

Morrisville/Morristown Development Review Board
P.O. Box 748 / Morrisville, VT 05661
Phone (802) 888-6373

Meeting Minutes of 22 March 2023

Members Present: Donnie Blake (Alternate), Susanna Burnham, Gary Nolan (Chair), Christy Snipp, Paul Trudell, Mary Ann Wilson, Chris Wiltshire & Lenny Wing (Alternate - unseated)

Members Absent: Melissa LeBlanc

Staff: Zoning Administrator Todd Thomas

Guests: Approximately 150 members of the public attended the meeting. The following Interested Parties spoke at the hearing: Mary & Gerry Audy, and Patrick Towne. Multiple members of the Morristown Conservation Commission were also present for the hearing, but only Co-Chair Ron Stancliff spoke thereat.

Call to Order: Chair Nolan called the meeting to order at approximately 6:15 PM.

Minutes: Approval of the 22 February 2023 meeting minutes was tabled until a future meeting.

Hearing: Site Plan for gravel & rock extraction at 2322 LaPorte Rd (2322 Laporte LLC)

Chair Nolan, after noting that the DRB Members listed above as present attended a site walk of the subject 2322 Laporte Road LLC property within the last 2 hours, reopened the recessed hearing at 6:15 PM. Board Member Burnham said that a member of the public tried to call her to speak about the application, but she refused the call. Members Snipp & Wilson said they had seen and read newspapers and social media posts about the proposed project. All three Members said that they thought they could remain as impartial jurors for the remainder of the hearing. The applicant's attorney, Jim Mahoney, said he had no objection to these 3 Board Members with possible ex parte communication issues (per 24 VSA §1207) remaining seated for the hearing. Attorney Mahoney, along with Garret Hirschak, and Engineer Peter Smiar, then presented the revised plans and letter submitted earlier in the week that addressed §485 of the Zoning Bylaws on behalf of landowner 2322 Laporte Road LLC. It was explained to the larger crowd in attendance that the applicant's request was being heard under §500 Site Plan Approval, where the Commercial Use would be added to Parcel 12113. The addition of this use in the Industrial Zone allows the Board to approve the requested 12-acres of above-grade rock & gravel extraction from the wooded southerly section of 2322 LaPorte Road if the Board can find that the application complies with §485 Extraction of Soil, Sand or Gravel.

Engineer Smiar, upon a question from Member Blake, said that approximately 20% of the materials from the proposed removal of the 12-acre knoll would be used to build the road system within the future industrial park that will be located on the property, but a majority of the gravel and processed stone would be sold commercially on-site. Engineer Smiar added that the extraction area (including the two settlement ponds) would be reclaimed as a grass meadow, or later a development site, per the reclamation site plan (Sheet C2.03), which ensures the property will be left in a safe, attractive, and useful condition (§485.1). Garret Hirschak added the current application was preparing the site for a future industrial park that would see incremental growth as business expansion required over the years. He stressed that change in this area would not come all at once. Engineer Smiar clarified that the proposed knoll removal, and the associated gravel extraction, would also happen incrementally, as needed, over the course of the next 10 years. Member Trudell asked if the hill in question, if not removed, would be detrimental to the buildout of the new industrial park. Attorney Mahoney said that it would be quite disruptive to not only the lost development sites, but it would also force a major relocation of the planned road

system. Member Trudell said that he was concerned about back-up alarms on the equipment upsetting nearby neighbors while the hill was being excavated. Mr. Hirschak agreed and said that white noise back-up alarms would be installed on this equipment instead. Mr. Hirschak added that strict dust control measures, as regulated by Act 250, will also be implemented in this area to reduce impacts to neighboring properties. Member Trudell asked about screening. Engineer Smiar then walked the Board through three distinct areas of proposed project screening, which he offered could be required to be planted before excavation begins. Member Snipp expressed concern about the planting of immature trees not providing the needed screening at first. Member Wilson asked about blasting frequency. Mr. Hirschak said that only 1 to 2 blasting events, maybe 3, would be needed per year (with each blasting event equaling one day). Engineer Smiar confirmed that the knoll/hillock is approximately 55 feet above the grade at the base of the adjacent transmission line. Member Wilson ask the applicant to consider a shorter timeline than a 10-year excavation period. Mr. Hirschak noted that a tighter timeline would result in more immediate impacts to surrounding properties.

Ron Stancliff, identifying himself as the Co-Chair of the Conservation Commission, began the Interested Party section of the meeting by claiming party status for the Conservation Commission via State Statute, and implored the Board to deny the project because the Town's Zoning Bylaws only allowed gravel removal, not rock removal. Gerry and Mary Audy, who were determined later by the Board to be Interested Parties for this application, shared concerns about noise from the planned blasting and crushing, and renegade dust damaging the garden behind their home at 557 Cochran Road. Patrick Towne 2670 LaPorte Road lamented that the proposed project was in his backyard, and he would like the knoll left where it is. He also lamented the loss of the wildlife that will be pushed out of the area by this project. Mr. Towne was determined later by the Board to be an Interested Party for this application. Other nearby, but not immediate neighbors to the project, including but not limited to Jane Foster, Alexis George, Karen Jaquish, and Chris Strong (who were determined later not to be Interested Parties for this application) spoke out against the project, focusing mostly on noise impacts. Chair Nolan then allowed residents from various other parts of town, including but not limited to Chris Audy, Luke Aupperlee, Kristin Fogdall, Ed Loewenton, and Sharon Rowell, to speak about the proposed project. They cited concerns about the project being detrimental to the historic nature of Route 100, changing the character of the neighborhood, and disrupting wildlife habitat, etc. Engineer Smiar said that most of the public comments were seemingly aimed at the Town's decision to rezone this area as Industrial (which happened back in the late 2000s), and the applicant was proposing a development that fully complied with the Town's current Zoning Bylaws. Member Snipp responded to a specific comment from resident Kristin Fogdall and explained that the Board could not consider the character of the area with this application because §630 Conditional Use was not warned for the application. Member Wiltshire moved to continue the discussion in Deliberative Session. A vote of 7-0 affirmed the motion. At the conclusion of the Board's Deliberative Session process, Member Wiltshire moved to approve the project as proposed with the following conditions of approval:

1. Blasting on this property is strictly limited to no more than 3 blast days per year.
2. A written warning of proposed blasting shall be distributed door-to-door to all structures within 500 feet of any blast site at least 24 hours prior to the first blast. Said 24-hour blast

warning shall also be afforded to the Zoning Administrator for any public announcement he or she deems appropriate at that time.

3. Blasting shall be limited to the hours of 9:00 AM to 3:30 PM Monday through Friday, with no weekend activity.
4. The hours of operation relating to other aspects of the removal of the 12-acre knoll, including crushing, excavation, logging, etc. are limited to 7:00 AM to 5:00 PM Monday through Friday, with no weekend activity.
5. All equipment on site will be retrofitted with white noise back up alarms, as opposed to traditional beeping backup alarms.
6. All fugitive dust from property shall be controlled by adequate amounts of water or calcium chloride, and all truckloads exiting the site shall be covered.
7. The landscaping and screening shall be planted as proposed and confirmed as such by the Zoning Administrator prior to the beginning of any blasting or excavation work.
8. The Zoning Administrator shall not issue permits for structures within the 12-acre knoll excavation area until this same area is fully reclaimed as proposed.
9. Per §485.10 of the Zoning Bylaws, the Board, within 3 years from the first blast day, may require the applicant, if needed, to reappear at a hearing to modify this permit to establish additional conditions of approval to ensure full compliance with §485 of the Bylaws.

The motion was affirmed by a vote of 7-0.

Discussion: Reorganization

The Board conducted its annual post Town Meeting reorganization. Member Burnham nominated Gary Nolan as Chair. The motion was affirmed by a vote of 7-0. Member Burnham nominated Chris Wiltshire as Vice Chair. The motion was affirmed by a vote of 7-0.

The meeting adjourned at 9:15 P.M. - Respectfully submitted by Zoning Administrator Thomas