

Dummerston Development Review Board
Meeting 10-21-14

UNAPPROVED

Attending: ZA Charlotte Annis, DRB members: Alan McBean, Beverly Kenney, Hugh Worden, Paty Walior

Also present: Robin Stern, attorney, Bill Jewell & Dick Holden
representatives from Allard Lumber

Meeting called to order at 6:45

* Minutes from July 15, 2014 meeting approved.

* ZA update: At this time there is a meeting scheduled for November 18th. On the agenda is the SB/Renaud review.

* Alan gave an update about a meeting that he and Zeke Goodband attended with Poplar Commons residents to hear their concerns regarding the gravel pit. Alan has written and delivered a letter to the Selectboard with their concerns and his comments.

Preceding the hearing, a site visit was made to the Allard Lumber Gravel pit at 354 Old Ferry Road, Brattleboro, VT.

The hearing began at 7:10 PM in the Dummerston Town Office. Robin Stern, Bill Jewell, and Dick Holden were present to testify.

Hugh read the warning and the interested parties were sworn in. Charlotte began the meeting with an explanation of why she referred the permit request, later an appeal issue, to the DRB for review. This process began as a permit for a continuation of an existing gravel mining operation. Once denied it turned into an appeal stating that they, Allard Lumber believed no zoning permit was required. Charlotte testified that in Sept. 2013, the Agency of Natural Resources asked Allard Lumber to acquire an act 250 permit for the gravel pit. She did extensive research to determine the history of a gravel pit at this location. She could uncover no reference to Allard Lumber mining gravel from this location after 1970. There was a 5 year lease to a third party issued in 1954 and a 10 year lease to same party in 1956. Since zoning began in 1969 there has been nothing on record.

Robin Stern on behalf of Allard Lumber testified that there has been an ongoing, continuous mining operation in existence since the 1950's. She reported that there has never been a time when the extraction stopped except while they went through the Act 250 process. Different amounts of gravel are extracted every year depending upon need. As an example, when I-91 was being built and after Hurricane Irene the rate of extraction was much higher than in other years. Due to the age of the business there are no receipts however there are aerial photos to show mining occurring. As gravel is mined, the business has built kilns and office buildings. She contends that this doesn't fit into a non conforming use and it is not an expansion of the pre-existing use. Given the nature of gravel operations, the extraction location will constantly be changing. She also feels that anything that Dummerston may have a concern about will certainly be covered in the Act 250 permit, it is very extensive.

Bill Jewel provided maps with original property lines and aerial photos predating to 1962-1974, that show mining happening at this property. The photos show different sections of the property being mined at different times. Alan asked about the number of times blasting occurs and Bill reported that Act 250 has authorized 6 times per year. Dick Holden testified that there hasn't been a blast in almost a year and a half. There have never been complaints from the neighboring properties. All traffic occurs on Brattleboro roads. There can be a maximum of 30 trucks per day traveling with loads. At this time they average 2 per hour.

Meeting adjourned at 8:15 for deliberations. A decision will be issued ASAP.

Respectfully submitted,
Patty Walior, DRB Member