

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

March 12, 2018

BOARD MEMBERS PRESENT: Carla Westine, Phil Perlah and Gary Coger.

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

OTHERS PRESENT: Erron Carey, Derek Suursoo, Kevin Corliss, John Cummings, Josh Rourke, Michael Behn, Frank Trombetta, Laura Merone-Walsh, David Frothingham, Richard Marcks, Paul Nadolski, Elizabeth Newell.

Call to Order

The meeting was called to order at 6:00 PM by Chair Carla Westine. She introduced the members of the Development Review Board and staff. She then led the meeting in reciting the Pledge of Allegiance. She told the gathering that there had been site visits earlier that evening at Drew's All Natural, 926 Vermont Route 103 South and at Sandri Realty Inc. 60 Vermont Route 103. She then read the meeting's agenda.

Agenda Item 1, Review Draft Minutes from the February 12, 2018 Meeting

Phil Perlah moved to accept the draft minutes. Gary Coger seconded the motion. Phil Perlah noted a missing T in Others Presen. The minutes were accepted with that correction by a unanimous vote.

Agenda Item 2, Citizens Comments

There were no comments from citizens on other matters.

Agenda Item 3, Drew's AI Natural Conditional Use application (#517)

Chair Carla Westine began the hearing by asking if the Board members had had any *ex-parte* communication or any conflict of interest regarding this application. No member had. The exhibits presented as evidence were then considered.

The first document was an application for hearing before the Development Review Board. The project number is 517, the date is February 2, 2018. The Appellant is Josh Rourke/Drew's LLC, the landowner name is Drew's Organics and the description of the project is expansion of the

building by approximately 13260 square feet. It is signed by Josh Rourke on 1/29/18 and Michael Normyle on 2/1/18.

Phil Perlah moved to accept the application as Exhibit A. Gary Cogger seconded the motion. A vote was taken and the application was accepted as Exhibit A.

The second document was a Notice of Public Hearing before the Development Review Board dated February 6, 2018. The application number is 517, the property owners are Drew's All Natural LLC, the applicant is Josh Rourke from ID3 Designs, the location is 926 VT Route 103 South. The notice is signed by Zoning Administrator Michael Normyle.

Phil Perlah moved to accept the notice as Exhibit B. Gary Cogger seconded the motion. A vote was taken and the notice was accepted as Exhibit B.

The third document was a letter from Josh Rourke at ID3 Designs to Zoning Administrator Michael Normyle dated January 29, 2018. It describes the proposed expansion project. Josh Rourke read the letter to the group.

Phil Perlah moved to accept the letter as Exhibit C. Gary Cogger seconded the motion. A vote was taken and the letter was accepted as Exhibit C.

The fourth document was a letter from Edward H. Floyd of Technicon Site/Environmental Consultants to Michael Normyle Zoning Administrator dated February 8, 2018. The letter detailed the water and wastewater allocation changes being requested to accommodate the expansion. The total expansion requested was 595 gallons per day.

Phil Perlah moved to accept the letter as Exhibit D. Gary Cogger seconded the motion. A vote was taken and the letter was accepted as Exhibit D.

The fifth document was a letter from Chester Town Manager David Pisha to The Agency of Natural Resources dated February 27, 2018, advising the agency that the Town of Chester is allowing the water and wastewater allocation requested by Drew's LLC.

Phil Perlah moved to accept the letter as Exhibit E. Gary Cogger seconded the motion. A vote was taken and the letter was accepted as Exhibit E.

The sixth document was a letter from Chester Police Chief Richard Cloud to Michael Normyle, Zoning Administrator, dated February 8, 2018. The letter states that, in Chief Cloud's opinion, traffic safety and parking will not be affected by the proposed expansion.

Phil Perlah moved to accept the letter as Exhibit F. Gary Cogger seconded the motion. A vote was taken and the letter was accepted as Exhibit F.

The seventh document was a letter from Jeff Holden, Chester Water/Wastewater Superintendent to the Development Review Board dated February 6, 2018. It states that Jeff Holden sees no

problem with the request for additional daily water allocation of approximately 600 gallons per day and asks that the amount be added to the Drew's All Natural plant allocation.

Phil Perlah moved to accept the letter as Exhibit G. Gary Coger seconded the motion. A vote was taken and the letter was accepted as Exhibit G.

The eighth document considered was an 11" x 17" proposed site plan for Drew's Organics dated 3/6/18. This document had corrections made since the larger site plan, which was also submitted, was printed. It was decided to accept the smaller, updated site plan as exhibit H and keep the larger site plan for reference purposes. Phil Perlah moved to accept the 11" x 17" site plan as Exhibit H. Gary Coger seconded the motion. A vote was taken and the site plan was accepted as Exhibit H.

The ninth document to be considered was three 11" x 17" drawings, numbered A2.1, A3 and A4. The drawings are marked 1/24/18 permit set and include elevations and floor plans of the proposed project. Phil Perlah moved to accept the drawings as Exhibit I. Gary Coger seconded the motion. A vote was taken and the drawings were accepted as Exhibit I.

