

Town of Londonderry, Vermont
Development Review Board
Meeting Agenda

Wednesday, August 19, 2020 at 5:30 PM

Meeting will be held remotely online with no physical presence - see information below

1. Call Meeting to Order
2. Additions or Deletions to the Agenda
3. Minutes Approval – Meeting of July 15, 2020
4. Public Hearings as warned:

Application 2020-24 by Michele Perri, requesting Site Plan Review per Zoning Bylaw sections 402(B) and 504 for the proposed addition of another access driveway on Parcel 051018.000, located at 1303 Goodaleville Road.

Application 2020-25 by Mad King Quarry, LLC, requesting Site Plan Review and Conditional Use Review per Zoning Bylaw sections 205(H), 308, 503 and 504 for the proposed permit extension, and amendment of previously-approved conditions, for quarrying operations on Parcel 035000.200, located on Rowes Road, located within an R3 Zoning District and Flood Hazard Overlay District.

5. Other Business
6. Next regular meeting date – Wednesday, September 16, 2020
7. Adjourn

Meeting may be attended remotely as follows:

Join Zoom Meeting: <https://us02web.zoom.us/j/89999191317>
By Phone: 929-205-6099
Meeting ID: 899 9919 1317

It is strongly recommended that potential participants familiarize themselves with Zoom software (<https://zoom.us/>) prior to the meeting as the Board will not dedicate time to educating the public in its use.

Posted and Distributed on August 14, 2020

Town of Londonderry, Vermont Development Review Board

Regular Meeting Minutes
Wednesday, August 19, 2020

Note: This meeting was held remotely online with no physical presence – all attendees participated by video or phone, per the instructions provided in the public hearing notice and in the agenda posted in advance of this meeting, as indicated within these meeting minutes.

Board Members Present: Esther Fishman Chair, Denis Pinkernell Co-Chair, Paul Abraham, Terry Hill, John Lancaster, Chris Laselle, Bob Maisey.

Others in Attendance: Town Officials: Shane O’Keefe, Zoning Administrator, and Sharon Crossman, Assistant to the Zoning Administrator. Members of the Public: Michele Perri, Hunter Kaltsas, Chris Ponessi P.E., Justin Weekley.

1. **Call the meeting to order.** At 5:32 pm, Development Review Board (the Board) Chair Esther Fishman called the online meeting to order and read a prepared script describing the authority to hold an entirely online meeting and the procedures to be followed by Board members and others in attendance, depending on their mode of participation (script attached).
2. **Additions or deletions to the agenda** (to occur as Other Business). None.
3. **Minutes Approval.** Paul Abraham made a motion, seconded by Terry Hill to approve the minutes of the July 15, 2020 DRB meeting. The motion passed unanimously.
4. **Public Hearing as warned. Application 2020-24** by Michele Perri (Applicant) requesting Site Plan Review per Zoning Bylaw Sections 402(B) and 504 for the proposed addition of another access driveway on Parcel 051018.000, located at 1303 Goodaleville Road.

At 5:38 pm, the Chair opened the public hearing and asked the Applicant to describe the proposed project. Property owner, Michele Perri appeared and explained that her goal is to restore an orchard and develop a crop farm on a portion of her property that is not presently accessible due to a stonewall that runs along Goodaleville Road. She said the project is to create a second access, with a gravel surface, on the same side of the Town road as her existing driveway, for ingress and egress for vehicles and equipment related to her future farming operation.

Shane O’Keefe stated that the Section 402(B) of the Bylaw requires Site Plan review for the creation of more than one access. He also reported that the Town’s Road Commissioner and Highway Department approved the requested 15’ wide access with no additional culvert; and the Selectboard issued a permit on 6/15/2020, subject to DRB approval.

No one else joined the meeting to speak for or against Application 2020-24. Hearing no other comments, the Chair advised the Applicant that the Board would deliberate in private after the meeting is closed and deliver its written decision within 45 days, as required by

State statute. The hearing was closed at 5:49 pm and the Applicant left the meeting.

