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**TOWN OF CHESTER
SELECTBOARD MEETING
September 18, 2024 Minutes**

Board Members Present: Lee Gustafson, Arne Jonynas, Arianna Knapp, Tim Roper, and Peter Hudkins at Town Hall.

Staff Present: Julie Hance, Town Manager, at Town Hall; and Susan Bailey, Recording Secretary, via Zoom.

Visitors Present: Sharon Baker, Hugh Quinn, Cathy Hasbrouck, Preston Bristow, Brian Mosher, Amy Mosher, Derek Suursoo, and Bob Flint of Springfield Regional Planning at Town Hall; and SAPA TV, Jason Rasmussen of MARC, Lori Quinn, and Rick Green via Zoom.

Call to Order

Chair Arne Jonynas called the meeting to order at 6:30 p.m. with the Pledge of Allegiance and welcomed everyone.

Agenda Item 1, Hearing on Unified Development Bylaw Amendment

This is the last phase of a 2-year task to revise the bylaws for zoning. Hugh Quinn, Zoning Chair, Preston Bristow, Zoning Administrator, and Jason Rasmussen from Regional Planning were present to go through the last group of changes. The purpose of the hearing was for Selectboard and the public to ask questions and offer any concerns they had with the bylaws.

Hugh started with the maps and then would go through the executive summary. On the left was the current map and on the right was the proposed map. All the stuff around the Village Green and Village Center districts had been adopted and wasn't what they were there to talk about. They would be discussing the rural districts and a few other districts they made changes to. It's a lot greener on the proposed map than the current map. The green represents one of the two density-based zones. Currently it's a 5-acre lot sized zone. Based on information through Regional Planning and information about forest connectivity blocks and current use patterns of land use, it seemed appropriate to extend the least dense zone farther south. The other big difference between the green and the yellow on the maps was the current zoning is fixed minimum lot size zoning. The green is currently a minimum lot size of 5 and the yellow is minimum lot size of 3. Green and yellow will be density-based zones. They took the existing Residential 40 and extended it farther north up Route 103 and Route 10. Currently R-40 is a 1-acre minimum lot and the proposed residential is a 2-acre minimum. The dark red was originally mixed use, and they've split mixed use into village mixed use and created a zone called rural mixed use, which picks up Gassetts what used to be the adaptive zone and extended it out Route 103 South. They found there are a different set of uses that make sense for rural mixed use. Lee asked what they were trying to fix and what the rationale was. Hugh said they were trying to create less density and create some connectivity blocks or corridors for wildlife to move north and south. A lot of the land has different topography and they're trying to achieve density where it makes sense and a lot of land owners maximized the land they have in terms of what they can do with it from a development point of view. The map

1 showed three quarters of the town was into vanilla 3-acre zoning. They wanted to acknowledge
2 there was more of a residential play in certain areas where in the past there were more uses that
3 weren't appropriate for what was considered a residential area. Hugh asked if Jason or Preston
4 wanted to add anything. Jason thought it was well said and looking at what they did before in the
5 village, they vastly increased the density for revitalization and housing. Now, looking at the rural
6 parts of town, they were looking at a progression heading outside of the village that was getting
7 denser. There were wildlife areas and working landscape forestry and they wanted to make sure
8 there were large lots for that. They spent a lot of time looking at those maps and in the Rural-10
9 district, a lot of the lots were large, and it made a lot of sense based on the town plan and state
10 laws. Tim said one of the early goals was to align the zoning with the town plan. Tim noted they
11 had conducted a town-wide survey of residents and property owners of what they considered life
12 in Chester, and it was important to them to preserve the rural character outside of town. Hugh
13 agreed. Preston said the state planning goal enshrined in legislation was for compact village and
14 city centers surrounded by open countryside and there was a constant push to meet that objective.
15 Minimum lot size creates more fragmentation and if they went into density-based, they could meet
16 the state goal of less density but give landowners flexibility to get a reasonable return on their land.
17 Peter wondered about Cummings Road and Preston and Hugh said they hadn't changed it, and
18 Peter questioned if they should. Hugh didn't have a point of view whether it should be changed.
19 Cathy Hasbrouck said there was a substantial chunk off Cummings Road that belonged to a family
20 whose patriarch died 18 months ago, and more pieces have been sold recently and occasionally it
21 was to someone to live there full time, but a lot were for second homes. Cathy said at the
22 subdivision hearings, the people said they liked walking over the Class 4 roads that they couldn't
23 drive to get into town and thought it was unique and fun. She didn't think anyone was looking to
24 connect them better than they are now. Hugh didn't know they had the authority to change the
25 class of a road, so they didn't consider it. Arne was under the impression the part of the road that
26 was Class 4 was in such sad shape because of the river and it would be almost impossible to change
27 to a Class 3 road and didn't believe anyone was landlocked because of it. Arne didn't see it as a
28 big concern zoning-wise. Arne noted classifications of the roads were the responsibility of the
29 Selectboard and had not heard of an issue. Arne asked if the green zone represented the higher
30 elevation in Chester and Hugh deferred to Jason. Jason thought a lot was larger lots and higher
31 elevation but there were connecting points lower in elevation, so it was a mix. Arne noted
32 topography limits a lot of building in those areas and Hugh agreed. The few parts that may be
33 conducive for housing on the road frontage, they may be better to utilize the few places that exist
34 to put up housing. It would be great to increase housing as much as could be done in the center,
35 but there are other places that might be conducive for houses with road frontage. Arne thought part
36 of the driver for it was to increase the housing stock in Chester. Doing it in the center of town was
37 great, but there are other places around town. Arne said not everyone can afford to build in the
38 center of town. Hugh said one of the goals as they moved away from the village center was to
39 reduce density. R-5 is a five-acre minimum, and they were proposing Rural-10 density-based
40 zoning which equated to no more than one dwelling for 10 acres. There wasn't a minimum lot size
41 requirement but when the land was subdivided or developed, they were limited to one dwelling
42 per 10 acres. It reduces the overall density by 50% by current standards, but because it's density-
43 based, if part of the land is flat and suitable for development, they can take advantage of those as
44 long as they maintain open space elsewhere. Preston said they used to have a 10-acre loophole in
45 Vermont where approval for a septic wasn't necessary with 10 acres. The effect is seen in the parts
46 of town that are all flat and they are all 10-acre lots, but they're fragmented and that's the negative

