

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES
May 14, 2018

BOARD MEMBERS PRESENT: Carla Westine, Amy O’Neil, Gary Coger, Harry Goodell and Phil Perlah.

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

OTHERS PRESENT: William Lindsay, Nancy Lindsay, Charles Record, Amy Anderson, Justin Anderson.

Call to Order

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

Agenda Item 1, Review Draft Minutes from the April 23, 2018 Meeting

It was discovered that the copies of the minutes sent to the Board members were missing pages 2 and 3, so the discussion of the minutes was tabled until the next meeting on June 11, 2018.

Agenda Item 2, Citizen Comments

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

Agenda Item 3, Conditional Use Application (#520) Charlie Record and Soapshed LLC

Carla Westine began by asking the Board members if they had had any ex-parte communication about this application or if they have any conflict of interest. No member did. She then swore in Charlie Record, William Lindsay and Nancy Lindsay, who wanted to give testimony.

The following exhibits were presented in evidence:

The first exhibit was a Town of Chester Application for a hearing before the Development Review Board. The Appeal number is 520. The appellant name is Charlie Record. The description of the project is, “Turn former Chester Laundromat into office space/retail or professional services.” Amy O’Neil moved to accept this application as Exhibit A. Gary Coger seconded the motion. A vote was taken and the motion passed.

The second exhibit was a Town of Chester Notice of Public Hearing Before the Development Review Board dated April 3rd 2018. The owner is Soapshed LLC, the applicant is Charlie Record, the location is 288 Depot Street, the District is the Village Center and the action requested is, “Turn former Chester Laundromat into office, retail or professional services.” Amy O’Neil moved to accept the notice as Exhibit B. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The third exhibit presented was a letter dated March 19, 2018 from Charlie Record to Michael Normyle and various department heads, describing the project. Charlie read the letter aloud for the record. Amy O'Neil moved to accept the letter as Exhibit C. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The fourth document presented was a three-page Project Review Sheet on two pieces of paper. It is dated 3/20/2018. The project is identified as Charlie Record – Soapshed LLC. It indicated that there was an Act 250 permit number 250791 for the property that has been abandoned. There was a Wastewater System and Potable Water Supply permit number WW-2-2578 issued for the house behind the property in question. There was also a Hazardous Waste permit number 941731 for the property which has been resolved. The box requiring a construction permit for Fire Prevention, Electrical, Plumbing, and Accessibility was checked. Carla Westine noted that Charlie Record had already contacted the Division of Fire and Safety.

The box denoting access to a State Highway was checked. The Board discussed this. They noted that the property is on Vermont Route 103, but the road is a town highway at that location. At other locations on VT 103, where the state has jurisdiction, (Jack's Diner and the Sunoco station are two examples) the Agency of Transportation has stepped in and required changes to the access.

Amy O'Neil moved to accept the project review sheet as Exhibit D. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Phil Perlah pointed out that the third page of the document did not look as if it belonged to the project review sheet. Michael Normyle said it wouldn't be unusual for random pieces of paper to be attached to a Project Review Sheet. Amy O'Neil moved to modify the exhibit to only include two sheets of project review sheet. Gary Coger seconded the motion. A vote was taken and the exhibit was modified.

The fifth document was a letter from Jeff Holden, Water/Sewer Superintendent. It was dated April 11, 2018 and addressed to the Development Review Board. In the letter, Jeff states the change of use will reduce the impact on the town's water and wastewater systems and he has no objection to the change. Amy O'Neil moved to accept the letter as Exhibit E. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The sixth document presented was a letter dated March 22, 2018 from Chester Fire Chief Matt Wilson to Charlie Record stating that he saw little impact on the Chester Fire Department from the proposed change. Amy O'Neil moved to accept the letter as Exhibit F. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The seventh document was a letter dated March 28, 2018 from Chester Police Chief Richard Cloud to Michael Normyle, Zoning Administrator. Chief Cloud states in the letter that he doesn't see any problems with traffic safety or parking as a result of this change. Amy O'Neil moved to accept the letter as Exhibit G. Gary Coger seconded the motion. A vote was taken and the motion passed.