Public Hearing as warned. Application 2020-25 by Mad King Quarry, requesting Site Plan Review and Conditional Use Review per Zoning Bylaw sections 205(H), 308. 503, and 504, for the proposed permit extension, and amendment of previously approved conditions, for quarrying operations on Parcel 035000.200, located on Rowes Road, within the R3 Zoning District and Flood Hazard Overlay District.

The Chair opened the public hearing and asked that Christopher Ponessi P.E. (Applicant) of Mance Engineering Partners, P.C. (MEP) and Hunter Kaltsas (Owner) of Mad King Quarry LLC, speak to the specific Bylaw standards pertaining to the requested reviews. The Applicant presented a detailed overview of the project and permit application for Mad King Quarry, formerly Big Rock Gravel, purchased by Hunter Kaltsas in 2019. Ponessi said MEP is working with the Owner to amend and extend the existing State and Town permits for the quarry that is currently operating within all applicable local and state regulations, permitting requirements and guidelines. He added that, due to current and growing demand for quarrying that provides various earth materials for public and private construction projects and requires greater operational efficiency for optimum workplace safety, the Owner proposes to expand the existing annual permit limits as follows:

- Extend the remaining 2 years on the existing permit to the Town's 5-year maximum.
- Increase from 8,500 yards to 25,000 yards extraction per year.
- Increase from 20 round-trip truck trips to 25 round-trip truck trips per day.
- Increase from 1 blasting event to 2 blasting events per year – 1 May, 1 August.
- Expand crushing and hammering from 2 weeks per year, to operating within 2 months a year, being the months of May and August, allowing up to 20 working days each month.

The Applicant explained the overall plan as readying the quarry for the season in April, followed by a May blasting event of approximately 10,000-15,000 cubic yards of material to process, crush and screen during the remainder of May, for storage and use in May-June-July. He said this same schedule and process would be repeated in August to provide similar quantities of stockpiled material for use through to the following April, as needed. Ponessi agreed that this plan effectively triples the amount of extraction, with a potential impact of a 20-year life span for the quarry.

The Applicant added that the proposed revision of the reclamation plan is more typical of a quarry, as recommended by the State of Vermont geological survey, with facilities that are designed to remain as "water," which eventually becomes a 7-8 acre pond or lake. He said this plan also satisfies the Army Corps of Engineers (ACOE), with minimal annual stockpiling and reduced reclamation slopes that will help to maximize flood water and increase storage for flood control for the Ball Mountain Dam project.

When asked about future liability of the "lake," the Owner stated that the plan for closure includes safe, public use year-round swimming and ice skating, much like Stratton snowmaking pond. He agreed that higher than normal 4' non-climbable fencing would be safest and confirmed no other post-closure development plan is possible in the flood plain.

Justin Weekly, a non-contiguous property owner, stated concerns about noise and safety, and said he supports the proposed 4' non-climbable fencing. As to questions about impacts on the West River, the Applicant confirmed that erosion control/stormwater management are covered by the project's Act 250 permit, to be applied for once a local permit is issued.

Shane O'Keefe stated that no abutters responded to the hearing notice, although there had been concerns and complaints about truck traffic which the Owner stated has been dealt with by working directly with the property owners, who are satisfied and grateful for changes. The Owner described 2 changes that have helped to satisfy the complainants - one-way trucking only, i.e., trucks now access the quarry via Main Street and exit via Thompsonburg Road, and reduced trucking due to no offsite material being brought into the Mad King Quarry site.

When the Board suggested the increases requested were significant - 300 % increase in extraction, 25 % increase in truck traffic and 400% increase in crushing and blasting – the Applicant and Owner named several VT quarries listed on the ANR website that operate at the levels requested or higher, and stated that the existing permit for Mad King Quarry is the most restrictive and minimal in the state.

