

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

*September 13, 2021*

**BOARD MEMBERS PRESENT:** Harry Goodell, Robert Greenfield, Gary Coger, Phil Perlah and Scott MacDonald at the Town Hall.

**STAFF PRESENT:** Cathy Hasbrouck, Recording Secretary and Preston Bristow Zoning Administrator at the Town Hall

**CITIZENS PRESENT:** Doug Rietmeyer, Geralyn Donohue and Joe DiBernardo at the Town Hall. Ari O. via Zoom.

**Call to Order**

As Bob Greenfield was delayed on the road, Phil Perlah called the meeting to order at 6:08 PM. The group recited the Pledge of Allegiance

**Agenda Item 1 Review draft minutes from the August 9, 2021 meeting.**

The Board considered the minutes from August 9, 2021. Phil Perlah noted that he could not have seconded the motion to enter deliberative session since he had not attended the meeting. Cathy Hasbrouck said she would figure out who seconded the motion to enter a deliberative session. Harry Goodell moved to accept the minutes from the August 9, 2021 meeting. Phil Perlah seconded the motion, assuming that Cathy would correct the name of the person who seconded the motion. There was no further discussion. A vote was taken and the minutes were accepted with a correction.

**Agenda Item 2 Citizen comments.**

No citizen had any comments about any subject other than the subdivision hearing.

**Agenda Item 3 Ryan Preliminary Plat Review Hearing (#571)**

Phil Perlah began by swearing in Doug Rietmeyer, Joe DiBernardo and Geralyn Donohue to give testimony. He asked if any member of the Development Review Board had any conflict of interest to report. None did. He asked if any member had had any ex-parte communication on the matter. None had. He then accepted the documents offered as exhibits.

The first document was a 2-page Town of Chester Development Review Board Application for Sub-Division. Phil Perlah read some items aloud. The applicant name was Robert M. Ryan, the applicant mailing address is in Washington, DC and the property in question was 292 Quarry Road. The number of lots before division was 1 and after division was 2. The new acreage after subdivision was Lot 1 - 5 acres and Lot 2 - 5.03 acres. Harry Goodell moved to accept the application as Exhibit A. Gary Coger seconded the motion. A vote was taken and the application was accepted as Exhibit A.

The second document was a memo from Robert Ryan given to the Board at the hearing authorizing Joe DiBernardo to speak for the applicant, Robert Ryan, at the hearing. Harry Goodell moved to accept the memo as Exhibit B. Gary Coger seconded the motion. A vote was taken and the memo was accepted as Exhibit B.

The third document was a Town of Chester Notice of Public Hearing for a Subdivision Permit dated August 11, 2021. Phil Perlah read some items aloud. The site visit was announced for September 13, 2021 at 5:30 PM. The location of the property was 292 Quarry Road. Harry Goodell moved to accept the Notice as Exhibit C. Gary Coger seconded the motion. A vote was taken and the Notice was accepted as Exhibit C

The fourth exhibit was a map from the Agency of Natural Resources atlas showing the parcel in question and the DFIRM Floodways. Preston Bristow said the yellow area on the map could be more accurately described as the Special Flood Hazard Zone. Harry Goodell moved to accept the map as Exhibit D. Gary Coger seconded the motion. A vote was taken and the map was accepted as Exhibit D.

The fifth exhibit was a copy of the parcel's tax map. Harry Goodell moved to accept the map as Exhibit E. Gary Coger seconded the motion. A vote was taken and the map was accepted as Exhibit E.

The sixth exhibit was a Wastewater System and Potable Water Supply permit from the Vermont Department of Environmental Conservation dated August 18, 2021. The document was 3 sides of 2 sheets of paper Phil Perlah read paragraph 1.5 aloud:

Lot #2 (of 5.03+/- acres) is NOT approved for construction at this time. Any deed for this parcel shall contain the following language until a permit has been obtained from the Drinking Water and Groundwater Protection Division:

Harry Goodell moved to accept the permit as Exhibit F. Gary Coger seconded the motion. A vote was taken and the permit was accepted as Exhibit F.

The last document was a survey map entitled Plan showing subdivision of property of Robert M. Ryan and Margaret E. Fineran. The map was drawn by DiBernardo Associates, LLC dated June 24, 2021. Harry Goodell moved to accept the map as Exhibit G. Gary Coger seconded the motion. A vote was taken and the map was accepted as Exhibit G.

Phil Perlah asked Joe DiBernardo for a statement. Joe said he was representing Robert Ryan and Margaret Fineran for a 2-lot subdivision on a parcel of land between Quarry Road and Grafton Road (Route 35). He said the parcel is located in the Residential district with a minimum lot size of 40,000 square feet, or 0.92 acres. He said the district frontage requirement was 120 feet, the side and rear setbacks were 30 feet and the front setback was 40 feet. He said Mr. Ryan and Ms. Fineran wanted to cut the lot in half, creating Lot 1 with the existing structure, water supply and septic system on 5 acres, including 1,307.51 feet of road frontage on Quarry and Grafton roads and Lot 2, a vacant lot of 5.03 acres with 1,168.2 feet of combined frontage on the two roads as well. He said Michael Marquise is handling the septic permit. The septic for Lot 2 is going to be deferred, as is shown in the modified permit presented as Exhibit F.