The eighth exhibit was a second letter from Police Chief Richard Cloud to Michael Normyle, dated May 10, 2018. This letter states that Chief Cloud visited the site with Graham Kennedy, Town of Chester Highway Foreman on May 8, 2018. They concluded that the flow of traffic and parking on the property should remain the same as the prior tenant. Amy O'Neil moved to

accept the letter as Exhibit H. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The ninth exhibit presented was a site plan drawn by Charlie Record and dated 4/12/18. It shows the building with seven parking spaces in front of it and 3 more spaces at the back. An accessory building with a carport is also shown. Amy O'Neil moved to accept the drawing as Exhibit I. Gary Coger seconded the motion. A vote was taken and the motion passed.

The tenth exhibit presented was a section of a survey map showing the property and surrounding parcels with the names of their owners. Amy O'Neil moved to accept the letter as Exhibit J. Harry Goodell seconded the motion. A vote was taken and the motion passed.

An e-mail from John Fay of the Environmental Assistance Office and a second copy of the Project Review Sheet were set aside as they did not contain any new information.

The eleventh document considered was a Construction Permit Letter from the Division of Fire Safety. The permit is dated 5/1/18. The applicant's name is Soapshed LLC. A number of conditions have been checked off on page 1. Amy O'Neil moved to accept the letter as Exhibit K. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Amy O'Neil asked for the record if Soapshed LLC was actually Charlie Record. Charlie Record confirmed that it was.

The Board then examined the application under the General Standards is Section 4.8 of the Chester Unified Development Bylaws.

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;

Charlie Record said he felt this change would have no effect on community facilities. Carla Westine noted the letters entered into evidence from the Chester Fire Chief, Water/Sewer Superintendent and Police Chief that confirmed this.

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 read the description of the purpose of the Village Center District in the Chester Unified Development Bylaws. Charlie Record says he plans on renting the space as professional offices, though he does not have any firm tenants yet. He plans to keep the exterior the same, making only cosmetic changes. He said he felt those uses fit the Village Center District.

c. Traffic on roads and highways in the vicinity;

Charlie Record said he thought there would be less traffic from an office space in that location than there had been from the laundromat. Carla Westine noted that there was a letter from the Police Chief saying he did not see any problem with traffic safety.

Phil Perlah asked about the two letters from the Police Chief. He noted that in the first letter the Police Chief says he has no concerns over traffic safety or parking, but in the second letter he says he has no problems as long as the previous traffic flow and parking remained the same. Phil also noted that the Project Review Sheet asks Charlie Record to

check with the Vermont Agency of Transportation. He wondered if this sets up a conflict between the Chester Police Department and the Vermont Agency of Transportation.

Harry Goodell said he was concerned because the Agency of Transportation had previously only addressed projects within their jurisdiction. This property is not on the State-owned portion of the highway and therefore is not within the state's jurisdiction. Harry said that Charlie Record had gotten approval from the Chester authorities as required.

Michael Normyle reminded the Board that that the Project Review Sheet is non-binding. The checked boxes are suggestion and not requirements. Phil Perlah said he was concerned about the second letter from Chief Cloud. Amy O'Neil said she was concerned as well. The Board did not want to grant a permit and then have the Agency of Transportation require changes so extensive that Charlie Record would have to apply for a new conditional use permit.

The Board examined the site plan more closely, looking for ways to avoid needing a new permit if the Agency of Transportation made changes. The Board established that the former owners of the property, Bill and Nancy Lindsay had both parked cars behind the building and driven around the building in both directions with no difficulty. Bill Lindsay testified that the garbage truck had no difficulty driving in and out and emptying the dumpster behind the building.

Carla Westine calculated that 5 - 6 parking places would be required for the three proposed office spaces. Bill Lindsay said there were three spaces available under the carport in the back. Amy O'Neil and Carla Westine, noting that there were three spaces drawn on the site plan next to the carport in the back, agreed that the parking requirement could be met without needing any spaces in front of the building. This would solve the problem of changes needed if the Agency of Transportation requires some sort of curb along VT Route 103 to limit traffic backing onto the road.

