

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

June 26, 2017

BOARD MEMBERS PRESENT: Carla Westine, Amy O'Neil, Phil Perlah, Harry Goodell and Ken Barrett.

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

OTHERS PRESENT: Kelly Arrison, Marilyn Mahusky, Trevor Ouellet, Huzon J. Stewart, Gail Stewart, Lisa Skilling Belmond, Ernie Belmond, Mary Semones, Dan Atwood, Tracy Williams, Thomas Junker, Lee Gustafson.

CALL TO ORDER

The meeting was called to order at 6:00 P.M. by Chair Carla Westine. She introduced the members of the Development Review Board and staff. DRB alternate Ken Barrett joined the board for the meeting, taking Don Robinson's unfilled position. The board and audience members recited the Pledge of Allegiance. Carla Westine stated that there had been site visits that afternoon to 10 Old Forge Road at 5:00 PM and to 1205 Popple Dungeon Road at 5:25 PM. Carla Westine then read the meeting agenda.

Agenda Item 1 Review minutes from the June 12, 2017 meeting 3:00

The Board reviewed the minutes for the June 12, 2017 meeting. Ken Barrett asked to have the date of June 12th added to the last paragraph on page 1, which would clarify the evening when the DRB would be deliberating. Phil Perlah moved to accept the minutes. Ken Barrett seconded the motion. A vote was taken and the motion passed.

Agenda Item 2 Comments from Citizens

There were no citizen comments offered.

Agenda Item 3 Continuation of the Stewart Conditional Use Hearing

Carla Westine reminded Gail Stewart, Huzon (Jerry) Stewart and Kelly Arrison that they were still under oath. Marilyn Mahusky was sworn in so that she could give testimony.

Carla Westine went over a list of issues from the last meeting waiting to be resolved.

The first issue was a missing letter from the Chester Fire Chief. The first document presented was that letter, dated June 13, 2017 signed by Matthew Wilson, Chester Fire Chief, and addressed to Jerry and Gail Stewart. Chief Wilson stated that the request would have little impact on the Chester Fire Department. He encouraged the Stewarts to install a fire alert system to protect the live animals during the hours the kennel is closed. Amy O'Neil move to accept this exhibit as Exhibit O. Phil Perlah seconded the motion. A vote was taken and the motion

passed. Amy O'Neil asked the Stewarts whether they were planning on installing a fire alert system. The Stewarts said that they did.

The second issue from the previous meeting was where the flood hazard area and the floodway fell on this property. Two maps were presented with this information. The first map identified the floodway on the lower portion of the property in bold red slashes near the river. The second map showed the flood hazard area in solid red. The flood hazard area covered the floodway and some of the land above it, but does not appear to reach the planned fenced exercise area or the kennel building. Amy O'Neil moved to accept the two pages of maps as Exhibit P. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Confusion about whether the letter from Best Septic describing the septic inspection had been accepted as an exhibit in the previous meeting was cleared up when the mention of it being accepted was found on page 6 of the minutes.

The next item on the unresolved list was the expected noise level at every property boundary. The first exhibit presented to address that was a letter from Pete Bania, a sales consultant for Morton Buildings, Inc. The letter is dated June 14, 2017 and is addressed to Gail and Jerry Stewart. It questioned the reasonableness of the claim that the noise in a dog kennel can reach 135 decibels, but noted that, if it did, the decibel level at 50 feet from the kennel (the closest property line) would be 69 decibels. The letter introduced a letter from Graham Morris, the research and development engineer for Morton Buildings, which gave more details about calculating the sound intensity drop over distances. Phil Perlah pointed out that the Bania letter was written by a salesperson who had told him at the site visit he did not know much about the buildings. Phil asked whether it should be accepted as an exhibit. Amy O'Neil said she did not disagree with Phil, but felt the board had an obligation to accept the exhibits offered. She moved to accept the letter as exhibit Q. Ken Barrett seconded the motion. A vote was taken and the motion passed 4 to 1, with Phil Perlah voting against accepting the letter. Carla Westine said that accepting the letter as an exhibit was not an endorsement of its contents.

