

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

4 *July 15, 2021*

5 **BOARD MEMBERS PRESENT:** Harry Goodell, Gary Coger, and Phil Perlah, all at the Town  
6 Hall.

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

9 **CITIZENS PRESENT:** Jeannie Spafford, Ruth Zezza, John McLure, Nikki Geannelis, Geralyn  
10 Donohue, Patricia Poundstone at the Town Hall. Janice Leary-Jones via Zoom teleconference.

11 **Call to Order**

12 Phil Perlah called the meeting to order at 6:00 PM. He introduced the members of the  
13 Development Review Board. He led the group in the Pledge of Allegiance.

14 **Agenda Item 1 Review minutes of the June 14, 2021 meeting**

15 Harry Goodell moved to accept the minutes of the June 14, 2021 meeting. Gary Coger seconded  
16 the motion. There was no discussion. A vote was taken and the minutes were accepted as  
17 written.

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

19 There were no citizen comments.

20 **Agenda Item 3 Conditional Use Review for Farmers' Market (#569) 92 VT Route 11 West**

21 Phil Perlah asked if any board members had a conflict of interest in this hearing or had had any  
22 ex-parte communication about the application. None had.

23 Phil Perlah swore in Ruth Zezza, John McLure and Janice Leary-Jones to give testimony.

24 Phil Perlah asked Janice Leary-Jones, the applicant to explain the purpose of the project. She  
25 said the project would bring local produce to Chester by offering the community a Farmers'  
26 Market.

27 Phil Perlah said the property was in the R120 district and that a Farmers' Market was not a  
28 permitted or conditional use in that district. As a result, the application is for a Temporary Use.

29 Phil Perlah then read Section 4.4 of the Chester Unified Development Bylaw, Temporary Uses,  
30 aloud.

31 A permit may be issued by the Development Review Board for non-conforming uses,  
32 providing that the use demonstrates a unique and special circumstance. It is a requirement of  
33 this section, that any permit issued has been reviewed under the conditional use criteria of  
34 these regulations. The non-conforming use shall be temporary and shall be discontinued  
35 within 6 months from the date of the permit. Such permits may be renewed for two additional  
36 periods not to exceed three months each, upon application to the Development Review  
37 Board.

1 8:30Phil Perlah said the permit applied for that evening will not be a permanent permit. He  
2 asked Janice Leary-Jones how the Farmers' Market demonstrates a unique and special  
3 circumstance as required by Section 4.4. Janice replied that the parcel is in a unique and prime  
4 location on a major road. The parcel is a large and open green space which abuts a town park.  
5 The project will foster good health for both the citizens and economy of Chester. Preston  
6 Bristow said the site was desirable for this purpose and the Farmers' Market is something of a  
7 quasi-public cooperative of farmers, which the town of Chester has said it wants. In discussing  
8 this proposal at the town offices, the consensus was that this project was a good fit for a  
9 temporary use.

10 There was a pause for technical adjustments. Phil Perlah then said the application would need to  
11 be reviewed under the conditional use criteria under section 4.8 of the bylaws.

12 The first document to be considered was an application for a public hearing before the  
13 Development Review Board. Phil Perlah read the following items aloud: The applicant was  
14 Janice Leary-Jones, the location of the property was 92 VT Route 11 West, the description of the  
15 project is Farmers' Market. Harry Goodell moved to accept the Notice as Exhibit A. Gary  
16 Coger seconded the motion. A vote was taken and the application was accepted as Exhibit A.

17 The second document presented was a Town of Chester Notice of Public Hearing before the  
18 Development Review Board dated June 25, 2021 Phil Perlah read the following items: A site  
19 visit would be held at 5:30 on July 15<sup>th</sup>, a public hearing would be held at 6:00 PM at the town  
20 hall on the same day. Harry Goodell moved to accept the notice as Exhibit B. Gary Coger  
21 seconded the motion. A vote was taken and the notice was accepted as Exhibit B.

22 The third exhibit was a narrative describing the project written by Janice Leary-Jones. Phil  
23 Perlah read the narrative aloud. Harry Goodell moved to accept the narrative as Exhibit C. Gary  
24 Coger seconded the motion. A vote was taken and the narrative was accepted as Exhibit C.

