

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

**TOWN OF CHESTER
SELECT BOARD MEETING
December 18, 2024 Minutes**

Board Members Present: Lee Gustafson, Arne Jonynas, Arianna Knapp, Tim Roper, and Peter Hudkins at Town Hall.

Staff Present: Julie Hance, Town Manager, at Town Hall; and Susan Bailey, Recording Secretary, via Zoom.

Visitors Present: Jeff Holden, Cathy Hasbrouck, Derek Suursoo, Frank Bidwell, Barry Goodrich, Lauren Fierman, Daryll Kale, Scott, Kilgus, Leslie Thorsen, Jerry Gleason, Paul Bidgood, and Wayne Williams at Town Hall; and Lori Quinn, Amy Mosher, Robert Nied, Lauren Fierman, Kevin and (MK Harrelson) SAPA TV via Zoom.

Call to Order

Chair Arne Jonynas called the meeting to order at 6:43 p.m. He noted they were having technical difficulties and would need to get as close to the laptop, as possible, when speaking. He led the audience in the Pledge of Allegiance.

**WATER/SEWER COMMISSIONERS MEETING AGENDA
December 18, 2024**

Agenda Item 1, Citizens' Comments

There were none.

Agenda Item 2, Water Meter Purchase

There was a discussion at the last meeting and there were questions and concerns about how to proceed. There were discrepancies from the last meeting and the issue was regarding the cost and whether they were going to purchase an AMR or AMI system. Jeff Holden, head of the Water Department, had Ian Kasowitz, the President of Stiles, with him to answer any questions they had. Arne noted there were issues with the pricing that they wanted to clear up. The original recommendation was for an AMI system that was supposed to include everything for the price they were quoted but there was an issue. It has been revised at \$150,000 for an AMI system. Arne asked what happened that the information was unclear. Ian had been with Stiles since 2011 and wasn't sure about miscommunication but took full responsibility. The original system proposed was AMI and changed the radio unit to the existing meters, the register, head, or encoder and the transmitter, which Jeff said were installed 20 years ago. Upgrading to a retro unit would provide all the benefits of AMI with readings sent to the office 4 times a day and provide accurate billing to the customer. Replacing the head will provide extra features. Mechanical meters are accurate but electronic meters have more bells and whistles. Badger Meter has introduced a register that works with mechanical meters, allowing extra features without needing to replace the entire meter. Currently, Chester has mechanical registers, but an AMI would provide hourly usage

1 information to the office and customers and provide more granular data. An alert notifies the
2 office if the register is removed and gives notifications for leaks. Installation would be easier this
3 route. The important things with AMI would still be there if they went with the other option. Jeff
4 said all the antennas needed to be changed and if they stayed with the current registers, he would
5 need a new reader and would need to read them quarterly. It would not provide alerts and notify
6 the office when there was a problem. Last week Jeff was called to a home that was rented by
7 doctors and visiting nurses. The pipes froze and water had run all day. If they had this system,
8 they would have received a notification and that was an example of the benefits. Jeff can read
9 them quarterly, but it takes 3 hours, and they don't receive alerts for problems. Lee heard at the
10 original meeting that they were getting the registers and antennas for \$98,000 so getting a bill for
11 \$150,000 made them question what they missed. Lee understood what they bought, the registers
12 and antennas, but the price wasn't making them happy. Ian apologized for missing that meeting.
13 Reading meters generates cash flow for water and wastewater. Those that are over 20 years old
14 are no longer covered under warranty and have done their job. Jeff said they had to do something,
15 and Lee agreed but said they had agreed to the original price. Jeff said it was the bread and butter
16 of the department. Lee wanted to keep Jeff's job easy and felt the issue was either they all
17 misunderstood, or it was presented incorrectly. Ian said he would go back to the factory and see
18 if they could get a better register price. Tim said it was clear in his mind that the granular data
19 collection Ian had just talked about was included in the original price. Arne noted that the email
20 said it would cost an extra \$15,000 to go with the older system and Ian said it was the device. Ian
21 said the only thing that would be needed to be added was the device reader. Arne said instead of
22 \$150,000 it would be \$15,000, but Ian said \$15,000 was just a ballpark and not to quote that
23 amount. Arne understood the benefits but said there were only 600 customers and wondered what
24 the old system would cost to upgrade to work another 20 years. Ian thought a new device would
25 be around \$7,000 depending on whether it was a laptop or tablet, and they would still need the
26 antennas. It would cost \$96,000 for an AMR drive by system. With the cellular part, it was
27 \$150,000. Arne asked if the cellular fee was taken care of no matter who the carrier was. Ian said
28 the \$1 fee was subject to change, but they could typically lock it in for 3 years and the escalator
29 could be locked in at a penny so the most they would be paying after 10 years was \$1.06.
30 Claremont was paying 0.89 and are now paying 0.92 after 10 years. They could lock it in and
31 provide an estimate for 10 years or longer. Ian said most towns are okay with 10 years. Jeff said
32 at the last meeting he mentioned he didn't feel the need to change the meter bases, and they could
33 go to ultrasonic, which would have been quite a bit more. The meter bases work fine and are
34 accurate and Jeff liked the breakaway plate on the bottom that he could rebuild if they froze so
35 they were more cost effective for a community of this size. Arne said they wanted to make their
36 jobs as efficient as possible, but they had to consider the cost. The cost of Jeff running around to
37 the cost of the purchase was a consideration. Arne understood the technological advantages but
38 was scared the increases were not in writing when corporations increase prices unreasonably
39 because they can due to lack of competition. Ian said he could get a quote from the factory in
40 writing to give them peace of mind. Ian said the big gap in pricing came from replacing the register
41 and wouldn't necessarily go away with the drive-by system. Arne thought if they could get
42 something more detailed and Ian could work his magic, it would help. The warranty on the project
43 includes network longevity so if it were to change, it would be on Badger. Ian said an advantage
44 to upgrading the software is going to Beacon who could support the system. Stiles would loan
45 them a device while the system was migrated. Jeff hoped to get it done sooner than 5 years, but
46 it depended on how the program and billing system worked. Arianna felt they had heard several

