

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

*April 24, 2023*

**BOARD MEMBERS PRESENT:** Harry Goodell, Larry Semonos, Gary Coger, Bob Greenfield and Scott MacDonald at the Town Hall.

**STAFF PRESENT:** Cathy Hasbrouck, Recording Secretary and Preston Bristow Zoning Administrator at the Town Hall

**CITIZENS PRESENT:** Linda Smith, Omar Austin, David Coleman Mike and Cheryl LeClaire, Priscilla Melanson, Scott Kilgos, Bill and Nancy Lindsay and Barry Goodrich.

**Call to Order**

Bob Greenfield called the meeting to order at 6:00 PM. The group recited the Pledge of Allegiance. Bob introduced the members of the Development Review Board and staff.

**Agenda Item 1 Review draft minutes from the April 10, 2023 meeting.**

The Board considered the minutes from April 10, 2023. There was no discussion. Harry Goodell moved to accept the minutes as written. Scott MacDonald seconded the motion. A vote was taken, and the minutes were accepted as written.

**Agenda Item 2 Citizen comments.**

Mike LeClaire spoke about his concerns with the quarry operation on Route 103 North. He said he wasn't sure what part the DRB played in the process of regulating the quarry or how permits were handled. He said the Allstone property has been a problem for his neighborhood for the past 3 or 4 years. He understood that a permit had been issued for a storage building at the quarry on Chandler Road, but the building has been made into a stone processing facility. He asked how that could happen without members of the town boards noticing. He said the community had hoped for a site review from a town board. He said he knows of at least 3 buildings that have no permits.

He then listed documents pertaining to the issue which have been given to the Chester Selectboard.

March 6, 2023, Jurisdictional Opinion 2234 issued by Aaron Brondyke VT Natural Resource Board

March 31, 2023 Request for reconsideration of Jurisdictional Opinion 2234 from James Goss, Esquire representing the operators of the quarry.

April 4, 2023 Response to request for reconsideration of Jurisdictional Opinion 2234 from Mike LeClaire to Aaron Brondyke.

April 2023, Emailed response to request for reconsideration of Jurisdictional Opinion 2234 from Aaron Brondyke.

Minutes of 3/22/23 Selectboard meeting including comments from citizens about the quarries and a power point presentation from long-time residents documenting the disturbances the quarries make.

He felt the state of Vermont was in the process of making decisions which will go against the operators of the quarry. He invited members of the board to investigate the site.. He gave the list of documents to Bob Greenfield, the chair.

Priscilla Melanson spoke next. She and her husband own 36 acres in Gassetts. She played a recording from one of her neighbors made 2 years ago. Her neighbor said she was disabled and had enjoyed sitting on her deck in dry weather, but that was no longer possible (presumably because of the noise from the quarry). Ms. Melanson also played a recording of the noise made last year, saying it was typical of the constant noise she must listen to now. She said she had contacted the town two years ago. The town had put her in touch with the Act 250 people from the state, but as yet there is no resolution. More than 20 people are affected by the noise from the quarry.

Scott Kilgos spoke. He said he had lived in Gassetts for about 50 years. He said noise from the quarry was a non-issue when the quarry was run by Greg Adamovich. Gassetts was a quiet town. Greg Adamovich ran the quarry as a local business and he respected the residents. Since the quarry was sold to the Julian brothers there has been a great change. He believes 10 times the amount of rock is being taken from the quarry now. There is constant noise from trucks and backup alarms. The hammer drill is being used constantly. He said the noise from the drill when heard in person sounds like an AK-47. He said the hammer drill was not permitted to be used in the quarry. There is no permit for any activity at all in the north quarry or the Chandler Road quarry. He said the quarry operators are ignoring all state permits and disturbing the neighborhood. He appealed to the DRB to visit the Chandler Road quarry to observe what is happening. He said he doesn't understand why no one stops this activity. He said the Julian brothers are have 9 federal felonies filed against them in Connecticut for taking money to dump toxic waste on public property.

Robert Greenfield thanked the citizens for their comments.

### **Agenda Item 3 Subdivision Hearing for Linda K. Smith 379 Coach Road Case #589.**

Bob Greenfield began by asking the members of the board if they had had any ex-parte communication on this matter. None had. He asked if anyone had any conflict of interest to report. None did.

He then swore in Linda Smith, Omar Austin, and David Coleman, to give testimony. He then accepted the documents offered as exhibits.

The first document was a Town of Chester Notice of Public Hearing for a Subdivision Permit dated March 30, 2023. Harry Goodell moved to accept the Notice as Exhibit A. Gary Coger seconded the motion. A vote was taken, and the Notice was accepted as Exhibit A.

The second document was a Town of Chester Development Review Board Application for a Subdivision Hearing signed by Linda K. Smith, dated March 21, 2023. The DRB case number was 589. Harry Goodell moved to accept the application as Exhibit B. Gary Coger seconded the motion. A vote was taken, and the application was accepted as Exhibit B.

