

MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
MORRISTOWN PLANNING COMMISSION -- JOINT MEETING

JUNE 22, 1994

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BOARD MEMBERS PRESENT: Ralph Wiltshire, Acting Chairman; Gary Nolan; Theresa Breault; Ralph Wiltshire; Ida Mae Anderson; Jean Wickart, Rose Lambert.

PLANNING COMMISSION MEMBERS PRESENT: Jennifer Willingham; Debra Mason; Adrian West; Norman Nepveu and Jane Greene.

ZONING ADMINISTRATOR: Kenneth Sweetser

GUESTS/APPLICANTS: [See attached list].

The meeting was called to order at 7:10 P.M. by Acting Chairman Ralph Wiltshire. Ralph advised this recessed hearing from May 25, 1994 would address Morristown Zoning By-Laws, Sections #344 - Conditional Uses in an EPA Area and Sections 630 through 637 -- Conditional Uses.

SECTION #344:

Ralph advised at the previous meeting the Boards had requested information from the applicants up-dated information from John Buck, District Wildlife Biologist with the Vermont Fish & Wildlife as the effect the landfill site will have on the deer yards; also, up-dated information regarding the wetlands, to be produced at tonight's meeting.

Don Marsh advised that the above information is expected to be received next week and will be submitted to the BOA & PC at that time.

Jean administered the sworn oath to parties not previously administered the sworn oath.

Lawrence LePine inquired if it was true the landfill will be visible from his property located on RT 15 between the Garfield Road and Riverview Garage. Mr. Marsh advised it was possible the top of the site may be visible. Mr. LePine advised that Teri White had approached them sometime ago regarding their opinion as to the location of the landfill but they had not been consulted further. Ms. White advised that was early in the proposed project when there were three (3) possible sites in the district.

Ralph read the criteria of #344: Conditional Uses in an EPA Area.

Adrian West voiced his concern with the close proximity of the landfill to Bugbee Springs. The Village's secondary source of water, and in some cases the primary source of water for some homes, which must be protected. Mr. Marsh advised the landfill will be 1,000 feet or so to the east and about the same height, therefore there would not be any affect on the springs. Adrian advised his concern was that any leakage would pollute under ground. Mr. Marsh stated there was "absolutely no chance of polluting Bugbee Springs"; there are only two (2) water sources in the State polluted from the sixty (60) landfills throughout the state.

Debra Mason inquired if Mr. Marsh requested clarification pertaining to the effect this project will have on the deer yards and if Mr. Marsh requested John

Buck to particularly address this concern. Mr. Marsh advised he sent Mr. Buck the revised plans and was waiting for Mr. Buck's response.

Tim Martin asked Mr. Marsh if he could give him and his neighbors a guarantee that this landfill would not in any way affect their water sources. Mr. Marsh advised no, and it would not be a problem to be concerned with during the first phase of the project; that if there were a leak, pollution of their water source would occur very slowly and they would have ample time to obtain an alternative source of water. That the surrounding areas will be monitored on a regular basis with test wells.

Santo Tricomi asked how the water system is be monitored. Mr. Marsh advised test wells. Mr. Tricomi asked where they were located to protect their water source. Mr. Marsh advised that some of the wells are located on their property and weren't they receiving a monthly stipend under a contract with the district until at least 12/94 when the contract ends. Tricomis' said they were, but how could these wells effectively monitor the entire area. Mr. Marsh advised the Tricomis' that if they did not want the wells on their pro-perty, they would re-drill and locate the test wells elsewhere.

Tim Martin asked how he could be guaranteed that if the District pollutes his water system, that the District is liable and would provide him with a replacement source of water. Ralph advised this could be made a Condition of the Permit, if granted.

Francis Clark asked what the water supply will be for the landfill. Mr. Marsh advised they will drill a well near the Ferland property.

Don Avery asked if they can guarantee this project will have no impact on the deer yards and wetlands. Mr. Marsh advised that if anything, it will have a positive impact, especially pertaining to the deer yards, as they will be required to provide three (3) times the area utilized here, at some point within the State, which will be a protected deer yard, by mitigation.

Tim Martin asked if there was new information regarding the wetlands. Mr. Marsh advised the outlet will discharge into the road drainage swale.

Ralph advised this will be left open until the Boards receive further written information pertaining to the deer yards and the wetlands; that criteria pertaining to Section #630 would now be addressed.

SECTION 630 - CONDITIONAL USES:

- 631 -- Procedure
- 632 -- General Standards
- 632.1 -- The capacity of exiting or planned community facilities:

Mr. Marsh advised this project is a public facility and provides a public function; the town has the sole legal responsibility to dispose of solid waste.

Duane Brown, representing the Morrisville Fire Department stated the MFD's concerns. Is the storage building served by a sprinkler system and was told 'no'. What are the plans

for fire protection; that Chief Wayne Camley stated there would be a 'Dry Hydrant' installed.

Mr. Marsh advised no, they do not plan to install a Dry Hydrant; that if the Audy property becomes available, it was a possibility that one might be installed. The landfill's need for fire protection is less than that of a single family dwelling and will not need that much fire protection, which is not unusual. And, unless there is a plan in the Town of Morrisville that requires all developments to install dry hydrants, they will not do so.

Duane Brown advised that landfill fires are nearly impossible to put out and that MFD will not settle for anything less than a proper sized dry hydrant and will not sign-off unless this is constructed.

Norm Nepveu asked about the 4' X 8' building's safety regarding the methane gas build-up.

Mr. Marsh advised this building has forced ventilation to eliminate the methane gas build-up, plus the building will be naturally vented. This will not in any way be hazardous to the Fire Department or any one else.

632.2 The character of the area affected:

This is a residential area with gravel area above. Tim Martin advised he believed this project will change the character of the area, possibly forever; that his three (3) acres will be drastically changed forever and this should be an issue of serious concern.

Don Avery asked about the gravel stock-pile or would it be moved off-site. Mr. Marsh advised the gravel/soils would be used as necessary on-site, the remainder would be moved off-site and either used elsewhere or stock-piled.

632.3 Traffic on roads and highways in the vicinity:

The total figures for the entire facility/total impact is projected to be 133 on weekends; of these, 75 cars and 58 trucks. During construction of the first phase of this project, there is expected to be approximately 150 trucks per day, drawing clay, etc., for a period of up to 12 days. A short term peak in truck traffic could total up to 200 trucks a day, which will also include Manosh's 40 trucks allowed in his permit. This is a 10% grade with the first 800' of the road being paved.

Debra Mason inquired how will the project traffic be disbursed. Mr. Marsh advised most of the gravel/soils will be trucked off-site to Manosh's property, through-out the life of the project/site, with approximately 250-300,000 yards

of the project/site, with approximately 250-300,000 yards of gravel going off-site. Gary Nolan advised the average number of trucks per day will be 150.

The question was asked if there will be a significant amount of residential traffic entering the site. Mr. Marsh advised only Morrisville and Hyde Park residents will be allowed to bring their trash to the site on an individual basis.

David Whitcomb, District Representative for the Town of Eden, advised he was under the impression that individuals would have the right to bring their own trash to the site if they so choose. Mr. Marsh advised no.

Chris Tricomi said this considerable amount of traffic will adversely affect the quality of her family's life and that of the surrounding property owners.

632.4 By-Laws in effect with Special Ref. to these Zoning Reg.:

Refer to Section #340 -- (Deer yards & Wetlands)

Mr. Tricomi stated the road is dangerous. Mr. Marsh stated that it meets all State and Federal criteria.

632.5 Utilization of renewable energy resources:

Mr. Marsh advised that at some point there was a sufficient gas build up, this would be used as a source of energy.

632.6 Conditions in the area which may effect the proposed use:

Tim Martin advised that when he researched the Agricultural Office Maps, they clearly stated, "Not for Landfill Use" in pertaining to this site. Mr. Marsh advised this referred to only the first 40" of soil; that amount and considerably deeper will be trucked away, therefore, it was non-applicable.

David Ring asked if they will be removing a minimum of 25' of soil, how is this going to affect the ground water. Mr. Marsh stated it would not effect it. Mr. Ring asked, what if it does, what are they going to do about it. Mr. Marsh said, "nothing, because he doesn't believe the water level will change".

633 Other Standards: N/A

634 Determinations: N/A

635 Further Determinations: N/A

636 Extra Conditions: N/A

637 Existing Conditional Uses: N/A

Ralph then asked for a motion to recess this hearing to a deliberative session; that written testimony can be accepted and the BOA has the authority to contact whom-ever for assistance and information; that the BOA has 45 days to make a determination at the end of the Hearings; that this is going to be a lengthy procedure. That letters have been presented by Mr. Marsh from:
2 from the Morrisville Fire Department;
1 from the Morristown Police Department;
1 from the Morristown Rescue Squad, and
a Traffic Study.

That the two (2) Boards, in deliberative session will:

- 1) Review all tapes and transcripts of these Hearings;
- 2) Ascertain if they have enough information, and
- 3) May give the public an opportunity for additional meetings.
- 4) The final decision will be made jointly by both the BOA & PC.

Adrian West made the motion to move this Hearing to a Joint Deliberative Session to be held on:

**TUESDAY, JULY 12, 1994 @ 7:30 P.M., WITH THE PLACE
TO BE ANNOUNCED.**

Norm Nepveu seconded. All in favor.

The meeting was adjourned at 9:10 P.M.

Respectfully Submitted,


Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

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