TOWN OF CHESTER

DEVELOPMENT REVIEW BOARD

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January 22, 2018

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

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

OTHERS PRESEN: David Frothingham and Michael Behn.

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, Zoning Administrator Michael Normyle and Recording Secretary Cathy Hasbrouck. The board and audience members recited the Pledge of Allegiance. Chair Carla Westine noted that there had been a site visit at 60 VT Route 103, the Sandri property, at 4:00 PM that afternoon. She then read the meeting agenda.

Agenda Item 1, Review minutes from January 8, 2018 meeting.

The January 8, 2018 minutes were reviewed. There were two corrections in Agenda Item 3 on page 1 and a typo on page 2. Harry Goodell moved to accept the minutes as corrected. Amy O'Neil seconded the motion. A vote was taken and the motion passed.

Agenda Item 2, Comments from Citizens

There were no citizen comments on matters not concerning the Sandri hearing.

Zoning Administrator Michael Normyle said he had been contacted by Erron Carey about tonight's Sandri Realty hearing. She had no objections to the boundary line adjustment. Michael Normyle told her a conditional use application for the property could be coming in the future and she would be notified of that hearing as she had been for this one. Michael was also contacted by a young woman on River Street. She did not have any objections to this boundary line adjustment hearing.

Agenda Item 3, Sandri Realty, Inc. Boundary Line Adjustment application (#516).

David Frothingham and Michael Behn were sworn in to give testimony. Chair Carla Westine then examined the documents presented in evidence.

The first document was a Town of Chester Application for Boundary Line Adjustment. The applicant name is Sandri Realty, Inc. The landowners are Sandri Realty, Inc. and the Town of Chester. The location of the property is 60 Route 103 in Chester. The Zoning District is Residential - Commercial. The numbers of lots is 3 and will become 1. Two parcels owned by

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the Town of Chester will be merged into parcel 61-50-91, owned by Sandri Realty. The application was signed by Michael Behn on December 18, 2017 and by Michael Normyle on December 19, 2017. Amy O'Neil 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 was a Town of Chester Notice of Public Hearing Before the Development Review Board dated December 19, 2017. The Property owners are Sandri Realty, Inc. and the Town of Chester. The location is 60 Route 103, Chester, Vt. The action requested is a proposed boundary line adjustment which will transfer two parcels of 0.23 acres and 0.30 acres respectively from the Town of Chester to Sandri Realty, Inc. The Notice is 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 considered was a letter from David L. Frothingham, III, Senior Engineer at Wilcox & Barton, Inc. to Zoning Administrator Michael Normyle, describing the proposed boundary line adjustment. David Frothingham read the letter to the Board. Harry Goodell asked for clarification of the table in the letter that described how the 3 parcels would be changed by the adjustment. David Frothingham explained that the first line of the table listed the piece of property which would be expanded by the adjustment and that the other two pieces of property listed in the table would cease to exist as separate parcels after the adjustment. Amy O'Neil moved to accept the letter as Exhibit C. Gary Coger seconded the motion. A vote was taken and the motion passed.

The fourth document considered was a site plan entitled Boundary Line Adjustment Sandri Realty, Inc. / Town of Chester, dated 12/18/17. 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.

Carla Westine then asked for a summary of the request for the boundary line adjustment from either of the participants. Michael Behn explained that by acquiring more land, Sandri Realty hoped to have enough space to open a Dunkin Donuts drive-through in the building. He expected to submit a conditional use proposal with a design concept for the drive-through in February, 2018.

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. Three parcels are involved, no new parcels are being created, and no adverse impact on access, public services,

utilities or neighboring uses were noted. Harry Goodell asked about the lots along the river bank owned by the Town of Chester. He asked if the strip of town-owned land along the river bank was divided into multiple lots. David Frothingham said that, according to the deed research, it was. Harry asked how many lots there were along the riverbank. David Frothingham said he did not know the total number. Michael Normyle said he thought there were four or five, that there were lots west of the two involved in this hearing. Harry asked if the lot involved in the hearing extended west to behind the Country Girl Diner. David Frothingham said it did not. David Frothingham explained that the town-owned land had been subdivided in an earlier transaction involving the previous landowner and the town. Harry Goodell confirmed with David Frothingham that the boundary between the riverbank property behind the Sandri property and the riverbank property behind the diner to the west was an existing boundary. No pieces of town property would be sub-divided in this adjustment.

