



# State of Vermont

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## LAND USE PERMIT

**CASE No. 1R0589-EB**

APPLICANT J.P. Carrara & Sons, Inc.

ADDRESS c/o A. Jay Kenlan, Esq.

P.O. Box 578

Rutland, Vermont 05701

LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 151  
(Act 250)

The Vermont Environmental Board (Board) hereby issues Land Use Permit #1R0589-EB pursuant to the authority vested in it by 10 V.S.A. Chapter 151. This permit applies to the lands identified in Book 52, Pages 267-271 of the Clarendon Land Records. This permit authorizes the Permittee to operate a quarry on a **59-acre** tract of land in Clarendon, Vermont.

The Permittee, and its successors and assigns, are obligated by this permit to complete and maintain the project only as approved by the District #1 Environmental Commission (District Commission) and in accordance with the following conditions:

1. The project shall be completed and maintained as set forth in Findings of Fact and Conclusions of Law #1R0589 and #1R0589-EB, in accordance with the plans and exhibits stamped "Approved" and on file with the District Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the District Commission.
2. By acceptance of the conditions of this permit without appeal, the Permittee confirms and agrees for itself and its successors and assigns, 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 Permittee and its successors and assigns.
3. The District Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being operated in accordance with the terms of the permit.
4. No manufacturing, assembly, crushing, or processing of any kind shall take place on the site.
5. The noise level at the property lines shall not exceed 85 decibels at any time.
6. The hours of operation of the quarry shall be limited to 6 a.m. to 6 p.m. Monday through Saturday. Blasting shall take place only between the hours of 7 a.m. to 5 p.m. Monday through Friday. No blasting shall take place on Saturdays.

2/17/88

Book # 337

7. The Permittee shall maintain a 50-foot vegetated buffer strip along both sides of any streams located on the project site.
8. The blasting shall be implemented in phases in accordance with a blast plan entitled "Blasting Design and Vibration Control Plan for Joseph P. Carrara & Sons," dated June 1, 1987, and prepared by Dunn Geoscience Corporation (Board Exhibit #11). U.S. Bureau of Mines safety standards shall be observed.
9. No explosive blasts shall exceed 250 pounds per delay or 2500 pounds per blast event. Detonation of each delay shall be separated by at least 8 milliseconds. No more than two blasts per day shall be permitted.
10. The Permittee shall use a tank truck to spray the access road to the site and the exposed rock face with water at least three times per day or more as needed to control dust during operations.
11. The Permittee shall take all necessary actions to ensure that no sediment reaches any streams or adjacent properties during any phase of this project. The District Commission reserves the right to amend this permit if it becomes necessary to ensure that no undue soil erosion occurs as a result of this project.
12. Necessary servicing of equipment at the site shall be done without any spilling of oil or other materials into the environment.
13. The weekly average number of trucks leaving the site shall be no more than 70 per day, and the maximum number of loaded trucks per day shall be 120.
14. The Permittee shall place or cause to be placed "Trucks Entering" and "Trucks Exiting" signs adjacent to the appropriate lanes on Route 103.
15. The access road to the quarry shall be constructed in accordance with Vermont Agency of Transportation Standard B-71, Detail C.
16. The Permittee shall maintain an undisturbed 200-foot wide wooded buffer strip along the entire perimeter of the property, except where the access road enters the site, at all times.
17. The Permittee shall purchase perpetual development and timber rights on approximately 300 acres of land in the Town of Shrewsbury, in accordance with the provisions of the Confidential Development Rights Agreement (Agreement) signed by J.P. Carrara S Sons, Inc., the State of Vermont, the Town of Shrewsbury, and **Abell**, Kenlan, Schwiebert S Hall, P.C. (Board Exhibit #34). The Permittee must acquire these rights on at least 120 acres of land before this permit takes effect, and on the remaining 180 acres within 24 months of the effective date of this permit. The development and timber rights shall be conveyed to the State of Vermont, Department of Fish and Wildlife, upon their acquisition by the Permittee to ensure the permanent protection of the 300 acres as critical wildlife habitat.

18. The Permittee shall submit to the District Commission a letter of approval from the Vermont Department of Fish & Wildlife with respect to the lands protected pursuant to the Agreement. The District Commission retains jurisdiction to review and approve the location of the mitigation lands.
19. All construction on this project must be completed by March 1, 1990.
20. This permit shall expire on March 1, 1990, unless extended by the District Commission.
21. This permit shall expire one year from the date of issuance if the Permittee has not demonstrated an intention to proceed with the project.
22. The effective date of this permit is stayed until such time that the District Commission has approved the acquisition of development and timber rights on at least 120 acres of land in accordance with the Agreement.

Dated at Montpelier, Vermont this 17th day of February, 1988.

ENVIRONMENTAL BOARD



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