

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

4 *October 21, 2024*

5 **BOARD MEMBERS PRESENT:** Robert Greenfield, Harry Goodell, Scott MacDonald, Phil
6 Perlah and Gary Coger at the Town Hall,

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

9 **CITIZENS PRESENT:** Michael Cloud, Tonia Fleming, Richard Whitham, Monica Russo, and
10 Matthew Wade at Town Hall, and Casey Leahy, Justin Lacher, Paul Hamilton, Sharon McCobb,
11 Lisa Robarts, and Andrew Malaby via Zoom.

12 **Call to Order**

13 Chair Bob Greenfield called the meeting to order at 6:00 PM. He led the group in the pledge of
14 allegiance and introduced the members of the Development Review Board and staff.

15 **Agenda Item 1 Review the minutes of the September 9, 2024 meeting.**

16 The DRB first considered the minutes of the meeting on October 7, 2024. Harry Goodell moved
17 to accept the minutes. Gary Coger seconded the motion. There was no discussion. A vote was
18 taken, and the minutes were approved as written.

19 Phil Perlah noted the September 9, 2024 minutes should be reviewed as well. He moved to
20 accept the September 9, 2024 minutes as written. Harry Goodell seconded the motion. There
21 was no discussion. A vote was taken, and the minutes were approved as written.

22 **Agenda item 2 Citizens Comments**

23 There were no citizen comments.

24 **Agenda Item3 Hearing #611 for a Subdivision at 616 Mattson Road.**

25 4:10Paul Hamilton was sworn in to give testimony. Scott MacDonald recused himself from the
26 hearing because he owned a parcel that abutted the parcel in question. There were no other
27 conflicts of interest, and no board member had had any ex parte communication on the issue.

28 Bob Greenfield then entered the exhibits presented into evidence.

29 5:25The first document was an application for Subdivision permit number 611 from Paul
30 Hamilton dated September 5, 2024. Harry Goodell moved to accept the application as Exhibit A.
31 Phil Perlah seconded the motion. A vote was taken, and the application was accepted as Exhibit
32 A.

33 The second document was a Notice of Hearing for Subdivision permit on October 7, 2024. Phil
34 Perlah moved to accept the notice as Exhibit B. Gary Coger seconded the motion. A vote was
35 taken, and the notice was accepted as Exhibit B.

1 The third document was a list of 100-foot abutters. Notices of the hearing were mailed to the
2 citizens on the list on September 19, 2024. Harry Goodell moved to accept the 2-page list as
3 Exhibit C. Phil Perlah seconded the motion. A vote was taken, and the list was accepted as
4 Exhibit C.

5 The fourth document was a portion of the tax map showing the parcel in question and the
6 abutting parcels. Harry Goodell moved to accept the map as Exhibit D. Phil Perlah seconded
7 the motion. A vote was taken, and the map was accepted as Exhibit D.

8 The fifth document was a narrative written by Paul Hamilton and Sharon McCobb dated
9 September 5, 2024 explaining what their plans for the subdivision are. Phil Perlah moved to
10 accept the narrative as Exhibit E. Harry Goodell seconded the motion. A vote was taken, and
11 the narrative was accepted as Exhibit E.

12 The sixth document was a survey by Gary Rapanotti dated August 26, 2024 showing the
13 proposed subdivision. Harry Goodell moved to accept the survey as Exhibit F. Phil Perlah
14 seconded the motion. A vote was taken, and the survey was accepted as Exhibit F.

15 9:25The seventh document was a wastewater system and potable water supply permit # WW-2-
16 4040-1 dated October 2, 2024 and signed by Terry Shearer. Harry Goodell moved to accept the
17 3-page permit as Exhibit G. Phil Perlah seconded the motion. A vote was taken, and the permit
18 was accepted as Exhibit G.

19 The eighth document was a site plan of the parcel drawn by Brian Rapanotti, showing the
20 locations of the houses, wells and septic systems dated September 11, 2024. Harry Goodell
21 moved to accept the site plan as Exhibit H. Phil Perlah seconded the motion. A vote was taken,
22 and the site plan was accepted as Exhibit H.

