



**TOWN OF MORRISTOWN PLANNING COMMISSION  
MEETING NOTICE & AGENDA  
COMMUNITY MEETING ROOM  
43 Portland St. Morrisville, VT 05661  
5:00 PM Tuesday, April 14, 2026**

[Join Zoom Meeting](#) or by phone join via conference call (audio only): 1 (646) 558-8656 | Meeting ID: [810 342 4528](#) | Passcode 05661

The meetings will be live-streamed on the Town of Morrystown's website: <https://www.morrystownvt.gov/community/page/meetings-agendas-minutes>

**I. CALL TO ORDER**

**II. AGENDA CHANGES/ADDITIONS**

**III. APPROVE PRIOR MEETING MINUTES**

1. Approve minutes from 3/24/26

**IV. NEW BUSINESS**

1. Review feedback from 4/1/16 Village Trustees meeting and consider changes to the proposed 2026 bylaws.
2. Review model bylaw language on earth extraction.
3. Develop a list of stakeholders to reach out to for feedback.
4. Zoning Report

**V. FUTURE PLANNING AGENDA TOPICS**

1. Develop timeline for feedback on earth extraction from stakeholders.

**VI. OLD BUSINESS**

**VII. CORRESPONDENCE/NOTICES**

**VIII. ADJOURN**



**PLANNING COMMISSION MEETING MINUTES  
OF MARCH 24, 2026**

Members: Etienne Hancock, Joshua Goldstein, John Meyer, James Morris,

Absent: Wally Reeve

ADMINISTRATION and STAFF: Tyler Machia, Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Martin Green

**CALL TO ORDER**

Joshua Goldstien called the Planning Commission to order at 5:00 PM at the Tegu Building.

**AGENDA CHANGES/ADDITIONS**

Tyler stated that there were two new pieces of correspondence to be included in the packet.

**APPROVE PRIOR MEETING MINUTES**

- 1. **Approve Minutes from 3/10/26.**

*Motion made by John Meyer to approve the minutes of 3/10/26. Motion seconded by Jamie Morris .  
Motion carried (4/0) with amendments.*

**NEW BUSINESS**

- 1. **Review the rough draft of the memo explaining the changes made in the 2026 Morrystown Zoning and Subdivision Bylaws.**

The Planning Commission meeting focused on reviewing the 2026 bylaw update memo. As a result of writing the memo Tyler identified several revisions to the zoning bylaws that needed to be made. The commission addressed several specific modifications, including updating use tables, clarifying front setback measurements, revising language around home occupations and employee vehicles, and discussing inconsistencies in subdivision regulations. A significant portion of the meeting was dedicated to debating how to handle the creation of streets in minor subdivisions, with the commission ultimately deciding to remove the street creation trigger from the major subdivision definition. The group also reviewed a proposed change to make a specific industrial zone lot residential, though concerns were raised about potential spot zoning. Tyler confirmed that this boundary change would not constitute spot zoning. The group discussed regulations around home occupations and contractor parking. They agreed that off-site businesses like landscaping, building, and painting contractors should not be regulated under Section 410 home occupation, unless employee vehicles are stored on site during work hours, in which case they would be regulated under Section 415 home business.

Duplicate language across different sections of their document was identified and addressed, particularly regarding flood hazard overlay districts and ADU (Accessory Dwelling Units) provisions. They decided to remove duplicate language from section 421 while keeping it in sections 420 and 423. They also reviewed and approved changes to section 420.H, updating references to correct documents and addressing access requirements for lots without frontage on public or private roads. The discussion highlighted potential inconsistencies between minor and major subdivision regulations regarding shared access, which the team noted needed further attention. The discussion focused on duplicate language regarding accessory departments and ADUs in the zoning bylaws. Tyler explained that while the current language may appear redundant due to changes in state regulations, it serves an important purpose by allowing ADUs and

providing homeowners with flexibility. The conversation ended with Tyler seeking final approval of the memo before presenting it to the Village Trustees by the close of business Thursday.

**2. Make technical corrections to the bylaws that have been identified in the memo.**

**3. Review the proposed timeline for bylaw approval.**

The Planning Commission discussed the timeline for bylaw adoption, with Tyler presenting a schedule that includes final edits on March 26th, submission to trustees, and a public hearing on May 26th. The commission also addressed the need to review and revise model language for rock extraction and conservation subdivisions. Tyler agreed to prepare memos on rock extraction model language and conservation subdivision language for the next meeting, along with an update on the town plan survey results.

[View in Zoom](#)

**FUTURE PLANNING AGENDA TOPICS**

**OLD BUSINESS**

None

**CORRESPONDENCE/NOTICES**

None

**ADJOURN**

***Motion made by Etienne Hancock to adjourn. Motion seconded by Jamie Morris. Motion carried. (4/0)***

Meeting adjourned at 6:54 pm

Submitted and filed this 3/25/26.

Bonnie McDermott, Scribe

*Please note all minutes are in Draft form and are subject to approval at the next Planning Commission meeting.*

**Gas Station** - Any area of land, including Structures thereon, used or designed to be used for the supply of gasoline, oil, or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, or otherwise cleaning or servicing such motor vehicles.

**Group Home** (per 24 VSA 4412.1G) – See §423.1g for Residential Care of Group Home.

**Ground Water Source Protection Area (SPA)** - An area designated by the State of Vermont, Agency of Natural Resources as a public drinking water source and recharge zone and given special protection in §300 of these Bylaws.

**Health Care Facility** – A facility whose purpose is to provide on-site medical treatment for humans, including but not limited to hospitals, clinics, nursing homes, convalescent homes, and multi-unit assisted-living facilities.

**Hotel, Inn or Motel:** A Structure or combination of structures on the same lot with the capacity to rent on a short-term basis less than 30 consecutive days to 17 or more transient persons in 9 or more bedrooms. Hotels shall be approved by the Division of Fire Safety and have a valid waste-water permit. The Occupancy per Bedroom definition is not applicable for this use.

**Home Occupation** - An accessory occupation conducted within a minor portion of a dwelling by the residents thereof so that the floor area dedicated to the occupation is less than 25% of the total floor area of the dwelling unit.

**Home Business** - A commercial use housed in the principal dwelling, an accessory Building, or on property owned by the business owner that is principally used as their primary residence. A Home Business is an accessory use that is clearly incidental and secondary to the residential use of the property. All Home Businesses under this definition shall conform to requirements specified in §415 of the Bylaws. (Gas Station, Motor Vehicle Sales and Repair, and Firewood Processing are not eligible uses for a Home Business permit)

**Legislative Body** - The Town of Morristown Selectboard and/or the Morrisville Village Trustees (location dependent).

**Lot** - A parcel of land under common ownership and not divided by any state or town highway that is of at least sufficient size to meet the minimum lot size of the applicable zoning district. If one or more lots are pre-existing small lots, it shall not be considered merged if it can meet the criteria under §421 of these bylaws. Pre-existing small lots that cannot meet the criteria under §421 of these bylaws shall be deemed merged.

**Lot Size** - Acreage or square footage of a lot. Calculation of lot size to determine that it meets the minimum size for the district where located shall not include the road right of way of any public Street.

