

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **May 20, 2024, Minutes**

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

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:** None.

12 **Call to Order**

13
14 Chair Hugh called the meeting to order at 6:30 p.m.

15
16 **Agenda Item 1, Approve May 6, 2024 Meeting Minutes**

17
18 Hugh noted he had just gotten the minutes out and polled the group to see if they had a chance to
19 read them and the consensus was to vote on them. Jeff moved and Hugh seconded a motion to
20 approve the minutes. The minutes were approved as written.

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

23
24 There were none.

25
26 **Agenda Item 3, Status update on Short Term Rental Ordinance and STR statistics**

27
28 Hugh said it had been some time since the commission had been in the weeds with what was
29 happening with the short-term rental ordinance and noted there had been a fair amount of activity
30 recently and thought it would be good for Preston or Cathy to provide an update.

31
32 Preston said Cathy had more details to offer on the specifics. He said there had been a lot of alarm
33 expressed, at one point, about the need to get ahead of the short-term rentals, but that urgency
34 seemed to have gone away. The Selectboard had a menu of items to restrict short-term rentals and
35 their attorney turned down about half of the proposed changes. Preston came up with a draft that
36 complied with what their attorney agreed to which was a one year waiting period for any non-
37 hosted rentals, a registration cap, and an owner limit of two. Their attorney, Jim Carroll, is
38 concerned about distinguishing between hosted and non-hosted but didn't have a problem with the
39 fees, keeping local folks or hosted at \$150 and increasing non-local or un-hosted folks from \$300
40 to \$600. Preston came up with a follow up, but it seemed the Selectboard had lost their enthusiasm
41 as it hadn't been on the agenda for a while. Last week's Selectboard meeting was cancelled, and
42 they considered only meeting once a month during the summer. Preston thought Cathy would tell
43 them they weren't seeing runaway registrations and there was even a property in the Stone Village
44 that people were cranked about losing as a long-term residence bought by an out-of-state person
45 and the neighbors think he's a great guy, so they seem more agreeable to it.

1 Cathy is the one who takes and processes the registrations and said they had 56 registrations and
2 10 who still owe 2024 but have not indicated they were stopping. They have had two withdrawals
3 from the program, five to six parcels have sold and for many, the new owner has registered. There
4 is one property that failed an inspection and really shouldn't be rented at all. There are two parcels
5 who are renting, and Cathy sent them a letter telling them they needed to register but they hadn't,
6 so it was time to send another letter. In terms of the two-property proposed limit, they have two
7 people who have two that are rentals. Another person has two apartments in one building, and they
8 consider that one rental and Cathy isn't going to argue. They reached between 50 and 55 and have
9 remained there. They have had two to four people register since the pause finished. Preston thought
10 that had made the Selectboard pause. There had been agitation about the 6-month pause that people
11 and the media characterized as a moratorium and a few people from the public said it was
12 outrageous but when the pause lifted, only a few people signed up so there wasn't a huge demand.
13 Preston said the new company, Rentalscape, is a more usable database and they can see how often
14 people book. The anecdotal information is correct, and some rentals do very well, and many don't
15 do well at all, so Chester isn't a red-hot market. Cathy agreed that there were lots of rentals in
16 January and February and fewer in March but is also seeing rentals in May and June, which is nice.
17 Having previously had an inn, she could relate that rentals could be scant until September. Preston
18 said when he was in Killington, the word on the street was if you owned 6 homes, you could rent
19 them all year and that could be your livelihood managing them, but Preston didn't see that in
20 Chester. Hugh, having two rentals behind him, would largely agree with most of what he heard.
21 Hugh's sense was whatever urgency about a runaway short-term rental in Chester was
22 unsubstantiated since things have stabilized and thought the number of rental properties had been
23 in the 50s or so for a year or two and felt there wasn't a huge growth trajectory and the data
24 supported that, so the Selectboard didn't need to be as aggressive, and he agreed with that. Hugh
25 said regarding unhosted and hosted and the potential liability, he has seen both sides of the coin
26 where Burlington will only permit hosted rentals and wasn't aware where that stood legally but
27 had seen other places going that route who have been taken to court and lost. The reason for the
28 loss was basically, just because they didn't live in the state doesn't mean the municipality can
29 dictate what they can do with their property, so Hugh understood Jim's concerns. Preston said it
30 was where Jim was going and for people who live in Chester, they want to benefit but the U.S.
31 Constitution and law says a citizen is a citizen and ownership is ownership and they didn't have
32 the standing to do that. Hugh thought whatever Preston drafted had gotten Jim's approval and they
33 were currently in a holding pattern. Preston thought he was obligated to make sure it hadn't been
34 forgotten but noted it wasn't on any Selectboard agenda now.

