

Town of Danby
DRAFT Planning Commission Meeting Minutes

October 7, 2026

Town Office, Danby, VT 7:00pm

<https://www.danbyvt.org/government-information>

Zoom Meeting I.D. – 876 9010 0162

Attendees: Donny Keeler, Hilda Haines, Dana Heleba, Drea Stoddard, Janice Arnold, Dave Powers, Shelley Taylor

Absent – none

Public – Kim Corey, Rick Porter, Tracey Porter, Barbara Martin, Emily Malloy, David Beam, Suzanne Crosby, Ingrid Halligan, Ed Stoehr, Andrea Stoehr, William Payne, Renatta Aylward

Virtual – Chris Hardaway, Terry Parker, Lynn Bondurant, Annette Smith, Jes Redington, Lizzy Lindenberg, Charles Harris, Michael Lees

- Meeting called to order at 7:00pm by Shelley Taylor
 - Remote access statement
- Set Agenda
 - Motion to set agenda by Janice, seconded by Donny
 - Motion passes unanimously
- Approval of previous meeting Minutes
 - Motion by Dave, seconded by Donny
 - Shelly abstained
 - Motion passes
- Public Comment
 - Barbara Martin
 - Would like the reason to be explained why this is being reviewed again
 - Public hearing is the appropriate meeting for that conversation
 - What the select board is asking is not following procedure
 - Land use is always a heavy debate
 - Ingrid Halligan
 - Is it protocol to ask so soon from prior requests for land designation change
 - David Beam
 - Opinion and research from the past several years
 - Asking for hearing date to be deferred
 - Read statement – emailing statement to the board for review
 - *Statement is attached below after minutes*
- RRPC Update
 - Regional plan has been approved
 - All information is available on the RRPC Website
 - Drea is the Vice Chair of the RRPC, member of Community Committee, and board rep for the town of Danby
 - Community Committee reviews town plans – good experience
 - Danby Town plan is up in 2028 – RRPC will be reaching out to go over a schedule and guidance plan
 - Will hopefully attend the planning commission meeting in January

- Fuller Sand & Gravel
 - Tom Fuller
 - Provided a new proposal in writing
 - *Proposal is attached below after minutes*
 - Review process for town plan amendment
 - *Town Plan amendment & procedure attached below after minutes*
- Set hearing schedule
 - Not ready to set a date at this time
 - Material & process needs to be reviewed
- Old Business
 - Currier Memorial School community input outreach
 - Has anyone received any feedback?
 - No feedback has been received
 - Last update from BRSU School board – their review of future use of the building should be complete and decided in December
- New Business
 - Public meeting places – Currier Memorial School is no longer available
 - Potential places
 - Fire House on North Main Street or Smokey House
 - Meeting with Walker at Smokey house next week
 - Drea & Greg (Select Board Chair) will meet to see if either place would accommodate a large meeting – hearings, town meeting, etc.
 - Set a special meeting to review land use proposal, procedures, and hearing date
 - October 21st 7pm
 - Motion to set special meeting by Donny, seconded by Dave
 - Motion passes unanimously
- Motion to adjourn 7:33 pm by Janice, Seconded by Hilda
 - Motion passes unanimously
 - Meeting Adjourned

Respectfully submitted
Secretary – Drea Stoddard

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 new 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.

October 7, 2026
Page 3

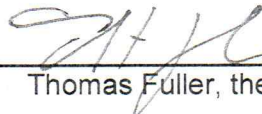
5. The appropriateness of the size and boundaries of the area proposed for change with respect to the area required for the proposed use, land capability and existing development in the area.

