



# State of Vermont

---

## LAND USE PERMIT

CASE NO:	#7C1079(Revised)-EB	<u>LAWS/REGULATIONS INVOLVED</u>
Permittees:	<b>Barre Granite Quarries, LLC</b>	10 V.S.A., §§ 6001 - 6092 (Act 250)
ADDRESS	PO Box 9323	Environmental Board Rules
	South Burlington, VT 05407	
	and	
	<b>William and Margaret Dyott</b>	
	5 South Homestead Drive	
	Yardley, PA 19067-3123	

The Vermont Environmental Board hereby issues Land Use Permit #7C1079(Revised)-EB, pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6092 (“Act 250”). This permit applies to the lands identified in Book 39, Pages 262-263, of the land records of the Town of Sheffield, Vermont, and all lands in Sheffield that are the subject of a deed/lease to Barre Granite Quarries, LLC, the Permittee as Grantee. This permit specifically authorizes Permittees to reactivate and expand abandoned granite quarries located on the Dyott, Padula, and Lecours properties in the Town of Sheffield, Vermont. The proposed maximum extraction rate (for sale to market) of dimension granite for the quarry operation is 400,000 cubic feet per year.

The quarry operation is subject to Act 250 jurisdiction because the project involves the construction of improvements for a commercial purpose on more than one acre and thus constitutes “development” pursuant to Board Rule 2(A)(2).

The Permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project in accordance with the following conditions:

1. The Permittees shall complete, operate and maintain the project in accordance with: (a) the terms and conditions of Land Use Permit #7C1079(Revised) issued by the District #7 Environmental Commission on August 9, 1999, except as amended hereby; (b) RE: Barre Granite Quarries, LLC and William and Margaret Dyott, #7C1079(Revised)-EB, Findings of Fact, Conclusions of Law, and Order, issued on even date herewith, (c) the plans and exhibits on file with the Board; and (d) the conditions of this permit. The Permittees shall not make any changes to the Project without the written approval of the District #7 Environmental Commission or District Coordinator, whichever is appropriate under the Environmental Board Rules.
  2. All conditions of this permit and any requirements imposed by the Findings of Fact, Conclusions of Law, and Order issued on even date herewith, must be incorporated into Permittees’ Operations and Maintenance Manual.
-

3. Permittees confirm and agree 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 Permittees and all assigns and successors in interest.
  4. Conditions 2, 3, 5, and 58 of Land Use Permit #7C1079(Revised) are deleted.
  5. Condition 6 of Land Use Permit #7C1079(Revised) is modified to clarify that quarry operations and trucking activity is prohibited on Federal holidays and that granite transfer trucks are prohibited from using the involved roads during school busing hours.
  6. Condition 11 of Land Use Permit #7C1079(Revised) is modified to clarify that the roads requiring treatment include all involved roads, both on-site and off-site including the approved access route.
  7. Condition 15 of Land Use Permit #7C1079(Revised) is modified to clarify that the start up year of operation is the time Permittees first began operations in 1999.
  8. Condition 35 of Land Use Permit #7C1079(Revised) is modified to state that grout piles may not rise above the heights of the closest adjacent surrounding trees or 540 meters above sea level, whichever is less.
  9. Condition 43 of Land Use Permit #7C1079(Revised) is modified to clarify that the quarry will not operate on Federal holidays.
  10. Condition 49 of Land Use Permit #7C1079(Revised) is modified to clarify that the noise levels of the quarry shall not exceed 70 dB(A) L<sub>max</sub> at the property line and 55 dB(A) L<sub>max</sub> outside any home or area of frequent human use.
  11. Condition 55 of Land Use Permit #7C1079(Revised) is modified to state that the posted speed limit of involved roads shall be 25 mph.
  12. Condition 57 of Land Use Permit #7C1079(Revised) is modified to state that Permittees shall submit revised granite transfer trucking hours based upon consultation with appropriate school and town officials. Granite transfer trucks may not travel between Route 16 and the Quarry during school busing hours.
  13. Condition 68 of Land Use Permit #7C1079(Revised) is modified to conform with the terms of the April 13, 2000 Chair's Preliminary Ruling.
-