The next document considered was a 3-page article published February 4, 2013 by the Industrial Safety and Hygiene News titled Inside a kennel: Chorus of braying dogs can reach 115 decibels. Carla Westine read a sentence on page two which said, "noise levels in the kennels typically range from 95 to 115 decibels measured at the center of the room." Amy O'Neil moved to accept the article as exhibit R. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The next document presented was a letter from Peter M. Scheifele, MDr, Ph.D., LCDR USN (Ret.), Director of the University of Cincinnati Animal Audiology Clinic and Bioacoustics Laboratory. The letter is dated June 15, 2017 and addressed to Gail Stewart. The letter stated that "for the vast majority of kennels the average noise levels range from 90 dB SPL to 110 dB SPL throughout most of the day". It referred to a peer reviewed paper entitled "Effect of kennel noise on hearing in dogs"; American Journal of Veterinary Research, Volume 73, No. 4, April 2012. Accompanying the letter is a copy of the paper mentioned in the letter. Phil Perlah moved to accept the letter and paper as exhibit S. Amy O'Neil seconded the motion. A vote was taken and the motion passed.

The next items were brought to the meeting that evening.

A letter from one of the applicants, Gail Stewart to the members of the Development Review Board was presented next. The letter is dated June 26, 2017. It states that though the hours of

operation applied for are 7:00 AM to 7:00 PM, she, her husband and a veterinarian would need access to the kennel outside those hours to care for the dogs. The letter also states that Gail would like the option to light the planned sign. Amy O'Neil moved to accept the letter as Exhibit T. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The next document was a two-page e-mail stream between Gail Stewart and Peter Scheifele of the University of Cincinnati. Gail asked Dr. Scheifele if 135 dB is a reasonable estimate of the decibel level in a dog kennel. Dr. Scheifele replied that in his extensive experience it would not be reasonable to expect decibel levels of 135 in a kennel.

The last document presented was an e-mail dated June 21, 2017 from Dr. Peter Scheifele to Gail Stewart discussing the calculation of decibel readings at different distances from the source a noise. The document calculates the noise level at 123 and 428 feet, the distances to the southern (Benny's Garage) and eastern (Williams River) property boundaries. Given an initial noise level of 100 decibels, at 123 feet the noise level would be 44.2 decibels and at 428 feet it would be 34 decibels. Amy O'Neil asked if the calculation included the acoustical properties of the kennel wall. Michael Normyle said it did. Amy O'Neil move to accept the e-mail as Exhibit V. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Carla Westine then asked Kelly Arrison to verify the source of his claim at the last meeting that the noise level in a kennel was 135 decibels. Kelly said he could not find the websites on the internet that had that reading. He did find places that said kennels had levels of 125 decibels and said he had documentation to support that claim.

Marilyn Mahusky then spoke. She had written remarks and copies of three studies on the effects of noise on dog and human health, and a blog article about managing the sound in an animal shelter. Marilyn said that the meter used in the first study. "Noise in the Animal Shelter Environment: Building Design and the Effects of Daily Noise Exposure", was a dosimeter, which is used to measure varying noise levels. Marilyn said she was concerned about the kennel because her property is 0.2 miles from the back of the Stewart's property and she doesn't want to be disturbed by noise. She also noted that the Stewart property ends at the Williams River, 0.4 miles upstream from Rainbow Rock, where many local people go swimming. She reported that some testing at Rainbow Rock had shown high levels of *e. coli* bacteria. She then read parts of her prepared comments.

She stated that she was concerned about noise from 20 dogs kept during the day outside the kennel. In the summer of 2016, she could hear the barking of one dog who lived on the corner of Elm St. and Vermont Route 11 at her house on the corner of Green Mountain Turnpike and Vermont Route 11.

