

**TOWN OF DUMMERSTON  
DEVELOPMENT REVIEW BOARD  
PERMIT REVIEW**

Applicant: Town of Dummerston, 1523 Middle Rd., Dummerston, VT 05346  
and Town of Putney, 127 Main St., PO Box 233, Putney, VT 05346

Owner of Record: Ken Carpenter, 209 Green Mt. Camp Rd., Dummerston, VT 05301

Location of Property: Clark Road abutting I-91, Dummerston, Vermont  
Book 69, Page 204 Dummerston Land Records (Map #8, parcel #837)

Permit Review: Conditional Use Permit, Site Plan Review & Variance issued July 5,  
2006  
Re: Application for Zoning Permit #3027

The matter came before a duly warned public meeting of the Dummerston Development Review Board (DRB) held on August 18, 2009; the agenda item was preceded by a site inspection by the DRB and Dummerston Town Road Foreman, Lee Chamberlain, representing the applicant. Following discussion, the review was adjourned to the DRB's October 20, 2009 meeting when it was concluded as outlined below.

Present and participating at both meetings and the site inspection were the following members of the Development Review Board: Patricia Jaquith, Regina Rockefeller, Cynthia Wilcox, Lew Sorenson and alternate John Warren. Participating at the August 18 meeting and site inspection was alternate John Warren. At the October 20 meeting Herb Rest, and alternate Rick Sullivan also participated. Present and representing the applicant were Dummerston Road Foreman Lee Chamberlain and Selectboard Chair Andrew MacFarland. Also present included the property owner Ken Carpenter, Zoning Administer Charlotte Annis, and area property owners Nelson Jillson, George Houghton, Ruth & Merrill Barton, and Carlton Garland.

**BACKGROUND FACTS & REVIEW PROCESS**

1. A consolidated Conditional Use Permit, Site Plan Review and Variance was issued to the joint applicants July 5, 2006 for the development and operation of a municipal gravel pit and access road (Exhibit #1).
2. The conditions of the permit provide for a maximum initial operation of 20 years as well as operational and reclamation requirements. The DRB retained jurisdiction of the permit and

provided for a 2-year review after notice to area property owners. The DRB realized the date for the 2-year review was missed and scheduled the review for its August 18, 2009 agenda.

3. The Zoning Bylaw also provides for a 5-year review of all Conditional Use Permits and Site Plan approvals (Section 727).
4. The DRB notified by mail persons on the original permit's service list, as well as abutters, of the August 18, 2009 meeting and sent minutes of that meeting to all persons attending prior of the October 20, 2009 continued review.
5. The August 18 meeting was continued to October 20 to allow the Dummerston Town Road Foreman time to report on the several issues raised and offer resolutions to these issues.
6. The review was of value in identifying issues of concern of area property owners and provided an impetus for improved communication between the applicant and property owners. Property owners at the close of the review thanked the DRB for conducting the review and providing a constructive forum for resolving issues.

### **REVIEW & ISSUES**

- A. The applicants, represented by the Dummerston Road Foreman and Selectboard Chair, feel that the operation is going smoothly. The Road Foreman plans to work on improving communications with the neighbors regarding when changes are going to occur.
- B. Truck traffic to and from the gravel pit has caused deterioration to the Town Roads accessing the property. Potholes, including some on Wheeler Road, have developed and the roads have not been adequately maintained.
- C. A neighboring property owner reported that stumps excavated from the pit area have not been stockpiled along the I-91 property line as specified in the permit application materials, but have instead been hauled to the Town Road Yard in Dummerston Center and used as fill. Concern was expressed that fill may need to be imported to make up for the stumps and Town funds were unnecessarily used to transport the stumps.
- D. Concern was raised that the stone arch culvert on Clark Road is failing due to truck traffic and is restricting the flow of water under the road. Considerable attention was given the function and preservation of this culvert at the time of the permit application.
- E. It was reported that construction of access into the pit area from Clark Road and subsequent erosion have resulted in a break in the Clark Road surface precluding functional travel east of the gravel pit entry. Clark Road was to remain useful and passable.

- F. The permit application materials specified the placement of a structure to serve as an on-site restroom and a temporary staff and first aid building. Instead a port-a-potty has been placed on the site.

## **CONCLUSIONS**

1. After review the Road Foreman reported at the October 20 meeting that:
  - a. Town road maintenance leading to the site has now been attended to and the Town will make sure that any unusual deterioration is corrected.
  - b. Some number of stump truckloads had been hauled to the Town Road Yard to be used as fill, but that the needed fill for the pit restoration would not be affected. The practice of placing mixed fill at this location had been informally continuing for some years. While the placement of fill at the Town yard is beyond the scope of this permit review the Town should take care that a new erosion problem or permit requirement issue is not created.
  - c. The stone arch culvert has experienced deterioration and will be monitored. Maintenance in-kind is impossible and if the culvert fails, the Town will replace the culvert.
  - d. Passage on Clark Road beyond the pit entrance has been hindered by the access road. The Town has corrected this and will monitor this location to ensure Clark Road remains passable.
2. A 2006 letter from the applicants' engineer, Stevens & Associates, was provided documenting that the proposed restroom/staff shelter structure change had been cleared with the State of Vermont and the State's permitting requirements.
3. The applicants are reminded of the requirement for reclamation plans to be prepared, reviewed, approved and implemented prior to the end of the permit's life or the completion of extraction, whichever occurs first.
4. This permit will again be reviewed by the Zoning Administrator and the Development Review Board after its 5<sup>th</sup> year, on or about July 2011.

The following members of the Dummerston Development Review Board participated and concur in this review.

Pat Jaquith, Regina Rockefeller, Cynthia Wilcox,  
Herb Rest, alternates, John Warren and Rick

Sullivan, and Chair, Lew Sorenson

Dated: December 8, 2009

DUMMERSTON DEVELOPMENT REVIEW  
BOARD

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Lew Sorenson, Chair  
For the Board

**EXHIBITS:**

1. DRB Permit Issued July 5, 2006 RE: Zoning Permit #3027
2. Stevens & Associate Letter
3. Attendance sign-in sheets