

TOWN OF Chester
PLANNING COMMISSION
October 5, 2020 Minutes

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

Staff Present: Cathy Hasbrouck, Zoning Administrator and Recording Secretary.

Citizens Present: Ed Grossman, Lew and Bonnie Waters.

Call to Order

Chair Peter Hudkins called the meeting to order at 6:32 PM. All the meeting's participants were attending via Zoom teleconference.

Agenda Item 1 Review minutes from August 17, 2020 meeting

Tim Roper moved to accept the minutes from the August 17, 2020 meeting. Barre Pinske seconded the motion. Tim Roper asked that the word tower on in the second paragraph on page 7 be changed to antenna. No other changes were proposed. A vote was taken and the minutes were accepted as corrected.

Agenda Item 2 Citizen comments

Ed Grossman said he appreciated that the Planning Commission was receptive to the Stone Village citizens who attended the August 17, 2020 meeting at the Gazebo. Peter Hudkins acknowledged that he had received a memo from Lew Waters just prior to the meeting. He had not been able to read it or distribute it to the other Commission members. He planned to go over some of the issues resolved at the August 17, 2020 meeting during this meeting and would consider Lew Water's comments at a future meeting.

Lew Waters said he appreciated the work the Commission has done, and their professional approach to what he called a daunting task. Tim Roper and Barre Pinske both appreciated Lew's positive comments.

Agenda Item 3 Action Items list

Peter Hudkins began reviewing the Action Item List by noting that an amendment to Act 250 concerning forests had been passed and signed by the governor, he thought. He wanted to read more about what the amendment. Peter noted that the first item on the action item list was a presentation by Cheryl Joy Lipton on forest block connectivity and riparian buffers. He wanted to wait until the group could gather together in one place to discuss those issues because mapping would be involved. (Note: the audio-visual equipment that will make such a meeting possible is scheduled to be set up in the Town Hall on October 27, 2020).

The action item *Add landscaping to the list of issues to examine* was discussed. Cheryl Joy Lipton said she had worked with landscape ordinances from different towns and said she felt the standards Brandy proposed were outdated. She said she could gather some examples. Peter Hudkins said he had looked at standards in other towns and felt that what Brandy had written was typical of what he read. He said he didn't know enough about the field to offer an informed opinion. Barre Pinske said he had observed a process of setting landscape standards on Cape Cod. He felt the standards for landscaping discussed on Cape Cod approached triviality. He

wondered whether it made sense for Chester to have such a level of detail in their landscaping standards. He felt that concern for stormwater drainage was more appropriate. Peter Hudkins said this was only a discussion of an action item and not a discussion of the issue itself. He touched on other items on the rest of the list, explaining a few items he added on 8/31/2020 which had not been discussed yet in a meeting. Naomi Johnson encouraged Commission members to add items, such as those Peter just read, to the list at any time. Peter pointed out that, to his knowledge, a full set of bylaws written by Brandy Saxton has not been implemented and fully exercised in Vermont. There will be gaps and inconsistencies in the Chester proposal because of that lack of real-life use. He would like to discover and resolve these gaps before the bylaws are adopted.

Agenda Item 4 Quick review of Stone Village zoning district page changes

Apparently, this document was not included in the packet so the Commission members had not been able to review it. The item was tabled until the next meeting.

Agenda Item 5 Review building height measurement and proposed Dimensional Standard

A wide-ranging discussion about building height in the proposed bylaws followed. The discussion addressed the method used to measure the height of a building and the dimensional standards, both minimum and maximum heights for each zoning district. Naomi Johnson read the definition of building height from the adopted bylaws as follows:

The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the roof, not including the chimney, cupola and other non-habitable roof appurtenances.

The maximum building height allowed in the adopted bylaws is 35 feet in every zoning district. There is no minimum building height.

The definition of building height in the proposed bylaws was not read aloud during the meeting. It is included here for clarity:

When height is measured in feet, the measurement will be taken from the average finished grade at ground level to:

The midpoint between the eaves and the ridgeline for buildings with a primary roof pitch of 5:12 or steeper; or

For all other structures, the highest portion of the structure excluding the building elements listed here:

Belfries, spires, steeples, cupolas, domes or similar architectural features not used for human habitation; and

Skylights, parapet walls, cornices, chimneys, ventilators, bulkheads, or mechanical equipment usually located on a roof, provided that such features are limited to the height necessary for their proper functioning.

Flag poles, light poles, signs and similar freestanding structures not located within public rights-of-way.

The dimensional standards for height in the proposed bylaw are:

	V12	V6	V4	GB	R2	R3	R6	R18
Minimum principal building height	24 ft	24 ft	n/a	n/a	n/a	n/a	n/a	n/a
Maximum structure height	48 ft	36 ft	36 ft	36 ft	36 ft	36 ft	28 ft	24 ft

Included in the packet for the meeting were excerpts from previous meeting minutes, between August 28, 2018 and August 5, 2019, where building height in the proposed bylaws was discussed. An e-mail from Chester Fire Chief Matt Wilson to Chair Peter Hudkins discussing building height was also included in the packet. Here is an excerpt from that e-mail:

We already have issues with the height of some building and the designs which in some cases makes it impossible for us to conduct roof operations with our current equipment. In these incidents we call for mutual aid for Ladder Trucks. Problem with this is the property needs to be big enough to fit a ladder truck on it.

