

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

April 27, 2015

BOARD MEMBERS PRESENT: Carla Westine, Amy O’Neil; Don Robinson; Harry Goodell; Philip Perlah; Ken Barrett

STAFF PRESENT: Julie Hance, Recording Secretary; Michael Normyle, Zoning Administrator

OTHERS PRESENT: William Lindsay; Ryan Burns; Doug Burns; Ralph Michael; David Hindinger; Melanie McGuirk; Jean Penny; Mark Penny; Tom Guggenheim.

CALL TO ORDER

1. 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.

1. REORGANIZATIONAL MEETING OF DRB

- a. A motion was made by Harry Goodell to nominate Carla Westine as Chair. Seconded by Amy O’Neil. The motion passed.
- b. A motion was made by Don Robinson to nominate Amy O’neil as Vice Chair. Seconded by Harry Goodell. The motion passed.
- c. A motion was made by Harry Goodell to nominate Don Robinson as Clerk. Seconded by Amy O’Neil. The motion passed.
- d. A motion was made by Don Robinson to appoint Julie Hance as the Recording Secretary. Seconded by Harry Goodell. The motion passed.

2. REVIEW MINUTES FROM PREVIOUS MEETING

- a. There were no previous minutes to approve.

3. WAIVER/BOUNDARY LINE ADJUSTMENT/JOHNSON

The Development Review Board attended a site visit at 516 Dodge Road at 5:30 p.m. The following board members were present; Donald Robinson, Phil Perlah, Harry Goodell, Ken Barrett and Carla Westine. The following individuals were present at the site visit; Ryan Burns, Doug Burns and Ralph Michael.

- a. Amy O’Neil recused herself from this hearing due to a conflict of interest. Ken Barrett stepped in to serve as the alternate.
- b. Carla Westine proceeded to swear in the following individuals for the purposes of providing evidence and testimony: Doug Burns, Ralph Michael and Ryan Burns.
- c. A motion was made by Harry Goodell to accept the Town of Chester Notice of Public Hearing into evidence as **Exhibit A**. Seconded by Don Robinson. The motion passed.

- d. A motion was made by Harry Goodell to accept the Town of Chester Application for a DRB Hearing dated March 24, 2015 into evidence as **Exhibit B**. Seconded by Don Robinson. The motion passed.
- e. A motion was made by Harry Goodell to accept the Town of Chester Application for a Boundary Line Adjustment into evidence as **Exhibit C**. Seconded by Ken Barrett. The motion passed.
- f. A motion was made by Harry Goodell to accept the letter of Burns Associates dated March 24, 2015 into evidence as **Exhibit D**. Seconded by Ken Barrett. The motion passed. Don Robinson stated that the acreage numbers represented in the letter are not reflected accurately on the plan. The acreage should be .041 acres on all documents. Ryan Burns made the appropriate change on the Application, the Notice of Hearing and in his letter.
- g. A motion was made by Harry Goodell to accept the Site Plan, Sheet 1 of 2, titled Boundary Line Adjustment between Land of Gary and Diane Johnson and Land of 498 Dodge Road, LLC dated March 24, 2015 and revised March 31, 2015 into evidence as **Exhibit E**. Seconded by Phil Perlah. The motion passed.
- h. A motion was made by Harry Goodell to accept the Site Plan, Sheet 2 of 2, titled Boundary Line Adjustment between Land of Gary and Diane Johnson and Land of 498 Dodge Road, LLC dated March 24, 2015 and revised March 31, 2015 into evidence as **Exhibit F**. Seconded by Phil Perlah. The motion passed.
- i. A motion was made by Harry Goodell to accept the rendering of the proposed addition to the existing structure showing the interior layout of the building as well as the proposed exterior landscaping dated March 13, 2015 into evidence as **Exhibit G**. Seconded by Ken Barrett. The motion passed.
- j. The Zoning Administrator stated that the application was considered complete on March 24, 2015. The Notice of Hearing was posted and published on March 24, 2015. The abutting property owners were notified on March 24, 2015.
- k. The Zoning Administrator stated that he received a letter from Michael Keegan stating that he is amendable to the boundary line adjustment.
- l. Ryan Burns stated that they are trying to build a small addition onto the existing house. He stated that the Burns are looking to retire and wanting to make the Vermont property a full time residence. They are hoping to create a larger living area as well as better access.
- m. It was identified that the property is located in the R120 District which requires a 50 foot setback on all sides.
- n. Ryan Burns explained that the proposed structure will be 37 feet from the side boundary and 50 feet from the remaining boundaries.
- o. Ryan Burns stated that there are two bedrooms at the rear of the house which they want to maintain.
- p. Don Robinson questioned what form of ADA accessibility there will be. Ryan Burns stated that the new addition will allow ADA compliance by adding an ADA access.
- q. Phil Perlah questioned the reasoning for the bump out. Ryan Burns clarified that this is a fire place and will be removed which will improve the buffer setback.
- r. Carla Westine stated that there are two things being reviewed; a Boundary Line Adjustment as well as a Waiver on the setback.
- s. Waiver Review: It was identified that the existing house is a non-conforming structure located within 14 feet of the boundary line. The new addition will have a 37 foot setback which does not meet the zoning regulations, but does not increase the overall non conformity.
- t. Carla Westine read Section 7.16, Waivers, of the Unified Development Bylaws.
- u. Boundary Line Adjustment. The Development Review Board noted that the property consists of 3.62 acres. After the adjustment, the property will consist of 3.579 acres.

