

Town of St. Albans
Development Review Board Meeting Minutes
Thursday, June 27th, 2024
6:30 p.m.

On Thursday, June 27th, 2024 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for the following hearings.

Present: Chair, Brent Brigham, Vice Chair, Allison Hickey, Clerk, Mike McKennerney, Bruce Thompson, Michael Sawyer, Tom Stanhope, Zoning Administrator, AJ Johnson, Administrative Assistant, Kimberly Kissinger

Staff Present: Town Manager, Sean Adkins, Director of Community Development, Megan Sherlund, Assistant Assessor, Molly Mashtare, Public Safety Officer, Bob Cross, Assistant Director of Public Works, John Montagne

Absent: E. Baker

Public Present: David & Jennifer Reynolds, Kathleen Kinney, Jack Brigham, Asha Rao, Terry & Shirley Raymond, Vicki Hemond, Nathan & Lisa Liberty, Glen Pion, Karen Mulkey, Christie Montagne, Hannah Montagne, Gary Cherrier, Michael Bombard, Kevin Bauer, Nick Newhall, Matt Marchessault, Cassidy Maskell, Mikayla Maskell, Sue Bessette, Mike Tokarczy, Brian & Fay Susslin, Jeannine Renaudette, David Garrant, Edward Laroche, Jason & Shannon Trainer, Dan & Sheila Marlow, Steve & Patti Coon, James Mahoney, Jennifer Sturgis, Amy Marchessault, Carl Halbac, Benjamin P., Sheryl White, Amanda Roseli, Kyle Plokhoi, Beth Thibault, Kregg Kittell, Courtney Roa, Rohan Rao, Mary Pickner, Joe & Laurie Murray, Diane Montagne, Mark & Sandra LeClair, Susanne Melling, Rob Montanye, Jenn Dunbar, Steve & Pam Rich, Christine Eldred, Jason Barney, Francis & Marlene Thibault, Maura Buck, Kevin Welch, Carol Bruyette, Taylor Wolfe, Thomas & Ann Young, Roland Laroche, Gordon McLaughlin, Kristen Belrose, Lance & Camille Freeman, Real Cyr, Julia Pelk, Jonathan Giroux, Steve Andrews, Roger Luneau, Peter Hatfield, Julianne Gray, mark Conger, Laura Smith, Carolyn Bartlett-Flood, Ethan & Jeanine Kichura, Taylor Flanders, Jon & Heather Place, Colby Langlois, Lawanda Legault, Kenneth Koski, Michael Adams, Kevin Lawler, Gary & Christine Guilmette, Dave & Alyssa Hannah, Maruice Perrault, Derek Bratek, Brianne King, Jennifer Tisdall, Heather Lamson, Sarah Bonnett, Jeffrey Sanders, Sherri Raymond, Sally Lawyer, Sara Richard, Dave Bryan, Linda Cota, Pam Fiaschetti, Kyle Fuller, Harold & Sharon Cross, Joe Pion, Michelle Garvey, Nicholas Medor, Rob Leonard, Eric & Victoria Isham, Paul Bourbeau

Chair, Brent Brigham, called the Development Review Board hearing to order at 6:34 p.m.

New Business:

Application of Northwestern Counseling & Support Services represented by SOAR Learning Center requesting Site Plan Approval for a 75' x 43' Basketball Court in accordance with Sections 4.5, 4.6 and 8.4 of the St. Albans Town Unified Development Bylaws. The property is located at 178 McGinn Drive in the Residential and Mixed Residential Districts and is owned by the Applicant.

The Application was represented by Michael Bombard, Principal of SOAR Learning Center. There were no Interested Parties.

The Applicant was sworn in by Clerk, M. McKennerney.

M. Bombard began by explaining how the previous basketball court was damaged over a period of time by the weather. The need for a new basketball court provided SOAR with the opportunity to propose an expansion and relocation of the court. B. Brigham asked if the proposed basketball court will be a new build or an improvement or refurbishing of the existing court and if it will be moved to another location. M. Bombard explained the proposal includes moving the basketball court from behind the elementary school to behind the high school. B. Brigham questioned the materials that will be used for building the court. M. Bombard stated the court will be a 75' x 43' paved area with 12-inches of crushed stone over a fabric base. They will repair and seed other areas as needed. B. Brigham questioned if there will be fencing or lighting added to the proposed area and M. Bombard answered no to both.

There were no additional questions or comments.

Application of Stephen & Kristina Polak represented by SD Ireland Companies requesting Site Plan Approval for a proposed quarry in accordance with Sections 4.3, 4.4, 8.4 and 10.7 of the St. Albans Town Unified Development Bylaws. The property is located at 1720 AROUND Kellogg Road in the Conservation and Rural Districts and is owned by the Applicants.

