

1 **TOWN OF CHESTER**  
2 **DEVELOPMENT REVIEW BOARD**  
3 **DRAFT MINUTES**  
4 *October 11, 2023*  
5

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

8 **STAFF PRESENT:** James Carroll, Town Counsel, Zoning Administrator Preston Bristow and  
9 Cathy Hasbrouck, Recording Secretary, at the Town Hall.

10 **CITIZENS PRESENT:** Pam Eaton, Eddie Duncan, Jeremy Matosky, Shawn Cunningham, John  
11 Nowak, Cheryl LeClair, Michael LeClair Barry Goodrich, Scott Kilgus, Leslie Thorsen, Priscilla  
12 Melanson, Rene Melanson, Hugh Quinn, Karen MacAllister, Robert MacAllister, Roberta  
13 Alexander, Amie O'Brien, and Cathy Hasbrouck at Town Hall. James Dumont, Matthew  
14 Gorsky, Michaela Stickney, and Jenny Ronis via Zoom.

15 Chair Bob Greenfield called the meeting to order at 6:01 PM. He led the group in the Pledge of  
16 Allegiance. He introduced the members of the Development Review Board and staff. He  
17 appealed to all present for civility during the hearing.

18 **Agenda Item 2 Citizen's comments**

19 There were no citizen comments.

20 **Agenda Item 1 Review minutes of the October 5, 2023 meeting.**

21 3:21 Phil Perlah moved to accept the minutes of the October 5, 2023 meeting. Scott MacDonald  
22 seconded the motion. There was no discussion. A vote was taken, and the minutes were  
23 accepted as written.

24 **Agenda Item 3 Reconvene Conditional Use Hearing #594 Julian Materials – Allstone**  
25 **Quarries at 3643 VT RT 103 North and 137 Chandler Road**

26 Bob Greenfield asked whether any Board members had a conflict of interest with the subject of  
27 the hearing. None had. He asked whether any Board member had had any ex-parte  
28 communication about the hearing. None had.

29 Bob Greenfield asked everyone who wished to testify to raise their hand to be sworn in.  
30 Everyone present, except Hugh Quinn and the members of the staff and Development Review  
31 Board, raised their hand. Attorney Jim Carroll administered the oath.

32 Several documents were entered into the record.

33 The first document was an addendum to the Allstone Noise Assessment dated October, 2023.  
34 Phil Perlah moved to accept the addendum as Exhibit HH. Harry Goodell seconded the motion.  
35 Jim Carroll asked whether anyone had an objection to the motion. One citizen asked where she

1 could find the text of the document. Bob Greenfield said it could be found on the town website.  
2 There was no further discussion. A vote was taken the motion passed unanimously.

3 The second document was a Motion for Issuance of Subpoena by Scott Kilgus and Leslie  
4 Thorsen. Harry Goodell moved to accept the Motion as Exhibit 18. Phil Perlah seconded the  
5 motion. There was no discussion or objection, A vote was taken the motion passed  
6 unanimously.

7 7:26 The third document is a response from Mark Hall to the Motion for Issuance of Subpoena.  
8 Harry Goodell moved to accept the response as Exhibit 19. Phil Perlah seconded the motion.  
9 There was no discussion or objection. A vote was taken, and the motion passed.

10 The fourth document presented was an affidavit from Scott Kilgus dated October 11, 2023. Phil  
11 Perlah moved to accept the document as Exhibit 20. Harry Goodell seconded the motion. There  
12 was no discussion or objection. A vote was taken, and the motion passed.

13 The fifth document presented was State Land Use permit 250775-1(Altered) issued June 21,  
14 2005 for the South Quarry. Harry Goodell moved to accept the permit as Exhibit P-1. Phil  
15 Perlah seconded the motion. There was no discussion or objection. A vote was taken, and the  
16 motion passed.

17 The sixth document presented was a Town of Chester Conditional Use Permit issued September  
18 29, 2023 for the South Quarry. Harry Goodell moved to accept the permit as Exhibit P-2. Phil  
19 Perlah seconded the motion. There was no discussion or objection. A vote was taken, and the  
20 motion passed.

21 The seventh document presented was a zoning permit for a shed in the North Quarry, dated May  
22 29, 2001. Harry Goodell moved to accept the permit as Exhibit P-3. Phil Perlah seconded the  
23 motion. There was no discussion or objection. A vote was taken, and the motion passed.

24 The eighth document presented was a group of Town of Chester Zoning permits issued over  
25 several years for the quarry at 137 Chandler Road. Harry Goodell moved to accept the permits as  
26 Exhibit P-4. Phil Perlah seconded the motion. There was no discussion or objection. A vote  
27 was taken, and the motion passed.

28 The ninth document presented was a Town of Chester Individual On-Site Sewage Disposal  
29 System permit, dated July 3, 2007. Harry Goodell moved to accept the permit as Exhibit P-5.  
30 Phil Perlah seconded the motion. There was no discussion or objection. A vote was taken, and  
31 the motion passed.

32 The tenth document presented was a DRB Decision and Order re: Motion for Issuance of Orders  
33 of Subpoenas, issued October 10, 2023. Harry Goodell moved to accept the Decision and Order  
34 as Exhibit D&O-1. Phil Perlah seconded the motion. There was no discussion or objection. A  
35 vote was taken, and the motion passed.

36 11:00Pam Eaton spoke on behalf of Mark Hall. She noted that the subpoena for documents  
37 mentioned in the Decision and Order document was received by Attorney Hall at 5:10 PM the  
38 day before the hearing. The decision requested documents be delivered the day of the hearing.  
39 As he was undergoing a medical procedure that day, he was unable to prepare all the documents

1 requested. He asked for a 1-week extension to provide the remaining documents. Some  
2 documents have already been provided. Bob Greenfield asked when the documents would be  
3 provided. Pam Eaton said October 18, 2023.

4 13:32Mike LeClair asked for the identity of the last speaker. Bob Greenfield reintroduced Pam  
5 Eaton who was representing Mark Hall. Bob then recapped the history of the subpoena and  
6 response. He said the documents would be available on the town website.

7 14:28Phil Perlah moved that the DRB grant a one-week extension until October 18<sup>th</sup> for the  
8 remaining documents in the DRB subpoena. Harry Goodell seconded the motion. There was no  
9 discussion. Jim Dumont, who was participating by Zoom asked to reserve his questions for  
10 Jeremy Matosky until he has looked at all the documents. A vote was taken, and the motion  
11 passed.

