Town of Danby
DRAFT Planning Commission Meeting Minutes
November 4, 2026
Town Office, Danby, VT 7:00pm
https://www.danbyvt.org/government-information
Zoom Meeting I.D. – 876 9010 0162

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

Public –Tom Fuller, Zach Fuller, Barbara Martin, Sue Crosby, Tracey Porter, Andrea Myklebust, Ingrid Halligan, Rick Porter, Bill Payne

Virtual – Andrea Stoehr, Chris Hardaway, Terry Parker, Gary Derr, Annette Smith, Micheal Lees, Renata Aylward, Micheal Miller

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- Meeting called to order at 7:00pm by Shelley Taylor
  - Remote access statement
- Set Agenda
  - Motion to set agenda by Dave, seconded by Donny
    - Motion passes unanimously
- Public Comment
  - Tracey Porter
    - Has been hearing that there are no negative effects
    - We are already experiencing them
    - There was blast yesterday that turned every picture and mirror crooked inside the house
    - Adverse effects are already happing and will continue
    - Harassment has been happening by some employees
      - If you try to document anything
    - Record with a camera when there is truck traffic and employee traffic before 6:30am
      - Records and listens – to see if work is beginning before it should
    - There were 2 days where 2 vehicles just went back and forth multiple times before going to work – very loud trucks
    - Yesterday one of them said 'f-you Tracey' when they went by
    - You may not understand what it is like living next to this type of business
      - You don't experience all of it
      - People shouldn't have to deal with any of this
      - Adverse effects will continue
      - These things are not being stated in the report
  - Ingrid Halligan
    - Agrees with Tracey
    - Would like to point out that none of the board members have discussed what I have said
      - I see all of it
    - I am here to apologize to members of the board
      - I know what it is like to be a board member
        - I don't like how this was presented

        - How it was presented took away the vote from the planning commission
- Sue Crosby
    - After yesterdays blast I contacted Tom
        - Asked for records and locations of seismographs
        - Looking forward to seeing those reports
- Andrea
    - I sent a doc earlier today
    - Describe it as a community focused version of the report
        - It is several pages long
        - Top & bottom line
            - Citizen's spoke of adverse impacts they have experienced
                - Expansion will continue to contribute to these adverse effects
            - Rutland county has substantial resources at more appropriate locations, that are not near village centers
                - Despite statements from Fuller in the past that the asphalt plant will always be there
            - The plant could be moved to a more appropriate location
                - This should be pursued to benefit the community
                - There are alternative uses that would benefit the town better for this parcel of land
                - It could be used for housing, has town water access
                    - Make it more of a community welcoming space
                    - There is a huge need for housing
    - Barb Martin
        - What everyone has said is so true
            - Thank you for our ability to continue to participate
                - Don't get to hear discussion of everyone's thoughts on the board
            - It has had affected me personally
                - sounds and movements through the floor cause a jump
                - since that is how the blasting feels – movement through the floor
            - Request the list of names on the previous petitions in opposition
                - Places for people to walk, safe for them and families
            - This weeks blast was significant force
            - Please all of you take these situations into consideration
                - Read the names that were on the petitions
                - Hear and know those names
            - I don't think the town realizes how many people really care
                - People are getting sick
                - There is more cancer in this village
                    - Will get the numbers
                - Need to stick to current town plan
    - Renata Alyward
        - Thank you for allowing public comment
        - Encourages everyone to listen to residents that are present and their concerns
            - As someone who does not live near the impacts
                - I feel for those who are impacted

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        - Your home – place of safety, peace & quiet
        - I think there are many ways to move forward
            - Be considerate of the people in front of you sharing the very real impacts when these activities are taking place
    - Bill Payne
        - Asking about blasting reports
        - Tom Fuller can share the reports with those who request
        - Would like to look at the facts
    - Tom Fuller
        - Blasting reports can be provided
        - Will bring them to the hearing
    - Ingrid Halligan
        - Very familiar with blasting reports
            - The laws are very old in Vermont
            - What you will read in the reports is the truth
        - Has been involved with them for 17 years
- Review clarifications from town attorney
    - Shelley emailed Jim Barlow (town attorney) asking about the planning commission's role
        - Email will be attached to minutes*
        - The planning commission is here to do the due diligence in the process and then pass it back to the select board
        - The planning commission must still follow procedures outlined in the amendment process
- Review state statute 24-4302 -town plan amendments
    - Read through 24-4302 Chapter 117 Municipal & Regional Planning Development
    - There is a lot of information and covers a lot of ground
        - Not everything pertains to every town in Vermont
- Review Amendment report & hearing timeline
    - Read through draft report
        - This draft was sent to town attorney to make sure it was meeting all requirements and if it is missing anything
        - Barb Martin (public)
            - Asked how it could state that there will be no new digging
                - Sounds like there won't be more digging
                - Pictures show that things are going on in the parcel
                    - The pictures are online
        - Jim Barlow made a few suggestions
            - The report should address how the amendment is aligned with 24-4203
                - 24-4302(c)10 address earth extraction
                - Will add that to section 4 of the report
            - The report should address alternative uses of the land as well
                - There has been a discussion of alternative uses
            - The piece of property is no longer owned by Whelan Family
                - It is owned by Fuller
                - Housing has been suggested, keeping it how it is
            - The FLU map from RRPC has it under a different designation
                - The terminology stills refer to in the current town plan

