

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

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

8 **STAFF PRESENT:** James Carroll, Town Counsel, Preston Bristow, Zoning Administrator
9 Cathy Hasbrouck, Recording Secretary, at the Town Hall, Sue Bailey running the Zoom meeting.

10 **CITIZENS PRESENT:** Eddie Duncan, James Dumont, Cayala Goodrich, Shawn Cunningham,
11 Jenny Ronis, Michaela Stickney, Hugh Quinn, Joy Slaughter, and Kay Wells via Zoom.

12 Steve Ankuda, Mark Hall, Randy Haskell, John Nowak, Cheryl LeClair, Mike LeClair, Barry
13 Goodrich, Scott Kilgus, Leslie Thorsen, Priscilla Melanson, Rene Melanson, Karen MacAllister,
14 Roberta Alexander, Jeremy Matosky, Robert Mancuso, Mike Kenworthy, and Wendy Schneider
15 at Town Hall.

16 05:23 Chair Bob Greenfield called the meeting to order at 6:05 PM. He led the group in the
17 Pledge of Allegiance. He introduced the members of the Development Review Board and staff.

18 **Agenda Item 1 Review minutes of the November 20, 2023 meeting.**

19 Harry Goodell moved to accept the minutes of the November 20, 2023 meeting. Bob Greenfield
20 seconded the motion, being the only other member present who had attended the November 20,
21 2023. There was no discussion. A vote was taken, and the minutes were accepted as written.

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

23 There were no citizen comments.

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 8:06 Jim Carroll swore in everyone who wanted to give testimony. This included all but 4
27 audience members present and a number of people on Zoom.

28 Preston Bristow summarized the events of the preceding 4 days: The DRB received documents
29 amending the application on Thursday afternoon December 7, 2023. Scott Kilgus and Leslie
30 Thorsen filed a motion to Exclude Evidence and Reject the Amended Application on Sunday
31 evening December 10, 2023.

32 10:15 Jeremy Matosky, engineer for the applicant, discussed the amended application. He said
33 changes were made to the application to mitigate some of the concerns raised over the course of
34 the hearing so far. He said the project was reverting to what had existed (been permitted)
35 previously. Material will not be processed at the Chandler Road Quarry, but will be shipped to
36 another town for processing. They will continue to extract stone from the quarries. The stone
37 processing operations occurring in the Chandler Road facility will be phased out. No building
38 will be built in the South Quarry. Hammering will be limited to two days a week, Tuesday and

1 Thursday, from 8:00 AM until 3:00 PM. Twelve-foot-high waste block sound barriers will be
2 installed to further reduce the impact of the hammering noise on the neighboring properties.

3 The final point Jeremy Matosky addressed was the history of rock crushing in the quarries. He
4 said it had been allowed, in the south quarry in particular, by a local permit since June 2005. He
5 wanted to be clear that the limited crushing activity allowed by the Act 250 permit would be part
6 of the town permit. He said they propose to remove all activity in the Chandler Road buildings
7 by June, 2024. The proposed contractor's yard in the North Quarry would be completed by
8 October 1, 2025.

9 Bob Greenfield asked for comments and questions.

10 14:00 Rene Melanson spoke. He asked if Eddie Duncan would do more sound studies to show
11 the impact of the sound barrier and if he would study the hammer noise on the site. Jeremy
12 Matosky said Eddie Duncan was available on Zoom that evening. Jeremy said he didn't think
13 Eddie had completed modelling the impact of the sound barrier. He could do more modelling if
14 the DRB asked for it. Eddie had told Jeremy that the sound barriers would be an improvement
15 over the existing conditions. 14:39 Eddie was the first person to recommend the sound barriers.