1 of what can happen with a 10-acre lot. Lee lives on Popple Dungeon Road and a property owner
2 has a large tract of land subdivided into 2-acre lots and put homes on them, which wasn't a problem
3 for Lee. Lee wondered if the proposed changes would exacerbate the issue where if he had a 200-
4 acre lot, the number of homes he could build. Hugh said at the 90,000-foot level, he could do the
5 math to figure out the actual number. Hugh thought the minimum size of the lot envisioned would
6 be driven by frontage, setbacks, and whatever amount of land was needed for a well and septic. If
7 it could all be done in 1 or 2 acres, it could be done. Lee confirmed the land would still require
8 subdividing, frontage, setbacks, and wastewater and well requirements met. Hugh said they still
9 couldn't overbuild and noted every subdivision requires approval by the DRB. Lee wondered what
10 would prevent having a whole row of houses next to each other. Hugh noted it came up in the past
11 and they maintain the same frontage requirements. Lee thought they were reduced, and Hugh said
12 they restored them to 250. Arne thought that would be the limiting factor more than other things.
13 Jason said the purpose statement talks about retaining rural character and wildlife habitat and there
14 is a provision that allows the DRB to look at character of development so a proposal that doesn't
15 look like it belongs there, the DRB has tools to deal with it.

16
17 Derek Suursoo lives in Smokeshire and shares the same concern. He said there was no minimum
18 lot size, and it could be shrunk down with current engineering standards and mound systems and
19 could potentially pack a lot into a very small space. He spoke with the Planning Commission about
20 it in general and they were receptive, but the minimum lot size and maximum density standard
21 persisted. He saw 200 acres with 20 houses and very tight spacing and wondered if that was really
22 where they wanted to go. Derek thought there should be a minimum lot size and said the illustration
23 provided in the document showed a 40-acre lot split into three 4-acre lots and one 28-acre lot and
24 it was nice, but wondered if they would feel the same if they split the 40-acre lot into three 1-acre
25 lots and one 37-acre lot. Derek thought the illustration may have given a false impression. Derek
26 agreed with everything except for the maximum density standard. Lee said on Popple Dungeon,
27 there were very small lots with mobile homes on them and those lots were approved with septic
28 and well. Lee has nothing against mobile homes but wondered how they make it work and didn't
29 know what the answer was. Cathy said the math on frontage was if you had 20 parcels on the road
30 and 250 feet was needed for each, it would be a mile of 20 houses or half a mile with 10 houses
31 on each side and was a long run. Arianna wondered if they used Lee's example in the current
32 scenario of the 200-acre lot, what would stop the landowner from making twenty 1-acre lots and
33 Hugh said septic requirements and frontage would. Arianna confirmed you couldn't build on less
34 than 2 acres and wondered if there was a reason they didn't consider 2 and why. Hugh said it
35 defeated the purpose of density-based zoning and if it was possible for a landowner to get
36 everything on one acre, they had taken it away from them. You could have created a subdivision
37 with two 1-acre lots because the land would support it and he got his well, wastewater, and setbacks
38 met, but then they told him there was a 2-acre minimum. Arianna said Hugh's tone and words
39 were implying it wouldn't happen and Hugh responded that he wasn't an expert on what would
40 drive the size of the minimum lot. A relatively modest house with a 30 x 50 foundation footprint,
41 with 250-foot road frontage, a 40-foot front setback and 30-foot rear setback, they couldn't do
42 anything on less than 1.5 acres. Hugh thought only 20% of the time would 1.5 acres work, and
43 they would probably be looking at 2 or 3 acres, but added it was his opinion, as he wasn't a septic
44 system designer, surveyor, or builder. Arianna asked if she owned 20 acres and carved out two 3
45 acre lots, 10 years from now, someone is living in her house with the big acreage and sells it and
46 nothing about the considerations remains. She wondered what would stop them from subdividing

