

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
DRAFT MINUTES

May 8, 2023

BOARD MEMBERS PRESENT: Harry Goodell, Larry Semones, 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: Karen Aulbach, Dale Yerger, Don Stein at the Town Hall.

Call to Order

Phil Perlah chaired the meeting in the absence of Bob Greenfield, who had recused himself. Phil called the meeting to order at 6:00 PM. The group recited the Pledge of Allegiance. Phil introduced the members of the Development Review Board and staff.

Agenda Item 1 Review draft minutes from the April 24, 2023 meeting.

The Board considered the minutes from April 24, 2023. There was no discussion. Harry Goodell moved to accept the minutes as written. Scott MacDonald seconded the motion. A vote was taken, and the minutes were accepted as written.

Agenda Item 3 Subdivision Hearing # 590 for FDW, Michael Wood.

Phil Perlah began by accepting exhibits for the hearing.

The first document was a Town of Chester Notice of Public Hearing for a Boundary Line Adjustment dated April 12, 2023. Harry Goodell moved to accept the Notice as Exhibit A. Scott MacDonald seconded the motion. A vote was taken, and the Notice was accepted as Exhibit A.

The second document was a Town of Chester Development Review Board Application for a Boundary Line Adjustment signed by Faith Wood, dated April 6, 2023. The DRB case number was 590. The applicant was FDW. Harry Goodell moved to accept the application as Exhibit B. Scott MacDonald seconded the motion. A vote was taken, and the application was accepted as Exhibit B.

The third exhibit was a 100-foot abutters list. It indicated five abutters were mailed a Notice of Hearing on April 19, 2023. Harry Goodell moved to accept the list as Exhibit C. Scott MacDonald seconded the motion. A vote was taken, and the list was accepted as Exhibit C.

The fourth exhibit was a tax map showing the parcels to be adjusted and the abutting parcels. Harry Goodell moved to accept the tax map as Exhibit D. Scott MacDonald seconded the motion. A vote was taken, and the tax map was accepted as Exhibit D.

The fifth exhibit was a survey from DBS Surveys dated April 6, 2023 showing the proposed boundary adjustment between land owned by Karen Aulbach and Dale Yerger and land owned by Michael Wood. Harry Goodell moved to accept the survey as Exhibit E. Scott MacDonald seconded the motion. A vote was taken, and the plan was accepted as Exhibit E.

The sixth exhibit presented was a subdivision permit for these parcels dated 4/16/2001 from the State of Vermont Department of Environmental Conservation. Harry Goodell moved to accept the permit as Exhibit F. Scott MacDonald seconded the motion. A vote was taken, and the permit was accepted as Exhibit F.

The seventh exhibit was a page from the October 2, 2006 Chester Planning Commission minutes which addresses these parcels. Harry Goodell moved to accept the portion of the minutes as Exhibit G. Scott MacDonald seconded the motion. A vote was taken, and the document was accepted as Exhibit G.

The eighth exhibit was a page from the May 7, 2007 Chester Planning Commission minutes which addresses these lots and highway access permits. Harry Goodell moved to accept the portion of the minutes as Exhibit H. Scott MacDonald seconded the motion. A vote was taken, and the document was accepted as Exhibit H.

Phil Perlah asked if any members of the DRB had had any ex-parte communication on this matter. None had. He then asked if any members of the DRB had a conflict of interest to report. None did.

Phil Perlah swore Karen Aulbach, Dale Yeger and Don Stein in to give testimony.

Karen Aulbach summarized the history of the boundary adjustment request. The owner of an abutting parcel had pointed out that the bottom portion of her driveway crossed another parcel, which required her to have a right-of-way. The boundary lines could be redrawn to have the driveway entirely on her own property. This boundary adjustment accomplishes that goal. The size of the parcels did not change, only the boundary lines were moved.

Phil Perlah turned to article 4.13 for the process to be followed in a boundary adjustment request. He verified that this action met the requirements of a boundary line adjustment. Referring to the definition of boundary line adjustment he noted that no new lots were being created, that the adjustment would improve access to the parcel and there was no impact on designated open space and that, while the parcels are currently non-conforming the boundary adjustment does not increase the non-conformity.

Phil Perlah then read the portion of the bylaw that listed the requirement for a boundary adjustment survey, Section 4.12F

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.
Phil Perlah read aloud the contents of the title block in the lower right corner of the map, which had this information.
 - b.** Name and address of record owner, subdivider, and designer of Preliminary Plat.

Phil Perlah read addresses of the owners and the surveyor from the title block in the lower right corner of the map.

- 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 acreage for Parcels 1 and 2 were shown and they did not change as result of the boundary adjustment. The existing house, garage, shed septic tank and well were shown on the map. He said there appear to be no water courses on the map and none were seen at the site visit.

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

Phil Perlah said the abutters were shown on the survey.

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

Phil Perlah said the middle of the right side of the plat had the R-120 dimensional standards. Harry Goodell said those standards are not applicable to this survey because the subdivision had been done when the parcel was in the R-80 zoning district. Harry felt the dimensional standard in force at the time of the subdivision should be listed. Phil said the bylaw requires the current standards to be shown on the revised map. The long history of these parcels dating back to 1997 was discussed by Scott MacDonald, Preston Bristow, Phil Perlah and Harry Goodell. Don Stein proposed adding a note that would explain the change in dimensional standards since the original subdivision.

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

Scott MacDonald pointed out a culvert at the base of the driveway. It was marked as a 15-inch culvert, but the symbol for the culvert was not in the legend. Harry Goodell said he believed there was a culvert at the end of the other parcel's driveway. That culvert was not shown on the map.

- 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.

There were no new roads in the area.

- 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 there were 5-foot contour lines on the map, but the 845-foot line on Lot 2 becomes 850 feet on Lot 1. The 850- and 855-foot lines are similarly changed from Lot 1 to Lot 2.

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

True north and magnetic north were found in the upper left corner. The date and digital scale were found in the title block in the lower right corner. The graphic scale was found above the title block.

- 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 said Note 1 cross-references to deeds of record. Set or existing iron pins indicate the new property lines.

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

Phil Perlah noted the well drawn on parcel 1. Parcel 2 has an approved house and well site. Phil Perlah asked if the approved well and septic sites were mentioned on the subdivision permit from the state. Preston Bristow said they were.

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

Phil Perlah asked if the subdivision permit number could be added to the survey. Don Stein said he could add it to the survey.

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

Phil Perlah moved to waive the drainage plan requirement. Harry Goodell seconded the motion. A vote was taken and the drainage plan requirement was waived.,

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

No bridges will be required. The driveway culverts have been addressed.

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

Phil Perlah said all that information was present.

- 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.

Harry Goodell said the survey showed 850 feet to Kirk Meadow Road.

- 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.

There were no roads to name.

- 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 said the vicinity map was in the upper right-hand corner.

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 Perla said there are no pending applications. The potable water supply and wastewater permit were issued a long time ago. Preston said all the needed permits have been obtained.

- 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 said the endorsement block is present.

Preston Bristow said the 2 lots were given tax map numbers beginning with 31, not 20 as shown on the survey. He also said the name of Flamstead Road Extension is not used on the 911 map; it is only Flamstead Road.

Phil Perlah proposed that the DRB authorize Preston Bristow to verify the changes requested and when the mylar is correct to alert the DRB members so they can sign it. No objections were heard. Harry Goodell moved to close the hearing Phil Perlah seconded the motion. A vote was taken and the hearing was closed. The DRB will meet for the next hearing on May 22, 2023.

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.