

MORRISTOWN PLANNING COMMISSION
JOINT MEETING -- MAY 25th, 1994

BOARD MEMBERS PRESENT:

[B.O.A. BOARD]: Chairman Gary Nolan; Acting Chairman Ralph Wiltshire; Theresa Breault; Paul Trudell; Rose Lambert; Ida Mae Anderson and Jean Wickart.

[P.C. BOARD]: Jennifer Willingham; Debra Mason; George Robson; Norm Nepveu; Jane Greene (Adrian West arrived @ 7:50 P.M.)

ZONING ADMINISTRATOR: Kenneth Sweetser

GUESTS/APPLICANTS: See attached list.

The meeting was called to order at 7:04 P.M. by Chairman Gary Nolan, who advised the first order of business would be to act on a waiver for an application presented by Roger Barry. Gary advised both boards that Mr. Barry is applying for a permit for a deck measuring 14' X 16'; on which he wishes to place 4 tables, with 4 chairs at each table. These will be on the cement slab (deck); that he and Norm Nepveu have both visited the site and they do not perceive it to be problem. Former Z.A. Gloria Wing had previously granted a permit to allow a miniature golf course on the proposed site; that Mr. Barry already has seating inside and this would only provide seating for persons purchasing take-outs from Barry's. Plans include constructing a decorative fence around the deck, which will be removed during the winter months to preserve the fencing. Gary advised that Mr. Barry would like to add the deck earlier than his July hearing, therefore was requesting a waiver be granted to allow this proposal.

Jean made a motion to grant approval of a permit. Ida Mae seconded. All BOA members in favor.

FACTS OF FINDING: Based on and examined under the Town of Morristown By-Laws, Sections 210 (COM) and 630 (Conditional Uses); the BOA granted a waiver of the scheduled hearing date of July 27th, 1994 date and granted approval of the proposed plans.

PC members Jennifer and Debra advised they weren't familiar with the site and wished to do a site-walk prior to making a decision. The motion was made and seconded to conduct a site-walk of Roger Barry's business on Saturday morning, May 28th, 1994 @ 8:30 A.M. All PC members in favor.

Ken Harvey's and Peter Bourne's hearing applications were briefly discussed. No action taken. PC members inquired if these applications were appeals of decisions of the Zoning Administrator. Gary explained that most BOA warned hearings are the result of the

applicants appealing the Z.A.'s decision to deny their request.

7:20 P.M. -- LAMOILLE REGIONAL SOLID WASTE MANAGEMENT DISTRICT -
3rd HEARING

Ralph Wiltshire assumed the position as Chairman of this Hearing.

Jean administered the sworn oath to all interested parties present at this time.

Ralph advised this would be heard under and Morristown By-Laws, Section 270 (Rural Residential w/Agricultural Use and Special Industrial District (SID), as the application meets the criteria of low density and special industries and #273 - Conditional Use (f) - Public Facilities.

SECTION 340 -- ENVIRONMENTAL PROTECTION AREAS (EPA)

Bill Strout of CMA Engineers and Don Marsh of Dufrense-Henry, addressed LRSWD's plans pertaining to the purpose of these regulations to afford protection to designated areas as specified:

Section 341 -(a) (b) (c)

Don Marsh advised this project includes deer yards; the core of the landfill is a deer yard, but believes they have developed a site to minimize the impact on the deer yard. LRSWD will also be required to acquire three (3) times the amount of land used in the landfill project, being a total of sixty (60) acres, elsewhere to be protected as a deer yard. Water will be diverted around the landfill so as to drain into the wetlands. Paul Trudell inquired as to what happens to deer that would normally inhabit this area. Don Marsh advised there was no adverse reason to keep the deer from migrating around the landfill; that Wildlife Engineers have determined this will only temporarily infringe on the deer habitat; that when the landfill closes the deer will move back into the area.

The required sixty (60) acres has not yet been acquired and presently the location of this required parcel has yet to be determined, it's possible it may not even be in Lamoille County, but funding is budgeted. The lower half of the landfill site is mainly deer yards; the upper portion is not as significant.

Mrs. Chris Tricomi referred to a letter dated 10/02/92, from State Officials, advising this letter pertained to this lot as well as her property in the original plans.

