

1 **TOWN OF Chester**
2 **PLANNING COMMISSION**
3 **November 15, 2021 Minutes**

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

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

8 **Citizens Present:** Steve Mancuso and Cheryl Joy Lipton via Zoom.

9 **Call to Order**

10 Chair Cathy Hasbrouck called the meeting to order at 6:30 p.m. (0:42 on recording)

11 **Agenda Item 1, Review Minutes from November 1, 2021 Meeting**

12 Peter moved to review the minutes of November 1, 2021, and Hugh seconded. Hugh called
13 attention to page 3, line 40 and noted the second word should be crisis, not prices. Cathy said if
14 there were no other changes, they would accept the minutes as amended. There was a vote and
15 they were unanimously approved.

16 **Agenda Item 2, Citizens Comments**

17 (4:00 on recording) Cathy asked for citizens comments from Cheryl Joy and Steve Mancuso who
18 were the only ones in attendance. Steve said he only wished more people in Chester would attend.
19 Cheryl Joy said she didn't see the packet or agenda for the meeting and Cathy asked if Cheryl Joy
20 was looking at the Planning Commission and not the subcommittee. Cheryl Joy said that was the
21 issue and thanked Cathy.

22 **Agenda Item 3, Review Proposal for Adopted Bylaw Village Green Zoning District**

23 Cathy wanted to be clear they were talking about inserting code into the adopted bylaws to create
24 a new district called The Village Green. She said it was very much a draft and that some of what
25 was seen, such as 2.3 Village Green at the top of page, needed to change. She said Preston would
26 walk them through the changes and the history.

27 Tim asked if he could suggest that when something was a draft, if they could use the watermark
28 feature in Word and mark it as a draft, so it was clear for everyone. Cathy said she could attempt
29 to do that, but she had issues in the past removing the watermark. Tim said that was a problem
30 down the road, but this was a problem in front of them. He thought it was important they mark it
31 draft.

32 Cathy asked for any other comments before Preston began and there were none.

33 Preston said it was really a follow-up to the discussion with the Development Review Board about
34 administrative review. He said the committee thought Village Green was a more friendly title than
35 V-12, so they had included that. They took out the reference to agriculture but left in the reference
36 to broadcast because it seemed helpful. Cathy added they were pretty sure the state required it.
37 Preston said Bill Lindsay had been active in wanting to include senior housing, but if it was going
38 to be inserted into the current adopted bylaw, they didn't want to create new definitions. Preston
39 said on page 2 of conditional uses, it listed item #12, residential multi-family, had an added

1 phraseology including but not limited to senior housing, being housing and convenient services
2 for people aged 55 and older. That was their backdoor way of getting the same thing in without
3 needing to amend the definition. He added that regarding administrative review, the proposed
4 bylaws had a site plan review that was both minor and major. Minor was done by the administrator
5 and major was done by the DRB. It was a form of administrative review but didn't say that even
6 though it was a form of it. Preston said the current bylaws don't include site plan review. State law
7 authorizes site plan review. Some towns use it, and some don't. Preston said it was open for
8 discussion but at the subcommittee level, they decided not to mention site plan review because
9 they thought it could make it complicated in ways that they thought were not necessary. When
10 they met with the DRB, they thought they had a breakthrough, which would be a much quicker
11 process. They reviewed it with Jason, and he felt strongly that there is a due process to DRB
12 meetings meaning people have a right under state law to be notified and to talk to the DRB and he
13 felt it was illegal or at least against the spirit of the law. He basically didn't like it. Preston said
14 what they had before them was for the Village Green, they didn't think they needed administrative
15 review, so they weren't going to have it. They are not going to have site plan review. They are just
16 going to stick to either it is a permitted use or a conditional use. What they did do with this one
17 district, Village Green, was suggesting they could add restaurant, retail, and home business as
18 permitted uses. Then it would mean the DRB only gets brought in when it's a new building or a
19 significant change to a building. Preston said they included light industry under conditional uses
20 because there have been some things in the past comparable to light industry, so they felt the DRB
21 could handle that.

22 Cathy added there were two or three applications for light industry permits since 1977 in this
23 district. She said there is space in the building with Blair Books that is in trouble. It is an open
24 space that could be a place for light industry. She said there were a couple of free-standing largish
25 buildings behind the inn that would be places where light industry may work.

26 Preston said to complete his presentation, he realized there were a couple things he didn't say. The
27 current adopted bylaws have architectural standards, and they aren't repeated because they are just
28 leaving them. He wanted them to be aware the architectural standards would apply to the new
29 district. He also said Peter and Cathy did a parking inventory that he didn't want to talk about until
30 later and wanted to take questions first. He said it did inform the fact they are saying every
31 apartment should have a parking space and businesses should not have a parking requirement.

32 Tim had a couple of questions or points for discussion. He said they had talked extensively about
33 healthcare facility and professional office. They had talked about defining healthcare industry and
34 whether a doctor, dentist, lawyer, C.P.A., or physical therapist would fall under professional office
35 or healthcare facility. He thought they had talked about making professional office a permitted
36 use.

37 Hugh said he had the same question. He was looking at professional office, which was #10 under
38 conditional uses, and if they say a doctor, lawyer, accountant, physical therapist, whatever, and if
39 it fit under the professional office category. He thought he had a memory of pulling it into a
40 permitted use.

41 Preston said they may be right. He didn't see why a doctor's office, or a lawyer's office, or a
42 physical therapy office should be a conditional use. He thought it was a good catch and
43 observation.

44 Peter thought the reason it had been moved there was because they were trying to use the existing

1 definition for healthcare facility. Peter was going to read the definition, but Hugh said they should
2 do professional office first. Peter said that the definition would remove the doctor. Peter said the
3 last sentence said, “such as a medical clinic, a doctor’s office, or physical rehabilitation centers”
4 and would fall under healthcare facility using the current one.

