

1 **TOWN OF CHESTER**
2 **DEVELOPMENT REVIEW BOARD**
3 **DRAFT MINUTES**

4 *June 10, 2024*

5 Sunday 11:45 – 2:00

6 **BOARD MEMBERS PRESENT:** Robert Greenfield (via Zoom), Harry Goodell, Scott
7 MacDonald, Phil Perlah and Gary Coger at the Town Hall,

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

10 **CITIZENS PRESENT:**

11 **Call to Order**

12 7:09 Chair Bob Greenfield called the meeting to order at 6:12 PM. He led the group in the
13 Pledge of Allegiance. He introduced the members of the Development Review Board and staff.

14 **Agenda Item 1 Review minutes of the April 1, 2024 meeting**

15 9:15 Bob Greenfield verified that everyone had signed in. Cathy Hasbrouck said she was still
16 circulating the sign-in sheet, but the board could accept the minutes from the last meeting while
17 that was going on. Harry Goodell moved to accept the minutes of the April 1, 2024 meeting.
18 Phil Perlah seconded the motion. There was no discussion. A vote was taken, and the minutes
19 were accepted as written.

20 **Agenda Item 2 Citizen's comments**

21 9:35 There were no citizen comments.

22 **Agenda Item 3 Conditional Use Hearing #606 for a Boundary Line Adjustment at 924**
23 **Grafton Road.**

24 10:20 Bob Greenfield asked the board members if they had any conflict of interest to report
25 regarding the hearing or if they had had any ex-parte communication about the application. None
26 had.

27 Bob Greenfield asked everyone present who would like to testify at any of the three hearings to
28 be held that evening to raise their right hand and be sworn in. Several people present were sworn
29 in.

30 11:29 He then entered exhibits into evidence.

31 The first document was an application for a hearing before the Development Review Board dated
32 May 15, 2024 and signed by David van Alstyne and Zoning Administrator Preston Bristow.
33 Harry Goodell moved to accept the application as Exhibit A. Phil Perlah seconded the motion. A
34 vote was taken, and the application was accepted as Exhibit A.

1 12:07The second document was a Town of Chester Notice of Hearing for a Boundary Line
2 Adjustment Permit dated May 16, 2024 from Zoning Administrator Preston Bristow. Harry
3 Goodell moved to accept the Notice as Exhibit B. Phil Perlah seconded the motion. A vote was
4 taken, and the motion passed unanimously.

5 The third document was a 100-foot abutters map showing the parcels in question on Grafton
6 Street and Linden Way. Harry Goodell moved to accept the map as Exhibit C. Phil Perlah
7 seconded the motion. A vote was taken, and the motion passed unanimously.

8 The fourth document was a 100-foot abutters list report. Notices of the hearing were mailed to
9 the nine property owners listed on May 22, 2024. Harry Goodell moved to accept the list as
10 Exhibit D. Phil Perlah seconded the motion. A vote was taken, and the motion passed
11 unanimously.

12 13:34The fifth document was an informational sheet showing the parcels involved in the
13 boundary adjustment, their Tax Parcel ID, the existing and new acreage and the area change.
14 Harry Goodell moved to accept the document as Exhibit E. Phil Perlah seconded the motion. A
15 vote was taken, and the motion passed unanimously.

16 The sixth document was a 17 x 11 copy of the survey dated 5/27/24 prepared by Christopher
17 Paton showing the proposed changes to the boundary lines. Harry Goodell moved to accept the
18 survey as Exhibit F. Phil Perlah seconded the motion. A vote was taken, and the survey was
19 accepted as Exhibit F.

20 The seventh exhibit was the full-size survey which was presented at the hearing dated May 27,
21 2024. Harry Goodell moved to accept the survey as Exhibit G. Phil Perlah seconded the motion.
22 A vote was taken, and the survey was accepted as exhibit G.

