

**TOWN OF CHESTER**  
**PLANNING COMMISSION**

**May 2, 2022, Draft Minutes**

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

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

**Citizens Present:** Steve Mancuso and Arne Jonynas via Zoom. Bill Lindsay at Town Hall.

**Call to Order**

Chair Hugh Quinn called the meeting to order at 6:32 p.m.

**Decisions Made:**

- Agreed to the wording of the Legacy Use Draft with an amendment to adjust the "burden of proof" language.
- Agreed to roll items #9, #10, and #11 of the PC Topic List into item #6 and agreed to delete item #13.

**Action Items:**

- Peter and Preston will create draft language for "Adaptive Use/Reuse" for the board to review,
- Hugh will identify someone to attend the upcoming CBC meeting on May 23<sup>rd</sup> and provide a zoning overview.

**Agenda Item 1, Changes to the Agenda**

Hugh asked for any changes to the published agenda. Tim wondered if they wanted to address COVID protocols given the possible next surge since numbers had tripled in the state. Hugh said he would take it under consideration. He questioned what the goal would be of an agenda item like that. Tim said the goal would be to decide if they were going to have protocols for the Planning Commission meetings and if so, what would trigger that. Hugh wasn't against it.

**Agenda Item 2, Review Minutes from the April 18, 2022, meeting**

Peter moved to approve the minutes of April 18, 2022, and Cathy seconded the motion. Barre had no changes. Tim noted on page 6, line 9, the sentence starting with either. He thought he said neither. Hugh said it made sense. Tim also noted on page 8, line 14, the sentence, "they could work on with it but thought it barred discussion." He wasn't sure what was said. Sue suggested bared discussion and Tim agreed and Hugh thought it made sense. A vote was taken, and the minutes were approved unanimously as amended.

**Agenda Item 3, Citizen Comments**

Steve Mancuso said the Chester Business Coalition has been asked to create a business directory. He noted it was interesting because nobody knows how many businesses there are in Chester as a

segway into the home occupation draft letter, which was just a registry type of deal so they were signing onto it and would form a committee. He noted he's been getting around a lot and talking to businesses and a lot of them don't realize what the Planning Commission is doing and how they're doing it. They don't realize the difference between home occupation and home business. This is where Steve thought they could help each other. He said they will form a committee and do the legwork and a business directory will likely be posted on the town website. He hoped one of the members would step forward and attend their meeting and explain the simple things. He asked them to consider it. Hugh told Steve that was great feedback, and they had some things to line up with his comment. They have education and outreach and one of them was to produce some easy to consume documentation to explain the bylaws, home occupation and home business and so on. He said any one of the commission members would be happy to be on the agenda to help educate the CBC. He thought the work they were doing to create the registry would tie into the matter they would discuss later as it related to home occupations. Preston said he could be a guest at one of their meetings. Steve said it would be highly appreciated and thanked them all.

#### **Agenda Item 4, Updates from the Chair**

(12:16 recording) Hugh said the town had been kind enough to create a Planning Commission email address. Going forward, he would use that email address in all Planning Commission correspondence. He told them he would no longer communicate from his personal email but that email. Tim asked if the email address could be setup to come to each of them. Hugh didn't think so and said the intent was the Planning Commission email goes to whoever happens to be the chair. As the chair rotates or changes, the email can be transferred to that individual and there can be continuity. It wasn't meant to be a group email. Tim asked if they should consider a group email and Hugh said he wasn't against it. He thought the spirit behind it was to separate Planning Commission work from his personal email, but also for people to reach out to the Planning Commission directly. Cathy said the Planning Commission Chair has duties regarding other towns, including the state, so the chair receives mail. Tim suggested the email be Chester Planning Commission Chair. Hugh said it was called [PlanningCommission@ChesterVt.gov](mailto:PlanningCommission@ChesterVt.gov). He could speak with Amie, if it made sense. Tim said it may if they were going for clarity. Hugh said he hadn't used it much but would look into it. Tim thanked him.

Hugh had an introductory discussion with Preston and Jason regarding the work to be done for the bylaw modernization grant to get Jason to attend the next Planning Commission meeting on May 16<sup>th</sup> and outline a gameplan. That would help them begin to get that workstream underway.

#### **Agenda Item 5, Status of In-Process Initiatives**

Cathy updated the Commission regarding the Village Green. The Selectboard will hold a hearing Wednesday, June 1<sup>st</sup> for the Village Green. Anyone that wanted to attend via Zoom or in person to support it, would be great. Tim asked if that was a regular meeting and Cathy said they met the first and third Wednesdays.

Hugh reviewed the work assignments he assumed they had decided about at the last meeting. He took the liberty to attempt to make the assignments and wanted to go through to make sure it made sense to everyone. Tim was assigned the community survey and updating the item to note that Tim was going to include previous surveys. Preston apologized for not having the surveys but had been busy with the office move. The surveys are in the files, and he would scan and email to Tim per Tim's request.

Hugh said Peter took on the drafting of work associated with permitting for home occupations and drafting language for legacy use. He thought he was almost done and was ahead of the game.

