

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **December 6, 2021 Draft Minutes**

4 **Commission Members Present:** Peter Hudkins, Hugh Quinn, and Cathy Hasbrouck at Town Hall;
5 and Tim Roper via Zoom.

6 **Staff Present:** Preston Bristow, Zoning Administrator at Town Hall; and Susan Bailey, Secretary,
7 and Jason Rasmussen, Director of Planning at Mt. Ascutney Regional Planning via Zoom.

8 **Citizens Present:** Arne Jonyas and Cheryl Joy Lipton via Zoom.

9 **Call to Order**

10 Chair Cathy Hasbrouck called the meeting to order at 6:30 p.m. (1:58 on recording)

11 **Agenda Item 1, Review Minutes from November 15, 2021 Meeting**

12 Cathy asked for a motion to review the minutes of November 15, 2021. Peter made a motion and
13 Tim seconded it. Tim noted on page 14, line 16 that “two charges” should be “two chargers.”
14 (There were then some brief technical difficulties.) A vote was taken, and the minutes were
15 unanimously approved as amended.

16 Cathy wanted to make two amendments to the agenda and add an item to discuss a resolution about
17 the parking study in progress; and whether they should meet on December 20th. She suggested
18 saving ten minutes at the end of the meeting to discuss and allowing Jason to make his presentation
19 first. The other members agreed.

20 **Agenda Item 2, Citizens Comments**

21 (7:17 on recording) Cathy asked for citizens comments. There were none.

22 **Agenda Item 3, Review Proposal for Village Green Zoning District including new zoning**
23 **map and adjustments to clarify definitions in adopted bylaws.**

24 Cathy turned the meeting over to Jason and Preston for the presentation. Jason offered to share his
25 screen, but the members had the documents in front of them so it wasn't necessary. There was a
26 draft zoning map that was essentially the existing village zoning map from 2017 UDB. They had
27 proposed new Village Green zoning on it which was shown in yellow. It consisted of the smaller
28 sized lots along the Green shown on the map. He asked if there were questions about the map.

29 Tim asked about the Fullerton property and if it was a separate lot extending to the river that they
30 owned.

31 Cathy said it wasn't. Tim asked what the rectangular lot extending to the river was. Peter said it
32 was The Fullerton's land that went all the way to the back and the lot to the left of it was the
33 Cobleigh Field. Tim questioned whether The Fullerton lot was two lots or not shaded in as part of
34 the Village Green District.

35 Jason said there was at least one lot that could be The Fullerton that was split in half to align with
36 the backs of lots next to it. It could change but was what they currently had. Tim thought if it was
37 all one lot, it should be part of the Village Green District and that was the reason for his question.

38 Jason said they were trying to be consistent with what was in the proposed bylaws, but they were

1 open for change.

2 Peter said in the back there was a good change in elevation. He said maximum lot coverage was
3 90% so if the back lot was included under 90% lot coverage, it would allow for a big building, so
4 he wanted to see the line stay where it was.

5 Cathy said the line wouldn't define the size of the lot but would define what part of the lot was in
6 the district.

7 Peter said if you were to build a separate building on the back, it would be in a different zone with
8 less coverage.

9 Hugh asked how it worked when one parcel was in two districts.

10 Preston said it happens but before he answered Hugh, he should find out what the bylaw says.

11 Peter said there was a transition in topography along the line that was chosen.

12 Jason started sharing his screen, as Cheryl Joy had requested to see the map.

13 Preston referred to Section 3.21 on page 45, parcels in two or more districts: "when a parcel is
14 located in two or more districts the dimensional standards and uses of the district in which the
15 structure is physically located will apply."

16 Tim thought that would work. Hugh agreed and said if it worked, they should leave it where it
17 was.

18 Cathy asked if they wanted to make a motion about it.

19 (13:43 on recording) Peter moved to accept the November 23, 2021, map as presented. Hugh
20 seconded the motion. The motion was approved unanimously.

21 Jason referred to the yellow area on the map surrounded by brown. The brown area was the Village
22 Center District and the part carved out around the Green was the new proposed Village Green
23 District.

24 Jason said the Village Center District was Section 2.3 and they had proposed adding the Village
25 Green District as a new district and calling it 2.3.1. The Village Center would get renumbered to
26 2.3.2. That would enable the numbering throughout the rest of the document to remain.

27 He didn't think there were any changes to the purpose statement since the last time.

28 Jason said there were changes under the permitted use list. They wanted to get rid of the stuff in
29 parenthesis after accessory use that was defined elsewhere and keep it simple. They eliminated
30 agriculture and forestry because it didn't make sense there. They also deleted both the private and
31 public broadcast facilities in both permitted and conditional use sections. Currently there are
32 residential/single and two-family, and they renamed residential to be consistent with definitions
33 and language in other parts of the document and used single and two household dwelling.

34 Jason asked for any thoughts on the permitted use list. There were none. Jason added there were
35 more commercial type uses on the list to make the Green more business friendly. They moved a
36 bunch back to the conditional use category based on comments and the DRB. They changed
37 residential to dwelling, got rid of public broadcast facility, and added back in residential care
38 home/group home and those types of facilities that serve more than 8 persons as a conditional use.
39 He asked the committee if he was missing anything.

1 Hugh said professional office had been moved from conditional to permitted. Jason agreed.

2 Jason asked for any questions comments or concerns.

3 Tim said that arts and entertainment was conditional. He referenced the new art gallery that had
4 moved in on the Green and wondered if arts gallery belonged in the definition of arts and
5 entertainment. He wondered if it could just be permitted.

