

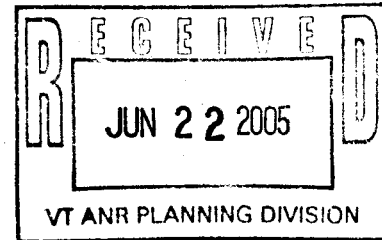


# State of Vermont

## LAND USE PERMIT

**CASE NO:** 2S0775-1(Altered)  
**PERMITTEES:** Allstone Corporation  
**ADDRESS:** 3646 Vt. Route 103 North  
Chester, VT 05143  
and  
George Milligan  
12 Clark Island Road  
Amherst, NH 03031  
and  
Green Mountain Railroad  
1 Railway Lane  
Burlington, VT 05401

**LAWS/REGULATIONS INVOLVED:**  
10 V.S.A. §§ 6001 - 6092 (Act 250)  
and Vermont State Environmental  
Protection Rules



District Environmental Commission #2 hereby issues Land Use Permit #2S0775-1 (Altered), pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6092. This permit applies to the lands identified in Book 58, Pages 124-127 and Book 81, Page 382A, of the land records of the Town of Chester, Vermont, as the subject of deeds to Milligan Mountain Quarry, Inc., a contract to purchase with Allstone Corporation and a lease agreement with Green Mountain Railroad, the permittees as grantees.

**This permit specifically authorizes the permittees to develop a stone quarry on approximately 11 acres, use of a 20-foot x 24-foot portable processing shelter, construction of screening berms, stormwater treatment basins, the continued use of the Stone Store retail building and use of a portable rock crusher for four weeks a year at the existing quarry. The project is located off Route 103 in Chester.**

The project is subject to Act 250 jurisdiction because it involves the construction of improvements for a commercial purpose on more than ten acres and thus constitutes "development" pursuant to Environmental Board Rule 2(A)(1)(b) and the project is a substantial change to a permitted project, Land Use Permit #2S0775, and thus constitutes "development" pursuant to Environmental Board Rule 2(A)(1)(e).

The permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Environmental Commission in accordance with the following conditions:

1. The project shall be completed, operated and maintained in accordance with: (a) Findings of Fact and Conclusions of Law #2S0775-1, (b) the plans and exhibits on file with the District Environmental Commission, and (c) the conditions of this permit.

The approved plans are:

Sheet C-1 - "Site Plan," dated May 19, 2004;  
Sheet C-1A - "Site Plan," dated September 14, 2004;  
Sheet C-2 - "Cross Sections A-A & C-C," dated May 19, 2004;  
Sheet C-3 - "Cross Section B-B," dated May 19, 2004;  
Sheet ECP-1 - "Erosion Control Plan," dated May 19, 2004;  
Sheet ECD-1 - "Erosion Control Details," dated May 19, 2004;  
Sheet EX-1 - "Phasing Plan," dated May 19, 2004;  
Sheet EX-2 - "Phase 1 Plan," dated May 19, 2004;  
Sheet EX-3 - "Phase 2 Plan," dated May 19, 2004;  
Sheet EX-4 - "Phase 3 Plan," dated May 19, 2004;  
Sheet EX-5 - "Phase 4 Plan," dated May 19, 2004;  
Sheet EX-6 - "Phase 4 Reclamation," dated May 19, 2004.

2. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the District Environmental Commission, whichever is appropriate under the Environmental Board Rules.
3. By acceptance of the conditions of this permit without appeal, the permittees confirm and agree that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittees and all assigns and successors in interest.
4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holders file an affidavit certifying that the project is being completed, operated and maintained in accordance with the terms of the permit, as provided by 10 V.S.A. Chapter 151 and the rules of the Environmental Board.
5. By acceptance of this permit, the permittees agree to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
6. All conditions of Land Use Permit #2S0775 are in full force and effect except as amended herein.
7. The project is approved for the following maximum impacts:
  - 15 vehicle parking spaces at the Stone Store;
  - 45 gallons per day of water and wastewater;
  - 40 loaded truck trips per day, combined from both quarries.

