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**TOWN OF CHESTER
PLANNING COMMISSION
August 7, 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.

Citizens Present: Jason Rasmussen of MARC, Peter Hudkins, and Bill Lindsay at Town Hall; and Steve Mancuso via Zoom.

Call to Order

Vice Chair Tim Roper called the meeting to order at 6:29 p.m.

Agenda Item 1, Review and Approve Minutes from July 17, 2023, meeting

Tim moved and Cathy seconded a motion to approve the July 17, 2023, minutes. Tim thought on page 2, that “Tim asked if the commissioners had anything to add.” should be added at line 3. On line 25, if it came up as a “future” agenda item would be more appropriate than if it came up as “another” agenda item. On page 4, line 20, the storage unit going “next to” Abanacke as opposed to “into.” The minutes were approved, as amended.

Agenda Item 2, Citizen Comments

Peter Hudkins said they had a meeting with Cathy and Preston and Granicus and decided to proceed using a manual method to get the short-term rental registry started. They will have to wait for Granicus to catch up. Barre asked if it was coming down from the Selectboard or if they had made a committee. Preston said it was their ordinance and they had every right to be interested in how to implement it. They were getting pressure to implement a cap and were eager to get the registry going. Granicus had been unable to get the job done because they didn’t have the help. Barre thought from the beginning that they could do it themselves because it wasn’t that much. Preston said his hope was to save himself from that trouble, but 65 applications was doable, and they would get there. Barre asked how Peter and Cathy were involved. Preston said Cathy does the data entry. Cathy clarified she was acting as the lister. Barre asked if Peter volunteered. Preston said the Selectboard had met Wednesday and Arianna Knapp indicated she wanted to sit in on the meeting on Friday but then she had a conflict, so Preston invited the other Selectboard members and Peter, Julie, and Arne to attend the meeting. Barre was pleased and had wanted the back story so he could report to his constituents.

Agenda Item 3, Review the Proposed UBD Updates for the Five Chester Center Districts

Jason asked if they were happy with the map. They had corrected an error in the railroad and Pleasant Street area. Jason wasn’t crazy about the colors, and they could be changed. He asked if there were any questions before they got to the text. Tim wasn’t happy with the mustard color.

1 Cathy said they had changed the mustard to more of an orange. Tim agreed it worked better. Jason
2 said they were happy to keep playing with the map. Jason said they had highlighted the most recent
3 changes in yellow and were getting close to the end of the five village districts. He wanted to know
4 if it looked okay or if they wanted to make further changes.

5
6 Tim said they had discussed clubs extensively and thought they were going to remove it but maybe
7 it was just they would define it. Jason thought they would define it but would be happy to omit it.
8 Jason suggested they skip forward to definitions. Hugh thought the definitions for bar, pub, and
9 club made sense and created clarity. For Article 8 on page 4, Jason included the definition for
10 tavern and pub that came right out of the development dictionary. Tim said it worked for him.
11 Hugh said it was worth noting that it used to be bundled up with arts and entertainment and they
12 were breaking it out, which he thought was a good idea. For item 13, Article 2, page 3, Tim said
13 they were still grouped and wondered if they should be separated because pub/bar was one
14 definition and club was a different one. They agreed to make club a separate conditional use. Jason
15 questioned if the American Legion was a club or bar and said there was overlap but was happy to
16 separate them. Tim noted the definition examples like the American Legion and Polish American
17 Club were included and suggested adding et cetera to the definition, so it was clear it wasn't limited
18 to those establishments, as there were others, such as The Moose. Hugh liked that. Tim thought
19 the rest was great. Hugh thought wherever there was bar/pub/club, they should be separated.

