

**TOWN OF CHESTER**  
**DEVELOPMENT REVIEW BOARD**  
**MINUTES**

*September 30, 2019*

**BOARD MEMBERS PRESENT:** Carla Westine, Gary Coger, Harry Goodell, Robert Greenfield and Mark Curran.

**STAFF PRESENT:** Cathy Hasbrouck, Recording Secretary, Michael Normyle, Zoning Administrator.

**CITIZENS PRESENT:** Naomi Johnson, Kirby Putnam, Corey Mack, Eddie Duncan, Jim Goss, David Pisha, Heather Chase, Leigh Dakin, and Paul Dexter.

**Call to Order**

Chair Carla Westine called the meeting to order at 6:00 PM in the upstairs at the Town Hall. She introduced the members of the Development Review Board and Staff. After a pause for some technical difficulties, the meeting resumed. Carla Westine led the group in reciting the pledge of allegiance.

**Agenda Item 1 Review draft minutes from September 23, 2019**

Harry Goodell moved to accept the draft minutes from September 23, 2019. Gary Coger seconded the motion. There was no discussion. A vote was taken and the minutes were accepted as written.

**Agenda Item 2, Citizen Comments**

There were no comments from citizens.

**Agenda Item 3, Conditional Use application (#539) Town of Chester: Create a Municipal Sand and Gravel Extract Operation**

Carla Westine began by discussing an excerpt of the Chester Unified Development Bylaws distributed to the citizens in attendance by Zoning Administrator Michael Normyle. She pointed out the sections of the bylaws that will be part of the hearing that evening. She explained when citizens will have an opportunity to ask specific questions during the hearing.

Carla Westine asked the Board members if they had any conflicts of interest or ex-parte communication about the hearing to disclose. No Board member did. The following people were sworn in to give testimony at the hearing: Naomi Johnson, Corey Mack, Eddie Duncan, Jim Goss, David Pisha, Heather Chase, Paul Dexter.

Carla Westine asked Michael Normyle for a summary of the project so far. He said he received most of the information for the application on August 29, 2019 and considered the application final on September 3, 2019. He published the notice of a public hearing on September 3, 2019. He distributed notices of the hearing to abutters on September 10, 2019. He only heard from one abutter in an e-mail.

Carla Westine began accepting the documents submitted by the applicant into evidence. The first document is a Notice of Public Hearing Before the Development Review Board, dated September 3, 2019. Carla Westine read parts of the notice out loud. The notice stated there

would be a site visit at 5:00 PM and a hearing at 6:00 PM on Monday September 30, 2019. The application number was 539. The Property owner was the Town of Chester. The applicant was David Pisha, Town Manager, the location was 878 Vermont Route 103 South, the zoning district was R-40. The action requested was, "Create a Municipal Sand and Gravel Extraction Operation. The project will involve extraction of up to 20,000 cubic yards of sand and gravel per year, with an expiration date of December 2060." The Notice was signed by Michael Normyle. Harry Goodell moved to accept the Notice as Exhibit A. Gary Coger seconded the motion. A vote was taken and the Notice was accepted as Exhibit A.

The second document presented was a many-paged presentation prepared by Jim Goss for the Development Review Board. Carla Westine read the list of exhibits in the presentation package as follows:

1. Project Narrative
2. Location Map
3. Aerial Photo
4. Project Program
5. LUP 2S0214-8
6. Multi-Sector General Stormwater Discharge Permit
7. Noise Study
8. Traffic Study
9. Extraction and Reclamation Plans

Harry Goodell moved to accept the clipped together presentation as Exhibit B. Gary Coger seconded the motion. A vote was taken and the motion passed.

Carla Westine invited Jim Goss, the lawyer representing the town, to speak. He introduced the team who worked on the project: Naomi Johnson, of the Dufresne Group who was the project engineer, Corey Mack from RSG who was the project traffic engineer and Eddie Duncan from RSG who was the noise engineer.

He gave an overview of the project. He said the project is a municipal sand and gravel operation on Route 103 South. The extraction will take place on 5 acres of a 140-acre parcel owned by the town. He said there is a town water tower on the same parcel. The application indicates that the town expects to extract a total of 150,000 cubic yards of sand and gravel over the 40-year course of the permit. The limits for extraction specified by the Chester Public Works Department is 20,000 cubic yard per year maximum, 15,000 cubic yards average per year. 180 loaded trucks per day maximum and 10 loaded trucks per day average. Jim Goss explained that the maximum and average cubic yard and truck trip numbers do not tie out to other figures because gravel use is often tied to event such as storms or floods and the need for gravel fluctuates unpredictably. He also explained that the property contains 70 acres of deer wintering area and is subject to a conservation easement from the Vermont Department of Fish and Wildlife. Crushing and screening of gravel is not allowed from December 15<sup>th</sup> to April 15<sup>th</sup>. During those months only stockpiled material may be taken from the quarry.