12 Jim Carroll confirmed that Pam Eaton, a lawyer with Paul, Frank and Collins, was attending the  
13 hearing that evening in the place of Mark Hall.

14 Jeremy Matosky, engineer for products at Trudeau Consulting Engineers, introduced Eddie  
15 Duncan, a noise expert from Resource Systems Group who would explain details of the noise  
16 study. Jeremy said Eddie Duncan had worked on the initial noise assessment (Exhibit J) and the  
17 addendum (Exhibit HH). Jeremy said he was prepared to answer questions for Mr. Dumont that  
18 evening and felt Mr. Dumont currently had all the relevant documents.

19 Eddie Duncan said he was a senior director at RSG, and a board-certified noise control engineer  
20 with the Institute of Noise Control Engineering and a member of the Acoustical Society of  
21 America. He said he has been practicing acoustics for a little over 20 years, with much of that  
22 experience in local and state permitting with rock quarries and gravel pits. He went through  
23 elements of the noise report.

24 19:16He said RSG was asked by the applicant Julian Materials to conduct a noise assessment for  
25 the 3 quarries. He began by outlining what a noise assessment entails. He said there are 5 tasks  
26 in a noise assessment. First is a definition and inventory. This includes discussing where the  
27 sources of noise are and the hours of operation with the project owners and counsel. The  
28 applicable noise standards are also identified.

29 The second task is to measure the noise. This includes monitoring the noise, which is a physical  
30 measuring of sound on site. It can also include modeling, which in contrast to monitoring the  
31 sound, is a calculation. Background sound measurements can be taken, Operational sound  
32 measurements may be taken if the source of the source of the noise is operating. Specific noise  
33 level measurements can be taken as well. All these measurements were taken as part of the  
34 study.

35 The third task is sound propagation modelling. It's a calculation of sound levels at specific  
36 locations where the engineer is interested in what the projected sound levels are. This was done  
37 at locations throughout the project area and at discreet receptors at all area residences. The  
38 computer model used to do this follows international standards.

39 21:54The fourth task is mitigation development. A plan to help reduce sound levels and  
40 potential noise impacts is developed.

1 The fifth and final task is to report out the results of the study. The original noise study report is  
2 Exhibit J, the addendum to the study is Exhibit HH.

3 Eddie Duncan then began to discuss the study. He began with addendum A. Eddie defined  
4 “sound” as fluctuation of air pressure above and below atmospheric pressure. He said air  
5 pressure can be measured in a unit called Pascals. The human ear can hear Pascals from 20  
6 micro-Pascals to 20,000,000 (twenty million) Pascals. Pascals are converted to decibels to reflect  
7 sound pressure levels for ease of reference. The readings in the study are expressed in decibels.  
8 Eddie emphasized that the conversion from Pascals to decibels is a logarithmic function, not a  
9 simple conversion by a single factor.

10 Eddie Duncan referred to a chart in Appendix A of the noise study, (page 34) that showed a  
11 variety of sound sources and their associated decibel level. He pointed out conversational speech  
12 at 55 to 65 decibels (at three feet from the speaker). Generally, operating a riding lawn mower  
13 exposes the rider to 90 decibels and 3 feet away from a refrigerator the sound level is 45  
14 decibels. Finally, he noted that sound levels continually change from moment to moment. The  
15 two metrics used to quantify the change are the maximum sound pressure level or LMax, and  
16 LEQ, the equivalent sound level, which is something like, but not precisely, a average sound  
17 level.

18 27:52 Eddie Duncan began discussing the noise report itself in Section 2 which provides a project  
19 description. Eddie summarized the description, saying there are 3 quarries involved, the  
20 Vermont 103 North Quarry, the Vermont 103 South Quarry and the Chandler Road Quarry. He  
21 noted all 3 quarries currently extract material using the same tools: excavators, loaders, dump  
22 trucks, with occasional drilling and hammering. The Vermont 103 South Quarry also crushes  
23 gravel up to 4 times per year as part of the Act 250 permit. The crushing information is  
24 discussed in the report addendum (Exhibit HH). The Chandler Road Quarry also involves  
25 splitting and cutting operations, mostly located indoors, palletizing material and storing it onsite.

26 29:40 Eddie then discussed the proposed operation. The Vermont 103 North Quarry operations  
27 are planned to be wrapped up and a contractor’s yard created in place of extraction operations.  
28 The noises on the parcel would go from extraction noises to the noise of trucks picking up and  
29 delivering equipment.

30 Noise sources at the 103 South Quarry would continue to be the same from operations allowed  
31 by the Act 250 permit. The extraction would go deeper and further south behind a berm created  
32 as part of the proposal. Cutting and splitting operations would be added to a processing building  
33 constructed for that purpose.

34 Noise sources at the Chandler Road quarry would change with the removal of the splitting and  
35 cutting operations to the 103 South quarry. Extraction would continue as is done now. Barriers  
36 are proposed near the drill and quarried rock will be hauled from there to the 103 South quarry  
37 for processing. Eddie said that overall the sound levels near all 3 sites will be reduced as a result  
38 of the proposed changes and mitigations

39 31:31 Eddie Duncan recapped the noise standard in the Chester Unified Development Bylaws. It  
40 is 70 decibels during the day at the property line. He said all quarry operations take place during  
41 daylight hours. The UDB noise standard for nighttime is not relevant here. He said the Vermont

1 103 South and North quarries are on a parcel with an Act 250 permit. There are noise limitations  
2 in that permit, but he did not discuss those because the permit being applied for is a town permit.

3 32:30Eddie moved to Section 4 Ambient Sound Levels (page 11) in the noise study. He said  
4 background sound levels were taken at one location at each quarry site. The locations were  
5 called the North, South and Chandler Monitors. The Monitor sites were near some residences in  
6 each case. The North Monitor (shown on page 12) was 184 feet back from VT Route 103, which  
7 is a similar distance from Route 103 as residences along 103. The South Monitor (shown on  
8 page 13) was set up near the store, 102 feet from VT Route 103, again, a similar distance as  
9 some residences in the area. The Chandler Monitor (page 14) was set up on Dean Brook Road  
10 at the intersection with Prussack Mountain Road., 50 feet from Dean Brook Road.

11 He said the monitoring took place over 8 days in April 2023, on both weekdays and weekends.  
12 Table 2 on page 15 summarized the background level measurements on weekdays and weekends  
13 for each quarry. The background levels on the North and South quarries did not vary much  
14 between weekdays and weekends because most of the background sound came from traffic on  
15 Vermont Route 103. The Chandler Road quarry showed maximum sound levels did not differ  
16 much between weekdays and weekends, but the other measures of sound did show a reduction on  
17 weekends.

