

**TOWN OF CHESTER
PLANNING COMMISSION**

September 19, 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: Dennis Allard, Gail Stewart, Huzon (Jerry) Steward, Sheldon Ghetler, Philip Perlah, Roger Batchelder, Ruthanne Batchelder, Amy O'Neil, Steve Copping, Kelly Arrison, Amy Mosher, Laurie Goodrich, Randy Miles, Marilyn Mahusky.

Agenda Item 1, minutes of the August 15, 2016 meeting

The meeting opened with a review of the August 15, 2016 meeting minutes. Tom Hildreth moved to accept the minutes, Randy Wiggin seconded the motion. Michael Normyle asked to have the final action taken on Agenda Item 5 changed. In that Agenda Item, Sheldon Ghetler had asked to have the A3 district designation changed to Commercial Industrial. The minutes did not make clear that, although changing the district designation was not necessary to support Sheldon's business, a change to the bylaws would be necessary to permit gasoline sales. Naomi Johnson composed words to reflect that desired change. A vote was taken and the motion to accept the minutes as corrected passed.

Agenda Item 2, Review and vote on revised Reporting Form with respect to the proposed amendments to the Unified Development By-Laws

The Commission reviewed the Reporting Form procedure, assisted by Michael Normyle. After the Reporting Form is written, the Planning Commission reads and edits it and then adopts (or approves it) as representing an accurate and reasonable summary of the changes proposed to the Unified Development By-Laws. It wasn't quite clear how essential the content of the Reporting Form document was to the process and whether the public should have input to the Reporting Form document itself. Both Claudio Veliz and Phil Perlah asked questions about that. Michael Normyle explained that the public was not charged with the job of creating the document or giving input to it. The Planning Commission was obliged to at least review and adopt the document, if they didn't actually write it themselves. Once the Reporting Form is adopted by the Planning Commission, notice of a public meeting for at least 30 days after the adoption is posted. Naomi Johnson noted that the purpose of the meeting and the Reporting Form document is to elicit public comment on the proposed By-Law changes themselves and not the content of the Reporting Form. The approved Reporting Form is also sent to the surrounding towns, the Regional Planning Commission and other state agencies such as Flood Management.

The Commission expressed a need for more time to review the document. Michael Normyle noted that the evening's agenda included a couple of items that could add further changes to the By-Laws which could possibly affect the content of the Reporting Form document. It was decided to delay adoption of the Reporting Form until the next meeting.

Agenda Item 3, Request from Randy Miles to add Processing Aggregate *back in* as a conditional

use in the R-40 district

Randy Miles sent a letter to the Planning Commission asking that Processing of Construction Aggregate be added back to the R-40 district as a conditional use as it was in the 2007 version of the Zoning Regulations.

The Commission considered different ways to accomplish this. It was agreed that anything resembling spot zoning was not wanted. Tom Hildreth noted Extraction Operations had already been added as a conditional use in the R-40 district and suggested that the definition of Extraction Operations be expanded to include processing construction aggregate. Randy Miles suggested that it be included in Wood Processing, which is another conditional use in the R-40 district. Both ideas were set aside as not appropriate.

Amy O'Neil cited the history of the presence of Processing Construction Aggregate as a conditional use in the R-40 district in the 2007 Zoning Regulations. She said it had been brought to the Planning Commission and the Select Board by petition. She read portions of the petition. She said that hearings had been conducted. The Select Board decided to turn the matter over to the voters. It was voted and re-voted and it finally passed. She advised that if Processing Construction Aggregate is added as a conditional use, it would be essential to clearly define the term.

Eventually Michael Normyle proposed that Processing Construction and Landscaping Aggregate be added as a conditional use to the R-40 district with the following definition: Processing construction and landscaping aggregate may include, but is not limited to crushing, screening and mixing miscellaneous construction and landscaping materials including but not limited to stone, gravel, loam, and mulch.

Randy moved to add Processing Construction and Landscaping Aggregate to the R-40 district as defined by Michael. Tom Hildreth seconded the motion. Michael read the definition as follows: Processing construction and landscaping aggregate may include, but is not limited to crushing, screening and mixing miscellaneous materials such as stone, gravel, loam, and mulch.

A discussion of if and how limits would be imposed on businesses that want to process aggregate followed. Michael reminded the Commission that the By-Law Performance Standards would set limits on what may be done on any given parcel. Randy Miles confirmed that the Performance Standards address issues such as noise very well. He said he the noise from traffic on Route 103 was a significant problem for him as he measured the noise from his tractor at the edge of his property. A loud piece of equipment would require a lot of space around it before the noise from its operation would be acceptable.

The motion was voted on and passed.

Agenda Item 4, Request from Mary Jane Miles to discuss two Supplemental Standards added to the R-40 and R-120 districts

Michael Normyle explained that he had spoken with Mary Jane about this and explained the purpose of the supplemental standards to her satisfaction. Supplemental standards are applied only to conditional uses; they are not applied to permitted uses. Once Mary Jane understood that, she no longer needed to discuss the issue with the Commission.

Agenda Item 5, Request from Sheldon Ghetler and Frances Anderson to include the A3 district in Article 3 General Use Standards, section 29, Storage of Flammable Fluids

This is a summary of the complex and far-ranging discussion of this request.

First of all, the Commission members had not received a copy of Sheldon's letter in their packet because the Recording Secretary was ill the previous week and was not as able to fulfill her duties as she thought she was. The Commission members were understandably confused. It was established that Sheldon Ghetler was asking to change Section 3.28 of the proposed By-Laws to include the A3 district as a district in which bulk storage of flammable fluids for commercial distribution was permitted as a conditional use.

Sheldon said he had a state permit for a 300-gallon tank, called a skid tank which he wanted to put at the other end of his property from the Stone Hearth Inn building. He wanted to sell gasoline to snowmobilers on a retail basis. The Chester snowmobile club grooms a trail on his property that is connected to the larger trail network.

Tom Hildreth pointed out that Section 3.28 allowed storage of flammable liquids in any district, therefore no change was needed to allow for storage of the fuel. However, that did not address selling the fuel to snowmobilers. Amy O'Neil said that commercial distribution is not actually the type of retail sales Sheldon was proposing. It is a large storage tank from which trucks were loaded to carry smaller amounts of fuel to customers. Claudio Veliz asked if there was an official definition of "bulk storage for commercial distribution". Michael Normyle said the state of Vermont Fire and Safety Code had a definition. He had looked it up recently for the DRB but could not quote the definition accurately. Tom Hildreth voiced the conclusion that, if Sheldon plans to sell the gasoline at the retail level, Section 3.28 as written does not apply to his proposed activity.

Claudio Veliz said the request was reasonable, but there could be implications for the town beyond this one situation and it was the Commission's responsibility to consider those implications for the good of the community. Tom Bock recalled that several years before, a proposal to extend the commercial district further west along Route 11 was discussed. People who lived in that area protested against the change and specifically did not want a gas station to be allowed there. According to Tom Bock, they backed up their protest with torches and pitchforks. No one else present remembered the torches and pitchforks, but there was agreement that this was not a small change. It became clear to the Commission members and Michael Normyle, the Zoning Administrator, that some sort of public hearing, with notice given to the abutting property holders would be helpful. Tom Bock told Sheldon he should be ready to present details of his proposed operation if a hearing was held. The details would include how the 300-gallon tank would be filled and how often it would need filling, how many snowmobilers would be buying gasoline, how gasoline would be dispensed in a retail setting and how long the line for snowmobilers waiting for gas might be. Michael Normyle reminded Sheldon and the Commission that the meeting would not be a hearing for a formal permit application. Michael asked Sheldon to bring him the paperwork he had for his state permit to help prepare for the meeting.

Amy O'Neil said that the changes Sheldon was asking for were not restoring a conditional use that had been inadvertently left out of the 2014 By-Laws, as most of the other proposed changes are. She asked if the Commission was willing to delay the current group of proposed changes in order to include the resolution of this request. Claudio Veliz asked Sheldon when he could be ready to present information about his project in a public meeting. Sheldon said it would take him more than a week. Tom Bock

concluded that notices for a public meeting on this topic should be sent to abutting property holders and the matter would be taken up at the next regular Planning Commission meeting in 2 weeks. The Planning Commission would continue to work on bringing the By-Laws to the Select Board for review and if the commission was able to resolve Sheldon's request before the By-Laws were ready for review by the Select Board then the changes would be included.

Agenda Item 6, Resume discussion on updating the Town Plan

Tom Bock said that two sections of the Town Plan had been completed: the economic and flood plain sections. He suggested that the Commission take up the preamble at the next meeting. Michael Normyle said that Julie Hance was working with Jason from the Regional Planning Commission on a summary of the work done so far and would send it to Commission members to refresh their memories on the process. Phil Perlah asked if any parts of the new Town Plan were available for inspection. He asked if they were on the town website. He felt the Commission should make the portions of the plan that were finished available to the public. Naomi said she thought the Commission should ask the town office to make the plan available to the public and let the town office staff take care of insuring the correct versions were available.

Agenda Item 7 Set date for next meeting and date for the Public Hearing on the proposed amendments to the Unified Development By-Laws

Michael Normyle suggested that the Commission set a date for the next meeting and that he would insure that the change to the By-Laws proposed in Agenda Item 3, Processing Aggregate in the R-40 district and any further information about the request from Sheldon Ghetler would be added to the Reporting Form and By-Laws. Claudio suggested that the meeting be scheduled for October 3, 2016, in order to give Sheldon time to prepare his presentation. Michael Normyle proposed that the Commission schedule a public hearing for November 7th to discuss the proposed changes to the By-Laws as summarized in the Reporting Form. Naomi Johnson noted that if the Commission did not adopt the Reporting Form at the next meeting, there would be time to change the date of the public hearing. It was agreed that the next regular meeting of the Commission be October 3rd and a public hearing be planned for November 7th.

Questions from Citizens

Dennis Allard asked if the proposed addition of Processing Aggregate to the R-40 district would include all districts that have Extraction Operations as a conditional use. He currently has property in the RC district on Route 103 south of the town center. He was thinking of sorting and hand splitting stone at his property. Randy Wiggins asked if Dennis was currently a mason or in another construction trade. Michael Normyle listed some of the conditional uses that were available to the property under the 2007 By-Laws and the 2014 By-Laws. He also mentioned that the property had some long-standing permits. Tom Bock asked Dennis if he planned on selling the stone on the property. Dennis said his planning process hadn't gotten that far yet.

Michael Normyle and Claudio Veliz discussed the merits of allowing some conditional uses in specific parts of a zoning district. In this case, the area south of the town center on 103 and north of the Stone

Village might allow processing of construction aggregate and the portion of the district in the center of town would not. Tom Bock suggested that Dennis put his request in writing and give more details of the proposed conditional use. Naomi Johnson agreed with Tom that documentation from Dennis would be helpful in order to consider the question of adding a conditional use to a district that did not previously have it. Dennis was advised to contact Michael and put his request in writing.

Randy Wiggin moved to adjourn the meeting. Claudio Veliz seconded the motion. The motion passed and the meeting was adjourned.