The third exhibit was a 100-foot abutters list. The abutters were mailed a Notice of Hearing on April 5, 2023. Harry Goodell moved to accept the list as Exhibit C. Gary Coger seconded the motion. A vote was taken, and the list was accepted as Exhibit C.

The fourth exhibit was a tax map showing the parcel to be subdivided and the abutting parcels. Harry Goodell moved to accept the tax map as Exhibit D. Gary Coger seconded the motion. A vote was taken, and the tax map was accepted as Exhibit D.

The fifth exhibit was a survey of Coach Road by William Drude done in 1994 which shows how Coach Road had been moved from its original site. Harry Goodell moved to accept the survey as Exhibit E. Gary Coger seconded the motion. A vote was taken, and the survey was accepted as Exhibit E

The sixth exhibit was a survey from Coleman Surveys dated April 11, 2023 showing the proposed division of parcel 57-50-01.1. Harry Goodell moved to accept the survey as Exhibit F. Gary Coger seconded the motion. A vote was taken, and the plan was accepted as Exhibit F.

Linda Smith then explained the reasons for the subdivision. She said they could no longer maintain all the land they owned and decided to sell off what they couldn't maintain. Bob Greenfield said he read in the narrative that there may be a buyer for the subdivided land who would not be building a house on it. Bob noted that there was no wastewater permit for the subdivided parcel. Linda Smith said a neighbor had a land-locked parcel and the subdivided parcel could give him some frontage. That neighbor had expressed interest in buying the new parcel. Linda said she did not intend to get a wastewater permit for the land and she planned on putting the parcel up for sale on the open market.

Harry Goodell confirmed that Linda and Omar had no plans to develop the new parcel themselves. Linda said they did not. Scott MacDonald asked about a house visible from the driveway of the property in question. It was established as belonging to Heather Dacunto.

Omar Austin gave a short history of the property, which originally had been 50 acres or so. He recounted subdividing it into 2 pieces, clearing the 26 acres they had kept and building a pond.

Bob Greenfield read the portion of the bylaw that listed Required Submissions and then moved to Section 4.12 F.

#### **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.  
Harry Goodell saw this at the edge of the lower right quadrant of the map.
  - b.** Name and address of record owner, subdivider, and designer of Preliminary Plat.  
This was also found in the lower right quadrant of the map.
  - c.** Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other essential existing physical features.

Preston Bristow pointed out the total acreage in Note 5.

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

All abutters appeared to have been listed.

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

Bob Greenfield pointed out the dimensional standards for the R-120 district in Notes section of the map. Harry Goodell said the frontage on the right of way for the new parcel was 209 feet. Bob Greenfield noted that the grade on the proposed right of way did not exceed 15%. Bob Greenfield read the statement which explains that the subdivided parcel does not have a wastewater system and the parcel may not be able to be improved.

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

Bob said there were 2 culverts on the plat. Harry Goodell asked if the pond ran off somewhere. He asked David Coleman to show the water course that fed the pond on the map.

- 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.

There were no new roads in the area, only a right-of-way for one parcel.

- 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.

There were contour lines at various intervals on the map, including some at 5-foot intervals. Harry Goodell said he felt the contour lines drawn were adequate and did not require a waiver.

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

True north and scale were found in the upper right corner. The date was found in the lower right corner.

- 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.

Harry Goodell noted the surveyor's stamp and number.

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

The Board noted there was no proposed water supply on the map. They noted the water supply and leach field for the existing house were drawn in.

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

There was no proposed sanitary sewer system on the map as the subdivided parcel is not intended to be developed. The wastewater system for the existing house is shown.

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

Harry Goodell asked where the culvert at the junction of the driveway and the new right of way drained to. David Coleman and Omar Austin discussed it. Harry Goodell asked if the drainage could be made clearer.

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

No culverts or bridges will be required.

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

Bob Greenfield said no building locations were shown on the new lot because the land was not being developed.

- 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.

David Coleman said the map depicted the intersection of Coach Road and First Avenue. Bob Greenfield and Harry Goodell asked to have the distance to the nearest intersection shown on the map.

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

Bob Greenfield said there were no parcels dedicated to public use.

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

There were no roads to name.

- 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.

Harry Goodell asked that the outline of the parcel be added to the vicinity map shown in the upper right corner.

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.

No permits have been applied for.

- 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

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\_\_\_\_\_, Development Review Board”

Bob Greenfield pointed out the endorsement block found in the upper left corner of the map.

Gary Coger asked about access to the new parcel. He wondered if there was any access from First Avenue. There was none.

There were no questions from the audience or the board members. Harry Goodell whether the hearing should be closed or recessed until the requested changes were made. Preston Bristow said he had a list of the changes and could verify that the changes were made properly. Harry Goodell moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed. Preston offered to send an email listing the requested changes.

**Agenda Item 4 Deliberative Session to review previous or current matters**

All other agenda items being complete, the meeting went into deliberative session and was adjourned at the end of it.