18 On pages 16 and 17, Figures 8 and 9 show sound levels vs. time. He noted there was little  
19 difference between weekends and weekdays for the North and South quarries because so much  
20 noise comes from VT 103. The information presented in the figures is a graphic representation  
21 of the information in Table 2. On page 18, Figure 10 show the maximum sound levels are  
22 similar between weekdays and weekends, but the average sound levels are lower on weekends.

23 38:12Section 5 of the report addressed sound propagation modeling. Eddie Duncan said the  
24 model used followed the ISO 9613-2 standard. This standard is commonly used in Vermont in  
25 projects such as this one. The model is 3-dimensional and takes into account source emissions  
26 and locations, the locations of receivers, terrain and possible changes to the terrain over time, and  
27 a variety of attenuating factors. The model did not take into account any attenuation due to  
28 forest.

29 39:30Scott MacDonald asked whether the models is based on prior testing they had done? Eddie  
30 Duncan said it was. Eddie said they modeled sound levels for all the scenarios they studied at  
31 122 residences around all 3 quarry sites. The sound levels for residence and scenario  
32 combination can be found in Appendix C on pages 57 to 61. Appendix D, starting on page 62 has  
33 maps with isobars showing the range of decibel levels.

34 Eddie Duncan said they modeled a total of 17 scenarios. 15 are described in the original report  
35 and two were added in the addendum. 10 of the scenarios were condition and combinations of  
36 machinery that exist now and 7 were proposed scenarios. The report gives details of the  
37 scenarios in Tables 4 and 5, beginning on page 22, The table lists the equipment being used and  
38 the terrain conditions, either at present or after the planned building in the future. The noise  
39 sources are identified in each scenario.

1 Eddie Duncan said the number of scenarios modeled was driven by the fact that three quarries  
2 are involved. There were many existing scenarios to cover. They also included scenarios for  
3 equipment that is not routinely used, such as the rock hammer or the crushing operation.

4 43:00 On page 24 the second paragraph notes that sound levels exceed 70 dBA at the property  
5 line, but only along VT-103 and the northeast corner of the property where sound levels  
6 regularly exceed 70 dBA already due to traffic on Route 103. Eddie said that even if the quarry  
7 equipment was not working, the sound level would have exceeded the standard. Scott  
8 MacDonald asked whether the hertz ratings between the vehicles and the equipment would be  
9 very remarkably different? Eddie pointed out that there were trucks as part of the scenario, and  
10 trucks passing by on 103 all the time. Scott said the sound of a car on 103 would be very much  
11 different from the sound of a rock hammer. Eddie said Scott was correct that they'd be different.  
12 A car driving by would be higher frequency sound than a truck driving by or the engine of  
13 quarrying equipment such as an excavator. Eddie said lower or higher frequency qualities does  
14 not indicate loudness. Scott said the sound frequency affects perception. Eddie said frequency  
15 was a characteristic of the sound.

16 Leslie Thorsen asked Eddie what the meaning of exceeding 70 decibels was. Eddie said he was  
17 almost at the end of his presentation and he would like to finish the presentation before he  
18 answered the questions. Leslie agreed and the Board agreed. Bob Greenfield noted the question.

19 Eddie continued. He turned to page 26 and the South quarry. He said the data shows the sound  
20 does not exceed 70 decibels at the property line except when vehicles cross the property line and  
21 enter the site. He said this situation was not uncommon and the Environmental Court had come  
22 to an understanding about the problem.

23 47:05 Eddie then addressed the Chandler Road quarry data on page 28. He said sound levels  
24 exceed 70 decibels for both existing and future operations. He said this was due to the pre-  
25 existing non-conforming use at the quarry. The access road going into the site is close to the  
26 property line and trucks using the road will exceed the decibel limit. In addition, the extraction  
27 limits of the quarry abut the property in some areas and the decibel limit is exceeded whenever  
28 the area near the property line is accessed. He said for the most part, the areas where the decibel  
29 level is exceeded are not residential areas. They are forested.

30 Eddie Duncan then addressed mitigation, which is discussed in Section 6 beginning on page 29.  
31 He said he recommended that simultaneous drilling and hammering should never take place in  
32 any quarry at the same time. At the South quarry, where crushing is allowed 4 weeks a year,  
33 crushing should never take place when either drilling or hammering takes place.

34 Eddie Duncan said he recommended using a portable drill barrier near the rock drill when  
35 drilling at the Chandler Road quarry. He said the project plan recommends constructing an over  
36 burden storage berm at the North quarry. These mitigation recommendations will reduce noise at  
37 every quarry.

38 50:45 Jeremy Matosky asked Eddie Duncan to go over the addendum to the noise report as well.  
39 Eddie said there were two scenarios added in the addendum: an existing crushing operation in  
40 the South quarry and the proposed crushing and processing operation in the South quarry.  
41 Crushing is permitted to take place for 4 weeks at the South and the recommendation remains not

1 to crush gravel while hammering or drilling is taking place. The addendum also corrected the  
2 frequency of rock hammering. It had been stated as two days per month in the original report  
3 and it is actually 2 days per week.

4 51:56Scott MacDonald said it would help him understand the effect the sound has if he could  
5 know that the engine noise numbers recorded in the study were from engines running at  
6 operational velocity. Eddie Duncan said the engineers have data on most of the machines studied  
7 and they would notice a discrepancy between their measurements and the data they already have  
8 on the equipment.

9 54:32Leslie Thorsen asked what it meant on page 24 and 26 when it said the sound exceeded 70  
10 decibels and wanted to know what the decibel reading actually it was. Eddie Duncan said he  
11 couldn't give a specific number for the variety of times the level is above 70 decibels. He said  
12 Appendix D shows where the sound goes over 70 decibels, but he could not give details. The  
13 background level monitoring for the three quarries on pages 16 – 17 shows periods when the  
14 sound measures more decibel levels between 70 and 85 throughout the day. Jim Carroll asked to  
15 what those readings were attributed. Eddie Duncan said it could be a variety of things: a vehicle  
16 pass by could cause the sound levels to spike. Birds in nearby trees can cause levels to spike to  
17 66 decibels.

