

TOWN OF Chester
PLANNING COMMISSION
November 16, 2020 Minutes

Commission Members Present: Naomi Johnson, Cheryl Joy Lipton, Tim Roper, Peter Hudkins and Barre Pinsky all via Zoom Teleconference.

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

Citizens Present: Melissa Howe, Will Goodwin, Jill Barger, Greg Kepler

Call to Order

Peter Hudkins called the meeting to order at 6:20 PM. The Commission reviewed the interview schedule and the scoring process. Cathy Hasbrouck conveyed a message from Town Manager Julie Hance, who said she wanted the Commission to have a backup to their first choice and not to recommend any of the candidates if they do not feel any candidate is appropriate. It was confirmed that Tim Roper would ask the four planned questions and the Commissioners themselves would ask further questions if there was time.

Agenda Item 1 Citizen comments

There were no citizen comments.

Agenda Item 2 Interview candidates to fill Zoning Administrator position

Melissa Howe was interviewed first. Peter Hudkins introduced the members of the Commission and Cathy Hasbrouck, the Zoning Administrator. Tim Roper asked Melissa the four questions prepared by the Commission as follows:

1. Please explain why you are interested in the job and why you feel qualified for the job.

Melissa cited a wish to be of service to the town and said she was interested in using the increased hours for the position to offer more support to applicants.

2. The job demands organization, communication, and delegation skills. Please give an example from your life that demonstrates those skills.

Melissa gave the success of the business she founded, Paint Your Own Pottery, as an example of her organizational skills, and her success managing her business and family as evidence of her ability to delegate tasks in order to meet deadlines.

3. The position has the potential for conflict with many different parties. An example would be telling people no to an application. How would you deal with that situation? Do you have strategies for dealing with conflict?

Melissa said she has found that when people understand the reason behind a denial given to a request, they can accept the answer and move on. She said she has solved conflicts

she encountered as a real estate agent by taking action herself, and not waiting for the someone else to hammer out an additional agreement.

4. How do you handle reading technical and legal documents?

Melissa said she had read a good deal of legal writing in her job as real estate agent.

Tim Roper opened the floor to questions. Cathy Hasbrouck noted that Melissa was on the board of the Chester – Andover Family Center and had painted the floor of the Thrift Shop while it was closed during the first months of COVID.

Melissa asked what kind of training would be provided for the position. Cathy Hasbrouck said she herself would be actively involved in training and developing procedures for common tasks with the new Zoning Administrator. She said Julie Hance, the Town Manager, held the zoning Administrator job and knows quite a bit of the legal side of the job. The Vermont League of Cities and Towns conducts training and may have podcasts to listen to as well. Peter Hudkins said frequently the job entails listening to a citizen's proposal and then searching through the bylaws for the rules that apply to the proposal. He also said Regional Planning was a helpful resource.

Barre Pinske asked Melissa if she was ready to spend most Monday evenings at Planning Commission and Development Review Board meetings. Melissa said she didn't have a problem with Monday evenings.

Cheryl Joy Lipton asked Melissa if she had had any experience with developing land. Melissa said she has developed two commercial properties she owned, in addition to her experience as a real estate agent. Cheryl Joy Lipton asked Melissa whether she had sold homes in developments and towns as well as in rural settings. Melissa said she had sold properties in Windsor county. Cheryl Joy Lipton asked whether Melissa hunted. Melissa said she hunted deer, but she would not divulge where she hunted despite Tim's best efforts to find out.

Melissa asked what would happen at the end of the three-year term. Naomi Johnson said she would re-apply. Cathy Hasbrouck said that in 2017 the Selectboard required the Planning Commission to seek other candidates for the job and not just reappoint the incumbent. They would be seeking candidates in 2023, unless the Selectboard changes that policy.

Melissa said she felt the Zoning Administrator was an important position and she was glad the Planning Commission was looking for the best candidate.

The next candidate was Jill Barger. After some fumbling with Zoom on the part of the Planning Commission, Jill was able to dial in on her phone. Peter Hudkins introduced Jill to the Commissioners and the Zoning Administrator. Tim Roper asked the questions.

