

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

4 *June 24, 2024*

5 **BOARD MEMBERS PRESENT:** Robert Greenfield (via Zoom), Harry Goodell, Scott
6 MacDonald and Phil Perlah at the Town Hall,

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

9 **CITIZENS PRESENT:** Scott and Donna Blair, Andrea Goldman & Meredith Milliken.

10 **Call to Order**

11 8:05 Chair Bob Greenfield called the meeting to order. He led the group in the Pledge of
12 Allegiance. He introduced the members of the Development Review Board and staff.

13 **Agenda Item 1 Review minutes of the June 10, 2024, meeting**

14 Harry Goodell moved to accept the minutes of the June 10, 2024, meeting. Scott MacDonald
15 seconded the motion. There was no discussion. A vote was taken, and the minutes were
16 accepted as written.

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

18 9:35 There were no citizen comments.

19 **Agenda Item 3 Review and provide direction to the Zoning Administrator on farmer's**
20 **market and food truck uses at 7 Pineview Drive**

21 Preston Bristow explained that part of his job as Zoning Administrator is deciding which projects
22 need to apply for a permit and which projects are exempt. The Zoning Administrator may ask
23 the DRB to advise him in that decision. He said there were enough issues connected to this
24 project and enough town officials concerned about it to warrant bringing the DRB into the
25 decision.

26 Preston said he had spoken with Scott Blair on the phone about having a food truck at his store
27 occasionally. On June 15, 2024, Scott had a food truck and farmer's market at his store, which
28 was noted by several citizens. When Preston spoke to Scott about his future plans, Scott said he
29 was planning on having the food truck and farmer's market every Saturday until the Fall Festival
30 on September 21, when it wasn't raining. That would have been a total of 15 Saturdays if the
31 weather held. Preston doubted that 15 Saturdays having a food truck and/or a farmer's market
32 qualified as the occasional event cited in the Zoning bylaws.

33 Preston said he could ask Scott to apply to the DRB for a permit while he continued to hold the
34 Saturday events or ask him to stop the events until the permit was in place or offer a
35 compromise for a shorter number of events that did not require a permit at all. After hearing
36 from two SelectBoard members, the Town Manager and a Planning Commission member,
37 Preston decided a DRB meeting to discuss the issue with members of the Down to the Roots

1 company was in order. Preston said he hoped the meeting would not be overly formal or
2 antagonistic.

3 10:36Preston explained that Gary Coger had recused himself from this discussion because he had
4 some business dealings with several of the principals involved. Phil Perlah asked if any of the
5 discussion participants needed to be sworn in. Preston said this was a simple discussion, not a
6 formal hearing. No one needed to be sworn in. He did not think the DRB would need to take a
7 vote on anything during the discussion, he just wanted to hear what they thought.

8 Andrea Goldman gave some history from the Down to the Roots perspective. She explained she
9 was the CEO of Down to the Roots. She said compliance was very important to the company.
10 She said the farmer's market was a community service and they had chosen to hold it on
11 Saturdays because there were no other local farmer's markets on that day of the week. She said
12 their first attempt at a farmer's market on June 15, 2024, was tiny, with only one vendor. It was
13 appreciated by residents of Chester.

14 She said she had read the new bylaw for food trucks and believes her company has complied
15 with the bylaw exemption so far, as they have not had a food truck for more than 3 consecutive
16 days or 12 times in a year. She said she understood the company would need to apply for a
17 permit if they exceeded those limits. She said they would certainly apply for a permit if needed.

18 She said the company also met the limitation for open markets in Section 4.3 of the bylaws. They
19 have held one market on a Saturday from 1:00 PM to 5:00 PM. There is plenty of off-street
20 parking and traffic circulation is not affected. Trash is collected and there are restroom facilities
21 for adults inside the dispensary and for anyone under 21 across the road.

