

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

*February 27, 2017*

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

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

**OTHERS PRESENT:** Justin and Amy Anderson, Krystina Lankone, Doug Reitmeyer, Diane Stocker, Bill Lindsay

**CALL TO ORDER**

The meeting was called to order at 6:00 P.M. by Chair Carla Westine. She introduced the board members, and called DRB alternate Frank Bidwell to sit in at the hearing. This was followed by reciting the Pledge of Allegiance. The meeting agenda was then read.

Chair Carla Westine said there had been a site visit to 155 South Main Street at 5:15 that evening. Attending the site visit were DRB members Amy O'Neil, Frank Bidwell, Carla Westine, Phil Perlah, Harry Goodell and Ken Barrett, Applicants Justin and Amy Anderson, Zoning Administrator Michael Normyle and Recording Secretary Cathy Hasbrouck.

**AGENDA ITEM 1**

**Review Minutes from February 13, 2017**

Carla Westine noted one correction needed on page 1 of the minutes, the addition of the word "could" in the sentence noting that Don Stein had been sworn in to give testimony. Harry Goodell moved to accept the minutes from the February 13, 2017 meeting with the correction noted. Phil Perlah seconded the motion. A vote was taken and the motion passed.

**AGENDA ITEM 2**

**Conditional Use Application #494 Meditrina**

The Board examined the exhibits for the hearing. The first exhibit presented was a Town of Chester Application for Hearing before the Development Review Board dated January 25, 2017 and signed by Justin Anderson and Michael Normyle. Harry Goodell moved to accept the document as Exhibit A. Amy O'Neil seconded the motion. A vote was taken and the motion passed.

The second exhibit considered was a Town of Chester Notice of Public Hearing dated February 1, 2017 for Conditional Use Application Permit # 494 at 155 South Main Street. Amy O'Neil moved to accept the map as Exhibit B. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The third exhibit considered was a letter from Meditrina Wine Bar, signed by Amy and Justin Anderson dated February 7, 2017, addressed to the Development Review Board, and outlining

their plans for the project. 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 exhibit considered was a letter from Laurence and Jeanne Carbonetti dated February 12, 2017, addressed to Michael Normyle, Chester Zoning Administrator stating their support for the project. Amy O'Neil moved to accept the letter as Exhibit D. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The fifth document examined was a State of Vermont Project Review Sheet dated February 17, 2017 for the Meditrina Wine and Craft Beer Bar, signed by Stephanie Gile, Terry Shearer and Jacqueline Carr. It was noted that the address on the Project Review Sheet was 177 South Main Street, where the Town of Chester application has 155 South Main Street. Harry Goodell moved to accept the document as Exhibit E, noting the address discrepancy. Amy O'Neil seconded the motion. A vote was taken and the motion passed.

The sixth document examined was a letter dated February 13, 2017 on Town of Chester Police Department letterhead from Chief of Police Richard Cloud addressed to Zoning Administrator Michael Normyle regarding the proposed change of use at 155 South Main Street. 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 examined was a letter dated February 16, 2017 on Town of Chester Fire Department letterhead from Fire Chief Matthew Wilson addressed to Zoning Administrator Michael Normyle discussing the request from Amy and Justin Anderson. Amy O'Neil moved to accept the letter as Exhibit G. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Two documents were received after the meeting packets had been mailed out and copies were distributed at the meeting. The first of these was a site plan for Meditrina at 177 South Main St., Chester dated 2/24/17 showing the building and the lot surrounding it. Amy O'Neil moved to accept the site plan as Exhibit H. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The second document was a letter from Water/Wastewater Superintendent Jeff Holden dated February 22, 2017, addressed to the Development Review Board stating that the Water and Wastewater Departments have adequate capacity for the project and that regulations requiring installation and maintenance of a grease trap must be followed. Amy O'Neil moved to accept the letter as Exhibit I. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Chair Carla Westine then swore in the following interested parties so they could testify in the hearing: Diane Stocker, Krystina Lankone, Doug Reitmeyer, Justin Anderson and Amy Anderson. No other audience members chose to give testimony.

Chair Carla Westine asked Justin Anderson if he wanted to add anything to the letter he had written about the project. He said he only wanted to emphasize the Vermont presence as it relates to the product. He felt that, especially for travelers and tourists, his business offers them a chance to experience Vermont.

Chair Carla Westine then asked Zoning Administrator Michael Normyle to summarize the history of the project to date. Michael said he had been approached by Justin and Amy Anderson over the course of a few months. By January 30, 2017 the Andersons had gathered enough

documentation to justify scheduling a hearing and warning the hearing. A request to publish a Notice of Hearing was sent on January 30, 2017 to *The Vermont Journal*, the newspaper of record. Notices were mailed to the abutters on February 1, 2017.