18 58:50Priscilla Melanson asked whether Eddie Duncan had heard any of the videos the neighbors  
19 to the quarry have recorded. She wondered whether the equipment had been turned down during  
20 the testing since the quarry company knew when the testing would take place. She said she lives  
21 next to the quarry and the sound levels she heard were not caused by traffic.

22 59:19 Eddie Duncan said he had not heard the videos. He said it wasn't possible to turn down  
23 the quarry equipment. The sound of metal hitting rock can't be turned down. Similarly, the  
24 machines that cut and split the rock cannot be turned down. They will not split or cut the rock if  
25 they do not have enough power. He said revving an engine could be controlled, but metal hitting  
26 rock cannot.

27 1:00:52Jim Dumont wanted more information about different frequencies of noise. Jim Dumont  
28 asked if all the modelling done was A-weighted. Eddie Duncan said all the model results are A-  
29 weighted. But the sound levels the models worked with are not weighted. Jim Dumont asked if  
30 the noise standard in Chester requires A-weighting. Eddie Duncan said it did not, but it was  
31 generally understood that the A-weighting is the standard used. Jim Dumont said the choice to  
32 use A-weighting was an interpretation by Eddie Duncan.

33 Jim Dumont asked Eddie Duncan to explain to the Board what A-weighting means. Eddie  
34 Duncan said A-weighting is a weighting network applied to frequency readings to show how the  
35 human ear perceives loudness. A-weighting shows how humans perceive loudness.

36 1:03:00Jim Dumont asked about the example of the difference between the noise from a piccolo  
37 and the noise from a bass guitar. Jim Dumont said the loudness by itself will not predict how it  
38 will be perceived by a human because the frequencies can be very different. Eddie Duncan said  
39 that was not correct.

1 Jim Dumont asked about the ISO 9613 standard. He said it was based on the ANSI standard.  
2 Eddie Duncan said he wasn't sure what Jim Dumont was discussing. Jim Dumont asked Eddie  
3 Duncan to describe how he uses the ANSI standard in his daily work. Eddie Duncan said he  
4 uses the ISO 9613-2 standard for measuring sound outdoors. Jim Dumon asked what the  
5 American National Standards Institute was. Eddie Duncan said it was a clearing house for  
6 standards in the United States. There were hundreds, if not thousands of standards for a variety  
7 of industries including acoustics. Jim Dumont asked if there was a standard for acoustic  
8 modeling. Eddie Duncan said he thought there may be a standard, but it isn't the standard being  
9 used in this study.

10 1:04:47 Jim Dumont asked if the American National Standard Institute said that A-weighted  
11 modelling is not useful to determine the answer the question about frequency posed by Scott  
12 MacDonald, because masking of new sound by existing sound cannot be determined by using A-  
13 weighted data. Eddie Duncan said the question was large and ambiguous and he didn't know that  
14 he could answer it.

15 Jim Dumont asked what the American National Standard Institute states is the validity of using  
16 A-weighted data to determine masking. Eddie Duncan said there are thousands of documents put  
17 out by the American National Standards Institute and he will not presume to know which  
18 document Jim Dumont was talking about. Jim Dumont asked if that meant Eddie Duncan did not  
19 know the answer to the question. Eddie Duncan clarified by saying he did not understand the  
20 question. Jim Dumont asked Eddie Duncan to tell the audience what the American National  
21 Standards Institute standards for acoustic modelling say about whether it is valid to use A-  
22 weighted data to determine if masking will occur. Eddie Duncan said he was not familiar with  
23 the specific references Jim Dumont was referring to.

24 Jim Dumont said, if his expert testifies about what the ANSI standard is on masking, Eddie  
25 Duncan will not disagree with that because Eddie does not understand the answer or does not  
26 understand the question.

27 Eddie Duncan said it was likely that if Jim Dumont had an expert ready to testify on a subject he  
28 is not aware of, he will become aware of it. He would not say if he would agree or disagree on it  
29 until he could review the information.

30 1:06:30 Jim Dumont went back to the example of the piccolo and the bass guitar. He said if there  
31 was piccolo noise that was loud, persistent and 70 decibels, would someone living in a home not  
32 going to be bothered by bass notes that are in addition to the piccolo, even though the piccolo has  
33 a louder decibel level? Eddie Duncan asked Jim Dumont if he could be more specific about the  
34 piccolo.

35 Jim Dumont said suppose the piccolo was at his home. He was accustomed to 70 decibels of  
36 piccolo music. If 70 decibels of bass music or base drums is introduced would Eddie Duncan say  
37 the piccolo music will cover up or mask the new sound so he won't be disturbed by it? Eddie  
38 Duncan said he hadn't done that type of analysis so he couldn't answer that question.

39 Jim Dumont asked what the frequency or characteristics of the existing traffic noise on Route  
40 103 is, as compared to the frequency of the noise from a hydraulic hammer. Eddie Duncan said  
41 vehicle pass-bys on Route 103 will vary from vehicle to vehicle and will be made up of both low



1 frequency sound from the engine and exhaust stack and high frequency sound from tire noise.  
2 High and low frequencies also occur with the quarry operations.

3 Jim Dumont asked what the frequencies or the range of frequencies from the hydraulic hammer  
4 would be. Eddie Duncan apologized for possibly calling a rock hammer a rock drill. He said, it  
5 is still metal on rock in both cases and it produces a high frequency sound. The engine noise  
6 would produce low to mid-frequency sounds, but the primary sound heard from the hammer is  
7 metal on rock, which is high frequency.

8 1:09:43 Jim Dumont asked Eddie Duncan to turn to page 21 of Exhibit J, the noise report. Jim  
9 Dumont asked Eddie Duncan if the page had the sound power levels for a rock hammer. Eddie  
10 Duncan said the first line of Table 3 lists a rock hammer and gives the sound power level for the  
11 source of noise. He said he had not explained the difference between sound power levels and  
12 pressure levels in his testimony and he would be happy to do so. Jim Dumont asked if the  
13 frequencies for the sound were displayed. 1:10:20 Eddie Duncan said they were. Power levels  
14 from 31.5 hertz to 8,000 hertz were displayed. The total A-weighted sound level was also shown.  
15 Jim Dumont said he was less interested in the A-weighted figures and more interested in the  
16 frequency bands. He asked if 31.5 hertz was a high frequency. Eddie Duncan said it was not.  
17 Jim Dumont asked if it was an extremely low frequency. Eddie Duncan said extremely low and  
18 very low were qualitative descriptions and he would classify it as low frequency.

19 Jim Dumont asked what was the lowest frequency a human ear can hear. Eddie Duncan  
20 answered 20 hertz. From that, Jim Dumont concluded that 31.5 hertz was 11.5 hertz higher than  
21 the human ear can hear. Eddie Duncan agreed. He said it was not very low frequency because  
22 sound can occur below the frequencies that humans can hear. He would classify 1 hertz as very  
23 low frequency.

24 Jim Dumont asked whether 63 hertz was a high frequency. Eddie Duncan said 63 hertz was  
25 classified as a low frequency. Jim Dumont asked if 125 hertz was high frequency. Eddie  
26 Duncan said 125 hertz was on the border between low and mid frequency. Eddie Duncan said  
27 250 and 500 hertz would be classified as mid frequency, 1,000 hertz would be on the border of  
28 mid to high frequency. 2,000 hertz would be high frequency.

29 1:13:55 Jim Dumont asked what the highest frequency a human ear can hear was. Eddie Duncan  
30 said 20 kilohertz, which was 20,000 hertz. Jim Dumont asked Eddie Duncan to explain the  
31 relationship between sound power levels and decibels. Eddie Duncan said sound power levels  
32 are input into the model and the model predicts sound pressure levels based on that data. Every  
33 source of noise has an inherent amount of power it is outputting but the actual pressure measured  
34 or the pressure humans hear is influenced by the environment. The sound powers in the table are  
35 not influenced by the environment. The rock hammer would be 126 decibels no matter where it  
36 was. He said a 60 watt light bulb puts out 60 watts of light no matter where it is placed, but the  
37 bulb may look brighter or dimmer depending on the conditions of the room in which it is placed.  
38 The brightness is influenced by the color of the paint on walls of the room, and the ambient light.

39 1:15:10 Scott MacDonald asked whether the readings in the table for the rock hammer are from  
40 the sound of the rock hammer motor running or the sound of the rock hammer hitting rock.  
41 Eddie Duncan said the readings were the maximum sound levels that occur from the given

1 source. It would be the actual rock hammer bit hitting the rock. That being said, the engine  
2 would still be running in the background and that would be part of the sound source. Scott  
3 MacDonald verified that the sound power levels were taken at the source. Eddie Duncan said  
4 that was true. A measurement taken a foot away would be perhaps 10 decibels less than what is  
5 shown in the table.

6 Jim Dumont asked Eddie Duncan to explain how a lay person should understand the effect of  
7 background or pre-existing noise of a certain frequency has on human perception of a new noise  
8 at a substantially different frequency. Eddie Duncan said explaining masking in lay terms is very  
9 difficult question to answer because there are many different mechanisms that can cause  
10 masking. He said he can generalize, but his answer is not a complete explanation of how  
11 masking works.

12 Eddie Duncan said, generally speaking, sound levels of similar frequencies can mask sound  
13 levels of similar frequencies. A high frequency sound source typically does not mask a low  
14 frequency sound source. He said there are certainly exceptions to that. There are instances of  
15 different frequencies that can mask sounds that are not in that frequency band.

16 1:18:30 Jim Dumont asked if there was anything in Exhibits J and HH that the Development  
17 Review Board can rely upon that says existing sound levels will mask the projected sound levels.  
18 Eddie Duncan said the Board can make a layman's comparison of the existing sound levels that  
19 occur at the site and the projected sound levels that occur at the site. Both background sources of  
20 sound and modeled projections are shown in the tables. The study does not address masking  
21 directly. Masking is not a local standard and no conclusions about masking are provided.

22 Jim Dumont asked where the existing frequencies at places such as the LeClaire's house or the  
23 Thorsen-Kilgus house are shown in the report. Eddie Duncan said the report supplied the overall  
24 sound levels. It did not supply frequencies at any modeled or monitored location. He said that  
25 information was used in the modeling and analysis. It was not reported because it was not part  
26 of the local noise standard.

27 Jim Dumont said he concluded that there was nothing in Exhibits J or HH that will allow the  
28 Board to determine whether existing sound levels will mask what Julian Materials proposes.  
29 Eddie Duncan said that was correct.

30 Jim Dumont said the study and report did not address the loudness and frequency distribution of  
31 noise from operations that were legally permitted by the 2005 Act 250 permit and the 2003  
32 Conditional Use zoning permit. Eddie Duncan said the report addresses loudness of the sound  
33 levels that occurred both through modeling and through monitoring. He asked whether the  
34 frequency Jim Dumont mentioned in the question was about how often such sounds occurred.

35 Jim Dumont said he was asking whether the report shows data gathered about sound that was  
36 coming from unlawful sources, meaning sound from equipment not allowed under the 2003  
37 zoning permit or the 2005 Act 250 permit. Eddie Duncan said he did not study the sound at the  
38 quarries in 2003 when the Conditional Use permit was issued and he did not understand the  
39 question Jim Dumont was posing.

1 1:23:44 Jim Dumont asked Eddie Duncan if he had read the Agency of Natural Resources  
2 Jurisdictional Opinion (released in 2023) that distinguished between operations that were lawful  
3 under the Act 250 permit of 2005 and the operations that are not lawful under the Act 250 permit  
4 but are ongoing in 2023. Eddie Duncan said he believed he had read the report but had not  
5 refreshed his memory of the report prior to this local hearing.

6 Jim Dumont said the report did not distinguish between lawful and unlawful noises. Eddie  
7 Duncan said the question required a legal conclusion and he was not comfortable making a legal  
8 conclusion. Jim Dumont asked whether anyone at the firm of Paul, Frank and Collins or at  
9 Trudell Consulting Engineering specified the noises to be studied which were lawful under the  
10 Act 250 permit or the zoning permit.

11 Attorney Pam Eaton representing the applicant objected to the question to the extent that it  
12 would be seeking privileged attorney-client information and would support an answer that did  
13 not include privileged information. Eddie Duncan said he did not recall whether he had a  
14 conversation as was being described. He recalled conversations with the applicant as to what the  
15 proposed operations are and what operations are occurring today.

16 1:25:35 Jim Dumont said part of the duties of the Board is to determine what operations should  
17 be allowed that are not allowed under existing permits. He asked Eddie Duncan how Exhibits J  
18 and HH, the noise report and addendum, assist the Board in doing that. Eddie Duncan said the  
19 Chester bylaws are clearly stated in the noise report and the reports evaluated the sound levels so  
20 the Board could compare them to the Chester Bylaws.

21 Jim Dumont turned to page 10 of Exhibit J. Jim Dumont said there were 4 bullet points listed in  
22 Section 3.3, which summarize the areas studied. Eddie Duncan said in Section 3.3 they  
23 summarized the criteria used in the assessment. Jim Dumont read the first point aloud.  
24 “Comparing projected sound levels from the proposed contractor yard with projected historical  
25 extraction operations at the VT-103 North Quarry.” He asked Eddie Duncan whether by  
26 “historical” he meant what is occurring in 2023. Eddie Duncan said that was correct. He had  
27 studied what was existing there and used his understanding from the client of what has been  
28 occurring there.

29 Jim Dumont read the second bullet point, “Applying the existing permit condition at the VT-103  
30 South Quarry”

31 Jim Dumont read the third and fourth bullet points aloud.

32 “Comparing projected sound levels from the proposed future operations at the Chandler Road  
33 Quarry with the existing operations at Chandler Road Quarry, and

34 Comparing projected sound levels from the proposed future operations for all quarries to the 70  
35 dBA property line limit of the Chester Development Bylaws.”

36 1:28:53 Jim Dumont asked if the Chester Development Bylaw allow Conditional Use approval  
37 for a new use with noise in excess of 70 decibels at the property line if there is already 70 decibel  
38 of noise from another existing use. Eddie Duncan said he was hesitant to answer the question  
39 because it seems to require a legal conclusion. He said that he did not see those words in the  
40 section of the bylaw he had in front of him.

1 1:31:00 Jim Dumont read the noise standard from Section 4.9.A of the Chester bylaws aloud:  
2 “Noise shall not exceed 70 dB during the day between 7 a.m. and 8:00 p.m.” Eddie Duncan said  
3 the words Jim had read from the bylaws was the same language included in the noise assessment.  
4 Jim Dumont said he didn’t see anything in the bylaw that said the 70 dB limit could be exceeded  
5 if there were already sources of noise of 70 dB or more present at the project. He said that the  
6 noise assessment study from RCE (Exhibit J) assumed that noise is allowed to exceed 70 dB if  
7 there were already sources over 70 dB present. Eddie Duncan said the report did not do that. The  
8 report does not draw a legal conclusion. The report compared the existing sound levels and the  
9 proposed sound levels to the Chester Bylaws standard.

10 Jim Dumont said the report did not provide the frequency distribution of the background noise  
11 and compare it to the new noise. Eddie Duncan said the report provided the sound levels  
12 throughout the monitoring period. Technically, the frequency levels are in the report for both  
13 background noise and operation noise. Jim Dumont asked if A-weighted decibels were  
14 provided. Eddie Duncan said the question about A-weighted data made him wonder if he  
15 understood the question about frequency.

16 Jim Dumont turned to the fourth bullet on page 10 of the report: Comparing projected sound  
17 levels from the proposed future operations for all quarries to the 70 dBA property line limit of  
18 the Chester Development Bylaws. He said the bullet point did not mention this sentence from  
19 Section 4.9.A of the bylaws: Noise levels or frequencies which are not customary in the district  
20 or neighborhood or which represent a repeated disturbance to others shall not be permitted. Jim  
21 Dumont asked if Exhibits J and HH address that sentence. Eddie Duncan said the sentence is  
22 included in Exhibit J. The existing uses and proposed future uses are still 3 quarries. The  
23 equipment and sources of noise are the same. The frequencies and levels of sound will be the  
24 same. There is no additional analysis needed to say that there is no change.

25 1:35:00 Jim Dumont said the report assumes that the existing levels of noise are legal. Eddie  
26 Duncan said he does not decide whether or not the noise levels are legal. He leaves that to the  
27 Board and attorneys. He is doing a noise assessment.

28 Jim Dumont asked if Eddie Duncan, as a noise consultant should consider, as background, a  
29 noise that is cardinally illegal in a neighborhood. Eddie Duncan said he quantifies sound levels,  
30 whether they are considered legal or not. He said he makes no determination of legal or illegal.

31 1:36:18 Phil Perlah said Chester has a fairly simple standard, though the report and discussion of  
32 it were not. He summarized: Chester’s standard calls for 70 decibels at the property line,  
33 meaning the applicant’s property line.

34 He then asked why there is lengthy analysis on pages 27 and 28 giving Lmax information at  
35 various property addresses.

36 Eddie Duncan said the noise assessment is not solely for the purposes of this hearing. Act 250  
37 may require this data.

38 Phil Perlah asked about the overall sound power levels for various pieces of equipment listed on  
39 page 21. He noticed that some are measured and some are taken from a library. Phil wanted to  
40 know what NCHRP 25-49 meant. Eddie explained it was from the National Cooperative

1 Highway Research Program. That program is a research project for the FHWA to quantify the  
2 sound emissions from common construction equipment.

3 Phil turned to page 16, 17 and 18. He asked what the green in the graph was. Eddie Duncan said  
4 the green area is the difference between 1:39:36.

5 Phil asked what was the green on the graph? Duncan said the green line is the L-90. The L-90 is  
6 a statistical metric that the sound level is exceeded 90% of the time. 10% of the sound levels  
7 measured would be below the bottom of the green area, which ends in a heavier green line. Phil  
8 said the standard mention 90% of the time. The standard says, “shall not exceed.” Eddie said  
9 the words “shall not exceed” often refers to the LMax statistic, but not in all jurisdictions. That  
10 would depend on how the bylaw is interpreted. Eddie said they took the conservative approach  
11 and compared the LMax to the 70-decibel standard. In the graph on page 16, LMax is the orange  
12 line at the top.

13 1:40:39Phil addressed the rock hammer. He asked what the decibel level was at the nearest  
14 property line for each of the quarries for the rock hammer. Eddie went to page 67, figure 32 has  
15 the sound levels for existing operations at the South Quarry including the hammer operation. The  
16 figure is an aerial photo of the South Quarry with isobars showing sound pressure levels. Eddie  
17 said there were no scenarios with just the hammer. Phil said he picked the hammer because it  
18 was the loudest piece of equipment. Eddie said they have no scenarios with just the hammer. At  
19 the property line on the south side of the railroad tracks behind the store the highest level is 69  
20 dB.

21 Eddie said The North Quarry information is on page 64 figure 29. He said the sound level at the  
22 property line exceed 70 decibels. He cannot know from the map what the actual decibel reading  
23 is. The information for Chandler Road is on page 70. It exceeds 70 decibels at the property line  
24 when the hammer is running, Eddie said the nest page of the report has the rock drill running and  
25 that equipment exceeds the 70-decibel limit as well. Trucks driving down the access road when  
26 no equipment is running can also exceed the 70-decibel limit.

27 1:46:33 Rene Melanson was recognized. He said he had been in the mining business for almost  
28 50 years. He said he helped Mr. Duncan’s staff set up monitors for the study. He said he didn’t  
29 realize how easy it was to game the system, He said he didn’t understand the graphs. He said  
30 the noise drove him and his wife out of their house, He played a recording of a banging sound  
31 from his phone. He said if it was difficult to sit though ten seconds of the recording, try listening  
32 to it for 10 hours a day. If you can’t take it any more you have to move somewhere else. He  
33 said he can’t sell the house because of the noise. Barry Goodrich asked when the sound  
34 recording equipment was set up. Eddie said the sound level meters for background sound were  
35 set up between April 13<sup>th</sup> and April 21<sup>st</sup> 2023. He asked why there is so much difference in the  
36 place where the rock hammer was working between April 20<sup>th</sup> and April 25? Eddie said he was  
37 not aware if a difference and could not speak to it. Barry said the sound more than doubled for  
38 the same equipment in the same spot. Eddie said he thought the question was why the sound  
39 doubled and could not locate the records being referenced. Barry Goodrich asked if the Julian  
40 corporation knew when the recording equipment was set up.

1 Eddie said he didn't know if Julian Materials or the Julian brothers knew when the equipment  
2 was set up. He said the Julian Office knew. Eddie said they were not necessarily aware of when  
3 the equipment was taken down, Barry Goodrich said the workers could have run the equipment  
4 differently if they knew when it was set up. Barry Goodrich offered to play video recordings of  
5 the sound.

6 The DRB chair Bob Greenfield declared a 5-minute break at this point. 1:52:52 Upon return  
7 from the break Steve Ankuda, counsel for other citizens asked Barry Goodrich to play a  
8 recording of April 20, 2023 and April 25, 2023 on the border of his property.

9 Steve Ankuda asked to look at page 34 of Exhibit J This is a chart of decibel levels and sources  
10 of sound. Steve Ankuda asked if the whether the decibel scale is a logarithmic scale. Eddie  
11 Duncan said it was. Steve Ankuda asked if every increase of 10 decibels represented a doubling  
12 of the loudness. Eddie said to a human the perceived loudness doubled for every 10 decibel  
13 increase. Steve Ankuda said the change from 70 to 80 decibels resulted in a perceived doubling  
14 of the loudness and Eddie Duncan agreed.

15 Steve Ankuda said that on page 2 the report said there was occasional hammering. Steve said  
16 Mr. Goodrich just played recordings of the rock hammer in operation. He said he understood the  
17 hammering was going on from 7:00 in the morning until 5:00 at night for 6 days a week. He  
18 asked if that was occasional. Eddie Duncan said that by occasional he was referring to the fact  
19 that hammering did not take place every day. Eddie Duncan said he got that information from  
20 the team which consisted of the two Julian brothers, project counsel, project attorneys and  
21 another staff member of Allstone Quarries.

22 Steve Ankuda asked whether the study was about the project when the proposed construction  
23 was completed. Eddie Duncan said the study was about existing conditions as well as when the  
24 project was completed. Steve Ankuda asked if Eddie had received any estimates about how long  
25 the proposed construction would take. Eddie said he did not recall a time frame.

26 2:00 :27 Eddie said it was outside his area of expertise and he could not comment on it. He said  
27 he did hear the 18-month estimate during team calls and the project engineer was on the call.

28 Steve Ankuda asked about the decibel level at the Chandler Road Quarry on weekends. He said  
29 on weekends it would be 38 and on weekdays it would be 48. Eddie Duncan said yes, he was  
30 talking about the average sound level. Steve Ankuda asked if this included using the rock  
31 hammer. Eddie Duncan said it included everything that was being used at the time of the  
32 monitoring. Eddie Duncan confirmed there was a hammer present during the recording period  
33 and that it was operating.

34 Steve Ankuda asked if Eddie Duncan knew when the rock hammer was first used at the Chandler  
35 Quarry. Eddie Duncan said he didn't have that information. Steve Ankuda asked if Eddie  
36 Duncan had read all the permits for the quarries. Eddie said he had searched the permits for  
37 information about noise, information that was pertinent to his study. Steve Ankuda asked Eddie  
38 if he was aware the applicants are claiming the Chandler Quarry is grandfathered and does not  
39 need a permit. Eddie said he had heard the applicant refer to it as a non-conforming use. He said  
40 he doesn't believe the quarry has a permit.

1 Steve Ankuda asked what Eddie had recommended about using the rock hammer at the Chandler  
2 Road Quarry. Eddie said he had recommended not using it or to develop a mitigation plan to  
3 reduce the sound. Eddie said he had recommended a portable barrier for the rock drill and the  
4 rock hammer at the Chandler Quarry. Eddie said portable barriers could be used at the North or  
5 South Quarries if they wanted, but the existing noise is now louder than the proposed quarrying  
6 noise and the barriers would not reduce the sound.

7 Steve Ankuda asked if the rock hammer sounds will carry farther than traffic sounds. Eddie said  
8 it was possible they could. Steve Ankuda asked if traffic sounds could mask sounds from the  
9 drill. Eddie said he did not conduct a masking study and could not say for certain.

10 2:05:2 Steve Ankuda asked if the rock hammer sound attenuates with distance as much as the  
11 sound of traffic would attenuate. Eddie said the sound from a point source such as the rock  
12 hammer would attenuate more quickly than sound from a source like traffic. The rock hammer  
13 sound would attenuate 6 decibels for every doubling of distance. The traffic sound would  
14 attenuate 3 decibels for every doubling of distance.

15 Steve Ankuda asked if Eddie had done a sound test on the LeClair residence on Clemons Road.  
16 Eddie said he had modeled sound for every residence in the area and he expected that the LeClair  
17 residence was included. 2:06:11. Steve Ankuda asked Cheryl LeClair to play a recording made  
18 on April 25<sup>th</sup> in her front yard at 126 Clemons Road. Cheryl said the hammer was working in  
19 the South Quarry at the time of her recording. She said the South Quarry mountain has an bare  
20 rock face. The sound bounces off the mountain and into her yard. Cheryl said she did not  
21 amplify or tinker with the video. She did not give the video to anyone to work with. She used  
22 the same method to make the video as she uses to record a birthday party.

23 Steve Ankuda offered to show the video to the DRB. Bob Greenfield said he could not accept it  
24 because he could not be certain of its origins or quality. Steve Ankuda asked Eddie Duncan if he  
25 could discuss the quality of cell phone videos.

26 2:09:25 Jim Dumont asked Cheryl to describe what was on the video since the Zoom participants  
27 could not hear the video. Cheryl said she captured the hammer operating in the South Quarry o  
28 April 25, 2023. She said the sound is very loud. It's distracting and annoying.

29 Scott MacDonald said data recorded on a mobile phone cannot be used in a controlled  
30 experiment. What he takes away from the recording is that the traffic noise is not noticeable but  
31 the tools are. Steve Ankuda asked how often they hear that noise. Cheryl said it varies from  
32 week to week. For the last few weeks, it has been very quiet. She has videos from periods earlier  
33 when the hammer was running. The equipment will run for 2 or 3 days at a time for the whole  
34 workday. Eddie Duncan looked at the video from April 27, 2023. Cheryl played the video from  
35 June 6, 2023 for the entire audience.

36 Steve Ankuda asked if the type of rock being struck by the hammer makes a difference in the  
37 noise. Eddie Duncan said softer rock sometimes makes less noise, but mostly not. Steve Ankuda  
38 asked if the frequency of the hammer striking the rock affects the noise level. In this case,  
39 frequency means how many times per minute the hammer strikes the rock. Eddie Duncan said it  
40 could, it depended on the length of the recording. A recording for more than a couple of seconds  
41 would be affected by the frequency of the hammer strikes.

1 Steve Ankuda asked whether the sound of a hammer on a mountain side striking rock would  
2 carry further across the valley. Eddie Duncan said it would not. Steve Ankuda asked if an echo  
3 would affect the level of noise being measured. Eddie Duncan said the level of noise measured  
4 is not affected by an echo. The sound from the source of the noise drowns out the echo. He said  
5 the reflection might sound different because different sound frequencies propagate differently.  
6 High frequency sounds attenuate more than low frequency sounds in an echo.

7 Steve Ankuda asked Eddie Duncan if the lack of high frequency reflection on the cell phone  
8 recordings from Cheryl LeClaire, are why the hammer sounds seem to obliterate the traffic noise.  
9 Eddie Duncan said he strongly questions the validity of the video. He said the algorithm used in  
10 the cell phone audio recording emphasizes sounds that are meaningful to humans, such as human  
11 speech. That would affect how the phone records the low frequency traffic sounds and the high  
12 frequency hammer sounds. He said he doesn't question the lived experience of the people  
13 standing on Clemon's Road, but the recording can't be used to measure the strength of the sound  
14 accurately.

15 Eddie Duncan said he did not measure the sound at Clemons Road for his study. He modeled the  
16 data. Steve Ankuda said he was concerned that the Board's decision would be based on  
17 calculations made in a model and not actual measurements.

18 Priscilla Melanson asked if the Board took into account the impact on property values of the  
19 noise from the quarry. She said she had to move out of her home because of the noise and will  
20 not be able to sell the house for its value before the noise started.

21 Matthew Gorsky said he can see the gate to the Chandler Road Quarry from his bedroom. He  
22 wondered if the sound study picked up activity on the Chandler Quarry access road. He has  
23 often heard ATV's and trucks going down that road after 9:00 at night. Eddie Duncan said the  
24 sound study did not pick up any after-hour activity on Chandler Road. Matthew said he can  
25 often hears back up alarms when equipment is operating in the quarry. He asked if there is a  
26 reason he can hear those sounds and not the horns warning of a blast. Eddie Duncan said he  
27 doesn't have an answer to that question.

28 2:26:00Mike LeClair said he wouldn't be complaining if he was hearing the level of noise  
29 described in the noise report presented that evening. He said he understood the difference  
30 between an air pistol and an AK 47. He said he has heard sounds on his back porch that made  
31 him duck. Sometimes it was a blast and sometimes the rock hammer banging rapidly. He would  
32 like to have someone explain that the rock hammer does, not what it doesn't do.

33 John Nowak at 25 Prusak Mountain Road said he lives across Dean Brook Road from the  
34 Chandler Quarry. He wanted to know how the equipment used in the sound study was accurate.  
35 He had seen equipment bounced around in the back of a pickup truck while the study was going  
36 on. Eddie Duncan said the equipment is laboratory calibrated annually and field calibrated  
37 before and after measurements are taken. The calibrators are also laboratory calibrated annually.  
38 The sound level meter is class 1. The only meters more accurate is a class 0 which is only used  
39 in a laboratory. John Nowak wanted to know why he wasn't notified of the testing so he could  
40 direct them to where the sound is heard. He said the microphone was placed 150 yards up the  
41 road where there was only frogs chirping.



1 Steve Ankuda asked if the workers at the quarry use sound protection gear. Eddie Duncan said  
2 some of the equipment requires sound protection and some does not. He said he could not speak  
3 for the actual practices at the site. OSHA and MSHA had some part to play in that. Steve  
4 Ankuda asked whether someone wearing ear protection should be playing a radio loudly enough  
5 to hear it through the ear protection. Eddie Duncan said common sense says no, but he was not  
6 an expert in that area.

7 Phil Perlah asked about blasting. Eddie Duncan said his study did not cover blasting. Eddie did  
8 not know off the top of his head. He checked the report to see if the frequency of drilling, which  
9 precedes drafting was in it. Scott MacDonald said these were the questions the Board was  
10 hoping to get answers to.

11 Phil opted to skip the point. He said he assumed that blasting occurred less often than rock  
12 hammering. Eddie Duncan said blasting is different from the noise generated by a drill or rock  
13 hammer. It is covered by drilling and blasting experts. The noise report did not address blasting.

14 Cheryl LeClair said she had called the Julian Materials office and asked them to call her when  
15 blasting was planned. The noise spooked her horses and she was almost hurt when they jumped  
16 in response to a blast. She said they never called to warn her. Mike LeClair said no one was  
17 notified of blasts and rocks from blasts have fallen on the railroad tracks and Route 103.

18 Roberta Alexander said she liked Attorney Dumont's question asking whether the equipment  
19 being use is allowed on any of the permits. She did not think it was Eddie Duncan's job to figure  
20 it out, but she would like an answer to the question.

21 Harry Goodell moved to recess the hearing until a date certain October 23, 2023 at 6:00 PM.  
22 Phil Perlah seconded the motion. There was no discussion. A vote was taken, and the motion  
23 passed unanimously. The meeting adjourned at 8:52 PM.

24