

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

November 23, 2020

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

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

CITIZENS PRESENT: Palmer and Laurie Goodrich, Van and Donna Matthews, Don Strohmeier, Jill Barger via Zoom teleconference.

Call to Order

Carla Westine called the meeting to order at 6:01 PM via Zoom conference. She introduced the members of the Board and staff and the citizens attending the meeting. She said a site visit had taken place that afternoon at 4:30 PM at 548 Main Street. She read the meeting agenda.

Agenda Item 1 Review draft minutes from the October 26, 2020 meeting.

Harry Goodell moved to accept the minutes from the October 26, 2020 meeting. Phil Perlah 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 Goodrich Final Plat Review Hearing (application #551)

Carla Westine asked the Board members if they had had any ex-parte communication on this matter. None did. She then examined the documents submitted into evidence.

The first document was a Notice of Public Hearing before the Development Review Board. The notice was dated October 30, 2020. Carla Westine read several items aloud. The property owners and applicant were Laurie and Palmer Goodrich, the location was 2106 Vermont Route 103 North, the district was Residential 120. The action requested was Subdivide a 47 ± acre parcel into 2 lots, Lot 1A to be 14.88 acres and lot 1B to be 32.12 acres. The Notice was signed by Zoning Administrator Catherine A. Hasbrouck. Harry Goodell moved to accept the notice as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the notice was accepted as Exhibit A.

The second document was an e-mail from Carol Balch, an abutter to the parcel in question, to Zoning Administrator Cathy Hasbrouck. Carla Westine read the email aloud. The e-mail was dated November 16, 2020. In the e-mail Carol Balch expressed her concern that the well for the new lot was close to her property line and the area on her side of the property line was an agricultural field, used as such since the 1850's. Mrs. Balch was concerned that fertilizer applied to the field could contaminate the well on the other side of the property line. She asked whether the potable water supply permit from the state of Vermont had been obtained.

Carla Westine noted she had not been forwarded a copy of the e-mail and had not contacted Mrs. Balch on the matter. Harry Goodell moved to accept the e-mail as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the e-mail was accepted as Exhibit B.

The next document was a Wastewater System and Potable Water Supply permit issued to Palmer and Laurie Goodrich by the State of Vermont Department of Environmental Conservation. The permit was a 3-sided document on 2 pages of paper. Carla Westine read a few items from the document. The permit number is WW-2-2534-2. The permit covers the existing Lot 1 and the proposed Lots 1A and 1B. Harry Goodell moved to accept the permit as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the permit was accepted as Exhibit C.

The last document was the updated plat titled Subdivision of Property of Palmer H. Goodrich II and Laurie C. Goodrich. Harry Goodell moved to accept the updated plat as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the updated plat was accepted as Exhibit D.

Carla Westine went over the list of changes requested at the Preliminary Plat hearing. She noted that the wastewater permit number has been added as Note 5. She saw that the road giving access to Route 103 from the parcels had been named Tall Pines Road. She also pointed out that Palmer and Laurie Goodrich's mailing address, PO Box 993, had been added to the title block.

There being no other conditions or questions, Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was closed. Harry Goodell proposed that the Balches receive a copy of the Wastewater and Potable Water Supply Permit. Cathy Hasbrouck said she had already sent them a copy. Carla Westine said the Balches would also be sent a copy of the Findings and Conclusions document from the hearing.

Agenda Item 4 Matthews Boundary Line Adjustment application (#559)

Carla Westine began the hearing by asking if any members had had any ex-parte communication about the hearing or had a conflict of interest to report. Robert Greenfield recused himself from the hearing.

She then began accepting the documents offered as exhibits. The first document was a Town of Chester Application for Boundary Line Adjustment, assigned number 559. Carla Westine read several items aloud. The applicant names were Van L. and Donna M. Matthews, the mailing address of the applicant was PO Box 424. The location of the property was 548 Main Street. The tax map number for parcel 1 was 56-50-26, the acreage before the adjustment was 1.46, the acreage after the adjustment was 1.43. The tax map number for parcel 2 was 56-50-27, the acreage before the adjustment was 0.329, the acreage after the adjustment was 0.359. The application was dated October 20, 2020. It was signed by Donna M. Matthews 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 30, 2020. Carla Westine read several items aloud. The site visit was announced for November 23, 2020 at 4:30 PM. The property

owners were Van L. and Donna M. Matthews and Donald Strohmeyer. The applicants were Van L. and Donna M. Matthews. The location was 548 Main Street, and the district was Village Center. The action requested was, "Parcel 56-50-26. owned by Donald Strohmeyer before adjustment is 1.46 acres, after adjustment it will be 1.43 acres. Parcel 56-50-27, owned by Van L. and Donna M. Matthews, before adjustment is 0.329 acres, after adjustment will be 0.359 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 a Boundary Line Adjustment Exemption Form for exemption 1-304(a)(11) Wastewater System and Potable Water Supply Rules. Carla Westine read some items from the form. Landowner 1 was Donald Strohmeyer, Landowner 2 was Van L. and Donna M. Matthews, the lot numbers were 56-50-26 and 56-50-27, the acreage being conveyed is less than 2% and both lots are village properties served by town water and sewer. Harry Goodell moved to accept the exemption form as Exhibit C. Phil Perlah seconded the motion. A vote was taken and the form was accepted as Exhibit C.

Carla Westine asked the citizens present whether both parcels of land in question were served by municipal water and sewer. Don Strohmeyer said his property at 572 Main Street was served by town water and sewer. Donna Matthews confirmed that her property at 547 Main Street was also served by town water and sewer.

The fourth document was a letter signed by Van L. Matthews and Donna M. Matthews dated October 20, 2020 and directed to the Town of Chester, attention Zoning Administrator, stating that Donald J. Strohmeyer has agreed to sell to Van L. and Donna M. Matthews a strip of land of approximately 0.03 acres from his land at 572 Main Street. Carla Westine read the letter aloud. Harry Goodell moved to accept the letter as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the letter was accepted as Exhibit D.

The fifth document was a letter signed by Van L. Matthews and Donna M. Matthews dated October 20, 2020 and directed to the Town of Chester, attention Zoning Administrator, stating that Van L. and Donna M. Matthews have agreed to purchase a strip of land of approximately 0.03 acres from Donald J. Strohmeyer at 572 Main Street. Carla Westine read the letter aloud. Harry Goodell moved to accept the letter as Exhibit E. Phil Perlah seconded the motion. A vote was taken and the letter was accepted as Exhibit E.

The last exhibit was the site plan titled Donald J. Strohmeyer for the purpose of a Boundary Line Adjustment. Harry Goodell moved to accept the site plan as Exhibit F. Phil Perlah seconded the motion. A vote was taken and the site plan was accepted as Exhibit F.

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 asked if all board members concur that this application 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 the piece of land being transferred is very small, it has no road frontage and it is being annexed to the Matthew's property.

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.

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

This information was all found in the title block 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.

Carla Westine located Donald Strohmeyer's last name in the parcel for 572 Main Street and the acreage for the parcel, 1.43 acres. She located the acreage for the Matthew's property at 548 Main Street and read the size of that lot as 0.329 acres. She located the small parcel to be attached to the Matthews parcel, called Parcel B with 0.03 acres.

Carla Westine said the property lines were clearly marked, the existing lines were dashed and the proposed lines were solid. Carla Westine could not recall any easements from a prior boundary adjustment on these lots and did not see any easements on this plat. Harry Goodell concurred that there were no easements on the parcels.

Carla Westine noted that the Matthew's house, barn and deck were shown on the plat, as was the houses of Susan Lee and Don Strohmeyer. Carla Westine did not see any water courses on the map. Don Strohmeyer agreed that there was no

flowing water on that section of land. Carla Westine noted the Main Street roadway, the stone walls, and stone posts as other physical features.

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

Carla Westine read the names of the abutting properties shown on the map.

- 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 Village Center district were found to the left of center and below the midline 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 both property owners stated their properties were both served by town water and sewer.

- 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 and this standard is not applicable.

- 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.

The parcel being very flat, there were no contour lines on the map. Don Strohmeyer said there was less than a 1-foot change in elevation on the parcel and asked the Board to waive the 5-foot contour requirement. Harry Goodell moved to waive the 5-foot contour line interval requirement 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 right quadrant of the plat, the scale above the title block and date in the title block itself.

- 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 are found with the parcel owner and acreage labels. The reference plans are found in Note 3.

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

Carla Westine said this is not a subdivision and the parcels have both been attached to the municipal water system for many years. This requirement is not applicable.

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

Carla Westine said this is not a subdivision and the parcels have both been attached to the municipal sewer system for many years. This requirement is not applicable.

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

Carla Westine noted again that the parcel is very flat and not much water moves in any direction. Don Strohmeyer 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.

Carla Westine said this requirement is not applicable to the boundary line adjustment being requested.

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

Carla Westine said Don Stein, a registered surveyor has laid out the lines and set the pins. The parcel to be changed is very small and Donna Matthews confirmed that no buildings are proposed.

- 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 pins shown on the map. There was a stone post marking the boundary of Donald Strohmeyer's parcel which was also marked with a ribbon.

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

Carla Westine said this requirement is not applicable for a boundary line adjustment.

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

Carla Westine said this requirement is not applicable for a boundary line adjustment.

- 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.

Carla Westine said this was not a sub-division, but a boundary adjustment. She noted that the applicant had applied to the state of Vermont for a Boundary Line Exemption.

- 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 at the bottom near the center.

Carla Westine asked the Board if it had any questions. Phil Perlah suggested that the words, "Proposed subdivision of" be removed from the title block to clarify that this is a boundary line adjustment and not a subdivision. Harry Goodell moved to remove those words from the title block. Phil Perlah seconded the motion. A vote was taken and the motion passed.

There were no further questions from the Board for the applicant. Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was closed.

Carla Westine said hello to Jill Barger who has applied for the position of Zoning Administrator and was observing the meeting. Jill thanked Carla for her acknowledgement and left the meeting so the Board could enter deliberative session.

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.