

## WEST WINDSOR DEVELOPMENT REVIEW BOARD

Draft Minutes  
August 13, 2013

Present: Shannon Harrington, Barbara Truex, Genevieve Lemire, Dick Beatty, Dow Davis, Dan Querrey, Steve Querrey, Bob Gray, Glenn Bowman, Tom Kenyon, Seth Warren, Daphne Lowe, Patricia Putman, Jeff Hale, Martha Harrison

1. Call to Order – DRB Chair Shannon Harrington called the meeting to order at 7:10 PM, following site visits to the Lary/Fontaine/Pritchard property on Churchill Road (parcel #1-8) and the Hale property on Brook Road (parcel #3-196) in connection with the public hearings on the agenda for tonight.
2. Changes to the agenda – None
3. **PUBLIC HEARING** – Shannon opened the hearing on application #2529 by Wendy Lary, Gary Fontaine, and Nancy Lee Pritchard (landowners) & Chris Dowd and Tricia Putman (applicants) for flood hazard and conditional use review to construct a 10' x 950' residential driveway off Churchill Road (parcel #1-8). The proposed development is subject to review under Sections 2.3-7, 3.2(D), 3.2-1, 3.13, 4.12 and 5.3 of the West Windsor Zoning Regulations and the West Windsor Flood Hazard Area Regulations. Shannon asked if any board members have a conflict of interest or have had any ex parte communication with any of the applicants. None of the members reported any conflicts or ex parte communications. Shannon read the definition of an interested party and informed those present that they have to be sworn in and participate in the proceedings if they want to retain their right to appeal. All those present were sworn in by Shannon. Applicant Tricia Putman said they are interested in buying the Lary/Fontaine/Pritchard property but are seeking approval for a driveway prior to purchasing due to possible issues with the floodplain. Tricia said the Selectboard met last month and approved a highway access 250' from the covered bridge, which was not the requested location, so they revised their driveway proposal based on the approved access location. Tricia suggested that the floodplain maps may not be accurate based on the silt left behind by Irene and the fact that the floodplain appears to extend up into the trees on the hillside. Seth showed the DRB a post-Irene aerial photo and noted that the FEMA overlay is a little off since it runs 10' to 15' above the elevation of the field in places. Barbara asked why the Selectboard moved the access point. Seth said it was moved to provide better sight lines. Seth noted the silt pattern on the aerial photo which indicates where the flow was strongest. Seth emailed the photo to Martha to be included as evidence. Regarding 3.2(D), the DRB confirmed that the applicant has presented evidence that the highway access, as modified, has been approved by the Selectboard. Regarding 3.2-1, Shannon noted that the B-71 Standards are incorporated into West Windsor's Zoning Regulations. Tricia acknowledged receipt of the B-71 Standards and said that she has shared them with her contractor. As far as she knows, Tricia said, the driveway will conform to the B-71 standards. Shannon said the application indicates that the amount of fill material will equal the amount of material excavated so the driveway will not be built up above grade at all. Tricia said it's her understanding that the driveway cannot be built up because that may increase the flood levels for someone else. Tricia said the contractor is confident that he can use a material that will avoid erosion. Seth asked Shannon if she is concerned

