

Monkton Development Review Board
Meeting Minutes
April 24, 2012
Approved: 5/8/12

Attendance:

DRB Members Present: Peter Close, John Winsor, Janet Dermody, Chris Acker, Marsha Abramo, Curtis Layn, Philip Russell

DRB Alternate Present: Thea Gaudette (not voting)

Others in Attendance: Ken Wheeling, Damien Lanyard, Stephen Pilcher, David Shlansky, Andrew Gill, Meghan Fisher, Randy Charboneau, Kathy Charboneau, Bailey Emilo, Brian Wilkinson, Mark Guilmette, Chris Coffey, Thomas Steadman, Linda Panella, Tony Panella, Tyler Cootey, Allan Brisson, Patricia Betz-Nolan, Mark Nolan, James Dumont, Claudia Orlandi, Jill MacTavish, Chuck Huizenga, John McNerney, George Bennett, Diane Bennett

The meeting was called to order at 7:34 pm.

Minutes

Chris Acker made a motion to approve the minutes from the February 28th, 2012 meeting as amended. Marsha Abramo seconded the motion and it was passed 6-0.

Brisson Stone/ Burchfield Management

Stephen Pilcher discussed the dates of when the zoning regulations took effect. The zoning commission warned their hearing February 24, 2011. The Select Board received the zoning regulations on April 12, 2011. On August 24, 2011 the Select Board held a hearing on the zoning regulations. For 150 days following that warning (August 4th) the new zoning regulations were in effect; which expired around January 1, 2012. Permits that were requested between January 1, 2012 and February 23, 2012; when the zoning regulations were passed by a majority vote; should be considered under the old zoning regulations.

Peter Close reviewed the process of the hearing and the definition of an interested party. Currently the DRB has received information from interested parties that this application should be considered an accepted use and a prohibited use. The DRB will hear testimony from interested parties. All interested parties will be sworn in.

David Shlansky presented the group with a power point of information regarding the project and rehabilitation plan. Mr. Shlansky presented the DRB with a copy of all information presented in his testimony. Brisson Stone will soon will have an application pending in front of ACT 250. The project was described as well as how it fits into the regional, state, and town regulations. Mr. Shlansky noted many benefits of the stone and how it could save road wear and fuel costs. It has a large natural buffer and will not be seen from the road or by the neighbors. He noted that it would bring jobs and industry to the town and increase the tax base. They would be using the best practices for extracting of sand and gravel. He noted that as long as they have a sensible rehabilitation plan it is a 'by right use'. A site plan was shown on the map and described. Mr. Shlansky shared a study that demonstrated that the project would not be viewed from the road. A blasting plan and operation plan were described. All of the

town regulations, Act 250, wastewater and storm water, army corps of engineers(wetlands), state and federal regulations regarding mining will be followed. Mr. Shlansky cited several sections of the Monkton zoning regulations that spoke to this project as a permitting and acceptable use for this zoning district. Mr. Shlansky noted that there are more current and stringent requirements set out by the state and federal regulations and these regulations are monitored by experts in those areas. Most of those regulations were not in place with the Monkton zoning regulations were written in the 1970s. Mr. Shlansky noted that they plan to continue to meet with neighbors to mitigate challenges around dust, noise and anything else that comes up. He also noted that their rehabilitation plan meets all of the requirements. Mr. Shlansky presented information regarding the Sprague Farm case that was cited in a letter from the DRB. The rehabilitation plan was reviewed and explained to the group. A traffic study was also presented.

James Dumont stated that he and Mrs. Orlandi feel that this is a prohibited used. He noted that he doesn't think that it is a good idea to wait to create a performance bond until the quarry is in use. Mr. Shlansky noted that he leaves that up to the board to decide what type of bond, if any, should be required. Mr. Dumont stated that he stands by his statement he previously submitted to the board.

Mark Nolan read a written statement. He expressed numerous concerns including; what are the hours, days of week will they be operating, yards of materials being removed, dust, noise, wildlife, view, ground water flows/well impact, reduced property value, flying debris may damage nearby homes, the quarry will change the neighborhood. He noted concerns regarding the actions of the DRB on the April 10th meeting. Mr. Nolan was concerned that the DRB has deemed the application complete. He feels that the issue has been narrowed to whether or not the project is considered a quarry and if that is allowed in an RA 5 zone. Mr. Nolan requested to be notified of any and all decision. Patricia Betz-Nolan asked for clarification on the definition of the project. She noted that the presentation started out using the term sand and gravel extraction and then it went to say quarry.