16 Rene Melanson asked Eddie Duncan if a new sound study would include the hydraulic
17 hammering. Eddie said the first sound study did include the hammering. The difference now is
18 that the mitigation proposed is specific for the hammering. He noted the mitigation proposed, to
19 limit the hours of operation and to install barriers 12 feet high which create a concrete bunker
20 area in which to do the hammering. Eddie said preliminary modelling of the bunker structure
21 showed it reduced the noise of the hammering by 7 decibels at the surrounding residences..

22 Jim Dumont, representing Leslie Thorsen and Scott Kilgus, interrupted to say it was unfair to his
23 clients to have supplemental testimony by Mr. Duncan without a written report. The proposed
24 changes were not known until 3:15 on Thursday (December 7, 2023). He noted the motion he
25 made to exclude evidence and reject amended applications was only made available to the Board
26 the previous evening (December 10, 2023) or the day of the hearing. He did not expect the chair
27 to rule on the motion at that time, but he objects to any testimony by Mr. Duncan about the new
28 plan. Bob Greenfield noted the objection. Jim Dumont asked for a continuing objection to cover
29 all testimony given that evening.

30 17:15 Bob Greenfield asked Rene Melanson if his question for Eddie Duncan had been answered.
31 Rene asked if the new noise study would be overseen by an independent agency. He asked if the
32 residents will be told in advance when and if a new study is conducted.

33 17:56 Eddie Duncan said he had done some preliminary modeling of the changes and would be
34 happy to provide the data to the Board.

35 Jim Carroll, attorney for the Town of Chester, explained that Jim Dumont was asking for a
36 continuing objection while testimony continues. He asked Mark Hall, the attorney for the
37 applicant, if he had any objections to that. Mark said he did not. Jim Carroll asked Steve
38 Ankuda, the attorney for several other residents, if he had any objection. Steve said he did not.
39 Jim Carroll summarized what Jim Dumont is asking for. Jim Carroll said Attorney Dumont had
40 filed a written motion in connection with the request to revise the application. His motion deals
41 with the fairness issue of due process and not having information on the revised application in
42 advance of the hearing. Jim Carroll said he thought Jim Dumont was correct that the board was

1 not in a position that evening to make a formal ruling on the motion. Jim Carroll said Mr.
2 Dumont is asking that, to the extent testimony is coming into the record in connection with the
3 new application, his continuing objection is put on the record so he will not have to continue
4 interrupting the hearing. The board informally agreed to the continuing objection. Jim Dumont
5 thanked Jim Carroll for his explanation and for the board's agreement.

6 Priscilla Melanson asked Eddie Duncan about the proposed bunker which will keep the rock
7 hammer noise down. Eddie Duncan said the bunker can have 2 or 3 sides. The proposed bunker
8 will be made of concrete and have walls up to 12 feet high. The material to be hammered is
9 placed inside the bunker and the hammering would be done there. The concrete barriers would
10 be between the hammering and the residences in the area. According to the models, the barriers
11 would reduce the noise at the residences by 7 decibels.

12 21:47Mike LeClair asked whether there would be two hammers, one working on the ledge and
13 one working in the bunker. He said the repetitive hammering two to five days a week is
14 outrageous.

15 22:25Jeremy Matosky said the purpose of the proposed changes is to reduce the impact of noise
16 by limiting it to two days a week from 8:00 AM to 3:00 PM. Only one hammer would be used.
17 There would still be extraction from the quarry face, but it would be done by rock drills and
18 blasting. Once the pieces are in a pile at the bottom of the slope, the pieces that are too big to
19 transport need to be broken down further. Those pieces would be broken using the rock hammer
20 in the bunker. The bunker would be constructed of concrete blocks set up in a way to reduce the
21 noise at the residences. 23:39When the pieces are small enough to be picked up, they will be
22 loaded on a truck and moved to another location.

23 Mike LeClair wondered whether the 12-foot barrier would do much to lessen the noise at Rene
24 Melanson's house which is about 100 feet above the quarry floor. He asked whether the
25 residents should believe that these changes would actually be made. He asked whether the town
26 would fine the applicant every time they violate the new permit. He was not in favor of granting
27 a permit if each violation did not result in a fine.