Hugh assigned Cathy community education and asked if she was okay with that, and she was.

Hugh said they added one related to arts and culture and gave it to Barre. Barre said Zon Eastes, although he wasn't sure of his area title, was willing to speak to them any time. Barre thought it would be smart to invite people who were interested in arts and culture to attend. He brought it up to the Fall Festival Committee that there are monies available for this area and one of the committee members had already reached out to the state. Because they are a non-profit, they were in dialogue with the state to possibly get some monies to help with the Fall Festival. He realized Chester may not be an arts and culture town but there is a lot of value out there and money available, so he hoped Chester could experience it more often. Hugh thought based on the information Barre had provided, and he had looked into Zon, one of the interesting things he learned was that part of their mission is to expand arts and culture as a way to generate more economic development. Arts and culture bring more money into the community. Hugh hadn't considered that initially, but it made a lot of sense. Barre said it was a big key to it. Barre said everyone in town seems to want a family restaurant where you can bring the kids for some spaghetti. He said if people came to town because there were events being held, someone could afford to open a restaurant and benefit from the people in town who needed a place to eat. He said the community would benefit because it would give them something to do, people would come here to spend money, and they could go out to dinner. Hugh asked Barre to reach out to Zon. Barre said it was done and they just needed a mutually convenient time. Zon could do a slide presentation or whatever they wanted. Barre was happy to make a press release, if needed.

Hugh said as the workstreams got underway, whoever was leading the item could report status updates on it.

### **Agenda Item 6, Draft Legacy Use Review**

Hugh said it was continuation of work started originally as a result of trying to allow the Baba Louis building to be used by an incoming business. They had put together an interim bylaw that had extended the period for nonconforming use to be reinstated from two years to five years. It was a stop gap they could do quickly. The follow-on work to that was to create this notion of a legacy use to be more durable and flexible as a way for the Planning Commission and DRB to identify businesses or parcels that could be reinstated under this legacy use definition. If they could work through it, it would ultimately replace the interim bylaw amendment they made. Hugh turned it over to Peter.

Peter said it carries on for any property without having a timeline. The big issue was they would need to trust the DRB. It was not a normal permit where they could check the boxes. The DRB will have to be able to make the decision and have the door open to be able to do that. He sat down with Preston, and they looked at previous parts of the document. Preston thought D2 and Peter thought it would be E, but they could talk about that later. It wouldn't change any of the nonconforming statements that are in the current bylaw, but Peter said it opened a door to the past. Peter read, "The DRB may determine that a past or present nonconforming use by virtue of its benign history and cultural heritage in Chester is a legacy use and therefore deemed allowed and conforming conditionally in the district in which it is located. The burden of proof is upon the applicant to demonstrate a past, or present nonconforming use has sufficient benign history and cultural heritage in Chester to be determined a legacy use. Determined as a legacy use is indefinite

in duration but a legacy use may be reestablished, expanded, extended, moved, enlarged, only following the conditional use review and approval by the DRB and a zoning permit issued by the Zoning Administrator.” Peter said the use was indefinite instead of ten years. It was open for discussion.

Barre asked if the word benign used with history meant that nothing adverse has come from it in the past and didn’t have any negative impact on its neighbors.

Preston said it wasn’t something he borrowed from another document, but he pieced it together from several sources. There is an article in the Zoning Practice Magazine that basically used the term, benign history, that nonconforming uses have a benign history. Although he didn’t choose to define benign history, they could. He noted the dictionary definition, something that is benign is something that has not caused problem. Barre just wanted to be clear about it. Preston said we were so used to the medical form of benign tumor meaning one that doesn’t kill you, but a benign use is something that has not bothered anyone. Barre said the term cultural heritage meant it did something positive with respect to the culture and that’s why it was there. Preston said the kinds of things he had in his mind was he has heard people say wouldn’t it be nice to have the spaghetti house again, or Chat and Chew, or the auction house on Route 10, all of which are long gone. He wrote it this broad, and as Peter had said, they put a lot of trust into the DRB if they do it. Preston said his feelings wouldn’t be hurt if they opted not to do it, but that’s where he thought they’d start. Cathy said there were five members on the DRB, and she couldn’t imagine that all of them would go berserk. She thought it was a reasonable risk to take.

Barre liked the language and was glad they put that kind of work into it, and it was nice it wasn’t that long. From his perspective, he wanted it to be more likely than not that these places could continue to have a use. Off the top of his head, if the DRB could easily decide that they did not want that to happen, that wouldn’t achieve his goal as much as he wanted to. Barre asked if the way it was written, it had enough direction from them that they really wanted it to happen, and it would take something that would really be inappropriate by their determination that it wouldn’t, so it would be like an 80% chance that things would go through.

Peter said the key was you can’t offend the neighbors because you were going for a use permit so that would likely be a bigger factor than anything else. For some reason, what was there before the abutters may have had a problem with it and that would come back. The majority may have liked the auction house, but some may have had a problem with parking. It could just be a neighbor that it didn’t work out for. The neighbors will all have a chance to speak because you will need to go in for a permit so you’re hoping it’s things that were pre-existing and that any problem with a neighbor could be addressed at that time because you’re reopening and issuing a permit with new conditions. Peter hoped that 80% of it worked and none of the ideas were too far out or crazy.

