



VERMONT

EXHIBIT H

Application for Hearing before the Development Review Board

Applicant name: David Doucette

Applicant address: 76 Goldthwaite Road, Chester VT 05143

Applicant email: david@cseprep.com Phone: 310.663.5220

Landowner name (if different): Same as Applicant

Landowner address: Same as Applicant

Landowner email: Same as Applicant Phone: Same as Applicant

Location of property: 76 Goldthwaite Road, Chester VT 05143

Description of Request: Amended application to request tourist lodging for 4 bedrooms and to host weddings.

If new construction is involved, provide a **sketch or plan** showing the boundaries of the lot, the distance from the proposed new construction to each boundary, and the dimensions of the new construction together with its position on the lot in relation to existing buildings and driveways.

After receipt of this application, the Zoning Administrator will inform you of what further information is required.

Applicant Signature *David Doucette* Date 11.28.23

**** TO BE COMPLETED BY THE ZONING ADMINISTRATOR****

Parcel Map #:	<u>37-20-33.100</u>	Zoning District:	<u>R120</u>	DRB Case #:	<u>602</u>
Type of application:	<input checked="" type="checkbox"/> Conditional Use Approval, <input type="checkbox"/> Flood Hazard Review, <input type="checkbox"/> Waiver or Variance <input type="checkbox"/> Appeal of decision of Zoning Administrator, <input checked="" type="checkbox"/> Other <u>Amended Application</u>				
Received with \$200 application fee	<u>P.B.</u>	(ZA initials)	Date	<u>11/29/23</u>	

EXHIBIT I

TOWN OF CHESTER



PLANNING & ZONING
556 Elm Street
P.O. Box 370
Chester, VT 05143

(802) 875-2173 office
(802) 875-2237 fax
zoning@chestervt.gov
www.chestervt.gov

TOWN OF CHESTER NOTICE OF HEARING FOR CONDITIONAL USE PERMIT

David Doucette has submitted an amended application for a Conditional Use Permit for tourist lodging with four bedrooms and to host weddings at the property located at 76 Goldthwaite Road in the Town of Chester.

The Town of Chester Development Review Board will reconvene a hearing to consider this amended application at 6:00 PM on Monday, January 29, 2024, at the Chester Town Hall at 556 Elm Street in Chester. The amended application, exhibits, and additional information may be obtained from the Zoning Administrator.

Participation in this hearing in person, via Zoom videoconference, or in writing is a prerequisite to the right to take any subsequent appeal.

A link to participate in this hearing via Zoom videoconference may be found on the Town of Chester website home page at www.chestervt.gov.

Dated at Chester, Vermont this 21st day of December 2023.

Preston Bristow
Zoning Administrator
(802) 875-2173
zoning@chestervt.gov



100 foot Abutters List Report

Chester, VT
January 04, 2024

Mailed 1/4/24

EXHIBIT J

Subject Property:

Parcel Number: 372033100
CAMA Number: 372033100
Property Address: 76 GOLDTHWAITE ROAD

Mailing Address: DOUCETTE, DAVID
8720 ROCKY AVENUE
LAS VEGAS, NV 89143

Abutters:

Parcel Number: 100123
CAMA Number: 100123
Property Address: 296 GOLDTHWAITE ROAD

Mailing Address: RUSSELL, JOHN B & LYNN B
296 GOLDTHWAITE ROAD
CHESTER, VT 05143

Parcel Number: 372030
CAMA Number: 372030
Property Address: 71 GOLDTHWAITE ROAD

Mailing Address: CONWAY, CHRIS G & KAREN A
P O BOX 964
CHESTER, VT 05143

Parcel Number: 372032
CAMA Number: 372032
Property Address: 190 GOLDTHWAITE ROAD

Mailing Address: AMSDEN, THOMAS
190 GOLDTHWAITE ROAD
CHESTER, VT 05143

Parcel Number: 372033200
CAMA Number: 372033200
Property Address: 50 GOLDTHWAITE ROAD