The Application was represented by Nick Smith, Patrick O'Brien and Byron Furman of SD Ireland Companies. Owners Stephen and Kristina Polak were present but did not participate.

B. Brigham asked who in the room was an Interested Party. The attending public asked for clarification of what Interested Party Status means. B. Brigham referred to Site Plan Schedule C-1 for the list of abutting landowner names and stated the following abutting landowners are eligible for Interested Party Status: Mark and Amanda St. Pierre (not present), Lisa Morgan and Nathan Liberty, Kevin Welch and Maura Buck, Jeffrey and Tammy Boissoneault (not present), Diane Montagne, Bittersweet Farm of VT LLC and Glen Pion.

B. Brigham stated that he was holding a petition with 85 names on it. The attending public provided B. Brigham with more petition sheets with more names. B. Brigham explained that anyone on the petition living outside of Jewett or Kellogg Road would not be eligible for Interested Party Status. Multiple people in the attending public expressed concern. B. Brigham asked the attending public to organize and select a few spokespeople to speak on behalf of the group to ensure fairness and efficiency. B. Brigham explained to the attending public that in order for the meeting to continue Interested Party Status needs to be determined. He continued to say that he will grant Interested Party Status to everyone on the petition list, including the homeowners present in the room from Brigham Road, Jewett Avenue, Christina Drive and Eve Mont Drive. B. Brigham said properties after Kellogg Road, such as Pike Avenue will not be automatically given Interested Party Status as SD Ireland Companies proposes their fleet will be turning onto Jewett Avenue. The attending public voiced concerns that many areas outside of the Interested Party Status locations will be affected by the proposed quarry trucks. B. Brigham acknowledged the concern and stated that next steps will be to hear the Applicant's proposal and then to come back to those concerns. B. Brigham asked the attending public if they approved of that order of business and they agreed.

A. Johnson asked the attending public who was in attendance from which Interested Party Status to see the numbers from each. She then further explained the legal definition of what determines Interested Party Status and asked that a designated spokesperson from each road group speak on the group's behalf so everyone can have a voice and to keep any repetitious testimonies to a minimum. She clarified to the attending public that the petition was not a product of the Town and was distributed by a private landowner and a person needs to be either a landowner or registered voter, per State regulations, to be legally eligible to sign the petition and request Interested Party Status. B. Brigham explained to the attending public that all the information discussed at the meeting will be public record and can be obtained from Town Hall at any point. A. Johnson stated that no one will be denied information if they are not considered as Interested Party Status and that it is only a legal standing.

MOTION: B. Brigham made a motion to grant Interested Party Status to Mark and Amanda St. Pierre (not present), Lisa Morgan, Kevin Welch and Maura Buck, Jeffrey and Tammy Boissoneault (not present), Diane Montagne, Bittersweet Farm of VT LLC, and Glen Pion. M. McKennerney seconded. All in favor, none opposed, motion carried.

The Applicants and Mark and Amanda St. Pierre (not present), Lisa Morgan, Kevin Welch and Maura Buck, Jeffrey and Tammy Boissoneault (not present), Diane Montagne, Bittersweet Farm of VT LLC, and Glen Pion were sworn in by Clerk, M. McKennerney.

P. O'Brien began by introducing his two colleagues, Nick Smith and Byron Furman. He asked the Board for guidance on how they should proceed with the presentation. It was agreed by the Board and Applicants to present the information and then open any questions to the Board and then the attending public.

N. Smith began with an overview of the proposed property for a quarry on Kellogg Road, a Class II Town highway. He explained the proximately of the proposed quarry to the surrounding roads, the property dimensions and acreage and the current zoning of the land. The property is currently undeveloped with a trailer on-site. The trailer is proposed to be removed from the property. He continued to explain that there is an existing access drive that aligns with a farm access road along Kellogg Road that is proposed to access the quarry. The topography of the parcel includes a steep ledge, ridgeline and gentle sloping near the access drive. He explained how the topography of the land splits the drainage so everything on the east half of the parcel drains to the northeast and everything on the west half of the parcel drains toward Kellogg Road. The rear part of the property has a small area of sand deposit but generally outside of that area the entire parcel is ledge surface. N. Smith stated that test pits have been completed on the parcel for any residential development opportunity and it was determined the property was not suitable for on-site septic systems. The parcel is undeveloped and forested, with the exception of the access drive and some spotty areas. It is a mid-size mapped habitat block and is designated as an interior forest block (tree canopy). It is not a connectivity block, which means it is not a corridor block for animals but is considered a habitat block which means its identified as a possible location where there could be more animals than areas that don't have good tree canopy cover. The parcel is considered a high priority geologic block as evidenced by the surrounding amount of ledge. The blocks were identified about 5

years ago by the State. N. Smith stated Fitzgerald Environmental Associates prepared an assessment report for SD Ireland Companies last year with no rare or endangered plant species or wetlands identified.

