Chelsea, Vermont, Development Review Board
Meeting Minutes April 19, 2017

Members Present: Blaine Conner (Chair), Anne Carroll (Vice Chair), Arthur Goodrich, Richard Allen, Laurence Allen, Debra Melvin
Others Present: Tom Mullen (applicant), Heidi Allen Goodrich (abutter-interested party) Timothy McCormick (AO and Clerk)

Because the applicant was running late for the Hearing, it was decided to change the agenda and hold the DRB Organizational meeting first in order to give the applicant time to arrive. Blaine Conner called the applicant by phone, left a message, and then opened the organizational meeting at 6:40pm.

A motion was made to re-appoint Tim McCormick as the AO and Clerk The motion was seconded and approved, for the re-appointment. At that point the applicant arrived and the Organizational Meeting was tabled to conduct a Hearing on the present DRB application.

The Public Hearing on an application by Tom Mullen (#ZP17-02) for the re-application of Zoning Permit ZP13-33. The referenced permit was previously approved by the DRB on February 12, 2014 and was to be effective on March 14, 2014 (30 days following the DRB decision). However, the Act 250 permit application was denied, for non-conformance with the Town Plan and the project was put on hold. Since that time, the Town of Chelsea has amended the Town Plan and the changes were adopted on November 16, 2015. According to Section 5.4.4 of the Chelsea Bylaws, all activities authorized by the issuance shall be completed within two years of the date of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be needed. The original zoning permit has expired, and a new application, was filed for the project.

The hearing was opened at 6:50pm. No conflicts of interest or ex officio conversations were disclosed. Heidi Allen Goodrich was present as an abutter and interested party. There were no other interested parties present, and the applicants were sworn in.

Blaine started the hearing by asking Tom to explain the project. Tom stated there were no changes proposed and that the project was going to be exactly as approved by the original permit. Blaine pointed out that there was a letter dated March 1, 2015 to Linda Matteson, Act 250 Coordinator, from the Planning Commission that discussed the Commission's intent.

Tom mentioned that the wastewater and water systems were approved and inspected, and that and that he has a LOMA letter to be filed in the Town Records.

The discussion moved to the Town Plan (Plan). The project was previously denied an Act 250 permit because the Act 250 Commission determined that the project was not in conformance with the Plan as adopted on September 26, 2014. Since that time, the Plan was amended with language to more accurately reflect the intent of the Plan, particularly regarding retail development outside of the village center. Blaine mentioned that the Town Plan was changed and made a little more relaxed, changing words from "shall" to "should".

Blaine asked if there were any questions from either the applicant or the abutter for the DRB concerning the Hearing. Both stated that there were no question at this time.

Blaine mentioned that, as with prior permit, signage was not considered in this decision and that if signs were proposed, a separate administrative permit must be issued by the Zoning Administrator. Tom asked about the sizing and cost for another application. He stated that there were plans for a sign on the building.

Anne asked if lighting was proposed. Tom said that lights were also planned for the building. He stated that this issue was covered in the Act 250 process. When asked about how late in the day the lights would be used, Tom indicated that the lights would be off early in the evening because the store will not be open during the evening hours.

Richard made a motion to close the hearing. Debra seconded the motion. There was no discussion and the hearing was closed at 7:30 pm. Tom Mullen and Hiedi Allen Goodrich left the room.

Findings and Decision:

After deliberation, Blaine stated that even though the Planning Board sets the Standards for the Chelsea Zoning Bylaws, it's the DRB that must determine whether or not a particular project conforms to the Bylaws. DRB voted to approve the application as approved in the original zoning permit #ZP13-33. Blaine did not vote as part of this decision.

The Board resumed the Organizational Meeting at 7:50. Blaine was nominated and approved to serve as DRB Chair for another year, and Anne was nominated and approved to serve as Vice Chair for another year.
The meeting was adjourned at 8:00pm

Submitted by, Timothy McCormick
Timothy McCormick, Administrative Officer and DRB Clerk

NOTICE: This decision of the Development Review Board (DRB) may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the DRB. Such appeal must be taken within 30 days of the date of the decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.