23 Phil Perlah asked whether the other party involved in the boundary adjustment, Leslie Viets, had
24 signed anything regarding the adjustment. Preston Bristow said he had gotten her signature on
25 the permit application and was going to submit it as an exhibit. Phil suggested the copy with Ms.
26 Viets' signature be accepted as Exhibit A1. Preston said the date of the signature on the
27 application was June 10, 2024. Phil moved to accept the newly signed application as Exhibit A1.
28 Harry seconded the motion. A vote was taken, and the revised application was accepted as
29 Exhibit A1.

30 17:42Preston Bristow suggested that David van Alstynne explain briefly what was being proposed
31 for the boundary adjustment. David said he and his wife were joining two of their properties
32 together. A strip of land owned by Leslie Viets was the only barrier between the two parcels and
33 Ms. Viets had agreed to sell the strip to them. Preston said it was difficult to understand the
34 change without a visit to the site. He said the van Alstynnes owned land on Linden Way and
35 Grafton Street. Leslie Viets owned land on Linden Way and a strip of land that was a right of
36 way which divided the two parcels the van Alstynnes owned. Leslie Viets did not need the right
37 of way. It was of no value to her. She was able to convey the strip of land to the van Alstynnes
38 without applying for any permit. The van Alstynnes were now asking to combine the three
39 parcels into two parcels, as outlined in Exhibit E. Preston said the parcels were once owned by
40 Hugo Quazzo. David van Alstynne said the strip of land under the right of way was on a steep hill

1 and stretched down into a swampy area. This change would let them have access to all parts of
2 the land they own.

3 19:26 Harry Goodell said he felt the proposal was so straight forward that the Board could
4 approve it with the requirement that they file new deeds showing the parcels tied together in one
5 deed. Preston Bristow said that was often how boundary adjustments were done, and he liked
6 that proposal. Bob Greenfield said he liked it as well.

7 20:27 There being no further comments, Gary Coger made a motion to close the hearing. Harry
8 Goodell seconded the motion. A vote was taken, and the hearing was closed.

9 **Agenda Item 4 Conditional Use Hearing #607 for a Subdivision Amendment at 379 Coach**
10 **Road.**

11 21:00 Bob Greenfield asked the board members if they had any conflict of interest to report
12 regarding this hearing for the subdivision amendment. None did. He asked if they had had any
13 ex-parte communication about the application. None had.

14 Bob Greenfield asked if everyone who needed to testify at this hearing had been sworn in. It was
15 decided that Omar Austin, Linda Smith and Dave Coleman may not have been sworn in, so the
16 oath was repeated, and they were sworn in.

17 22:27He then entered exhibits into evidence.

18 The first document was an application for a Subdivision before the Development Review Board
19 dated May 14, 2024 and signed by Linda K. Smith. Harry Goodell moved to accept the
20 application as Exhibit A. Phil Perlah seconded the motion. A vote was taken, and the application
21 was accepted as Exhibit A.

22 The second document was a Town of Chester Notice of Hearing for a Subdivision Permit dated
23 May 16, 2024 from Zoning Administrator Preston Bristow. Harry Goodell moved to accept the
24 Notice as Exhibit B. Phil Perlah seconded the motion. A vote was taken, and the motion passed
25 unanimously.

26 23:27The third document was a 100-foot abutters map showing the parcel in question on Coach
27 Road. Harry Goodell moved to accept the map as Exhibit C. Phil Perlah seconded the motion.
28 A vote was taken, and the motion passed unanimously.

29 The fourth document was a 100-foot abutters list report. Notices of the hearing were mailed to
30 the ten property owners listed on May 22, 2024. Harry Goodell moved to accept the list as
31 Exhibit D. Phil Perlah seconded the motion. A vote was taken, and the motion passed
32 unanimously.

33 The fifth document was a narrative dated May 14, 2024 explaining that the applicant wants to
34 relocate about 200 feet of a right of way. Harry Goodell moved to accept the document as
35 Exhibit E. Phil Perlah seconded the motion. A vote was taken, and the motion passed
36 unanimously.