Mailing Address: SCOTT, ROY & BROWN, JENNIFER
20 HAMMOND ROAD
BELMONT, MA 02478



www.cai-tech.com

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1/4/2024

Page 1 of 1

Mailed 1/8/24

EXHIBIT K

Interested Persons not on 100-foot Abutters List Report
For 76 Goldthwaite Road hearing of January 29, 2024

George Malin
236 Beacon Street
Boston, MA 02116

Gavin McMorrow
Iris Fischer-McMorrow
678 Goldthwaite Road
Chester, VT 05143

Tamasin Kekic
294 Goldthwaite Road
Chester, VT 05143

EXHIBIT L

November 28, 2023

RE: 76 Goldthwaite Road
Chester, VT 05143

Dear Chester Design Review Board,

This letter is in regards to my application dated October 18, 2023. As a result of the Design Review Board meeting conducted on November 20, 2023, I would like to amend my application as follows:

1. Revise application to include request for Tourist Lodging for 4 bedrooms and to host weddings at 76 Goldthwaite Road.
2. Reduce proposed parking area from previously proposed 60 cars to meet the town requirement of 1 car per 4 guests which would result in a parking area of 30 cars (for 120 guests)
3. Parking area would be constructed using Turf Stone or similar paver material to allow grass to grow in between sections of Turf Stone. I've attached images of Turf Stone for reference as well as revised parking area diagram.
4. Noise: I would comply with the Town requirement of 10pm cutoff for amplified music.
5. Restrooms would consist of ONE trailer, approximately 16' long x 8' wide. It's a small trailer and looks like a cargo trailer or luxury horse trailer. This is a trailer I would own and be located on the property out of view from the neighbors. There is no provision in the Town bylaws preventing trailers being located on an individual's property. The location would be on the west side of the barn and not visible by neighbors. Also to note is the continuous tree line between my property and neighbors to the east as well as heavy tree line between my property and neighbors to the west. I've attached an image of location of the trailer as well as a trailer for reference. I've also called out the tree lines that exist between properties as well as a sight line showing the trailer would be out of view of neighbors (even if no trees present).

Also to note since the last application was submitted, I am now the legal owner of 76 Goldthwaite Road.

The following info was part of the original application:

The property is located about 1.5 miles west of the Village and about 200 yards west of the new proposed mixed use area that abuts Balch Road.

The property is on 7.8 acres and consists of a single family dwelling with attached 2 car garage. Also on the site is a 55'x40' barn and an accessory structure.

I would like to host weddings/receptions on the property and in the barn. I would like to request permission to hold up to 20 weddings per year with a maximum of 125 guests.

