

WEST WINDSOR DEVELOPMENT REVIEW BOARD

Minutes

January 13, 2009

Present: Glenn Seward, Shannon Harrington, Genevieve Lemire, Hal Pyke, Pete Ladd, John McNamara, Phil Arvidson, Martha Harrison, Jill Delaney, Elliot Matteson, Jr., Tom Crapser, Glenn Bowman, Bill Ley, Heather Hoyns, DVM, Cathy Boedtke, Raina White, Eric Krivitzky

1. Call to Order – DRB Chair Glenn Seward called the meeting to order at 7:00 PM.
2. Changes/Additions – None
3. Stantec Engineering Letter Re: Weaver Pond Reclamation – **Shannon made a motion to accept the letter from Stantec Engineering regarding Paul Weaver’s completion of the wetland restoration project in substantial compliance with the approved plans, and to waive the fines associated with the zoning violation. Phil seconded the motion, which passed unanimously.**
4. Windham Building Lighting Specifications (Orange Lake) – Glenn Seward noted that the new owners of the Windham Building have submitted the specifications for the lights they would like to install in place of the existing coach lamps which have to be removed as a condition of a joint Zoning Board/Planning Commission decision dated February 5, 2008. Pete Ladd wanted to note for the record that Steve Plaustainer had assured the boards that there was a light over the handicapped entrance, but there isn’t one. **Glenn Seward made a motion to approve the lighting as submitted by Orange Lake. Shannon seconded the motion, which passed unanimously.**
5. Public Hearings: With regard to the two public hearings on the agenda tonight, Glenn Seward asked the board members if there has been any ex parte communication or conflicts of interest that need to be discussed. There was none. Glenn Seward reviewed the definition of an interested party and stated that interested parties need to provide their name and address and register their concern with the DRB. Glenn Seward said only interested parties can appeal DRB decisions. Glenn Seward then swore in all those planning to offer testimony during one or both hearings, including Raina White, Eric Krivitzky and Glenn Bowman. Application #2340 by Williams & Co. Mining, Inc.: Glenn Seward opened the public hearing for application #2340 and read the hearing notice, which is for conditional use approval to convert the existing talc plant at 5013 Route 44 (parcel #1-36.2) to a wood pellet plant. The application is subject to review under Sections 2.3-6, 3.3, 3.11, 3.12, 3.13, 3.14, 4.12, 5.1, 5.2, and 5.3 of the West Windsor Zoning Regulations. The application may also be subject to review under the West Windsor Flood Hazard Area Regulations. Glenn Bowman said his application includes an outline of the changes to the use of the property. Glenn Bowman said the exterior of the building would stay the same; the changes would be related to the installation of equipment inside the building. Glenn Bowman said he needs to be able to store raw materials outside of the building: pulpwood, logs and wood chips. Glenn Bowman anticipates 6 to 8 employees at start-up. Glenn Bowman said he understands that there is a zoning issue with the number of employees and he can live with that in the short run but, hopefully, it will be addressed. Glenn Bowman said the plant will operate 12 hours a day, five days a week, from 6 AM to 6 PM. Glenn Bowman said the dryer and off-set heat would be used to heat the facility and someone would be monitoring that piece of equipment around the clock. Glenn Bowman said employees would enter and park on the north side and trucks would enter on the south side. Glenn Bowman expects 20 to 30 trucks per day, which the state considers “60 one-way trips,” a combination of logging trucks and semi tractor-trailers. Glenn Bowman said he can control the trucks going out as to whether they go left or right, but the logging trucks would be coming from a radius of 50 to 75 miles, depending on where the logging is being done. Glenn Bowman said he doesn’t have a whole lot of control over where the incoming logging trucks are coming from. Glenn Bowman said the raw material would be logs or

