

1 **TOWN OF CHESTER**  
2 **PLANNING COMMISSION**  
3 **January 3, 2022 Draft Minutes**

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

6 **Staff Present:** Preston Bristow, Zoning Administrator at Town Hall; and Susan Bailey, Secretary,  
7 via Zoom.

8 **Citizens Present:** Steve Mancuso and Cheryl Joy Lipton via Zoom. Bill Lindsay, Ruth Zezza, and  
9 John McClure at Town Hall.

10 **Call to Order**

11 Chair Cathy Hasbrouck called the meeting to order at 6:30 p.m. (0:26 on recording)

12 **Agenda Item 1, Review Minutes from December 6, 2021 Meeting**

13 Cathy asked for a motion to review the minutes of December 6, 2021. Cathy noted to conserve  
14 paper, she had produced the minutes for the packet in smaller font, but that they were still available  
15 to read on the town website under the Planning Commission in full-sized font. Tim appreciated  
16 that and said he was still able to read them. Tim moved to review the minutes and Peter seconded  
17 the motion.

18 Tim thanked Sue for doing a fantastic job with the minutes. He then noted on page 2, line 39 “he  
19 asked the committee if he was missing anything” should be commission unless he was addressing  
20 the subcommittee and he didn’t think that was the case. He also noted on page 14, line 12 should  
21 be Faneuil Hall and not Nathaniel Hall.

22 A vote was taken, and the minutes were unanimously approved as amended.

23 **Agenda Item 2, Citizens Comments**

24 (3:29 on recording) Cathy asked for citizens comments for anything not on the agenda. There were  
25 none.

26 **Agenda Item 3, Review upcoming events: January 10, 2022 meeting with DRB,**  
27 **January 11, 2022 Chester Business Coalition social hour at Pizza Stone,**  
28 **January 19, 2022 discussion of parking study at Selectboard Meeting.**

29 Cathy reviewed upcoming events. January 10<sup>th</sup> is when the Planning Commission would meet with  
30 the DRB at 6:00 to discuss the proposed Village Green District.

31 Chester Business Coalition was going to have a social gathering on January 11<sup>th</sup>, but Cathy and  
32 Steve Mancuso had talked it over and decided it was a little too risky given the present level of  
33 COVID. They were pretty certain they would move the meeting to January 31<sup>st</sup> and use the Town  
34 Hall meeting room for it, although it was not as amenable to discussion as the Pizza Stone, it would  
35 hopefully be less likely that someone would end up hospitalized. Steve will publish the change  
36 within a couple of days.

37 The Planning Commission will meet with the Selectboard on Wednesday, January 19, 2022, to  
38 discuss the parking study. Preston thought it was easier to warn the meeting for that one discussion  
39 and close it afterwards. He said Bob Greenfield, the DRB Chair, asked if next week’s meeting

1 could be done by Zoom since it was all discussion. Preston suggested they could just make it clear  
2 that nobody should feel compelled to come but that he would bring it up to the commission.

3 Cathy was pretty sure they had to have someone physically present. The state had for a while  
4 allowed all Zoom meetings but now required someone be present, so she would appear in person.  
5 She asked how other members felt.

6 Peter and Hugh said they he would be present.

7 Tim said he would Zoom in as usual.

8 Preston said anyone on the DRB should feel comfortable just appearing by Zoom but a few  
9 members of the Planning Commission would be there so it would be a combination meeting.

10 Tim asked if they were required to have a physical presence for a warned meeting, did it also hold  
11 true for the DRB. Cathy said yes and that she was the recording secretary for the DRB so it may  
12 cover it enough and Preston would be there. She added when the board of trustees for the library  
13 met, Deirdre would man the library so people could come there to attend. Tim understood that it  
14 was just about having a physical place the public could attend.

15 Preston agreed. Under current state law, there needed to be a physical location for people who  
16 didn't have access to Zoom or didn't want to use it to attend.

17 Bill Lindsay asked about the parking study and if it applied to one district or various areas in town.  
18 He asked how the public was notified that there would be discussions regarding parking.