**Lot of record** - A lot which is part of a subdivision recorded in the office of the Town/Village Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lowest floor** - [as used in the Flood Hazard Area regulations in §320 of these Bylaws] -Bottom floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a Building's lowest floor; provided that such enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements (see 44 CFR §60.3).

# EARTH EXTRACTION OPERATIONS

## Dust Control Regulations

Zoning Bylaw — Five Regulatory Options

<b>OPTION A</b> Baseline Standards <i>Least Restrictive</i>	<b>OPTION B</b> Enhanced Standards <i>Moderately Restrictive</i>	<b>OPTION C</b> Strict Standards <i>Most Restrictive</i>	<b>OPTION D</b> Combined Regulations <i>Synthesis Review</i>	<b>OPTION E</b> Tiered Approach <i>Scale-Based Tiers 1–3</i>
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**Summary:** The purpose of this document is to help frame the conversation around earth extraction operations. These regulations were prepared with the help of Claude AI. Claude was initially tasked to develop Earth Extraction Regulations ranging from least restrictive (Option A) to most restrictive (Option C). After reviewing these options, I developed two more options (Options D & E). Option D is a synthesis of Options A – C. Option E. is a tiered approach which has different levels of regulation based on the intensity of the development. This way extraction involving a single-family home is regulated differently from a commercial gravel pit. Any of these options will require additional refinement and input from relevant stakeholders as well as legal review before they can be included in the bylaws; however, this document should help to frame the conversation.

## Overview & Comparison of Regulatory Options

The following five regulatory options provide a range of approaches for controlling dust from earth extraction operations within the town's zoning jurisdiction. Each option is consistent with Vermont Air Pollution Control Regulations VAPCR 5-211 and VAPCR 5-231(4), which apply independently of Act 250.

Feature	Option A Baseline	Option B Enhanced	Option C Strict	Option D Combined	Option E Tiered
<b>Dust Control Plan Required</b>	Yes — submitted with permit application	Yes — DRB approved before operations begin	Yes — DRB approved; updated annually	Yes — DRB approved; independent consultant review at applicant's expense	Scaled to tier: simple plan (T1), FDCP (T2), full FDCP annual update (T3)
<b>Visible Dust Standard</b>	No visible dust crossing property line	No visible dust beyond property line; proactive suppression required	Zero visible dust beyond active work area (50 ft); continuous suppression	No visible dust crossing property line; proactive suppression required	T1 & T2: no visible dust at property line; T3: zero visible dust within active work area
<b>Water Suppression</b>	Required; method at operator discretion	Required at all active extraction and processing points	Automated systems required; manual backup plan required	Required at all active extraction and processing points	T1: discretionary; T2: all extraction and processing points; T3: automated systems
<b>Haul Road Treatment</b>	Dust suppression on internal roads	Suppression + 10 mph speed limit + 50 ft graveled apron	Paved or EPA-treated roads; wheel wash station; daily road sweeping	Suppression + 10 mph speed limit + 50 ft graveled apron	T1: suppression; T2: suppression + 10 mph + apron + wheel wash; T3: paved/treated + wheel wash + daily sweep
<b>Stockpile Management</b>	Best efforts to cover or wet stockpiles	Stockpiles >500 cy covered or stabilized; 100 ft setback	All stockpiles covered or stabilized within 24 hrs; 150 ft setback	Stockpiles >500 cy covered or stabilized; 100 ft setback	T1: best efforts; T2: >500 cy covered, 100 ft setback; T3: all within 24 hrs, 150 ft setback
<b>Blasting Restrictions</b>	24 hr abutter notice; 7 am–5 pm weekdays	48 hr notice; 8 am–4 pm weekdays; misting at blast zone	72 hr notice; 9 am–3 pm; pre/post misting; wind and inversion limits; licensed blaster documentation	48 hr notice; 8 am–4 pm weekdays; misting at blast zone	T1: 24 hr notice; T2: 48 hr notice + misting; T3: 72 hr notice + weather limits + licensed blaster
<b>Buffer / Windbreak</b>	Recommended Native, native species required	Required: 25 ft along residential and road frontages, Native species required	Required: 50 ft all sides; 100 ft near sensitive receptors; native, species required	Required: 25 ft along residential and road frontages, native species required	T1: none required; T2: 25 ft abutting residential/roads (removable post-operation); T3: 50–100 ft all sides, native species
<b>Monitoring &amp; Recordkeeping</b>	Complaint log; 3-yr retention	Quarterly self-inspection log;	Monthly inspection log;	Complaint log; 5-yr retention	T1: complaint log; T2: quarterly log +

Feature	Option A Baseline	Option B Enhanced	Option C Strict	Option D Combined	Option E Tiered
		complaint log; 5-yr retention	complaint log; annual report to town by Mar. 1; 7-yr retention		complaint log; T3: monthly log + complaint log + annual report, 7-yr retention
<b>Enforcement</b>	NOV + cease operations	NOV within 48 hrs; cease operations; fines; revocation referral	1st: NOV + cease; 2nd: 5-day suspension + fine + DRB hearing; 3rd: revocation + bond forfeiture; independent monitor at operator expense	NOV within 48 hrs; cease operations; fines; revocation referral	T1 & T2: NOV + cease operations; T3: 1st NOV + cease; 2nd 5-day suspension + fine + DRB; 3rd revocation + bond forfeiture
<b>Financial Assurance</b>	None	None	Performance bond, escrow, or letter of credit required	None	T1 & T2: None; T3: Performance bond, escrow, or letter of credit required
<b>Best Suited For</b>	Rural sites; low volume; limited enforcement capacity	Active sites with moderate residential proximity	Sites near sensitive receptors; prior complaint history; high-volume commercial operations	Sites needing Option B protections plus independent professional plan review	Towns with diverse project types seeking proportionate, scale-based regulation

## OPTION A — Baseline Dust Control Standards | Least Restrictive

*Suitable for: Towns with limited extraction activity, rural locations distant from residential uses, or towns with limited enforcement capacity.*

### Section \_\_.01 — Purpose

These regulations are adopted to protect the public health, safety, and welfare of town residents and abutting property owners by minimizing airborne dust generated by earth extraction operations, consistent with Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4).

### Section \_\_.02 — Applicability

These provisions apply to all earth extraction operations, including rock quarrying, ledge blasting, aggregate crushing, and related activities, for which a permit is required under this bylaw.

### Section \_\_.03 — Dust Control Plan

A. All applicants for an earth extraction permit shall submit a Dust Control Plan as part of their permit application. The Plan shall identify:

- The types and locations of dust-generating activities on the site;
- The dust suppression methods and equipment to be used at each activity area;
- The water source(s) available for dust suppression; and
- The name and contact information of the individual responsible for dust control compliance.

B. The Dust Control Plan shall be kept on-site at all times during operations and made available to the Zoning Administrator upon request.

### Section \_\_.04 — Visible Dust Standard

No visible dust from any earth extraction operation shall be permitted to cross a property line or reach a public road. This standard is consistent with VAPCR 5-211, which prohibits visible air contaminants.

