

Regular Meeting of the Dorset Select Board

August 21, 2012 ~ Minutes

Present: Chris Brooks (Chairman), Marge Freed, Mike Connors, Michael Oltedal, Steve Jones

Absent:

Also, present: R. Gaiotti (Town Manager), J. Henderson (BCRC), Brian Beavin, Jackie Pistell, Elizabeth Van Degh, Richard Pistell, Pam Marron, Kirsten McDonough, Dick McDonough, Salley Gibney, Robert Menson, Joan Menson, Carol Patterson, Dough Marks, Linda Marks

C. Brooks, Chairman, called the meeting to order at 7:03 p.m.

Approve Minutes of July 17, 2012

R. Gaiotti stated that a letter was received from a resident requesting that his letter be attached to the August meeting minutes in response to last month's meeting discussion.

M. Freed moved and M. Connors seconded to approve the July 17, 2012 minutes as presented. Motion carried 4-0 (M. Oltedal abstained).

Public Comment

S. Gibney has lived in the area for 15 years and swims at the quarry from May to September in the early morning. She does not question the validity of the parking issues, but wanted to express that the quarry was important to so many generations of people who have great memories of swimming there. S. Gibney commented that she hoped a compromise can be reached so that everyone can still enjoy the quarry.

J. Pistell asked if S. Gibney had 24/7 access to emergency vehicles and S. Gibney replied yes. J. Pistell stated that the residents of Black Rock Lane do not and it is very difficult to live there. B. Beavin noted that there was no doubt that people enjoy the quarry, but that everyone is entitled to the enjoyment of their own property and the residents of the quarry area do not have that or safety. He felt it was not appropriate to spend Dorset taxpayers' money for the quarry. He is not asking to shut the quarry, but is asking for a solution to the Kelly Road parking issue. R. Pistell remarked that they were not discussing closing the quarry, but would appreciate a resolution to the problem.

D. McDonough noted that he submitted a document to the Select Board today tracing the history of the quarry. He felt that the people who moved into the area should not be surprised by the quarry issues, but was sympathetic to their problems. If anyone was to Google the Dorset quarry, several dozen sites are listed with over 2,000 hits and that's why it has changed. When D. McDonough first purchased his property, he was told by the State Police that they would not enter the quarry area without two officers present as it was a known drug and alcohol hangout and this is why he cleaned and opened up the area. He felt he was unfairly criticized for opening up the front area and resented not being invited to any of the meetings; including the meetings of

the Black Rock Lane residents as he is also a property owner there. D. McDonough expressed that the behavior of some of the visitors was despicable, but this was a matter for police enforcement. It was suggested to install signage for parking and littering with strict consequences and fines. D. McDonough had looked into clearing the east side of Kelly Road, but was told it would be very expensive and possibly be a liability issue. He suggested widening the road to allow parking on both sides and prohibiting parking on the north end. He would be willing to donate land and plant trees in order to give ready access to Kelly Road. The Select Board proposal to seal off Kelly Road was viewed negatively by D. McDonough, especially since the problem is only three months of the year and this would force residents to use the north end all the time which he felt was a safety issue. D. McDonough stated that he has picked up trash on Kelly Road for thirteen years, but after hearing the complaints and disparaging remarks, he will no longer do so.

B. Beavin stated that his primary concern was safety and making more parking was not making the road safer. He felt that the sole purpose of Kelly Road was to serve him and the Black Rock Lane residents as there is no other public use for this road. He recommended closing the south end and having no parking on the north end. B. Menson asked if there was any way to establish the quarry as a State park and J. Menson noted that all water sources are a trust of the State. J. Menson also noted that by the end of August the quarry must be polluted, as sanitation is a large problem and if it were tested, it might be closed. She suggested bringing in the State as they may make it a small State park and involve the Byway system which Dorset is a part of. C. Brooks stated that the Select Board is open to suggestions, but the quarry is private property and this would be up to D. McDonough. D. McDonough noted that he had the quarry water tested several years ago and it was found to be swimmable, but not drinkable. He had no objection to the Town testing the water. C. Brooks wanted to remind everyone that the quarry was private land and the Town has limited ability for action.

Stone Valley Byway Agreement Update

A Memorandum of Agreement between Billy Brownlee and the Town of Dorset for the installation, ownership and maintenance of the Stone Valley Byway monument was presented for approval along with a schematic of the location of the marker. Both M. Connors and M. Freed expressed concern over the cost and liability listed in the document. It was the consensus of the Select Board members to table the signing of the agreement and have R. Gaiotti discuss the language listed in item 4 (a) through (d) with J. Sullivan. J. Henderson (BCRC) noted that J. Sullivan was familiar with the language and this was similar to all the other Towns.

Kelly Road Update

R. Gaiotti explained that he had previously talked to VTrans and they have done a survey of the area and submitted a group of sketches for consideration. The concern is that any change to traffic flow would necessitate the upgrade of the intersections and, if not done, would expose the Town to more liability. M. Connors noted that the safest access for Black Rock Lane would be straight through to Route 30 and asked if D. McDonough was already willing to donate land for parking on the south end, would he instead allow the Town to go straight through the island with a 50 foot right-of-way. D. McDonough explained that the island was a separate building lot and would have no value with a straight through roadway and was concerned that people would park all over the island property.