1 the remainder and Hugh said because she would have to go to the DRB for a permit and they
2 wouldn't give it to her. Hugh said the permit runs with the land and not the person. Arianna thought
3 they were creating obligations for future homeowners and Hugh said they were. Arianna said it
4 felt like they were doing it with heavier consideration. Hugh didn't think the dilemma Arianna was
5 describing had to do with this scenario and said it was land use management at large and anytime
6 someone did something to a piece of land, the decision sticks with the land regardless of who takes
7 future possession. Arne said anything could be changed in the future even though it may be part
8 of a deed or title. Tim said that was a good point and if it became a problem in the future, the DRB
9 or Planning Commission could suggest something. Arianna respected that and wondered if there
10 was a problem they were trying to solve and if landowners or developers were coming to Preston
11 who wanted to subdivide but couldn't, due to the current zoning. Preston said there weren't and
12 the impetus behind it wasn't that he had a list of people that the current system didn't work for but
13 thought it would be better land use with less fragmentation, but Preston didn't think that was the
14 driver behind it. Arianna wanted to know if there was ever more robust regulation or if they had
15 over-regulated zoning at some point. Hugh couldn't answer that. Derek said it was hard to
16 remember all the facts and the neck of the woods in the north end of Chester used to be the
17 conservation residential district that came into being in the 1970s. Derek thought at one point they
18 may have been 10-acre lots but wasn't sure if it was his imagination. Arianna wondered if there
19 was a great challenge then and Derek said there was a need to make it. The conservation residential
20 district back then was an individual who wanted to develop a piece of land to put in a mobile home
21 park and the Smokeshire residents didn't like that and paid the developer not to do it and wrote a
22 covenant that all the individuals who signed and paid agreed that there would be certain
23 restrictions. There was a really serious desire to maintain the rural nature of that area. Preston said
24 regulations tend to get stricter, however in the Village Green and Center, they relaxed some of the
25 rules. Preston said it happens but there needs to be a public will to do so. Derek is noticing a lot of
26 properties around town that are getting junky, and he didn't mean to criticize people but thought
27 smaller lot sizes condenses the problem and makes it greater among neighbors. Rural people like
28 to spread out and thought a minimum lot size might alleviate some of those problems and wanted
29 to see them get the room they needed to live in the manner they wished. Lee had a drawing program
30 on his computer and was inputting the dimensions for a 30 x 50 building with the dimensions Hugh
31 had noted earlier and said it was a quarter of an acre. Hugh said nobody would want to build that
32 goes around the outline of their foundation, so it would be more like an acre or 1.5 so they could
33 build a shed or a garage. Hugh said some would say they want their house farther from the road.
34 Arne wondered if it considered the water and septic and Lee said no. Arne said there would be
35 huge restrictions on septic systems regarding property lines so realistically, they were back to 1.5
36 or 2 acres. Lee agreed but was trying to figure out what it would look like. Tim wondered if they
37 were processing the density thing and thought it was natural to consider the what ifs and the worst-
38 case scenarios and important to do. Tim thought it would be a great thing if they could have 2
39 houses side by side on a one-acre lot and the rest of the land becomes in perpetuity. Tim said
40 preserving the rural parts of town was important and over 70% of the survey respondents wanted
41 to preserve the quality of life in Chester. Derek thought perpetuity was nice and understood the
42 language would be included in the deeds, but it could all change and didn't see a guarantee in
43 preserving the land in perpetuity. Tim said it could be changed but took the current process to do
44 which had been going on for 5 years. Derek understood but it was hard to get stricter when you
45 start out easily. Peter asked where the rural character was when they had houses along the road
46 and Tim said it was up on the hill. Hugh wondered if they were done with the proposals for the

1 density-based zones before moving forward. Brian Mosher thought it encompassed Trebo Road
2 and wondered why it was Residential 2 instead of 5 up Trebo Road and the less cars, the better
3 given the intersection there. If they created more density, some people would start taking the
4 shortcut to Springfield and said it was a rural area and beautiful road. Hugh thought they were
5 looking at the different types of lots in that area and viewed it as more of a residential feel and
6 could be why they switched it from yellow to purple. Jason thought they were coming out of the
7 village and there were smaller lots there and thought that's how they ended up there. Jason heard
8 the point about the bad intersection and said it was valid. Cathy said on Trebo, the first lot was a
9 big field they subdivided into 26 parcels and then because nobody bought anything, they turned it
10 into a solar field. The detail of the area shows 26 residential lots. The town knows it's a lousy
11 intersection and has considered putting a road through the subdivided field past the substation and
12 thought they had also looked at the parcel down the road Cathy had owned prior because there was
13 a better line of sight. One of the four driveways on that parcel goes to 103 and she thought it was
14 used a lot in the summer. Peter said relocating the road was a condition of the subdivision, but they
15 never sold the lots, so it never was done. Peter said there was a right-of-way that came down where
16 the solar field is for the subdivision.