*Reference: Vermont Air Pollution Control Regulation 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4) — Reasonable precautions to prevent particulate matter from becoming airborne.*

### Section \_\_.05 — Dust Suppression Measures

Operators shall implement dust suppression appropriate to site conditions, including but not limited to:

- Water spraying at the active extraction face, drilling areas, and rock processing equipment;
- Water application on internal haul roads at a frequency sufficient to prevent visible dust;
- Wetting or covering of material stockpiles during dry or windy conditions;
- Minimizing material dropped from heights that would generate airborne dust.

The specific method of suppression is at the operator's discretion provided the visible dust standard in Section \_\_.04 is maintained.

### Section \_\_.06 — Blasting Operations

Prior to any blasting operations, the operator shall notify all abutting landowners at least twenty-four (24) hours in advance. Blasting shall be conducted only between 7:00 a.m. and 5:00 p.m. on weekdays, unless otherwise approved.

### Section \_\_.07 — Public Roads

The operator shall take reasonable precautions to prevent dust and mud from being tracked onto public roads by extraction vehicles. This includes use of graveled access aprons at site exits or other equivalent measures.

### **Section \_\_.08 — Complaints and Corrective Action**

The operator shall maintain a written log of all dust-related complaints received from the public or town officials, together with a record of the corrective actions taken in response. This log shall be retained for a minimum of three (3) years.

### **Section \_\_.09 — Enforcement**

Upon a verified violation of the visible dust standard or any provision of this section, the Zoning Administrator may:

- Order the suspension of dust-generating operations until compliance is restored.

## OPTION B — Enhanced Dust Control Standards | Moderately Restrictive

*Suitable for: Towns with active extraction operations, sites within moderate proximity to residential uses, or towns seeking stronger environmental protections while maintaining a workable permitting framework.*

### Section \_\_.01 — Purpose

These regulations are adopted to protect the public health, safety, and welfare of residents, abutting landowners, and the broader community by establishing enhanced standards for controlling airborne dust from earth extraction operations. These provisions are consistent with and supplement Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4) and reflect industry best practices for fugitive dust management.

### Section \_\_.02 — Applicability

These provisions apply to all earth extraction operations, including rock quarrying, ledge blasting, aggregate crushing, screening, and related activities requiring a permit under this bylaw. Operations involving the extraction of more than 500 cubic yards per year are subject to all provisions of this section.

### Section \_\_.03 — Fugitive Dust Control Plan (FDCP)

A. Prior to the issuance of any permit, the applicant shall submit a written Fugitive Dust Control Plan (FDCP) to the Development Review Board (DRB) for review and approval through Conditional Use Review. No operations shall commence until the FDCP is approved.

B. The FDCP shall include, at minimum:

- A site map identifying all dust-generating activity areas, access roads, stockpile locations, and property boundaries;
- A description of dust suppression methods and equipment for each activity area, including water sources, application rates, and equipment specifications;
- Identification of sensitive receptors within 1,000 feet of the extraction area (residences, schools, water bodies);
- Wind and weather conditions under which operations must be modified or suspended;
- A complaint response procedure; and
- The name and qualifications of the individual responsible for FDCP implementation.

C. The FDCP shall be kept on-site during all operations and provided to the Zoning Administrator upon request.

### Section \_\_.04 — Visible Dust Standard

A. No visible dust from earth extraction operations shall cross a property line or reach a public road or right-of-way. This standard applies at all times during approved hours of operation.

B. Dust suppression measures shall be activated before visible dust is generated, not in response to it. Operators shall not wait for visible dust to appear before applying suppression.

*Reference: Vermont Air Pollution Control Regulation 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4) — Reasonable precautions to prevent particulate matter from becoming airborne.*

### Section \_\_.05 — Required Dust Suppression Measures

Operators shall implement the following dust suppression measures at a minimum:

### **A. Extraction Face and Drilling**

- Water injection through drill bits or surface water spraying shall be applied continuously during all drilling operations;
- Water misting or suppression shall be applied at the active extraction face during and after blasting and mechanical excavation.

### **B. Crushing and Screening Equipment**

- Water spray nozzles or misting systems shall be installed and operated at all crushers, screening equipment, and conveyor transfer points;
- Equipment enclosures or shrouds shall be used where feasible to contain dust at the point of generation.

### **C. Haul Roads**

- All internal unpaved haul roads shall be treated with water or an approved dust suppressant at a frequency sufficient to prevent visible dust;
- A maximum vehicle speed of 10 miles per hour shall be posted and enforced on all unpaved internal roads;
- A graveled or paved apron of not less than 50 feet shall be maintained at the public road access point.

### **D. Stockpile Management**

- Stockpiles exceeding 500 cubic yards shall be covered with tarps, treated with a dust-binding agent, or stabilized with surface crusting material;
- Stockpiles shall be set back a minimum of 100 feet from any property line.

### **E. Wind Conditions**

- During sustained wind events exceeding 20 miles per hour, the operator shall increase the frequency of water applications or suspend dust-generating operations until wind conditions subside.

## **Section \_\_.06 — Blasting Operations**

A. Prior to any blasting operation, the operator shall provide written notification to all abutting landowners and the Zoning Administrator at least forty-eight (48) hours in advance.

B. Blasting shall be permitted only between 8:00 a.m. and 4:00 p.m. on weekdays excluding state and federal holidays.

C. Water misting equipment shall be activated in the blast zone prior to and immediately following each detonation to suppress blast dust.

## **Section \_\_.07 — Windbreaks and Buffers**

A vegetated buffer, earthen berm, or retained natural vegetation of not less than 25 feet in depth shall be maintained along all property lines abutting a residential use, public road, or public right-of-way. The buffer shall be maintained in healthy condition throughout the life of the operation. All vegetation shall consist of native species.

## **Section \_\_.08 — Truck Exit Measures**

The operator shall install and maintain a rumble strip, wheel wash station, or equivalent measure at each site exit to prevent mud and dust from being carried onto public roads. Public road access points shall be inspected daily and cleaned as needed.

## **Section \_\_.09 — Monitoring and Recordkeeping**

A. The operator shall conduct a quarterly self-inspection of all dust control measures and maintain a written inspection log documenting the date of inspection, conditions observed, and any corrective actions taken.

B. A log of all dust-related complaints received from the public or town officials shall be maintained, together with the operator's response and corrective actions. Logs shall be retained for a minimum of five (5) years and provided to the Zoning Administrator upon request.

### **Section \_\_.10 — Enforcement**

A. Upon a verified violation, the Zoning Administrator shall issue a written notice specifying the nature of the violation and requiring corrective action within 48 hours.

B. Failure to achieve compliance may result in:

- Suspension of earth extraction operations pending correction;
- Civil fines as provided by this bylaw; and/or

## OPTION C — Strict Dust Control Standards | Most Restrictive

*Suitable for: Towns with extraction sites near residential neighborhoods, schools, or sensitive water resources; towns with prior dust complaints or enforcement history; or towns seeking the highest degree of community protection.*

### Section \_\_.01 — Purpose

These regulations establish strict performance standards for the control of airborne dust from earth extraction operations. The town finds that uncontrolled dust from rock quarrying and earth extraction poses a direct risk to public health, diminishes quality of life for neighboring residents, and may harm aquatic and terrestrial ecosystems. These provisions are adopted consistent with Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4) and are grounded in current industry best practices for fugitive dust management.

