

PLANNING & ZONING  
556 Elm Street  
P.O. Box 370  
Chester, VT 05143

(802) 875-2173 office  
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TOWN OF CHESTER  
NOTICE OF HEARING FOR BOUNDARY LINE ADJUSTMENT

FDW Enterprises has applied for a Boundary Line Adjustment for a property located at 3689 Flamstead Road in the Town of Chester. The proposed Boundary Line Adjustment will move a property boundary between Parcel 1 owned by Karen Aulbach and Dale Yerger and Parcel 2 owned by Michael Wood. There will be no change in the acreage of either parcel and no new parcel will be created.

The Town of Chester Development Review Board will conduct a site visit at 5:00 PM on Monday, May 8, 2023, at 3689 Flamstead Road and will hold a hearing on this application at 6:00 PM on Monday, May 8, 2023, at the Chester Town Hall at 556 Elm Street in Chester. A copy of the application and additional information may be obtained from the Zoning Administrator. Participation in this hearing in person, via Zoom videoconference, or in writing is a prerequisite to the right to take any subsequent appeal.

A link to participate in this hearing via Zoom videoconference may be found on the Town of Chester website home page at [www.chestervt.gov](http://www.chestervt.gov).

Dated at Chester, Vermont this 12<sup>th</sup> day of April 2023.

Preston Bristow  
Zoning Administrator  
(802) 875-2173  
[zoning@chestervt.gov](mailto:zoning@chestervt.gov)



VERMONT

# Application for Boundary Line Adjustment

APPLICANT: FDW

MAILING ADDRESS: P.O. Box 360 Wilder, VT. 05088

PHONE: 802 353 5909 EMAIL: wooddevco@yahoo.com

PROPERTY LOCATION: 3689 Flannstead Rd Chester, VT

NUMBER OF LOTS TO BE AFFECTED BY BOUNDARY LINE ADJUSTMENT: 2

NAME AND MAILING ADDRESS OF ADDITIONAL PROPERTY OWNERS AFFECTED:

Karen Aulbach

Karen.Aulbach@yahoo.com

ACREAGE OF EACH LOT BEFORE AND AFTER ADJUSTMENT:

Lot #1 (Aulbach) before 2.82 acres after 2.82 acres  
Lot #2 (FDW) before 1.86 acres after 1.86 acres

This application shall be submitted to the Zoning Administrator with the following:

- A fee of \$200 payable to the Town of Chester.
- A short narrative describing the subdivision
- Authorization of applicant's representative (if appropriate).
- 7 copies of a plot plan by a licensed surveyor containing the required information under Article 4.12.F (Required Submissions) and Article 4.13 (Boundary Line Adjustments) of the Chester Unified Development Bylaws.
- A PDF of the plot plan.

A hearing before the Development Review Board will not be scheduled until the Zoning Administrator deems the application to be complete.

The undersigned authorizes the Zoning Administrator access, at reasonable times, to the property covered by this application, for the purposes of reviewing the application and ascertaining compliance with any permit issued.

APPLICANT SIGNATURE: [Signature] DATE: 04/06/2023

**\*\*TO BE COMPLETED BY THE ZONING ADMINISTRATOR\*\***

PARCEL MAP #:	<u>31-20-20</u>	ZONING DISTRICT:	<u>R120</u>	FEE:	<u>\$200</u>	DRB CASE #:	<u>590</u>
APPLICATION DEEMED COMPLETE:	<u>P. Binstow</u>			DATE:	<u>4/12/23</u>		
	Zoning Administrator						

**THIS IS NOT A PERMIT. A PERMIT, IF GRANTED, WILL BE ISSUED SEPARATELY**



# 100 foot Abutters List Report

Chester, VT  
April 19, 2023

Mailed 4/19/23

## Subject Property:

Parcel Number: 312020  
CAMA Number: 312020  
Property Address: 0 FLAMSTEAD ROAD

Mailing Address: AULBACH KAREN C YERGER DALE  
40 CONCETTA COURT  
MONROE, NY 10950

## Abutters:

Parcel Number: 312001  
CAMA Number: 312001  
Property Address: 3781 FLAMSTEAD ROAD