Shane O'Keefe mentioned that the existing 5-year permit for quarrying expires March 20, 2022, unrelated to ownership per Section 308(A) of the Bylaw, which requires renewal of such permits at 5 years, rather than replacement. The Applicant said a new permit is preferred, to avoid adding more amendments to the already-amended existing permit. The Board noted that there are "artifacts" in the existing permit that could be lost in a new one.

No one else joined the meeting to speak for or against Application 2020-25. Hearing no other comments, the Chair advised that the Board would deliberate in private after the meeting is adjourned and deliver its written decision within 45 days, as required by State statute. The Chair closed the hearing at 6:55pm. The Applicant, Owner and Justin Weekly left the meeting.

5. **Other Business:** None.
6. **Next regular meeting** - Wednesday, September 16, 2020 at 5:30 pm.
7. **Adjourn. The Chair adjourned the meeting at 6:56 pm.**

Approved on October 21, 2020.



Esther Fishman, Chair

Development Review Board – August 19, 2020

- I'd like to call to order the Londonderry Development Review Board meeting of August 19, 2020. This is Board Chair Esther Fishman.
- In response the Governor Scott's January 20, 2020 declaration of a State of Emergency due to the spreading COVID-19 pandemic, and his "Stay Home, Stay Safe" executive order restricting and minimizing all unnecessary activities outside of the home, and in accordance with Act 92, signed into law on by the Governor on March 30, 2020, which allows for changes to the Vermont Open Meeting Law to protect the health and welfare of the public, this meeting is being held entirely remotely with no physical presence.
- This meeting is being conducted entirely on Zoom meeting software and the Board members and staff are participating by video except for Commission member(s) _____, who is(are) participating via telephone. Other attendees are permitted to participate via video or telephone. The meeting agenda posted on August 14, 2020 and still available on the Town's website provided information on how the public can participate in this meeting.
- We will mute attendees except for Board members and Town staff and those determined by the Chair to be unmuted, such permit applicants and abutters. After Board discussion on a specific agenda matter, all participants will be unmuted to ask questions or provide comment, which will be limited to 3 minutes per person.
- All non-unanimous votes by the Board, if any, must be taken by roll call vote, with each member stating their name and vote.
- We will then repeat this process for each agenda item.
- For those of you participating by telephone, you can mute and unmute yourself by dialing star-6.
- For those of you participating by Zoom video, particularly those new to it, here are a few highlights.
- At bottom left is the mute button to turn sound on or off, though the host controls that for this meeting.
- Just to the right of that button is the video button, where you can either turn or off your video.
- The participants button at the bottom allows you to see who is on the call, and there will be a list that populates with all of the participants.
- There is a raise hand button at the bottom of the participants list for those who want to be recognized. We will hold off on recognizing those raising their hand and wait for the end of the specific agenda discussion so that those on the phone are treated equally.
- While viewing if you want to see all participants being viewed, press the Gallery View button on the top right of the screen.
- Beyond these few pointers, the Board will not take time for educating the public in the use of Zoom software during the meeting, as the posted meeting agenda recommended that those wishing to participate familiarize themselves with the software program ahead of time.

Development Review Board – August 19, 2020

- Before we proceed to the rest of the agenda, I ask all Board members to vocally identify themselves, which is a requirement of the Vermont Open Meeting Law. And throughout the meeting, as appropriate, Board members and other participants are asked to identify themselves when they speak.

 - Esther Fishman
 - Denis Pinkernell
 - Bob Maisey
 - Chris Laselle
 - Terry Hill
 - John Lancaster
 - Paul Abraham
-
- The next order of business is the consideration of additions to or deletions from the agenda.