6 Preston said Tim raised an interesting point as it had never even crossed his radar. Preston said a
7 gallery moved in shortly after he was hired and he thought retail, no problem. Preston thought it
8 was a good question and would look over the definition. He said he thought everything listed in
9 the definition belonged there except gallery or studio. Preston thought it was worth consideration.

10 Tim said they had many conversations about promoting Chester as a place for artists and thought
11 it seemed like a gallery should be a permitted use on the Green.

12 Preston said they were getting ahead of themselves. He pointed out regarding definitions, the old
13 definition for medical had included doctor's office and they had concluded that a doctor's office
14 was very different from a medically facility, so they split them out. Preston thought it may be
15 called for in this situation too.

16 Tim agreed.

17 Preston said it was something to investigate.

18 Jason said when they got to the definitions, they should address that. He asked if there was anything
19 else on conditional use and there was not. Jason didn't think dimensional standards had changed
20 since the last meeting and there were no thoughts on it when he asked. There were two changes in
21 the next supplemental standards section. Under number two, character of development they added
22 the last sentence indicating formula retail was not permitted in the district. Jason asked for
23 questions and there were none. Parking was changed quite a bit. They were trying to rethink the
24 parking standards. They initially thought no standards would be required only that they were
25 consistent with the winter parking ban but have since changed their thinking. They added in off-
26 street parking for employees and residents of the apartments above the stores. Under A, they
27 require one off-street parking space for each employee and under B, they require one off-street
28 parking space for each dwelling unit. They have discussed C and Jason thought they were including
29 a shared parking provision that would reduce the number of spaces. He thought the subcommittee
30 had since opted against including it there. They thought they should include the shared parking
31 table in the parking standards where it would apply to other parts of town. They are still requiring
32 all uses to demonstrate they can meet the snow parking ban. Jason asked if there were any
33 questions.

34 Preston clarified that Jason was suggesting eliminating C altogether. Jason said he believed it was
35 the idea at this point and asked Peter to confirm.

36 Peter agreed to eliminate item C and put the parking table back into the regular standards and
37 change the title of it because what was called parking in the current bylaws is only off-street
38 parking. It would be shared percentage parking, private, and municipal. You would be able to
39 count all the spaces. The current bylaws don't allow for on-street parking. The table would
40 eliminate that.

41 For clarification, Preston asked if they brought the document before the public, they were setting
42 it aside to go into that section later and would not be something to be listed. If it was going to be

1 listed, then they should talk about it since he had questions about how he would implement it.

2 Peter said he has been involved in similar things on the DRB where they've already implemented
3 it and it justifies things they've already done. They have made decisions where people didn't have
4 enough parking and they've used the bank parking, or other lots.

5 Preston agreed with Peter on that. That kind of trading is done all the time at the DRB level because
6 you must. Peter agreed and said it justifies that. Preston said under the current parking, if it's retail,
7 it's 3 cars for 1,000 square feet; if it's offices, it's 2 cars for 1,000 square feet; if it's a restaurant,
8 it's 1 car for 3. As Preston understood the table, he thought restaurant required the counting of
9 employees and to allot the spaces based on that.

10 Peter disagreed. Peter said C is removed which dealt with employees. It becomes a general
11 standard.

12 Preston said that made him feel better as he didn't want to get into the game of counting employees.
13 Peter said C would be eliminated and shared parking kept. The table would supplement the current
14 standards.

15 Hugh thought it made sense to get rid of C and thought it was confusing. He asked if the shared
16 parking table would be used in conjunction with the current parking. Hugh thought the table in
17 and of itself didn't do anything.

18 Peter said it did do something. He said currently, you get a letter from a next-door neighbor stating
19 they're not using a space and that's how you adjust for parking. This justifies decisions previously
20 made by letters from adjoining landowners and others who have lots.

21 Hugh asked if the table would be a rationale why different businesses can share parking spaces
22 during different times of the day. Peter agreed. Hugh questioned whether it was an enforcement
23 issue or something that happened as part of the permit process. Peter said it could be used as part
24 of the permit process. In his mind, Peter thought it did a couple of things. The current bylaws
25 dictated that every business has parking spaces. Every business needs more permeable space for
26 the parked cars. The table says different businesses can use the same lot. It's currently allowed
27 with letters exchanged among landowners, but the table would justify not building a big parking
28 lot if you could use your neighbor's.

29 Hugh understood the fact they could use it as rationale that a big parking lot wasn't necessary, and
30 it made sense to him. But the current off-street parking standards say retail and restaurant, 1
31 parking space for every 3 seats. Hugh questioned how he would apply that and the table together.
32 Peter said they could be used together. He said the overlap could be used. The restaurant during
33 the day is figured at 60% capacity.

34 There was discussion how the parking space formula worked.

35 Tim, along the same lines of thinking, said if they eliminate C, something that references the need
36 to comply or demonstrate the ability to comply with the shared parking percentages table. Peter
37 said he wanted to put it back in parking under Figure 320 on page 43.

38 Cathy thought they had already agreed it wouldn't apply to the Village Green.

39 Peter thought they said parking would apply to the minimum standard of A and B. If C was not
40 there, that standard wasn't not there. The standard in the figure applies to both municipal and
41 private parking.

