

1 **TOWN OF Chester**  
2 **PLANNING COMMISSION**  
3 **October 18, 2021 Minutes**

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

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

8 **Citizens Present:** Bill Lindsay at Town Hall; and Cheryl Joy Lipton via Zoom.

9 **Call to Order**

10 Chair Cathy Hasbrouck called the meeting to order at 6:34 p.m. (0:42 on recording)

11 **Agenda Item 1, Review Minutes from October 4, 2021 Meeting**

12 Cathy asked for a motion to review the minutes. Peter Hudkins moved to review the October 4th  
13 minutes and Barre Pinske seconded the motion.

14 Barre called attention to page 3, line 40 – “Jason pointed out there were different procedures for a  
15 reason and baked into a conditional use.” Barre questioned the word baked. Hugh said he  
16 remembered Jason saying the DRB has certain checks and balances by design so trying to expedite  
17 their process, would cause the expedited DRB process to be difficult. Cathy asked Barre if it made  
18 sense and Barre agreed that Jason could have said it. Cathy confirmed that he did and that he likes  
19 to say baked into.

20 Barre then called attention to Page 12, line 36, “Peter said the current language was king of big  
21 but it was New England architecture.” Sue said she would go back and listen to the recording from  
22 that meeting.

23 Cathy had some questions from fellow member, Tim Roper, who was not in attendance. She called  
24 attention to page 2, lines 14 through 16, Tim asked if the word couldn’t should instead be could.  
25 Hugh said he was pretty sure it was could, based on his memory. He said that was the discussion  
26 where at any time during the administrative review the Zoning Administrator could. Cathy agreed.  
27 That page 2, line 15 should say could and not couldn’t.

28 Cathy said lines 16 through 18 on page 5, “Tim said if the Fullerton stopped working as an inn and  
29 a restaurant and which nobody wants to see, and they permitted a level 2 group home to be  
30 downtown, is that something they would want there, something that would benefit the town and  
31 the business district.” Cathy said Tim was asking that it be edited to read, “is that something they  
32 would want there?” So, he wants a question mark added. Hugh said that made sense because he  
33 was asking a question and not making a statement. Cathy said she would send Sue Tim’s note.

34 Cathy said Tim also noted on page 5, lines 29 through 31, “Tim said senior housing was very  
35 different than group home. He thought it.” Tim wanted it to say “a group home” instead of “it” on  
36 line 29.

37 The minutes were approved unanimously, as amended.

38

39

1 **Agenda Item 2, Citizens Comments**

2 (7:36 on recording)

3 There were no citizen comments.

4 **Agenda Item 3, Discuss Concept of Administrative Review, Vermont Statutes that allow**  
5 **and support it, adopted and proposed examples of administrative review, limits and**  
6 **safeguards**

7 (7:50 on recording)

8 Cathy said Preston would take the board through the concept of administrative review.

9 Preston said that Cathy had provided a rather thorough package with the board minutes that  
10 included the statute and examples of adopted administrative review from South Burlington; and  
11 proposed administrative review from Ludlow, Springfield and Killington. Preston said he had  
12 worked in communities that have administrative review. He said it was needed in larger  
13 communities or they would be overwhelmed with hearing requests. If every restaurant that put an  
14 entryway, new steps, a freezer on the back, a new deck, or anything that had to go through full  
15 DRB review in a place like Burlington or Killington, they would have hearings day in and day out.  
16 The advantage of the administrative review is that it's business friendly because it's much quicker  
17 than the 3-month process of going through a hearing, and sometimes as quick as 3 weeks. It is a  
18 tool that is authorized by statute, so Chester is free to consider it. Preston said he looked at it as a  
19 matter of the right fit. He said when writing zoning bylaws, you seek to balance the benefit, which  
20 is to be user friendly, with the risk, which is unintended impacts. It requires confidence in the  
21 Zoning Administrator. He said he and Cathy had spoken with the DRB and there was at least one  
22 member and maybe two who were uncomfortable with it, so they obviously were people who  
23 should continue to be involved in the discussion. Preston said in terms of the subcommittee, right  
24 now they are wearing blinders and talking about the Village Green District and that does have  
25 administrative review in it. The proposed bylaws that Brandy Saxton worked on have  
26 administrative review in them. Preston said he could see administrative review in one form or  
27 another being applicable to all four of the village districts, the general business district, and the  
28 mixed-use district, but not applied to the two residential and the three rural districts. He thought  
29 there should be a lot of attention given in residential and rural districts to the things that DRB  
30 reviews, such as traffic and parking, noise and lights and those kinds of things. Preston said in  
31 Killington he could do things administratively but had to consult with his DRB Chair. He said Tim  
32 and Peter have said they would rather have the DRB Chair sign off and Preston was fine with that.  
33 Preston wants a process more streamlined but also doesn't want it abused. He said if someone was  
34 pressuring him for approval, it wouldn't be a bad position for him to be in if they needed an  
35 additional signature. He thought administrative review had its place.

