

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

*August 26, 2019*

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

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

**CITIZENS PRESENT:** Zacciah Blackburn, Dorothy Stone, Kate Lunde, Jeffrey Hanavan, Daire M. Gilbney, Nancy Lockerby, Richard Lockerby.

**Call to Order**

Chair Carla Westine called the meeting to order at 6:00 PM in the Town Clerk's Office. She introduced the members of the Development Review Board and staff, then read the meeting's agenda. The group joined in reciting the Pledge of Allegiance. Carla Westine noted for the record that there had been a site visit at 982 Old Stage Road at 5:20 that evening.

**Agenda Item 1 Review minutes from July 22<sup>nd</sup> meeting**

Carla Westine noted a correction on page 4, in the second full paragraph, the person who said the garage would be rebuilt was Hanson Savage, not Terry Ebelt. On page 5 the word forint should have been front. On page 8, in the last full paragraph the word Destr4 should be Dexter. Harry Goodell moved to accept the minutes of July 22<sup>nd</sup> as corrected. Gary Coger seconded the motion. A vote was taken and the minutes were accepted. Robert Greenfield abstained from voting because he was not present at the July 22, 2019 meeting.

**Agenda Item 2, Citizen comments**

None of the citizens present had any comments about issues not already on the agenda.

**Agenda Item 3, Conditional Use application (#537) Z. Blackburn and D. Stone**

Carla Westine asked Michael Normyle for background on this application. Michael Normyle said that Zacciah Blackburn and Dorothy Stone had approached him about the property in 2018 and again in May and June of 2019. The application was complete on July 23, 2019. Michael Normyle published notices in the newspaper. He said he had mailed letters to the abutters, some of which were returned to him with incorrect addresses. Eventually he confirmed every abutter had been notified.

Carla Westine entered the documents sent to the Development Review Board into evidence. The first document considered was an Application for hearing before the Development Review Board. Carla Westine read the following items on the application aloud. The project number was 537. The applicant names were Zacciah Blackburn and Dorothy Stone. The landowner address was 982 Old Stage Road. Carla Westine noted that the Location of property on the application was listed incorrectly as 82 Old Stage Road. It should be 982 Old Stage Road. The

Parcel map number was 14-1-5. The Description of project was, "Property will be primary residence for appellants, with in home business use. Primary business is internet-based retail sales with fulfillment provided by off-site distribution centers, with some on site order fulfillment via USPS, FedEx or UPS. Currently approximately 3 – 7 deliveries per week by normal FedEx/UPS trucks. Small retail area available by appointment only. Current visitors just a few/month. Business hours typically 10 AM – 5 PM weekdays. Currently one near full time employee, may hire 1 – 2 part time employees. Some private holistic therapy or consultations, anticipate no more than a few/week, normal hours. Some educational programs in holistic studies will be offered; potentially 6 – 10 programs per year, with 6 – 15 participants, 20 students max in 2 programs per year. Program duration 2 – 4 days; 2 – 3 of the programs could be 6 days maximum, daytime hours, 10 – 6 for most programs, a few evenings possible, never past 9 PM. Students encouraged to stay in local hotels, motels, B&B's, Inns, Air B&B's and to eat locally. We already conduct programs at Chester NewsBank Conference Center for years, successfully, excellent relations with NewsBank and local inns and eateries." The application is for Conditional Use approval. It was signed by the applicants and the zoning administrator on July 23<sup>rd</sup> and 30<sup>th</sup>. Harry Goodell moved to accept the application as Exhibit A. Gary Coger seconded the motion. A vote was taken and the application was accepted as Exhibit A.

The second document considered was a Town of Chester Notice of Public Hearing before the Development Review Board, dated July 30, 2019. Carla Westine read the following items aloud: the Site Visit took place at 5:20 PM, the Property Owner was F. Frappier, the Applicants were Zacciah Blackburn and Dorothy Stone, the location was 982 Old Stage Road, the Zoning District was R120, the action requested was, "Establish a primarily internet-based retail Home Business. In addition, there is a therapeutic wellness and educational service business which will at times also utilize the instruments in a complimentary fashion." The Notice is signed by Zoning Administrator Michael Normyle. Harry Goodell moved to accept the Notice as Exhibit B. Robert Greenfield seconded the motion. A vote was taken and the Notice was accepted as Exhibit B.

