

Chester DRB

7/2/2023

This letter is written to explicitly state that the conditional use permit filed by the Allstone Corp should not be granted.

The previous conditional use permit filed in September 2003, and granted to Greg Adamovich for the south quarry in Chester never addressed noise. The grantee requested relocating his operation from the North Quarry to the South Quarry due to difficulty accessing the North Quarry site. One board member (Mr. P Dexter esq.) noted that it would be located closer to more residences. The closest resident Mr. Melanson was asked about the North Quarry noise and he stated he could not hear any noise. (Conditional use application #395).

The Adamovich family had operated that quarry since 1997. So for 6 years the Melanson family could not hear quarry noise, and since the Julian's have taken over in 2018,, the Melanson's have been driven out of their house due to constant unpermitted hydraulic hammer use in the North Quarry. This loud, repetitive ear splitting noise can be heard throughout Gassetts, as I run throughout the neighborhood with my dog, or, as I work outside any time of year. This unpermitted hammer is not used in conjunction with blasting, and continues on a daily basis.

The Act 250 permit for the South Quarry, condition 19 of LUP #2S0775-1 lists drilling for 2 (10) hour days per month. There is no conditional use listed for a hydraulic hammer. This hammer operates far more than 20 hours per month. At times it goes all day.

The Julian's have continued to hydraulic hammer at the North Quarry. **I do not see any permit, conditional use or Act 250 for this quarry** that I received from the town. The only permit in my packet was a permit issued to George Milligan dated May 22, 2001 for a storage shed at the North Quarry. Major quarrying continues here. Take a good look at that quarry during the site visit, and visualize that running all along rte 103 starting in downtown Gassetts. That shelled out appearance will be just one of the proposed eyesores that any potential home buyer, or builder will see when they come to Gassetts.

At issue is the conditional use permit for the south quarry major expansion in our village of Gassetts, primarily a residential neighborhood, with a very small strip of commercial on the east side of rte 103. The quarry land, is 300 acres located on the north side of Rte 103, and is in the residential conservation zone. The Williams River runs straight through this conservation

property. The east side of 103 all the way to Chandler rd is residential zoning as well. (80,000 zoning district)

The Chandler road quarry has a questionable past. On December 15,1993 Prentice Hammond the zoning administrator issued a letter to quarry owner Elizabeth Cortell that her quarry operation is not allowed in the 80,000 zoning district. He further stated that the quarry **was in violation due to lack of a permit**. Julie Hance Zoning Administrator confirmed this finding in a letter sent to Bill Dakin esq dated 5/7/2009 that "**Since there is no written documentation supporting the pre-existing status and since I can only report on what is documented I cannot say that this is a pre-existing quarry that is grandfathered.**"

Additionally in a letter from Julie Hance to Peter Holl (the previous Chandler quarry owner) in 2006 who applied for a storage shed she noted "**I note that your property is located in the Flood Plain of the Great Brook**"

When a JO was issued to the Holl Quarry on Chandler road it was noted that no Act 250 permit was necessary due to the town of Chester having zoning laws, and the land in question was less than 10 acres. One finding to support the lack of need for Act 250 here was "because there are no other parcels of land within 5 miles used in operation of the quarry (for such purposes as such bringing materials to be processed or storage of processed materials)." This is no longer true, the South Quarry is less than 5 miles from Chandler road, and is actively quarrying, as well as accepting and processing stone from the other 2 quarries. **This would presently necessitate a Act 250 permit. This is a change of use from this non permitted non grandfathered in quarry.** The Act 250 precedent for a change of use was noted in the Barlow case which was affirmed by the The Vermont Supreme Court that the term "change" includes an increase in extraction (use of hydraulic hammer nonstop on Chandler rd) and a change from sporadic to daily. This applies at Chandler rd, and **there has never been a conditional use permit filed by any quarry owner in this exclusively residential area.**

The Julian brothers want to continue their **current illegal activity** for a year and a half on the unpermitted Chandler rd quarry, so they can add an eyesore to downtown Gassetts where they will make our little village look like what they have done to the North Quarry. An eyesore. They want to extend that eyesore from the North Quarry to the South Quarry and build a road over the Williams River. They want to change the character of the Williams River Valley by building a **plus** or minus 20,000 square foot metal shed. Their land is not commercial so how can they build a commercial 20,000 square foot shed? Somehow they think that the unpermitted hydraulic hammer will not be heard from a metal building directly in a downtown residential area. If allowed they will quarry as much of the 300 acre residential/conservation land they own. If allowed they will work as fast as they can to do so, without regard to noise, quantity of stone, or the quality of life for those that live here (most of us for 30, 40 , 50 years).

Currently Jason Julian is in court in Connecticut for dumping toxic waste and a multitude of other felony charges. There was enough evidence against their company for a judge to sign an arrest warrant for probable cause. In Vermont, we can see all too clearly on a daily basis their complete lack of regard for any rule, law, or neighborhood disturbance. They are knowingly, intentionally, and willfully quarrying at 2 locations without any permits whatsoever. Every week giant flatbeds of finished stone is leaving their store. Has the Department of Transportation weighed any of these trucks? Are they in weight compliance? What about the dump trucks that haul the giant stone from the South and North Quarry to the unpermitted Chandler rd quarry. How much do those weigh? What is the state permitted tonnage of a load?

I believe that allowing this quarry to expand will substantially impact the future of our residential neighborhood. We are 10 minutes from Okemo. There is residential land here for building. We have a housing shortage in our state. Allowing the Julian's to further decrease our land values, and our quality of life will make this village a place where no new people would ever want to build or live. Say no to this conditional use permit. They have not abided by the one permit they have, if allowed to expand there will be no turning back. No one is enforcing the existing rule of law. No-one is stopping them now. The only permit they have states "Failure to comply with all of the above conditions may be grounds for permit revocation" yet the state turns a blind eye to the residents of Gassetts by not enforcing non compliance of their own state mandated conditions.

The Julian's simply should not be allowed to quarry on Chandler road, and any expansion to their existing quarry should be done exclusively under the purviewing eye of State Officials from Act 250.

I hope that the DRB can clearly see, this is not for the good of the town, the future of our town, and for the residents who have had to suffer out here for the last number of years listening to hydraulic hammering, clunking of metal on stone and the back up beep beep beep of heavy machinery. Our neighborhood is RESIDENTIAL, there is no place for a quarry here. The O'Neill quarry was not allowed in Chester and no noise studies even had to be conducted, so why must we go through hoops and dollars for the same consideration?

Thank you,

Leslie Thorsen

Chester Resident in Gassetts 37 years