

**TOWN OF CHESTER**  
**DEVELOPMENT REVIEW BOARD**  
**MINUTES**

*March 9, 2020*

**BOARD MEMBERS PRESENT:** Carla Westine, Harry Goodell, Gary Coger, Bob Greenfield and Phil Perlah.

**STAFF PRESENT:** Michael Normyle, Zoning Administrator, Cathy Hasbrouck, Recording Secretary.

**CITIZENS PRESENT:** Tegan Coley, Brendan Nicholas, Tamera Jackson, Gerald Gleason, Valerie Fauver, Christopher Fauver.

**Call to Order**

Carla Westine called the meeting to order at 6:00 PM upstairs at the Town Hall. She introduced the members of the Development Review Board and staff. She read the meeting agenda and noted that site visits had taken place earlier that evening at 3306 Green Mountain Turnpike and 48 Main Street. She invited everyone to join her in the Pledge of Allegiance.

**Agenda Item 1 Review draft minutes from the February 24, 2020 meeting.**

Harry Goodell moved to accept the minutes from the February 24, 2020 meeting. Phil Perlah seconded the motion. There was no discussion. A vote was taken and the minutes were accepted as written. Gary Coger and Harry Goodell did not vote as they did not attend the February 24, 2020 meeting

**Agenda Item 2 Citizen comments.**

There were no citizen comments.

**Agenda Item 3 Conditional Use application (#547) by Firefly Ventures VT LLC to open an Air BnB**

Carla Westine began by asking the Board if they had any conflicts of interest in the matter. None did. She asked if there had been any ex-parte communication on the matter and no one had. Tamera Jackson, Tegan Coley, and Brendan Nicholas were sworn in to give testimony.

Carla Westine entered the following documents into evidence.

The first document was an application for a hearing before the Development Review Board. Carla Westine read the following items: the project number was 547, the date was January 28, 2020, the applicant name was Firefly Ventures VT LLC, the location of the property was 3306 Green Mountain Turnpike. The parcel map number was 58-50-8. The description of the project was, "Renovations are underway with completion targeted for April 15<sup>th</sup>. Short term rental would begin thereafter" The application was for a conditional use, Tourist Lodging. The application was signed by Tamera Jackson and Michael Normyle. Harry Goodell moved to accept the application as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the application was accepted as Exhibit A.

The second document was a Town of Chester Notice of Public Hearing before the Development Review Board dated February 11, 2020. Carla Westine read the Notice aloud. It showed a site

visit was scheduled at 5:10 PM on Monday, March 9, 2020 and a Public Hearing at 6:00 PM the same day for conditional use application 547. The property owner was Firefly Ventures VT LLC, the applicant was Tamera Jackson, the location was 3306 Green Mountain Turnpike. The district was the Stone Village. The action requested was, “Renovations to transform a single family into a tourist lodging home are underway with completion targeted for April 15<sup>th</sup>.” The Notice was signed by Michael Normyle. Harry Goodell moved to accept the Notice as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the Notice was accepted as Exhibit B.

The third document was a letter from Tamera Jackson giving details for the project. Carla Westine read the letter aloud. The letter stated that the foot prints of the existing buildings will not change and no new buildings were being added. It gave details about the planned tourist home operation. Harry Goodell moved to accept the letter as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the letter and narrative were accepted as Exhibit C.

The fourth document was a letter on Town of Chester Police Department stationery from Chester Police Chief Richard Cloud to the Development Review Board dated March 3, 2020. Carla Westine read the letter aloud. In the letter Chief Cloud states that traffic safety and parking should not be an issue as long as parking is accommodated off roadside of Green Mountain Turnpike. Harry Goodell moved to accept the letter as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the letter was accepted as Exhibit D.

The fifth document was an e-mail exchange between Chester Fire Chief Matt Wilson and Zoning administrator Michael Normyle about this conditional use hearing. Carla Westine read the exchange aloud. Matt Wilson said he saw little impact to the Fire Department for the project and stated the State Fire Marshall guidelines need to be followed. Harry Goodell moved to accept the email as Exhibit E. Phil Perlah seconded the motion. A vote was taken and the email was accepted as Exhibit E.

