FIRST ACT 250 HEARING: JANUARY 23 PART I

0:0 → 7:17 NORDLE: REVIEW OF PROJECT

7:40 → PRATT: REVIEW OF PROJECT

PRATT I think it's a really good thing for the town of Halifax to have something that they can say is from them. Discussion begins about ambiguous road nomenclature.

14:50 NORDLE Refers audience to **Exhibit 14** for road map of Halifax submitted to the Agency of Transportation, containing mileage calculations. TH52 is a Class 4 Road

JURISDICTION

26:33 Discussion regarding the site map presented by D.G. to clarify the different components of the route to be taken by haul trucks from their point of departure from the quarry site along the existing logging road, to the 90-degree left turn downhill to merge with TH 52 across from Judi Kotanchik's property (a Class 4 Road leading down to JSR).

GRAYCK: I wanted to clarify jurisdictional issues vis-à-vis the Commission, requesting that the entire existing logging road be considered within the jurisdiction of the Act 250 Commission.

NORDLE I'd like to make two clarification points: One is that the existing log road from TH 52 up to the point where the new road is proposed is not being altered, upgraded or changed as part of this project. It's been used for decades. It's staying just as it is. The other quick clarification is that the town highway map has the designation U on TH 52, and if you look at the table at the bottom of the map, U is identified as inaccessible or impassible, and the portion of TH 52 that this project would utilize is not in the unpassable section.

28:57 NHB Requests Jerry clarify exactly what "maintenance" would involve. Elicits response that "maintenance" activities would not involve any drilling, sawing, excavating or other activities of that sort.

HOW MUCH SCHIST CAN A SCHIST TRUCK SHIP IF A SCHIST TRUCK COULD SHIP SCHIST?

30:30 CHAIT When you describe taking out stone, you said stone we can manage. Is there a definition of either size or weight of what that block would be?

30:40 JP Well, if things go along the way they sound like they are, I would say that the block won't be over 20 tons.

SC Twenty tons or less.

JP Yeah . . . we have quite a density in this . . .

30:56 COMM Jerry, like I have no idea what 20 tons looks like.

31:03 JP This has got a density of approximately 160 pounds per cubic foot. So if you say 10 cubic feet, you would be talking 1600 lbs. So you'd say 10' x 1' x 1' would be that portion [1600 lbs]. Usually we would go with a 30" wide x "something high, depending on what was available, what the formation is" and not longer than 10 feet {indistinct word, but probably 'long'}. So, each block has to be able to go on a relatively light truck.

31:52 COMM So I know you said it, but how much would be able to go on each truck? The tonnage.

JP Whatever the truck road load limit is. So I don't know at this moment what that is.

CHAIR But you're able to calculate that you would only have to do two trips a day.

TOWN DUMP TRUCK = SCHIST TRUCK?

32:20 CHAIT Has it been decided, finally, what vehicle, truck you'd be using . . . .

CHAIR I think we oughta wait for these particulars when we get to that particular criterion.

NORDLE The town of Halifax operates road maintenance trucks, plow trucks on these roads. Jerry is able to conduct this operation with trucks of roughly the same size as the ones that the town of Halifax is currently utilizing in its fleet.

CHAIR And is that by weight or by dimensions?

JP It meets both the same criteria (weight and dimensions).

34:25 JACK ROSSETTI You must know the trucks you're using. You must be able to give us Gross Vehicle Weight.

JP Yeah, you've got it. It's on the permit.

JR What is it?

JP I don't know it personally . . . off hand . . . off the top of my head . . .

JR Roughly? . . . . . 70,000?. . . . . 80,000?. . . . .100,000 pounds?

JP I dunno! Does anyone from the town know what the weight is?

JR What do your trucks carry? Don't you have trucks?

JP I don't have trucks. I wouldn't have a truck for anybody.

JANUARY 23 PART II

WHERE'S THE WATER COMING FROM TO LUBRICATE ROCK SAW AND SUPPRESS DUST?

24:49 NORM FAJANS Does the rock saw use any water? How many gallons a day does that use.

JERRY PRATT Very little. I . . . . I don't know in actual gallons per day, but we only need to keep that moist. It's . . . it's to stop the dust from coming down.

NF Right . . .right, but it should be in your specs. You should know how much water that uses and where it's going to come from.

JP There's a formula for it. You gotta know the size of your wire, the distance it's traveling, and the rate that it's cutting, and that will tell you about what kind of water you need to be able to keep the thing cool.

NF OK . . . so . . . you've operated a quarry in Ashfield Massachusetts. You should have an idea about how much water is used . . . how much is required to run that saw?

NORDLE May I kind of redirect that question ? (To Jerry) What are we talking about in terms of orders of magnitude? Is it a gallon a day? Five gallons a day? Fifty gallons a day?

JP I'll say a hundred gallons a day, but I don't really . . . . I can't accurately answer that at this juncture. I don't even know how that's going to go, but . . . .. we'll say a hundred gallons a day.

NORDLE At your existing quarry, where do you get that water?

JP		We don't use this process (rock saw).
NF		So the bottom line is . . . . you don't know!
JP		I don't know which application you're under . . . OK?

