

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

May 8, 2017

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

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

OTHERS PRESENT: Randy Miles, Matt Newborn, Catherine Marino, Richard Stocker, Diane Stocker, Dennis Allard, Josh Rourke, John Cummings, A. Lee Gustafson

CALL TO ORDER

The meeting was called to order at 6:00 P.M. by Chair Carla Westine. She introduced members of the Development Review Board and staff. She asked DRB alternate Ken Barrett to join the board for the meeting, taking Don Robinson's unfilled position. The group recited the Pledge of Allegiance. Carla Westine stated that earlier that afternoon there had been site visits to Front to Back Landscaping at 35 Sylvan Road at 5:00 PM and Vermont Cannoli at 145 South Main Street, at 5:25 PM. She then read the meeting agenda.

Agenda Item 1 Review minutes from the April 24, 2017 meeting

The Board reviewed the minutes for the April 24, 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 Conditional Use Review for Vermont Cannoli,
145 South Main Street**

Carla Westine asked if there had been any ex-parte communication for any of the Board members in the matter or if there was any potential conflict of interest pertaining to this application. The members of the Board all indicated they had not. Carla Westine asked who in the audience would like to give testimony in the matter. Catherine Marino, Matt Newborn, Richard Stocker and Diane Stocker all indicated that they would like to testify.

Twelve exhibits were entered as evidence. The first exhibit was a Town of Chester Notice of Public Hearing before the Development Review Board on Town of Chester letterhead. The hearing was for Conditional Use Application permit # 498 on May 8, 2017 at 145 South Main Street. The document was dated April 4, 2017 and signed by Zoning Administrator Michael Normyle. Amy O'Neil moved to accept the document as Exhibit A. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The second exhibit was a Town of Chester Application for a hearing before the Development Review Board. The appellant name is Catherine Marino/ Vermont Cannoli. It was dated February 22, 2017 and signed by Catherine Marino and Michael Normyle. Amy O'Neil moved to accept the document as Exhibit B. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The third exhibit was a letter from Catherine Marino to Michael Normyle and the Development Review Board describing the retail food business she would like to open at 145 South Main Street. Amy O'Neil moved to accept the letter as Exhibit C. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The fourth exhibit is a document from the Vermont Department of Public Safety entitled Fire Inspection Results. The inspector is Steven Dumont and the report is dated April 4, 2017. Amy O'Neil moved to accept the report as Exhibit D. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The fifth exhibit is a letter on Town of Chester Police Department letterhead from Police Chief Richard Cloud to Zoning Administrator Michael Normyle regarding Vermont Cannoli, a proposed new business. It is dated March 7, 2017 and states that in Chief Cloud's opinion traffic safety and parking will not be an issue. Amy O'Neil moved to accept the letter as Exhibit E. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The sixth exhibit was a Project Review Sheet from the Vermont Department of Environmental Conservation and Natural Resources Board. The project name is Vermont Cannoli. It is dated 3/2/2017 and signed by Stephanie Gile, Terry Shearer and Jackie Carr. Amy O'Neil moved to accept the document as Exhibit F. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The seventh exhibit was a letter from Water/Wastewater Superintendent Jeff Holden to the Development Review Board dated March 31, 2017 regarding the Conditional Use Permit for Vermont Cannoli. The letter stated that the proposed business will not impact Chester's water or wastewater systems. Amy O'Neil moved to accept the letter as Exhibit G. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The eighth exhibit was a letter from Chester Fire Chief Matt Wilson to Catherine Marino dated March 30, 2017. It states that Chief Wilson sees little impact to the Fire Department based on the information provided in Catherine Marino's letter to him. Amy O'Neil move to accept the letter as Exhibit H. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The ninth exhibit was a site plan of the property at 145 South Main Street. It is titled Stocker Apt Bldg 145 South Main St. and dated 4/27/17. Parking spaces, distance to boundaries, boundary dimensions and exterior lighting was drawn in on the map. Amy O'Neil moved to accept this site map as Exhibit I. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The tenth exhibit was a record of inspection from the Vermont Department of Health signed by

