

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

*October 23, 2017*

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

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

**OTHERS PRESENT:** Amanda George, Cynthia Collins, Shawn Cunningham and Thomas Egan.

**CALL TO ORDER**

The meeting was called to order at 6:00 P.M. by Chair Carla Westine. She introduced the members of the Development Review Board and staff. The board and audience members recited the Pledge of Allegiance. Carla Westine stated that there had been a site visit that afternoon at 5:15 PM to the Egan residence at 157 Green Mountain Turnpike. She then read the meeting agenda.

**Agenda Item 1. Comments from Citizens**

Cynthia Collins said she was interested in the runoff flowing from Mountain View over the Dodier property. Carla Westine told her that issue would be addressed in Agenda Item 4.

**Agenda Item 2, Review minutes from the October 9, 2017 meeting**

The Board reviewed the minutes for the October 9, 2017 meeting. Carla Westine requested corrections to page 3. Phil Perlah moved to accept the minutes with the corrections Carla requested. Gary Coger seconded the motion. A vote was taken and the motion passed.

**Agenda Item 3, Waiver request application (#511) by Dan Egan**

Carla Westine asked Zoning Administrator Michael Normyle for a history of the project. Michael Normyle said he first received the application on September 12, 2017. The application was final on September 26, 2017. The applicant and newspaper of record were sent notices on September 26, 2017. The abutter notices were sent on October 3, 2017. No abutters had responded. He said that the waiver application came about from a change to the Unified Development Bylaws. Phil Perlah asked if the change Michael referred to was to the 2017 version of the bylaws. Michael said it was. He said that previous versions always had had waiver language. The 2017 version added an additional reason for granting a waiver which discussed property re-zoned in the October 8, 2014 version of the bylaws.

Carla Westine swore in Thomas Egan so he could represent his brother Dan at the meeting and give testimony.

Several exhibits were presented. The first item was a Town of Chester application for a hearing before the Development Review Board. The project number is 511. The appellant name is Daniel Egan, the appellant address is 157 Green Mountain Turnpike. The description of project was "Given the slope of the property a 5-foot encroachment into the front yard setback (the 10% possible exemption) to build an attached storage shed." The application was signed by Daniel Egan and Michael Normyle on September 26, 2017. Amy O'Neil moved to accept the application as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The second exhibit presented was a Notice of Public Hearing before the Development Review Board. It was dated September 26, 2017. The property owner is Dan Egan, the location is 157 Green Mountain Turnpike, the action requested is, "Given the slope of the property, a 5' encroachment into the front yard setback to build an attached storage shed." It is signed by Michael Normyle. Amy O'Neil moved to accept the Notice as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The third exhibit was 2 double sided pages of graph paper. The first 2 sides had a narrative about the project, the third side had a drawing of the site and the fourth side had elevations of the building to be modified. Amy O'Neil moved to accept the pages as exhibit C. Gary Coger seconded the motion. A vote was taken and the motion passed.

Carla Westine asked Tom Egan to give a summary of what his brother Dan Egan wants to do with the property and why he needs a waiver. Tom Egan read the first 2 pages of Exhibit C into the record. Carla Westine then read Section 7.16.B (p. 112) of the Chester Unified Development Bylaws. The reason given for requesting the waiver was item vii:" In the event a property was rezoned in the October 8, 2014 Unified Development Bylaws, the setbacks were made more restrictive and the property has not changed ownership since the incorporation of said Bylaws, the Development Review Board may allow the encroachment of up to 10% of the setback dimension."

Carla Westine read the Review Criteria as follows:

**1. Review Criteria.** The Development Review Board may approve a waiver request upon finding that:

a. Granting a waiver will not result in an unsafe condition of the lot or to the public.

No one on the board could see how the waiver would create an unsafe condition.

b. Incorporates design techniques (restricted height, lack of windows), screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon the neighbors or public rights-of-way.

Carla Westine asked Tom Egan to describe the proposed addition. Tom said it would have 10-foot walls with a sloped roof that would meet the building between the first and second floors. There would be a double door facing the driveway and an exit door on the side. The roof would be of the same material as the new roof which will be put on the building this fall.

- c. The waiver requested would not impair sight distances on or maintenance of public or private roads or sidewalks.

Carla Westine said the proposed addition would be 45 feet from the Green Mountain Turnpike. No one on the board could see a problem with sight lines or road maintenance.

- d. The proposed work or construction does not encroach into the required front, side or rear yard setbacks any more than necessary to accomplish the desired results.

Carla Westine asked Tom Egan if the addition was sized with the 5-foot waiver in mind. Tom Egan said it was.

