

Gloria

MORRISTOWN PLANNING COMMISSION
JUNE 5, 1990

BOARD MEMBERS PRESENT: Alfred Hurley; Norman Nepveu; Gary Smith; Debra Mason; Jane Greene and Mac Miller.

BOARD MEMBER ABSENT: Adrian West

ZONING ADMINISTRATOR: Gloria Wing.

The meeting was called to order at 7:30 P.M. by Chairman Al Hurley, who reviewed the minutes of 05/08/90 & 05/15/90 for amendments/corrections. Al advised he and Debra have worked on drafting some procedures for future meetings; he then welcomed Gary Smith to the Board.

Jane moved to accept the minutes of the 05/08/90 meeting as written. Mac seconded. All in favor.

Norm made the motion to accept the minutes of the 05/15/90 meeting. Jane seconded. All in favor.

Al advised the Board members that in the future all members are to be at the meetings fifteen (15) minutes prior to the first scheduled hearing, to go over the agenda and minutes.

7:45 P.M. -- SITE-PLAN AMENDMENT: MARBLE/WALTON, Mud City Loop. Al administered the sworn oath to Roy Marble. Roy was in attendance on behalf of Bill McGee, who had previously applied for three (3) sites, with Water Resources/Wetlands Division having approved only one site. Roy advised they are seeking approval for either a 10 acre or 20 acre lot, which ever a buyer prefers, with the remaining lot size being after the sale.

That Covenants & Conditions #7 have been altered to comply with the Wetlands Restrictions.

A "Building Envelope", being an area specifically set-out that no building construction can be done in a particular area is addressed, which indicates only one (1) building site.

Al advised that Jeannette LePine called him stating this is not a good area to build, due to the wetness.

Lee Lebier asked Roy if approval was granted for a 20-acre lot, would he be willing to include in the covenants that "there would be no further development". Roy stated "no, he was leaving them as they are, all remain the same with the exception of #7.

Mac made the motion to grant approval of a two-lot subdivision with no acreage specified. Debra seconded. Motion carried.

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FACTS OF FINDING: Based on and examined under Title 24, VSA 4407(5) Site-Plan Approval, Page 37, this application was granted approval with no acreage specified.

PRELIMINARY HEARING: MARBLE/WALTON, Mud City Loop. Al administered the oath to Roy Marble. Al advised the application had to be determined either 'Major' or 'Minor'; the Board unanimously agreed on this being a 'Minor' sub-division, which is located on the same farm belonging to Mable Walton. The farm is operated by her grandson, Lyle Washer, Jr. (Skip); the town Health Officer has condemned his sewage system & domicile. Roy advised he has been working with Skip to get another location for housing approved on the property, which would consist of a sub-division of a 10 acre lot on French Hill Road (T.H.#23), with on-site sewage and a drilled well.

Mac suggested that Roy might want to disestablish Skip's present use of the land where his trailer is now located. Gloria advised the Town has been working with Skip and FHA and that part of the agreement is the present location of the trailer is not to be used for a building lot. Roy advised Skip has a 06/19/90 Hearing and has until August, 1990 to relocate his residency on the property.

8:30 P.M. -- SITE-PLAN REVIEW: CHIP PERCY/AMENDMENT FOR GRAVEL EXTRACTION FROM THE "GRANDFATHERED" TINKER PIT, located on RT 100-S near the Morrisville/Stowe town line behind Harold & Pat Shonio's residence. There is a scheduled Conditional Use Hearing with the BOA on 06/13/90.

Al administered the sworn oath to Chip Percy.

Percy advised the pit is located in Morrisville and now accesses it from the exiting road from Stowe, but would build a road over the next year through the property which would access onto RT 100 across from Paine's. The hours of operation would be 7:00 A.M. to 4:30 P.M., April through November; that occasionally in the winter months, he would be stock-piling material from his other pits. His existing pit in Hyde Park has an extraction limit of 30,000 yards; that he wants to be able to extract 70,000 yards of gravel, with 20,000 yards being extracted from the Tinker Pit; the remaining 50,000 yards would come from the stock-pile from other sites; this would generate 5,000 truck trips per season or approximately 27 truck trips per day north; south-bound traffic would remain the same.

There would be 5 acres open at one time to be reclaimed; the top-soil would remain to be used in reclamation to return to pasture and farming purposes.

The crusher would not cause extremely high noise and is not the loudest part of the operation, which would be operating approximately 1,000 hours for the 70,000 yards of gravel; the

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back-up alarm is the loudest part of the operation.

Al advised the Board of the criteria they would be acting on reference Title 24, VSA 4407(5) Page 37.

Percy advised he can and will build an earthen berm, 10' high and hopes to plant 12' evergreen trees to help with the sound and visual aspect, especially during the winter months. That the closest he would be to the wet-lands would be 70'.

Jane inquired about the traffic accessing onto RT 100 near the hedge-row. Percy stated he would not cut any of the hedge-row; that he has not been to ACT 250 yet; that he now takes 20,000 yards a year from this pit; that this will be a substantial change and will be required to apply through ACT 250.

Jane asked about the gravel supply and Percy advised approximately 1/2 million yards or 25 year supply; that this location would be used primarily to stock-pile from his other pits. That presently his stock-pile is located on RT 108 and therefore, has to make numerous trips through Stowe Village which he wants to eliminate.

Gary Smith inquired if he presently had an application before ACT 250 and was advised, no, not yet.

William Small stated he has a chance to sell two (2) lots for \$60,000 each; that if this application is approved, the sales are off and his property will be devalued.

Attorney Bob Davison, representing Shonio's requested the Board to reject this application based on Zoning By-Laws, Section 505.5 and also Section 402; these must be complied with and prohibits all manufacturing without the Boards approval and this is definitely a manufacturing operation; also, the traffic problem will be hazardous. That the State owns eleven (11) acres adjoining this property which is protected; that the swamp is 200 ft. wide, not 20' wide as Percy stated. Att. Davison also advised that decibels double in loudness; that 70 or above can cause deafness and Percy had advised they had monitored the noise level with results being as high as 89 decibels. That he was glad this was brought to everyone's attention as it is definitely in violation of nearly every Agency in the State.

Harold Shonio stated he has lived here for 32 years and does not believe they removed 20,000 yards per year; that this pit was the most inactive pit he knows of.

The discussion reference concern of traffic; noise; dust, etc. was lengthy with approximately 25 concerned property owners in attendance requesting this application be rejected.

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Al asked for a motion to review this application in a deliberative session; that the PC can not take any action until after the BOA has deliberated. Jane moved to consider the Site-Plan Review in a deliberative session. Norm seconded. Unanimously in favor.

PRELIMINARY REVIEW: CHIP PERCY/SUB-DIVISION OF TWO-LOTS ON STAGECOACH ROAD. Percy is scheduled for a Hearing on 06/19/90 at 8:45 P.M., with a closing date of 06/20/90. This property is part of the Cochran Farm near the Town Garage; they have 89 acres, less 2 acres (87 acres), plus 19 acres left and wants to sell and sub-divide this by selling 38.6 acres with the buildings (former Coolidge Farm), which would leave approximately 50 acres; Percy has filed with ACT 250. Al advised the Board will act on this on 06/19/90; there is not need for a Site-Walk, only determine if this is classified as a 'Major' or 'Minor' sub-division. Norm made the motion to classify this to be a "Minor" Sub-division. Mac seconded. Unanimously approved.

GENERAL BUSINESS: Gloria advised she had been contacted by Don Lambert, President of the Condo Association; that Sonny Demar constructed these condo's in 1987; that Don states there was no lighting put in and the Site-Plan indicates he was going to do so, and wants to know if the PC (interrupts) *INTERPRETS* what is indicated on the blue-prints presented to the Board as being a condition of approval, with the approval being granted as plans were presented.

The minutes do not specify that lighting was spelled out to be installed, however, roads, and underground lighting, etc., was on the Site-Plan prints presented and approved.

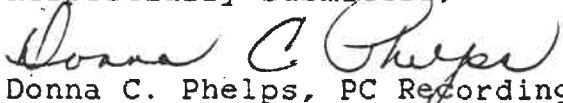
Mac stated he felt the tenants should go to court and obtain a decision. Norm stated he felt if symbols are indicated, as was the lighting on the plans presented, that the symbols should be considered part of the legend/contract of approval.

Debra moved to advise Don Lambert that the Site-Plan included lighting symbols, therefore, should have been installed by Demar. Norm seconded. All in favor.

Gloria advised that Roy Marble wants to sub-divide property on the left side of the road on Wabun Avenue Extension, where he has a right-of-way and will be coming before the Board when scheduling allows.

Debra moved to adjourn at 10:15 P.M. Jane seconded. All in favor.

Respectfully Submitted,


Donna C. Phelps, PC Recording Secretary