Phil Perlah said the survey showed a dividing line between the two lots and a pin beside Quarry Road. He did not see the pin beside Quarry Road at the site visit. Joe DiBernardo said his crew will set the pin once the subdivision has been agreed to by the town. He would rather not set the pin until he is sure of the final location. Harry Goodell said he understood Joe's position, but the DRB would like to see something to mark the proposed location of the corners of the lot. It didn't have to be a pin. Joe DiBernardo said Preston Bristow had tied a ribbon to a tree about where the pin would be.

Phil Perlah said he noticed what appeared to be a seasonal stream at the site visit that was not on the map. It was established that the bylaw did require water courses to be shown on the map. Joe DiBernardo said he would add the stream location to the map.

Phil Perlah asked about a dotted line on the survey that was a long section of line interspersed with a single dash. He wanted to know what the line signified and asked if that information could be added to the legend. Joe DiBernardo said the line was the edge of the special flood hazard area and he would add it to the legend.

Phil Perlah then addressed the requirements for the map in Section 4.12(F) on page 81.

## **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 map. Harry Goodell asked the lot number be added to the Quarry Road address.

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

This was also found in the lower right corner of the map in 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.

Phil Perlah said the missing water course had been mentioned. He noted that the property lines were present. He verified with Joe DiBernardo that there were no easements present.

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

All abutters appeared to have been listed. Harry Goodell asked if the abutters had been notified. Preston Bristow said they had been sent letters and he could include that information in the packet if the DRB wanted it. Harry said the DRB would just like a statement that the notices had been sent. Preston Bristow said the notices were mailed on August 18, 2021.

- e.** The provisions of the zoning standards applicable to the area to be subdivided and any zoning district boundaries affecting the tract.

Phil Perlah pointed out the dimensional standards for the R-40 district in Note 5 on the map.

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

Phil Perlah said he thought there were culverts on Quarry Road that were not indicated on the map. Joe DiBernardo said his men would verify the culverts.

- 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.

Phil Perlah said this requirement applied to roads the subdivider would be creating. The map did not show any new roads.

- 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.

Phil Perlah said he saw contour lines at 5-foot intervals. Harry Goodell agreed.

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

Phil Perlah said true north was found in the upper left corner. The scale and date were found in the lower right corner the map.

- 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.

Phil Perlah found this information in the metes and bounds descriptions of the lots across the bottom of the map.

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

Phil Perlah pointed out the drilled well drawn on Lot 1. He asked that the location of the planned well for Lot 2 be added.

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

Phil Perlah said the existing septic system is drawn on Lot 1. A discussion of the plans for Lot 2 resolved that since there were no official plans for a septic system and potable water supply for Lot 2, none should be shown on the map and the proposed house shown should be removed.

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

Harry Goodell asked that the stream observed at the site visit which appeared to come from a culvert under Quarry Road be shown on the map. Scott MacDonald described the water course in more detail.

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

No culverts or bridges will be required.

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

Harry Goodell moved to waive the requirement for a suggested building location. Gary Coger seconded the motion. A vote was taken and the suggested building location requirement was waived.

- 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.

Phil Perlah pointed out the notation of 924 feet along Quarry Road to Grafton Road to the right of David and Elizabeth Malko's names on the map. He said there was a pink ribbon close to the location of the dividing line. That would be sufficient for preliminary approval.

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

Phil Perlah said there were no parcels dedicated to public use.

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

Phil Perlah said Quarry and Grafton Roads were identified on the map.

- 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.

Phil Perlah pointed out the vicinity map in the upper right corner of the map. It was noted that the scale of the vicinity map was 1 inch for 2,000 feet, and not the required 1 inch for 400 feet. Harry Goodell moved to modify the scale requirement for the map to allow the 1 inch to 2,000 feet scale. Gary Coger seconded the motion. A vote was taken and the scale requirement was modified.

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.

Phil Perlah asked that the number of the Wastewater System and Potable Water Supply permit applied for be added to the map. This is the number on Exhibit F, WW-2-6571.

- 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"

Phil Perlah pointed out the endorsement block found in the upper left corner of the map.

This concluded the review of the requirements in Section 4.12(F). Zoning Administrator Preston Bristow asked if the Final Hearing date could be agreed on. Joe DiBernardo said he could have the changes requested ready by the end of the week. It was agreed that the next DRB hearing date, September 27, 2021 would be the date for the Final Hearing.

Harry Goodell moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed.

**Agenda Item 4 Deliberative Session to review previous or current matters**

All other agenda items being complete, the meeting went into deliberative session and was adjourned at the end of it.