

1 **TOWN OF CHESTER**  
2 **PLANNING COMMISSION**  
3 **November 7, 2022, Minutes**

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

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

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11 **Citizens Present:** Bill Lindsay and Steve Mancuso at Town Hall; and Jason Rasmussen, Executive  
12 Director – MARC, and Brian Mosher via Zoom.

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14 **Call to Order**

15  
16 Chair Hugh Quinn called the meeting to order at 6:30 p.m.

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18 **Decisions Made:**

- 19  
20
  - None.

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22 **Action Items:**

- 23  
24
  - Barre will reach out to some builders he knows and invite them to Workshop #4.
  - Discuss the Community Survey at the November 21<sup>st</sup> meeting, if time allows.
  - Preston and Peter will meet and go through the changes to Section 5.2.
  - Preston will get more information from the ACCD regarding accessory dwelling units.

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

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31 There were none.

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33 **Agenda Item 2, Review and Approve Minutes from October 17, 2022, meeting**

34  
35 Tim moved to review and approve the October 17, 2022, meeting minutes and Peter seconded the  
36 motion. Hugh asked if there was any feedback or changes on the minutes. Barre had none. Tim  
37 noted on page 4, line 42, “if you only had water, it was a two-acre lot and if you didn’t have both,  
38 it was a 3-acre lot.” Tim suggested changing “both” to “either.” Peter agreed. Hugh noted on page  
39 6, line 37, Putnam Pasta should read Putney Pasta. A vote was taken, the motion carried, and the  
40 minutes were approved as amended.

41  
42 **Agenda Item 3, Citizens Comments**

43  
44 Hugh asked for comments for items not on the agenda.

1 Steve Mancuso noted they were in the papers again and told them they were doing a hell of a stroke  
2 of business. Regarding the list of empty buildings, there was a business in Weston, Mass. looking  
3 for 3,000 to 4,000 square feet. They are a countertop manufacturer, so Steve sent them the list.  
4 Preston had heard about it from Cathy but hadn't heard anymore. Steve said the business  
5 community wanted to address Jeffrey Barn with the Dollar Solution. Housing is a big deal right  
6 now and there is a lot going on to make that happen. Steve said they would be asked for the details  
7 of how it could happen because it was a contract between the town and any interested contestant.  
8 They could bring realtors and bankers to the table, but the Planning Commission would have to do  
9 the dollar contract on their side to make it happen for the town. Steve saw no other viable outlet  
10 for that property and asked them to consider it.

11  
12 There were no other comments.

13  
14 **Agenda Item 4, Status Update Bylaw Modernization Grant Workshop #4**  
15

16 Hugh asked for a status update. Preston said the workshop was to invite realtors and contractors.  
17 Preston invited four realtors who enthusiastically said yes. They are Daire Gibney of Andover who  
18 is the Zoning Administrator there and is very active in Chester; Joe Karl who lives in Chester;  
19 Geralyn Donohue who lives in Chester; and Gary Coger who is on the DRB. All four were glad to  
20 come. He wasn't having as much luck with contractors. Tim had previously suggested Doug Friant  
21 who has Vermont Timberworks. Preston said he is willing to participate but said he has nothing to  
22 do with affordable housing. Preston invited Justin Savage from Gassetts and hasn't heard back yet.  
23 He would follow up with him. Barre hadn't heard back from his friend, Paul, but there was another  
24 gentleman, Aaron, who owns property in Chester and builds in Manhattan. Peter also knows him.  
25 Aaron is considering building here. Barre had spoken with Julie about getting him on the housing  
26 committee which is being formed to address the housing problem. Barre wondered since Aaron  
27 wasn't in affordable housing now if they would want to hear from him. Barre wondered what their  
28 goal was. Jason said in an ideal world, he thought it would be helpful to hear from people who  
29 must deal with the regulations so they could make the regulations better when writing them by  
30 knowing what they should avoid doing and get their feedback. Barre saw a project Aaron is  
31 working on in Manhattan and thought it would be interesting to get Aaron to come speak. He saw  
32 it as an opportunity to make things happen. Hugh suggested Barre reach out to both and invite  
33 them to attend via Zoom. Barre was happy to do that. Hugh said it would be held on November  
34 21<sup>st</sup> at 6:30 p.m. Jason has given Hugh what they needed for a press release, and they would get it  
35 out tomorrow and would gather as many subject matter experts as they could.

