

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD**

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Minutes of May 27, 1999

Members Present: Tom Paine, David Silverman, Theresa Breault, Carol Jennings, and Paul Trudell.

Members Absent: Gary Nolan and Rich Furlong.

Guest: Christine Tricomi, Santos Tricomi, Barbara Adams, Winford Adams, Lawrence Despault, Edmond Yaddow Jr., Ed Yaddow, Whit Hartt, Laura Spanos, Barbara Kocur, Gerald Sutton, Delmer Twombly, Mable Twombly, Jeff Spanos, Teri Owen, Joseph Riley, Helen Stoney, Rod Viex, Don Ostler, Carol Ostler, Paulette Lepine, Lawrence Lepine, Chris Chauvin.

The meeting was called to order at 7:30 PM. by Paul Trudell, Acting-Chair.

Theresa made a motion to approve the minutes of May 13, 1999, as corrected.
Tom seconded the motion and it passed unanimously.

**WARNED HEARING, GERALD SUTTON FIRST REVIEW OF HIS PERMITS,
RUBBISH BUSINESS, 60 BRIDGE STREET.**

Paul opened the review hearing and gave an overview of the application. The application is to be reviewed under Sections 205, 207.e, 500-503.4 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Theresa sworn in Gerald Sutton.

Mr. Sutton presented the DRB with a site plan. The clean up is nearly complete and should be done in a week or two. He is concerned about how his place looks and will continue to make improvements to it. The section of the fence that is down will remain down so that he can park his truck behind the fence.

David made a motion to approve the review and that the next review hearing be held on August 12, 1999.

Carol seconded the motion and it passed unanimously.

**WARNED HEARING, STANLEY STONEY, SIDE SET BACK WAIVER REQUEST,
CONGRESS STREET.**

Pual gave an overview of the application. The application will be review under Sections: 245, 247.d and 249.1 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk was conducted prior to hearing.

Theresa administered the sworn oath to Don Bendick.

Mr. Bendrick explained the proposed project. The existing garage is in need to be removed. They propose to construct a 24' X 40' garage to replace the existing garage. The garage will be moved back so that the back of the neighbor garage will be about where the front of the new garage will be built. The side setback of the existing garage is 3'8" and the proposed new garage will be six feet from the side setback. The neighbor's garage is built on the property line.

David made a motion to grant the waiver with our standard conditions.

Tom seconded the motion and it passed unanimously.

WARNED RECESSED HEARING, ROBERT AND JOANNE LAWTON, MARY MUNFORD, LOT LINE ADJUSTMENT, FARM HILL ROAD.

Paul opened the recessed 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 on May 13, 1999.

Theresa administered the sworn oath to Robert Lawton.

Mr. Lawton explained the lot line change. They own ten acres and would like to purchase a 50' strip of property from Ms. Munford for a buffer between the two properties. Both lots are large enough to meet the minimum lot size after the lot line change. The total acreage that will change is 1.73 acres.

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

Carol seconded the motion and it passed unanimously.

WARNED RECESSED HEARING, ROBERT WARDWELL, 30' x 40' AIRPLANE HANGER, MORRISVILLE-STOWE AIRPORT, CONDITIONAL USE, SITE PLAN, REVIEW.

Paul opened the recessed hearing and gave an overview of the application. The application is to be reviewed under Sections 260, 310-318, 450-452, 500-503.4 and 630-637 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Paul asked if the Applicant or his representatives were present.

Ken said that he has sent a total of four letters to Mr. Wardwell with no response.

Tom said that he is now back in the area.

Theresa made a motion to deny the application as the Applicant has failed to provide the DRB with the minimum required paperwork, the Applicant has failed to show up for the scheduled hearings, and that this has now been going on for several months.

Tom seconded the motion and it passed 4 to 1 with David opposing the motion.

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. Paul said the Applicants are requesting to have this hearing recessed to June 10th as they do not have the required information requested by the DRB.

David moved to recess the hearing to June 10, 1999 at 7:30 PM in the Town Clerk's Office Building.

Carol seconded the motion and it passed unanimously.

