

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

*May 11, 2020*

**BOARD MEMBERS PRESENT:** Carla Westine at the Town Hall, Harry Goodell, Robert Greenfield, Gary Coger, Larry Semones and Phil Perlah via Zoom teleconference.

**STAFF PRESENT:** Michael Normyle, Zoning Administrator at the Town Hall, Cathy Hasbrouck, Recording Secretary via Zoom teleconference.

**CITIZENS PRESENT:** Don Stein, Jay Church, Frank and Carol Balch, Laurie and Ron Jackson, Laurie and Palmer Goodrich, Nels and Karen Ericson via Zoom teleconference.

**Call to Order**

Carla Westine called the meeting to order at 6:00 PM via Zoom conference. She named the Board members and citizens attending the hearing, some in person at the town hall and some via Zoom teleconference. She read the meeting's agenda. She noted that a site visit had taken place across from 31 Palmer Road at 5:15 that evening

**Agenda Item 1 Review draft minutes from the April 20, 2020 meeting.**

Phil Perlah moved to accept the minutes from the April 20, 2020 meeting. Harry Goodell seconded the motion. Bob Greenfield pointed out a typo at the bottom of page 8. A vote was taken and the minutes were accepted with the correction noted.

**Agenda Item 2 Citizen comments.**

There were no citizen comments.

**Agenda Item 3 Goodrich Preliminary Plat / Minor Subdivision application (#551)**

Carla Westine asked the Board members if anyone had a conflict of interest. Bob Greenfield recused himself from this hearing. Larry Semones took Bob's place on the Board. Carla Westine then asked if any Board member had had any ex-parte communication about this hearing. No one had.

The citizens who wanted to testify at the hearing were sworn in. They included Palmer and Laurie Goodrich, Carol and Frank Balch, Ron and Laurie Jackson, Jay Church and Don Stein.

Carla Westine then entered the documents submitted into evidence.

The first document was an application for a hearing before the Development Review Board. Carla Westine read the following items: the project number was 551, the appellant and landowner names were Palmer and Laurie Goodrich, the address was 31 Palmer Road, the parcel map number was 05-01-05. The description of the project was, "Sub-divide 1 lot into two. One 47± acre parcel into two smaller ones. (Lot 1A – 14.88 acres and Lot 1B – 32.12 acres". The application was signed by Palmer and Laurie Goodrich and by Michael Normyle. Harry Goodell moved to accept the application as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the application was accepted as Exhibit A.

The second document was a Town of Chester Notice of Public Hearing before the Development Review Board dated April 14, 2020. Carla Westine read the notice aloud. It showed a site visit was scheduled at 5:15 PM on Monday, May 11<sup>th</sup> and a Public Hearing at 6:00 PM. The property owner and applicant were Laurie and Palmer Goodrich, the location was 31 Palmer Road. Carla Westine corrected the location to say, “across from 31 Palmer Road”. The district was the Residential 120. The action requested was, “Subdivide 47± acres parcel into two lots (1A to be 14.88 acres and 1B to be 32.12 acres.” The Notice was signed by Michael Normyle. Harry Goodell moved to accept the Notice as Exhibit B. Gary Cogger seconded the motion. A vote was taken and the Notice was accepted as Exhibit B.

The third document was a letter from Palmer and Laurie Goodrich to Michael Normyle explaining that they intend to divide the property on Route 103 north as shown in drawing 20-1189 by DBS Surveys, Inc. Carla Westine read the letter aloud. Harry Goodell moved to accept the document as Exhibit C. Gary Cogger seconded the motion. A vote was taken and the letter was accepted as Exhibit C.

The fourth document was a letter from Forester Robbo Holleran to Palmer Goodrich dated April 27, 2020. In the letter, Robbo Holleran discussed the water bodies, soils and vegetation on the property to be sub-divided. Carla Westine read the letter aloud. Harry Goodell moved to accept the letter as Exhibit D. Gary Cogger seconded the motion. A vote was taken and the letter was accepted as Exhibit D.

The fifth document was a site plan titled Subdivision of Property of Palmer H. and Laurie C. Goodrich. The site plan was dated 4/27/2020 and stamped with Donald B. Stein III, licensed land surveyor’s stamp. Harry Goodell moved to accept the site plan as Exhibit E. Gary Cogger seconded the motion. A vote was taken and the map was accepted as Exhibit E.

Carla Westine began considering the application by reading section 4.12.F.1 of the Chester Unified Development Bylaws aloud.

## **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:

The Board then examined the points to be satisfied and located them on Exhibit E.