36 Peter said when he looked at the site plan review in the proposed bylaws as opposed to the  
37 administrative review, the administrative review would be called out by the Planning Commission  
38 much tighter than it's called out in the site plan review. The site plan review that is in the proposed  
39 bylaws covers all the districts and it covers a lot of new construction, as well. In the Village  
40 District, new construction would be DRB. He thought there was better control in the way the  
41 administrative review was set up than it was in the proposed bylaws. There you could do it in a  
42 residential district or anywhere in town.

43 Preston said state statute provides for the possibility of a conditional use review and site plan

1 review. The current adopted bylaw doesn't use the term site plan review, but the proposed bylaw  
2 does. Preston said the subcommittee is finding that to be confusing and suggested maybe they  
3 shouldn't use the term at all but have a similar process. He thought Peter's point was the proposed  
4 bylaw has the option for administrative review in all districts, but the way it's labeled is that the  
5 administrator must go through site plan review criteria. He said it wouldn't apply to all districts  
6 and they would probably avoid the term site plan review because they think it's confusing. Preston  
7 said the criteria for conditional use and site plan review are the same. He wondered why they have  
8 two different names for the same thing.

9 Cathy said conditional use had a few more criteria. Preston agreed. Cathy wanted to be clear that  
10 when Preston stated the proposed bylaw had an administrative review function, he was talking  
11 about the minor site plan review. Preston said yes, it was the minor site plan review that was  
12 conducted by the administrator.

13 Hugh asked when Preston talked with the folks at the DRB, how would he characterize their  
14 general concern with the administrative review.

15 Preston said that the DRB's view was five heads are better than one. They feel their process of  
16 inviting public comment adds value. They feel they are welcoming, and they don't feel it should  
17 be an intimidating process. Preston told the DRB that by and large, they are welcoming, but for  
18 Preston on the front lines, when someone wants to open a business downtown and he tells them  
19 what's required: he has to publish it in the paper; post a sign on their property; notify all their  
20 neighbors; call a hearing which they will have to come before and answer questions; and because  
21 there's a warning period before and an appeal after, it will take about three months, they look a  
22 little stunned. So, whether the DRB members themselves are friendly or not, it's still a challenging  
23 process.

24 Hugh agreed that they could be the nicest DRB ever, but the process still took a long time. Hugh  
25 asked if during the last meeting, when they had briefly looked at the administrative review process  
26 the subcommittee had begun to outline for the Village 12, if they said Preston would not use  
27 administrative review for conditional uses, so that if it were a conditional use, it would still go to  
28 the DRB. He asked if he was remembering that correctly.

29 Peter said there were specific conditional uses. Hugh asked if he could look up the document. Peter  
30 said conditional administrative review could be arts and entertainment, civic and institution,  
31 private broadcasting facility, dwelling, multi-unit, family care facility, mixed use, personal shop,  
32 professional office, recreation, restaurant, and retail. Peter said that in that, they can't do any new  
33 construction.

34 Hugh thanked Peter for clarifying that and said it made sense. Hugh said the other thing he was  
35 thinking about as Peter was describing the process and how it might work was it would seem,  
36 which would reinforce what Tim said concerning checks and balances, that if the proposal were to  
37 go forward for administrative review, it would require the DRB Chair to review and sign off. Hugh  
38 asked if that would mitigate any of the concerns the DRB had. He asked if they had chatted with  
39 the DRB about that.

40 Cathy said they haven't yet because they didn't get Tim's proposal until Sunday morning.

41 Preston said he was aware of the concept because he lived with it in Killington, but he didn't recall  
42 it being brought up at the DRB meeting.

43 Cathy though they may have talked a little bit about it but because it was in deliberative session,

1 she didn't have notes on it.

2 Preston said to Hugh's point, they could be clearer about it – saying this is where they are going.  
3 And it would require the actual signature of the DRB Chair on the permit. You would have two  
4 independent eyes and not just one.

5 Hugh said it made sense and if they could orchestrate it to apply to some zones and not to others,  
6 that would be another way to make it more flexible.

