

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. §§ 6001-6092

RE: John A. Russell Corporation and Crushed Rock, Inc.
Land Use Permit Application #1R0489-6-EB

~~Docket #723~~

MEMORANDUM OF DECISION

This proceeding concerns the installation of an asphalt plant at the previously permitted dolomite rock quarry known as Crushed Rock under land use permit series #1 R0489 ("Project"). The quarry site is located off the east side of Vermont Route 133 in Clarendon, Vermont. The Project includes the addition of an asphalt plant, four fuel and asphalt cement tanks, a diesel generator, and various roadway, drainage, and other improvements.

On September 25, 2000, the Vermont Supreme Court remanded the appeal of the above referenced matter from the Supreme Court to the Environmental Board pursuant to a joint motion. This remand is for the limited purposes of (1) receiving evidence from those persons with party status under 10 V.S.A. § 6086(a)(10) ("Criterion 10") regarding the status of the Clarendon Town Plan and whether there is any duly adopted Clarendon Town Plan in effect for the purposes of application 1 R0489-6-EB, and (2) to determine, in light of that evidence, whether the appellants' land use permit application to install an asphalt plant, #1R0489-6-EB, is in conformance with any duly adopted local or regional plan or capital program under chapter 117 of Title 24 as required by Criterion 10.

The Board hereby remands this matter to the District #1 Environmental Commission.

I. ORDER

1. The Board remands Land Use Permit Application # 1 R0489-6-EB to the District #1 Environmental Commission for the limited purposes of:

(A) receiving evidence from those persons with party status under Criterion 10 regarding the status of the Clarendon Town Plan and whether there is any duly adopted Clarendon Town Plan in effect for the purposes of application #1R0489-6-EB, and

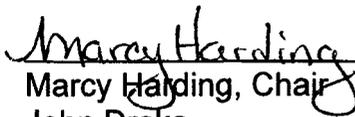
(B) to determine, in light of that evidence, whether the appellants' land use permit application to install an asphalt plant, #1R0489-6-EB, is in conformance with any duly adopted local or regional plan or capital program under chapter 117 of Title 24 as required by Criterion 10.

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(C) if the answer to (B) is in the affirmative, issue a land use permit amendment.

Dated at Montpelier, Vermont this 28th day of September, 2000.

ENVIRONMENTAL BOARD



Marcy Harding, Chair
John Drake
George Holland
Samuel Lloyd
W. William Martinez
Alice Olenick

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