

1 **TOWN OF CHESTER**
2 **DEVELOPMENT REVIEW BOARD**
3 **MINUTES**

4 *May 24, 2021*

5 **BOARD MEMBERS PRESENT:** Harry Goodell, Scott MacDonald, Gary Coger, Phil Perlah
6 and Robert Greenfield, all at the Town Hall.

7 **STAFF PRESENT:** Zoning Administrator Preston Bristow via Zoom teleconference and Cathy
8 Hasbrouck, Recording Secretary, at the Town Hall.

9 **CITIZENS PRESENT:** Amy and Arnold Norton, Julie Hance, Gerald Gleason, and Jeanette
10 Gleason at the Town Hall. Lillian Willis via Zoom teleconference.

11 **Call to Order**

12 Chair Bob Greenfield called the meeting to order at 6:00 PM. He introduced the members of the
13 Development Review Board, and citizens attending the meeting. He led the group in the Pledge
14 of Allegiance. He then introduced Chester's new Zoning Administrator Preston Bristow who
15 was attending the meeting via Zoom.

16 **Agenda Item 1 Review minutes of the May 10, 2021 meeting**

17 Harry Goodell moved to accept the minutes of the May 10, 2021 meeting. Gary Coger seconded
18 the motion. There was no discussion. A vote was taken and the minutes were accepted as
19 written.

20 **Agenda Item 2 Citizen's comments**

21 There were no citizen comments.

22 **Agenda Item 3 Conditional Use Review for Retail Store (#566) 128 Main Street**

23 Bob Greenfield asked Cathy Hasbrouck for some history about the application. Cathy
24 Hasbrouck explained that initially the Nortons had asked for a building permit to expand their
25 store. They had been given such a building permit in 2015 but had not been able to begin work
26 on the structure before the permit expired. The building permit ran into difficulties in 2021 as
27 well, but the problems were ultimately resolved. During the process of resolving the earlier
28 difficulties it was discovered that the grandfathered retail store permit had expired when the
29 retail store was closed for some time and a permit for mortuary services was issued. The hearing
30 was to re-establish the retail store permit. Phil Perlah asked why the hearing did not include the
31 expansion of the retail use that the building permit for the addition represented. Cathy
32 Hasbrouck said getting a conditional use permit for the existing store was a compromise and not
33 the best solution, but an improvement over the existing situation.

34 Bob Greenfield asked if any board members had a conflict of interest in this hearing. Gary
35 Coger said he did and recused himself from the hearing. Bob Greenfield asked if any members
36 had had any ex-parte communication about the application. None had.

37 Bob Greenfield swore in Amy and Arnold Norton to give testimony.

38 The first document to be accepted in evidence was a Town of Chester Notice of Public Hearing
39 before the Development Review Board dated May 2, 2021. The property owners and applicants

1 were Amy and Arnold Norton, the location was 128 Main Street, the parcel number was 60-51-
2 07, the district was Village Center and the action requested was, "Resume Retail Store use." The
3 Notice was signed by zoning administrator Catherine Hasbrouck. Harry Goodell moved to
4 accept the Notice as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the
5 Notice was accepted as Exhibit A.

6 The second document presented was a narrative dated May 10, 2021 written by Amy and Arnold
7 Norton describing the project and how it met the conditional use general, specific and
8 performance standards. Harry Goodell moved to accept the narrative as Exhibit B. Phil Perlah
9 seconded the motion. The narrative was accepted as Exhibit B.

10 The third exhibit was a two-page site plan showing the existing building on the lot with a list of
11 the abutters to the property and the uses on the abutting parcels. Harry Goodell moved to accept
12 the map and list as Exhibit C. Phil Perlah seconded the motion. The narrative was accepted as
13 Exhibit C.

14 The fourth document was an e-mail from Chester Fire Chief Matt Wilson stating he did not have
15 issues with the current permit. He said he did have concerns about the proposed addition, but the
16 Fire Department could work around it. Harry Goodell moved to accept the e-mail as Exhibit D.
17 Phil Perlah seconded the motion. The e-mail was accepted as Exhibit D.