23 11:00Chair Bob Greenfield invited Paul Hamilton to explain the purpose of the subdivision. He
24 said he would like to sell part of the lot he owns. Preston Bristow said the change would create a
25 3.24-acre lot for a single-family residence. The septic permit is for a single-family home. He
26 said the survey shows the location of the house and septic system. At the site visit people were
27 asking where the driveway would be. The second site plan map shows a driveway.

28 12:41Harry Goodell said there was some discussion about Paul Hamilton owning the whole
29 property because he had a mortgage on it, someone else's name was attached to the property.
30 Harry asked whether it was legal to do that.

31 13:15Sharon McCobb, one of the owners of the property, said they would not be able to sell the
32 property until they paid the mortgage they have with Chris Morley. She said they have already
33 discussed the issue with Chris and, "We will not do that." Paul Hamilton agreed. He said, "We
34 are not allowed to do that." He said he had had a talk with Chris Morley about what he and
35 Sharon intended to do and, "He (meaning Chris) was fine with that." Paul said, "We can't
36 legally sell it because he is holding the mortgage. We are aware of that."

37 13:50Harry asked if someone could legally subdivide property they did not own. Zoning
38 Administrator Preston Bristow said he had spoken with Chris Morley. The DRB has not in the
39 past asked for permission from mortgage-holders to allow a subdivision. Like any mortgage

1 holder, such as a bank, a release is required to sell the property. Chris Morley is not on the deed;
2 he is a mortgage holder.

3 14:45 Harry Goodell said as a mortgage holder Chris Morley is on the deed. Preston said Chris
4 Morley has a mortgage deed.

5 Phil Perlah explained that when he buys a house using a mortgage from a bank, the name on the
6 deed to the house is Philip Perlah. The bank that holds the mortgage has a lien on the property
7 but is not an owner. When a buyer does a title search, the mortgage deed is discovered. Given
8 the terms of the mortgage, the mortgage might be assumed by the buyer, or it will need to be
9 satisfied before the property can be sold. He said he was not certain of this conclusion, but he
10 believed that if a parcel is subdivided, the mortgage holder would, as a result of the subdivision,
11 hold a mortgage on two pieces of property. Bob Greenfield said the mortgage would be against
12 the same property, but it would be two different lots. The deed (of ownership) applies to the
13 entire property.

14 Preston said that under the terms of the Chester subdivision bylaws, the subdivision can be
15 approved. A sale cannot occur until the mortgage holder releases it.

16 16:55 Harry said he wished Chris Morley were at the meeting. Preston said Chris was at the last
17 meeting when the remote meeting system failed and the hearings had to be recessed. At that
18 time Chris said he may ask the DRB not to make a decision. Preston told Chris that he had the
19 right to ask that the decision be postponed and the DRB will decide what it will do, but the DRB
20 has never asked a mortgage holder's permission before issuing a subdivision permit. Preston
21 noted that most mortgages are held by banks and this mortgage is held by a private citizen. The
22 DRB has never asked a bank for permission to subdivide. Phil Perlah said the issue has never
23 even come up.

24 17:43 Sharon McCobb asked if there was a 30-day appeal period of a decision, which would give
25 Chris Morley the time to "write something in." Harry said there is an appeal period. It would
26 have been better if Chris Morley had been at the present meeting to discuss this.

27 18:50 Harry said the DRB could make a condition of the permit that Chris Morley present a
28 notarized statement giving his consent to the subdivision. Bob Greenfield asked if the survey
29 meets the standards in section 4.12 of the bylaws. Preston said he thought the survey met the
30 standards, but the DRB should examine it as part of the meeting. After some raillery about error-
31 free surveys being submitted, the DRB began the review of the survey.

32 21:57

33 **4.12.F. Required Submissions**

34 **1. Preliminary Plat.** The Preliminary Subdivision Plat shall consist of a pdf copy as well as seven (7)
35 copies of one or more maps or drawings which may be printed or reproduced on paper with all
36 dimensions shown in feet or decimals of a foot, drawn to a scale or not more than one hundred
37 (100) feet or more to the inch, showing or accompanied by information on the following points
38 unless waived by the Development Review Board:

39 **a.** Proposed subdivision name or identifying title and the name of the Town.

