

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD

January 9, 2017

BOARD MEMBERS PRESENT: Phil Perlah, Carla Westine, Harry Goodell and Ken Barrett.

STAFF PRESENT: Michael Normyle, Zoning Administrator, Cathy Hasbrouck, Recording Secretary

OTHERS PRESENT: Don Stein, Derek Suursoo, Mary Putnam

CALL TO ORDER

The meeting was called to order at 6:00 P.M. by Chair Carla Westine, followed by reciting the Pledge of Allegiance and an introduction of board members present.

AGENDA ITEM 1

Review Minutes from December 12, 2016

Ken Barrett moved to accept the minutes from the December 12, 2016 meeting. Phil Perlah seconded the motion. There was no discussion. A vote was taken and the motion passed.

AGENDA ITEM 2

Preliminary Plat Review (#492) Pennell Minor Sub-Division

The Development Review Board had attended a site visit at 465 Pennell Rd. at 3:00 PM that afternoon. Board members present at the site visit were: Carla Westine, Phil Perlah, Ken Barrett and Harry Goodell. Zoning Administrator Michael Normyle and Recording Secretary Cathy Hasbrouck were present. Others attending the site visit were Don Stein, Jay Church and Derek Suursoo.

Chair Carla Westine invited Zoning Administrator Michael Normyle to give the history of the application. Michael stated the initial partial application was received from Don Stein on December 13th, and the completed application on December 20th, 2016. On December 13th Michael published a Notice of the Public Hearing in the newspaper of record. He posted the Notice of Public Hearing in public places on December 20th and notified the abutters. One of the abutters, Derek Suursoo has responded.

The Board then examined the exhibits for the application. The first exhibit presented was a Town of Chester Development Review Board Application for Sub-Division. The applicant name is given as Don Stein, the land owners are Hugh and Nancy Pennell, the location is 465 Pennell Rd. The original parcel of 70.5 acres, 67.34 acres of which are in Chester and 3.16 acres in Cavendish, will be divided into a 57.6 acre lot entirely in Chester and a 12.94 acre lot, with 3.16 acres of the 12.94 being in Cavendish. Phil Perlah noted that the zoning district was listed as Conservation-Residential on the application but R-120 on the Notice of Public Hearing document. Michael Normyle confirmed that the correct zoning district was Conservation-Residential. Ken Barrett moved to accept the application as Exhibit A. Phil Perlah seconded the motion. The motion passed.

The second exhibit presented was the Notice of Public Hearing dated December 13, 2016 on Town of Chester letterhead. A Public Hearing in this matter was to be held January 9, 2017 at

6:00 PM. A site visit at 465 Pennell Rd. was to be held January 9, 2017 at 3:00 PM. The action requested was to subdivide the existing 70.5-acre parcel into lot 1, a 57.6-acre parcel and lot 2, a 12.94-acre parcel. Phil Perlah moved to accept the document with a corrected zoning district as Exhibit B. Ken Barrett seconded the motion. The motion passed.

The third exhibit was an email chain from Don Stein to Hugh Pennell to Michael Normyle, Zoning Administrator, dated December 13, 2016. The emails stated that Hugh Pennell authorized Don Stein and/or Jay Church to represent him at the DRB meetings regarding the proposed subdivision. Phil Perlah moved to accept the email as Exhibit C. Ken Barrett seconded the motion. The motion passed.

The fourth exhibit presented was a survey map of the proposed subdivision prepared by Don Stein of DBS Surveys, Inc. with the existing and proposed boundaries shown. The map is dated 12/19/16. Phil Perlah moved to accept the map as Exhibit D. Ken Barrett seconded the motion. The motion passed.

Michael Normyle presented a copy of the notice sent to abutters to be included as an exhibit. The notice on Town of Chester letterhead was addressed to Aaron Kusher. Phil Perlah moved to accept the letter as Exhibit E. Ken Barrett seconded the motion. The motion passed.