R. Gaiotti reviewed the VTran sketches (B - E) and his mock up sketch (A). Sketch A was a high-bred between the engineer's drawing and R. Gaiotti's drawing showing a landscaped berm along with reconfigured intersection accesses which are not to State standards. Sketch B shows a new State standard intersection for the north side of Kelly Road which requires an easement or taking of land and Sketch C shows the north side intersection with the current right-of-way and no easement. Sketch C is a minimal turning radius that does not conform to State requirements and could be a liability to the Town. C. Brooks asked if Sketch C is within the purview of the Town and R. Gaiotti responded yes, but he would have to talk further with VTrans and the Town Attorney. S. Jones asked if D. McDonough would entertain the idea of bartering land with the Town in order to do the required radius for the intersection while trying to retain the value and zoning of the island property. D. McDonough noted that he would like to review the proposed layouts and would not be able to give a decision tonight, but was willing to talk. Sketch D and E show the south side of Kelly Road intersections with and without the State required turning radii. R. Gaiotti commented that lead time would still be needed, research into what the Town's risk exposure would be and generally closing all loopholes. M. Connors noted that if D. McDonough was willing to work with the Town on the north side of Kelly Road, this would be a good solution. C. Brooks suggested that, if R. Gaiotti was to meet with D. McDonough, to have T. Yandow accompany him to look at the island property with regard to keeping its value.

Another option discussed was splitting Kelly Road into two sections with the southern portion being a dead end which the Town would discontinue/abandon. Title research would have to be done (no cost estimate yet). Access to the residents on Black Rock Lane and Kelly Road would be through the north side with no parking at all and it was recommended by R. Gaiotti to hire police enforcement for at least one to two years which would be an additional cost to the current cost of police protection. Discussion ensued regarding the Kelly Road alterations with R. Gaiotti enumerating the options and possible costs listed on his report (attached).

C. Brooks noted that the options were to reach out to D. McDonough for alternative options and to review the complete packages outlined tonight. M. Connors stated that the Select Board would need to know if the majority of the Black Rock Lane residents would support any of these options. R. Gaiotti commented that a solution would have to be identified and a public hearing would be held for public input. C. Brooks suggested that everyone should be made aware of the options and that the options should be narrowed down. M. Freed recommended that a site visit be held. M. Connors recommended a meeting with D. McDonough and then moving forward. C. Brooks advised that the public could attend the site visit, but they would not be able to participate in the discussion until the meeting is held at the Town office. D. McDonough questioned the accuracy of Sketch A and R. Gaiotti answered that this drawing was not to scale. D. McDonough questioned the location of the berm (on his property) and asked how much parking would be available if it was installed. C. Brooks noted that it was necessary to have a site visit.

Finance Report

R. Gaiotti reported that they were 14% through the new fiscal year and the delinquent taxes were \$180,000 with eleven properties in the tax sale process. He explained the \$198 credit from an abatement listed from last year which the auditors held over to this year. Clarification from the

auditors will be sought. Items discussed included new computer for the Zoning Administrator, Animal Control Officer, rabid animals, and the recreation program reimbursements.

Manager's Report

- Morse Hill Road shoulders almost finished ~ J. Hewes had suggested paving the mailbox areas which will increase the life span of the shoulders in these areas
- The tractor is back in for repair of a hydraulic oil leak ~ a meeting with the companies will be held
- Drainage work and playground preparation at the school
- Homeland Security grant has been awarded for radio upgrades (formal adoption of NIMS program is necessary) It was the consensus of the Select Board members to sign the NIMS Adoption Document for the Town of Dorset. Training for the use of the radios will be held for the Road Crew.
- Emerald Lake meetings continuing regarding beach project
- FY13 Municipal Planning Grant application for the PC (build-out study) is being worked on
- PC has approved the Bylaw amendments and forwarded them for SB approval
- A "Discover Dorset" event will be held September 15th and 16th
- Town newsletter will be available in early September
- PC has requested an opinion from the Town Attorney on a land use issue. It was the consensus of the majority of the Select Board members to allow the PC to consult with J. O'Dea (Town Attorney) regarding the land use issue. (S. Jones abstained)

Approve Payroll and Accounts Payable for the Week of 8/21/12

It was the consensus of the SB to approve the Payroll and Accounts Payable for the week of 8/21/12 as presented.

Other Business

- Access permit for Tim & Betty Ann Sheldon for an additional curb cut on their property for a sugarhouse. J. Hewes has reviewed the site and suggested minor brush removal. M. Oltedal moved and M. Connors seconded to approve the curb cut as presented. Motion carried 5-0.
- A formal document for the Dorset-Peru Integrated Resource Project by the USDA Forest Service – Green Mountain National Forest has been submitted. R. Gaiotti is to draft a reply and circulate the draft by email to the Select Board for approval.
- A proposal by Susan Hittel has been received regarding updating the Town Green landscaping –the Road Crew, Garden Club and volunteers will be needed to accomplish this update. C. Brooks suggested that the DRB notified of the proposal.
- Discussion ensued regarding the audio for the GNAT videotapes and C. Brooks noted that anyone wishing to discuss this issue should call him directly.
- The next Select Board meeting will be held on September 25th and the Public Hearing for the Bylaw Amendment will be warned for this date.

M. Oltedal moved and M. Connors seconded to move to Executive Session to discuss personnel at 9:00 p.m. Motion carried -5-0. Executive Session ended at 10:10 p.m.

The Select Board members requested the following:

1. R. Gaiotti to set up VLCT education workshops for the all Dorset Board members to attend. It will be a requirement that all Board members attend the workshops in order to serve on a Dorset Board.
2. Clarification as to the definition of Executive and Deliberative Sessions and when members can use them.
3. Email the SB the recent PC minutes so they can be reviewed with regard to the appropriate use of the Deliberative Session.