WARNED RECESSED HEARING, H. A. MANOSH CORP., AGGREGATE PROCESSING PLANT, CONDITIONAL USE, SITE PLAN, REVIEW, AND WAIVER REQUEST, ROUTE 15.

Paul opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 240-243.b, 244.1, 450-452, 485-485.10, 500-503.4 and 650-657 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk was conducted on May 15, 1999.

Theresa administered the sworn oath to Howard Manosh, Chris Tricomi, Santos Tricomi, and Lawrence Lepine.

Mr. Manosh said that they wish to move the processing equipment down to the "Hawkinson" lot where several years ago they used to chip up slabs from the saw mills. The will process raw materials into finished aggregate product. This will eliminate 40 round trip truck trips up the Garfield Road from the Wolcott quarry. The processing is done with water. The water will be brought down the Ferland Pit Road and then along Route 15 to the Hawkinson lot. There will be a berm that will go between Route 15 and the plant. The changes since the last hearing are that the berm has been lengthened to the east, the camp and road to the camp have also been moved to the east. The trucks will come in from the garfield pit and the wolcott quarry and will bring in raw material to be process and will leave with processed aggregate. Both the pit and the quarry are allowed forty round trip per day. They are asking for 100 truck trips per day for the processing plant. The water used is recycled through settling ponds and is reused. There will be a 12' X 24' scale house that will also have restrooms for their employees.

Theresa asked how many acres are there?

Mr. Manosh responded that there are about 100 acres total and this processing plant will be on 7.4 acres.

Theresa asked how far does the plant go back from the edge of Route 15.

Mr. Manosh said about 400 feet.

Paul asked about the quarry stone.

Mr. Manosh said it is primarily crushed in Wolcott and brought to this site finish crushing.

Paul asked how high are the stockpiles going to be?

Mr. Manosh said about thirty feet.

Theresa asked if the stockpiles would mitigate some of the sound and what equipment would be on the site.

Mr. Manosh replied that there will be four stockpiles and that material is moved by bucket loaders and conveyor belts. The piles might mitigate some of the sound, but the back up alarms will still be heard. The stock pile will have raw materials, semi processed material and finished product.

David asked about the hours of operation 7:00 AM to 5:00 PM Monday-Friday and Saturdays 7:00 AM to 3:00 PM.

Lawrence Lepine said he owns a bed and breakfast to the west of this plant about 1,200 to 14,000 feet from the plant. He is concerned about the noise, but also feel Mr. Manosh will work something out if there is a problem.

David said his observation from the May 15th site visit was that at 1,200 feet you could hear the back up alarms and stone hitting the screens. There was no dust in the plant as the material are processed wet, however the road was dusty.

Mr. Manosh said that chloride has been put down twice since the site visit. The dust is harmful to both men and machine. There are limits set on dust by OSHA. They use water and chloride to eliminate dust and they can wet the stockpiles to keep the dust down.

David asked about the road base in the plant as it appeared in the Ferland pit to be specially built.

Mr. Manosh said they would clear the site and put in a good base to work from.

Ms. Tricomi asked who monitors the pit?

Mr. Manosh said IMSA governs their use.

Mr. Tricomi asked if the Board had done their homework looking into dust. Is there asbestos or silicons in the rocks.

Mr. Manosh said that he has not seen any asbestos in either operation.

Paul noted that the Tricomi house is about 1,200 feet from the proposed plant and about 800 from the Tricomi's property line.

Mr. Tricomi complained how the DRB holds hearings and that they do not understand the issues. He will be bothered by the dust.

Ms. Tricomi said this is in their back yard.

Paul asked the Tricomi's if they had anything to submit on the dust. (No information was submitted)

Mr. Tricomi asked about dust from the trucks driving by and when they dump their loads and said it is the dust that you can not see that kills you as it settles in your lung and stays there.

Ms. Tricomi asked about the long term effects and liability and is the town going to be libel in the end?

Mr. Manosh said the DRB are not lawyers and he ultimately would be libel if the court system says he is.

Mr. Lepine said Mr. Manosh's rights end where the neighbors property begins.

David read from the bylaws and explained that undo effect is the hardest part.

Mr. Manosh said that the DRB as part of their conditions of approval have periodic reviews so that if there are problems they can be corrected.

Mr. Tricomi asked about his property devaluation.

David commented how do you prove that?

Ms. Tricomi asked about the district was this use allowed and about the waiver request.

Paul read from the bylaws about what uses are permit, conditional and about waivers.

David read the bylaw definition on this district.

Ken explained that the Planning Commission changed the bylaws last fall that allows waivers in the town as well as the village. The DRB holds the hearings and interrupts the bylaws. It is the Planning Commission who writes the bylaws. The application form that Gloria Wing filed was one of the old applications where waivers could only be granted in the village and since all we changed was removing the words "village only" I accepted the application.

David made a motion to recess the hearing to a deliberative session to follow the conclusions of the remainder of tonight's hearings.

Carol seconded the motion and it passed unanimously.

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

Paul opened the 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 prior to this hearing.

Theresa administered the sworn oath to Raymond Chauvin, Chris Chauvin, Mark Chauvin, Don Ostler, Carol Ostler, Terry Owen, Barb Kocur, Jeff Spanos, Laura Spanos, Delmer Twombly

Chris Chauvin gave an overview of the project. They wish to construct a 30,000 square foot building with overhead cranes at both ends to unload raw steel and at the other end ship the fabricated steel. They have two points of access one off Stafford Avenue through NHC's parking lot and the other on Needle Eye Road. They will cut drill, weld, wire brush and paint materials. The paint equipment has no over spray. They will hire about 30 people. The site has a sewage system design from several years ago. They will use about 300 to 500 gallons of water per day. Exterior lighting will be pole mounted lights.

David asked what activities are done outside?

Chris Chauvin said very little the steel is unloaded from the trucks and is brought inside to be fabricated and the fabricated steel is brought out and loaded on trucks.

Paul asked how many gallons of sewage will they produce each day.

Chris Chauvin was unsure.

David asked how many trucks per day?

Mark Chauvin said two bringing in steel and two leaving with fabricated steel, and sometimes some of there supplies come in UPS or other common carrier.

Paul noted that this property is located in two districts Industrial and Rural Residential.

David said in his opinion that the site is tucked away from everything and using it for industrial use is reasonable.

Mr. Ostler asked for a recess so that the Cadys Falls Water Co-op can review the information.

Chris Chauvin submitted a report done by Wagner, Hendell and Noyes.

It was determined that a site walk of the springs for the Cadys Falls Water Co-op was needed. A site walk will take place on June 10, 1999 at 6:15 PM. David made a motion to recess the hearing to June 10, 1999 at 7:30 PM, in the Town Clerk's Office Building.

Tom seconded the motion and it passed unanimously.

David made a motion to go into deliberative session on the Manosh aggregate processing facility.

Theresa seconded the motion and it passed unanimously.

Carol made a motion to come out of deliberative session.

Tom seconded the motion.

No decision was reached on the Manosh aggregate processing facility and the hearing was recessed to July 8, 1999 at 7:30 PM in the Town Clerk's Office Building.

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

Copley Health Systems: They have approval for a 78 bed long term care facility. They wish to increase the number of residents from 86 to 94.

David made a motion to approve the increase as the building foot print is not changing.

Theresa seconded the motion and it passed unanimously.

Ed and Mary Ann Wilson: They were granted a home industry permit by Gloria Wing for their Sunset Drive house. When they sold the property Ms. Wing transferred the home industry permit to where they now live off Frazier Road. The question has come up under Bianchi if this was correct. The DRB decided to hold a hearing on this application since permit run with the land not the Applicant.

Lamoille Family Center: They wish to construct playground equipment for the kids at their facility. The DRB approved Ken issuing the permit without a hearing as it is an accessory use.

Bridge on Sterling Valley Road: Ken explained what was going to take place.

Dodgden-Hart Subdivision: The original mylar plat was signed however there was a lot line adjustment required by the Planning Commission. The new mylar was never signed and needs to be signed. Paul signed the plat.

DRB opening: The DRB interviewed and recommends Mary Brainard to fill the vacancy, due to Rich Furlongs resignation.

Theresa made a motion to adjourn the hearing at 10: 45 PM

Tom seconded the motion and it passed unanimously

Respectfully submitted,

Kenneth J. Sweetser, Scribe.