

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

Minutes of the DRB Meeting

September 18th, 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; Steve Casabona, Cathy Casabona, Cory Freasee, Michael Renaud, David Blocher, Tom Bodett, Timothy Severance, Aasim Sherwani, Jeff Gilcris, D. Read Miller, Jeff Unsicker, Mike Faher, Elsa Waxman, Barry Waxman, David Baxendale, and Leon W Chamberlin, Jr,

7:17 pm. The meeting was called to order by Herb Rest. Minutes of the August 15th meeting were approved. Charlotte indicated that there are no items on the agenda for the October meeting. Cindy indicated that there are three draft sections revisions being reviewed and they will be the subject of a public meeting on November 13th. They include a new section 256 on Waivers, a revision of the Special Events section, and a section on Uses Not Listed.

7:26 pm. Public Hearing for the review of Application # 3312 of Barry Waxman for erection of a 10 foot high fence around a new 120 foot x 60 foot tennis court at their residence at 397 Waterman Drive which is in a conservation district. The fence will be black chain link and will drop to 6 feet along the sides. The fence and tennis court will not be visible from any other residences and will be 250 feet from the nearest property line. No lights or music are anticipated. The Public Hearing was adjourned at 7:31 pm. The written decision will issue and control.

7:32 pm. The Public Hearing for review of Application # 3313 of Aasim Sherwani for the expansion an existing gas station business at the interstate 91 exit 4 Sunoco station to

include U-Haul truck and trailer rental. The new business will require one new employee and parking spaces for a maximum of five truck or trailer rental vehicles that will be at the site at a time. Customers are not allowed to leave their vehicles for more than two hours. The five rental vehicle spaces will be on the south side of the building. The vehicles will be backed-in to the south to an existing curb. No new areas will be paved. Customers will be attracted by radio and newspaper advertisements so that no new signs will be added although it was acknowledged that the surfaces of the truck are covered with advertising graphics and text. Vehicles will not be parked out front. Jeff Gilcris of U-Haul indicated that the largest truck will be 26 feet overall with a 20 foot box. Maximum height will be 11 foot six inches. Maximum rental traffic occurs around the college semesters in both May and August and a maximum of three trucks per day is envisioned. Average rental at other times is one or two vehicles a day. Aasim was amenable to a screening fence which would enhance safety. Lighting will be at a low level sufficient for safe maneuvering of vehicles. The Public Hearing was adjourned at 8:05 pm. The written decision will issue and control.

8:11 pm. Continuance of 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. John Warren recused himself as a consequence of having provided expert testimony concerning the geology of the site, and alternate Steve Jarosak did not sit with the Board on this matter due to a conflict of interest.

Cory Freshee of Stevens & Associates, applicants' agent, presented additional material for the boards review including a draft of the Act 250 Permit, a draft sound impact report, a

draft of the lease agreement between SB Land Partnership, Inc. and Renaud Gravel, Inc. and a table of possible truck traffic based in part on information on existing traffic provided by Leon Chamberlain. The noise report is incomplete and Cory said he would request the final report from his consultant by the end of the week to support the DRB review schedule. Cory partially explained the noise methodology by stating that measurements have been taken 700 feet from the existing SB crusher/screener to use in predicting noise at the Poplar Commons residences. They feel they will be able to meet the state Act 250 requirements. They propose to stockpile the topsoil in a berm at the south edge of the final pit contour to help shield Poplar Commons. For SB Lands, noise measured at the Hodges residence on Winter Bell Rd. is above 55 dB and steps will be taken to mitigate the noise. Levels at the Bell residence are 54 db. Drilling and blasting and truck noise should be less than the crusher/screener noise. There is a restriction on use of truck engine brakes in the agreements. Noise will be a problem at the closest camp sites at Hidden Acres but the closest sites will have to be closed because they will interfere with mining operations.

Cory responded to questions about the site lay out and road easements by stating that Renaud could not provide access to himself since he owns both pieces of property. He offered that an easement could be granted to both towns across the ABF property to ensure accessibility to the gravel over the life of the pit. Concern for the location of the proposed right of way was discussed. Mike Renaud indicated that the fuel pump and tank are being removed. He also indicated that the septic leach field hasn't been damaged by existing truck traffic and he expects it to survive the gravel pit traffic. Cory stated it would be precisely located to ensure it is protected from the additional gravel truck traffic.

The draft town lease indicates that the lease is for the whole Hidden Acres property. Tom Bodett explained that the designation of the agreement as a lease is a carryover from the lease for the Carpenter Gravel Pit but in fact is an agreement to purchase gravel and manage operation of the pit. Liability concerns for the entire Hidden Acres campground may be reason for the town to look more closely at this arrangement. Reclamation responsibility will be shared equally by the three parties; Dummerston, Putney and Renaud

but Renaud's share will be provided in gravel leaving the pit to implement reclamation. Dummerston is managing operation of the pit and will be able to reclaim areas as they are mined leaving a smaller task when mining is complete. Tom Bodett feels that a reclamation bond isn't necessary since the town and the selectboard are bound to fulfill reclamation tasks by their very nature as the Town fathers.

The town intends to minimize loading operations and truck traffic by loading trucks right off the crusher/screener and by stockpiling gravel in the pit. (Cory inducted that if stockpiling is not stated in the SB agreement, it should be.) In the worst case, without stockpiling, trucks would have to be loaded from piles left by the crusher /screener, transported to the town garage where it would be dumped and stockpiled and then loaded again and transported for mud season usage. Truck traffic was discussed referring to the table prepared by Cory Freshee which shows a scenario with no stockpiling at the pit and another with stockpiling. Maximum truck traffic is roughly half with stockpiling at the gravel pit. Cory indicated that the Poplar Commons request to limit maximum traffic to 30 trucks per day would not be possible.

Poplar Commons residents had requested DRB reviews after the first year of operation and then every other year. Tom Bodett felt that a review after the first year would be a good idea but frequent reviews after that would be excessive since the zoning bylaws only require reviews every five years. Poplar commons residents felt that the first review was important and that semi-annual reviews might not be required but they suggested that a process be put in place to conduct more frequent reviews if conditions warrant. Jeff Unsicker and Steve Casabona both thanked the participants for creating a good relationship and being responsive to their concerns. Jeff stated that "the level of negotiation and compromise has been really good."

John Warren requested and was provided clarification that the 30,000 yard of material per year includes gravel created by blasting as well as mined gravel.

Lew Sorenson commented that it would desirable for the town to distribute traffic on Town

roads by looping empty trucks down East West road on the return trip. He also commented that the entrance to AFB trucking is too wide and could be reduced to 40 feet to meet Vermont standards. Mike Renaud commented that ABF uses double trailers and they require more turning room and curbs at 40 feet would difficult work. He was amenable however to narrowing the entrance using paint.

The Public Hearing was adjourned at 10:32. The written decision will issue and control.

The DRB agreed to meet Wednesday, September 19th at 4:00 am for deliberations.

The meeting was adjourned at 10:55 pm.

Respectfully submitted,

Jack Lilly, Clerk