

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Minutes

February 10, 2009

Present: Glenn Seward, Shannon Harrington, Hal Pyke, John McNamara, Phil Arvidson, Martha Harrison, Erik Schutz, John Abrahamsen, Raina White, Elliot Matteson, Jr., Glenn Bowman, Cathy Boedtker, Jill Delaney

Absent: Genevieve Lemire, Pete Ladd

1. Call to Order – DRB Chair Glenn Seward called the meeting to order at 7:00 PM.
2. Changes/Additions – None
3. Correspondence: Cathy Boedtker – Glenn Seward acknowledged receipt of a letter from Cathy Boedtker in reference to application #2340 by Williams & Co. Mining. Glenn Seward said the letter is in regards to traffic on Route 44 and can be discussed in more detail when the hearing on Mr. Bowman's application reconvenes.
4. Public Hearing (continued from January 13, 2009) – Glenn Seward reconvened the hearing on application #2341 by Raina White and Eric Krivitzky. Glenn Seward reminded those present, who were sworn in at the January 13th hearing, that they are still under oath. Glenn Seward said Raina has submitted the additional information that the DRB requested. Raina said she provided a revised map of the parking area, drawn to scale. Raina said she and Eric are going to extend the driveway, by driving onto the grass or adding gravel. Raina said she has allotted a 10' x 20' space for each car, which would allow 8 cars to be parked in a row with about 20' for backing up. Raina said she has provided copies of the state permits required. The first required permit is in regards to water management. Raina said there is no change to the septic design flow, so there is nothing that she and Eric have to do, but the state did request a basic potable water test. Raina gave the results of the test to the DRB and noted that nothing was outside of the required state range. The second required permit was from the Department of Public Safety, which involves filing any construction permits including electrical and plumbing. Raina said the permit applications have all been submitted but the state will not sign off on the permits until the local permit is approved. Raina said the final application was to the Agency of Transportation regarding access to a state highway. Raina said they submitted that application, but it has been closed out. Raina read from a letter that she received from the Agency of Transportation indicating that her existing access is in compliance with state standards and no additional work is required. Raina said the DRB had also asked her to speak with the town constable, the fire chief and the director of the FAST Squad. Raina said she talked with Constable Johnson, who had no concerns but wanted it to be clear that anyone parking on the road would be ticketed or towed. Raina said she spoke with Fire Chief Mike Spackman and he had no concerns. Raina said she also spoke with FAST Squad Director Nancy Gaynor, who had no concerns but reminded Raina to follow normal procedures in the event of an emergency – call 911, etc. Raina said when Martha reviewed the application, she noted that the propane tank serving the property is right on the edge of the floodplain. Raina said she asked Bruno Associates to review a survey of the property that they had done a few years ago. Raina read from the West Windsor Flood Hazard Area Regulations regarding bulk or individual fuel storage tanks, which require tanks to be located one foot above the base flood elevation (BFE) and tied down to prevent flotation. Raina said the survey shows that the propane tank is about four feet above the BFE. Raina said she does not know, because of the snow, whether it is tied down or not. Raina proposed waiting for the snow to melt and if it is not tied down, she will take care of it then. The DRB had no further questions for Raina. **Phil moved that application #2341 be approved. Hal seconded the motion, which passed unanimously.**
5. Public Hearing (continued from January 13, 2009) – Glenn Seward reconvened the hearing on application #2340 by Williams & Company Mining, Inc. Glenn Seward swore in those present who were not present on January 13, 2009. Glenn Bowman submitted a map showing the type,