DISCREPANCY BETWEEN TRUCK TRIPS AND EXTRACTION TOTALS

2:02:57	GRAYCK	One thing that I've tried to understand is on the one hand we have the very low, admittedly low truck rate. There's no dispute that five trips per week [NHB: This is not right – the application calls for 10 trips per week out of the quarry = 2 haul trips out of the quarry per day] is extremely low. But I don't understand and I would like you to explain to me how on the one hand there's such low haulage but such a high volume of excavated material. Could you explain that to me?
2:03:36	JP	Well, again, this is speculation in other words, we're only going to take out what's available as we excavate. Every rock that comes out doesn't . . . doesn't make the standard. Those are the ones we're going to put back into the reclaim. Is that the question?
2:03:56	DG	Yes, in part, and I do appreciate your answer, but again, I'm trying to understand – when I look at a quarry, I look at the extraction rate and I when see a big number, and I assume I'm going to see a really big number of truck trips. But here, you've got . . . you've got . . . tell me what you think your yearly extraction rate will be.
2:04:21	JP	→ → Well, I can only say that uhh . . .right now, our application is asking for two trucks a day, and the maximum that one of those trucks can carry I believe is 20 tons, so . . . . not more than 40. [NHB: tons per day].
2:04:35	DG	Right . . . and that's . . . what I'm really looking at is how much stuff do you want to be able to physically disturb and sift to look for the good quality (stone) per year? In other words, I know that you're only proposing ten truck trips per week . . .
2:04:53	JP	Yeh . . .
2:04:54	DG	And that's really low!
2:04:57	JP	Uh huh . .
2:04:58	DG	But the application is to excavate a large amount of material. And I don't like using the term large. I'd like you to tell me how . . . it's probably in the application – I could look for it – but just how many cubic yards of material do you want to be able to scoop out and look at to then decide what to truck out?
2:05:20	JP	I try to use everything, all the way down to the dust! And uh because of the way this is formed ahhm I can just say that the maximum amount I can take out is two . . .if I get the permit . . . is two truckloads a day, five days a week . . . ten loads a week. Ahh the amount of material that I have to move is depending on how long the shelf is . . . and . . . and (sound of paper display moving) . . this shelf right here is a relatively short one, so we'll move that material to get that . . .
2:05:58	DG	So, so to get a good vein, you don't have to do a lot of digging. But if you don't hit a good vein, you gotta go look for it . . .
2:06:03	JP	No, this is the vein
2:06:05	DG	So, if you hit a good area, yuh got it, you cut it, yuh haul it out. But is there something in the nature of the schist or the deposit that means that the amount that you actually have to excavate out of the hillside is. . is larger than what you're going to be hauling off? I'm trying to see whether you applied for a weekly excavation rate, a yearly excavation rate, a maximum excavation rate . . .
2:06:39	JP	They asked us to estimate the extraction . . . there's a very specific program and uhm . . .
Commissioner		Wanna look at it? (Sound of paper shuffling) It's right there
	JP	It is?
Commissioner		Mmm hmm
		The overall says that we would be able to uhhh remove about one million cubic yards in 50 years and . .
2:07:51	NORDLE	The application was based on a proposed total extraction of 246,000 cubic yards over 50 years, which is roughly 5,000 cubic yards a year. It's right in Schedule A.
2:08:37	DG	Did you hear what Chris just said? About the extraction rate?
2:09:48	NORDLE	Two trucks a day with an ideal-sized stone is going to hit 246,000 cubic yards at the end of 50 years.
2:10:05	DG	Right . . . so can you give me some sense of the relationship between how much you actually have to scoop out of the ground to get your two truckloads . . . it could be one-to-one, or it could be ten-to-one. It just depends?
2:10:20	JP	Uh . . you know there isn't much overburden on that and I can see a lot of it (the schist veins), and I don't think I'm going to have to . . . . next two minutes or so of the audio provides no relevant discussions.
2:12:32	DG	**I guess (this question is) more to the Commission. Relative to the issues we've been discussing and in addition to the applicants' consideration, the truck number . . the truck trips . . . it's only 10 per week . . . and . . . and if the applicant . . . uhm . . . has a position on whether that limit could be a "Critical Permit Condition", then I think we could really speed things along.** And there's also the issue of jurisdiction. And it was helpful to have that explanation - the relationship between the cubic yardage and the haulage. That has been confusing to us. That's it for now.
2:13:29	Comm. Chair	Well the applicant has requested the 10 trips a week and I don't think the commission is going to take a position on reviewing that and see if we should increase that.
2:13:37	DG	**Yes, I know that, but I'm also aware of this commission's decision in a case in . . . uhm . . it was Chester, and I think it was before you were on the commission then, and there was a quarry that was approved and it was "We're approving this quarry, and we're going to make some of this conditions critical permit conditions so that if there is an amendment in the future it would have to first undergo 'Flexibility vs Finality' analysis".**
2:14:07	Comm. Chair	I understand your point.

2:14:09 DG — And so that's . . . again . . . given the high extraction rate, and the low truck trips . . . **My hope is that Mr. Pratt will choose to retire and sell his business someday, that there could be a concern that in the future, that there could be a sudden and dramatic increase in the number of truck trips. And I just didn't understand the juxtaposition of such low truck numbers relative to extraction rates.**
[NHB: The intervening 12 minutes involved several further questions specifically about physical and fiscal details of the proposed reclamation process.

2:26:55 Comm. Chair — Yes sir . . . in the back.

NHB — Just two points. 30 x 30 [referring to the height and width of the benches] generates a 45 degree angle. But the question I have, and I think I heard you correctly, and I think the recorder will bear this out and I may → → be wrong, but Jerry, I think you earlier said "Right now" only two truckloads per day [misspoke here – I Should have said per week] . . . maybe that was just a casual statement . . .and maybe there was nothing behind it, but . . .

2:27:19 Comm. Chair — (Interrupting) That's what's in the application, sir.

2:27:21 NHB — "Right now?" . . .

2:27:23 Comm. Chair — Right now . . . . per day, not per week.

2:27:27 NHB — But that [qualifying phrase] implies there might be something other coming down the road . . .

2:27:32 Comm. Chair + Additional Commissioner (Protesting in near unison) No !. . No.!

2:27:32 Comm. Chair — We will be making a decision based on the applicant's request of taking two truckloads a day of the material out of that site.

2:27:40 NHB — For 50 years?

2:27:42 Comm. Chair — For 50 years.

2:27:44 NHB — OK . . . Thank you.

NHB: This section (2 of 3) of the audio record for January's 250 Hearing continues for nearly six more minutes, concluding @ 2:33:25.

Carl Barmen asks about source of topsoil to layer over retained schist debris, and whether there will be enough to permit regrowth of vegetation, since the topsoil may just sift down deep into the crevices between the debris, or be carried deep and inaccessible to plantings by subsequent rain events. Wonders therefore whether Pratt will need to bring in soil. Pratt declares that he does not intend to bring in any soil. Carl says OK, as long as there aren't any big crevices. Pratt states that they've been asked to leave crevices or openings to encourage bobcat habitat.

Judi Kotanchik comments that it's been stated that there will be a review of the reclamation process and outcome and asks whose responsibility it would be to review the adequacy of the reclamation, especially as it will be a "restore as you go" process. "Who does that?"
Chair responds that ANR would have responsibility for "some of the permits" and that "the various permits stipulate the time frame". Another commissioner adds that "People who might be hiking around or who live in the community could notify April if they see anything that looks inappropriate. Then from the Chair, a bit of jocularity about "April not being around in 50 years. . . . "so who knows?", prompting laughter around the front desk. Chair adds that the Commission itself does not have responsibility to evaluate compliance with reclamation plans. Bottom Line: No direct or meaningful response to Judi's question. ("So who knows?")

Pete Silverberg asks about when the boulder barriers and fencing go up along the upper border of the excavation area - - as the benches are cut out, or will that wait for 50 years? Pratt states the boulders and fence will be placed and installed after they cut the first bench, stating that "Mine Safety covers that . . . they want those boulders everywhere".

Section 2 of 3 then concludes with a discussion between DG and Chair about prospective witnesses and other housekeeping chores for the final portion of the hearing.

Proposed Quarry in Halifax

Several years ago a logger working in Halifax, Vermont, came upon a half dozen rough cut stones that appeared to be either lintels or stones for a stoop. The stones were cut from an outcropping of schist, located in the heart of a 1200-acre parcel purchased by Carroll Avery Denison, the grandfather of Russell Denison, in 1937.

The old quarry must have been in existence before the 1850s since there is no mention of it in the Halifax town records after 1854. The stone is black schist which sparkles similar like a moonbeam on pond.

Russell Denison and Jerry Pratt, a co-owner of Ashfield Stone [www.ashfieldstone.com] in Shelburne Falls, MA, are exploring the possibility of reopening this old quarry. If permitted, the quarry would provide stone for countertops, floor tiles and other artistic and architectural uses.

The stone would be trucked to a processing center in Shelburne Falls, which is 17 miles from Halifax. A maximum of five trucks a week would move stone whenever road conditions and weather permitted. The trucks would be tri-axel flatbed trucks similar to the one in the picture and would move after and before the higher traffic times. Stone would be moved by Devonport Trucking out of Greenfield, Massachusetts. Additional equipment needed in the quarry would include a loader, excavator, and tractor. The most likely trucking route would travel two and a half miles over town roads to MA-112 South.

Approximately five workers will be in the quarry working when stone is being extracted. Job preference will be given to residents of Halifax. No drilling or blasting will be used to extract stone. Meyers or wire saw systems will cut the stone into large blocks on site.

Ten acres will be set aside for the quarry, staging area, worker parking lot and personnel building. The ten acre site is completely surrounded by a 1200-acre wooded parcel. The entire parcel is within the conservation district which allows for mineral extraction as a conditional use. Applications will be filed for all necessary permits in the coming months.

If you have questions please email them to RussellDenison@msn.com or call Russell at (904) 806-1131.

November 17, 2012