



VERMONT

# Application for Hearing before the Development Review Board

Applicant name: Benny's Sales & Service  
 Applicant address: 78 Elm St Chester VT  
 Applicant email: Bennyspower@gmail.com Phone: 802-875-2020  
 Landowner name (if different): Brian Benson  
 Landowner address: \_\_\_\_\_  
 Landowner email: Same Phone: 802-384-3669  
 Location of property: 78 Elm St  
 Description of Request: addition

If new construction is involved, provide a **sketch or plan** showing the boundaries of the lot, the distance from the proposed new construction to each boundary, and the dimensions of the new construction together with its position on the lot in relation to existing buildings and driveways.

After receipt of this application, the Zoning Administrator will inform you of what further information is required.

Applicant Signature Brian Benson Date 5/4/22

**\*\* TO BE COMPLETED BY THE ZONING ADMINISTRATOR\*\***

Parcel Map #: 61-50-30 Zoning District: C-I DRB Case #: 576  
 Type of application:  Conditional Use Approval,  Flood Hazard Review,  Waiver or Variance  
 Appeal of decision of Zoning Administrator,  Other \_\_\_\_\_  
 Received with \$200 application fee P.B. (ZA initials) Date 5/9/22



TOWN OF CHESTER

PLANNING & ZONING  
556 Elm Street  
P.O. Box 370  
Chester, VT 05143

(802) 875-2173 office  
(802) 875-2237 fax  
[zoning@chestervt.gov](mailto:zoning@chestervt.gov)  
[www.chestervt.gov](http://www.chestervt.gov)

TOWN OF CHESTER  
NOTICE OF HEARING FOR CONDITIONAL USE PERMIT

Brian Benson has applied for a Conditional Use Permit for the property located at 78 Elm Street in the Town of Chester. The application is for two building additions at Benny's Motorsport Sales and Service, Auto Repair, and Towing Service.

The Town of Chester Development Review Board will conduct a site visit at 5:30 PM on Monday, June 13, 2022, at 78 Elm Street and will hold a hearing on this application at 6:00 PM on Monday, June 13, 2022, at the Chester Town Hall at 556 Elm Street in Chester. A copy of the application and additional information may be obtained from the Zoning Administrator. Participation in this hearing is a prerequisite to the right to take any subsequent appeal.

A link to participate in this hearing via Zoom videoconference may be found on the Town of Chester website home page at [www.chestervt.gov](http://www.chestervt.gov).

Dated at Chester, Vermont this 20<sup>th</sup> day of May 2022.

Preston Bristow  
Zoning Administrator  
(802) 875-2173  
[zoning@chestervt.gov](mailto:zoning@chestervt.gov)

## Benny's Sales & Service Conditional Use Application (Staff Report 6/8/22)

Property Location: 78 Elm Street

DRB Case # 576

Requested Use: Building additions to automotive sales and service

### INTRODUCTION

Brian and Kimberly Benson, founders of Benny's, purchased an existing garage and office at 78 Elm Street from MacKenzie Construction in 2001. MacKenzie Construction was a preexisting use having been on the site prior to the adoption of zoning. The current uses of the property include Benny's Power and Benny's Motorsport Sales & Service, Auto Repair, and Towing Service.

This application is for a 75' by 28' addition to the Benny's Sales & Service building (to the right) and a 75' by 45' foot addition to the Benny's Power building (to the left). The use of the property would not change, and it is not expected that the level of activity or business will be significantly changed.

### ZONING DISTRICT AND ALLOWED USE

Benny's is located within the Commercial-Industrial (C-I) District (Section 2.5). The purpose of the C-I District is "to provide a mix of commercial and light industrial uses in an area that is served by municipal water and sewer service, and adjacent to two major highways and Green Mountain Railroad." Benny's fits the allowed conditional use of "Automotive Fuel / Services / Sales."

### INTERPRETATION

Automotive Sales and Services is defined broadly and allows for all of the current activities at Benny's.