1 Cathy said 4A and B were talking only about employees and tenants but not customers.
2 Peter said there was no restriction on parking for customers.
3 Cathy agreed and said that's why she wasn't sure why the Village Green would refer to the shared
4 parking table.
5 Peter said it could be used regarding employees and could still apply.
6 Jason walked everyone through A and B so they could understand it. He gave the scenario of a
7 mixed-use building with a professional office on the first floor with 5 employees needing 5 parking
8 spaces. It also had 2 dwelling units above it requiring 2 more parking spaces. In terms of a zoning
9 permit, he asked for clarification whether there was a need to talk about shared parking for the 7
10 people in Village Green. He said he wasn't sure where the table was going and what it was saying.
11 Peter thought it should go from the Village Green, but he didn't think it should go away. He
12 suggested moving it back to 3.20 so it would be applied to other districts.
13 Hugh said they were kind of giving the Green a pass on parking other than employment and
14 dwelling.
15 Peter said with a doctor's office next to retail and the doctor's has closed and the wait staff come
16 in. Hugh said taking Peter's employee angle, there's never more than 5 employees at a time
17 working. Hugh asked how to account for more business employees than concurrently working. He
18 said that Jason had commented in red that they don't address that. Hugh said if they take the
19 shared parking percentage to address for it, it doesn't make sense to him.
20 Peter said the thought was to allow on the east end of the Green where there is limited parking, not
21 to acerbate that situation by adding more employees there so you can't get to the retail space. He
22 didn't think there was any way it could be enforced.
23 Hugh suggested, in the Green, C should go. He thought the shared parking percentages table was
24 a little irrelevant for the district but should be put into the parking standards because they may use
25 it for another district, and it makes people feel better that there's not a shortage of parking if the
26 table is used. Hugh didn't see any harm in it. Hugh said until they can find another district to apply
27 it in, the table will just be hanging around, because it's not applicable to the Village Green district.
28 Peter said the table wouldn't really come into use until a DRB hearing to show where the parking
29 was. Peter said if he was on the DRB, the table would be something in his toolbox he could use.
30 Jason said if they decided tonight to send it off to the Select Board, he thought what they were
31 talking about was deleting section C, as well as the table which would go elsewhere. He asked in
32 terms of going forward that those items were not included, and Peter agreed.
33 Jason asked for thoughts on A and B. He said there was no required parking for customers. They
34 assumed they could park along the street.
35 Cathy said they aren't counting how many spaces to worry about.
36 Preston said his point on A in terms of interpreting it, is valid. As Hugh stated, you could have 30
37 employees but not more than 5 of them were on site at one time. Preston suggested that some
38 magic words needed to address that.
39 Hugh thought they should account for Jason's comment because that could be a problem if it were
40 taken literally.

1 Tim asked if an employee walked to work, did they still need to allocate a parking space.

2 Peter said they could use adequate parking which was usually the loose term.

3 Hugh said it would send a message. If it couldn't be literal with one space per employee, but the
4 language could be changed so that it would be understood if you open a business, you need to
5 account for some employee parking.

6 Peter said adequate becomes instead of each.

7 Jason said adequate was tough and he didn't know if it worked for them, but he added his comment
8 in parenthesis. He suggested using "one off-street parking space for each employee [the maximum
9 number of employees at any given time during the business' operating hours is required for all
10 applicable uses]." He wasn't sure that he loved it but asked if it was better. There was a consensus
11 it was better. Jason asked for suggestions to make it even better. Tim suggested "based upon
12 maximum number of employees at any given time." Preston thought that might be simpler.

13 Jason discussed how it should read. Tim said, "number of employees on site at any given time."

14 Jason read the modified form, "One off-street parking space for each employee based upon
15 maximum number of employees on site, at any given time, is required for all applicable uses."
16 Everyone agreed the wording was acceptable.

17 Jason asked for any other thoughts on parking.

18 Tim asked if D became C now that C was removed, and Jason said yes.

19 Sue read Cheryl Joy's comment. "The zoning guide for Vermont offers different parking
20 requirements according to floor space for retail and other ideas in the resource guide." Jason agreed
21 there were different ways to do it. He said often the parking standards were based on the number
22 of seats in a restaurant or by square footage. The subcommittee was more concerned about
23 employees and people who lived there as opposed to customers because they could park along the
24 Green. Jason wanted to make sure everyone asked questions to be sure they were comfortable with
25 the approach they were taking.

26 Cathy wanted to make clear they were only focusing on the Village Green for this, and they would
27 use the ACCD Better Places guide to adjust parking probably when they worked on housing which
28 would be coming. Housing and parking are intimately tied together, as parking can be a barrier to
29 creating more housing.

30 Tim made a statement as he understood it to make sure that they were all on the same page. The
31 Planning Commission is taking the position that for the Village Green District, they shouldn't try
32 to regulate the amount of parking for business' customers because there should be adequate public
33 parking on the street, on the Green, on Cobleigh Street, etc. for customers to find a place to park
34 and there was no sense in complicating that. Tim asked if that's where they were, and the others
35 agreed. Hugh thought the parking study backed it up.

36 Preston mentioned the table had gaps, and that it said 9 to 4 and jumped 6 to 11 and then jumped
37 12 to 6. Preston said Cheryl Joy had questioned the gaps and he thought they were tabling it for
38 another time but didn't want Cheryl Joy to think they had ignored the question, because he had the
39 same question. Both Tim and Jason said it was a good observation and Jason thought they should
40 correct for it down the road.

41 Jason asked if they were ready to move to the definitions. He thought as they were going through

1 the uses, permitted and conditional, it was important to go back to the definitions and see what
2 they included. He went through the 2017 bylaws and pulled out the definitions that applied in this
3 district as a reference. The subcommittee had made a few changes to the items highlighted in
4 yellow. It wasn't highlighting the actual changes, but he wanted to walk through it and see if there
5 were any thoughts.