37 The sixth document was a 17 x 11 copy of the survey dated 5/15/24 prepared by Coleman
38 Surveys showing the proposed changes to the right of way in the original subdivision. Harry

1 Goodell moved to accept the survey as Exhibit F. Phil Perlah seconded the motion. A vote was
2 taken, and the survey was accepted as Exhibit F.

3 The seventh exhibit was the full-size survey. Harry Goodell moved to accept the survey as
4 Exhibit G. Phil Perlah seconded the motion. A vote was taken, and the survey was accepted as
5 exhibit G.

6 Linda Smith explained that they were seeking to relocate the right of way which would provide
7 easier access to the 12.5 acres she and Omar Austin wanted to sell.

8 Phil Perlah verified that the subdivision had previously been approved and this change was
9 solely to relocate the subdivision. Preston Bristow said this was correct. He had phrased it as an
10 amendment to a previously approved subdivision although he did give it a separate hearing
11 number.

12 Harry Goodell said he wants to require that the deeds be updated and recorded, as the Board did
13 for the previous hearing. He didn't think the survey needed to be examined as the proposed
14 change was straightforward. Bob Greenfield agreed.

15 28:00 Gary Coger moved to close the hearing. Harry Goodell seconded the motion. A vote was
16 taken, and the hearing was closed.

17 **Agenda Item 5 Conditional Use Hearing #608 for a Minor Subdivision at 69 Willard Road.**

18 28:19 Bob Greenfield recused himself from this hearing as he has a conflict of interest with one
19 of the parties involved. Phil Perlah took over the chair. He asked for patience as he did not often
20 conduct hearings.

21 Phil asked the board members if they had any conflict of interest to report regarding this hearing
22 for the subdivision amendment. None did. He asked if they had had any ex-parte
23 communication about the application. None had.

24 29:00 He then entered exhibits into evidence.

25 The first document was an application for a Subdivision before the Development Review Board
26 dated and signed by Betsy Hart on May 15, 2024 and signed by Preston Bristow on May 24,
27 2024. The case number is 608. Harry Goodell moved to accept the application as Exhibit A.
28 Gary Coger seconded the motion. A vote was taken, and the application was accepted as Exhibit
29 A.

30 The second document was a Town of Chester Notice of Hearing for a Subdivision Permit dated
31 May 16, 2024 from Zoning Administrator Preston Bristow. Harry Goodell moved to accept the
32 Notice as Exhibit B. Gary Coger seconded the motion. A vote was taken, and the motion passed
33 unanimously.

34 29:36 The third document was a 100-foot abutters list report. Notices of the hearing were mailed
35 to the six property owners listed on May 22, 2024. Harry Goodell moved to accept the list as
36 Exhibit C. Gary Coger seconded the motion. A vote was taken, and the motion passed
37 unanimously.

1 30:15The fourth document was a 100-foot abutters map showing the parcel in question on
2 Bailey’s Mills and Willard Roads and Vermont Route 103 North. Harry Goodell moved to
3 accept the map as Exhibit D. Gary Coger seconded the motion. A vote was taken, and the
4 motion passed unanimously.

5 The fifth document was a narrative from the applicant, Betsy Hart, dated May 15, 2024
6 explaining that she wants to subdivide her 9-acre parcel into two pieces, one with the primary
7 dwelling and the second with the guest house. Harry Goodell moved to accept the document as
8 Exhibit E. Gary Coger seconded the motion. A vote was taken, and the motion passed
9 unanimously.

10 The sixth document was a 17 x 11 copy of the survey dated 6/5/24 prepared by DBS Surveys,
11 Inc. Surveys showing the proposed changes to the right of way in the original subdivision. Harry
12 Goodell moved to accept the survey as Exhibit F. Gary Coger seconded the motion. A vote was
13 taken, and the survey was accepted as Exhibit F.

14 The seventh exhibit was the full-size survey. Harry Goodell moved to accept the survey as
15 Exhibit G. Gary Coger seconded the motion. A vote was taken, and the survey was accepted as
16 exhibit G.