19 Peter said when they started looking at the district, he and Cathy went out and counted spaces and  
20 businesses and created a spreadsheet and he was more than willing to sit down with Bill and  
21 explain the information it contained.

22 Preston said they were specifically talking about better utilization of the Cobleigh Street parking  
23 lot.

24 **Agenda Item 4, discuss interim bylaw amendment for non-conforming uses**

25 Ruth Zezza and John McClure were present. The parcel Baba-a-Louis and other parcels in town  
26 have had permits in the past that are no longer allowed. It makes a use that may have been present  
27 for years or decades no longer allowed. In the case of Baba-a-Louis, there's a beautiful building  
28 there they can't find a use for. There's a limit on the gap between a business closing and being  
29 reopened regarding revival of the permit. Currently, if you close a business and don't exercise it  
30 for two years, the permit is lost. Cathy thought 10 years was more appropriate. She had talked  
31 about the issue with Preston several times and he came up with an idea.

32 Preston has now been Zoning Administrator for eight months and had been aware from the  
33 beginning that Baba-a-Louis had been approved as a restaurant when restaurants were allowed in  
34 that district, but now they weren't. Non-conforming uses expire after two years, and they were  
35 now going on three years where the use had not been there. He knew it was an issue and then he  
36 was contacted by Sugar Bob's who produce flavored infused maple syrup. They are in a plant in  
37 Rutland that the state found toxic residue in and were told they must move out. Baba-a-Louis is  
38 one place they are interested in. Whether or not they come, it caused him to have a conversation  
39 with the owners and consider it. There is a concept of an interim amendment. In 2018, the Chester  
40 Selectboard passed an interim amendment to allow a fueling station for snowmobiles at the Stone  
41 Hearth Inn, so it wasn't a completely unfamiliar concept to Chester. Preston thought if they could

1 just change one word 2 years to 10 years it would fix the problem temporarily as they looked for  
2 a bigger fix, as the interim amendment would be good for two years. The process would be the  
3 Planning Commission would recommend it to the Selectboard and they would hold one hearing  
4 and vote on it. It's a quick process designed for planning emergencies like this one.

5 Peter had been talking back and forth with Preston and had referred to it as legacy uses before this  
6 situation had even come up. He thought there were reasons things should expire in two years. After  
7 two years the business could reopen with a DRB hearing allowing for a check and balance process  
8 even on something temporary. If a business had been closed for years and someone decided to  
9 reopen it after a house has been built that wasn't there before, it would impose on the neighbors  
10 before allowing them to have say about it.

11 There was discussion about proposed amendments regarding the issue. There was a very simple  
12 one in the packet, but Peter was against it because it could open too many doors.

13 Hugh said 10 years seemed like a long time to him and he liked the idea of the DRB. He asked  
14 Peter if he would feel differently if it were only 5 years.

15 Peter said it had been two years. Having served on the DRB, he was aware there were always  
16 neighbor issues. The DRB doesn't seem to mind meeting, so if there hasn't been an issue, it  
17 shouldn't be a problem. He suggested leaving the two years because of what it had been previously  
18 and then it would kick into a DRB review. Peter said the other thought he had was for a period of  
19 10 years, but the business couldn't be closed more than it was open. If you had a business that was  
20 open for three years and closed and 10 years later you decided to reopen it, it wouldn't work  
21 because it would have been closed for 7 years which was more than it was open.

22 Hugh agreed 10 years was too long.

23 Peter thought 10 years was fine, but it should take a DRB review. Up to 10 years, you could come  
24 back before the DRB and ask to reinstate it. It was understood you would get 2 years, but after that  
25 and up to 10, the DRB would have to review it.

26 Cathy reminded them a DRB hearing needed to be warned to all the abutters so they would know  
27 it was coming and any old injuries or gripes could surface at the meeting.

28 Tim liked the idea of leaving the two years as a given and then going to a DRB hearing because  
29 the abutters are notified and given a chance to provide feedback and input. It seemed like a good  
30 democratic process. He wondered if it made sense to have any limitation and why limit it to 10  
31 years.