M. Oltedal moved and M. Connors seconded to adjourn the meeting at 10:20 p.m. Motion carried 5-0.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Planning Commission

Date 8/21/12

Regular Meeting X

Special Meeting

(Please Print) Name	Address	Representing	Testifying (Yes or No)
TIM HENDERSON	111 South St. BRANFORD	BCFC	
Brian Beavin	118 Kelly Rd Dorset, VT	Kelly Rd.	
Jackie Nuttall	780 Black Rock Lane	Black Rock Homeowners	
Richard Van Dyke	751 Black Rock Lane	Black Rock Homeowners	
Richard Pistell	780 Black Rock Lane	Black Rock Homeowners	
Dawn Manning	75 Black Rock Lane	Black Rock "m"	
Kirsten McDonough			no
DICK McDONOUGH	1776 ROUTE 30	SELF	YES
Sally Gibney	163 Denby Mt Rd Dorset	ME	Yes
ROBERT MENSON	1131 ROUTE 30 DORSET		
JOAN MENSON	"	"	
CAROL PATTERSON	211 Longview LA.	BLACK ROCK Homeowners	
Doug Marks	744 Black Rock Ln	Self	yes
Linda Marks	744 Black Rock Ln	self - Black Rock	

8/21/12

Town Manager's Office
Ph: (802) 362-4571
Fax: (802) 362-5156
townmanager@gmail.com



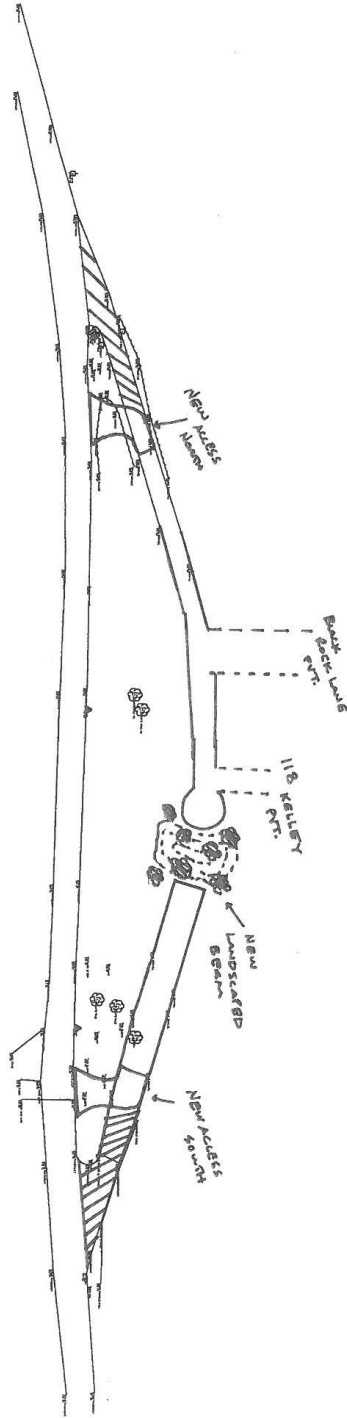
Town Offices
112 Mad Tom Rd
PO Box 715
East Dorset, VT 05253

Kelly Road Alteration & Partial Discontinuance:

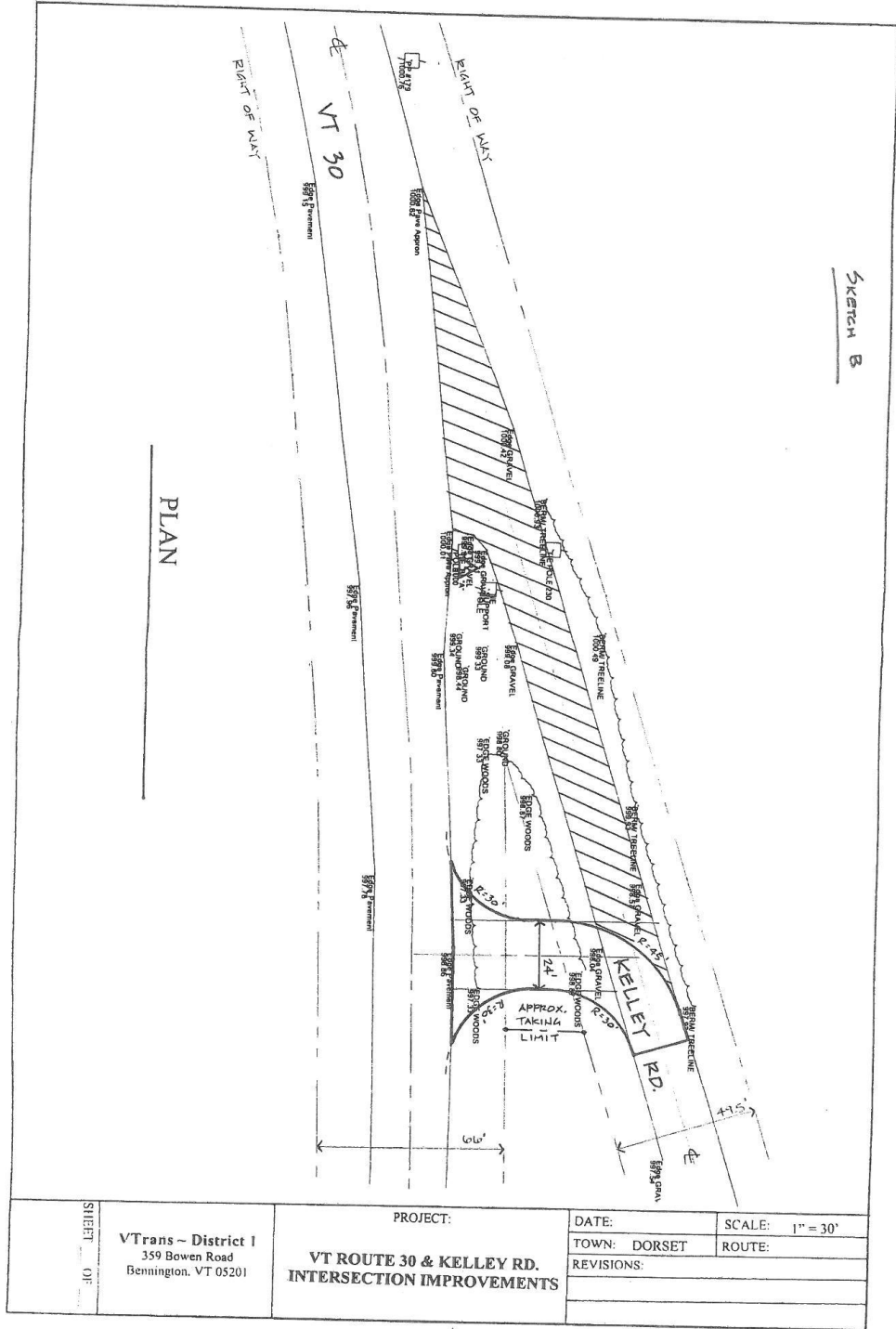
- **Split Kelly Road into two sections:**
- Southern Kelly Road would become a Dead End south of 118 Kelly Road; parking would be permitted on both sides of the road on this section, the road would be thrown up/ abandoned to become quarry parking.
- Northern Kelly Road would become the access point for Black Rock & 118 Kelly Road; parking would not be permitted on this road at all. Recommended that the town hire traffic control during peak season (May-Sept.) for the first few summers, to enforce no parking. *Estimated Annual Cost: 6 hour shifts @ \$200 per shift x 21 days/ shifts = \$4,500*
