

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **August 5, 2024, Minutes**

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5 **Commission Members Present:** Cathy Hasbrouck, Jeff Holden, Barre Pinske, and Hugh Quinn at
6 Town Hall. Absent: John Cummings.

7
8 **Staff Present:** Preston Bristow, Zoning Administrator/Town Planner, at Town Hall; and Susan
9 Bailey, Recording Secretary, via Zoom.

10
11 **Citizens Present:** Peter Hudkins and Derek Sursuuro at Town Hall; and Arne Jonynas via Zoom.

12 **Call to Order**

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14
15 Chair Hugh Quinn called the meeting to order at 6:35 p.m.

16
17 **Agenda Item 1, Approve June 17th and July 22nd Meeting Minutes**

18
19 Hugh noted there were two sets of minutes to approve, and they would start with June 17th minutes.
20 Cathy moved and Jeff seconded a motion to approve the minutes. Hugh asked if there were any
21 changes to the minutes and there were none. A vote was taken, and the motion was approved
22 unanimously. Jeff moved and Cathy seconded a motion to approve the July 22nd minutes. There
23 were no changes to the minutes. The motion carried unanimously.

24
25 **Agenda Item 2, Citizens Comments**

26
27 There were none.

28
29 **Agenda Item 3, Discuss Public Hearing feedback on proposed Rural Districts UDB updates**

30
31 Hugh disclosed that he was recently hired by the Town of Chester and didn't see an issue but
32 wanted to let others know in case there was any feedback. Barre thought it was a good idea and
33 noted Cathy and Preston both work for the town and they need to get things done and need people,
34 so it was good.

35
36 On the 22nd, they had the public hearing and got a lot of great feedback that Hugh appreciated.
37 Hugh took careful notes and tried to make sure he understood the primary concerns. He looped
38 back with Jason and Preston to discuss possible adjustments and had a summary of the proposed
39 changes based on the public hearing that he will highlight and then go through them one by one in
40 more detail and make sure as a planning board, they agreed to the updates.

41
42 They further reduced the density of the Rural-8 district from a density of one dwelling for 8 acres
43 to one dwelling for 10 acres. They restored the frontage, so it was now restored to what it was in
44 the original district. They chose to remove cottage courts as a use in both Rural-10 and Rural-5
45 and reduced the density of cottage courts from 10 units per acre to 6 units per acre, which was all

1 conditional on wastewater permitting in that area of town where it's not accessible to water and
2 sewer. They made some adjustments to the definition of tiny houses to create more clarity on how
3 they're defined. Peter asked for the definition and Hugh was happy to read it after addressing one
4 more item. They made an adjustment to a performance standard related to noise. The current bylaw
5 looks at noise at the property line and they are proposing to change it to at or beyond the property
6 line. One of the things Hugh did when preparing for the meeting was the rationale of splitting the
7 Mixed-Use District into Village Mixed-Use and Rural-Mixed-Use and they primarily did that
8 because the uses in those districts are no longer identical. Hugh made a note of the uses that are
9 now allowed in Rural Mixed-Use that probably were not allowed in Village-Mixed Use. The
10 current Residential Conservation District, as it's known today, has a minimum lot size and density
11 of one dwelling for five acres and they had proposed one dwelling for eight acres and they are now
12 proposing one dwelling for 10 acres in that district. At the public hearing, they had that district's
13 frontage at 150 and they restored it to 250. Hugh asked if there were any questions before they
14 moved on to the tiny house definition language. There were none.
15

