

MORRISTOWN BOARD OF ADJUSTMENT
DELIBERATIVE SESSION
JULY 12, 1994

BOARD MEMBERS PRESENT: (BOA: Jean Wickart; Rose Lambert; Ida Mae Anderson; Theresa Breault; Paul Trudell, with Acting Chairman Ralph Wiltshire chairing the meeting via Conference Phone.

(PC: George Robson; Jane Greene; Norm Nepveu, with Adrian West arriving at 8:05 P.M.

BOARD MEMBERS ABSENT: Gary Nolan; Jennifer Willingham; Debra Mason.

ZONING ADMINISTRATOR: Kenneth Sweetser

Ralph was contacted via phone at the Medical Center Hospital in Burlington, VT @ 7:55 P.M.

The deliberative session meeting was called to order at 8:05 P.M. by Acting Chairman Ralph Wiltshire, who reviewed the minutes of the previous meetings for amendments/corrections.

May 25, 1994 Meeting Minutes: Ralph referred to Page 1, Paragraph #2, reference Roger Barry's request for a waiver. Ralph advised the vote was not 'all in favor', but unanimous, as he voted against the waiver request. Jean moved to accept the minutes with the correction. Ida Mae seconded. All in favor.

June 22, 1994 Meeting Minutes: Ralph advised he could find no changes to be made. Ida Mae seconded. Theresa seconded. All in favor.

Ralph advised he felt that both Boards should deliberate separately regarding the Lamoille Regional Solid Waste District's application/information derived from the meetings held, as each board would be acting on separate issues. The Planning Commission did not at this time have a quorum. Mr. West arrived shortly after to make a Board quorum.

Ralph advised that tonights meeting would be to highlight topics of concern to be addressed at future meetings.

Ralph referred to the **APRIL 13, 1994 MEETING, PAGE 3.**

At the meeting of 04/13/94, the applicants advised that 'Saturday will be their peak day for traffic with an estimated 80 vehicles, being both residential and commercial.'

a) CMA Engineering estimated 18--20 vehicles per day for recycling

during the early years of this project.

Paul Trudell inquired how the traffic was determined? He was advised that other similar areas, being the Hartford facility, was researched.

b) Ralph advised he does not believe this project application can be compared with Hartford's Landfill.

Chris Tricomi advised the traffic study only included the waste and recycling traffic, not the permitted gravel truck traffic, which should also be included in the study.

c) Ralph stated he believes the permitted truck traffic should also be included, as well as the truck traffic during the on-going construction to build and up-grade this facility.

Gary Audy referred to ACT 250, stating that the road could not be used from December through April, will this change? He was told this was not our Boards decision.

d) Ralph advised this should be addressed. That the Morristown Fire Department's views have not changed regarding the requirement of a Fire Pond to be installed as part of these proposed plans. There have been many applications that have been required to have Fire Ponds as part of the approved Permit.

Bill Moulton voiced his concern that this will be a very dangerous intersection, with a 10% grade, especially during the winter and for private cars.

e) The Boards should consider Bill Moulton's concerns with the road grade seriously.

Ralph then referred to the first and second paragraphs from the bottom of Page 3, regarding this will be classified as a private road, the Board's agreed this will not be utilized as a "Private Road". The By-Laws require 90' of frontage on a public highway. The Boards indicated their concern with the 10% grade, only leveling off 35' prior to entering RT 15, having the potential of being very hazardous during the winter months.

The letters of impact from all Emergency Services are to also be reviewed.

PAGE 4: (SNOW REMOVAL)

Norm inquired what happens to the snow that falls on the landfill and in the trucks; the water in the refuse is considered contaminated. He was advised this will melt and be treated the same as "leachate". If a truck spills leachate onto snow/roadway, what happens? He was told they will have the hauler repair the equipment to curtail this but Mr. Marsh didn't believe it would be

a problem.

f) This will be a concern to be addressed by the Boards.

Ralph referred to the **MAY 4, 1994 MEETING,**
PAGE 2.

There are no plans to store removed top-soil on site, but if this is found to be necessary, it will be seeded, mulched until used.

g) Landfills have to be covered on a daily basis and therefore there will be a need to store a considerable amount of top-soil on site; how will this be seeded and mulched, when it will be used regularly?

Norman advised that Morristown Zoning By-Law Regulations, Pages 31 and 32, SECTION 480.5 THROUGH 480.10 will all have to be addressed.

