

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

*June 11, 2018*

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

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

**OTHERS PRESENT:** Justin Anderson, Amy Anderson, Heather Chase, Ted Reeves, Leah Cunningham.

**Call to Order**

The meeting was called to order at 6:00 PM by Chair Carla Westine. She introduced the members of the Board and staff, then read the meeting's agenda. She noted that a site visit had taken place at 5:25 PM at 7 Pineview Drive. Everyone joined in reciting the Pledge of Allegiance.

**Agenda Item 1, Review Draft Minutes from the April 23 and May 14, 2018 Meetings**

The Board began with the April 23, 2018 minutes. Carla Westine had one correction to the third paragraph on page 4. She asked to have David Frothingham's name added to the sentence that began "C is a desirable rating" to make it clear that David was the speaker and not Carla, who was mentioned in the previous sentence.

There were no other corrections. Phil Perlah moved to accept the minutes as corrected. Gary Coger seconded the motion. A vote was taken and the motion passed.

The May 14, 2018 minutes were taken up next. Carla Westine asked to make a change on page 7. She asked to change the words "Charlie, Bill and Carla agreed" to "Charlie, Bill and the Board agreed" as a more accurate representation of what took place. In the last sentence on page 7 she asked that Harry Goodell be named instead of "Someone" who suggested an updated drawing. On page 8 Carla said Amy O'Neil was actually the person who asked about the hours of operation, not Carla. On page 13, in d. Landscaping, no one was named as the person who listed the uses abutting the Meditrina project. Carla suggested that Justin Anderson was the person who had spoken.

Phil Perlah moved to accept the minutes as amended. Harry Goodell seconded the motion. A vote was taken and the motion passed.

**Agenda Item 2, Citizen Comments**

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

### **Agenda Item 3, Re-convene Conditional Use Application (#521) Meditrina - Amy and Justin Anderson**

The hearing for Conditional Use Application #521 was re-convened. There were two documents to be entered into evidence. The first was a to-scale site map showing the building, parking area and outbuildings on the lot. Harry Goodell moved to accept the drawing as Exhibit K. Phil Perlah seconded the motion. A vote was taken and the site map was accepted.

The second document was an e-mail from Justin Anderson to Michael Normyle dated May 17, 2018, discussing three windows on the southeast side of the building that they planned to block off in order to build a kitchen for the restaurant. Justin Anderson read the e-mail aloud. Harry Goodell moved to accept the e-mail as Exhibit L. Phil Perlah seconded the motion. A vote was taken and the e-mail was accepted.

Carla Westine asked if the board or the audience had any questions about the windows. Harry Goodell asked if the opening would be covered with clapboards as the rest of the building was. Justin Anderson said they would be, and the trim of the window openings would remain in place. There being no other questions, Phil Perlah moved to close the hearing. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Carla Westine polled the board to see if there were any members against approving the application. All members polled favored approving the application.

### **Agenda Item 4, Conditional Use Application #522, Pairman-Newell Ventures LLC.**

Carla Westine asked the Board if they had had any conflicts of interest or ex-parte communication to report on this matter. No one did. Heather Chase and Ted Reeves were sworn in to give testimony. Michael Normyle gave a history of the project, saying he received the application on April 24, 2018, and it was final on the same day. Letters were sent to Town department heads and abutters on May 1, 2018. The Notice of Hearing was sent to the newspaper of record on May 15, 2018. The only abutter who contacted him was Robert Parker, who did not object to the project. The staff at One Credit Union across VT Route 103 mentioned the project to him during a meeting on another issue. Documents presented in evidence were then examined.

The first document was a Town of Chester Notice of Public Hearing Before the Development Review Board, dated May 15, 2018. The site visit was listed as taking place at 5:25 PM on June 11, with the hearing at 6:00 PM. The property owners were Payne and Elise Junker, the Applicant was Pairman-Newell Ventures, LLC. The location was 7 Pineview Drive, the district was Residential Commercial. The notice was signed by Michael Normyle. Harry Goodell moved to accept the Notice of Public Hearing as Exhibit A. Gary Coger seconded the motion. A vote was taken and the motion passed.