16 Hugh noted that Phil Perlah had concerns at the hearing about the tiny house definition. 3.32 now
17 read, "Tiny houses affixed to a foundation and connected to utilities shall be subject to the same
18 requirements as a permanent structure, dwelling, or accessory dwelling unit. Tiny houses on
19 wheels and recreational vehicles connected to utilities and intended for occupancy more than 180
20 days in a calendar year shall be subject to the same requirement as a permanent structure." Some
21 of that was to address Phil's concern about not being able to understand the occupancy until after
22 the fact so they put in the intended language. Phil also was concerned about permanently being
23 affixed to a foundation, so they tuned it up to make it more clear and less open to interpretation.
24 Preston added that although the definition had not changed, it did say they could be up to 400
25 square feet, not including a sleeping loft, so it was small. Hugh and Jeff thought it was 900 square
26 feet. Preston said the square footage was in Article 8, the fourth page from the last under alphabetic
27 tiny house. Hugh said they should decide how to reconcile it in the definition above, but it was
28 noted the 900 square feet was in the cottage court definition. Barre said the cottage court was more
29 like a house. The tiny house was up to 400 square feet. Preston said they were probably thinking
30 about a trailer bed that was 10 x 40. Preston didn't disagree but wanted to make sure they knew it
31 was there. Jeff didn't know what the difference was but if it became a permanent structure, it was
32 taxed on square footage no matter what it was called. Hugh agreed. If you put a structure in, it's
33 permanent, and you live there, you need to follow the zoning rules of the district you're in and
34 probably need to pay taxes. Preston added that tiny homes were relatively a new concept and how
35 people think about them is evolving. They originally started out as a metal frame on wheels but
36 more companies like Jamaica Cottage House are making things they call tiny houses, but they're
37 just plunked on the ground and sometimes are a fair bit bigger. As a zoning guy, Preston didn't
38 know if it mattered that much if it became a small dwelling. Jeff said they would pay taxes on
39 square footage and could call it what they wanted. Jeff has watched a lot of the tiny house shows
40 and said some tiny houses go from 250 square feet to 900 and some are mobile, and some are put
41 on a foundation, but they still call them tiny homes. Preston said unlike mobile homes made from
42 plastic and sheet metal, tiny homes are made from wood and can morph into bigger homes that
43 would no longer be considered a tiny home. Hugh thanked Preston for calling that out but noted
44 the definition said averaging up to 400 square feet and wondered if they were limited to that size
45 or if it was just a point of reference because it didn't say not to exceed 400 but averaging. Preston
46 thought it was a limit but would check with Jason. Cathy wondered why they needed to call them

1 tiny homes and wasn't sure about the valuation the listers had a type of building called a tiny house
2 and the type of home it was would then dictate what algorithm is used. Barre thought they were
3 getting off track with respect to what something could be. A tiny house, in most cases, is a form
4 of premanufactured small dwelling that comes defined as a camper or motorhome, so their
5 definition was based on that, and if they were making special rules where they can be placed
6 because of what they were, that's how it would apply. If you were in an RV, you could only be
7 there for 180 days. If it was more of a built small structure and wasn't pre-manufactured, and
8 wasn't limited by these rules, it could be expanded on. If they were making a special case that a
9 tiny house could be whatever it is with less setbacks or on your main property, it needed limitations
10 not to be turned into something bigger. That's where the definitions came in and the vagueness
11 and the taxes didn't matter as much. Barre thought if there were reasons it was called a tiny house
12 and limited to 400 square feet, and they couldn't expand or add onto it, that's when the definition
13 became important. Hugh agreed. Jason felt it was important to define a tiny house, but Preston
14 noted the rules said if it was affixed to a foundation and lived in year-round, it followed all the
15 same rules of a single-family dwelling or ADU, which Preston and Cathy agreed with. If someone
16 made a tiny house larger than 400 square feet, it wasn't that they couldn't do it, but they wouldn't
17 call it a tiny house. Hugh said one of the reasons they were putting language in around tiny houses,
18 that's what people liked and were doing and that's the language that was out there. While it didn't
19 make any difference what it was called from a tax point of view, this was a document that should
20 make sense to a reader or community member. Cathy said it didn't make any difference in the
21 dimensional standards, either. Hugh agreed. They don't know if tiny houses are a fad but they're
22 real and they wanted the bylaw language to address them. If it turned out in 5 or 10 years, they
23 were a splash in the pan, the language could be carved out, but it was important to include it now
24 because it reflects what is happening now. Cathy agreed because people would be lost otherwise.
25 Preston said they get a lot of calls about them.

26
27 Peter wanted to bring their attention to 2.15.b. Flood Damage Prevention Overlay. It lists FEMA
28 and the National Flood Insurance Program but they're talking about the Agency of Natural
29 Resources map, which the flood hazard for the ANR map is vastly different from the federal map.
30 It's more inclusive and what a flood map is going to be. They've issued building permits that
31 would have been out of the Natural Resources map but were out of the FEMA map and fortunately,
32 it didn't get built as there was 6 feet of water where those building permits were issued. Peter
33 wanted them to know there was a huge difference between them and in that language. Preston told
34 Peter he already knew this, but federal maps were done back in '75 and '76 and a lot had changed
35 since then and a lot of them are woefully inaccurate and yet were part of the FEMA system and
36 have to say they are the official maps. Peter pointed out it didn't say that and that was the
37 difference. The map they would get from ANR with the 1% flood grange was different than the
38 FEMA map. Jeff said they know FEMA and ANR do not agree on a lot. Peter thought the ANR
39 map was fairly accurate in the past two floods. Preston saw b. saying what applied were the federal
40 maps as provided by the Secretary of the Agency pursuant to a statute and didn't say what was on
41 the Atlas map. Peter agreed. Preston said to suddenly say they weren't going to follow the federal
42 maps, didn't seem appropriate. Peter said they weren't going to say that but thought when they
43 issued a building permit, they should make them aware that the ANR may be way out. Preston said
44 the federal maps were being amended and it was all by photo interpretation. Earlier in Preston's
45 career, he thought the federal maps were excessive and in recent years, he's changed his mind. The
46 state maps will show a 1% chance flood, a 2% chance flood, and a river corridor. Even though

