

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

June 13, 2016

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

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

OTHERS PRESENT: Bill Lindsay, Frank Bidwell, Tom Knockenhauer, Debbie Knockenhauer, Melissa Howe, and Barry Lynch

CALL TO ORDER

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

AGENDA ITEM 1

Paterno / Knockenhauer Boundary Line Adjustment application (#489)

The Development Review Board had attended a site visit at 595 Main St. at 5:30 PM that evening. Board members present at the site visit were: Amy O'Neil, Carla Westine, Phil Perlah and Harry Goodell. Zoning Administrator Michael Normyle and Recording Secretary Cathy Hasbrouck were present. Others attending the site visit were Tom Knockenhauer, and David Coleman.

Michael Normyle stated the application was received around May 17th, at which time he published a notice of the meeting in the newspaper of record and notified the abutters. None of the abutters has responded. Tom Knockenhauer and Debbie Knockenhauer were sworn in for the purpose of giving testimony.

The first exhibit presented was a Town of Chester Application for Boundary Line Adjustment. The applicant name is given as Free Range Holdings, LLC the land owner is Rick Paterno, the location is 595 Main Street. Parcel 56-50-41.2 will change from 1.73 acres to 1.51 acres and Parcel 56-50-42 will change from 2.34 acres to 2.56 acres. Amy O'Neil moved to accept the application as Exhibit A. Phil Perlah seconded the motion. The motion passed.

The second exhibit presented was the Notice of Public Hearing dated May 17, 2016 on Town of Chester letterhead. A Public Hearing in this matter was to be held June 13, 2016 at 6:00 PM. A site visit at 595 Main Street was to be held June 13, 2016 at 5:30. Michael Normyle confirmed that the zoning district should have been listed as R-40 instead of Village Center. The action requested was the transfer of 0.22 acres from Rick Paterno to Thomas Knockenhauer. Amy O'Neil moved to accept the document as Exhibit B. Phil Perlah seconded the motion. The motion passed.

The third exhibit was an email from Rick Paterno to Michael Normyle, Zoning Administrator dated May 13, 2016 confirming his acceptance of David Coleman' survey and his willingness to transfer the property to Thomas Knockenhauer. Amy O'Neil moved to accept the email as Exhibit C. Phil Perlah

seconded the motion. The motion passed.

The fourth exhibit presented was a document on Town of Chester Police Department letterhead, dated June 1, 2016, written by Police Chief Richard Cloud and addressed to Michael Normyle, Zoning Administrator. The letter states that the transfer of 0.22 acres from Rick Paterno to Thomas and Debora Knockenhauer as described will not impact traffic safety. Amy O'Neil moved to accept the letter as Exhibit D. Phil Perlah seconded the motion. The motion passed.

The fifth exhibit presented was a document on Town of Chester Fire Department letterhead dated June 7, 2016 written by Fire Chief Matt Wilson and addressed to David Coleman, Licensed Surveyor. Mr. Coleman did the survey work required for the boundary adjustment. The letter states that Chief Wilson sees no impact on fire safety due to the proposed boundary adjustment as described by Mr. Coleman. If the adjustment were changed in any way the Fire Department would need to re-evaluate the impact. Amy O'Neil moved to accept the letter as Exhibit E. Phil Perlah seconded the motion. The motion passed.

The final exhibit presented was a survey map of the two parcels prepared by David Coleman of Coleman Surveys, Licensed Surveyor, with the existing and proposed boundaries shown. The map is dated October 16, 2000 and revised September 17, 2001 and May 4, 2016. Amy O'Neil moved to accept the map as Exhibit F. Phil Perlah seconded the motion. The motion passed.

Tom Knockenhauer, as the other interested party in the transaction, though not the applicant, was invited to explain the purpose of the proposed boundary adjustment. He said that it would serve as a buffer between his property and Mr. Paterno's property. Mr. Knockenhauer said that Mr. Paterno was definitely in favor of the change. He (Mr. Paterno) knew the property would be well maintained.

Chair Carla Westine then read out the definition of a boundary adjustment in the Chester Unified Development Bylaws (Section 8.2 Definitions). She noted that this application does not create a new, separate lot. She then turned to Section 4.11 of the Bylaws, which lists the standards for Boundary Line Adjustments. The Board discussed them as follows:

Section 4.11.1 It meets the definition of a Boundary Line Adjustment. The Board agreed this was true.

Section 4.11.2 It does not create any new lot as a result of the adjustment. Based on the site visit and the survey map, no new lot is being created.

Section 4.11.3 The requirements of Section 4.10.F must be met by the Preliminary Plat. Requirements 4.10.F.1a – g were met as follows. The name of the proposed subdivision is Boundary Line Adjustment between Free Range Holdings, LLC and Thomas M. and Debora A. Knockenhauer. The addresses of the lots in question are 595 and 639 Main Street. The name and address of the designer of the plat, Coleman Surveys, Inc. is given. The number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other existing physical features are shown. The names of record of adjacent owners are shown. The existing and culverts, drains, roads, and other public ways are shown. The requirements for the R-40 zoning district are included in the lower right corner.

Contour lines as required by Section 4.10.F.1h are not present on the plat. Amy O'Neil moved to waive

the requirement. Phil Perlah seconded the motion. The motion passed.

Requirements listed in Sections 4.10.F.1.i and j, date, true north, scale, deed description and survey map were met.

The requirements in Sections 4.10.F.1.k and l (planned location of connections to existing water and sewer lines) were deemed not applicable.

The drainage plan required by Section 4.10.F.1.m was not shown on the plat. Amy O'Neil moved to waive the drainage plan requirement. Phil Perlah seconded the motion. The motion passed.