### CONDITIONAL USE REVIEW STANDARDS (Section 4.8)

#### 1. GENERAL STANDARDS

- a. The capacity of existing or planned community facilities

***This application will have no significant impact on water, sewer, fire or police.***

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

***Under the Supplemental Standards for the C-I District, Character of Development is defined as "New development and modifications to existing buildings and uses shall be consistent with the existing character of the area and compatible with adjacent land uses with respect to traffic, noise, vibration, or other impacts in conflict with residential and commercial uses." This site has been in commercial use since before the adoption of zoning and is consistent with surrounding commercial uses.***

- c. Traffic on roads and highways in the vicinity

***Benny's entrance is 800 feet from Vermont Route 11 on Elm Street. Elm Street is maintained to a standard to accommodate the anticipated traffic.***

- d. Bylaws and ordinances then in effect

***The property is located partly within the Williams River floodplain. However, the site operates on fill that predates the adoption of floodplain regulations. Surveyor Brian Rapanotti has determined that the***

*existing and proposed buildings are on land that is above base flood elevation. The field across the Williams River from this site should provide ample release for floodwaters*

e. Utilization of renewable energy resources.

*None*

2. SPECIFIC STANDARDS

a. Lot and Yard Requirements under Section 3.14

*The proposed additions meet the required setback of 30 feet from the road and 50 feet from the Williams River.*

b. Distance from adjacent or nearby uses;

*Nearby uses include Vermont Foam Insulation, a State Highway Garage, Framery of Vermont, Burtco Self Storage, Suburban Propane, Gussie's Place, and Vermont T's. The nearest residence (John Knisley) is 700 feet away. Adjacent land across the Williams River is open field.*

c. Minimum off-street parking and loading facilities under Section 3.20

*Section 3.20 does not offer clear guidance for this kind of use. The property appears to have sufficient parking for the current level of use, and no new parking is planned as part of this application.*

d. Landscaping and fencing under Section 3.13

*There is currently no landscaping, and no new landscaping is proposed.*

e. Design and location of structures and service area

*The proposed additions will be fabricated all steel buildings with no dedicated service area.*

f. Size, location and design of signs under Section 3.26

*No additional signs are proposed.*

g. Performance Standards under Section 4.9

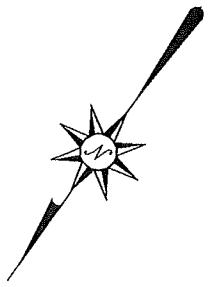
*Applicant is aware of the performance standards regarding noise; air pollution; glare, light or reflection; safety hazards; electromagnetic disturbances; underground storage tanks; or ground/surface water pollution. No change in the nature or operation of the business is proposed.*

