

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **July 5, 2022, Draft Minutes**

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

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

8 **Citizens Present:** Bill Lindsay at Town Hall; and Chester Telegraph via Zoom.

9 **Call to Order**

10 Chair Hugh Quinn called the meeting to order at 6:30 p.m.

11
12 **Decisions Made:**

- 13 • None.

14
15 **Action Items:**

- 16 • Hugh will reach out to Jason to get an update on the creation of a website.
17 • Tim will work on a second draft of the survey run it by Hugh and then forwarding it to
18 Jason before their next meeting.
19 • Cathy will write a press release for the August 1st hearing for the Commission to review
20 on July 18th.
21 • Hugh to draft a summary of the short-term rental ordinance to the Selectboard for the
22 Commission to review on August 1st.

23
24 **Agenda Item 1, Add or Delete Items on the Agenda, if necessary.**

25
26 Hugh asked if there were any changes to the agenda. Tim asked if there would be an update from
27 the last meeting about the discussion with Jason about the creation of a website. Hugh said he had
28 not heard from Jason and would reach out to Jason and get an update.

29
30 **Agenda Item 2, Review and Approve Minutes from June 20, 2022, meeting**

31
32 Hugh moved to review and approve the June 20, 2022, meeting minutes and Cathy seconded the
33 motion. Hugh asked if there were any comments or feedback on the minutes and there were no
34 changes. A vote was taken, the motion carried, and the minutes were approved as written.

35
36 **Agenda Item 3, Citizens Comments**

37
38 Hugh asked for comments for items not on the agenda. There were none.

39
40 **Agenda Item 4, 1st Bylaw Modernization Workshop status update**

41
42 Hugh had included it on the agenda so they could talk about and track a few things they had
43 discussed at the last meeting. The first to discuss was the press release.

1
2 Barre revised the press release and sent it to Tim and Hugh who then did another revision and then
3 Barre sent it out to The Vermont Journal. Tomorrow, he would send it to the The Chester Telegraph
4 and The Eagle Times. He noticed the Rutland Herald was on the shelf in Smitty's, so he would
5 also send it there. Barre noted that he thought he was blocked on all the Chester Facebook pages
6 but wasn't sure. If he was blocked, he would forward it to someone to post. Tim volunteered to
7 share it on Facebook. Barre asked if Tim had been blocked and Tim said he had been unblocked
8 and welcomed back into the group(s).

9
10 Hugh wondered if the press release was posted on Facebook, should it be posted as information
11 only with no comments or whether comments should be allowed on social media. Tim said
12 comments could be shut off if a bruhaha developed. His inclination would be to leave it open for
13 comments. He suggested leaving it open for comments to generate interest and if it got out of hand,
14 whoever created the post could shut off comments. Barre didn't foresee the need happening.

15
16 Preston added that the Vermont League has training sessions for various things. For communities
17 that have a listserv or a Front Porch Forum, if there are negative comments, they tell public officials
18 to not respond because it never goes anywhere good. Tim agreed. Preston suggested if the
19 Commission received negative comments, just to leave them. Hugh was glad he mentioned it and
20 thanked him. Barre asked if anyone was on Front Porch Forum anymore. Tim said he was a
21 member but there was almost no activity.

22
23 Hugh thought it sounded like a good plan and if the comments got out of control, they could shut
24 them off. If the thread became troublesome, he told them not to respond as Planning Commission
25 members. He thanked Barre for taking care of the press release.

26
27 Hugh asked if everyone was good with their reading assignments and were clear about them. He
28 would likely reach out to Jason and structure how Jason wanted to use the 2 hours and what it
29 would look like. One of the things he imagined was they would try to surface some of the things
30 in the relevant documents that may likely influence how the bylaws take shape. There was also the
31 housing component. He was looking forward to it.

32
33 Hugh thought it would be great if Jason's group managed a project website, they could link to the
34 town website and then people could view the work in progress and provide some feedback. He
35 thought it was a clean way to keep it separate and when the project was done, they could
36 decommission it.

37
38 Hugh asked if there was anything else and Barre questioned whether they would need charts,
39 graphs and maps. Hugh didn't think they would yet. Tim thought since Jason was leading it, any
40 charts, graphs, or maps, would come from him. Cathy thought they would try to have future land
41 use up on a wall for the presentation. Hugh would contact Jason to see if there was anything else
42 they needed to be ready, but he assumed Jason would lead it and they would participate. He would
43 confirm. Cathy asked if they wanted more lister data and Hugh said they would discuss it more
44 when they got to the short-term rental ordinance. He didn't think they would need it to prepare for
45 the first workshop.

46

1 Peter is looking at it as someone who manages a database where he gets to break certain questions
2 out and apply them to the different districts. Hugh thought it made sense. He thought there should
3 be a question asking if you live in the village, within 2 miles of the village, or a rural area. Peter
4 was looking at how it would be managed once they had the data to give them better answers. Hugh
5 agreed but thought there needed to be a balance between what would make it easier for them to
6 analyze and what would make it easier for the person to respond. Peter thought that was a simple
7 question and there should be less than 5 per group.