Emily Jarecki and dated 4/27/2017. The Rating Score is marked 100 and the Comments box contains the words Approved for operation. Amy O'Neil moved to accept the document as Exhibit J. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The eleventh document was a letter from Julie L. Flack on New Horizon Chiropractic letterhead dated April 10, 2017 and addressed to Whom It May Concern. It lists the business hours for New Horizons Chiropractic as being weekdays from 10 AM to 6 PM. Amy O'Neil moved to accept the letter as Exhibit K. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The last document was a letter from Diane Stocker and Cheryl LeClair to the Town of Chester. It gives the hours of the Village Children's Shop and Chester Flowers as Monday through Friday from 10:00 to 5:00 and Saturday from 9:00 to 1:00. Amy O'Neil moved to accept the letter as Exhibit L. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The four persons who wanted to give testimony, Catherine Marino, Matt Newborn, Richard Stocker and Diane Stocker, were sworn in. The review of the Conditional Use requirements began.

4.7.C.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;

Catherine Marino testified that there was ample parking in the parking lot and no new bathrooms were being built. Carla Westine pointed out that letters from the Police, Fire and Water/Wastewater departments which indicated the project would not adversely affect their departments.

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

Catherine Marino testified that the area where the shop is located is on the edge of the center of town. There are many Victorian buildings in view of the shop. There is a church across the street, a flower shop at the front of the building and a deli and ice cream stand further south on Route 103. The businesses in the area are "Mom and Pop" small shops, not chain stores. Matt Newborn testified that the shop generally fits in the area and noted the Village Children's Shop is close by to the proposed shop.

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

Catherine Marino testified that she observed traffic coming into town on Friday afternoon and leaving town on Sunday. Carla Westine noted that the letter from the Chief of Police said he did not think there would be problems from this project.

- d. Bylaws and ordinances then in effect;

Carla Westine checked the list of Conditional Uses for the Village Center Zoning district and saw that conditional use 15 was Retail Store, which is the use applied

for. Catherine Marino testified that no changes to the building's exterior are proposed.

e. Utilization of renewable energy resources.

Catherine Marino testified that there are no plans to use renewable energy resources.

2. Specific Standards

Specific standards will include consideration with respect to:

a. Minimum lot size;

Carla Westine pointed out that the lot is pre-existing and no changes are planned. Therefore, the project has no effect on minimum lot size.

b. Distance from adjacent or nearby uses;

Catherine Marino testified that it is about 20 steps to the Flower Shop, the church is right across the street and it is a few steps to the chiropractor's office. Turning left out of the driveway is a building with shops and then the Post Office. When asked, Richard Stocker testified that it is 114 feet from Vermont Cannoli door to the edge of the Meditrina property. Amy O'Neil asked what was on the other side of the Vermont Cannoli shop from the Meditrina property. Catherine Marino said there was a residential building there. Richard Stocker said the distance from the Vermont Cannoli shop to the property line on that side was about 20 feet, and that the residential building was the Record Apartment building.

c. Minimum off-street parking and loading facilities;

Catherine Marino testified that she usually had one to two customers at a time and they stayed in the shop for four or five minutes. Matt Newborn pointed out that there are about a dozen parking spaces available in the parking lot. Catherine Marino said there are very few cars in the parking lot on Sundays when the other businesses are closed. Richard Stocker testified that two of the spaces in the parking lot are reserved for the tenants in the second-floor apartment.

d. Landscaping and fencing;

Property owner Richard Stocker said he was making improvements to the property and the Board saw evidence of this at the site visit.

e. Design and location of structures and service area;

Richard Stocker testified that the dumpster is being moved to a less prominent location, the bulk propane tank is being changed for individual cylinders out of sight at the back of the barn and two to three parking spaces for employees of the Village Children's shop are being added. No new structures are being built.

f. Size, location and design of signs;

Catherine Marino testified that she has applied for a sign permit. The sign was visible at the site visit. It is the same size as the signs for other businesses in the building.

g. Performance Standards under Section 3.22 are discussed below,

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

Harry Goodell brought up the business hours requested in the application. He suggested that Catherine Marino might want to request more hours initially so that if she wants to expand her hours she will not have to re-apply for a change to the Conditional Use permit. It was agreed that requesting business hours of four days a week from 11:00 AM to 7:00 PM should cover any future needs. Amy O’Neil asked that Friday, Saturday Sunday and one other day be specified as the days the business is open.