The last document presented was a letter dated March 8, 2018 from Nena Nanfeldt, President of the Chester-Andover Family Center, to John Cummings of Drew's All Natural. It gave two corrections to the site map for the project and listed concerns about the unusual electrical service connection with Green Mountain Power the two properties share, where storm water may be going and whether there will be an increase in traffic as a result of the project.

Phil Perlah moved to accept the letter as Exhibit J. Gary Coger seconded the motion. A vote was taken and the letter was accepted as Exhibit J.

The submitted documents being entered, Carla Westine swore in Josh Rourke, John Cummings, Derek Suursoo and Kevin Corliss to give testimony. She then began review of the project under the Chester Unified Development Bylaws Section 4.8.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;

Josh Rourke outlined the plans for expansion, which included adding an area for corporate offices, adding a second packing line and expanding the amount of wastewater pre-treatment. Carla Westine noted that letters from the Chester Police, and Water/Wastewater departments and from Town Manager David Pisha had been received in support of the project. She asked Josh Rourke if the Chester Fire Department had been contacted and he said they had been contacted and, as yet, he had received no reply. Carla

Westine asked if Josh Rourke was working with the Vermont Division of Fire and Safety. He said he has an on-going dialog with the Division of Fire and Safety and the division was waiting to receive Drew's final application.

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

Josh Rourke said the property is south of the center of Chester, removed from the downtown. They are working to give the building as much Vermont character as possible, given that it is an industrial facility. This effort is primarily focused on the side of the building facing the driveway, as none of the facility is visible from Route 103.

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

John Cummings said there would be some growth in traffic, though he hopes increases in production will result in fewer partial truckloads as opposed to more trips. The maximum planned trips per day is 16. Carla Westine noted that the Chester Police Chief has sent a letter saying he anticipates no problems with traffic.

- d. Bylaws and ordinances then in effect; and,

Carla Westine went over the lot size, setbacks and coverage requirements for the Residential Commercial District. The lot size is well above the minimum 20,000 square feet. The rear and front setbacks are greater than the 25- and 30-foot requirements respectively. Josh Rourke pointed out the side setbacks (shown on the site plan) were still far from the current and proposed buildings. Josh Rourke said that, with the proposed expansion, including new driveways and areas classified as impervious surfaces, the lot coverage would be 24%, which is well under the 35% limit.

- e. Utilization of renewable energy resources.

Josh Rourke said that the roofs from the previous warehouse expansion and south-facing roofs on the current expansion were structured for photovoltaic installations, but none are planned at present. That possibility is still being evaluated.

2. Specific Standards

Specific standards will include consideration with respect to:

- a. Minimum lot size;

Carla Westine confirmed that the lot far exceeds this requirement.

- b. Distance from adjacent or nearby uses;

Josh Rourke said that Drew's has access to Vermont Route 103 via a right of way through property owned by the Chester-Andover Family Center. The property also abuts a parcel owned by the Town of Chester. Josh Rourke estimated that the Chester-Andover Family Center building is about 400 feet from the Drew's building. When asked for comment, Derek Suursoo spoke for the Chester-Andover Family Center. He said the family center was a bit concerned about how storm water drainage would be affected by the expansion. He also pointed out that the labeling of parcel owners on the site map was incorrect. On the north side of the property it showed Burtco sharing a boundary with the Family Center. That property began further north along Route 103. He believed the property immediately to the north of the Family Center and Drew's

belonged to Green Mountain Union High School. Josh Rourke agreed that the site map should be corrected.

c. Minimum off-street parking and loading facilities;

Josh Rourke said there was room for all trucks entering the facility to turn around and exit the facility frontward. There was sufficient parking for 80 cars in the employee parking lot. There was handicapped and reserved parking available closer to the building. Phil Perlah confirmed that there was room on the south side of the property to expand the employee parking.

d. Landscaping and fencing;

Josh Rourke said there are plans to add a green space near the building adjacent to the employee break area. He said that the designation of an organic facility brought specific requirements which limited the types of landscaping that could be done near the building in order not to attract insects or rodents. They will be allowed to have some planters near the front of the building.

e. Design and location of structures and service area;

Carla Westine asked about the roofline. Josh Rourke pointed to a drawing that showed the proposed rooflines. He said the corporate hub would have a compound gable roof and the larger warehouse and production areas would have sloped roofs to shed snow and maintain as much of a connection as possible with the Vermont aesthetic.

f. Size, location and design of signs;

Josh Rourke said there is no new signage planned on the road. There will be some new signs on the front of the building as shown in the drawing. Carla Westine told Josh Rourke to be sure to check in with Zoning Administrator Michael Normyle for information about signage requirements and a sign permit.

g. Performance Standards under Section 4.9 and,

h. Other such factors as these Bylaws may include.

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:

- a. All new construction, exterior alteration, fencing, lighting, reconstruction or renovation of existing buildings shall include features typical of those which define New England Architectural Character represented by the existing historical structures in the "Center of Chester".
- b. Native historical building materials are to be used which are found in construction representative of "New England Architectural Character" and /or those building products and materials which are indistinguishable to the eye from such materials in appearance.

