



TOWN OF MORRISTOWN DEVELOPMENT REVIEW BOARD
WARNED PUBLIC HEARING
COMMUNITY MEETING ROOM OF THE OLD TEGU THEATER
43 Portland Street in Morrisville, VT 05661
6:00 PM Wednesday, September 9, 2026

[Join Zoom Meeting](#) or by phone join via conference call (audio only): 1 (646) 558-8656 | Meeting ID: [810 342 4528](#) | Passcode 05661

The meeting will be live streamed on the Town of Morristown's website:
<https://www.morristownvt.gov/community/page/meetings-agendas-minutes>

I. CALL MEETING TO ORDER

II. PROPOSED CHANGES TO THE AGENDA

III. APPROVE PRIOR MEETING MINUTES

1. Approve minutes from 8/12/26.

IV. PUBLIC COMMENTS

V. HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

1. 2026-89- Conditional use application, submitted by 133 Gallery Lane LLC, to add a childcare use to the property located at 105 Gallery Lane. The Applicants are looking to add 55 childcare spaces serving children 6 months to 6 years old. The project consists of 4400 square feet of indoor space with a 5000 square foot outdoor play area and 18 parking spaces. The project is located in the Industrial Zoning District (IND). The project will be reviewed under the 2026 Morristown Zoning and Subdivision Regulations with emphasis on the following sections: 204.E-F, 480.E, Article V, and Section 630.
2. Continuation of the public hearing of Conditional Use application 2026-48 - submitted by N. A. Manosh Inc for a property located at 2237 Route 15 East. The Applicant is seeking to remove the existing crushing machinery and replace it with an asphalt plant. The Applicant is also proposing to add a new gravel pit to the site via a Special Industrial Use. During the course of reviewing this application the Applicant requested the addition of a variance request to allow for extraction within the 200-foot property line setback required for Special Industrial Uses. This project will be reviewed under the 2023 Zoning Bylaws with emphasis on the following Sections: Section 204.3, 204.5a-b, 485, 500, 630, and 660.
3. Continuation of the public hearing for application 2026 -59 - Major Subdivision, and Conditional Use Review application submitted by Nick Manosh. During the course of reviewing this application, the Applicant, Nick Manosh, decided to modify the original application for a property located at 400 Ferland Pit Road. The Applicant requested the following changes be made to the original application: removal of the major subdivision component of the project, removal of the residential use from the lot containing Special Industrial Use, the removal of the bottling component to the bulk water extraction operation, and the addition of a variance request to allow for extraction within the 200 foot property line setback required for Special Industrial Uses. This project will be reviewed under the 2023 Zoning Bylaws with emphasis on the following Sections: Section 204.3, 204.5a-b, 485, 630. and Article V.

VI. ACTION ITEMS TO BE CONSIDERED

VII. OTHER BUSINESS

VIII. ADJOURN



DEVELOPMENT REVIEW BOARD MEETING MINUTES OF AUGUST 12, 2026

Members: Lenny Wing, Susanna Burnham, Susan Wickhart, Paul Trudell, Mary Ann Wilson, Donald Blake, Jr.

Absent: Gary Nolan,

ADMINISTRATION and STAFF: Tyler Machia, Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Rose Belanger, Nick Manosh, Holdn Thompson, Dexter Lefavour, Ronald Stancliff, Dan McLaughlin, Peter Fecteau, Donna Fecteau, Jerry Throne

CALL MEETING TO ORDER

Meeting called to order at 6:02 PM

PROPOSED CHANGES TO THE AGENDA

APPROVE PRIOR MEETING MINUTES

- 1. Approve minutes from July 22nd.**

Motion by Marry Ann Willson to approve the minutes from 7/22/26. Motion seconded by Susanna Burnham. Motion carried (6/0).

PUBLIC COMMENTS

HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

- 1. (WITHDRAWN) 2026-69- The Applicant, Robert Clark, is seeking to re-subdivide lots 23-077, 23-077-1, 23-077-2 while also creating a 4th lot 23-077-3. The primary purpose of this subdivision is to adjust the boundaries of all three existing lots while creating a 4th lot that will be permanently conserved. The new lot sizes are as follows: 23-077 .53 acres, 23-077-1 .30 acres, 23-077-2 .38 acres, 23-077-3 .63 acres. The project is located at 138 Congress Street. The Project will be reviewed under the 2023 Morristown Zoning and Subdivision bylaws as it was submitted before the 2026 bylaw took effect. The project is subject to the following sections: 204.5b, 405, Article VII and Article VIII.**

This application was withdrawn at the request of the applicant.

OTHER BUSINESS

- 1. Continuation of the public hearing for application 2026 -59- Major Subdivision, and Conditional Use Review application submitted by Nick Manosh for a property located at 400 Ferland Pit Road. The Applicant is seeking Major Subdivision Review for a proposed 4 lot subdivision. The lots are as follows: Lot 1. 28.5 acres, Lot 2. 19.4 acres, Lot 3. 10.9 acres, Lot 4. 43.5 acres. The Applicant is also seeking conditional use approval for new gravel pits located on proposed Lots 1. & 2. The Applicant plans to phase the gravel pits in two phases. In addition, the Applicant is seeking to establish a water bottling plant on proposed Lot 3. This project will be reviewed under the 2023 Zoning Bylaws with emphasis on the following Sections: Section 204.5a-b, 485, Article V., 630, 660,**

750, 760, 770, and Article VIII.

The Board continued discussion of application 2026-59. Staff noted that the application had been amended to remove the major subdivision component and water bottling plant, with only the bulk water extraction and proposed gravel pit remaining. In regard to bulk water extraction the discussion was focused on well depth, hydrological testing, and water quality concerns along with extensive conversation on whether the bulk extraction of water could be permitted as a special industrial use. Several members of the public testified about concerns regarding dust from gravel operations and water extraction regulations. These members explained that ACT 250 and ANR do not proactively monitor dust issues, which can lead to public health problems for nearby residents. They also questioned the legal process for determining if water meets special industrial bylaws, suggesting this might require expanding the current definition of earth extraction. It was pointed out that the Development Review Board interprets the bylaws and would make a formal decision about whether water extraction constitutes a special industrial use. In regard to the earth extraction component of the project the applicants noted they would like to request variance to the 200 foot setback for special industrial uses. There was extensive conversation regarding the process of obtaining a variance. Town staff pointed out that because a variance request was not part of the original application the application would have to be re-warned to make sure abutting properties were aware of the request. It was noted that the applications would be re- warned to September 9th.

Motion by Donald Blake Jr. to continue the application to September 9th. Motion sounded by Mary Ann Wilson. Motion carried (6/0).

- 2. Continuation of the public hearing of Conditional Use application 2026-48- submitted by N. A. Manosh Inc for a property located at 2237 Route 15 East. The Applicant is seeking to remove the existing crushing machinery and replace it with an asphalt plant. This project will be reviewed under the 2023 Zoning Bylaws with emphasis on the following Sections: Section 204.5a-b, 485, 500, 630, and 660.**

The board continued discussion of the conditional use application for an asphalt plant and new gravel pit located at 2237 Route 15 East. Key topics included the performance bond sufficiency, emissions impact on neighboring properties, and the need for detailed site restoration plans. The board discussed variances, with staff noting they are extremely difficult to obtain under state statute. In regard to the earth extraction component of the project the applicants noted they would like to request variance to the 200 foot setback for special industrial uses similar to what was requested don application 2026-59. There was extensive conversation regarding the process of obtaining a variance. As was previously mentioned, because a variance request was not part of the original application the application would have to be re-warned to make sure abutting properties were aware of the request. It was noted that the applications would be re-warned to September 9th.

Motion by Paul Trudell to continue the application to September 9th. Motion sounded by Susan Wickart. Motion carried (6/0).

ACTION ITEMS TO BE CONSIDERED

ADJOURN

Motion by Paul Trudel to adjourn the public hearings to September 9th at 6:00 pm to the Morristown office located at 43 Portland Street and to move into a deliberative session to discuss whether a continuation memo requesting additional information needed to be sent to the applicants. Motion seconded by Susanna

Burnham. Motion carried (6/0).

Meeting Adjured 8:22 PM

Submitted and filed on 8/16/26

Tyler Machia, Zoning and Planning Administrator

Please note all minutes are in Draft form and are subject to approval at the next Development Review Board meeting.

Tax Map Number: _____ Permit Number: _____
 All questions must be completed in full or application will be Denied (Please print or type information)
 E-911 Property Address: 105 Gallery Lane Book 318 Page 164

Property Owner: 133 Gallery Lane, LLC

Applicant (if different from owner): _____

Mailing Address: _____

Telephone: Work: 802-888-3289 Home: N/A Email: tina.emerson@msivt.com

Engineer of Plan: **Grenier Engineering, PC**
200 E. 115th Ave. #100
Minneapolis, MN 55426
612-835-0730

Mailing Address: P.O. Box 445, Waterbury, VT 05676

Telephone Number: 802-244-6413 Fee: \$ Y Paid: Y N

Nature of Request: Conditional Use: X Site Plan Review: Variance: Appeal: Waiver:

Description of Project: one 24x36 and six 11x17 copies of a site plan must be submitted with this application

Existing use of property: Recreation Facility and Retail
Daycare Facility with Outdoor Fence

Proposed use of property: Daycare Facility with Outdoor Pools

3 other daycare facilities in Vermont, wishes to open a 55 child

daycare facility from ages 6 weeks to 6 years. They've targeted the Morristown area

as an area of need of more daycare. They will add a fence outdoors enclosing the playground.

Project Dimensions: _____ Lot Size: _____

Setbacks: Sides: _____ Front: _____ Rear: _____

Lot Frontage: _____ Parking Spaces: Required: _____ Planned: _____

Access Permit:	Y	Light Plan:	Y
Easements and Rights of Ways Shown:	Y	Interdepartmental Sign-Offs:	Y

Act 250 permit Required: Y N
Landscaping Plan: Y N
Traffic Flow Plan: Y N
Contour Map: Y N

The undersigned hereby request an appearance before the Development Review Board for the land development described

above. Any permit issued as a result of this application shall be null and void in the event of misrepresentation or failure to undertake construction within one year from approval.

X. G. G. G. Signature of Applicant 8/5/26 Date Submitted

Signature of Owner _____ Signature of Applicant _____ Date Submitted _____

All written decisions issued by the Development Review Board have 30 day appeal period. No construction may

All written decisions issued by the Development Review Board have 30 day appeal period. The decision cannot be commenced until the appeal period has expired.

Please note that this is a local permit only, state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802) 476-0195.

[illegible]

Date Filled with Zoning Administrator: _____ Date of First Review by Development Review Board: _____

Notice of Hearing: _____ Notice to Surrounding Landowners: _____

Date of Hearing(s): _____

Date of Decision: _____ Approved: _____ Denied: _____ on the basis of the findings of facts and

conditions attached to the permit, see minutes of: _____

Zoning and Subdivision Bylaws are available for purchase from the Town Clerk's Office or the Zoning Office and can view

Zoning and Subdivision Bylaws

Section 425: Outdoor space is required for a Day Care Facility. Fence will be installed to enclose the outdoor space for protection of the children inside. The fence will not exceed 4 feet in height, and in a total of 5000 square feet area.

Section 435: There will not be any expansions to the lot. There will be no construction or expansion to the building at 105 Gallery Lane.

Section 453:

The minimum requirement for a Day Care Facility is 1.5 parking space per employee. There will be a maximum of 15 full-time and part-time employees. There will be 22.5 parking spaces allotted for the 15 Day Care Facility Employees. 9 parking spaces in the back of 105 Gallery Lane. The space currently already has a curb and is paved. We will stripe those spaces. There will be an additional 9 parking spaces in the back of the gym's space that is also paved and will be striped.

A recreation facility requires 15 parking spaces, and there is currently a total of 27 parking spaces in the existing parking lot. No new impervious will be added.

Section 500:

There is no external construction on the building or the lot needed for this project. The external building will look as it does currently.

4400 square feet empty space for a daycare facility which is a conditional use.

We will not be relocating propane tanks.

We will not be changing the lanes from Route 100 to Gallery Lane, or from Gallery Lane to the entrance of the parking lot of 105 Gallery Lane.

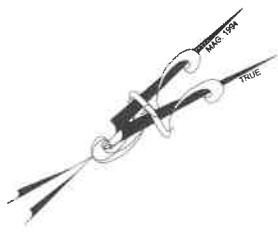
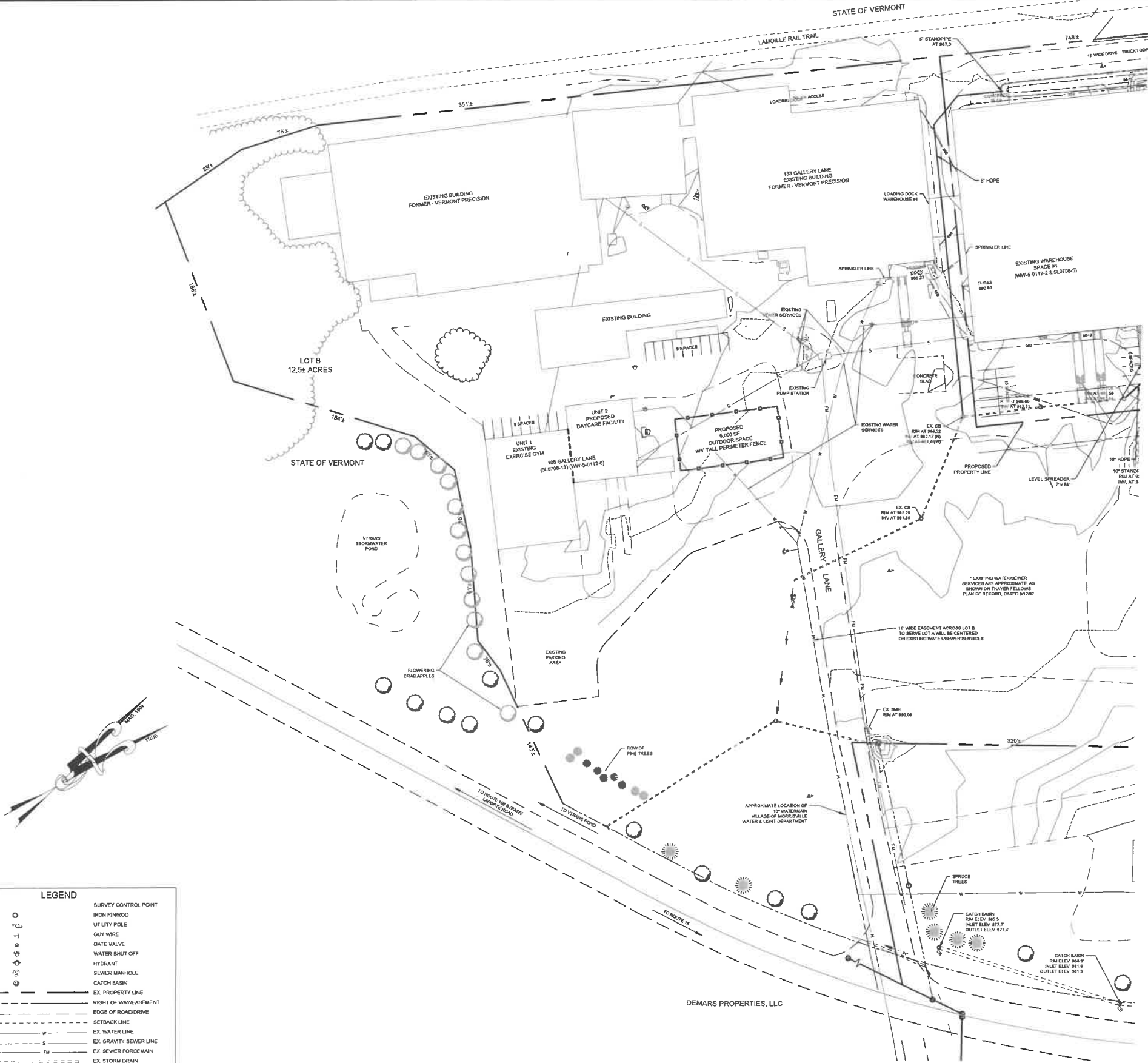
We are not changing the exterior site.

We are not submitting a plat application.

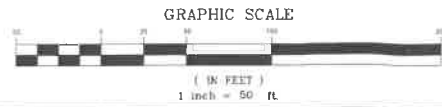
We are not proposing to subdivide this lot or site.

Signage:

The new tenant will submit an application to the zoning administrator for approval once the design is finalized.



LEGEND	
	SURVEY CONTROL POINT
	IRON PIN/ROD
	UTILITY POLE
	GUY WIRE
	GATE VALVE
	WATER SHUT OFF
	HYDRANT
	SEWER MANHOLE
	CATCH BASIN
	EX. PROPERTY LINE
	RIGHT OF WAY/ EASEMENT
	EDGE OF ROAD/ DRIVE
	SETBACK LINE
	EX. WATER LINE
	EX. GRAVITY SEWER LINE
	EX. SEWER FORCE MAIN
	EX. STORM DRAIN
	EX. OVERHEAD POWER
	EX. CONTOURS
	EX. TREE LINE



NOTE: ORIGINAL PLAN 24" x 36". OTHER SIZES NOT TO SCALE

No.	Date	Revision	By
1	7.15.26	REVISED DESIGN FLOW FOR DAYCARE FACILITY	TJM



LOT B SITE PLAN

133 GALLERY LANE LLC

105 & 133 GALLERY LANE

MORRISVILLE

155 DEMERITT PLACE #2

TEL (802) 244-6413

FAX (802) 244-1572

grenierengineering.com

Date: 3.20.26

Scale: 1" = 50'

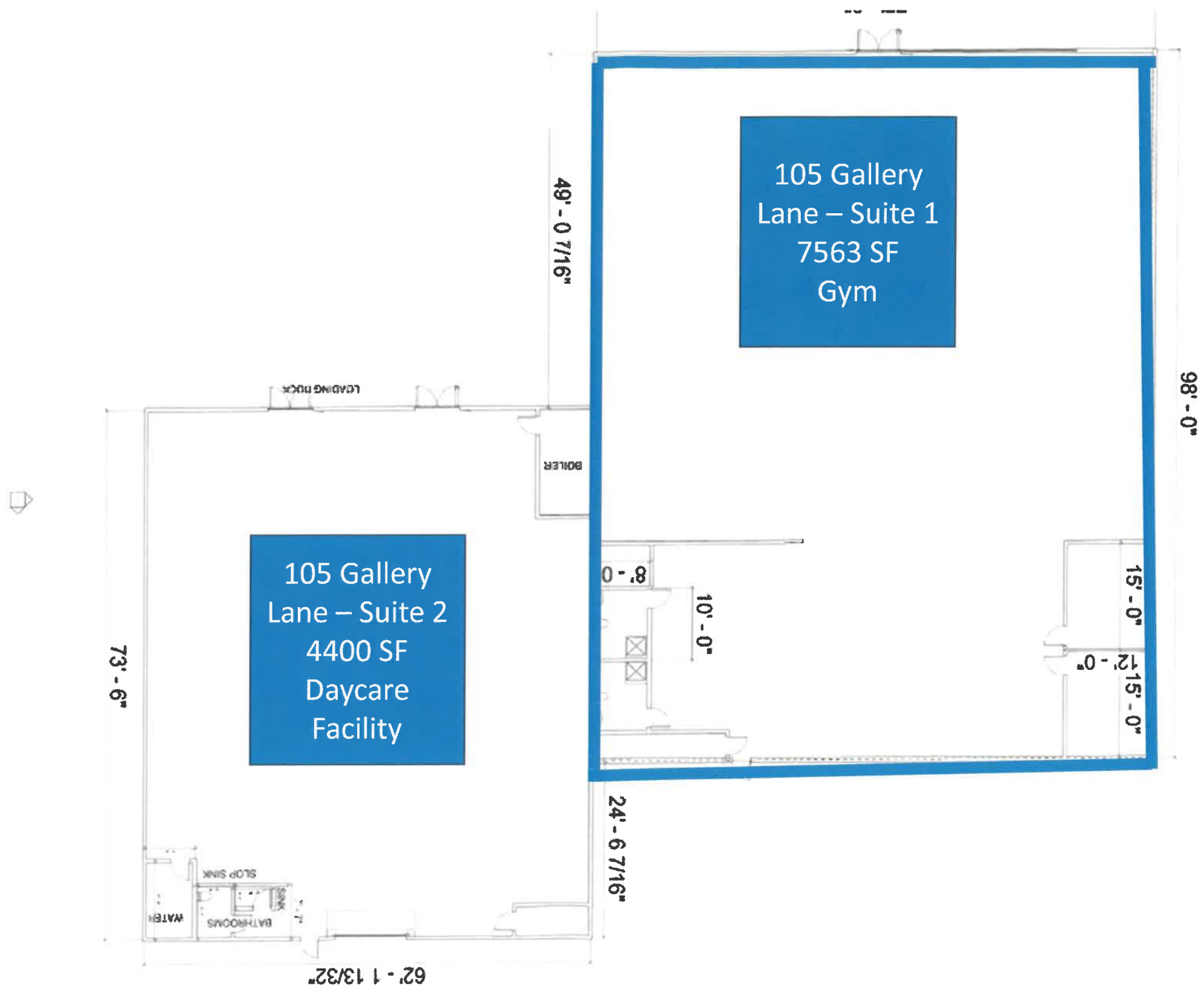
Designed: CMA

Drawn: TJM

Checked: JQG

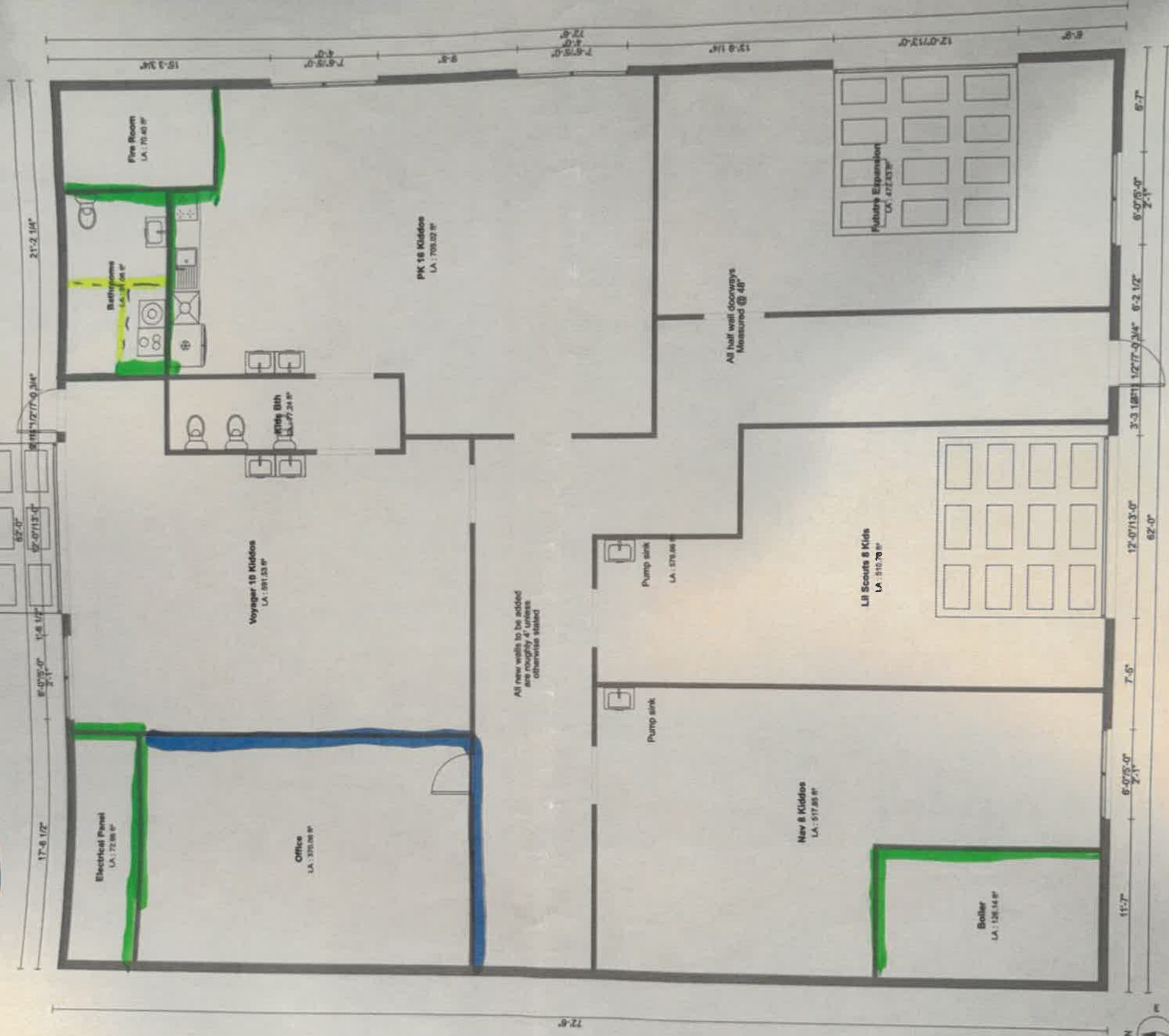
Sheet No: C-1

EXISTING DESIGN FLOW (WW-5-0112-6)	
105 GALLERY LANE =	845 GPD (UNIT 1 - 669 GPD + UNIT 2 - 176 GPD)
133 GALLERY LANE =	325 GPD (25 EMPLOYEES)
TOTAL = 1,170 GPD	
PROPOSED DESIGN FLOW	
105 GALLERY LANE	
UNIT 1 - EXERCISE GYM w/70 PARTICIPANTS, 3 TRAINERS 1 EMPLOYEE (INCLUDING SHOWER) = 669 GPD	
UNIT 2 - DAYCARE FACILITY w/70 CHILDREN & STAFF w/ONE MEAL SERVED = 1,120 GPD (944 GPD NEW FLOW)	
133 GALLERY LANE	
25 EMPLOYEES = 325 GPD	
TOTAL = 2,114 GPD - INCREASE OF 944 GPD	
NOTE: PROJECT RESULTS IN NO CHANGE TO PREVIOUSLY APPROVED MUNICIPAL WATER & SEWER DESIGN FLOW FOR LOT B. SEE DESIGN FLOW SUMMARY FOR ADDITIONAL DETAILS.	





Existing to stay
Existing to be removed
8'-Walls



Front Garage Door to Be Replaced
Existing
All other doors a garage and main are Existing

Mahoney Law Office, PLLC

Physical Address: 133 Gallery Lane, Suite 202, Morrisville, VT 05661
Mailing Address: P.O. Box 194, Hyde Park, VT 05655
(802) 851-8275 – jim@mahoneylawvt.com

August 5, 2026

Tina Emerson, Senior Leasing Coordinator
133 Gallery Lane LLC
153 Stafford Ave.
Morrisville, VT 05661

Re: Morristown DRB Application for 'Next Generation' Daycare at 133 Gallery Lane

Dear Tina:

To follow up on discussions concerning the above referenced application, I enclose a copy of my July 26, 2026, letter to Susan Baird at Act 250, regarding her pre-review of this amendment application generally and the issue of traffic specifically. That letter had three attachments, also attached here.

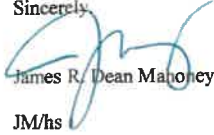
As you are aware, Susan has deemed this submittal, coupled with Susan's review of the underlying application, as sufficient to address the traffic which will be generated by the Daycare. In sum and substance, Susan has agreed that, in essence, applying the additional traffic already contemplated in connection with further development of the 'Pole Barn' – a project which was in the design phase a couple of years ago but which is currently on the back burner – was a reasonable way to address the Act 250 traffic criteria/requirements relative to this amendment application. That Susan was understanding and cognizant of the 'fit-up' cost pressures both Lessor and Lessee face in connection with establishing this important use in her analysis was greatly appreciated.

The Act 250 application has been filed. I would ask that you make this letter and enclosures part of the DRB application filing.

Tina Emerson, Senior Leasing Coordinator
133 Gallery Lane LLC
August 5, 2026
Page Two

Thank you.

Sincerely,



James R. Dean Mahoney, Esq.

JM/hs

Enclosures

cc: 133 Gallery Lane, LLC
Jesse Bugbee, Esq.

Mahoney Law Office, PLLC

Physical Address: 133 Gallery Lane, Suite 202, Morrisville, VT 05661
Mailing Address: P.O. Box 194, Hyde Park, VT 05655
(802) 851-8275 – jim@mahoneylawvt.com

TRANSMITTED ELECTRONICALLY ONLY

July 24, 2026

Susan Baird, District Coordinator
District Five Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
Susan.baird@vermont.gov

Re: Submission HOP-SHN0-80W – Prospective Daycare Tenant Under Lease With Permit Contingencies

Dear Susan:

I really appreciate your taking the time to discuss the above in some detail and on the fly last week. To confirm our discussion:

- This is the second of the two commercial units created from the former furniture store at this location. The first other unit is rented by Morrilla Gym pursuant to the recently issued 5L0708-13.
- The second unit is under lease, with a 4-month permit contingency, with an established Daycare Provider — Next Generation of St. Albans.
- The Department of Public Safety Construction Permit has been applied for, with the active participation of the Fire Marshall and after a couple of pre-application visits and is attached. It confirms our discussion about the extent of the required fit-up, which exceeds 168K and does not include either permitting costs or the purchase of additional allocation from Morrisville Water and Light.

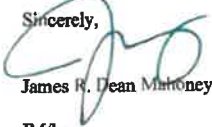
Susan Baird, District Coordinator
District Five Environmental Commission
July 24, 2026
Page Two

- As we discussed, to be able to substantively meet the requirements of the permit contingency, the reality is both parties will be spending money on necessary fit-up improvements which have been approved by DPS via a Construction Permit but prior to Act 250 approval. Your willingness to accelerate your review of this application in recognition of this fact is truly appreciated. The parties' goal is to neither undertake nor incur the bulk of the work/cost until this application has been accepted as complete and essentially vetted.
- Further on our discussion regarding traffic, I attach both the documentation submitted to you and your email response relative to the 'Pole Barn' redevelopment which was contemplated a year ago. As we discussed, it is no longer contemplated — and we believe it appropriate to consider that forgoing that additional development, and leaving the additional traffic associated with it which was reasonably assumed to be within the capacity of the Bypass on the table, so to speak, supports the contention that the additional traffic which will result from the daycare can also be reasonably assumed to be within the capacity of the Bypass. As we discussed, there is a real concern that any additional traffic requirements in connection with this application would certainly take the parties well outside the permit contingency and render this much needed use uneconomic.

Again Susan, your willingness to engage and vet early on this is greatly appreciated. I will follow up with you the latter part of next week.

Thank you.

Sincerely,



James R. Dean Mahoney, Esq.

JM/hs

Enclosures

cc: 133 Gallery Lane, LLC
Jesse Bugbee, Esq.

Mahoney Law Office, PLLC

Physical Address: 133 Gallery Lane, Suite 202, Morrisville, VT 05661
Mailing Address: P.O. Box 194, Hyde Park, VT 05655
(802) 851-8275 -- jim@mahoneylawvt.com

TRANSMITTED ELECTRONICALLY ONLY

July 22, 2025

Susan Baird, District Coordinator
District Five Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
Susan.baird@vermont.gov

Re: 26 Gallery Lane in Morrisville -- SL0708-9 -- Pole Barn Conversion

Dear Susan,

You and I have talked previously about the above, but not for some time. Sunrise Development, LLC, has plans to convert the 'Pole Barn' at the above referenced property to a five-unit commercial rental property. Manosh had previously obtained an Administrative Amendment (SL0708-9A) to convert the pole barn to a maintenance garage.