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        - The FLU map uses updated terminology
    - Appropriate alternative locations
        - The proposed amendment is regarding the current designation
    - Alternative uses for the area is up to the landowner
        - Housing, agriculture, forestry
    - The probable impact of surrounds areas
        - The abutting property is a similarly designated area
    - Current classification is residential/agricultural
- Need to add something in the report about alternative appropriate use of the land
    - Housing
        - It would be difficult to gain access
        - Wouldn't necessarily be the best location since housing further away are having issues
    - Alternative uses of the land
        - It was a tree farm, planted and then harvested
            - In the current designation this could be an option
    - The lack of accessibility limits its uses
        - It is not in the fire district (the name of the water district)
            - Municipality inside a municipality
                - It cannot be expanded
        - At one point in time gravel did come out of that area in town
- Looked at the property on google maps
    - The planning commission can make suggestions and have an opinion
        - But the decision is on the select board
- Terminology regarding adverse effects in the report
    - Direct towards infrastructure
        - Should there be more information stating there has been concern from citizens that aren't addressed
    - Is all the land that area under the same designation
        - Some of it is residential
        - In the current town plan, there are different designations of land in that area
- The information in the report addresses the points outlined in the amendment procedures
- Additional information and opinions could be included in the recommendation from the planning commission after the hearing.
    - All the information can be passed on to the select board

- Clarification – Andrea Myklebust (public)
    - The applicant is in full conversation with the planning commission
        - The applicant is also a member of the select board
        - This is not a good process
    - Why is the commission afraid of talking about the adverse effects
    - Everyone is in a difficult position
        - This is very tangled
    - The applicant told the select board that this needs to go to the planning commission
        - There are a lot of concerns about the process
    - From the outside as a member of the community the process doesn't look good
    - There has been pressure in the past from both sides of the situation

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- Adjustments to the report have been made to address the comments from the town attorney
    - If the report can be printed then it will be signed
        - Unsigned report attached*
    - The report will get printed, everyone present will sign, and then Janice's signature will be obtained
- It needs to be sent out by Monday 11/9 to meet hearing requirements
    - Chair Shelley will send out hearing notice & report to required recipients
    - It also needs to be posted in a news paper 15 days prior to the hearing
- Hearing notice meets requirements
    - December 9, 2026 at 7pm at the Danby Mt. Tabor Firehouse on North Main street
- When everything is sent out it needs to have read receipts on it to confirm it was received
- *Waiting on printing of report – could not connect to printer in office – Dana went home to print**
- *Dana has returned with printed report –
    - Present members signed
        - Shelley will contact Janice for her signature
- Made sure all required documents were together so they can be scanned and sent out together

- Motion to submit amendment, report, and hearing notice to the required recipients stated in the amendment procedures and any additional organizations who have requested in writing (received request from Vermonters for a Clean Environment)
    - Motion by Donny, Seconded by Hilda
        - Motion passes unanimously
- Motion to confirm hearing date of December 9, 2026 at 7pm at the Danby Mt. Tabor Firehouse on North Main Street
    - Motion by Donny seconded by Dave
        - Motion passed unanimously
- Motion to adjourn at 9:06pm by Donny, Seconded by Dave
    - Motion passes unanimously
        - Meeting Adjourned

Respectfully submitted
Secretary – Drea Stoddard

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Jim Barlow <jim@vtlocalgovlaw.com> Oct 30, 2026, 6:36 AM (6 days ago)

to Shelley, me, Dave, Janice, Hilda, dheleba@vermontel.net

Hi Shelley,
24 V.S.A. § 4384(f) provides:
(f) The planning commission may make revisions to the proposed plan or amendment and to any written report, and shall thereafter submit the proposed plan or amendment and any written report to the legislative body of the municipality. **However, if requested by the legislative body, or if a proposed amendment was supported by a petition signed by not less than five percent of the voters of the municipality, the planning commission shall promptly submit the amendment, with changes only to correct technical deficiencies, to the legislative body of the municipality, together with any recommendation or opinion it considers appropriate.** Simultaneously with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed plan or amendment, and any written report, for public review. (Emphasis added.)
Ordinarily, § 4384(f) allows the Planning Commission to revise a proposed Town Plan amendment before submitting it to the Selectboard. However, when the Selectboard makes the request contemplated by the highlighted language, the Planning Commission's authority to revise the amendment is limited to correcting technical deficiencies.
The Planning Commission must still complete the procedures required by § 4384(c)-(e), including preparing the required written report, distributing the proposed amendment and report to the specified recipients, soliciting the required comments, and holding at least one public hearing. After completing that process, however, it must promptly submit the amendment to the Selectboard. It may recommend approval or disapproval, or otherwise express whatever recommendation or opinion it considers appropriate, but it cannot substantively revise the amendment or prevent it from proceeding to the Selectboard for consideration.
VLCT guidance supports this interpretation. In a 2023 Planning and Zoning training Q&A, (copy attached), VLCT explained that when a Selectboard proposes a Town Plan amendment, the Planning Commission must still hold the hearing required by § 4384(d), but the Selectboard may invoke § 4384(f) to require prompt submission of the amendment afterward. VLCT has also interpreted the parallel bylaw-amendment provision in § 4441(g) to mean that the Planning Commission may provide its recommendation or opinion but cannot prevent a Selectboard-initiated amendment from proceeding once prompt submission is requested.
Please let me know if you have any additional questions.
Regards,
Jim Barlow

James W. Barlow PLC
Vermont Local Government Law
P.O. Box 172
Danville, VT 05828
(802) 274-6439

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

_____ Date_____

_____ Date_____

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