5 Tim asked if it was in the adopted bylaw and Peter confirmed.

6 Cathy said it was on page. 128. Hugh said if it was true, it would mean if it was a doctor, it would
7 still be a conditional use. He asked why they wouldn’t move professional office back to permitted
8 use so other types of people wouldn’t have to go through conditional use. Cathy said was on page
9 135.

10 Preston said it read, “a room or group of rooms used for conducting the affairs of business
11 professions service or industry and generally furnished with desks, tables, files, and
12 communication equipment.” Cathy said made sense to her to make it permitted. Preston said the
13 definition was a little outdated as things have changed a little.

14 (15:14 on recording) Tim moved they change professional office, item #10 under conditional uses
15 in the Village Green proposed district to a permitted use. Hugh seconded the motion. Cathy asked
16 if there was any discussion.

17 Tim wasn’t sure if it needed to be discussed at the present time but threw it out there. He thought
18 it seemed like they were going back and forth in discussing the merits of gradually revising the
19 adopted set of bylaws versus working further toward adopting the draft proposed bylaws. He
20 thought the definitions may be an issue as they went through that. Tim asked if they had the
21 opportunity to revisit the definitions and the adopted bylaws as they go through hearings and get
22 the Select Board’s approval on it and go through the process. He wondered if they could work new
23 definitions into that.

24 Preston said since nobody else was jumping forward he would answer and said they certainly
25 could. He said they were trying to keep it as simple but may be going too far. He has participated
26 in amendments to zoning bylaws in the past where it would state to amend something under a
27 certain section. Preston said it could be done.

28 Tim said it seemed like a consensus was developing, with possibly him being the last one on board,
29 to move toward redefining the districts and using the adopted bylaws and doing it section by
30 section. Tim said if they were going to do that and it was going to be effective, they would need
31 to revisit some of the definitions altered under the draft proposed bylaws.

32 Hugh agreed with that. He said they were probably trying to contain the update, but ultimately, if
33 they took the incremental approach, it was inevitable that along the way they would have to tweak
34 the definitions of things. Hugh thought if they found something that made commonsense on a
35 definition, they should try to take care of that.

36 Preston admitted that after looking at the definition for healthcare facility, which he hadn’t until
37 the meeting, a medical clinic or a rehab center or a doctor’s office were not the same thing. Even
38 though they might be able to live with it, it would be nice to clear it up.

39 Hugh said if it was a therapist or psychologist, they would just be sitting in an office. Preston said
40 he thought a physical therapist and it said a physical rehabilitative center. He assumed a therapist
41 wasn’t a center and said it would be nice if it were a little clearer. Preston said that may be a back
42 to the drawing board question and they may have to redefine some definitions.

1 Peter said healthcare facility was one they wanted to look at again and Hugh and Preston agreed.
2 Peter said they were back to senior housing and Preston said they could define senior housing
3 rather than putting in the text. Tim suggested the same for professional office. Preston said they
4 could modernize the professional office a little bit.

5 Tim said if they were going to redefine healthcare facility, so it is more significant like a rehab
6 center, did they then want to include doctors, dentists, and other professionals under professional
7 office and remove them from healthcare facility. Preston said yes.

8 Hugh said in preparing for the meeting, he started looking at some of the definitions. He believed
9 there clearly was an intent when they used the word facility to imply a bigger operation than just
10 a person or a small practice. He said it could be seen with both healthcare facility and childcare
11 facility. He thought they were trying to drive a distinction between a small operation and a large
12 operation. Hugh thought it made sense to consider it.

13 Preston said even though the individual update or amendment may look a little awkward, once it
14 is adopted it is just folded into the document and posted, and to the reader, they don't even see it.

15 Tim asked if they needed to do it as part of what they were presently discussing because it seemed
16 like they were getting close to proposing that it be adopted, or at least that was his sense.

17 Preston and Cathy agreed. Preston said they may be able to come to the next meeting with
18 something in a form and ask if it's ready to go for their first hearing. Tim said that would be terrific.

19 Hugh had one or two other items of feedback on the current draft.

20 Cathy said she had a document that tried to connect the uses and their definitions between the
21 adopted and the proposed and it was tough, so she thought she would like to put it off.

22 Peter said because they were on the ground doing it, if they did it as they turned up in front of them
23 and then there would be an example of what they needed, like the doctor's office that stood out
24 clearly and needed to get fixed; the professional office was clear. He thought rather than go back
25 and forth they should take the ones that came in front of them, they could see, and would have an
26 example, and then do a definition that fits.

27 Cathy wasn't finding connections between the adopted and the proposed. Hugh didn't think they
28 had to connect them but could just look at a definition in the context and if it doesn't make sense,
29 fix it. Peter said you could either look at the connection in the proposed or look at what's here and
30 that was two examples that may not be the answer to the question in the area they were in. Cathy
31 said she wasn't seeing an answer.

32 Peter said he didn't think it was a question of either or. Tim said it was a new definition.

33 Preston said for this item, you would just replace the existing definition with this. Tim said it would
34 then be done throughout the adopted bylaws. And once this was adopted, they would not need to
35 address it again but may have others that would come up.

36 Peter said one of the nice things about the adopted bylaw is in the back they make a definition of
37 each. It easy to change something in a page that doesn't change everything and works out well.
38 Peter said having had to use it in a meeting, it was easier for him as someone in a meeting on the
39 DRB to see the definitions broken down regardless of how big or small they are. He didn't think
40 it was that hard to get them in there.

41 Peter said the other one out of date was the one that Phil brought up but was required and it was

1 broadcasting facility. He believed it was more about antennas than a broadcast facility. Peter
2 mentioned that Preston was shaking his head.

3 Preston said he was shaking his head because in other bylaws he's worked with they don't insert
4 it into each section, and yet Jason thought they should. Preston said he personally thought under
5 the exemptions you could just simply say what state law says about broadcast.

6 Peter said he liked that having dealt with group homes, and if it was state mandated, to take it out.
7 Preston thought the initial bylaw change could include a modernized exemption section, but some
8 people thought they were biting off too much.

9 Hugh said he thought they clearly decided somewhere along the way that if there was something
10 that would be duplicative or was covered somewhere else under some other state statute, like
11 agriculture, they weren't going to duplicate it. He thought it just complicated the document, unless
12 someone thought it made it clearer, then maybe.

13 Preston said for the average person talking about the agriculture exemption in the Village Green
14 sounded silly he thought talking about the broadcasting facility meaning the areal towers also
15 sounded silly.

16 Hugh started to ask about what Jason meant, and Preston said they could go back to him.

17 Peter said it was funny because Jason had easily given up group homes. Preston pointed out they
18 were also state defined and thought they may have to revisit why Jason kept that in. Preston said
19 they gave it a pass and maybe they shouldn't have.

20 Barre said he missed Brandy because she knew all of what they were discussing.

21 (27:02 on recording) Tim amended his motion to add and draft new definitions for healthcare
22 facility and professional office, as they discussed there. Peter asked if they could do senior housing.
23 Tim added senior housing to the definitions.

24 Hugh asked if they would move professional office to permitted uses.

25 Tim said the motion was to move professional office into permitted.

26 Cathy asked if the definition for professional office needed to change, and Tim said yes.

27 Tim withdrew his initial motion and made a new one. He moved that they change professional
28 office from a conditional use for the proposed Village Green district to a permitted use and that
29 they draft new definitions for professional office; for senior housing; and for healthcare facility,
30 as discussed.

31 Hugh seconded the motion.

32 Cathy noted there was a chat from Cheryl Joy on Zoom and asked if Cheryl Joy could speak what
33 she had typed.

34 Cheryl Joy said she wondered why they wanted to keep shortening the list of permitted uses when
35 the goal is to make the town more business friendly. She felt the way to make the town more
36 business friendly was to have additional uses rather than fewer uses, especially when the
37 concentrated village center was where they wanted a lot of the activity to occur.

38 Tim said that was the proposal, to remove it from conditional to permitted.

39 Cheryl Joy said she was hearing about removing the ability for having towers out of the center of

1 town. She thought it would be fine for anybody to have.

2 Hugh said there were regulations that control that.

3 Tim said broadcast facility was currently a conditional use. Cheryl Joy asked if they wanted to put
4 it into the permitted uses.

5 Cathy said they had a motion and a second that she wanted to complete and then they could move
6 to broadcast facility. Cathy said Tim had moved to move professional office to the list of permitted
7 uses and seek new definitions for senior housing, professional office, and healthcare facility and
8 Hugh seconded. She wanted to know if there was any more discussion about that motion.

9 Tim clarified that it would come back as a draft they would discuss and approve as a commission,
10 and everyone agreed.

11 There was a unanimous vote to accept.

12 Cathy said with respect to broadcast facilities, she thought they had decided that they needed to
13 check with Jason for the state statute requirement. She said they had 3 ½ pages about it in the
14 proposed bylaw.

15 Hugh said what he had heard was they could go a couple of ways. They could update the definitions
16 for the broadcast facilities because they were including them in the Village Green. Or they could
17 take the permitted use out because it was redundant. In other words, their bylaws don't regulate
18 private broadcast facilities or there was some other regulation that mandates how that is going to
19 be handled. He compared it to how they took agriculture out, which was allowed, and why reiterate
20 something in one regulation that was already covered in another. It was redundant.

21 Tim thought the difference may have been that they discussed taking agriculture out from the
22 Village Green because there didn't really seem to be much opportunity and people were scratching
23 their heads wondering why there would ever be agriculture in the Village Green and since it's
24 governed by the state anyway, it made sense to remove it. He thought with broadcast facility,
25 although he didn't have the state statute in front of him, that it meant something very different
26 today than when the bylaws were adopted. He said when he heard the term broadcast facility, he
27 pictured a radio station with a disc jockey sitting behind a glass panel at a control board. He thought
28 it was more about antennas and specifically cellphone antennas. He asked if he was wrong.

29 Cathy said she wouldn't say it was specifically that. She said the fire department had a radio system
30 and the police department had a separate radio system. She said some businesses had radio
31 systems. Tim said it was less and less, but they used to be common, but he didn't have the state
32 statute in front of him and wasn't sure what it meant. He wasn't sure they wanted to remove it
33 from conditional uses unless the state statute was so clear as to make it futile for them to try to
34 regulate commercial broadcast facility, including cellphone cells and towers. He added that he
35 would hate to see a cell tower behind the Green. He wasn't sure they had any say so over that and
36 asked the other members if they did.

37 Cathy said geography may limit it because it wasn't in an advantageous place. Peter mentioned in
38 Grafton the cell towers are in the church steeples. Tim said that happens a lot of places and would
39 be fine. Tim said that would be a condition of doing that which would support the statement that
40 maybe they should leave it as a conditional use allowing someone to put up a cell with the condition
41 it has to be in the church tower so nobody could see it.

42 Hugh said he was fine with it either way. He said he thought the only thing they needed to agree

1 on was if they leave those items in, they will need to update their definitions because he assumed
2 the definitions were out of date in the adopted bylaws. Tim said that was a good point he had
3 missed.

4 Preston said he looked at the definitions and his instincts were they were out of date. Hugh said
5 either they update the definitions and leave it in, or they temporarily dodge the bullet and take
6 them out. Tim said they could leave it in knowing that the definition still will need to be changed
7 at some point. Preston said that was a point. Hugh said he was fine with any of those options.

8 Peter said he was in favor of leaving it in and they will just need to do more research because they
9 don't know. He said you may have to have a telecommunications tower, but what does it need to
10 look like. He said they could have one of those scenic pine trees to which several people laughed.

11 Preston said an applicant could come in saying they were exempt under statute and their lawyer
12 says the same and if they look at it and they agree, they're exempt.

13 Cathy asked if they were agreeing they would leave it in and they would investigate. Tim said
14 that's what he heard.

15 Sue read from Zoom chat and stated that Cheryl Joy said she wanted to clarify she put the previous
16 comment in chat when they were talking about removing the private broadcast facility.

17 Hugh said he had some easy comments. When he looked at accessory use, for example home
18 childcare facility, home occupation, there was no definition for home childcare facility. He thought
19 what it probably meant was family childcare home. Hugh said there was no home childcare facility
20 definition and from the reading he did, he thought it was meant to be family childcare home.

21 Peter said there was both a family childcare facility and a family childcare home. Hugh replied
22 that there was no home childcare facility. Hugh said it was called family childcare home and
23 suggested fixing the words under for example on #3.

24 Preston said the words should match the definition but wondered if they should say family
25 childcare home or facility. Hugh pointed out that the facility was a conditional use, and it was only
26 the family home. Preston understood.

27 Hugh went on to say that he was looking at the combination of numbers 3, 4, and 6, four and six
28 are accommodated under three. Hugh said it was additional information or redundant but maybe
29 it helps people understand it better, but that three encompasses four and six. Tim saw what Hugh
30 was saying but the way he interpreted it was he was thinking about an accessory structure and not
31 an accessory use.

32 Peter said accessory use in its definition just means if you have a primary use for the building if
33 you have a restaurant and you want to have an apartment. If you are going to have in the restaurant
34 have retail, then retail would be accessory to the restaurant. You're asking for another use that you
35 didn't already have but it's not your main use.

36 Hugh said it made sense but if you looked at the definition of accessory use, it says specifically all
37 those words but really what we mean is it's a home occupation, a residential care home. Peter
38 suggested just crossing it out and indicating to see definition. Hugh said that was fine. Peter said
39 to cross it out because there was already a definition that did it well. Hugh agreed that there was
40 already a definition for accessory use. Tim said it made sense.

41 Hugh added the only other thing he picked up while he was reading was mixed use went from

1 conditional to permitted. He wasn't sure if Preston had mentioned it.

2 Preston said he didn't mention it but said they had talked about it. Hugh said it made sense to him.

3 Preston said most of them are mixed use already, but Hugh was correct that he had left it out of

4 his description but that they had consciously made that choice.

5 Peter said there were a lot of apartments. Cathy said almost every single building had apartments

6 and couldn't think of one that didn't.

7 Tim asked if they still needed accessory use if they had mixed use, because if you have a mixed

8 use, one of them is primary and one is potentially an accessory since they were trying to simplify.

9 Cathy said there was nothing that said the building must have an apartment in it. She didn't think

10 the Olive Branch Lodge had an apartment in it. She was pretty sure every other building did. So,

11 she suggested leaving accessory use there.

12 Peter said in mixed uses you could have two primary uses and an accessory use would be a smaller

13 use which he thought may be questionable, but it was the way the definitions were. He suggested

14 leaving them both in there so they would match the definitions they had. Tim said that made sense

15 to simplify it on that end.

16 Tim asked if they agreed they were going to strike all the words after accessory use. And everyone

17 agreed. Tim asked if that meant they were done.

18 Hugh had one more question. He said in the draft document, the section about parking, the word

19 projects didn't make any sense to him. He wasn't sure how to interpret that word. Tim asked where

20 he was referring to and Cathy answered #4. Hugh said under #4 it said projects located within.

21 Preston said it was on the end page, supplemental standards. Tim said he got it. Hugh said he didn't

22 understand the context of how projects was being used in that item. Peter suggested applicants and

23 Cathy thought applications or possibly development. Hugh said it was parcels or uses or something

24 but not projects.

25 Cathy said it was what happened when someone comes to the DRB wanting to change a use or

26 develop the parcel differently or something like that and all those words got tossed around.

27 (44:06 on recording) Tim suggested application in the first reference and to leave project in the

28 second, because you've applied to do a project. Preston said he liked just saying uses. Hugh said

29 he would be fine with that, and others agreed. Hugh said it would be consistent and there would

30 not be any questions about what it was. Tim confirmed with the others that they would edit project

31 out in two places and change it to uses under #4 in supplement standards.

32 Peter said they may get back to that when they go through the parking as there were some things

33 that came out with that when they did the study. Peter asked if Tim had gotten the sheets and Cathy

34 said she hadn't emailed them to people. Tim asked if they were in the packet online and Cathy said

35 they were intending to discuss them in detail during the Dec. 6th meeting. She said it was on the

36 website in the December 6th packet. She said she only planned to go over it in general terms at this

37 meeting and had planned for it to be shared via Zoom, but that people could look at it on the

38 website. Tim asked if it was an Excel spreadsheet and Cathy confirmed. Tim said he had it.

39 Cathy mentioned the dimensional standards are those from the V-12 District and she thought they

40 would help a lot of people. There are at least two lots on the Green where the side boundary is the

41 drip line of the building, so having a zero-site setback would be very helpful. She didn't think

42 anyone had any other issues with it.

1 Hugh apologized but had another question. He thought she and Preston mentioned moving home
2 business. Cathy agreed. Hugh said his only question about home business was that home business
3 is broad and is doing whatever you want in your house and just don't violate any performance
4 standards.

5 Preston said the number of employees is the biggest factor with a home business. Cathy agreed.
6 Hugh said it was a wide-open use definition and the only reason he brought it up was it seemed
7 like something that was. If in the cases where you're living upstairs and running your business out
8 of the bottom floor and calling it a home business.

9 Cathy said page 38 had details about it and it couldn't be anything, but it could be a lot of things.
10 She said it said it was allowed as an accessory use subject to conditional use review in the new
11 adopted bylaws. In all districts where residential uses are permitted subject to the following
12 provisions. The home business shall be clearly incidental and secondary to the residential use of
13 the property and shall be considered wholly within the principle or accessory structures. So, it's
14 not as wide-open as you think. The current adopted bylaws say home business is subject to
15 conditional use. She thought maybe they should put it back in the conditional use pile.

16 Hugh said that's why he was asking.

17 Tim said he pictured someone living above the pie shop in the apartment and deciding to start a
18 home business from there if it was permitted, they could do whatever they want. Whereas, if it was
19 conditional, if Tim was a renter and wanted to run a business out of his rented apartment, it should
20 probably have some conditions on it. Cathy agreed. Cathy said the owners of the pie shop live
21 above it. Tim clarified it was just an example. Cathy said he was correct to point out that you don't
22 have to own a property to have a home occupation or a home business. Tim agreed and said home
23 occupation was permitted under state statute. And Cathy said home business was, as well, but it
24 was more structured in terms of how many employees you can have and where they live and more.

25 Cathy said given the rest of the adopted bylaws say it is subject to conditional use review, then she
26 would be happy to include it in the conditional use list.

27 Hugh said he brought up because he wasn't sure and didn't have the definition in front of him. He
28 thought it sounded like it was trying to make the home business incidental to the residence, which
29 meant it was not intended to be the majority of what's going on in the structure.

30 Cathy said the other interesting thing was when you looked back at the old permits, almost every
31 building on The Green was a home and the front room was the business. And then more of the
32 building became the business and then people moved upstairs. It was interesting how that evolved.

33 Tim asked if they needed a motion to move them back to conditional. Hugh wanted to think about
34 it for another minute. He was thinking of the example of the pie shop. It would fall under restaurant
35 and is a permitted use. They were proposing it was a permitted use, which made sense and seemed
36 like the right thing to do, but it could also be classified as a home business because the guy that
37 lives upstairs owns it.

38 Cathy said you are not forbidden to get a permit for a restaurant even though you live there, so you
39 could get a permit for it as a restaurant and not be constrained by the limits that home business
40 has. She said as it happens nearly every parcel on The Green has had a restaurant in it, so the use
41 is still allowed, and the permit is still good.

42 Tim said hypothetically if the owners of the pie shop didn't live there and they rented the apartment

1 and if they allowed home business as a permitted use, Tim, as a renter, could decide he wanted to
2 run his lawn care business out of his apartment. Cathy agreed. Tim said that probably wasn't
3 appropriate for The Green.

4 Peter said if he wasn't in the parking, if you're running your lawn care business out of the
5 apartment on The Green, you're not carrying your lawnmower upstairs.

6 Cathy said there are sheds behind the buildings if things fit into the sheds, so she didn't know why
7 he couldn't.

8 (53:35 on recording) Tim said that should go to the DRB to determine where he would keep his
9 equipment, how he was going to handle it, and if he would have customers coming in and out. For
10 that reason, he thought it should go back to conditional because of the apartments in the mixed-
11 use buildings.

12 Hugh said he would agree with Tim unless Preston or anyone else on the subcommittee had any
13 other discussions about it that they should consider.

14 Peter said in the Agency of Commerce and Community Development they encouraged trying to
15 make it as open as you could in the downtown area. He thought small engine repair was not suitable
16 because underneath business disturbance it lists noise, smoke, dust, odors, heat, glare, electrical
17 interference, voltage, traffic disturbance.

18 Cathy said Peter was citing the home business restrictions.

19 Peter said it could go either way. He was more for being open rather than for closing it up. But if
20 they felt they wanted to put it into conditional uses, he could certainly understand.

21 Hugh said maybe he needed to read the definition of home business to be sure. If there were enough
22 controls in the definition of home business, maybe it would be okay. His thought was if the
23 definition of home business wasn't well defined, it may allow someone to open a home business
24 they didn't want otherwise. He questioned whether they had the controls in place to mitigate that
25 and he didn't know, so that's why he was asking.

26 Peter said the last serious catch line was seriously objectionable and out of character with the
27 neighborhood.

28 Tim said if it was permitted and someone came with a use and maybe his lawncare business was
29 the best example, they would ask the Zoning Administrator to determine whether it was in or out
30 of character with the neighborhood. He questioned why they wouldn't ask the DRB to do that.

31 Preston said he was coming around to that point of view and that Hugh had asked his opinion and
32 he was thinking off the top of his head, but the kinds of things they were afraid that home business
33 may open the door to were the same kinds of things that light industry is involved in. Preston said
34 since they were already saying light industry should go before the DRB, he was thinking maybe it
35 should go back.

36 Hugh said if it turned out somewhere in the future that the fact it was not a permitted use was
37 killing the town, they could look at it again, but he was leaning more toward moving home business
38 back to conditional use.

39 Peter had no problem moving it back and Preston didn't think it was a big issue in terms of demand.
40 Cathy agreed. Cathy said it was talking about four full-time equivalent employees on the premises
41 who are not part of the family. Cathy said none of the buildings were big enough for that big of a

1 business unless you were turning the restaurant into a woodworking shop or something of that
2 nature.

3 Tim wondered if someone wanted to push the envelope on it and start their home business in their
4 apartment over one of the shops downtown, that wouldn't it make sense for them to make sure that
5 what they wanted to do was appropriate rather than get into a situation where people are
6 complaining, because legally they could have a home business there. Tim said he could see it being
7 a big problem if someone tried to stretch it.

8 Cathy said another thing to consider was when you move it from the permitted use list to the
9 conditional use list you are delaying the start of the business by three months. She didn't think that
10 would be a huge imposition in that case. Tim added to remove the risk of someone doing something
11 inappropriate there.

12 Preston didn't think it triggered the feeling they were being business unfriendly by doing that.
13 Hugh and Tim agreed.

14 Tim said there was already a number 14 under conditional uses.

15 Tim moved that they take home business out of the permitted use list and move it to the conditional
16 use list for the draft Village Green district. Hugh seconded the motion.

17 Cathy asked if there was any further discussion.

18 Cheryl Joy asked if they were only talking about allowing people to live in the upstairs apartments
19 in the buildings or if they could also be businesses. She asked what the big deal was about having
20 a business also or a doctor's office or whatever upstairs. Cathy said there was no restriction about
21 what you could do with a building or where the apartments must be. Cheryl Joy restated her
22 previous comment about the more uses the better in the village center. She remembered these
23 discussions in the past and always wanting home business or home occupation to be allowed
24 everywhere. So, Cheryl Joy thought it was funny for it not to be allowed here.

25 Cathy said it wasn't forbidden, it just required a review by the DRB. Cheryl Joy said she
26 understood, but it was just easier and better for business when it was permitted.

27 Hugh said home occupation was permitted but business was such a broad category of what people
28 could do you may get a business that may not be consistent with what needs to happen on The
29 Green if nobody is looking at it.

30 Barre said what he keeps coming back to and what he didn't think was mentioned a lot was the
31 words "what we want or not want" are not appropriate. He thought it was more about what the
32 core of zoning is and that is protecting people who want to do something and protecting the rights
33 of the neighbors and letting the neighbors have a say in it. Barre said that was why Jason said he
34 wasn't in favor of the administrative review as much as some of us were hoping that might fly. He
35 said this is the core nature of zoning everywhere that people go before a board, the neighbors are
36 aware of what's going on and that's the way it works. It was frustrating for Barre when they talk
37 about what they want and don't want, because in his opinion, it's not as much about that as
38 following a traditional process that takes a certain amount of time and that's just the way it is.

39 Tim said he didn't disagree with Barre, but there was a motion they were about to vote on to move
40 home business.

41 Cathy asked if there was any more discussion and there was none.

1 The motion was approved. Peter abstained from the vote.

2 Cathy wanted to point out the special criteria in Section 4.8 on page 66 they would amend to
3 include the Village Green as a district where the special criteria are reviewed. The special criteria
4 in the adopted bylaws are very similar to a section of the proposed bylaws. She couldn't see any
5 reason for it changing. They are so similar it would seem silly to change them for the sake of
6 changing them.

7 Tim asked if there was any outstanding difference at all.

8 Cathy said she had gone through them a while back and pretty much everything in the proposed
9 bylaws was already covered in the adopted.

10 Peter said as long as they get to change the Village because you could spend forever looking back
11 and forth on those two. He suggested putting it on a list to address later.

12 Cathy said if someone wanted to dig through and find that there was some very important
13 difference. Peter said it may show up as they do other districts.

14 Tim said it may be something they should just keep on top of mind as they go through other
15 discussions. Peter and Cathy agreed. He said it would be nice to be able to see the two side by side
16 at some point and discuss them that way.

17 Cathy said they were all the issues she was concerned about except for parking. She said she was
18 going to speak for Peter, and he could disagree with her. She said Peter seemed concerned they
19 weren't going to review parking for uses because it wasn't necessary. He really wanted to be sure
20 it wasn't necessary and that's why they developed the spreadsheet that's on the website under
21 December 6th and people in attendance have paper copies of it. They went through each parcel on
22 The Green and looked at off-street parking that was available on it, on-street parking that was
23 available in front of it and counted spaces.

24 Peter said he had done this in the past for projects in Boston. He said the bylaws call out a 9' x 18'
25 space which works fine if it is striped. Cathy pointed out it was for regular parking and not
26 handicapped, and Peter agreed. He said you could have compact spaces, but the bylaws don't allow
27 that. Referring to the spreadsheet, he said across the top of the page were a total number of business
28 parcels, dwellings, and apartments. The total number of spaces on parcels are not public spaces.
29 The total public spaces, total available spaces give you a total. The bylaws are 1.2 per unit but they
30 are 1.2 per unit per parcel so .2 doesn't kick in because there are not enough parcels to roll that
31 over. Cathy asked for clarification on 1.2 per unit and Peter said it was spaces required for
32 accessory dwelling and they didn't have any single dwellings. Cathy asked if it was in the proposed
33 bylaws or the ACCD. Peter said it was in the existing bylaws.

34 (1:09:02 on recording) Cathy said she was looking at page 43. Peter said an accessory dwelling
35 unit was one and residential was two. He said he had gotten the information from the ACCD and
36 it didn't become a factor because there was only one home, 339 Main Street, second from the top,
37 was the only one that is a house and has one apartment with a home business in it.

38 Cathy said it was 339 Main and west of Inn Victoria.

39 Peter said there was a count of spaces for dwellings. He said it was going through the current
40 bylaw. You have a business and it's the spaces that are required. Cathy added that the spaces
41 required were based on the use and Peter agreed. There are different standards. Peter used the
42 existing bylaw to get the standards out. He said there were things that would change. In a restaurant

1 use, they propose 5; ACC says there are 4; and what we have is 3. Peter said if you look off the
2 bat, there is a bust in required spaces and available spaces. He said it wasn't true because there
3 were a couple of things that change the bust. If you go over to the last row, the last three columns,
4 he took from the proposed bylaws which use a percentage definition for a weekend which is when
5 the heaviest traffic would be in this area. So, a retail business in the daytime, would use the full
6 number of spaces and then as it gets later in the day or evening, the space count changes. A
7 restaurant at lunch is fifty percent capacity, a restaurant at dinner is a hundred percent capacity.
8 So, it changes the way the numbers come out. Peter referred to the top of the spreadsheet which
9 was 30 nighttime spaces for dwellings that don't have a private parking space they could find or a
10 hotel that doesn't have enough private spaces so they're using on-street parking. Peter said they
11 were listed down through the column. He said from the proposed bylaw, using a percentage count
12 for there on the weekend, from 9 to 4 it lists the percentage and there was also the same for an
13 evening space. Peter said they could go through and calculate it by when the businesses are open,
14 but it becomes mind boggling.

15 Cathy said the issue there was that businesses are open different hours for different days.

16 Peter said the bust that makes it push high is during the day, it's the church. He said the other bust
17 was not shown, but it was because they are counting the spaces in front of the cemetery and the
18 spaces in front of the historical society. He said that becomes a bust when the Baptist Church is
19 open. Peter said after church is done, there's a bust for 30 spaces during the day at 165. He said
20 that was mornings on Sunday and didn't come out of what was there.

21 Cathy said the table that Peter was referring to was on page 141 in the proposed bylaws. She said
22 it was Figure 3-05.

23 Peter said when they were counting spaces, they also counted spaces in the Cobleigh lot, but there
24 are people parking there who are in the apartments outside the lot, and it was also a fair distance
25 away.

26 Cathy said it was 170 feet to walk along the athletic field and turn left into the Main Street Parking
27 Association's lot. She said it was a way off but not anywhere near as far walking as it is driving.

28 Peter said the thing that came to mind and starts showing up was once you get down to the east
29 end of The Green there are several buildings with no parking whatsoever. He said there was an
30 undercurrent from some of the business owners about people having apartments and employees
31 both parking in the public spaces on The Green. He said they couldn't address that. He said if you
32 had a proposed business, they could require they must have designated employee parking at a
33 different location off-street so that those spaces don't disappear. He thought that was something
34 they should give some thought to. He asked the other members to look through the sheet and give
35 it some thought. He said the MSPA was the Main Street Parking Association. The subcommittee
36 made some assumptions about that, but they don't know the membership. They know it exists but
37 were not sure who the members are. The subcommittee is looking for data on that. Peter said to
38 feel free to look at the sheet and ask questions. If they see something that he or Cathy overlooked,
39 they should let them know.

40 Tim said it was helpful and thanked Cathy and Peter for doing it. He wanted to call out that the
41 document he downloaded from the December 6th meeting was not protected and someone could
42 edit it. He suggested saving it as a read only document or they may be looking at bogus data at
43 some point and not realize it.

1 Barre asked Peter if he was suggesting or thought they should make a recommendation.

2 Peter said they should think about it.

3 Barre said it seemed to him there were two options for some form of municipal employee-based
4 parking. He said there would be a row behind the Academy Building if the town put some gravel
5 in and on Canal Street. He asked if they were thinking that was something they should suggest to
6 the Select Board or the Town Manger.

7 Peter said the big suggestion was to create an all-weather path from Cobleigh to the back of The
8 Green and put a sign at the corner of The Green. He said they have a municipal parking lot they're
9 not using. If they just made a path to go to the center of town that would suddenly be more useable.

10 Barre asked if he was referring to the gravel area alongside of the ice rink in the winter.

11 Peter said it was no longer an ice rink and was where the charging stations are now. Peter said the
12 ice rink moved to the Pinnacle.

13 Barre said taking that into consideration, he wondered how many spaces are for electric cars and
14 how many other spaces are for public parking. Peter replied 36 and said it was at the bottom of the
15 spreadsheet under Cobleigh Lot. Peter said there were 36 spaces and if they were striped, you
16 would get more spaces. There are two chargers.

17 Peter said they took the curb off one side, so the water doesn't drain. He suggested a gravel path
18 along the edge of Cobleigh. He said there may be some right-of-way stuff necessary to get to the
19 back of The Green but that suddenly makes that accessible.

20 (1:19:59 on recording) Barre said if they looked on the map of the Village Green that they had in
21 front of them, there would be a pathway that would go around the ballfield and come up somewhere
22 behind the church or The Fullerton or somewhere in there, and there was agreement. Barre said it
23 seemed like a logical idea to him. Peter said it was an easy way to develop a lot more parking
24 readily to The Green. Barre agreed.

25 Tim thought it was a great idea and wondered if it was the right time to forward a suggestion to
26 the Select Board would be when they finalize the Village Green proposal and submit it to them,
27 they could also include a recommendation to help alleviate parking. Hugh agreed.

28 Peter said there was clean up to do. They moved the ice rink and pulled the electrical meter and
29 left the old poles, they left the old lights on the rink, which if you're going to have lights in your
30 parking, big halogen lights are way out of date. It's a project where the last 10% doesn't get done
31 and is still there.

32 Barre said basically what they have is a charging station that was put in and that has a sign out
33 front and what would be made aware to people on the internet and what the area is defined as now
34 rather than a charging station and municipal parking.

35 Cathy said it has parking with an arrow pointing to the rink space. She thought Barre was correct
36 that the only thing showing on the internet was two charging stations there but when you get there
37 it clearly indicates parking there.

38 Barre said he was embarrassed because he lives there and was on the festival committee and
39 parking was a concern and, in his mind, it was still an ice rink.

40 Peter said when they were looking at master plan for The Green, he would have thought a parking

1 study would have been part of that plan. He thought how you park your car to get to a business
2 was critical.

3 Barre thought they had that, and they did talk about different things. Obviously, this got rammed
4 through because there was money to put in a charging station and they put it back there because it
5 was the most logical spot. That was more of an issue than the parking. Barre said what they were
6 talking about was thinking ahead, because it was their job, and if something goes in there, where
7 would it go, and then they're realizing they already have a spot that may be underutilized because
8 people don't know it's there. Cathy agreed. Barre said what he was saying was they should make
9 sure the signage is there and make sure more people know it's there and get it on the town website.
10 Barre said it should get striped if that's what it needs. He asked if it was striped currently.

11 Peter replied that it was not and there was a lot of parking on Main Street that isn't striped. Peter
12 said it was amazing the number of cars you get into a place once you stripe it versus a free for all.

13 Barre said he didn't know how current the photograph/map was, but it showed the gravel-like
14 rounded area that was access to the ballfields or a parking view for people who have gone there in
15 the past when the other spot was an ice rink. He asked if it was still all gravel. Peter and Cathy said
16 that it was. Barre said the little bit of road to gravel isn't necessarily a traditional type of transition
17 for municipal parking either because you must drive up onto what used to be an ice rink.

18 Cathy agreed and said people park in the gravel area. She said there were five cars that typically
19 park there because they live in the house next to it.

20 Barre said the town manager is so good with grants that maybe they could get a grant to pave and
21 stripe the entire thing with the driveway to it with access to the ballfields. Cathy said they were
22 trying. Barre said it would put them ahead of the game which is what they need to be if they were
23 going to do some of the other things they were talking about.

24 Peter thought it seemed like if you're going to do the village area, you're going to address it and
25 make it business friendly. He said one issue was when it came to restaurant spaces, they counted
26 the full number of restaurant spaces, whatever was on the permit. The Fullerton Inn is permitted
27 for 150 seats, so a lot of those things start chunking things away.

28 Barre said that was the funny thing about our town. He said there was the goofy corner by the paint
29 your own pottery place and the goofy corner on Elm Street and then the charming Green which
30 lacks some parking. It seemed to him that some of the things they choose to do that have problems
31 could be solved with a little bit of effort. He said when he walks down to the market, nobody stops
32 for the crosswalk there because the crosswalk signs are in twenty places and then people are parked
33 across the street which makes a mudhole and then people are parked across from the train station
34 that makes a mudhole. He said when they were on the downtown master plan and they made the
35 area he lived in another village district which got them some possible grant money, he suggested
36 they look at the parking area next to the train station and put a nice walkway alongside the road to
37 get to the market and put parking there because Smitty's is such a vibrant necessary place for our
38 community and the parking is all screwed up there. He wondered why they don't address some of
39 those things that could be addressed with a little bit of effort.

40 Peter said there was a grant the town received, and construction should start next year.

41 Cathy asked if it was the sidewalk and Barre asked if it was for the railroad area parking. Peter
42 said it was supposed to go right up through past Barre's house. Barre said it was a sidewalk and
43 Peter replied yes, but curbs and everything else would be put in. Peter said he's been waiting

1 because he wanted to see the plans which would show them how much and what would be done.

2 Barre said if they put a curb in, people can't park at the house across from Smitty's. Barre said he
3 gets romantic ideas such as it would be so cool to have an old-fashioned type of boardwalk from
4 the train area parking across there.

5 Peter said they welcomed any questions or ideas and that Barre's mind started ticking away at this.
6 The Cobleigh stuff sticks out like a sore thumb and would be an easy solution to a lot of their
7 problems.

8 Barre said if they were going to continue to do the festivals and the town seems to really care about
9 it, and the Trunk or Treat, it all would be nice if the area by Cobleigh was more defined. Barre
10 didn't want to spend money they don't have. He thought a lot of money had been put into things
11 that don't happen but thought to get something like this would be nice and would last a long time
12 and make a huge difference.

13 Peter thought it wasn't that big of a grade that the whole thing couldn't be easily made ADA
14 compliant. It wouldn't require a ramp that was miles long or required a lot of extra work. You
15 could build the grades, so the entire thing worked well.

16 Barre thought if they provided in the bylaws for someone who wants to open a home business as
17 part of the conditional use, they use the municipal parking, then it would provide for parking on
18 the street, as someone pulling into the town may not be aware of the municipal parking lot.

19 Peter said another thing that came to his attention while they were looking at home businesses was
20 it may require a change. It clearly says in home occupation that on-street parking is not prohibited.

21 Cathy clarified it was on-street parking was not permitted.

22 Hugh said it was home occupation and not home business. Peter agreed.

23 Peter said a lot of dwellings that only have public parking. There are seven dwellings that only
24 have public parking. He said on page two, all the way at the bottom of the sheet, five spaces up
25 there was a seven and that represented the number of dwellings that do not have overnight parking.
26 If you don't have overnight parking, that means you only have public parking which would say
27 that you couldn't have a home occupation.

28 Hugh said that was a good point, but some people have a home occupation that nobody comes to
29 visit so they don't require parking. And other home occupations do require parking. He thought
30 the bylaws dictated for a home occupation that you can't park on the street. So, it would create a
31 problem for someone who had a home occupation, and someone needed to come to their place of
32 business.

33 Tim thought the conversation was a good one and there were a lot of convolutions to it, and he
34 wondered if they should think about an agenda item concurrent or shortly following the approval
35 of Village 12 that's a document from the Planning Commission to the Select Board recommending
36 some options for fixing the parking problem. Hugh and Preston agreed. Tim thought it would
37 probably take a meeting or two.

38 Peter said that's why they were putting it out there and thought the plan was to have an agenda
39 item in December. Cathy agreed and said she wanted to explain it a little bit.

40 She asked for any other issues before they closed the meeting.

