

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

*November 26, 2018*

**BOARD MEMBERS PRESENT:** Carla Westine, Larry Semones, Gary Coger, Phil Perlah and Harry Goodell.

**STAFF PRESENT:** Cathy Hasbrouck, Recording Secretary.

**CITIZENS PRESENT:** Amy O’Neil, Richard and Cynthia Farnsworth, John Knisley, William and Nancy Lindsay.

**Call to Order**

The meeting was called to order at 6:00 PM by Chair Carla Westine. She announced that a site visit had taken place earlier that day at the Gold River Extension property which was the subject of the hearing. She introduced the members of the Development Review Board and staff to the audience. Everyone joined in reciting the pledge of allegiance. Carla Westine read the meeting’s agenda.

**Agenda Item 1 Review draft minutes from the November 12, 2018 meeting**

No changes were proposed to the minutes. Harry Goodell moved to accept the minutes as submitted. Phil Perlah seconded the motion. A vote was taken and the motion passed.

**Agenda Item 2 Citizen Comments**

There were no citizen comments on issues not on the agenda.

**Agenda Item 3 Preliminary Plat Review for Gold River Partners L. L. C. major sub-division on Gold River Extension**

Carla Westine asked the Board members if there had been any ex-parte communication on this topic or if any member had a potential conflict of interest. Harry Goodell said he was an abutter to the property in question. He said he would allow the applicant to decide if he could sit as a Board member for the hearing. Amy O’Neil said she had no problem with Harry Goodell sitting on the Board for the hearing. Carla Westine swore in the members of the audience who wanted to participate in the hearing. They were Richard and Cynthia Farnsworth, William and Nancy Lindsay, Amy O’Neil, and John Knisley. The Board then examined the documents submitted for consideration.

The first document was a Notice of Public Hearing before the Development Review Board dated October 30, 2018. Carla Westine read the following portions aloud. The property owners are Gold River Partners, L. L. C. The applicants are Amy and Mike O’Neil, the location is Gold River Extension, the District is Commercial Industrial. The action requested is, “The purpose of the project is to sub-divide Lot 1A (7.49 acres) in the Gold River Industrial Park into 3 lots as follows: Lot 1A1 – 2.49 acres, Lot 1A2 – 1.66 acres, Lot 1A3 – 3.34 acres and sub-divide Lot 1B (7.98 acres) as follows: Lot1B1 – 2.53 acres, Lot 1B2 – 1.2 acres, Lot 1B3 – 2.06 acres, Lot 1B4 – 2.37 acres. The existing boundary between Lots 1A and 1B and between the new lots 1A3 and

1B4 will be adjusted to equalize lot sizes and more closely follow the contours. Gold River Extension, the current road into the Industrial Park will be extended to access the lots via a circular pattern.” The Notice is signed by Michael Normyle. Gary Coger moved to accept the Notice as Exhibit A. Larry Semones seconded the motion. A vote was taken and the motion passed.

The second document presented was a Town of Chester Development Review Board Application for Sub-Division. The application is for the Preliminary Plat Phase. Carla Westine read the following portions of the application aloud: the Applicant name is Gold River Partners, LLC, the Zoning District is Commercial – Industrial, the application was signed by Amy O’Neil and Michael Normyle. Phil Perlah moved to accept the application as Exhibit B. Gary Coger seconded the motion. A vote was taken and the motion passed.

The third document presented was an e-mail sent by Amy O’Neil to Michael Normyle dated October 18, 2018. The subject is sub-division. Carla Westine read the e-mail aloud. The e-mail discussed the application process for the project. Harry Goodell moved to accept the e-mail as Exhibit C. Gary Coger seconded the motion. A vote was taken and the motion passed.

