

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

Re: John Swinington
Application #1R0693-EB

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This decision, dated July 19, 1993, pertains to appeals of a permit issued for a project consisting of a sand and gravel extraction operation on 12 acres of a 90 acre parcel located on the east side of Town Farm Road in **Brandon** and **Leicester**, Vermont. As is explained below, the Environmental Board concludes that, with the conditions of the permit, as modified, the proposed project complies with those portions of the following criteria which are the subject of this appeal: 10 V.S.A. § 6086(a)(5) (traffic) and (8) (aesthetics, and rare and irreplaceable natural areas). Accordingly, the Board issues an amended permit.

I. SUMMARY OF PROCEEDINGS

On February 27, 1991, the District #1 Environmental Commission issued Land Use Permit #1R0693 to John Swinington (the Applicant). The permit authorizes the Applicant to create and use a sand and gravel extraction operation in two phases on 12 acres of a **90-acre** parcel located on the east side of Town Farm Road in **Brandon** and **Leicester**, Vermont.

On March 28, 1991, an appeal was filed with the Environmental Board by Andrew and Patricia Bostock, adjoining landowners, challenging the Commission's decision with respect to 10 V.S.A. § 6086(a)(5) (traffic) and (8) (aesthetics). On March 29, 1991, the Agency of Natural Resources (ANR) filed a cross-appeal, challenging the decision with respect to 10 V.S.A. § 6086(a)(8) (rare and irreplaceable natural areas). On April 8, 1991, the Applicant filed an Objection to Party Status, and Motion to Dismiss Appeal of the Bostocks. On May 8, 1991, a prehearing conference was convened in **Rutland**. At that time, the parties indicated that the issues on appeal might be resolved without a hearing. On March 25, 1992, the parties were advised that this matter would be dismissed unless any of the parties notified the Board prior to April 8, 1992 that they wished to proceed with the appeal. Both ANR and the Bostocks indicated that they wished to proceed.

On May 14, 1992, Board Chair Elizabeth Courtney convened a prehearing conference in **Rutland**. A Prehearing Conference Report and Order was issued on June 16, 1992. On **June 22** 1992, the Applicant filed with the Board a Motion to Dismiss Appeal of Andrew and Patricia Bostock. On July 9, 1992, the Applicant filed a Supplemental Memorandum in

DOCKET #515

Support of Motion to Dismiss Appeal of Andrew and Patricia Bostock. On August 5, 1992, the Board denied the Applicant's Motion to Dismiss the **Bostocks'** appeal.

Prefiled testimony was filed by the Bostocks on August 12, 1992, and by the Applicant on August 18, 1992 after a request for an extension which was filed on August 12, 1992. The Applicant also filed a Stipulation with the Board on August 18, 1992, between the Applicant and **ANR**, to allow a Land Use Permit to be issued satisfactory to both parties. On September 23, 1992, in deliberative session, the Board voted to accept the Stipulation in lieu of evidence concerning **issues raised** by ANR under 10 V.S.A. 6086(a)(8).

A public hearing was convened on October 28, 1992, in **Rutland** before an administrative hearing panel of the Environmental Board, pursuant to Board Rule 41. The following parties participated in the hearing:

The Applicant by James P.W. Goss, Esq.
Andrew Bostock

After hearing testimony, the panel recessed the matter pending submission of proposed findings of fact and conclusions of law, review of the record, deliberation, and decision. On December 1, 1992, the Applicant submitted proposed findings of fact and conclusions of law. The Board deliberated concerning this matter on December 2, 1992.

A proposed decision was sent to the parties on May 14, 1993. The parties were provided an opportunity to submit written objections to the proposed decision and to present oral argument before the full Board. The Town of **Brandon** submitted comments on May 24, 1993. On July 1, 1993, the Permittees submitted a Request to Alter the Proposed Permit. At the request of Andrew Bostock, oral argument was held on July 1, 1993. On July 14, 1993, following a review of the evidence and arguments presented in the case, the Board declared the record complete, adjourned the hearing and completed its deliberations. This matter is now ready for decision. To the extent any proposed findings of fact and conclusions of law are included below, they are granted; otherwise, they are denied.

II. ISSUES

1. Whether, pursuant to 10 V.S.A. § 6086(a)(5), the proposed project will create unsafe traffic conditions or unreasonable highway congestion.