David Ring stated for the record, he wished to make all parties aware of the mitigation process.

Gary Audy stated he has spoken with F&G Wildlife, John Buck, as to

being a recognized deer yard and had been advised it was a critical habitat; that he has never received the requested information as to how this 3 to 1 land swap has worked in other areas.

Tim Martin voiced his concern regarding the disturbance of this deer yard, stating some of the information presented is accurate and some isn't. This year the deer did not migrate due to the heavy snow, but in previous years the deer have moved around in search of food; that the entire area in question is utilized by the deer.

Tim Martin stated he believes this project will impact the deer yard for probably 50 years, not the 20 year life of the landfill.

Jean Wickart asked about how many deer were involved. Tim Martin presented photographs of 13 deer, stating there were also 6 more that he did not get into the pictures.

David Ring advised these two (2) Boards (BOA & PC) are asked to make a decision that will possibly permanently effect this area's deer yard and there are no guarantees that it won't.

WETLANDS:

Bill Strout discussed plans pertaining to the wetlands; there are areas that won't be disturbed by this project at all. All drainage that is currently draining will be designed to still discharge into the wetlands and accommodates it much the same as in the present state. There is a 9,000 sq. ft. retention pond with plans being based on a 25 year event.

Paul Trudell asked if the discharge water will be similar in nature to rain water and was advised 'yes, it flows into a grassed swale system, which treats the water. This water will not have any contact with any of the recycling activities in any way. There will be several persons responsible for monitoring, in addition to the district operator.

Mr. Sorenson, from the State's Wetland's Office, will be coming out to do a site visit. Bill Strout believes from looking at the maps, it is classified as a Class III, Low Grade Wetlands area. The area won't be filled or drained. Debra Mason requested written response from Mr. Sorenson.

Don Marsh advised that correspondence from F&G Wildlife Officer, John Buck, indicates that if properly planned, deer and landfills can co-exist successfully. The letter was presented to Ralph Wiltshire and copies will be distributed at the next meeting.

David Ring asked what the total acreage of pavement would be, including the roof and driveway/parking lot. Mr. Strout advised it would be 1.98 acres.

SECTION 340 (c):

There are no rare plants or animals on site, therefore, there will be no impact on same. Norm Nepveu requested written documentation of this.

Joe Ingram, Chairman of LRSWD, advised this particular site was chosen after exploring several sites throughout Lamoille County in which they drilled test sites, and walked all areas and this site met the specifications required for a regional landfill.

MORRISTOWN FIRE DEPT. CONCERNS:

Duane Brown and Donnie Hill, Water Officers, on behalf of the MFD Chief Wayne Camley were present to voice the MFD's safety concerns. Jean administered the sworn oath to Mr. Brown and Mr. Hill. Mr. Brown advised they have walked the entire property and are extremely concerned with the steep incline in which the fire trucks would have to traverse, especially the water tankers, holding 2,000 gallons of water each. That in the winter months it will be extraordinarily difficult getting to the site, in addition to the fact there is not sufficient pond water available to protect the residents, property, etc. Mr. Brown advised that it will be exceptionally difficult if the landfill itself should ever start burning. They have done 'test runs' to the bottom of the hill and found it takes a minimum of 18--20 minutes from the station; 12 minutes to draw a load of water from Audy's pond; that they need and insist that a 'Dry Hydrant' be constructed.

David Ring asked what size pond would be adequate. Mr. Brown advised Tom McClay, an Engineer from Marshfield, VT can design and advise of a fire pond to provide the adequate need here.

Mr. Marsh stated that aside from installing a 'Dry Hydrant' in Audy's pond, unless the Boards (BOA & PC) have previously mandated to other developments, this requirement would be setting a precedence.

David Whitcomb of Eden, VT, a member of the District's Board, said he felt Mr. Marsh was out of line making decisions for the District Board and that decisions are the responsibility of the District Directors and he will be apprising them of same.

SECTION 342 (b): AREAS TO WHICH THESE REGULATIONS APPLY.

(b) Qualifies as a deer yard;

SECTION 344 (b): CONDITIONAL USES IN AN "EPA" AREA:

(b) the quality of ground or surface waters, either on site or off-site:

Francis Clark, spoke on behalf of his wife, Jean, who owns adjoining property that has been in the family for 4 generations,

to the landfill site. Their concern is regarding a brook/stream that runs through their land; through the landfill site to the Lamoille River and what if there is a leak of the leachate causing pollution to the stream and environment. They are also concerned with the rodents; scavenger birds and odor from the landfill. These will all impact on the water quality necessary for deer and other wild life presently in the area. This area can not be compromised by the landfill.

Ralph advised that Section 344 (a) (b) (c) (d) must be addressed in great detail and he will request information in writing pertaining to this.

Lee Sturtevant advised that as a member of the Lamoille River Angler's Association, he was requested to speak on this organization's behalf. That a concern outlined in letter form, dated 03/22/94, was forwarded to the LRSWD inquiring as to the potential of leakage; stating the impact this would have on the water quality of brooks/streams/Lamoille River. Copies of Mr. Clark's letter and Mr. Sturtevant's letter will be included in the next meeting's informational packet.

Mr. Marsh advised he can testify now, with certainty that this project will not affect the quality of Lamoille River in any way by water run-off. Mr. Marsh then explained the design and passed around samples of the various liners that will be used. That a worse case scenario would be a leak would still meet ground water standards by the time it reached the Tricomi property. Data will be presented in written form.

This landfill site and area will be constantly monitored by several different people and divisions. There are several test wells on and off site that must be monitored on schedule.

Lee Sturtevant inquired how long is the Districts Liability and was told "forever". That money will be held in escrow for a period of thirty (30) years for this purpose and the site will be monitored during this time; that any town that has trash deposited in any landfill has a liability.

Jean asked how do we know we can afford this landfill. Mr. Marsh advised that when they have acquired their ACT 250 permit for this project, they will then draft a budget for this project.

Jean administered the sworn oath to Andy Hatch and Chris Ransom.

Andy Hatch asked how chemical resistant are the liners that will be used; are there any chemicals that could disintegrate them. Mr. Marsh advised possibly the toxic waste and leachate from same. That their certification will require random screening for this reason.

Ralph Wiltshire inquired as to statistics on contaminates in the leachate.

David Ring stated that in relying on the liners and collection system, but what is the history of the pipes being cleaned or ever disintegrating. Mr. Marsh advised these will require routine maintenance and the pipes flushed out.

Tim Martin said he was also concerned with a 20,000 gallon leachate tank; also, TT-Units coming and going from the site, daily, there is an enormous chance for human error for spillage or a roll-over; this could not be contained or cleaned up.

Chris Ransom inquired how large an area will be utilized at a time. Mr. Marsh advised approximately 3 acres open at one time; this will be capped in 8 years.

NEXT MEETING: JUNE 22, 1994 @ 7:00 P.M.

Morristown Elementary School

The minutes of May 4th, 1994 (LRSWD) Hearing were reviewed. Norm Nepveu advised that on Page 1, 4th paragraph from bottom of page, it should read, "Don Marsh, P.E., was advised that two (2) subdivisions will be required".

Don Marsh advised that on Page 2, 3rd paragraph from the bottom of the page, he stated "no dead animals would be disposed of in the compost area, only leaves and vegetation type refuse would be allowed."

David Ring, referring to the April 13th, 1994 meeting, stated he was under the impression that Paul Nesky was to conduct the Hearings pertaining to the landfill; why didn't he continue to do so? Ralph explained that the meetings were expected to be attended by a larger group of people; due to Paul's experience in conducting various meetings and keeping them under control, he had been asked to conduct these hearings, but the attendees have been very orderly and reasonable and it was a Trial session, therefore, Ralph and Norm have conducted the meetings.

Chris Tricomi advised there was nothing in the meetings minutes referring to "Eminent Domain" and questioned why. The tapes will be reviewed.

Theresa moved to approve the minutes with the above changes. Paul seconded. All in favor (Both BOA & PC Boards). So approved with changes.

INFORMATION TO BE REVIEWED ON JUNE 22, 1994:
SECTION 630 -- CONDITIONAL USES

- A) Up-dated & current letters to be filed with
Boards; (RE: Site & Area)
- B) Site Specific.

Adrian made the motion, which was seconded to adjourn the meeting
at 9:50 P.M. So adjourned.

Respectfully Submitted,



Donna C. Phelps, Recording Secretary