

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

December 11, 2017

BOARD MEMBERS PRESENT: Carla Westine, Amy O'Neil, Harry Goodell and Gary Coger.

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

OTHERS PRESEN: Michael Behn, David Frothingham, Derek Suursoo and Erron Carey.

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, Zoning Administrator Michael Normyle and Recording Secretary Cathy Hasbrouck. She read the meeting agenda and stated that there had been a site visit that afternoon at 3:00 PM at 46 and 60 Vermont Route 103. The board and audience members recited the Pledge of Allegiance.

Agenda Item 1, Comments from Citizens

There were no citizen comments.

Agenda Item 2, Review minutes from November 13 and 27, 2017 meetings.

Carla Westine asked to have a paragraph on page 4 of the November 13, 2017 minutes changed to say that she asked a question about a staircase and door in the garage, not that she gave testimony about it. Amy O'Neil moved to accept the minutes as corrected. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Carla Westine asked to have the words "all over" in letter c on page 4 of the November 27, 2017 minutes changed to "on" and to correct the places where Cynthia Farnsworth was called Cynthia Farnum. No other changes were requested. Amy O'Neil moved to accept the minutes as corrected. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Agenda Item 3, Boundary Line Adjustment application (#514) by Sandri Realty, Inc.

Michael Behn and David Frothingham were sworn in to give testimony. Michael Normyle gave a history of the project. The application was complete on November 14, 2017. The Notice of Public hearing was prepared that day. Notices to eleven abutters were sent out on November 21, 2017. One abutter, Erron Carey, called Michael Normyle to discuss the project.

The first document presented in evidence was a Town of Chester Application for Boundary Line Adjustment. The applicant name is Sandri Realty, Inc. The location of the property is 60 and 46 Vermont Route 103, the Zoning District is Residential-Commercial. The landowners listed are P&J's Country Kitchen, LLC and Sandri Realty. There are 2 parcels involved. Parcel 1 has a tax map number of 61-50-91. It is currently 0.45 acres and would be changed to 0.52 acres. Parcel 2 has a tax map number of 61-50-92. It is currently 0.64 acres and would be changed to

0.57 acres. The application was signed by Michael Behn and Michael Normyle on 11/6/2017. Amy O'Neil moved to accept the application as Exhibit A. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The second document presented was a Town of Chester Notice of Public Hearing Before the Development Review Board. The Property owners are P&J's Country Kitchen, LLC and Sandri Realty, Inc. The location is 46 and 60 Vermont Route 103. The action requested is a proposed boundary line adjustment which will transfer 0.07 acres from P&J's Country Kitchen, LLC to Sandri Realty, Inc. The Notice is dated November 14, 2017 and is signed by Michael Normyle. Amy O'Neil moved to accept the Notice as Exhibit B. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The third document presented was a letter from David Frothingham of Wilcox and Barton, Inc. addressed to Michael Normyle, outlining the details of the boundary adjustment. Amy O'Neil moved to accept the site plan as Exhibit C. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The next document to be considered was a site plan titled Boundary Line Adjustment Sandri Realty, Inc. / P&J's Country Kitchen, LLC and dated 10/30/2017. The site plan was drawn by Latitudes Land Surveying of Burlington, VT. Amy O'Neil moved to accept the site plan as Exhibit D. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The fifth document introduced was a letter from Chester Police Chief Richard Cloud on Town of Chester Police Department stationery addressed to Michael Normyle and dated December 5, 2017. The letter states that traffic safety and parking will not be an issue should the permits for the boundary line adjustment be granted. Amy O'Neil moved to accept the letter as Exhibit E. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The sixth document presented was a DFIRM map of the properties in question and the surrounding area from the Vermont Natural Resources Atlas with Special Flood Hazard designations shown. Amy O'Neil moved to accept the map as Exhibit F. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Carla Westine then asked Michael Behn to summarize why he was requesting a boundary line adjustment. He explained that with increased competition across the street from their store, they needed to expand their offerings. The first goal was to expand parking on the lot. The acquisition of the land from the diner would facilitate parking. The agreement with the abutting property owners includes moving the existing planter to the new boundary or providing a four-foot landscaping barrier to separate the two properties as may be required. The ultimate plan would be to acquire land along the river from the Town of Chester and, if successful, a broader plan to invite Dunkin Donuts into the building is being considered. Carla Westine confirmed that the current hearing only addresses the boundary line adjustment between P&J's Country Kitchen, LLC and Sandri Realty.

Harry Goodell noted that the lines on the site plans marking various types of boundaries are not shown in the legend. Discussion with David Frothingham followed and there was some confusion about the parcels along the river bank owned by the Town of Chester. The conclusion was that the legend needs to be corrected.

The application was then reviewed according to Section 4.13, Boundary Line Adjustment of the Chester 2017 Unified Development Bylaws.

4.13 BOUNDARY LINE ADJUSTMENTS

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

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

1. It meets the definition of a Boundary Line Adjustment;
The Board read the definition of Boundary Line Adjustment on page 122 of the Bylaws and determined that this change met the definition of Boundary Line Adjustment. Two parcels are involved, no new parcels are being created, and no adverse impact on access, public services, utilities or neighboring uses were noted.
2. It does not create any new lot as a result of the adjustment;
No new parcels are being created.
3. The Plan must show the requirements of Section 4.12(F) of these Bylaws;
The requirements were discussed as shown below.
4. It does not substantially change the nature of any previous sub-division;
The nature of the sub-division, which separates a convenience store and gas station from a restaurant, is not being changed. The planter that currently separates the two parcels will be moved to the new property line if this adjustment is granted.
5. It will not adversely impact access to any parcel;
No changes to access were seen as a result of this adjustment.
6. It will not result in the development on any portion of a parcel that has been designated as open space as the result of a prior municipal permit or approval, or allow for the acreage of any open space parcel to be applied to the maximum density or minimum lot size for another parcel; and,
None of this property is designated as open space.
7. It will not create any nonconformities.
No nonconformities are being created. After the adjustments both lots will still meet all of the size and setback requirements for the zoning district.

