

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

3 December 12, 2022

4 **BOARD MEMBERS PRESENT:** Harry Goodell, Bob Greenfield, Scott MacDonald, Larry
5 Semones and Gary Cogger at the Town Hall.

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

8 **CITIZENS PRESENT:** Heather Chase at the Town Hall.

9 **Call to Order**

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

12 **Agenda Item 1 Review minutes of the November 14, 2022 meeting**

13 Harry Goodell moved to accept the minutes as written. Scott MacDonald seconded the motion.
14 There was no discussion. A vote was taken and the minutes were accepted unanimously.

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

16 No citizens had comments.

17 **Agenda Item 3 Conditional Use Hearing #585 Home Business at 1712 Green Mountain**
18 **Turnpike**

19 Gary Cogger though present, recused himself from the hearing. Bob Greenfield asked if any
20 Development Review Board member had a conflict of interest to report. None present did. He
21 asked if any Board member had had any ex-parte communication about the hearing. None had.
22 He then swore in the applicant, Heather Chase, to give testimony.

23 The following exhibits were entered in evidence:

24 The first document was a Notice of Hearing on November 17, 2022 of a conditional use hearing
25 for a home business permit at 1712 Green Mountain Turnpike. The notice was signed by Zoning
26 Administrator Preston Bristow. Harry Goodell moved to accept the Notice as Exhibit A. Scott
27 MacDonald seconded the motion. A vote was taken, and the Notice was accepted as Exhibit A.

28 The second document was an Application for Hearing before the Development Review Board for
29 a home business at 1712 Green Mountain Turnpike dated November 17, 2022. The application
30 was signed by the applicant Heather Chase and initialed by Zoning Administrator Preston
31 Bristow. Harry Goodell moved to accept the Application as Exhibit B. Scott MacDonald
32 seconded the motion. A vote was taken and the Application was accepted as Exhibit B.

33 The third document was a list of six 100-foot abutters of 1712 Green Mountain Turnpike who
34 were notified of the hearing via mail on 11/21/22. Harry Goodell moved to accept the list as
35 Exhibit C. Scott MacDonald seconded the motion. A vote was taken, and the list was accepted
36 as Exhibit C.

37 The fourth document was an aerial map from the Vermont Agency of Natural Resources of the
38 parcel at 1712 Green Mountain Turnpike. Harry Goodell moved to accept the map as Exhibit D.

1 Scott MacDonald seconded the motion. A vote was taken, and the map was accepted as Exhibit
2 D.

3 Bob Greenfield invited Heather Chase to describe her business. Heather Chase said she had
4 moved to 7 Pineview Road about 4 years ago, but when COVID hit, very few of her employees
5 worked from that location. Most worked from their home. Now that COVID is less of a threat,
6 she found that not many of them wanted to return to work at the Pineview location. She decided
7 to move the business back to her barn. Bob Greenfield asked if there was ever a permit issued
8 for the business operating out of the barn? Preston Bristow said there was not. Heather said the
9 barn had had a taxidermy business in it before she bought the property. She had consulted with
10 the Chester Zoning Administrator before she started her business in the barn and was told she did
11 not need a permit. She said the business has grown over the years. Now that she was moving
12 the larger business back to the barn, she wanted to be transparent and obtain a permit for it.

13 Bob Greenfield discussed the General Standards for a Conditional Use. He said the business
14 would be in the R-120 district. Zoning Administrator Preston Bristow confirmed this and said
15 Home Business was a conditional use in that district. Bob Greenfield said Chester Police Chief
16 Rick Cloud and Fire Chief Matt Wilson had expressed no concerns about the project when
17 consulted about it. Reading from a memo prepared by Preston, Bob discussed the character of
18 the area affected. He said the application involved interior renovation of the historic, gable-
19 fronted barn. The exterior will remain unchanged. The hours of operation for the business will
20 be 8:00 am to 5:00 PM.

21 Traffic on roads and highways was discussed. Bob Greenfield said the expected traffic is one
22 UPS package pickup and delivery a day and one delivery by truck once a month. The business
23 currently had one full-time employee who worked at the barn. The Home Business conditional
24 use allowed up to four full-time equivalent on-premises employees who are not living on the
25 parcel. On-site customers and visitors to the business are infrequent. Larger trucks may not be
26 able to make deliveries during mud season (March, April and May), although milk trucks from
27 Rhoman-Wai Farm travel this portion of the Green Mountain Turnpike year-round.

28 Preston Bristow said he had spoken to the Chester Road Foreman, Kirby Putnam about the road
29 and conditions during mud season. Preston said Kirby told him the road would likely be closed
30 during mud season. Heather said she had discussed the issue with the Chester Road Forman in
31 the past and received permission for UPS trucks to make deliveries during those months.
32 Heather said that she usually stocks up on supplies in anticipation of mud season so she won't
33 need a delivery from a large truck at all.

34 Bob Greenfield said no town ordinances were affected by the application. Public Works
35 Director Kirby Putnam had no concerns about the existing driveway access. There is no
36 utilization of renewable energy resources in this project.

37 The Specific Standards were addressed. Bob Greenfield said there were no proposed changes to
38 the exterior of the buildings on the property. Nearby uses area farm forest and residential. The
39 nearest residence is 300 feet away.

40 Bob Greenfield said Section 3.20, Off-Street Parking would require 4 parking spaces: 2 for the
41 residence and 2 for the office. The existing driveway and parking area are paved. No additional
42 landscaping is proposed or required under Section 3.13, Landscaping and Screening

1 Requirements. No new structures are proposed and no sign is proposed. He said that a sign
2 would require a separate permit.

3 Bob Greenfield said the project met all Performance Standards listed in Section 4.9. The
4 applicant is aware that full cut-off exterior lighting is required.

5 Turning to Section 3.12, Home Business, Bob reviewed the requirements:

6 1. A home business must be incidental and secondary to the residential use of the home.
7 This business will be wholly conducted in the barn.

8 2. One full time non-family employee will be employed

9 3. There would be no significant increase in traffic on the road as a result of this business

10 4. There will be no exterior storage of materials, or other indications of a business.

11 Bob Greenfield noted that no Special Criteria apply to the R-120 district.

12 Scott MacDonald wondered whether the fact that Heather's business employs consultants all
13 over the country would be a problem for this permit, given the requirement that the business
14 must be conducted wholly within the principal or accessory structures. Would that invalidate the
15 permit at a future time? Bob Greenfield said he did not think the limitation extended to remote
16 workers. He thought it referred to something such as drive-up window.

17 Scott also wondered whether the decision the Board will be making must consider the proposed
18 bylaws, which have limits on square footage. Would that make the permit invalid if the proposed
19 changes were adopted? Harry and Preston both explained that the decision must be made under
20 the bylaws in effect at the time of the application. Any proposed bylaws must complete the
21 adoption process before a permit would have to meet them.

22 There being no further questions from the board or audience, Harry Goodell moved to close the
23 hearing. Scott MacDonald seconded the motion. A vote was taken, and the hearing was closed.

24 Harry Goodell moved to enter deliberative session at 6:20. Scott MacDonald seconded the
25 motion. Gary Coger joined the deliberative session to discuss the finding from a previous
26 hearing. A vote was taken and the Board then went into deliberative session. The meeting was
27 adjourned at the end of it.