- c. That all such construction shall take whatever precautions necessary to incorporate, protect and preserve existing historic sites.
- d. **To maintain the scale, support the density and preserve the “New England Architectural Character”** of Center of Chester, 4 of the following 18 features shall be incorporated in the design of any such Application for construction in the Village Center District; 6 of the following 18 features shall be incorporated in the design of any such Application for construction in the Stone Village Districts. and 4 of the following 18 features shall be incorporated in the design of any such Application for construction in the Residential Commercial District (Chester Depot/South Main Street Section only). The DRB shall evaluate the proposed features based on the degree to which they are interpreted by the Applicant/Design professional to support, reinforce and improve the optimal density, community scale and character as here called for. These additional features are to be in addition to the two items listed below in bold, which are mandatory for all applications within these three districts.
 1. Multi-level construction to the stated height limit, unless Application is for a secondary or back building which may be one-level.
 2. Parking at rear and/or side of building.
 3. A Gable roof profile located at street façade.
 4. **Gable roof pitches to be no less than 6/12.**
 5. Compound gable roof.
 6. Corner board trim on street side of building on wood clad exterior walls.
 7. **Front or side entry with walkway directly to sidewalk.**
 8. Wood- or timber frame.
 9. Clapboard and/or stone exterior walls.
 10. Shuttered windows.
 11. Bay windows.
 12. Landscaping/foilage at base of exterior walls.
 13. Minimum 5 foot deep side or front porch.
 14. Permanent awnings, overhangs and/or trellises.
 15. All full frame windows shall display a vertical dimension greater than horizontal dimension.
 16. Stone construction – walls or wall foundations.
 17. Solid wood front door. May include “lights” (small windows in standard sized door panels).
 18. Specific, existing geometries, trim, and other features that originated on pre-1935 architectural examples in The Center of Chester

Owner may propose alternate elements that reinforce, comply or echo the style, manner and character of the Center of Chester.

Josh Rourke pointed out features of the building that meet criteria 1, 3, 5, 7 and 15, above.

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.

Josh Rourke said there would be no increase in noise as a result of this expansion.

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.

Josh Rourke said there would be no air pollution as a result of this expansion. The expansion includes office space and a bottling line, which do not produce air 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.

Josh Rourke said there will be more exterior lights in the parking area and they will be downward facing and 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.

Josh Rourke said there would be no safety hazards created by the expansion.

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.

Josh Rourke said there would be no electromagnetic disturbances created by the expansion.

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.

In response to a question from Phil Perlah, Josh Rourke said the underground propane tanks and their piping were being relocated to accommodate the new driveway.

He said that Technicon Site/Environmental Consultants were handling the storm water permit. Derek Suursoo asked how much impervious surface was being added and where would the surface storm water be draining to? Josh Rourke said that no new impervious surface was being created on the north side of the property and there would be no change to the drainage pattern.

In her letter to John Cummings, Nena Nanfeldt raised the issue of the electrical power connection that exists between the Family Center and Drew's Organics. Carla Westine said that the Chester Unified Development Bylaws did not give the Development Review Board any voice in this matter, but she was open to discuss it during the hearing. Derek Suursoo said the two facilities share an unusual connection in that, if electrical power is cut to Drew's facility, it will also be cut to the Family Center. He wondered if this needs to be noted on the site plan anywhere, as a precaution to warn a third party looking at the drawings. When the Family Center loses power, it impacts its fire suppression equipment. A power shut off needs to be coordinated between Drew's and the Family Center. Derek Suursoo and John Cummings agreed that they have a good, neighborly, working relationship with each other as far as coordinating power shut-offs goes. ID3 architect Josh Rourke said he typically did not include notes about other properties on his site plans.

At this point there were no other comments or questions from the Board members or the audience. Phil Perlah moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed.

Agenda Item 4 Sandri Realty, Inc. Flood Hazard Review and Conditional Use applications (#518 & 519)

Chair Carla Westine asked the Board members if they had had any *ex-parte* communication or potential conflicts of interest for this hearing. No member did. The following people were then sworn in to give testimony during the hearing:

Erron Carey	David Frothingham
Michael Behn	Richard Marcks
Frank Trombetta	Paul Nadolski
Laura Merone-Walsh	Elizabeth Newell.

The exhibits presented as evidence were then examined.

The first document was an application for hearing before the Development Review Board. The project number is entered as 518 and 519. The date of the application is 2/13/18. The appellant name is Sandri Realty, Inc. The location of the property is 60 Route 103. Application 519 is for Conditional Use approval. Application 518 is for Flood Hazard Area Review. The application is signed by Michael Behn on January 24, 2018 and Michael Normyle on February 13, 2018.

Phil Perlah moved to accept the application as Exhibit A. Gary Coger seconded the motion. A vote was taken and the application was accepted as Exhibit A.

The second document was a Notice of Public Hearing before the Development Review Board dated February 13, 2018. The property owner and applicant are Sandri Realty, Inc. The location is 60 Vermont Route 103 in the Residential-Commercial zoning district. The action requested is: Renovation to the existing retail/convenience store to include a Dunkin' Donuts, including a drive-thru, interior seating and revision to the site circulation. The proposed renovations include the construction of an exterior freezer/cooler at the rear of the building.

Phil Perlah moved to accept the Notice as Exhibit B. Gary Coger seconded the motion. A vote was taken and the Notice was accepted as Exhibit B.