The fourth document presented was a Project Review Sheet from the Department of Environmental Conservation & Natural Resources Board. Carla Westine read the following portions of the document aloud: The date initiated is 10/30/2018, the project name is Gold River Industrial Park subdivision, the contact is the Landowner Amy O’Neil, the project description, entered by John Fay on 10/30/18 was given as, “Gold River Partners currently own commercial properties, two lots totaling 15.47 acres. Proposed to subdivide into a total of 7 (seven) lots, and to create a loop road for access. See preliminary drawings and sketch of loop road.” The Project Sheet indicates that three prior permits exist: an Act 250 permit, a Wastewater System & Potable Water Supply permit and a Stormwater permit. It also indicates an Act 250 permit and a Wastewater System and Potable Water Supply permit are required. The Project Review Sheet has a Special Wetlands Disclaimer and indicates that a Stormwater permit may be needed. The permit specialist who signed the sheet is John Fay. Harry Goodell moved to accept the Project Review Sheet as Exhibit D. Gary Coger seconded the motion. A vote was taken and the motion passed.

The fifth document presented was a State of Vermont Natural Resource Atlas map of the area obtained by Zoning Administrator Michael Normyle, titled Floodways. Harry Goodell moved to accept the map as Exhibit E. Gary Coger seconded the motion. A vote was taken and the motion passed.

The sixth document presented was a State of Vermont Natural Resource Atlas map of the area obtained by Zoning Administrator Michael Normyle, titled Storm Drains. Phil Perlah moved to accept the map as Exhibit F. Gary Coger seconded the motion. A vote was taken and the motion passed.

The seventh document presented is a three-sheet site plan presented by the applicant. The title is Preliminary Subdivision Plat in Chester Windsor County Vermont for Gold River Partners, LLC,

Progress Print 11/12/18. Harry Goodell moved to accept the three pages as Exhibit G. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Carla Westine proposed to enter the map of stakes and reference points handed out at the Site Visit as an exhibit and to call it Reference Point Plan. Gary Coger moved to accept the Reference Point Plan as Exhibit H. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The Board then examined exact copies in a larger format of the subdivision plat which had been accepted as Exhibit G. The larger copies had been filed away and mistakenly omitted from the packet sent out the previous week. The Board decided to accept the larger format subdivision plat as Exhibit G.

Amy O'Neil asked for copies of Exhibits E and F, the Natural Resource Atlas maps, as she had not seen them before. Recording Secretary Cathy Hasbrouck gave her copies of the maps. Carla Westine said that the Floodway map confirms that the property is not in the floodway. She said the storm drain map does not indicate that the State of Vermont is involved in any of the stormwater drainage plan.

Amy O'Neil then corrected the acreage listed in the Action Requested of the Notice of Public Hearing. The acreage did not match the acreage on the Site Plan. She listed the current, correct acreage for each proposed lot. Two lots' acreage were changed. Lot 1A3 was listed as 3.34 acres on the Notice and is actually 3.24 acres. Lot 1B1 was listed as 2.53 acres on the notice and is actually 2.36 acres.

Amy O'Neil gave a history of the parcels in question. She said the area had been a talc processing plant for 100 years. The talc processing company abandoned the business, stripped the property and put the land on the market. The town of Chester had some interest in the land and was working on a grant to study potential uses for the property when Gold River Partners bought the land. The original purchase was 28 acres. Gold River Partners has sold off parts of the parcel to Harry and Kathy Goodell and Richard and Cynthia Farnsworth. A third portion of the parcel had a life tenancy and was conveyed to the Farnsworths when the life tenancy ended. Several years ago, parcel 1 was subdivided into Lot 1A and Lot 1B.

