

Monkton Development Review Board
Meeting Minutes
August 28, 2012
Approved: 11/13/12

Attendance:

DRB Members Present: Peter Close, Chris Acker, Marsha Abramo, John Winsor, Phillip Russell, and Curtis Layn

DRB Members Absent: Janet Dermody,

DRB Alternate Present: Thea Gaudette (voting)

Others in Attendance: Ken Wheeling, ZA

Interested Persons of Record for 8/28/2012 Brisson Stone LLC/Burchfield Management 2012-02- Change of Use:

Bonnie Brennan

Patricia L. Betz-Nolan

Kathy and Randy Charboneau

Eddie Duncan

Kristen B. Farrell

Eric Goddard, Knight Consulting Engineers

Ray Huizenga

Jerry Matosky, Trudell Consulting

Mark Nolan

Stephen Pilcher

John Phillips

Steven Revell, Lincoln Applied Geology

Jim Runcie, Attorney for Claudia Orlandi

Kenneth Smith, Maine Drilling and Blasting

Miles Waite, Ph.D.

The meeting was called to order at 7:37 pm by Peter Close, Chair.

Administrative:

1. The Minutes from April 10th were distributed for approval.

Amendments:

Brisson Stone LLC/Burchfield Management 2012-02-Change of Use

A. Conditional Use was changed to Change of Use on page 1.

B. Note: List of those in attendance will be included with the minutes because it is referenced in the minutes.

Willowell 2012-02-Con

C. Project number was added on page 3.

Chris Acker moved approval of the amended minutes seconded by Marsha Abramo.
The motion passed 5-0-0

2. The Minutes from June 12th were distributed for approval.

2012-02-Con Willowell

A. Location of caretaker home was changed to could be from would be on page 2.

B. Bottom of page 2: Monday was changed to Thursday, July 12th.

Nancy Goodrich 2012-01-MAJ

C. Corrected the acreage on the Goodrich project by changing two 2-acre lots to one 5-acre lot with 16 acres remaining.

Chris Acker moved approval of the amended minutes seconded by Thea Gaudette.

The motion passed 6-0-0

Old Business

1. Goodrich Subdivision Preliminary hearing for a 3-Lot Subdivision, 2012-01-MAJ

Location: 90 Cemetery Road.

The project was reviewed. Only one copy of the survey was found and two of everything else.

Applicant asked Ken Wheeling about the status of their "Curb Cut;" Ken wheeling said it had not been acted upon.

Checklist criteria 1 through 16 were reviewed:

Missing: Building envelope—map only had a house site; culvert for Rachel Schattman's driveway (8) and driveway cross-section (13); and well for existing home (9). These will be added. Applicant will send 2 copies of the survey and one other copy of everything else.

Chris Acker moved to set for Final seconded by Marsha Abramo. The motion passed 6-0-0.

The hearing will be set once all materials are received.

2. Brisson Stone LLC/Burchfield Management Change of Use 2012-02- Change of Use

Continuation of the Evidentiary Hearing on Gravel Extraction

Peter Close: discussed what an interested person is for the audience. He swore in witness: Pedro Zevallos. The DRB scheduled 30 minutes for this hearing.

Pedro Zevallos would like to call 5 expert witnesses with out interruption. Audience member wants to have time to question the witnesses.

Marsha Abramo suggested having ½ the witnesses talk at this meeting to leave time for audience questions.

The Chair decided to hear rebuttals after each witness.

Jeremy Matosky was sworn in.

Jeremy Matosky: Engineer, president and owner of Trudell Consulting Engineer for 12-13 years. Engaged to look at the site provide site plans and boundary survey and supporting documents. He believes the materials in the presentation are accurate. He prepared a traffic analysis, visual analysis, esthetics, wetland impact, and road design. They found the project would not cause an undue burden on existing roads or cause a visual impact. Crushing of rocks may need a permit of air pollution depending on machine size. Conclusion is the site can be developed to meet discharge permits.

Mark Nolan was sworn in. He thought this meeting was to determine whether this is rock quarry or gravel pit. That is his question.

Jim Runcie was sworn in. Wanted to comment to rebutt past testimony.

Patrica Betz-Nolan was sworn in. Her question to Jeremy Matosky is there standing gravel on the site now. No, it is rock. It needs to be blasted and crushed. No separate permit is need to blast it is include in Act 250 permits.

Stephen Pilcher was sworn in. Question for Jeremy: when were you first contacted: He does not have the exact date. Did clients want the project done quickly: no clients want it slow.

Kristen Farrell was sworn in. Traffic study question: knows average 28 trips per day, how often would a truck past her home. Depends on going on in the area and demand for the product. They used the traffic impact guidelines the State of Vermont has. Limits set on the project so they can be measured and maintain. Potential 60 trucks per day.

Pedro Zevallos says Monkton Road is a State Aid Road, so State will cover costs.

Mary Jane Huizenga was sworn in. Question where the truck will come out; between Bennett's and their home will impact it.

Ray Huizenga was sworn in. Question about impact of truck exhaust on 10 children that live on that road. No other State permits are required. Plan to upgrade existing farm road.

John Winsor wanted to know if they needed a permit to upgrade the town road.

Pedro Zevallos: Trucks and equipment will comply with air emission standards.

Peter Close: When studies were done, where was the demand that other gravel pits have. They loaded the distribution toward Route 7; they thought there would be more demand there.

Jeremy Matosky: an average of 28 trips or 14 loads per day or 60 trips maximum of 30 loads.