2. Whether, pursuant to 10 V.S.A. § 6086(a)(8), the proposed project will have an undue adverse effect on aesthetics or rare and irreplaceable natural resources. The questions under aesthetics in this appeal are limited to noise and dust generation.

III. FINDINGS OF FACT

A. Site and Project Description

1. The proposed project is a gravel extraction and crushing operation on property fronting and located on the **east** side of Town Farm Road in the Towns of **Brandon** and **Leicester**. The overall property is 90 acres in size. The Applicant **will 'extract** gravel from two knolls located on 12.10 acres of the property (the Project Site). The two knolls align in a north-south direction, while Town Farm Road veers slightly to the northwest as it passes the area of the Project Site. The land owned by the Applicant in the area of the Project Site fronts Town Farm Road for a distance of about 1100 feet, except for a frontage about 100 feet wide, about one-third of the length down from the north end of the Project Site frontage, where the Bostocks' property, which is roughly rectangular, intrudes about 450 feet back into the Swinington parcel. The Bostocks' property is configured lengthwise in an northeast-southwest direction, roughly perpendicular to Town Farm Road.
2. The Project Site is very roughly configured in the shape of a dumbbell, with one knoll located in the northern part of the Project Site, and the other knoll located to the south. Both knolls are roughly 25 feet higher than the surrounding elevation. The peak of the north knoll is located about 600 feet northeasterly of Town Farm Road and about 300 feet to the northeast of the northeast corner of the Bostocks' property. The south knoll has two peaks. The northerly peak of the south knoll is located about 500 feet east of Town Farm Road and about 150 feet southeast of the southeast corner of the Bostocks' property. The southerly peak of the south knoll is located about 300 feet east of Town Farm Road and about 350 feet southeast of the southeast corner of the Bostocks' property. The peak of the north knoll is located about 550 feet north of the northerly peak of the south knoll. The area of low elevation between the two knolls is roughly equidistant

from the north knoll and the southerly peak of the south knoll.

3. The Bostocks' east boundary line borders the area of low elevation between the two knolls. An earth berm 15 feet in elevation is located on the easterly part of the Bostocks' property and separates the Bostocks' residence from the area of low elevation between the two knolls.
4. Annual production of sand and gravel of the proposed project will be variable and is estimated to be 10,000 to 40,000 cubic yards per year over 20 years. Total reserves are estimated to be between 200,000 to 225,000 cubic yards.
5. Extraction is planned in two phases. The first phase will work an extraction face to the north/northwest at the southeastern part of the north knoll from the central section of the property (Phase I). The second phase will work an extraction face to the south at the south knoll (Phase II).
6. Gravel crushing and screening activities by portable crusher will be limited to two periods of the year each not exceeding two weeks in duration. Other than this, extraction will be accomplished by a single loader which will load trucks "on demand" as they come into the Project Site, and a small screener which will operate intermittently to separate sand from gravel after crushing.
7. All crushing for Phase I will be done in the extreme northeast corner of the extraction area, located over 650 feet from the Bostocks' residence. All crushing for Phase II will be done in the area of the northerly peak of the south knoll, about 400 feet southeast of the Bostocks' residence, and about 150 feet southeast of the Bostocks' east property line. The crushing and loading areas for both phases will be in a depression surrounded by the extraction faces, the top of which is above the elevation of the Bostocks' residence and other residences.
8. The Applicant has proposed that all excavation, loading and processing machinery at the Project Site will be operated between 7:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. to 12 noon on Saturday.

No operations will occur on Sundays or federal holidays.

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10. Project Sitehe

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consist of typical dump trucks hauling sand and gravel from the Project Site to construction sites in the area.

