

**TOWN OF CHESTER
PLANNING COMMISSION**

July 1, 2019 Draft Minutes

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

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

Citizens Present: Rick Alexander, Roberta Alexander, Richard Alexander, Senior, Joan Grossman, Ed Grossman, Dennis Allard, Kathaleen Giurtino, Roy Spaulding, Robert Nied, Roy Spaulding.

Call to Order

Chair Naomi Johnson called the meeting to order at 7:00 PM at the NewsBank Conference Center, 352 Main Street. This room was used because the upstairs at the town hall is being repaired and renovated. Naomi Johnson announced two revisions to the agenda. First, the May 20th minutes would be reviewed as well as the June 3rd and June 17th minutes. Second, agenda item 5 will be moved to after agenda item 3, status update.

Agenda Item 1 Review minutes from May 20, June 3 and June 17, 2019.

Tim Roper moved to accept the minutes. Cheryl Joy Lipton seconded the motion. The Commissioners had no comment on the May 20th or June 3rd minutes. Michael Normyle clarified that the statement, “The R-120 area of Chester has a density of on dwelling unit per 25 acres” on page 1 of the June 17th minutes was not a reference to the dimensional standards, but the current actual settlement density of the area. Cathy Hasbrouck said that Michael Normyle’s understanding was correct.

Agenda Item 2 Citizen Comments

No citizen had any comments about any items not on the agenda. They all wanted to speak about the draft bylaws.

Agenda Item 3 Status Update

Naomi Johnson said the Planning Commission had comments from three community workshops to consider. In addition to citizen input, the Planning Commission had a number of other issues to resolve. She predicted that this process will take more than two meetings to accomplish. Once all the comments have been considered and all the remaining issues resolved, the Planning Commission will present the complete bylaw document for comment in public hearings before it is sent to the Selectboard for action.

Agenda Item 5 Review planned outreach to property owners

Naomi Johnson said that, in light of feedback from the three June meetings, the Planning Commission will be mailing a notice to all property owners in Chester telling them that the bylaws and zoning districts are being revised. The first idea was to include this information in an insert in the tax bill, but the Town Office staff was concerned that anything extra in the tax bill envelope could confuse the recipient. The Planning Commission will consider sending a post card or single folded page telling property owners of the revisions to the bylaws, what work the Planning Commission has remaining to do and listing contacts and resources to learn more about the changes.

Naomi Johnson then presented a draft power point presentation dubbed “Zoning 101”. She said that in considering the feedback from the first two meetings it seemed important to develop a document that would make it clear to everyone why the bylaws were being changed and some of the basic zoning concepts that are part of the new bylaws. The presentation listed the primary reasons for revising the bylaws, gave an overview of the purpose of the five bylaw chapters and discussed important concepts relating to the village districts and the rural districts. She explained that the presentation is still being developed. A citizen asked where information and documents may be obtained. Naomi Johnson said many of the documents are available online and the staff at the town hall would have originals of the documents and would make copies when people requested them.

Agenda Item #4 Review and address comments on draft bylaws

The Commission took up the list of comments from the three public hearings held in June. Naomi Johnson put the list of topics on the screen and gave a few details about each item. She explained that the list will be frequently updated. An email received that day was not on the list. As items are resolved the resolution will be noted on the list.

The first comment concerned the Stone Village. Naomi Johnson asked how many of the citizens present were concerned about the Stone Village. Several citizens raised their hand. Naomi noted that there was a paragraph from Brandy Saxton about the Stone Village, written after the June 22nd workshop, a letter received on June 17th and comments from the June 3rd workshop that address this issue. Naomi read the June 22nd paragraph: “There should be a historic preservation overlay for Stone Village. Stone Village should have its own separate district. V4 is not appropriate for Stone Village because it allows for businesses that could change the character of the village.”

Naomi Johnson asked if anyone present disagreed with the summary as presented. No one did. Naomi Johnson discussed the uses allowed in the V4 district and noted that some of the uses are conditional. She noted that an objection heard at the June 3rd meeting was to a veterinary clinic, which is a use allowed in the V\4 district. She said that the size of the operation would be considered if anyone applied for a permit for this conditional use. If the applicant could meet the performance standards, then potentially a small clinic or other pet service might be allowed.

An extensive discussion about the Stone Village followed. It is summarized here:

- An overlay district is not suitable to manage the Stone Village zoning district’s needs. Michael Normyle confirmed that a separate zoning district is more appropriate.

- Barre Pinske and Tim Roper wanted to know what the boundaries of the district should be.
- Barre Pinske suggested that the mill south of the Williams River bridge over Route 103 and the triangle of land between Depot Street, Flamstead Road and the Green Mountain Turnpike be included in the district.
- Frank Bidwell and other residents of the current Stone Village district said the new district should not be any smaller than the current district. Naomi Johnson asked that this request be recorded in the minutes.
- It was suggested that the National Historic Register boundaries for the district be consulted. There was disagreement about where those boundaries actually are.
- There is no actual connection between the zoning bylaws and National Historic Register Designation and no reason to copy the National Historic Register area boundaries.
- Peter Hudkins said Brandy Saxton and her mapping software should be consulted to plot the district
- The uses allowed in the current district should be consulted when determining the uses for the new district
- Some attention should be paid to the scale of uses allowed, as is done in the proposed V4 zoning district now

Peter Hudkins moved to establish a separate district for the Stone Village. The allowed uses and boundaries will be defined later. Cheryl Joy Lipton seconded the motion. A vote was taken and the motion passed unanimously. Naomi Johnson said when the Commission revisits the issue to determine boundaries and uses it will be noted on the agenda. That way, citizens will know they should come to the meeting. Barre Pinske clarified that the boundary and uses will be considered with Brandy Saxton's help.