1 under Chester's bylaws Preston can only require review for what's in the federal corridor, they are
2 all advised to tell people that the State of Vermont has indicated it's not a particularly safe place.
3 Peter thought that should be stated in the bylaws, so people are aware. Peter said even though the
4 map is changing, they all know how fast the federales work. Preston hadn't participated in it much
5 because it would be beyond his tenure. Peter said the ANR map is available online and, in some
6 places, it shows an absolute huge difference. Jeff didn't know how they would keep up because it
7 changes every year, and they won't allow you to remove debris or clean the rivers. Peter agreed
8 but said they could make them aware that the state map was different than the federal map. Peter
9 didn't know how they did it, but working on ancient roads, logging roads show up in the 1-foot
10 contours. Peter didn't know how they did it, but they were fairly accurate. In the places that flood
11 and don't flood, it shows up and was only a click away. Peter thought when they issued a permit,
12 they should tell them even though they aren't in a federal floodplain, they should be aware. Preston
13 didn't want to put something into lands which the bylaws apply because it was a legal definition,
14 but c. warned of disclaimer of liability. Hugh agreed and Preston said they could change the title
15 to, "Warning of Disclaimer of Liability and Recommendations" or something similar. Preston said
16 they could say that flooding has extended beyond the flood hazard areas and Peter said that's what
17 he was after and thanked them. Barre asked if Peter was talking about more information that people
18 don't have available to them for whatever reason so he's trying to dig deeper into the woods for
19 more clarity for people and Preston was saying they had a disclaimer and suggested adding a little
20 more to make sure people understand what Peter was talking about and if it was more of a buyer
21 beware kind of thing and Preston thought the more user-friendly of the state's websites was the
22 Flood Ready site but they also have the state's Natural Resources Atlas, so it could be fairly easy
23 to have one sentence that said Vermont is experiencing increased flooding and it's recommended
24 applicants go to the Flood Ready site or say the Zoning Administrator should recommend
25 applicants do something or similar language. Preston thought if they started to redefine what actual
26 maps for the bylaw would be getting into rough territory. One of the bills that went through the
27 legislature this year over the governor's veto was to set up a river corridor program to be
28 administered by ANR and not towns and the ANR secretary who is an appointee of the Republican
29 governor said they can't do the job they're supposed to do now and couldn't take it on, but it was
30 passed anyway. Barre said any development that creates more drainage into the rivers would add
31 more water into the rivers and we live in a place where it's mountainous and everything runs into
32 the rivers and the rivers are filling in more and getting jammed up and we're receiving more rain
33 and thought spillways were needed to mitigate these things or catch basins. Barre didn't know how
34 they could afford to chase it back to solve these problems. Preston heard it referred to as a soft
35 creek of concrete and gravel packed surfaces and grooves speed up water, so the more they build,
36 the more the water speeds up in terms of getting into the streams and splashing. It appeared
37 rainstorms hovered longer.

38
39 Hugh asked if there was anything else they wanted to discuss, and Barre asked to review the cottage
40 courts. When they discussed it at the last meeting, Peter referenced the ability of someone to do a
41 PUD, so with respect to that, cottage courts became redundant. Having been an advocate of the
42 cottage court idea, Barre liked it as something in the bylaws as a possibility and as Peter stated, if
43 people aren't aware of the opportunities and having to get an engineer and all the things required
44 with a planned unit development. Barre said they were tasked to create areas for wildlife, try to
45 have more dense housing, and Phil had raised his eyes when discussed at the last meeting, but
46 when people are moving to town for the point of recreation, they are coming here every second or