More pressing would be the comments that we do not need to go further than the mid-point between the ridge line and the peak. This is 100% inaccurate information that you have been given if I am reading this correctly. There are multiple scenarios where we would need to reach above that point, such as attic fires. The most common fires in VT winter months would be chimney fires. A high percentage of chimney fires turn into structure fires. Most chimneys come through the roof at or near the ridge. If we do not need to go more than the mid-point how do I ever extinguish a chimney fire?

There were several points of agreement among Commission members. They included

- The historic look of Chester was essential to the town’s economic success and must be preserved
- There were a number of older buildings taller than 35 feet in Chester now, and those buildings should be allowed to be rebuilt to the same height if they are damaged or destroyed
- No one has actually measured the height of the older buildings in question. The building where Jack’s Diner was is known to be 35 feet tall
- A proliferation of single-story buildings in the village center would change the look of the village.

The Commissioners considered whether buildings set back from the main streets needed to meet the minimum height requirement of 24 feet in the V6 and V12 districts. Peter Hudkins noted that the V6 district extends further from the street than the V12 district. He asked whether houses built in the V6 behind a place such as Buttonwood Farm would need to also be 24 feet tall. Could they be single-story homes and not detract from the look of the village? Tim Roper and Cheryl Joy Lipton supported this idea. Peter Hudkins suggested that the land behind the first row of houses in the V6 district could be zoned V4 to encourage development near the municipal water and sewer lines. V4 does not require a 24-foot minimum height. The Commissioners did

not all agree to the idea of allowing single-story homes in this area. Cheryl Joy Lipton said multi-story housing saved space and should be encouraged. A discussion of changing the zoning in the village center area was deferred until the Commission can work effectively with Gabe Ladd using maps.

Naomi Johnson pointed out that the Chester-Andover Elementary School was in the V6 zone. She asked whether the 24-foot height minimum would force an addition to the school to have multiple stories. The cost of building multiple-story buildings versus single-story buildings was discussed without coming to a clear conclusion.

Barre Pinske proposed a motion to allow a maximum height of 48 feet along Main, Depot and North Street from Lover's Lane Road to the Stone Village. Tim Roper seconded the motion. Cheryl Joy Lipton asked whether the area could include the area between Depot and Maple Street and a few more houses on South Main Street. Peter Hudkins suggested that this issue would be best discussed when Gabe Ladd can join the meeting from Florida. Barre Pinske withdrew the motion.

Peter Hudkins moved to change the method of measuring building height in the proposed bylaws to be the same as the method in the adopted bylaws. Naomi Johnson seconded the motion. Naomi Johnson read the definition from the adopted bylaws aloud again. A vote was taken and the motion passed.

Barre Pinske was concerned that the method for measuring building height in the proposed bylaws would impact the design of buildings and favor flatter roofs instead of the steeper pitches seen in the center now. He also did not like unnecessary design requirements.

Tim Roper promoted the idea of allowing taller buildings if sprinklers were installed. The DRB could give a waiver on the height requirement in that case. Peter Hudkins did not think the Town of Chester wanted to start inspecting buildings looking at sprinkler systems. Cathy Hasbrouck noted that banks and insurance companies were usually the organizations that required sprinklers or gave some kind of financial incentive to install them. The Commission discussed whether the municipal water system could support a number of buildings having sprinklers. Naomi Johnson said the second water tank recently brought on-line supplied more water but did not increase the water pressure.

Peter Hudkins said raising the maximum height of buildings would increase the need for a ladder truck. He said that taller buildings in town will affect the NFPA rating for the town and insurance costs will rise if the Fire Department does not have adequate equipment to fight fires in taller buildings. Peter Hudkins proposed that one other person from the Commission join him in a discussion with a couple of Selectboard members about raising the height limit for some parts of town and the possible financial impact that could have. Barre Pinske volunteered to discuss this with the Selectboard.

This concluded the discussion of building height. There were 10 minutes left in the scheduled meeting time and Peter Hudkins suggested that the Commissioners discuss the possibility of making the Canopy Plan brought up at a prior meeting, a part of the Conditional Use requirements of the bylaws. If a parcel undergoing a Conditional Use hearing also had a recommendation for trees as part of the Canopy Plan, the conditional use permit would include planting the suggested Canopy Plan trees as a condition. Peter said that tree canopies act to slow

traffic on town streets. He noted that the town had already paid for the plan. Chester Hardware has already planted the trees for their property listed in the plan.

Barre Pinske objected to this proposal. He said Chester was already in a forest. There were plenty of trees around. Tim Roper said there were other ways to accomplish a canopy and the town could facilitate the process by buying the trees or digging the holes for property owners. A quick poll of the Commission members found two members in favor, two opposed and one who would like an alternative to making it a mandatory condition for a conditional use permit. Cheryl Joy Lipton said it was difficult to substitute one tree for another so allowing an alternative for a conditional use permit condition could be difficult. Peter Hudkins said he wants to have this as an agenda item for the next meeting. He asked the Commissioners to read the Canopy Plan for the next meeting.

Barre Pinske said he had spoken to Julie Hance about missing a meeting when the chair was not available. Julie Hance had said someone else should run the meeting if the chair is not available. He also said that Julie Hance said the Planning Commission meetings must be warned. He said he was concerned that not enough was getting done. Peter Hudkins said he had spent 14 hours preparing for this particular meeting and asked how that preparation could be handed off to someone else to run the meeting. Naomi Johnson suggested that Barre ask to have this as an agenda item.

Peter Hudkins moved to adjourn the meeting. Cheryl Joy Lipton seconded the motion. The meeting was adjourned.

Items added to the to-do list

- ❖ Consider changing the boundary of the V6 district when Gabe Ladd can work with the Commission on mapping