Chair Carla Westine then invited Don Stein to give a summary of what his client has proposed. Don said the original lot was 70.5 acres, 3.2 acres of which was in the Town of Cavendish. There were two buildings on the original lot, the main house and a smaller shop building that also had living quarters in it. He said the owner wanted to sell the larger lot with the main house and keep the smaller lot with the pond and the shop building with living quarters.

The Board then turned to Section 4.10 Subdivision Review Procedures of the Unified Development Bylaws. Chair Carla Westine discussed each requirement.

She started out by noting the name of the plat is Proposed Subdivision of Property of Hugh A. & Nancy L. Pennell 465 Pennell Road Chester & Cavendish, found in the lower right corner, which fulfills requirement 4.10.F.1.a. She indicated the name and address of the designer of the plat, DBS Surveys, Inc. is also in the box, meeting requirement 4.10.F.1.b.

She listed the requirements for 4.10.F.1.c and how they were met as follows:

- Property lines on lot 2 are highlighted in yellow on the Plat.
- Survey pins are marked by black dots.
- When asked by Chair Carla Westine, Don Stein explained that there was one existing easement, at the end of the town highway leading to the property owned by McCracken and Wulf, before the proposed subdivision. The subdivision created 2 more easements, one following the existing driveway from Pennell Road across lot 2 to the house shown on lot 1, the second following an existing private road from Pennell Road across lot 2 to the sugar house shown on lot 1.
- The shop with living quarters is marked as “building” on lot 2 and the main house is marked as “house” on lot 1. Don Stein noted that the plat also shows the tree house on lot 1.

- Water courses shown are a brook, which forms a boundary for lot 2, and a pond. It wasn't clear where the outlet for the pond was. The Board asked Don to investigate this. Water courses was left as an open question.

Chair Carla Westine pointed out that the names of owners of record of adjacent acres were present, meeting requirement 4.10.F.1.d. Michael Normyle said that he had checked the names on the plat with the town's records and they were correct.

Carla Westine said the requirements for the Conservation-Residential zoning district are included in the upper right corner, meeting requirement 4.10.F.1.e.

In fulfillment of requirement 4.10.F.1.f, the Board discussed the six culverts shown along Pennell Road. Harry Goodell and Don Stein speculated that the 24-inch PVC culvert near the pond could be the outlet for the pond.

Chair Carla Westine read the requirements in section 4.10.F.1.g, width and location of existing and proposed roads, and noted that no new roads were being proposed and the two new rights of way would be included in the deeds, thus meeting that requirement.

Don Stein said that contour lines on the preliminary plat are at 20-foot intervals, not the 5-foot intervals as required by Section 4.10.F.1.h, and asked for a waiver for this. Phil Perlah moved to waive the 5-foot requirement. Harry Goodell seconded the motion. The motion passed.

Chair Carla Westine read the requirements listed in 4.10.F.1.i and located them as follows: date in the lower right corner block, true north pointer to the right of center at the top, and scale just above the lower right corner block.

The Board concluded that the Notes the right side of the Plat met the requirements listed in 4.10.F.1.j.

Don Stein pointed out the wells drawn near the house on lot 1 and the building on lot 2 to meet requirement 4.10.F.1.k.

Chair Carla Westine pointed out the locations of septic systems and reserve septic areas drawn on the plat to meet requirement 4.10.F.1.l.

The drainage plan required by Section 4.10.F.1.m was not shown on the plat. Chair Carla Westine observed that the proposal did not change any road surfaces or create any new roads or driveways. Phil Perlah moved to waive the drainage plan requirement. Harry Goodell seconded the motion. The motion passed.

Requirement 4.10.F.1.n, preliminary designs for bridges, was not considered applicable by the Board.

Chair Carla Westine noted the boundaries of the two lots, total acreage and the surveyor's stamp were clearly marked on the plat, meeting requirement 4.10.F.1.o.

