

TOWN OF CHESTER  
DEVELOPMENT REVIEW BOARD

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

**AFFIDAVIT OF LESLIE THORSEN**

I, Leslie Thorsen, being duly sworn and on my personal knowledge, do hereby state under oath that:

1. I submit this affidavit in support of the request by my husband, Scott Kilgus, and I for status as interested persons. In this affidavit I hope to demonstrate, as required by the ordinance and the statute, that Scott and I own and occupy property in the immediate neighborhood of the proposed land use, that the proposed land use will cause physical or environmental harm to Scott and me, and that this proposed land use will conflict with the zoning ordinance.
2. We reside at 296 Blackberry Hill Rd. in Chester. We own this property.
3. Scott and I also co-own with another family, through a trust, the parcel of land that adjoins our residential parcel on its west side. This second parcel, about 20 acres in size, is roughly trapezoidal in shape and runs down the hill to the west, ending at the edge of the field along Route 103, slightly south of the intersection with Route 10.
4. We have a trail that we created on the 20-acre parcel. The trail goes down near the field. We use the trail for walking, cross-country skiing, and horseback riding.
5. If you were to stand on Route 103 just south of the Route 10 intersection and look to the east you would see the trees on our 20-acre parcel where it meets the field. From the same location, if you were to look to the west you would look across another field and see the trees on the land owned by Julian Materials on which the South Quarry and North Quarry of Allstone Vermont are located.
6. If you were to stand on the western edge of our 20-acre parcel, you would look across the fields and Route 103 directly at the Allstone Vermont property.
7. On sheet C1-100 of the Allstone Vermont plans, our house, the clearing around our house, and the 20-acre parcel are shown. Starting at the blue line that shows the boundaries of sheet C-2000, our 20-acre parcel adjoins the blue line, and to the right (east) of that are our residence parcel, the clearing around our house, and our house. Our house and clearing are just above the word "Quarry" where the plans state "South Quarry."
8. Using the scale on sheet 2-000, sheet 2-000 shows that the property line of our 20-acre parcel is about 900 feet from the Allstone Vermont property line.
9. Sheet 2-000 also shows that Allstone Vermont plans to extract rock up to 100 feet from the property line, which will be about 1000 feet from our the property line of the 20-acre parcel and about 2100 feet from our house.
10. Using Google Maps, our house at 296 Blackberry Hill Rd. is approximately 4,800 feet from the North Quarry.
11. Our house is at approximately 900 feet in elevation.

12. The existing South Quarry site is at about 850 feet in elevation.
13. There is no ridge or other obstruction between the South Quarry site and our house.  
There is just the valley in which Route 103 and the Williams River are located, and the trees on the eastern side of the Allstone Vermont property.
14. The RSG report prepared for Allstone Vermont states and shows at pages 20, 53 and 54 that the South Quarry will be expanded to the south, and Plans C1-100 and C-2000 demonstrate this expansion up to 100 feet from the property line nearest our property. These plans show that existing trees that may limit noise from the South Quarry will be removed as the quarry extends to towards our property.
15. Until several years ago, the noise we heard from the South Quarry was minimal. We heard occasional blasting, and occasional loading and scraping noises. There was no hammering noise or rock-crushing noise.
16. Over the last several years, the noise from the South Quarry has gone from minimal to loud and disturbing.
17. The new noise from the South Quarry that we have heard over the last several years includes rapid-fire mechanical hammering noise (hit-hit-hit-hit-hit-hit). This is loud and extremely disturbing. We hear this at the house, inside and outside. You can hear it from anywhere on our residential property or our 20-acre parcel. Sometimes it goes on for hours at a time.
18. I 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.
19. Another noise from the South Quarry that started within the past year so, that we did not hear before, is the scraping sound of metal on rock or rock on metal, followed by sound of rocks tumbling into a truck. This, too, goes on for a half hour, an hour or longer, at a time.
20. After hearing these noises (and also a loud backup beeper) recently for about an hour and a half, I drove down to Route 10 and then to the South Quarry. At that time, a dump truck filled with large stone emerged from the South Quarry/Allstone site and drove up Route 10 to the Chandler Road quarry turnoff.
21. I believe this combination of sounds is the noise of rock being loaded into trucks, and, most recently, the sound of trucks backing up while being loaded.
22. The background noise at our house is the sound of wind, the songs of birds, and low roll or hum of traffic on VT-103, with occasionally louder truck noises. The louder truck noises are brief, perhaps 30 seconds.
23. The loud hammering we hear from the South Quarry is very different from the background noise we hear. It is not covered up or masked by the background noise. It is distinct and disturbing. It has gone on for hours at a time.
24. I 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.
25. The loud hammering noise from the South Quarry cannot be placed out of mind. It dominates my life when it happens.

26. When Mr. Adamovich operated the South Quarry we did not experience the loud hammering noise, nor did we since Mr. Adamovich sold it – until several years ago, after the Julian purchase.
27. 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.”
28. 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.
29. As to the type of noise, we have not heard loud mechanical hammering noises or rapid-fire mechanical hammering noise before. The hammering sound (hit-hit-hit-hit-hit-hit) is very different than a truck engine’s noise or any other noise in our neighborhood.
30. As to frequency and duration of occurrence, we have not heard loud noises this often or for so long a duration before. 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.
31. Based on the almost three decades during which we have lived here, I 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 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.
32. Based on the almost three 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.
33. Based on the almost three 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].
34. Page 67 of the RSG report shows RSG’s modeling of existing noise at our residence. RSG did not measure the noise at our residence.
35. Page 67 reports that RSG’s model shows that there is less than 50 dbA of noise, from existing hammering, at our residence. The modeling is clearly wrong. Page 34 of the RSG report states that the noise of 50 decibels is quieter than the noise of a “field with

- insects” or a car idling at 50 feet. The rapid-fire mechanical hammering noise we hear is far louder than a field with insects or a car idling 50 feet away. The hammering is so much louder that you could not hear a field with insects or a car idling 50 feet away.
36. 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.
37. 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.
38. The proposed project, if permitted by the Town of Chester, also would increase operations at the South Quarry, and its southeast expansion in the direction of our property. 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 of the mechanical scraping noise that we did not hear until this past year, further disrupting our use and enjoyment of our home and property.
39. Based on the above facts, I believe that Scott and I own or occupy property in the immediate neighborhood of the proposed change in land use at the South Quarry, that the proposed permit will cause us to suffer loud and disturbing noise for many years, perhaps for decades, at our 20-acre parcel and our home parcel, and that this land use will conflict with the zoning ordinance.

Leslie Thorsen  
Leslie Thorsen

Sworn and subscribed to by Leslie Thorsen before me this 14 day of July, 2023.

Renee Hebert  
Notary Public