36  
37 Tim asked Preston about Doug Friant's thoughts. Tim said Doug is the one who built the new  
38 Welcome Center on I-91. Preston agreed with Tim that Doug is a thoughtful guy, and he had all  
39 kinds of opinions about affordable housing but isn't doing it. Preston felt he would help the  
40 conversation. They had discussed the only way affordable housing would work is if it was on water  
41 and sewer, in a walkable neighborhood, and was pushing 30 units. Doug understood and Preston  
42 felt he would be a good addition to the conversation. Doug said he would be glad to participate by  
43 Zoom and Preston would let him know the Commission wanted to hear from him.

44  
45 Hugh thought they could cover it without Aaron and Paul if Barre was unable to contact them, but  
46 Tim wanted to hear from the guy in Manhattan since he already has a home here and is considering

1 building here. Tim thought he would be a great addition. Barre said he would reach out to both.  
2 Preston said they are short of people with building expertise so they would love Barre to invite  
3 them. Jason said a builder who is willing to offer an opinion but can't attend the workshop would  
4 still be valuable. Barre thought the local regulations aren't affecting people as much as the State  
5 regulations and is likely what they would hear from those who come to the workshop.

### 6 7 **Agenda Item 5, Update on Community Survey** 8

9 Tim said the postcards have been mailed and everyone should have received them. The Telegraph  
10 published a press release yesterday and it was also in The Vermont Journal. People have asked  
11 questions which indicate there is activity and people are interested. Tim considered reaching out  
12 to Malia of MARC for preliminary numbers but thought it irrelevant right now. He thought it  
13 would be good information to have at the next meeting to see what kind of response they're getting.  
14 Jason would ask Malia to report back. Tim hadn't put printed copies out at stores but there were  
15 copies at Town Hall. Some people have asked to have one mailed to them. Tim will be at the polls  
16 tomorrow with paper copies and available to answer questions. He intended to stay the day but if  
17 it was super slow, he wouldn't do that.

18  
19 Cathy heard they had received 700 mailed in ballots which is about half.

20  
21 They've received some positive feedback so far. Hugh had heard from someone whose card was  
22 smudged so Hugh emailed them the link to respond, and they were happy to do that. Hugh  
23 suggested having a link to the survey on the Planning Commission page or the Town's page. The  
24 others agreed. Tim said The Telegraph had included a link and suggested waiting to make that call  
25 when they see the response they're getting and thought if there was time at the meeting on  
26 November 21, they could talk about it then. Hugh agreed and thought the survey should close  
27 soon after the Christmas holiday because the window would be gone after that.

### 28 29 **Agenda Item 6, PC to Provide Update on Proposed UDB Administrative Section Updates** 30

31 Preston and Jason had circulated a draft copy with the proposed updates, and they took a very  
32 cursory look at them at the last meeting but didn't have time to have an in-depth discussion. This  
33 was an opportunity to discuss any changes.

34  
35 Peter suggested before they got too far, they address Section 5.2 that dealt with road design because  
36 it conflicts with town ordinance in several places that govern roads. He thought they would need  
37 to pick through the section. Hugh asked if it was in the administrative section and Peter said it was  
38 in the subdivision standards which is where they would be administratively as they talked about  
39 subdivision standards in the last section. Peter mentioned Section 8 in definitions and Cathy said  
40 it was mostly in 3 and 4. Hugh was trying to figure out how to tie it back to something that was in  
41 the document. Peter said plot review was in 5 and subdivision review procedures and part of that  
42 was a road design. Preston said the way he looked at it is anything that applies to the whole town  
43 and is not unique to a specific zoning district, he labeled as administrative and that's why the  
44 changes cover several chapters, so it was appropriate for Peter to raise this now. Hugh appreciated  
45 the clarification. Hugh asked if what Peter was raising would ultimately be bundled into the next  
46 round of proposed changes that would go up for adoption or would it be another iteration of

1 something. Preston wanted it all rolled together if possible. Peter said they just need to remove a  
2 lot of what the DRB has the power to change when the ordinance controls it. A lot of it would just  
3 be removing things. Hugh said that made sense. Peter said the goal was to reconcile it with the  
4 ordinance. When Preston is feeling better, he will sit down with Peter and go through the changes.  
5

