

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

April 12, 2021

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

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

CITIZENS PRESENT: Chris Augusto and Gail Sabettini at the Town Hall, Erik Ramsland and Jason Waysville via Zoom teleconference.

Call to Order

Bob Greenfield, as acting chair, called the meeting to order at 6:01 PM. He introduced the members of the Development Review Board, staff and citizens attending the meeting. He reminded the citizens participating in the hearing that they were still under oath. He asked if any board member had a conflict of interest to report or if anyone had any ex-parte communication to report. No one did.

Agenda Item 1 Review draft minutes from the March 22, 2021 meeting

Harry Goodell moved to accept the minutes of the March 22, 2021 meeting as written. Larry Semones seconded the motion. There was no discussion. A vote was taken and the March 22, 2021 minutes were accepted as written.

Agenda Item 4 843 Farrar Road Variance Request

Bob Greenfield said he was having a hard time making up his mind on the issue.

He asked Chris Augusto when a set of plans for a 5-bedroom house distributed in the packet were prepared. Chris Augusto said they were prepared at the end of May or the beginning of June and the house was not intended to be a 5-bedroom house. There was to be an office downstairs with 3 bedrooms upstairs. He said he had dropped off plans to Michael Normyle which are missing now. He said there had been an e-mail exchange with Michael where the plans were changed from a camp to a house.

Phil Perlah suggested that the building plans be entered as an exhibit. Phil Perlah moved to accept the plans on four sheets printed on both sides as Exhibit L. Harry Goodell and Phil Perlah tried to identify the plans further. There was very little identifying information on the plans. The plan was prepared by Goguin, Inc, Leominster, MA. Bob Greenfield asked Chris Augusto if the foundation was installed based on those plans. Chris Augusto said the foundation was put in based on new building plans. He said the existing was put in because he planned to use two walls of the old camp. He said they had to move the place back a little. He had spoken to Michael about the R120 zoning district and then decided to fully demolish the camp and start fresh. He said he had sent new plans to Michael Normyle. He said it has been frustrating to deal with the zoning administrator in light of changes in personnel.

Bob Greenfield looked at the building permit dated September 2019, which said the house would be 36 feet, 6 inches long. Chris Augusto said after the permit was filled out and paid for, they

decided to revise the plans. Bob Greenfield said the wastewater system and potable water supply permit dated July, 2020 was issued for a 3-bedroom house. He said the house plans submitted by the applicant were for a 5-bedroom home 50 feet long.

Harry Goodell asked Chris Augusto if he intended that the revised plan presented would have 5 bedrooms. Chris said he did not intend for the revised plans to show 5 bedrooms. There should have been an office and a game room on the lower floor. Bob Greenfield said it appeared the plans that the applicant had entered as an exhibit were not the plans he intended to use. Bob Greenfield said he was concerned that the building permit was for a building of 1095 square feet while the plans show a house of considerably greater square footage. Chris Augusto said, "you have the old plans." He said the camp plans had been given to Michael Normyle. He said he had not been able to reach Michael Normyle and did not know that Cathy Hasbrouck was the new Zoning Administrator. Phil Perlah pointed out that Cathy Hasbrouck had signed the building permit. Chris Augusto said that permit was the second one. He said they knew the septic design was for 3 bedrooms.

Bob Greenfield said whether the rooms downstairs were bedrooms or offices, the plans the applicant submitted say bedroom. The septic system installed was for 3 bedrooms and the plans submitted as an exhibit show a 50-foot-long stand-alone home, not an addition to the original camp. Chris Augusto said he talked to Michael Normyle and discussed the R120 zoning district and decided to build a whole new house as a result. Bob Greenfield said the building permit issued to Chris Augusto was not for what was actually constructed. Chris Augusto had submitted a variance request, as was his right. Bob Greenfield said the DRB had to make a decision on what is, not what was done. He asked how the DRB could make what Chris Augusto had done fit the variance request. He said it looked to him as if the house was too big to be fit in the space available. It was much bigger than what the building permit stated.

Chris Augusto asked if he should cut the building back to the 36 feet. Larry Semones said the permit for a 30' by 36'6" structure did not fit the plans presented that evening or the foundation built for a 30' by 50' house. He asked Chris Augusto if there is another building (unintelligible) somewhere. Chris Augusto answered, "No". He said he had revised the plans from the 36'6" house to the larger house and gave the plans to his septic engineer Jason Waysville and the contractor Jeff Stearns. He left papers at the door of the Town Hall in care of Michael Normyle. He thinks the papers got lost. He said he signed a paper that day and did not realize what it was for. He said he thought it was all set. He paid the fee for it on the housing thing because he and Michael had come to an agreement about the R120 district and tearing down the entire camp to build a house.

Harry Goodell said the R120 had set back requirements which weren't applied to the house for some reason. Harry said the R120 did not allow the camp to be torn down and a house put in its place while ignoring the setbacks. Harry said the neighbor Al Ramsland was asking why the setback was being encroached on.

Phil Perlah tried to clarify the timeline. He said the conversations had to pre-date the issuance of the permit, because the permit was signed by Cathy. Chris Augusto said the conversations did precede the permit. He did not receive a new application to fill out. Chris Augusto said he and Michael had agreed in May 2020 that he (Chris) could tear down the entire existing camp and build a house. Phil said the application prepared reflected an addition to the old camp and a much smaller structure. Phil wondered why the permit did not reflect the conversations.

Gail Sabetini said there was a lot of different conversations and they probably didn't understand what they were supposed to do.

Bob Greenfield said he and Cathy had driven to the site the preceding week. He said he saw a copy of the building permit tacked to a shed on the property. The permit said the structure was 36'6" by 30'. Jeff Stearns the contractor must have seen the permit. Yet they put in a bigger foundation. Bob Greenfield wondered why no one questioned the permit. The zoning regulations were not followed. Chris Augusto said he did not intend to violate the setbacks and he would do what was required to correct it.

Phil Perlah said the DRB had a binary decision. Either they could approve the variance or disapprove it. The variance was for a specific building permit. If the variance is not approved, Chris Augusto will have to figure out what changes would be needed to make the building approvable.

Bob Greenfield recapped the situation. He said the bylaws took into account certain hardships. He noted that the letter from Jeff Stearns explained that a lot of time and money were spent trying to break up the ledge. Jason Waysville spent a lot of time putting in a septic system. He said the building was shoehorned into the small lot. The neighbor, Mr. Ramsland, was concerned that the building was too big and too close to his land. He said the DRB was trying to find a way to make everyone involved at least comfortable and this was not proving to be easy.

Bob Greenfield asked Chris Augusto if he had anything to add. Chris Augusto said the shed on the property had been there for many years and it was closer to the driveway than the new building would be. He wondered why people would not want to see a new house there instead of the old camp and the rubbish. He said he would not sell the land, as the neighbor had proposed.

Phil Perlah said that the DRB would not be able to approve a variance even if Mr. Ramsland had said he wanted to have the house built. The issue was between the building permit, Chris Augusto's plans and the bylaws. He said Mr. Ramsland had brought the matter to the attention of the zoning administrator and she issued a cease and desist letter. Chris Augusto said he had abided by the letter. Phil Perlah said Mr. Ramsland was no longer involved in the matter. Phil Perlah said there were other neighbors in favor of the project, but the matter was not decided by the neighbors. Chris Augusto said he would abide by whatever the DRB decided.

Cathy Hasbrouck said the plans needed to be voted on as an exhibit. Phil Perlah moved to accept the plans as Exhibit L. Harry Goodell seconded the motion. A vote was taken and the house plans were accepted as Exhibit L.

Bob Greenfield asked for a motion to accept a letter from Jeff Stearns dated April 6, 2021. Harry Goodell moved to accept the letter as Exhibit M. Phil Perlah seconded the motion. A vote was taken and the letter was accepted as Exhibit M.

Harry Goodell asked if all the exhibits were properly accepted. Cathy Hasbrouck said the documents not yet accepted were an expanded version of the Zoning Administrator notes which had been accepted during the first part of the hearing, some e-mail threads documenting some of the communication between Gail Sabetini and Michael Normyle, and the documents that created the original parcel in 1979. No one wanted to accept those documents.

Bob Greenfield asked if any of the attendees had anything else to say. Erik Ramsland asked where the system had failed Mr. Augusto. Mr. Augusto had spent a lot of money on site work and no one from the town told him he was making a mistake. Bob Greenfield said it was a

perfect storm of timing with people leaving the zoning administrator post and a new person coming. He said the Development Review Board does not check on building permits, but when a zoning problem is discovered, they address it. Erik Ramsland said he felt bad for everyone. He quoted section 7.15.A.2 of the Variance section of the bylaws which said “That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity”. He said he thought the property could be developed in conformity. Either the house is made smaller or it is moved away from the boundary line. He then quoted 7.15.A.2.4, “that the Variance, if authorized, will not alter the essential character of the neighborhood”. He said whether the character of the neighborhood would be changed is up to the DRB. He quoted section 3.19.C.2 “subject to conditional use approval . . .within two years and does not increase the degree of nonconformance that existed prior to the damage.” Bob Greenfield thanked Erik Ramsland for his input.

Cathy Hasbrouck suggested that the DRB check with Jason Waysville to see if he had anything to add, then they could either recess the hearing to a date certain or close it. Harry Goodell moved to close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was closed.

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