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

RE: Talon Hill Gun Club, Inc. and John Swinington  
Land Use Permit #9A0192-EB (Revocation)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This decision pertains to a petition to revoke Land Use Permit #9A0192-EB (the Permit) issued to Talon Hill Gun Club, Inc. (Talon Hill) filed with the Environmental Board pursuant to Board Rule 38.<sup>1</sup> As is explained below, the Environmental Board concludes that the Permit has been violated, but that the violations do not present a clear threat of irreparable harm to public health, safety, or general welfare or to the environment. Therefore, the Board has provided Talon Hill a reasonable opportunity to correct the violations prior to any order of revocation becoming final. Section IV of this decision sets forth the remedial measures Talon Hill must perform to prevent the revocation of Land Use Permit #9A0192-EB.

I. BACKGROUND AND PROCEDURAL SUMMARY

On September 13, 1990, the District #9 Environmental Commission (District Commission) issued the Permit to Talon Hill and John Swinington. The Permit authorizes the construction of a skeet and trap shooting facility, with a 40-foot by 80-foot club house, associated parking, and a 3,600-foot access road (the Project). The Project is located off of the Arnold District Road in Leicester on property owned by John Swinington and leased to Talon Hill.

On March 31, 1992, the District #9 Coordinator issued a Notice of Alleged Violation to Talon Hill for the failure to comply with the terms of the Permit due to the use of an access road different from that provided for in the Permit.

On September 17, 1992, Talon Hill advised the District Commission that the skeet and trap shooting facility and the roadway had not been completed due to economic conditions. The Permit required that all Project construction be completed by October 15, 1992. Talon Hill requested that the District Commission extend the date for the completion of Project construction until October 15, 1994.

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<sup>1</sup>The Permit was issued in the name of Talon Hill, Inc. The correct name is Talon Hill Gun Club, Inc.

On October 15, 1992, a petition to revoke the Permit was filed with the Environmental Board by James and Kim Miner. On October 16, 1992, James and Kim Miner, along with other persons identifying themselves as the "**Arnold District Group**," submitted a letter to the District Commission requesting a hearing on the extension request due to the alleged violations of the Permit.

On October 29, 1992, the District Coordinator issued a memorandum stating that the District Commission would not consider the Permit extension request until such time as the Board issued a decision on the revocation petition, and that the extension request would be held in recess pending the conclusion of the revocation proceeding.

On November 9, 1992, Board Chair Elizabeth Courtney convened a prehearing conference in Leicester, Vermont, and a Prehearing Conference Report and Order was issued on November 23, 1993 (the Report). The Report identified seven substantive issues as the basis for the revocation petition.

On February 8, 1993, the Board issued a Memorandum of Decision in which it ruled on the party status requests which were identified in the Report and denied a motion to dismiss brought by Talon Hill.

On March 25, 1993, Talon Hill filed a Motion to Stay Proceedings and to Revise Order of Proceedings for the purpose of taking additional time to respond to prefiled testimony. The Chair granted Talon Hill's request for a delay and scheduled May 26, 1993 as the hearing date.

The Board convened hearings on this matter on May 26 and June 3, and held a hearing and conducted a site visit on June 16, 1993, with the following parties participating:

Talon Hill Gun Club, Inc. by John R. **Barrera**, Esq.  
John Swinington  
James Miner, Kim Miner, Bruce Brown, Carmelita Brown,  
Kenneth DeAngelis, Jane DeAngelis, Don Eddy, Vickie  
Eddy, Robert Lord, Mary Lord, Robert E. Walsh, Susan  
Young Walsh, John Parker, Terry Parker, Catlin Fox, and  
Ann Claghorn by Jon Readnour, Esq. (the Petitioners)  
Leicester Board of Selectmen and Planning Commission by  
John **McDonough**  
Rutland Regional Planning Commission by Mark **Blucher**,  
Executive Director

