

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

June 25, 2018

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

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

OTHERS PRESENT: Don Stein, Don VanVranken, Joanne Young, Michael Young, Catherine Fenton, Carol Leofanti, Mark Ouellette.

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. Everyone joined in reciting the Pledge of Allegiance. Chair Carla Westine then read the meeting's agenda. She noted that a site visit had taken place at 5:00 PM at 166 North Street and a second site visit at 5:25 PM at 96 South Main Street.

Agenda Item 1 Review Draft Minutes from the June 11, 2018 Meeting

Phil Perlah asked about Agenda Item 4 on page 2. He wanted to clarify the sentence, "The staff at One Credit Union across VT Route 103 mentioned it to him". Phil wanted to be sure that "it" referred to the project. The clarification was duly noted. He also asked if the Landowner's name mentioned in the next paragraph actually was written as "The Junkers" on the form. Cathy Hasbrouck confirmed that it was. Harry Goodell moved to accept the minutes as corrected. Gary Cogger seconded the motion. A vote was taken and the minutes were accepted as corrected.

Agenda Item 2 Citizen Comments

No citizen had any comments not pertaining to the two scheduled hearings.

Agenda Item 3 Preliminary Plat Review (#523) St. Mary's Church

Carla Westine asked the Board members if they had any ex-parte communication or conflict of interest to report. None did. Don Stein was sworn in to give testimony in the hearing.

The following exhibits were then examined. The first exhibit was a Town of Chester Development Review Board Application for Sub-Division. The applicant is St. Mary's R. C. Church, Father Peter Williams, and Donald VanVranken. The address of the property is 96 South Main Street. The Zoning District is Village Center. The lot before division is 5.09 acres. After division Lot 1 will have 4.56 acres and Lot 2 will have 0.53 acres. The application is signed by Donald VanVranken and Michael Normyle. Harry Goodell moved to accept the application as Exhibit A. Gary Cogger 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 May 29, 2018. The property owner is St. Mary's Catholic Church, the

applicant is Father Peter Williams and Donald VanVranken. The location is 96 South Main Street and the action requested is a subdivision. The notice is signed by Michael Normyle. Harry Goodell moved to accept the notice as Exhibit B. Gary Coger seconded the motion. A vote was taken and the motion passed.

Donald VanVranken joined the meeting at this point and was sworn in to give testimony.

The third exhibit presented was a letter from Beth Webster of St. Joseph's Catholic Parish explaining the parish's intent to subdivide the property and giving Don VanVranken the right to speak on their behalf. Carla Westine read the letter aloud. Harry Goodell moved to accept the letter as Exhibit C. Gary Coger seconded the motion. A vote was taken and the letter was accepted.

The fourth exhibit presented was a site plan titled Salvatore R. Matano, Trustee of the Saint Joseph Parish Charitable Trust, 96 South Main Street. The site plan is dated 5/4/18 and was prepared by DBS Surveys. Inc. Harry Goodell moved to accept the site plan as Exhibit D. Gary Coger seconded the motion. A vote was taken and the motion passed.

Don Stein gave a history of the project, saying the property was originally 5.09 acres. There was no longer anyone living in the Rectory building so the Parish decided to sub-divide the property and sell the building. The new lot, #2 will be 0.53 acres, or approximately 23,000 square feet, which is larger than the district minimum of 20,000 square feet. He noted that the lot is flat lawn with a few trees. Phil Perlah asked about the location map on the site plan. He said it looked like the subject property was not properly located on the location map. Don acknowledged that it was in the wrong place.

The Board then reviewed the site plan under Section 4.12.F.1 Sub-Division Review Procedures, Required Submissions, Preliminary Plat.

1. Preliminary Plat. The Preliminary Subdivision Plat shall consist of a pdf copy as well as seven (7) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale or not more than one hundred (100) feet or more to the inch, showing or accompanied by information on the following points unless waived by the Development Review Board:

- a.** Proposed subdivision name or identifying title and the name of the Town.
The name is found in the box in the lower right quadrant of the map.
- b.** Name and address of record owner, sub-divider, and designer of Preliminary Plat.
This information is all found in the box in the lower right quadrant of the map.
- c.** Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other essential existing physical features.

The acreage is found in Note 5, the property lines are solid black lines. A 50-foot utility easement, a guy wire permit, a sewer easement and a right of way for the Doran property are listed as easements in Note 4. The right of way to the Doran property does not have a location or width associated with it, though it is still part of the deed. A contiguous piece of property belonging to Doran has access to Grafton Rd. Don Stein said that property that has frontage on Grafton Street may be why the right of way has no location or width. The parsonage, garage, church and shed buildings are all present.

