

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

*December 9, 2019*

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

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

**CITIZENS PRESENT:** Jeanine Wade, Gary Coger, William Lindsay, Nancy Lindsay, Mike O'Neil, Amy O'Neil via telephone.

**Call to Order**

Chair Carla Westine called the meeting to order at 6:00 PM in Conference Room 4 of the NewsBank Conference Center. She thanked NewsBank for allowing the Town of Chester to use the conference room while the Town Hall second floor flooring is replaced. She read the meeting's agenda and introduced the members of the Development Review Board and Staff. She noted that there had been a 3:30 PM site visit at 26 The Common.

**Agenda Item 1, Review draft minutes from November 25, 2019**

Harry Goodell moved to accept the draft minutes from November 25, 2019. Larry Semones seconded the motion. Two typographical errors, on pages 4 and 6 were noted. A vote was taken and the minutes were accepted as amended.

**Agenda Item 2, Citizen Comments**

There were no comments from citizens.

**Agenda Item 3, Reconvene Major Sub-Division application (#538) Gold River Extension**

Carla Westine re-opened the hearing and noted that Amy O'Neil, who was attending by telephone and Bill and Nancy Lindsay had been sworn in at a previous portion of the hearing. Mike O'Neil was sworn in to give testimony.

Carla Westine said that this portion of the hearing had been formally warned, as the location of the hearing was changed from the Town Hall. The Notice of Public Hearing dated November 25, 2019 which noted the change of venue for the December 9, 2019 meeting to the Newsbank Conference center was accepted by a vote as Exhibit I.

A second document from the State of Vermont Department of Environmental Conservation, a Wastewater System and Potable Water Supply Permit was offered as Exhibit J. The permit listed the seven new lots: 1A1, 1A2, 1A3, 1B1, 1B2, 1B3 and 1B4. The landowner is Gold River Partners, LLC, the Permit Number is WW-2-1188-3. The permit was issued on 1/28/19. Harry Goodell moved to accept the permit as Exhibit J. Gary Coger seconded the motion. A vote was taken and the motion passed.

Amy O'Neil read aloud a document she had prepared for the board which summarized the progress she had made with the project. Her testimony is included here in its entirety:

On 9/23/19 a couple of items were presented that I (the applicant) had not seem. They are:

- Letter from Jeff Holden dated March 12, 2019
- Letter from Jeff Holden dated April 9, 2019

It seems unfair that items are presented to the DRB that have not been reviewed by the applicant. During the course of this project being presented to the DRB for review, this was not the first time items were presented without an opportunity for my review and comment. At the hearing of November 26, 2018, Exhibits E and F were accepted and I was not given an opportunity to review, object or consent to the submission.

Upon review of the letters from Jeff Holden I would request that the DRB take no action either way on the suggestions of conditions outlined in the letters. At a point when the Association may request the town take over maintenance of the pump station it is my understanding that request need be made to the select Board therefore the DRB does not have the jurisdiction to condition equipment within the pump station.

Chester UDB's Article 4.12(A) 4: "Prior to approval of the Final Plat, the Development Review Board may require additional changes as a result of further study of the subdivision in final form".

That language gives the board the ability to reconsider conditions imposed in the Preliminary Plat. Specifically:

- Condition 5: Wastewater, potable water and stormwater permits will be obtained from the State of Vermont and the permit numbers with the book and page number where they are recorded in the Chester Land Records will be added to the plat.
- Condition 6: A General Construction permit will be obtained from the state of Vermont and the permit number will be added to the plat.
- Condition 7: The permit number of the amended Act 250 permit will be added to the plat.
- Condition 8: The new Declaration of Covenants will be recorded in the Chester Land Records and the book and page will be added to the final plat in place of the list of easements on sheet 2.

The Chester UDB's have a timeline built in to submission review and approval of subdivisions as follows:

Within 45 days of the Official Submittal Date for the Preliminary Plat the DRB shall hold a public hearing.

Within 45 days after the adjournment of the public hearing the DRB shall take action to approve, approve with conditions or disapprove the Preliminary Plat. Notice of the decision shall be sent to the Subdivider by certified mail.

