

TOWN OF CHESTER
PLANNING COMMISSION
February 17, 2020 Minutes

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

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

Citizens Present: Kathy Giurtino, Chuck Giurtino, Josh Schroeder and Randy Miles.

Call to Order

Chair Naomi Johnson called the meeting to order at 6:30 PM upstairs at the Town Hall.

Agenda Item 1 Review minutes from January 20, 2020 meeting

Tim Roper moved to accept the minutes from the February 3, 2020 meeting. Peter Hudkins seconded the motion. Peter Hudkins asked about 2 extra pages of minutes distributed at the meeting. Naomi Johnson explained that there had been a correction requested before the meeting and the page showed the correction. Tim Roper asked to correct a reference to Hugh Henry's paper on the Stone Village. He said Hugh always refers to that part of Chester as North Chester and wanted it changed in the minutes. Tim also said that Hugh's paper did not confirm the size of lots in the Stone Village as stated on page 2. Peter Hudkins confirmed that he was speaking at the time and those were his own words. The minutes were altered to attribute the comment to Peter. Tim disagreed with the statement that more than half the Stone Village district residents were present at the February 3, 2020 meeting. The sentence was deleted. Tim also noted that Mike Alon's name was misspelled as Mike Allen 3 times in the text. Barre Pinske noted the same error. Tim asked to change the word "admitted" in paragraph 3 on page 8 to "stated". He also corrected the word "present" in paragraph 2 on page 4 to percent. Michael Normyle noted a time inserted in the previous sentence on page 4. The time was removed. A vote was taken and the minutes were accepted as corrected.

Agenda Item 2, Citizen Comments

Naomi Johnson asked the citizens present if they had any comments on items not on the agenda. Randy Miles spoke about his property at 35 and 36 Sylvan Road, where it meets Route 103. He said he was dismayed to see that a retail use would not be allowed by the proposed bylaws at that location. It was established that the proposed zoning district there was Rural 3, and that retail would be a conditional use in the Rural 3 district. It was also noted that his permit for a retail business would remain in force after the bylaws changed as long as he continued to operate his business. Randy Miles asked when the Commission would finish reviewing the bylaws. Naomi Johnson said she thought the current review process could be completed and public hearings would begin during the summer. The Commission thanked Randy for his concern and participation.

Agenda Item 3 Review River Corridor concept and model language with John Broker-Campbell, Southern Vermont Flood Plain Manager

Naomi Johnson introduced John Broker-Campbell, the Flood Plain Manager for southern Vermont. He spoke to the Commissioners about the process of adopting model flood bylaws. The Commission had begun discussing those regulation at the January 20, 2020 meeting.

The discussion that followed was lengthy and complex. Here is a summary of the points made. The specific details of who said what follow the summary.

- The model bylaws address river corridor regulation and inundation regulation separately
- The river corridor is the area around a stream where the stream is likely to meander over long periods of time. Streams easily move their channel in an area of dirt and sand. Their channel does not move beyond areas of bedrock.
- The state of Vermont defines the river corridor, in part, in reference to these geological features.
- The state of Vermont has concluded that the wisest course of action for managing floods is to prevent further development on as much land as possible in the river corridor and allow the natural process of stream migration to go on without interference.
- The history of human interaction with streams, as evidenced by the location of structures not washed away by past floods, is also taken into account when defining a river corridor.
- The state of Vermont recognizes that historically, towns have grown up around rivers and streams, and it is not feasible to move an entire town center out of a river corridor area.
- The state of Vermont accepts some man-made features such as railroads, roads and highways and existing buildings as being permanent features and does not include them in the river corridor area. These features are valuable enough to be re-built if they are damaged. The stream channel may be altered in order to protect them.
- If Chester adopts the River Corridor model bylaws, any structure in a river corridor that is destroyed may not be rebuilt. The details of this have not been definitively settled.
- The River Corridor regulations may not apply to the designated Village Center area. Again, the details have not been definitively settled.
- There is a financial benefit to towns for implementing river corridor and inundation regulation. For each category regulated, inundation and river corridor, the state of Vermont will reimburse the town for 5% of the cost of repairing infrastructure after a flood that is declared a federal disaster.
- Chester has inundation regulation in their Unified Development Bylaws now. Chester qualifies for 12.5% reimbursement from the state of Vermont for infrastructure repair in the event of a declared flood disaster.
- If Chester were to add river corridor regulation to the bylaws, the town would qualify for 17.5% reimbursement.
- It costs less to build a building in a safe place than to re-engineer a stream or attempt to flood-proof a building.
- The process of adopting the model flood hazard bylaws can include a more detailed study of the river corridor boundaries in Chester by the Vermont state river scientists, if requested. This would include looking at existing development in the river corridor area. There is no cost to the town of Chester for this service.
- The model flood hazard bylaw exempts the designated village center area from being bound by the river corridor regulation.

