

TOWN OF DUMMERSTON
DEVELOPMENT REVIEW BOARD
Two-year Review

Applicant: Renaud Gravel Inc. (cc Stevens & Associates, PC)
Mailing Address: 283 Fort Bridgman Road #2, Vernon VT 05345
Location of Property: 792 US Route 5, Dummerston, VT 05354
Application: EX # 3309 Conditional Use Permit, Variance and Site Plan Review
and EX # 3308, amending permit #3059.
Issue: Two-Year Review of Consolidated Conditional Use Permit and
Site Plan Review.

The matter came before a duly warned public hearing of the Dummerston Development Review Board held on Tuesday, November 19, 2014, at the Town Office, Dummerston Center, Vermont.

Present and participating at the meeting on November 18th were the following members of the Development Review Board: Hugh Worden, Alan McBean, Patty Walior, Beverly Kenney (present but recused), Marty Forrett and Samuel Griffis. Also present were Charlotte Annis, Zoning Administrator, Poplar Commons residents, Depot Road residents, Renaud Gravel Inc. representatives Mike Renaud, Duane Fletcher, Cory Frehsee, Engineer, Christopher Dugan, Esq. attorney, Zeke Goodband.

FINDINGS OF FACT

Permit # 3309

The board finds as follows:

1. A consolidated Conditional Use Permit, Site Plan Review and Variance was issued to the Applicant on October 12, 2012 for the development and operation of an active gravel pit on the Primary Parcel known as Hidden Acres Campground Drive off US RT 5 in East Dummerston, VT.
2. The conditions of the permit provide for a maximum initial operation not to exceed 20 years (with an option to reapply for an additional 10 years) and include operational and reclamation requirements. The DRB retained jurisdiction of the permit and provides for reviews as conditioned in the decision dated 12 Oct 2012. Notification of the adjacent property owners was completed. The meeting was posted at three established locations in Town and published in the Brattleboro Reformer.
3. The two-year review of the Conditional Use requirements was reviewed at the DRB meeting November 18, 2014.
4. Conclusions of the October 12, 2012 meeting included requirements to maximize use of stockpiling, minimize trucking to and from site, place a 6 foot high security fence (later reduced to a 4 foot high security fence due to the unavailability of a 6 foot high security fence), conduct any blasting in a manner that minimizes effect on surrounding properties, Dummerston Highway Garage shall use a one way loop on town roads when hauling materials, and a bond equal to 1/3 of the engineers estimate of total reclamation cost shall be required and the DRB will retain jurisdiction of the permit.

Permit # 3059/3309

The board finds as follows:

1. A consolidated and amended Conditional Use Permit, Site Plan Review and Variance was issued to the Applicant on October 15, 2012 for the continued development and operation of an active gravel pit on the Primary Parcel as described in permit 3059 issued 3/12/2007 located off Dummerston Station Rd in East Dummerston, VT.
2. The conditions of the original permit provide for a maximum initial operation not to exceed 10 years (with an option to reapply for an additional 5 years) and include operational and reclamation requirements. The DRB amended and retained jurisdiction of the permit, which provides for reviews as conditioned in the decision dated 15 Oct 2012. Notification of the adjacent property owners was completed. The meeting was posted at three established locations in Town and published in the Brattleboro Reformer.
3. The two-year review of the conditional Use requirements was reviewed at the DRB meeting November 18, 2014.
4. The decision for amended permit 3308 dated October 15, 2012 requires the continued operation and development of the SB gravel pit into the southern setback to be dependent on the concurrent opening and operation of the gravel pit described in permit 3309.

CONCLUSIONS OF LAW AND DECISION

1. The Board finds that the applicant has secured all State and Local permits necessary.
2. An account has been established in place of a bond for reclamation costs. Renaud has been and will continue to track all funding and pay town per the agreed plan.
3. The Board finds no violations of the permits, but the abutting residents have concerns, including dissatisfaction with the monitoring of blasts, inadequate notification of when blasts would occur, dust, noise and possible damage to water systems and foundations.
4. Because there were no violations, yet abutters have concerns they feel need to be addressed, it was agreed that the abutters would appoint representatives to meet with representatives of Renaud Gravel Inc. and discuss how best to meet these concerns directly, without involving the Dummerston Development Review Board.
5. Permits # 3309, 3308/3059 will be reviewed again by the DRB and Zoning Administrator after one year, on or about September 2015 to review steps taken to address concerns in the review. The DRB retains jurisdiction.

The following members of the Dummerston Review Board participated and concur in this decision. The Decision is subject to appeal as provided by the Vermont Statutes.

Hugh Worden, Alan McBean, Patty Walior, Marty Forrett and Samuel Griffis

Dated: 12/30/2014

Hugh Worden
For the Board