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.

Richard Stocker said he was not planning any exterior alteration, changes to fences or lighting, reconstruction or renovation at this time. For this reason, the special criteria for the Village Center does not apply.

3.22 Performance Standards

A. Noise: noise volume shall be limited to the specified decibel levels listed below measured at the property line. 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.

Catherine Marino said she dislikes noise and will be keeping her shop as quiet as possible.

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.

Catherine Marino said her she doesn’t bake anything at the shop and the shop does not create emissions.

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.

Richard Stocker said there are no changes planned to the existing lights. The parking lot light is turned on at dusk and turned off at dawn. The light on the pole at the front of the property is turned off at 5:00 PM. Catherine Marino said that she will be turning off the light outside her door when she leaves the shop for the day. Amy O'Neil asked what type of light the parking lot light was. Richard Stocker said it was a mercury vapor light. Carla Westine and Harry Goodell both said it was 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.

Catherine Marino said that her shop did not create any 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.

Catherine Marino testified that her shop did not create 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.

Catherine Marino said that no changes are proposed to any storage tanks.

Harry Goodell noted that the site plan showed three businesses in the building and that the narrative describes four businesses. The Newborn Law Office, which he observed at the site visit, is not shown on the site plan. Matt Newborn said that the law office is sharing space with Vermont Cannoli. There was a separate entrance door for the law office. The fourth office was drawn in to the site plan and the plan was initialed by Richard Stocker and Michael Normyle.

There were no further questions from members of the Board or audience. Amy O'Neil moved to close the hearing. Phil Perlah seconded the motion.

Agenda Item 3 Conditional Use Review – Randy Miles, Front to Back Landscaping.

Chair Carla Westine polled the board members to see if any members had had any ex-parte communication about this application or a potential conflict of interest. Amy O'Neil said that her husband's business was excavating and, while she did not see it as a conflict of interest, she wanted to offer the applicant the opportunity to object. Randy Miles did not object and Amy O'Neil remained seated on the Board for this application.

Seven exhibits were presented as evidence. The first document was a Town of Chester Development Review Board Notice of Public hearing dated April 4, 2017. The property owner and applicant is Randy Miles. The location is 35 Sylvan Road. It is signed by Zoning Administrator Michael Normyle. Amy O'Neil moved to accept the document as Exhibit A. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The second document presented was a Town of Chester application for hearing before the Development Review Board dated March 12, 2017. The appellant and landowner is Randal Miles. The type of application is a Conditional Use approval. The notice is signed by Michael Normyle, Zoning Administrator and Randal Miles. Amy O'Neil moved to accept the document as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The third document was a letter to Zoning Administrative and Development Review Board from Randy Miles dated March 12, 2017, stating that he wanted a Conditional Use Permit for processing construction and landscaping aggregate and processing of firewood at his Front to Back Landscaping Supply Co. Randy Miles read the letter to the board and added that he will not be crushing material at his site, only mixing materials. He may also be using a non-motorized device called a grizzly to screen material. Amy O'Neil moved to accept the narrative as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The fourth exhibit presented was a letter from Police Chief Richard Cloud to Michael Normyle, Zoning Administrator dated April 10, 2017. The letter stated that traffic safety would not be affected by trucks loaded with timber or the portable wood processor proposed. Amy O'Neil moved to accept the letter as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The fifth exhibit presented was a letter from Randy Miles to the Chester Highway Department dated April 2, 2017. The letter explained the changes sought in his conditional use permit for the Front To Back Landscaping Supply business. At the bottom of the letter Graham Kennedy wrote, "I don't have any problems with this" and signed his name. Amy O'Neil moved to accept this as Exhibit E. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The sixth exhibit presented was a site plan of the property at the intersection of Sylvan Road and Vermont Route 103. It had no title or date and no scale. Michael Normyle left the meeting to find the original site plan from which this map was copied and locate the scale. Amy O'Neil moved to accept the site plan as Exhibit F. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The last exhibit presented was a letter from Fire Chief Matthew Wilson to Randal J. Miles dated April 24, 2017. The letter states that Chief Wilson sees little to no impact on the Chester Fire Department based on the information provided in the letter. Amy O'Neil move to accept the letter as Exhibit G. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Randy Miles was then sworn in to give testimony in this matter.