Jim Goss said the proposed municipal sand and gravel pit will not be selling any products to the public, to private contractors or to other towns. He said there will be no drilling or blasting

taking place. It will be a resource for public works projects only. There will be long periods of inactivity, sometimes followed by periods of intense activity in response to a storm or a project.

Jim Goss said the hours of operation for extraction, screening, trucking and general operations will be 7:00 AM to 4:30 PM, Monday through Friday. Hours for crushing will be 8:00 AM to 4:30 PM Monday through Friday. These activities will take place from April 15<sup>th</sup> to December 15<sup>th</sup>. Crushing will take place only as needed to produce more gravel during those months. From December 15<sup>th</sup> to April 15<sup>th</sup> only removal of stockpiled materials will take place. There will be very little equipment on the site apart from the machines needed to load and/or process the gravel.

Jim Goss said the property is subject to Act 250 jurisdiction. As soon as the Conditional Use permit is obtained, the town will apply for an Act 250 amendment. Because the property is in the R-40 zoning district it will require a Conditional Use permit for an extraction operation. He said the team was ready to go over the conditional use criteria whenever the Development Review Board was ready to hear the presentation.

Carla Westine turned to three more documents to be entered into evidence. The first was an Application for a Conditional Use Permit. She read the permit number, 539, and the parcel number 43-20-09 aloud. Harry Goodell moved to accept the application as Exhibit C. Gary Coger seconded the motion. A vote was taken and the application was accepted as Exhibit C.

The second document was a site plan of 5 large pages, labeled G1 Scope of Work Plan/Project Description, C1 Pre-Construction/Present Conditions Site Plan, C2 Construction/Operational Plan with EPSC measures, C3 EPSCP Details and C4 Stabilization/Reclamation Plan. Those pages made up the site plan for the project. It was noted that there were smaller (11" x 17") versions of the five pages included in the presentation document. Carla Westine asked the Board if they wanted to accept the large versions of the site plan as an exhibit. There was consensus agreement among the Board members to accept the exhibit. Mark Curran moved to accept the site plan as Exhibit D. Harry Goodell seconded the motion. A vote was taken and the large site plan was accepted as exhibit D.

The last document was an e-mail from Phil Perlah. Phil Perlah, a member of the board who was not able to attend the hearing, was writing as a private citizen. Carla Westine read the e-mail aloud. Phil Perlah requested that no blasting be made a condition of the permit if the permit is issued. Harry Goodell moved to accept the e-mail as Exhibit E. Gary Coger seconded the motion. A vote was taken and the e-mail was accepted as Exhibit E.

Carla Westine read the following portion of the Chester Unified Development Bylaws aloud  
**4.8 CONDITIONAL USES**

Specific conditional uses are permitted only by approval of the Development Review Board, providing that General standards, Specific Standards, Performance Standards and Special Criteria, as herein provided are met, and further provided that:

- A. The Development Review Board after public notice and public hearing determines that the proposed use will conform to such standards.
- B. In granting such conditional use, the Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purpose of the law and these Bylaws.
- C. The Development Review Board shall act to approve or disapprove any such requested conditional use within forty-five (45) days after the date of the final public hearing held under this Section, and failure to so act within such period shall be deemed approval.

**1. General Standards**

These general standards shall require that any conditional use proposed for any district created under these Bylaws shall not result in an undue adverse effect to:

- a. The capacity of existing or planned community facilities;

Jim Goss said the property is already the site of the town water tower and the project will have no effect on the tower. The site is not distant from police and rescue services, if those are ever needed. He said the noise and traffic experts will give testimony that the project will not be affecting Green Mountain Union High School (GMUHS) which is near the site. He said the distance from the GMUHS driveway to the access road is 650 feet and the site is about 1,355 along the access road from Vermont Route 103. There is a belt of heavily forested land between the site and GMUHS, which will act as a screen from any noise and dust created. He said the pit will not be allowed to crush gravel for several of the months when school is in session. Jim Goss said that the access road opens on to Vermont Route 103, which is a state highway and well able to support the projected traffic from the pit.