Harry Goodell said he thought the planter with the sign holder on the south side of the lot should be removed to give better access on the driveway on the south side of the building. Amy O'Neil asked if there was ledge under the sign. Bill Lindsay said there was. Phil Perlah said the planter could at least be made smaller.

Charlie Record said he expected that people who worked in the building would be parking in the spaces in the back. He said he intended to remove the island with the sign holder. Amy O'Neil asked Charlie Record if he planned on marking the parking places on the lot or leave them unmarked. Charlie said he did not plan to mark them.

Carla Westine said it was likely that the Agency of Transportation would simply say that jurisdiction belonged to the Town of Chester, and in that case, Charlie Record already has a letter confirming his parking plan is acceptable.

d. Bylaws and ordinances then in effect; and,

Carla Westine confirmed with Charlie Record that the building is an existing building and that he has no plans to change the footprint. Carla then looked at the permitted uses in the Village Center district and noted that the list does include professional office, the use this being applied for. Since the building is an existing building and no changes are being made to the footprint, the Dimensional Standards will not apply. The building meets the Building Orientation standard in the Supplemental Standards. The building is existing and not being altered so the Character of Development standard does not apply. Carla said the landscaping requirements would be addressed later in the hearing.

Amy O'Neil asked if the renting of the three garage bays for storage fit in the list of conditional uses. The Board decided it did not and Charlie Record agreed to withdraw the request for that use from his application.

e. Utilization of renewable energy resources.

Charlie Record said he would not be using any renewable resources in this project.

2. Specific Standards

Specific standards will include consideration with respect to:

a. Minimum lot size;

Carla Westine confirmed that the lot exceeds this requirement. The lot had been created recently at a boundary adjustment hearing.

b. Distance from adjacent or nearby uses;

Charlie Record said that the house to the south along Depot Street, belonging to Doris Hastings was 40 feet away. Bill and Nancy Lindsay have a home on the lot behind the building. The distance from the building to that lot line was 40 feet. The Germain apartment house property to the north was 35 to 40 feet from the building. Amy O'Neil pointed out that these were all residences and asked if these are compatible uses or if screening would be needed. This discussion was left for section d. Carla Westine noted that across the street is another Lindsay property with a permitted retail use.

c. Minimum off-street parking and loading facilities;

Carla Westine noted that the three offices require six parking spaces and that there were six parking spaces available even without the parking spaces in the front. She verified with Bill Lindsay that the garbage truck was able to enter the lot, empty the dumpster and leave with no difficulty. Phil Perlah asked if Charlie Record intended to move the dumpster away from the back of the building. Charlie said yes, he did plan to move it, to minimize danger from a fire in the dumpster.

d. Landscaping and fencing;

Carla Westine asked about the landscaping present now. Charlie said that there was a row of evergreens on the Germain side. There was a hill between the existing building and the Lindsay's home on the back lot. Bill Lindsay said there is a wild hedge and apple trees between the Record property and the Hastings property. Charlie said he has no plans to remove the apple trees or the hedge between his property and the Hastings property. If he did remove the hedge, he would replace it with another planting. Amy O'Neil asked if the evergreens on the Germain boundary are on the Record property. Bill Lindsay said they were, he had planted them when he owned the property.

e. Design and location of structures and service area;

Carla Westine asked if Charlie Record was going to change anything on the exterior. Charlie said he did not plan any changes. He would be repairing holes in the siding left by vents from the laundromat. He would be leaving the awning in the front.

f. Size, location and design of signs;

Carla Westine said Charlie had mentioned 2 signs mounted on the side of the buildings illuminated by a downward facing light and he may be removing the planter beside the

building with a sign holder. Charlie Record asked if it mattered whether the signs were mounted on the side of the building or hung from the awning by chains. Carla Westine said signs over the sidewalk need to end 9 feet above the ground so as not to interfere with sidewalk plows and Charlie should discuss this with Michael Normyle before deciding on a design and installation.

- g. Performance Standards under Section 4.9 and,
- h. Other such factors as these Bylaws may include.

