

Application for Conditional Use Review 5 Year Review

TOWN OF DUMMERSTON

Development Review Board

Application for Conditional Use Review 5 Year Review

Applicant: Renaud Gravel Inc.
Mailing Address: 283 Fort Bridgman Rd. Vernon, Vermont 05354
Location of Property: Parcel # 824.5 and 827.1, 792 US Route 5 and Winter Bell Drive Dummerston, VT 05301
Owner of Record: Renaud Gravel, Inc.
Application: 5 year review of Conditional Use Permits 3059, 3308 and 3309.
Date Sent: October 31, 2017

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves a 5 year review of the development and operation of the Renaud Gravel pit and the SB Land pit (currently owned by Renaud Gravel), under the Town of Dummerston Zoning Bylaw.
2. The application was received on October 31, 2017.
3. On October 31, 2017, notice of a public hearing was published at the municipal clerk's office.
4. Notice of a public hearing was mailed to the applicant and the abutters of the Renaud Gravel/SB Land properties in Dummerston, VT. For a complete list of abutters please refer to permit file available at the Dummerston Town Office.
5. The application was considered by the Development Review Board at a public hearing on November 14, 2017. The Development Review Board reviewed the application under the Town of Dummerston Zoning Bylaw, as amended September 23, 2015.
7. Present at the hearing were the following members of the Development Review Board
 - Alan McBean, Chair
 - Cami Elliott

- Chad Farnum
 - Sam Griffis
 - Patty Walior
 - Jen Sargent
8. Present at the hearing were the following persons:
- Roger Jasaitis (Dummerston Zoning Administrator)
 - Claudia Teachman
 - Walter and Debbie Brookes
 - Donald Pollica
 - Dennis and Anne Boyd
 - Carlton and Bonnie Garland
 - Cory Frehsee
 - Mike Renaud
 - Chris Dugan
 - Tim Severance
 - Leon Chamberlin
 - Louis Rumore
9. During the course of the hearing the following exhibits were submitted to the Development Review Board:
- A. Applicant Certification of Notice.
 - B. DRB Hearing Checklist.
 - C. Town of Dummerston “Development Review Board - Attendance Sign-In” dated 11/14/2017.
 - D. Permit Application #3309, #3308 and #3059 Dated October 31, 2017.
 - E. Site Plan of the subject properties.
 - F. Letter from Donald Pollica dated 11/02/2017.

FINDINGS OF FACT

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

1. The applicant seeks to continue to operate and develop the SB Land pit off Winterbell Drive and the Renaud Gravel pit off US Route 5 under Conditional Use Permits #3059, #3308 and #3309.
2. On April 28, 2017, fly rock from a blast originating in the SB Land pit left the property impacting the Pollica property north of the pit and Interstate 91 east of the pit.
3. A report was made to the Regional Act 250 office to report the violation of the permit conditions at which time blasting ceased for the remainder of the construction season.
4. Timothy Rath, an independent blasting consultant, was retained to analyze the errant blast and make recommendations for future work in the pit.

5. As a result, Capital Rock has been contracted to perform all rock blasting using their experience and the recommendations of Mr. Rath to insure the desired results and the safety of abutting residents, properties and motorists on I-91.
6. The Act 250 office reviewing the violation is satisfied with the remedial efforts of Renaud Gravel and have approved a resumption of blasting activities.
7. The initial 10 year operating window for the SB Land pit will expire in 2022. Applicant has the right to apply for an additional 5 year operating window at that time.
8. Extraction of material is progressing north to south from the SB Land pit into the Renaud Gravel pit. Current extraction is approaching the boundary between the two properties.
9. When the SB Land pit has been excavated to the approved floor elevation, slope reclamation will be completed and the land may be developed for residential use at that time. Winterbell Drive will continue to provide access to the residential lots but will cease to be used for any traffic related to the gravel pits.
10. Access to the Renaud Gravel pit will be from Route 5 only.
11. Abutting properties continue to be impacted by high speed truck traffic on Dummerston Station Road, dust from the gravel pit and haul roads, vibration from blasting and the general din of an industrial operation adjacent to their homes.

DECISION AND CONDITIONS

1. The Board finds that the Applicant has secured all State and Local permits necessary for the operation of the gravel pits.
2. The Board finds that the fly rock violation of April 28, 2017 has been adequately addressed and has every expectation that similar events will be avoided in the future.
3. Every effort will be made by pit operators to minimize traffic on Dummerston Station Road and educate truck drivers using that access to keep vehicle speeds down to control dust, noise and the danger to local traffic.
4. The entrance from Route 5 should be utilized as much as possible to minimize traffic on Dummerston Station Road.
5. Haul roads in the pit should be watered as often as necessary to prevent dust from leaving the pit properties.

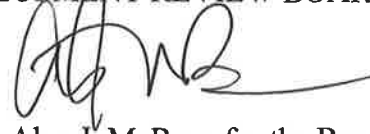
6. The Board approves the continued operation of the SB Land pit and the Renaud Gravel pit by Renaud Gravel, Inc. as described in permit #3059, #3308 and #3309. The next review will be at 10 years. Interested parties have the right to call for a review at any time prior to the scheduled reviews.
7. The DRB retains jurisdiction for future reviews of these permits.

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

Dated: February 2, 2018

Alan McBean, Chair, Cami Elliott, Chad Farnum,
Sam Griffis, Patty Walior, Jenn Sargent

DUMMERSTON DEVELOPMENT REVIEW BOARD

A handwritten signature in black ink, appearing to read 'Alan J. McBean', written over a horizontal line.

Alan J. McBean for the Board