

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

4 *October 23, 2023*

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

7 **STAFF PRESENT:** James Carroll, Town Counsel, Preston Bristow, Zoning Administrator
8 Cathy Hasbrouck, Recording Secretary, and Amie O'Brien, Assistant Town Clerk at the Town
9 Hall.

10 **CITIZENS PRESENT:** Eddie Duncan, Herb Singleton, James Dumont, Steve Ankuda, Mark
11 Hall, Shawn Cunningham, Randy Haskell, John Nowak, Cheryl LeClair, Barry Goodrich, Jim
12 Goodrich, Scott Kilgus, Leslie Thorsen, Priscilla Melanson, Rene Melanson, Robert MacAllister,
13 Roberta Alexander, James Kilgus, and Steve Green, at Town Hall. Matthew Gorsky, Michaela
14 Stickney, Jenny Ronis, Jeremy Matosky, Kary Wells, Hugh Quinn, Evan Parks, Jim Wells, Arne
15 Jonynas, Cayala Goodrich, and Karen MacAllister via Zoom.

16 53:00Chair 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 October 5, 2023 meeting.**

19 Phil Perlah moved to accept the minutes of the October 5, 2023 meeting. Scott MacDonald
20 seconded the motion. There was no discussion. A vote was taken, and the minutes were
21 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 Jim Carroll swore in everyone who wanted to give testimony.

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

30 Several documents were entered into the record.

31 Jim Carroll, attorney for the Town of Chester discussed the flurry of documents that Zoning
32 Administrator Preston Bristow had received during the day on Monday October 23, 2023, the
33 day of the hearing. These included two responses to the Order from the Development Review
34 Board to Mark Hall. The Order was made at the request of Jim Dumont, attorney for Scott
35 Kilgus and Leslie Thorsen. Jim Dumont thanked Preston Bristow for making all the documents
36 sent Monday onto the Town of Chester website before the Hearing reconvened.

1 Preston Bristow explained that the entire response Mark Hall sent was called Exhibit II and was
2 available on the town website. The response to Request 2 was sent separately and was called
3 Exhibit JJ on the town website. All of the material Attorney Hall sent has been delivered to the
4 DRB members, some on Friday and some on Monday.

5 1:00:02Attorney Mark Hall said he was not offering the material as evidence; he was offering it
6 as a response. He did not see any of the documents as being relevant to the criteria. He said he
7 thought the record should be limited to those documents offered by a party. Jim Dumont said he
8 was offering them all for clarity's sake. He said the Board did not have time to go through each
9 individual document and rule if it was relevant to the criteria. Mark Hall said he would put an
10 objection on the record but would not go any further. Jim Carroll verified that Mark Hall was
11 satisfied with putting an objection on the record. Mark said he was.

12 Jim Dumont said he had an exhibit which was a flash drive with video recordings on it that
13 would be played that evening. To make the record clear he said he did not suggest the
14 recordings are accurate simulations or accurate copies of the loudness of the sound. The
15 recordings have other relevance, such as how frequently the hammer was hitting. In that respect
16 he said the recording was very reliable and was being offered for the context and the frequency
17 of the hammer hitting, not for how loud they are. Mark Hall said he didn't think he would object
18 to that. Bob Greenfield said that (the flash drive) would be exhibit MM. Preston Bristow said,
19 actually the flash drive would be exhibit 23, because it was a document from an interested
20 person. Preston said there was an exhibit MM on the list but Attorney Hall has said he doesn't
21 think it is necessary to submit that document, which was two clips of stormwater on Chandler
22 Road.

23 01:03:00Jim Carroll verified with Mark Hall that Exhibit MM would not be submitted. Mark
24 Hall said Exhibit MM was another response to the subpoena. Jim Carroll said he understood that
25 Attorney Dumont wanted to have all the responses to the subpoena put into evidence and that
26 Attorney Hall had a running objection to doing that. From the standpoint of efficiency if the
27 DRB decides to admit all of the documents that are responses to the subpoena, Attorney Hall
28 would just want to note his objection for the record so that later on for the appeal if necessary.
29 Attorney Hall said he had included the MM video in the response, but it was in a difficult format
30 and could not be opened easily. He had his IT people put it in a different format so it could be
31 viewed more easily.

32 01:04:54Jim Carroll asked if Mark Hall had any objections to the documents being presented as
33 Exhibits that day other than the documents sent in response to the subpoena. Mark Hall said he
34 had no objection to Exhibits P1 through P8. Jim Carroll said all of the documents presented
35 were available online. The documents had been given labels so they could be kept track of. The
36 DRB would decide at the hearing whether to accept the documents as evidence.

37 01:06:00Bob Greenfield said he had a list of documents to enter into evidence, starting with
38 Exhibit II, a response to the DRB Order. Phil Perlah asked about Subpoena Response to Item 6,
39 page 2. He said it was a photograph and asked if it was taken at the Chandler Road site. Mark
40 Hall said he couldn't tell. Phil asked if anyone from AllStone could tell if it was from Chandler
41 Road. Mark Hall said he assumed it was because the pictures came from the Chandler Road site.

1 Harry Goodell moved to admit Exhibit II, a response to the DRB order as Exhibit II. Gary Coger
2 seconded the motion. There was no discussion or objection. A vote was taken, and the motion
3 passed.

4 1:07:19The second document submitted was Exhibit JJ, Response to Question #2 of the Order.
5 Harry Goodell moved to accept it as Exhibit JJ. Gary Coger seconded the motion. There was no
6 discussion or objection. A vote was taken, and the motion passed.

7 The third document submitted was Exhibit KK, the RSG Memorandum dated May 10, 2004
8 from Kevin Hathaway and Kenneth Kaliski. Harry Goodell moved to accept the memo as
9 Exhibit KK. Gary Coger seconded the motion. There was no discussion or objection. A vote
10 was taken, and the motion passed.

11 The fourth document submitted was Exhibit LL, the RSG Memorandum dated September 13,
12 2004 from Kevin Hathaway and Kenneth Kaliski. Harry Goodell moved to accept the memo as
13 Exhibit LL. Gary Coger seconded the motion. There was no discussion or objection. A vote was
14 taken, and the motion passed.

15 Jim Carroll interjected for the record that the proposed Exhibit MM, two video clips. was
16 actually part of Exhibit II and did not need to be admitted separately. Jim Carroll verified with
17 Mark Hall for the record, that his objection to admitting some exhibits was relevance. Mark Hall
18 said he did not blanketly accept all of the documents in some of the exhibits. Jim Carroll
19 suggested that as the evidence is presented Mark Hall could discuss individual documents.