Mailing Address: RILEY, MARK L RILEY, BRENDA M  
3781 FLAMSTEAD ROAD  
CHESTER, VT 05143-9223

Parcel Number: 312003  
CAMA Number: 312003  
Property Address: 3864 FLAMSTEAD ROAD

Mailing Address: CLARK, SAMANTHA RUTLEDGE, DEVIN  
3864 FLAMSTEAD ROAD  
CHESTER, VT 05143

Parcel Number: 312017  
CAMA Number: 312017  
Property Address: 3698 FLAMSTEAD ROAD

Mailing Address: RAFF, EDWARD & JANET E DEAN  
TRUSTEES RAFF/DEAN FAM REV  
TRUST 2/25/20  
190 8TH STREET  
PROVIDENCE, RI 02906

Parcel Number: 312017200  
CAMA Number: 312017200  
Property Address: 3514 FLAMSTEAD ROAD

Mailing Address: KANGAS, WALTER E DEARBORN,  
DONNA W  
3514 FLAMSTEAD ROAD  
CHESTER, VT 05143

Parcel Number: 312019  
CAMA Number: 312019  
Property Address: 3561 FLAMSTEAD ROAD

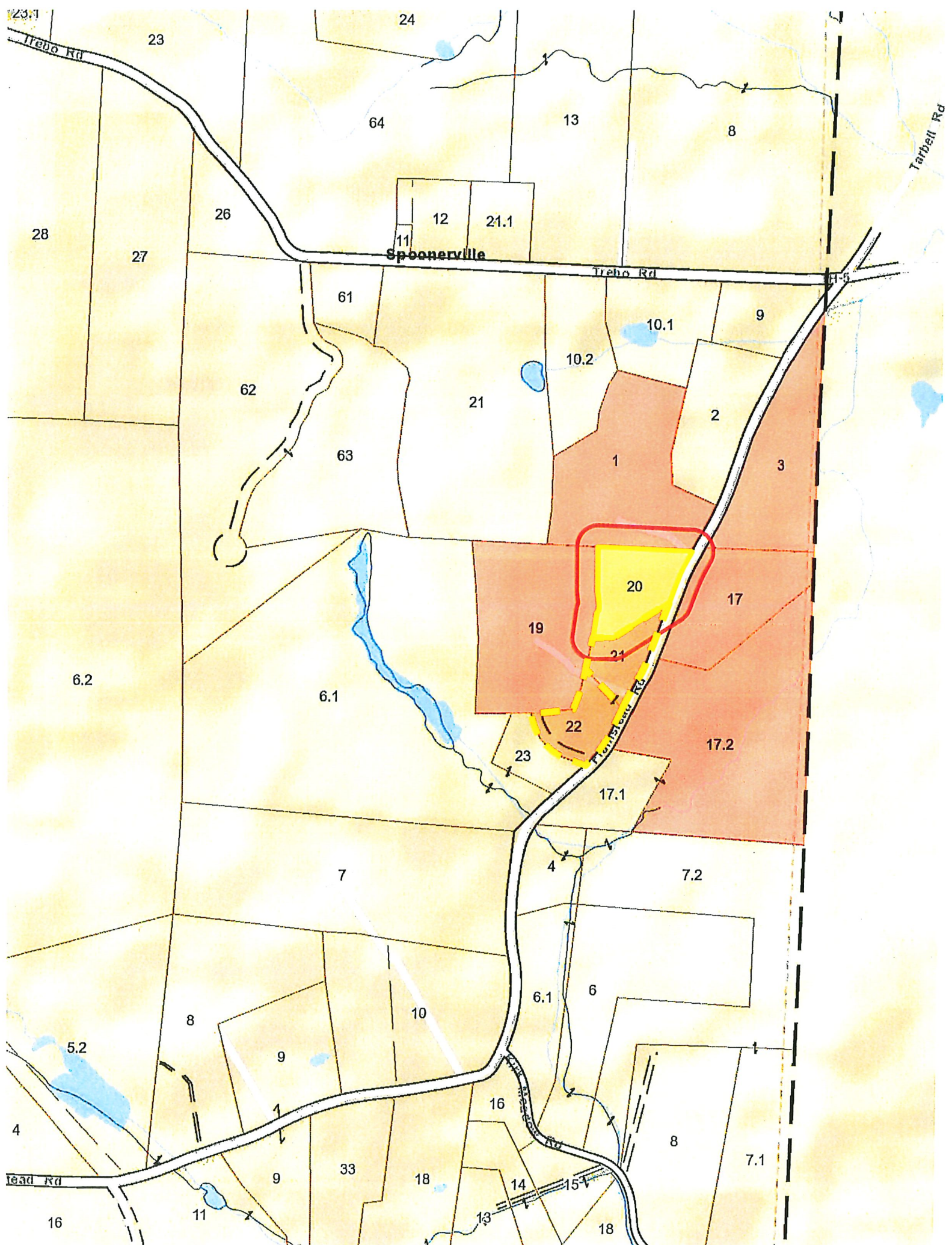
Mailing Address: DAY, KEVIN L & DIANE M  
P O BOX 523  
CHESTER, VT 05143