- a.** Proposed subdivision name or identifying title and the name of the Town.  
This was found in the lower right corner of the plat.
- b.** Name and address of record owner, subdivider, and designer of Preliminary Plat.  
The names of the owners were found in the lower right corner of the plat. Their address, PO Box 993 was provided by the Goodriches to be added to the plat. The surveyor’s name and address were present in the same box.
- c.** Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other essential existing physical features.

Carla Westine pointed out the new property lines highlighted in yellow. She noted the existing easements in Notes 8 and 10. There were no existing buildings on the property, but suggested locations for houses. Carla Westine pointed out stone walls and utility lines. Don Stein noted that there is a 50-foot right of way that serves both lots, and the wetlands feature on Lot 1B.

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

The names of the abutters were present on the plat. Carol Balch explained that her daughter, Laurie Jackson owned parcel 25-20-57, but Carol and her husband Frank had lifetime tenancy. The Chester lister records show Frank and Carol as the property owners. Michael Normyle said he had not heard from abutters Lisa Kaimen or John and Jennifer Wright regarding the sub-division.

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

Carla Westine pointed out the dimensional standards for the R-120 district in the middle of the upper half of the map.

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

Don Stein pointed to the 12” and 15” culverts along proposed common right of way. He also noted a 36” culvert where the stream crosses the proposed right of way, and a 48” culvert where the stream passes under Route 103 North. Carla Westine said that Note 5 refers to a water and wastewater permit issued by the State of Vermont for Lot 1A. She asked about permits for Lot 1B. Palmer Goodrich said soil tests had been done and a permit had been applied for

- 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.

Don Stein said the 50-foot right of way shown was the existing driveway. The driveway was 12-14 feet wide, paved with gravel. Carla Westine asked if any portion of the driveway had a grade greater than 15 %. Don Stein studied the plat, calculating the driveway grade. Palmer Goodrich said the 15% grade applied to roads, not driveways. Carla Westine read Article 5.2G, Driveways aloud.

## **G. Driveways.**

1. All driveways that intersect with a town highway are subject to an access permit in accordance with the Town of Chester Road and Bridge Specifications.
2. No parcel of land being subdivided will be permitted more than one access point. Additional accesses may be approved in the event that:
  - a) The additional access is necessary to ensure vehicular and pedestrian safety; or,
  - b) The strict compliance with this standard would, due to the presence of one or more physical features (e.g. rivers and streams, steep slopes, wetlands), result in a less desirable development or subdivision design than would be possible with the allowance of an additional access; or,

- c) A traffic management plan is developed in association with a planned unit development approved in accordance with Section 4.10.
3. Driveways shall not exceed a 15% grade, unless waived by the Development Review Board.

Carla explained that the 15% grade was a safety measure to ensure that fire fighting vehicles can reach homes under all weather conditions. Palmer Goodrich and Don Stein agreed that the driveway grade was under 15%.

- 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.

Contour lines were found at an interval of 20 feet. Phil Perlah moved to waive the 5-foot contour line interval requirement for a 20-foot interval. Harry Goodell seconded the motion. A vote was taken and the 5-foot contour line interval was waived.

Phil Perlah expressed his hope that the 5-foot contour line requirement would be changed to a 20-foot requirement in the next edition of the bylaws. Phil said he could not remember reviewing a plan with 5-foot intervals. Don Stein said the 5-foot intervals can make a very busy plan.

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

Carla Westine said true north was indicated in the upper right quadrant. The date was found in the title block and the scale is just 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.

Carla Westine said deed descriptions and reference plans are found in Notes 1 – 3 on the right half of the plat.

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

Carla Westine pointed out the proposed well locations for Lots 1A and 1B.

Carla Westine said the septic system risers for Lot B are shown in the inset.

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

Don Stein said that Lot 1A had already been issued a permit. Carla Westine asked him if he could add the potable water supply and wastewater permit to the site plan. Don Stein said he would find a way to fit it in. Carla Westine said there had been testimony that Lot 1B had had soil tests and a wastewater permit had been applied for. Palmer Goodrich said this was correct. Carla Westine said the findings would include a condition that all necessary permits be obtained.

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

Carla Westine noted that the Board had observed ditching along the right of way at the site visit and Palmer Goodrich and Don Stein had pointed out culverts under the right of way and under Route 103. She did not see a formal drainage plan on

the plat. She asked if the applicant wants to waive a formal drainage plan. Don Stein said he did want to waive the plan.

Phil Perlah moved to waive a formal drainage plan. 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.