The second document presented was a Town of Chester application for a hearing before the Development Review Board. The Appeal number was 522, the date was 4/24/18, the appellant name was Pairman-Newell Ventures LLC, the Landowner name was The Junkers. The description of the project is mixed use, restaurant, retail, professional office with change of ownership. Carla Westine noted that the property already has permits for these uses obtained by the Junkers. Harry Goodell moved to accept the application as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The third document was a project narrative. Ted Reeves read the document aloud. It was dated May 4, 2018. Harry Goodell moved to accept the narrative as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The fourth document presented was a letter on Town of Chester Police Department letterhead from Chester Police Chief Richard Cloud to Zoning Administrator Michael Normyle, dated May 30, 2018. Carla Westine read the letter aloud. Chief Cloud said, in his opinion, traffic safety will not be an issue for this project. Gary Coger moved to accept the letter as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The fifth document presented was a letter on Town of Chester Fire Department letterhead from Chester Fire Chief Matt Wilson to Heather Chase, dated May 4, 2018. Chief Wilson said he saw “Little impact” to the Chester Fire Department. He asked that he be given a walk-through of the building when the project is completed if the building is split into multiple businesses. Carla Westine read the letter aloud. Harry Goodell moved to accept the document as Exhibit E. Gary Coger seconded the motion. A vote was taken and the motion passed.

The sixth document presented was a letter from Jeff Holden, Water/Sewer superintendent for the town of Chester. It is dated May 22, 2018 and addressed to the Development Review Board. Jeff Holden had no objection to the proposed uses. He did remind Ms. Chase that the building has its own pump station and an improperly maintained grease trap would affect the pump station operation. If a business requiring a grease trap was set up in the building she would need to be sure the grease trap is properly maintained. Carla Westine read the letter aloud. Harry Goodell moved to accept the letter as Exhibit F. Gary Coger seconded the motion. A vote was taken and the motion passed.

The seventh document presented was copies of two State of Vermont Wastewater and Potable Water Supply Permits, numbers WW-2-1802 and WW-2-1802-1, dated June 10, 2004 and August 18, 2015, respectively. A permit was originally issued to Robert and Suzanne Parker and subsequently to Thomas P. and Lisa A. Junker. The permits covered 5 sides of three pieces of paper. Phil Perlah moved to accept the permits as Exhibit G. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The eighth document presented was a 2-page site plan dated 5/17/04 and revised on 8/1/2015. Among other information, it shows the water and sewer lines and the pump that moves the wastewater into the municipal sewer. Harry Goodell moved to accept the site plan as Exhibit H, Gary Coger seconded the motion. A vote was taken and the motion passed.

A much larger version of the same site map was not accepted as an Exhibit. It was considered redundant.

The ninth document presented was an inspection report from the Division of Fire and Safety for 7 Pineview Drive in Chester, dated May 22, 2018. No violations were noted. Phil Perlah moved to accept the report as Exhibit I. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The last exhibit presented was an e-mailed note from the current owners of the property, Payne and Lisa Junker, to the Town of Chester DRB, enthusiastically supporting Heather Chase’s plans for the building. Carla Westine read the note aloud. Gary Coger moved to accept the note as Exhibit J. Phil Perlah seconded the motion with enthusiasm. A vote was taken and the motion passed.

The Board then examined the application under the General Standards is Section 4.8 of the Chester Unified Development Bylaws. Carla Westine noted that this is an existing building which has had permits issued in the past, and that the no changes are proposed to the building. She also noted that the proposed uses, restaurant, retail and professional office space are all conditional uses in the Residential-Commercial District. The building has met the dimensional standards for this district in the past.

### **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;**

Carla Westine listed the Town of Chester departments which had sent letters of support and approval for the project: Police, Fire and Water/Sewer.

**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 noted that no changes to the building are proposed and the proposed uses are all listed in the Residential-Commercial District. Ted Reeves said the area surrounding the property has many small commercial facilities and he sees no clash with the uses or architecture in the area.

**c. Traffic on roads and highways in the vicinity;**

Carla Westine said the property is located on Route 103, with access off Pineview Drive. Heather Chase said her primary business, CLS, had four full time employees and herself who would be coming and going each business day, and a fifth employee who comes in two or three days a week. UPS would be stopping once or twice a day. She could not predict the traffic which any tenant might create.

Ted Reeves said that the sight lines at the intersection of Route 103 and Pineview Drive are clear and there is not much traffic turning onto Pineview Drive from Route 103. Carla Westine added that the Board had received a letter from the Chester Police Chief stating he did not foresee a problem with traffic safety.

**d. Bylaws and ordinances then in effect; and,**

Carla Westine said the Board had reviewed the section of the bylaws for the zoning district and found no problems. Previous permits are already in effect.

**e. Utilization of renewable energy resources.**

Ted Reeves said the operation already does a lot of recycling of cardboard and office paper and will continue to do so. He said the building's HVAC runs on heat pumps, which are very efficient.