Amy O'Neil said ore came to the talc mill in trucks from Windham. The ore was driven to the top of the hill on the property where there were two ore crushers. The crushed rock was fed into the building still called the ore shed. Depending on the grade of ore, the crushed rock was either shipped out in trucks or processed further in a 66-foot tall mill building whose foundation can still be seen. The processed talc was either bagged or loaded onto railroad cars and shipped out. Phil Perlah asked which proposed parcel had the foundation from the mill building. Amy O'Neil said it was on both lots 1A1 and 1A2. Amy O'Neil said the mill building was originally attached the building labeled "shop" on the drawing. She said Gold River Partners had cut the mill building into smaller pieces and sent it off by rail to be recycled. She said the slab for the mill building was 3 to 4 feet higher than the rail spur, and they have used it to offload railroad cars. She said the property has 750 feet of privately-owned rail spur.

Amy O'Neil said the parcel has municipal water and pointed out the water line and two existing hydrants on the site plan. She said the water line would be continued in a loop to service all the proposed lots. She said the sewer line will follow a similar pattern. She noted that the water/wastewater plan is not complete.

Amy O'Neil said the parcels currently have a stormwater permit. There is just under 4 acres of impervious surface on lots 1A and 1B. She said water drains off the hill, pools somewhat and is drained by a culvert. A ditch between the proposed lots 1A2 and 1A3 forms a boundary line between two of the lots. Stormwater flows through the ditch and discharges in the railroad track bed. She pointed out several culverts on the property: one under the driveway for the Hume building, one for the Mullholland building which was not shown on the plat, one under the portion of the driveway serving Lot 1A1, one up the hill near the boundary between lots 1B1 and 1B2, and one between lots 1A2 and 1A3.

Amy O'Neil discussed the existing and proposed rights of way. The existing 50-foot right of way is on the existing lot 1A for the existing lot 1B. The right of way will be extended along the property line between proposed lots 1A1 and 1B1 and then loop across lots 1A1, 1A3, 1B4, 1B3 and 1B2 to 1B1 where the loop will close. Amy O'Neil said she wanted to place the right of way to maximize the buildable space on the proposed lots. She said the town specifications require the road to follow the middle of the right of way. For these reasons, the right of way may be moved somewhat from its current existing position. Preliminary engineering will also determine the course of the right of way to some extent. The existing right of way has a slope that does not exceed 12 degrees and the proposed right of way will not exceed 12 degrees.

Amy O'Neil discussed electrical service. The property had overhead electrical service when Gold River Partners purchased it. The overhead power extended to buildings that were on lot 1A2. Amy O'Neil said they removed those wires at the request of Green Mountain Power and brought new power to a pole near the office building. Existing poles brought power up the driveway to the two crushers. She said there is underground large conduit available on the property and Green Mountain Power may decide to use the conduit to bring power to the new lots. Amy O'Neil said GMP would be deciding whether to use poles or the conduit and whether to bring in 3-phase power initially or not.

Phil Perlah asked about the wastewater system. He saw both existing forced sewer connections on the site plan and existing septic. Amy O'Neil said lot 1B2 will gravity feed to the sewer connection which is in a utility easement on Tax lot 61-50-23 belonging to the Goodells. The other lots will feed to the pump station near the office via a force main. The pump will move the wastewater into the municipal sewer.

The Board then reviewed the requirements for a sub-division Plat, as follows.

- a.** Proposed subdivision name or identifying title and the name of the Town.

The Board found this information in the lower right corner of sheet 1 of the plat.

- b.** Name and address of record owner, subdivider, and designer of Plat.

The Board found this information in the lower right corner of sheet 1 of the plat.

- c.** Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other essential existing physical features.

The Board found the total acreage before subdivision for lots 1A and 1B in the upper left quadrant of sheet 1 of the plat. The property lines were visible on sheet 1. Easements were listed on sheet 2. Buildings shown on sheet 1 are the office, shop, shed, old ore shed and several smaller unnamed buildings. A wetland on the back corner of lot 1A3 is shown.

- d.** The names of owners of record of adjacent acreage.

The names of owners of record of abutting lots are listed on sheet 2, cross referenced to a Vicinity map.

- 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 Commercial-Industrial District are shown in the lower left quadrant of sheet 2.