### Section \_\_.02 — Applicability

These provisions apply to all earth extraction operations, including rock quarrying, ledge blasting, aggregate crushing, screening, material handling, and related activities requiring a permit under this bylaw. Operations of any scale are subject to all provisions of this section.

### Section \_\_.03 — Fugitive Dust Control Plan (FDCP) — Required Prior to Approval

A. No earth extraction permit shall be issued until a Fugitive Dust Control Plan (FDCP) has been reviewed and approved by the Development Review Board (DRB). The DRB may retain a qualified environmental consultant at the applicant's expense to review the Plan.

B. The FDCP shall include all of the following:

- A scaled site plan identifying all dust-generating areas, haul roads, stockpile locations, buffers, and sensitive receptors within 1,500 feet;
- A complete inventory of dust-generating activities and equipment with manufacturer specifications;
- A detailed description of suppression methods, water sources, application rates, and equipment at each dust generation point;
- A weather monitoring protocol specifying operational limits for wind speed, temperature, and drought conditions;
- A complaint response and public notification procedure;
- A monitoring and recordkeeping schedule; and
- Emergency shutdown procedures for uncontrolled dust events.

C. The FDCP shall be updated annually and resubmitted to the Zoning Administrator. Material changes to extraction areas or equipment shall require an amended FDCP prior to implementation.

D. The approved FDCP shall be posted on-site in a weatherproof enclosure at the main site access point.

### Section \_\_.04 — Zero Visible Dust Standard

A. No visible dust from any earth extraction operation shall be permitted to become airborne beyond the active work area. For purposes of this section, the active work area is defined as within 50 feet of the equipment or activity generating the dust.

B. Dust suppression measures shall be continuously active during all dust-generating operations. Operations shall be suspended immediately if suppression systems are inoperative.

C. If visible dust is observed reaching the site boundary or public road by any town official or verified complaint, the operator shall immediately suspend the dust-generating operation and shall not resume until corrective measures have been implemented and verified.

*Reference: VAPCR 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4); EPA Fugitive Dust Control Best Practices (2022).*

## **Section \_\_.05 — Required Dust Suppression Measures**

All of the following measures are required. Operators may not substitute or omit measures without prior written approval from the Zoning Administrator.

### **A. Extraction Face, Drilling, and Blasting**

- Water injection through drill bits shall be used continuously during all drilling operations;
- Automated water misting or atomized mist cannon systems shall be deployed at the active extraction face during all mechanical excavation;
- Pre-blast misting shall be activated for a minimum of 10 minutes before detonation; post-blast misting shall continue for a minimum of 15 minutes following detonation.

### **B. Crushing, Screening, and Processing Equipment**

- All crushers, screening equipment, and conveyor transfer points shall be equipped with integrated water spray or atomized misting systems operated continuously during processing;
- Equipment enclosures with dust-tight seals shall be installed on all screening equipment;
- Operators shall consider local exhaust ventilation (LEV) systems at primary crushing stations where feasible.

### **C. Haul Roads and Vehicle Traffic**

- All internal haul roads shall be paved, treated with calcium chloride, or treated with a polymer-based dust suppressant certified by the U.S. EPA;
- A maximum vehicle speed of 10 miles per hour shall be posted and enforced on all unpaved internal roads;
- A wheel wash station shall be installed and maintained at each public road access point. All vehicles shall pass through the wheel wash before exiting the site;
- Public road access points shall be swept or washed at the end of each operating day.

### **D. Stockpile Management**

- All material stockpiles shall be covered with tarps or treated with an EPA-certified dust-binding or crusting agent within 24 hours of formation;
- Stockpiles shall be set back a minimum of 150 feet from all property lines;
- Active stockpile loading and unloading shall be conducted with misting systems in operation.

### **E. Weather and Wind Conditions**

- Operations shall be suspended when sustained wind speeds exceed 15 miles per hour at the site, unless automated misting systems can demonstrably prevent off-site dust migration;
- A wind monitoring instrument shall be maintained at the site and readings logged during all operational hours.

## **Section \_\_.06 — Blasting Operations**

A. The operator shall provide written notification to all abutting landowners and the Zoning Administrator at least seventy-two (72) hours prior to any blasting operation.

B. Blasting is permitted only between 9:00 a.m. and 3:00 p.m. on weekdays, excluding state and federal holidays. No blasting shall occur when wind speed exceeds 15 mph or during temperature inversions that may concentrate dust at ground level.

C. Pre-blast water misting shall be activated a minimum of 10 minutes before detonation. Post-blast suppression shall be maintained for a minimum of 15 minutes following each detonation.

D. Blast design shall be documented by a licensed blaster and retained in the site file for inspection.

### **Section \_\_.07 — Buffers and Windbreaks**

A. A vegetated buffer, earthen berm, or retained natural vegetation of not less than 50 feet in depth shall be maintained along all property lines.

B. Where the extraction site abuts a residential use, school, childcare facility, or public water supply watershed, the buffer depth shall be increased to not less than 100 feet.

C. Vegetated buffers shall consist of native tree and shrub species of sufficient density to function as a wind barrier. Buffer plantings shall be replaced within one (1) growing season if they die or are removed.

### **Section \_\_.08 — Monitoring, Recordkeeping, and Reporting**

A. The operator shall conduct a monthly visual inspection of all dust control measures. Inspection results shall be recorded on a standardized form approved by the Zoning Administrator, documenting conditions, suppression system status, and any corrective actions.

B. A dust complaint log shall be maintained and shall include the date and time of complaint, nature of complaint, weather conditions at time of complaint, and the operator's response and corrective actions.

C. The operator shall submit an Annual Dust Control Report to the Zoning Administrator by March 1 of each year summarizing operations conducted in the prior year, dust suppression measures used, complaints received and resolved, and any changes proposed to the FDCP.

D. All records shall be retained for a minimum of seven (7) years and shall be open to public inspection upon request.

### **Section \_\_.09 — Financial Assurance**

As a condition of permit issuance, the operator shall provide a performance bond, escrow account, or irrevocable letter of credit in an amount determined by the DRB to be sufficient to cover the cost of remediating off-site dust impacts and restoring any affected buffers or vegetated areas.

### **Section \_\_.10 — Enforcement and Penalties**

A. Upon a first verified violation, the Zoning Administrator shall issue a written notice of violation and order immediate corrective action. Operations shall be suspended until compliance is demonstrated.

B. A second violation within any twelve (12) month period shall result in:

- Mandatory suspension of operations for a minimum of five (5) business days;
- A civil penalty as set forth in this bylaw

C. A third or subsequent violation shall be grounds for permit revocation and forfeiture of any performance bond.

D. The town may engage an independent air quality monitor at the operator's expense following a second or subsequent violation to assess ongoing compliance.