She questioned the ability of the kennel building to mitigate noise. She doubts that the building constructed will be adequate based on statements from Temple Grandin, an animal behaviorist. She asked that the applicant to be required to submit evidence that noise abating paneling, baffling and sound clips have been installed. She indicated that the Grandin study had registered decibel readings of dogs barking in the building studied greater than the 118.9 decibels the dosimeter could read.

Amy O'Neil moved to accept Marilyn Mahusky's written comments and the article, "Noise in the Animal Shelter Environment: Building Design and the Effects of Daily Noise Exposure" written by Crista Coppola, R. Mark Enns and Temple Grandin, published in the Journal of Applied Animal Welfare Science, Volume 9(1), pages 1-7 as Exhibit W. Phil Perla seconded the

motion. A vote was taken and the motion passed. Stapled to the packet were three other articles. The first was "What If You Were a Dog in a Noisy Kennel?" by Patricia McConnell, Ph. D., CAAB (/blog) published September 18, 2013. The second was "Physiological and Physical Impact of Noise Pollution on Environment by Malik Muhammad Annees, Muhammad Qasim and Aroj Bashir, published in the Asian Journal of Environment and Earth Sciences 2014. The third article was "Health Effects of Community Noise by John R. Goldsmith, M.D. and Erland Jonsson, Ph. D. published by the American Journal of Public Health in September 1973.

Carla Westine asked Gail Stewart what the maximum number of dogs to be kept at the kennel. Gail Stewart replied that the maximum would be 18 dogs. Carla asked what portion of the day the dogs would be allowed out in the fenced in area. Gail said it would depend on the weather and the dogs' health. She would be taking them out and staying out with them probably an hour in the morning and an hour in the afternoon. Carla asked if the dogs would be turned out in the morning and left to play and entertain themselves until the evening. Gail said she would never let the dogs be out by themselves. Gail said most kennels do supervise the dogs outdoors because of safety considerations. Carla asked Gail what she would do if a dog started barking in the play area and couldn't be quieted. Gail said she would bring the dog in.

Amy O'Neil said she has two dogs and has brought them to two local kennels to be boarded. Whenever she has dropped them off the kennels have been quiet. She asked Gail if she could explain why the dogs were quiet. Gail said that dogs bark when they are unhappy or hungry. She did not think that barking is determined by the breed. Gail had recently visited the Happy Paws kennel in Bomoseen for over an hour. There were 100 dogs there and she did not hear any barking. She showed the Board members a picture of the facility on her cell phone. Gail said that if a dog doesn't settle happily in the kennel and barks as a result, the kennel will not take the dog back.

Phil Perlah asked how many dogs would be going out at once. Were they going to go out one at a time with an attendant to scoop the feces? Gail answered that it would depend on the various dogs' temperament. She would probably take them out in groups of four to begin with. Amy O'Neil asked if she would ever have all 18 out at the same time. Gail said no. There would be a living room area inside the kennel with couches for the dogs to have time together. If she went onto the lower part of the property she would be taking one or two dogs at a time. Amy asked if the dogs would be on or off leash on the lower part of the land. Gail said they would be on leash because there is no fencing.

Carla asked Gail to review the plan for the fenced area just outside the kennel. Gail said the fence facing the road would be vinyl. The fence would run from the north side of the kennel building to the property line with Prescott Warren, then along the property line toward the river to the second level of land, along the top of that second level parallel to Elm Street and back up the hill to the kennel building. The fence along the boundary with the Warren property, at the back parallel to the street, and returning from the back to the kennel building would be chain link. The fence along Elm Street will be vinyl. The fence on the boundary with the Warren property and the fence parallel to the boundary with Benny's Garage's property would be lined with Acoustifence.

