

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
MINUTES

June 10, 2019

BOARD MEMBERS PRESENT: Carla Westine, Robert Greenfield, Gary Coger, Harry Goodell and Phil Perlah.

STAFF PRESENT: Cathy Hasbrouck, Recording Secretary.

CITIZENS PRESENT: Larry Semones, Adam Hubbard.

Call to Order

The meeting was called to order at 6:00 PM by Chair Carla Westine in the Town Clerk's office. She introduced the members of the Development Review Board and staff. She then read the agenda for the meeting. She invited the audience to join in reciting the Pledge of Allegiance.

Agenda Item 1 Review Draft Minutes of May 15, 2019 meeting.

Chair Carla Westine noted that the minutes from the March 25, 2019 meeting also needed to be reviewed. Copies of the minutes had been handed out just before the meeting began. Harry Goodell suggested that Agenda Items 1 and 2 be postponed so that Agenda Item 3, Re-convene Conditional Use application (#534) by Larry Semones and Nancy Eddy could be immediately considered. Larry Semones and Adam Hubbard would not have to sit through the housekeeping items. The other Development Review Board members agreed and the meeting proceeded to Agenda Item 3.

Agenda Item 3 Re-convene Conditional Use application (#534) by Larry Semones and Nancy Eddy

Chair Carla Westine verified that both Larry Semones and Adam Hubbard had been sworn in at the hearing on May 13, 2019.

Phil Perlah moved that the exhibits taken during this amendment hearing for permit 452 would be prefixed with the year they were presented, 2019, to distinguish them from the exhibits presented at the original hearing for this permit in 2013. This would make the Exhibit A presented on May 13, 2019, Exhibit 2019-A. A vote was taken and the motion passed.

Chair Carla Westine recapped the status of this application. She said that on May 13th when the hearing began, there was one issue that remained to be settled: noise. The Chester Unified Development Bylaws had changed since this permit was issued in 2013 and new bylaw noise performance standard specified a limit of 70dB during the day at the property line. At the May 13, 2019 hearing, the applicants had agreed to obtain documentation about the noise level of the machinery to be used in this phase of the project.

Carla Westine took up the Technical Memorandum from Cross-Spectrum Acoustics submitted as evidence for this hearing. Phil Perlah moved to accept the document as exhibit 2019-I. Harry Goodell seconded the motion. A vote was taken and the motion passed.

Adam Hubbard then gave a history of the process that created Exhibit 2019-I. He said he had consulted Doug Barrett of Cross-Spectrum Acoustics for testing the extraction equipment. Renaud Brothers, the company that would be extracting the gravel, was able to bring the crusher equipment to the quarry and set it up in the two places they expect the crusher to operate from. Adam Hubbard said the technician doing the testing measure the sound level at 100 feet and then 200 feet away from the crusher in four directions while it was running. Adam Hubbard said the measurement of noise levels were consistent with results obtained by RSG in other tests. He said this confirmed that the testing done by Cross-Spectrum Acoustics was valid. The point where the gravel would be loaded from the same place it had been loaded in prior years, so this noise testing focused on the crusher. The crusher equipment may not be the equipment evaluated in 2019 and it will not be in the same place on the property. Adam Hubbard directed the Board to look at page 5 of the Cross-Spectrum report Table 2 which listed the dBA levels measured in the 4 directions from 100 feet and 200 feet. Adam Hubbard said that Cross-Spectrum then calculated sound levels at the property line for Phase E and Phase F of the extraction process. Those calculations are found in Table 3 on page 6 of the report.

Larry Semones referred the Board to the last paragraph on page 4 of the report from Cross-Spectrum Acoustics, which discussed measurements taken next to the house closest to the crusher locations, at 1178 Andover-Weston Road. The readings taken from that location are graphed in Figure 2 on page 5. The graph showed the noise of the crusher and loader was between 45 and 50 dBA. Larry Semones and Adam Hubbard gave more details on where the microphone was placed on the 1178 Andover-Weston Road property. The Board agreed that the data in Figure 2 met the requirements of the noise performance standard in the Chester Unified Development Bylaws.

Larry Semones said that, a few days after the testing, the crusher was lowered into the hole had been made during the excavation process, and the resulting noise was considerably less.

Carla Westine then looked at other issues that remained to be settled from the May 13th hearing. There had been some confusion about how to fulfill the performance bond requirement in Section 3.9 of the Chester Unified Development Bylaws. A text message was sent to Michael Normyle, who had just reached his home after being away for several days, asking if he had spoken to town officials about what kind of bond needs to be posted with the town for a project of this size. The issue of posting a bond had come up during the hearing on May 13th. Michael Normyle replied that he had spoken to town officials and not received a definitive answer about the procedure. Larry Semones said he would speak to the town again about precisely what they require for a bond and how it should be delivered.

Carla Westine listed some changes to the conditions on the permit that the Development Review Board is considering as part of their findings for this application. She said the Board is likely to change condition 9, which states, "The extraction area will be returned to hayfield upon completion of each phase and prior to the commencement of a new phase". She said that Phase C would not be immediately reclaimed because trucks will continue to drive on it. Therefore, the new condition would state an area would be reclaimed as soon as it was not needed for the operation of the site. She said the language about posting a bond will be changed to match what

the town decides to require. The cap on extraction will be changed, the number of crushing days, the number of truck trips, and conditions for the fuel tank will be added.

There being no further questions from the applicants or the Board, Phil Perlah moved to close the hearing. Harry Goodell seconded the motion. A vote was taken and the hearing was closed.

Agenda Item 4, Confirm next meeting dates

The next meeting of the Development Review Board will be Monday June 24, 2019 at 6:00 PM. There will at least be a deliberative session to consider the Findings and Conclusions of this hearing.

Agenda Item 2 Citizen Comments.

There were no citizen comments.

Agenda Item 1 Review Draft Minutes of May 15, 2019 meeting.

The hearing being closed, the Board returned to Agenda Item 1, Review draft minutes from the May 13th meeting. The March 25, 2019 minutes were considered first. Phil Perlah moved to accept the March 25, 2019 minutes. Gary Coger seconded the motion. There were no changes requested. A vote was taken and the minutes were accepted as written. Robert Greenfield abstained from voting as he was not a member of the Board for that meeting.

The Board considered the May 13, 2019 minutes. Phil Perlah moved to accept the May 13, 2019 minutes. Gary Coger seconded the motion. No changes were requested. A vote was taken and the motion passed.

Agenda Item 5, Deliberative session to review previous matters

The last item on the agenda was a deliberative session to discuss previous matters. The Board entered deliberative session and the meeting was adjourned at the end of it.