wood chips and the noise would be from trucks coming and going, being unloaded, and material being loaded into the mill. According to Mr. Bowman, the mill was constructed to contain the noise of crushing talc so the noise from chipping the logs will be contained within the building. Mr. Bowman said the state requires a maximum of 50 decibels at the closest residence, so the plant will meet that criteria. Glenn Bowman said there are new back up alarms that don't make as much noise, and he does not anticipate any changes to the existing exterior lighting. Regarding air quality, Glenn Bowman said raw material is either wood chips or logs that are turned into wood chips inside the building, so noise and dust would be contained. Glenn Bowman said wood chips or bark are burned as fuel for the drying process, which will have to meet state air quality criteria. Glenn Bowman said pellets are made in a machine that uses high pressure to push the wood through a small steel die and they are either bagged or stored in the silos and delivered bulk to commercial/industrial locations. Glenn Bowman said Dartmouth College is switching to bulk delivery of pellets. Glenn Bowman said he has been working with Act 250 and Permit Specialist Sandra Conant. Glenn Seward suggested reviewing each of the relevant sections of the bylaw. All agreed. Glenn Seward noted that Mr. Bowman's proposed activity, enclosed light manufacturing, is listed as a conditional use in Section 2.3-6. Glenn Seward said it's pretty clear that Section 3.3 applies as Mr. Bowman is requesting a change of use. Glenn Seward said Section 3.11 deals with employee parking. Glenn Seward directed the board's attention to the large blueprint submitted with the application and noted that, if we assume 300 square feet for each parking space and scale the square footage off, there appears to be plenty of parking at the north end. Section 3.12 covers the performance standards. Glenn Seward said the first standard deals with smoke, dust, odors, noxious gases, or other forms of air pollution. Glenn Seward noted that Glenn Bowman is working with the state in that regard. Glenn Bowman said he is working with Steve Snook, with the Air Pollution Control Division, who will control the particulate output of the dryer and all the sources of dust. Glenn Bowman said the burner will have scrubbers to control emissions and dust will be collected and will go back into the system. Glenn Bowman said nothing is thrown away; everything is burned or made into pellets. Phil asked if the debarking is done inside the building. Glenn Bowman said yes. Glenn Seward said the second performance standard is noise. Glenn Bowman said noise is regulated under Act 250 and, according to April Hensel, they have established a 50-decibel limit in that area, which is what they applied to the humane society. Glenn Bowman said he has contacted a sound engineer in White River Junction, who doesn't think it will be a problem, but he has not yet pursued it any further. Glenn Bowman said the dryer has a motor, which makes a whirring sound. Tom Crapser, an abutter on the east side of Route 44, asked if the 50-decibel limit would apply to the offloading and handling of material in the yard. Glenn Bowman said yes; the noise limit applies to all noise. Heather Hoyns asked if there is any ash produced by the process. Glenn Bowman said the ash is put into the stream of materials used to create the pellets; the pellets have ash content. Pete asked if Glenn Bowman is going to be producing the power to make the pellets also. Glenn Bowman said the machine that makes the pellets has a 400 hp motor, presses the wood through at 8,000 psi, and is run by electricity. Glenn Bowman said the plant will not be producing its own electricity. Glenn Bowman said electricity consumption will be about 1200 KW and he has a letter from the power company indicating that they can serve that demand without a problem. Glenn Seward said the third standard has to do with noticeable vibration at the property line. Glenn Bowman said the chipping may create some vibration, but the machines are isolated so they don't shake themselves apart. Glenn Bowman said the pellet mill itself does not vibrate, but vibration could come from trucks coming and going. Glenn Seward said the fourth standard has to do with excess lighting and asked Glenn Bowman if he anticipates any additional lighting. Glenn Bowman said he anticipates using the lighting that is already there. Shannon asked if the existing talc plant went through Act 250 review. Glenn Bowman said no; it was built in the 1950s. Hal noted that lighting is one of the easier things to control. Glenn Seward said the fifth standard has to do with fire, explosion, or other hazards to neighboring properties. Glenn Bowman said the plant is pretty well isolated from