There are no water courses on the property. Brush lines and trees are present on the site map.

- d.** The names of owners of record of adjacent acreage.
The names of the adjacent owners of record are all present.
- e.** The provisions of the zoning standards applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
The zoning standards are shown in the upper left quadrant of the map.
- f.** The location and size of any existing sewer and water mains, culverts, and drains on the property to be subdivided.
Existing sewer lines, marked with S, and existing water mains, marked with a W, are present. No culverts or drains were present on the property.
- g.** The width and location of any existing roads within the area to be subdivided and the width, location, grades, and road profiles of all roads or other public ways proposed by the Sub-divider.
The existing roads, South Main Street and Maple Street are present. There are no new roads proposed.
- h.** Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more.
Harry Goodell moved to waive this requirement, given the flatness of the lot. Phil Perlah seconded the motion. A vote was taken and the motion passed.
- i.** Date, true north point, and scale.
The date of the map, 5/4/18 is in the box in the lower right quadrant. True north point is in the upper right quadrant. The scale is above the box in the lower right quadrant.
- j.** Deed description and map of survey of tract boundary made and certified by a licensed land surveyor tied into established reference points, if available.
Carla Westine found this information in notes 1, 2, 3, and 4a. Phil Perlah noted that the property lines had dimensions written next to them.
- k.** Location of connection with existing water supply or alternative means of providing water supply to the proposed subdivision.
Connections with the municipal water supply running along South Main Street for both the parsonage and the church buildings are drawn,
- l.** Location of connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.
Connections to the municipal sewer line running along South Main Street for both the parsonage and the church buildings are drawn.
- m.** Provisions for collecting and discharging storm drainage, in the form of drainage plan.
Carla Westine and Phil Perlah observed that the lot was “flat as a pancake,” Carla Westine noted that no changes are being made to the property or structures. Harry

Goodell moved to waive the requirement for a drainage plan. Gary Coger seconded the motion. A vote was taken and the motion passed.

- n.** Preliminary designs of any bridges or culverts which may be required.

No bridges or culverts are required.

- o.** The proposed lots with surveyed dimensions, certified by a licensed land surveyor, numbered and showing suggested building locations.

Lot 1 and Lot 2 are drawn with dimensions. No new buildings are planned. The existing buildings are drawn in.

- p.** The location of temporary markers adequate to enable the Development Review Board to locate readily and appraise the basic layout of the field. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest existing road intersection shall be shown.

The Board observed markers and flagging at the site visit. The intersection between South Main and Maple Streets is drawn on the map.

- q.** Locations of all parcels of land proposed to be dedicated to public use and the conditions of such dedication.

No parcels are to be dedicated to public use.

- r.** Names identifying roads and streets; locations of street name signs and description of design of street name signs.

The names of South Main Street and Maple Street are on the map. No new streets are proposed.

- s.** The Preliminary Plat shall be accompanied by:

1. A vicinity map drawn at the scale of not over four hundred (400) to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing roads, provided any part of such a road used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision.

The vicinity map was present in the upper right corner, and as noted at the beginning of the hearing, requires one correction.

2. A list or verification of the applications for all required State permits applied for by the Sub-divider. Approval of the subdivision application by the Development Review Board may be conditioned upon receipt of these permits.

No additional permits are required and no permits have been applied for.

- t.** Endorsement. Every Plat filed with the Town Clerk shall carry the following endorsement:

"Approved by the Development Review Board of the Town of Chester, Vermont as per findings of fact, dated ____ day of _____, _____ subject to all requirements and conditions of said findings.

Signed this ____ day of _____, _____ by

_____, Development Review Board”

This endorsement is present in the lower left quadrant of the map.

Carla Westine asked if anyone in the audience had any questions. Don Van Vranken said he was having the sub-divided lot appraised as a non-commercial property and wondered if he should also have it appraised as a commercial property. Carla Westine said Don could speak to Zoning Administrator Michael Normyle to learn what conditional and permitted uses were available for the property and take that information to his real estate agent.

Phil Perlah asked if Don Stein could be excused from the Final Plat hearing as there was only one correction required to the site plan, that being the location map. Carla Westine agreed that Don Stein did not have to attend the Final Plat hearing. Harry Goodell moved to close the Preliminary Plat hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed.

