



# TOWN OF CHESTER

**Town of Chester  
DEVELOPMENT REVIEW BOARD AGENDA  
December 27, 2021, 6:00 PM**

**The Town Hall is now able to have a combination in-person and Zoom meeting. Please check the [chestervt.gov](http://chestervt.gov) website for a link to the DRB Zoom meeting.**

**3:45 PM Site visit 228 VT Route 11 West**

1. Review the minutes from the November 8, 2021 meeting.
2. Citizen comments.
3. Subdivision hearing # 573 228 VT Route 11 West Stephen Garner.
4. Discuss upcoming meetings.
5. Deliberative session to review previous or current matters.

# Application for Subdivision

VERMONT

APPLICANT: Stephen GarnerMAILING ADDRESS: P.O. Box 25 Yarmouth Port MA 02675PHONE: 774-836-7280 EMAIL: shgarneriv@gmail.comPROPERTY LOCATION: 228 Rt. 11 W

PROPERTY OWNER (if different from applicant): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

TOTAL ACRES OF PROPERTY BEFORE SUBDIVISION: 31

TOTAL NUMBER OF LOTS AND ACRES OF EACH LOT AFTER SUBDIVISION: \_\_\_\_\_

2 - 4.7 acres, 26.3 acresLot 1 of 27.17A + Lot 2 of 4.73A = Total of 31.9 A by survey P.B.

This application shall be submitted to the Zoning Administrator with the following:

- ☐ A fee of \$200 plus \$25 per lot payable to the Town of Chester.
- ☐ A short narrative describing the subdivision
- ☐ Authorization of applicant's representative (if appropriate).
- ☐ 7 copies of a plot plan by a licensed surveyor containing the required information under Article 4.12.F (Subdivision Review Procedures: Required Submissions) and Article 5 (Subdivision Review Standards) of the Chester Unified Development Bylaws.
- ☐ A PDF of the plot plan.
- ☐ Driveway access permit(s) for any new driveways.
- ☐ Wastewater and Water Supply permits for each new lot.

A hearing before the Development Review Board will not be scheduled until the Zoning Administrator deems the application to be complete.

APPLICANT SIGNATURE: Stephen Garner DATE: 12/4/21

\*\*TO BE COMPLETED BY THE ZONING ADMINISTRATOR\*\*

PARCEL MAP #: <u>10-01-18.2</u>	ZONING DISTRICT: <u>R120</u>	FEE: <u>\$225</u>	DRB CASE #: <u>574</u>
APPLICATION DEEMED COMPLETE: <u>P. Bristow</u>		DATE: <u>12/8/21</u>	
Zoning Administrator			

**THIS IS NOT A PERMIT. A PERMIT, IF GRANTED, WILL BE ISSUED SEPARATELY**



## TOWN OF CHESTER

ZONING OFFICE  
556 Elm Street  
P.O. Box 370  
Chester, VT 05143

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(802) 875-2237 fax  
[zoning@chestervt.gov](mailto:zoning@chestervt.gov)  
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### TOWN OF CHESTER NOTICE OF HEARING FOR SUBDIVISION PERMIT

Stephen Garner has applied for a Subdivision Permit for a property located adjacent to 228 VT RT 11 West in the Town of Chester. The proposed minor subdivision will divide an existing lot (parcel #10-01-18.2) of 37.01 acres into two lots of 5.11 acres and 31.90 acres.

The Town of Chester Development Review Board will conduct a site visit at 3:45 PM on Monday, December 27, 2021, at 228 VT RT 11 West and will hold a hearing on this application at 6:00 PM on Monday, December 27, 2021, at the Chester Town Hall at 556 Elm Street in Chester. A copy of the application and additional information may be obtained from the Zoning Administrator. Participation in this hearing is a prerequisite to the right to take any subsequent appeal.

A link to participate in this hearing via Zoom videoconference may be found on the Town of Chester website home page at [www.chestervt.gov](http://www.chestervt.gov).

Dated at Chester, Vermont this 6<sup>th</sup> day of December 2021.

Preston Bristow  
Zoning Administrator  
(802) 875-2173  
[zoning@chestervt.gov](mailto:zoning@chestervt.gov)



September 22, 2021

Steve Garner  
Via E-mail

RE: Property on Vermont Route 11, Chester, Vermont  
Site Report – Soil Testing for On-Site Wastewater Disposal System

Dear Steve,

As you know, we conducted a series of test pits on the subject property today for the purpose of determining whether the site would support the placement of water supply and wastewater systems meeting the requirements of the State of Vermont Wastewater System and Potable Water Supply Rules for a potential single lot subdivision. We have enclosed a test pit log showing the results of our testing.

Our opinion is that the site potential is as follows:

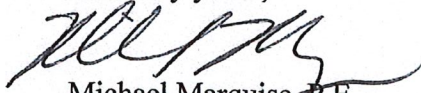
Suitable Soils for Primary Leach Field:	<b>Yes</b>
Potential Number of Bedrooms:	<b>3 or 4</b>
Type of On-Site Wastewater Disposal System:	<b>Enviro-Septic Mound</b>
Approximate Range of Installation Cost (2021)	<b>\$16,000 - \$ 18,000</b>

Additional Commentary: **The soil test area was in the southwest corner of your property just off Route 11 and it is flagged with ribbon. A state subdivision permit is not required if the new property line is 500' from the existing house.**

*Please keep in mind that the Wastewater System and Potable Water Supply Rules (dated April 12, 2019) require a State of Vermont Agency of Natural Resources permit for nearly all construction projects. Any site work (excavation or construction), building renovation, or other investments made on the property prior to the receipt of a State Permit are done solely at the risk of the landowner. Any future permits will be based on the rules/procedures in effect at the time of permitting and Marquise & Morano, LLC cannot be responsible for decisions or actions of the State of Vermont. You may contact the State of Vermont District II Environmental Office at 802-885-8841 to determine what activities are allowed without a permit.*

If you or a potential buyer wish to proceed with the necessary permits please let us know. In the interim, if you have any questions feel free to contact us at your convenience.

Sincerely yours,



Michael Marquise, P.E.  
Certified Site Tech #312B

Encl./soil logs

**TEST PIT LOG**

Steve Garner

Vermont Route 11 - Chester, Vermont

Method of Soil Excavations: Mini-Excavator

Date of Excavations: September 22, 2021

Logged By: Michael Marquise, P.E.



Test Pit #1

0" - 10" Loose 2.5Y 3/3 Dark Olive-Brown Sandy Loam (B - Blocky)  
10" - 24" Loose 10YR 5/8 Yellowish-Brown Medium Sand w/stones (SG - Single-Grained)  
24" - 54" Friable 2.5Y 5/3 Light Olive-Brown Loamy Sand w/stones (B)

ESHWT - 31" (mottles)

Water - None Observed

Ledge - None to Depth

Test Pit #2

0" - 3" Loose 10YR 3/3 Dark Brown Sandy Loam (B)  
3" - 25" Loose 10YR 4/4 Dark Yellowish-Brown Sandy Loam w/stones (B)  
25" - 54" Friable 2.5Y 5/3 Light Olive-Brown Sandy Loam w/stones (B)

ESHWT - 25" (mottles)

Water - None Observed

Ledge - None to Depth

Garner Soil Tests  
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Test Pit #3

0" - 11" Loose 10YR 3/3 Dark Brown Sandy Loam (B)  
11" - 18" Loose 7.5YR 5/8 Strong Brown Sandy Loam (B)  
18" - 26" Very Friable 2.5Y 4/4 Olive-Brown Sandy Loam (B)  
26" - 54" Friable 2.5Y 5/2 Grayish-Brown Sandy Loam w/stones (B)

ESHWT - 25" (mottles)  
Water - None Observed  
Ledge - None to Depth

ESHWT = Estimated Seasonal High Water Table

**Staff Review 12/13/2021**

**Stephen Garner request for minor subdivision**

**Property Location: 228 VT RT 11 West**

**DRB Case # 574**

**Subdivision request: Subdivide existing parcel #10-01-18.2 of 31.9 acres into a Lot 2 of 4.73 acres and a remainder Lot 1 of 27.17 acres.**

#### **INTRODUCTION**

In October of 2020, Stephen Garner purchased adjacent parcels #10-01-18.2 (undeveloped) and #10-01-17 (developed with house at 228 VT RT 11 West) which together total 95 acres. Garner seeks to subdivide and sell one parcel (Lot 2) of 4.73 acres and to retain the remainder of parcel #10-01-18.2 (Lot 1) of 27.17 acres with adjacent parcel #10-01-17.

Michael Marquise of Marquise & Morano, Civil & Environmental Engineers of Bellows Falls, has submitted a site report dated September 22, 2021, with soil testing reports indicating that a septic system for a 3 or 4 bedroom house could be designed and constructed on this parcel. A state Wastewater System and Potable Water Supply permit has not been applied for.

Permit Coordinator Brian McAvoy for the Vermont Agency of Transportation has visited the proposed access point onto VT RT 11 and indicated that rock chiseling/drilling will be needed east of that access point to meet site distance requirements. McAvoy has requested that the owner be the applicant and the buyer the co-applicant on a State Highway Access and Work Permit application. Since there is not yet a buyer for Lot 2, a State Highway Access permit has not been applied for.

#### **ZONING DISTRICT AND ALLOWED USE**

This property at 228 VT RT 11 West is in the Residential 120,000 (R120) District which allows a minimum lot size of 3 acres with a minimum lot frontage of 200 feet.

#### **REQUIRED SUBMISSIONS FOR SUBDIVISION (Section 4.12.F, pages 81-82)**

**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.

***The subdivision name is "Minor Subdivision of property of Stephen Garner, VT. Route 11, Chester, Vermont.***

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

***These are identified.***

- c. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other essential existing physical features.

***These are identified; the proposed subdivision consists of 31.9 acres divided into a Lot 2 of 4.73 acres and a remainder Lot 1 of 27.17 acres.***

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

***These are identified.***

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

***These are identified.***

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

***Culverts appear to be shown, there is no municipal water or sewer in this vicinity.***

- 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.

***Existing roads are depicted; the subdivider proposes a driveway but no public ways.***

- 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 at intervals of 10 feet are provided.***

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

***A date is not provided on this preliminary plat but true north and scale are provided.***

- 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.

***The preliminary plat is prepared by a licensed land surveyor and provides sufficient information for a closing attorney to prepare a deed description.***

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

***Water will be provided to Lot 2 by a drilled well in accordance with state regulation. Lot 1 is a remainder parcel that is not proposed for development.***

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

***Septic will be provided to Lot 2 by a septic system to be constructed by the buyer following receipt of a state Wastewater and Water Supply permit. Soil tests indicate that a septic system for a 3 or 4 bedroom house could be designed and constructed on Lot 2. Lot 1 is a remainder parcel that is not proposed for development.***

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

***A storm discharge or drainage plan is not usually required for a minor subdivision.***

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

***No bridges or culverts are proposed.***

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

***A building location is not depicted but the location of the soils test pits is shown.***

- 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.

***Not applicable to a minor subdivision.***

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



***Not applicable to a minor subdivision.***

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

***Not applicable to a minor subdivision.***

- 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.

***A location map is provided on the preliminary 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.

***Required permits will include a State Highway Access and Work Permit for driveway access to VT-11, a state Wastewater System and Potable Water Supply permit, and a town zoning permit to construct a residence and any accessory structures. These permits will be applied for in the future by the buyer or jointly by the seller and buyer.***

- 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"

***This endorsement is included on the preliminary plat as submitted.***

#### RECOMMENDATIONS

- 1. Within Article 5 – Subdivision Standards (which apply to major subdivisions) is Section 5.2.G.3 (page 87) which states, "Driveways shall not exceed a 15% grade, unless waived by the Development Review Board." I have asked the applicant to address this criterion in testimony and the DRB can decide whether this requirement applies, is or can be met, or if it should be conditioned or waived.
- 2. The DRB could condition that Lot 2 not be conveyed as a separate and free-standing parcel until a State Highway Access permit is issued.
- 3. I recommend that re-application for Final Plat Review be waived, and this hearing be recessed until a "time and date certain" for Final Plat Review.

Preston Bristow, Zoning Administrator