

1 **TOWN OF CHESTER**
2 **DEVELOPMENT REVIEW BOARD**
3 **DRAFT MINUTES**
4 *March 25, 2024*
5

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

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

10 **CITIZENS PRESENT:** Betsy Hart, Thomas Humphrey, Ronica Humphrey, Randy Miles,
11 Nancy and Bill Lindsay, Vincent Di Bernardo, and Sarah James at Town Hall. John Thommen
12 via Zoom

13 **Call to Order**

14 0:40 Chair Bob Greenfield called the meeting to order at 6:30 PM after technical difficulties with
15 the Zoom recording equipment. He led the group in the Pledge of Allegiance. He introduced the
16 members of the Development Review Board and staff.

17 **Agenda Item 1 Review minutes of the February 12, 2024 meeting**

18 Harry Goodell moved to accept the minutes of the February 12, 2024 meeting. Gary Coger
19 seconded the motion. There was no discussion. A vote was taken, and the minutes were
20 accepted as written.

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

22 There were no citizen comments.

23 **Agenda Item 3 Conditional Use Hearing #604 for a food trailer takeout service at 665 VT**
24 **Route 10**

25 01:25 Bob Greenfield opened the hearing. He gave a short history of the project. He said in the
26 fall Ronica and Thomas Humphrey had obtained a permit to hold 10 weddings a year at their
27 property at 665 Vermont Route 10. They were now asking to have a food truck on the property
28 instead of holding weddings. They wanted the wedding venue use removed from the permit.
29 Preston Bristow added that they also have a 5-room bed and breakfast on the property dating
30 from before Chester had zoning bylaws.

31 Bob Greenfield then entered exhibits into evidence.

32 The first document was an application for a hearing before the Development Review Board dated
33 March 12, 2024 and signed by Ronica Humphrey and Zoning Administrator Preston Bristow.
34 Harry Goodell moved to accept the application as Exhibit A. Gary Coger seconded the motion.
35 A vote was taken, and the application was accepted unanimously as Exhibit A.

36 2:45The second document was a Town of Chester Notice of Hearing for a Conditional Use
37 Permit dated Marach 1, 2024 from Zoning Administrator Preston Bristow. Harry Goodell

1 moved to accept the Notice as Exhibit B. Gary Coger seconded the motion. A vote was taken,
2 and the Notice was accepted as Exhibit B unanimously.

3 The third document was a 100-foot abutters report. Notices of the hearing were mailed to the
4 four abutters on March 6, 2024. Harry Goodell moved to accept the list as Exhibit C. Gary
5 Coger seconded the motion. A vote was taken, and the list was accepted as Exhibit C
6 unanimously.

7 The fourth exhibit was a narrative from Thomas and Ronica Humphrey dated March 12, 2024,
8 describing the changes they proposed to their existing permit and the new food truck use. Harry
9 Goodell moved to accept the narrative as Exhibit D. Gary Coger seconded the motion. A vote
10 was taken, and the narrative was accepted unanimously as Exhibit D.

11 4:20The fifth exhibit was a parking plan for the property. The plan indicated a carriage shed to
12 be demolished and with six parking places, the food trailer parked at the gable end of the barn,
13 four parking places in front of the food trailer and three places to the east of the main building.
14 Harry Goodell moved to accept the parking plan as Exhibit E. Gary Coger seconded the motion.
15 A vote was taken and the parking plan was accepted unanimously as exhibit E.

16 5:15 The sixth document was a photograph of the property showing where the food trailer would
17 be placed in front of the barn. Harry Goodell moved to accept the photo as Exhibit F. Gary
18 Goger seconded the motion. A vote was taken, and the photograph was accepted unanimously as
19 exhibit F.

20 The seventh document was a photograph of the food trailer. Bob Greenfield confirmed with
21 Thomas and Ronica Humphrey that this was the actual food trailer which will be used. Harry
22 Goodell moved to accept the photo as Exhibit G. Gary Coger seconded the motion. A vote was
23 taken, and the photo was accepted unanimously as Exhibit G.

24 Bob Greenfield read from Exhibit D in place of the Humphreys speaking due to the technical
25 difficulties which had not been resolved. Phil Perlah reminded the Board that Mr. and Mrs.
26 Humphrey had requested the wedding venue use be removed from the permit during the site
27 visit. He wanted to be sure that was stated at the hearing.

