

1 **TOWN OF CHESTER**
2 **DEVELOPMENT REVIEW BOARD**
3 **DRAFT MINUTES**

4 *September 11, 2023*

5 **BOARD MEMBERS PRESENT:** Robert Greenfield, Harry Goodell, Phil Perlah, Scott
6 MacDonald and Gary Coger all at the Town Hall.

7 **STAFF PRESENT:** Zoning Administrator Preston Bristow and Cathy Hasbrouck, Recording
8 Secretary, at the Town Hall. Susan Bailey remotely monitoring the Zoom session.

9 **CITIZENS PRESENT:** James Dumont, counsel for Leslie Thorsen, Leslie Thorsen, Scott
10 Kilgus, Steve Ankuda, counsel for several citizens whose property abuts the quarries, Jenny
11 Ronis, Michaela Stickney, Rene Melanson, Priscilla Melanson, John Nowak, Arne Jonynas,
12 Arianna Knapp, Julie Hance, A. Lee Gustafson, Michael Kenworthy, Mike LeClair, Cheryl
13 LeClair, Robert MacAllister, Karen MacAllister, Wendy Schneider, Rick Alexander, Larry
14 Semones, Peter Hudkins, Steve Greene, Barry Goodrich, Greg Goodrich, William Lindsay, Chris
15 Marks. These citizens signed the attendance sheet. Also in attendance were Mark Hall, counsel
16 for the applicant, Jeremy Matosky, Colen Johnson, Andrew Julian, Jason Julian, Shawn
17 Cunningham, Maureen Stevens, Gary Neff, Mike Huffman, Evan Parks and Cynthia Prairie.

18 **Call to Order**

Note: The times cited in these minutes was taken from time stamp on the Zoom recording made by the Recording Secretary on 9/11/23. The time is expressed in hours, minutes and seconds separated by colons. SAPA TV also recorded the hearing and has posted their recording on their website: <https://sapatv.cablecast.tv/CablecastPublicSite/show/35667?site=2>. There are three gaps in the Zoom recording where some portion is missing, or the sound disappeared. The SAPA TV recording does not have those gaps and was used, with notes taken by the Recording Secretary, to document what was said

19 2:31

20 Chair Bob Greenfield called the meeting to order at 6:00 PM. He led the group in the Pledge of
21 Allegiance. He introduced the members of the Development Review Board, and staff.

22 **Citizen's comments**

23 There were no citizen comments.

24 **Conditional Use Hearing #594 for Julian Materials 3643 Vermont Route 103 North and 137**
25 **Chandler Road**

26 7:00

27 The citizens who wanted to be sworn in to give testimony or who gave affidavits, spoke their
28 names as the microphone was passed through the assembly. Scott Kilgus, Leslie Thorsen,
29 Priscilla Melanson, Rene Melanson, John Novak, Michael Kenworthy, Mike LeClair, Cheryl
30 LeClair, Bob MacAllister, Karen MacAllister, Steve Greene, Barry Goodrich and Rick
31 Alexander, who all gave affidavits, were sworn in. Chris Marks, Jeremy Matosky and Colen
32 Johnson were also sworn in.

33 11:15

34 Bob Greenfield began accepting exhibits. Exhibit A was an application for a hearing before the
35 Development Review Board, DRB case number 594, dated 5/31/2023. Harry Goodell moved to

1 accept the application as Exhibit A. Phil Perlah seconded the motion. A vote was taken and the
2 motion passed unanimously.

3 Steve Ankuda noted there was an agreement among the lawyers to have no objections on the
4 exhibits. The exhibits could be accepted with one blanket motion, which would save a lot of
5 time. Mark Hall felt it was important to name each exhibit and then pass the blanket motion to
6 accept them. Steve Ankuda agreed. Mark Hall asked if that was acceptable to the DRB. Bob
7 Greenfield consulted the members and they agreed to the proposal.

8 Bob Greenfield named each exhibit as follows:

9 Exhibit B is a Warning from the Town of Chester dated August 4, 2023

10 Exhibit C List of 100-foot abutters dated August 5, 2023.

11 Exhibit D Letter from TCE Engineers to Preston Bristow dated May 31, 2023 regarding the
12 hearing.

13 Exhibit E Letter dated June 30, 2023 with more information about the hearing.

14 Exhibit F, G and H, 3 photographs from TCE VT of the proposed building to be built in the
15 South Quarry

16 Exhibit I from Fitzgerald Environmental Associates, an overview of the Floodplain for the
17 hearing, dated May 18, 2023.

18 Exhibit J from RGS Systems, a noise assessment regarding the Julian Quarries.

19 Exhibits K – DD were site plans and other maps and diagrams for Allstone Vermont bound in a
20 booklet dated July 6, 2023. Note: Allstone is a former name of the company owned by Andrew and Jason
21 Julian, which currently operates the North, South and Chandler Road quarries.

