

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

July 13, 2015

BOARD MEMBERS PRESENT: Carla Westine, Amy O’Neil; Don Robinson; Philip Perlah; Mark Curran

STAFF PRESENT: Michael Normyle, Zoning Administrator

OTHERS PRESENT: Addison Greenwood, William Lindsay, Josh Rourke, Joseph Brent, John Cummings, David Hambright

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.

1. WAIVER REQUEST FOR A FRONT YARD SET BACK BY ADDISON GREENWOOD

The Development Review Board attended a site visit at 3254 Green Mountain Turnpike at 5:30 p.m. The following board members were present; Philip Perlah, Donald Robinson, Amy O’Neil, Carla Westine and Mark Curran. The following individuals were present at the site visit; Addison Greenwood.

- a. The Development Review Board members confirmed that they have no conflicts of interest nor were they involved in any ex parte communication
- b. Michael Normyle stated that the application was considered complete on May 28, 2015.
- c. Michael Normyle stated that the Notice of Hearing was prepared and posted on June 16, 2015. The abutting property owners were also notified on June 16, 2015.
- d. Michael Normyle reviewed the materials that were received.
- e. A motion was made by Amy O’Neil to accept the Town of Chester Application #478 into evidence as Exhibit A. Seconded by Mark Curran. The motion passed.
- f. A motion was made by Amy O’Neil to accept the Notice of Public Hearing into evidence as Exhibit B. Seconded by Mark Curran. The motion passed. A correction was made changing the name from Mr. Johnson to Mr. Greenwood.
- g. A motion was made by Amy O’Neil to accept the Narrative from Addison Greenwood dated July 6, 2015 into evidence as Exhibit C. Seconded by Mark Curran. The motion passed.
- h. A motion was made by Amy O’Neil to accept the two sided rendering of the layout of the site as well as a 3 D drawing of the house and setback drawn by Howard Iris into evidence as Exhibit D. Seconded by Mark Curran. The motion passed.
- i. A motion was made by Amy O’Neil to accept the letter from the Chester Police Department dated June 16, 2015 into evidence as Exhibit E. Seconded by Mark Curran. The motion passed.
- j. Addison Greenwood stated that he chose the proposed location because it is the best location on the property for the placement of the structure.
- k. He stated that the structure will be timber framed and may contain additional living space above the garage for a mother in law apartment in the future.

- l. The home was built in the mid-1800s which is prior to any zoning. The side yard setback is only about 18 feet to the fence. Behind the house is a retaining wall that leads up to a very steep hill with no option of building.
- m. Amy O'Neil stated that a map of the property was not received. Mr. Greenwood said the property consists of approximately 1.2 acres. A survey has not been obtained. Michael Normyle provided a copy of the Chester tax map.
- n. Addison Greenwood stated that the proposed structure is approximately 30 feet to the rear yard setback.
- o. Carla Westine read the dimensional standards for the Stone Village District. It was determined that dimensional standards could not be reviewed until the dimensions of the property were determined.
- p. Carla Westine read the Waiver language from the Unified Development Bylaws. It was determined that a Waiver does not apply to this application. This project would require a variance, section 7.15. The Development Review Board discussed the strict variance language with the applicant.
- q. The consensus of the Development Review Board was that they would allow the applicant to change their application to a variance if he chose.
- r. A motion was made by Amy O'Neil to recess this hearing until August 10, 2015. Seconded by Don Robinson. The motion passed.

2. **CONDITIONAL USE REQUEST BY DREW'S ALL NATURAL LLC**

The Development Review Board attended a site visit at 926 Vt. Route 103 South at 5:00 p.m. The following board members were present; Philip Perlah, Donald Robinson, Amy O'Neil, Carla Westine and Mark Curran. The following individuals were present at the site visit; Josh Rourke, John Cummings and David Hambright.

- a. Carla Westine proceeded to swear in the following individuals for the purposes of providing evidence and testimony: John Cummings, Josh Rourke and David Hambright.
- b. The Development Review Board members confirmed that they have no conflicts of interest nor were they involved in any ex parte communication. Amy O'Neil stated that she is an abutting property owner and that she has no intention of providing testimony in this hearing. She also stated that M&M Excavating will appear on a Bid List but that they have no intention of bidding on this project.
- c. Josh Rourke described the layout of the property and described where the existing structures are located on the property. He explained that they are an existing business looking at an expansion.
- d. Dave Hanbright explained the history of Drew's. He stated that they are a manufacturer of natural organic products such as salsas, sauces and dressings. He further stated that they also participate in private label sales and production such as Hannaford's Nature's Place products. The essence of this project is to provide adequate space that will allow the business to grow.
- e. The employee entrance will stay the same with an improved break room. The corporate office space will change location within the building with additional office space being added. There will also be additional bathroom space created. Space will be created for the pretreatment facility expansion and additional packaging and expanded production space. There will also be expanded warehouse space as well.
- f. Michael Normyle stated that the application was considered complete on April 29, 2015. The Notice of Hearing was prepared and distributed on June 9, 2015.
- g. Michael Normyle proceeded to review the documents that have been submitted to the Development Review Board.

