

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

*May 11, 2015*

**BOARD MEMBERS PRESENT:** Carla Westine, Amy O’Neil; Don Robinson; Harry Goodell; Philip Perlah; Ken Barrett

**STAFF PRESENT:** Julie Hance, Recording Secretary; Michael Normyle, Zoning Administrator

**OTHERS PRESENT:** Shawn Cunningham, Cynthia Prairie, Don Heath, Michelle Page, Robert Record, John Broker Campbell, Matt Wamsganz, Bryan Cairns, Tom Charlton, Heather Chase, William Lindsay, Claudio Veliz, Tom Bock, Darlene Doane, Matthew Chittenden.

**CALL TO ORDER**

The meeting was called to order at 6:00 p.m. by Chair Carla Westine followed by reciting  
**1.** the Pledge of Allegiance and an introduction of board members present.

**1. REVIEW MINUTES FROM PREVIOUS MEETING**

- a. Reorganizational B, corrects spelling of O’Neil
- b. Section k, clarify that Michael Keegan is the owner of 498 Dodge Road
- c. Section l, the Johnsons’ are looking to retire not the Burns
- d. Section q, clarify that “bump out” is where fire place will be
- e. Section u, insert “property at 498 Dodge Road, LLC”
- f. Page 4, Section v, state that the fifth permit is pending
- g. Page 5, Section bb, no kitchen facility in each cottage
- h. A motion was made by Don Robinson to approve the minutes as corrected. Seconded by Ken Barrett. The motion passed.

**2. CONTINUATION OF DALIO PRELIMINARY PLAT/RE SUBDIVISION**

- a. Amy O’Neil recused herself again from this hearing due to a conflict of interest.
- b. Harry Goodell recused himself again from this hearing due to a conflict of interest.
- c. Carla Westine provided a brief history of the project and how it was left at the last hearing.
- d. Todd HIndinger stated that he met with the Town Manager and the Chester Road Foreman before meeting with the Selectboard. He stated that he met with the Chester Selectboard on May 6, 2015.
- e. Todd Hindinger stated that the Chester Selectboard offered their opinion that the Chester Road and Bridge Specifications do not apply to the proposed Dalio project. The Selectboard indicated that this was not the original intent of the specifications and that they do not feel that the specifications need to be modified. Todd Hindinger stated that comments were made by the Selectboard indicating that they would like the applicant to work out an agreement with the Chester Fire Chief.

- f. Todd Hindinger stated that he has met with the Chester Fire Chief who has issued a letter.
- g. A motion was made by Don Robinson to accept the Chester Selectboard minutes dated May 6, 2015 into evidence as **Exhibit O**. Seconded by Ken Barrett. The motion passed.
- h. Todd Hindinger read the letter that the Chester Fire Chief provided as a result of their meeting. A subsequent letter was received and was modified by stating that “this leaves the existing road as is”. He indicated that there will be a dry line that runs underground so that the fire hose can attach to a water tank that will be placed in the case of a fire.
- i. A motion was made by Don Robinson to accept the letter of the Chester Fire Chief dated May 11, 2015 into evidence as **Exhibit P**. Seconded by Phil Perlah. The motion passed.
- j. A motion was made by Ken Barrett to accept the Wastewater and Potable Water Supply Permit #WW2-4675-1 into evidence as **Exhibit Q**. Seconded by Don Robinson. The motion passed.
- k. There were no further questions from the Development Review Board of the audience.
- l. A motion was made by Don Robinson to close the hearing. Seconded by Ken Barrett. The motion passed.

### 3. **CHAMPLAIN OIL/JIFFY MART FLOOD HAZARD REVIEW AND CONDITIONAL USE REVIEW**

The Development Review Board attended a site visit at 89 Vt. Route 11 East at 5:00 p.m. The following board members were present; Philip Perlah, Donald Robinson, Amy O’Neil, Carla Westine, Harry Goodell and Ken Barrett. The following individuals were present at the site visit; Matt Wamsganz, Robert Record, Bryan Cairns, John Broker Campbell, Tom Bock, Richard Farnsworth, Mariette Bock, Bill Dakin and Claudio Veliz.

