

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **June 17, 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:** Steve Mancuso via Zoom.

12 **Call to Order**

13
14
15 Chair Hugh Quinn called the meeting to order at 6:31 p.m.

16
17 **Agenda Item 1, Approve June 3, 2024 Meeting Minutes**

18
19 Cathy moved and Jeff seconded a motion to approve the June 3, 2024 minutes. There were no
20 changes, and the minutes were approved as written.

21
22 **Agenda Item 2, Citizens Comments**

23
24 There were none.

25
26 **Agenda Item 3, Final review of proposed Rural district map and UDB updates**

27
28 Hugh said if there were any changes and they weren't substantial, they could agree to make them
29 but also, at this meeting, move to schedule the first public hearing. Hugh had made a list from
30 reading the bylaw language in detail but asked if anyone else had anything to clarify, discuss, or
31 change in the maps or language.

32
33 Jeff thought Article 2, page 26 would need to be discussed as it would likely be addressed by the
34 public regarding earth extraction. People would want to know why they couldn't process gravel.
35 Jeff noted there was a definition under extraction operations that explained what could be done
36 and some was conditional use and pointed out they hadn't taken away the ability to extract gravel.
37 Hugh agreed the definition clarified what could be done and in Article 2, page 26, it was listing it
38 as a conditional use in Rural 8. Cathy said the definition was on page 7 of Article 8. Hugh said that
39 provided an updated definition of extraction operations and they had agreed to combine extraction
40 and processing. Jeff anticipated someone questioning it and wanted to make a point that it all could
41 still be done. Hugh agreed they needed to make it clear they had included it in extraction operations
42 because nowadays it is virtually impossible to process without some extraction in the same
43 location. Preston hoped they could have a hearing on July 15th, and anyone who had that kind of
44 complaint could voice it at the hearing and there was no limit on them making the change before
45 it went to the Selectboard. Preston said they should be prepared to answer their questions and if

1 someone didn't like it, they could ask them what they wanted. Hugh added that if they were going
2 to separate them, it was usually because they would allow it in some places and not others and
3 when they had that discussion, they concluded it was where it was, and they wouldn't separate
4 them by zone. Preston said that was exactly what happened with building construction versus
5 heavy. At first, they combined them and then they said they wanted different uses in different
6 districts, so they separated them.

7
8 Cathy wanted to discuss Article 2, page 14 regarding Stone Village. Now they are allowing an
9 8,700 square foot lot and it used to be 30,000 square feet. There are different setbacks and frontage
10 requirements for the two different sized lots which was understandable. Cathy said they had
11 discussed having an even setback for houses in the Stone Village along North Street and they
12 settled on 40 feet, and she didn't think it would come into play unless someone subdivided one of
13 the lots. Hugh said what they were seeing wasn't proposed but had already been adopted. The
14 reason it was included in the packet was they added cottage court as a conditional use. The
15 dimensional standards were adopted when they did the Village Center updates, but they could
16 revisit something if needed. Hugh said some of the other Village Center districts were being pulled
17 into the change language because they added cottage court as a conditional use. Cathy wasn't sure
18 it was a problem. Jeff thought there was only one lot left in the Stone Village that could be
19 developed. Jeff had been approached a couple years ago for water and sewer and it was on the
20 corner, close to the turnpike.

21
22 Hugh asked John and Barre if they had anything, and they did not.

23
24 Hugh called attention to Article 2, page 9 and wondered under supplemental standards if the
25 references to Gassetts and VT 103 South needed to be moved to Rural Mixed-Use because he
26 didn't think the two areas were not part of Village Mixed-Use. Preston agreed and said it was a
27 good catch. Hugh suggested eliminating them or moving them to the Rural Mixed-Use part of the
28 document. Preston said Chester Depot stays in that section and Gassetts and VT Route 103 South
29 should move, and it was merely a matter of editing, and they should absolutely be moved. Preston
30 noted Vermont Route 11 West should also be added and would require some creative editing.
31 Hugh noted it for Jason.