35
36 Jeff wanted to see and read it and noted he wasn't up to speed yet. Regarding the one place that
37 failed the inspection, Jeff wondered who did the inspection. Cathy replied it was the Division of
38 Fire and Safety. Preston said the Division of Fire Safety has jurisdiction over all short-term rentals
39 and because of their manpower shortage, they have self-certification for occupancy of 8 or less.
40 The Selectboard wanted a mandatory inspection for everyone, but the Division said they couldn't
41 do that. Preston thought the possibility had existed when Ben Whalen, who is also an inspector,
42 had considered being hired by the town and could conduct them, but he had accepted another
43 position as a fire chief with Ludlow. As a result, they were back to where only short-term rentals
44 with 9 or more occupants would be inspected by the Division of Fire Safety. Jeff said with his
45 wastewater background, he wondered if something could be implemented to have homeowners
46 inform renters about what they can discharge into the wastewater system because many times, Jeff

1 has seen when all the rentals are full and so are the pump stations with grease, rags, and other
2 things that cause issues with the system. Jeff said they send letters to the owners in their water bills
3 telling them what they can't discharge but the renters don't care. Preston said one of the reasons
4 for the registration was they now have emails and phone numbers for the operators who are not
5 necessarily the owners. Preston said while his time in Killington wasn't all rosy, he certainly
6 learned a lot, and they sent out notices asking owners to include that statement in their rentals and
7 Preston said Chester could do the same. Cathy and Preston agreed they could email all of them.
8 Preston said bears getting into trash in Killington was a huge problem and they sent notices
9 regularly asking people not to leave their trash outside and Chester could do the same with this
10 concern. Jeff wasn't sure how much it would help because it was impossible to nail down who was
11 discharging what. Preston said it may not help but most people will try to do the right thing if they
12 know what it is. Jeff agreed that some people just weren't aware. Preston added that Chester's
13 system is delicate. Cathy said they could suggest owners and operators made sure they had
14 appropriate trash receptacles for things like grease and Preston agreed and said people tend to flush
15 less down the toilet if there are easy ways to dispose of it and Cathy agreed. Barre saw it as a press
16 release opportunity. Preston said his wife has reserved short-term rentals in other states and he's
17 always amazed when there is no clear indication of what to do with trash. Preston said Barnard has
18 the Barnard General Store and every Sunday afternoon when people leave their rentals, they put
19 their trash in the barrels outside the store and they had to say it wasn't working. Preston said before
20 registration, they had no way to contact people but now they do and added that anyone who is not
21 on public sewer is limited to their personal septic and most are three-bedroom and that immediately
22 limits them from hosting 20 guests, so they're able to regulate them that way, and they now have
23 their contact information.

24
25 Hugh thought about two points and wondered if there was a rationale in the ordinance for two
26 times the number of bedrooms plus two because he had discussed it with someone in the septic
27 business who said it was too much but then Hugh said it may be too much if it was three times two
28 plus two seven days a week but it was two days a week and the system has a chance to recover.
29 Hugh said he didn't really know and wondered if there was anything that supported the number of
30 bedrooms times two plus an additional two. Preston said Hugh's gut response was correct and that
31 there was no science behind it and was customary to throw the bonus of two on. Preston said the
32 rationale was it wasn't every day, and the cutoff of 8 worked well because if most private septic
33 were three bedroom and you throw in two extras, you have 8. Preston said people in private homes
34 who have guests are not told they can't do that because they're family and guests and not
35 occupants. Hugh agreed. Preston said with occupants, it wasn't only flushing toilets, but the
36 number of people running a dishwasher, a washing machine, and taking showers can be
37 problematic in a place like Ludlow where they can be occupied every night of the year, but not
38 likely in Chester. Hugh agreed that made sense.

