



## LAND USE PERMIT

**CASE NO:** 3W1044(Altered)  
**PERMITTEES:** Ridge Road Quarry, LLC  
**ADDRESS:** 1333 College Parkway, #333  
Gulf Breeze, FL 32563  
and  
Sprague Farms, LLC  
1333 College Parkway, #333  
Gulf Breeze, FL 32563

**LAWS/REGULATIONS INVOLVED:**  
10 V.S.A. §§ 6001 - 6092 (Act 250)

District Environmental Commission #3 hereby issues Land Use Permit #3R1044(Altered), pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6092. This permit applies to the lands identified in Book 132, Page 540, of the land records of the Town of Randolph, Vermont, as the subject of a lease to Ridge Road Quarry, LLC and a deed to Sprague Farms, LLC, the permittees as grantees.

**This permit specifically authorizes the permittees to construct a 2,600-foot access road leading to an inactive quarry site and resumption of quarry operations including blasting, crushing and the sale of stone. The project is located off Ridge Road.**

The project is subject to Act 250 jurisdiction because it is construction of improvements for a commercial purpose on more than 10 acres of land in Randolph. See 10 VSA § 6001(3)(A)(I) and Project Review Sheet dated March 31, 2010. Under 10 VSA § 6001(3)(D)(I), farming activities that are not related to the proposed development are not included in the jurisdiction under 10 VSA § 6001(3)(A)(I); therefore, jurisdiction is limited to the 40 acres involved in the project area as the remainder of the tract of land is and remains to be used for agricultural purposes.

The permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Environmental Commission in accordance with the following conditions:

1. The project shall be completed, operated and maintained in accordance with: (a) Findings of Fact and Conclusions of Law #3R1044, (b) the plans and exhibits on file with the District Environmental Commission, and (c) the conditions of this permit.
2. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the District Environmental Commission, whichever is appropriate under the Act 250 Rules.

3. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the permittees and their successors and assigns.
4. 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, as provided by 10 V.S.A. Chapter 151 and the rules of the Natural Resources Board.
5. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
6. This permit hereby incorporates all of the conditions of the Wastewater System and Potable Water Supply Permit #WW-3-10319 issued on April 16, 2010, by the Assistant Regional Engineer, Wastewater Management Division, Agency of Natural Resources. Any subsequent non-material changes to the ANR permit shall be incorporated herein automatically.
7. The permittees shall apply and maintain calcium chloride and/or water on all roadways or disturbed areas within the project during construction as needed and until pavement and/or vegetation is fully established to control dust.
8. The hours of operation shall be limited to be from 7:00 a.m. to 5:00 p.m., weekdays, April 1<sup>st</sup> through October 15<sup>th</sup>. In emergencies (such as natural disasters), operations may occur outside of these times and a report documenting the nature of the emergency and the dates and times when trucking occurred shall be submitted to the Commission within three business days of the emergency. Periodic maintenance of the site and equipment on weekends or days outside the operating season is permitted between the hours of 7:00 a.m. to 5:00 p.m and such maintenance days are limited to 20 days per calendar year.
9. There shall be a maximum of 64 trips (32 loads) per day. Once a truck driver moving in or out of the project site observes children present on Ridge Road awaiting school bus pick up or after school bus drop off, the truck driver shall report their presence to other drivers working on the project site. All truck drivers shall remain on the project site until the children have been picked up by the school bus or for no fewer than 15 minutes following school bus drop off to allow sufficient time for the children to reach their homes safely.
10. The permittees shall comply with all of the conditions of the following Agency of Natural Resources Permits: Discharge Permit #3-1537, issued on July 5, 2011, by the Water Quality Division; and Multi-Sector General Permit #6522-9015 (MSGP) issued on February 1, 2011, by the Water Quality Division.