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

IN THE TOWN OF DANBY PLANNING COMMISSION

TOWN PLAN AMENDMENT

Danby Town Plan, as adopted September 10, 2020

WHEREAS, the Town of Danby is a Vermont municipal corporation empowered to adopt and amend town plans pursuant to 24 V.S.A. Ch. 117; and

WHEREAS, the Town has adopted a Town Plan pursuant to said statutory section as of September 10, 2020, that establishes a number of land use districts including, but not limited to, an Agricultural and Rural Residential District and a Commercial/Industrial District for the purposes designated in the Plan; and

WHEREAS, lands and premises presently owned by Southern Vermont Enhancements, LLC in Danby located in the Commercial/Industrial District contain earth extraction and processing operations including stone crushers, a hot mix plant and related operations conducted by Fuller Sand and Gravel, Inc. ("Fuller") and have so contained those operations for many years; and

WHEREAS, certain new lands consisting of 12.49 acres recently acquired by Southern Vermont Enhancements, LLC by deed recorded at Book 118 Pages 138 & 139, attached hereto and made a part hereof, are designated Agricultural and Rural Residential but immediately abut the existing earth extraction operation and lands of Fuller/ Southern Vermont Enhancements and themselves contain valuable sand, gravel and stone resources the extraction of which would have significant public benefit (the "New Lands"); and

WHEREAS, a request has been presented by Fuller and Southern Vermont Enhancements pursuant to 24 V.S.A. § 4384(b) to amend the Town Plan by changing the land use designation of the New Lands to the immediately adjoining Commercial/Industrial District for reasons set forth in the request (the "Amendment").

NOW THEREFORE, it is hereby resolved following public notice and hearing, that the Planning Commission adopts the request of Fuller and Southern Vermont Enhancements for amendment of the Town Plan as the report of the Planning Commission that the proposed Amendment complies with the factors recited in 24 V.S.A. § 4384(c), is in the public interest and will not be detrimental to the public health, safety and welfare, or the interests of the citizens of the Town.

**PROCEDURE FOR AMENDING THE TOWN PLAN OF
DANBY, VERMONT**

1. An amendment of a town plan may be prepared by or at the direction of the planning commission or by any other person or body. 24 V.S.A. § 4384(a).
2. If any person or body other than a municipal planning commission prepares an amendment to a plan, that person or body shall submit the amendment in writing and all supporting documents to the municipal planning commission. The planning commission may then proceed as if the amendment had been prepared by the commission. 24 V.S.A. § 4384(b). ✕
3. However, if the proposed amendment is supported by a petition signed by not less than five (5) percent of the voters of the municipality, the planning commission shall promptly proceed as if it had been prepared by the commission., only correcting any technical deficiency and without otherwise changing the amendment. 24 V.S.A. § 4384(b).
4. When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal addressing the extent to which the plan, as amended, is consistent with the legislative goals. 24 V.S.A. § 4384(c)
5. If the proposal would alter the designation of any land area, the report should cover the following points:
 - a. The probable impact on the surrounding area, including the effect on any resulting increase in traffic, and the probable impact on the overall pattern of land use.
 - b. The long-term cost or benefit to the municipality based upon the municipal tax base and the need for public facilities.
 - c. The amount of vacant land which is already subject to the proposed new designation, actually available for that purpose, and the need for additional land for that purpose.
 - d. The suitability of the area in question for the proposed purpose, after consideration of appropriate alternative locations, alternative uses for the area under consideration and the probable impact of the proposed change on other areas similarly designated.
 - e. 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. 24 V.S.A. § 4384(c).
6. The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed plan or amendment. 24 V.S.A. § 4384(d)
- ✕ 7. At least 30 days prior to the first hearing, a copy of the proposed amendment and the written report shall be delivered to each of the following:
 - a. The chair of the planning commission of each abutting municipality (or if there is no planning commission in an abutting municipality, to the clerk of that municipality).
 - b. The executive director of the regional planning commission in which the municipality is located.
 - c. The Department of Housing and Community Development within the Agency of Commerce and Community Development; and
 - d. Organizations that have requested notice in writing prior to the date the hearing is warned. 24 V.S.A. § 4384(e).
8. Any of the forgoing bodies or their representatives may submit comments on the proposed amendment to the planning commission and may appear and be heard in any further

proceeding with respect to the adoption of the proposed amendment. The planning commission must demonstrate that it solicited comment from planning commissions of abutting municipalities and from the regional planning commission with respect to the compatibility of their respective plans with its own plan. 24 V.S.A. § 4384(e).

