

**TOWN OF Chester**  
**PLANNING COMMISSION**  
**August 3, 2020 Draft Minutes**

**Commission Members Present:** Naomi Johnson, Cheryl Joy Lipton, and Tim Roper via Zoom video conference and Peter Hudkins and Barre Pinske 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:** Ian Montgomery and Ed Grossman via Zoom video conference. Kathy and Chuck Giurtino at Town Hall.

**Call to Order**

Chair Peter Hudkins called the meeting to order at 6:35 PM.

**Agenda Item 1 Review minutes from July 27, 2020 meeting**

Tim Roper moved to accept the minutes from the July 27, 2020 meeting. Barre Pinske seconded the motion. Naomi Johnson requested a change to page 3. She asked to change a sentence to say, “a developer would not make cuts and fills beyond the minimum necessary for drainage.” Tim Roper noted a missing s on the word area on the same page. There were no other changes. A vote was taken and the minutes were accepted as corrected.

**Agenda Item 2, Citizen Comments**

Ed Grossman from North Street recapped agreements made during the February 3, 2020 Planning Commission meeting concerning the proposed Stone Village district. He listed the change in minimum lots size from 30,000 to 20,000 square feet, not having a 1,000-foot buffer of Stone Village zoning behind the lots that line North Street, adjusting setbacks to fit smaller lots and maintaining the front setback in place now. He asked when the agreements would be added to the proposed bylaws. Peter Hudkins said the Planning Commission was going to finalize the proposal for the Stone Village district page in the new bylaws and then planned to distribute the document to anyone who was interested, including the residents of the Stone Village. The residents would be able to study the document before the next meeting when the zoning district page will be discussed. Ed Grossman said he was happy to hear that. He asked that flexibility with waivers be given some consideration as well.

Peter Hudkins said the Planning Commission wants to have a meeting in an outdoor setting as many people have trouble with Zoom. He hopes to be able to distribute the Stone Village zoning district document well before the meeting which he would like to schedule for August 17. Kathy and Chuck Giurtino at the town hall agreed with all that had been said. Cathy Hasbrouck suggested that the meeting be held at the Gazebo at the Pinnacle. Naomi Johnson suggested that the Planning Commission take advantage of the mild August weather. Ed Grossman said he had attended a meeting this summer at the Gazebo. People brought masks and sat 6 feet apart. He said it worked out very well. Tim Roper said if we scheduled the meeting for August 17, he would want a rain date to be scheduled as well. Barre Pinske, Naomi Johnson and Cheryl Joy Lipton were in favor of the meeting. Ian Montgomery said he already had plans for August 17, but he was in favor of the regulations as presented in February and recapped by Ed Grossman. Later in the meeting, a rain date of August 31, 2020 was chosen.

### **Agenda Item 3 Review action item list (Old Business)**

Peter Hudkins went over the list of action items at the end of the July 20, 2020 minutes. He said he had contacted members of the Chester Townscape committee about the proposed landscaping in the new bylaws. He forwarded the proposed bylaws for landscaping and screening to them to see if the bylaws can be coordinated with any plans they have for the town. He asked them for feedback. Cheryl Joy Lipton asked who is on the Townscape committee. Peter Hudkins said three names were listed on the town website page. Tim Roper wanted to be sure people understood that the Townscape committee was not part of town government and he agreed that the Planning Commission should consult with them on landscaping requirements.

Peter Hudkins discussed the issue with Logan Drive. He turned to page 2, item 4 of the Chester Road and Bridge Specification document and read it aloud. "All new or substantially reconstructed roads serving 3 houses will have a traveled width of 16 feet with a minimum shoulder width of 2 feet on each side. All new or substantially reconstructed roads serving 4 or more houses will have a traveled width of 20 feet with a minimum shoulder width of 2 feet on each side." He noted that there were many more than 3 houses on Logan Drive and that the road does not meet these specifications. He did not feel that the bylaws can do anything until the road is brought up to the Road and Bridge Specifications. Naomi Johnson and Tim Roper agreed.