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:

- a. All new construction, exterior alteration, fencing, lighting, reconstruction or renovation of existing buildings shall include features typical of those which define New England Architectural Character represented by the existing historical structures in the “Center of Chester”.
- b. Native historical building materials are to be used which are found in construction representative of “New England Architectural Character” and /or those building products and materials which are indistinguishable to the eye from such materials in appearance.
- c. That all such construction shall take whatever precautions necessary to incorporate, protect and preserve existing historic sites.
- d. **To maintain the scale, support the density and preserve the “New England Architectural Character”** of Center of Chester, 4 of the following 18 features shall be incorporated in the design of any such Application for construction in the Village Center District; 6 of the following 18 features shall be incorporated in the design of any such Application for construction in the Stone Village Districts. and 4 of the following 18 features shall be incorporated in the design of any such Application for construction in the Residential Commercial District (Chester Depot/South Main Street Section only). The DRB shall evaluate the proposed features based on the degree to which they are interpreted by the Applicant/Design professional to support, reinforce and improve the optimal density, community scale and character as here called for. These additional features are to be in addition to the two items listed below in bold, which are mandatory for all applications within these three districts.
 - 1. Multi-level construction to the stated height limit, unless Application is for a secondary or back building which may be one-level.
 - 2. Parking at rear and/or side of building.
 - 3. A Gable roof profile located at street façade.
 - 4. **Gable roof pitches to be no less than 6/12.**
 - 5. Compound gable roof.
 - 6. Corner board trim on street side of building on wood clad exterior walls.
 - 7. **Front or side entry with walkway directly to sidewalk.**

8. Wood- or timber frame.
9. Clapboard and/or stone exterior walls.
10. Shuttered windows.
11. Bay windows.
12. Landscaping/foilage at base of exterior walls.
13. Minimum 5 foot deep side or front porch.
14. Permanent awnings, overhangs and/or trellises.
15. All full frame windows shall display a vertical dimension greater than horizontal dimension.
16. Stone construction – walls or wall foundations.
17. Solid wood front door. May include “lights” (small windows in standard sized door panels).
18. Specific, existing geometries, trim, and other features that originated on pre-1935 architectural examples in The Center of Chester

Owner may propose alternate elements that reinforce, comply or echo the style, manner and character of the Center of Chester.

Charlie, Bill and the Board agreed that the building met the following criteria:

6. Corner board trim on street side of building on wood clad exterior walls.
- 7. Front or side entry with walkway directly to sidewalk.**
8. Wood- or timber frame.
10. Shuttered windows.
14. Permanent awnings, overhangs and/or trellises.

In the mistaken belief that the Village Center required six features from the list, when only four were required, a discussion of what other features could be incorporated ensued. Bill Lindsay pointed out that one of the two front doors was already wooden and met criteria 17. The Board suggested that the second glass door on the front could be replaced with a wooden door and meet the six required items for the special criteria.

Charlie Record asked if adding windows to the sides of the building would count toward meeting the Special Criteria. He said he was planning on adding five windows, three on the north side and two on the south side. The windows would be taller than they are wide. He did not plan on changing the picture windows in the front. Amy O’Neil said that if all the windows in the building were taller than they were wide this would count toward the six required items and the glass front door could stay. Harry Goodell said he believed the windows should show in the drawings. Charlie Record said the windows were present under the plywood and he definitely planned to remove the plywood and use them again. Harry Goodell suggested that an updated drawing showing the windows be a condition of the permit.

4.9 Performance Standards

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 p.m. and 7 a.m.;
2. Noise shall not exceed 70 dB during the day between 7 a.m. and 8:00 p.m.

Charlie Record said there would be little if any noise, only the sound of vehicles coming and going. Amy O'Neil asked if there would be hours of operation mentioned in the lease for the three spaces. Charlie Record said the people who have approached him about the space would either be using it during normal business hours or possibly on Saturday as an exercise studio. Carla Westine read the standard for noise in the Chester Bylaws.

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.

Charlie Record said only the furnace would be contributing to 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 some light fixtures currently in place could be in violation of the lighting regulations. Charlie Record said he was planning on downward facing lights to illuminate the two signs mounted on the front of the building and he would replace the motion activated lights in the back with lights that conformed to regulations. Phil Perlah pointed out that lights in the back would be important for people leaving the building after dark in the winter. Carla Westine read the section of Performance Standards that applied to lighting and explained that the light cast should not extend past the property boundary and that cars passing should not see the source of the light.

