

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

November 27, 2017

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

STAFF PRESENT: Michael Normyle, Zoning Administrator

OTHERS PRESENT: Joe DiBernardo, William Lindsay, Nancy Lindsay, Cynthia Farnsworth, Richard Farnsworth, and 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 Zoning Administrator Michael Normyle. The board and audience members recited the Pledge of Allegiance. Carla Westine stated that there had been a site visit that afternoon at 5:15 PM at 288 Depot Street. She then read the meeting agenda.

Agenda Item 1. Comments from Citizens

There were no citizen comments.

Agenda Item 2, Final Plat Review for Chester Lands LLC Sub-Division

Joe DiBernardo was sworn in to give testimony. Several documents were introduced as evidence. The first was an application for a Sub-Division Final Plat Review from Chester Lands LLC. The location was Lovers Lane Road. The district was the R-120. The application was signed by Michael Normyle and the applicant on 8/21/17 and 8/30/17. Harry Goodell moved to accept the application as Exhibit A. Gary Coger seconded the motion. A vote was taken and the motion passed.

The second document presented as evidence was the Notice of Public Hearing Before the Development Review Board. The action requested was to subdivide the existing 129.48 acres into 2 parcels. Lot 1 will be 46.76 acres and Lot 2 will be 82.72 acres. The Notice was signed by Michael Normyle. Harry Goodell moved to accept the Notice of Public Hearing as Exhibit B. Gary Coger seconded the motion. A vote was taken and the motion passed.

The third document was a Wastewater System and Potable Water Supply permit issued by the State of Vermont for the Chester Lands LLC property on Lovers Lane Road. The permit number is WW-2-5467. Harry Goodell moved to accept the Wastewater System and Potable Water Supply Permit as Exhibit C. Gary Coger seconded the motion. A vote was taken and the motion passed.

The fourth document was the revised site plan titled Chester Lands LLC. The revision date is

10/20/2017. Harry Goodell moved to accept the site plan as Exhibit D. Gary Coger seconded the motion. A vote was taken and the motion passed.

Chair Carla Westine consulted the list of changes requested in the Preliminary Plat hearing and noted the following. Note 8 now contains the Wastewater permit number WW-2-5467. Note 7 has been corrected to show the correct acreage of 129.48. The measurements of the four culverts under Lovers Lane Road have been added.

Chair Carla Westine asked the Board members if they had any questions. No one did. She asked Joe DiBernardo if he had anything to add and he did not. Harry Goodell then moved to close the Final Plat hearing for the Chester Lands LLC. Phil Perlah seconded the motion. A vote was taken and the motion passed. The hearing was closed.

Agenda Item 3, Boundary Line Adjustment Application from Nancy and Bill Lindsay

Bill and Nancy Lindsay, Cynthia and Dick Farnsworth and Lee Gustafson were sworn in to give testimony. Amy O'Neil said she was an abutter to the property and offered to recuse herself from the hearing if the applicants wanted her to. The applicants did not want her to recuse herself and she participated in the hearing.

The first document presented in evidence was a Town of Chester Application for Boundary Line Adjustment. The applicant name is Nancy Lindsay, the location of the property is 288 Depot Street, the Zoning District is Village Center. There are 2 parcels involved. Parcel 1 is currently 1.106 acres and would be changed to 0.464 acres. Parcel 2 is 2.863 acres and would be changed to 3.505 acres. The application was signed by Nancy Lindsay and Michael Normyle on 10/24/2017. Harry Goodell moved to accept the application 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 Before the Development Review Board. The Property owners are Nancy and Bill Lindsay, the location is 288 Depot Street. The action requested is Transfer .642 acres of Parcel 1 to Parcel 2. The Notice is dated October 31, 2017 and signed by Michael Normyle. Amy O'Neil moved to accept the Notice as Exhibit B. Harry Goodell seconded the motion. A vote was taken and the motion passed.

The third document presented was a site plan prepared by Farnsworth Surveys entitled Line Adjustment for Lindsay 288 Depot Street Chester, Vermont. The survey is dated June 20, 2014. Amy O'Neil moved to accept the site plan as Exhibit C. Harry Goodell seconded the motion. A vote was taken and the motion passed.

A report prepared by A. Lee Gustafson of Net Zero Renewable Resources LLC for William Lindsay about some groundwater pollution and monitoring on the property was set aside until it becomes evident in the hearing that the information is relevant to the boundary adjustment. A letter from Michael Nahmias of the State of Vermont Department of Environmental Conservation addressed to William Lindsay was also set aside until it is clear the letter has some relevance to the boundary adjustment.

The next document to be considered was a letter from Richard and Cynthia Farnsworth dated November 20, 2017 and addressed to the Development Review Board. It stated the Farnsworths had observed an increase in the water level of a vernal pond in recent years and asked that any

permit granted would include a condition to limit the flow of storm water drainage into the pond. Harry Goodell moved to accept the letter as Exhibit D. Phil Perlah seconded the motion. A vote was taken and the motion passed.

The application was then reviewed according to Section 4.13, Boundary Line Adjustment of the Chester 2017 Unified Development Bylaws.

4.13 BOUNDARY LINE ADJUSTMENTS

Boundary Line Adjustments are adjustments to the dividing line between adjacent lots (see Definitions in Article 8).

