

**Natural Resources Board
District 3 Environmental Commission
100 Mineral Street, Suite 305, Springfield, VT 05156-3168**

Act 250 Jurisdictional Opinion

This Jurisdictional Opinion addresses Act 250 Jurisdiction only. Other permits may be required; see <http://dec.vermont.gov/environmental-assistance/permits>. For additional information, please contact the Agency of Natural Resources permit specialist, Pete Kopsco, at 802-505-5367 or email him at pete.kopsco@vermont.gov.

☒ In email letters from Robert Dimmick to Linda Matteson, District Coordinator, dated September 3, 2019 and September 20, 2019, Mr. Dimmick requested a jurisdictional opinion for the project described below.

Landowner: Robert Dimmick robert@weedprecast.com

Project Description: Mr. Dimmick recently acquired the old Carroll Concrete property located at 37 Central Street, Randolph. The existing building with truck bays and office was built in 1965 as a concrete manufacturing facility. The property has been used as a Ready-mix and Precast concrete manufacturing facility over the years. In addition to batching concrete and making precast concrete products, Carroll Concrete has stored construction materials/equipment and leased space to multiple contractors over the past several years.

Mr. Dimmick plans to use the property to manufacture and store precast concrete products as well as to lease some building space to a company that rents out mobile storage containers. This would include storing the mobile storage containers in the yard, parking trucks in the truck bays, and using some of the office space.

The property is connected to the municipal water and sewer systems. The only physical change will be in removing trees and shrubs that have grown in over the years in the open space around the facility, that Mr. Dimmick pointed out to Matteson on the September 17th site visit. Trees and shrubs will not be removed in the area north and east of the existing material piles and bunkers located just inside and east of the entrance to the facility. There will be no clearing in the wooded area between the grown-in open space and the Third Branch of the White River. The waste piles of concrete that are scattered along the edge of the open area are approximately the extent of the clearing and some of the trees that have grown up around those waste piles will also be removed.

Existing Act 250 permit: None

Town: Randolph

Project Type: ☒ Commercial

☐ Residential

☐ Municipal/State

IS AN ACT 250 PERMIT IS REQUIRED? ☐ YES

☒ **NO**

BASIS FOR DECISION: The proposed use of the property and reclaiming the open space is not a substantial change to the pre-existing development. Act 250 Rules 2(C)(7) and (8).

Signature: Linda Matteson

Date: October 25, 2019

Linda Matteson, District Coordinator
District 3 Environmental Commission
100 Mineral Street, Suite 305, Springfield, VT 05156-3168
802-289-0598 / linda.matteson@vermont.gov

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. Any appeal of this decision must be filed with the Superior Court, Environmental Division (32 Cherry Street, 2nd Floor, Ste. 303, Burlington, VT 05401) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431(b)(1) (2015), which is \$295.00. The appellant also must serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP.

cc: Randolph Selectboard; Randolph Town Planning; Two Rivers-Ottawaquechee Regional Commission; ANR Office of Planning & Policy; and Pete Kopsco, ANR Permit Specialist.

See attachments

From: [Robert Dimmick](#)
To: [Matteson, Linda](#)
Subject: Carroll Concrete property in Randolph
Date: Tuesday, September 3, 2019 3:36:44 PM
Attachments: [Town of Randolph Property Record.pdf](#)
[Letter from Shaun Carroll Property History.pdf](#)
[Atlas Map CAD 090319.pdf](#)

Linda,

I recently purchased the old Carroll Concrete property in Randolph in the name of my business, 37 Central Street, LLC. There is an existing building with truck bays and office that was built in 1965 as a concrete manufacturing facility (**see attached Town of Randolph Property Record**). The property has changed hands several times over the years and has always been used as a Ready-mix and Precast concrete manufacturing facility. In addition to batching concrete and making precast concrete products, Carroll Concrete has stored construction materials/equipment and leased space to multiple contractors over the past several years (**see attached Letter from Shaun Carroll Property History**).

I plan to use the property to manufacture and store precast concrete products as well as to lease some building space to a company that rents out mobile storage containers. Activities of this tenant would be storing the mobile containers in the yard, parking their trucks in the truck bays, and using some of the office space. These uses are in line with past uses of the property. The building is currently connected to the Town sewer system for sewer disposal and the Town water system for water supply.