28 Phil then suggested that a permit expiration date be established in light of Item A.7 under Section
29 3.31 Food Trucks, Food Carts and Food Stands in the Chester Unified Development Bylaws.
30 Item A.7 stated “The Development Review Board may set a permit expiration date after which
31 the applicant must reapply to the DRB for a new permit and may as a condition require annual
32 review and renewal of the permit by the Zoning Administrator.”

33 Phil asked Zoning Administrator Preston Bristow if the town has any mechanism to monitor a
34 permit that needs renewal. Preston said he, as Zoning Administrator, would be the mechanism.
35 Phil was concerned that a succeeding Zoning Administrator would need to be told of the
36 mechanism. Phil Perlah asked what renewing the permit would entail. Preston explained that
37 there would need to be a warning for the hearing, abutters would be notified and the hearing
38 would take place. Preston emphasized that the Planning Commission consciously chose to make
39 the renewal requirement optional. Phil wanted to know how much of a burden an annual
40 inspection would put on the applicant. Preston said it would not be much of a burden.

1 14:00Bob Greenfield read parts of Section 3.31 of the Development Bylaw (Food Trucks, etc.)
2 aloud. With no issues raised in regard to items A.1 to A.5, Bob proceeded to discuss the
3 Performance Standards (Section 4.9) as required by item A.6.

4 16:45Bob said there would be no unusual noise from the food truck. Bob asked the Humphreys
5 how they would be cooking in the trailer. They said they will be using a flat top propane grill
6 and the trailer has a ventilation system. He didn't think there would be anything in the trailer
7 that would endanger the neighboring properties.

8 Phil Perlah asked that a condition be added to the permit stating there be an annual review and
9 renewal of the permit by the Zoning Administrator and that the permit will expire in 5 years.
10 The members of the DRB agreed to that.

11 Cathy Hasbrouck said no one had mentioned hours of operation yet. Ronica Humphrey said they
12 would be open from 10:00 AM until the food is gone, six days a week, closed on Tuesday.

13 Scott MacDonald said there was a possibility of tables at the site, but he didn't see any restriction
14 on tables. The Board agreed that if tables were provided a toilet must be provided as well. Phil
15 Perlah suggested that was a state health requirement. The Humphreys said the unit had been
16 inspected by the state and nothing was mentioned about a porta-potty. Phil Perlah suggested that
17 patrons who simply pick up the food and drive off would not need a rest room, but patrons who
18 stay and eat at the tables might. The Board agreed that there should be a condition that if tables
19 were present a porta potty should be provided.

20 27:00John Thommen, an abutter, said all his questions had been answered.

21 27:40 Phil Perlah moved to close the hearing. Gary Coger seconded the motion. A vote was
22 taken, and the hearing was closed.

23

24 **Agenda Item 4 Conditional Use Hearing #605 for the continuation of a food stand at 35**
25 **Sylvan Road.**
26

27 28:30Bob Greenfield opened this hearing by accepting the documents submitted as exhibits.

28 The first document was an application for a hearing before the Development Review Board dated
29 March 21, 2024 and signed by Sarah James and Zoning Administrator Preston Bristow. Harry
30 Goodell moved to accept the application as Exhibit A Gary Coger seconded the motion. A vote
31 was taken, and the application was accepted unanimously as Exhibit A.

32 29:21The second document was a Town of Chester Notice of Hearing for a Conditional Use
33 Permit dated March 1, 2024 from Zoning Administrator Preston Bristow. Harry Goodell
34 moved to accept the Notice as Exhibit B. Gary Coger seconded the motion. A vote was taken,
35 and the Notice was accepted as Exhibit B unanimously.

36 The third document was a 100-foot abutters report. Notices of the hearing were mailed to the
37 five abutters listed on March 6, 2024. Harry Goodell moved to accept the list as Exhibit C. Gary
38 Coger seconded the motion. A vote was taken, and the list was accepted as Exhibit C
39 unanimously.

1 The fourth exhibit was a narrative from Sarah James dated March 20, 2024, asking that her food
2 stand which was given temporary approval last August, be given approval as the newly adopted
3 use of Food Truck/Food Stand. Harry Goodell moved to accept the narrative as Exhibit D. Gary
4 Coger seconded the motion. A vote was taken, and the narrative was accepted unanimously as
5 Exhibit D.

6 30:25The fifth exhibit was a drawing of the area where the Food Stand is installed. It showed
7 Sylvan Road, the entrance to the parking area, Route 103, and the placement of the Food Stand
8 on the parcel with many setback dimensions noted. Harry Goodell moved to accept the drawing
9 as Exhibit E. Gary Coger seconded the motion. A vote was taken and the parking plan was
10 accepted unanimously as Exhibit E.

11 The sixth document was a photograph of the food stand as it is currently in place on the property.
12 Harry Goodell moved to accept the photo as Exhibit F. Gary Goger seconded the motion. A
13 vote was taken, and the photograph was accepted unanimously as exhibit F.

14 The seventh document was a photograph of the sign near Route 103 hung from an existing
15 structure. Harry Goodell moved to accept the photo as Exhibit G. Gary Coger seconded the
16 motion. A vote was taken, and the photo was accepted unanimously as Exhibit G.

17 32:42Sarah James discussed the history of her project. She said the Food Stand had been doing
18 well on the corner of Sylvan Road and she would like to extend the six-month permit to a longer
19 period. She said the only complaint she received was that the parking lot was muddy. The DRB
20 agreed they couldn't do much about mud season in Vermont. She initially and half-jokingly
21 requested a permit for 10 years. Phil Perlah asked her how long the lease on the land was. She
22 said one year.

23
24 Phil Perlah said there was no size requirement in Section 3.31 of the bylaw so there was no
25 problem with her replacing the current food stand with a larger stand. She could even have two
26 food stands there. Harry Goodell said the width was limited by the rules for transporting the
27 stand over the highway. That limits the structure to 14 feet wide. Preston noted that a port-a-
28 potty was already installed at the site with some tables. Harry Goodell suggested that the same
29 condition requiring a port-a-potty if tables were set up for the Humphrey permit, should be
30 applied to this application as well.

31
32 Phil Perlah moved to close the hearing. Harry Goodell seconded the motion. A vote was taken
33 and the hearing was closed.

34
35 Sarah thanked the board for their consideration. Bob Greenfield thanked the Planning
36 Commission for adding Food Truck as a conditional use to the bylaws.

37
38 **Agenda Item 5 Pre-application meeting for a subdivision at 69 Willard Road with Betsy**
39 **Hart**

40 39:20Betsy Hart made sure everyone had a map of the parcel in question. The property has two
41 homes on it. She explained that she wanted to subdivide her property so she could retain a
42 portion of it with one building and sell the rest with the other building. Each building has its own

1 septic system. According to the Chester Bylaws, there may be only one dwelling on a parcel.
2 The second dwelling must meet the requirements for an accessory dwelling.

3 Preston explained that the bylaws require a certain amount of road frontage for each lot.
4 Research has been done to establish where Willard Road actually ends. The road is not the
5 standard 3 rods wide; it is 2 rods wide. Preston said the bylaws do not specify width of the road
6 when measuring road frontage. The proposed subdivision did not provide 200 feet of frontage for
7 each lot. This preliminary hearing was being held in order to determine whether the board would
8 approve a lot with less than the 200 feet of required frontage. If they would not approve such a
9 subdivision, there was no reason for Ms. Hart to go to the expense of a full survey.

10 Preston Bristow said Ms. Hart was working with Don Stein. Bob Greenfield has had a business
11 relationship with Don Stein and recuses himself from hearings when Don is involved. In this
12 case, since this is not a hearing, Bob did not recuse himself and chaired this section of the
13 discussion.

14 Harry Goodell asked where the parcel had frontage now. Was it on Route 103 or Willard Road?
15 Phil Perlah said it didn't appear that the current lot had enough frontage to meet the standard.
16 Ms. Hart said the lot extended to the road. She said the lot had been subdivided in 1973. Preston
17 Bristow said Dick Witham surveyed the property in 1972, and produced a survey from that time.

18 Harry asked if the river is a natural boundary line? Preston said it was. Gary Coger asked who
19 owned the land between the river and Route 103. Ms. Hart said she thought it was owned by
20 someone across 103. She thought a septic system was installed on that land.

21 Harry Goodell suggested that the subdivision could be made along Willard Road, which would
22 provide enough frontage for the second lot. It wasn't clear from the discussion if the portion of
23 the parcel with the large house would have enough frontage. The DEB members had gathered
24 around the maps and were doing their best to find a solution for Ms. Hart.

25 Ms. Hart said currently the accessory dwelling has its own septic, but it gets water and electricity
26 from the main house. She said she would change that if the parcel is subdivided. The board
27 discussed the situation further and felt they had found a way to subdivide that they could
28 approve.

29 The discussion being over the meeting was adjourned.