Ralph inquired about the visibility of this facility from off-site, and the possibility of camouflaging same. Landscaping was inquired about.

h) Mr. Marsh advised that if so required, landscaping could be done, but they were trying to cut costs where ever possible, and seeing this project would be not be visible, they were of the opinion, it wouldn't be necessary.

The Boards then discussed how they could be assured what the Life Expectancy of this proposed landfill would be. Twenty (20) years is what the application states, but if other trash is brought in to make this project financially viable, it could possibly be filled in 3-5 years.

Morristown is liable for whatever is dumped in the landfill, even if hazardous materials are dumped from some other area, what control does Morristown have and who will be monitoring this, what training would these employees have?

Page 3: David Ring and Don Avery stated all traffic should be considered concerning the volume of traffic.

i) All traffic, including the trucks and equipment used to cap the landfill, should be considered. The clay used for the landfill will have to be trucked in from off-site, and should be considered additional traffic.

MINUTES OF MAY 25th, 1994

PAGE 2, SECTION 341 -(a) (b) (c):

LRSWD will be required to acquire three (3) times the amount of land used in the landfill project, being a total of sixty (60)

acres, elsewhere to be protected as a deer yard. Presently the location has yet to be determined, it's possible it may not even be in Lamoille County. The lower half of the landfill site is mainly deer yards, the upper portion is not so significant.

j) Ralph advised he didn't feel we should spend our money to provide deer yards for other parts of the State. That deer hunting is a sport that many people enjoy in Lamoille County and will eliminate some of the deer herd in this area. They (LRSWD) has no final plans at this time. BOA will discuss managing the deer herds, possibly by the Fish & Game Club. Ken Sweetser advised that he received a letter via FAX today (07/12/94) from F&G Biologist, John Buck, and asked the Boards to review the copy of the enclosed letter. Ralph advised that he agrees with Tim Martin that this will affect the deer herds longer than 20 years.

David Ring stated for the record, he wished to make all parties aware of the mitigation process.

Gary Audy stated he has spoken with F&G Biologist John Buck as this being a recognized deer yard and has been advised it was a critical habitat; that he has never received the requested information as to how this 3-to-1 swap has worked in other areas.

Tim Martin voiced his concern regarding the disturbance of this deer yard; that due to deep snow this year, the deer did not move around, but in previous years they have used the entire area for a food source. Tim advised he believes this landfill would affect the deer herd for probably 50 years.

Don Marsh advised that correspondence from John Buck, F&G, indicates that if properly planned, deer and landfills can co-exist successfully. The letter from Mr. Buck received today, states the same.

k) Who's going to do the planning and how do we know the plans will be successful at this point and time.

WETLANDS:

Mr. Sorenson's letter has not been received as of this date. Ken Sweetser advised he was going to be meeting with him on Friday, 07/15/94.

PAGE 4 - SECTION 340 (c):

There are no rare plants or animals on this site, therefore, there will be no impact on same. Norman Nepveu asked for written documentation on this.

l) Where is this information to come from?

Mr. Marsh, re: 'installing a Dry Hydrant in Audy's pond,

unless the Boards have previously mandated to other developers, this would be setting a precedence.

m) Morristown Fire Department is requiring a "Dry Hydrant" to be installed. This is relatively new in the By-Laws and LRSWD would not be singled out; other developers have been required to install a 'dry hydrant' and the Boards will continue to require them in the future.

PAGE 5

Francis Clark, on behalf of his wife, Jean, who owns adjoining property, which has a stream that runs through the property, voiced concern about this stream being polluted if there is a leachate leak. Clarks are also concerned about the rodents; scavenger birds and odor from the landfill.

n) Adrian advised that as conscientious as Jeff Foss was with covering the landfill by more than the required layer of soil, etc., there was still an odor and doesn't believe but what this landfill would have an odor also.

Jean Wickart asked how do we know we can afford this landfill. Mr. Marsh advised that when they have acquired their ACT 250 Permit for this project, 'THEN THEY WILL DRAFT A BUDGET FOR THIS PROJECT'

JUNE 22, 1994 MEETING,
PAGE 1:

Adrian West voiced his concern regarding the close proximity of the landfill to Bugbee Springs, as this water source is the secondary source of water for the Village of Morrisville and in some cases the primary source of water.

o) Refer to SECTION 632.6 - CONDITIONAL USES:

632: General Standards - In order to allow the proposed use, the following general standards shall not be adversely affected:

632.6 -- 'conditions in the area which may effect the proposed use.'