- v. The Johnson property consists of 1.05 acres. After the adjustment, the property will consist of 1.091 acres. The non-conformity will not be increased. Ryan Burns stated that the property being acquired will remain as a buffer with no development.
- w. Following discussion, the general consensus of the Development Review Board was that there will be no adverse effect on the area.

4. PRELIMINARY PLAT HEARING DALIO RE-SUBDIVISION:

The Development Review Board attended a site visit at 981 Vt. Route 11 East at 4:45 p.m. The following board members were present: Donald Robinson, Carla Westine, Ken Barrett and Phil Perlah. The following individuals were present at the site visit: Melanie McQuirk, Mark Penny, Jean Perry, Harry Goodell.

- d. Carla Westine proceeded to swear in the following individuals for the purpose of providing evidence and testimony: Tom Guggenheim, Steve Mongeon, Harry Goodell and Todd Hindinger.
- e. Harry Goodell recused himself due to a conflict of interest. Amy O'Neil recused herself due to a conflict of interest. Ken Barrett stepped in to serve as an alternate for this hearing.
- f. Michael Normyle stated that Lots 2, 3 and 4 currently have access off of Vermont Route 11 East. Lot 5 has an existing access via and easement. Lots 6 and 7 have an existing access off of Cummings Road.
- g. Michael Normyle stated that there are four cottages that have building permits in place. The fifth building permit is currently pending.
- h. Michael Normyle stated that the application was considered complete on March 24. The Notice of Hearing was posted and published on March 24, 2015. The abutting property owners were notified on March 24, 2015.
- i. A motion was made by Ken Barrett to accept the Town of Chester Notice of Public Hearing for the Development Review Board dated March 24, 2015 into evidence as **Exhibit A**. Seconded by Phil Perlah. The motion passed.
- j. A motion was made by Ken Barrett to accept the Town of Chester Application for Preliminary Plat dated March 17, 2015 into evidence as Exhibit B. Seconded by Phil Perlah. The motion passed.
- k. A motion was made by Don Robinson to accept the Letter from Heritage Engineering dated March 31, 2015 into evidence as **Exhibit C**. Seconded by Ken Barrett. The motion passed.
- l. A motion was made by Phil Perlah to accept the Letter from the Chester Fire Department dated March 17, 2015 with attached letter from Heritage Engineering dated March 16, 2015 into evidence as **Exhibit D**. Seconded by Ken Barrett. The motion passed.
- m. A motion was made by Phil Perlah to accept the Letter from Cutler Anderson Architect dated March 24, 2015 into evidence as **Exhibit E**. Seconded by Ken Barrett. The motion passed.
- n. A motion was made by Ken Barrett to accept the Letter from the Chester Fire Department dated March 24, 2015 into evidence as **Exhibit F**. Seconded by Phil Perlah. The motion passed.
- o. A motion was made by Phil Perlah to accept a Letter from Chester Fire Department dated April 14, 2015 into evidence as **Exhibit G**. Seconded by Ken Barrett. The motion passed.
- p. A motion was made by Phil Perlah to accept a Letter from Heritage Engineering to the Chester Highway Department dated March 16, 2015 into evidence as **Exhibit H**. Seconded by Ken Barrett. The motion passed. It was noted that the WW permit number referenced in the letter should be WW-24675.

