

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

4 *July 24, 2023*

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

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

9 **CITIZENS PRESENT:** Vincent DiBernardo, Sarah James, Randy Miles, Derek Suursoo, Nena
10 Nanfeldt, Kris Winnicki, Joseph Cormier, Nancy Ramos and Bill Lindsay.

11 **Call to Order**

12 Chair Bob Greenfield called the meeting to order at 6:07 PM. He led the group in the Pledge of
13 Allegiance. He introduced the members of the Development Review Board, and staff.

14 **Agenda Item 2 Citizen's comments.**

15 There were no citizen comments.

16 **Agenda Item 1 Review minutes of the July 6, 2023 meeting.**

17 Harry Goodell moved to accept the minutes of the July 6, 2023 meeting. Phil Perlah seconded
18 the motion. There was no discussion. A vote was taken, and the minutes were accepted as
19 written.

20 **Agenda Item 3 Reconvene Conditional Use Hearing for Sarah James/Smokin' Bowls, 36**

21 **Sylvan Road. DRB Case #595.**

22 Bob Greenfield acknowledged that the hearing was an unusual type of conditional use hearing.
23 Scott MacDonald recused himself from the hearing based on some communications he had the
24 previous week. Bob Greenfield asked the other board members if they had had any ex-parte
25 communication on the matter. None had. He asked if anyone had a conflict of interest to report.
26 None did. He then swore in Vincent DiBernardo, Sarah James and Randy Miles to give
27 testimony.

28 He then entered the exhibits into evidence.

29 The first document was an application for a Hearing before the Development Review Board
30 dated June 15, 2023 and signed by Sarah James, the applicant and Zoning Administrator Preston
31 Bristow. Harry Goodell moved to accept the application as Exhibit A. Gary Coger seconded the
32 motion. A vote was taken, and the application was accepted as Exhibit A.

33 The second document was a Notice of Hearing for a Conditional Use at 36 Sylvan Road, dated
34 June 15, 2023. Harry Goodell moved to accept the Notice as Exhibit B. Gary Coger seconded
35 the motion. A vote was taken, and the motion passed unanimously.

36 The third document was a portion of the tax map displaying the parcel at 36 Sylvan Road and the
37 100-foot abutting parcels. Harry Goodell moved to accept the tax map as Exhibit C. Gary Coger
38 seconded the motion. A vote was taken, and the motion passed unanimously.

1 The fourth document was a list of 100-foot abutters to 36 Sylvan Road. The abutters were
2 mailed a notice of the hearing on June 21, 2023 Harry Goodell moved to accept the list as
3 Exhibit D. Gary Coger seconded the motion. A vote was taken, and the motion passed
4 unanimously.

5 The fifth document was a photo of the Smokin' Bowls food truck as it is currently situated in
6 Bellows Falls. The photo was not dated. Harry Goodell moved to accept the photo as Exhibit E.
7 Bob Greenfield proposed that the next photo in the list of exhibits, a close up of the food truck be
8 included as page 2 of Exhibit E. Preston Bristow agreed that the photo could be added to Exhibit
9 E as page 2. A vote was taken, and the two photos were accepted as Exhibit E.

10 The seventh document was a map of the portion of the parcel at 36 Sylvan Road where the food
11 truck would be placed. The map showed the required setbacks, the location of the access to
12 Sylvan Road and the graveled area where the food truck was likely to be parked. Harry Goodell
13 moved to accept the e-mails as Exhibit G. Gary Coger seconded the motion. A vote was taken,
14 and the motion passed unanimously.

15 Gary Coger told Bob Greenfield that two more exhibits were presented at the meeting. The first
16 was an e-mail from Fire Chief Matt Wilson saying he had no objections to the project. Harry
17 Goodell moved to accept the e-mail as Exhibit H. Gary Coger seconded the motion. A vote was
18 taken, and the exhibit was accepted as Exhibit H.

19 The second e-mail was from Police Chief Tom Williams, saying he saw no problem with the
20 project as long as the food truck was not parked in a road or highway right of way. Harry
21 Goodell moved to accept the e-mail as Exhibit I. Gary Coger seconded the motion. A vote was
22 taken, and the motion passed unanimously.