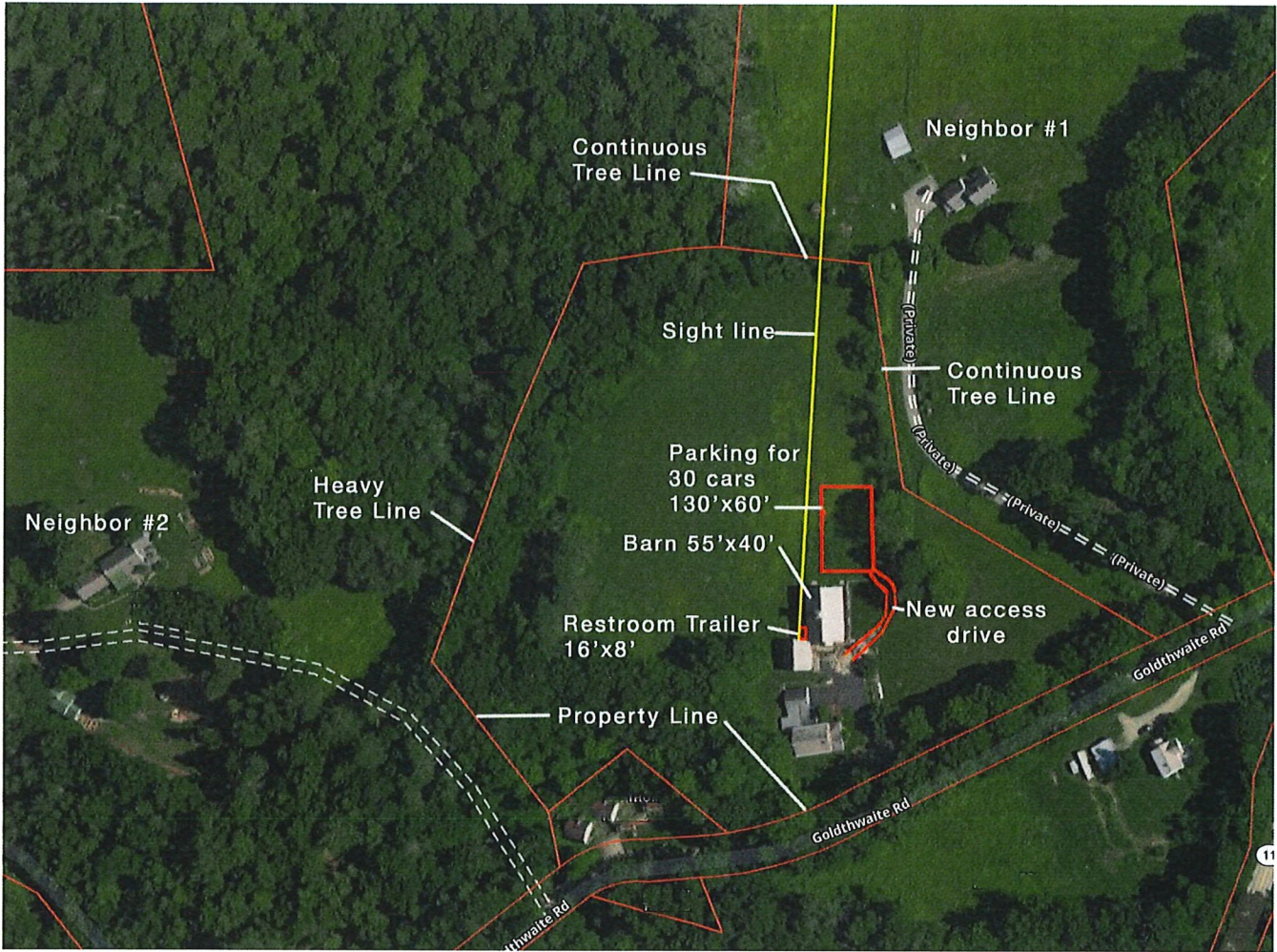
Thank you for your time in consideration of this matter.

Sincerely,



David Doucette

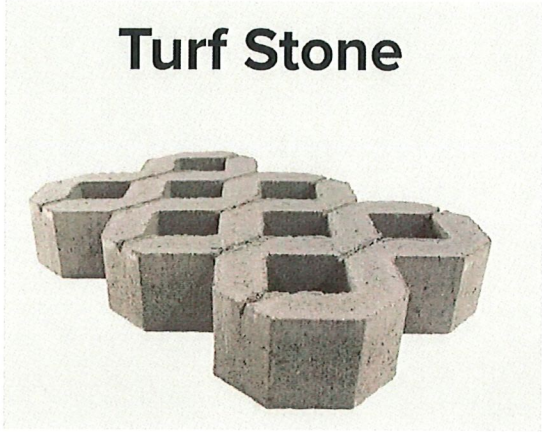
November 28, 2023 (revised)



PARKING PLAN (Revised 11.28.23)

76 GOLDTHWAITE ROAD
CHESTER, VT 05143

Turf Stone



Parking Area -
Turf Stone or similar



Restroom
Trailer (16'x8')