neighboring properties, but he has been in contact with Mr. Spackman. Glenn Bowman said the water tower that is there supplies the sprinkler system for that building and, because of its square footage, the state Department of Labor and Industry will require that the building is fully sprinklered. Glenn Seward said the final performance standard has to do with liquid or solid wastes or other types of hazardous waste, but obviously, everything is used in the process. Phil asked about the hours of operation. Glenn Bowman said he anticipates running 6 AM to 6 PM; 12 hours a day, 5 days a week for production, but the dryer will run 24 hours a day because it is the heat source for the building. Glenn Bowman said someone will be there to operate the dryer during off hours. Hal asked about the movement of raw materials from the storage yard into the plant. Glenn Bowman said that would occur during the 6 AM to 6 PM hours of operation. Shannon asked if there is security lighting. Glenn Bowman said there are some light fixtures attached to the exterior of the building, but he doesn't recall ever seeing them operate. Phil asked Glenn Bowman when he expects to start operations. Glenn Bowman said the build out would probably take six months, after raising the resources. Tom Crapser said he read in the *Vermont Standard* that the expected production is 20,000 tons per year. Tom asked if that's what the DRB approval would permit and if that's the maximum capacity or if Glenn Bowman anticipates additional growth. Tom asked if the 20 to 30 trucks per day and the 6 to 8 employees are driven from the 20,000-ton capacity. Glenn Bowman said those numbers are driven from the 20,000-ton capacity and they are a starting point. Glenn Bowman said he expects the permit, if issued, to be based on that tonnage and, if he wants to increase it, he'll have to go through this process again. Pete questioned Glenn Bowman's ability to keep the noise level at 50 decibels. Glenn Bowman said he can control the trucking of the output, but incoming trucks are harder to control. Phil asked if 50 decibels is an average or a maximum. Glenn Bowman said he's not positive but he thinks it's a maximum. Shannon said the 50 decibels may be in addition to the noise along the road right-of-way. Hal asked if there is screening between the plant and its residential neighbor. Glenn Bowman said there is evergreen screening, but his screening isn't going to help when the trucks are out on the road going by their house. Hal said he thinks the 50 decibels would apply to the noise created on the property, not the noise of trucks passing on the road. Hal said forested buffers cut down significantly on noise spill onto adjacent properties. Hal suggested getting clarification on the 50-decibel limit. Glenn Bowman said there are lines of mature screening. John asked Glenn Bowman if he runs any other pellet plants. Glenn Bowman said no. John asked if there are any other plants in the area. Glenn Bowman said the closest one is in Jaffrey, NH; they produce 85,000 tons per year and operate 24 hours a day. Glenn Bowman said he anticipates maintaining a 12-hour shift and not operating 24 hours a day. With regard to Section 3.13, Glenn Seward asked Glenn Bowman if he knows of any natural resources that may be affected by his proposal. Glenn Bowman said no. Shannon asked how close the raw materials will be to Mill Brook. Glenn Bowman said the zoning regulations say he has to stay back 50 feet. Glenn Bowman pointed out the location of the mapped floodplain and said he would stay out of the floodplain and 50 feet back from Mill Brook. Glenn Seward said it looks like Mr. Bowman is planning to store some materials in the settling pond, next to the thickener building. Glenn Bowman said that's just a lined collection area for the empty alcohol tank that's there in case there was a failure of the tank. Phil asked Glenn Bowman if he is saying that his storage area will be outside the floodplain. Glenn Bowman said yes. Glenn Bowman said there is a settling pond closer to the road that will remain there because it's related to the roof drainage of the building, but he's going to take the rubber lining out of the area around the empty alcohol tank and use that to store logs. Shannon asked if the area shown in purple on the map is all going to be storage. Glenn Bowman said yes, there will be storage on either side of the right-of-way. Regarding Section 4.12, Light Industry, Glenn Seward said the DRB is comfortable with the start-up of less than 10 employees and the Planning Commission is dealing with a possible change in that regard. Glenn Bowman said he doesn't have an issue with that. Glenn Seward read the remaining criteria listed under Section 4.12. Shannon asked Glenn Bowman to point out the screening on the map,