1 third weekend and are in town, they are shopping in stores, eating in restaurants, patronizing
2 businesses, and the rest of the time they're not here. Barre thought if they could afford to buy a
3 house, it may be more appropriate for a regular working citizen in town but if they want to live
4 here and they're the only things on the market, they choose to buy one and have more money
5 available to them than the local people. That's how employee housing is being diminished in
6 Barre's opinion and that affects the economy because a house is gone and they lose workers and
7 families because they're not here supporting businesses. They had looked at having cottage courts
8 or something similar out in the woods or closer to a snowmobile trail with smaller houses clustered
9 together like a compound for a group of friends so they could still enjoy outdoor activities and that
10 was the thought behind it. It wasn't intended to be something like a trailer park where people would
11 live all the time and trash up the neighborhood. The idea behind it was a permitted or planned unit
12 development and the rules were set up for how a cottage court worked and were put in place for
13 those reasons. Barre thought they should discuss it before eliminating it for those reasons. Hugh
14 looked at the cottage court and PUD sections of the bylaws and wasn't disputing Barre's scenario
15 of a cottage court in a rural area serving a purpose but originally the discussion was geared towards
16 areas of town that had access to infrastructure but then after it was discussed, he wondered why
17 they would preclude it from rural areas. Hugh's recollection was the impetus to create a cottage
18 court initially was the recognition that tiny homes were a thing, and cottage court is a thing and
19 may be a way in areas where it makes sense to create lower cost, more dense housing to help
20 people get started or a way to create additional density at a lower cost footprint. Barre wasn't
21 looking at it that way. Hugh thought Barre brought up a good point about guys who wanted to
22 create a compound in the woods. After reading it, Hugh came away with the cottage court
23 definition has specificity in it not found in the PUD. The PUD doesn't address many of the line
24 items in the cottage court language that has many restrictions about what a cottage court looks like.
25 If you wanted to create a compound in the woods, it could be done with a PUD and Hugh agreed
26 there would be a little more overhead but fundamentally, he read both sections of the bylaws and
27 didn't see anything in the PUD that would prevent someone from being able to do that.
28 Administratively, there may be a difference in overhead between a cottage court and PUD, but
29 they were both conditional uses and would be going through the DRB and looked at a certain way.
30 The PUD has additional documentation requirements that a cottage court wouldn't. Barre said it
31 came down to engineering at that point because a PUD had to be engineered and a cottage court
32 would need to meet the definitions that they had done ahead of time. Without sounding elitist and
33 going down that road, if they have the capital to create their own thing, it was more likely it would
34 work for the recreation scenario Barre was suggesting. Barre's friend bought land along the
35 Birkebeiner Trail in Wisconsin and developed little developments of manufactured log homes
36 along this trail in the woods. People who are snowmobile and cross-country ski enthusiasts buy
37 these log cabins along the trail and don't buy from the housing inventory in town. In Barre's
38 opinion, to move forward in a healthy productive manner, he wanted to see housing for second
39 homeowners along Vermont's trails rather than buying up inventory in town, so it was available
40 for those who work here. Barre said nothing ever happens here anyway and was frustrated they
41 put the work into it, it had some value, and now they were talking about tossing it out and he didn't
42 understand why. Hugh thought Barre brought up a good point and wanted to hear from Cathy and
43 Jeff as Hugh was on the fence about whether they should have cottage courts as a conditional use
44 in the rural districts and didn't feel strongly either way. Jeff pointed out that a state wastewater
45 permit and a designed septic system is required for cottage courts, so they were limited. Jeff has
46 lived here all his life and for recreational camps, he's seen where people rent them for a week and