Peter Hudkins suggested that the Recording Secretary send a letter to Dan Little giving the standards the road must meet and telling them that the Planning Commission will not be changing those standards. Cheryl Joy Lipton suggested that someone verify that the parcel Dan Little wants to subdivide is big enough to subdivide under the current or proposed bylaws. Naomi Johnson said the zoning administrator is the person who explains the bylaws to citizens and helps them discover whether the parcel may be subdivided. The Planning Commission would tell Mr. Little that it has reviewed the issue and it does not intend to make any changes to the bylaws that will allow him to subdivide his lot. There was general agreement among the Planning Commission members to this point.

Michael Normyle asked the Planning Commission if they wanted to entertain any language that would offer an exception to the requirement. Naomi Johnson asked Michael Normyle about section 5.B.2 of the adopted bylaws which state, "No land development shall be permitted on existing lots which do not either have frontage on a public road or public waters or, with the approval of the Development Review Board under subdivision review procedures, access to such a road or water by a right-of-way of record at least 50 feet wide." She asked if Logan Drive was considered a right-of-way and if that is how the existing lots on Logan Drive comply with the regulations. Michael Normyle said that was so.

Naomi Johnson asked if Dan Little's proposed subdivided lot had access to the 50-foot right-of-way. Michael Normyle said the only way it would have access is if a right-of-way through the existing lot was given. Michael Normyle said he didn't want to change the language on the road specs, he just wanted to know if the Planning Commission was willing to include some kind of exception or grandfathering to accept a sub-standard road that had been in use for many years. Peter Hudkins said he had participated in the hearing when the original lots were subdivided and he knew that conditions requiring a standard road and cul-de-sac were part of the permit. Those conditions have not been met.

Barre Pinske verified that the subdivision was supposed to meet certain standards for a permit and the standards had not been met. Peter Hudkins said the subdivision at the end of the road had those conditions attached to it.

Barre Pinske said he thought what was being suggested was that the Planning Commission add something to the bylaws that would allow a group of property owners to maintain a private road that was not up to town standards but works for them. He said that arrangement, of a private, sub-standard road, seemed possible if there was one owner of a large tract of land involved. The fact that this tract of land has been subdivided and has multiple owners makes the proposal impractical.

Cheryl Joy Lipton said the bylaws have the purpose of preventing development in some areas and promoting it in others. She said, in this case, looking for a loophole in a bylaw that is trying to discourage development far from existing roads is a mistake. The Planning Commission should enforce the standards. Tim Roper said the reason the bylaw exists about the width of a road is for fire safety, which is an important matter. Cheryl Joy agreed that fire safety was very important as well. No Commissioner wanted to change the road standards or allow a private road to fail to meet them. This closed the discussion on Logan Drive.

Peter Hudkins discussed the fourth and fifth items on the action item list:

4. 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.
5. To measure the distance from the outside edge of the fog line to the center of the road on North Street.

Naomi Johnson suggested that these items are complete. Peter Hudkins agreed. He mentioned them because they are part of the document that will be circulated for the Stone Village August 17<sup>th</sup> meeting. The Commissioners discussed a rain date for the meeting and settled on Monday, August 31, 2020.

Tim Roper said he was concerned that people from the Stone Village who spoke at previous meetings spoke as if they were representing more citizens than the members of their household. He did not think that town government allowed a single person to speak for a group of citizens. Peter Hudkins said he hoped that the meeting at the Pinnacle, which would allow as many citizens to attend as wanted to, would ease that problem by having more citizens attend and speak for themselves.

Tim Roper wanted to be sure the document communicated what the options a citizen has to voice their opinion. Barre Pinske said he didn't see what was wrong with a group of citizens asking one person to speak for them. Peter Hudkins said there was no recognition of a proxy at a town meeting. Naomi Johnson said she understood Tim's concern but she felt that accepting testimony from someone claiming to represent a larger group of citizens was acceptable. Tim Roper said he would like to see a large number of citizens at the meeting.