Paul Dexter said he recalled that at the last hearing for this particular gravel pit 15 years ago, the principal of GMUHS submitted an affidavit indicating that the school was used not just during school hours, but during the entire year, and that the woods were an integral part of the school operation for the cross country team and outdoors programs.

- b. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located,

Carla Westine read the purpose of the R-40 zoning district: To provide moderate-density residential neighborhoods with compatible commercial and civic uses that are consistent with the Chester Town Plan.

She then asked Jim Goss to address this standard. Jim Goss said he would like to address the General and Specific Standards together. Carla Westine confirmed that the standards Jim Goss planned to address included the following:

- Traffic on roads and highways in the vicinity;

- Bylaws and ordinances then in effect; and,
- Utilization of renewable energy resources.
- Minimum lot size;
- Distance from adjacent or nearby uses;
- Minimum off-street parking and loading facilities;
- Landscaping and fencing;
- Design and location of structures and service area;
- Size, location and design of signs;
- Performance Standards under Section 4.9 including noise, air pollution, glare, light and reflection, safety hazards, electromagnetic disturbances, and underground storage tanks,

Jim Goss confirmed that those were the standards he intended to cover. Jim Goss said section 7.5 of the Chester Town Plan encouraged earth extraction operations with proper environmental controls. He said Performance Standards and General Use Standards are probably the proper environmental controls to apply to this project. He referred to the General Use Standards, section 3.9, Extraction Operations, requirement in section C, which discusses reclamation. He turned to project engineer Naomi Johnson who presented the plans for reclaiming the site.

Naomi Johnson referred to the Operational Plan, page C2, of Exhibit D. She pointed out the existing access road which opens onto VT Route 103 South, the proposed access road which leads to the extraction site from the existing access road and the limit of the planned extraction. She then turned to page C4 of Exhibit D, Stabilization/Reclamation Plan. She indicated two the white areas on page C4 which would be the areas of extraction and the contour lines that indicate sloped areas surrounding the two extraction areas. The sloped areas currently have a slope of one and one-half to one. She said the reclamation would change the sloped area (also called the back slope) to two to one. The slope on the floor of the excavation will stay essentially flat.

During reclamation, the flat areas and the backslopes will be covered with topsoil and seeded. In addition, the rectangular storm water sediment trap on the eastern side of the excavation area will be seeded and left to fill in over time with natural vegetation. She said a berm will be placed as a barrier across the access road entrance to act as a barrier and prevent traffic from entering the area. Jim Goss said that 4 inches of topsoil will be put down before the area is seeded.

Jim Goss addressed Item 2 under the General Use Standards for Extraction, which is a bond to guarantee conformity with the requirements of the section. He said that since the Town of Chester would be guaranteeing its own performance, a bond would not be necessary. Jim Goss noted that item 3 of the General Use Standards for Extraction addressed existing extraction at the time the Bylaws were adopted and did not apply to this project. Item 4 of the General Use Standards prohibited strip mining. Jim Goss said “strip mining” was not defined in the bylaws, but it typically was a large, un-reclaimed surface mine that typically included blasting and demolished a topographical feature. This project will reclaim the land after extraction is concluded.

Item 5 under the General Use Standards for Extraction prohibits quarrying or mining within 100 feet of a highway or an abutting property. Jim Goss said the site plan is clear that the proposed activity is well away from the road and abutting properties. Item 6 of the General Use Standards for Extraction requires that waste materials be screened from view and not impede the flow of or pollute the waters of ponds and streams. Jim Goss said waste materials are not part of a sand and gravel extraction. He said there will be stock piles of material at the site, but the existing and surrounding vegetation screens the view of those piles from outside the site.

Naomi Johnson addressed the issues of storm water and erosion control at the site. She turned to page C2, Construction/Operational Plan with EPSC Measures. She pointed out 4 elliptical features shown on the floor of the extraction area. She said those features are stockpiles of top soil stripped from the site. The stockpiles will be stabilized by seeding. The erosion control plan will divert water from the up-gradient area in diversion ditches around the upper and western perimeters of the site. She said other erosion control measures are silt fencing spaced across the extraction area and the storm water pond retention area on the lowest level of the site. The concepts being used in the storm water plan are: control the flow of water, prevent erosion and allow sedimentation to occur.