### **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 which does meet the requirements of the district.

b. Distance from adjacent or nearby uses;

Ted Reeves said it is about 100 feet to Jack's Diner and 200 to 300 feet to the Self-Storage business. The Parker residences are further off to the west, and other businesses are on the other side of Route 103.

c. Minimum off-street parking and loading facilities;

Ted Reeves said the requirements for professional office space, 3 spaces for every 1,000 square feet of space, would require 9-10 parking spaces plus one handicapped space. The lot currently has 17 spaces laid out on the site plan. This would cover the current number of employees. Ted said circulation on the lot is counter-clockwise around the building once vehicles enter the property off Pineview Drive. Carla Westine said that if a restaurant was opened on the property it would have requirements for parking space based on the number of seats in the restaurant. Ted Reeves said the former restaurant had 24 seats. Carla said restaurants require one parking place for every 3 seats or 8 parking spaces for 24 seats. Heather Chase said she would be paying attention to the bylaws as she brought tenants into the building. Carla said the purpose of the bylaws is to prevent an overflow of patrons from parking on Pineview Drive.

Phil Perlah said he felt that 3700 square feet of professional office space would require 12 parking spaces. If the 24-seat restaurant was opened the total number of spaces needed would be 20. Phil said this wasn't a problem now with only the office open. Ted Reeves said the site plan showed 17 spaces. It was generally noted that there was plenty of flat lawn space available to create additional parking if needed.

Carla Westine asked Heather Chase about her plans for taking deliveries. Heather Chase said the UPS trucks would be driving to the door at the back of the building. The trucks would be able to exit the lot without having to back up or turn around. Heather said she thought it would be much easier to get pallets and other deliveries into the back vs the front of the building. Harry Goodell pointed out that there was a double door at the back of the building.

d. Landscaping and fencing;

Heather Chase said there are currently some gardens with flowers and some lawn and she has no plans to change any of it. She may add a picnic table for employees use at lunch time. Ted Reeves said there was a wood rail fence across the front of the building and that Heather did not plan to remove it. Carla Westine noted that there was brush and trees in the corner of the lot where they planned to put a dumpster. Ted said there was natural screening there and they planned to add some fencing such as stockade fencing to further screen the dumpster.

e. Design and location of structures and service area;

Carla Westine said Heather had already indicated where the dumpster might go, assuming the truck can access it there. She also noted that there were no plans to change the building.

f. Size, location and design of signs;

Heather Chase said there was a sign frame in place and a new sign could easily be inserted. Carla Westine said that if other businesses move in and need a sign, the frame could become a sign plaza. Heather could ask Zoning Administrator Michael Normyle for details about sign permits. Phil Perlah said that at the site visit he noticed that there

were four panels in the existing frame which could easily be removed and replaced separately.

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

#### **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.

Carla Westine asked what noise Heather expected at the site. Heather said she didn't expect any noise beyond conversation and laughter. She said the expected UPS pickup will be around 5:00 PM daily. Ted noted that it was well before the requested 8:00 PM closing time.

**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.

Ted said he didn't expect to create any emissions with this type of business.

**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 asked if any changes would be made to the lighting. Heather Chase and Ted Reeves said they did not. Carla reminded them that all lighting must 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.

Ted Reeves said he could not think of any safety issues. The front walks have a heat source imbedded in them to keep them clear of snow. Carla Westine noted that there were letters of support from the Fire and Police departments. She cited the Fire Chief's request for a walk-through in the event that a restaurant is opened in the building.

**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.

Heather Chase said no electro-magnetic disturbances were present.

**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.

Ted Reeves said there was an underground propane tank for the heat pump backup system. He said that propane does not sink into the ground if a tank leaks, it will evaporate into the air.

### **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:

Carla Westine said the building currently meets these criteria and no changes are planned to the exterior, therefore there was no need to enumerate details. She said that if changes were planned in the future, these criteria would have to be kept in mind. Ted Reeves said that the building was a barn style and the easiest way to add to it would be by continuing the post and beam structure.

Gary Coger asked about the hours of operation. He wondered if the range of hours requested was in view of the needs of prospective tenants. Heather Chase said that was true, normally her staff is present from 8:00 AM to 5:30 PM.

At this point there were no other comments or questions from the Board members or the audience. Harry Goodell moved to close the hearing Phil Perlah and Gary Coger seconded the motion. A vote was taken and the hearing was closed. A quick poll of the board was taken and the result was favorable for the applicant.

### **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.