Michael Normyle suggested that a group of citizens could sign a document stating that they designate a given person to represent them at the meeting. Tim Roper suggested that any list of people who appoint a spokesperson should be compared to the total number of citizens in the district under discussion so the Planning Commission has some idea of what portion of the district the spokesperson represents. Ed Grossman said he was not comfortable soliciting

signatures from house to house in regard to his participation at the meeting. He said he would do his best to solicit in-person attendance at the proposed meeting.

Naomi Johnson asked to review the rest of the action item list. She wanted action item 5, measuring the distance from the center line of North Street to the edge of the asphalt, marked as complete. She also wanted to reconsider any action about asking the Selectboard to consider adding requirements for calming traffic to the Chester Road and Bridge Specifications document. She said she does not agree that those requirements are needed. Peter Hudkins said that he did not plan on taking action on that issue for some time. As soon as the Commission finishes with the bylaws it has the Town Plan to address. He said he planned to act on the traffic calming issue after the Town Plan is complete.

Continuing with the list of action items, Peter Hudkins addressed item 7, “Add landscaping standards to the list of issues to examine.” He said he had looked for examples of landscaping standards other towns have used and hasn’t found useful examples so far. He invited Commission members to look at other towns and see if they found examples to discuss.

Peter moved to the List of Significant changes item 3, “Boundary adjustments may be handled by the Zoning Administrator, DRB hearing is not required. Should the Selectboard be consulted on this?” He said he would like to consult with the Selectboard before changing the Zoning Administrator’s job description. He thinks that the new bylaws will add to the Zoning Administrator’s workload. The first items he noted are boundary adjustments and subdivisions, where the role of the Zoning Administrator is more extensive than under the adopted bylaws.

Cheryl Joy Lipton had asked to speak about Action Item 8, “Add the size of the disturbed area that triggers a professional erosion control plan to the list of significant changes.” Peter Hudkins suggested that this be tabled for another night. Naomi Johnson referred the Commission to the last time this was addressed which was December 3, 2018. She said no formal vote had been taken on the issue. She felt a formal decision should be made. Peter Hudkins asked the Recording Secretary to locate the discussion in the minutes and distribute it to the Commissioners.

**Agenda Item 4, Finalize proposal for Stone Village zoning district page to be presented, and set meeting date.**

Naomi Johnson brought up the dimensional standards table in paragraph 2501.E which had been reviewed in February. She said the table shows the adopted bylaw dimensional standards and the proposed dimensional standards. The proposed minimum lot size is 20,000 square feet. She noted that other dimensional standards appear to have come from the Residential 2 district. Cathy Hasbrouck confirmed that was true. Naomi said the area had originally been assigned to the Village 4 district in the new bylaws and the side and rear standards setback distances from the Village 4 district had been discussed with the residents at the February 3, 2020 meeting.

Naomi pointed out the actual measurements taken for the properties on North Street are also listed in the table. They include the average front setback which is 26 feet, the minimum front setback which is 10 feet, the average side setback which is 27 feet and the minimum setback which is 0 feet.

Michael Normyle asked if the geographical boundaries of the Stone Village district have been finalized. Peter Hudkins said they had not. Michael Normyle said he wanted to point out that

the measurements taken had focused on the area along North Street from the bridge near Green Mountain Turnpike almost to Dalrymple Street, but the currently adopted Stone Village district also includes areas from the bridge near the Green Mountain Turnpike south along Depot and Street and First Ave. almost to the town hall and along Dalrymple Street south along Church Street to the Williams River. He wanted to be sure that the discussion included more than the 12 or 13 stone houses. Tim Roper asked how to have a discussion with the Stone Village residents if the Stone Village district has not been defined. Peter Hudkins said the discussion on August 17<sup>th</sup> will center on setbacks and he would like to meet with Gabe Ladd when mapping the district is discussed.

Tim asked how it would be determined who would receive this document. Shouldn't it be everyone who lives in the proposed district. Peter Hudkins said the document will be distributed to the households who signed up to receive e-mails about the Stone Village. Peter Hudkins said he did not want to go beyond the normal distribution practices currently used. He wanted to take advantage of the time we have now to meet outside and hear what the citizens have to say. He anticipates that the pandemic will be worse starting in September and all meetings will be confined to Zoom. He plans to take the input gathered at the outdoor meeting and figure out a plan when outdoor meetings are no longer possible. He doesn't think that Gabe Ladd will be back in Chester before October.

