



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

## Zoning Board of Adjustment Agenda

Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030

Remote option – Zoom details below

Tuesday, September 27, 2022 – 6:30 PM

- 
1. Call to order
  2. Agenda review
  3. Comments from citizens regarding items not on the agenda
  4. Approval of meeting minutes – September 13, 2022
  5. **Public hearing: Application 22.08.17.ZBA by Patrick Walsh for the extension of the deadline for gravel pit reclamation at 7056 VT Route 131 (Parcel: 07-02-09). The parcel is located in the Conservation (C-10) zoning district.**
  6. Communication with other boards and committees
    - a. Zoning bylaws and maps update
    - b. Town Plan update
  7. Discussion of items for future agendas
  8. Adjourn

Due to public demand and COVID-19; the Town has changed its public meeting platform from GoToMeeting to Zoom. For computer access, please go to this website, where you will find instructions and links to the meeting: <https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-4364. You will not have a participant ID. Please press # when prompted to skip this section. The passcode for all meetings is 8021.

AGENDA ITEM

4

Zoning Board of Adjustment

September 13, 2022

Draft Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, David Gulbrandsen, James Cahill, and Joseph Bublat. John Broker Campbell, deForest Bearse, and Jaime Wyman participated via zoom. Ryan Gumbart, land use administrator, was also in attendance.

The audience member was Patrick Walsh.

2. Call to order

Todd Hindinger called the meeting to order at 6:35 PM.

3. Agenda Review

David Gulbrandsen made a motion to remove #8 & 9 from the agenda because deliberative sessions can not be public based upon the Rules of Procedure. James Cahill seconded it. All were unanimous.

4. Comments from Citizens regarding items not on the agenda

There were none.

5. Approval of Meeting Minutes – August 18, 2022

Todd Hindinger made a motion to approve the minutes of August 18, 2022 as corrected. Joseph Bublat seconded it. The motion passed.

6. Public Hearing: Application 22.0817 by Patrick Walso for the extension of the deadline for gravel pit reclamation at 7056 VT Route 131 (Parcel: 07-02-09 in C-10 district)

Todd Hindinger opened the hearing by reading the Public Hearing Notice. David Gulbrandsen asked that since the permit has expired, are we going back to the original application and its amendment. Ryan Gumbart stated that it will trace back to the first permit.

The Board members have no conflicts of interest or ex parte communication. Patric Walsh, the applicant, has interested person status and affirmed. All were in favor of granting this.

Ryan Gumbart stated that Patrick and Victoria Walsh would like an extension. Their current permit for reclamation expires September 15, 2022. Ryan Gubart provided the Board with larger scale maps of #8 & 9 that were in their packets. He stated that there were no comments or concerns from any of the abutters.

Patrick Walsh stated that he inherited the gravel pit and homestead in 2016. At that time, he requested that the permit (06.1212) be transferred to them and it was on January 27, 2017. It has been in operation for over 10 years. He is looking to extend the existing gravel pit permit with conditions. It is an active gravel pit with a limit of 14,000 yards per year. He sells the sand to area towns and some crushed gravel. He would like to extend the permit for 5 more years. It averages 5,000 to 6,000 yards per year. He wants to be in compliance. The Board wanted clarification. Is he looking for an extension on the reclamation, or the operation of the gravel pit? Patrick Walsh stated that the original permit reclamation dated September 15, 2022 with operating the gravel pit. He would like an extension for 5 years. Over the 5 years, he would operate the gravel pit and do the reclamation within that 5 year period. Ryan Gumbart stated that the permit would be good for 5 years. There could be a condition that the reclamation be completed at the end of the permit.

Exhibit #1 was the request for permit renewal (2 pages with fee). Exhibit #2 was the public hearing notice. Exhibit #3 was the Eagle Times posting. Exhibit #4 was the abutters map (dated 8/24/22). Lot 9 is the applicant's property. Exhibit #5 was the abutter's list. Exhibit #6 was the community facilities sign off sheet (3 pages). Exhibit #7 was the ZBA decision amended-2012.07.30. Exhibit #8 was the reclamation map sheet C1-2021.05.21. Exhibit #9 was the reclamation map sheet C2-2013.08.13. Exhibit #10 was the gravel pit site plan - 2011.10 by Gary Rapanotti. Exhibit #11 was the administration officer correspondence (2 letters from the zoning administrator for the Town of Weathersfield). Exhibit #12 was the original permit 1974.03.05. Exhibit #13 was the original site plan 1985.09.05.

Todd Hindinger asked if the reclamation plan was still accurate, or if there were going to be changes. Patrick Walsh stated that it is the same. Any areas that have been reclaimed are not in the excavation area. Some areas have been reclaimed already. Exhibit #10 shows the areas to be reclaimed (graded, sloped, and seeded). The remainder is for excavation. At the end of 5 years, all of the area would have topsoil put on it and seeded. Todd Hindinger stated that the Town has \$15,000 in an account for the cost of that in case the property owner does not reclaim it. Patrick Walsh stated that is correct. It was part of the original permit. Todd

Hindinger asked if after 5 years, would Patrick Walsh have the resources to reclaim it. Patrick Walsh stated that he will.

Todd Hindinger stated that there is a reference to an Act 250 permit (2S1118). Ryan Gumbart stated that there isn't one on file. Patrick Walsh stated that the Act 250 permit was mentioned in the original permit, but he does not know anything about it.

Todd Hindinger asked Patrick Walsh about how many trucks per day. Patrick Walsh stated that it is not a daily use, but three to four days a month. Todd Hindinger questioned if there was any run off from anywhere. Patrick Walsh stated that there is some that comes off the hill, but currently there is a holding area so that it does not drain off site. Todd Hindinger asked if he had a multi-sector discharge permit. Patrick Walsh stated that they don't discharge any water and he hasn't heard of that. The Board recommended to Patrick Walsh that he contact the Agency of Natural Resources, Stephanie Giles, in regards to the Act 250 permit. She would be able to let him know if there is one, when it expires/expired, or if he needs one.

deForest Bearse stated that in 2012 the reclamation amount was meant for the entire property. The fifteen thousand dollar estimated cost for the Town was meant for it to be reclaimed by 2012. Some of it was reclaimed a year ago and some still has not been done. Since 2012, there has been no increase in the \$15,000. David Gulbrandsen asked Patrick Walsh if he had reached the boundaries from the original permit and why in 2012 certain areas were targeted (#5 on the permit). Patrick Walsh stated that he has not that is why he would like an extension of the permit and does not know why they were targeted because he was not the owner at that time.

Todd Hindinger asked if they will be using a crusher, or be doing any blasting and if the slopes will be at a 50% grade. Patrick Walsh stated that #1 and #2 will be 50% grade. There was a crusher, but he has not used one there. They only screen sand for winter sand. He does not foresee any blasting or crushing.

David Gulbrandsen and deForest Bearse questioned if the \$15,000 should be adjusted to reflect 2022. There should be a condition to be more accurate to reflect the cost of reclamation. Todd Hindinger stated that the applicant could determine the amount, or the Board could come up with one. Patrick Walsh stated that he has some topsoil on site for reclamation. He does not know the cost of seed or mulch. If necessary, he can make more topsoil on site for distribution. He will discuss the cost with his contractor. Todd Hindinger stated that he could provide the Board with that cost.

deForest Bearse mentioned that he should look into the Act 250 permit too. Todd Hindinger agreed and a multi-sector permit. Patrick Walsh will look into both of those permits. Some Board members at tonight's meeting mentioned that they are not able to make the next meeting on September 27, 2022. Todd Hindinger mentioned to Patrick Walsh that according to the

Rules of Procedure, if a Board member is not able to make a meeting, they can review the minutes and render a decision during a deliberative session. He wanted to know if Patrick Walsh would be okay with that. Patrick Walsh stated that was fine with him.

Todd Hindinger made a motion to continue the hearing to September 27th at 6:30 PM. James Cahill seconded it. All were unanimous.

7. Member training

Ryan Gumbart provided the Board with some documents and templates in their packet which were very helpful.

8. Communication with other boards and committee

- a. Zoning Bylaws update
- b. Zoning maps

9. Martel deliberative session

This was deleted from the agenda.

10. Yurek deliberative session

This was deleted from the agenda.

11. Discuss of items for future agendas

The Board's next meeting is September 27, 2022 at 6:30 PM.

12. Adjournment

James Cahill made a motion to adjourn at 8:05 PM. John Broker Campbell seconded it. All were in favor.

Respectfully submitted,

Diana Stillson

AGENDA ITEM

5

# PUBLIC HEARING

Walsh Conditional Use Permit Extension

September 13, 2022

Item 1: Renewal Application

Item 2: Public Hearing Notice

Item 3: Eagle Times Post

Item 4: Abutters Map

Item 5: Abutters List

Item 6: Community Facilities Sign-off Sheet

Item 7: ZBA Decision Amended – 2012.07.30

Item 8: Reclamation Map Sheet C1 – 2012.05.21

Item 9: Reclamation Map Sheet C2 – 2013.08.13

Item 10: Gravel Pit Site Plan – 2011.10

Item 11: Admin. Officer Correspondence – 2017.01.27

Item 12: Original Permit – 1974.03.05

Item 13: Original Site Plan – 1985.09.05

Item 14: Act 250 Permit 2S1118 – 2000.10.11



HEARING ITEM

1

CHARTERED BY  
NEW HAMPSHIRE  
AUGUST 20, 1761

# Town of Weathersfield, Vermont

POST OFFICE BOX 550  
ASCUTNEY, VERMONT 05030-0550

CHARTERED BY  
NEW YORK  
APRIL 8, 1772

Telephone: [802] 674-2626  
Facsimile: [802] 674-2117

E-mail: [landuse@weathersfield.org](mailto:landuse@weathersfield.org)  
Website: <http://www.weathersfield.org>

Planning and Zoning

## Request for Permit Renewal

Date: 8/17/2022

Permit # 06-1212

Parcel # 07-02-09.000 805

Date permit was issued 10/30/2012

Applicant Patrick Walsh

Mailing Address 11 W Cove Rd Moodus CT 06469

Location of Property (911 address) 7056 Rte 131 Perkinsville VT

Nature of Permit Zoning Permit Gravel Pit Renewal

Original Permit was issued to: Bruce Murray

The undersigned hereby requests renewal of the above-referenced permit for a period of five (5) years.

Signature Patrick Walsh

+++++

Date Received 8/17/2022

Fee Paid \$30.00

+ 15 recording

Permit is: Conditional

Permitted

Application # 22.08.17.ZBA

Permit is renewed \_\_\_\_\_. Construction or commencement of use must begin no later than

Permit may/may not be renewed again.

\_\_\_\_\_  
Land Use Administrator

\_\_\_\_\_  
Date

Town of Weathersfield

Date: 08/17/2022 Time: 14:01:12

Clerk: osavage

Account: 070210-&05

Name: WALSH PATRICK J &

Comments:

Description	Amount
Land Records	10.00
Land Records	3.00
Land Records	2.00
Zoning Permits	30.00
CREDIT CARD	45.00

Thank you

HEARING ITEM

2



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

## Zoning Board of Adjustment

### NOTICE OF PUBLIC HEARING

**Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030**

**Remote option – Zoom details below**

**Tuesday, September 13, 2022 – 6:30 PM**

---

A public hearing before the Weathersfield Zoning Board of Adjustment will be held at the Town Office in Ascutney on Tuesday, September 13, 2022, at 6:30 PM to consider the following application:

**Application 22.08.17.ZBA by Patrick Walsh for the extension of the deadline for gravel pit reclamation at 7056 VT Route 131 (Parcel: 07-02-09). The parcel is located in the Conservation (C-10) zoning district.**

The above application is available for inspection at the Town Office in Ascutney. Persons wishing to appeal and be heard may do so in person or be represented by an agent or attorney. Participation in this proceeding is required in order to ensure your ability to appeal the Zoning Board's decision. Communications about the above application may be filed in writing with the Zoning Board of Adjustment or at the hearing.

Due to public demand and COVID-19; the Town has changed its public meeting platform from GoToMeeting to Zoom. For computer access, please go to this website, where you will find instructions and links to the meeting: <https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-4364. You will not have a participant ID. Please press # when prompted to skip this section. The passcode for all meetings is 8021.

