

36413 VT Route 103 N

(Conditional Use Application #395)

ZONING BOARD OF ADJUSTMENT

CONDITIONAL USE APPLICATION: #395

APPLICANT: Allstone Corporation
PROPERTY OWNER: Allstone Corporation
LOCATION: Vermont State Route 103 North
DISTRICT: Residential 80,000
DATE OF HEARING: September 15, 2003

PRESENT: Bruce McEnaney, Robert McIntyre, Chris Curran, Paul Dexter, Cecil Waldo, Georgia Ethier

VISITORS: Hal Wilkins, Dick Ploof, Gregg Adamovich, Brenda Adamovich, Tony Weinberger, Rene Melanson, Bill Kearns, Henry Bushee, Robert McIntyre, Leon Parker, Dennis McPadden, Harry Goodell

The Public Hearing for Conditional Use Permit #395 was called to order at 8:00 p.m. by Chairman McEnaney.

Chairman McEnaney began the Hearing by reading the Notice of Public Hearing as it appeared in *The Message For The Week* newspaper for the week of August 27-September 2, 2003, which was at least 15 days prior to this Hearing.

TOWN OF CHESTER
 NOTICE OF PUBLIC HEARING
 BEFORE THE ZONING BOARD OF ADJUSTMENT

A Public Hearing will be held before the Zoning Board of Adjustment, of the Town of Chester, at 7:00 p.m. on Monday, September 15, 2003, at the Town Hall to consider the application of Allstone Corporation to develop and operate an Earth Resource Extraction (Quarry-Granite Dimension Stone) on their property south and west of their quarry and warehouse at 3642 Vermont Route 103 North.

APPLICANT: Allstone Corporation
PROPERTY OWNER: Allstone Corporation
LOCATION: Vermont Route 103 North
DISTRICT: Residential 80,000
ACTION REQUESTED: Issue a permit to construct and operate an Earth Resource Extraction (Quarry - Granite Dimension Stone)

For the Zoning Board of Adjustment,
Cecil Waldo, Zoning Administrator

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Chairman McEnaney stated that on August 8, 2003, the Zoning Administrator received an Application from Gregg Adamovich to construct and operate a quarry on his property on VT Route 103 North. Chairman McEnaney stated that on August 29, 2003, the Zoning Administrator notified the Applicant of this Hearing and on August 26, 2003, the Notice was posted on the Town Bulletin Board. Chairman McEnaney stated that on September 3, 2003, the adjacent and adjoining property owners were notified.

Mr. Dexter asked the Applicant to provide background information concerning his corporation. Mr. Adamovich explained that the corporation is comprised of his wife and himself and has been in existence since 1997. He added that their current quarry location on VT Route 103 North is not efficient due to the limited area at the site and the operation will be less intrusive at the proposed location. Mr. Adamovich pointed out on the plan the location of the landing, that stone will be brought to that location, and prepared for sale. He added that they will continue to use the current site and work toward reclamation while bringing the new site up to production.

Chairman McEnaney stated that the Board would review the required criteria for a conditional use application, and asked for testimony on each item.

1 A. THE CAPACITY OF EXISTING OR PLANNED COMMUNITY FACILITIES: Mr. Adamovich felt the proposed project would not be an additional burden to the capacity of existing or planned community facilities.

1 B. THE CHARACTER OF THE AREA AFFECTED: Mr. Adamovich felt that the operation would not have any impact on the character of the area. Mr. Dexter pointed out that the proposed location would be closer to the residents. Mr. Adamovich agreed but would be better screened from view. Mr. Wilkins, from Ramsey, McLaren, Planning and Engineering, displayed a plan indicating the visibility of the road to the site from the residents across the street. He indicated that there would be only one section of the road that would be visible from the residents.

1 C. TRAFFIC ON ROADS AND HIGHWAYS: Mr. Adamovich responded that there will be an increase in traffic at the site. Chairman McEnaney pointed out that the new location will be more favorable in entering and exiting the site and create a safer operation. Mr. Dexter asked the number of trucks entering and leaving the site. Mr. Adamovich responded that the maximum indicated in their application to Act 250 will be 40 trips per day which is more than they anticipate due to the fact that the product is very labor intensive. He added that they currently work very hard and do not fill a trailer in one day.

