

Town of Underhill
Development Review Board Minutes
Chairperson Scott Tobin

May 5, 2008

Board Members Present:

Charlie Van Winkle, Vice Chair
Penny Miller
Matt Chapek
Stan Hamlet
Peter Seybolt
Roy Dunphey

Also Present:

Kari Papelbon, Zoning Administrator

6:15 PM: Meeting called to order. Vice Chairperson Charlie Van Winkle began the meeting by explaining the procedure for the conditional use hearing.

6:19 PM: David Rogers conditional use hearing commenced.

David Rogers
133 River Road

Applicant Present:

David Rogers
133 River Road
Underhill, VT 05489

Other Parties Present:

Paul Chamberlin
97 River Road
Underhill, VT

Ed Doherty
44 Orchard Road
Underhill, VT

Nate Sullivan
91 River Road
Underhill, VT

Scott Tobin
6 Orchard Road
Underhill, VT

Identifier:	Contents:
ZA-1	David Rogers' Conditional Use Hearing Request (dated 2-8-08)
ZA-2	A copy of David Rogers' building permit application as supplemental information for his hearing request (dated 2-8-08)
ZA-3	A copy of the Proposed Findings of Fact
ZA-4	A copy of the site plan
ZA-5	A copy of the parcel map for RV133
ZA-6	A copy of the Home Occupation Hearing Checklist
ZA-7	A copy of the Signs section of the zoning regulations

- Vice Chairperson Van Winkle read the conditional use hearing checklist and swore in all interested parties. Chairperson Tobin recused himself as he is an interested party. Vice Chairperson Van Winkle then entered into record documents ZA-1 through ZA-7.
- David Rogers explained his request to operate a machine shop inside the existing barn on his property at 133 River Road. Computerized machining will be located completely inside the barn, with no employees.
- Vice Chair Van Winkle asked what type of machining will be conducted. Mr. Rogers explained that will be prototype research & development machining, which would include metal and some plastics, but no hazardous materials. He stated that he does not want to machine any materials that would be hazardous to his health. Some of the metals include stainless steel, steel, aluminum, special plastics, etc. He then explained that his machine will only allow him to work with 12" x 12" cubes of materials. In the future, an accessory welder may be obtained as part of the machine shop, but nothing will be outside.
- Board Member Peter Seybolt asked about the noise level of the machine. Mr. Rogers stated that noise will not emanate from the barn and he has spoken with his neighbors (Reyome) to request that they inform him if any noise is heard across the street. Board Member Seybolt then asked about hours of operation. Mr. Rogers replied that he planned on working 7 a.m. to 6 p.m. and some weekends due to the nature of the work.
- Board Member Penny Miller asked if there was any wastewater associated with machining. Mr. Rogers explained that there is cutting fluid that is regulated and must be disposed of through a regulated 3rd-party environmental company. The barn has no drain holes, and the machine is a closed-loop system (will not spill fluid) with 10 gallons of fluid.
- Vice Chair Van Winkle asked how often the fluid would need to be replaced. Mr. Rogers explained that at his previous place of employment the fluid lasted three years before needing replacement.
- Board Member Roy Dunphey asked if the machining would be a full-time job. Mr. Rogers stated that he planned on it, that he would like to work from home.
- Board Member Seybolt asked if the barn was winterized to be used year-round. Mr. Rogers replied that he installed a pellet furnace to burn biofuel and plans to install a wood stove (not a wood boiler).

- Vice Chair Van Winkle clarified that the normal hours of operation would be 7 a.m. to 6 p.m. Monday through Friday. Mr. Rogers stated that it would be 7 days per week. He then explained that he would not necessarily be working those hours 7 days per week, but that he needed to be available during those hours.
- Board Member Stan Hamlet asked about Mr. Rogers' experience with machining. Mr. Rogers explained that he had 30 years' of experience. He then invited all Board Members and interested parties to visit the woodshop to see the machine.
- Vice Chair Van Winkle stated that his understanding was most of Mr. Rogers' customers or orders would be email-based and therefore most of the traffic generated by the machine shop would be from UPS or FedEx deliveries. Mr. Rogers replied in the affirmative and added that an occasional materials truck (such as Queen City Steel) would stop by, at most, once per week. The only other trucks that would go to the premises would be if equipment needed replacing.
- Board Member Dunphey asked if Mr. Rogers foresaw adding employees. Mr. Rogers stated that he cannot with the current zoning regulations. He added that he does not want employees but would not mind having his son or family members work with him. Vice Chair Van Winkle then explained that family members can work in a home-based business. A brief discussion regarding another home-based business ensued. Mr. Rogers stated that he would have to come before the Board for another conditional use hearing to add employees. The Board replied that he could ask for such provisions at this hearing, but Mr. Rogers explained that he is not seeking to add additional employees because he does not currently have enough business. Board Member Dunphey asked if Mr. Rogers was aware that if he ever did want to hire employees that he would have to come before the Board. Mr. Rogers replied that he understood. He then added that a constraint for his property is that he must convert the single-phase electricity to 3-phase electricity. Vice Chair Van Winkle asked if Mr. Rogers anticipated using a generator to supply the needed electricity. Mr. Rogers replied that he would not, especially with the cost of fuel.
- Vice Chair Van Winkle asked ZA Papelbon whether the Board needed to review the checklist. She replied that it was more for their benefit. Vice Chair Van Winkle then asked if there would be an exterior sign. Mr. Rogers explained that he added it to the application just in case, but he does not currently plan to advertise his business. He added that he does not want people to know that he has computer equipment in the barn due to security concerns.
- Vice Chair Van Winkle stated that his concern was whether the business needed a curb cut. Mr. Rogers stated that the milk parlor has a preexisting curb cut.
- Board Member Matt Chapek asked about the size of the space in the barn used for the shop. Mr. Rogers replied that it was the entire first floor; the

- Vice Chair Van Winkle asked whether the machine shop would produce vibration, noise, dust, smoke, odor, heat, glare, interference with radio or television reception, or alter the surface or groundwater. Mr. Rogers stated that it would not.
- ZA Papelbon asked about the liquids that would be used. Mr. Rogers explained that only one liquid will be used. Originally, he wanted to use vegetable-based oils but those require changing every 3 months and would have a larger environmental impact than using synthetic oils that last for years. Synthetic oils are changed when metal shavings contaminate the oil, at which point they can be filtered out and the oil may be reused. ZA Papelbon then asked about disposal. Mr. Rogers stated that a company in Williston and a few others will come to the site to pump out the oil. The oil is water soluble and is mixed at a ratio of one gallon to 9 gallons of water. Changing the fluid is rather expensive, and therefore will not be done very often.
- ZA Papelbon asked if machining causes any other byproducts. Mr. Rogers replied that scrap metal will be produced, but will be recycled with Queen City Steel or a recycler. All scrap will be contained within the barn until removal.
- ZA Papelbon asked about ventilation for a machine. Mr. Rogers stated that the current square footage of the barn will provide plenty of ventilation. He added that the new fluids for machining have been improved and are less hazardous to machinists' health.
- Board Member Miller asked if the machining process will produce shavings that drop to the floor. Mr. Rogers explained that the machine is fully contained—all chips fall to the bottom of the machine where there is an auger, then the chips come out of the back of the machine into a hopper, any excess fluid is drained, and the materials go into a container to be taken to the recycler.
- ZA Papelbon asked if the power line has already been installed. Mr. Rogers stated that he had.
- ZA Papelbon asked if the materials produced would be sold or if they were made for other companies. Mr. Rogers replied that he is working on commission.

- Board Member Dunphey asked what parts Mr. Rogers would be making, to which he replied that he doesn't know until he receives the information from the company. He added that the companies typically send work to several different contractors so that no one knows exactly what they are making (proprietary goods).
- Vice Chair Van Winkle then invited members of the public to speak.
- Paul Chamberlin, 97 River Road, stated that he believed the machine shop to be a good service for the area and is in favor of the shop.
- Ed Doherty, 44 Orchard Road, stated his concerns regarding hours of operation, potential noise, and the regulation and inspection of fluids to be used. If the noise is contained within the barn, he has no objection to the shop operating Monday through Friday. Vice Chair Van Winkle stated that with regard to regulation of the materials to be used or enforcement, the Town would defer to the State.
- ZA Papelbon asked if there would be State permits required. Mr. Rogers replied that there are no permits needed. There are regulations regarding proper disposal of materials that must be followed.
- Board Member Dunphey asked if the machine could be heard outside of the barn when running. Mr. Rogers stated that it could not. Board Member Dunphey then asked whether being restricted to working Monday through Friday would be detrimental to his business. Mr. Rogers replied that it would since he does emergency, "quick turnaround" work.
- Board Member Seybolt asked Mr. Doherty whether he would be concerned about weekend work if there was no noise coming from the barn. Mr. Doherty replied that if there is no noise he does not have any objection to weekend hours. Board Member Chapek asked how loud the machine is and whether ear protection must be worn when using it. Mr. Rogers replied that he did not; the machine is very quiet and regulated by OSHA. Board Member Chapek asked how insulated the barn is. Mr. Rogers stated that it is double-wall constructed with 4-feet of hay stored on the second floor. He added that he turned the machine on, closed the door, and could not hear it outside. Board Member Miller asked Mr. Doherty if he had heard the machine. He replied that he hadn't. She then asked about a mechanism for filing a complaint with the Town should Mr. Rogers be uncooperative. ZA Papelbon explained that a neighbor could file a complaint at the Town Hall.
- Board Member Seybolt stated that he did not believe that Mr. Rogers would like to be restricted with hours of operation if no noise will be produced. Mr. Rogers confirmed this. He stated that most of the work is done by computer.
- Nate Sullivan, 91 River Road, spoke in favor of the machine shop.
- Scott Tobin, 6 Orchard Road, stated that he had no opposition since the noise issue had been addressed.
- Board Member Miller asked if Mr. Rogers would like to extend the hours of operation in the application. ZA Papelbon stated that the Board could issue a decision that would not condition hours of operation.

6:44 PM: Vice Chair Charlie Van Winkle asked whether the Board felt they had enough information to make a decision on the conditional use/home occupation application. Board Member Peter Seybolt made a motion, seconded by Board Member Matt Chapek, to close the evidentiary portion of the hearing and move into deliberative session. The motion was passed by all Board Members present.

6:59 PM: Board Member Peter Seybolt made a motion, seconded by Board Member Matt Chapek, to move out of deliberative session and into open session. The motion was passed by all Board Members present.

7:00 PM: Vice Chair Charlie Van Winkle made a motion, seconded by Board Member Peter Seybolt, to approve the conditional use/home occupation as presented, without restriction on hours of operation. The motion was passed by all Board Members present.

Hearing adjourned.

These minutes of the 5-5-08 meeting of the DRB were

Accepted

This _____ day of _____, 2008

Vice Chairperson Charles Van Winkle

These minutes are subject to correction by the Underhill Developmental Review Board. Changes, if any, will be recorded in the minutes of the meeting of the DRB.