

**OFFICIAL MINUTES APPROVED BY THE DUMMERSTON DEVELOPMENT REVIEW  
BOARD**

Minutes of the DRB Meeting

August 15th, 2012

Members Present: Herb Rest (Chair), Lew Sorenson, Cindy Wilcox, John Warren, Hugh Worden (Alternate), Steve Jarosak (Alternate), and Jack Lilly (Clerk)

Also present: Charlotte Annis, Zoning Administrator; Damian and Lilly DePino, Peter Siegel, Cathy Casabona, Karen and John Abel, Betty Ann and Reg Morse, Kevin and Lori Thibault, Mike Faher, Patrick Gaffney, Sheri Momoney, Cory Freasee, Steve Casabona, Michael Renaud, David Blocher, Tom Bodett, Timothy Severance, Cynthia Stoddard, Leon W Chamberlin, Jr, and Bill Holiday.

7:18 pm. The meeting was called to order by Herb Rest. Herb introduced Steve Jarosak as a new board member who will be serving as an alternate. Minutes of the June 19th meeting were approved. Charlotte indicated that there is at least one item on the agenda for the September meeting: Site plan approval for a fence over 6 feet. September 18th was selected as the next meeting date.

7:22 pm. Public Hearing for continuance of the review of Application # 3296 of Damian Depino for erection of a 24' by 34' barn in a flood plane at 606 Old Ferry Road. Damien and Kimberly Depino were sworn in to provide testimony. Damian presented a drawing of the barn designed by Ironwood Brand, LLC indicating details of the design intended to make the structure compatible with flood plane construction requirements. The design includes 1100 square inches of upstream and downstream louvers to equalize flood hydrostatic forces and cast-in-place steel straps with allowable tension loads of 5154 pounds per post to secure the building posts to the foundation. Damian indicated that the barn foundation would be at the same elevation as the

house and have a frost wall below grade. The electrical system in the barn will be 2 to 3 feet above flood level and the feed may or may not be below grade. The service to the house is below grade. He indicated that he had measured the river depth to be 28 feet to establish that his house and the barn floor will be at elevation 40. He also noted that the flood from hurricane Irene last year did not come near the elevation of his house. The barn will have a water feed for an outdoor spigot. The state of Vermont Flood Plane manager is reviewing his design and will provide comments which should be forwarded to the DRB.

The Public Hearing was adjourned at 7:42 pm. The written decision will issue and control.

7:42 pm. The Public Hearing for review of Application # 3307 of John and Lori Thibault for a fence site plan permit and for variances for the construction of a deck and a shed at their 417 Schoolhouse Road rural residential property. The Thibaults have installed an above ground pool directly behind their house and have built an 8' high fence and a deck without permits. In response to a complaint about the height of the fence, the Thibaults are applying for a variance from zoning fence requirements which limit the height of a fence to 6 feet and a variance from setback requirements for the deck and for a new shed. John had a copy of his deed which describes the lot size differently in separated paragraphs and indicated that his frontage and east boundary have not been accurately located. He indicated that he replaced an existing 4 foot high fence, which he assumed was on the east property line, with an 8 feet high fence to block sight of the pool and people on the deck. The house is about two feet from the fence and the assumed property line. It was noted that the zoning conflicts were the result of the location of the pool to which Lori responded that the pool was necessary for therapy for one of their children and John indicated that there was no other location possible for the pool because of the shape of the lot and the location of the septic system. Lori indicated that they also have an agreement with the fire department to use the pool as a source of fire protection water. Charlotte indicated that the shed would not need a permit if were less than 200 square feet, less than 12 feet above grade, and located at least 6 feet from the sideyard boundary. The deck however would require a permit.

Betty Ann Morse, the neighbor to the east, said the fence was tall and dark and detrimental to the value of her property. She questioned whether the structures would increase the coverage above the 15% maximum allowed for a rural residential lot. She also questioned the significance of the wetland designation in bylaw section 323 for the Thibault lot and the addition of structures to a lot that is already overbuilt. She also indicated that her surveyor has been unable to locate the common property line and suggested that sometimes neighbors just have to agree on a location. She said she did not dispute the current supposed location.

Patrick Gaffney, who lives across the road, asked whether or not the above ground pool, because of its size, should be considered a structure. He also questioned whether the 15% coverage was for just the buildable portion of the suite or the whole site. He is interested because he may seek a permit in the future, but said he neither opposed nor supported the application.

The Public Hearing was adjourned at 8:52 pm. The written decision will issue and control.

8:52 pm. Public Hearing for application # 3309 of Renaud Gravel Inc. (partnering with the towns of Dummerston and Putney, Vermont) for a proposed gravel pit at the Rural Commercial site visit location (Hidden Acres Camping Resort) requiring conditional use, site plan and variance considerations. Functionally linked application # 3308 of SB Lands Partnership was heard in conjunction with application # 3309 for site plan approval and variance consideration for the expansion of their adjoining gravel pit operations as defined in their existing permit # 3059. The two applications request variance from setback requirements for their common property line resulting in substantial increases in the amount of gravel that can be mined and a more useable space when the sites are reclaimed. Steve Jarosak disclosed a conflict of interest resulting from his employment with the applicant's agent and left the Board.

Tom Bodett outlined the history of gravel needs and gravel mining in Dummerston including the status of the Carpenter gravel pit on Clark road which will continue to be used for sand and will require an extension to its Act 250 permit. The new Renaud pit will help provide gravel for

Dummerston and Putney for up to 25 years.

Cory Freshee of Stevens & Associates presented the materials for both applications which include three properties, two municipalities, three permits with two variances. The Renaud Gravel pit was presented first. Mining will result in an average of 12 truckloads per day which will utilize a new road to the west across ABF Trucking land which is also owned by Renaud. The new road will preclude an increase of truck traffic on Winter Bell Drive from the SB pit. Issues to be addressed are construction of a new road, blasting, protection of a vernal pool, stock piling and reclamation of agricultural soils, visual buffers, and storm water runoff. In response to various questions, the following was established:

- A berm on the east side of the Renaud property will provide a visual buffer and control of runoff during mining. The berm will be removed for reclamation and ground water will flow to a swale along I91, similar to the present flow.
- Agricultural soils will be reclaimed on the floor of the pit to provide the base for future development.
- Although average truck traffic is 20 trucks per day, during operation there may be 45 trucks per day and sometimes even more.
- The SB application will be modified for the new road, blasting, and removal of setback requirements along the common property line.
- Blasting will be permitted for a six week period for each pit. Blasting creates valuable rip rap which offsets some of the added cost.
- Day to day control of the Renaud operation will be by the Dummerston road foreman, Lee Chamberlain. Some of the gravel may be stored at the pit rather than the Town garage to prevent having to load and truck it twice.

- Easement agreements for access to the pits will be written into all property deeds.
- Renaud has no preconceived use for the property after reclamation.
- A 15 foot berm will be used on the common property line between the SB and Renaud pits once SB mining is completed to provide a visual buffer for the SB property.
- There are no plans at present to remove the berm between the two properties when the sites are reclaimed.
- The existing campsite will not be affected by gravel operations. Although the town permits about 200 camp sites, the state permits limit sites to 45.

Stevens Associates presented the DRB a memo dated August 13<sup>th</sup> committing the project to various conditions which are intended to be included in the town permit. These conditions are the result of discussions with the towns of Dummerston and Putney and the Poplar Commons Residents. Steve Casabone, president of the Poplar Common Association, indicated they participated in open and amicable discussions and supported the conditions.

Steve Casabona asked who would monitor performance of the operation and adherence to the conditions. Herb Rest indicated that the one year and successive reviews would monitor adherence and that review may be more frequent if issues arise through the zoning administrator or from concerned residents. It was clarified that each pit will be permitted for 45 days of crushing operation but many of them will be simultaneous. Days cannot be carried over from one pit to the other.

10:50 pm. The Public Hearing was adjourned for the evening but held open to allow the DRB time to request additional information and for the applicants and others to comment. Information requested from the applicant includes the following:

- Copies of the Act 250 permit applications.
- Easement agreements
- Lease agreements with the towns
- Agreement between SB and Renaud.

The DRB agreed to meet Monday, August 20 at 8:00 am for deliberations.

The meeting was adjourned at 10:55 pm.

Respectfully submitted,

Jack Lilly, Clerk