

1 **TOWN OF CHESTER**
2 **DEVELOPMENT REVIEW BOARD**
3 **DRAFT MINUTES**
4 *January 22, 2024*
5

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

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

10 **CITIZENS PRESENT:** Robert Mancuso, Leslie Thorsen, Scott Kilgus, Robert and Karen
11 MacAllister, Cheryl and Mike LeClair, Sam and Rene Melanson, Steve Ankuda, Barry Goodrich
12 and Michael Kenworthy at Town Hall. James Dumont, Michaela Stickney, Jenny Ronis, Shawn
13 Cunningham, Arunas Jonynas, Joy Slaughter, Mark Hall, Hugh Quinn, and James and Kay Wells
14 via Zoom.

15 Chair Bob Greenfield called the meeting to order. He led the group in the Pledge of Allegiance.
16 He introduced the members of the Development Review Board and staff.

17 **Agenda Item 1 Review minutes of the December 11, 2023 meeting.**

18 10:28 Phil Perlah moved to accept the minutes of the December 11, 2023 meeting. Harry
19 Goodell seconded the motion. There was no discussion. A vote was taken, and the minutes were
20 accepted as written.

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

22 10:35 There were no citizen comments.

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

25 11:10 Bob Greenfield reconvened the hearing. He announced that Attorney Mark Hall had sent a
26 letter to the Development Review Board on January 17, 2024 withdrawing the permit
27 application.

28 Bob Greenfield asked if anyone wanted to speak. He said if the person hadn't been sworn in for
29 the hearing they could be sworn in before they spoke. He assumed that most people present had
30 sworn in.

31 Mike LeClair spoke, asking where the process goes from here. He asked if the quarry can
32 continue with the permits issued. He said he was tired of spending money for the town's battle
33 and the state's battle. He wanted the town to enforce the laws on the books.

34 Preston Bristow requested and was granted permission to speak by the chair. He said he intends
35 to file a Notice of Violation as swiftly as he can. He said the first step of appeal for a notice of
36 violation is to the DRB.

1 Preston said the North and South Quarries have a permit to operate and they may continue to do
2 so. He said there were clearly violations in the Julian Brothers operation, and he will file a
3 Notice of Violation as quickly as he can.

4 Preston said a decision to issue a stay or injunction belongs to the Selectboard as soon as he files
5 the notice of violation.

6 Sam Melanson asked for details on the path a notice of violation would take. Preston Bristow
7 said a notice of violation goes to the landowner. By statute, the landowner has seven (7) days to
8 cure the violation and fifteen (15) days to go to the DRB and object to the notice. He said the
9 notice of violation is a public document and will be made public, but no hearing is associated
10 with it unless the landowner appeals the notice to the DRB.

11 Leslie Thorsen spoke. She thanked the DRB for coming out and doing their jobs and taking their
12 jobs seriously.

13 Mike Kenworthy said a permit for a storage building was issued about a year ago. He said the
14 property owner then surreptitiously brought in stone processing equipment and turned it into a
15 rock sawing operation. He said that when he asked how the storage unit could be used for
16 manufacturing, he was told a permit was being applied for and the manufacturing mentioned in
17 the permit allowed them to carry out manufacturing while the permit was being considered.
18 Now that the permit application is withdrawn there is no reason to allow manufacturing. Preston
19 Bristow said no one had given the quarry operators permission to saw stone at the Chandler
20 Quarry. Now that the application has been withdrawn, sawing stone should stop. Preston said
21 the Zoning Administrator needs to issue a notice of violation in order for the town to enforce an
22 order to stop sawing at the Chandler Quarry.

23 Rene Melanson said Jason Julian goes to prison next week. He asked if anyone could stop the
24 transfer of a business based on the former business' track record. Bob Goodrich said permits run
25 with the land, not the landowners. If a new landowner wants to do something that is different
26 from what the existing permits allow, he or she will need to apply for a new permit.

27 Rene said the permit for the North Quarry expired in 2008, yet the sale of the parcel went ahead
28 (in 2018), and the quarry has been in continuous operation since the sale. (Recording Secretary's
29 note: The Act 250 Permit 2S0775, which was going to expire in 2008, was revised by Gregg
30 Adamovich in 2005. The new permit, 2S0775-1 Altered, expires in October 2025.)

31 Preston Bristow said the town cannot stop the transfer of a parcel from one owner to another.
32 The Notice of Violation will become part of the Land Records and anyone looking at the
33 property will discover the notice as part of a title search.

34 Mike LeClair asked whether the Julian company has ever been issued a permit in the last 3 years
35 to pollute Great Brook, use jackhammers continuously or run unregistered trucks on state
36 highways. He said they have never had permits to do any of those things.

37 Jim Carroll said that if all the comments have been taken, it would be appropriate for the board
38 to go into deliberative session and discuss the question of the permit withdrawal. The Board
39 should make a formal motion on behalf of the withdrawal. The Board should note what will
40 happen to the record of the hearing. It should issue its order and close the hearing.

1 28:50The Board went into deliberative session at 6:28 PM and returned at 6:45 PM.
2 30:45Phil Perlah moved to accept the January 17, 2024 letter from Mark Hall withdrawing the
3 application into the record. Harry Goodell seconded the motion. A vote was taken, and the letter
4 was accepted.
5 Phil Perlah said an order prepared by the town’s attorney, Jim Carroll, would be put into the
6 record. The order would accept the withdrawal of the application by Allstone. He moved to
7 accept the order. Harry Goodell seconded the motion. A vote was taken, and the order was
8 accepted. Copies of the order were circulated among the citizens present at Town Hall. Preston
9 Bristow said the copy of the signed order would be put on the website on Tuesday. Shawn
10 Cunningham asked if he could receive an e-mailed copy. Preston agreed to do that.
11 Phil Perlah moved to adjourn the meeting. Harry Goodell seconded the motion. A vote was
12 taken, and the meeting was adjourned.