



Project Review Committee Meeting Minutes

Tuesday, February 7, 2023 at 6:00 PM
Via Zoom

Members present: Jack Cunningham (Chair), Todd Davidson, Eric Stevens, Stephan Chait, Edee Edwards, Bob Bois, Jim Pinkerton, Ann Golob

Guests present: Hunter Kaltsas and Dana Ladd (Hunter Excavating), Chris Ponessi (Hunter Excavating consultant), Raleigh Brown and David Miller (Meyer-Brown project in Halifax), Marylynn Scherlin and Jason Scherlin (auto repair and café in Vernon), Bill Jewell (consultant for Marylynn Scherlin)

Staff present: Alyssa Sabetto

Called to order at 6:00pm with a quorum present and chaired by Jack Cunningham.

1. **Welcome and Introductions**

2. **Minutes**

Stephan noted a needed correction to the meeting start time. No other changes noted. Minutes from December 2022 were approved on a motion from Ann and a second from Jim. Todd abstained as he was not present at the December meeting.

3. **Public Comment Period**

No comments were made during this opportunity for members of the public to comment on non-agenda items.

4. **Mad King Quarry and Hunter Excavating – Londonderry –2W1283-3 and 2W1213-4**

Address: 197 and 297 Rowes Road, South Londonderry

Land Use District: Village, Rural Residential, Productive Rural

Potential Policies (pages 12-51): Economy 2, 8; Natural Resources 8, 9, 11, 14, 16, 17, 21, 24, 26, 30; Transportation Land Use: 1, 2

Background:

2W1213-4 (197 Rowes Road – Rowes Pit): Existing operating gravel quarry. Requesting a 5-year Extension of the existing 2W1213-2 permit to crush existing large tailings into crushed gravel and 3/4 inch stone products. Crushing to occur for a maximum period of 15 business days each year. Also requesting a 5-year Extension of the current Construction Completion Date of August 1, 2022 and the Reclamation Completion Date of October 1, 2022 to complete the process of extracting gravel and reclaiming the site.

1283-3 (297 Rowes Road – Mad King Quarry): Expansion of the existing bedrock quarry to the following: Increase from 8,500 cy to 25,000 cy per year; Increase from 1 blasting event to 2 blasting events per year; Increase from 20 round truck trips to 25 round truck trips; Expand

crushing and hammering from 2 weeks per year, to 2 months per year, being May and August. These limits are similar to the other bedrock quarry operated in Londonderry.

Alyssa attended an Act 250 site visit for both of these quarries on 1/19/23. Act 250 is processing these projects together, though they would be permitted separately. Rowes Pit is on land leased by Hunter for quarry operations. Mad King Quarry is on land owned by Hunter Excavating. At the site visit it came to light that ANR potentially has concerns regarding intrusion of quarry operations on waterway buffers, including for the West River. An Act 250 hearing has been postponed with no date yet set. Alyssa received numerous letters of support for this project/applicant from towns and public/private entities.

At the site visit two abutters said that the state threatened wood turtle habitat includes the quarries and that dead (crushed by vehicles) and live turtles have been seen by walkers on Rowes Road. Alysa reached out to Fish and Wildlife herpetologist, Luke Groff, about the proposed blasting schedule to get feedback on minimizing impact for the turtles based on their life cycle and breeding times. Luke told her that based on breeding time for wood turtles, a better blasting schedule would be April and 10/15-11/15 – vs May and August as the applicant asked for. He also said that a 100-foot buffer is the minimum needed for aquatic dependent species like wood turtles.

Hunter said that the Rowes Pit is near the end of its permitted life and at the end of its resource life, so they are ramping operations down at the Rowes Pit and beginning to reclaim it. The Rowes Pit time extension is more for the need time to reclaim the Pit, as there is no material left to extract. They are hoping to increase the size of Mad King quarry to make up for the material end life at Rowes. The traffic and activity from the Rowes Pit will be dissipating and the other quarry will be increasing traffic and activity. Hunter sees it as ‘a net wash’ (net increase of 5 same-size truck trips per day).

Stephan asked about the size of the blasts considering only two events per year. Small blasting in April to sustain 15 days of crushing in May and another small blast in July to sustain 15 days of crushing in August. Bob asked about stormwater and consultant Chris Ponessi said that both projects are fully permitted through multi-sector permits. Chris said that the town maintains the class 2 road until the Rowes Pit, and below that is a class 4 trail; it is owned and maintained as a town right of way. Bob asked about truck washing requirements and Chris said that the gravel roadway is sprayed and that Hunter will be purchasing a large mister to control dust. Chris said that loads are required to be covered when traveling. Bob asked if sand came from these pits, and Hunter said that sand is becoming harder to find and they have a pit in Clarendon, and in Londonderry they are processing smaller and smaller rock chips to “create sand” and they can also blend those with other sand from elsewhere. There is no out of the ground sand left at these pits since prior to Hunter’s ownership.

