

**TOWN OF CHESTER  
PLANNING COMMISSION**

**July 15, 2019 Draft Minutes**

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

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

**Citizens Present:** None

**Call to Order**

Chair Naomi Johnson called the meeting to order at 7:00 PM at the NewsBank Fletcher Conference Room, 472 Main Street. This room was used because the upstairs at the town hall is being repaired and renovated. Cheryl Joy Lipton said that Monica Przyperhart, who was scheduled to speak at the meeting, had experienced a flat tire and would be a bit late. Naomi Johnson decided to open the meeting, go through agenda items 1 and 2, then begin discussing the issues list in agenda item 3 until Monica arrived.

**Agenda Item 1 Review minutes from July 1, 2019.**

Cheryl Joy Lipton moved to accept the minutes. Barre Pinske seconded the motion. Michael Normyle noted that the last sentence of the next to the last paragraph on page 2 referred to an applicant meeting the performance standards in order to get a conditional use permit. Michael Normyle wanted to be clear that performance standards were not the only standards that had to be met in order to get a conditional use permit. Cathy Hasbrouck said she thought she was quoting the speaker in that sentence. It was decided not to change the minutes because they are a record of what was actually said, not what ought to have been said. A vote was taken and the minutes were accepted as presented.

**Agenda Item 2 Citizen Comments**

No citizens being present, there were none.

**Agenda Item 3 Monica Przyperhart, VT Fish and Wildlife**

Monica Przyperhart had not yet arrived, so this item was tabled until she was present.

**Agenda Item 4 Review and address comments on draft bylaws, starting at item 4.**

The Commission took up the list of comments from the three public hearings held in June. Cathy Hasbrouck said perhaps a status column needs to be added to the list, because the notes in the Resolution column saying what had been done thus far did not mean that an item was fully settled and that could be misleading. The Commissioners began at item 4, Sylvan Road property owner comments. Naomi Johnson referred to the 6/22/19 notes from Brandy Saxton. She read from Brandy's notes which said the property owner was interested in firewood processing and stone processing. Naomi Johnson quoted the last 3 sentences, "These operations would occur

primarily outdoors. That use does not fit well into a proposed use definition. I will provide the PC with a definition of a stone products manufacturing use that would cover the proposed business activity to consider. “.

Naomi Johnson noted that there is no definition in the proposed uses that covers stone processing as described by the citizen. She also noted that Brandy Saxton said she would give the Planning Commission a definition to consider. Michael Normyle pointed out that the existing bylaws have a separate use for processing construction and landscaping aggregate. The definition is, “Activity that may include, but is not limited to: crushing, screening and mixing miscellaneous materials such as stone, gravel, loam, and mulch.” Naomi Johnson read the from the request by the citizen, “limited processing to split or break the raw stone into smaller/regular pieces (no crushing), sorting, and packaging on pallets. “. She did not feel that the current definition, read by Michael Normyle, covered the splitting of stone. Michael Normyle said, as a zoning administrator he felt the difference between crushing and screening mentioned in the current definition and splitting stone was a de minimis difference and as a zoning administrator he would forward an such an application to the DRB and ask them to consider that. Naomi proposed that the existing definition of processing construction and landscape aggregate be given to Brandy Saxton for her consideration, comments and inclusion in the proposed bylaws.

Barre Pinske suggested that the Commission needed to define different levels of use that reflected the fact that many people in Chester engage in several different commercial activities over the course of the seasons, none of them full time. He felt the proposed definitions of the uses seem to assume that each use would be the only activity the applicant was involved in. It was agreed that home occupation and home business cover seasonal or part time commercial activity.

Monica Przyperhart having arrived, the Commission returned to agenda item 3, a presentation from the VT Fish and Wildlife department.

While Monica was setting up her computer and projector, the Commission discussed the format of the use table in the proposed bylaws, which is quite different from the way uses are presented in the current bylaws. Several people found the table format was difficult to adjust to. Each zoning district page did not include a list of permitted and conditional uses. The use table and definitions are in a separate chapter, Chapter 2. Several people noted that citizens were put off by the X’s in the table that indicated a use is not allowed in a district. The X’s gave them a sense of excessive restrictions, because the current bylaws do not list prohibited uses. It was decided to note this problem and consider how it could be resolved. It was acknowledged that there are some advantages to the proposed use table format. Cheryl Joy Lipton suggested that both formats be included in the bylaw document.