76 GOLDTHWAITE ROAD
CHESTER, VT 05143

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD

EXHIBIT O
(4 pages)

In re: Wedding Venue and Tourist Lodging at 76 Goldthwaite Road Conditional Use Application

AFFIDAVIT OF JOHN B. RUSSELL and LYNN B. RUSSELL

We, John B. Russell and Lynn B. Russell, being duly sworn and on my personal knowledge, do hereby state under oath that:

1. We submit this affidavit in support by us for status as interested persons. In this affidavit we hope to demonstrate that we own and occupy the property in the immediate neighborhood of the proposed land use, that the proposed land use will cause an extreme noise disturbance during operation, and that this use will conflict with the Town Plan and Zoning Ordinance.
2. We reside at 296 Goldthwaite Road in Chester. We own this property. It consists of our primary residence on about 32 acres.
3. Our 32-acre parcel is in the city of Chester, County of Windsor and State of Vermont, and described as follows: "Being two parcels of land in Chester: PARCEL 1: recorded September 10, 1993, in Book 75 Page 421 of the Chester Land Records. The premises are said to contain 5.73 acres. PARCEL 2: recorded September 10, 1993, in Book 75, Page 417 of the Chester Land Records. The premises are said to contain 27 acres, more or less." Our house is situated to the west, at a higher elevation than the proposed wedding venue property. There is a moderate tree line between the properties shielding the structures (barn and house) from view in the summertime. We have trails which we maintain through our property which abuts the proposed wedding venue property which we use recreationally in all seasons. There is a direct site line to the proposed wedding venue property when walking the trail where the properties abut.
4. The Chester Unified Development Bylaws 7/5/23 do not list Wedding Venue as a conditional use in Residential 120,000 (R120) District. ***We believe that the Wedding Venue conditional use, by nature of the Bylaw, is disqualified.*** Additionally, section E. **Supplemental Standards** states – Character of Development, new development and modifications to existing buildings and uses shall be consistent with the existing character of the area and compatible with adjacent land uses ***with respect to traffic, noise, vibrations, or other impacts in conflict with residential use.***
5. Not all inclusive, following are current Wedding Venue locations in the Chester vicinity:
 - a. Inn Victoria – lodging, no kitchen
 - b. Motel in the Meadow – outdoor venue
 - c. Stone Hearth Inn & Eatery – lodging and kitchen
 - d. Fullerton Inn – lodging and kitchen
 - e. American Legion – kitchen and hall
 - f. MacLaomainn's Pub-kitchen and hall
6. All these venues are in the Village or in a non-residential area. In our opinion, our small town does not need another Wedding Venue location, especially in a residential neighborhood.
7. Regarding noise, DRB ByLaws **SECTION 4.9 PERFORMANCE STANDARDS** lists an example of decibel levels as follows:

Decibel levels

60 dB = normal conversation

70 Db= TV audio, human voice at 10 feet

110 Db = leaf blower, power saw, nightclub band

In accordance with §4414(5) of the Act, the following standards must be met and maintained by all uses in all districts that are subject to a permit under these Bylaws.

Noise: *noise volume shall be limited to the specified decibel levels listed at the property line. Noise levels or frequencies which are not customary in the neighborhood, or which represent a repeated disturbance to others shall not be permitted. Limited exceptions are allowed for incidental and customary activities such as use of lawnmowers and snow blowers for regular property maintenance.*

Noise shall not exceed 60 dB between 8:00 PM and 7 AM.

Noise shall not exceed 70 dB during the day between 7 AM and 8:00 PM

It is unlikely that a DJ or music being played inside the barn will conform to the decibel level standard of 60 dB or 70 dB unless the barn is fully insulated. Additionally, when guests are leaving the premises, late in the evening, we would expect that the voice levels will exceed normal conversation. It is our understanding from these Bylaws that a Wedding Venue on this property could not comply with the noise standard as the noises generated by music and guests is not customary in the neighborhood and will represent a repeated disturbance to neighbors. We expect that guests will generate noise during their arrival with their vehicles as well as mingling outdoors before the reception.

