



On Wednesday August 26, 2020 at 7:00PM, at the Brandon Town Hall, 1 Conant Square (Ground Floor Conference Room) and VIA Zoom remote conferencing the DRB will hold the following Public Hearings:

Application #6095 for a set-back waiver at 203 Rydon Acres to construct a 12' X 20' utility shed. The shed will be located next to an existing garage. The set-back waiver is required for the east side of the property.

A local ACT 250 review for Markowski Excavating for an additional 25 years of use for the gravel pit located at the Alta Woods location. This is to continue to extract sand and gravel from the pit, along with the recycling of construction waste and an addition of a diesel fuel tank.

A copy of the full application(s) is posted in the Town Office at 49 Center Street; a concise copy is at www.TownofBrandon.com. *This meeting & hearing will be conducted remotely by Zoom audio & visual programs; access instructions are posted on the Town website. Remote participation is preferred.* The conference room will also be available, for a maximum of 10 persons; and Covid19 prevention measures (masks and distancing) are required.

Interested parties are to be registered and present testimony, or have submitted written testimony to the Town by 7:15PM on the hearing date or they may forfeit their right to appeal any decision of the DRB to VT Superior Court (Environmental Division).

To attend this meeting you have 2 options:

Option 1: Video Conference This option is available only if:

You have a computer with a built-in or external camera and microphone (Zoom Software download required)

Have a phone with a built-in camera (Zoom App download required)

- Visit: <https://us02web.zoom.us/j/84094564293> (This will prompt the download if you do not have the software/app already installed)

Meeting ID (840-9456-4293)

Option 2: Conference Call: To dial in for audio only:

1. Dial: (929) 205 6099
2. Follow instructions to enter Meeting ID (840-9456-4293) then confirm by hitting pound (#)

PERMIT NOTICE

Address: 0 ALTA WOODS
Applicant: MACKOWSKI / EXCAVATING
Project Description: HEARING FOR ACT 250
REVIEW TO REQUEST EXTENSION
FOR 25 YEARS, TO OPERATE SAND &
GRAVEL PIT WITH RECYCLING PROCESS



Permit / Approval

Type: _____

Date Issued: _____

Appeal by: _____



Public Hearing

Date / Time: _____

Place: _____

Purpose: _____

7⁰⁰ PM WEDNESDAY
AUG. 26, 2020

TOWN HALL / CONANT SR, OR BY

ZOOM / REMOTE CONFERENCE

DEVELOPMENT REVIEW

A copy of this permit is available for review at the Town Office.

**For more
information
contact:**

REMOTE CONFERENCE INSTRUCTIONS
POSTED, AND ON WEBSITE:
WWW.TOWNOFBRANDON.COM
247-3635 x202 ZONING@TOWNOF
BRANDON.COM

Town Office Use Only			
Town of Brandon	Tax Map # <u>10-3-48</u>	Date Completed: _____	
49 Center Street	Parcel ID # <u>0086-2359</u>	Decision: _____	
Brandon, Vermont 05733	No. of Acres <u>46.88</u>	Sub <u>7-15</u>	Fee \$ <u>250</u>
Phone: (802) 247-3635 ext. 202	Zone <u>RD</u>	Check # <u>10817</u>	Rec'd by <u>MB</u>
FAX: (802) 247-5481		Deed Reference <u>196 576</u>	

APPLICATION FOR LAND USE PERMIT

Name and Address of Owner(s):
Markowski Excavating, Inc.
P.O. Box 69
Florence, VT 05744

Home Phone: _____
 Work Phone: 802-483-6469
 Fax Phone: _____

Name and Address of Applicant(s)
 (if different from property owner):

Home Phone: _____
 Work Phone: _____
 Fax Phone: _____

Current property information/location (for boundary adjustments include for all parcels involved):
078-024-11132 (O ALTA WOODS)

THIS APPLICATION IS FOR: (Check all that apply)

- Division of parcel into two or more parcels (Please complete Addendum B)
- Construction, reconstruction, conversion, structural alteration, relocation, enlargement of any building or other structure
- Landfill, mining, or excavation operations
- Substantial change in nature or intensity of the current use of any building, structure or parcel of land
- Extension of current use of land
- Increase in number of dwelling units on a parcel of land
- Razing any structure, temporary or otherwise, over 500 sf or any structure in the Central Business District
- Interior renovations to residential structure in contemplation of increase in number of bedrooms or dwelling units
- Interior renovations to a nonresidential primary structure done in contemplation of a change in use or intensity of use.
- Home occupation
- Sign(s) (Please complete Addendum C)
- Development in Flood Hazard Area (Please Complete Addendum E)

ADDENDUM MAY BE REQUIRED FOR THE FOLLOWING:

Development Review Board Hearings: (Check all that apply)

- Hearing
- Appeal
- Variance
- Conditional Use
- Major Subdivision
- Planned Unit Development
- Local Act 250 Review

Act 250 application materials are attached.