The third documents considered was an addendum to the application submitted on 7/23/19 by Zacciah Blackburn. The document sent in the packet was missing about one and a half pages of text. The missing text was distributed at the meeting. Zacciah Blackburn read the entire 3-page document aloud. It gave a history of the business and a description of how he expects the business to be conducted on the property at 982 Old Stage Road. During the reading Zacciah Blackburn amended the document to say that Dorothy Stone did not expect to see many private clients in this setting. Harry Goodell moved to accept the addendum as Exhibit C. Robert Greenfield seconded the motion. A vote was taken and the addendum was accepted as Exhibit C.

The fourth document was a list of businesses in Chester patronized by students attending events sponsored by the applicant and a discussion of the impact the business has had on Chester in the past. Carla Westine read the document out loud. Harry Goodell move to accept the document as Exhibit D. Gary Coger seconded the motion. A vote was taken and the document was accepted as Exhibit D.

The fifth document was a 2-sided page of aerial photographs of the property and a one-page enlargement of a portion of the water supply and wastewater disposal plan showing potential parking locations for 16 vehicles. Harry Goodell moved to accept this document as Exhibit E.

Gary Coger seconded the motion. A vote was taken and the document was accepted as Exhibit E.

Phil Perlah asked if some photographs attached to the document were of the property in question. Zacciah Blackburn said they weren't and the extra photographs were discarded.

The sixth document was an email exchange between Michael Normyle and Chester Fire Chief Matt Wilson, dated August 20, 2019. In his e-mail, Matt Wilson said he saw no impact to the Fire Department from this project and would support it. Harry Goodell moved to accept the e-mail as Exhibit F. Gary Coger seconded the motion. A vote was taken and the e-mail was accepted as Exhibit F.

The seventh document was a building inspection report from S&K Services, LLC for the property at 982 Old Stage Road. Carla Westine noted that the Development Review Board does not review the interior of structures. She asked whether the Development Review Board wanted to accept the building inspection report. Harry Goodell said he felt it had some purpose and the Board agreed to accept the report. Harry Goodell moved to accept the report as Exhibit G. Gary Coger seconded the motion. A vote was taken and the report was accepted as Exhibit G.

The eighth document was four sides on three pages. The first side is a Natural Resources Atlas map showing the property and indicating that the property was not in a flood zone. The second side was an aerial view of the property from Google Maps indicating that the driveway is approximately 251 feet long, which would accommodate more than 10 vehicles parked along it. The third side had three aerial photographs showing the distance between 982 Old Stage Road and its neighbors to the north and south along the road. The fourth side on the third page had two photographs of another house not involved in this hearing. The third page was discarded. Harry Goodell moved to accept the two remaining pages as exhibit H. Gary Coger seconded the motion. A vote was taken and the photographs and map were accepted as Exhibit H.

The ninth document was a site plan entitled Blum Revocable Trusts Replacement Water Supply and Wastewater Disposal Plan, dated 10/20/11. It shows some of the buildings on the property, the leach field, the replacement leach field, the well and the wastewater permit number, WW2-4095. Harry Goodell moved to accept the site plan as Exhibit I. Robert Greenfield seconded the motion. A vote was taken and the site plan was accepted as exhibit I.

The tenth document presented was an email sent from Daire Gibney to Zoning Administrator Michael Normyle on August 23, 2019. This document was received too late to be included in the packet and was distributed at the hearing. The back side of the sheet had a copy of the application already received and was disregarded. The e-mail contained a copy of a note from Joshua Frappier, the current owner of the parcel, to Zoning Administrator Michael Normyle sent on August 22, 2019. In the e-mail, Joshua Frappier said he supported the plans Zacciah Blackburn and Dorothy Stone have for the property at 982 Old Stage Road. Carla Westine read the message aloud. Harry Goodell moved to accept the document as Exhibit J. Gary Coger seconded the motion. A vote was taken and the email was accepted as Exhibit J.

The eleventh document presented was a letter on Chester Police Department stationery from Chester Police Chief Rick Cloud dated August 20, 2019, addressed to the Development Review Board. The letter stated that the proposed project will not have an impact on traffic safety and is signed by Police Chief Richard Cloud. Robert Greenfield pointed out that the address listed in the letter, 982 Grafton Road was incorrect. Michael Normyle corrected the address to 982 Old

Stage Road. Harry Goodell moved to accept the corrected letter as exhibit K. Robert Greenfield seconded the motion. A vote was taken and the letter was accepted as exhibit K.