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.







NORTH  
MAGNETIC TRUB

15'±

N/F  
MARK L. RILEY  
BK. 121 PG. 293  
TAX MAP 31 BLK. 20 LOT 01

AULBACH & YERGER  
PARCEL 1  
2.88 ACRES±  
BK. 227 PG. 247  
TAX MAP 30 BLK. 20 LOT 20

SBPTIC SITE

HOUSE

GAR.

N/F  
KEVIN L. & DIANE M. DAY  
BK. 70 PG. 69  
TAX MAP 31 BLK. 20 LOT 19

N/F  
EDWARD RAFF & JANET B. DEAN  
BK. 219 PG. 195  
TAX MAP 31 BLK. 20 LOT 17

ROAD TIB LINBS:

LINE	BEARING	DISTANCE
TL1	S 30°24'55" W	262.45'
TL2	S 34°00'39" W	212.02'
TL3	S 40°03'52" W	326.19'

THESE PROPERTIES ARE ZONED RESIDENTIAL 120,000 (R120)  
WITH THE FOLLOWING DIMENSIONAL STANDARDS

MIN. LOT SIZE:	3 ACRES
MIN. FRONTAGE:	200'
MIN. FRONT SETBACK:	50'
MIN. SIDE SETBACK:	50'
MIN. REAR SETBACK:	50'
MAX. COVERAGE:	10%

APPROVED BY THE DEVELOPMENT REVIEW BOARD OF THE TOWN OF CHESTER, VERMONT  
AS PER FINDINGS-OF-FACT, DATED \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ SUBJECT  
TO ALL REQUIREMENTS AND CONDITIONS OF SAID FINDINGS.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, DEVELOPMENT REVIEW BOARD

-LEGEND-

- EXISTING IRON PIN OR PIP
- IRON PIN SET (#5 REBAR W/CAP)
- X X X STONE WALL
- R.O.W. RIGHT-OF-WAY
- HIGHWAY R.O.W.
- ⊙ UTILITY POLE
- P/O PART OF
- ⊗ DRILLED WELL



- NOTES-
- BOUNDARIES BASED ON DEEDS OF RECORD, MONUMENTATION FOUND AND A SURVEY PLAN ENTITLED: "PROPOSED RECONFIGURATION OF LOTS PREVIOUSLY SUBDIVIDED FROM A PORTION OF PROPERTY OF: MICHAEL J. WOOD, FLAMSTEAD RD. EXT., CHESTER, VT.", DATED 5/24/06, REV. DATE 3/19/07. DWG. NO. 03-466, PREPARED BY DBS SURVEYS, INC.
  - SURVEY COMPLETED BY A CLOSED AND ADJUSTED TOTAL STATION TRAVERSE.
  - BEARINGS ARE IN RELATION TO A 12/22/03 MAGNETIC OBSERVATION.

I CERTIFY THIS PLAN TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AS NOTED.

