(10)(d) exposed ledge would not be required to have topsoil and grass seed applied. Brandy Saxton said it was typical in reclamation plans to leave exposed ledge alone. She said plants often do not grow well in that setting. Claudio Veliz said ledge was likely to have poor drainage. Brandy Saxton the said Act 250 requirement for progressive site reclamation has been ignored in the past, but is being enforced now. Cheryl Joy Lipton wanted to add the words, “native grass and meadow mix” to 3229.A(10)(e). This was amended to “Vermont Conservation Mix” a readily available and effective product.

Claudio Veliz asked about the ratio of 3:1 for a grade on reclamation of disturbed areas. Brandy Saxton said the 3:1 ratio was used in the steep slopes development regulations and it was helpful to the reclamation process because it reduced the amount of space needed to reclaim disturbed areas. Naomi Johnson said that Act 250 allows a steeper slope of 2:1. She also said the Town of Chester will be extracting sand and gravel from a parcel they have acquired and their reclamation plan is to restore a 2:1 slope. After a poll, the group decided to change to a 2:1 slope on reclamation.

Cheryl Joy Lipton said she didn't feel the restoration requirement of four trees was sufficient. She also wanted to specify native ground cover in paragraph 3229.A(10)(f). After quite a bit of discussion, the Commission agreed to require a professionally prepared reclamation plan for these sites. This is already a requirement for Act 250.

Lew Waters asked if blasting should be allowed. Naomi Johnson said blasting is allowed and would have to be reviewed by the Development Review Board as part of the conditional use process. Claudio Veliz said some municipalities have set up no-blasting zones to protect people who live near quarries. Brandy Saxton said the performance standards give the DRB the authority to regulate blasting. Lew Waters said there is a geological formation behind his house called the Chester Dome. It is granite and could conceivably be quarried. Naomi Johnson said the landowner would have to obtain a permit from the town and an Act 250 permit from the state before it could begin operations. Phil Perlah mentioned hours of operation. It was established that the DRB could further limit the hours to less than the 8:00 AM to 6:00 PM listed in 3229.A(6). No further changes were requested to sub-section 3229.

Sub-Section 3230, Child Day Care, addresses child day care operations that exceed the limits of the Family Child Care Home use. Claudio Veliz asked what the suitable height for fences mentioned in 3230.A(3) (“Enclose all outdoor play areas with fencing of a suitable height and design”) is. Brandy Saxton said the state does not have specific requirements for fencing for day care facilities. She said it should be adjusted to the setting. Less fencing is needed for a play area that adjoins a forest or field than for a play area bordering a road. Claudio Veliz asked if the fencing height could match the fencing height in the proposed bylaws. Phil Perlah suggested that in the absence of clear written state regulation, the DRB could be charged with determining an appropriate height for a fence. The Commission agreed to require the DRB to determine the height of the fence. No other changes were suggested.

Sub-section 3231, On-Farm Business, was the last section to be discussed. Brandy Saxton said the state has just passed a new law which expands the types of business that will be considered on-farm businesses. The bylaws proposed are intended to work with the state statutes. Claudio Veliz said he thought paragraph 3231.A(6) (“An on-farm business must be appropriate in scale and intensity given the location”) was aspirational and should be changed. Brandy Saxton said it was addressing the roads leading to the farm and said a dirt road could not support a business that drew 200 cars per day to the farm, when the normal traffic level is 20 cars per day. She agreed that the language could be clearer and she would work on it. She said she needed to add the state’s new statute language to the section and would do so. She said the new statute would only allow a site plan review if the business met the state’s criteria for an on-farm business. Traffic and character of the area are not considered in a site plan review and the state does not provide for consideration of those issues in the statute.

Claudio Veliz asked why the sign provision in 3231.B allowed six temporary signs. Brandy Saxton said it was a number she chose. She said the purpose of the temporary signs is to advertise seasonal products such as strawberries or pumpkins or corn. Cheryl Joy Lipton asked that the sign sizes be reduced to six square feet to match the home business and home occupation sign limits.

The Commission decided to plan on meeting next on February 25, 2019 from 6:00 to 9:00 PM, unless the Development Review Board needs to meet that night. Michael Normyle said he would be able to confirm that date after the DRB meeting on February 11th.

Claudio Veliz moved to adjourn the meeting. Barre Pinske seconded the motion. A vote was taken and the meeting was adjourned.