17
18 Hugh said they added language to the bylaws about tiny houses. They are a reality that probably
19 isn't going away, and they didn't have any language in the bylaws to address them. They added
20 language to define them. They also added a section around cottage courts to facilitate a community
21 of dwellings that could be tiny houses or non-traditional homes. Hugh added that based on
22 feedback from a previous hearing, cottage courts would not be allowed in the Village Green, the
23 open-spaced district, or either of the rural districts. Originally, they wanted to have them
24 everywhere but got feedback not to and they agreed. Cottage courts are small dwellings that are
25 highly densely packed and once into a rural area, the only way to make that work is shared well
26 and septic and they decided it's not practical and there wasn't great precedent for people coexisting
27 happily on shared septic and well. Hugh thought Jeff, if present, would say that once they are over
28 a certain number, the state is involved, and the municipality must own it, so for all those reasons,
29 they removed cottage courts from areas that aren't served by water and sewer utilities.

30
31 They had talked about the mixed-use districts and split them between village and rural, largely
32 because the uses weren't compatible. If they tried to make appropriate uses for the different parts
33 of town all in one zoning district, it wouldn't work, so they split them so they could configure the
34 uses more appropriately.

35
36 Residential-2 which replaced R-40 and was expansion up Routes 103 and 10 and changed from 1
37 to 2 acres and they removed some of the uses. Some of the uses removed because they didn't feel
38 they were compatible for a residential area were animal hospital and kennel, extraction operation,
39 and commercial storage unit.

40
41 Peter asked referring to Article 7, regarding interested persons. Preston said the state law had
42 changed, and it reflected that. Jason agreed. Peter asked when it would go into effect. Jason
43 couldn't remember if it was the Home Act of two years ago or Act 181 of this year and thought it
44 went into effect July 1, 2024. Preston thought it was this year's change. Arianna asked for
45 confirmation that it had been passed and Preston said there was no intent that Chester's rules would
46 be stricter than the state's and it was simply to match state rules. Jason said the intent of the

1 legislature was they feel too frequently that housing projects get appealed, so they are making it
2 harder for that to happen and the change in the bylaws reflected that. Jason thought Act 181 was
3 where that happened. Peter asked about Article 3.20 on page 14 that had a maximum parking space
4 size. Preston thought it was the legislature not wanting parking lots too big. Jason agreed. Preston
5 said it was fascinating what the legislature was doing and felt like whiplash to Preston because in
6 the past, they wanted the most parking available for the biggest event that could happen all year
7 and now they viewed parking negatively as causing stormwater problems and an unwise use of
8 space and trying to trend away from a car based society and don't want towns to prescribe bigger
9 parking spaces.

10
11 Arne wanted to know the difference between tiny houses, cottage courts, and trailer parks. Preston
12 said Peter knew a lot about the subject. Preston said trailers and trailer parks were specifically
13 defined by Housing and Urban Development because they fund it and there were going to be trailer
14 parks around, but tiny home parks use smaller and different dimensions than included in HUD's
15 definition and was why the Planning Commission wanted to include them. Preston didn't think
16 Chester had any trailer parks. Peter also said tiny homes at 400 square feet were much smaller than
17 HUD's definition. Arne thought tiny homes required the same resources of water and sewer and
18 they were affordable housing. Arne asked if it was true that cottage court couldn't go in the same
19 areas as trailer parks and Hugh thought it was true. Peter said there was specific square footage
20 needed for a trailer and wondered if they would use the same restrictions would apply to a tiny
21 home. Tim said more tiny homes in the same space. Arne thought it was discriminatory towards
22 trailer parks. At a time when there is a housing shortage, Arne didn't want to see things limited
23 unless there was something concrete about why it should be treated differently. Tim said someone
24 could apply for a trailer park and Arne said in some areas you could have a cottage court but not a
25 trailer park. Peter suggested allowing them everywhere but the village. Arianna thought cottage
26 court included trailers and Hugh said it was travel trailers and not manufactured trailers. Arne
27 thought the land itself limited what could be put there given water and sewer requirements. Preston
28 wondered about the table that Jason made regarding what was allowed in each district. Preston
29 recalled they left mobile home parks alone but added tiny home parks so there may be an inequity.
30 Arianna read 3.16, page 9, which allowed mobile home parks as a conditional use in Rural Mixed
31 Use, Res-2, and Rural 5 and Jason agreed as he had just found his table. Hugh thought what Preston
32 was saying was accurate. They originally had cottage courts everywhere and then removed them
33 from places without utilities and never reconciled back to why a cottage court wasn't like a mobile
34 home park. Hugh thought whatever was included in mobile home park was unchanged. Arne said
35 it was an agenda item and they would discuss whether they take it further. Arne asked the board if
36 there were any questions or concerns while Preston and the Planning Commission were present.