6 Accessory dwelling units changed and basically the statute changed. It no longer wasn't exceeding
7 30%, but was 30% or 900 square feet, whichever is greater. That allows for a much larger accessory
8 dwelling which is a good thing considering the housing situation. They specified the house and
9 accessory dwelling need to be all on one lot. Now the specification would include an owner-
10 occupied lot and not an owner-occupied primary structure. That would provide flexibility allowing
11 the owner to live in the main house or the accessory dwelling and rent out either. Jason asked for
12 comments.

13 Preston said the statute used to say one bedroom and they removed it to be more flexible for the
14 real situation on the ground. As a result, the committee also removed it.

15 Jason said the last sentence about accessory use had included home occupations and other things
16 and they removed them. They did add for the purpose of permitted uses listed in Article 2 that
17 accessory use includes group homes as defined in the section. That was the only change they made
18 there.

19 Preston said like agriculture and forestry and broadcast and others, they didn't want to highlight
20 group home as a permitted use but since it's allowed by statute, it's referenced under accessory
21 use.

22 Hugh said it made sense but questioned calling it out in accessory use but thought it was still under
23 conditional use.

24 Preston said the statute was overlapping and allows residential care home. A group home is a
25 subsection of a residential care home, but it's 8 or less and allowed by write-in statute. If it's more
26 than 8, it's a conditional use. If not, it's a permitted use because the statute allows it.

27 Hugh understood then that they were covering it. Preston agreed they were covering it without
28 highlighting it. It was put in the definition because some people didn't want it highlighted as a
29 permitted use.

30 Tim said it seemed like a good solution to him. Tim asked if they should talk about arts and
31 entertainment. Jason thought they should and asked what people thought about art studios and
32 galleries being included.

33 Peter said he would take them out because an open arts studio and gallery sell items, so they are
34 retail.

35 Tim agreed a gallery was retail but wasn't sure a studio would be covered. He thought a studio
36 might need to be called out as its own use and that could be a good thing. As he mentioned earlier,
37 if they wanted to attract more artists and studios, include it as a permitted use on the Village Green.
38 But he wasn't sure it should be on the Village Green.

39 Cathy said the Village Green was the place in Chester where they get the most walk-ins. An art
40 studio would benefit from being located where there was walk-ins.

41 Tim said unless someone wanted to work privately in a prior upstairs apartment and convert it to

1 a private studio, he wasn't an artist but thought there were different ways artists use studios and
2 not all would be open to the public.

3 Peter asked if someone was a professional if they had a studio. Tim said no. Peter asked if it would
4 be considered a hobby. Tim said no, in his mind, a professional was someone who was licensed.

5 Peter said a professional isn't necessarily licensed. There are all kinds of trades that aren't licensed
6 and people practice without a license. It wasn't in any definitions that it's professional. He asked
7 what a private office was. He didn't think they would do bears up there.

8 Tim said they had discussed wanting to attract more artists to town and wondered what the
9 downside to including it as permitted or conditional use would be. Tim said to Peter's point, would
10 they want people doing chainsaw carvings in a store front on the Green? They may not want metal
11 sculptures welders and torches. He thought it may make sense to call it out as something that is
12 listed to show support for it if they do support it in that district.

13 Peter said if they went to Table 211-2 in the proposed bylaws, there was an artist studio up to 3,000
14 feet and then over 3,000 feet. The definition was: establish to produce and display and/or sell
15 artwork.

16 Cathy said the spaces on the Green aren't large and a lot of space would be needed to create noise
17 or disruption or have tons of people coming in. That could be a problem they would want to get a
18 grip on.

19 Tim asked if they thought it should be a conditional use if they included it there.

20 Peter said no, they were going with the high and low. He thought it should be a permitted use and
21 if the noise and performance standards weren't met, they couldn't be there. Even permitted uses
22 still have standards to meet.

23 Tim asked Preston how that would work for him. Preston asked for clarification that they wanted
24 art studio and gallery to be permitted. Peter agreed. Tim added that maybe it should be conditional.

25 Preston asked Tim if he meant both or just one of them and Tim replied it was art studio. He
26 thought gallery should be permitted and it already was under retail.

27 Peter asked why they would make studio conditional use if they wanted to attract artists.

28 Tim said the only reason it may need conditional is if there needed to be limits on what could be
29 done in that space. He wished Barre was there as he is the artist of the group. Tim said probably
30 nobody would do chainsaw carving in that space but what if it were a metal fabrication sculptor,
31 would that be suitable and something they wanted with neighbors?

32 Hugh said the way he thought about it was if there was a space suitable for someone to do metal
33 art, regardless of whether it's permitted, there are still noise restrictions and fumes and the whole
34 section of performance standards that, in theory, would limit the disruption to abutting businesses.
35 That is what would make it okay. He added that would become an after the fact sort of thing. They
36 open their business and say they're not going to make a lot of noise, but it turns out he does and
37 then you must deal with it.

38 Tim said that's why he bowed to Preston and wondered how he would determine whether it was
39 on the front end or wondered if he would just deal with the enforcement issue after the fact.

40 Preston said if Barre was there, he didn't think he would deny that he's even had neighbors say he

1 makes too much noise sometimes. Preston wished he could just give a quick answer. His instinct
2 was to allow art studios and galleries together but acknowledged Tim's point. The proposed bylaws
3 use a 3,000-foot threshold for a lot of things and so far, they've resisted putting it in there, but it
4 does have some merit if that would help.

5 Hugh said the more he was listening the more he was thinking about it, he was coming around to
6 a point of view that that was a risk he would underwrite. In the Green they don't have a ton of
7 space and the buildings are not set up to be like Hawk Mountain Ironworks, so he would feel
8 comfortable.

