

Select Board Meeting, Monday, June 26th, in the Cavendish Town Office

Meeting Room at 6:30 pm

Present: Bob Glidden (Chairman), George Timko, Mike Ripley, Mark Huntley, Brendan McNamara (Town Manager), Bruce McEnaney (Assistant Town Manager), Jen Leak (Recording Secretary), Ed McEneaney from LPCTV and citizens as listed on the attached sheet.

Absent: Jill Flinn

1. Call the meeting to order.

Bob Glidden, Chairman, called the meeting to order at 6:30 p.m.

Bob Glidden moved/George Timko seconded a motion to recess to the Town Clerk's office for an executive session to discuss a personnel issue at 6:30 p.m. All voted in favor.

Bob Glidden moved/Mike Ripley seconded a motion to exit from executive session at 6:38 p.m. All voted in favor.

Bob Glidden reconvened the meeting at 6:38 p.m.

2. Select Board to discuss possible response to the Natural Resources Board regarding proposed stone quarry on Tierney Road.

Brendan thanked everyone for coming tonight. He said that he spoke with Matt Birmingham, Town Attorney, on how the Board could respond on this matter. Matt advised that the Town has three possible responses to William Burke, District Coordinator for the Natural Resources Board: in favor of the NRB reviewing this project for Act 250 jurisdiction by the state; not in favor of the NRB reviewing this project for Act 250 jurisdiction by the state; or taking no stance, either pro or con, on the review of this project for Act 250 jurisdiction by the state.

Bob asked if any members of the public wished to comment. A discussion of the topic ensued, with many of those in attendance voicing their opinions, including:

John Smart – John said that Jason Snow has operated a quarry in his backyard which has recently closed. He said that there has been very little noise and the trucks have raised no dust on the dirt roads. He added that, during Tropical Storm Irene repairs, Mr. Snow provided stone for Cavendish projects. John invited those opposing the Tierney Road quarry to visit the closed quarry as he thought that Jason has left the area in very good condition. He also objected to the “not in my backyard” sentiment that some of those opposing this quarry seemed to have.

Mike Harrington – Mike said that this was mainly a legal issue regarding Act 250 regulations, and suggested that this project was deliberately held at under an acre in order to skirt those regulations. He said that he did not believe the Town as a whole would benefit from this quarry, but rather property values would decrease as a result. Mike stated that if the quarry opens then the case will likely end up in court, and the Town will be sued for allowing it to proceed. He also objected to the portrayal of this issue as a “flatlander vs locals” dispute.

Doris Edy – Doris said that she and her husband had recently bought a piece of property at the end of Tierney Road from Justin Savage and are building a house there. She said that the Savages planned on building their own home in that area. She said that Jason Snow planned on using a one ton truck to haul the stone out, which wouldn't make any more noise than a UPS truck or a 4-wheeler. She didn't think that area residents should be concerned that the quarry would cause environmental ruin or create a huge amount of noise.

Robin Timko – Robin said that she was not directly opposed to a quarry operating in town, and she didn't want to imply that Justin and Jason weren't good people. She just wanted a binding agreement with parameters to ensure that the project doesn't change in scale in the future.

Kem Phillips – Kem said that he was also concerned that the proposed small quarry might become a bigger operation later on.

Margo Caulfield – Margo commented that she thought the Select Board would not be involved in crafting an agreement between the quarry owner and local residents. She asked if the Town Attorney had recommended any one of the three options. Brendan said that he had not. She also commented that rural areas are the providers of natural resources such as stone and timber.

George Timko – George said that he was concerned that the quarry conflicted with the Town Plan, although since the Town Plan was not a legally binding document there was little the Town could do without an Act 250 permit. He was also concerned that the project was deliberately under one acre in order to avoid the Act 250 process, and questioned whether the option for the seller to buy back the property violated the arms-length-transaction requirement which would automatically trigger an Act 250 process. George was also concerned with possibly heavy truck traffic on Town roads in a residential area and the lowering of area property values.

Dan Massey – Dan commented that, while there are other sources of noise in the area such as ATV's, snowmobiles or target shooting, these are sporadic, short-term activities and he has heard no complaints about any of them. He said that the quarry could produce noise daily over a long period of time.

Richard Foster – Richard said that, as a mason, he did not believe this quarry would stay a small operation. He thought that there would be a big demand for the stone, and that the trucks will destroy the Town roads.

Etienne Ting, Planning Commission Chairman – Etienne said that he thought the Select Board's job is to help the district coordinator decide if this project triggers the Act 250 process or not. He said that the Planning Commission can evaluate the projects compliance with the Town Plan only if an Act 250 application is submitted. Etienne explained that the Town Plan does not designate areas as either commercial or residential, and that quarrying is considered an acceptable activity in Cavendish. He added that the Town Plan is not a "master plan" as some have mistakenly called it tonight, and is not enforceable.

Linda and Bruce Watson – Linda said that the local economy will suffer if people move or stay away from the area as a result of allowing a commercial quarry to become established on Tierney Road. She said that she was concerned that the entire 176 acre parcel could be quarried in small, less than 1 acre parcels, leading to extensive environmental and economic damage without Act 250 regulation. Bruce said that the Town Plan did not endorse a quarry in a residential area.

Rich Svec - Rich asked the Board if they would read Bill Burke's letter to clarify what he is asking

the Select Board to do. George read part of Mr. Burke's letter aloud, in which he invited all interested parties to submit "factual or legal arguments which they wish to bring to my attention" concerning this proposed quarry, especially regarding whether the "Right of First Refusal" defeats the required "arms-length-transaction (necessary to bring the jurisdictional acreage under one acre)".

George Timko moved/Mike Ripley seconded a motion to ask the State to take a regulatory position and make the decision whether the quarry proposed by Snowstone LLC is subject to Act 250 or not. All voted in favor.

The Select Board thanked those in attendance for coming tonight.

3. **Discussion regarding intent to sell Municipal Property.**

Brendan said that the Town has acquired ownership of the Horahan property, parcel ID 1V20-217, located at 723 Main Street in Proctorsville. He said that he would like to post a Notice of Intent To Sell Municipal Land, and to put out a Request for Quotes to area realtors. Brendan said that he and the Town Treasurer will get a current amount that the Town is due on this parcel.

Rich added that there is a dead fir tree on this property near Route 131 which should be removed as soon as possible, as it is a danger to that house and the neighbors' house. Bruce agreed.

4. **Adjourn**

George Timko moved/Mike Ripley seconded a motion to adjourn at 7:28 p.m. All voted in favor.

Minutes Approved: _____

Date: _____