

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

4 *May 26, 2022*

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

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

9 **CITIZENS PRESENT:** Jessica Citera and Barthley Thomas at the Town Hall. Brian Lenihan
10 via Zoom.

11 **Call to Order**

12 Bob Greenfield called the meeting to order at 6:30 PM. He led the group in the Pledge of
13 Allegiance and introduced the members of the Development Review Board and staff.

14 **Agenda Item 1 Review minutes of the January 24, 2022 meeting**

15 Harry Goodell moved to accept the minutes as written. Phil Perlah seconded the motion. There
16 was no discussion. A vote was taken, and the minutes were accepted as written.

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

18 There were no citizen comments.

19 **Agenda Item 3 Conditional Use hearing for private recreation facility at 47 Balch Road**

20 Chair Robert Greenfield asked if any of the board members had a conflict of interest to report.
21 None did. He then asked if any board member had had any ex-parte communication on the
22 issue. None had. He swore Jessica Citera, Barthley Thomas and Brian Lenihan in to give
23 testimony.

24 The following exhibits were entered in evidence.

25 The first document was a Notice of Hearing on May 26, 2022 for a Conditional Use Permit,
26 dated May 4, 2022, issued by Zoning Administrator Preston Bristow. The proposed use was a
27 private recreation facility at 47 Balch Road. Harry Goodell moved to accept the Notice as
28 Exhibit A. Phil Perlah seconded the motion. A vote was taken, and the Notice was accepted as
29 Exhibit A.

30 The second documents was an Application for Hearing before the Development Review Board
31 from Barthley Thomas dated May 2, 2022. Phil Perlah moved to accept the Application as
32 Exhibit B. Harry Goodell seconded the motion. A vote was taken and the Application was
33 accepted as Exhibit B.

34 The third documents was a one-page narrative describing the project. Harry Goodell moved to
35 accept the narrative as Exhibit C. Phil Perlah seconded the motion. A vote was taken, and the
36 narrative was accepted as Exhibit C.

1 The fourth document was a photograph of the proposed sign for the facility. Harry Goodell
2 moved to accept the photograph as Exhibit D. Phil Perlah seconded the motion. A vote was
3 taken, and the photograph was accepted as Exhibit D.

4 The fifth document was a one-page overall site plan of a septic system designed for the site by
5 Brian Rapanotti. Harry Goodell moved to accept the site plan as Exhibit E. Phil Perlah
6 seconded the motion. A vote was taken, and the site plan was accepted as Exhibit E.

7 The sixth document was a list of six abutters who were notified of the hearing. Harry Goodell
8 moved to accept the list as Exhibit F. Phil Perlah seconded the motion. A vote was taken, and
9 the list was accepted as Exhibit F.

10 The seventh document was a letter from Chester Police Chief Richard Cloud to Zoning
11 Administrator Preston Bristow stating that he recommended traffic safety and parking will not be
12 an issue for the project. Harry Goodell moved to accept the letter as Exhibit G. Phil Perlah
13 seconded the motion. A vote was taken, and the letter was accepted as Exhibit G.

14 Barthley Thomas gave a short history of the project, saying he had purchased the land 18 months
15 ago when Mackenzie field had set up a permanent women's volleyball court, which would not
16 accommodate a mixed team. He said Brian Rapanotti had designed a septic system. Jessica
17 Citera said the septic system was designed to handle use by the volleyball league 3 to 4 days a
18 week. She said as many as 150 people are connected to their volleyball league.

19 Robert Greenfield asked about the league. Jessica Citera said she and Kelly Kehoe are agents for
20 the league. Barthley Thomas owns the land with Jessica and they rent the facility to the
21 volleyball league.

22 Jessica said the pavilion being constructed was placed on the footprint of the original storage
23 shed. The shed had been partly in the current 50-foot side setback and the pavilion would be as
24 well.

25 Phil Perlah looked up the Chester Volleyball league online and noted that the State of Vermont
26 had classified it as a non-profit organization. Jessica was surprised to hear it was classified as a
27 non-profit and said she would verify the status and correct it.

28 Robert Greenfield read from the staff document prepared about the project by Zoning
29 Administrator Preston Bristow. Phil Perlah proposed that the permit forbid amplified audio on
30 the property. Brian Linehan, an abutter, expressed concern about late night noise and glare from
31 lights. He was in favor of not allowing amplified audio. It was established that the large poles
32 between the volleyball courts would have lights on them. Jessica Citera said the lights will be
33 downward facing and shielded. She explained that bright lights interfered with playing
34 volleyball. Harry Goodell said it was important the lights did not glare into traffic on Route 11
35 or Balch Road.

36 The board discussed how late the facility would be open for volleyball games and how best to
37 determine a closing time. Phil Perlah suggested that a limit on the start time for the last game of
38 the day would ensure the last game would be completed. Another thought was to simply
39 establish a time the facility would be closed to all but maintenance staff. The Performance
40 standard for noise requires a decibel level of less than 70 between the hours of 8:00 PM and 7:00
41 AM. Jessica and Barthley said that games will often run past 8:00 PM. Jessica suggested games
42 would run until 9:00 PM. Another suggestion was that volleyball league activity would cease at

1 9:30 PM. Finally, it was proposed that a scheduled time limit be established for non-volleyball
2 league events only. The nature of volleyball league play did not encourage late evening hours.

3 The other activities for the facility mentioned in the application narrative was discussed. Harry
4 Goodell wanted to know who would insure non-league activities. The volleyball league has its
5 own insurance. Jessica Citera said there were no plans at present to allow any other activities
6 and no plans had been made to obtain insurance for anything other than the volleyball league. It
7 was possible that the other event organizers would have their own insurance. Harry Goodell
8 asked if Jessica and Barthley could limit when the facility would be open for other events.
9 Jessica Citera said they could set up limits. Harry Goodell suggested this permit be issued for
10 volleyball league activity only and a separate permit be applied for when the plans for other
11 activities were firmer.

12 The site plan showed 35 parking spaces on the property. Jessica and Barthley agreed that no
13 parking would be allowed on Route 11 or Balch Road. Barthley said they plan to put a fence up
14 along Balch Road to emphasize the private nature of the facility. The entrance to the facility is
15 from Balch Road. Scott MacDonald said there are abutters about one-quarter mile up on Balch
16 Road. Harry Goodell suggested that No Parking signs could be attached to the fence to
17 discourage people from parking on Balch Road. Barthley said parking would be on the grass on
18 the lot. Barthley and Jessica said there were never cars parked on Route 11 or Balch Road for
19 any past event at the site.

20 Jessica said no one would be allowed to drive over the septic system. Scott MacDonald noted
21 that the septic system was designed to handle 105 people for brief periods. Jessica confirmed
22 she had discussed the nature of the league activities with the septic engineer and the system was
23 designed to handle it. Scott asked if 150 people had ever been present at the field at the same
24 time. Barthley said there were 150 people present for one event last year.

25 It was noted that the sign permit had been obtained and a photo of the sign was included in the
26 packet.

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

29 Preston Bristow said there would be 2 hearings on June 13, 2022. One was for an expansion to
30 Benny's Power and the second was for a fence to be added at the Public Safety Building. He
31 said it was likely that there would be 2 subdivision hearings on June 27, 2022.

32 Bob Greenfield explained to the applicants that the board had 45 days to produce a Findings and
33 Conclusions for the hearing. It was likely to be ready sooner than that. Harry Goodell moved to
34 adjourn the meeting at 6:55 PM. Phil Perlah seconded the motion. A vote was taken and the
35 hearing was adjourned.