Phil Perlah asked if this was a boundary line adjustment or a merger of parcels. Normally, in a boundary line adjustment, parcels do not disappear, but in this case the two parcels of town-owned land will be merged into the Sandri property. Carla Westine said there was no other type of transaction named in the bylaws to apply to this. Therefore, this was classified as a boundary line adjustment. The two pieces of town property being merged into the Sandri parcel were so small they could not be developed, aside from being part of a riverside trail. The district minimum lot size is 20,000 square feet, and neither of the town-owned lots were that large. Gary Coger asked if the reason the lots were being purchased by Sandri was for meeting setback standards. Carla Westine said that might be true and that lot coverage could also be an issue.

Michael Behn asked if the merge of the three lots into one would be final when the hearing was complete. It was agreed that when the final site plan is recorded showing one parcel that the deeds would also be recorded as one lot.

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;
In this application, three parcels are being merged into one. No member of the Board felt that the nature of any previous sub-division was being changed.

5. It will not adversely impact access to any parcel;
No changes to access were seen as a result of this adjustment. The terms of the not-yet-final purchase and sale agreement which could include an easement for the town of Chester to access the river if necessary were discussed. Amy O'Neil said if an easement was agreed upon as part of the deal, it would need to be included on the plat.

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. The terms of the purchase and sale agreement and the possibility of an easement to give the town access to the river were mentioned again. This was discussed further after the requirements were completed, as noted below.

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7. It will not create any nonconformities.
   No nonconformities are being created. After the adjustments the lot will still meet all of the size and setback requirements for the 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.

   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 each of the parcels is found on the parcels and in a box in the lower left-hand corner of the plan. Water and sewer lines, buildings and the Williams River were noted on the plan. David Frothingham said he could not discover an easement for power lines during his research. Amy O'Neil pointed out Note 5, which states, "Additional encumbrances may exist that are not shown on this plat" and asked David Frothingham to explain. David said he was not able to discover any encumbrances in his research, but it was possible an encumbrance did exist, so he indicated that in the note.

   Carla Westine said the Board members had noticed a possible culvert and ditch on the bridge side of the property which was obscured by snow cover. David Frothingham said there was both a ditch and a culvert there and pointed out the culvert drawn on the plat. Harry Goodell said the size of the culvert needs to be added to the plat.

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

   All the abutting property owners were named.

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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 were found in the upper right quadrant 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 water line and sewer main were located. A culvert on the Cairns property was located and needs to be sized. There were no sizes shown on the sewer or water mains. These need to be added to the plat.

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 question.

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 drawn represent 1-foot intervals.

i. Date, true north point, and scale.

True north is found in the upper right quadrant of the map, the date of the drawing is in the lower right corner. The scale is in the lower left quadrant of the map.

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.

Deed descriptions are shown on each parcel. The map of survey of tract boundary described in note 4 is found in the upper right quadrant 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 the Sandri parcel is shown on the southeast side of the property.

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

The sewer connection for the Sandri parcel is shown on the southeast side of the property.

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

Arrows which indicate storm water drainage are shown on all three parcels on the plan. Water from the street and the catch basin across the street is shown draining through a culvert into the river, directed by a swale. Carla Westine confirmed with David Frothingham that there are no changes being made to the drainage plan as a result of this boundary adjustment.

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

No bridges are planned.

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

The three parcels with their acreage and 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 new parcel abuts the intersection of Vermont Routes 11 and 103 (Pleasant Street and South Main Street), which is shown on the map.

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 right corner.

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.

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Phil Perlah asked about a piece of text on the plat which said, "Area Calculated to Apparent Ordinary High Water Line. 267' +/-". David Frothingham said that text was not needed and would be removed.

In response to a question from Amy O'Neil about the status of the pending sale, Michael Behn said a proposed purchase and sale agreement had been sent to the town manager 3 – 4 weeks ago and to date he has had no response. The Board then discussed whether the hearing could be closed that evening if an easement might eventually be part of the purchase and sale agreement for the property. Any easement should be shown on the plat. It was decided that, if the easement was agreed to as part of the sale, at a point in the future, it would be recorded on the plat for the conditional use hearing,

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. Michael Behn asked if a final hearing would be necessary for this boundary adjustment between Sandri Realty and the Town of Chester. He said the boundary line adjustment between Sandri Realty and the Country Girl Diner was not yet final and was concerned that this boundary line adjustment could not be finalized until that decision was complete. Carla Westine said the Findings and Conclusions for the boundary line adjustment with the Country Girl Diner would be discussed that evening and the results published as soon as possible. The Board agreed that a second hearing for the Sandri Realty/Town of Chester boundary line adjustment will not be needed. The corrections to the plat noted during the hearing could be made after the decision was published and before the final plat was presented for recording. With that clarification, a vote was taken and the hearing was closed.

Agenda Item 4, Deliberative Session on Previous Matters

There being no other business to discuss, the meeting went into deliberative session and was adjourned at the end of it.

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