1. Please explain why you are interested in the job and why you feel qualified for the job.

Jill said she had come to the area in September 2019 and was interested in helping communities grow and build. She had more or less shut down her private legal practice and had time to devote to something else. She said she had been a member of the architectural review committee in her former town of St. Augustine FL. She had enjoyed the work there, balancing people's private wishes with public concerns. She said she had

looked over the Village Master Plan and its goals and the zoning bylaws. She said she had been a public defender in her legal career and liked public service.

2. The job demands organization, communication, and delegation skills. Please give an example from your life that demonstrates those skills.

Jill said that as a public defender she ran a small office without much staff, and she juggled 130 – 140 cases on her own. She said the public defender's job involved negotiating between several parties including her client, the state's attorney, the judge and other agencies. She said it was often not issues of law, but many other factors that needed to be worked out in a case. She managed often without a secretary and was respected in the legal community. She said she was sensitive to people's needs and balanced them against what the community wanted.

3. The position has the potential for conflict with many different parties. An example would be telling people no to an application. How would you deal with that situation? Do you have strategies for dealing with conflict?

Jill said she was unfortunately familiar with conflict. She said she worked to understand what her client's feelings and priorities were, to help them understand why the court had decided what it did and translate the law's language into common English that her clients understood.

4. How do you handle reading technical and legal documents?

Jill said she obviously could handle legal documents. She said her father had been a surveyor and she had learned some things from him about measuring land. She said she also found Google to be very helpful when she needed to learn about something.

Naomi Johnson asked Jill more about her early life in Connecticut. Jill said she grew up in Storrs. Her father was a professor at the University of Connecticut and Jill graduated from UConn with a degree in archeology. While at UConn she took a surveying course from her father. Her grandfather was a builder who built many of the buildings on the Storrs campus.

After graduation, she was a practicing archeologist for a while, in underwater archeology. She got a Master's degree in underwater archeology from Florida State University and did research in the Yorktown River and around Tampa. After a few years she went to school and became a lawyer. She lived in Florida for about 35 years.

Barre Pinske asked Jill whether she was available for meetings most Monday nights. He wanted to be sure that would not regret applying for the job. Jill said that currently her schedule is governed by her husband's job. He works Monday through Thursday and is on call a couple of weekends a month for Springfield Hospital. Jill said they often go away from Friday through Sunday if her husband is not working that weekend. They have a menagerie of pets and don't like to be gone for more than a couple of days at a time. She said she

would be in town on Mondays and did not see the Monday meetings as a problem given her schedule.

Jill said she had found a handbook for zoning administrators on the VPIC website and had started looking at the Chester Town Plan. She didn't have any specific questions about the job and did not want to take the job from someone who really wanted it.

Cheryl Joy Lipton asked whether Jill had been interested in land use patterns and settlement patterns in her archeological studies. Jill said her research stopped in the early 1700's, which pre-dates the formation of modern cities. She said her son was very interested in city planning and they discussed it frequently. She said she had studied urban geography as an undergraduate, but she hasn't worked with it much since that time.

Cheryl Joy Lipton asked Jill if she was interested in learning more about planning. Jill said it would be wonderful to be able to start with a blank slate, but that isn't the case in Chester. She noted that Chester didn't really have a town green the way the towns where she grew up in Connecticut did. She said growth needed to be planned for. She felt Chester needed to develop some resources so that people didn't need to drive so far to get what they wanted. She said that in Florida she saw that some home owners' associations could promote neat and orderly neighborhoods, while others were so strict, they made life unpleasant. She was concerned about the number of houses for sale on Main Street and wanted to find out why they were being sold and what could be done to bring people back.

At that point, time had run out and the Commissioners moved on to interview Will Goodwin. Tim Roper did the questioning.

1. Please explain why you are interested in the job and why you feel qualified for the job.

Will said he had been the Weston Zoning Administrator for two years and the administrator for Landgrove and Peru for almost a year. He said he was also a carpenter and he found switching between carpentry and Zoning occasionally difficult. He wanted to see if he could have only Zoning Administrator jobs.