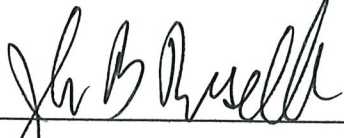
8. We have concerns about the noise that vendors and those involved with set up may create. Tent(s) may be used, and it is likely that those setting them up will need to convey instructions to workers. Sounds can carry in this neighborhood, and it may be disruptive to neighbors even before the wedding festivities begin. Additionally, we expect generator noise for catering needs will be constant during the event. The portable sanitary trailer will also have a generator which will emit a constant noise. The sanitary trailer is expected to be located near the barn, in direct site line to our property. There may be noise generated from the spring-loaded doors of the trailer slamming which will also be disruptive. Noise will be generated by caterers and staff during set-up and cleanup. This activity will likely take place near and around the barn which is in direct site line to our property. Additionally, the frequency of sanitary trailer cleaning is unknown. Trucks used for pumping the trailer would generate noise during cleaning.
9. We have lived in our home for 10.5 years. We can occasionally hear the hum of road noise from Route 11 when the leaves are down, and the wind is blowing in the direction of the house as well as occasional truck noise which is typically short in duration. This is mainly heard during the daylight and early evening hours. We have become accustomed to the sounds of mowing and occasional chainsaw noise which is expected when living in a rural area. We typically sit outside on the 3-season porch which is positioned as to have a site line directly above the proposed wedding venue property. We also enjoy sitting by our firepit on the patio which is positioned on the east side of our home, but still in direct site line with the proposed wedding venue property.
10. The background noise at our home is typically the sound of wind and the songs of birds.
11. The anticipated noise which will be generated by wedding guests and music is not customary in this neighborhood. It is uncharacteristic of the sounds in the neighborhood and will represent a repeated disturbance to us and others because of the noise level, its type, and its frequency and duration of occurrence, especially in the typically quiet time of the evening. This is prohibited by the third sentence of Ordinance 4.9.A on page 80, which states; "Noise levels or frequencies which are not customary in the district or neighborhood, or which represent a repeated disturbance to others shall not be permitted". Weddings held in the evening hours are expected to generate noise much beyond the celebration itself when guests need to return to their cars or even if some guests decide to remain on premises at the house which is expected to be rented for the occasion. Sounds carry long distances in the general quiet of the evening and expectations are that noise will be generated far into the night when our windows are open, further disrupting the use and enjoyment of our home and property.
12. We are concerned about traffic and the safety of the wedding guests that may be unfamiliar with driving on a one and a half wide lane dirt road with deep storm drains on both sides. There are no lights on the road and the tree cover on the road makes it quite dark. Trees and rocks are obstacles that may pose a hazard to those unfamiliar driving our road. This concern is heightened, especially after the wedding when guests have been drinking. Although not particularly high traffic, the turn onto Route 11 in both

directions poses a concern with safety when not familiar with the road. The current parking proposal allows for 30 vehicles. We are concerned that if parking for guests, catering, and entertainment is not adequate, cars, trucks, vans, etc. may park on Goldthwaite Road or in neighboring driveways affecting safety and potential access to emergency vehicles.