h. Other such factors as these Bylaws may include

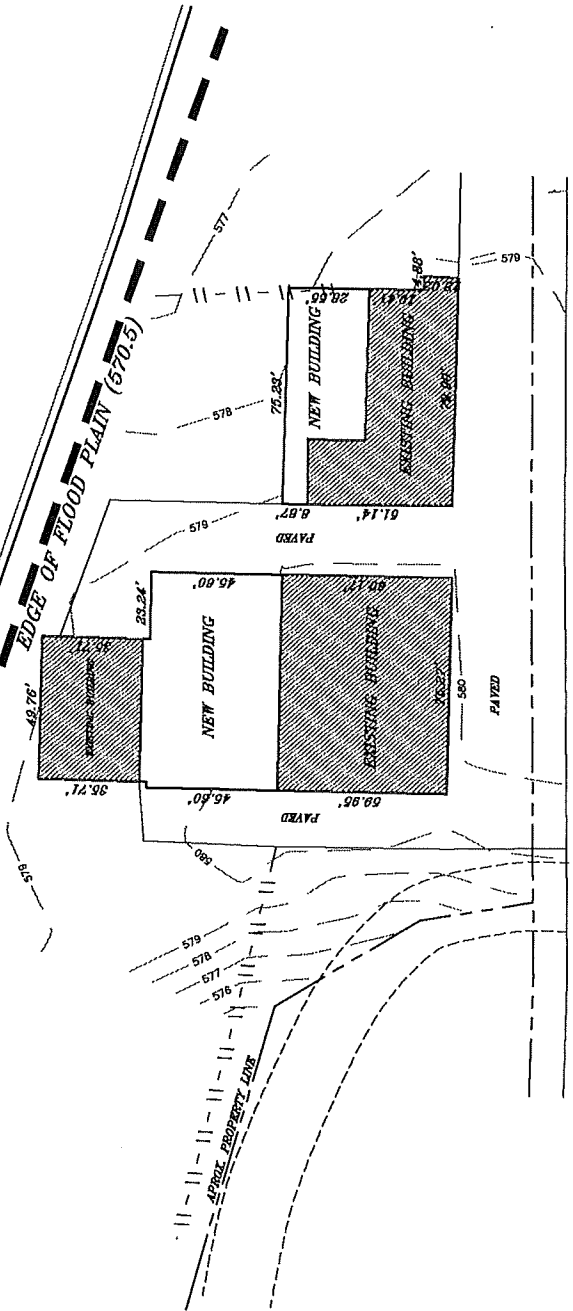
*None*

3. SPECIAL CRITERIA

*No special criteria apply to the C-I district.*



WILLIAMS RIVER  
563.5'



- LEGEND**
- ⊗ IRON PIPE/REBAR
  - BOUNDARY COMPUTATION POINT
  - CONCRETE MONUMENT
  - PROPERTY LINE
  - STONEWALL
  - CHAIN LINK FENCE
  - STREAM
  - UTILITY POLE
  - ▲ NET AREA
  - == PAVED ROAD
  - GRAVEL ROAD
  - TRAIL
  - CULVERT

- NOTES**
1. Elevations are from GPS observations from VT. GPS CORS network. Flood plain elevations taken from FEMA maps.
  2. The Elm Street right of way is assumed to be 3 rods wide. (49.5') to define angular relationships between the courses shown.