28 Mike Kenworthy said seven decibels was tiny. It was not an achievement. It would not
29 significantly reduce the noise the neighbors now endure. He said perhaps a wall 20 feet high and
30 a ceiling on the bunker would make a difference. He asked if that had been considered. Jeremy
31 Matosky said Eddie Duncan, the sound engineer, had proposed the structure.

32 Mike Kenworthy said seven decibels was nothing. Eddie Duncan said seven decibels falls into
33 the category of clearly noticeable change. A three-decibel change is not noticeable by humans.
34 A five- to ten-decibel change is noticeable, and a 10-decibel change is a perceived halving of the
35 sound level. In noise regulation, a seven-decibel change is a worthwhile change to make. Mike
36 Kenworthy asked if the hammer decibels had been measured recently. Eddie Duncan asked
37 where Mike Kenworthy was referencing. Mike asked if the decibels from the hammer had been
38 measured from 50 feet away, 150 feet away and at different elevations. Eddie Duncan said he
39 had modeled the decibels from the rock hammer throughout the project area, including at the
40 property lines and at residences. The average reduction is seven decibels.

41 Mike Kenworthy asked what the decibel level was without the bunker, 50 feet away from the
42 rock hammer. Eddie Duncan said he didn't have that data available at that moment. Mike

1 Kenworthy asked how the audience could evaluate the impact of a change of seven decibels
2 without some frame of reference such as the decibel level 50 feet from the rock hammer.

3 28:07Mike Kenworthy and Eddie Duncan discussed how the audience could understand the
4 impact of a seven decibel change in a noise level. Mike suggested that a reduction of seven
5 decibels would not change a human's perception of the noise from a gatling gun which is 130
6 decibels. He said the amount of noise from a rock hammer was not much different from a
7 gatling gun.

8 Mark Hall objected to the questioning from Mike Kenworthy. He said reports with figures being
9 discussed have been given in evidence and are available to all. Jeremy Matosky wondered if the
10 confusion results from people thinking that the seven-decibel reduction is being measured at the
11 source of the noise, i.e., right next to the rock hammer while it's operating. Jeremy said he
12 believed Eddie Duncan was saying that if a residence is experiencing 57 decibels from the rock
13 hammer now, it would experience 50 decibels if the rock hammer were behind a bunker.

14 Scott MacDonald said he recalled hearing from an engineer that the RSG reports did not report
15 any numbers over 70. Eddie Duncan said the incidences of 70 decibels at the property line were
16 the result of trucks passing close to that point on the property line. He said there was an instance
17 of 70 decibels at the Chandler Road quarry during rock drilling right next to the property line.
18 Scott said he remembered it being due to equipment at Chandler Road and that the reported
19 measurement stopped at 70, but it could have been higher. Eddie Duncan said the report did not
20 go further than 70, but the model results were available and could be looked at. Eddie said he
21 recalled the area of the property line where the decibel level exceeded 70 was not significant, but
22 the data was available to be looked at and he would be happy to go over it.

23 Mike Kenworthy asked if anyone measured the decibels of the hammer noise at the peak of the
24 noise. Eddie Duncan said the reports included the maximum sound levels. The data in the report
25 could be examined.

26 Scott MacDonald turned to page 21 in Exhibit J the RSG Noise Assessment. He looked at table
27 3 which listed sound power levels for the rock hammer. It said the overall sound power level
28 was 126 decibels measured at AllStone. Eddie Duncan said that sound power level was not the
29 same as sound pressure level. Sound power level was the figure fed into the model for
30 calculations, it was not the level of noise a human would experience when the machine was
31 running. The purpose of table 3 was for transparency of the report and to enable another
32 engineer to work with and verify the calculations. Scott MacDonald asked if the abbreviation
33 dBA, the unit of measure displayed in table 3, was the measure used in reference to human
34 hearing. Eddie Duncan said yes, the A-network addressed human hearing, or how the human ear
35 perceives loudness.

