

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of August 12, 1999

Members Present: Tom Paine, David Silverman, Mary Brainard, Gary Nolan, Carol Jennings, and Paul Trudell.

Members Absent: Jean Wickart.

Guest: Frank Kearny, Christine May, Gerald Sutton, Sonny Demars, Howard Manosh, P.J. Long, Michael Sampson, C. Tricomi, Helen Schneider, Mabel Twombly, Lawrence Despault, Winford Adams, Don Ostler, Carol Ostler, Joseph Riley, Rod Viex, Chris Chauvin, and Mark Chauvin

The meeting was called to order at 7:35 PM. by Gary Nolan, Chair.

Paul made a motion to approve the minutes of July 22, 1999, as written.
Tom seconded the motion and it passed unanimously.

**WARNED RECESSED HEARING, H.A. MANOSH CORP. AGGREGATE
PROCESSING PLANT, ROUTE 15.**

Paul reconvened the hearing and explained that the outstanding issue is the dust.

Tom administered the sworn oath to Howard Manosh, Santos Tricomi, and Chistine Tricomi.

Mr. Tricomi and Paul discussed what issues were to be discussed tonight. The Board chose to allow Mr. Tricomi ask some questions on noise.

Mr. Tricomi asked about the type of rock that would be crushed.

Mr. Manosh explained that gravel does not have enough rock in from the Ferland Pit to crush so they must add rock to the mix. The material is screened to remove the sand and the various size small rocks. A crusher does not work properly if you starve it of rock.

Mr. Tricomi asked what percentage of the material crushed comes from the Ferland Pit.

Mr. Manosh said about two thirds comes from the Ferland Pit with the other third will come from the Walker Quarry in Wolcott.

Mr. Tricomi asked about the different noise from the different types of rock crushed.

Mr. Manosh said it would be about the same amount noise regardless of the type of rock.

Mr. Tricomi asked how many cars were on the road when Dr. Hundal did his sound report.

Paul answered he did not know.

Mr. Tricomi asked how high is the crusher.

Mr. Manosh said the structure is about 20 feet and the actual crushed only about 8 feet off the ground and the berm is 10 feet high.

Mr. Tricomi stated that the power line right of way will not block the noise.

Mr. Tricomi said they would not stay for the hearing if they could not ask whatever questions they wanted.

Ms. Tricomi said they did not get adequate time to ask all the questions they wanted on the various issued and the dates on the report were not current enough.

Mr. Manosh said they provided the latest written reports and yes, they do come and take readings a few times each year without notice, but do not issue reports after each visit. If a problem was discovered then they would notify them in writing.

Tom administered the sworn oath to Christine Roberts May.

Ms. May asked that the dust issue be explained.

Ken explained the report and the codes and offered to make copies of the reports and codes if she liked. Ken also explained that Mr. Denk phone number is on the reports, he works for the U.S. Department of Labor's Mine Safety and Health Administration.

Ms. May asked if the dust was harmful to crops.

The Board did not know the answer and suggested she call Mr. Denk for the answer.

Tom made a motion to recess the hearing to a deliberative session to follow tonight's hearings.

Mary seconded and the motion passed unanimously.

WARNED APPEAL HEARING OF THE ZONING ADMINISTRATOR APPROVAL OF A PERMIT FOR MICHAEL SAMPSON AND P.J. LONG FOR A 20' x 30' BARN.

Gary opened warned hearing and gave an overview of the application. The application is to be reviewed under Sections 260, 262.f, and 640-643 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Ken said he would leave the room since it was his decision to approve the application.

Gary asked Ken to stay in case they had questions for him.

Gary read the written appeal letter from the Kearny's, the sections on appeal from V.S.A. 24 Chapter 117 and our appeal section from our bylaws.

Mr. Kearney explained about his sewer line and shared leachfield and they were not notified of the permit. They are not opposed to the barn per say, but to its location. The stakes on the Sampson/Long property are not where things are shown on the map. The septic is on the high ground and the barn is down slope which will effect the septic system. Mr. Kerney asked that a list of conditions that he had informed Mr. Sampson be part of the written decision and this permit should be denied.

Mr. Sampson said he had been informed of the proposed conditions, but they had not agreed to them. They do not wish to have septic problems since it would be on their lawn next to the house.

Ms. Long stated that they had John Kliminock, the regional engineer for the State of

Vermont come out to the site and they have a letter from him that the barn will not effect the septic system. Mr. Kliminock concerns were that the barn should be down slope from the system and it not be up slope.