The only physical changes to the property currently planned are removing trees and shrubbery that has grown up over the years (**see attached ANR Atlas showing Riparian Buffer and Significant Natural Communities**), removing or rebuilding an existing shed, grading/levelling the ground on the higher level of the property (furthest from the river), and renovating a portion of the interior of the building for office space.

I believe that this proposed work is in line with past uses since prior to 1970. Please let me know if you have any questions and whether any of this proposed work would require an Act 250 permit.

Thank you for your time,

Robert Dimmick, Owner
37 Central Street, LLC
802-369-0437

Itemized Property Costs					
From Table: MAIN Section 1		TOWN OF RANDOLPH		Record # 1274	
Property ID: 207024000		Span #: 507-159-13351		Last Inspected: 05/04/2006	
				Cost Update: / /	
Owner(s): CARROLL CONCRETE CO INC @ SHAUN CARROLL		Sale Price: 0		Book: Validity: No Data	
Address: PO BOX 1000		Sale Date: / /		Page:	
City/St/Zip: NEWPORT NH 03773-1000		Bldg Type: No Data		Quality: 0.00	
Location: 37 CENTRAL STREET		Style: No Data		Frame: No Data	
Description: 14 ACRES & CONCRETE PLANT		Area: 0		Yr Built: 0 Eff Age: 0	
Tax Map #: 51-51-017		# Rms: 0		# Bedrm: 0 # Ktchns: 0	
		# 1/2 Bath: 0		# Baths: 0	
Item	Description	Percent	Quantity	Unit Cost	Total
BASE COST					
ADJUSTED BASE COST					
Subtotal					
REPLACEMENT COST NEW					
REPLACEMENT COST NEW LESS DEPRECIATION					
LAND PRICES		Size	Nbhd Mult	Grade	Depth/Rate
SI Bldg Lot		2.00	1.50	1.10	72,600
AC Other		12.00	1.50	3.00	143,100
SITE IMPROVEMENTS		Hsite/Hstd	Quantity	Quality	
Water	n / n	Typical		Average	4,000
Sewer	n / n	Typical		Average	4,000
Landscape	n / n	< Typical		Below Avg	1,500
OUTBUILDINGS		Hsite/Hstd	% Good	Quantity	Rate. Extras
Batch Plant	n / n	80		3778	26.42
Hopper & Batcher	n / n	80		1	15,000.00
20 Ton Scale	n / n	25		1	5,000.00
Mat storag	n / n	10		760	2.05
Fuel Shed	n / n	75		84	20.00
TOTAL PROPERTY VALUE					348,300
NOTES					
14 Acres and Concrete plant. Original facility constructed in 1965 as a block structure on terraced land with at-grade access to the mezzanine (mixing control and office) level and also at lower (truck bay) level. Current owner acquired the property in 1997 and in 2001 improved the facility with new metal siding and a 16' deep addition to the truck bay.					
Valuation of the structure based upon Marshall Valuation Service (MVS) as follows:					
Low Cost quality Industrial Building (MVS Section 14 Page 14) with base cost of \$ 24.70 Sf; This base includes minimal lighting, an small office and half bath with limited heat and interior finish - reflective of structure as is.					
Mezzanine (636 Sf) - Avg class C with base cost of \$ 14.35 Sf. (MVS Section 14 Page 27). Wood / metal, no heat or finish - integrated into bldg Sf value. Hopper & Batcher is an estimate of the contributory value of these real property components (excluding controls and other personal property).					
Perimeter and Wall Height adjustments (1.145 & 1.0635, Resp.) - MVS Section 14 pgs 37 & 38. Base value per square foot value of \$ 33.02 reduced by 20 % for building condition. Small (144 Sf) concrete building ("Elevator Front-end Bldg" in diagram) considered part of batch plant value.					
20 Ton scales are older, platform (non-digital) scales considered 25% good with a base value of \$ 19,925 (MVS Setion 17 Page 55).					