Tim Roper asked if it was legal to send the documents to only some of the residents of the district. Barre Pinske said the information will be on the agenda. Naomi Johnson asked if anything was going to be mailed to specific persons. Peter Hudkins said the agenda and document would be e-mailed to people who had given in their e-mail address and asked to be notified by e-mail.

Cheryl Joy Lipton suggested that the information be provided on the website. Tim Roper said he thought it was important to notify all people living in the area about this proposal and without a defined area it would be difficult to create a list of residents who need to be notified.

Michael Normyle said there was a great variety of architecture in the area, not just stone houses. The regulations would apply to many types of buildings. Peter Hudkins asked if the Commission wanted to table the discussion until the district boundaries are defined. Naomi Johnson did not want to table the discussion. Barre Pinske said part of the discussion at the meeting could help define the area. He said a friend who lives in the area asked him if she should attend the meeting. He wanted to be sure that citizens understand this is a zoning district and not a historic district. He thought the residents could help sort out what they want.

Peter Hudkins asked if there were any other modifications to the document included in the packet. Naomi Johnson said she would like to settle the dimensional standards table and present a single table to the citizens. She said she was glad to have their input but she thought they needed more direction than the multiple columns in the table as presented. She considered the minimum lot size resolved. The district boundary and the setbacks were not resolved. She said the purpose of re-writing the bylaws was to bring the document up to current state standards and adhere to state guidance. She didn't think there was any impetus to change the Stone Village district specifically. No need to encourage businesses or denser development. The residents of the Stone Village clearly want things to stay the same.

Naomi pointed out that the original zoning district proposed for the Stone Village area was Village 4. She referred to the purpose of the Village 4 district as given in the bylaws, quoted here:

The Village 4 district includes land in the traditional settlements of Chester Village, Chester Depot, Stone Village and Gassetts that historically have been used for primarily for residential purposes with a mix of some civic and business uses. The purpose of this district is to:

- (1) Accommodate more intensive development and a full range of housing options within existing settlements;
- (2) Maintain a residential scale and character while allowing for low-impact small business and civic uses;
- (3) Provide a pleasant neighborhood setting for residents;
- (4) Provide an attractive streetscape and a pedestrian-friendly environment; and
- (5) Maintain traditional small-town neighborhood character.

She said she doesn't see a reason to change the setbacks from what they were. She wanted the Commissioners to have an inkling of their position so the setbacks may be discussed and conclusions drawn at the meeting. Cathy Hasbrouck asked her whether she meant keeping the Village 4 setbacks for the Stone Village when she said she didn't want to change the setbacks from what they were. Naomi said she wanted to keep the setbacks from the adopted bylaws. She said the average side setback was measured at 27 feet. The adopted side setback was 30 feet. Cheryl Joy Lipton asked Naomi why she would want them to larger when the historic setbacks were closer to the shorter setbacks proposed. Naomi said the average current setback is not far from the adopted standards. She couldn't see why they needed to be changed. She hadn't heard of any problems with the setbacks.

Tim Roper said smaller setbacks would be appropriate for a decreased lot size. Cheryl Joy Lipton said it would be less stringent on the home owners. She didn't think using the average would reflect the character of the area very well. A couple of large lots with large setbacks could skew the average.

Cathy Hasbrouck brought up the difference noted in the Stone Village zoning district document in how the front setback was measured between the adopted bylaws and the proposed bylaws. The adopted bylaws measured it the setback from the edge of the road and the proposed bylaws measure it from the edge of the right of way. Naomi Johnson said she believed it to be a 15-foot difference and the point was well taken. Cathy Hasbrouck also said that changing the lot size from 30,000 square feet to 20,000 square feet brought more parcels into compliance. She also recalled concerns stated in February that the larger setbacks left no room for a house on the smaller lots.

