

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

April 23, 2018

BOARD MEMBERS PRESENT: Carla Westine, Gary Coger and Phil Perlah.

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

OTHERS PRESENT: David Frothingham, Michael Behn, Richard Marcks, Paul Nadolski, Elizabeth Newell, Erron Carey, Frank Trombetta

Call to Order

The meeting was called to order at 6:00 PM by Chair Carla Westine. She introduced the members of the Board and staff, then read the meeting's agenda. Everyone joined in reciting the Pledge of Allegiance.

Agenda Item 1, Review Draft Minutes from the March 26, 2018 Meeting

Gary Coger moved to accept the minutes as written. Phil Perlah seconded the motion. Phil Perlah asked if the Burtco application had been officially withdrawn. Carla Westine said it had. A vote was taken and the minutes were accepted as written.

Agenda Item 2, Citizen Comments

No citizens had comments on any topic other than the hearing at hand.

Agenda Item 3, reconvene the Sandri Realty, Inc. Flood Hazard Review and Conditional Use application #518 & #519

Hearings #518 and #519 were reconvened. Chair Carla Westine asked the Board members if they had had any ex parte communication on this subject since the March 12, 2018 meeting. No one had. She noted that all the citizens present had been sworn in at the last portion of the hearing on March 12th and reminded them that they were still under oath.

She proceeded to enter a number of new documents into evidence. The first was a letter from John Broker-Campbell of the Vermont Department of Environmental Conservation dated April 17, 2018 and addressed to Michael Normyle, Zoning Administrator. Carla Westine read the letter aloud in its entirety. The letter discussed how this project, which is in the FEMA mapped Special Flood Hazard Area, can be brought into compliance with Chester Unified Bylaws and FEMA regulations. Phil Perlah moved to accept the letter as Exhibit L. Gary Coger seconded the motion. A vote was taken and the letter was accepted as Exhibit L.

The second exhibit was a letter from David Frothingham of Wilcox & Barton to Michael Normyle dated February 13, 2018 and revised April 13, 2018. It outlined how the project will comply with the Chester Unified Development Bylaw Conditional Use standards for the Residential-Commercial District and how it complies with the Flood Plain Standards section.

Instead of reading the entire document, Carla Westine asked David Frothingham to outline the changes made since it was originally introduced as an Exhibit during the March 12, 2018 meeting. David Frothingham said the letter contained new information on traffic, the impact on community facilities, lighting, landscaping and flood plain compliance. Phil Perlah moved to accept the revised letter as Exhibit M. Gary Coger seconded the motion. A vote was taken and the letter was accepted.

The third exhibit presented was a Project Review Sheet from the Vermont Department of Environmental Conservation & Natural Resources Board. The project name is Sandri's in Chester – new Dunkin Donuts. The location is 50 Main St. and the contact is David Frothingham. Carla Westine read the project description aloud. Phil Perlah moved to accept the document as Exhibit N. Gary Coger seconded the motion. A vote was taken and the Project Review Sheet was accepted as Exhibit N.

The fourth document presented was a letter from Chester Fire Chief Matthew Wilson to David Frothingham dated April 14, 2018. Carla Westine read the letter aloud in its entirety. It said that the Fire Chief saw little to no impact to the Chester Fire Department based on the information provided. Phil Perlah moved to accept the letter as Exhibit O. Gary Coger seconded the motion. A vote was taken and the motion passed.

The fifth document presented was a letter from Police Chief Richard Cloud to Michael Normyle, Zoning Administrator dated March 13, 2018. Carla Westine read the letter aloud in its entirety. In the letter Chief Cloud stated he did not think traffic safety or parking would be a problem for the project. Phil Perlah moved to accept the letter as Exhibit P. Gary Coger seconded the motion. A vote was taken and the letter was accepted as Exhibit P.

The sixth document presented was a letter from Jeff Holden, Water/Sewer Superintendent dated March 14, 2018 and addressed to the Development Review Board. Carla Westine read the letter aloud in its entirety. In the letter Jeff Holden said the town had the capacity to supply water at the rate of 1,382 gpd and wastewater capacity to process 1,228 gpd of discharge, provided a grease interceptor was installed. Phil Perlah moved to accept the letter as Exhibit Q. Gary Coger seconded the motion. A vote was taken and the letter was accepted as Exhibit Q.

The seventh document presented was an e-mail from Christopher Clow of the Vermont Agency of Transportation to David Frothingham dated April 12, 2018. Carla Westine read the e-mail aloud. The e-mail states that a left turn lane will not be necessary on Vermont Route 103 to handle the traffic increase caused by the project. Phil Perla moved to accept the e-mail as Exhibit R. Gary Coger seconded the motion. A vote was taken and the e-mail was accepted as Exhibit R.