- a. Amy O’Neil and Harry Goodell returned to the table to join the hearing.
- b. Carla Westine proceeded to swear in the following individuals for the purposes of providing evidence and testimony: Tom Bock; William Lindsay, Claudio Veliz, Heather Chase, John Broker Campbell, Darlene Doane, Brian Cairns, Matt Wamsganz, Richard Farnsworth, Bill Dakin, Roy Spaulding Joe Brent
- c. Carla Westine confirmed with the Development Review Board that there are no conflicts of interest and no ex parte communication among the board members.
- d. A motion was made by Amy O’Neil to accept the Town of Chester Notice of Public Hearing dated April 15, 2015 into evidence as **Exhibit A**. Seconded by Phil Perlah. The motion passed.
- e. A motion was made by Amy O’Neil to accept the COCO, Inc. letter to the Zoning Administrator dated April 13, 2015 into evidence as **Exhibit B**. Seconded by Phil Perlah. The motion passed.
- f. A motion was made by Phil Perlah to accept the Town of Chester Application for a Development Review Board hearing for a Flood Hazard Review dated April 13, 2015 into evidence as **Exhibit C**. Seconded by Amy O’Neil. The motion passed.
- g. A motion was made by Phil Perlah to accept the Application for a Conditional Use Permit dated April 13, 2015 into evidence as **Exhibit D**. Seconded by Don Robinson. The motion passed.
- h. A motion was made by Phil Perlah to accept the Town of Chester Application for a Site Plan Review dated April 14, 2015 into evidence as **Exhibit E**. Seconded by Harry Goodell. The motion passed.

- i. A motion was made by Amy O’Neil to accept a three-page Project Review Sheet from the Agency of Natural Resources dated March 25, 2015 into evidence as **Exhibit F**. Seconded by Phil Perlah. The motion passed.
- j. A motion was made by Phil Perlah to accept the Flood Insurance Rate Map (FIRM) into evidence as **Exhibit G**. Seconded by Amy O’Neil. The motion passed.
- k. A motion was made by Amy O’Neil to accept a two-sided letter from Trudell Consulting Engineering to Brian McAvoy of the Agency of Transportation dated April 9, 2015 into evidence as **Exhibit H**. Seconded by Phil Perlah. The motion passed.
- l. A motion was made by Amy O’Neil to accept the twenty-eight page Traffic Impact Study of Champlain Oil Company dated April 8, 2015 into evidence as **Exhibit I**. Seconded by Don Robinson. The motion passed.
- m. A motion was made by Amy O’Neil to accept the Preliminary Site Plan entitled Champlain Oil Company dated February 26, 2015 into evidence as **Exhibit J**. Seconded by Phil Perlah. The motion passed.
- n. A motion was made by Amy O’Neil to accept the Location Map prepared by Trudell Consulting Engineering dated March 5, 2015 into evidence as **Exhibit K**. Seconded by Phil Perlah. The motion passed.
- o. A motion was made by Amy O’Neil to accept the Natural Resource Atlas Map indicating the special flood hazard area dated March 23, 2015 into evidence as **Exhibit L**. Seconded by Phil Perlah. The motion passed.
- p. A motion was made by Amy O’Neil to accept the two-sided sheet showing four photographs depicting the site as it currently exists into evidence as **Exhibit M**. Seconded by Phil Perlah. The motion passed.
- q. A motion was made by Amy O’Neil to accept the four-page packet from the Chester Water/Sewer Department dated April 27, 2015 into evidence as **Exhibit N**. Seconded by Phil Perlah. The motion passed.
- r. A motion was made by Amy O’Neil to accept the two-sided letter from the Chester Police Chief dated April 27, 2015 into evidence as **Exhibit O**. Seconded by Phil Perlah. The motion passed.
- s. A motion was made by Amy O’Neil to accept the two-sided letter from the Chester Fire Department dated April 15, 2015 into evidence as **Exhibit P**. Seconded by Phil Perlah. The motion passed.
- t. A motion was made by Amy O’Neil to accept the two-sided document showing the list of abutting property owners on one side and the Town of Chester tax map on the other side into evidence as **Exhibit Q**. Seconded by Phil Perlah. The motion passed.
- u. A motion was made by Amy O’Neil to accept the drawing of a proposed sign titled, “Option E Free Standing Sign at VT Route 11/103” into evidence as **Exhibit R**. Seconded by Phil Perlah. The motion passed.
- v. A motion was made by Amy O’Neil to accept a series of maps into evidence as **Exhibit S**. Seconded by Phil Perlah. The motion passed. The maps are identified as follows: the top small map is entitled Property Survey dated August 16, 2011, prepared by Gary Rapanotti; Page 2 entitled, “Existing Conditions C1-01” dated February 26, 2015; Page 3 entitled, “Site Plan C2-01”; Page 4 entitled “Details C8-01” dated March 13, 2015; Page 5 entitled “Details C8-02” dated March 3, 2015; Page 6 entitled “Details C8-03”; Page 7 entitled “Details C8-04”; Page 8 entitled “Details C8-05”; Page 9 entitled “Low Risk C8-06” dated April 20, 2015; Page 10 entitled “Low Risk C8-07”; Page 11 entitled “Site Plan, FEMA” dated February 26, 2015; Page 12 entitled “Landscaping Plan L1-01” dated February 26, 2015; Page 13 entitled “Red Leonard Associates, Lighting Plan Main RL-2828-S1”; Page 14 entitled “Elevations A301” dated April 13, 2015; Page 14 entitled “Elevations A-302” dated April 13, 2015.