The requirements in Section 4.10.F.1.p, temporary markers and distances to existing road intersections, were shown on the plat. Chair Carla Westine recalled that, at the site visit, the survey points were marked with ribbons clearly visible from the road.

Don Stein said the requirement 4.10.F.1.q, locations of proposed public use lands was not applicable.

Chair Carla Westine noted that there are no new roads or streets and the existing roads (Pennell and Smokeshire) were marked on the plat. This meets requirement 4.10.F.1.r, Names identifying roads and streets.

Chair Carla Westine said the vicinity map required by Section 4.10.F.1.s was present in the upper right corner and the endorsement required by Section 4.10.F.1.t was located beneath the Location Map block.

Phil Perlah brought up the issue of color on the Mylar. He wondered if Mylars were required to be only in black and white. Michael Normyle and Carla Westine recalled a plat that had so many colors and superfluous detail it made the Mylar difficult to read. Don agreed to remove the color for the Final Plat.

The only outstanding issue was whether there was a spillway for the pond. Don agreed to ask the landowner about it.

Chair Carla Westine said that the Board would have 45 days to take action on the Preliminary Plat.

Phil Perlah moved to close the Preliminary Plat hearing #492. Harry Goodell seconded the motion. The motion passed.

AGENDA ITEM 3

Preliminary Plat Review (#493) Putnam Minor Sub-Division

The Development Review Board had attended a site visit at 159 River Street at 3:45PM that afternoon. Board members present at the site visit were: Carla Westine, Phil Perlah, Ken Barrett and Harry Goodell. Zoning Administrator Michael Normyle and Recording Secretary Cathy Hasbrouck were present. Others attending the site visit were Don Stein, Jay Church and Nancy Conway via cell phone.

Chair Carla Westine invited Michael Normyle to give the history of the project. Michael said he received the preliminary application from Don Stein on December 13, 2016. He placed an announcement of the hearing in the newspaper of record that day. He received the completed application on December 19th and sent out letters notifying eleven abutters. He posted the Notice of Public Hearing in public places on December 20th. He heard from one of the abutters, Nancy Conway, by cell phone during the site visit.

The Board then examined the exhibits for the application. The first exhibit presented was a Town of Chester Development Review Board Application for Sub-Division. The applicant name is given as Don Stein, the land owner's name is Richard V. Putnam, et al, the location of the property is 159 River St. and Putnam Hill Road. The original parcel of 4.99 acres will be divided into a 1.78-acre lot called lot 1A and a 3.21-acre lot called lot 1B. The property is in the R-20 district. Phil Perlah moved to accept the application as Exhibit A. Harry Goodell seconded the motion. The motion passed.

The second exhibit presented was the Notice of Public Hearing dated December 13, 2016 on Town of Chester letterhead. A Public Hearing in this matter was to be held January 9, 2017 at 6:00 PM. A site visit at 159 River St. was to be held January 9, 2017 at 3:45 PM. The action requested was to subdivide the existing 4.99-acre parcel into lot 1A, a 1.78-acre parcel and lot 1B, a 3.21-acre parcel. Carla Westine noted that the zoning district on this document was

incorrectly stated to be R-40. She corrected it to R-20. Phil Perlah moved to accept the document with a corrected zoning district as Exhibit B. Ken Barrett seconded the motion. The motion passed.

The third exhibit was an email exchange between Don Stein and Mary Putnam dated December 13, 2016 stating that Richard and Mary Putnam authorized Don Stein to represent them at the DRB meetings regarding the proposed subdivision. Ken Barrett moved to accept the email as Exhibit C. Phil Perlah seconded the motion. The motion passed.

The fourth exhibit presented was a survey map of the proposed sub-division prepared by Don Stein of DBS Surveys, Inc. with the existing and proposed boundaries shown. The name of the map is Proposed Subdivision of Property Owned by Daniel A. Putnam, Marsh L. Putnam Call, Richard V. Putnam and Paul D. Putnam Est. The map is dated 12/27/16. Phil Perlah moved to accept the map as Exhibit D. Ken Barrett seconded the motion. The motion passed.