- 1 Bob Greenfield found this in the lower right corner of the plat.
- 2 **b.** Name and address of record owner, subdivider, and designer of Preliminary Plat.
- 3 Bob and Harry saw this in the title block.
- 4 **c.** Number of acres within the proposed subdivision, location of property lines, existing
- 5 easements, buildings, water courses, and other essential existing physical features.
- 6 Preston pointed out the total number of acres across the top of the survey. He
- 7 brought out a full-sized plat for reference. Harry noted the 22.5-acre total.
- 8 **d.** The names of owners of record of adjacent acreage.
- 9 Harry confirmed these were on the plat.
- 10 **e.** The provisions of the zoning standards applicable to the area to be subdivided and any
- 11 zoning district boundaries affecting the tract.
- 12 23:29 Harry saw the R-120 dimensional requirements in the upper right quadrant.
- 13 **f.** The location and size of any existing sewer and water mains, culverts, and drains on the
- 14 property to be subdivided.
- 15 Harry Goodell said this was not applicable to this subdivision. Phil Perlah said
- 16 there was an 18” culvert under Mattson Road at the eastern edge of the property
- 17 in question.
- 18 **g.** The width and location of any existing roads within the area to be subdivided and the
- 19 width, location, grades, and road profiles of all roads or other public ways proposed by
- 20 the Subdivider.
- 21 Phil and Harry confirmed that Mattson Road is depicted on the map.
- 22 **h.** Contour lines at intervals of five (5) feet of existing grades and of proposed finished
- 23 grades where change of existing ground elevation will be five (5) feet or more.
- 24 Preston helped Phil and Harry figure out that the contour lines were at 10-foot
- 25 intervals. Phil moved to waive the 5-foot contour requirement. Harry seconded
- 26 the motion. A vote was taken, and the motion passed.
- 27 **i.** Date, true north point, and scale.
- 28 Phil and Harry saw true north on the left side of the map and the scale under the
- 29 title block.
- 30 **j.** Deed description and map of survey of tract boundary made and certified by a licensed
- 31 land surveyor tied into established reference points, if available.
- 32 Phil said this information was shown in the notes.
- 33 **k.** Location of connection with existing water supply or alternative means of providing
- 34 water supply to the proposed subdivision.
- 35 Phil said this was not applicable.

- 1 **i.** Location of connection with existing sanitary sewage system or alternative means of
2 treatment and disposal proposed.
3 Harry said the septic system had been designed but was not built.
- 4 **m.** Provisions for collecting and discharging storm drainage, in the form of drainage plan.
5 Bob and Harry said there was none shown.
- 6 **n.** Preliminary designs of any bridges or culverts which may be required.
7 Phil said there were none.
- 8 **o.** The proposed lots with surveyed dimensions, certified by a licensed land surveyor,
9 numbered and showing suggested building locations.
10 Preston pointed out the suggested building locations.
- 11 **p.** The location of temporary markers adequate to enable the Development Review Board
12 to locate readily and appraise the basic layout of the field. Unless an existing road
13 intersection is shown, the distance along a road from one corner of the property to the
14 nearest existing road intersection shall be shown.
15 Harry noted the words 1950 feet to Route 10 on the western end of Mattson Road.
- 16 **q.** Locations of all parcels of land proposed to be dedicated to public use and the
17 conditions of such dedication.
18 Bob and Harry said there were no parcels are being dedicated to public use.
- 19 **r.** Names identifying roads and streets; locations of street name signs and description of
20 design of street name signs.
21 Bob and Harry said no new streets or roads are being proposed.
- 22 **s.** The Preliminary Plat shall be accompanied by:
- 23 1. A vicinity map drawn at the scale of not over four hundred (400) to the inch to show
24 the relation of the proposed subdivision to the adjacent properties and to the
25 general surrounding area. The vicinity map shall show all the area within two
26 thousand (2,000) feet of any property line of the proposed subdivision or any
27 smaller area between the tract and all surrounding existing roads, provided any part
28 of such a road used as part of the perimeter for the vicinity map is at least five
29 hundred (500) feet from any boundary of the proposed subdivision.
30 Harry said the vicinity map was in the upper right corner, but it had no scale.
- 31 2. A list or verification of the applications for all required State permits applied for by
32 the Sub-divider. Approval of the subdivision application by the Development Review
33 Board may be conditioned upon receipt of these permits.
34 Bob noted the potable water and wastewater permit included as Exhibit G in
35 the packet. He, Harry and Preston determined that there were no other
36 permits needed.

1 t. Endorsement. Every Plat filed with the Town Clerk shall carry the following
2 endorsement:

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

6 Signed this ____ day of _____, _____ by
7 _____
8 _____, Development Review Board"

9 Phil confirmed the endorsement is present in the upper right quadrant.

10

11 30:05 Bob Greenfield said a surety bond was not necessary. He asked Preston if a hearing was
12 needed to accept the final plat. Preston said that task could be delegated to him as the Zoning
13 Administrator for minor subdivisions.

14 31:32 Harry Goodell asked if there was an access permit for the proposed parcel. Preston said
15 there was not. Preston said that could be a condition of the permit. Paul Hamilton said he wanted
16 to let the new owner choose the location of the driveway. It could go around either side of the
17 existing barn. Phil Perlah said it could be a condition of the permit to build a house.

18 Phil Perlah asked if the current owners had a buyer in hand for the property. Sharon McCobb
19 said they did not. They were hoping to raise money from the sale of the land for work on
20 another barn on the property.

21 It was agreed that the DRB's approval would include a condition that requires Christopher
22 Morley's written approval before the lot can be sold. If the mortgage is assumable by a
23 subsequent buyer, the parties can work out the details themselves.

24 35:15 Phil Perlah moved to close the hearing. Harry Goodell seconded the motion. A vote was
25 taken and the hearing was closed.

26 **Agenda Item 4 Hearing #610 for a Major Subdivision at the end of Putnam Hill Road.**

27 35:38 Bob Greenfield swore in Richard Whitham, Matthew Wade and Tonia Fleming to give
28 testimony. He asked if any member of the Board had a conflict of interest to report. None did.
29 He asked if any member of the Board had had any ex parte communication about the topic.
30 None had. Richard Whitham joined the Board at the table. Bob Greenfield entered the exhibits
31 into evidence.

32 37:35 The first document was an application for Subdivision permit number 610 from Richard
33 Whitham dated September 3, 2024. Phil Perlah moved to accept the application as Exhibit A.
34 Harry Goodell seconded the motion. A vote was taken, and the application was accepted as
35 Exhibit A.

36 The second document was a Notice of Hearing for Subdivision permit on October 7, 2024.
37 Harry Goodell moved to accept the notice as Exhibit B. Phil Perlah seconded the motion. A
38 vote was taken, and the notice was accepted as Exhibit B.

1 The third document was a list of 100-foot abutters. Notices of the hearing were mailed to the
2 citizens on the list on September 19, 2024. Harry Goodell moved to accept the 2-page list as
3 Exhibit C. Phil Perlah seconded the motion. A vote was taken, and the list was accepted as
4 Exhibit C.

5 The fourth document was a portion of the tax map showing the parcel in question and the
6 abutting parcels. Harry Goodell moved to accept the map as Exhibit D. Phil Perlah seconded
7 the motion. A vote was taken, and the map was accepted as Exhibit D.

8 The fifth document was letter to Preston Bristow from Richard Whitham dated September 3,
9 2024 detailing the plans for Act 250 approval, potable water and wastewater permits from the
10 state, and road maintenance. Phil Perlah moved to accept the letter as Exhibit E. Harry Goodell
11 seconded the motion. A vote was taken, and the letter was accepted as Exhibit E.

12 The sixth document was a survey of the proposed 6-lot subdivision by Paton Land Surveying and
13 Aurelius DiBernardo dated August 11, 2021 and August 29, 2024. Harry Goodell moved to
14 accept the survey as Exhibit F. Phil Perlah seconded the motion. A vote was taken, and the
15 survey was accepted as Exhibit F.

16 39:54The seventh document was a site plan by McCain Consulting, Inc. dated April 24, 2024.
17 Harry Goodell moved to accept the site plan as Exhibit G. Phil Perlah seconded the motion. A
18 vote was taken, and the site plan was accepted as Exhibit G.