The eighth document was a 2-page summary and a 19-page traffic study from Jonathan Slason and Ben Swanson of RSG sent to David Frothingham. The study is dated April 10, 2018. Saying the information in the study would be discussed in detail during the meeting, Carla Westine did not read the document aloud. Phil Perlah moved to accept the document as Exhibit S. Gary Coger seconded the motion. A vote was taken and the study was accepted as Exhibit S.

The ninth document presented was two pages showing proposed elevations of all four sides of the building in question. Carla Westine noted that Zoning Administrator Michael Normyle had

added a hand-written date of 4/13/18 to the first page. Phil Perlah moved to accept the drawings as Exhibit T. Gary Coger seconded the motion. A vote was taken and the motion passed.

The tenth document presented was a revised site plan for 60 Main Street, Chester VT, a document also titled C-2. The document was stamped and signed by David Frothingham. The original date is 2/12/18. The first revision done on 2/27/18, was to add BFE to the freezer addition. The second revision, done on 3/16/18 was another revision to the BFE and additional signs and pavement markings. Phil Perlah brought the Board's attention to this revision history and suggested using the latest revision date, 3/16/18 as a way to identify this exhibit. Phil Perlah moved to accept the site plan as Exhibit U. Gary Coger seconded the motion. A vote was taken and the motion passed.

The eleventh and last document submitted was a drawing entitled Schematic Site Plan and Details created by Aharonian & Associates, Inc. The original date is 2/7/2018. Three revisions, on 3/22/18, 3/26/18 and 4/12/18, are listed. The drawing number is A0.2. Phil Perlah moved to accept this drawing as Exhibit V. Gary Coger seconded the motion. A vote was taken and the motion passed.

Carla Westine then addressed a list of issues that were not resolved at the March 12, 2018 portion of the hearing.

The first issue was the acquisition of two pieces of property, one from the Town of Chester and one from the neighboring Country Girl Diner. The acquisitions provide enough space to meet the lot setback and coverage requirements for the project. Carla Westine asked if the two real estate purchases had been closed. Michael Behn said that the purchase of the Country Girl property was complete. The purchase from the Town of Chester was nearly complete. Carla Westine asked if the waiting period required when the town sells property it owns had passed. Michael Behn said it had. Michael Normyle said he will check with the Town Manager to see if anything can be done to move the process along.

Carla Westine noted that letters from the Town of Chester Police, Fire and Water/Wastewater departments have been received. There were no objections to the project from any of the department heads.

The next topic was River Management. David Frothingham said that no comments had been received from River Management. The project was beyond the top bank, therefore outside the parameters for a stream alteration permit. The project is under the jurisdiction of the Flood Plain Manager, John Broker-Campbell. A letter was received from him, allowing the project to go forward, and has been entered into evidence (as Exhibit L).

Carla Westine asked about traffic. David Frothingham said the project had received comments from the Vermont Agency of Transportation and a traffic study was requested. The study has been performed and introduced into evidence (as Exhibit S). David Frothingham said as a result of the study, arrows were added to the site plan to indicate the counter-clockwise traffic flow planned on the lot. When the Conditional Use permit is obtained, David Frothingham will apply to the Agency of Transportation for permission to build the curb cut shown on the site plan.

Carla Westine asked about changes to the building elevation drawings (Exhibit T). Richard Marcks said the planned angled roof on the street side of the building has been removed. It was a

different color from the rest of the building and had two large letter D's on it. It could have been considered signage. In its place is a flat roofline and the word Dunkin' in smaller letters over the entry door. The higher roof projection to the west of the angled roof was also removed. Exterior lights shown on an earlier drawing are now concealed under the blue canopy shown on the west side of the building front, with a red, green and blue logo at the westernmost end. Shutters were added to the windows on this section of the building. The building will be sheathed in fiber cement board siding in 3 colors: a blue-gray called Boothbay Blue, a light beige called Cobblestone and a white that is about the color of cement. The existing free-standing signs on the property will be removed and replaced with a sign plaza, shown on Exhibit V. The chimney shown in the proposed north elevation of Exhibit T, is actually going to be removed and will not be seen.

Michael Normyle asked about the Flood Management requirement of two entries for floodwater in the area on the northwest side of the building that will not be above the Base Flood Elevation. David Frothingham said there will be special passive action gates on either side of the overhead door to that area, about six to twelve inches from the bottom of the wall. These will allow water to flow in and out during a flood.

