

TOWN OF CHESTER
PLANNING COMMISSION
March 30, 2020 Draft Minutes

Commission Members Present: Naomi Johnson at the Town Hall. Tim Roper, Cheryl Joy Lipton, Peter Hudkins and Barre Pinske via video conference.

Staff Present: Michael Normyle, Zoning Administrator, Cathy Hasbrouck, Recording Secretary both at the Town Hall.

Citizens Present: Ed Grossman via video conference.

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 February 17, 2020 meeting

Cheryl Joy Lipton moved to accept the minutes from the February 3, 2020 meeting. Peter Hudkins seconded the motion. Tim Roper applauded the information included in the minutes. He said he thought another statement should be included in the list of bullet points on pages 2 and 3. The statement would be that if an existing structure in the river corridor was destroyed it could not be rebuilt. Michael Normyle said the river corridor rules would not apply to the designated village center. Peter Hudkins said he believed Tim was correct.

Naomi Johnson asked that the third from bottom bullet on page 2 be changed to say that a more extensive study of the river corridor boundaries may be undertaken by the State of Vermont river scientists if requested. She asked that a discussion on page 5 about building a footbridge over Lover's Lane Brook be modified to say, "the landowner" and not, "Naomi".

Tim Roper noted 2 typos on pages 6 and 8. Naomi Johnson noted that the end of the minutes after the two paragraphs discussing the next meeting there was a collection of notes that were not meant to be part of the minutes and should be removed. A vote was taken and the minutes were accepted as amended.

Agenda Item 2, Citizen Comments

No citizen had any comments to make.

Agenda Item 3 Approve Reporting Form and Town Plan Amendments

Naomi Johnson recapped the history of the amendments to Chapters 3, 5, 6 and 10 of the Town Plan. Cathy Hasbrouck noted that the date on the reporting form needed to be updated. Peter Hudkins moved to pass the chapters as currently written. Tim Roper seconded the motion. Michael Normyle asked that the discussion of child care facilities vs. child care homes on page 2 of Chapter 5 be clarified. The sentence, "Child care facilities are allowed for under Chester's Unified Development Bylaws in accordance with Section 3.10." was removed. In chapter 10 he asked that names of businesses be removed when possible. Cathy Hasbrouck said she could change the reference to Lisai's Market on page 1 of Chapter 10 to, "a local grocery store", and the reference to Drew's All Natural to, "an organic food processing facility". Naomi Johnson suggested that the reference to the Chester Telegraph could be changed to, "a local news organization" on page 5 of Chapter 10. A vote was taken and the chapters were passed to the Selectboard as amended.

Agenda Item 4, Discuss Wood Processing Use over 6,000 square feet in R18

Naomi Johnson turned to the August 5, 2019 minutes, where this item was discussed at length. She said some decisions were made at that meeting and some items were left unresolved. She read the words at the end of page 6 of the August 5th minutes. The issue was whether a large facility should be allowed in rural districts. Naomi Johnson turned to the list of uses and their definitions in Chapter 2 on page 2-47 of the proposed bylaws. She noted that the definition of Wood Products, Cabinet or Furniture Manufacturing was modified on August 5, 2019. The words “from logs and bolts” were removed from the definition. Peter Hudkins said a separate definition of sawmill and firewood processing had been made during the meeting. Naomi Johnson read the discussion of that on page 5, where the motion was made, seconded and passed.

Barre Pinske said the state of Vermont offered grants for both farming and timber, putting forest assets on the same footing as agriculture. He said that milk trucks, maple syrup processors and oil delivery trucks are allowed on dirt roads. He felt that the town should allow such industries in the rural districts. Naomi Johnson summarized the question at hand, saying that enclosed wood processing under 6,000 square feet was a conditional use in the R3, R6 and R18 districts, but over 6,000 square feet was not allowed at all. The issue to be decided was whether to allow a 6,000 square foot or larger facility in any of the rural districts. Cheryl Joy Lipton said she felt the larger application belonged in the commercial-industrial zone instead of taking up space in the area where the trees would be growing. Barre Pinske said he didn't feel Chester had a commercial-industrial zone and the few acres the business would take would not destroy the woods.