He said he thought he had done just about everything a Zoning Administrator is expected to do during his two years of experience. He said he had read the bylaws of surrounding towns and he liked to find answers by digging through written material.

2. The job demands organization, communication, and delegation skills. Please give an example from your life that demonstrates those skills.

Will said he felt the secret was to be pro-active. He said he takes a lot of notes on the steps involved to accomplish a goal. He used a calendar to keep track of deadlines.

3. The position has the potential for conflict with many different parties. An example would be telling people no to an application. How would you deal with that situation? Do you have strategies for dealing with conflict?

Will said he felt it was important to be fair. He felt that some people will be angry no matter how things are handled. He said he always starts an enforcement process by writing an informal letter before he resorts to formal certified letters.

4. How do you handle reading technical and legal documents?

Will said he was comfortable with it. He preferred paper copies and usually reads a document a second time to be sure he has understood the words. He uses keyword searches to help gain an understanding and he consults state statute frequently as he finds statutes change more often than bylaws do.

Barre Pinske asked Will if the Monday meetings would be a problem. Cathy Hasbrouck said she has scheduled 15 hours a week for office hours outside of the meeting hours. The new Zoning Administrator could choose their own schedule, within the 20 hours allocated for the job.

Will said he was available on Mondays except for the first Monday of the month which was the Weston Planning Commission meeting. He said he had asked Weston if they could move their meeting to another time. The Weston Planning Commission has not given a firm answer yet. He expected they would have an answer at their next meeting which would be the first Monday of December.

Cathy Hasbrouck asked Will about working with applicants to guide them through the hearing process and asked Will how he felt about that. Will said he enjoyed working with applicants and guiding them through the process.

Peter Hudkins asked Will whether the towns he worked in had a Development Review Board or some other structure. Will said that Weston and Peru had a Planning Commission and a Zoning Board of Appeals. Landgrove had one board that called itself the Planning Commission at some meetings and the Zoning Board of Appeals at others. Peter Hudkins said that Chester has a Planning Commission and a Development Review Board. That structure isolates the judicial function in one board.

Cheryl Joy Lipton asked Will what work he had been doing with the Agency of Natural Resources. Will said he had a lot of permits in the flood zone. In Weston, the Little School (a day care center) wanted to have a generator installed. Another house in Weston had a serious mold problem. The owners wanted to tear the house down and rebuild it where it stood in the floodway. Will described the process of working with the flood-plain manager John Broker Campbell to accomplish that.

Will asked about the filing system Chester used. Cathy Hasbrouck said the filing system is organized by parcel number. Will was happy to hear that. He had spent quite a bit of time reorganizing files into that order in other towns. Naomi Johnson asked Will if any permits issued in his two years on the job had had problems later. Will said the only thing like that he had encountered was a previous permit for a shed in a wetland. When the owner asked for a

permit to add to the shed Will had to explain to the owner that the shed should not have been allowed in the first place and could not be added to.

Will said that Vermont law was clear about pre-existing non-conforming buildings being allowed to continue to exist, but the law was less clear about non-conforming uses being allowed to continue. He said he was consulting the lawyer for the town of Weston on this issue. There being no more questions from Will or the Commission, the interview ended.

While waiting for the last candidate, the Planning Commission members discussed whether they would be willing to share a Zoning Administrator with three other towns. They wondered how someone could keep all the different town's applicants in order and respond properly to each.

Greg Kepler joined the call at this point. Tim Roper began the interview with the four questions.

1. Please explain why you are interested in the job and why you feel qualified for the job.

Greg said he was thinking of working a little less in his life and this job seemed like a good way to accomplish that. He said he had been a zoning permit applicant many times as part of his job and was familiar with the process. He felt that his background as an engineer gave him the skills needed for the job.

2. The job demands organization, communication, and delegation skills. Please give an example from your life that demonstrates those skills.

