

TOWN OF CHESTER
PLANNING COMMISSION
September 16, 2019 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: Gerald Gleason, Ryan Bogard, Courtney Bogard, Gabe Ladd, Joan Grossman.

Call to Order

Chair Naomi Johnson called the meeting to order at 7:00 PM upstairs at the Town Hall.

Agenda Item 1, Review the minutes from the August 10, 2019 meeting

Peter Hudkins moved to review the August 19, 2019 minutes as written. Cheryl Joy Lipton seconded the motion. There was no discussion. A vote was taken and the minutes were accepted as written.

Agenda Item 2, Citizen Comments

No citizens had any comments that did not pertain to bylaws.

Agenda Item 3 Review summary of draft changes to Unified Development By-Laws, beginning with the district boundaries in R6 & R18

Citizens Ryan and Courtney Bogard were attending the meeting. They had attended the August 16, 2019 meeting and wanted to speak about their property on Church Street. At that meeting they were asked to put their concerns in writing so they could be distributed with the information packet going out for the next meeting. Their document arrived too late to be included in the September 16, 2019 packet, and the Commissioners did not have time to study it. A copy was distributed at the meeting. Naomi Johnson asked the Bogards to give a short summary of their concern.

Ryan Bogard explained that he and Courtney had purchased 10.1 acres on Church Street in 2018, with the intention of starting a cidery. The parcel spans the Williams River on the south side of Church Street. The parcel is currently split between the R40 and Stone Village zoning districts. The first iteration of the proposed zoning districts had the property in the Rural 3-acre minimum district, which allows Food and Beverage manufacture as a conditional use. The parcel is well suited to that use, as it has a 5500 square foot barn with a cement floor. The proposed district allows up to 6,000 square feet of enclosed space for food and beverage manufacturing. The Bogards said the intended use will not fit the definition of home occupation or home business, even though they will be living on the property. The Planning Commission has revised the original proposed zoning districts and put the property in the Residential 2 units per acre district, which will not allow food and beverage manufacturing. Given the size of the property and the presence of Rural 3-acre minimum zoning close to this parcel, the Bogards would like to have the proposed R3 designation restored. The federal license for a business that manufactures

alcoholic beverages requires that the local zoning clearly allow beverage manufacturing on the property.

Naomi Johnson said the Commission was some distance from finalizing the districts. The Commission would be concentrating on the R6 and R18 districts that evening. She said the Commission would study their information and would try to note on the Agenda when the R3 and/or the Stone Village boundary would be discussed in the future. She noted that the Commission would not be meeting on September 30, 2019, as that time has been given to the Development Review Board. She was not certain whether the Commission would be meeting the first Monday of October, either. The Commission would discuss that at the end of the meeting.

Barre Pinske asked if the Commission would not be discussing the request further at the present meeting. Naomi Johnson said it would not discuss the request at the meeting. She wanted the Commission to have time to study the letter received that day.

Naomi Johnson then turned to Gerry Gleason, who had sent an e-mail just before the August 19, 2019 meeting. A copy of the e-mail was distributed at that meeting. His property at 135 Flamstead Road is 1.5 acres. The proposed zoning district is Residential 2 units per acre. He would like to see his parcel and the parcels around him put in the Rural 3-acre minimum zone. He wanted to preserve the rural character of Flamstead Road.

Naomi Johnson requested that the next meeting packet include hard copies of the Bogard letter and Gerry Gleason's e-mail. Gerry Gleason read his e-mail aloud. Naomi Johnson said property at 135 Flamstead Road will be added to the list of specific properties to be considered. Gerry Gleason asked how he would know his property will be discussed at a meeting. Naomi Johnson said the agendas will be specific as to the districts to be discussed. She noted that the agenda for the night's meeting lists the R6 and R18 districts as topics for discussion. Gerry Gleason asked if the Commission would be making decisions at that meeting on those districts. Naomi Johnson said she hoped some decisions will be made for those districts, but perhaps not all the boundaries would be settled that evening. She said the Planning Commission will be addressing every item on the list. Once all the property owner input items have been resolved, the entire package of bylaws and districts will be presented for public comment. The public comment will be worked through and the package of zoning districts and bylaws will then be presented to the Selectboard for their review.

The Commission then addressed the R6 and R18 zoning boundaries, beginning in the northwest corner of Chester. Gabe Ladd had assembled a number of mapping datasets in a free mapping software package so the Commission could better understand the impact of their decisions. The mapping data included:

- the boundaries of all the parcels in Chester
- each parcel owner's name and address
- the total acreage of the parcel
- the proposed zoning district boundaries
- the parcels enrolled in current use
- any area with a slope over 25 degrees
- any area in a flood zone
- the satellite image of the ground

- 911 data showing residential phone service
- roads
- bodies of water.