20 Bob Greenfield presented the fifth document, Exhibit 21, an e-mail chain from Mark Hall dated
21 4:03 PM October 16, 2023. Harry Goodell moved to accept the e-mail as Exhibit 21. Gary Coger
22 seconded the motion. There was no discussion or objection. A vote was taken, and the motion
23 passed.

24 The fifth document, Exhibit 22, was a copy of Exhibit X, a calculation of the material to be
25 removed from the South quarry to make way for the proposed building. The calculation had
26 notes and additional calculations from Scott Kilgus on it. Harry Goodell moved to accept the
27 calculation as Exhibit 22. Gary Coger seconded the motion. Maik Hall asked to reserve his
28 objection until such time until the testimony occurs. Jim Dumont said Scott Kilgus will explain
29 his calculation when he gives testimony. It was agreed that the DRB would vote to accept the
30 document when that testimony is heard. The motion to accept the document was tabled.

31 1:13:55The sixth item presented was a video from LeClair, Kilgus, Thorsen and RSC. Harry
32 Goodell moved to accept the video. Gary Coger seconded the motion. There was no discussion
33 or objection. A vote was taken, and the motion passed.

34 The seventh document presented was the Chester Unified Development Bylaws dated October 8,
35 2014. Harry Goodell moved to accept the copy of the 2014 bylaws as Exhibit P - 6. Gary Coger
36 seconded the motion. There was no discussion or objection. A vote was taken, and the motion
37 passed.

38 The eighth document presented was the Chester Unified Development Bylaws dated April 5,
39 2017. Harry Goodell moved to accept the copy of the 2017 bylaws as Exhibit P - 7. Gary Coger

1 seconded the motion. There was no discussion or objection. A vote was taken, and the motion
2 passed.

3 The ninth document presented was the Chester Unified Development Bylaws dated July 5, 2023.
4 Harry Goodell moved to accept the copy of the 2023 bylaws as Exhibit P - 8. Gary Coger
5 seconded the motion. There was no discussion or objection. A vote was taken, and the motion
6 passed.

7 01:16;37Phil Perlah asked Bob Greenfield for permission to enter a document. Jim Dumont
8 interrupted to say the last version of the bylaws presented should have been dated 2022 instead
9 of 2023. Preston Bristow said the bylaws were undergoing frequent updates and the current
10 version is July 2023. Jim Dumont said the copy he distributed was dated October 2022. He
11 supposed Mr. Hall would have an objection to using a copy of the bylaws that were adopted after
12 the application was filed. Mark Hall said he'd need to review the ordinance in full to determine
13 if any of the changes are relevant to this project. He said if no changes impact the project, he had
14 no objection, but he suggested the bylaw in effect when the application was filed be used. The
15 court has been strict on that point. Jim Carroll said he would agree with that. He thought that
16 meant another exhibit had to be found.

17 Jim Dumont verified that the paper copy distributed was, 2022. Jim Carroll said the exhibit list
18 should be corrected. He asked Jim Dumont to verify the date on the copy of the bylaw he
19 distributed. Jim Dumont said it was October 26, 2022. 01:18:24

20 Phil Perlah then pursued his request to present an exhibit. He presented a specification sheet for
21 the Operating environment of a WA 200-8 Komatsu Wheel Loader which includes a noise
22 specification of that piece of equipment. Mark Hall said he felt if the board overall conducts its
23 own research, it would be problematic for an appeal, but if it matched, he didn't care. Phil Perlah
24 pointed out that the specifications are publicly available on the internet. Jim Dumont said he
25 moved to admit what Mr. Perlah mentioned. He said it was acceptable for a board to do its own
26 research as long as it is put in the record and all parties have access to it. Mark Hall said there
27 was ample case law indicating a deliberating board can't do its own research. Mark Hall said he
28 would disagree with it. Jim Carroll suggested the issue be tabled until the interested parties had a
29 chance to look at the document. It was agreed the document would be labeled NN. Copies of
30 the document were handed to Mark Hall and Jim Dumont.

31 1:22:58 Jim Dumont said he was ready to proceed with his expert witness. He introduced Herb
32 Singleton. In reply to questions from Jim Dumont, Mr. Singleton made the following statements.

- 33 • His name was Herbert Singleton, Jr.
- 34 • He was the president and co-founder of Cross Spectrum Acoustics, headquartered in
35 western Massachusetts.
- 36 • Cross Spectrum Acoustics is an acoustical consulting firm which works in transportation
37 noise and vibration analysis, community noise and vibration analysis, construction noise,
38 architectural acoustics, and various other areas.

- 1 • He has a degree in Mechanical Engineering from the Massachusetts Institute of
2 Technology, focused on acoustics. He spent two years in the acoustics and vibration
3 laboratory.
- 4 • He has been working with acoustics and noise control since 1995.
- 5 • He is a licensed professional engineer in 4 states, including Massachusetts.
- 6 • He is board certified in Acoustics and Noise Vibration Control by the Institute of Noise
7 Control and Engineering
- 8 • He has been on the board of directors of the Institute of Noise Control and Engineering.
- 9 • 1:25:09 He has been an officer with the Boston Chapter of the Acoustical Society of
10 America.
- 11 • He is currently on the Certification Board of the Institute of Noise Control Engineering. \
- 12 • The Institute of Noise Control Engineering is an organization of noise control
13 professionals working to educate the public and promulgate noise standards and further
14 education of noise control professionals.
- 15 • He has worked on thousands of projects involving transportation noise and vibration,
16 capital projects for transit systems, construction projects, energy projects throughout the
17 northeast including in Vermont.
- 18 • He has testified as an expert witness in court hearings in 6 states including Vermont.
- 19 • He has given expert commentary in public meetings in the northeast, including Vermont
20 and in other states across the country.
- 21 • Noise and vibration engineers use noise models, scientific equations based on measured
22 data using site-specific parameters, community layouts, equipment operating parameters
23 to predict noise levels at different locations away from various noise sources.
- 24 • The noise levels arrived at are in various formats. The most common is A-weighted
25 decibels, where the sound measurements are adjusted to emphasize the sounds that
26 humans hear most clearly. It would emphasize mid-range sound and de-emphasize very
27 low and very high frequencies that the human ear cannot hear.
- 28 • He said the measured sound can be averaged over time and reported as L_{eq} , the equivalent
29 sound level.
- 30 • The measured sound has a maximum sound level. He gave the example of the sound of a
31 car approaching and passing someone. The point where the car is closest and the sound
32 the loudest is the maximum sound level or L_{Max} .
- 33 • L_{eq} and L_{Max} are the most frequently discussed sound measurements.
- 34 • Mr. Singleton reviewed an affidavit from Leslie Thorsen, 2 reports from RSG, one dated
35 June 2023 and another dated September 2023.

