

**TOWN OF CHESTER  
PLANNING COMMISSION**

**Special Meeting February 28, 2017  
Minutes**

**Commission Members Present:** Naomi Johnson, Tom Hildreth and Claudio Veliz.

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

**Visitors Present:** Kelly Arrison, Amy Mosher, Marilyn Mahusky, Phil Perlah, Jay Jurkovic, Frank Bidwell.

**Agenda Item 1, Review of previous meeting minutes**

Tom Hildreth moved to accept the minutes for the February 6, 2017 meeting. Claudio Veliz seconded the motion. Tom Hildreth noted that the date at the top of the first page had an extra digit in it. A vote was taken and the motion to accept the minutes with the correction passed.

**Agenda Item 2, Citizen Comments for Non-agenda Items**

Phil Perlah asked where the Commission stood on the review of the Town Plan. It appeared to be stalled on the Education section. Naomi Johnson said the Commission is currently compiling chapters received from the Regional Planning Commission and adding the Chester Planning Commission's revisions to them. The two Board of Education members who had spoken to the Commission in January will be asked to return to give the Commission the facts and data it had requested at the January meeting. Jason Rasmussen of the Regional Planning Commission will be asked to meet with the Commission in March to discuss revisions he made to the Town Plan in 2016 and to discuss the Energy chapter. Phil Perlah asked if the Commission planned to continue to discuss each chapter in open session. Naomi Johnson said the Commission did plan to do so, but the order of the chapters discussed may change. Claudio Veliz said the Commission was obliged to discuss the plan in open session and it had no intent to do otherwise. Phil Perlah said he noticed that the process seemed to have stalled. Naomi said she was working to organize the process and gather together the different versions of the plan. She also wanted to make use of the Municipal Plan manual published by the State of Vermont and had asked Commission members to study the chapters on preparing a Town Plan and to be ready to discuss the ideas presented in the manual.

Marilyn Mahusky asked if citizens would have an opportunity to comment about the candidates for Zoning Administrator who would be interviewed during the meeting. Naomi said that while the Commission welcomes the presence of the public, it would not allow them to ask questions of the applicants. Marilyn Mahusky asked if, after the interviews were complete, citizens would have an opportunity to give the Commission feedback before it started deliberations. Naomi said her recommendation was to stick with the original plan which was to ask the applicants about their qualifications, and that question would be the only criteria for evaluating them for the position as Zoning Administrator. The Commission would not take public comment. Claudio Veliz asked if there was any negative aspect of taking public comment on the subject. Naomi Johnson said she did not know the answer to that question. The question of taking public comment was an open question. She said she would entertain a motion from the Commission to accept public comment. No motion was offered. Claudio Veliz said he agreed that it would be intuitively intrusive to involve the public in questioning the applicants. He felt hearing limited comment after the interviews would not be detrimental to the procedure, though he did not feel strongly about it. Tom Hildreth said the comments should not be prefaced by, "I think you should..." Claudio Veliz said rules could be set. Tom Hildreth said the Commission would not be able to control the length of the meeting. Claudio noted that there

were only two applicants to be considered. Tom said it didn't take many applicants to prolong discussion.

Frank Bidwell said the Select Board was also wrestling with the issue of a procedure for interviewing applicants. He thought the Commission did not have a procedure. He felt the Commission should perhaps have input to the Select Board's discussion and then follow the same procedure the Select Board uses. Naomi Johnson said she thought that was a good point, which was why at the last Planning Commission meeting she stated that the applicants would be asked one question, "Why are you qualified?" and she wanted to stick to that format.

Marilyn Mahusky said she had concerns to share so that the Commission could consider them during their deliberations. She was willing to state them then, or wait until after the interviews. She was concerned that the Commission wanted to limit public comment. She noted that in March the Select Board would have three seats on the Commission to fill. She asked why the Commission did not consider waiting until the members were appointed. She felt citizens should have input on the selection of such an important position as Zoning Administrator. She asked if hearing her comments would be a problem. Naomi asked if Marilyn had comments about both candidates. Marilyn said she only knew one candidate and would be happy to wait until she had heard from both candidates. Naomi recommended that, since Marilyn felt so strongly about this, she make her comments before the interviews.

Marilyn stated she had two concerns about the current Zoning Administrator. She felt that Michael Normyle violated the law when he granted a permit to a property on Elm Street for a storage building. At that point she interrupted herself to say the applicants should be asked to leave while she made her comments so they would not be able to defend themselves from her specific allegations. Naomi reiterated that the Commission only had one question for the applicants, that being how they felt they met the qualifications listed in the Zoning Administrator Handbook.

Marilyn resumed, saying she felt Michael did not apply the bylaws literally, as required by law, when he granted the permit on Elm Street. She said storage was not a conditional use in the district. She quoted an e-mail from Michael Normyle to David Pisha where Michael said his decision was in keeping with the spirit of the law. Marilyn said the Zoning Administrator had to use a literal application of the law, not follow the spirit of it. Tom Hildreth stated that he felt this line of discussion was not right and he was leaving the meeting. Claudio Veliz urged Tom Hildreth to stay, saying there could be legal implications if he left. Naomi asked Tom to stay at the meeting out of consideration for Jay Jurkovic, one of the applicants. Naomi asked Marilyn to complete her remarks in 30 seconds and Tom agreed to stay for that time.

In the next 60 seconds Marilyn said if the Planning Commission hired Michael again that it should make his obligations under the law clear. Naomi Johnson said that the Planning Commission does not hire the Zoning Administrator. Marilyn said she didn't believe the Zoning Administrator should take on the role of advocate for the Zoning Bylaws in front of the Select Board, as Michael had done on several occasions. She thought that the role of the Zoning Administrator was to support the Planning Commission and to provide information. By the end of her speech, Tom Hildreth had left the meeting and the meeting closed for lack of a quorum.