- Some development in the river corridor would be possible given the presence of other buildings in the corridor and where they are placed. In-filling and shadow development are allowed.
- Under river corridor regulation, some existing parcels would lose their value because they would not be allowed to be developed. Small buildings, up to 500 square feet are allowed.

John Broker-Campbell asked if the Commission wanted to hear a discussion of the model bylaws or to go directly to a question and answer session. Peter Hudkins asked for a general discussion of the bylaws before going to questions.

John Broker-Campbell said the current Chester flood regulations address the issue of inundation, how deep the water is when it rises into areas that have been developed. These areas are seen on FEMA maps. The proposal before the Commission is regulation that addresses the river corridor area. The primary focus in river corridor regulation is not how deep the water is, but where the water may go. John said rivers inevitably move over time. There are 3 reasons to adopt a river corridor view of flooding. The first is a public safety concern. John showed pictures of the Waterbury, Vermont Fire Department shoveling mud out of their station after it was flooded during Tropical Storm Irene. He said the plan to limit inundation did not predict or address the flood in downtown Waterbury. While the Waterbury Fire Department was busy cleaning out the fire station, it had fewer resources available to address public needs.

The second reason to adopt the river corridor view is that avoidance of a flood is cost effective. Building in a river corridor increases the chance that the building will be damaged by a flood at some point, which can be very costly. The third reason is that the river ecosystem is supported, which leads to a more stable river corridor. A healthy ecosystem also provides better recreation opportunities.

John Broker-Campbell explained the method the state of Vermont chose to encourage towns to adopt a river corridor approach to flood regulations. He said when a flood occurs and a federal disaster is declared, FEMA will reimburse towns for 75% of the cost to repair infrastructure. In 2014, the state of Vermont decided that it would reimburse 7.5% of infrastructure repair costs to towns with no flood regulations. It would reimburse 12.5% of repair costs to town that had inundation regulation using FEMA maps, and it would reimburse 17.5% of repair costs to towns that adopted river corridor flood regulations. Chester currently qualifies for the 12.5% reimbursement. If Chester adopted the river corridor regulations, it could qualify for an additional 5% reimbursement. He said that Cavendish had \$5 million in infrastructure damage from Tropical Storm Irene. Five percent of that was \$250,000, a lot of money for a small town.

John Broker-Campbell said Chester had a complicated flood situation. He showed a map of Chester from the Agency of Natural Resources on the screen. The map was centered on the junction of Routes 11 and 103. This was also the junction of the three branches of the Williams River and Lovers Lane Brook. The flood-prone areas were shaded. John pointed out the 100-year flood and 500-year flood areas, and the river corridor area, which is substantially broader than the flood zones.

John said the FEMA maps predicted where the water would be and how deep it would be during a flood. He said the river corridor area predicted where on the landscape the river was likely to

go at some point over time. He acknowledged that the model flood regulations, which address inundation separately from the river corridor, are confusing.

In the past, people tried to raise structures over the height of the flood (base flood elevation) which addressed the inundation issue. River corridor regulations would not allow a new building there to begin with.