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.

Charlie Record said there would be no safety hazards created by the project.

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.

Charlie Record said there would be no electromagnetic disturbances created by the project.

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.

Bill Lindsay said all the underground storage tank issues have been resolved.

To sum up, Charlie Record said he liked the building and didn't want to see it sitting empty. He intended to take care of the building and took pride in keeping his property looking well.

Michael Normyle asked if the Board is asking for the applicant to return with a changed plot plan which would be accepted as a modified exhibit. Carla Westine said the Board would have a condition that Charlie Record contact the Agency of Transportation and if they recommend changing the parking so no one could back out to Route 103, that he modify the site plan as they ask. It would also condition that the six Special Criteria be met, by either changing to a wooden door or changing the front windows with trim so they at least appear to be taller than they are wide. Phil Perlah added that another condition would be to require a drawing showing the windows be added to the file. Harry Goodell said a condition could require that the windows be installed. In that case the drawing would not be necessary.

At this point there were no other comments or questions from the Board members, the applicant or the audience. Amy O'Neil moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed.

Agenda Item 4, Conditional Use Application (#521) Amy and Justin Anderson with Meditrina

Amy and Justin Anderson were sworn in to give testimony. Carla Westine asked the Board members if they had had any ex-parte communication about this application or if they have any conflict of interest. Gary Coger said he was the current owner of the building and recused himself from the hearing. He took a place in the audience to offer his support the applicants. He was then sworn in to give testimony.

The following exhibits were presented in evidence:

The first exhibit was a Town of Chester application for a hearing before the Development Review Board. The Appeal number is 521. The appellant name is Amy and Justin Anderson. The description of the project is, "Renovating an existing restaurant space into a new restaurant space with mixed use retail, professional offices and arts and entertainment filling out existing spaces within the building." Amy O'Neil moved to accept this application as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Amy O'Neil asked for the to-scale drawing of the site plan. There was no such site plan submitted. She read aloud the requirements for submission to explain what was missing. The Board looked for another way to meet the site plan requirement. Carla Westine asked if the Andersons were planning any changes to the exterior of the building. They said they were not. Someone asked if a site plan had been filed for an earlier permit. Michael Normyle said he had looked through the folder for the property but did not recall seeing any site plans there. Cathy Hasbrouck brought the folder to the meeting room but there was no site plan from any previous application in the folder. It was decided to continue entering documents into evidence.

