

**MORRISTOWN/MORRISVILLE  
DEVELOPMENT REVIEW BOARD**

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Minutes of June 11, 1998

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

Members Absent: Gary Nolan

Guest: Ann Linton, Roger Cote, Kathy Demars, Alice Angney, Linda Wood, Lainie Nichols, George Comier, Michael Chenette, John Hemmelgarn, William Danforth, Gene Condon, Bill Jaremezuk, Lisa Darden, Cindy Knouf, Gregg Wight, Jan Gordon, Darcie Fitzgerald, Duncan Nash, Brent Miler, Larry Sands, and Paul Plante.

The meeting was called to order at 7:35 PM. by Paul Trudell, Acting Chair.

Rich made a motion to approve the minutes of May 14, 1998, as written.

Theresa seconded the motion and it passed unanimously.

**RECESSED HEARING, NORTH COUNTRY ANIMAL LEAGUE, 5,500 SQUARE FOOT  
ANIMAL SHELTER, ROUTE 100 SOUTH, CONDITIONAL USE AND SITE PLAN  
APPROVAL.**

Paul opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 280-283.d, 450-453, 500-503.4, and 630-637 of the Morristown Zoning Bylaws.

Theresa administered the sworn oath to Gregg Wight and Richard Workman and she reminded all other that they were still under oath from last hearing on this project.

Paul read the recess memo that was sent to North Country Animal League (NCAL) for additional information that the DRB needed for the hearing.

Mr. Rusky explained that they have done a study on sound and sound coefficients for the buildings. They wish to construct phase one which is 5,500 square feet and get a conceptual approval for the "built out" plans for future expansion. The building will be in the middle of the ten acre lot with parking in the front and the service entrance in the rear of the building. The kennels are located west and north sides of the buildings. There will be an outdoor dog run in the rear. The neighboring building are shown on the plan. They have brought in Gregg Wight an Environmental Engineer from Norwich.

The DRB explained that the application is for the first phase only.

Mr. Wight explained what studies that he did as a sound engineer. They brought two dogs to the sight to where the dog run will be. On page one of his report he made measurement at the surrounding owners, property lines and at the edge of Route 100. Dog barking are short sharp barks. When the dogs were not barking they picked up traffic noise, wind, air plane, and leaf noise. He presented the board with a handout that gives the number of his results. What they can not do is simulate how the proposed building will effect the readings. The building will be a substantially block noise of the dogs. On page two of the report he discusses how the noise will effect the area and how distance through the air effects sound. And on page three it explains how distance makes a differences as noise will loose energy as it passes through air in a predictable pattern. Noise does not travel well through insulation and from outside to inside a building. The day they conducted their test it was 60 degrees, moderate wind with gusts to 12 miles per hour, with partly cloudy. A motor cycle produced a 70 decibel (db) reading. A blow horn was 75 db, and the dogs barking were 71 to 76 db. at a distance of 100 feet from the dogs.

Paul asked if you added the all the sounds together does increase the db readings and can you hear the individual sounds.

Mr. Wight responded that the increase is about 3 db gain and yes you can still pick out the individual noises. The background traffic noise was 70 to 80 db with the wind. The also adjusted the air horn to be the same as the db reading for the dogs. The background traffic noise is a major noise in the area. The dogs at 100 feet were 71-76 db, and at the number one tee it was 60 db at a distance of 640' from the dogs the db had a 15 db. drop. How loud is 60 db. and 76 db. and moderate traffic is 70 to 80 db at 100 feet. At the number one tee it is 60 db. If there is a 10 db drop you will not hear the lower db as it is masked by the higher db.

The DRB asked how many dogs would be out in the run at a time.

Ms Stangel responded two to three dogs.

Mr. Wight continued that if you live in a house on Route 100 the noise from a truck or motorcycle is louder than a barking dog will make on a dog run.

Mr. Wight was asked about credentials?

Mr Wight said he was a professional mechanical and environmental engineer and for the past 15 years he has taught and done acoustical engineering.

Mr. Wight continued that the matter of magnitude going from 60 db to 65 db is a big difference. At 200 feet from a noise that is 65 db the noise would increase to 71 db at 100 feet from the noise the sharpness is the difference. Dogs inside a building would cut the decibels to 25 db to 27 db. Berms are also very effective and would do the same and walls. Some noise will go over the berm and a tall wall will block more noise. There are other factors that effect the levels including the wind. The sound shadow of NCAL is proposed to be five to six feet above the residential structures and twelve feet higher than the golf course.

Mr. Rusky discussed the building materials. For walls, ceilings, and window the STC rating is not the effect of the materials but the combinations of the materials together and a level of 37 STC should be adequate. The building itself will act as a berm and it is not practical to put a berm around the building. NCAL has a plan for sound management. Dogs will not be out at night, they will have anti-bark collars with citrinella, not shock collars. The kennels have been changed inside so that the dogs can not see other dogs. In phase one they will have 45 kennels.

They will try not to leave dogs outside unattended, but it just is not possible at all times.

Theresa asked about what larger animals are in the future phases?

Ms. Stangel said that would horses, cattle and other farm animals that are removed in cruelty cases.

Paul asked about landscaping effect on noise.

Ms. Knauf said that trees will have some effect but for noise abatement you need a thick dense series of planting and one row would not work well.

The DRB asked if they were considering landscaping on the golf course side or could the future building expansions be wrapped around the dog run.

Mr. Rusky said no to landscaping and possible on expansions.

Mr. Rusky was asked about the septic system.

Mr. Rusky said the system was designed by Little River Survey Company and John Kliminock ask that they keep a certain distance from the bank and they can easily do that and the system is designed to handle animal and human waste.

The Farm Motor Resort expressed concern over their well.

Mr. Rusky said the state has strict rules on wastewater and wetlands and the well is further away than the wetlands but that he would call the John Kliminock to ask if they (the state) considered Farm Motor Resort well.

Ms. Stangel was asked does her staff wear headsets, and if so, will they be able to hear the dogs barking?

Not all of the staff wears headset. Problem barking dog that excessively bark usually have had a rough life and they need special care. Most problem barkers are identified the first day.

Mr. Wight was asked if sound is effected by winds and traffic?

Mr. Wight responded that decibel is a weighted scale that is adjusted to what your ears hear. This is a standard practice in the industry. The wind was blowing at about 12 miles per hour out of the northwest.

Mr. Wight was asked how long were you on site?

Mr. Wight said about two hours and few minutes at the various locations.

NCAL was asked about traffic as there is a concern as it one of the major passing zones between Morrisville and Stowe.

Mr. Rusky responded that they has adequate site distances.

Mr. Wight was asked about dogs barking inside and compared to three dogs outside?

Mr. Wight said that they would hardly be at the property line and three dogs outside would not raise the db as all the dogs would have to bark at the same time what you get generally is dogs barking more often and that is more annoying but louder. If you had a dog barking inside this room with the windows open the amount db are considerably less as the wall block a lots of the sound.

Mr. Danforth said that he lives across the road and wind is right he can hear people talking in the barn and dogs on other roads.

Mr. Rusky said noise travels, but it depends if it is at night and when it is quit. The houses are five to six feet lower that the dog run and twelve feet above the golf course fairway.

Mr. Danforth asked what keeps the noise from going down five feet.

Mr. Wight said that wind is complicated as it carries sound by your and ears as well as

background sounds. It can extenuate the sound or it can have the opposite effect.

NCAL was asked about its staffing and hours.

Ms. Stangel said the facility will be staffed from 7:00 AM to 4:30 PM. They currently have three full time workers and some part timer workers.

NCAL was asked how long will the dogs be outside.

Ms Stangel said about 20 minutes.

Ms. Stangel was asked if the dogs were left unattended 14 hours a day.

Ms. Stangel said they would like have more staff possible a manager would live on site, but they can only afford what they can afford.

Mr. Rusky was asked if everything would be done in phase one if the building is started.

Mr. Rusky said yes.

Tom B. asked if they would need an Act 250 permit.

Mr. Rusky said that he had talked with Barb Farr and she said no.

Tom B. asked if they would check because the lot is over ten acres.

Mr. Rusky said he would check with District 5.

Dick Sargent said the they have their own sound engineer to present his view of the noise concerned as Mr. Wight did not address the frequency.

Richard Workman of Loralight Co. said in the past he did work in an Act 250 case involving an expansion of the Green Mountain Sanitation. Where he took readings of dogs. He said sound diminishes over distance so we are able to apply a mathematical formula and apply it. Trees are a poor sound barrier. You can take readings of frequency or decibels. Decibels are a single frequency. In NCAL in taking db reading of the dogs were less noisy that normal textbook barking dog. You can breakdown sound into 30 parts. This is why you can hear a dog barking a long way away is the frequency. This is not only a factor of time, but of temperatures. The frequency is masked by background noise in low frequencies but not in middle ranges where people talk. At this range one dog would be heard at the tee. In all considerations you have to consider the use of the property and adjacent properties. Some part of the country you can not put up a motel where pre existing noises are so they do not have future noise complaints. In this case we have a pre existing motel. The level of the noise from the dogs would still be heard inside the motel. Ten decibel increase is a doubling of sound and 5 db is double in low frequencies. Howling dogs are what are considered a textbook case. The quantity of dogs is a major irritant to golfers or someone sleeping in a motel, as you increase the exposure to the barking. Many communities are interested in the background noise to judge the difference. Noise emanates in sphere not in one direction. The difference between trucks and dogs are the trucks start off with low noise and steadily increase as it approaches and then steadily declines. This type of noise is less annoying that steady quick spikes of dog barking. Take a line of site from the dog run to the upstairs windows of the motel it would take a berm of at least ten feet wide at the top and at least eight feet higher than the line of site to bring the noise to a reasonable level. The STC levels of material construction is not a decibel reduction in noise as it is another completely different scale. In a eight foot by forty foot wall if you have ten square inches open cracks it diminishes the quality of the wall. You have to have all of the sheetrock screws hit studs as a screw hole missing the stud would effect the quality of the wall. The barn is an excellent sound reflector and even if

you build the building around the dog run you would still hear dog noise reflected at the motel. When dealing with wind and noise you have to calculate for worst case scenario.

The hearing was cut off due to time restraints.

David made a motion to recess the hearing until next regularly scheduled meeting.

Theresa raised concerns about that schedule is very full at the next meeting.

David said if we need to move it to another night Ken can notify the people and we can recess it from then to a night when we can hear it,

Theresa seconded the motion and it passed unanimously.

#### **WARNED HEARING, MARK AND DEBBIE ZMICH WAIVER OF SETBACK REQUIREMENTS, 150 SUMMER STREET**

Paul opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 250, 252d, 254.1 of the Morrisville Zoning Bylaws.

Paul said that four members of the DRB attend a site walk prior to tonight's meeting.

Theresa administered the sworn oath to Mark Zmich.

Mr. Zmich said he wishes to remove part of the existing structure that does not have a cellar under it and replace it with a two story addition that will be a garage, kitchen addition and bedroom and bath addition on the second floor. The abutter who is most affected told the board that he has no objections and is in favor of the project.

David made a motion to approve the waivers of the front and rear setbacks.

Theresa seconded the motion and it passed unanimously.

#### **RECESSED HEARING, BLACK RIVER DESIGN AND PEOPLE ACADEMY FOR ADDITIONS AND RENOVATION TO THE SCHOOL AND PARKING LOT, COPLEY AVENUE SITE PLAN REVIEW AND CONDITIONAL USE.**

Paul opened the recessed hearing from May 14, 1998 public hearing and gave an overview of the application. The application is to be reviewed under Sections 250, 253.c, 450-454, 500-503.4 and 630-637-460 of the Morrisville Zoning Bylaws. Paul read the recess memo.

Paul gave an overview of the letter from John Hemmelgarn on the revised site plan. Paul said they have addressed the concerns of the DRB and have sent the revised plans requested.

Mr. Hemmelgarn said signage is now on the plans and the plans are what the contractors have been given. They are paving and striping the parking lots, curb is as requested, catch basins have been relocated, bus loading and unloading is shown and it shows the eight buses that the school has this year. Five buses are full size of 36 feet and three shorter buses and they have room for another bus or two if needed. The bus loop will allow for traffic to keep flowing.

Mr. Comier and Ms. Angney said it will be a learning process where bus drivers can wave

people by or stop them with lights as need be. If traffic flow and loading of buses can be done safely with flow of traffic on the access road the bus drivers may wave them through.

David made a motion to our standard conditions based on revised site plan.

Theresa seconded the motion.

Paul asked questions about the exterior lighting.

Mr. Hemmelgarn said they were remove the lights in center of the parking light and replacing them with other lights meeting our standards and they will wall packs on the buildings.

Paul ask if there were any other questions and called the vote. The applications was approved unanimously.

**RECESSED HEARING, MORRISVILLE WATER AND LIGHT/COUNTRY MOUNTAIN SOFTBALL LEAGUE, TWO ADULT BALLFIELDS, SITE PLAN REVIEW AND CONDITIONAL USE, ROUTE 15A.**

Paul opened the recessed hearing and asked to have the hearing recessed to July 9<sup>th</sup> as the engineer report has not been completed and all parties were notified. Tom Bjerke recused himself from this hearing.