B. Criterion 5 (Traffic)

14. Town Farm Road is a Class 3 Town Highway which is maintained by the Town of Brandon to be passable by a standard manufacture pleasure car at all seasons of the year. It is a gravel-base road with a travel width of approximately 24 feet and a speed limit of 35 miles per hour. The width of Town Farm Road throughout its length is more than adequate to allow two trucks to pass abreast of each other without overcrowding or any other potentially hazardous situation arising.
15. Town Farm Road passes through an area which is predominantly residential and rural in character, although a few sand and gravel overations exist in the area. A range of traffic, from residential vehicles to heavy trucks from commercial and industrial operations located elsewhere in the Town of Brandon and along the road itself, uses Town Farm Road. Current traffic on Town Farm Road is light to moderate.
16. On August 13, 1992, the number of vehicle trips on Town Farm Road in the area near the proposed project were measured during the peak hours of 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m. The total number of trips for the morning measurement was five trucks and 31 cars. The total number of trips for the afternoon measurement was seven trucks and 39 cars.
17. There have been no reports of accidents on Town Farm Road in the vicinity of the Project Site.
18. Town Farm Road is posted for a maximum 24,000 pound weight limit during mud season. Maintenance of Town Farm Road consists of snowplowing, grading and occasional addition of gravel in areas which have proven to be problems. Calcium chloride is also applied to the road to limit dust.

No overweight hauling or overweight truck traffic will be allowed into or out of the Project Site during mud season when Town Farm Road is posted by the Town of Brandon.

20. At the intersection of Town Farm Road with the proposed haul road, Town Farm Road is a full 24 foot traveled width. Visibility in both directions at the point of the intersection is excellent. Sight distances on Town Farm Road at the intersection with the proposed haul road are 250 feet to the south and 325 feet to the north. The Vermont Agency of Transportation's recommended sight distance for a 35 m.p.h. road is 250 feet. Town Farm Road has a slight grade in the vicinity of the haul road.
21. The intersection of the haul road with Town Farm Road has been designed to Vermont Agency of Transportation B-71 specifications for roads leading to commercial or industrial facilities. Such standard takes into account the vehicle width of, and turning radius required for, the dump trucks which would routinely enter and leave the Project Site. As such, this design addresses and allows for normal turning radii for trucks entering or leaving the site. An access permit for the haul road has been obtained from the Town of **Brandon**.
22. The Board and the Town of **Brandon** will require the Applicant to cut back a portion of the bank to the north and south of the haul road and to cut back some of the brush adjacent to the intersection of the haul road with Town Farm Road. The Applicant will also have to create a level area on the haul road adjacent to Town Farm Road. Provided these steps are taken, there will be no visibility problems in the vicinity of the Project Site which could lead to traffic problems from trucks exiting onto Town Farm Road from the haul road.
23. School buses operate on Town Farm Road for brief periods in the morning and in the afternoon. The time of operation of the school buses on Town Farm Road is very short and the potential time for conflict between the buses and other truck traffic on Town Farm Road is limited.
24. The level of traffic that will be generated by the proposed project is a minimal addition and is **comparable** in type to the traffic already using Town Farm Road. **There** is no existing problem-with respect to safety or congestion which could be aggravated by the trucks generated by the proposed project.

C. Criterion 8 (Aesthetics)

Dust and Noise on Site

25. The extraction faces have been designed in such a way that the faces and the earth berm will function as natural noise and visual shields from adjoining populated areas, the Bostocks' residence, and from Town Farm Road. The extraction operation involves progressive intrusion into the knolls in such a way as to naturally insulate the working area of the extraction area from adjoining land uses to the west, such as the Bostocks' property, due to differences in elevation. As such; the extraction and the crushing operations will occur in a depressed pit.
26. The prevailing wind pattern in the region is out of the northwest. Any dust from the extraction operation, the crushing operation, and the haul road will generally be blown in a direction away from the Bostocks' residence and will be confined within the depression of the extraction area. The general air flow in the area will also be directing noise away from the Bostocks' residence, rather than toward it.
27. Any dust or noise generated by the project will tend to be directed towards Scanlon Bog.
28. The Bostocks' residence is also insulated from noise and dust by the wooded buffer between the extraction faces and the residence.
29. It is not anticipated that there will be extensive dust problems from the gravel extraction operation due to the limited area of exposed soils in the extraction area. The gravel just below the surface of the pit face will consist primarily of moist stone and sand. This type of extract will not produce as much dust as if the extract were dry. Also, there will be very little dust generated by the act of removing gravel and sand from the excavation area and loading it into trucks. Thus, dust from actual removal of the aggregate from the earth and loading into trucks will be minimal to nonexistent.
30. Any dust from the project will be suppressed with water as needed to prevent it from leaving the Project Site on those days when the wind is not conforming to normal patterns and is blowing toward nearby homes. A water

supply in the form of an on-site tank will be maintained for this purpose.