1. Give a detailed description of the CURRENT use of the property, how many buildings and their respective uses, dimensions, setbacks, etc: Sand and gravel extraction with construction waste recycling per existing zoning permit
2. Give a detailed description of the PROPOSED project:
 - a) Describe the construction (include building dimension, size and location), and the proposed use: Renew Act 250 permit for additional 25 years, requires town review of criteria 6, 7, and 10
 - b) Does it involve erecting a sign (*Please complete Addendum C attached*), fence, pre-made structure or installing a pool? no If yes, describe dimension, size and location:
 - c) Does it involve a change of use? no If yes, describe current use and proposed use:
 - d) Does it involve a subdivision or boundary line adjustment? no If Yes, Please complete Addendum B attached.
 - e) Does it involve construction of an agricultural structure or use? no If Yes, Please complete Addendum D attached.
 - f) Does it involve development or construction in a flood hazard area? no If Yes, Please complete Addendum E attached.
3. Give the estimated cost of the project: \$ 0
4. Answer ALL questions on Addendum A to this Application, pertaining to the Performance Objectives and Standards in Section 601 - 627 in the Brandon Land Use Ordinance, for ALL applications.
5. Attach a site plan or use the grid on the last page to draw an ACCURATE sketch of the lot showing all EXISTING structures and all PROPOSED construction. Give all dimensions of lots and structures, as well as the distance from property lines, other structures and septic.

Intended Start Date: n/a
 Intended Completion Date: n/a

I certify that the statements made by me in this Application For Land Use Permit are accurate and complete. I hereby grant permission to the Town of Brandon to allow its agent to inspect this property relative to this application for both approval and to ensure compliance once project is complete. I understand that this is an application for a local permit. To find out if State permits may be needed, I should contact the Rutland Offices of the District Environmental Commission at 802-786-5900 and the Department of Labor and Industry at 802-786-5867.

Date 8-5-20 Landowner [Signature]
 Landowner _____

If different from landowner, Applicant _____

Comments by the Administrative Officer: RECEIVED (BY EMAC) 8/7/20, Fee RECEIVED 8/10/20 - REFERRED TO DRB FOR ACT 250 ADMINISTRATION, HEARING WARNED 8/11/20 FOR 8/26/2020; ZOOM @ TOWN HALL (1 CONANT SQ) 7:00 AM 9/13/20

ADDENDUM A

Performance Objectives and Standards Information

All references are to the Brandon Land Use Ordinance - Article VI, Section 600. A copy can be reviewed at the Town Offices and on the Town of Brandon website (www.townofbrandon.com). Answer ALL questions with a yes, no or (x) in the appropriate area. Give explanations where needed.

- 601 If Wastewater to the property is/will be disposed by: () town sewer () private septic (x) not required.
Are you increasing the number of bedrooms? _____, if so, how many? _____
Are you increasing the number of dwelling units? _____, if so, how many? _____
If this is a business/home occupation, how many employees are expected? _____; how many customers are expected per day? _____
If you propose a new, or an increase to an existing, (a) connection to a municipal wastewater supply attach a sewer capacity permit; or (b) private wastewater disposal system attach a certification of a designer licensed by the State of Vermont or state permit approval.
- 602 Access for emergency vehicles is (will be) provided by: () town highway, (x) State highway, () class 4 or private road, () right of way which must be at least 20' wide and maintained in all-weather and kept unobstructed.
- 603 If Water supply is (will be) provided by: () town water by connection to Brandon Fire District 1 or 2 (attach approval letter), () private well or water source (attach state permit approval), (x) not required.
- 604 Will this project create an increase in the intensity of traffic? no
If yes, explain and attach an access permit if required _____