N. Smith began his presentation on the proposal of the quarry site. The proposed site will include the quarry blasting limits, with the quarry crushing operation limited to the blasting limits footprint shown on C-4. Generally included in the blasting limits footprint are the crusher, sump, generator and any heavy equipment, which does not extend above-grade per Federal mines and quarry regulations. They are proposing a sediment basin to treat stormwater runoff and any discharge that is pumped out of the quarry, a stockpile from the topsoil will be used to reclaim the site upon completion. N. Smith explained that once a quarry reaches its lifespan, the State requires the topsoil be replaced and the site be filled if it's below ground water grade, and then re-establish seeding, trees or grass. The quarry operation blast area will cover 7.8 acres and another 4.7 acres will include the access road, staging area and reclamation pile. He explained the blasting depth and the below surface grade bowl effect on the land that will assist to minimize dust, noise and impacts to adjacent landowners.

N. Smith clarified the hours of operation would be Monday through Friday from 7 a.m. to 5 p.m. and Saturday hours 7 a.m. to 12 noon. Saturday hours would be utilized for crushing material or for making up for any lost production during the week. He stated the Board could limit Saturday production to a maximum of six Saturdays a year, if needed.

N. Smith continued with an overview of the quarry noise level. It is being proposed that the quarry be permitted to have one hour average of 60 decibels at the property boundary lines. The typical blast is 100 decibels from 200 feet away. B. Furman added a few examples of noise levels for comparison stating 60 decibels is around normal conversation level. He stated that someone sitting in their backyard listening to peepers is about 20 decibels and a jet taking off is approximately 120 decibels. B. Furman stated that anything above 85 decibels can damage hearing but he does not see an impact on anyone since everyone is beyond the 200-foot safety zone during a blast. N. Smith explained the difference between above ground and below surface blasting decibels. P. O'Brien added they are proposing to blast between every three weeks to once a month and that blasting is not a continual daily event. N. Smith confirmed the continuum operation is the crushing that occurs within the footprint of the blasting area below grade. B. Furman said a decibel noise meter is used to meter the sound levels. He also stated that a third-party specialist is brought in for blasting in the quarry. The blasting company visits the site to evaluate where the blast needs to occur, what size the blast needs to be and how much material is needed to activate the blast. Any adjoining neighbors, or others within the regulated threshold, to the quarry will be notified a minimum of at least 24 hours before a blast. This notification timeframe can also be conditioned by the Board if more time is requested. He further explained the pre-blast protocol using a standard air horn notification sequence. When a horn is sounded three times there is five minutes before a blast goes off. When the horn is sounded two times that indicates there is one minute before a blast goes off. A single horn blast is sounded for an all clear to blast.

N. Smith asked to clarify that on the Town's permit application it was also requested that they be given an additional hour before and after crushing operations for starting machinery, vehicle maintenance, or repairs.

N. Smith provided an overview of air quality and dust control. Any quarry operation that utilizes a crusher, generator, wash station, or anything else, is required by the State to obtain an Air Control Permit to operate. The permit is a State standard pollution threshold the quarry operation must stay compliant with. SD Ireland Companies has all Tier 4 equipment in their existing quarry. Tier 4 is the highest emission control equipment available. The quarry truck fleet is not included in these emission regulations. All the wetting suppressants, conveyors, jaws get wetted to help trap the dust to keep it contained. Tri-pod misters can also be used to keep the dust down if there is a particularly dry season.

N. Smith provided clarification of the proposed traffic to the quarry operation. It was originally proposed in the application to have 120 round trips per day. He clarified that it should have read a maximum of 120 round trips per day. SD Ireland Companies has only seen that maximum number met during an emergency notice given by the Governor. It is not realistic to meet the 120 round trips per day. It is anticipated to be 60 average truck trips per day with a bulk of the crushed stone going to the Williston plant. The stone has a high hardness rate and is suitable for concrete. B. Furman explained how the Williston batch plant is a State certified plant and any road work material comes out of that plant. N. Smith said the St. Albans proposed quarry site has the geology they have been specifically looking for and the majority of the product will go to Williston and some will go to Swanton dependent on demand.

N. Smith provided an overview of the proposed draft roadway agreement they submitted. The proposed agreement is designed to monetarily help support the Town with Town roads that are impacted by the proposed routes and outlines the proposed travel roads. Kellogg Road and Jewett Avenue are the two roads that can provide direct access to Interstate 89, Route 207 and Route 7.