9 Preston said, as had been pointed out, the performance standards still applied.

10 Peter said it was previously a permitted use there in the proposed bylaws.

11 Tim proposed they made a motion to move art studios and galleries together as an eleventh
12 permitted use in the Village Green.

13 Jason asked if it was strange to have arts studios and galleries as well as an arts and entertainment.
14 He asked if it was troublesome to anyone.

15 Tim said if they were removing art studios and galleries from arts and entertainment, they wouldn't
16 be part of that definition. He agreed it seemed a little weird but thought it was okay.

17 Preston said he had made the analogy before that one of the changes was to separate doctor's office
18 from medical facility because even though they are both health, they are very different sides. He
19 thought this was similar and that a performing arts center was very different from a gallery.

20 Tim added studio and said he agreed.

21 Jason asked if they would want to label it an arts and entertainment facility. He asked if there was
22 a distinction that should be made.

23 Hugh thought in the current definition, they could change the word center to facility, because when
24 he read the word center, he thought bigger than a studio or a gallery.

25 Preston said arts and entertainment facility sounded awkward, but the s could be dropped from arts
26 and simply call it art and entertainment facility. He said they had done the same for medical facility
27 and family care facility.

28 Cathy said art studio and gallery were the only ones listed that you don't associate large crowds
29 with. Tim agreed. She said everything else has seating and lots of people.

30 Tim said when he thought of the arts, he thought of performance arts so he would leave the s on
31 art. Performance arts is where you would have large groups of people.

32 Cathy asked if they should have a motion about calling it a facility or just tell Jason that was what
33 they wanted.

34 Tim said they would approve the whole document at some point and Jason was making the edits
35 as they thought out loud through the issues.

36 Hugh asked if they would break out art studio and gallery as its own definition and make it a
37 permitted use.

38 Preston thought that would happen and they would include it in retail.

39 Jason said they had an arts and entertainment facility now and he had deleted art studio and gallery

1 from that definition. He thought they were adding art studios or galleries as a permitted use but
2 then he thought he had just heard they were going to add them as a form of retail, so he asked
3 which it was.

4 Cathy wanted it to be a separate use, so it was clear they were supporting art studios and galleries.
5 There was agreement among everyone.

6 Jason said it may be obvious, but he thought they should add a definition for art studios and
7 galleries for clarity.

8 Peter read the definition from the proposed bylaws, “Art gallery or studio: an establishment used
9 to produce, display, and/or sell works of art.” Everyone seemed to like that it was short and simple.

10 Jason asked if it was in the current bylaws, and they replied it was in the proposed bylaws.

11 Tim said for the item being defined it should be art studio and/or gallery. The others agreed.

12 Jason then addressed formula retail in the Village Green District and noted it would be prohibited
13 there. He asked everyone to read it to see if it made sense.

14 Preston said it was language the Two Rivers Commission developed, and they encouraged towns
15 to use it. He said it was aimed at trying to deal with McDonalds, Dollar General, Dunkin’ Donuts,
16 etc. Preston wasn’t sure they could reinvent the wheel better.

17 Tim liked it and said the only thing he was mulling was the right number. He asked if there was
18 any background on how they settled on three.

19 Preston said it was funny Tim mentioned that because he had thought there were some fledgling
20 businesses they wouldn’t want to discourage that might have two shops. He didn’t have any
21 background on how they arrived at three.

22 Cathy said she was on the road the past weekend and drove by a Bargain Corner with the same
23 sign as our Bargain Corner, because it’s their other store. She thought it was okay if someone had
24 two stores.

25 Tim said it seemed arbitrary to him and he wasn’t saying it was right or wrong. To Jason’s point,
26 if the first Bargain Corner was here and then they opened one on the Cheshire Fairgrounds that
27 they may or may not know about and then they opened one in Gorham, New Hampshire and now
28 they’re in violation in Chester.

29 Peter said they would be grandfathered because the store already exists.

30 Tim said Chester was the third store. Peter said they couldn’t have a third store. Cathy said they
31 could but couldn’t use their signage.

32 Jason said the number may not be important, but rather whether they have two or more of the
33 following features.

34 Preston suggested striking “more than two” and say a chain and figure it out later. Another thought
35 he had was the bylaws under supplemental standards say formula retail is not permitted in that
36 district. He questioned whether the store was not permitted or the formula. Tim replied the formula
37 was not permitted.

38 Preston said there is a Dunkin Donuts in York Beach, Maine that doesn’t look like a Dunkin
39 Donuts. It has a wood carved sign and none of their famous colors. They allow it, but they just
40 don’t allow it to look like one.

1 Jason thought that was a good point. If it's a chain but conforms to an existing building and the
2 Village Green, does it matter? He thought it was saying the design that isn't allowed, but the store
3 may be if it could conform.

4 Preston said the Dunkin' in York Beach looks like one inside but just doesn't on the outside. He
5 said that's what they were aiming for. They don't want places that have the garish colors on the
6 outside. It would mean Starbucks wouldn't be allowed because they're a chain. Some people
7 wouldn't think that was so bad.

8 Tim said the existing coffee shop on the Green would think it was bad no matter what it looked
9 like on the outside. Cathy agreed and Preston conceded his point.

10 Tim said where he was going with it. He asked if they were trying to regulate the look of the Green
11 or were they trying to keep a more level playing field for entrepreneurs.

12 Preston said that was a good point and he had only been thinking of looks.

13 Tim asked Jason if they could legally do that.

14 Jason wasn't sure. He said usually it wasn't about who owned it or the type of store it was but
15 about if it met performance and design standards. He said it was a question for an attorney. He
16 said he came from the school of thought that you were not regulating against a particular type of
17 store.

