

1 **TOWN OF CHESTER**
2 **PLANNING COMMISSION**
3 **October 9, 2024, Minutes**

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

7
8 **Staff Present:** Preston Bristow, Zoning Administrator/Town Planner, at Town Hall; and Susan
9 Bailey, Recording Secretary, via Zoom.

10
11 **Citizens Present:** Peter Hudkins, and Jason Rasmussen of MARC, at Town Hall; and Melanie
12 Gregory via Zoom.

13
14 **Call to Order**

15
16 Chair Hugh Quinn called the meeting to order at 6:29 p.m.

17
18 **Agenda Item 1, Approve August 5, 2024, Meeting Minutes**

19
20 Cathy moved and Jeff seconded a motion to approve the minutes. Hugh asked if there were any
21 updates and there were none. A vote was taken, and the minutes were approved unanimously, as
22 written.

23
24 **Agenda Item 2, Citizens' Comments**

25
26 There were none.

27
28 **Agenda Item 3, Discuss & Update Rural District UDB recommendations based on Select**
29 **Board Public Hearing Feedback**

30
31 Based on the feedback from the recent Selectboard public hearing, it was an opportunity to discuss
32 and update the rural district bylaw recommendations. Hugh felt the feedback was positive and
33 there was good conversation and support. The Selectboard had asked the Commission to go back
34 and look at a few things and adjust or clarify them. The hearing had been continued until next
35 Wednesday at 6:30 p.m. This meeting was to discuss the feedback, review documents, and
36 proposed recommendations to take back to the Selectboard next Wednesday. There had been a lot
37 of discussion about density-based zoning and the terminology frequently used about creating
38 increased density in the village areas. Hugh felt there could be some confusion when they tried to
39 transfer density-based zoning terminology to the rural districts and maybe people didn't
40 understand they were proposing less density. Jason and Preston drafted a density-based zoning
41 statement that provided clarity of their proposal and cleared up any confusion about their proposal
42 in the rural areas versus what was done in the village center and compact districts served by water
43 and sewer. Hugh gave the members a chance to read the document and if the density-based zoning
44 document made sense, they would include it in their packet of information to the Selectboard next
45 week to educate them and members of the community about their goals in rural zones. Hugh asked

1 the other members for their questions or comments. Hugh thought the document demystified what
2 they were trying to do in the rural districts from what they had done in the village districts. They
3 would include it in the Selectboard packet next Wednesday.

4
5 Hugh said it was discussed at the hearing what a minimum lot size would look like and currently,
6 the bylaws don't define a minimum lot size in the rural areas, but they know there will be one
7 based on things imposed through frontage, wastewater requirements, and setbacks. Hugh met with
8 Brian Rapanotti about septic design and what it may look like from that view. Generally, in ideal
9 situations, it's difficult to get a system on less than one acre and almost never ideal. Brian thought
10 1 ½ to 2 acres would support this for wastewater design and using the density-based approach
11 would provide flexibility for installation of a system that otherwise wouldn't be allowed because
12 the minimum lot size may have been too high to allow it. Hugh said Brian was a proponent of
13 creating a minimum lot size in the low-based density proposal they had. 25% of Brian's work these
14 days are people wanting to create an ADU or a second ADU and he's done several projects relating
15 to tiny houses that may be characterized as a family compound. Where you're not allowed to have
16 more than one dwelling on a parcel he's experienced subdivisions where they create a much
17 smaller lot so they can get the tiny house in and use a shared septic and well and it all works great
18 until the family compound breaks down and they're left with a tiny house on a small lot that can't
19 be broken away from the shared septic because the lot is too small to support its own independent
20 septic system. Even though Brian is in favor of density-based zoning, he's in favor of creating a
21 minimum lot size within it. Hugh asked him what he saw regarding easements across other
22 properties or putting a system on someone else's land, and it wasn't much of a thing anymore and
23 he may see it 5% of the time. Hugh said they should see from Jason a recommendation to put a 2-
24 acre minimum lot size in Rural 5 and 10.

25
26 Initially, Jason thought minimum lot size listed under d. in the table was going away and was afraid
27 of it causing confusion, and Preston thought they should add it back in. Jason didn't want people
28 to think a 4-acre lot could be subdivided in this district and create confusion, and that was why he
29 added under e.