Tim was in alignment with Barre. He used Baba Louis as an example, and they all agreed they would like to see it continued to be used as a commercial building. Tim complimented Preston on the language he used and said it was nicely stated. He wondered if it may be a little too open though. He said they may want to think about having the applicant address that somehow. He suggested contacting the neighbors and giving them a certain time to come forward and that could be part of the process. Peter said that was how you obtain a use permit and adaptive use was a little different. Adaptive use would be if Baba Louis was used for another purpose other than a restaurant. Peter stated adaptive use was something he was working on with Preston and was his next hurdle. He stated this one was just the use and not the building. Because you need a permit

and a DRB hearing, all the neighbors and abutters must be notified. Tim thanked Peter for addressing his first and second question. Tim said they temporarily extended the time to five years that a nonconforming use could be reopened under the same use. Assuming that it goes back to two years, this would replace it and, in any case, if someone wanted to reopen a previous existing use, all of the abutting neighbors would be notified and have an opportunity to speak up. Peter clarified that it would only be for a nonconforming use and Tim agreed. Tim said they were talking about Baba Louis, the Auction House, and Buck's Auto were the first three that came to mind. He was fine with it if it was clear that was part of the process and Peter had just clarified it. Tim asked Peter if they wanted to change the use, that was a different part of the bylaws and something Peter was working on separately. Peter said his example for adaptive use was the armory. The pre-existing use for the armory was a military MP base and then was filled in but it had no pre-existing use. He said they're always trying to force the area around the armory to be something that it's not when the armory is something by itself. Peter viewed adaptive use as someone could come into the armory and do this. Because you're adapting to an existing structure, you're allowing yourself to play the game of spot zoning without spot zoning. He said if they turned Baba Louis into something other than a restaurant, that would be an adaptive use. You have a restaurant that used to be a restaurant. It turned into a nonconforming use but it's a legacy use so it can continue as a restaurant. If there was another use, you have no legacy but in an adaptive use, you have a building you can use for that purpose. That is a different discussion and would be a different terminology than a legacy that takes care of nonconformance. Tim thought by addressing that they also tighten up the temptation to fit something in that shouldn't be there. Tim thought it was good work by both Preston and Peter.

Preston said there were several bylaws in Vermont that have an adaptive use provision so it would not be difficult to come up with one or even several to pick from. Peter and Tim really liked the way Preston wrote it. Preston said by way of education, in these times, there are words that are considered triggering and not to be used and one of them is grandfathering because of its legacy in the South. They are now recommending that grandfather uses be called legacy uses and it is becoming the term of art. Tim thanked Preston for the information and said it was helpful.

Hugh thanked Peter for clarifying the adaptive reuse and stated that it made total sense now that he had explained it wasn't the same as legacy use. He knew they had touched on it at the last meeting and wondered what it was. Preston said adaptive reuse was about the building. Hugh asked if it was necessary to include both benign history and cultural heritage and asked if it should be "and" or "and/or." Preston thought "and" because he wanted the test to be a little higher. Hugh didn't necessarily have a point of view but was just checking. He asked if they had any thoughts about running it by the DRB. Peter said if they liked it, he would take it to the DRB. Preston said they could take it to the next meeting or wait until they have adaptive reuse and package them. Barre asked if they packaged the two things together, could it happen at the Selectboard like the other thing they did that changed it from 2 to 5 years because it was not so in-depth. Peter said no that it would be a bylaw change and they would need to do the same notifications as they had done for the Village Green. Barre asked if they wanted to wait. Peter thought if they did adaptive uses together, they didn't need to wait because it was an easy small package. Peter said if you read the manual from the state, it was small changes, and these would be easy small changes that make a big difference to the community. There weren't a lot of people that would argue with it, so it would move right through.

Barre thought with respect to the Baba Louis place, it would be nice if they didn't have to put them

through the DRB process. He wanted to wait until they got it done, to save those folks the grief. Peter said they would need to warn it and have a public meeting and he wanted to have adaptive use which was at least another meeting away, so they probably wouldn't get to a public meeting until July or August. He hoped they would be opened by then. Barre didn't want to act like he was trying to do those folks a favor but thought the impetus for it came from that particular building and he knew there would be a lot of work involved going through the DRB and they had put in a lot of effort. He didn't think it would be in their best interests to create another hurdle for them to jump when that wasn't their intention. Their intention was to solve the problem down the road.

Peter said Baba Louis had been closed for 3 years and page 43 of the existing bylaws calls for a discontinuing period of 2 years. They could just change the discontinued use to 3 years, and they could continue. Cathy said they did, but Peter said it wasn't changed in bylaws and was just an interim change. Peter said if they changed the words in the bylaw itself, they would not be affected.

Barre thought his point was simple and he preferred not to create more hurdles for those folks when it wasn't necessary.

Peter said they were trying to get small businesses to come in and get a permit. Peter said the legacy thing would open for a lot of the small people in Chester who had always been here and want them to come in and get a permit which they would address next.

