



State of Vermont

LAND USE PERMIT

CASE NO.: #1R0807-EB
APPLICANT: Pike Industries, Inc.
ADDRESS: P.O. Box 2000
Tilton, NH 03276-2000

LAWS/REGULATIONS INVOLVED:
10 V.S.A. §§ 6001-6092 (Act 250)
Environmental Board Rules

William E. Dailey, Inc.
1A, Box 51
Shaftsbury, VT 05262

The Vermont Environmental Board hereby issues Land Use Permit #1R0807-EB pursuant to the authority vested in it by 10 V.S.A Chapter 151. This permit applies to the lands identified in Book 59, Pages 1 and 2, of the Land Records of the Town of Wallingford, Vermont, as the subject of a deed to Pike Industries, Inc., as grantee. This permit amends the conditions of Land Use Permit #1R0807, and authorizes Pike Industries, Inc., and William E. Dailey, Inc., ("Permittees") to operate a concrete plant for production of up to 25,000 cubic yards of concrete per year, and to extract up to 67,000 cubic yards of aggregate, sand, and gravel per year from an existing gravel pit in Wallingford, Vermont ("Project"). The Project is located off of Creek Road in the Town of Wallingford, Vermont.

Jurisdiction over this Project is conferred by 10 V.S.A. §§ 6001-6092 because the preexisting development has been substantially changed. See 10 V.S.A. § 6001(3); Environmental Board Rule ("EBR") 2(G).

The Permittees and their assigns and successors in interest are obliged by this permit to comply with the following conditions:

1. The Project shall be completed, operated and maintained in accordance with: (a) the terms and conditions of Land Use Permit #1R0807, as modified by the District #1 Environmental Commission's Memorandum of Decision on Motions to Alter dated October 23, 1997, except as amended hereby; (b) the plans, exhibits, and testimony submitted by the Permittees to the District #1 Environmental Commission, except as superseded by the stipulations of the parties incorporated in this permit; (c) Findings of Fact and Conclusions of Law #1R0807-EB; and (d) the conditions of this permit. No changes shall be made in the project without the written approval of the District #1 Environmental Commission.

2. The first sentence of Condition 2 of Land Use Permit #1R0807 is revised as follows:

Between May 1 and October 31 the hours of operation for the Project shall be as follows:

- (a) Operation of the **crusher** is allowed between 7:00 a.m. and 5:00 p.m., Monday through Friday. No use of the crusher is allowed on Saturdays or Sundays.
- (b) The following activities are approved to be conducted between 6:00 a.m. to 7:00 p.m. on weekdays and 7:00 a.m. to 5:00 p.m. on Saturdays:
 - (i) Operation of **loaders, construction equipments, trucks** or other vehicles for **extraction and concrete plant operations.**
 - (ii) Servicing and maintenance of equipment / vehicles. Use of air-operated equipment, chippers, air hammers or similar noise-producing equipment is allowed during these hours.
- (c) **Blasting** is allowed between 10:00 a.m. and ~~noon~~ and 2:00 p.m. and 4:00 p.m., Monday through Friday only. Blasting outside of these hours is prohibited unless necessary to clear a misfire or other safety emergency.
- (d) The office may be used 24 hours a day seven day! per week.

3. Condition 3 of Land Use Permit #1R0807 is superseded. It is replaced as follows:

Between November 1 and April 30, Pike's activities on the Project Site shall be limited to occasional minor excavation, the trucking of stockpiled earth materials, office work and the indoor maintenance of vehicles and equipment. No processing (crushing) of earth materials or drilling and blasting shall take place during this period. During this period Pike's operations shall be limited to the hours of 6:00 a.m. to 5:00 p.m. on weekdays only. Weekend and after hours operations may occur during this time period, but only in the event of emergencies and in response to a request from state or local authorities. Dailey may conduct normal operations on the Project Site ~~between~~ November 1 and April 30, subject to the hours of operation specified in Condition 2. The maximum number of truck trips attributable to both Pike's and Dailey's activities between November 1 and April 30 shall not exceed 25 round trips per day.

4. Condition IO of Land Use Permit #1R0807 is superseded. It is replaced as follows:

(a) All trucks and other vehicles and equipment which are operated primarily on the Project Site and which are required by law to have back-up alarms shall be retrofitted and operated on the Project Site with such noise reducing alternatives or methods as are approved by the Vermont Occupational Safety and Health Administration, and/or the U.S. Mine Safety Health Administration, as the case may be. Automatic back up alarms, i.e., back up alarms which are automatically activated by a backing movement, regardless of whether there is an object behind the vehicle or piece of equipment, are prohibited on **all** trucks and other vehicles and equipment that are operated primarily at the Project Site. This prohibition does not apply to trucks and other vehicles that travel on public highways to and from the Project Site.

