

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

Applicant: SB Land Partnership, LLC
Mailing Address: 142 Aiken Rd, Putney, VT 05346
Agent: Timothy Severance
Owner of Record: SB Land Partnership, LLC
Location of Property: Winter Bell Dr. off Dummerston Station Rd.
Dummerston, VT
Application: Conditional Use Permit, Variance & Site Plan Review
Re: Application for Zoning Permit #3059

The matter came before a duly warned public meeting of the Dummerston Development Review Board (DRB) held on March 16, 2010; the public meeting was preceded by a site inspection by the DRB.

Present and participating at the meeting and the site inspection were the following members of the Development Review Board: Regina Rockefeller, Herb Rest, Cynthia Wilcox and Lew Sorenson. Alternate John Warren participated as a voting member and viewed the site several days prior to the meeting. Non-voting alternate Rick Sullivan was present for the meeting but did not participate in the site inspection. Present and representing the applicant were SB Land co-owners Tim Severance and David Baxendale, and their engineer, Phil Savoy. Also present was neighboring property owner, Graham (Ed) Bell.

BACKGROUND FACTS & REVIEW PROCESS

1. A consolidated Conditional Use Permit, Site Plan Review and Variance was issued to the applicants March 12, 2007 for the development and operation of a inactive gravel pit on Winter Bell Drive of Dummerston Station Road (Exhibit #1).
2. The conditions of the permit provide for a maximum initial operation of 10 years and included 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 March 16, 2010 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 Applicant posted notice of the meeting at the property and notified by mail persons on the original permit's service list, as well as abutters. The Board provided legal notice of the review meeting in the *Brattleboro Reformer*.
5. The review was of value in identifying issues of non-compliance with specific conditions and a concern of the neighboring property owner and should provide an impetus for improved communication between the applicant, the lessee and property owners.

REVIEW & ISSUES

- A. Based on the site inspection the Board finds that the pit operations are progressing in a orderly manner and are generally going smoothly. The applicant leases the gravel pit to an excavating contractor, Zaluzny Excavating, who operates the pit for their own use and that of other contractors. The applicant reports that unexpected rock outcroppings have been exposed that will reduce the total material to be removed from the site from 300,000 to 200,000 cubic yards. The pace of removal is going somewhat slower than expected due to the poor economy and reduced construction activity.
- B. The applicant has failed to submit to the Zoning Administrator a revised final contours plan (revised Sheet 3) and documents regarding rights to the existing access road and the easement to adjacent Lots 8 & 9 as explicitly required by Condition #4 of the permit.
- C. The applicant has failed to submit to the Zoning Administrator a performance bond to the Town in the amount of \$125,000 to assure completion of all reclamation activities as explicitly required by condition #7 of the permit.
- D. Truck traffic to and from the gravel pit has at times caused dusty conditions on Winter Bell Drive and deterioration to its intersection with Dummerston Station Road. This, at times, has resulted in a detriment to area residents. The applicant reports that he will work with the lessee to make sure that dust is controlled and any road damage is corrected as ongoing activities.

CONCLUSIONS

1. The Board concludes that while the operation of the pit is generally going well, the applicant is directed to improve dust control and regular maintenance of Winter Bell Drive and its intersection with Dummerston Station Road.
2. The applicant shall file a proposed final contours plan and roadway and easement

documents for review by the Zoning Administrator and the Board as required by condition #4 of the original permit. The Applicant shall also file a performance bond as specified by original permit condition #7 for review and approval of the Zoning Administrator and the Board. These submissions shall be filed with the Zoning Administrator no later than June 5, 2010. Failure to do so shall result in the Board's initiation of a permit revocation hearing.

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 of 10 years (unless extended by the Board) 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 5th year, on or about April 2012.

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

Regina Rockefeller, Cynthia Wilcox, Herb Rest,
alternate, John Warren, and Chair, Lew Sorenson

Dated: April 5, 2010

DUMMERSTON DEVELOPMENT REVIEW
BOARD

Lew Sorenson, Chair
For the Board

EXHIBITS:

1. DRB Permit Issued March 12, 2007 RE: Zoning Permit #3059
2. Applicant's Certification of Notice
3. Attendance sign-in sheet