

Chelsea, Vermont Development Review Board
Draft Meeting Minutes December 6, 2017

Members Present: Anne Carroll (Chair), Debra Melvin, Wendy Forbes, Johanna Welch, Jonathan Vermette, Laurence Allen.

Others Present: Robert Button, Jr., Nathan Stearns, Maggie Kerrin, Joan Goodrich, Susan Elder, Michael Kuban, Arthur Edersheim, Doug Hayward, Brenda Vermette, Emily Marshia, Timothy McCormick (AO and Clerk)

Anne Carroll opened the meeting at 6:37 pm.

The Public Hearing on an application by Robert Button, Jr. (#ZP17-11)

The Hearing was opened with a reading of the Notice as posted and published. Larry Allen recused himself to avoid a possible perceived conflict of interest due to his extended family relationship with the applicant. Anne described the Hearing rules and procedures, and no conflicts of interest or ex officio conversations were disclosed. Anne read the definition of “interested parties” and asked if anyone wished to be granted “interested party” status. A form was circulated and interested party status was granted to: Joan Goodrich, Susan Elder, Michael Kuban, Emily Marshia, and Brenda Vermette. Everyone present was sworn in.

Project Description:

Anne asked the applicant to explain the application. Nate Stearns, attorney for Robert Button, began by stating that Application ZP17- 11 has two requests: One involves the re-application for the expired approval of Permit ZP31-10. The applicant seeks to reconstruct a portion of the existing Creamery Road building which has fallen into disrepair. Nate stated that at the request of the Zoning Administrator, they are refileing an application to rebuild the subject portion of the building within the historic footprint.

The second request is for the storage of motor vehicles outside of the existing Creamery Street Building. Nate mentioned that there will be no “junk” vehicles and inoperable vehicles will be repaired for sale, so there should be no trigger for the “fencing” requirement of the Bylaws. Nate pointed out the proposed storage area for vehicles to the Development Review Board (DRB) using copies of photographs that were submitted with the application. He mentioned that ZP17-12 was to be for another use (Motor cycle repair and vehicle repair within the building) to be discussed later.

Mr. Stearns briefly described the history of the property use, saying that the property has been used as a commercial property since the 1800s. The owner, Francis Ryan, used the property for the storage, repair and sale of used trucks and equipment. Mr. Ryan operated the business until

2005, when the business was taken over by his son, Bret. In 2008, Bret Ryan sold to property to the applicant, Robert Button.

Mr. Button currently uses the building to store supplies that he sells in his feed store business (located at 306 Vermont Route 110). Supplies include pine shavings, stored in the building, and plastic pipe and culverts stored outside the building. By agreement with the Town of Chelsea, Mr. Button will not allow any floatable materials to be stored within the FEMA mapped Flood Hazard Areas.

In addition to continuing to use the Property for storage of materials sold in connection with his feed store business, Mr. Button proposes to use the Property for the following additional uses:

1. Store used vehicles for repair and sale. This is not a repair shop open to the public. He is proposing to use areas to the south and the west of the building for the storage of vehicles. The repair work on the vehicles will take place inside the building. He also is proposing store vehicles on the North side of the building that was formerly occupied by a Mobile Home.
2. A Motorcycle Shop to be used for the storage, repair, inspection and sale of motorcycles (ZP17-12).

Mr. Stearns stated that the applicant does not anticipate any traffic problems created from this project, and that the requested Conditional Uses are uses allowed by the Chelsea Bylaws.

Development Review Board Questions:

Anne asked how many cars are proposed to be stored around the building. Bob said that there would be about 40 cars. Jonathan asked how many of the cars are operable. Bob responded that most of them were operable. Jonathan asked if the inoperable vehicles were “junk” cars, and Bob answered that it takes about 6 months repair an “inoperable” vehicle so that it can be sold. Wendy asked how much time will you allow an inoperable car to remain on the lot before it can be repaired for sale. Bob said about 6 months. She asked Bob if he was licensed to do inspections, and he said that he was not.

Mr. Button stated that the cars waiting to be repaired will be stored at the south portion lot in front of the “pole barn”. Jonathan asked if cars will be used for just parts, Bob said that he does not currently use cars for parts but that he will in the future. Jonathan asked about the floodplain and Bob said that none of the cars will be in the floodplain. Wendy mentioned if the cars are junk cars, they must be screened from view.

Mr. Stearns stated that they intend to work with a licensed car dealer to sell cars in the future, but for now, they are only seeking a permit for a storage area as a prerequisite. Anne asked Bob what he would do if he cannot get a license to sell cars. Bob said that he would limit the number

of cars sold. Wendy asked if such a license was difficult to obtain. Nate said that it was not and mentioned some of the criteria for obtaining a license such as requirement for a building of 1200 square feet and other requirements.