7 Peter clarified he wasn't asking for a signature on a permit, but rather an email trail or something  
8 in writing. He thought it seemed like an extra step to put it on the DRB Chair. He was fine with an  
9 email trail being in the file rather than a second signature.

10 Preston said they could play around with it. He thought it could be intimidating to a Chair to think  
11 they have to sign a permit.

12 Cathy added that they do sign findings to which Preston replied they sign findings and survey  
13 plats. Cathy said at one time the DRB members wrote the findings. Cathy said they needed to  
14 figure out how many it would be a year, but she didn't think it would be more than 10.

15 Preston asked how many DRB decisions there were currently in a year. He said it may reduce them  
16 to half but wasn't sure.

17 Barre shared his experience with his friend, Rich. Barre believed that Rich would not have had to  
18 go before the DRB had he not wanted a bigger sign, which he ended up not using. Barre said the  
19 sign made it a home business rather than a home occupation. Barre said the process was way over  
20 Rich's head and Barre thought if he hadn't helped his friend, Rich, he would have been able to do  
21 it. The DRB had wanted charts and graphs, which Barre was able to do on Photoshop for Rich.  
22 Barre said perhaps the leap wouldn't have to go quite so far as just making it with the Zoning  
23 Administrator if they had something they could categorize as administrative review and the Zoning  
24 Administrator presented it to the DRB rather quickly by having all the "i"s dotted and "t"s crossed.  
25 By having the whole concept put together, they could have the discussion and it would be done. It  
26 would still be conducted within the formal structure with more eyes on it and it would not put such  
27 a big burden on the business owner. It would also eliminate the liability for the potential of  
28 backlash on the Zoning Administrator. The paperwork would still be required, and questions  
29 answered but the ZA could present it quickly with a brief discussion. Barre said the question  
30 seemed to be whether to give unilateral authority to one person and/or engage someone else. He  
31 thought the process could be quicker by having a person who knew what they're doing present it  
32 for things that were less formal.

33 Cathy said the minute they involved the DRB they would be talking hearings, notices, and delays.

34 Preston said other towns have done that where they say the whole DRB can vote on it at a meeting  
35 and not a hearing. Preston expressed being uncomfortable with that because it would be on the  
36 agenda for a meeting. Then the owner asks if they should come and present, and the neighbor says  
37 they were not legally notified and then the DRB starts asking questions. Even though it is in the  
38 format of a meeting, it evolves into and feels like a hearing and people start to say they didn't get  
39 due process. Preston said that's why he favors having the Chair do it and eliminating the risk.

40 Barre asked if the Chair who is responsible to go to meetings biweekly, if it was appropriate to ask  
41 them to be available when needed to make that review since it really wasn't their job. He said he  
42 didn't have strong feelings about it. Barre said he liked the idea of an administrative review and

1 the idea of signing off. Barre said the only question before them was did they need to involve  
2 someone else and if so, how to do that and when would be the appropriate time. Barre asked  
3 Preston in other places how they coordinated the time for the Chair to sign.

4 Preston told Barre he was right that there would suddenly be a new duty on the Chair. He said the  
5 Chair doesn't merely run the meeting but is also the decision maker. It would be a little more work  
6 for the Chair, and it may also affect the whole board with respect to who they chose as Chair.  
7 Preston said, in his experience, he would email the Chair when an application came in and  
8 sometimes the Chair would come in and discuss it, and other times they would read the email and  
9 say it was a no-brainer and it was fine.

10 Barre told Preston, that what he was hearing him say was the idea that two people needed to  
11 physically meet wasn't the case and that it could be done by email. Preston agreed and said it was  
12 usually done by email.

13 Preston said in Killington, the Chair was not required to sign off. He would send him an email and  
14 he would either say it was fine or ask for more details. Preston would then save the email and put  
15 it in the file to document that he had consulted with him.

16 Bill Lindsay asked if when they involve the Development Review Board, because it has been  
17 changed and is a legal process, would they incorporate the one member of the DRB into that  
18 process. It would be on the record and is a termination of whatever the outcome would be. He  
19 asked were they changing the process by just using that one member.

20 Preston said Chester is an on-the-record town, so hearings are supposed to be run according to  
21 Rules of Evidence and Rules of Procedure, which the court uses. Administrative Review is a way  
22 of simply taking certain minor decisions out of that process, so it wouldn't apply.

23 Bill said he liked the idea but questioned if once they asked the DRB Chair, were they starting the  
24 process.

25 Preston said no and that it was a way to issue a permit without going through that process. It merely  
26 provides checks and balances. Bill thanked Preston for answering his question.

