

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD
DRAFT MINUTES

April 10, 2023

BOARD MEMBERS PRESENT: Harry Goodell, Phil Perlah, Scott MacDonald, Bob Greenfield and Gary Coger at the Town Hall

STAFF PRESENT: Preston Bristow Zoning Administrator at the Town Hall and Susan Bailey on Zoom

CITIZENS PRESENT: Elizabeth Merritt, and Thomas Merritt.

Call to Order

Bob Greenfield called the meeting to order at 6:00 PM. The group recited the Pledge of Allegiance. Bob introduced the members of the Development Review Board.

Agenda Item 1 Review draft minutes from the March 27, 2023 meeting.

The Board considered the minutes from March 27, 2023. Harry Goodell moved to accept the minutes as written. Gary Coger seconded the motion. There was no discussion. A vote was taken, and the minutes were accepted as written.

Agenda Item 2 Citizen Comments

There were no citizen comments.

Agenda Item 3 Reconvene Flood Hazard Review Hearing for bridge over the Great Brook

Bob Greenfield reminded the citizens in attendance, Elizabeth Merritt and Thomas Merritt, that they were still under oath.

Bob Greenfield said the hearing had been recessed to give Mr. Kennelly, the lawyer representing David Palumbo, an abutter on Chandler Road, an opportunity to have an engineer review the hydraulics study done for the bridge by the Dufresne Group.

He then entered some more exhibits into the record.

The first document was an e-mail correspondence starting from Preston Bristow to John Broker Campbell concerning the Merritt driveway and bridge. A key statement was underlined in red. This email thread was accepted as exhibit H.

The second document was a single page e-mail from Marsha Dawkins of Crown Point Excavation to Thomas Merritt describing how the bridge would be secured to the supports. This e-mail was Exhibit I.

The third document was a single page e-mail from Jack Kennelly to Zoning Administrator Preston Bristow enumerating the documents forwarded to him since the previous meeting, stating some concerns about the bridge construction and that he would not be attending the hearing that night. This was Exhibit J.

Harry Goodell moved to accept Exhibits H, I and J. Scott MacDonald seconded the motion. A vote was taken, and the motion passed. The three documents were accepted as exhibits H, I and J.

Preston explained the contents of Exhibit H. It began with his e-mail to John Broker Campbell asking if the town was obliged to do a no-rise study on the bridge. John Broker-Campbell responded with a formal letter of one and one-half pages saying the study was necessary. Mr. Broker Campbell also made some inquiries about how the bridge would be anchored. The rest of the chain concerned the study done by Naomi Johnson of Dufresne Group. Preston said he expected to receive a formal letter from John Broker Campbell with a definitive answer on whether the bridge plan would be acceptable. Eventually Preston realized that the statement later underlined in red on the first page the exhibit (“the new bridge and approach fill will comply with the Chester bylaws”) was actually the final acceptance of the bridge plan. Preston is presenting Exhibit H to correct his statement at the last meeting that there was no final answer from John Broker Campbell.

Preston said he had heard during a telephone conversation that the bridge was intended to carry up to 100,000 pounds of weight. Preston Bristow asked Thomas Merritt if he had decided to use Crown Point Excavation to build the bridge. Thomas Merritt had replied that no one else had responded to his request for a quote.

Phil Perlah suggested that the requirement to make the bridge strong enough to carry 100,000 pounds could be stated as a condition of obtaining the permit. Preston agreed with Phil that the permit could have such a requirement. He said it was not commonly known that logging trucks were some of the heaviest vehicles on the road, even heavier than trucks carrying stone.

Bob Greenfield pointed out part of the letter dated October 4, 2022 from John Broker Campbell (Exhibit H) which indicated there was insufficient evidence to show that the bridge will be properly anchored and stating a hydraulic analysis will be needed, since the bridge will be located in the floodway. Bob Greenfield then noted that the March 22, 2023 e-mail from John Broker Campbell indicated that he (John Broker Campbell) had spoken to Scott Jensen about the engineering analysis, which will comply with the Chester Bylaws. Preston Bristow added that the e-mail did not mention anchoring specifically, but anchoring was included in the general discussion at the time.

Preston said the e-mail from Crown Point Excavation (Exhibit I) did address anchoring when it mentioned pinning with rebar and using tie-downs or brackets. Scott MacDonald and Bob Greenfield asked some more about anchoring. Preston Bristow said Exhibit F, an e-mail from Scott Jensen a state River Management Engineer, said that if the cement blocks were pinned together, they would be sufficiently anchored.

Scott MacDonald said the only difference he could see between Crown Point’s letter and the schematic from Naomi Johnson was the crushed stone pads which is not mentioned by Crown Point. The crushed stone would provide stability. He suggested that the bridge should comply with Naomi’s drawing.

Bob Greenfield asked who would be responsible if the bridge failed. Phil Perlah said for the purposes of the hearing he was comfortable relying on Crown Point Excavation to build a satisfactory bridge. Crown Point had been in business in the community for a long time and had

its own liability insurance etc. Harry Goodell said he wished Crown Point had asked for more details such as the size of the crushed stone pad.

Bob Greenfield said the DRB was not going to inspect the finished bridge for suitability when it was finished. John Broker Campbell had accepted the plan presented as adequate. Scott MacDonald said he believed that as long as Crown Point followed the engineering report submitted by Naomi Johnson the DRB would have no responsibility for the outcome.

Bob Greenfield said Atty. Kennelly's request for specific specifications on the bridge to be constructed was met by the weight requirement of 100,000 pounds. Scott MacDonald and Bob Greenfield agreed it wasn't the DRB's role to evaluate the construction and safety of the bridge before issuing a permit. The DRB was relying on the evidence presented.

Preston Bristow said he mentioned at the previous portion of the hearing that the DRB's job is to be sure the plan meets the Flood Plain requirements in the bylaws. Scott MacDonald asked if a condition could require the construction of the bridge meet certain specifications. After some discussion it was decided that the construction of the bridge was not the responsibility of the DRB. They discussed the process gone through with the pedestrian bridge over Lover's Lane Brook. Gary Coger summed up the discussion saying Atty. Kennelly's request that the DRB include specifications of what bridge design will be constructed in the permit is outside the DRB's purview.

Phil Perlah said Atty Kennelly asked for a recess for the sole purpose of having his engineer review the hydraulic report from Naomi Johnson. The DRB has received the result of that review: the engineer was not able to determine that the Dufresne Group analysis was sound. This should be the end of the discussion.

Preston Bristow said Naomi determined that the report she wrote was public. The underlying data she used belonged to and was paid for by the Merritts and did not have to be shared. Therefore, the engineering firm DuBois and King did not have sufficient data to determine whether the analysis was correct. The Board concluded that their job was to evaluate the engineering study and not the construction of the bridge.

Phil Perlah moved to close the hearing. Harry Goodell seconded the motion. A vote was taken, and the hearing was closed.

The Board then went into Deliberative Session and the meeting was adjourned at the end of it.