I attach a sketch on which we have located the existing tenant anticipated to move to this location as part of this redevelopment (Unit 1, auto repair). We have made assumptions regarding the likely tenant use of the other 4 units. The auto repair space -- Unit 1 -- has been designed with tenant input. Units 4 and 5 are smaller units which we believe will likely be used for contractor storage of one type or another. Units 2 and 3 are anticipated as business services uses for purpose of this analysis.

The purpose of this email is to request a determination from you as to whether or not a traffic study will be required for this amendment. With regards to the number of trips per day which will be generated by this project, we estimate roughly an additional 62-64 daily trips based on the following:

- The auto repair tenant advises that it has 4-5 employees. It is a two-bay garage, open 6 days a week that undertakes and completes 8 tasks a day, on average, receives roughly 8 deliveries per week and provides irregular towing services. Our estimate of daily trips -- employees (5) customers (20) deliveries (2) and towing/miscellaneous (5) for a total of 32;

Susan Baird, District Coordinator
District Five Environmental Commission
July 22, 2025
Page Two

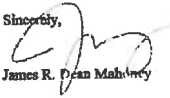
- As to the anticipated storage units, access to these is rarely day-to-day in our experience. Actual daily trips generated in connection with this type of use are generally negligible. We would propose using 3-4 daily trips, for each unit, for this estimate; and
- As to Units 2 and 3 generally, the term business services is fairly broad and that used by the Morristown Zoning Ordinance. For purposes of this estimate, we use a woodworking shop for Unit 2 and light industrial use for Unit 3; each with 1-2 employees and an estimate of 10 for customers/deliveries for a unit total of 12 and total for both units of 24.

Taking the estimated trips and spreading them out over an 8-hour period results in an estimated 7.5 additional trips per hour. Given the nature of the business of our existing auto-repair tenant, assuming that those trips will be pretty well spread out and service-based, and not congregate to peak periods, seems reasonable. We think the same analysis for the estimated tenants – that the nature of the spaces will limit the number of total employees generally and that the nature of expected uses will result in irregular storage and/or service-based visits during the course of the day.

Please accept this letter as Sunrise Development's request that it be allowed to proceed with this amendment application without a traffic study.

Thanks Susan. I'm happy to discuss this after you have had a chance to review and digest.

Sincerely,


James R. Dean Mahoney

JM/hu

Attachment

cc: Sunrise Development, LLC

7/20/25, 9:47 AM

Sent Items - James Mahoney - Outlook



Outlook

RE: 26 Gallery Lane in Morrisville -- 5L0708-9 -- 'Pole Barn' Conversion

From Baird, Susan <Susan.Baird@vermont.gov>

Date Fri 8/1/2025 8:00 AM

To James Mahoney <jim@mahoneylawvt.com>

Cc Garret P. Hirschak <garreth@msivt.com>; Kevin Kressner <kevink@msivt.com>; Benjamin Adams <benjamin.adams@msivt.com>; Erin Desautels <erin.desautels@msivt.com>; Tina Emerson <tina.emerson@msivt.com>

Hi Jim,

Thanks for sending along the sketch plan.

I have reviewed the underlying permits and noted that much of the development is dedicated to storage/warehouses, which typically generate minimal trips.

I am inclined to concur that a traffic study will not be required for the project as the estimated daily trips are below the number VTrans would apply to make the determination. In the application under Criterion 5 you may want to note the warehouses on the tract, and any nearby traffic signalization that creates "gaps" in traffic flow which facilitates easier access/egress.

Let me know if you have other questions..

Regards,

Susan Baird | District Coordinator
Land Use Review Board
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
802-522-6428
<https://act250.vermont.gov>

Emails and other written or recorded information produced or acquired in the course of public agency business are public records and may be subject to public examination under Vermont's Public Records Act.

From: James Mahoney <jim@mahoneylawvt.com>

Sent: Tuesday, July 22, 2025 10:22 AM

To: Baird, Susan <Susan.Baird@vermont.gov>

Cc: Garret P. Hirschak <garreth@msivt.com>; Kevin Kressner <kevink@msivt.com>; Benjamin Adams <benjamin.adams@msivt.com>; Erin Desautels <erin.desautels@msivt.com>; Tina Emerson <tina.emerson@msivt.com>

Subject: 26 Gallery Lane in Morrisville -- 5L0708-9 -- 'Pole Barn' Conversion

<https://outlook.office.com/mail/id/AAQkADc2YmQ2bzI5LTgwYmliNDQwY1hMmQ5LWJhMDY5YjczNjY2MAAQAMh9vcbqERCoL7C5wTzXVE%3D>

1/2

7/20/26, 9:47 AM

Sent Items - James Mahoney - Outlook

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Morning Susan,

You and I have talked previously about the above, but not for some time.
I attach a letter and sketch in connection with Sunrise Development's request to proceed with this amendment without a traffic study.

Happy to discuss it once you have had a chance to review.

Thanks Susan,

James R. Dean Mahoney, Esq.
Mahoney Law Office, PLLC
P.O. Box 194
Hyde Park, VT 05655
(802) 851-8275



**September 9th, 2026,
DRB Meeting
Staff Notes**

APPLICATION: 2026-89

APPLICANT: 133 Gallery Lane LLC

REQUESTED ACTION: Conditional Use Review

LOCATION: 105 Gallery Lane

EXISTING ZONING: Industrial District (IND)

PROJECT DESCRIPTION: 2026-89- Conditional use application, submitted by 133 Gallery Lane LLC, to add a childcare use to the property located at 105 Gallery Lane. The Applicants are looking to add 55 childcare spaces serving children 6 weeks to 6 years old. The project consists of 4400 square feet of indoor space with a 5000 square foot outdoor play area and 18 parking spaces. The project is located in the Industrial Zoning District (IND). The project will be reviewed under the 2026 Morristown Zoning and Subdivision Regulations with emphasis on the following sections: 204.E-F, 453, Article V, and Section 630.

PARCEL HISTORY:

1. Zoning Permit 2026-44, 133 Gallery Lane LLC. Granted 5/27/2026. Change of use to a gym, and 82 square feet of new signage.
2. Zoning Permit 2025-139, Sunrise Development LLC. Granted 12/10/2025. New 12 x 10 sign.
3. Conditional Use Permit 2015-045, At Last Properties LLC. Granted 7/23/2015. Added a Bulk Storage of Fuel use.

LIST OF APPLICANT SUBMISSIONS:

- A. DRB Application Form, signed and dated 8/5/2026
- B. Project Narrative citing Zoning and Subdivision Bylaws, submitted 8/5/2026
- C. "Lot B Site Plan," prepared by Grenier Engineering, PC, dated 3/20/2026, revised 7/15/2026 submitted 8/5/2026
- D. Floor plan exhibits showing Suite 1 (existing gym) and Suite 2 (proposed daycare) submitted 8/5/2026
- E. Aerial site exhibit labeling parking areas and the proposed outdoor play area submitted 8/5/2026
- F. Interior layout sketch of the proposed daycare space submitted 8/5/2026
- G. Correspondence with the Act 250 District 5 Coordinator regarding traffic review (letter dated 8/5/2026 with enclosures dated 7/24/2026, 7/22/2025, and related emails) submitted 8/5/2026

PROCEDURAL INFORMATION:

1. Agenda placed in News and Citizen 8/24/2026
2. Notice placed on the town website and at three locations in town on 8/24/2026
3. Abutters notified on 8/24/2026
4. Notice sent to Applicant on 8/24/2026

STAFF COMMENTS (Comments In Bold):

1. 2026-89- Conditional use application, submitted by 133 Gallery Lane LLC, to add a childcare use to the property located at 105 Gallery Lane. The Applicants are looking to add 55 childcare



spaces serving children 6 weeks to 6 years old. The project consists of 4400 square feet of indoor space with a 5000 square foot outdoor play area and 18 parking spaces. The project is located in the Industrial Zoning District (IND). The project will be reviewed under the 2026 Morristown Zoning and Subdivision Regulations (The Bylaws) with emphasis on the following sections: 204.E-F, 453, Article V, and Section 630.

2. The property is located at 105 Gallery Lane, in the Industrial (IND) Zoning District.
3. Section 204.E (Use Table) lists Day Care Facility as a Conditional Use (“C”) in the IND District. This means the DRB must review and approve this use before it can begin.
4. The Lot is an existing split zoned lot, split between the IND and COM zone.
5. Section 206. A notes that new commercial development or redevelopment in the COM zone is subject to the standards noted in Section 206.
6. The existing buildings are located in the IND district but half of the lots are located in the COM zone. **(The Board will need to consider whether the project should be subject to the regulations in Section 206)**
7. Section 423.A states that a childcare facility caring for more than six full-time children, or more than six full-time and four part-time children, is a Day Care Facility and is a Conditional Use that the DRB must review. The Applicant proposes 55 children, which is above this threshold.
8. Section 453 notes the minimum parking spaced for childcare facility use is 1.5 spaces per employee.
9. The Applicants narrative Submittal B, notes that there will be a maximum of 15 fulltime and part time employees and that 22.5 spaces will be allocated for this use.
10. The Applicants Submittal E notes 18 parking spaces located too the rear of the existing building. The additional parking spaces will be located in the existing parking lot located in front of the gym.
11. Conditional Use Review is subject to the site plan regulations noted in Section 500.
12. The Applicants site plan will be subject to the regulations noted in Section 500 B.
13. The Applicants have supplied the information noted in Section 500.B.
14. The DRB may require additional standards noted in Section 500.C with respect to the following: Adequacy of traffic access and circulation, Provision for vehicular and/or pedestrian access to connect sites to adjacent properties, Provision of parking, To protect the utilization of renewable energy resources. **(The Board could consider requiring additional conditions to address the issues in Section 500.C.1-4)**
15. Because this is a Conditional Use application, Section 500.B requires the Applicant to submit a site plan meeting the requirements listed in that section, including a boundary survey, the location of propane tanks, and the location of trash and recycling containers. Submittal C (Lot B Site Plan) shows the existing waterline, existing building footprints, and the proposed outdoor play area and fence. **(The Board should confirm that the site plan submitted meets all the specific items required under Section 500.B).**
16. The Project will be subject to the landscaping regulations noted in section 505 A of The Bylaws.
17. Section A.1 notes that landscaping proposed on a site plan shall include a combination of shade trees and shrubs (both deciduous and/or coniferous) and may also include grass and ground covers.
18. The Applicants site plan shows existing landscaping, but no additional landscaping has been provided.



19. Section A.2 notes that A landscaped buffer of at least 5 feet in width shall be required in the following circumstances: (1) To reasonably screen 10 or more off-street parking spaces from roadside view, (2) To reasonably screen 10 or more off-street parking spaces from abutting residential properties, and (3) To have proposed non-residential properties provide screening to abutting residential properties in the COM, IND, & HOS Zones.
20. The Applicants site plan shows 18 new parking spaces that are located to the rear of the existing buildings. There are no residential lots located near these properties.
21. Section A.3 notes Landscaping plans shall include shade trees when 10 or more parking spaces are proposed. In such areas, no open-air parking space shall be more than 30 linear feet from the trunk of the closest shade tree. When internal parking lot islands are proposed to meet this 60-foot maximum distance requirement, said islands shall not be curbed and shall be designed to receive and attenuate stormwater from the paved parking area
22. The new proposed parking areas only have 9 spaces, so no landscaping is required for these lots. The existing lot does not have shade trees but is screened from the route 100. **(Board could consider requiring shade tree landscaping).**
23. Conditional Use Review is subject to the regulations noted in Section 630 of The Bylaws.
24. Section A.4. notes proposed shade trees shall be no smaller than a 2.5-inch caliper trunk diameter, measured at ground level, or, in the case of coniferous trees, a minimum of 5 feet in Page35 height. Tree species shall be long-lived (over 60 years) with a high tolerance for soil
25. Section A.5. notes Landscaping shall also include the use of shade trees along any road frontage. At least 1 shade tree shall be planted for each 60 linear feet of said frontage. Said trees shall be salt tolerant, of local origin, and placed/sized so as to not impact overhead utility lines.
26. Section A.6. notes Landscaping shall be required to reasonably screen all ground-mounted utility enclosures, mini-split condensers and meter sockets from views from the roadside and adjacent properties. Said improvements need not be screened if they located within 5 feet of the primary structure and painted a matching color to allow visual blending.
27. Section A.8 notes Maximum effort shall be taken to save existing mature trees. No material or temporary soil deposits shall be placed within the drip line of shrubs or trees designated on the landscape plan to be retained. Protective barriers, such as snow or silt fences, shall be installed during construction around the drip lines of vegetation that is to remain on site that may be damaged by construction activity
28. Section A.9 notes maximum effort shall be taken to save existing mature trees. No material or temporary soil deposits shall be placed within the drip line of shrubs or trees designated on the landscape plan to be retained. Protective barriers, such as snow or silt fences, shall be installed during construction around the drip lines of vegetation that is to remain on site that may be damaged by construction activity
29. The Applicants are not proposing additional landscaping beyond what currently exists on the site (The Board needs to consider whether the landscaping on site is sufficient for the use)
30. Section 630.B states that a Conditional Use cannot have an undue adverse effect on the capacity of existing or planned community facilities, the character of the area, the land's ability to hold water, or cause undue water, noise, or air pollution. Submittal B states there will be no new impervious surface and no exterior construction. **(The Board should weigh whether the proposed daycare, including drop-off and pick-up traffic, has any undue adverse effect on the surrounding Industrial District under these standards.)**



31. Submittal G is a series of letters and emails between the Applicant's attorney and the Act 250 District 5 Coordinator, discussing whether a traffic study is needed for the daycare use under Act 250 (the State land use law). This correspondence addresses a State permit process and does not itself show compliance with any Town of Morristown traffic, parking, or site plan standard.
32. Parcel located at 105 gallery lane is split zoned between the IND and COM districts.
33. 18. The preexisting building is located in the IND zone but half of the lot is located in the COM which requires the construction of a sidewalk. **(The board should consider whether the applicants should be required to provided a sidewalk. Given that the lot is split zoned and the building where the use is occurring is in the IND district where no sidewalk is required the board could determine that the sidewalk policy does not apply. However, given that half of the lot is zoned COM it is also reasonable to require the construction of a sidewalk to help facilitate foot traffic to the new childcare facility. It is worth noting that there are no other sections of sidewalk in the area and no obvious plans to connect it to the rest of the sidewalk. The property is located close to the Lamoille Valley Rail Trail).**

OUTSTANDING ITEMS:

1. Updated water sewer allocation from Morrisville Water and Light.

ITEMS FOR DRB CONSIDERATION:

1. Should the project be subject to the regulations noted in Section 206 of The Bylaws?
2. Should the applicants be required to provide additional landscaping?
3. Does the Applicant need to supply additional information to comply with Section 500.C of The Bylaws?
4. Does the proposed daycare use, including drop-off and pick-up traffic, has any undue adverse effect on the surrounding area under the Section 630.B standards?
5. Should the sidewalk policy apply to this project?

TOWN OF MORRISTOWN/VILLAGE OF MORRISVILLE
APPLICATION FOR HEARING BEFORE THE DEVELOPMENT REVIEW BOARD

Tax Map Number: 0902701 Permit Number: 2026-59
All questions **must** be completed in full or application will be **Denied** (Please print or type information)

E-911 Property Address: 400 Ferland Pit Road Book 306 Page 239

Property Owner: Nick A. Manosh

Mailing Address: 120 Northgate Plaza, Morrisville VT 05661

Applicant (if different from owner): _____

Mailing Address: _____

Telephone: Work: 802 888 5722 Home: _____ Email: nickm@manosh.com

Engineer of Plan: New England Consulting Engineers LLC

Mailing Address: 120 Northgate Plaza, Morrisville VT 05661

Telephone Number: 802 279 3257 Fee: \$ _____ Paid: Y N

Nature of Request: Conditional Use: _____ Site Plan Review: X Variance: _____ Appeal: _____ Waiver: _____

Description of Project: one 24x36 and six 11x17 copies of a site plan must be submitted with this application

Existing use of property: unimproved

Proposed use of property: soil extraction/water bottling/residential/agriculture

Describe proposed project and nature of request: Redivide existing parcel into 4 lots, one for soil extraction, one for water bottling facility and residential dwelling, and one for agricultural activity.

Project Dimensions: 0-4,800 sf Lot Size: 28.5/19.4/10.9/43.5 Acres

Setbacks: Sides: 360 360 Front: 60 Rear: 360

Lot Frontage: 800/3500/3000 Parking Spaces: Required: 8 Planned: 8

Access Permit:	Y ☒ N ☐	Light Plan:	Y ☒ N ☐
Easements and Rights of Ways Shown:	Y ☒ N ☐	Interdepartmental Sign-Offs:	Y ☒ N ☐
Act 250 permit Required:	Y ☒ N ☐	Traffic Flow Plan:	Y ☒ N ☐
Landscaping Plan:	Y ☒ N ☐	Contour Map:	Y ☒ N ☐

The undersigned hereby request an appearance before the Development Review Board for the land development described above. Any permit issued as a result of this application shall be null and void in the event of misrepresentation or failure to undertake construction within one year from approval.

Signature of Owner

Signature of Applicant

Date Submitted

All written decisions issued by the Development Review Board have 30 day appeal period. No construction may commence until the appeal period has expired.

Please note that this is a local permit only, state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802) 476-0195.

For Administrative Use Only:

Date Filled with Zoning Administrator: 5/25/26 Date of First Review by Development Review Board: 7/18/26

Notice of Hearing: 6/22/26 Notice to Surrounding Landowners: 6/22/26

Date of Hearing(s): 7/9/26

Date of Decision: _____ Approved: _____ Denied: _____ on the basis of the findings of facts and conditions attached to the permit, see minutes of: _____

Zoning and Subdivision Bylaws are available for purchase from the Town Clerk's Office or the Zoning Office and can viewed on the town website at: www.morristownvt.org/zoning

**Nick A. Manosh
Mixed Use Subdivision
Ferland Pit Road
Morristown, Vermont**

General

There are 2 existing parcels owned by Nick Manosh on the Ferland Pit Road: one (1) of 7.4 acres, containing a single family dwelling; one (1) consisting of 107 acres of unimproved land surrounding the smaller parcel. This project is for the subdivision of the 107 acres into three parcels for multiple uses. The property is previously covered by Vermont Act 250 permit No. 5L1048.

Lot 1 – 28.5 acres

This lot is proposed for the second phase of soil extraction. A total of approximately 2,300,000 yards of soil will be extracted over the life of the property. The annual extraction rate of 50,000 cubic yards per day, or 500 cubic yards per day average over a 100 day season. This will create truck traffic at an average rate of 40 and a maximum rate of 80 trucks per day. The pit will operate year-round, with a reduced operating level from December through April.

Lot 2 – 19.4 acres

This lot is proposed for first phase of soil extraction. A total of approximately 700,000 yards of soil will be extracted over the life of the property. The annual extraction rate of 50,000 cubic yards per day, or 500 cubic yards per day average over a 100 day season. This will create truck traffic at an average rate of 40 trucks per day. The pit will operate year-round, with a reduced operating level from December through April. The owner plans to construct a primitive camp on this lot.

Lot 3 – 10.9 acres

Mixed use of a single-family dwelling and a bulk water loading facility are proposed for this lot. The bottling plant employee up to 6 workers. There will be permitted as a public water supply and bulk water loading station for truck transport. The water source will be an onsite bedrock well. This will create truck traffic at a average rate of 40 trucks per day.

Lot 3 – 43.6 acres

This lot will remain unimproved and intended to be used for agriculture and silviculture purposes.



ZONING TABLE				
Lot	Size (Acres)	Frontage (feet)	Existing Use	Proposed Use
1	28.5	1610	Forest	Soil extraction
2	19.4	644	Forest	Soil extraction and camp
3	10.9	2537	Forest	Residence and mineral extraction
4	43.5	2537	Forest	Agriculture
ROW	4.7	NA		

LEGEND	
	STA-1 TRAVERSE STATION
	BM-1 BENCHMARK
	TP-1 TEST PIT
	PT-1 PERC TEST
	UP-1 UTILITY POLE
	S SEWER MANHOLE
	X CATCH BASIN
	Water Shut Off
	IPF IRON PIPE FOUND
	IRF IRON ROD FOUND
	IRS IRON ROD SET
	Well EXISTING DRILLED WELL
	Tree Line
	Stone Wall
	Fence
	Water Line
	Sewer Line
	Property Line
	Right-of-Way
	Easement
	Edge of Pavement
	Major Contour
	Minor Contour
	Proposed Major Contour
	Proposed Minor Contour

REVISIONS

New England Consulting Engineers

120 NORTHGATE PLAZA
MORRISVILLE, VERMONT 05680
TEL: (802) 888-5722

FIVE MOUNTAIN MINERALS
FERLAND PIT ROAD
MORRISTOWN, VERMONT

MIXED USE DEVELOPMENT
OVERALL
PLOT PLAN

PROJECT NO. 983/1119

DESIGNED BY: BDL

DRAWN BY: BDL

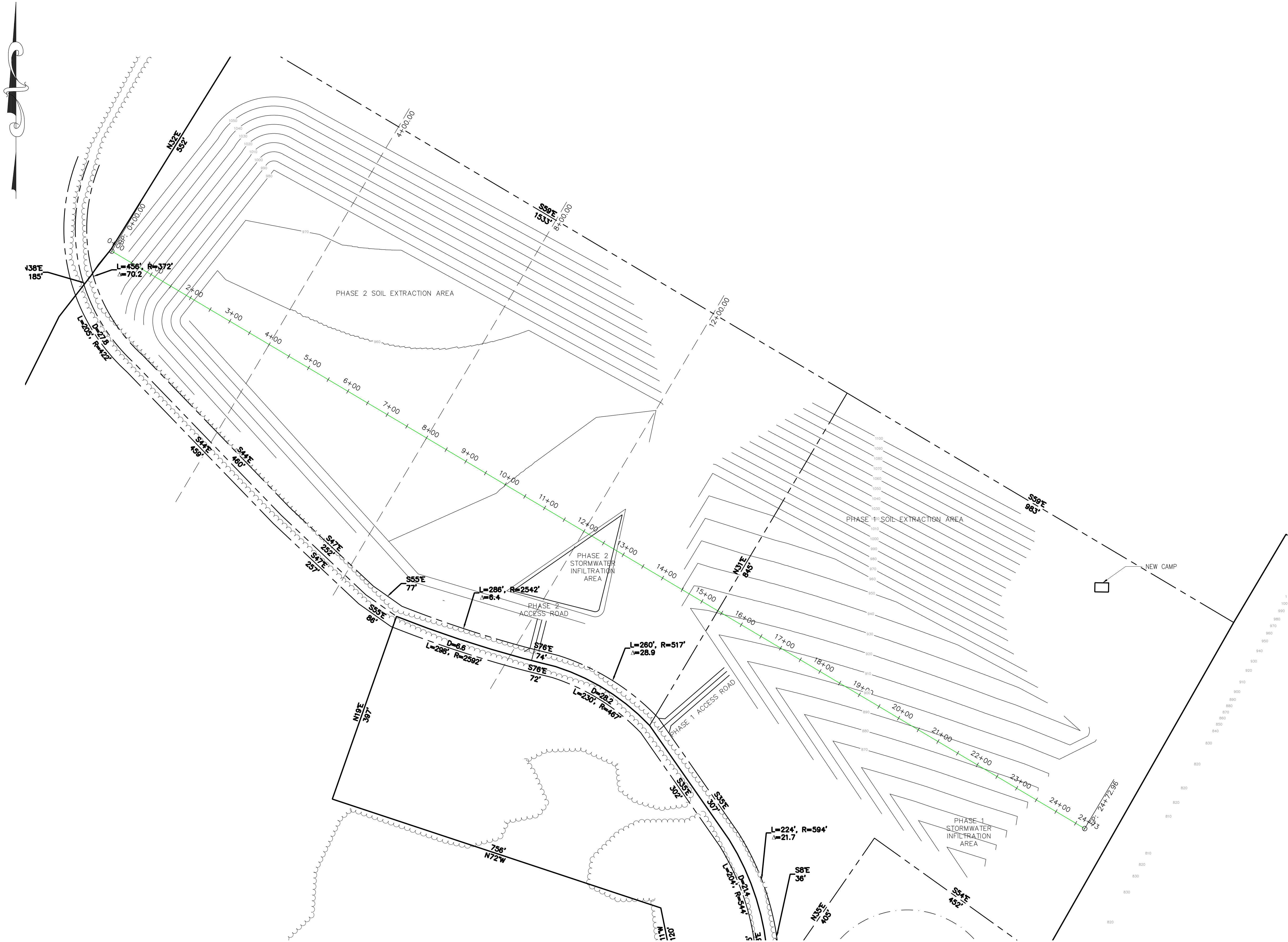
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SCALE: AS NOTED

C-1

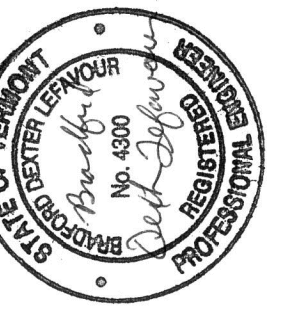
1 OF 6

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REVISIONS

New England
Consulting Engineers
120 NORTHGATE PLAZA
MORRISVILLE, VERMONT 05680
TEL: (802) 888-5722



FIVE MOUNTAIN MINERALS
FERLAND PIT ROAD
MORRISTOWN, VERMONT
MIXED USE DEVELOPMENT
SOIL EXTRACTION AREA
SITE PLAN

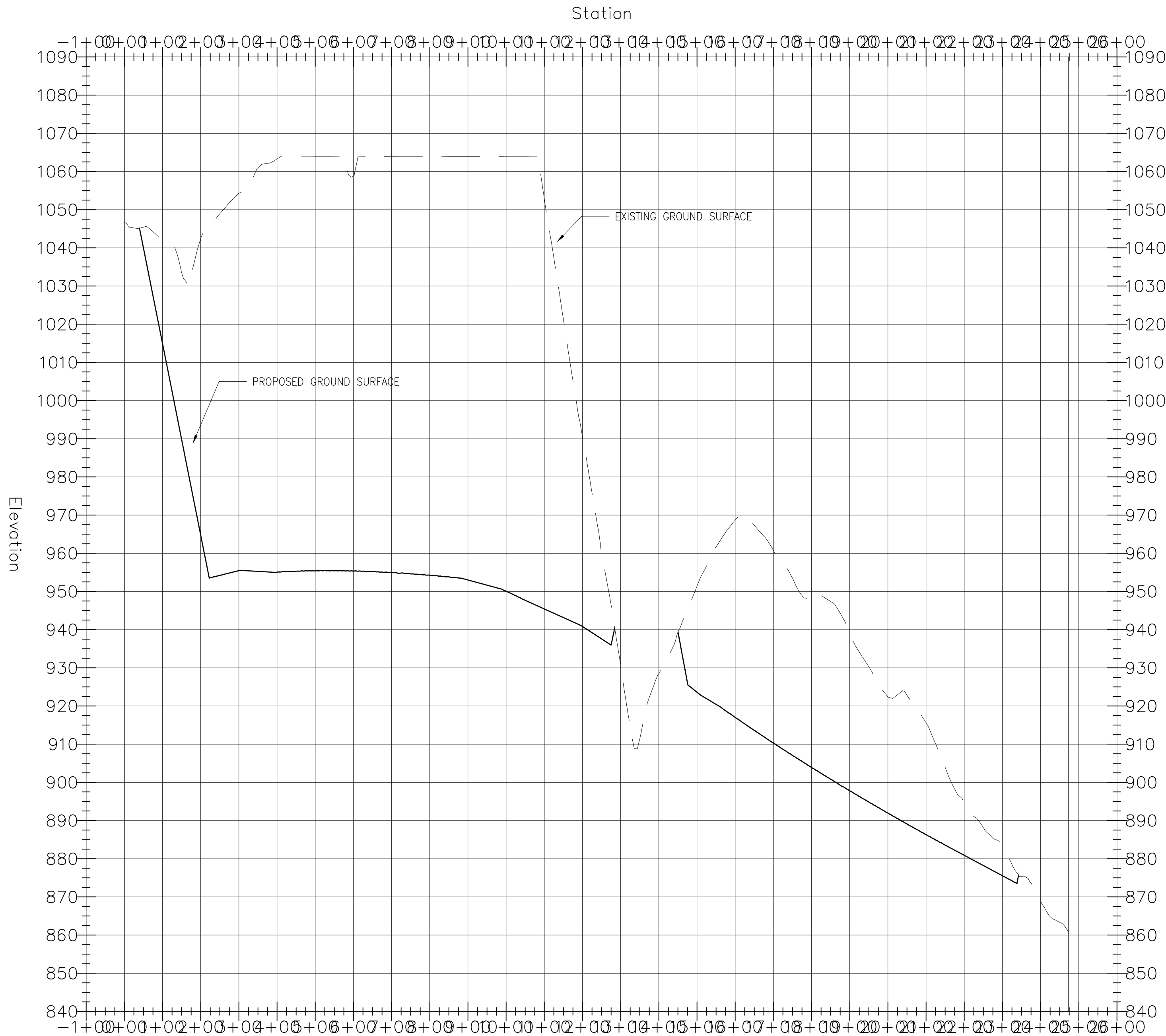
PROJECT NO. 983/1119
DESIGNED BY: BDL
DRAWN BY: BDL
DATE: SEP 2025
SCALE: AS NOTED

C-2

2 OF 6



Alignment – (1) PROFILE



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Consulting Engineers

120 NORTHGATE PLAZA
MORRISVILLE, VERMONT 05680
TEL: (802) 888-5722



FIVE MOUNTAIN MINERALS

FERLAND PIT ROAD
MORRISTOWN, VERMONT

MIXED USE DEVELOPMENT

SOIL EXTRACTION AREA
BASELINE PROFILE

PROJECT NO. 983/1119

DESIGNED BY: BDL

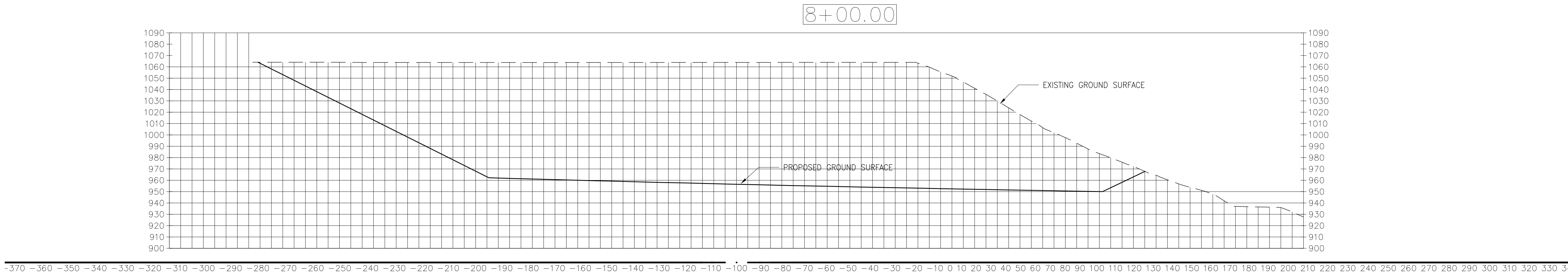
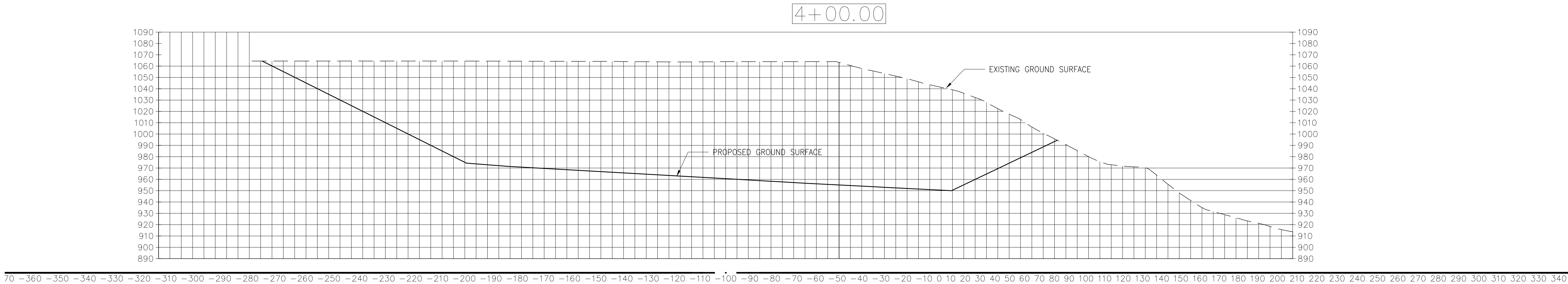
DRAWN BY: BDL

