

**TOWN OF CHESTER  
PLANNING COMMISSION**

**June 3, 2019 Draft Minutes**

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

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

**Citizens Present:** Shawn Cunningham, Dale Williamsen, Rich Deyermond, Carla Westine, Kathy Giurtino, Frank Esposito, Colleen Garvey, Eugene Garvey, Gerald Gleason, Chris Gleason, Ed Grossman, Joan Grossman, Sam Comstock, Jeannie Wade, Arne Jonynas, Renee Nied, Scott Wunderle, Robert Nied, John Holme and David Carey.

**Call to Order**

Chair Naomi Johnson called the meeting to order at 6:30 PM.

**Agenda Item 1 Community Workshop #1: Village zoning district and uses**

Naomi Johnson welcomed the citizens to the meeting and introduced Brandy Saxton of Placesense, the members of the Planning Commission, the Zoning Administrator and the Recording Secretary.

Naomi Johnson said this meeting was the first of three workshops discussing the proposed zoning districts and would focus on the village area of Chester. She said the next meeting would be in two weeks, again on a Monday night and would focus on the rural areas of Chester. The third meeting would take place on Saturday, June 22<sup>nd</sup>. That meeting will an open house and will focus on individual questions about specific parcels.

Naomi Johnson explained that the Planning Commission had been working on the bylaws for several months, beginning in 2018. She said after the three June workshops, the Planning Commission will re-convene to consider the input received at the meetings and a list of issues the Planning Commission has not yet resolved. When the draft of the bylaws is complete, it will be presented at a public hearing for formal input on the full bylaws. The bylaws will then be passed on to the Selectboard for further hearings and public input.

Naomi Johnson then turned the meeting over to Brandy Saxton for her presentation on the proposed Village zoning districts. Brandy Saxton recapped the activities that led to the re-writing of the bylaws, which included a review of the bylaws, an audit of the existing bylaws in relation to the goals of the Town Plan, discussions with town officials about what is and is not working with the current bylaws and a review of state and federal changes to statutes and laws that affect the bylaws. She said the first draft of the new bylaws is complete and the Planning Commission is interested in getting feedback on it.

Brandy Saxton said that Vermont state law requires that the bylaws implement the Town Plan and the bylaws must comply with state statute. She presented Chester Future Land Use map and Chester's current zoning district map side by side and noted that there were areas of difference. She noted that in the village center area, the bylaws did not support the historical settlement pattern of dense settlement. The current bylaws only allow 2 dwelling units per acre in the Village Center zoning district. The Village Center, as it is now, could not be built under the current bylaws. Additional housing cannot be added to the Village Center under the existing bylaws. There was little in the current bylaws that regulated the scale or size of commercial uses and buildings, and there were only small differences in the dimensional standards and uses of the zoning districts currently in the village area. The new bylaws increase the density allowed in the village districts and make some growth of existing businesses possible. They also have a greater variety of uses allowed in certain areas, making new commercial uses possible.

Brandy Saxton started the discussion of the zoning districts with the Village 12 district, which allows up to 12 dwelling units per acre. This district is limited to the area on the west side of the green, from School Street to Cobleigh Street, a distinct area of Chester. She said the proposed minimum lot size is greatly reduced from the existing zoning's 20,000 square feet to 3,600 square feet, or 0.08 acres. This brings the minimum lot size more in line with the existing lots and makes more of them conforming lots. Lot coverage is increased and setbacks are decreased to reflect the historical reality of the existing lots. Brandy Saxton listed some of the proposed uses allowed under the new bylaw. These included small goods repair service, such as bicycle repair, financial establishment, including a bank, and food and beverage manufacturing (enclosed and under 6,000 square feet), which would allow a microbrewery or bakery in the district. Some currently allowed uses removed from this small district are single- and two-family homes, which would not be appropriate in this dense commercial area, and large recreational uses such as a golf course.

The floor was then open to questions about the proposed district. The first question was whether the existing hardware store would be allowed in the district. The existing hardware store, at the corner of Grafton Street and Main Street, was not in the proposed Village 12 district under discussion. The questioner asked if any existing business would not be allowed in the proposed bylaws. Brandy Saxton said all the existing businesses were allowed.

A second citizen (Kathy Giurtino) asked why the minimum setback in the district was 0 feet. Brandy Saxton said some buildings in the district were already built to the edge of their property or the edge of the sidewalk. She said downtown areas usually had 0-foot setbacks.