1 options and wanted something on paper. Tim agreed if there were three options, they should have
2 three itemized proposals. Ian agreed. AMI is where everyone is trying to go but some towns don't
3 even have AMR, so Chester could decide to continue using AMR. Arne could appreciate knowing
4 if there was a water leak and Jeff relayed a story about a house on Cobleigh that had a major leak
5 that caused damage and wasted a lot of water. They told Ian they appreciated his attendance, who
6 agreed to provide the information requested, and apologized for the confusion and said they took
7 responsibility.

8 9 **Agenda Item 3, Review Draft Water Budget**

10
11 The water budget is up due to cost-of-living salary increases. The budget included the
12 administration fee of 3% if they wanted to begin doing that. Julie gave them anticipated water
13 and sewer increases for 2025. The rates had not increased with inflation but will be put in the
14 black by the end of 2025 and will continue to increase them annually to the rate of inflation so a
15 caught-up won't be necessary again. Julie has found water and sewer pay to the general fund
16 budget an average of 8 to 10% because of administration costs. Julie showed it at 3%. Lee
17 wondered how much administration cost them and she didn't. Tim noted water was at 3% and
18 sewer at 4% and Julie said sewer was higher because it was in a better position financially. Julie
19 said they could remove it if they didn't think it was the year to do it. Arne said the Highway
20 Department helps water digging for repairs. Jeff said not as much as they used to and that he often
21 contracted the work out because it got done quicker. They used the Highway Department last year
22 for the leak on Main Street because they needed to but that was the only time this year. Jeff said
23 that's how he got in the water department by helping them through the highway department. Arne
24 said the water department didn't serve the entire town and only 600 customers. Jeff said the town
25 departments cooperate with each other. Julie said other towns don't bill other departments, but it
26 was the admin part. It wasn't something they needed to do but had heard about it and considered
27 it but noted it may not be the appropriate time to start it. Arne asked how the board felt. Arianna
28 felt it was appropriate because it had the support, and they should start moving in that direction
29 and pointed out if they paid someone to do those things, that would be the cost to cover those
30 services. Jeff said they do their payroll and billing, so it made sense to him. Arne noted grievances
31 and conversations with the state were costs to consider. Julie said there are other projects coming
32 up and Tim said there would be more time spent on those projects which would happen over the
33 next few years. Julie hoped two of the projects would be in 2025 and two in 2026 and the
34 wastewater in 2027. Based on that, Tim said it absolutely made sense to do. Jeff said the grants
35 over the last 10 years have saved them a lot of money and helped the community and was
36 something they should continue. Peter wanted to know how they would buy the meters for
37 \$100,000. Julie said they could finance the whole thing or use from the water fund balance, which
38 was \$907,000. Jeff said for the past 14 years, the budgets for water and sewer came in under
39 budget which helped build that fund balance which had to stay in those departments. Arne noted
40 the funds were there for future projects. Arne said there was a hydrant fee of \$20,000 to \$40,000
41 from the town to the water department for the accessibility of the hydrants. Jeff said in a lot of
42 towns, fire departments paid the fees. Julie said they didn't have that fee anymore and was
43 discontinued years ago. Lee agreed they should add an administrative fee but was concerned about
44 the timing. With the gradual increase in rates over the past few years, Lee thought rather than
45 adding it this year, they skip a year because the rates have increased significantly over the past
46 few years. Peter wanted to leave it out of the budget until they got to the end and decide then. Lee

1 agreed but said the water and sewer users are also taxpayers. Peter said if it looked like they were
2 going to 7 or 8 percent, they would have to do something, and Lee agreed. Tim wondered if they
3 should gradually phase in the administrative fee. None of it needed to be decided tonight. Lee
4 thought they all agreed it was a great idea, but it was an issue of when to do it. Arne thought the
5 rates increased due to the bonds and noted he is a town water and sewer user and thought it was
6 a good deal. Jeff said they found out they were charging less than 90% of the towns in the state
7 and are trying to get on an even keel so they can continue to operate.

8
9 Arne asked if there were any other concerns and there were none.

10
11 Jerry Gleason wondered because they were improving the infrastructure of the water system by
12 improving the meters if there were grants available. Julie said not for the meters because they
13 consider it maintenance and usually only funded capital improvements. She compared it to
14 painting a building which they don't offer grants for because it is maintenance.

15
16 **Agenda Item 4, Review Draft Sewer Budget**

17
18 (Discussed with water.)

19
20 **Agenda Item 5, Adjourn**

21
22 Lee moved to adjourn, and Tim seconded the motion. The motion carried, and the meeting was
23 adjourned at 7:31 p.m.

