

TOWN OF CHESTER
PLANNING COMMISSION
December 16, 2019 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: Gabe Ladd, Ian Montgomery, Nora Watters, Lewis Watters, Joan Grossman, Ed Grossman, Mark Ouellette, Ann Curran, Ruth Stanton, Frank Esposito, Kathy and Chuck Giurtino, Josh Schroeder.

Call to Order

Chair Naomi Johnson called the meeting to order at 6:30 PM in a conference room at the NewsBank Conference Center. The upstairs at the Town Hall was closed while the floors were being replaced.

Agenda Item 1 Review minutes from December 2, 2019

Tim Roper moved to accept the minutes from the November 18, 2019 meeting. Peter Hudkins seconded the motion. Cheryl Joy Lipton brought up a sentence at the bottom of page 2 discussing access to the larger parcels of land behind parcels that abut North Street in the Stone Village. The sentence read, "In some cases, access to the large tracts behind those lining the road would require demolition of a building." Cheryl Joy Lipton felt that statement implied too strongly that a building would be demolished, which was not the case. Tim Roper suggested that the word "would" in the sentence be changed to "may". The Commission agreed. Cheryl Joy Lipton asked that a sentence on page 10, "She wondered if that particular use should be split between noisy and quieter uses" should have the words "wondered if" changed to "suggested". The Commission agreed. Naomi Johnson asked that the last sentence in the next paragraph be clarified to indicate which of the ideas mentioned in the paragraph the Planning Commission approved. The words "of soliciting input from the area residents" were added. A vote was taken and the minutes were accepted as amended.

Cheryl Joy Lipton asked that the count on each vote be recorded in the minutes. Cathy Hasbrouck agreed to do so if someone would speak the count out loud when a vote is taken. She knew she could not determine a vote count from the audio recording.

Agenda Item 2, Citizen Comments

Naomi Johnson reviewed the agenda for the meeting. She asked the citizens present if they were there to discuss the Stone Village. They said they were. She noted that the Stone Village was not on the evening's agenda but she agreed to take the citizen's comments at the meeting. She said the minutes from the last meeting showed a discussion of uses for the Stone Village. The list of uses developed at the meeting differs from the uses for the proposed Village 4 zoning district, and from the list of uses for the current Stone Village district. She said a new boundary for the district was also proposed at the meeting.

Ed Grossman said he was sorry that he and other residents of the Stone Village were unable to attend the December 2, 2019 meeting. He said he didn't receive timely notice of the meeting and could not attend. Michael Normyle had sent him a copy of the minutes from the December 2,

2019 meeting. He said he was overwhelmed by the number of proposed changes to the district he read in the minutes. He said a radical increase in housing density was proposed. He noted that in the 2014 bylaws, the purpose of the Stone Village district stated “To preserve the unique historic character of the Stone Village while providing higher density residential neighborhoods. . .”, but the minimum lot size was increased in the 2014 bylaws from 20,000 square feet to 30,000 square feet. The proposed district discussed on December 2, 2019 had a minimum lot size of 10,000 square feet. The road frontage requirement was reduced by half and the front, rear and side setbacks were similarly reduced. He was concerned that the reason the density was raised to 4 housing units per acre was to qualify for a neighborhood development area designation from the state and gain tax advantages. At that density, he projected that the two large parcels of land in the Stone Village (at 228 and 146 North Street) could allow a combined total of 80 houses, which would change the nature of the Stone Village. He would like to have a chance for Stone Village homeowners to hear what the Planning Commission was thinking about and how that would work at a future meeting.

Naomi Johnson said the Planning Commission had not undertaken to provide personal notification of planned Stone Village discussions, but it could distribute the Planning Commission agenda via e-mail to anyone who signed up for it, so they would know when the Stone Village was being discussed.

