

TOWN OF GEORGIA ZONING BOARD OF ADJUSTMENT
47 Town Common Road North
Saint Albans, VT 05478
Phone: 802-524-9794 • Fax: 802-524-3543
Monday, November 18, 2013

Board Members Present: James Powell, Fred Bliss, Tara King, Dan Foley and Rich Hamlin

Board Members Absent: Gilles Rainville, Jr. and Tony Gabel

Staff Present: Cindy Deyak, Zoning Administrator, Krissy Jenkins, Secretary

Others Present: Jim Harrison, Peter Garceau, Gary Wright, Brenda Logee

Approved: February 3, 2014

Meeting called to order at 7:00 pm by James Powell at the Georgia Municipal Building.

Motion to accept the minutes of the September 16, 2013, Zoning Board of Adjustment meeting, made by Dan Foley, seconded by Rich Hamlin. No further discussion. The ayes were unanimous, the motion carried.

7:05 pm ZBA #002-13: James and Janet Harrison, Applicants/Owners – Request for Conditional Use Amendment.

Jim Harrison, Applicant and Peter Garceau, Engineer present.

James Powell swore in all those providing testimony.

Cindy Deyak read the Zoning Administrators report.

On October 15, 2013, applicants James and Janet Harrison, d/b/a/ Harrison Sand, Inc., submitted an application requesting an amendment to their existing conditional use permit in order to extend the project duration of the existing sand pit. Subject property is located on Route 104A in the I-2 zoning district... (From Zoning Administrator's ZBA #002-13).

Peter Garceau, Cross Consulting. Peter wanted a note that the October 15, 2014 has been the expiration date of the Act 250 Permit all along. The only thing that has been modified was originally it was October 15, 2013 was the extraction deadline, but the reclamation would have been done by October 15, 2014; so we are just extending the extraction to July 1, 2014 and the reclamation would stay the same as October 15, 2104. The request in front of you tonight is to match the expiration dates with the Act 250 expiration dates.

Dan Foley asked if at this time, do you anticipate extending that reclamation date. Peter stated that they don't have plans for extending the date at this time.

Gary Wright stated that as a subcontractor it is going to be very important to the community and taxpayers in Georgia that this continue. The reason he said that is sand has to be used to back fill buildings. If we don't get it at Jim's, we have to get it farther away, it is going to cost more and everything runs downhill. The consumer is going to end up having to pay more for the same thing. That being said, it is handy and financially beneficial for builders/homeowners looking to build. There are a lot of restrictions in terms of when we can get in and when we can't. Gary has never seen anyone down there that has abused the deadline. The only thing he would say is if you want to go in after hours, you better bring your own shovel, because the loader is not there. Gary supports this project 100%. It is consistent with where the Town wants to go. We got to have affordable housing.

Brenda Logee states that she has an appreciation for people being in business and working. What are the conditions? Brenda has some very selfish concerns which is she doesn't believe the hours are being adhered to on a regular basis. She is right across the street and she wants trucks to stop engine braking; she wants a little more peace restored in her personal living area. She can't have a conversation in her front yard because of the trucks and the fact that they are not being good neighbors using their brakes. The noise starts early in the morning and goes into the evening. Brenda just wants to know what it means when it says a Conditional Use Permit; is it conditioned on the hours that were established here.

James read the following conditions: the decibel levels at the property line may not exceed 70 decibels; applicants may locate the portable crusher on site; the crusher may be operated the maximum of 50 days a year; no other aggregate, other than the applicants, may be crushed; applicant shall within 30 days of this permit, submit a letter to the Zoning Administrator indicating the silt fence is in good condition; immediately prior to removing the burns, along the eastern limits of the operation, the applicant shall submit a report to the Zoning Administrator indicating that the silt fence is in place and in good condition; and the applicant shall obtain all State permits necessitated by this amendment and all terms and conditions set forth on the applicants original permit dated August 8, 1995 and subsequent amendments dated June 10, 1997 and December 11, 2001.

James then read the original Site Plan approval from the Planning Commission dated August 8, 1995 which states that the hours of operation are Monday – Friday 7-5, Saturday 7-12 and closed on Sunday; open from April to November.

Brenda states that she has seen trucks going in there after Noon on Saturday, dozens of times. Dan Foley believes that Jim Harrison has addressed this by Jim personally locking the chain at 5:00 p.m. Jim states that this is what is has come to. Jim states that every morning there is a shop mechanic that goes down and unlock the gate and service the loader, which is a silent operation. There is no way in the morning that trucks are going before 7:00 a.m. Every day the loader is brought back to the shop in the evening. When this became a situation, Jim really wanted to personally become involved himself to make sure that the 5:00 and 12:00 was being followed. Jim may get there after 5:00 by 10 to 15 minutes, but he is normally there by 5:00 making phone calls, etc. and he states that there is not product coming out of there after 5:00 p.m.

Brenda wants to know if there is anyway Jim could instruct the trucks coming into the plant to not use their jake brakes. Brenda has no interest in putting anyone out business or making business difficult for people but there has to be a cooperation. Gary Wright states that the dilemma is that all the trucks coming down that hill, all trucks, rather they are entering that pit or not, are using jake brakes. It is a safety issue; there were a few towns in Vermont that tried to ban jake brakes and they couldn't because

of the safety aspect. Gary states that he will make sure that all of his trucks (8 of them) will not use their jake brakes coming in.

Brenda asks if Jim could ask all of his contractors to not use their jake breaks when coming into the pit. Jim was not sure if we could make this a condition and he feels there would be a legal problem and would like to consult with his attorney to make sure we are not asking them to do something that is not legal or a safety issue.

Jim believes that we tried to put up signs previously and the State would not let us.

Dan Foley made a motion to close the hearing, Rich Hamlin second. No further discussion. All in favor.

Motion made to approve of the Conditional Use Amendment, made by Dan Foley, seconded by Rich Hamlin. No further discussion. All in favor.

Hearing closed and applicant left at 7:35 pm.

Motion made to approve of the Conditional Use Application. No further discussion. All in favor.

Meeting adjourned at 7:45 pm.

Respectfully Submitted,

Krissy Jenkins, Secretary