A third citizen asked which district her house was actually in. It was determined that her house was on Cobleigh Street and was not in the V12 district. She said it was difficult to locate her house on the maps provided. Brandy Saxton suggested that she consult the maps on the town's website or the larger maps on easels at the front of the room. She also said that questions about specific parcels could be answered at the open house meeting on June 22<sup>nd</sup>.

The Village 6 district, which allows 6 dwelling units per acre and a minimum lot size of 7,200 square feet was considered next. Brandy Saxton said the purpose of the V6 district is similar to

that of the V12 district: provide a diversity of housing and small businesses in a traditional village setting with an attractive, pedestrian-friendly streetscape. The V6 district was described as running from Lover's Lane Road, along Main Street to the Post Office, up Maple and Depot Streets, past the Town Hall to about the Yosemite Fire House, and along Pleasant Street from about Talc Mill Road east to the railroad tracks. Brandy Saxton compared the dimensional standards of the proposed V6 lot to the dimensional standards and uses in the current Village Center and Residential-Commercial districts. She noted that the minimum lot size is smaller, the lot coverage allowed is greater and the setbacks are smaller for this proposed district than for the current districts. She also noted that this district and the V12 district has a maximum setback as well as a minimum setback. She said this encourages uniformity in the district. She said that these 2 districts had a maximum principal building footprint of 6,000 square feet, to maintain an appropriate scale for the neighborhood. She cited the hardware store as an example of a 6,000 square foot building. She compared the uses of the proposed V6 district to the current Village Center district. Uses added included senior housing, skilled nursing and assisted living facilities, and some food and entertainment related uses such as commercial kitchen, catering, and food and beverage manufacturing. Low-impact businesses such as wholesale trading, printing and media are also allowed. Uses removed included golf courses and commercial outdoor recreation.

A citizen asked what commercial outdoor recreation is. Brandy Saxton said commercial outdoor recreation is an umbrella use which is fully defined in the use table, copies of which were available to the attendees on the table coming in to the meeting. She said it is a for-profit outdoor activity, such as golf course or a jumping park.

A citizen asked what would happen if someone moved into a building in town and wanted to change the use that had been there. He also wanted to know what would happen to a business that had been allowed in a zoning district, but will not be allowed under the proposed zoning rules. Brandy Saxton explained that the use table shows one of three possibilities for a use in a district: it may be permitted, conditional or prohibited. If the use is a single- or two-family house and permitted, the zoning administrator may simply issue a permit as long as the dimensional standards are met. A permitted use that is not a single- or two-family home will need to have a site plan review with the zoning administrator before the zoning administrator may issue the permit. The zoning administrator may refer a larger scale project, such as the building of a new building to the Development Review Board for review.

A conditional use is required to have a hearing before the Development Review Board in order to obtain a permit. Uses that are marked prohibited may not be issued a permit. A use that is not listed at all may receive a permit if the use resembles a use that is allowed in the district. The Planning Commission may decide to amend the zoning bylaws to allow a use that was not previously allowed.

The citizen asking the question than verified that a use that is in place now will be grandfathered in by the proposed bylaws. Brandy Saxton said that was true, and that the proposed zoning rules provided some opportunities for expansion that were not present before. She also explained that permits run with the land, so as long as a business is not closed for more than a year, the

grandfathered use may continue and it will remain in force when another person operating the business.

The next zoning district discussed was the Village 4 district, which allows 4 dwelling units per acre and has a minimum lot size of 10,000 square feet. This district is intended to mainly be residential in appearance and allow some light-impact commercial uses. The district is found in five sections. Two are along Route 11 west of the center between Lover's Land Road and Joe Sweet Road and the second from the second lot east of Balch Road east the Stone Hearth Inn. A third section follows Church Street from the second lot in from Main Street to the railroad tracks and the river. A fourth section are the lots along Grafton Street, School Street and Cobleigh Street, one lot in from Main Street south to the Williams River and continuing only along Grafton Street to the intersection with High Street. The last section is along North Street in the Stone Village from the bridge over the Williams River to the intersection with Dalrymple Street.

Brandy Saxton compared the dimensional standards of the proposed V4 district to those of the Village Center, Stone Village and Residential 20,000 district. She said the lot sizes for the proposed district are smaller, the coverage allowed is greater and the setbacks are smaller. She also noted that the building footprint is limited to 4,500 square feet, which is smaller than that of the other two proposed village district and emphasizes the residential scale of the district.

