

1 **TOWN OF CHESTER**
2 **DEVELOPMENT REVIEW BOARD**

3 October 24, 2022

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

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

8 **CITIZENS PRESENT:** David Coleman at the Town Hall.

9 **Call to Order**

10 00:00 Bob Greenfield called the meeting to order at 6:07 PM. He introduced the members of the
11 Development Review Board and staff and led the group in the Pledge of Allegiance.

12 **Agenda Item 1 Review minutes of the July 25, 2022 meeting**

13 Harry Goodell moved to accept the minutes as written. Phil Perlah seconded the motion. There
14 was no discussion. A vote was taken and the minutes were accepted as written.

15 **Agenda Item 2 Citizen's comments**

16 There were no citizen comments.

17 **Agenda Item 3 Conditional Use Hearing #582 3514 Flamstead Road Subdivision**

18 Chair Robert Greenfield asked if any of the board members had had any ex-parte communication
19 about the hearing. None did. He then asked if any board member had a conflict of interest to
20 report. None had.

21 David Coleman was sworn in to give testimony.

22 The following exhibits were entered in evidence:

23 The first document was a Notice of Hearing on October 24, 2022 Subdivision permit for 3514
24 Flamstead Road dated September 28, 2022. The notice was signed by Zoning Administrator
25 Preston Bristow. Harry Goodell moved to accept the Notice as Exhibit A. Phil Perlah seconded
26 the motion. A vote was taken, and the Notice was accepted as Exhibit A.

27 The second document was an Application for Hearing before the Development Review Board for
28 a Subdivision dated September 2, 2022. The application was signed by the applicants Walter E.
29 Kangas and Donna W. Dearborn and by Zoning Administrator Preston Bristow. Harry Goodell
30 moved to accept the Application as Exhibit B. Phil Perlah seconded the motion. A vote was
31 taken and the Application was accepted as Exhibit B.

32 The third document was a list of the abutters to 3514 Flamstead Road who were notified of the
33 hearing. Harry Goodell moved to accept the list as Exhibit C. Phil Perlah seconded the motion.
34 A vote was taken, and the list was accepted as Exhibit C.

35 The fourth document was a survey of the proposed Subdivision by David Coleman dated August
36 17, 2022. Harry Goodell moved to accept the survey as Exhibit D. Phil Perlah seconded the
37 motion. A vote was taken, and the survey was accepted as Exhibit D.

1 .
2 Bob Greenfield began by asking about the definition of a minor subdivision as described in the
3 Notice of Hearing. He found the definition of the term in Article 8.2 Definitions and read it to
4 the board: Any subdivision containing four (4) or fewer total lots, including amendments to an
5 approved subdivision plan that will not substantially change the nature of any previous
6 subdivision or conditions of approval.

7 Bob Greenfield then addressed the required submissions for the plat in Section 4.12(F).

8 **F. Required Submissions**

9 **1. Preliminary Plat.** The Preliminary Subdivision Plat shall consist of a pdf copy as well as seven (7)
10 copies of one or more maps or drawings which may be printed or reproduced on paper with all
11 dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred
12 (100) feet or more to the inch, showing or accompanied by information on the following points
13 unless waived by the Development Review Board:

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

15 Harry said he found this in the lower right corner of the map.

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

17 Bob and Harry found this in the two lowest boxes on the right side of the map.

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

20 Bob Greenfield asked David Coleman about a right of way that ran from the Raff
21 house to the house on the parcel in question. David Coleman confirmed that a
22 right of way existed. Bob Greenfield requested that the right of way be added to
23 the plat.

24 Bob Greenfield then discussed Note 2, which stated, "Proposed ROW does not
25 exceed a grade of 15%." He said the ROW needs to be shown on the map.

26 Bob and Harry Goodell noted 2 ponds seen at the site visit that were not on the
27 map. Harry said the pond nearest the Kangas house had water in it. He said the
28 ponds could be marked as seasonal.

29 Scott MacDonald asked about utility poles which were not shown on the map.

30 Bob Greenfield said they should be present on the map. Harry said they should be
31 added.

32 Harry noted that the water supply and leach fields for each house are shown. Phil
33 Perlah asked that the symbols for water and septic be added to the legend.