- 1 • One of his associates named Paul Campbell had tried to make arrangements to measure
2 the sound of the AllStone hydraulic hammer so his company could conduct their own
3 sound measurements. The company wanted to get close to the hammer to get clean data
4 for their modelling programs. AllStone told his work party they could not get close to the
5 hammer due to safety concerns.

6 Jim Dumont pointed out Exhibit 21, an e-mail from Mark Hall to James Dumont sent on October
7 16, 2023 outlining the locations where AllStone would allow sound measurements to be taken.

8 Herb Singleton continued his testimony:

- 9 • Mr. Singleton has had safety training for being around dangerous quarries and
10 construction sites. He is familiar with best practices for safety and uses personal
11 protective equipment (PPE) when appropriate. These include hard hats, hard toed boots,
12 safety glasses, ear protection, safety vests and pants.
- 13 • In his opinion, Mr. Singleton's employee, Paul Campbell, could have safely observed the
14 hydraulic hammer in operation. Mr. Campbell has been and will be working in
15 hazardous areas and has received safety training at least 3 times.
- 16 • A hydraulic hammer generates noise from the engine running and the hammer striking
17 the rock to be broken. The noise from an engine is predictable and constant from one
18 installation to another, but the noise of the hammer striking rock will vary depending on
19 the rock being struck and its location.

20 Phil Perlah said Chester's bylaws regulate sound at the property line. He asked if Herb Singleton
21 had measured the sound at the property line.

22 Herb Singleton said he did measure the sound at the property line.

23 He wanted to get a clean measurement of the noise of the hammer to use in their own models
24 which would predict what the noise would be like in future configurations of the quarry. He
25 wanted to see if his modelling agreed with the RSG reports.

26 To predict noise levels at the property line he would need to know how far the noise source was
27 from the point where the measuring equipment was placed. At the property line the hammer was
28 not visible so no measurement of the distance from the hammer to the property line was possible.

29 Phil Perlas asked if this was an application of the inverse square law. At the property line the
30 decibel meter would say whether the noise was over the decibel limit of 70 or not. 1:36:00 Scott
31 MacDonald asked if by being deprived of the control of the initial settings Mr. Singleton was
32 being deprived of the ability to have accurate readings at the property lines.

33 Mr. Singleton said his intent was not to determine compliance at the property line. The purpose
34 was to obtain data to determine future conditions. Scott MacDonald asked if the technician
35 needed to be within 50 feet of the hammer to determine accurate conditions. Mr. Singleton said
36 they needed to be a lot closer than they were.

37 In answer to Phil Perlah's question about the inverse square rule, Mr. Singleton said, again, the
38 purpose was not to measure at the property line, it was to gather data to predict future noise

1 levels. Phil Perlah reiterated that the bylaw measured decibels at the property line. Herb
2 Singleton said, since he couldn't see where the hammer was being used, he didn't know if it was
3 in a place where it typically was used. That would also affect the measurement of sound at the
4 property line.

5 Phil Perlah asked if they had taken a measure at the property line. Herb Singleton said he did.
6 Phil asked if Herb would share the reading with the Board. Herb said the noise was about as
7 loud as the background traffic noise and he wasn't able to get any clean data. 1:37:23

8 Jim Dumont resumed his questions for Herb Singleton. Here is Mr. Singleton's replies.

9 L_{eq} , the more or less average noise level, when measured for an impulse source such as a rock
10 hammer, where the noise level increases very rapidly, in less than a second, can have a very high
11 LMax and a not so high L_{eq} . If the rock hammer hit the rock once a second for a minute, the L_{eq}
12 would be a certain number and the LMax would be another number. If the rock hammer hit the
13 rock twice a second, the L_{eq} would rise to reflect the additional activity, but the LMax would
14 remain the same since the peak of the noise did not change.

15 For this reason, noise engineers tend to look at the L_{eq} to determine how annoying the noise
16 would be to humans. Would a human rather hear one hit in an hour at 100 dB or 10,000 hits an
17 hour at 99 dB? The LMax for one hit at 100 dB is worse than the LMax for 10,000 hits at 99 dB.
18 The L_{eq} for one hit at 100 dB is much lower than the L_{eq} for 10,000 hits at 99 dB.

19 1:41:34Mr. Singleton said he had no way of knowing if the frequency of the hits the rock
20 hammer was making when RSG measured the noise level was typical of the frequency of hits
21 that had occurred in the last few years.

22 Scott MacDonald spoke to Eddie Duncan, who worked on the RSG noise study presented as
23 Exhibit J. Scott said he recalled at the last meeting discussing readings taken during the RSG
24 study and he thought it was said the readings were taken within 3 or 4 feet of the machinery
25 being operated. Eddie Duncan said at the last meeting he was talking about sound power level
26 and where the sound power level would be relatively equivalent to the sound pressure level. The
27 two readings would be close. But he wasn't saying that the readings were taken from 3 or 4 feet
28 away, and the readings were not taken that close to the machinery.

29 Scott MacDonald said he needed to know if Herb Singleton and Paul Campbell were not given
30 the same opportunity to get accurate readings as the RSG study because they couldn't get close
31 enough to the machinery when it was running in a typical manner. Herb Singleton said that was
32 correct. Scott MacDonald asked if the reason Mr. Singleton felt he could not get accurate
33 readings at the property line was because they could not set a control reading in close proximity
34 to the machinery itself. Herb Singleton said that was also true.

35 1:43:15Jim Dumont asked about A-weighting.

36 Herb Singleton agreed with Jim Dumont when Jim asked him if it was common for acoustical
37 engineers to rely on A-weighted monitoring and modelling to predict expected levels of
38 annoyance from a noise source. Herb said his company has about 50 years of experience
39 showing A-weighted sound levels coordinate with human annoyance,

1 Jim Dumont asked when conducting A-weighted modelling to predict annoyance, is it also
2 possible for acoustical engineers to make adjustments for certain types of noise. Herb Singleton
3 said all A-weighted sound levels are not the same. A 70-decibel A-weighted sound level from
4 one source may be more or less annoying than a 70-decibel A-weighted sound level from a
5 different type of source. He gave the example of a bird chirp vs. a rock hammer.