32 Peter could think of a place in Chester where there had been 15 or 16 different businesses over the  
33 last 100 years, so he wondered if you should be allowed to pull any of those out of a hat. He thought  
34 10 years needed to be the limit.

35 Tim questioned if they would throw the opportunity away as a business-friendly community if  
36 someone wanted to open a restaurant or brewery at the Baba-a-Louis building.

37 Peter said they've been throwing it away for the past 40 years if it was over 2 years.

38 Tim pointed out one of their goals was to be a more business-friendly community.

39 Peter said it was a 500% improvement changing it to 10 years.

40 Hugh understood Peter's argument but thought maybe they should allow the most recent use but

1 not the previous uses.

2 Barre was involved with the snowmobile fueling and he thought sometimes they considered too  
3 many scenarios and lost sight of the real problem. In this case, it was a very large building in a  
4 specific area that ended up an odd duck. By not allowing spot zoning, they were creating  
5 unnecessary problems. He thought the reality was once they come up with the language that would  
6 apply to different zoning districts, things could happen in those places which was what they were  
7 trying not to do. The basis for what Preston wrote was more specific about the Baba-a-Louis  
8 building and it would go before the Selectboard, the town's highest governing body. From Barre's  
9 perspective, bringing all the other issues into the specific situation was a bad idea. He thought they  
10 should focus on helping the specific people and getting it done for them so they could get the  
11 building in use. The way Preston had written it originally was the same as what had happened with  
12 the snowmobile fueling and by doing the same in this situation with Baba-a-Louis, they could  
13 solve a problem. He thought they should focus on solving the problem of that building rather than  
14 drumming up different scenarios of what may happen because little or nothing happened here  
15 anyway. There weren't many other vacant buildings around, so he encouraged the board to stay  
16 focused to help them.

17 Cathy said they had several options. They could decide to go ahead with an interim amendment to  
18 the bylaws and simply change the number from 2 to 10 with the intention of reviewing the process  
19 within the next two years and refining it to apply more to legacy uses. They could adopt one of the  
20 options that had come up in the last 24 hours by trying to reduce the possibility of someone who  
21 had something that failed or was obnoxious come back and attempt to start up their business again.  
22 Or they could refine it to the last use could be revivable for a very long time and others limited to  
23 a shorter period.

24 Hugh said what he was hearing from Barre was there should be a way to solve this one very specific  
25 problem with Baba-a-Louis and he didn't know how to do that. He questioned how to solve just  
26 one scenario.

27 Cathy said Baba-a-Louis was in the R120 District. The limit that could be imposed was by the  
28 zoning district. She didn't think they could do it for the parcel.

29 Barre asked what they did for the snowmobile fueling. Cathy said they allowed an accessory use.  
30 Barre asked Preston what he had done.

31 Preston said it was an interesting discussion because he read what went to the Selectboard and it  
32 was a change to accessory uses town wide that allowed for refueling for recreational vehicles. The  
33 understanding was it would either be at the Stone Hearth, or the Pinnacle and they passed it, but it  
34 was done town wide. Peter had heard spot zoning mentioned earlier at the meeting. He thought it  
35 was only a problem if someone appealed or got upset. He said it was true that if you zoned for one  
36 property, you ran the risk that people would say it was spot zoning.

37 Barre told Preston he had interpreted from his earlier proposal that they could encourage the  
38 Selectboard to do something to allow it to happen.

39 Preston said his hope was they came out of the meeting with a recommendation that the  
40 Selectboard could act on. He assumed there weren't many people in the same situation.

41 Barre agreed. He said regarding Peter's perspective, considering the nature of the subject property,  
42 he didn't see a big problem with neighbors not wanting it used.

1 Cathy said when they granted a permit to have the farmer's market on the parcel there was an  
2 abutter concerned about the traffic. It was once a week from July to October, but she was concerned  
3 about people and traffic.