27 Peter said having been the Chair of a DRB, it would give him more communication with the Zoning  
28 Administrator. It would give him more of an opportunity to know what is going on. He said he  
29 always had trouble with Michael setting the agenda and wanted to know what was going on and  
30 in theory, he was the Chair. He would be setting the agenda and they should be discussing it first.  
31 Peter thought this would make the ZA communicate more with the DRB Chair and Peter didn't  
32 think that was a bad thing. Bill said he had no problem with that.

33 Peter asked what the statute was. Cathy answered it was 24 V.S.A. § 4464 and the relevant part  
34 was (c) on the bottom of the third page where it talked about Administrative Review.

35 Hugh asked if it was on page 269 of Article XIV. He said he had looked up Administrative Review,  
36 but later realized it was for South Burlington.

37 Cathy said the hierarchy of labels was odd.

38 Barre said he liked the idea. He said some people don't have the time or the skills or whatever it  
39 takes to do what's required to obtain a permit and it is uncomfortable for them. He said it was  
40 important there was a clear line about what can be done with Administrative Review and what  
41 can't. Barre said he didn't see why it couldn't be applicable in all areas, including the residential

1 areas. One thing that was important for him, given the history of zoning, was that the neighbors  
2 were not left out. He said it comes down to making good neighbors and sometimes that just makes  
3 problems for people trying to do little things, which makes them complain. He said concerns for  
4 him were how much it could potentially bother a neighbor, and how much will they want to know  
5 what is going on, and will they be mad if they didn't know it was happening. Barre said he was  
6 sure Preston could relate and he wasn't telling him anything new. Barre thought if what he had  
7 expressed was in the language and everyone recognized the importance of it, it would be part of  
8 the process.

9 Preston said when he suggested not including administrative review for the rural and residential  
10 districts, it was mostly to improve people's comfort level. He said the only things that get reviewed  
11 in rural or residential districts are an expansion of a nonconforming use or a home business, with  
12 the home business being the more common one. Preston said in his experience, he thought it was  
13 justified, with either an expansion of a nonconforming use or a home business, to listen to the  
14 neighbors about their concerns. That doesn't mean you always go along with the neighbors, but  
15 you must take it into consideration and listen to their concerns.

16 Hugh said that what he was hearing was there was some consensus that a second set of eyes was  
17 good. Preston agreed. Hugh wondered if the DRB Chair did not want any part of it and refused to  
18 do it, could they take that position and if so, would there be a Plan B in place.

19 Preston believed it was a condition of the job, but if they did not, it would be easy to say the Chair  
20 or their designee.

21 Barre said the purpose of the Chair was to run the meeting and, in some cases, they carry a certain  
22 amount of authority and greater knowledge, but maybe not in every case. Barre suggested if they  
23 created a term for someone to be the second set of eyes person, and someone wanted to step up for  
24 the position, it seemed it could be anyone on the DRB and hopefully someone out of the five would  
25 want to do it.

26 Preston thought they could consult with a member of the DRB designated by the DRB.

27 Peter said there was a Chair and a Vice Chair, so if someone was not at the meeting, there was a  
28 structure so the meeting could continue. He said if the Chair didn't want to sign off on something,  
29 it would just punt up to the DRB meeting. Hugh agreed.

30 Preston said the current DRB Chair spends a fair amount of time in Martha's Vineyard so it's  
31 possible they would want their Vice Chair to do some of it.

32 Cathy said they would be changing the description of the DRB and how it is organized in whatever  
33 set of bylaws they add it to. She thought it should include a provision for who can act in the absence  
34 of the designated second pair of eyes. Preston and Hugh agreed.

35 Hugh added that it sounded like Tim had wanted two town officials.

36 Preston agreed that Tim had said that and was hoping he had meant the ZA was one of them, but  
37 Preston didn't know. Hugh said he was confused by it and wasn't sure if he meant the ZA and two  
38 other town officials.

39 Cathy read from Tim's statement, and it said, "as such, I feel strongly that our system of  
40 Administrative Review require a minimum of two town officials for any and all approvals or  
41 denials of submitted permits." Hugh said maybe he had read it wrong and the two was the ZA and  
42 the DRB designator. Cathy said Tim also asked that "the responsible official's reasoning for all

1 decisions be written and recorded in town records.” Cathy mentioned that Preston had taken to  
2 recording the zoning permits.