Naomi Johnson said that the General Business and Mixed Use zoning districts allowed Wood Products under 6,000 square feet as a permitted use and Wood Products over 6,000 square feet as a conditional use. Peter Hudkins said Barre was right about trucks being allowed to haul milk on dirt roads, but a loaded log truck weighs 80,000 pounds and would overload the roads, which are generally posted for 24,000 pounds. Peter Hudkins said he would allow a large facility in the R18 district as long as there was a state road capable of handling the weight of the trucks available. Barre Pinske suggested that even a business that made wooden toys for children could need 6,000 square feet to support the machines, material storage, product storage and office support. He suggested that the COVID 19 virus could bring more people to Vermont seeking a less crowded place to live and work and the more opportunities available to them, the better.

Naomi Johnson was inclined to leave the limit as it was, not allowing over 6,000 square feet in the rural areas. Cheryl Joy Lipton said she felt allowing large buildings would contribute to the parcelization of the forest, which was not a good thing. Tim Roper said he thought the Commission had had a very similar conversation before and he was in favor of leaving the limit as it stood. Naomi Johnson said she felt the majority of the Commission agreed to leave the limit as it was written, so Wood Products in buildings over 6,000 square feet would not be permitted in the rural districts.

Agenda Item 5, Discuss non-residential uses town-wide

Quite a while ago, the Commission looked at existing non-residential uses that were not going to be allowed in the proposed zoning districts. An example of this is Green Mountain Union High School, which is partly in the Residential 2 units per acre district. Educational institutions are not allowed in the Residential 2 district. Naomi Johnson asked if anyone had any other examples

to discuss. Peter Hudkins brought up a question about sub-dividing property in the R18 district that he would like to put on the agenda for a later time.

Turning back to the high school issue, Naomi Johnson pointed out that the parcel was partly in the Mixed Use zoning district, which allows educational institutions. Barre Pinske asked if there was a simpler way to address the issue, by simply allowing the school to be in two zoning districts. Naomi Johnson said the building footprint could not be changed if the district it was in did not allow the educational institution use. Michael Normyle suggested that the property be called a school district. Naomi Johnson said adjusting the boundary between the Mixed Use and Residential 2 and putting the entire GMUHS parcel in the Mixed Use district could solve the problem. Cheryl Joy Lipton suggested that the bylaws be modified to treat a change to a use, that has become prohibited as a result of the bylaw change, as a conditional use.

Naomi Johnson said she didn't think there were many of these issues in town. She displayed the sheet of properties she had looked at and pointed out that there were only two that were highlighted as being questionable. She said Shawn Cunningham had pointed out that the Armory had a similar problem. Naomi thought modifying the mixed use district boundary to include the entire GMUHS property would be a reasonable solution.

Peter Hudkins said that, given that the front part of the high school parcel adjoins the mixed use district, pushing the boundary of mixed use to include the high school parcel makes sense.

Michael Normyle said that under the current bylaws, the zoning district in force on the portion of the property that has the buildings on it is the district that governs the use for the parcel. Tim Roper agreed that it made sense to include the high school parcel in the mixed use district. Tim said he didn't recall the details about the Armory. Naomi Johnson said she didn't recall the details either and took the Armory issue off the table. She concluded that the PC would ask Gabe Ladd to add the GMUHS parcel to the Mixed Use district.

The last issue addressed under this topic was the R18 minimum lot size for residential vs. non-residential uses that Peter Hudkins had brought up. The proposed dimensional standards table for the R18 district looks like this:

Dimensional Standards. Proposed development in this district must conform to the following dimensional standards (also see Section 2110):

| | | |
|-----|-----------------------|---|
| (1) | Lot size: | 3 acres minimum ¹ |
| (2) | Lot frontage: | 150 feet minimum ² |
| (3) | Lot coverage: | 5% maximum |
| (4) | Front setback: | 40 feet minimum |
| (5) | Side setback: | 20 feet minimum |
| (6) | Rear setback: | 20 feet minimum |
| (7) | Footprint: | 4,500 square feet maximum ³ |
| (8) | Height: | 28 feet maximum |
| (9) | Density: | 1 dwelling unit or principal use per 18 acres of lot area maximum |

1 – Minimum size for non-residential lots will be 18 acres

2 – Minimum frontage for non-residential lots will be 450 feet

3 – Applies only to principal buildings

A citizen believed that footnote 1 required a larger minimum lot size (18 acres) for a non-Vermont resident than for a Vermont resident, which is indicated as 3 acres in the table. The

Commission realized that the words “non-residential lot” were referring to a non-residential *use*, such as a communications tower or a Wood Products facility, as opposed to a single-family residence or a camp. This information was repeated in the Dimensional Table on page 48 of Chapter 2, which is where Peter Hudkins originally found it.

Agenda Item 6 Discuss Building and Construction Trades, Heavy Construction Trades and Professional Office uses in R18

Naomi Johnson pointed out that these three uses are prohibited in the R18 district and wanted to be sure the Planning Commission members were aware of it and agreed with it. Cheryl Joy Lipton agreed with the prohibition. Tim Roper said he recalled discussing the issue with Brandy Saxton and the reason those uses were not allowed was that the accompanying traffic would damage rural roads. The Planning Commission agreed to leave the prohibition in place.

Agenda Item 7 Discuss date and agenda for next meeting.

Naomi Johnson pointed out that the Planning Commission usually has a re-organizational meeting shortly after March, when members’ terms expire and they are reappointed or replaced. Tim Roper and Barre Pinske said that they had been re-appointed during March 2020. This was followed by a jocular discussion of signing bonuses. Naomi recommended that the re-organization take place at the next meeting. She said she had one year left on her term and did not plan on re-applying for the position. She suggested that the Commission members consider nominating someone new to be the chair, in part so they would have her as a resource to consult with in their new position if they wished.

Tim Roper asked if the chair could be changed mid-year. After a discussion the Commission concluded that it was possible to elect a new chair if they wanted to. Tim Roper asked if the pros and cons could be discussed at the next meeting. The Commission agreed to discuss them at the next meeting. Tim Roper asked Naomi if she would decline if nominated. She said she would listen to arguments on that. Barre Pinske said he thought it would be helpful to a new chairman to have Naomi’s back up and he liked the idea of having a new chair while Naomi was still on the Commission.

Having charged the Commission to think about electing a new chair, Naomi reminded the Commission that if more than 2 people on the Commission talk together it would constitute a quorum of the Commission. A quorum requires the meeting to be warned under the open meeting law. The Commissioners agreed not to speak to each other in groups larger than two Commissioners.

Cheryl Joy asked Naomi to describe the duties of Chairman. Naomi said it was important to keep materials organized in order to refer back to them. She said the agenda was prepared with help from the Zoning Administrator and Recording Secretary. The Zoning Administrator funnels issues that come up to the Chair. Keeping order at meetings is another duty.

Naomi said she has been a member of the Commission for over 20 years. She had been asked to join the Commission because she was a young woman and the town had wanted to have at least one younger person and one woman join the older men who made up the Commission. Tim Roper said he appreciated her long service, her incredible organizational skills and her ability to keep the diverse group on topic. He dreaded the day she was no longer here but was glad to think of her having her personal time back. Cheryl Joy Lipton agreed. Naomi said there is more

controversy at Planning Commission meetings than formerly and the duties of the Planning Commission have changed. They no longer handle sub-divisions.

The next regular meeting of the Commission will be the first Monday in April, which is the 6th at 6:30.

The Commission discussed details of Zoom and its performance at the meeting. They noted that it is most effective when each person sits in separate rooms in front of a computer. Naomi described the changes made to the open meeting law in the past few days. Details are found in the Chester Telegraph. It is now possible to have a meeting where no one is present at the town hall.

Tim Roper moved to adjourn the meeting. Cheryl Joy Lipton seconded the motion. A vote was taken and the meeting was adjourned.