B. If any of these conditions are not clearly met to the satisfaction of the Development Review Board, such boundary adjustments shall be subject to approval as a subdivision. In such cases, the applicant shall be responsible for any additional fees or submittals needed for DRB review.

The submitted Plat was evaluated according to Section 4.12.F as follows:

F. Required Submissions

1. **Preliminary Plat.** The Preliminary Subdivision Plat shall consist of a pdf copy as well as seven (7) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale or not

more than one hundred (100) feet or more to the inch, showing or accompanied by information on the following points unless waived by the Development Review Board:

- a.** Proposed subdivision name or identifying title and the name of the Town.
The name of the subdivision and the town are found in the lower right-hand corner of the plat.
- b.** Name and address of record owner, sub-divider, and designer of Preliminary Plat.
The name and address of the owner, sub-divider and designer are found in the lower right-hand corner. The address needs to be corrected to read 46 and 60 Route 103 / 11.
- c.** Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other essential existing physical features.
The number of acres for the two parcels and the total is found in a box in the lower left-hand corner of the plan. The other features were observed on the plan. Water and sewer lines, buildings and the Williams River were noted on the plan. A large lamp post was missing from the corner of the Sandri property next to the requested extension of the lot.
- d.** The names of owners of record of adjacent acreage.
All the abutting property owners were named.
- e.** The provisions of the zoning standards applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
The zoning standards were found in the upper right quadrant of the plan. Michael Normyle noted a difference in the road frontage standard shown on the larger map sent to the board on Wednesday and the smaller map entered as Exhibit D. The larger map showed 150 feet as the road frontage standard required by the district. Amy O'Neil moved to accept the larger map as Exhibit G. Gary Coger seconded the motion. A vote was taken and the motion passed. The correct standard is 120 feet. The larger map should be changed to show the 120-foot standard.
- f.** The location and size of any existing sewer and water mains, culverts, and drains on the property to be subdivided.
The water line and sewer main were located. A drain line on the Cairns property was located.
- g.** The width and location of any existing roads within the area to be sub-divided and the width, location, grades, and road profiles of all roads or other public ways proposed by the Sub-divider.
There are no existing or proposed roads within the parcels in question.
- h.** Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more.
The bold contour lines represent 5-foot intervals.
- i.** Date, true north point, and scale.

True north is found in the upper center of the map, the date of the original drawing, the revision dates and the scale are found in the lower right corner.

- 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.

These are found in note 4 in the upper right quadrant of the plan.

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

The connection to the municipal water supply for the Sandri parcel is shown on the southeast side of the property.

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

The sewer connection for the Sandri parcel is shown on the southeast side of the property.

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

David Frothingham said the site drains from northeast to southwest and the back of the property has a mound which directs drainage to a swale on the town property. There was nothing drawn on the plan that indicated the drainage flow. Amy O'Neil said either the Board could vote to waive the drainage plan or arrows indicating the direction of the flow of water could be added to the plan. Harry Goodell said he felt arrows to indicate drainage should be added to the plan. The Board concurred and asked that the arrows be added.

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

No bridges are planned.

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

The two parcels with their acreage and existing building locations are shown.

- 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.

The Board saw the temporary markers at the site visit. The distance to the nearest road intersection is shown in the middle of Route 103 on the plan.

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

No land will be dedicated to public use.

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

No new streets are proposed. Existing streets are named on the plan.

- s.** The Preliminary Plat shall be accompanied by:

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

The vicinity map is present in the upper right corner.

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

No permits are required.

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

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

Signed this ____ day of _____, _____ by

_____, Development Review Board"

This text is found in the lower left corner of the map.

Harry Goodell said that the acreage being added to the Sandri parcel will not carry access to Route 103 with it. No cars may enter the Sandri property from Route 103 across that frontage. David Frothingham said he understood that and that he also knew the existing light pole in that corner would need to be moved.

No one on the board or in the audience had any more questions or comments. Amy O'Neil moved to close the hearing. Harry Goodell seconded the motion. A vote was taken and the hearing was closed.

Agenda Item 4, Reconvene Burtco, Inc Conditional Use application (#512)

Michael Normyle said the applicant would like to recess the hearing until the first DRB meeting in March 2018. Harry Goodell moved to reconvene the hearing on March 12, 2018. Amy O'Neil seconded the motion. Derek Suursoo then asked to speak. He was sworn in to give testimony on behalf of the Chester-Andover Family Center. Derek stated that the Family Center would like to be considered an interested party to this hearing. The Family Center has its board meeting on the second Monday of the month, which conflicts with one of the normally scheduled Development Review Board meetings. He said the president and vice president of the Family Center would like to attend the hearing and asked if the DRB could schedule the hearing for the fourth Monday of March instead of the second Monday. Michael Normyle said he has had conversations with the Family Center and he does have a letter on file authorizing Derek Suursoo

to represent them at the hearing. Amy O'Neil said that she didn't feel it was fair to change the date without any testimony from the applicant. She said that the Family Center could directly ask Burtco to change the date of the hearing. Harry Goodell suggested that a decision on the date be agreed to by Burtco and the Family Center before the next DRB meeting so that a March date that everyone agrees on can be established at that meeting. Further discussion of dates and deadlines resulted in a decision to keep the March 12, 2018 date to reconvene. A vote on the motion was taken and the motion passed.

Agenda Item 5, Deliberative Session on Previous Matters

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