

April 10, 2024

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 entire operation is located in the Commercial/Industrial land use district under the Danby Town Plan. 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 acres owned by Whelan Farm and Forest, LLC which immediately adjoins our property (the "Whelan Parcel") from Agricultural and Rural Residential to Commercial/Industrial. Whelan joins me in this request and has also signed this letter below.

It is presently Fuller Sand & Gravel's intention to acquire the Whelan Parcel and incorporate it into its existing fully permitted earth extraction operation. The Whelan Parcel is land-locked and has no ready access to a town highway. It 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 the Whelan Parcel. While this continuation is not presently prohibited by any mandatory provision of the Town Plan, it is more appropriate to include the Whelan 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, the Whelans and 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 Whelan 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 Whelan 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 Whelan 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 Whelan Parcel is undeveloped and land-locked. 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 Whelan 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 Whelan 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 Whelan Parcel and the need for these resources in the State of Vermont makes the designation of the Whelan Parcel for Commercial/Industrial purposes the highest and best use of that Parcel. In addition, because trucks accessing Whelan 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 Whelan Parcel has valuable sand and gravel 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-locked parcel 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 a portion of the Whelan 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 Whelan 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 with the recommendation that it be adopted and approved.

Thank you so much for your consideration.

Sincerely yours,
Fuller Sand and Gravel, Inc.

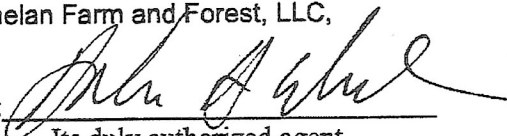
By: 
Thomas Fuller, Its President

CONCURRENCE OF PROPERTY OWNER

The undersigned, being the duly authorized manager of Whelan Farm and Forest, LLC, hereby concurs in the request of Fuller Sand and Gravel, Inc. to change the land use designation of the Whelan Parcel from Agricultural and Rural Residential to Commercial/Industrial under the Danby Town Plan, and further concurs in the recitations above regarding the appropriateness of this change. Whelan would respectfully request that the Planning Commission approve the noted change as soon as possible and refer the same to the Board of Selectmen for adoption.

Dated this 3 day of April, 2024.

Whelan Farm and Forest, LLC,

By: 
Its duly authorized agent



[Handwritten note] - area of land proposal is redwery