4 Barre said it was a legitimate concern, but he thought a bigger concern was having a big empty  
5 building that wasn't being used. He thought it was an opportunity for the Commission to look well  
6 in the community and be helpful. If there was a legal way to get something before the Selectboard  
7 to stamp, he would be in favor of that.

8 Preston had drafted an interim amendment that the gap between 2 years and 10 years had to be  
9 with DRB approval which was shared with those in attendance.

10 Peter said the curse of whatever they decided on had to be town wide. It could go for two years.  
11 He and Preston had discussed it previously. It would only go for two years and included checks  
12 and balances.

13 Barre said it could go before the Selectboard in a couple of weeks. He asked how many days it  
14 took for the DRB to review it.

15 Preston said if it went before the DRB, it would take 3 weeks to warn a DRB hearing, a week to  
16 finalize it, and then another 30 days.

17 Barre said the best-case scenario would be a couple of months.

18 Preston said even though Sugar Bob's may be off the table, if they really worked at it, they could  
19 get it done in 2 months and certainly 3.

20 Peter said if Sugar Bob's fell through, it would open it up to anyone else giving the property value  
21 to be sold. Cathy wondered if other properties in the area had similar difficulties. Preston hadn't  
22 heard of any but suggested the owners who were present at the meeting share their marketing  
23 experience with the board.

24 Ruth said they had taken it off the market in July because there was interest, but the prospective  
25 buyers didn't pay anything. They thought they would try to sell it themselves, but it became  
26 problematic because people weren't willing to cooperate. She thought Cathy and Preston had both  
27 been cooperative. The farmer's market was fun but didn't do well because it started so late in the  
28 season. They would like to do it again, if possible. Sugar Bob's is in a tight spot and needed to find  
29 something sooner than 3 months which would eliminate the possibility of them coming to Chester.  
30 They're a viable business and have grown. The employees are good, but she wasn't sure if they  
31 would travel from Rutland. She wasn't sure whether Sugar Bob's would come. The problem with  
32 selling it has been most people want residences and not glorified warehouses. They could lease it  
33 if it was approved by zoning. There was no representative from Sugar Bob's at the meeting. They  
34 were discouraged and felt they had hit a wall. They are still looking but was very interested to  
35 learn what the Planning Commission decided. Preston had spoken with them a few times. They  
36 felt the obstacles were so huge with the waiting time that it made it unattractive. But they were  
37 still interested.

38 Barre said he wanted to be helpful and asked if it was possible to let them in and then 2 months  
39 later put it back to normal. It seemed like there was an opportunity for the building to be used and  
40 to be helpful by not standing in the way for something that wasn't a bad thing.

41 Hugh agreed with Barre. He understood the concept of the interim bylaw and the first one was 2  
42 to 10 and would allow it to happen quicker. The second amendment put the DRB review in for the

1 year.

2 Peter asked why they didn't put them together. Hugh suggested doing them in 2 steps. Preston  
3 thought Hugh was suggesting bringing the bylaw amendment to the Selectboard and within 6  
4 months, come in with another one that succeeds it and then the first bylaw goes away, and you  
5 don't have a 2-year window. Preston would look at the statute, but it made sense to him that you  
6 could succeed one bylaw amendment with another. Barre and Hugh agreed with making it less  
7 strict for a very short period to allow something to happen.

8 Preston suggested doing it the first time with a 5-year window and the second time with DRB  
9 approval for 10 years to narrow the risk. Preston said Baba-a-Louis had been about 3 years.  
10 Everyone appeared to agree to 5 years.

11 Tim was for opening the window for Baba-a-Louis allowing the value it really holds as a business,  
12 so he agreed 5 years for now and then revisit it in 6 months and possibly amend it again.

13 Hugh said the amendment in 6 months would put it before the DRB to checkpoint it.

14 Peter made a motion which was what Preston had sent out: "The nonconforming use shall not be  
15 re-established if such use has been discontinued for a period of five years or has been changed or  
16 replaced by a continuing use. Intent to resume a nonconforming use shall not confer the right to  
17 do so." Peter pointed out the only thing being changed was 2 years to 5 years.

