

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

*March 27, 2017*

**BOARD MEMBERS PRESENT:** Carla Westine, Harry Goodell, Phil Perlah, Amy O'Neil, Ken Barrett and Frank Bidwell.

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

**OTHERS PRESENT:** Justin Anderson, Kathy Goodell, Barbara Johnston, A. Lee Gustafson, and William Lindsay.

**CALL TO ORDER**

The meeting was called to order at 6:00 P.M. by Chair Carla Westine. Members of the Development Review Board and staff were introduced, followed by reciting the Pledge of Allegiance.

Chair Carla Westine noted that there had been two site visits preceding the meeting. The first took place at 5:00 PM at 14 Cummings Road in preparation for a subdivision hearing for Barbara Johnston. The second took place at 5:25 PM at 349 Pleasant Street in regards to a change to the Gold River Partners subdivision. She then read the meeting agenda.

**Agenda Item 1 Review minutes from February 27, 2017 and March 13, 2017 meetings**

The minutes for the February 27, 2017 were reviewed. Harry Goodell moved to accept the minutes. Phil Perlah seconded the motion. There was no discussion. A vote was taken and the motion passed.

The minutes for the March 13, 2017 were reviewed. Harry Goodell moved to accept the minutes. Amy O'Neil seconded the motion. There was no discussion. A vote was taken and the motion passed.

**Agenda Item 2 Reconvene the Conditional Use Application #494, Meditrina**

This hearing was opened on February 27, 2017, recessed to March 13, 2017, reopened on March 13, 2017, and recessed to March 27, 2017. Frank Bidwell had participated in the February 27, 2017 portion of the hearing as an alternate and Carla Westine asked him to rejoin the board for the rest of this hearing.

Justin Anderson, the applicant, was reminded that he was still under oath. No other citizens wished to participate in the hearing so no one else was sworn in.

Three more documents were presented to the board as evidence. The first document was Fire Inspection Results from the Vermont Department of Public Safety, Division of Fire Safety. The document was dated March 20, 2017. The address inspected was 177 South Main Street. Some exhibits presented in this hearing on February 27, 2017 had an address of 155 South Main Street. Michael Normyle said the Chester Town Clerk has confirmed that 177 South Main Street is the correct address. Amy O'Neil moved to accept the Fire Inspection Results as Exhibit J. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The second document presented was from the Vermont Department of Health concerning a site visit made on March 9, 2017 by Emily Jarecki to 177 South Main Street. Amy O'Neil moved to accept the document as Exhibit K. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The third document presented was a revised site plan for 177 South Main Street dated March 20, 2017. It addressed concerns the board had expressed at the February 27, 2017 meeting. It showed a privacy fence outside the rear door screening recycling receptacles, a downward facing light on the building over the rear door, the location of the trash and recycling receptacles, and a fourth parking space for tenants. These were all discussed at the earlier meeting. Amy O'Neil moved to accept the site plan as Exhibit L. Harry Goodell seconded the motion. A vote was taken and the motion passed.

There were no further question or comments from the board, the Zoning Administrator or citizens about this application. Amy O'Neil moved to close the hearing. Harry Goodell seconded the motion. A vote was taken and the motion passed.

### **Agenda Item 3 Preliminary Plat Review – Barbara Johnston**

Barbara Johnston was sworn in to give testimony for this hearing. No other citizens asked to give testimony. Chair Carla Westine polled the board members to see if any members had had any ex-parte communication about this application or a potential conflict of interest. No member did.