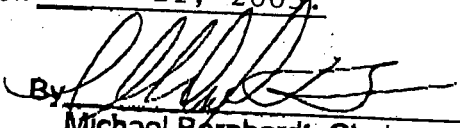
8. This permit hereby incorporates all of the conditions of the Wastewater System and Potable Water Supply Permit #WW-2-1877 issued by the Wastewater Management Division, Agency of Natural Resources. Any subsequent non-material changes to the ANR permit shall be incorporated herein automatically.
9. Any fuel storage shall be within a double-lined fuel tank. The permittees shall have a spill clean-up kit on-site.
10. The permittees shall install the curb island to limit access onto Route 103, prior to commencement of excavation.
11. The permittees shall ensure that reasonable precautions are taken at all times to control fugitive particulate matter (dust) emissions from the site including the haul roads, traffic areas, storage piles, exposed surfaces and any site operations such as drilling, blasting, crushing and processing of materials. This shall include the application of water or calcium chloride as necessary to the haul roads, traffic areas and storage piles and the covering of all trucks entering, exiting or operating at the site that are loaded with materials that may generate fugitive dust. In addition, the permittees shall not allow the operation of a gravel or stone crushing plant on the premises with a maximum rated capacity (based on the crusher's largest possible setting and maximum throughput, not actual operating rate) of greater than 150 tons per hour.
12. The permittees shall limit hours of operation to 7:00 a.m. to 5:00 p.m., Monday through Saturday. The permittees shall not blast or drill on Saturdays.
13. The permittees shall comply with Exhibits #20, 21, 24, 25, 26, 27, 28, 29, 30 and 31 for erosion control and reclamation. The permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. The District Environmental Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control as it deems necessary.
14. Starting at the commencement of excavation, a Professional Engineer shall inspect the site at least once per year and at critical times until the project is completed to ensure that the erosion control plans, and later, reclamation plans, are being followed. He or she shall certify by yearly affidavit to the District Environmental Commission that all erosion controls as specified and approved herein, are in place and properly maintained and that the permittees are reclaiming the site in accordance with the approved plans.

15. In addition to conformance with all erosion control conditions, the permittees shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the permittees from compliance with 10 V.S.A. Chapter 47, Vermont's Water Pollution Control Law.
16. The permittees shall maintain a 50-foot undisturbed, naturally vegetated, unmowed buffer strip from the top of the bank of the Williams River and the intermittent stream on the project site and any disturbed areas. Snowplowing or storage of any materials within the stream buffer shall not be permitted. Storage currently within the buffer strip shall be removed to make at least a 40-foot buffer prior to any excavation. The road within the buffer strip on the intermittent stream will be allowed. The permittees shall mark the stream buffers in the field prior to commencement of excavation.
17. All stumps shall be disposed of on-site above the seasonal high water table or at a State-approved disposal site.
18. The permittees and all assigns and successors in interest shall continually maintain the planting on the berm as approved by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
19. The permittees shall limit drilling to twenty hours per month.
20. The permittees shall use a circular pattern to avoid backing of trucks, except during the initial development of each phase of the quarry when space is limited.
21. The permittees shall not erect additional exterior signage without first obtaining approval from the District Environmental Commission. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs.
22. The installation and/or use of electric resistance space heat is specifically prohibited without the prior written approval of the District Environmental Commission.
23. The permittees shall not increase the Lmax noise levels above 55 dBA at the houses along Route 103 for more than 3% of the time (76% of the total time) during normal operations and not more than an additional 15% of the time (88% of the total time) during drilling. The permittees shall not increase the Lmax at the Bushee house above 74 dBA during initial drilling and above 66 dBA during the remaining drilling. The Lmax during normal quarry operations shall not exceed 57 dBA at the Bushee house.

24. No further subdivision, alteration, and/or development of any parcel of land approved herein shall be permitted without the written approval of the District Environmental Commission.
25. This permit shall expire on October 1, 2025, unless extended by the District Environmental Commission.

Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6090(c).

Dated at Springfield, Vermont, on June 21, 2005.

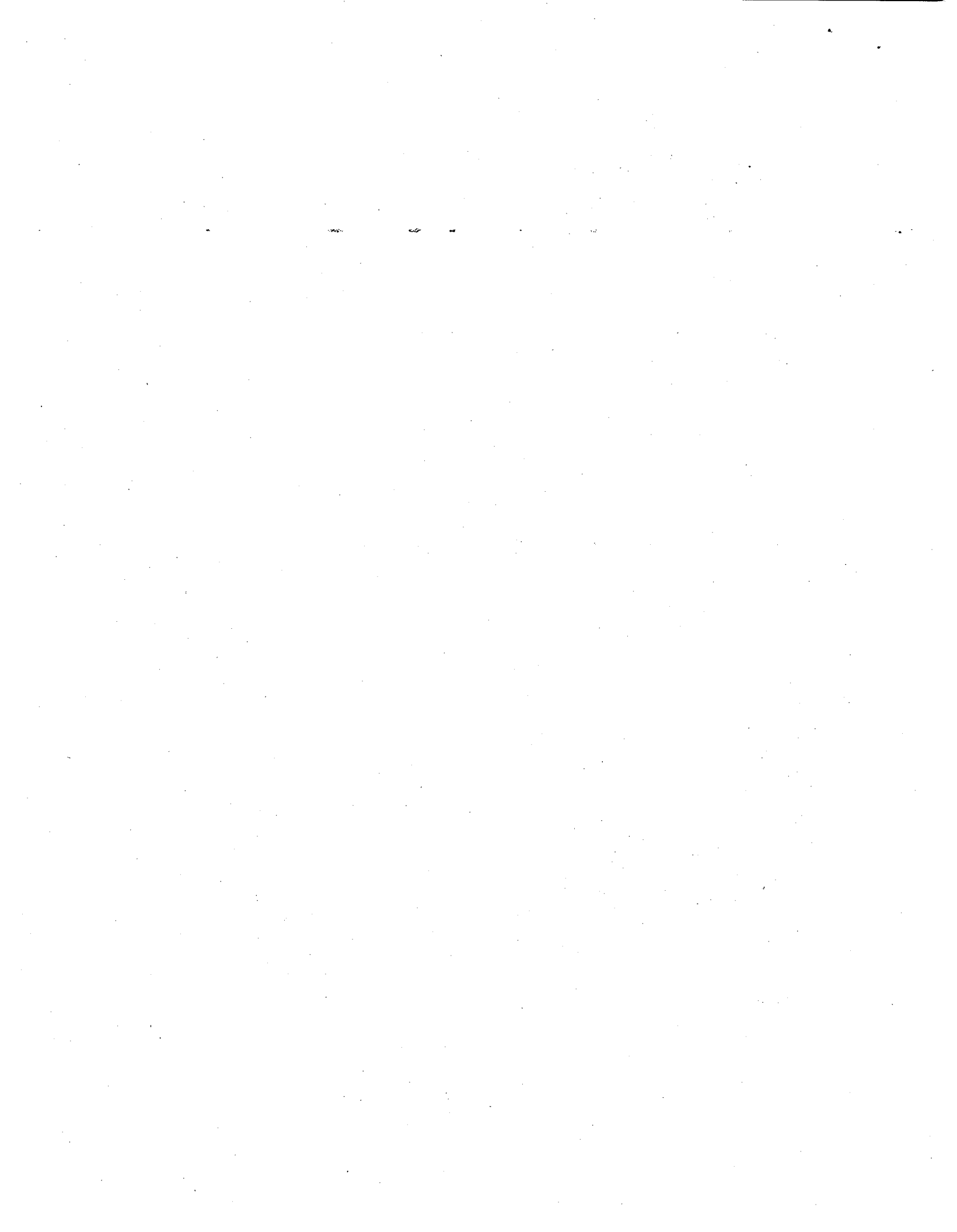
By   
Michael Bernhardt, Chair  
District #2 Environmental Commission  
Natural Resources Board

Members participating in  
this decision:

Theodor H. Friedman reviewed the record, deliberated with Mr. Bernhardt, now Chair of the Commission, and agrees with this decision.

Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont.

The Notice of Appeal must include all information required by Rule 5(b)(3) of the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address for the Environmental Court is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701. (Tel: 802-828-1660)



**STATE OF VERMONT  
DISTRICT 2 ENVIRONMENTAL COMMISSION  
NATURAL RESOURCES BOARD**

Re: Allstone Corporation )  
3646 Route 103 North )  
Chester, VT 05143 )  
and )  
George Milligan )  
12 Clark Island Road )  
Amherst, NH 03031 )  
and )  
Green Mountain Railroad )  
1 Railway Lane )  
Burlington, VT 05401 )

**Memorandum of Decision**  
Land Use Permit #2S0775-1

**Introduction:**

On May 17, 2005, the District 2 Environmental Commission issued Land Use Permit (LUP) #2S0775-1 authorizing the permittees to develop a stone quarry on approximately 11 acres, use of a 20-foot x 24-foot portable processing shelter, construction of screening berms, stormwater treatment basins, the continued use of the Stone Store retail building and use of a portable rock crusher for four weeks a year at the existing quarry. The project is located off Route 103 in Chester.

The permittees filed a timely Motion to Alter.

**Discussion:**

1. Condition 19 of LUP #2S0775-1 states:

The permittees shall limit drilling to two days per month.

The permittees request the Commission alter this condition to allow drilling for a cumulative total of two days per month.

The permittees indicate that development of the quarry may require more frequent drilling than two days per month, but for shorter time periods. This could mean not drilling ten hours a day, but drilling two hours for ten days.

The Commission notes that the permittees indicated the quarrying operation would occur from 7:00 a.m. until 5:00 p.m., a ten-hour day. The Commission agrees to alter this condition allowing a total of twenty hours of drilling per month.

2. Condition 20 of LUP #2S0775-1 states:

The permittees shall use a circular truck pattern to avoid backing up.

The permittees request the Commission alter this condition to indicate the trucks will use a circular pattern whenever possible, except in the initial development phase which will be in a small area and will limit truck movement.

The Commission agrees to alter this condition.

3. Condition 23 of LUP #2S0775-1 states:

The District Environmental Commission reserves the right to evaluate and impose additional conditions with respect to noise. The Commission reserves the right for a period of time commencing and expiring with the permit.

The permittees request the Commission alter this condition to indicate the permittees will not increase the Lmax noise levels above what the Commission approved.

The Commission agrees to alter this condition.

4. The Commission received notice that the reference to the tract of land where the deeds are recorded were incorrect.

**Order:**

1. Condition 19 is hereby altered to state:

The permittees shall limit drilling to twenty hours per month.

2. Condition 20 is hereby altered to state:

The permittees shall use a circular pattern to avoid backing of truck, except during the initial development of each phase of the quarry when space is limited.

3. Condition 23 is hereby altered to state:

The permittees shall not increase the Lmax noise levels above 55 dBA at the houses along Route 103 for more than 3% of the time (76% of the total time) during normal operations and not more than an additional 15% of the time (88% of the total time) during drilling. The permittees shall not increase the Lmax at the Bushee house above 74 dBA during initial drilling and above 66 dBA during the remaining drilling. The Lmax during normal quarry operations shall not exceed 57 dBA at the Bushee house.

4. The Commission also corrects the Book and Page numbers.

Dated at Springfield, Vermont, on June 21, 2005.

By: 

Michael Bernhardt, Chair  
District 2 Environmental Commission  
Natural Resources Board

Commissioners participating in this decision: Theodor H. Friedman

Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont. The Notice of Appeal must include all information required by Rule 5(b)(3) of the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address for the Environmental Court is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701. (Tel: 802-828-1660)



**CERTIFICATE OF SERVICE**  
**#2S0775-1(Altered)**

I hereby certify that I sent a copy of the foregoing Memorandum of Decision and Altered Land Use Permit on June 21, 2005, by U.S. Mail, postage prepaid, to the following:

Allstone Corporation  
Gregg Adamovich  
3646 Vt Route 103 N  
Chester, VT 05143

George Milligan  
12 Clark Island Road  
Amherst, NH 03031

Chester Selectboard  
Richard G. Jewett, Chair  
P.O. Box 370  
Chester, VT 05143

Chester Town Planning  
Thomas A. Bock, Chair  
P. O. Box 131  
Chester, VT 05143

So. Windsor County Regional  
Planning Commission  
P.O. Box 320  
Ascutney, VT 05030

Elizabeth Lord, Esq.  
Land Use Attorney  
Agency of Natural Resources  
103 So. Main St., Ctr. Bldg. 3rd Fl.  
Waterbury, VT 05671-0301

**FOR INFORMATION ONLY**

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Springfield, VT 05156

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Deborah Aldrich  
P.O. Box 370  
Chester, VT 05143

Susan S. Spaulding  
Chester Town Manager  
P.O. Box 370  
Chester, VT 05143

Donald Marsh, P.E.  
Bruno Assoc., P.C.  
P.O. Box 387  
Woodstock, VT 05091

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112 State Office Building  
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Agency of Agriculture, Food & Markets  
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Montpelier, VT 05620-2901

Bill Dakin  
Dakin & Benelli, P.C.  
P. O. Box 499  
Chester, VT 05143

By:   
Juffa Schmitz  
District Coordinator