HEARING ITEM

3

# NOTICE OF PUBLIC HEARING

A public hearing before the Weathersfield Zoning Board of Adjustment will be held at the Town Office in Ascutney on Tuesday, September 13, 2022, at 6:30 pm to consider the following application: **Application 22.08.17.ZBA by Patrick Walsh for the extension of the deadline for gravel pit reclamation at 7056 VT Route 131 (Parcel: 07-02-09). The parcel is located in the conservation (C-10) zoning district.**

HEARING ITEM

4





# Abutters Map

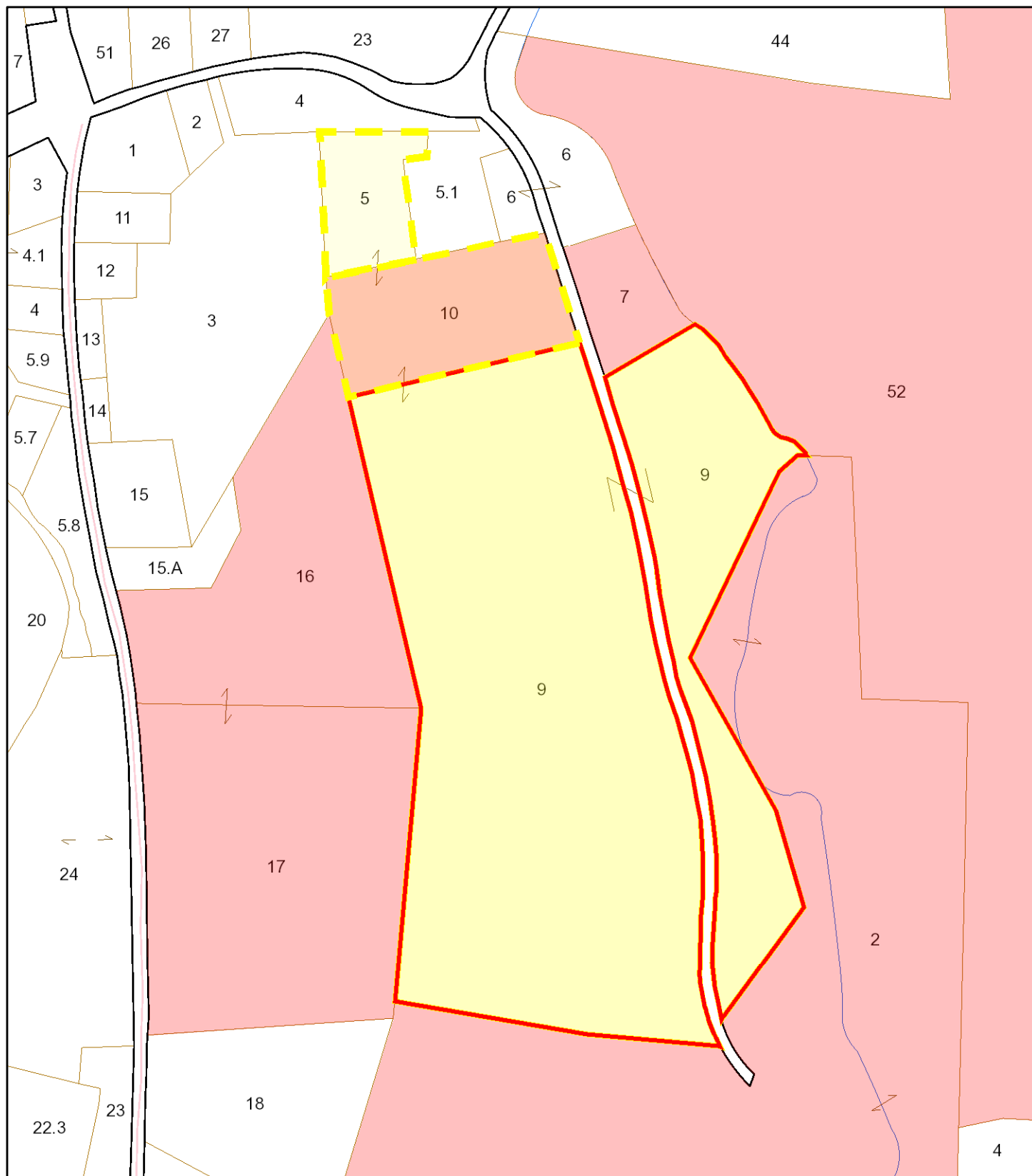
Walsh Public Hearing



August 24, 2022

1 inch = 500 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

HEARING ITEM

5



# 0 foot Abutters List Report

Weathersfield, VT  
August 24, 2022

## Subject Property:

Parcel Number: 07-02-09.000  
CAMA Number: 07-02-09.000-000  
Property Address: 7056 VT ROUTE 131

Mailing Address: WALSH PATRICK J & VICTORIA I  
11 WEST COVE RD  
MOODUS, CT 06469

## Abutters:

Parcel Number: 04-02-52.000  
CAMA Number: 04-02-52.000-000  
Property Address: 6282 VT ROUTE 131

Mailing Address: CERSOSIMO INDUSTRIES INC  
PO BOX 1800  
BRATTLEBORO, VT 05302

Parcel Number: 07-02-07.000  
CAMA Number: 07-02-07.000-000  
Property Address: 0 BRANCH BROOK ROAD

Mailing Address: WEATHERSFIELD TOWN OF  
PO BOX 550  
ASCUTNEY, VT 05030

Parcel Number: 07-02-10.000  
CAMA Number: 07-02-10.000-000  
Property Address: 7056 VT ROUTE 131

Mailing Address: WALSH PATRICK J & VICTORIA I  
11 WEST COVE RD  
MOODUS, CT 06469

Parcel Number: 07-02-16.000  
CAMA Number: 07-02-16.000-000  
Property Address: 3927 VT ROUTE 106

Mailing Address: BEHN DAVID W & NANCY K  
3927 VT ROUTE 106  
PERKINSVILLE, VT 05151-9744

Parcel Number: 07-02-17.000  
CAMA Number: 07-02-17.000-000  
Property Address: 3927 VT ROUTE 106

Mailing Address: BEHN DAVID W & NANCY K  
3927 VT ROUTE 106  
PERKINSVILLE, VT 05151-9744

Parcel Number: 08-01-02.000  
CAMA Number: 08-01-02.000-000  
Property Address: 728 STOUGHTON POND ROAD

Mailing Address: UNITED STATES OF AMERICA NEW  
ENGLAND DIV CORPS OF ENGINEERS  
98 RESERVOIR RD  
SPRINGFIELD, VT 05156

Parcel Number: 08-01-02.000  
CAMA Number: 08-01-02.00A-000  
Property Address: 1678 RESERVOIR ROAD

Mailing Address: UNITED STATES OF AMERICA NEW  
ENGLAND DIV CORPS OF ENGINEERS  
98 RESERVOIR RD  
SPRINGFIELD, VT 05156



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

HEARING ITEM

6

Application # 22.08.17.ZBA

Applicant Name Walsh

### Community Facility Project Review and Sign-Off Sheet

Please present this sheet to each of the department heads listed below. Explain your project fully to each department and request their signature on the appropriate line(s). Return it to the Zoning Administrator as part of your application. Contact information is on the last page.

*Highway Department*

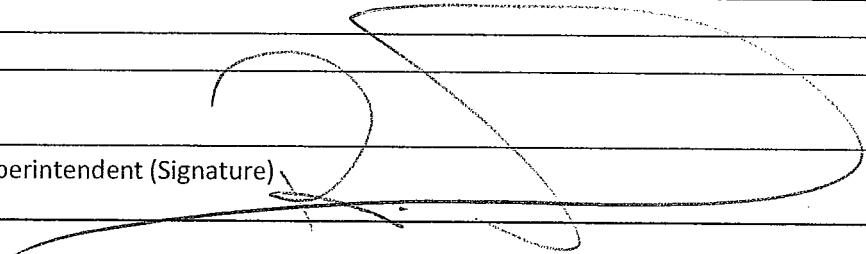
- I certify that the proposed project will not have an undue adverse impact on the:
  - town's roads or
  - the transfer station.
- The proposed project will have an undue adverse impact on the:
  - town's roads
  - the transfer station.

The impact will be \_\_\_\_\_

I recommend the following condition(s) to mitigate the impact: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Highway Superintendent (Signature)



Date 8-29-22

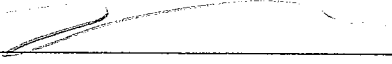
*Police Department*

- I certify that the proposed project will not have an undue adverse impact on the Weathersfield Police Department.
- I find that the proposed project will have an undue adverse impact on the Weathersfield Police Department. The impact will be \_\_\_\_\_

I recommend the following condition(s) to mitigate the impact: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Police Chief (Signature)



8-24-22

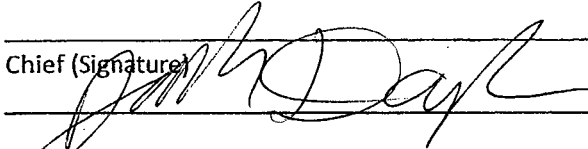
Date

*Ascutney/West Weathersfield Volunteer Fire Department*

- I certify that the proposed project will not have an undue adverse impact on the Ascutney/West Weathersfield Volunteer Fire Department.

I find that the proposed project will have and undue adverse impact. The impact will be \_\_\_\_\_

\_\_\_\_\_  
I recommend the following condition(s) to mitigate the impact(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

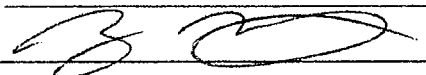
Chief (Signature)  Date 8-30-22

*School Services*

I certify that the proposed project will not have an undue adverse impact on the Weathersfield School.

I find that the proposed project will have and undue adverse impact on the Weathersfield School. The impact(s) will be \_\_\_\_\_

\_\_\_\_\_  
I recommend the following condition(s) to mitigate the impact(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

 Date 8/24/2022  
Weathersfield School Official (Signature) Date

*Ascutney Water District (Community Water System)*

I certify that the proposed project will not have an undue adverse impact on the Ascutney Water District.

I find that the proposed project will have and undue adverse impact on the Ascutney Water District. The impact(s) will be \_\_\_\_\_

\_\_\_\_\_  
I recommend the following condition(s) to mitigate the impact(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ascutney Water District (Signature) Date

Contact names and numbers for Department Heads

Department	Contact Person	Contact Information
Highway Department	Ray Stapleton	263-5272 (Highway Garage) <a href="mailto:highway@weathersfield.org">highway@weathersfield.org</a>
Police Department	William Daniels (Chief)	674-2185 (State Police Dispatch) <a href="mailto:William.daniels@state.vt.us">William.daniels@state.vt.us</a>
Ascutney Volunteer Fire Association	Darrin Spaulding (Chief)	802-296-1888 (cell) <a href="mailto:M_d_electric@yahoo.com">M_d_electric@yahoo.com</a>
West Weathersfield Volunteer Fire Department	Josh Dauphin (Chief)	802-356-0623 (cell) <a href="mailto:jashdauphin@comcast.net">jashdauphin@comcast.net</a>
Weathersfield School	BJ Esty	674-5400 (School) <a href="mailto:bjesty@wsesu.net">bjesty@wsesu.net</a>
Ascutney Water District	Brandon Gulnick (Manager)	674-2626 (Town office) 802-230-6262 (cell) <a href="mailto:townmanager@weathersfield.org">townmanager@weathersfield.org</a>

T:\Departments\Land Use and Zoning\CHECKLISTS\Conditional Use Worksheets\Community Facility Sign\_Off.docx

CHARTERED BY  
NEW HAMPSHIRE  
AUGUST 20, 1761

# Town of Weathersfield, Vermont

POST OFFICE BOX 550  
ASCUTNEY, VERMONT 05030-0550

CHARTERED BY  
NEW YORK  
APRIL 8, 1772

Telephone: [802] 674-2626  
Facsimile: [802] 674-2117

E-mail: [landuse@weathersfield.org](mailto:landuse@weathersfield.org)  
Website: <http://www.weathersfield.org>

Planning and Zoning

## Request for Permit Renewal

Date: 8/17/2022

Permit # 06-1212

Parcel # 07-02-09.000 8.05

Date permit was issued 10/30/2012

Applicant Patrick Walsh

Mailing Address 11 W Cove Rd Moodus CT 06469

Location of Property (911 address) 7056 Rte 131 Perkinsville VT

Nature of Permit Zoning Permit Gravel Pit Renewal

Original Permit was issued to: Bruce Murray

The undersigned hereby requests renewal of the above-referenced permit for a period of five (5) years.