23 Bob Greenfield noted that the fact that there was no building to consider made it difficult to
24 apply some of the requirements for a conditional use. He read aloud some proposed
25 requirements for a food truck that the Planning Commission will be considering as an
26 amendment to the Unified Development Bylaws. Since those rules have not been adopted yet he
27 did not continue reading. Bob Greenfield turned to the Performance Standards. He considered
28 the noise regulation. Preston Bristow explained that if Sarah were to have music at the location,
29 the limits on noise would apply. Sarah said she did not intend to have music playing. Bob
30 Greenfield mentioned the smoke and odor standard. Sarah said she would not be creating smoke
31 when she cooked. Preston said he felt the requirement applied more to a village setting where
32 many abutters were close enough to smell food cooking. Sarah said it was possible that she
33 would get a smoker to smoke meats in the future, but she did not intend to do so now. Sarah
34 agreed with Bob Greenfield that the odors would not be uncharacteristic of the area.

35 Bob Greenfield asked about glare, light and reflection. Sarah said there was a light pole present
36 on the parcel now that had a light on it. She had decorative lights on the food truck and normal
37 lights inside the truck. There were no flashing or glaring lights. Harry and Bob asked if the
38 lights were downward shielded. Sarah said the light for the sign would be downward shielded.
39 The lights on the truck were underneath the roof. There were two lantern-type lights on the truck
40 walls. Phil Perlah asked about the sign Sarah intended to have. Sarah said there is a raised bed
41 on the property with signposts in it and she intended to use that. Phil asked Randy Miles, the
42 property owner, if the bed was 3-4 feet off the ground. Randy said it was.

1 Phil asked if Sarah was planning to use the existing food truck. Sarah said she intended to build
2 a new one. It would be on skids for portability. Phil said that any lighting plans would apply to
3 the new building, and he advised Sarah to consult with the zoning administrator about the plan
4 before going ahead. Sarah agreed to do so.

5 Bob Greenfield asked about electro-magnetic disturbances. Sarah said she did not know of any
6 at this time. In response to a second question from Bob, she said she would not be storing
7 anything underground.

8 Harry Goodell asked whether Sarah was going to set up power at the site. Sarah said she was
9 and someone had proposed burying the line from the pole to the sign. She asked if burying the
10 line was acceptable. Harry Goodell said it was as long as electrical codes were met. Harry asked
11 Sarah if she had water at the food truck. She said she had fresh water and wastewater tanks that
12 she filled and emptied. She has a 3-bay sink in the food truck, which was acceptable to the
13 Health Department. She said she will have a porta-potty which will be available to customers as
14 well as employees.

15 Phil Perlah asked her if she understood that the permit would be temporary. It could be renewed
16 for 2 3-month periods after an initial period of 6 months. It could become a permanent permit if
17 the Planning Commission and SelectBoard adopt rules for a food truck use. Phil Perlah was not
18 able to say when the bylaw amendment might be adopted. Phil advised Sarah to contact Hugh
19 Quinn, the chair of the Planning Commission.

20 Randy Miles said he had spoken to the Planning Commission about this. The R-40 zoning
21 district had once had restaurant as a conditional use, but that had been removed in a subsequent
22 amendment,

23 Harry Goodell asked what businesses were being conducted on the lot currently. He noted there
24 had been a large stump in the open gravel area. Randy said the stumps were from a service
25 project at the high school. He would be burning those stumps.

26 Harry asked about the pile of gravel on the lot. Randy said Palmer Goodrich stores material
27 there in the spring for spring road work. The pile would be removed once the flood cleanup is
28 complete.

29 Preston Bristow asked Sarah about how her trash would be managed. Sarah said she puts a can
30 out daily and removes it to her permanent kitchen each night. Sarah said she is open Friday
31 through Sunday and holiday Mondays. Harry asked if she was working out of a commercial
32 kitchen. Sarah said she was working out of a kitchen in Bellows Falls. She also had a kitchen in
33 Proctorsville, but it has been flooded. For now, she is only working out of Bellows Falls.

34 There being no further questions Harry Goodell moved to close the meeting. Gary Coger
35 seconded the motion. A vote was taken, and the hearing was closed.

36 **Agenda Item 4 Boundary Adjustment Hearing for Joseph Cormier, 3489 VT RT 103**
37 **North, DRB Case #597**

38 Scott MacDonald returned to the hearing. Bob Greenfield asked the board members if they had
39 had any ex-parte communication on the matter. None had. He asked if anyone had a conflict of
40 interest to report. None did. He then swore in Joseph Cormier and Nancy Ramos to give
41 testimony.

42 He then entered the exhibits into evidence.

1 The first document was an application for a Boundary Adjustment dated June 21, 2023 and
2 signed by Joseph Cormier, the applicant and Zoning Administrator Preston Bristow. Harry
3 Goodell moved to accept the application as Exhibit A. Gary Coger seconded the motion. A vote
4 was taken, and the application was accepted as Exhibit A.