Chair Carla Westine then invited Don Stein to give a summary of what his client has proposed. Don said the property in question had been subdivided a year ago to give Daniel Putnam the land where his trailer is set up as his own home site. The family currently has a buyer for the main house and surrounding yard only. They would like to separate the house and yard from the rest of the property to facilitate the real estate sale. The subdivision only involves drawing a line between 2 existing pins. An engineer has tested the soils and confirmed that the new lot 1B has available septic and well sites.

Harry Goodell asked about the conversation Chair Carla Westine and Zoning Administrator Michael Normyle had with abutter Nancy Conway during the site visit. Michael Normyle said Mrs. Conway had a received a letter, possibly from David Hindinger of Heritage Engineering, about the proposed subdivision. She wanted to be sure that she would not have any expenses involving her own septic system and well as a result of this subdivision. She was not able to participate in the Hearing due to a recent illness. She was anxious to establish that she was on record as being concerned about this issue.

The Board then turned to Section 4.10 Subdivision Review Procedures of the Unified Development Bylaws. Chair Carla Westine discussed each requirement.

She began by noting the name of the Plat is Proposed Subdivision of Property of Daniel A. Putnam, Marsha L. Putnam Call, Richard V. Putnam and Paul D. Putnam Estate found in the lower right corner, which fulfills requirement 4.10.F.1.a. She indicated the name and address of the designer of the plat, DBS Surveys, Inc. with the address and phone number is also in the box, meeting requirement 4.10.F.1.b.

She listed the requirements for 4.10.F.1.c and how they were met as follows:

- Property lines on lots 1A and 1B are highlighted in yellow on the Plat.
- Iron pipes set as survey pins are marked.
- Proposed well and septic areas for Lot 1B are marked.
- The existing house and garage on lot 1A is marked and a proposed site for a house and driveway on lot 1B is marked.
- Note 7 shows the total acreage of the original parcel.
- There were no water courses marked.

Chair Carla Westine pointed out that the names of owners of record of adjacent acres were present, meeting requirement 4.10.F.1.d. The sole abutter who contacted the board, Nancy Conway, has property at the right angle turn of Putnam Hill Road. Her property is bordered on two sides by the proposed lot 1B.

Chair Carla Westine said the requirements for the R-20 zoning district are included in the center at the top of the map, meeting requirement 4.10.F.1.e. The proposed house site on lot 1B meets the 25-foot requirement for setback and the lot meets the road frontage requirement of 120 feet.

In fulfillment of requirement 4.10.F.1.f, the Board discussed the water and sewer facilities. Don Stein said that lot 1A, fronting on River St., had town water, an existing permitted septic system and a backup septic site. He said the town waste water line ended at the corner of River Street and Putnam Hill Road. Board members noted the proposed well and septic sites marked on the plat for lot 1B.

Chair Carla Westine read section 4.10.F.1.g, width and location of existing and proposed roads, and noted that Putnam Hill Road was on the plat.

Don Stein said that contour lines on the preliminary plat are at 20 foot intervals, not the 5 foot intervals as required by Section 4.10.F.1.h, and asked for a waiver for this. Phil Perlah moved to waive the 5-foot requirement. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Chair Carla Westine read the requirements listed in 4.10.F.1.i and located them as follows: date in the lower right corner block, true north pointer in the upper right corner of the map, and scale just above the lower right corner block.

Chair Carla Westine noted the monuments were marked and concluded that the Notes on the right side of the plat met the requirements listed in 4.10.F.1.j.

A discussion between the Board and Don Stein established that lot 1A had town water, an existing septic system and a reserve area. Lot 1B had a proposed septic site and, for a reserve area, a septic easement area on lot 2, which belongs to Daniel Putnam and was once part of the property. This easement is noted in Note 8. Lot 2 is connected to the town water and waste water system, which is shown on the plat. This met the requirements of 4.10.F.1.k and l.