1 trash the place and they aren't kept up and are abandoned and become an eyesore. Jeff said if they
2 were clumped together, there would be other people there who would help keep them clean and
3 neat, and work together. The big factor was the state issues wastewater permits and would limit
4 what could be out there anyway. Barre said there was a place in Ludlow that has water and sewer
5 and there are 5 houses on the circle near the mountain. Barre said they bought modest houses that
6 were like a condo and all the infrastructure is there. There are 5 houses, and they are all there for
7 skiing. Barre noted people didn't live in Ludlow at all. Jeff said if they have a certain number of
8 water taps, they need a certified operator watching the water system and getting samples and
9 testing at least monthly. Hugh wondered what the threshold was, and Jeff wasn't sure. Hugh
10 confirmed there was a limit that would prohibit someone setting up a cottage court with 20 houses
11 or cabins. Jeff said the wastewater system would be limited to what they could have for ground
12 and a mound system may only allow for 4 bedrooms. They could allow a cottage court, but they
13 still would need a state permit, so it was self-limiting. Cathy said Preston issued a permit to some
14 people who bought 40 acres south of Sugar Brush Road and they wanted little cabins with limited
15 cooking facilities and 1 bath house with hot water showers and they were going to have a
16 campground, and it had limited satellite service. Jeff said they contacted him about getting water
17 out there. Preston said they were in Act 250 now, which they had tried to avoid but it didn't work.
18 Cathy told Barre there were people thinking along his lines and she wondered whether cottage
19 courts were like tiny houses, and they were covered by PUD to put up a bunch of houses with no
20 specification in size, but cottage court had an attraction in its name and might be worth holding
21 onto. Barre thought the real difference was if they had what was defined as a cottage court, they
22 could go to the shelf and pick it up and carry it away and if they didn't have that, an engineer
23 would need to do the work and Hugh agreed. For a PUD, someone must engineer and draw it out
24 and the cottage court would be predesigned. Cathy said the big work was in the septic and well.
25 Barre said if they had something they could pick off the shelf for a cottage court and a PUD wasn't
26 an off the shelf thing. Jeff disagreed that it was a plan on the shelf because it didn't mean it would
27 fit well in all places and each lot should be considered differently. Peter said there was no
28 requirement in the PUD that an architect had to lay it out and saw no difference in requirements
29 between a cottage court and a PUD. Barre asked Preston if he agreed. Jeff said it would meet all
30 the requirements, setbacks, road frontage, and wasn't something that would just be put in there, as
31 they had guidelines for someone developing a piece of property and they didn't need to spell it out
32 anymore. Preston didn't believe the bylaws said an engineer had to prepare a site plan for a PUD,
33 but it was difficult to imagine the DRB would approve it without one. Barre didn't care but it
34 seemed like they had a definition for it, and nobody would probably ever do it anyway. Jeff thought
35 they were overthinking it and they should move ahead with it. Barre wanted to bring up why he
36 thought it should stay in and argued that and thought they should vote as a committee. Hugh
37 appreciated that. Derek thought the meeting was interesting on July 22nd and thanked the board for
38 listening to his comments, making sense of them, and acting on them. It seemed to Derek they
39 already had a tool in their toolbox to work with and the regulations were not the end regulations,
40 and they weren't setting anything in stone and if they suddenly received a high demand for cottage
41 courts, the regulations could be changed, and they could grow into what was needed. Derek
42 wondered what their responses were to the maximum density standard questions where they had a
43 large lot and the 2 acres. Hugh said they were still in favor of a density-based approach for those
44 two zones rather than a minimum lot size. For example, in R-10, they could have 1 dwelling for
45 every 10 acres, on average. What the lots look like will be driven by the requirements for
46 wastewater permitting and the land itself and where the flat spots are and things like that. In a

1 density-based zoning model, the notion of a minimum lot size does not exist. Derek asked what
2 the thing was with the 2 acres and Hugh said it was an illustration to try to help educate folks on
3 what density-based zoning looked like versus fixed lot zoning. Derek understood. They updated
4 the bylaw to put some extra pictures in but also say the lot sizes are not requirements but illustrative
5 of how density-based zoning works. Derek confirmed with Hugh that for 30 acres of lot divided
6 into four residences, there would be no minimum lot size surrounding each residence, which would
7 enable them to be right next to each other excepting the setbacks for water and sewer. Hugh
8 explained they would take whatever was required to get water and sewer into place and meet their
9 frontage and setbacks. Jeff said if someone was building out in Smokeshire or in the woods and
10 sticks, most would not want to build right next to their neighbor. Derek agreed and was concerned
11 about small dwellings of low value being maintained for their life and not being allowed to
12 deteriorate. Hugh clarified he was talking about cottage courts. Derek noticed in the rural areas of
13 town that the people who live there tend to live large with a lot of interests and stuff and wondered
14 if with smaller lots as they pack themselves in, they will have inter-neighbor problems and saw
15 that with Marc Drive that the neighbors were upset by something someone had done. Rural people
16 have habits and a lifestyle they have chosen to live rurally to support. Derek thought the lots should
17 be of a size that they could do that without intruding upon others. Barre said they could because
18 they didn't have to build together. Barre said the impetus was to create more wildlife habitat. If
19 they were allowing people to build closer, they would be preserving more acreage. Someone could
20 run a driveway 5 acres into their woods, if they could afford to, and have their house in there and
21 someone else could be on one end and someone on the other and they wouldn't be close. Barre
22 thought Derek was making a leap because the opportunity was there, that's what people were going
23 to do so the scenario was the potential result, and they didn't have to. Derek understood they didn't
24 have to do that. Derek said fences and distance make good neighbors and when they start packing
25 them together, they can generate neighborhood problems. Derek said there are a lot of town
26 properties where there is a lot of stuff in a small area. Jeff said some people would do that no
27 matter how much land they had. Hugh didn't disagree with Derek but said they were leaving the
28 decision about that happening in the hands of the landowner. If rural people don't want to live near
29 each other, they won't do the things that would cause them to be close to their neighbors and that
30 was their choice. Peter said there was no minimum lot size in the standards and Hugh agreed. Peter
31 said they were smaller than 2-acre lots and weren't requiring water and sewer on that lot so if they
32 had a piece of property now, they could make quarter-acre lots in the rural area. Hugh said it
33 couldn't be done and Peter said they should specify that. Hugh understood but it didn't need to be
34 said because it was driven by wastewater requirements. Peter said they weren't dealing with
35 wastewater requirements and there were places where density zoning worked, and worked well in
36 the village but not in rural areas. Peter said they could cut off quarter-acre lots on 150 acres and
37 they would be fine, and it could be done on frontage on the road, but they had no requirements for
38 a lot size. Peter said the way it was set up now, they could have spaghetti zoning, and that density
39 zoning didn't work in rural areas. Hugh disagreed. Peter told Hugh he disagreed because he didn't
40 live there, and Hugh said that wasn't necessary to understand. Barre said he was far from being an
41 environmentalist but part of what they were trying to do was to have open spaced land. If people
42 put their houses together, all the land behind them would be woods and for the animals and would
43 be part of their goal. Barre didn't see an issue with 4 houses when there were 40 acres behind them.
44 Peter said the town would need to pay to improve the roads and Hugh had said there was no
45 problem. Hugh said he had time to consider it, and the density was half the current density. Peter
46 said with the depth of the lots, they could have row after row of houses and Hugh disagreed. Hugh