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

The sewer main is shown in the easement on Harry Goodell's property. The septic pump station is shown near the office. Several culverts were pointed out in several places on the property. Amy O'Neil was not certain that there were any drains on the property. She noted a large red line on the Natural Resource Atlas map and recalled a conversation with Ralph Michael which makes her think there is a ditch and a catch basin which could be hidden now by overgrowth. She felt this would become clearer as the stormwater permit is worked on. She noted that the ditch seemed to point to the railroad bed and that there were several culverts along the railroad bed.

- 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.

Amy O'Neil said the proposed road will be built to town and state specifications. There is currently a covenant among the users of the road for maintaining it. As more businesses own property along the road, the covenant to maintain it will become very complicated and Amy O'Neil said she expected to give the road to the town.

Amy O'Neil said the road profile drawing she has is not correct, due to the age of the CAD file shared with the engineer. She said the drawing did show that the road grade was not over 12 degrees. Carla Westine said the Board was mainly concerned that fire equipment and ambulances can travel the road. Amy O'Neil

said she has discussed the situation with Jeff Holden, who is a member of the Fire Department as well as being the water/wastewater supervisor. Jeff Holden told Amy O'Neil he had no problem with the road as long as it was a loop. Phil Perlah asked whether Amy O'Neil would review the road with Matt Wilson, the Fire Chief. Amy O'Neil said she did not plan to discuss the road with Matt Wilson. The Board did not accept the preliminary road profile drawing as an exhibit.

- 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.

The plat shows contour lines at 5-foot intervals on sheet 3.

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

The true north point was found in the upper center of the sheet 1. The date and scale are in the lower right corner of sheet 1.

- 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 deed descriptions are found on sheet 1 on the individual lots, and on sheet 2 in Notes. Further information was found on sheet 3. Amy O'Neil said the stamp was missing from the plat because there is still field work to be done.

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

Amy O'Neil said each of the proposed lots will have stubs for municipal water. The stubs could be shown on the plat.

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

Amy O'Neil said each of the proposed lots will have stubs for municipal sewer. The stubs could be shown on the plat. She asked how much information for sewer is wanted on the plat. Carla Westine said the DRB needed to insure the lots had water and wastewater facilities available. Carla Westine thought the wastewater permit number would be needed on the plat.

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

Carla Westine noted that Amy O'Neil is working on a stormwater drainage plan. Amy O'Neil said it was her understanding that she can discharge the additional stormwater from the new portions of road to surrounding pervious surfaces. She could not predict what would happen when buildings are built on the new lots. She expected that the stormwater permit would be modified as buildings are built. Carla Westine said the area of greatest concern for her is the drainage from the new road ending up in the wet area on the map. Amy O'Neil said she believed most of the water from the new road would drain into the ditch between lots 1A2 and 1A3 and not reach the wet area. She said she thought the wet area is most

likely a Class 2 wetlands, which means there would be a 50-foot buffer between the wetland and any soil disturbance. She said the Town of Chester sand pile is about 3 or 4 feet from the other side of the wet area.

Phil Perlah asked Amy O'Neil whether the stormwater issues for this lot will be like the stormwater issues encountered at the Jack's Diner hearing. Amy O'Neil said she recalled the hearings, having sat on the Board for them. She said the Jack's Diner project had not required a stormwater permit, where this project already had a permit and will be modifying it. Amy O'Neil said the state permit requires an annual inspection and a 5-year review by a designer. Ralph Michael of the State of Vermont had reviewed the design of Amy O'Neil's permit in the past. Phil Perlah asked if the Act 250 permit will need to be amended. Amy O'Neil said yes, it would have to be amended.

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

Carla Westine noted there are no bridges planned and some culverts may be needed for the new portion of road.

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

Carla Westine observed that the proposed lots with their dimensions are on the plat and that the lots are numbered. She noted the plat had not been signed because there was additional work to be done. The plat did not have any proposed building locations on the new lots.