Naomi Johnson noted that the density and setback distances of the V4 zoning district which has been proposed for the Stone Village area are the same as they were in July when this area was first discussed. She asked if there were other comments. Kathy Giurtino said she did not want to see the existing homes in the Stone Village converted into multi-family apartments. An unidentified speaker said he was afraid the Stone Village was going to be turned into a low-income housing district and he did not want that. Ann Curran said the Stone Village was an historic area and should not have other buildings built behind and between the existing buildings. The Stone Village is a tourist destination and should be maintained as it is. Josh Schroeder said he had just looked at a house in the Stone Village that was for sale with a view to possibly purchase it for himself and his children. He said that as a younger person with a family he found the Stone Village ideal for his needs. He asked whether the 14-acre parcel that abuts the house he looked at was going to be sub-divided into small lots for housing. Naomi Johnson said no development was being proposed, only the bylaws that would set the standards for a sub-division were being examined. Ian Montgomery said he would be purchasing a house in the Stone Village on the 30th of December. He intended to restore the building to its original single-family status and repair the damage done to the historic building by the conversion of the building into 2 dwelling units. He did not feel it was appropriate to add low-income housing to the area.

Naomi Johnson said the area was somewhat comparable to the Village Green area in Chester, where the buildings are so close together the boundary lines in some places are the drip lines from the roofs. Cathy Hasbrouck said there were 14 lots on the green, only one of which met the current dimensional standards for the Village Center district. The footprints of buildings on the non-conforming lots cannot be changed in any way under the current bylaws. Naomi Johnson said the proposed change will make the smaller lots in the Stone Village into conforming lots and will allow the owners to make some changes to their property. Kathy Giurtino asked if language could be added to the bylaws to allow property owners to make changes to their buildings on non-conforming lots if the neighbors agreed to the change.

Naomi Johnson discussed a date for the Stone Village residents to return and discuss their district. February 3, 2020 was chosen. Barre Pinske said his interests as a board member are with the citizens of the community. He said there was direction from Montpelier to concentrate development in the center of the towns rather than in the rural areas. He said finding flat ground in town to allow more concentrated housing has been difficult and he hoped the Stone Village residents could understand that and help the Planning Commission make progress toward resolving it.

Kathy Giurtino said that in her experience in advertising and marketing, she noticed the Stone Village gave people a reason to both visit and live there. It is quaint, attractive and unique. Three other residents strongly agreed. Lew and Bonnie Watters said that North Street has changed over the 45 years they have lived there. They moved to Chester for the schools and the historic Stone Village. They continue to be very happy there and continue to see tourists stopping in the Stone Village. They consider themselves stewards of the village.

Agenda Item 3 Review of V4 and R3 District comments

The Commissioners considered 351 Reservoir Road and the surrounding area that includes the Armory building. 351 Reservoir Road belongs to Wilma and Carl Brooks. It is an 8-acre parcel with frontage on Balch Road, Reservoir Road and Vermont Route 11. A small square of the property span Reservoir Road, but the rest of it is contained in the triangle formed by Vermont Route 11, Balch Road and Reservoir Road. It is currently in the A3 zoning district. The proposed zoning has split the parcel between Rural 3 at the corner of Balch Road and Vermont Route 11 and Rural 6 for the rest of the parcel. The owners of the parcel would like it to be designated Village 4. Lots to the east of this property along Vermont Route 11 are proposed to be in the Village 4 district. Municipal water is present, but not municipal sewer. The soils are not good for septic systems. Barre Pinske proposed the lot be V4 since the parcels to the east are V4.

The Commissioners thought that extending the Village 4 district to include the Brooks property except for the acre on the north side of Reservoir Road might be appropriate. Naomi Johnson read a note made in May that stated the V4 district had very few industrial uses and would not support uses that would be appropriate for the armory building. The Commissioners asked Michael Normyle about the armory property. Michael Normyle said the owners are still paying taxes on the property and the business, which is headquartered in Springfield seems to be doing well. Naomi Johnson read some of the uses currently available in the Adaptive 3 district where the parcel is located. Light Industrial and Building and Construction Trades are included as conditional uses. The Commissioners considered several possibilities such as

- Adding light industrial to V4 as a conditional use
- Adding Adaptive 3 as a district to the list of proposed districts
- Making the area Mixed Use under the new bylaws, after changing Mixed Use to allow single- and two-family dwellings

Naomi Johnson read the definition of Light Industrial from the new bylaws: An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, which is typically similar to an office building in its size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells

products produced on the premises. This definition excludes any use specifically defined in this section.