Using this data, the Commission analyzed the area around Smokeshire Road. Gabe Ladd brought up a map of the area on his computer and displayed different layers of data as the Commissioners requested them for their analysis. The land closest to Smokeshire Road was in the proposed R6 zoning district. Land further away from Smokeshire Road was in the R18 district. The Commission noted that most of the parcels were enrolled in current use. This means that a substantial tax must be repaid to the state before the parcel may be taken out of current use and developed. Current use is a clear indication that the owner does not expect to develop the land. The Commission concluded that the entire area around Smokeshire Road could be designated R18 because there was so little interest in development and very little land that was suitable for development. The Commission members considered the following points when making this decision:

- Whether the property is in current use
- The current zoning district, which was either R120, or Conservation Residential. The minimum lot size in the R120 district is 3 acres. The minimum lot size in the Conservation Residential district is 5 acres.
- How steep the land on the parcel is
- Whether there is a residence on the parcel
- Whether the residence is someone's primary residence or a second home
- The size of the parcel
- Wildlife activity
- The way the land is currently used. Peter Hudkins said there was a multitude of home occupations in the area

As a resident of the area, Peter Hudkins was very helpful in this analysis. He pointed out areas he termed "animal interstates" that were particularly essential to wildlife migration. He also gave a great deal of the history of individual properties and the activities of the current landowners.

Cheryl Joy Lipton asked for details of the current use program, which is so prevalent in this area. Naomi Johnson and Peter Hudkins explained the penalties for withdrawing land from current use, the maintenance requirements for keeping land in current use and the limited sub-division rights. Naomi Johnson pointed out that properties had to be over 25 acres to be placed in current use which explains why the smaller lots closer to the village center are not in current use. Peter Hudkins said that agricultural land had no acreage requirement for current use, but the owner had to show annual earnings of \$2,000 per year from agriculture in order to keep the land in current use.

With general agreement that R18 was appropriate for the area around Smokeshire Road, the Commission discussed the boundaries for this R18 area. It was clear that the area was bounded by the town line on the north and west sides. The Commission decided to use Vermont Route 103 North as an eastern boundary for its discussion. Following the western edge of the Route 103 right of way, one 20.87-acre parcel on Whitmore Brook Road (parcel number 21-20-21.1) was

discussed in some detail. Peter Hudkins believed that it had been sub-divided years ago, when he was a member of the Zoning Board of Adjustment, but the data did not show a sub-division. Cheryl Joy Lipton suggested that if the sub-division had already taken place, putting the parcel in the R18 district would have minimal impact on the development potential of the parcel. Michael Normyle agreed with Cheryl Joy Lipton that the sub-division, if it existed, would be grandfathered and putting the parcel in the R18 would not have much impact. Naomi Johnson said she would like the parcel to be researched to see if the zoning or lister files could clear up the confusion.

Information referenced in discussing the zoning for the parcels near Route 103 were:

- Wetland data
- Slope data
- The size of the parcels
- Whether abutting parcels are owned by the same entity and therefore are seen as one parcel on the map
- Whether the parcel is in current use
- The current zoning districts
- The owner of individual parcels and their mailing address
- Home occupation and home business being allowed uses in both the R6 and R18 districts, given the change to the proposed bylaws made at the previous Commission meeting.

As the Commission looked at parcels south of Smokeshire Road and west of 103, most seemed to fit well in the R18 district. Peter Hudkins said he favored promoting more development in Gassetts, at the junction of Routes 103 and 10. The railroad currently passes through the area and he felt that the railroad and the area along the track will become more important as the energy economy shifts away from carbon-based fuel. He favored designating the land between the west side of Route 103 and the Williams River near the intersection with Route 10 as a village-4 units per acre district, matching the land on the east side of Route 103. The boundary for the R18 district would be the Williams River. Currently, the proposed boundary sometimes follows the river and sometimes follows the railroad track. The proposed change would shift a 189-foot wide strip of land belonging to the railroad, across Route 103 and north of the Gassetts Grange to a V4 designation. Three members voted in favor of changing the R18 boundary to follow the Williams River. Cheryl Joy Lipton voted against the change, because she felt that the strip of land between the railroad and the river could serve as a buffer for the river.

The Commission looked further south along the west side of Route 103. Naomi Johnson said the Commission had considered the area once before and changed the land abutting Route 103 from R3 to R6. Very little of the area is in current use. Route 103 follows the river closely in the area, with the railroad well to the west of the river. The parcels north of Thompson Road which abut Route 103 on their eastern side are bounded by the railroad track on the west. Michael Normyle said the entire area, from the town's solar field north along Route 103, was currently zoned R120. Cheryl Joy Lipton and Michael Normyle both reminded the Commission that earlier discussions had focused on the scenic rural character of the area and the need to preserve that. Gabe Ladd and Naomi Johnson collaborated to bring floodway data to the map. Naomi Johnson said the chief use of the area appeared to be agricultural, with three parcels belonging to Lisa Kaiman and Jersey Girls farm.