Greg said he worked in the engineering consulting business for Dufresne and Henry and then Stantec from the mid 1980's to 2010 and had had 8 - 10 people working for him. Good communication skills are necessary with that large a group. He also felt that leading clients through the process with a local DRB and State agencies would help him undertake the job.

3. The position has the potential for conflict with many different parties. An example would be telling people no to an application. How would you deal with that situation? Do you have strategies for dealing with conflict?

Greg said that he chose to be as honest and direct as possible and to explain the source of the conflict. He said addressing the source of conflict gave the best chance of a good outcome. He said building consensus worked very well. He said frequently a solution was not always a direct line from A to B.

4. How do you handle reading technical and legal documents?

Greg said he had no problem with technical documents. He said he had had a great deal of experience with legal documents as well as part of bringing projects to completion.

Cathy Hasbrouck asked Greg how the contrast of working with homeowners as opposed to very large projects would be for him. He said that he had had many small clients, despite the fact that his resume was full of big projects. He didn't think that a small project was much different from a big project. Education was usually a key to both. Customers often needed to be educated about problems and challenges no matter how big or small the project was.

Barre Pinske asked Greg how he would feel about a job where he seems to be over-qualified. Greg said he thought the zoning administrator job would be interesting. He would continue to do a little engineering work for his clients but he would be glad to have the autonomy of the zoning administrator job.

Peter Hudkins asked Greg how he would feel about driving from Jamaica to Chester to work and attend meetings. Greg said he had done it for 25 years when he worked for Dufresne Henry/Stantec and he was accustomed to it.

Cheryl Joy Lipton asked Greg if he was interested in planning. Greg said he believed planning was a very important process and felt that planning in Vermont had averted many potential problems. He found planning to be a very interesting field.

Barre Pinske asked Greg if he was reasonably certain that he wanted to do the job for 3 years. Greg said his plan was to be there for 3 years. He understood the term was that long and the term fit his plans.

Greg asked if there were any changes or improvements in the process that the Commission would want him to make. Barre Pinske wanted a zoning administrator who could communicate with regular folks and who could support applicants who go before the DRB for a hearing. The zoning administrator would explain the rules as part of preparing the applicant.

Tim Roper said the Planning Commission was in the process of re-writing the bylaws. The project after that would be to re-write the Town Plan. He said he would hope the application process could be streamlined.

Naomi Johnson asked Greg in which communities he had worked on projects for clients. Greg said he had worked most recently with clients on projects in Ludlow and Dorset.

Greg said he had wondered what the most problematic aspects of the DRB process were. He said he gleaned from Barre's statements that helping prepare the applicant was an issue. Tim Roper said he thought the vision was to provide applicants with solid guidance to set them up for success with the right expectations. Greg asked if there were checklists for the ZA to use for guidance. Do those checklists need to be improved? Peter Hudkins said one of his goals for re-writing the bylaws was to develop checklists for the ZA and the applicants to follow in these transactions. He cited his experience as the chair of the DRB which informed that goal. Greg agreed and said the better the checklist, the easier the process becomes. He felt the checklist process was important for both the applicant and the Zoning Administrator.

Barre Pinske said in the past, checklists were distributed and the applicants claimed to be ready, only to prove to be unprepared for the hearing. Barre wondered if a better checker of the checklist was needed.

Greg agreed that the applicant needed to understand that each item on the list needed to be answered.

Agenda Item 3 Executive session to review candidates (1 VSA 313)

At this point, the interviews were complete. Cheryl Joy Lipton moved to enter executive session to discuss the merits of the candidates and prepare a recommendation. Tim Roper seconded the motion. Tim Roper moved to invite Cathy Hasbrouck as Zoning Administrator to join the session. Barre Pinske seconded the motion. Naomi Johnson thanked Tim Roper for running the interviews. The Commission then entered executive session.

On return from the executive session Cheryl Joy Lipton moved to recommend Jill Barger for the Zoning Administrator position, with Greg Kepler as the backup choice. Tim Roper seconded the motion. Peter Hudkins said the Commission found Jill to be the most qualified candidate with Greg a very close second. Cheryl Joy Lipton said the two had initially scored equally and a tie breaker was needed.

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