

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

*August 10, 2015*

**BOARD MEMBERS PRESENT:** Carla Westine, Amy O'Neil; Philip Perlah; Harry Goodell

**STAFF PRESENT:** Michael Normyle, Zoning Administrator; Julie Hance, Recording Secretary

**OTHERS PRESENT:** Matt Wamsganz, William Lindsay, Rick Bryant, Abby Derry, Hugh Henry, Claudio Veliz, Paul Stoddard, Janet Stewart, Rachel Douglas, Jahna McCooey, Brianna Dyer, Don Heath, Michelle Page, Tony Cairns, Shaina Sablan, Joe Brent, Carol Theodore, Don Stein, Heather Chase, Cindy Farnsworth, Richard Farnsworth, Ben Swanson, Leigh Dakin, Bill Dakin, Lew Watters, Bonnie Watters and Steve Mongeon.

**CALL TO ORDER**

1. Carla Westine paid her respects to Don Robinson who recently passed away.
2. 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.

**1. FINAL PLAT REVIEW OF KEMPE MINOR SUB-DIVISION**

- a. Carla Westine confirmed with the Development Review Board that they have no conflicts of interest and there has been no ex parte communication.
- b. Don Stein reminded the Development Review Board that nothing has changed to the proposed subdivision.
- c. Don Stein stated that the subdivision plat was amended to reflect a change in one of the abutters as well as adding the Waiver Language.
- d. It was clarified that the Wastewater Permit #WW-2-4886 is for the septic system on Lot 2 as well as the Deferral for Lot 1. Don Stein read the Deferral language from the permit.
- e. It was agreed that the mylar needs to reference the Wastewater Permit for Lot 1.
- f. A motion was made by Amy O'Neil to close the hearing. Seconded by Phil Perlah. The motion passed.

**2. RECONVENING THE CHAMPLAIN OIL JIFFY MART CONDITIONAL USE**

- a. Carla Westine proceeded to swear in the following individuals for the purpose of providing evidence and testimony: Hugh Henry, Carole Theodore, Rick Bryant, Paul Stoddard, Janet Stewart, Michelle Page and Ruth Hathaway.
- b. Carla Westine confirmed with the Development Review Board that they have no conflicts of interest and there has been no ex parte communication
- c. A motion was made by Amy O'Neil to accept the 3 page double sided Stantec memo from Rick Bryant dated July 30, 2015 into evidence as Exhibit mm. Seconded by Phil Perlah. The motion passed.

- d. A motion was made by Amy O'Neil to accept the double sided diagram dated July 20, 2015 from Trudell Consulting Engineers showing the left turn lane into evidence as Exhibit nn. Seconded by Phil Perlah. The motion passed.
- e. A motion was made by Amy O'Neil to accept the Intersection Crash Analysis dated July 20, 2015 prepared by Trudell Consulting Engineers into evidence as Exhibit oo. Seconded by Phil Perlah. The motion passed.
- f. A motion was made by Amy O'Neil to accept the photographs prepared by Trudell Consulting Engineers identifying the crash locations by type dated July 21, 2015 into evidence as Exhibit pp. Seconded by Phil Perlah. The motion passed.
- g. A motion was made by Amy O'Neil to accept the email from Richard Bryant to Abigail Derry dated August 4, 2015 into evidence as Exhibit qq. Seconded by Phil Perlah. The motion passed.
- h. A motion was made by Amy O'Neil to accept the \_\_\_\_\_ dated July 27, 2015 into evidence as Exhibit rr. Seconded by Phil Perlah. The motion passed.
- i. A motion was made by Amy O'Neil to accept the 6 page document prepared by Trudell Consulting Engineers dated July 22, 2015 into evidence as Exhibit ss. Seconded by Phil Perlah. The motion passed.
- j. A motion was made by Amy O'Neil to accept the Memo from RSG to Claudio Veliz dated August 4, 2015 regarding the peer review revision into evidence as Exhibit tt. Seconded by Phil Perlah. The motion passed.
- k. A motion was made by Amy O'Neil to accept the Peer Review from RSG dated June 17, 2015 into evidence as Exhibit uu. Seconded by Phil Perlah. The motion passed.
- l. A motion was made by Amy O'Neil to accept the 11 pages of photographs and narrative prepared by Matt Wamsganz dated August 4, 2015 into evidence as Exhibit vv. Seconded by Phil Perlah. The motion passed.
- m. A motion was made by Amy O'Neil to accept a document entitled New England Architectural in Character dated August 4, 2015 prepared by Claudio Veliz into evidence as Exhibit ww. Seconded by Phil Perlah. The motion passed.
- n. A motion was made by Amy O'Neil to accept a document prepared by Wyman Lamphere Architects dated July 29, 2015 into evidence as Exhibit xx. Seconded by Phil Perlah. The motion passed.
- o. A motion was made by Amy O'Neil to accept the 7 page document showing the town and village architecture prepared by Claudio Veliz into evidence as Exhibit yy. Seconded by Phil Perlah. The motion passed.
- p. A motion was made by Amy O'Neil to accept the map entitled Town Center Designation prepared by Claudio Veliz dated August 4, 2015 into evidence as Exhibit zz. Seconded by Phil Perlah. The motion passed.
- q. A motion was made by Amy O'Neil to accept the 7 page statement of Hugh Henry concerning the application dated August 4, 2015 into evidence as Exhibit aaa. Seconded by Phil Perlah. The motion passed.
- r. A motion was made by Amy O'Neil to accept the 6 page description of the historic marker signed by Leigh Dakin dated August 3, 2015 into evidence as Exhibit bbb. Seconded by Phil Perlah. The motion passed.
- s. A motion was made by Amy O'Neil to accept the Site Plan entitled C201 revised July 31, 2015 showing the monument, fencing and ice storage into evidence as Exhibit ccc. Seconded by Phil Perlah. The motion passed.
- t. A motion was made by Amy O'Neil to accept the Site Plan entitled A301 revised July 29, 2015 including signage and planter boxes into evidence as Exhibit ddd. Seconded by Phil Perlah. The motion passed.

