

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

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

MEMORANDUM OF DECISION

This decision pertains to a motion for reconsideration filed by Talon Hill Gun Club, Inc. (Talon Hill). Talon Hill requests that the Board reconsider its order that Talon Hill remove that portion of the parking lot at the Talon Hill Gun Club (the Facility) which is located in a buffer zone adjacent to a quarry on the Facility grounds. As is explained below, the Board grants Talon Hill's motion for reconsideration.

I. BACKGROUND

On October 8, 1993, the Board issued Re: Talon Hill Gun Club, Inc. and John Swinington, #9A0192-EB (Revocation), Findings of Fact, Conclusions of Law, and Order (Oct. 8, 1993).

On November 9, 1993, Talon Hill filed its motion for reconsideration and a letter from Kenneth G. Weston, a Vermont licensed land surveyor, in support of its motion.

On November 11, 1993, the Board deliberated on Talon Hill's request.

II. DECISION

The Board's October 8, 1993 Findings of Fact, Conclusions of Law, and Order provides, at page 17, that "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.**"

In response, Talon Hill had Mr. Weston survey the quarry area. Mr. Weston, in his letter of November 4, 1993, to Talon Hill, suggests as an alternative treatment that "the encroaching area should be left in its present stable condition; a topsoil cover should be laid down and then seeded and mulched. This second part to the operation should take place in the spring at [sic] start of growing season, for its best effect."

Talon Hill proposes that the mandate for removal of the encroaching area be satisfied by compliance with Mr. Weston's recommendation.

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The Board concludes that Talon Hill's compliance with Mr. Weston's recommendation, as modified herein, is acceptable for the purpose of complying with the Board's October 8, 1993 order that "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**."


III. ORDER

1. Talon Hill shall comply with the recommendation quoted herein from Mr. Weston's letter of November 4, 1993, with the addition that the encroaching area be covered with four inches of topsoil on or before December 15, 1993, and then seeded and mulched on or before May 1, 1994.

2. Talon Hill shall provide an affidavit certifying that it has complied with this- order to the District Commission on or before May 10, 1994.

Dated at Montpelier; Vermont, this 1st day of December, 1993.

ENVIRONMENTAL BOARD


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

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