### **Agenda Item 3 Monica Przyperhart, VT Fish and Wildlife, resumed**

(Please note that the slides from the power point presentation given by Monica are available on the Planning Commission page of Chester’s website)

Monica Przyperhart said she had reviewed Chester’s bylaws as they are shown online. She introduced some big-picture concepts about wildlife. She briefly went over the mission of the

Fish and Wildlife Department, stressing that it conserves all species of wildlife including plants, fungi and invertebrates as well as the commonly-mentioned species such as deer, moose, bear, trout, etc. There are somewhere between 24,000 and 43,000 different species in Vermont. She said her work focuses on working with communities to conserve and support the wildlife habitat in the undeveloped sections of town. These undeveloped areas are often forested, but they can be wetlands and riverbanks as well. The undeveloped areas are not only wildlife habitat, but also supply scenery, clean air and water and working forests which supply wood for lumber and firewood. She noted that forests produced about 12% of Vermont's gross domestic product (GDP).

Monica Przyperhart discussed the role connectivity plays in keeping the undeveloped lands healthy. She said the area of forest in Vermont has not changed significantly since 1962, but the pattern of the forest has changed. There are many small incursions from single family houses, and this scattering of small incursions into the forest begins to fragment the forest, which is not favorable for wildlife.

Monica asked about the Town Plan and whether Chester has considered Act 171 in it. Act 171 requires municipalities that are updating their Town Plan identify areas that are important as "forest blocks" and "habitat connectors" and plan for development in those areas to minimize forest fragmentation. The Commissioners explained that some updates to the Town Plan were going through the adoption process now. They did not directly address Act 171. Once the Commission finishes their work on the bylaws, the Town Plan will be revisited. Cheryl Joy Lipton said she thought the zoning bylaws can have a direct impact on forest connectivity and the Commissioners should consider forest connectivity as they work on the zoning districts.

Monica Przyperhart said Act 171 asks towns to identify forest or habitat blocks, which Chester has already done, and habitat connectors, which link blocks of forest. Habitat connectors are places where wildlife may be crossing roads, smaller forested area or riparian areas, (the vegetation next to streams and rivers). Peter Hudkins said he felt Chester doesn't have much pressure for development of forest blocks. People who have tried to develop an area of homes in Chester have not been able to sell much of the property. Barre Pinske wondered how scientists know where wildlife actually travel. Do they track them with radio collars?

Monica Przyperhart said that a habitat connectivity block is not simply about giving animals cover while they move around an area. A connectivity block will allow trees and insects to spread in specific directions, which is essential to maintaining species diversity within the forest blocks. She agreed with Barre Pinske that deer do not read the deer crossing signs on roads. Barre said his friends have told him that deer do not live deep under the forest canopy. Therefore, what is the purpose of maintaining large tracts of forest? Monica Przyperhart and Cheryl Joy Lipton agreed that deer live on the edge of canopies. Monica explained that many other species have different habitat needs and the larger the block of forest, or undeveloped land, the greater the number of species that are found there. Large blocks of forest support diversity.

Monica explained that the forest blocks are mapped out by her department by looking at undeveloped land and noting the class 3 and better roads and houses that form boundaries around those parcels. She showed a map of Chester's undeveloped land where the area of contiguous

undeveloped parcels exceeded 20 acres. The blocks of forest were colored according to the number of acres in them. The different blocks were not completely isolated from each other and plants and animals moved between the blocks.

Monica showed a series of maps of Chester that showed priority and highest priority interior forest blocks, priority and highest priority habitat connectivity blocks, and physical landscape diversity blocks. She then compared the proposed zoning map to the map showing the forest blocks, connectivity blocks and physical landscape diversity. There was a good deal of similarity between the two maps. It was noted that an area in the northeast corner of Chester was marked highest priority interior forest block. The block extended into Baltimore. Monica explained that forest block connectivity did not consider political boundaries. The Adirondacks, Berkshires, Green and White Mountains are all connected. The connectivity blocks in Chester shown on the map do more than connect the forest in Chester. Their importance is also based on what exists in areas bordering Chester.

Michael Normyle asked who gathers the data for the state and when the last time was that any of the land was walked. Monica said the data gathered from aerial photos and other remote sources. No one has actually walked the land to gather it. The data was last updated in 2010. Monica said that a part of Chester had a different type of rock and therefore soil in it, which in turn meant different species of plants and animals live in it. That area is given a different designation for that reason.

Barre Pinske said he preferred to use Google to look at the forest because details like houses, buildings and roads were available. Peter Hudkins asked to see a Bio-finder map that Cheryl Joy Lipton prepared several weeks ago. He now appreciated the information available on that map. Monica said there has been quite a bit of effort put into identifying forest blocks. She showed a map that emphasized riparian areas and road crossing points. Cheryl Joy Lipton asked if there was an ideal size for a buffer in a riparian area for a habitat connector. Monica said that in general, the wider the buffer, the better. Wider rivers, especially, need wider buffers. It would be more helpful to put wider buffers around wider streams than striving to put buffers around all smaller streams. She noted that the low, flat areas are also the areas that have the most human development. Barre Pinske asked how buffers can be set aside for wildlife when the most important areas are already developed into corn fields and hay fields. Monica said that wildlife walks through corn fields and hay fields all the time. They are not ideal wildlife habitat, but they are not barriers to wildlife the way interstate highways or housing developments are. Monica pointed to the wildlife maps and said there is so much wildlife here because this area is managed forest and the forest is doing well. If there is a way to support the owners of the working forests so they don't need to sub-divide, that will preserve the working forest in the future. Farmland and recreation areas are very compatible with working forest.