36 Jeremy Matosky spoke about Table 7 on page 25 of the report. This table is a summary of South
37 Quarry model results from existing operations. He pointed out the equipment whose sound was
38 modeled and the locations where the model predicted dBA levels. He noted that the readings
39 ranged from 46 to 66. The seven-decibel reduction discussed earlier would be applied to those
40 figures.

1 James Dumont asked to clarify that the questions being asked are about what had been measured.
2 The data cited as answers is data that had been modeled, not measured. He wanted the record to
3 be clear on that point.

4 37:56 Jim Carroll asked what document was being cited. Jeremy Matosky and Scott MacDonald
5 agreed that the document was Exhibit J.

6 38:47 Barry Goodrich said a landowner left her house on November 10, 2023 because the
7 hammering was so loud she couldn't stand it. He asked who would watch the barriers being put
8 up. Who would verify that it was done properly?

9 39:36 Leslie Thorsen said the noise from the quarry was not characteristic of the neighborhood.
10 It was loud, repetitive, and disturbing. The decibel level doesn't matter, the noise is
11 uncharacteristic of the neighborhood.

12 Mike Kenworthy said the recurring theme is that the applicant has not been following the rules
13 and the residents of the area are paying the price. Why is there no penalty for the distress caused
14 to the residents by the quarry? He asked why the DRB has not punished the quarry operators.
15 Bob Greenfield said the bylaws do not give a lot of enforcement options. Mike Kenworthy said
16 the board could refuse to issue a permit. Bob Greenfield agreed and said the hearing for a permit
17 was the reason the board was convened.

18 42:00 Mike Kenworthy said his land borders the Chandler Road Quarry. He said the Board
19 issued a permit 18 months ago for a storage shed which has since been turned into a cutting
20 operation. The quarry operator has been making money on it and the residents have endured the
21 noise and pollution. He asked why the Board could not stop the quarry owners from operating
22 outside the permit as soon as they discovered the building was not being used for storage. Bob
23 Greenfield said the Board had to operate within the bylaws and could not withdraw the permit.

24 43:31 Jim Carroll said he understood the resident's frustration. He said within the frame of the
25 bylaws the town is able to pursue a permit application, not an enforcement action. He
26 understood the resident's wish for enforcement. There are limited enforcement actions that
27 could be taken within the frame of the bylaws. The DRB was having a hearing on whether a
28 permit should be issued. That evening's hearing is not an enforcement action. He understood
29 that the residents had a lot of thoughts on whether an enforcement action should or should not be
30 taken. He said there are a lot of factors to consider before an enforcement action can be taken.
31 The permit under consideration could be issued with conditions that could require and assure that
32 enforcement will take place. Enforcement issues with previously issued permits will have to be
33 dealt with in a separate context.

34 45:35 Priscilla Melanson said that even if rock hammering was only allowed on Tuesdays and
35 Thursdays she still would not be able to return to her home in Gassetts because she can no longer
36 physically or mentally handle repetitive noise at that level.

37 Scott Kilgus said the seven-decibel change in the noise level was not the only factor to be
38 considered for the purpose of issuing a permit. The noise from the hydraulic hammer is
39 disturbing, repetitive and uncharacteristic of any other noise in the neighborhood. The noise
40 from the hammer that continues for days makes it impossible to take any pleasure from living in
41 the area. There is no escape from the noise. It is intrusive inside and outside the house. The

1 noise is illegal. There is no permit for it. His brother-in-law woke out of a sound sleep when the
2 noise started one morning when he was visiting from California.

3 48:55Rene Melanson asked whether the permit process will start over given the change to the
4 permit application? Would it take another 3 years to process the permit? Bob Greenfield said
5 hoped the change will not require another 3 years to process.