14. Condition 73 of Land Use Permit #7C1079(Revised) is modified to state that a copy of the Findings of Fact, Conclusions of Law and Order issued herewith, as well as this Permit and a copy of the Operations and Maintenance plan, revised as required by this Permit, shall be on the site at all times throughout the project duration,
  15. Condition 74 of Land Use Permit #7C1079(Revised) is modified to state that Land Use Permit #7C1079(Revised)-EB will be referenced in all deeds.
  16. Grout will be stored only in the approved grout storage piles and will not be utilized or stored in the quarry yard area.
  17. The soil caps of the grout piles will be configured as depicted in Exhibit P-19.
  18. Reclamation of the quarry must insure that no part of the quarry remains in an unsafe condition. The distance from the rim of quarry hole to the stabilized standing water level shall not be unsafe.
  19. Permittees are responsible for all costs of reclamation including costs in excess of the reclamation escrow account.
  20. Permittees may perform two round trips per week from December 15 to April 15 of each year to inspect the Quarry. The vehicle performing these off-season trips will be no bigger than a pick-up truck and will not travel beyond the Quarry gate. No snow plowing is allowed on the Project site, except for the following: 1) minimal plowing may occur to allow the vehicle used to perform off-season trips to park off of TH40 but may not extend beyond the Quarry access road gate; and 2) additional plowing may occur for equipment staging further discussed below in Condition number 2 1.
  21. Permittees may stage equipment along the Quarry access road from TH40 prior to April 15 while the roads remain frozen. No running of this equipment is allowed. Limited snow plowing of a small staging area on the Quarry access road just beyond the gate is permissible for the sole purpose of staging the equipment. Only a single day will be allowed to transport the equipment to the Quarry and this may not occur prior to March 1st. Permittees must have the permission of the Sheffield and Glover Selectboards, the Commission and the DFW prior to transporting and staging this equipment.
  22. Permittees shall ensure that the Project site is not used for firearm target practice.
  23. Permittees shall continue to attenuate noise from the Project, as Permittees did prior to the June 7, 2000 Noise Demonstration, through the installation and maintenance of mufflers on all equipment and by constructing noise attenuation berms.
-

24. Permittees' granite transfer trucks shall not use Jake brakes while traveling the involved roads.
25. Permittees shall monitor the following in accordance with the specifications discussed in the Findings of Fact, Conclusions of Law, and Order, issued on even date herewith. All monthly monitoring shall be performed on the first business day of every month.

Sample Locations/ Matrix	Locations	Frequency	Parameters
Neighbors' Wells		1/Month (for baseline)	Water level
On-site - Groundwater	3 bedrock wells 4 shallow wells as per O&M § 6 (revised 8/11/99)	1/Month (for project duration)	pH, Conductivity, Turbidity, TSS, Water Level
Page Brook Cedar Swamp - Groundwater	6 Wells at edge of seeps	1/Month (for project duration)	pH, Conductivity, Water Level
On-site Wetlands - Plants	Within Wetlands	Initial Baseline, and as necessary thereafter	Dominant Plant Species Inventory
On-site Surface Water	2 Steam Flow Weirs as per O&M § 6 (revised 8/11/99)	Year 1: 1/Week, then 1/Month for project duration	Flow (cfs), pH, Conductivity, Turbidity, TSS
Precipitation	Lyndon State College	As Recorded by Meteorologic Station	Precipitation

26. By acceptance of this permit, Permittees expressly acknowledge the potential for serious ramifications, including but not limited to permit revocation, based upon credible and adequately documented evidence of violations under this permit.
27. The equipment used by Permittees will be limited to the following: a Caterpillar 988F loader; a Caterpillar 972 wheel loader; a Caterpillar D350 dump truck; a Caterpillar D320L excavator; an Ingersoll Rand 850 CFM air compressor; a T.R. generator; a Liebherr 912 excavator; and one wire saw; four hydraulic hammers operated off a Liebherr excavator; a three-wheel skid steer driving three pneumatic hammers; two drill bars driving two hammers each (4 hammers); and, one single mobile hammer, for a total

of twelve drills. Equipment of similar model and type having no greater impacts to any Act 250 Criteria may be substituted for those listed above.

28. Failure to comply with any of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6090(b).

Dated at Montpelier, Vermont, this 8th day of December, 2000,

ENVIRONMENTAL BOARD

  
Marcy Harding, Chair

John Drake

George Holland

Samuel Lloyd

William Martinez

Rebecca Nawrath

Alice Olenick

Gregory A. Rainville