17 31:50Phil Perlah invited Steve Ankuda to speak on behalf of his client Jim Simko. Mr. Simko’s
18 property abuts the parcel in question. Steve Ankuda gave a short history of the parcels in the
19 area. Mr. Simko’s parcel was part of a larger parcel belonging to the Willard family. Mr. Simko
20 bought his property from the Willard family after they had divided the property and built a larger
21 house for Willard’s parents on a larger parcel set further away from Vermont Route 103. Mr.
22 Ankuda said in the deed of conveyance from the Willard family to Jim Simko, the Willards
23 reserved the 20-foot wide right of way from Route 103 across the bridge to the new house in the
24 back. Mr. Ankuda said it was news to his client that the driveway he thought was a right of way
25 was a town road. Mr. Ankuda said Don Stein of DBS Surveys could not find any layout for this
26 town road. Mr. Ankuda had spoken to Peter Farrar about this road. Mr. Farrar is a local expert
27 on Ancient Roads. Mr. Farrar did not remember anything about the driveway/right of way on the
28 Willard property being a road called Willard Road and marked as highway 118 on the state
29 highway map. Mr. Ankuda said the only evidence that supports the claim that the driveway is a
30 town road is its presence on the map of roads maintained by the town for which the town is
31 reimbursed by the state. The map shows Willard Road to be .05 miles, (264 feet) long. No layout
32 for the road is given. Mr. Ankuda said if the driveway is a town road the parcel may be
33 subdivided. If it is not a town road the subdivision may not be done.

34 35:00Phil Perlah asked Mr. Ankuda if he was claiming the survey was incorrect. Mr. Ankuda
35 said he was. Phil Perlah asked how this project would impact on the Simkos. Mr. Ankuda said it
36 would be an additional house and lot served year-round. It would be an overuse of a 20-foot
37 right of way as a town road. M. Ankuda said the surveyor Don Stein claims the road is 33 feet
38 wide based on a map he found in the town vault. Mr. Ankuda said he would like to see that map.
39 He said if the driveway was legally a town road this may not be an issue.

40 Scott MacDonald asked Steve Ankuda what he meant by “new house”? Scott thought all the
41 buildings had been in place for some time. Steve Ankuda said it was referring to a house built a

1 few years ago for overflow guests. There is an existing permit in place for the additional
2 building.

3 Phil Perlah verified that the building in question is the smaller house at the end of the driveway.
4 Steve Ankuda pointed out the three buildings in the area and explained what each one was. He
5 asked for time to research whether this was a road or not. He said there is no record of the road
6 in the land records.

7 Scott MacDonald asked Zoning Administrator Preston Bristow whether the reason for the small
8 house, overflow, mattered in the discussion about the status of the road. Preston said the permit
9 was issued about 4 years ago by Jill Barger. He said the Chester bylaws allow a primary
10 dwelling on a parcel of land and an accessory dwelling without subdividing the parcel. Now the
11 property owner is asking to subdivide the parcel. In that respect it could be relevant.

12 Phil Perlah asked the applicant whether she wanted to move forward with her hearing or give
13 Mr. Ankuda time to investigate further. Harry Goodell said another option would be to approve
14 the application at the hearing and Mr. Simko could appeal the decision.

15

16 40:20Mr. Ankuda said Chester was an on the record town and it would have to be appealed to
17 the Environmental Court and not the DRB. Phil Perlah said the survey was done by a Vermont
18 licensed surveyor and he didn't hear anything to contradict the accuracy of the survey. If Ms.
19 Hart is willing to postpone her hearing the DRB will accept her wishes. If she wants to proceed
20 with the hearing the DRB will let her proceed.

21 Betsy Hart said she would like to proceed with the hearing. Phil Perlah asked the DRB to vote
22 on whether they want to proceed or recess to a date certain. Harry Goodell said he wanted to go
23 ahead with the hearing. Scott MacDonald said he wanted to proceed as well. Phil Perlah then
24 asked the applicant Betsy Hart to present her case.