Stephen Pilcher stated that the zoning regulations do not say that this project is a 'by right use'. He read the zoning regulations that stated that the application can only be approved if there is a rehabilitation plan. There are several addition conditions following the approval of an application. He stated that BMC presented a comprehensive plan. That only on the approval of the plan will the application be approved. He noted that he feels the application should be treated like a conditional use by the DRB.

Randy Charboneau reported that the rehabilitation plan will actually change the entire use of the land. he noted that there is a variety of wildlife back there now; what will the quarry do to the wildlife. What is the neighbors' recourse if there is a problem with the noise or dust or other components. Claudia Orlandi stated that this situation is very stressful to her. The quality of life of the neighbors will be negatively affected by this 40 year project. She doesn't think the tax base will increase because the rest of the neighborhood's property values will decrease. She asked for a comparison of the noise level, hours of operation and hours and days of the week the quarry would be open. Mr. Shlansky responded that there are a lot of things that are unknown at this point, so he is not able to speak to them. He stated that the hours of operations will be 6:30am- 5:30pm; crushing and blasting would be from 8-4:30. He stated that there is a sound study that states that there would be banks and baffles to muffle the sound. Mrs. Orlandi stated that this project is very large and she is concerned about the length of time and size of the operation.

Ken Wheeling brought to the board's attention that most of the paper work that has been submitted

includes some phrases that concern him. Mr. Wheeling felt BMC was trying to create a loop hole or prepare for future action. Mr. Wheeling read a signed testimony that he has never deemed the application complete; this was filed with the board. Patricia Best Nolan asked if the DRB deemed the application complete. It was noted that the DRB did not deem it complete. She asked if the application can be decided on until it is complete. Mr. Wheeling stated that he cannot grant conditions to a permit. He must deny it and allow the DRB to grant conditions. Damien Landyord stated that an application can be submitted in different order. The board can approve the application with conditions that all other permits must be completed. Building permits can require that all other permits are complete before the permit is given. Mr. Dumont stated that until the application is complete how do we know which set of zoning regulations need to be followed.

Diane Bennett expressed her concerns regarding the emissions from the trucks going close by her home; as well as the safety of the children who live and play around there. Mrs. Bennett asked how will they maintain the road with the increase of truck traffic. She also requested information about how will they expand the road width when the Bennett's and Huzienga's own up to the road. Mr. Shlansky stated that it is a town road and it can be widened to meet the right of way.

Linda Pellana reported her main concern was decreasing her property value. Mrs. Orlandi noted that she is a dog breeder and is concerned about the air pollution and the stress it puts on the dogs and her breeding program. Mr. Shlansky stated that he would be happy to meet with anyone who has concerns to see how they can be worked out.

Tom Steadman stated that he feels that this is a good area to be considered for a sand and gravel pit. He stated that there was also concern regarding the noise of the dogs when Mrs. Orlandi wanted to expand the breeding kennel. Mr. Steadman noted that he has confidence that the DRB will review and study everything and come up with a good solution.

Mark Gilmet stated that he feels like there is a big difference between the noise that comes from the dogs and the noise from the equipment in the quarry. Stephen Pilcher stated that Mr. Shlansky noted there would be benefits the town (cost of gas, stone, provide some jobs, increase tax base). Mr. Pilcher noted that the town of Monkton does not currently have business taxes. They are currently taxes only on the value of the building and the land.

Mr. Shlansky will respond to some of questions that were unanswered in writing. Peter Close asked that everyone be prepared to discuss the difference between a quarry and a gravel pit.

Janet Dermody mad a motion to continue the hearing until May 22th, 2012 at 8:00pm. John Winsor seconded and it was passed 6-0.

Adjournment

Philip Russell made a motion to adjourn, Chris Acker seconded the motion and it passed 6-0. The meeting adjourned at 10:00 pm.

Respectfully submitted,
Bailee Layn-Gordon