

10-4-23: These minutes are subject to possible revisions/corrections during review at a subsequent Planning Board Meeting.

**Town of Chester
Planning Board Meeting
Wednesday, October 4, 2023**

Approved Minutes

The meetings are broadcast live on Comcast Channel 6, and streamed on Government <https://reflect-chesterctv-from-nh.cablecast.tv/CablecastPublicSite/?channel=1> - click "Watch Now".

Members & Staff Present:

Evan Sederquest, Vice Chairman
Elizabeth Richter, Member
Mike Weider, Member
Selectman Chuck Myette, Liaison
Andrew Hadik, Town Planner

Members Absent:

Brian Sullivan, Chairman
Richard Snyder, Member

Guests and Members of the Public Present:

Jason Lopez, Project Manager, Keach-Nordstrom Associates
Dana Redmond, Lifestyle Homes of Chester
Ryan Redmond, Lifestyle Homes of Chester
Adam Houston, Advanced Trade School, LLC
Michael & Verona Haught
Chester PACT

Meeting Agenda

7:00 PM – General Business

1. Review & approve invoices, sign documents etc.
2. Review & approve the minutes of the 9/27/23 PB meeting.
3. Stowe Road surface condition.
4. Garabedian gravel pit blasting.

7:15 PM – Appointments

1. Dana & Ryan Redmond to discuss subgrade road materials for the Colby Farm subdivision.

7:15 - Public Hearings

1. Site Plan Review application of Adam & Deborah Houston (owners) for Advanced Trade School, LLC, a small private school teaching basic welding, located at 16 Hale True Road (Map & Lot 009-001-003) in Chester, NH.

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Non-Public Sessions

1. RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

Meeting Minutes

Vice Chairman Sederquest called the meeting to order at 7:00 p.m.

7:00 PM – General Business

1. Review & approve invoices, sign documents, etc.

Documents and invoices were reviewed and signed.

2. Review & approve the minutes of the 9/27/23 PB meeting.

Mr. Weider moved to approve the minutes of the 9/27/23 Planning Board meeting as written. Ms. Richter seconded the motion. A vote was taken. All were in favor. The motion passed unanimously.

3. Stowe Road surface condition.

A few Board members visited Stowe Road individually to inspect the condition of the road. They noted the surface is packed where the wheels travel, but the center and the edges are not. More members will visit the site, and the Board will decide if the road needs to be dressed smoother.

4. Garabedian gravel pit blasting.

Mr. Hadik reported the Heath Hathaway Drilling & Blasting was not available to attend the meeting. Jason Brown was not willing to attend the meeting and speak on behalf of the blasting company. Mr. Hadik has invited them to attend the Board meeting next week. The Board's intention is to speak with them before blasting begins.

Selectman Myette noted a consultant for the blasting company conducted pre-blast surveys and the Town has received a series of photos of the houses, but no report.

7:15 PM – Appointments

1. Dana & Ryan Redmond to discuss subgrade road materials for the Colby Farm subdivision.

Dana and Ryan Redmond of Lifestyle Homes of Chester and Jason Lopez of Keach-Nordstrom Associates appeared before the Board. Dana Redmond said there was a restart meeting with Busby Construction, Mr. Hadik, Road Agent Piper, Jim O'Brien from DuBois & King, and representatives from Busby Construction Co. There is a disagreement on whether the material found in the subgrade is

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95 suitable to be used as fill in the road sections below the subgrade. The material onsite are typically used
96 as backfill on the cut and fill sections of the road.

97
98 The developer had a discussion with Town Engineer Jeff Adler, but they were not able to come to an
99 agreement on the sub-material because of the high percentage of fines (23%). Mr. Adler said material
100 needed to be brought in from the outside that meets Town specifications. Dana Redmond believes this
101 is Mr. Adler's personal opinion. Mr. Weider clarified that this is not Mr. Adler's opinion, but the Town
102 requirements as specified in the subdivision regulations.

103
104 Mr. Dana Redmond said they received a proposal from Busby Construction to fill the cuts and fills with
105 the offsite material, which would cost \$220,000 on top of a \$1 million road construction. He stated this
106 is a totally unnecessary, unanticipated expense.

107
108 Mr. Hadik said Lifestyle Homes must build to the subdivision regulations and to the plans. Mr. Hadik
109 noted the developer did not do any pre-design test pitting, and the road was designed not knowing the
110 degree of organics or fines below subgrade, where the seasonal high-water table is, or where
111 underdrainage might be required. He noted that during later test pitting, at test pit at station 760, the
112 water table comes up above the subgrade. He pointed out half the road has not been test-pitted yet,
113 and they do not know whether they will need to install underdrainage from there on or not, as they do
114 not know where the seasonal high-water table is, or what additional subgrade materials will be
115 encountered. Dana Redmond agreed they do not know this.