39
40 Hugh was curious that Jim wasn't necessarily against the fee structure for hosted and unhosted and
41 understood Jim's point of view of allowing hosted and not unhosted which translated into the cap
42 system because saying no to one group and yes to another could be problematic but didn't
43 understand why the waiting period was an issue because it wasn't telling someone no but telling
44 them they had to wait longer than someone else and would argue it wasn't any different than telling
45 someone they had to pay more than someone else. Preston said it didn't come up, but he had the
46 same puzzlement. Jim would say if you had a different use, it wasn't fair, but a different fee was.

1 Preston said the Selectboard in Woodstock adopts 3,000 per year and to get around it, they put the
2 cap at 50 for hosted and 50 for non-hosted, which was their way of getting around the fairness
3 question. Hugh thought because there wasn't a runaway problem in Chester with short-term rentals
4 and having done what they had and getting it vetted through Jim so they had guardrails for what
5 may or may not work and having it ready was probably a good position to be in.
6

7 Barre wasn't against rich people and had a single mom working with him now. If someone was
8 able to rent their home for \$1,000 a week a few times a year helped them to be able to keep their
9 home, it takes the house out of the market for workers. A town like Chester needs affordable
10 housing for workers. Barre said it influenced housing and affordability and although it may not be
11 the problem they thought it had been, they needed to focus on housing for employees. Barre goes
12 to Dairy Joy once a week and Chester has a building like Dairy Joy and the reason it's not being
13 converted into something is because we don't have workers here and it affects our culture and the
14 ability to walk down the street and get an ice cream. Barre thought housing was where their focus
15 was needed, and someone to invest in housing that couldn't be short-term rented. Hugh heard there
16 were discussions at the state level about creating an additional tax on second homeowners or non-
17 full-time residents and the money from that tax would be invested in creating work force housing.
18 Preston wasn't sure that anything had come out of the legislature. Barre thought it had been kicked
19 to the curb but wasn't sure. Preston said there were some bills that made it through and would take
20 a while to figure out the rules with them and said later in June they would meet with the League
21 of Cities and Towns to discuss what the laws would mean. One of the laws is an Act 250 reform,
22 which is needed, but Preston wasn't sure how meaningful it would be. One of them included the
23 state enforcing river corridor rules which was something Preston had advised Chester not to get
24 involved in and the governor could veto it. Hugh thought Barre's point was good that short-term
25 rentals were still contributing to overall lack of housing availability. Barre said it was a big issue
26 and wasn't just Chester and didn't know how other towns were solving it. Barre wondered if they
27 could do Habitat for Humanity homes as a community and didn't want them to lose focus on why
28 the short-term rental issue was addressed and that they still had a housing shortage.
29

30 Hugh thanked Preston and Cathy for the information they presented.
31

32 **Agenda Item 4, Continue review & discussion on Rural district map and UDB updates** 33

34 Hugh said Jason couldn't attend the meeting today and didn't have any updates from past
35 discussions through now but could have more updates he hadn't made yet. Hugh suggested they
36 move ahead and look at what they hadn't yet and become familiar with it as a team so when Jason
37 returned, they wouldn't be starting from square one. Hugh noted it took a long time from the start
38 of the process to getting things adopted and they hadn't established a timeframe for the last round
39 of what they were trying to accomplish with the rural districts, so he wanted to set a goal as a
40 Planning Commission to wrap up their work and get with Jason so they were ready to go to public
41 hearing by the end of June. Hugh admitted that may be aggressive but part of him thought they
42 had done most of the work and if they were able to tackle the rural districts and get in a good place
43 with them over the two meetings in June, they may have a chance to button it up and schedule the
44 public hearing. Hugh said even if it wasn't the end of June, but the middle or end of July, he would
45 ask Jason or Preston to help establish a target date to wrap up and move to the next step in the
46 process, so they would have something to shoot for. Hugh wanted to spend a few minutes on the