The last map Monica showed was wildlife road crossings. Barre Pinske said there were tunnels in Minnesota for salamanders to cross roads. Monica said there were a couple of tunnels like that in Vermont as well. The tunnels in Vermont had reduced collisions because the road was not slippery from crushed animals. Monica said it looked like connections between the forest blocks was an area that could use some more work by the Commission. She handed out a book,

Mapping Vermont's Natural Heritage that gave information and advice for managing forest blocks. She pointed out specific portions that would be helpful and suggested Chester check some of the proposed bylaw's definitions against definitions offered in the book and suggested ways to modify them to suit Chester's needs.

Barre Pinske said he felt it was impossible to control where animals cross roads and he doubted that any action the Commission could take would affect their behavior. Monica said it would be helpful to look for places along Route 103 that are worth protecting, such as an area surrounded by development where animals are forced to go, and find a way to protect that area specifically. Barre Pinske thought that was a good idea. Monica said some towns used an overlay district to specify careful review to prevent as much disruption of a crossing as possible. Naomi Johnson asked if Monica thought Chester should have an overlay district. Monica pointed out areas of forest blocks that needed some connectivity support. She said an overlay specifying careful review or some attention when the property is in the R6 zone could work. She suggested that connectivity be described in the significant wildlife habitat definition to help the DRB understand what careful review of a project that involved a wildlife crossing would look like.

Cheryl Joy Lipton said that not all the map has been reviewed yet. The map originally was based on the network of roads. Cheryl Joy Lipton asked what zoning density would be best for wildlife. Monica said that keeping new development at the edges of the forest blocks is important, and when connectivity of the blocks is maintained. That meant allowing development along roads and protecting wildlife road crossings. Density along roads was not a problem to wildlife.

Naomi Johnson asked Monica Przyperhart if she had any other important points. Monica said that in Vermont development happens one house at a time. Raising the level of review for a single-family house in the rural districts could prevent fragmentation. This could be done by requiring a site plan review. Changing the zoning district is not always necessary to protect wildlife or create a forest connectivity block. Naomi Johnson thanked Monica for her time and said the Commission may ask her for more help in the future. In answer to Michael Normyle's question, Monica said her services were paid for by the state and would cost Chester nothing.

#### **Resume Agenda Item 4 Review and address comments on draft bylaws, starting at item 5.**

Item 5 on the list is Eddy Road property owner's comments. Naomi Johnson read the notes from 6/22/19 taken by Brandy Saxton: "Wants veterinary and animal services allowed as a conditional use in R18. Is OK with the lower density of the R18 district – would not mind if all his properties were in the R18 zone if there was more opportunity for businesses. Definition of on-farm business should be expanded to include farm services (contractual services, repair of farm machinery, etc.)" Peter Hudkins asked whether Eddy Road is a class 3 or 4 road. The Commissioners found it was a class 3 road. Michael Normyle said the property in question is currently in the R120 district. The Commissioners saw that on the proposed zoning map the property is split between the R6 and R18 districts. Naomi Johnson noted that item 9 on the list is from the same citizen. Item 9 asks for more businesses to be allowed in the R18 district. Peter Hudkins said that the town needed a strong conservation district and breaking down the limitations in the R18 by adding uses will create unforeseen problems. He felt it would be better to put all of the land in question in the R6

district. Naomi Johnson asked why some of the suggested uses could not be conditional uses in the R18 so the project could be reviewed and approved if appropriate.

Peter Hudkins checked to see if the Eddy Road property is in current use. He found that it was not. Naomi Johnson read the definition of the on-farm business use, "An establishment that engages in agri-tourism, agri-education, direct marketing of locally-produced farm or forest products, or that adds value to locally-produced farm or forest products." She said the citizen's request was to expand this list of uses to include farm services. Michael Normyle said that the legislature is looking to be more liberal in defining on-farm business. Peter Hudkins thought allowing equipment repair on a farm could lead to selling farm equipment and other uses that could get out of hand.