A. In accordance with 24 V.S.A. §4464(c), these Bylaws authorize the Development Review Board to review applications and issue permits for boundary line adjustments, provided that the applicant satisfies all of the following standards:

- 1.** It meets the definition of a Boundary Line Adjustment;
The Board read the definition of Boundary Line Adjustment on page 122 of the Bylaws and determined that this change met the definition of Boundary Line Adjustment. Two parcels are involved, no new parcels are being created, no adverse impact on access, public services, utilities or neighboring uses were noted.
- 2.** It does not create any new lot as a result of the adjustment;
No new parcels are being created.
- 3.** The Plan must show the requirements of Section 4.12(F) of these Bylaws;
The requirements were discussed as shown below.
- 4.** It does not substantially change the nature of any previous sub-division;
The nature of the sub-division, which separates a former laundromat from a residential lot is not being changed.
- 5.** It will not adversely impact access to any parcel;
Access to the residential parcel to the rear has been via a 30-foot right of way. That right of way is not being changed.
- 6.** It will not result in the development on any portion of a parcel that has been designated as open space as the result of a prior municipal permit or approval, or allow for the acreage of any open space parcel to be applied to the maximum density or minimum lot size for another parcel; and,
None of this property is designated as open space.
- 7.** It will not create any nonconformities.
No nonconformities are being created. The smaller lot is still larger than the 20,000-square foot minimum for the Village Center Zoning District.

B. If any of these conditions are not clearly met to the satisfaction of the Development Review Board, such boundary adjustments shall be subject to approval as a subdivision. In such cases, the applicant shall be responsible for any additional fees or submittals needed for DRB review.

The submitted Plat was evaluated according to Section 4.12.F 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.
The name of the subdivision and the town are found in the lower right-hand corner of the plat.
- b.** Name and address of record owner, sub-divider, and designer of Preliminary Plat.
The name and address of the owner, sub-divider and designer are found in the lower right-hand corner box.
- 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 for the two parcels and the total is found in a box just to the right of the center in the lower third of the plan. The other features were observed on the plan.
- d.** The names of owners of record of adjacent acreage.
All the abutting property owners were named.
- e.** The provisions of the zoning standards applicable to the area to be subdivided and any zoning district boundaries affecting the tract.
The zoning standards are found in a box to the left of center in the lower half of the plan.
- f.** The location and size of any existing sewer and water mains, culverts, and drains on the property to be subdivided.
The location of the potable water and sewer mains must be added to the plan. One 12-inch culvert is shown on the subject property and a 15-inch culvert is shown on the Vermont Hardwoods property.
- g.** The width and location of any existing roads within the area to be sub-divided and the width, location, grades, and road profiles of all roads or other public ways proposed by the Sub-divider.
There are no existing or proposed roads within the parcels in questions.
- 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 DRB voted to waive the contour line requirement.
- i.** Date, true north point, and scale.

True north is found in the upper right corner, the date of the original drawing, the revision dates and the scale are found in the lower right 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 notes on the left side of the plan.

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

The connection to the municipal water supply for Parcel #1 will be added to the plan. The well for the house is shown in Parcel #2.

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

The sewer connection for Parcel #1 will be added. The septic tank, leach field, and replacement field are shown on Parcel #2.

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

The Board voted to waive the drainage plan requirement.

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

No bridges are planned.

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

The two parcels with their existing building locations are shown.

- 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.

The Board saw the temporary markers at the site visit. The distance to the nearest road intersection is missing and must be added to the plan.

- 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 streets are proposed. Existing streets are named on the plan.

- 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 in the upper left corner. 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 subdivision application by the Development Review Board may be conditioned upon receipt of these permits.

No permits are required.

- 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 text is found in the lower left corner of the map.

Cynthia Farnsworth asked about a drainage plan and the definition of vernal pond. She said the vernal pond shown on the plan was not actually a vernal pond, it had water in it after rainstorms during most of the year, not just the spring.

A general discussion of drainage in the neighborhood took place. It is summarized here.

The land in the two parcels is sloped. The house on parcel 2 is set on the highest point of the land. Bill Lindsay said the vernal pond, which will become part of parcel 2, was created in the 1920's. It was originally a fire pond and is filled by storm water runoff and a natural spring. The Lindsays purchased parcel 2 from Bear Paw Lumber. The lumber company had bulldozed the area to stack lumber. The bulldozing left gravel exposed. Grass and other plants could not grow back over the gravel. The Lindsays have replanted grass in the bulldozed area and have cleared a great deal of trash and junk from the area around the pond. They have also cleared some vegetation and trees. In 2011, during Tropical Storm Irene, the pond overflowed. The water filled the basement of the Hastings house abutting the property and overflowed onto Richard and Cynthia Farnsworth's property. The Farnsworths said they felt the 12-inch culvert installed some time before 2011 under the driveway to the house on parcel 2, contributed to the pond overflowing. In 2011 they asked the Selectboard for some relief from the overflow, such as a water bar in the driveway to divert some water toward the Vermont Hardwood property. No agreement could be reached with the parties involved. Cynthia Farnsworth said that a Dufresne Henry engineer had been consulted and he said the only way to solve the drainage problems would be to build a trench leading from the neighborhood to the Williams River.

Amy O'Neil asked if a drainage plan had been required when the Lindsays built the house on parcel 2. Bill Lindsay said it was not required. Carla Westine said that the Boundary Line Adjustment process did not address drainage issues, therefore the Development Review Board had no authority in the matter. Richard Farnsworth asked if the Board could condition the

Boundary Adjustment to prevent the drainage problem from getting worse. Bill Lindsay said he did not plan any more construction or changes to the property.

No one on the board or in the audience had any more questions or comments. Amy O'Neil moved to close the hearing. Phil Perlah seconded the motion. A vote was taken and the hearing was closed.

Agenda Item 4, Deliberative Session on Previous Matters

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