1 document everyone had from the last meeting which was Jason's most recent updates and thought
2 if they spent 30 minutes acclimating themselves to the concepts in Rural 5 and 8, they would be
3 better prepared at the next meeting with Jason. Hugh said they ultimately felt having the other
4 parcels they hadn't yet addressed zoned in a vanilla Rural 3 way wasn't the best for several reasons.
5 Some were related to creating the notion of a wildlife corridor, or if the town was full of Rural 3,
6 they could end up with rural sprawl and the whole town is chopped up into 3-acre sections and
7 doesn't fit the pattern of compact villages and more rural as you move away from the village. With
8 Jason's guidance, they had attempted to create different zones, Rural 5 and 8, in a way to prevent
9 rural sprawl but also not take anyone's value from their property, as one problem with making lot
10 sizes bigger is people were able to subdivide a 50-acre lot into several small lots and sell them to
11 developers to make money. Rural 5 and 8 would change the model to allow someone with a larger
12 parcel to develop it and preserve the value but in a different way with a density-based approach.
13 Hugh noted some of the pictures Jason had included, which wasn't a new idea, by allowing
14 subdivision while providing a certain amount of open space surrounding the lots so it didn't seem
15 like all housing and that's how Rural 5 and 8 were redrawn. Hugh said there wasn't a notion of a
16 minimum lot size, and it was no longer a requirement in Rural 5 and 8 but allowing so many
17 building units per acre if there was enough open space around it. Hugh suggested looking at the
18 picture in Article 2, page 25 of the document where it showed 5-acre minimum lots on the left
19 while on the right, created 2-acre lots while preserving 14 acres of free space so it wasn't just an
20 over-population of housing. Hugh asked if they understood the concept of density-based zoning
21 and their thoughts. Preston said there was no system of zoning that was ever going to be perfect
22 and was all a forced option of what you think is the best. There also is no minimum lot size as
23 Jason had written it, but it was hard to get a conventional system on less than 2 acres. If someone
24 got a state permit for a composting system, it could be smaller but, generally, you wouldn't see
25 lots smaller than 2 acres in rural areas. Jeff didn't have a problem with it because other factors
26 would limit development such as wetlands or ledges. Jeff liked the idea and said a lot of his
27 property was wetlands and couldn't be developed and liked the idea of having a date to move it
28 along and liked it after June as he would be gone and wanted to stay involved and up to date with
29 everything. Jeff agreed a goal was needed. Cathy said it looked better than when it was initially
30 presented 4 or 5 years ago. She said it still presented a recordkeeping difficulty, which Hugh said
31 was worth noting. Cathy said now that she was more familiar with the lister database, she could
32 suggest a possible resolution. They don't own the software and would need to check out a few
33 things and Hugh said that was a potential risk they needed to know about. Cathy said they were
34 saying the density base had a limit and they had to be able to keep track of and enforce the limit
35 and didn't think having the land records do it was a good idea but thought the lister database was
36 a place to put it and they could manage it. Cathy echoed what Jeff said that there were big swaths
37 of property which were undevelopable, so being able to have four houses close in the part that was
38 developable made sense. Hugh agreed. Cathy said the idea may be more palatable than when it
39 was originally presented and there was a reason that they were tackling the rural parts last and
40 partly was the concern expressed a while back and this was a better time to propose it. Hugh agreed
41 and recalled some of the discussions they had when creating density in the Village District and the
42 concern had been that the village would turn into a city with the density allowed, but Hugh said
43 just because it was possible didn't mean it was probable or likely. If someone owns a big piece of
44 land and doesn't want to develop it, they won't. Hugh thought doing something like what was
45 better than arbitrarily chopping a 5-acre piece into slices and putting a house on each one because
46 the infrastructure would have to be stitched together for development in that pattern and would be