8
9 Tim wasn't sure he agreed with it looking at the 2008 survey and there were several that have 10
10 or more items included. He heard what Peter was saying that it may be pertinent to know where
11 someone was focused, lives, or does business in what part of the town. On the other hand, by not
12 having the information, it was a little more generic and may serve their purposes better. People
13 would have prejudices and from his perspective, they may want to know overall what the town in
14 general thought regardless of where they lived because the work they were doing should be for the
15 entire town and not for a specific group of people in a specific area.

16
17 Barre understood where Peter was coming from and thought if they had more ability to do more
18 with the survey, it would pay to have the extra information. He didn't think they needed to fish it
19 out so much because they were getting an overall view of what people were thinking. He didn't
20 know what they were going to be able to do with that stuff anyway. It wasn't like they were a
21 corporation that could change the flavor profile of potato chips because that was the survey they
22 were getting back. He questioned what they were going to be able to do.

23
24 Peter said if it was a Monkey survey or similar, you answer the question, then steered to the next
25 question. They take your answer and move it into a category where you would get more material
26 you're looking for. As a farmer, he gets nailed with surveys all the time. It's the State of Vermont's
27 favorite thing to do. If he's not answering one a week, it's hard to believe. He said some were
28 foolish. But if it breaks it down so you're headed into a direction that you can manage the data,
29 that gives you a better answer. Barre said the question was what sort of data management Peter
30 saw them as being able to do with the survey and what would they be able to do with that data
31 specifically besides getting a rough idea what people were thinking. Barre asked Peter if he thought
32 they would get something that could help them do something down the road. Peter said they
33 weren't working on a town plan where it's what everyone wants, they were trying to work on
34 zoning. Peter said if he was in the village, he might find people were really against a home
35 occupation or home business there. Chester didn't have a history of being business friendly but in
36 the rural districts, they did. If they had a general statement, they were happy with the way things
37 were and didn't want to see any of that, they may not want to see it in the village. They were
38 talking about zoning in different districts, so an overall picture doesn't necessarily give them the
39 information they need for different districts in different places. Barre wasn't sure he agreed with
40 the statement that Chester hadn't been business friendly in the village and wondered why Peter
41 would say that. Barre pointed out there was a bookstore and an inn and Airbnbs and all kinds of
42 inns and little businesses. Peter said for industrial and business, it's always been a fight. He said
43 with the Green Mountain Turnpike, people have fought whatever they've done on Elm Street. To
44 small business, tourist friendly, they look good, but anyone who thought they would have a real
45 business would find they thought they belonged in the Springfield Industrial Park. That's what the
46 call was with 103 Auto, they could move to the business section of Springfield.

1
2 Hugh thought to Barre's point, one of the reasons to have the survey was to find out what people
3 think to help guide what they do with the bylaws. If they agreed that was true, he thought it was
4 important to know what part of the town the person lives in because they will say what's important
5 to them and if they get some mindshare that the same things are important to people who live in
6 the same area, they might steer that zone one way or another. He felt proximity was important to
7 know if there was a way to do it. Cathy said data could always summarize data without regard to
8 that answer, but they couldn't take general data and break it down if they didn't collect the other
9 information. Hugh agreed.

10 Hugh asked about the question that referenced residential property owner, short-term renter, and
11 if Tim would have put it in the category or thought maybe they should leave it out. Tim said yes.
12 Hugh thought they should strike it. He liked are you a resident, landlord, or second homeowner,
13 but no short or long term. Hugh said if he thought about commercial property owner, business
14 owner, or residential renter, he was agreeable to that. Tim thought they would probably hear the
15 least from the renter category. Cathy said they don't have their names or addresses in the town
16 records except the voting list. She said they have 843 parcels that have declared a homestead
17 meaning they live on the property, and they have 1892 parcels. They have 1,675 dwellings. There
18 is no definitive field in the lister database that states how many dwelling units are in a parcel so
19 that count is inferred from things like 24 apartments, 36 apartments. Hugh said the data would
20 come in handy for the work Jason would do around housing availability. It would provide more of
21 a picture of the number of parcels and where people may be living so it would give a notion of
22 how much housing they may have.

23
24 Hugh asked if Tim agreed to add a proximity question. Tim's inclination was not to, but it wasn't
25 about him and what the Commission thought made sense. He could see the advantage of it, and
26 Cathy's point to be able to look at the data set without it switched in, and then with it switched in
27 would be useful. Hugh wanted to see a proximity question. Tim said it would be: Do you live
28 within the village area or rural area of Chester? He asked if that made sense. Peter said it would
29 need to be broken down. There were 3 answers: village, the suburbs, or rural. They just had to
30 figure out how to word the question. Tim suggested village/residential neighborhood. Cathy said
31 it might work as village, residential, and rural. There was agreement. Tim asked if he should use
32 an example because he could see people thinking they live in the village. Peter thought it could be
33 worded "Does it take you more than 20 minutes to walk into the village?". Cathy thought where
34 Route 11 met 103 was the edge of the village. Tim suggested village, residential area near village.
35 Peter suggested adding such as Flamstead and Marcs Drive. Tim agreed to use an example. Barre
36 suggested 1 mile from the center of town. Tim said that would include someone up on Dodge
37 Road. Tim liked "in the village; residential near the village such as Flamstead Acres,
38 Mountainview, Marcs Drive, or rural. There was agreement. Tim said he'd add it. There was also
39 agreement to do top 5.

40
41 Peter suggested looking at things to group together like walking friendliness, bicycle friendliness,
42 maintaining scenic views, open lands, and development ridgelines. He thought they were talking
43 a walkable bicycle kind of a thing. He thought expanded shopping should be in a question with an
44 increase walk in shopping. He thought walkability, bicycle and small-town feel should be all
45 together. Noise levels and environmental were more of a process question. It was more what was
46 suitable for an area. He suggested grouping the answers. Hugh wasn't going to assume that the

1 survey was as sophisticated as the ones like Survey Monkey. Peter agreed but thought the questions
2 related to the same topic should be grouped together. Peter thought the reality of zoning was it
3 needed to be relooked at every 5 years. Tim said at the same time, he thought they should look at
4 the longest term they could and make adjustments. Peter said that was what the town plan did.

5
6 Cathy thought maybe the question about a clean and healthy environment, noise levels low, and
7 maintaining scenic vistas into a long-term question because they would be longer term goals but
8 most of the other things were short term. Tim suggested including preserving architecture and
9 buildings to the group, along with small-town feel. Cathy agreed. Hugh thought that was a great
10 way to break them down. As written, they were redundant but if broken down the way they were
11 describing, made sense.

12
13 Tim moved maintaining scenic vistas, preserving historic architecture and buildings, maintaining
14 small town feel, keeping noise levels low, and clean and healthy environment into the next question
15 which was over the long term. Hugh didn't have any passion about it either way but suggested
16 keeping noise levels low into the question about what you were concerned about because it was a
17 negative thing. He suggested putting it where they were supposed to rank the following by level
18 of concern. Tim thought that was a good call and agreed to take noise levels out completely.

19
20 Bill Lindsay commented about availability of affordable housing. He thought everyone wanted
21 affordable housing, but he was concerned about senior housing. He said if they spoke with some
22 of the people in the community, and he didn't care how long they had been here, one of the older
23 residents who qualified for residential property can no longer afford their property. The state likes
24 to drive the train and he's going to be the caboose. They hear those comments from the state but
25 they're not moving in the direction to provide affordable housing. He likes to call it long term
26 housing. They need it for senior housing. Obviously, not all seniors are wealthy. Some have to sell
27 their home to go on to the next stage in their life. They don't want to rake or shovel. He said they
28 weren't addressing the number one problem that the state already tells them they have. They know
29 that because the state would like to drive more tax money through income tax. The income tax
30 level will probably be higher and a benefit to the state when these homes are sold but we're not
31 providing that type of housing. They collect money for housing through the state, but they don't
32 see any grant money. He asked if Chester had identified any land suitable for senior housing. He
33 said he had commented previously about the Grand List, and it was like what was he talking about.
34 He surveyed some of the housing they have, and it provides a greater tax dollar to buy the police
35 car, a fire engine, and they're not looking like a planning board from what he could see, at that
36 type of survey to produce the documentation to get the grants with property the town has identified
37 for building some senior housing. He thought a lot of things made sense. If they had senior housing,
38 they wouldn't have to worry too much about a lot of noise. There would not be party time at 10 at
39 night. He thought some of the things were very good and would take care of themselves depending
40 on the type of housing they had.

41
42 Tim appreciated the feedback and it sounded like Bill had read it and he said he had. Tim said the
43 last page included assisted living facilities and independent living senior housing developments.
44 What he picked up out of Bill's statement was they identify a place it could go. Bill thought that
45 was a big thing. Tim said if they got an indication that it was important to a lot of residents, it
46 would help inform. It was a great justification for why Tim and the other members wanted to do

1 the survey. It would inform that and make it a priority and then they would look at where a suitable
2 place was for that type of development.

3
4 Bill thought if they talked with some of the elderly folks in town, they would realize it was one of
5 their concerns. They would like to stay in Chester but where would they go as there was no place.
6 Barre asked what the place behind NewsBank was and if it was considered senior housing. Tim
7 said it was apartments. Barre asked how many apartments were there. Bill said he couldn't give
8 him the number, but it was in the list. Cathy thought it was 36. Barre said he didn't want to be
9 argumentative but it was a pretty big development for senior housing, so it wasn't like they didn't
10 have any. Bill said Barre was missing his point. Bill said he didn't say they didn't have senior
11 housing. Barre said that's what it sounded like to him. Bill said there was a need for senior housing
12 and if you talked to some of the residents in that housing, they were local. Bill said the housing
13 was open to people from other areas and not just to Chester residents. He was saying there was a
14 need for senior housing, and it should be a specific question.

15
16 Tim and Hugh thanked Bill and thought it was a great idea. Barre mentioned some of the online
17 surveys asked about the ranking of importance of their questions. Tim said it was an answer for
18 each item to do it that way. Barre thought it was all fine, but his question was if it were easier that
19 way, couldn't some of it be done that way. He had no criticism about any of it but wondered if it
20 could help with the processing of the data. Tim thought it was a fantastic question. Tim wondered
21 if they took each of the items and asked how important they were than each requires an answer
22 rather than rating your top 5, makes the survey longer, and makes the data more granular. Peter
23 didn't think they would get enough answers and the survey would die. Barre suggested they were
24 grouped together. Tim said Peter and Barre both had valid points. If someone got a 6-page survey
25 and delayed completing it, they would get fewer completed surveys. To Tim, it was more important
26 to get as many surveys back as they could.

27
28 Hugh thought there was a balance that needed to be struck and maybe Jason had some feedback to
29 share about what they have found regarding the surveys in general.

30
31 Tim thought Jason had worked with the Planning Commission in 2008 for the survey and designed
32 it. It had 22 questions. Some had as many as a dozen choices. A lot of them were agree, disagree,
33 or no opinion. The question: Should Chester encourage the following commercial or industrial
34 activities? Agree, disagree, or no opinion. It included home business, small retail, professional
35 offices, farmers market, restaurant, motels, inns, tourism, gas stations, manufacturing, agriculture,
36 forestry, and other. Tim said that was one question to rank. He didn't know what had happened to
37 the survey, but it had a lot of good data. Cathy asked if Tim knew how many responses they had
38 gotten. Tim wasn't sure. Cathy had not investigated it but suggested they have an online option for
39 the survey. Tim said that was also one of the questions he wanted to ask.

40
41 Preston added that if the questions were ranked 1 to 5 and someone put 5 for all of them, it wouldn't
42 be helpful. So sometimes if you force them to make a choice, it will give more data. Preston liked
43 what Tim had done and agreed that when a survey was too long, he just stops completing it. He
44 pointed out under growth and conservation at the top of the second page that Tim had used the
45 word surge which Preston thought was a loaded word. It was difficult to say they would want a
46 surge. Preston said that going from 4 or 5 houses per year to 10 could be called a surge. He looked

1 through his records and he's already issued 5 permits for new houses and they're only halfway
2 through the year, so they may hit 10 again. He thought it would be safer to use increase instead of
3 surge. Tim said it was a good call.

4
5 Tim thought about 300 or 10% had responded to the last survey. Peter said Dick Jewitt had put a
6 lot of time into it and he had conducted one where they assisted people in filling them out. He
7 thought it was in 2008. Peter remembered them having tables and if you wanted more streetlights
8 and sidewalks you went to a table and then the next table was talking about recreation. Someone
9 was sitting at the tables asking the survey questions and filling them in. Tim asked how many
10 people went and Peter didn't know. Barre thought that brought up a good point and wondered if
11 they could have some ready for the 18th for people who attended the workshop. Tim thought it
12 would be better for him to make a second draft and bring it to the Commission and make sure
13 everyone was on the same page and possibly get a unanimous vote and then distribute it. As to the
14 question of whether it made sense to do it online, Tim found where Scarborough, Maine had
15 recently done a survey which they distributed online and by hardcopy and they looked at the data
16 separately and considered the hardcopy data as verified and the online as unverified because they
17 couldn't confirm who those people were or where they were located. The concern was you may
18 get more data but was it clean data, and they didn't think so. Cathy agreed that you could stuff the
19 ballot box in an online survey. Tim said there were ways an IP address could only fill it out once,
20 but if they used other devices, like their phone or tablet, it could be completed multiple times. He
21 said it was also a whole other process to get it out and he wasn't the person to do that.

22
23 Barre suggested there was an online company that does surveys. From his perspective, what would
24 be the motivation for anyone out of town to complete it and what would be the motivation for
25 anyone in town to complete it 10 times? Barre said it was just information gathering and wasn't
26 political and what would they do with it down the road anyway. Tim didn't want to discuss
27 psychology, but he could see how someone might want to stuff the ballot box. Tim suggested
28 former Chester residents could.

29
30 Hugh thought there was probably more likelihood that you get skewed data online and there was
31 no way to control duplication of surveys or people responding who shouldn't be, but by the same
32 token, he agreed with Barre that he wouldn't be so concerned about it that he wouldn't do it. He
33 would rather take the risk that maybe the data was more speculative from an online survey if they
34 hadn't figured out how to lock it down. But he didn't want them trying to figure out how to conduct
35 a successful online survey to get in the way of getting the survey done in paper form to be handed
36 out or mailed because it may jam things up. Tim had never done a survey through Survey Monkey
37 but understood them to be easy to do. Hugh said if they got the survey done the way they wanted
38 it and an online version wasn't some mountain to climb, he would want to pursue it. Barre said if
39 they did a press release that included a link to the survey in it, and someone was reading it on The
40 Telegraph or Facebook and they clicked on the link and then boom, they're done, and you have it.
41 It seemed like the thing to do. Tim said he would research it.

42
43 Hugh said they could either continue the topic and push anything they didn't address to another
44 meeting, or they could put a brake on the topic, move on, and come back to it again. He was fine
45 either way. Tim was fine with stopping because he had enough to work on. Tim asked if he got far
46 enough on a second draft, would the Commission be okay with him running it by Hugh and then

1 forwarding it to Jason before their next meeting to get feedback. They were okay with it. Tim said
2 that would be his goal.

3
4 Hugh thanked Tim for his work. It was agreed that the discussion was good and produced some
5 good feedback.

6 7 **Agenda Item 6, Legacy Use and Adaptive Reuse Adoption update** 8

9 Cathy said the first step was called transmission. They had picked August 1st as the hearing date.
10 She had written a notice for it and sent it to the nine abutting towns and the ACCD. She needed to
11 send it to Regional Planning. She needed to physically post the notice at Town Hall, the post office,
12 Chester Hardware, and Smitty's. They would need to decide what else they wanted to do or say,
13 and she would send the other members the reporting form. She needed to spend some time thinking
14 about how to present that information and how she wanted to disseminate it. Hugh asked if it was
15 for the reporting form and Cathy said the reporting form was required to do all of it but for the
16 hearing. She said Peter was fond of saying, and she thought it was a good way to look at it, that
17 adaptive reuse was about buildings and legacy use was about the parcel and whatever use it may
18 have had in the past. Legacy use does not apply to the building directly. Hugh said there was work
19 to be done prior to the August 1st hearing and the story that would be told at the public hearing still
20 need to be developed. Cathy and Peter would work on developing the story. Cathy said it was town
21 wide and was different than when they did the Village Green where she walked around to almost
22 everyone on the Green and told them what they were considering.

23
24 Hugh said for him personally, he agreed they needed to put the story together in terms that are easy
25 for people to understand and with not a lot of technical bylaw lingo. If there was any way they
26 could put it together and have time for the Planning Commission to look at it before the August 1st
27 hearing, that's what they should be targeting. The next meeting would be completely consumed
28 with the workshop so if there was something they needed to review.

29
30 Peter said it spoke for itself and didn't think there were a lot of different things to say. He had
31 presented it to the Chester Business Community and to the Development Review Board. He
32 thought it was well defined. The Chester Business Community would probably not meet again
33 until September because of the busy summer. Hugh asked who would present at the August 1st
34 hearing. Peter and Cathy would split the presentation. Hugh said if there was something they
35 thought the Planning Commission needed to look at prior to the meeting so they were all on the
36 same page, to let them know. Peter said if they weren't all on the same page and if there was
37 something they wanted to change, they should discuss it now. Hugh thought the only thing that
38 would change was the messaging. Peter said they would just read it out loud and then they would
39 just have to answer the questions. Tim suggested a summary and the others said it wasn't that long
40 of a document. Tim thought the definitions were crucial such as the difference between a parcel
41 and a building and what applied to where. He suggested they start with that and give an overview
42 of what's there and ask the audience if they wanted it read out loud. Tim didn't think most people
43 would want it read if they had a copy of it. Barre wanted to be brought up to speed and asked
44 where it was being presented and to whom. Cathy said it needed to be a public hearing and noticed
45 15 days in advance. Hugh said they were taking the August 1st Planning Commission meeting and
46 turning it into a public hearing for legacy use. Barre asked if they would all sit there for that and

1 then the meeting would be held after. Hugh said they hadn't discussed having anything else on the
2 agenda, but they could if the hearing was first and went quickly. Tim thought that was a good plan
3 and noted the Selectboard did it frequently. Cathy added that the Selectboard had done it for the
4 Village Green hearing but didn't know if Barre had been part of it. Peter noted it had been two
5 separate meetings and Tim added that it would need to be warned as two separate meetings. Barre
6 asked if they would warn it or if they would try to get more information out for it and if they were
7 going to try to do more to get more people there. Cathy said she needed to post it physically in
8 several places in town and didn't know if it was worth trying to do anything more such as sending
9 out a postcard. It would also be on the website. Hugh said it was a good question and asked if it
10 was something they would want to put in The Telegraph with a press release to try to get people
11 to come to participate. Cathy thought a press release could make sense. Tim said they could
12 synopsise what they would say publicly and send it to The Telegraph. Barre wasn't sure where
13 they were headed with all of it. He asked if they had done press releases before when they did
14 charts and graphs. Tim wasn't sure. Barre said most of the time they just do their regular thing and
15 hope people see it. Tim said they had promoted the workshops. Barre added it could be something
16 they would be lucky to see 10 or 15 people at because nobody cares since it's legacy use and
17 buildings. Peter had discussed it with the Chester Business Coalition, and they were on board with
18 it. Barre suggested emailing them about the workshop.

19
20 Cathy thought they should write a story and send to The Chester Telegraph as a press release, ask
21 Steve Mancuso if they could send it to the CBC members, and also send it to The Vermont Journal
22 as a press release. Hugh asked Cathy before she sent the press release if she would send it to the
23 other Planning Commission members for review. She agreed. She said they would meet on the
24 18th and could get feedback then since they couldn't do it through emails. The press release
25 wouldn't need to be ready until that Friday. The notice would need to go out separately.

26
27 Hugh said they would plan to have feedback on the press release at the July 18th meeting.

28
29 Barre thought they could email regarding the press release since decisions weren't being made but
30 Tim and Hugh weren't clear about that.

31
32 **Agenda Item 7, Review Draft Short Term Rental Ordinance**

33
34 Hugh said they had fundamentally agreed at the last meeting to take a crawl, walk, run approach
35 and not try to not highly regulate anything having to do with short-term rentals as a first step. The
36 most important thing was to try to get their arms around what short-term rentals looked like in
37 Chester so they could be better informed and make sure there was some level of accountability
38 from a health and safety point of view and it was the spirit of what Preston had started with his
39 draft. Hugh turned the meeting over to Preston.

40
41 Preston said they had previously discussed that they could go by the Zoning Bylaw route or the
42 Selectboard Ordinance route. The legislature did, within the last 3 or 4 years, add it. Section VSA
43 2291 subsection 29 specifically says towns can regulate short-term rentals. Going the Selectboard
44 ordinance route is a lot more nimble, easier to adopt and change and seemed to him as the better
45 route to go. Section 1 authority cited the statute he mentioned. Section 2 purpose protecting health,
46 safety, welfare, and convenience of the town was what was repeated in the statute and Preston

1 added to preserve residents' rights to quiet enjoyment of their homes and properties and to ensure
2 the safety of the occupants of short-term rentals. Under the definitions, the short-term rental
3 definition was the one out of statute. The problem was The Fullerton and The Inn Victoria also
4 advertise on Airbnb because they have to. He was just saying anything that had a permit under the
5 zoning bylaws, a tourist lodging is not covered by this bylaw. Getting to Section 4, which had
6 modified the criteria used in Killington to meet Chester's needs: a) an annual short-term rental
7 registration; b) dwelling capacity is 2 persons per bedroom plus a bonus of an extra 2; c) if you
8 have an occupancy of 8 or less, you can self-certify, or if more than 8, you need to meet additional
9 requirements which include some indication there is a septic permit indicating it can handle more
10 than 8, an inspection report from the Division of Fire and Safety, and you meet the posting
11 requirements which are pretty basic, the educational materials, and proof of liability; d), e), f) and
12 g) are the boiler plate of saying if you don't do these things, they have the right to say they're in
13 violation. Section 5 covered fees of \$300 and the Selectboard from time to time can modify the
14 fee and establish and adopt other fees if they need to. Enforcement was a boiler plate: the statute
15 allows up to \$800 per day for each violation and the administrator, police officer, zoning
16 administrator, and town manager can all enforce the bylaw. Preston included penalties which he
17 had copied from Woodstock. There are penalties if you're written a municipal ticket but waiver
18 fees if you agree to voluntarily pay, they don't have to go to judicial bureau with a ticket. He
19 thought it was an extra tool that was not unreasonable and one he wished he had for the regular
20 zoning bylaw and something they may want to consider. On the last page, it stated they were
21 authorized to go to court if necessary. Severability is boilerplate and the effective date is 60 days
22 after adoption. Once they were comfortable with it, it would not require the Planning Commission
23 to hold a hearing but only recommend it to the Selectboard. They would need to write down for
24 the Selectboard why it was needed. Preston did not have a pulse on what the Selectboard would
25 think of it. He couldn't remember what they had discussed at the last meeting but he had been
26 saying he didn't think Chester's short-term rental problem was that big of a problem but when
27 Cathy was going through then numbers when you look at the number of residences and then
28 subtract out apartments and mobile homes, and then you figure out the current number of 79, which
29 Host Compliance identified, that was 8% which was kind of a big number, which was increasing.
30 He thought it was getting to be a little bit of a problem. Cathy added that Burlington has 1% of
31 their housing stock used for short-term rentals and they feel that's a problem. Barre asked if there
32 was anything to differentiate from people doing the original Airbnb which was living in their house
33 and renting out a room compared to people who own their house but don't live there and renting
34 out the entire house. Tim added or an apartment, which Barre said was a good point. Barre said
35 they seemed to be so concerned about the public knowing everything they're doing. He wondered
36 if they could create a town that has more places to eat which was something they could do that
37 would affect a lot of people. He asked what they were doing to communicate with the people it
38 would affect. He would have a hard time running it before the Selectboard without allowing all
39 the people in the Airbnb business to come with their torches and pitchforks, if they were going to
40 do that because he felt like now, they were trying to do something without making sure everyone
41 knows about it. Preston said Barre was right that he hadn't distinguished any of those things
42 because he thought from the last meeting, they weren't going to, but it was open. He referred to
43 his Killington experience and the vast number of their short-term rentals were people who didn't
44 live in town and weren't voters. The Selectboard had adopted the bylaw change and there was a
45 petition to bring it to popular vote and Killington has 800 short-term rental units which is the most
46 in the state but for the people who live in town, they wanted it. Barre said they were a little bit on

1 a fence because they were affected by the ski areas but weren't a ski area. His concern was if some
2 people were doing it and receiving supplemental income but weren't taking up housing because of
3 the septic rules, they wouldn't pass because their house wasn't built to hold that many people, they
4 would remove that many people from the market right away and cause them hardship. He wasn't
5 sure how he would feel about that. Obviously, their septic systems should work and are supposed
6 to work for the people and should. Peter told Barre they were self-certifying for 8 or less occupants.
7 So, unless they have a huge house, they're pretty much self-certified. They will need to pay the
8 fee, but it would give them a solid number because they would pay the headhunters to track it
9 down. Peter was pretty connected to what happens in Smokeshire and the majority of Airbnb
10 people are second homeowners, and he thought the majority were doing it on their homeowners'
11 insurance. They will gather the data and would know what the data is. Barre asked if they would
12 automatically boot people because they don't meet the criteria. Peter said they would have to come
13 up with the fee and insurance.

14
15 With respect to the communication aspect, Hugh was thinking about it slightly differently. If the
16 Selectboard doesn't support the ordinance, it will stop immediately. Hugh wanted to take their
17 temperature and see if they would be supportive. Barre confirmed that it all would come out on
18 the Selectboard's watch.

19
20 Peter asked when a dwelling was called out and there was a parcel with more than one dwelling
21 and each one was 8 or less, would it skate by that it didn't require enforcement. He asked Preston
22 how he would deal with that. Preston said when he worked in Killington, people were trying every
23 way they could. If they were trying to rent 2 Airbnbs in 1 building, they would tell them they
24 needed to go to the Division of Fire Safety because they require a firewall between them which
25 was a double sheet rocked wall. Preston said there were some unhappy people in Killington. Hugh
26 said they would be able to use the data to know if there were multiple properties on a parcel being
27 used for Airbnbs. They would have the data and could decide. Peter saw it as an ordinance and his
28 brain sees it as a problem and he questioned how it would be addressed. Preston said they could
29 write it in there or treat it administratively. He pointed out if someone rented the building with 16
30 occupants, the state would require a sprinkler system but if they had 2 units of 8, if they had a fire
31 wall between them, they wouldn't need a sprinkler system. There was some incentive to do it that
32 way.

33
34 Hugh said the way it was written, if you looked at how many people in Chester are running a short-
35 term rental where they are advertising 10, 12, or 14 desks, they would incur more expenses and
36 would need to prove they had everything in order. If they were 8 or less, they would sign a form
37 saying they agree they are complying. Preston said in Killington, a lot of people that had been 10
38 or 12 just went to 8. Tim asked why 8 and why it became the cutoff. Preston didn't know why the
39 Division of Fire Safety had picked 8. Cathy said he had talked about 3 bedrooms, which was a
40 standard size, plus 2. Preston wanted to be clear that the Vermont Division of Fire Safety had their
41 own rules and if you went on their website, and knew where to look, it says exactly what the bylaw
42 says. The self-certification form already exists, and they wouldn't need to make it. Preston said
43 Killington had thought 3 bedroom and then a pull-out couch to be nice, happened to fit the state's
44 cutoff for 8. Peter thought it made sense. He thought it read well and looked applicable. Preston has
45 the powers to issue a municipal ticket and has already signed up with the court system and has his
46 ticket book. He has not written a ticket yet, something he didn't take lightly, as there are a lot of

1 ways a clever lawyer can have it dismissed. The Chester Police have offered to help him write
2 tickets. Preston added if he ever wrote one, he would likely have an officer with him so he wouldn't
3 be against them having the power to write the ticket.

4
5 Hugh had seen a requirement for non-local residents to identify a local property manager. A rental
6 is owned by someone who lives 8 hours away, so if something happens, shouldn't there be a local
7 property manager. Barre thought these people probably had to do that anyway.

8
9 Preston had the benefit of knowing what the application form Killington used was, but he thought
10 it could be put in there. They were very clear they wanted a 24-hour contact number and email of
11 the management entity or owner. Barre thought most of the people who do it, already have
12 someone. There are people that clean and mow, but some people have nobody to manage the
13 property. Preston would add it. Hugh had looked for the self-certification form and finally found
14 it from some other town. Preston said someone could go on the Division of Fire Safety site and
15 find it there, but it didn't jump right out. Cathy asked if they could share the link in the ordinance.
16 Preston said if they went with someone like Host Compliance, they are done with paper, and it
17 would all be online anyway. But yes, you could push a button, and it was a fillable PDF, and you
18 could send it. He thought the bylaw was sufficient to simply say the form was required by the
19 statute. Cathy confirmed they would have a printout of the form when it was presented to the
20 Selectboard. Hugh could modify the application form Killington had even though they may not
21 use the paper version and then have the other attachments. Barre asked if it went hand in hand with
22 the company overseeing everything or was it two separate things and since they didn't have a
23 budget and couldn't do financials, would the Selectboard also have to do that with a
24 recommendation from the Planning Commission. Preston answered while they are two separate
25 things, he didn't think he had the capacity or ability to carry it out himself, so he expected they
26 would use the firm. Chester has an old-fashioned calendar year where the budget starts on January
27 1st so they could kick it off in the fall and not engage the company until after January 1st with the
28 hope that April 30th would start the registration date and income will come in so by the end of the
29 fiscal year, they will have received the 800 x \$300. Barre's thought that maybe the sales guys had
30 done a good job on them, and he wondered if they had to work together or could the ordinance be
31 put in place and not go through the work of doing all that other stuff. He wondered what the point
32 of it was. Hugh said without the software they couldn't figure out where the people were. Preston
33 said having worked with it, they identify who the short-term rentals are, they use Chester's
34 letterhead and will contact them, and they also monitor it every other week and they'll send them
35 a letter if they are advertising for more people than allowed. Barre was thinking of hardship and if
36 their septic system didn't pass, and the fire inspector would come into their house, and they must
37 pay \$300 and was concerned they would affect people's lives and now putting in a monitoring
38 service to make sure they comply. It was a big deal and probably the biggest thing they've talked
39 about doing. He wasn't against it but wanted them to realize the implications. Preston said they
40 had people in Killington who if they had a bedroom in the basement, were cutting a hole in the
41 foundation with the cement saw so they could put another door in. Peter mentioned these things
42 were driving the fire chief in Ludlow crazy. Barre said it would be a big deal. Hugh said it would
43 only be a big deal for people who were renting to more than 8 guests. Barre said most families
44 were families of 4, so if you have 3 kids in 1 family and 2 in the other, you're at 9 so you would
45 either have to lie or leave a kid at home. Peter said it wasn't so much that but what you were
46 advertising at.

1
2 Hugh asked Preston what the process was to get it from the Planning Commission to the
3 Selectboard. Preston said he only took down one change which was to specify some of the
4 questions that would be required in the application form. Preston said when he brought it back to
5 the Selectboard, he could bring copies of things that would be reasonable attachments to bring to
6 the Selectboard and then it would be on the Selectboard agenda. Preston suggested they should
7 have a 1-page summary for the Selectboard of why they want it as he felt every member would
8 probably not jump up and down for it. Tim asked if Preston would write the summary or if they
9 should do it as the commission. Hugh would be happy to draft it. Preston thought he would do it
10 but if Hugh was feeling motivated. Preston was thinking health and safety but also thought Steve
11 Mancuso had a good point about it being good data for the town. Peter suggested to put it on the
12 agenda for August 1st to review the summary.

13 14 **Agenda Item 8, PC Roundtable**

15
16 Normally when they ran out of time, Hugh would advocate to cut the Roundtable but there were
17 things in the Roundtable he thought they could address quickly so he was going to keep the agenda
18 item and thought they could keep it brief.

19
20 Barre delivered a bear to one of his art collectors and his business is affordable housing. He works
21 in Connecticut, Massachusetts, and New York and has nothing in Vermont yet. He lives in Ludlow
22 off Bixby Road and Barre has known him for years and is one of his best art collectors. Barre
23 jokingly asked how much cash reserve he has to have in comparison of Barre's business. The
24 project he was currently working on was \$56 million. He offered to answer questions for the
25 Commission, so they have a resource of someone in that business. He was willing to come talk to
26 them. He is knowledgeable and interested in the area and appears excited to get involved. Hugh
27 said it tied back to one of the workshops of the 4 to get people in the construction trades to talk to
28 them. If it turned out they could loop it back to Jason, it could be a fit.

29
30 Hugh said there was a question a few meetings back if the work Jason was going to do was
31 currently in the Vermont Climate action plan. Jason's response was it wasn't specifically called
32 out so they weren't going to focus heavily on it as part of the work they were going to do, so he
33 did list a handful of things they may want to think about, so he obviously had an awareness of
34 things they may want to consider when updating the bylaws. Hugh would forward the memo to
35 the Commission.

36
37 Preston said Sugar Bob's had signed a purchase of sale.

38 39 **Agenda Item 9, Adjournment**

40
41 Tim moved to adjourn the meeting and Peter seconded the motion. A vote was taken, and it passed
42 unanimously. The meeting was adjourned at 8:20 p.m.