19 The eighth document was a letter dated September 19, 2024 from John Tintle, the second owner
20 of the property, appointing Richard Whitham to represent his interest in the Putnam Hill
21 subdivision. An e-mail attached to the letter from John Tintle to the Chester Zoning
22 Administrator added that Richard was also authorized to represent Ann and Mary as well. Harry
23 Goodell moved to accept the letter and e-mail as Exhibit H. Phil Perlah seconded the motion. A
24 vote was taken, and the letter and e-mail were accepted as Exhibit H.

25 41:02The ninth document was a letter from Jeff Holden, Chester's Water/Wastewater
26 Superintendent, to the Chester Zoning Administrator and Development Review Board stating
27 that Chester does have the capacity for the 720 GPD required for 6 new residences. The 6
28 residences will require a 2-inch tap for which the owner will be responsible. Gary Coger moved
29 to accept the letter as Exhibit I. Phil Perlah seconded the motion. A vote was taken, and the
30 letter was accepted as Exhibit I.

31 The tenth document was an e-mail exchange dated October 1, 2024 between Chester Chief of
32 Police Tom Williams and Zoning Administrator Preston Bristow. Tom Williams said he had no
33 concerns about the 6-lot subdivision on Putnam Hill Road.

34 The eleventh document was an e-mail exchange dated October 1, 2024 between Chester Fire
35 Chief Scott Richardson and Zoning Administrator Preston Bristow. Scott Richardson said a 90-
36 foot turning circle would be sufficient and that fire protection in the area would be needed. He
37 suggested a hydrant at the circle. Phil Perlah moved to accept the emails as Exhibit K. Harry
38 Goodell seconded the motion. A vote was taken, and the emails were accepted as Exhibit K.

39 The twelfth document was a letter from James Clemer and Jessica Krust to Chester Zoning
40 Administrator Preston Bristow dated October 1, 2024. The letter detailed their concerns about

1 the road leading to the subdivision, Putnam Hill Road. Harry Goodell moved to accept the letter
2 as Exhibit L. Phil Perlah seconded the motion. A vote was taken, and the letter was accepted as
3 Exhibit L

4 The thirteenth document was an outline of proposed covenants for homes to be built in the
5 subdivision. Harry Goodell moved to accept the list as Exhibit M. Phil Perlah seconded the
6 motion. A vote was taken, and the list was accepted as Exhibit M.

7 The fourteenth document was a proposed Road Maintenance agreement for homes to be built in
8 the subdivision. Harry Goodell moved to accept the 2-page agreement as Exhibit N. Phil Perlah
9 seconded the motion. A vote was taken, and the agreement was accepted as Exhibit N.

10 45:00Phil Perlah pointed out that by accepting the Road Maintenance Agreement as an exhibit,
11 the Board was not passing on the agreement itself. Bob Greenfield asked if there was an HOA in
12 place. Phil Perlah said there was not, and he wanted to be sure no one thought he was passing on
13 the Road Maintenance agreement.

14 Richard Whitham said he was presenting a simple, unincorporated road maintenance agreement.
15 He had done a similar agreement in Londonderry. Scott MacDonald said the Board did not need
16 to consider the details of the agreement; they were only accepting the exhibit.

17 The fifteenth document was a proposed Wetland Impact from Waysville Engineering showing
18 the presence of wetlands in the subdivision. Bob Greenfield said the document showed proposed
19 sewer connections. Preston Bristow said the wetlands related to the proposed sewer and water
20 pipes and not to the house sites.

21 48:10Preston Bristow said this is a major subdivision and he proposed that the meeting was a
22 preliminary meeting, and it would be followed by a final review at some time in the future. He
23 noted that the project was subject to Act 250. The applicant, Richard Whitham, would be
24 providing more detail to the Act 250 process than he will to Chester's DRB. He said he thought
25 Richard Whitham was looking for conceptual approval from the DRB. Richard Whitham
26 agreed. Preliminary approval from Chester's DRB would give Richard Whitham support to
27 apply for Act 250 approval.

28 49:23 Bob Greenfield said the DRB could check that the survey meets the bylaw requirements at
29 this hearing. Scott MacDonald asked what the state requirement was for minimum lot size under
30 the new regulations. Preston Bristow said this is in the new neighborhood zoning district and the
31 dimensional standards for the district are on the survey. This lot has municipal water and sewer.
32 The dimensional standards are under that heading. Scott MacDonald concluded that the
33 proposed lots are not in conflict with the dimensional standards. Scott asked whether Lot 4
34 which has wetlands on it, was in conflict with septic standards. Phil Perlah said there would be
35 no septic systems, there would be sewers. Harry Goodell said the setbacks will still apply in this
36 case. Preston Bristow said the state may have setback standards with regard to wetlands. The
37 town would have no say in that, the state makes the decision. The state rules override town rules.

38 51:08Richard Whitham said his Act 250 application was ready to go, but he hadn't sent it in yet.

39 52:00 Bob Greenfield began examining the standards for a preliminary plat.

40 **4.12.F. Required Submissions**

1 **1. Preliminary Plat.** The Preliminary Subdivision Plat shall consist of a pdf copy as well as seven (7)
2 copies of one or more maps or drawings which may be printed or reproduced on paper with all
3 dimensions shown in feet or decimals of a foot, drawn to a scale or not more than one hundred
4 (100) feet or more to the inch, showing or accompanied by information on the following points
5 unless waived by the Development Review Board:

6 **a.** Proposed subdivision name or identifying title and the name of the Town.

7 Harry Goodell found this in the lower right corner of the plat.

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

9 Phil Perlah asked for the name of the street in question. Preston Bristow said it
10 was Putnam Hill Road. Phil asked why it said Putnam Road on the 100-foot
11 abutter map. Preston said the legal name was Putnam Hill Road and the abutter
12 map should be corrected. Scott MacDonald asked if there was another Putnam
13 Road. Preston said there was not. Phil pointed out that the location map said
14 Putnam Road. Lisa Robarts said the U.S Postal Service calls the road Putnam
15 Road. She said her deed calls the road Putnam Hill Road, Preston said the abutters
16 map, which is the town tax map also calls the road Putnam Road.

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

19 54:26 Harry Goodell found the total acres in Note 3 at the bottom of the plat.

20 **d.** The names of owners of record of adjacent acreage.

21 Bob confirmed these were on the plat.

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

24 Preston said the requirements are shown in the middle of the bottom of the plat
25 under Neighborhood zoning district.

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

28 Richard Whitham said there were two culverts. Harry and Phil each saw an 18”
29 culvert on Putnam Hill Road.

30 **g.** The width and location of any existing roads within the area to be subdivided and the
31 width, location, grades, and road profiles of all roads or other public ways proposed by
32 the Subdivider.

33 Harry said the description of the proposed extension of Putnam Hill Road did not
34 have any detail about grading or profiles. Richard Whitham said details of the
35 road had been approved in the earlier subdivision and some were on the site map,
36 Exhibit G. Harry and Bob agreed that this survey should include the road profile.
37 Preston Bristow noted that the turn around on the survey was only 75 feet in
38 diameter and 90 feet is required.

- 1 **h.** Contour lines at intervals of five (5) feet of existing grades and of proposed finished
2 grades where change of existing ground elevation will be five (5) feet or more.
- 3 58:47The contour lines are at 10-foot intervals. Phil moved to waive the 5-foot
4 contour requirement. Harry seconded the motion. A vote was taken, and the
5 motion passed.
- 6 **i.** Date, true north point, and scale.
- 7 Bob saw true north in the upper right quadrant. The scale was in the Title block
8 as 1" = 60'. There was no bar scale.
- 9 **j.** Deed description and map of survey of tract boundary made and certified by a licensed
10 land surveyor tied into established reference points, if available.
- 11 No reference points were available.
- 12 **k.** Location of connection with existing water supply or alternative means of providing
13 water supply to the proposed subdivision.
- 14 1:02:10Preston pointed out that Exhibit G has the most detailed depiction of water
15 and sewer lines, which are coming from the municipal system.
- 16 **l.** Location of connection with existing sanitary sewage system or alternative means of
17 treatment and disposal proposed.
- 18 **m.** Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- 19 Preston said the site plan had some drainage plans, and the Act 250 application
20 will require a fully detailed stormwater plan. If the DRB wanted to wait for that
21 plan they could consider it as part of the final review. Scott MacDonald asked
22 what the Neighborhood Zoning district had for a description of purpose in the
23 bylaws. Preston distributed copies of that information.
- 24 **n.** Preliminary designs of any bridges or culverts which may be required.
- 25 **o.** The proposed lots with surveyed dimensions, certified by a licensed land surveyor,
26 numbered and showing suggested building locations.
- 27 **p.** The location of temporary markers adequate to enable the Development Review Board
28 to locate readily and appraise the basic layout of the field. Unless an existing road
29 intersection is shown, the distance along a road from one corner of the property to the
30 nearest existing road intersection shall be shown.
- 31 Richard Whitham said the distance to River Street along Putnam Hill Road is
32 shown.
- 33 **q.** Locations of all parcels of land proposed to be dedicated to public use and the
34 conditions of such dedication.
- 35 Bob and Harry said there were no parcels are being dedicated to public use.
- 36 **r.** Names identifying roads and streets; locations of street name signs and description of
37 design of street name signs.

