

1 **TOWN OF CHESTER**
2 **DEVELOPMENT REVIEW BOARD**
3 **DRAFT MINUTES**
4 *February 12, 2024*
5

6 **BOARD MEMBERS PRESENT:** Robert Greenfield, Phil Perlah, Harry Goodell, Scott
7 MacDonald, 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:** Lynn and John Russell, Darlene Smith, David Doucette, Tamasin
11 Kekic, and Nick Kekic at Town Hall. Iris Fischer McMorrow, Jenny Brown, Scott Roy, and
12 Gavin McMorrow on Zoom.

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

15 **Agenda Item 1 Review minutes of the January 29, 2024 meeting.**

16 The members discussed a few corrections to the January 29, 2024 minutes. Harry Goodell
17 moved to accept the minutes of the January 29, 2024 with corrections. Phil Perlah seconded the
18 motion. A vote was taken, and the minutes were accepted with corrections.

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

20 There were no citizen comments.

21 **Agenda Item 3 Reopen hearing for DRB Case #602, 76 Goldthwaite Road**

22 Bob Greenfield re-opened the hearing, He said the DRB had received an e-mail from Chester
23 Police Chief Tom Williams which addressed traffic issues. Harry Goodell moved to accept the
24 e-mail into evidence as exhibit Q. Phil Perlah seconded the motion. A vote was taken, and the
25 e-mail was accepted as exhibit Q.

26 Bob Greenfield introduced an e-mail from Marc Pickering of the Vermont Agency of
27 Transportation. Harry Goodell moved to accept the e-mail as Exhibit R. Phil Perlah seconded
28 the motion. A vote was taken, and the e-mail was accepted as Exhibit R.

29 A letter from David Doucette discussing his application in further detail was introduced. Harry
30 Goodell moved to accept the letter as Exhibit S. Phil Perlah seconded the motion. A vote was
31 taken, and the letter was accepted as Exhibit S.

32 David Doucette submitted an inspection report on the structure at 76 Goldthwaite Road from the
33 Division of Fire and Safety. Harry Goodell moved to accept the report as Exhibit T. Phil Perlah
34 seconded the motion.

35 Lynn Russell asked what building was inspected by the division of Fire and Safety, the house or
36 the barn. David Doucette said the report approved the home for 8 occupants.

1 Scott MacDonald discussed a hearing held in May 2021 for an inn and wedding venue on Peck
2 Road. He had recalled discussing an 8:00 PM limit on amplified music but could not recall the
3 details. The permit issued only said that all music would stop at 10:00 PM. Scott had listened
4 to that recording again. He said a provision to shut off amplified music at 8:00 PM and all music
5 at 10:00 PM was actually discussed. At that hearing neighbors participated in the noise
6 discussion and an agreement was arrived at, to the benefit of all. Scott wanted to make the point
7 that the DRB was not rigidly bound to the text of the bylaws, and an agreement with the
8 neighbors that varied from the text of the bylaws could be written into the permit.

9
10 Lynn Russell said she had no animosity toward Mr. Doucette, and she hoped they could be good
11 neighbors once this matter was settled. She then read from the following prepared statement
12 adding a few comments as she read:

13 “The original conditional use application submitted by David Doucette dated
14 10/18/23 was “Request to hold weddings on the property”. The hearing on this
15 application took place on November 20, 2023. Following the hearing, the
16 application was amended to include a request for Tourist Lodging for 4 bedrooms
17 and to host weddings at 76 Goldthwaite Road. Additional amendments included
18 reduction in the size of the parking lot, turf stone construction for the parking lot,
19 confirmation of compliance with noise requirements, and the restroom trailer.

20 I would like to focus on the Tourist Lodging aspect of the amended application. The
21 original site visit included the barn and the property where weddings were to be
22 held. To the best of my knowledge, a site visit was not conducted for the house after
23 the amended application was received. In the amended application, David states
24 that the Tourist Lodging will be for 4 bedrooms. It seems unlikely that there will be
25 an on-site manager in the home if all the bedrooms are to be used for visitor lodging.
26 The Unified Development Bylaw section 4.6 Site Visits state the DRB shall conduct a
27 site visit as a pr-requisite to the approval of all subdivision and any use other than
28 one and twofamily dwellings and structures considered accessory to the residential
29 uses and agricultural or forest. Based on the Bylaws, the DRB should not approve
30 the application for Tourist Lodging until a site visit is held.

31 Tourist Lodging applications are administered by the State of Vermont. Licenses
32 are reviewed annually. Referencing Healthvermont.gov website, Chapter 6 –
33 Environmental Health subchapter 1 Licensed Lodging Establishment Rule section
34 11.3 (page 10) Toilet Rooms. Each guest room shall have a connection toilet room
35 and bathing facilities, including a bathtub or shower (exceptions include bed and
36 breakfast home or listed on the national historic register and lodging with dormitory
37 sleeping areas). It is unclear if the home at 76 Goldthwaite Road is compliant with
38 this requirement although renovations could rectify the situation.

