

Shaftsbury
Development Review Board
Shaftsbury Town Hall
June 15, 2011

Members Present: Phylis Porio (Chair), Gary Burgess (Vice-Chair), Fritz Ludwig (thru the initial part of 4B, then recusal), Jake Jakubowski, Bob Holmes, Chris Ponessi

Members Absent: David Mance

Others Present: In order of appearance - Edward Lanoue, Trevor Mance, Jay Palmer, Anthony Gaeta, Mike Foley, Carl Goodwin, Mitch Race, Michael Gardner, Billie Obernauer, William Smith, Matt Simons, Andy Bacchi, Andrew Knofel, Barry Mayer, Robert Geneslaw, Peggy Price, Bob Mattison, Terry Russo, Michele Kapp, Tom Huncharck, Jeff Leake, Suzanne Bushee (Zoning Administrator), Bob Whitney (Recording Clerk)

1. **Call to Order:** By Chair Phylis Porio at 7:00 p.m.
2. **Conflict of Interest Statement:** None at this juncture.
3. **Old Business:** None.
4. **New Business:**

A. Permit # 11 91 24: Viola Myers applying for minor subdivision. Parcel ID: 7 20 45, 4714 Vt. Rt .7A. Lot A 18 ac Lot B 36.7 ac. This is dividing one parcel into two parcels. Bylaw 3.6; Sketch plan review

Paul Greineder from OnPoint Land Surveying began testifying for Viola Myers in this matter. Paul submitted a letter from the Shaftsbury Fire Department indicating that it is acceptable for a five hundred foot driveway coming from existing structure. There will be no other access to back section. There is no construction planned on the 18 acre parcel. A 20' wide easement is planned across Viola Myer's land. If a 50' easement is required Paul can discuss it with his client. Paul was told that the abutting neighbors on west side of Route 7A need to be shown the sketch plan. Paul said that the neighbors were notified of this meeting and the Zoning Administrator confirmed this. Paul said there were no structures on parcel 2 and the structures on Parcel 1 are reflected on the sketch plan. The DRB told Paul what changes need to be made on the sketch plan. These include utilities and utility easements and dimensions of boundaries. Deed description dimensions are okay for this. Paul said that a 24" by 36" sheet will be needed to show what is required. Paul was also told that deferral language is needed. Paul will do that when deferral permit is received. There were no other questions from the Board. **Jake made a motion to classify the subdivision as minor and Bob Holmes seconded. Approved 6-0-0.** Phylis mentioned to Paul that certificate of service to neighbors, a waste water permit, a letter from the property owner (Peckham) saying that quarry is closed is also needed. Edward Lanoue had a question concerning the location of the property. He was invited to come forward and view the plan. There were no other questions from the audience. Jake asked if the land is presently vacant and Paul told him it is. Paul will notify Suzanne when he is prepared to come before the DRB again. **Jake made a motion to continue this**

matter to a future meeting not to exceed 90 days from today. Gary Burgess seconded. All members were in favor of this, 6-0-0.

B. Permit # 11 91 24: Trevor Mance/TAM is proposing a compost facility at 5539 Rt 7A. Parcel id #02 01 35.2. Bylaws 3.5 conditional use, 3.6 site development plan, 6.4 industrial district and 7.12 solid waste management facilities. This is a preliminary meeting.

Trevor Mance initiated his testimony on this preliminary conditional use permit. Phylis asked if any members needed to recuse themselves pertaining to this matter; the members replied in the negative. **Jay Palmer** asked Fritz to recuse himself because of a conflict of interest. Palmer went on to say this conflict was because Mance was the landlord of land worked by Fritz. Fritz said that he takes care of the land and is not charged rent or pays rent. Trevor will be leasing land from the owner. Fritz does not see any reason to recuse himself. **Anthony Gaeta** feels there is a relationship between Fritz and Trevor. **Mike Foley** and **Carl Goodwin** feel that there is a conflict.

Fritz recused himself and left the building. Five members are now present and eligible.

Trevor Mance commenced testifying on his application by saying composting will be done on just 3 ½ acres of an 8 acre field. He further explained the concept of composting. Trevor held an informational session on his plans prior to this meeting. He videotaped that session and asked if he could submit it to the Board. **Mitch Race** was also at the informational session and attempted to interject at this moment. Phylis said that the DRB is not taking testimony at this time and to hold his testimony until the appropriate time. **Mike Gardner** suggested that the High Fields portion of the power point presentation be accepted if Trevor certifies it. Jay Palmer objected to the submission of the High Fields presentation as it would not include the rebuttal by the attendees at the presentation.

Jake offered that if attendees submit reference books, etc. the DRB will be prepared to accept them.