30
31 Barre thought with the lot sizes and houses and people being visual, if they just looked at it without
32 grasping the reading, they may not understand. Barre created a visual and suggested they use one
33 to scale to help them understand. Barre thought some people may think it would be denser than it
34 really would be. Barre found the visual example helpful. Barre noted they didn't have any
35 environmentally oriented people on the Commission now since Tim Roper was now a Selectboard
36 member and no longer on the Commission. Barre said in the past, there were stronger voices in
37 the community for open space land. Barre thought what they were doing with less density was
38 good. Jeff said they weren't limiting the size of a house on the acreage, and they shouldn't be
39 thinking about the size of their house. Barre agreed but thought the current graphic made it look
40 like the house was taking up more space on the lot than it would. Hugh liked the idea because of
41 the scaling. Hugh understood Barre had taken 10 acres with a 2-acre lot and a 3,000 square foot
42 house but Hugh wanted to see a 50-acre lot with a 2-acre lot to show 3,000 square foot houses on
43 2-acre lots sprinkled around a 50-acre piece of land would be sparse with open land zoning. Barre
44 suggested using Google maps to show topography and thought about using that to make it clear.
45 Barre's issue was it seemed like what they were doing as a planning board and the people's
46 concerns were really the same, but they weren't hearing each other. Barre thought the visual

1 message with the house icon the current size wasn't accurate. Hugh said he and Jason discussed
2 it a while back and decided not to get caught up on the graphic because it wouldn't matter once
3 people understood what they were doing but Barre thought it did for those who are visual learners
4 because they wouldn't read the description. Hugh asked Jason if they could do that before next
5 Wednesday and if they could create that graphic, they should. Regardless of whether they could,
6 the facts are the facts, and the density is the density. Hugh said those who are visual learners would
7 need to take the time to understand the words because the illustration in the document is just an
8 illustration and not scaled to size. Barre's been on the commission for 7 years and has done what
9 many others do and come to the meeting with an idea, but it isn't really what's going on. The nice
10 thing about Chester is we listen to others and are willing to change everything for a few people
11 who felt strongly because they want everyone to be happy. Barre's argument was that he wondered
12 if everyone understood what was going on and at what point they must decide it's the best thing
13 and try harder to push it through. Barre thought because they had made concessions it would
14 hopefully go through. Hugh asked Jason if anything could be done with the graphic so that it was
15 closer to scale and thought it would help visual learners. Whether the minimum lot size should be
16 included in the dimensional standards table or just the dimensional standards wording, Hugh noted
17 that Preston suggested it should be included in the table, but Hugh thought for someone wanting
18 to create two 2-acre pieces out of a 4-acre lot, making them dig through the text of the dimensional
19 standards to understand what it means would be better. Hugh noted he was fine either way. Preston
20 thought it could say minimum lot size and then clarify in parenthesis per the maximum density
21 standard or after meeting the density standard, but Preston was fine either way. Cathy wanted to
22 see maximum density be the first item in the dimensional standards table and minimum lot size
23 below maximum density and "see item 4 below" beside it. Preston and Hugh liked that. Cathy
24 suggested simplifying some of the text in item 4 to say, "lot sizes can vary to accommodate
25 frontage, setback, and water/wastewater requirements but it must be at least two acres." Peter asked
26 if Cathy was requiring wastewater and well to be on the 2-acre site. Cathy and Hugh said they
27 weren't saying that. Peter said it was interesting because Brian said he was kind of against the
28 multiple house system. Hugh said Brian wasn't against it but that he only saw it when people are
29 doing a family compound. The days of creating a subdivision where people create easements over
30 other people's land were gone. Preston said they sometimes require people to have shared
31 driveways, and know they're a total pain but require it sometimes because they want reduced
32 access and may be the same with septic. Most people know better because a shared septic will be
33 a pain but sometimes it's the only way they can make it work. Hugh thought that's what Brian was
34 saying also, and Hugh didn't want to create regulations over someone needing an easement. Jason
35 asked if everyone was okay with two acres and thought the graphic used to have two acres, but
36 they changed it to three for discussion and wanted to confirm everyone was okay with 2 acres as
37 the minimum lot size. Barre said Derek thought that would be fine and was one of the people who
38 took the time to come to speak and be heard. Barre thought if they were trying to be helpful to
39 those in the community who have a voice and that's what Derek said, if they did that, they would
40 satisfy what he wanted which was different than what they originally had. Barre thought with the
41 setbacks, road frontage, septic, an everything, it wasn't likely it would be jammed together and
42 they were trying to establish rules so it couldn't happen. Barre said if their goal was to have more
43 open space, they would achieve it and people could work within the 2-acre amount of land, so they
44 would have 8 acres plus a yard as open space. Jeff was good with the 2-acre minimum, and Jason
45 liked Cathy's language suggestion and asked the others what they thought, and they liked it. Jason
46 said his group was trying to hire someone and as a result, hoped their graphics would improve

1 soon. Jason said they could delete the houses or the whole thing if it was confusing. Jason said
2 there were other graphics out there and if they weren't copyrighted, they could borrow them. Jason
3 wondered what they wanted to see. Barre suggested just getting rid of the house or making the
4 house icon small, so it was proportioned. Barre said some of the public thought there was going to
5 be development out there close together and that wasn't what the Commission wanted. Hugh
6 thought changing the lot sizes up, as Preston suggested, so it didn't look like cookie cutter
7 development and removing the houses was what they could with the graphic but if they decided it
8 was causing more confusion than clarity, it didn't need to be there. Hugh said the Commission
9 seemed to agree to putting the statement together and a 2-acre minimum for Rural 5 and Rural 10
10 and he didn't remember receiving anymore feedback about things the Selectboard was concerned
11 about. The Board wanted the Commission to do more research about things relating to wastewater
12 size and Hugh's feeling was it had a good chance of addressing those concerns but asked for those
13 who were at the meeting to offer any point of view they had. Peter said once they got out of the
14 minimum lot size, it pushed everyone out, but they were happy about everything else.
15

16 Peter wanted to know if they had come to the DRB for another ADU, why they were steering them
17 towards a PDU. Hugh said it could be a good option and he was just giving Hugh examples and
18 may not have been talking about Chester. Hugh told him in Chester, you can have a principal
19 dwelling and an ADU. A second ADU must go before the DRB. After that, it's a PUD or
20 subdivision. Preston said the state loves accessory dwelling units and so they thought why limit it
21 to one and have two, so the Planning Commission said whenever it's new, they send them to the
22 DRB. Cathy liked the changes and was glad they took the time to discuss them and whatever they
23 decide, it will affect a lot of people. She hoped it worked out, but if it didn't, she wanted to keep
24 talking because it was important. She wanted people to know they were considered. The others
25 agreed. When Jeff first got on the board, he understood exactly what was being shown. Jeff thought
26 it was understandable that splitting up 10 acres didn't require equal size lots. Jason said the drawing
27 was rough and Hugh said they could play with it. Preston typed density-based zoning graphics on
28 his phone and got examples for urban areas. Cathy questioned what Brandy's graphic had looked
29 like and Preston thought they should find out. Peter said Brandy's was based on 18 acres and Cathy
30 knew that but wondered about the graphic. Hugh said he had all the documents, and it was a good
31 follow-up and suggested if they could do something to make the graphics better, they would. Hugh
32 said when they were done discussing it, he wanted to vote and if there were some adjustments that
33 needed to happen to the graphics, it was discretionary. Jeff has been involved in Chester for a long
34 time and said no matter how hard you try, someone is not going to be happy, and they would have
35 to work with it. Barre agreed and said they work on stuff for a long time, and nobody attends the
36 meetings until it's time to approve, and then they complain, and they must slow down for them.
37 Barre thought that was nice but that had to get to a point where people on the Selectboard or Town
38 Manager tell people to come to the meetings early in the process to have impact rather than when
39 they are at the approval stage. As a planning board, Barre thought they could address economic
40 development and said the town has no Chamber of Commerce, no Economic Committee, no
41 Innkeepers Committee, and they had no way forward. Barre's objective was to start planning for
42 the future of the town so people could have better lives. Jeff thought the issues raised the board
43 had tried to address and make palatable to everyone. Jeff said for years, he has said they need to
44 have the utilities to bring people into Chester and was where they should concentrate some more.
45 Hugh thought there was a level of confidence that they would get it over the finish line in the next
46 week and achieve a major milestone and let them address other matters the Commission may take

1 up. Hugh moved to amend bylaws, as discussed, to create the 2-acre minimum lot size requirement
2 in Rural 5 and Rural 10. Cathy seconded the motion. Preston clarified it was the recommended
3 bylaws and they agreed. Hugh asked all those in favor of amending the proposed bylaws to include
4 a 2-acre minimum for R-5 and R-10 to say, "aye". The motion carried unanimously. Hugh asked
5 if there was anything else they wanted to discuss with respect to that agenda item before they
6 closed it. Jason said procedurally, the Planning Commission was suggesting how the Selectboard
7 could modify the zoning during the Selectboard's hearing. They agreed. Jason said the
8 Selectboard's hearing was still open, and Peter said they were changing what they had advertised.
9 Preston had discussed it with Julie but noted that Peter was a member of the Selectboard and had
10 a lot to say about it. Preston said the way the statute envisions it is the Selectboard would tell the
11 Planning Commission they wanted a change and close the hearing. The Commission recommends
12 the change, advertises the new hearing, and does it. If they recessed the hearing and let the
13 Commission come back, Preston was willing to go that route, but it wasn't exactly what statute
14 said. Peter said it was a Jim Carroll question. Preston said it could be but if they were going to the
15 extent of getting Jim Carroll's opinion, they should just close the hearing and readvertise it and
16 then they know they are fine. Jeff said it needed to be done right and Hugh agreed. Preston said,
17 as Jason knew, the reason behind the statute is the legislature didn't want Selectboards jerking
18 around with what the Planning Commissions recommended, so if the Selectboard wanted a
19 substantial change, they were supposed to send it back to the Planning Commission and readvertise
20 a new hearing, so the public knew it was different. It would mean putting it off for another three
21 weeks. Barre said, from the Planning Commission's perspective, they were done. The others
22 agreed. Hugh said they would go back to the Selectboard and give them an update of what they
23 recommend, close the hearing, and would not have a line item at the next meeting and Preston and
24 Jason agreed. Peter noted people would still come to the meeting to comment on no minimum lot
25 size. Preston said by warning it again, the public would be warned about what they are voting on.
26 Peter said they would still have to take public comment on Wednesday and that was fine. Barre
27 asked Peter if he was going to be okay with what they proposed. Peter's issue was he has worked
28 on several projects that Brian Rapanotti's father, Gary, who has put spider webs across various
29 lots to make sewer systems work and that was his biggest concern. Peter said the Chat & Chew
30 could reopen as a diner because they have a right-of-way to go across the other two lots behind
31 and build a septic big enough. Peter said it was an example of what could be legally done with the
32 state regulations by crossing two lots to get to the fourth person's lot. Preston said Peter was right,
33 as he was familiar with the property, and the landowners had no choice if someone decided to put
34 a septic in. Barre asked if they were going to have to go through it again and Peter said no because
35 they didn't want to make the sewer regulations. Peter said the state doesn't require water and sewer
36 on the lot and thought by doing it this way, they could have one giant septic system, and Preston
37 didn't think they could. Jeff said it was up to the state and wondered why they should stick their
38 noses into it. Peter said to subdivide, an approved septic is necessary. Preston said most people
39 don't want to build a septic like that and it wasn't a good way to subdivide it. Peter said someone
40 wanted him to hay the field but there's no right-of-way to access it. Cathy said it was sort of the
41 wild west at one time. Preston said sometimes they look to the DRB to tell people not to do stupid
42 things. Barre asked Peter if he was happy with what they had done at this meeting and Peter said
43 he was a lot happier than when there was no minimum lot size, because you could have combined
44 the water and sewer and would have had some pretty small lots. Barre asked Peter if he was going
45 to support it, and Peter told him to wait and see.

46

Agenda Item 4, Adjournment

1
2
3 Jeff moved to adjourn, and Cathy seconded the motion. A vote was taken, and it passed
4 unanimously. The meeting was adjourned at 7:39 p.m.

DRAFT