location, and height of existing lighting and noted that all but two of the lights are behind or below the existing vegetation. Glenn Bowman presented the DRB with a letter from Chris Bernier at the Agency of Natural Resources, Department of Wildlife, indicating that he does not have any concerns. Glenn Bowman said he spoke to Constable Johnson who suggested some signage to make the public aware of truck traffic on that section of Route 44. Glenn Bowman said the state allows logging trucks to carry a heavier load than he anticipated so that will decrease the number of incoming trucks by 20% and the total number of truck trips from 60 to 48. Hal pointed out that the plant is on a state highway and the town does not have much control over state highways. Shannon agreed. Shannon added that the town can control traffic on town highways by posting them. Shannon asked how many of the truck trips are incoming and how many are outgoing. Glenn Bowman said he needs twice as much raw material as finished product because there is a 50% loss in the process, but the incoming trucks can carry 50% more than the outgoing trucks, so the math is a little tricky. Referencing his February 10, 2009 letter to the board, Glenn Bowman said he can ensure that no trucks are dispatched while the school bus is on the road. Shannon asked Glenn Bowman if he could control incoming trucks during that time as well. Glenn Bowman said he could make sure the incoming truckers know that the plant does not take delivery at certain times, but it might be difficult if the school has half-day kindergarten. Erik Schutz said the school has full-day kindergarten. Shannon asked Glenn Bowman if he is making this suggestion because he is concerned about children crossing the road. Glenn Bowman said the speed limit on that section of Route 44 is 50 MPH and he is concerned about a logging truck coming around a corner going 50 MPH and encountering a stopped school bus. Hal noted that several members of the DRB visited the wood pellet plant in Jaffrey, NH. Hal said the trucks serving the Jaffrey plant go through the center of town but, according to Jaffrey's Director of Economic Development, they do not cause any problems. Shannon asked how large Jaffrey is. Phil said it is about five times larger than West Windsor. Phil noted that logging trucks come through West Windsor not infrequently without the pellet plant and we cannot totally isolate ourselves from the problem. John McNamara asked about the taxes paid by the talc plant. Hal said when the talc plant was still operating, and before they subdivided, they were paying approximately \$22,000 per year in taxes. More recently, Hal said, the facility with 11 acres was paying approximately \$6,800 per year. Hal said when the plant is up and operating, there may be a shift, but he does not think it will be an enormous shift. John said most of those taxes go to the state, right? Hal said yes. Glenn Seward asked Glenn Bowman to explain how the process or equipment reduces the risk of explosion from the dust generated. Glenn Bowman said the Jaffrey plant had a fire and they were fined substantially for errors and omissions in their process. Glenn Bowman said the West Windsor facility is sprinklered and the points of dust generation will be specifically sprinklered. Glenn Bowman said there will be a dust collection system. Glenn Bowman said they are going to try to isolate the dryer. Glenn Bowman said housekeeping and the design of the plant will also address those issues. Glenn Seward asked if the equipment has built-in safety features. Glenn Bowman said the equipment recognizes sparks or heat and shuts itself down. Phil said he believes Mr. Bowman has to get a permit from the state with regard to safety. Phil asked if the town is copied on communications between him and the state. Glenn Bowman said yes. Shannon asked if the Jaffrey plant is sprinklered. Glenn Seward said no. Phil noted that Jaffrey's water supply does not go out that far. Glenn Seward said he asked Mike Spackman if he is confident that there is adequate access to the hydrants and the brook to serve whatever needs might arise and Mike said the access is more than adequate. Phil said there are hazards in this business but he believes the hazards can be controlled. Hal said the folks at the Jaffrey plant said the way to do it properly is to build it correctly from the beginning. Phil noted that the Jaffrey plant was up and running again within five days of the fire. Phil said OSHA has changed its requirements as a result of a dust-related explosion at a sugar plant down south. Glenn Seward noted that Glenn Bowman has said that the noise level would be between 50 and 55 db at the property line. Glenn Bowman said his understanding is that the noise level has to be between 50