Carla Westine then swore in the following citizens to give testimony at the hearing: Nancy Lockerby, Kate Lunde, Jeff Hanavan, Zacciah Blackburn and Dorothy Stone. Section 4.8, Conditional Use was then addressed. Carla Westine read 4.8.A, B and C below, aloud.

#### **4.8 CONDITIONAL USES**

Specific conditional uses are permitted only by approval of the Development Review Board, providing that General standards, Specific Standards, Performance Standards and Special Criteria, as herein provided are met, and further provided that:

- A.** The Development Review Board after public notice and public hearing determines that the proposed use will conform to such standards.
- B.** In granting such conditional use, the Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purpose of the law and these Bylaws.
- C.** The Development Review Board shall act to approve or disapprove any such requested conditional use within forty-five (45) days after the date of the final public hearing held under this Section, and failure to so act within such period shall be deemed approval.

Carla Westine then evaluated the General Standards.

##### **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 the Development Review Board had received letters from the Chester Fire and Police Departments saying the project would have no impact on their departments. Zacciah Blackburn said the project will not use municipal water or sewer. He said he has an appointment for an inspection by the Vermont Department of Fire and Safety and that he does not believe traffic will be an issue on Old Stage Road.

Kate Lunde acknowledged that the current traffic level is very low, and she was concerned about what will happen when 20 cars arrive for an event. Carla Westine said traffic will be addressed a little later during the hearing.

- 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 the project is in the R120 district and she read the purpose of the district aloud: To provide lower-density residential neighborhoods with compatible home businesses and working landscape uses

that are consistent with the Chester Town Plan. Carla Westine asked the applicants how their business fits with that purpose.

Dorothy Stone said a high percentage of the business is done online and will not have a great effect on the property. She said students coming to the house are staying at local hostelrys and are encouraged to carpool when they drive to the house. She said she understood the need to maintain the rural character of the neighborhood.

Jeff Hanavan said this part of Chester is so quiet and he can hear the radon pump running at the Frappier property from their home, which is quite a distance away. He said he did not object to the proposed use, but he is concerned that it could affect the quiet which prevails in the area now.

Carla Westine said noise will also be addressed a little later in the hearing.

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

Carla Westine noted that the road is a two-lane dirt road. She said the description of project indicates that traffic will be irregular. Delivery services will be making stops, perhaps daily, and she asked the applicants what other traffic will be expected.

Zacciah Blackburn acknowledged the daily deliveries. He said the business has one nearly full-time employee who works from 10:00 AM to 5:00 PM. He said most business activity is contained in the barn and the house. He said the training gatherings will occur 6 – 10 times per year. The gathering participants often travel to the trainings together, stay in town and carpool to the site.

Carla Westine asked if box trucks or other larger trucks ever make deliveries. Zacciah Blackburn said there was one time in the 15 years he has run his business when he bought a pallet of product, and the difficulty of getting the pallet delivered has cured him of ever choosing that method again. He said incoming shipping arrives from UPS, FedEx and sometimes the Post Office. Outgoing shipments are sent via the Post Office.

Jeff Hanavan said he himself frequently receives items from shippers several times a week and does not think this project will increase shipping traffic on the road.

Kate Lunde said she wants the record to say there is currently very little traffic on the road now. She is concerned that allowing traffic in the area is a slippery slope. This is the first project that will bring any traffic to the area that is not part of the residents' daily life. Carla Westine said that the R120 district allows uses such as a family day care home which could bring traffic to any road without needing even to apply for a permit.

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

56:40Carla Westine read the list of eighteen conditional uses allowed in the R120 district: Animal Hospital, Animal Kennel, Building and Construction Trades, Campground, Civic Institutional, Wireless Communication Facility, Extraction Operations, Family Child Care Facility, Heavy Construction

Trades, Home Business, Nursery, Professional Office, Recreation, Residential – Multi-Family, Sawmill, Tourist Lodging, Mobile Home Park, and Wood Processing. She noted that Home Business was the use being applied for in this hearing. She verified that the lot in question met the Dimensional Standards for the R120 district. The lot is larger than the minimum lot size of 3 acres. It has more than 200 feet of road frontage. The buildings are more than 50 feet from the road, meeting the front yard setback. The minimum side and rear setbacks are 50 feet and the lot meets those standards. The maximum lot coverage is 10%, which is met. The maximum building height is 35 feet and the existing buildings do not exceed that. She noted that the only changes the applicants have proposed are to replace the barn roof and the height would not be affected.

