

December 5, 2022

Development Review Board
Hinesburg Town Hall
10632 VT Route 116
Hinesburg, VT 05461

To the Development Review Board:

This letter responds to the application from Allen and Andrea Lavalette regarding Conditional Use for a Commercial Cordwood Operation (06-01-44.000), scheduled for your December 20 meeting.

We would like to begin by acknowledging what any community might like to see happen when an application review of this kind is reviewed: a reasonable compromise and good faith in the letter of agreements like this proposal. Unfortunately, in our experiences regarding details relevant to this application, compromises to date have been made only by the Lavalettes' neighbors. The following letter will describe reasons why we object to the proposed cordwood operation.

Due to patterns that the Lavalettes already created around road care maintenance and other unavoidably shared issues, we are concerned that approval of this application will exacerbate existing problems. The Board will probably be aware that the Lavalettes previously ran an illegal version of this same business, which illustrates some of problems likely to return. Even if they shifted patterns to work within the legal limitations described in the application, the operation would fundamentally alter living conditions for others in this neighborhood.

Conditional Use Criteria: Road Usage

One of the most obvious existing problems is that the Lavalettes refuse to pay their share of road maintenance costs, despite an obligation in their deed that requires that collaboration with Beaver Pond Road neighbors.

This is the same road upon which they would rely for their proposed business. The initial understanding when they moved in was that they would contribute their fair share to maintenance costs, but this appearance of agreement lasted only a brief time before they changed their minds.

In the previous, illegal version of their business, the trucks and machinery took a toll on the road. Please take into account that work vehicles using this road include not only the logging delivery trucks (that is, vehicles owned by others that appear with less frequency) but the Lavalettes' own vehicles, which together create wear and tear on the road as well as everyday noise as they are running operations.

This proposed business application would extend the same arrangement, whereby the neighbors absorb the costs of their activity. That activity would apparently move farther uphill. While we don't want it back underneath our house, it would then involve using more of the shared road.

Members of our road association –especially elected leaders responsible for communications with all households -- have reported incidents of hostility from the Lavalettes regarding routine payment requests, a factor that the Board should consider above and beyond the issue of nonpayment. Road maintenance and plowing are organized by uncompensated volunteers, and they should not be faced with hostility for donating their work to our entire residential road group. Even if the Lavalettes were to come through with a payment right now to clear their existing debt, precedent strongly suggests that they will refuse to make future payments. It remains likely that it will be unpleasant and stressful for neighbors who volunteer to serve on the private road committee.

Conditional Use Criteria: #6, Appropriate Use or Development / #7, Public Welfare

We find the claim that this business “will not adversely affect existing or future residential” uses on adjacent properties to be untrue.

Thanks to the illegal version of the business, those of us immediately adjacent to the property experienced an array of adverse effects and have a good sense of the future possibilities. Even people who live down Texas Hill Road have asked us in past years how we tolerated that situation, saying that the noise bothered them in more distant places too.

Here are examples of adverse effects from that cordwood business. In its new location uphill, it is close to several houses. Some neighbors have said their experiences already resembled ours:

- Our ability to work within our home was adversely impacted, even with all windows and doors closed.
- We do not have air conditioning. Opening windows meant experiencing industrial noise indoors, at the Lavalettes' discretion.
- Our children wanted to play outside in the afternoon or evening. We could not hear the children shout, or otherwise communicate with them over the industrial noise from the Lavalettes, unless we went outside right to where the children were and waited for a pause in the machine sounds. Even though our children often gave up on playing outdoors due to the noise and went back inside the house, we all ended up spending many unpleasant hours immersed in noise as we tried to use our own outdoor space for ordinary family activity.
- In order to work in our food garden, we had no choice but to endure the same excessive noise level.

- They began to drive over the bottom of our driveway and a strip of our land next to Beaver Pond Road, treating this area as their own extra space for their trucks and visitor vehicles. We document a related issue with photographs below.
- The application states that gas-powered chainsaws are “not normally used in cordwood processing operations” – but if you read carefully, you will notice that the application does not, in fact, say that the *Lavalettes* won’t use chainsaws. We observed that they often used chainsaws, which they operated at the base of our driveway (see photograph 1 below to gauge that distance). In fact, with multiple people working there, they sometimes ran more than one chainsaw at the same time, which we could not help but notice due to the noise. The proposal does nothing to bar that activity.
- Additional significant noise came from the various machines they acquired over time (thumping, banging, etc.), as well as the expanded use of work trucks on Beaver Pond Road. Visiting trucks as well as the *Lavalettes*’ own vehicles make penetrating beeping sounds when backing up.