Peter Hudkins said he noticed there was an option for a landowner to hire a geo-technical engineer to investigate the river corridor designation on the property and appeal it to the state. John Broker-Campbell said that was true. If Chester was serious about adopting the bylaws, the state would re-examine the river corridor maps prior to adoption, to ensure that the map is accurate. John said the state would also do a site visit for any individual property owner, free of charge, when requested. If a landowner was still convinced that his or her property was not in the river corridor, he or she could hire a geo-technical engineer to appeal the river corridor designation to the state. This has happened two or three times in the last 5 or 6 years of John's tenure as flood manager.

Peter Hudkins said, in his experience with the Development Review Board in the past, an engineer hired by the landowner would present drawings of the land and the Zoning Administrator would only have the Agency of Natural Resource maps as a resource. It was difficult for the DRB to decide which expert to rely on. John said, in that case, the state would go to the property, investigate and send a letter detailing their findings to the Zoning Administrator as well as the property owner, so that the town had a clear basis for acting. John said the property owner had the option of hiring a surveyor or engineer to investigate the river corridor designation and it would cost about \$1,000.

Peter Hudkins said it was his understanding that only an engineer could make that determination under the model regulations. John Broker-Campbell said surveyors could do some of the work. Peter said he didn't think this appeal process for the river corridor designation was spelled out in the model bylaws. John said he would look into it and be sure that it was. John Broker-Campbell said when the town of Shrewsbury studied the regulations, they found a few items that needed clarification or correction as well.

Michael Normyle said he wanted to re-iterate that the model bylaws were exactly that, a model for most towns to consider. John Broker-Campbell said there were some sections, particularly in Section E (Inundation) that had to be in the bylaw in order to comply to the National Flood Insurance Program. He said there were other opportunities to tailor the bylaws to the specific town. He gave the example of Wilmington using 2 feet above the base flood elevation (BFE) as a standard, instead of one foot above BFE. He noted that there were fewer places to alter the river corridor standards and, if a town modified them too much, it may not qualify for the 5% reimbursement. Tim Roper asked who determines that the bylaw to be adopted varies too much from the model to qualify for the 5% reimbursement. John Broker-Campbell said he was the one who evaluated the town's proposed flood bylaw.

Tim Roper asked about armored river banks and said Peter Hudkins had also referred to it. They wanted to know when or if a river bank may be armored under the river corridor bylaw. John Broker-Campbell said people have been armoring river banks for hundreds of years. He said that people have learned over time that armoring a river bank is not always the best option. He said that if a house is in danger of washing into a stream, it would be likely the landowner could get a permit to armor or riprap the bank. If 30 feet of a 10-acre field washes into a stream, it is not

likely a permit to armor the stream bank would be issued because there is no imminent danger of infrastructure being threatened. Flood Plain Managers have learned that every attempt made to alter a stream eventually ends badly. The less done the better.

Peter Hudkins said Lovers Lane Brook, which runs behind the Chester-Andover Elementary School concerns him. John Broker-Campbell said Lovers Lane Brook is a good example of a body of water deprived of its flood plain. It is in a deep channel in several places where it runs more or less parallel to Main Street. He said he has spoken with the Chester Town Manager several times over the years about this stream. He displayed a map of the elementary school property. He pointed to a corner of the parking lot that was shown to be in the river corridor. He said the map would be modified to remove the parking area from the corridor because it is an existing piece of infrastructure that the town needs to protect. Given that, if Lovers Lane Brook threatened the school, the town would be allowed to alter the course of the stream to protect the school.

Naomi Johnson asked whether adopting the model flood bylaws would require the town to get special permission to install riprap to protect the school. John Broker-Campbell said riprap is not jurisdictional to the town and whether it had flood bylaws or not, installing riprap needs permission from the state. He explained that the town would be concerned with work that is done from dry land, such as installing a driveway. You would get a permit from the town Zoning Administrator. If the work you want to do, such as installing riprap, requires that your feet get wet in the stream, you get a permit from the stream alteration engineer, Scott Jensen.

John Broker-Campbell discussed the possibility of someone who owned land along Lovers Lane Brook wanting to construct a run-in shed for a horse in the river corridor area. He said that, under the model flood bylaw, the shed would not be allowed in the river corridor because there is nothing existing upstream from the proposed shed that is as close or closer to the brook. He pointed to other areas on the parcel where a shed could be built, outside the river corridor area.

Naomi Johnson asked what would happen if a landowner wanted to build a foot bridge over the brook. John Broker-Campbell looked at exempted activities in the river corridor model bylaw. John said a new structure would not be allowed and therefore the landowner would not be allowed to build a bridge. Naomi asked what would happen if it was a municipal structure. John Broker-Campbell said towns should be getting permits from themselves to do the work. He said engineering costs could be up to \$5,000 to contest the river corridor designation for the site of the bridge. Most people would consider the extra \$5,000 too much to pay for the bridge and drop the project.

Barre Pinske said he formerly lived at the edge of a marsh on Cape Cod. He said there was a corner of the marsh where water flowed in and out. He continually expected the corner to wash away and it never actually did. He said he noticed that people seem to over-react to a natural disaster. He thought that a small bridge that might wash out after a few decades was not a serious problem. John Broker-Campbell said it mattered because the bridge wreckage could wash downstream and damage bridges or other structures near the stream or block a culvert. Barre asked why it was good to leave a fallen tree in the river to shelter fish, but not the remains of a bridge in the river. He asked John if he was trying to help the people or the fish. John said that issue was for the town to decide.

Naomi Johnson returned to the small bridge question. She asked what would happen if the bridge was outside the flood hazard area, could it be partially in the river corridor? John Broker-

Campbell asked whether the bridge was a large, formal structure with concrete and steel or something informal, like a path of pallets across the river. Naomi said it was a well-designed structure. John said that, under the river corridor bylaw, a structure might not be allowed, but it also might qualify for an exception. It could be inserted between two structures that have less than 300 feet between them, because their presence indicates that the river has not moved significantly over time and is not likely to move in the future. A structure could be built between the two existing structures as long as it is not any closer to the river than the two structures are already. This is known as in-filling.

The second exception is to build downstream from a development that is so important the stream will be stabilized if it ever begins to move and threaten the important development. John Broker-Campbell gave the example of the area downstream from Chester Andover Elementary School. If Lovers Lane Brook ever threatened to change its channel and move into the school parking area, for example, the bank would be armored with riprap to prevent that.

Peter Hudkins asked if the Agency of Transportation is obliged to follow these bylaws if a town adopts them. John Broker-Campbell said the AOT can replace existing structures, but new structures would have a problem in a flood zone. Naomi Johnson concluded that a new footbridge over Lovers Lane Brook would be a problem.

Michael Normyle reviewed the area around Main Street from the junction with Depot Street and west toward Londonderry. He noted that the currently mapped river corridor did not extend to existing businesses on Main Street. Peter Hudkins agreed, but pointed out that the Newsbank property on the corner of Main and Cobleigh Streets was in the river corridor. Josh Schroeder agreed. John Broker-Campbell confirmed that, under the proposed river corridor model bylaws, there could be no re-build of a building on that Newsbank property if it were damaged by a flood.

John established that the Newsbank property had municipal water and sewer, there was nothing buried on the lot and the parking area in the river corridor was gravel. Josh Schroeder confirmed those facts and said there was a propane tank at the edge of the river corridor. Peter Hudkins pointed out that about seven lots further to the west, and behind the row of houses bordering Main Street, there was an existing house in the river corridor. This house would not offer the option of calling any development on the Newsbank lot as in-fill, as it is more than 300 feet from the Newsbank property. Later in this discussion John Broker-Campbell remembered that river corridor regulation does not apply to designated village centers. Naomi Johnson said it appears that Newsbank is in the designated village center. Therefore, Newsbank would not be affected by the river corridor bylaw.

Peter Hudkins and John Broker-Campbell confirmed that, if Chester were to adopt the river corridor by-laws, John and the Planning Commission would examine the proposed boundaries of the river corridor carefully and document the impact the bylaws could have on existing businesses and properties.

Josh Schroeder asked what impact paving a parking lot would have versus leaving it gravel. John Broker-Campbell said there is an on-going, messy conversation about dirt parking lots versus paved parking lots. John said, if a dirt parking lot is washed away, usually the owner just moves the parking lot somewhere else. A paved parking lot represents a substantial investment and the response of an owner to a flood washing it away has varied.

John Broker-Campbell said the concerns of the Planning Commission about how the proposed river corridor bylaw would impact Chester were warranted. He gave Benson Chevrolet in Ludlow as an example. This business owned property along a curve in the Black River between the Shaw's plaza and the plaza opposite the entry to Okemo. He said he worked with the town and developed a channel management line that allowed Benson to build a showroom and garage on their property. Michael Normyle said the Benson project had required two significant catch basins to be constructed. John said coordinating the diverse aspects of a project, including such issues as stormwater and wastewater with flood hazards, was an important and sometimes difficult task.

John Broker-Campbell said it was important not to downplay the importance of smaller streams and he turned to Popple Dungeon Road in Chester as an example. He pointed out a parcel that was completely in the river corridor. It appeared not to have any type of building on it. He said that, under the river corridor model bylaw, nothing could be built on the parcel. John said it was very important to look at the issue of the river corridor regulation devaluing a piece of land. The commission would want to discuss it extensively.

Michael Normyle asked about applying river corridor regulation to only a part of the town. If 70 or 80 percent of the town were included in river corridor regulations, could the town still qualify for the extra 5% of reimbursement for infrastructure damage? John Broker-Campbell said the issue is open to negotiation, and could be a conversation between the Planning Commission and the Flood Plain officer. There is no research that predicts the economic impact these model bylaws could have on the town. The effect must play out on a town-by-town basis.

Randy Miles asked if it was possible for the owner of a parcel to receive something in return for the loss of being able to build on the land. He also asked if the regulation would be phased in or would take effect all at once. John Broker-Campbell said a bylaw change would take effect all at once. He said the state of Vermont has been doing this for a long time. Not many entities are exempt from river corridor regulation where it is adopted. For example, Act 250 projects must comply with these regulations. He agreed with Randy that some people may be unaware of the number of towns adopting this model river corridor regulation.

Randy Miles asked if small sheds could be placed on land in the river corridor. Michael Normyle and John Broker-Campbell agreed that small buildings, up to 500 square feet are allowed. Michael Normyle said an applicant would still have to apply for a permit from the Zoning Administrator for the project, even if the project is exempt from river corridor regulation.

John Broker-Campbell cited paragraph IV.A of Section D of the river corridor model bylaw, "Development within the designated centers shall be allowed within the river corridor if the applicant can demonstrate that the proposed development will not be any closer to the river than the pre-existing adjacent development." This designated center in this case would be Chester's designated village center. This meant that some development would be possible on properties that lie within the designated village center.

John Broker-Campbell discussed the likely process that would be followed for tailoring the model bylaws to suit Chester. John said he and a group of scientists would work together to define the river corridor. He pointed to areas on a map of Chester's designated village center that he would designate as existing development. He said lines would be drawn between those areas that would redefine some of the river corridor boundaries. The map of the river corridor would be refined as part of the bylaw adoption process.

John pointed to the railroads south of the center of Chester. He said railroads are inflexible, permitted features that will be present for the foreseeable future. He said the river corridor map will be altered to allow the railroads to remain where they are as part of the pre-adoption adjustments.

Barre Pinske asked John Broker-Campbell if he or anyone at the state had considered widening the railroad bridges to prevent the flooding caused by debris getting caught under the bridge during Tropical Storm Irene. He also pointed to small culvert that took the place of a railroad bridge when the sewage treatment plant was built and a road that acts as a dam, diverting water into the American Legion parking lot. John said he had not seen this. He said railroads have a special place in federal policy, since they are part of interstate commerce and exist in their own special world. Peter Hudkins pointed out that some railroads are owned by the state of Vermont including the piece Barre was discussing. John agreed and said, in that case, the railroad would be subject to local bylaws if a culvert or bridge were to be replaced. Barre said he felt it was unfair to burden the townspeople of Chester with the impact of a railroad bridge that is so low it becomes a dam which backs up the river and floods parts of the town.

Naomi Johnson said that the definition of the river corridor was separate from the cause of the flooding in Chester during Irene. The river corridor was defined by many factors, not simply the flooding during Irene. Barre was frustrated that the problem of the railroad bridge height continues to be ignored, and the effect of the flood it caused seems to be driving a lot of public policy which has a great impact on the citizens of Chester.

John Broker-Campbell cited the town of Wilmington as an example of a bridge being seen as a choke point and the cause of a terrible flood during Irene. John said perhaps a larger bridge would have prevented some of the damage during Irene, but prohibiting construction in the river corridor will also prevent future losses. He said the river corridor regulations prevent people from putting more infrastructure at risk. John said it is not likely that the culvert or the railroad bridge will be changed in Chester until they wear out. In the interim, the path of preventing further development in the river corridor is open.

Peter Hudkins asked to return to the Newsbank property. He asked how the process of moving the line that marked the edge of the river corridor would happen. John Broker-Campbell said the map would be studied and adjusted. Updates to the on-line map are prepared by river scientists (in the case of Chester, the scientist is Shannon Pytlik) grouped together by watershed and applied in batches. The river scientists' time is limited, so a small change such as the river corridor in the center of Chester, will not get done immediately. Peter Hudkins was reluctant to adopt the bylaw without an accurate map. He said it would affect things such as flood insurance for property owners. John said Springfield had pursued this bylaw adoption and updates and adjustments to the map were made on paper. Ultimately, Springfield did not adopt the bylaw. The adjustments have not been added to the on-line version of the map, though the paper copy exists and can be referred to.

Naomi Johnson asked if the map could be examined and adjusted if Chester decided to adopt the bylaws. John Broker-Campbell said the map could be examined and adjusted as part of Chester adopting the bylaws, but the updates may not be published for a couple of months. Michael Normyle asked whether the mapping can be worked on while the Chester Planning Commission worked on the model bylaws. John said that would be possible. The map would probably be ready in time for the public hearings on the bylaws.

Barre Pinske asked what the reaction has been in towns that adopted the bylaws. John Broker-Campbell said it was mixed. Cavendish and Putney have adopted them. Springfield considered them and decided not to adopt the bylaws. The Selectboard in Wilmington decided not to adopt them. Tim Roper asked if property insurance companies use the Agency of Natural Resources maps to determine flood insurance premiums. John said currently flood insurance companies use the FEMA maps. He said he has never had a question about river corridors from an insurance agent. The river corridor bylaws will not impact the mandate to buy flood insurance.

John Broker-Campbell redisplayed the map with the Benson Chevrolet property in Ludlow. Josh Schroeder speculated that the company had flood insurance. John demonstrated how the river corridor map was modified to allow the dealership building to be built.

Naomi Johnson asked to look at paragraph III.A. of Section D in the model bylaws, which lists activities that do not require a river corridor permit. The fifth item listed as not needing a permit is "Construction or repair of stream crossing structures. . . that must be placed in or over rivers and streams that are not located in a flood hazard area and that have coverage under a Stream Alteration Permit . . .". John pointed to areas in Chester along Lovers Lane Brook where a small bridge could be built. Naomi noted that if the bridge spans the flood hazard area, it would be exempt, but it would also be very large and costly.