6 The American National Standards Institute has recommended adjustment of the noise standard
7 based on the source in an attempt to predict annoyance from different sources with different
8 characteristics. For certain sources additional decibels would be added to the calculation to
9 predict annoyance levels.

10 Mr. Singleton explained that the American National Standards Institute is an organization of
11 technical experts and engineers that create technical standards for many areas including noise
12 and vibration control. They have a number of standards for measuring sound and for predicting
13 future sound levels.

14 Mr. Singleton discussed impulsive and highly impulsive sound at Jim Dumont's request:

15 Mr. Singleton said impulsive sound rises rapidly in level over a very small time period. A
16 hammer hit, an explosion or a gunshot are examples of impulsive sound. The standard has
17 categories of sources that create highly impulsive sound such as hammering stone, metal and
18 wood.

19 Mr. Singleton said if you're doing prediction of future sound levels from a source, and you want
20 to correlate those future predicted levels with human annoyance that you add 5 dB to the
21 prediction for impulsive sounds and 12 dB for highly impulsive sound.

22 The RSG reports did not make adjustments for impulsive or highly impulsive sound. 1:47:23
23 start here.

24 1:48:24 Jim Dumont asked Herb Singleton to explain masking.

25 Herb Singleton said masking happens when the human ear can't hear one sound because a
26 second, louder sound is occurring at the same time. He demonstrated the concept by asking
27 everyone in the room to be quiet for a moment. In the moment of quiet the sound of the
28 projector fan could be heard, but as soon as people began moving and speaking, the projector
29 sound could not be heard. The activity in the room is masking the sound of the fan.

30 Jim Dumont asked Herb Singleton if the use of A-weighted modelling, such as RSG performed,
31 provides a basis for predicting whether highway noises will mask the noise of a hydraulic
32 hammer. Herb Singleton said masking depended on the frequency of each sound as much as the
33 decibel level of each sound. Masking depends on both sounds being similar in character. He
34 gave the example of a diesel engine idling and a bird chirp. Even though the diesel engine is
35 very loud, the bird chirp is a different frequency and can be heard above the diesel engine. The
36 ANSI standard requires that the frequency of the sounds be evaluated to determine if one sound
37 will mask another.

1 Jim Dumont verified that Herb Singleton had not performed his own noise study on the project.
2 Herb Singleton said that was true. Jim Dumont asked how much such a noise study would cost.
3 Herb Singleton estimated it would cost \$4,000 or \$5,000.

4 Jim Dumont said that Leslie Thorsen, Scott Kilgus, Mr. and Mrs. LeClair and others have all
5 given testimony about how disturbing the noise has been to them, yet the RSG study said the
6 hammer does not create noise that is more than 70 decibels, A-weighted, at the property line. He
7 asked Herb Singleton if everyone could be telling the truth.

8 Herb Singleton said it is not only the loudness of the sound that creates annoyance, but other
9 qualities as well. A repetitive sound like hammering can make the sound more annoying than
10 one might predict, based on the noise level of that source.

11 Scott MacDonald recalled that when discussing the RSG report at the previous meeting it was
12 said the measurements were stopped at 70 decibels, but some measurements exceeded 70
13 decibels. 1:52:20 Eddie Duncan, who worked on the RSG study, said the report was intended to
14 say whether or not the project would exceed 70 decibels at the property line. The report said
15 there were circumstances when it would. It wasn't a matter of stopping measurements, 70
16 decibels was the highest reported in the model, but the report clearly shows places at the property
17 line where the noise level will exceed 70 decibels.

18 1:53:09Herb Singleton said at certain properties with existing conditions can experience noise
19 levels that are not above 70 decibels, but residents will still be annoyed at the sound.

20 Jim Dumont said it was helpful to distinguish the noise of trucks crossing the property boundary
21 at the quarry from noise made by other equipment. The modelling from RSG does predict noise
22 from the hammer exceeding 70 decibels at the Chandler Quarry, but the modelling doesn't show
23 noise exceeding 70 decibels at the other two locations. Scott MacDonald said he noticed all the
24 levels stopped at 70 and he wanted to bring that up. Jim Dumont said the contour lines in the
25 RSG maps do stop at 70. He said he had no more questions for Mr. Singleton.

26 1:54:30Phil Perlah asked about the North Quarry existing hammer operations map (page 64) in
27 Exhibit J. He said the 70 dBA line extended beyond the property line. Phil said he assumed that
28 if the noise level were measured at the property line, he assumed the level would be higher
29 because the property line was closer to the source of the noise. Eddie Duncan said it would be.
30 Scott MacDonald noted the 70-dB magenta line extended across Vermont Route 103.

31 1:55:40Mark Hall said he had no further questions. He said the next time the hearing reconvenes
32 on December 11. Mr. Duncan would respond to what he heard during this portion of the hearing.

33 Jim Carroll asked Herb Singleton as an expert for clarification on the meaning of dB as written
34 in the Chester Unified Development Bylaws. How would he interpret the simple expression of
35 decibels in the bylaw in view of the terms discussed during the hearing, such as dBA, LMax and
36 L_{eq}. Herb Singleton said frequently bylaws are written without any technical context. He said
37 he could violate the letter of a non-technical law with a dog whistle. It would exceed the decibel
38 standard, but no human could hear the sound. As a result, when looking at a municipal law that
39 uses dB only, the only rational assumption that can be made is that it should be dBA. Experts
40 also look at precedents to see how it was addressed in the past. If there are no precedents, they

1 look at something like the LMax, which would be the worst possible scenario. It can be a
2 negotiation between the applicant and the Board to find a way to interpret the bylaw that works
3 for everyone involved. Jim Dumont asked Herb Singleton if that is why he prefers to use L_{eq} to
4 LMax? Mr. Singleton said it was.

5 Scott MacDonald asked if it would be helpful to write the bylaws with an A-weighted dB? Herb
6 Singleton said it would be, otherwise a dog whistle would violate the ordinance.

7 2:01:08 Cheryl LeClair asked how a sound engineer determines where to place equipment for a
8 test. Herb Singleton said it depended on the property being looked at. He said he would choose
9 areas of the boundary that had activity. He wasn't likely to set up equipment along a wetland.
10 He said that would be something the town officials would decide. Cheryl said she thought the
11 noise assessment should take place where the equipment is located, not far away at the property
12 line. Herb Singleton said he would study sound at the quarry's property line and the abutter's
13 property line.

14 Mr. Singleton left the hearing with thanks from all the participants.

15 2:05:10 Leslie Thorsen then presented a collection of audio/video recordings of the AllStone
16 Quarry, and the sound of the hydraulic hammer made by various residents of the area. The first
17 videos were recorded near the South Quarry. The first video presented was taken on 6/8/2022 in
18 the LeClair's back yard on Clemons Road. The second video was taken on 11/2/2022, also in
19 the LeClair's back yard. The third was taken on 4/27/23, again in Cheryl LeClair's yard. It was
20 noted that the Zoom participants could not hear the first recordings. The fourth recording was
21 11/22/2022 at Cheryl LeClair's pond. The fifth South Quarry video was taken 2/4/2019 in front
22 of Cheryl LeClair's house on Clemons Road. The final South Quarry video was taken on
23 2/12/2019 also at Cheryl LeClair's house.

24 The next recordings were of the North Quarry. The first was taken on April 20, 2023 by Barry
25 Goodrich. Leslie Thorsen said she believed it was recorded during the sound test conducted by
26 RSG. The next video was taken 4/25/23 when it was believed the sound test was over, at Barry
27 Goodrich's property line. The third video was also taken on 4/25/23. The fourth fifth sixth and
28 seventh videos was undocumented, as to specific location or date. All were taken by members of
29 the Melanson family.

30 The next video was announced by Leslie Thorsen as showing a hydraulic hammer in the North
31 Quarry, where hydraulic hammers have no permit. She said it was taken in June, 2023.

32 The next video was of Dean Brook that flows along the Chandler Road Quarry boundary. It was
33 taken on September 18, 2023 at 9:54 AM. It showed the stream above the quarry being clear and
34 below the quarry as being cloudy to the point of opaque and white. Several photos of Dean
35 Brook were also shown.

36 A video of the equipment shed sent by Mark Hall was played. A video of the sound test taken
37 by RSG, sent by Mark Hall was played. Leslie Thorsen noted the location of the microphone,
38 which was close to the equipment being tested.

39 A video of Paul Campbell attempting to take sound measurements in the parking lot at the South
40 Quarry on October 17, 2023 was played.

1 The next video was taken by Barry Goodrich at the North Quarry on September 22, 2023. The
2 final video came from Sam Melanson when AllStone first started working in the North Quarry.
3 (Note, very little of these videos may be seen or heard on the recording of the meeting. A copy
4 of the videos played is available.)

5 2:22:50Leslie Thorsen said she has hundreds of tapes like this. She has submitted them to the
6 State of Vermont which became part of the jurisdictional opinion issued by the state. Leslie said
7 the date and quarry information has been added and the recordings are available on a flash drive.
8 She asked to submit the flash drive,

9 Mark Hall verified that the videos were not being presented to represent the sound level. Jim
10 Dumont said that was true. The videos were taken on an iPhone and could not accurately portray
11 the sound level. Mark Hall said if that aspect of the videos was not being used as evidence he
12 was fine with the exhibit. Jim Dumont said the videos had obvious other relevance other than
13 the decibel levels.

14 2:24:30Scott MacDonald said it was clear the iPhone cannot be used as a method to measure
15 decibel levels. He said he paid attention to the background noises that could be heard on the
16 recordings: trucks, how loud the person was speaking compared to the noise of the hammer on
17 the recording. He said the videos were loud when played in the meeting room and the
18 representation could not possibly be scientifically valid. It was important to pay attention to the
19 differences between the different sounds on the video relative to each other.

20 Bob Greenfield declared a 5-minute recess.

21 2:30:15Jim Carroll verified with Mark Hall that the recordings were being entered as an exhibit
22 for purposes other than decibel levels. CHECK THIS ON SAPA TAPE

23 Bob Greenfield verified that the exhibit being discussed was #22.

24 Jim Dumont introduced Scott Kilgus. 1:04:51 Scott said he lived at 296 Blackberry Hill Road in
25 Gassetts. Jim Dumont said Scott Kilgus had submitted an affidavit discussing some
26 calculations. These calculations can be seen on Exhibit 22.

27 Phil Perlah asked for background information on Scott Kilgus. Scott said he had a master's
28 degree in architecture and a bachelor's degree in geography, specializing in interpretation of
29 aerial photography for land use planning. He did that work for Albany County in New York. He
30 currently is working for Gassetts Group construction company. He has lived in Gassetts for
31 nearly 50 years and started the construction company with two friends. He has employed many
32 local people working for Gassetts Group for many years.

33 Jim Dumont asked Scott Kilgus to explain how he calculated the amount of rock that needed to
34 be excavated so that the proposed 20,000 square foot building in the south quarry is useable.

35 Scott said as he studied the plan, he surmised that the calculation on the sheet was only
36 addressing the space needed for the 20,000 square foot building itself. It did not address how
37 much material would have to be removed from the site altogether. More space would have to be
38 cleared to make the building operational. As proposed, behind the building would be a 100-foot
39 wall of stone, which would need to be removed. The road must be cleared and lowered so traffic

1 could enter the site. Settling ponds and stormwater runoff ponds would be needed as would space
2 for trucks to maneuver around the site. Removing this material could take more than the 18
3 months shown in the plan.

4 2:36:35 Scott said he labeled the aerial topographical map on a separate page with four different
5 areas. Area A was the area Jeremy Matosky said needed to be removed to allow the building to
6 be built. Scott said he didn't see how the building could be used without more space around it. It
7 was included in Jeremy Matosky's estimate of material to be removed in the first 18 months.
8 Area B would be the vertical wall behind the building. He didn't think it would be possible to
9 remove that stone after the building was built. Area C is the holding pond and stormwater runoff
10 ponds. Area D is a steep hill behind the buildings and ponds which could not be removed after
11 the building and ponds were built, so would need to be addressed before the building is started.

12 Scott Kilgus concluded from his analysis that the cross section estimate of material to be
13 removed is very low. He believes a more reasonable estimate for area A would be 171,000 cubic
14 yards of material. Adding Areas B, C, and D would raise the total to 300,000 to 400,000 cubic
15 yards. Scott said the proposed removal of 155,000 cubic yards of material in 18 months works
16 out to 40 truckloads a day. To make the quarry operational, Scott calculates it would be closer to
17 80 truckloads per day.

18 He wonders what would happen if, at the end of 18 months, the material was not fully removed.
19 He pointed out that the removed material would need to be processed at Chandler Road, since
20 there is no other area to process it in. There was also the material from creating a contractor's
21 yard in the North Quarry to consider. He said the amount of truck traffic he foresees is far
22 beyond the amount permitted today, which is 80 truckloads.

23 2:42:27 Jim Dumont said that the affidavit had not been ruled upon yet. Harry Goodell moved to
24 accept the markup of PCE plans for the South Quarry as Exhibit 22. Gary Coger seconded the
25 motion. Bob Greenfield asked if there was any discussion or objection. Rene Melanson said he
26 wanted to correct Leslie Thoren's statement that hammering went on for 8 hours a day. He said
27 hammering started at 7:01 AM and stopped at 5:00, making it 10 hours a day. A vote was taken
28 and Exhibit 22 was accepted.

29 When questioned by Jim Dumont Jeremy Matosky stated the following:

- 30 • He did not know when hydraulic hammering at the South Quarry commenced.
- 31 • He did not know if either or both of the Julian brothers would know.
- 32 • He had read Ms. Thorsen's affidavit about activity at the quarry in which she asserts the
33 rock hammering began in 2017 or 2018.
- 34 • He did not know if Ms. Thorsen's statements were correct.
- 35 • He did not specifically know about ordinances in effect in 2018 and 2019. He got
36 involved in the project in 2022. He looked at the zoning that was in place at the time of
37 the application for a permit.

1 2:45:44 Jim Dumont read the Noise Standard from the Chester Unified Development Bylaws
2 (page 68, Section 4.9): “Noise levels or frequencies which are not customary in the district or
3 neighborhood, or which represent a repeated disturbance to others shall not be permitted.”

4 Jim Dumont asked Jeremy Matosky if noise of a hydraulic hammer was customary in the
5 neighborhood of the South Quarry before the Julian Brothers started using the hammer there.in
6 2018 or 2019. Jeremy Matosky said he did not know when the Julians started using the hammer
7 and pointed out that he was not the noise expert. Jim Dumont said he was asking because the
8 Julians were not present to answer questions and he had no one else to ask. He repeated the
9 question, “Was the noise of a hydraulic hammer customary in the neighborhood before the
10 Julians began using the hydraulic hammer?”

11 Jeremy Matosky said he had never been to Gassetts until about a year ago and he did not know
12 whether the Julians could answer such a question.

13 Jim Dumont asked if there was any loud noise that had a loudness or frequency of occurrence
14 that had a loudness or frequency similar to that of a hydraulic hammer that was customary in the
15 neighborhood in 2018 or 2019 before the Julians began using their hydraulic hammer?

16 Jeremy said he had not visited Gassetts out of his vehicle until about a year ago.

17 Jim Dumont asked if there had been any loud noise in the South Quarry that repeatedly disturbed
18 people in the neighborhood before the Julians introduced the hydraulic hammer in 2018 or 2019.
19 Jeremy Matosky gave the same answer, He had not visited Gassetts before a year ago. He has no
20 information to support or deny those facts.

21 Jim Dumont said the Julian Brothers had been present in the area in 2018 and 2019. He asked
22 Jeremy Matosky if he thought the Julians could answer those questions. Jeremy said he did not
23 know.

24 Jim Dumont said he had the same three questions about the North Quarry and Chandler Road
25 Quarry. He asked Jeremy Matosky if his answers would be the same for those quarries. Jeremy
26 Matosky said yes, they would.

27 Jim Dumont asked whether Jeremy Matosky had read the RSG report, Exhibit J. Jeremy said he
28 had. Jim Dumont turned to page 70, figure 35. RSG reported there that the noise level would
29 exceed 70 decibels, A-weighted, at the property line when the hydraulic hammer was in
30 operation. Jim Dumont asked if before the Julian Brothers began using the hydraulic hammer if
31 the noise level at the property line exceeded 70 decibels.

32 2:50:16 Jeremy Matosky said he didn’t know and questions about noise should be referred to the
33 noise expert, Eddie Duncan. Jim Dumont asked if the Julians were present could they answer
34 those questions. Jeremy Matosky could not answer the question.

35 Jim Dumont turned to Exhibit P4 pdf page 4, a Zoning Permit application for a storage building
36 at the Chandler Road Quarry. He referred to the box at the bottom of the page where a comment
37 read, “quarry is allowed nonconforming use”. Jeremy Matosky agreed that was so. 42:59 Jim
38 Dumont asked if Jeremy Matosky had seen the video presented by Leslie Thorsen that showed a
39 cutting operation inside the building. Jeremy Matosky said he had. He asked Jeremy Matosky if

1 recalled testimony from the first hearing from Mr. Marks who said there were 20 employees
2 working in the building permitted as a storage shed. Jim Dumont asked Jeremy Matosky how
3 many employees he observed operating cutting machines inside the storage shed? 42:19. Jeremy
4 Matosky said he saw two or three, perhaps more. Jeremy Matosky said they were cutting stone,
5 as described at the site visit. He said there were multiple buildings at the site. The stone works
6 its way from the quarry through the buildings to the pallets. Each step of the way the material is
7 reduced in size. It starts with blasting or hitting with the hydraulic hammer, then guillotines are
8 used and finally a wet saw. He observed them using hand tools as well.

9 2:54:50 Jim Dumont turned to Exhibit A the Application for a Hearing before the Development
10 Review Board. He read the description of request, “modifications to three dimensional stone
11 quarries including the relocation/consolidation of processing operations, implementation of
12 storm water improvements at the Chandler Road quarry, the construction of new building for
13 processing at the South Quarry and a new contractor yard at the North Quarry. See the project
14 narrative for more information.”

15 Jim Dumont asked if the application applied for a permit to use the storage shed to cut stone.
16 Jeremy Matosky said the application was requesting permission to move the activity at the
17 Chandler Quarry to a new location at the South Quarry. Jim Dumont said he recalled at a
18 previous meeting that Jeremy Matosky said the application included a request for permission to
19 cut stone in the storage shed at the Chandler Quarry. 2:56:46 He said he did not see a request for
20 permission to cut stone in the storage shed on the application.

21 Part of Jeremy Matosky’s answer was unintelligible. It ended with, “so that mechanical
22 operations, the guillotine and the saw operations are proposed to be relocated to the South
23 Quarry and the company is requesting about 18 months of time to make that change happen.

24 Jim Dumont said the application does not seek permission to operate the storage shed to cut
25 stone. Jeremy disagreed. He said the request to relocate the Chandler Road activity was clear in
26 the request and he felt it was more clearly articulated in the narrative that accompanied the
27 application.

28 2:58:17 Jim Dumont turned to the narrative for the project, Exhibit D. Scott MacDonald asked
29 whom Jeremy Matosky was consulting with off-camera. Mr. Matosky said he was looking at his
30 iPad. He was in an empty room with no other human beings. (The support staff and Phil Perlah
31 coached Jeremy about which direction he should look when speaking so his voice could be
32 heard.)

33 Jim Dumont referred to Exhibit D, the narrative. Jeremy said the narrative was written by Colen
34 Johnson, one of his engineers. Jeremy reviewed and approved the narrative. Colen Johnson
35 signed it. He read paragraphs 1.a. and 1.b. aloud, “1a. Eliminate stone splitting, cutting, and
36 process operation from this site – relocating these operations to the South Quarry. Quarrying of
37 stone will continue at the site and blasted stone materials hauled in trucks periodically to the
38 South Quarry for processing.

39 1b. Install best management practices (BMPs) to ensure water quality requirements are met for
40 discharge from the site in accordance with a Multi-Sector General Permit (permit pending)”

1 Jim Dumont asked if he had read the paragraphs correctly and if Jeremy Matosky saw any place
2 that asked for permission to operate cutting equipment in the storage shed.

3 Jeremy Matosky said that to him, bullet point 1a. seeks approval to continue cutting in the
4 storage shed until the new facility can be constructed for that purpose.

5 Jim Dumont asked if Jeremy Matosky understood that the cutting is not presently permitted
6 under zoning law. Jeremy Matosky said that was a legal decision that someone else should
7 make.

8 Jim Dumont turned to a section of Exhibit II which contained the responses to questions 4 and 5.
9 He asked about a photo on pdf page 48 and 49 that had a large white cylinder upright against the
10 outside of a building at the Chandler Road site. 3:06:54 Jeremy found the photo. He said it
11 appeared to be a water holding tank that may have been part of the wet sawing operation. He did
12 not know when it was installed. He did not know if there was a zoning permit for the tank. The
13 photo was not part of a document that he (Jeremy) produced.

14 Jim Dumont asked Jeremy if it was his understanding that the application seeks to continue
15 cutting operations in the storage shed and that the application seeks permission to do so. Jeremy
16 said the object looks like a water tank. As a water tank it probably is part of the cutting
17 operation which will be relocated to the South Quarry.

18 3:04:41 Jim Dumont asked Jeremy Matosky if he could explain what the large gray object to the
19 left of the tank and was connected to the tank was. Jeremy said it appeared to be some sort of
20 metal hopper, potentially to segregate vines (?) from the water as it's being circulated through
21 the pumps. Jeremy said he thought the system recycled cutting water. He thought these were
22 components of the system.

23 Jim Dumont asked if the water they used was taken from Dean Brook for this purpose. Jeremy
24 Matosky said it was a closed system, but water was taken from the brook to replace the water
25 that evaporates. He said it was small volume of water.

26 Jim Dumont asked if there was a zoning permit for taking water from the brook. Jeremy
27 Matosky said he wasn't aware a permit was required. Jim Dumont said that if someone had
28 applied for a zoning permit to use the cutting devices, permission to take the water would have
29 been included. Jeremy Matosky said he didn't know.

30 Jim Dumont asked about pdf page 74, a photo of a long, wide bed of rocks with a pipe lying in
31 the middle of it. Jeremy Matosky said that was a discharge swale that was installed as a best
32 management practice to address water quality from the quarry. Jeremy Matosky said it was
33 installed under his supervision and there was no zoning permit for it. It was designed to address
34 storm water quality from the site. It was an alteration, but he was not aware that it needed a
35 zoning permit. It corrected a substandard practice.

36 Jim Dumont asked about pdf pages 50, 51, 69, 70, and 71. He asked what the rectangular pools
37 or ponds were. Jeremy said it was another part of the saw water recycling process. Jeremy said
38 he did not know when they were created or by whom. He assumed the Julians created them, but
39 he had no proof. He has not measured their depth. He said the Julians could probably answer
40 that question if they were present.

1 3:12:45 Jim Dumont asked if there were zoning permits for the ponds. Jeremy said he had not
2 seen one.

3 Jim Dumont asked if Jeremy Matosky knew when the photographs for pages 72 and 77 were
4 taken. They show a brook with milky white water. Jeremy said he had seen pictures of the
5 condition, and he has observed the condition, but he did not know when those photos were taken.

6 Jim Dumont asked if Jeremy recalled in the video presentation made by Lesli Thorsen that day
7 seeing pictures taken in September 2023 of milky white matter entering the brook. Jeremy said
8 he did. Jim Dumont asked whether the discharges are continuing at present. Jeremy said there
9 have been discharges that occurred. On the stormwater discharge prevention plan he filed with
10 the state of Vermont there were 3 discharge points identified. The big swale with the white pipe
11 in it, is related to the third of the three. The other 2 are on the south side of the property and
12 discharged occur during heavy rain events. Jim Dumont asked if the stormwater was entering
13 the brook by means of a swale or pipe. Jeremy said it was not.

14 Jim Dumont asked Jeremy if he had reviewed the materials released by Mark Hall in response to
15 the order. Jeremy said he hasn't looked through all of it. Jim Dumont asked if the response
16 produced by Mark Hall had the complete set of documents produced by Jeremy's office for the
17 stormwater permit. Jeremy said he wasn't sure if this. Jim Dumont said there is nothing that Mr.
18 Hall produced that refers to the state's rejection of the request from TCE that this just be treated
19 as an MSGP.

20 Jeremy said he had had emails, correspondence and meetings with the Agency of Natural
21 Resources relating to the MSG permit he had applied for in March. Jim Dumont said the
22 materials Mark Hall furnished do not reveal that the state of Vermont rejected part of the
23 application. Jeremy Matosky said he didn't believe a final decision had been made and he has
24 been in negotiations with the agency. Jim Dumont asked Jeremy Matosky if ANR had distinctly
25 said an MSGP would not be sufficient and a separate permit from the wastewater division must
26 be obtained. Jeremy said there was an e-mail to that effect. It wasn't a final decision and Jeremy
27 has asked them to clarify their position.

28 Jeremy said there was a question of whether a direct industrial discharge permit from the
29 Wastewater Management division was needed, in addition to or in lieu of a Multi-Sector General
30 Permit. The issue has not been settled.

31 Jim Dumont asked Jeremy Matosky if the Agency of Natural Resources said they would not
32 make a decision on the permit until Jeremy tells them what kind of flocculant he proposed to use.
33 Jeremy said that was not true. He was simply waiting for ANR to make a decision on whether he
34 needed an Industrial Direct Wastewater permit.

35 Steve Ankuda asked about Colen Johnson who signed the May 31 application. Steve asked
36 where Colen Johnson got the information for the application. Jeremy Matosky said he got it
37 from many sources. He discussed the application with the Julians, site visits, surveys and other
38 sources. Jeremy Matosky said he reviewed and approved the application before it was sent.

39 Steve Ankuda asked when stone started being moved onto the Chandler Road property for
40 processing. Jeremy Matosky said he didn't know the answer to that question. Steve Ankuda

1 asked Jeremy if he had heard anyone say when stone started moving onto the Chandler Road
2 property for processing. Jeremy said he had acquired a vague understanding of the history prior
3 to his involvement, where there were different owners and operators of the property before the
4 Julians were involved. He thought the Julians began by operating with a lease and then
5 purchased the property. He did not have direct knowledge of when specific equipment was
6 brought in.

7 Steve Ankuda said there are statements in the summary saying the Chandler Road quarry was a
8 pre-existing use, so it didn't need a conditional use hearing. He asked who gave him that
9 opinion? Jeremy said he came across language saying this was a pre-existing non-conforming
10 use on several documents from different zoning administrators, so he included that language in
11 his report. Steve Ankuda asked whether Jeremy Matosky had taken the language about a pre-
12 existing non-conforming use to mean that stone could be trucked in from anywhere and
13 processed at that site.

14 Jeremy Matosky said that was not correct. Steve Ankuda asked if a pre-existing use as a quarry
15 only meant that the property could be used as a quarry and not as a manufacturing facility.
16 3:23:17 Jeremy said he felt it was a decision for a zoning administrator or court to make. The
17 document he produced was to cover any activities that may not have been permitted previously
18 and to allow those activities to occur for a limited period of time until the activities could be
19 permitted and to continue to operate.

20 Steve Ankuda asked if there was any question in his mind that stone was being brought in from
21 offsite locations to be processed today. Jeremy Matosky said he had testified to that previously.
22 Steve asked if Jeremy had seen any evidence that stone was being brought onto the Chandler site
23 for processing from other places before Chester had zoning. Jeremy said he had not. He was
24 only about 5 years old when Chester got zoning.

25 Steve Ankuda verified that stone that couldn't be palletized at the North Quarry was being
26 brought to Chandler Road for processing. Jeremy Matosky said stone from both the North and
27 South Quarries was being brought to Chandler Road.

28 Steve Ankuda asked if Jeremy knew where the previous owner of the North Quarry was
29 processing his stone. Jeremy said he didn't have that information. Jeremy said Mr. Johnson,
30 who wrote the report, did not have any knowledge that he didn't have and could not answer the
31 question either.

32 Steve Ankuda addressed the timeline on page 6 of the narrative letter. He read the following
33 paragraph aloud, "During the construction of the new processing building at the South Quarry,
34 the applicant is requesting temporary use approval to allow continued processing activities to
35 occur at the Chandler Road Quarry (with appropriate conditions) until such time that the South
36 Quarry building is complete, and relocation of operations can occur. It is anticipated that this
37 construction phase will take more than a year and an 18-month temporary continued processing
38 use is requested at the Chandler Road Quarry until the operational relocation can occur." Steve
39 Ankuda asked who made the estimate of 18 months to do the construction at the North and South
40 Quarries. Steve Matosky said he had. He said he had done volume calculations for removing
41 material for the building. He believed about half of the material could be kept onsite as a berm

1 to further dampen noise. He did not plan on all the material being processed at Chandler Road.
2 He said it would be more of a construction project and more of the material would be crushed in
3 a crusher. He said there was already a permit for crushing. Steve Ankuda asked if the material
4 could be stored at Chandler Road during construction. Jeremy said that was possible. It would
5 create a much larger berm. He said he was not tasked with means and methods to accomplish
6 that.

7 Steve Ankuda asked how much material would need to be removed from the North Quarry to
8 create the contractor's yard. Jeremy said he estimated 25,000 to 30,000 cubic yards. He said on
9 that site did not have an opportunity to berm the material and it would have to be hauled away.

10 Steve Ankuda asked if any of the material could be stored at the South Quarry instead of
11 Chandler Road or a storage berm. Jeremy said it depended on the material. The material
12 extracted that could not be palletized could be moved to the South Quarry and be crushed. He
13 said the goal was to construct the building in the South Quarry, and the contractor's yard in the
14 North Quarry, not to haul more material to Chandler Road.

15 Steve Ankuda asked if there was any reason the extraction at the North Quarry could be halted
16 until the South Quarry building was constructed. Jeremy Matosky said it was possible to
17 sequence the construction. It was not what was proposed. He wanted to complete things as
18 quickly as possible, and their plan would take 18 months. Steve Ankuda asked if devoting all
19 their resources to the excavation of the South Quarry would be the quickest way to get the job
20 done. Jeremy said that would have to occur and at the same time he realized there was an
21 interest in completing the change of use from quarry to something else at the North site. He
22 thought those two projects could occur at the same time.

23 Jim Dumont verified that Jeremy Matosky said there was already a permit for crushing gravel at
24 the South Quarry. Jeremy said that was true. Jim Dumont said the 2003 permit only allowed
25 dimensional stone extraction. Jeremy said there was an act 250 permit for crushing stone. Jim
26 Dumont said there was not a zoning permit for crushing stone. He asked Jeremy if he wanted to
27 modify his testimony. Jim Dumont asked Jeremy to send any permit that allows crushing at the
28 South Quarry to Mark Hall so he could see it as soon as possible.

29 Bob Greenfield asked for a motion to recess the hearing until December 11, 2023. Harry
30 Goodell moved to recess the hearing. Gary Coger seconded the motion. A vote was taken, and
31 the hearing was recessed.