3 Preston said there have been cases in the past where he has opened the file and the application was  
4 signed on the bottom and it made him question what process they had gone through before signing  
5 it. Preston said it is his practice to comment on the formal permit and document the decision so  
6 someone later will know his reasoning for doing what he did.

7 Peter said they have the DRB Chair write on the document why they approved it

8 Preston said what he would implement was in the process of writing an email to the DRB Chair,  
9 he would lay out his thinking and if they Chair agreed, that would be the document. Hugh and  
10 Peter agreed.

11 Barre joked that he thought there were some good examples in the United States Supreme Court  
12 that Preston could look at. Preston replied, “Dissenting opinions.” Preston said he had worked in  
13 a town once where someone disagreed with the DRB and wrote a dissenting opinion and demanded  
14 that it be put in the file. Preston consulted the league who said it meant nothing but to put it in the  
15 file.

16 Preston thought the night’s discussion was something they should think about and come back. He  
17 thought a follow-up conversation with the DRB was needed. Preston suggested they could  
18 wordsmith it and come back with it.

19 Cathy confirmed with Preston that he had offered the administrative review process would take  
20 three weeks because once Preston issued the permit, there was still a 2-week appeal period.

21 Preston said statute dictates a 15-day appeal period for any zoning permit. So, even if he took in  
22 the information, formulated his opinion, got the Chair to say fine and issued a permit, there would  
23 still be a 15-day appeal period. He added the appeal period for the DRB decision was 30 days.

24 Barre asked if that just got the paper with a P stapled on a sign in front of the building or if letters  
25 went out to the abutters.

26 Preston said it was a good question. Preston said he thought the Administrative Review would  
27 make it a regular permit, which meant it would get posted at Town Hall and the P would go on the  
28 building. Barre asked if it would be put in the paper or just posted at Town Hall and the P goes on  
29 the building. Preston replied for administrative permits, that was all it was.

30 Barre said he has seen shed like garage things go up around town and they all looked far from the  
31 property line. Barre didn’t think any was conditional use because they could just build a shed away  
32 from the property line. He asked if they had gone through the DRB. He said at Mr. Lindsay’s  
33 former property there was a little garage going up. He asked if they had to go through the DRB or  
34 if it was just Administrative Review and they got a permit.

35 Preston said the way the bylaws read in Chester is if you were to put up a shed on a conditional  
36 use property, the shed would even have to go through a conditional use because it’s affiliated with  
37 the property. If the shed was being put up on a residential property, they still must get a permit but  
38 it’s a very easy permit and he issues permits for sheds all the time.

39 Cathy clarified with Preston that when he said conditional use property, the parcel has a  
40 commercial use and has a permit for that commercial use. Preston agreed. She said the shed is  
41 assumed to be part of it.

1 Preston said there was a storage box that appeared on the Dollar General property and one of the  
2 DRB members said they needed a permit. Preston said it needed a permit only if it wasn't  
3 temporary and within a couple of months, the box was gone. Preston said if Dollar General decided  
4 to make an enclosure in the backyard for their dumpster, technically they should go to the DRB  
5 even though it's a minor structure.

6 Barre said Cathy and Preston were using two different words and he wanted to be clear. Cathy had  
7 used commercial, and they were talking about conditional use. They are two different terms and  
8 he asked Cathy if that's what she meant.

9 Cathy said almost every conditional use is commercial. It's conditional because commerce is  
10 involved.

11 Preston said they all know what a commercial use is. Under Chester's bylaw, a conditional use is  
12 things that only get approved for conditions and all commercial uses are conditional, so that's why  
13 they use them interchangeably.

14 Preston said you could say a home occupation is commercial, and that farming is commercial, but  
15 state statute specifically exempts them and says those aren't conditional uses to protect certain  
16 classes that the state wants to occur. A third one that state wants is telecommunications and a fourth  
17 one is solar, so they are all exempted.

18 Barre joked that he is worried about growing extra body parts, like horns, from the tower next to  
19 his property. Preston said when the first 5G tower came to Killington a few people said it would  
20 kill them.

21 Peter said the biggest control they have over the review is, by district, they can call out what  
22 Preston can review. Hugh agreed. And in a site plan in a minor, they couldn't call out anything, so  
23 it gives a lot more control about what's allowed to be reviewed and what can easily be done and  
24 then what can't and that all varies on the district.

25 Cathy said they could pick districts that are defined, at least partly, by the size of their lots. It's  
26 hard to put Walmart on a half-acre lot, it just isn't going to fly. Peter said but new construction  
27 isn't allowed without DRB, unless it was a multi-family. Cathy agreed.