11. The permittees shall dispose of any extracted stumps onsite a minimum of four feet above the seasonal high-water table.
12. The permittees shall employ all noise mitigation measures outlined and recommended in Exhibits D, 22, 44 and 48. This includes the deployment of all permanent and portable barriers that can be used in each phase to minimize noise. Any changes in the noise mitigation strategies, such as newer drilling technology, must be approved in advance by the Commission and must provide equal or improved noise reduction.
13. The maximum noise levels from operations on the site, including trucking, but excluding blasting noise, shall not exceed 55 dbaLmax at any residences and areas of frequent use.
14. The permittees shall ensure that reasonable precautions are taken at all times to control fugitive particulate matter (dust) emissions from the site including the haul roads, traffic areas, storage piles, exposed surfaces and any site operations such as drilling, blasting, crushing and processing of materials. This shall include the application of water or calcium chloride as necessary to the haul roads, traffic areas and storage piles and the covering of all trucks entering, exiting or operating at the site that are loaded with materials that may generate fugitive dust. In addition, the permittees shall not allow the operation of a gravel or stone crushing plant on the premises with a maximum rated capacity (based on the crusher's largest possible setting and maximum throughput, not actual operating rate) of greater than 150 tons per hour, unless said crushing plant has a permit to operate from the District Environmental Commission and the Vermont Air Pollution Control Division.
15. The permittees shall ensure all feasible efforts are employed to retain existing vegetation to screen the project from the views of neighboring properties and Ridge Road.
16. The permittees shall perform water quality testing to create a baseline of water quality for neighboring residences, and the permittees shall perform water quality testing after one, two and five years of operation. Should a problem arise as a result of permittees' activities, the permittees shall be responsible for correcting such water quality issue. The District Environmental Commission reserves the right to evaluate and impose additional conditions with respect to Criterion 3.
17. The permittees shall comply with Exhibits #D, 1B-1I, 44 and 49 for erosion control. The permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. The District Environmental Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control as it deems necessary.

18. All mulch, hay bales, siltation dams, water bars and other temporary devices shall be installed immediately upon any soil disturbance and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
19. The Permittees shall post a financial guarantee in the amount of \$10,000.00 for the reclamation of the project site. The financial guarantee may be in the form of a bond, escrow agreement or an irrevocable letter of credit from a recognized lending institution. The content of the document establishing the financial guarantee is subject to the approval of the District Commission. This document must be filed with the District Commission at least one week prior to the commencement of construction and shall remain in effect until the District Commission certifies that reclamation has occurred.
20. No more than two phases of the operation may be open at a time. Only one of the two open phases may be used for extraction purposes at any given time. The other open phase must be in a stage of reclamation, and reclamation must be completed prior to the opening of an additional stage.
21. The permittees shall only access the project site as shown on Exhibit 1F. Use of any other access point shall require the written permission of the District Environmental Commission. The access road shall be gated during non-business hours.
22. All disturbed areas of the site shall be stabilized, seeded and mulched from October 1 to April 15. No earth disturbance is permitted during this period without prior written approval from the District Environmental Commission.
23. In addition to conformance with all erosion control conditions, the permittees shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the permittees from compliance with 10 V.S.A. Chapter 47, Vermont's Water Pollution Control Law.
24. Except as described below, the permittees shall maintain a 50-foot undisturbed, naturally vegetated, unmowed buffer strip from the top of the bank of all watercourses/wetlands on the project site and any disturbed areas. Snowplowing or storage of any materials within the stream/wetland buffer shall not be permitted. Temporary disturbance of the buffer only is permitted as discussed Exhibits D and 1E, and applicants must construct their project according to Exhibit 1E.
25. All stumps shall be disposed of on-site above the seasonal high water table or at a State-approved disposal site so as to prevent groundwater pollution.

26. The permittees and all assigns and successors in interest shall continually maintain the planting as approved in Exhibits D, 1, Sheet 2 and Exhibit 21 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
27. Other than as described in Exhibits D and 20, the permittees shall not erect (additional) exterior signage without first obtaining approval from the District Environmental Commission. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs.
28. No further subdivision, alteration, and/or development of any parcel of land approved herein shall be permitted without the written approval of the District Environmental Commission.
29. The permittees shall file a certificate of actual construction costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Environmental Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the permittees shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, National Life Records Center Building, National Life Drive, Montpelier, VT 05620-3201; Attention: Certification.
30. This permit shall expire on October 1, 2027, unless extended by the District Environmental Commission.
31. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the permittees have not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).

Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6027(g).

Dated at Springfield, Vermont, on December 8, 2011.



By \_\_\_\_\_  
Joshua B. Powers, Chair  
District #3 Environmental Commission  
Natural Resources Board

Members participating in  
this decision:

Susan B. Ford  
Roderick J. Maclay

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Any **appeal** of this decision must be filed with the Superior Court, Environmental Division, 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 and the 5% surcharge required by 32 V.S.A. § 1434a(a), which is \$262.50 as of January 2011.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district environmental commission. Please note that there are certain limitations on the right to appeal. See 10 V.S.A. § 8504(k).

For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call 802-828-1660. The Court's mailing address is: Superior Court, Environmental Division, 2418 Airport Road, Suite 1, Barre, VT 05641-8701.