32
33 In Article 2 on page 17, Hugh said they agreed in the last meeting that building and construction
34 trades should be a conditional use in Residential 2 because it was a conditional use in Village
35 Center and Village Mixed Use and was previously a conditional use in what had been R-40. Hugh
36 reviewed the minutes from the last meeting to see where they all landed and thought it had just
37 been missed and recommended that they have building and construction trades as a conditional
38 use in Residential 2.

39
40 In Article 2 on page 18 under Supplemental Standards, Hugh wondered if Route 10 should be
41 added to the driveway thing because it seemed like they had people who wanted to do things on
42 Route 11 and 103 and wondered if Route 10 fell into that same category for Residential 2, all new
43 driveways substantially reconstructed along VT 11 and 103 because there is a section of Res 2 on
44 Route 10. Preston said they absolutely should. Preston said it was simply saying a permit was
45 needed from the state for a driveway, so absolutely. They agreed to add Route 10.

1 For Article 2, page 20, Hugh said under Village Mixed-Use, they had a bunch of supplemental
2 standards and had noted to himself to remember to remove the things they just agreed on. Cathy
3 said both the other supplemental standards mention new driveways and only one mention was
4 necessary. Hugh viewed it as clerical cleanup and was straightforward for Jason to do.

5
6 Hugh noted in Article 2, page 27, there were quite a few more supplemental standards in Rural 5
7 than in Rural 8 and wondered if there was a reason. Hugh said they could ask Jason to look at all
8 the supplemental standards and the work they were doing to see if they made sense. Hugh was
9 looking at Rural 5 and said they had standards for driveway, character of development,
10 landscaping, and screening, and dimensional standards and in Rural 8, they only had the
11 dimensional standards. Hugh said they didn't care about driveways, character of development,
12 landscaping, and screening in R-8 but cared about it in R-5. Preston said driveways and
13 landscaping were boilerplate words, and they would want them in both but wondered if they were
14 thinking Rural-8 was so much different that the character of development language wasn't
15 necessary. Preston said in the zoning world he lives in, character development was feelgood and
16 didn't have a lot of teeth but if they had it, they were saying they wanted it to look nice. Hugh
17 thought it should be in both or taken out of both. Preston thought it should be in both. Cathy said
18 that meant someone who wanted to build something weird couldn't and there would be no place
19 to build something like that in Chester. Preston said compatible with traffic, noise vibration, and
20 impacts, it might come into play. The reason why character development can be hard to enforce is
21 in almost any zoning district in town, something looks almost like anything, such as mobile homes,
22 dumpy properties, and home built things that are odd. Preston said when you go before the court
23 and the opposing side drives around and takes pictures and questions those things, it can be hard
24 to enforce. But Preston didn't think it hurt anything to make a statement on how they wanted things
25 to look, and it could help. Hugh was just as happy to include it but would be unhappy about not
26 including it in one district while it was in another when there were similar things and would look
27 inconsistent. Consistency was important to Hugh. Preston gave the example of a metal worker in
28 Westfield who was angry with the town and made a lighted display of "the finger" that was 20 feet
29 or higher and the town told him it was against the character of the neighborhood, and he had to
30 remove it.

31
32 In Article 2 on page 28, there was some discussion about the Conservation District uses so Hugh
33 wanted to take a few minutes to look at it because the conservation district was largely public lands
34 used for drinking water, protection, forestry, and public recreation activities. Based on that, they
35 decided to remove heavy construction trades, which had been conditional use from the
36 Conservation District and Hugh thought building and construction trades didn't belong in the
37 Conservation District for the same reason. To Hugh, the uses in the district mostly looked like
38 things mandated by state statute, so there didn't seem to be a lot of latitude. For permitted uses,
39 they had agriculture and forestry, and then had state mandates that included family childcare, group
40 home, and private broadcast facility. Under conditional uses, they had building and construction
41 trades, commercial broadcast facility, extraction operations, recreation, and wood processing.
42 Hugh could see recreation and wood processing and extraction operations. Preston said they were
43 mostly public lands and towns were always desperate for gravel, so they may want to allow
44 extraction. Hugh was thinking building and construction trades looked like an odd duck on the list.
45 Cathy thought it looked like there were only 4 parcels that could possibly be under private
46 ownership. Barre thought if there were private parcels in the district that they didn't want to limit