Barre Pinske said the zoning process has to work with uses that have been in place for decades or longer and are not easy to change, something like a tattoo. He thought the new bylaws could open new possibilities that would facilitate eventual change. He felt that allowing Light Industry in the V4 district would not result in a surge of light industrial development given Chester's history of stagnant growth. Cheryl Joy Lipton said she was not comfortable relying on history to protect against a boom in unwanted growth.

Barre Pinske said he thought the Light Industrial was an appropriate conditional use for the V4 district. Tim Roper asked about the dimensional standards for the zoning districts under discussion. Naomi Johnson noted that the Light industry use had 2 levels, up to 6,000 square feet and greater than 6,000 square feet. The use is permitted or conditional depending on size in the General Business and Mixed Use districts and a conditional use regardless of size in the Rural 3 district.

Peter Hudkins said the problem with the Mixed Use district is that it did not allow single-family or two-family dwellings. He did not think that single-family dwellings should be prohibited anywhere in Chester. Cathy Hasbrouck pointed out that Brandy Saxton said owners of single-family dwellings were able to block industrial uses in Mixed Use districts, defeating the purpose of a mixed-use district. Peter Hudkins said if Light Industry was a conditional use in the V4 district there was no reason to have Mixed Use district. He doubted that Chester would ever have an industrial park. Cheryl Joy Lipton said industrial parks are no longer thought to be a useful concept and mixed-use was more favored.

The Commission discussed the area around the Armory and concluded that, although it was not close to the town center and was not heavily developed, the presence of municipal water and the flatness of the geography made it more of a mixed-use than a rural area. Josh Schroeder said the Mixed Use district would work if single- and two-family homes was added as allowed uses to the district. Barre Pinske said the rest of the areas marked as Mixed Use should be reviewed if the district was changed to allow single- and two-family residences. Michael Normyle said he thought adding single- and two-family homes to Mixed Use was a good idea as long as some notation about the likelihood of light industry locating near the home was included. The Commission discussed making single- and two-family home a conditional use to ensure that the homeowner was aware of possible industrial uses being in the neighborhood. They settled on adding single- and two-family homes as permitted uses in the Mixed Use district and requiring a site plan review for them.

Naomi Johnson said the words "single- and two-family dwellings," would be removed from section 2104.D and section 2104.F(2) would be removed in its entirety to support this change. The use table would also be updated to show single- and two-family homes are permitted in the Mixed Use district. No vote was taken on this decision, there was simply general agreement.

The parcel belonging to Carl and Wilma Brooks was now included in the Mixed Use district, which answered their concerns though it didn't give the remedy they had requested of making the parcel part of the V4 district. Naomi Johnson discussed boundaries for the Mixed Use area and compared it to the existing A4 district. Peter Hudkins discussed the lot on the western corner of Balch Road and Vermont Route 11. He said there was once a construction company on the lot. Cathy Hasbrouck said the lot has wetlands and there was very little room for

development. Michael Normyle agreed. Naomi Johnson displayed the wetland layer on the map and the Commissioners saw the only area that could be developed was where a barn is currently. Michael Normyle asked that the lot be removed from the Mixed Use district as it had so little space that actually could be developed. Several people had looked into developing it, only to be disappointed by the wetlands which are not obvious at first glance. The boundaries of the Mixed Use district in this area were recorded by Gabe Ladd working with Naomi Johnson at the meeting.

