

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

*April 24, 2017*

**BOARD MEMBERS PRESENT:** Carla Westine, Harry Goodell, Amy O'Neil, Phil Perlah and Frank Bidwell.

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

**OTHERS PRESENT:** Barbara Johnston, Mark Foley, Julie Foley

**CALL TO ORDER**

The meeting was called to order at 6:00 P.M. by Chair Carla Westine. She introduced members of the Development Review Board and staff. She asked DRB alternate Frank Bidwell to join the board for the meeting, taking Don Robinson's unfilled position. The group recited the Pledge of Allegiance. Carla Westine stated that there had been a site visit at 952 Trebo Road that afternoon at 5:00 PM. She then read the meeting agenda.

**Agenda Item 1 Review minutes from the April 10, 2017 meeting**

The Board reviewed the minutes for the April 10, 2017 meeting. Harry Goodell moved to accept the minutes. Amy O'Neil seconded the motion. There was no discussion. A vote was taken and the motion passed.

**Agenda Item 2 Final Plat Review of Johnston Sub-division,  
14 Cummings Road**

Barbara Johnston was sworn in to give testimony in this matter. Carla Westine asked if there had been any ex-parte communication for any of the Board members in the matter or if there was any potential conflict of interest pertaining to the Johnston Plat. The members of the Board all indicated they had not. Chair Carla Westine recapped the Preliminary Plat hearing and said the only remaining issue was the presence or absence of a power pole drawn on the plat. Barbara Johnston said that, in fact, the pole in question and a second pole on the plat closer to the road were no longer present and the poles have been removed from the Final Plat.

Two exhibits were entered as evidence. The first exhibit was a Town of Chester Notice of Public Hearing before the Development Review Board on Town of Chester Letterhead. The hearing was for the Final Plat Review of a Sub-division at 14 Cummings Road on April 24, 2017. The document was dated April 4, 2017 and signed by Zoning Administrator Michael Normyle. Amy O'Neil moved to accept the document as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The second exhibit was a revised site plan for the Ross and Barbara Johnston Sub-division at 14 Cummings Road. The last revision date is 3/29/17. Amy O'Neil moved to accept the site plan as Exhibit B. Harry Goodell seconded the motion. A vote was taken and the motion passed.

There were no further questions from members of the Board or audience. Harry Goodell moved to close the hearing. Amy O'Neil seconded the motion. A vote was taken and the motion passed.

### **Agenda Item 3 Preliminary Plat Review – Mark Foley**

Mark and Julie Foley were sworn in to give testimony for this hearing. No other citizens were present. Chair Carla Westine polled the board members to see if any members had had any ex-parte communication about this application or a potential conflict of interest. No member did.

The first document presented in evidence was a Town of Chester Development Review Board Application for Sub-Division. The property to be sub-divided is at 952 Trebo Road. The application is dated February 28, 2017 and signed by Mark Foley and Zoning Administrator Michael Normyle. Amy O'Neil moved to accept the document as Exhibit A. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The second document presented was a Town of Chester Notice of Public Hearing dated March 28, 2017. The Hearing and Preliminary Plat Review were scheduled to take place April 24, 2017. The applicant is Mark Foley. The notice is signed by Michael Normyle, Zoning Administrator. Amy O'Neil moved to accept the document as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The third document was a narrative dated March 14, 2017, written by Mark Foley, explaining why he wanted to sub-divide his 197-acre property into one 4-acre parcel with the house and a second 193-acre parcel. Amy O'Neil moved to accept the narrative as Exhibit C. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The fourth document was a site plan drawn by Patton Land Survey titled Sub-Division Plan of Land by Mark Foley dated February 13, 2017. Amy O'Neil moved to accept the site plan as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The Board then checked the site plan to verify that it conformed with Section 4.10.F.1 of the Town of Chester 2014 Unified Development Bylaws as follows.

- a.** Proposed subdivision name or identifying title and the name of the Town.  
Carla Westine found this to be present.
- b.** Name and address of record owner, sub-divider, and designer of Preliminary Plat.  
Amy O'Neil found this to be present.
- c.** Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, water courses, and other essential existing physical features.

Various members of the Board found the following:

Acreage is found in Note 4.

Property boundary lines are present.

A solid line denoting property boundaries is missing from the Key,

Measurements along boundary lines are missing.

Mark Foley testified that there were no easements on the property and none are shown on the site plan.

The site plan showed the house on Lot 1. Mark Foley testified that there was a working sugar house on Lot 2. Carla Westine explained that the sugar house must be shown on the site plan.

The Trebo Brook was drawn on the Plat.

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

Carla Westine noted that these are present. Michael Normyle testified he sent notices to 10 or 11 abutters.

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

Amy O'Neil found this in Note 3.

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

Harry Goodell asked about a driveway culvert. Mark Foley testified that it was installed by the Town of Chester. It was not shown on the site plan. It needs to be added.

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

No roads are proposed and none exist within the sub-division.

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

Amy O'Neil moved to waive the 5' contour line requirement and accept the 20' lines drawn. Harry Goodell seconded the motion. A vote was taken and the motion passed.

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

Present.

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

Amy O'Neil found the deed description in note 7 and other information in note 1.

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

A well is shown for the house on lot 1. Mark Foley testified that there is a spring near the sugar house on lot 2. It is not drawn on the site plan. The Board concluded that it must be added.

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

Phil Perlah pointed out that the waste water permit for lot 1 was issued before the sub-division was proposed, therefore the waste water permit does not mention anything about Lot 2. Members of the Board explained that the applicant needs to update the waste water permit to include Lot 2. Since the applicant does not plan to develop Lot 2, a waiver of development rights from the State of Vermont for Lot 2 is needed. The waiver would be noted on the map.

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

Amy O'Neil moved to waive the drainage plan requirement. Phil Perlah seconded the motion. A vote was taken and the motion passed.

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

Mark Foley testified that no bridges or culverts are planned.

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

The Board noted that the survey dimensions of the lots need to be added.

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

Carla Westine stated that temporary markers were observed at the site visit. The distance to the nearest intersecting road was missing from the site plan. Harry Goodell confirmed that Hazen Road was the nearest town road that intersected Trebo Road.

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

Mark Foley stated that no parcels are intended for public use.

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

Mark Foley testified that no new roads are planned.

- s.** The Preliminary Plat shall be accompanied by:

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

Amy O'Neil moved to waive the requirement for easements and utilities to be shown on the vicinity map. Phil Perlah seconded the motion. A vote was taken and the motion passed.

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

After discussing his future plans for Lot 2 with Mark Foley, the Board concluded that a Waiver of Development Rights needs to be obtained and added to the site plan.

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

"Approved by the Development Review Board of the Town of Chester, Vermont as per findings of fact, dated \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ subject to all requirements and conditions of said findings.

Signed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by

\_\_\_\_\_  
\_\_\_\_\_, Development Review Board"

This endorsement is present.

The review of Section 4.10.F.1 concluded. Chair Carla Westine asked Zoning Administrator Michael Normyle to give the applicant a copy of the requirements found in section 4.10.F.1 to help the surveyor comply with the new requirements.

Harry Goodell asked about a feature on the map titled "Old Road Bed". Mark Foley testified that this was not a town road.

Michael Normyle said he tentatively scheduled a Final Plat review for May 22, 2017.

Amy O'Neil moved to close the Preliminary Plat Review Hearing. Harry Goodell seconded the motion. A vote was taken and the motion passed.

**Agenda Item 3 Comments from Citizens**

There were no citizens present to give comments.

**Agenda Item 4 Deliberative session on previous matters**

At this point the Board went into deliberative session and the meeting was closed.