An appeal may be filed within 30 days of a decision

The Subdivider shall, within six months after the approval of the Preliminary Plat, file with the Development Review Board an application for approval of the Final Plat

Within 45 days of the Official Submittal Date for the Final Plat, the Development Review Board shall hold a public hearing

Any subdivision Plat not so filed or recorded within 180 days upon which such Plat is approved, or considered approved by reason of the failure of the Development Review Board to act, shall become null and void.

This Stormwater General Construction (i.e. General Construction Permit) permit was filed on January 31, 2019 and has been held to "make sure any changes resulting from the operation permit review can be captured, and avoid the need to submit a new application to amend a construction authorization" (Chris Tomberg, 8/9/19)

A Notice of Intent (NOI) to Discharge Stormwater pursuant to General Permit 3-9015 (i.e. Stormwater Permit) was submitted February 11, 2019. The Permit was officially denied on October 11, 2019. I have a lengthy email correspondence between Chris Tomberg, Environmental Analyst, VT Stormwater program and my engineer Christina Haskins of Dufresne Group outlining why this project could not be covered under General Permit 3-9015.

A NOI to apply for individual Stormwater Discharge Permit (INDS) was filed on October 2, 2019. The permit is under review. Upon completion of review there is a 45-day comment period before the permit is issued.

An application for Act 250 approval was accepted on October 24, 2019. I received an incomplete Letter on November 5, 2019. There were 8 items needed before deeming the application complete. 7 of those items have been submitted. #3 is Provide the Stormwater permit. The Act 250 application will not be considered complete until the Stormwater permit is submitted.

There is a timeline for Act 250 similar to Chester UDB's for subdivisions. I have not researched exactly the timeline but there will be a hearing or a notice to request a hearing. It is not unusual for those hearings to be recessed. There is an appeal period. If there is an appeal the Environmental Court will take a minimum of 4-6 months to render a decision and then there is the possibility of appeal to the VT Supreme Court.

I don't believe it makes sense to condition subdivision approval with the condition that the Act 250 permit number be noted on the Final Plat before recording. In fact, in this case you've set me up for failure.

The Stormwater and Act 250 permits will be conditioned to be recorded in the Chester Land Records therefore, while it is convenient to have permit numbers noted on the Final Plat it is not necessary.

I am happy to answer any questions you have regarding the details of filing or review of the permits required of this project.

To be sure everyone understood the statements, Carla Westine summarized the testimony as follows: The stormwater permit Any O'Neil had applied for from the state of Vermont has been turned down. Amy O'Neil has re-submitted the permit. The Act 250 permit is dependent on getting the stormwater permit.

Amy O'Neil agreed that the summary was accurate. She said the stormwater permit in force on the property was issued in 1987. The new permit has been denied because it cannot apply to the entire parcel. She needed to reapply for a stormwater permit for each parcel. It is a difficult site for which to obtain a permit.

Amy O'Neil said the DRB had the ability to change the conditions issued on the preliminary plat, and given the difficulties of obtaining the stormwater permit, and subsequently the Act 250

permit, she would like the DRB to remove the conditions requiring the state permit numbers to be entered on the final plat.

Carla Westine said Amy O'Neil had requested a waiver of a drainage plan at the preliminary plat hearing because she would be getting a stormwater permit from the state. Carla Westine asked Amy O'Neil if she wanted the hearing to be continued while she gathered the permits.

Amy O'Neil said she wanted the DRB to accept the plat as presented and remove the conditions that required the stormwater and Act 250 permit numbers to be recorded on the plat. She said the Wastewater permit number could be recorded on the plat. She acknowledged that she had offered to record the stormwater permit number on the plat at the preliminary hearing before she discovered how difficult it would be to obtain a stormwater permit. She said she never offered to record the Act 250 permit number on the plat.

Carla Westine asked about the septic system currently on site. She said there were pipes for sewage on the site. A pump moved the portion of effluent that did not flow by gravity into an on-site septic system. Amy O'Neil said that was correct and they planned to abandon that septic system. Carla Westine said the Dufresne documents showed that the internal sewers were going to be connected to the municipal system. Amy O'Neil agreed that was the plan.

Carla Westine asked whether Amy O'Neil had planned to ask the town to take over the entire system, including the sewer pipes and the pump that would move the sewage from the Gold River property into the municipal system. Amy O'Neil said she had not planned to ask the town to take the entire system over. The owners of the individual lots will form into an association to handle these issues. The association would make the decision to ask the town to take over the sewers on the property and negotiate that with the town Selectboard. Carla Westine said the association would work with the Water and Sewer superintendent at the time to come to an agreement about taking over the system.

Carla Westine asked Amy O'Neil if she was making changes to the declaration of covenants associated with the lots. Amy O'Neil said there was a declaration of covenants and an amended declaration of covenants in the land records for this property. Those two sets of covenants will remain in place. She has prepared amendments to those covenants to address the sewer system, but the amendment will not be filed until the Act 250 permit is settled and the details are known.

Michael Normyle asked if Amy O'Neil could send the text of her testimony to the DRB so it could be included as an Exhibit. Carla Westine said the words could be captured from the tape. It would be a convenience to have the testimony in writing for the Recording Secretary. Amy O'Neil said she didn't want to delay the closing of the hearing to wait for that document.

Phil Perlah asked Amy O'Neil if she wanted to close the hearing tonight. Amy O'Neil said she didn't want the hearing closed if the three conditions for book and page numbers for the Act 250, and stormwater permits and the declaration of covenants were not removed. Carla Westine said the conditions could be removed, but obtaining the permits would still be conditioned. Carla Westine said that the final plat submitted had blanks where the permit numbers would go in the permits box. Amy O'Neil said she would fill in the permit numbers she had as of the date of the meeting.

Carla Westine verified the date on the document submitted as the final plat. Michael Normyle said Exhibit H was the plat presented at the final plat hearing in September 2019 and had a date of August 9, 2019. He asked whether closing the hearing could be delayed 2 weeks while these

last-minute changes were made to the final plat. Amy O'Neil did not want to delay closing the hearing. Carla Westine said the DRB was reluctant to close a hearing not knowing if all the required permits were in place, or at least obtainable. It was not their usual standard.

Noting that the discussion was unproductive and no more testimony was offered, Carla Westine asked for a motion to close the hearing. Phil Perlah moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed.

#### **Agenda Item 4, Conditional Use application (#542) Jeannie Wade R.O.O.T.s. Foundation**

Carla Westine began by polling the board to see if any member had had any ex-parte communication about the application or a conflict of interest. Gary Coger recused himself from the proceeding as he is the real estate agent involved in the purchase of the property by the applicant. Carla Westine stated that she and her husband held the mortgage on the applicant's residence at 447 Main Street. She felt that she would not be unduly influenced by that relationship, but offered to recuse herself if the applicant wished. Jeanie Wade said she would like Carla Westine not to participate and Carla Westine therefore passed the task of running the hearing to Phil Perlah. Phil Perlah pointed out that Harry Goodell actually had more time on the board than Phil did, but Phil was reminded that he had been elected Vice Chair. There was some discussion of Harry's having nominated Phil for that post when Phil was absent from the meeting, but Phil graciously accepted the task. Carla Westine said she would be available as a coach. Other members and staff voiced their support for Phil as well. The three members available for the hearing constituted the required quorum of 3.

Phil Perlah began by swearing in the applicant, Jeanie Wade to give testimony. Phil Perlah asked Zoning Administrator Michael Normyle for a summary of the history of the project. Michael Normyle said he had accepted the application on October 29, 2019. On November 11, 2019 he sent the notice of a public hearing to the applicant, the abutters and the newspaper of record, the Vermont Journal. He also posted the notice at the Town Hall. He had no responses from the 5 or 6 abutters who had been notified. Michael Normyle distributed a letter from the current owner of the building, Nancy Phillips Anderson, which was in support of the project. Phil Perlah read the letter aloud. Harry Goodell moved to accept the letter as Exhibit A. Larry Semones seconded the motion. A vote was taken and the letter was accepted as Exhibit A.

The second exhibit was an Application for a hearing before the Development Review Board. Phil Perlah read the following items from the application aloud. The Project Number is 542, the Date is 10/29/19, the Appellant Name is Jeannie Wade, the Appellant address is 447 Main Street, the Landowner name is 26 Commons, LLC, the Location of the property is 26 Common Street, the Description of Project is, "Conditional use approval mixed use with community and educational driven space on first floor and garage." The application was signed by Jeannie Wade and Zoning Administrator Michael Normyle. Harry Goodell moved to accept the application as Exhibit B. Larry Semones seconded the motion. A vote was taken and the application was accepted as Exhibit B. Harry Goodell noted that there were apartments in the building, which were not specifically mentioned on the application. Michael Normyle said that mixed use implies residential and commercial uses in the same building.

Phil Perlah pointed out that apartments were specifically mentioned in the third exhibit, 1:10:20 a Town of Chester Notice of Public Hearing dated November 11, 2019. Harry Goodell moved to accept the Notice as Exhibit C. Larry Semones seconded the motion. A vote was taken and the Notice was accepted as Exhibit C.

The fourth document presented was a narrative describing the project written by the applicant, Jeannie Wade. She read the document aloud. In the course of reading the document, she corrected the address of the garage to be 26 Common Street and not 27 Common Street. Harry Goodell moved to accept the narrative as Exhibit D. Larry Semones seconded the motion. A vote was taken and the motion passed.

The fifth document presented was a State of Vermont Department of Environmental Conservation and Natural Resources Board Project Review Sheet. Phil Perlah read several items aloud, including the project name, ROOTS Youth and Community Center, the project description,

Subject property on the Common was once the Country Shoppe, listed on records as “retail space and apartment” on 0.17 acres.

The Property of 26 Common will serve as a mixed-use property with two apartment rentals on the upper second floor. The bottom floor of the building, now zoned as retail space, will serve as a Youth and Community Center. (The founder of R.O.O.T.s will seek the appropriate state licensure for School Aged-Child Programming.) Events will be held for 10 – 100 people depending on program or gathering. Some food preparation will occur.

The existing garage of 27 Common St. will serve as a storage area and as a shelter out of stormy weather when out on the field.

No construction at this time.

The type of project is marked Commercial, an Act 250 permit was not marked as required, copies of the application had been sent to statutory parties. Stephanie Gile District Coordinator signed that portion of the Review Sheet. A wastewater system and potable water supply permit was not required. Terrence Shearer, Assistant Regional Engineer, signed that portion of the Review Sheet. Other state agencies to be consulted were Universal Recycling and Food Waste at the Agency of Natural Resources, Construction Permit, Fire Prevention, Electrical, Plumbing, ADA from the Department of Public Safety, Food and Lodging program and Program for Asbestos Control and Lead Certification from the Department of Health, Child Care Facilities from the Agency of Human Services, Business Registration from the Secretary of State, and Income and Business Taxes from the Department of Taxes as well as local permits. Harry Goodell moved to accept the Project Review Sheet as Exhibit E. Larry Semones seconded the motion. A vote was taken and the motion passed.

The sixth document presented was a letter on Town of Chester Police Department stationery from Chester Police Chief Richard H. Cloud, dated November 12, 2019. Phil Perlah read the letter aloud. The letter stated that the project would not be a problem for traffic safety and parking. Harry Goodell moved to accept the letter as Exhibit F. Larry Semones seconded the motion. A vote was taken and the motion passed.

The seventh document presented was an e-mail exchange between Zoning Administrator Michael Normyle and Chester Fire Chief Matt Wilson. Phil Perlah read Matt Wilson’s response to Michael Normyle’s e-mail about the project, “They must follow all Codes and recommendation by the State Fire Marshall’s Office and request a walk through of the facility prior to occupancy.” Harry Goodell moved to accept the e-mail as Exhibit G. Larry Semones seconded the motion. A vote was taken and the motion passed.

The eighth document presented was a copy of Exhibit D, the narrative describing the project. Jeff Holden signed the copy, dated it 12-3-19 and wrote OK above the date. The Board assumed

this meant Jeff had no objections to the project. Harry Goodell moved to accept the document as Exhibit H. Larry Semones seconded the motion. A vote was taken and the document was accepted as Exhibit H.

The ninth document presented was a document entitled Fire Inspection Results from the Division of Fire Safety. The inspection date is 10/16/19 and the Inspector is Steve Dumont. Three items were listed in the Violations and Notes section and Phil Perlah read them aloud. Harry Goodell moved to accept the report as Exhibit I. Larry Semones seconded the motion. A vote was taken and the report was accepted Exhibit I.

The last item presented was a site plan. The document states that it is an old survey from the zoning office file. It shows the boundaries of the parcel in question, the buildings on the parcel and those abutting the parcel. Harry Goodell moved to accept the survey as Exhibit J. Larry Semones seconded the motion. A vote was taken and the motion passed.

Phil Perlah then asked Jeannie Wade for a summary of the project. She said it would be a Community Center geared around nature- and play-space education initiatives for elementary and middle school students. She said there will be high school programming and initiatives for older people as well. She said the building would be open for both programs and free play. It would provide opportunities for people to meet and network with each other. She said other organizations will be hosting events and programs at the building. Some would be free; some would have an admission charge.

Larry Semones asked if the organization was already hosting events or if this was a startup. Jeannie said the project was a startup. She had founded the organization in 2017. She said she had been working on fundraising for the past 2 years, but had not run any events.

Phil Perlah turned to Section 2.3, Village Center District and looked at the list of allowed uses. He noted that Mixed Use and Family Child Care Facility are allowed as conditional uses in the district. He noted that this is a pre-existing building on a pre-existing lot and the dimensional standards do not apply.

Phil Perlah turned to Section 4.8 and reviewed the requirements for Conditional Uses beginning with 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;

Phil Perlah noted that the DRB had received letters from the Police, Fire and Water Departments stating they had no objections to the project.

- b.** The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located;

Phil Perlah asked Jeannie Wade to describe how her project fits into the purpose of the Village Center District. Jeannie Wade said the mission of the project is to celebrate the history, climate, culture and landscape of the

community. She said there were no plans to change anything, only to maintain the building.

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

Phil Perlah noted that the Chester Police Chief had sent a letter saying he did not anticipate problems with traffic safety and parking.

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

Phil Perlah, assisted by Carla Westine, noted that the two proposed uses were allowed in the Village Center District.

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

Jeannie Wade said she had no plans to utilize any renewable energy resources.

## **2. Specific Standards**

Specific standards will include consideration with respect to:

**a. Minimum lot size;**

Phil Perlah noted that this is an existing lot and building and the minimum lot size did not apply.

**b. Distance from adjacent or nearby uses;**

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

Phil Perlah turned to Section 3.20 Off-Street Parking to evaluate the parking needs of the project. He counted a total of four spaces required for the two apartments. The DRB decided that the Community Center/Family Childcare Facility was a Civic use. The bylaws state that the minimum parking standard for a Civic use is, "as required by the DRB under conditional use review." Michael Normyle pointed out Section 3.20.G, Modification of parking requirements, which would help determine what was needed in this case, where there is parking available along the green and in the lot behind the building run by the Main Street Parking Association. Jeannie Wade said most of the time children will be walking to the Center from Chester Andover Elementary School. She said she hoped adults from Senior Circle, which is just across Main Street, will walk as well. She said parking is available along the green and behind her building in the Main Street Parking Association lot, to which she belongs. She said that she has discussed parking with her neighbors and they have agreed on strategies for sharing the parking space, such as not scheduling two big events on the same day and having customers park in specific areas of the lot.

Phil Perlah asked Jeannie Wade about the project review sheet statement that events could have up to 100 people in attendance. Jeannie Wade explained



that she will be premiering a movie in the future and expects to have up to 100 people attend that single event. She said she does not expect 100 people per day. Phil Perlah asked when Jeannie Wade thought the movie premier would be. She said it would likely take place in early summer on a Friday or Saturday night. She also noted that overflow parking was available on the athletic field beyond the parking lot. Phil Perlah asked if she would have anyone in the parking lot directing traffic when a large number of cars come to an event. Jeannie Wade said her husband would do that and he assists with parking at the Chester Fall Festival.

Gary Coger was sworn in at this point to give testimony. He said he had been a member of the Main Street Parking Association for 18 years and had never had issues with people not finding a parking spot, outside of major Sunday holidays when St. Luke's Church had a large crowd, and the Chester Fall Festival.

**d. Landscaping and fencing;**

Phil Perlah said the landscaping and fencing was existing. Jeannie Wade said there was a jog in the fencing on the side toward the Masonic Temple which she would like to remove and have the fence follow the property line more closely.

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

Jeannie Wade said she did not anticipate any deliveries and at present she has been taking the trash home to her residential container. If she needs a dumpster in the future, she said it will be in the same place the large dumpster, which belongs to the current owner, occupies now and it will be considerably smaller. She will also plant some shrubs to screen the dumpster. She said the building is heated by oil. She believed the fill neck for the oil tank was on the Masonic Temple side of the building. The oil truck may use the alley between the two buildings or it may simply park on Common Street and run the hose down the alley to fill the tank.

There are two means of egress, a door at the front of the building looking toward the common and a second door at the rear that opened on a path to the garage.

Jeannie Wade said she planned to remove a deck off the staircase at the rear of the building that led from the second-floor apartments to the ground. The deck served no purpose for safety or access.

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

Jeannie Wade said she was having a local artist paint a mural for the side of the building, but she was not planning on having a large sign. Phil Perlah said signs require a separate permit and Jeannie Wade should see Zoning Administrator Michael Normyle when she was ready to put up a sign.

**g. Performance Standards under Section 4.9 and,**

**h. Other such factors as these Bylaws may include.**

### 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:

- a. All new construction, exterior alteration, fencing, lighting, reconstruction or renovation of existing buildings shall include features typical of those which define New England Architectural Character represented by the existing historical structures in the "Center of Chester".

Phil Perlah noted that no new construction or alteration of the exterior is planned so these standards will not apply. Carla Westine said she makes sure the applicant understands that any alterations she might make in the future must meet these standards. Michael Normyle said Jeannie Wade's husband is a carpenter and would be involved in any building that is done. Phil Perlah pointed out the list of 18 items that can be chosen from to meet this standard.

### 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.

Phil Perlah asked Jeannie Wade if it was her testimony that the noise level will not exceed 60 dB between 8:00 PM and 7:00 AM. Jeannie Wade said that was correct. She

#### 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

said that she planned to have high schoolers meet at the center one night a week for events such as a poetry reading. The event would always end by 8:00 PM.

Phil Perlah asked Jeanie Wade if it was her testimony that the noise level between 7:00 AM and 8:00 PM would not exceed 70 dB. Jeannie Wade said that was correct.

**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.

Jeannie Wade said she did not foresee any air pollution.

**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.

Phil Perlah asked Jeannie Wade what the current status of the exterior lights on the building was. Jeannie Wade said there were three exterior lights over the doors of the building and two lantern lights mounted on the sides of the front door. She said she will replace the lantern lights with lights that are downward facing and shielded. She said she believed that there were lights on the garage. She said if there were not lights on the garage, she would install some for safety reasons and she would be sure they were 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.

Jeannie Wade said there were no safety hazards.

**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.

Jeannie Wade said there were no 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.

Jeannie Wade said there were no underground storage tanks or other sources of pollution.

There being no more questions or statements from the applicant, Harry Goodell moved to close the hearing. Larry Semones seconded the motion. A vote was taken and the hearing was closed.

#### **Agenda Item 5, Set next meeting date**

Zoning Administrator Michael Normyle said it was likely there would be a boundary adjustment hearing for a parcel on Lover's Lane Road on January 13, 2020. It was also likely there would be a hearing on January 27, 2020 for the Emergency Services Building. Nothing was scheduled for December 23, 2019.

Phil Perlah asked about Jacques Dodier's project on Vermont Route 103 South. Zoning Administrator Michael Normyle said he is in weekly contact with Dodier's lawyer. He said there have been changes to some of the plans due to state agency requirements. Phil Perlah was concerned that work would not be complete on the project within the two-year time limit. If it is not complete, how could an extension be granted? Carla Westine said she believed that the DRB had outlined a specific standard in the Findings and Conclusions to identify a substantially complete status for the project. Phil Perlah suggested that Michael Normyle consult with the Dodier attorney about section 7.4 of the Chester Unified Development Bylaws. Carla Westine suggested that Michael Normyle also go over the wording of the permit on the subject of substantial completion.

The Board also checked in on the Dunkin Donuts project in the Sunoco station. Michael Normyle said the project had not been started. It wasn't clear whether Sandri Real Estate and Dunkin Donuts currently intended to start the project. Business at the store has been decent without the Dunkin Donuts and there have been issues with the state and some disagreement between Dunkin Donuts and Sandri Real Estate.

#### **Agenda Item 6 Deliberative session to review previous matters**

The Development Review Board went into deliberative session to review previous matters. The meeting was adjourned at the end of it.