20
21 Hugh questioned under mixed use if they would ever consider moving professional office to a
22 permitted use from a conditional use. Hugh thought in mixed use and general business,
23 professional office may be able to move up but wanted their feedback. Hugh asked if they should
24 move professional office to permitted in mixed use and general business. Hugh also wondered if
25 they would consider moving light industry to permitted under general business. Barre thought the
26 relationship between conditional use and permitted use had more to do with the planning of the
27 use and that's why the review was necessary depending on the type of business, the traffic, the
28 parking, and impact on the neighbors. It didn't mean they didn't want it or wanted to make it more
29 difficult but if someone put in an office that generated a lot of traffic and bothered the neighbors,
30 it could be an issue. Barre said when going before the Development Review Board to expand
31 parking and they thought a catch basin was necessary, it happened that way. Barre understood
32 want and ease and not creating hurdles but would allow them to interact with Preston and
33 understand the DRB and know the rules. It gave the neighbors an opportunity to have input. Hugh
34 was okay with that and asked if the same applied to the general business district. Barre thought if
35 they had to go before Preston and he saw to it that things got done and they wanted some
36 expediency and no hurdles, he didn't know how that worked and thought maybe that was a
37 question for Preston. Tim said even though it was general business, currently, every business, other
38 than home occupation, was listed as a conditional use. Hugh wondered why they would have so
39 many conditional uses in a district that was supposed to be all about business. Tim thought it came
40 back to what Barre said about parking. Preston used the Masonic Hall building as an example. It
41 was bought by a lawyer who wanted 3 apartments and a law office. In the Village District, they
42 had decided to make office, restaurant, and retail all permitted yet they hadn't included the change
43 now required by state law for apartments. They had a hearing because it was three apartments, and
44 a bunch of people came to the hearing and were really cranked about parking. Once the changes
45 go through, because state law doesn't allow for anything with less than four apartments to go
46 before the DRB because it's encumbering the process, it would have gone through without a review

1 except by Preston. Cathy said the other piece was the General Business District wasn't a blank
2 slate and had a lot of residences. They decided to leave it how it was. Jason said it was a good
3 question. Barre had a huge building on the cape in 1987 and had to put in a huge septic system for
4 the size of the building, which was a pain, so he wasn't sure why he was advocating for the
5 regulations but explained that was what zoning was about and that's why he was now for it.
6

7 Cathy asked what the 5 districts were. Hugh said it was a way for them as a Planning Commission
8 to lump the next unit of work that was going to go through. What was left was General Business,
9 Mixed-Use, Stone Village, Neighborhood and Village Center. Those were the 5. It was a way to
10 keep track of the next bundle that would go before the Selectboard for adoption. Jason added they
11 had made a few tweaks in the Village Green and Neighborhood or the center of town. Cathy
12 questioned why General Business wasn't in 2.1. Jason said it was an oversight.
13

14 Jason wanted to confirm in Stone Village they had decided to include restaurant but not bar or
15 club. They also added language that formula businesses were not permitted in that district. They
16 added restaurant in Neighborhood and the size of restaurant language under supplemental
17 standards and Jason wanted to be sure they saw it and address any questions. Barre wasn't a fan
18 of restaurant in the Neighborhood District and didn't see it as something they should do because
19 of traffic it could generate where kids live. Hugh asked Barre if he would remove retail store given
20 his logic. Tim pointed out the ability to walk to a restaurant and store gave it a neighborhood
21 appeal, but also noted, as Barre had previously pointed out, that the likelihood of someone opening
22 a restaurant in the Neighborhood District was low. Hugh said, as Jason had mentioned, there was
23 language restricting the size of the restaurant. It was noted the formula language wasn't in
24 Neighborhood but could be added. John said in his neighborhood, they were converting a place
25 into a farm-to-table restaurant. Tim suggested they go through each section since they were
26 jumping around.
27

28 Jason noted in Section 2.1, he needed to make some changes so all the district names were up to
29 date. He asked if there were any other changes and there were none.
30

31 On the next page, Jason had originally been calling the new section dimensional requirements, but
32 they had said minimum lot size was more fitting, so he had changed that.
33

34 For Section 2.3, Village Center, other than defining pub, bar, and club he would separate club out
35 from pub/bar/tavern. Jason asked if there were any questions about dimensional standards for that
36 district and there were none.
37

38 In the Village Green District, Jason would separate bar from club, and asked if there were any
39 comments or questions on that district and there were none.
40

41 In Section 2.4, the Mixed-Use District, Jason deleted commercial storage unit and changed the
42 dimension of the minimum lot size, frontage, and setbacks. He asked if he had missed anything.
43 There was no comment.
44

45 In Section 2.5, General Business District, the minimum lot size, and frontage had been changed.
46 The conversation had been because there wasn't water and sewer in the district, they weren't too

1 concerned about state density requirements. They went with 20,000 square feet and 100 feet of
2 frontage. Tim asked what would happen if the town installed water and sewer there. Jason said it
3 would be a good idea to revisit it if that happened, but state law trumps local bylaws. If the
4 infrastructure was built, the state regulations applied but suggested modifying local regulations if
5 it happened so, there wouldn't be any confusion.

6
7 In Section 2.6, Stone Village, they added restaurant but not pubs and clubs. They changed the
8 minimum lot size to meet the new state requirements. They added under character of development
9 that formula businesses were not allowed. Tim asked if there was a definition for multi-household
10 as they had specified in other sections. Hugh thought it was spelled out in other districts. Jason
11 would include both for clarity. Cathy said the state would say they had to allow a four-unit dwelling
12 as a permitted use and Jason agreed for where there was water and sewer. Hugh referenced Article
13 2, page 13, Stone Village, Item 10 permitted uses, 3 and 4 units. Tim asked if all the Stone Village
14 included water and sewer. Peter said the last manhole was where the cemetery is, so some of it did
15 not have water and sewer. Jason said they could allow for up to 4 units and suggested they could
16 have Class A/Class B type standards or allow it presuming they could get their wastewater by an
17 extension. They thought it was better to have Class A/Class B lot sizing. Jason said for the class
18 where there was no municipal water and sewer, they wanted to revert to the old lot size of 30,000
19 square feet. Tim thought it was 20,000. Stone Village is currently 20,000. Tim said Neighborhood
20 was 30,000. Tim asked if it did not apply if it had water. Jason thought they should refer to
21 Neighborhood and how they dealt with it there. Jason suggested one could be where there is both
22 municipal water and sewer. Tim thought sewer was the bigger issue with lot size and wondered if
23 it should be on-site wastewater because he thought a well could be put on a smaller lot. Peter said
24 there was water on most of the lots. In Tim's mind, the issue was more about wastewater than
25 potable water. Instead of it saying on-site water and wastewater, he wondered if it should say on-
26 site wastewater with the assumption a well could be put on a smaller lot. Barre asked how much
27 space was required to have a house, septic, and well on a lot. Jason said there needed to be adequate
28 separation, but he didn't know the number off the top of his head. Cathy said separation was driven
29 in part by the abutters and their facilities. Barre thought the lot size needed to stay bigger for those
30 reasons. Tim asked if there was water any place where there was sewer in town but that was not
31 the case. Tim asked if sewer was billed on the amount of water used and Peter said it was not.
32 Hugh's recommendation for the Stone Village was to adopt the same sort of language they had for
33 Neighborhood if you were on water and sewer and if not, they would revert to the original Stone
34 Village settings for the few lots that don't have water and sewer. It would create more density
35 where the lots permit it because they have water and sewer. Barre agreed to keep things moving.
36 Jason saw it as a reasonable approach. Tim confirmed they would add Class A/Class B for Stone
37 Village and Class B would be 30,000 square feet if there was on-site water and/or sewer. Jason
38 suggested beefing up the coverage to 30%. Hugh wondered if they should bring the lot coverage
39 up for Neighborhood to be consistent. Jason agreed. Jason was open to 30%. Cathy asked if it was
40 the building and the driveway. Preston said they didn't count the driveway but would count barns.
41 They agreed to 30% in Stone Village and Neighborhood. Jason thought a lot of towns ignore their
42 coverage.

43
44 Jason asked for any comments in the Neighborhood District. Hugh noted the only other thing they
45 mentioned was not allowing formula businesses as they had done in Stone Village. Jason said they
46 were allowing restaurant and retail. Barre wanted to go on the record that he didn't think they were

1 appropriate in those places because there were no main roads and because the idea of
2 Neighborhood was a neighborhood. He thought people who lived there would be mad because
3 there was a business. Tim pointed out it was conditional so neighbors would have an opportunity
4 to voice their concerns. Barre thought anyone who thought it would be successful would have a
5 condition of mental illness because there was no way it would work. Hugh said while Barre may
6 be right, would he want to make it impossible for someone to try. Barre said yes and said you don't
7 hunt where the ducks aren't or fish where the fish aren't. Hugh said with Barre's logic, he would
8 remove tourist lodging too. Barre saw an inn as different because customers would look online,
9 and it would bring less people and it would be at night. Hugh said they would want a restaurant to
10 go to. Barre said they couldn't even get a restaurant in a building that was a restaurant, and the
11 other members were dreamers. Cathy, Tim, and John wanted small restaurant and retail allowed
12 in Neighborhood. Hugh said it would stay. Jason said they would add no formula businesses.
13

14 With respect to Stone Village, they have conditional use of a restaurant and he thought they had
15 discussed including pub or tavern since historically, there were multiple pubs and taverns there.
16 Hugh remembered discussing it. Cathy thought restaurant allowed a small bar or limited forms of
17 musical entertainment, so it wasn't like it was dry. Jason recalled they had considered adding both
18 restaurant and bar/pub but the last time they discussed it, the neighborhood didn't want it, so they
19 thought a pub was a happy medium. Tim didn't think they wanted to zone based upon polling the
20 town. Hugh agreed but wouldn't be a fan of adding pub or bar there because he thought the district
21 was trying to be something where pub or bar didn't fit but didn't have any data to back that up.
22 Cathy said having a restaurant and a bar would hollow out some space as there weren't many
23 houses there. Tim said there were larger lots that could be subdivided. Barre said the Scottish pub
24 was an example of a successful restaurant in Chester and the nature of the name of it was pub but
25 thought most pubs have a percentage of food that must be sold and what defines a bar over a
26 restaurant, or pub. Barre wondered how they could define those things if they didn't know the
27 specifics. Hugh said the definition of pub says you mostly sell booze and there might be a little bit
28 of light snack food. Barre asked if their definition was based on percentage of sales. Jason said it
29 wasn't that specific. Tim read the definition: "Bar, tavern, or pub is an establishment in which
30 alcoholic beverages are served primarily by an individual drink portion size or where food or
31 packaged liquors may also be served or sold." Tim thought most pubs would serve pub food but
32 noted he didn't live there. Tim said if he did, he wouldn't mind having a pub within walking
33 distance which could save lives. Hugh, Cathy, and John were against adding pub or bar to the
34 Stone Village.
35

36 They were good with Neighborhood. Hugh noted he had scanned through the definitions earlier
37 and was fine with them.
38

39 Steve Mancuso liked Tim's comment about living within walking distance of a pub saving lives.
40 He thought as much as they probably hated to go down that road, they would need to get
41 definitional as to what is a club, pub, or restaurant. Steve gave the example of a sushi restaurant
42 on Route 10, and would they have entertainment and said they would need to define those things.
43

44 Cathy asked if they were making a package. Hugh said they had done all they were going to do
45 with respect to the five districts and Jason would package it up and if they needed to take one last
46 pass through it, he expected at the next meeting they would vote to transmit it to the Selectboard.

1 The only other thing they may decide to discuss was did they want to start the process of scheduling
2 the first public hearing. Cathy needed a clear package to distribute. Hugh said when they review
3 changes, they don't discuss it unless something is missing or broken. They agreed. Hugh
4 appreciated Cathy taking care of the details which she noted were not small.

5
6 Preston suggested eliminating the word five from Five Chester Districts, which the public would
7 understand better. Hugh agreed completely.