Phil Perlah asked about a copy of an e-mail that was distributed at the meeting. The e-mail gave a website that performs a calculation for decibels across a distance. The consensus was to wait until the discussion of the noise requirement before deciding whether to accept this document as an exhibit.

Michael Normyle brought in the original Conditional Use application documents dated May 9, 2011 which included a site plan. That site plan was the basis for the site plan accepted as Exhibit F. The board agreed to accept the scale on the 2011 site plan, 1 inch equals 50 feet as the scale for Exhibit F.

The application was then evaluated against the General, Specific and Performance Standards in the Chester Unified Development Bylaws.

1. General Standards

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

- a. The capacity of existing or planned community facilities;

Randy Miles testified that the proposed change has no greater impact on community facilities than there is now. Carla Westine note that letters from the Police, Fire and Highway Departments confirm that they had no problems with this expansion.

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

Randy Miles testified that the area is on the outskirts of town, about a mile from the town line between Chester and Rockingham. His closest neighbor is 500 feet away. It is a rural setting. Amy O'Neil asked if the large building that faces Route 103 on the corner of Sylvan Road was the residence he referred to. Randy Miles said yes, that is his closest neighbor. There was an apartment on the second floor of the building and it was currently occupied. Amy O'Neil asked about residences on Route 103. Randy Miles said there were residences on Route 103, but they were far away. Phil Perlah asked if there were residences between Route 103 and the Williams River. Randy Miles said there were residences present, about 100 to 150 yards away. They were down a bank and behind a tree line.

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

Randy Miles said there would be no impact on traffic. This is not the primary part of the business. Carla Westine asked if there would be room for trucks to turn around on the lot. Randy said there would be.

- d. Bylaws and ordinances then in effect;

The property is in the R-40 Zoning district. Carla Westine noted that the existing permit has Retail Store as a conditional use. The requested new uses, Wood Processing and Processing Construction and Landscaping Aggregate are also conditional uses. Carla Westine asked if Randy Miles planned to build any structures. He said he did not.

- e. Utilization of renewable energy resources.

Randy said he did not plan to use any renewable resources, but he was producing renewable resources in the form of firewood.

2. Specific Standards

Specific standards will include consideration with respect to:

- a. Minimum lot size;

Carla Westine noted that this is an existing lot and the lot's size is not being changed.

- b. Distance from adjacent or nearby uses;

Randy Miles said he is on Vermont Route 103 and his closest neighbor is 500 feet away. There is a big berm at the back of the lot. Amy O'Neil asked who was the neighbor to the south. Randy Miles said it was a large complex owned by several people. Carla Westine asked Michael Normyle if he knew who the landowner was. Michael and Amy O'Neil said it was the Faerie Camp Destiny and it was a large parcel that extended to Grafton. Phil Perlah asked what is further up Sylvan Road. Randy Miles said there were more houses and that the river ran very close to the edge of the road on one side.

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

Randy said his customers park beside his office and discuss what they want to pick up with him in the office. He then takes them across the road and loads the material into their vehicle.

- d. Landscaping and fencing;

Randy said he plans to add more plantings to the current landscaping but does not intend to build a fence around the wood processor. He felt the processor was set back far enough from the two roads that it would not need a fence.

Phil Perlah said the placement of the processor is next to the berm and the storage of the split wood is like the current storage of other materials. Phil did not see a problem with the proposed set up. Amy O'Neil noted that the Supplemental Standards for the R-40 district require landscaping or other screening between incompatible uses, and that a wood processor was incompatible with a residential area. Michael Normyle said that one of the previous permits required a fence between the building on Route 103 with the upstairs apartment and the proposed business. Randy Miles testified that the fence is a 6-foot stockade fence which drops down to 3 feet on one side. Amy felt that the existing fence meets the requirement for separation.

