

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
APRIL 10, 2017 MINUTES

BOARD MEMBERS PRESENT: Carla Westine, Harry Goodell, Amy O'Neil, Ken Barrett and Frank Bidwell.

STAFF PRESENT: Cathy Hasbrouck, Recording Secretary.

OTHERS PRESENT: Melissa Howe and Barry Lynch

CALL TO ORDER

The meeting was called to order at 6:00 P.M. by Chair Carla Westine. She led the group in reciting the Pledge of Allegiance and then introduced members of the Development Review Board and staff. She then read the meeting agenda.

Agenda Item 1 Review minutes from the March 27, 2017 meeting

The Board reviewed the minutes for the March 27, 2017 meeting. Amy O'Neil moved to accept the minutes. Harry Goodell seconded the motion. There was no discussion. A vote was taken and the motion passed.

Agenda Item 2 Review the Findings of Facts/Conclusions of Law regarding the *Endless Creation's* Conditional Use permit with Melissa Howe

The packet sent to Board members this week contained a copy of the Findings and Conclusions for Conditional Use permit #490 issued by the Development Review Board to Melissa Howe - Endless Creations in July 25, 2016, an e-mail exchange between Zoning Administrator Michael Normyle and Melissa Howe discussing three conditions in the permit, and photographs of the 23 Maple Street business showing exterior lights, signage and an area of the parking lot where a planter had been.

The Board examined the documents and discussed the Board's role in the matter. Carla Westine and Amy O'Neil both noted that this discussion was not a formal, publicly warned hearing and the items in the packet did not need to be entered as evidence. There had been no Notice of Violation issued. Instead the discussion focused on identifying which conditions of the permit were being questioned and how the matters could be resolved. The following is a summary of the points made during the discussion.

The e-mail dated November 22, 2016 from Zoning Administrator Michael Normyle to Melissa Howe listed three issues: "an increase in signs, the old flood lights still in place and the pile of dirt where the westernmost planter being reduced with vehicle traffic over it."

Board member Harry Goodell pointed out that the March 4, 2017 photographs show the floodlight fixture still mounted on the exterior wall.

Melissa Howe stated that the Conditional Use Review process is much more complex now than it had been in 2008 when she first obtained a permit for her business on Elm Street. She thought she was allowed to use whatever lights were on the building at 23 Maple Street when she bought it. When she applied for the permit in June, 2016 she had little practical knowledge of the building at 23 Maple Street and did not realize that the lighting she requested would be inadequate during the winter months when she would be frequently leaving the building after dark.

Melissa would like to add a motion activated light for the parking lot, a light for one of the signs and to postpone replacing one of the planters that mark the driveway entrance until it is clear how the proposed sidewalk project will affect her property. Melissa had spoken to Public Works Director Graham Kennedy, who said that the planter did not need to be replaced.

The role of the Zoning Administrator and the Development Review Board were discussed. The Zoning Administrator is charged with noting violations of zoning bylaws and permits. In this case, citizens and a member of the Development Review Board had pointed out apparent violations at the Maple Street property. The Zoning Administrator had informed Melissa Howe of the violations and asked her to correct them. If the violations are not corrected the Zoning Administrator's next action would be to issue a Notice of Violation to the property holder. A hearing on the violation would be held by the Development Review Board to determine if a violation of the bylaws or the permit has taken place. Amy O'Neil noted that the business owner has 30 days after the Findings and Conclusions from the hearing are issued to contest the decision in the Environmental Court.

In further discussion, it was explained that the Development Review Board is charged with acting for the citizens of the town to ensure that new construction and changes to existing properties adhere to the standards set in the bylaws and do not pose health or safety risks to other citizens. In order to evaluate a permit application, the Development Review Board must be informed of all changes that will be made to the property and how business will be conducted on the property before they can approve a permit. If some aspect of the business changes and the conditions of its permit are no longer appropriate, the business owner may apply for a new permit. The new permit would list the changes the business owner would like to make, and must offer evidence that the proposed changes comply with Sections 4.8, and 4.9 of the Bylaws (General Standards, Specific Standards, Special Criteria and Performance Standards), as well as with the requirements of any state agencies which have regulatory authority.

Members of the Board were concerned whether, when she applied for a permit, the Zoning Administrator had shown Melissa Howe the bylaws that affected her application and whether he was able to answer any questions she had about them. Melissa said Zoning Administrator Michael Normyle had shown her the section of the bylaws that applied to her application.

Amy O'Neil and Carla Westine described the evolution of the bylaws since Melissa Howe's 2008 application for a permit for her business on Elm Street. Carla Westine pointed out that the new version of the bylaws, which took effect on April 5, 2017, discussed signage in greater detail and could be helpful to her if she applied for a new permit. Several members of the Board urged Melissa Howe to apply for a permit under the new bylaws and bring evidence to support the changes she would like to make.

Agenda Item 3 Comments from Citizens

There were no citizens present to give comments.

Agenda Item 4 Deliberative session on previous matters

At this point the Board went into deliberative session and the meeting was closed.