On July 6, 1993, Talon Hill and the Petitioners filed proposed findings of fact and conclusions of law. On July 14 and 28, and October 7, 1993, the Board deliberated concerning this matter. On October 7, 1993, the Board declared the record complete and adjourned the hearing. This revocation petition 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

The petition for revocation and the Report identified the following allegations as the basis for the request for revocation of the Permit:

1. Talon Hill submitted inaccurate information to the District Commission regarding the holding of sound tests.
2. The club house is closer to the quarry than as shown in the approved plans submitted by Enman Engineering dated August 20, 1990. This has resulted in relocation of the shooting stations as well as their orientation. These changes have resulted in increased noise.
3. Shooting stations have been located on the edge of the quarry and a building is used for storage on the quarry site. This violates the requirement for a buffer zone around the quarry site, which is a designated wetland. These shooting stations have created significant noise.
4. The Project is accessed from the Whiting Road rather than from the Arnold District Road, as required by the Permit.
5. The consumption of food and drink at the club house and the failure to install a composting toilet are violations of the wastewater permit issued by the Department of Environmental Conservation.
6. The limits on the hours of operation have not been adhered to.
7. The site plan map submitted to the District Commission incorrectly shows land that is owned by James and Kim Miner as being owned by John Swinington.

III. FINDINGS OF FACT

1. On September 13, 1990, the District Commission issued the Permit and supporting Findings of Fact and Conclusions of Law and Order #9A0192 (Findings of Fact) to Talon Hill and John Swinington.
2. The Permit authorized the construction of a skeet and trap and sporting clays shooting facility, including a 40-foot by 80-foot club house and associated parking, and a 3,600-foot access road to the Arnold District Road in Leicester.
3. Condition 1 of the Permit provides:

The project shall be completed, operated and maintained as set forth in Findings of Fact and Conclusions of Law #9A0192, in accordance with the plans and exhibits stamped "Approved" and on file with the District Environmental 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 Environmental Commission.

4. Permit Condition 2 provides:

The District Environmental 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 completed, operated and maintained in accordance with the terms of the permit.

5. Finding of Fact 3 provides:

The Applicants did not conduct a formal noise impact study to assess decibel measurements at neighboring residences. The 134 acre leased site is surrounded by approximately 500 acres of farm and swamp lands owned by a Co-applicant John Swinington. The nearest residence to the gun club is approximately 1 mile away. In December 1989, Robert Trombley conducted an informal noise impact study. He

contacted the adjoining landowners and neighbors who live within a two mile radius of the site. Two weeks later sound testing was performed for each resident on an individual basis. A shooter at the gun club site fired a dozen shots in the direction of each house. When the gun club is in operation the direction of the shooting will be, in fact, toward the west away from the residences. In most cases the residents did not hear the reports. When the reports were heard, the noise was minimal (Exhibit #5).

6. Finding of Fact 3 was made by the District Commission based upon Exhibit #5. Before the District Commission, Exhibit #5 included the "Talon Hill Gun Club Narrative" (the Narrative).
7. On May 17, 1990, Donald R. Woods, P.E., of Enman Engineering wrote the Narrative in cooperation with Mr. Robert Trombley. Mr. Woods prepared the Narrative based upon Mr. Trombley's description of the sound tests conducted by Mr. Trombley.
8. Mr. Woods either read the Narrative back to Mr. Trombley or had Mr. Trombley read the Narrative to confirm that the Narrative accurately described the process followed for conducting the sound tests by Mr. Trombley and his agents.
9. On May 23, 1990 Mr. Woods sent a letter to the District #9 Coordinator, which included the Narrative. Mr. Woods mailed a copy of the letter and Narrative to Mr. Trombley.
10. Mr. Trombley claims he did not receive a copy of either the letter or the Narrative prior to their submissions to the District Commission.
11. Mr. Trombley and his agents did not perform a noise test for the four adjoining landowners to the Project, and contacted and performed a noise test for only eight of the neighbors who live within a 2 mile radius of the Project. Mr. Trombley did not contact or perform a noise test for all of the neighbors who live within a 2 mile radius of the Project, notwithstanding the statement in the Narrative.