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Town of Londonderry, Vermont
Development Review Board

Findings of Fact and Notice of Decision
Application 2020-24
Property of Michele Perri
Parcel 051018.000 at 1303 Goodaleville Road
August 31, 2020

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves Application 2020-04 submitted by Michele Perri, Owner/Applicant, requesting Site Plan Review per Zoning Bylaw Sections 402(B) and 504 for the proposed addition of another access driveway on Parcel 051018.000, located at 1303 Goodaleville Road within the Residential (R3) district.
2. The application for a second driveway access was received by the Zoning Administrator on 7/7/2020.
3. On 7/21/2020 the Zoning Administrator deemed the application “Complete” and referred the application for Site Plan Review to the Development Review Board (the Board).
4. Copies of all documents referenced above are available at the Londonderry Town Office.
5. On 7/31/2020, notice of a public hearing to be held by the Board was posted at the following places:
 - a. The Londonderry Town Clerk’s office.
 - b. The Londonderry Post Office.
 - c. The South Londonderry Post Office.
 - d. 1303 Goodaleville Road, within view of the public-right-of-way most nearly adjacent to the property.
6. The Notice of Public Hearing included information regarding the possibility for a change in the venue of the meeting to a means of remote electronic access as allowed by 1 V.S.A. Section 312(a)(2) due to the ongoing COVID-19 health emergency, and advised that the most current information on remote meeting participation could be obtained within at least 48 hours of the meeting by contacting the Town Office or checking the Town website www.londonderryvt.org.
7. On 7/29/2020 a notice of a public hearing was published in the *Vermont Journal*.
8. On 7/31/2020, a copy of the notice of public hearing was mailed to the Applicant/Owner and owners of properties adjoining the subject parcel as listed on the Certificate of Service.

9. On 7/31/2020, the agenda for the 8/19/2020 Board meeting was properly posted and distributed via email to Board members and the applicants, and the agenda included information on how the public could participate electronically or by phone.
10. The application was considered by the Board at a public hearing opened on 8/19/2020. This hearing was held remotely online as Zoom Meeting ID 899 9919 1317. All attendees participated by video or phone, per the instructions provided in the public hearing notice.
11. Present over the course of the proceedings were the following members of the Board: Esther Fishman (Chair), Denis Pinkernell (Vice Chair), Paul Abraham, Terry Hill, John Lancaster, Chris Laselle, Bob Maisey. On 8/19/2020 the public hearing was closed.
12. During the course of the hearing, the following exhibits (available at the Town Office) were submitted and/or referenced for the record:
 - a. Exhibit 1. Zoning Permit Application 2020-24 received 7/7/2020, with associated attachments including Site Plan Review Application Worksheet and Site Development Plan Checklist.
 - b. Exhibit 2. Land Use Application Review Form dated 7/21/2020, issued to the Applicant by the Zoning Administrator, indicating Application 2020-24 was complete and referred to the Development Review Board for Site Plan Review on 8/19/2020 of the proposed land development on Parcel 051018.000.
 - c. Exhibit 3. Town of Londonderry Access Permit #2020-04 approved on 6/15/2020 subject to approval of the Development Review Board pursuant to Zoning Bylaw Section 402(B).
13. Applicant/Owner Michele Perri participated by video to discuss the request for Site Plan review required for the construction of a second driveway access off Goodaleville Road. In response to questions from the Board, she offered the following testimony:
 - a. The goal is to facilitate restoration of an old orchard and develop a crop farm on a portion of her property that is presently inaccessible, due to an existing, continuous, deteriorating stonewall that runs along Goodaleville Road, a Town road.
 - b. The project is to create a second gravel driveway, on the same side of the Town road as the existing driveway that serves the existing single-family dwelling, in order to provide ingress and egress for vehicles and equipment related to establishing and maintaining a farming operation and restoring the remaining original stonewall.
 - c. The second access will be located on the south side of an existing culvert along Goodaleville Road, as specified in a Town access permit obtained by the Applicant.
14. Zoning Administrator Shane O'Keefe stated that the Application is subject to 2009 Zoning Bylaw Section 402(B) which indicates Site Plan Review is required for more than one access point. He confirmed that a Town of Londonderry Access Permit for the second access was issued by the Selectboard on 6/15/2020, conditioned upon Site Plan approval by the Board.