DBS  
SURVEYS, INC.  
39 MAPLE STREET  
NORTH SPRINGFIELD  
VERMONT 05150-9749  
802-886-2369

PLAN SHOWING A BOUNDARY LINE ADJUSTMENT  
BETWEEN PROPERTIES OF  
KAREN C. AULBACH & DALE YERGER  
3689 FLAMSTEAD ROAD  
AND  
MICHAEL J. WOOD

CHESTER, VERMONT	
DATE: 4/6/2023	SCALE: 1"=60'
SURVEY CHIEF: D.B.S.	DRAWN BY: J.W.C.
CHECKED BY: D.B.S.	DWG. NO. 23-1360

**Town of Chester Development Review Board**  
**Minor Subdivision Review**  
**Findings of Fact, Conclusions of Law & Decision**

**Property owner and Applicant:** Linda K. Smith

**Property Addresses** 379 Coach Road

**Permit Application No. 589**

**Introduction and Procedural History**

1. This proceeding involves review of an application for a minor subdivision submitted by Linda K. Smith under the Town of Chester 2022 Unified Development Bylaws.
2. The application was received and considered complete by Zoning Administrator Preston Bristow on March 30, 2023. A copy of the application and plat is available at the Chester Town Office.
3. On April 4, 2023 notice of a public hearing for a Minor Subdivision application was published in the Vermont *Journal* and the Chester *Telegraph*, the newspapers of record.
4. On March 30, 2023 a notice of a public hearing for the Minor Subdivision was posted at the following places:
  - a. The Chester Town Hall exterior bulletin board
  - b. The Chester Town Hall interior bulletin board
  - c. The Chester Post Office.
5. On April 5, 2023, a copy of the notice of a public hearing for the Minor Subdivision was mailed to the applicant and the following abutters:

• Heather Dacunto	• James Cole
• Mark Curran and Margaret Straub	• Norman Abdella, Jr.
• Renee Layton	• Karl and Kelley Lauren
• Mitchell Rudman	• Keven Conzelmann
• Lawrence Pierce and Cheryl Joy Lipton	• Town of Chester
	• Gail and Huzon Stewart, III
6. A site visit was held on April 24, 2023 at 5:00 PM at 379 Coach Road.
7. Development Review Board members attending the site visit were:
  - Scott MacDonald
  - Harry Goodell
  - Larry Semones.

Initials \_\_\_\_\_



- Gary Coger
  - Robert Greenfield
8. Linda K. Smith attended the site visit.
  9. Zoning Administrator Preston Bristow and Recording Secretary Cathy Hasbrouck attended the site visit.
  10. The application and plat were considered by the Development Review Board at a Minor Subdivision hearing at 6:00 PM on April 24, 2023.
  11. The Development Review Board reviewed the application and plat under Article 4.12 of the Town of Chester 2022 Unified Development Bylaws.
  12. Bob Greenfield, Harry Goodell, Larry Semones, Gary Coger and Scott MacDonald were present at the Minor Subdivision hearing at the Town Hall.
  13. Citizens attending the hearing at the Town Hall included Linda Smith, Omar Austin, David Coleman, Barry Goodrich, Mike and Cheryl LeClaire, Bill and Nancy Lindsay, Scott Kilgos and Sam (Priscilla) Melanson.
  14. Zoning Administrator Preston Bristow and Recording Secretary Cathy Hasbrouck were present at the hearing at the town hall.
  15. Citizens sworn in to give testimony at the hearing included Linda K. Smith, Omar Austin and David Coleman.
  16. During the course of the hearing, the following exhibits were submitted to the Development Review Board:
    - Exhibit A was a Town of Chester Notice of Public Hearing for a Subdivision Permit dated March 30, 2023.
    - Exhibit B was a Town of Chester Development Review Board Application for a Subdivision Hearing signed by Linda K. Smith, dated March 21, 2023. The DRB case number was 589.
    - Exhibit C was a 100-foot abutters list. The abutters were mailed a Notice of Hearing on April 5, 2023.
    - Exhibit D was a tax map showing the parcel to be subdivided and the abutting parcels.
    - Exhibit E was a survey of Coach Road by William Drude done in 1994 which shows how Coach Road had been moved from its original site.
    - Exhibit F was a survey from Coleman Surveys dated April 11, 2023 showing the proposed division of parcel 57-50-01.1.

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These exhibits are available at the Chester Town Hall.