Tim wondered if they should tweak the sentence, "The burden of proof is upon the applicant to demonstrate that a past or present nonconforming use has sufficient benign history and cultural heritage in Chester to be determined a legacy use." He wondered how he would go about proving that. Cathy said talk to the people. Preston said when he wrote it, he thought they would write a letter indicating it had been around for so long and everyone knew it. He wasn't thinking burden of proof. Tim said the sentence may seem a little strong. He said it was hard to prove a negative. Maybe a neighbor didn't like it and they moved away. Tim wondered if it should be tweaked. Preston suggested the applicant shall demonstrate or must demonstrate. Hugh said it would take the edge off and he liked it. Preston saw his point, like a lot of things, it made sense when he wrote it. Tim said it was beautiful writing and Preston was an eloquent writer. Tim agreed it should be changed to "the applicant shall demonstrate."

Barre said a lot of the information they would receive about the property would come from the Zoning Administrator and people in town. Tim worried if it was the burden of proof, would they need to go to the police department to see if there were any complaints, or find the former owners. Preston added hiring a cultural historian and Tim said a private detective.

Hugh thought they should remove the burden of proof language. Another thing he thought that would need to happen was when they are done with it and Peter takes it to the DRB they will question what other criteria they are supposed to use to make the decision.

Peter having been the Chair of the DRB had a good idea where it was going to go. Preston said they had criteria for a conditional use.

Hugh asked if Preston was going to make the updates they discussed and add some language for adaptive use. Preston said adaptive use wasn't under non-conformities and was a different section, but he was prepared they would come back with language for the next meeting. Cathy said it would be a new part of Article 3. Hugh asked if there was anything else on item #6.

Tim confirmed they would discuss it when the adaptive use came in and after someone made a motion, they would vote to move it forward for the DRB's review. There was agreement. Tim told

Peter and Preston they had done good work.

### **Agenda Item 7, Draft Home Occupation Permit Requirements**

Hugh said it had come up a few meetings ago and they tabled it for a later meeting which was now. This was the proposal from Peter and Preston about how to head in a direction of requiring and acquiring permits for home occupations but at the same time, create an environment that doesn't seem excessive for existing home occupations by waiving the permit fees. He asked Preston and/or Peter to take them through it.

Peter said a home occupation has been a required permit for the last two renditions of zoning so requiring a permit for a home occupation was not new. That was the biggest thing. It was hard to realize how to enforce it. He said Steve Mancuso was interested in having the businesspeople work with them too. Peter had worked it out with Preston and Cathy also had helped. Basically, they were just going back to what they had said. The recording fee for the town was \$15 and that's what the posted fee was which was how they ended up there. He recommended putting it before the Selectboard and if the fee could be reduced it would help them out.

Hugh asked if after two years, if it was \$50 for a new home occupation. He asked for some clarification regarding the grace period. Preston said it was up for grabs. They were trying to decide what was reasonable and thought a 2-year amnesty period but if they could say forever. Tim suggested 1 or 2 years to create some urgency and that it shouldn't be left open because it would be one of those things that received low priority due to time constraints of the business. He thought it might be nice to put it at 1 year and the Selectboard could always extend it. While it would be nice to create some urgency around it, it had no teeth as it was. He said they talk about carrots and sticks, and this was a carrot. They could do it for \$15 instead of \$50 if they act now. What happens if you don't? Nothing has happened before. He wondered if it was worth discussing. Peter said the reason they're bringing Steve in is because that would be helpful. One of the previous zoning administrators told people they didn't need one, so that was part of the problem. He thought to enforce it would be difficult and Tim agreed. Tim suggested incorporating some public outreach such as letters to the editor or a press release. Preston assumed they would do that.

Barre said he didn't like the idea at all. He had conducted some research and there are towns who do it but they're much larger. He thought what he mentioned last time about what defines a home occupation that gets to this level is when they start creating traffic at their house and hang a sign which triggers the process. Barre didn't think they could find out who everyone was because some people were selling things on eBay and were not drawing any traffic or creating any disturbance to their neighbors. If the goal was to find out what kind of businesses are in town, there was a way to do that. Every business that is a business pays sales tax to the state. That's where you would go to find out who has a business, and you could get a reference for people that way. He didn't think it was their job to find out what everyone is doing and what they're doing if it's nobody's business. Peter said they were stuck with the bylaws that were already written. Barre said it wasn't included in the paperwork and asked where the bylaw was.

Hugh recognized Steve Mancuso's hand but asked him to wait a moment.

Hugh said one of the things they may be missing in reading it was there was a legitimate reason to require a permit for a home occupation because people do all kinds of things in and out of their home and sometimes, they make a lot of noise and disturb the neighbors and other things. He didn't disagree there was an enforcement problem. The way it will get enforced is if a neighbor is running

a business and is bothering you by making noise or omitting noxious fumes and says it's his right in the State of Vermont to run a home occupation which is true but it has to be done in accordance with the rules in our bylaws and if you're not doing it that way, you're not really a home occupation but something else. The reason for it is to create an opportunity to educate people who are going to have a home occupation so they know it must be done inside the dwelling and can't make too much noise nor violate the performance standards. These are all things that most people who have a home occupation have no idea about. They don't know about the zoning bylaws, rules and regulations, and just start doing whatever they want to do in their house and think it's fine.