Agenda Item 4, Conditional Use application (#524) Mark Ouellette and Carol Leofanti.

Chair Carla Westine began the hearing by asking if any member of the Board had had any ex-parte communication on this matter or was aware of a conflict of interest. None had. Mark Ouellette, Carol Leofanti, Michael Young and Joanne Young were sworn in to give testimony.

The Board then proceeded to examine the documents presented as evidence. The first document presented was a Town of Chester Application for a hearing before the Development Review Board. Carla Westine read these items on the application: The appeal number is 524, the appellant names are Mark Ouellette and Carol Leofanti. The address is 166 North Street, the description of the project is Bed & breakfast (2 rooms) & sweet (candy) retail shop (Cooper House) Full time residents.” The application is signed by Michael Normyle and Michael Ouellette. Gary Coger moved to accept the application as Exhibit A. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The second document presented was a Town of Chester Notice of Public Hearing before the Development Review Board. Chair Carla Westine read the specifics of the document aloud. It is dated May 29, 2018 and indicates a site visit at 5:00 PM and a public hearing at 6:00 PM on June 25, 2018. The property owners and applicant are Mark Ouellette and Carol Leofanti, the Location is 166 North Street, the district is the Stone Village district, the action requested is “Convert a residence into an owner occupied 2 room B&B, with one rental apartment along with a home occupation/retail shop.” The notice is signed by Michael Normyle. Harry Goodell moved to accept the notice as Exhibit B. Gary Coger seconded the motion. A vote was taken and the motion passed.

The third document presented was a narrative about the project written by Mark Ouellette and Carol Leofanti, dated May 29, 2018. Mark Ouellette read the narrative aloud. Harry Goodell moved to accept the narrative as Exhibit C. Gary Coger seconded the motion. A vote was taken and the motion passed.

The fourth document presented was a letter on Chester Fire Department letterhead from Matthew Wilson, Chester Fire Chief to Mark Ouellette and Carol Leofanti dated June 19, 2018. Carla Westine read the letter aloud. Chief Wilson stated that the applicant must follow all state fire

codes and be inspected by the state Fire Marshall before the apartment and lodging rooms may be occupied. Chief Wilson asked that he be notified when the project is finished so he can schedule a walk-through of the premises before it is open to the public to plan a response in case of fire. Harry Goodell moved to accept the letter as Exhibit D. Gary Coger seconded the motion. A vote was taken and the motion passed.

The fifth exhibit presented was a site plan titled Mark Ouellette and dated 6/5/18. It shows the layout of the lot, with property lines and measurements, the dimensions and location of the house and Cooper's house building, and parking spaces. Harry Goodell moved to accept the site plan as Exhibit E. Gary Coger seconded the motion. A vote was taken and the motion passed.

The sixth exhibit presented was a letter on Town of Chester Police Department letterhead dated June 20, 2018 and addressed to Michael Normyle, Zoning Administrator. Carla Westine read the letter aloud. Chief Cloud said it was his opinion that traffic safety and parking will not be an issue for this project. Harry Goodell moved to accept the letter as Exhibit F. Gary Coger seconded the motion. A vote was taken and the motion passed.

The Board then evaluated the application under section 4.8 Conditional Uses of the 2017 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;

Carla Westine noted that letters have been received from the Fire and Police Chiefs stating this project would not adversely affect town services. Michael Normyle said that the property is already connected to the municipal sewer and has asked to be connected to the municipal water supply. Jeff Holden, Water/Wastewater Superintendent has been on vacation for two weeks and has not responded formally to the request. Carla Westine said that since food preparation was part of the request, Jeff Holden may request a grease trap be installed on the wastewater system as well.

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 purpose of the Stone Village District (Section 2.6.A) aloud. Mark Ouellette said he and Carol want to maintain the property's historic appearance and restore as much of the property as possible to what it looked like when it was first constructed.

c. Traffic on roads and highways in the vicinity;

Carla Westine said the applicants have a letter from the Police Department saying that traffic and parking are not expected to be a problem.

d. Bylaws and ordinances then in effect; and,

Carla Westine read the list of conditional uses available in the Stone Village aloud and noted that the requested uses, home business, mixed use, residential multi-family, retail store and tourist lodging are available in the Stone Village District. She asked if there will be any changes to the footprint of the building. The applicants said they would not be changing the footprint.

e. Utilization of renewable energy resources.

Mark Ouellette said he would not be using and renewable energy resources.

