

Town Of Poultney Selectboard Meeting, May 14, 2018
Proposed Amendments to Poultney Unified Bylaws

Terry Williams made the following motion to amend the Poultney Unified Bylaws. The motion was seconded by George Miller. Motion carried with all Selectboard members present voting in favor.

Section 417 is hereby deleted in its entirety and replaced with the following:

Section 417(A): Slate Mining at Pre-existing Slate Quarries

For purposes of these Bylaws, a “Pre-Existing Slate Quarry” is any slate extraction area, pit, hole or quarry for which registration documents have been filed with the State of Vermont pursuant to 10 V.S.A. § 6081(b)(1) et seq., and which registration documents have been recorded in the office of the town clerk, together with (1) all associated roads, dumps, waste, rubbish or slag piles, activities, operations, buildings, improvements, infrastructure or replacements thereof, and (2) any future improvements, buildings, structures or infrastructure associated with the same, the construction or establishment of which is required to comply with any federal or state law, rule or regulation. New quarry holes or pits established on a parcel of land containing a Pre-existing Slate Quarry shall not be considered part of the Pre-existing Slate Quarry.

- A. Notwithstanding any provision of these Bylaws, slate mining at and related use of a Pre-existing Slate Quarry and the parcel of land containing the same may continue without any permit or approval under these Bylaws notwithstanding that the associated pits, extraction areas, holes or quarries, so long as the same are in compliance with the setback established in Subsection B(1) and B(2) herein, 1) may expand or increase in size and depth, 2) may expand onto additional parcels of land or into a different zoning district, or 3) that activity associated with the same may fluctuate or intensify over time. Cessation of use of or activity at a Pre-existing Slate Quarry shall not be deemed abandonment of the same or discontinuance of a non-conforming use or structure under Sections 706 and 707 et seq. hereof.

- B. Pre-existing Slate Quarries shall not be subject to the setback, coverage, height or other technical or dimensional limitations of these Regulations except that (1) there shall be a 20 foot setback from the edge of any slate pit, extraction area, hole or quarry to the property line; (2) there shall be a 100 foot setback from the edge of any slate pit, extraction area, hole of quarry to any residential structure located on a contiguous parcel in existence on June 1, 2018; and (3) any new buildings after June 1, 2018 which are built on a parcel containing a Pre-existing Slate Quarry shall observe a 40 foot setback from the property line. Any access road(s) or equipment operation used or conducted in connection with a slate pit, extraction area, hole or quarry, is exempt from the 20 foot setback contained herein. The foregoing setbacks may be waived by a notarized statement signed by the property owners which is recorded in the Poultney Land Records and filed with the Poultney Zoning Administrator.

- C. The setbacks prescribed in Subsection B above may be waived by a notarized statement signed by the property owners which is recorded in the Poultney Land Records and filed with the Poultney Zoning Administrator.
 - D. A gate or other barrier sufficient to block vehicular access by the general public shall be maintained at any vehicular access point at any pit, extraction area, hole or quarry.
 - E. Weights of loaded trucks exiting slate quarries shall comply with posted weight limits for Town Highways unless overweight permit is first obtained from the Town.
-

Terry Williams made the following motion to amend the Poultney Unified Bylaws by adding the following sections. The motion was seconded by George Miller. Motion carried with all Selectboard members present voting in favor.

Section 417(B): Slate Mining other than at Pre-Existing Slate Quarries

- A. There shall be a setback of 40 feet between the edge of new slate extraction areas, quarry holes, pits, dumps and buildings and 1) the edge of the travelled portion of any public road or right-of-way and 2) the property line of any parcel of land containing an occupied residential dwelling in existing on June 1, 2018.
- B. There shall be a setback of 100 feet between the edge of new slate extraction areas, quarry holes, pits, dumps and any residential dwelling on a contiguous parcel in existence on June 1, 2018.
- C. The setbacks prescribed in Subsections A and B above may be waived by a notarized statement signed by the property owners which is recorded in the Poultney Land Records and filed with the Poultney Zoning Administrator.
- D. A gate or other barrier sufficient to block automobile access by the general public shall be maintained at any vehicular access point at any pit, extraction area, hole or quarry.
- E. Weights of loaded trucks exiting slate quarries shall comply with posted weight limits for Town Highways unless an overweight permit is first obtained from the Town.

Section 417(C): Deeded Mineral and Dumping Rights

The setbacks set forth in Sections 417(A) and 417(B) herein shall in no way interfere with, contravene, revise, replace, amend, supersede, or otherwise change, any mineral or dumping rights granted by deed.

Terry Williams made the following motion to amend the Poultney Unified Bylaws. The motion was seconded by George Miller. Motion carried with all Selectboard members present voting in favor.

Section 418, Slate Processing is deleted and the following substituted in its place:

Section 418: Slate Processing

All end state sawing and trimming of slate blocks into final, marketable products shall be conducted within an enclosed structure which may have portions open to the outside.

Terry Williams made the following motion to amend the Poultney Unified Bylaws. The motion was seconded by George Miller. Motion carried with all Selectboard members present voting in favor.

Section 1424, Site Development, is deleted and the following substituted in its place:

Section 1424: Development

Any development including bringing in fill or removing earth in excess of fifty-six (56) cubic yards as a minimum with an addition of 28 cubic yards per acre per year shall require a permit. For a parcel of less than one (1) acre, any deposit or removal of more than fifty-six (56) cubic yards shall require a permit. Loam, slate, rock, gravel, sand, cinders, and soil may be used for fill.

In any District the dumping of waste material and refuse for landfill is prohibited.

See Section 1503 for exemptions.

See Section 201 for additional erosion control requirements in Lakeshore District.

The applicant must demonstrate the proposed introduction or removal of fill will not create soil erosion, alter the natural flow of surface waters onto other parcels, remove subjacent support to abutting parcels, adversely affect easements or rights of way nor adversely affect public highways or infrastructures.