Site Plan  
**BRIAN & KIMBERLY  
BENSON**  
Chester Vermont

DATE: April 14, 2022 SCALE: 1"=30' PROJECT NO: 22-1305

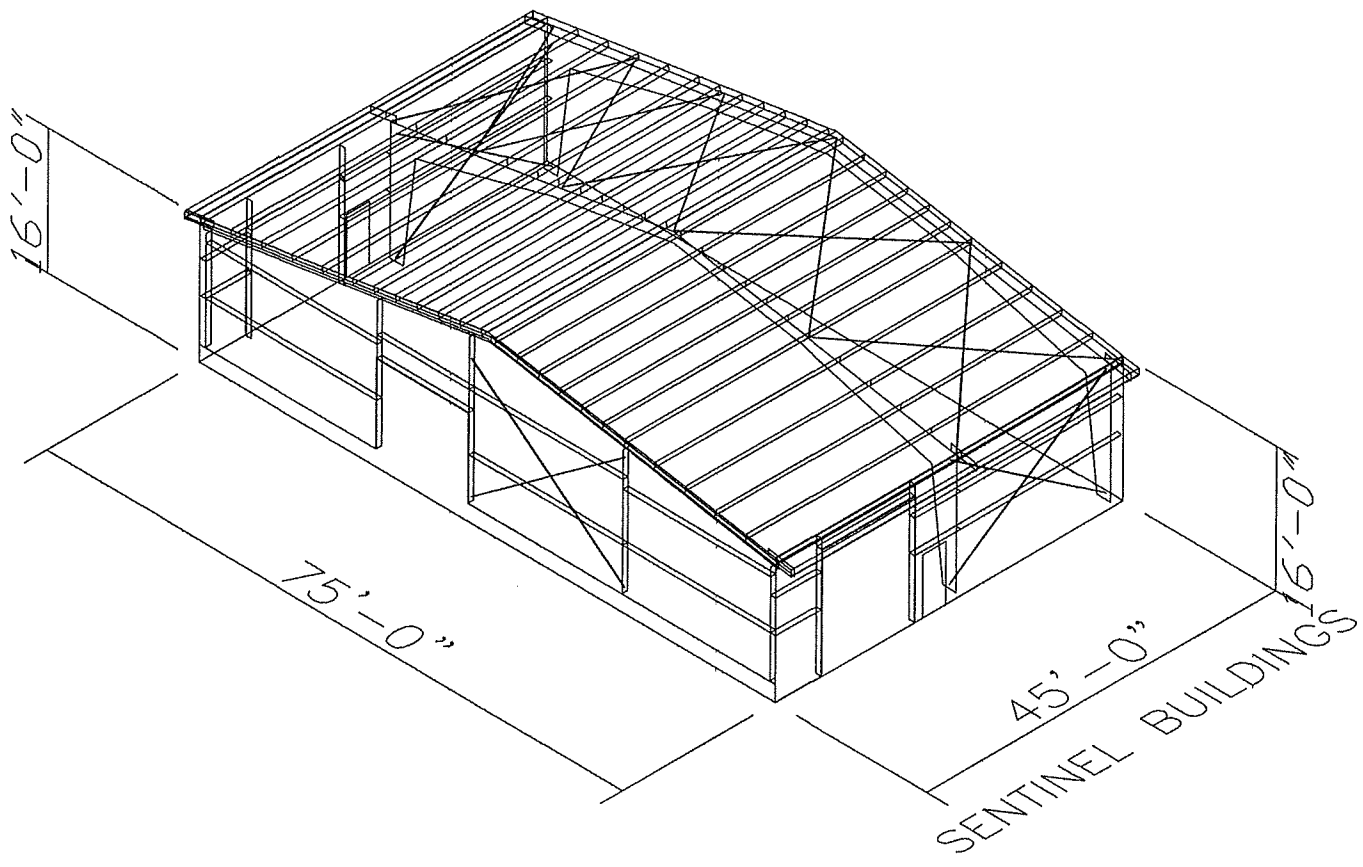
**GARY RAPANOTTI L.S.**







Addition on back of building



CHESTER TOWN  
P O BOX 370  
CHESTER, VT 05143

RDVT PROPERTIES LLC  
1 GLENDINNING PLACE  
WESTPORT, CT 06880

RUBINS, MEREDITH  
P O BOX 753  
PORTSMOUTH, RI 02871-0753

STEWART, GAIL AND HUZON J  
PO BOX 465  
CHESTER, VT 05143

THOMPSON, JOSEPH & ALISON  
P O BOX 476  
WEST TISBURY, MA 02575

VERMONT, STATE OF  
870 US RT 5  
DISTRICT 2  
DUMMERSTON, VT 05301

mailed 5/25/22

Benny's abutters

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VERMONT

# Application for Hearing before the Development Review Board

Applicant name: Town of Chester, by its town manager Julie Hance

Applicant address: 556 Elm Street, P.O. Box 370, Chester, VT 05143

Applicant email: Julie.Hance@ChesterVT.gov Phone: 802-875-5243

Landowner name (if different): \_\_\_\_\_

Landowner address: \_\_\_\_\_

Landowner email: \_\_\_\_\_ Phone: \_\_\_\_\_

Location of property: Public Safety Building at 130 Pleasant Street

Description of Request: Amend Conditional Use Permit to install a 4-foot high black chain link fence along the property boundary

If new construction is involved, provide a **sketch or plan** showing the boundaries of the lot, the distance from the proposed new construction to each boundary, and the dimensions of the new construction together with its position on the lot in relation to existing buildings and driveways.

After receipt of this application, the Zoning Administrator will inform you of what further information is required.

Applicant Signature Julie Hance Date 5/10/2022

**\*\* TO BE COMPLETED BY THE ZONING ADMINISTRATOR\*\***

Parcel Map #: <u>61-50-93.2</u>	Zoning District: <u>R20</u>	DRB Case #: <u>577</u>
Type of application: <input checked="" type="checkbox"/> Conditional Use Approval, <input type="checkbox"/> Flood Hazard Review, <input type="checkbox"/> Waiver or Variance		
<input type="checkbox"/> Appeal of decision of Zoning Administrator, <input checked="" type="checkbox"/> Other <u>Amend CU Approval #545</u>		
Received with \$200 application fee <u>n/a</u>	<u>P.B.</u> (ZA initials)	Date <u>5/10/22</u>

**Chester Public Service Building Conditional Use Application (Staff Report 6/8/22)**

**Property Location: 130 Pleasant Street**

**DRB Case # 577**

**Requested Use: Amend Conditional Use Permit to install chain link fence**

**INTRODUCTION**

On February 10, 2020, the Chester Development Review Board approved Conditional Use Application #545 for the Town of Chester to build a public service building at 130 Pleasant Street. Under the conclusions of law of that decision, regarding specific standard item 'd' (landscaping and fencing) it is stated "No fencing is planned, except around the dumpster." Condition 3 of the final order further states, "There shall be no changes, modifications or alterations to the project without submission of an application for an amendment duly reviewed and approved by the Development Review Board."