18 Barre seconded the motion.

19 Barre said with respect to the motion and the discussion they had, he questioned who would  
20 communicate to the Selectboard that they wanted to revisit it in 6 months with a second  
21 amendment.

22 Cathy said the bringing of the second amendment would be the process they were currently going  
23 through of bringing amendments to the Selectboard, similar of what they were going to go through  
24 with the Village Green.

25 Barre wondered when they make a proposal, should they include in it that their intention is to  
26 modify it within 6 months to have a DRB hearing go along with it.

27 Preston didn't see a problem with it because they would end up saying it to the Selectboard. He  
28 said the motion could say it was the recommendation to change 2 years to 5 years with the intent  
29 of coming back with a more comprehensive solution in 6 months.

30 Peter agreed and suggested they provide a narrative with the motion.

31 Barre was in favor of it with the narrative to make it clear so they didn't burden the Selectboard,  
32 and they could just run with it. They should be clear as to why they were doing it and they should  
33 include the DRB component as quickly as they could.

34 Cathy said the Selectboard would meet on January 5<sup>th</sup>, but they were totally consumed with the  
35 budget. Their next meeting was January 19<sup>th</sup> and the Planning Commission had been given time  
36 to talk about the Cobleigh Street parking lot at that meeting.

37 Preston thought two days was too soon and the 19<sup>th</sup> would be a better time. If the Selectboard was  
38 too busy, there could be a special Selectboard meeting. Preston wasn't sure if the owners wanted  
39 to weigh in.

40 Peter wondered if there was a wait period once the Selectboard approved it. Preston thought there

1 may be a 30 day wait period.

2 Cheryl Joy asked for clarification whether the increase from 2 to 5 years was with or without the  
3 approval of the DRB. Hugh said 5 years without DRB approval and over 5 years with DRB  
4 approval. Peter said that wasn't the motion. He said the motion was to only change the time and  
5 follow Barre's plan of making a second amendment and clarify it.

6 Cheryl Joy wanted to know if it was for all districts. Cathy said it was.

7 Cathy said Article 3 Section 19(d) paragraph 1b page 43 of the bylaws was where they would  
8 change the word two in paragraph b to be five.

9 Barre said it wasn't giving the people an opportunity to do whatever they wanted, but only a like  
10 business so he saw it as minimal risk.

11 Hugh asked Preston what the impact would be changing the window from 2 to 5.

12 Preston said because he was new to Chester, it was hard for him to know all the possibilities. He  
13 said he wasn't aware of anyone else in a similar situation as Baba-a-Louis where they were  
14 clamoring to open. There was a store in Gassetts that Preston thought may be less than 5 years.

15 Cheryl Joy suggested if it applied to all districts, they could next discuss when it may happen at  
16 spots where there was a non-conforming use that was less desirable. She said when you continue  
17 to allow previous uses even when the zoning is changed, you won't allow the change.

18 Barre asked if they should vote on the motion.

19 Preston said there was a philosophy that zoning districts are set for certain uses and things that are  
20 non-conforming should end. He said there is question that the purity of zoning districts is artificial  
21 and maybe not the way communities really work. He thought Cheryl Joy was bringing up the fact  
22 that normally you shouldn't have non-residential uses in a residential district, but things happen  
23 and how bad would that be.

24 Hugh agreed there was potential for undesirable outcomes by going from 2 to 5, but he thought  
25 what they were trying to suggest was going from 2 to 5 for a short period of time to enable  
26 something to happen was a risk they were willing to take. Peter said they would work on a legacy  
27 standard. Hugh thought it would minimize the impact of unforeseen bad things happening.

28 Barre thought maybe what they had to take into consideration was when you're dealing with  
29 structures that have been in place a while, things can change around a structure. He asked if the  
30 solution was removing the structure. He thought they needed to have consideration for the structure  
31 and this one was interesting and unique, and it would probably require some unique zoning and  
32 they should be flexible. He didn't think the people who invested in it deserved any hardship and  
33 they should help them.

34 Cathy said they had a motion in front of them proposing to alter Article 3 Section 19(d) paragraph  
35 1b of the bylaws from a period of two years to five years and to present the interim amendment to  
36 the Selectboard at their earliest opportunity.

37 Barre asked the owners how long they had been closed and they replied that it had basically been  
38 3 years, so they would be giving them a window of 2 years which would give them a chance to  
39 sell it without having to go before the DRB with the proposed amendment.

40 The commission voted on the motion, and it carried unanimously.

1 John of Baba-a-Louis thanked the board for working on it. He asked them to consider that the  
2 property when they purchased it was an abandoned cellar hole. With the approval and support of  
3 the town, it was changed into something that wasn't residential and without a wrecking ball, it  
4 won't be residential. The town chose in 2017 to change the zoning of the area and now there's a  
5 commercial building in a residential area with no way to convert it back to a residential building.  
6 The building is there because of the town's approval and support. He asked if there was any way  
7 to create a situation where the property remained commercial because it was a commercial space.  
8 Regardless of what ends up there, it could close, so he asked if they could declare the lot  
9 commercial. There was a building lot on each side and the biggest abutting owner was the town.  
10 Going forward, he asked what they could do to make it a permanently useable structure.

11 Barre suggested they come up with a way to classify non-conforming structures in these areas. He  
12 asked Preston what had happened in the past.

13 Preston had been watching Cheryl Joy comment on Zoom and she had asked why they didn't  
14 extend the Village District or set up a mixed-use zone. He said they have an adaptive use zone that  
15 overlays some residential areas. There are ways they could change the zoning boundaries. The  
16 contention is the state wants developments to be in compact village centers and not extended along  
17 highways, but this was a piece of highway that could handle increased use. He suggested changing  
18 the district or having an overlay indicating the area was residential but could have adapted use or  
19 mixed-use. There were solutions.

20 Tim agreed with John that they should find a way to allow the building to continue in perpetuity  
21 as commercial use.

22 Ruth asked what they should tell Sugar Bob's and Cathy told her they were going to submit an  
23 interim zoning amendment that would make it possible to get a permit for their business. Preston  
24 would talk with Julie to get an estimate of how long it would take but thought it would be mid-  
25 February. Ruth hoped Sugar Bob's could wait that long and Barre told her the commission was  
26 doing the best they could to make it happen. Preston said the sense of the room was that everyone  
27 wanted it to happen, and they hoped the Selectboard felt the same.

28 Cheryl Joy wasn't so much in favor of residential being only residential and was most in favor of  
29 mixed-use. She was also in favor of compact development and said the subject area was a perfect  
30 area for Chester to have some area not in the flood plain increase the town size with more  
31 development available. It could be increased to include Baba Louis and the doctor and dentist on  
32 the other side of the street and everything that's down there. Affordable housing could fit in that  
33 area. It is a perfect area because it's right at the end of the village. She saw it as the perfect spot to  
34 increase mixed-use in Chester. Preston agreed.

35 **Agenda Item 5, Review Village Green district proposal and revision to address Formula**  
36 **Businesses**

37 Cathy gave a visual presentation on Springfield and Ludlow, and Woodstock.

38 Preston had pointed out to Cathy that Chester was unique in the way the Village Green is. There  
39 is green space around it and lovely little wooden buildings that house apartments and businesses.  
40 The center of Springfield is a church and the Co-op and other brick buildings. There is a park along  
41 the banks of the Black River where all the waterpower is. It looks urban in its center.

42 Ludlow has a church and a green space in front of it. There is a library, a few motels, ski club, and  
43 the center of Ludlow has a mixture of brick buildings and wooden buildings. A little further north

1 is the shopping plaza with Shaw's and a pharmacy. It doesn't have Chester's visible green and  
2 cute shops.

3 Woodstock does have a village green with the town hall. It has a courthouse. The Woodstock Inn  
4 and a covered bridge is walkable from town. Woodstock has 3,000 people just like Chester.  
5 Somehow Woodstock has become more of a commercial area than Chester. Cathy wasn't saying  
6 Chester wants to become like Woodstock but there is potential for some growth.

7 What they are trying to accomplish with the Village Green is to protect what is unique about  
8 Chester and support Chester businesses, so it continues to be unique and vibrant. That is another  
9 reason Preston was concerned about formula businesses not invading Chester's Green.

10 Preston thought if they looked at the development bylaws, at the last meeting they asked Jason to  
11 make changes which he did. Preston had asked Jason about the definition of formula retail and  
12 why don't they try it and people liked it. Preston came up with a green document from New York  
13 and took inspiration that formula retail was retail. It wasn't clear it stopped Dunkin', Arby's, etc.  
14 If you broaden the definition to formula business and list that restaurants are part of the business.  
15 We have a real estate office in the village that has 5 branches. One of the samples from the New  
16 York document defined a chain as 10 branches so he used 10 branches. Preston remembered at the  
17 last meeting Tim saying we don't want a Starbucks, so he took his cue from that and said this little  
18 village district is a true gem and one example when you can say no. That was his proposal, page  
19 5, formula business was a type of retail store, rental establishment, restaurant, hotel, or motel,  
20 which along with 10 or more other businesses located within the U.S. uses a standardized menu,  
21 décor, etc. On page 2, formula businesses are not permitted in this district.

22 Hugh liked it. Preston said they cite court cases in the paper and the cases basically state you can't  
23 discriminate and say only businesses in Chester which is why it says 10 or more in the United  
24 States. It's necessary to articulate what is special about why you don't want these businesses. His  
25 impression was it would be durable.

26 Preston could imagine they would use the definition for formula business in other districts and that  
27 they receive specific scrutiny by the DRB and meet certain criteria, but he wouldn't recommend  
28 for all of Chester that they not be allowed.

29 Hugh read the draft changes and thought they covered everything they talked about. He went  
30 through the minutes and cross-checked what was talked about. He liked the formula business  
31 definition better than what they had previously.

32 **Agenda Item 6, open the floor to questions about the bylaw amendment adoption process**

33 The following Monday when the Planning Commission meets with the DRB and walks them  
34 through it and gets their feedback, if they're happy, they could vote to send it for a public hearing  
35 in preparation for sending it to the Selectboard. Once they decide they're ready to have a public  
36 hearing, Preston and Cathy would notify the abutting owners about it and warn the public hearing.  
37 They would post copies around town and on the website. They could vote on the 10<sup>th</sup> or decide to  
38 have another meeting about it.

39 Cathy said when they had the public hearing, they could decide to make substantial changes in the  
40 bylaw. They don't send a fresh copy to the abutters. They're allowed to make changes and when  
41 they're happy with the changes, they can send that version to the Selectboard for them to hold  
42 public hearings. The Selectboard is not allowed to make substantial changes. They can correct  
43 typos and punctuation but are not allowed to make substantial changes.

1 Preston said if they want to make substantial changes, they must have a new hearing with the  
2 change made and it must be all vetted in public.

3 Cathy said there was a document on the Vermont Planning Information Center website that tells  
4 what to do if you want to amend the town plan or bylaws. She wanted them to have a picture of  
5 what was going to happen a couple times this year.

6 Hugh thought the most effective way may be to be sure the DRB received it ahead of time and  
7 Cathy confirmed packet would go out to the Planning Commission members and the DRB  
8 tomorrow and the warnings would go up. Peter could bring up anything he found on formula  
9 businesses.

10 Barre asked if they could vote at next week's meeting and Cathy agreed. Preston said it made  
11 sense.

12 Tim moved they approved the draft Chester Unified Development Bylaws dated December 21,  
13 2021, 2.3.1 Village Green District and forward to the DRB for their consideration at a joint meeting  
14 next week. Hugh seconded it. There was no discussion. They voted and the motion carried  
15 unanimously.

16 **Agenda Item 7, Adjournment**

17 Tim moved to adjourn, and Hugh seconded. A vote was taken, and it passed unanimously. The  
18 meeting was adjourned at 7:58 p.m.