6 Preston mentioned Article 2, page 2 addressing floodplain. Hugh thought it was fine. Cathy  
7 wondered what would justify the Zoning Administrator or DRB saying the flood map was off the  
8 wall. Tim wondered the same. Cathy thought evidence from Irene was sufficient. Peter thought  
9 evidence from the surveyor regarding elevation was necessary. Tim agreed. Preston said some  
10 places that are obvious because there's a hill but it's in the mapped flood zone. What they  
11 sometimes call the A Zones, or the Fringe Zones are just photo interpretations, and nobody has  
12 gone out and measured them. Preston said it was an area of flexibility. He said once you hire a  
13 surveyor, you may as well go through the DRB. Tim suggested adding something that said where  
14 there was an obvious error in the map. Preston said that was the intent and that he had pulled it off  
15 another document. Preston thought there was language about what an obvious discrepancy was  
16 and would search FEMA's language for that. The goal was to put it into words that made sense  
17 and didn't get abused.  
18

19 Tim wondered if language should be added to C to the effect if the Zoning Administrator or DRB  
20 makes the call, it doesn't increase liability to the town. Peter noted the language is already there  
21 where it read, "This determination will have no effect on any requirements by lenders to purchase  
22 flood insurance nor will it result in any official change in the flood insurance maps." Peter said an  
23 insurance company looks at the map and doesn't care what the Zoning Administrator says. Tim  
24 wondered if it would cause someone to decide not to get insurance because the Zoning  
25 Administrator said they weren't in the flood zone. Preston said any structure that gets financing  
26 and since financing originates from the Federal Reserve, is subject to Federal Regulations. In most  
27 instances, it would only apply to sheds, barns, and garages, but he did make notes. Peter said if  
28 they add wording that excludes a dwelling, they're covered. Preston wouldn't want someone to  
29 build based on his say so. The others agreed adding wording excluding a dwelling worked.  
30

31 Preston and Jason noted with Article 3.1 Accessory Dwellings had changed to two accessory  
32 dwellings from one to help with the housing crisis if the DRB approved. Tim thought it was great  
33 and was fully in favor. Barre was concerned with the amount of space and wondered if setbacks  
34 applied. Tim thought the most common place he could see it used is a larger home with an  
35 apartment within the original structure and then converts the barn or carriage shed into a second.  
36 Barre didn't see that as two accessory dwellings but an apartment and ADU. There was discussion  
37 over the definition of an ADU. Preston said a ruling from the Department of Fire Safety had just  
38 come out saying they would inspect all ADUs, so suddenly there's the issue Barre brought up.  
39 Preston wasn't sure there was a difference between a duplex and a one family house with an ADU  
40 other than the fact the ADU has a size limit. Jason thought the big issue was the size difference.  
41 Jason thought size was the difference and it was an owner-occupied lot. Cathy asked if separate  
42 entrances came into play. Preston said there was nothing addressing that only that they needed  
43 separate living quarters. Preston said Barre was correct about an ADU being a garage or separate  
44 from the house but when it was inside an existence dwelling, he didn't see a difference. Tim asked  
45 about a two-story garage being converted into 2 separate rentals and wondered if it would then be  
46 a duplex or 2 ADUs. Jason thought the distinction for an ADU was the owner lived on the property.

1 If they didn't, it would be classified as something else. Jason thought size was also a factor. If the  
2 units were the same size, it was a duplex. Tim pointed out part of the definition was that the unit  
3 was "clearly subordinate to the main dwelling unit." Hugh said, for him, those distinctions made  
4 it feel like determining whether it was a duplex or ADU easier.

5  
6 Cathy noted that Chester's definition of a two-household dwelling is defined as they are separated  
7 from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and  
8 floor extending from the exterior wall to the exterior wall. Cathy thought they all seemed arbitrary.  
9 Preston said what the definition is saying is they must have separate entrances and can't be shared.  
10 Cathy pointed out that the multiple household dwelling didn't discuss that at all and only defined  
11 it as a building used as living quarters for three or more households living independently of each  
12 other. Jason said the State Fire Code will influence that by requiring firewalls between the three  
13 units outside of zoning and would happen by virtue of the state rules. Cathy asked if the Fire Code  
14 applied to ADUs. Peter said he had just looked up the definition of ADU and it could be within.  
15 Everything overlaps. He suggested changing the definition of accessory unit so it wasn't within,  
16 so the others all fall in there and it was a separate structure, otherwise, you would be creating a 3-  
17 family house since they were all in the same house where an accessory dwelling would not be in  
18 the same building. Barre gave a scenario of someone who had a house they divided into 3 units  
19 and wanted 2 ADUs on their property because they had room, they would have 5 separate families  
20 living on one property in 5 units. He wasn't saying they didn't want that to happen but wondered  
21 if the units in the house were different than the accessory dwellings, could they have 5. Tim said  
22 if it was not on the town sewer, they would have problems. Barre said if their goal was to have  
23 more housing and someone wanted to put in a septic, maybe that was something they should  
24 consider. Tim pointed out the way it is currently written requires DRB approval and they would  
25 dig into all of that. Peter said that was one of their problems was the ADU definition and the 2  
26 household definitions conflicted. Barre agreed that they needed to figure that out since the DRB  
27 works on the rules they make.