The Town of Chester seeks to install a 400-foot long, 4-foot-high black chain link fence along the southwest boundary with Pleasantbrook Apartments. Because this is a change to the project, the Town of Chester is applying for an amendment to the 2020 DRB decision to approve installation of a fence.

**ZONING DISTRICT AND ALLOWED USE**

The Public Safety Building is in the Residential 20,000 (R20) District and is an allowed Civic/Institutional use.

**COMMENT**

Condition 3 of the final order of this and other DRB decisions could be modified by adding the following underlined language to reduce the need to come back to the DRB for minor changes:

3. There shall be no changes, modifications or alterations to the project without submission of an application for an amendment duly reviewed and approved by the Development Review Board, except that a minor change with no significant impact may be approved by the zoning administrator in consultation with the Chair of the Development Review Board. The Chair at their discretion may require that such change not be approved by the zoning administrator and instead be reviewed and approved by the Development Review Board.

1. GENERAL STANDARDS

- a. The capacity of existing or planned community facilities

***Addition of a fence will have no significant impact on water, sewer, fire or police.***

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

***Addition of a fence will not affect the character of the area.***

- c. Traffic on roads and highways in the vicinity

***Addition of a fence will not affect traffic on roads and highways.***

- d. Bylaws and ordinances then in effect

***None***

- e. Utilization of renewable energy resources.

**None**

2. SPECIFIC STANDARDS

- a. Lot and Yard Requirements under Section 3.14

**Section 3.14.C.10 states, "Fences and walls, provided they are no higher than six (6) feet are not considered in the setback measurement."**

- b. Distance from adjacent or nearby uses;

**No change from the 2020 DRB decision.**

- c. Minimum off-street parking and loading facilities under Section 3.20

**No change from the 2020 DRB decision.**

- d. Landscaping and fencing under Section 3.13

**No new landscaping is proposed as a part of this application.**

- e. Design and location of structures and service area

**No change from the 2020 DRB decision.**

- f. Size, location and design of signs under Section 3.26

**No additional signs are proposed.**

- g. Performance Standards under Section 4.9

**Applicant is aware of the performance standards regarding noise; air pollution; glare, light or reflection; safety hazards; electromagnetic disturbances; underground storage tanks; or ground/surface water pollution. No change in the nature or operation of this civic/institutional use is proposed.**

- h. Other such factors as these Bylaws may include

**None**

3. SPECIAL CRITERIA

**No special criteria apply to the R20 district.**



TOWN OF CHESTER

PLANNING & ZONING  
556 Elm Street  
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TOWN OF CHESTER  
NOTICE OF HEARING FOR CONDITIONAL USE PERMIT

Town of Chester has applied to amend a Conditional Use Permit for the property located at 130 Pleasant Street in the Town of Chester. The amendment is to install a fence at the Public Safety Building.

The Town of Chester Development Review Board will conduct a site visit at 5:00 PM on Monday, June 13, 2022, at 130 Pleasant Street and will hold a hearing on this application at 6:00 PM on Monday, June 13, 2022, at the Chester Town Hall at 556 Elm Street in Chester. A copy of the application and additional information may be obtained from the Zoning Administrator. Participation in this hearing is a prerequisite to the right to take any subsequent appeal.