Trevor continued by explaining that composting uses agricultural products such as nitrogen based horse or cow manure, and carbon based leaves, wood chips, grass clippings. The nitrogen and carbon based products are mixed in a 4 or 5 to one ratio that is required to produce the heat needed for the products to compost. The process is agricultural and agricultural farm equipment is utilized to spread and reap the product. He said that an Act 250 permit would limit his activities to 5,000 yards of material in a year. A solid waste permit will also be required. Trevor continued by saying that Bennington County is the last county in Vermont to have a facility like this. The local area has an excess of nitrogen based manures that can be dealt with in this proposed facility. He said that farmers, schools and other institutions need the service offered by this facility. The property under consideration for this facility is currently used for forestry and farming. This particular field was chosen because it is tucked away from view. Nine windrows total will be utilized with each windrow being five feet tall. There is a hauling component to this operation and Trevor will be able to combine his hauling and agricultural businesses. **Gary** asked how quickly the 5,000 yard limit will be reached. Trevor said that he will enter this business slowly, not reaching that limit for a year or more. Trevor said that it takes fourteen days for the food component to be composted. Food

is accepted on a concrete pad and mixed with other materials in the same day. **Chris** asked if hauling back to the farm is required and Trevor replied in the affirmative. Trevor said that the State requires recordkeeping for the up to 5,000 yards of waste. The operation will be monitored by the Solid Waste Division. **Jake** asked if meat, fish or dairy waste will be accepted. Trevor said yes but no offal, liquids, sludge or human waste will be accepted. Trevor is not proposing to use covers on the waste. **Phylis** asked about the process. Trevor said that waste is received and mixed in the proper nitrogen/carbon ratio. A manure spreader will create the windrows. A concrete pad is used for mixing of the waste. This mixing will occur two times per week. **Chris** asked if food waste from local restaurants will be used. Trevor said yes, though residential waste will not be used because economy of scale prevents it from being used. **Jake** asked if colleges or hospitals will provide waste. Trevor said yes. It will provide a benefit to the community because it gives local businesses a way to process organics. The facility will provide a way for local businesses to recycle their compost without chemicals or pesticides. Jake also asked if food waste creates an organic product. Yes it does, Trevor said.

Phylis asked Trevor if he was asking the DRB to designate this as an agricultural process. Yes, Trevor said. Agricultural products are used. Phylis opened the meeting to comments from the public addressing the issue of whether or not composting is an agricultural process. The following comments were received:

Billie Obernauer – Composting cannot be excluded from solid waste. Products used in composting are solid waste.

William Smith – Waste is being hauled in from other areas so the process is commercial and industrial, not agricultural.

Matt Simons – Asked if the operation will be permitted if it is not an agricultural use. Phylis said that the area is RR-80 and agriculture is a permitted use there. Chris said that the State has determined that composting is an agricultural use.

Andy Bacchi - an adjoining property owner. He read part of the public notice from the Agency of Public resources. The notice says that the proposed facility is a solid waste management facility. He considers that to mean it is not an agricultural use.

Barry Mayer – Asked if the other composting facilities in Vermont are considered agricultural uses.

Robert Geneslaw – Offered that various agencies have different definitions and terms. He continued by saying that where there is a question of whether a use is permitted in a particular zoning district the DRB should refer to the Shaftsbury Zoning Bylaws.

Michael Gardner – A definition of industry versus agriculture should be considered. Maple sugaring is an agricultural use, not industrial. The DRB should evaluate on a broad based definition of agricultural use.

Peggy Price – All of the products come from other locations to this proposed site. One hundred percent of the wood chips come from the site. The Composting Association of Vermont says that if ingredients are 51% from off farm than it is not considered an agricultural use. Fifty one percent of the finished product must come from the farm.

Bob Mattison – said that he has an emotional connection to this farm. Vermont was made by man and woman. David Mance has kept these fields open and that is to his credit. The compost facility is a good idea but is it a good idea in that particular location. We need to weigh the advantages against the scenery of Vermont. The review should consider it a good idea but should it be on a scenic byway.

The Zoning Administrator received a submission by e-mail, dated June 15, 2011 from Mardi Crane Godreau that was read by Jake. This submission urged that the impact on the community be considered. A letter from Laurel Zinn in support of the compost facility was read by Phylis. Phylis opened the floor to five general comments. More testimony will be heard on July 20.

Andrew Knofel – He has concerns about the site and noise that may be generated. He feels that a compost facility is a good thing but is concerned whether it will have affects on his business that includes six full time employees. There must be a way to have this facility in a positive way.

Terry Russo – Has a horse farm in Shaftsbury. Every horse farm has manure. We need to find a way where everyone benefits.

Michele Kapp – She supports composting but not the placement of the facility.

Tom Huncharck – Does not oppose composting but the site proposed. He offers his support to choose another site.

Jeff Leake – Feels that composting is a good idea but the location is not a good one.

The next meeting that will cover this issue will be held on July 20, 2011.

Gary made a motion to continue this to July 20, 2011 and Bob Holmes seconded. All in favor 5-0-0.

5. **Curb Cut:** The DRB would like information on Curb Cuts from the Planning Commission.

6. **Other Business:** None.

7. **Minutes: June 1, 2011** - Jake noticed a spelling error. It will be corrected on final and approved version.

8. **Decisions to be signed:** None.

9. **Adjournment:** Gary made a motion to adjourn at 10:07 p.m., Jake seconded. All in favor 5-0-1.

Respectfully submitted,

Bob Whitney