Carla Westine noted the culverts drawn on the plat and asked if there were any other bridges or culverts planned. Palmer Goodrich said he thought a couple more culverts will be put in along the new section of driveway to move the water toward the wetlands.

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

Carla Westine verified with Don Stein that he was a licensed land surveyor and then read the new lots and their acreage as shown on the map. Lot 1A had 14.88 acres and Lot 1B had 32.13 acres.

- 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.

Carla Westine said the Board observed pins and ribbons at the site visit marking the new property lines. Don Stein said the distance from the property to Route 10 (3,320 feet) is shown in the lower left corner of the plat and the intersection of Route 103 and Palmer Road is also shown.

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

Don Stein said no parcels are being dedicated to public use.

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

Palmer Goodrich said he had not yet thought of a name for the common driveway. Carla Westine said a name would be needed for 911 purposes. Phil Perlah suggested Laurie Lane would be a good 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.

Carla Westine pointed out the vicinity map in the upper right corner of the plat.

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.

This was not discussed.

- 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"

Carla Westine pointed out the endorsement block found in the lower left corner of the plat.

Carol Balch, who lives on parcel 25-20-57, abutting the lot to be sub-divided, spoke about her concerns that the new Lot 1B would disturb the wildlife in the area. She said her property is in the Current Use program and part of their Current Use plan is to promote wildlife habitat. She said she sees a lot of wildlife in the lower fields on her property and knows there is a deer yard there. She is concerned about the impact a house could have on the wetlands on proposed lot 1B. Carol said she gave Zoning Administrator Michael Normyle maps that show the deer yard at the site visit. She asked if those maps were going to be entered as exhibits. She acknowledged that the Chester bylaws do not regulate wildlife habitat.

Carla Westine said that the maps Carol Balch had given to Michael Normyle were of her property, but parts of the Goodrich parcel in question were also shown on the maps. She acknowledged that there has been no development activity in the area of Carol's home and the Goodrich property for at least 100 years. The house that may be built on Lot 1B would be a disturbance of that long-standing quiet. Carla said it was also true that the Chester bylaws did not address wildlife habitat. That issue is addressed by Act 250. She asked if the previous subdivision of the land had been done under Act 250. Palmer Goodrich and Don Stein said it had not been done under Act 250. Carla Westine said the state was aware of the proposed house lots because it was approached for a potable water supply and wastewater permit for each lot. She understood Carol's concerns. A house or other development on Lot 1B will change the environment for wildlife.

Carol Balch said she is currently monitoring feral swine in cooperation with the U.S. Department of Agriculture. There are cameras in 3 different parts of her property. Carol also asked about the placement of the well on Lot 1A. She thought it was right on the stone wall which is the boundary for her land. Don Stein said the actual well would be about 20 feet from the wall. The placement of the proposed well was not actually measured on the plat. Carol said she was more concerned about the well for Lot 1B. She thought the well was within the right of way to her property. Don Stein said the scale of the map is one inch equals two hundred feet. Again, the placement of the well is an artist's rendering, and the well will be about 40 feet from the right of way.

Carla Westine said the placement of the well was under the jurisdiction of the state. The state has regulations about distance between wells and septic systems. Carol Balch said she was

concerned about what could happen if they fertilized their fields. Would the runoff from the fields get into the proposed well?

Michael Normyle brought in a project review sheet from the Agency of Natural Resources for the sub-division of the Goodrich property. He pointed out the requirement that says Act 250 would not be involved because there were fewer than 10 houses within a 5-mile radius.

Carla Westine asked the Board if they would like to accept the Project Review Sheet as an Exhibit. Harry Goodell moved to accept the sheet as Exhibit F. Gary Coger seconded the motion. A vote was taken and the sheet was accepted as Exhibit F.

Michael Normyle then showed Carla Westine the maps Carol Balch had brought to the site visit. Carla Westine displayed the maps on the video feed. She pointed to the parcel belonging to Carol Balch and her family, and the parcel belonging to Palmer and Laurie Goodrich. Carol said there was a map of hydric soils, one of deer wintering area and one showing soil types. Phil Perlah moved to accept the packet of seven maps as Exhibit G. Gary Coger seconded the motion. A vote was taken and the maps were accepted as Exhibit G.

There being no other questions, Harry Goodell moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed. Carla Westine said the Board had 45 days to issue their findings.

#### **Agenda Item 5 Deliberative Session to review previous or current matters**

At this point, the public left the meeting and Bob Greenfield rejoined it. The meeting went into deliberative session and was adjourned at the end of it.