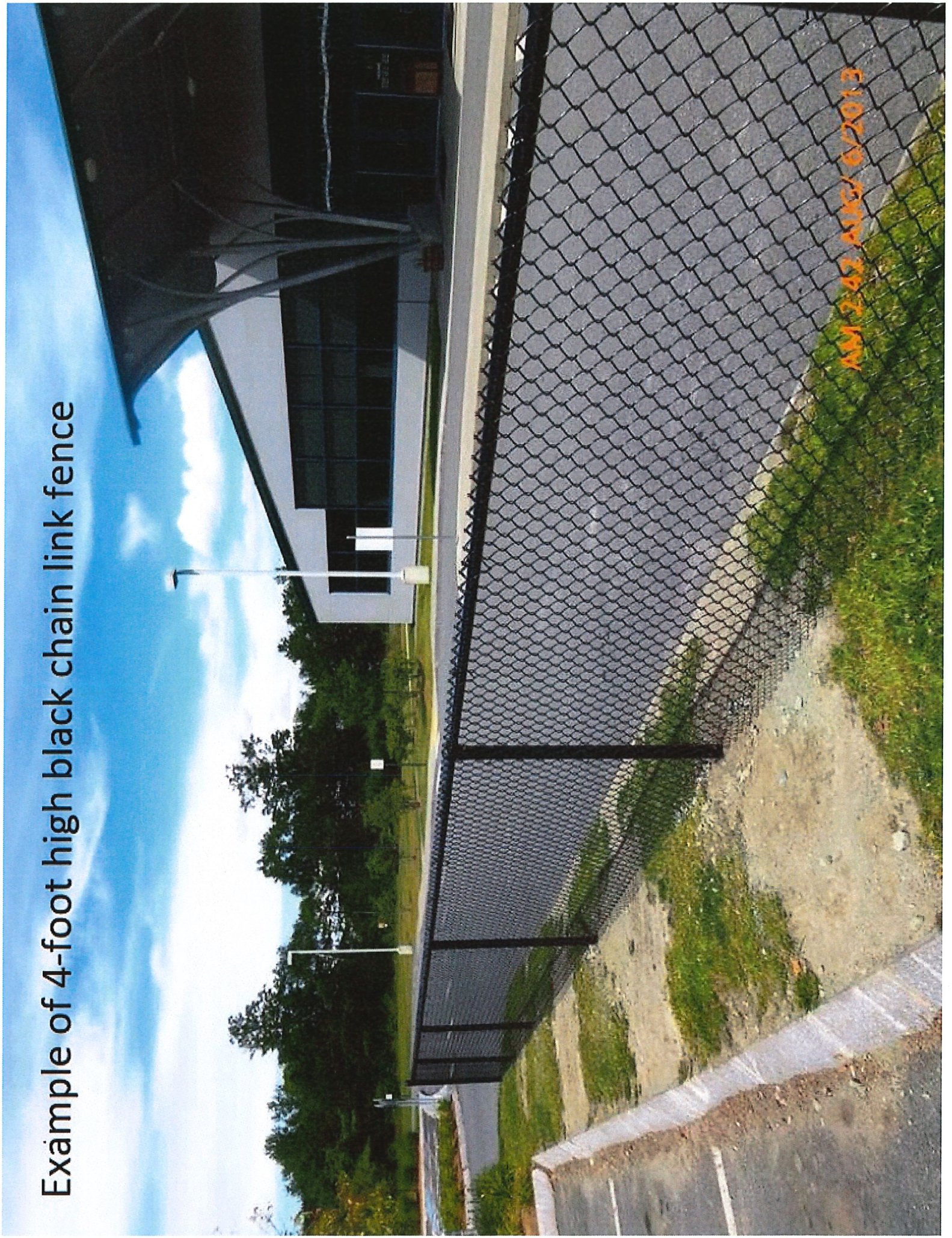
A link to participate in this hearing via Zoom videoconference may be found on the Town of Chester website home page at [www.chestervt.gov](http://www.chestervt.gov).

Dated at Chester, Vermont this 20<sup>th</sup> day of May 2022.

Preston Bristow  
Zoning Administrator  
(802) 875-2173  
[zoning@chestervt.gov](mailto:zoning@chestervt.gov)



Example of 4-foot high black chain link fence





# SPRINGFIELD FENCE

Company, Inc.

