

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

*February 11, 2019*

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

**STAFF PRESENT:** Michael Normyle, Zoning Administrator, Cathy Hasbrouck, Recording Secretary.

**CITIZENS PRESENT:** Amy O’Neil, Richard and Cynthia Farnsworth.

**Call to Order**

The meeting was called to order at 6:00 PM by Chair Carla Westine. She read the agenda for the meeting and invited the audience to join in reciting the Pledge of Allegiance.

**Agenda Item 1 Review Draft Minutes of November 26, 2018 meeting.**

Phil Perlah moved to accept the minutes from the November 26, 2018 meeting. Gary Coger seconded the motion. There was no discussion. A vote was taken and the minutes were accepted as written.

**Agenda Item 2 Citizen Comments.**

There were no citizen comments.

**Agenda Item 3 Reconvene the Preliminary Plat application for the Gold River Partners LLC Major Sub-Division (#531)**

Carla Westine noted that everyone attending the meeting had been sworn in at the meeting in November, 2018 and all were still under oath.

There were four new documents to be entered as evidence. The first document was a drawing titled Proposed Road Site Plan and Profile and labeled FIG 1, The drawing was prepared by Dufresne Group and is dated January 29, 2019. Harry Goodell moved to accept the drawing as Exhibit J. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The second document presented was a potable water and wastewater plan. It was a series of six drawings on three sheets of paper, stapled together, prepared by Dufresne Group. The drawings were labeled G1, C1, C2, C3, C4 and C5. All were dated January 29, 2019. Carla Westine read the titles of each drawing:

- G1 Overall Site Plan
- C1 Water Main Site Plan and Profile Station 0+00W to 7+00W
- C2 Water Main Site Plan and Profile Station 7+00W to 13+24W
- C3 Sewer Main Site Plan and Profile Station 0+00S to 6+77S
- C4 Sewer Main Site Plan and Profile Station 6+77S to 14+66S

– C5 Standard Water and Sewer Details.

Phil Perlah moved to accept the drawings as Exhibit K. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The third document presented was a three-page plot plan by Rose Land Surveying titled Preliminary Subdivision Plan in Chester Windsor County Vermont for Gold River Partners, LLC. The sheets were labeled 1 of 3, 2 of 3 and 3 of 3. Sheet 1 had the subdivision layout, an area summary, a monument table, specification for the 50-foot wide main access right of way and a signature block for the DRB. Phil Perlah suggested that the sheets be labeled Exhibit L1, L2 and L3. Chair Carla Westine agreed. Phil Perlah moved to accept sheet 1 of 3 as Exhibit L1. Harry Goodell seconded the motion. A vote was taken and the motion passed. Sheet 2 had district standards, a list of abutters, a list of easements, map references and notes. Phil Perlah moved to accept sheet 2 of 3 as Exhibit L2. Gary Coger seconded the motion. A vote was taken and the motion passed. Sheet 3 had contour lines drawn on the sub-division map, existing drainage features and proposed features such as two additional fire hydrants. Phil Perlah moved to accept sheet 3 of 3 as Exhibit L3. Gary Coger seconded the motion. A vote was taken and the motion passed.

The fourth document presented was a stormwater plan consisting of three pages stapled together, prepared by Dufresne Group. The pages were labeled SW1 – SW3. They were titled Existing Conditions Site Plan, Proposed Conditions Site Plan and Stormwater Details and Notes. Phil Perlah moved to accept the document as Exhibit M. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Carla Westine reviewed the status of the hearing. She said there were a few items of information outstanding when the preliminary plat hearing was recessed on November 26, 2018. She invited Amy O’Neil to explain what she has gathered together for submission since then.

Amy O’Neil said she has filed for a General Construction permit with the state. The site has been identified as a low-risk site and the permit has been filed at the Chester Town Office. She said she has filed for a wastewater permit and a drinking water permit. The water and sewer plans which support the permits have been accepted at the hearing as Exhibit K. She received the stormwater permit Friday February 8 and brought the stormwater plans to the meeting that evening. They were accepted as Exhibit M.

Exhibits L1, L2 and L3 are the preliminary plat. Amy O’Neil said the plat is missing the wastewater permit number, which will be added to the final plat. She said the easements and declaration of covenants are in the process of being re-written to accommodate a larger number of parcel owners. The list of easements on Exhibit L2 will be replaced by a page and book number on the final plat when the easements and the declaration of covenants are completed and recorded in the Chester land records.

Phil Perlah asked about the amendment to the current Act 250 permit. Amy O'Neil said she was waiting for all of the permits to be final before she submits an amendment to the Act 250 permit. She said she hoped that the amendment application will be considered complete when she submits it and the application coordinator will be able to act promptly.

Carla Westine asked Amy O'Neil to go over the new information she submitted that day, in particular the stormwater plan. Amy O'Neil asked that the requirement for a drainage plan on the plat be waived because the stormwater permit will be filed with the land records. She felt the stormwater permit could serve as a drainage plan. The preliminary plat had limited information about drainage. Amy O'Neil said the property had an existing stormwater plan before this proposed sub-division. The plan showed 3.84 acres of impervious surface. The study for the new stormwater plan showed less impervious surface because some areas have become overgrown since the last evaluation by the state. The overgrown areas can now absorb stormwater. The overgrown areas are noted on the stormwater plan with the text, "existing permitted impervious surface removed between. . .". The note gives the years when the impervious surface was last seen and when it was discovered to be removed. The new state study done for this permit states that water leaving the site to the south flows through a culvert under Route 11, flows along the railroad tracks in a swale and enters the Middle Branch of the Williams River where the railroad tracks cross a small arm of the river. The state has also determined that the north end of the property drains into a swale along the railroad track and enters the Middle Branch of the Williams River at the bridge on Route 11.

Amy O'Neil explained that the new stormwater regulations say water may not discharge untreated onto an abutting property. The stormwater proposal addresses the treatment needs by sections. The new plan (Exhibit M, SW2) routes water draining from the impervious surface near the office and part of the shop to grass along the side of the driveway where it will infiltrate and then drain into the swale along the railroad tracks. A section on the northern and eastern side of the property drains water into the existing grassy swale and a grassy area near the road. A culvert in the center of the page at the bottom which had directed water toward a swale on the Mulholland property will be removed and replaced by 50.3 feet of 18-inch HDPE storm drain. She indicated a pre-treatment bay to be installed to the north of the storm drain to prevent stormwater from draining onto the Mulholland property untreated. She also indicated an area on the northern side of the property where stormwater will flow into a new pre-treatment forebay and a new infiltration basin.

Michael Normyle asked what a forebay was. Amy O'Neil indicated details on page 3 which included a cross section of pretreatment forebays 1 and 2. She said it was an area similar to a swale, excavated to a specific depth, then covered with dirt and plants to

infiltrate and absorb the water. Carla Westine said there were areas like this along the front of the new Jiffy Mart plaza.

Michael Normyle asked whether the new lot owners will check the stormwater plan when they build their buildings and create additional impervious surfaces on their lot. Amy O'Neil said the stormwater plan was designed to handle 122% of the projected drainage to allow for new buildings and driveways. The infiltration basins are bigger than what would be needed for the 122%. Ideally this would be sufficient for any buildings that are built on the lots. If a building and driveway exceed this planned capacity, the individual land owner will need to pre-treat the stormwater before it leaves the lot. Michael Normyle also mentioned questions John Knisley had at the meeting in November about drainage along the railroad tracks. Amy O'Neil said the previous permit did have some infiltration basins and stormwater did drain along the railroad tracks. This new plan has more infiltration capacity.

Michael Normyle asked about ongoing maintenance and what would happen when all the lots were sold. Amy O'Neil said the state requires that the landowner affirm that the plan is being maintained properly on an annual basis. The state requires that an engineer inspect the property every 5 years and affirm that the plan is being maintained and is functioning properly. She said there is an association of lot owners which has covenants to address these needs.

Carla Westine asked if Amy O'Neil had a stormwater permit number. Amy O'Neil said she had a permit number from previous years and expected that the number will be modified or added to for these changes. She said the state will send the permit directly to the Chester Town Office for recording when it is approved. Carla Westine asked if the stormwater permit number will be on the Final Plat. Amy O'Neil said it would be. She would also add the wastewater permit number when she received it, remove the easement list and add the book and page number where the easement and declaration of covenants is recorded.

Amy O'Neil discussed the required changes to the potable water system. She said two hydrants will be added (shown on sheet 3 of the plat, Exhibit L3) on lots 1B3 and 1B2, in addition to the existing hydrants on lots 1A1 and 1B1. She also listed the changes that will be made to the wastewater system. All the parcels will be connected to the municipal sewer. The wastewater from every parcel except 1B1 will be gravity fed to the pump station which will pump the wastewater via a new force main to the municipal sewer. Parcel 1B1 will gravity feed directly into the sewer.

Carla Westine asked Amy O'Neil if the changes to the potable and wastewater systems will be made before the lots are sold. Amy O'Neil said they will. The water and wastewater pipes will be installed when the roadwork is done. Carla Westine asked if Amy O'Neil had been in touch with Jeff Holden, the Water and Wastewater

Superintendent. Amy O'Neil said she had spoken to Jeff in person and on the phone. She said the state will require easements so the Town of Chester can maintain the water mains. Michael Normyle asked if the Town of Chester or the Selectboard must vote to accept the water main. Amy O'Neil said acceptance of the water main by the town appears to be automatic. Harry Goodell asked if every parcel in the sub-division will have a water meter. Amy O'Neil said yes, each property will have its own meter. There is currently only one meter for the office area. Michael Normyle said this project is the first major sub-division he has seen as Zoning Administrator over the past 8 to 9 years.

Carla Westine asked the Board members if they required any more information before they decide whether to accept the preliminary plat. Amy O'Neil asked if there were any questions about the written testimony she had submitted at the November 26<sup>th</sup> hearing (Exhibit I). She said she had one change she would like to make. On page 2, where it discusses signs, she wanted to change the word "kiosk" to "plaza", which is the term the Unified Development Bylaws uses to refer to the type of sign on the property. Michael Normyle noted the discussion of changes to lot sizes that took place at the previous meeting. Amy O'Neil said the dimensions on the preliminary plat submission (Exhibits L1, L2 and L3) had been verified by the surveyor and are now correct. Michael Normyle verified that there was a project review sheet in the exhibits submitted in November. Carla Westine said the project review sheet was Exhibit D.

Carla Westine reviewed the process for the final plat submission. She said, once the preliminary plat hearing is closed and the decision issued, Amy O'Neil has 180 days to file the final plat. The final plat will have the wastewater and stormwater permit numbers added to it, the easement list removed and replaced by the book and page where the easements and declaration of covenants are recorded in the Chester land records. Carla Westine asked the Board members if they had any questions before the preliminary plat hearing was closed. Phil Perlah asked if the applicant was ready to close the hearing. Amy O'Neil said she was ready to close the hearing. She said she expected to have all the required permits in a month or two. She said she expected that any questions about the acceptability of the project would be settled at the preliminary plat hearing, leaving no issues to be taken up at the final plat hearing. Carla Westine said she agreed that there were only missing permit numbers and recording work to be done for the final plat.

Richard Farnsworth asked whether a chain link fence that exists between his property and the parcels in question would be maintained after the sub-division takes place. He indicated that the proposed road crossed a portion of the existing fence and assumed that portion of the fence would be removed. Amy O'Neil said she had agreed to maintain a permanent, covenanted, 15-foot vegetative buffer between this property and the Farnsworth property and would not remove any trees growing in the buffer. Richard Farnsworth asked if any additional screening would be required. Amy O'Neil said it would not. She said when a sub-divided lot is purchased, the new property owner would be obliged to maintain the 15-foot vegetative buffer. Richard Farnsworth and Amy

O'Neil confirmed that the setback requirement for a commercial property abutting a residential property is that no building could be built within 50 feet of the property line. Carla Westine said that when a property is sold and a business is constructed, a warned conditional use hearing for that project will be held and Richard Farnsworth could discuss his concerns with the project then. Amy O'Neil acknowledged that the fence between the properties has not been maintained and some parts of it have fallen down. She felt that the new property owners should address the fence as it impacts their property. She noted that the new lots are small, to accommodate small businesses. She did not want to limit what can be done on the lots by making covenants for buffers that are unnecessarily broad and limit space needed for development of the small business.

Michael Normyle asked if any of the state requirements depend on the preliminary plat hearing being closed. Amy O'Neil said Act 250 only asks if the local permits had been applied for. Michael Normyle asked if the entire road that will be built will meet town road specifications. Amy O'Neil said it will and as soon as one more lot is sold, the road will be turned over to the town. She said the covenant to maintain the road became unmanageable when too many owners were involved.

The stone sorting business which has been in place on one of the proposed lots for the last 15 years or so was discussed. The current lease will expire in 2019 or 2020. Amy O'Neil said she did not know whether the current tenant would purchase the property or negotiate a new lease. The permit in place now allows that business to continue and would apply if the parcel were sold. Amy O'Neil offered to revise her written testimony (Exhibit I) and make the change from kiosk to plaza in the sign section. She would send the revised testimony to Michael Normyle.

Phil Perlah moved to close the preliminary plat hearing. Harry Goodell seconded the motion. A vote was taken and the hearing was closed.

The last item on the agenda was a deliberative session to discuss previous matters. The Board entered deliberative session and the meeting was adjourned at the end of it.