

**TOWN OF CHESTER  
PLANNING COMMISSION  
December 18, 2017**

**Commission Members Present:** Naomi Johnson, Tim Roper, Barre Pinske, Claudio Veliz, and Cheryl Joy Lipton.

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

**Visitors Present:** Carla Westine, Ron Patch, Thomas Bock, Lyza Gardner.

Chair Naomi Johnson announced an addition to the agenda. She said there would be an executive session to discuss the Planning Commission recommendation to the Select Board for the Zoning Administrator appointment at the end of the meeting.

**Agenda Item 1, Review minutes from December 4, 2017 meeting**

Barre Pinske moved to accept the minutes from the December 4, 2017 meeting. Tim Roper seconded the motion. Cheryl Joy Lipton said she wasn't present at the meeting and her name should be removed for the list of attendees.

**Agenda Item 2, Citizen Comments**

Ron Patch presented the Commission members with an e-mail or text exchange between Barre Pinske and himself. He stated the language was offensive and he didn't see how Barre Pinske could serve on any board or committee in town. Naomi Johnson explained that the Commission members were appointed by the Select Board and they had jurisdiction over who sat on the Commission. Ron Patch asked if any of the Commission members approved of the language. Michael Normyle said issues such as this are treated as personnel matters and should not be discussed in the meeting. Ron Patch said Bob Miller, the owner of the Vermont Journal would print the exchange in his paper and perhaps the Commission members would want to prevent that. Naomi Johnson re-iterated that the Commission members had no jurisdiction in the matter. There were no other citizen comments.

**Agenda Item 3, Development Review Board feedback from the Tech Environmental sound report**

The Planning Commission had sent a letter, approved at their December 4, 2017 meeting, to the Development Review Board asking for their input on proposed amendments to the noise standards in the Chester Unified Development Bylaws and for input on possible checklists to be given to conditional use and other permit applicants. Carla Westine was present to speak for the Development Review Board. She said the DRB members had discussed the letter and would be glad to have the language outlined in the letter added to the Unified Development Bylaws. The changes she referred to were that the sound levels specified would be maximums, the sound measurements would be A-weighted, that is the units would be dBa, not dB, and that the property line where the sound is measured is the property line of the parcel where the sound is being generated.

The question of whether anything needed to be included in the bylaw about sound which met the standard at the property line, but because of natural acoustics, might be louder at some point beyond the property line, was discussed. Carla Westine said the DRB was happy with the change in the standard that occurred in 2014, where the wording of the noise standard went from a vague, “dangerous or objectionable” to the clarity of 60 decibels from 8:00 PM to 7:00 AM and 70 decibels from 7:00 AM to 8:00 PM. She said the DRB heard applications for all levels of projects. The DRB appreciates the flexibility to require different types of testimony based on a project’s size. A sound study would be an expensive barrier for a small project, but appropriate for a much larger one. In any case, a large project is likely to be regulated by Act 250, which addresses noise and that standard could be sufficient in most cases. Tim Roper suggested that the following language could be added to the bylaw, “or by complaint away from the originator’s property line” to offer some recourse to a citizen who experienced noise from a distant source. Carla Westine said that she didn’t think an applicant who had met the requirements for a conditional use permit should be obliged to deal with whatever atmospheric conditions or geography projecting noise over a significant distance. She didn’t think the bylaws should try to provide recourse in that event. Further discussion between Michael Normyle and Barre Pinske pointed out that, according to the inverse square law, noise should attenuate over distance to a level below the standards set in the bylaw. Barre Pinske asked Carla Westine if she had any suggestions for language to be used in the three proposed changes. Carla said she and the DRB were happy with the proposal outlined in the letter from the Planning Commission which were based on the suggestions from Tech Environmental.

Naomi Johnson asked Carla Westine for the DRB’s thoughts on the permit checklists supplied by the Zoning Administrator to applicants. Carla said the ability to read and process the requirements for a permit varied between applicants. While the checklist is a good idea it is not a fail-safe. The Zoning Administrator would have to coach each applicant, based on their ability to work with different types of presentations. She noted that presenting examples of permit applications which were granted vs. permit applications which were not granted, have been useful to at least one applicant, who was able to present evidence and obtain a permit without great expense.

#### **Agenda Item 4, Review input from department heads and Town Manager on Chapter 3 of the Town Plan**

Naomi Johnson reviewed the status of items on the Town Plan Chapter 3 list of things to do. She noted two additional items on the document, discussion of possible financing for future projects and needs for town owned facilities and lands. A copy of the list with updates will go out with the next meeting’s packet. Looking at the old items on the list, Naomi said she had contacted Lillian Willis for input about historic buildings. Lillian said she would respond after the holidays. Naomi had not yet contacted Dick Jewett for information about VAST trails and winter recreation. Barre Pinske had contacted Gary King for information on the recreation in town. Cheryl Joy Lipton had made some notes on the information from Police Chief Richard Cloud and gave Recording Secretary Cathy Hasbrouck a copy. Michael Normyle had consulted with Derek Suursoo and Tom Kennedy about the Solid Waste District, and found there are no plans for major changes. He felt that the Town Plan should mention Act 148, the Universal

Recycling law, which is gradually ramping up requirements for composting food items. Neither Claudio Veliz nor Michael Normyle have obtained more information about the Fire Department from Matt Wilson. It was noted that the town fire and safety personnel had had a difficult and sad week with the sudden death of Police Officer Mark Phelps.

Given that the Commission is still waiting for input on Chapter 3, the Commission turned its attention to Chapter 5, the Education chapter. Given that there has been no response to requests for information since the initial meeting with the two Board of Education chairs in 2016, Naomi asked Michael Normyle to contact the two Board of Education chairs and see when they might be able to meet with the Commission or send information.

### **Agenda Item 5, Review Zoning Administrator's checklist for applicants**

Michael Normyle reviewed the three documents included in the meeting packet. The Planning Tips document is 3 to 4 years old and has only had a couple of words changed recently. Michael said he had inherited the applicant checklist when he started as Zoning Administrator. Over the years he has updated telephone numbers, etc. and added space for the applicant and Zoning Administrator's signatures. The third document, the Applicant/Zoning Administrator's agreement is the newest, about a year and a half old. Michael said that applicants have a great variety of ability to organize and prepare for a hearing. He does not always require a signature on the Applicant/Zoning Administrator's agreement, but he makes sure he does if he feels the applicant is not sufficiently prepared or engaged in preparations. He will print copies of the section of the UDB's that cover conditional use hearings and give them to the applicant, directing their attention to the specific requirements. Occasionally he recommends that an applicant hire an attorney. Naomi verified that Michael spends 8 hours a week in the Zoning office (on Tuesdays), attends weekly meetings on Monday evenings and occasionally at other times, and spends some time each week checking and answering e-mail.

Barre Pinske asked Michael Normyle if there is a difference in standards for a conditional use permit between large projects and small projects. Michael said there was not. The state has specific requirements for conditional use projects which apply to all municipalities. He felt Chester was very thorough in their hearing process and follows the laws carefully.

Naomi Johnson said she felt every applicant should receive all three documents and sign off on the Applicant/Zoning Administrator's agreement. Barre Pinske suggested a video about the process could be helpful. Tim Roper suggested adding Application for Conditional Use to the title of the Applicant Checklist and that the Planning Tips document title be changed to: Planning Tips for a Development Review Board Hearing, since the document is focused on hearings, not general meetings. Michael said he occasionally discourages people from applying if he believes the proposed use is not going to meet the standards or they are too disorganized to present a cogent case. A discussion of the role of the state and the town in regulating development and safety issue ensued. It was noted that each town has a right to regulate development and operate their review board within the requirements of the state and there is a great variety of procedures among various towns.

### **Agenda Item 6 Confirm date for next meeting in January**

The Commission will next meet on January 15, 2018.

Naomi Johnson said the Commission intended to work on the Energy chapter in January and February. She told the Commission the energy survey was not going to be sent out until January, 2018 due to logistical problems. Barre Pinske asked about the press release. Naomi and others explained that the press release had been published at town expense because the newspapers had demanded editorial rights and the town did not want the text of the document changed.

At this point Naomi Johnson moved to go into Executive Session. Tim Roper seconded the motion. A vote was taken and the motion passed. The meeting adjourned at the end of the executive session.