- u. A motion was made by Amy O'Neil to accept the revised Site Plan entitled FEMA revised July 31, 2015 into evidence as Exhibit eee. Seconded by Phil Perlah. The motion passed.
- v. A motion was made by Amy O'Neil to accept the Site Plan entitled A-301A revised July 29 2015 into evidence as Exhibit fff. Seconded by Phil Perlah. The motion passed.
- w. A motion was made by Amy O'Neil to accept the 2 page email from John Broker Campbell of the Watershed Division as well as a letter dated June 8, 2015 into evidence as Exhibit ggg. Seconded by Phil Perlah. The motion passed.
- x. A motion was made by Amy O'Neil to accept the 9 page Power Point Presentation prepared by Stantec into evidence as Exhibit hhh. Seconded by Phil Perlah. The motion passed.

Traffic:

- y. Abigail Derry reviewed the Site Plan C201. She stated that the stopping site distance for ASHTO is 200 feet at 30 mph. This project meets this threshold. She stated that the vegetation on the west side of the Route 11 driveway should be trimmed back which would provide greater site distance. She stated that the vegetation is located on the subject property.
- w. Abigail Derry explained how the site distance is measured. She stated that the site distance is measured at a height of 3.5 feet which is the typical eye height.
- x. Abigail Derry stated that the intersection site distance is about maintaining traffic flow. She stated that ASHTO recommends 335 feet and there is 232 feet present. She confirmed that the minimum required for safety is met. The recommended distance is not met.
- y. Abigail Derry reviewed the crash location map. She stated that the crash reports were reviewed. They focused on the intersection of Route 11 and 103. Abigail Derry stated that this intersection is not a high crash location. She stated that the crashes identified were mostly rear end crashes.
- z. Phil Perlah questioned the time frame for determining the crash frequency. Abigail Derry noted that it is a 5 year period. Phil Perlah indicated that he does not feel that the analysis states the true risk at the intersection.
- aa. Abigail Derry stated that Vtrans identified this intersection as not a high crash site.
- bb. Abigail Derry introduced Rick Bryant, senior traffic engineer from Stantec Consulting.
- cc. Rick Bryant stated that the Route 103 Corridor Plan prepared by RSG a few years ago requires a level service D be maintained in the village during typical peak hour, not during peak tourist periods.
- dd. Rick Bryant stated that Vermont Route 11 coming from Springfield is a level of service C. He stated that he has double checked Trudell's work and found that the analysis is sound. He stated that there is a level of service A for traffic heading on Route 103 from town and turning toward Springfield. He stated that Trudell used a March 12, 2015 weekday count and applied seasonal adjustment factor.
- ee. Rick Bryant stated that the annual average daily traffic count for vehicles on Vermont Route 103 heading south is 8,700 with the typical hour average being 765 vehicles. Rick Bryant stated that the day of counting showed 770 counts without any adjustment. He explained that the adjustment factor used during the original analysis raised the traffic volume to 975 and a Level of Service D was still met. Rick Bryant stated that the original narrative was very conservative.
- ff. Rick Bryant reviewed data collected for Okemo from mid season winter in 2009. He stated that the daily count never exceeded 975 vehicles. 2014 and 2015 data was added for Saturdays and Sundays afternoons during the winter. The count was still lower than the 975 which was studied.

