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**TOWN OF CHESTER
PLANNING COMMISSION
August 28, 2023 Minutes**

Commission Members Present: Cathy Hasbrouck, Hugh Quinn, Tim Roper, John Cummings, and Barre Pinske at Town Hall.

Staff Present: Preston Bristow, Zoning Administrator/Town Planner, at Town Hall; Susan Bailey, Recording Secretary, via Zoom.

Citizens Present: Bill Lindsay at Town Hall; and Jason Rasmussen of MARC and Arne Jonynas via Zoom.

Call to Order

Chair Hugh Quinn called the meeting to order at 6:35 p.m.

Agenda Item 1, Review and Approve Minutes from August 7, 2023, meeting

Tim moved and Cathy seconded a motion to approve the August 7, 2023, minutes. Tim had a few changes. The call to the order was by Chair Hugh Quinn and not Vice Chair Tim Roper. Preston noted that was from the previous meeting. On page 4, line 30, “Tim asked if there was water any place there was sewer in town” which should have said “every” place rather than “any” place. On page 5, line 14 “he thought” should be substituted with “Tim thought.” There were no other changes. The minutes were approved, as amended.

Agenda Item 2, Citizen Comments

There were none.

Agenda Item 3, Planning Commission Membership Update

Hugh had been in communication with fellow member, John Cummings, who is joining the fire department, and due to firefighter training, will be out of circulation from the Planning Commission from September 11th through the end of April 2024. It was listed as an agenda item so they could consider the options to pursue. Hugh had spoken with Julie Hance and the first option was to have John resign and Julie would advertise the position and the Selectboard would replace him. The second option was to have the Planning Commission operate as a 4-member body until John could return. Hugh asked if anyone else had ideas.

Tim commended John for stepping up to become a firefighter and wondered if John could participate by reading the minutes and giving input by email to the Chair. John had thought there might be flexibility, but learned training would be on Mondays and Thursdays. John was open to Tim’s suggestion. Tim thought John would not be able to vote and wouldn’t solve the problem of having a body with an even number of voting members. Cathy questioned why John couldn’t vote, as she didn’t recall the rules stating he needed to be present. Tim said because he would be unable

1 to participate online during the meetings and the votes were done in person at the meeting but
2 could still offer input and insight. Cathy suggested if they had a 2/2 split vote, they could convene
3 a special meeting that John could attend. Preston said the DRB allows for that, but their votes are
4 done by deliberation and not in open session like the Commission. Tim said John could watch the
5 recorded meetings. Preston agreed they could have a special meeting if a 2/2 split vote required
6 that. Hugh agreed and Tim suggested the vote could be done electronically. Tim is leery of being
7 on a board or commission with an even member board and why he suggested that. Cathy agreed
8 because it was only for 7 months and not forever. John said he wanted to remain on the board but
9 would step down if they wanted him to.

10
11 Barre knew a nice guy who wanted to be in town government and had a construction and town
12 planning background. Barre suggested they grant John a leave of absence and find someone to fill
13 in temporarily who wanted to serve as a member later, thereby giving them experience for the
14 future. Barre was concerned it could look like they were cherry-picking someone to be on the
15 board but if it was temporary and someone qualified and interested that Julie and the Selectboard
16 signed off for, it could work. Tim wondered why they couldn't open it up to an interim
17 appointment. Barre wondered if the Chair could break a tie or if the Zoning Administrator could
18 vote. Tim thought statute may not allow that and Preston agreed because he was a paid staff
19 member. Barre wasn't concerned about it being a split vote and thought his idea would allow
20 someone to gain experience.

21
22 Tim was concerned that they were in the middle of work that John had been part of and by the
23 time a replacement came on board, they would be far behind. Tim couldn't think of when they had
24 a 2 to 3 vote in the past year. Barre advocated for someone to get experience while serving
25 temporarily and then in the future, they could become a member with experience. Barre didn't
26 want to see John step down but also didn't want him to have to watch recordings of the meetings.
27 Barre thought they should either grant him a hiatus and continue as a 4-member commission or
28 find someone to temporarily fill the position. Barre noted a current member would be up for re-
29 election next year before John returned and it would give them someone with experience.

30
31 Hugh would follow up with Julie and the Selectboard about their options. The options Hugh had
32 heard were: 1) John participating electronically with the understanding that he couldn't vote unless
33 there was a tie, and then they would hold a special meeting where John could vote; 2) find and
34 appoint an interim member until John completed his firefighter training and re-joined the
35 Commission; 3) to operate as a 4-member board. The members agreed they were the options
36 discussed.

37
38 Tim asked John what his thoughts were. John said if it made things easier for everyone, he would
39 make it happen as he had made a commitment. John said he could be available for a tiebreaker
40 vote, if needed. John was open to whatever and would make it work.

41
42 Cathy wondered how John and Hugh felt, as the newest members, about getting someone up to
43 speed for 7 months if it was only temporary. Hugh thought, depending on the person, someone
44 could be brought up to speed in a month. John agreed but said it was challenging for him and there
45 was a lot of material. John wasn't trying to push it off but asked if they would do a posting to see
46 if someone was interested in filling it. Tim suggested that John would not necessarily need to keep

1 up to speed unless there was a tiebreaker, and then provided the pertinent information.
2

3 Hugh said someone new would slow down the process of the bylaws and disrupt the schedule.
4 Barre thought it could slow it down but not definitely. Tim had hoped they could meet once more
5 but noted the next meeting wasn't until September 18th. Hugh said he needed to follow up, but the
6 goal would be to decide on an option by September 18th.
7

8 **Agenda Item 4, Final Review of Food Truck Language** 9

10 Hugh turned the meeting over to Preston. Preston had made a definition and borrowed language
11 from New York City because they have lots of dealings with food trucks but had modified it. He
12 added a note that mobile food service could operate for not more than three consecutive days and
13 not more than twelve days in a calendar year to be exempt. Preston also noted the Selectboard had
14 a process for a vendor permit for a food truck operating on a town right-of-way. Preston thought
15 they had decided not to change the language of signs. They had previously talked about
16 performance standards and Preston took away number 6, which highlighted some performance
17 standards and not others.
18

19 Cathy liked number three that said if a freestanding sign support structure already exists on the
20 property, it may be utilized. It would apply to Sylvan Road. Preston said at Smokin' Bowls' current
21 location they have a sign on top of a former gas station sign and at their location at Sylvan Road,
22 they wanted to use the sign board. Cathy liked it.
23

24 Tim asked if they should add language clarifying that lettering painted or affixed to the vehicle
25 didn't apply, as he could see the DRB getting hung up on it. Preston thought at the last discussion
26 about whether the wrap counted, the feeling was it didn't count, but he thought Tim, or someone
27 had suggested to leave the wording as it was. Preston thought the language saying the wrap didn't
28 count was a good idea. Tim said referring to it as a wrap was throwing him off because lettering
29 on a vehicle, trailer, or cart wasn't necessarily a wrap but lettering, branding, etc. on a vehicle.
30 Tim wanted to see it move forward if they could agree on a short sentence to add. Hugh thought if
31 the clarification would be beneficial, Preston could come up with wording that made sense. Hugh
32 wasn't sure he liked the word lettering and asked if Preston could think of a way to describe it.
33 Tim suggested art, lettering or branding affixed to the cart, truck, or trailer notwithstanding. Hugh
34 thought whatever Preston picked would be fine. Preston had art, lettering, or branding affixed to
35 the truck, food cart, or food stand. Barre suggested permanent graphics on the cart, vehicle, etc.
36 were not considered part of the sign and permanent graphics are not considered signage. Preston
37 suggested permanent graphics on the truck, food cart, or food stand are not considered a sign.
38 Everyone liked the language. Preston would add it to #3 after the sentence about the sign may be
39 mounted.
40

41 Tim moved to adopt the draft Section 8.2, Food Trucks Definition and Section 3.31, Food Trucks,
42 Food Carts, and Food Stands' language as amended, and Hugh seconded the motion. A vote was
43 taken, and the motion carried unanimously.
44
45
46

1 **Agenda Item 5, Final Review of Village District UDB Updates**

2
3 Hugh suggested they go through the uses that Jason found when building the uses table. From
4 there, they could validate the language changes they discussed at the last meeting.

5
6 Jason went through his spreadsheet. The spreadsheet columns listed the allowed uses throughout
7 the bylaws and included a column for each district. P meant permitted use and CU meant
8 conditional use and if it was a blank, it meant it wasn't permitted in that district.

9
10 Hugh didn't think R-40 was a district going forward and wondered if he missed something. Jason
11 included it because some of the existing R-40 were outside of Chester's center districts. A lot had
12 gone away to the Neighborhood District but there were some R-40 remaining in the more rural
13 part which they had not addressed yet. Hugh thought that made total sense. Hugh said that
14 suggested if they moved the Village Districts forward, for some period R-40 would need to remain
15 in the rural districts. Jason agreed. Jason noted his spreadsheet had R-40 and A-3, which weren't
16 in the center of town and were the rural parts of town. Jason thought they needed to keep R-40 for
17 now. Preston agreed, and that they were putting up a block that covered the Village Center and
18 inserting it into their bylaw and what was outside of it would stay for now and that R-40 and A-3
19 would go away and be replaced with 2 or 3 rural districts. Hugh could get on board with that.
20 Preston said the table shouldn't get adopted yet and pointed out that a lot of bylaws included a
21 similar table. Preston counted 8 uses allowed in just one district and not in the others and that more
22 work was necessary. Jason agreed and said he uses it as a tool. Preston thought there was some
23 sloppiness in what they wrote between different districts. Jason agreed they may not have gotten
24 everything right. Preston noted when he was helping Jason with the Open Space District, they
25 threw in sawmill and now realized that wood processing should have been used instead. Jason
26 wanted to know the difference between sawmill and wood processing and thought they may have
27 answered that. Barre said sawmill would be making boards and thought wood processing often
28 refers to firewood. Barre was concerned art gallery was only in one place and was concerned they
29 saw someone putting a store in Neighborhood but only could have an art gallery on the Village
30 Green. Hugh thought that was the value in reviewing it and noted that art studio and gallery came
31 to be when they did the Green District, so they never considered where else they should be. Now
32 that they were looking at the Village Districts, they could consider that. Hugh thought both art
33 gallery and studio should be permitted in other districts, and they missed that so there was still
34 work to do. Preston said R120 and conservation and forest weren't included and thought he knew
35 why. Preston thought it would be a good exercise to go through and review it. Hugh said if it went
36 forward without reconciling it, it would be a problem because they could write a lot of language
37 for the bylaws, but people would study the uses and dimensional standards and if they weren't tied
38 off properly, it would be a problem. Preston found it fascinating how complicated bylaws could
39 become.

40
41 In his mind, Jason said arts and entertainment, as defined, would include an art studio but this was
42 an instance where they had separated it from the category, and he wasn't sure why. Jason said they
43 could consider wood processing light industrial and asked if they wanted to do that or lump studio
44 with arts and entertainment. Barre said all those things had definitions in the bylaws and they were
45 talking about wordage and noted he took steaks to his friend's house the other night for dinner, but
46 they were wooden stakes, and it was the same word but different definitions. Barre thought they

1 had to either combine the definitions or they were separated because of the definitions. Hugh
2 thought Jason should go through the definitions to make sure they didn't feel they should be
3 combined. Hugh remembered having specific discussions about art studio and/or gallery and had
4 broken it out because the current definition of arts and entertainment was broad, and they were
5 concerned some parts of the definition under arts and entertainment would not be appropriate for
6 the Village Green District. Hugh said they could look at it again but noted it wasn't historical and
7 only recently split in the last year. Barre thought art studio and gallery would be allowed in all
8 districts because it would be considered a home occupation if it had less than 3 people working
9 there unless it was in a commercial building. Hugh said home occupation needed to be separated
10 out because it went without saying that home occupation can be done anywhere. Hugh compared
11 it to the gallery on the Green, which wasn't a home occupation, and asked where else in town a
12 gallery should be. Preston said some people would want to run a gallery but not live there. Barre
13 thought one of the hopes for the town being more vibrant, interesting, and more of a destination
14 was arts and culture. Barre thought Route 103 was a goldmine but didn't understand why there
15 weren't any shops on it. Barre added that it was difficult for full-time residents if there was nothing
16 to do and saw no risk in putting art gallery and studio in every zone as it was a nice thing for people
17 to do and would help the town become more of a destination which would support the restaurants.
18 Hugh asked if it should be a permitted use in the Neighborhood District. Barre wasn't sure but said
19 there would be a home occupation and Hugh said that couldn't be assumed. Because art studio and
20 gallery were new definitions that came in with the Village Green, they never discussed the other
21 districts, Hugh wanted to go through the list by each column and decide if an art studio should be
22 permitted, a conditional use, or not allowed. Cathy suggested it should be a conditional use for the
23 Village Center due to parking. Hugh asked about Mixed-Use, and Tim and Cathy agreed it should
24 be permitted in mixed-use because there was enough room. Tim and Hugh thought it should be
25 permitted in General Business. Barre thought it should be conditional use in stone village because
26 of parking and signage. Cathy thought the buildings were far enough apart in Stone Village that
27 there was room for parking. Hugh, Tim, and Barre agreed with conditional use for Stone Village.
28 Hugh was fine with not allowed or conditional in Neighborhood but thought there was some merit
29 in not turning it into the same as Village Green or General Business, but the line was fuzzy. Barre
30 had said no, and he was the arts' guy but envisioned the Neighborhood District filled with kids
31 and bikes and feared the more traffic that was invited in, they would have to worry about kids
32 getting injured. Barre saw it as a place with families and people walking, etc. Barre pointed out
33 that was his reason, and he remembered the nostalgia associated with his childhood. Hugh and
34 Tim were okay with not allowing it in Neighborhood.

35
36 Jason said there was a definition for arts and entertainment that was a use that included performing
37 art centers, art studios or galleries, museums, concert venues, and other things, so to him, arts and
38 entertainment was an art studio or gallery. The definition for art studio and/or gallery was an
39 establishment used to produce, display and/or sell works of art. They decided to take the art studio
40 and gallery language out of arts and entertainment. Barre thought arts and entertainment was a
41 bigger venue and should require going before the DRB to meet the specifications for parking,
42 drainage and other things and may even require state permits for things such as sprinklers. Preston
43 agreed. Jason would remove art gallery and studio from the definition for arts and entertainment
44 and art studio and/or gallery would be conditional use in the Village Center and would remain
45 permitted in the Village Green, permitted in Mixed-Use, conditional use in Stone Village,
46 permitted in General Business, and not allowed in Neighborhood.

1 Jason asked if they should combine sawmill and wood processing. Preston said Barre has a good
2 memory because the definitions he gave for sawmill and wood processing were the definitions in
3 the bylaws. Barre said that type of venture was the history of our town as they had a water powered
4 sawmill where the Jiffy Mart is. Tim added there were soapstone mills all over the place. Barre
5 said they now were at a point where they didn't want to hear noise from a sawmill or wood
6 processor. Barre said he is currently making a wooden product at his studio which is almost light
7 industry. Barre wondered where things like that are put unless they are out somewhere or indoors.
8 The point he was trying to make was that they may want these things in general business if they
9 were more modern, in a structure, and met the performance standards because they were not out
10 in the open. Barre said a modern bandsaw doesn't make much noise and he was considering getting
11 one for his business. Hugh heard there were ways to work with wood for it to fit in general business.
12 Hugh noted they think of sawmills in the traditional sense where logs come in and there's a massive
13 business making tons of noise and sawdust. Hugh asked Barre if he was suggesting changing the
14 definition of sawmill to include the other potential wood cutting uses or to create another definition
15 because currently, they agreed wood processing was making firewood unless he wanted to expand
16 the definition to more than firewood. Barre thought if they pulled the definitions apart, they could
17 be more specific; and if they put them together, they just become combined. Barre said in Vermont
18 where they have forests, they're not Steve Jobs but they're making widgets and wooden bears in
19 their garage. Barre is considering expanding his business by building a larger building on the
20 outskirts of town where a log truck could deliver logs and bears could be made. Barre mentioned
21 he could hear the planer in the business near his place and noted they lived in a place where people
22 work. Tim thought light industry covered most of what Barre mentioned, excluding log trucks, and
23 was conditional every place they had it so far. Tim thought log trucks would come into discussion
24 during a DRB hearing. Barre asked if Tim was suggesting having sawmill and wood processing
25 all under the envelope of light industry and Tim said the business Barre was describing absent the
26 log trucks was light industry. Barre asked if his neighbor put in a wood processor to make firewood
27 in the empty lot next to him, if it would be under wood processing, and they wouldn't want it
28 because of the noise. Tim agreed. Hugh said sawmill was a specific use and Jason wondered if
29 sawmill would fall under industrial facilities. Barre said he was considering moving the one he
30 had behind his building but couldn't according to the bylaws. Hugh felt sawmill was a use from
31 the past that could be abstracted to industrial facility, light industry, and building and construction
32 trades. Barre said currently, sawmill and light industry had the same thing of where it could be
33 done which was only R-40 and not General Business, so they needed to look at it. Cathy noted
34 several of the district single uses were in R-120, which was a large district. Tim said they would
35 deal with that when they got into the rural parts of town. Barre thought Dennis Allard's place
36 would be a place to have a sawmill and wouldn't bother the neighbors because they aren't close
37 enough, and under General Business, on the edge of town and the end of Route 11 where the
38 Armory is would work under a conditional use with the DRB as there were no neighbors to be
39 bothered by it or they didn't care.

40
41 Hugh suggested the goal for the next round of amendments was not to contemplate R-40, A-3, or
42 Open Space and noted currently, sawmill is in Open Space and wood processing in R-40 and some
43 others. Hugh suggested they defer figuring it out because it didn't apply to the work they were
44 trying to get pushed through in the next round. Hugh thought it would make more sense to pick it
45 back up when they looked at the rural districts and suggested they table wood processing and
46 sawmill.

1 Hugh wanted to discuss allowing retail store in Village Green but not personal service shop, as it
2 was a conditional use. Personal service would include such things as a barber shop, nail salon, and
3 massage therapy practice. Hugh recalled when they discussed personal service shop on the Green,
4 they decided it should not be permitted because it could be so many things including a tattoo parlor.
5 Cathy said laundry, laundromat and drycleaning were also personal services. Tim thought it made
6 sense to remain conditional unless they wanted to redefine things. Barre questioned why it
7 wouldn't be a conditional use in general business. Hugh thought it would remain a conditional use
8 most everywhere but would be included in General Business. Jason thought that made sense.

9
10 Jason asked if there was anything else that jumped out in the use comparisons. Tim noted club was
11 conditional in two districts and didn't know if that made sense. He wondered why club wasn't a
12 conditional use in General Business. Barre said they had talked about pub and club in the Stone
13 Village, but it wasn't included. Tim and Hugh said they decided only restaurants in Stone Village.
14 Tim thought club should be in General Business and Mixed-Use as a conditional use. Cathy and
15 Hugh agreed. Jason asked if having pub, tavern, bar only in Village Center and Village Green was
16 okay. Tim said it should be allowed in Mixed-Use and General Business. Jason asked if there was
17 agreement and there was. Tim wondered why healthcare facilities weren't in General Business as
18 a conditional use. Jason asked Preston why and Preston thought it was an oversight. Jason would
19 add it as a conditional use to General Business.

20
21 Tim noted that family childcare was missing from General Business and thought it was a perfect
22 place for it because of the workers there. Jason and Preston thought it was an oversight and would
23 add it as a conditional use to General Business. Preston thought it was odd that residential
24 homecare was only in Village Green and nowhere else. Tim thought because they were discussing
25 potential uses for the inn and how it could change and then they never discussed it again. Hugh
26 thought it should go in Village Center and Preston said also in Mixed-Use and General Business.
27 Hugh noted residence, in General Business, was a conditional use. Preston thought childcare was
28 different and possibly residential homecare was. Barre imagined if they allowed it in General
29 Business and someone wanted to erect an assisted living on Route 11 and Elm Street, it may not
30 be an appropriate place. Barre thought of General Business as trucks and noise. Tim said with
31 today's society, as it ages, and for something in short supply, they should make options available
32 and the owner's choice to apply. Hugh was convinced that residential care home should be a
33 conditional use in Village Center, Mixed-Use, and General Business. The others agreed.

34
35 Preston thought open-market could also be in General Business.

36
37 Preston thought nursery could be in Mixed-Use, General Business, or Open Space. Barre said it
38 was defined in Open Space that things could be grown there. The others agreed. Tim also thought
39 it could go in Mixed-Use and General Business. Barre thought it could be defined as a place where
40 you buy vegetables. Jason said there was a fine line between agriculture and a farm stand. They
41 instructed Jason to include nursery in Mixed-Use, General Business, and Open Space.

42
43 Tim raised the issue of mobile home parks and the small one in Village Center. Cathy said Section
44 3.16 of the bylaw allows it as a conditional use in the R-40 and R-120 districts. There was a
45 discussion about whether mobile home park should be permitted. Cathy said the definition said
46 more than two mobile homes was a mobile home park. Tim said mobile home parks were allowed

1 in the rural districts and when they get to the rural districts and discuss them, they could decide if
2 it made sense to allow them elsewhere. Hugh said discussing them at that time made sense and
3 thought they may decide to make mobile home park a conditional use somewhere in the Village
4 Center but wanted to defer for now.

5
6 Bill Lindsay thought the three mobile homes that had been referenced were on town water and
7 sewer and Cathy agreed. Bill suggested they make being on town water and sewer a requirement.

8
9 Hugh thought due to the number of changes, they needed an updated look at the table. They may
10 not need to revisit the language next time and only sign off on the use table.

11
12 Jason highlighted the changes since the last meeting. He asked if there were any comments or if
13 they wanted him to walk through the changes. Tim and John thought it looked like he had captured
14 all the changes they had made at the last meeting. Hugh agreed. Jason caught something on pages
15 5 and 6 of Article 3. He wasn't working on that section but was going through everything for
16 consistency and a couple of things jumped out. Section 3.8, top of page 5, Article 3 was no longer
17 consistent with state law, so he deleted the last section under E. Accessory buildings do not have
18 to be in or pertinent to a single-family dwelling.

19
20 Under 3.10, Jason discovered that statute talks about three levels of family childcare, and they only
21 had two, so he deleted the second category that was a site plan review. Preston agreed with the
22 changes.

23
24 Jason asked if Article 8, page 7, multiple household dwelling definition worked for everyone. It
25 did, and there were no changes.

26
27 Jason's next step was to update the use chart and make sure the language correlated with it. Tim
28 thought it was a great exercise. Hugh thanked Jason for his work and the use chart. Barre
29 appreciated it too. Jason said he uses the chart as a self-check.

30
31 Hugh reminded everyone they would not meet on the 4th and the next meeting would be on
32 September 18th.

33
34 Barre asked if they would revisit sawmill and wood processing and Hugh responded they would
35 when they began looking at the rural districts. Barre said that they thought those types of things
36 were too noisy for the center of town. Tim said there was nothing that would keep them from going
37 back and amending the newly adopted sections. Hugh said when they got to the larger discussions,
38 based on everything they had talked about, they may make changes.

39 40 **Agenda Item 6, Adjournment**

41
42 Tim moved to adjourn, and Cathy seconded the motion. The motion carried unanimously. The
43 meeting was adjourned at 8:04 p.m.