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

35 Bob and Harry confirmed that abutters appear to be listed.

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

38 Bob Greenfield pointed out the dimensional standards for the R-120 district in
39 Note 1. Harry agreed.

- 1 f. The location and size of any existing sewer and water mains, culverts, and drains on the
2 property to be subdivided.
- 3 Bob said there were none.
- 4 g. The width and location of any existing roads within the area to be subdivided and the
5 width, location, grades, and road profiles of all roads or other public ways proposed by
6 the Subdivider.
- 7 Bob Greenfield said the ROW needs to be drawn in..
- 8 h. Contour lines at intervals of five (5) feet of existing grades and of proposed finished
9 grades where change of existing ground elevation will be five (5) feet or more.
- 10 There were contour lines at 20-foot intervals. David Coleman asked that the 5-
11 foot requirement be waived. Harry moved to accept the 20-foot interval. Phil
12 Perlah seconded the motion. A vote was taken and the motion passed
13 unanimously.
- 14 i. Date, true north point, and scale.
- 15 All the items were located on the map. Harry Goodell noted that the distance to
16 the intersection of Flamstead and Kirk Meadow Road was shown.
- 17 j. Deed description and map of survey of tract boundary made and certified by a licensed
18 land surveyor tied into established reference points, if available.
- 19 Bob Greenfield and Phil Perlah both said this information was present.
- 20 k. Location of connection with existing water supply or alternative means of providing
21 water supply to the proposed subdivision.
- 22 Bob Greenfield said there was no water supply on the map.
- 23 l. Location of connection with existing sanitary sewage system or alternative means of
24 treatment and disposal proposed.
- 25 Bob Greenfield said there was no existing sanitary sewer system on the map.
26 Harry Goodell said wells and leach fields for existing houses were shown on the
27 map.
- 28 m. Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- 29 Bob Greenfield said there was no drainage plan on the map.
- 30 n. Preliminary designs of any bridges or culverts which may be required.
- 31 Bob Greenfield said no culverts or bridges will be required.
- 32 o. The proposed lots with surveyed dimensions, certified by a licensed land surveyor,
33 numbered, and showing suggested building locations.
- 34 Bob said there were no suggested building locations. Harry Goodell agreed. Bob
35 Greenfield read Note 3 on the map aloud, "If Lot K1 or Lot K2 are conveyed
36 without a Vermont Wastewater System and Potable Water Supply Permit, the
37 deed shall contain the following language: Notice of permit requirements. In order
38 to comply with applicable state rules concerning potable water supplies and
39 wastewater systems, a person shall not construct or erect any structure or building

1 on the lot of land described in this deed if the use or useful occupancy of that
2 structure or building will require the installation or connection to a potable water
3 supply or wastewater system without first complying with the applicable rules and
4 obtaining any required permit. Any person who owns this property acknowledges
5 that this lot may not be able to meet state standards for a potable water supply or
6 wastewater system and therefore this lot may not be able to be improved.”

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

11 Harry Goodell said the temporary markers need to be improved.

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

14 Bob Greenfield said there were no parcels dedicated to public use.

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

17 Bob Greenfield said there were no new streets to be identified.

- 18 **s.** The Preliminary Plat shall be accompanied by:

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

26 Bob Greenfield pointed out the locus map in the upper right corner of the
27 map. Phil Perlah asked that the parcel, indicated by the word SITE on the
28 map, have the boundaries drawn in.

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

32 Harry Goodell said there were no state permits applied for. This needs to be
33 noted in the findings of fact.

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

36 "Approved by the Development Review Board of the Town of Chester, Vermont as per
37 findings of fact, dated ____ day of _____, _____ subject to all requirements and
38 conditions of said findings.

39 Signed this ____ day of _____, _____ by
40 _____

1 _____, Development Review Board”

2 Bob Greenfield pointed out the endorsement block found right side of the map.

3 Bob Greenfield read this portion of Section 4.12.F.2 aloud: **2. Final Plat.** The Final Subdivision
4 Plat shall consist of one or more sheets of drawings which conform to the following
5 requirements: All sheets shall be linen, mylar black or blue-lined duplicating paper and shall be
6 18 inches x 24 inches or a multiple thereof in size.”

7 Phil Perlah wondered whether the red lines on the proposed map could be recorded. Preston
8 Bristow said the standards of only blue or black ink refer to an earlier time when such colors
9 could not be effectively reproduced on a mylar.

10 Bob Greenfield asked for any other notes or corrections. Preston said he had five corrections:

- 11 • The right of way between Raff and Kangas be shown
- 12 • Two ponds to be shown
- 13 • Utility poles to be shown
- 14 • The water and septic icons to be added to the legend
- 15 • A drawing of the shape of the parcel be added to the locus map and not just the word
16 SITE.

17 Harry Goodell said the right of way referred to will require a highway access permit from the
18 state. There was a discussion about whether the 50.29-foot strip running from Flamstead Road
19 to the triangular body of Lot K2 was a right of way. Harry Goodell said such a right of way
20 would require an access permit. It was established that the strip running from Flamstead Road to
21 Lot K2 was not the triangular right of way which had been spoken of earlier. That right of way
22 gave easier highway access to parcel 31-20-17.200.

23 David Coleman said the 50.29-foot strip would not be serving as access for Lot K2. Access for
24 Lot K2 would come from a right of way not shown on the map which would be added. Harry
25 Goodell said the 50.29-foot strip would not be adequate frontage for lot K2 if it were to be
26 considered a stand-alone lot. It was expected that lot K2 would be acquired by Mr. and Mrs. Raff
27 and possibly merged into their existing property.

28 The discussion highlighted issues about the purpose of creating lot K2. Would it become a
29 stand-alone parcel which could be sold or was it simply intended to be added to the existing Raff
30 parcel 31-20-17? Road frontage requirements, highway access and the existing right of way
31 needed to be settled based on the purpose of lot K2.

32 Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken,
33 and the hearing was closed.

34 Harry Goodell moved to enter deliberative session. Gary Coger seconded the motion. A vote
35 was taken, and deliberative session was entered at 6:39 PM. The session was ended at 7:05.
36 Harry Goodell moved to adjourn the meeting. Phil Perlah seconded the motion, and the meeting
37 was adjourned.