28 Cathy said they take the information to Jason, and he firms up his Section XX. She thought the  
29 next DRB meeting was the 8<sup>th</sup> of November. Preston agreed and said there was a hearing, so they  
30 should allow some time for discussion. Cathy said there was no need to have a meeting before  
31 then. Preston said they could have a dedicated meeting, but he wasn't sure it was necessary. Cathy  
32 said she would not be available to which Preston replied he is someone who says why do it in two  
33 meetings if you can do it in one.

34 Barre said ultimately the things they are talking about now must go into the bylaws they are writing  
35 and go through the whole process with the select board and everything else coming up. He asked  
36 if they would be able to fast track it. Peter said they could. Barre asked how that would be done.

37 Preston said they can fast track any changes to the bylaw they want to make. They could do the  
38 entire V-12 or just administrative review, or they could even do nonconforming uses. He said they  
39 still need to have one hearing before the public by the Planning Commission and one hearing  
40 before the public by the Select Board and adopt it. If it was a simple feel-good change that didn't  
41 generate a lot of attention, it could go quickly. But if it's a hearing where people object, then it's  
42 not so fast.



1 Barre said he didn't want to speak for Tim, but he was advocating quite strongly to run all of it  
2 through at same time and Barre didn't know why, but it was Tim's opinion, and he wasn't at the  
3 meeting. Barre said he wouldn't have a problem with bundling the two things if the V-12 was  
4 ready or just this. He didn't want to waste the time of the Select Board. It seemed to him this is  
5 something that could benefit the town and look good in the eyes of the public, so he thought maybe  
6 they should be bundled so they could accomplish something.

7 Preston agreed and said he felt the same way. He said if they were going to do the whole big  
8 package and it took two or three years, and half of the current board wouldn't be there because  
9 they'd be doing something different, he felt if they could be unanimous and move forward, it would  
10 be nice to do something.

11 Barre asked how much more time they had on V-12. He knew Peter had mentioned how some of  
12 the stuff relates to other things in other districts. Barre wasn't sure that he was totally up to speed  
13 on that. He asked if they moved the V-12 items forward that they were currently reviewing and  
14 tried to tighten stuff up and bring them forward, were there things that did not apply and were they  
15 opening a can of worms by trying to do that.

16 Peter said they had to go with the uses in the current document, because if they went with the  
17 proposed uses, they would affect everything else. He said if they go with the current uses, they  
18 have, the current bylaw will not change. But if they went with the proposed uses, the nightmare  
19 would begin. So, it needs to be simple and fit in. He thought the administrative review could plug  
20 in easily. Peter said he and Cathy played with it the other day and it fit into the proposed once it  
21 was put in the proposed document. He said it was difficult to figure out how the major and minor  
22 would work. He suggested taking the minor out and putting the Administrative Review in, which  
23 would be more defined. He said they could both be shuffled in without too much work, but the  
24 uses were the big one and they would need to use what they currently have.

25 Hugh said what he remembered discussing when they reviewed V-12 a couple weeks ago was that  
26 they discussed uses and he thought there was some agreement that leaving the uses more general  
27 and categorizing them the way that they were, allowed a certain amount of flexibility. When you  
28 had a use change or something like that, they felt it would be more important to be able to have  
29 that flexibility. Hugh said he was feeling that even though in the proposed bylaws the uses were  
30 more detailed, it tied the hands some because it was so specific. He thought there was some  
31 understanding that if the uses were more rolled up or at a higher level and categorized, the way  
32 they are in the adopted bylaws, that would be better. Hugh said it was his recollection of the  
33 discussion from the last meeting. He didn't feel like it would be a big issue to him if they had to  
34 use the adopted uses.

35 Barre asked if the stuff they had discussed at the last meeting was quite different than the current  
36 bylaws. Barre asked Peter if what he was saying was the uses needed to be the same in order not  
37 to disrupt all the other things and Peter agreed. Barre asked if once they did all the other things if  
38 the uses could be reviewed again if necessary. He asked how that worked.

39 Peter said the thing about the bylaws was they can slowly continue to be amended. He asked Barre  
40 if he remembered the ACC document. That document said to do small organic changes. Peter said  
41 what it amounts to is a small organic change and matches up to what the Master Plan wanted. He  
42 said maybe they look at the Village and when they start working through those others, they see  
43 they may want to change uses. If it's kept to the small non-controversial thing, it's a public meeting  
44 by the Planning Commission and it's a public meeting by the Select Board and it's done. Peter

1 said that was the thing, to try to avoid the larger controversy.

