

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of July 9, 1998

Members Present: Gary Nolan, Rich Furlong, David Silverman, Tom Paine, Tom Bjerke, Theresa Breault, and Paul Trudell.

Members Absent: None

Guest: Roger Cote, Rosaire Levesque, Richard Spaulding, Robin Kirk, David Williams, Eunice Tatro, Kellogg Tatro, George Sterns, Jim Mahoney Sean Mosley, Scott Course, Edwin Ryek, Alec Tuscany, Jeff Noyes, Sam Guy, Wayne Geno Peter Bourne and Sheila Anglillo.

The meeting was called to order at 7:30 PM. by Gary Nolan, Chair.

Rich made a motion to approve the minutes of June 11, 1998, as written.
Theresa seconded the motion and it passed unanimously.

WARNED HEARING, ROGER COTE 1 LOT MAJOR SUBDIVISION, WHITE BIRCH ROAD

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 240-250.9, 300-302, 320-320.2 and 400-490.1 of the Morristown Subdivision Bylaws. Gary noted that at the last meeting the DRB ruled this application as a minor when it should have been a major. A site walk of the property was conducted prior to the meeting.

Tom P. moved to reclassify the subdivision as a major subdivision.

David seconded and it passed unanimously.

Teresa administered the sworn oath to Roger Cote.

Mr. Cote explained that he was trying to sell this piece of property and that this lot was what was left over from another subdivision.

Gary explained that it was a paperwork error when it went through the state and now we have to hold a subdivision hearing to correct the paperwork so Mr. Cote can have a marketable title on this lot.

Rich made a motion to approve the subdivision as presented with our standard conditions.

David seconded the motion and it passed unanimously.

WARNED HEARING, BONZ SMOKEHOUSE AND GRILL, SITE PLAN REVIEW.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 210, 212A, 450-453 and 500-503.4 of the Morrisville Zoning Bylaws. A site walk was conducted prior to the meeting.

Gary Nolan and Tom Bjerke recused themselves from this hearing.

Theresa administered the sworn oath to Jim Mahoney, Sean Mosley, Melissa Mosley and Brent Tomlinson.

Jim Mahoney represented the applicant at the hearing. The applicants have a restaurant located in the bowling alley building and they would like to move the restaurant. They would like to have a 56 seat sit down restaurant, where they can serve beer and wine. They will lease 1,600 square feet of space. They will have two parking spaces on site. They do currently about 100 meals per day 50 at lunch and 50 for supper at their current location. They feel that they will get a significant number of people for lunch who will walk from the downtown area. They are willing to keep track of the number of meals served and are willing to have that number reviewed in the future.

Paul suggest having their staff park on the oxbow rather than in the municipal lot behind Norm's Furniture.

The Board raised concerns about the two onsite parking space one in front of the building and one on Brent Tomlinson property as people would have to back into traffic. It was suggested that they utilize only one spot and that be for handicap parking only.

Mr. Mosley said that they will have an independent non-employee delivering take-out meals. They are not opposed to the handicap parking as the building will be handicap accessible.

They have three lights on the front and one on the side and they would like one light on the sign and all light are to be shielded.

Rich said there is more work being done than is on the application and the site plan review checklist does not accurately represent what is being presented tonight.

Paul asked about the kitchen exhaust.

Mr. Mosley said it will exhaust between the buildings in the rear.

David made a motion to approve the applications with standard conditions, 1,3, and 5, year reviews, a corrected application and site plan review checklist are to be filed before the permit is issued.

Theresa seconded the motion and it passed unanimously.

WARNED HEARING, PETER BOURNE AND DAWN ANDREWS, D/B/A BOURNE'S INC., 33,000 GALLON LIQUID PETROLEUM STORAGE TANK, CONDITIONAL USE AND SITE PLAN REVIEW, ROUTE 100 SOUTH.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 280, 282.j, 480-481.h, 500-503.4, 630-637 of the Morristown Zoning Bylaws. A site walk was conducted prior to the meeting.

Tom Bjerke recused himself from this hearing

Theresa administered the sworn oath to Tom Bjerke and Peter Bourne.

Tom Bjerke gave a overview of the proposed project. They wish to install a 33, 000 gallon liquid petroleum bulk storage tank. The tank will have two underground pipes buried below the frost line that are used to load the delivery trucks and to refill the proposed tank. They will be putting up a fence around the tank, the fill/refill station, with heads around three foot high, around the oil tank valves and loading station for the upper oil tanks. The parking lot will need to be enlarged for efficient traffic flow for tractor trailers. They will relocate three trees and will add four deciduous trees. The made need to remove more trees to set the tank and any gaps left by the removal of trees will be replace to provide adequate screening of the tank. New exterior lighting will be down shaded with 75 metal halide bulbs and any existing exterior lighting will down shaded or replaced. The tank will not exceed 14' in height and may be lower. The berm will be constructed around the north and east side should a leak take place it flow down and away from Hess' junkyard. The fence will be galvanized with green vinyl and tank is white.

