

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

June 27, 2016

BOARD MEMBERS PRESENT: Phil Perlah, Carla Westine, Harry Goodell and Amy O'Neil

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

OTHERS PRESENT: Bill Lindsay, Melissa Howe, and Barry Lynch

CALL TO ORDER

The meeting was called to order at 6:00 P.M. by Chair Carla Westine, followed by reciting the Pledge of Allegiance and an introduction of board members present.

AGENDA ITEM 1

Reconvened Conditional Use application from Melissa Howe

Chair Carla Westine reminded Melissa Howe and Barry Lynch that they were still sworn in to give testimony from the last meeting of the Development Review Board. The following exhibits were accepted into the record:

A document from the Division of Fire Safety detailing the results of an inspection on June 21, 2016. A few items were listed in the Violation and Notes section. The document was signed by Paul Spicer. Amy O'Neil moved to accept the document as Exhibit E. Phil Perlah seconded the motion. The motion passed.

The next document presented was a letter from Chester Police Chief Richard Cloud on Town of Chester Police Department letterhead dated June 21, 2016. The letter is addressed to Michael Normyle, Zoning Administrator. It stated that relocating the Endless Creations Pottery Studio from 442 Elm Street to 23 Maple Street in Chester did not pose any problems for traffic safety. Amy O'Neil moved to accept the document as Exhibit F. Phil Perlah seconded the motion. The motion passed.

The next document was a plot plan for 23 Maple Street prepared June 2016 by Melissa Howe. Phil Perlah moved to accept this document as Exhibit G. Amy O'Neil seconded the motion. Michael Normyle requested that the Exhibit be numbered G-1 in case succeeding versions of the plot plan were needed. Chair Carla Westine accepted the proposed change. The motion passed.

The final document presented was a letter from Jeff Holden, Superintendent of the Chester Water and Wastewater Departments. It is on Town of Chester Water Department letterhead, dated June 24, 2016 and addressed to the Development Review Board. The letter states that the Water and Wastewater departments do not anticipate that the relocated business will impact the current system and the current system has capacity to handle the anticipated use. Amy O'Neil moved to accept the letter as exhibit H. Phil Perlah seconded the motion. The motion passed.

Chair Carla Westine offered some ex parte comments about this application. She said she had been contacted by Gary Rapanotti, a local surveyor, to find out whether the DRB had actually required a

survey for this Conditional Use permit application (#490). Carla said she told Gary the DRB needed a site plan, not a survey. Harry Goodell asked if the town had a survey on file for the parcel. Carla said she had recently been checking tax records and noticed that on the tax map this parcel was labeled SUR, meaning the town did have a survey on file.

Chair Carla Westine then began the Conditional Use review, starting in Section 4.7 of the Chester Unified Development Bylaws.

Section 4.7.C.1 General Standards. The proposed conditional use will not have an undue adverse effect on

a) the capacity of existing or planned community facilities. Melissa Howe and Carla Westine cited letters from the Chester Police Chief, Fire Chief, and Water and Wastewater Superintendent stating that no adverse effect was anticipated from the project.

b) the character of the area affected. Melissa stated that the location is at an intersection in the downtown area. The location is very visible to second home owners passing through Chester and to pedestrian traffic. It is close to the elementary school, the Catholic Church and William Austin Antiques. There is a mix of residential and commercial properties in the area. Carla Westine read the purpose of the Village Center zone into the record as follows: “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 is intended to be of the highest density in the Town, preserve historic character, and provide a pedestrian-friendly streetscape that accommodates public transportation. “It was agreed that this use was compatible with the character of the zoning district.

c) traffic on roads and highways. No impact on traffic is expected. Michael Normyle said that he had spoken to Public Works Director Graham Kennedy and researched prior permits and minutes of prior meetings for this parcel seeking information on the planters that define the parking area and curb cuts. Graham said that the opening defined by the planters should not be made larger, but the height of the planters could be reduced.

d.) bylaws in effect are found in section 2.3 Village Center district. Conditional Uses listed for the Village Center district include Arts and Entertainment and Retail Store. Permitted uses include Residential Single Family. These uses cover the proposed uses for this project. The dimensional standards listed in 2.3.D will not apply to this grandfathered existing lot. Section 2.3.E. Supplemental Standards are met as follows.

Orientation: The building is on a corner lot. The building has entrances that face both Maple Street and Main Street.

Character of Development: The applicant proposes to paint the building and replace the non-compliant lighting with shielded, downward facing lights. They are also planning on replacing the roof, but not immediately.

Landscaping and Screening: The applicant plans to trim or remove large trees and bushes, particularly those that infringe on sight lines at the curb cuts. The brushy areas between the subject property and Mrs. Howe and the subject property and William Austin Antiques will have the trees trimmed and generally cleaned up.