The sixth document was a letter on Town of Chester Water Department letterhead dated March 4, 2020, from Water/Wastewater Superintendent Jeff Holden to the Development Review Board. Carla Westine read the letter aloud. Jeff Holden stated in the letter that he felt usage for a tourist lodging would be similar to that of a regular residence and the Chester utilities can provide the water and wastewater services requested. Harry Goodell moved to accept the letter as Exhibit F. Phil Perlah seconded the motion. A vote was taken and the letter was accepted as Exhibit F.

The seventh document was a copy of part of the tax map showing the property in question and the neighboring parcels. The Board discussed the acreage of the parcel as shown on the map. The acreage of the parcel in question was calculated and not determined by a survey. Harry Goodell moved to accept the map as Exhibit G. Phil Perlah seconded the motion. A vote was taken and the map was accepted as Exhibit G.

A neighbor, Gerald Gleason arrived at the hearing and declined to be sworn in to give testimony. Carla Westine then began a review of Section 4.8 of the Chester Unified Development Bylaws, Conditional Uses. She read the purpose of the Stone Village district on page 15 of the bylaws, “**A. Purpose:** To preserve the unique historic character of the Stone Village while providing higher-density residential neighborhoods with compatible commercial and civic uses that are consistent with the Chester Town Plan.” She then verified that Tourist Lodging is listed as conditional use number 12 for the Stone Village zoning district. She read the definition of tourist lodging from Section 8 of the bylaws aloud, “Overnight accommodations provided to transients

for compensation, including bed & breakfasts, boardinghouses, inns, hotels and other overnight accommodations.” She concluded that this fits the proposed business.

Carla Westine reviewed the plans for the property as stated by Tamera Jackson: adding clapboard siding to the exterior of the barn and constructing a driveway. She asked if any other changes were planned. Tamera Jackson said a 4’x8’ deck would be added to the back of the second floor on the house, as requested by the Fire Marshall to provide a second means of egress in case of fire. Carla Westine said judging from the tax map and what she saw at the site visit, the deck would be within the 30-foot rear setback required in the bylaws.

Carla Westine turned to Section 4.8, Conditional Use, page 65. She explained that she will read each criterium for the conditional use, the applicant will have a chance to respond and explain how the project meets the criterium in question. The Board members will then have a chance to ask questions. When those questions have been answered, the audience members will have a chance to ask questions.

Carla Westine began by reading sections 4.8.A and 4.8.C1 aloud.

## **4.8 CONDITIONAL USES**

**Specific conditional uses are permitted only by approval of the Development Review Board, providing that General standards, Specific Standards, Performance Standards and Special Criteria, as herein provided are met, and further provided that:**

- A. The Development Review Board after public notice and public hearing determines that the proposed use will conform to such standards.**
- B. In granting such conditional use, the Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purpose of the law and these Bylaws.**
- C. The Development Review Board shall act to approve or disapprove any such requested conditional use within forty-five (45) days after the date of the final public hearing held under this Section, and failure to so act within such period shall be deemed approval.**

### **1. General Standards**

**These general standards shall require that any conditional use proposed for any district created under these Bylaws shall not result in an undue adverse effect to:**

- a. The capacity of existing or planned community facilities;**

Tamera Jackson said a tourist lodging would have an impact similar to a single family home which the building was previously.

Carla Westine added that letters have been received from the Water/Wastewater superintendent and the Fire and Police chiefs responding positively to the proposed use.

- b. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located;**

Carla Westine reminded the applicant of the purpose of the Stone Village district and the list of conditional uses she just read. She asked how the applicant thought the project would affect the character of the Stone Village. Tamera Jackson said she thought the project would enhance the character of the area by bringing more people to the Stone Village. She said she had made decisions during the renovation to keep the building in character with the rest of the area.