DATE: SEP 2025

SCALE: AS NOTED

C-3

3 OF 6



REVISIONS



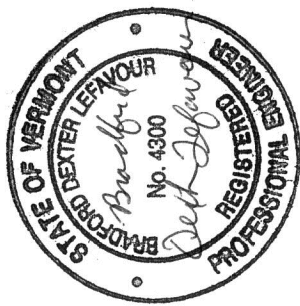
New England

Consulting Engineers

120 NORTHGATE PLAZA

MORRISVILLE, VERMONT 05680

TEL: (802) 888-5722



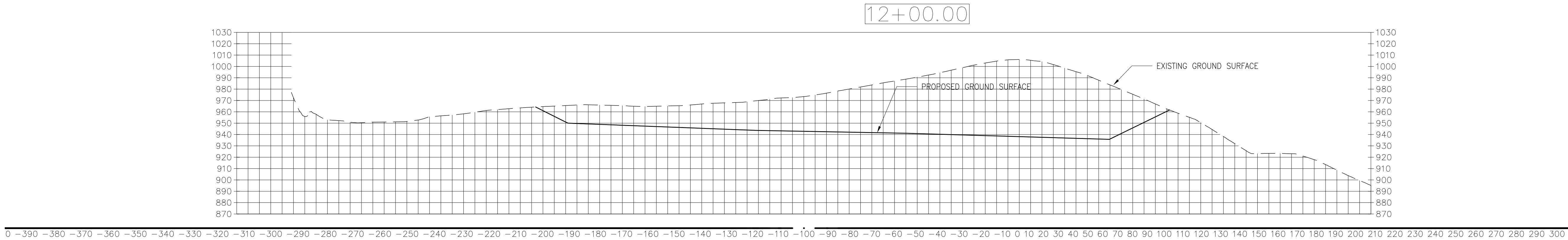
FIVE MOUNTAIN MINERALS
FERLAND PIT ROAD
MORRISTOWN, VERMONT

MIXED USE DEVELOPMENT
SOIL EXTRACTION AREA
SECTIONS

PROJECT NO.	983/1119
DESIGNED BY:	BDL
DRAWN BY:	BDL
DATE:	SEP 2025
SCALE:	AS NOTED

C-4

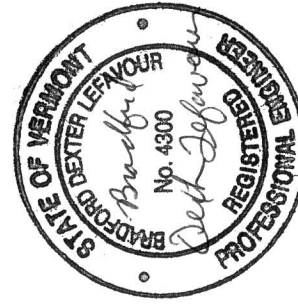
4 OF 6



REVISIONS

New England
Consulting Engineers

120 NORTHGATE PLAZA
MORRISVILLE, VERMONT 05680
TEL: (802) 888-5722



FIVE MOUNTAIN MINERALS
FERLAND PIT ROAD
MORRISTOWN, VERMONT

MIXED USE DEVELOPMENT
SOIL EXTRACTION AREA
SECTIONS

PROJECT NO. 983/1119
DESIGNED BY: BDL
DRAWN BY: BDL
DATE: SEP 2025
SCALE: AS NOTED

C-5

5 OF 6



REVISIONS	
 New England Consulting Engineers 120 NORTHGATE PLAZA MORRISVILLE, VERMONT 05680 TEL: (802) 888-5722	
	
FIVE MOUNTAIN MINERALS FERLAND PIT ROAD MORRISTOWN, VERMONT	MIXED USE DEVELOPMENT WATER BOTTLING PLANT SITE PLAN
PROJECT NO. 983/1119	
DESIGNED BY: BDL	
DRAWN BY: BDL	
DATE: SEP 2025	
SCALE: AS NOTED	
C-6 6 OF 6	

FIVE MOUNTAIN MINERALS

OPERATION PLAN

I. INTRODUCTION

- a. OPERATOR - The operator of the soil extraction business is N A Manosh Inc. 120 Northgate Plaza, Morrisville, Vermont 05661.
- b. LANDOWNER - The property is owned by Nick Manosh, 120 Northgate Plaza, Morrisville, Vermont 05661. The location of the proposed gravel pit is on Ferland Pit Road (private) in the town of Morristown, Vermont.
- c. SCOPE OF OPERATIONS - The business activities proposed:
 - i. The extraction, processing and sale of approximately 3,000,000 cubic yards of gravel and soil products
- d. SITE RECLAMATION - Site reclamation will be accomplished on an incremental basis as the work progresses. As one acre of the site reaches its final grades it will be covered with at least 4" of mixed topsoil and subsoil, covered with 15 tons per acre of cow manure and seeded with Winter Rye.
- e. SITE MANAGEMENT - The operator will take steps to ensure proper management of the site including dust control, noise control, maintenance, erosion control, stormwater management, truck advisories, and permit compliance.

II. EXISTING CONDITIONS

- a. LAND USE - The site is currently undeveloped and under occasional silvicultural/agricultural use. All surrounding lands are also in agricultural use, with the exception of the Manosh residence. The residence is located directly across Ferland Pit Road from the gravel extraction operation. Upon completion of the gravel extraction activities, the site will be reclaimed as suitable for agricultural use.
- b. TOPOGRAPHY - The sand gravel deposit is a terrace deposit on the Lamoille River valley floor. The Lamoille River is located 2,000' to 2,800' south of the edge of the proposed excavation. The land between the river and the site is a gently sloping woods and fields and includes multiple residential properties. The extraction area is generally known to contain deep sand and gravel deposits. This is verified by surrounding well logs and other soil extraction operations, which identify favorable the soil characteristics to a depth of 200-400 feet. Ground water depths are generally with 20 feet of the bottom of the sand and gravel deposits. The maximum planned extraction depth for the proposed operation is 60 feet. The excavation area and extraction area as proposed will leave a depth of approximately 100' of natural soil below the floor of the excavation area. This will ensure that adequate drainage will exist below finish grades in the re-claimed excavation area of the site.
- c. EARTH RESOURCES - Approximately 3,000,000 cubic of gravel will be removed from the site. It is general knowledge that the area contains high quality sand and gravel to great depths. This is a high-quality natural sand and gravel suitable for road construction, road maintenance and other purposes. It is estimated that approximately 1 foot of loam (subsoil) and topsoil exists over the extraction area. This soil material will be removed and stockpiled separately. Topsoil and subsoil will be retained for site reclamation.

III. OPERATION PLAN

a. GENERAL OPERATING PRACTICE

- i. **Storm Water Management** A storm water infiltration area will be located in the southeast corner of each phased extraction area. The infiltration area will serve to capture all run-off from the soil extraction pit and tributary areas. This run-off will recharge the ground water beneath the site. Silt, sand and other materials carried by the runoff will be captured in this area. The phased development and final grading plans of the soil extraction pit are designed to collect all run-off in the infiltration area. An emergency overflow spillway is provided to prevent breaching of the berm.
- ii. **Excavation Procedures** Excavation will begin in the far southeast corner of the soil extraction pit. Excavation will be accomplished with conventional earthwork equipment. A level work area and the infiltration area will be established first. A stockpile of excavated material will be created and maintained during the life of project. A 2:1 working face of gravel and sand will be maintained in the soil extraction pit within the limits of each phase until excavation is completed within that phase. Site reclamation will occur in one-acre increments immediately behind the work area. The open or active working area of the soil extraction pit is estimated at 3 acres.
- iii. **Soils Processing** The gradation analyses performed on the gravel indicate that it is salable as roadway sub base with processing. However, it is anticipated that screening of the gravel may be desirable for market purposes. The screening process will produce tailings, which the operator may process. A description of anticipated processing operations follows:
 1. Gravel Processing
 - a. screening - A static screen is anticipated to be used for almost all gravel excavated from the site. This screen consists of a grid of steel bars on a fixed frame. It has no moving parts and is silent.
 - b. crushing of gravel - The operator may occasionally produce a custom crushed gravel product. In this case, a portable crusher would be brought on-site for a period of approximately 2 weeks to process the necessary quantity of gravel, coincidental with the crushing of tailings.
 - c. crushing of tailings - Stones that are removed by the static screen will be stockpiled on site. The stockpile of stones will be crushed periodically. This process will occur not more than once annually and will have a duration of approximately 2 weeks per occurrence, coincidental with the crushing of gravel.
- iv. **Erosion Control** Protection of off-site land from erosion control will be provided by the infiltration area. On-site erosion control *measures* will be in compliance with the VTDEC Low Risk Handbook.
- v. **Dust Control** Water and/or calcium chloride will be spread on site access roads to control dust when necessary. The water supply for this operation will be from an onsite well. Additionally, a 100' stone roadbed will be placed at the exit of the facility to aid in cleaning truck tires of loose dirt. This will aid in dust control by reducing the tracking of dirt off the site onto the town roads.
- vi. **Transportation** The maximum annual extraction rate of gravel will be 100,000 cubic yards per year. It is estimated that this will result in a total volume of 48 trucks per work day average. All trucks exiting the site will use Ferland Pit Road to access Vermont Route 15.

- vii. **Hours of Operation.** The soil extraction pit will be open within the hours of 7:00 AM to 5:30 PM, Monday through Friday, and 7: to 12:00 PM on Saturday. Maintenance activities may occur outside of those hours. This soil extraction pit business will be a full time operation. It will be open full time the regular construction season, from approximately April 1 through November 30, and will operate on demand December 1 through March 31.
 - viii. **Management.** The operator of the facility will be responsible for the good management of the soil extraction pit. This includes following the operation plan, complying with applicable permits and public relations. The operator at least annually prepare a report of the operation. The report shall include an estimate of the quantity of gravel removed to date, an assessment of the excavation progress with respect to the operation plan, a review of the condition of the infiltration area and erosion control methods employed and any other items noted during the annual inspection. The report shall make recommendations for any maintenance, repair or change of the soil extraction pit operation.
- b. **SOIL REMOVAL SEQUENCE**
 - i. Remove topsoil and loam (subsoil) from the Phase 1 area
 - ii. Stockpile topsoil and loam (subsoil) in designated area
 - iii. Provide silt fence or a line of hay bales to block run-on and runoff from the topsoil and loam stockpile
 - iv. Excavate Phase I gravel up to a working face
 - v. Topsoil, seed and mulch completed areas while maintaining necessary work area
 - c. **SITE RECLAMATION PLAN**
 - i. **SURFACE SOIL REMOVAL** - The gravel extraction is planned in three phases. The top 24 inches (approximately) of topsoil and subsoil will be removed and stockpiled from each phase prior to excavation in that area. The stockpile will be immediately seeded to winter rye at a rate of 2 pounds per 1,000 square feet. The topsoil and subsoil will be retained in a mixed pile and used for site reclamation.
 - ii. **SITE RECLAMATION** - Site reclamation will be accomplished by placing the topsoil and subsoil layer evenly over the completed section of the soil extraction pit. Prior to topsoil placement, the operator will probe the existing soil to ascertain that a minimum 24" drainage layer exists over less permeable substrata. The thickness of the drainage layer will be measured on a 50' grid to verify that the 24" thickness exists. If the 24" thickness does not exist, the operator will place additional sand or gravel to achieve the 24" thickness. The topsoil will be immediately sampled and sent to the UVM lab for analysis. Cow manure will be applied at a rate of 15 tons per acre and worked into the soil. These areas will be seeded with winter rye at a rate of 112 lbs. per acre. During the following spring, lime and fertilizer will be applied based on the soil test results. The winter rye will be harrowed or plowed down and the area will be seeded with Champlain Timothy, Alsike Clover or Arlington Red Clover at a rate of 20 lbs. per acre. For a minimum of five years after reclamation, the site will be maintained in grass sod and manure will be applied annually at a rate of 15 tons per acre.

MEMORANDUM

TO: Morrisville DRB
FROM: Holden S. Thompson, EI, B. Dexter Lefavour, PE
SUBJECT: **N.A. Manosh 5 Mountain Minerals Application #2026-59 Response**
DATE: August 7, 2026
CC: Nick Manosh

Following the July 22nd, 2026 public hearing on our application #2026-59, the Morrisville DRB issued a request for supplemental information on August 3, 2026. This memo provides the requested information, along with revisions we have made to the plans and application in response to the concerns raised.

1. Performance Bond as required by Section 485.1 of the 2023 Morristown Zoning and Subdivision Bylaws.

An engineering estimate is provided below for site reclamation of the soil extraction pit based on an open pit area as presented on the following page.

N.A. MANOSH
FERLAND PIT ROAD, MORRISTOWN
8/4/2026

Site Reclamation for 3 Acres											
DESCRIPTION	ESTIMATED QUANTITY										ITEM TOTAL
	Material				Labor			Equipment			
	Units	QTY	Unit	Total	Hours	RATE	Total	QTY	RATE	Total	
GRADING			\$ -	\$ -	40	\$ 30.00	\$1,200.00	40	\$ 230.00	\$ 9,200.00	\$10,400.00
SEEDING	SY	14520	\$ 1.22	\$ 17,714.40	24	\$ 30.00	\$ 720.00		\$ -	\$ -	\$18,434.40
MOBILIZATION/DEMOBILIZATION			\$ -	\$ -		\$ -	\$ -	1	\$ 2,883.44	\$ 2,883.44	\$2,883.44
SUBTOTAL											\$31,717.84
TOTAL											\$31,717.84

2. Vehicle Trip end count for both current and proposed uses as allowed per Section 485.10 of the 2023 Morristown Zoning and Subdivision bylaws.

There currently is no commercial traffic generated from the property. The proposed project trip generation values for the bulk water transfer station and soil extraction pit are estimated to generate 88 truck trips per day and are summarized in the table below.

Trip Generation Summary		
Operation	Average Trips Per Day	Peak Hour Trips
Soil Extraction	48	10
Bulk Water	40	8
Total Applicant	88	18

3. Location of topsoil storage area for the earth extraction operation per Section 485.9 and 485.10 of the 2023 Morristown Zoning and Subdivision bylaws.

The location of topsoil storage for reclamation will be within the extraction area limits. The removal and storage process is described in the Soil Operations Plan (Section III.c.i). The reclamation process is described in the Soil Operations Plan (Section III.c.ii). A typical location plan for a topsoil storage pile has been added to Sheet C-2. The sequence of operations will generally follow the numbering of sections provided on Sheet C-2.

4. Site Plan for Restoration as noted in Sections 485.2 and 485.3 of the 2023 Morristown Zoning and Subdivision bylaws.

The Soil Operation Plan (Section III.a.ii and Section III.b.i-v) details the excavation operations and procedures that cover the necessary requirements in Sections 485.2 and 485.3 of the 2023 Morristown Zoning and Subdivision bylaws. The final grades for the site are those depicted on the project plans. The future land use will be open land, which will be either grassed or forested.

5. Stormwater Management plan for the site as required by Section 485.4 of the 2023 Morristown Zoning and Subdivision bylaws.

The Stormwater Management plan for the soil extraction operation is found in Section III.a.i of the Soil Operations Plan. and addresses the requirements in Section 485.4 of the 2023 Morristown Zoning and Subdivision bylaws.

6. Confirmation that no extraction is taking place within 200 feet of any property boundary as required by Section 485.4 of the 2023 Morristown Zoning and Subdivision bylaws.

The staff notes indicate concern for setbacks to Ferland Pit Road and property lines to the South of proposed Lot 1. Ferland Pit Road will be used as an on-site access for the soil and water extraction with a common right-of-way serving the dwelling of Nick Manosh. There is also no longer a planned major subdivision which removes the property boundary that was of concern as seen on Sheet C-1. These changes were made to satisfy Section 485.5 of the 2023 Morristown Zoning and Subdivision bylaws.

7. Confirmation that nonpower-activated sorting machinery or equipment is located within 300 feet of any property boundary as required by Section 485.6.

The applicant will ensure any equipment or machinery on site observes this setback requirement. No sorting machinery or equipment will be operated within 300 feet of any property line as required by Section 485.6. A typical location plan for equipment location on the sites has been added to Sheet C-2.

8. Information that will be submitted to the state as part of the ACT250 processes as note in Section 485.6 and 485.10. The following information is requested:

a. Noise and emission specifications for proposed use

The applicant will take measures to ensure that noise levels from the soil extraction operation do not exceed 70dB at the property line. The soil extraction site will operate a mobile crushing unit that has an active air quality permit this requires dust control measures and imposes emissions limits.

b. Dust control measures

Dust control measures will be implemented at the soil extraction pit as outlined in the Soil Operations Plan (Section 3.a.v).

c. Equipment emissions

Emissions concerns are addressed in Item 8a, above.

9. Redesign subdivision to meet 50% conserved land requirement in Section 510.6.a of 2023 Morristown Zoning and Subdivision Bylaws.

There is no longer a planned major subdivision for the project as seen on Sheet C-1, therefore the project does not need to satisfy the conserved land requirement in Section 510.6.a of the 2023 Morristown Zoning and Subdivision Bylaws.

10. Plat showing listers parcel IDs as noted in Section 770.k of 2023 Morristown Zoning and Subdivision Bylaws.

There is no longer a planned major subdivision as addressed in Item 9, above. The project therefore does not need to list parcel IDs as required in Section 770.k of the 2023 Morristown Zoning and Subdivision Bylaws.

11. Letter from the Morristown Fire Department that there is a water source close enough to service the subdivision as noted in Section 770.t of 2023 Morristown Zoning and Subdivision Bylaws.

There is no longer a planned major subdivision as addressed in Item 10, above. The project therefore does not need to satisfy requirements in Section 770.t of the 2023 Morristown Zoning and Subdivision Bylaws.

12. Location of utility easements as required by Section 840.1 of the 2023 Morristown Zoning and Subdivision Bylaws.

There is no longer a planned major subdivision as addressed in Item 11, above. The project therefore does not need to satisfy requirements in Section 840.1 of the 2023 Morristown Zoning and Subdivision Bylaws.

13. Homeowner Association documents to govern open space and any shared infrastructure as noted by Sections 510.6.k and Section 870 of the 2023 Morristown Zoning and Subdivision Bylaws.

There is no longer a planned major subdivision as addressed in Item 12, above. The project therefore does not need to satisfy requirements in Section 510.6.k and Section 870 of the 2023 Morristown Zoning and Subdivision Bylaws.

14. Written argument noting that there is nothing in the town plan, regional plan, and zoning bylaws that restricts the development of these sources.

Neither the 2023 Morristown Zoning and Subdivision Bylaws, the Morrisville/Morristown Town Plan 2022–2030, nor the Lamoille County Regional Plan prohibits the extraction of sand and gravel at this location. The 2023 Morristown Zoning and Subdivision Bylaws establish the project area as Special Industry as defined in Section 910 as well as the soil extraction site satisfying all necessary criteria for extraction of earth resources as defined in Section 485.

* * *

FURTHER INFORMATION ABOUT WATER EXTRACTION USE

The Applicant offers four possible avenues for consideration of water extraction as an allowable use:

- Water extraction is protected by State statute
- Water extraction may be allowed by variance
- Water is an earth resource and therefore water extraction is a permitted use as extraction of earth resources.
- Water extraction is less objectionable than allowed special industry uses

Further discussions of the first two points are presented below. The second two are self-explanatory.

1. Water extraction is allowed and protected by Vermont statute. 10 V.S.A. § 1410 (see below) establishes the beneficial use of groundwater as a right. Beneficial use of groundwater is defined 10 V.S.A. § 1391 as “those uses included in each groundwater class”. 10 V.S.A. § 1394 defines the classifications of groundwater. The groundwater on site is currently classified as Class III, which is defined as suitable for commercial use. The applicant is in the process of modifying the classification to Class I, for use as a public water supply.

10 V.S.A. § 1410

§ 1410. Groundwater; right of action

(a) Findings and policy. The General Assembly hereby finds and declares that:

(4) all persons have a right to the beneficial use and enjoyment of groundwater free from unreasonable interference by other persons;

10 V.S.A. § 1391

§ 1391. Definitions

(4) “Beneficial uses” means those uses included in each groundwater class.

10 V.S.A. § 1394)

§ 1394. Classification of groundwater

(a) The State adopts, for purposes of classifying its groundwater, the following classes and definitions thereof:

(1) Class I. Suitable for public water supply. Character uniformly excellent. No exposure to activities that pose a risk to its current or potential use as a public water supply.

(2) Class II. Suitable for public water supply. Character uniformly excellent but exposed to activities that may pose a risk to its current or potential use as a public water supply.

(3) Class III. Suitable as a source of water for individual domestic water supply, irrigation, agricultural use, and general industrial and commercial use.

(4) Class IV. Not suitable as a source of potable water but suitable for some agricultural, industrial, and commercial use, provided that the Secretary may authorize, subject to conditions, use as a source of potable water supply or other use under a reclassification order issued for the aquifer.

(b) All groundwater of the State is hereby classified as Class III water unless reclassified by the Secretary.

2. Applicant requests variance to allow water extraction. Various requirements may be adjusted by variance per Section 204.4 of the town regulations:

Section 204.4 Variances. Variances for frontage, setbacks, and other various requirements of these Bylaws and of ss4469 of the Act may be granted by the DRB after submittal of ss500 Site Plan and a public hearing per ss4465-ss4469 of the Act. Issuing variances for Development controlled by ss320 Flood Hazard Areas and 24 VSA ss4469 should be avoided. The Board shall notify applicants that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance.

The applicant provides the following responses to the statutory criteria for variances:

“the development review board or the Environmental Division created under 4 V.S.A. chapter 27 shall grant variances and render a decision in favor of the appellant, if all the following facts are found, and the finding is specified in its decision:

(1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located. **Applicant response: True.**

(2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. **Applicant response: True.**

(3) Unnecessary hardship has not been created by the appellant. **Applicant response: True.**

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

Applicant response: True.

(5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan. **Applicant response: True.**

3. The following table summarizes the proposed water withdrawal rates for the project.

1.4 Proposed Withdrawal Rate

The proposed peak withdrawal rate is 600+ gpm, however future testing will determine the maximum proposed safe yield pending the results of the pump test. There is no existing usage data for this well, therefore a peaking factor of 2 is being used to calculate the peak withdrawal rates. In accordance with Section 24-404(a)(3) of the Rules, the proposed withdrawal rates for the Project are summarized in Table 2.

Table 2 Anticipated Groundwater Withdrawal Rate

Time Period	Average		Peak	
	Gallons	Equivalent Gallons Per Minute	Gallons	Equivalent Gallons Per Minute
Daily Basis	432,000 gal/day	300	864,000 gal/day	600
Monthly Basis	12,140,000 gal/month	300	26,280,000 gal/month	600
Annual Basis	157,680,000 gal/year	300	315,360,000 gal/year	600

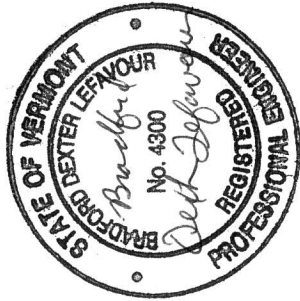


ZONING TABLE				
Lot	Size (Acres)	Frontage (feet)	Existing Use	Proposed Use
1	28.5	1610	Forest	Soil extraction
2	19.4	644	Forest	Soil extraction and camp
3	10.9	2537	Forest	Residence and mineral extraction
4	43.5	2537	Forest	Agriculture
ROW	4.7	NA		

LEGEND	
	STA-1 TRAVERSE STATION
	BM-1 BENCHMARK
	TP-1 TEST PIT
	PT-1 PERC TEST
	UP-1 UTILITY POLE
	S SEWER MANHOLE
	CB CATCH BASIN
	WSO WATER SHUT OFF
	IPF IRON PIPE FOUND
	IRF IRON ROD FOUND
	IRS IRON ROD SET
	DW EXISTING DRILLED WELL
	TL TREE LINE
	SW STONE WALL
	F FENCE
	WL WATER LINE
	SL SEWER LINE
	PL PROPERTY LINE
	ROW RIGHT-OF-WAY
	E EASEMENT
	EP EDGE OF PAVEMENT
	MC100 MAJOR CONTOUR
	MNC MINOR CONTOUR
	PMC100 PROPOSED MAJOR CONTOUR
	PMNC PROPOSED MINOR CONTOUR

REVISIONS
1 EDITS FOR DRB BDL 7/17/26

New England
Consulting Engineers
120 NORTHGATE PLAZA
MORRISVILLE, VERMONT 05680
TEL: (802) 888-5722



FIVE MOUNTAIN MINERALS
FERLAND PIT ROAD
MORRISTOWN, VERMONT
MIXED USE DEVELOPMENT
OVERALL
PLOT PLAN

PROJECT NO. 983/1119
DESIGNED BY: BDL
DRAWN BY: BDL
DATE: SEP 2025
SCALE: AS NOTED

C-1

1 OF 6



REVISIONS	
1 EDITS FOR DRB	BDL 7/17/26



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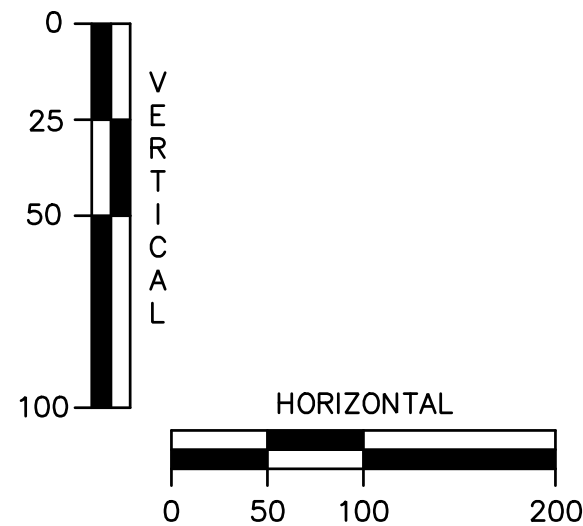


FIVE MOUNTAIN MINERALS FERLAND PIT ROAD MORRISTOWN, VERMONT	MIXED USE DEVELOPMENT SOIL EXTRACTION AREA SITE PLAN
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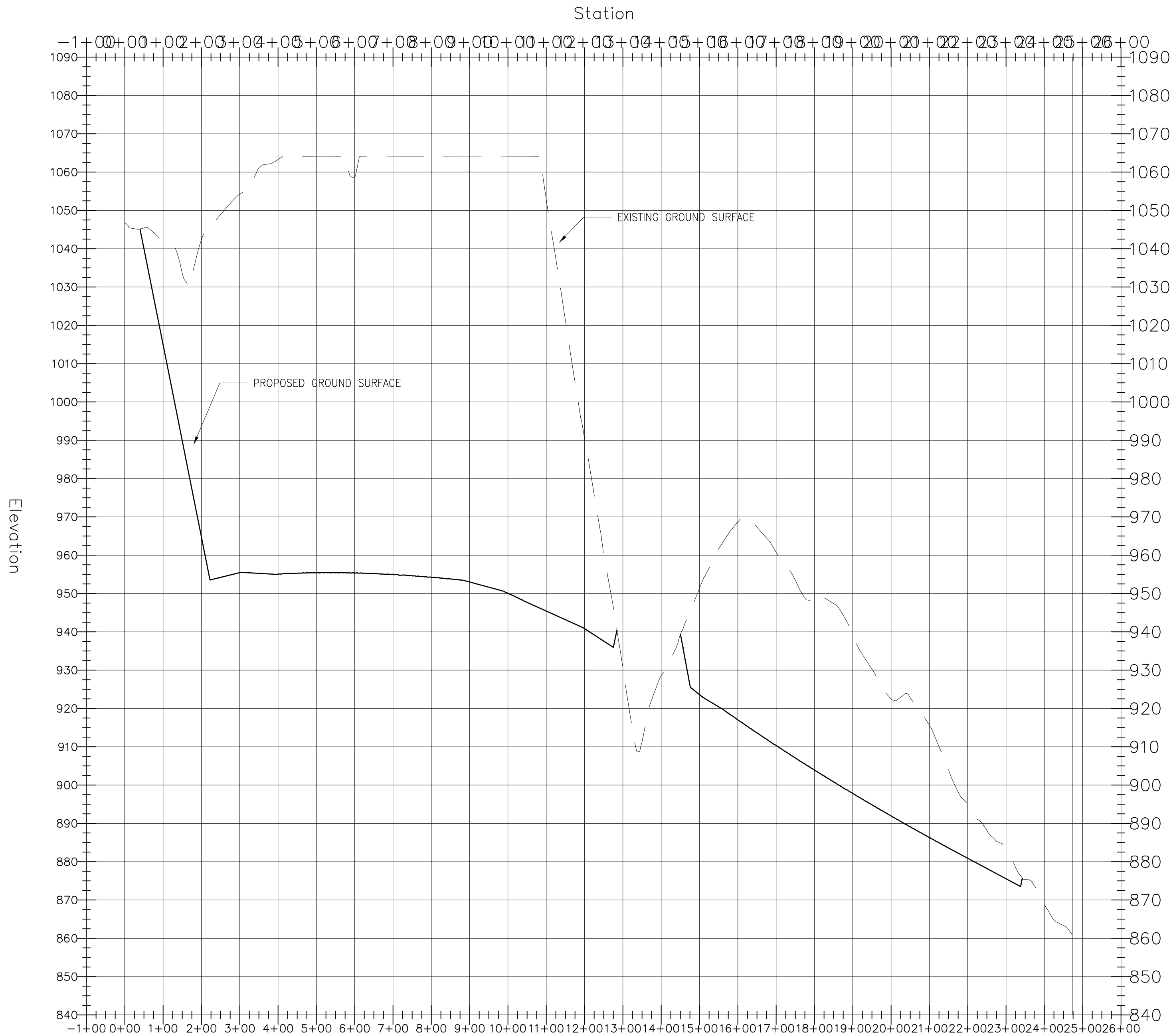
PROJECT NO.	983/1119
DESIGNED BY:	BDL
DRAWN BY:	BDL
DATE:	SEP 2025
SCALE:	AS NOTED

C-2

2 OF 6



Alignment – (1) PROFILE



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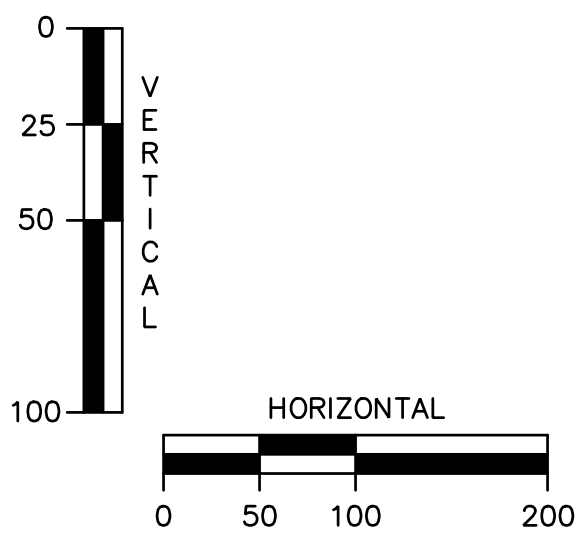
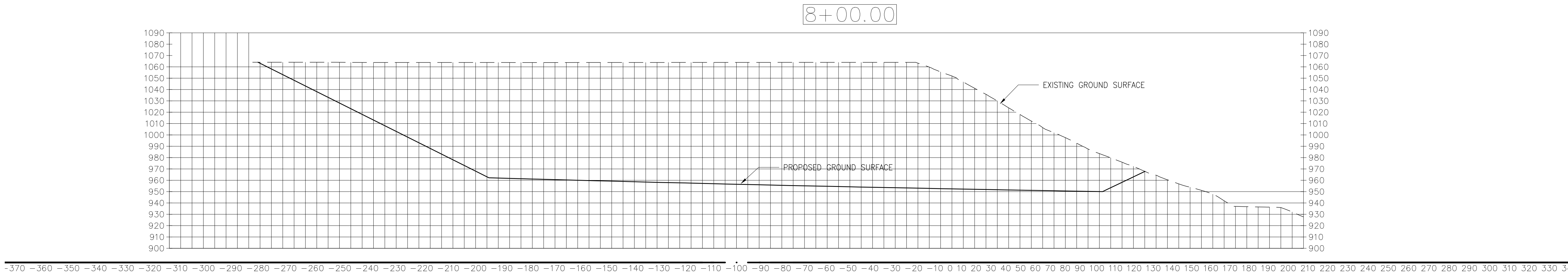
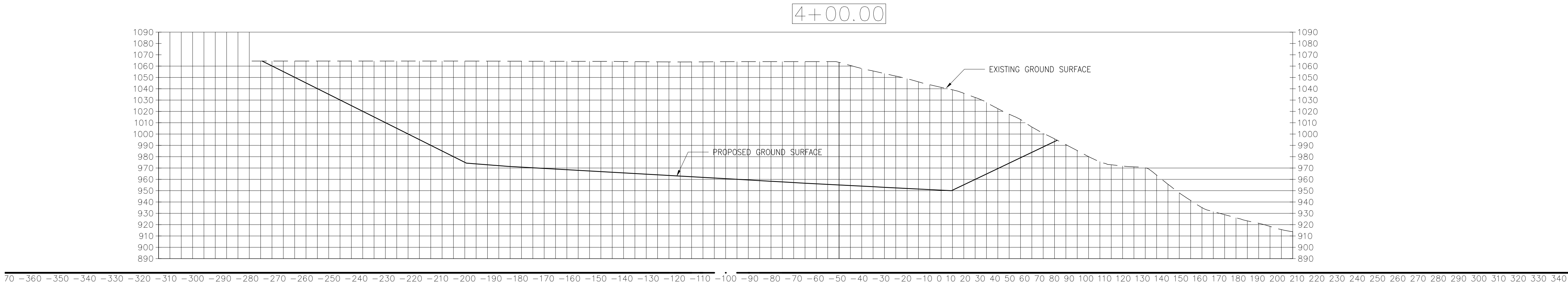


FIVE MOUNTAIN MINERALS
FERLAND PIT ROAD
MORRISTOWN, VERMONT
MIXED USE DEVELOPMENT
SOIL EXTRACTION AREA
BASELINE PROFILE

PROJECT NO. 983/1119
DESIGNED BY: BDL
DRAWN BY: BDL
DATE: SEP 2025
SCALE: AS NOTED

C-3

3 OF 6



REVISIONS
1 EDITS FOR DRB BDL 7/17/26

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120 NORTHGATE PLAZA
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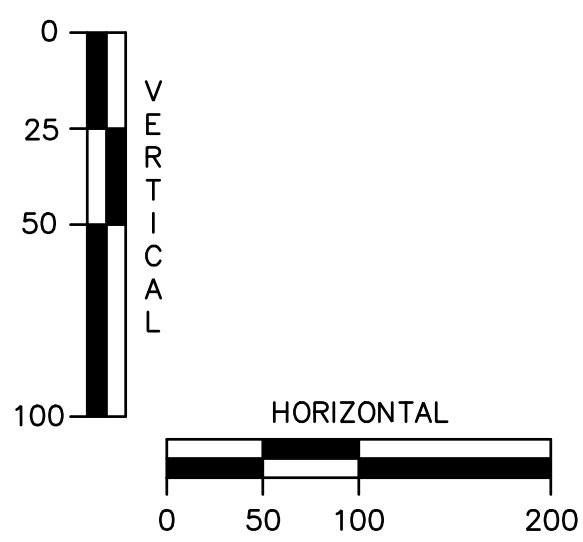
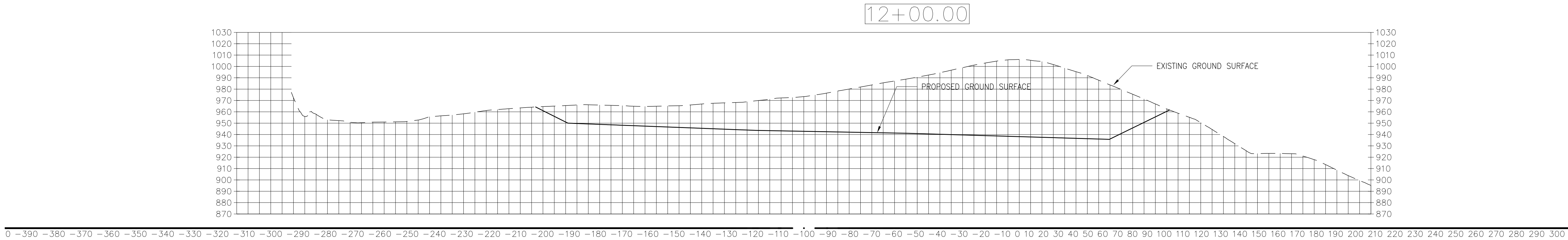


FIVE MOUNTAIN MINERALS
FERLAND PIT ROAD
MORRISTOWN, VERMONT
MIXED USE DEVELOPMENT
SOIL EXTRACTION AREA
SECTIONS

PROJECT NO. 983/1119
DESIGNED BY: BDL
DRAWN BY: BDL
DATE: SEP 2025
SCALE: AS NOTED

C-4

4 OF 6



REVISIONS

1 EDITS FOR DRB BDL 7/17/26

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FIVE MOUNTAIN MINERALS

FERLAND PIT ROAD
MORRISTOWN, VERMONT

MIXED USE DEVELOPMENT

SOIL EXTRACTION AREA

SECTIONS

PROJECT NO. 983/1119

DESIGNED BY: BDL

DRAWN BY: BDL

DATE: SEP 2025

SCALE: AS NOTED

C-5

5 OF 6



8/3/26

Nick Manosh
120 North Gate Plaza
Morristown VT, 05661

RE: Continuation of Public Hearing on Application #2026-59

During deliberative session for your application held on July 22nd 2026 the Development Review Board determined that it did not have enough information to issue a decision on your application. The Board decided to continue the application until August 12th at 6:00 PM. The meeting will take place at the Morristown offices located at 43 Portland Street Morristown VT 05661. To that end, the Board requires that you submit the following supplemental information to the Zoning and Planning Administrator by 12:00 PM August 7th. You must submit the following information:

1. Performance Bond as required by Section 485.1 of the 2023 Morristown Zoning and Subdivision Bylaws.
2. Vehicle Trip end count for both current and proposed uses as allowed per Section 485.10 of the 2023 Morristown Zoning and Subdivision bylaws.
3. Location of topsoil storage area for the earth extraction operation per Section 485.9 and 485.10 of the 2023 Morristown Zoning and Subdivision bylaws.
4. Site Plan for Restoration as noted in Sections 485.2 and 485.3 of the 2023 Morristown Zoning and Subdivision bylaws.
5. Stormwater Management plan for the site as required by Section 485.4 of the 2023 Morristown Zoning and Subdivision bylaws.
6. Confirmation that no extraction is taking place within 200 feet of any property boundary as required by Section 485.4 of the 2023 Morristown Zoning and Subdivision bylaws.
7. Confirmation that nonpower-activated sorting machinery or equipment is located within 300 feet of any property boundary as required by Section 485.6.
8. Information that will be submitted to the state as part of the ACT250 processes as note in Section 485.6 and 485.10. The following information is requested:
 - a. Noise and emission specifications for proposed use
 - b. Dust control measures
 - c. Equipment emissions
9. Redesign subdivision to meet 50% conserved land requirement in Section 510.6.a of 2023 Morristown Zoning and Subdivision Bylaws.
10. Plat showing listers parcel IDs as noted in Section 770.k of 2023 Morristown Zoning and Subdivision Bylaws.

43 Portland Street – PO Box 748 – Morrisville VT 05661



11. Letter from the Morrystown Fire Department that there is a water source close enough to service the subdivision as noted in Section 770.t of 2023 Morrystown Zoning and Subdivision Bylaws.
12. Location of utility easements as required by Section 840.1 of the 2023 Morrystown Zoning and Subdivision Bylaws.
13. Homeowner Association documents to govern open space and any shared infrastructure as noted by Sections 510.6.k and Section 870 of the 2023 Morrystown Zoning and Subdivision Bylaws.
14. Written argument noting that there is nothing in the town plan, regional plan, and zoning bylaws that restricts the development of these sources.

Failure to submit the required information will result in further continuance of your application. If you have specific questions about the information required, please contact the Morrystown Zoning and Planning office.

Sincerely
Donald Blake Jr., DRB Vice Chair

Donald Blake Jr. Date 8/3/2026



August 12th, 2026, DRB Meeting Staff Notes

APPLICATION: 2026-59

APPLICANT: Nick Manosh

REQUESTED ACTION: Conditional Use Review

LOCATION: 400 Ferland Pit Road

EXISTING ZONING: Rural Residential Agriculture

PROJECT DESCRIPTION: 2026 -59- Major Subdivision, and Conditional Use Review application submitted by Nick Manosh for a property located at 400 Ferland Pit Road. The Applicant is seeking Major Subdivision Review for a proposed 4-lot subdivision. The lots are as follows: Lot 1. 28.5 acres, Lot 2. 19.4 acres, Lot 3. 10.9 acres, Lot 4. 43.5 acres. The Applicant is also seeking conditional use approval for new gravel pits located on proposed Lots 1. & 2. The Applicant plans to phase the gravel pits in two phases. In addition, the Applicant is seeking to establish a water bottling plant on proposed Lot 3. This project will be reviewed under the 2023 Zoning Bylaws with emphasis on the following Sections: Section 204.5a-b, 485, Article V., 630, 660, 750, 760, 770, and Article VIII.

PARCEL HISTORY:

1. NA

LIST OF APPLICANT SUBMISSIONS:

- A. Application 5-7-26
- B. Narrative 5-7-26
- C. Site Plan 5-7-26
- D. Cover Memo 8-7-26
- E. Operations Plan 8-7-26
- F. Updated Site Plan 8-7-26
- G. Continuation Memo 8-3-26

PROCEDURAL INFORMATION:

1. Agenda placed in News and Citizen 6/22/2026
2. Notice placed on the town website and at three locations in town on 6/22/2026
3. Abutters notified on 6/22/2026
4. Notice sent to Applicant 6/22/2026



5. Application continued on 7/8/2026 to 7/22/2026
6. Application continued to 8/12/26 on 7/22/26

STAFF COMMENTS (Comments In Bold):

1. 2026 -59- Major Subdivision, and Conditional Use Review application submitted by Nick Manosh for a property located at 400 Ferland Pit Road. The Applicant is seeking Major Subdivision Review for a proposed 4-lot subdivision. The lots are as follows: Lot 1. 28.5 acres, Lot 2. 19.4 acres, Lot 3. 10.9 acres, Lot 4. 43.5 acres. The Applicant is also seeking conditional use approval for new gravel pits located on proposed Lots 1. & 2. The Applicant plans to phase the gravel pits in two phases. In addition, the Applicant is seeking to establish a water bottling plant on proposed Lot 3. This project will be reviewed under the 2023 Zoning Bylaws with emphasis on the following Sections: Section 204.5a-b, 485, Article V., 630, 660, 750, 760, 770, and Article VIII.
2. **At the request of the applicant the project was amended to remove the major subdivision component from this application.**
3. The Applicant has also removed the bottling portion of the project; the Applicant is now only looking for bulk water extraction.
4. The proposed Special Industrial Use will be located on lot 09-027-1.
5. The lot is located in the Rural Residential Agriculture district at 400 Ferland Pit Road.
6. The Applicant is seeking Conditional Use Review for a Special Industrial Use for a new gravel pit and water bottling and extraction plant located on lot 09-027-01
7. Section 204.a of the 2023 bylaws notes that the special industrial uses are only allowed east of Garfield Road.
8. Section 900 of the bylaws defines Special Industrial Use as the “extraction or processing of earth resources such as rock, stone, sand, gravel, and minerals. These operations are generally incompatible with other uses and require large land areas. The Special Industry use, specifically per §485 of the Bylaws, is only allowed east of Garfield Road between the river (south) and the town line (north).”
9. The extraction operation will consist of the removal of 3,000,000 yards of material over the life of the project and will generate between 40 and 80 truckloads of material a day as noted in the Applicant’s Cover Memo, Submittal D.
10. The property is located at 400 Ferland Pit Road, which is east of Garfield Road.
11. Section 485.1 notes that before approval of any new or proposed extension of a soil, sand, or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner(s) shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redeveloping the site as a park, lake, recreation area or other usable open space.



12. The Applicants have submitted a cover memo, Submittal D, that notes that they are proposing a \$31,717 performance bond for this project. They are also proposing to return the land to an agricultural or silviculture use once the extraction operation ceases. **(The board will need to consider whether this proposed performance bond is sufficient to cover reclamation cost)**
13. The Applicants have not provided a reclamation plan sheet for the site once the extraction has concluded, though the cover memo, Submittal D, and the operations plan, Submittal E, provided a narrative describing the reclamation plan.
14. Section 485.2 The removal of all material shall be conducted so as to result in the improvement of the land, giving due regard to the contours in the vicinity, such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pits.
15. The Applicants have provided a narrative in Submittal E noting how the site will be reclaimed. **(While the Applicants have provided a narrative noting how the site will be restored, they have not provided a plan sheet showing the site in its restored state. The board could consider requiring the applicant to provide a plan sheet showing the site in a restored state once the extraction operation has ceased as allowed in Section 485.2)**
16. Section 485.3 notes that the excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall have 4 inches of topsoil, fertilized, mulched and seeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Zoning Administrator.
17. The Applicant's operations plan, Submittal E, in Section III(c), notes how the site will be restored. **(While the Applicants have provided a narrative to restore the topsoil after it has been removed, they have not provided a plan sheet showing the site once work is complete.)**
18. Section 485.4 notes that all surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion, debris, and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Zoning Administrator.
19. The Applicant's operation plan in Submittal E notes two stormwater infiltration areas, these features are also noted in Submittals C. and F. **(The Board will need to consider whether the provided stormwater control features are sufficient to manage storm water on the site. The Board could consider requiring erosion and sedimentation control plan sheets showing silt fencing and other features.)**
20. Section 485.5 notes that no excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.
21. The Applicant's plan sets, Submittals C and F, appear to show extraction within 200 feet of the southern and northern property boundary of lot 09-027-1. In addition, Ferland Pit



Road appears to be within 200 feet (**Submittal F. does provide a scale on all plan sheets; however, the contours are not shown. Using the scale bar from Submittal F. with the contour lines of Submittal C. it appears to show that the extraction area is inside of the 200-foot setback noted in Section 485.5 of the 2023 bylaws. The Applicants should confirm this distance and make sure no extraction occurs within 200 feet of any lot line.**)

22. The Applicants cover memo, Submittal D, notes on page 7 that the Applicants are requesting a variance to allow extraction within the 200-foot setback, as allowed in Section 204.3 of the bylaws.
23. Section 204.3 allows the board to grant a variance provided the standards noted in 24 VSA 4469 are met. It is important to note that ALL of the criteria need to be met in order to grant a variance. The standards are as follows:
 - a. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
 - b. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. Unnecessary hardship has not been created by the appellant.
 - d. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
 - e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.
2. The Applicants have indicated in Submittal E. that they have met all of the above-mentioned requirements.
3. **Staff disagrees with the Applicant's assessment that they meet the criteria for a variance for the following reasons:**
 - a. **The Applicants have not provided specific information as to why they satisfy the criteria for a variance other than asserting that it is true. The following will go into this in more detail:**



- i. **The Applicants have not explained why there are unique physical circumstances on the lot that would prevent it from being developed as required by the bylaws. It is important to note that the bylaw cannot be the reason for the hardship, as noted above. This means that if the Applicant can develop the project in accordance with the bylaw, they have to do so. The Applicants have not indicated what physical circumstances exist on the site that prevent it from being developed in accordance with the bylaws.**
 - ii. **The Applicants have not indicated why the physical characteristics of the site make it impossible for the project to comply with the 200-foot setback. It is important to note that applicant preference is not a factor that can be considered. The Applicants can use the property in the way they intend. However, the extraction has to meet the setback requirements.**
 - iii. **The Applicants have not provided information showing how they have not created the hardship. Special Industrial Uses are allowed in this location per the bylaws. The hardship comes from the fact that the Applicants are proposing development inside of a setback which is creating the hardship. For example, if this was a preexisting site and the bylaws were changed which made any further expansion of a Special Industrial Use nonconforming then the Applicants could argue that they did not cause the hardship. As this is a new project, the Applicants should be able to design it to comply with the bylaws.**
 - iv. **The Applicants have not provided information noting how granting this variance would not alter the character of the area or negatively impact the public welfare.**
 - v. **The Applicants have not indicated how the variance would grant relief with the least deviation possible.**
 - b. **The board would need to consider whether or not the Applicants have provided sufficient information to meet the requirements for a variance as noted in 24 VSA 4469.**
24. Section 485.6 notes that no power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
25. The Applicants note on page 4 of Submittal E. that any sorting equipment will be located outside of the three-hundred-foot setback.



26. Section 485.7 notes that all excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.
27. The Applicant's site plans show in Submittal C a slope in compliance with Section 485.7. Submittal F. does not note any contours.
28. Section 485.9 notes that stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited. **(Lots 1 and 2's principal use is Special Industrial Use; the Applicant cannot sell topsoil from either lot. The extraction is not incidental to construction but the main focus of the use.)**
29. The Applicants note in Submittals D and E a plan to store and restore topsoil to the site once the extraction operation ceases.
30. **The Applicants should clarify the storage location for the topsoil for this project.)**
31. The project narrative noted in Submittal B. calls for a mixed-use on Lot 09-027-1 with a water extraction / earth extraction via a Special Industrial Use and a single-family residence on Lot 09-027-1.
32. The updated site plan, Submittal F, does not show a residence on lot 09-027-1; however, the Applicant's cover memo, submittal, and operation plan make no mention of this being removed from the project. **(The Applicants should clarify whether there is any intended residential use on lot 09-027-1)**
33. The Applicants noted on pages 6-7 of Submittal D. that water extraction should be allowed as a Special Industrial Use. They also provided information on page 8 regarding the proposed withdrawal rate.
34. **Staff disagrees with the Applicant's assessment that water extraction and bottling are allowed under the Special Industrial Use for the following reasons:**
 - a. Section 485 notes that "The removal of rock, soil, sand, or gravel for sale (except when incidental to proposed development on the same parcel) shall be allowed via the Special Industry Use, and be permitted by the DRB, after a plan for the rehabilitation of the site approved at a public hearing."
 - b. This section talks about the extraction of a solid material, not water.
 - c. Section 900 defines Special Industrial Use as the extraction or processing of earth resources such as rock, stone, sand, gravel, and minerals. These operations are generally incompatible with other uses and require large land areas. The Special Industry Use, specifically per §485 of the Bylaws, is only allowed east of Garfield Road between the river (south) and the town line (north).
 - d. The definition of Special Industrial Use makes no mention of water. While it does note minerals, it makes no mention of minerals in water. The intent clearly is to include solids with no mention of liquids.
 - e. Section 900 also notes that the Special Industrial Use is generally incompatible with other uses.



f. Therefore, residential use and Special Industrial Use are not compatible on the same lot.

35. Section 485.10 notes that the DRB may attach any additional conditions as it may find necessary for the safety and general welfare of the public. **(The Board should consider whether the Applicants have provided sufficient information to demonstrate that there will be no impact to the general safety and welfare of the public. The Board could also consider what restrictions need to be placed on the water extraction piece of the project should the board determine that it is an allowed use.)**
36. The project shall be subject to the site plan regulations noted in Section 500 of The Bylaws.
37. The project complies with the following Sections of 502: a-i.
38. Section 505 notes that landscaping shall be required for any non-residential uses.
39. The Applicants have not provided a landscaping plan for the project to screen the earth extraction area.
40. The Applicants are not proposing changes to the existing landscaping. **(The Board may want to consider additional planting to help mitigate noise if the board deems it necessary) .**
41. The Project will be subject to any of the requirements noted in Section 630 of The Bylaws.
42. Section 632 notes that the proposed project cannot have an adverse impact on any of the following:
 - g. 632.1 Community Facilities
 - h. 632.2 The character of the effected area
 - i. 632.3 Reduction in the ability of an area to hold water
 - j. 632.4 Will not result in undue water waste, notice or air pollution **(The Applicants have not submitted an erosion control plan or storm water plan for the project. They have also not provided a plan to control for potential immision that could impact abutting residential properties.).**

OUTSTANDING ITEMS:

1. Site restoration plan sheets to demonstrate compliance with Section 485.2 & Section 485.3
2. Erosion and sedimentation control plan sheets to demonstrate compliance with Section 485.4
3. Storm water plan demonstrating compliance with Section 485.4

ITEMS FOR DRB CONSIDERATION:

1. Should the bulk extraction of water be allowed via the Special Industrial Use?
2. Is the proposed performance bond amount sufficient to recommend that the Selectboard approves it?



3. Should the Applicants be required to supply an erosion and sedimentation control plan sheet, as well as a phasing plan, to show compliance with Sections 485.2 and 485.3?
4. What additional conditions, if any, would the board like to put on this project as allowed under Section 636 of the Bylaws?

RECOMMENDATIONS TO THE DRB:

1. Continue the application in order to re-warn the hearing to consider the Applicant's variance request and to allow the Applicants to provide any additional information the board deems necessary.

**TOWN OF MORRISTOWN
CONDITIONAL USE APPLICATION
N A MANOSH INC**

2237 VERMONT ROUTE 15 EAST

PROJECT NARRATIVE

This project has two elements; one is to develop a soil extraction pit (sand and gravel) and the other is to modify the existing construction aggregate facility to eliminate the rock crusher and replace it with an asphalt plant. The existing and proposed operations are specifically allowed in the special zoning district within RRA as Special Industry (ref. Zoning Regulation ss 485). The change of use and new development require Conditional Use Determination under Morristown's Zoning Regulations.

The project includes replacement of the crusher with an asphalt plant within the operational footprint of the existing construction aggregate plant.

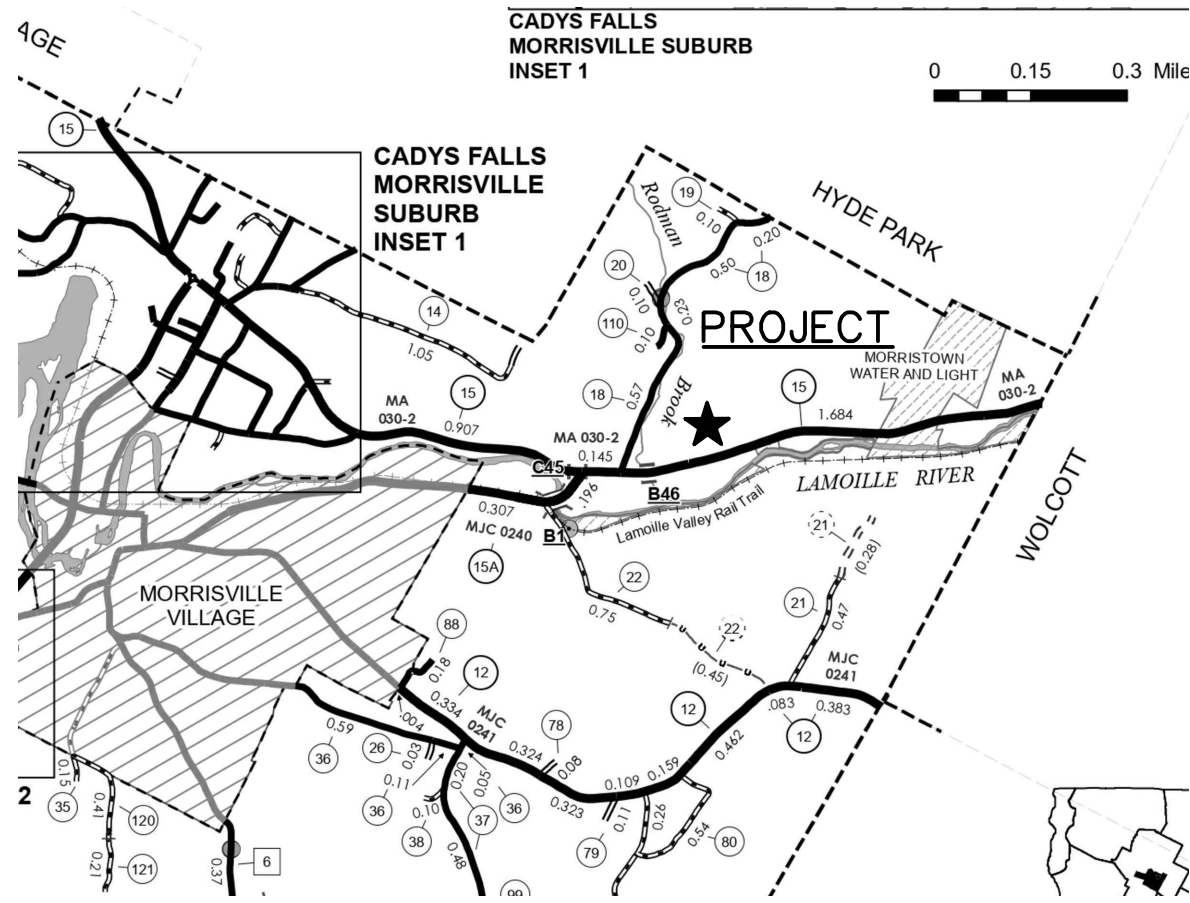
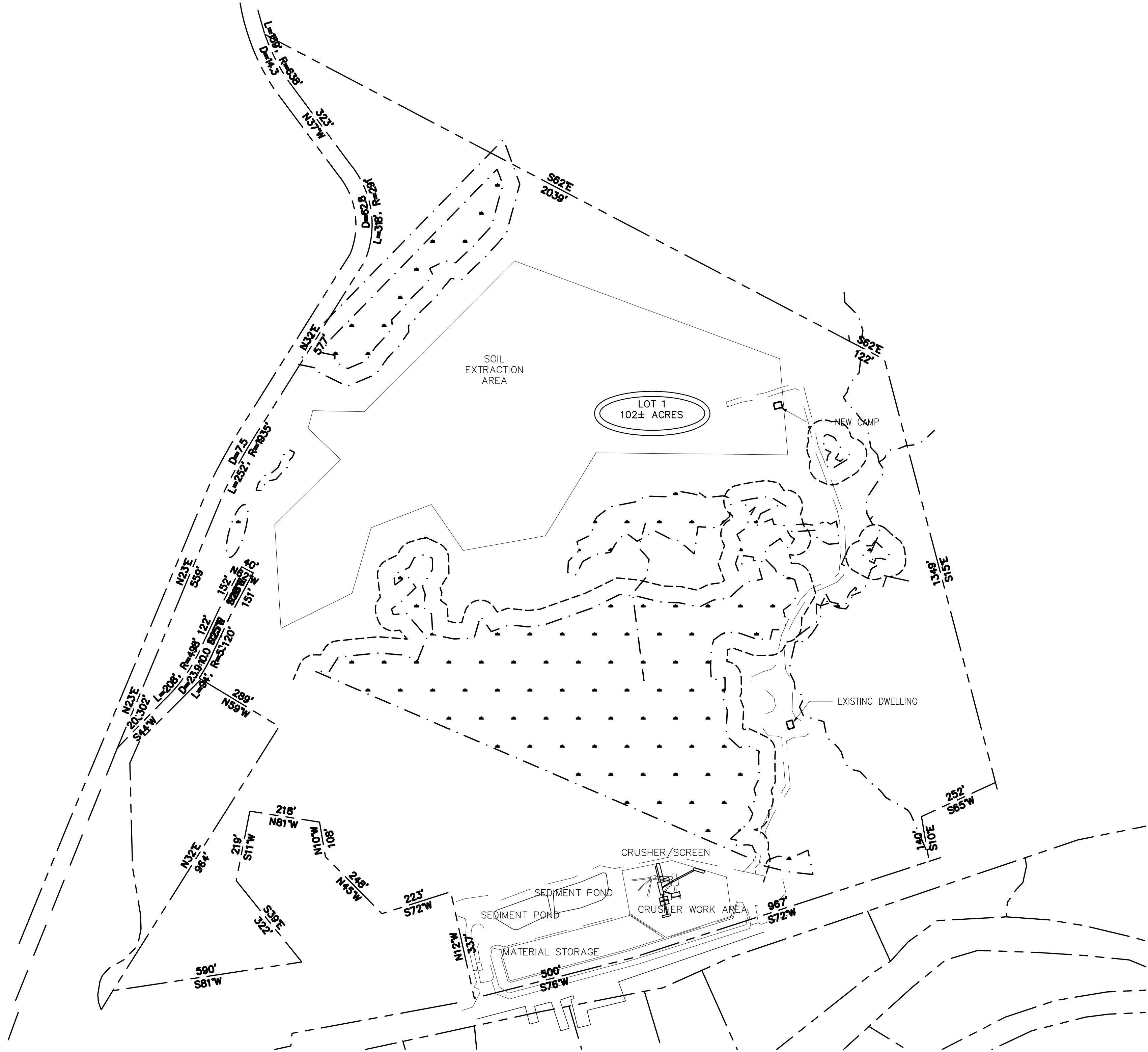
The soil extraction area is in the northern area of the site within an approximate 19 acre area. The extraction volume will total approximately 3,000,000 cubic yards with a maximum depth of approximately 100 feet.

New improvements are generally outside of wetland and regulated wetland buffer areas, with minimal impacts in buffer areas.

The project will require ACT 250, VTDEC Air Pollution Permit, Wetland Permit, and Stormwater Multi-Sector General Permit.