Carla Westine read aloud the R120 district Driveway Supplemental standard: **Driveways.** All new driveways and substantially existing driveway shall meet the AOT Access Management Program Guidelines and/or the Town of Chester Road & Bridge Specifications. She asked if the applicants planned any changes to their driveway. Zacciah Blackburn said he did not.

Carla Westine read the Character of Development Supplemental Standard: New development and modifications to existing buildings and uses shall be consistent with the existing character of the area and compatible with adjacent land uses with respect to traffic, noise, vibrations, or other impacts in conflict with residential uses.

She noted that, in view of testimony from the applicant and some of the abutters, there would be some impact to the area from the project. However, given the potential impact of other conditional uses allowed in the R120 district, the impact from this proposal is very small.

Carla Westine read the Landscaping and Screening Specific Standard: The Development Review Board shall require landscaping or other screening between incompatible uses or structures. She asked if the applicants had any plans to change the landscaping. Zacciah Blackburn said they may do some gardening, but they did not plan any extensive changes.

Jeff Hanavan said that he did not believe that the driveway or fields could be used for parking as they are now between November and May. They would have to be improved in order to handle parking. Zacciah Blackburn said he has not had any trouble parking in the cold seasons on his current Vermont property. He did not plan to have any gatherings at his property during mud season.

Carla Westine said the Town of Chester only requires that space for parking be available on the property so that no one visiting the business ends up parking on, and potentially blocking, the road. Zacciah Blackburn said he had laid out 16 parking places on the lot so far and more space is also available. Phil Perlah said that the nature of the business would have cars coming and

going and spaces could be shared. Kate Lunde said that during the winter and mud season, cars were not allowed to park on the road. Carla Westine said that the police had said no parking was allowed on the road at any time.

Carla Westine turned to section 3.20 Off Street Parking and read the section. Off-street parking spaces shall be provided in accordance with this section in all districts for every building hereafter erected or enlarged, or for any expansion or change of use.

**A. Minimum Parking Standards**

Land Use Category	Minimum Parking Standard
Residential	2/unit
Accessory Dwelling Unit	1/unit
Lodging	1/unit
Office	2/1,000 sq ft
Retail	3/1,000 sq ft
Restaurant/Bar	1/3 seats
Civic	As required by the DRB under conditional use review
Other	

Looking at the chart, Carla Westine concluded that 2 spaces would be needed for the house, one space would be needed for the office employee, and two spaces would be needed for the retail store, for a total of five full time designated spaces for day-to-day uses. On the days that events are held, parking for the attendees must be provided so that no one is parking in the road. She noted that two meadow areas are available to handle that traffic. She then returned to the last of the General Standards.

- e. Utilization of renewable energy resources.

**2. Specific Standards**

Specific standards will include consideration with respect to:

- a. Minimum lot size;

The lot is larger than the 3-acre minimum lot size for the district.

- b. Distance from adjacent or nearby uses;

Carla Westine consulted Exhibit H which indicated that there was a house at 666 Old Stage Road, about 0.3 miles from the Frappier parcel and a house at 1199 Old Stage Road, about 0.5 miles from the Frappier parcel. Jeff Hanavan said that he and Kate Lunde owned two houses, one at 1199 Old Stage Road and the other at 1246 Old Stage Road. 1246 Old Stage Road abuts the Frappier property to the east and south. Jeff Hanavan and Kate

Lunde reside at 1246 Old Stage Road. 1199 Old Stage Road is across the road from the Frappier property. Carla Westine asked the applicant whether the distance measured on the map were to the house or the property line. Zacciah Blackburn said he used Google maps and asked for the distance by pointing to the buildings on the map and asking for the distance between them.

Kate Lunde said that the property they own is currently classified as a farm. Carla Westine noted that the other neighbors, the Lockerbys, have a farm.