Returning to General Standards, Section 4.7.C.1.e, Utilization of renewable energy, Melissa said no use

was planned.

Section 4.7.C.2 Specific Standards was examined.

- a) minimum lot size is not applicable since the lot is grandfathered.
- b) distance from adjacent uses William Austin Antiques and the Howe property abut the parcel in question. The other residences and the Catholic church are across Maple Street and Main Street.
- c) required off street parking. The site plan shows 8 parking spaces. The building requires a minimum of 3 based on its square footage and one parking space for the residential unit, so the parking requirement is met. Carla Westine pointed out that one of the spaces must be large enough to qualify as a handicapped space. The applicant stated deliveries will be received on the Maple Street side of the building because of its larger parking lot. She will not be receiving deliveries from large trucks and the parking lot is generally empty before noon, when deliveries usually arrive. The applicant said she will take the trash away herself as she does at the current location.
- d) Landscaping and fencing. The applicant stated no new fencing is planned.
- e) Design and location of structures. No changes are planned to the building's footprint. The propane tank is going to be moved further from the building.
- f) Size, location and design of signs. Michael Normyle explained that no standing sign is possible given the configuration of the lot. Previous permits have been issued for 2 wall mounted signs. Those permits run with the land. Carla Westine explained that a condition of the permit will be that the applicant follow the zoning regulations for signs in the Town of Chester.
- g) refers to the Performance Standards enumerated in Section 3.22

Section 3.22.A Noise. The applicant said the primary source of noise would be conversation between class members, which would include children in the after school session. She said that she often plays background music, but not so loudly that it disturbs conversation.

Section 3.22.B Air Pollution. The applicant noted that the kiln is electric and does not generate fumes. Excess heat from the kiln is vented from the building.

(There is no Section 3.22.C or D)

Section 3.22.E Glare, Light or Reflection The applicant stated she would be replacing the existing exterior light fixtures. Carla Westine, Harry Goodell and Michael Normyle all spoke about the need for downward facing, shielded lights. Amy O'Neil proposed that a condition could be added to the permit to require that the light bulbs not be visible from the highway or the neighboring properties. Barry Lynch said that there are spotlights on the building now with motion detectors to turn them on. He did not know if they worked or not. Phil Perlah proposed a condition that simply states the lights must meet requirements. Amy O'Neil concurred. Michael Normyle said he would check the property's previous permits for mention of spotlights. Amy O'Neil asked if it was proper to enforce conditions on previous permits when the use of the building changed from that for which the permit was issued. It was agreed that the curb cuts defined by planters condition should continue to apply and the exception

to allow 2 signs on the building as opposed to one on the building and one on the ground should also be continued. Lighting should meet the current zoning requirements.

Section 3.22.F Safety Hazards. Melissa stated there was no fire or explosive hazard associated with pottery glazing and oil painting that would threaten abutting properties or place an unreasonable burden on the Fire Department.

Section 3.22.G. Electromagnetic Disturbances. No equipment to be used creates an electromagnetic disturbance.

Section 3.22.H Underground Storage Tanks. Melissa said the property has a letter stating that all hazards resulting from the property's use as a gas station have been cleaned up.

The final part of the permit review involves Section 4.7.C.3, Special Criteria for the Village Center district.

- a) New construction and any exterior alteration will adhere harmoniously to the over-all New England architectural appearance. The applicant said the new exterior paint will be compatible with New England traditional colors.
- b) Exterior trim and decorative features will blend comfortably with existing buildings in the district. No changes are planned to the trim.
- c) Use of native, traditional building materials. No additional building is planned.
- d) The aesthetics of the area and the preservation of Historical sites. No Historical sites are affected.

This concluded the Conditional Use review. Amy O'Neil moved to close the hearing for Conditional Use permit #490. Harry Goodell seconded the motion. The motion passed. The Findings of Fact and Conclusions of Law and Order will be issued within 45 days.

AGENDA ITEM 2

Comments from citizens

Bill Lindsay said he wanted to ask if the large bush in the raised planters at 23 Maple Street could be trimmed or removed. This was covered in the testimony taken during the hearing.

AGENDA ITEM 3

Review minutes from June 13, 2016

The second sentence of paragraph 3 of Agenda Item 2 was clarified to read, "It was determined that the following documents need to be presented by the applicant." Harry Goodell moved to accept the minutes with the specified correction. Amy O'Neil seconded the motion. The motion passed.

AGENDA ITEM 4

Deliberative session to review previous matters

At this point, the meeting went into deliberative session. The meeting closed after the deliberative session.