SKETCH/AREA TABLE ADDENDUM

Parcel No 207024.000

SUBJECT

Property Address

City

State

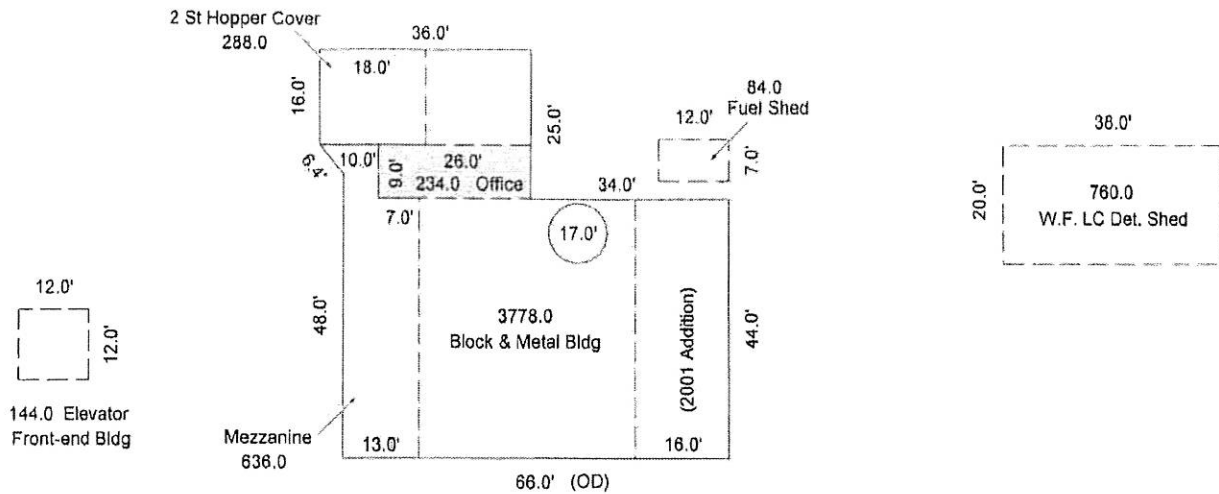
Zip

Owner

Client

Appraiser Name

IMPROVEMENTS SKETCH



Drive To Central Street

Scale: 1" = 20'

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
OTH	Storage	1.00	3778.00	275.4	3778.00

Comment Table 1

Comment Table 2

Comment Table 3



Newport Sand & Gravel Co., Inc.
P.O. Box 1000
Newport, NH 03773

603 863-1000
fax 603 863-3660

May 29, 2019

Mr. Robert Dimmick
New Tech Environmental
P.O. Box 91
Randolph Center, VT 05061

Re: 37 Central Street, Randolph, Vermont (formerly owned by Carroll Concrete)

Dear Robert:

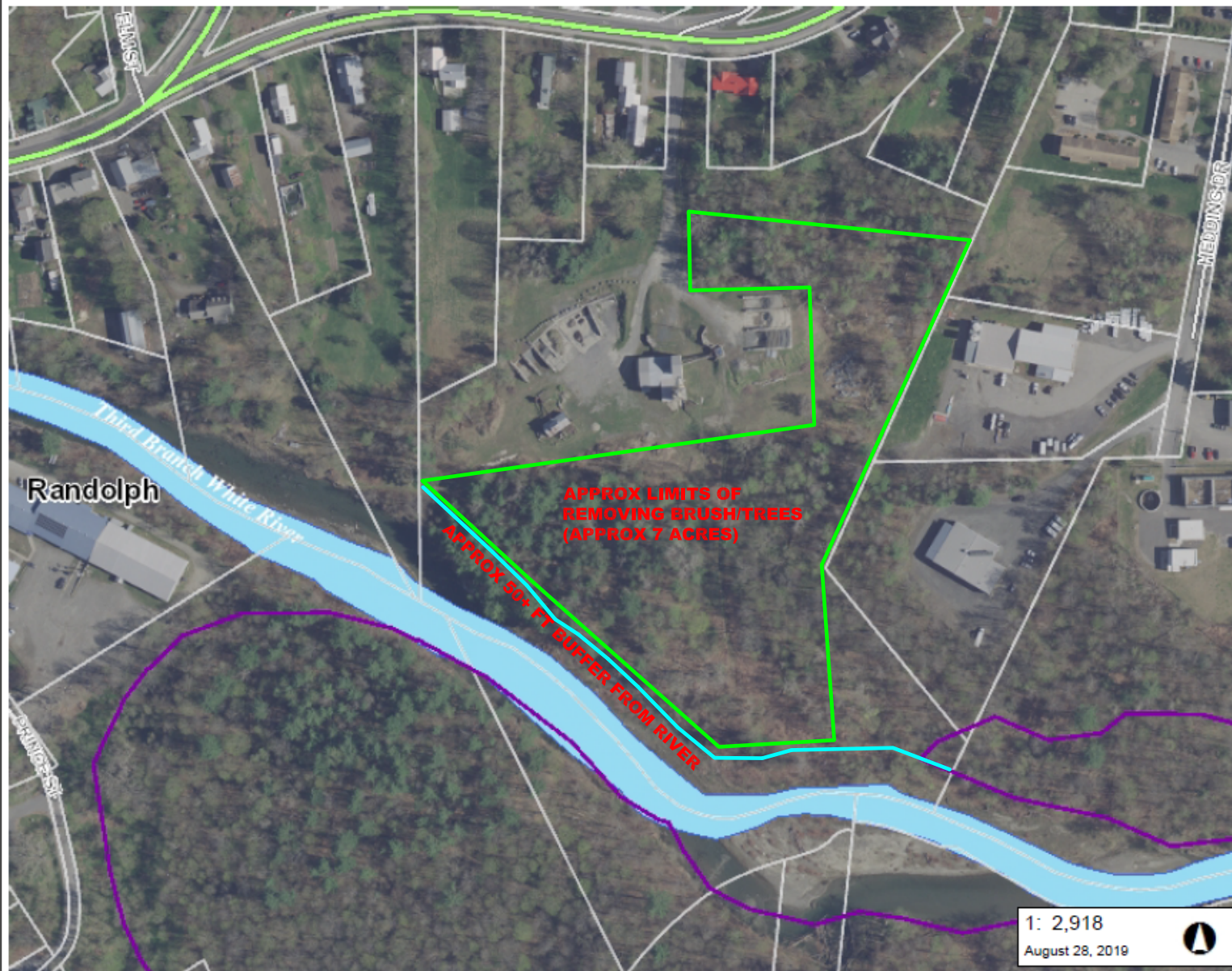
As we had previously discussed this past spring, the following is a summary of the various uses of our 37 Central Street property over the past few decades:

- Over the past 50 +/- years, the facility was used as a ready-mix concrete batch plant. During that time, raw materials in the form of sand and stone were stored outside the plant in stockpiles and cement was stored in silos on the property. Ready-mix concrete returned from jobs was placed in forms to make blocks that were sold for retaining walls, bunker silos, small bridge abutments, etc. These blocks were made in forms outside the building in the yard on concrete pads.
- We also poured pre-cast Redi-Rock retaining wall blocks in the yard.
- The property has been leased for the use of various contractors (Pike, T-Buck, Dale Percy, etc.) working on highway projects in the area on multiple occasions (Route #66, Route #12 and the Village of Randolph sewer line). The contractors placed job trailers on the property (which were used as office space) for their use. The building was leased to the contractor working on the sewer plant expansion for storage of new equipment until it was installed.
- Asphalt pavement grindings have been stockpiled on the property and then removed for recycling.

If you need further information, please do not hesitate to contact us.

Sincerely,

Shaun P. Carroll, Jr.
COO



LEGEND

- Wetlands Advisory Layer
- Significant Natural Community
- Parcels (standardized)
- Parcels (non-standardized)
- Roads**
 - Interstate
 - Principal Arterial
 - Minor Arterial
 - Major Collector
 - Minor Collector
 - Local
 - Not part of function Classification S
- Waterbody
- Stream
- Town Boundary

1: 2,918

August 28, 2019



148.0 0 74.00 148.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources

1" = 243 Ft. 1cm = 29 Meters
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

NOTES

Map created using ANR's Natural Resources Atlas

From: [Matteson, Linda](#)
To: [Robert Dimmick](#)
Cc: [Lutchko, Kim](#)
Subject: RE: Carroll Concrete property in Randolph
Date: Friday, September 6, 2019 2:45:00 PM
Attachments: [Carroll Concrete, Randolph, 111262.pdf](#)
[Carroll Concrete, Randolph, 052074.pdf](#)
[Carroll Concrete, Randolph, 050696.JPG](#)

Hi Mr. Dimmick, I will prepare a more formal jurisdictional opinion (JO) letter, but I thought I would let you know what my thoughts are so far.