- h. A motion was made by Amy O'Neil to accept the Notice of Public Hearing dated June 9, 2015 into evidence as Exhibit A as amended. Seconded by Mark Curran. The motion passed. Don Robinson stated that there will be a greater net gain than 4,000 square feet. The documents were corrected to reflect a net gain of 13,766 square feet.
- i. A motion was made by Amy O'Neil to accept the Town of Chester Application #477 for Conditional Use Permit into evidence as Exhibit B. Seconded by Mark Curran. The motion passed. Following discussion, Josh Rourke signed the application as the landowner.
- j. A motion was made by Amy O'Neil to accept the letter on Drew's letterhead dated March 2, 2015 into evidence as Exhibit C. Seconded by Mark Curran. The motion passed.
- k. A motion was made by Amy O'Neil to accept the Project Review Sheet into evidence as Exhibit D. Seconded by Mark Curran. The motion passed.
- l. A motion was made by Amy O'Neil to accept the email communication from Mark Pickering to Josh Rourke regarding Vermont Department of Transportation dated June 3, 2015 into evidence as Exhibit E. Seconded by Mark Curran. The motion passed.
- m. A motion was made by Amy O'Neil to accept the two sided letter to the Chester Police Chief as well as the response from the Chester Police Chief dated June 3, 2015 into evidence as Exhibit F. Seconded by Mark Curran. The motion passed.
- n. A motion was made by Amy O'Neil to accept the letter from the Chester Fire Chief dated May 26, 2015 into evidence as Exhibit G. Seconded by Mark Curran. The motion passed.
- o. A motion was made by Amy O'Neil to accept the letter from the Chester Water/Sewer Superintendent into evidence as Exhibit H. Seconded by Mark Curran. The motion passed.
- p. A motion was made by Don Robinson to accept the two-page proposed permit into evidence as Exhibit I. Seconded by Mark Curran. The motion passed.
- q. A motion was made by Don Robinson to accept the two-page ACT 250 Notice of Application into evidence as Exhibit J. Seconded by Mark Curran. The motion passed.
- r. A motion was made by Amy O'Neil to accept the six-page site plan and interior floor plans dated April 12, 2015 including A-001 Site Plan/Roof Plan, A-101 Composite Main Floor Plan, A-102 Existing Main Floor Plan, A-103 Proposed Master Plan, A-201 Existing Elevations, A-202 Composite Elevations into evidence as Exhibit K. Seconded by Mark Curran. The motion passed. It was noted that A-103 is dated February 20, 2015 with a revision date of April 12, 2015.
- s. Josh Rourke stated that the project meets all setbacks identified in the dimensional standards of the Residential Commercial District.
- t. The applicant stated that there are no driveways or lots lines being changed.
- u. The applicant further stated that the lot coverage is 16.92% which is well within the 35% maximum allowance.

General Standards:

- v. Community Facilities. Carla Westine stated that the Fire Department and the Police Department have indicated no concerns.
- w. Carla Westine stated that the Water/Sewer Department has indicated that they do have concerns. John Cummings explained that there has been history with the Town of Chester and the wastewater discharge. He explained the importance of this new pretreatment facility and that it will help to improve the discharge issues that currently exist.
- x. John Cummings stated that they are installing a 6,000 gallon capacity unit which will allow for expansion within the business.
- y. The Development Review Board indicated that this will become a condition on the permit. Don Robinson stated that he would like to see some form of condition applied that requires ongoing communication between Drews and the Town of Chester to ensure that if there are issues, they will be resolved. He expressed concerns regarding the potential of additional charges being assessed on the Chester sewer users due to errors on the part of Drews.

- z. Mark Curran stated that he would like to hear from the Water/Sewer Superintendent what the limits are relating to the BOD count allowed to be discharged from Drews as well as what action would be taken if there is a failure of the new system. Following discussion, the Development Review Board agreed to obtain this clarification from Jeff Holden.
- aa. Character of the area affected. Josh Rourke stated that the character of the area is commercial and residential. He stated that Drews is a local business. The applicant further stated that the structures are not visible from Route 103.
- bb. Josh Rourke reviewed the Building Element section of the RC District. He stated that it is his contention that the structures meet this requirement. The existing building as well as the addition does bump out in various sections and is not one continuous mass.
- cc. Traffic on Roads and Highways. The applicant stated that there will be minimal impact on traffic. He further indicated that this property is accessed off of Route 103 which is a State Highway truck route. The Agency of Transportation has stated that they have no concerns.
- dd. The applicant testified that there is visibility of approximately 200 feet in either direction. In addition, the speed limit is 40 mph at this location.
- ee. The applicant stated that there are currently approximately 7 truck trips per day. However, the new structure may require 15 truck trips per day.
- ff. Bylaws in effect. The applicant stated that they are well within their setbacks and meet all dimensional standards. Amy O'Neil stated that a site plan drawn to scale is a required submittal but that there is not a complete site plan of the entire property. Following further review, it was determined that a site plan of the entire property is not required.
- gg. Renewable Energy. The applicant testified that the entire south facing side of the building has been structured to support solar energy which will be utilized once the capital becomes available.