9. The planning commission may make revisions to the proposed amendment and to any written report and shall thereafter submit the proposed amendment and any written report to the legislative body of the municipality. If requested by the legislative body, or if the proposed amendment was supported by a petition signed by not less than five (5) percent of the voters of the municipality, the planning commission shall promptly submit the amendment to the legislative body of the municipality, together with any recommendation or opinion it considers appropriate. 24 V.S.A. 4384(f).
10. Simultaneously with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed amendment and any written report for public review. 24 V.S.A. 4384(f).
11. Not less than 30 nor more than 120 days after a proposed amendment is submitted to the legislative body of a municipality, the legislative body shall hold the first of one or more public hearings, after public notice, on the proposed amendment and shall make copies of the proposal and any written report by the planning commission available to the public on request. 24 V.S.A. § 4385(a).
12. The legislative body may change the proposed amendment 15 or more days prior to the final public hearing. A copy of the changed proposal shall be filed with the clerk of the municipality, with any individual or organization requesting a copy in writing, and with the planning commission. If the legislative body makes substantial changes to the proposed amendment, it shall warn a new public hearing or hearings. 24 V.S.A. 4385(b).
13. The planning commission shall submit to the legislative body at or prior to the public hearing a report that analyzes the extent to which the changed proposal, when taken together with the rest of the plan, is consistent with the legislative goals. 24 V.S.A. 4385(b).
14. An amendment of a municipal plan shall be adopted by a majority of the members of the municipality's legislative body at a meeting which is held after the final public hearing. 24 V.S.A. § 4385(c).
15. Amendments shall be effective upon adoption. If the proposed amendment is not adopted so as to take effect within one year after the date of the final hearing of the planning commission, it shall be considered rejected by the municipality. 24 V.S.A. § 4385(c).
16. Copies of newly adopted amendments shall be provided to the regional planning commission and to the Commissioner of Housing and Community Development within 30 days after adoption. 24 V.S.A. § 4385(c).
17. The municipality may request approval from the regional planning commission before or after adoption of the amendment. 24 V.S.A. § 4385(c).
18. Plans may be amended in light of new developments and changed conditions affecting the municipality. An amendment to a plan does not affect or extend the plan's expiration date. 24 V.S.A. § 4385(d).

Request to defer the Fuller Sand and Gravel hearing schedule

October 7, 2026

To: Danby Planning Commission

Cc: Danby Selectboard and Town Clerk

From: David Beam

Dear Chair Taylor and Commission members:

Please defer setting a hearing date tonight on the Fuller Sand and Gravel land-use proposal. Before scheduling another hearing, I ask the Commission to clarify the present request, make its supporting information available, and explain why a separate amendment is needed before the next regular Town Plan update. I also ask that the Selectboard's September 10 referral be returned to the Board for independent review of Mr. Fuller's participation and a fresh decision following that review.

Why consider this amendment now? At the [August 8, 2024 hearing](#)^[1], Mr. Fuller estimated about 15 years of material in the sand pit. He separately said the quarry could continue indefinitely. He anticipated conserving its resources by bringing in an increasing share of aggregate from elsewhere as needed. [Later in the meeting](#)^[2], he explained that knowing the direction of future operations would help with mining and reclamation planning. That may be a planning reason. It still leaves a reasonable question about timing: what has changed, and what operational or permitting need calls for a separate amendment now? The [town's posted plan](#)^[3] covers 2020–2028. Please explain why this parcel should be considered ahead of the next regular plan update, when residents can consider it alongside the town's broader land-use needs. Vermont law permits amendments between plan updates; I am asking for the reason in this case.

What information supports renewed consideration? At the [August 2024 Board meeting](#)^[4], a member asked about a test blast toward the proposed area with a seismograph near affected homes before approval. The Board again discussed testing and monitoring in [September 2024](#)^[5]. At the [June 18, 2025 Commission hearing](#)^[6], Dana Tifft asked whether tests had been done, where results were available, and for copies to be provided to the Commission. The Commission's [July 8, 2025 minutes](#)^[7] say its motion to recommend the map change did not pass. The minutes do not establish why individual members voted as they did.

The [September 10, 2026 Selectboard draft minutes](#)^[8] say the Board reviewed a letter requesting Commission reconsideration and that its discussion addressed “new blasting and monitoring information.” In the [meeting recording](#)^[9], Mr. Abbott says there had been

more blasting and surveying of effects and that the Commission would have new information to examine. Neither source establishes that the Board received a report or reviewed measurements before voting. The posted materials I reviewed do not include the letter or identify the source, dates, locations, or findings of the information mentioned. Please make the letter available and clarify what information exists, who has it, and whether it answers the earlier request for monitoring near affected homes.

How was the Board referral handled? The September draft minutes record “Fuller Recused” and approval by the other Selectboard members. In the [recording](#)^[10], Mr. Fuller discusses his company's proposal from his place at the Board table before his first audible recusal [as voting begins](#)^[11]. The minutes record the recusal; the recording shows the preceding discussion. This leaves a question about when he was speaking as an applicant and when he was participating as a Board member. His position at the table could make those roles difficult for other members and the public to distinguish. The record does not show whether his remarks affected anyone's vote.

[Vermont's Municipal Code of Ethics, 24 V.S.A. Section 1992\(a\)](#)^[12], requires a municipal officer acting in an official capacity to avoid both a conflict of interest and the appearance of one. The statute judges an apparent conflict from the perspective of a reasonable person who knows the relevant facts. Under Section 1992(b)(1), an officer facing either kind of conflict must recuse immediately and refrain from further participation or attempts to influence the decision, subject to the statute's stated exceptions. The law took effect on January 1, 2025, so it applies to the September 2026 referral; the 2024 events must be assessed under the rules then in effect.

I ask the Selectboard to obtain an independent review of the September sequence under that law and Danby's policy, including any disclosure or written nonrecusal statement, and to explain the result publicly. A clear account of the capacity in which Mr. Fuller spoke would help the Board conduct any renewed consideration. The Commission can return the referral for that review without finding an ethics violation or declaring the vote invalid.

The September exchange was not the first time his company and Board roles overlapped in public view:

- On [June 13, 2024](#)^[13], while seated with the Board, Mr. Fuller said he would recuse from the vote on whether to take up the proposed map amendment. His statement did not clarify his role in the preceding discussion.
- At the [August 8, 2024 hearing](#)^[1], he answered questions about the life of his company's sand pit, quarry and proposed land use while seated behind a “SELECTMAN” placard. After the chair [closed general public comment](#)^[14], Board

members [again invited him to answer questions](#)^[15] about blasting, monitoring and the proposed extraction area during their discussion of the amendment. A [resident was later reminded](#)^[16] that public comment had ended. The Board invited his answers; the question is how his speaking role and the residents' opportunity to respond were defined during that discussion.

- On [January 9, 2025](#)^[17], he responded from his Board place to a resident's blasting complaint by discussing his company's monitoring and permit. There was no map vote during that exchange.
- On [September 10, 2026](#)^[10], he again argued for consideration of his company's land request from his Board place before announcing recusal at the vote.

These dated examples explain why I ask for a clear, consistent separation of Mr. Fuller's business advocacy from his official participation. They do not establish that another member changed a vote because of his remarks. The 2024 events should be assessed under the rules in effect then.

The Commission may choose a hearing date before completing its analysis. If it proceeds, the public should know what proposal and materials it will examine. [24 V.S.A. Section 4384](#)^[18] calls for a written amendment and supporting documents when a proposal originates outside the Commission. It also requires the Commission to prepare a written report when considering an amendment and to deliver the proposed amendment and report to specified recipients at least 30 days before the first hearing. For a land-designation change, the report should address surrounding impacts, traffic, municipal costs and benefits, the need for additional land, alternatives, and boundaries. I ask the Commission to plan for public access to the proposal, supporting materials and report early enough for residents to prepare informed comments. This is a request for a fair schedule, not a claim that the statute forbids setting a date tonight.