1 their uses and if they were in the woods, maybe more things would be needed if they had a lot.
2 Hugh went with the assumption it was primarily public land and wasn't going to be used for
3 anything except conservation and they could deal with the reality if they implemented it and
4 someone is affected, they will know about it and if not, they will leave it alone. Barre thought his
5 perspective, the flip side, was more important because the majority was town land and
6 conservation and they didn't have to worry about the majority being developed so they were
7 stepping on the toes of the little guy who might be out there with his one obscure lot, so in that
8 case, something was only going to happen on those few obscure lots. Barre wondered what they
9 would need ahead of time that wouldn't cause them a big inconvenience by limiting everything.
10 Barre said Hugh was thinking logically but it needed to be flipped on its head unless they really
11 didn't want something like that out there. Barre added if the lots were there, they wouldn't be that
12 big and would have been there a while. Preston believed what was zoned conservation was all
13 public land, and added childcare was silly, but Hugh thought it was state mandated. Preston
14 suggested Hugh add it to his list of things to discuss with Jason. Preston said Jason had removed
15 telecommunications from the Village districts because even though they were a state right, it
16 looked stupid and if someone really wanted one, they could tell Preston or his successor it was
17 allowed under state law. Preston said the path would still be there because it was exempt under
18 state law and didn't need to be in the bylaws. Hugh said that made sense given what they had done
19 in other districts. Preston thought they should still leave broadcast in because it was like the
20 Pinnacle property and sometimes towns say it's in the public interest. Jeff said they were installing
21 cell towers and similar things to cover more areas so they wouldn't want to limit that. Preston said
22 there was a cell tower that had gone up off Richardson Road near Andover and a few neighbors
23 were upset and he told them it was approved 4 years ago. Barre asked if there was one up in
24 Smokeshire and Preston didn't know if it was operational yet. Cathy thought they had completed
25 the recordkeeping standards and had gone through current use. Mayoh had owned the property on
26 Richardson Road that was under a reverse mortgage with not much value remaining and AT&T
27 purchased the whole property and didn't need an easement. Preston said it was approved 4 years
28 ago, before his time. Jeff confirmed with Preston that the Conservation District was all public
29 lands. Jeff said it was conditional use so the town would have a say if someone wanted to do
30 something strange. Barre questioned if the town wanted to put up a shed to store a snowplow, if it
31 would fall under this because they owned the land, and they could do it without approval. They
32 could not and would need to go by the rules. Barre wondered if they were limiting the town's
33 ability to utilize the property or the snowmobile club if they wanted a shed for a groomer. Barre
34 wondered if it was a benefit to anyone saying nothing could happen and questioned if that was
35 really what they wanted. Preston said recreation was a conditional use so they could figure out a
36 way to have a snowmobile trail and shed but putting a generic building would be difficult to do
37 under this. Cathy asked if it would fall under building and construction trades, but Preston would
38 prefer to include it under permitted uses for accessory structures. Hugh was back checking the
39 existing bylaws and what the zone that used to be Forest was and they were now labeling
40 Conservation and checked Forest in the existing bylaw to see what was allowed and said it had
41 stayed the same. Preston thought Barre had a point and suggested under permitted uses, they add
42 accessory structures. Just because the town owns it, doesn't mean it should be locked up and never
43 used. The town may want to harvest timber or wood process, or recreation trails, or extract gravel.
44 Preston said they could change the bylaws but then people complain it's spot zoning if they just
45 make the one change and it would be easier to address it now. Preston said Hugh had been an
46 excellent proofreader and editor.

1 Hugh was willing to take back to Jason what they had discussed and wanted to believe what they
2 were thinking of tweaking were unsubstantial and another meeting wasn't necessary to make sure
3 they were written in the document properly to keep the process moving. Hugh said once the public
4 hearing happened, there were still opportunities for adjustments, so it wasn't like if they made a
5 motion at this meeting, they were closing the door. Hugh said the public hearing date of July 15th
6 wasn't good for him so if it was important he attend, he suggested they push it out to July 22nd.
7 Barre thought the motion to approve the changes was one thing and a separate motion to approve
8 the hearing. Hugh agreed and suggested they do that and thanked Barre for suggesting it.