The third document presented was a 4-page letter on 2 sheets of paper from David Frothingham of Wilcox & Barton, Inc., dated February 13, 2018. The letter is addressed to Michael Normyle. It summarizes the proposed changes to the property at 60 Vermont Route 103 and outlines how this project will meet the requirements of the Chester Unified Development Bylaws Conditional Use Standards. David Frothingham read the first paragraph of the letter.

Phil Perlah moved to accept the letter as Exhibit C. Gary Coger seconded the motion. A vote was taken and the letter was accepted as Exhibit C.

The fourth document presented was a letter from David Frothingham of Wilcox & Barton, Inc., dated March 2, 2018. The letter is addressed to Jeffrey Holden, Town of Chester Sewer & Water Superintendent. As David Frothingham was reading the letter, Phil Perlah questioned some details. It was discovered that an earlier version of the letter had been sent to the Board members. Copies of the revised letter were distributed at the meeting. David Frothingham finished reading the revised letter to the Board. The letter describes the proposed project and requests an additional wastewater allocation of 253 gallons per day and an additional water allocation of 407 gallons per day.

Phil Perlah moved to accept the revised letter as Exhibit D. Gary Coger seconded the motion. A vote was taken and the revised letter was accepted as Exhibit D.

The fifth document presented was 3 sheets of drawings for Sandri Realty, Inc.: an Existing Conditions Plan, numbered C-1 and dated 12/20/2018, a Site Plan, numbered C-2 with a revised date of 2/27/2018, and Details, numbered C-3, dated 2/12/2018. For all three drawings the site address is 60 Main Street, Chester Vermont.

Phil Perlah moved to accept the site plan drawings as Exhibit E. Gary Coger seconded the motion. A vote was taken and the drawings were accepted as Exhibit E.

The sixth document presented was a drawing numbered A0.2, titled Schematic Site Plan & Details and dated February 7, 2018. It shows the new building configuration with space for the Dunkin Donuts.

Phil Perlah moved to accept the drawing as Exhibit F. Gary Coger seconded the motion. A vote was taken and the drawing was accepted as Exhibit F.

The seventh document presented was a drawing numbered K1.1 titled Proposed Floor Plan and dated February 7, 2018. It showed details of the proposed Dunkin' Donuts space and some details of the retail store area.

Phil Perlah moved to accept the drawing as Exhibit G. Gary Coger seconded the motion. A vote was taken and the drawing was accepted as Exhibit G.

The eighth document presented was two 11" x 17" drawings titled Exterior Renderings. One page showed elevations of the front and the south (left) sides of the building. The second page showed elevations of the rear and north (right) sides of the building.

Phil Perlah moved to accept the drawings as Exhibit H. Gary Coger seconded the motion. A vote was taken and the drawings were accepted as Exhibit H.

The ninth document presented was an 11" x 17" DFIRM Floodways map of the subject property from the Vermont Natural Resources Atlas dated February 13, 2018. Phil Perlah moved to accept the map as Exhibit I. Gary Coger seconded the motion. A vote was taken and the map was accepted as Exhibit I.

The tenth document presented was an 11" x 17" River Corridor map of the subject property from the Vermont Natural Resources Atlas dated February 13, 2018. Phil Perlah moved to accept the map as Exhibit J. Gary Coger seconded the motion. A vote was taken and the map was accepted as Exhibit J.

The eleventh document presented was a three-sided document on two pages which gives the technical specifications of the LED area lights to be installed in the driveway and parking areas. Phil Perlah moved to accept the document as Exhibit K. Gary Coger seconded the motion. A vote was taken and the document was accepted as Exhibit K.

The board then took testimony on the General, Specific and Performance Standards of the 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;

Chair Carla Westine noted that letters from the Chester Police and Fire Chief and the Water/Wastewater Superintendent had not yet been received. David Frothingham said the proposed project will require additional water and sewer allocation and a request for this has been submitted to the Water/Wastewater Superintendent. Michael Normyle said he would speak to Jeff Holden about this on Tuesday. Michael also said letters had gone out to the Police and Fire Departments as well.

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

David Frothingham said this project is adding a new use to an existing building, creating a mixed use of retail and restaurant. He noted that a similar gas station/convenience store was located across the street, with a similar mixed use.

c. Traffic on roads and highways in the vicinity;

David Frothingham said he expected a minor increase to traffic in the area. Using 2015 data from the Vermont Agency of Transportation (VTrans), the Institute of Traffic Engineers Trip Generation Manual and discussion with the Dunkin Donut business owners, he estimated that an additional 30 trips per hour would be produced in peak periods. He said it is expected that many of these trips are made by people already passing through the area. They are not all an addition to the traffic levels currently experienced.

Carla Westine asked David Frothingham if he was working with VTrans on this. David Frothingham confirmed that he has applied to VTrans for approval of the driveway and parking shown in the site plan and has not yet received a reply.

Carla Westine said that the Board would cover as much of the requirements as it could that evening, but given the missing information from the Chester Police, Fire and Water/Wastewater departments and VTrans, the hearing would be continued to a later date so all the testimony could be heard.