## OPTION D — Combined Regulations: Enhanced Standards with Independent Review | Between Options B and C

*Appropriate where site complexity or proximity to sensitive receptors warrants technical oversight beyond staff capacity, but where the full requirements of Option C are not yet warranted.*

### Section \_\_.01 — Purpose

These regulations are adopted to protect the public health, safety, and welfare of residents, abutting landowners, and the broader community by establishing enhanced standards for controlling airborne dust from earth extraction operations. These provisions are consistent with and supplement Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4) and reflect industry best practices for fugitive dust management. A distinguishing feature of this option is the authority of the Development Review Board to require independent professional review of the Fugitive Dust Control Plan at the applicant's expense.

### Section \_\_.02 — Applicability

These provisions apply to all earth extraction operations, including rock quarrying, ledge blasting, aggregate crushing, screening, and related activities requiring a permit under this bylaw. Operations involving the extraction of more than 500 cubic yards per year are subject to all provisions of this section.

### Section \_\_.03 — Fugitive Dust Control Plan (FDCP)

A. Prior to the issuance of any earth extraction permit, the applicant shall submit a written Fugitive Dust Control Plan (FDCP) to the Development Review Board (DRB) for review and approval. No operations shall commence until the FDCP is approved.

B. The DRB may retain a qualified environmental consultant at the applicant's expense to review the FDCP and make a recommendation to the Board. The DRB shall establish the scope and cost of such review prior to engaging a consultant.

C. The FDCP shall include, at minimum:

- A site map identifying all dust-generating activity areas, access roads, stockpile locations, and property boundaries;
- A description of dust suppression methods and equipment for each activity area, including water sources, application rates, and equipment specifications;
- Identification of sensitive receptors within 1,000 feet of the extraction area (residences, schools, water bodies);
- Wind and weather conditions under which operations must be modified or suspended;
- A complaint response procedure; and
- The name and qualifications of the individual responsible for FDCP implementation.

D. The FDCP shall be kept on-site during all operations and provided to the Zoning Administrator upon request.

### Section \_\_.04 — Visible Dust Standard

A. No visible dust from earth extraction operations shall cross a property line or reach a public road or right-of-way. This standard applies at all times during active operations.

B. Dust suppression measures shall be activated before visible dust is generated, not in response to it. Operators shall not wait for visible dust to appear before applying suppression.

*Reference: Vermont Air Pollution Control Regulation 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4) — Reasonable precautions to prevent particulate matter from becoming airborne.*

## **Section \_\_.05 — Required Dust Suppression Measures**

Operators shall implement the following dust suppression measures at a minimum:

### **A. Extraction Face and Drilling**

- Water injection through drill bits or surface water spraying shall be applied continuously during all drilling operations;
- Water misting or suppression shall be applied at the active extraction face during and after blasting and mechanical excavation.

### **B. Crushing and Screening Equipment**

- Water spray nozzles or misting systems shall be installed and operated at all crushers, screening equipment, and conveyor transfer points;
- Equipment enclosures or shrouds shall be used where feasible to contain dust at the point of generation.

### **C. Haul Roads**

- All internal unpaved haul roads shall be treated with water or an approved dust suppressant at a frequency sufficient to prevent visible dust;
- A maximum vehicle speed of 10 miles per hour shall be posted and enforced on all unpaved internal roads;
- A graveled or paved apron of not less than 50 feet shall be maintained at the public road access point.

### **D. Stockpile Management**

- Stockpiles exceeding 500 cubic yards shall be covered with tarps, treated with a dust-binding agent, or stabilized with surface crusting material;
- Stockpiles shall be set back a minimum of 100 feet from any property line.

### **E. Wind Conditions**

- During sustained wind events exceeding 20 miles per hour, the operator shall increase the frequency of water applications or suspend dust-generating operations until wind conditions subside.

## **Section \_\_.06 — Blasting Operations**

A. Prior to any blasting operation, the operator shall provide written notification to all abutting landowners and the Zoning Administrator at least forty-eight (48) hours in advance.

B. Blasting shall be permitted only between 8:00 a.m. and 4:00 p.m. on weekdays excluding state and federal holidays.

C. Water misting equipment shall be activated in the blast zone prior to and immediately following each detonation to suppress blast dust.

## **Section \_\_.07 — Windbreaks and Buffers**

A vegetated buffer, earthen berm, or retained natural vegetation of not less than 25 feet in depth shall be maintained along all property lines abutting a residential use, public road, or public right-of-way. The buffer shall be maintained in healthy condition throughout the life of the operation and shall use and or retain native vegetation.

### **Section \_\_.08 — Truck Exit Measures**

The operator shall install and maintain a rumble strip, wheel wash station, or equivalent measure at each site exit to prevent mud and dust from being carried onto public roads. Public road access points shall be inspected daily and cleaned as needed.

### **Section \_\_.09 — Monitoring and Recordkeeping**

A. The operator shall conduct a quarterly self-inspection of all dust control measures and maintain a written inspection log documenting the date of inspection, conditions observed, and any corrective actions taken.

B. A log of all dust-related complaints received from the public or town officials shall be maintained, together with the operator's response and corrective actions. Logs shall be retained for a minimum of five (5) years and provided to the Zoning Administrator upon request.

### **Section \_\_.10 — Enforcement**

A. Upon a verified violation of any provision of this section, the Zoning Administrator shall issue a written notice of violation specifying the nature of the violation and requiring corrective action within forty-eight (48) hours.

B. Failure to achieve compliance within the time specified may result in:

- Suspension of earth extraction operations pending correction;
- Civil fines as provided by this bylaw; and/or
- Referral to the Development Review Board for permit revocation proceedings.

## OPTION E — Tiered Approach | Scale-Based Standards: Tiers 1, 2, and 3

*Suitable for: Towns expecting a range of project types, from small residential site work to large commercial quarrying operations. Applies dust control requirements proportionate to the scale and commercial nature of the extraction activity. This option may be adopted as a standalone regulatory framework in place of Options A through D.*

### Tier Applicability — Summary

The applicable tier is determined by the volume of material to be extracted and whether extracted material will be sold or used off-site:

- Tier 1 applies to residential extraction projects generating more than 1,000 and up to 5,000 cubic yards of material.
- Tier 2 applies to residential or commercial extraction projects generating more than 5,000 and up to 10,000 cubic yards, OR any project generating more than 1,000 cubic yards where extracted material will be sold or used off-site.
- Tier 3 applies to any extraction project generating more than 10,000 cubic yards, regardless of whether material is sold or used off-site.

Where a project’s characteristics could place it in more than one tier, the more stringent tier shall apply. The Zoning Administrator shall determine the applicable tier at the time of permit application.

### Tier-Specific Definitions

The following definitions apply to this option and shall be incorporated into the bylaw’s definitions section:

<b>Residential Extraction Project:</b>	An earth extraction operation conducted in connection with residential site preparation, including but not limited to construction of a dwelling, driveway, accessory structure, or on-site utility installation, where extracted material is not sold or conveyed off-site.
<b>Commercial Extraction Operation:</b>	Any earth extraction activity conducted for commercial purposes, including quarrying, aggregate production, or the extraction of material primarily for sale, exchange, or off-site use by a party other than the landowner.
<b>Off-Site Sale or Use:</b>	The transfer, sale, conveyance, or delivery of extracted earth material to any party other than the landowner of the extraction site, or the use of extracted material at any location other than the site from which it was extracted.

