

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. Chapter 151

RE: Roadside Chapel by
Joseph W. Kozlik, Esq.
198 North Main Street
Rutland, VT 05701

Findings of Fact,
Conclusions of Law
and Order, Land Use
Permit #1R0319-4-EB

This decision pertains to an appeal by the Town of **Mendon** and the **Mendon** Planning Commission with regard to noise impacts of a proposed church. The parties have filed stipulated facts and permit conditions. As is explained below, the Board has determined that the proposed project will comply with Criterion 1 (air pollution - noise), as long as the stipulated permit conditions are met.

I. BACKGROUND

On April 6, 1990, the District #1 Environmental Commission issued Land Use Permit #1R0319-4 (the permit), authorizing the Applicant to construct a 236-seat church on a 8.1 acre parcel of land located off Town Line Road in the Town of **Rutland**, Vermont. On April 24, 1990, the District Commission issued Land Use Permit #1R0319-4(A), which amended the permit to specify construction and permit expiration dates for the project authorized in the permit.

On May 4, 1990, the Town of **Mendon** and the **Mendon** Planning Commission (the Appellants) filed an appeal of the permit. On May 18, 1990, the Appellants filed a supplemental notice of appeal and request for stay. No appeal of permit amendment #1R0319-4(A) was filed.

The Board deliberated on the request for a stay on June 6, 1990, in Montpelier, and issued a decision denying the request to stay on June 8, 1990.

On June 11, 1990, Environmental Board Chairman Stephen Reynes convened a preliminary hearing in the Town of **Rutland**. On July 9, the Board received a copy of a proposed stipulation signed by the Applicant and the Appellants. On July 12, the Board issued a preliminary hearing report and order. On July 27, the Board received a further stipulation signed by the Applicant and the Appellants. The Board deliberated on August 23.

II. ISSUE

Whether the proposed project complies with 10 V.S.A. § 6086(a)(1) (Criterion 1, air pollution - noise) with respect to noise from construction activities, overnight camping, outdoor prayer meetings, and use of an outdoor amplification system.

483

III. FINDINGS OF FACT

1. The proposed project will consist of a 236-seat church to be located off Town Line Road in the Town of **Rutland**. This area is near the border of the Towns of **Rutland** and **Mendon**. A residential area is located nearby in **Mendon**.
2. East Mountain is located near the proposed project. Sounds emitted from the project site are likely to bounce off and be amplified by the mountain.
3. The project is likely to generate noise from the following activities: use of heavy equipment during construction, overnight camping of groups of church followers, outdoor prayer meetings, and use of an outdoor sound amplification system. These are not sounds typically heard in the residential area surrounding the project. When combined with echoes from East Mountain, residents are likely to be disturbed by these activities.
4. In Condition 2 of Land Use Permit #1R0319-4, the District #1 Environmental Commission prohibited exterior construction of the project between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and on any hours on Sundays and federal holidays. In Condition 3 of the permit, the District Commission prohibited overnight camping on the project site by groups of more than 25 people.
5. The Applicant and the Town of **Mendon** and the **Mendon** Planning Commission have stipulated to altering Conditions 2 and 3, above. Condition 2, as it relates to weekdays and Saturdays, would be altered to prohibit exterior construction of the project between 5:00 p.m. and 7:00 a.m. Condition 3 would be altered to prohibit overnight camping, outdoor prayer meetings, and use of an outdoor sound amplification system.

IV. CONCLUSION OF LAW

The Board concludes that the proposed project complies with Criterion 1 (air pollution - noise), provided that it is conditioned as set forth in finding 5, above.

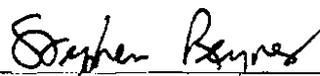
Findings of Fact, Conclusions of Law, and Order
Roadside Chapel
L.U.P. #1R0319-4-EB
Page 3

V. ORDER

Land Use Permit #1R0319-4-EB is hereby issued.
Jurisdiction over this matter is returned to the District #1
Environmental Commission.

Dated at Montpelier, Vermont this 18th day of December,
1990.

ENVIRONMENTAL BOARD


Stephen Reynes, Chairman
Ferdinand Bongartz
Elizabeth Courtney
Rebecca J. Day
Arthur Gibb
Samuel Lloyd

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