31. High pitched back-up beepers from trucks operating in the area of the Project Site will be heard on the Bostocks' property.
32. An acceptable level of noise in a residential area is 55 decibels, and is 67 decibels for an area near highway frontage. The noise level for the proposed project is projected to be 80-85 decibels at 50 feet from the source. Without any attenuation from vegetation or terrain, the decibel level is projected **to decrease** by six decibels per doubling of distance. With vegetation, the decibel level is projected to decrease by an additional five decibels per doubling of distance. Accordingly, without considering attenuation resulting from the configuration of the extraction faces, the noise level related to the pit at the Bostocks' property is estimated to be between 55 to 67 decibels.
33. The Applicant will be allowed to use the Phase II area only when four rows of evergreen trees, which are to be planted along the edge of the clearing from the haul road to the crushing and screening area, attain a height of eight to ten feet. Prior to commencement of any work on Phase II, the Applicant shall arrange to have the four rows of trees inspected by a representative of the District #1 Environmental Commission to ensure that such trees have reached the appropriate height. These rows of trees will mitigate noise impacts to the Bostocks' property from Phase II of the proposed project.

Dust and Noise on the Haul Road

34. Unacceptable levels of dust may result if more than 20 truck trips per day are made on the haul road. As a result, dust on the haul road will be controlled by the Applicant by the application of water or calcium chloride on any day when there will be more than 20 trucks hauling sand or gravel from the Project Site.
35. Use of jake brakes tends to create unacceptable levels of noise in rural and residential areas. The Applicant will post a sign along the haul road recommending that haulers not use jake brakes along Town Farm Road or

along the haul road in order to reduce noise impacts on those roads.

Dust on Town Farm Road

36. The level of traffic on Town Farm Road as a result of the proposed project will not cause dust conditions to significantly increase over present conditions. The practice of the Town of Brandon is to apply calcium chloride to Town Farm Road once per year, and to grade the road twice per year. Problems with dust on Town Farm Road usually occur during the spring, between the time the road is graded and the time calcium chloride is applied. At present levels of traffic on Town Farm Road, one application of calcium chloride usually lasts for the summer.
 37. The Applicant will assist the dust control efforts of the Town of Brandon on Town Farm Road by applying water or calcium chloride to the road on any day when there will be more than 20 trucks hauling sand or gravel from the Project Site.
- D. Criterion 8 (Rare and irreplaceable natural resources)
38. Scanlon Bog is located on the southeastern boundary of the Project Site and is part of a larger wetland complex which includes a wooded swamp to the north of Scanlon Bog.
 39. Land Use Permit #1R0693 includes a condition, proposed by the Applicant, to maintain the buffer zone from Scanlon Bog. It also requires the Applicant to obtain prior written approval from the District #1 Environmental Commission before constructing a proposed reclamation pond.
 40. ANR believes that the Scanlon Bog constitutes a rare and irreplaceable natural area, and a larger buffer zone is necessary to prevent Phase II of the proposed project from having an undue adverse effect on Scanlon Bog. Further, ANR believes the proposed reclamation pond may have an undue adverse effect on Scanlon Bog.
 41. Representatives of the Applicant and ANR met at the Project Site on May 8, 1992 and discovered that ANR had misunderstood the precise location of the Project Site relative to Scanlon Bog. Phase II of the proposed project is farther from Scanlon Bog than ANR

understood. As a result, there was a much smaller discrepancy between the Applicant's proposed buffer and ANR's requested buffer.

42. The Applicant and ANR have reached an agreement with respect to the buffer for Scanlon Bog. Phase II of the proposed project will maintain an agreed-upon buffer zone from Scanlon Bog, with such approximate buffer zone shown in an attached exhibit to a Stipulation filed with the Environmental Board on August 18, 1992, between John Swinington and ANR and accepted by the Environmental Board on September 23, 1992. The precise location of the buffer zone is delineated by trees which have been blazed with red paint.
43. If the proposed project is completed in accordance with the terms of the Stipulation, the project will not have an undue adverse effect on Scanlon Bog.