and 55 db at the neighbor's house, not at the lot line. Glenn Seward asked Glenn Bowman if he has done, or plans to do, any further studies in this regard. Glenn Bowman said yes, it's an Act 250 requirement. Shannon said she thinks noise is covered under Criterion 1 of Act 250. Glenn Bowman said the standard is 50 decibels at areas of frequent use and residences. Phil said that would cover the veterinary clinic, the humane society and the Crapser residence. John asked where the debarking would take place. Glenn Bowman said inside the building. John said, according to the Jaffrey plant manager, debarking is a major noise maker. Phil said the Jaffrey plant uses sawdust as a raw material as well. Glenn Bowman said the availability of sawdust is declining while the demand for it is increasing, so he's not planning to use it. John noted that he heard on the news that a chip-fired furnace will be opening in Springfield. John asked Glenn Bowman if having someone in Springfield competing for chips would hurt the supply of chips he needs to run the pellet plant. Glenn Bowman said in the last 12 to 18 months there are 4 or 5 loggers who have gotten in to the chipping business in this area. Erik Schutz asked if the town could contact the state about upgrading Route 44 because there's no shoulder and it gets very narrow in some places. Hal said the town has been asking the state to widen Route 44 from the center of town out to the post office, but they haven't done it. Hal said if the pellet plant results in a lot of truck traffic, that might help demonstrate the need to the state. Glenn Seward said he thinks the Planning Commission and/or the Selectboard could make their concerns known to the state. Phil said it's a double-edged sword because a wider road might attract heavier traffic. Hal noted that Springfield and Ludlow have received state support for bike paths. Cathy Boedtger said at the last meeting there was an indication that the Agency of Transportation (AOT) had only been contacted regarding parking at the facility, not regarding the roads. Glenn Seward said AOT was contacted regarding Mr. Bowman's access onto Route 44. Cathy asked if it would be reasonable to inform the AOT about the anticipated increase in the number of truck trips on Route 44. Cathy said she is particularly concerned about whether a log truck and another vehicle can safely pass one another on the bridge near Kimball Farm Road, and whether the bridge is adequate for the weight of the heavier trucks. Phil said Mr. Bowman has indicated that he can route outgoing trucks away from Route 44. Glenn Bowman said that's correct, but doesn't necessarily address Cathy's concern. Glenn Bowman said he can contact AOT and ask them for their opinion on the issues raised by Cathy Boedtger. Phil said that is a reasonable offer since the town has very little control over state roads. Glenn Seward said he thinks this will be dealt with by Act 250 as well. Shannon said she has seen commercial projects go through without many highway studies. Hal noted that the state does regular traffic counts for Jaffrey. Phil said the approach roads in Jaffrey are quite similar to what we have here. Shannon said it's likely that trucks leaving the plant would use Route 106 to get to the interstate. Shannon said she thinks safety is more of a concern than the construction of the road, but she doesn't think the town can prevent trucks from using Route 44 because people like to bike on it. Shannon said it would be nice if Route 44 were wider to allow for biking but she doesn't think the state is going to provide money for something like that. Skip said truckers pay a lot in tax dollars to use the roads and bikers don't. Skip said bikers sometimes ride three or four abreast and you can't get by them. Skip said there should be restrictions on the bikers and horseback riders as well as the truckers; you can't put all the responsibility on Mr. Bowman and the truckers. John asked about the letter that the Planning Commission sent to Mr. Bowman on January 30th regarding whether the pellet plant would be compatible with the Town Plan. Hal said because it is a state road, the town cannot set speed limits on Route 44 but we can ask the state to do that and he thinks we can put up "caution" signs. Hal said he doesn't believe that Mr. Bowman's proposal is inconsistent with the Town Plan in any respect. John said Hal's January 30th letter notes that light industrial development should be "managed to minimize traffic, noise, light, environmental and aesthetic impacts on surrounding areas." John said the way that is worded it seems like we want to minimize traffic and yet we may approve a project that is going to increase traffic significantly on Route 44. Hal said any appropriate use of an existing plant in an industrial area, which will bring