Marilyn Mahusky said that when she takes her dog to the kennel in Springfield she hears dogs barking. She said that the Temple Grandin study said dogs bark in kennels because they are stressed by the kennel environment and noise. She asked that the permit be conditioned that only two dogs could be taken to the lower field at a time and if noise is a problem the Stewarts would

be required to put baffling up on the east side of the property. She did not feel that the Board could simply accept testimony that the dogs will be quiet. She would like the Board to set up some kind of condition that would allow neighbors who are disturbed by the barking, an avenue of action. Carla Westine pointed out that the Noise regulation for the town is that the noise level cannot exceed 70 dB at the property line. If the applicant meets the Noise requirement at the property line then they have met the Noise regulation. A neighbor who finds that noise level unacceptable will not be able to appeal based on the regulation.

The Board had no more questions for the applicant and Carla Westine asked audience members if they had questions on sound or noise. Gail Stewart said that there will be some barking in the morning when she arrives because the dogs will be hungry. She plans to get the meals ready to serve the night before to minimize the time they're excited. Carla asked if Gail expected to have 18 dogs overnight every night. Gail said she didn't expect to be so busy. On the days that she has fewer than 18 dogs she will accept dogs for day care, but she will not have more than 18 dogs in the kennel at any time. Phil Perlah asked if a condition for a limit of 18 dogs would be acceptable. Gail said it would be. Jerry Stewart said that in the mornings there would be two 6-inch insulated walls between the dogs and Marilyn Mahusky's property which will dampen the noise.

Carla asked Kelly Arrison if he had concerns about using the Power Loo to flush feces into the septic system or feces on the lawn. Kelly read from a prepared statement that noted part of the property's classification as Agricultural Soils of Statewide Importance, Prime Agricultural Soils, Scenic Farmland and High-Risk Flood Area. The statement went on to quote sections of the Chester Town Plan which address those classifications and urge the town to protect those areas from development. Finally, Kelly, in his statement, asked whether it was possible to pick up all feces, especially during inclement weather, whether urine and unremoved feces will drain down the slopes into the river and whether the septic system is capable of processing the feces from all the dogs.

Phil Perlah asked if the Stewarts were adding the ability to watch and listen to what is going on in the kennel using a Smartphone. Gail Stewart said they were. Amy O'Neil verified that the Stewarts were not relying on their neighbors alone to alert them to problems at the kennel overnight. Gail Stewart said that was true. Harry Goodell, looking at Map #4, said that Lover's Lane Brook was highlighted on the map, not the Williams River. It turned out that his map had been mismarked.

Amy O'Neil moved to accept Kelly Arrison's written statement and maps as Exhibit X. Phil Perlah seconded the motion. A vote was taken and the motion passed.

Harry Goodell asked Gail Stewart if there could be four dogs out on the upper level and two dogs being walked on the lower level at the same time. Gail said they would not have dogs on both levels at the same time.

Jerry Stewart said that he sees people stopping to fish the Williams River along Elm Street. They are often accompanied by their dogs, who jump in the river to swim.

Amy O'Neil asked Kelly if he realized the maps are not useable in black and white. The designations he wants the Board to see are in color which reproduced as similar shades of gray on the copies. Kelly apologized for the lack of color and offered to get better copies from the Southern Windsor County Regional Planning Commission. Carla recalled that at the last meeting Kelly had said the lowest level of the property was Prime Agricultural Soils and the

sloped land on the property was Agricultural Soils of Statewide Importance. She also noted that the kennel building is on the top level of the property, the fenced area is partway down the first slope and nothing will be built below that. Dogs may be walked on a leash there, but nothing will be built there.

Carla Westine asked if the Board members had any more questions. No one did. She asked the applicants if they had anything else to add. They did not. Kelly Arrison said that he had been asking for clarification on various issues and was satisfied with the answers and glad he asked the questions.

Phil Perlah moved to close the hearing. Amy O'Neil seconded the motion. A vote was taken and the motion passed.

Agenda Item 5 Preliminary Plat Review Thomas Junker Minor Sub-Division

Chair Carla Westine swore Thomas Junker in to give testimony for the hearing. The Board then considered the documents submitted as evidence.