David made a motion to approve the application with our standard conditions and the 1, 3, and 5 year reviews and that the trees will be in place before winter.

Rich seconded the motion and it passed unanimously

RECESSED HEARING, MORRISVILLE WATER AND LIGHT DEPT./COUNTRY MOUNTAIN SOFTBALL LEAGUE, ROUTE 15A

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 280, 283.b, 450-454, 500-503.4 and 630-637 of the Morristown Zoning Bylaws. A site walk was done prior to the meeting.

Gary Nolan and Tom Bjerke recused themselves from the hearing.

Theresa administered the sworn oath to Scott Course, Gary Nolan, Tom Bjerke, Edwin Rybek, Alec Tuscany, Jeff Noyes, Wayne Geno, Eunice Tatro, Kellogg Tatro, Robin Kirk, Richard Spaulding, Rosaire Levesque, and David Williams.

Paul and the DRB determined who had party status to the hearing.

The following were granted party status Ms. Kirk, Mr. Williams, Eunice Tatro, Kellogg Tatro and Wayne Geno.

Scott Course said that the Morrisville Water and Light Dept had contracted with Webster Martin to assess the water quality and any potential problems with the ball fields. Webster Martin contracted Wagner, Heindell and Noyes hydrologist.

Alec Tuscany and Jeff Noyes went over their findings. The well log shows a seven foot clay layer and a clay layer of that depth would serve as an impermeable layer for the aquifer. However they did test pits with the town's backhoe to a depth of twelve feet and did not find the clay layer. The then got a boring rig over and bored 25-30 feet and did not find the clay layer. What they found was pockets of glacial till with no uniformity in the soils.

They assessed the risk of ballfields using no herbicides or pesticides and a limited amount of fertilizer. The risk is minimal and may be less risk than agriculture.

The parking lot where cars might leak a few drops of oil or a catastrophic problem such as a gas tank that springs a leak. They do have concerns on the parking lot. The following options were presented:

1. If the parking lot is to stay located in the zone of influence for the well, then polyethylene liner impervious liner that drains to a collection area where stormwater and any other fluids are piped to the river.
2. Relocate the parking lot where ground water for the well does not flow under it.

The long term plans for the ballfield (not in the current application) call for restrooms. Without the clay layer they would have to meet the two year time of travel before it would reach the well. While they have not done test to show the zone of influence their opinion is that the time of travel would likely be less than two years if it is located on this site. Portable potoilets are an acceptable use. The need to either have the impervious clay layer or two year time of travel. Their suggestions are that their be no on-site septic system, potoilets are fine, the parking should use an engineered system or be relocated.

The water table is low so they should be able to excavate any leak before the contaminants reaches the water table. You have to compare the what existing conditions are such as road and railroad.

Paul asked how long the liner will last.

Mr. Noyes said 15 to 20 years if installed properly with sand layers on both sides of the liner. If a stone punctures the liner the majority would still go down the drain as water takes the path of least resistance.

Mr. Bjerke said that they would use the engineered system and potoilets. The parking lot can be clearly marked and limited to that area. But, what is the risk of a car parked on the access road now or cars on the road. They are aware of the concerns of contamination.

Theresa read two letters that the DRB received one from the Broner's and one from the Lamoille Farm Bureau.

Mr. Bjerke responded to the Broner letter. The site has excellent visibility and it not a dangerous intersection. The games can not start earlier as they have to be during non-working hours.

Paul opened the hearing up for questions.

Eunice Tatro said that the second entrance by the Darling road is dangerous and how will you keep people from parking there? They can park there now as fishermen do.

Mr. Nolan responded that there is ditch that they would not be able to drive across, it would be up to the Town id they could park along the road and are they any more of a risk that cars parking to go fishing.

Mr. Williams asked about where overflow parking will go will it be on the access road, Route 15A or outside of the parking lot?

Mr. Course replied that in light of the information presented tonight the Water and Light Dept. may not want to allow unauthorized vehicles on the access road by Tenney Bridge.

Ms. Kirk do we really want anything that might pollute the water system or river?

Ms. Angello said she still has concerns over possible contamination.

Mr. Rybek said he was representing Ms. Barbara Williams he asked why we questioned the landfill more than we are question this aquifer and wells?

Paul explained that everyone need to keep their question relevant to this application only.
Ms. Kirk asked how can you park 60 cars into the lot show on the plans?

Ms. Reggero (who was not sworn in) asked what do we do if the well becomes
contaminated?

David made a motion to recess the hearing to a deliberative session on July 23rd after our
last hearing on that night.

Rich seconded the motion and it passed unanimously.

David made a motion to adjourn the meeting at 10:20 PM.

Rich seconded the motion and it passed unanimously.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.