which he did. Glenn Bowman said the storage area ends where the screening ends. Glenn Bowman said the property also slopes up on the east end. Pete asked when the talc plant stopped operating and how many trucks were coming in and out when it was operating. Glenn Bowman said the talc plant closed in October 2003; they had 30 employees and operated 24 hours a day from 7:00 AM Monday to 7:00 AM Saturday. Glenn Bowman said 13 to 15 dump trucks made about 70 round trips per week and 6 or 7 tractor-trailers came and went every day. Heather Hoyns expressed concern about the S-curves on Route 44 between Churchill Road and the humane society. Heather said there is a relatively blind entrance to the humane society and Shattuck Hill Road and she's concerned about the logging trucks coming in that are just going to say we're just going to drive down the road. In addition, Heather said that section of road is used sometimes by local horse riders and she is concerned about accidents. Skip Matteson said the plant was built in 1963-64 and the town had no control over the trucking back then. Skip said the talc plant did go through Act 250 later to lessen the noise. Skip said if you're going to talk about 50 decibels at the property line, Lucy MacKenzie has been great. Skip said he doesn't even see their lights and he lives next door. Skip said he doesn't think barking dogs 24 hours a day, 7 days a week, 365 days a year falls into "Light Industry." Skip said he is concerned about the back-up beepers on the equipment that's going to be working at the pellet mill. Skip said he knows they have different kinds of beepers that are legal and quiet the noise down. Skip said he is not concerned about the hours of operation, but wondered if the diesel equipment would start at 6:00 AM. Skip asked if the equipment would be shut off when not being run, for example at lunchtime. Skip said he bets that everyone can hear the Resort's snowmaking machines from their house and he doesn't think anyone wants to hear that 24 hours a day for 365 days a year. Skip said a couple days off on the weekend wouldn't hurt. Skip asked if there is anything not being addressed at this time that is going to be addressed in the future, for instance an amended Act 250 permit to go from 20,000 tons to 50,000 tons. Skip asked if Glenn Bowman is still going to own the plant three years from now because the residents deserve to know if it's going to be a local corporation. Glenn Bowman said he's in business to make money and if the economics don't work, he needs to be able to sell it. Glenn Bowman said he can't control the economic environment. Glenn Bowman said he has run a small business in Perkinsville for 25 years. Glenn Bowman said his goal is to build it and operate it, but he can't guarantee his success. Glenn Bowman said he is not operating 365 days. Glenn Bowman said if there is a demand for the product, it would make sense for him to expand. Glenn Bowman said his goal is to operate a mill that he is proud of and that the neighbors are comfortable with and he hopes that there are no issues, but he can't promise that he won't run out of money and have to sell it. Glenn Bowman said it is possible to outfit the equipment with newer model back-up alarms. Glenn Bowman said to conserve fuel, he hopes that the tractor is off more often than just at lunchtime, but when a truck comes in to load or unload that's what they will be responding to. Glenn Bowman said he doesn't think loading or unloading takes a long time. Glenn Bowman said he hopes the tractor will not be on 12 hours a day, five days a week. Skip said the log piles don't bother him a bit. Glenn Seward said the DRB has already reviewed the parking and performance standards referenced under Section 4.12. Shannon asked where the incoming trucks are going to turn around. Glenn Bowman noted the paved section at the east entrance, near the loading dock. John asked how long it takes to unload a truck. Glenn Bowman said he doesn't know but he estimated the time at 15 or 20 minutes. John said if there are 20 or 30 trucks going in and they can't be unloaded fast enough, could that cause a traffic problem on Route 44. Glenn Bowman said the logging trucks unload themselves and there's probably enough space for a couple of them to unload at the same time. Glenn Bowman said he doesn't want trucks waiting out on Route 44, so it would be a scheduling issue and, since he is buying the logs, he would have some control over the trucks coming and going. Phil suggested that the DRB visit the pellet mill in Jaffrey, NH and speak with some town officials in Jaffrey. Tom Crapser said there are logging operations on Route 106. Tom said if there are going to be 20 to 30 trucks in a 12 hour period, that's about one every half hour. Tom suggested that the DRB look at some