- Both intersections should be brought into conformance with VTrans standards, meeting Route 30 at a 90 degree angle.
- As seen on the VTrans renderings of the new intsections, an easement will from the landowner will be needed to create intersections that conform to VTrans standards.
- Town could still pursue the intersection work that would remain in the right-of-way of the town road & state highway. However the turning radii issues will lead to traffic problems with lane space for large trucks, it is a low volume road, but there could still be a liability issue. (If this option is chosen, town should consult with J.O'Dea to determine risk exposure)
- Fortunately, the existing gravel material from the discontinued sections of the road bed will provide adequate material for the creation of the traveled portion of the new intersections. *Estimated Costs for this mainly involve personnel & equipment time already in town budget (1-2 weeks project time)*
- Fill material will be needed for the southern road alteration and creation of new berm to separate the road sections. This could be done with ditching material, bank run gravel, and topsoil/ seed. *Estimated Cost: \$5,000*
- Landscaping of the berm would be recommended, to deter parking & foot traffic from the quarry. *Estimated Cost: \$1,500*
- New paved aprons connecting to Route 30 will have to be put down. *Estimated Cost: \$20,000*
- **Total Anticipated Project Cost: \$26,500**
- **Sketch A** shows an outline of the project area;
- **Sketches B & C** show changes to the northern section;
- **Sketches D & E** show changes to the southern section;