116
117 Mr. Hadik noted the Town standard takes into account the fact that, as the percentage of fines in the
118 sub-grade increases, it becomes more frost susceptible, and the quicker the freeze and thaw cycles will
119 break up a road. The material tested at 23% fines, which is almost double the Town subdivision
120 regulation limit of 12%. Mr. Dana Redmond said it is underneath the sand and stone and fill they are
121 responsible for. Mr. Hadik noted when a balanced fill calculation is done, it is assumed that the
122 subgrade materials meet specifications. Material with high fines that does not meet specifications
123 cannot be used as fill.

124
125 Mr. Lopez read Mr. Adler's email, which said the submittal for onsite fill material does not meet
126 specifications; therefore, it is not suitable for roadway fill areas. Fill already placed must be removed
127 and a new source of fill material meeting Town specifications must be tested and reviewed for approval.

128
129 Mr. Lopez said the purpose of utilizing cut and fills is to minimize construction costs. The standard is to
130 take the cuts and utilize the material in the fills. Mr. Lopez stated fines are not an unsuitable material
131 per the DOT definition, which includes a specification regarding how to dry and then use saturated
132 material. The problem with material with a higher fine content is that it saturates, but as there is a
133 method to dry it, he believes it can be utilized.

134
135 Mr. Weider said he feels this is true for lot development, cut and fills, and grading elevations, but not for
136 roadbeds. Mr. Lopez explained why they believe this material will be suitable for this use. He cited
137 Haverhill Road as an example of a road not following Town specifications. Mr. Weider explained that
138 the Town has instituted these regulations to avoid the taxpayers having to pay for fixing roads that fail
139 due to not being constructed properly. He stressed that the Town relies on Mr. Adler to uphold the
140 Town's standards.

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142 Selectman Myette said the road must be constructed properly so that it does not fail. He said the Board
143 of Selectmen do not approve roads that do not meet Town specifications, as it puts the liability on the
144 Town. If the developer wants to keep the road private and use their own fill, or have Busby guarantee
145 the road, or post a bond for 25 years, that would be a different discussion.

146
147 Mr. Lopez said they are following DOT specs. The Board pointed out these Town regulations do not
148 refer to the DOT specs. Mr. Lopez said the Town references within their regulations to follow the DOT
149 specifications, 2016 and later.

150
151 Selectman Myette noted the developer could increase the price of the houses to cover this additional
152 cost. Mr. Dana Redmond said the Town is stressing the need for affordable housing; Selectman Myette
153 noted this development does not offer affordable housing. Mr. Dana Redmond said the price of these
154 houses will be close to \$1 million as a result of this expense, and this is a conflict of opinion.

155
156 Mr. Weider asked why test borings were not done. He noted his experience with similar situations,
157 where the cost of adhering to the specifications was built into the cost of the project.

158
159 Mr. Dana Redmond said there is a disagreement between DuBois & King and Keach-Nordstrom
160 Associates. He said he is not sure Busby realized that test pits were required. Mr. Hadik asked why they
161 only test pitted half the road. Mr. Lopez said they could not get their equipment to the site, due to the
162 wet weather. Mr. Hadik asked what happens if they test pit the other 800 feet of the road and find out
163 it is only one foot above the seasonal high-water mark. Mr. Lopez said they will use underdrains. Mr.
164 Hadik noted would also be an unanticipated expense.

165
166 Mr. Hadik said the material being taken out of the site is saturated. Mr. Lopez reiterated there is a
167 process to utilize saturated material through the DOT. Selectman Myette pointed out this is just the
168 moisture content; it has to meet the Town specs. Mr. Lopez said the saturated material is not
169 unsuitable, according to DOT.

170
171 Selectman Myette asked if they were willing to bond the road. Mr. Lopez said they stamped the design,
172 so do not need to bond the road. Selectman Myette asked if the road fails in ten years, are they willing
173 to fix it. Mr. Lopez said with the installation of utilities, drainage, structure, and possibly underdrain,
174 there is no level subgrade material. Selectman Myette said per this statement, they need to remove all
175 of the materials and get it to where it meets Town specs. Mr. Lopez said the gravels are sourced from
176 the same pit to ensure the use of consistent materials. He said the same applies to subgrade material.
177 If subgrade materials are not acting in the same manner, that causes problems with the roads.
178 Selectman Myette said if the materials are not uniform, they are building a road that might not be
179 stable.

180
181 Mr. Ryan Redmond said they have already planned to export the unsuitable material and bring in new
182 material.

183
184 Mr. Weider explained the aggregate industry follows specific standards, and materials are exactly the
185 same when rated the same. This is to ensure materials can work together. He noted that Busby has
186 been the contractor on various Town projects, so they are familiar with the Town regulations.

