

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

*July 24, 2017*

**BOARD MEMBERS PRESENT:** Carla Westine, Amy O'Neil, Phil Perlah.

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

**OTHERS PRESENT:** Claudio Veliz.

**CALL TO ORDER**

The meeting was called to order at 6:00 P.M. by Chair Carla Westine. Because the sole citizen present knew all the members of the Board and staff, no introductions were made. The Board and audience members recited the Pledge of Allegiance. Carla Westine then read the meeting agenda.

**Agenda Item 1 Citizen Comments**

Michael Normyle explained that he had expected John Hall and/or a representative from the bank that owned the Arbuckle auction property on Route 10 to come to the meeting to discuss possible uses of the property. He presented Flood Hazard and Flood Way maps from the Vermont Agency of Natural Resources for the area in question. A discussion of the property's history, and its current status as a pre-existing non-conforming structure in the R-120 zoning district was held. It appears to be in both the Flood Hazard area and the DFIRM Floodway. Michael Normyle presented the property's history from the Zoning files. It had been an auction barn and a permit for a dance hall had been applied for, but the permit had been withdrawn. Carla Westine said she was sure the property had flooded in the past and that behind the building was a wet area with cattails. Amy O'Neil said she would be reluctant to make any commitment on the DRB's part until the state had indicated whether the property was part of the floodway. Michael Normyle said he has called John Broker Campbell and is waiting to hear back from him to discuss the issue.

It was also noted that the conditional uses available in the R-120 business do not clearly allow the proposed uses such as a dance hall or a space for receptions and an occasional wedding. Recreation is a use in the R-120 district, but the definition did not really cover dancing or receptions. Phil Perlah proposed that the issue be tabled until one of the people involved show up.

Claudio Veliz spoke on the subject of Randy Miles' conditional use application for a wood processing operation. He wondered if the concrete barriers at the lot in question could be arranged in such a way to block the noise from the wood processor and whether sound tests could be performed at the site with the barriers and processor in place. The Board discussed the idea. Carla Westine noted that the permit which was issued allowed the mixing of landscape and construction aggregate and forbid the use of a wood processor unless the permit was amended.

The Board did not feel it should encourage anyone to violate the conditions of a permit. There is also a question of who should do the sound testing. As the bylaws are now, it would not be members of the Development Review Board. Claudio stated that the Planning Commission could discuss the matter of who could do on-site testing for a proposed use. Phil Perlah urged Claudio to read the Findings and Conclusions for Randy's application to help illuminate the issue. Carla Westine proposed that an appendix of machines and the noise they create be added to the bylaws. The Department of Labor has such a list. Amy O'Neil was not in favor of providing that information as it would distract applicants from finding the best information about their particular project. She said it would be very helpful if the Planning Commission addressed the issue of who should measure noise and how it should be done. Carla Westine said that the Town of Hartford, VT had specifics about measuring noise in Chapter 110 of their bylaws.

Board members also urged Claudio to read the Stewart decision as an example of testimony about noise that was sufficient for the Board to confirm the standard had been met.

The Board discussed whether the Miles application could be re-considered. Carla found the statutes that deal with reconsideration of a permit. It is Title 24, Section 4470. An applicant would have to write a motion in a letter asking to reconsider the decision. The motion would have to be made within 14 days of the decision. The only reasons the board could reconsider a decision according to the statute are:

- To correct a manifest error of law or fact
- Allow the moving party to present previously unavailable or undiscovered evidence
- To prevent manifest injustice, or
- To respond to an intervening change in the controlling law.

The other actions that could be taken on the decision are to appeal it to the Environmental Court within 30 days of the issuing of the permit, or to apply to amend the permit, which would be the same process as applying for a new permit. The deadline for reconsidering the Miles decision had already passed.

Michael Normyle told the Board that Melissa Howe of Endless Creations had not yet contacted him about the planters on Main Street and the signs on the property. The curbs set on Maple Street as part of the sidewalk renewal have solved the planter issue on the Maple Street side of the property.

There being no other citizen comments, the meeting went into deliberative session.