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TO: Town of Rutland
FROM: Dan Everson, Assistant Zoning Adm.
DATE: June 12, 2025
RE: CUP 2582 Mineral extraction – follow up on complaint

To whom it may concern,

On June 9, 2025, I met with Kevin Hahn to go over a complaint that was emailed to our department on Sunday, June 8, 2025 from a town of Rutland citizen.

The complaint is in regards to the operations outside of the approved hours, open gate, dust and debris in the town road, landscaping concerns on the Center Road berm and operations being conducted while a funeral was in procession at the Graves Cemetery on May 23, 2025.

Cemetery concerns

Condition #38 states: Upon 24-hour notice to conditional use permit operator, operations must cease during interment at the Graves Cemetery.

According to Kevin Hahn, the cemetery or whoever was overseeing the funeral did not contact him or provide any notice. Our office did not receive a complaint from anyone that was a part of the funeral proceedings. The operator has no issue with ceasing operations as long as notification is communicated to him ahead of time. I believe communication can be improved between the cemetery association and the operator, if warranted.

Center Road berm concerns

Condition #31 states: Berms and landscaping shall be established and maintained. A permanent 8-foot minimum berm shall be located along Center Road. The berm shall be planted with an EVERGREEN Tree (min 4' B&B) every 50 feet.

I have been monitoring the landscape and evergreen plantings of the Center Road berm for two years now. Prior to the recent complaint, I have directed the operator to either replace any dead or unhealthy evergreen trees and have encouraged additional plantings of evergreen trees. I will be following up on this issue in 2 weeks. As for the concern for noxious weeds, I would recommend the town to get involved. Some townships may regulate noxious weeds in their ordinances.

Operations outside of approved timeframes

Condition #21 states: Hours of operation shall be 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday. Hours for warm-up are 6:30 a.m. to 7:00 a.m. Monday through Friday, and 7:30 a.m. to 8:00 a.m. on Saturdays. Only maintenance of equipment (no blasting, crushing, trucking, stockpiling, etc.) is allowed on Sundays. There shall be no operations of any kind on holidays.

Holidays are to include: New Year's Eve, New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas.

According to Kevin there was maintenance of two different pieces of equipment on that particular day and time. Maintenance is mentioned specifically in condition #21 and county staff feels that this is defined to Sunday's only. I will communicate to the operator that maintenance is only allowed during the approved operational hours and/or on Sundays.

Debris/dust on town roads concerns

Condition #17 states: The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.

It is the responsibility of the operator to remove debris and keep the roads in good condition throughout the day. The times that I have been on site or conducted an inspection this year, I have never noticed the driveway or town road to be in disorder.

Open gate concerns

Condition #18 states: The access to the driveway shall have gates securely locked when the extraction site is not in operation. The site shall be signed "no trespassing."

I can't tell whether or not the gate is open from the submitted photo, but the CUP clearly states that it is to be securely locked when the site is not in operation. It is understood the owner's may be onsite after operational hours, but I have communicated that there are to be no operations and the gate is to be closed and locked.

Respectfully,

Dan Everson
Assistant Zoning Administrator
267-1541

CC:
Jodi Igl
K&D Stone
Roger Lane – Zoning Administrator