nearby logging operations to get an idea about the “run rate.” Shannon noted that Glenn Bowman has a letter of intent from the Agency of Transportation and asked if he gave them information on the number of trips, hours per day, and change of use. Glenn Bowman said the gentleman he talked to at the Agency of Transportation (AOT) was just interested in the size and location of the driveways relative to the speed limit. Shannon asked if AOT was concerned about the volume of traffic. Glenn Bowman said that was not part of the information he asked. Hal said the DRB should consider the economic impact of the proposal, which is going to provide jobs and tax revenue. Hal added that it is a relatively clean and useful enterprise that will probably find a market in this area, so the chances of it being successful are pretty good. Phil noted that the current use program encourages people to maintain open space and forestland and, as a result, we have timber coming off local properties that could be used by the pellet mill. John asked about the taxes the town received from the talc plant. Phil said he has no idea. Hal said he suspects that the talc plant was the second highest employer locally. Glenn Seward said Section 5.1 covers the requirements for site plan review. Glenn Seward suggested that Glenn Bowman submit copies of his stormwater, air pollution control, and Act 250 applications to the DRB. Glenn Seward said he thinks those submissions would satisfy the requirements of Section 5.1. Phil suggested a site visit to the former talc plant. Glenn Bowman said his Act 250 application requires local zoning approval. Glenn Bowman said he can go through and address the specifics of Section 5.1 and resubmit. Glenn Seward said the issue that stands out the most is probably lighting. Glenn Seward added that the town has maps of critical wildlife habitat, for example, that would satisfy these requirements. Glenn Seward said once Glenn Bowman submits a revised site plan that addresses a. through i. under Section 5.1 that will help address items 1 through 4 under Section 5.2. Glenn Seward said item #1 under Section 5.2 addresses compatibility with surrounding development. Phil said the plant already exists. Hal noted that the plant is in an appropriate zone. Glenn Seward said item #2 covers traffic access and circulation and Glenn Bowman has a permit forthcoming, although we’re not sure it addresses these issues. Glenn Bowman said the state highway access permit will not be issued until the Act 250 permit is issued. Phil said it’s clear that Glenn Bowman is doing his homework. Glenn Seward said item #3 covers the protection of scenic and natural resources and, since the plant is existing, there isn’t much the DRB can do with that at this point. Glenn Seward said item #4 covers exterior lighting, which needs to be addressed further. Regarding section 5.3, Glenn Seward noted that Glenn Bowman has already talked to Mike Spackman and suggested that he talk with Ralph Johnson about traffic and security. Hal said the town might want to talk to the state about “turning trucks” signage, for example, on Route 44. Regarding Section 5.3(C)(3), traffic on roads and highways, Cathy Boedtger said she is happy that someone will be using the plant, but she is concerned about the trucks. Cathy said 20 to 30 trucks to start is somewhat open ended since it sounds like growth is expected. Cathy said she doesn’t think Route 44 is a road that supports that kind of traffic. Cathy said many people ride horses and bikes on that road. Cathy said Route 44 is also touted in a number of publications as a scenic route. Cathy said she would like the DRB to consider structuring their decision in such a way that the traffic is not able to go through Route 44 or up over the Brownsville-Hartland Road. Cathy said Routes 131 and 106 are already designated for truck traffic and this facility is not far off Route 106. Glenn Seward read item #4 of Section 5.3(C). Glenn Seward said the Planning Commission should determine whether or not the proposal complies with the town plan. Hal noted that the Planning Commission is meeting on January 21st to consider an amendment to the Light Industry paragraph of the zoning bylaws (Section 4.12), particularly with respect to the number of employees. Hal added that there will be a public hearing on the amendment. Hal noted that he and Glenn Seward are Co-chairs of the Planning Commission and the Planning Commission will go through the Town Plan to make sure that Glenn Bowman’s proposal is consistent with it. Glenn Bowman said a requirement of Act 250 is that someone signs off that the proposal does conform with the Town Plan. Glenn Seward said item #5 is about the utilization of renewable energy resources. Glenn Bowman said that’s the whole point. John asked what

happened to the Vermont Soapstone Company. Glenn Bowman said, "That's me." Hal said Mr. Bowman had considered moving his plant up from Perkinsville a few years ago, but it wasn't feasible at the time. Skip said log trucks have always come through Route 44 off the Brownsville-Hartland Road. Skip expressed concern that, if trucks are not allowed to take the Brownsville-Hartland Road to Route 44, the people on the west side of West Windsor would be the only ones who have to deal with the truck traffic. Skip said he doesn't think the DRB can regulate where the loggers are coming from – they're going to take the shortest route. Phil asked Glenn Bowman when he expects to go before Act 250. Glenn Bowman said the Act 250 application is still a couple months from being completed. John asked Glenn Bowman when he thinks he'll get to the 20,000-ton capacity. Glenn Bowman said the machine makes 3 or 4 tons an hour and a tractor-trailer takes out 20 tons, so there will never actually be 20,000 tons there. Glenn Bowman said the annual output of the plant will be 20,000 tons and that will exist from day one; the operation doesn't have to be "ramped up." John said if you're producing 4 tons an hour, that's only 50 tons a day. Glenn Bowman said the market won't exist instantly so it'll be stored for a little while and there's also a seasonality to the sale of the product. Phil asked Glenn Bowman if he's going to have a storage warehouse on site. Glenn Bowman said there's an existing 6,000 square foot building that he plans to use. Phil suggested that Martha schedule a meeting with town officials in Jaffrey and a tour of the pellet plant there, if possible. All agreed. The DRB scheduled a site visit to the former talc plant for Monday, January 19th, at 7:30 AM. Skip asked if there are plans to store logs on site. Glenn Bowman pointed out the log storage sites on the map. Glenn Bowman said the gentleman at the state said he has to store a six-month supply of logs, but he can't afford that. **Phil made a motion for the DRB to continue the public hearing on application #2340 by Williams and Company Mining, Inc. until February 10th at 7:00 PM, with Martha to contact government officials in Jaffrey, NH and arrange for a tour of the pellet plant in Jaffrey, if possible, and to meet with Mr. Bowman on Monday, January 19th at 7:30 AM to tour the facility here in town. Shannon seconded the motion, which passed unanimously.**