22 She assumed that the food truck permit would be related to the food truck itself. It is a separate
23 vendor from the store. She said she had questions about how the law is applied. Does the permit
24 apply to the truck vendor? She said her company had discussed these uses with the cannabis
25 compliance officer and the Down to the Roots attorney. They were holding the farmer's market
26 as a service to the community.

27 15:34Scott MacDonald said he had called Chipper Sullivan, the state of Vermont Cannabis
28 Compliance Officer, and discussed the situation. Mr. Sullivan said the farmer's market and
29 food truck as laid out complied with the state laws. Scott MacDonald said he also had discussed
30 consumption of cannabis at these events with Mr. Sullivan. Mr. Sullivan said no consumption
31 would take place on the premises during those events.

32 Andi Goldman said there will be occasions when the food truck would be present, and the
33 farmer's market will not be held. The food truck and the farmer's market must be considered as
34 separate issues. Andi Goldman said she wanted to be clear that the company was not promoting
35 consumption as part of the farmer's market. It was not a cannabis farmer's market and they had
36 been specific in their promotional materials that this was a non-cannabis farmer's market.

37 During the ensuing discussion the following issues were resolved:

- 38 • The Chester Unified Development Bylaws regulates uses for parcels of land. They are
39 not health regulations and do not confer a license to sell food. The group determined that

1 there was sufficient space, off-street parking, and sanitary facilities on that parcel of land
2 to accommodate a food truck and/or open market.

- 3 • The food truck use and the open market use must be considered separately, as their
4 requirements for space, parking and other facilities are different. They can be combined
5 on one application and a single permit can be issued for the 2 uses.
- 6 • An open market and a food truck may be held together or separately.
- 7 • There would be no limit on the frequency of either use.
- 8 • If there will be more than one food truck present at one time, the permit will need to
9 specify that.
- 10 • No one under the age of 21 may enter the Down to the Roots store.
- 11 • Down to the Roots has spoken to their neighbor across the road, Joe Tourigny, and have
12 his permission for their visitors under the age of 21 to use the restrooms there.
- 13 • Down to the Roots offered to put that agreement in writing.
- 14 • Scott Blair said Chipper Sullivan told him Down to the Roots could apply for an
15 exemption to allow anyone to use the restroom in their building, as the restroom is
16 isolated from the area that sells cannabis.
- 17 • The Chair of the Chester Cannabis Control Commission, Arianna Knapp, had not been
18 able to attend this meeting because she was travelling. She is investigating the issue
19 herself.
- 20 • The Chair of the Chester Cannabis Control Commission would be notified of any hearing
21 for permits.
- 22 • Andi Goldman pointed out that the town cannot impose any restrictions on a cannabis
23 retailer that it does not impose on other retailers.
- 24 • There are 14 Saturdays between June 15 and September 14, 2024.
- 25 • Down to the Roots was planning on holding the farmer's market and food truck on each
26 of those days if the weather was dry.
- 27 • Saturday September 21, 2024, is the first day of the Chester Fall Festival.
- 28 • Down to the Roots had not decided whether to hold the food truck and farmer's market
29 on that day.
- 30 • Scott Blair is chair of the Fall Festival Committee.
- 31 • It was agreed that 14 or 15 Saturdays was not an occasional or temporary use and a
32 permit would be needed to hold a farmer's market and a food truck that often.
- 33 • Events scheduled during a specific season, such as ice skating and food on Friday nights
34 during the winter or a farmer's market during warm weather are not a temporary use.

- 1 • It was agreed that the open market use and the food truck use are separate uses and if
2 only food is sold in the open market, it does not qualify the open market use for the same
3 exemption granted to a food truck.
- 4 • The Zoning Administrator agreed to investigate sales of tacos which have recently started
5 on the Green in Chester.
- 6 • As it would take the same length of time to warn and schedule a violation hearing or a
7 permit application hearing, the farmer's market could continue during the permit
8 application process with no action taken against Down to the Roots for doing so.

9
10 There being no more questions, Phil Perlah moved to adjourn the meeting.