2 Preston said the V-12 was under the same format and style that the proposed bylaws had, but if  
3 they put different terms for the uses, they needed to amend the definitions and then there were two  
4 sets of definitions, one for one district and one for the others and it got really mucked. So, they  
5 were saying they were still working from the proposed bylaw format but at least for now, they  
6 were going to stick with the same uses and definitions.

7 Hugh said that made sense to him, because to Preston's point, if they changed that, they create two  
8 sets of definitions, the definitions that apply to the zones they're not updating yet and then trying  
9 to put V-12 in with something completely different. Hugh didn't see any way to make that work.

10 Preston said they already have, by statute, different definitions for flood plain words and different  
11 definitions for telecommunication words and they can't change that, but they don't want to add  
12 another one.

13 Barre asked if the proposed V-12 District was different in any way in size or shape from what it  
14 was before. Hugh said no. Preston answered that it wasn't in size or shape.

15 Cathy said currently it doesn't exist and would be a new district and would be between School and  
16 Cobleigh Streets on the Southwest side of Main.

17 Barre said if someone put up a new gas station between Chester and Rockingham and they would  
18 need to create a slower speed limit, they would have a different rule there, but because they're  
19 cutting it out as something else, it doesn't affect everything else around it then, and just changes  
20 for that area. He said with respect to that, because these terms are used throughout the bylaws now,  
21 they can't change those terms because it makes everything else screwy. He said you couldn't  
22 switch to kilometers per hour when they're dealing with miles per hour. Preston thought that was  
23 a good analogy.

24 Preston added the other rationale they can use for moving forward with V-12 was it implements  
25 the Master Plan. Hugh thought that would be great. Barre said it sounded good to him.

26 Cathy asked if they wanted a motion to take the request to Jason and have him see what he could  
27 do to put it into the adopted bylaws.

28 Barre noted that Jason had said something interesting about the grant money and getting paid and  
29 Barre was under the impression that Regional Planning was a division of the state and was paid  
30 for by the state with taxpayers' money, which Mr. Lindsay used to talk about on the Select Board,  
31 which Barre enjoyed. Barre was confused how Chester was dealing with them because Jason  
32 referenced needing grant money to get paid to follow through with it. Barre was concerned they  
33 have a new consultant with Jason when they already paid a consultant, and he wasn't aware how  
34 much they paid that consultant. He wanted to be clear, and it would be good for public record to  
35 understand how it works and where the money comes from and if they're getting billed and what  
36 all the stuff is because they're creating an extra burden, but it obviously has been helpful. He asked  
37 if anyone knew how it worked.

38 Preston offered to answer but asked Bill Lindsay if he wanted to.

39 Bill Lindsay said in the town of Chester pays for Regional Planning in its budget, as did other  
40 towns. He said it was somewhat funded by the state but also funded by the individual towns. Bill  
41 said generally when there was a grant application, they helped to administer the grant because they  
42 had more expertise in that. As he understood it, the grant had something to do with housing. He

1 said more information could be obtained from Regional Planning, but that yes, there is Chester  
2 money that goes to Regional Planning. He said to think of them as a facilitator.

3 Barre said it appeared to him that they need to pay Jason or the organization of Regional Planning  
4 for Jason's time to help Chester with the zoning bylaws.

5 Bill said Julie Hance could give him the specifics.

6 Preston said he could answer. The Regional Planning Commission is chartered by the state as a  
7 quasi-public non-profit. They are not state employees. They get money from the state, they get  
8 some money from their member towns in the form of dues, and they also get money in the form  
9 of grants. Preston said they get a certain number of services through Jason because they are a dues  
10 paying member but to get more services, they need to pay for them. So, from that point of view,  
11 Preston said Barre was correct that they were a consultant. But they are more legitimate as a  
12 consultant because they are chartered by the state and have that as their mandate and they're not  
13 for profit. Preston said they are like sheriffs' departments because they have no income from the  
14 state and must make all their income from selling their services to towns even though they are  
15 public officials. The Regional Planning Commission is somewhat the same way.

16 Barre said maybe it was not their business as Planning Board members what was going on with  
17 that, but they had requested the help. He just wanted an understanding of how it worked and said  
18 it made way more sense to him now. Barre said it was good for the public to be aware of how it  
19 works.

20 Preston said he had talked to Julie, the Town Manager, when they first went to Jason and told her  
21 he would do a certain amount of work for dues but then would require more payment and she said  
22 that was okay because there was some in the budget. But later she said why should they spend  
23 their own money if they could get a municipal planning grant and have the state pay for it.

24 Cathy thought it would make sense to do a motion to ask Jason to write up this proposal into their  
25 adopted bylaws. She asked if anyone had an opinion about that.

26 Peter asked if the DRB meets after the Planning Commission does next month and Cathy replied  
27 that they met the second and fourth Mondays of the month. She said the Planning Commission  
28 will meet on the 1<sup>st</sup> and the DRB will meet on the 8<sup>th</sup>. Peter said they would want the DRB to have  
29 a look at it first and he would like to hear what the DRB says before they give it to Jason. Peter  
30 said if they are going to modify it again because of what the DRB says, they should wait to vote.

31 Preston suggested there was a vacant slot to choose to call them together to meet. Cathy agreed.

32 Peter thought if they were going to try to put something forth that was new, they should get the  
33 DRB input because they need to say they understand it and can work with it rather than saying this  
34 is it. He thought it was better to have the discussion and have it on a non-meeting night.

35 Barre said the idea of being fiscally responsible. He didn't know and that was one of his concerns  
36 in losing Naomi and not working with Brandy any longer, who would write this stuff. Barre said  
37 they found someone in Jason and with Preston's help, they can get these things written. But at the  
38 same time, since they were spending more money to do that, he wondered if they should try to do  
39 more withing their group. He didn't know what the budget was and thought maybe they needed to  
40 look into it with Julie. If there were some things, they could do on their own to get it going and  
41 just have Jason review it rather than take all the time to write it.

42 Peter said one big advantage with Jason is he wrote all the current bylaws. Barre thought he had

1 done the same for Springfield. Peter said Jason made all the changes that he was aware of since  
2 the mid-90s, so he knows Chester's bylaws which is a really good place to be. Peter said he likes  
3 the way Jason does a document with them. Each page is doublechecked before they move on. Peter  
4 said he has been through this process with Jason 3 times, and it takes longer, but the product is a  
5 solid valid document.

6 Barre said he just didn't want to spend extra money that wasn't necessary. If there are things the  
7 board can do on their own to save the town money, that's what he was suggesting.

8 Cathy said the subcommittee meets with Jason at his office rather than him driving to Chester,  
9 which saves time and money. She said Barre was correct that Jason has written a lot of bylaws for  
10 the surrounding towns.

11 Hugh said he was envisioning that if they develop a pattern with V-12 that starts to look in any  
12 way good and repeatable, he suggested that as they go into other zones, some of them could shell  
13 out some of the content so that it isn't always Jason's responsibility. Hugh wants Jason to run the  
14 first course with Jason primarily behind the wheel and then they can go from there.

15 Barre said they spent \$80,000 on the downtown Master Plan and they got a seating area down by  
16 the river that nobody ever goes to. He said V-12 was part of that. He didn't know what they had  
17 spent on Brandy, but it seemed like they spent a lot of money on things that they didn't have a lot  
18 to show for it and he didn't know where the money was coming from. If it was part of their job to  
19 do some of these things, maybe the board could do some of the heavy lifting. But Barre said he is  
20 thankful they have someone with the skills to do it, because it was out of his league.

21 Peter said if they met with the DRB and there wasn't too much of an outrageous change, they could  
22 give it to Jason and then they would have it for the meeting on November 1<sup>st</sup> and then look at what  
23 they have for V-12 and review the administrative uses.

24 Hugh said if everything worked as far as chatting with the DRB, it was possible that Jason could  
25 have an updated V-12 with an administrative review section ready for the Planning Board to review  
26 at the next meeting.

27 Cathy asked who would like to go to the DRB meeting with her.

28 Preston said he would go. Peter said he would like to go. Cathy said she would warn it if anyone  
29 else wanted to go.

30 Barre thought it was important that it could be communicated well and with Preston and the two  
31 members of the subcommittee going, he thought it would be presented fine.

32 Hugh and Peter said they wanted to hear the reactions.

33 Barre asked if they were in the audience would it be a regular meeting. Peter said yes, that if 3 of  
34 them get together anywhere, it's supposed to be warned. Barre's recommendation was they warn  
35 it as members and that would enable whoever wants to be there to be able to go.

36 Preston thought that was fine.

37 **Agenda Item 4, Discuss the Agenda and Set the Date for the Next Meeting**

38 Hugh made a motion to adjourn the meeting and Peter seconded it. It passed unanimously and the  
39 meeting was adjourned at 7:51 p.m.