1 said if on a lot today, you could have 1 house for every 5 acres and tomorrow you can have 1 house
2 per 10 acres, which would be less houses and traffic. Peter said nobody would build a road and the
3 cost of subdividing the bigger lots was the cost of a road. Hugh said the frontage was the same as
4 it was currently, and Peter countered that they would need to build a road to get to the back of the
5 lot of whoever subdivides. Jeff said that was another limiting factor. Peter agreed for the bigger
6 lots. Jeff said it would be a private road until the town voted to take it over and the town had been
7 giving up a lot of the one owner roads. When Jeff started plowing, he had 11 what seemed like
8 driveways he was plowing, and the town has given up 7 of the 11. Jeff said that was only in West
9 Chester and questioned the number of people on Remington Road which doesn't meet the town
10 standards, so they're not going to plow it, drain it, or put gravel on it. Peter said that was a great
11 answer because it limits the density because they won't develop the back lots. Jeff said that wasn't
12 what was happening on Remington Road and Peter thought nobody would buy the lots there and
13 Jeff told him he should take a ride and check it out and see how many lots are full now. Peter said
14 he had worked on the bylaw road section, and once they got over 3 houses, they would have to
15 build a spec road, even if the town didn't take it over. Jeff agreed and said it wasn't a cost to the
16 town. Peter said when they had quarter acre lots and on Smokeshire Road, there are 3 full-time
17 residents who live beyond him and the road falls apart with three cars. Jeff asked who would have
18 quarter acre lots in the woods, and asked Peter for one area in the state of Vermont that allowed it.
19 Peter said they were allowing it now. Jeff asked where and Peter said it would be allowed now and
20 wasn't happening because it wasn't currently allowed but would be. Hugh told Peter he was using
21 the quarter acre lot argument and wondered what he would put on them. Peter didn't agree with
22 density zoning in rural areas. Hugh noted Peter was on the planning board for many years and
23 every meeting they talked about zoning in rural areas, and Peter would get up and tell them they
24 couldn't do anything on less than 3 acres because that's what it took to get water and sewer. Peter
25 asked why Hugh couldn't say there was a minimum lot size in the bylaws and wanted him to say
26 that. Peter saw it as a cost to the town and Hugh disagreed. Peter noted that Kirby told them at
27 their last meeting that all he could do is patch the current roads. Hugh understood but at the end of
28 the day, it was less density. Peter wondered why they would create more rural development the
29 town couldn't maintain, and Hugh said they weren't advocating for that but 50% less rural
30 development. Peter thought by allowing a larger frontage, the smaller frontage and the minimum
31 lot size builds up the front of the road and wondered how many more cars they could add, and
32 Hugh said it would be 50% less cars. Peter said it would be 50% less if the whole lot could be
33 developed, but it couldn't, and they were only allowing cheap lots to be sold that don't add to the
34 tax base. Peter thought density-based zoning sounded great until they realized where the density
35 would be and the cost to that. Hugh told Peter he was making a lot of assumptions and Peter asked
36 Hugh to show him an example where rural density has worked in Vermont and to name him towns.
37 Peter said Hugh should be able to provide examples and said they have a model that works now.
38 Peter thought it should be a 3-acre minimum and didn't think the public would interpret it correctly.
39 Barre noted he had been on the board the longest and they had gone through this a number of times
40 with help and this time Jason from Regional Planning was their help and the concept came from
41 him and they had discussed it and for the reasons the people who they were paying, thought it was
42 a good idea was why they were discussing it and why it was in their bylaws. They made a bunch
43 of concessions to two individuals in the community of 3,200. Barre thought they were
44 knowledgeable and respected in the community, but it wasn't the board's job to do what one person
45 out of 3,200 thought they should when they were a board who hired consultants to help. Barre told
46 Peter he could argue as much as he wanted but he had his reasons, and the board had theirs and it

1 was a difference of opinion. Barre said they were trying to do what was best for the town and not
2 what Peter wanted and the last thing they brought through was tossed out because of what Peter
3 wanted and this would end up being political also. It would come down to the Selectboard and
4 politics and it should be what's best for the town. Barre said their job was to decide what was best
5 for the town and they were making those decisions and concessions and didn't need Peter sitting
6 there whining about his perspective. Barre told Peter he might be right in his mind, but Barre
7 couldn't say he was right, and they brought people in to help and that's what they decided, and
8 this was the deal. Peter asked for a cost-benefit analysis of why it was the right thing to do, and
9 Hugh said he didn't want to go down this road anymore. Hugh clarified with Peter he was hearing
10 that his recommendation in R-10 was to create a minimum lot size. Derek was still stuck on a
11 minimum lot size and wanted it to be such a lot size that people could engage in whatever their
12 pursuits are without infringing on their neighbors. Following Hugh's example, Derek said he had
13 a 10-acre lot with 2 residences allowed and if people wanted them side-by-side, it wasn't that big
14 of a deal. Derek wondered how big an overall lot size they could get to before high-density started
15 creating a problem. Derek looked at a 100-acre lot where they could have 10 units close to each
16 other without regulation. Even larger lot sizes generate more potential units in a tight area. Derek
17 didn't see a problem for relatively small lot sizes but potentially as they grew into very large lot
18 sizes. Hugh wondered what the problem was and didn't see it as more people because they had to
19 maintain so much open space to get the houses, so it would be less people and traffic. Derek was
20 concerned that because there wasn't regulation for lot size, 10 units could get packed in a tiny area
21 and would end up with a cottage court. Barre asked if 250 feet of frontage was necessary for each
22 one. Cathy said 2500 feet of frontage and there aren't many parcels along Popple Dungeon or
23 Smokeshire that have that much, but there were some. Cathy thought the interesting thing was the
24 longest frontage pieces were usually small ones and was surprised the narrow pieces were in the
25 valley and the big pieces were up the hill. There were some exceptions. Barre thought increasing
26 the frontage from 150 to 250 would help regulate putting the pieces close together and couldn't
27 have them side by side. Barre suggested a compromise would be a little more frontage, but he
28 didn't mind the density, and the new concept was to create the open space to preserve the woods
29 and the way to do that was to build and buy the big piece of land and put the places together with
30 the woods behind. Barre appreciated their argument but liked the idea. Cathy's assumption was
31 they would have a hard time getting a well and septic permit for a quarter acre unless you had
32 permission to put the well and septic on someone else's land. Peter said they did a 3-acre
33 subdivision with a 3-acre and 4-acre lot side by side and the guy on the 4-acre lot doesn't have a
34 septic and can dig across both his neighbors to get to the fourth guy to put a sewer in at any time
35 per a sub-division agreement. Peter said combined sewers can be done that don't necessarily need
36 to be on the property. Jeff said that had nothing to do with them. Peter said they were doing the
37 small lots, and they could combine the sewer with as many as the state allowed and was the door
38 the commission was opening. Jeff told the Chair they were beating their heads against the wall and
39 weren't getting anywhere, and nobody wanted to listen. The state will regulate how many
40 bedrooms and bathrooms can be on one system. They've tried to help everyone the best they can
41 but to sit there stuck on the quarter acre and road thing, there was no perfect answer and Jeff told
42 Peter he didn't have it either and they had to work together to iron it out and Peter was creating a
43 problem and not providing a solution. Peter said 5-acre zoning is what they had there, and they
44 were good with that, and Jeff responded that Peter was good with it. Peter noted Derek was also
45 good with it. Jeff asked if Peter was the only one in town who needed to be good with it.

46

1 Hugh asked if anyone on the commission had an opinion about including a minimum lot size in
2 the density-based zoning districts and wanted to discuss R-10. From Barre's perspective, he
3 appreciated Derek and Peter's arguments but having done it for a long time and what they were
4 trying to do, a lot of it was self-regulating and they have goals they were trying to achieve for
5 different reasons and with the frontage at 250 feet and the ledge, he would rather see some houses
6 together if they're ever going to be built than more roads out in the middle of nowhere and someone
7 could still put a road out in the middle of nowhere. Barre said what would happen next is an
8 argument with the Selectboard and it would become political, and they would probably never see
9 what they thought was best unless the Selectboard agreed. Barre noted the town has 3,200 people
10 and he appreciated some are passionate about town and have roots here and was sure they were
11 representing people other than themselves but there are a lot of people who weren't at the meeting
12 and with what they put into it, and the consultants, he wanted to stick with what they had and didn't
13 think a minimum lot size was needed. Cathy would hate it if they established a minimum lot size
14 and there was an opportunity to put three houses together in a flat spot on a parcel and the
15 remaining 30 acres was left to nature. She didn't want to create a problem where they needed to
16 take more space to install a septic and other things. Cathy said in the past on Popple Dungeon,
17 someone put a cabin on .2 acres a long time ago and magically over time, the point disappeared
18 and the lister records had it as 2 acres and finally when someone who owned it tried to get himself
19 settled and make it clear it was only .2 acres and went to court and his septic is on someone else's
20 land, so it used to happen here and there. Cathy could see saying a 2-acre minimum but didn't
21 want to lose the chance to have a limited number of houses in a smaller space and leave the rest to
22 nature. That was her concern, and she didn't know how else they could get it. When she looked at
23 Popple Dungeon and Smokeshire, someone could buy a piece with all the frontage and subdivide
24 it all so they couldn't depend on the way it was currently to carry them through the future. Jeff
25 didn't want a minimum lot size and didn't see it being a problem but as Derek had said, if it
26 becomes obvious there's going to be a problem, they can change the bylaws again if it becomes
27 one. If someone wants to make quarter acre lots all over a 100-acre parcel, they may think it will
28 be a problem and can address it but he didn't see how it would be an issue because of the setbacks,
29 wastewater and water requirements, getting electricity access, roads, and other factors that limit
30 what can be done and they wouldn't be able to plop houses on every quarter acre.

31
32 The message Hugh was hearing was the board was more inclined to leave it as it was, and Jeff
33 agreed. Derek thanked them for their consideration. Jeff moved they adjourn, and Hugh said they
34 couldn't yet and asked if there was any more discussion on Agenda Item 3 and there was none.

35
36 **Agenda Item 4, Discuss and decide timeline for submission of proposed Rural District**
37 **updates to Select Board for consideration.**
38

39 They needed to decide if they were going to approve it as amended for the Selectboard to consider.
40 Jeff thought it was time. Hugh said if they thought it was ready, they could move to send it up and
41 just had to decide on a timeframe. Maybe they couldn't set a date for a hearing with the Selectboard
42 but could agree that from the Planning Board's point of view they were done and ready to send it
43 forward. Jeff said it was time for them to hash it out. Barre hoped that the Selectboard could
44 appreciate the work the commission had done and see it the same way. They had put in a lot of
45 effort and thought and unanimously had gone with the last hurdle. Barre hoped they understood.
46 Jeff knew some members have been waiting to see it and may not push it through but may have

1 other suggestions and they had batted it around a bunch of times and changed it based on people's
2 feedback and it was time to move it forward. Hugh moved to submit this version of bylaws, as
3 amended, to the Selectboard for their consideration. Jeff seconded the motion. The motion passed
4 unanimously. Hugh said they would work out the details and Cathy said their part was pretty much
5 over. Barre asked Cathy when she would send the stuff to the other towns if she had to amend it,
6 and she said you tell them you're in the process of amending your bylaws and are only giving them
7 notice and their deal is done. Cathy noted Hugh had done it this time. Barre said it was good to
8 know they only had to do it once. Cathy was glad they had talked it over and in 2018 when it
9 started, they knew then that the rural districts would be tough and was why they wouldn't go
10 forward with Brandy's proposal because it would be too radical. It would be good to have it before
11 the Selectboard for their thoughts and if they changed it and it came back before the Planning
12 Commission, that was a good process and she was glad to have more people considering it and
13 talking about it. Barre noted they didn't even have an environmentalist on the board as in the past
14 because they would strongly argue for it. Barre said he might call them, and Cathy and Hugh
15 agreed that if they could provide more information, they were ahead. There was no point in rushing
16 it and Cathy was glad people spoke up.

17 18 **Agenda Item 4, Adjournment**

19
20 Jeff moved to adjourn, and Cathy seconded the motion. A vote was taken, and it passed
21 unanimously. The meeting was adjourned at 8:10 p.m.