22 Exhibit EE – A map from TCE Engineers regarding Chandler Road quarry dated March 9, 2023

23 Exhibit FF – Technical memorandum from Roger Dickinson, PE regarding Traffic Impact
24 Assessment, dated July 6, 2023

25 DRB member Scott MacDonald pointed out that there were Exhibits from Interested Persons
26 numbered 001 to 008 to accept. Mark Hall agreed they would be accepted.

27 18:02

28 Mark Hall asked to have the power point file Chester DRB Hearing Presentation, September 11,
29 2023, accepted as Exhibit GG. Jim Carroll asked for details on the submission of the document.
30 Zoning Administrator Preston Bristow confirmed that he had received a copy of the file
31 electronically that afternoon.

32 Jim Carroll asked to have the date and the author of Exhibits 001 to 008 read into the record.
33

34 19:36

35 Steve Ankuda agreed and said he had a number of revised and expanded affidavits to present at
36 the hearing as well. Preston Bristow said he had received additional affidavits from Steve
37 Ankuda that afternoon but had not made a list of them. He assumed they would be presented at
38 the hearing.

1 Steve Ankuda said he had given the originals to the board that evening. He said, in contrast to
2 the letters submitted as Exhibits 001 – 007, the affidavits expanded on the issues that were
3 important to the hearing and left off issues that were not germane to it.

4

5 20:10

6 Jim Carroll suggested that Exhibits 001 through 008 be named with the author and date into the
7 record. Bob Greenfield listed these exhibits as follows:

8 Exhibit 001- Michael Huffmyer Letter dated 6/24/23

9 Exhibit 002- Barry Goodrich Letter dated 6/27/23

10 Exhibit 003- Leslie Thorsen Letter dated 7/2/23

11 Exhibit 004- Scott Kilgus Letter dated 7/2/23

12 Exhibit 005- Michael LeClair Letter dated 7/7/23

13 Exhibit 006- Roberta Alexander Letter dated 7/4/23

14 Exhibit 7- Karen & Bob MacAllister Letter dated 7/7/23

15 Exhibit 8 - Affidavit of Leslie Thorsen dated 7/14/23

16 22:35

17 Jim Carroll handed the additional batch of affidavits to Bob Greenfield to be entered.

18 Jim Carroll verified that it had been stipulated by the attorneys that all the documents listed
19 would be accepted into the record including those just submitted by Steve Ankuda.

20 Jim Dumont said exhibits 001 through 007 were letters, but were being treated as affidavits.
21 Exhibit 8 was an affidavit. He agreed that he and his clients had agreed to the submission of all
22 exhibits, including affidavits and letters. Mark Hall agreed to accept all the exhibits as well.

23 23:40

24 Steve Ankuda said that Exhibit 2, a letter from Barry Goodrich was replaced by an affidavit,
25 Exhibit 11, a letter from Mike LeClair, Exhibit 5 was replaced by an affidavit, Exhibit 10, and
26 Exhibit 7, a letter from Robert MacAlister was replaced by an affidavit, Exhibit 9.

27 24:02 Bob Greenfield read the second batch of affidavits into the record as follows:

28 Exhibit 9 - Affidavit of Robert and Karen MacAllister. Bob could not find a date on the
29 document so he chose the date of the hearing, September 11, 2023

30 Exhibit 10 - Affidavit of Michael & Cheryl LeClair dated September 11, 2023.

31 Exhibit 11 - Affidavit of Barry Goodrich dated September 11, 2023

32 Exhibit 12 - Affidavit of Michael W. Kenworthy dated September 11, 2023

33 Exhibit 13 - Affidavit of John V. Nowak dated September 11, 2023

34 Exhibit 14 - Affidavit of Renee & Priscilla Melanson dated September 8, 2023.

35 Exhibit 15 - Affidavit of Stephen Greene

36 It was noted that Exhibit 16 was not included in the sequence (Note: Exhibit 16 was missing due
37 to an oversight on the part of the Recording Secretary).

1 Exhibit 17 was a petition signed by more than 10 persons, undated and taken into the record on
2 September 11, 2023.

3 27:14

4 Harry Goodell moved to accept all the exhibits as named. Phil Perlah seconded the motion. A
5 vote was taken and the motion passed unanimously.

6

7 27:33

8 Steve Ankuda asked if the attorneys and the parties they represent have been identified. Jim
9 Carroll said Mark Hall's notice of appearance had been sent in on that day. Jim Dumont's notice
10 of appearance had been sent in earlier. Steve Ankuda said he represented all the people on
11 Exhibits 9 and on, submitted that day. Mark Hall asked if anyone had put in an exhibit who was
12 not represented by an attorney.

13 One gentleman spoke but his words were inaudible on the tape. He said he had a message from
14 someone using the Zoom connection stating the meeting was frozen on Zoom. None at the town
15 hall could confirm the problem. The figures on the Zoom screen at town hall were moving. All
16 the Zoom participants were polled and confirmed they could hear the meeting.

17 Mark Hall asked if all the interested parties have been identified. Jim Carroll said all the parties
18 that filed something have been identified, but the board has made no determinations of interested
19 party status. He said it appeared that all the parties who have filed documents are represented by
20 an attorney.

