

**TOWN OF CHESTER
PLANNING COMMISSION**

August 15, 2016 Minutes

Board Members Present: Tom Bock, Naomi Johnson, Tom Hildreth, Randy Wiggin, and Claudio Veliz.

Staff Present: Michael Normyle, Zoning Administrator, Cathy Hasbrouck, Recording Secretary

Visitors Present: William Lindsay, Bud Nadeau, Steve Green, Jan Moot, Jim Revlin, Greg Fraser, Jennifer Fraser, Justin Savage, Maureen Savage, Robert Pollard, Jr., Julie Pollard, Thom Huntington, Kate Huntington, Glen Gustafson, Wendy Shultz, Ruthanne Batchelder, Roger Batchelder, Mary Jane Miles, Randy Miles, Philip Perlah, Brian Mosher, Amy Mosher, Mary Semones, Michael Alon, Sheldon Ghetler, Lee Whiting, Barre Pinske, Marilyn Mahusky, Kelly Arrison, Palmer Goodrich, Laurie Goodrich, Mike O'Neil, Amy O'Neil, Huzon "Jerry" Stewart, Dennis Allard, Charlie Record, Hannah Monier, Mark Mitchell, Roy Spaulding, Jr., Roy Spaulding, Sr., Sondre Mitchell, Bill Dakin, Arne Joynas, Jon Hoyt, Leah M. Cunningham, and Russell Monier.

Agenda Item 1, minutes of the June 20 and July 5, 2016 meetings

The meeting opened with a review of the June 20, 2016 and July 5, 2016 meeting minutes. Randy Wiggin moved to accept the minutes, Tom Hildreth seconded the motion. A few corrections were offered by Claudio Veliz and noted by the recording secretary. A vote was taken and the motion to accept the minutes as corrected passed.

Agenda Item 2, Discussion of DRB feedback on "undue adverse effect"

Tom Bock, Michael Normyle, and Phil Perlah recapped the issue and the recommendation from the DRB to add the definition to the Chester Unified Development Bylaws. Tom Bock affirmed that the definition would be added. The words "undue adverse effects" are found in section 4.8.C.1 of the proposed bylaws. The definition will be added to Section 8.2

Agenda Item 3, Inquiry from the DRB about Town Plan references in the Bylaws

Tom Bock said the Planning Commission proposed to remove all references to the Town Plan from the Chester Unified Development Bylaws.

The following points were discussed:

- Tom Bock said that the Bylaws had a regulatory function, where the Town Plan did not, therefore the Bylaws should not refer to a non-regulatory document
- Phil Perlah and Amy O'Neil, speaking as citizens attending the meeting, said the Development Review Board has referred to the Town Plan for guidance when a permit application does not fit easily into the listed uses of a zoning district.
- The test for "undue adverse effect" proposed for the Bylaws includes the words "clear written community standards". The only existing document that qualifies as community standards is the Town Plan.
- The Town Plan has been mentioned in the Bylaws for many years, without creating perceived problems.

Tom Bock asked the Commission members for their opinions. Randy Wiggins said he felt the references to the Town Plan should be left in the Bylaws and applied to every district. Claudio Veliz asked that the Commission be sure to reconcile differences between the Town Plan and Bylaws when

the Town Plan is revised. Tom Hildreth said he saw no harm in leaving the references to the Town Plan in place. He felt that the group of proposed changes should be implemented as soon as possible because they offer the citizens of Chester more protection than they have now. Naomi Johnson agreed that the Town Plan references should be kept as they are. Tom Bock said he saw the merit in keeping the references in the Bylaws.

Agenda Item 4 Review definition of enclosed storage and districts where allowed.

The following points were discussed:

- How to describe renting an Accessory Building for storage versus the use of an Accessory Building for storage where no rent is collected
- Should the rental use be confined to existing Accessory Buildings or should new construction for this purpose be allowed
- Should the use of an Accessory Building for storage without rent be a permitted use
- Which zoning districts should allow the rental use

Zoning Administrator Michael Normyle stated he felt storage in an accessory building should be a permitted use, separate from renting a building for storage as a commercial undertaking, which would be a conditional use. The conditional use would be limited to the following districts: Commercial Industrial, Residential Commercial, R-40, A3, Conservation Residential and R-120.

Claudio Veliz asked if this use would be confined to existing structures? Michael answered that new construction for this purpose would be allowed.

Randy Wiggin moved to include the definition of Commercial Storage Unit and conditional uses as described by Michael. Tom Hildreth seconded the motion. It was pointed out that the definition of Commercial Storage Unit had been added in the July 5th meeting and the motion and second were rescinded. Naomi Johnson made a new motion to remove the definition of Private Enclosed Storage. Tom Hildreth seconded the motion and the motion passed.

Naomi Johnson then moved to keep the definition of Commercial Storage Unit and allow it as a conditional use in A3, CI, and RC districts. Randy Wiggin seconded the motion.

After discussion Naomi amended the motion to include removing Enclosed Storage/Storage Building as a conditional use from the RC, CI, R-40, A3, and R-120 districts and adding Commercial Storage Unit to the RC, CI, A3, and R-40 districts as a conditional use. Randy Wiggin seconded the amendment.

After more discussion Naomi further amended the motion to include removing Enclosed Storage/Storage Building from the definitions. Randy Wiggin seconded the amendment. A vote was taken and the motion passed 4 to 1.

Agenda Item 5, Review requests from citizens

A request from Mary Jane and Randy Miles concerning safe areas for children was referred to the Select Board, as the Bylaws do not cover this issue.

A request from Justin and Maureen Savage to add Light Industry as a conditional use to the Village Center District was discussed. Tom Bock gave background for the request. Tom Hildreth read the definition of Light Industry into the record: The processing and fabrication of certain materials and

products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

Randy Wiggin moved to include Light Industry in the Village Center District as a conditional use. Tom Hildreth seconded the motion. Randy amended the motion to include Light Industry in the Commercial Industrial district as well. Tom Hildreth seconded the amendment. The motion passed.

Frances Anderson and Sheldon Ghetler requested a district change in his neighborhood from A3 to a Commercial Industrial district designation. It was determined that this change was not needed to support Sheldon's current business. The issue of gasoline sales was not addressed.

Agenda Item 6, Timing for forwarding proposed Bylaws to Select Board

Naomi Johnson moved to ask Julie Hance to draft a new reporting form. This must be done before the Bylaws may be sent to the Select Board for review. Claudio Veliz seconded the motion. Marilyn Mahusky urged the Commission itself to write the report and include more detail about the proposed changes. A vote was taken and the motion passed.

Agenda Item 7, Citizen Comments

Randy Miles would like to process the soil and stone that he sells at his landscape supply business in the R-40 district. Processing soil involves mixing soil with compost on the premises. Processing stone involves sorting the different sizes and types of stone delivered by truck. He wanted to be sure that he will be able to do this under the new Bylaws. He was asked to make a formal application to the Zoning Administrator.

Agenda Item 8 Set date for next meeting

The next meeting will be August 29, 2016.

Agenda Item 9 Adjourn

Randy Wiggins moved to adjourn the meeting. Tom Hildreth seconded it. The motion passed.