1 much more feasible and less invasive if they had a cluster of homes and open space. Preston said
2 people would have a hard time getting used to it, but it would make property more valuable and
3 developable. Cathy agreed and said when they discussed it initially, people were concerned their
4 nest egg was being taken away and her thought was although they had 30 acres of land, there was
5 no guarantee they could find three 10-acre pieces to be developed but this gave them more
6 possibilities. Preston said the cost of long driveways and power lines is brutal these days and said
7 the road frontage had been reduced which would make it easier. If this bylaw passed, the tax map
8 in place at that time would be frozen because those are the lots and whenever one is broken off,
9 they would need a condition that says it is the first subdivision of this lot and only this many are
10 allowed and here is the second. That didn't bother Preston too much because he writes the permits.
11 If they wanted it in the deed statement, the bylaw would need to say that or at least the subdivision
12 bylaw would need to. Hugh believed they weren't the first ones to consider this and there may be
13 other towns in Vermont that are farther ahead in implementing it and wondered if there was
14 research about how other towns administered it. Preston agreed and said he hadn't researched it
15 but would and that Jason may have. John said 300% of the timeline is putting the line in the sand
16 and he hadn't been around enough to say when that should be but whatever the team agreed to, he
17 supported. John thought the land would be more valuable because it would be more useable and
18 flexible to do things with it that hadn't been allowed in the past. John saw the layout of the map
19 on the right side in other areas of Vermont and suspected it was tried and true. John saw
20 opportunities for them to look around and see what others had done to overcome the hurdles in
21 managing it. Barre said his friend, Glenn, whose family invented NordicTrack, bought a small
22 town in Colorado behind Telluride called Ophir and bought mining claims that were transferred
23 into families and his plan, which took a long time because some people held out, was to do what
24 they were doing in Chester. There were restrictions on how much you could put on the land, which
25 was on the side of a mountain, but his plan was to make a pie shape and divide it into pieces and
26 put the houses on the flat ground which has the density, and the land was still there. It was a
27 loophole for zoning then and was what Chester was trying to do now. Barre said they were doing
28 that, and it seemed to be a fair way and a good plan. Hugh said one of the arguments for people
29 trying to preserve open space is the parts that are denser are probably the parts more appropriate
30 for housing density and there would be other big chunks of space left open. Barre said you could
31 also look at it positively that they are producing more space and able to use the land. They had to
32 do something, and Barre thought it was a good idea. Hugh was also in favor of it and wanted to
33 get everyone's point of view and look at the pros and cons so the next time they met with Jason,
34 they could figure out the best way to execute and administer. Hugh thought it was a great outcome
35 for the past 20 minutes they had spent. Hugh scanned the uses to see if there was anything he could
36 pick up on that would be a hot button. Cathy wondered about removing construction trades and
37 heavy construction trades and thought they might need to make it clear and verify you can have a
38 home occupation and home business and though there was a period when they put building and
39 construction trades in every single district except the Village Center. She didn't know if they all
40 had left town but thought they may need to sell that idea or reconsider it because a lot of people
41 make their living that way. Hugh remembered they had originally said they felt building and
42 construction trades and heavy construction trades were redundant, so had chosen to scratch heavy
43 construction pretty much everywhere and left building and construction trades out of certain
44 districts because they didn't want a construction company in the Village District but if someone
45 had a home occupation as a carpenter or electrician or something similar, they wanted to be able
46 to allow it so for small home occupation and home business, they are covered in the trades

