

Zoning Board of Adjustment

September 27, 2022

Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, David Gulbrandsen, and James Cahill. Joseph Bublat 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

There was none.

4. Comments from Citizens regarding items not on the agenda

There were none.

5. Approval of Meeting Minutes – September 13, 2022

Joseph Bublat made a motion to approve the minutes of September 13, 2022 as corrected. Todd Hindinger seconded it. The motion passed.

6. Public Hearing: Application 22.0817 by Patrick Walsh 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 at 6:41 PM. The Board had no exparte communication, or conflict of interest. Patrick Walsh stated that the \$15,000 was deposited with the Town in lieu of a bond. It is at Claremont Savings Bank under the Town's name. He is willing to provide an additional \$20,000 bond to cover topsoil and grass seed. He does have some top soil on site

and the ability to make more. He is not pursuing that at this time. Currently, there is approximately 80 yards of topsoil stock piled there. He has spoken with Stephanie Gile, Agency of Natural Resources, in regards to the Act 250 permit. She forwarded him the original permit which he forwarded to Ryan Gumbart. Patrick Walsh forwarded an email from Stephanie Gile to Ryan Gumbart too. She stated that it is a pre-existing gravel pit with an annual extraction rate that cannot exceed 14,000 cubic yards and as long as it has not been abandoned for more than 15 years. There cannot have been a substantial change, such as the extraction rate exceeding 14,000 cubic yards, an encroachment on a neighboring parcel or natural resource, or blasting/crushing introduced. Patrick Walsh stated that the previous owner did a subdivision and sold off a couple of parcels of land. The Act 250 has no expiration date as long as it meets these conditions.

Exhibit #14 was the land use permit 2S1118. Exhibit #15 was the one page email from Stephanie Gile. Todd Hinderger wanted to know if Patrick Walsh plans on doing any blasting or crushing in the next five years and what is involved with the new bond. Patrick Walsh stated that he does not plan on doing any blasting or crushing. It would be an insurance performance bond that would complete the reclamation. The insurance company would give the Town the money. The \$15,000 at Claremont Savings Bank was cash. The \$20,000 would be a bond. If it has to be reclaimed by an outside contractor, the Board wanted to know if the landowner would allow them to come onto his property to reclaim it. Patrick Walsh stated that it would be fine.

Joseph Bublat asked Patrick Walsh if in another five years he would want another extension. Patrick Walsh stated that the Act 250 has an indefinite date for the gravel pit. He does not know about ten years from now. It has slowed down the last 4 to 5 years. He has not done any exploring to see how much is left. The Board stated that this hearing is based upon a five year extension. If Patrick Walsh would like it to be longer, then the Board needs to re-warn it. Abutters and the public saw that it was warned for a five year extension. Patrick Walsh stated that he would like to do it for five years. After five years, he could ask for another extension, if need be. He stated that he would need a couple of weeks to get the bond.

Todd Hinderger told him to wait for the Board's decision because we will describe the bond in our decision. David Gulbrandsen stated that it was warned as an extension for gravel pit reclamation, not an extension of operation. An abutter might wonder when the operation continues. Todd Hinderger stated that a warning is given to the abutters to describe what is happening. The warning does not give everything that will be evidence. He is not convinced that there is an issue.

James Cahill made a motion to close the hearing at 7:12 PM. Todd Hinderger seconded it. The motion passed.

7. Communication with other boards and committee
 - a. Zoning Bylaws update

Todd Hindinger stated that the Town's website does not have the new Zoning Bylaws on it yet. Ryan Gumbart stated that he does not have access to it. He has contacted the necessary people to fix it, but has not heard back from them. Todd Hindinger stated that if the Planning Commission has a working document, it would be nice for the Zoning Board to see it. Joseph Bublat stated that it is in the Planning Commission's minutes, just click on the link. David Gulbrandsen stated that he has found it on the Town's website using the search engine.

Todd Hindinger stated that when he writes the decisions, he looks at the current Bylaws. Over the course from hearing to hearing, the Bylaws and numbers have changed. The Bylaws used in March are wrong in July. There is not enough staff to update the Bylaws on the website. David Gulbrandsen stated that in the final line of our decisions state "within the boundary line of Zoning Bylaws". The Board could attach copies of the Bylaws to their decisions. Ryan Gumbart stated that the last time Bylaws were adopted was October 2020 - 2021. There was nothing in July 2022. The Board has the most recent Bylaws. Todd Hindinger stated that if there is a minor change in the Bylaws approved by the Select Board, then the Zoning Board needs a copy of it.

- b. Zoning maps

8. Discuss of items for future agendas

The Board's next meeting is October 25, 2022 at 6:30 PM.

9. Adjournment

James Cahill made a motion to adjourn at 7:40 PM. Joseph Bublat seconded it. All were in favor.

Respectfully submitted,

Diana Stillson