Anne asked if there were any plans for lighting or signage. Bob said that he would like more lighting along the building. Anne asked Tim if lighting for the building would require a zoning permit. Tim said that a permit would be required. Deb asked how many cars would be stored in the back portion of the property. Bob stated that there would be about thirty cars, and that he was trying to move cars out of that area for because he needs the space for his pipe business. Bob was also asked what he was planning to with the southern "field" portion of the property. He responded that it was too wet to do anything there, and that he would like to keep it the way it is. Jonathan asked if Bob had plans for anymore covered buildings, and Bob said that he did not.

Select Board Questions:

Anne asked if there were any questions or comments from the members of the Select Board. Joan stated that any parking along Creamery Road would be in the Town R.O.W. Joan also stated that the sale and repair of motor vehicles has been ongoing, and that Bob said he is selling cars under Al LaFlamme's Dealer license. Ms. Goodrich entered into a record a certified statement that Mr. LaFlamme's Dealer address is: Allen Affordable Auto, 10368 Route 113 Vershire, Vt. 05079. Joan also mentioned that there are salvage vehicles on the property and that the business must be conducted in accordance with the Salvage Yard Rules.

Susan Elder, referring to an aerial photograph that was submitted with the application, said that the map was not accurate. She said that the map does not show the actual cars currently occupying the lot. Susan also questioned whether the map accurately reflects the number of cars in the floodplain. She entered into the record, photos of cars near the pole barn that appear to be in the FEMA mapped flood plain. Ms. Elder also asked if there was a proposed plan to deal with hazardous waste and mentioned that hazardous waste generators need a Hazardous Waste Number from the Federal Government. She also asked about the hours of operation planned for the business.

Michael Kuban asked if there were plans to deal with stormwater run-off from the stored vehicle area and if there any plans for detention or retention ponds.

Applicant's Response to Questions:

In response to the questions and comments posed, Nate Stearns stated that the applications submitted are only part of the process of bringing the property into full compliance. He said that we are only here tonight to address Zoning Regulations. He did not want to parcel out the

stormwater issue, but wanted to mention that there are no plans for paving, and that this project does not require a stormwater permit. He said he would respond to the R.O.W issue later.

Nate said that the selling of cars as a licensed dealer can be made a condition of a permit. A zoning permit could also put a limit on the number of salvage cars allowed. He also mentioned the re-permitting of ZP31-10 could also contain the specific requirements, as was the case in the original permit. Addressing the accuracy of the map that was submitted, Mr. Stearns stated that the map was from the Vermont Agency of Natural Resources (VANR) web-site and was accurate for date it was prepared. He has no control over updating map data. As for waste permitting, Mr. Stearns stated that Button would be considered a small waste generator and does not need a Federal permit number for his proposed business. Regarding the hours of operation, Nate asked to be able to confer with Mr. Button. After discussing the matter with Mr. Button, it was proposed that the hours would be from 8:00 am to 5:00 Monday through Friday, and 8:00am to 4:00 pm on Saturday.

Further Questions from the Select Board/DRB

Joan asked what will be done with the anti-freeze, and how will that be handled. Nate responded the applicant will comply with State law. Anne asked what is currently being done with the hazardous waste. Bob said that it is put in 50 gallon drums and taken to another business that disposes the material. Susan asked if that other business is licensed. Bob said that he did not know.

Further Discussion and Interested Party Discussion:

Nate mentioned that proposed parking would be near the existing "pole barn" and out of the floodplain. There was discussion about the floodplain and Nate mentioned that they are in the process of having the floodplain delineated by a surveyor and getting approval from FEMA. He said that the process was slow and they are still waiting for formal approval. Tim submitted as evidence, a scaled map prepared by Tom Otterman that compares the FEMA floodplain to a surveyed floodplain with elevations. Anne asked for Tim's opinion of the map. Tim stated that FEMA maps are a good approximate designation of the flood hazard areas, which is why a surveyor is sometimes needed to provide a more detailed mapping of the area. He also stated that the surveyed line looks like a good representation of actual floodplain levels based on contours, tops and bottoms of banks, etc.

Emily said that she was representing the Chelsea School as a neighbor and was interested in information about the hours of operation and the traffic. She also had some concern about the fact that some of the proposed car storage area was going to be where a mobile home was formerly stored. This particular portion of the lot is very close to the school property boundary

line and Emily was concerned about children playing near the car storage area. Bob asked Emily if the fence was the property line. No one seemed to know and wondered if a survey would be appropriate. Larry mentioned that there used to be building near that property line. When asked if he would consider fencing along the school property, Bob was non-committal and mentioned that he never knew of any kids playing in that area.

Brenda asked how many vehicles would be sold in a year. Bob said approximately 25-30 cars per year. Concerned about the noise level, Brenda asked what would happen after 5:00pm. Bob said that sometimes he has to stay after hours. Anne asked if there would be loud noises, and Bob said at times he has to run a forklift or a backhoe. Brenda stated that her main concern was about the noise level created by the motorcycles and understands that the matter will be discussed during the next application hearing. Joan asked about the timeline for vehicles being removed from the property. Bob stated that he was doing well until Bret Ryan took another job. Joan asked about fencing around the inoperable vehicles, and Bob responded that he is working to get cars off the property and that he really needs room for his culverts.

When asked about the lights again, Bob said that he would like to have lights similar to the lights at the school. Jonathan asked him about the need for lighting and asked if motion sensing lights were sufficient. Bob said that he hadn't really thought about it much and would consider using just the motion sensing lights. Jonathan asked about hours of operation again and Bob stated that the motorcycle repair person has been working there at night.

Johanna asked if the traffic would do anything to minimize traffic at 8:00am on week-days. Bob responded that there will be no more traffic than what has been there in the past. Anne brought up the issue of environmental permitting and said that the Zoning Development Review Board is still responsible for environmental matters per the bylaws. Nate said that he is not very sure of the threshold requirements, but he believes that Bob falls into the category of "small waste generator" and that Bob does not have a plan for waste disposal. Mr. Stearns stated that he will help Bob to obtain the necessary permits.

Tim mentioned the wastewater disposal permit and asked about the number of employees used in calculating the outflow from the building. He wondered if the number represented the existing number of employees or a proposed number of employees. Bob said that it was just a formula that Tom Otterman (system designer) used. Tim also asked about the proposed building expansion and what that part of the building was going to be used for. Bob said that he was hoping to use that part of the building for repair work.

Johanna asked Bob if he would consider fencing. Bob was non-committal as different types of fencing were discussed. He again said that he was trying to downsize. Anne asked Brenda if there was anything else that she wanted to ask about. She said that she left her questions with someone else to ask at the ZP17-12 Hearing.

Deb moved that the meeting be recessed, and a time for a site visit. The motion to conduct a site visit on Saturday, December 16, 2017 at 1:00pm, and to reconvene 6:30pm at the Town Hall on Wednesday, January 3, 2018 was seconded and unanimously approved.

The meeting was recessed at 8:15 pm and Larry, Emily and Brenda left to room.

The Public Hearing on an application by Robert Button, Jr. (#ZP17-12)

Anne Carroll opened the meeting at 8:15 pm. A form was circulated and interested party status was granted to: Joan Goodrich, Susan Elder, and Michael Kuban.

Project Description:

Nate Stearns explained that application #ZP17-12 was for the repair of motorcycles inside of the Creamery Road building. Robert Button intends to lease part of the building to Bret Ryan to repair, inspect and sell motorcycles. Mr. Ryan is currently away conducting other business, but Robert intends to pursue this application. The portion of the building proposed to be used for motorcycle repair will be open to the public. Nate said that this would not generate a large volume of traffic and it is estimated that the total customers would be approximately 10 people per day. When Mr. Stearns asked Bob about the hours of operation for the motorcycle shop, Bob stated that Bret Ryan wants to work on week-ends. Nate said that he will discuss this matter further with Bob and will better define the hours of operation when the hearing reconvenes after a site visit.

DRB and Select Board Questions:

Johanna asked if motorcycles would be parked outside. Bob responded that some of the motorcycles would be parked outside. When questioned about the use of signage for the motorcycle repair shop, the applicant said that he would have to return with more information on the matter when the hearing reconvenes.

Susan asked how the proposed use is any different than what has been going on at the property up to this point. Bob did not give a response. When asked about the test-driving of motorcycles on the road, Bob said that repaired motorcycles can legally be tested on the road with dealer plates. Jonathan asked if there is a specific plan detailing where motorcycles will be allowed to be test driven, and if the plan address the “make-shift” roads that have been used in the past.

Bob explained that he started doing motorcycle repair this summer. He said that a 10 year-old boy (Bret Ryan's son) has been driving his motorcycle (which was upgraded to a larger motorcycle) on the make-shift roads. Bob said that he could put a time limit on the test driving, and that he has plenty of room on the 10 acre property for the test driving.

Joan mentioned that some of the motorcycles had been parked in the road, and wanted assurance that the motorcycles would be parked elsewhere. Also, speaking on behalf of Brenda Vermette (who left the room), Joan mentioned that the motorcycle business has been operating on the week-ends and is noisy. She requested a plan to reduce noise. Joan also asked that if the shop was to be rented, will the person renting the shop would be responsible for following any permit conditions. Mike asked for clarification on whether the motorcycle shop would be used for just repair, or for repair and inspection. Bob indicated that it would be for repair and inspection.

Joan requested that the proper state licenses be in place before a zoning permit is granted. Deb asked if there was a place proposed where vehicles and motorcycles could be unloaded. Bob mentioned the area on the south side of Creamery Road in front of the "pole barn". Deb mentioned that when vehicles were being unloaded in this area in the past, she had a hard time driving through. Wendy asked if Bret would attend the meeting when it reconvened. Bob said that he would be there.

Anne asked if there were any more comments or questions. Jonathan made motion to recess the meeting for a site visit on December 16, 2017, and to reconvene on January 3, 2018 at the Chelsea Town Hall. Deb seconded the motion and the motion was unanimously approved.

Submitted by,
Timothy McCormick, Administrative Officer and DRB Clerk