

TOWN OF Chester
PLANNING COMMISSION
July 20, 2020 Minutes

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

Staff Present: Michael Normyle, Zoning Administrator, via Zoom video conference and Cathy Hasbrouck, Recording Secretary at the Town Hall.

Citizens Present: John Winter at the Town Hall, Dan Little via Zoom video conference.

Call to Order

Chair Peter Hudkins called the meeting to order at 6:30 PM and thanked the Planning Commission for letting him stay on July 6th instead of having the meeting.

Agenda Item 1 Review minutes from June 15, 2020 meeting

Tim Roper moved to accept the minutes from the June 15, 2020 meeting. Naomi Johnson seconded the motion. Cheryl Joy Lipton had 2 corrections, on page 3. There were no other changes. A vote was taken and the minutes were accepted as corrected.

Agenda Item 2, Citizen Comments

Michael Normyle introduced John Winter. John and his wife Kathleen Walsh had met with Michael the week before to discuss a property on Peck Road they have purchased. John discussed his plans for the property which is in the R120 district under the current bylaws and will be in the R3 district under the proposed bylaws. He and his wife are considering building an event barn to go with the bed and breakfast that exists now and continuing the property's use as a venue for weddings and other events. He noticed that the introductory documents for the proposed bylaws prepared by Brandy Saxton specifically mention event venue as a use in the R3 district. He asked when the proposed bylaws would be adopted. Peter Hudkins said the Corona virus has slowed the process considerably. Public meetings and hearings are essential to the process and the uncertainty surrounding arranging those meetings has not been resolved. He could not give an estimate for an adoption date.

Michael Normyle offered to look up more information about the property. He confirmed that the property has a permit for a bed and breakfast now. Peter Hudkins said the Commission could put this item on the to-do list for future study and Michael Normyle suggested that John Winter meet with him tomorrow during his office hours to discuss a permit under the current bylaws.

Dan Little, a citizen from Logan Drive, had discussed his wish to subdivide his property and the requirement that the access road for two or more lots not having frontage on a state or town highway meet the Chester Road and Bridge Specifications. Logan Drive serves a number of lots well in excess of the current bylaw limit and does not meet Chester Road and Bridge Specifications. Dan Little asked if there had been any discussion on the topic of changing the number of lots allowed on a road that does not meet the specification. Peter Hudkins said the item was on the to-do list and it had not been discussed. Cheryl Joy Lipton said the Planning Commission meeting agenda is available on the town website and Dan could see if the issue was to be addressed at the next meeting.

Agenda Item 3 Review action item list (Old Business)

Peter Hudkins went over the list of unfinished action items. The Commission reviewed an item from the June 1, 2020 meeting, “That someone verify that each issue listed in the General Standards paragraph 3305.D(2) was addressed somewhere in the document.” These are standards for new or expanded roads associated with a subdivision. Naomi Johnson had reviewed the items and listed the results of her review in a document. The Commission discussed each item on the list. 3305.D(2)(a), “Safely accommodate all users . . .” is addressed in figure 4-01 and in the Chester Road and Bridge Standards. Naomi recommended that the 3305.E(2), sidewalk design and construction include a requirement that sidewalks be designed to VTrans standards, which reference ADA standards.

3305.D(2)(b) is a requirement that new or extended roads in a subdivision “Calm traffic and discourage travel speeds in excess of the posted limit”. The Commissioner’s discussion noted that there were no clear design criteria cited. Cheryl Joy Lipton said there were many design criteria that could serve to calm traffic and mentioned a few. She thought specific design requirements, or at least a mention of the topic, should be part of the bylaws.

Naomi Johnson agreed there were many ways to slow traffic. She said that if the bylaws had the requirement to calm traffic then they would need to have some way to evaluate the measures proposed by the developer. Without some kind of evaluation, the requirement would have no “teeth” and for that reason, Naomi thought it wasn’t a useful requirement. Cheryl Joy Lipton said she thought the presence of the statement would cause people to consider the issue when developing land instead of just widening the road, which allows traffic to speed up. She wanted to add the details of designs that would calm traffic to the bylaw.

Peter Hudkins said he thought the Commission was trying to avoid a conflict with the existing Chester Road and Bridge Standards. Design standards for calming traffic should be added to the Road and Bridge Standards document, which belongs to the Selectboard. Peter Hudkins said a developer could choose to ignore bylaw requirements that were not part of the Chester Road and Bridge Standards.