- q. A motion was made by Ken Barrett to accept a Letter from the Chester Police Chief dated March 23, 2015 as well as the attached letter of Heritage Engineering dated March 16, 2015 into evidence as **Exhibit I**. Seconded by Phil Perlah. The motion passed.
- r. A motion was made by Phil Perlah to accept the Project Review Sheet dated March 9, 2015 into evidence as **Exhibit J**. Seconded by Don Robinson. The motion passed.
- s. It was discussed that the originally designed 16 bed bunk house has been amended to become the main house and will sleep up to 4 people.
- t. A motion was made by Don Robinson to accept the Site Plan titled Definition of Easement for private drive across Sprague Parcel dated March 1, 2015, revised April 6, 2015 into evidence as **Exhibit K**. Seconded by Phil Perlah. The motion passed.
- u. A motion was made by Phil Perlah to accept the Site Plan titled SK 01, Lot Plan Overview General Project Layout dated March 1, 2015 into evidence as **Exhibit L**. Seconded by Ken Barrett. The motion passed.
- v. A motion was made by Phil Perlah to accept the 8 page Site Plan, titled "Access Road Plan of Heritage Engineering" plans C08, C09, C10, C11, C12, C13, C14 and C15 into evidence as Exhibit M. Seconded by **Ken Barrett**. The motion passed.
- w. A motion was made by Phil Perlah to accept the Site Plan entitled "Final Plat for a Portion of the Dalio Property revised April 14, 2015 into evidence as **Exhibit N**. Seconded by Ken Barrett. The motion passed.
- x. Todd Hinderger stated that the March 16, 2015 letter was initially designed for preliminary discussion with the Zoning Administrator to determine what documentation would be needed. He stated that the updated letter of March 31, 2015 is the final proposal. Todd Hinderger stated that all missing information identified in the March 31, 2015 letter has been received.
- y. Todd Hinderger stated that the project consists of the construction of 5 buildings that will share a well and a septic. He stated that four of the buildings have permits, but the fifth does not. The State determined that the well size is sufficient and the septic will be adequate with a pretreatment facility.
- z. The total occupants allowed between all five buildings, is 20 people.
- aa. Todd Hinderger stated that the road to the property needs to be as narrow as possible but still safe. He stated that the Road and Bridge Specifications require 25 feet, but he feels that 25 feet road width is too wide and that he would prefer 18 feet. The first several hundred feet of the road is paved and varies in width with a maximum of 18 feet. Todd Hinderger proceeded to review the plans and the detail of the roadway. He stated that there will also be 3 pull offs to allow larger vehicles to pass. He further noted that the road is designed to ASHTO standards so there are no hairpin turns.
- bb. Todd Hinderger proceeded to discuss the drainage features. He stated that the road standards are very strict for drainage and culvert requirements. He explained that the site has very limited water shed. He further explained that the property owner is trying to preserve critical trees so the water is diverted prior to reaching the tree. Todd Hinderger also stated that several areas where ditching and culverts are not necessary. Any culverts used will be 18 inch in diameter. He also stated that the steepest part of road is a 12 % grade and that most of the roadway is level.
- cc. Todd Hinderger described the ditching. He explained that the ditches are not road side, but are located in the woods. He stated that this method of ditching will prevent the removal of trees and the installation of level spreaders which help to avoid extensive erosion.
- dd. Carla Westine stated that this is not a typical application. There was an approved subdivision and then lots were adjusted. The purpose of this application is to restructure the road. She stated that the buildings do not need Development Review Board approval. She further noted that the designers of the road have taken great care to not disturb the earth and preserve the natural environment.

- ee. The applicants confirmed that the cottages will be used for guest housing only. There are no permanent dwellings.
- ff. Carla Westine expressed concern regarding future uses of the property and that the proposed driveway will not be suitable for future needs. It was discussed that the previously approved accesses will remain in place for all lots.
- gg. Carla Westine stated that the application has come before the Development Review Board because the already approved subdivision is being revised. Phil Perlah stated that the Development Review Board could waive the requirement to comply with the Road and Bridge Specifications.
- hh. The Development Review Board reviewed the variance section and the waiver section of the Unified Development Bylaws. Discussion ensued regarding who has the authority to grant a variance from the Road and Bridge Specifications. Following discussion, it was agreed that the only Selectboard has the authority to grant a variance from the Road and Bridge Specifications.
- ii. Phil Perlah noted that the modification would have to meet criteria 4 which requires that all roads create accessibility for emergency service vehicles. Todd Hindinger stated that it is his opinion that the road is accessible to emergency service vehicles.
- jj. It was agreed that Todd Hindinger will meet with the Town Manager and the Selectboard to discuss a potential variance from the Road and Bridge Specifications.
- kk. The Hearing was recessed until May 11, 2015.

5. COMMENTS FROM CITIZENS

- a. There were no citizens' comments.