about it being elevated or not being elevated. Shannon said the town follows the National Flood Insurance Program (NFIP) regulations, which don't allow fill unless it meets the requirements. Seth asked if it's compliant if the fill is flush with the existing elevation. Shannon said yes, but a driveway would typically be built up. Shannon suggested that Tricia discuss it with her contractor. Tricia asked if it would be considered flush if it were built up 2". Tom said part of the reason the Selectboard asked the applicant to move the access point further south was so there would not be an increase in the velocity of the flow in the area of the covered bridge. Shannon noted that the proposed driveway is not within 10' of a property line. Shannon read Section 3.13 of the zoning regulations and noted that the Town Plan shows a substantial portion of the property as being in a deer wintering area. Tricia said she walked the property with Mary Beth Adler and Mary Beth concluded that there would be minimal to no impact on the deer wintering. Tricia noted Mary Beth's email. Shannon noted that having the driveway in the revised location at the bottom of the hill saves the field for potential future agricultural use. Regarding the floodplain, Shannon noted receipt of a letter from Vermont Floodplain Manager Sacha Pealer, which indicates that the driveway will not encroach on the floodway if it is at grade with the amount of fill equal to the amount of material removed. Shannon asked Tricia, for the record, if the driveway will be built flush. Tricia said her contractor feels that it can be built flush. Barbara said regardless of whether the driveway is flush or not, it will be vulnerable to flood damage. Genevieve asked who installs the culvert, the town or the applicant. Shannon said the town doesn't put it in. Tom said there is a culvert under Churchill Road on both sides of the proposed driveway so water won't get trapped. Shannon suggested that Tricia's contractor discuss the culvert with Highway Foreman Mike Spackman. Regarding Section 4.12, Shannon said filling of land is prohibited unless it complies with the Flood Hazard Area Regulations. Regarding Section 5.3, Shannon read the criteria and asked the applicant to comment. Tricia said the proposed driveway will not have an undue adverse impact on existing or planned community facilities or services, the character of the neighborhood, or traffic on roads or highways. Regarding bylaws now in effect, Shannon asked Tricia if she thinks her project complies with the West Windsor Town Plan. Tricia said she does think so. Shannon said she doesn't think the fifth criterion applies. Tricia agreed. Dick noted a change in the dimensions of the driveway on the revised plans; originally a 950' x 10' driveway was proposed and now an 1150' x 12' driveway is proposed. Shannon said the B-71 standards call for a 12' minimum width. Regarding community services, Barbara noted that the applicant's future home may be cut off from emergency services if the driveway floods. Shannon read Section 8(c) of the flood regulations and said that the applicant cannot add fill in an amount greater than the amount removed without having a study by a professional engineer. Shannon asked Tricia if she is planning on putting in any fill. Tricia said they are not planning on it. Shannon said if the applicant is not proposing any fill, the DRB does not need any more information. Barbara asked if the lot is the right size for the Conservation district. Martha said yes. There being no further comments or questions, **Barbara moved to close the hearing. Dow seconded the motion, which passed unanimously.**

4. **PUBLIC HEARING** – Shannon opened the public hearing on application #2534 by Jeffrey Hale for flood hazard and conditional use review to re-construct an 8' x 85' footbridge with 3 ½' railings at 816 Brook Road (parcel #3-196). The proposed

development is subject to review under Sections 2.3-1, 3.9(A)(1), 3.13, 3.14, and 5.3 of the West Windsor Zoning Regulations and the West Windsor Flood Hazard Area Regulations. Shannon swore in Jeff Hale. Jeff said he plans to replace the bridge that got washed out in Tropical Storm Irene. Jeff said he purchased two trailer frames and he plans to weld them together to create the 85' length. Jeff said the existing struts that are on the frames are 6'4" and he plans to use standard 8' two-by-fours as decking material so he will have enough room on each side to back-brace his railings. Jeff said he will leave a gap between the two-by-fours for water and snow to pass through. Jeff said he plans to cable the H-beam to the trees using cable from Ted Knox's crane. Jeff said he's going to weld some eyes to the H-beams 40' from each end so he can anchor them to the trees. Jeff said he should have 3' to 4' overlapping the ground on each end. Jeff said he needs to build up the abutment on his side so he's going to do that with logs to get it level and above the floodplain. Once the bridge is constructed, Jeff said, he can pump some concrete across. Shannon asked Jeff to describe the bridge that was washed away. Jeff said the old bridge was angle-iron, smaller and X-braced all the way across, much like the old self-supporting train bridges. Jeff said the old bridge was about 85' x 4'. Shannon asked about the clearance of the former bridge and the proposed bridge. Jeff said it's going to be the same height as before above the brook line, which was 12' to 14'. Barbara said that Jeff indicated at the site visit that the flood water never got up to the bridge decking but it was taken out by debris. Jeff confirmed Barbara's statement. Tom Kenyon asked if the Town of Windsor was notified of this public hearing. Martha said the abutting property owner in Windsor was notified. Tom said the Town of Windsor has not resolved what caused the collapse of their \$3 million bridge downstream and the applicant's old bridge now rests downstream in the vicinity of Windsor's bridge. Jeff said his old bridge is upstream of Windsor's bridge. Tom agreed but said it appears that a surge of water went over Taylor's falls and washed behind the abutment of Windsor's bridge which caused their bridge to collapse. Tom suggested that the DRB check with Windsor to make sure they're comfortable with the applicant's proposal. Jeff said the water came off the ledges and ate around the other side. Barbara asked if a crane will be used for construction. Jeff said he's going to try cabling it to the trees and working it over that way but he may use Ted Knox's crane if necessary. Barbara said one of the stipulations is that Jeff can't work in the river bed. Genevieve asked if the bridge is going to sit on the existing abutment on the road side of the river. Jeff said yes, although he wants to build it up a little more. Genevieve asked about the abutment on the house side of the river. Jeff said he's going to put logs in first to create something like a skidway landing and once he gets the bridge across, he can have a concrete truck pump concrete behind the three log walls. Genevieve asked if the log walls will be behind the existing cement abutment. Jeff said the logs will be in front of the existing abutment. Jeff said the logs are temporary to support the bridge until he can pour the concrete. Shannon asked Jeff if he is going to pour concrete behind the existing abutment. Jeff said yes. Genevieve said it looks like it needs to be raised up. Jeff said yes; it washed out underneath. Barbara asked if any engineers have looked at Jeff's calculations. Jeff said no. Shannon asked Jeff to confirm the location of his home relative to the floodplain on the ANR map. Jeff confirmed the location but said that when he tried to get funding for a buyout, FEMA said his house was above the floodplain. Martha said the town tried twice to get FEMA assistance to buy the property but the town was turned down because there was not