Cheryl Joy Lipton asked whether the Planning Commission should talk to the Selectboard about adding that requirement to the Chester Road and Bridge Standards. The standards had been last updated in 2014. Tim Roper said that if the Commission puts road standards in the document and the town updates the Road and Bridge Standards document, then the bylaws would have to be updated as well. Peter Hudkins agreed. Paragraph 3305.D(2)(b) was dropped.

Items 3305.D(2) (c – f) all were covered in Figure 4-01 and therefore dropped.

Item 3305.D(2) (g) “Minimize the amount of impervious surface necessary to provide convenient and safe access to property” was discussed. Naomi Johnson said there was no clear measurement of the amount of impervious surface needed for a driveway. VTrans did not have clear standards. She questioned whether this statement was meant to prohibit someone from making a wider driveway than was required. Peter Hudkins said the statement would be more appropriate in a Town Plan. He noted the extensive requirements for parking and snow storage in other parts of the bylaws. No Commission member objected to discarding item (g).

Item 3305.D(2)(h), “Be graded and laid out to conform as closely as possible to the pre-existing topography” is covered by Figure 4-01. Peter Hudkins said the Road and Bridge Specification has a grade standard and a stone lined ditch standard. Peter Hudkins saw a conflict between the

requirement to put parcel boundary lines at a 90° angle to the road and the requirement to follow the topography when designing the road. Michael Normyle said he thought these standards were not intended to be rigid rules.

Naomi Johnson said she saw (h) as a general statement. She said a developer would not make cuts and fills beyond the minimum necessary for drainage. Cheryl Joy Lipton said she has seen developers use cuts and fills to make a road more uniform. She didn't know if that was a common practice in this area.

Peter Hudkins said the town road minimum design speed was 25 mph and there was no need to level a road to support that speed. He doubted that a developer would invest extra money to make a road smoother. Older construction equipment made cut and fill less costly and perhaps more common. Newer construction equipment is not as good at moving material. Since this issue was covered in Figure 4-01, no one asked to have it included in General Standards.

3305.D(2)(i), drainage was covered in the Road and Bridge Specifications document.

3305.D(2)(j), location of roads relative to surface waters was discussed. This issue is addressed in 3018 Riparian Buffers. Cheryl Joy Lipton noted that section 3018 was requiring only 50 feet as a buffer and this regulation was asking for 150 feet. Peter Hudkins suggested that the distances in each section of the bylaws should match. Cheryl Joy Lipton asked if Section 3018 Riparian buffers would be discussed by the Commission at some point. Peter Hudkins said he was hoping that Cheryl Joy would put a package together that would list the natural features in the town that the bylaws should be protecting. He said he would devote an entire meeting to the subject, but he wanted her input as an expert in the field and a resident of the town before he scheduled the meeting.

Cheryl Joy Lipton said she had thought the Commission was waiting for Gabe Ladd to return from Florida before the discussion about forest block connectivity and riparian buffers would take place. It was agreed that she would prepare maps and information about forest block connectivity, threatened and endangered species and areas needing riparian buffers for presentation to the Commission the third week in September.

Item 3305.D(2)(k) minimize the number of stream crossings is addressed by Figure 4-01 in item 13. As this item is tied to riparian buffers, discussion was tabled as with item (j).

Naomi Johnson corrected a reference to the sidewalks paragraph. The reference should be added to 3305.H, not 3305.E.

Peter Hudkins then reviewed the new revisions to the Driveway and Road specifications in the proposed bylaws. In 3305.A, the Commission decided to specifically mention the title of the Chester Road and Bridge Specifications document. In 3305.B Technical Review the Commission discussed whether a letter from the Police Department was necessary for a subdivision project. The size of the project and the fact that currently the Police Department is consulted along with many other agencies were considered. Naomi Johnson pointed out that item 10 in Figure 4-01 requires the applicant to prove that the project will not have an undue adverse effect upon existing or planned municipal facilities including the Police Department. She said it would be easier for the Zoning Administrator to send the project narrative to the Police Department as he or she does to all the other department heads, and receive a reply, than to have the applicant check with the Police Department separately.