N. Smith asked if the Board had questions before opening to the attending public.

B. Brigham mentioned the draft roadway agreement shows an expiration date of April 2028. N. Smith said that date was probably a carryover from the template used with South Brunelle Road in Williston. The agreement will have a 15-year term to match the life expectancy of the proposed quarry site. He further explained the Town will receive a portion of whatever comes out of the proposed quarry as quarterly payouts, up to \$10,000 per year. N. Smith stated a correction to #10, from the proposed findings portion of the Staff Report, that the listed 100 million cubic yards ceiling should be 1 million cubic yards ceiling in the lifespan of the quarry.

B. Brigham questioned the infrastructure of the proposed quarry, including the stormwater pond. N. Smith confirmed the lower pond will pump up to the higher pond. The higher pond will be designed to take in a lot of water at once and will allow any sediment to settle. The higher pond will be regularly tested for sediment threshold regulations. N. Smith also stated how the sump in the proposed quarry could change locations as needed. B. Brigham referred to the proposed quarry map C-4 to question equipment and their locations within the quarry. N. Smith mentioned the phases. Phase 1 will be the infrastructure as previously talked about and Phase 2 will start at the back of the property and will move in layers to the front of the property. Void spaces will be created to shoot rock into. B. Brigham asked if the site will be entirely stripped in the beginning. N. Smith answered that the site will be cleared and stripped and mulched on site to use as erosion control. Some select trees may be left standing. B. Brigham questioned the proposed chain-link fence. N. Smith confirmed a request for a chain-link fence and gate at the proposed quarry entrance off of Kellogg Road. They are also proposing additional screening fence as a buffer to the neighbors at 1720 Kellogg Road to help with noise and dust. SD Ireland Companies is open to discuss additional property line buffers. There is currently a proposed 50-foot buffer. B. Brigham asked if the Board conditioned them to increase the buffer to 75-feet or 100-feet, would that be a hardship. N. Smith said that it could be challenging as the quarry site gets tighter and tighter but they would be open to discussing where it could potentially be changed. B. Brigham mentioned the closest neighbor as an example for a larger buffer. N. Smith mentioned that a 4-foot berm at existing grade needs to be installed prior to any roads, blasting or ponds per Federal Mine & Quarry Safety Standards. B. Brigham questioned the purpose of the pond at the back of the proposed quarry. N. Smith said it will depend on what the State wants them to do but it will either be a sump or a small treatment area to drain and treat the drive. B. Brigham asked if the sump has high-capacity electrical power and N. Smith answered yes. B. Brigham asked if the sump is capable of handling a massive rain storm. N. Smith stated the quarry can hold extra water until it can be pumped out into the pond and ensure the discharge does not exceed the mandated State discharge rate amounts.

B. Brigham questioned what types of vehicles will be used at the proposed quarry. N. Smith answered mostly tandem trucks with a rare potential for a tractor-trailer truck. P. O'Brien added that it is not standard operating procedure to need a tractor-trailer truck. N. Smith believes the State regulated total truck weight limit is 56,000 pounds. He understands the Town has different road weight limits and that is the purpose of the proposed roadway agreement. B. Brigham confirmed the quarry will have 60 truckloads per day and N. Smith added that it would be an average 60 truckloads per day. P. O'Brien commented that the daily average truckloads per day were reduced for mitigation purposes, as the original number was too much. N. Smith provided a calculation of how the 50-60 truckloads per day was determined. B. Thompson commented on the long travel time for trucks between the Williston and St. Albans quarries. B. Thompson asked if other trucks will be used in the operation and B. Furman answered no. B. Thompson asked if any of the material will be sold to the public and B. Furman said that it will all be for SD Ireland Companies. B. Brigham questioned if the crusher would operate 8 hours per day and asked if operations were year-round. B. Furman answered yes to both questions and said they anticipate 30-40 truckloads being crushed per day. N. Smith added that posted roads and bad weather would change the amount of daily truck loads and crushed material would then be stock piled instead of transported.

B. Brigham asked if blast mats are used when blasting. B. Furman explained that blast mats are used for first grade level blasts. B. Thompson asked what they have in place for damage to neighboring structures. N. Smith said they use pre-blast surveys and photos (with property owner approval) to document the condition of items and structures, and would pay for any damages obtained from the quarry operation. B. Brigham questioned if a seismograph would be located near the closest neighbors. B. Furman referred to a slide showing a sample seismograph report and how the details are broken out. B. Thompson asked if Williston is the only existing quarry and B. Furman said yes.

B. Brigham questioned the size of large rocks coming out of the quarry. B. Furman explained that most everything coming from the blast area goes into the crusher. N. Smith added that if material is too large for the crusher it is drilled or crushed by the excavator and usually breaks under pressure. Sometimes they will also use larger rocks for part of the berm.