37
38 Amy Mosher, who currently lives in R-120, read a letter to the board so it could become part of
39 the record. She thanked them for inviting the public for input. She was relieved to see cottage court
40 removed from R-120. She said Keene, New Hampshire recently approved cottage courts but only
41 in areas served by town water and sewer. Amy thought cottage court was still in R-2 and wasn't
42 sure it was served by town water and sewer. Amy also didn't want setbacks reduced in the rural
43 areas and said they were what gave landowners peace of mind knowing they won't be encroached
44 upon. She read the proposed revisions several times and didn't notice the minimum lot
45 requirements had a black line through them until a week ago. For her, it was concerning the
46 minimum lot size requirements were proposed to be removed in R-120 and the residential

1 conservation district. Amy said if they referred to the light green and yellow on the map, they could
2 see they were talking about 90% of the town. Amy said if Chester covered 55 square miles, they
3 were talking about a big change that would impact 49.5 square miles of the town. By removing
4 the minimum lot size requirement in that area, the town would invite suburban development into
5 these sensitive rural areas. She wondered how it made sense for R-120 and conservation residential
6 to be the only two districts in town where minimum lot size would no longer be required. She took
7 150 feet across the front and 100 feet back and sited the home 20% coverage where it should be,
8 and she determined 1/3 acre lots would be allowed there. Someone with 30 acres could develop 5
9 homes on 2 acres each with 0.3 acres of land if they maintained a sixth home on a minimum of 5
10 acres. Amy said if someone owned 60 acres in R-5, they could build 11 homes on 1/3 acre lots
11 covering 4 acres right next to the road, if the 11 homes met the 150-foot frontage and minimum
12 side setbacks leaving room for 1 home on the largest parcel. She saw it as anything goes never
13 knowing what neighbors would do because there would be no conditional use review required.
14 Amy predicted more town highway use and increased maintenance of the roads and alteration of
15 the character so that it didn't look rural anymore and it would be irreversible. There would be no
16 impact fees to the town if this is permitted. She wondered if other Vermont towns had eliminated
17 minimum lot sizes in the rural districts. If so, she wanted to know which towns. The Vermont
18 Home Act supports affordable housing and density in parts of towns that are served by town water
19 and sewer and doesn't encourage it in rural areas. After reading the minutes and agenda packets
20 back to January, she found a letter from Jason Rasmussen dated January 2nd and was addressed to
21 the Planning Commission, Zoning Administrator, and Town Manager. In the letter, Jason said in
22 rural districts that he liked to eliminate minimum lot sizes and replacing it with a unit acre density
23 standard which allows for flexibility but can also be an administrative headache. On January 5,
24 three days later, the Planning Commission packet included a working draft of the bylaws with
25 minimum lot sizes crossed out in both the R-120 and the conservation residential districts. The
26 Commission seems to believe it's a good idea because it can leave more open space. Amy said it
27 sounded nice but was important to remember these areas are prone to flooding as the rivers and
28 streams run alongside many of these roads. Last year, Chester suffered two flooding events in July
29 and December. Amy lives on Jewett Road where it washed out twice. This should be considered.
30 Eliminating minimum lot sizes in the rural districts would make land easier to develop and at the
31 same time make development more difficult to regulate and was not consistent with the Chester
32 Town Plan. It is not in conformance with the Vermont Home Act 47 because the act specifically
33 encourages increasing density in areas served by town water and town sewer which the rural areas
34 aren't. Amy asked them to please slow down and carefully consider how eliminating minimum lot
35 size requirements across 90% of the town will impact the scenic and rural character. She asked
36 them to take the time to consider the big picture and the number of impacts that would occur. Amy
37 asked the Selectboard to send the proposed bylaws back to the Planning Commission and ask them
38 to maintain minimum lot sizes and healthy setbacks in the rural areas. Amy thanked the board for
39 their time, and they thanked her.

40
41 Jason thanked Amy for her comments. He said they had discussed at the Planning Commission
42 level whether to have minimum lot sizes and wanted to point out for clarity's sake that what they
43 were proposing was decreasing density and not increasing it. Today, you could have a six-acre lot
44 to subdivide and create two 3-acre lots. If this change went through, they would need 10 acres to
45 create two lots. Currently, you could have 2 houses and 2 lots on 6 acres but tomorrow you would
46 have 2 houses and 2 lots on 10 acres. Lee asked if anyone had done the calculations of how many