Alyssa said that the buffer and the turtle impacts are the two issues that the Committee should look for comments in from ANR. Chris also said that they did review the site with Fish and Wildlife and the buffer on the Rowes Pit does have a 100-foot buffer and they would be remediating a small pinch point per a revised site plan. The Mad King Pit was previously permitted with a 50-foot buffer and that now the buffer required is 100-feet, and to align with this requirement the applicant was now working on a revised site plan and limiting their currently applied expansion plans to align with the buffer requirements and the smaller size expansion that will allow for. Chris said that they would reclaiming portions of the quarry that are in the 100-foot buffer, except for the access and the road itself, per agreement with ANR. Alyssa asked if there was flexibility on the blasting schedule. Hunter said that it would be tough, but it would be possible to consider more blasts in the springtime vs blasting in the fall, depending on what ANR advises. The blasts need to maintain efficiency of crushing and material availability.

Jack said the material that comes from these quarries is necessary to the towns and regional economy. Chris said that they are hoping to hear back soon from on the revised site plan. Jack suggested that we comment that the project is regionally significant and that we defer to ANR on comments related to buffer

impacts and wildlife, with Alyssa being given the authority to customize comments dependent on what ANR says. Alyssa said she feels that the coming ANR comments are necessary to understand the project and its impacts.

ACTION: The Committee voted this project as regionally significant and Alyssa will draft and submit a comment letter per the Committee's proposal.

5. **Meyer-Brown 40x60 steel building construction – Halifax - 2W1383**

Address: 86 Shearer Hill Road, West Halifax

Land Use District: Productive Rural

Potential Policies (pages 12-51): Land Use 1, 2, Natural Resources 30

Background: The construction of a 40x60 Steel building to the property. A draft permit was issued and two abutters subsequently called for a hearing. Hearing set for 2/15.

Alyssa said that there is a mobile home on the property and this building would be adjacent to the mobile home. The building would be used as an indoor hydroponic cannabis grow operation for the commercial industry. Filings indicate dispute/disagreement between applicant and abutters and focus on local concerns of abutters and impacts to their properties.

Edee asked to be recused from the discussion as she is running for the Halifax Selectboard, and Jack agreed with that request.

Eric and Todd said their perspective is that this is a local issue and dependent on their permitting of the building. Alyssa asked if the zoning permit was approved and the applicant said that it has been approved by local zoning.

Bob asked about state authority of this type of operation and David Miller said that it is all controlled by the VT Cannabis Control Board (CCB) and there are inspections, including routine operation inspections. The application has not yet submitted the application to the CCB, and is waiting until the building is permitted. This is a class 1 operation and is limited to 1000 square feet. All plants are tracked and there is a chain of control of the product and a security system for the site is required. Stephan asked about traffic and David said that it's transported in his private vehicle off-site about every 3 months. There is no staff.

ACTION: The Committee agreed that this project is not regionally significant and Alyssa will draft and submit a no comment form letter. Alyssa will not attend the Act 250 site visit and hearing.

6. **Scherlin auto repair garage and cafe – Vernon - 2W1379**

Address: 722 Pond Road

Land Use District: Rural Residential, Productive Rural

Potential Policies (pages 12-51): Land Use 1, Economy 4, 5

Background: The previous construction of an auto repair garage and a catering/take-out kitchen (Uncle Jessie's) with a maximum of 2 employees. A hearing will be held on this project on 2/16.

Bill Jewel said that this project involves a one-bedroom apartment and an auto repair garage, as well as Uncle Jessie's. Uncle Jessie's is limited to take out only due to the limited supply of water and septic and until there is increased capacity there is no on-site eating allowed. Marylynn said that Uncle Jessie's is entirely to-go; the only seating is for people waiting to get their food. Marylynn said the original application included 12 seats, but that had to be changed due to lack of water infrastructure to support these seats.

Jim said that the Vernon PC and the SB have both commented in support of this project and this is the only local food option in Vernon. He does not see regional significance.

ACTION: The Committee agreed that this project is not regionally significant and Alyssa will draft and submit a no comment form letter. Alyssa will not attend the Act 250 site visit and hearing.

7. Review of proposed Regional Plan language in regards to staff assistance to project applicants

Staff has drawn up the following in regards to a request made at the last Committee meeting in relation to how to handle future requests of staff for assistance from project applicants. This language would appear in the updated Windham Regional Plan:

The WRC can assist towns with their plan implementation through both regulatory and non-regulatory means. To that end, towns may request assistance with regulatory proceedings for either direct town actions and projects, or non-municipal projects that they identify as being in support of to their plan policies, goals, and objectives. WRC staff can provide advice and guidance on the process of applying for and participating in regulatory proceedings related, but not limited, to Act 250 and Section 248. Review of draft applications can be done only from a process guidance lens as WRC is a statutory party to regulatory processes in the region.

Edee felt that this language clarifies the concerns the Committee had previously discussed on these type of requests. Jim said that he liked the language. Edee motioned to accept this language for the Windham Regional Plan update and Ann seconded. All approved this language for the Regional Plan.

8. Recent Decisions and Updates

- Chroma Technology and BDCC Holdings II stormwater improvements – 2W0566-2E – Rockingham – permit issued 1/24/23
- Guilford Community Church pocket park – 2W0968-2 – Guilford – permit issued 12/23/22
- Snow Vidda/Brady Sullivan development proposal to increase development by 42 units – 2W1221-3 – Dover – incomplete status
- Stratton Resort learning area revamp and RFID technology – 2W0519-31 – Stratton – in review

9. Next meeting

The next regularly scheduled meeting is March 7th, which is Town Meeting Day. We will plan to cancel the March meeting unless something develops in the interim that cannot wait until the April 4th meeting.

10. Meeting adjourned at 7:25pm.