

From: [Lori Marino](#)
To: [NRB - Comments](#)
Subject: Proposed Citation - Black Rock Construction
Date: Friday, December 4, 2020 5:52:45 PM

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Natural Resources Board
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RE: Natural Resources Board v. Black Rock Construction, LLC, Citation 1, LUP #4C1315

To the Vermont Natural Resources Board and Whom It May Concern;

I am writing in response to the above referenced, **Citation 1**, in regard to Act 250 **Criterion 1 - Noise in Land Use Permit #4C1315**. The permit #4C1315 was granted to Black Rock Construction, LLC, for development of the Northridge property in Williston, VT.

Noise legislation in the State of Vermont and Federal Statutes, is adopted to protect citizens' physical, psychological and emotional well-being. The noise produced by grinding, drilling, blasting and other high decibel activities on the construction sight adjacent to my property, is at times unbearable to the point of not being able to sit in our backyard, open windows in good weather and/or attend to studies. I am currently working toward my Master's Degree and my children are engaged in daily online learning. When these permit regulations are not regarded and work occurs outside of the regulated time allotments, the issue becomes extremely stressful and impacts our personal lives and well-being. Other neighbors have complained of the same issues, stating that they never would have been as complacent about the construction, had they known of the impact and imposition on their daily lives.

There is a high level of frustration and mistrust that has grown from a lack of integrity evidenced by Black Rock, LLC's failed actions and lack of response. When construction occurred on Sunday, October 11, 2020 at 7:30AM, I had a personal phone conversation with the Vice President of Black Rock's Development, Mr. Avery, requesting Black Rock work only during the times stated within the LUP permit #4C1315, as Sunday was not even a permitted work day. Mr. Avery ceased construction within the next two hours, but construction was active again on Monday October 12, 2020 at 6:30 AM. On Tuesday, October 13, 2020 I had a "face to face" conversation in the Williston Development Review Board Zoom Meeting in front of the Development Review Board, with the same request to work within the permitted times only. On Wednesday, October 14, 2020,

construction was active from 6:40AM on. In both of these conversations. Mr. Avery assured me that the hours of operation would be respected. On both of those occasions and others, work continued to start before hours and at times would run over, as soon as the day after speaking with Mr. Avery

I am attaching time stamped photos of additional violations since the issuance of this citation to show evidence of the consistent disregard Black Rock Construction has for the mandates of this permit and the Act 250 regulations, not to mention disrespect for the residents who live in the neighborhood within which they are building.



- There are two photos documenting work being done on October 27, 2020 at 7:22AM and October 27, 2020 at 7:23AM. The photos show the morning school bus having to drive around the cement truck and other construction vehicles while making stops to pick up students getting on the bus for school.
- The photo taken on November 10, 2020 shows the active construction site at 7:41AM.
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The photo/timestamp from November 11, 2020 inadvertently documents work being done on Veteran's Day. I have a video of this dump truck running the stop sign at Metcalf Drive and Harte Circle which is why this time stamp was originally made.

The numerous instances of disregard shown by Black Rock, LLC, warrant the Board's consideration of Conservation and Development Statute, **10 V.S.A. § 6027 (g)(2)**, *The Natural Resources Board shall manage the process by which land use permits are issued under section 6086 of this title, may initiate enforcement on related matters, under the provisions of chapters 201 and 211 of this title, and may petition the Environmental Division for revocation of land use permits issued under this chapter. Grounds for revocation are:*

(1) noncompliance with this chapter, rules adopted under this chapter, or an order that is issued that relates to this chapter;

(2) noncompliance with any permit or permit condition;

I thank you in advance for your time and consideration of this impactful issue when determining outcomes for the above referenced Citation for noise. Please feel free to contact me for additional evidence and or with any questions you may have.

Sincerely,
Lori A. Marino