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

Randy Miles testified that no new buildings are proposed. The areas for split wood will be defined by the same cement blocks used to contain other materials on the lot. The position of the wood processor is not fixed and the bins made of cement blocks can also be moved.

- f. Size, location and design of signs;

Randy Miles says he does not plan to add signage. He will probably add words to the sign he presently has.

- g. Performance Standards under Section 4.9 is discussed below
- h. Other such factors as these Bylaws may include.

Section 4.9 Performance Standards

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.

Randy Miles testified that the wood processor will create noise. He measured the level 3 meters away from the machine when it was running fast. The reading was 82 decibels. He was unable to obtain any other readings from the meter. It appeared to have stopped working. A calculation obtained on the internet says the decibel level at the edge of the property will fall to an acceptable level. In response to a question from Phil Perlah Randy Miles said the saw makes noise as it is cutting, but the motor noise is louder. Randy Miles had not measured the noise level while a log is being cut.

Randy Miles outlined 3 steps he could take to mitigate the noise: install an after-market muffler, install a noise muffling cage over the engine, enclose the processor in a building.

The board members considered several points. The permit issued will run with the land, not the property owner. If a permit is issued based on readings from a specific make and model of wood processor the permit would have to be revised whenever the processor is replaced.

Amy O'Neil said there are experts available for hire who could evaluate the site and make predictions about noise levels at the edge of the property. Phil Perlah proposed that Randy Miles install the machine with the after-market muffler in place. Amy O'Neil asked if Randy Miles planned on running a chain saw as part of the operation. He said he would not, the processor has a saw.

Carla Westine asked when the processor would be running. Randy Miles said it would be after his busy season, which is April through July. He proposed running it from 9:00 AM to 5:00 PM Monday through Saturday. This is fewer than his permitted business hours. Amy O'Neil said she thought Saturday hours should be shorter or eliminated. Carla Westine concluded that Randy Miles was still in the process of gathering data, and the Noise section could not be completed at the meeting. She asked Randy Miles to come back with a clear

proposal about when the processor would be running and to bring data about decibel levels at the property lines.

Amy O'Neil did not want to accept a link to a website as an exhibit. She wanted a document discussing and demonstrating the calculations. Carla Westine proposed that the board consider the rest of the Standards and continue the hearing until Randy can gather data about noise levels at the property boundaries.

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.

Randy Miles said the motor was a diesel engine and would have fumes. He said the fumes would be no more than any other equipment currently on the site. They could actually be less because the motor is newer and newer motors emit less 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.

Randy Miles said the machine would be operated only during the daylight hours and he did not intend to add any lights to his property.

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.

Randy Miles said he did not anticipate any safety hazards. He will be transporting diesel fuel in a five-gallon fuel can and pour it directly into the machine's tank. He did not plan on storing fuel 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.

Randy Miles testified that he would not be creating any electronic 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.

Randy Miles testified that there will be no underground tanks or on-site storage. He anticipated selling the sawdust that is generated, or giving it away or removing it.

The meeting was then recessed until May 22, 2017.

Agenda Item 3 Comments from Citizens

Josh Rourke and John Cummings addressed the board concerning the need for more warehouse space at the Drew's All Natural facility on Vermont Route 103 South. Conditional Use Permit #477 was granted for an expansion project in 2016. Drew's All Natural wants to add an additional 10,920 square feet of dry warehouse storage to the space approved in that project. This will stop the need for multiple truckloads of product being moved to an off-site storage location daily.

The board determined that this change falls under Section 3.4.C of the Chester Unified Development Bylaws, "Any enlargement or alteration of a conditional use shall be reviewed as a conditional use by the Development Review Board to permit the specifying of new conditions." A public hearing for a conditional use is needed. The board urged Zoning Administrator Michael Normyle to schedule and warn the hearing as quickly as possible so that construction may be done during this year's building season. Board members would support longer meeting times to hear a greater number of applications to expedite the matter.

Agenda Item 4 Deliberative session on previous matters

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