- w. Matt Wamsganz stated that he represents Champlain Oil Company. He stated that the current location for the Chester Jiffy Mart has several issues, one of which is circulation of traffic. Champlain Oil has been looking at new locations for this store.
- x. Matt Wamsganz reviewed Exhibit G along with the Flood Hazard Regulations. He stated that the regulations refer to the NFIP mapping in order to make its Flood Plain determinations.
- y. Matt Wamsganz reviewed the flood elevations with the Development Review Board. He noted the locations of both Zone A and Zone X. He demonstrated on the maps that none of the improvements for this project are located within the special flood hazard area. However, the applicant still must go through the flood review process because there is a portion of the property that is located within the special flood hazard area.
- z. Matt Wamsganz stated that the worst case base flood elevation on the subject property is 586.27 feet. The proposed building is set at 588.25 feet.
- aa. Matt Wamsganz stated that there is no basement planned for this building.
- bb. Phil Perlah noted that the elevation of the property on the opposite side of Lovers Lane Brook appears to be higher than the side where the project is located. Phil expressed concerns regarding how the water will flow during a flood. Matt Wamsganz confirmed that he understands what is being expressed, however, he has to look at the FIRM maps which is the method adopted by the flood hazard regulations. Carla Westine further explained the documents that must be relied upon during the review. The Development Review Board further discussed the FIRM maps and the historic background of the Lovers Lane Brook.
- cc. Phil Perlah questioned the Base Flood Elevation of the underground tanks. Matt Wamsganz stated that the tanks are located under ground and are located outside of the special flood hazard area. He further stated that the tanks are sealed. The hydrology design creates a situation where these tanks are not able to surface during a flood.
- dd. Joe Brent questioned if FEMA has updated the maps since Tropical Storm Irene. Discussion ensued regarding whether or not the maps are outdated. It was identified that the FIRM maps referenced and used to create this application are the most current FIRM maps adopted by FEMA.
- ee. Tom Bock mentioned that there are a couple of locations where debris could back up during a flood. Matt Wamsganz stated that they cannot guess or prepare for where there may be a backup during a future flood.
- ff. Claudio Veliz approached the screen and questioned if the dashed lines on the map are identifying contours. Matt Wamsganz stated that they are finished grade contours. Claudio Veliz stated that the Dollar General bermed up along the Lovers Lane Brook and there were questions relating to the velocity of the water before and after the berm. He further asked if a study has been done regarding the water velocity as it passes through this property. Matt Wamsganz responded that the grading is not within the special flood hazard area. However, any form of berming would change the velocity of the water. Matt Wamsganz stated that they are in the process of preparing such a report and will have it ready for the June 1, 2015 meeting.

## Section 6.2 Development Standards

### A. All Development

- gg.(A1) Matt Wamsganz stated that no portion of the construction is located in the special flood hazard area.
- hh.(A2) Matt Wamsganz stated that all improvements will be designed to handle any flooding, especially the under ground tanks.