Naomi Johnson took up the next comment on the list, which came from a home owner on Wheeler Road. Naomi Johnson located the area on the map near Bailey's Mill Road. Peter Hudkins asked if this was a Class 4 road. Tim Roper said it was a Class 3 road. Naomi Johnson read the comment from Brandy Saxton as follows: "Property on Wheeler Road. Does not want entire parcel in R18 – it's too restrictive on uses. Put at least a portion in R6. Should be treated the same as properties on Randall Road. The height limit and footprint are too low in R18 (less of a concern when understood that this does not apply to farm structures). Duplexes, multi-family and rooming & boarding house should be allowed within existing structures – there are many large buildings that could be reasonably converted. Recommends that the PC consider where there is power as a criterion for determining whether property should be in R6 or R18. Home occupation should allow for more employees if home businesses are not going to be allowed in R18."

Naomi Johnson asked if anyone present was concerned with Wheeler Road or the R18 zoning district. Several people said they were concerned with the R18 zoning district on Clemons Road. A discussion about the R6 and R18 districts brought up these points:

- The R18 district allows fewer uses than the R6 district, most notably the R18 district does not allow home business.
- The lack of opportunity for small businesses at their residence was cited as a problem for the town's future by Roy Spaulding. He said that young people leave Chester to find work too often. Not allowing small businesses to grow on rural lots exacerbates that problem.
- Naomi Johnson cited the case of a 28-year old man who had managed to purchase land on Trebo Road and would like to sub-divide the land and start a business. A change in the zoning will prevent the sub-division and possibly the business. Roy Spaulding said R18 zoning would not be helpful to the young man and the town should be supporting and encouraging his efforts.
- The R18 district requires a larger minimum lot size than the R6 and therefore will allow fewer sub-divisions.
- The 18-acre minimum lot size was proposed by Brandy Saxton, the consultant who wrote the new bylaws.
- The possibility of fewer sub-divisions for their land was raised as an issue for property owners on Trebo Road and Clemons Road.
- The boundaries for the R18 district were set 1,000 feet from the nearest maintained road and do not appear to take into account parcels with full time residences on them.
- Putting more land in the R6 district could theoretically reduce the amount of forest block area conserved, but the change will be likely limited to properties with existing buildings and have a small actual impact.
- Cheryl Joy Lipton said if the Commission is trying to preserve forest blocks, encourage development in town and discourage it outside of town, changing R18 parcels to R6 is going in the wrong direction.
- Peter Hudkins said it was important to give the people who live 1,000 feet from a maintained road the same rights as those who live nearer to the maintained road.
- It would also be important to consider where electricity is available along the roads when laying out the R18 district.
- Barre Pinske moved to research all of the existing properties that have homes on them in the R18 district to reconsider putting them in R6. Naomi Johnson seconded the motion. A vote was taken and the motion passed.
- Barre Pinske said the Planning Commission should be supporting the small businesses that enable people to survive in Vermont.
- Tim Roper said he didn't disagree with that, but at the same time the state mandates that the towns support forest block connectivity.
- Tim Roper said it is hard to balance the three goals of the Planning Commission: preserving quality of life, fostering economic growth and protecting natural resources and

habitat. He said those three things don't always go together and he thinks that at the end of the process there will be some people not entirely happy with the outcome.

- Cheryl Joy Lipton agreed with Tim's statement about the Commission's goals and the difficulty of balancing them.
- Three families on Clemons Road discussed the portion of the road that was Class 4 and not maintained. Richard Alexander, Sr. said the Fire Department would have a hard time getting to his residence. He said he has to maintain sections of Clemons Road himself with the help of his sons. Unfortunately, the zoning bylaws do not govern town road maintenance and cannot address this issue.
- Barre Pinske was concerned about the 6,000 square foot limit on the size of a building. It was determined that the limit was on a building for a wood products, cabinet and furniture manufacturing use imposed in the rural districts. He was relieved to hear that it only applied to commercial enterprises and not residences. He was concerned that Tom Brady would not consider building a home in Chester because of the size limit. Barre said Dennis Allard would also be relieved to know this.

Naomi Johnson took up item 3 on the list of comments, the Wright Farm. The farm is just beyond the Stone Village farm stand. The proposed zoning district is Res 2 near the road and R3 further away from the road. The landowner would like the farm to be entirely in the R3 district. Tim Roper said the farm was 90 acres and the issue is where the transition from village to rural takes place. Peter Hudkins moved to change the R3 district to include the entire Wright Farm property. Barre Pinske seconded the motion. Cheryl Joy Lipton asked where the R6 district was in that area because she had heard from one of the owners that the farm should be entirely in the R6 district. Michael Normyle said R6 began at the second lot on Trebo Road. The Commission studied the map. It was discovered that two members of the family had spoken to different members of the Planning Commission and had stated different goals for the property. It was decided to ask the property owners for a letter, (signed by both of them) indicating which district they would prefer for their farm and the motion was withdrawn.

Naomi Johnson said this list will be taken up again at the next meeting.

Agenda Item 6, Non-residential uses review

Naomi Johnson explained that the Commissioners were tasked with checking that the existing non-residential uses are supported by the new bylaws. A map showing non-residential 911 data was produced. The town had been divided into 5 pieces and each Commission member is looking through the non-residential uses and checking to see that they will be allowed under the new zoning. Any existing uses not covered by the proposed bylaws will be resolved by the Commission. She said the commissioners should be handing in lists to be shared in the next packet which goes out July 9th.

Naomi Johnson said the next meeting will be July 15, 2019 at 7:00 PM, probably also at NewsBank because the construction continues at the town hall. Tim Roper moved to adjourn the meeting. Peter Hudkins seconded the motion. A vote was taken and the meeting was adjourned.