**c. Traffic on roads and highways in the vicinity;**

The applicant stated that the traffic will be similar to that of a single-family residence. She said she will be constructing a parking area behind the building so that there would be no need to park on Green Mountain Turnpike.

Phil Perlah asked what material will be used as the driveway surface. Tamera Jackson said she had not made a decision yet and she thought it would probably be gravel. She wanted to echo the quality of the other landscaping on the property. Tegan Coley, a neighbor, said she was glad a driveway was being added. She said the traffic on the Green Mountain Turnpike is often fast.

**d. Bylaws and ordinances then in effect; and,**

Carla Westine said the second-floor deck to be added is clearly within the Stone Village setbacks. Since there is no other construction to be considered, other setbacks and lot coverage will not be an issue.

**e. Utilization of renewable energy resources.**

Tamera Jackson said no renewable resources will be utilized.

**2. Specific Standards**

**Specific standards will include consideration with respect to:**

**a. Minimum lot size;**

Carla Westine observed that the lot is calculated to be up to 7 acres, which is well over the district minimum of 30,000 square feet.

**b. Distance from adjacent or nearby uses;**

Carla Westine asked Tamera Jackson about her neighbors and about how far away they are. Tamera said all the abutting properties were residences. Her nearest neighbor was present at the meeting. Carla Westine said she thought the closest neighbor was at the grist mill directly across the Green Mountain Turnpike from Tamera's property, followed by Tegan Coley and Brendan Nicholas who were present at the hearing. Harry Goodell estimated the distance between the subject building and the Coley-Nicholas home at 100 feet.

**c. Minimum off-street parking and loading facilities;**

Carla Westine asked the applicant to repeat the information about the planned driveway and parking area. Tamera Jackson said the area will have space for cars to turn around and be able to exit the property in a forward motion. Carla

Westine repeated that the Chester Police Chief did not want any vehicles parked on the Green Mountain Turnpike.

**d. Landscaping and fencing;**

Carla Westine asked the applicant to describe what is currently on site and if any landscaping or fencing is planned. Tamera Jackson said the previous owners had done a remarkable job with the stonework in front of the home. The only plan she has is to add a driveway and parking area. Carla Westine noted that the applicant did not plan to have a dumpster. She noted that on the north side of the property was a tree line of mixed hardwood and evergreens and at the back of the property the land rose steeply and the slope was partly wooded. Carla also noted that the Board had observed a wooden split-rail fence between the subject property and the Coley-Nicholas property to the south. She assumed the fence was owned by Tegan Coley and Brendan Nicholas. Brendan said he didn't believe he owned the fence and Tamera Jackson didn't think she owned it either. Carla Westine confirmed that the fence was not going to be removed. She also noted that an Air BnB, while a tourist lodging, more closely resembles a single-family home in terms of impact on the town services and the neighborhood, than a lodging establishment such as the Fullerton Inn.

**e. Design and location of structures and service area;**

Carla Westine noted that there will be a four-foot deck off the back of the building, as recommended by the Fire Marshall. There will also be a driveway and parking area added. She asked if there would be any other outdoor service areas such as a patio. Tamera Jackson said there would not. Phil Perlah confirmed that there will not be a dumpster on the property. Tamera Jackson said there would not.

**f. Size, location and design of signs;**

Tamera Jackson said there will be no sign on the property.

**g. Performance Standards under Section 4.9 and,**

**h. Other such factors as these Bylaws may include.**

Carla Westine noted that the Board would address the Special Criteria after it covered the Performance Standards. She then read Section 4.9.A Noise. She pointed out the example of noise in the table that illustrated the level of noise permitted at night, normal conversation. The 70-decibel limit during the day was equivalent to TV audio or the human voice.

## **4.9 PERFORMANCE STANDARDS**

In accordance with §4414(5) of the Act, the following standards must be met and maintained by all uses in all districts that are subject to a permit under these Bylaws.

**A. Noise:** noise volume shall be limited to the specified decibel levels listed below measured at the property line. (The sidebar is shown only as a reference to illustrate the decibel levels of typical activities.) Noise levels or frequencies which are not customary in the district or neighborhood or which represent a repeated disturbance to others shall not be permitted. Limited exceptions are allowed for incidental and customary activities, such as the occasional use of lawn mowers and snow blowers for regular property maintenance.

1. Noise shall not exceed 60 dB between 8:00 PM. and 7:00 AM;
2. Noise shall not exceed 70 dB during the day between 7:00 AM and 8:00 PM.

Tamera Jackson said she did not anticipate noise on the property. She said she will instruct tenants about Chester's noise standards and will not allow events to be held on the property. Carla Westine asked if anyone will be managing the property locally. Tamera said she will have a local property manager and she will be installing an exterior camera to be able to observe what happens in the yard.

Brendan Nicholas asked how he could reach Tamera in the event of a problem at the property. Tamera said she would be glad to hear from Brendan and know how things are going. Carla Westine suggested that the parties exchange contact information after the hearing.

**B. Air Pollution:** no use shall create emissions, such as dust, fly ash, fumes, vapors, gases and other forms of air pollution, which:

1. Constitute a nuisance to other landowners, businesses or residents;
2. Endanger or adversely affect public health, safety or welfare;
3. Cause damage to property or vegetation; or,
4. Are offensive or uncharacteristic of the area.

Outdoor wood-fired boilers are exempt from this provision.

Tamera Jackson said there were no sources of air pollution.

**C. Glare, Light or Reflection:** illumination from lighting fixtures or other light sources shall be shielded or of such low intensity as not to cause undue glare, reflected glare, sky glow or a nuisance to traffic or abutting properties. Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Lights shall

**Decibel (dB) Levels:**

10 dB = normal breathing

30 dB = soft whisper

40 dB = quiet residential area, library

60 dB = normal conversation

70 dB = TV audio, human voice at 10 feet

80 dB = doorbell, machine tools, car at 10 feet

90 dB = lawn mower, tractor, blender

100 dB = snowmobile, factory machinery,

110 dB = leaf blower, power saw, nightclub band

120 dB = chain saw, rock concert, pain threshold

be of a "down shield luminaire" type where the light source is not visible from any public highway or from adjacent properties. Only fixtures which are shielded to not expose a light source, and which do not allow light to "flood" the property, are permitted to be attached to buildings. Searchlights are not permitted. The Development Review Board may require a lighting plan under conditional use or planned unit development review procedures.

Carla Westine said there is exterior lighting there now and the applicant had mentioned adding lighting to the barn. Tamera Jackson said she would be adding two sconces by the barn doors. Carla Westine asked if Tamera had plans to illuminate the parking lot. Tamera said she did not.

**D. Safety Hazards: Fire, explosive and similar safety hazards which would substantially increase the risk to an abutting property, or which would place an unreasonable burden on the Fire Department, shall be prohibited.**

Tamera Jackson said there were no safety hazards on the property.

**E. Electromagnetic disturbances: any electromagnetic disturbances or electronic emissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to the public health, safety and welfare, beyond the property lines of the property on which it is located, except as specifically licensed and regulated through the Federal Communications Commission.**

Tamera Jackson said there were no sources of electromagnetic disturbance on the property.

**F. Underground Storage Tanks, Ground/Surface Water Pollution: No use shall result in burying or seepage into the ground of material which endangers the health, comfort, safety or welfare of any person, or which has a tendency to cause injury or damage to property, plants or animals. Commercial, industrial or institutional facilities having underground fuel storage shall maintain all tanks and related equipment with leak detection and spill control systems incorporating the best available safety practices and technology, consistent with government and industry standards.**

Tamera Jackson said nothing was mentioned about underground tanks when she purchased the property. Harry Goodell asked how the property was heated. Tamara Jackson said it had oil heat with a tank in the basement.

### **3. Special Criteria**

**The following Special Criteria shall be considered by the Development Review Board when considering an application for a conditional use permit in the (VC) Village Center, (SV) Stone Village, (R-C) Residential-Commercial, Districts:**

Carla Westine said the Special Criteria have the greatest impact on new buildings or buildings undergoing extensive exterior renovation. She noted that the exterior changes to this building are limited to the second-floor rear deck and re-siding the barn which appear to be in keeping with the character of the area. Tamera Jackson re-stated her plans for exterior changes.

Zoning Administrator Michael Normyle asked how many bedrooms and bathrooms are in the building. Tamera Jackson said there are three bedrooms and two bathrooms. Michael asked how the trash will be removed. Tamera said there will be a bin in the barn which will be emptied by the property manager. Michael asked to have a copy of the contact information that Tamera will be required to give to the Fire Marshall. Tamera agreed to do so. Finally, Michael asked that Tamera provide a clear way to identify the property to non-cell phone users, so that tourists will not be wandering around the Stone Village looking for the property. Tamera said the house number is posted on the side of the barn.

The criteria being all reviewed, Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was closed.

Carla Westine explained the next steps in the process for issuing a decision and when the abutters who attended the hearing will be able to contest the decision if they choose.

**Agenda Item 4 Conditional Use application (548) by Valerie Fauver to convert former bank building to a dental office**

Carla Westine began by asking the Board if they had any conflicts of interest in the matter to report. None did. She asked if anyone had had any ex-parte communication on the matter and no one had.

Carla Westine entered the following documents into evidence.

The first document was an application for a hearing before the Development Review Board. Carla Westine read the following items: the project number was 548, the applicant name was Valerie Fauver, the location of the property was 48 Main Street. The description of the project was, "Convert existing bank branch building into professional dental office" The application was for a conditional use. The application was signed by Valerie Fauver and Michael Normyle. Harry Goodell moved to accept the application as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the application was accepted as Exhibit A.

The second document was a Town of Chester Notice of Public Hearing before the Development Review Board dated February 11, 2020. Carla Westine read the Notice aloud. It showed a site visit was scheduled at 5:30 PM on Monday, March 9, 2020 and a Public Hearing at 6:00 PM the same day for conditional use application 548. The property owner was 48 Main Chester LLC, the applicant was Valerie Fauver, the location was 48 Main Street. The district was the Village Center. The action requested was, "Convert existing bank branch building into professional dental office." The Notice was signed by Michael Normyle. Harry Goodell moved to accept the Notice as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the Notice was accepted as Exhibit B.

The third document was a narrative on 48 Main LLC letterhead dated March 2, 2020, from Valerie Fauver addressed to the Town of Chester giving details for the project. Carla Westine read the narrative aloud. The narrative describes the property, the dental practice and the changes planned for the exterior of the building. Harry Goodell moved to accept the narrative as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the narrative was accepted as Exhibit C. Carla Westine noted that the letter was a single piece of paper. The sign design referred to in the letter was on a separate piece of paper, which would be considered next, and the site plan referred to, also on a separate sheet, would be considered after that.

The fourth document was an email from Valerie Fauver to Michael Normyle with showing the design of the proposed sign for the dental office. Carla Westine read the text proposed for the sign and noted the attractive, soft blue, grey and yellow colors of the design. Harry Goodell moved to accept the letter as Exhibit D. Phil Perlah seconded the motion. A vote was taken and email was accepted as Exhibit D.

The fifth document was a site plan for the project referred to in Exhibit C showing the lot, the building, and parking spaces. Harry Goodell moved to accept the site plan as Exhibit E. Phil Perlah seconded the motion. A vote was taken and the site plan was accepted as Exhibit E.

The sixth document was an e-mail exchange between Chester Fire Chief Matt Wilson and Zoning administrator Michael Normyle about this conditional use hearing. Carla Westine read Matt Wilson's response aloud. Matt Wilson said he saw little impact to the Fire Department for the project, unless the proposed solar panels on the roof went from edge to edge, leaving the fire fighters no room to access the roof in case of a fire. He acknowledged it was not a mandate to leave space for firefighters to work on the roof, but he hoped it would be considered. He also said the State Fire Marshall standards need to be followed and he would like to have a site visit before the office opens so that he can preplan a response for the building.. Harry Goodell moved to accept the email as Exhibit F. Phil Perlah seconded the motion. A vote was taken and the email was accepted as Exhibit F.

