

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

4 *January 27, 2025*

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 Associate Zoning Administrator
8 Hugh Quinn, at the Town Hall.

9 **CITIZENS PRESENT:** Jess, Phillipe and Milou Rigollaud, and Gary Hooke at Town Hall.

10 **Call to Order**

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

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

14 The DRB considered the minutes of the meeting on October 21, 2024. Harry Goodell moved to
15 accept the minutes. Gary Coger seconded the motion. There was no discussion. A vote was
16 taken, and the minutes were approved as written.

17 **Agenda item 2 Citizens Comments**

18 There were no citizen comments.

19 **Agenda Item 3 Hearing #613 for a Conditional Use at 1961 Popple Dungeon Road.**

20 2:22The Board members had no conflicts of interest to report, and no board member had had any
21 ex-parte communication on the issue. Bob Greenfield swore in Jess and Phillipe Rigollaud to
22 give testimony in the hearing.

23 Bob Greenfield then entered the exhibits presented into evidence.

24 3:26 The first document was an application for a Conditional Use permit number 613 from
25 Jessica Rigollaud signed on December 9, 2024 by Zoning Administrator Preston Bristow. Phil
26 Perlah suggested that the square footage of the house on the application be amended to 480
27 square feet from 240. Jessica Rigollaud agreed. Harry Goodell moved to accept the amended
28 application as Exhibit A. Gary Coger seconded the motion. A vote was taken, and the amended
29 application was accepted as Exhibit A.

30 The second document was a Notice of Hearing for Conditional Use Permit on January 2, 2025.
31 Harry Goodell moved to accept the notice as Exhibit B. Gary Coger seconded the motion. A
32 vote was taken, and the notice was accepted as Exhibit B.

33 The third document was a list of 100-foot abutters. Notices of the hearing were mailed to the
34 citizens on the list on January 8, 2025. Harry Goodell moved to accept the list as Exhibit C.
35 Gary Coger seconded the motion. A vote was taken, and the list was accepted as Exhibit C.

1 The fourth document was a portion of the tax map showing the parcel in question and the
2 abutting parcels. Harry Goodell moved to accept the map as Exhibit D. Gary Coger seconded
3 the motion. A vote was taken, and the map was accepted as Exhibit D.

4 The fifth document was two maps, locating the parcel in question on Popple Dungeon Road and
5 the proposed dwelling on the parcel. Harry Goodell moved to accept the maps as Exhibit E.
6 Gary Coger seconded the motion. A vote was taken, and the maps were accepted as Exhibit E.

7 The sixth document was a flood hazard map of the area dated November 20, 2024. Harry
8 Goodell moved to accept the maps as Exhibit F. Gary Coger seconded the motion. A vote was
9 taken, and the map was accepted as Exhibit F.

10 The seventh document was four profile drawings of the front, east, rear and west elevations of
11 the proposed dwelling. Harry Goodell moved to accept the drawings as Exhibit G. Gary Coger
12 seconded the motion. A vote was taken, and the drawings were accepted as Exhibit G.

13 9:03The eighth document was four pages of a wastewater system and potable water supply
14 permit WW-2-70341 dated October 13, 2022, and signed by Terry Shearer. Harry Goodell
15 moved to accept the 4-page permit as Exhibit H. Gary Coger seconded the motion. A vote was
16 taken, and the permit was accepted as Exhibit H.

17 11:15Bob Greenfield invited the applicants to make a statement about their application. Jess
18 Rigollaud explained they would like to build a 480 square foot shipping container house on their
19 small parcel on Popple Dungeon Road. She said a lot of the parcel is in the flood plain so they
20 need to put the house close to the road. Scott MacDonald asked if the house would be 20 feet
21 from the road. He said the further back the house could be placed the better it would be. He
22 noted there was a stick on the property marking a potential setback point. Jess Rigollaud agreed
23 that she had seen the stick at the site visit.

