

1 **TOWN OF CHESTER**  
2 **DEVELOPMENT REVIEW BOARD**  
3 **DRAFT MINUTES**  
4 *January 29, 2024*  
5

6 **BOARD MEMBERS PRESENT:** Robert Greenfield, Harry Goodell, Scott MacDonald, Phil  
7 Perlah and Larry Semones, all at the Town Hall,

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

10 **CITIZENS PRESENT:** Ed Winnicki, Lynn and John Russell, David Doucette, Michelle H. and  
11 Iris and Gavin McMorro at Town Hall. Scott Roy, Arne Jonynas, Jenny Brown and Tamasin  
12 Kekic on Zoom.

13 **Call to Order**

14 3:00Chair Bob Greenfield called the meeting to order at 6:00 PM. He led the group in the  
15 Pledge of Allegiance. He introduced the members of the Development Review Board and staff.

16 **Agenda Item 1 Review minutes of the January 22, 2024 meeting**

17 3:45Harry Goodell moved to accept the minutes of the January 22, 2024 meeting. Scott  
18 MacDonald seconded the motion. There was no discussion. A vote was taken and the minutes  
19 were accepted as written. Bob Greenfield noted that Larry Semones did not vote on the minutes  
20 because he had not attended that hearing.

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

22 There were no citizen comments.

23 **Agenda Item 3 Reopen Conditional Use Hearing #602 for a tourist lodging and wedding**  
24 **venue at 76 Goldthwaite Road.**

25 04:57 Bob Greenfield re-opened the hearing. He asked the board members if they had any  
26 conflict of interest to report or if they had had any ex-parte communication about the applicant.  
27 None had.

28 He swore in all citizens present and Scott Roy and Jenny Brown on Zoom to give testimony.

29 He then entered additional exhibits into evidence.

30 The first document was an application for a hearing before the Development Review Board dated  
31 November 29, 2023 and signed by David Doucette and Zoning Administrator Preston Bristow.

32 Harry Goodell moved to accept the application as Exhibit H. Phil Perlah seconded the motion. A  
33 vote was taken, and the application was accepted as Exhibit H.

34 6:12The second document was a Town of Chester Notice of Hearing for a Conditional Use  
35 Permit dated December 21, 2023 from Zoning Administrator Preston Bristow. Harry Goodell

1 moved to accept the Notice as Exhibit I. Scott MacDonald seconded the motion. A vote was  
2 taken and the motion passed unanimously.

3 The third document was a 100-foot abutters report. Notices of the hearing were mailed to them  
4 on January 4, 2024. Four abutters were listed. Harry Goodell moved to accept the list as Exhibit  
5 J. Phil Perlah seconded the motion. A vote was taken and the motion passed unanimously.

6 The fourth document was a list of additional interested persons not on the 100-foot abutters  
7 report. Notices of the hearing were mailed to them on January 8, 2024. Harry Goodell moved to  
8 accept the document as Exhibit K. Phil Perlah seconded the motion. A vote was taken and the  
9 motion passed unanimously.

10 The fifth exhibit was a narrative from Davind Doucette dated November 23, 2023, describing the  
11 changes he is proposing to his application for a wedding venue at 76 Goldthwaite Road. Harry  
12 Goodell moved to accept letter as Exhibit L. Phil Perlah seconded the motion. A vote was taken  
13 and the letter was accepted as Exhibit L.

14 8:25The sixth exhibit was a parking plan dated November 28, 2023. The plan indicated property  
15 lines, sight lines, tree lines, access drive, potential areas for a restroom trailer and parking for  
16 thirty cars. Harry Goodell moved to accept the parking plan as Exhibit M. Phil Perlah seconded  
17 the motion. A vote was taken and the parking plan was accepted as exhibit M.

18 9:17the seventh document was a page with photographs of Turf Stone, the proposed surface for  
19 the parking area and a photograph of the proposed restroom trailer. Harry Goodell moved to  
20 accept the photographs as Exhibit N. Phil Perlah seconded the motion. A vote was taken and the  
21 photographs were accepted as exhibit M.

22 10:00 The eighth document was an affidavit from John B. and Lynn B. Russell dated January 3,  
23 3, 2024. Scott MacDonald verified that he had all 4 pages of the exhibit. Harry Goodell moved  
24 to accept the affidavit as Exhibit O. Phil Perlah seconded the motion. A vote was taken and the  
25 motion passed unanimously.