Barre Pinske said the area is so settled there is very little room to change. He was concerned that someone will buy a small lot and use it to create a right of way to develop many small lots in the area behind the lots abutting North Street.

Naomi asked Peter Hudkins if he could settle what the proposed setbacks would be. Peter Hudkins said he had wanted the document to be a talking point document to support discussion with the Stone Village. He said it seemed as if the discussion had moved past this already.

Naomi said she didn't recall the Commissioners discussing the proposed column beyond the 20,000 square feet minimum lot size. She said she appreciated the numbers in the column and they make more sense when you take into account the difference in measuring the front setback. She also agreed that Tim's point about smaller lots should have smaller setbacks was valid as well. Peter Hudkins said he agreed with Barre that the residents could/should help them decide what is best for the neighborhood.

Tim Roper again brought up the point that if resident's opinions are being sought out, he wants to be sure that all parties are contacted. Peter Hudkins said the agenda will be published along with the Stone Village district document and nothing would be mailed. Barre Pinske said there were many citizens who asked the Commission to e-mail them the agenda when it concerned this topic and the Commissioners agreed to do so. He felt the agenda should be e-mailed to those people who had asked for it. Tim Roper asked what should be done for people who have not asked to have the agenda mailed to them. They would be unaware of what is being discussed and decided. Naomi Johnson said there will be future meetings for people to comment on the bylaws if they wish. Cheryl Joy Lipton said the Commission is asking for input and is not obliged to make a decision at the meeting. Peter Hudkins said it seemed like the courteous thing to do, to honor the request to have an e-mail sent to them when this topic was going to be discussed at a meeting.

Peter said publishing the document in time for people to study it before the meeting seemed like the best way to have a productive discussion. Tim felt that if the Commission is reaching out to some people who are affected by this, The Commission should reach out to all people affected. Michael Normyle said he thought it was important to discuss the geographical size of the district so that the discussion doesn't focus only on the stone houses, which are only 12 or 13 properties. Naomi Johnson said there were a total of 27 properties along North Street that were included in the measurements taken.

Naomi Johnson asked if there was anything else to be discussed after the table in the document. Cathy Hasbrouck said there was a difference in the method used to measure building height but she had not worked out what the impact that change would have on the measured height of a building. She also pointed out that the proposed bylaws have a maximum coverage and footprint standard as well as the change in measuring the front setback. Naomi Johnson said that, as she studied the proposed zoning district page, she discovered there were a number of other standards she hadn't noticed in the Chapter 2 tables. She saw them because the standards are listed under 2107.F Other District Standards on the proposed zoning district page.

Barre Pinske said he thought the Planning Commission was responsible for a lot of issues and the public is not very involved. He felt it is important to encourage citizen participation by honoring their requests for communication. Tim Roper agreed that additional participation should be encouraged. His concern was that the Commission would make changes, define a boundary or set zoning standards and someone would then come forward and say the decision was made by a small group of people and the Planning Commission just did what the small group said. Peter Hudkins said the zoning changes need to be sold to as many citizens as possible and he was glad to have input from the Stone Village. Tim Roper said he welcomed the Stone Village input as well and wanted to be sure that every citizen in town heard about the meetings and was given an opportunity to speak. Cathy Hasbrouck said that the agenda is published on the town website, the bulletin boards and in the Chester Telegraph. There is no tradition of contacting people in any other way, and apparently no practical way to reach people beyond those methods.

Cheryl Joy Lipton asked why the already determined Stone Village Historic district is not used as the boundaries for the Stone Village district. Tim Roper explained that the historic district is enormous and has no connection to the issues that a zoning district needs to address.

Peter Hudkins said the Development Review Board would be hearing a final plat review on Monday August 10 at 6:00 PM. He urged the Commissioners to listen to the hearing. He said the proposed bylaws have some significant differences for subdivision permits which are worth listening to.

It being after 8:00 PM, Cheryl Joy Lipton moved to adjourn the meeting. Barre Pinske seconded the motion. No one stayed around to vote on the motion.

#### **Action Item Summary**

No action items were added during this meeting.