Carla Westine asked Amy O'Neil whether she had considered setbacks and lot coverage when setting up the sub-divisions. Amy O'Neil said she had considered setback distances. She said the setback between two commercial lots was 25 feet. The setback from a residential lot on a commercial lot was 50 feet. Amy O'Neil pointed out the places where the commercial lots abutted residential lots.

Amy O'Neil said that Lot 1B3 was the "tightest" lot and they had left it that way because there is already a long-standing tenant with a use on the lot who wants to stay. She said she wanted affordable small lots for the small businesses common in Chester.

- 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.

Ribbons marking the survey pins were visible at the site visit. The Reference plan distributed at the site visit was also helpful. The full length of Gold River Extension running from the parcel in question to Pleasant Street (Route 11) was shown. Amy O'Neil said Gold River Extension had been accepted as a road by the town and the drawing of the intersection with Pleasant Street covered the requirement of distance along a road to the nearest existing road intersection.

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

Amy O'Neil said no land is being dedicated to public use.

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

There were no new roads in the sub-division. Vermont Route 11, Pleasant Street and Gold River Extension are marked.

- 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 left corner of sheet 2.

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.

Amy O'Neil said the list of permits could be found on the Project Review Sheet.

- 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 language is in the lower left corner of sheet 2 of the plat.

Phil Perlah asked if the ore shed would be left in place. Amy O'Neil said she expected to retain the ore shed parcel and rent it back to M&M Excavating. M&M would continue to use the ore



shed for storage. Phil Perlah asked if the crusher tower retaining walls would be left in place. Amy O'Neil said they would be. They are actually a property line. Phil Perlah asked whether a building could be built up to the edge of the right of way. Amy O'Neil said it could be. Phil Perlah noted that the ore shed almost touches the edge of the right of way. Amy O'Neil said that in the covenants and easements on the property, the language forbids building in the right of way.

Richard Farnsworth asked how close to a road may be to a property line. Harry Goodell said the setback for a building was 50 feet from the property line between a commercial and residential use, but a road may be built right up to a property line.

John Knisley said he was concerned about the runoff from the property. He lived on the other side of the railroad tracks from parcel 1A3. He said many years ago there was so much water around the railroad tracks that the railroad dug a ditch on his side of the property to drain it away. He said he needs a dehumidifier in his cellar nine months of the year when the ground is not frozen.

Richard Farnsworth asked if the current tenant who cuts stone would be purchasing their lot. Amy O'Neil did not know what their plans are. She said their lease will expire either in the spring of 2019 or the spring of 2020. Richard Farnsworth asked when construction on the road would begin if the permit was obtained. Amy said she hoped the road construction could begin immediately, but she did not know if that will be possible. Carla Westine said that more approvals would be needed.

Amy O'Neil presented written testimony for Article 5. The Board discussed what to do with the Article 5 testimony and whether to recess the hearing or close it. Amy O'Neil thought the water/wastewater drawings would not be submitted until late December and approval took at least 30 days. The stormwater drawings would also be submitted around January 1, 2019. She did not know how long the stormwater permit approval will take. Harry Goodell suggested that the hearing be recessed until the first meeting of the DRB in February 2019, which is the 11<sup>th</sup>.

It was agreed to accept the Article 5 testimony document and recess the hearing. Gary Coger moved to accept the document titled Gold River Partners, LLC 7 Lot Subdivision, giving the written testimony concerning the requirements of Article 5 of the Unified Development Bylaws as Exhibit I. Harry Goodell seconded the motion. A vote was taken and the document was accepted into evidence.

Carla Westine declared the hearing recessed until February 11, 2019 at 6:00 PM.

#### **Agenda Item 5 Confirm next meeting date(s)**

There are no known meetings for the Development Review Board until the February 11, 2019 reconvening of this hearing.

#### **Agenda Item 6 Deliberative session to review previous matters**

The Board went into Deliberative session. The meeting was adjourned at the end of the session.