6. Glenn Seward opened the public hearing on application #2341 by Raina White and Eric Krivitzky for conditional use approval for a home business at 1383 Route 44 (parcel #3-116). The application is subject to review under Sections 2.3-1, 3.11, 3.12, 3.13, 3.14, 4.9, 5.1, 5.2, and 5.3 of the West Windsor Zoning Regulations. Raina said she would like to run a personal training studio out of her house, on the first floor. Raina said anyone coming would come by appointment. Raina said there would primarily be one or two people at a time, but some exercise classes would have eight to ten people. Raina said the structure is going to remain as is except for minor changes required to meet the fire safety code. Raina said they'd like to add a bathroom even though it's not required and she did contact the State Permit Specialist who said there's no change in the septic design flow. Referring to Section 2.3-1, Glenn Seward said, since the application is for a home business, it falls under "Conditional Uses." Referring to Section 3.11, Glenn Seward said Raina wants to be able to park 8 to 10 cars and has estimated the size of the parking area at 2,500 square feet. Hal said that will hold about 8 cars. Raina said because the business is appointment-based, everyone would come at the same time and leave at the same time, so double-parking isn't an issue. Glenn Seward said the 300 square feet per car allows for maneuvering room. Glenn Seward directed the board's attention to table 4.1 and said nothing addresses the use here except "other." Shannon said the way the cars are positioned in the sketch won't work. Raina said she didn't draw the cars to scale, but she can have 7 cars parallel parked in a row facing the house. The eighth and ninth cars would have to be right on the edge. Phil said Raina should consider what happens if there's an emergency and someone needs to get out in a hurry. Phil said he would question the proposed double parking for that reason. Phil said the parking area should allow for access by a FAST Squad vehicle too. Shannon agreed and noted that people should not be backing out onto Route 44; there has to be room in the parking area for people to turn around. Raina said an eighth car could park by the mailbox without blocking anyone. Raina said the area around the parking lot is flat grass and there are no physical barriers, so if they need to expand it a