### FINDINGS OF FACT

Based on the application, testimony, exhibits and other evidence, the Development Review Board make the following findings:

1. Linda K. Smith and Omar Austin share ownership of 26.04 acres on Coach Road.
2. The tax parcel number is 57-50-01.100.
3. The parcel is entirely in the R-40 zoning district.
4. Linda K. Smith wants to subdivide the 26.04 acres into Lot 1 of 12.51 acres and Lot 2 of 13.53 acres.
5. The minimum lot size in the R-40 zoning district is 40,000 square feet.
6. The property owners intend to sell Lot 1.
7. The property owners do not plan to develop Lot 1 in any way.
8. No permits for a wastewater system on Lot 1 have been applied for.
9. The text of a warning to be added to the deed for Lot 1 is shown in Note 3 in the lower left quadrant.
10. The existing house, barns, storage buildings, well and septic system are all shown on Lot 2.
11. The title block of the plat in the lower right corner shows the name and mailing address of the owner (look up life estate transfer), the name of the town where the subdivision is located, the name, mailing address and stamp of the surveyor, the date of the plat, and the digital scale.
12. Blocks above the title block on the right side of the plat have the legend and location map.
13. The graphic scale and magnetic north are shown in the upper right quadrant.
14. The endorsement block is in the upper left quadrant of the plat.
15. The names of the owners of the seven abutting properties are shown on the plat.
16. The surveyed dimensions are shown along each boundary line and the acreage of the two subdivided lot is shown below the lot number.
17. The book and page of each lot's deed is shown below the owner's name.
18. Two culverts are shown under the existing driveway.
19. The course of drainage from the two culverts is not shown.
20. A 50-foot right of way is shown running from a point on the driveway to the boundary of Lot 1 where it connects with an existing woods road.
21. The proposed right of way is said to have less than a 15% grade in note 2 in the lower left quadrant.
22. The plat has some contour lines at 20-foot intervals and contour lines at 5-foot intervals along the slope under the existing driveway and proposed right of way.
23. No permit numbers are listed on the plat.
24. No utility easements are mentioned.
25. A deed reference to Book 230, Page 73 is made in Note 3 on the right side of the plat.

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26. A reference to is made to a map by Nowlan Engineering in Note 4 on the right side of the plat. A survey reference to a survey by William Drude is made to the left of the map reference.
27. No proposed streets or roads are shown on the plat.
28. No proposed bridges, culverts or lands dedicated to public use are shown on the plat.
29. The outline of the parcel is not shown in the location map.
30. A pond is shown on Lot 1.
31. The source of the water for the pond is not shown.
32. The egress of water from the pond is not shown.
33. In order to facilitate their decision, the Development Review Board incorporates as part of the permanent record of this hearing Exhibits A – Fisted in item 16 of the Procedural History, above.

### CONCLUSIONS OF LAW

The application was evaluated according to Section 4.12 of the Chester 2022 Unified Development Bylaws.

#### **4.12.F. Required Submissions**

1. **Preliminary Plat.** The Preliminary Subdivision Plat shall consist of a pdf copy as well as seven (7) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale or not more than one hundred (100) feet or more to the inch, showing or accompanied by information on the following points unless waived by the Development Review Board:
  - a. Proposed subdivision name or identifying title and the name of the Town.  
This was found in the lower right corner of the plat.
  - b. Name and address of record owner, subdivider, and designer of Preliminary Plat.  
The name of the owner of record is shown in the title block. The name and address of subdivider and designer of the plat are found in the block below the title block.
  - c. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other essential existing physical features.  
The total acreage for the subdivision, is shown in Note 5 on the right side of the plat. The property lines are shown. The existing house, barns, and equipment building is shown on Lot 2. Stone walls form many of boundaries. A woods road and trail are shown in the upper right quadrant.
  - d. The names of owners of record of adjacent acreage.  
The names of the seven abutters are found on the plat.
  - e. The provisions of the zoning standards applicable to the area to be subdivided and any zoning district boundaries affecting the tract.

The dimensional standards for the Residential 40,000 zoning district are shown in Notes 2 and 3 in the lower left quadrant of the plat.

- f. The location and size of any existing sewer and water mains, culverts, and drains on the property to be subdivided.

Two culverts are shown under the existing driveway. A pond is shown on Lot 1. The existing well and leach field are shown on Lot 2.

- g. The width and location of any existing roads within the area to be subdivided and the width, location, grades, and road profiles of all roads or other public ways proposed by the Subdivider.

No new roads are proposed by the Subdivider.