I have looked at aerial photos from 1962, 1992 and 1996 (attached). Also, Google Earth shows that the riparian buffer held up well through Tropical Storm Irene (2011) despite significant flooding and deposition on other properties upstream and downstream of this property.

I drove to the end of Central Street yesterday on my way back from a meeting in Montpelier. I wasn't sure I'd have time to do this, otherwise I would have contacted you to give me a tour of the tree side of the property that you are proposing to clear. It appears that trees have always occupied most of the area that you are proposing to clear.

A "substantial change" to a pre-existing development (which this is because it predates Act 250 (June 1, 1970)) triggers the need for an Act 250 permit. "Substantial change" means any cognizable change to a pre-existing development which *may result* in significant adverse impact with respect to any of the 10 criteria that Act 250 addresses. Act 250 Rule 2(C)(7).

It is my opinion that clearing the trees and vegetation to expand the area for display and storage of items and materials is a substantial change. The potential impacts would be as they relate to Criteria 1 Stormwater, 1D Floodways, 1E Streams, and 4 Soil Erosion.

If you disagree with my opinion, when I complete the JO you can appeal my decision to the VT Superior Court, Environmental Division. I'm not sure when I will be able to complete the JO, so if you think that you will not appeal, then you could start the application process. The application would be for the expansion of the storage and display area, not the use of the building.

You can access the Act 250 permit application on our website at <https://nrb.vermont.gov/> . or the application, itself at <https://nrb.vermont.gov/sites/nrb/files/documents/act250appform.pdf> . There's a lot of information on our website. Even though the application may be daunting and overwhelming, you may be able to complete it on your own.

If you need assistance with the river corridor/floodways, please contact Ned Swanberg, the Agency of Natural Resources, Regional Floodplain Manager, at 802-490-6160 or email him at ned.swanberg@vermont.gov.

If you need assistance with or opening up the Act 250 application, please contact Kim Lutchko (802-289-0601 or kim.lutchko@vermont.gov) or me.

Thank you for the additional information and for contacting me. Linda

Linda Matteson, District Coordinator
100 Mineral Street, Suite 305
Springfield, VT 05156-3168
802-289-0598 (new phone number 9/22/16)
Linda.Matteson@vermont.gov
www.nrb.state.vt.us

From: Robert Dimmick <robert@weedprecast.com>
Sent: Tuesday, September 3, 2019 3:37 PM
To: Matteson, Linda <Linda.Matteson@vermont.gov>
Subject: Carroll Concrete property in Randolph

Linda,

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I believe that this proposed work is in line with past uses since prior to 1970. Please let me know if you have any questions and whether any of this proposed work would require an Act 250 permit.