Tim added to Barre's point about the sign being a trigger and thought he was talking about a home business. The two are clearly defined as different businesses: home occupation and home business. What would drive some of it to Hugh's point was complaints. If a neighbor complains that someone is getting several UPS deliveries and someone asks what's going on and they say they have a home business and it's questioned are they a home business or a home occupation? If there was a permitted home occupation and the business is successful and starts growing, at some point it could feasibly outgrow being a home occupation and perhaps even outgrow being a home business and it is important that the town be able to address that.

Barre understood where they were coming from but didn't think the problem existed. Barre said nobody in town makes more noise than he does, and nobody was complaining about that. He said people had to be at a certain skill level to obtain a driver's license and they didn't pull people over to tell them what the speed limit was. When people violate those rules, it comes to the attention and there is some sort of enforcement. What they were talking about here was people doing innocuous things that nobody cares about. He felt these people would be caught up in the net with everyone else. Hugh said if they didn't require a permit for home occupation when a homeowner was running a business that was clearly in violation of their bylaws, they tell them they can't do that because their home occupation is making too much noise, they will say they don't know anything about it and they don't need a permit because there's nothing in the bylaws or town government that requires them to get a permit. If a permit isn't required, they don't need to abide by the rules that have been set. Barre said it wasn't logical. Barre said he wasn't talking about anything that was a problem or a potential problem. What he was saying was if they were going to require anyone who has any type of home occupation to get a permit, even if it's 100% completely innocuous, in his opinion, they were bugging people unnecessarily. He thought if Sallie Mae wants to sell cashmere sweaters and goes to Preston so she can put a sign up saying she sells sweaters, then she goes through the process. He questioned if someone is selling widgets and nobody knows about it, why do they need to come to town and get a permit.

Peter said the document was not about enforcement. It is stated in the bylaws that a permit is required. It is about offering people the opportunity to come in. It wasn't blowing on everyone's house and opening things up. All it was saying was if you want to come in, they're giving a moratorium. They're not enforcing. Peter said the scenario that Barre was taking it to, there was nobody taking it to that level. If you want to come in and get one, you can get one and we'll give it to you at a reduced rate. There's nobody knocking on the door. There's not going to be a zoning police, which he didn't know how it would be done anyway. Barre said that was his point. Peter said it wasn't about that. It was about lowering the rate so you could come in. It wasn't about enforcement or saying what is the point they were going to say it should be there. Peter said they would come in on their own accord and decide when that point is. Peter said he was saying they have an opportunity to get a reduced rate permit and that was all he was saying. Barre noted the



word requiring was in there. Peter said the word requiring was in the bylaws and had been in the bylaws for 10 years. Peter went on to say the problem was an enforcement issue and it was really difficult to enforce. They're not trying to enforce it but have a voluntary system where someone would come in for a discounted price and get a permit. They weren't knocking on doors and saying they needed a permit because they don't have a sign. They were saying if you have a home business and want to come in and get a permit, you can.

Barre thought they needed to define it and wanted to see all the stuff click in when you get a sign. Hugh didn't want to tie it to a sign. He said tying a home occupation permit to a sign didn't make any sense to him. Peter said Barre was talking about rewriting a bylaw and that wasn't what the paper at hand was about. It was about offering a reduced rate. It wasn't about rewriting a bylaw for when a home occupation comes in. That was a discussion they should table for another night. This was saying the current bylaw requires this. Voluntarily coming in, working with Steve Mancuso and the business community to come in and get some permits would be a giant step ahead. Not try to take a hammer approach nor try to define the point which is hard to do and he won't argue that with Barre.

Tim said back to his original point, it was a carrot approach. Barre apologized for dragging it out, but he wanted to know what the impetus was for doing it; the goal of knowing who was doing what where; what was the purpose of it.

Peter said to look at legacy. If you had a permit for an existing unit and it was 20 years from now and you wanted to open the business again, you have a permit indicating you were doing this at home and you have some history.

Barre said a regular business would have traffic and a sign and you must go through all of that because it's a real business. He referred to his friend, Johnny, who buys shirts from thrift stores and sells them on eBay for a 20% profit. He asked if they wanted Johnny to have to come in to establish a legacy for someone who wanted to sell shirts in the future. Hugh said if you don't want to come in, don't come in. Barre thought they were trying to make people do stuff they didn't want to. Peter said it was a bylaw that was in Brandy's. It had been in the bylaws for a while and was a standard for a lot of towns. Barre said it was a standard for a lot of towns that were bigger. He apologized for his stubbornness but said he was one guy; his stubbornness didn't matter. Barre said there are so many things that people are doing today as a way for them to generate revenue for themselves that doesn't create dust, bring traffic, doesn't bring one more UPS truck than normal. He wasn't saying it was nobody's business because of privacy but that there was no need to bug these people.