12. Even if Mr. Trombley did not receive the copy of the letter and Narrative which Mr. Wood mailed on May 23, 1990, Mr. Trombley had three opportunities to correct the Narrative's inaccurate statement that all adjoining landowners and neighbors within a 2 mile radius were contacted for sound testing: first, on May 17, 1990 when Mr. Trombley and Mr. Woods produced the Narrative; second, at the District Commission hearing on June 26, 1990; and third, by reading the District **Commission's** Findings of Fact that were issued in conjunction with the Permit.
13. There are ten sporting clay shooting stations at the Project. Three shooting stations fire over the quarry in a northwesterly direction, four stations fire in a northerly direction, and three stations fire in a southeasterly direction. The direction of the shooting is not exclusively toward the west.
14. Petitioners **DeAngelis**, Miner, Lord, Owen, Brown, and Walsh live in a southeasterly direction from the Project, and shooting from at least three stations is toward their residences. Petitioner Catlin Fox lives northeasterly from the Project, and shooting from at least four stations is toward his residence.
15. Finding of Fact 29 provides:

The project site is primarily open and secluded meadow land. The project will utilize approximately 3 acres out of the total 135 leased acres. The project will consist of a 40' x 80' club house with associated parking. The skeet and trap shooting stations will be located in an arc to the west of the club house. The stations will be connected by a 8' wide crushed stone walkway with a metal fence along its easterly side. The sporting clay area is located to the north of the skeet shooting field near the quarry. This area will have trap stations scattered amidst the existing vegetation. There will be a gravel parking area with 20 parking spaces (Exhibits #18, #19, #32 and #33).

16. The District Commission approved the Project as it was depicted in District Commission Exhibit #33A. Exhibit #33A was stamped "Approved" as provided for in Permit Condition 1.
17. Talon Hill introduced into evidence in this proceeding a survey map prepared by Ken Weston, a licensed surveyor from Bristol, Vermont (Exhibit #P-8). Mr. Weston relied upon tax maps from the Towns of Leicester and Brandon and Exhibit #33A to produce Exhibit #P-8.
18. Exhibit #P-8 accurately incorporates sheet 1 of Exhibit #33A, except that Exhibit #P-8 omits the trap & skeet field area, club-house, and club-house parking area approved and depicted in Exhibit #33A. Except for the aforementioned omissions, Exhibit #P-8 accurately depicts the Project as approved by the District Commission in sheet 1 of Exhibit #33A.
19. Mr. Trombley or his attorney drew onto Exhibit #P-8 a line from each of the Petitioner's residences to those shooting stations which are closest to the Petitioners' residences. Mr. Trombley or his attorney calculated the distances represented by the lines and wrote the distances onto Exhibit #P-8. The distances are accurately derived from the scale used by Mr. Weston.
20. Talon Hill has not constructed the gazebo and 20 parking spaces depicted on Exhibit #P-8 or the club-house and club-house parking area depicted in sheet one of Exhibit #33A.
21. Instead of building the club house and gazebo as approved by the District Commission, and without the written approval of the District Commission, Talon Hill constructed a building and parking area approximately 200 feet from the location authorized as the spot for the gazebo and 20 parking spaces. The parking area adjacent to the unauthorized building is neither of the two parking areas depicted on sheet one of Exhibit #33A.
22. Without the written approval of the District Commission, Talon Hill has relocated shooting stations 10 to 15 feet from the locations depicted on Exhibit #P-8.

23. Condition 12 of the Permit provides:

There shall be no conditional uses, as determined by the Agency of Natural Resources, within the quarry or the established 50 foot buffer zone from the edge of the quarry, as depicted on Exhibit #33A.

24. Finding of Fact 16 provides:

The quarry on the project site is mapped' on the National Wetlands Inventory Map as an open water body and therefore is protected by the Vermont Wetlands Rules. In consultation with the Assistant Wetlands Coordinator of the Agency of Natural Resources, the Applicants have chosen to avoid all conditional uses within the quarry or the established 50 foot buffer zone from the edge of the quarry (Exhibit #38). A revised site plan has been submitted which delineates the 50 foot buffer zone (Exhibit #33A).