Signature Patrick Walsh

+++++

Date Received 8/17/2022 Fee Paid \$30.00 + 15 recording

Permit is: Conditional  Permitted  Application # 22.08.17.ZBA

Permit is renewed \_\_\_\_\_. Construction or commencement of use must begin no later than \_\_\_\_\_.

Permit may/may not be renewed again.

\_\_\_\_\_  
Land Use Administrator

\_\_\_\_\_  
Date



Town of Weathersfield

Date: 08/17/2022 Time: 14:01:12

Clerk: osavage

Account: 070210-&05

Name: WALSH PATRICK J &

Comments:

Description	Amount
Land Records	10.00
Land Records	3.00
Land Records	2.00
Zoning Permits	30.00
CREDIT CARD	45.00

Thank you

Application # 22.08.17.ZBA

Applicant Name Walsh

### Community Facility Project Review and Sign-Off Sheet

Please present this sheet to each of the department heads listed below. Explain your project fully to each department and request their signature on the appropriate line(s). Return it to the Zoning Administrator as part of your application. Contact information is on the last page.

#### Highway Department

- I certify that the proposed project will not have an undue adverse impact on the:
  - town's roads or
  - the transfer station.
- The proposed project will have an undue adverse impact on the:
  - town's roads
  - the transfer station.

The impact will be \_\_\_\_\_

I recommend the following condition(s) to mitigate the impact: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Highway Superintendent (Signature)

Date 8-29-22

#### Police Department

- I certify that the proposed project will not have an undue adverse impact on the Weathersfield Police Department.
- I find that the proposed project will have an undue adverse impact on the Weathersfield Police Department. The impact will be \_\_\_\_\_

I recommend the following condition(s) to mitigate the impact: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Police Chief (Signature)

8-24-22

Date

#### Ascutney/West Weathersfield Volunteer Fire Department

- I certify that the proposed project will not have an undue adverse impact on the Ascutney/West Weathersfield Volunteer Fire Department.

I find that the proposed project will have and undue adverse impact. The impact will be \_\_\_\_\_  
\_\_\_\_\_

I recommend the following condition(s) to mitigate the impact(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Chief (Signature) \_\_\_\_\_ Date \_\_\_\_\_

*School Services*

I certify that the proposed project will not have an undue adverse impact on the Weathersfield School.  
 I find that the proposed project will have and undue adverse impact on the Weathersfield School. The impact(s) will be \_\_\_\_\_  
\_\_\_\_\_

I recommend the following condition(s) to mitigate the impact(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Weathersfield School Official (Signature) \_\_\_\_\_ Date \_\_\_\_\_

*Ascutney Water District (Community Water System)*

I certify that the proposed project will not have an undue adverse impact on the Ascutney Water District.  
 I find that the proposed project will have and undue adverse impact on the Ascutney Water District. The impact(s) will be \_\_\_\_\_  
\_\_\_\_\_

I recommend the following condition(s) to mitigate the impact(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ascutney Water District (Signature) \_\_\_\_\_ Date \_\_\_\_\_

I find that the proposed project will have and undue adverse impact. The impact will be \_\_\_\_\_

I recommend the following condition(s) to mitigate the impact(s): \_\_\_\_\_

Chief (Signature)


Date

*School Services*

I certify that the proposed project will not have an undue adverse impact on the Weathersfield School.

I find that the proposed project will have and undue adverse impact on the Weathersfield School. The impact(s) will be \_\_\_\_\_

I recommend the following condition(s) to mitigate the impact(s): \_\_\_\_\_

  
Weathersfield School Official (Signature)

8/24/2022  
Date

*Ascutney Water District (Community Water System)*

I certify that the proposed project will not have an undue adverse impact on the Ascutney Water District.

I find that the proposed project will have and undue adverse impact on the Ascutney Water District. The impact(s) will be \_\_\_\_\_

I recommend the following condition(s) to mitigate the impact(s): \_\_\_\_\_

Ascutney Water District (Signature)

Date

HEARING ITEM

**7**



# Town of Weathersfield, Vermont

Zoning Board of Adjustment, P.O. BOX 550, ASCUTNEY, VT 05030  
Martin Memorial Hall, 5259 US Route 5  
Telephone:(802) 674-2626 Fax: (802)674-2117  
Email: [zoning@weathersfield.org](mailto:zoning@weathersfield.org)  
Website: <http://www.weathersfield.org>

Zoning Board of  
Adjustment

Application for Conditional Use Review  
Findings and Decision  
AMENDED DECISION

WEATHERSFIELD, VT

Town Clerk's Office  
Received for record

July 31  
At 10 o'clock 30 minutes A.M.  
and recorded in Book Parcel # Page -  
Attest [Signature] Town Clerk

JULY 30, 2012

In re: Bruce Murray

Permit Application No. 06.1212

## INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for an amendment to a pre-existing conditional use submitted by Bruce Murray under the Town of Weathersfield Zoning Bylaws.
2. The application was received by the zoning administrator on June 12, 2012. A copy of the application is available at the Weathersfield Town Office.
3. On June 26, 2012, notice of a public hearing was published in the Valley News.
4. On June 13, 2012, notice of a public hearing was posted at the following places:
  - a. The municipal clerk's office.
  - b. Parcel #07-02-09, which is within view of Branch Brook Road, the public-right-of-way most nearly adjacent to the property for which the application was made.
  - c. Ascutney Post Office
  - d. Perkinsville Post Office.
5. On June 13, 2012, a copy of the notice of a public hearing was mailed to the applicant. On June 13, 2012, a copy of the notice of public hearing was mailed to the following owners of properties adjoining the property subject to the application [See ATTACHED CERTIFICATE OF SERVICE].
6. The application was considered by the zoning board of adjustment at a public hearing on July 11, 2012. The hearing was closed on July 11, 2012. The zoning board of adjustment reviewed the application under the Town of Weathersfield Zoning Bylaw, as amended June 18, 2012 (the Zoning Bylaw).
7. The following members of the zoning board of adjustment were present at the hearing:
  - Dave Gulbrandsen, chair



# Town of Weathersfield, Vermont

Zoning Board of Adjustment, P.O. BOX 550, ASCUTNEY, VT 05030  
Martin Memorial Hall, 5259 US Route 5  
Telephone:(802) 674-2626 Fax: (802)674-2117  
Email: [zoning@weathersfield.org](mailto:zoning@weathersfield.org)  
Website: <http://www.weathersfield.org>

- Debbie Graham
- Lynn Esty
- Michael Cohen (alternate)

Board member Barb Ingalls recused herself because she is employed by the US Army Corps of Engineers, an abutter to the project.

8. At the outset of the hearing, the zoning board of adjustment afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. A record of the names and addresses of persons wishing status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is attached hereto (Attachment A).
9. During the course of the hearing the following exhibits were submitted to the zoning board of adjustment:

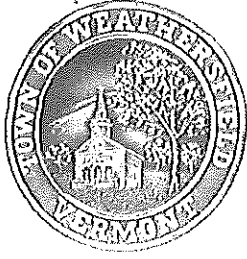
- Exhibit #1 - Application to Zoning Board of Adjustment #06.1212 (3 Pages – App. Form; Reclamation Plan by Long Trail Engineering, Job #1117, dated 1/3/12, Sheet C1; and Reclamation Detail Plan by Long Trail Engineering, Sheet C2)
- Exhibit #2 - Site Plan drawn 9-3-85, entitled “Site Plan Gravel Extraction, Murray property”
- Exhibit #3 – Community Facilities Sign-Off sheets (3 pages)

These exhibits are available at the Weathersfield Town Office.

## FINDINGS

Based on the application, testimony, exhibits, and other evidence the zoning board of adjustment makes the following findings:

1. The applicant seeks an amendment to an “Existing Gravel Pit Operation Permit” that was granted by the Weathersfield Planning Commission on September 12, 1985. Specifically, the applicant seeks to change Condition #2 of the 1985 permit that restricts operation of the pit to one phase at a time. The applicant would like to extract materials from all phases of the pit simultaneously. The subject property is a 67.80- acre parcel located at the end of Branch Brook Road in the Town of Weathersfield (tax map parcel no. 07-02-09). [The property is more fully described in a Decree of partial Distribution from Elizabeth G. Murray, Estate to Bruce Murray, dated March 6, 1996, and recorded at Book 93, Page 336, of the Town of Weathersfield Land Records].
2. The property is located in the C10 Zoning District District as described on the Town of Weathersfield Zoning Map on record at the Town of Weathersfield municipal office and section 4.3.2(e) of the Zoning Bylaws.
3. Conditional use approval and site plan approval are required for establishment of new Extraction of Earth Resource Operations as that term is defined in section 7.10 of the Zoning Bylaws. This



# Town of Weathersfield, Vermont

Zoning Board of Adjustment, P.O. BOX 550, ASCUTNEY, VT 05030  
Martin Memorial Hall, 5259 US Route 5  
Telephone:(802) 674-2626 Fax: (802)674-2117  
Email: [zoning@weathersfield.org](mailto:zoning@weathersfield.org)  
Website: <http://www.weathersfield.org>

application, however, is not for the establishment of a new operation, but rather for the purpose of amending one of the conditions on the permit already in existence for this operation.

It is the opinion of the Zoning Board that the request be reviewed under the following sections of the Town of Weathersfield Zoning Bylaws:

- 4.3.2(e) Conservation (use table)
- 7.8 Site Plan Review
- 7.10 Extraction of Earth Resources
- 9.2.4 Conditional Use Process

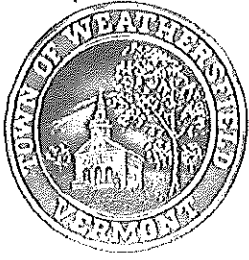
4. The gravel pit has been in operation since before zoning was adopted by the Town.
5. There are varying types of materials available for sale at the pit, including bank run gravel, clean sand, so-called "dirty sand" or "cow sand", and gravel.
6. On September 12, 1985, Elizabeth Murray, previous owner of the Murray Gravel Pit, was granted a second "Existing Gravel Pit Operation Permit".

The existing gravel pit was described in 1985 as follows:

- (1) *"Murray land on either side of the Branch Brook Road running from Amsden to Stoughton Pond.*
- (2) *The property is bordered in part by the North Branch of the Black River."* (Operation Permit 9/12/1985)

7. The Crown Point Road was known to cross the lands described above, but it's exact location was not known at the time of the permit. (Operation Permit 9/12/1985)
8. The proposed extraction areas were delineated by Phases 1-3 on the 9-3-85 site plan. Phase 4 was combined with Phase 3 per the hearing minutes and Elizabeth Murray's initials to the change on the Site Plan.
9. According to the minutes of the Planning Commission meeting of September 19, 1985<sup>1</sup>, the Commission wanted each phase excavated to exhaustion and reclaimed before the next phase was opened. The applicant, Mrs. Murray, objected to this condition on the grounds that gravel differs from place to place within the pit and she felt she would be unable to meet customer demands with such a restriction. Commissioner Hinkley suggested that Ms. Murray proceed with Phase 1 and if she found the gravel unsuitable there for a customer, she could come back to the Planning Commission for "re-evaluation to begin Phase 2, even if Phase 1 had not yet been rehabilitated". Therefore it is clear that the intention of the Commission was that the pit be worked in phases, that the phases would be worked in numerical order, and that each phase was to be "rehabilitated" before beginning the next phase. This intention was reflected in the conditions of the permit and the site plan. (see minutes of PC meeting of 9-18-1985<sup>1</sup>)





# Town of Weathersfield, Vermont

Zoning Board of Adjustment, P.O. BOX 550, ASCUTNEY, VT 05030  
Martin Memorial Hall, 5259 US Route 5  
Telephone: (802) 674-2626 Fax: (802) 674-2117  
Email: [zoning@weathersfield.org](mailto:zoning@weathersfield.org)  
Website: <http://www.weathersfield.org>

10. The September 12, 1985 "Existing Gravel Pit Operation Permit" was granted to Elizabeth Murray "for the continued operation and extension of this gravel pit with the following conditions attached:"

- (1) Excavation within the 300 ft. set back of the Crown Point Road be brought to a level no lower than the level of the Crown Point Road.
- (2) Phases be worked and rehabilitated in numerical order unless phase changes be approved by the Planning Commission.
- (3) All conditions and procedure(s) for each phase be followed as stated on site plan.
- (4) Phase 4 be omitted and that area be rehabilitated during Phase 3.

(See Permit dated 9/12/1985)

11. The site plan, dated 9-3-85 and approved on September 12, 1985, is entitled "Site Plan Gravel Excavation Murray Property Perkinsville VT". (Attachment B) The plan states additional "notes and conditions" which include:

- (1) Contractor shall maintain a 20 foot barrier between excavation area and Branch Brook Road;
- (2) Contractor shall maintain a 15 foot setback on either side of power line poles;
- (3) "No Trespassing" signs shall be posted around areas being excavated until work is complete.

The plan also contains "Procedure for each phase":

- (1) Maximum slope of pit not to exceed 50%, if possible, when excavation is complete;
- (2) Contractor to rehabilitate area by mulching and fertilizing when the area has been exhausted.

<sup>1</sup>There appears to be a mistake in the date of the Planning Commission meeting minutes – it should read September 9, 1985.

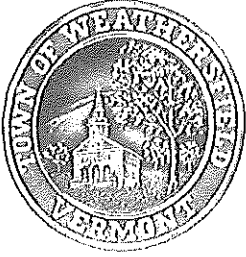
12. At present all phases of the pit are being excavated simultaneously.

13. There is no record of the Planning Commission amending the conditions placed on the Operation Permit in 1985.

14. The operation all phases of the pit simultaneously will require the following existing or planned community facilities:

- Use of Branch Brook Road, a Class 4 and Class 3 Town Highway at previously established levels.

15. The operation all phases of the pit simultaneously will have the following impact on its surrounding area:



# Town of Weathersfield, Vermont

Zoning Board of Adjustment, P.O. BOX 550, ASCUTNEY, VT 05030  
Martin Memorial Hall, 5259 US Route 5  
Telephone: (802) 674-2626 Fax: (802) 674-2117  
Email: [zoning@weathersfield.org](mailto:zoning@weathersfield.org)  
Website: <http://www.weathersfield.org>

- Dust from truck traffic on Branch Brook Road;
  - Noise from operation of the crusher, from loading trucks, from excavating earth resources (at previously established levels.)
16. The operation is limited by Land Use Permit #2S1118 to a maximum annual removal of 14,000 cu. yds. of resources per year.
17. The application will not utilize any renewable energy resources.
18. Simultaneous operation of all phases will not require additional equipment nor generate more truck traffic than has previously existed.
19. Sheet C1 of Exhibit 1 delineates the lateral limits of the extraction areas.
20. The applicant and his representative testified that excavation will not go below the 530-ft. elevation.
21. The applicant's representative testified that excavation had occurred within the required 50-ft. setback from the Army Corps of Engineers' property line.
22. The applicant and his representative testified that none of the finished slopes will exceed 50%.
23. The Board notes that Sheet C1 shows excavation within 20 feet of Branch Brook Road, which appears to violate Condition #1 on the 1985 site plan.
24. The applicant testified that the power poles referenced in Condition #2 of the 1985 site plan are no longer in existence.
25. The applicant's representative testified that Condition #1 of the 1985 Gravel Pit Operation Permit ("Excavation within 300 ft. setback of the Crown Point Road be brought to a level no lower than the level of the Crown Point Road") will not be violated.
26. Sheet C2 of Exhibit #2 delineates the plan for reclamation of the pit that will occur both during extraction operations and when the operations at the pit cease.
27. The applicant testified that \$10,000 - \$15,000 would be sufficient to cover the costs of reclaiming the pit.
28. The Weathersfield Police Chief and Highway Superintendent have no concerns with the proposal as presented to them.
29. The West Weathersfield Volunteer Fire Department Chief has no concerns with the project as presented to him.



# Town of Weathersfield, Vermont

Zoning Board of Adjustment, P.O. BOX 550, ASCUTNEY, VT 05030  
Martin Memorial Hall, 5259 US Route 5  
Telephone: (802) 674-2626 Fax: (802) 674-2117  
Email: [zoning@weathersfield.org](mailto:zoning@weathersfield.org)  
Website: <http://www.weathersfield.org>

30. The applicant's representative testified that operations had incurred within the required 50-ft. setback along the boundary line shared with the Army Corps of Engineers.

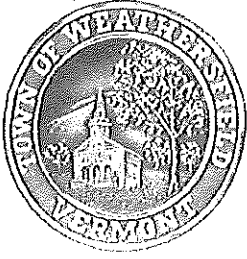
## DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the zoning board of adjustment grants the request for amending Condition #2 of the September 12, 1985 "Existing Gravel Pit Operation Permit" so as to allow simultaneous operation of all phases of the gravel pit as shown on Exhibit #1.

1. The simultaneous operation of all phases of the pit will not have an undue adverse impact the capacity of existing or planned community facilities.
2. The simultaneous operation of all phases of the pit application will not have an undue adverse effect on the character of the area affected, as defined by Section 4.3.2 of the Town of Weathersfield Zoning Bylaws.
3. The simultaneous operation of all phases of the pit will not have an undue adverse effect on traffic and roads and highways in the vicinity.
4. The simultaneous operation of all phases of the pit will not have an undue adverse effect on the following bylaws currently in effect.
5. The simultaneous operation of all phases of the pit will not have an undue adverse effect on utilization of renewable energy resources.
6. As conditioned, the simultaneous operation of all phases of the pit will satisfy the requirements of the Zoning Bylaws with respect to the special provisions of Sections 7.8 and 7.10 of the Zoning Bylaws.

The zoning board of adjustment approves the request to allow simultaneous operation of all delineated phases of the gravel pit subject to the following conditions:

1. Applicant shall submit a revised site plan showing:
  - (a) the property boundaries, and
  - (b) showing compliance with Condition #1 of the 1985 site plan (Attachment B) before an amended permit can be granted. If not submitted by the conclusion of the 30-day appeal period for this decision, the permit shall not be granted and the Zoning Administrator shall be required to take enforcement action.
2. Conditions 1 and 3 of the 1985 permit remain in effect (Attachment C).
3. Notes and Conditions #1 and 3 of the 1985 site plan remain in effect (Attachment B).
4. Operation of the pit shall be conducted and completed in accordance with:
  - (a) the 1985 permit;
  - (b) the exhibits and testimony presented during this proceeding;
  - (c) the conditions of this permit; and



# Town of Weathersfield, Vermont

Zoning Board of Adjustment, P.O. BOX 550, ASCUTNEY, VT 05030  
Martin Memorial Hall, 5259 US Route 5  
Telephone: (802) 674-2626 Fax: (802) 674-2117  
Email: [zoning@weathersfield.org](mailto:zoning@weathersfield.org)  
Website: <http://www.weathersfield.org>

(d) the Weathersfield Zoning Bylaws.

Deviation from these conditions without prior approval of the Zoning Board of Adjustment shall constitute a violation of the Zoning Bylaws and the Zoning Administrator shall be required to take enforcement action to secure compliance.

site visit  
1/19/2012: work in  
progress

5. The applicant shall reclaim the land within the 50-ft. setback from the Army Corps of Engineers' property line that was disturbed by the gravel operation in violation of the Zoning Bylaws by no later than November 1, 2012. The applicant shall ensure that further encroachment does not occur.

6. The applicant shall present to the Town a letter of credit in the amount of \$15,000 to cover the cost of reclamation of the pit. Such letter of credit shall be approved by the Town before it is accepted and before the amended permit may be granted. *Cash deposit 11/5/2012 Claremont Savings Bank*

by language  
on sheet C1

7. Reclamation of the pit shall be completed as shown on sheets C1 and C2 of Exhibit #1.

8. Reclamation of the pit shall be completed by no later than September 15, 2022, unless an extension is granted by the Zoning Board of Adjustment upon request by the owner/operator of the pit following a duly warned public hearing.

Dated at Weathersfield, Vermont, this 30<sup>th</sup> day of July, 2012.

*Dave Gulbrandsen* (AK)  
Dave Gulbrandsen, Chair

Other zoning board members participating in this decision:  
Debbie Graham, Lynn Esty, Michael Cohen (alternate)

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Z:\Zoning\Zoning Board of Adjustment\Decisions\Murray\_Amended Decision.docx

HEARING ITEM

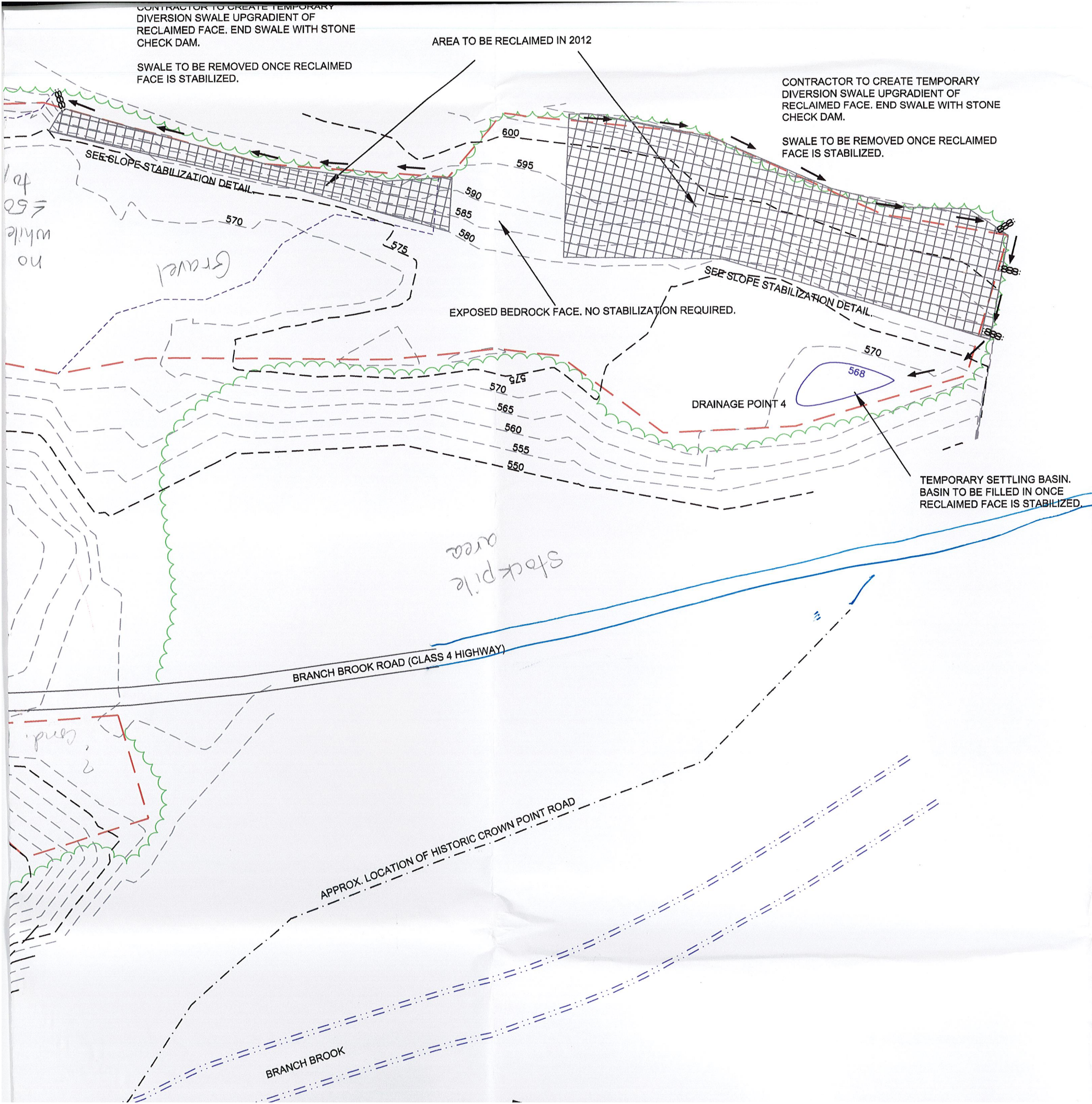
8

# MURRAY QUARRY

WEATHERSFIELD, VT

# RECLAMATION PLAN

#06.1212  
Exhibit #1



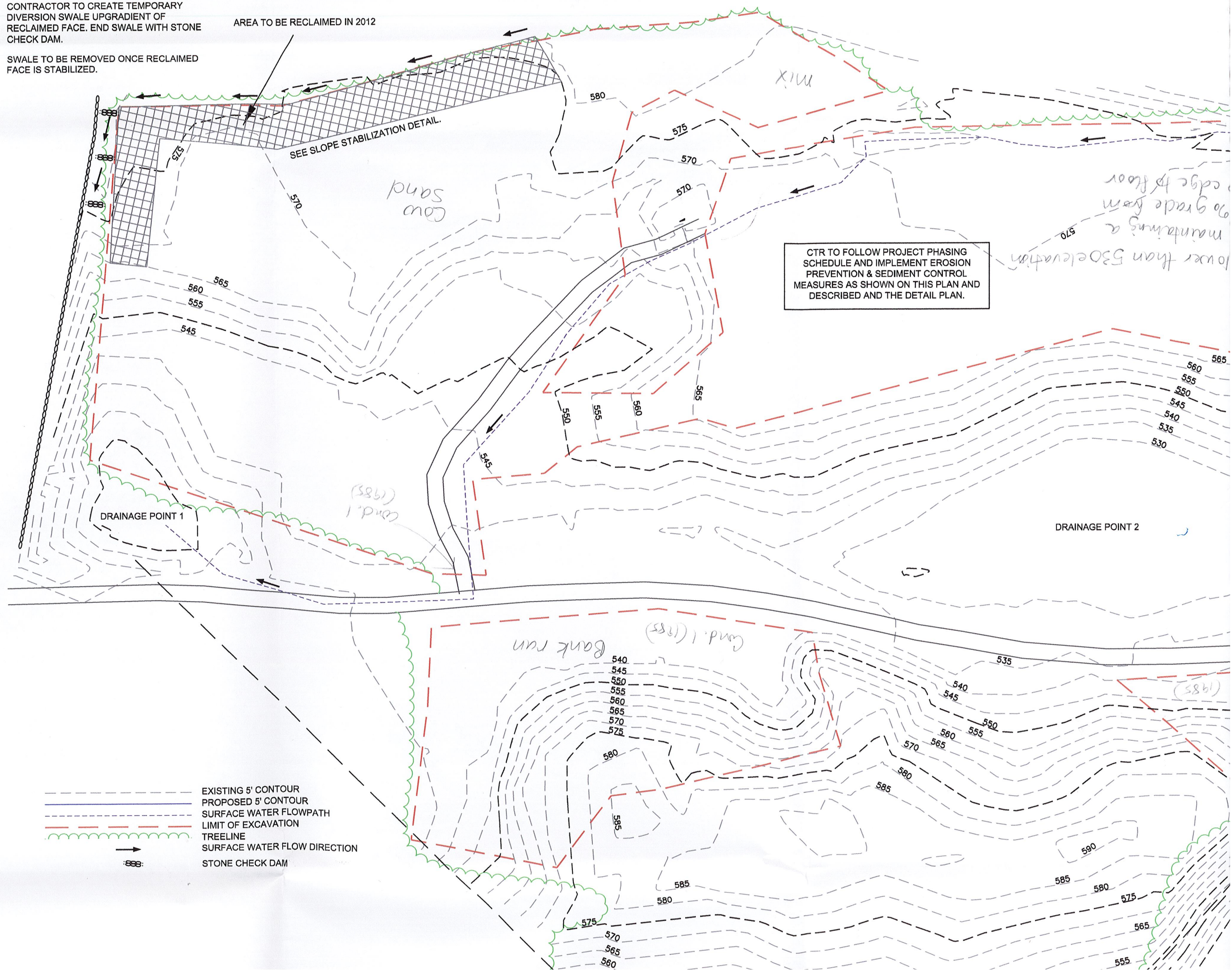
CONTRACTOR TO CREATE TEMPORARY DIVERSION SWALE UPGRADIENT OF RECLAIMED FACE. END SWALE WITH STONE CHECK DAM.

SWALE TO BE REMOVED ONCE RECLAIMED FACE IS STABILIZED.

AREA TO BE RECLAIMED IN 2012

SEE SLOPE STABILIZATION DETAIL.

CTR TO FOLLOW PROJECT PHASING SCHEDULE AND IMPLEMENT EROSION PREVENTION & SEDIMENT CONTROL MEASURES AS SHOWN ON THIS PLAN AND DESCRIBED AND THE DETAIL PLAN.



# MURRAY QUARRY

WEATHERSFIELD, VT

## RECLAMATION PLAN

# 06.1212

Exhibit #1

THE CERTIFICATION ON THIS DRAWING ONLY INDICATES THE VT REGISTERED PROFESSIONAL ENGINEER RESPONSIBLE FOR PREPARATION AND IS NOT ISSUED FOR CONSTRUCTION UNLESS NOTED IN THE "ISSUED FOR" BOX BELOW.

REV. NO.	DATE	DESCRIPTION

JOB NO.: 1117

ISSUED FOR: TOWN REVIEW

RELEASE DATE: 05/21/12

CREATION DATE: 01/03/12

SCALE: AS NOTED

DRAWN BY: FBP    REV'D BY: FBP

SHEET NO.: C1

PROPERTY  
N ARE FOR THE  
MS ONLY. THEY  
REMENTS FOR A  
12502(4), AND  
IS OF ANY LAND  
SHT.

TITLE TITLED



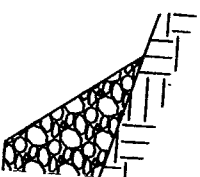
HEARING ITEM

9

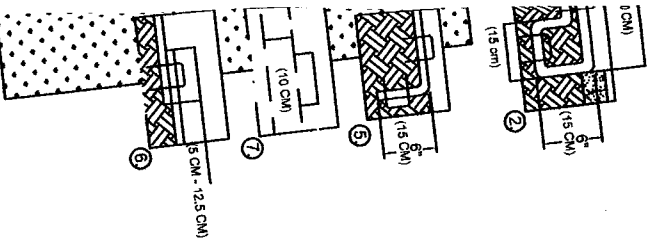
**QUARRY**

WEATHERSFIELD, VT

**RECLAMATION  
DETAIL PLAN**



H



LOCATION OF LIME, FERTILIZER, AND SEED.  
 1. DOWN.  
 APPROXIMATELY 12" (30 CM) OF RECPS  
 APPROXIMATELY 12" (30 CM) APART IN THE  
 2 AND FOLD REMAINING 12" (30 CM) PORTION OF  
 STAPLES SPACED APPROXIMATELY 12" (30 CM)  
 STRIKES AGAINST THE SOIL SURFACE. ALL  
 6 AS SHOWN IN THE STAPLE PATTERN STAPLE PATTERN.  
 RESPONDING TO THE APPROPRIATE STAPLE PATTERN.  
 (ROW OF STAPLES STAGGERED 4" (10 CM)  
 APPROXIMATELY 12" (30 CM) APART IN A 6" (15 CM)  
 1 STAPLED.  
 INTERVALS. USE A DOUBLE ROW OF STAPLES  
 10 CM) APART IN A 6" (15 CM) DEEP X 6" (15 CM)  
 15 CM) APART IN A 6" (15 CM) DEEP X 6" (15 CM)  
 NECESSARY TO PROPERLY ANCHOR THE RECPS.  
 STAPLE SPACING SHOULD BE ALTERED  
 STAPLES TO SECURE THE  
 CHANNEL SURFACE.  
 LONG THE CHANNEL SURFACE.  
 ALL CONDITIONS, THE USE OF STAPLE  
 6" (15 CM) RECPS MAY  
 6" (15 CM) RECPS MAY  
 6" (15 CM) RECPS MAY  
 6" (15 CM) RECPS MAY

THE CERTIFICATION ON THIS DRAWING ONLY INDICATES THE VT  
 REGISTERED PROFESSIONAL ENGINEER RESPONSIBLE FOR  
 PREPARATION AND IS NOT ISSUED FOR CONSTRUCTION UNLESS  
 NOTED IN THE "ISSUED FOR" BOX BELOW.

REV. NO.	DATE	DESCRIPTION
1	12/06/12	REV. SLOPE NOTE AS REQ'D BY
2	08/13/13	TOWN OF WEATHERSFIELD LAND USE MANAGER

1117

JOB NO.: TOWN REVIEW  
 ISSUED FOR: 08/13/13  
 RELEASE DATE: 01/03/12  
 CREATION DATE: AS NOTED  
 SCALE: FBP  
 DRAWN BY: FBP REV'D BY: FBP  
 SHEET NO.: C2

FINAL SIDE SLOPE OF UNR  
CONSTRUCT SLOPE ROUN

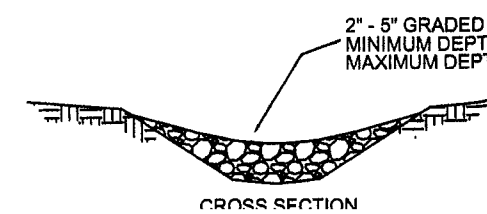
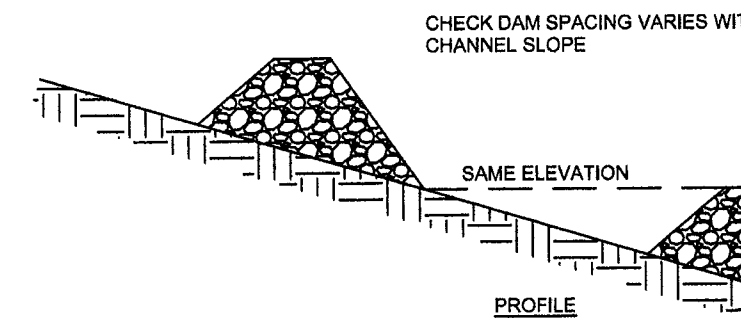
RECLAMATION SEQUENCING & MISCELLANEOUS NOTES:

1. CONTRACTOR TO CONSTRUCT DIVERSION SWALE UPGRADIENT OF FACE TO BE RECLAIMED.
2. INSTALL STONE CHECK DAMS AT END OF SWALE, IN LOCATIONS NOTED ON PLAN, OR WHERE OTHERWISE REQUIRED TO PREVENT EROSION.
3. RECLAIM EXPOSED FACE AS PER DETAIL.
4. APPLY SEED & MULCH AS NOTED. APPLY SEED & MULCH AS RECLAMATION PROGRESSES; DO NOT WAIT UNTIL ENTIRE FACE IS RECLAIMED.
5. MONITOR SEED & MULCHED AREAS FOR ANY EROSION; REPAIR & REAPPLY SEED & MULCH AS NECESSARY.
6. IN AREAS WHERE SEED & MULCH ARE INSUFFICIENT, CONTRACTOR TO APPLY EROSION CONTROL FABRIC AS PER DETAIL.
7. CONTRACTOR TO MONITOR RECLAIMED FACE UNTIL FULLY STABILIZED.
8. ONCE SLOPES ARE FULLY STABILIZED, CONTRACTOR TO REMOVE TEMPORARY SWALES AND SETTLING BASINS.

SEED MIXTURE	VARIETY	LBS./ACRE	LBS./ 1,000 SF
<b>MIX #1</b>			
SWITCHGRASS	SHELTER, PATHFINDER, TRAILBLAZER, OR BLACKWELL	4	0.1
BIG BLUESTEM	NIAGARA	4	0.1
LITTLE BLUESTEM	ALDOUS OR CAMPER	2	0.05
INDIANGRASS	RUMSEY	4	0.1
COASTAL PANICGRASS	ATLANTIC	2	0.05
SIDEOATS GRAMA	EL RENO OR TRAILWAY	2	0.05
WILDFLOWER MIX		0.5	0.01
<b>MIX #2</b>			
CREeping RED FESCUE	ENSYLVA, PENNLAWN, BOREAL	20	0.45
TALL FESCUE	KY 31, REBEL	20	0.45
PERENNIAL RYEGRASS	PENNFINE, LINN	5	0.10
BIRDSFOOT TREFOIL	EMPIRE, PARDEE	10	0.45

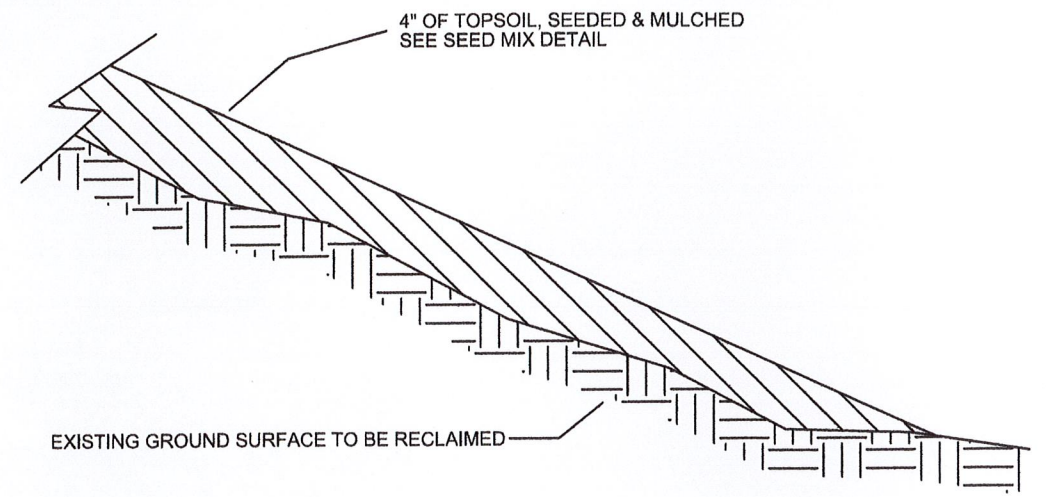
MULCHING NOTES

CONTRACTOR TO APPLY STRAW MULCH AT A RATE OF 2 TONS PER ACRE, ANCHORED WITH WOOD FIBER MULCH AT 500 - 700 LBS/ACRE. APPLY WOOD FIBER IMMEDIATELY WITH HYDROSEEDER AFTER MULCHING.

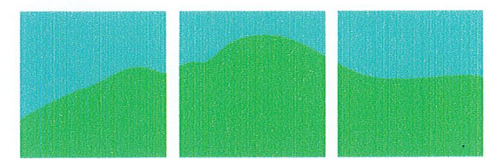


07-02-10-805

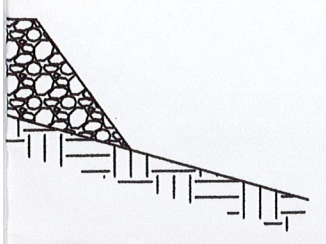
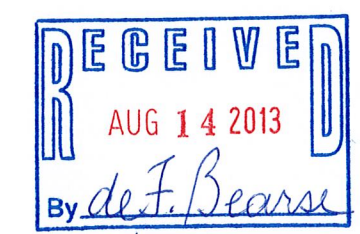
DECLAIMED EXCAVATION FACE VARIES. CONTRACTOR TO  
ADJUST TO A MAXIMUM 50% GRADE, IF POSSIBLE.



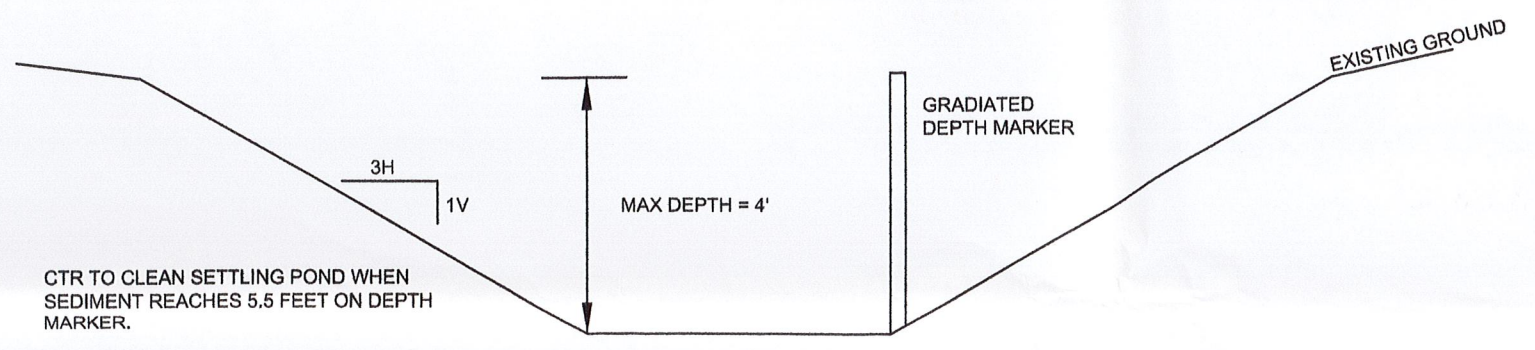
**SLOPE STABILIZATION DETAIL**  
NTS



**Long Trail Engineering, P.C.**  
 P.O. Box 714  
 East Dorset, VT 05253  
 (802) 366-1366  
 www.longtrailengineering.com  
 copyright 2012



STONE MIX  
12"  
24"



**TEMPORARY SETTLING BASIN DETAIL**  
NTS

**MURRAY  
QUARRY**

WEATHERSFIELD, VT

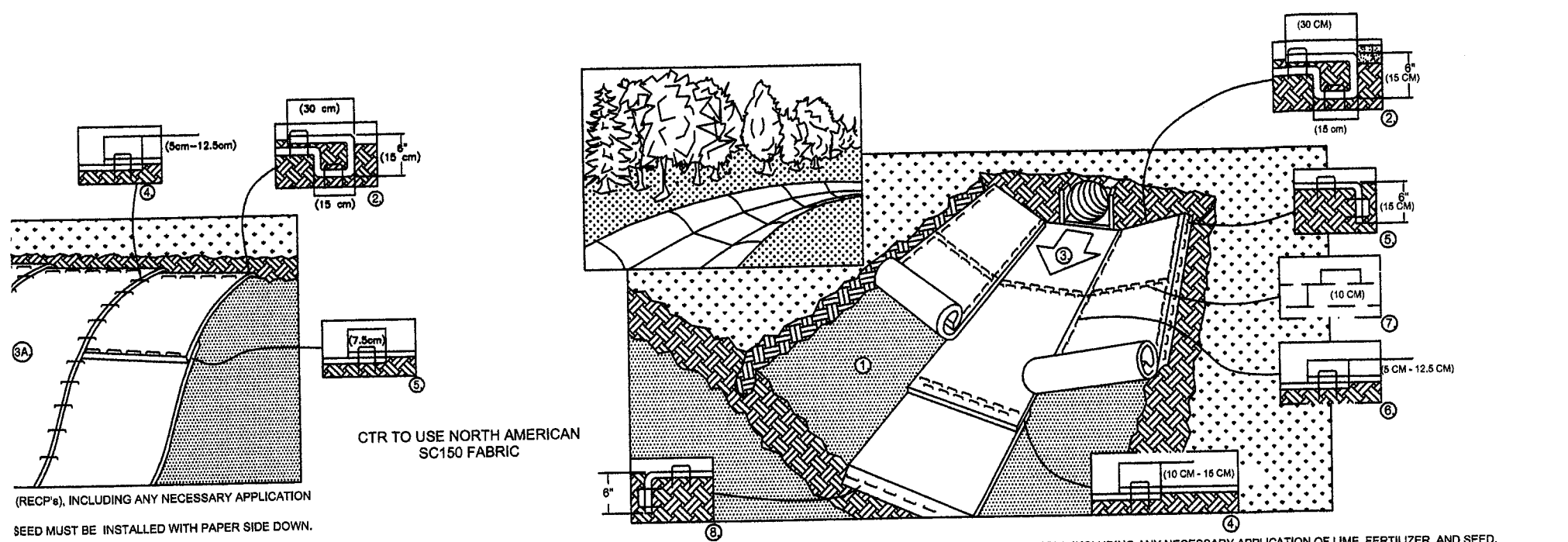
STONE MIX  
 1 = 12"  
 H = 24"

MARKER.

TEMPORARY SETTLING BASIN DETAIL  
 NTS

WEATHERSFIELD, VT

RECLAMATION  
 DETAIL PLAN

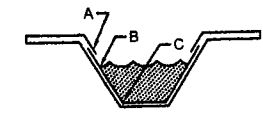


CTR TO USE NORTH AMERICAN  
 SC150 FABRIC

SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.

1. PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECP's), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED.  
 NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.  
 2. BEGIN AT THE TOP OF THE CHANNEL BY ANCHORING THE RECP's IN A 6" (15 CM) DEEP X 6" (15 CM) WIDE TRENCH WITH APPROXIMATELY 12" (30 CM) OF RECP's EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR THE RECP's WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30 CM) APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" (30 CM) PORTION OF RECP's BACK OVER SEED AND COMPACTED SOIL. SECURE RECP's OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" (30 CM) ACROSS THE WIDTH OF THE RECP's.  
 3. ROLL CENTER RECP's IN DIRECTION OF WATER FLOW IN BOTTOM OF CHANNEL. RECP's WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECP's MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING THE DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.  
 4. PLACE CONSECUTIVE RECP's END OVER END (SHINGLE STYLE) WITH A 4" - 6" (10 CM - 15 CM) OVERLAP. USE A DOUBLE ROW OF STAPLES STAGGERED 4" (10 CM) APART AND 4" (10 CM) ON CENTER TO SECURE RECP's.  
 5. FULL LENGTH EDGE OF RECP's AT TOP OF SIDE SLOPES MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30 CM) APART IN A 6" (15 CM) DEEP X 6" (15 CM) WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.  
 6. ADJACENT RECP's MUST BE OVERLAPPED APPROXIMATELY 2" - 5" (5 CM - 12.5 CM) (DEPENDING ON RECP's TYPE) AND STAPLED.  
 7. IN HIGH FLOW CHANNEL APPLICATIONS, A STAPLE CHECK SLOT IS RECOMMENDED AT 30 TO 40 FOOT (9 M - 12 M) INTERVALS. USE A DOUBLE ROW OF STAPLES STAGGERED 4" (10 CM) APART AND 4" (10 CM) ON CENTER OVER ENTIRE WIDTH OF THE CHANNEL.  
 8. THE TERMINAL END OF THE RECP's MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30 CM) APART IN A 6" (15 CM) DEEP X 6" (15 CM) WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.

NOTE:  
 \* IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" (15 CM) MAY BE NECESSARY TO PROPERLY ANCHOR THE RECP's.



CRITICAL POINTS  
 A. OVERLAPS AND SEAMS  
 B. PROJECTED WATER LINE  
 C. CHANNEL BOTTOM/SIDE SLOPE VERTICES

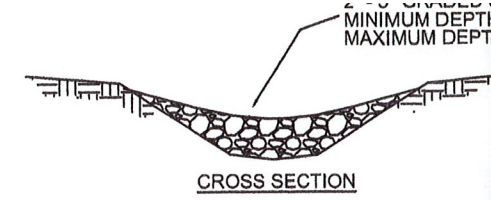
NOTE:  
 \* HORIZONTAL STAPLE SPACING SHOULD BE ALTERED IF NECESSARY TO ALLOW STAPLES TO SECURE THE CRITICAL POINTS ALONG THE CHANNEL SURFACE.

\*\* IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" (15 CM) MAY BE NECESSARY TO PROPERLY ANCHOR THE RECP's.

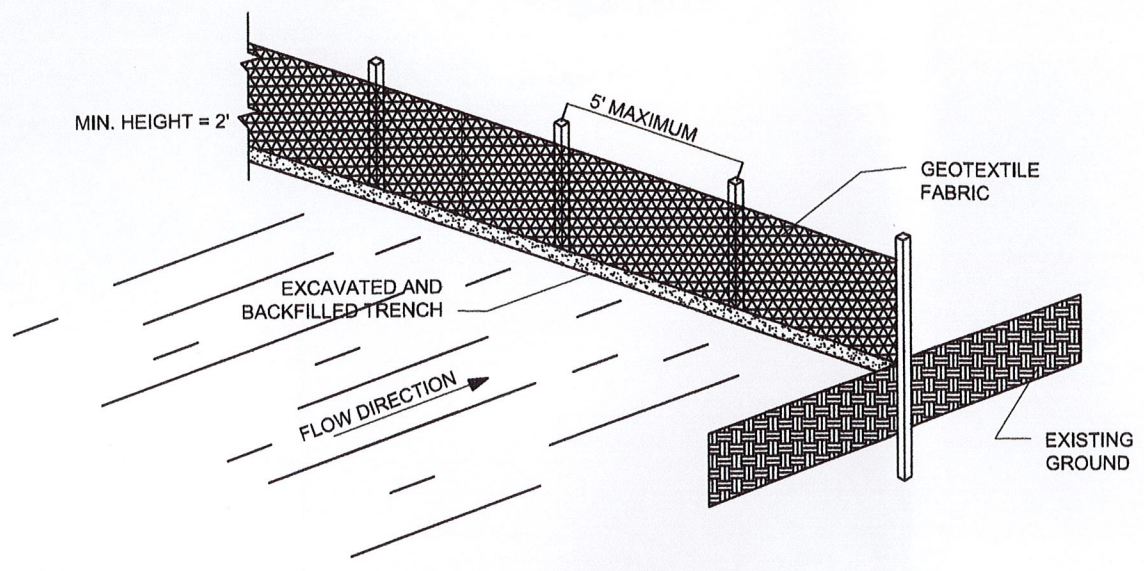
THE CERTIFICATION ON THIS DRAWING ONLY INDICATES THE VT REGISTERED PROFESSIONAL ENGINEER RESPONSIBLE FOR PREPARATION AND IS NOT ISSUED FOR CONSTRUCTION UNLESS NOTED IN THE "ISSUED FOR" BOX BELOW.

REV. NO.	DATE	DESCRIPTION
1	12/06/12	REV. SLOPE NOTE
2	08/13/13	REV. SLOPE NOTE AS REQ'D BY TOWN OF WEATHERSFIELD LAND USE MANAGER

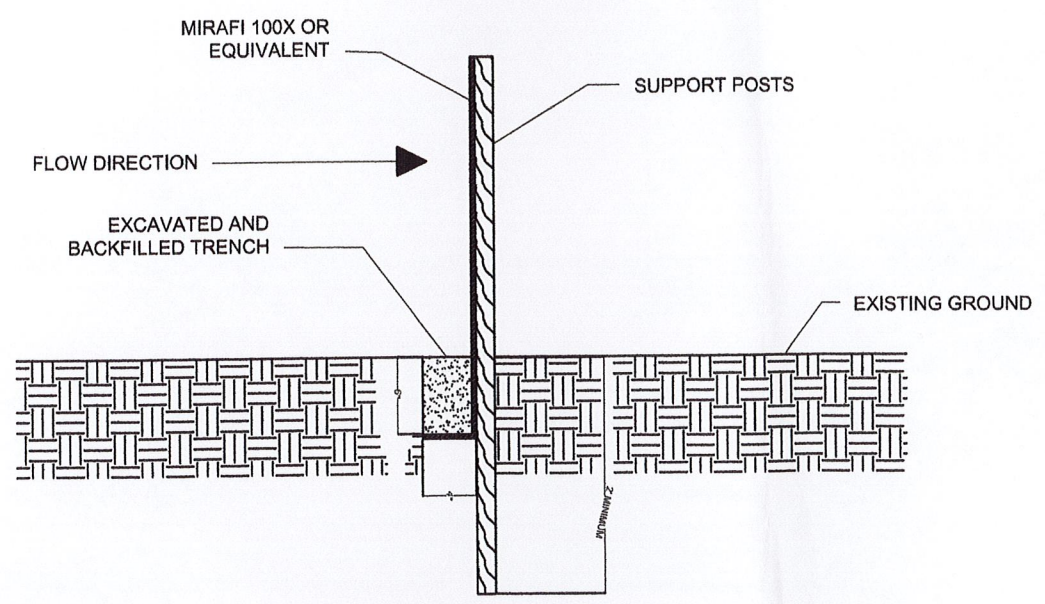
JOB NO.:	1117
ISSUED FOR:	TOWN REVIEW
RELEASE DATE:	08/13/13
CREATION DATE:	01/03/12
SCALE:	AS NOTED
DRAWN BY: FBP	REV'D BY: FBP
SHEET NO.:	C2



**STONE CHECK DAM DETAIL**  
NTS



**ISOMETRIC VIEW**

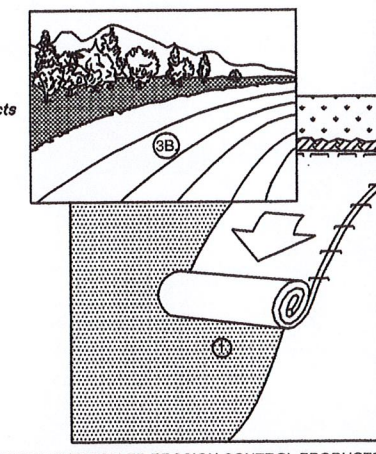


**TYPICAL SECTION**

**NOTES:**

1. THE GEOTEXTILE FABRIC SHALL BE PLACED IN THE EXCAVATED TRENCH, BACKFILLED, AND COMPACTED TO THE EXISTING GROUND SURFACE.
2. THE GEOTEXTILE FABRIC SHALL BE ATTACHED DIRECTLY TO THE UPSLOPE SIDE OF WOODEN POSTS WITH 0.5 INCH STAPLES IN AT LEAST 3 PLACES, OR WITH WOODEN LATH AND NAILS. ATTACHMENT TO STEEL POSTS WILL BE BY WIRE FASTENERS OR 50 POUND PLASTIC TIE STRAPS ON THE UPSLOPE SIDE.
3. WHERE TWO SECTIONS OF FILTER CLOTH ADJOIN, OVERLAP AT LEAST 6" AND FOLD.
4. MAINTAIN FENCE AS NECESSARY. REMOVE MATERIAL WHEN SEDIMENT REACHES HALF OF FABRIC HEIGHT.

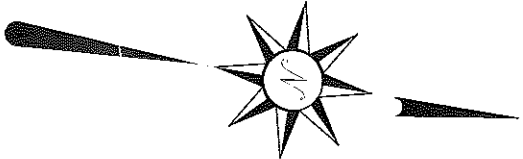
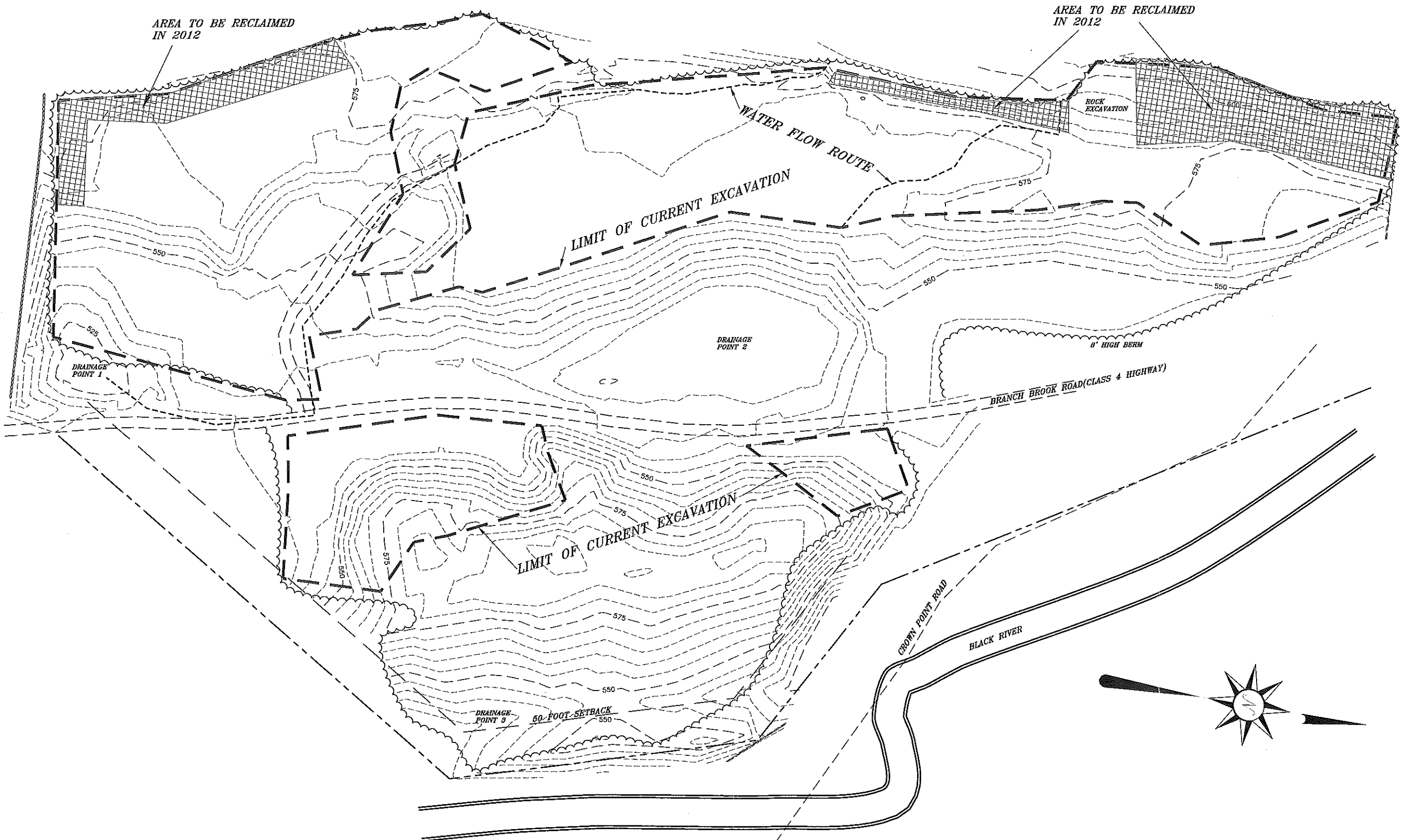
**SILT FENCE DETAIL**  
NTS



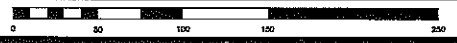
1. PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS OF LIME, FERTILIZER, AND SEED.  
NOTE: WHEN USING CELL-O-SEED DO NOT SEED PREPARED AREA. CELL-O-SEED MUST BE APPLIED TO THE SOIL SURFACE.
  2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECP'S IN A 6" (15 CM) TRENCH WITH APPROXIMATELY 12" (30cm) OF RECP'S EXTENDED BEYOND THE UPSLOPE. SECURE RECP'S WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30 CM) APART. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO THE PORTION OF RECP'S BACK OVER SEED AND COMPACTED SOIL. SECURE RECP'S WITH STAPLES/STAKES SPACED APPROXIMATELY 12" (30 CM) APART ACROSS THE SLOPE.
  3. ROLL THE RECP'S (A.) DOWN OR (B.) HORIZONTALLY ACROSS THE SLOPE. RECP'S MUST BE SECURELY FASTENED TO THE SOIL SURFACE. ALL RECP'S MUST BE SECURELY FASTENED TO THE SOIL SURFACE IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE RECP'S TYPE.
  4. THE EDGES OF PARALLEL RECP'S MUST BE STAPLED WITH APPROXIMATELY 2" (5 CM) ON RECP'S TYPE.
  5. CONSECUTIVE RECP'S SPLICED DOWN THE SLOPE MUST BE PLACED END OVER END WITH A 3" (7.5 CM) OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" (30 CM) FROM RECP'S WIDTH.
- NOTE:  
\*IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" IS RECOMMENDED TO PROPERLY SECURE THE RECP'S.

HEARING ITEM

10



Site Plan		
<i>Bruce Murray</i>		
Weathersfield Vermont		
DATE	SCALE	PROJECT NO.
Oct. 2011	1"=50'	11-998
<b>GARY RAPANOTTI L.S.</b>		
SPRINGFIELD VERMONT		





HEARING ITEM

11

# Town of Weathersfield, Vermont

Land Use Administrator, P.O. BOX 550, ASCUTNEY, VT 05030

Martin Memorial Hall, 5259 US Route 5

Telephone:(802) 674-2626 Fax: (802)674-2117

Email: [landuse@weathersfield.org](mailto:landuse@weathersfield.org)

Website: <http://www.weathersfieldvt.org>

27 January 2017

Mr. Patrick Walsh  
11 West Cove Road  
Moodus, CT 06469

Re: Former Murray Gravel Pit  
Perkinsville, VT (#07-02-10)

Dear Mr. Walsh:

We have reviewed the town and state correspondence concerning Land Use Permits 2S1118-1 and 2S1118-2, Weathersfield Zoning Permit 06-12-12, and the accompanying site plans and related documents and find that the property is in compliance with the applicable town zoning bylaws and the previously-issued permits.

Please let me know if you need any additional documentation from this office.

Sincerely,

**Hal J. Wilkins**

Hal J. Wilkins  
Land Use Administrator

HJW/tf

November 1, 2016

Mr. Hal Wilkins  
Land Use Administrator  
Town of Weathersfield, VT

Re: Zoning Permit #06.1212

Mr. Wilkins,

I write to you to inform you that Probate court has issued the final decree of distribution of real property in regards to the Murray Property, 7056 Rte 131, Perkinsville, VT.

Property of Bruce b. Murray to Patrick J. Walsh and Victoria I. Walsh filed 8/23/2016 in Vermont Superior Court Windsor Unit and received for record at Weathersfield, VT on 9/8/2016 at 4:00 pm along with VT Property transfer tax return (Town file 2016-00000083) recorded in Bk 181, pg 82.

I am requesting that zoning permit #06.1212 be transferred to Patrick J. Walsh & Victoria I. Walsh and the gravel pit operation be allowed to continue in accordance with the permit requirements.

As part of the permit transfer, the letter of credit to cover the cost of reclamation that was submitted to the town in the form of \$15,000.00 cash deposit being held at Claremont Savings Bank along with any interest in the account also be transferred to Patrick J. Walsh and Victoria I. Walsh.

Please contact me if you require any additional information.

Sincerely,



Patrick J. Walsh  
7056 Rte 131  
Perkinsville, VT 05151

CT Residence  
11 West Cove Rd  
Moodus, CT 06469

Cell: 1-860-301-0255

HEARING ITEM

12

EXISTING GRAVEL PIT OPERATION PERMIT

Attachment C

Elizabeth G. Murray, owner or operator of an existing gravel pit operation on March 5, 1974 located on a tract of land in the Town of Weathersfield described as follows with map attached:

Murray land on either side of the Branch Brook Road running from Amsden to Stoughton Pond. The property is bordered in part by the North Branch of the Black River.

The exact location of the Crown Point Road is not known, but it is conterminous with the Branch Brook Road for a stretch from Amsden, but then branches off before the gravel pit area is reached (as one is travelling toward Stoughton Pond). See map attached.

A permit is hereby granted for the continued operation and extension of this gravel pit with the following conditions attached:

1. Excavation within the 300 ft. set back of the Crown Point Road be brought to a level no lower than the level of the Crown Point Road.
2. Phases be worked and rehabilitated in numerical order unless phase changes be approved by the Planning Commission.
3. All Conditions and Procedure for Each Phase be followed as stated on site plan.
4. Phase 4 be omitted and that area be rehabilitated during phase 3.

IN WITNESS WHEREOF, we hereunto set our hands and seals at Windsor, in the County of Windsor and State of Vermont this 12th day of September, 1985.

In Presence of:

[Signature]  
(Witness)

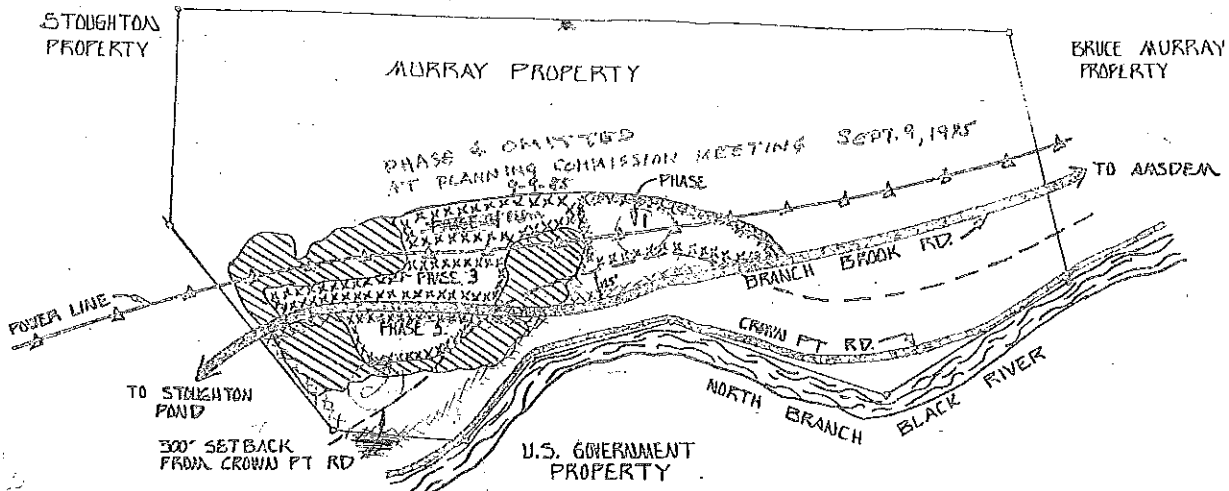
Elizabeth G. Murray L.S.  
(Gravel Pit Operator)  
owner

[Signature]  
(Witness) Town Clerk

[Signature] L.S.  
(Zoning Administrator)

HEARING ITEM

13



- LEGEND**
- ▨▨▨▨ PREVIOUS EXCAV. AREA
  - ▧▧▧▧ PROPOSED AREA PER PHASE
  - +—+— POWER LINE
  - - - 300' SETBACK LINE
  - ~~~~~ RIVER

**NOTES AND CONDITIONS**

1. Contractor shall maintain a 20 foot barrier between excavation area and Branch Brook Road.
2. Contractor shall maintain a 15 foot setback on either side of power line poles.
3. No trespassing signs shall be posted around areas being excavated until work is complete.

**PROCEDURE FOR EACH PHASE**

1. Maximum slope of pit not to exceed 50%, if possible, when excavation is complete.
2. Contractor to rehabilitate area by mulching and fertilizing when the area has been exhausted.

**SITE PLAN**  
**GRAVEL EXCAVATION**  
 MURRAY PROPERTY  
 PERKINSVILLE, VT.  
 DRAWN: P. WALSH  
 9-3-85  
 SCALE: 1" = 40'

*Weathersfield*  
 Planning Commission  
 Approved Site Plan  
 12 September 1985

HEARING ITEM

14





## State of Vermont

### LAND USE PERMIT

**CASE NO:** 2S1118  
**PERMITTEE:** Bruce Murray  
**ADDRESS:** 7056 Route 131  
Perkinsville, VT 05151

**LAWS/REGULATIONS INVOLVED:**  
10 V.S.A., §§ 6001 - 6092 (Act 250)  
and Vermont State Environmental  
Protection Rules

District Environmental Commission #2 hereby issues Land Use Permit #2S1118, pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6092. This permit applies to the lands identified in Book 85, Page 356, Book 93, Page 336, Book 51, Page 114 and Book 50, Page 138 of the land records of Weathersfield, as the subject of deeds to Bruce Murray, the permittee as grantee.

This permit specifically approves the previous clearing and site preparation for a commercial project and approval for continued work involving the removal of an additional 2000 cubic yards of gravel. The tract of land consists of approximately 80 acres composed of five parcels: Parcel A with 60+ acres and a pre-existing gravel operation with an annual extraction rate not to exceed 14,000 cubic yards; Parcel B with 9.88 acres and an existing single family house; Parcel C with 8.59<sup>5.39</sup> acres and a proposed house site; Parcel D with 3.13 acres with the proposed gravel extraction; and Parcel E with one acre. The project is located at the intersection of Route 131 and Branch Brook Road in the Town of Weathersfield, Vermont.

The project is subject to Act 250 jurisdiction because the project is construction of improvements for commercial purpose to create a level commercial lot (see Jurisdictional Opinions dated October 16, 1998 and June 9, 2000) on more than ten acres in the Town of Weathersfield. Environmental Board Rule 2(A)(2).

The permittee and his assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Environmental Commission in accordance with the following conditions:

1. The project shall be completed, operated and maintained in accordance with the plans and exhibits on file with the District Environmental Commission and the conditions of this permit.
2. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the District Environmental Commission, whichever is appropriate under the Environmental Board Rules.

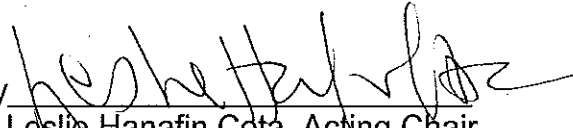
3. By acceptance of the conditions of this permit without appeal, the permittee confirms and agrees that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittee and all assigns and successors in interest.
4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed, operated and maintained in accordance with the terms of the permit, as provided by 10 V.S.A., Chapter 151 and the rules of the Environmental Board.
5. By acceptance of this permit, the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
6. The permittee shall ensure that reasonable precautions are taken at all times to control fugitive particulate matter (dust) emissions from the site including the haul roads, traffic areas, storage piles, exposed surfaces and any site operations and processing of materials. This shall include the application of water or calcium chloride as necessary to the haul roads, traffic areas and storage piles and the covering of all trucks entering, exiting or operating at the site that are loaded with materials that may generate fugitive dust. In addition, the permittee shall not allow the operation of a gravel or stone crushing plant on the premises with a maximum rated capacity (based on the crusher's largest possible setting and maximum throughput, not actual operating rate) of greater than 150 tons per hour, unless said crushing plant has a permit to operate from the District Environmental Commission and the Vermont Air Pollution Control Division.
7. The permittee shall comply with Exhibit #13 ("Proposed Gravel Pit" prepared for Bruce Murray by Gary Rapanotti, L.S., 7/2/99) for erosion control. The permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. The District Environmental Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control as it deems necessary.
8. All mulch, hay bales, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.

9. Upon completion of the work authorized in the permit, the permittee shall seed and mulch all disturbed areas and ensure successful revegetation is accomplished.
10. In addition to conformance with all erosion control conditions, the permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the permittee from compliance with 10 V.S.A., Chapter 47, Vermont's Water Pollution Control Law.
11. No topsoil shall be removed from the site.
12. The refueling of vehicles and equipment shall be outside the excavation area in order to protect groundwater resources.
13. All stumps shall be disposed of on-site above the seasonal high water table or at a State-approved landfill so as to prevent groundwater pollution. Forest debris shall not be burned.
14. There shall be no blasting.
15. The granite marker identifying the "Crown Point Road", located adjacent to the Branch Brook Road, shall be protected.
16. No further alteration and/or development of the tract of land beyond that authorized in this permit shall be permitted without the written approval of the District Environmental Commission.
17. Pursuant to 10 V.S.A. § 6090(b), this permit is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.
18. All excavation and reclamation of the three acre gravel site shall be completed in accordance with the approved plans by October 1, 2003, unless an extension of this date is approved in writing by the District Environmental Commission.

Land Use Permit #2S1118  
Page 4

Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., § 6090(c).

Dated at Springfield, Vermont, on October 11, 2000.

By   
Leslie Hanafin Cota, Acting Chair  
District 2 Environmental Commission  
Environmental Board

Members participating in this decision:

Michael Bernhardt  
Susan S. Spaulding

---

The applicant or a party may file a motion to alter within 30 days from the date of this decision, pursuant to Environmental Board Rule 31. Any appeal of this decision must comply with all provisions of 10 V.S.A. § 6089 and Environmental Board Rule 40 including the submission of the original and ten copies of the following: notice of appeal, a statement of why the appellant believes the commission was in error, a statement of the issues to be addressed in the appeal, a summary of the evidence that will be presented, a preliminary list of witnesses and this decision. Decisions on minor applications may be appealed if a hearing was held by the district commission or timely requested by the appellant.

W:\ACT250\PERMITS\2S1118.PMT