Hugh thought what Barre was saying made sense and that's why to, Tim's point, it was a carrot. If they want to come in and get a permit for their home occupation, they should let it happen and make it easy and that's what this was all about. The fact that the current bylaws require a permit and it's hard to enforce, if people want to get them, they should be able to get them.

Tim thought it would also provide data on how many businesses there are in Chester which could affect a future grant application. He thought that was important information to have. Cathy said it would also help them figure out zoning districts.

Steve Mancuso said all their concerns were valid but all they have is the enforcement stick. He suggested to find a way for the CBC to provide the promotional carrot and they could help each other out. Steve said he had to speak on it on May 23<sup>rd</sup> at the American Legion.

Hugh thanked Steve. Barre said if they were really looking for data, it would be redundant. He sells art and must pay sales tax, so anyone in a legitimate business in Vermont must pay sales tax. Tim said that wasn't correct and was only if you were selling retail products. If you're running a consulting business out of your home, you don't have to collect or pay sales tax. Most service businesses don't require sales tax. Peter said he sells farm stuff, like his lamb, and isn't required to collect/pay sales tax. Tim said food is not taxed in Vermont. Hugh offered an antidote and said for whatever reason he was on some kind of a rat hole where he was looking at the State of Vermont and a business has to register their EIN and there are a ton of businesses in Chester that don't have an EIN and he didn't know what they were doing with their taxes but you can't rely on someone registering their business with the State of Vermont and paying sales tax as a way to accurately account for them. It's not the answer, only part of it. For him, he agrees there is no practical way to enforce this. Hugh said if someone is doing something out of their home and they're not bothering anyone and don't have a sign or traffic and just want to be left alone, they're not going to come in and will just keep doing what they're doing. It's no harm, no foul.

Peter asked if anyone had any problem with the language. Hugh said the only thing he wasn't clear about was after the two years, then what is the fee, fifty? Peter said they go back to \$50. Tim questioned if two years was the right length of time for the moratorium or should they say one year with an idea they could extend it. Not that he is a huge procrastinator, but people tend to procrastinate until a day before the deadline.

Peter asked for Steve's thoughts.

Steve told them any way they can fill empty buildings in this town was a good thing. He applauded them for doing it. He said these buildings were former businesses that went out of business because of anti-business protestors long before anyone was appointed to this board. He said they are undoing the damage they did. It is important because the two businesses downtown that were protested assume one-six of their tax return. It's important to all the people walking around saying they can't retire in this town. He didn't care how it got done but would be a good thing for everyone including the community and he thanked them for their efforts.

Peter asked Steve if they should waive the requirement for 1 year or 2 years. Steve said most of them are unaware they are a home occupation so unless the town would take some effort to mass mail, it wouldn't get done. Cathy said it could take a while to build momentum and Steve agreed. Peter said it sounded like two years was better than one and Hugh said he was fine with that.

Peter asked if there were any other problems with the language that should be changed. Peter moved they finish the letter and forward it to the Selectboard, and Hugh seconded. A vote was taken, and all voted in favor except Barre who voted nay. The motion carried.

Barre continued to express his reasons against it. Tim said it had been voted on and passed.

### **Agenda Item 7, PC Roundtable**

No discussion.

### **Agenda Item 8, Review and Prioritize PC Topics**

Hugh said it was a continuation of the work from last meeting to continue prioritizing the different agenda topics. Hugh said before they got started on it, he wanted to note a couple of changes. Item # 1, he added the bit about incorporating the other surveys.

In item #3, he added something about looking at conflict of interest, as well as code of conduct. Peter suggested they also add that each member should have all the permits required for the business they are currently doing. He said he was farming, and his farm was registered but if he was selling widgets, he should be responsible enough to have a permit that indicates he has a home occupation. Tim said that was him and they had talked about it. Peter said if they were making these bylaws, they also should be upfront. Tim said he wasn't disagreeing but was agreeing they should all be complying. He didn't know if that should be in their code of conduct because they should all be complying anyway, but he wasn't opposed to it being in there. Peter was in favor of having it in there and Hugh said he was fine with that. Hugh said the Rules of Procedure didn't have anything about a code of conduct, a conflict of interest, or anything else. This one was about discussing it and deciding what they may want to include in their rules of procedure that are currently missing. Peter thought they should remove conduct because it was the Rules of Procedure. Hugh said the Rules of Procedure talk about how to run a meeting and not the fact that there's a code of conduct, that as Planning Commission members, they needed to follow. Cathy advocated it be a separate document and not included in the Rules of Procedure. She said the Rules of Procedure were specific to how the Planning Commission would run a meeting. Hugh asked if the Conflict of Interest was a separate thing too. Cathy said the Code of Conduct and Conflict of Interest could be together, but she thought the DRB had them separate. It's okay they're separate. Tim thought it would be fine for them to be the same because the conflict of interest should be dealt with as conduct. They shouldn't condone that and should be clear about what it was. Hugh said he would tweak that one a little because it sounded like they were generally in agreement that they shouldn't bundle it into their Rules of Procedure document, so he was fine with that. He was just calling out some updates from the last meeting.