Paul Nadolski asked David Frothingham to describe the traffic flow on the lot. David said that he was working with the Vermont Agency of Transportation to replace the current open curb with a narrow island at the edge of the road to define two 40-foot openings at either end of the lot to allow traffic to enter and exit safely. The width of the openings was necessary to allow large truck traffic in and out of the lot. David said patrons for the drive-through would enter on the north side of the lot and proceed along the edge of the lot to the back of the building where there was a display menu and an ordering station. Vehicles would proceed around to one of two pick up windows on the south side of the building after placing their order.

On the north side of the building is a parking area with double stacked parking spaces (spaces on both the north and south sides). Traffic in that area would be flowing in both directions. Traffic at the gas pumps will also flow in both directions. The openings onto Main Street are wide enough for one lane to let vehicles in and two lanes to let vehicles out, one for turning left and one for turning right onto Main Street.

Paul Nadolski asked if there will be signage. David Frothingham said there will be directional signs and painted arrows to direct vehicles to the drive through lane. Paul asked what would happen to a vehicle that entered by the south entrance who wanted to reach the drive-through lane on the north side of the property. David Frothingham said there was space along the gas pump area to move past the pumps to the drive through lane at the other end of the property.

Erron Carey asked if people will be parking on the north (right side) of the building. Carla Westine confirmed that there would be parking spaces there. David Frothingham said that there is currently parking in that area and more space is being acquired from the Country Girl Diner which will allow the planned double stacked parking on that side of the building.

Paul Nadolski asked whether there were enough spaces for all the uses in the building. Carla Westine said that parking requirements would be discussed as part of the hearing.

Elizabeth Newell said Dunkin' Donuts bringing more business to town was a positive thing. She said she was concerned about the traffic as she lives directly across the street (River Street) from the property. She has seen a huge increase in traffic since the opening of the facility across the street from the Sandri property (Jiffy Mart). It has been difficult to get out of her driveway at times. She asked about the estimate of 65 trips per hour. Was that realistic? She was concerned about the increase of traffic from patrons and truck deliveries and about the increase in noise.

David Frothingham noted that noise will be discussed later in the review. He said the estimate of 65 trips per hour is during the peak morning and afternoon periods. A total of 500 trips per day is forecast. He felt that the planned exit lanes will minimize the impact of the increase in traffic.

Carla Westine stated that the Vermont Agency of Transportation was being consulted as part of the permit process. She asked David Frothingham if he had submitted an application to the agency for the required curb cut. He said he had. Carla Westine said the property is on a state highway and the Vermont Agency of Transportation is responsible for analyzing the current and proposed traffic patterns and determining if the plan meets safety requirements.

Paul Nadolski asked if the 2015 traffic data David Frothingham cited was before or after the opening of the Jiffy Mart across Main Street from the Sandri property. David Frothingham said he did not know whether it was before or after the Jiffy Mart opening, but the 2015 data was the most current available.

d. Bylaws and ordinances then in effect; and,

Carla Westine noted that currently the land has permits for a gas station and retail store. She verified that the proposed use of restaurant is also a conditional use in the Residential – Commercial zoning district. She verified that the minimum lot size of 20,000 square feet was met by this lot. She said the DRB had previously approved two property line adjustments, one with the Country Girl Diner and the other with the Town of Chester. She asked if the two purchases had been completed. Michael Behn said purchase and sale agreements had been signed, and deposits received in both transactions. He expected to close the two deals in the next 2 or 3 weeks.

Carla Westine said the permits could not be issued until the land purchases were complete. The square footage and coverage requirements as well as the traffic circulation patterns depended on having that land included in the parcel.

Phil Perlah asked if the existing condition plan presented included the intended acquisition of land from the Country Girl Diner and the Town of Chester. David Frothingham said it did.

Carla Westine confirmed that the setbacks shown on the site plans presented were measured with the to-be-acquired land included. David Frothingham said everything on the site plans presented assumed the acquisition of the 2 pieces of property.

David Frothingham said that the front yard setback requirement for the district was 25 feet and the closest point of the building to the street was 35 feet. The side setback was 15 feet and the closest point of the building to the side boundary was 45 feet. The rear setback was 15 feet and the closest point of the building to the rear boundary was 45 feet.

Phil Perlah asked if the gas pumps in front of the building were outside the front setback. David Frothingham said they were within the setback. The setback line passed through the middle of the pumps. Phil Perlah asked if the pumps were not considered structures. David Frothingham said, in his reading of the definition of structure, the pumps were not structures. Mike Behn said the pumps are where they always have been. Carla Westine said the pumps had been replaced in 2017 as part of the state requirement for underground storage tanks. She said that if the pumps were being added now, they would not be allowed to be placed where they currently are, but because they are pre-existing, and the state required replacement of the storage tanks, the pumps could be replaced in the same spot.

Carla Westine asked about density. David Frothingham said the lot coverage was 9,6%. Carla Westine asked about the height of the building at the peak of the area pictured in Exhibit H. David Frothingham said the building was 21.5 feet high at that point. The chimney was not included in the height measurement.

e. Utilization of renewable energy resources.

Carla Westine asked about renewable resources. Richard Marcks said they would not use any solar panels on the building. They were using LED lights inside and outside the building and using propane for all heating needs.