2. Specific Standards

Specific standards will include consideration with respect to:

a. Minimum lot size;

Carla Westine noted that the lot is an existing lot and this requirement does not apply.

b. Distance from adjacent or nearby uses;

Mark Ouellette said the distance from the house to the property line on the south is 40' 6", the distance from the house to the property line on the north is 34' 6", from the front of the house to North Street is 37' 6", from the house to the back of the property is 224' 4". Carol Leofanti said that across North Street and to the south was a retail business that sold fine furniture, jewelry and antiques, another neighbor on their side of the street was Bonnie's Bundles, which sold handmade dolls, and a third neighbor sold collectibles.

c. Minimum off-street parking and loading facilities;

Carla Westine said Mark Ouellette stated in his narrative he will be removing trash and recyclables himself. Carla then tallied the number of parking spaces needed by the various proposed businesses. Each dwelling unit requires 2 spaces, so the residence and apartment need a total of 4 spaces. The 2-room Bed and Breakfast will require 2 spaces. Phil Perla said the square footage of the Cooper's House, where the retail business will be, is less than 300 square feet, so that will require one parking space. Carla said the proposal required a total of 7 spaces. The site plan shows 7 spaces, including a handicapped space.

d. Landscaping and fencing;

Carol Leofanti said they will be removing the white picket fence along the street and replacing it with stone pillars and black chains, which is more historically accurate. Phil Perlah asked if they would be moving some of the existing stone pillars. Carol Leofanti said they would be. Phil confirmed that the layout of the new fence had been painted on the ground in white. He had seen it at the site visit.

Carla asked if they were leaving the existing landscaping in place. Mark Ouellette and Carol Leofanti said they were.

e. Design and location of structures and service area;

Carla Westine noted that the structures to be used for the project are all existing and no plans are indicated for changing their footprints in any way.

f. Size, location and design of signs;

Mark Ouellette said he had spoken to Michael Normyle about signs and understood he would need a permit.

g. Performance Standards under Section 4.9 and,

h. Other such factors as these Bylaws may include.

4.9 PERFORMANCE STANDARDS

In accordance with §4414(5) of the Act, the following standards must be met and maintained by all uses in all districts that are subject to a permit under these Bylaws.

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 read the standard above. Mark Ouellette said the only noise would be conversation, which will not exceed the Noise Standard.

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.

Mark Ouellette and Carol Leofanti said they did not expect to create any air pollution.

below.

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 then read the section on glare, light and reflection aloud. She said she noted at the site visit that the building had exterior lights that did not comply with these standards. She also noted that Mark Ouellette had added the location of exterior lights to the site plan.

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.

Mark Ouellette and Carol Leofanti said they did not anticipate any safety hazards. Carla Westine stated that Fire Chief Matt Wilson had requested a walk-through of the property. Phil Perlah asked how the house was heated. Carol Leofanti said it was fuel oil and the tank was in the basement.

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.

Mark Ouellette and Carol Leofanti said they did not expect to generate any electromagnetic disturbances.

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.

Carol Leofanti said there were no underground storage tanks on the property. Carla Westine noted that the applicants plan to connect to the municipal water supply and are already connected to the municipal wastewater system. She asked if Mark Ouellette and Carol Leofanti would be adding a water and sewer connection to the Cooper's house. Mark Ouellette said he was going to install a sink. Phil Perlah asked if the small stream that ran under the miniature covered bridge ever flooded. Carol Leofanti said the stream handled runoff from the hill at the back of the property. It did not flow into the small pond, it continued onto the neighbor's property to the south.

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 no change to the footprint of any existing building is proposed and no new buildings are proposed. The only change to the property is to replace a fence with a more historically accurate version. Therefore, a formal review of Special Criteria is not necessary. She cautioned the applicants that any changes they may want to make in the future would have to take the Special Criteria into consideration.

Carla Westine asked the Board and the audience if there were any other questions. Gary Coger asked if the apartment above the garage already existed. Carol Leofanti said it did.

Harry Goodell moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed.

An informal poll of the Board showed that the permit was likely to be approved. Phil Perlah pointed out that anyone attending the hearing could challenge the permit in the next 30 days.

Michael Normyle advised the Board of upcoming hearings on July 9th, July 23rd and August 13th as well as a meeting on July 16th with Attorney Jim Carroll to discuss the duties of the Development Review Board and Planning Commission members.

Agenda Item 5 Deliberative session to review previous matters.

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