21

22 30:54

23 Jeremy Matosky of Trudell Consulting Engineers explained the proposed plan for the quarries
24 from TCE using Exhibit GG, a power point presentation. Jim Dumont asked that Jeremy
25 Matosky be available for questions after the participants in the hearing have had a change to read
26 the document, which was 50 pages long and had been presented only a few hours before the
27 hearing began. Jeremy Matosky said he would be available for questions.

28 Jeremy Matosky began by showing the introduction page of the power point and listing the
29 products quarried by Julian Materials in Chester. He noted the Act 250 permits listed on the
30 Operating Parameters page of the power point. The page included conditions which are part of
31 the Act 250 permits but were not part of the local permits, such as hours of operations. He
32 described the 300-acre site on Route 103, which has 2 quarries and a retail store, and the third
33 quarry of 8.7 acres on Chandler Road. He pointed out pages in the power point which were
34 taken from the Town of Chester findings and conclusions of conditional use hearing 395 and site
35 plan review 328 from 2003. He said the town approvals issued in 2003 did not include limits on
36 the hours of operation or the amount of material to be extracted. It did limit truck trips to 40 trips
37 a day from the North and South quarries.

38

39 37:35

40 He said the company was applying for a new conditional use permit at the request of the town.
41 The application for the new permit proposes to relocate and consolidate the stone processing
42 operations to the South quarry. The Chandler quarry will continue to be mined. The stone
43 would be transported to the South quarry for processing in a new building to be built in the South
44 quarry. Jeremy showed a map of the 300-acre South quarry and the stone store.

1
2 39:36
3 The new building to be built in the South quarry will be a standard metal building of 20,000
4 square feet. The site elevation will be lowered about 30 feet, which will take 12 – 18 months to
5 complete. The doors of the building will face toward the mountain to reduce the noise from
6 processing stone. It is hoped that lowering the building 30 feet from the current surface
7 elevation will also reduce the noise.

8 Jeremy moved on to describe the Chandler Road quarry which is a non-conforming use in the
9 Residential 3-acre zone. He said it appears to him that the quarry existed prior to zoning. He said
10 stone is blasted out of the quarry hole, processed using a tool called a guillotine and brought into
11 the buildings on the parcel for more shaping. It is stacked on 4' x 4' pallets in the buildings. The
12 stone in each quarry is a different color and the colors are mixed on the pallet.

13
14 42:35
15 Jeremy said the intent of the process is to reduce activity at the Chandler Road location and
16 move the operations withing the next 18 months. Noise would be reduced with mitigation.
17 Jeremy said he was not a noise expert and there would be a noise expert at the next hearing.
18 The truck traffic would be reduced by moving stone cutting and shaping operations to the South
19 quarry. Trucks would then no longer need to bring stone from the South quarry to Chandler Road
20 and then back to the store. A traffic study was included in the exhibits.

21
22 44:05
23 Jeremy Matosky said Allstone had been working for some time to address storm water
24 management. He said some new stormwater measures have been installed at the Chandler Road
25 facility to better treat the stormwater and comply with various regulations. He said a wetland
26 delineation study was done. As a result of the study, they realized some material storage was too
27 close to the wetland buffer. They marked boundaries for the wetlands and had the state inspect
28 the area to confirm the demarcation was acceptable.

29
30 45:20
31 Exhibit W showed the Chandler Road site plan with an inset showing detail of the stormwater
32 plan. He said the quarry has been lowered so it acts as a settling pond. While water is being held
33 in the quarry hole sediment settlement will take place. If more material is needed from the
34 quarry the water would be sent through sediment bags to filter the water into a swale where it
35 would be filtered further until it is drained into the brook. The heavy black dashed line on the
36 stormwater map is a containment berm that has not been built yet. There is currently a safety
37 berm in place to keep people and vehicles out of the brook. TCE has recommended a
38 containment system to keep water from sheeting off the site directly into the brook. A permit for
39 the work has been applied for from the state.

40 Jeremy pointed out pictures of a sediment bag, the pump that fills the bag and a rock lined swale.
41 He said that after being treated by the bag and swale the sediment readings in the discharge water
42 are within the state required compliance ranges. The state permit will require visual inspections
43 and monthly observations once it has been issued. The permit also allows refinements to the

1 plan. Equipment has been removed from the grassy wetland area and boulders have been placed
2 to delineate the wetland and prevent storage of equipment or material there.

3
4 48:35

5 Jeremy then addressed the North quarry, which he understood was also a pre-Act 250 and pre-
6 zoning development. An Act 250 permit was issued in the late 1980's. The permit was amended
7 in 2003. He said the parcel was determined to be 300 acres after a boundary line survey, not the
8 343 acres shown on the tax map. (Note: The survey has not yet been recorded in the Chester
9 Land Records.) The quarry parcel is in the Conservation – Residential zoning district. Quarrying
10 in that district is a conditional use. Jeremy said the quarry opening is about an acre. The stone
11 quarried there is trucked to the Chandler Road facility for processing, if it is not palletized at the
12 quarrying site. It is proposed to convert this site to a contractor's yard, which is also a
13 conditional use in the zoning district. Finished materials and equipment could be stored there. If
14 the grade of the site is lowered considerably, tractor trailers could access it from Route 103.
15 Sight lines at the proposed access point on Route 103 are good.