5 The second document was a Notice of Hearing for a Boundary Adjustment from the town of
6 Chester, dated June 30, 2023. Harry Goodell moved to accept the Notice as Exhibit B. Gary
7 Coger seconded the motion. A vote was taken, and the motion passed unanimously.

8 The third document was a 100-foot abutter's map displaying the parcel in question in yellow.
9 Harry Goodell moved to accept the tax map as Exhibit C. Gary Coger seconded the motion. A
10 vote was taken, and the motion passed unanimously.

11 The fourth document was a list of 100-foot abutters to 3489 VT RT 103 North. The abutters
12 were mailed a notice of the hearing on July 6, 2023 Harry Goodell moved to accept the list as
13 Exhibit D. Gary Coger seconded the motion. A vote was taken, and the motion passed
14 unanimously.

15 The fifth document was a narrative written by Joseph Cormier describing the intended use of the
16 property. Harry Goodell moved to accept the narrative as Exhibit E. Gary Coger seconded the
17 motion. A vote was taken, and the document was accepted as Exhibit E.

18 The sixth document was a document granting Nancy Ramos permission to represent Joseph
19 Cormier at the hearing. Preston Bristow explained that at one point Joseph was not certain he
20 would be able to attend the meeting himself. Harry Goodell moved to accept the document as
21 Exhibit F. Gary Coger seconded the motion. A vote was taken, and the motion passed
22 unanimously.

23 As Bob Greenfield studied the map which was Exhibit G, he realized he needed to recuse
24 himself from the hearing, and he did so, apologizing for not seeing it sooner. Phil Perlah took
25 over as chair.

26 Phil Perlah chose to accept the larger version of the survey map, which had been distributed at
27 the hearing, as Exhibit G, instead of the smaller version sent in the packet. Harry Goodell moved
28 to accept the larger map as Exhibit G. Gary Coger seconded the motion.

29 The eighth document was a copy of the proposed Quit Claim deed from the Vermont Agency of
30 Transportation to Joseph Cormier for the parcel of land that makes up the boundary adjustment.
31 Harry Goodell moved to accept the Quit Claim deed as Exhibit H. Gary Coger seconded the
32 motion.

33 Phil Perlah turned to Section 4.13, Boundary Adjustments. He read the definition of Boundary
34 Line adjustment and determined that this transaction met the requirements of not creating a new
35 lot and not impacting access to any existing lot. He then turned to section 4.12.F, Required
36 Submissions for Preliminary Plat.

37 Taking each requirement in turn, Phil and the board members determined which requirements the
38 plat met. There were no contour lines on the survey. The parcel was very flat. Harry Goodell
39 moved to waive the contour line requirement. Gary Coger seconded the motion. A vote was
40 taken, and the motion passed unanimously. Preston Bristow said he had not been at work lately.
41 He discovered a letter from an abutter when he arrived for the hearing. He distributed copies of

1 the letter to the board members. The board decided they wanted to see the location of the septic
2 system and well of the parcel currently owned by Joseph Cormier added to the plat.

3 Phil Perlah finished reviewing the criteria listed in section 4-13, Boundary Adjustments. Preston
4 Bristow brought a letter from Dorothy Stone, an abutter. It was entered as Exhibit J and Phil
5 Perlah read the letter aloud. In the letter Ms. Stone opposed the boundary adjustment saying she
6 did not want the land to be covered with junk, as other parts of the existing Cormier property
7 were. Phil Perlah said he did not see how appearance could enter into the decision to accept the
8 boundary adjustment. Mr. Cormier said he had taken in items to process and dispose of as a
9 favor to his younger sister, who had a realty business. He is no longer accepting items and is
10 working to dispose of the items he has.

11 Scott MacDonald said an exhibit stating what the new land would be used for had been received
12 as an exhibit. Scott asked how many cows would be living on the new land. Joseph said he had
13 one cow and one bull. Two calves were being raised on land across the road from his home.
14 Those calves would be slaughtered soon.

15 Phil Perlah read the definition of agricultural use from the bylaws: AGRICULTURAL USE: The
16 growing or harvesting of crops; raising of livestock; operation of orchards, including maple sugar
17 orchards; the sale of farm produce on the premises where raised; processing or storage of products
18 raised on the property. See also Accepted Agricultural Practices. He then read the text of Accepted
19 Agricultural Practices.

20 Phil Perlah said the bylaws do not seem to limit the number of livestock allowed on a parcel. Preston
21 Bristow said the state of Vermont does not allow town bylaws to regulate agriculture. He said that if
22 he received complaints about agricultural activity on that parcel, he would refer them to the state
23 agency of agriculture.