Peter Hudkins took out the map that Naomi Johnson had created showing residences listed in the 911 database that were in the proposed R18 district. Peter Hudkins contended that many of the residences shown in the Smokeshire part of the R18 district were hunting camps with outhouses. Checking the map, the residence of the citizen on Eddy Road was seen to be in the R18 district. Barre Pinske said he preferred to put this property in the R6 district. Peter Hudkins agreed with that strategy. He felt that the 74 or so properties listed as residences in the R18 district need to be looked at on a case by case basis to sort out the camps from actual full-time residences. Naomi Johnson noted that some of the dots are fairly far out the road. Peter Hudkins said the Commission would have to do a road trip and check out the parcels. Cathy Hasbrouck said a lot could be learned from the lister card, such as does the taxpayer have a local address. Naomi Johnson said she discovered that the 911 database had a great deal of information about the parcels including the owner's name. This could be a helpful research resource for the Planning Commission.

Naomi Johnson recapped the discussion thus far saying the proposed solution was to put the parcel in question into the R6 district. Cheryl Joy Lipton asked if the entire parcel had to be in the R6 district. Barre Pinske suggested that the Commissioners bring iPads to the meetings and look up the areas in question on Google maps. No one endorsed his idea and he left the meeting. Naomi Johnson said that at the next meeting, the discussion will return to the maps and she will bring her computer and mapping software in to facilitate that discussion.

Peter Hudkins moved to change the boundary of R6 on Eddy Road to include the entire Semones property. Naomi Johnson seconded the motion. Cheryl Joy Lipton asked whether the entire property needed to be included or could some part of the property remain in the R18 district. Peter Hudkins said the property included a gravel extraction process and part of the property was under a big power line. It was agreed to limit the R6 to the edge of the cleared areas around the house and to use the maps to determine that before the line is drawn.

Cheryl Joy Lipton suggested that the Commission continue to examine the rest of the boundaries between the R6 and R18 districts using the map Naomi Johnson prepared showing residences from the 911 database in the proposed R18 district. Naomi Johnson proposed to continue working on the list of citizen comments so that the Commission could have a clear idea of what information will be needed to resolve every issue, before it considers the rest of the R6 - R18 boundary.

Peter Hudkins amended his motion to say that the R6 – R18 boundary will be changed when the Commission can look at the area using mapping software. A vote was taken and the motion passed unanimously.

Item 6 on the list involves portable sawmill operation. Naomi Johnson read the notes pertaining to the request on Brandy Saxton's 6/22/19 document: Operator of a portable sawmill business that makes and sells dimensional lumber. Operates mostly from a single site, sometimes takes the sawmill off-site (that usually would be exempt from zoning because processing of timber on a property from which it is harvested meets the definition of forestry). Revise definition of wood products manufacturing so it does not have to be enclosed and allow for retail sales as a secondary use.

The discussion ranged over many issues, the following is a summary, not always in the order the points were made.

Peter Hudkins asked where this property was. Michael Normyle and Naomi Johnson said it was on Route 103 south of the center. Cheryl Joy Lipton pointed out that this is one of the main entrances to Chester. Michael Normyle said the proposed use would be a traditional Vermont activity using local products and giving new life to a vacant, existing barn.

The proposed definition of Wood Products is: An establishment that manufactures products primarily from wood, including but not limited to, lumber, plywood, veneers, wood containers, wood flooring, wood trusses, prefabricated wood buildings, cabinets and furniture. Manufacturing may include sawing, cutting, planing, shaping, bending, laminating, molding, or assembling. Included are establishments that make primarily wood products from logs and bolts that are sawed and shaped, and establishments that purchase sawed lumber and make primarily wood products. (enclosed, up to 6,000 sf | enclosed, >6,000 sf)

The proposed definition of Forestry is: An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats.

The proposed definition of Firewood Processing is: An establishment that produces firewood for wholesale or retail sale from logs that are primarily harvested off-site and delivered to the premises. This definition specifically excludes wood products manufacturing and forestry.

The Commission felt that the definition of Wood Products could be read to include running a sawmill. They would prefer a definition that was more explicit about sawmills. The definition also seemed to require that the machines be enclosed in a building. Portable sawmills are not typically run in a building. The Forestry definition does not mention retail sale and does not explicitly mention cutting dimensional lumber. Naomi Johnson noted a difference between the Wood Products definition, which uses the word manufacturing, and the Firewood Processing definition which uses the word processing.

The list of points the definition should cover include:

- The difference between processing a log and manufacturing a wood product

- Whether the logs were harvested on-site or are being trucked in
- Whether the machinery must be housed inside a building or not
- Whether the product is being sold commercially or is only for the landowner's use

The Commission noted that issues such as truck traffic and noise would be evaluated by the DRB if a conditional use hearing was required, or would be addressed as part of the site plan review done by the Zoning Administrator.

The Commission agreed to ask Brandy Saxton for her specific ideas on this issue. The Commissioners also expected that they may need to do some additional work once new definitions are proposed.

Naomi Johnson said the next meeting of the Planning Commission will be August 5<sup>th</sup>. Cheryl Joy Lipton moved to adjourn the meeting. Peter Hudkins seconded the motion. The meeting was adjourned.