16
17 51:16

18 Given that the permit from the Town of Chester can be obtained, a permit from the Agency of
19 Transportation for this new highway access will be applied for. Initial discussions about the
20 access permit with the Agency of Transportation have been favorable. The access permit work
21 could be coordinated with work on the Route 103 bridge which is planned for the future. The
22 new access point would provide a better turning radius for trucks entering Route 103 and could
23 be used for logging about 100 acres of forest on the property which is north of the brook
24 bisecting the property. The existing southern access point cannot be reached without crossing
25 the brook. The North Quarry opening, about 1 acre is size, would be reclaimed to create the
26 contractor's yard. A contractor's yard would produce less noise than a quarrying operation. The
27 proposed work to create the contractor's yard would require 12 – 18 months to complete. New
28 stormwater treatment would be added.

29
30 54:32

31 Jeremy Matosky then outlined plans for the South quarry. The South quarry is the only site with
32 an existing local permit. The land is in the Conservation Residential zoning district. The quarry
33 is listed as 13 acres on the Act 250 permit. It has not been developed as planned on the permit.
34 The permit allows 60,000 cubic yards to be extracted annually. Jeremy said the current level of
35 extraction is minimal. Very little of the 13 acres permitted has been opened for quarrying. He
36 said they are proposing to use some of that permitted quarrying area to construct a 20,000 square
37 foot building to process the stone in. The building would attenuate the noise from the stone
38 processing. The building would be set into a 30-foot-deep hole, making it invisible from Route
39 103 and further reducing the noise level. Three-phase power is available at the site, reducing the
40 need for generators to run the shaping machines.

41
42 56:48

43 New septic and water supplies would be constructed on the other side of the Williams River. The
44 construction process will take 12 – 18 months to complete. The horizontal area of the quarry
45 would not be expanded, but the floor of the quarry would be lowered to accommodate the

1 planned stone processing building. Jeremy Matosky displayed a timeline that showed permit
2 approvals being obtained by January 2024 and construction completed by September 2025.

3
4 59:20

5 Jeremy said the rest of the presentation was a review of the conditional use requirements and
6 how the project meets them. The dimensional standards, conditional use general and specific
7 standards, as they apply to the planned changes to the North and South quarries, were discussed.
8 The goal for the Chandler Road quarry is to return it to the original stone extraction operations
9 only. Jeremy Matosky said he felt all the conditional use standards were met and this could be
10 discussed at the next portion of the hearing.

11 A citizen asked about Section 4.9 Performance Standards. Jeremy pointed out the section of the
12 document that applied to the section. He said there were noise and traffic studies to address the
13 section of the Performance standards that addresses noise. He said he made notes in the
14 document to explain how he met air pollution standards. He said the site has no exterior lighting
15 whatsoever, so the glare and light standard are not applicable. He said the site does have safety
16 concerns, since it is a quarry and uses explosives. The company uses an outside blast contractor.
17 The blast safety regulations are covered by MSHA. There are double-walled above-ground fuel
18 storage tanks.

19
20 1:05:15

21 Jeremy Matosky addressed Section 3.9 Extraction next. In his opinion, these standards apply
22 only to the South quarry since previous decisions by the town exempted the North quarry and
23 Chandler Road quarry from extraction standards. Extraction standards would apply to the South
24 quarry changes only. He pointed out his commentary on this section. He concluded that Allstone
25 seeks to continue operations in Chester in a manner that will reduce the impacts of noise, traffic
26 and aesthetics.

27 Chair Bob Greenfield asked for comments. Chris Marks said he has owned property on Dean
28 Brook Road since 1994 or 1995. He bought the land from the man who owned the quarry. At
29 that time, it was one man, one shed and no electricity in the quarry. Now there are 20 people
30 working with many pieces of equipment. He said the current operators of the quarry are not
31 trustworthy. They put saws in an equipment storage shed and pump silt into the stream.
32 Christopher Marks said he was opposed to any permits that might be considered.

33
34 1:09:11

35 Mike LeClair was recognized. He asked about the Roaring Brook between the North and South
36 quarries. He wondered what permit would be needed if a road were to be built between the
37 North and South quarries. What permits would be needed for the road and a bridge over the
38 stream? He was concerned based on what has happened to the Great Brook which runs along the
39 Chandler Road quarry. He has photographs of the brook running crystal clear above the quarry
40 and milky gray-white below the quarry. He was more concerned about what has been happening
41 to the streams now than any plans for the future.
42

Note: The time stamp on this portion of the recording is out of order. This is the first glitch in the Zoom recording.

