

1 **TOWN OF CHESTER**
2 **DEVELOPMENT REVIEW BOARD and PLANNING COMMISSION**
3 **JOINT MEETING**

4 **January 10, 2022, Draft Minutes**

5 **Board Members Present:** Harry Goodell, Philip Perlah, and Robert Greenfield at Town Hall; and
6 Gary Coger and Scott MacDonald via Zoom.

7 **Commission Members Present:** Peter Hudkins and Cathy Hasbrouck at Town Hall; and Hugh
8 Quinn, Barre Pinske, and Tim Roper via Zoom.

9 **Staff Present:** Preston Bristow, Zoning Administrator at Town Hall; and Susan Bailey, Secretary,
10 via Zoom.

11 **Citizens Present:** Steve Mancuso via Zoom; and Bill Lindsay at Town Hall.

12 **Call to Order**

13 Chair Bob Greenfield called the meeting to order at 6:00 p.m.

14 **Agenda Item 1, Citizens Comments**

15 Cathy and Bob both asked for citizens comments for anything not on the agenda. There were no
16 comments.

17 **Agenda Item 2, Review Village Green district proposal with the Development Review**
18 **Board**

19 Cathy gave a presentation regarding Chester's unique asset not shared by other area towns, the
20 Village Green. She presented pictures of surrounding towns and their town centers, beginning with
21 Springfield and then Ludlow, Bellows Falls, and ending with the Village Green in Chester.

22 The Village Green is unique among the towns that surround Chester. The board would like to do
23 more to support businesses and the Green with the bylaws.

24 Preston lives in Woodstock and commutes to Chester to work. He isn't a native of Woodstock but
25 served on their Selectboard for 12 years after moving there in 1978. Woodstock has a beautiful
26 Green and a very strict design control for the Green. They very actively promote the Green and
27 it's done well for Woodstock.

28 The geography of the new district proposed by the Planning Commission is very small and made
29 up of 16 parcels located on the Southwest side of Main between Cobleigh and School Streets. The
30 only parcel that extends outside the boundary is the Fullerton Inn. The back of it is in the Village
31 District so it can do many of the things that the Village Green District can do. The Green has been
32 a commercial hub for Chester since the beginning. A bank, grocery store, drugstore, hair salon,
33 movie theater, restaurants, tourist lodging, and light industry have all occurred within that district.
34 There is a row of painted wooden buildings that are right on the street with not much lawn. Visitors
35 find The Green attractive.

36 Cathy noted the dimensional standards were the box on every zoning district page that indicates
37 the front, side, and rear setbacks, lot coverage, etc. Under the Village Center, all the parcels in the
38 district, except for The Fullerton, were non-conforming because they were too small. One of the
39 goals of the project is to make them all conforming so that if they want to make modifications, like

1 a loading dock, or a porch, etc., they will meet the dimensional standards of the district. As Cathy
2 was out taking pictures, she realized the front yard setback in the proposal is zero to 16 feet. St.
3 Luke's Church is 33 feet from the sidewalk and Inn Victoria is 17 or 18 feet from the sidewalk.
4 She is proposing they drop the maximum setback or expand it so that those two parcels are
5 conforming.

6 The proposed zoning district accomplishes the goal of making those 16 economic engines for
7 Chester and gives them the liberty to modify their footprints and improve their businesses.

8 Preston gave a presentation regarding the development bylaws. Initially they had considered
9 administrative reviews that were simplified and would not need to go to the DRB, but that idea
10 was ultimately discarded. Because most of the parcels in this district have been used for restaurant
11 or retail, they changed the uses that had been conditional to permitted uses, meaning Preston could
12 approve them as Zoning Administrator. The ones that were changed were mixed-use building
13 which included apartments with retail, a professional office, a restaurant, or a retail store. They
14 also added artist gallery with the intention of promoting the creative sector as part of the active
15 economy. They clarified medical facility so small doctor offices could be allowed under
16 professional office and not automatically considered a medical facility. They added the category
17 of open market which was a conditional use and would require DRB review but would allow
18 activity on The Green, side streets, or even the sidewalks.

19 Cathy asked if anyone had questions or comments.

20 Steve Mancuso thought it would clear up a lot of confusion by clearing an exclusive district. He
21 thought there had been a lot of focus on V-12 and confusion as to what was going on with The
22 Green and how it applied to other areas. Now there would be something that had its own concerns
23 and didn't affect everyone else.

24 Scott was confused about a zero setback. He asked if it was because buildings were so close that
25 they were trying to make things compliant. Cathy said the zero setback was the front yard. Some
26 of the property lines were the dripline of the roof. Scott's only concern would be in the future if
27 there was new construction and he wondered if it would give them permission to build on top of
28 each other if something burned down and they rebuilt. Cathy said they didn't feel there was any
29 reason to rebuild differently than what had been there for the past 150 years.

30 Peter said new construction of any kind was a conditional use.

31 Scott thought they were doing a lot of good work to make everything compliant and less
32 complicated in the future.

33 Phil took it in the order it appeared in package. He supported the concept where they talked about
34 formula business, but a Century 21 type business wouldn't meet the definition of a formula
35 business because although they shared a trademark, their signage can be different from office to
36 office, they didn't have a menu, or merchandise, or uniforms. He wanted to point it out because,
37 although he didn't think a Century 21 type business on The Green would be the end of the world
38 in his opinion, he thought it was a business that a formula business definition wouldn't capture.

39 He asked if there was any thought given to changing the map so that The Fullerton Inn was totally
40 within the Village Green District and was there any advantage to that. Cathy said they couldn't
41 think of any. Scott asked what the advantage would be to being in both.

42 Cathy said it was a large lot.

1 Peter said the development advantage was there because they could develop it to those standards.
2 In the current bylaws where the building is set controls where the line is. The district where the
3 principal structure of the building is, would be the district for the rest of the parcel. Although it
4 straddled both parcels, the Village Green was the controlling district.

5 Phil continued with light industry as a conditional use. He didn't think there were any buildings in
6 the proposed Village Green District that operated as light industry and suggested it be deleted.
7 Cathy said in the past there were light industries. In the Meditrina building there was sewing
8 upstairs at one time. Phil said there were a lot of businesses in Chester they wouldn't want to see
9 resurrected. If the purpose of the new zone was to provide flexibility to the businesses and
10 structures that are there, he didn't think light industry was needed in the Village Green District. In
11 the Village District that goes back to the river and is much bigger, that would be different. He had
12 heard talk about putting in light industry on one of the side streets. He didn't think light industry
13 had a place on The Green today.

14 Peter said there are two one-person shops behind what used to be Free Range that make things. If
15 they hire someone else, then it's a conditional use which gives the DRB a say about what it is.

16 Phil said that wasn't true. If it was a conditional use, they need to come before the DRB but if they
17 check all the boxes in their bylaws, the DRB must approve it.

18 Peter agreed but said it had to be reviewed with the performance standards.

19 Phil said to suggest a use must come to the DRB creates some oversight was kicking the can down
20 the road because if they check the boxes, they must approve it. If it's not a conditional use, they
21 don't come to the DRB in the first place so there's no question about approving it.

22 Peter said the DRB controls new construction which Phil felt was a box checking exercise.

23 Barre asked Phil what businesses he preferred not to see.

24 Phil didn't want to see a movie theater. Barre said that wasn't light industry and wanted to know
25 what light industry he didn't want to see. Phil said he was referring to the uses from the past per
26 Preston's report.

27 Barre asked for an example of what Phil opposed. Phil said he was opposed to light industry. Barre
28 said light industry could be knitting hats and asked if he was opposed to that. Phil wasn't sure he
29 agreed knitting hats was light industry. Barre wanted to know what businesses from the past Phil
30 wouldn't want to see now and wanted an example. Phil didn't have the historic perspective Preston
31 had from his research.

32 Phil was talking about the comment in the introduction that listed all the uses on the Village that
33 aren't allowed. He hoped some could be resurrected like a bank or pharmacy, but there may be
34 some that he didn't want to see. He then read definition of light industry: the processing and
35 fabrication of certain materials and products where no process involved would produce noise,
36 vibration, air pollution, fire hazard, or noxious omissions which will disturb or endanger
37 neighboring properties.

38 Scott thought Phil had valid concerns but the definition he had just read, as a conditional use,
39 would bring it before the DRB where if any of those things existed, they could turn it down. But
40 on the other hand, there may be something with 4 or 5 people that may not be a violation in any of
41 those ways. He hated to see them get rid of light industry if it was something that would bring a
42 business to the town that was a quiet, creative small boutique type production. He suggested having

1 safeguards in place so if they don't meet the criteria, they can say no. He asked if that was what
2 the Planning Commission was going for.

3 Phil said the DRB would not be voting on the proposals. Scott said Phil misunderstood him, but
4 Phil said he understood.

5 Hugh said to Scott's point, the definition of light industry can include a lot so rather than have it
6 removed and preclude any light industry that could be good in The Green, they decided to leave it
7 in the conditional use column with the understanding if they were not able to abide by the
8 performance standards and other things in the bylaws, it would knock it out. They felt it was a
9 good tradeoff between the risk of light industry balanced against the fact that because the definition
10 was so broad, there could be a business in that category they wanted.

11 Cathy said they were also looking for backup plans if tourism didn't work out. What else would
12 people be able to do in that area? It was one of the reasons they included senior housing if The
13 Fullerton didn't make it as a hotel, it could be a great place to have seniors living. Given there's a
14 lot of room in the Carpenter's old building, that could be a place for light industry and further
15 down the street on the other side of Inn Victoria is a building that has a lot of space inside. The
16 people moving into Free Range will process local produce. They wanted to make sure
17 opportunities existed.

18 Preston added that the new owners' plan was to be part restaurant, part kitchen, and part retail
19 shop, serving farm-to-table, and canning and selling them in the shop. If they're successful, they're
20 considering shipping the product elsewhere. The dynamic there would be if they back a van up
21 twice a week and put products in, people won't care. If there's a loading dock with a truck backing
22 up each morning, people might care. He didn't know what to say but thought if it got bigger, it
23 would need to go to the DRB.

24 Phil asked if the proposed bylaws would allow that. Preston said yes because he would call it a
25 light industry. Phil said if they were smart, when they first opened, they'd apply for light industry,
26 and it would be one van every other week and they would have it and they wouldn't be able to rein
27 it in.

28 Cathy thought on a permit they ask for an estimate of how often trucks would be there. Phil agreed.
29 And if they doubled their frequency, there would be an enforcement problem. Phil said he would
30 rather have a permitting problem than an enforcement problem. Bob agreed with Phil.

31 Bob stated if they wanted to do this and they were successful, and there are other food processing
32 businesses in town such as Preston's Pizza making frozen pizza, or Schlotterbeck & Foss, the salad
33 dressing people, they're in an industrial zone. Bob questioned that if they started there and were
34 successful, how would you ring them in.

35 Barre said anything that got scaled would need space to scale. Anyone who starts out in their
36 garage, once they scale, they need more square footage to do that. The demand and lack of room
37 for employees or processing causes the need for a bigger structure, so it would not be an issue.

38 Tim hoped they had a business with that problem.

39 Phil said he was providing commentary to the Planning Commission to utilize in their finalization
40 of the bylaws.

41 Scott said The Fullerton was a unique example because of its size and because it has a commercial
42 size kitchen and restaurant and was likely the only building capable of doing that other than the

1 Free Range. What Barre was saying was they don't have the space to get too big in a building like
2 that. It was Scott's understanding that during the permitting process, the DRB would be able to
3 negotiate limits in certain areas of concern. He asked if he was correct.

4 Phil said perhaps, but the point was he'd rather have a permitting problem than an enforcement
5 problem. If there was a 4-truck limit, and one week they have 5 trucks, the next week 3 trucks and
6 the next week 6, they wouldn't try to enforce that and shouldn't.

7 Hugh said one of the goals of the current meeting was to get another set of eyes on the proposal
8 and collect some feedback. He thought this was good and they could revisit light industry. He
9 remembered deliberations about light industry for all the reasons Phil had brought up, but it made
10 the cut as a conditional use. He didn't see any harm in taking the feedback and looking at it.

11 Phil, regarding a studio or gallery, said a painter or potter would be innocuous but some crafts
12 produce omissions like glass blowing. Light industry talked about no omissions but an art studio
13 had no limitation on omissions so they could have an art studio that was more disruptive to the
14 environment than light industry. Hugh thought every use had to meet the performance standards
15 and others agreed. If a glass blower was omitting noxious fumes, that would be a reason they
16 couldn't have their business there.

17 Tim said it would be a great problem for them to have a light industry on the town Green that was
18 too successful.

19 Cathy noted they had changed the parking requirements to address employees and tenants and say
20 they didn't want them parking on the street and wanted businesses to have a plan for snow
21 overnight in the winter, so cars didn't obstruct plowing. They thought the public parking on The
22 Green aka Common Street and on Main and Cobleigh Streets should be looked at together. They
23 would not have requirements based on customers for the businesses on The Green. They would
24 also talk to The Selectboard about rethinking parking in that area and trying to join Cobleigh's
25 parking to businesses on The Green, even if just for the employees and tenants. They thought
26 trying to evaluate parking for each business on The Green was not a reasonable thing to do.

27 Scott said there was recently a building that went up for sale and he knew 2 people who were
28 interested in buying the building and living upstairs but decided against it due to the limitations of
29 property owner parking. He wondered if they were also addressing that to make it easier for people
30 to sell their buildings.

31 Peter said he could devote an entire meeting discussing the graph he made about parking spaces.
32 There are 5 apartments that don't have parking spaces of their own. They are grandfathered in, but
33 if someone tried to obtain a permit or added an apartment, they would be required to show an
34 available parking space.

35 Scott said things like childcare and senior housing could require a lot of parking. Peter agreed but
36 said the seating for The Fullerton was 150 and it didn't create a problem. Different businesses have
37 different hours of operation. Peter thought if they had more parking questions, the best thing to do
38 would be for him to bring the parking information to their meeting because it was better to see the
39 data and understand they counted spaces per parcel, spaces people had in different parcels, private
40 parking, and street parking.

41 Scott said it was a tough job. He mentioned the picture shown earlier of Springfield's former Green
42 which was now a parking lot. Chester has such a beautiful area.

1 Peter said the study he had done timewise and space wise if the owners and employees didn't park
2 there, there was lots of parking.

3 Scott thought the parking was as important as any of the other changes because it was a huge part
4 of it. Peter agreed and that's why he and Cathy spent 3 days counting spaces, seeing what was
5 there, what the uses were, seeing where the people were and asking them questions to make sure
6 there was an adequate count. He thought the Free Range was set up for 35 tables and there was
7 adequate parking. And now the Free Range will be a smaller restaurant so it will require less
8 spaces. He counted the Fullerton Inn as being 100% occupied at dinnertime which would be 150
9 seats and they had the spaces available. Because of times and how things shift around, there are
10 more than enough spaces even without using the Cobleigh lot. Peter thought the best way to
11 address it was for him to come in and sit down with the DRB and show them. He counted the
12 spaces larger at 10 feet instead of 9 if they weren't lined. He's had to do that for construction
13 projects in Boston, so he was aware of how important parking was. One of the last jobs he worked
14 on they had to have everyone off the job site two hours before the Red Sox game, so he was aware
15 of the game that must be played. He was more than willing to supply the DRB with the information
16 they had compiled.

17 Steve Mancuso asked Peter if the parking study was applicable to only The Green District or if it
18 was applicable to other businesses. Peter said the parking study was the basis for the Planning
19 Commission and DRB to make their decisions. When they looked at the bigger area and the
20 influence of what's going on there will make a whole new study.

21 Cathy said they were starting with the Village Green District and trying to be successful by not
22 biting off more than they could chew.

23 Barre thought the impetus for it was supporting the businesses and creating room for people to
24 patronize different businesses so the importance of getting the Cobleigh Street lot, where the car
25 battery chargers are, for the employees and tenants would open parking for tourists and people
26 who support those businesses. Barre thought it was cool that Cathy and Peter had conducted the
27 study and they had come up with some real truths and facts. The goal was to make it better for the
28 town.

29 Scott said someone brought up pharmacy and has heard people talk about when there was one in
30 town. It is rare these days to see a pharmacy not affiliated with a franchise. So, when they were
31 talking about not wanting a formula business, one of easiest ways to be a pharmacy business is
32 with a pharmacy chain and if Chester wants a pharmacy, we may be shooting ourselves in the foot.

33 Preston had done research on formula businesses. He referred to "geography of nowhere" a phrase
34 that planners use from a book written in 1993. It referred to America's evolution from a nation of
35 distinctive Main Streets to a land where everyplace looks like no place in particular. If you were
36 lowered into a community blindfolded and you looked down the street saw an Arby's, Dunkin'
37 Donuts, McDonalds, Wendy's, Starbucks, and a Walmart you wouldn't be able to tell where you
38 were. Regarding not wanting formula businesses, Preston emphasized they don't plan to extend
39 this throughout the town because they need Jiffy Mart, Sunoco, and other businesses like that.
40 Preston relied heavily on the New York Zoning Law and Practice Report which was a guide to
41 regulating big box stores, franchise architecture, and formula businesses. The four communities
42 they highlighted in the report that are using a definition like the one the Planning Commission
43 proposed were Asheboro, North Carolina; Port Townsend, Washington; Portland, Maine; and Port
44 Jefferson, New York. Even though it was a New York publication, they were looking at places

1 nationwide. San Francisco also has strong regulations. On page 5, the definition of formula
2 business: a type of retail store, residential establishment, restaurant, hotel, or motel which, along
3 with 10 or more other businesses located within the United States regardless of ownership of those
4 businesses (franchises) that maintains two or more of the following features: standardized array of
5 merchandise, menu, façade, décor, color scheme, uniform apparel, signage, trademark, or service
6 mark. Preston had thought about the very question of the pharmacy. The problem with the chain
7 pharmacies today is they are a slightly upscale version of a dollar store. As much as Preston didn't
8 want to exclude a pharmacy, you couldn't have a Walgreens. They will need to make choices. In
9 Woodstock there is small Vermont chain pharmacy called Smilin' Steve. Preston spoke to him and
10 said Chester would love to have a Smilin' Steve Pharmacy. He has one in Rutland and Springfield
11 but didn't think Chester had the base to support it. The Planning Commission felt for this small
12 unique district a pharmacy may need to be outside of that district. And even if a Smilin' Steve
13 came, it would probably go in the Chester Health Center which isn't in this district. Woodstock
14 has a full-blown design control ordinance. If you want to change a shutter, a door, or a window,
15 you must go to the DRB. Preston added that lawyers had written the New York State article said
16 the courts have upheld these regulations pursuant to clearly specifying it to an area deemed special.
17 Preston thought it was possible you could lose but 99% of potential formula business owners would
18 likely be deterred by the rules.

19 Cathy asked for any more questions about formula businesses.

20 Phil asked if it was the intention that standardized signage, and trademark or service mark were
21 two distinct fixtures. Preston said he considered Phil's earlier comment about Century 21 and said
22 that it was only one little sign in the corner of their business and not an entire storefront. Preston
23 copied the version the group recommended but it occurred to him that two things will trigger it if
24 you have a standardized sign and a standardized trademark, so Phil had raised a valid point. Preston
25 wasn't sure it was his intention but there were some local businesses who use a national chain as
26 their supply source. He thought of Chester Hardware as part of a national chain but they're really
27 the Chester Hardware.

28 Phil wondered whether the use of semicolons instead of so many commas would make it clearer
29 that standardized signage and trademark or service mark were two separate features. Phil thought
30 they should be two separate criteria and thought as written, they were, but wondered if it could be
31 made clearer by using semicolons between the features because there were some features that were
32 combined. Preston understood that but because two or more features would trigger a denial, if it
33 were both standardized trademark and sign, it could be a denial. Phil was okay with that.

34 Cathy asked Phil if he knew more Century 21 people. All Cathy knew was the yellow jacket and
35 sign. Phil wasn't sure. Preston wondered if Gary wanted to comment about nationwide real estate
36 organizations. Gary said they don't have uniforms and he's never come across a realtor in the area
37 who had one. At Sotheby's, they conform to the town requirements for signage. Their office in
38 Londonderry had a small sign on the roof barely visible due to the town's restrictions. In Ludlow,
39 they have a bigger sign. He said Barrett and Valley have four offices and their signage generally
40 looks the same, but it all goes according to what the town allows.

41 Preston thought most real estate firms may affiliate with a national firm, but they aren't dominated
42 by them. Gary said they were independently owned, and all have their own rules.

43 Hugh thought all businesses of the same chain shared a logo.

1 Preston said the article out of New York had highlighted the fact that some communities had gotten
2 national chains to tone down and change their signs to carved wood to conform with their town's
3 requirements, but you still know it's a Starbucks, Walmart, or Dunkin' but it wasn't plastic and
4 garish. He wanted to emphasize he was trying to protect Chester's gem, The Green. Zoning is a
5 risk benefit analysis. You must weigh the risk against the benefit and here they were leaning more
6 toward the benefit and less risk, by controlling it but they probably won't in other parts of town.

7 Barre thought real estate, which kept coming up, wasn't the worst kind of formula business. If a
8 business wanted to come in and the community wanted them and they had a valid argument, they
9 could amend the bylaws and move forward that way. He thought a lot of things discussed wouldn't
10 be an issue because Chester just wasn't a big enough town to warrant the type of struggles other
11 places with a greater population or influx of tourists would have. Chester doesn't have the numbers
12 to support the revenue a formula business requires.

13 Cathy emphasized they were only talking about the space between School and Cobleigh Streets. It
14 wasn't being generalized to the entire town. They felt the space was central and precious to Chester
15 and defined it. They didn't want it to become a Dunkin' Donuts. The DRB approved an application
16 for a Dunkin' Donuts as part of the Sunoco station, though it was never executed by them, so it
17 wasn't that they thought there was no place for them in Chester. But they thought Southern Pie
18 was great and didn't want to threaten them by introducing a Dunkin' Donuts on The Green.

19 Cathy recapped the discussions. Some are against allowing light industry on The Green and
20 concerned about disruptive undertakings like a glass blowing business. One thing they've thought
21 a lot about was the limited size of the parcels and the buildings. The footprint is averaging 2300
22 square feet. Those factors will limit what could happen in this district. She heard there was an
23 objection to light industry and other kinds of undertakings that would create bad smells. Scott
24 made the point there are parcels that lack parking and could create problems when selling a
25 building. They would take those concerns under advisement. There are parcels on The Green that
26 do have space that's not occupied by the building, but they haven't allocated it to parking. Now,
27 they look to the public parking on Common Street or park on School Street. They think it's an
28 issue the Selectboard needs to get involved in. Peter has offered to have a parking study
29 presentation and that was great. The parking study will be presented to the Selectboard on Jan. 19th
30 so they DRB could tune into it.

31 Peter said he would be happy to meet with the DRB because they would be applying it. He thought
32 it would be better if he sat down with the DRB and totally explained it and they could use it as a
33 tool. The study has a lot of detail in it, and it could be overwhelming. If they have a meeting, Peter
34 was more than willing to come. Bob thought the exchange of ideas and the concerns people
35 expressed were beneficial to everyone involved. He had no argument with having the Planning
36 Commission meeting as part of the DRB meeting if there was time to do it. They must interpret
37 things and sometimes that wasn't easy. As Barre had stated, they are looking at the future and they
38 didn't know what it would hold.

39 Scott had another question. He was looking at the page from the Selectboard about changing 2
40 years to 5 years for non-conforming uses. He wanted to know if it meant if a business had been
41 abandoned and 5 years went by and there was an opportunity for someone with a non-conforming
42 use to buy the building and bring a new business to Chester, would they not have an opportunity
43 to do that or would it just need to be a permit and a potential hearing.

44 Cathy wanted to close out the Village Green proposal and asked if there were any other questions.

1 Harry was waiting to see Peter’s presentation on parking because it has been a major problem for
2 that whole area and thought if they had invested the time, they needed to see it.

3 Cathy asked if they wanted to meet on the 24th and Peter said whatever worked for them. There
4 was agreement to meet on the 24th regarding the parking study. Peter said 6:30 p.m. was better for
5 him than 6:00 and the others agreed.

6 **Agenda Item 3, Give Details of Interim Bylaws amendment for re-establishment of non-**
7 **conforming uses**

8 Cathy said they had an interim amendment to a bylaw.

9 Preston presented the history. The law, an emergency statute, is brought into play to add or modify
10 a bylaw. In the ‘70s, when zoning was new, real estate companies would buy a farm and propose
11 to subdivide it into many lots and upset the community who then would want zoning. This was a
12 way the Selectboard could quickly enact a zoning law and stop the subdivision. All that is required
13 is one public hearing and a decision by the Selectboard. The statute also says it is only good for 2
14 years and can be repealed by public vote upon a petition of 5% of the voters. Chester used it in
15 2018 for a fueling station for snowmobiles at the Stone Hearth. The amendment has since expired
16 but the station remains because what was approved can stay. It has been brought up now because
17 the Baba-a-Louis building has been out of business for 3 years. The current bylaw says if you’re a
18 non-conforming use and you’ve been out of business for more than 2 years, you cannot re-establish
19 It doesn’t even allow you to re-establish if the DRB grants it, it just says you can’t. Baba-a-Louis
20 has a potential buyer, Sugar Bob’s. It may or may not happen. The thought was an interim bylaw
21 that was super simple and only changed one word would allow 5 years instead of 2 years before
22 expiring. They thought there were three businesses in town that could take advantage of this
23 interim bylaw: Buck’s Auto, a store on the corner of 10 and 103 in Gassetts, and the Baba-a-Louis
24 building.

25 Cathy added that a non-conforming use was, at one time, allowed in the district and for whatever
26 reason, the zoning boundaries change or the definition of the district changes and the list of uses
27 allowed changes and then suddenly this business is no longer allowed in the district.

28 Phil added a non-conforming use could also be a use that was in effect before zoning came into
29 play. Cathy agreed. It is a use that started out as legitimate and then the law changed making it
30 non-conforming. Cathy wasn’t sure when the law had changed for Baba-a-Louis. There were
31 revisions in 2008 and 2014 to the bylaws. Baba’s is in the R-120 District where restaurant and
32 bakery are not allowed uses so what the building was built for is now non-conforming.

33 Scott asked if they wanted to be business friendly and keep their options open and didn’t want to
34 hurt property owners, why have a termination point at all because it seemed to be something that
35 would occasionally need to be dealt with. And a permit or conditional use would need to go before
36 the DRB.

37 Cathy said they had discussed some at the last Planning Commission meeting that currently the
38 bylaw doesn’t require a hearing to reinstate a use. They felt after a couple of years it was only fair
39 to the abutters that they have chance to speak about the use that may not have been there when
40 they acquired their property. They felt it was important to review it for the abutters’ sakes and if
41 you resume a use, you will need to comply with all the conditions the original permit had.

42 Peter said the process that got them there was they had one witness come in with a piece of property
43 with a potential buyer. It has been 2 years since the zoning wasn’t put in. They have only had one

1 person's testimony on one piece of property and nobody else testify. It would affect the whole
2 town and not just the one piece of property for anyone who has a use less than 5 years. The
3 recommendation from Preston was what Cathy was talking about. Preston recommended to the
4 board that after two years, there's a DRB review. To accommodate these people, that went off the
5 table. They have no signed agreement. They're going to take a safety valve that expires in two
6 years and have no safety valve over it and extend it to 5 years. The Planning Commission went
7 against Preston's recommendation to accommodate one group of people.

8 Scott thought they were potentially hurting people if they decided they couldn't do anything after
9 5 years.

10 Peter thought the future was eliminating non-conforming use and calling it a legacy use.

11 Hugh heard what Scott was asking. Hugh told him they needed a stop gap measure they could
12 execute very quickly for the Baba-a-Louis property. They knew there was more work to do so they
13 could just not have an arbitrary 5-year rule that would put them in the same position just in 5 years
14 instead of 2 years. Scott agreed. Hugh said they knew they weren't finished. They have agenda
15 items to do better for what they are labeling legacy businesses, which will take more time. They
16 needed a stop gap so the Baba-a-Louis' property could go forward while they finished their work.
17 Scott said 5 years could go by quickly as the pandemic just took out 2 years. Hugh said they were
18 going to address that.

19 Barre said most businesses they were talking about were probably zoned appropriately and
20 wouldn't end up in this situation. The zoning changed around these properties. Baba-a-Louis'
21 property is unique, and the zoning changed around it and that's where the term legacy property
22 was coming from. They will identify the non-conforming structures and give them a different
23 identity, so they don't get kicked to the curb. Barre said Scott's concern was there and realistic but
24 wouldn't really apply to anything that fits in a normal situation.

25 Scott said there would always be surprises and it's nice to never have to revisit something again.
26 If potentially they kept the 5 years and instituted Preston's idea after that, they would have an open
27 backdoor that could be used if needed.

28 Phil asked since the impetus for the change was the Baba-a-Louis property and it was nowhere
29 near a letter of intent as he heard the conversation, wouldn't it make sense to hold it off until the
30 transaction got closer to reality and then implement it. It was his understanding it would take a
31 month.

32 Peter thought they could do it in two meetings. There would be one Selectboard meeting and two
33 Planning Commission meetings. Phil said over the next meeting or two they could finetune the
34 language and then suggested not to present it to the Selectboard until there was a reason.

35 Peter said the person who was interested wanted to move in immediately. Phil asked how long it
36 would take to do a title search. Gary said they have been taking a couple of months because
37 attorneys are so backed up, but it may not be the case.

38 Tim thought the challenge was, according to the owner, that a potential buyer would not want to
39 make an offer that isn't ironclad that they would be able to open their business there. Ambiguity
40 was the issue, and they were trying to eliminate it.

41 Harry thought if they put it in place now, it would make the permitting process faster. He asked if
42 they wanted to wait forever or speed up some of the processes they knew were going to happen.

1 Gary felt it would help the sellers to have it in place if Sugar Bob's didn't purchase it for the next
2 person who came in.

3 Scott asked if any of them would invest their lifetime savings and future in a property by buying
4 it, and then coming to the town and needing to ask for permission.

5 Phil said he would be more than happy to sign a contract on a piece of property with the condition
6 that the bylaws be changed to allow it. Scott said when he was looking to buy a property in
7 Vermont 7 or 8 years ago, Woodstock told him he would need to move there first and then apply
8 to have his guitar business. There was no way that was going to happen.

9 Harry said they needed to address it now because they were seeing not only one property but three.

10 Peter said he would just change the language in what would be a legacy use that could now be
11 expanded. He would make it 2 years before a DRB review and 10 years before it was off the books.
12 It would make a huge change by changing a small piece of language that would affect a lot of
13 things coming forth. He thought getting it right the first time was important. They needed to take
14 the time and make it correct and get it done and it would be off the table.

15 Cathy said she and Preston had talked about a possible overlay district to implement a legacy use.
16 There were a few different ways to go about it. She wasn't sure what type of research they needed
17 to do, whether talking to the historical society about other businesses and some could share their
18 memories.

19 Preston said some people wanted to resurrect the Spaghetti House which had been gone for 20
20 years. Cathy said if they needed speed to get a deal done and get Baba-a-Louis a new owner, the
21 interim bylaw change worked but she didn't think anyone wanted to settle for a one-word change
22 and leave it that way. She wanted to call it legacy because it was something that happened here
23 maybe more than other parts of Vermont. Preston said the notice was out that the Selectboard
24 would have a hearing about it.

25 Bob asked for comments.

26 Steve Mancuso thought they were trying to address the tip of the non-conformity iceberg and he
27 applauded it. At least they recognized it. A used car lot on Route 11, a sushi restaurant on Route
28 10, or a gas station in Gassetts were all assets to the community and now are painted in the bylaws
29 as a threat. He wondered how they had come to this point.

30 Preston agreed with Steve but said there was a time everyone wanted their zoning districts to be
31 pure and life isn't like that sometimes. It's a shift in thinking and was not unique to Chester.

32 Cathy thanked the DRB and citizens for showing up and contributing. She thought the next
33 Planning Commission meeting was early in February.

34 Scott thought it was great the Planning Commission had done this and was making headway and
35 the tone was changing. He commended them and said it was a lot of hard work. He thought it was
36 really a good way to get everyone working together and show people they were just trying to do
37 good things.

38 Cathy said they would see the DRB on the 24th with the parking study and the Planning
39 Commission on February 7th. They would also get together on January 19th to present the parking
40 study to the Selectboard and the interim bylaw change.

41

Agenda Item 7, Adjournment

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- 2 Harry moved to adjourn the DRB meeting, and Phil seconded. The motion carried. Tim moved to
- 3 adjourn the Planning Commission meeting, and Hugh seconded. The motion carried. The joint
- 4 meeting was adjourned at 7:35 p.m.