

Town of Chester
Development Review Board

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

POST-HEARING PROPOSED FINDINGS AND MEMORANDUM OF LAW SUBMITTED BY CHERYL A. AND MICHAEL T. LECLAIR, KAREN AND ROBERT MACALLISTER, BARRY, PATRICIA, GREGORY AND JAMES GOODRICH, MICHAEL MCCARTHY, RENE AND PRISCILLA MELANSON, JAMES AND KAY WELLS AND JOHN V. NOWAK

NOW COME, Cheryl A. and Michael T. LeClair, Karen and Robert MacAllister, Barry, Patricia, Gregory and James Goodrich, Michael McCarthy, Rene and Priscilla Melanson, James and Kay Wells and John V. Nowak, and each and every one of them (“Neighbors”), by and through their counsel, Stephen S. Ankuda, firm of Parker & Ankuda, P.C., and in opposition to the Conditional Use Permit Application filed by Julian Materials, LLC (“Julian”) adopt in its entirety as their own the Post-Hearing Proposed Findings and Memorandum of Law Submitted by Scott Kilgus and Leslie Thorsen. The Kilgus/Thorsen Memorandum and Proposed Findings incorporates parts of the testimony and Affidavits of Neighbors and is clear in stating to this Board why Julian’s Application for a Conditional Use Permit should be denied.

Julian has failed to present any testimonial evidence of historical use which could serve as some basis for the Board to determine the character of the area affected, or the grandfathering of pre-zoning uses. This failure to present evidence is in direct opposition to the overwhelming evidence presented by Neighbors through testimony and Affidavits. The evidence establishes the character of the Neighborhood as a place where the witnesses lived at their homes for decades, without complaint over pre-Julian operations at the three (3) Julian Quarries, and that it is only the unpermitted escalation by Julian over the past few years which has caused neighbors both physical and mental damages and suffering. The failure by Julian to even present evidence through witnesses prepared to testify as to historic uses, and how and why they have changed and any necessity for such change, illustrates the arrogance and disregard by Julian of the Zoning By-Laws, this Board, it’s procedures and requirements.

The overwhelming evidence is that the persistent use of the hydraulic rock hammers at each of the quarries has been a dramatic and material change of use, with an undue and adverse effect on a large segment of the surrounding properties and their owners.

The December 7, 2023, last minute change to the Julian Application is legally deficient in that it fails to sufficiently identify the corridors where unfinished rock is expected to be transported. This is likely because it is either unknown or not truly intended to occur. In the meantime, Julian continues to pound. Disrupting the lives of each of their neighbors six (6) days per week and maximizing cash flow. Julian's arrogance in failing to show Db levels over seventy (70) in its sound exhibits, and preventing Kilgus/Thorsen's sound expert from going on their property to observe and take measurements to test Julian's sound experts' data, weighs heavily on their credibility in all aspects of this Application.


The Julian application for a Conditional Use Permit should be denied based upon the failure of Julian to meet its burden, and Julian found in violation of the Chester Zoning By-Laws. An action to enjoin Julian's operations should be immediately commenced.

Dated at Springfield, Vermont this 3rd day of January, 2024

Respectfully submitted:

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

By:



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