## Tier 1 — Residential Projects | 1,000 to 5,000 Cubic Yards | No Off-Site Sale

### Section \_\_.01 — Purpose (Tier 1)

These regulations apply to residential extraction projects generating more than 1,000 and up to 5,000 cubic yards of material where no extracted material will be sold or used off-site. These regulations are adopted to protect the public health, safety, and welfare of town residents and abutting property owners by minimizing airborne dust, consistent with Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4).

### Section \_\_.02 — Applicability (Tier 1)

These provisions apply to residential earth extraction operations meeting the volume thresholds above, including ledge blasting, aggregate crushing, and related activities conducted in connection with residential site preparation.

### **Section \_\_.03 — Dust Control Plan (Tier 1)**

A. All applicants shall submit a Dust Control Plan as part of their permit application. The Plan shall identify:

- The types and locations of dust-generating activities on the site;
- The dust suppression methods and equipment to be used at each activity area;
- The water source(s) available for dust suppression; and
- The name and contact information of the individual responsible for dust control compliance.

B. The Dust Control Plan shall be kept on-site during all operations and made available to the Zoning Administrator upon request.

### **Section \_\_.04 — Visible Dust Standard (Tier 1)**

No visible dust from any earth extraction operation shall be permitted to cross a property line or reach a public road. This standard is consistent with VAPCR 5-211, which prohibits visible air contaminants.

*Reference: Vermont Air Pollution Control Regulation 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4) — Reasonable precautions to prevent particulate matter from becoming airborne.*

### **Section \_\_.05 — Dust Suppression Measures (Tier 1)**

Operators shall implement dust suppression appropriate to site conditions, including but not limited to:

- Water spraying at the active extraction face, drilling areas, and rock processing equipment;
- Water application on internal haul roads at a frequency sufficient to prevent visible dust;
- Wetting or covering of material stockpiles during dry or windy conditions; and
- Minimizing material dropped from heights that would generate airborne dust.

The specific method of suppression is at the operator's discretion provided the visible dust standard in Section \_\_.04 is maintained.

### **Section \_\_.06 — Blasting Operations (Tier 1)**

Prior to any blasting operation, the operator shall notify all abutting landowners and the Zoning Administrator at least twenty-four (24) hours in advance. Blasting shall be conducted only between 7:00 a.m. and 5:00 p.m. on weekdays, unless otherwise approved by the Zoning Administrator.

### **Section \_\_.07 — Public Roads (Tier 1)**

The operator shall take reasonable precautions to prevent dust and mud from being tracked onto public roads. This includes use of a graveled access apron at site exits or other equivalent measures.

### **Section \_\_.08 — Complaints and Corrective Action (Tier 1)**

The operator shall maintain a written log of all dust-related complaints received from the public or town officials, together with a record of corrective actions taken in response. This log shall be retained for a minimum of three (3) years and made available to the Zoning Administrator upon request.

### **Section \_\_.09 — Enforcement (Tier 1)**

Upon a verified violation of the visible dust standard or any provision of this section, the Zoning Administrator shall:

- Issue a written notice of violation requiring immediate corrective action; and/or

- Upon failure to achieve compliance, order the suspension of dust-generating operations until compliance is restored.

## Tier 2 — Residential or Commercial Projects | 5,000 to 10,000 CY, or Any Project with Off-Site Sale >1,000 CY

### Section \_\_.01 — Purpose (Tier 2)

These regulations apply to residential or commercial extraction projects generating more than 5,000 and up to 10,000 cubic yards of material, or to any project generating more than 1,000 cubic yards where extracted material will be sold or used off-site. These regulations are adopted to protect the public health, safety, and welfare of residents, abutting landowners, and the broader community by establishing enhanced standards for controlling airborne dust. These provisions are consistent with and supplement Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4) and reflect industry best practices for fugitive dust management.

### Section \_\_.02 — Applicability (Tier 2)

These provisions apply to all earth extraction operations meeting the Tier 2 thresholds above, including rock quarrying, ledge blasting, aggregate crushing, screening, and related activities requiring a permit under this bylaw.

### Section \_\_.03 — Fugitive Dust Control Plan (FDCP) (Tier 2)

A. Prior to the issuance of any earth extraction permit, the applicant shall submit a written Fugitive Dust Control Plan (FDCP) to the Development Review Board (DRB) for review and approval. No operations shall commence until the FDCP is approved. The DRB may retain a qualified environmental consultant at the applicant's expense to review the Plan.

B. The FDCP shall include, at minimum:

- A site map identifying all dust-generating activity areas, access roads, stockpile locations, and property boundaries;
- A description of dust suppression methods and equipment for each activity area, including water sources, application rates, and equipment specifications;
- Identification of sensitive receptors within 1,000 feet of the extraction area (residences, schools, water bodies);
- Wind and weather conditions under which operations must be modified or suspended;
- A complaint response procedure; and
- The name and qualifications of the individual responsible for FDCP implementation.

C. The FDCP shall be kept on-site during all operations and provided to the Zoning Administrator upon request.

### Section \_\_.04 — Visible Dust Standard (Tier 2)

A. No visible dust from earth extraction operations shall cross a property line or reach a public road or right-of-way. This standard applies at all times during active operations.

B. Dust suppression measures shall be activated before visible dust is generated, not in response to it. Operators shall not wait for visible dust to appear before applying suppression.

*Reference: Vermont Air Pollution Control Regulation 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4) — Reasonable precautions to prevent particulate matter from becoming airborne.*

## Section \_\_.05 — Required Dust Suppression Measures (Tier 2)

Operators shall implement the following dust suppression measures at a minimum:

### A. Extraction Face and Drilling

- Water injection through drill bits or surface water spraying shall be applied continuously during all drilling operations;
- Water misting or suppression shall be applied at the active extraction face during and after blasting and mechanical excavation.

### B. Crushing and Screening Equipment

- Water spray nozzles or misting systems shall be installed and operated at all crushers, screening equipment, and conveyor transfer points;
- Equipment enclosures or shrouds shall be used where feasible to contain dust at the point of generation.

### C. Haul Roads

- All internal unpaved haul roads shall be treated with water or an approved dust suppressant at a frequency sufficient to prevent visible dust;
- A maximum vehicle speed of 10 miles per hour shall be posted and enforced on all unpaved internal roads;
- A graveled or paved apron of not less than 50 feet shall be maintained at the public road access point.

### D. Stockpile Management

- Stockpiles exceeding 500 cubic yards shall be covered with tarps, treated with a dust-binding agent, or stabilized with surface crusting material;
- Stockpiles shall be set back a minimum of 100 feet from any property line.

### E. Wind Conditions

- During sustained wind events exceeding 20 miles per hour, the operator shall increase the frequency of water applications or suspend dust-generating operations until wind conditions subside.

