

**TOWN OF Chester**  
**PLANNING COMMISSION**  
**June 1, 2020 Minutes**

**Commission Members Present:** Naomi Johnson, Cheryl Joy Lipton Barre Pinske and Peter Hudkins via video conference. Tim Roper via audio conference.

**Staff Present:** Michael Normyle, Zoning Administrator, and Cathy Hasbrouck, Recording Secretary via video conference.

**Citizens Present:** Dan Little, via video conference.

**Call to Order**

Chair Peter Hudkins called the meeting to order after difficulties with Zoom were sufficiently resolved to let everyone participate who so wished.

**Agenda Item 1 Review minutes from May 25, 2020 meeting**

Naomi Johnson moved to accept the minutes from the May 25, 2020 meeting. Cheryl Joy Lipton seconded the motion. Cheryl Joy Lipton clarified a point on page 1 about when the Riparian Buffer will be discussed. She also wanted the minutes to reflect that she was in favor of the 300-foot pull off on long driveways. Michael Normyle asked to have a sentence on page 2 clarified. Naomi Johnson suggested that the comma in the middle of the sentence be removed and that solved the problem.

Tim Roper found a typo on the bottom of page two. The word “and” should have been “an”.

In a side note, Michael Normyle said he had pulled Fire Chief Matt Wilson aside at a department head meeting and asked him what he felt about being consulted for every new driveway being installed in the Town of Chester. Matt Wilson told Michael Normyle that he appreciates being consulted about driveways.

The meeting paused while a better connection was established for Tim Roper.

**Agenda Item 2, Citizen Comments**

Dan Little spoke about his 10-acre lot on Logan Drive which he would like to sub-divide. Logan Drive is a private road which is maintained by an association. Logan Drive is off Stoodley Road, which is on the north side of Route 11. Dan said he would like to have a 50-foot right of way across the portion of his lot which abuts Logan Drive to give access for the second lot. He said the original sub-division of six lots, when he obtained his lot, was done in 2001 by his father. Those lots, with other lots that existed in 2001, form the Logan Drive Association. The residents use Logan Drive for access to their property.

Naomi Johnson asked what part of the current regulations would prevent the sub-division. Dan Little said the current regulations did not allow a sub-division if the road did not meet town specifications. He said Logan Drive was wide enough to let 2 cars pass each other, but he didn't think the road met town specifications. He said he had installed a circular driveway when he built his house nearly 20 years ago which is big enough for a tractor trailer to turn around in. The section of bylaw in question is 5.2.H on page 87.

Michael Normyle said that since there are more than 2 lots that don't have frontage on a town road, the DRB would not allow the sub-division. He thought that the originally proposed bylaws

allowed 4 or more lots without frontage on a town road before the driveway had to meet town road specifications. He thought that the change to the proposed bylaws had reduced that to 2 or more lots without town road frontage before the driveway had to meet town road specifications.

Barre Pinske asked why the DRB could not approve the request. Michael Normyle said the DRB must interpret the bylaw literally. The bylaw as written did not allow the sub-division. He had verified this with the DRB chair.

Barre Pinske said he didn't understand the what the problem was. He asked if Dan Little didn't want to have a road built to Town specification? Peter Hudkins said the bylaw was attempting to limit further sub-division which could eventually overwhelm the driveway's (in this case, Logan Drive's) capacity. He spoke of a home day care that was opened at the end of a rural road. Traffic increased greatly on the road, much to the neighbor's consternation, but home day care is a permitted use and the DRB could not refuse the permit.

Barre Pinske asked Dan Little how he thought the Planning Commission could help him. Dan said that in the past the Logan Drive Association had a member who wanted to start a business on Logan Drive. The same issues came up and the Association decided not to allow that kind of traffic and weight load on the road. He wondered if the bylaw could change to allow more lots to use a private road.

Barre Pinske realized the issue must be about fire equipment using the road. He said the bylaw was trying to protect the residents in the event of fire. The private road is 3,000 feet long. Bringing it up to the town road standard could be costly.