Tax Map Number: 09033 Permit Number: 2026-47
 xx
 All questions **must** be completed in full or application will be **Denied** (Please print or type information)

Page 60 of 103



LOCATION MAP

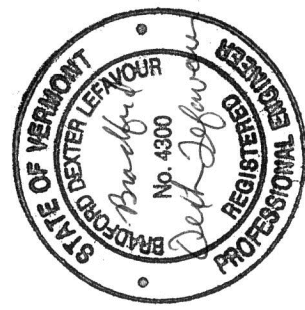
LEGEND

- | | | |
|--|-------|-----------------------|
| | STA-1 | TRAVERSE STATION |
| | BM-1 | BENCHMARK |
| | TP-1 | TEST PIT |
| | PT-1 | PERC TEST |
| | UP-1 | UTILITY POLE |
| | | SEWER MANHOLE |
| | | CATCH BASIN |
| | | WATER SHUT OFF |
| | IPF | IRON PIPE FOUND |
| | IRF | IRON ROD FOUND |
| | IRS | IRON ROD SET |
| | | EXISTING DRILLED WELL |
| | | PROPOSED DRILLED WELL |
| | | TREE LINE |
| | | STONE WALL |
| | | FENCE |
| | | WATER LINE |
| | | SEWER LINE |
| | | PROPERTY LINE |
| | | RIGHT-OF-WAY |
| | | EASEMENT |
| | | EDGE OF PAVEMENT |
| | 100 | FIVE FOOT CONTOUR |
| | | ONE FOOT CONTOUR |

REVISIONS

New England
Consulting Engineers

120 NORTHGATE PLAZA
MORRISVILLE, VERMONT 05680
TEL: (802) 888-5722



N A MANOSH INC

2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT

SOILS FACILITY IMPROVEMENTS
CIVIL

PLOT PLAN

PROJECT NO. 1130

DESIGNED BY: BDL

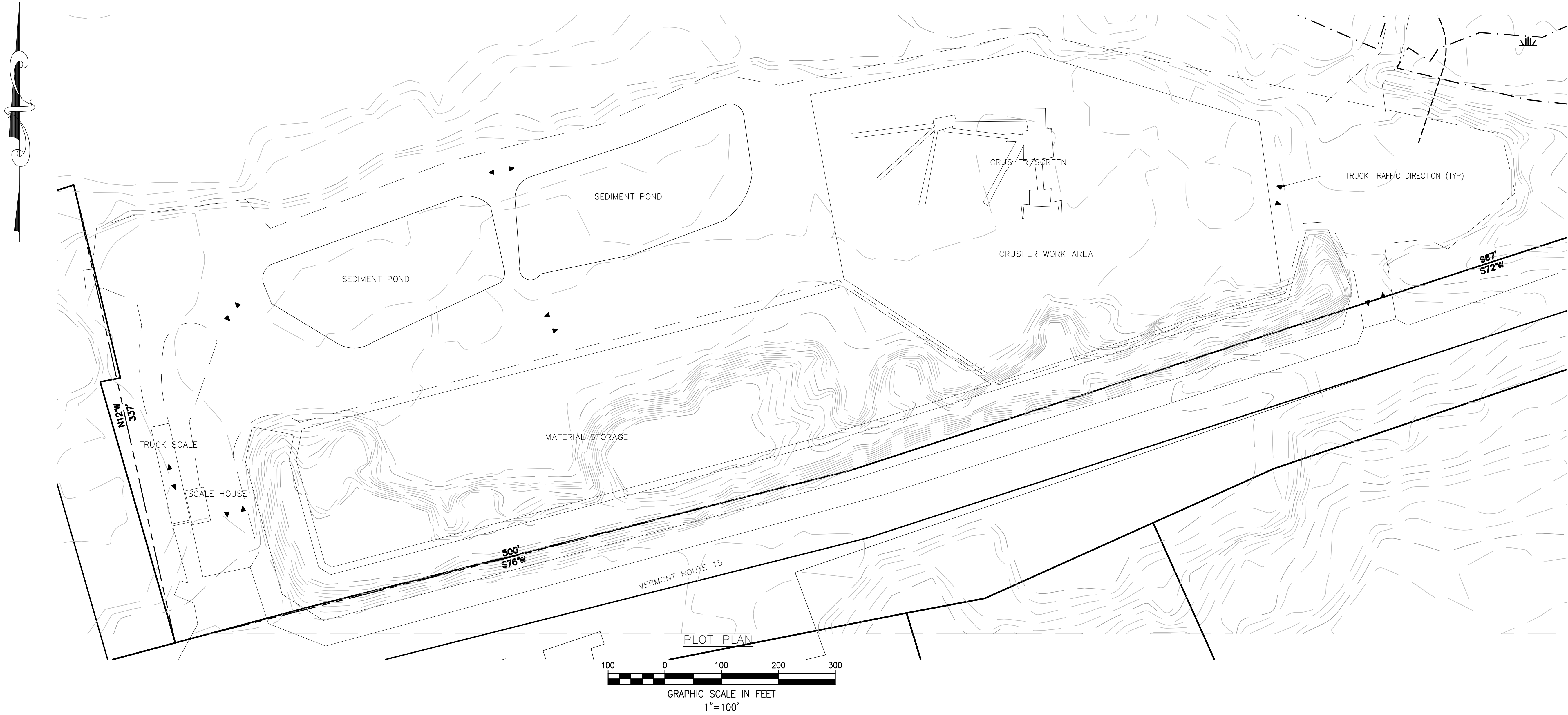
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DATE: MAY 2026

SCALE: AS NOTED

C-1

1 OF 8



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N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT

SOILS FACILITY IMPROVEMENTS
AGGREGATE PLANT
EXISTING SITE PLAN

PROJECT NO. 1130

DESIGNED BY: BDL

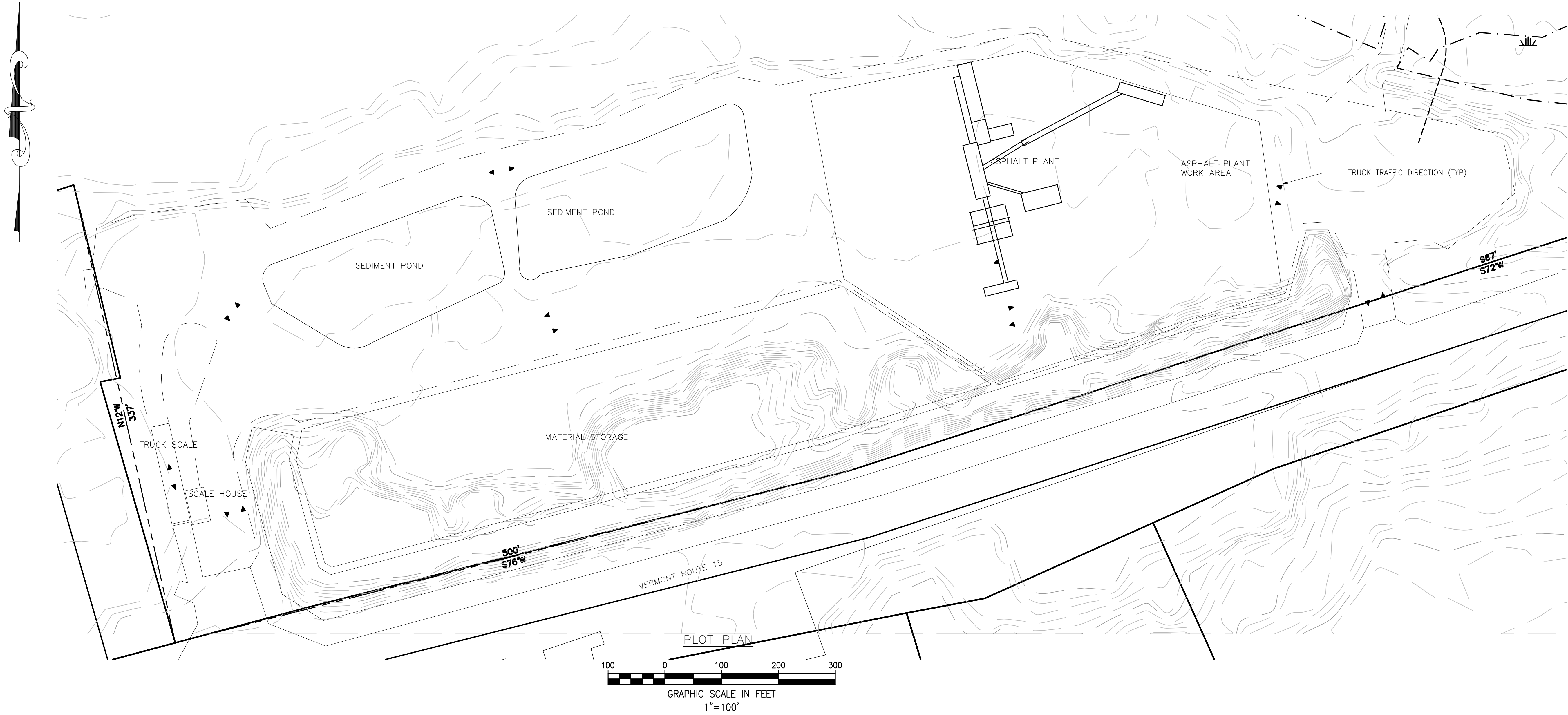
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DATE: MAY 2026

SCALE: AS NOTED

C-2

2 OF 8



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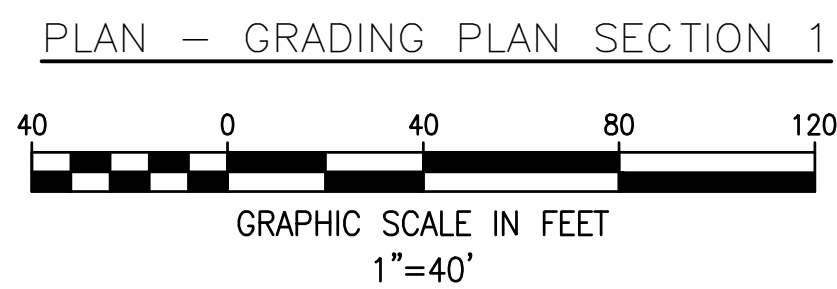
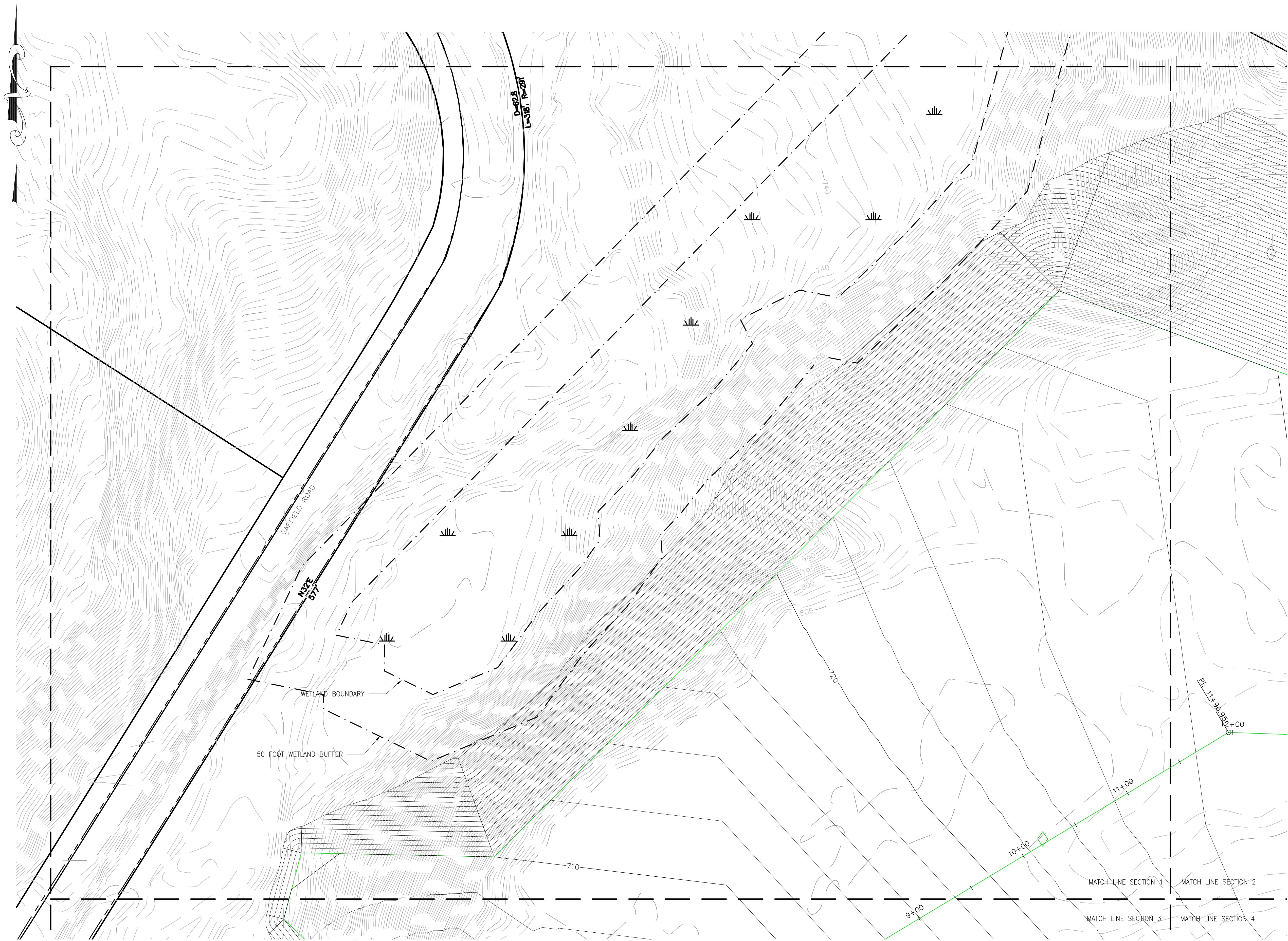


N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT
SOILS FACILITY IMPROVEMENTS
AGGREGATE PLANT
PROPOSED SITE PLAN

PROJECT NO. 1130
DESIGNED BY: BDL
DRAWN BY: BDL
DATE: MAY 2026
SCALE: AS NOTED

C-3

3 OF 8



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N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT

SOILS FACILITY IMPROVEMENTS
SOIL EXTRACTION AREA
GRADING PLAN 1

PROJECT NO. 1130

DESIGNED BY: BDL

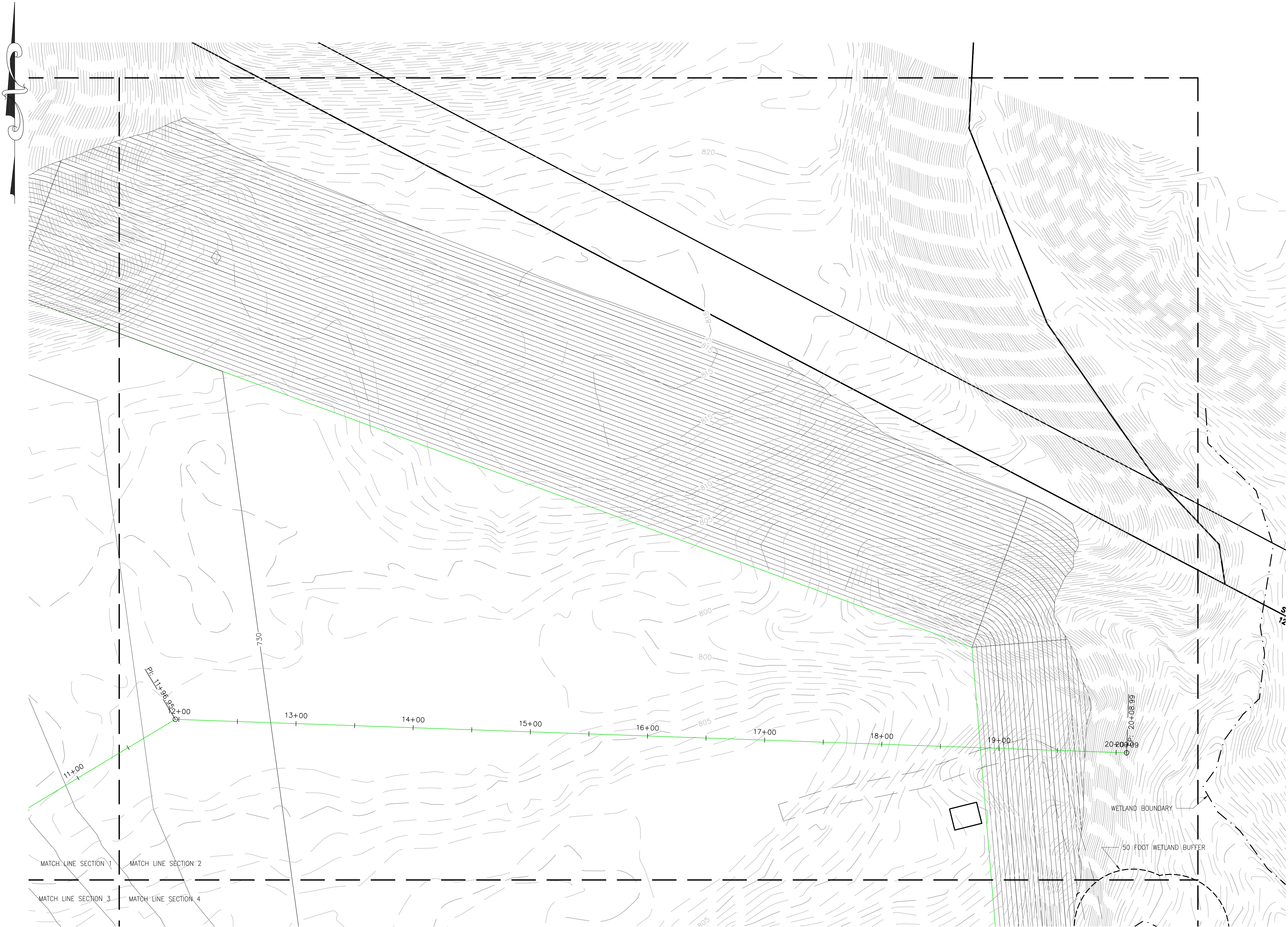
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DATE: MAY 2026

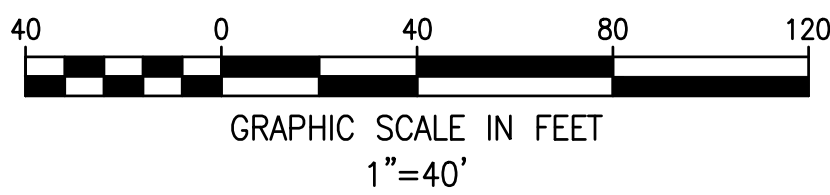
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C-4

4 OF 8



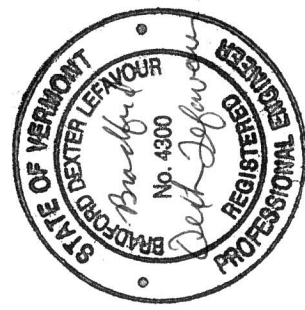
PLAN - GRADING PLAN SECTION 2



REVISIONS

New England
Consulting Engineers

120 NORTHGATE PLAZA
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N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT
SOILS FACILITY IMPROVEMENTS
SOIL EXTRACTION AREA
GRADING PLAN 2

PROJECT NO. 1130

DESIGNED BY: BDL

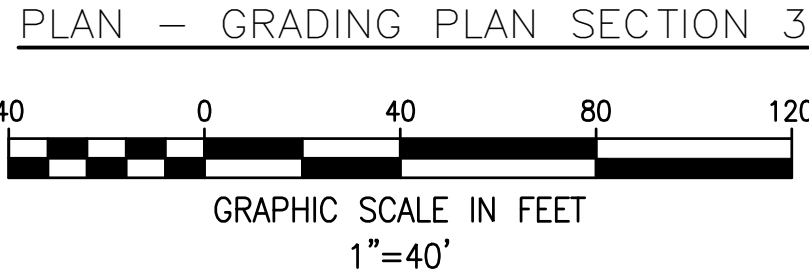
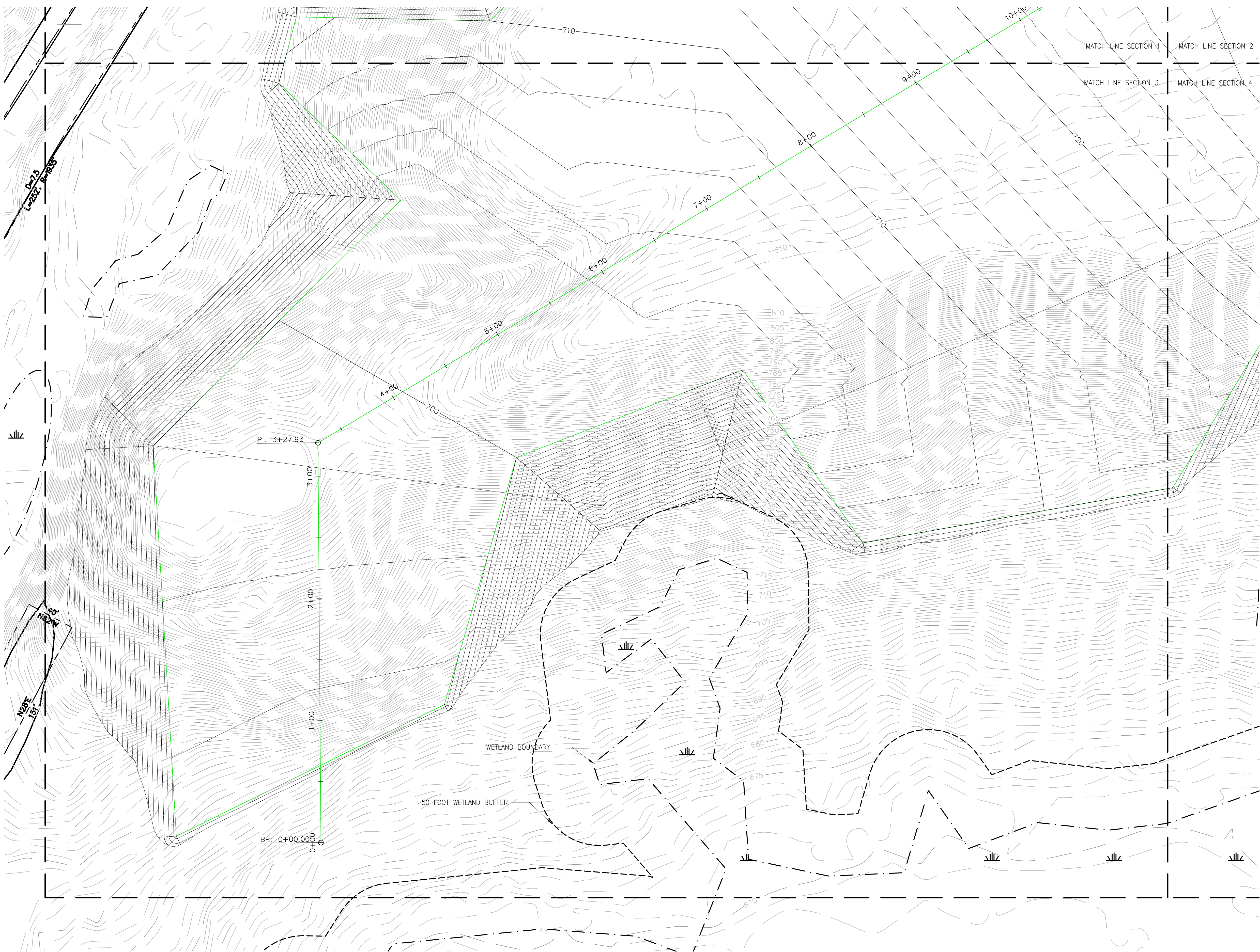
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DATE: MAY 2026

SCALE: AS NOTED

C-5

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N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT

SOILS FACILITY IMPROVEMENTS
SOIL EXTRACTION AREA
GRADING PLAN 3

PROJECT NO. 1130

DESIGNED BY: BDL

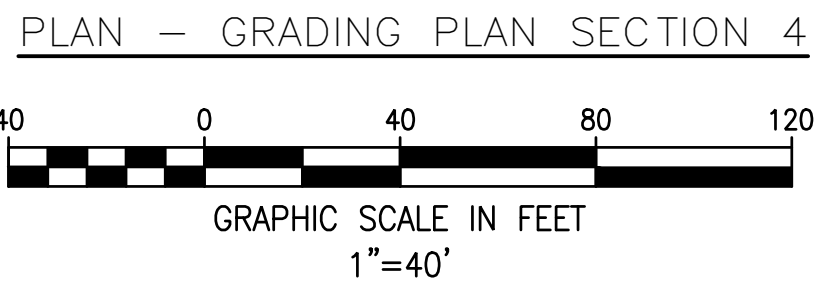
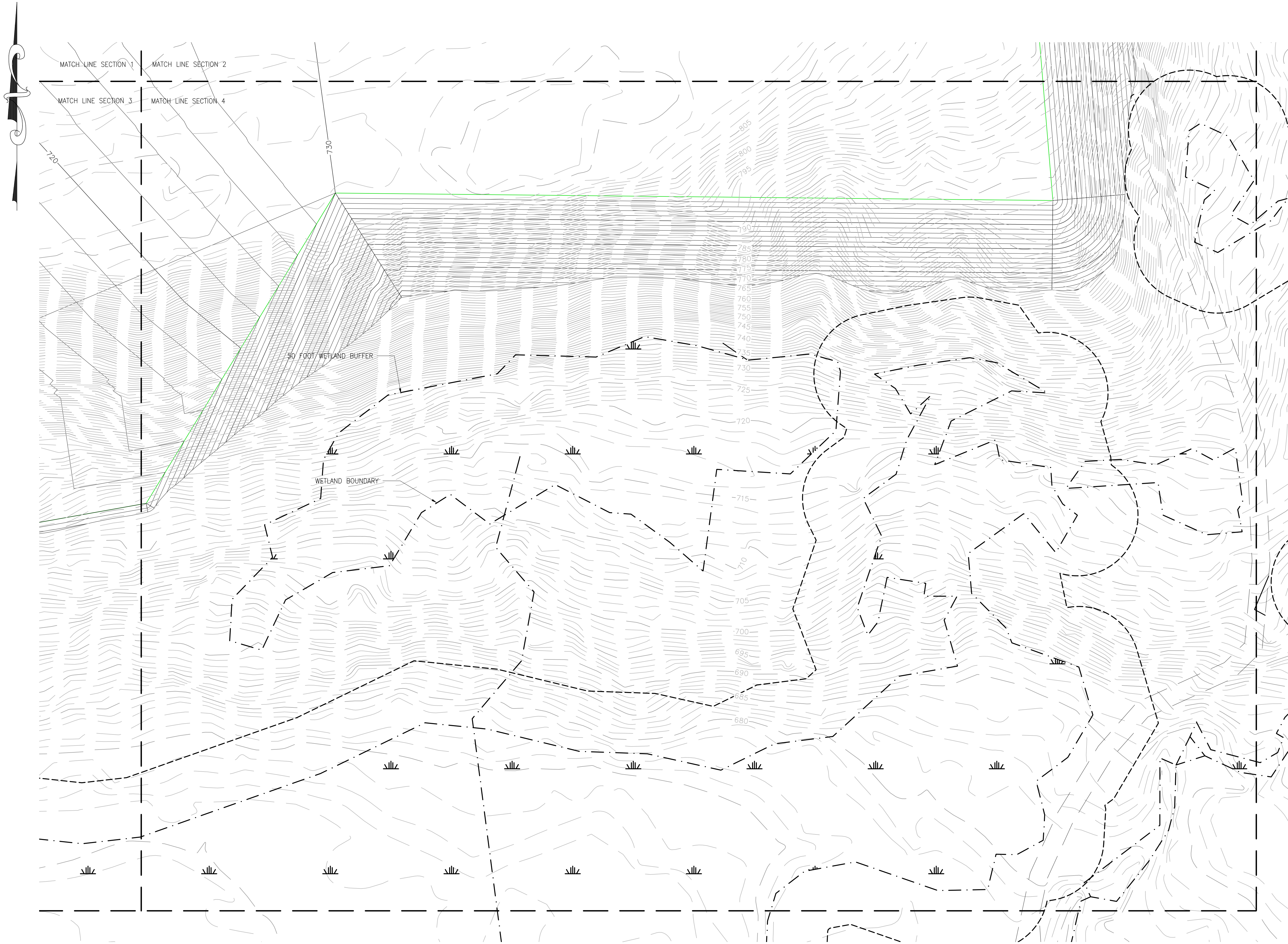
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DATE: MAY 2026

SCALE: AS NOTED

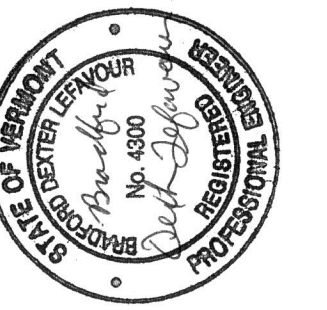
C-6

6 OF 8



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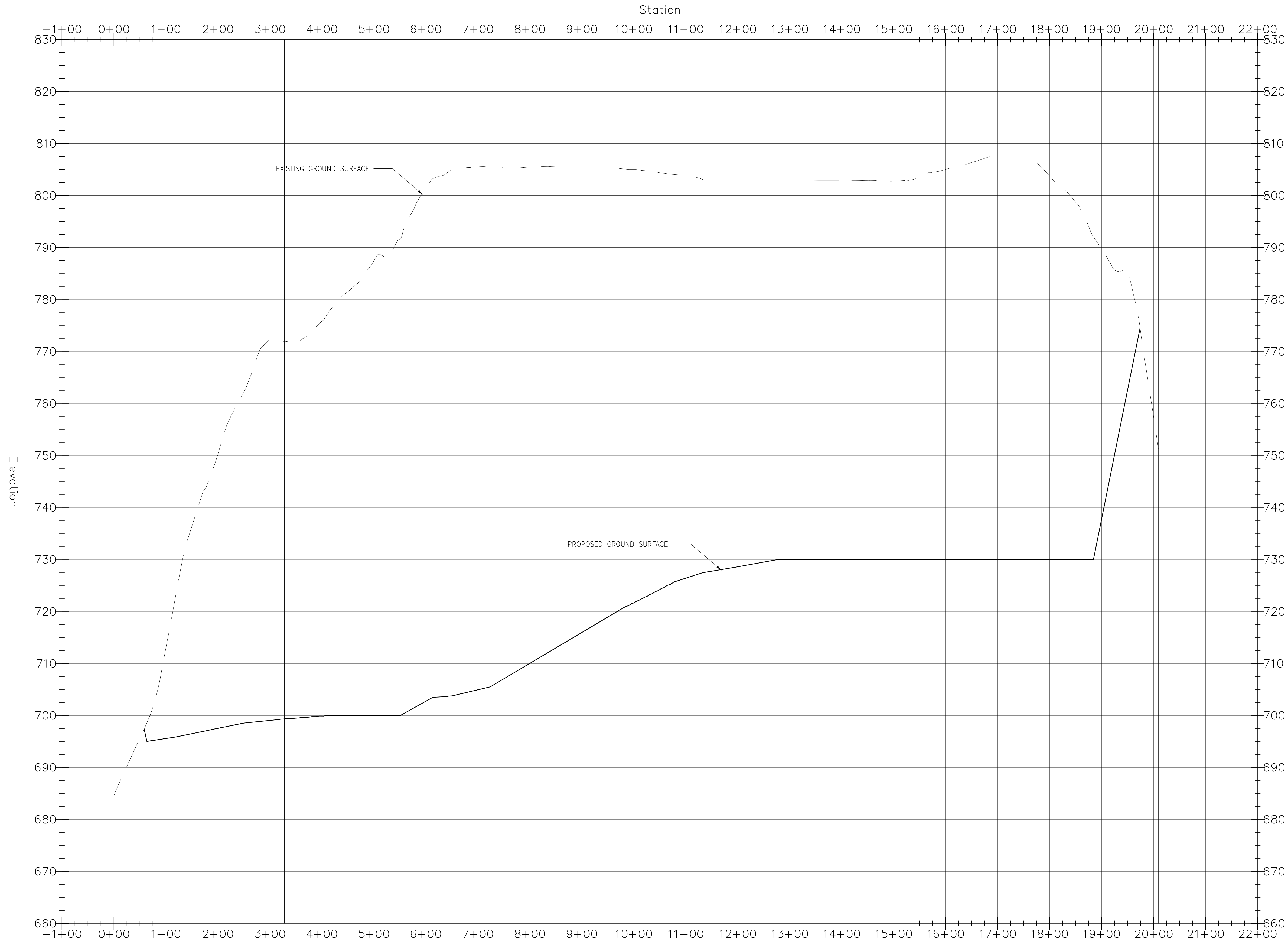
N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT
SOILS FACILITY IMPROVEMENTS
SOIL EXTRACTION AREA
GRADING PLAN 4

PROJECT NO. 1130
DESIGNED BY: BDL
DRAWN BY: BDL
DATE: MAY 2026
SCALE: AS NOTED

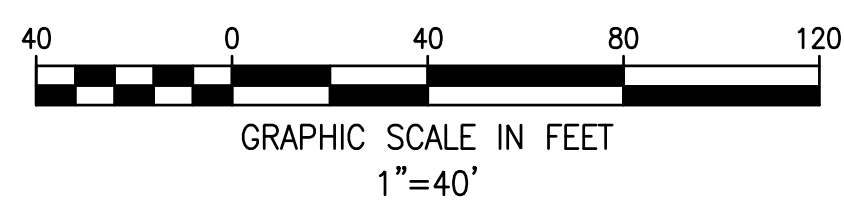
C-7

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Alignment – (2) PROFILE

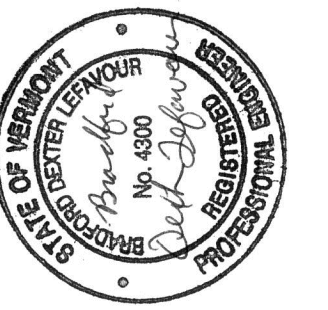


PLAN – GRADING PLAN SECTION 4



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TEL: (802) 888-5722



N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT
SOILS FACILITY IMPROVEMENTS
SOIL EXTRACTION AREA
BASELINE PROFILE

PROJECT NO.	1130
DESIGNED BY:	BDL
DRAWN BY:	BDL
DATE:	MAY 2026
SCALE:	AS NOTED

C-8

8 OF 8



7/21/26

N.A Manosh Inc
120 North Gate Plaza
Morristown VT, 05661

RE: Continuation of Public Hearing on Application #2026-48

During deliberative session for your application held on July 8th 2026 the Development Review Board determined that it did not have enough information to issue a decision on your application. The Board decided to continue the application until August 12th at 6:00 PM. The meeting will take place at the Morristown offices located at 43 Portland Street Morristown VT 05661. To that end, the Board requires that you submit the following supplemental information to the Zoning and Planning Administrator by 12:00 PM August 6th. You must submit the following information:

1. Performance Bond as required by Section 485.1 of the 2023 Morristown Zoning and Subdivision Bylaws.
2. Site Operations Plan to include the following:
 - a. Traffic circulation plan for the site.
 - b. Vehicle Trip end count for both asphalt and earth extraction compared with the current trip end data for the site.
 - c. Location of topsoil storage area for the earth extraction operation.
3. Site Plan for Restoration as noted in Sections 485.2 and 485.3 of the 2023 Morristown Zoning and Subdivision bylaws.
4. Stormwater Management plan for the site as required by Section 485.4 of the Bylaws.
5. Confirmation that no extraction is taking place within 200 feet of a wetland boundary as required by Section 485.4.
6. Information that will be submitted to the state as part of the ACT250 processes as note in Section 485.6 and 485.10. The following information is requested:
 - a. Noise and emission specifications for the asphalt plant
 - b. Dust control measures
 - c. Equipment emissions

Failure to submit the required information will result in further continuance of your application. If you have specific questions about the information required please contact the Morristown Zoning and Planning office.

Sincerely
Donald Blake Jr., DRB Vice Chair

Donald Blake Jr. DRB VC

Date *7/21/26*

43 Portland Street – PO Box 748 – Morrisville VT 05661

MEMORANDUM

TO: Morrisville DRB
FROM: Holden Thompson, EI, B. Dexter Lefavour, PE
SUBJECT: N.A. Manosh Asphalt Plant Application #2026-48 Response
DATE: August 3, 2026
CC: Nick Manosh

Following the July 8th, 2026 public hearing on our application #2026-48, the Morrisville DRB issued a request for supplemental information on July 21st, 2026. This memo provides the requested information, along with revisions to the plans and application in response to the concerns raised.

1. Performance Bond as required by Section 485.1 of the 2023 Morristown Zoning and Subdivision Bylaws.

An engineering estimate is provided below for site reclamation of the soil extraction pit based on an open pit area as seen below.



N.A. MANOSH
2237 VT RT 15, MORRISTOWN
8/4/2026

Site Reclamation for 3 Acres											
DESCRIPTION	ESTIMATED QUANTITY										ITEM TOTAL
		Material			Labor			Equipment			
	Units	QTY	Unit	Total	Hours	RATE	Total	QTY	RATE	Total	
GRADING			\$ -	\$ -	40	\$ 30.00	\$ 1,200.00	40	\$ 230.00	\$ 9,200.00	\$10,400.00
SEEDING	SY	14520	\$ 1.22	\$ 17,714.40	24	\$ 30.00	\$ 720.00		\$ -	\$ -	\$18,434.40
MOBILIZATION/DE-MOBILIZATION			\$ -	\$ -		\$ -	\$ -	1	\$ 2,883.44	\$ 2,883.44	\$2,883.44
SUBTOTAL											\$31,717.84
TOTAL											\$31,717.84

New England Consulting Engineers, LLC
120 Northgate Avenue
Morrisville, Vermont 05661

www.NewEngCE.com

802 279 3257

2. Site Operations Plan to include the following:

a. Traffic circulation plan for the site.

Traffic circulation patterns are depicted on sheet C-3 within the plans presented for the project.

b. Vehicle Trip end count for both asphalt and earth extraction compared with the current trip end data for the site.

The project is currently permitted under Act 250 permit 5L1328-1 for a daily traffic volume of 30 trucks per day for the concrete batch plant and 200 trucks for the aggregate facility, for a total of 230 trucks per day. The proposed project trip generation values for the asphalt plant, aggregate facility, and soil extraction pit are estimated to generate 124 truck trips per day and are summarized in the table below. The applicant will retain the

Trip Generation Summary		
Operation	Average Trips Per Day	Peak Hour Trips
Agg Plant	23	5
Asphalt Plant (5-ton)	79	15
Soil Extraction	22	5
Concrete Plant (adjoining property)	30	6
Total Applicant	124	25
Concrete Plant (adjoining property)	30	6
Total Highway Access	154	31

c. Location of topsoil storage area for the earth extraction operation.

The location of topsoil storage for reclamation will be within the extraction area limits. The removal and storage process is described in the Soil Operations Plan (Section III.c.i). The reclamation process is described in the Soil Operations Plan (Section III.c.ii). A typical location plan for a topsoil storage pile has been added to Sheet C-1. The sequence of operations will generally follow the numbering of sections provided on Sheet C-1.

3. Site Plan for Restoration as noted in Sections 485.2 and 485.3 of the 2023 Morristown Zoning and Subdivision bylaws.

The Soil Operation Plan (Section 3a, Paragraph 2 and Section 3b, Paragraph 1-5) details the

excavation operations and procedures that cover the necessary requirements in Sections 485.2 and 485.3 of the 2023 Morristown Zoning and Subdivision bylaws. The final grades for the site are those depicted on the project plans. The future land use will be open land, which will be either grassed or forested.

4. Stormwater Management plan for the site as required by Section 485.4 of the Bylaws.

The Stormwater Management plan for the soil extraction operation is found in Section III.a.1 of the Operation Plan. and deals with the requirements in Section 485.4 of the 2023 Morristown Zoning and Subdivision bylaws. The asphalt plant would be utilizing existing stormwater infrastructure that the aggregate facility uses currently which consists of a stormwater pond system. No increases in impervious area or changes to this system are proposed.

5. Confirmation that no extraction is taking place within 200 feet of a wetland boundary as required by Section 485.4.

The staff notes indicate a concern for setbacks to roads and property lines in the NW corner of the site. It is assumed that this comment is intended to refer to the setback to Garfield Road. The soil extraction pit limits have been adjusted to be at least 200' from the property line along Garfield Road, as defined by Section 485.5. These changes are reflected on Sheets C-1, C-4 and C-6 of the plan.

6. Information that will be submitted to the state as part of the ACT250 proses as note in Section 485.6 and 485.10. The following information is requested:

a. Noise and emission specifications for the asphalt plant

The asphalt plant will require an Air Pollution Permit from Vermont DEC. It is anticipated that at a minimum, the plant will be required to have no emissions present that exceed the following limits listed in Table 1.

Table 1 Emissions Summary for Asphalt Plant			
Potential Emissions (tons per year)			
Pollutant	Particulate (Filterable PM10)	Nitrogen Oxides (NOx)	Carbon Monoxide (CO)
Emission Limitation	<100	<50	<100

The project is currently permitted under Act 250 permit 5L1328-1, with a reference to actual noise levels at similar facilities. The asphalt plant has multiple components that contribute to its overall sound footprint. The applicant will take measures to ensure that noise levels from the

asphalt plant do not exceed 70dB at the property line. It is anticipated the future operation of the asphalt plant will be quieter than the present operation with the crusher.

b. Dust control measures

Dust control measures will be implemented at the soil extraction pit as outlined in the Soil Operations Plan (Section 3a, Paragraph 5).

c. Equipment emissions

Emissions data for the asphalt plant are addressed in Item 6a, above.

Follow-up to other board requests at hearing.

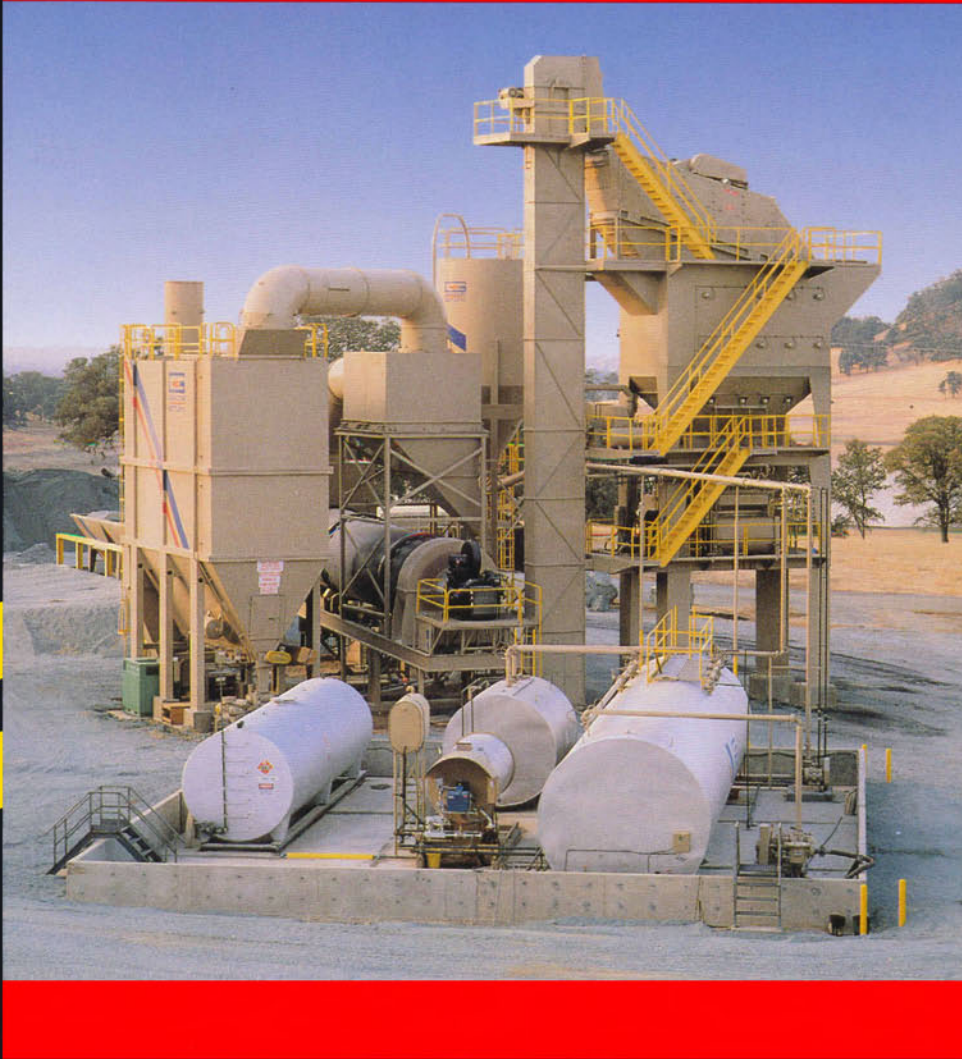
1. Location of oil tanks.

Liquid asphalt and propane storage tanks have been added to the plans on Sheet C-3. Two vertical, 10,000 gallon (each) double wall steel tanks are proposed for liquid asphalt and two horizontal, 5,000 gallon (each) steel tanks are proposed for propane. All of these tanks will be above grade and provided with secondary containment, if required.

2. Asphalt plant general information.

A brochure for the asphalt tank is attached. The foot print of the facility is depicted on the plans. The overall height of the stack and equipment will be 65' or less. The proposed unit will be similar to the H&B, RA-40.

ASPHALT BATCH PLANTS



GENCOR BATCH PLANTS FEATURE MASSIVE TOWER

CONSTRUCTION BUILT WITH HEAVIER, STURDIER

MATERIALS FOR LONG LIFE AND LOW MAINTENANCE

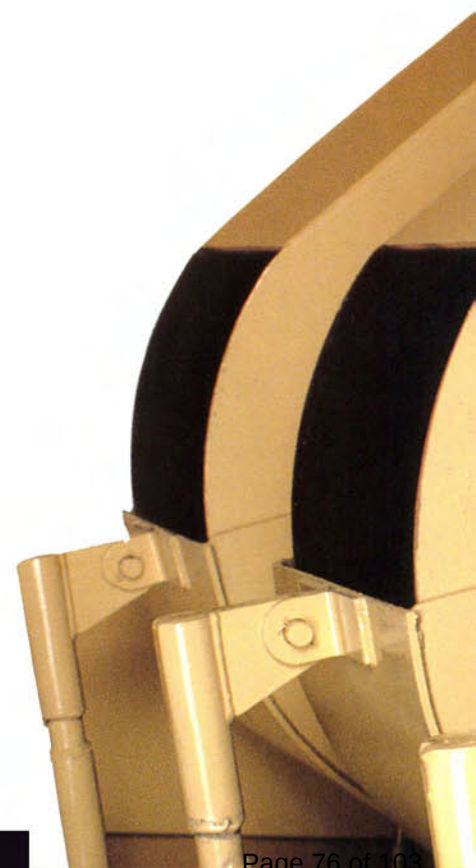


ASPHALT BATCH PLANTS FROM GENCOR

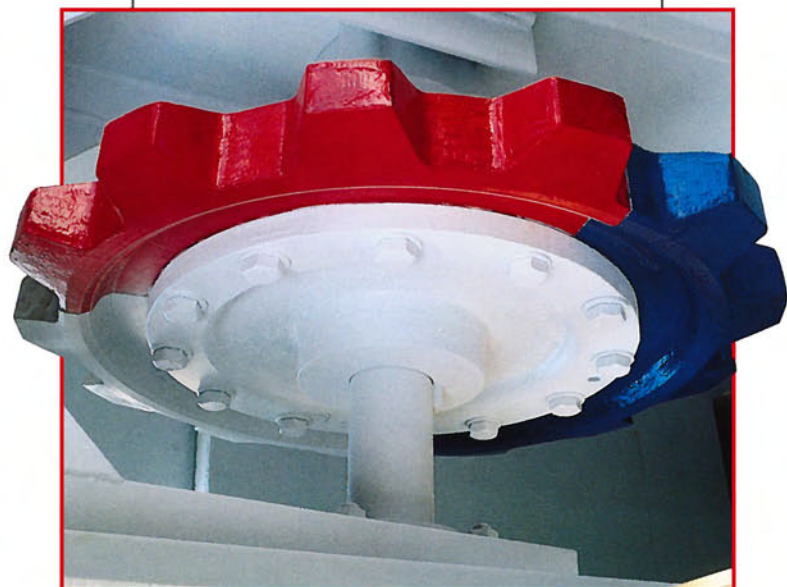
When Hetherington and Berner (H&B) built its first asphalt plant in 1894, a tradition of excellence began that has yet to be surpassed in the industry. The company has remained the leader ever since, and as a result, there are more H&B batch asphalt plants in operation in the United States than any other kind.

H&B is an integral part of Gencor Industries and the Gencor philosophy of "One company • One source • One solution." Combining superior engineering, durable construction, high-tech control design, customer-specific flexibility and incomparable service, Gencor provides a complete range of cost-effective hot mix plants throughout the world.

When your bottom line depends on the quality and durability of your equipment, look to the industry's top innovator - Gencor.



THE GENCOR ADVANTAGE



The Gencor batch plant offers advantages unavailable in competitors' products. Benefits include massive tower construction built with heavier, sturdier materials for long life and low maintenance. Modular tower sections supported by massive legs are constructed of heavy plate. In fact, our plants are usually 20 percent heavier than competitive plants.



Additional features include oversized access/inspection doors; oversized walkways and stairways to the top of the plant; toe kickplates and handrails for safe access for maintenance.

In addition to innovative pneumatic and electrical features and designs, the Gencor batch plant is equipped with the heaviest mixer gear reducer in the industry. The plant is the only one offering as standard a separate exhaust system to purge the mixer and tower -- a real plus in these environmentally sensitive times.

MODEL	MIXER	TPH *
RA-40	4000#	160
RA-50	5000#	200
RA-60	6000#	240
RA-80	8000#	320
1560	10000#	400
1770	12000#	480
2300	15000#	600

* Based on aggregate moisture of 5% at 45 second batch cycles

Gencor's team of engineering, control and manufacturing experts have incorporated innovative technical advances into each component.

There are numerous advantages in specifying a Gencor batch plant. Every detail is carefully designed to boost your profitability over both the short and long term. Our plants are ready to tackle your workload, no matter how demanding.



Cold Feed Bins

- Adjustable rack & pinion gates allow for easy adjustment of material height
- Remote control variable speed belt feeder with high-torque motor gives better control & longer life
- Self relieving discharge design for even flow
- Reinforced top lip for added strength
- Clear access for easier housekeeping around belts

Dryer

- Four independent trunnion friction drives create 100% contact between trunnion & tire, limiting slippage while providing even torque distribution
- Combustion T-flights engineered to match dryer & burner for maximum combustion efficiency & heat transfer
- Forged, precision-machined and heat-treated alloy steel tires
- High strength steel shell made from abrasion-resistant INX 50
- Modern veiling flighting for low stack temperatures regardless of operating conditions
- Effective drum seals minimize air leakage in exhaust system
- Genco Ultraflame burner affords clean efficient combustion & high productivity

Hot Elevator

- Internal gravity take-up provides constant chain tension without springs
- Take-up assembly features Ni-hard bearings for longer life
- Segmental sprocket allows for easy replacement without removing the chain
- Shaft mounted reducer & V-belt drive for easy belt replacement
- Split pillowblock spherical bearings on head shaft for extended service
- Steel, solid-welded 5/16" fabricated buckets result in longer life
- Unique "dutch" doors on both sides for easy access & maintenance

Screen

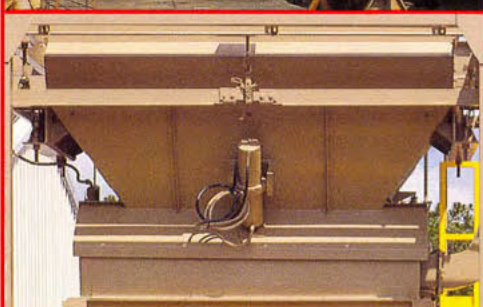
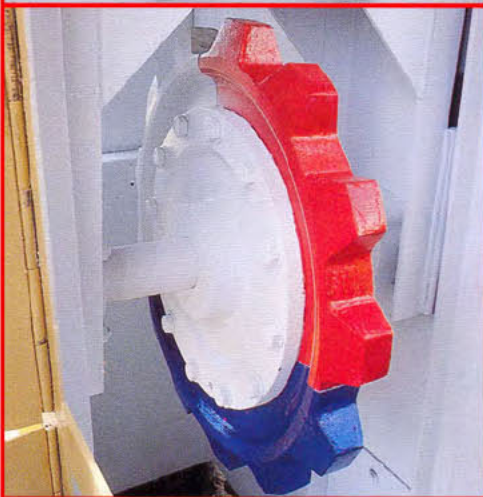
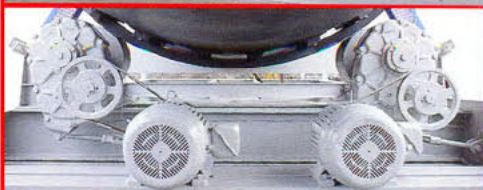
- Deister incline screens provided as standard
- Rollout or pivoting nose sections provide easy access to discharge chutes & screen cloths
- Increased screening area for greater efficiency & higher production

Hot Bin

- Replaceable liners installed on all wear surfaces
- Rugged external gate lever system operates free of dust & heat
- Level indicators provide accurate readings in each bin
- Built-in overflow chutes with holding bin equipped with level indicators
- Sampling tray provided

Weigh Box

- Trunnion-mounted air cylinder with Viton seals to withstand high temperatures
- Limit switch prevents double batching & indicates gate position
- Scale level arms with load cells provide accurate & instantaneous readings





A.C. Bucket

- Unique rotational discharge of A.C. valve allows rapid, even distribution of A.C. into pugmill mixer
- Large jacketed area maintains proper asphalt temperature at all times
- Valve shoes feature spring-loaded seals, machined & fitted for a positive seal to discharge valve
- Safety overflow switch interlocked to A.C. pump preventing overflow
- Jacketed, three-way valve for maximum heat retention
- Load cells provide continuous, accurate readings

Pugmill Mixer

- Mixer shell is hot-oil jacketed for heat retention
- Tempered & quenched alloy steel shafts
- Heat-treated and Magnafluxed alloy steel mixer arms
- Double output gear reducers from gear box for balanced torque
- Rugged double output speed reducer designed & tested for trouble-free performance
- Adjustable Ni-hard mixing tips for extended wear
- Split pillowbox spherical bearing for longer life & easier maintenance
- Replaceable Ni-hard liners on all heavy wear surfaces
- Ni-hard-lined mixer gates with adjustable rails for positive seal
- Large diameter gate rollers for prolonged wear
- Interlock limit switch ensures foolproof gate position
- Synchronized, meshed mixer arms for thorough, high efficiency mixing

Fugitive Dust System

- Independent dust handling fan driven by TEFC motor provides positive fines collection without dependence on baghouse exhaust fan
- Engineered to collect dust from all critical areas of the plant
- Venting provided for screen, hot elevator, hot bin, weigh box & mixer
- Dust returned to either primary collector or baghouse
- Individually valved collection points for properly balanced system

Preferred Options

- Dust return systems can be engineered to meet any customer or state requirement
- Screen bypass to transport material directly from the hot elevator to the #1 bin
- Walkway to hot elevator from screen deck
- Stairway access to tower
- Hot bin insulation for maximum energy efficiency and longer bin storage
- Automatic remote control bin sampler
- "Super" tips in mixer for greater wear resistance
- Blue smoke and/or dust scavenger system
- Retractable flop chutes



GENCOR CONTROLS & CONTROL HOUSE

Control House Benefits

- Heavy insulation & temperature control system
- Split-level design with 360° view of site
- Brightly lit work area
- Centrally located bus system for easy maintenance
- Integrated wire & power cables for maximum space

- Conveniently located, highly accurate & dependable ammeters

BP-100 Benefits

- User-friendly software with built-in "help" key
- High-speed software updates 22 times per second
- Self-contained, slide-tray mounted hardware for easy access

- VME computer system & printer
- High resolution color CRT monitors
- Organized & complete data management displays & printouts
- Weigh scale displays include aggregate, asphalt cement additive & mineral filler
- Batch displays include batch mode, formulas, calibration, ticket design, customer & job data

- Individually mounted starters
- All hardware isolated to prevent electrical surging or spiking
- Stores up to 250 mix formulas, entered or altered during operation
- Processes mix formulas in pounds, kilograms or percentages

Gencontrol Burner Control Advantages

- Solid state construction

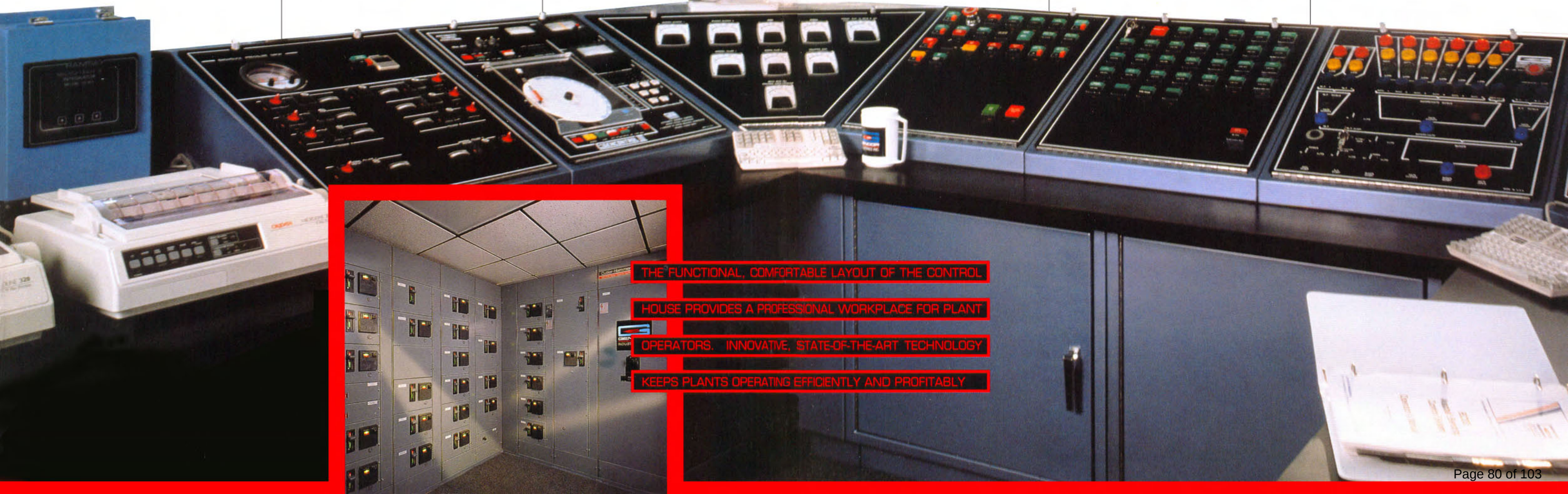
- Built-in safety features
- System status annunciator & auto-tracking
- Instantaneous control of burner flame
- Automatically adjusts fuel to maintain uniform material temperature
- Safety interlocks for all critical burner operations
- Pyrograph chart recorder for accurate recording of temperatures



The Gencor control house provides a professional and comfortable work environment for plant operators.

The heart of Gencor's batch plant is the state-of-the-art, self-contained Gencor BP-100 batching computer system providing the optimum in efficiency and cost effectiveness.

Combine that with the Gencontrol burner control and your batch plant can reach new levels of productivity and profitability.



THE FUNCTIONAL, COMFORTABLE LAYOUT OF THE CONTROL HOUSE PROVIDES A PROFESSIONAL WORKPLACE FOR PLANT OPERATORS. INNOVATIVE, STATE-OF-THE-ART TECHNOLOGY KEEPS PLANTS OPERATING EFFICIENTLY AND PROFITABLY

THE GENCOR BAGHOUSE IS BUILT FOR LONG LIFE
AND DESIGNED FOR MAXIMUM CLEANING EFFICIENCY



THE BAGHOUSE

The Gencor baghouse is the heaviest built in the industry, designed to provide the largest volume for a given airflow, maximizing the flow and filtration with low maintenance.

All baghouse sections, legs and ducts are constructed of heavy steel plate. Detectors monitor incoming temperatures, protecting the bags.

The Gencor baghouse can be supplied with either a built-in or separate primary collector installed over the dryer.

Bags are cleaned easily through the pulse jet method with high-capacity, center-mounted double diaphragm solenoids. The result is even pulse pressure to each row of bags for maximum cleaning efficiency.

The large rectangular manifold running the length of the house serves as a compressed air reservoir. This unique design results in sharp, crisp bag expansion that quickly breaks accumulated dust from the sides of the bags.

The system is engineered to maintain necessary exhaust flow through the plant in normal operation preventing overdrafting.

The Gencor baghouse uses innovative technology to help achieve a simple goal — a cleaner, safer environment.

Just compare these features:

- Internal exhaust duct work for unitized construction
- High capacity, fast-acting double diaphragm solenoid valves

- 1/4" steel construction
- Tongue-flange guides for easy assembly
- 100% 14-oz. virgin NOMEX bags
- Exclusive wedge-type top & encapsulated gasket system for easy-open, tight-seal doors
- High efficiency backward sloped exhaust fan wheel rated at 14" static pressure
- Heavy duty rotary screw-type compressor
- Generous bag spacing for low gas velocity & thorough cleaning
- Two temperature sensors for safe operation
- Easy start exhaust fan



RECYCLING

Introducing recycled asphalt to a batch plant process has always presented a unique challenge. But plant operators recognize that new concerns about the environment have placed even more emphasis on meeting this challenge.

To be successful in today's competitive asphalt market, plant operators must have the capability to run recycled asphalt.

That's where Gencor's top team of engineers come in. Our staff has decades of experience in designing recycle systems for both batch and drum mix plants. We are leading the way with new technology to meet strict environmental standards, while making recycle an efficient and cost-effective addition in your asphalt.

Gencor can provide you with a complete array of recycle systems to meet your needs now and well into the future.

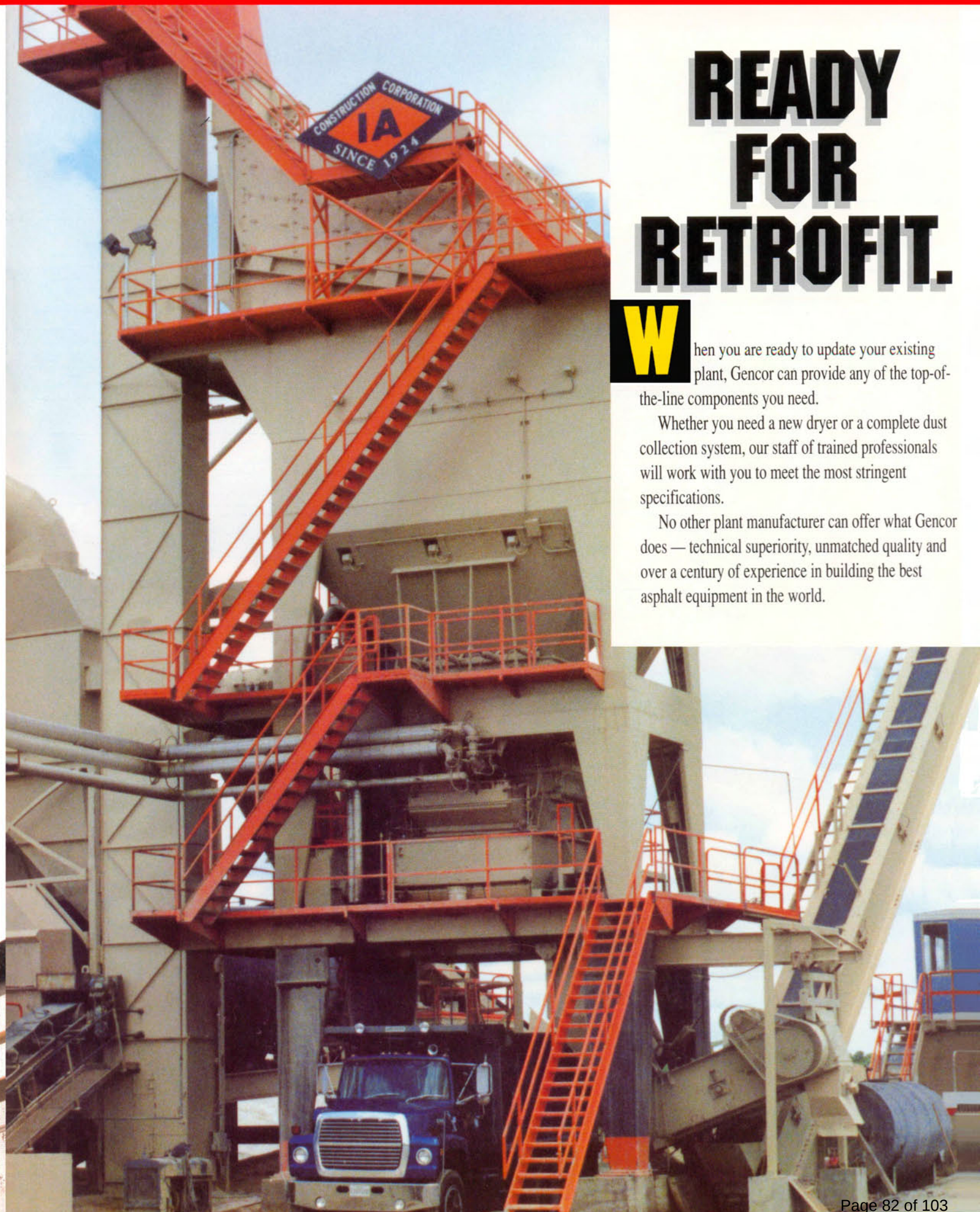
- Custom designed & engineered for the future
- RAP breakers
- RAP bins
- RAP conveyors
- RAP systems

READY FOR RETROFIT.

When you are ready to update your existing plant, Gencor can provide any of the top-of-the-line components you need.

Whether you need a new dryer or a complete dust collection system, our staff of trained professionals will work with you to meet the most stringent specifications.

No other plant manufacturer can offer what Gencor does — technical superiority, unmatched quality and over a century of experience in building the best asphalt equipment in the world.



BATCH PLANTS

DRUM MIX PLANTS

CONTROL SYSTEMS

ASPHALT HEATERS

ASPHALT STORAGE TANKS

HOT MIX SILOS

COMBUSTION BURNERS

COLD FEED BINS

RAP SYSTEMS

SOIL REMEDIATION UNITS



ONE COMPANY • ONE SOURCE • ONE SOLUTION

GENCOR INDUSTRIES INC., 5201 NORTH ORANGE BLOSSOM TRAIL, ORLANDO, FLORIDA 32810

(407) 290-6000 • FAX (407) 578-0577

MANOSH AGGREGATE FACILITY

OPERATION PLAN

I. INTRODUCTION

- a. OPERATOR - The operator of the soil extraction business and asphalt plant is N.A. Manosh Inc. 120 Northgate Plaza, Morrisville, Vermont 05661.
- b. LANDOWNER - The property is owned by NA Manosh Inc., 120 Northgate Plaza, Morrisville, Vermont 05661. The location of the proposed gravel pit is on 2237 VT Route 15 in the town of Morristown, Vermont.
- c. SCOPE OF OPERATIONS - The business activities proposed:
 - i. The extraction, processing and sale of approximately 3,000,000 cubic yards of gravel and soil products
- d. SITE RECLAMATION - Site reclamation will be accomplished on an incremental basis as the work progresses. As one acre of the site reaches its final grades it will be covered with at least 4" of mixed topsoil and subsoil, covered with 15 tons per acre of cow manure and seeded with Winter Rye.
- e. SITE MANAGEMENT - The operator will take steps to ensure proper management of the site including dust control, noise control, maintenance, erosion control, stormwater management, truck advisories, and permit compliance.

II. EXISTING CONDITIONS

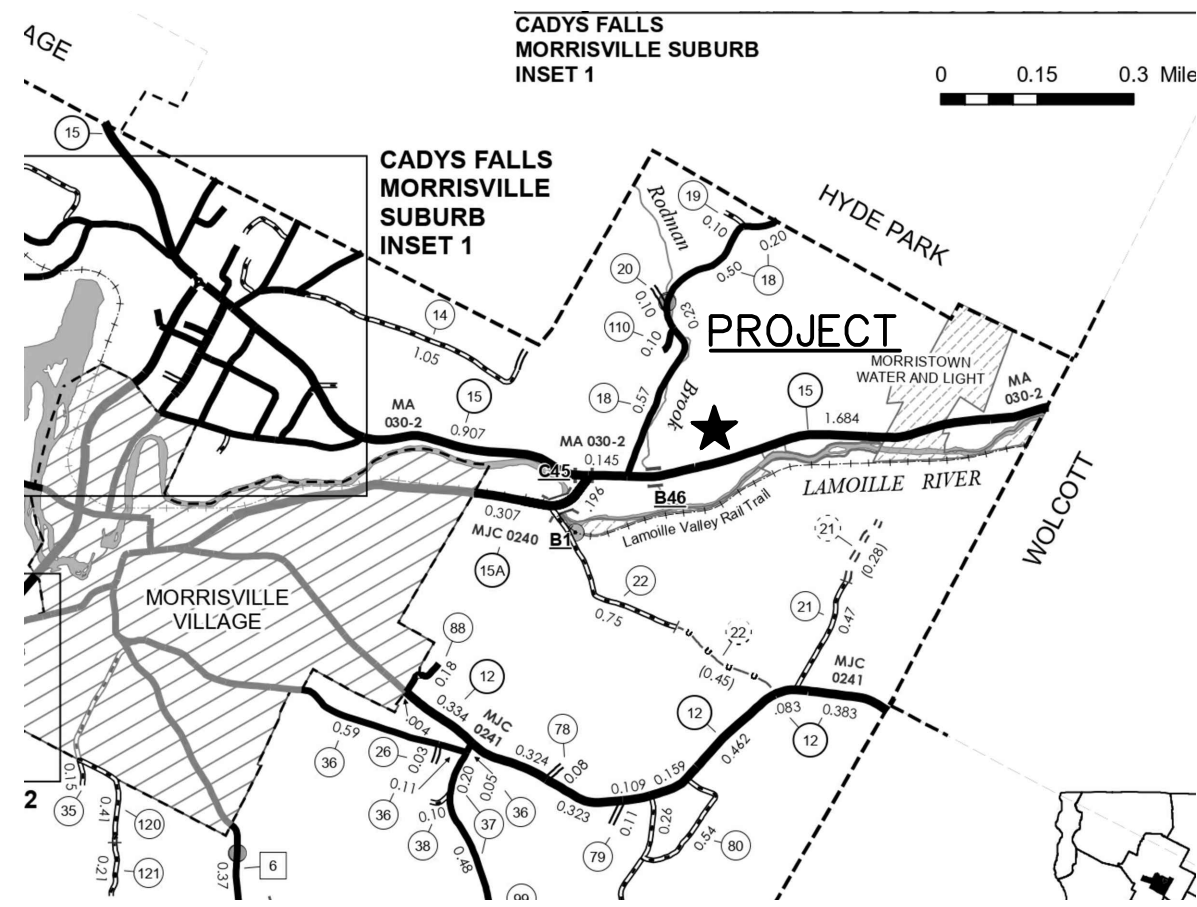
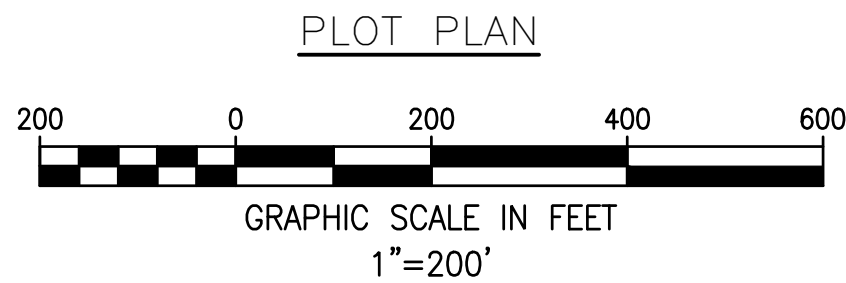
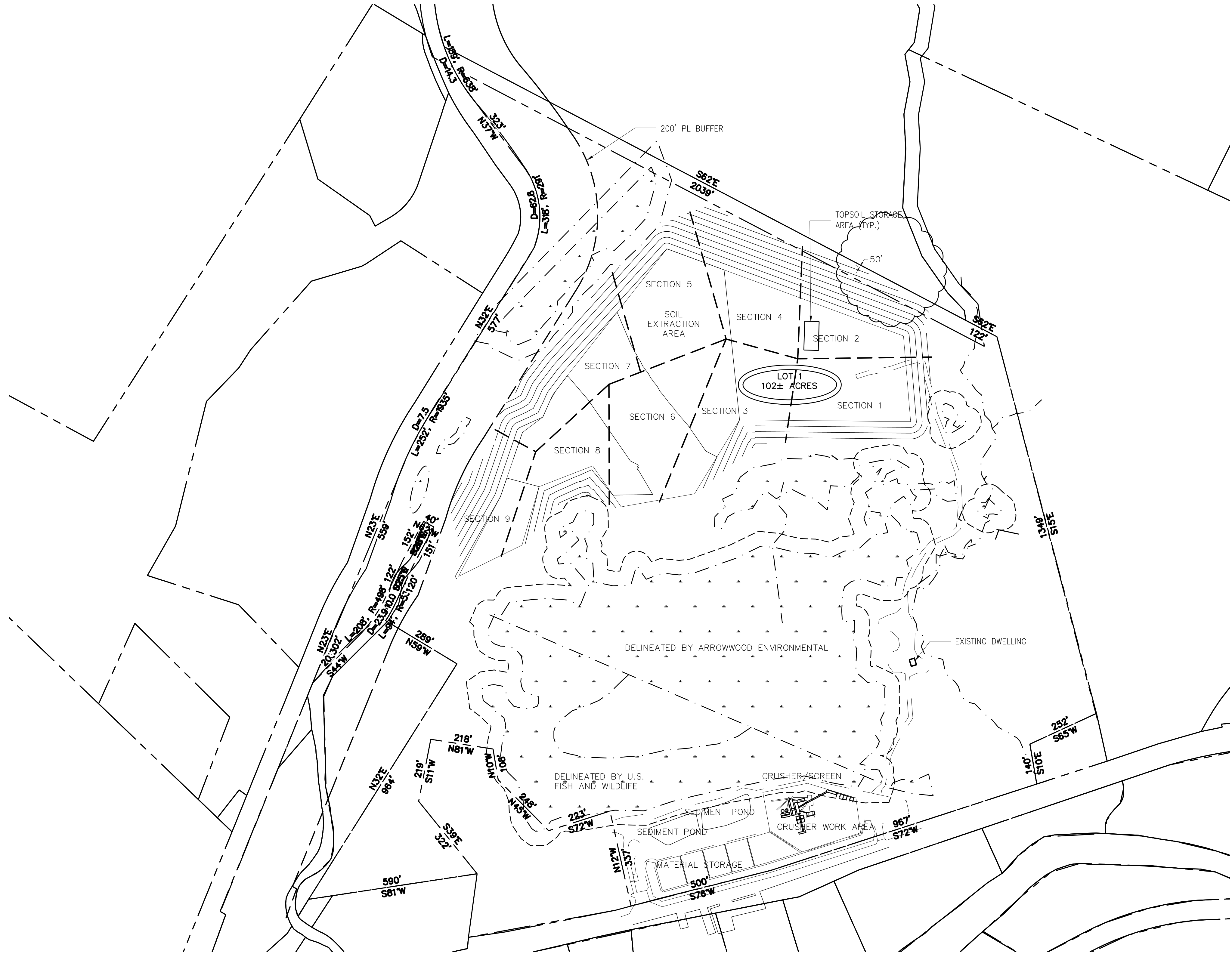
- a. LAND USE - The site is currently undeveloped and has had a small area logged within it. All surrounding lands are residential, with the exception of the N.A. Manosh aggregate facility. Upon completion of the gravel extraction activities, the site will be reclaimed.
- b. The site currently undeveloped and has had a small area of forest logged
- c. TOPOGRAPHY - The sand gravel deposit is a terrace deposit on the Lamoille River valley floor. The Lamoille River is located 1,450' to 2,000' south of the edge of the proposed excavation. The land between the river and the site is a gently sloping woods and fields and includes multiple residential properties. The extraction area is generally known to contain deep sand and gravel deposits. This is verified by surrounding well logs and other soil extraction operations, which identify favorable the soil characteristics to a depth of 200 feet. Ground water depths are generally with 20 feet of the bottom of the sand and gravel deposits. The maximum planned extraction depth for the proposed operation is 60 feet. The excavation area and extraction area as proposed will leave a depth of approximately 100' of natural soil below the floor of the excavation area. This will ensure that adequate drainage will exist below finish grades in the re-claimed excavation area of the site.
- d. EARTH RESOURCES - Approximately 3,000,000 cubic of gravel will be removed from the site. It is general knowledge that the area contains high quality sand and gravel to great depths. This is a high-quality natural sand and gravel suitable for road construction, road maintenance and other purposes. It is estimated that approximately 1 foot of loam (subsoil) and topsoil exists over the extraction area. This soil material will be removed and stockpiled separately. Topsoil and subsoil will be retained for site reclamation.

III. OPERATION PLAN

a. GENERAL OPERATING PRACTICE

- i. **Storm Water Management** A storm water infiltration area will be located in the southwest corner of each phased extraction area. The infiltration area will serve to capture all run-off from the soil extraction pit and tributary areas. This run-off will recharge the ground water beneath the site. Silt, sand and other materials carried by the runoff will be captured in this area. The phased development and final grading plans of the soil extraction pit are designed to collect all run-off in the infiltration area.
- ii. **Excavation Procedures** Excavation will begin in the far northeast corner of the soil extraction pit. Excavation will be accomplished with conventional earthwork equipment. A level work area and the infiltration area will be established first. A stockpile of excavated material will be created and maintained during the life of project. A 2:1 working face of gravel and sand will be maintained in the soil extraction pit within the limits of each phase until excavation is completed within that phase. Site reclamation will occur in one-acre increments immediately behind the work area. The open or active working area of the soil extraction pit is estimated at 3 acres.
- iii. **Soils Processing** The gradation analyses performed on the gravel indicate that it is salable as roadway sub base with processing. However, it is anticipated that screening of the gravel may be desirable for market purposes. The screening process will produce tailings, which the operator may process. A description of anticipated processing operations follows:
 1. Gravel Processing
 - a. screening - A static screen is anticipated to be used for almost all gravel excavated from the site. This screen consists of a grid of steel bars on a fixed frame. It has no moving parts and is silent.
 - b. crushing of gravel - The operator may occasionally produce a custom crushed gravel product. In this case, a portable crusher would be brought on-site for a period of approximately 2 weeks to process the necessary quantity of gravel, coincidental with the crushing of tailings.
 - c. crushing of tailings - Stones that are removed by the static screen will be stockpiled on site. The stockpile of stones will be crushed periodically. This process will occur not more than once annually and will have a duration of approximately 2 weeks per occurrence, coincidental with the crushing of gravel.
- iv. **Erosion Control** Protection of off-site land from erosion control will be provided by the infiltration area. On-site erosion control *measures* will be in compliance with the VTDEC Low Risk Handbook.
- v. **Dust Control** Water and/or calcium chloride will be spread on site access roads to control dust when necessary. The water supply for this operation will be from an onsite well. Additionally, a 100' stone roadbed will be placed at the exit of the facility to aid in cleaning truck tires of loose dirt. This will aid in dust control by reducing the tracking of dirt off the site onto the town roads.
- vi. **Transportation** The maximum annual extraction rate of gravel will be 100,000 cubic yards per year. Truck traffic is estimated to be 22 trucks per day from the soil extraction site. Approximately half of the trucks on site will remain on site to provide aggregate to the asphalt pit. All trucks exiting the site will use commercial highway access Vermont Route 15.

- vii. **Hours of Operation.** The soil extraction pit will be open within the hours of 7:00 AM to 5:30 PM, Monday through Friday, and 7:00 AM to 12:00 PM on Saturday. Maintenance activities may occur outside of those hours. This soil extraction pit business will be a full time operation. It will be open full time the regular construction season, from approximately April 1 through November 30, and will operate on demand December 1 through March 31.
 - viii. **Management.** The operator of the facility will be responsible for the good management of the soil extraction pit. This includes following the operation plan, complying with applicable permits and public relations. The operator at least annually prepare a report of the operation. The report shall include an estimate of the quantity of gravel removed to date, an assessment of the excavation progress with respect to the operation plan, a review of the condition of the infiltration area and erosion control methods employed and any other items noted during the annual inspection. The report shall make recommendations for any maintenance, repair or change of the soil extraction pit operation.
- b. **SOIL REMOVAL SEQUENCE**
 - i. Remove topsoil and loam (subsoil) from the Phase 1 area
 - ii. Stockpile topsoil and loam (subsoil) in designated area
 - iii. Provide silt fence or a line of hay bales to block run-on and runoff from the topsoil and loam stockpile
 - iv. Excavate Phase I gravel up to a working face
 - v. Topsoil, seed and mulch completed areas while maintaining necessary work area
 - c. **SITE RECLAMATION PLAN**
 - i. **SURFACE SOIL REMOVAL** - The gravel extraction is planned in three phases. The top 24 inches (approximately) of topsoil and subsoil will be removed and stockpiled from each phase prior to excavation in that area. The stockpile will be immediately seeded to winter rye at a rate of 2 pounds per 1,000 square feet. The topsoil and subsoil will be retained in a mixed pile and used for site reclamation.
 - ii. **SITE RECLAMATION** - Site reclamation will be accomplished by placing the topsoil and subsoil layer evenly over the completed section of the soil extraction pit. Prior to topsoil placement, the operator will probe the existing soil to ascertain that a minimum 24" drainage layer exists over less permeable substrata. The thickness of the drainage layer will be measured on a 50' grid to verify that the 24" thickness exists. If the 24" thickness does not exist, the operator will place additional sand or gravel to achieve the 24" thickness. The topsoil will be immediately sampled and sent to the UVM lab for analysis. Cow manure will be applied at a rate of 15 tons per acre and worked into the soil. These areas will be seeded with winter rye at a rate of 112 lbs. per acre. During the following spring, lime and fertilizer will be applied based on the soil test results. The winter rye will be harrowed or plowed down and the area will be seeded with Champlain Timothy, Alsike Clover or Arlington Red Clover at a rate of 20 lbs. per acre. For a minimum of five years after reclamation, the site will be maintained in grass sod and manure will be applied annually at a rate of 15 tons per acre.



- GENERAL NOTES:
1. REFER TO SOIL OPERATIONS PLAN FOR OPERATION PROCEDURES AND DETAILS AND VTDEC LOW RISK EPSC HANDBOOK FOR STORMWATER PRACTICES.

LEGEND	
	TRAVERSE STATION
	BENCHMARK
	TEST PIT
	PERC TEST
	UTILITY POLE
	SEWER MANHOLE
	CATCH BASIN
	WATER SHUT OFF
	IRON PIPE FOUND
	IRON ROD FOUND
	IRON ROD SET
	EXISTING DRILLED WELL
	PROPOSED DRILLED WELL
	TREE LINE
	STONE WALL
	FENCE
	WATER LINE
	SEWER LINE
	PROPERTY LINE
	RIGHT-OF-WAY
	EASEMENT
	EDGE OF PAVEMENT
	FIVE FOOT CONTOUR
	ONE FOOT CONTOUR

REVISIONS

1. MISC. BDL 8/7/2026

New England Consulting Engineers

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MORRISVILLE, VERMONT 05680
TEL: (802) 888-5722



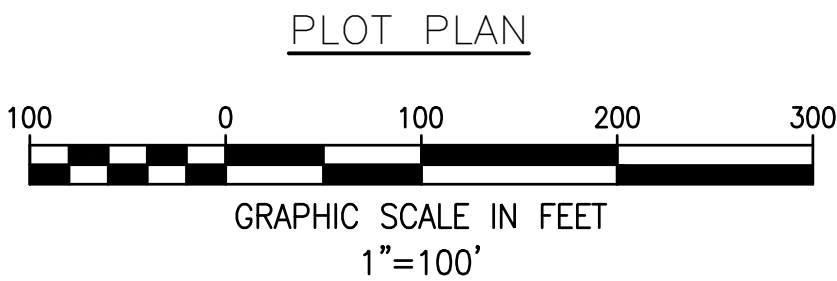
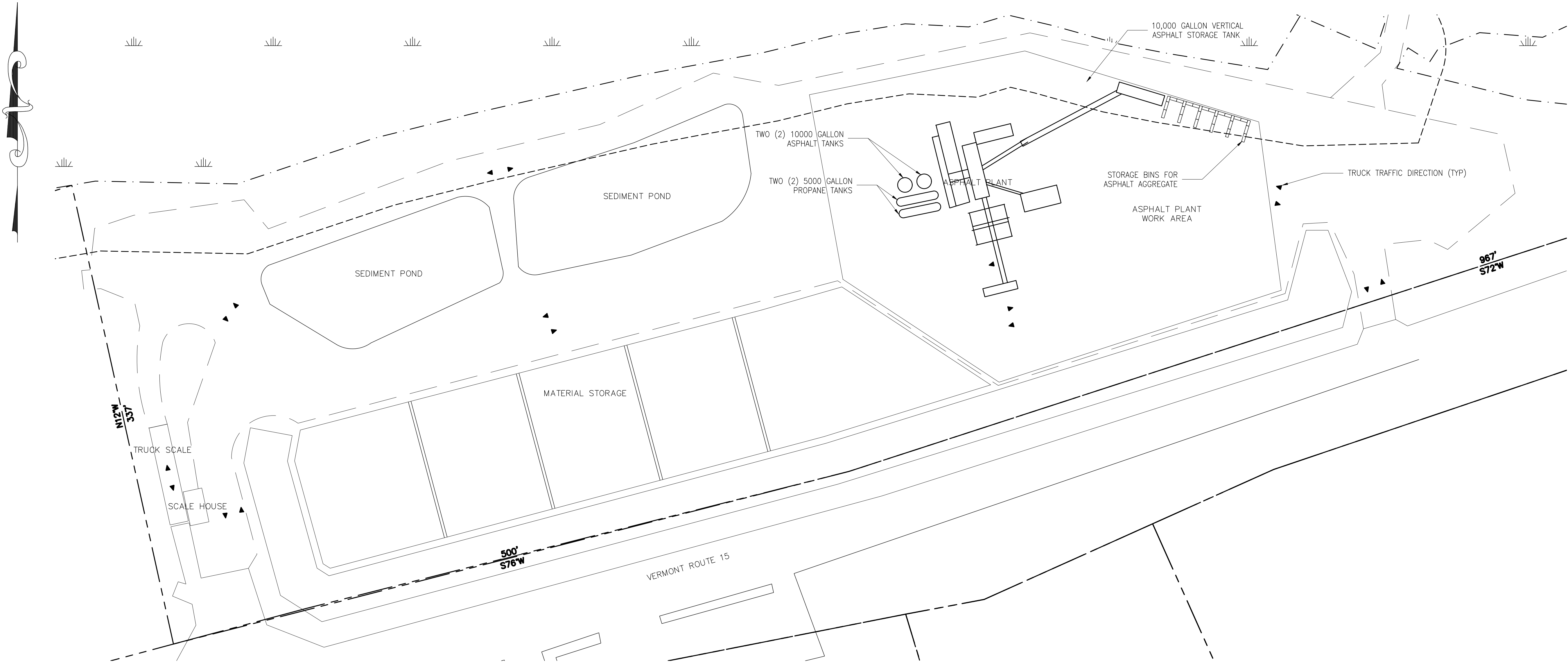
N A MANOSH INC

2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT

SOILS FACILITY IMPROVEMENTS
CIVIL

PLOT PLAN

PROJECT NO.	1130
DESIGNED BY:	BDL
DRAWN BY:	BDL
DATE:	MAY 2026
SCALE:	AS NOTED



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N A MANOSH INC
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MORRISTOWN, VERMONT

SOILS FACILITY IMPROVEMENTS
AGGREGATE PLANT
PROPOSED SITE PLAN

PROJECT NO. 1130

DESIGNED BY: BDL

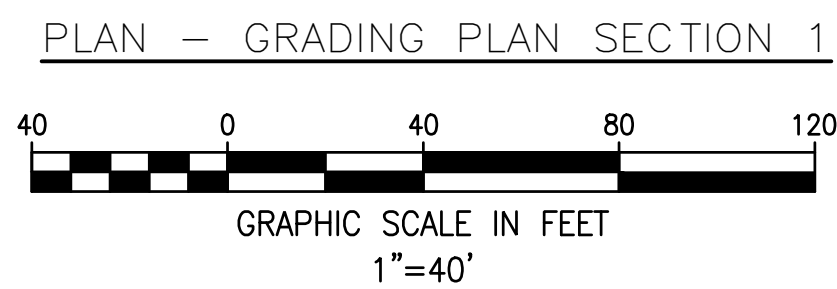
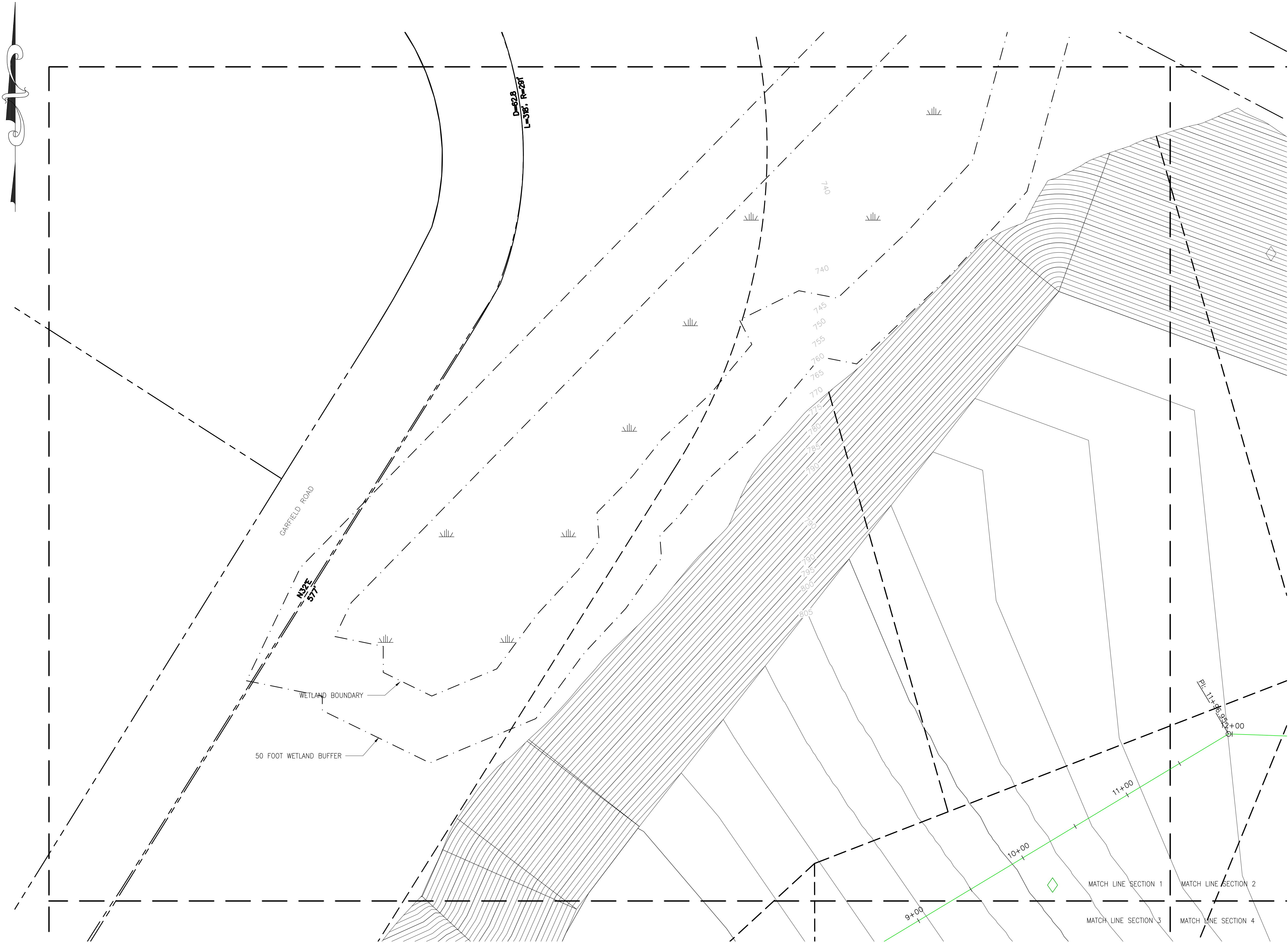
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DATE: MAY 2026

SCALE: AS NOTED

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3 OF 8

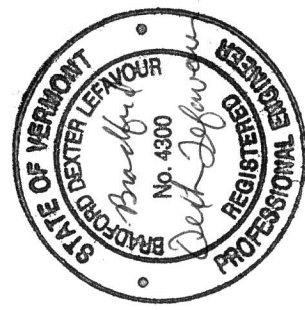


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N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT

SOILS FACILITY IMPROVEMENTS
SOIL EXTRACTION AREA
GRADING PLAN 1

PROJECT NO. 1130

DESIGNED BY: BDL

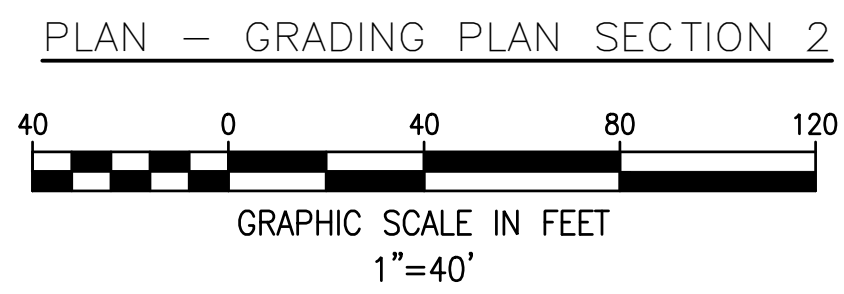
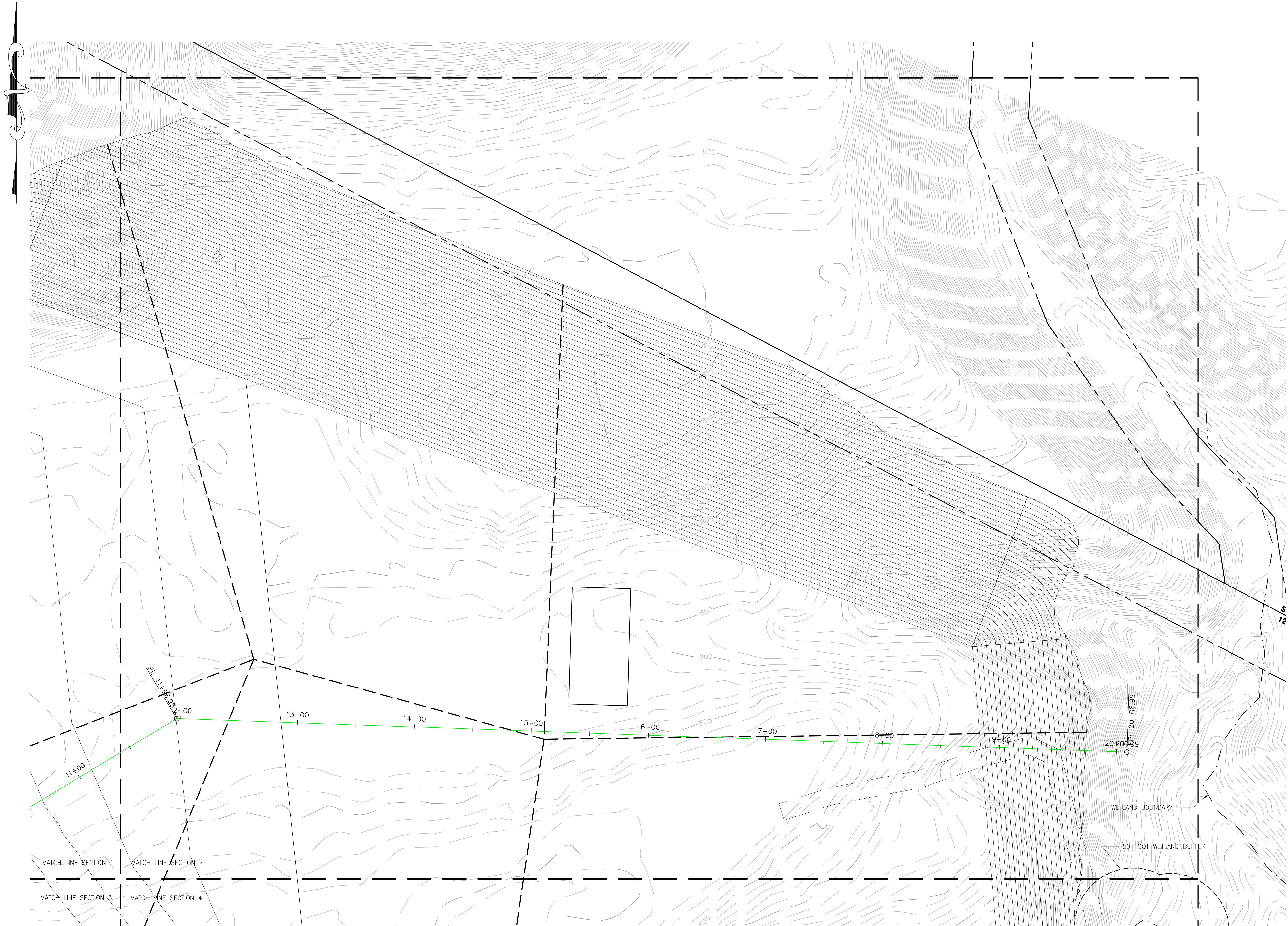
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DATE: MAY 2026

SCALE: AS NOTED

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N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT

SOILS FACILITY IMPROVEMENTS
SOIL EXTRACTION AREA
GRADING PLAN 2

PROJECT NO. 1130

DESIGNED BY: BDL

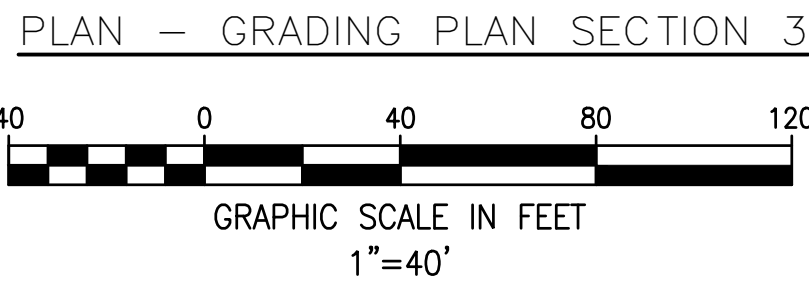
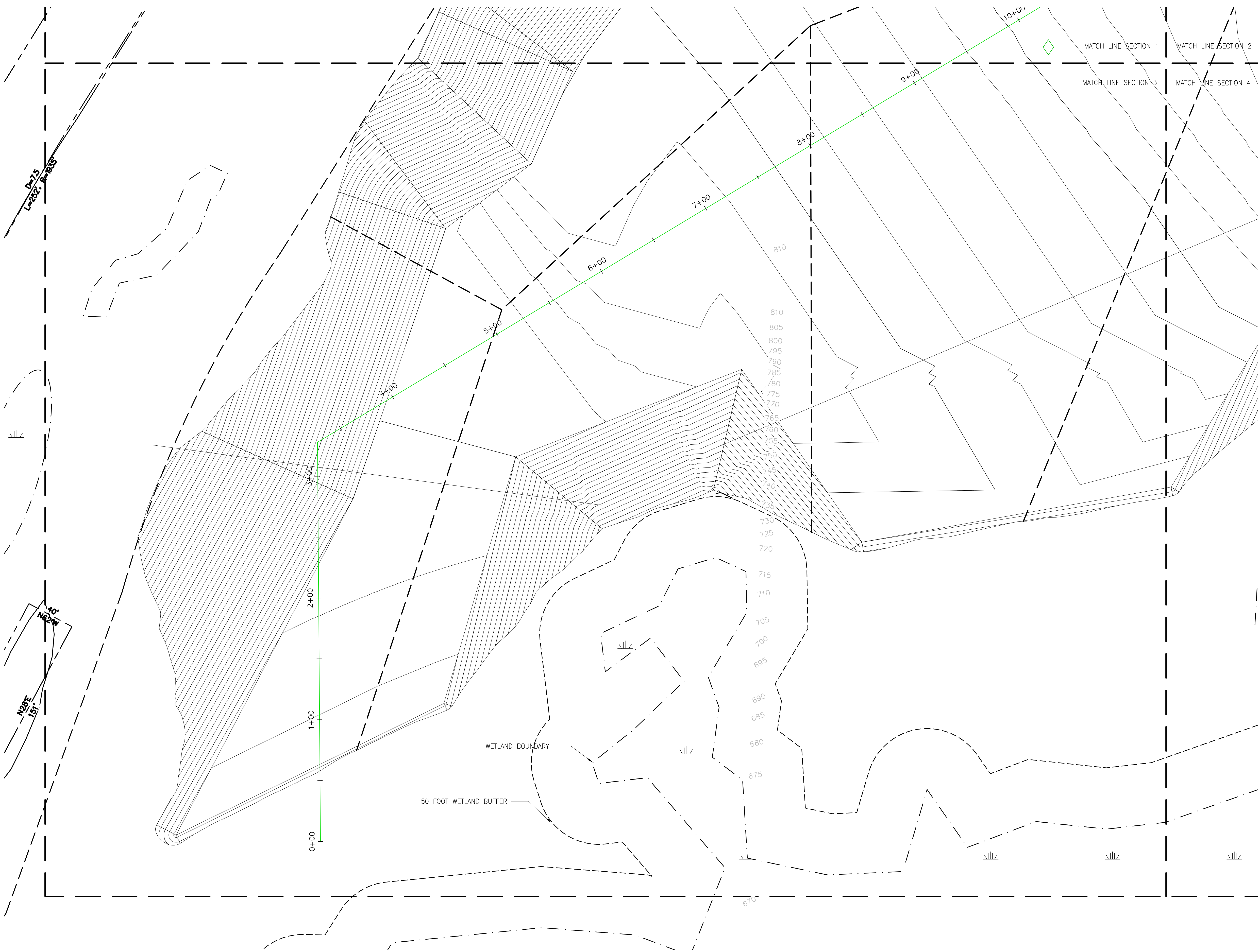
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DATE: MAY 2026

SCALE: AS NOTED

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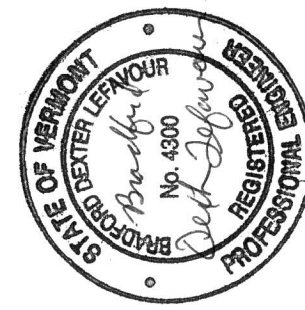


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N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT

SOILS FACILITY IMPROVEMENTS
SOIL EXTRACTION AREA
GRADING PLAN 3

PROJECT NO. 1130

DESIGNED BY: BDL

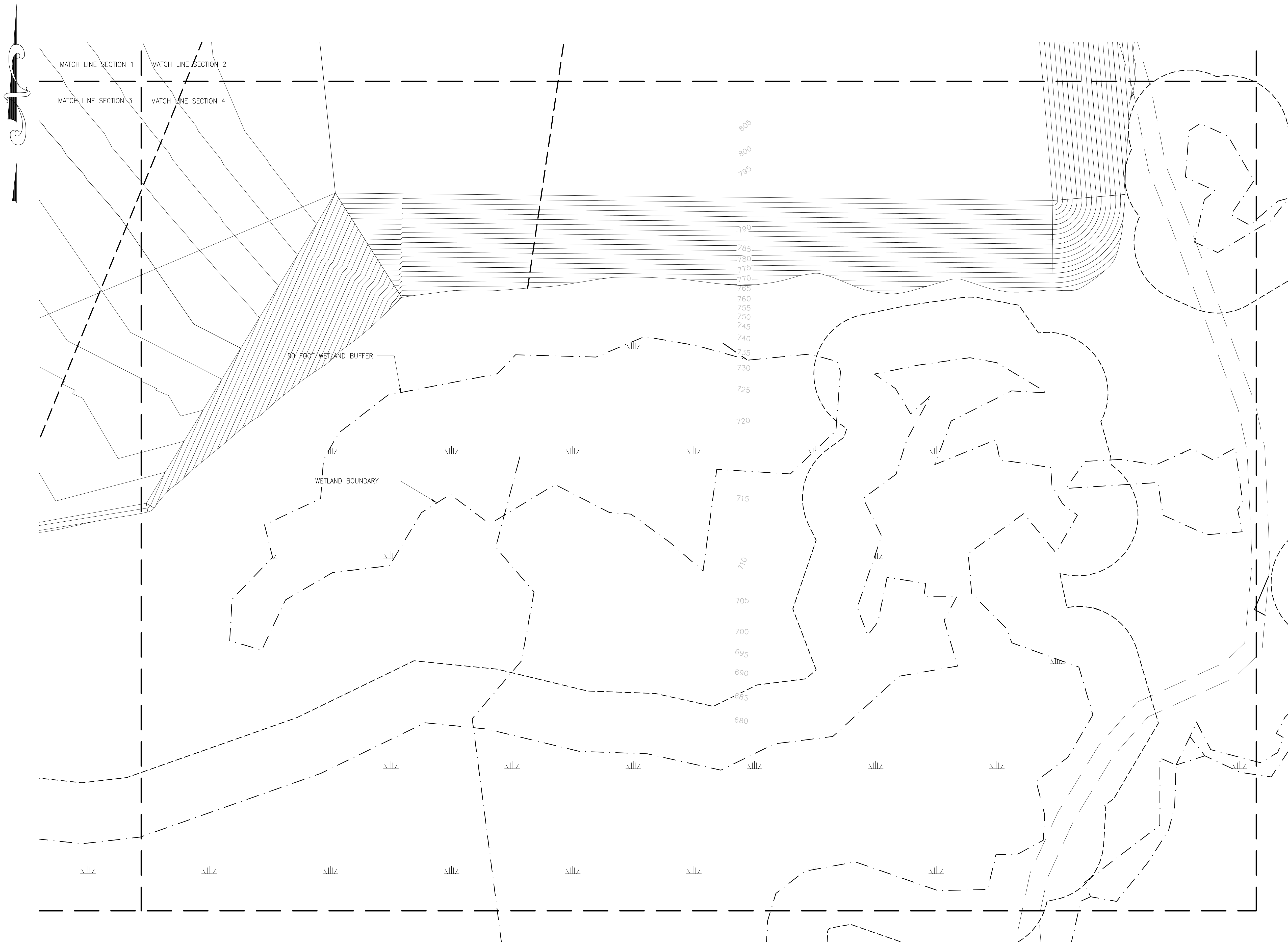
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DATE: MAY 2026

SCALE: AS NOTED

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6 OF 8



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Consulting Engineers**

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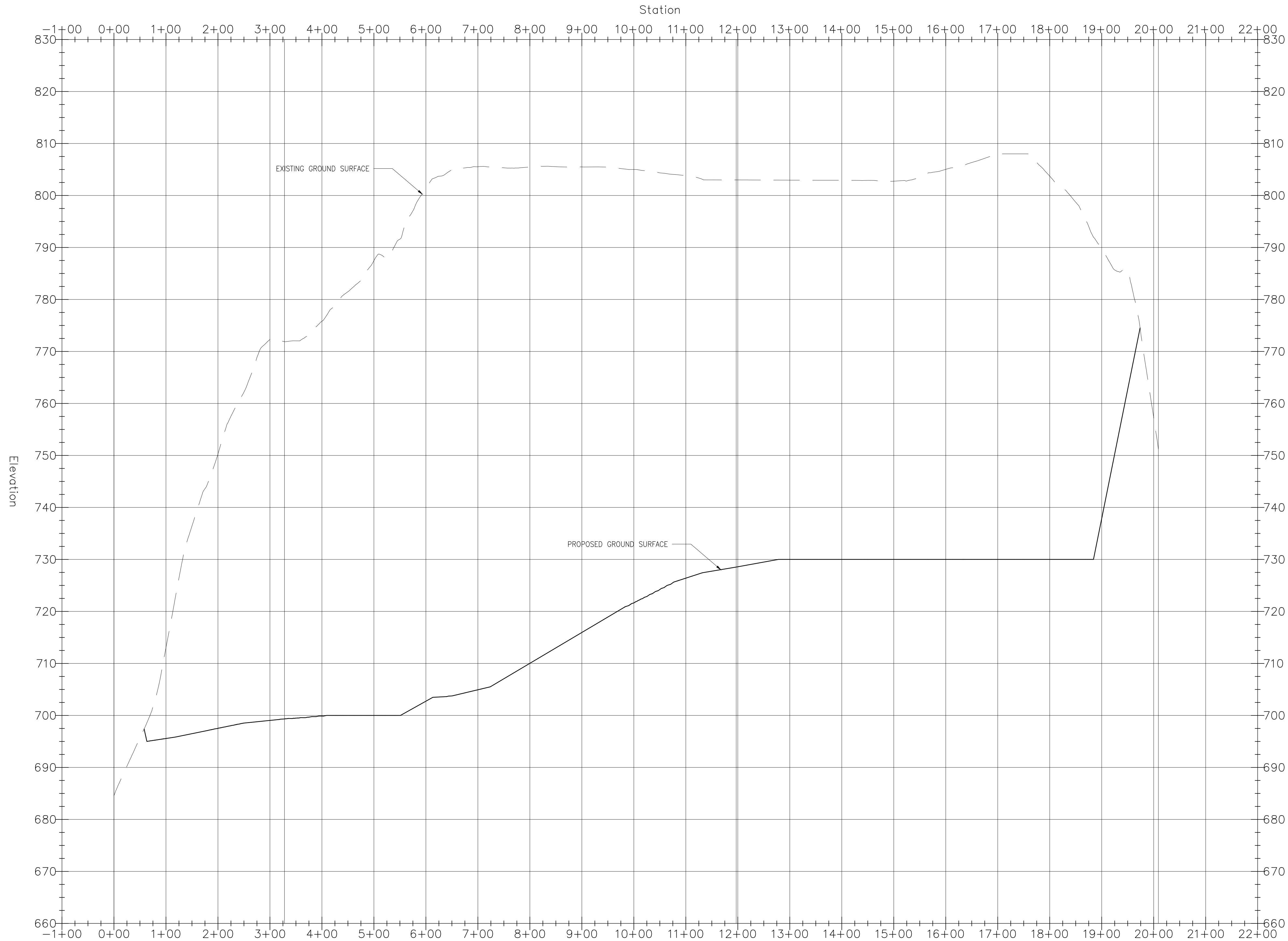
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PROJECT NO.	1130
DESIGNED BY:	BDL
DRAWN BY:	BDL
DATE:	MAY 2026
SCALE:	AS NOTED

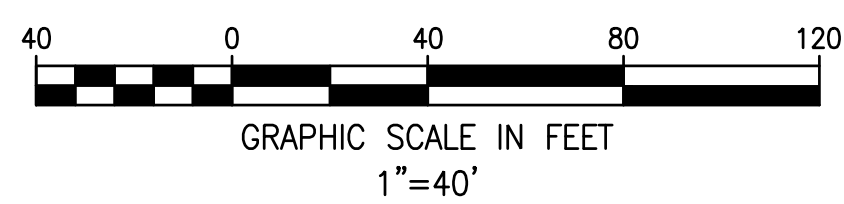
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7 OF 8

Alignment – (2) PROFILE



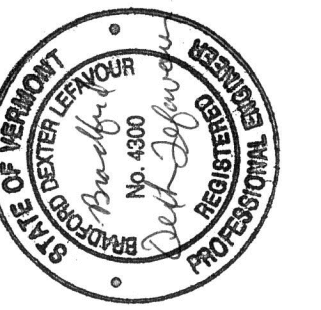
PLAN – GRADING PLAN SECTION 4



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N A MANOSH INC
2237 VERMONT ROUTE 15 EAST
MORRISTOWN, VERMONT
SOILS FACILITY IMPROVEMENTS
SOIL EXTRACTION AREA
BASELINE PROFILE

PROJECT NO. 1130

DESIGNED BY: BDL

DRAWN BY: BDL

DATE: MAY 2026

SCALE: AS NOTED

C-8

8 OF 8



Outlook

Re: Nick Manosh, Ferland Pit Road Submittal #2026-59

From dlefavour@newengce.com <dlefavour@newengce.com>**Date** Mon 8/10/2026 7:52 AM**To** Tyler Machia <tmachia@morristownvt.gov>**Cc** Nick Manosh <nickm@manosh.com>; Holden Thompson <hthompson@newengce.com>

Tyler:

Applicant requests variance to setback requirement of Section 485.5. Setbacks may be adjusted by variance:

Section 204.4 Variances. Variances for frontage, setbacks, and other various requirements of these Bylaws and of ss4469 of the Act may be granted by the DRB after submittal of ss500 Site Plan and a public hearing per ss4465-ss4469 of the Act. Issuing variances for Development controlled by ss320 Flood Hazard Areas and 24 VSA ss4469 should be avoided. The Board shall notify applicants that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance.

The applicant provides the following responses to the statutory criteria for variances:

“the development review board or the Environmental Division created under 4 V.S.A. chapter 27 shall grant variances and render a decision in favor of the appellant, if all the following facts are found, and the finding is specified in its decision:

(1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located. **Applicant response: True.**

(2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity

with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. **Applicant response: True.**

(3) Unnecessary hardship has not been created by the appellant.

Applicant response: True.

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. **Applicant response: True.**

(5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan. **Applicant response: True.**

Dexter

B. Dexter Lefavour, PE
Principal Engineer

NEW ENGLAND CONSULTING ENGINEERS, LLC

120 Northgate Avenue
Morrisville, Vermont 05661
802 279 3257
www.NewEngCE.com

-----Original Message-----

From: "Tyler Machia" <tmachia@morristownvt.gov>

Sent: Monday, August 10, 2026 7:46am

To: "dlefavour@newengce.com" <dlefavour@newengce.com>

Cc: "Nick Manosh" <nickm@manosh.com>

Subject: Re: Nick Manosh, Ferland Pit Road Submittal #2026-59

Thank you dexter, I will have updated notes posted by COB today. I am currently working on updating the notes for 2026-48. I will note that the extraction in the northeast portion of the project 2026-48 is within the 200-foot setback required for earth extraction. The DRB can reduce the setback down by 25% provided you request a waiver provided you meet the requirements noted in Section 204.4 of the 2023 bylaws. That would still leave you with a 150-foot setback. Your plans show extraction within that. I wanted to make sure you were aware of this as it will be noted in my notes.
Sincerely



August 12, 2026, DRB Meeting Staff Notes

APPLICATION: 2026-48

APPLICANT: N. A. Manosh Incorporated

REQUESTED ACTION: Conditional Use Review

LOCATION: 2237 Route 15 East.

EXISTING ZONING: Rural Residential Agriculture

PROJECT DESCRIPTION: 2026-48- Conditional Use application, submitted by N. A. Manosh Inc for a property located at 2237 Route 15 East. The Applicant is seeking to remove the existing crushing machinery and replace it with an asphalt plant. This project will be reviewed under the 2023 Zoning Bylaws with emphasis on the following Sections: 204.5a-b, 485, 500, 630, and 660.

PARCEL HISTORY:

1. Subdivision Review, Two-Lot Subdivision, 2016-077, Approved 08-25-16
2. Conditional Use Review, Concrete Batch Plant, 2012-020, Approved 02-23-12
3. Zoning Permit Sign, 2012-004, Approved 01-13-12

LIST OF APPLICANT SUBMISSIONS:

- A. Application and Narrative 5-26-26
- B. Subdivision Approval 5-21-26
- C. Site Plan and Plat 5-21-26
- D. Continuation Memo 7-21-26
- E. Cover Memo 8-3-26
- F. Operations Plan 8-3-26
- G. Updated Site Plan 8-3-36
- H. Variance Request 8-10-26

PROCEDURAL INFORMATION:

1. Agenda placed in News and Citizen 6/1/2026
2. Notice placed on the town website and at three locations in town on 6/8/2026
3. Abutters notified on 6/8/2026
4. Notice sent to Applicant 6/8/2026
5. Application continued to 7/8/26 on 6/24/26
6. Application Continued to 8/12/26 on 7/8/26



STAFF COMMENTS (Comments In Bold):

1. 2026-48- Conditional Use application, submitted by N. A. Manosh Inc for a property located at 2237 Route 15 East. The Applicant is seeking to remove the existing crushing machinery and replace it with an asphalt plant. This project will be reviewed under the 2023 Zoning Bylaws with emphasis on the following Sections: Section 204.5a-b, 485, 500, 630, and 660.
2. The Applicants are also looking to expand the extraction area to 19 acres with the removal of 3,000,000 cubic yards of material.
3. The lot is located in the Rural Residential Agriculture district at 2237 Route 15 East.
4. The project has a preexisting Special Industrial Use.
5. Section 900 of the bylaws defines special industrial use as the “extraction or processing of earth resources such as rock, stone, sand, gravel, and minerals. These operations are generally incompatible with other uses and require large land areas. The Special Industry use, specifically per §485 of the Bylaws, is only allowed east of Garfield Road between the river (south) and the town line (north).
6. Section 204.a of the 2023 bylaws notes that Special Industrial Uses are only allowed east of Garfield Road.
7. 2237 Route 15 East is located east of Garfield Road.
8. Section 485.1 notes that before approval of any new or proposed extension of a soil, sand, or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner(s) shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redeveloping the site as a park, lake, recreation area or other usable open space.
9. The Applicants have provided a cost estimate (Submittal E.) for a performance bond which notes that they anticipate needing a bond amount of \$31,717.84 to restore the site. Both Submittal E. and Submittal F. indicate that the site will be restored to a grassy or wooded state. **(The Board should consider whether the estimate provided is an appropriate amount. The Board should also consider whether returning the site to a vegetated state satisfies the site redevelopment requirement noted in the last sentence of Section 485.1.)**
10. Section 485.2 notes that the removal of all material shall be conducted so as to result in the improvement of the land, giving due regard to the contours in the vicinity, such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pits.
11. The Applicants have presented a site reclamation narrative noting how the site will be restored to a vegetated state as noted in 3. of Submittal E. and Section III.b-c of Submittal F. **(The Applicants have provided a narrative for the site reclamation. However,**



they have not submitted a plan set showing the final restored site conditions. It is important to note the 3 of Submittal E. notes that the site shall be graded as depicted on the site plan (Submittal G); however, they have not provided a page specifically showing the site once it has been restored. The Board should consider whether the applicants need to provide a separate plan sheet showing the restored site).

12. Section 485.3 notes that the excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall have 4 inches of topsoil, fertilized, mulched and seeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Zoning Administrator.
13. Section 485.4 notes that all surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion, debris, and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Zoning Administrator.
14. The Applicants note in Item 3 of Submittal E. that Section 3.a and Section 3.b, paragraph 1-5, of Submittal F. detail the plan for site restoration and stormwater management. The Applicants materials note that extraction will be done in phases and that there shall be plans for infiltration areas for stormwater to settle. Submittals E and F both referenced plans to grade the site smooth to a finish grade as shown in their updated site plans (Submittal G). **(The Applicants have provided an erosion and sedimentation narrative with this project; however, the Applicants have not provided plan sheets for the phased extraction plan noted in III.a.i of Submittal F. The plan set does show two sedimentation ponds located near the proposed asphalt plant. However, no other details have been provided on the plan sheets. While the narrative Submittal A. notes that the project will require a wetland permit, it does not appear that the Applicant has obtained one. The Board could consider requiring the applicant to obtain a wetland permit prior to approving the project or make it a condition of approval.)**
15. Section 485.5 notes that no excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.
16. The Applicant's updated plan set shows extraction within 200 feet of the northeast property line. **(Section 485.5 notes that no extraction is permitted within 200 feet of any property boundary. To waive the dimensional requirements the applicant must request a variance as allowed under Section 204.3 or request a waiver as allowed in Section 204.4 of the 2023 bylaws. However, the maximum waiver the board can provide is 25%, which is 50 feet. This means that no extraction can occur within 150 feet of the property line. The Applicant's site plan, Submittal G, only notes a 50-foot setback as shown on page C.5)**



17. The Applicants have indicated in Submittal H. that they intended to request a variance to allow for extraction within the 200-foot setback noted in Section 485.5 of the 2023 bylaws.
18. Section 204.3 allows the board to grant a variance provided the standards noted in 24 VSA 4469 are met. It is important to note that ALL of the criteria need to be met in order to grant a variance. The standards are as follows:
 - a. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
 - b. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - c. Unnecessary hardship has not been created by the appellant.
 - d. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
 - e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.
19. The Applicants have indicated in Submittal H. that they have met all of the above-mentioned requirements.
20. **Staff disagrees with the Applicant's assessment that they meet the criteria for a variance for the following reasons:**
 - a. **The Applicants have not provided specific information as to why they satisfy the criteria for a variance other than asserting that it is true. The following will go into this in more detail:**
 - i. **The Applicants have not explained why there are unique physical circumstances on the lot that would prevent it from being developed as required by the bylaws. It is important to note that the bylaw cannot be the reason for the hardship, as noted above. This means that if the Applicant can develop the project in accordance with the**



bylaw, they have to do so. The Applicants have not indicated what physical circumstances exist on the site that prevent it from being developed in accordance with the bylaws.

- ii. The Applicants have not indicated why the physical characteristics of the site make it impossible for the project to comply with the 200-foot setback. It is important to note that applicant preference is not a factor that can be considered. The Applicants can use the property in the way they intend. However, the extraction has to meet the setback requirements.
- iii. The Applicants have not provided information showing how they have not created the hardship. Special Industrial Uses are allowed in this location per the bylaws. The hardship comes from the fact that the Applicants are proposing development inside of a setback which is creating the hardship. For example, if this was a preexisting site and the bylaws were changed which made any further expansion of a Special Industrial Use nonconforming, then the Applicants could argue that they did not cause the hardship. As this is a new project, the Applicants should be able to design it to comply with the bylaws.
- iv. The Applicants have not provided information noting how granting this variance would not alter the character of the area or negatively impact the public welfare.
- v. The Applicants have not indicated how the variance would grant relief with the least deviation possible.

b. The board would need to consider whether or not the Applicants have provided sufficient information to meet the requirements for a variance as noted in 24 VSA 4469.

- 21. Section 485.6 notes that no power-activated sorting machinery or equipment shall not be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
- 22. The Applicant site plan shows the proposed asphalt plant located at least 300 feet from the nearest property boundary. The Applicant's operations plan indicates in Submittal F. that sorting machinery could be used on site on a temporary basis.
- 23. Section 485.7 notes that all excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.
- 24. The Applicant's site plan appears to comply with Section 485.7 of The Bylaws.
- 25. Section 485.9 notes that stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
- 26. The Applicants have indicated in Submittals E- G



27. Section 485.10 notes that the DRB may attach any additional conditions as it may find necessary for the safety and general welfare of the public.
28. The proposed asphalt plant abuts several residential lots the closest of which are located south of the asphalt plant. **(Emissions from the plant could impact these abutting properties. The Board should consider whether the applicants have provided sufficient information to demonstrate that the project would have minimal to no impact on these residential properties. The Applicant's narrative does not detail how these residential properties shall be protected from the potential emissions of this plant).**
29. The project shall be subject to the site plan regulations noted in Section 500 of The Bylaws.
30. The project's site plan is required to provide the information noted in Section 502.a-i.
31. Section 505 notes that landscaping shall be required for any non-residential use.
32. The development area will be screened by an existing berm and the extraction area will have a vegetative buffer screening it from view.
33. The Applicants are not proposing changes to the existing landscaping. **(The Board may want to consider additional plantings to help mitigate noise if the board deems it necessary) .**
34. The Project will be subject to any of the requirements noted in Section 630 of The Bylaws.
35. Section 632 notes that the proposed project cannot have an adverse impact on any of the following:
 - a. 632.1 Community Facilities
 - b. 632.2 The character of the affected area
 - c. 632.3 Reduction in the ability of an area to hold water
 - d. 632.4 Will not result in undue water waste, noise or air pollution

OUTSTANDING ITEMS:

1. Site restoration plan sheets to demonstrate compliance with Section 485.2 & Section 485.3
2. Erosion and sedimentation control plan sheets to demonstrate compliance with Section 485.4
3. Storm water plan demonstrating compliance with Section 485.4
4. Phasing plan for extraction as proposed by the Applicant as noted in III.a.i of Submittal F.

ITEMS FOR DRB CONSIDERATION:

1. Is the proposed performance bond amount sufficient to recommend that the Selectboard approves it?



2. Have the Applicants provided enough information to ensure that abutting residential properties will not be impacted by emissions?
 - a. What additional information should the applicants provide to confirm this?
3. Should the Applicants be required to supply an erosion and sedimentation control plan sheet as well as a phasing plan as noted in III.a.i of Submittal F. to show compliance with Sections 485.2 and 485.3?
4. What additional conditions, if any, would the board like to put on this project as allowed under Section 636 of the Bylaws?

RECOMMENDATIONS TO THE DRB:

1. Continue the application in order to re-warn the hearing to consider the Applicant's variance request and to allow the Applicants to provide any additional information the board deems necessary.