24 Phil Perlah said he assumed the DRB would need to specify the setback distance for the permit.
25 Preston Bristow agreed. Phil Perlah said the stake seen at the site visit was 17 feet from the road
26 shoulder and the pop out of the camper trailer on the site was 20 feet from the road. He
27 suggested that if the proposed dwelling was 20 feet from the road, it would not be less than the
28 existing setback of the camper. Preston Bristow said the DRB could consider the camper as an
29 existing structure and if the new structure was set at the same distance from the road it would not
30 increase the existing non-conformity. The waiver rules in the Chester Bylaws would not allow a
31 waiver for any less than 20 feet of setback, so allowing the proposed house to be 20 feet from the
32 road was reasonable.

33 15:20Scott MacDonald said roads could be widened in the future and the property owners might
34 set the house further back in consideration of a possible road widening. Phil Perlah said he
35 thought it was better to work with the property as it is now. He suggested saying the dwelling
36 could be no closer than 20 feet to the shoulder of the road. The applicant could put the dwelling
37 further away if they chose. He asked whether the DRB would be approving a waiver of the
38 setback requirement which would allow the building to be no closer than 20 feet from the road.
39 Preston said yes, they were. Gary Coger asked what the current setback requirement was.
40 Preston said 20 feet.

1 Phil asked if that proposal should be made as a motion. Bob and Preston looked at the bylaw and
2 agreed than Article 7.16, parts 3 and 4 of section B addressed the waiver process and defined the
3 limits of what could be waived.

4 Phil asked if the DRB could recognize the camper as a structure and allow the new dwelling to
5 be sited in the same place. Preston said the camper had been in that place on that property for
6 many years, but he was uncomfortable calling it a structure and allowing a more permanent
7 dwelling to be placed there without consulting the DRB. He noted that it was set on 4"x4" posts
8 sunk into the ground and if the DRB wanted to consider the camper a permanent structure based
9 on those conditions they could do so.

10 Phil asked Harry Goodell what he thought. Harry said he didn't think the DRB needed to
11 consider the camper a structure, he felt the DRB could waive the setback and allow a dwelling 20
12 feet or more from the road as Phil had proposed. Phil then offered his proposal as a motion.
13 Harry seconded the motion. Hugh Quinn recapped the proposal, saying the motion was to allow
14 a building no less than 20 feet from the road shoulder. A vote was taken and the motion passed
15 unanimously.

16 Bob Greenfield said the permit for the shipping container house would be granted on that basis.
17 Preston explained to Jess Rigollaud that sometimes the DRB made a decision in private
18 deliberative session, but they had done so in public and the appropriate documents and permit
19 would be produced. Preston said since none of the three neighbors who lived directly across the
20 road had attended the site visit or the hearing, or contacted him with any type of objection, he did
21 not expect anyone to appeal the decision. Phil Perlah said, technically, no neighbor has any
22 standing to appeal.

23
24 **Agenda Item 4 Hearing #612 for a Subdivision permit at 1831 Vermont Route 10.**

25 22:42Preston Bristow handed out copies of the subdivision septic design which was not available
26 until the day of the hearing and had not been distributed in the packet.

27 The Board members had no conflicts of interest to report, and no board member had had any ex-
28 parte communication on the issue. Bob Greenfield swore in Gary Hooke to give testimony in the
29 hearing.

30 Bob Greenfield then entered the exhibits presented into evidence.

31 24:03 The first document was an application for a Subdivision permit #612 from Gary Hooke as
32 Gardian LLC, signed on December 3, 2024 by Zoning Administrator Preston Bristow. Harry
33 Goodell moved to accept the application as Exhibit A. Gary Coger seconded the motion. A vote
34 was taken, and the application was accepted as Exhibit A.

35 The second document was a Notice of Hearing for Subdivision Permit on January 2, 2025.
36 Harry Goodell moved to accept the notice as Exhibit B. Gary Coger seconded the motion. A
37 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 January 8, 2025. Harry Goodell moved to accept the list as Exhibit C.
3 Gary Coger seconded the motion. A vote was taken, and the list was accepted as Exhibit C.

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

7 The fifth document was a preliminary plat by Gary Rapanotti of the parcel to be subdivided.
8 Harry Goodell moved to accept the preliminary plat as Exhibit E. Gary Coger seconded the
9 motion. A vote was taken, and the maps were accepted as Exhibit E.

10 The sixth document was a septic design dated November 26, 2024 by Brian Rapanotti for the
11 new lot to be created. Harry Goodell moved to accept the septic design as Exhibit F. Gary
12 Coger seconded the motion. A vote was taken, and the septic design was accepted as Exhibit F.

13 11:15 Bob Greenfield invited the applicant to make a statement about their application. Gary
14 Hooke said he wanted to subdivide his parcel and put a dwelling on it to use as a long-term rental
15 property.

16 Phil Perlah asked whether Gary Hooke intended to build a 5-bedroom house as indicated on the
17 septic design? Gary said he was planning on building a 2- or 3-bedroom house. He had wanted
18 to put in an oversize septic system in case an unexpected need arose. He said he was thinking
19 about putting in a manufactured mobile home. He said it would be brought in on wheels, taken
20 off the wheels and anchored to a slab.

21 Bob Greenfield read the text of the required submission as follows.

22 **4.12.F. Required Submissions**

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

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

29 Phil Perlah found this in the lower right corner of the plat.

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

31 Bob saw Gary Rapanotti's name in the title block.

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

34 Preston pointed out the total number of acres across the top of the survey to
35 Harry.

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

37 Phil confirmed these were on the plat.

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

3 33:00 Phil noted that the new name for this zoning district is not R-120, which is
4 found just above the center on the right side of the plat. Preston said the new
5 name for the R-120 district is Rural 3. Bob Greenfield asked whether there were
6 any changes to the district aside from the name? Preston said some of the
7 setbacks are smaller. Preston then realized that the zoning map had been changed
8 between the moment the application was accepted and the hearing. This parcel
9 was now in the Rural 2 district, which has a smaller minimum lot size.

10 Phil Perlah verified that Gary Rapanotti would change the dimensional standards
11 to match the new bylaws. Preston said he would be sure Gary did. Harry said the
12 survey was done in October 2024, before the bylaw changes were adopted, and
13 therefore Gary wouldn't need to change the survey. Preston agreed,

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

16 Bob Greenfield said there were none on the property. Harry Goodell said there
17 were no streams on the property.

- 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 Bob Greenfield said there were no roads in the area to be subdivided. Harry
22 Goodell wondered if the driveway would be considered a road. Preston said the
23 bylaws required a road if more than 2 parcels use the same driveway, but there
24 were only two dwellings here. Harry pointed out that the current driveway would
25 be too steep to be accepted as a road. Gary Hooke said he believes he falls under
26 the 15% grade limit for driveways. He thought the fact that the driveway is
27 straight and not curved was a positive feature.

28 Phil Perlah asked if grade was something a surveyor could determine. He thought
29 it would be appropriate to have a surveyor measure the grade of the driveway and
30 certify it isn't more than the current limit of 15 degrees. Harry said that could be a
31 stipulation of the permit.

32 Harry said the applicant would need to consider emergency vehicles using the
33 driveway. Gary Hooke said there was a large flat space at the top of the driveway
34 where emergency vehicles could turn around. He could make a T in the driveway
35 for that purpose.

36 Harry said the emergency vehicles are so large it's surprising how much space
37 they need to turn around. He thought a true cul-de-sac instead of a T would work
38 better.

1 Gary Hooke said he thought about making a cul-de-sac which would encircle the
2 mound he envisioned to block light from one house or driveway from hitting the
3 other house. He thought there would be enough room for a cul-de-sac

- 4 **h.** Contour lines at intervals of five (5) feet of existing grades and of proposed finished
5 grades where change of existing ground elevation will be five (5) feet or more.

6 Phil and Harry figured out that the contour lines were at 20-foot intervals. Phil
7 moved to waive the 5-foot contour requirement. Harry seconded the motion. A
8 vote was taken, and the motion passed.

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

10 42:00 Phil and Harry saw true north on the left side of the map and the date and
11 scale under the title block.

- 12 **j.** Deed description and map of survey of tract boundary made and certified by a licensed
13 land surveyor tied into established reference points, if available.

14 Harry said there is usually a notation showing the distance from the parcel to the
15 nearest road intersection, but he did not see one now. Bob Greenfield pointed out
16 a reference to Amsden Hill Road on the location map. Harry said there was no
17 distance shown on the map. Preston said he would tell Gary Rapanotti about that,

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

20 42:49 Bob Greenfield said there was none. Harry pointed out the existing well
21 location.