25 15:24The fourth document was a map of 92 VT Route 11 West from the Vermont Agency of  
26 Natural Resources website. Harry Goodell moved to accept the map as Exhibit D. Gary Coger  
27 seconded the motion. A vote was taken and the map was accepted as Exhibit D.

28 The Board then considered the requirements for a conditional use permit.

29 **1. General Standards**

30 **These general standards shall require that any conditional use proposed for any**  
31 **district created under these Bylaws shall not result in an undue adverse effect to:**

32 **a. The capacity of existing or planned community facilities;**

33 Phil Perlah asked Janice about any impact the project would have on community  
34 facilities such as water, sanitation and electric. Janice said it will have no impact.

35 **b. The character of the area affected, as defined by the purpose or purposes of the**  
36 **zoning district within which the project is located;**

37 Phil Perlah read the purpose of the R-120 district aloud: To provide lower-density  
38 residential neighborhoods with compatible home businesses and working  
39 landscape uses that are consistent with the Chester Town Plan. He asked Janice  
40 if this project would have an undue adverse effect on the character of the area.  
41 Janice said she thought it would have the opposite effect.

42 **c. Traffic on roads and highways in the vicinity;**

1 Janice said there would be no more impact on traffic than if someone was stopping  
2 for a cup of coffee. Pat Poundstone, an abutter, said she felt it would have a  
3 significant impact on traffic if the project was as successful as was hoped.

4 At this point technical aid arrived and Phil Perlah decided to wait 10 minutes to see if  
5 the issues of video and sound could be resolved.

6 25:31Preston Bristow said he had spoken to Police Chief Rick Cloud about the traffic  
7 issue. Chief Cloud said Route 11 West had been designed for the level of traffic a  
8 farmers' market would create and there were excellent sight lines there. He did not  
9 see a problem. Cathy Hasbrouck pointed out that the former use at the property was a  
10 restaurant and bakery, which would have had a similar level of traffic.

11 Janice Leary-Jones said she had started a farmers' market at Mattapoisett High  
12 School which was on a main road. She said there had been steady traffic at the  
13 market, but it is not like a fair, where people will stay for 2 or 3 hours. Instead,  
14 customers park, make their purchases and go on to their next errand. The number of  
15 cars parked at any one time is not very large.

16 Phil Perlah asked if the attendees arrive at the same time and leave at the same time.  
17 Janice said people generally spend about 30 minutes at the market and do not arrive  
18 or leave all at the same time. She gave the example of Plymouth, Massachusetts,  
19 which bills itself as America's Home Town. It was a very busy place, but it was able  
20 to support a farmer's market. Janice said she believed the proposed site at 92 VT  
21 Route 11 West could support a weekend market because it had so much space.

22 30:29Pat Poundstone gave the example of the Londonderry farmers' market, which  
23 takes place on Saturdays. Janice acknowledged that there was almost no parking at  
24 the Londonderry site and the market had grown to a huge size. She pointed out that  
25 this market will take place mid-week, not on a weekend.

26 **d. Bylaws and ordinances then in effect; and,**

27 Since there was no permanent construction planned, Phil Perlah suggested that  
28 setbacks did not matter. Harry Goodell thought the tents which would be put up for  
29 the vendors should observe the setbacks.

30 **e. Utilization of renewable energy resources.**

31 Phil Perlah said he assumed there would be no renewable energy resources utilized.  
32

33 Phil Perlah asked Janice Leary-Jones about signs.

34 Janice said there was a permanent sign advertising the Baba a Louis Bakery. That sign would be  
35 covered with something that advertised the farmers' market on Wednesdays from 3:00 to 6:00  
36 PM. Phil Perlah said Janice should speak to Zoning Administrator Preston Bristow about any  
37 sign permit needed. Janice said that ideally a sandwich board sign would be placed on the green  
38 on Wednesday to direct people to the farmers' market. Phil Perlah said that off-site signs are not  
39 allowed. Preston Bristow said it was true that off-site signs were not allowed but it was not  
40 uncommon for a lawn sign to be put up for a day and then taken down. He said Janice should  
41 speak to him about it.

