

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

*January 11, 2021*

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

**STAFF PRESENT:** Cathy Hasbrouck, Recording Secretary at the Town Hall and Jill Barger, Zoning Administrator via Zoom teleconference.

**CITIZENS PRESENT:** Andie Fusco, Tamasin and Nicholas Kekic, Sean McManus 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 to the citizens attending the meeting. She said a site visit had taken place that afternoon at 4:00 PM at 678 Goldthwaite Road for the Kekic boundary adjustment hearing. She read the meeting agenda.

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

Phil Perlah moved to accept the minutes from the December 14, 2020 meeting. Gary Coger seconded the motion. Phil Perlah pointed out a misspelling on page 5. No other changes were requested. A vote was taken and the minutes were accepted with one correction.

**Agenda Item 2 Citizen comments.**

There were no citizen comments.

**Agenda Item 3 Request to allow Final Plat Application for Application 523**

Carla Westine swore Andie Fusco and Sean McManus in to give testimony. She then asked the Board members if they had a conflict of interest to report or had had any ex-parte communication on this matter. None did. Carla Westine then read aloud a letter from RJ Dourney, chair of the Financial Committee at the Holy Family Parish in Springfield. The parish owns the church at 96 Main Street in Chester. The letter explained that in 2018, the church had begun a process of subdividing the property. The preliminary hearing had been held, but the final hearing had not. The letter requested that the final hearing be allowed to go forward based on the outcome of the preliminary hearing.

Carla Westine said the preliminary plat hearing had been held June 25, 2018 and the application had been approved. She said that there was only one condition put on the approval of the preliminary findings, the position of the property in the location map needed to be corrected. Andie Fusco explained that Sean McManus was looking to purchase the property as a secondary residence. Phil Perlah asked if condition 5 implied that the signature block was omitted from the plat. Carla Westine checked the plat and found that the signature block was present on the plat. Cathy Hasbrouck said that condition 5 was part of the “boiler plate” of the findings document.

Bob Greenfield asked if the requirement that the church file for a final hearing within six months of the preliminary hearing now required a waiver in order to the process to go forward. Carla

Westine said the bylaws allowed the Development Review Board to have the final hearing after the six months if they chose to. Bob Greenfield said he was in favor of allowing the church to go forward with the final hearing. Carla Westine noted that no significant changes had occurred on the property since the hearing in 2018.

Phil Perlah moved to allow the Holy Family Parish to submit a final plat for a hearing. Gary Cogger seconded the motion. A vote was taken and the motion passed.

#### **Agenda Item 4 Kekic Boundary Line Adjustment application (#562)**

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. No one did. She then swore in Nicholas and Tamasin Kekic to give testimony.

She then began accepting the documents offered as exhibits. The first document was a Town of Chester Application for Boundary Line Adjustment, assigned number 562. Carla Westine read several items aloud. The applicant names were Tamasin and Nicholas Kekic, their mailing address was 294 Goldthwaite Road. The location of the property was 678 Goldthwaite Road. The current number of lots was 2 and the proposed number of lots was 2. The tax map number for parcel 1 was 10-01-25.100, the acreage before the adjustment was 37.6, the acreage after the adjustment was 10.13. The tax map number for parcel 2 was 10-01-25.200, the acreage before the adjustment was 44.4, the acreage after the adjustment was 72. The application was signed December 21, 2020 by Nicholas and Tamasin Kekic and Jill Barger, Zoning Administrator. Phil Perlah moved to accept the application as Exhibit A. Bob Greenfield 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 December 23, 2020. Carla Westine read several items aloud. The site visit was announced for January 11, 2021 at 4:00 PM. The property owners were Tamasin and Nicholas Kekic, the applicants were also Tamasin and Nicholas Kekic. The location was 678 Goldthwaite Road, and the district was Residential 120. The action requested was, "Adjust the boundary lines between Parcels 10-01-25.100 and 10-01-25.200 to decrease parcel 10-01-25.100 to 10.13 acres and increase parcel 10-01-25.200 to 72 acres." The notice was signed by Zoning Administrator Jill S. Barger. Harry Goodell moved to accept the Notice as Exhibit B. Bob Greenfield seconded the motion. A vote was taken and the Notice was accepted as Exhibit B.

The third document was a letter from Tamasin and Nicholas Kekic addressed to the Zoning Administrator, dated December 21, 2020. Carla Westine read the letter aloud. The letter gave more details about the boundary adjustment and explained that the Kekics wanted to sell the buildings at 678 Goldthwaite Road with only 10 acres of land instead of the 37.6 acres attached to it now. 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 last exhibit was the site plan titled Nicholas F. Kekic and Tamasin Ballou Kekic. 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 (p. 83) aloud.

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 plat shows that one lot is getting smaller, a second lot is getting bigger and the third lot mentioned in the letter is not changing.

3. The Plan must show the requirements of Section 4.12(F) of these Bylaws;

Carla Westine turned to Section 4.12(F) (p. 81) 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 a summary of the acreage changes for parcel 10-01-25.100 in the upper right quadrant of the plat. She read the summary aloud. Above and slightly to the left of the summary for 10-01-25.100 is a summary of acreage changes for parcel 10-01-25.200. Carla Westine read that summary aloud and the notation to the right and below the summary that gives the acreage for parcel 10-01-25.200 as 71.9 acres.

Carla Westine noted the previous property lines are dashed and the proposed boundaries are solid lines. The only easement she could find was on the left half

of the map, a dashed line running more or less parallel to the Goldthwaite Road, interspersed with what appeared to be squiggles, but were actually the letters OHU for overhead utilities.

Carla Westine said the Development Review Board had parked at the site visit near the house and the small cabin or shed shown as the only buildings on the plat. She noted that the plat showed the brook which is crossed via a bridge in the driveway. Other physical features portrayed on the plat are stone walls and the tree line.

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

Carla Westine read the owner's names of the seven abutting properties listed on the map. Gary Coger pointed out that the Paternos do not own parcel 10-01-26 as shown on the plat, it has been purchased by Robert and Brenda Kunzweiler. He said he thought the purchase took place in July.

- 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 Residential 120 district were found in note 5. Carla Westine read them aloud.

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

Carla Westine said the site plan shows the location of the leach field that serves the house. She noted a 15-inch culverts shown along the feature labeled wood road, and four 18-inch culverts along Goldthwaite Road.

- 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 said the driveway serves the house. She pointed out the wood road drawn on the plat and asked Tamasin and Nicholas Kekic about its purpose.

Tamasin said the road had served as a right of way to another piece of property and the right of way was being extinguished as part of this change.

- 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.

Carla Westine observed that the contour lines are present at intervals of 5 feet.

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

Carla Westine pointed out the date of 12/10/2020 in the title block and 4 revisions with dates in a box to the right of the title block. True north point is in the upper left quadrant and the scale is 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 technical information about the survey is found in Notes 1, 2, 3 and 4. The reference plan list shows the plan that reference points were taken

from. The deed descriptions are found in the Reference Deeds list. These lists are in the lower left corner of the plat.

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

Carla Westine said the well for the house is shown in the upper right quadrant of the plat above and to the right of the house.

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

Carla Westine said the leach field is shown to the south of the house on the plat.

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

Carla Westine said it appears from the plat that the brook drains the property. She asked Nicholas and Tamasin Kekic if they planned any changes to the drainage on the property. Tamasin Kekic said they did not. Nicholas Kekic asked that the drainage plan requirement be waived. Phil Perlah moved to waive the drainage requirement. 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 said no new bridges or culverts are being planned.

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

Carla Westine said the surveyor has laid out the lines and indicated that one lot will be increasing in size and one will be decreasing in size.

- 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 a stone wall at the site visit and the new boundary that was a few feet beyond it. She pointed out the text on the plat at the bottom of the driveway that said To Route 11 0.7 miles.

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

Carla Westine asked the applicants if any of the land was to be dedicated to public use. Nicholas Kekic said none was being dedicated to public use.

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

Carla Westine said no new roads were being 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. Vermont Route 11, Goldthwaite Road and other smaller roads were shown with the location of the parcel in question on Goldthwaite Road indicated.

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 Nicholas and Tamasin Kekic if they had approached the State of Vermont about the Act 250 permit that belonged to the parcel. They said that they had approached Stephanie Giles and they were answering her questions. They had not received approval to remove the permit, but they had filed the paperwork.

- 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 to the right of center.

Carla Westine returned to the boundary adjustment requirements in Section 4.13

4. It does not substantially change the nature of any previous subdivision;

Carla Westine asked the Board if it anyone felt the nature of the previous subdivision was being changed. No one did.

5. It will not adversely impact access to any parcel;

Carla Westine said Tamasin Kekic indicated the access via the wood road from the parcel in question to the property at 294 Goldthwaite Road where she currently lives is being given up. Tamasin Kekic said that was correct. She said access to 294 Goldthwaite Road is through a driveway off Goldthwaite Road they shared with John and Lynn Russell, and the right of way between 678 Goldthwaite Road and 294 Goldthwaite Road is not necessary or wanted.

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,
7. It will not create any nonconformities.

Carla Westine said no nonconformities were being created. The stone wall that had been a boundary in the distant past, was not chosen as the boundary for this change as a shed on the property was less than the required 50 feet from the stone wall and would have been in the setback area.

Carla Westine asked the Board members if they had any concerns. None did. She asked the applicants if they had anything to add. Nicholas Kekic said they did not. Carla Westine conducted an informal poll of the board which indicated that the boundary adjustment was likely to be approved.

Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was closed. Carla Westine said that the findings of fact will be written within the 45 days allowed in the bylaws, but it is likely to be finished much sooner.

#### **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.