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

24 Harry pointed out the location of the existing and proposed septic systems.

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

26 Bob and Harry said there was none shown.

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

28 Bob said there were none.

29 Harry asked Gary Hooke if he had seen any problems with water coming off the
30 hill. Gary said he had not, and he had been able to observe all four seasons.

31 Preston told Gary the state Department of Transportation may want the apron at
32 the bottom of the driveway larger, to give cars more room to stop.

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

35 Phil pointed out the suggested building locations on the septic plan. Preston said
36 the house location should be added to the survey.

1 p. The location of temporary markers adequate to enable the Development Review Board
2 to locate readily and appraise the basic layout of the field. Unless an existing road
3 intersection is shown, the distance along a road from one corner of the property to the
4 nearest existing road intersection shall be shown.

5 Bob Greenfield said there was no notation of the nearest existing intersection and
6 Preston said he already had a note about that..

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

9 Bob said there were no parcels are being dedicated to public use.

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

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

13 s. The Preliminary Plat shall be accompanied by:

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

21 Phil said the vicinity map had no scale. Preston said he didn't see where the
22 bylaws required a scale on the vicinity map. Harry said the scale for the plat
23 was under the title block.

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

27 Bob read the text of the requirement.

28 t. Endorsement. Every Plat filed with the Town Clerk shall carry the following
29 endorsement:

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

33 Signed this ____ day of _____, _____ by

34 _____

35 _____, Development Review Board"

1 Bob said this process was the preliminary, not the final review. Preston said the Board
2 was delegating the final review to him. Scott MacDonald said the only permit they
3 were waiting for was the Highway Access permit.
4

5 49:00 Gary Hooke asked if the Board wanted the surveyor, Gary Rapanotti, check the grade of
6 the driveway. Bob Greenfield said yes, it did. Preston said the Board wanted the distance to the
7 nearest road and the location of the new house to be added to the plat. Preston said he was happy
8 to communicate that to Gary Rapanotti and to tell him the Board wants him to measure the slope
9 of the driveway. Gary Hooke said that was alright with him.

10 Scott MacDonald talked about a driveway whose grade was affected by the humps put in it to
11 divert the flow of water. Gary Hooke said he used a phone app to measure the grade and for
12 about 20 feet at the top of the driveway the grade registered greater than 15%. Scott asked if
13 there are only a few feet of driveway with a greater than 15% grade could the DRB accept the
14 grade? Is the grade averaged out? Gary Hooke said he wondered that as well. He asked if the
15 driveway was a switchback of sorts, since the bylaw does not specify anything about curves.
16 Harry said if the curve will drop the grade, that's better. Phil Perlah said it would be much less
17 expensive to keep the existing driveway and smooth it out. Gary Hooke agreed. He said he
18 planned to bring in more material to fill in the dips. Phil agreed that Scott's question of whether
19 this is an average grade or a maximum grade. Harry said the 15% was a maximum grade.
20 Preston said he has seen bylaws with detailed specifications about grade. Chester's bylaws do
21 not have detailed specifications.

22 Scott MacDonald said if the concern about the driveway grade is driven by emergency vehicle
23 access requirements could Emergency Services tell the Planning Commission what the limits
24 should be. Harry Goodell said the maximum grade of 15% is their requirement. Scott
25 MacDonald asked if the 15% was for the whole driveway or at any point. Preston said he would
26 have to verify that in the bylaws. Scott said it would be fairer if the bylaws were clearer on that.

27 Gary Hooke said Gary Rapanotti would give an average grade for the entire driveway. After
28 more discussion the Board agreed that the driveway should be smoothed as much as possible to
29 avoid dips and short stretches steeper than 15% and that the grade should be measured by the
30 surveyor.

31 35:15 Phil Perlah moved to close the hearing. Gary Coger. seconded the motion. A vote was
32 taken and the hearing was closed. Bob Greenfield said he forgot to close the previous hearing,
33 so Phil Perlah moved to close that hearing. Gary Coger. seconded the motion. A vote was taken
34 and the earlier hearing was closed as well.

35 The meeting went into deliberative session which ended at 7:35 PM. No vote was taken during
36 deliberation.