- h. Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more.

Contour lines at 20-foot and 5-foot intervals are present.

- i. Date, true north point, and scale.

True north is shown in the upper right quadrant. Date and the digital scale are shown in the block below the title block. The graphic scale is shown in the upper right quadrant.

- j. Deed description and map of survey of tract boundary made and certified by a licensed land surveyor tied into established reference points, if available.

The book and page deed information is found under each abutting parcel label. References to survey plans and deeds are found in the lower right quadrant of the map.

- k. Location of connection with existing water supply or alternative means of providing water supply to the proposed subdivision.

No proposed water supply is shown

- l. Location of connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.

No proposed septic systems are shown on the plat.

- m. Provisions for collecting and discharging storm drainage, in the form of drainage plan.

No changes to the topography of the parcels are planned. No changes to the drainage plan are proposed.

- n. Preliminary designs of any bridges or culverts which may be required.

No new bridges or culverts are planned.

- o. The proposed lots with surveyed dimensions, certified by a licensed land surveyor, numbered and showing suggested building locations.

The acreage for each lot is shown below the lot title. The dimensions of all boundaries are shown. No suggested building locations are shown on the plat.



- p. The location of temporary markers adequate to enable the Development Review Board to locate readily and appraise the basic layout of the field. Unless an existing road intersection is shown, the distance along a road from one corner of the property to the nearest existing road intersection shall be shown.

The Board saw flagging at the site The distance to the intersection of First Avenue and Coach Road is not shown on the plat.

- q. Locations of all parcels of land proposed to be dedicated to public use and the conditions of such dedication.

No parcels are being dedicated to public use.

- r. Names identifying roads and streets; locations of street name signs and description of design of street name signs.

No new streets or roads are being proposed.

- s. The Preliminary Plat shall be accompanied by:

1. A vicinity map drawn at the scale of not over four hundred (400) to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing roads, provided any part of such a road used as part of the perimeter for the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision.

The vicinity map is in the upper right corner of the plat. The outline of the parcel in question is not drawn on the map.

2. A list or verification of the applications for all required State permits applied for by the Sub-divider. Approval of the subdivision application by the Development Review Board may be conditioned upon receipt of these permits.

No permits have been applied for.

- t. Endorsement. Every Plat filed with the Town Clerk shall carry the following endorsement:

"Approved by the Development Review Board of the Town of Chester, Vermont as per findings of fact, dated \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ subject to all requirements and conditions of said findings.

Signed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by

\_\_\_\_\_

\_\_\_\_\_, Development Review Board"

This endorsement is in the lower right quadrant of the plat.

Based upon the above findings of fact, the Chester Development Review Board hereby concludes that the project as presented by the applicant is in accordance with Section 4.12

Minor Subdivision of the Chester Unified Development Bylaws with the exceptions, listed in the Order.

**ORDER**

1. The project shall be carried out as presented to the Board at all hearings and as represented by the exhibits presented in evidence listed in Item 16 of the Introduction and Procedural History, above.
2. All necessary federal, state and local permits shall be obtained and abided by prior to commencement of operation.
3. The Plat shall contain the requirements of the Unified Development Bylaws, except for those items waived by the Development Review Board.
4. The source of water that fills the pond and the course of drainage from the pond shall be added.
5. The course of drainage from the culverts under the driveway shall be added.
6. The distance from the parcel to the intersection of First Avenue and Coach Road shall be added.
7. The outline of the parcel in question shall be added to the location map.

**DECISION**

If the provisions listed above are complied with, the Minor Subdivision will be accepted.

Dated at Chester, Vermont this \_\_\_th day of May, 2023.

DRB members FOR the decision:

\_\_\_\_\_ Robert Greenfield  
\_\_\_\_\_ Gary Coger  
\_\_\_\_\_ Harry Goodell  
\_\_\_\_\_ Scott MacDonald  
\_\_\_\_\_ Larry Semones

DRB members Against the decision:

\_\_\_\_\_ Robert Greenfield  
\_\_\_\_\_ Gary Coger  
\_\_\_\_\_ Harry Goodell  
\_\_\_\_\_ Scott MacDonald  
\_\_\_\_\_ Larry Semones

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

Initials \_\_\_\_\_