24
25 **SELECT BOARD PUBLIC HEARING**
26 **Proposed Amendment to Unified Development Bylaws**

27 **December 18, 2024**

28 Following Water/Sewer Commissioners Meeting

29
30 **Agenda Item 1, Public Hearing on Proposed Amendment to the Unified Development**
31 **Bylaws**

32
33 Cathy Hasbrouck and Hugh Quinn from the Planning Commission were present, and Preston
34 Bristow. An executive summary was included in the meeting packet. Hugh noted the initial public
35 hearing was continued, concluded, and closed and then, on November 6th, there was a Select Board
36 meeting where a consensus was reached and guidance to the Planning Commission about what
37 they felt would be the next steps. The outcome of that meeting was to roll back the density-based
38 zoning concept that was proposed for what was called the Conservation Residential area which
39 was the five-acre zone and the three-acre R-120 zoning. They had proposed adjusting those zones.
40 They removed density-based and replaced it with fixed lot size zoning for the five-acre zone, called
41 Conservation Rural 5 and fixed lot size zoning was also put back in the three-acre zone, called
42 Rural 3 Acres. Aside from those changes, the remaining recommendations that the Commission
43 had made, the Select Board agreed with. The only change to the executive summary of the
44 proposed bylaw was on page two that had more details about the changes, so it wasn't necessary
45 to read the entire document.

1 Arne asked if there were any questions and there were none from the board. Arne asked the
2 audience the same.

3
4 Leslie Thorsen, a resident of Chester for 38 years, was there to discuss rezoning and removal of
5 extraction from Residential 2, which was R-40, and keeping it in Rural 3. She understood they had
6 invested a lot of time, and everyone was focused on density based. She spent a lot of time reading
7 the minutes and noted a major discussion by the Commission was of the gravel pit owned by the
8 town near the high school. They spent a lot of time defining extraction, earth processing, and how
9 they would keep the gravel pit in a residential area. Leslie mentioned that they all have been living
10 with a quarry that came after they moved there. Leslie read from Planning Commission minutes
11 about discussion regarding gravel extraction and processing and that they didn't want to allow that
12 in Residential 2, so they needed to figure out how to allow gravel extraction and crushing that
13 wasn't noisy but not quarrying, which was noisy. Leslie wanted to know why quarrying and heavy
14 construction was allowed in the remaining R-120 and why it was okay for the noise in one
15 neighborhood but not the other. Leslie said Preston had noted that conditional use means the DRB
16 sets the conditions and if the applicant jumps through the right hoops, they get the use. Leslie said
17 the conditions weren't enforced with the quarry and that no notice of violation had been issued to
18 Julian Quarry. They are allowing extracting and heavy construction in all of R-120 but with
19 conditional use and didn't think the conditional use was enforced. She presented a petition asking
20 for a delay in the vote and wanted the definition of extraction discussed before it was blanketly
21 allowed in R-120. Leslie questioned why the town gravel pit remained in Residential 2. In the May
22 6th minutes, Preston said the Select Board and Julie wanted the gravel pit to stay in Residential 2,
23 and not to create a zoning regulation for something that may happen in the future. In the final
24 version of the proposed bylaw, the gravel pit, owned by the town in Residential 2, was where
25 extraction, heavy construction, and landscaping and wood processing were removed. Leslie
26 thought it was an off-the-record decision because she didn't see anywhere in the minutes that they
27 were removing it. She asked the Select Board not to vote on the bylaws tonight. She felt like the
28 omission of extraction from one residential neighborhood and not another was discrimination, and
29 those residents deserved more. She asked if there were any questions and there were none.
30 (Following the meeting Leslie Thorsen and Scott Kilgus submitted a letter and asked that it be
31 made part of these minutes. The letter is attached.)

32
33 Arne thanked her for her comments. Arne needed to go over everything she had said but disagreed
34 with Leslie that the town wasn't doing anything to enforce and address the quarry. Hugh provided
35 context and said they had lengthy discussions about extraction and earth processing operations.
36 Previously, they were separate, and they chose to combine them. They didn't see it feasible to do
37 earth processing without extraction. Regarding the gravel pit near the high school, knowing it may
38 be a location for a potential housing project, they decided to remove extraction from that zone and
39 those bylaws were adopted last year by the Select Board with a ton of transparency. As far as
40 extraction, in general, it was allowed in R-40 and R-120. All the previous zones already had the
41 uses that Leslie thought they should discuss further. All they did in the proposed version was
42 remove that use from the zone that had the smaller lots because the lots are so small that they're
43 not appropriate for extraction. The rest of Rural 3, approximately 70% of the land in Chester, and
44 everyone felt it was inappropriate to remove extraction because folks need places to find gravel.
45 Arne said Hugh's comments refreshed his recollection and he remembered most of those
46 conversations. Julie said she was going to ask for it to remain on the town land because a housing

1 project hasn't yet been approved and it is still an active town gravel pit and removing a source of
2 gravel from the town will be expensive. The taxpayers spent \$100,000 to get permitting for it and
3 her recommendation was that until it was approved for a housing project, which they are nowhere
4 near, not to remove it. Currently, it is a main source of town gravel, and the time and volume are
5 limited under the Act 250 permit. Leslie said extraction was removed from that property. Tim said
6 it was in the same R-3 and Leslie disagreed. Hugh said as part of a previously adopted bylaw
7 update from last year, it could be taken up again but was not part of the current proposal. Leslie
8 wondered how they were extracting gravel. Julie said it was pre-existing, and the use did not go
9 away because the zoning bylaws changed because it had an active permit, but they couldn't expand
10 it and Julie was unaware it had been removed and if anything happened, the town had no gravel.
11 Leslie wanted it discussed. Arne said part of the discussion had already been voted on and they
12 weren't going to revisit it. Hugh said if there was a concern about the property by the high school,
13 it could be revisited by them again. Arne said if it was going to be addressed tonight, they could
14 talk about it. Leslie said all summer long, the Chandler Road Quarry processed, and no notice of
15 violation was issued and Preston looked after they had removed their equipment at the end of
16 August, so she didn't feel the town had done anything.

17
18 Derek Suursoo commented on the copy of the bylaws included in the packet received, in the
19 sections that cover Rural 3-acre and Conservation Rural 5-acre, he noted most changes had been
20 made and thanked them. Derek questioned the setbacks in Article 2, pages 25 and 27 and thought
21 they had decided to set them as the original numbers. Hugh said it wasn't the setbacks they
22 discussed, but the density-based zoning and reverting to fixed lot sizes. Hugh offered to show him
23 the minutes. Derek was present at that meeting and didn't hear that, but it was okay. Derek didn't
24 have a problem with the reduction of the front setback to 40, but the side yards at 30 seemed low
25 to him. Derek wondered if they defined what the front yard was and if it was the section of the
26 house that has the front door or the section of the house that was between the road and another
27 property. Derek wondered if his front door was 90 degrees to a travel right-of-way if he could be
28 50 feet from that but if the side of the house was on the road, if it was 30 feet. Peter read the
29 definition of frontage which was the side of a lot abutting the street, so the front lot line abuts the
30 street and orientation of the house did not matter. Derek said the language in the chart was front,
31 side, and rear yard. Arne understood his point. Derek suggested they make all 40 feet, and the
32 problem would disappear. Amy Mosher interjected and suggested 50 feet. Derek asked Amy to
33 wait to speak when it was her turn. Tim said there was another definition that said the front yard
34 setback can be measured from the center of the road. Derek concluded the setbacks were low.

35
36 Lee asked why it went from 50 to 40 or 30 and Preston said it was a frequent problem that people
37 are unable to get a 50-foot setback. Arianna asked if it was an administrative issue for Preston.
38 Preston said he must either deny their request or suggest they ask the DRB for a waiver which is
39 reluctant to hand out waivers. Tim asked if it was another way to make it easier to build more
40 houses and Preston thought 50 feet was unnecessarily big and difficult for some people to beat.
41 Derek has seen 40 and 50 feet from the edge of the road create issues but when dealing with a 3-
42 or 5-acre lot, it shouldn't be that difficult to obtain the setbacks. Preston said a lot of large lots
43 have steep slopes or wetlands and aren't approved. Lee asked Derek for his rationale, and he
44 thought it seemed tight when two houses are placed in rural areas with 30-foot setbacks, and could
45 result in the houses being within 60 feet of each other. With a 50-foot setback, it would make the
46 distance between the two houses 100 feet, which was a significant difference. Derek thought

1 building adjacent to the lot line limits the neighbor on the other side use of his land because he
2 would have to be further away to reduce visibility. Arne thought it sounded like a community and
3 Derek said it was appropriate for town, but he chooses to live where he does because he needs the
4 distance. Arne appreciated Derek's comments.

5
6 Arne asked Amy Mosher if she wanted to speak. Amy wasn't planning to attend until she viewed
7 the document. She understood that they were going to revert to the original dimensional standards,
8 with 50-foot setbacks and 10% maximum lot coverage in the R-3. Amy thought it would work if
9 people were putting 3 houses on an acre of land, as previously proposed, but now they are reverting
10 to a minimum lot size of 3 acres, she didn't see maximum coverage of 20% advisable. Amy was
11 surprised at the changes, and it wasn't what she expected, she was disappointed and felt blindsided.
12 Arne thanked her for her comments. Amy requested they discuss it and vote on it, as she thought
13 3 members were in favor of going back. Arne informed her there was a vote coming and they
14 would be discussing it. Lee asked if they were voting since it was a public hearing, and Arne said
15 it was on the agenda to be voted on, but it was up to the board whether they did.

16
17 Peter said he wanted to see the definitions combed out. Tim asked Preston if the front yard
18 definition would be an issue going forward. Preston asked Peter what the definition was that he
19 was concerned with, and Peter said they needed to make the definitions match. Preston said the
20 definition had front yard setback. Hugh noted the bylaw language said minimum front yard setback
21 and was struggling to understand the issue and Preston said Derek had talked about building at an
22 angle and it was the part that was closest to the road that must meet the setback. Preston didn't
23 find it confusing. Arne asked if he would have difficulty enforcing it with the language as written
24 and Preston said he wouldn't. Julie noted the definition didn't say the part of the house closest to
25 the road and Preston wondered what else it would mean. Julie suggested maybe that was the section
26 that needed to be added. Hugh said the definitions had been in place for a long time and he hated
27 seeing it delayed further over a definition that could be adjusted at any time. Hugh said they already
28 had a list of future things that needed to be adjusted in the bylaws. Hugh thought holding it up over
29 a minor definition issue wouldn't be the way he would go. Lee thought they would revert to the
30 original. Arne thought they had reached a nice compromise since they originally wanted density
31 zoning to promote housing and now, they seemed to be nitpicking. Lee saw both sides and found
32 it awkward to think through every issue. Lee said they wanted affordable housing and as easy as
33 possible to build a house. Hugh said it wasn't only about housing and that some people only wanted
34 to put a shed or garage up and their land isn't accommodating, and the setbacks create hurdles.
35 Relaxing the setbacks could allow for those things. The scenario of two people building their
36 houses too close to one another wasn't the norm. Lee said at their last meeting, they dealt with an
37 issue of two neighbors who don't get along and he wondered how it could affect them as a town,
38 communities, and neighborhoods. Hugh felt there wasn't a setback big enough to solve that
39 problem. Lee agreed but said they needed to consider it. Preston has an application from one of
40 Lee's adjainers who is asking for a waiver from a floodplain requirement and will need to be closer
41 to the road than 50 feet. Arne said they were in a tough position no matter what they decided and
42 saw it working both ways. Before zoning, people put their homes where they wanted, so discussing
43 a difference of 10 feet wasn't a priority concern for Arne.

44
45 Amy thought they were reverting to the way it was. She wondered if they were whittling away at
46 the frontage, if they would continue to whittle away and it would no longer be rural. Amy said

1 they needed space between their neighbors and if someone had an exception because they couldn't
2 fit their shed and had a floodplain, they could get an exception from the DRB. She saw this as a
3 big change and was surprised, disappointed, and dismayed, and felt she had been deceived. She
4 admitted if she had read it prior to the meeting, she would be present in person. Arne thanked her
5 for her comments and said they would consider them as they do for all people. Hugh was surprised
6 because Amy had attended the last Planning Commission meeting and had not commented. Amy
7 said she hadn't looked at the document and assumed and couldn't remember but it wasn't her fault.
8 Amy said it was still a public hearing. Hugh noted it was just a question.
9

10 Lee wondered if there was a difference in the definition between quarrying and extraction. Hugh
11 said they had been combined into one definition. Lee said, in his mind, there was a difference as
12 extraction was quieter than quarrying and wondered if they should differentiate between the two.
13 Lee said earth processing was different than quarrying which required additional steps to remove
14 rock from the ground. Lee felt they were two different operations. Hugh said the definitions were
15 combined because the consensus was ultimately; to do earth processing, you would do quarrying.
16 Peter agreed with Lee, and they said you would use a hydraulic hammer to do earth processing.
17 They said you would use the same equipment, but Peter didn't really believe it. Lee thought you
18 would use different equipment to break apart solid rocks rather than just removing them from the
19 ground. Processing is a different system altogether. Lee wondered if there was a reason to
20 differentiate between what he was calling quarrying and extraction. Hugh thought they decided
21 there wouldn't be any benefit to separating them because right now, the uses were allowed in Rural
22 3, Conservation, and Rural 5 and they weren't allowed anywhere else. Lee heard what Hugh was
23 saying but didn't understand it. Hugh said if they separated them, they would be conditional uses
24 in the zones they talked about, and the outcome would be identical except that they would have
25 two definitions instead of one. Lee wondered if it would be profitable to take quarrying to a
26 different level because of the additional activity and larger equipment needed. Lee said he can
27 extract on his property but can't quarry. Hugh said someone applying for a permit under extraction
28 operations would be asked by the DRB if they were digging gravel or quarrying rock of the side
29 of a mountain. That was what Lee wanted to hear. If it was a permitted use, anyone could do it and
30 they wouldn't have to notify them of what was going on. A conditional use permit allows the DRB
31 to decide if it makes sense, but splitting the definitions wouldn't change that.
32

33 Frank Bidwell was a Quality Manager or Director for 35 years and there are always two sides to
34 an argument about ambiguity and words matter. The customer wants something nailed down and
35 the company wants leeway so it can maneuver things and his job as a quality director was to make
36 sure there was no ambiguity between them and the customer. Usually, it was decided by the
37 company president. Quarrying and removing gravel to Frank all came down to how specific they
38 wanted to be. He understood the reasoning for not nailing it down and understood it was a hard
39 decision to make, and he wanted to see things more nailed down, so it wasn't interpreted differently
40 down the road.
41

42 Arne asked if the consensus of the board to move forward and noted it was on the agenda, but this
43 was the hearing and would be the end of the hearing if nobody else wanted to speak to it. Arianna
44 said it was ambiguous about whether they were changing the setbacks, but she left thinking they
45 were changing them and thought each board member may have had a different impression when
46 they discussed it. In listening to the discussions, reading letters, and previous discussions, she's

1 struck by the fact that they're not solving or fixing a problem. It is the Planning Commission's
2 direction to aspire to bring them to a better place as a town and closer to the town plan. She noted
3 it was hard work to bring change to the table and thanked them for doing it. She heard from the
4 community that they didn't want change. Arianna thought they needed conversation about the tone
5 of people coming is a resistance to change. She said a healthy town explores change, which is what
6 they've asked the Commission to do. Arianna said they keep narrowing down to individual items
7 when each item is about change, none of them radical and just little changes. She wondered if they
8 wanted to explore it or pause, as a couple of residents had asked, or had they debated it enough
9 and was it the change they wanted to put into place. Arne said that was an excellent point when it
10 came to change, it seemed like the rural area had been the most vocal, as there had been a lot of
11 changes in the other districts. Arne felt the changes were on the minor side. The argument about
12 what could happen down the road didn't work with him because it was a living document and
13 could be changed. A lot of time and effort went into it with the planning commission and hearings
14 and surveys and discussions. Arne has a small acre parcel in the hills that is limited because of
15 setbacks and was fine with approving and going forward. Arne thought the premise of an owner
16 being able to do what they wanted with their land should be embraced as much as they could. Arne
17 was okay with approving it or doing more on it if that was the consensus of the board. Lee asked
18 Preston if the changes would allow more housing development and less expensive housing
19 development. Preston felt the changes would make zoning a little more friendly but wasn't sure
20 how much it would help affordable housing but noted it would not hurt it. Lee asked if the changes
21 were detrimental to affordable housing and Preston said the changes already enacted would make
22 housing a little easier. Preston saw it as an opportunity but to get funding from the state for
23 affordable housing, it had to be in a zone approved by the state, which was a new zone, the
24 Neighborhood Development area. Tim appreciated the discussion and said human nature was to
25 resist change due to being comfortable. Planning needs to be proactive and when Tim was a
26 member, he questioned what Chester would look like in 50 years and what they could do to help
27 shape that. Tim thought another part of human nature was to envision the worst-case scenario when
28 change came. It was natural and he wasn't criticizing anyone. Tim, like Arne, thought the changes
29 were good and if a problem arose, it could be addressed. Tim noted that any extraction operations,
30 already in place, were legacy uses and no changes to the zoning bylaws would erase that. Tim
31 could only imagine how those who live near Julian Quarry were affected, but said the town was
32 doing the best it could within the legal parameters.

33
34 Brian Mosher wanted to respond to comments about how they could revisit changes to zoning.
35 Once changes happened, people put them in their pocket and say it's a good thing and was a money
36 thing and didn't think they could revisit it without legal action haunting Chester. All their decisions
37 were well thought out and discussed and they had all that discussion. Brian appreciated Vermont
38 and the University of Vermont Soccer national champions and wanted them to respect the
39 specialness that Vermont had.

40
41 Regarding change, Robert Nied had 20 plus years' experience in zoning and planning and never
42 saw a single proposed change in land use regulation that wasn't opposed. Sometimes it's well-
43 founded but people generally have an expectation and are resistant to change. The Select Board
44 has an obligation to look at changes in the economy, social changes, and must make changes at
45 times when looking at what's best for the community. He thought the Board and Commission were
46 on the right path with good intent and it may not be perfect, but no land use regulation ever is. At

1 some point you move on and do the best you can. Robert thought everyone was doing that. Changes
2 could be tweaked. He thought they were on the right path and appreciated their work. Arne thanked
3 Robert for his comments.

4
5 Arne declared the hearing closed at 8:43 p.m. Arne thanked everyone for attending and their
6 comments.

7
8 (2-minute break)

9
10 Amy Mosher said that they had not voted to close the hearing, and it was her understanding they
11 needed to. A unanimous vote was taken to close the hearing at 8:47 p.m.

12
13 **SPECIAL SELECT BOARD MEETING AGENDA**

14 Following Public Hearing

15
16 **(Meeting called to order – 8:48 p.m.)**

17
18 **Agenda Item 1, Additions or Deletions to the Agenda**

19
20 Julie said the expense note would be moved to the January 2nd meeting.

21
22 **Agenda Item 2 Approval of Minutes from the Selectboard Meeting dated December 4,**
23 **2024**

24
25 Lee moved and Arianna seconded a motion to approve the December 4, 2024, minutes. Lee said
26 on page 4, line 25 thought the word “said” should be inserted after “Longo”. Tim noted page 6,
27 line 40 “flood season” should be “mud season”. Tim thought on page 7, line 6 “Peter noted the
28 gravel was porous” should be “coarse” but the consensus was porous was correct. There were no
29 changes and the minutes were approved, as amended.

30
31 **Agenda Item 3, Citizen’s Comments**

32
33 Paul Bidgood wanted an update on the status of the review of Bailey Hill Road. Arne noted they
34 had a review in executive session, and there could be action taken as they had received an opinion
35 yesterday from the solicitor. It was on the agenda, as item 11, but was in executive session. Paul
36 thought it was straightforward and not difficult. Arne said they would review the attorney’s opinion
37 and see where it took them.

38
39 Amy Mosher wondered about the decision of the bylaws. Arne explained they closed the public
40 hearing, and it was Item 5 on this agenda and would be addressed tonight.

41
42 Brian Mosher asked if public comment was closed, and it was. Arne told him they were taking
43 citizen comments for items not on the agenda. Brian said he had nothing to say. Arne asked him
44 if he wanted to comment about the bylaws. Brian thought it was confusing and didn’t think they
45 had their ducks in a row. Arne reminded him they were following proper procedure with a public
46 hearing on the amendment and they would revisit it when it came to the agenda item and would

1 see what action to take.

2

3

4 **Agenda Item 4, Old Business**

5

6 Report by Town Manager:

7

8 Solar Field

9 It was an executive session topic, but they did convey a counteroffer to Greenbacker, and it would
10 be the beginning of the year before they heard back. Greenbacker understands that if there was a
11 decision to purchase, it would need to be on the Town Warning on January 17th, so there will be a
12 decision received by the beginning of January.

13

14 Highway Access Permit

15 Julie spoke with Jim Carroll and the decision to issue the permit belongs to the Highway Public
16 Works Director. The Select Board has final authority. If the permit is appealed, it's to the Select
17 Board. Jim will speak directly with Kirby Putnam to help him in rendering the decision and what
18 he should consider. Julie will email the applicant with further information letting him know. It
19 would only be listed on an additional agenda if it was appealed. Arne asked if it was granted, if
20 the neighbor could appeal it and Julie wasn't sure but thought it would be hard. Preston said as
21 Zoning Administrator, he thought anyone could appeal it. Arne wanted to make sure the neighbors
22 were aware of the process. Julie would reach out and let them understand the process. Preston said
23 there were two things someone could do: appeal to the Select Board or go to Superior Court. Julie
24 agreed they could be bypassed.

25

26 **Agenda Item 5, Adopt Unified Development Bylaw**

27

28 Arne noted a thorough discussion had taken place with a variety of opinions and the board needed
29 to decide in what direction. Lee was not in favor of the changes but appreciated all the work and
30 effort and didn't see a huge impetus to make a change. Arne said they could take a straw poll or
31 make a motion. Tim moved for the Select Board to accept the Bylaw Amendments as presented.
32 There was not a second and the motion failed. Arne noted he could second the motion but there
33 wasn't any point since he could see the outcome. Peter agreed with Lee. Peter thought fixing it
34 after someone put something in there was too late, but Arne disagreed. Arne wanted to make sure
35 they gave the Planning Commission directions, and it would come back to a hearing.