**c. Minimum off-street parking and loading facilities;**

Carla Westine said the parking had been addressed earlier. She asked if the FedEx and UPS deliveries will be made to the barn. Zacciah Blackburn said they will. She asked if there would be space for the delivery truck to turn around to leave. Zacciah Blackburn said he thought there was, but he would verify that and re-arrange the planned parking if necessary, to allow the trucks to turn around.

**d. Landscaping and fencing;**

Carla Westine noted that the property had a heavy tree line and that the house could not be seen from the road. Zacciah Blackburn said the property was 9.8 acres, heavily forested at the edges, and that he had no plans to cut any of the trees or change the woodland in any way. He said he might alter the existing flower gardens around the house or create a vegetable garden. He would continue haying the two meadows and maintain the existing fences.

**e. Design and location of structures and service area;**

Carla Westine said she had heard more than once during the hearing that no structural changes to the buildings were contemplated. The only change under consideration was to replace the roof on the barn. She asked the applicants to explain what they planned when they mentioned holding some part of the training course outdoors. Zacciah Blackburn said part of the training involved meditation practices, including the use of sound instruments such as native American drums, rattles and voices. During the training classes they were planning on spending 10 - 30 minutes outside, near the house. Carla Westine asked if they would use amplification outdoors. Zacciah Blackburn said they do not use amplification outdoors. The outdoor activity would be sitting silently or chanting.

Phil Perlah asked if the applicants would object to a condition on the permit that forbid outdoor amplification. Zacciah Blackburn said he would not.

Jeff Hanavan said drumming can travel a great distance without amplification. He felt that if the drumming disturbed him, he could discuss the matter with Zacciah Blackburn and resolve it. Carla Westine said that being a good neighbor was required for peaceful coexistence. The bylaws are what is resorted to when neighbors are not able to work out their differences between themselves. Dorothy Stone said, in the past they have checked with neighbors before holding a practice outside.

**f. Size, location and design of signs;**

Zacciah Blackburn said he would like to have a sign, but he did not yet have a design. Carla Westine told him he would need to obtain a permit from Zoning Administrator Michael Normyle.

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

Carla Westine read the Noise standard and the sidebar about Decibel Levels in Section 4.9 aloud.

#### 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 said that the applicant had testified that their business was normally conducted between 10:00 AM and 5:00 PM. Between those hours, the decibel level allowed at the property line would be 70 dB. Zacciah Blackburn said he had never measured the decibel level of the drums. The largest group he had had at a gathering was 55 people in a Newsbank building. They used drums and voices at the gathering with the windows open and no one had complained. Zacciah Blackburn said he was concerned about the noise regulations because he also used drums and chanting in his personal practice. If that was going to be a problem with his neighbors, he needed to know that now.

Carla Westine said that the Development Review Board was responsible for noise created by commercial activity. Noise from private pursuits would be handled between neighbors. She pointed out that she observed a patio behind the house at the site visit. She knew it was possible to mitigate sound by choosing a space on the property that deflected the sound away from the neighbors. She said that six events a year would be considered an incidental noise, described as a limited exception.

##### Decibel (dB) Levels:

10 dB = normal breathing  
30 dB = soft whisper  
40 dB = quiet residential area, library  
60 dB = normal conversation  
70 dB = TV audio, human voice at 10 feet  
80 dB = doorbell, machine tools, car at 10 feet  
90 dB = lawn mower, tractor, blender  
100 dB = snowmobile, factory machinery,  
110 dB = leaf blower, power saw, nightclub band  
120 dB = chain saw, rock concert, pain threshold

Zacciah Blackburn said the stone wall marking the property line was within 100 feet of the house. He was concerned about reaching the goal of 70 dB at the property line. Carla Westine said there were steps that could be taken to mitigate noise outdoors, such as Acoustifence which is used at the dog kennel on Elm Street.

Carla Westine asked the Development Review Board whether they considered six times a year an incidental occurrence. Harry Goodell said that in the warmer months, when leaves are on the trees, sound is greatly muffled. When the leaves are down, it will carry further. Zacciah Blackburn said he didn't do many programs in the winter, they usually scheduled them between April and November.