Jim Goss said the project had a Stormwater permit from the state. Naomi Johnson said the permit covered both the storm water aspects of the project and the extraction operation. The permit was included in Exhibit B as Exhibit 6. She noted that there are conditions to that permit. Jim Goss said the permit indicates a presumption that the project meets the first criterion for Act 250, which is the project will not cause any undue pollution.

Jim Goss then addressed the Performance Standards in Section 4.9. He turned to Eddie Duncan, Director of Acoustics at RSG to discuss the noise study. Eddie Duncan recapped the noise level limits in the Chester Unified Development Bylaws. He noted that the extraction operation is a daytime operation and the daytime standard, between 7:00 AM and 8:00 PM, is 70 dB. He explained that he had conducted a noise assessment which included background sound level monitoring throughout the area, sound propagation modelling and mitigation development.

He described the process of developing background sound levels. Long-term measurements were taken at two monitoring locations for at least five days each. One site was on the GMUHS grounds just north of the project site. The second site was adjacent to the access road, about 200 feet from Vermont Route 103 South. Eddie Duncan focused on the daytime background sound levels recorded. He said the average sound level at the school was 45 dB and at the access road it was 53 dB. He said typical conversational speech is 55 – 60 dB, so the average background sound level at the access road monitoring locations is slightly quieter than conversational speech, and the average background sound level at the school was about 10 dB less than that. He said the sources of background sound were bird calls, insects, wind blowing through trees, aircraft flyovers, humans at the school and traffic, particularly at the access road site.

Eddie Duncan said the sound propagation modelling was done at his office using Cadna A acoustic modeling software. The modelling was done in accordance with international standards using methods and standards commonly used in Vermont courts. He said the model included 3-dimensional terrain and a number of different pieces of equipment to be used at the site including

trucks to haul the gravel, a machine to load the truck, primary and secondary gravel crushers, a screener and an excavator. He said four scenarios were modeled and he presented charts and graphs of the loudest scenario on a screen. That scenario resulted in a reading of 70 decibels at the property line when the truck was driving on the access road close to the junction with Route 103. In that scenario, Eddie Duncan said sound levels at the school were 2 to 9 decibels less than the 70 decibels at the property line near the access road.

Eddie Duncan said the report has recommendations to mitigate sound. He noted that the town had already decided to put broadband or radar activated backup alarms on the equipment used at the site and this was his first recommendation. The second recommendation was to establish circular routes for the trucks, to reduce the need for backup alarm use. The third recommendation was to locate the crusher in a specific portion of the extraction area which was shown in Figure 11. The final recommendation was to maintain the forest around the extraction area which will help dampen the sound.

Jim Goss opened the floor be open to questions about noise. Carla Westine asked if the report states that the limit of 70 dB is met at all points along the property line. Eddie Duncan said the highest decibel readings of 70dB were predicted at the access road when trucks were entering and leaving. At all other points on the property line the decibel readings were substantially lower than that. She also asked about the proposed change to the truck backup alarm. She wanted to know if the proposed alarms were activated whenever the vehicle was put in reverse or if it was only activated if an obstacle was detected. Eddie Duncan explained that the broadband alarm was a less piercing white-noise sound that was activated whenever the vehicle was put in reverse. The white noise sound attenuates more quickly (over a shorter distance) than the traditional beeping alarm. The radar alarm would only sound if the radar on the truck detected an obstacle behind the truck. Carla Westine asked if the broadband or radar backup alarms can be added to existing equipment. Eddie Duncan said that it could, and it has become common in Vermont to see the broadband alarms in use at extraction sites.

Paul Dexter asked if the engineer could say what the noise level predicted by the model was at the border between the 140-acre parcel with the extraction area and GMUHS. Eddie Duncan pointed out the property line in question and said the predicted levels varied according to what activity was going on at the extraction site. He said the highest predicted level occurred when a truck was going up the access road. The reading was 70 dB. He pointed to the area of the next highest predicted level along the property line which was 60 dB. Eddie Duncan confirmed that the 70-dB reading occurred on the property boundary between GMUHS and the 140-acre parcel.

Paul Dexter said that during the hearing held many years ago, the term “barely audible at the property line” was the standard discussed. He asked if 70 dB constitutes barely audible. Carla Westine said that the previous permit process was under a different set of regulations and the current standard in force at the present hearing is 70 dB at the property line. She said the standard has changed since the prior hearing. Paul Dexter said that “barely audible at the property line” was the standard used for the Act 250 permit issued for the parcel in 2002. He said that the Environmental Court issued a decision about 8 years ago which denied an amendment for this property’s Act 250 permit because it did not meet the “barely audible at the property line” standard. He said the old Act 250 permit exists and the decision exists and the

standard is still in force. Carla Westine said the applicant will have to go through the Act 250 process at the state level. The Act 250 criteria are different. The DRB must apply the current Town of Chester Bylaws in this hearing.

Jim Goss addressed Section 4.9.B, Air Pollution. He said the only real source of air pollution caused by the project is dust raised by trucks on the access road and by general operations. He said dust can be addressed by treating the road with water and chloride, which is the standard imposed by Act 250. He said there were extensive isolation distances and vegetative cover surrounding the pit itself which are also helpful. The other source of dust in the project Jim Goss noted is the crusher. He said crushers over a certain capacity are regulated by the State of Vermont and are required to have a permit which addresses pollution control. Crushers move from gravel pit to gravel pit and the permit travels with the crusher.

Jim Goss said there is no lighting proposed for the project so there will be no glare, light or reflection to regulate. He said no drilling or blasting is proposed and there are no unusual sources of hazard at the site to address. He said there would be no electro-magnetic disturbances from the site. No cell towers were proposed. He said there are no underground storage tanks are proposed for the site. Jim Goss said the preceding discussion demonstrates that no undue adverse effect will be created by the project as discussed in paragraph 4.8.C.1.b in Conditional Use, General Standards.

Carla Westine asked if the Board or the audience had any questions. No one did. Jim Goss moved on to the issue of traffic. He introduced Corey Mack, the traffic engineer with RSG who presented the traffic study. Corey Mack said the traffic study provided in Exhibit B followed VTrans traffic impact study guidelines for gravel and sand extraction projects. He said the study used the maximum extraction rates discussed earlier, about 23 trucks entering and exiting per hour, and the traffic volume on Route 103 in front of the driveway as documented by the State of Vermont for those hours. A model was constructed using that data. He said there was currently essentially no traffic delay on Route 103. There are no stop signs or traffic lights. He said the study showed very little delay when the proposed peak volumes are added in. A chart from page 17 of the study was displayed. The projected volumes for 2025 shows an increase of two seconds in the level of service.

Corey Mack said the study did not show a need for turning lanes in either direction. The line of sight from the driveway in both directions was sufficiently long to judge whether it is safe to enter the highway or cross the highway to drive onto the access road. The stopping sight distance at the driveway was also safe. The single recommendation for mitigation was to add "truck ahead" warning signs both north and south of the intersection.

Carla Westine noted that this is a pre-existing driveway. Mark Curran asked if the sign would be a 'trucks entering' warning sign. Corey Mack said the sign would be a yellow diamond with the symbol of a truck in it. Heather Chase said the Selectboard is thinking about reducing the speed limit in that area given the high school driveway nearby and the speed of vehicles both leaving town and coming into town. She said the potential presence of so many trucks would be another reason to reduce the speed limit. David Pisha concurred.



Jim Goss addressed the remainder of the General Standards. For item d, bylaws and ordinances then in effect, he said the project meets all the dimensional standards and ordinances. For item e, renewable energy resources, he said there are no renewable resources on the property or adjacent to it that this project could affect.

Carla Westine asked if there would be a structure for storage or a shed on the property. Jim Goss said he did not see a need for a shed. David Pisha said the town did not see any need for a structure on the property. Harry Goodell asked if there would be any need to store fuel on the site. David Pisha said that issue has not been spoken of. Naomi Johnson said the Multi-Sector General Permit covers some of this issue. The permit was issued with the condition that all fuel would be brought into the site, generally done using a pickup truck with a tank on the back, to fuel the equipment.

Jim Goss briefly discussed the Specific Standards. He said the lot of nearly 140 acres exceeded the minimum lot size of 40,000 square feet in the R-40 zoning district. The project exceeds the setback distances required by the General Use standards for extraction operations. He said that because of the surrounding forest there will be no need for landscaping or fencing for screening. There are no structures proposed at this time, so the design and location of structures and service areas is not an issue. No signs are proposed so the size, location and design of signs is not an issue. Finally, he noted that the Performance Standards had been addressed earlier in the hearing.

With that the presentation was concluded. Carla Westine asked David Pisha how long the trees in a previously reclaimed area along the access road had been growing there. David Pisha said he initially thought it has been 5 or 6 years but apparently it has been a few more years than that, though not more than 10 years. He said he had heard the O'Neils had used high school students to plant the trees and many of the trees were expected to die, but, to the contrary, few trees died and they are all flourishing.

Paul Dexter said he could see the prior extraction operation from his yard. He asked whether the applicant had done any visibility studies to determine whether anyone can see the operation from their property. Carla Westine said the bylaws have no requirements for a visual study. She said perhaps the applicants have done one for the Act 250 process. She said the Chester Unified Development Bylaws do require landscaping or screening and it appears that the prior owner has reclaimed the parts of the land that were extracted previously. She noted that this operation also has a reclamation plan. She asked Naomi Johnson whether the project would be reclaimed in sections or if reclamation would only come when the site was exhausted. Naomi Johnson said the state does not require reclamation to be done in stages so that decision will be made by the individual operation. She said the state permit will require that the entire disturbed area be reclaimed as a condition for the permit. She said the largest area that may be disturbed at one time is limited to two acres, so in this five-acre extraction area, at least two sessions of reclamation will be triggered.

Carla Westine asked Naomi Johnson which trees will be removed for the gravel extraction process. Naomi Johnson said the mature, tall trees that are visible between Route 103 and the proposed extraction site will remain in place. She said the new access road will go in about 50

feet from the existing tree line before the new extraction site begins and those trees in the 50-foot buffer will remain in place. Carla Westine asked the Board for their thoughts on screening. The Board did not feel a visual study was needed.

Paul Dexter asked whether the panel would expect that, because he could see the prior extraction site from his yard, that he will be able to see the proposed extraction site. Jim Goss said he apologized for not knowing where Paul Dexter, the questioner, lived, so he could not fully answer the question. He said the elevation differential between the proposed extraction site and the height of the trees will attenuate any view of the extraction operation. He said that Act 250 esthetics criteria for Act 250 is not a guarantee that a view will not change, it is just a guarantee that the change will be reasonable. He asserted that, in this case, the change will be reasonable. Carla Westine said the screening regulations in the Chester Bylaws apply to abutters with incompatible uses. David Pisha said he has not been to Mr. Dexter property, nor can he be certain of what he has seen. He said the O'Neils got permission after Hurricane Irene to extract gravel in the area where the group had parked at the site visit that evening. Carla Westine said Paul Dexter's ability to see the extraction across Green Mountain Turnpike, the Williams River, the corn fields and Vermont Route 103 South on the hill on the opposite side of the valley was not covered in the bylaws. Paul Dexter said he had photographs from well before Irene where he can see the extraction operation, so the location of the Irene extraction would not predict whether he will be able to see the new extraction.

Carla Westine said that if the Board had no more questions and did not want any more information, she would entertain a motion to close the hearing. Harry Goodell moved to close the hearing. Gary Coger seconded the motion. Paul Dexter asked if he could make a closing statement. Harry Goodell withdrew his motion to close the hearing. Paul Dexter began with a question. He said he thought he heard the attorney had said the average amount of material removed would be 15,000 yards per day. However, when he looked at page G1 of the site plan (exhibit D), he sees a figure of 20,000 cubic yards. He questioned what he saw as a discrepancy. Paul Dexter said he doesn't think the project is a good idea because of its impact on the school. He was surprised that the school was not present at the hearing to express an opinion. He said that when the project was last proposed in 2006, the school was actively involved. He wondered if the applicant had spoken to the school. He recommended that the applicant speak to the school before the Board issues a decision.

Paul Dexter said he thought that the Board should require the applicant to get Act 250 approval before granting a permit, based on the extensive history of denials the parcel has had from Act 250 in the past. He said that he understood that getting Act 250 approval before the Conditional Use permit was an unusual procedure, but he recommended it to the Board.

Jim Goss said the extraction limits are in the application and the request is for 20,000 cubic yards per year maximum and 15,000 cubic yards per year average. He said the choice of obtaining an Act 250 permit or a Conditional Use permit first is up to the applicant. The processes are completely separate. He said he has always found it better to obtain permission from the town before going to the state for an Act 250 permit. He asked the Board not to require an Act 250 permit before closing the hearing.

Carla Westine said that every permit that the Chester Development Review Board issues has a condition that requires all permits, local, state and federal, to be obtained before the project moves forward. She asked Michael Normyle whether the Green Mountain Union High School had been notified of the project. Michael Normyle said it had been notified. Harry Goodell moved to close the hearing. Gary Coger seconded the motion. A vote was taken and the hearing was closed.

**Agenda Item 4, A Deliberative Session to Review Previous Matters**

At this point the Board entered deliberative session. The meeting was adjourned at the end of it.