

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

**NEIGHBORS' MOTION TO EXCLUDE EVIDENCE AND REJECT
AMENDED APPLICATION**

NOW COME, Cheryl A. and Michael T. Leclair, Karen and Robert MacAllister, Barry, Patricia, Gregory and James Goodrich, Michael McCarthy, Rene and Patricia Melanson, James and Kay Wells and John V. Nowak, ("Neighbors"), interveners, by and through their attorneys, Parker & Ankuda, P.C., and join with Scott Kilguss and Leslie A. Thorsen in their Motion to Exclude Evidence and Reject Amended Application in response to the Julian Materials LLC's ("Julian") December 7, 2023 Amendment of its application. For purposes of economy we join with and adopt the original Motion to Exclude Evidence and Reject the Amended Application filed by Scott Kilgus and Leslie A. Thorsen, as supplemented by their Supplemental Memorandum dated and filed December 27, 2023. In addition, Neighbors complain that any further delays in this matter are materially prejudicial to Neighbors and only beneficial to Julian,

It has become clear to Neighbors that the Town of Chester has deliberately chosen not to enforce the Zoning By-laws violation by Julian by issuing a Notice of Violation, seeking a fine, and injunction. It appears the Town is attempting to bring Julian into compliance by encouraging Julian to submit an application for Conditional Use Permits for the three (3) offending quarries. With the assistance of the Zoning Administrator, Julian filed that application and we now have had three (3) evidentiary for hearings on that application. While going through this process, Julian continues to operate full throttle. Immediately before the third and expected final hearing, Julian submitted a material change to the project. The proposed change would reduce the use of the hydraulic hammer to two (2) days per week, and not the six (6) days per week that Neighbors have been and continue to suffer from. If Julian was sincere in this proposal they would have implemented this change in use immediately and not continued to pound uninterrupted through the holidays. This change alone would certainly not require additional evidence for a hearing. However, as part of the proposed change, Julian now plans to load and truck raw ore for processing out of the Town limits, over routes that it has not disclosed. That change is material not only to Neighbors but to any individuals along such trucking routes. Those non-parties have due process rights to appear, and be heard on this application. Julian knows full well this change would require further notice and hearings, which would result in further delays further prejudicing Neighbors.

Neighbors respectfully request this Board to reject the portion of Julian's modification which provides for trucking rock outside the Town of Chester, and to direct Julian that if this truly is a proposal they wish the Board to entertain it can be addressed in a new application after the Board issues a decision on the matter before it and it becomes final.

Dated at Springfield, Vermont this 27th day of December, 2023.

Cheryl A. and Michael T. Leclair
Karen and Robert MacAllister
Barry, Patricia, Gregory and James
Goodrich and Michael McCarthy
Rene and Patricia Melanson
John V. Nowak
James and Kay Wells

By: 

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