Chair Carla Westine then read the text of Section 4.7.C of the Chester Unified Development Bylaws and Section 4.7.C.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 on:

- a. The capacity of existing or planned community facilities;

Chair Carla Westine noted that the Board had received letters from the Chester Police, Fire and Water/Wastewater departments all stating that there was no adverse effect from this project. There were no further comments on this requirement from the applicant, the Board or the audience.

Chair Carla Westine read second requirement of the General Standards as follows:

- b. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of the *Chester Town Plan*;

She also read Section 2.3.E. 2, Village Center District, Supplemental Standards, Character of Development:

New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this District, and shall not unduly detract from the existing character of the Village. Where there are conflicts with existing adjoining buildings, building modifications or expansions of uses shall not increase the degree of conflict.

Looking at the site plan submitted, Carla Westine noted two exterior modifications: the addition of a terrace outside the main door, and what is currently a window in the back wall will be replaced by a door to provide a fire exit. Phil Perlah noted that there are also lighting changes on the site plan. Justin Anderson said he had not decided what material he would use to create the terrace area, but he preferred finely crushed slate.

When asked about the character of the area, Justin Anderson said he thought of the businesses in the building he occupies as the “Good Life Plaza”. Surrounding his business were the Post Office, which brought considerable foot traffic. There were two apartments in his building, and an apartment in a building across the street. Phil Perlah pointed out the church across the street. Doug Reitmeyer, owner of the 155 South Main Street building noted that the current Meditrina business has brought more traffic to his shop, the Pear Tree. Diane Stocker, who has a flower shop on the northwest side of Meditrina, said people stopping for wine or beer at Meditrina, would also stop for flowers at her shop. Frank Bidwell noted that there was proposed signage attached to the building in the site plan.

Carla Westine asked Justin Anderson about the third General Standard, traffic on roads and highways. He said there was a rush of traffic each school morning between 7:30 and 8:15 AM. There was also quite a bit of traffic on Friday afternoon and evening, and on Sunday afternoons.

Carla Westine noted that the property is located on Vermont route 103, which is a heavily traveled highway.

Under General Standard d) Bylaws and ordinances then in effect, Carla Westine turned again to the Village Center district which listed Arts and Entertainment and Restaurant, the uses sought in this application, as conditional uses in the district. She noted that the building is preexisting and setbacks cannot be enforced. There is no expansion of the building so lot coverage and building height remain the same.

Carla Westine asked about General Standard e) Utilization of renewable energy resources. Justin said he had not made any plans for renewable energy.

Carla Westine then read Section 4.7.C.2 Specific Standards as follows:

Specific standards will include consideration with respect to:

a) Minimum lot size;

Carla Westine noted that this standard has been met by virtue of the fact that the lot is preexisting.

b) Distance from adjacent or nearby uses;

Justin estimated the distances from his building to the property line in several directions. He estimated the distance from his building to the Post Office to be 160 to 180 feet.

c) Minimum off-street parking and loading facilities; and d) Landscaping and fencing;

In the site plan Carla pointed out the three spaces allocated to the occupants of the two apartments in the front of the building. The Bylaws require 2 spaces per rental unit, so the site plan will need to be changed to allocate another space for tenants. The requirement for retail parking is three spaces per 1,000 feet of retail space. Krystina Lankone, the owner of the property, said the Pear Tree retail space was 400 square feet. Carla Westine concluded that 3 spaces need to be allocated for the Pear Tree. The requirement for a restaurant is 3 spaces for every three seats. The application is for an 18 – 20 seat restaurant, which would require 7 parking spaces. The total of required spaces is 14. The site plan shows 17 regular spaces and 2 handicapped spaces which meets the off-street parking requirement.

When asked by Carla Westine about loading facilities Justin Anderson replied that all deliveries come in the business' front door and would continue to do so. Deliveries typically arrive early in the day before the business opens, and the trucks usually stop in the parking spaces numbered 7 – 12 on the site plan.

Harry Goodell asked about recycling. Justin said they would be recycling and composting everything. They would remove waste through the emergency exit door. Harry and Carla asked to have the location of the recycling bins added to the site plan. Phil Perlah asked how the bins would be emptied. Justin responded that the bins hold about 50 gallons and have wheels, something like a hand truck. The bins would be located on the side of the building facing the flower shopm where there is space for a small truck to drive in summer. It can be reached in

winter if the area is plowed. The bins could also be rolled through the shop to be emptied. Harry Goodell asked whether the bins would be screened. Jason said they planned to put up a privacy fence around the bins. Carla Westine asked Justin to add the privacy fence to the site plan.

f) Size, location and design of signs;

Carla asked about the proposed signage indicated on the road side of the building. Justin said the existing signage, a free standing sign and signs on the building would remain. The proposed sign would be in addition to those signs. He had not designed the new proposed sign yet. Carla asked him to consult with Zoning Administrator Michael Normyle before he put up any more signs.

g) Performance Standards under Section 3.22;

Carla read the full text of Section 3.22.A, Noise. She asked about the proposed hours for the business. Justin replied that the proposed hours were 11:00 AM to 12:00 AM for the interior and 11:00 AM to 11:00 PM for the terrace. Carla asked if the closing time was the time they would stop serving. Justin replied that they would stop serving well before the closing time. Closing time meant the hour when the lights were turned off and the door was locked for the night.