- gg. Rick Bryant discussed the left turn lane. He stated that the new model used by VTrans is set up for urban settings and is for high speed traffic areas. Rick Bryant also explained that the meaning of “warranted” does not mean that it is a requirement. The analysis shows a left turn lane for cars coming from Londonderry turning left into the gas station and left onto Route 11 towards Springfield is not warranted.
- hh. Amy O’Neil expressed concern regarding cars slipping by to make a right turn. Rick Bryant stated that there is not enough room at the entrance to the site. Only up closer to the intersection.
- ii. The Vtrans recommendation is to come back and analyze when the business is in use.
- jj. Amy O’Neil questioned if the Chester Police Department would send a bill to Champlain Oil for traffic control if there is a problem. Matt Wamsganz stated that there would not be an issue with this being a condition of the permit.
- kk. Leigh Dakin noted that there was an increase in traffic crashes in that one year which was after the new bridges.
- ll. Heather Chase questioned if the early morning hours during the school year were studied due to the kids driving to school. Rick Bryant explained that the 30th highest hour is the time that is used to determine the peak. The 30<sup>th</sup> highest hour was not during a weekday morning.
- mm. Richard Farnsworth stated that he owns property on Route 103 and on Route 11. He urged the Development Review Board to discuss a bypass.
- nn. Lew Watters stated that the warrant is set at 30 mph which he does not feel is reality/.
- oo. Carole Theodore expressed concerns about the dangers of the intersection and is concerned that this project could make it worse.
- pp. Matt Wamsganz requested that the Development Review Board review the numbers carefully. He commented that there are 8,000 cars per day that run through the subject section of highway x 365 days = a lot of cars with only 4 crashes resulting.
- qq. Abby Derry stated that they are proposing to stripe the intersection which should help with the turning.
- rr. Ben Swanson stated that they are looking to analyze the 30<sup>th</sup> highest hour which is a Monday at 12:00 noon.
- ss. He stated that the DHV factor average is 11.2% which equals 975 vehicles. The DHV for a summer/winter/recreational road is 13.9%.
- tt. Ben Swanson stated that he reviewed the delay that would be caused. He stated that placing a signal would limit the delay and adding a left turn lane would do nothing. Ben Swanson also stated that he wants monitoring done at the Route 11 and 103 intersection to determine if a traffic light is warranted.
- uu. Ben Swanson stated that the left turn from Route 11 onto Route 103 is a Level of Service F. Carla Westine questioned where that traffic is coming from.
- vv. Rick Bryant commented that the recommendation was for a typical day which is what was studied. He stated his opinion that a scare tactic is being used using the 2<sup>nd</sup> highest day. Ben Swanson again urged that continuous traffic counts need to be used instead of random numbers.
- ww. Janet Stewart stated that she does not understand the traffic control issue as the Police Department has said they will direct as warranted. Jiffy Mart has also stated their willingness to mitigate.

Character of the Area:

- xx. Matt Wamsganz stated that the revised Site Plans show fencing around the monument, planters and the ice machine cages.

- yy. Matt Wamsganz stated that he went to a highly respected Vermont Architect and had him review the photographs and pictures of the area. He has given a letter. He stated that he has also taken photographs of various buildings in town.
- zz. Matt Wamsganz stated that revised elevations were prepared showing the side of the building and showing how the signage will be placed on the building along with the planter boxes. Matt Wamsganz stated that the planter boxes will be maintained by Stone Village Framers Market.
- aaa. Matt Wamsganz stated that the cupola will be functioning and will provide ventilation for the attic.
- bbb. Matt Wamsganz stated that the Courthouse Monument is proposed to be protected by a black iron fence with a gate. Carla Westine read Leigh Dakin's letter regarding the history of the monument. Leigh Dakin stated that she suggested to Payne Junker to create a drawing of an iron fence. She would like to see a tall iron fence so that nobody can get in. Matt Wamsganz stated that he is willing to take the means necessary to protect the stone monument with an iron fence.
- ccc. Carla Westine read Hugh Henry's statement. Hugh Henry provided some history of the property and the old Burbank House. He indicated that the date of the house is not determined but has been estimated at the end of the 1800s. The house is not on the State or National Register but is likely to be eligible.
- ddd. Matt Wamsganz stated that a cost analysis was done on the property and it is not cost effective to renovate the building. He stated that if someone approached the applicant with a willingness to take the structure, Jiffy Mart would be willing to allow the building to be taken as long as it was done within 2 months.
- eee. Claudio Veliz provided a map showing the boundary of the Village Center Designation. The map also shows a boundary where all of the various maps intersect. He stated that this shows the central character of Chester. This is Claudio Veliz's interpretation of the village center.
- fff. New England Architectural appearance was discussed. Claudio Veliz reviewed several features that are present on almost all of the buildings located within the presented boundary. He further reviewed the various styles of architecture that are present in this area, none being after the 1930s. He also noted that New England architecture includes sidewalks and green areas.
- ggg. Amy O'Neil questioned Matt Wamsganz and asked if any of the buildings on his list are located within the black outlined area on Claudio Veliz's map. He responded that 21 Main Street, 128 Main Street, a portion of Newsbank, 48 Main Street, 397 South Main Street (people's bank) are all located within the designated boundary.
- jjj. Claudio Veliz asked if any of the buildings listed on the document are prior to 1930. The Development Review Board responded that they have no knowledge of that.
- kkk. Paul Stoddard stated that the traffic will be the same no matter where the Jiffy Mart is located. He urged the Development Review Board to pass the application and stated that it will be a benefit to Chester.
- lll. Bill Dakin expressed his concerns regarding the side of the building facing Route 103 being covered with signage.
- mmm. Lew Watters stated that the Beautification Committee has prepared a map of a Historic Walking Tour which focuses on the center of Chester.
- nnn. A motion was made by Amy O'Neil to accept the Take a Walk Along Chester map into evidence as Exhibit iii. Seconded by Phil Perlah. The motion passed.
- ppp. Phil Perlah questioned if there is a floodway fringe along the river. Matt Wamsganz stated that the construction is not located within the floodway area.