Mr. Kerney said that he wanted Mr. Simpson to have to hire a profession surveyor stake out the actual location for the septic line and leachfield.

Gary explained his personal opinion that the leachfield and line easements should be staked out prior to construction. Mr. Sampson should stake out the leachfield and Mr. Kearney should stake out the sewer line easement.

Mr. Kearney asked if he could have six months or more to stake out the sewer line easement.

Gary said if Mr. Sampson wishes to start before the line easements are staked out by Mr. Kearney that Mr. Sampson can stake out the sewer line easement. If the leachfield is not where it is staked out it is Mr. Sampson problem, Mr. Sampson can build his barn if it is outside the line easement and meets the setbacks from the leachfield, if the line is not where the easement is, then that is Mr. Kearny's problem.

Tom made a motion to allow Mr. Sampson and Ms. Long to build their barn provided it is out of the sewer line easement and is out of the leachfield setbacks.

Paul seconded the motion and it passed unanimously.

WARNED HEARING, ONEIL DEMARS, LOT LINE CHANGES ON THREE LOTS ON DEMARS ROAD.

Gary gave an overview of the application. The application will be review under the subdivision Sections of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Tom administered the sworn oath to Oneil Demars.

Mr. Demars explained that several years ago they discovered that a corner of the driveways on the three lots were on the adjoining property owners land. At the time is was discovered it was decided that it was something that they would eventually correct. With the passing of Mr. Demar's mother it was decided to do it now before they sold the property. The survey shows that the driveways will now be on the proper lots and the lots have been adjusted so everyone will end up with the exact same amount of land as they currently have.

Paul made a motion to approve the application as presented.

Mary seconded the motion and it passed unanimously.

WARNED HEARING, SIX MONTH REVIEW OF THE PERMIT CONDITIONS OF HIS PERMIT, BRIDGE STREET.

Gary opened the hearing and gave an overview of the review and the last review was on May 27, 1999.

Tom administered the sworn oath to Gerald Sutton.

Gary noted that the minutes of that review said the clean up would be completed with a

couple of weeks.

Mr. Sutton said that he would like a thirty to sixty day extension to clean up the place due to vehicle problems and the items given to him.

Tom explained that there is a new structure since their last site visit and was built without a permit. There were auto batteries and junk in it.

Mr. Sutton said it was not a building, he just set up lockers for the walls and put tin over it to cover up the cardboard he picks up on his garbage route.

Mary made a motion to give Mr. Sutton to September 23, 1999 to have everything cleaned up on the property.

Gary said if it is not cleaned up to their satisfaction on the September 23, 1999 that the Town will start enforcement proceeding on the 24th and it is to be kept cleaned up.

Carol seconded the motion and it passed unanimously.

**WARNED RECESSED HEARING, CONTRACTORS CRANE SERVICE, 100' X 500'
STEEL FABRICATION FACILITY, STAFFORD AVENUE AND NEEDLE EYE ROAD.**

Gary reconvened the hearing.

Gary administered the sworn oath to Mark Chauvin, Chris Chauvin, Don Ostler. and Rod Viex.

Gary read the recess memo.

Mr. Ostler said he had not received the survey.

Chris Chauvin said the survey show that they were 2,062+ feet from the centerline of Brooklyn Street to their property line.

Gary read the boundary description from the bylaws. It was explained that the land was located entirely with in the Rural Residential with Agriculture District and not within the Industrial District.

Tom made a motion to deny the application since the property was not in the proper district.

Paul seconded the motion and it passed unanimously.

Other Business:

Tom signed the mylar for the Manosh Condos in the Jersey Heights Subdivision.

Gary made a motion to approve the refunding of the 125. dollars fee paid by North Country Animal League for their request to change conditions of the written decision.

Carol seconded the motion and it passed unanimously.

Gary left for the evening.

Paul made a motion to go into deliberative session
Tom seconded the motion and it passed unanimously.

Tom made a motion to come out of deliberative session
Carol seconded the motion and it passed unanimously.

The Manosh Aggregate plant application was recessed to Monday August 16, 1999 at 5:30 PM at Theresa house so that six members could vote on the project, not the four in attendance at the hearing tonight, to be fair to all parties.

Paul made a motion to adjourn the hearing at 10:10 PM
Mary seconded the motion and it passed unanimously

Respectfully submitted,
Kenneth J. Sweetser, Scribe.