1 1:23:14

2 Jim Dumont said his clients would reserve their time for questions until the next session.

3 Phil Perlah asked how many brooks were at the Chandler Road site. Jeremy Matosky said the
4 Great Brook ran along the Chandler Road site. He said there is a small brook that crosses the
5 access road to the Chandler Road quarry. Phil asked if there was a log of the bag filters
6 discussed in the storm water permit for the Chandler Road quarry. Jeremy Matosky said there
7 were no written records kept currently. Record keeping is a requirement of the permit and they
8 were waiting for the permit to be issued by the state. When the permit is issued, they would
9 know what records were required. Up to this point corrective actions only to keep the business
10 operational have been taken.

11
12 1:12:47

13 Phil Perlah asked if extraction was going to be stopped at the North quarry. Jeremy Matosky said
14 Julian Materials was asking for a permit for a contractor yard, which would require lowering the
15 floor of the quarry to the same elevation as the bridge on 103. That action would be part of
16 reclaiming the quarry and no extraction would take place after that. Jeremy said there were some
17 references to possible actions in the future in the application, including a road connecting the
18 North and South quarries. The possible road is not actually what is being applied for at present.
19 He said they mentioned future possible plans to explain the reason for the current request. For
20 example, access from 103 to the South quarry would allow for other development to take place
21 on the site in the future.

22
23 1:14:20

24 Phil Perlah verified that the contractor yard mentioned in the application was referring to Julian
25 Materials as the contractor. Jeremy Matosky said it was. Phil asked about leveling the
26 properties in the North and South quarries. He asked if that will require an acceleration of
27 extracting activities. Jeremy said there would be sitework involved. Phil asked if there would be
28 more blasting. Jeremy said there would not be more blasting, but among the allowed blasts there
29 could be a larger blast for construction purposes. He said there would be a short period of higher
30 trucking during the construction.

31
32 01:15:34

33 Phil Perlah asked if the warehouse walls would be insulated. Jeremy said he assumed so, at least
34 with some type of sound mitigation. He said the property is allowed to operate all year round.

35 Phil asked if Jeremy could indicate on a map where current extraction is taking place and where
36 future extraction might take place.

37
38 1:17:00

39 Jeremy went to map C2-101, Exhibit U, to answer. Exhibit U shows the 2003 extraction area
40 boundaries. The light area on Exhibit U shows the current areas opened for extraction. He said
41 very little rock has been taken from the site in the last 20 years.

42 Phil said he assumed there would be more extraction done once the construction is complete at
43 the South quarry than is being done now. Jeremy agreed that it was so. He said the permit does

1 not request more tonnage per year than is currently authorized, but the production will be coming
2 from the South quarry.

3
4 1:18:43

5 Scott MacDonald asked about the presence of saws in the storage building in the Chandler Road
6 quarry and if those saws, which are not permitted, will be running at the Chandler quarry for the
7 18 months it takes to construct the new building in the South quarry. Jeremy said yes, the
8 application is asking to allow saws in the Chandler quarry building until the new building is
9 completed. Jeremy said he did not know what happened before he began work on the project a
10 year ago.

11
12 1:20:06

13 Mike Kenworthy was recognized. He said he owned all the property on the north side of the
14 quarry. He checks his boundary regularly and noticed that the storage building has 6 vehicle
15 doors and assumes there are 6 sawing stations behind them. He said there was no permit for that
16 activity. He said the Development Review Board's job was to look into the eyes of the
17 applicants and determine which applicants had good intentions and which did not. He asked the
18 board to deny permits to people who were not trustworthy.

19 He cited an example of the quarry owner's conduct from 2015. One day he heard a very loud
20 noise and found that 300 feet of the stone wall on their mutual boundary had been blown up. He
21 couldn't understand how the current quarry owners would not know the border line. He said the
22 quarry owners went on to push an acre of topsoil from his property into a berm 10 feet tall. He
23 heard that 20 truckloads of rock were taken off his property. He came to an agreement with the
24 company to correct their actions. They agreed to stay off his property and replace the trees they
25 had removed. Julian Materials did not carry out all the steps of their side of the agreement. They
26 removed another 30 feet of stonewall and did not plant any replacement trees. The quarry dug
27 out 50 vertical feet of stone at the property line and did not erect any type of safety barrier to
28 warn people of the drop. Mike concluded by asking the Development Review Board not to give
29 a permit for any new activity.

30 Scott MacDonald said the DRB must interpret and apply the bylaws. They could not make
31 decisions about who is "right" and who is "wrong."