28  
29 Steve Mancuso said the Department of Public Safety has a matrix online that encompasses  
30 everything they were discussing for the guidance of tradespeople like him. ADU to them was just  
31 rental. They up the ante with their considerations of water, sewer, and firewall, according to the  
32 structure and the number of renters. Steve thought that may help and they could refer to that.

33  
34 Jason said the State defines ADUs as within or appurtenant to so he didn't think they could exclude  
35 ADUs from within a house. Hugh agreed because many people began ADUs with in-law  
36 apartments inside their homes. They may need to sort out the definitions of duplexes and accessory  
37 dwelling units, but they could see if there was consensus on allowing a second ADU. He believed  
38 it was a good thing because it would show they were trying to provide some flexibility for people  
39 to create more housing. If it turns out they need to clean up other definitions, then maybe they take  
40 that away. Peter thought it was a good time to figure out definitions since they were doing  
41 administrative stuff now and Hugh agreed. Peter agreed with Barre and saw an accessory dwelling  
42 as something not inside the house. Hugh pointed out that wasn't what the State said. Peter asked  
43 if he put a breezeway up and built another house the same size, would it be considered a two-  
44 family house. Hugh was suggesting someone add an entrance in a bedroom or kitchen to the side  
45 or back of their house and have their relative move in. Most people view ADUs as that and not a  
46 separate structure. Barre said he didn't disagree with Hugh but always thought of it more as a

1 separate structure. He thought they had some autonomy by allowing the landowner to utilize an  
2 outdoor structure or different structure to put in bathroom and kitchen because normally that  
3 wouldn't be allowed. Hugh agreed they were probably splitting hairs. Hugh suggested carving up  
4 the inside of a single home and calling it an ADU may not be what they wanted. Peter said the  
5 State would say a firewall was needed and they would consider it two-family. Tim said if he had  
6 a garage and a barn and didn't want an apartment in a house, could he convert the garage and barn  
7 each into an ADU. Barre agreed if they allowed two and Tim said that was where he was going,  
8 to find a path to allow a second ADU. Peter said if you had two apartments in a house, you couldn't.  
9 Tim clarified that if he had a mother-in-law apartment in his house, he couldn't but if he didn't  
10 have one, there shouldn't be an issue. Peter said that's where he wanted to get to. Preston was  
11 happy to call his contact at the ACCD and ask their opinion about the difference between an ADU  
12 and multi-housing. He had just looked it up and the current bylaws for all residential districts say  
13 one- and two-family dwellings can be approved by Preston and multi-family can be approved by  
14 the DRB. They don't have many in the rural districts simply because of the septic. Jason said they  
15 need to be consistent with state law and in this case meant they had to follow the definition for  
16 ADUs or be more accommodating but not less accommodating. They can't say ADUs cannot be  
17 within a house when the State's definition allows it. He understood the conversation and there was  
18 some overlap between the two definitions but in his opinion, they could not disallow it. Hugh said  
19 if someone has carved out a portion of their house and called it an ADU, they can build one more  
20 ADU on their property and that would be their two ADUs. And if someone has a two-family home  
21 and they have a garage and a barn, they could turn them both into ADUs because they have a two-  
22 family house. Tim and Hugh were okay with that. Preston agreed but still for his own sake, wanted  
23 more information from the ACCD. Jason said you could have a large house with two accessory  
24 dwellings within it as well as the main home. Jason suggested they consider the number of  
25 scenarios, think it through, and make sure it's the right thing to do for Chester. Barre thought their  
26 goal was to create more housing and it was possible by having enough outside space. His place is  
27 big enough to create multiple apartments and still have space outside for two other places if he  
28 bought his neighbor's lot. He suggested wordage allowing more ADUs if there was space, which  
29 would help solve the housing problem. Tim asked if he was suggesting they shouldn't limit the  
30 number to two. Barre agreed in the case there was enough space, including parking. Barre saw the  
31 hurdles as buying land, septic, and materials. If you had a building and land, it would remove some  
32 of those hurdles and save money. And money was the biggest hurdle when it came to affordable  
33 housing. The more opportunity they could create for people who had enough land to build these  
34 structures, he thought they should do whatever they could to make it happen.

35  
36 Cathy said Chester has already dropped their land requirement for a dwelling and thought it was  
37 dropped in 2006. She said the rule for every dwelling having a minimum lot square footage was  
38 gone. Barre said setbacks were still required. Peter said in the Village Center he is permitted to  
39 have a two-family home and an accessory dwelling. He asked if he was currently allowed three  
40 living units and Preston said that was correct. Preston said three living units that he could approve  
41 administratively. Jason added that currently, accessory dwelling unit was defined to a single-  
42 family dwelling, so if it was a duplex, you couldn't have an ADU. Tim said the spirit of the ADU  
43 was the mother-in-law apartment. Tim asked if he had a single-family dwelling, should he be able  
44 to have two ADUs and the language change would just be that additional accessory dwelling units  
45 may be approved under the conditional use criteria. Rather than a second, just make it additional.  
46 Hugh asked Jason's thoughts about someone who had plenty of land having as many ADUs as

1 practical. Why limit the ADUs to two, was there a reason? Preston had also considered it and said  
2 it wasn't an infrequent question. People have called him and wanted to buy a property and establish  
3 a family compound and how would they do that. Currently, you could possibly get there through  
4 a planned unit development, but it wouldn't be easy. He tells them septic rules will make it difficult  
5 and it probably won't work. He says it because that's what the bylaws currently say. But is it a bad  
6 thing? They could make it easier if they wanted. Jason suggested having a multi-family dwelling  
7 or a cottage cluster type scenario which they could add as a specific type of use. He thought they  
8 may be things to consider. Barre thought the detriment was visual and if they didn't have garages,  
9 cars would be everywhere. It would look like a campground, which is why he raised it when they  
10 wanted to have the tiny house village behind the church. At the same time, if they have a housing  
11 problem and its affordability, some of the smaller things in different places may work. If they had  
12 areas that weren't visible in town but elsewhere, it may work. Barre referenced the Monopoly  
13 houses and how charming they are, and the current rules don't allow that and maybe they're getting  
14 in the way of culture, and they need to figure out a way to let them happen. The detriment of the  
15 visual and parking really isn't a problem, especially if they're cute and interesting.

16  
17 Hugh thought allowing a second ADU was probably a good thing, and they could take the first  
18 step by allowing a second one and see how it works without having to solve what it would look  
19 like to allow a camp, compound, or multiple ADUs. He suggested leaving it at two. Peter didn't  
20 have a problem with two. The phrase Jason brought up that really talked to Peter was having to  
21 have an owner-occupied single-family dwelling. Peter had no problem with two. Preston agreed.

22  
23 Cathy asked Jason for information about cluster housing, and he said he would send some. Preston  
24 said there were certainly people out there who wanted to do it.

25  
26 Preston addressed Article 3, page 1 where language was added to non-conforming lots. Currently,  
27 the majority of Chester is an R120 or 3-acre district and the setbacks from all roads and boundaries  
28 are 50 feet. They have non-conforming lots in that district that are 1 acre or less and he has had  
29 some very interesting experiences taking that lot on the tax map and drawing 50 feet from each  
30 boundary. It limits the place the house can be to a very small area. It was meant to say if your lot  
31 was non-conforming, you get a bonus which is a setback that's just 15 feet from a lot line and 20  
32 feet from the road.

33  
34 Tim thought it was good. His note was whether they needed language "where other options are not  
35 viable." Just because you're a non-conforming lot doesn't mean you should be able to build 15  
36 feet or 20 feet from the edges where there is more room. He felt non-conforming was a broad term.  
37 Preston said the DRB has the tool of both a variance and a dimensional waiver but are reluctant to  
38 give them. They kind of have a test where you have to say you don't have a feasible alternative.  
39 Preston thought the 50-foot setback was more than needed. Preston said this article was meant to  
40 provide an escape for those who have pre-existing small lots. Barre liked it. Cathy thought they  
41 should figure out what they meant by a reasonable alternative. Someone who has a lot on Route  
42 11 West came to her while she was interim Zoning Administrator, and the lot was 120 feet wide  
43 in the R120 so there was 20 feet they could build a garage on. You could build a 20-foot-wide  
44 garage, but it wasn't practical. In this case, they would have had to build it into the side of the hill.  
45 That was the second or third very small lot. It started off as a camp in the R120, then became a  
46 cabin, and then became a year-round house. Jason had not dealt with this much. Preston struggles

1 where it feels like dumb rules that get in the way of common sense.

2  
3 Hugh thought they should be able to come up with a number, but the other thing he was hearing  
4 was the DRB doesn't like to give dimensional waivers or whatever the other option is, and he  
5 wondered why. Preston said they could consider the dimensional waiver because they have  
6 specific performance tests they must meet. Preston said he had worked for other towns and in some  
7 of them, the dimensional waiver is just something the DRB gets to decide for their own reasons.  
8 Chester has some specific criteria and not everyone qualifies. Cathy stated page 122 is where the  
9 criterion for getting a waiver is listed. Tim said they also have the option when redefining the  
10 UDBs district by district of changing the setbacks, so they don't have to be 50 feet. Preston thought  
11 50 feet was too much and agreed with Tim. Preston said the DRB can give a waiver if it allows  
12 ADA accessibility, which is ramps and things, life-safety improvements, building systems like air  
13 conditioners and generators, encroaching on a flood zone, and it can give up to a 10% relief at their  
14 discretion which would be 5 feet. Cathy said one thing to remember is there won't be any additional  
15 small lots in the R120 district because they won't allow them to create a new quarter acre lot in an  
16 R120 zone. It would only apply to what is currently on the books. Hugh said that's why he was in  
17 favor of it on some level whether they had to adjust the numbers or not because it seemed like to  
18 get a dimensional waiver, you had to meet some strict requirements and the problem was capped  
19 to whatever the number of small lots are in the R120. And without being able to do something like  
20 this, the lot would become unusable in some ways.

21  
22 Tim's first point was a non-conforming lot and asked if he had 2 ½ acres, would it allow him to  
23 put his house 20 feet from the road. Preston said this change would allow him to do that and Tim  
24 said that was his concern. Hugh thought that was a good point. Tim said that's why he threw in  
25 the thing where other options would be deemed to not be viable but then they were in gray areas  
26 again. Peter noted there was a place in the bylaws where you're allowed encroachment. Cathy said  
27 that was always helpful but the case that got her talking with Preston about it was they had a little  
28 house and a little garage, and they wanted to build another little shed and they couldn't because  
29 they were adding something new and not replacing something. Cathy said if the lot was a half-acre  
30 in an R120 zone, then divide the setback numbers by 6 because that's the proportion of this tiny  
31 lot to the zoning standard. She didn't know if there were reasons not to do it but that was one  
32 thought she had.

33  
34 Preston said when Tim brought up his example, his mind said they could set up a ratio to how  
35 small the lot is compared to the standard. He didn't see a reason why they couldn't do that. It  
36 wasn't something he had seen but it didn't mean they couldn't do it. Cathy said they could say it  
37 had to be at least 15 feet or 20 feet, but it could be less than the standard 50 for the R120. Preston  
38 thought the rough rule of thumb they were all thinking was if the lot was an acre and a half, which  
39 was half of the required acreage, you get your setback cut in half. Hugh liked that strategy. Tim  
40 added, "but not less than." Cathy agreed to add a floor. Preston said the State statute says less than  
41 an eighth of an acre, which is the size of a lot, is undevelopable. Preston also agreed to add a limit.

42  
43 Jason thought it brought into question the purpose of their setbacks, which came back to do they  
44 have the right setback standards. If it is so egregious that you're granting them a 50% bonus or  
45 relaxation, then maybe they need to rethink the setbacks. And if it's coming up that frequently,  
46 then again, they ought to rethink the setbacks and maybe that's the fix. Peter thought it was just



1 the small lots which there weren't that many of. There were some in Smokeshire that he knew of,  
2 at least three cut off eons ago and would you adjust the setbacks in a 5-acre zone for the three lots  
3 someone cut off and he thought the answer was no. Tim thought that was a discussion they needed  
4 to have about if they had the right setbacks. Hugh thought if they made the adjustment a ratio, it  
5 would track with whatever they did with the setbacks in the future. That's what he liked about it.  
6 Barre noted they didn't want to make it too small. He said his building is on the edge of the road  
7 and he works close to it. Preston had notes and would come back with something on it.

8  
9 Preston addressed Article 3, page 2 about additions to non-conforming structures. It was an  
10 interesting one they could have lots of discussion about and maybe Jason could help. There was a  
11 concept if someone had a non-conforming structure meaning it didn't meet the setbacks and in a  
12 rural zone and there was a 50 foot setback and the house was 20 feet from the road, under the rules  
13 of non-conformity the way it's normally interpreted, if you wanted to put an addition onto the  
14 house, the addition could also be 20 feet from the road because you're not increasing the non-  
15 conformity. Chester's bylaw has bizarre wording that recognizes there are degrees of non-  
16 conformity but then basically says it must meet the setbacks. Preston couldn't understand it. He  
17 has added typical wording he has seen in other bylaws about what degree of non-conformity  
18 means. If you have a classic New England farmhouse that's 20 feet from the road and you want to  
19 put an addition on it, he could say if it wasn't closer than 20 feet, he could approve it. Jason said  
20 it would be consistent with things he has seen in other places with possibly Ludlow being the  
21 exception. Jason thought it made a lot more sense. Hugh was a fan of it because his house is about  
22 25 feet from the road. Preston told Hugh he could put an addition on his house if it was offset 50  
23 feet from the road because he didn't have the power to do anything different. Tim was fully in  
24 favor of moving it forward as written. Cathy only had one addition. In the second line, she wanted  
25 it to read, "additions to non-conforming structures that result in coverage of additional ground area  
26 in the setback." Anything added will increase ground area coverage, but they were talking about  
27 the setback area. Preston would see what he could do. He had grabbed the wording from another  
28 bylaw somewhere else but asked Jason to let him know if he had something that said it a little  
29 differently. Peter agreed with Cathy and was good with the rest of it. Peter said it was difficult  
30 until he drew a picture. Preston said many bylaws in that section have illustrations for that reason.

31  
32 Preston said next item Article 3, page 4, was more than one principal building per lot. They had a  
33 little discussion at their last meeting. He knew Tim suggested instead of conforming to the  
34 applicable provisions of the bylaw, to spell them out. Preston said spelling them out meant  
35 including minimum lot size and minimum lot frontage, sufficient distance between structures to  
36 meet minimum frontage for side and rear setbacks, and a State of Vermont wastewater and potable  
37 water supply permit or deferral language, or something like that. Currently, Chester says every  
38 principal use must be on its own parcel. So, when they discussed earlier about someone wanting  
39 to build an ADU on the property the answer was yes but if they wanted to build a second residence  
40 on the property, currently, the answer would be no, and subdivision would be required. Preston  
41 thought it was restrictive and not every town requires it. He was putting it before the Commission.  
42 Peter agreed but thought the timing for this piece should be near the end because they would make  
43 every lot size requirement in the Village area smaller and probably make every lot size requirement  
44 in the rural districts larger. This would make subdivisions easier in the village where they get  
45 smaller and more difficult in the rural districts because they get bigger. He wasn't opposed to the  
46 change but thought the lot sizes needed to be established before pushing it through. Tim thought

1 because it would become non-conforming to change the lot size. A newly built home would  
2 potentially become non-conforming under the new bylaws. Peter agreed. Preston saw his point.  
3 Tim said it made sense to him, but he also felt for the couple who had attended the last meeting  
4 because they were trying to move forward. Tim thought it was a good change and made sense if it  
5 was done well. Preston noted the couple that had been there had circumstances that may be  
6 changing. Preston said if Peter wanted to put it off, that was alright. Tim's only note was how does  
7 the owner show compliance with it. Peter said frontage would be the key. Preston again said people  
8 come to him from time to time wanting a family compound and if the rules are that every dwelling  
9 must have its own lot, it doesn't work. The Planning Commission needed to decide whether it was  
10 a valid concern.

11  
12 Brian Mosher asked what was wrong with the usual avenue of subdivision in this case. Preston felt  
13 because in Chester, a subdivision requires hiring a surveyor and going before the DRB, it may  
14 have been an unnecessary level of hassle people have to go through. Brian asked if they were doing  
15 away with subdivisions. Preston and Cathy both said no. Preston said he was just saying for two  
16 people that wanted two dwellings on one lot, if they could demonstrate that they could be  
17 subdivided, that would be good enough. Brian said the way it was worded said there was one  
18 principal dwelling and asked how that would be if there were two houses of equal size on one  
19 piece of property. Preston said he thought the title was saying they would allow more than one  
20 principal dwelling on a lot. Currently, the bylaw says there can only be one principal dwelling.  
21 Brian asked if it was basically saying you could subdivide every single property in his district to 2  
22 different properties and what would it lead to in the future. He had listened to the discussion and  
23 knew it was a Rubik's Cube and glad he had tuned in to listen to what they were going through  
24 and saw it was difficult but at the same time, they needed to look where it was going, their  
25 decisions, and they way they were going about it was difficult. He saw it as doing away with the  
26 DRB, subdivisions, and basically trying to solve the housing problem was trying to be done in the  
27 village centers and not in the rural areas. He thought they should be concentrating on the Village  
28 Center and not the entire town. That's what it looked like to him, like a special exception. Barre  
29 asked Brian if he was saying the problem with housing only must deal with the people in town.  
30 Brian wasn't saying that but just he thought the way development should happen in Vermont is to  
31 try to get people to live in the village centers and not have Jersification of Vermont. It's basically  
32 rural sprawl. Barre said there were a lot of people that argue that. Barre said it was realistic. He  
33 said a lot of people who have a lot of land may want to contribute to solving the housing problem.  
34 Brian agreed and said Preston earlier had mentioned something about 30 units with sewer and  
35 water which would be in the town center where sewer is. They had been talking about camps and  
36 that didn't look right to Brian. Barre said they were trying to solve a larger problem and Brian  
37 appreciated that but said they were going about it the wrong way. Brian thought they were making  
38 a special exception to a situation and not going by current bylaws. Right now, his neighbor has a  
39 permit to build a barn and a garage. Brian thought they should live by the current bylaws. Hugh  
40 pointed out that part of the work they are doing is trying to update the bylaws. Brian said they  
41 haven't updated them yet and asked if it would go to the Selectboard. Hugh said it would. Brian  
42 said they shouldn't be making decisions without that being done and Cathy pointed out that they  
43 weren't and were only discussing them. Brian said currently they have a permit issued to his  
44 neighbor that allows a barn and a garage and they could start building tomorrow. Hugh said that's  
45 not what they were talking about at the meeting. Brian said they were talking about changing the  
46 bylaws to allow for something.

1  
2 Hugh said when he read it, his first reaction was it would lower a barrier for someone who wanted  
3 to put two houses on a single lot where, otherwise, they would have to go through the process for  
4 creating a subdivision. Preston agreed that was the intent. Hugh was trying to understand the  
5 process and oversight to create a subdivision. Was it something the Planning Commission wanted  
6 to preserve, or did they want to allow some latitude for the outlined scenario where they wouldn't  
7 go through the same level of rigor? Preston agreed that was the question at the end of the day.  
8 Peter thought they needed some reference. Peter had said you would need an existing plot. Any lot  
9 developed after 1974 would have a plot they could look at in the land records. If they didn't have  
10 the plot, they would take their word. If you're not hiring a surveyor, there should be a plot in the  
11 vault. Hugh asked Preston if it was something that would require a DRB review or just be a Zoning  
12 Administrator decision. Preston said the way he had presented it would just be a Zoning  
13 Administrator decision and not a DRB review. Hugh thought what they had talked about last time  
14 and it was sort of echoing what Peter was saying and others was that they needed to figure out how  
15 to put some guidance around the kinds of things a person would have to be able to do or show or  
16 prove so people could feel like it wasn't too open ended. Preston agreed and said if they were  
17 going to carry it further, he would put it in writing so they could see it. Tim asked Jason for his  
18 thoughts. Jason said he struggles with this one some. It's not cheap to build a house so you're  
19 going to spend hundreds of thousands of dollars to build a house, so what's a few thousand bucks  
20 to subdivide? Part of what he was thinking was he understood the idea but if the subdivision  
21 process was that onerous, maybe they should look at it and make sure it's streamlined and as user  
22 friendly as possible. He wasn't super in favor of it but was open, but he wondered why it was  
23 necessary. Hugh said that was the feedback they needed to hear because they needed all the  
24 different points of view. Brian wondered why have a DRB if they're not going to pay attention to  
25 it. He said he was in on it late and appreciated their work but just the idea of one lot with two  
26 principal structures didn't make sense to him. When something like this happens, the neighbors  
27 should be contacted and if they do, there's no notice and suddenly something happens. Tim  
28 suggested they table it for now. Hugh told Preston they weren't all onboard and needed to consider  
29 it some more. Preston was fine with that. Barre said when it was first brought up, subdivisions  
30 made the most sense but the concept of having to subdivide if you're going to build a structure for  
31 another family member, why do they have to be smaller, why can't they be bigger if you have your  
32 own land? From that perspective, even if it wasn't that much money, they were creating hardship  
33 for people for no reason because all they want to do is utilize their land. He thought a lot of it had  
34 to do with neighbors. Tim thought they were good arguments and that's why he didn't see them  
35 making headway right now. Hugh agreed. Brian suggested they consider what the rural district in  
36 Chester will look like 40 years from now.

### 37 38 **Agenda Item 7, Adjournment**

39  
40 Tim moved to adjourn, and Peter seconded. A vote was taken, and it passed unanimously. The  
41 meeting was adjourned at 8:17 p.m.