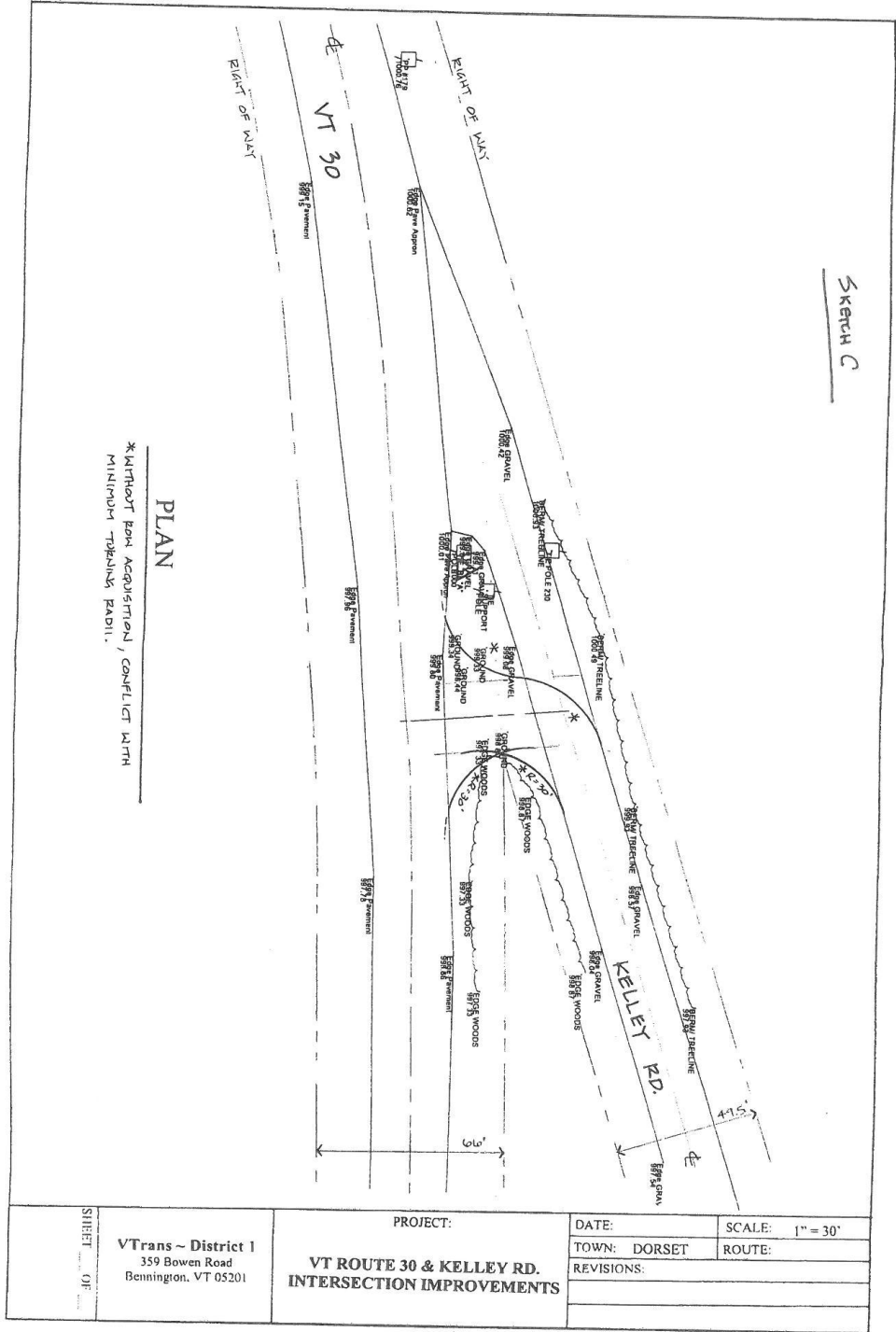
www.dorsetvt.org

SKETCH A



~~H. E. BOB~~ N.E. TO
© 11/14/12 SCALE



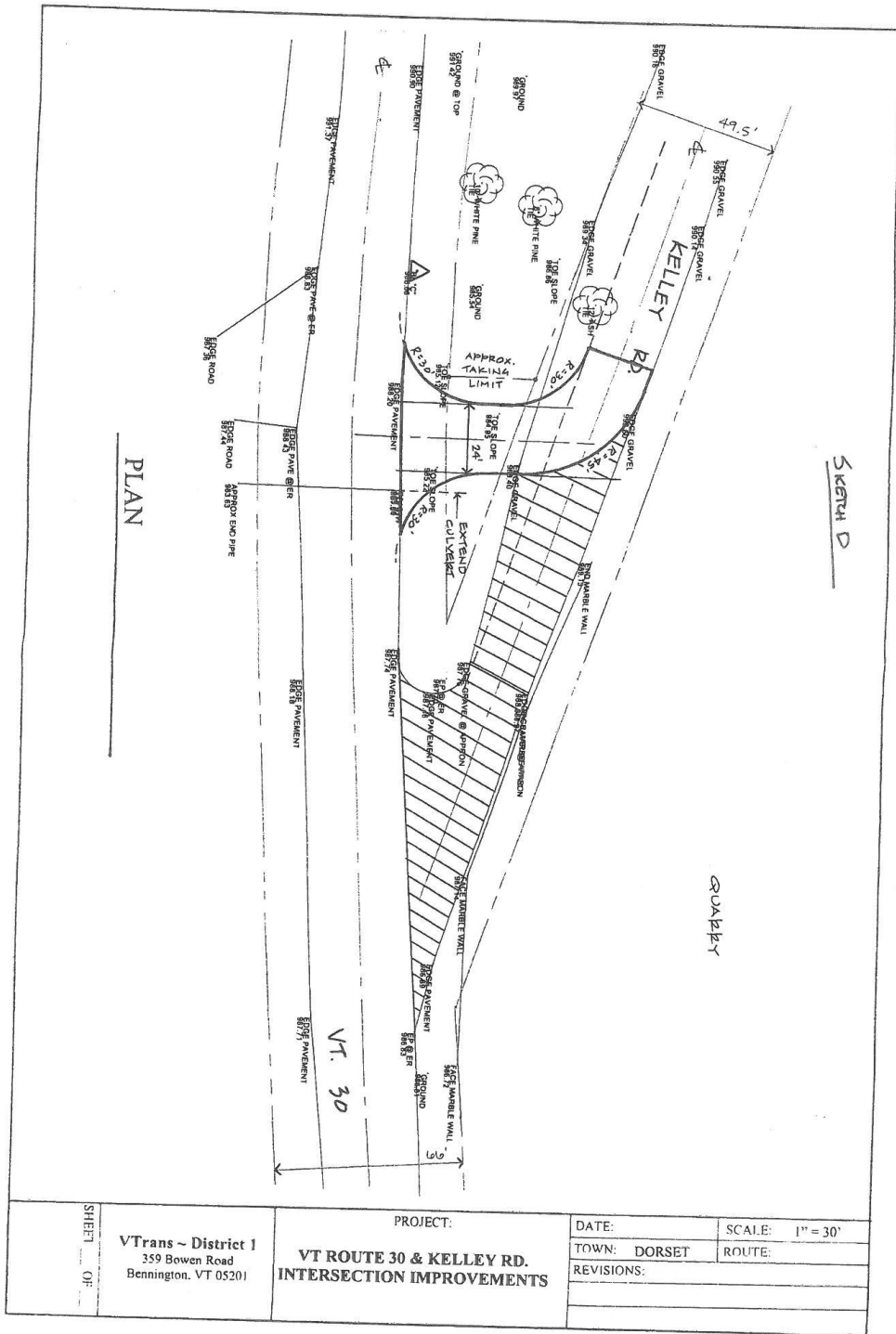


Sketch C

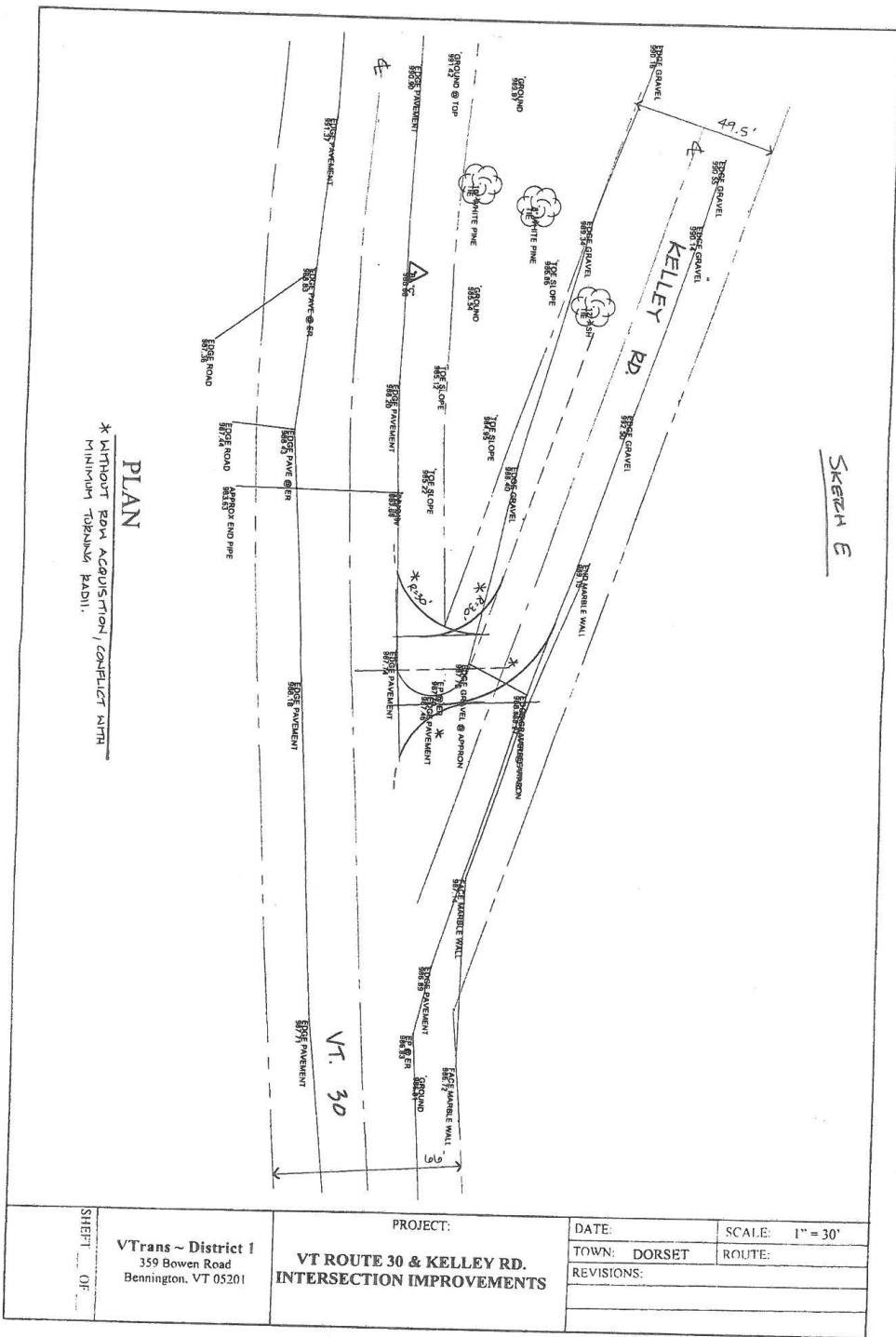
PLAN

* WITHOUT ROAD ACQUISITION, CONFLICT WITH MUNICIPAL TAPPING RADIUS.

SHEET OF	VTrans - District 1 359 Bowen Road Bennington, VT 05201	PROJECT:		DATE:	SCALE: 1" = 30'
		VT ROUTE 30 & KELLEY RD. INTERSECTION IMPROVEMENTS		TOWN: DORSET	ROUTE:
				REVISIONS:	



SHEET OF	VTrans ~ District 1 359 Bowen Road Bennington, VT 05201	PROJECT:	DATE:	SCALE: 1" = 30'
		VT ROUTE 30 & KELLEY RD. INTERSECTION IMPROVEMENTS	TOWN: DORSET	ROUTE:
			REVISIONS:	



SKETCH E

PLAN

* WITHOUT RDM ACQUISITION/CONFLICT WITH MINIMUM TURNING RADIUS.

SHEET OF	VTrans ~ District I 359 Bowen Road Bennington, VT 05201	PROJECT:	DATE:	SCALE: 1" = 30'
		VT ROUTE 30 & KELLEY RD. INTERSECTION IMPROVEMENTS	TOWN: DORSET	ROUTE:
			REVISIONS:	



town manager <townmanager@gmail.com>

This Evening's Meeting

1 message

Ramcd3@aol.com <Ramcd3@aol.com>

Tue, Aug 21, 2012 at 12:24 PM

To: townmanager@gmail.com

Rob as you suggested I spoke to Chris Brooks about the quarry issues. I plan to attend this evening's meeting and provide the Board with my position relative to the issues raised by the Black Rock and Kelly Road residents. Below is a copy of my paper which you may want to copy for members of the Board and attendees. I have provided a copy to the Manchester Journal and they plan to have a reporter present. I do not have Chris's email or I would send him a copy as well.

Hope the Black Rock folks behave civilly for a change. As you and I discussed I am disappointed that I have not been kept in the loop by the Town or Black Rock even though I am a property owner there and pay annual fees. I also resent disparaging remarks about me when I have no opportunity to reply. However I plan to take the high road and continue to move forward in a co-operative mode as in the past.

Dick McDonough

Position Paper for Dorset Select Board by Dick McDonough, August 22, 2012 ,**Background-**

-Quarry has been open to public for nearly 100 years, long before any homes were built on either Kelly or Black Rock Road.

-When we purchased the property the quarry was not visible from Route 30

-As new owners we were told by police that a single officer would not enter until a second officer joined. The quarry had a history of drug usage, nude swimming, raucous behavior, piles of trash , and abusive use of alcohol.

-Based on the sheriff's suggestion, we decided to open up the quarry so that it would be visible from Route 30 with an expectation that it would appeal to more families and the visibility would reduce the level of misbehavior.

-At the time users parked on Route 30 which proved dangerous and resulted in at least two car accidents.