2. Specific Standards

Specific standards will include consideration with respect to:

a. Minimum lot size;

Carla Westine said it had been determined that the lot was over the 20,000 square foot minimum even without the land acquisitions.

b. Distance from adjacent or nearby uses;

David Frothingham said the Country Girl Diner was the closest neighbor on the northwest side of the property. Across Main Street was a residence and the Jiffy Mart. At the far end of the lot was the State of Vermont right of way and some property belonging to the Town of Chester. Across the river on River Street were a few residences. He estimated the distance to the closest residence was 225 feet, to the next closest residence as 500 feet.

Phil Perlah asked if the 3 citizens attending the hearing lived on River Road. They said they did.

c. Minimum off-street parking and loading facilities;

David Frothingham gave the parking requirements as 4 spaces for the Dunkin' Donuts proposed 12-seat restaurant, and 8 spaces for the proposed retail square footage. Fifteen spaces are planned, including one handicapped space. It was not clear how many employees would be on-site at any one time. The employee count made for the water and wastewater allocation (9 total) was the total number of employees on-site during an entire day.

David Frothingham said the tankers bringing fuel for the gas pumps will enter the lot via the northwest opening and unload the gas parked in the area on the northwest side of the building. They will exit the site around the back of the building and use the southeast exit. Michael Behn said fuel is delivered about 5 times a month.

David Frothingham said deliveries to the liquor store are made through the overhead door on the northwest side of the building. Deliveries to the Dunkin' Donuts would be made on through an egress door on the back side of the building. The driveway behind the building is wide enough to accommodate 2 lanes of traffic so vehicles could pass around delivery trucks. In answer to a question from Gary Coger, David Frothingham said the Dunkin' Donut deliveries are timed to avoid peak hours.

d. Landscaping and fencing;

David Frothingham said a row of 6-foot tall red cedars would be planted along the back of the lot on a slightly raised berm to block the headlights of vehicles driving around the building from reaching residences on River Street. On the northwest side of the property, an island will be constructed and planted with flowering shrubs to separate the parking area from the drive-through lane. The existing planter at the old lot boundary will be moved to the new boundary closer to the Country Girl Diner.

Carla Westine asked about trees or shrubs in the proposed island at the front of the property. David Frothingham said the area was subject to so much road salt it was doubtful any plants could survive. He was discussing this with VTrans.

Carla Westine asked about the state of Vermont Project Review Sheet and if David Frothingham had had any discussions with the state of Vermont about plantings along the river? David Frothingham said he was familiar with the Project Review Sheet and he has not applied for one yet. He will apply for it when he applies for his wastewater permit, which is dependent on receiving the requested water/wastewater allocation.

David Frothingham said the proposed evergreen plantings were the purview of the Flood Plain manager and he had been discussing these plans with him. Fill will be added to the site to create the berm for the evergreen plantings.

Paul Nadolski asked how many trees would be planted and asked if the trees could extend around the corner defined by the current dumpster location so as to block more of the light from vehicle headlights from reaching the end of River Street. Erron Carey asked to have the line of trees extended toward the Country Girl Diner to block headlights from reaching River Street further to the northwest. In answer to a question from Paul Nadolski, a Sandri representative confirmed that the planned red cedar trees had branches that reached to the ground and were effective at blocking vehicle headlights.

Phil Perlah asked if the applicants would object to a condition on the permit that required more trees to block vehicle headlights. The applicants said they would not object.

e. Design and location of structures and service area;

David Frothingham pointed out the location of the preview board, menu board and ordering station on the back of the building. These will be screened from the road by the building and from River Street by the berm and red cedars.

Carla Westine asked about the pickup windows on the southeast side of the building. Are they bay windows that will extend past the wall of the existing building? Richard Marcks said there will be two pickup windows and they will be flush-mounted to the building. They extend about 6 inches past the wall of the building and have a small awning above them to keep the rain off.

Phil Perlah asked about lighting. Richard Marcks said there would be LED strip lighting in the awnings and in the canopy across the front of the building to illuminate the sidewalk.

Paul Nadolski asked about the hours of operation for the drive-up and order windows. Mike Behn said he thought they will open the windows at 5:00 AM and close at 10:00 PM. Laura Merone-Walsh introduced herself and her partner Frank Trombetta as owners of the Dunkin' Donuts franchise. She said the Dunkin' Donuts may not stay open as late as 10:00 PM.

f. Size, location and design of signs;

Michael Normyle said he had discussed the number of signs and the square footage permitted by the Chester Unified Development Bylaws in this zoning district. Richard Marcks asked if the number of signs limit was per business? Michael Normyle said it could be per business or there could be a sign plaza. Carla Westine said the sign permit is separate from the conditional use permit.

g. Performance Standards under Section 4.9 and,

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.

David Frothingham testified that there will be no change to the noise level as a result of this new use. The background traffic noise will be the same as at the site now. Laura Merone-Walsh said the canopy over the ordering station deflects noise toward the building and the speaker in the ordering board is positioned to broadcast into the open car window. Software in the speaker system amplifies the voice of the customer if needed, so customers will not need to shout from their cars to be heard by the clerk in the store.

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.

David Frothingham said there would be no new emissions from this project.

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.