1 At an earlier hearing, it was stated that Tourist Lodging/Wedding Venue conditional
2 use permits were approved by the DRB, The Farm at Williams River House at 397
3 Peck Road (May 25, 2021) and Old Town Farm Inn at 665 VT Route 10 (October 25,
4 2023). It is my understanding that in both these cases, the Tourist Lodging was
5 already in existence and the wedding venue conditional use permit followed. This is
6 NOT the case with 76 Goldthwaite Road. It was the amended conditional use
7 permit application submitted by David Doucette that included both Tourist Lodging
8 and Wedding Venue. The Farm at Williams River House is located on a flat area of
9 45 acres. The lodging has 5 BR and 5 baths. The Old Town Farm Inn is located on
10 10.4 acres it is described as having operated as a 24-seat restaurant and Inn with 7
11 BR and 7.5 baths. Five (5) guest rooms have their own bath, 2 double suites with
12 own bath and a 4-room owner's suite. Having visited both the Peck Road and VT
13 Route 10, sites, the abutters appear to be further away from the property than at
14 Goldthwaite Road. I don't know if neighbors raised any objections to approving the
15 permit at those locations. With no objections, it would seem the DRB could readily
16 approve the permit with the agreed upon stipulations. In the case of 76 Goldthwaite
17 Road, the neighbors are obviously opposed to the idea of a Wedding Venue in the
18 residential neighborhood. This being the case, the previous approvals should not
19 be considered precedent as these situations are not comparable.

20 In my interpretation of a Tourist Lodging, rooms are rented to the transient public and
21 an on-site manager welcomes and checks in the guests. Most, if not all, tourist
22 lodgings in Chester rent rooms and the owner/manager lives on site. In the
23 application, David Doucette proposed to rent his 4-bedroom house. In this case, I
24 contend that the rental of his house better fits the definition of short-term rental,
25 not tourist lodging. As previously stated, the DRB approval of hosting weddings at
26 397 Peck Road (The Farm at Williams River House) and at 665 VT Route 10 (Old
27 Town Farm Inn) was based on the Tourist Lodging already existing at those
28 locations. To the best of my knowledge hosting weddings would not be permitted at
29 a short-term rental location in Chester.

30 It appears that the sole purpose of including Tourist Lodging on the amended
31 application at 76 Goldthwaite Road was added to refer to the previous DRB ruling
32 that "hosting weddings is an activity that falls under tourist lodging use" this infers
33 that Tourist Lodging is the prerequisite for hosting weddings.

34 Should the home at 76 Goldthwaite Road be permitted a conditional use permit as a
35 Tourist Lodging, it would set a precedent that any home in Chester, in any Zone
36 permitting Tourist Lodging could be granted a conditional use permit as a Tourist
37 Lodging and weddings could be held on site. "

38
39 John Russell referred to a statement he handed out at the meeting. The text of the statement is
40 included here:

1 “The application to request tourist lodging for 4 bedrooms and to host weddings at
2 76 Goldthwaite Road by David Doucette is intended to introduce a commercial
3 business to a residential zone, R120.

4 The fact that guests will be paying David Doucette to hold up to 20 weddings on the
5 property suggests this is a commercial business. The rental of the house, the barn
6 for the reception, creation of a 30-car parking area, a possible tent large enough to
7 hold 125 people for the wedding ceremony and outdoor sanitary facilities needed to
8 support this endeavor also suggest that this is a commercial business which is NOT
9 permitted in Zone R120. The modifications to the property needed to support the
10 application do not fall into the Zoning Bylaw definition of Home Business which IS
11 conditionally permitted in Zone R120.

12 In the Town of Chester Unified Development Bylaws Section 2.10 Residential
13 120,000 (R120 District)

14 A. Purpose: To provide lower density residential neighborhoods with compatible
15 home businesses and working landscape uses that are consistent with the Chester
16 Town Plan.

17 Conditional use permitted for a Home Business (Article 8, page 11) is defined in the
18 Zoning Bylaws as: Any small business carried on by family members in a minor
19 portion of the dwelling or in an accessory building, with no more than five (5) on -
20 premise employees who are not part of the family in accordance with Section 3.12
21 of these Bylaws.

- 22 1. The home business shall be clearly incidental and secondary to the
23 residential use of the property, and shall be conducted wholly within the
24 principle or accessory structures;
 - 25 2. The home business shall be carried on by members of the family residing in
26 the dwelling unit. Four additional full-time equivalent employees who are
27 not members of the family are permitted;
 - 28 3. No traffic shall be generated which would be uncharacteristic of the
29 neighborhood;
- 30

31 It is highly likely that more than 5 on-premises employees would be needed to
32 support a wedding reception.

33 In a previous hearing, it was not clear if David Doucette or his family members
34 would be on-site when events are occurring. Nor does it seem that David Doucette
35 will be a resident of Vermont as defined by the Annual Vermont Homestead
36 Declaration tax form Hs-22. The Vermont Property Transfer Tax Return lists 76
37 Goldthwaite Road as a secondary residence. Additionally, the form indicates that
38 the property will not be rented after transfer.

