

**Chelsea, Vermont Development Review Board**  
**Draft Meeting Minutes January 3, 2018**

**Members Present:** Anne Carroll (Chair), Debra Melvin, Wendy Forbes, Johanna Welch

**Member Absent:** Jonathan Vermette, Larry Allen recused himself at the start of the Hearing on December 6, 2017

**Others Present:** Robert Button, Jr., Bret Ryan, Nathan Stearns, Joan Goodrich, Susan Elder, Timothy McCormick (AO and Clerk)

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Anne Carroll opened the meeting at 6:35 pm.

**The Public Hearing on an applications by Robert Button, Jr. (#ZP17-11) and (#ZP17-12)**

This Hearing is a continuation of the Hearings for two applications initially opened on December 6, 2017. ZP17-11 and 17-12 are two separate applications for different proposed purposes on 7 Creamery Road. The preceding testimony references both applications. The questions and answers alternated, addressing the different aspects of each application throughout the Hearing.

A site visit was conducted at 1:00pm, on December 16, 2017 at the 7 Creamery Road property. The Development Review Board (DRB) members present were: Debra Melvin and Johanna Welch. Others present were Robert Button Jr., Bret Ryan with two of his children, and Tim McCormick, Zoning Administrator. The purpose of the site visit was to view the property to better understand the current site conditions relative to the proposed application proposals. The site visit lasted approximately 20 minutes.

Bret Ryan was not present at the initial start of the Hearing on December 6, 2017. He is an “interested party” as he is the co-applicant with Bob Button, Jr. for application #ZP17-12. Everyone present at the current hearing was reminded that they were initially sworn in on December 6, 2017 and Bret Ryan was sworn in at the beginning of this Hearing.

Anne began the Hearing by asking if there was a site visit report. Tim stated that there was no report and that the minutes will reflect the date, time, purpose and the people present at the visit.

(ZP17-11) Anne asked the applicant if there was any new information to be provided. Nate Stearns, attorney for Robert Button, stated that that he had information regarding lighting and the proposed hours of operation. Mr. Stearns stated that there are no plans for lighting and that the proposed hours of operation for this project are: Monday – Friday 9am to 5 pm, and on Saturdays, 8 am to 12 pm.

**(ZP17-12)** Bret Ryan was asked to describe the business that was being proposed in the referenced application. He said that it is going to be a small motorcycle business. He stated that he is semi-retired, and has no plans for making this a large operation. It would be more of a “hobby” for him with the proposed hours being: Fridays, 8am to 6pm; Saturdays, 8am to 5pm; and Sundays, 10am to 4pm.

Nate Stearns asked Bret to explain the proposed sales volume to the DRB. Bret said that sales would definitely be part of the proposal, which would likely involve approximately 4 customers per day. He would deal with one person at a time as they came to the shop. Bret also mentioned that he does not want to work at night, and would also like to do inspections for the motorcycles.

Anne asked Bret about the traffic that would be created and Bret answered that the traffic would be minimal and that he would only be dealing with small motorcycles. Anne mentioned that one of the concerns brought up at the initial part of the Hearing was noise. Bret recalled that a neighbor voiced some concerns earlier while his son was operating a motorcycle. He said that his son talked to the neighbor, and then left the property. Bret said that he does not want to have any conflicts with the neighbors and that he respects their concerns.

Johanna asked if Bret intends to buy motorcycles and “flip” them for sale. He said that he is proposing to repair and sell motorcycles inside of the existing building. Nate asked him to clarify the number of motorcycles that will be parked outside of the building on the “paved” area. He said that there could be approximately 6 motorcycles temporarily placed in that area at any one time.

Joan asked about signage that he might be proposing. Bret said that the sign would be approximately the same size as the table in front of him (the referenced table is approximately 3’ x 6’). He added that the sign would be attached to the building and visible from Route 110. Nate said that Bret will submit a separate zoning application for the sign. Joan also asked about motorcycles parked in the Town R.O.W. Bret said that there is currently a motorcycle in the Town R.O. W and that it will be moved. Joan asked if motorcycles could be placed on the other side of the Creamery Road. Bret responded that nothing will be located in the R.O.W in the winter. Motorcycles will be stored indoors in the winter and after hours.

**(ZP17-11)** Bob mentioned again that the car repairs would take place inside the building after hours. Nate mentioned that they are still working on the floodplain issue. Recently, they received a letter from FEMA stating that the “pole barn” was outside of the floodplain (Tim submitted copy of the letter as evidence) and that they are still waiting to hear from FEMA regarding the rest of the floodplain on the property. Joan asked that any map documentation of the floodplain be certified. Tim asked Nate to confirm that the map that was submitted to FEMA was the same map that was submitted as evidence and reviewed at the Hearing on December 6, 2017. Nate said that was the case.

When asked about the disposal of hazardous waste, Mr. Stearns stated that Bob would be considered a “small quantity hazardous waste” generator. This was followed by some discussion about the requirements for small quantity generators, and where the waste can be taken. Joan said that the waste must be taken to a facility. Nate said that some generators have their own furnace where they can burn tested hazardous waste.

Johanna asked for some clarification on the number of cars and where they would be stored. Bob stated that there would be 7 to 8 cars stored in the front part (facing the driveway to the school entrance). Joan wanted to know if cars could be parked on the south side Creamery Road. She was concerned about the potential congestion that might be caused along the road. Bob responded that there is only one person living up the road from his property, to which Susan responded that congestion on Creamery Road still must be avoided. Wendy asked if cars could be stored near the “pole barn”. Bob said that is where he wanted to reserve room for his culvert pipes, and said that cars will be taken inside to be repaired.

Johanna wanted revisit the reconstruction of the building within the historic footprint. Deb asked about the type of materials that would be used for the building. Bob stated that the walls would either be constructed of cement block or wood. The roof will be constructed with materials similar to the rest of the existing building.

Regarding the use of the reconstructed portion of the building, the applicant stated that the motorcycle repair shop will be located within the existing the building and the car repair will take place in the newly reconstructed portion of the building. Joan brought up State requirements for the minimum square footage required for buildings used for selling cars, and the requirements for office space. The existing building is more than large enough, and Nate clarified that the office space will be within the building. Tim asked about the Vermont Agency of Natural Resources (VANR) project review sheet regarding Act 250 jurisdiction. Based on the applicant’s description of the use for historic footprint reconstruction, it was determined that an Act 250 permit would not be required. Tim wondered if the applicant’s project description was detailed enough for the Act 250 Coordinator to make that determination. Tim provided Nate Stearns with a copy of the Project Review Sheet and Nate stated that he did not think that this project would trigger Act 250 review. Joan and Susan requested assurance from the DRB that the building reconstruction portion will be in accordance with the conditions of the original permit **(#ZP10-31)**.

Susan asked again about screening of the vehicles. Tim asked Bob about “inoperable vehicles”, said that last meeting, Bob stated that it takes about 6 months to make an inoperable vehicle operable. He was asked if he would be screening the inoperable vehicles until they were fixed. After conferring with Nate, Bob that he had misspoke, and that it would take 90 days or less to make an inoperable vehicle operable. Tim noted that last meeting, Bob said that he was trying to downsize the number of cars on the property and that he said he was doing well for a while. Tim asked him if he brought any additional cars onto the property since May. Bob said that he did not

purchase any new cars. Susan asked Bob whether or not he is planning to bring cars from his other properties onto the lot. She was wondering about the total car capacity vs. workers for the business. Nate mentioned that the question was getting away from the purpose of this Zoning Hearing.

Joan mentioned that the Town wanted to be sure that the applicant secured relevant State permits. Tim mentioned that there are a few environmental permits that have to be addressed for this project. (e.g. hazardous waste, wetlands, salvage yard rules, etc.) He noted that Mr. Stearns stated during the first meeting of this Hearing that he would be helping the applicant secure the necessary permits. Tim noted that other state permits are relevant to this DRB Hearing as directed in the purpose of Section 1.2 of the Chelsea Bylaw (the appropriate environmental use property). Furthermore, Section 5.6 of the Zoning Bylaw states that the Board may attach additional reasonable conditions and safeguards (i.e. the expectation that the required state environmental permits will be sought) as it may deem necessary to implement the purposes of the Bylaws.

The Hearing was adjourned at 8:35 pm and Board went into deliberation

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Submitted by,  
Timothy McCormick, Administrative Officer and DRB Clerk