

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **July 22, 2024, Minutes**

4
5 **Commission Members Present:** Cathy Hasbrouck, Jeff Holden, John Cummings, Barre Pinske,
6 and Hugh Quinn at Town Hall.

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

10
11 **Citizens Present:** Bill Lindsay, Nancy Lindsay, Peter Hudkins, Jason Rasmussen, Jerry Gleason,
12 Phil Perlah, and Derek Suursoo at Town Hall; and Steve Mancuso, Deborah Wright, and Arne
13 Jonynas via Zoom.

14
15 **Call to Order**

16
17 Chair Hugh Quinn called the meeting to order at 6:31 p.m.

18
19 **Agenda Item 1, Approve June 17, 2024, Meeting Minutes**

20
21 Hugh noted that although the minutes were posted, they had not been distributed to the commission
22 members early enough to give them sufficient time to review them, so Hugh made a motion to
23 postpone the approval of the June 17th meeting minutes until the August 5th meeting and Jeff
24 seconded the motion. A vote was taken, and the motion was approved unanimously.

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

27
28 Steve Mancuso thanked the members for their hard work. He watched them go from what
29 Londonderry is going through now and reinvent the wheel and apply S.100 Article 47, along with
30 Jason's help. Steve thanked Jason and noted it had been a long haul for them. The gist of it was to
31 make it easier to live in Chester. Steve knew they subscribed to it and hoped they would continue
32 to and knew there was a Housing Commission. The last time he zoomed in he was taken back
33 because there were developers foaming at the mouth at whatever subsidies the town and state could
34 provide for low-income housing. Steve thought that was addressing the symptoms but not the
35 disease. If a lot of low-income people couldn't afford to live there, they should address the reason
36 why and maybe they needed jobs or to create a business or be employed by one. Steve is told they
37 have a housing crisis in a town of 3,000 people that is a negative growth community according to
38 Bob Flint and they have all the empty buildings in town. Steve said that should be their focus.
39 They are facilitating it and need to bring more business to town and the empty buildings that used
40 to be businesses could do just that and then they could afford to live here, and maybe low-income
41 housing wouldn't be necessary. Steve realized he might be seen as out in leftfield by some but
42 that's how he saw it. The Planning Commission are facilitators for it and Steve hoped they could
43 keep that mindset and carry on because they had done a good job up until now. Steve thanked
44 them.

1 Peter Hudkins said the density-based zoning was going through Smokeshire and would make 2-
2 acre lots along the whole frontage. The same thing applied to Popple Dungeon and instead of a
3 wildlife corridor, they were making a block and a whole rural strip though both. Hugh responded
4 that when they put it together, they didn't look at every street and every lot and suggested in
5 general, if they allowed for development in a way that didn't require a minimum lot size, they
6 could take lots where certain parts of the land was unbuildable and other parts were, it would allow
7 them to build on the parts that were useful for building without being precluded from that by a
8 minimum lot size requirement. They probably didn't look at a specific area, but the concept of
9 density-based zoning is intended to allow areas where lots are variable in their topology and their
10 ability to build on and make more friendly and use parts of the land good for building while
11 maintaining open space on areas that were unbuildable. That concept is basically being suggested
12 in what's called R-5 (the yellow) and R-8 (the green). Peter said when they were looking at
13 dividing the bigger lots, the only way they were going to do it was frontage on a Class 4 road or
14 frontage on a town road, so they were creating strip development on those roads. Hugh didn't think
15 they were creating it but allowing landowners who wanted to take part of their land on a road and
16 develop it and wasn't the cause of the land but the choice of the landowner. Peter said in both
17 Smokeshire and Popple Dungeon, when they started putting 2-acre lots out there, both roads
18 washed out twice in the last year and was not a place they wanted to increase density. It was also
19 a place where they were not open to roads. They have enough issues with Trebo Road that people
20 would like them to pave. When they consider 2-acre zoning on Class 3 roads that go farther out,
21 they are looking at a big expense. The Development Review Board was told they could work on
22 impact fees, so the fees may offset it but to try to make those roads all-weather roads as they add
23 more people to them, didn't make economic sense. Hugh thought it was great feedback and
24 sounded like there could be more development on the roads by changing the zone. Hugh said
25 Popple Dungeon was already 2 to 3 acres, so it wasn't much difference. It would be offset even by
26 lots along the road that could be as small as 2 acres, but still had a density requirement which made
27 the effective density one dwelling unit for 5 acres. Hugh agreed that it sounded like Peter was
28 suggesting by doing that, it could create issues with Class 4 roads and potential impact to the road
29 system where more development could happen on roads that would be challenging to have a lot of
30 traffic. Hugh said it was great feedback.

31
32 Shawn Cunningham was looking at it from a common benefits aspect, and someone who had a 25-
33 acre lot and someone who had a 10-acre lot. Someone with 25 acres could put five houses on their
34 lot and someone who had 10 acres could put two. Shawn's understanding of the Common Benefits
35 Clause was that the Vermont government was not supposed to make benefits for one class over
36 another class, so this was large landowners over smaller landowners. Hugh asked Jason to chime
37 in because he wasn't sure. Jason said if you were currently in R-120 and had 10 acres, you could
38 make three lots or create two. With this change, they were trying to be more mindful about
39 maintaining forest blocks and wildlife habitat, so they were going basically from 3 to 5 acres. The
40 density approach, as opposed to minimum lot size, provides flexibility. They aren't requiring the
41 creation of 2 acre lots, but they would have the opportunity to do that. Jason said if they had a 10-
42 acre lot, with this change, they could only make one more lot, or two total. It didn't have to be a
43 single-family house but could be a duplex or triplex on each lot. Jason didn't see the difference if
44 you were in a 3-acre lot size zone, and it would go to a more density-based lot with one building
45 per 5 acres. Jason said it wasn't a fundamental change in terms of a common benefit if he
46 understood the question. Shawn said the idea is the state can't give specific benefits to one class

1 of people and not give those to another class of people. With a 25-acre lot, they could put 5 houses
2 there and if you have a 10-acre lot, you can put two houses there. Cathy said for every 5 acres,
3 they can put a building there and it looked even to her. Shawn didn't think they understood what
4 he was saying. Jason said the changes reflected it wasn't just a house but fundamentally, over the
5 years, single-family zoning had been viewed as a problem. Jason said they were very mindful of
6 allowing for two accessory dwelling units on a lot, a duplex, or triplex, and they are thinking of
7 the types of housing to benefit lower income folks and working people. Knowing on average, that
8 it costs half a million dollars to build a house, having other types of housing available through the
9 zoning rules was helpful. Jason said with the changes, they were trying to be more responsible
10 with a mix of housing.

11
12 Gerry Gleason wanted to know if there was a set equation for the number of building lots for
13 different zones and wondered if he had 10 acres that were totally buildable, how many houses he
14 could have. It was two. Gerry asked if the requirement was 5 acres in the yellow part and was told
15 8 acres. Gerry thought that was inconsistent and asked where the 2-acre lot would come into play.
16 Hugh said when only 4 acres were buildable on the 10 acres and the other 6 were on a steep slope
17 they couldn't build on, they could still put 2 houses on the 10 acres because those 4 acres were
18 buildable. Gerry said on the 10-acre lot, they had 2 buildable lots and from a regulation standpoint,
19 he wondered how they would split it. Hugh thought one owner would have 2 acres and the other
20 owner 8 acres that he couldn't develop. Gerry wasn't sure he agreed, but it was an explanation.
21 Hugh said another rationale for density-based zoning was a zone with a minimum lot size of 8
22 acres, and the cost for infrastructure, roadways, and everything in through the large pieces of land
23 so housing could be put in. The houses would be split apart by 8 acres and with roadways, utilities,
24 and services that would be needed, if they could make within the same footprint the ability to have
25 housing on a portion of land and leave the rest open, they wouldn't have to incur all the
26 infrastructure expenses. It wouldn't be a requirement to do that but an option. Gerry wondered
27 what would prohibit someone from splitting the 10-acre lot up into 2 acres and 8 acres and five
28 years down the road, the 8-acres wanting to split off 4 or 5 acres and be sold to a neighbor. Hugh
29 wasn't sure it would be prohibited from being done but would not be able to have anything built
30 on it. Jason said the person would need to go through a subdivision process to create the 2-acre
31 and 8-acre lot and there would be a stipulation they couldn't subdivide the 8-acre lot because they
32 had achieved maximum density under those zoning rules. Barre said the idea was to have more
33 open space while providing housing, so by being able to put houses closer together, they were
34 creating housing while creating more open space. Gerry understood but wondered how they would
35 maintain and oversee it. Hugh said there was an administrative overhead when switching from
36 minimum lot size to density-based zoning but in the 10-acre example discussion they had been
37 having, at the end of the day, if it was zoned as 5-acre minimum lots, they would get 2 dwellings.
38 If it was density-based zoning, they would still get two dwellings on the same 10 acres but with
39 the advantage it gives to a landowner who can't build anywhere on those 10 acres. Hugh thought
40 it created a level of flexibility on how the land could be used that hadn't existed prior to this
41 recommendation. With a minimum lot size approach, their hands are tied. Jeff understood but
42 didn't think they'd be able to keep a handle on it from a policing point of view. Cathy said they
43 couldn't create another lot without going through a subdivision process and would know there had
44 already been a subdivision and wouldn't allow a further one, and they needed to go to the DRB to
45 subdivide and present a map. Barre said it was the same as putting another house on a small lot in
46 town except that it was bigger and would require permission to do. If it was already done and

1 written out, done by the rules, everyone is aware, and it's just the way it is and works. Jeff said
2 there was still only a certain amount of property that could be built on in that 10 acres so each
3 house may only have an acre of buildable lots. Jeff said everyone needs to remember there's a lot
4 of land they can't build on like hillsides, wetlands, and similar things. They were trying to make it
5 more usable to condense the housing and still have more land for wildlife.

6
7 Derek Suursoo heard them about their 2-acre lots, and it wasn't working for him either and could
8 easily see where they would develop the strips alongside the roads with the interiors blanked off,
9 create high-density along the roads, and block off the wildlife corridors. Derek said he was also
10 from Smokeshire and had new houses going up on a reasonably regular basis and as he walks the
11 roads and properties, he can clearly see the changes in the wildlife migration patterns. They have
12 a difficult time coming out of the high unusable property nobody wants and making their way to
13 the river for water because they now must cross through the populated zones. For that reason alone,
14 Derek didn't see where they were creating wildlife corridors or doing anything good for wildlife.
15 Jeff thought the wildlife would adapt. For as long as Jeff's lived in Chester and was a police officer
16 and patrolled late at night, he would see deer walking around the streets and on his property, and
17 they adapt to what is happening and not just whether you're building houses, but harvesting crops,
18 and they change and adapt. Jeff said leaving a bigger area where they can have habitat and keeping
19 our portion more condensed and away from them, they were still better off. Derek said it was
20 contrary to what he had observed. Hugh understood it could allow landowners to develop more
21 housing along the streets but wasn't convinced on the wildlife corridor because today it was 3
22 acres, and the deer didn't care whether it was 2 or 3 acres. To the argument that making this change
23 would inhibit wildlife from moving, Hugh suggested that it would be inhibited equally or more
24 currently because the whole town is 3-acre zoning. Peter Hudkins said the whole town wasn't 3-
25 acre zoning and the whole upper corner was 5-acre conservation before. Peter said in Smokeshire,
26 the full-time population had decreased 25% and people had moved to Cavendish or Springfield
27 because they can't commute from Smokeshire. Peter didn't think they would create housing for
28 people to live by doing it in Smokeshire because it was too expensive. They couldn't afford to go
29 through there on a road that collapsed and needed a good car. Peter said that was not an answer to
30 the housing question to eliminate a conservation area. Cathy said they are increasing the density
31 to 8 acres so fewer houses are possible. Hugh pointed out that all the green on the map was 8 acres
32 and Peter said the 2 acres was by frontage. Peter said there was a Class 4 road that went up into
33 Andover and they could have 2 acre houses all the way up through there and it wasn't bad land but
34 on the other hand, he wondered how they were paying to fix Chase Brook Road. It was putting
35 more population in an area where it is expensive on the Town to get there and didn't make any
36 sense. Peter noted that Trebo, Snell, and Mattson were going to end up being paved because people
37 live back there, and a Class 3 road isn't an all-weather road and it would be expensive. Disbursing
38 the population farther from the village, which wasn't something the state was advocating for
39 planning, wasn't the best idea. Barre noted Peter had attended most of the meetings and the goal
40 was trying to get something put together, wrapped up, and approved, and now when they were
41 trying to move ahead, he had come up with this and wondered what Peter's motivation was and
42 why he hadn't mentioned it before. Barre didn't think creating this opportunity would result in
43 development out there in gangbusters and said a lot of what they do was for broader reasons and
44 can have different results they don't anticipate but to have the potential betterment, they create the
45 whole scenario. Barre asked Peter why he hadn't brought it up before if it was such a big issue and
46 they didn't have a lot of developers building stuff like crazy and changing the landscape. Peter

1 said the meeting where it was discussed, he had just been released from the hospital after elbow
2 surgery and apologized for not attending and wasn't a member of this board and was now giving
3 the input that he would have at that meeting. Peter didn't think changing something from a
4 conservation zone to 8 acres was a good idea. Hugh said what was conservation was conservation
5 residential so there could still be housing and wanted to be clear about that. Hugh thought they
6 were trying to balance between allowing folks with land to maintain the value because the
7 alternative says it starts looking like 5 and 10-acre minimum lot sizes and 15 or 20-acre minimum
8 lot sizes where they used to be 3-acre minimum lot sizes. They were trying to create a balance
9 between allowing people with land to maintain the value of it while at the same time, not having a
10 town that is basically completely zoned as 3 acres. Peter asked Hugh to flip the drawing back to
11 the current use and said the current use to break a 2 acre parcel out of it was close to a 12% penalty.
12 Looking at Smokeshire with all that land, it wouldn't happen because it was conserved, and Peter
13 wondered why they wanted to push it. Jason didn't want to speak for the Planning Commission
14 but didn't think R-8 was to encourage all types of housing there. The bigger picture was the town
15 vastly increased densities in the village where there was infrastructure specifically for housing and
16 business growth and now, they were looking at the rural part of town. A few years ago, there was
17 talk about an 18-acre minimum lot size district and he didn't get the sense that the town wanted to
18 go that far so they were looking at what they could do to maintain the larger lot sizes in that rural
19 part of town, and they came up with the 8-acre idea. Jason said his two cents was this density thing
20 allowed for some level of flexibility, but the idea was to try to maintain larger lots and they're
21 recognizing there is a lot of current use out there. The likelihood of development on those lots was
22 low, so they were allowing for a lot of flexibility, but he didn't think they would see a lot of
23 development. Hugh said the current use overlay reinforced the fact that regardless of what they
24 were doing from a zoning point of view, unless people started pulling their land out of current use,
25 they didn't see there being a lot of development and weren't viewing it as a problem but creating
26 an environment that would allow in select few cases where someone really wanted to take
27 advantage of it, and didn't think it was appropriate to block it.

28
29 Derek Sursuroo thought they had interrupted Hugh's introduction and there was more to say about
30 it and apologized. Hugh said the whole point of the discussion was for feedback. Derek said in the
31 green area or R-8, the minimum density standard is 2-acre lots and leave the rest undeveloped and
32 wondered why it had to be a 2-acre lot because in the 5-acre lot they had 2 acres, and the rest was
33 unattended. Derek suggested in the 8-acre lot, they go to 3 or 4 acre lots and leave the rest
34 unattended as a compromise. Jason said it was one building unit per 8-acre density standard and
35 could go as small as a two-acre lot or they could have an 8-acre lot. Derek was suggesting they
36 change it to 3 or 4 and maybe they wouldn't block things so badly and choke the areas. Hugh
37 thought they came up with the 2 acres to suggest in areas where you had to have septic and well,
38 and 2 acres was the minimum it could be done on. Hugh said they could certainly consider
39 adjusting it. Derek, as a Smokeshire resident and a happy camper in the old conservation residential
40 district, likes what they have currently and doesn't care for the new approach or high density.
41 Derek said in the R-8 they talk about it being very low-density development where the language
42 in R-5 was merely low density, so he thought the 2-acre minimum should change to something
43 larger. If they really wanted to achieve low-density development, they needed to up the standards
44 there. Derek pointed out that it said it may accomplish, through cluster development or
45 development of residential purposes of land that is marginal for agricultural use and assumed
46 agricultural use probably was farming and forestry and similar uses, so already they are countering

1 themselves. The land next to the river and roads was where the agricultural use would be, or the
2 best agricultural use but that was where they wanted to make their 2-acre lots so that didn't work
3 for Derek either and there were a few pieces he didn't like. Barre said it was the best because it
4 was flat ground, the best to plant a garden, have a house, and have a hayfield. Barre said part of
5 the reason for 2 acres was it would create more woods and understood and if he was living in
6 Smokeshire and didn't have a lot of neighbors and liked his life, he wouldn't be advocating for
7 development and that wasn't their goal either, but they had to do something and although he heard
8 them, he didn't agree fully. Hugh thought it was good feedback about trying to create some
9 discrimination between what used to be R-120 and conservation and asked Jason if there was a
10 minimum lot size in the current conservation residential, and it was 5 acres. Hugh asked if they
11 wanted to see it go to 15 or 20 as a minimum lot size and Derek said he would be happy with 10.
12 Peter said the problem was 2-acre lots were a frontage game and not land they weren't going to
13 use because they wouldn't build a road and would have the 2-acre lot on the front so the whole
14 thing was a frontage game. Hugh said regardless of the size of the lot, everyone will build on the
15 road. Peter disagreed that was happening in Smokeshire and on the bigger lots, they weren't
16 building on the road and that was a total misconception. Hugh said they wouldn't prevent that in
17 the future and would not preclude that from happening. Peter said when they started to line them
18 up and Hugh asked Peter what would cause them to line up and asked to help him understand.
19 Peter said they were in a conservation area and agreed with Derek and saw everything moving
20 back and forth over the hills. Peter thought once they start doing that, they will work on the road,
21 and they were pushing rural development on a town that doesn't have year-round road base for
22 rural development and wasn't a great idea. Peter suggested talking to someone on Trebo and telling
23 them they should break it into more lots, and they will remind them how the town should fix the
24 road because they've had 6 mud seasons. There are 7 full-time dwellings in Smokeshire now and
25 the roads fall apart with those. Hugh said they weren't adding housing but the opportunity for it.
26 Peter said they must look at the whole picture and consider the eventual cost of what they're doing
27 and there was a cost involved in putting the opportunity out there. Hugh said that was part of the
28 cost-benefit analysis anyone would go through when deciding whether to develop if the
29 opportunity was there. Hugh said without the opportunity, the discussion never happens. They had
30 similar feedback in the Village District and people look at a proposed change and assume that the
31 worst case is going to happen. The worst case almost never happens, and it wasn't that the Planning
32 Commission was trying to create the worst-case scenario, but trying to recognize there are some
33 changes that would allow some beneficial development and the last thing they want are their
34 bylaws to block that and right now.

35
36 Phil Perla told Hugh he had to take exception to what he was saying about allowing things to
37 happen and said if the bylaws are changed to be less restrictive, they must assume builders are
38 coming to take advantage of them, otherwise why would they make the change. Hugh said they
39 wanted them to take advantage. Phil said then they had to assume that the worst-case scenario was
40 going to occur. Hugh asked what if as part of that process, all the Class 3 roads in Chester got
41 better and Phil thought that would be great. Hugh said if it was \$1 million dollars per mile, the
42 developers wouldn't do it and Phil replied that the town would pay for it. Hugh disagreed and
43 asked if he could see how that would never happen financially. Phil wasn't sure because he reads
44 in the paper about the millions of dollars the town is spending on Popple Dungeon without any
45 increase in development, so allowing a builder to build wouldn't require them to upgrade the road.
46 Barre thought they should look at the town as a country club because it was part of what living in

1 town was like. The reason people join country clubs is for the benefits and they pay for those
2 benefits and believed Chester has more roads than any other town in Vermont. Barre said if they
3 take the land out of current use, the property taxes will increase and as with a country club, you
4 must pay for things and the extra tax dollars go to support the infrastructure. Barre said they were
5 only focusing on the development aspect and not the fact they are trying to create more green space
6 at the same time and create a balance. Phil didn't believe the increase in tax revenue from the tax
7 structure would come close to paying for road renovation. Barre wondered if one house out in
8 Smokeshire would pay compared to having it in current use and would balance out the grading,
9 plowing, and dirt and Phil didn't think it would. Barre wondered how it was happening currently
10 and if the people living in town were paying more for those in Smokeshire. Phil said it goes into
11 the road budget which is divided among all the taxpayers. Hugh understood and agreed this change
12 would create an opportunity for development and that would cause potential severe impact to the
13 Class 3 and 4 road system and asked them if that was the gist of the feedback. Derek said that was
14 one part and the other was the wildlife. Hugh questioned what they would be doing to the wildlife
15 corridor if they had development in the green area and Peter said in development, it was a frontage
16 game, and you don't build a road. Peter told Hugh if he didn't understand that he had a lot to learn
17 about development and that he wanted to take the free road space. Hugh said everyone wanted to
18 take the frontage. Peter said the people in Smokeshire have mostly chosen to be conservation and
19 wondered why they don't follow their lead. Hugh asked Peter what his point was. Peter said those
20 people have chosen not to develop their land and they should respect the decision of the people
21 who live there. Hugh said there was nothing they could do as a Planning Commission or town that
22 could ever change current use. Peter wondered why they would want to change it from residential
23 conservation to see more residents in a place they know the road washes out in and none of it made
24 sense. Cathy asked Peter if he was advocating to drop the density idea in the conservation area.
25 Peter said if they flipped it back to the other map, they would see all of it was orange and at the
26 transportation committee level, they are trying to maintain animal corridors and on a state level,
27 where they are talking about migration corridors, to the Chester Planning Board, it wasn't as
28 important as what was going on with the state. Peter understood Act 100 wanted to keep the density
29 in the village and the reason it changed but it wasn't to increase density throughout the entire town
30 but to maintain rural areas. Cathy wondered if he wanted them to just drop the density idea for the
31 conservation area. Jason chimed in and said today in the conservation residential district, a 20-acre
32 lot could conceptionally have 5 lots, but if this went through, they could only create 3. Jason heard
33 the comments and thought the commission should mull it over, but his thought was they were
34 going from 5-acre minimum lot size standard to a one unit 8-acre standard and the difference was
35 two lots. With a 25-acre lot, they could create 5 today and 2 tomorrow. Derek said he doesn't
36 normally like to claim this, but his mom was part of the original zoning board and had to listen to
37 it when he was a teenager and oddly, it was like the current discussion and the only thing different
38 then was everyone smoked, and they all choked on cigarette smoke. Derek said back then it was
39 conservation residential and realized he was focusing on a small part of Chester, but they wanted
40 it that way and there were strong reasons for it. Derek understood what Jason was saying about the
41 5 and 8 lot thing and wanted to see it increase to 10. All the landowners in that area paid off a
42 developer in the 1970s so they wouldn't develop a chunk of land and that was how serious those
43 people were, and it was a significant chunk of change – he thought it was at least \$50,000. Since
44 then, Derek has witnessed that slowly but surely, the old-timers are going away and dying, and the
45 lots are getting split up and people come in there who are less appreciative of the land and log it
46 flat and split them up and sell the lots off that are damn near worthless and he didn't want to see

1 that. Derek doesn't like what he sees happening and cramming more people into a smaller area.
2 Derek is watching Okemo Mountain developing slowly south into Cavendish. All the corporate
3 houses are being bought up and the whole town is hollowed out and Smokeshire and the northern
4 borders are next on the list. They have seen that change a lot in the last 10 years and COVID drove
5 a lot of it. Derek realized that maybe he was being selfish and self-centered but that's the way it
6 is. Jeff somewhat agreed and said the taxes are so high and he can't afford to keep going the way
7 he is, keep his property, and retire and that's why it gets sold and split up. Jeff said a lot of the cost
8 of maintaining the roads is federal and state mandates and the town receives money from the state
9 and must meet certain requirements. Jeff said some of the back roads are being ditched and lined
10 with stone and the highway department is required to do a certain amount of mileage a year to
11 keep the funding and was something they had to do, and it didn't matter how many homes were
12 on the road but was required maintenance by the state. It wasn't just that they were trying to
13 develop further out but to keep their state and federal funding. Derek said nobody had mentioned
14 the frailty of the electric grid there and the other day a puff of wind came through and left them
15 without power and that happens regularly. They didn't want to put the population there and have
16 them be at risk without the infrastructure to support them. Derek said emergency services reaching
17 them and telecommunications were issues, and they had no telecommunications in Smokeshire
18 and wondered why they would want to put more people in that situation. Barre asked Derek, with
19 respect to the area he was talking about, if he suggested they pull out a smaller amount and
20 wondered what the solution was. Barre said it was a situation that happens around the world, or at
21 least in America, where people have lived somewhere a long time and want to keep it the same
22 and don't have other development come in and then the planning board moves forward, things get
23 sliced up to pay for everything, it all changes, and they wonder where their greenspace went. Barre
24 said they couldn't protect Derek's and Peter's properties and heard what Derek was saying but
25 wondered if there was an area there that should have something different. From what Jason said
26 and Barre understood, a lot wasn't changing, and a lot doesn't happen here anyway. Derek said
27 bad change and good change happens over a period and then people wake up and wonder how they
28 got there. Derek thought an old zoning map that showed the CR district would be handy. Hugh
29 was hearing concerns were raised about the roads to carry development that could be
30 opportunistically created through the change and could disrupt the wildlife corridor, and everyone
31 present who was providing feedback was in favor of lower density than what they have currently.
32 If they threw it all away for the conservation residential district and said a minimum 18-acre lot
33 size, and Derek asked if he was using 18 to scare them. Hugh was using 18 because when people
34 think about low density, they don't think about 3, 5, or 10 acres but rather 18, 30, or 50 acres, so
35 the notion of that area of town zoned as 5 acres was saying they don't believe they want low-
36 density, so Hugh was suggesting a density-play or changing it to something like 18 acres. Derek
37 said the land would become more valuable the more lots you have to sell off. Derek thought in his
38 area, the land was more valuable and people like that and are willing to pay. Derek said he has a
39 neighbor who is buying up everything in sight because that's what they like and are willing to pay,
40 so there was significant value to be had in large chunks of land. Cathy wondered if they should
41 mention the piece of land at the base of Suursoo Road that had been logged naked and just sitting
42 there and asked if it was one of the things worrying Derek. Peter said that the owner had been
43 working on it and mowed the lawn and was building a road and he came to the barn dance and
44 Cathy had met him because Peter had brought him into the neighborhood. Peter noted it was a 27-
45 acre lot. Peter said if they wanted to go to bizarre numbers, they should use 27 because that would
46 put 25 in current use and 2 acres for a homestead, and he had talked about that with Preston and

1 would be looking at true conservation. Cathy said that would end his potential development and
2 wondered if he didn't want to put it into current use and Peter said he wanted to have a farm and
3 that was why he had the big excavator. Hugh didn't want to discuss specific properties. Cathy
4 wondered if that was what made them talk about it. Hugh was hearing that they needed to revisit
5 R-8 which was the light green on the map based on the feedback they've gotten to see what else
6 needed to be adjusted or not. They clearly had received enough feedback to know there were things
7 they needed to revisit, and Hugh was happy to do that.

8
9 Preston asked Derek and Peter if 10 acres was their sweet spot and they agreed. Peter said the piece
10 Cathy referred to was broken up into five 27 acre lots because it was in current use, so they couldn't
11 say the big lots couldn't be developed. 10 acres would be better, but the problem Peter had was
12 frontage and said if they looked at the 3 acre lots now that they are not square and require more
13 frontage than depth and were rectangles and it was done to control the amount of lots they have.
14 Peter said as they play the 2-acre game, they say they can have a big number, but it was really a
15 frontage game and they needed to look at it as such. Hugh said there was another version of
16 density-based zoning that has a larger minimum building lot size or there's a version of this zone
17 that goes back to traditional minimum lot size and becomes some number bigger than 5 and see
18 what it looked like.

19
20 Hugh said in the red was village mixed-use, which had already been done and wasn't up for
21 discussion, but it all used to be one zone and now there was rural mixed-use on Route 103 South
22 and Gassetts, and the area where the armory is a mixed-use zone and was a change from the current
23 zoning map. Hugh asked for any other map related questions. Barre wondered if Derek's and
24 Peter's thoughts about Smokeshire Road applied to the entire green area or if the Commission
25 could take a small part along the road and make it different so they couldn't get the density and
26 wondered if they needed another zone for Smokeshire due to the nature. They were creating it to
27 serve a purpose they thought was beneficial and they were talking about a small part, but Barre
28 wanted to be clear. Barre wondered if another zone for Smokeshire was a solution. Referring to
29 the maps, Derek remembered from his days on the Selectboard, which was a long time ago,
30 Smokeshire was the CR area for Chester and was dark green. Derek didn't want to speak for the
31 people in the south of town. Peter wanted to point out that the map was deceptive and thought they
32 were down all the way back to Steadman. Barre didn't like doing all kinds of work and then having
33 to change it and thought if there were things they could do in that specific area to help the problem,
34 it might be a solution. Barre asked Jason if those areas had to be surveyed or if they just drew a
35 line on the map. Jason said they didn't necessarily survey them but needed to be consistent with
36 the town plan and state law and there was a lot of detail to consider and worth revisiting after the
37 hearing and there were always other options. Barre thought the frontage law required a certain
38 amount of frontage with a lot, so part of the problem was having too many houses on the road and
39 too much frontage. If they changed the lots to have a minimum frontage, that may address the
40 problem and be a solution without having to redo everything. Jason said it came down to what the
41 goal was, and you don't generally see forestry on lots smaller than 50 acres and wondered what
42 they wanted in the most rural part of town and couldn't imagine going to that extent and they were
43 trying to find a happy medium. Barre knew deer lived within 1 square mile and he didn't see
44 animals traveling to Canada and said some people think that's how animals work, and aside from
45 birds, they don't. Barre said most deer live within one square mile. Derek told Barre he needed to
46 live out there, spend some time, and see how it worked as he was living in town. Barre said he has

1 deer in his yard. Hugh was trying to stay focused on the outcome of the meeting which was to
2 revisit that zoning district. Peter had mentioned that it was a frontage game and Hugh told him that
3 the minimum lot frontage was 250 currently and wondered if that would be solution in R-8. Derek
4 thought it should be 200. Peter said it was geometry and he must draw it out and just saying a
5 number wouldn't work for him but needed to draw it out to apply and see it. Hugh understood.

6
7 Derek said he had specific questions about R-8. Hugh said he could go zone by zone through the
8 changes but wasn't sure it made sense to do that, unless they wanted to be there for another hour
9 or so. Derek referenced 2.12 of the Unified Development Bylaws, it talked about R-8, which was
10 very low density and didn't know how they defined low density. It said it should be accomplished
11 on land that is marginal for agricultural use and was curious how they define what marginal is. It
12 seemed to Derek that they wanted housing on land that had somehow been defined as marginal for
13 agricultural use and yet they were also saying they wanted 2-acre lots in the modified density and
14 didn't understand how it worked together. Referencing conditional uses, it included cottage courts,
15 which were small, almost HOA style, where on very small acreage you can have little houses of a
16 given style and the minimum lot size was 2 acres and you could have a maximum of 10 dwellings
17 per acre. Derek tied that to the modified density standards, and in that district, the modified density
18 standards are, using their example, 26 acres busted up into three 2-acre lots and the other one must
19 be much larger. Derek wondered if they were saying it was possible to have a cottage court put
20 into an R-8 district on 2 acres and how that would meet the low-density standards they were trying
21 to achieve. Hugh said they mostly envisioned it in places that had water and sewer services as
22 opposed to septic. Derek said it referred to rural, and for water and sewer, the minimum lot size
23 was half an acre and for rural, it was 2 acres. In both the 5- and 8-acre rural zones, they could put
24 a cottage court. Hugh said if you were to try to put in a cottage court and the minimum lot size
25 needed to be 2 acres, you would still be subjected to the density requirement of the overall
26 surrounding space and would still be limited by the density restriction. Derek wondered why they
27 would even allow a cottage court in those districts if density would stop it. Hugh said if someone
28 had 500 acres and wanted to create a cottage court of ten 2-acre tiny houses, why wouldn't they
29 be able to do that? Jeff said tiny houses were relatively new and weren't in the old rules, so they
30 must address them and a cottage court in the rural area would be affected by state standards
31 regarding the number of bathrooms on a septic system and the size of it. Jeff said the state would
32 have a limiting factor on that. Derek wasn't hearing declarative statements. Hugh said the
33 alternative in a zone like R-8 would have been if they went to a non-density-based approach and
34 made it 10 acres, there would be one tiny house on each 10-acre lot which made less sense than
35 having a larger lot with tiny houses closer together and then open space than peppering 20 tiny
36 houses on individual 10 acre lots. It wasn't development but rural sprawl. Derek said they had two
37 sections in their proposed bylaws. 3.2 was tiny houses and 3.33 was cottage courts and he was
38 referring to cottage courts which sounded an awful lot like trailer courts or mobile home parks,
39 and he wasn't thrilled with that. Derek said it was snooty of him, but he didn't care for it. Hugh
40 said it sounded like he wasn't objecting to the density but the concept. Derek was curious how
41 taking a 32-acre lot, like the example, and breaking it up, could end up with three 2-acre lots, each
42 of which could supposedly be filled with a cottage court. Hugh disagreed and said a septic system
43 on a 2-acre lot would not support the number of tiny houses he was suggesting. Derek thought
44 there was a lot that was counterintuitive in the cottage court section because they said 10 dwellings
45 per acre, but a septic system wouldn't support that and they discussed a roadway, which would eat
46 up ground space, so Derek didn't see how the section on cottage court worked and wondered if

1 anyone had audited it. Hugh said they could have written more language to include all scenarios
2 but they assumed people would understand that you couldn't develop a cottage court in a rural area
3 so they just didn't write it down and was designed primarily to support city water and sewer where
4 it would be an acceptable footprint. Derek wondered why it was a conditional use in the R-5 and
5 R-8 if it was unlikely someone would do it. Hugh wondered if tiny homes were okay, and Derek
6 just didn't like cottage courts. Derek didn't really think about tiny houses or have a feeling, but
7 cottage courts caught his eye. Hugh said the idea that said in a rural area take five 2-acre lots and
8 put a tiny house on each one of them was something that didn't make sense to Derek and Derek
9 didn't think he said that. Hugh was still confused about the question. Barre wondered who wrote
10 it and Jason said colleagues at Two Rivers-Ottawaquechee office and they had tweaked it a bit. Jason
11 thought it was a good question and maybe it should only be in certain districts. Hugh thought
12 maybe they should take it out. Barre said in a rural area, they would have one large well and one
13 septic and it would be like a small village that would be self-supporting. Barre said much of their
14 direction has been the need for more housing and cheaper housing. When things like this come up
15 and there's land and a snowmobile group may all get together and have one big well and one big
16 septic system and put their places together, they are allowing it to happen with that structure as a
17 cottage court and would allow for more housing and protect wildlife at the same time. Barre said
18 his friend bought a house on Trebo and stays in it with his family from time to time and the house
19 could be owned by someone working for Barre if his friend was able to buy some land out in the
20 woods somewhere and have a cottage court and maybe some of the other traditional houses
21 wouldn't be purchased for recreation but instead by people who live and work in Chester. Barre
22 said if they were able to create something like that, maybe regular housing would be available to
23 those who live and work here. Barre said some people live like that in Okemo in a circle on a cul-
24 de-sac in little ski houses but the reality was not all are retired and need to make a living and people
25 want to come up here for recreational purposes, so they needed to find some middle ground. If
26 there was a field that didn't flood and along a snowmobile trail and a group wanted to develop it
27 rather than buying houses in town, Barre thought that was a good idea. Barre said they're a
28 recreational area and that was the type of development they were talking about and not a trailer
29 park but people who want to recreate and want a small vacation house in a cluster rather than
30 taking up a big chunk with a house in the middle with a long driveway. Peter said it was all allowed
31 if they filed a PDU and did not need to be on municipal water and sewer. What they were doing
32 was redundant and already in the bylaws. Peter noted what Barre was suggesting was already
33 allowed per the bylaws. Hugh thanked Barre for reminding him about the notion of community
34 water and sewer. Hugh told Derek that nobody really wanted tiny houses on 2-acre lots and it was
35 an excellent point about water and sewer and how it would work in the rural areas and the
36 discussion came up about community well and septic and even though all the members had agreed,
37 it was often unpractical because of all the things associated with trying to manage community
38 water and sewer, if community water and sewer were doable, it wouldn't be out of the question to
39 envision a cottage court in a rural area. So, the question becomes if realistically they think it's so
40 impractical and the whole notion of community well and septic is a pipe dream, they can revisit
41 whether a cottage court belongs as a conditional use in districts that don't have services. Hugh
42 didn't think it hurt for them to revisit that, but that was the idea if you could have community septic
43 and well, why couldn't you have a cottage court in a rural area was the question. Jeff said 10
44 different houses on one water system require state certification and a certified water operator. Jeff
45 wasn't sure of the number of houses but that could preclude it. Derek seemed to remember many
46 years ago they had a tremendous problem with orphaned water and sewer systems that weren't

1 being maintained. People bought properties on a common system but couldn't agree whose
2 responsibility it was to take of them. Hugh thought that was a good point.

3
4 Phil Perla wondered what a 900 square foot cottage consisted of in terms of living space. Jason
5 said the same as any dwelling unit: a kitchen, a bathroom, and living quarters. Phil wondered how
6 many bedrooms and Jason didn't think it was defined. Phil thought affordable housing for young
7 families was what was needed, which was 3 children plus 2 adults and a minimum of 3 bedrooms
8 and maybe two baths, plus a kitchen and living space and wondered if 900 square feet was enough
9 space for a family to live. Preston asked if Phil was talking about accessory dwelling units, and he
10 was talking about cottages. The definition of a cottage was total habitable floor area for each
11 cottage shall not exceed 400 square feet. That's 900 square feet or less and Phil wondered if they
12 were talking about a family, or a single dude and Hugh said they couldn't possibly know the
13 answer. Phil wondered if there was someone more familiar with construction that could explain
14 what a 900 square foot dwelling was. Preston said under accessory dwelling units, initially, the
15 state allowed 900 square feet for a studio apartment or one bedroom unit and then they got a lot of
16 input that for a single mom with two kids, one bedroom wasn't enough, so now it was 900 square
17 feet, and they don't define the bedroom, but it does leave the question about how many bedrooms
18 they can fit in. Phil said from a planning point of view, the demographic they're trying to attract
19 in affordable housing is a young family and wondered if there was any disagreement. John said
20 they should include the older generation, as well. Hugh didn't necessarily disagree but said that
21 wasn't the only type of person they were trying to attract. Phil said that was fair but that a senior
22 couple took up more space than a family. Phil said they obviously hadn't thought about it and
23 wondered if 900 square feet was enough. 900 square feet is 25 feet x 45 feet and the average home
24 in 1950 was something less than that so it was probably at least a small two-bedroom house. Phil
25 said the idea was it had to be small and inexpensive, and Jason agreed but Phil wondered if it was
26 so small that it wasn't suitable for a young family. Jason said to assume it was a 2-bedroom, which
27 may not be suitable for a family of a certain size, but maybe one with one or two kids but it was
28 okay. Cathy said once there were kids that were mixed sexes, then a bedroom was needed for each
29 of the children's sexes. Cathy has a 25 x 35 barn, which was 875 square feet, and should be able
30 to put a 3-bedroom in it. Cathy said it wasn't big, but everyone had a place to sleep, eat, and wash
31 up. Phil thought in terms of brothers and sisters, they could stay in the same bedroom until puberty,
32 but once beyond that, he agreed there were problems. On the language of tiny houses, Phil said
33 there were 3 types. One was permanent and connected to utilities. Phil said one was on wheels,
34 connected to utilities and occupied for more than 180 days, but they wouldn't know that it was
35 occupied for more than that until after 180 days, so they could change the characterization and the
36 solution is intended to be occupied for more than 180 days, otherwise there would be a change of
37 use, which would be difficult to identify and enforce, and then tiny houses that had wheels, but
38 had been removed, and whether it would classify it differently and suggested tiny houses originally
39 built with wheels. Hugh said when they crafted the definition, they were trying to acknowledge
40 the reality of some are on wheels and some are built on a pad. Phil said it read like what was on
41 the lot and the description was how it came from the factory. Hugh said they didn't want to
42 preclude tiny houses on wheels, so they acknowledged some were on a pad and some come on
43 wheels and stay that way. Phil said a tiny house with no wheels not permanently affixed to a
44 foundation had no definition. Phil thought they needed to go over it with a finer comb as he saw
45 gaps. Barre thought the real differentiation was a camper and a tiny home on wheels and didn't
46 know that a tiny home needed to be defined any further. Phil wasn't there as a DRB member but

1 a member of the public. Barre understood but was responding to what he was saying. Phil had
2 experience of being faced with an applicant trying to interpret the bylaws. Phil said not
3 infrequently, they agonize over provisions in the bylaws that are not artfully drafted. Phil thought
4 3.32 contained loopholes and didn't have a personal point of view, other than he would prefer there
5 not be another bylaw open to ambiguity. Hugh wanted an example of a loophole, so he could
6 understand. Phil said using wheels as a defining characteristic of the tiny home was one because
7 you could remove the wheels or the axle of a tiny home with wheels and if it wasn't permanently
8 affixed to a foundation or connected to utilities, Phil wondered what it was. Barre said it was a
9 motorhome at that point. Phil was positing a situation where they had a tiny home without wheels
10 not affixed to a foundation and Hugh said if it wasn't connected to water and sewer, it wasn't a
11 tiny home. Gerry Gleason thought they had to look at intent and whether it was a permanent
12 structure or not and if it was 180 days and questioned who cared if it had wheels or not or whether
13 it was on a foundation, and thought they had to look at intent. Jason agreed the key was permanent
14 versus non-permanent and there were degrees such as the 180 days. Hugh said the intent was to
15 define a permanent dwelling unit in the form of a tiny house. Jeff added it was who would be taxed
16 and who wouldn't. Hugh noted who would meet setbacks, look like a dwelling unit, and who
17 would be a recreational vehicle and there was a difference. Phil thought it should address the 180
18 days and Hugh said there was complimentary language in the bylaw that said a recreational vehicle
19 will only be occupied for 180 days and Jeff added that it had to be registered. Derek questioned
20 why a section on tiny houses was even necessary if it was just a dwelling and permitted as such.
21 Jason didn't think it was clear and needed to be broken out to be specific because they didn't want
22 the DRB to wrestle with the question of whether it was an RV, mobile home, or house, so they
23 wanted to be clear it was a house with unique circumstances. Derek thought they were making a
24 lot of work over a tiny house. Jeff could think of several campers that had been parked that people
25 had lived in for well over 180 days and Derek agreed, and Jeff thought they should be taxed. Derek
26 thanked them for tolerating his rant. Hugh said it was all good.

27
28 Gerry said it all went back to policing and how they would police them, and he didn't have a
29 solution but was pointing out it could be an issue. Jeff said the first part of policing was having
30 rules. Barre said it all gets written down and Preston was the enforcement officer.

31
32 Barre wondered if they could move to increase the setback or if they had to rehash everything. Jeff
33 thought they needed to digest it. Hugh asked if there were any more comments. Derek understood
34 they had done a lot of work and as their warning in the paper said, they wanted feedback. Hugh
35 thought it was excellent and wasn't always easy to make sure they were all on the same page.

36
37 Bill Lindsay wondered how density-based zoning originated and didn't think he had missed any
38 meetings. Jason said he had brought it up. Bill Lindsay was glad he brought it up and said Jason
39 did well bringing things to the board's attention. Bill asked if it was state or locally driven and
40 Jason said it should be locally driven and this was one idea of many. Jason said the problem they
41 have is people subdividing forest blocks. When everyone has to have a 5- or 10-acre lot, all it does
42 is carve out land that really isn't functional for wildlife so one option is to look at density-based
43 which offers flexibility and allows for the larger backlots. It isn't perfect and is one idea of many.
44 Barre said the picture they gave them was of a 10-acre lot with a driveway in it and a house in the
45 middle and then gave them the same lot size with a couple houses down on the corner so that was
46 the logic behind it. The two lots on the corner provide all the open land without running a driveway

1 up the middle. It was a way to utilize the property, allow development, and still have greenspace.
2 Bill said the problem the state and the villages are facing is the question of housing, so he
3 understood increase the density and wanted to make sure the increase in density included housing.
4 Bill said they had been so restrictive in the state with fish and wildlife that they forgot who lives
5 in the state and thought bringing people to the community should be the focus and they need
6 housing. Bill hasn't seen any businesses come to the housing board to say they have employees
7 who need housing and didn't know why. Bill said if they had more financial ability, they wouldn't
8 be so concerned with low-income housing, which comes at a cost. If people have a chance for a
9 job and to make a decent wage, they can provide housing. People need to take care of themselves.

10
11 Derek understood there was a huge push for housing and why it was occurring but wondered how
12 many people needed housing and how many units needed to be developed and if it was 10, 100,
13 or 1,000, and what were the numbers, and the science was behind it. Jason said they had a number
14 for Chester but didn't remember it. Peter thought it was close to 300 by 2030. Jason said new
15 numbers would be coming soon and the state was developing new targets for towns. Jason said
16 The Keys to the Valley, developed by colleagues of his, provided census trends and other similar
17 things. Cathy suggested looking at how many people are making sandwiches at Smitty's because
18 for a while, the sandwich counter wasn't opened much because they couldn't find workers because
19 they can't afford housing. Jeff said housing was directly tied to employment trying to find people
20 to work in this town and knew of someone who worked in Gassetts and moved to Townshend
21 because the housing was cheaper. Cathy said Chester lost a Spanish teacher because they couldn't
22 find housing. Derek said there were also other contributing factors such as what they had talked
23 about and needed to be careful about how the interpreted and used the data.

24
25 Hugh closed the hearing at 8:40 p.m. and thanked everyone for attending.
26

27 **Agenda Item 4, Adjournment**

28
29 Jeff moved to adjourn, and John seconded the motion. A vote was taken, and it passed
30 unanimously. The meeting was adjourned at 8:41 p.m.