- ii. (A3) Matt Wamsganz stated that all improvements will be designed to handle any flooding, especially the under ground tanks.
- jj. (A4) Matt Wamsganz stated that no portion of the construction is located in the special flood hazard area. He further stated that there is no basement being constructed. Matt Wamsganz also stated that the applicant is making an effort to keep their components as safe as possible.
- kk. (A5) Matt Wamsganz stated that no portion of the construction is located in the special flood hazard area.
- ll. Phil Perlah questioned the location of the grease trap. Matt Wamsganz stated that there is a grease trap buried under ground. The top of the trap is located well over one foot above the Base Flood Elevation. Matt Wamsganz further stated that the grease trap has no chance of buoyancy like that of an empty gas tank.
- mm. Harry Goodell questioned the anchoring of the propane tank. Matt Wamsganz stated that the propane tank is proposed to be above ground and located on the northeast corner. He further stated that the propane tank is not located in the special flood hazard area and is also above the base flood elevation. Matt Wamsganz stated that the propane tank could be buried and anchored or anchored above ground as an option.
- nn. John Broker Campbell, Regional Flood Plain Manager stated that the application will be reviewed and a letter will be issued providing comments on best practices. He stated that he would recommend that the propane tank be anchored. John Broker Campbell further stated that Zone X is not regulated by the Chester Unified Development Bylaws.

#### B. Floodway Areas

- oo. Matt Wamsganz stated that no portion of the construction is located in the special flood hazard area.

#### C. Floodway Fringe Areas

- pp. (C1) Matt Wamsganz stated that this property is a non residential development, therefore section 1 does not apply.
- qq. (C2a) Matt Wamsganz stated that the improvements for this project are located in Zone X which this section does not apply to. However, he stated that the application is still not intending on constructing a basement. The slab will be 2.23 feet above the base flood elevation.
- rr. (C2b) Matt Wamsganz stated that all existing buildings will be removed.
- ss. (C2c) Matt Wamsganz stated that the building will not be flood proofed since all improvements are located above the base flood elevation.
- tt. (C2d) Matt Wamsganz stated that the building is not located in zone AH or AO therefore this does not apply.
- uu. (C3) Matt Wamsganz stated that there is floodway data available, therefore this section does not apply.
- vv. (C4) Matt Wamsganz stated that there is no subdivision proposed.
- ww. (C5) Matt Wamsganz stated that there are no enclosed areas located below the base flood elevation.
- xx. (C6) Matt Wamsganz stated that there are no recreational or service vehicles proposed.
- yy. (C7) Phil Perlah asked if the canopy is considered an accessory structure. Don Robinson read the definition of Accessory building. Amy O'Neil stated that there are no accessory structures that need to be addressed by this criteria because all structures are above the base flood elevation.

- zz. (C8) Matt Wamsganz stated that there is an existing municipal water main that runs in front of the property. However, there will be a new line installed due to a change in water usage.
- aaa. (C9) Matt Wamsganz stated that there is an existing municipal septic line that runs in front of the property.
- bbb. (C10) Matt Wamsganz stated that there are no on-site waste disposal systems being proposed.
- ccc. (C11) Matt Wamsganz stated that the applicant is not relocating the existing water course.
- ddd. (C12) Matt Wamsganz stated that the mechanical/electrical units will be located in the back of the building. The HVAC equipment will be located on the flat portion of the roof on the back side.
- eee. (C13) Matt Wamsganz stated that the fuel tanks are not located within the special flood hazard area and are located as far as possible from the special flood hazard area. The propane tank is located out back and is currently .5 feet above the base flood elevation and is not located in the special flood hazard area.
- fff. Phil Perlah stated that the western corner of the property would be the farthest away from the special flood hazard area. Matt Wamsganz stated that moving the tank location to the western corner would block the flow of traffic when the tanks are being fueled.
- ggg. (C14) Matt Wamsganz stated that the FIRM maps have been provided.

Section 2.14. Flood Damage Prevention District.

- ccc. Matt Wamsganz stated that the NFIP coordinator has been contacted. Carla Westine s stated that the other half of the review is for a Conditional Use which is the next hearing.
- ddd. There were no other concerns from any Development Review Board members or the audience regarding flood hazard review.
- eee. A motion was made by Harry Goodell to recess this hearing until June 1, 2015. Seconded by Amy O'Neil. The motion passed.

**4. COMMENTS FROM CITIZENS**

- a. There were no citizens' comments.

**5. DELIBERATIVE SESSION TO REVIEW PREVIOUS MATTERS**