

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

RE: Starksboro Sand & Stone Company, Inc.
P.O. Box 818
Williston, Vermont 05495
and
Arthur Cota and Sons
Starksboro, VT 05487

Findings of Fact and
Conclusions of Law
and Order
Amended Land Use Permit
#9A0082-1-EB

This decision pertains to an appeal filed with the Environmental Board (Board) on September 8, 1987 by Turner Brooks and Pebble Brooks, Lars Gilbertson and Magnhild Gilbertson, Thatcher Hurd and Olivia Hurd (Appellants) through their attorney John F. Evers, Esq. and to a cross-appeal filed on September 21, 1987 by Starksboro Sand & Stone Company, Inc. and Arthur Cota and Sons (Permittees) through their attorney Roger E. Kahn, Esq. The appeals followed the issuance of a permit dated August 6, 1987 by the District #9 Environmental Commission. The permit authorizes the Permittees to extract sand, stone and gravel from 72 acres of the Cota Farm in the Town of Starksboro, Vermont.

The Appellants believe the Commission erred by not having the State of Vermont a party to this matter, and by allowing the pit to operate on Saturday mornings. The Permittees believe the Commission erred by not allowing the pit to operate on Saturday afternoons and by requiring permit amendments prior to each phase of operation. The Permittees also request that various submission dates included in the permit be changed.

A notice of Public Hearing and Prehearing Conference was issued in this matter on September 23, 1987. At the request of the parties, the prehearing conference and hearing were cancelled as an agreement had been reached.

On October 27, 1987 a notice regarding the proposed stipulation was forwarded to all **parties**. On October 28, 1987 a Stipulation of Agreement was filed with the Board by the Appellants and Permittees. No other parties have requested to participate in this matter.

On November 17 and December 9, 1987 the Board conducted deliberative sessions. The matter was adjourned on December 9, 1987 and is now ready for decision.

I. FINDINGS OF FACT

1. On August 6, 1987 the District #9 Environmental Commission issued a permit to the Permittees that authorized, among other things, Saturday morning operations, the submittal

of a survey map prior to October 1, 1987 and the submittal of a plan to establish an escrow account prior to October 1, 1987.

2. The appeal and cross-appeal filed in this matter on September 8 and 21, 1987, respectively, have been withdrawn.
3. The crusher located on the site shall not be operated on Saturdays. However, maintenance of the crusher may occur on that day.
4. The survey map and escrow plan requested by the Commission will be submitted within two months of this Board's decision.

CONCLUSIONS OF LAW


The Board concludes that the Stipulation submitted by the parties participating in this appeal does not contravene the values which Act 250 is designed to protect. Therefore, the Board will revise the permit as stipulated.

ORDER

Land Use Permit Amendment #9A0082-1-EB is hereby issued in accordance with the Findings of Fact and Conclusions of Law herein. Jurisdiction over this matter is returned to the District #9 Environmental Commission.

Dated at Montpelier, Vermont this 10th day of December, 1987.

ENVIRONMENTAL BOARD


Jan S. Eastman, Acting Chair
Lawrence H. Bruce, Jr.
Elizabeth Courtney
Arthur Gibb
Samuel Lloyd
Donald B. Sargent

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