## Section \_\_.06 — Blasting Operations (Tier 2)

A. Prior to any blasting operation, the operator shall provide written notification to all abutting landowners and the Zoning Administrator at least forty-eight (48) hours in advance.

B. Blasting shall be permitted only between 8:00 a.m. and 4:00 p.m. on weekdays excluding state and federal holidays.

C. Water misting equipment shall be activated in the blast zone prior to and immediately following each detonation to suppress blast dust.

## Section \_\_.07 — Windbreaks and Buffers (Tier 2)

A. A vegetated buffer, earthen berm, or retained natural vegetation of not less than 25 feet in depth shall be maintained along all property lines abutting a residential use, public road, or public right-of-way. The buffer shall be maintained in healthy condition throughout the life of the operation.

B. Once extraction operations have permanently ceased, the property owner may remove the vegetative buffer with prior written approval from the Zoning Administrator. Native vegetation shall be retained and or used.

## Section \_\_.08 — Truck Exit Measures (Tier 2)

The operator shall install and maintain a rumble strip, wheel wash station, or equivalent measure at each site exit to prevent mud and dust from being carried onto public roads. Public road access points shall be inspected daily and cleaned as needed.

### **Section \_\_.09 — Monitoring and Recordkeeping (Tier 2)**

A. The operator shall conduct a quarterly self-inspection of all dust control measures and maintain a written inspection log documenting the date of inspection, conditions observed, and any corrective actions taken.

B. A log of all dust-related complaints shall be maintained, together with the operator's response and corrective actions. Logs shall be retained for a minimum of five (5) years and provided to the Zoning Administrator upon request.

### **Section \_\_.10 — Enforcement (Tier 2)**

A. Upon a verified violation of any provision of this section, the Zoning Administrator shall issue a written notice of violation specifying the nature of the violation and requiring corrective action within forty-eight (48) hours.

B. Failure to achieve compliance within the time specified may result in:

- Suspension of earth extraction operations pending correction;
- Civil fines as provided by this bylaw; and/or
- Referral to the Development Review Board for permit revocation proceedings.

## **Tier 3 — Any Project | More than 10,000 Cubic Yards**

### **Section \_\_.01 — Purpose (Tier 3)**

These regulations apply to any earth extraction project generating more than 10,000 cubic yards of material, regardless of whether extracted material is sold or used off-site. These regulations establish strict performance standards for the control of airborne dust. The town finds that uncontrolled dust from large-scale rock quarrying and earth extraction poses a direct risk to public health, diminishes quality of life for neighboring residents, and may harm aquatic and terrestrial ecosystems. These provisions are adopted consistent with Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4) and are grounded in current industry best practices for fugitive dust management.

### **Section \_\_.02 — Applicability (Tier 3)**

These provisions apply to all earth extraction operations generating more than 10,000 cubic yards, including rock quarrying, ledge blasting, aggregate crushing, screening, material handling, and related activities requiring a permit under this bylaw.

### **Section \_\_.03 — Fugitive Dust Control Plan (FDCP) — Required Prior to Approval (Tier 3)**

A. No earth extraction permit shall be issued until a Fugitive Dust Control Plan (FDCP) has been reviewed and approved by the Development Review Board (DRB). The DRB may retain a qualified environmental consultant at the applicant's expense to review the Plan.

B. The FDCP shall include all of the following:

- A scaled site plan identifying all dust-generating areas, haul roads, stockpile locations, buffers, and sensitive receptors within 1,500 feet;

- A complete inventory of dust-generating activities and equipment with manufacturer specifications;
- A detailed description of suppression methods, water sources, application rates, and equipment at each dust generation point;
- A weather monitoring protocol specifying operational limits for wind speed, temperature, and drought conditions;
- A complaint response and public notification procedure;
- A monitoring and recordkeeping schedule; and
- Emergency shutdown procedures for uncontrolled dust events.

C. The FDCP shall be updated annually and resubmitted to the Zoning Administrator. Material changes to extraction areas or equipment shall require an amended FDCP prior to implementation.

D. The approved FDCP shall be posted on-site in a weatherproof enclosure at the main site access point.

### **Section \_\_.04 — Zero Visible Dust Standard (Tier 3)**

A. No visible dust from any earth extraction operation shall be permitted to become airborne beyond the active work area. For purposes of this section, the active work area is defined as within 50 feet of the equipment or activity generating the dust.

B. Dust suppression measures shall be continuously active during all dust-generating operations. Operations shall be suspended immediately if suppression systems are inoperative.

C. If visible dust is observed reaching the site boundary or public road by any town official or verified complaint, the operator shall immediately suspend the dust-generating operation and shall not resume until corrective measures have been implemented and verified.

*Reference: VAPCR 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4); EPA Fugitive Dust Control Best Practices (2022).*

### **Section \_\_.05 — Required Dust Suppression Measures (Tier 3)**

All of the following measures are required. Operators may not substitute or omit measures without prior written approval from the Zoning Administrator.

#### **A. Extraction Face, Drilling, and Blasting**

- Water injection through drill bits shall be used continuously during all drilling operations;
- Automated water misting or atomized mist cannon systems shall be deployed at the active extraction face during all mechanical excavation;
- Pre-blast misting shall be activated for a minimum of 10 minutes before detonation; post-blast misting shall continue for a minimum of 15 minutes following detonation.

#### **B. Crushing, Screening, and Processing Equipment**

- All crushers, screening equipment, and conveyor transfer points shall be equipped with integrated water spray or atomized misting systems operated continuously during processing;
- Equipment enclosures with dust-tight seals shall be installed on all screening equipment;
- Operators shall consider local exhaust ventilation (LEV) systems at primary crushing stations where feasible.

#### **C. Haul Roads and Vehicle Traffic**

- All internal haul roads shall be paved, treated with calcium chloride, or treated with a polymer-based dust suppressant certified by the U.S. EPA;
- A maximum vehicle speed of 10 miles per hour shall be posted and enforced on all unpaved internal roads;

- A wheel wash station shall be installed and maintained at each public road access point. All vehicles shall pass through the wheel wash before exiting the site;
- Public road access points shall be swept or washed at the end of each operating day.

#### **D. Stockpile Management**

- All material stockpiles shall be covered with tarps or treated with an EPA-certified dust-binding or crusting agent within 24 hours of formation;
- Stockpiles shall be set back a minimum of 150 feet from all property lines;
- Active stockpile loading and unloading shall be conducted with misting systems in operation.

#### **E. Weather and Wind Conditions**

- Operations shall be suspended when sustained wind speeds exceed 15 miles per hour at the site, unless automated misting systems can demonstrably prevent off-site dust migration;
- A wind monitoring instrument shall be maintained at the site and readings logged during all operational hours.

### **Section \_\_.06 — Blasting Operations (Tier 3)**

A. The operator shall provide written notification to all abutting landowners and the Zoning Administrator at least seventy-two (72) hours prior to any blasting operation.

B. Blasting is permitted only between 9:00 a.m. and 3:00 p.m. on weekdays, excluding state and federal holidays. No blasting shall occur when wind speed exceeds 15 mph or during temperature inversions that may concentrate dust at ground level.