substantial damage to the home. Shannon noted that the property is in the Primary Growth district. Regarding Section 3.9(A), Shannon asked why the former bridge was non-conforming. Martha said it was either built prior to zoning or without a permit and does not comply with current bylaws. Jeff said it was built between 1972 and 1974. Jeff said the mobile home is from 1974. Shannon asked about the lot size. Jeff said it's one acre. Shannon asked for additional clarification on why the bridge is nonconforming. Martha said current regulations require bridges that provide access to a structure to meet minimum standards, including H-20 loading capacity, so if this were a new bridge rather than a replacement, it would have to be able to support a fire truck. Shannon said because it's non-conforming, we have to do a conditional use review. Shannon said Section 3.13 is relevant because of the floodplain. Shannon noted that the town received a letter yesterday from Vermont Floodplain Manager Sacha Pealer, who said that the bridge must satisfy Section 8(c) of West Windsor's Flood Hazard Area Regulations regarding a detailed hydraulic study unless the DRB determines that the project will meet the specific conditions outlined in her letter. Shannon said the conditions specify that no fill, which would include concrete, can be used. Shannon asked Jeff if the bridge was previously permitted. Jeff said he has no idea; he has only been there for five or six years. Martha said the home was permitted but she is pretty sure that the bridge was not. Shannon said Sacha's letter also specifies that the bridge should be constructed of flood resistant materials and designed to be adequately anchored to prevent flotation, collapse or lateral movement during any occurrence of the base flood. Dow asked how the bridge can be properly anchored without concrete. Martha offered the zoning file for parcel #3-196 as evidence and noted that the file includes a letter from 1973 which indicates that the bridge predates the placement of the home. Regarding Section 5.3, Jeff testified that his bridge will not have an undue adverse impact on municipal facilities or services, the character of the area, traffic on the roads, or renewable energy resources. Shannon asked Tom Kenyon if he is aware of any adverse effect with regard to the Town Plan. Tom said no. Shannon asked Jeff if he knows how the unit got there originally. Jeff said it was pulled across with a bulldozer. **Genevieve moved to close the hearing. Dow seconded the motion, which passed unanimously.**

5. **PUBLIC HEARING** - Shannon reconvened the public hearing on application #2530 by Williams & Co. Mining, Inc. (landowner) and Clean Tech LLC/Queston, Inc. (applicants) for conditional use review to convert the existing talc plant at 5013 Route 44 (parcel #1-36.2) to a wood pellet manufacturing facility. The proposed development may be subject to review under Sections 2.3-6, 3.3, 3.11, 3.12, 3.13, 3.14, 4.12, 4.19, 4.22, 5.1, 5.2, 5.3 of the West Windsor Zoning Regulations and the West Windsor Flood Hazard Area Regulations. Dan and Steve Querrey were present representing Queston, Inc., which will be manufacturing the pellets, and Clean Tech LLC, which will be buying and managing the property. Steve said Section 4.13 is also relevant. Steve presented a revised Site Plan that includes the 100-year floodline and relocates the fire road behind the plant so that it does not cross the leach field. Shannon asked who added the floodline and whether or not they're certifying to it. Steve said it was originally placed by Bruno Associates, was confirmed by other engineers, and coincides with where the state put it. Shannon asked if Queston has an engineer who will put a stamp on it if required. Steve said yes. Shannon said, given the location of the floodline, flood hazard review is not required. Barbara asked about the hydrants next to the stream. Tom said there are two and one is not