36

37 Derek agreed they are living documents and understood setbacks were an issue with
38 nonconforming lots. He suggested letting them go as they are and asking the Planning Commission
39 to see if there was an alternate solution to handle non-conforming lots and setbacks. Arne noted
40 that was an option. Peter said the waiver process through the DRB is less than 20% for a variance
41 on a setback. Arne said it went back to land use. Preston said there was a variance with a limit on
42 how much could be waived, and the criteria were narrow about the reasons that could be waived,
43 so the DRB was reluctant to give them. Arianna said when she arrived, she was fully prepared to
44 move forward so she asked not to presume her opinion but rather the more she listened, she
45 questioned, and she hadn't latched on to why they needed to change. She wasn't against the change
46 and thought it all sounded good but there were residents saying no. Arne said he had a conflict as
an owner of a property in the hills which is non-conforming and 7 acres. He can't meet the setback

1 requirements and is deprived use of his land because of setbacks and wasn't the only one in that
2 position. Arne thought it was a big thing when they restrict an owner's use of their land and noted
3 he was for cottage courts and trailer homes in rural areas because if someone wanted to do that
4 and met the requirements, they should be able to. It wasn't going to affect forest connectivity or
5 degenerate and negative stereotypes associated with trailer parks. Arne believes it's a person's
6 right to do what they want with their land and felt strongly in less government on certain things.

7
8 Brian Mosher asked to be recognized, and Lori Quinn noted her hand had been raised first. The
9 Board was having a discussion and asked them to wait until they were recognized.

10
11 Tim wondered if they could get a few more houses built with a 40-foot setback that wouldn't be
12 buildable with a 50-foot setback, which was meaningful to him. Peter said his biggest problem
13 was when it when from a Board of Adjustment to a Development Review Board because they
14 couldn't just go and easily help someone. Peter, having been on both boards, said it took the fun
15 out of it. Tim reminded Peter that Preston said the DRB was reluctant to grant waivers. Peter said
16 they need to appoint DRB members who would grant them. Tim wanted to see more homes built
17 so people had a place to live, and 10 feet could make a difference. Peter said the land by the high
18 school being considered is too far from the village center to build homes on. The object of the state
19 is they still are pushing the village concept and want to keep the rural districts rural. Peter said
20 wanting to build homes in the rural districts went against the state. Peter knew they were non-
21 conforming lots and suggested they should use the option available to them. Tim said the terrain
22 could be an issue and Peter asked why they bought the lot if that was the issue. Peter asked Tim if
23 they bought a lot and couldn't build on that if the town should change the zoning and Tim said
24 relaxing the setbacks would provide more options. Peter saw the DRB as an option. Arne said if
25 they didn't have the votes to pass it, they would need to come up with a direction for the Planning
26 Commission which sounded like they wanted to go back to the original setbacks. Arne asked if
27 they were satisfied because if there was anything else, it would require another hearing, and they
28 would be repeating the process.

29
30 Lori Quinn didn't understand the process and knew they had gone through it multiple times and
31 directed the Planning Commission to make specific changes. From what she was hearing, they
32 brought forth the specific changes but other things were being raised. She lives in the rural district
33 and didn't understand why they couldn't get the bylaws passed and finish the multi-year project
34 they had been working on. It wouldn't be perfect but at least they move forward. Lori said they
35 don't like change but noted they all were in the middle of change and Vermont was changing. Lori
36 was amazed at all the work the Commission had been doing, of which her husband is the Chair
37 who she noted had been away from home at meetings a lot, hashing this out. It was frustrating for
38 her to see people at the last minute coming up with technical words to stop them from moving
39 forward. To her, it was embarrassing as a community and what was necessary to update the bylaws.
40 Lori thought it would be amazing for the community to be able to say they were one of the few to
41 do it and to brave the work. She couldn't understand and was frustrated with people bringing forth
42 last-minute comments insinuating things that were done without their knowledge.

43
44 Brian Mosher didn't understand what the problem was with non-conforming lots and if they owned
45 one, should be thankful. Brian thought he knew where the Chairman's property was and said it
46 was a beautiful piece of property and maybe he should be happy with it as it was and build his

1 shed to where it conforms, and he wouldn't have a problem. Arne responded that he'd try his best.

2
3 Derek Suursoo said he will be quiet when things are chosen.

4
5 Arne asked the members if they were for the changes. Lee and Peter were both a no. Tim was a
6 yes. Lee asked if they could table it. Arne wanted a straw vote to see where they stood. Lee said
7 they could think about it and didn't realize they would be voting after the hearing as he hadn't
8 looked at the agenda. Arianna said her question was about the setbacks and she came to the meeting
9 prepared to vote yes, but now she was questioning them. Arianna wanted to consider the impact
10 of the change 5 or 10 years from now and wondered how the others felt. Arne wasn't going to look
11 for any more issues with it. Tim was for it. Lee was ready to vote now. Arne said if they were
12 going to vote it down, that would be fine, but they needed to give the Planning Commission
13 direction. Peter said because the hearing was closed, they can't change the document without
14 another public hearing. Tim said that it was unfair to vote it down without providing the
15 Commission with direction. Peter moved to table it and Julie said that wasn't necessary and they
16 could just agree to table it. They agreed to table it until January 2nd.

17
18 Hugh said there was some good feedback, but things can never be perfect. Hugh wasn't personally
19 invested in the decision but most of the stuff in there was thought out and should move forward.
20 Every time they decide not to act, they create another cycle of Planning Commission meetings,
21 hearings, and updates. Hugh noted that it went to its first public hearing in July. Hugh thought that
22 trying to obtain perfection was the enemy of progress and if they decided to do nothing in the rural
23 districts and turn all the maps back to the way they were to get it done, they should do that. The
24 board thanked Hugh and Preston.

