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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of June 10, 1999

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

Members Absent: Theresa Breault.

Guest: Lucy Leriche, Luce Hillman, Michael Wisnewski, Gretchen Besser, Al Besser, Ed French, Barbara Adams, Winford Adams, Richard Sargent, Mary Atherton, Martha Bernhard, Besty Bernhard, Alan Goldon, David Whitcomb, Lisa Darden, Ernest Godfrey, Faith Godfrey, John and Virginia Lopis, Charles Grenier, Bill Moulton, Joanie Godfrey, Richard Godfrey, Brian Greenia, Darrow Mansfield, Sonny Demars, Lawrence Despault, Steven LaRosa, Whit Hartt, Laura Spanos, Jeff Spanos, Joseph Riley, Barb Darrah, Helen Schneider, Carol Ostler, Mabel Twombly, Bill Bourne, Chris Chauvin, Ray Chauvin, Elizabeth Hunt, Elizabeth Walker, Don Ostler, and Rod Viex.

The meeting was called to order at 7:37 PM. by Gary Nolan, Chair.

David made a motion to approve the minutes of May 27, 1999, as written.
Tom seconded the motion and it passed unanimously.

WARNED HEARING, TOWN OF MORRISTOWN/DAN DONZA, WAIVER OF MINIMUM LOT SIZE, STERLING VALLEY ROAD.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 260 and 264 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk was held on May 27th.

Gary sworn in Brian Greenia, Bill Moulton and Charles Grenier.

Mr. Greenia explained the situation. The Bridge on Sterling Valley Road needs to be replace and the Town wishes to realign road and bridge. To do the realignment the need to obtain .1 +/- acres from Mr. Donza. Mr. Donza is willing to give the land to the town provided it does not stop him and his children from being able to subdivide this lot. Mr. Donza has 4.2 acres currently.

David made a motion to grant the memorandum of understanding on the lot size for this

application.

Tom seconded the motion and it passed unanimously.

WARNED HEARING, JOHN TONELLI, PRIVATE AIRSTRIP, SITE PLAN REVIEW AND CONDITIONAL USE, STAGECOACH ROAD.

Gary gave an overview of the application. The application will be review under Sections: 260, 263.o, 495-496.m. 500-503.4 and 630-637of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk was conducted prior to hearing.

Gary administered the sworn oath to John Tonelli, Ed French Darrow Mansfield, Al Besser, Gretchen Besser Alan Golden, and David Whitcomb.

Mr. French gave an overview of the application. Mr. Tonelli owns 117 acres off Stagecoach Road. Mr. Tonelli wish to have a private airstrip and it is felt that they meet the regulations. Mr. French went down read the objective for private airstrips and went down section 496 one by one.

a. The airstrip will not create a safety hazzard to the Morrisville-Stowe Airport;
b. Mr. Tonelli has a letter from the FAA;
c. Mr Tonelli has a letter from State of Vermont Agency of Transportation's Aviation Department;
d. The airstrip is 1,350 feet long, 100 feet more than the requirements;
e. The airstrip is for private use not commercial;
f. The airstrip will be for Mr. Tonelli, his guest and a mechanic if his plane breaks down;
g. The airstrip is grass;
h. The airstrip is not lighted;
i. The airstrip meets all of the setbacks;
j. The air strip can only be used between dawn and dusk by FAA regulations;
k. The airstrip will be available to be used in case of an emergency landing;
l. All FAA regulation will be adhered to; and
m. Mr. Tonelli has obtained the required sign offs.

Mr. French said the airstrip is in an optimum location. Mr Tonelli plane is a Cessna 182 which is a four seat plane.

Mr Tonelli said his plane is no louder than a motorcycle, atv, snow machine or a truck. He was unsure what the decibel level was.

Ken checked the file prior to the hearing and at a Select Board hearing is was listed as being 50 decibels.

Dr. Jaremczuk asked (he was not sworn in or signed in) how far from his property line and he is concerned about noise.

Gary measured off the plans and is was more than 4,200 feet away.

Mr. Tonelli said he was further away from the golf course than the Morrisville-Stowe Airport. The flight plan for the airport has planes taking off and landing going over the golf course.

Mr. Lopis said he was okay with the airstrip.

Mr. Golden said he and his wife own 13 acres at the south end of the airstrip. He was oppose to it about a year ago. Since that time he has gotten to know Mr. Tonelli and has seen the plans and this has answered their concerns. He stated that he has an agreement with Mr. Tonelli.

Mr. Besser asked if he could ask Mr. Golden some questions.

Gary explained that all questions have to go through him, then to Mr. Golden.

Mr. Besser asked Mr. Golden about his earlier opposition to the airstrip.

Mr. Golden said he had explained it earlier that they now know Mr. Tonelli and have seen his plans so he changed his mind.

Mr. Besser asked several question about why Mr. Golden is no longer opposed to the project.

Mr. Golden explained for the reason stated.

Mr. Besser asked about the agreement between himself and Mr. Tonelli

Mr. Golden explained that Mr. Tonelli has first right of refusal on his property and if he does not buy the land, he will have ninety days to convince the new owners to allow the private airstrip or he can no longer use the airstrip.

Mr. Besser asked about aesthetics of the airstrip

Mr. French said landscaping was down last year and all you see is a grasses field no different from the other fields in the area.

Mr. Tonelli explained that he has had trees along the road so you can not see the airstrip.

David asked Mr. Tonelli if the strip was for his own use?

Mr. Tonelli said his use with no more than four pilots. He might have to fly in a mechanic if his plane breaks down or he might have guest come over.

Mr. Besser said his application says to land his plane.

Mr. French stated that they were staying within the requirements.

David asked if it is preferable to land and take off to the south.

Mr. Tonelli said yes, but it does depend on wind direction, if the wind is blowing you need to take off into the wind. It would be unsafe to be able to only take off and land to the south, but it is preferable due to obstacles to the north.

Mr. Besser asked how many time a year would he use the airstrip.

Mr. Tonelli said it was for recreational use only when the weather permits.

Mr. Besser asked about 60 times a year.

Mr. Tonelli said probably.

Mr. French said that you can not land in the winter or during mud season and by regulations he can only land from dawn to dusk so those factors limit the use.

Mr. Besser asked the DRB if they wanted to know how many times he was going to use the airstrip.

Gary said the regulations do not set limits, so it is not a concern.

Mr. Besser and Gary discussed what is in the application and what was said and done in last years hearing before the Select Board.

Gary explained this is a different application before a different Board and stuff from the Select Board hearing will not be allowed to be entered.

Gary asked if Mr. Besser owned land in Morristown

Mr. Besser said he owns land in Morristown.

Mr. Besser asked why does Mr. Tonelli want his own airstrip, when he could land at the airport.

Gary said the DRB doesn't need to know.

Ms. Besser said she has a home and visited Vermont since being a child and she is concerned this will change the character of the area. The love the road and they have 178 acres that will be keep in farming in perpetuity.

Mr. Tonelli said he bought the land from the same owner as the Besser's did and leveling field has not hurt the land and that he has planted 120 trees so that it is not visible from the road.

David stated that the trees block the valley view.

Mr. Whitcomb asked if the Board has any questions, safety or to the impacts he would try to answer them.

David asked how long from starting the plane to the actual take off.

Mr. Tonelli said you have to go down a checklist then you take off 3-5 minutes and you are air bourne to the minimum altitude of 500 feet in seconds.

Ms. Darden offer to take anyone if they would like to see for themselves. That you have 10 minutes from start of your plane to be in radio contact with the FAA so it is not long.

Mr. Besser asked to have the letters from last years Select Board hearing admitted.

Gary said no for his earlier reasons.

Mr. Besser said the DRB needs to balance the need for a airstrip when one is three to five minutes from the airport against those of other landowners. Times have changed and now the public demands more controls to keep the area rural. If granted this should only be for his plane and know one elses.

Gary administered the sworn oath to Betsy Bernhard

Ms. Bernhard said she has lived in the neighborhood for 45 years and she does not feel that this will effect the aesthetics. It is his land to use.

Mr. French asked if in the DRB written decision would it please make reference to the Tonelli- Golden agreement.

David noted that our approval runs with the land and it would be a civil court matter not the town who will enforce the agreement.

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

Paul seconded the motion and it passed unanimously.

WARNED HEARING, DEMARS PROPERTIES, 30' x 50' MINI STORAGE BUILDING, CONDITIONAL USE AND SITE PLAN REVIEW HARREL STREET.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under the Morrisville/Morristown Zoning Subdivision Bylaws. A site walk was conducted prior to tonight's hearing.

Gary administered the sworn oath to Sonny Demars.

Mr. Demars explained the proposed project. The wish to construct another mini storage building parallel to the property line. There will be 27 feet between the building and the Manosh building. The site need very little work there will be no power, water or paving. The drainage swale will be moved over but this will not effect storm water runoff patterns.

David made a motion to approve this application as presented with our standard conditions.

Paul seconded the motion and it passed unanimously.

WARNED HEARING, LAMOILLE HOUSING PARTNERSHIP, COPLEY HOUSE LEVEL III CARE FACILITY, WASHINGTON HIGHWAY, CONDITIONAL USE, SITE PLAN, REVIEW.

Paul opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 235, 238.f.g.j. 450-452, 500-503.4, and 650-657 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Gary administered the sworn oath Dick Sargent and reminded the other that they were still under oath.

Ms. Leriche gave an overview of the project. It will be a twenty bed level III care facility for the mentally ill and three apartments. Two apartments will be for patients in transition and one for their caretaker. This is to replace a facility in Waterville that is closing due code violations. The facility is located in the Special Use District and it is zoned for this type of facility. They will be restoring a historic building. They have now survey the lot, tested the fire hydrant and have completed the site plans.

Ms. Hillman said they will be hooking the sewer up to the eight inch line. The water and sewer lines are in the same ditch. The will relocate the four inch water line to meet code. The hydrant test showed that there is water and pressure enough for the sprinkler system a booster pump may be needed for the apartments. The sprinkler system is rated as a 13 R. Storm water will basically stay the same. They will correct the erosion problems. They will add two new catch basins to reduce the sheet flow down Washington Highway. The road down to Maple Street will be regraded to and redirected into the gully. It will have stone lined swale that is two feet deep. Storm water will not run onto the Sargent property.

Paul asked about the water line if it is big enough.

Mr. Wisnewski said they may go with a 6" line. He showed what the building s will look like and what additions will be removed. The nurses annex building will be removed since it is not salvageable.

Mr. Sargent went over his concerns. There are nine families in the area. This facility is for the chronically mental ill population so who will be looking over them. What about those in the apartments in transition. Who are the people who are between the facility and being home? Who will be responsible when they go off site.

Ms. Leriche said the people in the two apartments will be watched by the caretaker who is in the third apartment. The people are not violent. Those in the 20 bed facility will always remain in the facility to live out their lives. The apartments will have supervision.

Mr. Sargent asked about security in the facility and asked if the DRB will review the project periodically.

Ms. Leriche said the 20 bed are supervised at all times with 4 to 5 staff members. Lamoille County Mental Health will be in charge of the day today running of the facility. They will use electronic monitoring for those who might try to get out.

PRE-HEARING, MORRISVILLE CONGREGATION OF JEHOVAH'S WITNESSES, 2 LOT SUBDIVISION, LAPORTE ROAD.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 720 and 770 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Gary administered the sworn oath to Darrow Mansfield

Mr. Mansfield explained that the Applicant wishes to sell off 6 acres of their 10.1 acre property. The six acres will be sold to the Miller's who have recently purchased Ryder Brook Stables for additional pastures and for their home.

David made a motion to rule that this application meets the Town Plan.

Paul seconded the motion and it passed unanimously.

WARNED RECESSED HEARING, CONTRACTORS CRANE SERVICE, 30,000 SQUARE FOOT METAL FABRICATION FACILITY, STAFFORD AVENUE AND NEEDLE EYE ROAD, CONDITIONAL USE, SITE PLAN, REVIEW.

Gary opened the recessed hearing and gave an overview of the application. The application is to be reviewed under Sections 230, 233.a, 300-318.1, 450-452, 500-503.4 and 630-637 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk was conducted of the springs was held prior to this hearing.

Gary administered the sworn oath to: Raymond Chauvin, Chris Chauvin, Don Ostler, Carol Ostler, Jeff Spanos, Laura Spanos, Steven LaRosa, Elizabeth Hunt, Elizabeth Walker, Bill Bourne, and Rod Viex.

Chris Chauvin said the site is made up of two lot a seven acre lot and a two acre lot for a total of nine acres. The SPA on the maps from the state are in error. They show the springs in the middle of the Chauvin property. The springs are on the water co-op property. The two hundred foot no build zone was put on their property without them being noticed. The building has been relocated out of the two hundred foot zone. They are proposing to have a 36 vehicle parking lot. The building is 100' X 300' with 100' X 100' roofed extension for electric cranes used to load and unload steel. There will be room enough for the trucks to maneuver in and out. Both drives are existing.