C. Pre-blast water misting shall be activated a minimum of 10 minutes before detonation. Post-blast suppression shall be maintained for a minimum of 15 minutes following each detonation.

D. Blast design shall be documented by a licensed blaster and retained in the site file for inspection.

### **Section \_\_.07 — Buffers and Windbreaks (Tier 3)**

A. A vegetated buffer, earthen berm, or retained natural vegetation of not less than 50 feet in depth shall be maintained along all property lines.

B. Where the extraction site abuts a residential use, school, childcare facility, or public water supply watershed, the buffer depth shall be increased to not less than 100 feet.

C. Vegetated buffers shall consist of native tree and shrub species of sufficient density to function as a wind barrier. Buffer plantings shall be replaced within one (1) growing season if they die or are removed.

### **Section \_\_.08 — Monitoring, Recordkeeping, and Reporting (Tier 3)**

A. The operator shall conduct a monthly visual inspection of all dust control measures. Inspection results shall be recorded on a standardized form approved by the Zoning Administrator, documenting conditions, suppression system status, and any corrective actions.

B. A dust complaint log shall be maintained and shall include the date and time of complaint, nature of complaint, weather conditions at time of complaint, and the operator's response and corrective actions.

C. The operator shall submit an Annual Dust Control Report to the Zoning Administrator by March 1 of each year summarizing: operations conducted in the prior year, dust suppression measures used, complaints received and resolved, and any changes proposed to the FDCP.

D. All records shall be retained for a minimum of seven (7) years and shall be open to public inspection upon request.

### **Section \_\_.09 — Financial Assurance (Tier 3)**

As a condition of permit issuance, the operator shall provide a performance bond, escrow account, or irrevocable letter of credit in an amount determined by the DRB to be sufficient to cover the cost of remediating off-site dust impacts and restoring any affected buffers or vegetated areas.

### **Section \_\_.10 — Enforcement and Penalties (Tier 3)**

A. Upon a first verified violation, the Zoning Administrator shall issue a written notice of violation and order immediate corrective action. Operations shall be suspended until compliance is demonstrated.

B. A second violation within any twelve (12) month period shall result in:

- Mandatory suspension of operations for a minimum of five (5) business days;
- A civil penalty as set forth in this bylaw; and
- Automatic referral to the DRB for a permit compliance hearing.

C. A third or subsequent violation shall be grounds for permit revocation and forfeiture of any performance bond.

D. The town may engage an independent air quality monitor at the operator's expense following a second or subsequent violation to assess ongoing compliance.

## Regulatory References and Resources

The following Vermont and federal standards are directly relevant to municipal dust control regulations for earth extraction and should be referenced in any adopted bylaw.

Reference	Description
VAPCR 5-211	Vermont Air Pollution Control Regulation — Prohibition of Visible Air Contaminants. Core standard for municipal visible dust rules.
VAPCR 5-231(4)	Vermont Air Pollution Control Regulation — Requires all reasonable precautions to prevent particulate matter from becoming airborne at quarries and gravel pits.
Vermont DEC Air Quality	Vermont Department of Environmental Conservation, Air Quality & Climate Division — Oversight of quarry and crushing plant air permits. <a href="http://dec.vermont.gov">dec.vermont.gov</a>
RSA 12-E (NH)	New Hampshire model for state quarry permitting — useful comparative reference for New England municipalities.
EPA Fugitive Dust Control Best Practices (2022)	U.S. EPA guidance document on fugitive dust control plan elements, hierarchy of control methods, and monitoring. <a href="http://epa.gov">epa.gov</a>
40 CFR Part 60 Subpart OOO	Federal air regulation for nonmetallic mineral processing operations — sets capacity thresholds for crushing plant air permits.
MSHA (30 CFR Part 56)	Mine Safety and Health Administration standards for surface metal and nonmetal mines — worker dust exposure limits.
Vermont Planning Act (24 V.S.A. §4414)	Grants municipalities authority to regulate uses of land and structures, including performance standards for industrial operations such as earth extraction.

## Definitions

The following definitions apply to all regulatory options and should be incorporated into the bylaw’s definitions section:

<b>Earth Extraction Operation:</b>	Any activity involving the removal, excavation, quarrying, blasting, crushing, screening, or stockpiling of rock, ledge, soil, gravel, or other earth material.
<b>Fugitive Dust:</b>	Particulate matter that becomes airborne from earth extraction operations and is not emitted through a stack or duct. Includes dust from drilling, blasting, crushing, vehicle traffic, stockpiles, and wind erosion.
<b>Active Work Area:</b>	The immediate area within which extraction equipment is operating at any given time, typically defined as within 50 feet of the operating equipment.
<b>Sensitive Receptor:</b>	A residence, school, childcare facility, hospital, public water supply intake, or other location where dust exposure poses an elevated risk to human health or the environment.
<b>Dust Control Plan / FDCP:</b>	A written plan describing all dust-generating activities and the measures to be taken to prevent, reduce, and monitor airborne dust emissions from the site.
<b>Visible Dust:</b>	Any emission of particulate matter that is detectable to the unaided human eye under normal daylight conditions.

**Off-Site Sale or Use  
(Option E):**

The transfer, sale, conveyance, or delivery of extracted earth material to any party other than the landowner of the extraction site, or the use of extracted material at a location other than the extraction site.

**Residential Extraction  
Project (Option E):**

An earth extraction operation conducted in connection with residential site preparation where extracted material is not sold or conveyed off-site.

**Commercial Extraction  
Operation (Option E):**

Any earth extraction activity conducted for commercial purposes, including quarrying or aggregate production, or extraction of material primarily for sale, exchange, or off-site use.



#	Stakeholder
1	The Public
2	Conservation Groups
3	The Town
4	Housing Developers
5	Business Community / Industry

Morristown Planning & Zoning Department • Generated April 10, 2026

Permits Issued <b>21</b>	Units Built <b>13</b>
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Permit #	Type	Units
2026-01	Major Subdivision (5-Lot PUD)	—
2026-02	Zoning Permit Amendment	—
2026-03	Change in Use – Professional Office	—
2026-04	Tiny House – Home Office	—
2026-05	Home Addition	—
2026-06	New Single Family Home	1
2026-07	Conditional Use – New Restaurant	—
2026-08	Site Plan Modification	—
2026-09	New Porch	—
2026-10	Site Plan Review	—
2026-11	Sketch Plan – Subdivision / Gravel Pit / Water Bottling	—
2026-12	Boundary Line Adjustment	—
2026-13	Boundary Line Adjustment	—
2026-14	New Single Family Home	1
2026-15	New Single Family Home	1
2026-16	Boundary Line Adjustment	—
2026-17	New 9-Unit Residential Building	9
2026-18	New Storage Unit Buildings	—
2026-19	Conditional Use – New Gym	—
2026-20	Boundary Line Adjustment	—
2026-21	New Single Family Home	1
<b>Total</b>		<b>13</b>

Morristown Planning & Zoning Department • Generated April 09, 2026 • Source: 2026 Zoning Permit Tracker