8 9 **Agenda Item 4, Discuss Updated Proposal for Food Trucks**

10
11 Sarah James of Smokin' Bowls wanted to move and the DRB had their hearing and made their
12 decision which would be signed soon allowing her to move to Sylvan Road. It's a temporary permit
13 for one year and the only tool the DRB had to get the food truck amendment passed. Preston
14 realized that he had not written the definition for a food truck, food cart, and food stand, which
15 would hold it up. People wanted clarification that they were mobile and movable without using
16 the word, wheels, and the initial wording was awkward. Preston apologized that there may not be
17 much to talk about since he hadn't written the definition.

18
19 Tim questioned sign coverage not to exceed 24 square feet. He wondered if that was total coverage
20 given there were four services on the trailer that could be used and on his own personal business
21 trailer, it was much more than 24 square feet. Preston said it was worth discussing and interpreted
22 it to mean the total signs on the vehicle and said one resource he used to write it was the food truck
23 ordinance that Windsor had. Preston thought it was too much and Tim thought it was enough, so
24 Preston was open to it. Tim's concern was if you already had a food truck that was branded, would
25 it have to be redone? Barre thought there was a difference between a vinyl wrap and a sign. Preston
26 said Chevrolet has a branding beyond what a sign ordinance would allow and, in the town he was
27 in he said it wasn't a sign but a building. Preston felt the same about a wrap but thought it would
28 be good to clarify. The consensus was that the truck wrap didn't constitute signage. In support of
29 it, Tim noted Vermont doesn't allow billboards, but truck wrapping is permitted. Barre said it came
30 down to whether it was a sign or art and free speech. Barre said determining whether a wrapped
31 truck was art, or a sign got into First Amendment free speech issues, so it was good they steered
32 away from that. Barre had worked with the ACLU for a similar situation on Cape Cod. Tim's
33 suggestion was to leave the language as it was and not address it. Barre thought the real issue was
34 whether stuff was all over the road, and it was obnoxious, as well as if the sign was temporary.
35 Barre also saw the difference between the sign being attached to the truck or independent. Tim
36 said it referred to one or more signs mounted on the truck, so if the truck was wrapped, it wasn't
37 part of it. Hugh said it only allowed for two independent signs. John said he has tried to get food
38 trucks into his place of employment and has had to pay top dollars to and thought having a food
39 truck was a great idea.

40
41 Regarding G, Tim said the word "odor" was a problem and suggested it be omitted. Cathy said it
42 was something people get complaints about. Tim asked how you could have a food truck without
43 odor and saw it as a form of advertising. Barre said it was defined it had to meet the performance
44 standards and wondered if the definition was so tight that it wouldn't allow the smell of many
45 doughnuts. Preston asked Cathy to look up the performance standards because some odors were
46 very desirable and very subjective. Tim said he enjoys the smell of a good cigar but was likely the

1 minority. Cathy read that: “No use shall create emissions such as dust, fly ash, fumes, vapors,
2 gases and other forms of air pollution which: 1) constitute a nuisance to other landowners,
3 businesses, or residents;” Cathy noted the DRB has faced that. “2) endanger or adversely affect
4 public health, safety, or welfare; 3) cause damage to property or vegetation; or 4) are offensive or
5 uncharacteristic of the area.” Tim noted the word odor wasn’t used at all. Preston and Hugh said
6 odor was added during the last round of their administrative changes, but they could strike the
7 word odor. Preston suggested saying it met the performance standards. Barre thought the leap Tim
8 was making was too far because he only thought someone would complain about odor that was
9 trash oriented and if they removed the word odor, they wouldn’t have grounds to address stinky
10 trash. Tim gave the scenario that if a food truck had a personal dispute with a neighbor and the
11 neighbor said it was an odor they didn’t like, it could create issues. Cathy said if someone
12 complained about an odor or smoke, the DRB members would investigate it and not just take their
13 word. Barre thought sensible minds would prevail. Hugh said they could either do as Preston
14 suggested that it must meet the performance standards or remove item G because every use must
15 meet the performance standards. They agreed that it say, “meet the performance standards of
16 Section 4.9.” Preston said that would work.

17
18 Steve suggested if they were going to address smell, they had to address it everywhere such as
19 farmers, pig farmers, etc. Hugh said agriculture and farming get a pass on almost everything.

20
21 Preston would write a definition. Barre asked if it was something they needed a hearing for, and
22 Hugh said they would include it with the next bundle. Barre wanted clarification that it wasn’t an
23 ordinance but a zoning rule. Preston said it was a zoning rule or bylaw and said an ordinance only
24 affects carts on the land the town owns, and they want to deal with ones on private property.

25
26 It will all come back at the next meeting. Preston suggested August 28th and they agreed since the
27 first Monday of the month is Labor Day.

28 29 **Agenda Item 5, PC Roundtable**

30
31 Barre had a lot of thoughts about the flooding during Irene. Seeing what happened again this time
32 and what he discussed before the storm with the driveway, he spoke with Arne and thought they
33 had a unique opportunity to do some flood mitigation. He noted in places around the world they
34 had done things that made a difference and noticed in Chester the railroad acts like a dike and the
35 low railroad bridge had gotten clogged with trees. The water flows over the ballfield, behind the
36 Legion, and around the driveway that goes to the sewage treatment plant where there used to be a
37 bridge over the railroad and then the railroad crosses the river and is back on this side. Barre
38 thought if there was a stepped concrete thing next to the railway bridge to work as a spillway and
39 the land was cleared along the railroad and there was a big culvert under the road to the treatment
40 plant and a little spillway retainer in the field the Legion has, they could direct the water along the
41 railroad and save people hardship. Barre wanted a hydrologist and some funding to help facilitate
42 his idea. Tim found it interesting, and his mind immediately went to the state controlling all the
43 waterways and the railroad is owned by the state and wondered if they could petition the state to
44 do something if there was a process. Jason thought there were grants that may help hire a
45 hydrologist and thought it may be well worth exploring. Barre had attended a lot of meetings
46 following Irene and was able to envision it. Barre thought the town created part of the problem by

1 putting the road in with a very small culvert and said because the water pipe was washed out and
2 broke, both tanks drained. Jeff Holden talked about the wear and tear on the motor and people had
3 no water. The water created a vacuum and sucked water from people's homes. In Barre's opinion,
4 it was a problem enhanced by the town and they could put some effort to change it. He thought if
5 they showed up at the state and showed some effort, it would look well. Tim said Google satellite
6 images were updated showing the damage from the flood in Chester and thought that was amazing.
7 Barre noted that Irene was a 100-year storm, and this was 12 years later and wondered what would
8 be next. Hugh thought they should reach out to Julie to see if she could identify a grant. John
9 thought Julie probably already had it in her wheelhouse. Barre thought they should invite people
10 who had passion about it and add it to what they bring to Julie, so it was documented in the minutes.
11 Tim said Julie was good at putting together a case. Barre wanted to foster community and provide
12 the opportunity for people to vent to make them feel better. Preston thought a day with a
13 hydrologist walking around could provide answers because they all had a different opinion of what
14 to do to prevent the flooding. Hugh said they would figure out what to do next, include it on an
15 agenda, and have people attend the meeting.

16
17 Steve said LEMP (Local Emergency Management Plan) has been up for a while and said what
18 Barre wanted was already in the works and they would probably come to the next CBC meeting
19 and let people know what they can do in detail. They are in the "what if" business and play the
20 game constantly and know what is needed. He couldn't applaud Barre enough for saying the
21 community should back them up when needed. Steve was a fly on their wall for the last few
22 disasters and it was ongoing and townwide and they really needed help whether they wanted to
23 admit it or not. Steve suggested the Commission could back them up.

24
25 **Agenda Item 6, Adjournment**
26
27 Hugh moved to adjourn, and Tim seconded the motion. The motion carried unanimously. The
28 meeting was adjourned at 8:04 p.m.