Gary asked if they could live with just one.

Mr. Larosa said they will use about 465 gallons of waste water per day and this has been relocated outside the SPA.

Paul asked about the operation.

Mr. Chauvin said that they buy the raw steel beams and they put in the holes and weld on pieces where needed.

Paul asked about residue?

Mr. Chauvin said all waste is contained inside.

Paul asked about outside storage.

Mr. Chauvin said only steel under the wings.

Paul asked if oil was used in the drill of the holes.

Mr. Chauvin said they are punched not drilled.

Mr. Ostler asked about painting

Mr. Chauvin explained that is done inside with a positive contact at one end and negative at the other end and because it is charged there is no over spray.

Mr. Ostler asked if the paint would be in 55 gallon drums.

Mr. Chauvin said yes.

Mr. Ostler asked Mr. LaRosa about storm water.

Mr. LaRosa said water will come off roof and will be ditched in either direction out of the SPA.

Mr. Ostler asked about the reduction of recharge.

Mr. LaRosa said it would be insignificant. And they can do a detention/retention pond to put it back into the watershed.

Mr. Ostler asked about drips and drop in the parking lot.

Mr. LaRosa said water can be moved off site in closed ditch system. He went on to explain that if a spill occurred, from Hindel - Noyes study it would take about 38 days to reach the ground water. To reach the ground water it would take 36 days of non stop rain. Bacteria like to feed on petroleum produce and some would evaporate.

Mr. Ostler asked on a scale of one to ten how porous is the soil.

Mr. LaRosa said about a six.

Mr. Ostler asked about the monitoring well in the field and about the septic system.

Mr. Larosa said that there were monitoring wells on site. Water flows through the ground at a certain thickness so it can not go up and over the barrier where the water flows in a different area

Mr. Ostler asked about contaminants and MSDS sheets.

Mr. Chauvin said for Mr. Ostler to stop by the shop and they would show him their MSDS sheets.

Mr. Viex asked Mr. Larosa if the study was done for a steel fab shop.

Mr. LaRosa said no

Mr. View asked is it specific to this project.

Mr. Larosa said no.

Ms. Ostler ask about regrading the lot and it effect

Mr. Larosa said minimum.

Ms. Ostler asked how the building would be heated.

Mr. Ray Chauvin said oil or coal.

Mr. Ostler provided the DRB with his presentation. The site is a known WHPA. The water comes from a large area as shown on the maps. They are co existing with current structures and are concerned with more structure the risk increases. This project and property is very close to their springs. The history of the water co-op was read into the record. The land should stay RRA not be IND since most of the land is in the RRA district.

David asked what they would consider to be acceptable for a use of that land

Mr. Ostler said he did not know.

David asked if they ever considered purchasing the land.

Mr. Ostler said no they did not know the land was on the market.

Both sides debated a letter from 1990 as it depended which paragraph was read.

David asked what would happen should there be a spill in the watershed.

Ms. Adams said it would be hard to find a replacement with as good of water as they have now.

Mr. Viex said that approving this conditional use would be in effect rezoning this area and would defeat the Town Plan and process.

David made a motion to recess this hearing to a deliberative session on June 17, 1999, in the Town Clerk's Office Building at 7:00 PM.

Paul seconded the motion and it was approved unanimously.

David made a motion to recess the deliberative sessions on tonight's hearing to June 17, 1999 in the Town Clerk's Office Building at 7:00 PM due to it being 11:45 PM.

Paul seconded the motion and it passed unanimously.

Other Business:

North Country Animal League: J.D. Associates has appealed the DRB written decision. NCAL has submitted an application for reconsideration of some of the conditions in the written decision

Fence issue on Beaver Meadows Road: Ken explained the situation.

Dust expert for Manosh Aggregate processing plant: Ken explained what he has been able to find out and if Mr. Dink of the US. Department of Labor Mine Safety and Health Administration can assure the dust is not harmful do we need an expert. The Board said no.

David made a motion to adjourn the hearing at 12:11 PM

Paul seconded the motion and it passed unanimously

Respectfully submitted,

Kenneth J. Sweetser, Scribe.