Phil Perlah said he didn't think the proposed outdoor sessions would be considered incidental noise. He thought incidental noise had more to do with maintenance activities such as mowing grass, snow blowing or leaf blowing. He thought the planned outdoor activities were a core part of the proposed business. At the same time, he did not think the concern about noise from outside activities was warranted. No evidence has been introduced about the noise level from the proposed activities. If there is a problem the onus will be on the business owners to mitigate the noise. A cell phone can now download an app that turns it into a decibel meter. It would now be easy to determine that a decibel level has been exceeded. Carla Westine said the presence of noise does not mean the activity must be stopped, it means that steps must be taken to mitigate the noise. She said the bylaws do not guarantee silence, only that the noise level will be 70 dB at the property line.

Jeff Hanavan said he wanted to have people like Zacciah Blackburn and Dorothy Stone as neighbors. He was also glad to understand the Chester bylaws and the restrictions on noise. Zacciah Blackburn said he needed a clear decision on noise and whether his business could be located there. In reply to a question from Carla Westine, he said he has held outdoor practices occasionally where he lives now, and has always called his only neighbor to check with them first.

Phil Perlah said the DRB is an evidenced-based institution. He said the Board's job was to communicate the terms of the bylaws and it is up to the applicant or permit holder to prove that he or she has complied. Carla Westine said that, if the Board approved the application, the conditions would include that the noise levels cannot exceed 70 decibels between 7:00 AM and 8:00 PM and 60 decibels between 8:00 PM and 7:00 AM. She said the applicant could mitigate the noise by changing the location or installing some sound barriers.

**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.

Zacciah Blackburn said the only air pollution he might create is in the manufacture of bamboo flutes, when he scorches the outside of the flute with a torch. He has not yet decided whether he will continue to manufacture flutes when he moves to this property.

**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.

Zacciah Blackburn said he had not paid enough attention to the existing lights to know if he will want more. If he determines that more light is needed, he will follow the bylaw requirements.

**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.

Zacciah Blackburn said everything he has done in the past met the safety standards in the town of Weathersfield. He did not know of any activity he did that would be considered unsafe in Chester. He did not plan to store quantities of flammable liquids at the site.

**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.

Zacchiah Blackburn said the only electromagnetic activity would be wi-fi for his office.

**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.

Zacciah Blackburn said he was not aware of any underground storage tanks. The propane tank is above ground.

### **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.

Since this project is in the R120 district, Special Criterial do not apply and were not evaluated.

In conclusion Zacciah Blackburn said he was grateful for the opportunity to meet with the Board and he hoped their questions had been answered fully. Dorothy Stone said she was looking forward to being part of the community and being good neighbors and invited the community to attend some of their classes.

Nancy Lockerby asked whether the applicants had plans for the gray barn that was on the property. Zacciah Blackburn said he might use the enclosed bay of the barn for storage and he may also park a cargo trailer there. Nancy Lockerby asked if there will be drumming in the barn. Zacciah Blackburn said they had no plans to use the barn for drumming.

Kate Lunde said she was excited about having Zacciah Blackburn and Dorothy Stone as neighbors and that her questions about noise and traffic were not intended to be oppositional. Nancy Lockerby welcomed Zacciah and Dorothy to the neighborhood.

Zacciah Blackburn asked if the Board could give an indication of how whether they were likely to approve the permit. Carla Westine took an informal poll of the Board and the result was positive. Carla Westine recapped the likely conditions on the permit, which would be the noise cannot exceed the required decibel levels and a permit for a sign must be obtained.

Harry Goodell moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed. Carla Westine said the Board has 45 days to issue the permit. She cautioned the applicant that abutters have a right to appeal the decision, so she did not advise them to take any action until the permit is issued.

#### **Agenda Item 4, Confirm next meeting date(s)**

Carla Westine said the Final Plat hearing for the Gold River Partners sub-division is scheduled for September 23, 2019. She said the town is considering scheduling a conditional use hearing for a gravel pit on Route 103 South for September 30, 2019. The Board agreed that it wasn't advisable to schedule the hearing on the 23<sup>rd</sup> because it was likely to be a long meeting. Zoning Administrator Michael Normyle said he will check with Development Review Board to see if alternates are available to cover if needed. Phil Perlah said he could attend on September 30<sup>th</sup>, but was not available for October 14<sup>th</sup>.

Michael Normyle said it was possible there will be hearings on October 14<sup>th</sup> and October 28<sup>th</sup>, but he did not have firm details.

#### **Agenda Item 5, Deliberative session to review previous matters**

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