The first document presented was a Town of Chester Development Review Board Application for Sub-Division. The applicant is Thomas Junker. The zoning district is Residential-120, the total acreage before the division is 14.2, after the division lot 1 will be 8 acres and lot 2 will be 6.2 acres. The application is dated March 21, 2017 and is signed by Michael Normyle and Thomas P. Junker. Amy O'Neil moved to accept the application as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The second document presented was a Notice of Public Hearing dated May 30, 2017. The property owners are Thomas Payne and Elissa Junker, the location is 390 Ethan Allen Road. The hearing date is June 26, 2017. It is signed by Michael Normyle. Amy O'Neil moved to accept the Notice as Exhibit B. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The third document was a letter from Thomas Junker and Lisa Junker addressed to the Development Review Board dated June 6, 2017 describing the work done so far to subdivide the existing parcel into two smaller ones. Carla Westine noted that the letter says the new lot will be 9 acres, not 8 acres. Thomas Payne said that, after the survey was done, it was determined that the lot should be 9 acres not 8 acres. The survey shows 9 acres. Amy O'Neil moved to accept the letter as Exhibit C. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The fourth document presented was a letter dated June 20, 2017 on Town of Chester stationery from Police Chief Richard Cloud addressed to Michael Normyle, Zoning Administrator. The letter states that the request to subdivide the property at 10 Old Forge Road will not be a problem for parking or traffic safety. Amy O'Neil moved to accept the letter as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The fifth exhibit presented was a letter dated June 20, 2017 on Town of Chester stationery from Fire Chief Matthew Wilson addressed to Thomas and Lisa Junker. The letter stated that there will be little impact on the Chester Fire Department based on the information provided. Amy

O'Neil moved to accept the letter as Exhibit E. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The sixth document presented was a letter dated June 9, 2017 from Michael Marquise to Payne Junker giving soil test results and saying that there are suitable soils for a mound replacement site and mound wastewater system on the proposed new lot. Amy O'Neil moved to accept the letter as Exhibit F. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The seventh document presented was a Town of Chester Application for Highway Access Permit dated May 25, 2017. The applicants are Thomas and Lisa Junker. It is signed by Thomas Junker and Chester Highway Foreman Graham Kennedy. Amy O'Neil moved to accept the application as Exhibit G. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The eighth document presented was a site plan by DiBernardo Associates titled Thomas Payne Junker and Lisa Alenick Junker 422 Ethan Allen Road, dated June 6, 2017. Amy O'Neil moved to accept the site plan as Exhibit H. Ken Barrett seconded the nomination. A vote was taken and the motion passed.

The Board then examined the site plan using Section 4.12.F.1 Subdivision Review Procedures, Required Submissions, Preliminary Plat, as follows.

F. Required Submissions

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

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

Amy O'Neil located this in the lower right corner.

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

Harry Goodell and Amy O'Neil located this in the lower right corner.

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

The number of acres is found in Note 7. Property lines are listed in the key as solid lines and are present on the site plan. A 20-foot wide utility easement and a proposed 50-foot right of way were located. The house, garage and shop were found on lot 1. There were no water courses on the property. Potential building sites on lot 2, stone walls, driveways and utility poles were also shown.

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

One name is missing on the map, the abutter almost directly across Old Forge Road from the 50' right of way. Zoning Administrator Michael Normyle confirmed that that particular abutting property owner had been sent a notice of the hearing.

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

These are found in Note 6.

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

There is no town water or sewer available. One existing culvert shown on the site plan needs to have the size changed.

- 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.

The proposed right of way for lot 2 is shown as 50 feet wide on the site plan. The profile and typical cross section of the proposed right of way for lot 2 are also shown.

- 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.

Contour lines are shown at 5-foot intervals.

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

These are found in the upper left corner.

- 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.

These are found in the lower left corner below the Notes.

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

There is no town water supply available. The well for the existing house is shown. The well for a house on the proposed new lot will be added to the Final Plat.

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

When the Preliminary Plat is accepted, a wastewater permit for the new lot will be sought and added to the Final Plat. The existing leach field is shown. No backup leach field was required when the house was built.