(b) Pike shall develop and implement a plan to minimize the need for backing movements by other vehicles and pieces of equipment that are operated on the Project Site. Such plan shall be filed with the District #1 Environmental Commission upon written request of the District Coordinator and copies of the plan shall be provided to each of the **Permittees'** employees and contractors and monitored by the Permittees to achieve compliance.

5. Condition 12 of Land Use Permit #1R0807 is superseded. It is replaced as follows:

(a) Haul truck trips shall not exceed 125 in any one operating day. One round trip (in and out or out and in) constitutes one trip. In any single calendar year the maximum average number of daily truck trips shall not exceed 65. For the purpose of determining the average number of daily truck trips the total number of truck trips in a calendar year shall be divided by 200. All trucks shall use Creek Road south to Maple Street and then to Route 7 ("the truck route"). Deviations from the truck route are prohibited except for local deliveries. Convoying of trucks is not allowed. Truck drivers shall yield to northbound vehicles crossing Creek Road bridge. All truck loads shall be covered.

(b) The Permittees shall institute policies which inform their employees and contractors that use of Route 140 East is discouraged and should be avoided whenever possible, especially during those hours when school children are likely to be near or crossing that highway. These policies shall not apply in instances where the Permittees are involved in construction **work** on Route 140 East or at a location that can only be conveniently accessed by use of Route 140 East. Such policies shall be filed with the District #1 Environmental Commission upon written request of the District Coordinator and copies of the policies shall be provided to each of the

Permittees' employees and contractors and monitored by the Permittees to achieve compliance.

6. Condition 14 of Land Use Permit #1R0807 is superseded. It is replaced as follows:

(a) The initial reclamation activities described as Phase I and Phase II in Commission Exhibit #173 (see proposed condition 24 in that exhibit) shall be completed in the manner and on the timetable stated therein. On a biennial basis starting in the 1999 operating season, the permittee shall host a meeting of a representative of the Town, the Act 250 coordinator, and the State Geologist for the purpose of reviewing the progress made on reclamation activities. All such reclamation activities shall conform to the maximum extent practicable with Commission Exhibits #71, 72, 74 and 173. The principal requirement is to complete full reclamation with no greater than 2: 1 slopes, and seeding, by the conclusion of the permit life, as set forth in Condition 27. The cliff face along the Tarbell property line shall be reduced in slope to the maximum extent practicable by using the site as a waste area for all non-marketable minerals over the term of the permit. The site shall be progressively reclaimed whenever areas on the project site are no longer contemplated for extraction. At no time shall extraction activities go lower than 3 feet above the seasonal high groundwater table, and any places in the Project impact area previously extracted below that level shall be filled to at least three feet above seasonal high groundwater. Final elevations on all the disturbed areas of the Project Tract shall not be below a level which is at least 3 feet above seasonal high groundwater. The commission retains jurisdiction under Criteria 8 and 9 (D)-(E) and reserves the right to initiate additional hearings and to modify or impose additional requirements with respect to reclamation.

(b) In addition to the foregoing, Pike shall reclaim and thereafter maintain a 50 foot wide buffer zone along its boundary with Mrs. Tarbell, by grading and seeding that area on or by November 1, 1998. (Pike's obligations in this regard do not apply to the areas adjacent to the access drive's entrance to the Project Site, the rock face, and the settling ponds.) Pike shall not extract or stockpile earth materials in this buffer zone, nor store waste or park vehicles within it.

7. Condition 19(f) is deleted in its entirety

8. Condition 26 of Land Use Permit #1R0807 is revised as follows:

All construction and site work associated with the Project shall be completed in accordance with the approved plans by July 1, 2012, unless earlier deadlines are

required under any other condition to this permit.

9. Condition 27 of Land Use Permit #1R0807 is superseded. It is replaced as follows:

Pursuant to 10 V.S.A. § 6090(b), the term of this permit shall, subject to compliance with all conditions of this permit, be as follows:

Extraction, blasting and processing of aggregate materials shall cease on or by October 1, 2008.

Dailey's production of ready-mix concrete shall cease on or by September 1, 2011.

Reclamation of the entire site, with the exception of the area utilized by Dailey for the production of concrete, shall be completed on or by October 1, 2011.

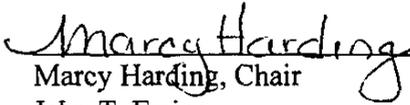
Pike shall make its best effort to reclaim the area utilized by Dailey on or by October 1, 2011, and in all events shall reclaim the area utilized by Dailey on or by July 1, 2012.

Sales of stockpiled materials may occur through October 1, 2011, but in a manner that does not interfere with site reclamation.

Commercial or industrial activity on the Project Tract after July 1, 2012, requires the prior review and approval of the District Commission of a new application under 10 V.S.A. § 6001, et seq.

Dated at Montpelier, Vermont this 25th day of June, 1998.

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