David Frothingham said the exterior building lights are all LED lights tucked up under canopies. The lights over the gas pumps are going to remain in place. Five new pole lights, 15 feet tall, will be added to illuminate the lot. These lights have recessed LED heads that are downcast and shielded to throw the light in one direction.

Carla Westine said the lighting regulations have evolved in Chester and the town now values the night sky. No light should shine on a neighbor's property. She asked if the proposed lights on the front of the building under the canopy would replace the current lights on the building. Richard Marcks said the fluorescent lights which formerly illuminated the building have been removed.

Paul Nadolski asked about lighting over the order station. David Frothingham said there would be one light, an LED downcast light. Paul asked about the menu board. David Frothingham said the board was a screen that was internally lit. The menu board would not be lit when the restaurant was not in operation. Carla Westine asked if Dunkin' Donuts had an option of a menu board that was not internally lit. Chester had an ordinance prohibiting internally-lit signs. Laura Merone-Walsh said Dunkin' Donuts had just released specifications for a new menu display system that day. She had not had a chance to review the details yet. She will discuss the signs with Zoning Administrator Michael Normyle once she has studied the new equipment specifications.

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.

David Frothingham said no new safety hazards were being created. Carla Westine said she expected that a letter from the Chester Fire Chief would be forthcoming and would address safety hazards. She also asked if the applicant would be working with the Vermont Division of Fire and Safety. David Frothingham said he will be discussing the project with them before construction begins.

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.

David Frothingham said there would be no electro-magnetic disturbances as a result of the project.

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.

David Frothingham said there would be no changes to the underground tanks which were installed in December 2017. In response to a question from the audience, David Frothingham said a 1,000-gallon grease trap will be installed in the front of the building between the building and the sewer connection, as required by the Town of Chester.

David Frothingham said this re-development of the site will increase the amount of impervious surface by 2,000 square feet to 24,000 square feet. Currently the flow of storm water at the site is from northwest to southwest. The back of the site does not drain well. A new grass-lined treatment swale is being planned to drain the back. Carla Westine asked if the swale will drain into the river. David Frothingham said the storm water would drain into the river as it does now, but the grass-lined swale should filter out most of the sand and mud that is currently present in the water.

The Board then considered the Special Criteria for this district.

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:

- a. All new construction, exterior alteration, fencing, lighting, reconstruction or renovation of existing buildings shall include features typical of those which define New England Architectural Character represented by the existing historical structures in the “Center of Chester”.
- b. Native historical building materials are to be used which are found in construction representative of “New England Architectural Character” and /or those building products and materials which are indistinguishable to the eye from such materials in appearance.
- c. That all such construction shall take whatever precautions necessary to incorporate, protect and preserve existing historic sites.
- d. **To maintain the scale, support the density and preserve the “New England Architectural Character”** of Center of Chester, 4 of the following 18 features shall be incorporated in the design of any such Application for construction in the Village Center District; 6 of the following 18 features shall be incorporated in the design of any such Application for construction in the Stone Village Districts. and 4 of the following 18 features shall be incorporated in the design of any such Application for construction in the Residential Commercial District (Chester Depot/South Main Street Section only). The DRB shall evaluate the proposed features based on the degree to which they are interpreted by the Applicant/Design professional to support, reinforce and improve the optimal density, community scale and character as here called for. These additional features are to be in addition to the two items listed below in bold, which are mandatory for all applications within these three districts.

1. Multi-level construction to the stated height limit, unless Application is for a secondary or back building which may be one-level.
2. Parking at rear and/or side of building.
3. A Gable roof profile located at street façade.
4. **Gable roof pitches to be no less than 6/12.**
5. Compound gable roof.
6. Corner board trim on street side of building on wood clad exterior walls.
7. **Front or side entry with walkway directly to sidewalk.**
8. Wood- or timber frame.
9. Clapboard and/or stone exterior walls.
10. Shuttered windows.
11. Bay windows.
12. Landscaping/foilage at base of exterior walls.
13. Minimum 5 foot deep side or front porch.
14. Permanent awnings, overhangs and/or trellises.
15. All full frame windows shall display a vertical dimension greater than horizontal dimension.
16. Stone construction – walls or wall foundations.
17. Solid wood front door. May include “lights” (small windows in standard sized door panels).
18. Specific, existing geometries, trim, and other features that originated on pre-1935 architectural examples in The Center of Chester

Owner may propose alternate elements that reinforce, comply or echo the style, manner and character of the Center of Chester

Carla Westine explained that four of the features listed in Section 3 would be required for this property in the Residential-Commercial District. David Frothingham and Richard Marcks said that the project met the following Special Criteria:

2. Parking at rear and/or side of building
6. Corner board trim on street side of building on wood clad exterior walls
9. Clapboard and/or stone exterior walls. The building will be covered with Hardie board clapboard style siding
10. Shuttered windows
14. Permanent awnings, overhangs and/or trellises.

Phil Perlah noted that the copy of Exhibit H he received in the packet differed from the copy being displayed at the hearing. David Frothingham explained that Exhibit H was updated the previous Friday, after the packet was sent out. An updated version of Exhibit H will be sent to Zoning Administrator Michael Normyle.

This concluded as much as of the Conditional Use hearing as was possible given the materials available.