The second exhibit was a Town of Chester Notice of Public Hearing Before the Development Review Board dated April 17th 2018. The owner is Gary Coger, the applicant are Justin and Amy Anderson, the location is 295 Main Street, the District is the Village Center and the action requested is "Renovating an existing restaurant space into a new restaurant space with mixed use, retail, professional offices, arts and entertainment filling out the remainder of the existing space in the building." Amy O'Neil moved to accept the notice as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The third exhibit presented was a letter dated April 16th, 2018 from Amy Anderson and Justin Anderson to the Development and Review Board and respective department heads, describing the project. Justin Anderson read the letter aloud for the record. Amy O'Neil moved to accept the letter as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The fourth document presented a letter dated May 8, 2018 from Chester Police Chief Richard Cloud to Michael Normyle, Zoning Administrator. Chief Cloud states in the letter that he doesn't see any problems with traffic safety or parking as a result of this change. Amy O'Neil moved to accept the letter as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The fifth document was a letter from Matthew Wilson, Chester Fire Chief. It was dated April 16, 2018 and addressed to Amy and Justin Anderson. In the letter Chief Wilson stated he sees little impact to the Chester Fire Department from this project. He asked that he be notified when construction is complete and before the business is opened so he could set up a walk-through of the site for planning potential calls. Amy O'Neil move to accept the letter as exhibit E. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The sixth document was a letter from Jeff Holden, Water/Sewer Superintendent. It was dated May 8, 2018 and addressed to the Development Review Board. In the letter Jeff states the this is not a change of use but wants to be assured that the grease trap system is up and running, in working order and with adequate capacity for their usage prior to opening the restaurant. Amy O'Neil moved to accept the letter as Exhibit F. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The seventh document was an email from Gary Coger to Michael Normyle discussing parking at the site. The e-mail states there are 6 spaces in front of the building on town property. Anyone may park there. It goes on to say there are 30 to 40 spaces in the lot behind the building on land that is part of the parcel on which the building sits. The area is used by the Main Street Parking Association. Gary states in the e-mail that he has never had a problem with parking in the time he has owned the building. Amy O'Neil moved to accept the letter as Exhibit G. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The eighth exhibit was a drawing of the inside layout of the first floor of the building, not drawn to scale. It is dated 5/8/18. The drawing indicates two bathrooms, one on the first floor which is ADA compliant, and one on the second floor. Amy O'Neil moved to accept the drawing as Exhibit H. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The ninth exhibit presented was a drawing of the outside front of the building including the sidewalk seating area and some parking spaces. It also shows planned signs and lighting on the front of the building. Amy O'Neil moved to accept the drawing as Exhibit I. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The tenth exhibit was a copy of the Chester Tax Map showing this lot, the parcels that surround it and the owners of the parcels. Amy O'Neil moved to accept this map as Exhibit J. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Amy O'Neil asked how wide the building is. Gary Coger estimated it was 36 - 38 feet wide. She noted that the building is very close to the property line on two sides. Gary Coger said the property line was about 4 or 5 feet from the building itself. She asked if there was anything behind the building besides parking. Gary Coger said there was a small walkway and a garden that a tenant put in for her children. Amy asked if the access to the parking is through another property. Gary Coger confirmed that the alley leading from Main Street to the parking lot was owned by someone else. The parking lot is part of the parcel the building is on.

The Board then examined the application under the General Standards in Section 4.8 of the Chester Unified Development Bylaws.

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;

Justin Anderson said the use is not changing from the previous tenant and the impact to community facilities would be the same. Carla Westine noted that letters from the Police, Fire and Water/Wastewater Departments accepted as exhibits confirm this. Phil Perlah asked about the grease trap required by Jeff Holden in his letter. Justin Anderson said the previous business had not installed a grease trap. They did not have a fryolator so it was not an urgent issue. He said he will install the grease trap as required.

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

Justin Anderson said he hoped his business would be bringing more foot traffic to the area which would be good for the town. He said he would not be changing the outside of the

building, he would maintain the look of an older building. Amy Anderson said they would be serving lunch as well. Justin said he wanted to bring a downtown feel to a small town. Amy said the restaurant would complement the other businesses now in the building.

Phil Perlah said he noticed the narrative said the restaurant would be open at 10:00 AM. He asked if they would be serving breakfast. Justin Anderson said they might serve breakfast on Sunday mornings.

Harry Goodell asked if there would also be a retail business in the building and if the retail would be open the same hours as the restaurant. Justin said it would probably open the same time as the restaurant did Monday through Friday or possibly Saturday, but the retail store will not be open as late as the restaurant.

c. Traffic on roads and highways in the vicinity;

Justin Anderson said he did not think the restaurant would have an impact on traffic. Carla Westine noted that a letter from the Chief of Police confirmed that traffic safety would not be a problem.

d. Bylaws and ordinances then in effect; and,

Carla Westine said that arts and entertainment, restaurant, mixed use, and retail store are all conditional uses in the Village Center District. The Dimensional Standards do not apply since this is an existing lot and no changes are planned to the footprint. Carla Westine asked if there were any residential uses in the building. Justin said there was a two-bedroom apartment on the second floor. Phil Perlah asked if the application should be amended to include residential. Michael Normyle said mixed use was defined as residential and other uses, so the application did not have to be amended.

e. Utilization of renewable energy resources.

Justin Anderson said he would not be using any renewable resources in this project.