Brandy Saxton showed a comparison of the proposed V4 district to the current Village Center district uses. She pointed out the added senior housing, skilled nursing and assisted living uses, some food preparation uses and on-farm businesses. The state now requires on-farm business be allowed in nearly every zoning district. She noted that a bar would not be allowed in the V4 district in view of its residential nature.

The first citizen question came from Kathy Giurtino, who asked about rules for signage, parking lot lighting, and limitation on size of businesses. Brandy Saxton said the size of a business was controlled by the building size limit for each district and the lot coverage standard, which included parking and out buildings as well as the principal building. She noted that the proposed signage and lighting standards are in Chapter 3 of the proposed bylaws which will not be discussed at this meeting. She said that the requirements outlined in Chapter 3 are more detailed and specific than the current standards. She explained that detailed standards for parking, lighting, signage, stormwater and landscaping support the zoning administrator making more permit decisions, which reduces the number of hearings before the Development Review Board.

A relatively new Stone Village resident asked about the change that blended the Stone Village into another district and therefore was allowing uses that had not formerly been permitted. He objected to businesses such as a movie theater or laundromat being allowed in the Stone Village and wanted to consider special regulations for lighting and parking. Brandy Saxton said the Planning Commission would consider the comment. She also said there are standards for noise, light, and other issues that were carried into the proposed regulations from the current regulations.

A home owner who had recently purchased a house in the Grafton Street neighborhood asked why commercial uses were extended up Grafton Street to High Street, which had been an

exclusively residential area. He said he had purchased the house expecting an exclusively residential neighborhood and he was concerned. He had assumed the area would remain residential. Brandy Saxton said the Planning Commission had discussed the issue at length and extended commercial and higher density residential uses up Grafton Street to continue the village center density.

The next question addressed lots split between multiple zoning districts in the proposed map. Brandy Saxton said the proposed map tried to have the zoning districts follow parcel boundaries as a general rule. When a parcel was large and spanned geographic boundaries such as a river or stream some parcels were split, more in the rural districts than in the village districts.

A citizen asked why veterinary, pet or animal service was allowed in a residential area such as Village 4. She anticipated constant noise from a kennel. Brandy Saxton said that in the Village 6 and Village 4 districts, this use would be conditional. It would have to be evaluated by the Development Review Board. The use covers a range of services from a small veterinary clinic to a full pet daycare. It could also be a grooming salon, which only shampoos and clips dogs. The Conditional Use Review would evaluate how many animals would typically be on site and would evaluate whether the proposed business will fit the character of the area.

A citizen asked if the ball fields on Cobleigh Street were in the V4 district. Michael Normyle confirmed that the ball fields were in the V4 district. The citizen read the definition of commercial outdoor recreation from the Use table. She noted that commercial outdoor recreation was not permitted in the V4 district. She read the following portion of the public outdoor recreation or park definition, "maintained in a primarily unimproved natural state for passive recreation and/or conservation purposes." She asked if the ball fields would be allowed in the V4 district. Brandy Saxton confirmed that the ball fields would be allowed in the V4 district. She pointed out that the definition had the word "or" before the quote the citizen read, and the beginning half of the definition described the ball field facility. The citizen went on to ask about commercial outdoor recreation businesses that led snowshoe trips or hiking trips and did not have permanent facilities such as a Gymboree. She did not understand what the definition of commercial outdoor recreation encompassed. Brandy Saxton said it was a broad category and covered any type of commercial outdoor recreation not specifically defined as other uses such as a golf course or equestrian facility. The citizen asked if a massive mini-golf course would be a commercial outdoor activity. Brandy Saxton agreed that a mini-golf course would fit the definition. She said a tract of land with a couple of cross-country ski trails would also be a commercial outdoor recreation facility. The citizen said the ball field area was too large a space to prohibit commercial outdoor recreational facilities. She asked whether the Conservation Commission or the schools would be able to hold events at the ball field or behind the school. Brandy Saxton said they would because those are non-profit or town government sponsored organizations and open to the public, usually for no fee at all. Barre Pinsky asked Arne Jonynas if the fields on Cobleigh Street were a town-owned park. Arne Jonynas said they were.

A citizen said he had moved to Chester because of its rural character. He said it appeared the density of the town would increase as a result of these changes. He asked if anyone had quantified the increase in density this proposed zoning change will bring.

Brandy Saxton said that analysis had not been performed. She said it was possible the Planning Commission might want to look at that when the districts are more or less settled. She said the density in a zoning district is the maximum that will be allowed and other factors will determine how many dwelling units are possible. Brandy Saxton said she doubted any new lots with houses would be created. She thought it was more likely that one or two new apartments might be added to existing buildings.