Specific Standards

- hh. Minimum Lot Size. It was determined that this project fits within the required lot size.
- ii. Adjacent or Nearby Uses. The nearest neighbor is the Chester Andover Family Center which is approximately 200 feet away. There are large buffers between the project and Green Mountain Union High School and the O'Neil Sand & Gravel. In addition, there is a single family residence nearby.
- jj. Parking and loading facility. There are approximately 65 spaces available when the pole barn is removed. There are currently 45 employees.
- kk. The applicant explained the flow of traffic for pickups and deliveries. There is adequate space for a large tractor trailer truck to enter the property and turn around so that all traffic will leave the property in a forward motion.
- ll. Landscaping and Fencing. The applicant stated that there is already landscaping existing between the structures and any adjacent properties. There are planters at the entrance to the building and there are grassed areas existing around the building.
- mm. Design and location of structures. The Site Plan indicates how the buildings will be located on the property, the entrances and exits to the structures and their design.
- nn. Signs. The applicant testified that they will obtain any permits necessary for the placement of the sign on the building.

Performance Standards

- oo. Noise. The applicant stated that they are anticipating a reduction in noise from the property because the production area is further away from the perimeter of the property.
- pp. Air Pollution. The applicant testified that there will be no change in the producing of air pollution.
- qq. Lighting. The new exterior lighting will be entry way lighting. They are downcast lighting and should not be visible from the roadway. The applicant testified that there will be no new flood lights on the property.

- rr. Safety Hazards. The applicant testified that the propane tanks are buried. There are no additional safety hazards.
- ss. Electromagnetic Disturbance. The applicant testified that they do not anticipate any electromagnetic disturbance from this project.
- tt. Underground Storage Tanks. The applicant testified that the existing propane tanks are being relocated. They will be working with the Division of Fire Safety on the movement of this tank. In addition, a storm water discharge permit will be required from the State of Vermont.

Special Criteria

- uu. Harmonious Adherence. The applicant stated that he feels that the addition will be an improvement and will create better curb appeal. The building will remain barn red in color with pops of other colors that will blend. It was also noted that this project is very far from the Village Center and is not visible from the Village Center.
- vv. Decorative Features. There are not any shutters on the existing building. The applicant indicated that final plans have not been made but that they are sensitive to the architectural appeal.
- ww. Native materials. The applicants testified that the building will be metal sided but will have a barn board appearance. There will be some wood used. In addition, there will be stone used on either side of the entrance way.
- xx. Aesthetics. The applicant testified that he is not aware of any historical features on this property.
- yy. Discussion ensued regarding the additional information required from Jeff Holden. Amy O'Neil stated that she would be satisfied if the applicant were to present the existing fine fees should the system fail. Phil Perlah questioned if the Town of Chester has the authority to shut down the facility should the applicant not comply. Discussion ensued regarding what the Development Review Board needs from the applicant regarding this issue. It was also determined that a condition could be set around the existing fine fee schedule for excessive BOD.
- zz. Michael Normyle read a statement from the MBPR for Drews dated February 20, 2015 stating that if the new system does not work, there will be increased fines. The Development Review Board stated that this report satisfies their concerns.
- zz. A motion was made by Amy O'Neil to close the hearing. Seconded by Mark Curran. The motion passed.

3. COMMENTS FROM CITIZENS

- a. There were no citizen's comments.

4. APPROVAL OF MINUTES

- a. A motion was made by Phil Perlah to approve the minutes of the June 22, 2015 Development Review Board meeting as amended. Seconded by Don Robinson. The motion passed.
- b. Claudio Veliz' name should be corrected
- c. Should state that there were no comments from citizens.
- d. A motion was made by Amy O'Neil to approve the minutes of the June 29, 2015 Development Review Board meeting as amended. Seconded by Don Robinson. The motion passed.
- e. Page 2, Section k, should reflect that there will be a slight increase.
- f. Page 2, Section p, line of site looking towards Springfield not West
- g. Page 2, Section t, ...housing units across the street and residents may walk across the street...
- h. Page 3, Section v, lower case i

- i. Page 3, Section z, ...however that data was not used for this report should be inserted.
- j. Page 4, Section pp, Don Robinson also questioned if Jiffy Mart had used other methods to shield the HVAC equipment. Matt Wamsganz replied to the affirmative. Other discussion ensued.
- k. Page 4, Section qq, correct to say “Matt Wamsganz stated that the distance to nearby or adjacent uses have been measured as requested. (See Exhibit ee)

5. DELIBERATIVE SESSION TO REVIEW PREVIOUS MATTERS