Study the enclosed letter from the State to Don Marsh, dated April 26, 1994.

PAGE 2:

Tim Martin asked Mr. Marsh if they could give him and his neighbors a guarantee that this landfill will not in any way affect their drinking water sources; Mr. Marsh advised "NO".

p) This will have to be addressed as a consideration if approved.

PAGE 3: 632.2

Tim Martin advised he believes this project will change the character of the area, possibly forever. Chris Tricomi states that this project will drastically affect her and her family's quality of life and that of her surrounding neighbors.

PAGE 4:

Mr. Marsh advised that only Morrisville and Hyde Park residents would be allowed to personally bring their trash to the site.

q) Residents from all Towns in the District can bring their trash if they so choose, per FAX from Mr. Marsh on 07/14/94.

632.6:

Tim Martin advised he researched the Agricultural Office Maps and they clearly stated "NOT FOR LANDFILL USE" in pertaining to this site. Mr. Marsh advised this referred to only the first 40 inches of soil.

s) Ken Sweetser has this book for research. Adrian stated that Don Marsh was too casual regarding this issue.

OTHER CRITERIA TO BE CONSIDERED:

- 1) Daily cover - 12" of soil;
- 2) These trucks were not added into the original figures provided;
- 3) 'C & D' [Construction & Demolition Debris] material - not to be placed on any cell;
- 4) There are no figures for Solid Waste (trash) and (MSW) Household Trash;
- 5) "E-7" - Operator Training: [Should] shall be changed to "WILL" as required by the Board of Adjustment;
- 6) Hours of Operation: Landfill hours are not listed, ONLY recycling Operation; (under impression it was for a point of confusion)
- 7) June 21, 1993 - Book
Tricomi's drilled well, which provides their drinking water, is located directly 1800 feet, down hill, south of the landfill site; this should be monitored for the life of the landfill or located away from the site;
- 8) Francis Clark's brook (un-named) is 300 feet from the footprint of the landfill site;

9) Solid waste;

10)

[Ken referred to the thin white book by CMA Engineers:

iii.1 - Project Description: Re-Use Center;

iii.3 - Recyclables to be store on site. [For how long?]

11) Use of "Speedy Dry", admittedly there may be some 'run-off';
[Adrian advised this is considered a very hazardous material
and he refuses to use it in his business]

Page 11.2: Type of recyclables to be collected, includes Hazardous
Waste Items; Speedy Dry is also to be used.

Page 6: Traffic and visibility; Will check on this from RT 15 and
Ferland Pit Road, east and west;

Page 7: Number of Commercial vehicles for traffic;

Refer to Pages: 10; 11; 15;

MORRISTOWN FIRE DEPARTMENT will have sufficient access to this
facility!

Ken Sweetser referred to "HYDROGEOLOGY", by Wagner, (blue Book),
dated June, 1993;

PAGE 9: Tricomi's Well;

Page 31: Wetlands area. (All be aware) Sizes and Special Plants,
etc.

'Finns and Bogs' - (Ecosystem), generally are uncommon in
Vermont;

Ken advised we need to confirm this information NO LATER than
August 31, 1994, prior to their scheduled ACT 250 hearing in
September, 1994.

The motion was made and seconded to recess this DELIBERATIVE
SESSION **WEDNESDAY, JULY 20th, 1994 @ 7:30**
P.M. @ THE TOWN CLERK'S OFFICE.

The BOA then conducted some general business.

Ken advised that McMahon's would like a waiver to remove a red beer
box, at OSHA's request and VOSHA, and to construct an addition of
17' X 24' to square off the building. Can this hearing be waived?
Ralph stated he wanted something in writing for plans.

DeNoia's Cleaners on Lower Portland Street would like to change
back some of their space to a coin operated laundry. This would be

a change of use. Jean advised it would not be anything different, as there had been a laundry mat there for years. The BOA agreed.

Ken advised that vendors are being issued Temporary Permits.

The meeting was adjourned 9:45 P.M.

Respectfully Submitted.

A handwritten signature in dark ink, appearing to read "Donna C. Phelps". The signature is written in a cursive, flowing style.

Donna C. Phelps, Recording Secretary/BOA