2. Specific Standards

Specific standards will include consideration with respect to:

a. Minimum lot size;

Carla Westine said that this is a pre-existing lot. This standard does not apply.

b. Distance from adjacent or nearby uses;

Justin Anderson said that the St. Luke's Church building, his neighbor to the west is about 25 – 35 feet away. The Southern Pie Company and Six Loose Ladies, his neighbors to the east, are 8 – 10 feet away. Across Main Street is a large Victorian residence.

c. Minimum off-street parking and loading facilities;

Carla Westine counted the spaces required by the various uses in the building: the apartment, the restaurant, the music center, the Yoga Studio, the Art Garden and the proposed retail space. She came up with a total of 38 spaces. Justin Anderson said there was 40 to 50 spaces in back of the building, but it was unlikely that all the businesses would have customers at the same time. Amy O'Neil said the parking needs of the other businesses in the building could easily change as some leave and others take their place. The needs of the restaurant and retail space were less than half of the available spaces. Since the parking requirements for businesses like the Yoga studio

were at the discretion of the Development Review Board, the Board decided that there was enough parking available for the expected mix of uses.

The dumpster is in back of the building in the large parking area and access is not a problem.

d. Landscaping and fencing;

There is a short length of decorative fence in the back and a curving walk from the door to the parking area. Justin Anderson listed the neighboring uses: mixed use and civic. All are compatible uses and landscaping is not needed.

e. Design and location of structures and service area;

The building has front and rear entrances. The back has a small porch with a garden and a small sidewalk. No changes are planned. Harry Goodell asked about deliveries. Justin Anderson said deliveries come in through the front door.

f. Size, location and design of signs;

Carla Westine pointed out the drawing of the two signs to be brought from the former business location to the new one. Phil Perlah asked about the old sign which was internally lit. Michael Normyle said it was his understanding that the internally lit sign was turned off and was being lit with lights attached to the structure holding the sign.

g. Performance Standards under Section 4.9 and,

h. Other such factors as these Bylaws may include.

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:

Justin Anderson testified he is not changing the exterior in any way, so these standards will not be addressed.

4.9 Performance Standards

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 p.m. and 7 a.m.;

4. Noise shall not exceed 70 dB during the day between 7 a.m. and 8:00 p.m.

Justin Anderson said he expects 60% of his revenue will come from food, he will not be emphasizing the bar side of the business.

Carla asked what Justin expected in terms of noise from patrons dining outside. He said he did not expect it to rise above conversational level. Carla asked about the interior of the building. She

noted that the building is not air conditioned. She asked if windows will be open in the summer. Amy Anderson said the building would be air conditioned because the products they sell need to be kept cool. Harry asked about the noise level of an exterior air conditioner. He was concerned that an air conditioner would exceed the noise limit. Justin Anderson said he had not chosen a system yet, but he would pay attention to the decibel level of the unit he selects.

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.

Justin Anderson said he couldn't think of anything that would contribute to air pollution. Amy O'Neil asked if there would be kitchen fans. Justin said he would have 2 smaller fans over the stoves venting to the outside. He will not have a fryolator in the kitchen so he does not need the very large hoods seen in some restaurants.

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 noted that there were some gooseneck exterior lights on the drawings. Justin said any other lighting would be downward facing and shielded.

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.

Justin deferred to Gary Coger who said there would be no safety hazards created by the project.

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.

Justin Anderson said there would be no electromagnetic disturbances created by the project.

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.

Justin Anderson said he there were no underground storage tanks or other sources of water pollution.

Phil Perlah asked what the status of the application currently is. Amy O'Neil said the application still needs a to-scale drawing of a site plan. This could be presented at the next meeting of the DRB which is planned for June 11, 2018, as a quorum was not available for May 28, Memorial Day. Carla Westine said the applicants did not have to be present at the meeting to have the site plan accepted into evidence.

At this point there were no other comments or questions from the Board members or the audience. Amy O'Neil moved to recess the hearing until June 11, 2018. Phil Perlah seconded the motion. A vote was taken and the hearing was recessed.

Carla Westine asked the Board if there were any other questions they needed answered or information they needed. Phil Perlah asked what kind of music was planned for the restaurant. Justin Anderson said it would be live acoustic music as a background for dining. He did not have any immediate plans for hiring specific musicians. The Board reiterated the bylaw limits on noise levels.

Agenda Item 5 A deliberative session to review previous matters.

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