13. We have concerns that partygoers may not have the respect for the adjoining properties that those living in the neighborhood would have. In addition to noise concerns, there are fire concerns should fire pits or fireworks be used by guests. Guests may not be cautious, especially if they have been drinking. As homeowners surrounded by forest, we recognize that emergency vehicles may have difficulty accessing situations. Accidental fire is a major concern in this neighborhood. Section 4.9 PERFORMANCE STANDARDS of the Chester Unified Development Bylaws under **D. Safety Hazards**: lists Fire – prohibited. We expect that fires will not take place on the proposed wedding venue property.
14. When we toured the barn and property before the first hearing, it was obvious that there was bat guano and other animal droppings inside the rustic barn. Assuming the reception would be held inside the barn, this seemed to be an issue that the Health Department would need to address before food and beverages could be served. The removal of potentially endangered bats from the barn would need to be addressed by VT Department of Fish and Wildlife.
15. We have an environmental concern with non-point pollution of the proposed parking area. The amended application indicated parking area construction with Turf Stone or similar. This material may reduce runoff but will potentially allow for seepage of pollutants into the ground water and aquifer from parked vehicles. It is not known where the vendors and staff parking will be located or how long those vehicles will be parked if events will be held on successive weekends or days. All the surrounding homes use private wells as their water source. The aquifers of the area provide our drinking water and the potential pollutants will affect the quality and safety of our drinking water. Mr. Doucette indicated on line 7, page 4 of 11 in the first hearing notes; “there would not be any source of water pollution”. We request the applicant provide a plan (testing plan) to the Vermont EPA to ensure the safety of our ground water and the local ponds and streams.
16. We have concerns with light sources on the property as well as lights that guests may use when finding their way back to their vehicles. This may prove disruptive to enjoying quiet time in the evening on our property. Section 4.9 PERFORMANCE STANDARDS of the Chester Unified Development Bylaws under **C. Glare, Light or Reflection** states: *Illumination from lighting fixtures or other light sources shall be shielded or of such low intensity as not to cause undue glare, reflected glare, sky glow or a nuisance to traffic or abutting properties. Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Lights shall be of a “down shield Luminaire” type where the light source is not visible from any public highway or from adjacent properties. Only fixtures which are shielded to not expose a light source, and which do not allow light to “flood” the property, are permitted to be attached to buildings. Searchlights are not permitted. The Development Review Board may require a lighting plan under conditional use or planned unit development review procedures.* We request a lighting plan from the applicant, especially regarding the area around the barn, house and parking area as these areas would pose the most disturbance in the evening.
17. Despite the comprehensive DRB Bylaws, we have concerns with their enforcement and compliance. When noise or other issues occur and pose a problem for neighbors, it will be too late to enforce the Bylaws. We have concern with the authority and diligence of the event coordinator to enforce compliance of noise standards listed in the Bylaws.
18. We have concern with the trash generated from these events, the receptable(s) used, and the frequency of removal. We have concern with nuisance wildlife should the receptables not be secured. Additionally, the noise generated by the trucks picking up the trash, which would likely be near the barn/catering area, would prove disruptive and annoying.
19. The amended application includes the home as tourist lodging. The hearing notes (line 14, 15 on page 5 of 11) state; “Daved? said he would be living in the house. If someone from the wedding wanted to rent some rooms, he would consider it”. It seems unlikely that Mr. Doucette will be living in his house now that the application has been amended to include it as tourist lodging. There is a concern that guests

mingle in the house and on the property and generate noise well beyond the permitted time of the event when the event coordinator may have left the premises.

20. **Based on the stated facts, we believe that approving the proposed conditional use permit will cause us to suffer loud and disturbing noise, especially in the evening, and that this land use conflicts with the zoning ordinance and the Town Plan.**

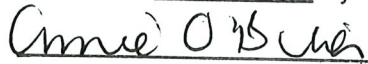


John B. Russell



Lynn B. Russell

Sworn and subscribed to me by John B. Russell and Lynn B. Russell the 3rd day of January 2024

STATE OF VERMONT
WINDSOR COUNTY
SWORN TO BEFORE ME AND IN MY
presence this 3rd day of Jan 2024


Notary Public
My Commission Expires 11/31/2025

AMIE O'BRIEN
Notary Public, State of Vermont
Commission No. 157.0003759
My Commission Expires Jan. 31, 2025