1 6 acre lots there are, or what would happen if they made the change or stayed with the current size.
2 Hugh said they hadn't done the math partly because they're trying to reduce density. The
3 alternative to a density-based approach is to start changing the minimum lot size in the green and
4 yellow and instead of it being 5, it could go to 18 and instead of being 3, it could go to 10. That is
5 the only way to reduce density and achieve goals related to connectivity. When Vermont says large
6 lot zoning, they do not mean 3 or 5 acres, but they mean 30 or 50 acres or a number bigger than
7 they currently have. So, they probably didn't consider leaving the rural zones at 3 or 5, as it's too
8 small. Arne asked if there were lots that were 3 or 6 acres currently on the map if they had legacy
9 use or if they changed or maintained their status and wondered how it worked. Preston said they
10 would not be grandfathered if they made the change, so if someone came in with a 6-acre parcel
11 and wanted to subdivide it, they couldn't because the density was now 5 acres. For lots already
12 subdivided, they would be preserved. Arianna thought density-based sounded great, and they
13 wouldn't lose it if it was all those things with a minimum lot size. She appreciated what they had
14 done with it and appreciated the concept that they were reducing density by increasing the amount
15 of land that must remain undeveloped. Arianna wondered what would happen if they applied the
16 minimum number to all the same thing. She had heard nothing that they were throwing out their
17 entire density plan by saying it was a 2 or 3 acre minimum. Hugh said they had those discussions
18 and were on the same page. The reason it came to the Selectboard without a minimum lot size with
19 density-based zoning was because, as a starting point, they felt it was an additional regulation that
20 wasn't required because density-based zoning largely manages it because of setbacks, frontage,
21 and wastewater requirements. If the Selectboard feels they need another layer of protection and
22 they want to put a minimum lot size in conjunction with density-based zoning, it's a decision the
23 Selectboard gets to make. If the board doesn't like density-based zoning and wants another
24 proposal that doesn't include it, the Commission can do that, but it would look much different than
25 R-5 and R-120. Arianna was more of a fan of density-based zoning but with a graduated step. Lee
26 said he would be more comfortable to understand the regulations around water and septic for rural
27 districts and what the setbacks are. Lee didn't mean to make more work for them and was happy
28 to look it up himself if provided a link. Lee said if he had it in his mind that it would be a minimum
29 of 2 acres regardless of what they did because of the setbacks and requirements for septic and
30 water, it would make him more comfortable. Peter said they were not required to have their well
31 and septic on the property. Lee said that was also a concern if your water and sewer wasn't on your
32 lot and your neighbor wanted to do something where the septic system is, it could be an issue.
33 Hugh said they would rely on the DRB that it didn't happen going forward. Peter talked about a
34 property where there were 4 lots, and the one lot had a right-of-way to dig across the others to put
35 in a septic and it was a legal state system.

36
37 Arne said they would be discussing it later in the meeting and if there was more information needed
38 to decide, they could task someone with getting it. The decision did not need to be made tonight if
39 they decided to go forward with it. Arne thought it would take a little more work on their end and
40 thought the Commission had done a good job presenting it. Arne said if there were any more
41 comments, now would be the time. Julie suggested they recess the hearing rather than closing it
42 and pick up with the hearing at the next meeting and it would give the Commission time to get the
43 information they were seeking. Arne thought they could discuss it later in the meeting and Julie
44 pointed out that it was to adopt it and that the hearing was for discussion.

45
46 Peter said he really appreciated the uses and the change in uses and there were a lot of things in it

1 besides density and he really appreciated it, and density was the wild card. Peter said the
2 Commission had done a lot of hard work and shouldn't leave thinking it was a negative thing.
3 Peter moved to recess the public hearing to Wednesday, October 16, 2024, and Arianna seconded
4 the motion. The motion passed unanimously.

5
6 (The hearing was recessed at 8:05 p.m.)
7

8 Lee thanked the Planning Commission and said he appreciated all their hard work and the
9 presentation.

10
11 Derek asked if they were done with discussion for the evening about the bylaws including the
12 agenda option for adoption and they were.

13 14 **Agenda Item 2, Additions or Deletions to the Agenda**

15
16 Arne wanted to make an addition of an executive session at the end of the meeting regarding the
17 email received today with advice from the town attorney regarding an issue at the wastewater
18 treatment plant. Lee moved and Arianna seconded to add the agenda item. The motion carried
19 unanimously.

20 21 **Agenda Item 3 Approval of Minutes from the Special Selectboard Meeting dated** 22 **September 3, 2024, and the Selectboard Meeting date September 4, 2024**

23
24 Lee moved and Tim seconded a motion to approve the September 3, 2024, minutes. There were
25 no changes and the minutes were approved, as written.

26
27 Lee moved and Tim seconded a motion to approve the September 4, 2024, minutes. There were
28 no changes and the minutes were approved, as written.

29 30 **Agenda Item 4, Citizen's Comments**

31
32 There were none.
33

34 **Agenda Item 5, Old Business**

35
36 Report by Town Manager:

37 38 Wayfinding Signs

39 Most are up and they are just waiting for a few to come in. They should be up in the next few
40 weeks.

41 42 Bailey Hill Road

43 Peter, Arne, and Julie met with Jim Carroll the past week and Jim will do a little more research
44 and will be at the October 16th meeting to discuss in executive session the options to move forward.

45 46 FEMA – Hazard Mitigation Grant

1 The town was just awarded a grant for hazard mitigation funds of \$90,000 for the generator at the
2 well. They will be getting it installed as soon as they can. The electrical engineer has reached out
3 to different firms to find out lead times on the devices. It's a \$100,000 project with a 10% match,
4 so the match from the town is \$10,000. They've been waiting a long time for it.

5 6 Route 35

7 They've gotten their preliminary award for the remainder of Route 35. It's a section near Popple
8 Dungeon Road that needs bank stabilization and underdrain. And it does all the rest of Route 35
9 with stone line ditching and adding sections of underdrains. It's about a \$750,000 project and they
10 finance 90% or \$667,000 and Chester's match is \$74,000. They have received preliminary
11 approval. Arne said that section of road has used up millions of dollars that could have been used
12 in other places, but it has been needed. Julie said the nice thing is they don't have to rebuild it
13 every 5 years. Tim wondered if they could give the road back to the state and Julie said she had
14 tried.

15 16 Flood Recovery/Mitigation

17 They are into mitigation work and FEMA has a program called 406 Mitigation and whatever
18 amount the project cost is they can match in mitigation work. Popple Dungeon was a \$129,000
19 project and they will have \$129,000 available that they can use for mitigation for that road. Popple
20 Dungeon will get a complete 6" road resurfacing, regrading, re-establishing ditch lines will help
21 keep the road secure. They have submitted another for a bridge on Smokeshire which is a \$247,000
22 road so they can receive \$247,000 in mitigation funds and are applying for 406 funds wherever
23 they can, and Julie will update the board as they get approved.

24 25 Fall Festival

26 Fall Festival is this weekend. Julie encouraged everyone to attend. Arne added the weather would
27 be great.

28 29 **Agenda Item 6, Adopt Unified Development Bylaw Amendment**

30
31 The board did not address at this time.

32 33 **Agenda Item 7, Request for Use of Economic Development Funds; Sharon Baker**

34
35 Bob Flint was present with Sharon Baker. Julie said Sharon owns a couple properties on the Green
36 and has listed one of them for sale recently. The heating system has failed, and Sharon is requesting
37 funds to replace the heating system. The members had a quote for the replacement of the heating
38 system of \$15,000. Sharon was asking to borrow from the Economic Development Fund with
39 repayment to take place upon the sale of the building. Springfield Regional Development
40 Corporation vet applicants who apply to borrow from the Economic Development Fund. Bob Flint
41 has given his blessing. Arne asked where it fit in legally. July said when they establish a loan, there
42 is a promissory note and mortgage recorded in the land records. Lee moved to loan \$15,000 for
43 replacement of the furnace to Sharon Baker from the Economic Development Fund with Arianna
44 seconding the motion. Arne thought he had read somewhere the request was for \$10,000. Sharon
45 said the estimate from Tucker Westney was just under \$15,000 and she has some and is requesting
46 \$12,000. Lee amended his motion to reflect a loan amount of \$12,000 and Arianna seconded the

1 motion. Arianna said that's what the funds were for so she could sell it so more business could
2 come into Chester. Arne said it was good to see the funds used where they were needed and
3 especially for someone who had been a member of the community for a long time with a great
4 successful business and saw it beneficial to Sharon and the town. Tim added it was also good for
5 the existing tenants in the building. Sharon said all three tenants are wonderful tenants who pay
6 their bills on time. They were all a little nervous and Sharon sat down with each of them
7 individually. Sharon's goal is to sell the front building and keep the back building for her home
8 and business without a mortgage. The motion carried unanimously.
9

10 **Agenda Item 8, Amend Hennessey Health Order to Remove Requirement for Phase II** 11 **Report** 12

13 Julie said the Hennessey property on Cummings Road had a health order put on it a couple of years
14 ago. It was a property they were considering for the involuntary acquisition program that runs
15 parallel with the EPA to get those funds to acquire the property and help the town clean it up. Since
16 then, Mr. Hennessey has passed away and they have been dealing with his heirs who want nothing
17 to do with property. They have been looking at how to make it work for both parties as there is a
18 potential lookback liability. Tim Crosby, who owns property in town, had an interest in purchasing
19 the property from estate. Julie has met with Tim, Steve Ankuda, representative of the estate, and
20 Regional Planning. Tim had a relationship with John Hennessey years ago and wanted to purchase
21 the property, clean it up, restore the house, and either put it back on the market or keep it for
22 himself. They decided from the town's liability side, it would be good for the town not to be
23 involved. There was a Phase I done on the property. There was a diesel spill there, so DEC has
24 been involved in cleanup. Tim has been in touch with DEC. Phase II at this point isn't required
25 and a hold-up for Tim. Knowing the state is monitoring it, Julie was comfortable. Having Tim
26 purchase the property removes all liability from the town and puts the property back on the tax
27 rolls. Julie asked for documentation and felt comfortable asking the board to make the
28 modification. Tim has purchased the property and paid the taxes and is asking if they would
29 remove Phase II from the health order. All other conditions of the order remain in effect, and he is
30 fully aware. Phase II is a hurdle, because if it remains, he must comply with it. Arianna confirmed
31 with Julie that she had already provided the board with documentation that the state confirmed
32 there was no sign of diesel. Julie had asked for that documentation from the specialist as proof that
33 Tim was working with them and that Phase II isn't a requirement. Arne thought what Arianna had
34 referred to was important and a good sign and took the burden off them. Arne hoped the trash
35 removal would be the priority. Julie said they had talked about it and that part of the health order
36 remained and would be an enforcement issue. Lee had experience with this and knew Phase II
37 could be quite expensive and was comfortable if he was working with the state and it removed
38 liability from the town. Peter questioned 6.d. Julie said they were only removing d. Peter wondered
39 if they needed a new health order or if they could amend the order. Julie thought they could amend
40 the health order, and she could attach the minutes as proof of it being amended and that would be
41 satisfactory. Arne said they needed a motion that the Chester Board of Health Public Health Order
42 given September 7, 2022, regarding the Hennessey property on Cummings Road, that they delete
43 requirement 6.d. the result of an environmental Phase II assessment with areas to be selected by
44 the Health Officer or Health Officer's designee. Lee moved, and Arianna seconded the motion.
45 Arne thought it was a good outcome and felt comfortable and Julie agreed. Lee said diesel was
46 one of the easier hazards to remediate because the bugs love it and eat it up. Arne said over two