little bit, that would be possible. Regarding Section 3.12, performance standards, Glenn Seward said there are a whole lot of things that don't apply in this situation. Glenn Seward said the only possible issues are noise and lighting. Raina said there will be music playing inside, but she does not anticipate that being a problem. Raina said she has had music playing inside and she can walk around outside the house and not hear it. Raina said she doesn't plan to make any changes to the existing lighting. Raina said there is a light above the doorway and a motion light on the barn that comes on whenever someone pulls in or pulls out, but it doesn't stay on. Raina said the entrance light is on a timer so it comes on at night and stays on until 7:00 or 8:00 PM. Phil asked Raina if she plans to have evening classes. Raina said yes, possibly until 8:00 PM. Glenn Seward asked if there is anything else in Section 3.12 that anyone feels is applicable. No one mentioned anything. Regarding Section 3.13 and Section 3.14, Glenn Seward said the DRB should consider proximity to the floodplain and the fifty-foot stream buffer but it appears, from the sketch, that the proposal is okay. Phil said since it's an existing facility, he doesn't see any problem with it. Glenn Seward said he and Martha noticed that the propane tank is either in, or very close to, the floodplain, so Raina might want to consider moving or anchoring it. Martha said she called Rebecca Pfeiffer, the state floodplain coordinator, to find out if anchoring the propane tank would be required but she hasn't heard back. Eric asked what the tank should be anchored to. Glenn Seward said generally there is a poured concrete pad with anchors in it and the tank is strapped to the pad. Phil said if the propane tank is in the floodplain, it ought to be anchored so it doesn't float down the stream and block a bridge. Raina asked Martha to let her know if she needs to do anything with that. Glenn Seward said Raina's application addresses the employee issue specified in item #1 of Section 4.9. Raina asked if she could hold classes outside. Glenn Seward said the regulations say, "a home business shall...be carried on within a principal or accessory structure." Raina asked if someone with a home business involving food could put a picnic table outside. Glenn Seward said they could not do that if they were classified as a home business under these regulations. Phil agreed. Hal suggested putting up a tent as an accessory structure. Raina asked if conducting business outside is different from having a business outside. Glenn Seward said the regulations specify that a home business must "be carried on within..." Glenn Seward said his interpretation is that it has to be inside. Phil and Shannon agreed. Glenn Seward said item #3 and item #4 of Section 4.9 have already been addressed. Glenn Seward noted that the application complies with the requirement, in item #5, that the business "be secondary to the use of the premises for dwelling purposes." Regarding site plan and site plan review, Glenn Seward said if everyone is content with the sketch that has been submitted, the DRB can move on. Shannon suggested that Raina submit a revised sketch showing the cars and the parking area as close to scale as possible. All agreed. Regarding Section 5.3, capacity of community services, Glenn Seward suggested that Raina run her plans by Mike Spackman, Ralph Johnson, and Nancy Gaynor to make sure there are no issues. Hal asked how long each exercise session lasts. Raina said between an hour and two hours. Regarding the character of the neighborhood, Glenn Seward asked Raina if she has contacted her neighbors about her plans. Raina said no. Glenn Seward said she might want to consider doing that. Phil asked if the neighbors were noticed about the hearing. Martha said yes. Phil noted that none of them are here. Raina asked if the DRB would still like her to talk to her neighbors. Glenn Seward said that's up to her. Regarding impact of traffic on roads and highways, Shannon asked Raina if Sandra Conant had said anything about highway access. Raina said yes, she does need a state highway access permit and she has submitted the application and spoken with Larry Wheeler and he is going to try to come down next week and, after he has reviewed it, he can issue a Notice of Intent. Regarding bylaws now in effect, Hal said he can't see that Raina's proposal would disrupt anything. Regarding the utilization of renewable energy resources, Hal said that's what this is all about, isn't it? Glenn Seward asked Raina to give Martha a copy of any other applications she has made to any other agencies. Raina said the state requires highway access, a water test, and fire safety review. Phil asked Raina when she anticipates starting her business. Raina said as soon as possible. Shannon asked if the 8 cars

includes house vehicles. Raina said they have a garage for house vehicles. **Phil made a motion to continue the hearing on application #2341 by Raina White and Eric Krivitzky on February 10th at 7:00 PM. Hal seconded the motion, which passed unanimously.**

7. Approve Minutes – September 10, 2008: **Shannon made a motion to approve the minutes of September 10, 2008 as written. Genevieve seconded the motion, which passed with Phil abstaining because he was not present.**
8. Other Business – Brownsville Garage: John asked about the number of cars at the Brownsville Garage. Phil said he thinks the DRB should tell the owner that there are too many vehicles over there. Martha said she thinks the total number of cars is supposed to be 14 or fewer. Martha said she did speak with the owner in July. Phil suggested that Martha let the owner of the garage know that the DRB thinks he has too many cars and wants him to do something about it. Phil said he has seen cars there that were not for sale and did not appear to be being worked on; they were just being stored there for an extended period of time. Shannon said the owner may not be aware of the limit because that permit was not for him. Martha said he is aware because she went and talked to him. Martha said Ryan Schetzen applied on Jeremy's behalf for the service station and the additional parking associated with it. Martha said Jeremy was here for that hearing, but not for the first hearing, which was for Ryan's application to sell cars. John asked if there is a set number of cars for sale and a set number for repair. Martha said she thinks the numbers are 8 and 6. Shannon said she doesn't think the service station owner sells cars. Martha said he does. Genevieve asked if there are some cars associated with the occupancy of the house. Martha said she will have to look at the permit. Martha said that, in July, Jeremy said he is not sure that 14 vehicles are enough for him to be able to run the business. Phil said then he needs to come back in and talk to the DRB. All agreed. Martha said some people drop their cars off there in the morning and then don't pick them until the end of the day. John said he has more than eight cars for sale. Martha said she would check the permit for the numbers allowed. Shannon said she thought the permits were in Ryan's name. Martha said the permits are in Ryan's name and in the name of the landowner, Chandler Irwin, but they run with the land. There was brief discussion about the advantages of having a service station in town.
9. Adjourn – **Phil made a motion to adjourn at 9:15 PM. Hal seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison