

TOWN OF CHESTER
DEVELOPMENT REVIEW BOARD

In re: Appeal of Chester Notice of Violation Issued to Andrew Julian, Jason Julian, Allstone Vermont and Julian Materials, LLC, 3643 VT Route 103 N, LLC and 137 Chandler Road, LLC (together "Allstone/Julian") dated January 25, 2024

STIPULATION

The Town of Chester ("Chester"), Allstone/Julian, and interested parties Scott Kilgus, Leslie Thorsen, Cheryl Leclair and Michael Leclair, Karen and Robert MacAllister, Barry, Patricia, Gregory and James Goodrich, Michael McCarthy, Rene and Priscilla Melanson, John V. Nowak, James and Kay Wells, Steve and Trudy Greene, Michael Kenworthy and Dan Clerk (hereinafter "Interested Parties"), by and through their respective attorneys and duly authorized agents, hereby stipulate and agree that the Chester Development Review Board ("Chester DRB") may enter an order in the above matter incorporating the following terms and conditions:

1. That Allstone/Julian discontinue any use of "rock-hammers" and rock crushers at the North Quarry, South Quarry and Chandler Road Quarry located on properties in Chester, Vermont with street (E911) addresses of 3645 VT RT 103 N, 4333 VT RT 103 N and 137 Chandler Road from the date of this Stipulation until such time as Allstone/Julian has received all local, state and federal permits specifically authorizing their use and then only to the extent permitted under said permits or a court order of competent jurisdiction.

2. That Allstone/Julian cease any manufacturing, rock crushing, or other rock processing activities at the Chandler Road Quarry which is the subject of Chester Permit #21-065 issued on 9/29/2021 and that the structure at the Chandler Road Quarry be used solely for the purpose of storage of equipment while not in use. All "rock splitting" activities or use of guillotines at the Chandler Road Quarry shall be limited to the use of those 750± ton guillotines

that came with the purchase of the Chandler Road property or the replacement of those 2 units with smaller 150 ton units during the hours of 8:00 AM to 5:00 PM during the regular work week. Use of the guillotines shall not exceed the Performance Standards set forth in CUDB 4.9.

3. That Allstone/Julian cease any point source or stormwater discharge of water into any stream or waterway of the State including any discharge containing sedimentation or other contaminants from rock splitting, polishing, sizing or packing of quarried stone at the North, South and Chandler Road Quarries except and until such time as all necessary local, state and federal discharge, multi sector general and stormwater permits are issued by any and all regulatory authorities having jurisdiction.

4. That the modular home and accessory shelter located at the South Quarry on the so-called Bushee Lot shall remain unoccupied and be removed in 30 days unless a complete after-the-fact permit has been first received by Chester. The shed at the North Quarry shall be removed within 30 days unless a complete after-the-fact permit has been first received by Chester. The shed attached to the building at Chandler Road has already been removed.

5. That Allstone/Julian cease placing or depositing any material or structures within the FEMA designated flood zone and that Allstone/Julian comply with any lawful orders or permits issued by a federal or state agency under a multi sector permit or otherwise to mitigate the existing or future placement of materials within the flood zone.

6. That Allstone/Julian immediately cease operating the North, South and Chandler Road Quarries as an integrated quarry operation, including but not limited to, the transport of quarried rock or other materials between or among the quarries or otherwise operating in a manner that integrates the quarrying, processing or transporting operations among the three

quarries pending approval of all necessary local, state and federal permits allowing for such operations.

7. Allstone/Julian will permit duly authorized agents of Chester, including its Zoning Administrator or persons accompanying him, to inspect the North, South and Chandler Road Quarries at any time between 7:30am and 5:00pm upon 24-hours' notice pending final approval of State Land Use and Chester Conditional Use permits permitting continuing quarry and related activities at the North, South and Chandler Road Quarries.

8. That Allstone/Julian stipulates that Chester may enforce this Stipulation and that any future violation of this Stipulation will constitute unpermitted land development which are subject to the imposition of such fines and penalties and such other relief as may be necessary to enjoin any violation by a court of competent jurisdiction pursuant to 24 V.S.A. §§ 4451 and 4452 for any violation of unpermitted land development.

9. Based on the Stipulation, Allstone/Julian agrees not to contest the factual basis supporting each of the 5 violations referenced in the Notice of Violation issued by the Zoning Administrator in this appeal and that upon approval by the Chester Development Review Board, the Stipulation may be considered and issued as a Decision and Order by the Chester DRB.

Dated this 1st day of April, 2024.

TOWN OF CHESTER, VERMONT

BY:


James F. Carroll, Esquire

SCOTT KILGUS and LESLIE THORSEN

BY:

James A. Dumont, Esquire

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7. Allstone/Julian will permit duly authorized agents of Chester, including its Zoning Administrator or persons accompanying him, to inspect the North, South and Chandler Road Quarries at any time between 7:30am and 5:00pm upon 24-hours' notice pending final approval of State Land Use and Chester Conditional Use permits permitting continuing quarry and related activities at the North, South and Chandler Road Quarries.

8. That Allstone/Julian stipulates that Chester may enforce this Stipulation and that any future violation of this Stipulation will constitute unpermitted land development which are subject to the imposition of such fines and penalties and such other relief as may be necessary to enjoin any violation by a court of competent jurisdiction pursuant to 24 V.S.A. §§ 4451 and 4452 for any violation of unpermitted land development.

9. Based on the Stipulation, Allstone/Julian agrees not to contest the factual basis supporting each of the 5 violations referenced in the Notice of Violation issued by the Zoning Administrator in this appeal and that upon approval by the Chester Development Review Board, the Stipulation may be considered and issued as a Decision and Order by the Chester DRB.

Dated this 1st day of April, 2024.

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SCOTT KILGUS and LESLIE THORSEN

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ALLSTONE VERMONT and JULIAN
MATERIALS, LLC

BY: Mark G. Hall
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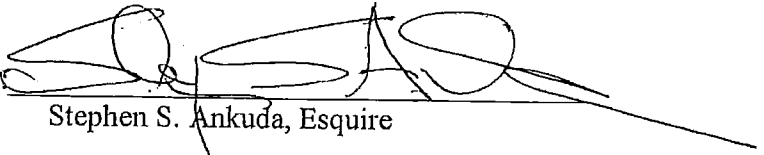
CHERYL A. and MICHAEL T. LECLAIR,
KAREN and ROBERT MACALLISTER,
BARRY, PATRICIA, GREGORY and JAMES
GOODRICH and MICHAEL MCCARTHY,
RENE and PRISCILLA MELANSON,
JOHN V. NOWAK, JAMES and KAY WELLS,
STEVE and TRUDY GREENE,
MICHAEL KENWORTHY and DAN CLERK

BY: _____
Stephen S. Ankuda, Esquire

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