

1 **TOWN OF CHESTER**
2 **DEVELOPMENT REVIEW BOARD**

3 **MINUTES**

4 *May 22, 2023*

5 **BOARD MEMBERS PRESENT:** Harry Goodell, Phil Perlah, Scott MacDonald and Gary
6 Coger all at the Town Hall, Robert Greenfield, via Zoom.

7 **STAFF PRESENT:** Zoning Administrator Preston Bristow and Cathy Hasbrouck, Recording
8 Secretary, at the Town Hall.

9 **CITIZENS PRESENT:** Randy Miles, Michael Kennedy and Renee Giroux at Town Hall, Anne
10 Lamb, and Jenny Ronis via Zoom.

11 **Call to Order**

12 Chair Bob Greenfield called the meeting to order at 6:00 PM. He led the group in the Pledge of
13 Allegiance. He introduced the members of the Development Review Board, and staff.

14 **Agenda Item 1 Review minutes of the May 8, 2023 meeting**

15 Phil Perlah moved to accept the minutes of the May 8, 2023 meeting. Scott MacDonald
16 seconded the motion. There was no discussion. A vote was taken and the minutes were
17 accepted as written.

18 **Agenda Item 2 Citizen's comments**

19 Randy Miles said he had been approached by someone who would like to use a portion of his
20 property at the corner of Sylvan Road and Vermont Route 103 to set up a take-out restaurant. He
21 wanted to know how the DRB would view the proposal. Preston Bristow said the parcel in
22 question is in the Residential 40,000 district. Restaurant was once a conditional use in the
23 district, but it is not currently allowed. He said that the DRB could issue a temporary permit the
24 way it had for the Farmer's Market on Main Street. Scott MacDonald and Randy Miles noted
25 that there was already an access permit for a driveway and power was available on the portion of
26 the lot proposed for use. Phil Perlah and others proposed that a representative of the restaurant
27 attend a meeting of the DRB with Randy Miles. Preston pointed out that the bylaws support a
28 pre-application meeting to discuss a project. Preston asked if Act 250 was involved. Randy said
29 it was not. Randy thanked the board for its time.

30 Jenny Roni said she was present in case the AllStone Quarry would be discussed. Bob
31 Greenfield said the case was not on today's agenda.

32 **Agenda Item 3 Conditional Use Hearing for an outdoor food vendor at 21 Main Street**

33 Bob Greenfield opened the hearing by asking the board if any member had a conflict of interest
34 in the hearing. None did. He asked if anyone had had any ex-parte communication on the
35 matter. None had. He swore in Michael Kennedy and Renee Giroux to give testimony.

36 He then entered the following exhibits into evidence:

1 The first document was a Notice of Public Hearing for a Conditional Use Permit at 21 Main
2 Street dated April 27, 2023. Phil Perlah moved to accept the Notice as Exhibit A. Gary Coger
3 seconded the motion. A vote was taken and the motion passed unanimously.

4 The second document was an application for a Conditional Use hearing before the Development
5 Review Board for a restaurant at 21 Main Street. Phil Perlah moved to accept the application as
6 Exhibit B. Gary Coger seconded the motion. A vote was taken and the motion passed
7 unanimously.

8 The third document was a list of 100-foot abutters to 21 Main Street. Harry Goodell moved to
9 accept the list as Exhibit C. Gary Coger seconded the motion. A vote was taken and the motion
10 passed unanimously.

11 The fourth document was a portion of the tax map displaying the parcel at 21 Main Street and the
12 100-foot abutters. Harry Goodell moved to accept the tax map as Exhibit D. Gary Coger
13 seconded the motion. A vote was taken and the motion passed unanimously.

14 The fifth document was a photo of the Chester Hardware building, the primary use of the parcel
15 at 21 Main Street, with an icon of a food cart placed where the proposed flat top grills will be.
16 Harry Goodell moved to accept the photo as Exhibit E. Gary Coger seconded the motion. A vote
17 was taken and the motion passed unanimously.

18 The sixth document was an aerial photo of the property at 21 Main Street with parking spaces
19 and the proposed food truck drawn in. Harry Goodell moved to accept the Notice as Exhibit F.
20 Gary Coger seconded the motion. A vote was taken and the motion passed unanimously.

21 Preston Bristow gave a history of food station applications at 21 Main Street over the years.
22 There were applications for a food station in 1994 and 2002. Each time the application was
23 denied by the DRB in view of objections by the neighbors to the smoke and odor, parking issues
24 or setback issues. He read the reasons for rejecting the 1994 application from the Findings and
25 Conclusions document.

26 For 8 years the American Legion operated a food station on weekends during the warm weather
27 in that space without a permit. Ida Mae Specker applied for a 1-year permit and was denied.

28 Preston said the bylaws were silent on food trucks and food carts. It only discusses restaurants.
29 This application seeks a permit for a restaurant with no seating. It will be take-out only.
30 Michael Kennedy said without customer seating no additional parking at the site would be
31 necessary.

32 Michael Kennedy said he proposed to have the food service open on Saturdays, Sundays and
33 holidays during warm weather from 11:30 AM to 3:00 PM. He noted that the hardware store
34 closes at 2:00 PM on Saturday and is not open on Sunday. The local schools will be closed on
35 Saturdays and Sundays as well.

36 Looking at the exhibits Scott MacDonald said he would like to see a decision from the Fire Chief
37 on this project in writing. He was concerned about smoke, odor, and propane tanks in a parking
38 lot. Scott asked how the conditions of the permit would be enforced. Preston said the
39 Performance Standards could be specifically cited in the Conditions section in the permit.

1 After a discussion it was established that the DRB does not enforce the conditions of a permit.
2 That is the job of the Zoning Administrator.

3 Michael Kennedy said a flat top grill does now allow grease to drip on burning coals. It does
4 not smoke like a barbecue does. Scott MacDonald asked what information or notice was sent to
5 the abutters. Preston explained each abutter on the list was sent a copy of the notice of hearing.

6 Preston said the DRB could issue a temporary permit with a time limit, such as for a year. Scott
7 MacDonald and Gary Cogger asked how long the Health Department food preparation permit
8 lasts. Michael Kennedy said it lasts for a year.

9 Preston said he had one phone call from an abutting neighbor. The caller was Rose Marie Dube
10 of 33 Grafton Stret, and she was in favor of the project. Harry Goodell said there is a buffer of
11 vegetation between the hardware store parking lot and the neighbors which was not present
12 several years ago.

13 Michael Kennedy, the applicant said he has a full-time painting job. He would only have the
14 food stand open on Saturday and Sunday from May to Columbus Day. He was planning a
15 simple menu of hot dogs, hamburgers, sausage and peppers, chicken sandwiches, water and
16 chips. He would pack up the equipment and take it away at the end of the day. He has 2 36-inch
17 flat-top grills. There will be no seats for customers. Michael said he wanted to build a new food
18 business slowly.

19 Scott MacDonald asked what the hardware store owners, Julie and Bob Pollard, think about the
20 project. Phil Perlah pointed out that Bob and Julie had signed the application.

21 Michael Kennedy asked when the permit could be issued. He wanted to start on the coming
22 holiday weekend if possible. Cathy Hasbrouck said she couldn't have the Finding document
23 before Thursday. Preston said there would be a 30-day appeal period after the Findings
24 document is signed. If anyone appeals the decision, the food service must stop until the appeal is
25 settled.

26 Bob Greenfield asked to see the Police Chief's response to the project. It was not in the packet.
27 Preston said he had an e-mail response to his query from the Police Chief. The board went over
28 the conditions on the permit. They wanted a letter from the Fire Department, a copy of the
29 Health Department permit, and to see the note from the Police chief. The permit would be for
30 one year and it would be renewable.

31

32 Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken
33 and the hearing was closed.

34 Preston Bristow said there would be a hearing on June 12th to replace a bridge in a flood plain.
35 He said it was likely there would be a Conditional Use hearing on June 26th for new uses at the
36 Masonic Hall. It will be converted to apartments and law offices. It was possible there would be
37 a hearing soon for an addition to the Chester-Andover Family Center.

- 1 Harry Goodell moved to enter executive session. Gary Coger seconded the motion. A vote was
- 2 taken and the motion passed. The board entered executive session. The meeting was adjourned
- 3 at the end of it.