Naomi Johnson turned to a parcel on Gould Road. The owners, Dan and Dianne Patenaude had reviewed the November 18, 2019 minutes and walked their land. They sent another e-mail requesting that their property be entirely in the R3 district. The Commission had adjusted the line between the R6 and R3 districts, putting more area into the R3 district at the November 18, 2019 meeting. The Commission considered the zoning and uses on the other side of the town line in Springfield. Naomi Johnson read the following portions of the Patenaude's e-mail aloud: Based upon our review, we respectfully request that the Planning Commission place all of our property (Parcel ID 242018.100) in the R3 district. Here are a few things we would ask the Commission to consider relative to our request:

- 1.) On the east side of Gould Road where our property is situated, none of the six properties nearest to ours is 6 acres or greater.
- 2.) The average land area of these six properties on the east side of Gould Road (3 north and 3 south of our property) is only 2.76 acres.
- 3.) The entire frontage of our property along Gould Road is less than 1/4 mile from the busy and paved Route #10.
- 4.) Rural building lots in Chester ranging in size from 2 to 6 acres all sell for approximately the same price regardless of size. Therefore, doubling the minimum lot size of our land fronting Gould Road will undoubtedly reduce the fair market value of that property.

Again, we have no current plans to subdivide our property, and hope to be able to afford to keep the land vacant and available to wildlife and for the enjoyment of our neighbors and others for many years to come. We also appreciate the effort of the Planning Commission to preserve the Town's rural character. I grew up in Chester and have spent many, many days over the last 60 years enjoying and caring for this open, rural land, and hope to be able to do so for many more years to come. But in spite of our desire to keep the land open, we don't believe it is fair for the Town to continue restricting our development rights unless the Town is prepared and agreeable to compensating us for these lost rights.

Barre Pinske pointed out that there were a number of houses in the area already on Davidson Hill Road, Vermont Route 10 and Gould Road. He felt there was no reason to deny the Patenaude's request to make their entire parcel R3. Cheryl Joy Lipton said allowing smaller lots there would contribute to rural sprawl and she was not in favor of it. Tim Roper said he was concerned that the Commission was acceding to the wishes of every citizen who raised an objection. The Commission considered the size of the lots in the area and the fact that the Springfield Industrial Park was less than a mile away. Peter Hudkins said he felt that encouraging housing near the Industrial Park was a reasonable thing to do. The Commission decided that the adjustment they

had made to the parcel at the November 18th meeting was appropriate and they did not change the zoning. They also did not want to spark further development on Gould Road and confined the R3 district to the area closest to Vermont Route 10. This concluded the discussion of V4 and R3 parcels.

The Commissioners then discussed the northwest quadrant of Chester. They had decided earlier this year to put the unpaved roads in the Smokeshire area in the R18 district. Some buffers along the roads were originally marked R6. They needed to decide how far south to extend the R18 district. During the earlier discussion there were only 4 Commissioners present and they were evenly split about where to draw the southern boundary for the R18 district. The Commissioners spent time reviewing the area, looking at the floodway, the floodplain, and the placement of houses. They also considered the new bridge to be built over the Williams River in the near future. Naomi Johnson also discussed uses available in R6 versus R18. She listed a number of uses which she felt were appropriate for the area that were not allowed in R18 but were conditional in R6. Peter Hudkins countered that argument with the fact that Home Business will be allowed in the R18 and many of the uses not allowed in the R18 would be appropriate as a home business. He cited the example of an equestrian center. He said someone should be living at the center to take care of the horses.

The Commissioners settled on putting a 1,000-foot buffer of R6 along Wyman Falls Road and extended the R18 district south to 297 Bailey's Mills Road. The R18 district would extend to the western edge of Vermont Route 103. The vote was 3 to 2. They were concerned that they were not consistently following the rule of putting a 1000-foot buffer of R6 along every class III and IV road. They decided that the area around Smokeshire Road and south justified ignoring that rule. The topography in Smokeshire was not suitable for development and the broad fields south of there should be preserved. The R18 district suited both those purposes. Gabe Ladd said he needed to work on the finer points of the data and would have updated maps available for the next meeting.

The next meeting for the Planning Commission will take place January 6, 2020. Riparian Buffers will be on the agenda. The meeting will start at 6:30 PM and end at 8:00 PM. Barre Pinske moved to adjourn the meeting. Tim Roper seconded the motion. The meeting was adjourned.