Peter Hudkins said that apparently the current process includes a letter from the Police Department. He urged the Commission members to dial in to the coming week's DRB meeting on Zoom and follow the meeting using the proposed regulations. Cheryl Joy Lipton asked if the Police Department is consulted for every application. Michael Normyle said it was. In that case, the Commission agreed to include the Police Department in the list of department heads to be notified.

The Commission considered subsection 3305.K which allowed some requirements for a road to be waived if the topography made meeting the requirements a hardship. It was decided that a waiver of the Road and Bridge standards was not appropriate. If the terrain was so rough that a road could not meet the standards, another place to construct the road or driveway should be found. The subsection was removed.

The portion of the road standards that was changed to coordinate with the town Road and Bridge Standards ended here. Peter Hudkins moved on to Section 3305.L Street Trees. Cheryl Joy Lipton said she did not think the landscaping standards listed here and in other sections of the bylaw was a good template to use for landscaping. Peter Hudkins said he was interested in hearing any better ideas for landscaping standards. He was concerned by the word "must" in the standards which has a particular meaning in bylaws. Cheryl Joy Lipton said if there were no landscaping standards at all, no plantings would be done because they are an added expense. Tim Roper said the forced planting of trees along roads could interfere with solar energy collection and he wanted some way to accommodate renewable energy considerations. Cheryl Joy said she could look into this. Peter Hudkins wanted to add this to the to-do list.

Agenda Item 5, Check-in on list of significant changes

Peter Hudkins suggested that the Commission members attend the Development Review Board meeting Monday evening.

Peter then explained to the Planning Commission that Brandy Saxton will not be available for the hearings with the citizens and the Selectboard to explain and defend the proposed bylaws. Any significant changes that a Commission member feels strongly should be kept in the proposed bylaws will have to be defended by the Commission.

Naomi Johnson asked to add an item to the list of Significant Changes. Subsection 3305.J Erosion Control refers to 3012 Erosion Control, which lists erosion control plan requirements. The requirements are more stringent than the current state requirements. This issue was discussed on December 3, 2018. Naomi suggested that this item be added to the to-do list because it was not actually resolved in the December 2018 discussion. During that discussion the possibility of using major and minor site plan review as a standard for deciding when the 10,000 square foot was raised, but not voted on. Note: the current version of the proposed bylaw has the major site plan review requirement included.

Peter Hudkins described the major and minor site plan standards in the proposed bylaws as outlined in 4304.C Classification. As he was doing that, he checked in with Michael Normyle on whether, as the zoning administrator, he was willing to authorize an increase of dwelling units in a building from one unit to two units in a minor site plan review, or if any increase in dwelling units should be considered a major site plan review and referred to the DRB. Michael Normyle felt that 3 or more units should be handled by the DRB and the abutters should be notified, but an

increase in dwelling units from one to two was acceptable for the Zoning Administrator only to review.

It being 8:12 PM, the Commission decided to table the discussion about erosion control protocol.

Agenda Item 7 Discuss agenda for next meeting (New Business).

Peter Hudkins asked Tim Roper if he had anything particular to bring up for this. Tim said it seems like the chair's responsibility to set an agenda, but he didn't feel any of the members had any input to the agenda. He thought it would be helpful if the Commission members could review the agenda before it was published. It was agreed that the agenda will be sent to the members and they will be given 24 hours to respond before it is published. Any response should be sent to Peter with a copy to Cathy.

Peter said he was concerned about how to make the bylaws into a useable document for the DRB. He thought that making the change to the hearing procedures as smooth as possible for the DRB would help the bylaws get passed. He felt the zoning districts were fairly well defined and many of the requirements had been reviewed. Peter Hudkins said that he, Naomi Johnson and Cathy Hasbrouck were undertaking a review of the proposed bylaw navigation as a separate project. Tim Roper said he thought that was a fine idea.

Michael Normyle reminded the Commission that Monday July 27 at 6:00 PM the Development Review Board would be having 2 conditional use hearings which may be of great interest to the Planning Commission. He urged them to attend in person or by Zoom.

Tim Roper moved to adjourn the meeting. Cheryl Joy Lipton seconded the motion. The meeting was immediately adjourned.

Action Item Summary

- ❖ Ask the Selectboard to add "Design roads to calm traffic" as a standard to the Chester Road and Bridge Specifications
- ❖ Add landscaping standards to the list of issues to examine.
- ❖ Add the size of the disturbed area that triggers a professional erosion control plan to the list of significant changes.