

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

July 13, 2020

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

STAFF PRESENT: Michael Normyle, Zoning Administrator and Cathy Hasbrouck, Recording Secretary, at the Town Hall.

CITIZENS PRESENT: Don Stein, Mark Roden, Peter Hudkins via Zoom teleconference. Ray Massuco attempted to join the meeting but the connection was not completed at first. Ray did succeed in joining the meeting when the hearing was nearly over.

Call to Order

Carla Westine called the meeting to order at 6:00 PM via Zoom conference. She introduced the members of the Development Review Board attending the meeting. She read the meeting's agenda. She noted that a site visit had taken place at 1482 Quarry Road at 5:15 PM that evening. Mark Roden pointed out that the correct address was 1782 Quarry Road. The correction was duly noted.

Agenda Item 1 Review draft minutes from the May 25, 2020 meeting.

Phil Perlah moved to accept the minutes from the June 22, 2020 meeting. Harry Goodell seconded the motion. Carla Westine noted a typo on page 4 of the minutes, under 2d., Landscaping and Fencing. The word "and" should be "any". Cathy Hasbrouck noted the correction. A vote was taken and the minutes were accepted as corrected.

Agenda Item 2 Citizen comments.

No citizen comments were made.

Agenda Item 3 Kapp Preliminary Plat Review Hearing (#553)

Robert Greenfield recused himself from this hearing. No other Board members had a conflict of interest or ex-parte communication to report. Don Stein and Mark Roden were sworn in to give testimony. Carla Westine began by accepting the documents offered as exhibits.

The first document was a Town of Chester Application for hearing before the Development Review Board. Carla Westine read the following items aloud. The project number was 553, the applicant name was Carlo Kapp, the address of the applicant and the location of the property was 1782 Quarry Road. The description of the project was, "2 lot subdivision. Subdivide one larger parcel (393± acres) into two lots. Lot A being 149± acres and lot B being 244± acres." The application was signed by Carlo Kapp on June 9, 2002 and by Zoning Administrator Michael Normyle on June 16, 2020. Phil Perlah moved to accept the application as Exhibit A. Harry Goodell 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 dated June 16, 2020. Carla Westine read the following items aloud. The site visit was announced for July 13, 2020 at 5:15 PM. The property owner and applicant were Carlo Kapp. The location was 1782 Quarry

Road, and the district was Residential 40. The action requested was, “Subdivide one large parcel (393± acres into two lots. Lot A being 149± acres and Lot B being 244± acres.” The notice was signed by Zoning Administrator Michael Normyle. Phil Perlah moved to accept the Notice as Exhibit B. Harry Goodell seconded the motion. A vote was taken and the Notice was accepted as Exhibit B.

The third document was a letter on Town of Chester letterhead dated June 23, 2020 addressed to Abutters of the Carlo Kapp property in Chester from Michael Normyle, Zoning Administrator. Carla Westine read the letter aloud. The letter states that the Boundary Line Adjustment begun on this lot will not be finalized and a subdivision of the lot will take place instead. Harry Goodell moved to accept the letter as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the letter was accepted as Exhibit C.

The fourth document was a site plan titled The Proposed Sub-Division of a Portion of Property of Carlo D. Kapp 1782 Quarry Road showing Lot A to be conveyed to Andrew and Vaida E. Sama, 572 Horseshoe Road in Chester Vermont. The site plan was dated 4/6/2020 and stamped with Donald Stein, licensed land surveyor’s stamp. Phil Perlah moved to accept the letter as Exhibit D. Harry Goodell seconded the motion. A vote was taken and the site plan was accepted as Exhibit D.

Carla Westine turned to page 81 of the Chester Unified Development Bylaws to evaluate the plat. She asked Development Review Board members to help her locate the items listed in the Required Submissions.

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.

This was found in the lower right corner of the plat.

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

This was also found in the lower right corner of the plat.

- 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 Lot A was shown with 149 acres and Lot B was shown with 242 acres. Carla Westine said the property lines were shown on the map and the inset had details about Lot A. Don Stein said there were two utility easements along Quarry Road for the overhead wires. He said there was also an easement to Contel. Don Stein said utility poles and lines are drawn on the map. Carla Westine pointed out the buildings on lot B belonging to Carlo Kapp. She noted two unnamed brooks and two ponds on the map. One brook crossed Lot B, passing through the two ponds and one brook paralleled Quarry Road in Lot A. Carla Westine said the old Quarry Road and stone walls were drawn on the map.

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

Carla Westine read off the names of Hall Brook Farm LLC, Michael Klima and Monica Schwartz. the Muziaks, the Town of Chester, Parker Way, Andrew and Vaida Sama, and Todd and Niki Ofenloch as abutters. The names and addresses of all abutters were found on the map as they had been for the boundary adjustment hearing.

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

The property spans 2 zoning districts. The dimensional standards for the R-40 and R-120 districts are found in the middle of the left side of the map.

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

Three culverts are located along Quarry Road in the left half of the map. Lot A is undeveloped and has no well or water source drawn. Don Stein said Lot B has septic risers showing in the inset area of the map. He said no one knows where the actual septic system is for Lot B.

- 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 confirmed that the Town of Chester plows to the gate at the end of Quarry Road and the town has given up ownership of the portion of the road beyond the gate on Carlo Kapp's land. There are no other roads in the area of the subdivision.