25 Betsy said she simply wanted to subdivide the property. It is not and would not be a primary
26 home. Preston Bristow asked her if the cottage would become her primary dwelling. She said it
27 would not. She merely wanted to subdivide the land.

28 Phil Perlah decided to go through the plat requirements on page 4-23 of the Chester Unified
29 Development Bylaws.

30 43:47Phil checked the scale of the drawing with Don Stein. It was 60 feet per inch, within the
31 requirement of Section F. Proposed subdivision name and the name of the town were found in
32 the lower right-hand corner. The name and address of record owner, subdivider and designer of
33 Preliminary Plat was also found in the lower right-hand corner.

34

35 The next requirement was number of acres within the proposed subdivision, location of property lines,
36 existing easements, buildings, water courses, and other essential existing physical features. Phil noted lot
37 #2, 5.66 acres, lot#1, 3.13 acres, a buried cable marker, utility poles, buildings and the Williams River at
38 various places on the plat. Preston Bristow explained that the tarp shed, which would not meet the
39 setbacks for the new parcels, would be removed in order to avoid a nonconformity.

1 45:47Phil noted several owners of record of adjacent acreage: Mark and Susan Rushton, Dennis Cole,
2 Timoth Roberson and John Janes Simko. Phil Perlah looked up the dimensional standards for the
3 Residential 120 zoning district in the bylaws and checked them against those shown in the upper
4 right quadrant of the plat. He noted that the proposed subdivision did not meet the minimum lot
5 frontage required. Preston Bristow confirmed this. He said lot 2 had 116 feet of frontage and lot
6 1 had 110 feet. Gary Cogger moved to waive the frontage requirement and Harry Goodell
7 seconded the motion. A vote was taken, and the motion passed.

8 48:21Requirement f. in Section 4.12.F/1 is the location and size of any existing sewer and water mains,
9 culverts, and drains on the property to be subdivided. The Board decided this requirement is not
10 applicable as there is no municipal water or sewer.

11 Requirement g. is the width and location of any existing roads within the area to be subdivided and the
12 width, location, grades, and road profiles of all roads or other public ways proposed by the Subdivider.
13 Phil Perlah noted that the existing Willard Road is shown on the survey. Scott MacDonald added that the
14 Town Highway number was 118.

15 Requirement h. is contour lines at intervals of five (5) feet of existing grades and of proposed finished
16 grades where change of existing ground elevation will be five (5) feet or more. Phil Perlah said this was
17 the first survey he had seen in his time on the DRB where the contour lines were at 5-foot intervals.

18 Requirement i. is date, true north point, and scale. Phil Perlah said true north is in the upper left-hand
19 corner and the scale and date are in the lower right-hand corner.

20 Requirement j. is deed description and map of survey of tract boundary made and certified by a licensed
21 land surveyor tied into established reference points, if available. Phil Perlah asked Don Stein to point out
22 where the deed descriptions were. He said they were in Note 2

23 50:15Requirement k. is location of connection with existing water supply or alternative means of
24 providing water supply to the proposed subdivision. Phil Perlah said there is no municipal water supply.
25 He pointed out the well on lot 1 which refers to Note 7. Don Stein said the well is shared by lots 1 and 2.
26 Phil Perlah said the shared well needs to be memorialized in the deeds.

27 Requirement l. is location of connection with existing sanitary sewage system or alternative means of
28 treatment and disposal proposed. Phil Perlah asked Don Stein about the septic system for lot 1. Don said
29 it was in front of the house. Phil Perlah noted the septic area for lot 2 was shown, but the septic area for
30 lot 1 was not shown. He asked that the septic area for lot 1 be added to the survey.

31 Requirement m. is provisions for collecting and discharging storm drainage, in the form of drainage plan.
32 Phil Perlah asked for a motion to waive the drainage plan. Gary Cogger moved to waive the drainage plan.
33 Harry Goodell seconded the motion. A vote was taken, and the motion passed unanimously.

34 Requirement n. is preliminary designs of any bridges or culverts which may be required. Phil Perlah said
35 none seem to be required.

36 Requirement o. is the proposed lots with surveyed dimensions, certified by a licensed land surveyor,
37 numbered and showing suggested building locations. Phil Perlah said he saw metes and bounds
38 descriptions of both boundaries and the locations of the buildings.

39 53:15Requirment p. is the location of temporary markers adequate to enable the Development Review
40 Board to locate readily and appraise the basic layout of the field. Unless an existing road intersection is
41 shown, the distance along a road from one corner of the property to the nearest existing road intersection
42 shall be shown. Phil Perlah said he saw the markers at the site visit. He said the intersection of Willard
43 Road and Vermont Route 103 was shown on the map, making the rest of the requirement not applicable,

1 Requirement q. is locations of all parcels of land proposed to be dedicated to public use and the
2 conditions of such dedication. Phil Perlah said there are no parcels dedicated to public use.

3 Requirement r. is: names identifying roads and streets; locations of street name signs and description of
4 design of street name signs. Phil Perlah said all the roads and streets are currently existing.

5 Requirement s. is two parts. First is

6 The Preliminary Plat shall be accompanied by:

7 A vicinity map drawn at the scale of not over four hundred (400) to the inch to show the relation
8 of the proposed subdivision to the adjacent properties and to the general surrounding area. The
9 vicinity map shall show all the area within two thousand (2,000) feet of any property line of the
10 proposed subdivision or any smaller area between the tract and all surrounding existing roads,
11 provided any part of such a road used as part of the perimeter for the vicinity map is at least five
12 hundred (500) feet from any boundary of the proposed subdivision.

13 Phil Perlah checked the scale on the vicinity map. It was not present, and he asked that it be
14 added when the septic system for lot 1 is added.

15 A list or verification of the applications for all required State permits applied for by the Sub-
16 divider. Approval of the subdivision application by the Development Review Board may be
17 conditioned upon receipt of these permits.

18 Phil Perlah asked which permits Betsy Hart, the applicant will need. Preston Bristow said she
19 had a wastewater permit from the state for a secondary dwelling unit on one lot. He said Betsy
20 may need a state subdivision permit and may need a different septic permit for the primary
21 dwelling on a separate lot. Phil Perlah asked whether the permits should be listed on the survey.
22 Preston Bristow said it wouldn't be difficult to list the existing wastewater permit.

23 Requirement v. is every Plat filed with the Town Clerk shall carry the following endorsement:

24 "Approved by the Development Review Board of the Town of Chester, Vermont as per findings
25 of fact, dated ____ day of _____, _____ subject to all requirements and conditions of said
26 findings.

27 Signed this ____ day of _____, _____ by

28 _____
29 _____, Development Review Board"

30 Phil Perlah said this endorsement is present on the Plat in the lower right-hand corner.

31 56:17 Gary Coger said the replacement septic area for lot 1 was located on the proposed lot 2.
32 He asked if that was a problem. Harry Goodell said Note 5 addresses the replacement septic are
33 for lot 1 which is located on lot 2. Don Stein said the location of the replacement septic area for
34 lot 1 fell onto lot 2 after changes to the subdivision lines were requested.

35 59:45 Steve Ankuda asked for a copy of the survey. He asked Don Stein where he got
36 information to support the claim that the driveway/right of way is a town road. Don showed
37 Steve the Vermont General Highway Map for the Town of Chester. Phil Perlah asked Preston
38 Bristow whether the Vermont General Highway Map should be an exhibit. Preston said yes, it
39 should be an exhibit and left to make copies of the map for the Board members.

1 1:04:15The Board was given copies of a survey by Richard M. Whitham dated 6/15/1972 titled,
2 “Property of Roy E. and Leola M. Willard”, and a survey by William Drude dated 12/7/1979.
3 Harry Goodell moved to enter the 1972 survey as Exhibit H and the 1979 survey as Exhibit I.
4 Gary Coger seconded the motion. Scott MacDonald seconded the motion. The Vermont State
5 Highway Map copy entitled Gassett insert 1 was moved by Harry Goodell to be accepted as
6 Exhibit J. Gary Coger seconded the motion.

7 Don Stein said the state highway map was used to determine the amount of money sent to each
8 town by the State of Vermont. He said since the issue of ancient road issue has been settled, the
9 existence of a road included on the state highway map cannot be questioned. Steve Ankuda
10 asked Don Stein if the ancient road issue (unintelligible). Don Stein said no. Steve Ankuda
11 asked Don Stein if he knew how roads were laid out in Vermont as a matter of law. Phil Perlah
12 said he did not think it was appropriate to ask a surveyor a legal question. Steve Ankuda said that
13 if a surveyor determines that a road is a town road he (Steve Ankuda) had the right to ask how he
14 came to that conclusion. Phil Perlah said he was not sure the DRB had the right to require an
15 answer to that question. Phil Perlah said he was allowing Steve Ankuda to question Don Stein as
16 a matter of comity, but he did not think the DRB could allow a legal question to be asked of a
17 surveyor. Phil did not see how a surveyor could answer the question of how a Vermont road is
18 laid out according to law, as that is a legal question. Steve Ankuda said that if he can’t ask that
19 question, he doesn’t see how he can accept the assertion that the driveway in question is a legal
20 town road.

21 1:12:31Steve Ankuda then asked Don Stein whether a road shown on the annual highway
22 certification is a legal town road. Don Stein said it was. Steve Ankuda asked if that would be
23 binding on any road depicted on that town map. Don Stein said, “In this case, yes.” Steve
24 Ankuda asked about the surveys mentioned in Note 2 on the survey. One of the maps in the note
25 had been entered as Exhibit H. The map was stamped with Richard S. Whitham’s stamp. Steve
26 Ankuda asked Don Stein if the stamp meant Dick Whitham certified the survey to be true. Don
27 Stein said yes. Steve Ankuda said there was no town road shown on the Richard Whitham
28 survey. He noted that Richard Whitham had stamped the survey, certifying it to be true. Don
29 Stein said Richard Whitham’s lack of research did not mean that the town road did not exist.
30 Steve Ankuda took up the 1979 survey of the property done by William Drude. That survey did
31 not show a town road either. That made two surveyors who did not indicate there was a town
32 road in the area. Steve Ankuda asked Don Stein if he disregarded those two surveys when he
33 was researching his survey. Don Stein said he took the two surveys into account in his work

34 Scott MacDonald wondered how relevant 50-year-old surveys could be to this question given
35 what the current town map shows today. He wondered whether marking town roads on a survey
36 was required 50 years ago. Phil Perlah said the survey with Don’s stamp on it shows the
37 TH #118. He said that would be the limit of the Board’s inquiry. Steve Ankuda asked that the
38 record show he was not allowed to examine the surveyor as to what the relevant criteria are for
39 establishing a town road as to what is depicted on the survey.

40 Phil Perlah said he thought the survey spoke for itself and Steve Ankuda had been given an
41 opportunity to ask questions of the surveyor. He said he wasn’t sure that was part of the bylaw

1 procedures. Phil said unless Steve Ankuda had something on point and cogent to discuss he
2 would like to wrap up the hearing.

3 Steve Ankuda said he wanted to know the width of the road. It was not depicted on the survey.
4 Phil Perlah said the road was 33 feet wide. Steve Ankuda asked where 33 feet came from. Don
5 Stein said he found it on a document in the town vault. Don Stein suggested that Steve Ankuda
6 ask the Town of Chester if they accepted the road as a town highway.

7 There being no further questions from the Board, Harry Goodell moved to close the hearing.
8 Scott MacDonald seconded the motion. A vote was taken, and the hearing was closed.

9 The DRB went into deliberative session and the meeting was adjourned at the end of it.