HAWKS MOUNTAIN IRONWORKS

50 Route 106 • P.O. Box 10, N. Springfield, Vermont 05150-0010 • (802) 886-2221

## Quotation

**Customer:**

**CHESTER POLICE DEPT.  
PO BOX 370  
556 ELM ST  
CHESTER, VT 05143-0370  
Attn: RICK CLOUD**

**Quotation Number: 18807  
Quotation Date: 04-18-2022  
Phone #: 875-2035  
Fax#  
EMail**

**We are pleased to offer our quotation for fencing based on the following conditions:**

**Materials:**

Terminal Post(s): 4 CUT PIPE SS-40 2-1/2 in BLACK 7 FT  
Line Post: 39 CUT PIPE SS-40 2 in BLACK 6 FT  
Top Rail: PIPE 1-5/8 in SS-40 BLACK 21'  
Chain Link: FABRIC 2 in 9 GA FUSION BONDED BLACK KK 4 FT  
All posts will be set in Concrete Footings

**Site Information:**

**Overall Height 4 Ft.  
Fence Length 400.0 Ft.  
Gate Length 0.0 Ft.  
Overall Length 400.0 Ft.**

**Components:**

**Top Rail: included**

**Post Spacing 10 Ft.**

All fencing quoted will meet or exceed the specified standards.

**Estimated Project Start:**

	<b>Installed Amount</b>	<b>\$14,150.00</b>
	<b>State Tax</b>	
<b>Springfield Fence Sales Agent</b>	<b>Installed Total</b>	<b>\$14,150.00</b>
<b>Steve Groshens</b>		
	<b>Terms:</b>	
	<b>1/3 deposit, balance</b>	
	<b>net 15 days</b>	

This quotation is firm for 10 days.

DODIER, JACQUES J  
P O BOX 181  
CHESTER, VT 05143

GAUTHIER, NORBERT  
HASBROUCK, CATHERINE  
P O BOX 202  
CHESTER, VT 05143

KENNEDY, MICHAEL  
230 PLEASANT STREET  
CHESTER, VT 05143

PLEASANTBROOK HOUSING, AS  
C/O STEVEN KROOK  
P O BOX 250  
NEW IPSWICH, NH 03071-0250

RDVT PROPERTIES LLC  
1 GLENDINNING PLACE  
WESTPORT, CT 06880

STEPELEVICH, BRIAN  
BEACH, NICOLETTE  
183 PLEASANT STREET  
CHESTER, VT 05143

mailed 5/25/22

Public Service Bldg abutters

### **3.19 NON-CONFORMITIES, LEGACY USES AND ADAPTIVE RE-USE**

**A. Existing Nonconformities.** Nothing in this section shall be construed to restrict the authority of the Town of Chester to abate public nuisances or to abate or remove public health risks or hazards. Any lawful lot, building or use in existence at the time of adoption or amendment of these Bylaws may be continued. Such lot, building or use shall meet all other requirements of these Bylaws, and is subject to the following provisions.

**B. Nonconforming Lots.**

1. Any existing lawful lot that does not meet the specified dimensional requirements in these Bylaws, may be maintained and developed for the purposes permitted in that district as long as all other requirements for that district are met.

2. **Existing Small Lots.** In accordance with the Act [§ 4412], any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of this bylaw, may be developed for the purposes permitted in the district in which it is located, even though the lot does not conform to minimum lot size requirements of the district in which the lot is located, provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 40 feet.

a. If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot may be separately conveyed if the lots are conveyed in their preexisting, nonconforming configuration, provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 40 feet.

**C. Nonconforming Structures**

1. Any legal structure or part thereof, which is not in conformance with the provisions of these bylaws concerning setback, height, size, or other structural requirements (including such things as parking, lighting, buffers, and lowest floor elevation in floodplain zoning) shall be deemed a nonconforming structure. Legal nonconforming structures exist as a result of construction prior to adoption of bylaws, or construction under an earlier set of less restrictive bylaws. Any nonconforming structure may be allowed to exist indefinitely, but shall be subject to the following provisions:

2. Subject to conditional use approval by the DRB, a nonconforming structure may be restored or reconstructed after unintentional loss provided the reconstruction is commenced within two years and does not increase the degree of non-conformance that existed prior to the damage.

3. A nonconforming structure which has been demolished shall not be reconstructed except in conformance with these bylaws. The DRB may grant a waiver from this provision if a hardship would be created by rebuilding in strict conformance with the requirements of these bylaws. In considering a waiver from these provisions,

the DRB shall take into consideration the ability of the applicant to use remaining features of the property such as foundation, water supply, sewage disposal system, underground utilities, etc.

