

**TOWN OF CHESTER**  
**PLANNING BOARD MINUTES**  
**March 4, 2015**

**Minutes of the March 4, 2015 Planning Board Meeting**

Members present: Chairman Donald Serotta, Carl D'Antonio, Ernie Damiani, and Steve Denes.

Also present: Dave Donovan, Town Attorney

The Meeting was called to order at 7:15 pm

Chairman Serotta opened the meeting by welcoming the new Planning Board Secretary, Tanya McPhee.

The March 18, 2015 meeting is cancelled and the next meeting will be tentatively held on April 1, 2015 depending on BAZ.

**PRIMO SPORTS** – Scheduled for a public hearing on April 15<sup>th</sup>, but they still haven't gotten all the plans together to do the 239 referral up at the County. If they don't get it done in time it will have to be rescheduled.

**ASHFORD ESTATES** – The applicant submitted a letter asking for a six-month extension on a Final Approval. There is no such thing as a six-month extension, only a 90-day extension for Final Approval.

Carl D'Antonio made a motion to grant a 90-day extension, seconded by Steve Denes. The motion passed with a 4-0 vote.

**GUANERI TWO LOT SUBDIVISION** – Work Session. The property sits at 18 Natures Trail. James Clearwater introduced himself. He's a land surveyor with MJS Engineering representing the owner/applicant.

Mr. Clearwater described the property as a seven-acre lot on the west side of Natures Trail. The applicant wants to divide it to create one new single-family residential lot for themselves. They wish to move from their existing house to a new house in the back. It's a flag lot that meets the code for the area and the lot width of 50 feet for the flag.

Chairman Serotta explained a problem. Their neighbors, the Hamling's, who have a 24-acre parcel came in front of the Planning Board August 20<sup>th</sup>, 2014 and they were proposing a four-lot subdivision, his house and three other lots. Some of the issues are that Natures Trail is the only private road in the town and the applicant has an easement going across Natures Trail. The town does not allow private roads. The applicant would also have to get a 280-A variance.

Dave Donovan stated in terms of private roads, if you're an open area development, more than 50 acres, the code allows private roads assuming you meet certain other criteria. When Hamling came before the Planning Board one of the issues was a 280-A variance because Hamling did not have any fee ownership out to Gibson Hill. They talked about whether or not there was any restriction in the easement against additional lots, the theory of over burdening the easement and also the capacity or the ability of Natures Trail to accommodate additional traffic. Hamling was a four-lot subdivision. This is a two-lot subdivision with one new home. Al Fusco's office would have to weigh in on that and Mr. Donovan would need to be satisfied that the existing easement would be sufficient to allow an additional home and the applicant would need a 280-A variance.

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Chairman Serotta explained that a 280-A of the town law says that every lot has to have frontage on a public road. The applicant does not have any frontage on a public road. The applicant would need to go before the Zoning Board of Appeals. Mr. Donovan stated the real issue is to make sure there is physical access to the lot, the house and that emergency vehicles such as police, fire and ambulance can gain access. Chairman Serotta explained that the applicant would request a 280-A variance from the Zoning Board of Appeals. Then the applicant would come back to the Planning Board to grant the subdivision.

Chairman Serotta further stated that there is no maintenance agreement on Natures Trail. Jim Clearwater stated there is a very basic one, but it does exist and he has a copy of it. Mr. Donovan asked if Mr. Clearwater could provide it. He further questioned at what point does the easement become overburdened. One additional lot may not constitute that, but then do you give four across the street, five down the road.

Mr. Clearwater stated that this lot and Hamling's are the only lots on Natures Trail that can be divided further. The other lots either don't have the area or the width or the existing house is in such a location that you can't get another lot in there.

Chairman Serotta stated he did a site visit to the applicant's property on this day before the meeting. He stated that on a previous site visit to Hamling's property he had to turn around in the woods and questioned how a fire truck would get into the property and turn around. Also Natures Trail has no pull-offs so if there was an emergency coming in, vehicles could get by each other.

Mr. Donovan said it would be helpful to take a look at the maintenance agreement and Al Fusco would have to weigh in on the condition of the road. The Planning Board previously told the Hamling's the condition of the road would have to be improved. Mr. Donovan stated from a legal point of view the Planning Board cannot compel the applicant to make off-site improvements, but the Board could deny the application if they determine that the road is not sufficient to handle the additional traffic.

Linda Guaneri, the applicant, stated that she thought the Hamling's only wanted to put in one house up front for his son. Chairman Serotta stated a barn was converted to a house for his son and then they wanted to put at least three new lots on his property.

Mr. Donovan stated he would like to see the maintenance agreement and the applicant's deed and said it would be helpful if Jim Clearwater spoke to Al Fusco.

Mr. Clearwater inquired as to what kind of spec the Planning Board was expecting Hamling to bring Natures Trail up to. Chairman Serotta stated there are two types of specs. One is a private-road spec only for open area developments or a full town road type of spec. Mr. Clearwater stated that a full town road spec would not work. Chairman Serotta stated that it also brings up the issue if the Board accepts one, if they would have to accept the Hamling's application as well. Mr. Donovan stated that Mr. Clearwater has more information than was offered before and that will be helpful and allow the Board to make an informed decision.

Mr. Clearwater stated he would speak to Al Fusco about the spec for the road. Chairman Serotta said that the applicant would have to show that they were not over burdening the easement.

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Chairman Serotta polled the Board for any questions or comments. Ernie Damiani stated he was confused if there were two existing houses already on the lot. Chairman Serotta stated that the existing house would become Lot 2 and the rear lot would be Lot 1. Mr. Damiani pointed out that the map showed an existing house on Lot 1 in error instead of proposed. Mr. Clearwater confirmed it was a typo. Mr. Damiani questioned the flag lot. Mr. Serotta stated the applicant has the zoning and the right to put a flag lot in. If Nature's Trail was a town road, there wouldn't be this issue at all.

Mr. Donovan in answer to the flag lot question stated that code section 98-9 subdivision H which is entitled Flag Lots, states that flag or rear lots shall only be allowed in the AR3 district on unsubdivided parcels and only two such lots shall be allowed per parcel to be subdivided. Any lot in excess of five acres in said subdivision shall carry deed restriction prohibiting further subdivision of flag lots on that lot. Mr. Donovan stated that in terms of making a referral to the ZBA, any additional information would be helpful as well as a conversation with Al Fusco.

Mr. Clearwater stated he would speak with Al Fusco and provide the Board with a copy of the maintenance agreement and deed.

Chairman Serotta explained that the next step and fee schedule could be found on the website. He suggested that the applicant come back for one more work session with the answers the Board has requested on April 1<sup>st</sup>.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Tanya McPhee  
Planning Board Secretary