David made a motion to recess the hearing to July 9, 1998 at 7:30 PM in the Town Clerk's Office Building.

Theresa seconded the motion and it passed unanimously.

**PRE HEARING, ROGER COTE ONE LOT SUBDIVISION, WHITE BIRCH ROAD.**

Paul opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 220-220.4b and 300-302 of the Morristown Subdivision Bylaws.

The Board discussed how it could be a one lot subdivision. Paul read Ken's note on the application. The lot was a left over piece of land from other subdivisions. It needs to go through our subdivision process to get the permit record in order under Bianchi ruling/law.

David made a motion to classify the subdivision as a minor subdivision and rule that it meets the town plan.

**WARNED HEARING PAUL PLANTE APPLICANT, DEMARS PROPERTIES OWNER, USED CAR SALES AND SERVICE, CONDITIONAL USE AND SITE PLAN REVIEW BROOKLYN STREET.**

Paul gave an overview of the application it will be reviewed under sections 280, 283.c &d, 450-454, 500-503.4, and 630-637. Paul noted that a site walk had been completed prior to

tonight's meeting.

Theresa administered the sworn oath to Paul Plante.

Mr. Plante gave an overview of his proposed project. He hopes to run a licensed car business out of the lot where it has been used for car sales and service in the past. He does not know how many total parking space are on the property but he is requesting 20 saleable cars in the upper lot. The lower lot will be for customer cars, employee cars and restorable vehicles. He currently has five employees and does not see that number increasing. He expects to have a dealer license within a few months of moving in. He has been through preliminary approval from the state to sell cars for the location he is at now, but he had a tax issue to clear up before he could get his license, and now he moving will slow the process down. He does some salvage work and repair work mostly. His hours of operation a 7:00 AM to 6:00 PM Monday through Friday and 7:00 AM to noon on Saturday, closed Sunday. He can sell up to 12 cars per calender year without have a used car license.

Paul asked about lighting and landscaping.

Mr. Plante said none was planned. He will be using the garage for service work and possible one bay in the lean-to for storage.

Tom B. asked if something could be done at the back of the top lot to screen the vehicles in the lower lot.

Mr. Plante was not sure what if anything he could do. He can get six and possible seven cars in the garage. He has a hard time to keep customer cars down to 10 as some people drop the cars off for the day and sometimes they are left there with an unpaid bill.

Theresa asked why he would not return an abandon car to the owner?

Paul Plante said keeping is the only way to get some of his money out the vehicle.

Mr. Plante plans to have 45 car on site maximum. 20 salable, 5 employees, 2 service vehicles and the rest will be customer cars and salvaged cars. All parts and pieces will be kept inside. He wishes to start moving things in by June 15<sup>th</sup> and be open by July 1 as he needs to be out of his current location by July 15<sup>th</sup>.

The Board asked when did he think his license would be issued?

Mr. Plante indicated that the State says 90 days but in his experience it will take longer.

Theresa made a motion to go into deliberative session.

She amended the motion to approve the application with standard conditions and conditions placed on his business in the past. Theresa withdrew the motion.

Tom B. made a motion to approve the application with relevant conditions from his previous permits, standard conditions, 3 and 6 month reviews and 1, 3, and 5 year reviews.

Theresa seconded the motion and it passed unanimously.

#### **PRE HEARING, HOWARD MANOSH, TWO LOT MINOR SUBDIVISION, FERLAND PIT ROAD.**

Paul opened the pre hearing, discussion ensued if the case could be heard since it was not on the schedule or had been warned.

David read from the bylaws under section 220 and felt that they could go forward with the

pre hearing.

Theresa administered the sworn oath to Allen Newton.

Allen gave an overview of the application. Mr. Manosh wants to subdivide 7 acres off the Farren lot, and keep the remaining 115 acres. The lot is off the Ferland Pit Road.

Rich made a motion to classify the subdivision as a minor and rule that it meets the town plan.

David seconded the motion and it passed unanimously.

**Other Business:**

The signing of mylars: Tom Paine recused himself from this signing. David made a motion to sign the mylar.

Theresa seconded the motion and it passed unanimously.

Schedule: Ken may need to move things around or add another date to get through what has been recessed to July 9<sup>th</sup>.

The hearing was adjourned at 10:35 PM.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.