42 Phil Perlah asked Janice about music mentioned in the narrative. Janice said it was typical to  
43 have music at a farmers' market. She pointed out that grocery stores frequently play background

1 music. She said some local musicians do bring small amplifiers to be sure their voice can be  
2 heard over the sound of their instrument. She pointed out that in both the grocery store and the  
3 farmers' market the goal is to facilitate shopping, including conversations with vendors. Loud  
4 music would interfere with that.

5 Phil Perlah said Chester had a noise standard. Janice said she knew the standard was 70 decibels  
6 at the property line during the day. Phil Perlah said the DRB would not ask for evidence that the  
7 noise standard was met, but a violation of the noise standard could result in an end to the permit.

8 Phil Perlah asked if there would be any cooking of food at the farmers' market such as grilling or  
9 charcoal fires. Janice said there were no food trucks planned. The focus was on farmers and  
10 baked goods.

11 Janice said the hours were from 3:00 to 6:00 PM. Phil Perlah noted those hours were during  
12 daylight, so no artificial light would be needed. He said he could see no safety hazards in the  
13 plan. Phil Perlah did not see anything that could cause an electronic disturbance. He did not  
14 think the handheld credit card reader would disturb anything.

15 Phil Perlah confirmed with Janice that there would be no underground storage tanks. Harry  
16 Goodell asked whether there would be portable toilets on the site. Janice said the toilets in the  
17 building would be available only to the vendors. Phil Perlah confirmed that there would be no  
18 toilet facilities for customers.

19 Phil Perlah discussed parking facilities. He asked whether the marking area would have spaces  
20 marked off. Janice said she hadn't thought it would be necessary and wasn't planning on doing  
21 so. Phil Perlah agreed that there was plenty of space for parking.

22 Harry Goodell noted that there were no service areas planned. Phil Perlah asked whether the  
23 vendors would be removing their own trash. Janice said they would be and that she, as the  
24 manager, policed the area after the market closed to be sure nothing was left behind. She said all  
25 the trash will be removed from the site by vendors and the manager of the market.

26 Pat Poundstone, as an abutter, said she was concerned about the noise, the traffic and her safety  
27 from this project and she was not happy about the proposal. She thought the project would draw  
28 strangers into her yard.

29 Harry Goodell verified that the market would be taking place on the opposite side of the parcel  
30 from Ms. Poundstone's abutting property. The existing Baba a Louis building is between the  
31 proposed market and Ms. Poundstone's property. Nicki Geannelis, the abutter on the east side of  
32 the property asked if the back of the vendor tents could face her property. Janice said the tents  
33 could be put somewhere else if needed. Phil Perlah confirmed with Janice that the white flags  
34 seen at the site visit marked a proposed location for the tents and that the tent locations were  
35 negotiable. Janice said it would be ideal if the tents could be seen from the street. She said this  
36 is a new farmers' market, starting in the middle of the season with no advertising. Visibility  
37 from the road would help the market succeed. She said it helps traffic safety if the market is  
38 easily visible before the entrance to it so that people are not suddenly turning into the entrance  
39 off the road.

40 Jeannie Spafford said she had seen a line of twenty cars waiting for produce at a food  
41 distribution the day before the meeting.

42 There being no further testimony or questions Harry Goodell moved to close the hearing. Gary  
43 Coger seconded the motion. A vote was taken and the hearing was closed.

1 Phil Perlah explained that the Development Review Board had 45 days to publish their decision.  
2 Once the decision was signed the participants had 30 days to appeal the decision. Phil Perlah  
3 informally polled the board, which showed it intended to approve the permit.

4 Cathy Hasbrouck said she would have the decision ready for the board's signatures on Monday  
5 July 19, 2021. This would allow the market to open on Wednesday July 21<sup>st</sup>. In response to a  
6 question from Geralyn Donohue, Preston Bristow said an appeal would not necessarily shut the  
7 market down immediately.

8 **Agenda Item 6 Deliberative session to review previous or current matters**

9 The DRB then went into Deliberative session. The meeting was adjourned at the end of it.