1 Bob said no new streets or roads are being proposed.

2 s. The Preliminary Plat shall be accompanied by:

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

10 Phil said the vicinity map was in the upper right corner.

11 Preston Bristow distributed a copy of the full Neighborhood Zoning district entry in the
12 bylaws.

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

16 Preston Bristow said the water/wastewater permit number should be on the
17 plat, along with the Act 250 permit and the wetlands permit.

18 t. Endorsement. Every Plat filed with the Town Clerk shall carry the following
19 endorsement:

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

23 Signed this ____ day of _____, _____ by

24 _____
25 _____, Development Review Board"

26 Bob Greenfield read the requirements for the final plat.

27 Bob asked whether a performance bond needed to be set up. Preston said it would be up to the
28 DRB if they wanted to require a bond. Bob and Phil said they did not think a bond would be
29 necessary.

30 Phil Perlah asked about Parcel 4. It did not have any frontage. Richard Whitham agreed to
31 Phil's earlier proposal to change the map to give Parcel 4 frontage.

32 Preston Bristow said there was no requirement in the bylaw to put utilities underground. Gary
33 Coger asked if the Road Agreement only applied to the extension of Putnam Hill Road. Would
34 the people who owned property on the existing length of Putnam Hill Road be part of the Road
35 Maintenance Agreement? Richard Whitham said the current residents of Putnam Hill Road
36 would not be part of the Road Maintenance Agreement. Harry Goodell said the town would
37 maintain the current extent of the road including the hill section.

1 1:13:10 Scott MacDonald noted that there was a proposed limit of 5 bedrooms in each of the 6
2 proposed houses. He calculated that 5 bedrooms in 6 houses could be as many as 20 cars in the
3 subdivision. He read section 2.7.E.2. Character of Development: “New buildings and
4 modifications of existing buildings shall be of a similar building mass and orientation as
5 buildings in this District and shall not unduly detract from the existing character of the
6 Neighborhood District. Where there are conflicts with existing adjoining buildings, building
7 modifications or expansions of uses shall not increase the degree of conflict. Formula businesses
8 are not permitted in this District.”

9 Scott wondered whether the subdivision represented an expansion of uses which would detract
10 from the existing character of the Neighborhood District and increase the degree of conflict.
11 Could the existing road and the proposed extension handle the traffic?

12 1:15:41 Harry Goodell said if the town maintains the road, the width will be set by the town, and
13 it will be maintained to the edge of the subdivision.

14 Phil Perlah said section 2.7 B and C the bylaws list permitted and conditional uses. This
15 application is for single family dwellings which are permitted uses in the district. Phil said he
16 thought the comment about the potential impact of so many houses on the neighborhood was
17 valid. Phil said this was not low-income housing. Harry Goodell said it was not high income
18 either. Harry Goodell said the road would not change and the town would maintain it to the edge
19 of the subdivision.

20 1:18:50 Matthew Wade said the town currently piles snow at the edge of his property, which is
21 also the edge of the proposed subdivision. He said the town has cleared out some debris from
22 piling snow there in the past, but there is more to clear out. Harry Goodell said Matthew Wade
23 needed to speak to the Highway Superintendent about that. Matthew Wade asked whether the
24 snow, which has been piled on his property and would be a barrier to reaching the proposed
25 subdivision would be removed by the town after snowstorms. Harry Goodell said that would be
26 a question for the Highway Superintendent.