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

Thomas Junker testified that there was no significant draining water on the property, only seepage on the right side of the existing driveway. Harry Goodell asked where the 10" culvert drained into. Thomas Junker said it went under the stone wall and into the ditch. It eventually reaches the ditch on Ethan Allen Road. Thomas Junker said that water collected in one part of the proposed right of way. He had put a 10" pipe in to help drain the area. 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.
No bridges will be required. Phil Perlah noted an 18" culvert drawn across the proposed right of way about halfway up the length of the driveway. Thomas Junker said that water collected there and a culvert may be necessary depending on how the new driveway was built.
- o. The proposed lots with surveyed dimensions, certified by a licensed land surveyor, numbered and showing suggested building locations.
Harry Goodell noted that the dimensions of the proposed right of way are missing.
- 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 noted that there were stakes and orange ribbons marking the proposed boundaries visible at the site visit. Harry Goodell noted that the distance to the nearest road intersection was missing.
- q. Locations of all parcels of land proposed to be dedicated to public use and the conditions of such dedication.
No parcels will be dedicated to public use.
- r. Names identifying roads and streets; locations of street name signs and description of design of street name signs.
Now new streets or roads are proposed.
- 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.
The vicinity map is in the upper right corner. It is missing a scale.
 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.
The wastewater permit has not yet been applied for.
- 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”

The endorsement is found on the right side, just below the midline of the site plan.

Carla Westine asked if there were any questions or observations from the Board. No one had any. Amy O’Neil moved to close the hearing. Ken Barrett seconded the motion. A vote was taken and the motion passed.

Agenda Item 5 Preliminary Plat Review for the Atwood Minor Sub-division

Chair Carla Westine swore in Dan Atwood, Tracy Williams and Ernie Belmont to give testimony at the hearing. The Board then examined the documents presented as evidence.

The first item presented was an Application for Subdivision dated May 11, 2017. The applicant is Daniel C. Atwood, the location of the property is 1205 Popple Dungeon Road. Total acreage is 10.64. Two lots will be created by the sub-division. Lot 1 will be 6.87 acres and lot 2 will be 3.77 acres. It is signed by D. Atwood and Michael Normyle. Amy O’Neil moved to accept the application as Exhibit A. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The second item presented was a Notice of Public Hearing dated May 30, 2017. The property owners are Dan Atwood and Tracy Williams, the location is 1205 Popple Dungeon Road. It is signed by Michael Normyle. Amy O’Neil moved to accept the notice as Exhibit B. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The third item presented was a letter dated May 31, 2017 on Town of Chester stationery from Police Chief Richard Cloud addressed to Michael Normyle, Zoning Administrator. The letter states that the request to subdivide the property at 1205 Popple Dungeon Road will not be a problem for parking or traffic safety. Amy O’Neil moved to accept the letter as Exhibit C. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The fourth item presented was a letter dated June 13, 2017 on Town of Chester stationery from Fire Chief Matthew Wilson addressed to Tracy Williams and Dan Atwood. The letter stated that there will be little impact on the Chester Fire Department based on the information provided. Amy O’Neil moved to accept the letter as Exhibit D. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The fifth item presented was a letter dated May 30, 2017 from Michael Marquise to Tracy Williams and Dan Atwood giving soil test results from October 2000 and April 2017 saying that there are suitable soils for an in-ground leach field for a 3-bedroom home on the new parcel and the existing wastewater system was suitably designed to allow for subdivision. Amy O’Neil moved to accept the letter and test results as Exhibit E. Ken Barrett seconded the nomination. A vote was taken and the motion passed.

The sixth item presented was a Town of Chester Application for Highway Access Permit dated April 28, 2017. The applicant is Daniel Atwood. It is signed by Daniel Atwood, Tracy Williams and Graham Kennedy. Amy O'Neil moved to accept the application as Exhibit F. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The seventh item presented was a site plan drawn by DiBernardo Associates titled Daniel C. Atwood, PO Box 762, Chester VT, dated May 30, 2017. Amy O'Neil moved to accept the site plan as Exhibit G. Ken Barrett seconded the motion. A vote was taken and the motion passed.