The citizen asked if a study of the water and sewer system had been done to ensure the infrastructure could support the proposed density and if the town was financially prepared for growth. Brandy Saxton said the Planning Commission had looked at the areas that have sewer or water currently. She said the boundaries of the village districts are built around the existing water or sewer service. She said there were some areas in the proposed districts that did not currently have water or sewer service, but they were not far from the existing system and it wasn't unreasonable to expect the system to be extended to those parcels. Brandy Saxton referred the question to Naomi Johnson whose company had done some work on the systems in Chester. Naomi Johnson said the question should be referred to the town office, but the Planning Commission was not aware of any specific limitations in the water or sewer system. Brandy Saxton said in her experience, additional customers for water and sewer infrastructure helped the financial position of the system.

The citizen said that, in his case, the minimum lot size in his district has been cut in half, to 20,000 square feet from 40,000 square feet. He knew that, in other areas, the lot size minimum was reduced even more. Brandy Saxton said it may not be feasible to sub-divide an existing 1-acre lot in a district with a new, smaller minimum lot size. Road frontage and the placement of the existing house may not allow the creation of a second parcel. She thought it was more feasible to add apartments to existing buildings. Further away from the village center there might be more room to have separate new homes on separate lots. The citizen re-iterated his wish to know what plans the town had to accommodate denser housing.

A citizen from North Street asked how the Planning Commission was planning on addressing traffic volumes and patterns. Brandy Saxton said that many uses are broken out by scale, such as up to 3,000 square feet and more than 3,000 square feet. She noted that the larger-scale use was often conditional and would require a Development Review Board hearing for a permit. The DRB would consider the amount of traffic projected for the use, the character of the area and the ability of the roads to support the traffic. Brandy Saxton noted that mixed-use districts are intended to put services and businesses closer to residences, which could reduce vehicle traffic. She said that a village setting does involve traffic, especially if the village is doing well economically.

There being no more questions about the Village 4 district, Brandy Saxton discussed the proposed Mixed-Use district. She said the sections of the district were close to the village center. The district had a mix of commercial and residential uses, which would bring more services closer to the center and allow more housing. The Mixed-Use district is in three sections: along both sides of Route 103 south from the Antique Center and Jack's Diner to about the entrance to Remington Road, along the north-east corner of South Main Street and Pleasant Street, and in the

Depot between First Ave and Depot Street near the railroad tracks from about 517 Depot Street to 617 Depot Street.

Brandy Saxton compared the proposed Mixed-Use district to the existing Residential Commercial district. She noted that the lot size and required frontage is larger for the Mixed-Use district and the lot coverage allowed is greater. Building size is limited to 6,000 square feet, to keep things in scale with the village. She noted that more uses are available in the Mixed-Use district, including uses connected with senior housing, food preparation and some industrial uses associated with transportation and fabrication. Some uses not available are single- and two-family houses and storage/distribution services, which would generate more traffic that was appropriate for a partially residential area. The district allowed residential and commercial/industrial uses to be combined on the same lot.

A citizen (Kathy Giurtino) asked why a single-family or two-family is not allowed in the district. Brandy Saxton said multi-family housing is permitted and existing single- and two-family homes will be treated as permitted.

A Cobleigh Street resident asked whether the dimensional standard is for a building that will be built or if it applies to existing buildings as well. Brandy Saxton said that if an existing building does not meet the proposed standard, it can continue to exist as it is, but it may not be changed in a manner which increases the violation of a standard. She gave the example of a building whose front setback is less than the required distance. A porch that would protrude further into the setback may not be added to the building.

The proposed General Business district was examined next. Brandy Saxton said this is an area intended for commercial/industrial development. She said issues such as highway safety, access management and stormwater management are important in this district. There is only one area of General Business district. It is along the Elm Street and railroad corridor. Brandy Saxton noted that a lot of the area is in flood plain and the Planning Commission was concerned about this. They were considering whether more area, not in a flood plain, ought to be considered for the district. They were concerned that the lack of useable land would hinder economic development. She said flood maps will be available for the Saturday, June 22<sup>nd</sup> workshop.

Brandy Saxton compared the proposed General Business district with the existing Residential Commercial and Commercial/Industrial districts. She said the lot size is bigger than the existing districts require. She said the uses allowed usually require bigger buildings, more impermeable surface and stormwater management on the lot. The lot coverage allowed is greater in the proposed districts. Setbacks vary, as they do for the current Commercial/Industrial district, according to the abutting property. Side setbacks between two parcels within the General Business district are narrower than the side setback required between a commercial and a residential use at the edge of the district.