15. No one else responded, appeared or spoke, for or against the application.
16. On 8/19/2020, the Board closed the public hearing and announced that deliberations would occur in private later in the evening and that their Findings and Decision would be delivered within the requisite 45 days from the close of the hearing on this date, per 24 VSA 4464 (b).

FINDINGS

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

1. The subject property is an 11 +/- acre parcel located at 1303 Gooddaleville Road on Parcel 051018.000 and described in a deed dated January 2015 and recorded in Book 74, Page 226 of the Londonderry Land Records.
2. The subject property is situated in the Rural Residential 3 (R-3) zoning district as described on the Town of Londonderry Zoning Map on record at the Londonderry Town Clerk's Office and in Section 201 of the 2009 Zoning Bylaw in effect.
3. Application 2020-24 proposes construction of a second access driveway on the westerly side of Gooddaleville Road, Town Highway 51, near the southerly end of Parcel 051018.00 (Exhibit 1) and is subject to Sections 402(B) and 504 of the 2009 Bylaw in effect (Exhibit 2).
4. The proposed second access driveway will serve a portion of Parcel 051018.000 that is currently inaccessible due to an existing continuous stonewall that runs parallel to Gooddaleville Road and prevents vehicular ingress and egress to the southerly portion of the property. The Applicant seeks approval to construct a second driveway specifically to enable access for equipment necessary to restore existing orchards, to develop and maintain a crop-farming operation and to repair/replace the remaining original stonewall as needed.
5. Town of Londonderry Access Permit 2020-04 for a second driveway was issued by the Selectboard on 7/15/2020 and conditioned upon Site Plan Review and approval by the Board (Exhibit 3).

DECISION AND CONDITIONS

Based on the findings above, the Board approves as submitted the request for Site Plan Review for construction of a second access driveway for Parcel 051018.000, located at 1303 Gooddaleville Road, a Town road.

Dated at Londonderry, Vermont, this 31st day of August 2020.



Esther Fishman, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the 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.

Town of Londonderry, Vermont
Development Review Board

Findings of Fact and Notice of Decision
Application 2020-25
Property of Mad King Quarry, LLC
Parcel 035000.200 on Rowe's Road
September 11, 2020

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves Application 2020-25 by Mad King Quarry, LLC (Owner) requesting Site Plan Review and Conditional Use Review per Zoning Bylaw sections 205(H), 308 and 503 for the proposed permit extension and amendment of previously approved conditions for quarrying operations on Parcel 035000.000, located on Rowe's Road, within the R3 Zoning District and Flood Hazard Overlay District (the "Subject Property").
2. The application for Site Plan Review and Conditional Use Review was received by the Zoning Administrator on 7/14/2020 and 7/23/2020.
3. On 7/24/2020 the Zoning Administrator deemed the application "Complete" and referred the application for Site Plan Review and Conditional Use Review to the Development Review Board (the Board).
4. Copies of all documents referenced above are available at the Londonderry Town Office.
5. On 7/31/2020, notice of a public hearing to be held by the Board was posted at the following places:
 - a. The Londonderry Town Clerk's office.
 - b. The Londonderry Post Office.
 - c. The South Londonderry Post Office.
 - d. Rowes Road at property line of subject parcel.
6. The Notice of Public Hearing included information regarding the possibility for a change in the venue of the meeting to a means of remote electronic access as allowed by 1 V.S.A. Section 312(a)(2) due to the ongoing COVID-19 health emergency, and advised that the most current information on remote meeting participation could be obtained within at least 48 hours of the meeting by contacting the Town Office or checking the Town website www.londonderryvt.org
7. On 7/31/2020, a copy of the notice of public hearing was mailed to the Applicant/Owner, owners of properties adjoining the parcel to be subdivided and property owners within the blasting area, as listed on the Certificate of Service.
8. On 7/29/2020 a notice of a public hearing was published in the *Vermont Journal*.