26 11:26The ninth document was an affidavit from Scott Roy and Jennifer Brown dated January 22,  
27 2024. Harry Goodell moved to accept the affidavit as Exhibit P. Phil Perlah seconded the  
28 motion. A vote was taken and the motion passed unanimously.

29 David Doucette spoke about his project. He said he amended his application to include tourist  
30 lodging for overnight guests. He reduced the parking to match the new bylaw requirement. He  
31 said his plan would comply with Chester's noise ordinance. Amplified music would be stopped  
32 at 10:00 PM and the decibel limits would be met. Scott MacDonald spoke about the Williams  
33 River Inn permit issued in May 2021. He said he was 99% certain that stopping the amplified  
34 music at 8:00 P.M. and all music at 10:00 was discussed at the hearing. The permit issued did  
35 not include that language. It merely said all music would stop at 10:00 PM.

36 David said this property is his home. He is invested emotionally as well as financially. Preston  
37 Bristow re-iterated that there are decibel limits on noise in the bylaws which will always apply,  
38 and that previous permits have included further limits on amplified music as a condition of the  
39 permit.

1 Lynn Russell asked how the DRB can ignore the bylaws and cited the limit of 60 decibels  
2 between 8:00 P.M and 7:00 AM. She thanked David Doucette for his list of changes he has made  
3 to the application since it was first presented.

4 17:48 She then read a prepared statement:

5 Wedding Venue/Tourist Lodging Prepared Statement to DRB

6 January 29, 2024

7 An affidavit was submitted to Preston Bristow to share with the DRG as suggested by Stephen  
8 Ankuda, Attorney. I expect that the DRB members have read Lynn and John Russell's affidavit. I  
9 would like to further our concerns with this prepared statement.

10 It's likely that everyone in this room has attended a wedding celebration at some time. These are  
11 celebrations and the expectation is that the activities around the event will have music, dancing,  
12 maybe singing, and of course cheers and clapping. Most wedding guests will not be thinking about  
13 how their behavior (specifically regarding noise) will affect neighbors in the surrounding area.

14 Let's play out a typical wedding scenario:

- 15 1. Guests arrive in the afternoon and park their vehicles in the designated parking area on site  
16 and settle into the Tourist Lodging.
- 17 2. Guests begin to mingle and welcome each other to the event.
- 18 3. The wedding ceremony takes place, maybe outdoors.
- 19 4. The guests ready themselves for a night of celebration including drinking, food, music and  
20 dancing.
- 21 5. Guests assemble in the barn where the reception will take place and welcome the arrival of  
22 the newly married couple, then sit down to enjoy their meal.
- 23 6. The music starts and the guests are encouraged to make joyful noise as the evening  
24 progresses.
- 25 7. The peace and quiet of the evening is interrupted by music and shouting for several hours
- 26 8. The 8:00 PM cut-off time for amplified music is reached. Per DRB Bylaws Article 4 page 8:  
27 "Noise shall not exceed 60 dB between 8 pm and 7 am" (60 dB = normal conversation).  
28 Some guests depart while others remain on site.

29 Guests may then gather around the house where some may be staying overnight. This seems likely  
30 since there is little to do in and around Chester after 9:00 pm. Guests may choose to "after party"  
31 on premises and expectations are that loud voices as well as recorded music will be heard well into  
32 the night. With no manager on site at the Tourist Lodging, guests may continue to party into the late  
33 hours of the evening. The hot tub outside the home may be used by guests, again, potentially  
34 generating noise.

35 Of course, we can only speculate on how guests will behave, but should their behavior be  
36 disruptive to neighbors in this residential neighborhood, the peace and quiet of the evening has  
37 been disturbed and there is no getting it back. In the DRB Bylaws 2.11 Residential 120,000 (R120)  
38 District Section #. Supplemental Standards Article 2 p.24 states; Character of Development, new  
39 development and modifications to existing buildings and uses shall be consistent with the existing  
40 character of the area and compatible with adjacent land uses **with respect to traffic, noise,**

1 **vibrations, or other impacts in conflict with residential use.** Once the conditions of the permit,  
2 specifically noise, have been violated, the damage is done. It appears that we would have little  
3 recourse other than to contact the local police. Per DRB Bylaws 7.10 Violations & Enforcement  
4 Article 7 pp 6&7; Penalties for violation \$100 initial, \$250 within first year, \$500 for each violation in  
5 a year. If violation is not contested, there is a waiver fee of \$50 for first offense, \$125 second  
6 offense, \$250 each violation in 1 year. It seems that the penalties for violating the noise condition  
7 may be built into the fee charged for the reception with little incentive to abide by the conditions of  
8 the permit.

9 We do not know David Doucette and can only hope that he will be a good and considerate  
10 neighbor. We cannot predict the behavior of the guests that will be on site. It's unlikely that David  
11 Doucette will reside in the house during the wedding event. Guests may be caught up in the  
12 celebration with little consideration for how their behavior (specifically noise) will affect the  
13 neighbors. As a general rule, occupancy of the 4-bedroom house on the property is 2 per bedroom  
14 or 8 people total. It is unknown how many guests may be staying at the house after the event.

15 We reviewed the definition of TOURIST LODGING (Article 8 p. 22) in the DRB Bylaws. *TOURIST*  
16 *LODGING: Overnight accommodations provided to transients for compensation, including bed &*  
17 *breakfasts, boarding houses, inns hotels and other overnight accommodations.* Most, if not all,  
18 Tourist Lodgings in Cheater provide food and beverages for their guests and have a manager on  
19 site. We are unclear as to how the act of renting the home for guests of the event will differ from  
20 STR. As I understand from Preston Bristow, an on-site manager is not a requirement for Tourist  
21 Lodging. We will not know "who is in charge" should a problem or issue arise at the rented  
22 property.

23 We were unable to find a definition for WEDDING VENUE in the DRB Bylaws. We did review the  
24 definition of ENTERTAINMENT on Google.

## 25 ENTERTAINMENT

26 ***The action of providing or being provided with amusement or enjoyment.***

27 ***An event, performance, or activity designed to entertain others.***

28 ***The action of receiving a guest or guests and providing them with Food and drink.***

29 From the DRB Bylaws we reviewed the definition of Arts & Entertainment and Restaurant as  
30 follows:

31 Definition from DRB Bylaws ARTS & ENTERTAINMENT Article 8 page 3

32 A use that includes visual or performing arts center, museums, movie theaters, concert venues or  
33 other ***similar activities*** that meet performance standards and all other similar activities that meet  
34 performance standards and all other requirements of these Bylaws. This definition does not  
35 include sexually explicit adult-oriented businesses. It also does not include pubs, bars or clubs.

36 Definition from DRB Bylaws Restaurant Article 8 page 17

37 Licensed premises where ***food and drink*** are prepared, ***sold, served, and consumed primarily***  
38 ***within the principal building.*** A restaurant may have a small bar ***or limited forms of musical***  
39 ***entertainment to accompany the dining experience;***

1 However, restaurants that provide dancing and stage shows or that operate primarily as a drinking  
2 establishment are considered nightclubs or taverns under the Arts & Entertainment use category in  
3 Article 2.

4 Since there is no definition in the DRB Bylaws for Wedding Venue, we contend that the activities  
5 that take place at a reception fall into the DRB Bylaws definition of Arts & Entertainment and  
6 Restaurant, neither of which are permitted as a conditional use in residential Zone R120 per DRB  
7 Bylaws 2.11 p. 23.

8 If the conditional use permit for a Wedding Venue at 76 Goldthwaite Road is approved by the DRB,  
9 we contend that a Wedding Venue would then be permitted in any Zone in Chester by nature of the  
10 fact that a definition of Wedding Venue does not exist in the DRB Bylaws.

11 For these reasons, the DRB needs to reject the conditional use permit in a zoned residential  
12 neighborhood for a Wedding Venue and Tourist Lodging at 76 Goldthwaite Road.

13 Lynn and John Russell

14 25:20 Scott MacDonald pointed out that the Chester Unified Development Bylaws, which Lynn  
15 Russel referred to as DRB bylaws are not written by the DRB. He said the DRB enforces the  
16 bylaws adopted by the Town of Chester. He also said that the term “amplified music” means  
17 any music coming through any speaker. This applies whether the music is performed by live  
18 musicians or is a recording on a tape, or CD.

19 26:30 Iris Fisher McMorrow spoke. She said she lived on Goldthwaite Road but was not an  
20 abutter to this property. She said she was concerned that if this permit is approved, anyone could  
21 obtain a conditional use permit for Tourist Lodging and start having entertainment on their  
22 property. She said she had come to Chester looking for a peaceful environment and the  
23 possibility of having her peace disrupted was very upsetting. She wanted to know how the noise  
24 ordinance would be enforced and if there were any other options beyond calling the police,  
25 knowing that the property owner would not be there.

26 Zoning Administrator Preston Bristow said he could be called if there is an issue with noise. He  
27 would not drive to Chester from his home in Woodstock the moment he received a call but he  
28 would contact the property owner and tell him of the problem. Iris McMorrow asked if the  
29 permit could be pulled if there were violations. Preston said a condition could be added to the  
30 permit which would allow the permit to be recalled, but normally that is not how a permit works.  
31 Preston said he tries to get people to comply voluntarily, but he can issue a municipal ticket and  
32 fine or go to court to fine them if they violate the conditions of the permit.

33 29:21 Phil Perlah asked David Doucette what his plans were for on-site supervision. He said  
34 someone would be on-site for each event. When he couldn't be there, his sister or some other  
35 person would be there. He said he would always be reachable by cell phone.

36 Ed Winicki said he had lived on Goldthwaite Road for 47 years. He said the intersection of  
37 Goldthwaite Road and Route 11 is dangerous and he believes there will be accidents. He also  
38 did not believe David Doucette's claim that he would always be available by telephone wherever  
39 he was. He did not think it was possible to meet such a claim. He said someone should be on  
40 site for every event with a phone that anyone can call.

1 Phil Perlah asked Preston Bristow if there had been a response from the Police Chief. Preston  
2 said he did not have a response from the Police Chief. He had no response to his first request in  
3 November and when he asked for this hearing the chief was on vacation. Scott MacDonald said  
4 it was important to contact the Fire Chief as well. Preston said the Fire Chief did respond to the  
5 first inquiry and said he had no concerns. Preston pointed out that these inquiries are separate  
6 from the Division of Fire Safety requirements.

7 Scott Roy said he owns the house at 50 Goldthwaite. He said the barn on the Doucette property  
8 was probably located 25 – 30 yards from his driveway. He said amplified noise must be  
9 measured at the property boundary and he was concerned. 35:19He said the parking plans don't  
10 give much detail on what will happen to surface water. He said the proposed parking area is on  
11 his property line. There is only a single line of trees separating the parking area from his  
12 driveway. His driveway is directly downhill from the proposed parking area. He is concerned  
13 that the runoff will fill the culvert under the driveway and wash it out. He would like to see  
14 specific construction plans for the parking area.

15 He said his property abuts the venue and he worried that wedding guests will wander onto his  
16 property and disturb him. Scott said he found it hard to believe there wouldn't be a management  
17 team responsible for the wedding and not just one person with a phone number. He wanted to  
18 know who would be responsible for overseeing the wedding.

19 Jennifer Brown said she was Scott Roy's wife and also an owner of 50 Goldthwaite Road.  
20 Although 50 Goldthwaite is not their primary home, she worries that when she does spend time  
21 in Vermont people will be wandering on her property from events on 76 Goldthwaite Road.

22 43:00Phil Perlah said he was convinced the Board needed to hear from the Police Department.  
23 He thought the hearing should be recessed and resumed at a date and time certain. He said he  
24 had visited the site and looked at Goldthwaite Road. He agreed the road was narrow and though  
25 he has never heard a Police Chief object to a permit, he would like to hear from Chief Williams  
26 on the subject. Bob Greenfield agreed. Preston Bristow said the next scheduled hearing was  
27 February 12, 2024.

28 John Russell said Route 11 is a state road and wondered whether the state should be consulted on  
29 this matter. Preston said the Town could ask. He believed the state highway department is the  
30 agency to consult. Comments about tall grass at the intersection obscuring the view to the right  
31 were made. Perhaps the state could keep the grass shorter there.

32 Scott MacDonald asked that the Board come to some agreement about limits for amplified music  
33 stop times. John Russell said the only place in the bylaws where the noise limit reduction to 60  
34 decibels was not 8:00 PM was in the Village Green zoning district. Preston said he would  
35 circulate the Williams River Inn decision.

36 Harry Goodell moved to recess the hearing until 6:00 PM February 12, 2024 at the Town Hall.  
37 Scott MacDonald seconded the motion. A vote was taken, and the hearing was recessed.