I request that the Commission:

1. Defer setting a hearing date and return the September 10 request to the Selectboard for independent review and a fresh decision at a properly noticed meeting.
2. Obtain the September letter, any attachments or map, and an explanation of any differences from the earlier proposal. Identify and make available the underlying records for any recent monitored blast, including its date, location, blast size, monitor locations and readings. Also obtain available records for the earlier blasts that prompted residents' complaints, along with the dates and locations of those complaints, so the Commission and public can assess whether the monitored blast is representative of the events residents experienced. If comparable records do not

exist, please say so rather than treating one measurement as an answer to those complaints.

3. Ask why a separate amendment is needed before the next regular Town Plan update, considering Mr. Fuller's 2024 estimate and any current operational or permitting constraints.
4. Address the earlier monitoring requests and residents' concerns in the Commission's written report, and give residents meaningful time to examine the supporting material before a hearing. Please post a complete hearing packet on the town website and keep a paper copy available at the town office. I also ask the town to consider the [optional mailed-notice approach in 24 V.S.A. Section 4444\(c\)](#) ^[19]: which is to mail or deliver the hearing notice and the statute's required description to Danby voters and property owners, with clear instructions for obtaining the full packet.
5. Record receipt of this letter and the Commission's response in the minutes.

If the Commission sets a date tonight, please identify the exact amendment, when its supporting material and the Commission report will be available, and how the schedule will allow residents to review them. Please also clarify whether the Commission is acting on the Board's referral or independently taking up an amendment under the planning statute.

Sincerely,

David Beam

Sources and recordings

- 1. August 8, 2024 hearing** <https://www.youtube.com/watch?v=cavY9lcEaGU&t=1979s>
- 2. Later in the meeting** <https://www.youtube.com/watch?v=cavY9lcEaGU&t=7913s>
- 3. town's posted plan** <https://www.danbyvt.org/town-plan>
- 4. August 2024 Board meeting** <https://www.youtube.com/watch?v=cavY9lcEaGU&t=7140s>
- 5. September 2024** <https://www.youtube.com/watch?v=eBpWnSBJhvs&t=2180s>

6. June 18, 2025 Commission

hearing https://www.danbyvt.org/_files/ugd/f9b078_18bc974a815d465ab79fd0b81364bd69.pdf

7. July 8, 2025

minutes https://www.danbyvt.org/_files/ugd/f9b078_9161189b418a4c7cb87ba20caf5b1f5b.pdf

8. September 10, 2026 Selectboard draft

minutes https://www.danbyvt.org/_files/ugd/f9b078_154c13c570b7463b99bb87383190bfe9.pdf

9. meeting recording <https://www.youtube.com/watch?v=QcUXNd9xqec&t=3735s>

10. recording <https://www.youtube.com/watch?v=QcUXNd9xqec&t=3753s>

11. as voting begins <https://www.youtube.com/watch?v=QcUXNd9xqec&t=4274s>

12. Vermont's Municipal Code of Ethics, 24 V.S.A. Section

1992(a) <https://legislature.vermont.gov/statutes/section/24/060/01992>

13. June 13, 2024 <https://www.youtube.com/watch?v=p3YsRDNLALU&t=1152s>

14. closed general public

comment <https://www.youtube.com/watch?v=cavY9lcEaGU&t=6021s>

15. again invited him to answer

questions <https://www.youtube.com/watch?v=cavY9lcEaGU&t=6953s>

16. resident was later

reminded <https://www.youtube.com/watch?v=cavY9lcEaGU&t=7850s>

17. January 9, 2025 <https://www.youtube.com/watch?v=bq7PubyqryM&t=530s>

18. 24 V.S.A. Section 4384 <https://legislature.vermont.gov/statutes/section/24/117/04384>

19. optional mailed-notice approach in 24 V.S.A. Section

4444(c) <https://legislature.vermont.gov/statutes/section/24/117/04444>