9. On 8/14/2020, the agenda for the 8/19/2020 Board meeting was properly posted and distributed via email to Board members and the applicants, and the agenda included information on how the public could participate electronically or by phone.
10. The application was considered by the Board at a public hearing opened on 8/19/2020. This hearing was held remotely online as Zoom Meeting ID 899 9919 1317 . All attendees participated by video or phone, per the instructions provided in the public hearing notice.
11. Present over the course of the proceedings were the following members of the Board: Esther Fishman (Chair), Denis Pinkernell (Vice Chair), Paul Abraham, Terry Hill, John Lancaster, Chris Laselle, and Bob Maisey. On 8/19/2020 the public hearing was closed.
12. During the course of the hearing, the following exhibits (available at the Town Office) were submitted and/or referenced for the record:
 - Exhibit 1. Zoning Permit Application 2020-25 and associated attachments received 7/14/2020 and 7/24/2020, including Site Plan Review Application Worksheet, Site Development Plan Checklist, Conditional Use Review Application Worksheet and a letter from Mance Engineering Partners, P.C., describing the permit amendments requested.
 - Exhibit 2. Land Use Application Review Form dated 7/24/2020, issued to the Applicant by the Zoning Administrator, indicating Zoning Permit Application 2020-25 was complete and referred to the Development Review Board as required in order to proceed with the proposed amendment and extensions to quarrying on the Subject Property.
 - Exhibit 3. Town of Londonderry, Zoning Permits currently in effect for quarrying and related activities on the Subject Property, having been issued originally to Big Rock Gravel LLC and transferred upon sale to the current Owner Mad King Quarry LLC for continuation of the same land uses, as follows:
 - Application #024-11 - Approved by the Board on 3/13/2012, with the associated zoning permit issued on 3/13/2012.
 - Application #029-16 - Approved by the Board on 1/27/2017, with the associated zoning permit (#2016-29) issued on 6/19/2020.
13. On 8/19/2020 the Board opened a public hearing on Application 2020-25. Christopher Ponessi, P.E. of Mance Engineering Partners, P.C. and Hunter Kaltsas, represented the Applicant and participated by video to discuss the proposed project.
14. In response to questions from the Board, Ponessi and Kaltsas testified as follows:
 - a. Due to current and growing demand for quarrying that provides various earth materials for public and private construction projects and requires greater operational efficiency for optimum workplace safety, the Owner proposes to expand the existing annual permit limits as follows:
 - Extend the remaining 2 years on the existing permit to the Town's 5-year maximum.

- Increase from 8,500 yards to 25,000 yards extraction per year.
 - Increase from 20 round-trip truck trips to 25 round- trip truck trips per day.
 - Increase from 1 blasting event to 2 blasting events per year – 1 in May, 1 in August.
 - Expand crushing and hammering from 2 weeks per year, to operating within 2 months a year, being the months of May and August, allowing up to 20 working days each month.
- b. The current permit is known to be one of the most restrictive and minimal one of its type in the state of Vermont. The proposed plan effectively triples the amount of extraction, with a potential impact of a 20-year life span for the quarry.
 - c. The proposed revision of the reclamation plan, as recommended by the State of Vermont geological survey, is more typical of a quarry with facilities that are designed to remain as “water,” which eventually becomes a 7-8 acre pond or lake, which satisfies the Army Corps of Engineers (ACOE), with minimal annual stockpiling and reduced reclamation slopes to maximize flood water and increase storage for flood control for the Ball Mountain Dam project.
 - d. The plan for closure includes safe, public use year-round swimming and ice skating, much like Stratton snowmaking pond, with a higher than normal 4’ non-climbable fencing. No other post-closure development plan is possible in the flood plain.
 - e. As to impacts on the West River, required erosion control/stormwater management plans will be included in the project’s Act 250 permit, to be applied for once a local permit is issued.
15. No one else responded, appeared or spoke, for or against the application.
16. On 8/19/2020, the Board closed the public hearing and announced that deliberations would occur in private later in the evening and that their Findings and Decision would be delivered within the requisite 45 days from the close of the hearing on this date, per 24 VSA 4464 (b).