The Board then examined the site plan using Section 4.12.F.1 Subdivision Review Procedures, Required Submissions, Preliminary Plat, as follows.

F. Required Submissions

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

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

These were found in the lower right corner of the site plan.

- b.** Name and address of record owner, sub-divider, and designer of Preliminary Plat.

These are found in the lower right corner of the site plan.

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

The number of acres is in Note 5.

The legend indicates property boundaries are a solid line and they are found throughout the site plan.

Carla Westine asked Dan Atwood if electricity was coming directly to the existing house and the proposed house from the road. Dan said it was. The Board concluded that no easements were present.

A house, garage and 2 sheds are shown on Lot #1. A marker placed in a tree on Lot #2 is to be used as a reference point for the building envelope. Dan Atwood said that final plans for siting the wastewater system, well and house on Lot #2 would be made before applying for a building permit and submitting the Final Plat.

The Williams River was shown on the site plan. Amy O'Neil asked if any of the land was in the flood hazard area. Dan and Tracy said no, not to their knowledge. Carla Westine said that information should be added to the site plan, as it could affect the construction of buildings.

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

All abutters were identified.

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

These are found in Note 6.

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

There are no town water or sewer mains present. The existing septic tank and leach field are shown on Lot #1. Several test pits are shown on both lots. A decision on the placement of the well, septic tank and leach field for Lot #2 will be made when the building permit is applied for. Harry Goodell noted that a culvert for the proposed driveway required by Road Superintendent Graham Kennedy needs to be added to the site plan. Dan, Tracy and Harry noted that there was no definitive ditch on this property's side of the road. It appears that drainage from the road simply dissipates onto the property.

- 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.

There are no roads proposed.

- 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.

The contour lines are drawn at 2-foot intervals.

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

These are found in the upper left corner.

- 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.

These are found in Note 9.

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

The existing well on Lot #1 is shown. Dan Atwood testified that the proposed well for Lot #2 will be added to the Final Plat.

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

The site plan shows the existing septic system on Lot #1. The Final Plat will show the proposed septic system for Lot #2. Phil Perlah asked if there is any setback requirement for a leach field at a property line. Amy O'Neil said there is no setback requirement for a leach field.

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

After discussion, the Board concluded that there is no need for a drainage plan. Amy O'Neil moved to waive the drainage plan requirement. Ken Barrett seconded the motion. A vote was taken and the motion passed.

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

No bridges are planned. Dan Atwood will be working with Graham Kennedy on the placement of the culvert for the proposed driveway.

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

Lot #2 shows a building envelope within which a building will meet the setback requirements.

- 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 noted that stakes and ribbons were observed at the site visit. The Board decided that the closest intersection was at the south end of the property where Old Stage Road meets Popple Dungeon Road. The Board believed that either an iron pin needed to be set where the rights of way of the two roads meet, or that a note needs to be added to the plat explaining why there was no iron pin present.

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

No land will be dedicated to public use.

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

No new roads are proposed.

- 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.

The vicinity map is present. It needs a scale.

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

No permits have been applied for yet. That will be done once the preliminary plat is approved.

- 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 on the right side of the site plan, above the mid-point.

The Board had other questions after the bylaw review was complete. Harry Goodell asked what the solid line along the both sides of the brook were, since it was not the edge of the brook. That needed to be taken up with the engineer. Amy O’Neil wanted the Flood Hazard Zone drawn in on the map as an important existing feature. She noted the Floodway was marked but it does not follow the contour lines. She was not certain the line drawn was credible. Carla Westine asked the applicants to have the Flood Hazard Area designation looked at by the engineer.

Amy O’Neil moved to close the hearing. Ken Barrett seconded the motion. A vote was taken and the motion passed.

Agenda Item 6 Deliberation on Previous Matters

The meeting went into deliberative session and was closed at the end of it.

DRAFT