

Moretown Development Review Board

Minutes of DRB Hearing Held October 11, 2012

Members of the Board present: Erick Titrud; John Riley; Jim O'Neill; Raymond Munn; David Russo.

Application of Michael and Christl Young for Two Lot Subdivision and Construction of Single Family Residence

The Youngs presently own 54.7 acres, Parcel No. 07-059.000. Their existing residence is on Coreys Drive which is a private drive that begins at the end of the publicly maintained Honan Road. The proposal is that the Applicants' existing residence and 49.82 acres be retained, and a new lot consisting of 4.8 acres for a new residence be created. The Applicants have included as part of their application a plan prepared by Glenn Towne, L.S. depicting Coreys Drive and the 4.8 acre parcel. Although the Youngs anticipate building the house on the parcel for their son, they initially intend to retain ownership of the subdivided lot.

The application requires DRB review under Ordinance Section 4.1(A) which states land development which does not have frontage on a Class I, II, III, or state highway or public waters may only occur with approval of the Development Review Board. Erick moves to approve the application as presented and per the submitted plan on the condition that any deed conveying the newly created lot include a right of way access along the privately owned Coreys Drive of at least 30 feet in width from the end of Honan Road, and that the private drive be maintained, including clearing of snow in the winter months, to be accessible by emergency vehicles all seasons of the year. David seconds. All approved.

Continued Application of Moretown Landfill for Cell 4

At 7:00 p.m. the Board convened the continued hearing on the application of Moretown Landfill, Inc. for an expansion of the existing landfill property. As scheduled at the prior hearing of the Board, tonight is to address the issues and effects associated with blasting of rock; storm water; and the provision of maps depicting the project and adjoining properties. As an initial matter, Steve Schaefer asks that the hearing be continued because Board minutes from the prior hearing are not yet available. After discussion, the Board believes the absence of the prior minutes is not a sufficient to postpone the continued hearing on the application.

On the issue of maps, John Haney indicates a contour map of the project is in the process of development and should be available by the next scheduled hearing on October 25. The Applicant has prepared a map showing the landfill parcel and highlighting nearby parcels whose owners have appeared in the Act 250 process. That map is placed along the wall for reference and use.

John Haney also has a two page letter and attachments representing additional material requested by the Board. As there are insufficient copies for all parties Sanborn Head will also circulate these submissions electronically to all parties on the service list.

Based on a question from Erick Titrud, some evidence and comments are submitted as to the legal status of the Applicant. Moretown Landfill, Inc. is a corporation that is an owned subsidiary of Interstate Waste Systems. Based on a comment of a neighbor, acknowledged by Rob Sochovka, it appears Interstate Waste Systems may either have been acquired or merged into an entity known as Advanced Disposal Systems.

The Applicant then made a general presentation about the impacts of explosive blasting on adjacent properties. Two employees of Maine Drilling and Blasting are present. Ken Smith provided a power point presentation that generally described the underlying science, and procedures. Mr. Smith himself has not been much involved with the blasting operations which have occurred at Moretown Landfill. Also present for Maine Drilling and Blasting is Guy Keefe who has been involved with this project. It was clarified that Moretown Landfill has contracted with J.A. McDonald for the rock extraction, and Maine Drilling and Blasting has worked as a subcontractor to J.A. McDonald.

Blasting at the Moretown Landfill site began in 2008 and close to 300,000 yards of material have been quarried so far. The landfill is presently in the last cycle of the current phase.

As part of the blasting program, 3 seismographs are stationed to measure potential impacts from the blasting operation. One of these has been placed at the leachate collection tank; another close to the landfill; and a third at the Glass Works property. A fourth seismograph began to be utilized approximately two weeks ago and has been placed at residential properties including Majestic Auto (Douglass property) and the Belangers.

Although the current phase of blasting is almost complete, the total amount of rock material to be removed associated with Cell 4 is approximately 1.2 million cubic yards. This means at least 900,000 cubic yards are still to be excavated should Cell 4 be approved.

Ken Smith explained how a seismograph measures vibration at ground level as well as a linear pressure measurement at above ground level. The ground level measure is described by frequency, and the linear pressure measurement by velocity.

The reason ground vibration is measured at ground level is that this represents the highest measuring point, with the vibration level diminishing as below ground depth increases.

According to Mr. Smith the two measurements are taken together and plotted on a graph that has a predetermined “safe” level based on standards developed by the Bureau of Mine Safety. According to the Applicant’s evidence, the blasts which have been occurring have not been outside this safe level at any of the measuring locations.

According to the Applicant, this is important because the structures at greatest risk of damage are those closest to the blasting area, and these include the cell membranes underlying Cells 1, 2 and 3, as well as the large leachate collection tank nearby.

The evidence presented included a discussion that the ground vibration level, and linear pressure measurement, move at different speeds and are experienced at different moments at nearby properties. It was also noted that blasting events are more noticeable by those inside enclosed structures, and that simply because a measurement is in the “safe” zone does not mean that the vibration and effects from the blast will not be felt or result in rattling windows. It is simply believed that if the measurements are in the safe zone permanent damage will not occur to houses and other structures.

The presentation also touched upon the methodology and materials used in blasting. Multiple narrow holes are drilled into the rock and to a depth of from 10 feet to 48 feet. The explosive material utilized is a form of ammonium nitrate. After the explosive material is inserted, additional materials are placed to cap the explosives, and so that the explosion blows to the side, rather than up, thus enhancing the explosive power. The timing of the explosions is slightly staggered so the resulting waves of vibrations are diminished.

There was disputed evidence as to whether pre-blast surveys were afforded nearby property owners. Although the Applicant made an initial statement to that effect, the neighbors were almost unanimous in stating they had not been offered a pre-blast survey inspection of their residences and other structures.

Following the Applicant's presentation many of the individuals present provided personal testimony of their experiences with the blasting. Raoul Cervantes of 71 Edge Drive lives approximately ½ mile away. Mr. Cervantes observed damage to his house after a blast which occurred on October 1 at approximately 3:00 p.m. in the afternoon.

The next neighbor to present was Tom Douglass who owns properties on U.S. Route 2. He and his wife Martha experienced a large vibration on September 17 which shook their whole building. Tom was present at the time to do painting for the residence constructed in December 2011. After the event Tom observed that screw heads which attached sheet rock had popped up, and that knee walls had "blistered" meaning the sheet rock had raised or bubbled up. Martha Douglass contacted Thomas Badowski at the landfill and learned that there was a "call list" and asked to be placed on it. Martha was also advised that the seismographic evidence from the blast which had occurred on September 17 reflected that it had been at a "safe" level.

Ms. Douglass also showed a brief movie showing how vibrations were sufficient to cause a glass of water to tremble after a blast September 25. According to Martha, the event on September 17 had been substantially more intense. As part of her presentation Martha Douglass submitted copies of her damage complaint relating to the September 17 event; blast reports and design for that event; repair estimate, and other material relating to September 17. As this was her only copy Ms. Douglass will make an electronic filing of these materials after the hearing for circulation to parties on the service list. Martha acknowledges she has been provided blast reports showing the event to be at a "safe" level. Her concern is this is at variance with the residents' experience that blasting is causing actual damage to property.

David Belanger of 187 Foggy Mountain Drive described vibrations felt at his residence from blasting. According to Mr. Belanger there had been a crack along the floor of his garage which he associates with previous blasting at the landfill. The garage was built in approximately 1995. This year, early in September, he was working in the garage on his knees at the time of a blast which knocked him over. A portion of the concrete floor dropped, together with a support post, such that it no longer supports the overhanging joists. Also, he and his wife have observed a crack over a doorway on their second floor which they associate with the recent blasting. The Belangers live approximately 1,500 feet away from the blasting location and their property, like many in the area, is on sandy soil. During Mr. Belanger's testimony he stated the blasting in 2008 was moderate, and then less noticeable in the following years, but this past summer increased dramatically and has been much more severe. The Douglass' and other neighbors present concurred with the statement that the vibration effects associated with blasting had increased dramatically in severity during the summer of 2012.

Guy Keefe for the Applicant acknowledged that the cuts being utilized at the landfill are deeper than before. According to Mr. Keefe, the severity of a blast is a function of the aggregate amount of blast material utilized in a particular shot.

The Belangers also noted that they have experienced increased sediment in their onsite well and that the filter has required more rapid replacement, and they have also associated a sulfur smell that was not present before.

The next neighbors to speak were Lisa Ransom and Scott Baughman. Their residence and business is located on 40 acres and is contiguous to the westerly side of the landfill parcel. Although they subscribe to the call list the notice period is typically on the order of 20 minutes and Lisa described the blasts as stronger than any earthquake. Beyond the issues of vibration and structural damage, dust is placed into the atmosphere and drifts toward their property. The noise and vibration from the blast causes their animals to get low to the ground, and she is concerned about the impact to them. They have 11 sheep, a llama, two goats, as well as ducks, chickens and bees. According to the Baughmans the blasting has damaged their residence as well as significant cracking of concrete in the newly built structure for the Grow Compost business.

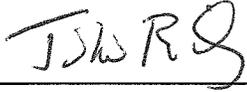
Max Fortune lives at 178 Noyes Road. Mr. Fortune has not experienced physical cracking of his residence yet. He has noticed that the day after a blast his onsite well produces brown water for a day or so. Also, the dust clouds associated with blasting regularly coat and accumulate on his car and the windows of his residence. Before this year, Mr. Fortune did not see a problem with the blasting but the impact and severity has dramatically increased and he believes it unfair that it continue for an additional 12-18 years.

Michael Poulin also spoke. He lives at 108 Foggy Mountain Drive. Mr. Poulin described a crack he has observed in his ceiling associated with the blasting and in general described the dust and noise associated with large trucks and other equipment continually moving and transporting material within the landfill facility.

By the time the presentations on the impacts of blasting had completed it was past 11:00 p.m. As previously contemplated, the hearing scheduled for October 25 will be devoted to potential impacts on groundwater and the issues of hydrology and possible contamination of neighboring onsite water supplies. If there is time, the Board will also attempt to take evidence on storm water. Because the temporary town office is not sufficiently large to comfortably house the people attending these hearings, the next

hearing will be at the Moretown Town Hall. Motion was duly adopted and approved that the hearing is continued to October 25 at 6:30 p.m. at the Moretown Town Hall. If for any reason that location is not available, we will seek to hold the hearing at the school.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "JRW" followed by a stylized flourish.

John Riley, Acting Clerk