18 Preston said he didn't think they would solve it tonight, but he feared they couldn't ban them, but
19 they could regulate what they looked like.

20 Hugh thought it was okay to leave the language in citing someone may read it and think they can't
21 open a Dunkin' and just don't try and that may be the outcome they want anyway. Someone could
22 also say they can't stop them from opening a Dunkin' as long as they make it look good and if
23 they want to have that fight, then they just have a fight. He thought the definition could be left as
24 is even though it wasn't clear whether it was the look or the business and see what happens.

25 Preston thought they could leave the definition as it is but may want to consider other words under
26 supplemental standards. Right now, it says not permitted and they could be overstepping.

27 Jason asked if it was formula retail design that wasn't permitted or just formula retail period.

28 Peter thought they should just wait until someone brings their lawyers in. He said the square
29 footage didn't allow for that big of a business so to make it profitable and question it and bring
30 lawyers in, it would have to be substantial. He thought the definition should remain as is and leave
31 the question out there. In new construction, you go to the DRB, so it would have to be done in an
32 existing building and that would be significant.

33 Cathy agreed and said it was usually too limiting for a franchise.

34 Tim said not that they had a Starbucks trying to establish on the Green anyway but questioned if
35 they wanted to set up the town for a legal bill, but it was hard to imagine they would get into
36 trouble on that. He suggested they strike the parenthetical more than two from the definition and
37 then they could process applications as they come in and assess the situation based upon the bylaws
38 and the definitions.

39 Hugh said the only other thing he would ask is Preston had mentioned changing something in the
40 supplemental standards and asked if he had a suggestion for softer wording or a little more

1 ambiguous, or something better than “is not permitted.” Hugh said they needed something; he just
2 didn’t know what that was.

3 Preston said under Item #2, Character of Development, he hadn’t yet come up with the right
4 wording but was trying to say something that looks like formula retail exterior signage is not
5 permitted.

6 Hugh said it was already implied it was a look issue and Preston agreed. Hugh said they could
7 leave formula retail isn’t permitted in the district. He suggested just leaving it alone, unless there
8 was a way to soften it, but didn’t think they could delete it.

9 Jason asked if everyone else was okay with deleting “more than two” from the definition. They
10 were. Jason asked if were leaving the language under supplemental standards alone. Preston said
11 he may choose to look at more of what Two Rivers said but for the moment, to leave it alone.

12 Cathy asked if they prohibited anything that looked like formula retail and a Dunkin’ came in and,
13 like York Beach, doesn’t look like a Dunkin’, that would keep the playing field level for Southern
14 Pie because nobody is going to jump at the appearance of this other donut shop just because it’s
15 something they know. They will have to earn people’s interest the way any other local store would.

16 Hugh thought it should be left in because if he wanted to open a Dunkin’, he could just say it’s a
17 restaurant and that’s a permitted use. If the formula retail wasn’t in there, he could open a Dunkin’
18 because it’s a restaurant so it’s necessary to keep it in there.

19 Preston and Tim agreed. Even though they may lose a legal battle, they need to discourage it.
20 Someone reading it may be discouraged enough to move on.

21 Jason moved to healthcare facility and said they had deleted doctor’s office and it was now
22 included in professional office. Healthcare facility was intended for bigger stuff. He asked if that
23 worked.

24 Tim said it did but asked if physical therapist was the same thing or different than a physical
25 rehabilitation center.

26 Preston said he had thought about it and thought a physical therapist sounded more like an
27 individual office and not like a rehabilitation center. He agreed that they hadn’t quite defined where
28 the line was.

29 Jason said, for Preston, the use of clinic or center indicates it is a bigger type of facility. If you had
30 one or two people with a physical therapy office, maybe that could be something else. He asked
31 what everyone thought.

32 Cathy thought physical rehabilitation could imply a lot more equipment, people, and forms of
33 treatment than a physical therapy office.

34 Peter said the key words were facilities and centers. He thought both of those things implied bigger.
35 A physical therapist could be a massage therapist which doesn’t require much equipment. If he
36 went to a rehabilitation center, they may have a lot of gym equipment and things. He thought center
37 and facility both controlled the size.

38 Tim asked if physical therapy office needed a definition.

39 Hugh said when he was considering this because there is sole practitioner, social worker, therapist,
40 etc., he put, in his mind, a sole practitioner physical therapist type of business in the professional

1 office category. Peter agreed. Hugh said regarding the health care facility, to Peter's point, would
2 be someone that has a facility where they have a lot of rehabilitation equipment, and a bunch of
3 staff would be an operation rather than a sole practitioner.

4 Tim said he thought about it the same way and didn't want to put the zoning administrator, whoever
5 that may be, in a position of not being able to define the difference. To him it seemed obvious, but
6 he wasn't sure it would be to an applicant. He thought he may be overthinking it.

7 Hugh suggested one way to make it go away was to stop at medical clinic or physical rehabilitation
8 center.

9 Jason said he was going to suggest that and asked what people thought about just medical clinic.

10 Tim said he liked it.

11 Jason said they had also added an open-air market and defined it and asked for thoughts.

12 Peter said in the winter, they had indoor markets and here they were saying an outdoor market.

13 Tim asked if they should include services.

14 Jason said an indoor market would be a form of retail.

15 Peter said there was going to be a winter market at Baba Louis'.

16 Jason asked Preston how he would deal with that.

17 Preston hadn't heard they were going to do a winter market. Cathy said it was two days. Preston
18 said they had already had a Thanksgiving one.

19 Preston said they gave them a six-month temporary permit because there is a provision to allow it.
20 He had also said he could see giving successive six-month temporary permits, but he thought there
21 would be a gap in between. He said they are writing the new bylaw to try to close these kinds of
22 gaps. He said what was weird about this was the very definition was open air and then if it's going
23 to be inside, they need to come up with a different title.

24 Tim suggested using temporary market.

25 Preston said he believed winter farmers markets were the way of the future so they needed to think
26 broadly because nobody can make a living selling things for only 4 months of the year.

27 Peter said they didn't want a flea market because open air is open to the flea market thing. He
28 suggested calling it a farmers market and taking the outdoor out.

29 Preston thought the problem was they had markets where they sell non-agricultural things. Peter
30 agreed but said there was usually a percentage of the market that needed to be local. The bylaws
31 for Ludlow and possibly in the permit that 80% of the items had to come from within a 50-mile
32 radius of Ludlow.

33 Tim said it wasn't just open air, but seasonal. It could be in a space that was like Baba Louis' or
34 someone's barn, which would be good.

35 Peter read from Brandy's definition of an open market. "Establishments where goods are brought
36 to be immediately sold to the general public for personal household consumption from outdoor or
37 open area structures excluded any specifically defined in this section."

38 Preston pointed out that Brandy's lead title was open market. He suggested eliminating the word

1 air and using a workable title of open market.

2 Jason suggested deleting air and outdoor. There was agreement to do so.

3 Preston asked if they were treating it as a conditional use and they agreed. That made him feel
4 better because the DRB would review it.

5 Cathy asked if it said indoor and outdoor because she wanted people to know it was intended to
6 allow an outdoor market. The others thought that was a good suggestion.

7 Tim asked if they needed to address it wasn't a permanent place of business.

8 Preston said it sounded like at Baba Louis' they wanted to go all year round and Peter said they
9 were just looking at Thanksgiving into Christmas and hadn't figured out what they were doing.
10 Preston said when they applied, they had only indicated Thanksgiving and Christmas, so it wasn't
11 a surprise.

12 Jason said he wasn't sure he imagined this in Chester, but Nathaniel Hall in Boston came to mind
13 as well as a roof structure in Toledo that had vendors in it, a structure with temporary vendor
14 booths in it. He asked why not and suggested maybe it could be in an old building somewhere.

15 Cathy suggested a barn and Tim suggested the Jeffrey Barn.

16 Jason questioned why it couldn't be a permanent structure. Tim said that was kind of what the
17 Antique Center was on Rt. 103 South that was only specific to antiques and wondered what if it
18 wasn't specific to any given product type.

19 Peter said he didn't think they wanted to open the door to a flea market. Tim asked why and Peter
20 referred to the one near Walpole and said it wasn't run well so there were many temporary
21 structures. He said here it's produce, food, or merchandise. He thought it should be local and
22 should include some art stuff and have a blend.

23 Cathy suggested adding locally produced. Tim said he was thinking about the flea market in
24 Townshend which is a long-standing weekend tradition that draws a lot of people. He said there
25 was also one in Waterbury. Peter said they were run well. Tim said any business that is poorly run
26 would be an eyesore to the town, so he didn't know why they would eliminate the possibility of a
27 flea market in town.

28 Hugh said they had removed air and outdoor, so it opened the door to it being indoor or outdoor.

29 Peter said vendors sell food, produce, and he would add art. Tim asked about services. Peter said
30 there was a massage booth in Ludlow that was busy all the time and said he wouldn't be against
31 services. Tim followed up with produce, food, art, services, or other merchandise. Hugh thought
32 it would be okay. Cathy said they could ask what percentage of their people were local and
33 questioned how many people were going to come to Chester to invade their open-air market. Peter
34 said Townshend wasn't a bigger population than Chester and it was a big market. Cathy questioned
35 if anyone complained they were being overrun with opportunistic vendors.

36 Peter said vendors that are established tend to be extremely territorial. Tim agreed.

37 Jason asked if they were happy with the open market as they had it: indoor or outdoor, added art
38 or other merchandise. Preston said he thought they wanted to include the word services. He said
39 initially he thought they may be opening the door but then he kept thinking of the agricultural fairs
40 and every booth offers some kind of service, so he thought it was alright. Cathy agreed.

1 Jason added services and everyone was good with it.
2 Preston pointed out at the bottom under restaurant where it said nightclubs and taverns see arts and
3 entertainment that the word facility was needed. Jason agreed.
4 Jason said they added senior housing and he couldn't remember if it was Hugh's definition or
5 someone else's. He asked for any thoughts.
6 Hugh said he thought he had taken it from the proposed document and Preston agreed that it came
7 from there.
8 Jason asked if they needed to mull anything over more or if they were happy with it. Tim struggled
9 with how the word minimum was used in senior housing and wondered if it should say minimal.
10 He wondered if that was what was intended and asked what minimum convenient services were.
11 Hugh said he would have to go back to the proposed bylaws to take another look but thought it
12 may be minimal. He said when he read it, he thought it's not going to provide nursing care. Hugh
13 thought that maybe they would clean the apartment, or you could get a meal, that you were still
14 independent but could get services. He thought that may have been the spirit of it even though it
15 wasn't spelled out.
16 Peter said there was a separate definition for assisted living or skilled nursing services. Hugh
17 agreed but said senior housing wasn't assisted living or skilled nursing services. Peter said they
18 were independent living facilities. Hugh agreed but said some of those places offer convenient
19 services. Preston asked if he was seeing whether it was minimum or minimal.
20 Jason said it was minimum in the proposed language. Jason said it was consistent with the proposed
21 language. Preston said they could strike the word or live with the word and Tim said striking it
22 would also work. Convenience services was not nursing or medical care. Cathy said they could let
23 demand dictate how many services were offered. They agreed
24 Cathy said Jason would make the changes.

25 **Agenda Item 4, Set Date for the Next Meeting**

26 Cathy said they needed to decide if wanted to meet on Monday, December 20th or not. Tim asked
27 if anyone had vacation or were going to be away and there was no response. Preston said due to
28 COVID, people weren't going away much. Hugh said he would rather do the 20th and not the 3rd
29 or both. Peter wanted to have the DRB have a pick at it if Jason got it done. Peter thought it would
30 help them if the DRB agreed with what was there. Tim asked if Peter was suggesting a short
31 meeting. Peter said if Jason could complete the changes, their next meeting would be a joint
32 meeting with the DRB. Cathy said the DRB was scheduled to meet on December 27th but would
33 not all be there. Peter didn't think it should be on a night that there may be a decision. Cathy asked
34 if they wanted to meet January 3rd. Cathy said they had established the DRB is scheduled to meet
35 on the second Monday of the month, and they don't have any hearings scheduled. Tim suggested
36 a read through before they sit with them and asked Peter if that's what he was thinking. Peter
37 agreed. Peter said they did a good job of picking it apart and it was much easier to get the Select
38 Board to agree with something if the DRB has also reviewed it. Cathy asked if they wanted a
39 separate readthrough for the Planning Commission. Peter said they had two meeting times before
40 January 10th and could easily do that. Tim proposed they skip meeting December 20th and do a
41 readthrough on January 3rd and propose the second meeting of January be a joint meeting with the
42 DRB on the 10th. Peter agreed they could skip December 20th and meet January 3rd. Tim said

1 January 17th was a holiday, which would be the normal meeting so they would meet on the 10th
2 instead of the 17th.

3 Tim moved that the Planning Commission cancel the meeting for the 20th of December and meet
4 as scheduled on January 3rd and the second meeting of January would be a joint meeting with the
5 DRB on January 10th. Hugh seconded the motion. Tim added “and not meet on January 17th.”
6 Cathy asked for other discussion and there was none. The motion carried unanimously.

7 Cathy said Preston put together a resolution to bring the parking study to the Select Board to talk
8 to them about the Cobleigh Street parking lot. Preston said there was frustration because they have
9 been talking so much about what to do with parking in the Village Green when there may be a
10 solution that doesn’t require zoning gymnastics. So, he put together a possible resolution. He left
11 it open that the Select Board would consider it whenever they felt their agenda was open for it.

12 Preston wasn’t saying it was a command performance for every member on the Planning
13 Commission to attend but it would be open for those that can. Cathy, Peter, and Preston would
14 make every effort to be there.

15 Peter said since there was money available and it was an easy remedy, they needed to get it on
16 there. Preston said they were talking about a sidewalk with lights. Preston said it’s often an issue
17 of who would pay for it and maintain it, but he had mentioned it to Julie, and she didn’t act too
18 concerned.

19 Tim asked if part of the proposal or resolution would include improving the lot or if they were just
20 talking about the walkway.

21 Peter said it should include improvements like removing the old hockey lights. He said the rink
22 was moved but wasn’t finished and the existing lights aren’t practical. Because it was a rink, it’s
23 flat and puddles water. Peter thought for less than \$40,000 it could be cleaned up and a decent
24 walkway installed. The only issue he saw was connecting to the Green will need a legal right-of-
25 way. That was the only real thing that could hang it up. Cathy thought there was an informal right-
26 of-way or trampled path from the athletic field to behind the Main Street Parking Association lot.

27 Hugh asked if it was too much of a hardship to walk up Cobleigh Street and then go over. Peter
28 thought it would be an attraction. Cathy said it was shorter to go along the athletic field.

29 Peter said there was no real sign to say there was additional municipal parking. Cathy agreed and
30 said they would add a sign. Peter said if they striped, they could increase parking by 20%.

31 Hugh said the only other thought he had was he didn’t know what people were doing with parking
32 lots, but he was aware they had installed cameras over at the Pinnacle and wondered if there would
33 be any surveillance for safety reasons.

34 Cathy said they had installed cameras due to vandalism. She said maybe a grant would cover
35 cameras. The other piece was if a walkway was installed along the field, it draws attention to the
36 fact that there used to be businesses in the area behind Meditrina and Country Treasures. She
37 thought it could help. Tim said it could be presented as two phases: one in improving the parking
38 lot and signage; and the second as a walkway which is a great idea. He thought it may all be able
39 to be done at once but if they gave the Select Board the option to consider it as two projects, it may
40 help with funding or grants.

41 Peter said they could choose any one of those, including striping, to improve the business district.
42 Tim thought it was a great idea and could be presented in a letter. Peter said they probably had to

1 present their ideas and the information that brought them to those conclusions; that they were
2 trying to promote retail businesses in the area and not restrict parking because they have municipal
3 parking; and to improve the municipal parking – A, B, C, D.

4 Tim said he would be happy to be part of that presentation.

5 Preston said he had already included walkway, lights, sign, right-of-way for walkway, drainage of
6 old ice rink, security cameras, striping and possibly doing it in phases.

7 Hugh said if the Village Green stuff went forward and people realized the parking requirements
8 had been pulled out, they would have the other card to play. It all made sense and he liked it.

9 Cathy asked for motion to present it to the Select Board. Peter made the motion and Tim seconded
10 it. The motion was approved unanimously.

11 The next Planning Commission meeting will be January 3, 2022.

12 Cathy asked for a motion to adjourn, which Peter moved, and Hugh seconded. A vote was taken,
13 and it passed unanimously. The meeting was adjourned at 8:28 p.m.