

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

October 26, 2020

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

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

CITIZENS PRESENT: Chris Morley, Bill and Cindy Cole via Zoom teleconference.

Call to Order

Carla Westine called the meeting to order at 6:00 PM via Zoom conference. She introduced the members of the Board and staff. She said site visits had taken place that afternoon at 4:45 at 482 Mattson Road and at 5:30 at 814 Dodge Road. She read the meeting agenda.

Agenda Item 1 Review draft minutes from the September 14, 2020 meeting.

Phil Perlah moved to accept the minutes from the September 14, 2020 meeting. Harry Goodell 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 Cole Final Plat Review Hearing (application #557)

Carla Westine began by swearing in Cindy and Bill Cole in to give testimony. She then examined the documents submitted into evidence.

The first document was an application for a Sub-division, Final Plat phase. Carla Westine read several items aloud. The applicant's name was William R. Cole, the applicant's address and the location of the property was 814 Dodge Road. The parcel map number was 42-28-5, the zoning district was R-120. The total acreage before the division was 12.42±, the number of lots after division was 2, the new acreage by parcel after the division was Lot 1 4± and Lot 2 8±. The application was signed by Zoning Administrator Michael Normyle and William R Cole. 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 submitted was a Notice of Public Hearing before the Development Review Board. The notice was dated October 2, 2020. Carla Westine read several items aloud. The property owners and applicant were William and Cindy Cole, the location was 814 Dodge Road, the district was Residential 120. The action requested was Subdivide one parcel (12.4± acres) into two lots (#1 = 4± acres and Lot 2 = 8± acres). The Notice was signed by Zoning Administrator Catherine A. Hasbrouck. Harry Goodell moved to accept the notice as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the notice was accepted as Exhibit B.

The third document was a subdivision plan titled William Rosewell Cole, V and Cindy Cole. Harry Goodell moved to accept the plan as Exhibit C. Gary Coger seconded the motion. A vote was taken and the plan was accepted as Exhibit C.

Carla Westine went over the list of conditions in the preliminary hearing Findings and Conclusions for this subdivision. She noted that utility poles had been added to the map, one close to the stone wall along Dodge Road and a second across the road from the existing driveway. Utility pole was also added to the legend. The second item checked was a culvert under the existing driveway for a stream which drained a nearby pond. The culvert and size missing from the original plan had been added.

Carla Westine asked the Coles if they had checked in with the Chester Highway Department to see if a culvert was needed for the new driveway. Cindy Cole said she had not done that yet. Carla Westine asked the Coles to discuss the issue with Highway Superintendent Kirby Putnam and find out what size culvert, if any, would be needed for the new driveway. Once the size was determined, the culvert and its size should be added to the plat. Harry Goodell said the size of the culvert that passes under Dodge Road should be added to the plat as well.

Carla Westine asked whether there were any easements for the utility pole in the deed. Phil Perlah noted that the boundary for the property was the stone wall and the pole was outside that boundary line. There was no need for an easement because there were no telephone poles or guy wires on the Cole property.

Harry Goodell asked that the address of the property be included in the title block so the plat may be easily identified.

There being no other issues, Carla Westine recapped the changes requested for the final mylar which will be listed as conditions on the final findings and conclusions document: add the culvert for the new driveway, and its size, add the size of the culvert under Dodge Road, and add the address of the property being subdivided to the title block. Harry Goodell reminded Bill and Cindy Cole they will have to change the description of the parcel in the deed to 814 Dodge Road, get a deed for the new lot and record both the deeds in the land records.

Cindy Cole asked when the mylar will be ready. Carla Westine said the Coles had 180 days to record the mylar. Phil Perlah said the mylar will be ready as soon as the surveyor Gary Rapanotti makes the final changes. The Development Review Board would then sign the mylar and it would be recorded.

Harry Goodell moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed.

An informal poll of the Board indicated that the subdivision would be approved.

Agenda Item 4 Morley Boundary Line Adjustment application (#558)

Carla Westine began the hearing by swearing in Christopher Morley to give testimony. She asked the members of the Board if they had any conflict of interest to report or had had any ex-parte communication about the boundary line adjustment. None had.

She then began accepting the documents offered as exhibits. The first document was a Town of Chester Application for Boundary Line Adjustment, assigned number 558. Carla Westine read

several items aloud. The applicant name was Christopher and Beth Morley, the mailing address of the applicant was 74 Pasture Lane, Branford CT. The location of the property was 482 Mattson Road. The zoning district was R120. The number of current lots was 2. The tax map number for parcel 1 was 26-20-47.100, the acreage before the adjustment was 12.7 the acreage after the adjustment was 22.5. The tax map number for parcel 2 was 26-20-47.300, the acreage before the adjustment was 12.8, the acreage after the adjustment was 3.0. The application was signed by Christopher and Beth Morley and Catherine Hasbrouck, Zoning Administrator. 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 October 2, 2020. Carla Westine read several items aloud. The site visit was announced for October 26, 2020 at 4:45 PM. The property owners and applicants are Christopher and Beth Morley. The location was 482 Mattson Road, and the district was Residential 120. The action requested was, "Parcel 26-20-47.100 before adjustment is 12.7 acres. After adjustment it will be 22.5 acres. Parcel 26-20-47.300 before adjustment is 12.8 acres. After adjustment it will be 3.0 acres." The notice was signed by Zoning Administrator Catherine Hasbrouck. Harry Goodell moved to accept the Notice as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the Notice was accepted as Exhibit B.

The third document was an e-mail from Christopher Morley to Zoning Administrator Cathy Hasbrouck dated October 19, 2020. Carla Westine read the e-mail aloud. In the e-mail Christopher Morley explained that they were seeking to adjust the unusual boundary between the two lots. Harry Goodell moved to accept the e-mail as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the e-mail was accepted as Exhibit C.

The fourth document was a site plan titled Boundary Line Adjustment Plan Christopher E. and Beth Ann Morley. The site plan was dated September 21, 2020 and stamped with Gary Rapanotti, licensed land surveyor's stamp. Harry Goodell moved to accept the site plan as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the site plan was accepted as Exhibit D.

Carla Westine read section 4.13.A of the Chester Unified Development Bylaws aloud.

4.13 BOUNDARY LINE ADJUSTMENTS

Boundary Line Adjustments are adjustments to the dividing line between adjacent lots (see Definitions in Article 8).

A. In accordance with 24 V.S.A. §4464(c), these Bylaws authorize the Development Review Board to review applications and issue permits for boundary line adjustments, provided that the applicant satisfies all of the following standards:

1. It meets the definition of a Boundary Line Adjustment;

Carla Westine read the definition from page 122:

BOUNDARY LINE ADJUSTMENT: Moving a property boundary between two (2) or more adjoining parcels that creates no new separate lots or parcels, and has no adverse impact on access, the provision of public services and utilities, or neighboring uses.

Carla Westine said it appeared that this transaction meets the definition of a boundary adjustment. The members of the Board agreed.

2. It does not create any new lot as a result of the adjustment;
Carla Westine said there were two lots before the adjustment and two lots after the adjustment. No new lots were being created. The members of the Board agreed.
3. The Plan must show the requirements of Section 4.12(F) of these Bylaws;
Carla Westine turned to Section 4.12(F) and discussed the requirements as follows:

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. Harry Goodell asked that the address of the lot, 482 Mattson Road be added into the title block. Carla Westine noted that the mailing address of the applicant was shown to the left of the title block. Harry Goodell said having the address of the parcel in the title block serves to identify the plat more readily.
 - b. Name and address of record owner, subdivider, and designer of Preliminary Plat.
This information was all 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.
Harry Goodell said at the top of the plat the total acreage, 26.6 was shown. Carla Westine said the existing property lines were drawn in, showing the odd shape of the parcels. She pointed out the proposed boundary, a straight line from Mattson Road to a pin in the stone wall and a second line from the pin in the stone wall to the back boundary of the lot. Carla Westine pointed out the buildings on the plat observed at the site visit. No water courses were observed at the site visit and no water courses were shown on the plat. The stone wall observed at the site visit was shown on the plat, and two other stone walls well back from Mattson Road were shown on the plat.
 - d. The names of owners of record of adjacent acreage.
The names and addresses of thirteen abutters were found on the plat, Harry Goodell observed that one name, Scott and Miriam MacDonald, was repeated a second time within the bounds of the parcel owned by the Morleys. Christopher Morley confirmed that Scott MacDonald was his neighbor, and that the presence of their name and address on the parcel being adjusted was a mistake. Zoning Administrator Cathy Hasbrouck confirmed that no butters had contacted her about the hearing.
 - e. The provisions of the zoning standards applicable to the area to be subdivided and any zoning district boundaries affecting the tract.

The dimensional standards for the R-120 district were found in the middle of the right 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.

Carla Westine said a septic system and a drilled well are shown on each lot. Harry Goodell said a water course was indicated flowing along the eastern edge of the center strip of the property and crossing Mattson Road via an 18-inch culvert. Harry Goodell also pointed out an 18-inch culvert at the end of the driveway on the three-acre piece, parcel number 26-20-47.300.

- 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.

Carla Westine noted that there are no roads in the area of the boundary adjustment.

- 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. Christopher Morley asked that the Board waive the 5-foot contour requirement. Harry Goodell moved to waive the 5-foot contour line interval requirement for a 20-foot interval. Phil Perlah seconded the motion. A vote was taken and the 5-foot contour line interval was waived.

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

Carla Westine pointed out true north indicated in the upper left corner of the plat. Phil Perlah said 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 Notes 4 and 6 in center of the lower half of the plat on the right side.

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

Carla Westine said both lots had wells drawn in on the plat.

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

Carla Westine said each lot showed a septic system on the map.

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

Carla Westine said Harry Goodell had pointed out water moving across lot 1 into a culvert under Mattson Road. She asked Christopher Morley if he planned to re-grade any of the land. He said he did not. Christopher Morley then requested a waiver for the drainage plan requirement. Harry Goodell moved to waive the formal drainage plan requirement. Phil Perlah seconded the motion. A vote was taken and the motion passed. The drainage plan requirement was waived.

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

Christopher Morley 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 original lot lines and the proposed lot lines.

- 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 on the map. Harry Goodell said the distance to the intersection with Route 10 (1900 feet) was shown in the upper right corner.

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

Christopher Morley 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.

Christopher Morley 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 showing Mattson Road, Snell Road and Route 10.

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.

Carla Westine asked Christopher Morley if there were any Act 250 permits associated with either parcel. Christopher Morley said there were not. Carla Westine noted that the two lots had existing septic systems and no new permits were needed.

- 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 above the mid-line in the right half of the plat.

Carla Westine concluded that the requirements of section 4.12 have been met. Returning to the Boundary Line Adjustment standards, continued to evaluate the requirements.

4. It does not substantially change the nature of any previous subdivision;
Carla Westine said the original subdivision created two residential lots and the boundary adjustment results in two residential lots.

5. It will not adversely impact access to any parcel;
Carla Westine noted that each lot fronted on Mattson Road before the adjustment and would continue to front on Mattson Road after the adjustment.

6. It will not result in the development on any portion of a parcel that has been designated as open space as the result of a prior municipal permit or approval, or allow for the acreage of any open space parcel to be applied to the maximum density or minimum lot size for another parcel; and, There is no open space on either parcel before the adjustment.

7. It will not create any nonconformities.
Carla Westine said the lots still meet district dimensional standards such as minimum lot size and frontage.

There were no further questions from the Board for the applicant. Christopher Morley asked if the address of the second parcel involved in the boundary adjustment (26-20-47.300), should be included with the address of the first parcel involved. Carla Westine said she thought it would be a good idea. Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was closed. The Board indicated by showing thumbs up that the requirements have been met.

Agenda Item 5 Deliberative Session to review previous or current matters

At this point the meeting went into deliberative session and was adjourned at the end of it.