Pedro Zevallos: Stated that the conclusion of the study is it would not cause a burden or be unsafe.

Stephen Pilcher said Monkton has no through trucks posting so Monkton does not have a lot of truck traffic.

Curtis Layn noted that if trucks stop in Town to do business they are not through.

Jane Huizenga asked if the new culvert can handle these trucks?

Curtis Layn said Road commissioner said the culvert would at Town Meeting Day.

Stephen Revell was sworn in. Certified professional geologist president and co-owner of Lincoln applied Geology. Professional Geologist and Hydrogeologist. 35 years of experience. Engaged a couple months ago to look at impact on well and groundwater and.

Concluded: project is isolated geologically and hydrologically because it is between two streams. Did well yield probability, mapping, and fieldwork. Looked at rocks structure and nature. Concluded it would not cause impacts on wells or compete with agricultural use because of its isolation.

He believes that gravel has no associated origin. It is a particle size unless stated otherwise.

Jim Runcie asked if he reviewed anything other than 564 of the 1978 regulations? He looked at all correspondence and the whole picture. He believe site supports sale of gravel. As Stephen Revell testified in the Lathrop Hearings; this testimony was provided. In the Lathrop case he only looked at unconsolidated material. He was asked about the Pike pit in New Haven, which is bedrock. Transcript of Lathrop testimony. *"Oh, you know. I don't consider Pike a sand and gravel extraction operation. That's a quarry; that's hard rock—that's bedrock."* (The bottom of page 130.) He did not label New Haven's pit during that hearing. He said he did not consider Pikes operation a gravel pit because it was a quarry. It is not his job to figure out what they were thinking in 1978 when they wrote the rule.

Ordinance doesn't say creation and removal of gravel for sale only gravel for sale.

Marsha Abramo: Stephen Revell said in testimony he does interpret the ordinance.

Patricia Betz-Nolan: were you considering the size of the blast and impact on wells.

Stephen Revell: Yes, took in the size of the blast, it is very isolated and it will not impact the wells—nearest one in ½ mile away.

John Winsor. Asked if there were any studies on vibration regulation and Stephen Revell answered that was not his expertise.

Stephen Pilcher: If in 1978 if I wanted to write the regs to only allow gravel and sand how should the regulation been written in 1978?

Stephen Revell: Should say unconsolidated deposits.

Stephen Pilcher: People who write these regs are citizens and not hydrogeologists.

Mark Nolan: Would another hydrogeologist have a different opinion.

Stephen Revell: Yes

Pedro Zevallos: Asked about Lathrop's testimony and made the point it was about sand and gravel deposits, like Lathrops.

Jim Runcie: Testimony does say he doesn't consider Pike a sand and gravel operation. If that isn't a gravel pit, then neither is this.

Stephen Revell: Testimony is out of context.

Ray Huizenga. Regulations for when blasting can occur—yes.

Peter Close: What is the chance to have a recreation pond there? Do you know where the ground water level is?

Stephen Revell: Below the groundwater table, it will fill up. He has a general sense of water table at 20-30 feet down. Can measure ground water availability based on surface water.

He can give info on final level of the lake.

Miles Waites: Expert for Jim Runcie

Review a memo submitted to the board demonstrated the distinction between gravel and crushed stone. He concludes that Brisson's is proposing to produce crushed stone, and not gravel and they are proposing crushed stone, and not a gravel extraction operation.

David Shlansky: Asked questions of Miles Waite. If New Haven pit sells gravel would you rebut that, no. In your testimony you equated mining with quarrying stone. Monkton's regulations allow mining then why can't there be quarrying?

If Monkton allows blasting, why would you blast gravel?

Stephen Pilcher: David Shlansky said how much better crush quartzite was to gravel when he introduced the project to the town.

Thea Gaudette moved to continue October 23rd at 8pm and set nothing else on the agenda. John Winsor seconded it.

The Board had discussions with Damien Leonard.

Liam Murphy did say the DRB may conduct a hearing to discuss a discrete issue, e.g. start with: ruling whether this is a gravel pit. Could focus the next hearing on this. If so, address reclamation. If not they can appeal to Environmental Court. Saves everyone time and money. DRB can set the agenda and hear from experts on this issue.

Marsha Abramo: Do we need more info or to hear from more experts?

Damien Leonard: You can notice that this is a final hearing to people and have a file date, or say all oral testimony will be taken at the next hearing. But may get an issue that you want more info on.

Thea Gaudette: Could tell them that we anticipate we will finish oral testimony at the end of the next meeting. Can give them two weeks of rebuttal too.

Damien Leonard: Must give them notice if you want to proceed with a final hearing; thus confirming that the DRB is willing to hear all witnesses. The DRB can go into executive session too.

Issue of receiving Brisson's material three days before the hearing was discussed. Damien Leonard: said the DRB should tell both parties that they must submit materials 15 days a head of time for it to be heard at the hearing.

Can set times for witnesses; hard to enforce. Can ask people to focus on the witnesses' testimony only. Make sure everyone get the notice.

The 9:00pm applicant failed to show so the Brisson hearing was continued.

New Business:

3. Discussed schedule for next month.

Willowell deliberation is set for 9/11 and 9/25. 9/28 is the 45th day

Brisson hearing is on 10/23

Two new projects will be heard on 11/27

Adjournment

Thea Gaudette moved to adjourn the meeting at 10:47pm. The motion was seconded by Curtis Layn and passed 6-0-0.

Respectfully submitted,

Wendy Sue Harper
Recording Secretary