John Broker-Campbell pointed out that the river corridor around Lovers Lane Brook and the Williams River were quite wide because the corridor is a mapped corridor. A mapped corridor is often an arbitrary width that is six times the channel width. For smaller streams with a less than two-square mile drainage area, the river corridor is 50 feet from the top of the bank. Michael Normyle asked how the state determines that a drainage area is less than two square miles. He asked how someone could verify it. John said there was a website that has the information, and Naomi provided the name: streamstats.usgs.gov.

Naomi Johnson asked whether Chester would need to make a formal request in order to have the river corridor map for Chester reviewed. John Broker-Campbell said he would need a firm commitment from the Planning Commission that they were going to seek to adopt the model bylaws.

Barre Pinske said he thought the issue of the river corridor bylaws is very important and quite necessary to resolve. He was impressed by the size of the area defined as the river corridor. He asked how the area was determined. John Broker-Campbell said a lot of research had gone into the science of channel width. He acknowledged Barre's point that it could take 300 years for a stream to alter its course enough to wipe out a structure, and 300 years was a long time for a structure to remain standing. He said it was also possible the stream could wipe it out in 3 years. Barre said he thought rivers did not change course much where the channel was relatively straight, though the river corridor remained very wide.

John Broker-Campbell displayed a section of the Williams River along Route 11 West. Barre identified it as the stretch near Mike Westine's garage building. John pointed out that the river corridor artificially ended at Route 11 in some places and extended further on the other side of the river than one might expect. Barre described standing near that area during Irene and feeling the dirt beneath his feet being carried away by the river. Peter Hudkins said the owner of the Route 11 parcel had made a decision to build a garage close to the river. Peter verified that, if Chester asks to have the river corridor map examined, John Broker-Campbell and the river scientists would do that at no cost to the town. The river scientists may conclude that the garage

is OK where it is and the river corridor map will be changed. John Broker-Campbell agreed, and said it was also possible that, if the garage was built on sand and dirt, not bedrock, they would say the garage is in the river corridor and leave the map alone.

Barre Pinske realized that the material making up the ground had a lot to do with what is determined to be river corridor. Bedrock is not likely to be mapped as river corridor, but dirt and sand would be. John agreed. John said that roads like Route 11 will always be repaired by the state, much like railroads, so they are fixed features. For that reason, Route 11 is not included in the river corridor. He pointed to geological features called valley walls, which were bedrock and therefore will not allow the stream to move in that direction. John noted that more room for the corridor was allowed on the opposite side of the stream from the valley wall, since the stream would have to move in that direction.

Naomi Johnson said the Planning Commission would consider all this information and let John Broker-Campbell know how Chester will want to proceed. Peter Hudkins said adding new flood regulations to the new zoning bylaw package would work well.

Michael Normyle asked whether Chester would have to have an actual Certificate of Occupancy if it adopted the model flood hazard bylaws or if it could continue to issue a certificate of compliance. John Broker-Campbell said Chester was not obliged to have a certificate of occupancy. Michael also asked about the \$500 limit on improvement to the interior of a building before the inundation regulations were triggered. He felt the limit was very low. John Broker-Campbell said the purpose of that regulation was to catch improvements to small, inexpensive structures that had a very low list value, but were being substantially improved and not brought into compliance with the flood plain regulations as part of the process.

Peter Hudkins said the town listers were the only people who went inside buildings. Establishing that only \$500 was being spent on a building was difficult to do. The town did not want to start a certificate of occupancy program because it carried a substantial liability. John Broker-Campbell agreed that the \$500 limit was low, but he believed it was important to make bringing buildings up to standard in the flood plain a priority over other interior improvements.

Naomi Johnson decided to table the discussion of this issue until another meeting. She thanked John Broker-Campbell for his time and consideration.

The next topic addressed was a change to the meeting minutes from December 16, 2019. A quote was wrongly attributed and wording in the second full paragraph on page 2 was changed to reflect that the speaker was unidentified. Tim Roper moved to accept the change. Peter Hudkins seconded the motion. A vote was taken and the motion passed.

