

**TOWN OF CHESTER
PLANNING COMMISSION**

April 10, 2019 Minutes

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

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

Citizens Present: A mouse who declined to give its name and only wanted to be left alone. The Commissioners accommodated its wish.

Call to Order

Chair Naomi Johnson called the meeting to order at 7:00 PM. She welcomed Peter Hudkins as a new member of the Commission and introduce the Commission members and staff to him. She recapped his previous service to the town on the Development Review Board and Zoning Board of Appeal.

Agenda Item 1 Review draft minutes from the March 28, 2019 Workshop

Tim Roper moved to accept the minutes from the March 28, 2019 meeting. Cheryl Joy Lipton seconded the motion. Naomi Johnson noted a missing comma toward the bottom of page 2. There were no other changes. Tim Roper said he appreciated the format and content of the minutes. A vote was taken and the minutes were accepted as amended.

Agenda Item 2 Citizen Comments

There were no citizen comments per se presented, though Cathy Hasbrouck, as a citizen, presented information about zoning district uses during the general discussion.

Agenda Item 3 Continue Work Shop on proposed Zoning Districts

Cathy Hasbrouck announced that she had followed up on Barre Pinske's suggestion and had arranged transportation for a bus tour of Chester for the members of the Commission and any citizens who would like to join them. The Commissioners had to give a week's notice to hire the van.

The Commission discussed a wide variety of issues having to do with zoning districts and permitted and conditional uses. The changes to the proposed zoning map they agreed on are listed at the end of the minutes. The discussion is summarized below.

These goals were put forward and generally agreed to:

- To support existing businesses and foster further economic growth
- To protect wildlife habitat and support forest block connectivity
- To encourage areas of dense residential and commercial development that minimizes the need for motorized transportation, separated by areas of open (undeveloped) land.

The state of Vermont requires that towns allow home occupations in every residence. A home occupation can only have occupants of the property as employees. If a home occupation is successful and progresses to a point where it needs up to 4 non-resident employees, it can apply for a home business permit. Home business is currently a conditional use in every zoning district in Chester except Forest. It is a permitted use in the proposed V10, V5, V3, R3 and GB districts, a conditional use in the R2 and R6 districts and not permitted in the R18 district. The Commission proposed allowing Home Business as a conditional use in the R18 district.

When a business grows beyond 4 non-resident employees, it must obtain a permit for the specific use, which may not be an allowed use in the zoning district where the residence and business are located. Cathy Hasbrouck read from a letter written by a car repair business owner that acknowledged the business had expanded as much as it could at its present site and permitting level, but said he couldn't find a piece of property that was both suitable and affordable to move the business to.

The Commission considered ways to provide more opportunities for commercial and industrial development within the village. Cheryl Joy Lipton favored more mixed uses and that uses should be added to some of the village zoning districts. She reasoned that if people live in proximity to their business they will drive less. Michael Normyle said that there were structures on almost every parcel in town. Tim Roper said it would behoove the Planning Commission to make room for growing businesses. Michael Normyle and Tim Roper agreed that south of town along Route 103 offered many advantages for businesses, such as water and sewer service. They named businesses such as the car wash that are already there. Peter Hudkins said businesses could set up on the hill to the west of 103 South, up the hill near Drew's plant. Naomi Johnson said she felt the discussion of the repair business is very useful as an exercise for the Commission, as it illustrates concrete issues that face Chester businesses.

Tim Roper suggested that the repair business could relocate in the Gold River industrial area which has had a preliminary hearing on a 7-lot sub-division. Naomi Johnson said she thought lots could be \$50,000 each. Tim Roper didn't feel that price was affordable for a small business. People pointed out that the industrial park had decent driveways, municipal water and will have municipal sewer. Michael Normyle said there were some larger parcels in the village, such as the parcel behind Buttonwood Farm and along Elm Street which could possibly be sub-divided. The Commission resolved to observe what was available when they took the bus tour.

The Commission considered how much impact changing the zoning district actually has on the development potential for a parcel. While it is true that an existing use will be grandfathered if the zoning district is changed to a district that does not allow the use, the business cannot be altered in any way without a permit, which would be unobtainable. Cathy Hasbrouck distributed a list of the current uses and a table showing uses currently allowed in R-120 zoning district compared to the proposed R3, R6 and R18 districts.

The Commission discussed at length businesses along Route 103 North, including three car repair businesses, the quarry, a fuel depot and a recently renovated mixed use retail and residential building in Gassetts. No one wanted to impair the economic future of any of the

businesses. Peter Hudkins pointed out that some of the uses had been going on for up to a century and it would be difficult to find a way to utilize the land for anything other than what it is currently being used for due to an accumulation of industrial residue.

The Commission considered changing the zoning along Route 103 to R6 to support forest block connectivity, but that would adversely impact the existing businesses. Cheryl Joy Lipton said she was strongly in favor of economic growth, but she felt the Commission's duty was to discourage growth along the corridors between village centers and encourage it in the centers themselves. She said she wanted the Commission to make it difficult to grow beyond a Home Business outside the village area and to make it as easy as possible to have businesses within the village area.

Cheryl Joy Lipton said she had e-mailed 3 maps to Naomi Johnson just before the meeting. The maps addressed forest corridor connectivity. Peter Hudkins asked if the maps addressed areas at the boundary between Chester and other towns. Cheryl Joy Lipton said they do not include areas outside of Chester, but the Agency of Natural Resource tools could show the information for the entire state. At Cheryl Joy Lipton's urging, the Commission agreed to send copies of the existing and proposed bylaws and maps to the Vermont Department of Fish and Wildlife so that they can make recommendations about connecting the blocks of forest habitat in Chester.