Barre Pinske asked how long the zoning designations will last before they are reviewed again. He suggested that it will be 20 – 30 years before the current owners of the land move on. He thought it reasonable to assume that re-zoning would occur within that period and would address future needs that the current Commission cannot anticipate. He was concerned that there were very few opportunities for affordable housing in Chester and reviewed the potential for multiple housing units on a large parcel in the R18 district. Naomi Johnson said an R18 parcel still requires 18 acres per unit of housing, but the units could be clustered in a corner of the parcel, leaving a larger portion of the parcel undeveloped.

Barre Pinske asked which parcels were larger than 18 acres. Peter Hudkins said there were larger tracts on the eastern side of Route 103. On that side of Route 103 the land sloped up sharply from the road, but flattened out at the top of the ridge. The Commission agreed that the land was not really suitable for housing development.

Gabe Ladd was then able to present floodway data for the area. Naomi Johnson asked if anyone wanted to extend the R18 district closer to Route 103 given this additional information. Cheryl Joy Lipton said she would like to see the farms put into the R18 as this would not have much impact on the use of the parcels.

Naomi Johnson asked whether the difference in uses between R6 and R18 should be reviewed. Cheryl Joy Lipton said she wanted to consider veterinary medicine for the R18. Michael Normyle said two- and multi-family dwellings are not allowed in the R18 district. Barre Pinske said he felt the level of concern for the environment was a good thing, but he was also concerned with the lack of affordable housing and the number of people leaving the state.

Naomi Johnson asked Barre Pinske if he was in favor of leaving the boundary between R6 and R18 where it is, following the railroad. Peter Hudkins said he thought the southern limit of the R18 should be near the area formerly known as Masseyville, near Bailey's Mill Road. He noted that there were a number of parcels in current use above that line. Barre Pinske felt any house there now could be converted to multi-unit condominiums and provide more affordable housing.

Cheryl Joy Lipton said the residential density could be increased south of that line and is increased in the Gassetts area. She also said that an increase in residential density in the floodplain will result in more people being homeless after a flood. Barre Pinske said he wanted to be clear that he is not advocating building new housing, but repurposing existing structures.

Naomi Johnson said she liked the proposed southern border for the R18 district. She was not in favor of moving the R18 eastern boundary to Route 103 because she counted 5 parcels with single-family homes in that area which were not in the floodplain and could be developed further. She wanted to allow those property owners more options for their land. She thought the Commission was split evenly on the issue, with Peter Hudkins and Cheryl Joy Lipton favoring putting the area in the R18 district and Naomi Johnson and Barre Pinske wanting to keep it in the R6 district. Naomi Johnson said the Commission will take this up at the next meeting when Tim Roper will make the fifth vote.

The Commission then examined the R6 area to the northwest around Wyman Falls Road. Michael Normyle said the area is currently in the Conservation-Residential district, a 5-acre minimum lot size. Most of the land in question is in current use. Barre Pinske said some of the land proposed to be zoned R6 is too steep to build on, making it effectively R18. He said that between the floodway and the steep slopes, there were only 1 or 2 house sites available in this portion of R6 zoning. Both Peter Hudkins and Barre Pinske felt the area should be kept as R6, knowing that not much of the land could be developed. Cheryl Joy Lipton said the parcels that were too steep to develop or already in current use in the area should be put in the R18 zone. Peter Hudkins said those parcels were not contiguous and it would be spot zoning. Cheryl Joy Lipton said she was not only concerned about preserving the natural environment, she was also concerned about finding places for people to live. Peter Hudkins said the land was not very good for homes. There are a large number of abandoned house foundations in the area. Naomi Johnson summarized the discussion, saying she did not hear a strong argument for changing the R6 boundary.

Naomi Johnson said she felt the northwest quadrant of town had been covered at this meeting. The next meeting would take up the boundary between R6 and R18 in the southern part of Cheater west of Route 103. She pointed out that this is the first meeting where the mapping support for this work was available. Gabe Ladd said he would not be available to attend the next meeting. He would be doing relief work in the Bahamas and then his own work in Florida until Thanksgiving. He planned to finish assembling the layers of data and will be available by e-mail or phone for consultation while he is away.

Cathy Hasbrouck said it wasn't clear who should be handling changes to the zoning map, Gabe, Naomi and Cathy or Brandy Saxton. Naomi Johnson said that as far as she knew Brandy Saxton had not been retained for any further work. Naomi thought that the changes the Commission decides on should be documented and passed on to Brandy. Gabe Ladd suggested that he could make changes to the zoning map after each meeting and save each iteration of the map.

Naomi Johnson said the first item on the 9/9/19 summary memo, the R6 boundary was partly addressed at this meeting. She said she could put the QGIS software on her laptop and load the data developed by Gabe Ladd for use at subsequent meetings. She re-iterated that the next meeting would address the R6 boundaries in the area south of Masseyville and west of Route 103.

It was determined that the next meeting will be Monday October 7, 2019 at 7:00 PM. Peter Hudkins moved to adjourn the meeting. Cheryl Joy Lipton seconded the motion. A vote was taken and the meeting was adjourned.