

TOWN OF CHESTER
PLANNING COMMISSION
October 21, 2019 Minutes

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

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

Citizens Present: Ryan Bogard, Courtney Bogard, Jeffrey Ladd, Shawn Cunningham, Frank Bidwell.

Call to Order

Chair Naomi Johnson called the meeting to order at 6:00 PM upstairs at the Town Hall. She introduced the software tool which the Planning Commission would be using in its deliberation. It was free mapping software called QGIS. Gabe Ladd had loaded the software with a great deal of information about Chester: roads, parcel boundaries, proposed zoning districts, current use parcels, steep slopes, wetlands, soils not suitable for septic systems, flood zones, municipal water and sewer service, locations of residences and more. Naomi Johnson, who uses a commercial mapping software in her work, was able to work with the QGIS software and answered to many questions posed by the Commissioners during the discussion. Peter Hudkins asked if it was possible to get a map of the municipal water and sewer service. Naomi Johnson said the water service is well mapped and available in the package Gabe Ladd had developed, but she was not certain about sewer service.

Agenda Item 1, Review the minutes from the September 16, 2019 meeting

The September 16, 2019 minutes had not been sent out in the packet, so the Commission decided to delay review of the minutes until they had received copies in the next meeting's packet.

Agenda Item 2, Citizen Comments

No citizens had any comments that did not pertain to bylaws. Naomi Johnson said it was likely that the Commission would consider the area Ryan and Courtney Bogard were concerned with during the meeting. They agreed to stay and discuss their concerns when the area with their property was addressed.

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

Naomi Johnson directed the Commissioners' attention to the memo written on September 9th, and updated on October 1st which lists the topics the Commission needs to address. She reviewed the areas listed and the changes to the zoning districts suggested at the previous meeting on September 16th. She said the changes are proposed and not yet official. When this round of review is complete, the changes will be presented as a whole package to the citizens for feedback.

At the last meeting the Commission was considering the R6 – R18 boundary, which was generally set by Brandy Saxton as the 1000 feet surrounding Class III or better roads in the areas away from the village center. They noticed that there were many places at the end of a Class III road where the 1000-foot buffer was not continued and the land was designated as R18. More

than one citizen had asked why their land toward the end of a road was not given the same development rights as their neighbors who were classified as R6.

The Commission decided to ask Gabe Ladd to create a version of the proposed zoning map that designated a 1000-foot buffer along the entire length of every stretch of road outside the village center that was Class III or better. The Commission felt it was important to be fair and apply the R6 designation to all qualifying roads. The Commission noted that an arbitrary and universally applied buffer was the beginning of an effort to lay out zoning districts and the layout would be refined. In some cases, the zoning district boundary would be adjusted to match a parcel boundary. It checked to see that the R6 zone did not overlap with areas that had municipal water service.

In order to facilitate discussion, Gabe Ladd had divided the town map into four sectors. The Commissioners had received paper copies of the four sector maps and an enlargement of the Village Center which gave them time to study the areas before the meeting. The discussion of the R6 – R18 boundary at the meeting continued the counterclockwise circuit begun at the last meeting in the northwest quadrant. The discussion on September 5th had left off about 2/3 of the way south in the northwest quadrant.

The following is a summary of the major points raised during this meeting, which covered the rest of the northwest quadrant, the southwest quadrant, and the rural areas in the southeast quadrant west of Route 103.

Jeffrey Ladd had sent a letter to the Planning Commission disputing their assumption that when a property owner put their land into Current Use, they did not plan on developing it in the future because the financial penalties would be too great. He said in his letter and at the meeting that a small portion of a large parcel could be taken out of Current Use. The property owner would then begin paying taxes at the normal rate. When the property is developed, a 10% tax on the market value of the developed parcel must be paid to the state. He said this penalty was small enough to make development feasible.

He also noted that the conditions of Current Use had changed at least twice during the time he has had property in the program. In each case, the state had offered to allow property owners to remove their land from Current Use with no financial penalty if they did not want to continue under the new conditions. Tim Roper suggested that the Commission find a summary of the Current Use program and conditions. Several people said the program was clearly explained on the Vermont Tax Department website.