18 The fifth document was a print out of an e-mail sent to Chester Police Chief Rick Cloud giving
19 the details of the project and asking if Chief Cloud had any concerns about the project. At the
20 bottom of the e-mail Chief Cloud had written, "No problem." Harry Goodell moved to accept
21 the e-mail as exhibit E. Phil Perlah seconded the motion. The e-mail was accepted as Exhibit E.

22 Bob Greenfield asked the applicant to read the first two paragraphs of the narrative accepted as
23 Exhibit B. Amy Norton read the paragraphs aloud.

24 The Board then considered the requirements for a conditional use permit.

25 **1. General Standards**

26 **These general standards shall require that any conditional use proposed for any**
27 **district created under these Bylaws shall not result in an undue adverse effect to:**

28 **a. The capacity of existing or planned community facilities;**

29 Bob Greenfield read from the narrative provided by the applicants, "Our use will have
30 no impact to the water or sewer system, as no additional plumbing is being added.
31 There will also be no additional impact on the police, fire or ambulance as the
32 building will stay accessible as it always has."

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

35 Bob Greenfield read from the narrative provided by the applicants, "As stated in
36 2.3.A, the use of retail has existed in this building for 100+ years. The character of
37 the Village District consists of a large part of retail space and mixed commercial
38 uses."

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

40 Bob Greenfield read from the narrative provided by the applicants, "We anticipate no
41 change on the roads or highways. There has been no issue in the past 6 years."

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

2 Bob Greenfield read from the narrative provided by the applicants, “No special
3 standards for retail. Look at supplemental standards for Village Center.”

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

5 Bob Greenfield read from the narrative provided by the applicants, “We do not
6 anticipate any of our uses will have a negative impact. We plan on looking into heat
7 pumps or pellet stove to reduce or eliminate use of oil for heat.

8
9 **2. Specific Standards**

10 **Specific standards will include consideration with respect to:**

11
12 a. **Minimum lot size;**

13 Bob Greenfield read from the narrative provided by the applicants, “At 19,400 square
14 feet, the lot is just under the minimum lot size of 20,000 square feet. The lot has 73 feet
15 of frontage. There is more than 15 feet of setback on the southeast and rear sides, but less
16 than 15 feet on the northwest side. “

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

18 Bob Greenfield read from the narrative provided by the applicants, “The parcel is abutted
19 by office space on both sides, a church, a school, a library and a 4-unit apartment
20 building.”

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

22 Bob Greenfield read from the narrative provided by the applicants, “Parking is available
23 in the front of the building and the expansion will allow additional parking in the front.
24 Our location within the Village District has several spaces allowed in the on-street public
25 parking. The public parking on the Green attracts a lot of customer shop those stores.
26 Curious shoppers walk over to our store. There is parking available in the rear. The
27 existing (50+ year-old) loading dock will stay in place in the rear.”

28 d. **Landscaping and fencing;**

29 Bob Greenfield read from the narrative provided by the applicants, “Our property abuts
30 commercial building on each side. A fence at the rear separates the property from the
31 Elementary school.”

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

33 Bob Greenfield read from the narrative provided by the applicants, “The trash container
34 that serves our space will be kept in the very far rear corner of the property, as it has
35 been. The existing dock will stay in the current place to the rear of the building and will
36 be used as it always has.”

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

38 Bob Greenfield read from the narrative provided by the applicants, “Signs were permitted
39 and placed for our retail store back in September 2014. These will be the signs that we
40 will use for our business.”

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

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

2
3 **3. Special Criteria**

4 The following Special Criteria shall be considered by the Development Review
5 Board when considering an application for a conditional use permit in the (VC)
6 Village Center, (SV) Stone Village, (R-C) Residential-Commercial, Districts:

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8 As the application does not include any new construction, none of these standards need to be
9 met.

10 **4.9 PERFORMANCE STANDARDS**

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

13 **A. Noise:** noise volume shall be limited to the specified decibel levels listed below measured at
14 the property line. (The sidebar is shown only as a reference to illustrate the decibel levels of
15 typical activities.) Noise levels or frequencies which are not customary in the district or
16 neighborhood or which represent a repeated disturbance to others shall not be permitted.
17 Limited exceptions are allowed for incidental and customary activities, such as the occasional
18 use of lawn mowers and snow blowers for regular property maintenance.

19 1. Noise shall not exceed 60 dB between 8:00 p.m. and 7 a.m.;

20 2. Noise shall not exceed 70 dB during the day between 7 a.m. and 8:00 p.m.

21 Bob Greenfield read from the narrative provided by the applicants, “Our retail shop potentially
22 may be open 7 days a week from 9:00 AM until 5:00 PM. We operate an antique / furniture
23 shop in which is a low-key business, as far as noise is involved. Conversation is the most
24 common source of noise in the store.”

25 “We are now currently closed on Tuesdays and we are thinking of staying that way. During the
26 week is our slowest period and like a lot of other businesses, our busier time is on the weekends.
27 We are certainly not Walmart and when we say busy, we are talking maybe 5 to 6 cars at once at
28 a busy moment.”

29 **B. Air Pollution:** no use shall create emissions, such as dust, fly ash, fumes, vapors, gases and
30 other forms of air pollution, which:

31 1. Constitute a nuisance to other landowners, businesses or residents;

32 2. Endanger or adversely affect public health, safety or welfare;

33 3. Cause damage to property or vegetation; or,

34 4. Are offensive or uncharacteristic of the area.

35 Outdoor wood-fired boilers are exempt from this provision.

36 Bob Greenfield read from the narrative provided by the applicants, “Nothing pertaining to our
37 use would create any of the listed forms of air pollution.”

38 **C. Glare, Light or Reflection:** illumination from lighting fixtures or other light sources shall be
39 shielded or of such low intensity as not to cause undue glare, reflected glare, sky glow or a

1 nuisance to traffic or abutting properties. Lights used to illuminate parking areas and drives
2 shall be so arranged and designed as to deflect light downward and away from adjacent
3 residential areas and public highways. Lights shall be of a "down shield luminaire" type where
4 the light source is not visible from any public highway or from adjacent properties. Only
5 fixtures which are shielded to not expose a light source, and which do not allow light to "flood"
6 the property, are permitted to be attached to buildings. Searchlights are not permitted. The
7 Development Review Board may require a lighting plan under conditional use or planned unit
8 development review procedures.

9 Bob Greenfield read from the narrative provided by the applicants, "The front of the building
10 will be lit with a downward facing shielded exterior light. A soft glow accent light may be
11 placed on the side of the building. A light placed upon the building will probably be in a manner
12 where it will stay dim until it is motion activated."

13 **D. Safety Hazards: Fire, explosive and similar safety hazards which would substantially**
14 **increase the risk to an abutting property, or which would place an unreasonable burden on the**
15 **Fire Department, shall be prohibited.**

16 Bob Greenfield read from the narrative provided by the applicants, "We anticipate no safety
17 hazards from our use nor our building."

18 **E. Electromagnetic disturbances: any electromagnetic disturbances or electronic emissions or**
19 **signals which will repeatedly and substantially interfere with the reception of radio, television,**
20 **or other electronic signals, or which are otherwise detrimental to the public health, safety and**
21 **welfare, beyond the property lines of the property on which it is located, except as specifically**
22 **licensed and regulated through the Federal Communications Commission.**

23 The applicant said there would be none.

24 **F. Underground Storage Tanks, Ground/Surface Water Pollution: No use shall result in burying**
25 **or seepage into the ground of material which endangers the health, comfort, safety or welfare**
26 **of any person, or which has a tendency to cause injury or damage to property, plants or**
27 **animals. Commercial, industrial or institutional facilities having underground fuel storage shall**
28 **maintain all tanks and related equipment with leak detection and spill control systems**
29 **incorporating the best available safety practices and technology, consistent with government**
30 **and industry standards.**

31 The applicant said there would be none.

32 There being no questions. Harry Goodell moved to close the hearing. Phil Perlah seconded the
33 motion. A vote was taken and the hearing was closed.

34 **Agenda Item 5 Boundary Adjustment Hearing (#567) 517 First Avenue and 716 Depot**
35 **Street**

36 Bob Greenfield asked if any Board members had any conflict of interest to report. None did. He
37 then asked if anyone had had any ex-parte communications on the matter. None did. Julie
38 Hance was sworn in to give testimony.

39 The first document was a Town of Chester Application for Boundary Line Adjustment. Bob
40 Greenfield read several items aloud. The application was dated May 13, 2021 and signed by
41 Julie Hance for the Town of Chester, Sarah Weingarten as the second landowner and Catherine
42 Hasbrouck, Zoning Administrator. Harry Goodell moved to accept the application as Exhibit A.
43 Gary Coger seconded the motion. The application was accepted as Exhibit A.

1 The second document was a Town of Chester Notice of Public Hearing Before the Development
2 Review Board dated May 13, 2021. Bob Greenfield read several items aloud. The site visit was
3 announced for May 24, 2021 at 5:00 PM. The property owners and applicants are Sarah
4 Weingarten and the Town of Chester. The location was 716 Depot Street, and the district was
5 Stone Village. The action requested was, "Remove 0.3 acres from parcel 58-50-23, which
6 belongs to Sarah Weingarten and add it to parcel 58-50-24, where the Yosemite Firehouse is
7 located." The notice was signed by Zoning Administrator Catherine Hasbrouck. Harry Goodell
8 moved to accept the Notice as Exhibit B. Gary Coger seconded the motion. The Notice was
9 accepted as Exhibit B.

10 The third document was a narrative describing the reason for the boundary adjustment. Harry
11 Goodell moved to accept the narrative as Exhibit C. Gary Coger seconded the motion. The
12 narrative was accepted as Exhibit C.

13 The fourth document was a Plat titled Town of Chester Yosemite Fire House. The plat was
14 dated May 12, 2021 and stamped with Gary Rapanotti, licensed land surveyor's stamp. Harry
15 Goodell moved to accept the site plan as Exhibit D. Gary Coger seconded the motion. The site
16 plan was accepted as Exhibit D.

17 The fifth document was a letter from Lillian Willis, chair of the Chester Historic Preservation
18 Committee dated May 21, 2021, addressed to Robert Greenfield, chair of the Development
19 Review Board. Harry Goodell moved to accept the letter as Exhibit E. Gary Coger seconded the
20 motion. The letter was accepted as Exhibit E.

21 The sixth document was a letter from David Willis dated May 23, 2021 addressed to Robert
22 Greenfield, chair of the Development Review Board. Harry Goodell moved to accept the letter as
23 Exhibit F.

24 Bob Greenfield read section 4.13.A of the Chester Unified Development Bylaws aloud.

25 **4.13 BOUNDARY LINE ADJUSTMENTS**

26 Boundary Line Adjustments are adjustments to the dividing line between adjacent lots (see Definitions
27 in Article 8).

28 **A.** In accordance with 24 V.S.A. §4464(c), these Bylaws authorize the Development Review Board to
29 review applications and issue permits for boundary line adjustments, provided that the applicant
30 satisfies all of the following standards:

31 1. It meets the definition of a Boundary Line Adjustment;

32 Bob Greenfield read the definition from page 122:

33 **BOUNDARY LINE ADJUSTMENT:** Moving a property boundary between two (2) or more adjoining parcels
34 that creates no new separate lots or parcels, and has no adverse impact on access, the provision of
35 public services and utilities, or neighboring uses.

36 Bob Greenfield said it appeared that this transaction meets the definition of a boundary
37 adjustment. The members of the Board and the applicant Julie Hance agreed.

38
39 2. It does not create any new lot as a result of the adjustment;

40 Bob Greenfield agreed that no new lots were being created. The members of the Board agreed.

1
2 3. The Plan must show the requirements of Section 4.12(F) of these Bylaws;

3 Bob Greenfield turned to Section 4.12(F) and discussed the requirements as follows:

4 **F. Required Submissions**

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

10 a. Proposed subdivision name or identifying title and the name of the Town.

11 This was found in the title block in the lower right corner of the plat.

12 b. Name and address of record owner, subdivider, and designer of Preliminary Plat.