Agenda Item 4, Review Selectboard comments on Chapters 3, 5, 6 and 10 of the Chester Town Plan

Naomi Johnson said the Selectboard had finished going through the proposed amendments to the Town Plan and had requested changes. Naomi said she had gone through the requests and marked changes she felt should be made to the amended chapters. She turned those changes over to Cathy Hasbrouck, the recording secretary, to be made to the documents. Peter Hudkins suggested that the Commissioners review at least one chapter's worth of changes at the meeting. Naomi agreed, as long as the changes did not substantially alter the content or extent of the chapter. According to state statute, a substantial change to the content or extent to the published

amendments would require new public hearings. The Commissioners agreed and turned to Chapter 5, Education.

Corrections were made to the names of the municipal bodies mentioned in the chapter. Peter Hudkins was able to bring fresh information about the student enrollment figures in grades K – 2 for the elementary school. The Commission agreed to add a statement that the downward trend in enrollment may not continue, based on Peter's information. The town of Ludlow was added to the list of towns sending students to Green Mountain Union High School.

In the section on Home Schooling, the reference to the State Board of Education was corrected to the State Agency of Education. The commission also decided it was inappropriate to list names of individual for-profit businesses in the town plan and substituted more general language for them. It was noted that such information quickly gets out of date. The e-mail address of an individual working at the state was also removed. Peter Hudkins agreed to see if his wife, who works in the human resources department for the Chester schools, could provide more current enrollment figures for the report.

Naomi Johnson explained more about the procedure for making changes to an amendment to the town plan. The Commission decided that listing specific accomplishments in the document was probably not appropriate because of the list also quickly gets out of date, due to the time it takes to process amendments. Naomi Johnson said she thought that people reading the document would want to know that Chester had a water and sewer system, they didn't need to know that it had recently added a second water tank. Tim Roper and Peter Hudkins said it would be helpful to state that additional municipal water and sewer capacity was available.

Naomi Johnson said the one request from the Selectboard she could not figure out how to meet was, "There should be a goal or policy to promote businesses that require this high-speed internet." Another request was to mention the Chester Telegraph in Chapter 10 as an economic engine. Barre Pinske was opposed to this. He felt it wasn't right to start mentioning specific businesses. Naomi Johnson said specific mention of major employers was already in Chapter 10. She said she added a sentence to Chapter 10 that said, "The Chester Telegraph is a local news organization that is an on-line newspaper."

Tim Roper read the last paragraph on page 4 of the Selectboard requests. It said, in part, "There should be discussion relative to quality of life, not just business promotion." Tim asked whether adding that discussion would require a new round of public hearings and comments. Naomi Johnson re-read the statute criteria which said, "substantial changes to concept, meaning or extent" would require new hearings. She felt adding a discussion about quality of life would be a change to the extent of the document. Tim said he imagined adding pre-amble and volunteered to draft one. He asked whether the Selectboard should be asked whether they want to make substantial changes and start the process over with new hearings.

Cathy Hasbrouck said her understanding of the reason for the amendments to the Town Plan was to bring Chester into compliance with some important statutory requirements. The amendments were never intended to be a wholesale re-write. The existing town plan is a very simple document and extensive changes exceeded the goal of bringing the plan into better compliance. Naomi Johnson agreed. She said the only change planned for chapter 10 was to add a map of the village center, which was a state requirement.

Peter Hudkins was able to correct two mistakes he saw in the Energy Chapter. Naomi Johnson asked the commissioners to send any other changes or corrections to Cathy Hasbrouck and she would add them to the amended chapters and highlight them. The updated chapters would be distributed as part of a packet and the Commission would go over the changes and approve or modify them.

Agenda Item 5, Discuss date and agenda for next meeting

The Commission decided it will not meet on Monday March 2, 2020, which is Town Meeting night. It will meet on March 16 and March 30 instead.

Tim Roper moved to adjourn the meeting. Peter Hudkins seconded the motion. A vote was taken and the meeting was adjourned.