Will traffic flow generated be beyond the capacity of local roads? _____
Attach certification by Public Works that local roads are adequate or scheduled to be upgraded.
- 605 Does the design of the intersection (of the access road [driveway] to the site) with local roads conform with the requirements of Vermont Department of Highways (Doc B-71)? yes Will all new driveways have an area to turn around on site? _____ Attach access (driveway cut) permit. How many parcels will access drive serve? Shared access with two businesses on Alta Woods
- 606 Will the project destroy or significantly alter wetlands or natural areas? no What steps will be taken to minimize environmental damage? see criterion 1G explanation in Act 250 application
- 607 Does your project involve any areas of steep slope? yes What is the grade of the slope? max 2:1 What percentage of slope will be developed, regraded or stripped of vegetation? _____ Attach certification by a professional engineer.
- 608 Will there be an increase in noise levels as a result of the project? no Will noise level exceed 70 decibels during daylight hours or 60 decibels during other times of the day at the property line?
no, see sound modeling in Act 250 application, 70 dBA at property lines, 55 dBA at homes
- 609 Will the project result in any noticeable, clearly apparent vibration on the property of another landowner?
no If yes, explain no blasting

Will there be any hammering, drilling, cutting or blasting within 100 feet of any underground tank used to store petroleum projects? no If so, what tests have been done to insure the soundness of the tanks?

610 Will the project involve the emission of any smoke? crusher emissions, air permit in Act 250 application

611 Will the project result in fly ash, dust, fumes, vapors, gasses or other forms of air pollution? yes If yes, explain dust controlled iwth water as necessary

612 Will the emission of detectable objectionable odor result from your project? no If yes, explain

613 Will the project result in any fire, explosive, or other safety hazard? no If yes, explain

Will you be storing greater than 500 gallons of flammable liquids in tanks above ground? yes If yes, explain 4000 gallon double wall portable skid tank for diesel fuel

614 Will your project have: flickering, pulsing, rotating, or flashing lights? no; lights that will distract drivers on roads in the vicinity? _____ lights that illuminate in excess of 0.5 footcandles when measured at adjacent residential boundaries? _____

615 Will any hazardous materials be used in this project? no If yes, explain procedures for handling and containment _____

616 Will a sufficient number of off-street parking spaces be provided*? no What is the maximum number of vehicles expected on site at any given time? _____ Attach a parking plan showing 9' x 18' spaces for each vehicle. *Not required if property is located in Central Business District.

617 Will the use require loading and unloading of commercial products? yes Is there adequate space within the boundaries of the lot for loading and unloading? loading aggregate within pit area

618 Is this a structure over 400 cubic feet in volume (incl. mobile homes)? no Will it be installed and anchored as required? _____

619 Does your project involve farm animals? no If yes, is the lot at least one acre in area? _____ What is the minimum distance of: animal housing and piles of manure, feed or bedding from any lot line? _____ manure piles to wells and surface waters? _____

Is the proposed use agricultural? _____ If yes, will the requirements of this section be met? _____
Has the Secretary of Vermont Agency of Agriculture, Food and Markets indicated that the farm operation complies with the Accepted Agricultural Practices? _____
(Please complete Addendum D attached)

620 Does your project involve use of pesticides herbicides, and fertilizers within 400' of any well or fire district? no, if yes, explain _____

621 Does the proposed use involve forest harvesting? no If yes, will the requirements of this section be met? _____

622 Is the proposed use in the Aquifer District? no

- 623 Will the project cause an excessive increase in quality, rate or rechanneling of water runoff on neighboring properties? np If yes, what provisions have been made to avoid this possibility? Closed drainage into the pit, no discharges off site
- 624 Will there be an outdoor display of retail products? no Is this display within the required setback from a street or road? If yes, does it: impede the flow of pedestrian traffic in the CBD? What is the distance of the closest residence in HDMU? Is it a farmstand?
- 625 Will there be development within 100' from the mean high water mark of named river and streams? no, if yes explain
Attach Vermont State Floodplain Coordinator approval, if necessary.
- 626 Will there be any excavation or blasting of the clay layer that protects the public water supply? no clay layer exists
- 627 Will there be any storage of junk or uninspected/unregistered junk vehicles visible from the traveled way of a highway or abutting landowners, or within 50' of any property line? no
For "junkyards" provide state certification.

Project Summary

Markowski Excavating, Inc. is proposing to renew and extend its existing Act 250 Land Use Permit for a sand and gravel pit with a construction waste recycling facility for an additional 25 years.

The extraction of sand and gravel pit began in the 1960s with intermittent operations. LUP 1R0783 was obtained in 1995 to continue the sand and gravel extraction operation at 50,000 cubic yards per year. LUP 1R0783-3 was issued in 1999, approving an increase in annual production to 75,000 cubic yards, combined with dredging of material below the water table and crushing stone products. LUP 1R0783-4 permitted operation of the construction waste recycling facility under a solid waste certification. Copies of these permits are attached as exhibits.

To date, the applicant has operated the sand and gravel extraction and solid waste recycling facility in compliance with all plans and permit conditions. The applicant is unaware of any complaints concerning the operation over the past 25 years.

No change in the operating parameters of the sand and gravel extraction and construction waste recycling operation are proposed and all existing permit conditions may continue in effect, with one exception. The applicant is requesting that the storage of fuel be permitted at the site as discussed in the application.

An updated site plan has been prepared using updated topographic data, but reflecting all of the previously approved operating areas, buffers, and excavation limits. Copies of the original site plan is attached as an exhibit.

PERMIT NOTICE

Address: 203 RYDON ACRES

Applicant: RAY & CANDY COUNTER

Project Description: SETBACK WAIVER
REQUEST TO INSTALL UTILITY SHED
IN NW CORNER OF PROPERTY

Permit / Approval

Type:

Date Issued:

Appeal by:

Public Hearing

Date / Time:

Place:

Purpose:

700 PM WEDNESDAY
AUGUST 26, 2020

TOWN HALL +/OR VIA ZOOM REMOTE
CONFERENCE

DEVELOPMENT REVIEW

A copy of this permit is available for review at the Town Office.

For more
information
contact:

REMOTE CONFERENCE INSTRUCTIONS
POSTED, AND ON WEBSITE:
WWW.TOWNOFBRANDON.COM
247-3635 x 202 / ZONING@TOWNOF
BRANDON.COM

RECEIVED

AUG - 3 2020

Application No.: 6095

TOWN OF BRANDON

Town Office Use Only

Town of Brandon 49 Center Street Brandon, Vermont 05733	Tax Map # <u>10-03-50</u> MAP 26	Parcel ID # <u>0077-0203</u>	Date Completed: _____
Phone: (802) 247-3635 ext. 202	No. of Acres <u>.92 AC</u>	Decision: _____	Rec'd by _____
FAX: (802) 247-5481	Fee \$ _____	Check # _____	Deed Reference <u>B192 A299</u>
	Zone <u>HDMU</u>		

APPLICATION FOR LAND USE PERMIT

Name and Address of Owner(s):
RAYMOND & CANDY COUNTER
203 RYDON ACRES
BRANDON VT 05733

Home Phone: 247-3059
 Work Phone: 236-6169
 Fax Phone: _____
 EMAIL rjcounter@yahoo.com

Name and Address of Applicant(s)
 (if different from property owner):
SAME

Home Phone: _____
 Work Phone: _____
 Fax Phone: _____
 EMAIL

Current property information/location (for boundary adjustments include for all parcels involved):
203 RYDON ACRES

THIS APPLICATION IS FOR: (Check all that apply)

- Division of parcel into two or more parcels (Please complete Addendum B)
- Construction, reconstruction, conversion, structural alteration, relocation, enlargement of any building or other structure
- Landfill, mining, or excavation operations
- Substantial change in nature or intensity of the current use of any building, structure or parcel of land
- Extension of current use of land
- Increase in number of dwelling units on a parcel of land
- Razing any structure, temporary or otherwise, over 500 sf or any structure in the Central Business District
- Interior renovations to residential structure in contemplation of increase in number of bedrooms or dwelling units
- Interior renovations to a nonresidential primary structure done in contemplation of a change in use or intensity of use.
- Home occupation
- Sign(s) (Please complete Addendum C)
- Development in Flood Hazard Area (Please Complete Addendum D)

ADDENDUM MAY BE REQUIRED FOR THE FOLLOWING
 Development Review Board Hearings: (Check all that apply)

- Hearing
- Appeal
- Variance /WAIVER
- Conditional Use
- Major Subdivision
- Planned Unit Development
- Local Act 250 Review

TOWN OF BRANDON
 Date: 08/04/2020 Time: 13:07:50
 Clerk: Register
 Account:
 Name: COUNTER, RAY & CANDY
 Comments: PERMIT #6095

Description	Amount
Land Use Permit Revenue	240.00
Land Use Permit Revenue	11.00
Land Use Permit Revenue	4.00

TOTAL: 255.00
 Check Number: 1385

Application No.: 6095

1. Give a detailed description of the CURRENT use of the property, how many buildings and their respective uses, dimensions, setbacks, etc: SINGLE FAMILY RESIDENCE

2. Give a detailed description of the PROPOSED project:
 - a) Describe the construction (include building dimension, size and location), and the proposed use: install 12x20' utility shed on right side of parcel next to existing garage
 - b) Does it involve erecting a sign (Please complete Addendum C attached), fence, pre-made structure or installing a pool? NO If yes, describe dimension, size and location:

 - c) Does it involve a change of use? NO If yes, describe current use and proposed use:

 - d) Does it involve a subdivision or boundary line adjustment? NO If Yes, Please complete Addendum B attached.
 - e) Does it involve construction of an agricultural structure or use? NO If Yes, Please complete Addendum D attached.
 - f) Does it involve development or construction in a flood hazard area? NO If Yes, Please complete Addendum E attached.

3. Give the estimated cost of the project: \$ 5,500.00

4. Answer ALL questions on Addendum A to this Application, pertaining to the Performance Objectives and Standards in Section 601 - 627 in the Brandon Land Use Ordinance, for ALL applications.

5. Attach a site plan or use the grid on the last page to draw an ACCURATE sketch of the lot showing all EXISTING structures and all PROPOSED construction. Give all dimensions of lots and structures, as well as the distance from property lines, other structures and septic.

Intended Start Date: 10/1/2020
 Intended Completion Date: 10/15/2020

I certify that the statements made by me in this Application For Land Use Permit are accurate and complete. I hereby grant permission to the Town of Brandon to allow its agent to inspect this property relative to this application for both approval and to ensure compliance once project is complete. I understand that this is an application for a local permit. To find out if State permits may be needed, I should contact the Rutland Offices of the District Environmental Commission at 802-786-5900 and the Department of Labor and Industry at 802-786-5867.

Date 7/31/2020 Landowner Raymond Coates
 Landowner Candy Coates

If different from landowner, Applicant _____

Comments by the Administrative Officer: REVIEWED 8/4/20; APPLICATION REFERRED TO DRB FOR VARIANCE (NON CONFORMING PARCEL w CONFORMING STRUCTURE ON-SITE SEPTIC SYSTEM) OR WAIVER (SECTION 1016) 8/13/20 PUBLIC HEARING WARNINGS FOR 8/26/20 7⁰⁰ REMOVED AT TOWN PLAC?

ATTENTION ON SUBJECT

1000.0 346R Poquette 10-3-49 1.5 A	10-3-50 Counter	10-3-51 Files	10-3-46 1.0 A	10-3-45 Corey	10-3-44 Carolan	10-3-43 Neilson	10-3-53.01 Laford's Auto Body
1000.0	1000.0	1000.0	1000.0	1000.0	1000.0	1000.0	1000.0
10-3-49.02 2.19 A	10-3-52.01 1.65 AC	10-3-53.03 2.18 AS	10-3-53.04 2.35 AS	10-3-53.02 2.18 AS	10-3-53.02 2.18 AS	10-3-53.01 2.38 AS	10-3-53.01 498.52
10-3-49.02 2.19 A	10-3-52.01 1.65 AC	10-3-53.03 2.18 AS	10-3-53.04 2.35 AS	10-3-53.02 2.18 AS	10-3-53.02 2.18 AS	10-3-53.01 2.38 AS	10-3-53.01 498.52
10-3-49.02 2.19 A	10-3-52.01 1.65 AC	10-3-53.03 2.18 AS	10-3-53.04 2.35 AS	10-3-53.02 2.18 AS	10-3-53.02 2.18 AS	10-3-53.01 2.38 AS	10-3-53.01 498.52



PROPOSED 1200
UTILIZING 60%

Branson
#205

RYDON-ACRES

0 = PARCEL 10-03-50
SCALE 1" = 50 FT

17