25
26 **Agenda Item 6, 2025 Draft Capital Budget**

27
28 Julie said there was still some maneuvering that could be done, and they would see the final version
29 at their January 2nd meeting. An ambulance monitor, a truck for Steve, and sprinkler system for
30 the library need to be purchased. Communications equipment for the highway department was
31 \$149,000, which was the total project, and they would phase it over 3 years. She wanted them to
32 start seeing what the capital expenses were for 2025. Bonds, at this point, were the paving bond
33 for \$250,000 and the grader for \$380,000. Peter asked if they needed a loader, and Julie didn't
34 think so due to the work Kirby had performed. They will need a dump truck next year. The second
35 part-time person in the finance department would free up time for Laurie to work on the asset
36 management plan. Once they have that, they can create a capital plan. Julie was proposing not to
37 finance but pay cash for these items if they could. Julie would present them with options and
38 recommendations. Peter said it was a big change, and they were looking at close to \$400,000. Julie
39 agreed and said some things would move around. It has been known that 2025 would be the last
40 payment for several bonds. Peter said there were things in Highway they could finance. Julie said
41 after Irene, they saw a surplus and that money had to be used in Highway. The grant given in 2024
42 was put into flood funds and was a flat \$50,000 for any highway related to roadwork. It was state
43 leftover ARPA money. Julie wanted to see where they were at before making the final
44 recommendation. At the second meeting in January, all December numbers will be in. They will
45 have a more finished and refined look.

1 Derek, as a past board member when they didn't have a capital plan, could appreciate having a
2 capital plan and was glad to see it. The board thanked him.

3
4 **Agenda Item 7, Renew Current Expense Note**

5
6 Moved to the next agenda.

7
8 **Agenda Item 8, Cemetery Deed**

9
10 The members signed the deed.

11
12 **Agenda Item 9, New Business/Next Agenda**

13
14 Arne had a request that he discussed with Julie. Once the budget was finished, he wanted to bring
15 Class 4 roads back up so they could have a clear policy on Class 4 roads. Arne has seen properties
16 in town exchange hands that had Class 4 roads on them. There have been inquiries with the town
17 about having a gate. Arne wanted a document they could rely upon that everyone agreed with.

18
19 **Agenda Item 10, Executive Session – Verizon Tower Lease Amendment**

20
21 Lee moved and Arianna seconded the motion to go into executive session to discuss the Verizon
22 tower lease amendment and invited Julie to join them. The motion carried.

23
24 (Entered executive session at 9:41 p.m.)

25
26 Lee moved and Tim seconded a motion to exit executive session. The motion carried.

27
28 (Exited executive session at 9:53 p.m.)

29
30 **Agenda Item 11, Executive Session – Review Attorney Opinion – Class IV Road**

31
32 Lee moved and Arianna seconded a motion to go into executive session to discuss the Class 4
33 Road Opinion and invited Julie to join them. Peter recused himself. The motion carried.

34
35 (All board members except for Peter entered executive session at 9:54 p.m.)

36
37 Arianna moved and Lee seconded a motion to exit executive session. The motion carried.

38
39 (Exited executive session at 10:03 p.m.)

40
41 A motion was made by Lee and seconded by Arianna to read "Having reviewed currently known
42 information and documentation as submitted to the Selectboard, it hereby resolves that a
43 reasonable and good faith basis exists to find that Bailey Hill Road continues to exist as a town
44 highway and to include T.H. #136 a/k/a Bailey Hill Road on its V-Trans General Highway
45 Mapping and Certificate of Mileage pursuant to 19 VSA s 305 as a class 4 town highway subject
46 the receipt of further material information to the contrary, a formal highway proceeding under Title

1 19 of the Vermont Statutes Annotated, or a declaration by a court of competent jurisdiction." The
2 motion passed.

3
4 Arne informed Paul Bidgood that the Select Board is willing to share the communication and
5 opinion from legal counsel. Julie provided a copy to Paul Bidgood.

6
7 **Agenda Item 12, Adjourn**

8
9 Tim moved to adjourn, and Lee seconded the motion. The motion carried, and the meeting was
10 adjourned at 10:06 p.m.

DRAFT

12/19/24

Dear Selectboard, Julie Hance, Hugh Quinn, Preston Bristow,

Good morning. I don't know if you voted to pass the amended by laws but I felt it important to clarify the removal of extraction and heavy construction from Res 2 (R 40,000). I was given the impression that the removal of these 2 items occurred last year, and or had already been voted on. In a conversation with Hugh Quinn in between meetings he again said that was so.

I am asking that the minutes to the meeting reflect that extraction and heavy construction was in the previous bylaws posted on your website article 2 page 17 for R40,000. The new bylaw proposal as posted on the town website show a read line through extraction and heavy construction for R40,000 to be renamed Res 2. I would like that clarified in the writing of the minutes.

As I had mentioned in an already overloaded information session that extraction is a broad term. What I should have focused on to amend was under 3.9 Extraction #5 that conditional use requires in #5 that extraction has to be 100ft from all abutting properties. This should have been changed. No resident should have to worry that an extraction company could set up shop 100 ft from a property line.

I appreciate all the work everyone has done, and it is a lot of information to digest. Going forward leaving extraction in all of R120,000 with conditional use is going to set up future homeowners of Chester to find they are living by a quarry that did not exist when the residence was purchased. There should be further protection than just conditional use approval. If such a business wanted conditonal use and they were 100 ft from neighbors that would be in keeping with the towns by-laws to conditional use for excavation.

I would appreciate a reply and again I would like the minutes to reflect that R40,000 did have extraction and heavy construction and this was removed with the new proposed bylaws.

Thank you

Leslie Thorsen and Scott Kilgus