The documents sent in the packets were presented. The first document was the Development Review Board Application for Subdivision. The location of the property is 14 Cummings Road, the document is signed by Barbara Johnston and Zoning Administrator Michael Normyle and dated February 14, 2017. Amy O'Neil moved to accept this document as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The second document presented was a Notice of Public Hearing for a Site Visit and Public Hearing dated February 21, 2017 for a Preliminary Plat Review of a Minor Subdivision on March 27, 2017. The property is located at 14 Cummings Road. Amy O'Neil moved to accept the document as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The third document was a one-page project narrative dated February 14, 2017 and signed by Barbara Johnston describing the division of the property into three parcels. Amy O'Neil moved

to accept the document as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The fourth document was a two-page Agency of Natural Resources and Natural Resources Board Project Review sheet dated June 18, 2007, PIN #07-0257 for a tract of land located on 18 Cummings Road. Amy O'Neil moved to accept the document as Exhibit D. Frank Bidwell seconded the motion. A vote was taken and the motion passed.

The fifth document was titled Application for Approval for Stream Crossing Structure. It had a business card from Frederick Nicholson affixed to the upper left corner. The middle panel was stamped Approval Water Quality Division, dated 9/15/08 and signed by F. G. Nicholson. Amy O'Neil moved to accept the document as Exhibit E. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The sixth document in the packet was the original application that resulted in the approval of Exhibit E, Application for Approval for Stream Crossing Structure. The board decided not to accept this as evidence since Exhibit E made this application irrelevant.

The seventh document considered was an 11" x 17" version of the Plat. It was difficult to read and the information it carried was more easily seen on the full size Plat which had been submitted. This document was not accepted as evidence.

The eighth document considered was a full-size Plat of the property at 14 Cummings Road documenting a survey originally conducted March 25, 2008 by Robert W. Farnsworth. The most recent revision was February 22, 2017. Amy O'Neil moved to accept the Plat as Exhibit F. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The last document considered was a four-page Wastewater System and Potable Water Supply Permit from the Vermont Department of Environmental Conservation dated September 7, 2007 and signed by Dolores Kuhn. Amy O'Neil moved to accept the document as Exhibit G. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The Board then turned to Section 4.10.F, Required Submissions for the Preliminary Plat, and located items on the Plat as follows:

- a. The subdivision name is Land Surveyed (2008) Ross & Barbara Johnston Cummings Road & Green Mt. Turnpike Chester, Vermont
- b. The name of record owner is Barbara Johnston, address is PO Box 997, Chester, VT. The subdivider and designer of the Preliminary Plat is Robert W. Farnsworth of Farnsworth Surveys.

- c. The number of acres is 11.28, the property lines are marked with one long and two short dotted lines. Easements for Lot #1 septic on Lot #2, buildings, and water courses and a wet area were located. A discussion of buildings and utility poles used for a former airport took place. One utility pole on the Plat, to the left of the box with "Barbara Johnston 11.28 acres – Total" in it was noted. No one was certain whether that pole was still present or not.
- d. The names of owners of record of all 5 adjacent properties are shown.
- e. The zoning standards of the R-40 district are shown in the lower left corner.
- f. The location of an existing 54" culvert under the driveway to parcel 50-50-20 owned by Jeffrey Holden Land Trust is shown. There were no existing water or sewer lines to show.
- g. There are no proposed roads in the subdivision.
- h. Contour lines at two foot intervals are shown.
- i. The original date of the Plat, March 25, 2008, the revision dates, and scale are in the box on the lower right corner. True north is in the upper right corner.
- j. The deed description and reference points are shown in the notes.
- k. The well for the existing house and proposed wells for proposed houses are shown.
- l. Existing septic fields and replacement fields are shown, as well as proposed septic and replacement fields. The permit for the existing and proposed systems is Exhibit G.
- m. Amy O'Neil moved to waive the drainage plan requirement. Harry Goodell seconded the motion. A vote was taken and the motion passed.
- n. The permit for a culvert on Lot #3's driveway is Exhibit E.
- o. The proposed lots are shown with suggested and existing building locations.
- p. Temporary stakes and flagging were seen at the site visit marking the corners of the proposed lots. Distances along the roads were seen on the site plan.
- q. No lots will be dedicated to public use.
- r. The names of existing roads are clearly indicated.
- s. The location map is present. Amy O'Neil moved to waive the requirement that the location map include easements and utilities. Harry Goodell seconded the motion. A vote was taken and the motion passed.
- t. The endorsement block is present.