24 Phil Perlah asked how Joseph Cormier kept the cows on the property from roaming now. Joseph
25 Cormier said he used fencing and would continue to do so. He also could move them to his friend's
26 field across the road, as he had done when his property was partially flooded.

27 Scott MacDonald said the DRB's job in this hearing was to regulate the Boundary Adjustment, not to
28 regulate the use of the property. Preston Bristow said that was correct.

29 Harry Goodell said the address of the property, 3489 VT RT 103 North needs to be added to the title
30 block. Preston said he was responsible for following up with the surveyor, Don Stein, on the changes
31 needed for the map.

32 There being no further questions Harry Goodell moved to close the hearing. Gary Coger seconded
33 the motion.

34 **Agenda Item 5 Conditional Use Hearing for Chester-Andover Family Center, 908 VT RT**
35 **103 South, DRB Case #596**

36 Bob Greenfield asked the board members if they had had any ex-parte communication on the
37 matter. None had. He asked if anyone had a conflict of interest to report. None did. He swore in
38 Derek Suursoo, Nena Nanfeldt and Kris Winnicki to give testimony.

39 He then entered the exhibits into evidence.

40 The first document was an application for a Conditional Use Hearing dated June 12, 2023. Harry
41 Goodell moved to accept the application as Exhibit A. Gary Coger seconded the motion. A vote
42 was taken, and the application was accepted as Exhibit A.

1 The second document was a Notice of Hearing for a Conditional Use Permit from the town of
2 Chester, dated June 30, 2023. Harry Goodell moved to accept the Notice as Exhibit B. Gary
3 Coger seconded the motion. A vote was taken, and the motion passed unanimously.

4 The third document was a 100-foot abutter's map displaying the parcel in question in yellow.
5 Harry Goodell moved to accept the tax map as Exhibit C. Gary Coger seconded the motion. A
6 vote was taken, and the motion passed unanimously.

7 The fourth document was a list of 100-foot abutters to 908 VT RT 103 South. The abutters were
8 mailed a notice of the hearing on July 6, 2023 Harry Goodell moved to accept the list as Exhibit
9 D. Gary Coger seconded the motion. A vote was taken, and the motion passed unanimously.

10 The fifth document was six-page site plan for the addition. All six pages would be included in
11 the exhibit. Harry Goodell moved to accept the site plan as Exhibit E. Gary Coger seconded the
12 motion. A vote was taken, and the document was accepted as Exhibit E.

13 The sixth document was an e-mail from Chester Fire Chief Matt Wilson saying he had no
14 problems with the proposed addition. Harry Goodell moved to accept the e-mail as Exhibit F.
15 Gary Coger seconded the motion.

16 Preston Briston said he did receive an e-mail from Tom Williams the Chester Fire Chief on
17 Wednesday July 19 2023 saying Tom Williams had no issue with the additions. Harry Goodell
18 moved to accept the e-mail as Exhibit G. Gary Coger seconded the motion. A vote was taken
19 and the email was accepted as Exhibit G.

20 Gary Coger pointed out that the site plan exhibit included extra pages describing the lighting
21 fixture to be used over the new exterior door. Bob Greenfield amended Exhibit E To have seven
22 pages instead of six.

23 Bob Greenfield turned to Section 4.8 Conditional Uses. Phil Perlah asked Kris Winnicki,
24 president of the Chester-Andover Family to formally authorize Derek Suursoo to speak for the
25 Family Center in this hearing. Kris did so.

26 Bob Greenfield and the board discussed the requirements for a Conditional Use permit. He
27 noted that the building is pre-existing and requirements such as dimensional standards will
28 continue to be met. Derek Suursoo said one additional light fixture would be added over the new
29 exterior door. The specifications for the fixture were included in the site plan exhibit.

30 Preston Bristow pointed out that the Special Criteria listed in Section 4.8.C.3.d did not apply to
31 the portion of the Residential Commercial district in which this building is located. It was noted
32 that the addition will look similar to the existing building, with clapboard siding. The addition is
33 on the back of the building, not visible to the travelling public from the road.

34 Harry Goodell said he thought the package presented for the hearing was the best presented
35 package he had ever seen in all the time he had served on the board.

36 Bob Greenfield asked for a motion to close the hearing. Harry Goodell moved to close the
37 hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed.

38 Harry Goodell moved to enter Deliberative Session at 7:15 PM. Gary Coger seconded the
39 motion. A vote was taken, and the board entered Deliberative Session. The meeting was
40 adjourned at the end of the session.