25. A portion of the unauthorized parking area extends into the 50 foot buffer zone.

26. Finding of Fact 21 provides in pertinent part:

The project will be accessed from the Arnold District Road. The sight distances will be approximately 400 feet to the north and 500 feet to the south (Exhibit #6 and Testimony of Donald Woods).

27. Finding of Fact 21 was based upon a statement in Talon Hill's Permit application that access to the Project will be by an access road onto the Arnold District Road 5 hundred feet south of Cram Road.

28. Patrons of Talon Hill access the Project by means of a right-of-way which intersects with Whiting Road.

29. Condition 5 of the Permit provides:

This permit hereby incorporates all of the conditions of Water Supply and Wastewater Disposal Permit #WW-9-0092 issued on

August 1, 1990 by the Regional Engineer,  
Division of Protection, Agency of Natural  
Resources.

30. Finding of Fact 9 provides:

Sanitary wastes will be disposed of by a  
composting toilet. Portable toilets will  
be used for tournaments. A Water supply  
and Wastewater Disposal Permit has been  
issued which the Commission accepts as  
evidence that the disposal of wastes meets  
applicable Environmental Protection Rules  
and will not result in the injection of  
waste materials or harmful substances into  
groundwater or wells (Exhibit #43).

31. Exhibit #43 is Water Supply and Wastewater Disposal  
Permit #WW-g-0092. Condition 3 of Exhibit #43 provides,  
in part:

This permit is being issued pursuant to  
Sections 4-04(A) and 4-06(A) of the  
Environmental Protection Rules, which  
authorize waiver of the standard  
requirement for piped, pressurized,  
potable water and the substitution on non-  
conventional domestic waste disposal  
facilities for the normally-required water  
closet and lavatory, under certain special  
circumstances. To satisfy the intent of  
those sections, the following provisions  
shall be met:

b) No more than 4 employees shall be  
permitted in the gun club building without  
prior review and approval by the Division  
of Protection, and their sanitary needs  
shall be satisfied by the installation and  
utilization of the proposed composting  
toilet (Humus 90/M or equivalent);

\* \* \*

d) There shall be no food or drink  
handling, preparation, or consumption  
within the gun club building, without  
prior review and approval by the Division  
of Protection;

\* \* \*

- h) The use of the subject building as herein described, and the maximum number of employees (4), shall not be altered without prior review and approval by the Division of Protection;
32. Talon Hill has never installed a composting toilet. Instead, Talon Hill has made available two portable toilets. Employees and patrons use the portable toilets.
33. Water Supply and Wastewater Disposal Permit #WW-9-0092 does not provide that the use of portable toilets may be substituted for the installation of a composting toilet.
34. Food or drink consumption at the Project has occurred because club members have brought their own food or drink. It has also occurred when Talon Hill has had noon day meals catered by professional catering services. In both instances, Talon Hill has not been involved in the handling, preparation, or consumption of the food or drink.
35. When there has been a tournament or league shooting event, the operation of the sporting clay shooting stations has been done with more than four employees.
36. Finding of Fact 2 provides:
- The most significant noise associated with this project will be shotgun blasts at the skeet and trap fields. The anticipated hours of operation will be from 10:00 AM - 6:00 PM seven days a week for the general public and from 6:00 PM - 10:00 PM two days a week for league shooting. The gun club will not be open on major holidays.
37. Generally, Talon Hill has abided by the days and hours of operation restrictions contained in Finding of Fact 2.
38. Exhibit #P-8 accurately depicts the real property owned by John Swinington and James and Kim Miner.