1 years, instead of spending all kinds of money, it sounds like that's what happened. Julie said they
2 put in buffers that kept it from going farther into the soil and they remained. Lee explained how
3 diesel is consumed by the bacteria. The motion carried unanimously.
4

5 **Agenda Item 9, Treatment Plant Funding Application for Improvements**

6

7 Arne announced it was a treatment funding application for the clean water feasibility and planning
8 loan for upgrades to the sewer plant. Julie said it was the third project, all of them having dealt
9 with water/wastewater. This is the beginning phase, and they are due for a sewer plant upgrade
10 and this upgrade would look at increasing capacity, not just upgrades to the plant itself but the
11 potential for adding a third tank, a better monitoring system, and would be a healthy upgrade. They
12 want to take advantage of any state funds available. Housing will be a big part of their discussion,
13 as well as future economic growth opportunities, and expect the Planning Commission will also
14 be very involved in the discussion. This was the preliminary engineering piece. Arne asked if they
15 would consider the storm water issues the plant has and Julie said they would. Flood resiliency
16 would most definitely be a part of the discussion and would get them money when it came to
17 construction. Lee moved and Peter seconded the motion to accept the clean water feasibility and
18 planning loan in the amount of \$85,000. The motion carried unanimously.
19

20 Peter asked how long Naomi was staying. Julie said Naomi is mostly retiring from Dufrane Group
21 at the end of the year but is staying on part-time for Chester and some limited projects in
22 Springfield. Julie said Naomi is cost effective and finds Julie grants for water and wastewater.
23 Other engineers have not done that.
24

25 **Agenda Item 9, New Business/Next Agenda**

26

27 The next Selectboard meeting will be October 16th.
28

29 Julie mentioned an email from Debbie to the board regarding a request to the Trustee of Public
30 Funds to replace a block wall along the river at North Street Cemetery. The wall is crumbling. The
31 culvert going into the cemetery is significantly undersized and river engineers have asked them to
32 upgrade it. The request is for \$16,800. The Trustee Public Funds is meeting on Monday at 9 a.m.
33 to consider their request. Julie didn't anticipate any issues. Arne noted it was one of their specific
34 requirements for the fund. Julie said there was one specific to North Street. The members were
35 welcome to attend but didn't need to. She asked the members to let her know if 3 or more planned
36 to attend so she could warn it.
37

38 The next agenda will include the first round of the budget, and an executive session with Jim, and
39 the recessed hearing.
40

41 Arne said he had been speaking with the CCC about Class 4 roads and what came up was
42 something that would help is having a policy that describes their intentions and the rules and
43 regulations that go with it. VLCT has a model policy for Class 4 roads, and Arne has also looked
44 at other towns' policies throughout the state for Class 4 roads and it would be good starting point
45 to review some of the policies to see what they could model for Chester. Wymans Falls is taking
46 a lot of interest. Tim agreed that it was better than making it up as they go. Peter noted there was

1 a lawsuit in Tumbidge about trails and modifications of them and Peter thought they were better
2 to stay as Class 4 roads rather than turning them into trails. Julie agreed. Julie would provide the
3 members with a summary of what was going on. Chester has no legally designated trails. Peter
4 said they have Class 4 roads that connect to trails in other towns – Springfield and Andover. Arne
5 thought it would be good to clarify where they sit because the CCC would also need some
6 guidance. It would not be on the agenda at the next meeting, but the information would be provided
7 so they could review it. Peter has a spreadsheet for if they took the Class 4 roads out.

8
9 Arne entertained a motion to go into executive session to discuss executive counsel's
10 recommendations regarding an issue at the wastewater treatment plant. Arianna moved and Tim
11 seconded the motion. The motion carried.

12
13 (Entered executive session at 8:44 p.m.)

14
15 Arianna moved and Lee seconded a motion to exit the executive session. The motion carried.

16
17 (Exited executive session at 8:52 p.m.)

18
19 Arianna moved to authorize the Town Manager with the assistance, advice, and approval of the
20 Town's counsel, to resolve the pending VOSHA Citation and Notification of Penalty dated June
21 25, 2024, currently pending before the Occupational Safety and Health Review Board on terms
22 and for an amount not to exceed \$3,553.00

23
24 **Agenda Item 10, Adjourn**

25
26 Lee moved to adjourn, and Tim seconded the motion. The motion carried, and the meeting was
27 adjourned at 8:53 p.m.