Brandy Saxton compared the uses proposed for the General Business district to those allowed in the existing Commercial/Industrial and Residential-Commercial district. She noted that lodging uses are permitted and many new commercial and industrial uses such as transportation-related uses are allowed. She explained that residential uses were not allowed because residents of the

district tend to object to and block new businesses in the area and causes the district to fail in its purpose. There were no questions asked about this district.

The last two districts presented were Residential, 4 dwelling units per acre and Residential 2, dwelling units per acre. Brandy Saxton began with the Res- 4 district. In discussing the purpose of this district Brandy Saxton noted that it was created in part to qualify some areas in Chester to become a Neighborhood Development Areas. This is a designation from the state which may be requested by the town or an individual contractor and will bring some relief from Act 250 permit fees for projects that include affordable housing. The district includes the parcels along High Street, River Street, Putnam Hill Road, Waldo Road and part of Grafton Road.

The dimensional standards for this proposed district were compared to the existing Residential 20,000 and Residential 40,000 districts. The minimum lot size for the proposed Res-4 district is smaller than those districts. Some uses not present in the R-20 district were added to the Res-4 such as Senior housing and skilled nursing facility. Some uses are removed such as building and construction trades, rental of tools and equipment and other business uses. A citizen clarified that the rental use Brandy Saxton referred to did not include renting a dwelling. There were no other questions for this district.

The last district considered was the Residential 2, dwelling units per acre. Brandy Saxton said much of this proposed district was served by municipal water and/or sewer. The district included two areas, one roughly Y-shaped area along the railroad tracks and Route 11 West, with most parcels not fronting on Route 11 West or Route 103 North. The second area included Flamstead Acres, Breezy Lane and some parcels even further from the main roads.

The minimum lot size for the proposed Res-2 district is equivalent to the existing R-20 district, 20,000 square feet. Brandy Saxton said the lot coverage standard for the Res-2 district, 60% for the first three acres and 5% for any area over three acres, allows smaller lots to be used more intensively. The proposed list of uses strongly favors residential uses. It allows senior housing but not a skilled nursing facility. On-farm businesses were included as part of the district is in a rural space. The more commercial uses such as contractor's yard found in the R-20 district are not allowed here.

Kathy Giurtino asked why a veterinary, pet or animal service was proposed for the Stone Village area but not for this Res-2 district, which seemed to have more open space. She also wondered why commercial outdoor recreation was not allowed in the district. Brandy Saxton said the district was a combination of very small lots with single family homes and some more rural areas that may also become intensely residential. The proposed district borders on rural districts that allow more commercial uses.

Chris Curran, a resident of the Stone Village said he didn't want to see a veterinary clinic in the Stone Village because he valued his sleep. Sam Comstock, who owns 100 acres at the edge of the Stone Village which currently is R120 (referred to on some maps as R3), said 20 of those acres were proposed for the Res-2 district. He was concerned about the lack of commercial uses for the Res 2 district. He wondered why the Marc Drive area was proposed for the R3 district and his farm was not. Brandy Saxton said a closer look at the use table might reassure him as to

farm-related businesses and suggested that he come to the Saturday, June 22<sup>nd</sup> workshop to discuss his parcel in detail.

Michael Normyle said the Planning Commission had considered many factors such as prime agricultural soil, large parcels and flood plain when discussing the districts. Barre Pinske said the Planning Commission had also looked at parcels which had more than one zoning district and adjusted them. A citizen asked when the new bylaws would be implemented. Naomi Johnson said it was likely they will be in place before 2020.

There being no more questions, Brandy Saxton recapped the coming meetings, on Monday June 17<sup>th</sup> at 6:30 to discuss the rural districts and Saturday June 22<sup>nd</sup> at 10:30 for questions about specific parcels. She said after the Planning Commission finished integrating the public input gathered at the meetings and resolved the outstanding questions, they would hold at least one public hearing on the full bylaws before presenting the bylaws to the Selectboard. The Selectboard would then hold at least 2 public hearings before deciding on adopting them. Brandy Saxton said the proposed bylaws were not set in stone at the moment.

Naomi Johnson thanked the citizens for their participation. Tim Roper moved to adjourn the meeting. Cheryl Joy Lipton seconded the motion. A vote was taken and the motion passed. The meeting was adjourned.