Carla Westine asked about the Arts and Entertainment portion of the application. Would there be entertainers outside on the terrace? Justin replied that the Arts portion could be an artist displaying paintings on consignment and the Entertainment could be a single guitarist. In response to further questions Justin said he did not anticipate any outdoor entertainment, and, if they did hold an event outside they would be seeking additional permits for that single event.

Amy O'Neil asked Justin how he would deal with a situation where a group of people drinking on the patio got loud or boisterous. Justin replied that he had been in the hospitality and service industries his entire life and he would politely and professionally dispel the loud noises. Amy O'Neil noted that Post Office was on the side of the building that where the terrace, which would presumably be the source of the noise, was. Phil Perlah said he thought it was unlikely that the Post Office would complain about noise.

Phil noted there were apartments in the building on the South Main Street side which was a considerable distance from the source of the noise. Diane Stocker confirmed that there is an apartment in the building she owns next door, above the flower and children's shop. Phil noted that the property line on the flower shop side of the building is closer to the source of the noise than on the Post Office side, though presumably the building itself would block some of the noise. Phil and Carla concluded that the issue of noise would have to be managed on a night by night basis, keeping the 60 dB limit in mind.

Carla then addressed 3.22.B, Air Pollution. She asked if the applicant anticipated anything coming out of a vent hood or an exhaust fan. Justin said no, he did not.

Carla Westine read the full text of Section 3.22.E, Glare, light or reflection. She asked Justin if the proposed lights would be similar in nature to the lights observed during the site visit. Justin said they would. Carla asked what the intent of the lighting would be, if Justin intended to light

the patio or the parking area. Justin said the purpose of the lights would mainly be aesthetic, to create an ambiance more like a candle atmosphere. Amy O'Neil asked about a flood light she observed on the building. Justin said he had never seen it lit. Krystina Lankone said the light was on a motion sensor but they could not find the switch for it. She said it hasn't come on for a long time. Amy O'Neil felt the fixture should be removed since it wasn't being used. Harry Goodell said it could be changed for a downward facing, shielded light. Frank Bidwell asked if there would be a light on the back door. Justin said yes, there would be. Frank did not see the light drawn on the site plan and asked that it be added.

Carla Westine then addressed section 3.22.F. Safety Hazards. She asked the applicants about an oven for baking bread that was mentioned earlier. Amy Anderson replied that it would be a counter top oven. Carla suggested that Amy and Justin consult with the state Labor and Industry and Fire Safety departments about the oven.

Carla Westine asked about Section 3.22.G, potential electromagnetic disturbances. Justin Anderson said there were none.

Carla Westine asked about Section 3.22.H. Underground Storage Tanks, Ground/Surface Water Pollution. Phil Perlah asked how the building was heated and if there was an underground storage tank. Amy Anderson said it was heated with propane and there was no underground tank. Frank Bidwell asked where the grease trap would be. Justin said it would likely be in the crawl space near the new toilet and that in his experience, grease traps were always indoors.

Carla Westine read section 4.7.C.3.a Special Criteria which applies to the Village Center District. She listed a new door, new lights, a new terrace and a fence shielding the recyclables as being the changes mentioned so far for the project. She asked Justin and Amy if they understood what this section would require. She noted that the lights they had discussed were appropriate for the Village Center district. Amy O'Neil asked for specifics about the privacy fence to be installed around the recyclables bins. Justin had not chosen the fencing type yet.

Carla read the rest of Section 4.7.C.3, though she did not feel much of it applied, since they were not changing the building itself.

Phil Perlah asked what was meant on the application when it said, in some places, that spirits would be served. Justin Anderson said examples of spirits would be vodka, rum, whiskey and scotch. Carla Westine asked if Justin was currently working with other state agencies on the required permits. He said he was.

Harry Goodell proposed that the hearing be recessed until March 13, 2017, when details such as determining the correct address of the property and changes to the site plan could be made. Michael Normyle urged Justin to try to get a Fire and Safety and a Restaurant permit from the state in time for that meeting. The meeting was then recessed until March 13, 2017 at 6:00 PM.

### **Agenda Item 3 Comments from Citizens**

Bill Lindsay wished the Board a good night.

### **Agenda Item 4 Deliberative session on previous matters**

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