Additional Observations on the Application

- Previously they ran this business at their own convenience. We remarked on how the noise happened at any time from dawn to dusk, and they never consulted with neighbors about scheduling or let us know their own plans. We didn’t know what to expect or why. We are not confident that they will feel obligated to limit hours in the future. Their initial agreement to work with neighbors on road maintenance, after which they changed their minds and have never followed through, does not suggest that they will recognize their own responsibilities on other issues either, once an agreement is made. Even within only the proposed hours, it would be far too much noise.
- The application explicitly proposes a one-person operation. We witnessed not only three of the *Lavalettes* routinely working on this business in the past, but numerous instances of additional men and women with whom we aren’t acquainted working alongside them. Again, we are not confident that they will observe the proposed limitations if their application is approved.

Conclusion

The *Lavalettes* went on to move their operation to a different part of their land. It is a less immediate burden for our household than when it was located at the base of our driveway, but we can still hear the machines loudly when they work. We still hear the same penetrating beeping sounds from work vehicles, including their own, since the trucks operate up and down Beaver Pond Road from the work site to Texas Hill Road. The new location does not eliminate the problems and is not suitable for a business that will run day in, day out, near other families.

They reduced the noise when this application would have been underway – and only after the Town significantly pressured them to stop the illegal business. We have no indication that the

temporary shift signals any change in how they will make future decisions impacting public welfare.

In early December 2022 as we write this letter, the Lavalettes continue to drive over the bottom of our driveway. Below we include sample photographs from December 4 (see the bottom of this letter). The visible damage from this date resembles something we've seen many times in the same place, which already led us to put up a post to stop the trucks from going higher up our driveway. On a prior occasion, one of us was outside working (where they would not have been easily visible to a driver below) and actually witnessed someone peeling out in this same area, in one of the Lavalette vehicles. Peeling out digs up the ground, and it can leave ruts and bumps that we have to cross. This is intentional, unnecessary damage that goes beyond routine use. It is interpretable as harassment. Because the Lavalettes have otherwise been uncommunicative from the onset of the pandemic to the present, but the pattern of pushing and crossing boundaries continues, this is another example that discourages us from believing that their entire household can be trusted to show good-faith consideration to others or comply with regulations.

We ask the committee to consider whether anyone would want such an application to be approved for a household in their own neighborhood with a similarly established pattern of bad judgment about how to treat the residents all around them.

It would be terrific to have a more neutral neighborhood situation, where neighbors who do have to collaborate on specific issues simply work through disagreements and conflicting priorities. In fact, after the Lavalettes moved in, we put in a lot of effort to work out a compromise about snowplowing, one that would recognize what the Lavalettes wanted. The late owners, Frank and Sandy Lavalette, had been good neighbors to us when we moved in, and we were open with everyone about wanting to adapt the plowing agreement to respect the wishes of the next generation of the Lavalette family.

The road association voted to compromise and respect the Lavalettes' plowing wishes for that cycle, as we asked. Unfortunately, the Lavalettes did not reciprocate with similar consideration for others afterwards. Instead they went back on their word that they would pay their share of road maintenance, the other kind of roadwork that must be organized by the association.

We want to clarify that we have not had any direct/personal confrontations with the Lavalettes to date. We don't particularly want to write this letter, either. However, we have not seen evidence that they would change their approach to better work with neighbors on basic responsibilities pertinent to the cordwood business.

Sincerely,

Brian Collier and Kristin Dykstra
53 Beaver Pond Rd.

[See photographs below]

Photographs

1: View from our house, showing the bottom of our driveway (where they ran the former illegal wood operation; vehicles would continue to run through this area for the proposed business). A Lavalette truck is parked in the lot they created on the opposite side of Beaver Pond Road.



2: View showing tire marks dug into Beaver Pond Road and the bottom of our driveway, as well as tracks in the parking area the Lavalettes created for their own vehicles and their visitors. At the left margin is a post that we added to our land this year, in order to discourage their previous pattern of driving vehicles higher up our driveway.



3: Additional view showing the peel-out tracks of Dec. 4, 2022, in our driveway and Beaver Pond Road.



4: View from the opposite direction, showing how these tracks cut into both Beaver Pond Road and our driveway, right under the post we installed.