4. A nonconforming structure shall not be moved, altered, extended, or enlarged in a manner which will increase the existing degree of non-conformance.
5. The phrase 'shall not increase the degree of non-conformance' shall be interpreted to mean that the portion of the structure which is nonconforming shall not increase in size (or decrease in the event of failing to meet minimum standards such as parking and lighting). Therefore, portions of a structure within a setback area cannot be enlarged, portions above the maximum height cannot be expanded where parking is deficient the number or size of spaces cannot be reduced, etc. This phrase is not intended to prevent existing unfinished space from being finished or other similar scenarios provided there is no increase in size.
6. Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure provided that such action does not increase the degree of non-conformance.
7. The DRB shall permit the alteration or expansion of a nonconforming structure for the sole purpose of conformance with mandated environmental, safety, health, or energy codes.

**D. Nonconforming Uses, Legacy Uses and Adaptive Re-use**

1. **Nonconforming Uses.** Any use, which does not conform to uses allowed in the district in which it is located or is otherwise not in conformance with the provisions of these bylaws, shall be deemed a nonconforming use. Nonconforming uses are those that exist legally as a result of existing prior to adoption of bylaws, or permitted under an earlier set of less restrictive bylaws. Any nonconforming use may be continued indefinitely, but shall be subject to the following provisions:
  - a. The nonconforming use shall not be changed to another nonconforming use without approval by the DRB, and then only to a use that, in the opinion of the DRB, is of the same or of a more conforming nature.
  - b. The nonconforming use shall not be re-established if such use has been discontinued for a period of two-years or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.
  - c. The nonconforming use shall not be expanded, extended, moved or enlarged unless the DRB finds that such expansion, extension, movement, or enlargement does not increase the degree of non-conformance. Examples of enlarged or expanded uses can include increased hours of operation, increased numbers of tables, number of employees or an increase in the size of the operation through the expansion of a conforming structure.



d. The DRB shall permit the alteration or expansion of a nonconforming use for the sole purpose of conformance with mandated environmental, safety, health, or energy codes.

2. **Legacy Uses.** The DRB may determine that a past or present nonconforming use, by virtue of its benign history and cultural heritage in Chester, is a Legacy Use and is therefore deemed an allowed and conforming conditional use in the district in which it is located. The applicant shall demonstrate that a past or present nonconforming use has sufficient benign history and cultural heritage in Chester to be determined a Legacy Use. Determination as a Legacy Use is indefinite in duration, but a Legacy Use may be re-established, expanded, extended, moved, or enlarged only following conditional use review and approval by the DRB and a zoning permit issued by the Zoning Administrator.

### 3. Adaptive Re-use.

a. **Purpose.** To encourage the continued viability of older, special-use buildings that have outlived their original function by allowing for a variety of possible new uses to be established within the existing building in a manner that is compatible with the character of the area for the district in which it is located.

b. **Applicability.** The adaptive reuse of special-use buildings within all zoning districts is subject to review by the Development Review Board and must meet the conditional use requirements specified in Section 4.8 and the adaptive re-use provisions in Section 3.19.D.

c. **Eligible Building Criteria.** The Development Review Board will determine whether the adaptive reuse provision shall apply to any proposed building based upon either or both of the following criteria:

i. Was the building originally built for purposes including, but not limited to, a church, school, armory, barn or industrial facility – that are not currently allowed in the zoning district in which it is located?

ii. Does the building by the nature of its size, type, construction method or location on the parcel not meet the regulations including dimensional standards for the zoning district in which it is located?

d. **Review Process and Standards.** Conditional Use Approval by the Development Review Board is required for all adaptive re-use proposals, subject to the following additional standards:

i. An applicant may propose one or more uses to be established within an eligible building;

ii. Any rehabilitation or restoration associated with an adaptive re-use shall not significantly alter the façade or historic character of the structure. Any proposed exterior renovations shall conform to the



guidelines set forth in the most recent edition of the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;

- iii. The Development Review Board may waive the zoning district dimensional standards or surface water protection setbacks if needed to support the proposed use.