1 The intent of the application to hold weddings on the property and to convert the
2 house at 76 Goldthwaite Road to Tourist Lodging suggests a commercial business
3 which will NOT be consistent with the existing character of the area and compatible
4 with adjacent residential use. (Zoning Bylaws R120 District Supplemental
5 Standards 2.11, Article 2 p. 24).

6 The conditional use permit in a zoned residential neighborhood for a commercial
7 business, Wedding Venue and Tourist Lodging at 75 Goldthwaite Road, should be
8 rejected. “
9

10 Scott MacDonald said a use that is allowed in a zoning district, it is called a permitted use.
11 Tourist Lodging is a conditional use, not a permitted use. Conditional uses require a hearing as
12 is being conducted for this application.

13 Lynn Russell said a conditional use must be compatible with the neighborhood. She felt the use
14 was not compatible with this neighborhood.

15 John Russell said that Exhibit S, a letter from David Doucette to the Development Review
16 Board, referred to the purpose of the R-120 zoning district and compatible home businesses. He
17 said the two uses, home business and tourist lodging are linked. He then referred to the Property
18 Tax Transfer form recorded in the Chester Land Records as a result of the sale of 76 Goldthwaite
19 Road to David Doucette. The PTTR said the property was used as a secondary residence before
20 the transfer and would be used as a secondary residence after the transfer. John Russell said
21 David Doucette had clearly intended to create a commercial business in buying the property. He
22 said this was not allowed in the district and quoted section 3.12 of the bylaws, which discusses
23 the Home Business use. Since there was no one permanently living on the property, it did not
24 meet the standards of a Home Business.

25 Copies of the two statements were handed to Preston Bristow, the Zoning Administrator, but
26 were not accepted as exhibits.

27 Scott Roy spoke from Zoom. He asked about drainage of the parking area and wanted to know if
28 there was a plan to re-route the water from the parking area to the culvert at the end of his
29 driveway.

30 David Doucette said the covering for the parking lot will be a pervious material and the water
31 should be soaking into the ground as it does now, and not sheeting off the lot. He said he hasn't
32 developed a drainage plan for the lot yet. John Russell said he has a well and wanted to know
33 how the parking area would affect his well.

34 Scott MacDonald asked if David Doucette was advertising the project on Air B&B and similar
35 sites. David Doucette said he was planning on advertising on such sites. Scott MacDonald
36 asked if that advertising made the use a short-term rental and not tourist lodging. Preston
37 Bristow said the Fullerton Inn and other tourist lodgings in Chester advertise on Air B&B. The
38 advertising vehicle did not determine the use.
39

1 Scott Roy asked whether David Doucette having a permit for tourist lodging would prevent
2 neighbors from having a short-term rental. Preston Bristow said the Selectboard is regulating
3 short-term rentals in Chester. It has paused issuing certificates while it considers whether some
4 sort of limit on activity should be imposed. The Selectboard is currently considering requiring a
5 one- to two-year waiting period before a newly purchased property may be short-term rented if
6 the property is not the owner's primary residence, i.e., if it is an unhosted rental. Other
7 limitations are possible, and nothing has been finalized.

8 Nick Kekic said he had a business on Goldthwaite Road which had to go through Act 250
9 because it was on 25 acres of land. He was impressed by the thoroughness of the Act 250
10 process. He understood Scott Roy's concern about runoff from the parking area and wondered if
11 there was a local program similar to Act 250 which would thoroughly evaluate the proposed
12 project, particularly the traffic and the parking area.

13 Tamasin Kekic said she was a proponent of small businesses. She said the scale of the project
14 seems large for a home-based business. She said she was not looking forward to hearing
15 thumping music every summer weekend. She said her grandparents had lived in the house at 76
16 Goldthwaite Road. She is concerned about the precedent granting this permit would set.

17 John Russell said the state law requires residents to fill out an HS-122 form (a homestead
18 declaration) annually. There was some confusion about whether Tourist Lodging is a home
19 business. Preston Bristow explained that Home Business and Tourist Lodging are two separate
20 uses. The criteria for a Home Business use do not apply to a Tourist Lodging use. The Tourist
21 Lodging use does not require that the property owner have the property as his or her primary
22 residence. John Russell pointed out that home businesses were mentioned in the purpose of the
23 R-120 district. Preston Bristow said the DRB could take that under consideration.

24 Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. In response to a
25 question from Lynn Russell, Bob Greenfield said the DRB had 45 days to produce a decision.
26 Preston Bristow said the interested parties will receive a copy of the decision by e-mail or other
27 means. A vote was taken, and the meeting adjourned.