32 At this point a 5-minute break was taken.

33
34 1:33:21

35 Rene Melanson was recognized. He said he and his wife have moved away from their home
36 because they couldn't bear the noise of the hammer. He said the RSG report did not study noise
37 from the hammer. He said he and his wife could see sediment from the North quarry leaking
38 into the river when it rained. He said there was no storm water control for the North quarry. He
39 was concerned about safety. He said since March the quarry has been given 12 citations from
40 MSHA, three of which were S&S, the most serious of violations. \$2,682 in fines were levied.
41 Rene said it will take a few years to remove the 50 feet of rock from the North Quarry to create
42 the Contractor's Yard. He does not expect any relief from the noise during the time it takes to
43 construct the new buildings. Jeremy Matosky did not have any response to Rene's statement.
44

1 1:35:49

2 John Nowak was recognized. He said his property parallels Dean Brook Road and he lives
3 across from the quarry. He wondered what color the water in the Great Brook should be. He
4 said it was white when he left to go to the meeting that afternoon. He recalled a time when a
5 woolen mill operated on the banks of the Black River and the dye from the mill colored the
6 water. He said it was cleaned up in the early 70's but the trout in that brook still are having
7 trouble spawning there 50 years later. He said the streams in New England are beautiful and
8 clear, particularly compared to streams in the western U.S. He is angry that Julian Materials have
9 been allowed to discharge sediment into the Great Brook. He assured the board that the
10 applicants do not care about the environment in Chester, despite their claims. He said that if they
11 cared they would have fixed the problems years ago.

12

13 1:39:00

14 Jeremy Matosky responded saying he has been an engineer for 20 plus years in Vermont and his
15 goal in a project is to address concerns whether, brought by a neighbor to a project or seen with
16 his own eyes. He said he saw discharges from the quarry and he has contained the water
17 carrying it. He has set up filter bags to remove the sediment from that water before it goes into
18 the Great Brook. The current discharge changing the color of the brook comes from material in
19 the stockyard area. He plans to build a containment berm to prevent that water from reaching the
20 brook. The berm cannot be constructed until the Agency of Natural Resources approves it. He
21 applied for approval in March and he is still waiting for an answer.

22

23 1:40:29

24 Steve Greene was recognized. He said he lives on Route 10 across from the quarry. He has been
25 involved in construction and permitting for over 10 years. He acknowledged the service given to
26 the community by the volunteer Development Review Board. He asked how the DRB could
27 consider entertaining a new permit for the quarry when the operators are in violation of existing
28 permits or are operating with no permit at all. He said, when a building permit is applied for,
29 construction does not begin until the permit is issued.

30 1:42:01

31 Barry Goodrich was recognized. He asked whether any of the material entering the waterways
32 has been tested for PCBs. Jeremy Matosky said he has tested for suspended solids, but not for
33 PCBs. Barry Goodrich asked who would test for PCBs. Is it the state's responsibility? Jeremy
34 Matosky said he did not know where PCBs would be coming from and he was not going to test
35 for them.

36

37 1:42:50

38 Sue Bailey, who was managing the Zoom session, said Evan Parks had a question in the chat
39 area. She read the question. Evan said he would be curious to know if there will be any soil and
40 water testing at all 3 sites and who would be responsible for that testing.

41 1:43:40

42 Jeremy Matosky said the state has a multi-sector general permit for industrial sites and that
43 permit has some water sampling and testing requirements based on the activity. For a quarry,
44 total suspended solids and pH are tested.

45

46 1:44:50

1 Mike LeClair was recognized. He wanted to be sure the Board understood the location of
2 Roaring Brook, which he spoke of earlier. He said it had nothing to do with Dean Brook or
3 Chandler Road. It is located between the North and South quarries and is a beautiful little
4 waterfall many times throughout the year. He has seen trout in the brook. He said if a road is
5 built between the North and South quarries it will have to cross Roaring Brook. He wants to
6 know how the crossing will be done and if they will do a better job than was done with the Dean
7 Brook.

8

9 1:45:50

10 Jeremy Matosky responded, citing Exhibit V, map C2-201, the North quarry site plan. He said
11 there was a tributary of the Williams River flowing east between two hills. He was aware of the
12 brook and will be glad to add the name of the brook to the plan. He said the site plan depicted a
13 future potential access between the North and South quarries, which would have to cross the
14 brook. He said the application before the DRB did not include the road and the bridge over the
15 brook. That was added to the site plan for discussion purposes and future consideration.

16

17 1:47:16

18 Priscilla Melanson was recognized. She asked how much of the quarry area will be de-forested?
19 Jeremy Matosky said the plans presented indicate potential future extraction areas. At present,
20 there are no plans to expand extraction areas beyond what is already permitted in the South
21 quarry. He thought 6 or 7 more acres could be cleared in the South quarry based on what is
22 currently permitted. Priscilla asked if clearing the trees would affect sound attenuation. She
23 asked if the operators planned to extract behind a buffer of trees. She said the noise has been
24 ridiculous where she lives. Quarrying has been taking place at the same elevation as her home
25 and she has endured 2 years of hearing the rock hammer. She said she and her neighbors have
26 spoken to the state of Vermont and the town of Chester about it to no avail.

27 Jeremy Matosky said he is not the expert to talk about noise. There will be a discussion about
28 noise with a noise consultant in the future. He said their intent is to make it better. He said he
29 knew noise was a concern. Concern over noise is why they proposed lowering the quarry deeper
30 in the ground. It will create more earthen berms to reduce the noise.