Hugh added item #14, The Vermont Climate Action Plan. It was something Cheryl Joy Lipton had brought up so they could look to see what was happening and how it may or may not affect the bylaws. He also added Barre's item related to arts and culture.

Bill Lindsay asked for an explanation regarding the social media policy and where they were going with it. Hugh said it was an idea about how the Planning Commission as a body should interact with the media and social media. Bill asked if he meant press and Hugh said yes, and social media. Bill asked as individual members or a board, because there is always diversity of thought about an issue, and he wondered if they would be working in conjunction with social media as a board or individually. Hugh said most organizations have a policy as a board or a group indicating how they will act with the media, including social media. As an individual, don't represent the Planning Commission as a body with your own personal views. Before you publish something in any media outlet that will be viewed as representing the point of view of the body, it needs to be reviewed by the body before it gets published. It was more about what the rules are about how the Planning Commission as a body represents itself to media, including social media.

Tim suggested tweaking it to say, what individuals making up the Planning Commission's code of conduct was with press and social media. Hugh said it was difficult for him to wordsmith but that was the spirit of it to tighten up some of those things if they thought it made sense. The point of looking at the items was to agree they should remain on the list given the spirit of what they were trying to do and if everyone on the Planning Commission agreed something didn't make sense, they could vote to get rid of it. If they all agreed it had value and there should be some work put into it, they would leave it on the list, and it would be assigned a priority and they would figure out how to work it.

Hugh asked if they all generally felt #3 should be on the list. Barre said if he was going to write a letter to the editor as a member of the Planning Board, if it came from him as a person with an opinion who was a member of the Planning Board rather than as a representative of everyone else on the board, that would be the thing he wanted to see. It was unfortunate it sounded like they were trying to regulate what people say. He's very interested in humor and was trying to invent a character that would have a political aspect. He has gotten in trouble for this in the past because people don't realize when you're being a character, you're not being serious. There is a big difference between making a funny post and being a member of a Planning Board and saying you represent the board, and that was his feeling about it. He thought it needed to be done that way. He didn't want to be on a board with all kinds of rules. He wasn't happy about saying they all must comply because he didn't think they wanted to dig into everything everyone was doing. If people are living their lives and doing their things and now, they're going backwards and looking at what people are doing, that was like digging up dirt on people and he didn't think that was part of their job. Hugh didn't want to go any deeper on this item, but it sounded like it would remain on the list because nobody wanted to strike it. He said they would figure out how to deal with it but not tonight.

He suggested they roll items #9, #10, and #11, which were housing availability, Village District, and town plan future land use maps. Based on an earlier conversation with Jason Rasmussen and Preston, he suggested they roll those into #6. The reason he was suggesting it was if you looked at Jason's response to the grant proposal, it incorporated all three of those items. Those three items would be handled as a part of executing item #6. Peter asked if he wanted to roll #13 into it as well. Hugh proposed to delete #13. He asked what their thoughts were about rolling #9, #10, and #11 into #6.

Barre said that housing was a big deal and he wondered how to deal with issues that big. He suggested if they were going to tackle it, they give it some specific attention. He understood what Hugh was suggesting and it would become something about something bigger, but he was afraid it would get lost. He thought they may want to spend some time on it separately. Hugh said his intent was Jason calls out a lot dealing with many of these things in the work they would do, and they would be able to guide that work and prioritize it. The work being done under #6 would be done after #9, #10, and #11 and he didn't want to duplicate that effort by assigning them out to other people when at the end of the day, the work would be done primarily by Jason and Preston. To get it under line item #6 would be duplicative.

Barre asked if any of the board members felt if there was anything they could do to help the situation or was it beyond them. It was a big deal that was happening with housing. It seemed to him the biggest thing they had going on currently. He wondered if it was in their wheelhouse.

Tim hadn't heard #4 getting rolled in with #6 and that was the accessory dwelling unit enablement which would help address the housing issue. He thought it may make sense to not roll it in because they address it separately and potentially amend the existing bylaws without having to wait for a rewrite. Tim agreed it was an urgent issue that needed to be addressed.

Hugh said when he looked at #4, it was specific enough and not clearly called out in Jason's scope of work. When he read through the response, it talked about workshops, gathering data, and understanding housing availability. It was about housing availability and how they could address it. That was one major arm of work he would do, and the other major arm was to move the bylaw work through to completion. If you thought about it in two big chunks, #9, #10, and #11 get rolled

into #6. Hugh said to Barre's point, his belief was as a Planning Commission, they could make sure it got focused attention by making sure #6 is a higher priority item on the list and as Jason and Preston start planning out how it would get underway, they influence the work they do in terms of priorities and timing and focus. It was his rationale for rolling #9, #10, and #11 together.

Peter asked if Preston and Jason would make a proposal for them without working with the board or if they would form a subcommittee that works with them, or they would just receive a document from them.

Hugh said they only had an initial meeting today, so he didn't have the answers to those questions yet. They would start to uncover the working model for line item #6 over the next couple of meetings. The next thing that would happen was Jason would come and give them an outline of how he saw the work they have been commissioned to do unfolding and how the Commission will interact with that work. They didn't have it figured out yet. Hugh said he wasn't a huge fan of the subcommittee model. It wouldn't be his first choice to get the work done. He wanted to find a more efficient way to get the work product developed and have the Planning Commission provide input, review, and make decisions. It was not settled yet but, in his opinion, the subcommittee model was too process heavy: too much overhead, minutes, agenda, and all of that.