tax revenue for the town and provide jobs, is probably going to involve increased truck traffic to and from that location. Hal said the traffic issue is going to be there with any use of the plant, unless someone tears it down and plants grass. John said the tax revenue to the town is insignificant; the town will get \$1,500 per year to have between 40 and 60 trucks going up and down our roads. John said we should consider whether the benefit that we're getting is worth taking away the rural character of the town. Hal said if the plant is allowed to sit there and rot that would be destructive to the rural character of the town too. Hal said since it's there, in an appropriate zone, he'd rather see it used productively. Glenn Bowman said the economic impact goes beyond the taxes he pays. Glenn Bowman said the employment of local people, who will buy lunch or gas in town or go skiing at the Resort, will have a positive impact. John Abrahamsen asked about the hours of operation and how many people will be employed. Glenn Bowman said he will employ six to eight people to start. Hal said there are 23 employees at the plant in Jaffrey, whose output is three to four times higher than Glenn Bowman's projected output. John Abrahamsen asked Glenn Bowman if there will be chipping done on site. Glenn Bowman said when the raw material is logs, the debarking and chipping would be done inside the building. Glenn Bowman said 6 to 8 is just the number of people he would employ directly but when you include the truckers and loggers, the employment picture doubles or triples. Phil said the plant could also be a customer for some of the local timber that is being harvested as a result of the current use situation. Erik said he thinks it's in everyone's interest to approach the state about the condition of Route 44 into Windsor because the frost heaves will damage both trucks and passenger vehicles. Phil said members of the Selectboard and the Highway Foreman meet with state transportation officials at least once a year and they have mentioned that section of road many times. Phil said they have been told that there are many roads that are a lot worse, so they will keep trying but he's not optimistic. John said the proposed plant may give the town more ammunition since the plant will be creating jobs. Phil said it may. Skip asked if the town really wants Route 44 to be like Route 131 where the truckers are screaming down the road 24 hours a day. Jill Delaney asked when the last traffic count on Route 44 was done. Phil said within the past year. Shannon said the Southern Windsor County Regional Planning Commission has a good website, which may have some useful information. Shannon said it sounds like we're asking Mr. Bowman to get in touch with the traffic division of the AOT. Glenn Seward said yes; the DRB would like Mr. Bowman to confirm that Route 44 is suitable for truck traffic. Glenn Bowman agreed. Shannon asked if we need another continuance. Glenn Seward said we could make it a condition of the permit. Hal and Phil agreed. Phil said he know that VLCT has recommended that the DRB make its decisions in deliberative session, but he disagrees. Phil said this is a small town and the citizens have the right to hear what the DRB decides and how they decide it. Hal agreed that we should keep the process as transparent as possible. **Phil made a motion to approve application #2340 on the condition that Mr. Bowman get an opinion from the AOT as to whether the roads are adequate to bear the anticipated traffic circulation and on the condition that the town is copied on all correspondence between Mr. Bowman and the Vermont Department of Public Safety. Hal seconded the motion.** Glenn Seward said he would like to have a copy of the Act 250 application, the air pollution control application, the stormwater application, and the Labor & Industry application. Shannon suggested that the DRB just request copies of any and all permit applications required by the state. In her capacity as Zoning Administrator, Martha suggested that the DRB include as a condition that materials cannot be stored in the floodplain. Glenn Seward agreed. **Phil accepted the amendment that Shannon suggested and agreed that the approval should specify that no encroachment on the floodplain will occur.** Glenn Seward asked if there were any other conditions or comments. There were none. **Glenn Seward called for a vote on the motion, as amended, which passed with four in favor and one opposed.**

6. Orange Lake Update – Martha showed the DRB the map that the town has on file for signage at the Resort. Martha said Orange Lake is only proposing changes to the faces of sign #3 (at the

intersection of Ski Tow & Hotel Road) and sign #12 (in front of the Windham building). Martha said since the size and location of the signs are not being changed, she doesn't think it's necessary for Orange Lake to file an application. Phil said the town has established a dialogue with Orange Lake so there won't be any surprises for either party. Glenn Seward said Martha asked him if he thought the proposed change, adding the Holiday Inn logo to their signs, should go before the DRB and he didn't think so. Phil agreed. Phil said there hasn't been a change in ownership, they just have a marketing relationship with Holiday Inn. Martha said Orange Lake has applied for a permit for an A-frame sign, to be placed at the intersection of Route 44 and Ski Tow Road, advertising the tavern. John asked if the town has ever looked into charging an occupancy tax. Hal said Vermont is a Dillon state so towns can only do what the state allows. Martha suggested that the DRB consider approving the revised lighting plan for the Windham building. Phil asked if there is now lighting for the handicapped entrance. Martha said she has not been up there at night, but that was not a condition of the permit. Phil said he thinks the DRB should suggest to Orange Lake that, if they haven't done that yet, they should. Shannon said she thinks that if the DRB is going to approve the lighting plan, they should approve it along with the photo showing the chandelier. **Hal made a motion to accept the revised lighting plan for the Windham building. Phil added that the DRB should suggest to Orange Lake that they ensure that the handicapped entrance is properly lit. Hal accepted the amendment to the motion. Phil seconded the motion, which passed unanimously.**

7. Minutes: January 13, 2009 – **Phil made a motion to approve the minutes of January 13, 2009 as written. Hal seconded the motion, which passed unanimously.**
8. Adjourn – **John made a motion to adjourn at 8:30 PM. Shannon seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison