TOWN OF DANBY

NOTICE OF PUBLIC HEARING

DATE: DECEMBER 9, 2026

TIME: 7PM

LOCATION: DANBY MT. TABOR FIREHOUSE

NORTH MAIN STREET

SUBJECT: PROPOSED AMENDMENT TO DANBY TOWN PLAN – DESIGNATION OF WHELAN WOOD LOT – CHANGE TO COMMERCIAL/INDUSTRIAL

DANBY PLANNING COMMISSION

WRITTEN REPORT ON PROPOSED TOWN PLAN AMENDMENT

Proposed change: Redesignation of approximately 12.49 acres (Book 118, Pages 138–139) from Agricultural and Rural Residential to Commercial/Industrial, adjoining the existing Fuller Sand and Gravel earth extraction operation.

Applicant: Fuller Sand and Gravel, Inc. and Southern Vermont Enhancements, LLC

Plan to amend: Danby Town Plan, as adopted September 10, 2020

Date of report: November 4, 2026

1. The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of any land use.

Response: There will be no undue adverse impact on the surrounding area. The Parcel is immediately contiguous to the existing Fuller Sand and Gravel operation and the proposed use will be continued extension of the existing Fuller Sand and Gravel quarry face. The proposal thus does not involve the establishment of a new quarry hole or any additional quarry infrastructure. In addition, there will be no resulting increase in traffic. The Parcel will have access from the existing Fuller Sand and Gravel pit and driveway. No new access will be constructed. There will be no change to off-site traffic as no change to the existing approved truck trips into or out of the Fuller Sand and Gravel access is proposed. In addition, there will be no significant alteration to the existing pattern of land use as the parcel is contiguous to the existing Fuller Sand and Gravel parcel and is land-locked.

2. The long term costs or benefit to the municipality based upon consideration of the probable impact on:

A. The municipal tax base; and

B. The need for public facilities.

Response: The Town Plan Amendment being proposed may result in a long-term cost benefit to Danby. Presently, the Parcel is undeveloped. It thus adds no significant value to the town tax base. Changing its use category to Commercial/Industrial and incorporating it into the Fuller Sand and Gravel operation will increase its grand list value as it will then become part of the existing Fuller Sand and Gravel operation and be put into productive use. In addition, because the existing access to Fuller Sand and Gravel will be used for access to the Parcel, there will be no need for additional public roads or extension of any public utilities in connection with the requested Amendment.

3. The amount of vacant land which is:

A. Already subject to the proposed new designation; and

B. Actually available for that purpose and the need for additional land for that purpose.

Response: The Parcel immediately adjoins land which is already in the Commercial/Industrial district. The 2018 land-use breakdown shows Commercial/Industrial at 3% in the Danby Land Use pie chart. The actual amount of vacant land currently designated Commercial/Industrial is unknown.

4. The suitability of the area in question for the proposed purpose, after consideration of:

A. Appropriate alternative locations; and

B. Alternative uses for the area under consideration; and

C. The probable impact of the proposed change on other areas similarly designated.

Response: Unlike other types of development, earth extraction operations cannot be arbitrarily moved to any location. They must be located where demonstrated reserves exist and where cost and impacts of extraction can be minimized. The Parcel has sand, gravel, and rock resources on it and may be appropriate for the amended use designation. There are limited appropriate alternative locations in the Commercial/Industrial Land Use Area. There should be no adverse impact of the proposed change in designation on other Commercial/Industrial areas of the Town. 24 V.S.A. § 4302(c)(10), which establishes a specific state planning goal to "provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area." Other uses while maintaining the current Agricultural/Rural Residential designation for adding housing may be difficult because there is no right of way to town roads and is outside the Fire District for the town water supply. There is a possibility of returning it to a tree farm.

5. The appropriateness of the size and boundaries of the area proposed for change with respect to the area required for the proposed use, land capability and existing development in the area.

Response: The proposed Amendment seeks to designate the entire new parcel as Commercial/Industrial Land Use as the entire parcel is believed to contain valuable mineral resources which can be extracted through the existing Fuller Sand and Gravel operation and access. The Parcel does not immediately abut any residences other than those which already abut the existing Fuller Sand and Gravel operation.

Planning Commission Members

Shelley L Duff Date 11/4/2026

Donna Pruit Date 11/4/2026

[signature] Date 11/4/2026

Hilda Haines Date 11/4/2026

Donald Kuehn Date 11-4-2026

[signature] Date 11/4/2026

_____ Date _____

October 7,2026

Danby Planning Commission
130 Brook Road
P.O. Box 231
Danby, VT 05739

RE: Amendment to Danby Town Plan – Designation of Whelan Wood Lot as Commercial / Industrial

Ladies and Gentlemen:

As you are aware, I am the owner of Fuller Sand and Gravel, Inc., a long-standing earth extraction and processing operation located in Danby. My operation is located in the Commercial/Industrial land use district under the Danby Town Plan on lands owned by my related entity, Southern Vermont Enhancements LLC. Pursuant to 24 V.S.A. § 4384, I am hereby requesting that the Danby Town Plan be amended to change the use designation of 12.49 acres described in Book 118 Pages 138 & 139 which was recently acquired by Southern Vermont Enhancements and which immediately adjoins our existing lands from Agricultural and Rural Residential to Commercial/Industrial so that it can be incorporated into the Fuller Sand and Gravel operation.

As noted, this parcel immediately abuts the Fuller Sand and Gravel quarry operation and contains valuable reserves of sand, gravel and stone. There thus is a significant public interest in continuing extraction from the Fuller Sand and Gravel pit into this news parcel. While this continuation is not presently prohibited by any mandatory provision of the Town Plan, it is more appropriate to include the Parcel in the Commercial/Industrial area in light of its proposed future use.

In connection with the factors to be considered by the Planning Commission in approving this change under 24 V.S.A. § 4384, I would note as follows:

1. **The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.**

   Response: There will be no undue adverse impact on the surrounding area. The Parcel is immediately contiguous to the existing Fuller Sand and Gravel operation and the proposed use will simply be continued extension of the existing Fuller Sand and Gravel quarry face. The proposal thus does not involve establishment of a new quarry hole or any additional quarry infrastructure. In addition, there will be no resulting increase in traffic. The Parcel will have access from the existing Fuller Sand and Gravel pit and driveway. No new access will be constructed. There will be no change to off-site traffic as no change to the existing approved truck trips into or out of the Fuller Sand and Gravel access is proposed. In addition, there will be no significant alteration to the existing pattern of land use as the parcel is contiguous to the existing Fuller Sand and Gravel parcel and is land-locked.

2. **The long term costs or benefit to the municipality based upon consideration of the probable impact on:**

   A. The municipal tax base; and
   B. The need for public facilities.

   Response: The Town Plan Amendment being proposed will result in a long-term cost benefit to Danby. Presently, the Parcel is undeveloped. It thus adds no significant value to the town tax base whatsoever. Changing its use category to Commercial/Industrial and incorporating it into the Fuller Sand and Gravel operation will increase its grand list value as it will then become part of the existing Fuller Sand and Gravel operation and be put into productive use. In addition, because the existing access to Fuller Sand and Gravel will be used for access to the Parcel, there will be no need for additional public roads or extension of any public utilities in connection with the requested Amendment.

3. **The amount of vacant land which is:**

   A. Already subject to the proposed new designation; and
   B. Actually available for that purpose and the need for additional land for that purpose.

   Response: As noted, the Parcel immediately adjoins land which is already in the Commercial/Industrial district. Further, the presence of valuable sand and gravel and mineral resources on the Parcel and the need for these resources in the State of Vermont makes the designation of the Parcel for Commercial/Industrial purposes the highest and best use of that Parcel. In addition, because trucks accessing parcel will use the existing Fuller Sand and Gravel access and the number of truck trips into and out of that operation will not increase, the redesignation represents the most efficient use of this land.

4. **The suitability of the area in question for the proposed purpose, after consideration of:**

   A. Appropriate alternative locations;
   B. Alternative uses for the area under consideration; and
   C. The probable impact of the proposed change on other areas similarly designated.

   Response: Unlike other types of development, earth extraction operations cannot be arbitrarily moved to any location. Rather, they must be located where demonstrated reserves exist and where cost and impacts of extraction can be minimized. The Parcel has valuable sand and gravel and rock resources on it and is therefore appropriate for the amended use designation. There are no appropriate alternative locations and no alternative use of this land that would be appropriate. Further, there will be no undue adverse impact of the proposed change in designation on other Commercial/Industrial areas of the Town.

5. **The appropriateness of the size and boundaries of the area proposed for change with respect to the area required for the proposed use, land capability and existing development in the area.**

   Response: The proposed Amendment seeks to designate the entire new parcel as Commercial/Industrial as the entire parcel is believed to contain valuable mineral resources which can be extracted efficiently through the existing Fuller Sand and Gravel operation and access. The preliminary survey and engineering data indicates that there are no serious constraints to the proposed operation either from an engineering or an environmental perspective. Further, the Parcel does not immediately abut any residences other than those which already abut the existing Fuller Sand and Gravel operation.

We would respectfully request that the Planning Commission adopt the foregoing as its report required under 24 V.S.A. § 4384(c), schedule the public hearing as required by that section and refer this request to the Board of Selectmen for adoption. In addition, if the Board of Selectmen so requests, we would ask that the Planning Commission only correct any technical deficiencies in this request and then submit the proposed change directly to the Selectmen.

Thank you so much for your consideration.

Sincerely yours,
Fuller Sand and Gravel, Inc.
Southern Vermont Enhancements, LLC

By:_____
Thomas Fuller, their duly authorized agent