III. CONCLUSIONS OF LAW

This revocation proceeding is brought pursuant to Board Rule 38. Rule 38(A)(2) provides, in pertinent part, that a land use permit may be revoked by the Board if, after a hearing, the Board finds that:

(a) The applicant or his representative willfully or with gross negligence submitted inaccurate, erroneous, or materially incomplete information in connection with the permit application, and that accurate and complete information may have caused the district commission or board to deny the application; or (b) the applicant or his successor in interest has violated the terms of the permit or any permit condition, the approved terms of the application, or the rules of the board.

The Board concludes the following with regard to the allegations of violations:

1. Whether Talon Hill submitted inaccurate information to the District Commission regarding the holding of sound tests.
  - a. Analysis of the Narrative under Rule 38(A)(2)(a)

Pursuant to Rule 38(A)(2)(a), the Petitioners allege that Talon Hill or its representative willfully or with gross negligence submitted the Narrative such that the District Commission found in Finding of Fact 5 that Talon Hill "contacted the adjoining landowners and neighbors who live within a two mile radius of the [Project]."

- i. Willful

An act or omission is done willfully "if done voluntarily and intentionally and with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done." Black's Law Dictionary, West Publishing Co., Fifth Edition. Because Mr. Trombley was not aware of the Narrative's statement regarding sound testing at all of the residences within a 2 mile radius when it was submitted to the District Commission, the Board concludes that he did not willfully mislead the District Commission.

ii. Gross Negligence

In Shaw v. Moore, 104 Vt. 529, 531-532 (1932), the Vermont Supreme Court discussed the legal standard for gross negligence:

Gross negligence is substantially and appreciably higher in magnitude and more culpable than ordinary negligence. Gross negligence is equivalent to the failure to exercise even a slight degree of care. It is materially more want of care than constitutes simple inadvertence. It is an act or omission respecting legal duty of an aggravated character as distinguished from a mere failure to exercise ordinary care. It is very great negligence, or the absence of slight diligence, or the want of even scant care. It amounts to indifference to present legal duty, and to utter forgetfulness of legal obligations so far as other persons may be affected. It is heedless and palpable violation of legal duty respecting the rights of others.

The Board does not believe that Mr. Trombley acted with gross negligence. Mr. Trombley hired a professional consultant, Mr. Wood, and relied upon Mr. Wood to write the Narrative. While Mr. Trombley is ultimately responsible and accountable for all submissions made to the District Commission in support of his Permit application, and should have prevented the inaccurate statement regarding testing from becoming part of the Narrative and Findings of Fact, the Board concludes that his failure to do so does not rise to the level of indifference and utter forgetfulness with regard to his legal obligations to the Petitioners.

b. Analysis of the Narrative under Rule 38(A)(2)(b)

The Board's analysis of the Narrative also encompasses the issue of whether Talon Hill has operated in a manner such that it has violated Condition 1 of the Permit.

Condition 1 of the Permit requires that the Project be completed, operated and maintained as set forth in the Findings of Fact. Under Board Rule 38(A)(2)(b), the Board may revoke the Permit if it finds that Talon Hill violated the terms of the Permit or any Permit condition.

The District Commission found in Finding of Fact 5 that "when the gun club is in operation the direction of the shooting will be, in fact, toward the west away from the residences."

The evidence demonstrates that the operation of the Project results in shooting toward the Fox residence to the northeast, and toward the DeAngelis, Miner, Eddy, Lord, Owen, Brown, and Walsh residences to the south and southeast. The change in the direction of shooting was done without the written approval of the District Commission. Therefore, Condition 1 of the Permit has been violated by Talon Hill.

2. Whether the building and parking area constructed by Talon Hill are closer to the quarry than as shown on Exhibit #P-8.

The District Commission issued the Permit based, in part, upon the site plan submitted in sheet one of Exhibit #33A.

Talon Hill constructed a building and parking area which are approximately 200 hundred feet west from the location where the District Commission authorized the construction of a gazebo and 20 parking spaces. Talon Hill did this without first obtaining the written approval of the District Commission. Therefore, Condition 1 of the Permit has been violated by Talon Hill.

3. Whether Talon Hill has violated the prohibition against conditional uses within the buffer zone.

A portion of the unauthorized parking area is within the 50 foot buffer zone. The location of a portion of the parking area within the buffer zone is a conditional use under the Vermont Wetland Rules. See Vermont Wetland Rules, Section Six, Allowed and Conditional **Uses** (Feb. 23, 1990). As stated in Finding of Fact 16; Talon Hill agreed to avoid all conditional uses' within the quarry or the established 50 foot buffer zone from the edge of the quarry. Therefore, Conditions 1 and 12 of the Permit have been violated by Talon Hill.

4. Whether the Project is accessed from the Whiting Road rather than from the Arnold District Road.

The Findings of Fact provide that the Project will be accessed from the Arnold District Road. Employees and patrons of Talon Hill access the Project by means of a right-of-way which intersects with the Whiting Road. Access by this right-

of-way is without the written approval of the District Commission. Therefore, Condition 1 of the Permit has been violated by Talon Hill.

The Board notes that on September 17, 1992 Talon Hill requested an extension for the completion of the access road to the Arnold District Road. The request for an extension does not excuse Talon Hill's failure to comply with the Permit. Instead of waiting 2 years to seek an extension, Talon Hill should have applied for an amendment once it knew that it could not comply with the Permit's requirement that access to the Project be by way of the Arnold District Road.

5. Whether the Project is in violation of its Water Supply and Wastewater Disposal Permit as incorporated by the Permit.

The allegations under this issue are (1) the failure to install a composting toilet, (2) the consumption, handling, or preparation of food or drink within the gun club building, and (3) the operation of the sporting clays by more than four employees.

Talon Hill argues that the composting toilet is only required in the clubhouse which is authorized by the Permit, and that because it has not constructed that building, no composting toilet is required. Talon Hill has, however, constructed another building not authorized by the Permit. The Board rejects Talon Hill's claim that its construction of a building which is not authorized by the Permit obviates the Permit's requirement for a composting toilet. A condition in a permit cannot be avoided by intentionally violating the permit. Conditions 1 and 5 of the Permit have been violated by Talon Hill's failure to install a composting toilet.

The Board concludes that there has been consumption of food or drink at the Project, but that there is insufficient evidence to conclude that there has been handling, preparation, or consumption of food or drink within the unauthorized building. Therefore, the Board declines to find a violation of the Permit on this ground.

With regard to the number of employees, there have been more than four employees during tournament and league events. The Department of Environmental Conservation approved the use of a composting toilet instead of a standard public restroom facility based upon Talon Hill's representation that no more than four employees would require a restroom. Since this is

not the case, the Board concludes that Conditions 1 and 5 of the Permit have been violated by Talon Hill.

6. Whether Talon Hill has violated the Permit's restrictions on days and hours of operation.

The Board concludes that there is insufficient evidence to find that Talon Hill has violated the hours and days of operation restrictions in Finding of Fact 2. Therefore, the Board declines to find a violation of the Permit on this ground.

7. Whether the site plan map submitted to the District Commission incorrectly shows land that is owned by James and Kim Miner as being owned by John Swinington.

The Board concludes that Exhibit #P-S accurately depicts the land owned by James and Kim Miner and John Swinington. Therefore, the Board declines to find a violation of the Permit on this ground.

#### IV. SUMMARY OF GROUNDS FOR REVOCATION AND OPPORTUNITY TO CORRECT

##### A. Summary of Grounds for Revocation

In summary, the Board finds that the following grounds for revocation exist:

1. The change in the direction of shooting was done without the written approval of the District Environmental Commission.
2. Talon Hill constructed a building and parking area which are not depicted on the approved site plan. Talon Hill went ahead with this construction without first obtaining the written approval of the District Commission.
3. A portion of the parking lot is in the quarry's 50 foot buffer zone. Conditions 1 and 12 of the Permit have been violated by the placement of a portion of the parking lot in the buffer zone.
4. Employees and patrons of Talon Hill access the Project by means of a right-of-way which intersects with the Whiting Road. Condition 1 of the Permit has been violated by the use of this access without the written approval of the District Commission.

5. Permit Conditions 1 and 5 have been violated by Talon Hill's failure to install a composting toilet.
6. The Department of Environmental Conservation approved the use of a composting toilet instead of a standard public rest-room facility based upon Talon Hill's representation that no more than four employees would require a rest-room. Since Talon Hill has had more than four employees during special events and league shoots, the Board concludes that Permit Conditions 1 and 5 have been violated by Talon Hill.

B. Opportunity to Correct under Rule 38

Under Board Rule 38(A)(3), unless there is a clear threat of irreparable harm to public health, safety, or general welfare or to the environment by reason of the violation, the Board must give the permit holder a reasonable opportunity to correct any violation prior to any order of revocation becoming final.

The Board concludes that the grounds for revocation identified in Section III and summarized above do not present a clear threat of irreparable harm to public health, safety, or general welfare or to the environment. Therefore, Talon Hill is entitled to a reasonable opportunity to correct the violations prior to any order of revocation becoming final. The Board will order that Land Use Permit #9A0192-EB be revoked subject to the following opportunity to correct the violations:

1. All shooting in any direction other than to 45 degrees of either side of west must cease immediately. Shooting from any station in a direction that exceeds 45 degrees on either side of west shall cease immediately. This includes stations 8, 9, and 10, and may include stations 5, 6, and 7. Talon Hill must obtain an amendment to the Permit to allow shooting in any direction other than to 45 degrees of either side of west, or for the relocating of any shooting station.

If an amendment to the Permit is sought, the Board will require that the District Commission conduct a sound test which accurately reproduces the shooting conditions which occur during a league shoot, a tournament shoot, and an average business day. In addition, all persons who could hear the shooting shall be given an opportunity to be present at the sound test.

2. Within 30 days from the date of this decision, Talon Hill must submit a completed application for an amendment to its Permit for the unauthorized building and parking area. Talon Hill will need to submit a new site plan, and satisfy all the requirements for obtaining a permit amendment. If the District Commission denies Talon Hill's application for an amendment to the Permit, then Talon Hill shall remove the unauthorized building and parking area within 30 days of the District **Commission's** decision.

3. Within 30 days of the date of this decision, Talon Hill must remove that portion of the parking lot which is located in the buffer zone.

4. Within 30 days of the date of this decision, Talon Hill must submit a completed application for an amendment to the Permit for the use of the right-of-way to the Whiting Road. This request for a permit amendment shall be in addition to, and not in lieu of, Talon Hill's request for an extension of construction deadlines.

5. Within 30 days of the date of this decision, Talon Hill must install a composting toilet as provided for in its Water Supply and Wastewater Disposal Permit. As an alternative, within 30 days of the date of this decision, Talon Hill may file for an amendment to its Water Supply and Wastewater Disposal Permit. In any event, until Talon Hill installs the composting toilet or obtains an amendment, all portable toilets must be serviced at least weekly. Written confirmation of the servicing must be provided to the District Commission by the person or entity which does the servicing on a weekly basis.

6. Within 30 days of the date of this decision, Talon Hill must submit to the District Commission an affidavit certifying that the Project is being completed, operated and maintained in accordance with the terms of the Permit and this decision.

7. Talon Hill must diligently pursue any amendment applications and provide any information requested by the District Coordinator or District Commission within 14 days of such request.

If Talon Hill fails to correct the grounds for revocation as provided for- herein, then this order of revocation shall become final.

V. ORDER

Based upon the violations described in Section III the Board orders that the Permit be revoked unless Talon Hill corrects the violations in Section III pursuant to the terms and conditions of Section IV.

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Dated at Montpelier, Vermont, this 8th day of October,  
1993.

ENVIRONMENTAL BOARD



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Elizabeth Courtney, Chair  
Ferdinand Bongartz  
Lixi Fortna  
Arthur Gibb  
Samuel Lloyd  
Anthony Thompson  
Steve Wright

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[Docket #567]