27 1:20:50 Casey Leahy was sworn in to give testimony. He said he was glad the Board was
28 considering the character of the development. He said the lot sizes proposed for the subdivision
29 are smaller than the existing lots and the subdivision would double the population of the area.
30 He thought it would cause significant and undue stress on the road. He thought this change
31 introduced an unanticipated and unfair change to the neighborhood that the current residents had
32 bought into in the past.

33 1:22:28 Richard Whitham said he thought the snow would be pushed further down the road and
34 clear the space on Matthew Wade’s property. The subdivision owner’s plows would move the
35 snow away. Matthew Wade questioned whether police, fire and ambulance vehicles could get to
36 the new houses during snowstorms. Phil Perlah said there were letters from the Highway, Fire
37 and Police Departments saying they did not have any objections. He asked if those letters should
38 be reconsidered. Harry Goodell thought they should be reconsidered if they don’t know how
39 snowstorms were being handled now.

40 Preston Bristow said deals are worked out for the end of roads. If the Board would like Kirby
41 Putnam to come back and discuss the issue, that could be arranged. Matthew Wade asked where

1 the snow would be piled. Bob Greenfield said Matthew's questions were valid, and no one on
2 the Board had an answer. Bob said the problem should be presented to the Highway Department
3 so they could come up with an answer. Harry Goodell said that should be resolved for the final
4 hearing. Scott MacDonald said Emergency Services should be part of the planning as well.
5 Preston said the Highway Department will need some kind of permission for the plow truck to
6 turn around in any case.

7 1:26:50 Tonia Fleming, a 27-year resident of Putnam Hill Road, said the road was challenging. It
8 was very dusty and muddy. She was concerned about safety and thought portions of the road
9 should be paved.

10 Scott MacDonald pointed out that the Fire Department is requesting a hydrant in the subdivision.
11 Jeff Holden's letter about water/wastewater capacity does not reflect the hydrant requirement
12 from Scott Richardson. Jeff Holden told Preston Bristow that connecting the area with Kevadus
13 Circle would still work for a hydrant connection, but the line would have to be bigger than two
14 inches. Preston said he Fire Chief recommended a hydrant, but it isn't clear whether the hydrant
15 is a requirement.

16 1:29:20 Harry Goodell said a larger diameter pipe could be brought from Kevadus Circle to the
17 hydrant instead of bringing it over the hill. Scott MacDonald said the other homes in the area
18 would be safer if there was a hydrant added to the subdivision. Preston agreed that insurance
19 costs would be lower for everyone in the neighborhood with another hydrant.

20 Phil Perlah said, in view of the issue around the size of the water main he felt the letters from the
21 town departments should be revised. He felt all three departments should be contacted. Casey
22 Leahy pointed out that there were more residents at the initial meeting on October 7, and he
23 wanted to re-iterate that none of the residents at the earlier meeting believed that the 6-lot
24 subdivision would be good for the neighborhood. The original plan years ago was for 2 lots
25 which would be in keeping with the average lot size there now.

26 1:32:17 Richard Whitham asked whether the Board will be making a determination about his
27 application that evening. Bob Greenfield said the Board would go into deliberative session and
28 discuss the matter there.

29 Scott MacDonald asked whether John Tintle was Richard Whitham's partner in the development
30 project and what John Tintle's plans were. Richard Whitham said John Tintle would develop
31 three of the lots and Richard did not know what John's plans were. Scott MacDonald said he
32 wanted to know what John Tintle's plans were. Matthew Wade questioned them as well.
33 Richard Whitham said the letter appointed him (Richard) as John's representative.

34 Casey Leahy asked if Mr. Tintle could be compelled to testify about his intentions. Preston
35 Bristow said the DRB did not have subpoena powers and if John Tintle had appointed Richard
36 Whitham as his representative, the DRB would have to accept Richard's testimony about John's
37 intentions.

38 Harry Goodell moved to close the preliminary hearing. Phil Perlah seconded the motion.

39 The meeting went into deliberative session at 7:38 PM. Deliberation ended at 8:00 PM. No vote
40 was taken during deliberation.