Barre suggested that Dan Little consider adding an in-law apartment to his parcel to accommodate more family since the bylaws will not allow a further sub-division of Dan Little's parcel. Dan Little said he had installed the circular driveway at his parcel in order to address the fire truck issue.

Barre Pinske suggested that a new bylaw be written to accommodate private sub-divisions. Peter Hudkins said the private road did not meet town road standards and that was the problem. He remembered a sub-division that required a cul-de-sac be installed at the end of the road. and that he did not know if the cul-de-sac was built.

Michael Normyle said the plat that created that sub-division has been filed with the town. He said it would be possible for the Planning Commission to alter the bylaw to allow something like Logan Drive to support a sub-division. Peter Hudkins said an action item could be added to look at this further. Barre Pinske asked if it was legally possible to write language for this. Peter Hudkins said it was possible, but there were other private roads in town which would be affected. Peter Hudkins said Logan Drive was a multiple lot sub-division was permitted before 2000, so they have gotten 20 years out of their road. The Remington sub-division had been obliged to put in a road that met town specifications not long after the year 2000.

❖ Action item: Consider Logan Drive sub-division issue

### **Agenda Item 3 Progress Report from Cheryl Joy Lipton on wildlife map.**

Cheryl Joy Lipton said she has located two maps from Monica Przyperhart and she has assembled a list of endangered species in Chester. She said she also had information about habitat connectivity. Peter Hudkins said he expected Gabe Ladd will be back in Chester in

August. He expected that Cheryl Joy would have information about riparian buffers, which would impact the zoning maps. Cheryl Joy and Peter discussed the width of riparian buffers, noting that different species require different widths of buffers. Peter said the maps he has seen were 10 years old. He hoped Cheryl Joy has found more current data. Cheryl Joy said she had created a couple of maps herself using the Biofinder software available from the state. Peter Hudkins asked Cheryl Joy to let him know when she has all the maps ready. An item will be put on the agenda. Cheryl Joy said she would like to get some input from PC members before she prints the maps and she also needs access to a color printer. Peter said he thought something could be set up with 2 computers a safe distance apart to view and discuss the maps. The Southern Windsor County Planning Commission has a color printer which could print the final maps.

#### **Agenda Item 4 Compile data gathered from front yard setback measurements in the Stone Village.**

Cheryl Joy Lipton presented a list of measurements made from the front of each building along North Street (23 altogether) to the fog line (the white stripe at the edge of the roadway). It was determined that the setback in the proposed bylaws is measured from the edge of the road right-of-way. The current bylaws measure the front setback from the edge of the road. The edge of the road right of way is assumed to be 25' from the center of the road. The actual edge of the road right-of-way is sometimes not readily determined. Since the measurement was taken from the fog line, it was determined that the measurement from the center of the road to the fog line should be taken and the list of setback measurements should be adjusted accordingly to reflect the distance from the assumed edge of the right of way, which is 25 feet from the centerline of the road. Cheryl Joy asked what the purpose of the measurement was. Peter Hudkins said it would help citizens understand what the actual setbacks are now and envision how that would fit with a proposed setback.

Michael Normyle said he recalled that side setbacks were an issue and he thought a side setback of 8 feet had been suggested and then changed to 20 feet. Naomi Johnson said, looking at the current table, the Stone Village has a 40-foot front setback and the initial proposed V4 zoning had a front setback of 12 feet. She said the side setback is currently 30 feet and the proposed is 8 feet. Cheryl Joy Lipton said that, in actuality, the side setbacks are sometimes as low as zero feet. Peter Hudkins said his goal is to get the current realities on one sheet, present it to the Stone Village citizens and then work from there.

Cheryl Joy asked Naomi if there was any way to get measurements such as the side setback distance without having to go to each lot and measure the distances. Naomi said an aerial photo with an overlay of property lines could be used to get measurements. Measuring between the houses using the aerial photograph map would be reasonably accurate. Measuring the front setback from the edge of the right of way would not be as accurate using the aerial photo. Naomi offered to send Cheryl Joy a pdf an aerial view of the Stone Village area with property boundaries.