13 This information was all found in the lower right corner of the plat.

14 c. Number of acres within the proposed subdivision, location of property lines, existing
15 easements, buildings, water courses, and other essential existing physical features.

16 Bob Greenfield said he saw all those features.

17 d. The names of owners of record of adjacent acreage.

18 The names and addresses of five abutters were found on the plat,

19 e. The provisions of the zoning standards applicable to the area to be subdivided and any
20 zoning district boundaries affecting the tract.

21 The dimensional standards for the Stone Village district were found in the middle
22 of the right side of the map. Bob Greenfield read them aloud.

23 f. The location and size of any existing sewer and water mains, culverts, and drains on the
24 property to be subdivided.

25 Bob Greenfield noted that there are no municipal water or sewer connections for
26 the parcel being added to.

27 g. The width and location of any existing roads within the area to be subdivided and the
28 width, location, grades, and road profiles of all roads or other public ways proposed by
29 the Subdivider.

30 Bob Greenfield noted that there are no roads within the area of the boundary
31 adjustment.

32 h. Contour lines at intervals of five (5) feet of existing grades and of proposed finished
33 grades where change of existing ground elevation will be five (5) feet or more.

34 Bob Greenfield and Harry Goodell agreed the only contour line on the map was
35 one at an elevation of 580 feet. Julie Hance asked that the 5-foot contour lines be
36 waived as the parcel was very flat. Phil Perlah moved to waive the requirement
37 for more contour lines. Gary Coger seconded the motion. A vote was taken and
38 the contour requirement was waived.

39 i. Date, true north point, and scale.

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Bob Greenfield said all these items were on the map.

- 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.

All these items were seen on the map.

- k. Location of connection with existing water supply or alternative means of providing water supply to the proposed subdivision.

The parcel receiving the additional acreage has no connection to the municipal water supply.

- l. Location of connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.

The parcel receiving the additional acreage has no connection to the municipal sewer.

- m. Provisions for collecting and discharging storm drainage, in the form of drainage plan.

Julie Hanc said there were no plans yet for the land beyond a parking area. Bob Greenfield asked if the parking area would need a runoff filter. Julie Hanc said it very well may, but the parking lot had not been designed yet. The design will be part of the conditional use permit application sometime in the future. Phil Perlah asked if the parking lot will be paved. Julie Hanc said it will not be paved.

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

Bob Greenfield said no bridges or culverts were proposed.

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

Bob Greenfield said the tax parcel numbers of the lots were not changing, and no buildings were planned, so no building locations were needed.

- 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.

Bob Greenfield said the Board observed ribbons at the site visit marking the new property lines shown on the map. The intersection of Depot Street and Flamstead Road is shown on the map.

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

Bob Greenfield said no parcels are being dedicated to public use.

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

Harry Goodell said the plat showed Depot Street, Flamstead Road, and the Williams River. Not new roads were proposed.

- s. The Preliminary Plat shall be accompanied by:

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

8 The vicinity map was in the upper right corner of the plat showing North
9 Street, Depot Street, Flamstead Road and First Avenue.

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

13 No permits have been applied for. No new lots are being created.

14 t. Endorsement. Every Plat filed with the Town Clerk shall carry the following
15 endorsement:

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

19 Signed this ____ day of _____, _____ by

20 _____

21 _____, Development Review Board"

22 The signature block was above the title block.

23 Harry Goodell asked that the 100-year flood plain line be added to the plat. Julie Hance said she
24 would have Gary Rapanotti add it to the plat. Harry also noted that the conditional use
25 application will need a drainage plan.

26 Lillian Willis declined to make any comment beyond the letters she sent. Bob Greenfield
27 thanked her for the letters. Phil Perlah moved to close the hearing. Harry Goodell seconded the
28 motion. A vote was taken and the hearing was closed. Julie Hance said she will have Gary
29 Rapanotti add the 100-year flood line and present the mylar.

30 There being no further questions from the Board, applicant or audience, Harry Goodell moved to
31 close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was
32 closed.

33 **Agenda Item 6 Deliberative session to review previous or current matters**

34 The DRB then went into Deliberative session. The meeting was adjourned at the end of it.