A. Hickey questioned if any lighting will be on the property. B. Furman stated that all the crushers have lights that come on when they are powered up. There are also light trees and solar powered lights, and small lights in the job trailer. They also anticipate the roadway to have some sort of lighting. Most of the operations take place during the daylight hours. N. Smith said they have not submitted a lighting plan to-date, but do feel lighting will be needed at the entrance of the proposed quarry. Lighting would not be at

the access entrance but at the gated entrance 100 feet away from the road entrance, this lighting would be minimal with down casted bowl lights.

B. Thompson asked if there would be any type of traffic control at the entry point off of Kellogg Road. N. Smith stated they plan to clear overgrown vegetation for a good sight distance. Flaggers will be called in if needed, which may be required once per day for larger equipment. B. Thompson questioned the potential for a one direction sign and B. Furman said yes.

B. Brigham asked how they will determine who gets notified of a scheduled blast. N. Smith said that has not been determined yet but a distance will be included in the final blasting plan for the State's Act 250 permit. He believes the State requires at least 500 feet from the blasting site but is not positive. P. O'Brien said the Board can put a condition on if more distance is requested. B. Brigham asked how will neighbors be notified. N. Smith said by automated robocalls and possibly by email.

T. Stanhope asked if the crushing operation produced a lot of flour. N. Smith said that it does produce a lot of stone dust and they try to use it where they can. They are not proposing a washer due to the limited space but there is a potential down the road.

B. Brigham asked about reclamation or refilling of the site. Refilling would add additional lifespan and trucks traveling on the Town roads. N. Smith stated the current proposal includes reclaiming the topsoil only but refilling has been mentioned for possible future exploration. There is also a potential for solar array or repurposing the site. A fill site is also an option as they are getting harder to find. They would develop a second agreement with what it would cost to bring in fill for the quarry.

B. Brigham opened public questions and comments from Interested Parties.

The attending Interested Parties, including abutting landowners, were blanket sworn in by Clerk, M. McKennerney.

Glen Pion, abutting landowner and Interested Party, asked why the Applicant is asking for Conditional Use of an unpermitted use. A. Johnson explained this application falls under the Town Bylaw regulations for mining and extraction of earth resources. The review criteria are under Section 10.7. B. Brigham stated the extraction is for their own use. G. Pion questioned how many quarry employees can be on the site. A. Johnson said it is reviewed under Section 10.7 which does not regulate that criterion. A. Johnson added the Town can only review what is in the Town's Bylaws. B. Brigham said that at present the Bylaws state the proposed quarry will be reviewed under the mining criteria. He also confirmed that conditions can be requested by the Board. G. Pion expressed his concerns of a septic system, where workers will be when they are not working, running water, bathroom facilities and the overall infrastructure. N. Smith said they are anticipating six proposed quarry employees and there will be portalets available on site. He did not provide an answer regarding the availability of running water. P. O'Brien added that they will follow State regulations if wastewater is required. B. Brigham confirmed the Town will require copies of any permits to be filed with the zoning office. G. Pion stated all the heavy equipment and the commercial nature of the business is not character of the area. B. Brigham explained that nothing has been decided and the presentation is only a draft being proposed to the Town. G. Pion stated that he does not want to live near a gravel pit.

Kevin Welch, abutting landowner and Interested Party, began by stating that he lives at 1720 Kellogg Road which is 60' from the proposed quarry access road. He is concerned how it will affect the peaceful environment of the area. He also expressed concern that if the quarry site is approved that it will open future opportunities for the site. He also expressed concerns with the noise, film and dust levels and the overall danger of the site. K. Welch referenced a similar mine that was proposed and rejected in Arizona and mentioned that many companies are moving to recycling mines instead of stripping materials from the mines. He believes SD Ireland Companies should consider recycling instead of stripping virgin ground. He expressed additional concern of fly rocks from blasting zones and referenced a few instances of injury at other quarry sites and the effects on the conservation district and wildlife corridor; where he would like to see a private review for the area. Other concerns are traffic hazards, decrease in property values, disruption to work-from-home residents, water tables, springs, wells, the sugarbush along the ridge, loss of natural vegetation, greenspaces and wildlife and pollution. He referenced multiple Town and State regulations throughout his comments and hopes the Board will deny the proposal. K. Welch mentioned in his final comment to the attending audience that SD Ireland Companies currently does not own or have permits in place for the proposed quarry site.

Diane Montagne, abutting landowner and Interested Party, began by reading a letter describing her land and its peaceful and quiet environment and believes that environment will be destroyed with the proposed quarry, blasting and crushing procedures. She also expressed a concern for her property water sources and worries about contamination. She voiced other concerns to be a decrease in quality of life, increased traffic and noise, and the overall safety of her neighbors, kids, pets and elderly who play, run and walk in the area. D. Montagne stated Green Mountain transit buses and school buses frequently travel on the roads and with the hill where the road narrows on Kellogg Road, it is hard to see oncoming traffic. She

cannot imagine a quarry truck meeting a school bus or a car on the road and that is a major safety concern. She asked Board members to take the time to drive down Kellogg Road at least three times throughout a day before making a decision. Mitch Montagne, husband, said the quarry trucks will change the road forever and he understands doing your own thing on your property but the proposed quarry will affect everyone in the area. He believes it is a bad fit, in a bad place and he hopes the Board will deny the proposal.

Nathan Liberty, abutting landowner and Interested Party, stated that he agrees with all that has been said so far from the other abutting landowners. He is also concerned with potential water issues, decrease in home values and overall safety. He further added that it just all feels wrong for the area.

Bittersweet Farm LLC, represented by Dave and Jenn Reynolds, abutting landowner and Interested Party, stated they run the farm directly across the road from the proposed quarry entrance. Traveling on the road is already a challenge. They expressed their concern with the increase in traffic by quarry trucks, the increase in noise and in keeping the farm organic and peaceful for the animals on the farm. Concerned with safety for their children and everyone impacted. Having a quarry across the road from the farm will change the future plans of the organic farm. Bittersweet Farm LLC does not want the proposed quarry to pass. They are highly concerned how the blasting and increased truck traffic will affect the health of their farm animals and in keeping their crops organic; the farm is their livelihood. They also believe there is a wildlife corridor and question how that will be affected. They stated the quarry will be a negative impact to the area and would be a major safety issue.

Kevin Lawler lives on Dunsmore Road and expressed his concern with quarry related illnesses, specifically silicosis which is a new asbestos dust that catches and moves through the air. He referenced a current lawsuit in Michigan surrounding silicosis and its negative health impacts. He said to put the proposed quarry on the ballot to let the community decide. K. Lawler believes this is not a good fit for the area.

Paul Bourbeau, Interested Party, stated the load calculations and the loads being proposed do not add up by his calculation. B. Brigham mentioned that the loads per day will not be the same every day and that it is proposed to have 1 million cubic yards in the ground and not blasted cubic yards removed. N. Smith added that it is closer to 2 1/4 million cubic yards once out of the ground.

Brian Susslin, Interested Party, thanked the Board for their work and volunteering. He expressed to the attending audience that the Board are volunteers and an application has been submitted that the Board must review.

Dan Bergeron, Interested Party, expressed concern with traffic accidents and feels the intersection needs to be addressed because of blind spots and speed.

Julianne Gray, Interested Party, stated that she lives on the corner of Jewett Avenue and Kellogg Road Extension and she has seen the road safety decline over the years. She explained speed is an existing problem and safety is an issue of concern now. One dump truck is more than the road weight limits and they propose to travel on a small residential road and be safe. She is concerned about the safety of the children and pedestrians. She anticipates the quarry trucks will drive down the road and use their Jake brakes to support their speed. Jake brakes are loud and she cannot imagine 20-30 trucks per day going through the neighborhood. The quarry truck traffic will affect the quality of the neighborhood and decrease home values. She feels that her home would not sell if needed due to the increase in truck traffic. She asked the Board to please not approve the proposal.

Brian Susslin, Interested Party, asked about the proposed road agreement and questioned how it will benefit the Town. B. Brigham explained that there is no agreement at this time but only a submitted draft proposal. It would be up to the Town Manager and Select Board at some point should this move ahead to discuss an agreement agreeable to both parties.

Sally Lawyer, Interested Party, commented how she loves living in the country. She stated there was a fatal accident on Kellogg Road a few years ago with someone speeding around the corner and crashing into a tree. The corner is dangerous, along with the intersection. She asked for clarification about money paid to the Town by the proposed quarry, as she thought she heard a comment about a percentage. N. Smith clarified there is no money to benefit the Town other than what is outlined in the proposed draft roadway agreement and if there was ever a change beyond the quarry, there would be another new draft agreement to address that at that time. S. Lawyer commented that she loves the beauty of the Town and hopes the Board does as well.

P. O'Brien asked for the record to retract any comments by N. Smith regarding money benefiting the Town other than the draft roadway agreement. A. Johnson mentioned the only comment she heard about a percentage was when it was discussed that SD Ireland Companies could not come up with a percentage of the amount of blasted material staying in the Town, as far as product. N. Smith agreed and said thank you.

Karen Mulkey, Interested Party, recently moved to the area and specifically came to St. Albans Town for the peaceful and quiet environment. She runs, walks and cycles Kellogg Road frequently. If she knew this was going to happen, she would not have purchased the home. K. Mulkey said the Town is so lovely and she hopes the Board will help to keep it that way.

Mitch Montagne stated he assumes the Town must review applications based on Town Bylaws and the Town Plan. He questions how after reading the Town Bylaws and Town Plan, someone could take away from that information that a quarry would be allowable in that location.

Mary Pickner, Interested Party, stated that she does not live in the impacted area but that she does work in public health. She asked about the dust wetting process and what is used to wet the dust. She expressed concern that quarry dust causes respiratory distress and can settle in the lungs causing negative health implications over the years. Quarry dust settles on vegetation and can affect photosynthesis and can damage eco systems. Blasting can alter water flow and quarry dust contains contaminants that can classify organic products as not organic. She added the conditional use of the property would profoundly alter the land. The proposed quarry would also add additional stress to any animals in the area. M. Pickner referenced the New York City Public Library as a comparison example of what the quarry proposes to remove in material. She is also concerned with the added contaminates from the quarry and the increase in truck traffic. She provided a personal example of a near fatal car accident with her children in the car from a quarry dust cloud that covered the road.

Colby Langlois lives a little over half a mile from the proposed quarry location. He explained that roads can be repaired but the damage from quarry dust cannot be repaired and he worries about the health of his children. He asked the Board and SD Ireland Companies if they would be okay with this proposed situation if it was in their own personal back yards. No one answered. C. Langlois said he understands technology and techniques have improved to help eliminate the quarry dust but it does not stop the dust. He further asks the Board to independently look into the health effects of quarry dust before making any final decisions.

Bob Cross, Interested Party, stated he has served the Town for many years as the Public Safety Officer and with the Fire Department. He is concerned with the safety of the people that walk Kellogg Road. He drives Kellogg Road numerous times a day and feels that anyone on Newton Road should also have Interested Party Status because he has been to many horrendous accidents at the intersection of Kellogg Road and Newton Road. He stated that he is not a spokesman for the Fire Department but is speaking as a concerned person who travels those roads daily. That road (Kellogg Road) with the twists and turns and the quick turn at the ledge near Glen Pion's property has been a fatal accident area more than once.

Kirsten Belrose, Interested Party, mentioned that she has spoken with someone who lived near a quarry and that person said the really hard thing was the constant all day every day noise that comes from the rock crusher and drilling. She explained that she teaches in Swanton and can feel blasts from the Swanton quarry. She asked about the constant, can't get away noise created by the crusher and drilling. B. Furman answered that the crusher is proposed to run approximately 6-8 hours a day when it is functioning correctly. Next to the crusher, the decimeter picks up about 95 decibels which is damaging to the ear. They have not had any issues at the Williston plant. The neighbors at the proposed quarry will be located closer to the quarry site and so that impact is hard to determine. It should be comparable to the Williston quarry so when you step outside of the quarry the noise level should be minimal. N. Smith stated for the record, the intention is to be at 60 decibels or less at the property line. This would be a noise level comparable to conversation level and less as you move further away from the property line.

A member of the attending audience questioned the lack of a wash site at the proposed quarry and if it helps to keep the dust down. N. Smith said the wash site helps to crush the stone to the appropriate aggregate size. The member of the audience explained that he was at the Jericho Artillery Range and someone fired outside of the designated firing area and the neighboring cows all produced sour milk. He said the National Guard had to pay the farmer for the loss in milk. He is also concerned for his health since he currently lives with one functioning lung as a result of being shot overseas while serving in the military.

Steven Coon lives off of Georgia Shore Road and believes the ridge is not a block but a corridor with all kinds of wildlife. The area is unique as the ridge has a natural reverberation with the sound reverberating down the ridge and back. He is concerned with the noise levels echoing in the area. He has not heard any positive reasoning stating the proposed quarry will bring a good quality of life to the community. He continued to say that he drives Kellogg Road a minimum of once per day and the road is narrow and dangerous at the intersection. Additional concerns are the damage to local roads, air quality and quarry dust health problems, and light pollution. He questioned the adverse effects on water quality and water flow and how blasting could affect wells. He questions who will monitor the quarry's water runoff. He does not believe this benefits the interest of the community and said nothing positive has come from the proposal. It is important to go by the Town's Bylaws and voice concerns to make the best decision for the community and future generations.

A member of the attending audience asked the Board if a decision would be made by the end of the evening and B. Brigham answered that he was not sure.

P. O'Brien explained they are proposing a quarry to the Board because people need aggregates and the things aggregates or made of, such as concrete and asphalt. The rock found in the proposed quarry is good rock. He stated that in a perfect world, no one would live within 5-miles of a quarry but they have been looking for over a decade for a place to put a quarry. Finding a good place for a quarry is almost an impossible find and they hope the Board will take that point into consideration during deliberation. He added that less and less quarries are being permitted and they are running out of aggregate. He explained that southern Vermont municipalities have turned to man sand, which is man-made sand made from aggregate. He continued to state that they are running out of supply for the demand to feed all the uses. They are open to minimizing the amount of truck trips based on the community outreach and that is the reason it was changed earlier in the day. They are also open to reducing the amount of Saturday hours from 52 days down to 6 or so days so they can use that time when they need to catch up. They are also amendable to permit conditions that say they can't commence construction until every appropriate permit that is required from the municipality, State and Federal governments are obtained. He continued to say they are also amendable for more screening, fencing and berms and or to add additional fencing to keep people away from the quarry site. Further information can be provided to the Board to help assist in making a final decision and impose any necessary conditions specifically as it relates to the proposed conclusions that the Board comes up with; including wildlife habitat, surrounding property values, agricultural lands and intersection. There are third party consultants that can be charged with helping the Town make those decisions. He only asks that if the Town charges them with any of the studies that the Board narrow down the scope of the study.

A member of the attending audience asked about the comment from P. O'Brien saying that in an ideal world no one would live within 5-miles of a quarry and here stands a proposal for people to live within 60' of a quarry. P. O'Brien stated that he lives within a 1,000' of Williston quarry and answered that it is not ideal but accepts that is how it is.

Steven Coon commented how the community is looking at this proposal as a safety, health and quality of life situation and we do not want to sell our quality of life for money. He believes SD Ireland Companies is looking at the proposal as a business.

James Mahoney, Interested Party, asked what is the wetting agent for keeping the dust down. B. Furman said water is the agent. J. Mahoney questioned what body of water will the quarry water discharge go to and N. Smith said probably an unnamed tributary to Stevens Brook. There will be thresholds mandated by permits that will require monthly water samples. A lab in Chittenden County will report the water sample results to the Agency of Natural Resources. B. Furman added that they will be contacted if anything comes back outside of the set parameters so that corrective action can be taken. The minerals or items tested are based on the State's requirements.

There were no additional questions or comments.

Other Business

None

Deliberative Session

MOTION: A. Hickey made a motion to enter deliberative session at 9:20 p.m. M. McKennerney seconded. All in favor, none opposed, motion carried.

MOTION: A. Hickey made a motion to come out of deliberative session at 10:17 p.m. M. McKennerney seconded. All in favor, none opposed, motion carried.

Application of Northwestern Counseling & Support Services represented by SOAR Learning Center requesting Site Plan Approval for a 75' x 43' Basketball Court.

MOTION: B. Thompson made a motion to approve the Application of Northwestern Counseling & Support Services represented by SOAR Learning Center requesting Site Plan Approval for a 75' x 43' Basketball Court in accordance with Sections 4.5, 4.6 and 8.4 of the St. Albans Town Unified Development Bylaws. The property is located at 178 McGinn Drive in the Residential and Mixed Residential Districts and is owned by the Applicant, with the following conditions: 1.) Applicant must obtain a building permit for all proposed structures prior to construction; 2.) All previous conditions of approval shall remain in effect unless otherwise amended by this decision; 3.) All State and Federal permits are the owner's responsibility and a copy shall be provided to the Zoning Administrator for the file; 4.) The Board accepts the Findings of Fact and Conclusions of Law as provided in the Zoning Administrator's staff report dated June 19th, 2024 as amended; and 5.) The Applicant shall agree to

and comply with all Findings of Fact and Conclusions of Law listed in this decision as well as all conditions of approval. Seconded by M. Sawyer. All in favor, none opposed, motion carried.

Application of Stephen & Kristina Polak represented by SD Ireland Companies requesting Site Plan Approval for a proposed quarry.

MOTION: B. Bringham made a motion to approve the Application of Stephen & Kristina Polak as represented by SD Ireland requesting Site Plan Approval for a proposed quarry in accordance with Sections 4.3, 4.4, 8.4 and 10.7 of the St. Albans Town Unified Development Bylaws, as warned. The property is located at 1720 AROUND Kellogg Road in the Conservation and Rural Districts and is owned by the Applicants. M. McKennerney seconded the motion. None in favor, all opposed, motion failed.

Other Business

None

Minutes

MOTION: M. McKennerney made a motion to accept the Minutes from 5/23/2024. Seconded by Tom Stanhope. All in favor, none opposed, motion carried.

Next Meeting

July 25th, 2024 at 6:30 p.m.

Adjournment

MOTION: B. Thompson made a motion to adjourn the DRB meeting at 10:37 p.m. Seconded by Tom Stanhope. All in favor, none opposed, motion carried.

Respectfully Submitted,

Kimberly Kissinger
Administrative Assistant