FINDINGS

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

1. The Subject Property is a 9.8 +/- acre parcel located at 257 Rowe’s Road, East Side, referred to as Parcel 035000.200, and described in a 2019 deed recorded in Book 84, Page 27 of the Londonderry Land Records.
2. The Subject Property is situated in the Residential 3 (R3) zoning district and the Flood Hazard Overlay District, as described on the Town of Londonderry Zoning Map on record at the Londonderry Town Clerk’s Office and Section 201 of the Bylaw.
3. The Applicant proposes amendment and extension of existing permits and previously approved conditions for quarrying operations at the Subject Property, located on Rowe’s Road within the R3 Zoning District and Flood Hazard Overlay District.

4. The proposed land development is subject to Zoning Bylaw Section 205 Flood Hazard Overlay District, (H) Conditional Use Approval, Section 503 Conditional Use Review and Section 504 Site Plan Review (including Site Plan Review) as determined by the Town of Londonderry Zoning Administrator (Exhibit 2 above).
5. As presented by Application 2020-25 and all associated materials provided, as well as the testimony presented at the public hearing, the Board finds that, subject to certain conditions, the proposed amendments for exaction and quarrying on the Subject Property can meet the applicable standards specified in Zoning Bylaw Section 205(H) and Section 503.
6. The existing 5-year permit for quarrying expires March 20, 2022, unrelated to ownership per Section 308(A) of the Bylaw, which requires renewal of such permits at 5 years. The Board finds no basis or reason to issue a new 5-year permit for quarrying as requested, since the existing permit incorporates terms and conditions, approved and accumulated over time, that could be lost in the process of issuing an altogether new permit.

DECISION AND CONDITIONS

Based on the findings above, the Board makes the following decisions under its Conditional Use and Site Plan Review authority as provided under Zoning Bylaw sections 205(H), 503 and 504 for the application and Subject Property:

1. To deny the request to extend the remaining two (2) years on the existing permit to five (5) years. The permit (#2016-29) shall remain valid until March 12, 2022.
2. To approve the request to increase the annual extraction from 8,500 yards to 25,000 yards per year, with the condition that within nine (9) months from the Board's decision in this matter, a hydrology study shall be conducted to evaluate the impact on neighboring water tables and water quality. The hydrology consultant conducting the study shall be hired by the Town, and the property owner shall reimburse the Town for the full cost of this service within 30 days of request.
3. To approve the request to increase truck round trips per day from 20 to a maximum of 25 truck round trips per day.
4. To approve the request to expand crushing and hammering from two (2) weeks per year, to operating within two (2) months a year, being the months of May and August, with the conditions: 1) that such activities shall be limited to 15 days within each month; and 2) that such activities shall only occur on weekdays (excluding holidays) between the hours of 8:00 am and 4:00 pm.
5. To approve the request to increase the number of blasting events from one (1) per year to two (2) per year, with the following conditions: 1) that one (1) blasting event may take place in the month of May and one blasting event in the month of August; 2) that each blasting event may take place over a maximum of two (2) weekdays (excluding holidays) between the hours of 8:00 am and 4:00 pm; 3) that blasting best practices and safety measures shall at all times be employed, e.g., blasting mats, etc.; and 4) that the property

owner shall notify the Town and all property owners within a 3000-foot radius of the blasting site, of the blasting event and approximately when it will take place, through the U.S. Mail no less than 5 days prior to each blasting event.

6. To amend the notice address for the Town as indicated in previous approvals to the following: 100 Old School Street, South Londonderry, VT 05155, or townadmin@londonderryvt.org.
7. To determine that all prior permitted conditions, except those modified by the above decisions, shall remain in effect.

Dated at Londonderry, Vermont, this 14th day of September 2020.



Esther Fishman, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the 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.