Amy O'Neil checked the road frontage and acreage requirements for R-40 and found that all three lots met the requirements.

There were no further comments from citizens, Board members or the applicant. Amy O'Neil moved to close the Preliminary Plat Review for the Barbara Johnston subdivision. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Zoning Administrator Michael Normyle said he has tentatively scheduled the Final Plat Review on April 24, 2017.

#### **Agenda Item 4, Re-subdivision Gold River Partners LLC**

Amy O'Neil recused herself from this hearing as she is the applicant. Alternate Ken Barrett took her place.

William Lindsay and Amy O'Neil were sworn in to give testimony.

Chair Carla Westine polled the board to see if any member had had ex-parte communication on this application or if any member had a conflict of interest. Harry Goodell said he was an abutter to the property in question but felt he would not be unduly influenced by that fact. Chair Carla Westine asked Amy O'Neil if she had any objection to Harry Goodell participating in the hearing. Amy O'Neil did not object and the hearing began.

There were three documents in the packet for the board to consider and a fourth document received that evening. The first document was titled Town of Chester Application for hearing before the Development Review Board. The project number is 496. The location of the property is Gold River Extension. Amy O'Neil testified that the address is correct, the 911 project has assigned addresses to the buildings in the complex as Gold River Extension, where they had formerly been called 349 Pleasant Street. The application is signed by Amy O'Neil and Zoning Administrator Michael Normyle and dated February 28, 2017. Phil Perlah moved to accept the application as Exhibit A. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The second document presented was a Notice of Public Hearing on Town of Chester letterhead dated March 7<sup>th</sup>, 2017. The property owner is Gold River Partners LLC and the location is 349 Pleasant St. As Amy O'Neil testified, it should be Gold River Extension. Phil Perlah moved to accept the application as Exhibit B. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The third document was a three page site plan of the subdivision, titled Division of Land of Gold River Partners, LLC, included notes and vicinity map, dated March 10, 2003 and revised March 10, 2017. Harry Goodell moved to accept the document as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The fourth document was a smaller version of the first page of Exhibit C. It has a revised date of March 27, 2017. Phil Perlah moved to accept the document as Exhibit D. Frank Bidwell seconded the motion. A vote was taken and the motion passed.

Carla Westine began the discussion by asking Zoning Administrator Michael Normyle if he had anything to add before the discussion began. Michael Normyle said this application to change a right of way in a previously accepted subdivision was unique for him in his tenure as Zoning Administrator. It took some time and consultation before settling on calling this action a re-subdivision. Phil Perlah asked if he was right in thinking that no boundary lines are changing. Amy O'Neil said he was correct.

The Board then reviewed the provided plats. Amy O'Neil testified that the smaller plat dated 3/27/17 shows changes to the sewer lines on Parcel 4. It was agreed that the following items on the Plat need to be corrected:

- The text in the top center of page 1 of the Plat needs to be changed to refer to Note 14, not Note 15
- Some abutters' names on page 1 of the Plat need to be changed. The names on Sheet 3 are more current.
- The tax map reproduction on Sheet 3 shows the old right of way as a dotted line on Parcel 4. This needs to be removed and the new right of way added.
- The road name Gold River Extension needs to be added to the road shown on page 1 of the Plat.

There was a lengthy discussion of the proposed Chester Unified Bylaw changes and their impact on the zoning district boundary line shown on the Plat. It was decided that the line should remain as it is, reflecting the boundary in effect when the application was made. This limits the updates to the Plat to the right of way change, the water and sewer line changes and the changes to the abutters' names.

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

#### **Agenda Item 5 Comments from citizens**

Bill Lindsay wished the Board a good night.

#### **Agenda Item 6 Deliberative Session on previous matters**

At this point, Board went into Deliberative Session. At the end of the session the meeting was closed.