-I petitioned the Board of Selectmen, and ultimately the State of Vermont, to designate a length of Route 30 as No Parking for safety reasons. As a result the parking was moved over to Kelly Road and as owners we agreed the town could widen the road on our property to accommodate the parking.

-Over time usage of the quarry has grown significantly we believe in a large measure due to word of mouth and predominately the Internet. A Google search of "Dorset Quarry" reveals there are dozens of videos of the quarry that have been viewed by thousands of individuals. Based on license

plates the preponderance of users are from out of state although there is a sizable group of local Vermonters who visit it and enjoy it regularly, particularly on extremely hot days.

-The quarry is more than just a swimming hole. The town fire department regularly conducts training exercises typically in the evening. They also draw water from the quarry for fire fighting purposes. State emergency response teams frequently use to quarry to conduct SCUBA training exercises. The state highway department on occasion, during periods of draught, has drawn water in order to clean bridges throughout the state. By any measure it has proved to be a community asset.

-I should add that from a personal perspective the quarry is a significant burden that affords no benefit other than the enjoyment it provides to thousands of users. We incurred significant expense to open it up, add the marble walls so young children would not wander in, and graded and seeded a lawn. I paid to have the metal stakes removed that years earlier had resulted in the death of a Dorset resident. For over fourteen years I have maintained the property which involves cutting the lawn, removing trees used for jumping, cutting down numerous swing lines, cutting back overgrowth, and personally cleaning up trash which over time has likely been well over a ton and literally thousands of cans, bottles, and food containers as well as items too gross to mention. Until this year I regularly cleaned up trash on Kelly Road, a town road, but due to the endless complaints from local residents I decided it was a truly thankless task and stopped.

-The quarry has been featured on The Chamber of Commerce brochure, the cover of the local phone book, television programs featuring local attractions, and cited as a destination in numerous local hotels and B&B's. Never has anyone asked for permission to use it for promotional purposes but assuredly it generates very substantial revenues for local businesses, perhaps in the millions of dollars range since many of those out of staters require accommodations, food, and are likely to do some local shopping.

Issues—There seem to be two major issues:

1. The misconduct of individuals who park on Kelly Road. There is a concern about the safety of pedestrians due to inattentive driving or perhaps drivers under the influence. There is also a concern about littering on Kelly Road as well as public urination and defecation. These are all criminal acts and need to be addressed to the police, not me. As to the littering I suggest that a sign be posted similar to that on Dorset West Road that states, “\$500 fine for trash in streams or on highways”. That is much more likely to get the attention of parkers. Also I would suggest posting the relevant Town Ordinances at the entrance to the Quarry, namely #13 dealing with obstructing free passage and #23 dealing with littering. The sign should also provide the cost of a ticket for illegal parking on Route 30 and Kelly Road as well as the towing company name, phone number and charge for vehicles towed. Again visitors are ignorant of the consequences of their violations. I believe the free for all attitude will change with effective signage and enforcement.
2. Parking on Kelly Road that obstructs access to Black Rock Road, with special concern about the ability of emergency vehicles being blocked by improper parking. I sympathize with this concern which is legitimate. However the scope of the problem is limited as the parking overflow only occurs in three months, June-August, and then primarily on weekends

or holidays. I regularly travel south down Kelly Road when returning from Dorset and although the parking can be very heavy, over 100 vehicles, I personally have never experienced an occasion when Black Rock Road was inaccessible although I believe it could happen. There have been numerous suggestions as to how to remedy the concerns of Black Rock Road. Some of them seem extreme given the limited time period when the potential problem might occur. My proposal is that the north end of Kelly Road be redesignated as no parking on either side of the road subject to towing and fines for violations. I would agree to widen the south end of Kelly Road so the parking would be permitted on both sides of the road. This would involve removing trees and placing about ten to twelve feet of fill on my property on the east side of Kelly Road to expand the parking. Assuming enforcement of the no parking/tow zone on the north end of Kelly Road this should completely alleviate the concern about accessibility to Black Rock Road. Furthermore it eliminates the inconvenience of having to drive north to go south and concerns about the risks of entering Route 30 around a bend, if the proposal to place a burn in the middle of Kelly Road were adopted. Since the parking problem is at most a three month phenomena the inability of residents to drive south on Kelly Road during the other nine months makes little sense.

Respectfully submitted,

Dick McDonough, August 22, 2012

To: The Dorset Select Board
From: David D. Wilson
Re: Mr. Dorr's letter to the Dorset Select Board on July 17, 2012
Date: August 8, 2012

Page 1

At your July 17, 2012, Regular Meeting of the Dorset Select Board, Mr. Donald Dorr, the principle owner of Transtar LLC which owns the former Bear Paw Sawmill of Dorset, read aloud to the Board a letter which he then submitted and was attached as an official document to the Board's Meeting Minutes. The following serves as my response to and correction of the statements made by Mr. Dorr relating to my dealings with Bear Paw over the past two decades.

Mr. Dorr stated that "the town, with pressure from Mr. Wilson...had the property illegally changed from commercial to pre-existing, conforming in the early 1990s. This was and is (spot zoning) a very illegal maneuver." The facts are that the Dorset Planning Commission revised the Zoning Bylaws in the early 1990s. The revised Bylaws were then sent on to the Dorset Zoning Board of Adjustment for review. The ZBA added by majority vote an additional bylaw revision changing the zoning designation for Bear Paw Lumber from a commercial district to an Agricultural-Rural Residential District. Since all the properties in the surrounding neighborhood are in the Agricultural-Rural Residential District, the change was made to establish consistency so that the entire neighborhood would be in the same district. Public hearings were held regarding the revised Bylaws and the Bylaws Amendment was then approved by Australian Ballot at Town Meeting. At no time during this legal process did Bear Paw Lumber, then owned by Bear Paw Lumber Corporation, comment or participate in this legal process.