1 regardless where they lived in town. Hugh said in the rural areas, where building and construction
2 trades were a conditional use, it meant you could start a full-blown construction business as a
3 conditional use in these zones which seemed to make sense. Heavy construction trades were
4 eliminated from a definitional point of view, it seemed like there was too much overlap and
5 redundancy in building and construction trades. Hugh asked if others remembered that. Preston
6 said there were some kind of politics in the past as to why they were separated but may no longer
7 be the case. Cathy mentioned dump trucks and backhoes and thought Jeff may know more. Jeff
8 said an established company had been in a location for years and someone bought the property
9 next door and had an issue with the company who ended up moving out of town. Hugh asked if it
10 was a home occupation or home business, and Jeff said it was a home occupation with dump trucks
11 and excavators and the distance between the houses was a quarter mile and someone caused
12 enough trouble that this company decided to move to Rockingham. Jeff wanted to get his mind
13 wrapped around it before he offered an opinion. Hugh appreciated it and said where they don't
14 allow building and construction trades as a conditional use, someone could say Arne is a plumber
15 and lives in the village and parks his plumbing van in the driveway and Lee's got solar panel
16 storage with his solar business and some vehicles so they should allow it as a home business or
17 home occupation and everyone shakes their head and agrees that's what Vermont is all about and
18 they should be allowed to do it but on the other hand, if someone said they were running a home
19 occupation or home business and had a fleet of dump trucks, Hugh wondered where the line is that
20 says it's not really a building and trade home business, it's a construction company. Hugh didn't
21 know how to sort that out. Cathy said the issue was in home occupation and home business and
22 the definition says an occupation that is customary in a residential area. Preston added that it
23 maintained a residential appearance, which sounds great in writing but was difficult to enforce.
24 Cathy said it didn't say to maintain a residential appearance. She said 3.11 and 3.12 both say that.
25 Hugh said he wanted to believe the language created a guardrail to make sure the home business
26 was what they want it to be, but the reality suggested precedent had been set for home business
27 and home occupations that had been up and running but don't fit the character of the neighborhood.
28 The problem is when someone applies for a permit and is told it's not characteristic of the
29 neighborhood, they say so and so has their thing going on. Hugh was glad it was brought up and
30 thought everyone on the commission should spend some time thinking about it to decide whether
31 they should address it. Cathy didn't agree that heavy construction should be rolled into building
32 construction because she thought building and construction trades fit into a residential area but
33 heavy construction with big trucks and excavators and other equipment didn't. She was glad Jeff
34 was on the commission. Hugh said they had deferred it in the Village area but if it needed to come
35 back to life, they would bring it back. Jeff said the bread and butter of Chester is small business
36 and a lot of those people take care of people who come here. Jeff said the company he had
37 mentioned left property that had been in their family for decades and left because someone else
38 wanted peace and quiet. Jeff suggested before someone bought property in Chester, they should
39 look around to see who their neighbors would be. Jeff said it was like out west where the Muslims
40 moved in next to a pig farm and were offended. Jeff said you can't make your own rules and need
41 to consider who was there first and what they're doing and why they're doing it. Jeff said they
42 weren't trying to annoy them but trying to make a living. Hugh said it's been his experience if
43 someone is in a place doing something and a new neighbor moves in and complains, the people
44 don't usually leave, but tell the new neighbor to get lost. Jeff said it still costs money and creates
45 aggravation. Barre said that's how zoning started to try to make good neighbors and was what they
46 were trying to do and whether they were the same or not, if it had to go through the DRB, they can