- 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. Don Stein asked that the 5-foot contour requirement be waived. 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.

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

True north is indicated in the upper left corner. The scale and date are found in the lower right corner the plat

- 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 the Notes in center of the lower half of the plat. Don Stein confirmed that the notes have not been changed since the map was reviewed for a boundary line adjustment in April.

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

Carla Westine said the well location is shown on Lot B. Lot A is not being developed and has no well site. A brook does run through Lot A.

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

Carla Westine said the septic system risers for Lot B are shown in the inset. The septic field is not identified. Don Stein confirmed that Lot A is not being developed and pointed out the note on Lot A that states Lot A is being created with a waiver of development rights.

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

Carla Westine asked Don Stein if any changes were proposed for the contours of the land. Don Stein said no changes were planned and he asked to have the Drainage Plan waived. Phil Perlah moved to waive the drainage plan requirement. Harry Goodell seconded the motion. A vote was taken and the motion passed.

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

Don Stein said no bridges or culverts were proposed.

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

Carla Westine said she could see the two lots with their acreage noted and the existing buildings drawn on Lot B. Don Stein confirmed that lot A is undeveloped and the new owners have no plans to develop it.

- 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 ribbons at the site visit marking the new property lines shown in yellow on the map. Don Stein said the boundaries had been marked with iron pipe. Carla Westine pointed out the distance to the intersection of Quarry Road and Route 35 at the top of the map.

- 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.

Don Stein said no new roads or streets, are proposed.

- 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.

Don Stein said a state permit was mentioned at the boundary line hearing in April. The permit had been applied for but not issued. Don said he did not know if the permit had been issued in time for this hearing. Mark Roden said no one was waiting for a permit.

- 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 middle of the right half of the plat.

Having finished the list of requirements, Carla Westine asked if the applicant or the Board had any further questions. Michael Normyle said the applicant had asked if the DRB could expedite the paperwork for this subdivision. There being no other questions, Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was closed.

Agenda Item 4 Discuss proposed bylaws with Planning Commission chair Peter Hudkins.

Bob Greenfield rejoined the meeting. Cathy Hasbrouck cancelled Don Stein's Zoom session, which appears to have been abandoned but not closed. Ray Massuco was admitted to the Zoom meeting. He said he represented the purchasers of the parcel to be created by the subdivision. Carla Westine recapped the hearing for him. He said the purchase cannot be made until the DRB decision is signed and the appeal period is over. He thanked the DRB for their time and attention.

Carla Westine welcomed Peter Hudkins back to the DRB and recapped his request from the last meeting. He had asked the Board to consider the proposed layout for the zoning district pages, which makes reference to several tables. He asked them to compare that layout to a layout that lists information such as permitted and conditional uses specific to the zoning district in question on the page itself.

Carla Westine said she had looked at the proposed bylaws several times. She agreed that is different from what they have now. She noted that there have been major changes to the format of the bylaws in the past and the DRB has been able to adjust to them. She said she was sure she could adjust to this change as well. She said she expected that she would make a cheat sheet to help her prepare for hearings by copying pages of the bylaws and add her own notes. She also

acknowledged that there would be considerable flipping of pages, but her cheat sheet would help that.

Peter Hudkins said he was concerned about the number of pages that will be necessary to complete a hearing. He wanted to make the cheat sheet more manageable. He also said he had followed the subdivision hearing just held in the new bylaws and noted some standards for the subdivision plat on page 81 that are missing from the new bylaws. He said he will attend the next DRB meeting to continue to follow the hearing process in the new bylaws.

Phil Perlah agreed with Carla Westine that the new bylaws appeared to be workable and he expected that the DRB will grow accustomed to them as they work with them. Carla Westine said she noted that landscaping in the current bylaws is concerned with acting as a buffer to separate incompatible uses, but in the new bylaws there are many more detailed requirements for landscaping. She said the level of detail made a much thicker document and many more boxes for the applicant and the DRB to check off for a hearing.

Peter Hudkins said he felt the administration of the new bylaws will need some more work and he looks forward to sitting with the DRB through some more hearings. He felt the new bylaw did not cover all the standards needed for a subdivision plat. He also said the format of the proposed use table in Chapter 2 of the new bylaws has overwhelmed some citizens with what they cannot do, as opposed to what they can do in a district. He is looking for ways to counteract that impression.

Agenda Item 5 Deliberative Session to review previous or current matters

Michael Normyle said he would be sending out more information on Tuesday July 21 about two conditional uses scheduled for the July 27, 2020 meeting. Carla Westine urged the DRB to be early for the 5:00 PM site visit at 4700 Route 103 North in order to have time for the site visit at 786 Vermont Route 103 South at 5:25 also scheduled for that evening. Bob Greenfield, who was going to be away that day said he could attend the meeting via Zoom, although he could not attend the site visit. Carla Westine suggested that Bob take a ride by the two properties before he left town so he would have an idea of the physical property before the meeting. Cathy Hasbrouck asked if Larry Semones would need to be attend as an alternate. Carla Westine said Larry Semones would not be needed unless some other member of the DRB could not attend the meeting. Michael Normyle said he would contact Larry and let him know of the change.

All other agenda items being complete, Cathy Hasbrouck stopped the recording. The meeting went into deliberative session and was adjourned at the end of it.