- e. The proposed development is compatible in scale and design of structures and the overall existing development pattern of the surrounding area.

At the site visit, Carla Westine had noted that the neighboring property and other property in the area had additions, porches, sheds and garages added to the main house.

- f. The waiver resolves a practical difficulty in developing the property and allows reasonable use of the property;

Carla Westine noted that on the west side the land dropped off sharply and on the north side the well head and propane tanks prevented expansion, leaving only the east side of the building as suitable for an addition.

- g. In the case of historic properties, the waiver is essential to the preservation and renovation of the historic building or the preservation of the historic pattern of land use of the surrounding area.

Carla Westine said that this property was not historic and the project would not affect any historic buildings.

Phil Perlah asked if Dan Egan owned the property before October 8, 2014. Tom Egan said he did. Amy O'Neil asked what the setback was prior to the adoption of the 2014 Bylaws and what the current setback is. Carla Westine said the current setback for the R-120 district is 50 feet. She consulted the pre-2014 regulations for the R-80 district. Amy O'Neil asked if the property was in the R-80 district when those regulations were in force. It was eventually confirmed that the property was in the R-80 district before October, 2014 and the front yard setback in that district was 50 feet. The side and rear yard setbacks were 40 feet. Amy O'Neil asked if the shed could be narrower than the proposed 14 feet. She asked if it could be 9 feet wide? Tom Egan listed a few of the items that would be stored in the shed, but he wasn't able to say that a 9-foot shed would be sufficient. Given that the setback in 2014 was 50 feet, as it is now in 2017, the reason for justifying the waiver did not apply. The board asked to see the 2014 zoning map to verify that the property was in the R-80 district, but the map could not be located that evening. Amy O'Neil move to recess the hearing to 6:00 PM on November 13, 2017. At that time the

2014 zoning map will be available and Dan Egan may have other plans to propose. Gary Coger seconded the motion. A vote was taken and the motion passed.

#### **Agenda Item 4, Reconvene Conditional Use Review (#507) Jacques Dodier**

Cynthia Collins was sworn in to give testimony in this hearing. Gary Coger asked to recuse himself from the hearing since he had not heard the prior three sessions. He decided to remain in the room and listen to the testimony. Carla Westine asked Amanda George if there had been any word from the Agency of Transportation about the driveway permit. Amanda George said the Southern Windsor County Regional Planning Commission had contacted Brian McAvoy at the Agency of Transportation with questions about the project. The questions were passed around via e-mail between state agencies and were finally forwarded to Tim Knapp, the project engineer at Dufresne Group. As a result of this discussion, changes were made to the site plan, including concrete curb stops for parking spaces 1, 2 and 3, signage on the back of the building to designate parking spaces 39 and 40, and a split rail fence and grass along the road side in place of the blue spruce. The updated site plan was resubmitted to the Agency of Transportation. Amanda George said that the Agency of Transportation had told her a letter of intent would be sent by Thursday October 26, 2017.

Having resolved problems with e-mail, Michael Normyle was able to distribute a revised site map and copies of the e-mail discussion between the state agencies about the project. Carla Westine read a portion of the email discussion into the record.

Cynthia Collins asked how the project would affect the drainage from the Mountain View area which she felt was already insufficient. Carla Westine summarized the history of the Board's investigation into drainage across the lot. She told Cynthia that the applicant had submitted an engineer's report stating that there would be no increase in the amount of water flowing across the lot and that it would continue to sheet onto Robert Parker's property to the south.

Carla Westine also said that Julie Hance had forwarded an email to her from Naomi Johnson of Dufresne Group. Naomi is in charge of a project to improve storm water drainage in the Mountain View area. The e-mail would not be a part of the hearing but she wanted the Board to know that there was a project to address drainage going on in Mountain View.

Amy O'Neil moved to accept the revised site plan dated October 20, 2017 as Exhibit T. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Amy O'Neil moved to accept the e-mail chain which began with an e-mail from Katherine Otto on October 10, 2017 and ended with an e-mail from Tim Knapp on October 20, 2017 as Exhibit U. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Amy O'Neil asked Amanda George whether she would like the hearing recessed until November 13, 2017 or closed that evening. Amanda said that she would like the hearing recessed until November 13<sup>th</sup>. She wanted a clear approval of the site plan from the Agency of Transportation before the hearing was closed. Amy O'Neil moved to recess the hearing until 6:00 PM November 13, 2017. Phil Perlah seconded the motion. A vote was taken and the motion passed.

**Agenda Item 5, Deliberation on Previous Matters**

The meeting went into deliberative session and was closed at the end of it.