working but the other is more than adequate. Barbara asked about the distance between the log yard and the eastern property line. Steve said it's over 100' to the Crapser property line. Regarding Section 2.3-6, the DRB determined that the proposed use is "enclosed light manufacturing." Regarding Section 3.3, the DRB confirmed that the change of use requires conditional use review. Regarding Section 3.11, Steve said the parking will be dimensionally correct and there will be adequate parking for the number of people on site. Steve said there is parking for 34 vehicles and there will be no increase in the paved area. Shannon asked if there is enough room for handicapped parking. Steve said yes. Regarding Section 3.12, Steve said there are air quality restrictions set by Act 250. Shannon asked if Queston has applied for an Air Pollution permit. Steve said no, not yet. Steve said there will not be excess noise. Barbara asked how many trucks they anticipate coming through at night. Barbara expressed concern about the noise of the diesel trucks idling for 20 minutes disturbing the neighbors. Steve said you can't hear the diesel engines from the neighboring properties; the issue would be back-up beepers but that's been addressed. Glenn Bowman said he did sound tests at Crapsers, the veterinary clinic and Lucy Mackenzie and the noise of a truck running was not discernible over the ambient noise of cars driving by. Barbara asked about vibration. Steve said any equipment vibration inside the building will be addressed by Queston's engineers. Dan said the log yard will be on fill which will help isolate any vibration. Tricia asked about the decibel level at the property line. Steve said debarking will be done inside the building and the associated noise will not exceed 50 decibels at the property line. Tricia asked about the hours. Dan said the hours will be 24 hours a day, five days a week. Dan said the noise level will be half what it was for the talc plant and no neighbors ever complained about the noise then. Steve said there will be no change in the lighting. Regarding fire risk, Dan said there will be an infrared spark detection system. Steve said there will be no hazardous waste generated and any solid waste generated (e.g. bark) will be used or sold as a by-product. Dan said the facility will produce about 12 tractor-trailer loads of bark per year and there are mulch dealers who are interested in it. Dan said there is a 100' buffer between the log yard and the property line, and a vegetated buffer between the log yard and the road. Shannon noted that the log yard is not in the floodplain or the 50' stream buffer. Steve said they are removing sod and replacing it with crushed stone with no increase in elevation and no modification to drainage. Bob Gray asked if the bridge is totally on Imerys land. Steve said yes. Steve said Section 4.13 would also apply. The DRB determined that the applicant meets the criteria in 4.13. Regarding Section 4.19, Steve said the stormwater retention basin will continue to be used as such and is not considered a wetland by the state. Steve said nothing will be done with the "emergency lagoon." Dan said there will be no permanent truck scale in the log yard at this point. Regarding Section 4.22, Shannon asked about flammable fluids. Steve said there is a state permit for a 30,000 gallon tank and they will not exceed that. Dan said they may have a 250 gallon diesel fuel tank for emergencies. The DRB reviewed the site plan per Section 5.1. Steve said there are no critical wildlife habitats or endangered species. Bob asked if permanent deeded easements need to be shown on the site plan. Steve said there are no permanent easements. Bob disagreed. Steve said there is a temporary easement for the duration of the reclamation process and the 5-year testing period. Regarding Section 5.3, Steve said the proposal will not have an undue adverse effect on the capacity of existing or planned community facilities or services. Shannon

asked if there is support from the fire department. Steve said yes. Regarding the character of the district, Steve said it's an industrial zone and the proposed use will improve the character. Regarding traffic, Steve said traffic levels will be equal to or less than historical approved traffic levels. Tricia asked about the percentage of traffic that will use Route 106. Steve estimated 70%. Regarding the ore shed shown on the site plan, Dan said they have no plans to use it. Regarding bylaws now in effect, Steve said the Town Plan supports the redevelopment of the talc plant. Regarding renewable energy resources, Steve said they will be using them and Dan said they will also be manufacturing them. Shannon said the application is not subject to the West Windsor Flood Hazard Area regulations based on the evidence provided by the applicant on the site plan. **Dick moved to close the hearing. Dow seconded the motion, which passed unanimously.**

6. Inquiry/Initial Discussion: West Windsor Volunteer Fire Dept. Accessory Structure – Tom said the Fire Dept. needs a structure in which to store the rescue vehicle. Tom said they're looking into an open-sided roofed structure between the store and the fire department but they can't meet the setback so they're looking at a lot line adjustment that will keep the size of each lot the same. Shannon asked if the structure will be in the floodplain. Tom said it won't impact the floodplain because it will be open-sided.
7. Minutes – July 29<sup>th</sup>: **Barbara moved to approve the minutes of July 29<sup>th</sup>. Dick seconded the motion, which passed unanimously.**
8. Deliberative session – **Barbara moved to go into deliberative session. Dick seconded the motion, which passed unanimously.** After discussion, **Genevieve moved to come out of deliberative session. Shannon seconded the motion, which passed unanimously.**
9. Other Business – None
10. Adjourn – **Genevieve moved to adjourn at 9:40 PM. Barbara seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison