

Zoning Board of Adjustment

September 13, 2022

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. The motion passed.

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 wanted to know where the \$15,000 was located. Patrick Walsh stated that the Town had it in an account.

It was part of the original permit. Todd Hinderger asked if after 5 years, would Patrick Walsh have the resources to reclaim it. Patrick Walsh stated that he will.

Todd Hinderger 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 Hinderger 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 Hinderger 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 Hinderger 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 Hinderger 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 bond to be more accurate to reflect the cost of reclamation. Todd Hinderger 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 Hinderger stated that he could provide the Board with that cost.

deForest Bearse mentioned that he should look into the Act 250 permit too. Todd Hinderger 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 Hinderger 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. The motion passed.

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. The motion passed.

Respectfully submitted,

Diana Stillson