1 tell if it's to scale or not. Barre said there was no issue with home occupation and no problem with
2 home business. Barre thought the bigger equipment tipped the scales and what Jeff had mentioned
3 with the company moving, it was unfortunate but out of the realm of the discussion. Cathy said
4 across the road from the armory on Route 11 West is a heavy construction company and the bylaws
5 wouldn't defend that person. Barre said it was more like a landscaping company than heavy
6 construction. Cathy said it was heavy equipment in the middle of a residential neighborhood and
7 her contention was as a home occupation or home business, it applies to something appropriate in
8 a residential area. If they keep that and say building and construction trades are conditional uses,
9 the small guy will need a conditional use permit to have a business like that because the argument
10 would be it wasn't appropriate in a residential area. Barre thought you should go before the DRB
11 for something like that and say there's a motel across the street, a former armory, and big storage
12 unit down the street with a tractor trailer and have no close neighbors and they would be allowed
13 there. Barre said it was a residential area, but no neighbors close by and thought it would float
14 through without a problem. Cathy said it was a problem for many to go through a conditional use
15 hearing. Hugh thought it was a good conversation but thought it made sense for everyone to take
16 some time to look through the bylaws before deciding where they are allowed. Hugh felt with
17 heavy construction trades, a lot of people make their money doing that and they wanted to make
18 sure they got it right. Hugh wanted everyone to review it and see if it felt right to them. Hugh
19 didn't have as much experience as some. Hugh's impression with a home occupation was generally
20 they need to be permitted. When someone starts one, it's easier to ask for forgiveness than
21 permission so people who want to do something out of their home do what they want and hope
22 their neighbor doesn't report them and the problem was then that they were already in business.
23 Hugh felt it put the ZA in a tough spot and wasn't sure what leg the ZA could stand on if it was
24 already approved in another part of town. Preston said Hugh was exactly right, but he hadn't been
25 overwhelmed with the issue. Preston said many people in Vermont make their living doing
26 something out of their home. There were a lot of guys who had excavating businesses, but home
27 occupations came in a lot of forms. Preston said what was painful was making the transition from
28 a home occupation to a home business and where the line was. Some people refused to go before
29 the DRB, and it was tough to know how to enforce that. Barre would argue there was a difference
30 between having a landscaping company and a home occupation because you were parking stuff in
31 your yard, and he didn't see that as a home occupation and thought a home occupation was selling
32 knitting needles out of your home. Barre said living someplace and parking there was different
33 than running a small business out of your home. Living in a rural area, people are used to farms,
34 tractors, machines, and other things and it wasn't a problem for someone to have a tractor, but the
35 problem was making a lot of noise. Barre didn't see it as that big of an issue and they have good
36 neighbors, and he keeps an eye out for his neighbor when she's on the porch and tries not to make
37 a lot of noise to bug her. Barre thought his business was probably one of the noisiest, non-
38 conforming businesses in town and his neighbors had been good to him. Barre didn't know how
39 big a deal this was, and Hugh said it may not be and reinforced what Jeff said earlier about buyers
40 beware and look around you before you buy a property. Just because someone moved in wouldn't
41 mean the business would stop. Barre said he had problems with his neighbors on the Cape who
42 constantly called the police on him, and the ACLU represented him three times. Barre said he's in
43 a book because they told him he couldn't work in his yard or paint a painting in his yard and a
44 lawyer used it as an example in their legal class in Boston. Barre said he's tried hard to be a decent
45 neighbor in Chester. With the Development Review Board, they were trying to let their neighbors
46 know what is going to happen and allow them input. Barre agreed with Cathy that it could be a

1 hurdle to go through but part of what they were trying to do as a planning board was to protect the
2 neighbors and let them know what's going on and then decide if it was appropriate. Preston said
3 they went through home occupation and home business in detail and vetted it and adopted it so he
4 didn't think they would change it. Preston noted the discussion started about heavy construction
5 versus regular construction and remembered one example was an asphalt plant and they decided
6 they didn't want one in Chester. Hugh noted Jason had struck the heavy construction trades
7 definition because at the time, they didn't want a lot of duplicate definitions but if there was a good
8 reason to have it, they could have it again and split it back out. Now they were moving into the
9 rural areas and discussing businesses that might fall in heavy construction trades, so it was the time
10 to look at it and make sure they got it right. Preston asked if it was in the bylaw and Cathy said the
11 one that she got from February of 2023, said heavy construction trades included but were not
12 limited to earth moving, excavation, trucking, and paving. Hugh said a lot of people have a tiny
13 backhoe and a little truck and was how they make their living and wasn't sure he would call that
14 heavy construction trades. Hugh said maybe it was needed, and the definition of building and
15 construction trades and heavy construction trades needed to be looked at as they may decide they
16 need to be clarified and both needed to exist.

17
18 Hugh asked if anyone else had anything they wanted to talk about on the topic and they didn't.

19
20
21

Agenda Item 5, Adjournment

22 Jeff moved to adjourn, and Cathy seconded. A vote was taken, and it passed unanimously. The
23 meeting was adjourned at 7:54 p.m.