The Commission also noted other factors that have an equal or greater impact on a parcel's development potential than the zoning district dimensional standards. These include:

- Many large forested and some agricultural parcels are in the current use program. This limits the amount of development that can be done to the portion of the parcel not in the current use program. Financial penalties make it expensive to take land out of the program in order to develop it. Peter Hudkins asked for an up-to-date map of parcels enrolled in current use in Chester. A map that is several years old showed that about 40% of the acreage in Chester is in current use. That figure has increased since the map was drawn. It would be helpful for the Commissioners and the citizens to see how much of the areas in question are voluntarily limiting the possibility of sub-dividing property.
- Flood plain and river corridor regulation limits development in flood-prone areas. Recent flood events such as Tropical Storm Irene and the ice jam that damaged the Gassetts Grange Hall have increased awareness of this problem and discourage development.
- The state requires that sub-divided parcels have a permit for a potable water system and wastewater system when they are sub-divided. If there is no suitable area for a wastewater system and well or other water source, a parcel may not be sub-divided. In the steep, rocky and wet terrain common in Vermont, finding a place for a septic system can be difficult.

The Commission discussed performance standards as a way to regulate use of a parcel and to address uses that were not foreseen when the bylaw was written. Peter Hudkins felt uses should be defined by their performance standards, such as indoor vs. outdoor activity, noise, dust, and vibration created, rather than by the industry involved, such as metal fabrication or wood

processing. Peter Hudkins and Michael Normyle noted that performance standards were essential in a rapidly changing environment. New types of businesses not yet imagined could still be allowed and regulated if they conformed to the existing performance standards.

Cathy Hasbrouck noted that the existing list of uses contains several whose name is misleading. She gave the example of the current automotive sales use. The definition of the use is, “Automotive sales include new and/or used car sales businesses, trailer and/or mobile home sales or other similar uses that meet the performance standards and all other requirements of these Bylaws.” This use could apply to a lumberyard or a lawn and garden supply business, but that is difficult to know based on the name automotive sales. “Sales lot” would have been a better choice for the use. People who initially looked at the list of uses believed it was much more restrictive than it actually was, given the specificity of names assigned to the uses.

Decades of zoning history in Chester had zoned large parcels in the northwest quadrant of Chester as R-80, requiring a minimum lot size of 80 acres. For a long period, there was no expectation of being able to sub-divide and develop smaller parcels in that area. The proposed change from the current R-120 (3-acre minimum lot size) and Conservation-Residential (5-acre minimum lot size) to the proposed R-18 (18-acre minimum lot size for non-residential uses) is not a substantial change from recent history. The Commissioners had some concern that the change to such a substantial portion of the town would be off-putting for some citizens and impede the acceptance of the new bylaws.

The Commission discussed the current zoning in the Gassetts area. The area near the intersection of Route 103 and Route 10 is currently zoned Residential Commercial, and a single parcel north of what was the center of Gassetts at one time is also zoned Residential Commercial. The single parcel designation looked like spot zoning, which is discouraged. Peter Hudkins explained that the single parcel is high enough that (so far) it has not flooded, even though it is bordered by a branch of the Williams River. The land around the parcel is lower and prone to flood. Peter Hudkins said the area on both sides of Route 103 has been the site of industrial activity for more than 100 years. A talc crusher was located there and it is likely that dust containing asbestos has been deposited in the soil. There is also currently a quarry and a fuel depot in the area. Barre Pinske said he felt some kind of commercial district was appropriate for the area. Peter Hudkins noted that there was 3-phase power available in Gassetts. He said land was relatively inexpensive and a zoning district with commercial and industrial uses would be appropriate for the area, in particular given its industrial history. He said that 13 houses, the train station and two other railroad buildings had been demolished in the 1960’s to make way for Route 103. The Commission members were surprised to learn that the area had been so densely settled 60 years ago.

Requested changes

Peter Hudkins suggested that Sawmill be added to the Firewood processing use, which distinguishes between processing firewood close to where it was harvested vs. processing firewood brought in by truck. It is currently part of the Wood Products, Cabinet or Furniture

Manufacturing use. He also was concerned that log landing or log transfer area be a use in some districts.

Naomi Johnson and Tim Roper confirmed that Home Occupation was permitted in all districts. Home Business was not allowed in R-18, was a conditional use in R2 and R6 and was a permitted use everywhere else. It was suggested that Home Business be a conditional use in R18.

Peter Hudkins noted that parcels on the east side of Route 103 North were partly in the R3 district and partly in the R6 district and the district line seemed to have no reasoning behind it. It was not a parcel boundary or a river or brook. He felt the R6 district boundary should be moved west to the river bank. The Commission agreed and it was resolved to ask Brandy Saxton to change that district boundary. The parcel in question belongs to Brian and Paul Newton.

Future plans

Naomi Johnson said there would be separate public hearings for village and rural districts once the Commission had finalized the zoning district map. There could possibly be one other public hearing before the Commission took the comments received and made final adjustments to the bylaws.

At the next meeting the Planning Commission needed to re-organize, given the addition of a new member. The Commission decided to meet for the proposed bus tour on Thursday April 18, 2019 at 5:00 PM.

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