31

32 1:50:20

33 Mike Kenworthy was recognized. He said someone mentioned that lowering the floor of the
34 quarry by 30 feet will allow extraction of more rock than the current permit calls for. Jeremy
35 Matosky said rock would be extracted if there was rock in the place being dug out for the new
36 building. Mike Kenworthy verified that the permit was allowing 30 feet of extraction for the
37 entire footprint of the quarry. Jeremy Matosky said that was what was proposed.

38

39 1:51:33

40 Jim Dumont said he hoped that one or both of the Julians would attend the next hearing so they
41 could answer questions being posed that day.

42 Bob Greenfield polled the board to see if they had any questions. None did.

43

44 Bob Greenfield asked whether Julian Materials had any quarry activity anywhere else in Chester
45 or in Vermont. Jeremy Matosky said he has only been involved in activity in the 3 Chester

1 quarries. He did not know if Julian Materials was involved in any other quarry activity in Chester
2 or anywhere else in Vermont.

3
4 1:53:20

5 Mike Kenworthy was recognized. He asked if Julian Materials could be asked to provide
6 information on all their activities in Vermont. Are there any other facilities in Vermont? Mark
7 Hall, lawyer for the applicant, said he did not want to go beyond the application before the
8 Board, which only concerns Chester.

9
10 1:54:05

11 Steve Ankuda said he can speak to the Conditional Use issue. The application is asking the
12 Board to approve continued activity on Chandler Road. Material is being brought to Chandler
13 Road from the North and South quarries for processing. That activity is not grandfathered, as the
14 Chandler Road quarry was independently owned. He said an important issue before the Board is
15 whether to permit expanded activity at Chandler Road including processing stone. Facts about
16 the history of activity at Chandler Road are needed. When was the property purchased by Julian
17 Materials? When were the saws moved into the storage building? He said the applicant is asking
18 the Board to bless their violation. He said someone from Julian needs to give information about
19 that.

20 Bob Greenfield said there is a site visit scheduled for September 25th and there is another hearing
21 scheduled. Steve Ankuda said some attendees were thinking this is the end of the hearing and he
22 wanted to assure people that today is not the end of the hearing.

23
24 1:56:06

25 Preston Bristow said because October 9th is a holiday this year, the Hearing addressing noise
26 would take place on October 23, 2023.

27
28 1:57:00

29 Bob Greenfield said the Board will do the best they can with the information provided. He said
30 he heard concerns about the condition of water running through the properties, noise, and
31 activities that have no permit. Mike Kenworthy said the sawing activity at Chandler Road
32 concerned him. Bob Greenfield asked him whether that was a noise issue. Mike said it is not
33 permitted. Bob Greenfield said nothing currently being done at Chandler Road is permitted.
34 They were given a permit for a storage shed and sawing is not permitted. Mike Kenworthy
35 asked what it took to shut down activity that is not permitted. He said that if any of the citizens
36 present did something that was not permitted a policeman would appear at their house and tell
37 them to stop. Bob said he could not speak to enforcement of the permit. Mike Kenworthy asked
38 how citizens could get an answer.

39
40 1:58:00

41 John Novak was recognized. He said he had been a logger for 20 years. He said if he had done a
42 tenth of the damage to a stream that has been done by Julian Materials, he would have been fined
43 for 20 years. For this reason, he doesn't understand why the quarry is still allowed to operate.

1 He said he had called the police on this matter and the police don't even show up. He wondered
2 if someone was getting their palm greased.

3
4 1:59:57

5 Leslie Thorsen was recognized. She said a Jurisdictional Opinion was published in March,
6 saying permits were needed for all this activity. She noted that it is September and no concrete
7 action has been taken. She said the lives of all the neighbors have been deeply affected and the
8 lack of action is unfathomable.

9
10 2:00:52

11 Jim Carroll asked Mark Hall if he had anything else to present. Mark said he did not. He said
12 they would be ready to present the noise study on the 25th. (Note The DRB will have a site visit
13 on September 25, but will not continue this hearing on that day.) Mark said Jeremy Matosky
14 would be out of state on the 25th (sic. this date should probably be October 23) and Colen
15 Johnson would present the study and answer questions. Steve Ankuda asked if Jeremy Matosky
16 could participate in the meeting via Zoom. Mark Hall said he didn't feel Jeremy was needed if
17 Colen Johnson was available. Jim Carroll asked if anyone was interested in subpoenaing
18 anybody. Mark Hall asked if a DRB proceeding had subpoena power. Jim Carroll said it did in
19 the rule. The subpoena would have to come from a party, it could not come from the Board
20 itself. Mark Hall said the hearing would have to be moved. Jim Carroll said it wouldn't be
21 moved beyond October 25th.

22 Jim Dumont said that, in a matter this important, to have a 50-page report given to the public 15
23 minutes before the hearing and then not have the proponent of the report not available for the
24 next hearing was making a mockery of the process. It gives the applicant more time to continue
25 doing what they are doing.

26
27 2:03:00

28 Mark Hall said it was not the intent to delay the process. Colen Johnson is a licensed engineer
29 and had prepared much of the material in the report. He is 100% qualified to testify and answer
30 any questions regarding anything presented to the board for the conditional use permit. Whether
31 Jeremy Matosky or Colen answers the questions is not relevant, as long as the questions people
32 have are answered.

33 Bob Greenfield said Jeremy had given the Board a lot of information at the hearing. Mark Hall
34 said a lot of the information was prepared by Colen.

35 Bob said the board needed time to digest the information presented. Jeremy Matosky asked if
36 his being available online would solve the problem. Jim Carroll said he thought it was a problem
37 that would be resolved by filing a request for a subpoena. Jim Dumont said he would file 2
38 requests within the week. Jim Carroll said that will give Mark Hall an opportunity to respond.
39 and give it to the DRB to decide whether to issue the subpoena. Jim Carroll said he thought the
40 lawyers should get together and talk it out.

41
42 2:05:00

43 Zoning Administrator Preston Bristow was recognized. He said the DRB meets the second and
44 fourth Mondays of the month. This was slowing the process down because the second Monday

1 in October was a holiday. However, the DRB may meet on other nights and earlier meetings
2 might be arranged. Jim Carroll said if the Board can work out another time, that would be
3 helpful.

4 A short break was taken to discuss dates to reconvene the hearing.

5
6 2:20:43

7 Jim Dumont entered into the record the agreement reached between Attorney Mark Hall and
8 himself. He said his noise expert has asked to be told a week in advance when the hydraulic
9 hammer would be operated in the North and South quarries so the expert may take readings on it.

10 Bob Greenfield said a site visit has been scheduled for September 25th. Jim Carroll said a
11 continuation of the hearing is scheduled for October 11 at 6:00 PM and October 23rd at 6:00 PM.
12 Jim Carroll said the site visit will probably meet at Green Mountain Union High School at 4:30
13 PM on September 25th. If the location of the gathering place changes it will be displayed on the
14 town website. Jim Dumont said if he is not able to obtain an agreement to have a knowledgeable
15 member of the Julian firm present to answer questions, he will ask for a subpoena for him to be
16 present. Jim Carroll said October 11th at 6:00 PM will be the date to convene for the next part of
17 the hearing. All parties should be present to answer questions.

18 The normal hearing date of October 23rd will be kept available, hoping that the hearing can be
19 completed on that date.

20 Jim Carroll recapped the information about the site visit. Anyone who wants to attend the site
21 visit should meet at the high school at 4:30 on September 25th. Attendees should wear long pants
22 and boots as they will be visiting a work site. Scott MacDonald said the last time a site visit was
23 announced, safety equipment such as hard hats and safety goggles were required. He asked if
24 this requirement was changed. Jim Carroll said those requirements have been pulled off the table
25 because no work will be going on.

26 Jim Carroll said the next date to note was October 11 for a continuation of the hearing and then
27 October 23 for a continuation if needed.

28 Sue Bailey, who was monitoring the Zoom session, said Maureen Stevens and Matt Gorsky on
29 Zoom have their hands up for a question. Maureen Stevens did not respond to a hail from Bob
30 Greenfield. Matt Gorsky said he had looked over the map. He disagreed with the map. He said
31 the brook runs on his property and not on the quarry property. He also said that blasting takes
32 place at the quarry without warning. There was a blast last week. His property is about 500
33 yards from the new shed.

34 Bob Greenfield thanked everyone for keeping the discussion civil and professional and hoped
35 this would continue in the future.

36 Jim Carroll introduced himself as Chester's attorney. He said he appreciated that so many
37 people took this issue seriously and participated in the process. He said the hearing is a judicial
38 process separate from enforcement. The DRB's job is to take the information presented and
39 decide whether a zoning application presented to the board may be allowed and if allowed, what
40 conditions will be set. It is a quasi-judicial process, and the members may only make decisions
41 on the applications presented. They can't unilaterally make enforcement choices. Zoning
42 enforcement is initiated by a different process. A notice of violation is issued, which starts a
43 very long process. It is much more complex than simply issuing a Judicial Bureau ticket. It

1 initiates a hearing process particularly if there are issues about what uses have been allowed in
2 the past, the history of the property and what the uses are in the present. Investigating this can be
3 a long, drawn-out process. The hope here in hearing this conditional use application is that
4 action can be taken now to improve the situation. Once the DRB hearing is completed, there is
5 an appeals process to the Environmental Court and then to the Supreme court. He said there is
6 potential for this hearing to be a long process. Jim said he wanted people to hear what the
7 process looks like from the DRB side. They are sitting as judges.

8 Jim Carroll moved to be in recess with the hearing with the site visit to be set for September 25th
9 at 4:30, meeting at the high school parking lot. The next hearing date is set for October 11th at
10 6:00 here at the Town Hall and a follow up hearing date to be set for October 23rd at 6:00 here at
11 the Town Hall and move to be in recess pending the site visit and the next hearing.

12 At that point the meeting was adjourned.