The sixth document was a letter on Town of Chester Water Department letterhead dated March 4, 2020, from Water/Wastewater Superintendent Jeff Holden to the Development Review Board. Carla Westine read the letter aloud. Jeff Holden stated in the letter that he felt usage for a tourist lodging would be similar to that of a regular residence and the Chester utilities can provide the water and wastewater services requested. Harry Goodell moved to accept the letter as Exhibit F. Phil Perlah seconded the motion. A vote was taken and the letter was accepted as Exhibit F.

The seventh document was a letter on Town of Chester Police Department stationery from Chester Police Chief Richard Cloud to the Development Review Board dated March 3, 2020. Carla Westine read the letter aloud. In the letter Chief Cloud states that traffic safety and parking should not be an issue as entering/exiting and parking for previous tenant/owners was not a safety concern. Harry Goodell moved to accept the map as Exhibit G. Phil Perlah seconded the motion. A vote was taken and the map was accepted as Exhibit G.

The eighth document was a letter dated March 4, 2020 on Town of Chester Water Department letterhead from Water/Wastewater Superintendent Jeff Holden to DRB board members concerning the change of use at 48 Main Street. Jeff Holden said he didn't see a significant increase in use from the previous use as a result of this project and stated that Chester utilities have the capacity to handle the change. Harry Goodell moved to accept the letter as Exhibit H. Phil Perlah seconded the motion. A vote was taken and the letter was accepted as Exhibit H.

The ninth document was a portion of the tax map showing the parcel in question at 48 Main Street, the surrounding parcels and the locations of Depot Street and Main Street. Harry Goodell moved to accept the map as Exhibit I. Phil Perlah seconded the motion. A vote was taken and the map was accepted as Exhibit I.

Carla Westine swore Valerie and Christopher Fauver in to give testimony in the hearing.

Carla Westine then began a review of Section 4.8 of the Chester Unified Development Bylaws, Conditional Uses. She read the purpose of the Village Center district on page 8 of the bylaws,

**“A. Purpose:** “To provide a mix of commercial, residential and civic uses that are consistent with the traditional compact Village Center as described in the Chester Town Plan. Development in this District shall be of the highest density in the town, preserve historic character, and provide a pedestrian-friendly streetscape that accommodates public transportation.” She noted that Health Care Facility and Professional office are both listed as conditional uses in the Village Center zoning district.

Carla Westine turned to Section 4.8, Conditional Use. page 65. She briefly reviewed the hearing process and proceeded to examine Section 4.8.C.1, General Standards.

## **4.8 CONDITIONAL USES**

**Specific conditional uses are permitted only by approval of the Development Review Board, providing that General standards, Specific Standards, Performance Standards and Special Criteria, as herein provided are met, and further provided that:**

- D. The Development Review Board after public notice and public hearing determines that the proposed use will conform to such standards.**
- E. In granting such conditional use, the Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purpose of the law and these Bylaws.**
- F. The Development Review Board shall act to approve or disapprove any such requested conditional use within forty-five (45) days after the date of the final public hearing held under this Section, and failure to so act within such period shall be deemed approval.**

### **1. General Standards**

**These general standards shall require that any conditional use proposed for any district created under these Bylaws shall not result in an undue adverse effect to:**

#### **a. The capacity of existing or planned community facilities;**

Carla Westine pointed out the letters received from the Police, Fire and Water/Wastewater department stating that Chester had the facilities to accommodate the proposed use. Valerie Fauver said she did not see the dental office as using having more impact than the previous use of the property had.

Phil Perlah asked where the spittum went. Christopher Fauver said the office had an air compressor which provided suction. The materials extracted by the suction (blood, saliva, mercury, etc) are processed by a system that removes dangerous substances and sends the clean water to the sewer system. The substances removed are stored on-site in a type of filter and sent to a special facility for processing.

Bob Greenfield asked about other medical waste such as gauze. Christopher Fauver said that waste is removed separately and burned.

#### **b. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located;**

Christopher Fauver said the building did not strongly resemble the New England town center architecture of the surrounding buildings and it had stood vacant for some time. He said he will not be changing the exterior of the building much. He said he will keep the exterior attractive, neat and tidy.

**c. Traffic on roads and highways in the vicinity;**

Carla Westine reminded the Board that a letter had been received from the Chief of Police saying that there would be no problem with traffic safety or parking as a result of this use. Christopher Fauver said that at most 30 patients per day would be going in and out of his office. He thought this was considerably less traffic than the previous use, a bank, had accommodated.

**d. Bylaws and ordinances then in effect; and,**

Carla Westine noted that nothing is being added to the existing structure. The site map had indicated a proposed addition, but the site map was quite old and the proposed addition had been built years ago. She noted that the applicant has proposed to remove the drive through lanes and canopy which would improve the setbacks. Phil Perlah noted that it could also supply more parking.

**e. Utilization of renewable energy resources.**

Valerie Fauver said they would like to install solar panels on the roof if it makes sense from a cost and tax perspective. Carla Westine reminded the Fauvers of the request from Fire Chief Matt Wilson not to cover the entire roof with solar panels and that he wanted a walk-through of the building before they opened.

## **2. Specific Standards**

**Specific standards will include consideration with respect to:**

**a. Minimum lot size;**

Carla Westine observed that the lot size is shown as 1.1 acres on Exhibit I, which is considerably larger than the minimum lot size of 20,000 square feet.

**b. Distance from adjacent or nearby uses;**

Valerie Fauver said that to the east is the Dakin and Benelli law practice. Behind the property is the Chester-Andover Elementary School. To the western side of the property is the elementary school driveway, and across the street is Chester Hardware. Carla Westine said a multi-family residence is also across Main Street from the property.

**c. Minimum off-street parking and loading facilities;**

Carla Westine counted 17 parking spaces currently in the lot and more could be available when the drive-through lanes and canopy were removed. She also noted that a dumpster shielded by a three-sided fence was being added.

**d. Landscaping and fencing;**

Valerie Fauver said currently there were some foliage trees on the property, bushes near the building and a garden plot in front of the building. She said

they intend to maintain what is there and not change it. Valerie said there was also a chain-link fence separating the property from the Chester-Andover Elementary School property and she had no plans to change that.

**e. Design and location of structures and service area;**

Carla Westine noted that the drive-through lanes and canopy might be removed. There will be a dumpster at the back of the lot for trash. She asked the applicant where people will enter and exit the building. Valerie Fauver said she expected patients to park on the east side of the building and enter by the main door on that side of the building. The staff will park in the back portion of the lot and use the smaller door at the back of the building.

**f. Size, location and design of signs;**

The applicant intends to use the sign structure that is currently present on the property. The sign will have the design submitted as Exhibit D.

**g. Performance Standards under Section 4.9 and,**

**h. Other such factors as these Bylaws may include.**

## 4.9 PERFORMANCE STANDARDS

In accordance with §4414(5) of the Act, the following standards must be met and maintained by all uses in all districts that are subject to a permit under these Bylaws.

**A. Noise:** noise volume shall be limited to the specified decibel levels listed below measured at the property line. (The sidebar is shown only as a reference to illustrate the decibel levels of typical activities.) Noise levels or frequencies which are not customary in the district or neighborhood or which represent a repeated disturbance to others shall not be permitted. Limited exceptions are allowed for incidental and customary activities, such as the occasional use of lawn mowers and snow blowers for regular property maintenance.

**3. Noise shall not exceed 60 dB between 8:00 PM. and 7:00 AM.;**

**4. Noise shall not exceed 70 dB during the day between 7:00 AM and 8:00 PM.**

Valerie Fauver said they would be installing energy efficient windows which would further reduce any sounds made in the office. She said they may set up an outdoor picnic table for the staff to use at lunch time. The noise at the table would only be normal conversation.

**Decibel (dB) Levels:**

10 dB = normal breathing

30 dB = soft whisper

40 dB = quiet residential area, library

60 dB = normal conversation

70 dB = TV audio, human voice at 10 feet

80 dB = doorbell, machine tools, car at 10 feet

90 dB = lawn mower, tractor, blender

100 dB = snowmobile, factory machinery,

110 dB = leaf blower, power saw, nightclub band

120 dB = chain saw, rock concert, pain threshold

**B. Air Pollution:** no use shall create emissions, such as dust, fly ash, fumes, vapors, gases and other forms of air pollution, which:

1. Constitute a nuisance to other landowners, businesses or residents;
2. Endanger or adversely affect public health, safety or welfare;
3. Cause damage to property or vegetation; or,
4. Are offensive or uncharacteristic of the area.

Outdoor wood-fired boilers are exempt from this provision.

Valerie Fauver said there were no sources of air pollution.

**C. Glare, Light or Reflection:** illumination from lighting fixtures or other light sources shall be shielded or of such low intensity as not to cause undue glare, reflected glare, sky glow or a nuisance to traffic or abutting properties. Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Lights shall be of a "down shield luminaire" type where the light source is not visible from any public highway or from adjacent properties. Only fixtures which are shielded to not expose a light source, and which do not allow light to "flood" the property, are permitted to be attached to buildings. Searchlights are not permitted. The Development Review Board may require a lighting plan under conditional use or planned unit development review procedures.

Carla Westine said the Board had noted exterior lights at the site visit on the mounted on the building itself and one of the lights mounted on a pole seemed to be pointed upward instead of downward as the Chester bylaws require. Valerie Fauver said the light did look as if it was adjustable and they would adjust it so that it was pointed at the ground.

**D. Safety Hazards:** Fire, explosive and similar safety hazards which would substantially increase the risk to an abutting property, or which would place an unreasonable burden on the Fire Department, shall be prohibited.

Christopher Fauver said there were no dangerous chemicals or other safety hazards on the property.

**E. Electromagnetic disturbances:** any electromagnetic disturbances or electronic emissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to the public health, safety and welfare, beyond the property lines of the property on which it is located, except as specifically licensed and regulated through the Federal Communications Commission.

Christopher Fauver said there were no sources of electromagnetic disturbance on the property. Phil Perlah asked what the range on the x-ray equipment was. Christopher Fauver said the modern machines were well shielded and very little radiation escaped.

**F. Underground Storage Tanks, Ground/Surface Water Pollution:** No use shall result in burying or seepage into the ground of material which endangers the health, comfort,

safety or welfare of any person, or which has a tendency to cause injury or damage to property, plants or animals. Commercial, industrial or institutional facilities having underground fuel storage shall maintain all tanks and related equipment with leak detection and spill control systems incorporating the best available safety practices and technology, consistent with government and industry standards.

Valerie Fauver said there were no underground storage tanks. Christopher Fauver said the heating fuel tank was in the basement.

### **3. Special Criteria**

The following Special Criteria shall be considered by the Development Review Board when considering an application for a conditional use permit in the (VC) Village Center, (SV) Stone Village, (R-C) Residential-Commercial, Districts:

Carla Westine said the Special Criteria would apply to the building because it is in the Village Center district. If the building exterior is modified significantly or the building is added to, the Special Criteria must be met.

Michael Normyle asked what size the sign space was. Valerie Fauver could not remember the specifics. Michael Normyle said a sign could also be mounted on the side of the building if they wanted one. He also recommended getting a survey of the property to establish where the boundary between the Dakin-Benelli property and their property is. It could have some bearing on setbacks for both properties in the future.

Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was closed. An informal poll of the Board indicated that the application is likely to be approved.

### **Agenda Item 5 Set next meeting date**

Michael Normyle said he had no hearing planned for the next meeting. The Board agreed to have a meeting to discuss the findings from these two hearings on March 23, 2020 at 6:00 PM.

### **Agenda Item 6 Deliberative session to review previous and current matters.**

At this point the meeting went into deliberative session and was adjourned at the end of it.