The Board then considered the Flood Damage Prevention Review. Carla Westine began the review by noting that the DFIRM maps show that this property is in the Floodway, which triggers a Flood Damage Prevention Review.

The Board looked at the submission requirements in Section 4.11.A.2 as follows:

2. Submission Requirements. Applications for Flood Hazard Review shall be submitted to the Zoning Administrator on the approved blank available from the Town office and shall be accompanied by:

a. Two (2) copies of a map drawn to scale showing:

1. The dimensions of the lot;

Chair Carla Westine said these had been received as part of the Conditional Use application.

2. The location of existing and proposed structures;

Chair Carla Westine said these had been received as part of the Conditional Use application.

3. The elevation of the lowest floor, including basement, either

a. in relation to mean sea level where base flood elevation data in relation to mean sea level is available, or

b. in relation to the elevation determined pursuant to Section 7B, or

c. if neither (a) or (b) apply for lack of a determined elevation, in relation to highest adjacent grade of all new or substantially improved structures and notations as to whether or not such structures contain a basement; and

4. The relationship of the above to the streambank and, based upon the best information available (including Federal Insurance Administration data, if issued), the elevation and limits of the SFHA.

Carla Westine asked if there was a basement in the structure and David Frothingham said there was no basement, the building was constructed on a slab.

She then asked for the base flood elevation. David Frothingham said the base flood elevation through this section of the river was 584 feet at the northwest end of the building and 583.1 feet at the southeast end. Everything from a couple of feet past the rear wall of the current building to the back of the lot is in the flood plain. The new freezer addition, menu board, order station and concrete pad will be in the flood plain. He said the existing floor elevation is 0.6 feet above the flood plain. Because the Base Flood Elevation drops so steeply, the proposed freezer floor will be 1.1 feet above Base Flood Elevation. He said all the electrical conduits will be moved so they will terminate a foot above the flood plain. He said the egress point in the southeast corner of the building needs to be ADA compliant and the level of the ground outside that door needs to be raised. The fill to do that will come from the swale being constructed to direct storm water runoff.

b. If any portion of the proposed development is within a designated Floodway, the application must show that the development standards in Section 8 A. and B. are met.

c. If the proposed development is in the Floodway Fringe Area(s), the application must show that the development standards in Section 8 A and C. are met.

- d. All permits required for the proposed development by municipal law.
- e. The applicant shall contact a permit specialist at ANR and request the specialist to complete a permit review for the project. The permit review sheet, which informs the applicant of all governmental agencies from which permit approval for the proposed development is required by federal or state law, shall be filed as a required attachment to the Town permit application.

When asked by Carla Westine, David Frothingham said he had spoken with Flood Plain Management at the State of Vermont. He said Flood Plain Management brought up 3 issues. The first issue was whether the freezer did or did not meet the 1-foot requirement. David said that, based on the information Flood Plain Management had, it felt the freezer did not meet the 1-foot requirement. The plans have been revised and now the freezer does meet that requirement. David Frothingham said the second area of concern for Flood Plain Management was the electrical system, which will be re-configured. The third concern was that this project represented a substantial improvement to a building in a Flood Plain. David said his answer to that concern was that the building itself was not in the Flood Plain, and therefore the addition of the freezer did not represent a substantial improvement to a building in the Flood Plain. Also, the freezer did not represent 50% of the value of the building, so it is not a substantial improvement to the building.

Carla Westine asked about the dumpsters. David Frothingham said they were going to be relocated from the southwest corner of the lot, which was in the flood plain, to an area in the northwest corner which was not in the flood plain. The dumpsters will be on a pad in an enclosure, which should prevent them from floating away.

The Board then examined the Development Standards in Section 6.2.

A. All Development. All development within the SFHA shall be reasonably safe from flooding and:

1. designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,

Carla Westine recapped the discussion about the dumpsters and asked if anything else would be loose or stored behind the building. David Frothingham said the air conditioning units would be relocated to the roof and that nothing would be stored in the area.

2. constructed with materials resistant to flood damage,

Carla Westine asked about the construction of the freezer area. David Frothingham said the freezer would be constructed on concrete piers and a concrete foundation. It will have a brick veneer.

3. constructed by methods and practices that minimize flood damage, and
4. constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Carla Westine noted that David Frothingham had said the electrical components will all be relocated to be above the Base Flood Elevation.

5. New mobile home parks, junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials are prohibited within the SFHA. There are no existing mobile home parks in the SFHA.

Carla Westine summarized the hearing thus far and concluded she had no more questions for the applicant at this time. Michael Normyle said the applicant had been very good about providing information to him about the project. Michael said he had also spoken to John Broker-Campbell, Flood Plain Manager at the Springfield state office. Michael said John Broker-Campbell disagrees with some points on the application. The next step was discussed and it was proposed to recess the hearing until April 23, 2018. It was hoped that in the interim, the real estate transactions will be closed, the issues with Flood Plain Management will be resolved and VTrans would take action on the application for the curb cut. Phil Perlah moved to recess the hearing until April 23, 2018. Gary Coger seconded the motion. A vote was taken and the hearing was recessed until April 23, 2018.

Agenda Item 5, A Deliberative Session to Review previous matters

At this point the Board went into deliberative session. The meeting was adjourned at the end of it.