Chair Carla Westine brought up Mrs. Conway's concern for her well and septic and asked Don Stein to discuss it. Don said that every well is required to have an area around it, called a well shield, where no septic field can be located. Mrs. Conway had received a letter from David Hindinger of Heritage Engineering which discussed the new lot 1B and the proposed well and septic sites for the lot. Michael Normyle said that Mrs. Conway was concerned that, if her current septic system failed and she had to relocate it, the placement of the well on lot 1B would deprive her of a replacement site for her septic. Don Stein produced an engineering map of the area in question from Heritage Engineering. The map showed the well shield needed for the proposed well on lot 1B. The shield did not extend onto Mrs. Conway's property. Phil Perlah moved to accept David Hindinger's map dated December 21, 2016, drawing 01, titled Waste Water System and Potable Water Supply Design for the Putnam Property in Chester, VT by Heritage Engineering, with a stamp from David Hindinger, Professional Engineer. as Exhibit E. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The drainage plan required by Section 4.10.F.1.m was not shown on the plat. Phil Perlah moved to waive the formal drainage plan requirement. Harry Goodell seconded the motion. The motion passed.

Requirement 4.10.F.1.n, preliminary designs for bridges, was not considered applicable by the Board.

Chair Carla Westine said that the drawing and note 7 met the requirement 4.10.F.1.o., the proposed lots with surveyed dimensions, certified by a licensed land surveyor, numbered and showing suggested building locations.

The requirements in Section 4.10.F.1.p, temporary markers and distances to existing road intersections, were discussed by the Board. The intersection of River Street and Putnam Hill Road was shown. Phil Perlah and Harry Goodell read off the distances shown along both roads. Chair Carla Westine said that Don had pointed out the layout of the property lines during the site visit and Harry Goodell noted that the boundary markers were all permanent.

Don Stein said the requirement 4.10.F.1.q, locations of proposed public use lands was not applicable.

Chair Carla Westine noted that Putnam Hill Road and its intersection with River Street were marked on the plat. This meets requirement 4.10.F.1.r, Names identifying roads and streets.

Chair Carla Westine said the vicinity map required by Section 4.10.F.1.s was present in the upper right corner and the endorsement block required by Section 4.10.F.1.t was located in the upper left hand corner.

The colors on the Preliminary Plat were discussed. Harry Goodell and Phil Perlah asked to have the green lines marking the edge of the mowed area removed and the green line removed from the legend.

Phil Perlah moved to close the hearing for the Putnam Preliminary Plat #493. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The meeting to review the Final Plat for the two hearings was scheduled for Monday, February 13, 2017 in order to give time to warn the meeting.

AGENDA ITEM 4

Comments from citizens

Michael Normyle gave the Board members an e-mail from Daniel Patenaude, the son of Oakley Patenaude and his wife, property owners on Route 10. The property in question has a run-down farm house and an old mobile home on it. The property owners are elderly and having difficulty keeping up the farm house. The son and daughter of Mr. and Mrs. Patenaude want to build a 3-bedroom Cape Cod style house for their parents, but they believe that tearing down the old farmhouse as would be required by the current UDB's will upset their parents greatly. They would like the Board to allow the farm house to remain standing until such a time that Mr. and Mrs. Patenaude will not be distressed by its removal. The Board discussed ways that a second primary dwelling could be built without being obliged to tear down the old farmhouse. The possibility of subdividing an additional parcel from the larger parcel was suggested as one way to accomplish this. A potential problem with this would be if the larger parcel was in current use, a penalty for pulling more acreage out of current use could be substantial.

AGENDA ITEM 5

Deliberative session to review previous matters

At this point, the meeting went into deliberative session. The meeting closed after the deliberative session.