Barre Pinske was concerned that the Planning Commission had made assumptions based on the idea that property owners with parcels in current use did not plan on developing their land. He wondered if the decisions made based on that assumption needed to be reviewed. Naomi Johnson said Jeff Ladd's input was new information for the Commission and helpful for their decision-making process. She said the information would be considered in future reviews.

Barre Pinske also was concerned about parcels being divided between two zoning districts. He wondered whether splitting a parcel between two zoning districts was a problem for landowners. Tim Roper said that by designating the area next to the road as R6, the most practical development opportunities were made available to the property owner. Land further from the road was designated as R18 to increase the amount of undeveloped land that will be available to support wildlife diversity and protect Vermont's most valuable natural resources.

Specific areas of Chester considered by the Commission at the meeting are listed below.

- Jeff Ladd's property on Wheeler Road was assigned to the R18 district in the original proposed zoning. The R6 1000-foot buffer had not been applied to the full length of Wheeler Road. Jeff Ladd said he could accept having the steep upland portion of his land in the R18 district but he would like the flatter area assigned to the R6 district. The Commission still needs to decide where to put the R6 – R18 boundary on the parcel. The Commission decided to wait to see what the 1000-foot R6 buffer looked like.
- The Semones property which borders Eddy Road and Andover Road was a large parcel split between R6 and R18. Larry Semones had asked to have the open parts of his land designated R6 instead of R18. Peter Hudkins pointed out that the boundary along Andover Road had a 1,000-foot R6 buffer along it but Eddy Road did not. The Commission decided to include Eddy Road in the 1,000-foot R6 buffer area.
- The Commission decided not to discuss the area of R3 along Route 11, as this meeting was focused on the boundary between R6 and R18.
- Blue Hill Road (TH 57 on the map) had a 1,000-foot R6 buffer for the entire length. The Commission decided to put a 1,000-foot R6 buffer only along the passable parts of Blue Hill Road.
- A parcel at 2131 Popple Dungeon Road belonging to Patricia and Peter Carson was marked R18 and should be R6.
- A parcel at 666 Old Stage Road belonging to Richard and Nancy Lockerby was mostly in the R6 district, but the southwest portion of it (it resembled the toe of a boot) was in the R18 district. The Commission decided the entire parcel should be in the R6 district.
- The land to the north and west of that parcel at 664 Old Stage Road, belonging to Jerome Brody, had a large part of the land in the R6 district. The Commission decided that the R6 boundary should be closer to Old Stage Road at that point. There were steep slopes in the portion of the property currently designated R6. The new R6 boundary was changed to run from the tip of the parcel at 2131 Popple Dungeon Road belonging to Patricia and Peter Carson to the closest angle on the Lockerby property at 666 Old Stage Road. The angle appears to be the knee above the boot mentioned above.
- At the end of High Street, the Commission asked Gabe Ladd to be sure that the entire length of Class III or better road was surrounded by a 1,000-foot R6 buffer.
- Where Popple Dungeon Road meets Grafton Road there is a parcel of 187.6 acres on Popple Dungeon Road, 14-01-13 belonging to Nina Huffer. It is currently entirely zoned R3. The Commission decided there should be a 1,000-foot buffer of R3 along that section of Popple Dungeon Road. The remainder of the Huffer property not included in that buffer should be R6. The boundary of the Stewart parcel along Grafton Road, 14-01-15 would mark the edge of the R3 area at the junction of Grafton and Popple Dungeon Roads.
- The property at 604 Church Street belonging to Ryan and Courtney Bogard had initially been proposed for the R3 district. It then was designated for the Res2 district. The Bogards explained that they had bought the property with plans to have a commercial apple cider business and eventually plant an orchard. This activity would not be permitted in the Res2 district. The Commission decided that the R3 district to the north and northwest of the property could be extended to include their lot and three others. The

land is on the side of one of the steep hills that separates Chester from the Stone Village and is only marginally suitable for half-acre house lots.

It was determined that the next Planning Commission meeting will be Monday November 4, 2019 at 6:30 PM, in the Town Clerk's office. The Commission will continue working on the R6 – R18 boundary in the southeast quadrant of town, west of Route 103 and move on to the R3 zoning district areas from there. Tim Roper moved to adjourn the meeting. Peter Hudkins seconded the motion. A vote was taken and the meeting was adjourned.