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Mr. Lopez said they believe that the DOT specs and the Town regulations are compatible. The difference in opinion is the fill needed to be imported should be of a certain quality. If they do not have the cut and fill balance on site and more fill is needed, it is desirable to bring in quality fill. They are looking at the cut and fill balance to the level that it works, and then following that fill material to that specification. They have had the contractor and engineers look at this and they have never heard of the Town regulation. Mr. Ryan Redmond noted they are complying with the Board's position. Mr. Weider said he would be surprised if Busby was unaware of this, as they build in Chester, so are familiar with their road specifications. Mr. Lopez said Busby was surprised. Mr. Weider said he was unaware whether this is the first subdivision Busby has been involved with in Chester.

The Redmonds and Mr. Lopez thanked the Board for their time.

7:15 PM – Public Hearings

1. Site Plan Review application of Adam & Deborah Houston (owners) for Advanced Trade School, LLC, a small private school teaching basic welding, located at 16 Hale True Road (Map & Lot 009-001-003) in Chester, NH.

Adam Houston appeared before the Board for a site plan review. Mr. Houston was an instructor at Pinkerton Academy for eight years, teaching welding classes.

Ms. Richter moved that the Board open the public hearing to consider the application of Adam & Deborah Houston (owners) for Advanced Trade School, LLC, a small private school teaching basic welding, located at 16 Hale True Road (Map & Lot 009-001-003) in Chester, NH. Mr. Weider seconded the motion. A vote was taken, all were in favor. The motion passed unanimously.

Mr. Hadik noted the application is complete for acceptance.

Ms. Richter moved that the Board accept the application of Adam & Deborah Houston (owners) for the project just described. Mr. Weider seconded the motion. A vote was taken, all were in favor. The motion passed unanimously.

Mr. Houston explained his brother started Advance Trade School a few years ago in Brentwood, New Hampshire. They decided to offer introduction welding classes locally, which Mr. Houston conducts in his shop. There are two instructors. There are usually six people to a class aged 16 and above. They follow safety procedures. They also offer welding camps in the summer for 13 to 17 year olds.

The Board opened the hearing to public comment.

Mr. Michael Haught noted that for the past two years, this has been a full-time welding shop. He expressed his concern regarding the level of noise produced by the business. They have no issues with classes being conducted onsite. Mr. Houston explained he has a permit from the Town to have a home occupation on the property.

Ms. Verona Haught said they live across the street from the back of the shop. They were not aware a home occupation permit had been issued. They expressed surprise that an industrial business is allowed in a residential neighborhood. They received no notification that they could offer input before this was

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approved. Ms. Haught noted her concern regarding air safety issues. The Board discussed ways to mitigate the noise with Mr. Houston, who volunteered to erect a fence to screen the dumpster and metal pile.

Mr. Hadik noted the home business approval and the Haught's concerns are under the purview of the Building Inspector, and they should discuss these with him.

Mr. Hadik pointed out the proposed conditions of approval require baseline inspections be conducted by the Code Enforcement officer and the Fire Chief. Another condition requires that all construction and operations will comply with the state fire code.

Mr. Hadik reviewed the conditions of approval.

Mr. Weider moved to close the public hearing. Ms. Richter seconded the motion. A vote was taken, all were in favor. The motion passed unanimously.

Mr. Weider moved to accept the application as amended for conditions for Adam & Deborah Houston (owners) for Advanced Trade School, LLC, a small private school teaching basic welding, located at 16 Hale True Road (Map & Lot 009-001-003) in Chester, NH. Ms. Richter seconded the motion. A vote was taken, all were in favor. The motion passed unanimously.

Non-Public Session

1. RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting.

Mr. Weider moved to go into non-public session per RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. Ms. Richter seconded the motion. A roll call vote was taken: Sederquest – aye, Richter – aye, Weider – aye, Myette – aye. The motion passed unanimously.

The Planning Board went into non-public session at 8:20 pm.

The Planning Board came out of non-public session at 9:15 pm.

Mr. Weider moved to come out of non-public. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Weider – aye, Myette – aye. The motion passed unanimously.

Mr. Weider moved to seal the minutes of the non-public session until the Board determines the release will not render the discussed action ineffective. Ms. Richter seconded the motion. A roll call vote was taken. Sederquest – aye, Richter – aye, Weider – aye, Myette – aye. The motion passed unanimously.

Future Meeting Dates

- October 11 – SUB & SPR surety regulations PH,

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- October 25 – Start CIP project reviews?

283

284 ***A motion was made and seconded to adjourn the meeting. A vote was taken. All were in favor. The***
285 ***motion passed unanimously.***

286

287 The meeting was adjourned.

288

289 Respectfully submitted,

290 Beth Hanggeli, Recording Secretary