Carla Westine then addressed the traffic study presented as Exhibit S. David Frothingham explained that the Vermont Agency of Transportation requested the study. One purpose of the study is to determine how much the Level of Service (LOS) at the intersection would be affected by this project. Level of Service is a rating ranging from A to F. Carla Westine explained later in the hearing that Level of Service referred to the time a vehicle spent waiting to turn onto a roadway. David Frothingham said C is a desirable rating. He said more traffic would push the rating to D or E, which would then require modifications to the roadway to maintain order and safety. In this case, it was determined that the project will not increase traffic enough to affect the current C level of service. Another statistic used to measure traffic is a count of trip ends. A trip end occurs whenever a vehicle enters or leaves a site. David Frothingham anticipated that the Dunkin Donuts will have 129 trip ends in the morning peak time and 63 trip ends in the evening peak time. Only a portion of these trips ends will be vehicles coming to the intersection for the sole purpose of visiting the establishment. About half of the vehicles would have been passing through the intersection in any case. The actual count of new trip ends would be about 33 in the morning peak hour and 16 in the evening.

In the March portion of the hearing, someone asked if the traffic statistics cited were taken after the Jiffy Mart on the other side of the road was open. David Frothingham addressed that question in this portion of the hearing, saying that the traffic statistics did include traffic from the Jiffy Mart.

Carla Westine asked about the orientation of the sign in the sign plaza. One drawing shows the sign perpendicular to the road and the other shows it parallel to the road. David Frothingham said the sign would be perpendicular to the road so it can be seen from both directions.

Carla Westine noted that in the traffic study mention was made of a cardboard sign present near the roadway that blocked sight lines to some extent. She expressed concern that the new sign plaza could block sight lines for traffic. David Frothingham pointed out the location of the sign

plaza on the C-2 (Exhibit U). The sign plaza will be near where the existing Sunoco sign is now, a minimum of 10 feet from the roadway, and will not block sight lines for traffic.

Changes to the lighting plan were then addressed. Carla Westine said it looked like the exterior light fixtures on the building had been changed to LED lights underneath the aluminum canopies on the side of the buildings. Richard Marcks said that was correct. The lights would be wall wash lights directed downward to the sidewalk. David Frothingham said the pole lights will be LED cutoff fixtures where the light source is hidden inside the light structure. In addition, the pole lights will have house-side shields to direct the light downward and forward, onto the lot and away from any neighbors.

David Frothingham said that the plantings at the back of the lot, designed to shield neighbors from headlights, would be increased in density. Phil Perlah noted that there were now 28 cedar trees on the drawing, instead of the original 14, and asked if it was a commitment to plant 28 trees. David Frothingham said it was. He pointed out that the plantings also wrap around the southern corner of the lot, to shield homes on the end of River Street, near the intersection with Vermont Route 103, from headlights.

Paul Nadolski asked about the shielding described on the lights. He was concerned that the proposed lights would project onto his property. David Frothingham showed Mr. Nadolski a picture of the fixture which helped Mr. Nadolski understand what was planned. Carla Westine described the intent of the town lighting bylaw, which is to both shield the light source from view and to prevent the broadcast of light off the property.

Erron Carey asked if the existing Sunoco sign was being removed. David Frothingham said it was. She asked if it was being replaced with a sign that was equally tall. David Frothingham said the new sign plaza was not as tall as the Sunoco sign. He also said it would not be an internally lit sign. It will be lighted by a downward facing light at the top of the sign.

Elizabeth Newell asked what plans were made for a possible future increase in traffic. Carla Westine said that traffic on Vermont Route 103 was regulated by the state. She said the study done for this application showed the Level of Service was not going to be a problem. Also, the number of traffic accidents at the corner was currently very low. If, in the future, the level of traffic increases and becomes problematic, the state would intervene. David Frothingham said the traffic study did project volumes five years into the future. The Vermont Agency of Transportation would be watching for issues in the area.

Michael Normyle emphasized that an updated Elevation Certificate would be required by John Broker-Campbell, the Regional Floodplain Manager, once construction is complete. Michael also praised the applicant for their efforts at due diligence which revealed that the FEMA map was out of date and the course of the river had changed. He asked if the applicant has spoken to Scott Wunderle about the Chester Canopy plan. David Frothingham said that he had not, as yet, spoken to him.

There being no further questions or comments from the Board or the audience, Phil Perlah moved to close both the Flood Plan and Conditional Use hearings. Gary Coger seconded the motion. A vote was taken and the hearings were closed.

Carla Westine reviewed the procedure for issuing the Conditional Use permit and the applicants left the meeting.

Agenda Item 4, Deliberative session to review previous matters

At this point, the Board went into deliberative session. The meeting was adjourned at the close of the session.