Barre Pinsky wanted to be sure that the rules produce development that blends with what is present now. Cheryl Joy Lipton noted that the newer house by the Stone Church was built to the current specifications and it was not in line with the other buildings on the street because the current rules required it to be that way.

Peter Hudkins asked for an action item where the setback information is assembled in a table resembling the current bylaw format for people to consider. Peter Hudkins wanted to see the minimum existing setback as part of the table.

- ❖ Create a table of existing setbacks in the Stone Village area, with a column showing the shortest existing setbacks as well as the average setback distance.

Cheryl Joy Lipton asked about sidewalks. Naomi Johnson thought that the town planned new sidewalks for that area. She said sidewalks in the road right-of-way are owned by the town. Peter Hudkins said that, in general, there wasn't much room for sidewalks in the road right-of-way along Chester's 3-rod roads. Wrinkles such as sidewalks and bicycle paths were discussed, but those structures are not part of the setback calculation.

Michael Normyle asked why the sidewalk in the Stone Village had one section on the west side of the road and another section on the east side of the road. There was no answer to the question beyond it could have something to do with the road right-of-way and where there was room for a sidewalk.

Michael Normyle asked if he had an action item for this item from this. Peter Hudkins said the action item is:

- ❖ To measure the distance from the outside edge of the fog line to the center of the road on North Street.

Michael Normyle asked if the Stone Village district boundaries had been determined yet. He said that his impression of the Stone Village residents would welcome a district that includes only the 11 or so stone houses and a couple of others that comprise what is perceived as the historical section. They would not want the area up to First Avenue or the area from the end of the stone houses to Dalrymple Street included. Peter Hudkins said the Stone Village boundaries had not been determined. He said at present it was generally the east side of the north branch of the Williams River from Depot to Church Streets. He did not want to make any more mapping changes until Gabe Ladd gets back to Chester.

Barre Pinske was concerned about the time spent discussing this topic. He asked if the Planning Commission was getting involved in defining a historic district. Was it the Planning Commission's responsibility to define the historic nature of the Stone Village District, or is that the job of the state Historical Society? He asked if the Planning Commission should define the district using the historic district boundaries established by the state and federal government in order to protect the historical nature of the area. Peter Hudkins said he thinks the current area is too large. Tim Roper said there is an historic district defined by the federal government which was even broader than the current Stone Village. Naomi Johnson questioned whether the discussion of boundaries without the Stone Village residents present was a reasonable thing to do. Peter Hudkins said he only wanted to organize the data for the table. He hadn't planned on discussing the boundaries. No decisions about boundaries were made.

### **Agenda Item 5 Review road and driveway standards for new bylaws.**

Naomi Johnson said she had a couple of edits for the standards sent in the packet. Section 3305.D.3.A should be deleted because it conflicts with other standards. In 3305.D.4 the right of

way specification (3305.D.4.a) should also be deleted. Peter Hudkins said the B71 standard of a 3-rod road right of way did not leave room for sidewalks and he wanted to spend more time discussing the topic of 50- or 60-foot rights of way at the next meeting. The topic was tabled.

**Agenda Item 6 Discuss table 4-01 of new bylaws and materials distributed by our Zoning Administrator as a map for evaluating permit applications**

This item will be taken up at the next meeting.

**Agenda Item 7 Set date for next meeting**

Barre Pinske asked whether Peter Hudkins had expected more progress in the meeting. Peter said in this meeting there had been a half hour spent on Citizen Comments. He didn't expect to cover all the material, but he wanted to be sure there was enough material to keep the Commissioners occupied.

The Planning Commission members agreed to meet at their regularly scheduled time of 6:30 on Monday June 15<sup>th</sup>. Michael Normyle said Governor Scott was expected to raise the number of people who could be present at a gathering to 25 in the near future, which would facilitate in-person meetings. He said the Town of Chester was working on a way to allow both in-person and teleconferencing to take place at the same meeting.

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

**Action Item Summary**

- ❖ Consider Logan Drive sub-division
- ❖ Create a table of existing setbacks in the Stone Village area, with a column showing the shortest existing setbacks as well as the average setback distance.
- ❖ To measure the distance from the outside edge of the fog line to the center of the road on North Street.