6 50:59Barry Goodrich asked who would be liable for damage done to Route 10 by the quarry
7 trucks. He said the road was covered with white dust. He was concerned that motorcycles
8 would slip on the dust and crash. Bob Greenfield said he did not know who would be liable. Jim
9 Carroll said a jury would depend on the facts to determine liability. An organization which
10 dumped dust on the road could be found liable.

11 52:12 Randy Haskell said he heard the rock hammering under the revised application would be
12 limited to 2 days a week. It would be replaced by drilling and blasting. Jeremy Matosky said
13 drilling and blasting are already allowed under the existing permits from the Town of Chester
14 and Act 250. He said rock hammering is limited under those permits. The limits being proposed
15 are to mitigate the concerns being raised. Randy Haskell asked what the limits on drilling and
16 blasting are under the existing permits. Jeremy Matosky said he would have to go back and read
17 the permit, but it was a number of days. Randy Haskell said he was familiar with quarrying
18 operations. He said the quarry operators have been running the rock hammer 5 days a week.
19 Under the new proposal, the quarry operator would have to blast and then hammer intensely for
20 2 days in order to reduce the blasted rock to a size that could be transported. He thought that
21 drilling and blasting will be the next evils. He doubted that there would be a net gain to any of
22 the neighbors from this change.

23 Jim Dumont asked Randy Haskell if he was also going to describe the noise he already hears.
24 Randy Haskell says he hears noise from the guillotine and saws at his home on Chandler Road.
25 Occasionally he hears the hydraulic hammer, though not as much as the people who live near the
26 Route 103 quarry. He sees the continual runoff into the stream by the quarry. It runs white quite
27 often. He is also very affected by the truck traffic to and from the Chandler quarry. He said
28 Chandler is a narrow, muddy road and the trucks give very little consideration to the residents
29 using the road. Outside his home he hears noise from the quarry operations daily.

30 55:38Jeremy Matosky said drilling is limited to 20 hours per month under the Act 250 permit.

31 Jim Dumont asked Jeremy Matosky if there is a section 1111 permit for the proposed new access
32 for the north quarry, or will it be applied for in the future. Jeremy Matosky said there is
33 currently no 1111 permit application being made. It will be made in the future.

34 Randy Haskell asked what the current restrictions on blasting are. Jeremy Matosky said the Act
35 250 permit prohibits blasting on Saturdays. Randy Haskell said he does not see blasting as
36 preferable to hydraulic hammering and there would be more blasting under the new proposal.

37 57:40Scott Kilgus said the quarry operators were proposing to return to the conditions on
38 existing permits for the south quarry with the “small” addition of hydraulic hammer use. He said
39 he had lived in Gassetts for years while Greg Adamovich ran the quarry. There was an
40 occasional complaint about noise from a blast, but Mr. Adamovich was generally considerate of
41 his neighbor’s peace. The problems in the area started when the Julians brought in the hydraulic
42 hammer.

1 59:01 John Nowak said he lived on Dean Brook Road, and he is affected by everything that
2 happens at the Chandler Quarry. He said the quarry operators were dumping sediment into the
3 brook on Saturday. The engineer had told him the sediment issue was addressed six weeks ago.
4 John asked whom the residents should call to enforce the laws? The town of Chester does not
5 have the resources to do anything. Bob Greenfield said he did not know whom should be called.
6 John Nowak said there was a barrier 14 feet high erected at the quarry across the road from his
7 home. During the week, the hydraulic hammer was operating and the noise at his home was
8 impossible to get away from. He said he was retired and wanted to spend the rest of his life in
9 the home he has now, but he can't bear the noise and wants to move. People's mental health is at
10 issue. No one in authority in Chester has responded to his complaints. He had to leave his home
11 last week to get away from the noise. Other people have moved out of their homes.

12 Phil Perlah asked Preston Bristow if a property owner could file a complaint with the zoning
13 administrator about a matter such as this. The zoning administrator would investigate and take
14 action based on his investigation. Preston confirmed that was the process to be followed. He
15 could file a notice of violation or write a municipal ticket. In each case, the notice of violation or
16 the ticket would be appealed to the environmental court and the same hearing being held now
17 would have to be held. Phil said it was not correct to say the bylaws could not be enforced. A
18 process did exist. Preston said the town was choosing to use the permit hearing as an
19 enforcement process.

20 Phil Perlah said the Julian Brothers filed a permit in the spring to legitimize their operation. Phil
21 wanted to make the point that the town could pursue an enforcement action while having a
22 hearing for the permit application. He said he is bothered by the assertion that the town cannot
23 enforce their bylaws when they actually can. He is not upset by the choice the town made to
24 pursue the conditional use permit hearing only. Preston said the town could have chosen to
25 pursue an enforcement action simultaneously with the permit hearing, but they did not think
26 much benefit would come of it. Phil said he accepted and supported the town's decision, but
27 wanted to make the point that the town could enforce its decisions. Bob Greenfield said he stood
28 corrected.

29 John Nowak said he believed Preston Bristow wanted Julian to stay in Chester and John did not
30 feel Preston should be allowed to speak at the hearing. John said Preston had told him he wanted
31 the Julian Brothers to stay at the quarry when they spoke on John's front lawn. 1:06:08 Preston
32 said he had not spoken those words.

33 1:07:31 Mike Kenworthy asked whether the town benefitted from having the Julian Brothers
34 operate the quarry. Jim Carroll said the answer to that question was available on the town grand
35 list. It is available in the town office during business hours. He said the task in front of the board
36 is to complete a hearing process for the purpose of any appeal that may be filed with the
37 Environmental Court and the Vermont Supreme Court. The DRB's job is to judge the merit of
38 the permit, to assess the impact of traffic, noise, and dust on the town from the proposed activity,
39 and to understand whether such activity is allowed by the zoning bylaws. If the process can't be
40 civil, then the hearing must be recessed and resumed at a later date when people can be civil
41 again.

42 Priscilla Melanson said the citizens have enough complaints and enough evidence to be strong in
43 their convictions and presentation. Ad hominem attacks will not help the process. It will only

1 harm their cause if the hearing turns into a circus. Everyone involved is frustrated and tired, but
2 this is a process that the town has to go through. Everyone needs to be polite and stand their
3 ground on how the operation of the quarry is affecting their life.

4 Priscilla said she is under medical care because she can't bear repetitive noise anymore. The
5 sound of raindrops on her deck is unbearable. Personal attacks and accusations will not move the
6 process forward. She appealed for calm and civility.

7 1:13:04Mike LeClair thanked Priscilla for her words. He then said he was concerned about the
8 additional blasting proposed. He cited examples of recent blasting at the quarry where rocks
9 landed on the railroad tracks and Vermont Route 103 North. He said that was unacceptable. He
10 would object to the quarry using the company which had done that blasting. He asked where the
11 stone will be taken once it is quarried. Jeremy Matosky said the location has not been
12 determined, but it will trucked over state roads. Mike LeClair said the stretch of 103 near the
13 quarries is heavily traveled during ski season and in the summer. He felt it would be dangerous
14 to have that much truck traffic in that area. Jeremy Matosky said the number of trucks leaving
15 the facility will be the same as is currently or fewer. Stone quarried in the North and South
16 quarries is currently hauled to the Chandler quarry for shaping and then hauled away. In the
17 proposed change, the stone would leave the area in a dump truck, instead of palletized on a flat
18 bed.

19 Mike LeClair reiterated his question about where the stone was going to be sent. He also said he
20 understood it was expensive to have the board enforce the laws. He said that all the citizens
21 attending the hearing are taxpayers. They share the burden of enforcement costs. The noise is
22 lowering the value of their property. He felt the lack of enforcement was dangerous.

23 1:21:00Scott MacDonald said he was disturbed by the outbreak of feeling during the meeting and
24 didn't want it to happen again.

25 1:22:00Barry Goodrich asked how the quarry operators could apply for a permit when they could
26 not specify where the stone would be shipped for shaping. Jeremy Matosky said specifying a
27 destination for the stone wasn't needed for the permit. They were only obliged to give notice to
28 the State of Vermont of a planned increase in traffic on their highway.

29 1:22:53Jim Dumont reminded the chair that the subject is part of his motion, and it isn't fair to
30 expect the citizens to think through and consider the impact of the changes on such short notice.

31 1:23:30 Steve Ankuda wanted the record to reflect that all his clients are present at the hearing,
32 and that all of the affidavits they have submitted are part of the record. Under statute, he must
33 verify that all those people submitting affidavits are available for cross examination. Mark Hall
34 said he was aware of that and will forgo cross examination. He said he would like to discuss a
35 briefing schedule. He would like to respond to Jim Dumont's motion to exclude evidence and
36 reject the amended application. Mark said he had received the motion that morning and hadn't
37 had a chance to respond to it.

38 1:24:29Priscilla Melanson asked of there was a method to warn residents of a coming blast and
39 could that be codified in the conditions of the permit. Jeremy Matosky said the MSHA
40 requirements for blasting could be incorporated into the permit conditions. He said, as far as he
41 knew, the horn warning of a blast is currently being used, and the neighbors are notified of a
42 blast.

1 Bob Greenfield said there were exhibits presented as part of the revised application and he
2 thought they should be entered into the record. Phil Perlah said he would like to withdraw
3 Exhibit NN which he introduced at the last meeting because the information in the exhibit is
4 already part of the record.

5 1:26:20 Jim Carroll said that in light of Jim Dumont's motion to exclude evidence and the revised
6 application it would be best to only number the exhibits and let the DRB wait to make any
7 decision to admit those documents. Jim Dumont and Mark Hall agreed to mark the documents
8 for the moment. Preston Bristow said the documents were marked and available on the town
9 website. The new exhibits are Exhibits OO to TT.

10 Mike LeClair said he heard testimony during an earlier meeting that the quarry operators had
11 contacted Chester Police, Fire and Ambulance personnel with regard to a planned blast that was
12 close to the road. He later checked with the Police and Fire departments, and they had no record
13 of contact with the quarry operators about preparing for a blast. He also asked what limits the
14 DRB could place on the use of the hydraulic hammer.

15 Jim Carroll asked if anyone had any more material to submit. No one did. Jim Dumont
16 proposed that briefs be submitted by January 2, 2024 and reply briefs by January 16, 2024.
17 Steve Ankuda and Mark Hall had no objection to that schedule. Jim Carroll explained that briefs
18 do not introduce new evidence, they only present arguments in favor of an action such as
19 granting a permit or requiring certain conditions. The briefs will be put online for all to see when
20 they are received.

21 Phil Perlah suggested that the DRB recess until January 22 to consider those briefs. It was
22 agreed by all that the record remain open until January 22, 2024.

23 1:36:43 Steve Ankuda asked who had made the decision to proceed with a conditional use permit
24 hearing instead of some type of enforcement action. Was it a decision made by the DRB or the
25 Select Board? Jim Carroll said Steve Ankuda knows who initiates those actions and it was
26 enough to say the decision was made with legal advice. Steve Ankuda said he wanted to know
27 which politician made the decision not to pursue enforcement. Jim Carroll said he would not
28 discuss how enforcement was initiated because all those issues are laid out in statute. The DRB
29 was now acting in the role of judge. Any enforcement initiated is likely to appear before the
30 DRB. Harry Goodell moved to recess until January 22, 2024 at 6:00 PM. Phil Perlah seconded
31 the motion, and the hearing was recessed.