Peter said the subcommittee model did start with the base and follow the base all the way through as opposed to just this is what it's going to be and present it to the model, which he didn't go for the last time it was done. Peter said they were presented from the consult with here's the package.

Barre said that wasn't true and that she had sat there meeting after meeting and given them choices. The board made the choices and by the time Peter came on, it was a package, and he didn't like the package that was done. Barre said if they sat with Jason and Preston, they could get the same result because they were all here. The problem is a new member comes in and doesn't like the process that's handed to them, they would have the same attitude as Peter. Barre said it worked the way he was describing. Barre said they didn't go with everything she thought. Tim added they weren't finished with it, and it was still a draft document.

Cathy stated if Preston and Jason were working together, they could call in individuals from the Commission to talk over the specific items and get input that way. She thought it made sense because neither one of them lived in town. This was one way they could call in individuals and avoid the overhead of an agenda and minutes. They would just need to do it one person at a time.

Hugh considered Jason and Preston the most knowledgeable planning resources they had currently, and he didn't want to have the overhead of the subcommittee, but they had the ability to determine their level of involvement. He didn't anticipate it would be Jason and Preston go off in a vacuum, develop a complete package, and drop it on their desk for review and approval. That wasn't what he was envisioning. He was envisioning they will outline an approach about how they would do the work, they would discuss the approach and adjust it, and tweak it, and agree on the plan to get the work done and as the work gets done, have opportunities to review, tweak, change, and provide input. He felt it was the most efficient way to get the work done quickly but still having the Planning Commission members heavily involved in decision making.

Cathy said the other clarity in the RFQ document. What it was talking about mostly was the four workshops planned which would be all of them together giving input and that would be where they could share their concerns and walk through it.

Peter was concerned if you went back through, it was the administration, which was #8, and Hugh

was saying that wasn't included. That was something he would expect them to do.

Hugh said they could roll #8. Obviously #8 is clearly in the scope of #6. Peter was talking about all of Chapters 4 and 5 of the current bylaws. Hugh understood that.

Cathy saw a good reason to keep #8 separate. Hugh didn't include #8 for a reason. He was happy to discuss it and change it in any way the board saw fit. His rationale for not including #8 and bundling it in with #6 was he thought it was work that could be easily handled. He asked Preston to weigh in. Hugh thought the administration section was in the zoning administrator's sweet spot, so they didn't need to leverage all of Jason's administrative skills to tune up the administration section but if it was a bad assumption, they needed to discuss that. That was his rationale for not rolling it into #6. He thought it could go either way but if the members had passion around keeping it separate and doing it on their own, he wanted to discuss it.

Barre thought a lot of it was well within their wheelhouse and they just made an example of that at the beginning of the meeting.

Hugh didn't hear any objection to rolling #9, #10, and #11 in, so he wanted to talk about #8. It sounded like Peter was against it. He asked Preston if he had a point of view about it. Preston didn't have a point of view.

Cathy said #8 wasn't about uses and zoning district boundaries. Hugh thought it may be able to stay separated was you could start chipping away at the administrative section of the bylaws and getting it the way, it needed to be even without knowing all the other stuff about the zones and the zone details and all the other stuff. Preston agreed.

Hugh said he only wanted to roll things in because he didn't want to duplicate effort. If he took a line item and gave it to Barre to run with, and then suddenly there was duplicate work being done with another line item that was in conflict or redundant, it was just a waste of time. He didn't want to waste time, so if he didn't hear any objections, he was going to roll #9, #10, and #11 into #6. He was leaving #8 as a standalone item that would probably be assigned to Preston and then on the second page, because of the work they were doing with the legacy uses, it's been started and almost finished and because of the update Preston gave last time, that Sugar Bob's was likely moving forward with the Baba Louis property, there was no fire drill on #13 anymore, so he wanted to remove it from the list. Tim agreed with that.

Tim asked if the prioritization of the list could be moved to earlier on the agenda so they can have more discussion on it. Hugh thought the only thing that may conflict with it was at the next meeting, Jason would be speaking about item #6 and then they spend some time on the list. Tim said that was fine and to let Jason have as much time as needed and the list get pushed to another meeting. He asked that the next time the list was addressed, it be moved to earlier in the agenda so they could get more done.

Barre asked what the PC roundtable was. Hugh told him it was when he got to speak whatever was on his mind. Everyone gets a turn at the mic.

Steve said the next CBC meeting was Monday, May 23 at the American Legion at 6:00 p.m. and asked that one of them attend. He wanted them to bring the attendees up to speed. Steve didn't want to do it because he would get his facts wrong and would appreciate if one of them would do it.

### **Agenda Item 9, Adjournment**

Peter moved to adjourn, and Barre seconded the motion. A vote was taken, and it passed unanimously. The meeting was adjourned at 8:13 p.m.