IV. CONCLUSIONS OF LAW

A. Criterion 5

10 V.S.A. § 6086(a)(5) provides that prior to issuing a permit, the Board must find that the proposed project will not cause unreasonable congestion or unsafe conditions with respect to use of the highways. The Board may not deny a permit pursuant to Criterion 5. 10 V.S.A. § 6087(b). The burden of proof is on the opponents under Criterion 5, but the applicant must provide sufficient information for the Board to make affirmative findings. 10 V.S.A. § 6088(b); Re: University of Vermont, #4C0895-EB, Findings of Fact, Conclusions of Law, and Order at 20 (Oct. 22, 1992), Re: Berlin Associates, #5W0584-9-EB, Findings of Fact, Conclusions of Law, and Order at 15 (Feb. 9, 1990).

We conclude that Town Farm Road has sufficient capacity to serve the current volume of traffic as well as the increased traffic due to the proposed project. Present traffic on Town Farm Road is light to moderate. Traffic generated by the proposed project would not appreciably change this. On an average day, there would be no more than two truck trips per hour added to the volume of traffic on Town Farm Road. Even a peak 100-trip day would generate no more than an average of ten truck trips per hour. The Board recognizes that this increased volume of traffic may be unpleasant to neighbors who are accustomed to low volumes of traffic on Town Farm Road, but such increased volume does

not cause unreasonable congestion or unsafe conditions with respect to traffic.

The Board also concludes that the visibility at the intersection of the haul road with Town Farm Road is sufficient and will not create an unsafe condition. Visibility on Town Farm Road in the area of the intersection is good. The intersection will be designed to Vermont Agency of Transportation B-71 specifications, which addresses and allows for normal turning radii for trucks entering or leaving the Project Site. The Town of **Brandon** has also required the Applicant to cut back a portion of the bank and brush to the north and south of the haul road to **improve** visibility at the intersection for vehicles entering and exiting from the haul road. The Board will include this requirement as a condition to the permit amendment. As a result, we conclude that the proposed project complies with Criterion 5 with respect to traffic on Town Farm Road.

B. Criterion 8 (Aesthetics)

10 V.S.A. § 6086(a)(8) requires that prior to issuing a permit for the proposed project, the Board must find that the project will not have an undue adverse effect on the scenic or natural beauty of the area or aesthetics. The Board uses a two part test to determine whether a project meets Criterion 8. First, it decides whether the project will have an adverse effect. Second, it decides whether the adverse effect, if any, is undue. Re: Ouechee Lakes Corn., Applications #3W0411-EB and #3W0439-EB, Findings of Fact, Conclusions of Law and Order at 18-19 (Jan. 13, 1986).

Adverse Effect

With respect to the analysis of adverse effects on aesthetics, the Board looks to whether a proposed project will be in harmony with its surroundings or, in other words, whether it will "**fit**" the context within which it will be located. Re: Ouechee Lakes Corn., supra at 18.

In this **case**, we are not making an overall evaluation of aesthetics because the issues raised in the Bostocks' appeal are limited to the aesthetic impacts of (1) noise generation, and (2) dust generation. We will therefore apply the Ouechee analysis only to the issues raised by the Bostocks.

We conclude that the proposed project will have an adverse impact in terms of noise generation, but not in

terms of dust generation if the conditions to suppress dust are complied with. With respect to noise, the creation and use of the proposed project will add additional noise to the surrounding area in such a way as to present an adverse aesthetic effect. Noise will be generated by the excavation, crushing, and loading on trucks of sand and gravel. Noise will also be generated by the movement of trucks, as well as by beepers on equipment associated with the project. Ambient noise during operation of the proposed project at the Bostocks' property is estimated to be in the range of 55 to 67 decibels.

While the Applicant has taken steps to mitigate noise impacts at nearby residences, there is no doubt that the proposed project will have an adverse impact to the area as a whole with respect to noise. As with the sand and gravel extraction project reviewed in Re: R.J. Colton Comnanv, Inc., Application #9A0082-1R-2-EB, Findings of Fact, Conclusions of Law, and Order (Jan. 14, 1992), the area surrounding the Project Site includes a significant rural and residential context. Development of the proposed project will create noise levels which are above current ambient noise levels for the area. As we stated in Re: R.J. Colton Comnanv, Inc., supra at 11, "[i]n an area with a strong rural and residential context, commercial and industrial noise above ambient noise levels does not fit and therefore the project will have an adverse aesthetic effect."

The aesthetic effects of the proposed project with respect to dust are less than the effects with respect to noise. While dust will be generated by the proposed project, the levels of such dust escaping from the Project Site are anticipated to be minimal to nonexistent. The Applicant is using measures to mitigate dust if it does occur, and the dust mitigation measures are likely to be successful. To ensure that dust control efforts are successful, we will modify permit conditions to require that the Applicant suppress dust with water as needed to prevent dust from leaving the Project Site when it is blowing toward nearby homes on Town Farm Road.

Undue

Under the Quechee analysis, the Board analyzes three factors and concludes that a project's adverse effects on aesthetics are undue if it reaches a positive conclusion with respect to any one of the following factors:

- a. Does the project violate a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area?
- b. Does the project offend the sensibilities of the average person? Is it offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area?
- c. Has the applicant failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the proposed project with its surroundings?

Re: Ouechee Lakes Corn., supra at 19-20.

We conclude that the adverse noise effects of the proposed project on aesthetics are not undue. First, the Board finds that the proposed project does not violate any clear, written community standard intended to preserve the aesthetics or scenic beauty of the area with respect to noise. No evidence of such a standard has been presented to the Board.

Second, the Board finds that the proposed project does not offend the sensibilities of the average person with respect to noise. The Board notes that the design of the extraction faces will direct noise away from nearby residences and populations, and towards Scanlon Bog. Operations will occur in a depressed pit which will tend to naturally enclose any noise within the pit. Vegetative buffers between the Project Site and other properties will also alleviate noise impacts. Aside from the design features of the proposed project, the Project Site is sufficiently distant from surrounding properties as to substantially dissipate noise impacts. Further, limitations have been placed on the period of use for crushing equipment, which will take place no more than two periods of the year each not exceeding two weeks in duration.

Mitigation measures taken by the Applicant will decrease the adverse effects of noise generated by the proposed project. As stated above, the extraction faces of the proposed project have been designed to minimize noise effects to nearby residences. The Applicants have also proposed other measures to mitigate noise. The number of trucks entering and leaving the Project Site will be limited to 100 truck trips per day with an average of no more than

20 truck trips per day on weekdays for any consecutive three month period. A sign on the haul road advising haulers not to use jake brakes while using the haul road and Town Farm Road will also help to mitigate noise. We will also restrict the hours of operation at the Project Site to 7:00 a.m. and 5:00 p.m., Monday through Friday, and 8:00 a.m. to 12 noon on Saturday.

In addition to these mitigation measures, we will allow the Applicant to use the Phase II area only when four rows of evergreen trees, which are to be planted along the edge of the clearing from the haul road to the crushing and screening area, attain a height of eight to ten feet. Prior to commencement of any work on Phase II, the Applicant shall arrange to have the four rows of trees inspected by a representative of the District #1 Environmental Commission to ensure that such trees have reached the appropriate height. These rows of trees will mitigate noise impacts to the **Bostocks'** property from Phase II of the proposed project.

Accordingly, we conclude that the proposed project complies with Criterion 8 with respect to the aesthetic impact of dust and noise generation by the proposed project.

C. Criterion 8 (Rare and Irreplaceable Natural Areas)

The Board may not grant a permit unless it concludes that a proposed project "[w]ill not have an undue adverse effect on ... rare and irreplaceable natural areas." 10 V.S.A. § 6086(a)(8).

The Applicant and ANR have reached an agreement with respect to the buffer for Scanlon Bog. Phase II of the sand and gravel extraction will maintain an agreed-upon buffer zone from Scanlon Bog, with such approximate buffer zone shown in an attached exhibit to the Stipulation entered into by the Applicant and ANR. The precise location of the buffer zone is delineated by trees which have been blazed with red paint.

As a result, we conclude that if the proposed project is completed in accordance with the terms of the Stipulation, it will not have an undue adverse effect on a rare and irreplaceable natural area under Criterion 8.

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V. ORDER

Land Use Permit Amendment #1R0693-EB is hereby issued.
Jurisdiction of this matter is remanded to the District #1
Environmental Commission.

Dated at Montpelier, Vermont this 21st day of July,
1993.

ENVIRONMENTAL BOARD



Elizabeth Courtney, Chair
Ferdinand Bongartz
Terry Ehrich
Arthur Gibb
William Martinez

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