- qqq. Phil Perlah questioned section 3.29 relative to commercial distribution. Matt Wamsganz testified that his business is for retail distribution.
- rrr. Matt Wamsganz made his final statement and requested that the Development Review Board take into consideration the long standing relationship with Jiffy Mart, that the location of the current building is a dangerous situation, that there are no immediate abutters opposed to this project, that Champlain Oil employs Vermonters and is owned by Vermonters. He further stated that they have made changes as requested to be accommodating. Regardless of the lack of regulation they have spent great amounts of time preparing an application for a building that fits into Chester.
- rrr. A motion was made by Amy O'Neil to close the Flood Hazard and Conditional Use Hearings. Seconded by Harry Goodell. The motion passed.

### **3. RECONVENING FINAL PLAT REVIEW OF DALIO RE-SUBDIVISION**

- a. Harry Goodell recused himself from this hearing due to a conflict of interest.
- b. Carla Westine noted that Amy O'Neil will be sitting for the final plat hearing. Amy O'Neil stated they have done work for Ray Dalio in the past but have not done work recently. Amy O'Neil stated that she feels she can act impartially. The applicant stated no objection.
- c. Steve Mongeon stated that he has removed the access road and referenced it as a private drive. The close detail has been removed. He has shown the dry hydrant system on the plat. The proximity location is also shown.
- d. The Wastewater permit has been received but is not referenced on the plat.
- e. Todd Hinderger noted that Building A is located on Lot 7. Building D is located on Lot 6.
- f. A motion was made by Amy O'Neil to accept the revised map dated August 10, 2015 as Exhibit A. Seconded by Phil Perlah. The motion passed.
- g. A motion was made by Amy O'Neil to close the hearing. Seconded by Phil Perlah. The motion passed.

### **4. COMMENTS FROM CITIZENS**

- a. Amy O'Neil confirmed with Michael Normyle that Adison Greenwood withdrew his waiver application.

### **5. APPROVAL OF MINUTES**

- a. A motion was made by Amy O'Neil to approve the minutes of the July 27, 2015 Development Review Board meeting as amended. Seconded by Phil Perlah. The motion passed.
- b. Page 1, section e, white "pvc"
- c. Page 1, section e, add "the trim is plastic with no grain showing".
- d. Page 2, section j, remove this section.
- e. Page 2, insert into section n, "Amy O'Neil asked the applicant if they could plant between the building and the walkway. Matt Wamsganz stated that there are utilities underground there".
- f. Page 2, section n, exhibit is s not ss.
- g. Page 2, section o, ice storage outside is for restock.
- h. Page 2, section r, add "does not"
- i. Page 3, section dd, insert that the expert testimony was "previously upheld in court"
- j. Page 3, section f, Gallo should be capitalized.
- k. Page 4, section r, Gary Rapanotti also stated that the new pins will be set.

- l. Page 4, section aa, waiver was for location of utilities and easements on the vicinity map.
- m. Page 5, section m, It was noted by the Board that each lot has its own road frontage or right of way.
- n. Page 5, section a, change date to July 22.

**6. DELIBERATIVE SESSION TO REVIEW PREVIOUS MATTERS**