Thank you for your time,

Robert Dimmick, Owner

37 Central Street, LLC

802-369-0437

11-12-62

VT-62 H 38-46

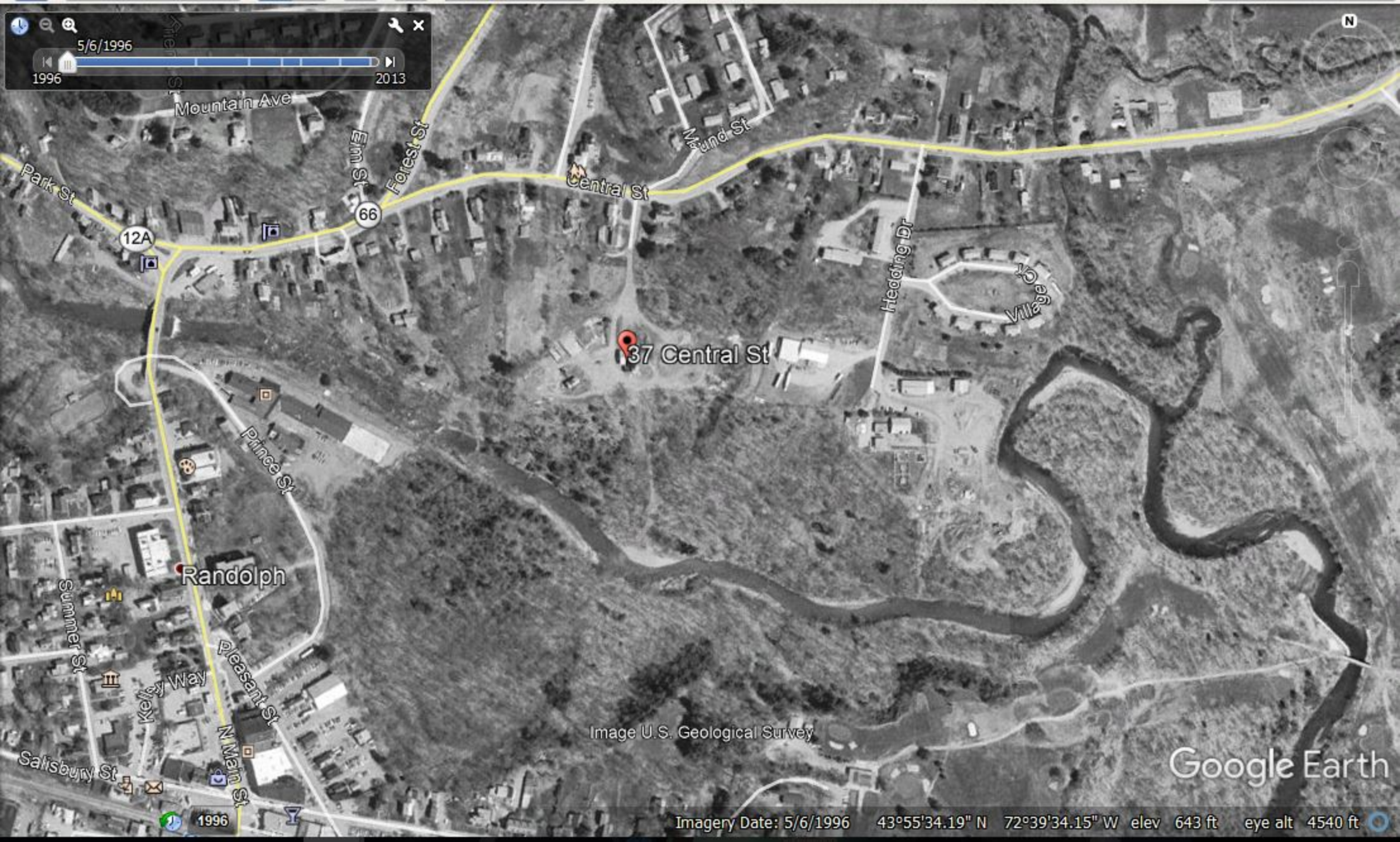


20 MAY 74 152.92

VT 7420

14-182





5/6/1996

1996

2013

Mountain Ave

Forest St

Central St

Hedding Dr

Village

37 Central St

Randolph

Image U.S. Geological Survey

Google Earth

Imagery Date: 5/6/1996

43°55'34.19" N

72°39'34.15" W

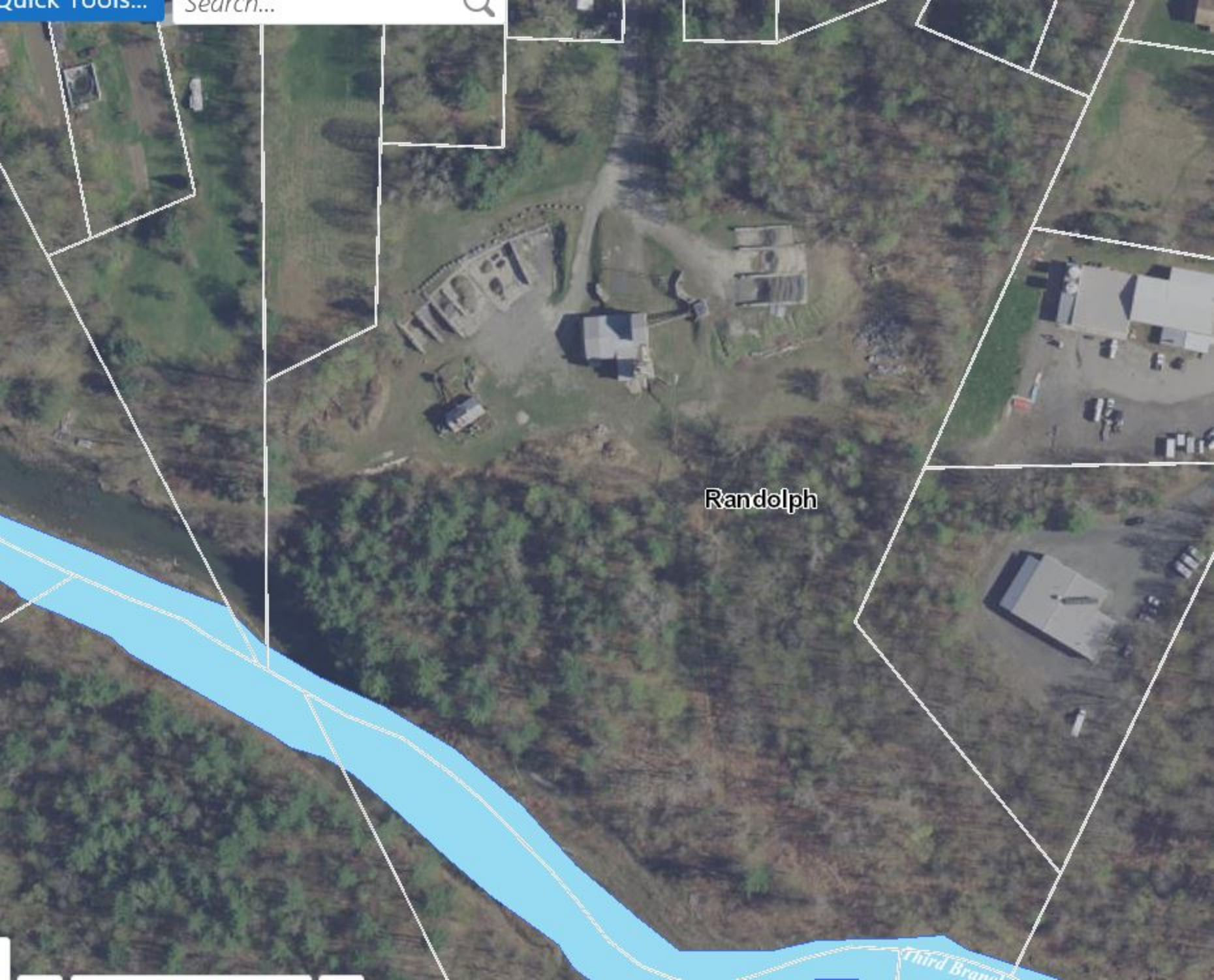
elev 643 ft

eye alt 4540 ft

From: [Matteson, Linda](#)
To: [Robert Dimmick](#)
Subject: Aerial of Carroll Concrete property
Date: Monday, September 9, 2019 12:48:00 PM
Attachments: [SnipImage.JPG](#)

Rob, I thought this aerial might help you identify the limits of the proposed clearing. See you on the 17th at 8:30. Sorry I can't get out there sooner. Linda

Linda Matteson
District Coordinator
District 3 Environmental Commission
100 Mineral Street, Suite 305
Springfield, VT 05156-3168
802-289-0598
Linda.matteson@vermont.gov
NRB



Randolph

Third Branch

From: [Robert Dimmick](#)
To: [Matteson, Linda](#)
Subject: Re: Aerial of Carroll Concrete property
Date: Friday, September 20, 2019 9:13:01 AM

Linda,

Thank you for taking the time to come out and walk the property with me earlier this week. I have revised my plan to limit the area to be cleared of brush and trees. My revised plan is to remove the obvious overgrowth that has encroached on the open space.

Please let me know if you have any further questions.

Thank you,
Robert Dimmick

From: Matteson, Linda <Linda.Matteson@vermont.gov>
Sent: Monday, September 9, 2019 12:48 PM
To: Robert Dimmick <robert@weedprecast.com>
Subject: Aerial of Carroll Concrete property

Rob, I thought this aerial might help you identify the limits of the proposed clearing. See you on the 17th at 8:30. Sorry I can't get out there sooner. Linda

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