1 D. BYLAWS IN EFFECT: A Conditional Use Permit is required for this project.

1 E. UTILIZATION OF RENEWABLE RESOURCES: Mr. Dexter pointed out that the Applicant mentioned that he will be creating his own electricity. Mr. Adamovich explained that he has a generator and provides electricity needed for production. He added that he may decide to have electricity brought to the site sometime in the future.

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Chairman McEnaney stated such Specific Standards as follows may also apply to this Application:

2 A. MINIMUM LOT SIZE: Mr. Adamovich explained that he will be utilizing only 9 acres of the 300-acre parcel. Mr. Curran asked if the Applicant owns the land. Mr. Adamovich explained that once he obtains the permit he will own the land. Mr. Curran asked the Applicant if he plans to quarry the entire parcel. Mr. Adamovich responded that 9 acres will be sufficient for his purposes and has no plans beyond that area.

2 B. DISTANCE FROM ADJACENT OR NEARBY USES: Mr. Adamovich explained that the proposed quarry will be approximately 600 feet from the nearest residence which is located on the eastside of VT Route 103 North and approximately 60 feet above the elevation of the VT Route 103 road surface.

2 C. MINIMUM OFF-STREET PARKING AND LOADING FACILITIES: Mr. Adamovich responded that no changes are proposed to the existing Allstone operation at the former Gassetts Railroad Freight Station.

2 D. LANDSCAPING AND FENCING: Mr. Dexter questioned the logging of trees in the tree line. Mr. Wilkins responded that they will maintain the tree line as a shield from the operation. Mr. Adamovich explained that the proposed quarry is screened from view by the extensive stand of mature trees between the river and the quarry face. He added that they also plan to install a berm of conifers.

2 E. DESIGN AND LOCATION OF STRUCTURES AND SERVICE AREA: Mr. Adamovich explained that the plans indicate a maintenance shed on the site but he is unsure if he will have such a shed.

2 F. SIZE, LOCATION, AND DESIGN OF SIGNS: Mr. Adamovich explained that he does not have any immediate plans to change the existing sign but in the event he does, he will apply for a permit.

2 G. SUCH OTHER FACTORS AS THE ZONING REGULATIONS MAY INCLUDE: There were no other factors discussed.

Chairman McEnaney stated the Board would consider the Performance Standards, Section 8.3c.3 of the Town of Chester Zoning Regulations.

3 A. PERFORMANCE STANDARDS SHALL INCLUDE ACCEPTABLE STANDARDS AND LEVELS OF PERFORMANCE WHICH ARE ACCEPTABLE AND NOT LIKELY TO EFFECT ADVERSELY THE USE OF THE SURROUNDING AREA BY THE EMISSION OF SUCH DANGEROUS OR OBJECTIONABLE ELEMENTS AS NOISE, VIBRATION, SMOKE, DUST, ODOR OR OTHER FORMS OF AIR POLLUTION, WATER POLLUTION, HEAT, COLD, DAMPNESS, ELECTROMAGNETIC OR OTHER DISTURBANCE, GLARE,

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LIQUID, OR SOLID FUEL, REFUSE OR WASTES, OR CREATE ANY DANGEROUS, INJURIOUS NOXIOUS FIRE, EXPLOSIVE OR OTHER HAZARD. Mr. Adamovich felt that the noise generated by the railroad and highway traffic will mask any noise. Mr. Dexter asked if the residents can hear noise generated at the current location. Mr. Melanson, the resident who is located the closest to the current site, stated that he cannot hear any noise. Mr. Dexter questioned the Applicant as to how he planned to control the speed of the trucks in and out of the operation. Mr. Adamovich responded that he hires responsible individuals, that he will use signs, and the uneven terrain will help control speeding. Mr. Dexter asked about the use of engine brakes. Mr. Adamovich responded that he has never had a problem with the use of engine brakes, that everyone works well together. Mr. Adamovich explained that vibration will not be a problem, that any blasting or drilling conducted at the site is very low impact due to the fragile nature of the stone. He added that smoke is not an issue, that his equipment is new and requires very little maintenance. Mr. McIntyre asked the Applicant if he will be storing hydraulic fluid at the site. Mr. Adamovich responded that his equipment is new and such storage is unnecessary. Mr. Dexter asked the Applicant if he plans to have back-up equipment at the new site. Mr. Adamovich responded that he may add a larger model. Mr. Adamovich added that they plan to utilize water from the detention basins to control dust during the summer. Chairman McEnaney asked where will water be obtained if the basins are dry. Mr. Adamovich responded that they will have water stored at the site as required by Mine Safety. He added that there is no odor generated from the site and that they have a comprehensive erosion control and storm water management plan to accommodate all surface flows, contain water volumes from severe storm events, and gradually release through in-ground infiltration or controlled dispersal onto vegetated areas of the property. Mr. Dexter questioned if they plan to have fuel storage tanks. Mr. Adamovich responded yes, that the tank will be located in a containment area. Mr. Dexter asked the size of the tank and Mr. Adamovich responded either 275 or 500-gallon tank. Mr. Adamovich explained that their solid waste will be picked up regularly and that they will utilize chemical toilets. Chairman McEnaney questioned if they plan to store dynamite on the site. Mr. Adamovich explained that he will have a contractor conduct any blasting and that there will not be any storage on the site.

3 B. PERFORMANCE STANDARDS ALSO INCLUDE STANDARDS FOR ADVERTISING LIGHTS, SECURITY LIGHTS, STREET LIGHTING, PARKING LOT LIGHTING OR ANY LIGHTS SO THAT ANY ARTIFICIAL LIGHTING DOES NOT DISTURB THE TRAFFIC OR BE OBJECTIONABLE TO ADJACENT PROPERTY OWNERS. Mr. Adamovich explained that they will operate during the daytime only and may have to use headlights in the early morning and evening during the fall.

Mr. Curran questioned the load limit of the bridge leading to the site. Mr. Adamovich responded that its limit is 80,000 pounds. Mr. Dexter asked if there will be an increase in trucking from the new site. Mr. Adamovich responded that the proposed site will be much more productive and that he anticipates five to seven trips per day when they are at top efficiency. Mr. Curran asked if there are any historical sites on the new property. Mr. Adamovich responded no.

Chairman McEnaney closed the public hearing at 9:05 p.m.

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FINDINGS OF FACT:

1. The Zoning Board of Adjustment finds that the Applicant is Allstone Corporation who is currently in the process of purchasing a tract of land in order to expand their quarry operation.
2. The Zoning Board of Adjustment finds that the tract of land to be purchased consists of approximately 300 acres but that the proposed quarry will only impact around 9 acres.
3. The Zoning Board of Adjustment finds that the proposed project will have little or no additional burden on the capacity of existing or planned community facilities.
4. The Zoning Board of Adjustment finds that the proposed project will have little or no impact on the character of the area. Because of its location, it will not be highly visible from the highway due to the natural screening which will be retained between the project and any nearby residents or traffic on the highway.
5. The Zoning Board of Adjustment finds that traffic on the highway will result in an increase; however, the impact on the highway will be at a better location than the current location of their quarry and will be a safer operation.
6. The Zoning Board of Adjustment finds that the project will take place in the Residential 80,000 Zone of the Town of Chester's Zoning Regulations which lists a Quarry as a Permitted Conditional Use.
7. The Zoning Board of Adjustment finds that there will be no impact on the Utilization of Renewable Resources. The Applicant explained that he plans to generate his own electricity at the present time. It may be desirable at a future date to import electricity.
8. The Zoning Board of Adjustment finds that performance standards will be in place to prevent the emission of dangerous or objectionable elements such as noise, vibration, smoke, odor, or other forms of air pollution, water pollution, heat, cold, dampness, electromagnetic or other disturbances, glare, liquid or solid fuel, refuse or wastes or create any dangerous, injurious noxious fire, explosive or other hazard.
9. The Zoning Board of Adjustment finds that performance standards will meet or exceed standards for advertising lights, street lights, parking lot lighting, or any lights so that any artificial lighting does not disturb the traffic or be objectionable to adjacent property owners.
10. The Zoning Board of Adjustment finds that there are no historical sites on the property.
11. The Zoning Board of Adjustment finds that any signs planned will conform to the Town of Chester's Zoning Regulations.

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12. The Zoning Board of Adjustment finds that the Notice of Public Hearing was posted on the Town Bulletin Board on August 26, 2003, and appeared in *The Message For The Week* newspaper for the week of August 27-September 2, 2003, which was at least 15 days prior to the Hearing.

DECISION:

The Zoning Board of Adjustment grants a permit to Allstone Corporation to construct and operate an Earth Resource Extraction (Quarry-Granite Dimension Stone) at the location described at the Public Hearing held on September 15, 2003, with conditions.

CONDITIONS:

1. The project will be carried out as presented to the Board.
2. All required local, state, or federal permits will be obtained and abided by.
3. Screening using existing vegetation will be retained to prevent undue noise, smoke, dust, odor, or other forms of air pollution from impacting the neighbors or traffic on the highway.
4. Traffic emanating from the new quarry will not exceed 40 trips per day and will be controlled so that it will not create an unsafe condition upon entering the State highway. Signs regulating the speed of the traffic from the quarry will be erected and will be enforced. Dust will be controlled by the application of water as needed.
5. All parking will be onsite and will not create an additional hazard on the highway.
6. Additional buildings are not required at this time but if the need arises, a permit will be applied for.
7. All blasting will be done by outside contractors and there will be no storage of blasting materials onsite.
8. All storm water will be controlled by the use of water retention areas and in-ground filtration or controlled dispersal onto vegetated areas.
9. Vehicle fuel storage will be in aboveground tanks and will be enclosed by adequate containment areas.
10. Solid waste will be picked up regularly by outside contractors while chemical toilets will be installed and serviced regularly by contractors.
11. There will be no artificial lighting added except the use of vehicle lights on the equipment as needed for safety.

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12. Any future modifications to the project that expand on or severely deviate from the project as presented will require reconsideration by the Zoning Board of Adjustment prior to implementation.

APPEAL PROCEDURE:

An interested person may appeal a decision of the Zoning Board of Adjustment to the Environmental Court within thirty (30) days of this decision under Section 1001(b), Title 4, Vermont Statutes Annotated.

BOARD OF ADJUSTMENT MEMBERS
Against the Decision

BOARD OF ADJUSTMENT MEMBERS
For the Decision

Bruce W. McEnaney
Patricia A. Dand
Robert M. Dantona
Thomas G. H. Curran
Paul B. Dwyer

Dated at Chester, Vermont this 29th day of September, 2003.

copy to: Allstone Corporation (Certified Mail)



RAMSEY, McLAREN

PLANNING + ENGINEERING

TO: Mr. Cecil H. Waldo - Zoning Administrator, Chester, VT
FROM: Hal Wilkins
RE: Allstone Corp. - "Stone Village" Quarry
DATE: 8 September 2003

Mr. Waldo:

We have prepared the following information - in response to your project review letter of 29 August 2003 - for Planning Commission consideration at its preliminary hearing on the project.

General Standards (Section 8.3c.1)

Capacity of existing community facilities

The development of the proposed Allstone Corp. Stone Village Quarry will gradually shift quarrying activities from the existing Allstone quarry on VT Route 103 at the Proctorsville intersection, to the subject site, located just west of the Gassetts RR Freight Station. No additional burdens will be placed on any local or regional agencies or services, as a result of the additional Allstone granite dimension stone production operations

Character of the area

The Stone Village Quarry will someday replace the very similar quarrying activities currently in operation at Allstone Corp's somewhat smaller - and much more visible - dimension stone production site just north on Route 103. The new quarry is situated so as not to be visible from Route 103 - or from the residences opposite the Gassetts RR Freight Station. Residents should not sense (see, hear, feel, etc.) any substantial changes in the 'character of the neighborhood' as a result of the closure

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of the north quarry and the relocation of dimension stone activity to the Stone Village Quarry.

Traffic

Truck traffic presently involved at the north quarry will be gradually relocated to the subject Stone Village Quarry site. Some increase in truck activity should be expected, although it will be more of an entering-turning nature rather than the current high-speed highway truck traffic currently passing the residences on Route 103.

By-Laws in effect

The project will be developed in full compliance with Town of Chester By-Laws - and will require a Conditional Use Permit for quarrying activity in this zoning district.

Utilization of renewable energy resources

The area involved in Phase 1 of the Stone Village Quarry was logged / stripped prior to Allstone's presence at the property. Subsequent phases of the quarry project will require additional, limited landclearing activity.

Specific Standards (Section 8.3c.2)

Minimum lot size

The project - on lands exceeding 300 acres - complies with minimum lot size requirements.

Distance from adjacent uses

The proposed quarry operation will be located approximately 600 feet (horizontal) from the nearest residence (on the east side of VT Route 103) and approximately 60 feet above the elevation of the Route 103 road surface.

Minimum off-street parking and loading

No changes are proposed to the existing Allstone operation at the former Gassetts RR Freight Station.

Landscaping and screening

No changes are proposed at the existing Allstone operation at the former Gassetts RR Freight Station. The Stone Village Quarry itself is screened from view by the extensive stand of mature trees between the river and the quarry face, as shown on the site plan.

Design and location of structures

Allstone Corp. does not propose any new building construction or renovations to its existing office / sales facility. In Phase 2 of the Stone Village Quarry project, a small maintenance building may be constructed near the pit area, as shown on the site plan. The building would be a single-story, shed-type building, not visible from any off-site locations

Signage

No changes to the existing signage is proposed.

Performance Standards (Section 8.3c.3)

(Levels of performance regarding noise, vibration, smoke, dust, odors, water pollution, heat, cold, electromagnetic disturbances, glare, liquid or solid fuels, waste, explosives, etc.)

Noise

The existing extensive vegetated buffer is the most effective barrier to off-site 'transport' of noise produced at the quarry. Quarrying activity, in itself, is not a substantial producer of noise; trucking operations, however, will generate noise. To the extent possible, this will be mitigated through control of vehicle speed, the prohibition of the use of engine brakes, and the scheduling of quarrying and transport activities so as to avoid holiday and weekend operations.

Vibration

Not applicable; the drilling and blasting necessary to expose granite dimension stone is a low-impact (very low charge weights per hole) activity, as the objective is to minimize fracturing of the stone.

Smoke

Not applicable

Dust

Allstone will use direct application of water (from its on-site detention basins) on the roadway surface to suppress dust during summer months.

Odors

Not applicable

Water pollution

A comprehensive erosion control and stormwater management plan has been established to accommodate all surface flows, contain water volumes from severe storm events, and then release gradually through in-ground infiltration or controlled dispersal onto vegetated lands of the applicant.

Heat / Cold

Not applicable

Electromagnetic disturbances

Not applicable

Glare

Not applicable

Liquid or solid fuels

Diesel fuel is stored and dispensed in small, approved skid tanks.

Waste

Any "waste" products will be accumulated and processed for use as material for on-site road building and site improvements.

Explosives


No explosives are stored on the site; an independent explosives contractor performs necessary / occasional scheduled drilling and blasting activities.

Special Criteria (Section 8.3c.4)

Allstone Corp. does not propose any new building construction or renovations to its existing office / sales facility. In Phase 2 of the Stone Village Quarry project, a small maintenance building may be constructed near the pit area, as shown on the site plan.

We hope this information is helpful to the Commission and we are prepared to answer - in detail - any questions that arise at the public hearing on Monday, 8 September.

Sincerely,



Hal J. Wilkins

HJW/tf

encls.

cc: Allstone Corp.