

SHAFTSBURY SELECTBOARD
SPECIAL MEETING & PUBLIC HEARING

Re Adoption of Interim Bylaw Establishing
A Moratorium on Commercial Composting

SEPTEMBER 22, 2011
MINUTES

ATTENDING: **Board Members present:** Lon McClintock, Karen Mellinger, Craig Bruder, Carl Korman. **Board Members Absent:** Bill Pennebaker. Town Officials: Margy Becker, Town Administrator; Chris Williams, Planning Commission Chair. **Members of Public: (refer to sign up sheet)**

1. Call to Order

Chairman McClintock called the public hearing to order at 7:05pm.

2. Announcements

Margy Becker announced the October 1st Free HHW Collection Day at Shaftsbury Transfer Station 9AM – 1PM for Shaftsbury, Pownal, Stamford residents with valid access permits. Free Tire Day also occurs from 7AM – 4PM, which is during normal Saturday Transfer Station hours. The limit on tire disposal at no charge is 4 per household (rimless).

3. Conflict of Interest Statement

Chairman McClintock inquired if any Board member had a conflict of interest with any matter on the agenda. No conflict noted for the record.

4. Bennington College – Catering Licenses

Craig Bruder made the motion to approve Catering Licenses for Saturday 9/24/11 and Saturday October 1st events at the President's House on Mattison Road. Karen Mellinger seconded. The motion passed unanimously.

5. Public Hearing

Lon McClintock explained the process of putting a moratorium into place. The first decision of the Selectboard will be whether or not to adopt an interim bylaw which would put into effect a moratorium. Then the Board would ask the Planning Commission to study the issue. When the Planning Commission recommendations come back to the Selectboard, it can adopt the recommendations (after public hearing(s)). But if the Selectboard makes substantive changes to the proposed bylaw, the matter has to be referred back to the Planning Commission.

Kathleen Geneslaw read written comments. The Chair commented that her comments were not germane to the matter before the Selectboard.

Andrew Schoerke spoke in favor of a 3 month moratorium and encouraged the Town to adopt a definition of commercial composting. He proposed that the closest definition in existing bylaws was the definition of industrial waste. He further encouraged the Planning Commission to adopt permitting criteria and procedures which can be enforced.

Jeri Schoof read written comments submitted for the record. She spoke in favor of a moratorium of at least six months. She noted that the Town's bylaws are 'essentially silent' on the subject of composting. Ms. Schoof commented that adoption of the interim bylaw would allow a 'comprehensive look at the issue of composting as needed to establish operational and siting criteria which are in conformance with the Town Plan. Ms. Schoof requested a careful definition of 'commercial composting'. She is against having 'commercial composting' considered as a conditional use.

Tom Huncharek spoke in favor of a moratorium. He testified that industrial composting is very necessary, yet regulations need to consider the full scope of activities. Mr. Huncharek noted that the TAM proposal would concentrate manure and cause environmental degradation. He also noted that grass clippings will introduce pesticides and insecticides into the mix, and commented on the environmental concerns of same. He cited other risks posed by the TAM application, inclusive of the threat of internal combustion. He asked that the moratorium be 9 months in duration at minimum.

Art Whitman spoke as a resident, though he is Chairman of the Shaftsbury Economic Development Committee. He noted that a moratorium would not enhance economic development and argued existing bylaws have enough safeguards. He noted TAM will not use cow manure; horse manure will be used as part of their feedstock. It was noted that the Economic Development Committee will meet and subsequently submit comments for the hearing record.

Mitch Race spoke in favor of a 6-month moratorium and cited hazards of composting including birds and vectors and emissions of bioaerosols.

Abigail Beck commented on site plan design issues posed by the TAM application. The focus of her comments concerned the storm water detention pond proposed location and the fact that the detention was too small. She noted the pond should be designed for a 100-year event. Ms. Beck noted TAM's application lacks a plan for leachate collection.

Sue Balutis spoke in favor of a moratorium of 6 months in duration (at minimum).

Jim Clune on Timber Trail Road asked for a show of hands from people in support of the bylaw. The Chair ruled against this action.

Michael Foley spoke in favor of the moratorium.

Chris Williams said the Planning Commission is in favor of a moratorium. It recommends a year moratorium

William Obenauer, Birch Hill Road, spoke in favor of the moratorium, and that he wants the moratorium to affect any application for composting – since the Town might see an application

from Casella or Browning Ferris Industries (BFI). He encouraged the Selectboard to take action soon. Mr. Obenauer stated he does not support an agricultural definition of composting. He pointed out the Town codes define 'agricultural' but the definition is ambiguous. He suggested the town define "composting". Mr. Obenauer stated his support for a 'host fee agreement'.

Peter Sternberg, Cider Mill Road, encouraged neighbors of TAM's proposed site and Town officials collect data from existing composting facilities. A moratorium would allow for this data collection.

Ellen Fisher of North Shaftsbury spoke in favor of a moratorium. She recommended a 1 year, possibly 2-year, study.

Written comments from Michael and Janice Day were noted for the record. The Days support a moratorium and adoption of an interim bylaw to allow 'more detailed study of the many facets associated with large composting facilities.....inclusive of consideration of wetlands, streams, lakes, etc; control of leachate; traffic impacts, odor control, and control of animals..."

Trevor Mance, TAM, said he thought the State will require him to acquire a multi-sector general permit with regards to storm water management. He noted that the Agency of Natural Resources is in the process of revising rules which will address the size of composting. There are a lot of safeguards already in place at the State level. He argued composting is not pure agriculture but an accessory use. Mr. Mance said adoption of a moratorium may rule out the possibility of other sites and may force him back to the original site. He asked the public whether a moratorium was going to achieve what the public wanted.

Karen Mellinger inquired as to the timeline for ANR's adoption of the new rules. Mr. Mance said he did not know how much longer the rule-making process will take.

Lon McClintock inquired whether TAM's design will be required to have a detention pond.

Carl Korman said the State oversees and regulates composting facilities, yet the community does not draw comfort from that.

Chris Williams, Chair of Planning Commission, announced the Selectboard and Planning Commission will run a fair process. The Planning Commission will take the moratorium and requested study of composting very seriously.

Chair McClintock closed the public hearing at 8:35PM and thanked attendees. Written comments are being accepted. Mr. McClintock polled Board members. They indicated a willingness to vote on the question before them.

Karen Mellinger made the motion that the Selectboard adopt the proposed Interim Bylaw regulating Commercial Composting (as warned) and that the moratorium terminate in six months from 9/22/11". The motion lacked a second.

Carl Korman stated disagreement with the proposed interim bylaw as written. There is a process in place, he said. He encouraged the public to bring their concerns to the Planning Commission.

The Selectboard agreed to refer to the Planning Commission the question of adopting bylaws to regulate commercial composting.

Karen Mellinger made the motion to adjourn at 9:05PM. The motion was seconded and carried unanimously.

Submitted by
Margy Becker