9
10 Hugh moved to take the changes they discussed today, loop back with Jason, update the bylaw
11 document and once done, agree it was ready to go to public hearing. Jeff seconded the motion. The
12 motion passed unanimously.

13
14 Hugh didn't anticipate he would be available the week of July 15th due to family obligations. Jeff
15 and Preston were agreeable to July 22nd, as was Barre. Cathy noted that July 22nd was a DRB date
16 but didn't think anything was pending and Preston agreed and said something would need to come
17 up within the next two weeks for the DRB to need that date, so he wasn't worried about taking the
18 DRB's slot.

19
20 Hugh said the packet included two documents Preston authored, and one was the reporting form
21 which the state fairly controlled the format and content. Preston said the language was straight
22 from statute and the reporting form was clunky and was on the Vermont Planning Information
23 Center (VPIC) site and the recommended form. Hugh said the form was fairly uninformative, but
24 the Public Hearing Notice Preston had authored had a much better summary of what the hearing
25 would be about and what they would be doing. Preston said they were dry reading but hit the points
26 that statute said needed to be hit. Preston said statute required they briefly describe the purpose of
27 the hearing, and list all the districts affected. Barre asked if the updates would be done within a
28 specific timeframe and wondered if a press release would be put on the town website for people to
29 see in enough time before the hearing. Barre thought they had done quite a bit of PR for the last
30 hearing. Preston recalled when they first started making changes, there seemed to be a lot of public
31 scrutiny but now the public seemed more trusting and not as concerned. Between now and July
32 22nd there was plenty of time to get documents on the town website. At the last meeting, they
33 discussed creating a handout that described the entire process the last couple of years under the
34 municipal planning grant, which Preston had volunteered to write but told Hugh he was too tired.
35 If necessary, Preston would put the effort in and agreed with Barre they shouldn't be too
36 complacent and should educate the public about their plans. Barre said it was great there wasn't a
37 lot of noise but in the past, there had been a lot of misunderstanding. Hugh agreed with Barre and
38 well before July 22nd, all the details of their work, along with the public hearing notice, will be
39 posted on the town website. Hugh said they also agreed to write an executive summary for The
40 Telegraph as a press release so anyone who really cares, will see enough to understand and come
41 to the meeting. The press release would be included in other publications, as well. Preston felt the
42 22nd was far enough away that they could get something into the media.

43
44 Cathy said this step was the transmittal and for that, they need to send the bylaws, reporting form,
45 and hearing notice to the surrounding towns and it could be done by email but had to be done 30
46 days before the hearing so it would need to be done this week. Barre asked if it was for the final

1 one or this one and Cathy said the transmittal was letting everyone know they were going to change
2 the bylaws. Preston said it was good Cathy looked, as July 15th would not have worked. Cathy said
3 the notice needed to get to the other towns by Friday and Barre wondered if that would be a
4 problem. Preston said it was a small amount of work and if Jason couldn't do it, he could, and it
5 would get done. Cathy said because it can be done by email, it was a huge benefit. Hugh said it
6 was doable, as they had what they needed, and it could be packaged up and emailed. Preston said
7 the only thing left was Jason's wording changes and then they had all the parts. Barre asked if it
8 was all on their website as they were updating things. Hugh said as part of the grant with MARC,
9 they originally had a website MARC hosted where they were posting their progress, but it didn't
10 really stick, and they weren't maintaining it. Cathy added that all the packets were on the website
11 currently. Preston said they would add the warning and documents to the home page.

12
13 Hugh made a motion to move the updated bylaw language that would be updated by Jason this
14 week for a public hearing on July 22nd and Cathy seconded the motion. The motion passed
15 unanimously.

16
17 **Agenda Item 4, Adjournment**

18
19 Jeff moved to adjourn, and Cathy seconded the motion. A vote was taken, and it passed
20 unanimously. The meeting was adjourned at 7:25 p.m.