Mr. Dorr stated in his letter that "the Bear Paw property was offered to the neighbors (i.e. Mr. Wilson, the Dorset Field Club, etc.) by the Bear Paw Company. They refused to purchase it and only wanted to control it." The Bear Paw property was never offered for sale to me by the Bear Paw Lumber Corporation or anyone else.

Mr. Dorr stated in his letter that "Over the last 20 some years Mr. Wilson has made countless complaints to Act 250 and the town all with false information or direct lies about Bear Paw, me and the property." Mr. Dorr is correct that I have made both written and oral complaints to the Dorset Zoning Administrator, Act 250, and the Vermont State Agency for Enforcement raised on possible violations of the Dorset Bylaws, the Act 250 Permit assigned to Bear Paw Lumber, and enforcement issues to the State. I have never knowingly provided false information or lied about issues relating to Bear Paw. It is the duty of the above agencies and their personnel to investigate, determine the facts, and make informed decisions about complaints regarding the Bear Paw property.

Mr. Dorr further stated that "the latest complaint that I have heard about was that I was burying something toxic or illegal in the ground at the mill...Vermont State Water Resources as well as the town zoning administration were both contacted by Mr. Wilson. Both the men from the water resources and the town zoning administration came there to check it out." The fact is that I received an anonymous phone message on my home answering machine on Jan. 27, 2012, by an unnamed person stating that Mr. Dorr was burying a filled septic tank on the Bear Paw property. The exact message follows: "Mr. Wilson, ah, you don't know me but I understand you still live on Route 30 in Dorset across the road from Bear Paw. Well, if you kinda pay attention up there, they are bringin in some tractor trailers and makin a circle around. They're puttin in an illegal septic tank which is filled with ..." (? the word sounds like pee) "an old fuel tank - just like nothin ever happened."

I reported this information to Act 250 and the Dorset Zoning Administrator. I did not report this information to any state agency. The Dorset Zoning Administrator and a state enforcement officer inspected the work on the property to ensure that no septic tank was buried. A few days prior to this phone message, three tractor trailers appeared on the Bear Paw property between Route 30 and the former Bear Paw office building, with a backhoe between, giving the appearance that the tractor trailers were placed to block the backhoe and the purpose of its

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cc: Listers, Planning, Zoning, Select Board, Town Clerk, Town Clerk, Foreman, and School Board
Copy Posted: Town Clerk's Office, S-Board Mtg Room, East Dorset & Dorset Post Office

use from view. It should be noted that at some point this past winter a tenant/watchman and two dogs moved into the "office" for which there is, to my knowledge, no existing permitted septic system.

Mr. Dorr further stated that "Mr. Wilson was also on the property. Mr. Wilson and the Zoning Administrator were both clearly trespassing at Bear Paw." In actuality, the Zoning Administrator has the legal right to inspect any property upon which a complaint has been registered. Mr. Dorr has installed "No Trespassing" signs at the entrance to Bear Paw. "No Trespassing" signs alone do not activate a legal trespass declaration. An additional legal step is needed which Mr. Dorr has failed to complete. In addition, a Right-of-Way exists from Route 30 through the mill property to the Dorset Field Club which is excluded from a "No Trespassing" designation. Thus, neither the Dorset Zoning Administrator nor I have trespassed on the Bear Paw property.

Mr. Dorr stated that "Mr. Wilson has complained trying to get the mill shut down to find no violations occurring." In fact, violations at both state and local levels have existed and been addressed in the past. In February 2010, Permit Compliance Officer John Wakefield issued an Administration Enforcement Order (AO) to "#1.) Remove any and all commercial operations including but not limited to equipment, vehicles, and stockpiles from the area fifteen feet laterally back from the top of the bank of the Mettowee River." This violation has been complied with. The Feb. 23, 2011, ZBA Facts and Findings in response to my January 10, 2011, Appeal of the Zoning Administrator's Decision found "that the saw mill was a legal, preexisting non-conforming use, that a conditional use permit must be obtained for the Firewood Processing activities on the property, and that the Vehicle Maintenance activities must be discontinued."

Mr. Dorr also stated that, at his diesel truck repair garage, "mechanical repairs (all forestry related repairs are legal per the court and according to my Act 250 permit can be done anytime, any day if necessary." Actually, the Bear Paw 250 permit states that Bear Paw may not operate on Sundays. The April 27, 1977, State of Vermont Land Use Permit Case No. 8B0154 to Applicant Dorset Lumber Company Conditions #4 follows: "the proposed sawmill facility shall not be operated on Sundays. The hours of operation during the remaining days of the week shall be limited to the time period between the hours of six (6) a.m. and nine (9) p.m. with the provision that the sawmill shall not operate longer than ten (10) hours in any one day." The July 17, 2012, agreement between the Dorset Select Board (the Town of Dorset) and Mr. Dorr (Transtar LLC) stipulates the days of operation (all but Sundays) of Non-Forestry Vehicle Repair but not the hours of operation, leaving it open-ended and thus in direct conflict with the Act 250 Permit Case No. 8B0154. The ten hours per day stipulation needs to be added to the July 17, 2012, agreement.

This detailed report corrects the misinformation contained in Mr. Dorr's letter on behalf of Transtar LLC. I respectfully request that my letter in response be made part of the official Board Meeting minutes of July 17, 2012, as an addendum, as Mr. Dorr's letter was included, or included in the next published Meeting Minutes following the Select Board's next official meeting.

cc:

The Dorset Select Board – Chris Brooks, Michael Connors, Margery Freed, Steve Jones, Michael Oltedal
 Rob Gaiotti, Dorset Town Manager
 Nancy Aversano, Select, Planning & Zoning Boards Secretary
 Donald Dorr, owner of Transtar LLC
 Bruce Waite