

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD

In re: Julian Material, LLC (Allstone) Conditional Use Application

AFFIDAVIT OF ROBERT MACALLISTER and KAREN MACALLISTER


We, Robert MacAllister and Karen MacAllister, being duly sworn and on my personal knowledge, do hereby state under oath that:

1. We submit this affidavit in support by us for status as interested persons. In this affidavit we hope to demonstrate that we own and occupy the property in the immediate neighborhood of the proposed land use, that the proposed land use will cause physical or environmental harm to each of us, and that this use will conflict with the Town Plan and the Zoning Ordinance.
2. We reside at 355 Clemons Road in Chester. We own this property. It consists of our primary residence on about 40 acres.
3. Our 40 acre parcel is located just easterly of Vermont Route 103 and it is immediately easterly of the Julian North and South Quarry. The only property between our property and the Julian property is Vermont Route 103 and the property of Rene and Priscilla Melanson. Our property is on the easterly ridge of the Williams River Valley. The Julian property is the westerly hillside of the Williams River Valley. We have trails through our property, we hike, hunt, and garden, and generally enjoy our retirement, at least until approximately three (3) years ago when the quarrying operation by Julian changed everything. Our property is approximately where the legend is on the survey submitted as part of the Allstone Vermont, Chester Vermont "Local Permitting Submission Set" entitled "Perimeter Survey 3643 Vermont Route 103 N LLC, Span No. 144-045-11176, 3643 Vermont Route 103 North, Chester, Vermont" prepared by Trudell Consulting Engineers .
4. Our house is approximately the same elevation as the North Quarry upper excavation.
5. There is a ridge between our property and the bottom of the valley so that we do not have direct site line to Route 103 or the bottom of the North Quarry or South Quarry from our home.
6. The RSG report prepared for Allstone Vermont shows the expected expansion of a road cut into the hillside from the North Quarry to the South Quarry. This road would run along the western side of the valley.
7. We have lived in our house since it was built more than twenty (20) years ago. Until three (3) years ago, the noise we heard from the North and South Quarry was minimal. We heard occasional blasting, and occasional loading and scraping noises. There was no hammering noise or noticeable rock-crushing noise.

20. As to the type of noise, we have not heard loud mechanical hammering noises or rapid-fire mechanical hammering noise before the Julians took over the property. The hammering sound (hit-hit-hit-hit-hit-hit-hit) is very different than a truck engine's noise or any other noise in our neighborhood.
21. As to frequency and duration of occurrence, we have not heard loud noises this often or for so long a duration before the Julians took over the property. The rapid-fire mechanical hammering noise (hit-hit-hit-hit-hit-hit-hit) can go on for a half an hour, an hour or hours at a time. In contrast, the only loud noises we heard before were the noise of trucks on Route 103, which noises were limited to roughly 30 seconds at a time, not often, and scattered throughout the day. The frequency and duration of the mechanical hammering is unlike any preexisting noise in our neighborhood.
22. Based on the two and a half decades during which we have lived here, we can say without any doubt that no noise of the loudness, type, frequency and duration of the rapid-fire mechanical hammering noise was part of the North and South Quarry operation until the past several years, nor was such noise present in our neighborhood from any other source. It is not customary and it represents a repeated disturbance to us and other neighbors.
23. Based on the two and a half decades of experience during which we have lived here, use of a mechanical or hydraulic hammer that creates rapid-fire mechanical hammering noise is not a "grandfathered" or nonconforming use with respect to Ordinance § 4.9 (Performance Standards, page 80) because use of the equipment that creates noise this loud, of this type, and of this frequency and duration, did not occur until recently. See Ordinance § 3.19.D on page 52.
24. Based on the two and a half decades of experience during which we have lived here, use of a mechanical or hydraulic hammer that creates rapid-fire mechanical hammering noise this loud, of this type, and of this frequency and duration, even if it did occur before § 4.9 was adopted, ceased for more than two years; therefore, the grandfathering rights ceased under Ordinance § 3.19.D(1)(b) [on page 52].
25. Pages 52 through 54 show where RSG placed its "rock hammer" during its modeling of future noise from the South Quarry. Of the three scenarios modeled, two did not include a rock hammer. These are scenarios 11 and 13, on pages 52 and 54. Only scenario 12 on page 53 included a rock hammer, and the rock hammer is located at or next to the present excavation site—not to the south where Allstone Vermont proposes to expand the quarry as shown on plans C1-100 and C-2000, 100 feet from the property line.
26. Our understanding, from reading the Zoning Administrator's emails, is that an enforcement action against Julian has been put on hold so that Julian can obtain permits for its altered or expanded operations—the changes that have caused us to hear the hammering. The Town of Chester should act to shut down the quarry until they can bring themselves into a parameters of existing zoning and permits.
27. The proposed project, if permitted would increase the operation at the South Quarry and the substantial extraction levels necessary in constructing the planned access between the North and South Quarry across the hillside and the waterfalls. These operations would increase the frequency of loud, uncharacteristic, and intrusive noise that we experience not only of the rapid-fire hammering noise but also the mechanical scraping noise that we did not hear these past few years, further disrupting our use and enjoyment of our home and property.

8. Over the last three (3) years, the noise from the North and South Quarry has gone from minimal to loud and disturbing.
9. The new noise from the North and South Quarry that we have heard, includes rapid-fire mechanical hammering noise we hear this at the house, inside the house when the windows are open and outside the house you can hear it from anywhere on our property. It often goes on for hours at a time.
10. We believe that the rapid-fire mechanical hammering noise is generated by the hydraulic hammer that is discussed in the Natural Resource Board's Jurisdictional Opinion about Allstone.
11. Another noise from the North and South Quarry that we only began hearing about three (3) years ago is the scraping sound of metal on rock or rock on metal, followed by the sound of rocks tumbling into a truck. This, too, goes on for hour after hour, or longer, at a time this loud, obnoxious, repetitive noise has continued up until about two (2) months ago when these regulatory proceedings commenced and since that time there has been somewhat of a decrease in the sounds that we are hearing, though they still do occur.
12. The background noise at our house is the sound of wind, the songs of birds, and a slight low roll or hum of traffic on VT-103, with occasionally louder truck noises. The louder truck noises are brief, perhaps 30 seconds.
13. The loud hammering we hear from the North and South Quarry is very different from the background noise we hear. It is not covered up. It is distinct and disturbing. It has gone on for hours at a time.
14. We don't notice the background noise from Route 103 most of the time. Except for noise of large trucks, it is there but out of mind.
15. The loud hammering noise from the North and South Quarry cannot be placed out of mind. It dominates our life when it happens unless we go inside, turn on loud music or air conditioners to drown out the noise.
16. When Mr. Adamovich operated the North and South Quarry we did not experience the loud hammering noise, nor did we since Mr. Adamovich sold it — until a few years ago, after the Julian purchase.
17. The rapid-fire mechanical hammering noise is not customary in this neighborhood, is uncharacteristic of the sounds in this neighborhood, and represents a repeated disturbance to us and others, because of its noise level, its type, and its frequency and duration of occurrence. This is prohibited by the third sentence of Ordinance § 4.9.A on page 80, which states; “Noise levels or frequencies which are not customary in the district or neighborhood or which represent a repeated disturbance to others shall not be permitted.”
18. Allowing expanded industrialization of the North and South Quarry, generating a material increase in Disturbance, is inconsistent with the three (3) Earth Resources Goals set forth in the Chester Town Plan, Page 43 and violate the Earth Resource Policies 4, 5 and 6 under the Town Plan.
19. The noise levels we heard before, from trucks on Route 103, were never as loud as the hammering noise. The rapid-fire mechanical hammering noise is much louder than the truck noise. It is much louder than any other noise in our neighborhood.

28. Based on the above facts, we believe that we own or occupy property in the immediate neighborhood of the proposed change in land use at the North and South Quarry, that the proposed permit will cause us to suffer loud and disturbing noise in perpetuity at least for the remainder of our lives, and that of our 40 acre homestead parcel, and that this land use will conflict with the zoning ordinance and the Town Plan and negatively impact any future sale or subdivision.



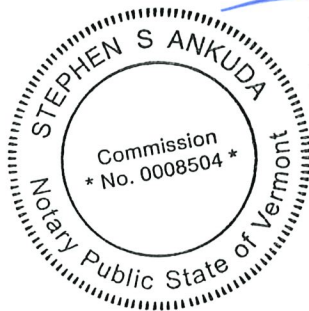
Robert MacAllister



Karen MacAllister

Sworn and subscribed to me by Robert MacAllister and Karen MacAllister this _____ day of September, 2023





Notary Public
My Commission Expires:

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