Requirements listed in Sections 4.10.F.1.n and o (preliminary designs for bridges and boundaries of proposed lots) were also not considered applicable by the Board.

The requirements in Section 4.10.F.1.p, temporary markers and distances to existing road intersections, were not shown on the plat. Phil Perlah moved to waive the this requirement. Harry Goodell seconded the motion. The motion passed.

Requirements in Section 4.10.F.1.q and r (locations of proposed public use lands and proposed roads and streets) were not considered applicable by the board.

The vicinity map required by Section 4.10.F.1.s was not present and needed to be added.

Board members felt that the use of hash lines to delineate the area that changed would be a clearer presentation of the change and would work better than the red and orange ink used on the preliminary plat, given that the final plat is printed in black and white. The Board also requested that the road frontage measurements be cleaned up. The final numbers were superimposed on other measurements and not easily read.

The endorsement required by Section 4.10.F.1.t was present.

Finished with the plat requirements, the Board returned to the Boundary Line Adjustment requirements in Section 4.11.A. The Board determined that the adjustment did not substantially change the nature of any previous subdivision (4.11.A.4), did not adversely impact access to any parcel (4.11.A.5), did not impact any open space provisions (4.11.A.6) and did not create any non-conformities (4.11.A.7). The Board noted that the frontage requirement for each parcel continues to be met by this adjustment.

The Board agreed the proposed adjustment met all requirements except as waived and with the 3 corrections noted, and will likely be approved as a boundary adjustment. It will not be subject to additional fees as a subdivision as specified in Section 4.11.B.

The Board noted that the applicant will have 180 days after the Findings and Conclusions are published to provide a corrected mylar and the necessary deeds as specified in Section 4.11. D.

Amy O'Neil moved to close the hearing. Phil Perlah seconded the motion. The motion passed.

AGENDA ITEM 2
Melissa Howe /Endless Creations Conditional Use application (# 490)

The Development Review Board had attended a site visit at 23 Maple St. at 5:00 PM that evening. Board members present at the site visit were: Amy O'Neil, Carla Westine, Phil Perlah and Harry Goodell. Zoning Administrator Michael Normyle and Recording Secretary Cathy Hasbrouck were present. Others attending the site visit were Melissa Howe and Barry Lynch.

The hearing opened with remarks from Michael Normyle. He officially received the application on May 17, 2016. An announcement of the hearing was placed in the newspaper of record and the abutters were notified. He explained that the application was not complete through events beyond the applicant's control and apologized for the delay. The applicant did have the some of the required paperwork and Mr. Normyle had received a phone call earlier that day from Police Chief Richard Cloud. Chief Cloud said he approved the application and would be sending a letter to confirm that shortly.

Melissa Howe and Barry Lynch were sworn in to give testimony. It was determined that the following items remain to be filed as part of the application: a site plan, documents from the Vermont Department of Public Safety, a letter from the Chester Police Chief Cloud, and a letter from Water and Sewer Superintendent Jeff Holden. The actual Conditional Use review was not begun because these documents are missing. The exhibits available were accepted into the record as follows:

A Town of Chester Application for hearing before the Development Review Board. The appeal is dated May 17, 2016. The appellant name is Melissa Howe. The parcel under consideration is number 60-51-38, 23 Maple Street. The project is described as mixed use: rental unit and arts and entertainment. The application seeks Conditional Use approval. Amy O'Neil moved to accept the application as Exhibit A. Phil Perlah seconded the motion. The motion passed.

At this point it was established that Ms. Howe and Mr. Lynch were not the current owner of the property. The real estate purchase is expected to close on June 20, 2016.

The next document presented was a Town of Chester Notice of Public Hearing on Town of Chester letterhead. The site visit was scheduled for 5:00 PM on June 13, 2016 with the public hearing scheduled for 6:00 PM the same day. Amy O'Neil moved to accept the document as Exhibit B. Phil Perlah seconded the motion. The motion passed.

The next document presented was a letter from Melissa Howe to the Chester Zoning Administrator describing the Endless Creations business and the details of its operation. It also states that the owners intend to rent the 2 bedroom apartment in the building. Amy O'Neil moved to accept this letter as Exhibit C. Phil Perlah seconded the motion. The motion passed.

The next document is a letter on Town of Chester Fire Department letterhead dated June 9, 2016 to Melissa Howe from Fire Chief Matt Wilson. Chief Wilson states that this use will impact the Chester Fire Department. The impact will be addressed by an inspection conducted by the State Fire Marshall's office. Ms. Howe must follow all conditions imposed by the state. Chief Wilson further requested a chance to inspect the premises before opening and after all equipment has been installed in order to plan a fire response. If any aspect of the project is changed from what is outlined in the proposal Chief

Wilson would need to reevaluate the fire safety issues.

Amy O'Neil moved to accept the letter as exhibit D. Phil Perlah seconded the motion. The motion passed.

Michael Normyle offered to look up prior permits for the property with regard to the flower boxes which seem to define the curb cut. It could be that the boxes were required by an earlier permit.

Amy O'Neil moved to recess the hearing to June 27, 2016 at 6:00 PM. Phil Perlah seconded the motion. The motion was passed.

AGENDA ITEM 3
Comments from citizens

There were no citizen comments.

AGENDA ITEM 4
Review minutes from March 28, 2016

It was decided to delete the reason why Palmer and Laurie Goodrich withdrew their conditional use permit application for 284 Elm St. Phil Perlah moved to accept the minutes with the specified correction. Harry Goodell seconded the motion. The motion passed.

AGENDA ITEM 5
Deliberative session to review previous matters

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