



LAND USE PERMIT AMENDMENT

State of Vermont
Natural Resources Board
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
<https://nrb.vermont.gov/>

[phone] 802-879-5614

CASE NO: 4C0824-4A

Rice Lumber Company, Inc.
and Rice Realty, Inc.
4088 Shelburne Road
Shelburne, VT 05842

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 4 Environmental Commission hereby issues Land Use Permit Amendment #4C0824-4A, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 44 Page 299, Book 45 Page 369, Book 62 Page 198, and Book 44 Page 97 of the land records of the Town of Shelburne, Vermont.

This permit specifically authorizes (i) subdivision to create Lot 4A and Lot 5A, and a lot line adjustment, all resulting in the following new or revised lots: revised Lot 2, 3.66 acres; revised Lot 4, 1.73 acres; Lot 4A, 1.70 acres; revised Lot 5, 2.52 acres; Lot 5A, 2.06 acres; revised Lot 6, 2.57 acres; Lot 6A, 2.23 acres; revised Lot 7, 4.04 acres; revised Lot 8, 2.87 acres; revised Lot 9, 3.01 acres; and no changes to Lot 1 (7.53 acres) and Lot 3, 2.90 acres), and (ii) earthwork and rock removal on Lots 4A and 5A, with re-grading of Lots 4, 4A, 5 and 5A, and authorized removal of excess material.

The project includes drilling and blasting over a ± 35-day duration and is located at 4188 Shelburne Road in Shelburne, Vermont.

Jurisdiction attaches because the project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. 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 4 Environmental Commission (the "Commission") in accordance with the following conditions.

2. The project shall be completed, operated and maintained in accordance with: (a) the conditions of this permit, (b) Findings of Fact and Conclusions of Law #4C0824-4A, and (c) the permit application, plans, and exhibits on file with the Commission and other material representations. In the event of any conflict, the terms and conditions of this permit and the conclusions in the findings shall supersede the approved plans and exhibits.
3. The approved plans are:
Sheet C2.0 – “Proposed Grading Plan,” dated May 2020, last revised 12/22/20 (Exhibit #005);
Sheet C3.0 - “EPSC Plan,” dated May 2020, last revised 12/22/20 (Exhibit #006); and
Sheet FP-1 – “Final Plat,” dated February 7, 2020 (Exhibit #008).
4. All conditions of Land Use Permit #4C0824 and amendments are in full force and effect except as further amended herein.
5. The Permittees shall comply with all of the conditions of the following Agency of Natural Resources Permit:
Authorization of Notice of Intent #6968-9020.2 under Construction General Permit 3-9020 issued on March 10, 2021 by the ANR Watershed Management Division.
6. Any nonmaterial changes to the permit listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
7. 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.
8. A copy of this permit and plans shall be on the site at all times throughout the construction process.
9. No change shall be made to the design, operation or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
10. No further subdivision, alteration, and/or development on the tracts of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
11. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.

12. 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.
13. The Permittees shall not allow the operation of a 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 approval to operate from the Vermont Air Quality and Climate Division. The Permittees shall take reasonable precautions to prevent and control fugitive particulate matter (dust) emissions from the Project. Reasonable precautions to be taken shall include the following measures or other equally effective measures for Project operations and activities under the Permittees' control or supervision:
 - a. The unpaved traffic and parking areas at the Project shall be periodically maintained by the application of water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, which are applied at a rate and frequency to effectively limit visible dust emissions.
 - b. Any paved traffic and parking areas at the Project shall be periodically maintained as necessary to prevent buildup of material that may generate fugitive dust emissions. Sweeping shall be performed in a manner to minimize fugitive dust air emissions, and may include lightly wetting the paved surface immediately before sweeping, or preferably by the use of a vacuum, regenerative, or high efficiency sweeper.
 - c. All trucks owned, operated or under the control of the Permittees shall be securely covered when operated on public roadways and when loaded with materials that may generate fugitive dust.
 - d. All rock drills operated at the Project shall be equipped and operated with either an effective wet or dry dust control system.
 - e. All unenclosed crushing and dry screening operations shall be equipped with a wet dust control (suppression) system with spray nozzles at appropriate locations and shall be operated as necessary to effectively limit visible dust emissions.
 - f. Active storage piles shall be periodically maintained by application of water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, which are applied at a rate and

frequency to effectively limit visible dust emissions. Inactive storage piles and exposed surfaces shall be revegetated as soon as reasonably practicable.

The Permittees shall ensure that any dust control measures taken in accordance with the conditions listed above are in compliance with all other State and Federal requirements.

14. The Permittees shall implement the Agency of Natural Resources Vermont Department of Environmental Conservation's *Best Management Practices for Blasting Activities to Avoid Environmental Contamination (2016)* (Exhibit #010).
15. If a spill or release of any toxic substance occurs within a source protection area (SPA), the Permittees or their representative must immediately report the spill or release to the Vermont Department of Environmental Conservation Spills Program and the SPA's water system owner or operator. The Spills Program can be reached during regular office hours at 802-828-1138 or via the 24-hour hotline at 800-641-5005. Any person reporting a spill or release must speak directly with a Spills Program representative and cannot report by email, text, or other written form of communication. The person reporting a spill or release must provide water system identification number VT0005092 to the Spills Program. The Permittees must provide instructions, with contact phone numbers, for reporting a toxic substance release to all contractors for the Project and those instructions must be displayed on site.
16. Snowy owls are listed as protected under the Migratory Bird Treaty Act, 16 U.S.C. §§703-712, and as such, harm to or death of a snowy owl that was a direct and foreseeable result of human activity is prohibited under Vermont law (see 10 V.S.A. § 4902). Snowy owls are typically present in Vermont in winter months, and a snowy owl was recently present at the Project site in winter months. Permittees shall take all necessary measures to prevent harm or death to any snowy owls if the species is present at or near the site, and will cease or postpone blasting and crushing activities if a snowy owl is present or re-appears following a recent sighting (noting that the expected blasting and crushing schedule does not coincide with winter periods when potential for snowy owl presence is greater).
17. Construction hours shall be limited to 7:00 AM to 7:00 PM Monday to Friday, 7:00 AM to 5:00 PM on Saturdays, and 8:00 AM to 3:00 PM on Sundays. In addition, blasting and crushing hours shall be limited to 8:00 AM to 6:00 PM Monday to Friday, and 8:00 AM to 5:00 PM on Saturdays, with no blasting or crushing on Sundays.
18. A copy of the approved erosion prevention and sediment control plan shall be on the site at all times during construction.

19. In addition to conformance with all erosion prevention and sediment 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. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
20. Prior to any site work, the Permittees shall install and maintain temporary fencing along the tree line to be retained and around trees to be retained.
21. The Permittees shall not erect additional exterior lighting or signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
22. The Permittees shall provide each prospective purchaser of any interest in this project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
23. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittees has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
24. All site work and construction, including reclamation of all earth extraction areas, shall be completed in accordance with the approved plans by October 15, 2022, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
25. 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. 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, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
26. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated at Essex Junction, Vermont, this 21st day of April, 2021.

By /s/Thomas A. Little, Chair
Thomas A. Little, Chair
District 4 Commission

Members participating in this decision:

Parker Riehle

Monique Gilbert

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

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. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also 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 Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

State of Vermont

Natural Resources Board

District 4 Environmental Commission

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CASE NO: 4C0824-4A

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Shelburne, VT 05482

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6111 (Act 250)

I. INTRODUCTION

On January 15, 2021, Rice Lumber Company, Inc. and Rice Realty, Inc. filed an Act 250 application for a project generally described as a subdivision to create Lots 4A and 5A in the Rice Lumber PUD; PUD lot line adjustments; and extraction of approximately 78,200 CY of rock to remain and be re-graded within the PUD project site, and to be removed off-site. The project includes drilling and blasting over a ± 35-day duration and is located at 4188 Shelburne Road in Shelburne, Vermont. This project will be evaluated by the District 4 Environmental Commission in accordance with the 10 environmental criteria of 10 V.S.A., § 6086(a). The application was deemed complete on February 3, 2021 after the receipt of supplemental information. A copy of the application and plans for this project are available for review online at the Natural Resources Board web site (<http://nrb.vermont.gov>) by clicking on "Act 250 Database" and entering project number 4C0824-4A. The project is located at 4188 Shelburne, Road, Shelburne, Vermont. The Applicants' legal interest is ownership in fee simple described in deeds recorded in Book 44 Page 299, Book 45 Page 369, Book 62 Page 198, and Book 44 Page 97 of the land records of the Town of Shelburne, Vermont.

The application, first submitted on January 15, 2021 was determined to be incomplete under Act 250 Rule 10(D) for reasons stated in a letter from the District Coordinator to the Applicants dated January 29, 2021. The application was deemed complete on February 3, 2021 upon receipt of the required supplemental information.

The Commission held a Prehearing Conference on this application on March 15, 2021. The Commission also conducted a site visit earlier in the day on March 15, 2021 and placed its observations on the record. The Commission held a Hearing on this application on March 26,

2021. The Commission adjourned the hearing on April 16, 2021 upon completion of Commission deliberations.

As set forth below, the Commission finds that the project complies with 10 V.S.A § 6086(a) (Act 250).

II. JURISDICTION

Jurisdiction attaches because the project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

III. OFFICIAL NOTICE

Under 3 V.S.A. § 810(4) of the Administrative Procedure Act (“APA”), notice may be taken of judicially cognizable facts in contested cases. See 10 V.S.A § 6007(c) and 3 V.S.A. § 801(b)(2). Under § 810(1) of the APA, “[t]he rules of evidence as applied in civil cases . . . shall be followed” in contested cases. Under the Vermont Rules of Evidence, “(a) judicially noticed fact must be one not subject to reasonable dispute in that it is . . . (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” V.R.E. 201(b); See *In re: Handy*, 144 Vt.601, 613 (1984).

The Commission may take official notice of a judicially cognizable fact whether requested or not and may do so at any stage of the proceeding. See V.R.E. 201(c) and (f). Under 3 V.S.A. § 809(g), the Commission may make findings of fact based on matters officially noticed. A party is entitled, upon timely request, to an opportunity to be heard as to the propriety of taking official notice and the tenor of the matter noticed. See V.R.E. 201(e).

Accordingly, official notice is hereby taken of Exhibit 015 (Individual Stormwater Discharge Permit 6968-INDS.R, issued on November 14, 2018) subject to the filing of an objection on or before thirty days from the date of this decision pursuant to Act 250 Rule 6.

IV. AMENDMENT APPLICATION - RULE 34(E)

The threshold question on an amendment application is “whether the applicant proposes to amend a permit condition that was included to resolve an issue critical to the issuance of the permit.” Act 250 Rule 34(E)(1).

In this application, the Applicants do not seek to amend any such critical permit condition, so the Commission may consider the merits of the amendment application without conducting the rest of the Rule 34(E) analysis.

V. PARTY STATUS AND FRIENDS OF THE COMMISSION

A. Parties by Right

Parties by right to this application pursuant to 10 V.S.A § 6085(c)(1)(A)-(D) and who attended the Prehearing Conference and Hearing are:

- (i) The **Applicants**, by James Carroll, and David Marshall, P.E., of Civil Engineering Associates, who both attended the site visit, Prehearing Conference, and Hearing; by Louis Rumore, Owner, Capital Rock (blasting contractor), who attended the Hearing; and by Mark Sammut, Wright & Morrissey (general contractor), who attended the Hearing.
- (ii) The **Chittenden County Regional Planning Commission (“CCRPC”)**, by Charlie Baker, Executive Director, through an entry of appearance dated March 4, 2021 (Exhibit 009). CCRPC is a statutory party.
- (iii) The **Vermont Agency of Natural Resources (“ANR”)**, by Kevin Anderson, Regulatory Policy Analyst, who attended the Prehearing Conference and Hearing; and by Toni Mikula, Fish and Wildlife Specialist, who attended the Hearing. ANR is a statutory party.

B. Interested Parties

Any person who has a particularized interest protected by Act 250 that may be affected by an act or decision of the Commission is also entitled to party status. 10 V.S.A § 6085(c)(1)(E).

No other persons were present at the Prehearing Conference or Hearing and no requests for party status or Friends of the Commission status were made.

VI. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Applicants have met the burden of proving compliance with the following criteria through submittal of the application:

- | | |
|---|---------------------------------------|
| 1 - Water Pollution | 7 - Municipal Services |
| 1(A) - Headwaters | 8 – Natural Areas |
| 1(C) - Water Conservation | 8 – Historic Sites |
| 1(D) - Floodways | 9(A) - Impact of Growth |
| 1(E) - Streams | 9(B) – Primary Agricultural Soils |
| 1(F) - Shorelines | 9(C) - Productive Forest Soils |
| 1(G) – Wetlands | 9(D) - Earth Resources |
| 2 – Water Supply | 9(E) - Extraction of Earth Resources |
| 3 – Impact on Existing Water Supplies | 9(F) - Energy Conservation |
| 4 – Soil Erosion | 9(G) - Private Utility Services |
| 5(B) – Transportation Demand Management | 9(H) - Costs of Scattered Development |
| 6 - Educational Services | 9(J) - Public Utility Services |

9(K) - Effects on Public Investments

9(L) – Settlement Patterns

Therefore, the application shall serve as the Findings of Fact on these criteria.

These findings of fact are based on the application, exhibits, and other evidence in the record. Findings made in this decision are not limited to the specific criterion in which they appear and may apply to other sections of the decision. To the extent that any proposed findings of fact are included in this decision, they are granted; otherwise, they are denied.

Under Act 250, projects are reviewed for compliance with the ten criteria of Act 250, 10 V.S.A § 6086(a)(1)-(10). Before granting a permit, the District Commission must find that the project complies with these criteria and, therefore, is not detrimental to the public health, safety or general welfare. The burden of proof under Criteria 1 through 4 and 9 and 10 is on the applicant, and the burden is on the opponent under Criteria 5 through 8, and 9A if the municipality does not have a duly adopted capital improvement program.

Criterion 1 – Air Pollution:

Findings of Fact

1. The project generally consists of re-grading the site, including blasting a portion of a hillside ledge, to expand the usable area on the west side of lots 4A and 5A and effectively double the developable size of those lots.
2. Approximately 78,000 cubic yards (CY) of earthen and rock material will be extracted, and nearly all of the extracted material will remain on-site.
3. Similar work was previously approved under Land Use Permit 4C0824-2, issued in 2012.
4. Following removal of the overburden soil layer, drilling (to set the explosives into the rock) will occur almost daily, over a ± 35 day or ± 6 week period. This temporary drilling activity will generate noise and has potential to generate vibration.
5. One or two explosive blasts per day are anticipated. The blasting will generate temporary noise and vibration. The blasting noises include a warning signal with a loud whistle, used to alert all personnel that the blast is projected to go off. Other noise will result from heavy equipment operating, equipment backup alarms, truck tailgates, and potentially crushing operations; this noise will be significant but will have a limited duration of ± 6 weeks.
6. The drilling and blasting work will be completed by a contractor licensed to work with explosives. The expected blasting contractor (Capital Rock) is an experienced blasting contractor and previously completed blasting on the site thus is familiar with the specific type of rock on the Project site, and how to remove it successfully. The prior

blasting work at the site involved removal of $\pm 15,000$ CY of rock, whereas the current project is larger and involves removal of $\pm 78,000$ CY of earthen material, of which $\pm 50,000$ CY is estimated to be rock.

7. The blasting work will be completed in accordance with the blasting specifications (Exhibit 004) and the project-specific blasting plan (Exhibit 004a) which contain Best Management Procedures (BMPs) including notification and pre-blast surveys; proper drilling, explosive handling and loading procedures; observation of the entire blasting procedures; evaluation of blasting performance; proper excavation, stockpiling, processing and use of blasted rock.
8. The nearest structure is Applicants' retail Rice Lumber store; this structure (and any others within the distance specified in the blasting plan) will be included in the pre-blast survey. Blast vibration will be monitored and ground vibration peak particle velocity shall not exceed 2.0 inches per second, and air blast pressure level is not to exceed 134 peak dB (linear) two Hz high-pass system, pursuant to the blasting plan (Exhibit 004a).
9. The blast area will be matted to minimize potential for air-borne rock fragments. The planned blast will be directed to the south, and the vibration will be directed in the opposite direction, to the north.
10. Selective blasting techniques will be used to create stone product which meets specific Vermont Agency of Transportation specifications for subbase material, and it is expected that some of the extracted material will be used in construction projects previously permitted on Lots 6/6A for the Shelburne Fire Department (Act 250 4C0824-7A) and Healthy Living Market and Café (4C0824-5C).
11. Section 5-231(4) of the Vermont Air Pollution Control Regulations ("VAPCR") requires that reasonable precautions be taken to prevent particulate matter, including dust, from becoming airborne. A portable crusher may be used to further process the extracted earthen material. Section 5-401(a)(5) of the VAPCR classifies any portable sand and gravel plant or crushed stone plant with a maximum rated capacity of greater than 150 tons per hour as an air contaminant source. Portable crushing plants of this capacity require a permit from the Vermont Air Quality and Climate Division.
12. The Agency of Natural Resources has recommended inclusion of the following conditions, to which the Applicants are agreeable and which the Commission will include in the Land Use Permit, to prevent and control dust emission and, if a rock crusher is used, diesel exhaust pollution:

The Permittees shall not allow the operation of a 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 approval to operate from the Vermont Air Quality and Climate Division.

The Permittees shall take reasonable precautions to prevent and control fugitive particulate matter (dust) emissions from the Project. Reasonable precautions to be taken shall include the following measures or other equally effective measures for Project operations and activities under the Permittees' control or supervision:

- a. The unpaved traffic and parking areas at the Project shall be periodically maintained by the application of water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, which are applied at a rate and frequency to effectively limit visible dust emissions;*
- b. Any paved traffic and parking areas at the Project shall be periodically maintained as necessary to prevent buildup of material that may generate fugitive dust emissions. Sweeping shall be performed in a manner to minimize fugitive dust air emissions, and may include lightly wetting the paved surface immediately before sweeping, or preferably by the use of a vacuum, regenerative, or high efficiency sweeper;*
- c. All trucks owned, operated or under the control of the Permittees shall be securely covered when operated on public roadways and when loaded with materials that may generate fugitive dust;*
- d. All rock drills operated at the Project shall be equipped and operated with either an effective wet or dry dust control system;*
- e. All unenclosed crushing and dry screening operations shall be equipped with a wet dust control (suppression) system with spray nozzles at appropriate locations and shall be operated as necessary to effectively limit visible dust emissions; and*
- f. Active storage piles shall be periodically maintained by application of water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, which are applied at a rate and frequency to effectively limit visible dust emissions. Inactive storage piles and exposed surfaces shall be revegetated as soon as reasonably practicable.*

The Permittees shall ensure that any dust control measures taken in accordance with the conditions listed above are in compliance with all other State and Federal requirements.

13. During construction, Permittees will control dust through the use of stabilized construction entrances and through the use of water and/or calcium chloride.
14. Construction hours shall be limited to 7:00 AM to 7:00 PM Monday to Friday, 7:00 AM to 5:00 PM on Saturdays, and 8:00 AM to 3:00 PM on Sundays. In addition, blasting and crushing hours shall be limited to 8:00 AM to 6:00 PM Monday to Friday, and 8:00 AM to 5:00 PM on Saturdays, with no blasting or crushing on Sundays.
15. The Project is a limited duration construction activity. Following completion of the construction, the Project will not generate any ongoing impacts to air, nor encompass any ongoing hours of operations.

Conclusions of Law

The Commission concludes that this Project will not result in undue air pollution.

Criterion 1(B) - Waste Disposal:

Findings of Fact

16. Waste generated by the Project will include stormwater runoff.
17. Approximately 2.3 acres will be disturbed by the construction activity, and the total impervious area resulting from the Project will be ± 0.05 acres.
18. The ANR Watershed Management Division has issued coverage under Notice of Intent #6968-9020.2 under Construction General Permit 3-9020, on March 10, 2021 for stormwater generated by the construction project. Exhibit 012.
19. The stormwater discharge permit (Exhibit 015, 6968 INDS.R, issued in November 2018) has accounted for the Project area as a component of "design area" S/N 003. The existing stormwater treatment pond will not be removed as a component of the current Project.
20. The Project does not encompass construction of any buildings or drain outlets.
21. Usage of explosives will be overseen by a contractor licensed to use these materials.
22. The Project involves blasting and is in the surface water source protection area for the Champlain Water District (Exhibit 001). Source protection areas are areas through which

contaminants are reasonably likely to reach a public water source and where extra precautions should be taken to minimize contaminant risks to public drinking water.

23. To protect groundwater quality and prevent environmental contamination from blasting, ANR developed best management practices (Exhibit 010). To prevent potential environmental contamination from blasting at the Project site and to ensure any inadvertent spill or release of a toxic substance is promptly reported to ANR and to the Champlain Water District, the Commission will include the following conditions in its Land Use Permit, as recommended by ANR:

The Permittee shall implement the Agency of Natural Resources "Best Management Practices for Blasting Activities to Avoid Environmental Contamination (2016)" (Exhibit 010).

If a spill or release of any toxic substance occurs within a source protection area (SPA), the Permittees or their representative must immediately report the spill or release to the Vermont Department of Environmental Conservation Spills Program and the SPA's water system owner or operator. The Spills Program can be reached during regular office hours at 802-828-1138 or via the 24-hour hotline at 800-641-5005. Any person reporting a spill or release must speak directly with a Spills Program representative and cannot report by email, text, or other written form of communication. The person reporting a spill or release must provide water system identification number VT0005092 to the Spills Program. The Permittees must provide instructions, with contact phone numbers, for reporting a toxic substance release to all contractors for the Project and those instructions must be displayed on site.

Conclusions of Law

The ANR permits create a presumption pursuant to Act 250 Rule 19 that the disposal of wastes through the installation of wastewater and waste collection, treatment and disposal systems authorized by the permits will not result in undue water pollution. Technical determinations made by ANR in issuing the permits are entitled to substantial deference. 10 V.S.A § 6086(d). No evidence was presented to rebut the presumption or challenge the technical determinations made by ANR.

The Project will meet all applicable ANR regulations on waste disposal and will not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells. The Project complies with Criterion 1(B).

Criterion 5 - Transportation:

Findings of Fact

24. The Project will generate temporary traffic corresponding to the limited duration construction activity. The Project will not generate any ongoing (post-construction) traffic.
25. Access to the property will be from one of two existing previously permitted access drives from U.S. Route 7. No changes to access layout are included in the Project, and the conditions provide multiple points of access and circulation for emergency vehicles.
26. Nearly all of the earthen and rock material to be extracted will remain on the site or be transported within the tract to other nearby permitted projects. Trucking to off-site locations, if any (and corresponding to any volume to be removed via U.S. Route 7), will have a de minimis impact on the existing volume of traffic on U.S. Route 7.
27. Expected usage of extracted earthen and rock material on the previously permitted projects on Lots 6/6A (Shelburne Fire Department 4C0824-7A and/or Healthy Living Market and Café 4C0824-5C) will reduce construction truck traffic attributable to these other construction projects, since the trucks from the subject Project site will travel internally through the subdivision tract, and will not travel onto U.S. Route 7 or area roads, and this will reduce the need for earthen material trucked to these other construction projects from other sources.
28. The predicted limited duration (construction phase) traffic from the Project is estimated to be approximately 10 round trips per day, to and from Shagbark Lane and U.S. Route 7, and corresponding to workers, equipment deliveries, trucks, etc.
29. Disruption or stopping of traffic on U.S. Route 7 is not planned. The blasting will necessitate short duration (e.g., 10 minute) closures of Shagbark Lane (which is the access drive to Rice Lumber, and to not-yet-developed residential lots); the contractor will implement and manage these short duration closures of Shagbark Lane, which will be strategically timed to not coincide with peak road usage; for example, traffic is significantly diminished by around 10:00 AM each business day, following early morning contractor traffic into Rice Lumber. The Project will not have an unduly adverse impact on existing traffic or users of the nearby roadways.
30. Adequate parking and staging areas, for the construction contractors and their equipment, etc., are available on site.
31. After the construction is completed, the Project will not generate any ongoing traffic, nor any ongoing parking demand. In addition, given that the site access layout will not be altered, the Project will not have any impact on any access and connections to adjacent

lands and facilities or existing and planned pedestrian, bicycle, and transit networks and services.

Conclusions of Law

Criterion 5(A) requires that the Project “will not cause unreasonable congestion or unsafe conditions with respect to use of the highways.” See 10 V.S.A § 6086(a)(5)(A). Notwithstanding the requirement for a positive finding, the Commission may not deny a permit solely on the reasons set forth under Criterion 5. See 10 V.S.A § 6087(b). The Commission may, however, attach reasonable conditions to alleviate traffic burdens. *Id.*

The Commission concludes that the Project will not cause unreasonable congestion or unsafe conditions with respect to use of roads, highways, waterways, railways, airports, and other existing or proposed means of transportation.

The Project complies with Criterion 5(A).

Criterion 8 - Aesthetics:

Findings of Fact

32. Findings of Fact under Criterion 1 are incorporated herein, to the extent they relate to noise impacts from the Project.
33. The Project area features an open plateau adjacent to U.S. Route 7 (with an existing previously permitted stormwater treatment pond), and a sloped rise of bedrock that runs along the western edge of the property. The open plateau area is the site of some of the former Rice Lumber buildings and material storage area, which have been removed. The sloped area is primarily mixed woods except for some old access road corridors and isolated small open areas.
34. The Project will remove existing trees and vegetation from the sloped portion of the site; this area will be temporarily exposed as a blasted rock slope, during the construction activity, and then restored with vegetation, leaving a predominantly vegetated slope face visible from U.S. Route 7 and Shagbark Lane. The slope will be seeded with Conservation Mix grass seed mix. Tree planting or other specific landscaping is included in the Project, although trees may naturally re-establish on the slope.
35. The existing vegetation located beyond the limit of the work area will be retained, including a portion of the existing trees located between the upper segment of Shagbark Lane and the upper portion of the project work area, as indicated on the project grading and EPSC site plans (Exhibits 005 and 006, respectively).

36. The Project site is located in proximity to U.S. Route 7, and other existing or permitted commercial projects (Rice Lumber, Shelburne Fire Department, and Healthy Living Market and Café), and below a permitted but not yet constructed four-lot residential subdivision accessed via the upper segment of Shagbark Lane.
37. The Project site is highly visible from U.S. Route 7, and from Shagbark Lane, and will retain such high visibility following Project construction.
38. The Project does not encompass any buildings, exterior signage, exterior lighting, or landscaping (other than restoration with vegetation where planned).
39. The municipal plan that applies to the Project is the 2019 Shelburne Comprehensive Plan, adopted on February 12, 2019. The Project site is zoned “Mixed Use”. The Project is consistent with the uses permitted in that Plan and with existing uses in the Project area, and does not change the use of the site.
40. The regional plan that applies to the Project is the 2018 *Chittenden County ECOS Plan* (the “ECOS Plan”). The CCRPC has indicated that the Project is located within the Suburban Planning Area as defined in the ECOS Plan, and is consistent with the Planning Areas because (i) the Suburban Planning Area is identified in the Plan as an area planned for growth, and therefore the proposed Project helps implement Strategy #2 of the ECOS Plan, which calls for 80% of new development in the areas planned for growth, and (ii) the proposed Project is served by municipal water and sewer (pending approval from the Town Wastewater Superintendent), is located on a public transit line and is in walking distance to shops. CCRPC also noted that “*While this application does not include any proposed buildings for the subdivided lots, it is important to note that the location of the stormwater system adjacent to Route 7 on Lots 4 & 5 may conflict with adherence to 9(L) when buildings are proposed*”. Exhibit 009.

Conclusions of Law

The Commission uses a two-part test to determine whether a project meets the portion of Criterion 8 relating to aesthetics and natural and scenic beauty. First, it determines whether the project will have an adverse effect. Second, it determines whether the adverse effect, if any, is undue. *In re Rinkers, Inc., No. 302-12-08 Vtec, Decision and Order at 12 (Vt. Envtl. Ct. May 17, 2010)* (citations omitted); see also, *Re: Quechee Lakes Corporation, #3W0411-EB and #3W0439-EB, Findings of Fact, Conclusions of Law, and Order at 18-20 (Vt. Envtl. Bd. Nov. 4, 1985); In re Halnon, 174 Vt. 514 (mem.)* (applying Quechee test in Section 248 context).

The burden of proof under Criterion 8 is on any party opposing the project, 10 V.S.A § 6088(b), but the applicant must provide sufficient information for the Commission to make affirmative findings. *In re Rinkers, No. 302-12-08 Vtec, Decision and Order at 10-11 (Vt. Envtl. Ct. May 17, 2010)*

(citing *Re: Susan Dollenmaier, #3W0125-5-EB, Findings, Conclusions and Order at 8 (Vt. Envtl. Bd. Feb. 7, 2005)*; *In re Eastview at Middlebury, Inc., No. 256-11-06 Vtec, slip op. at 5 (Vt. Envtl. Ct. Feb. 15, 2008)*, *aff'd*, 2009 VT 98. "Either party's burden, however, may be satisfied by evidence introduced by any of the parties or witnesses . . ." *In re McShinsky, 153 Vt. 586, 589 (1990)* (quoting *In re Quechee Lakes Corp., 154 Vt. 543, 553-54 (1990)*).

1. Adverse Effect

To determine whether a project will have an adverse aesthetic effect, the Commission looks to whether the project will "fit" the context in which it will be located. In making this evaluation, the Commission examines a number of specific factors, including the following: the nature of a project's surroundings; the compatibility of the project's design with those surroundings; the suitability of the colors and materials selected for the project; the locations from which the project can be viewed; and the potential impact of the project on open space. *Quechee Lakes Corp et al. #3W0411-EB and #3W0439-EB Findings of Fact, Conclusions of Law and Order at 18 (Vt. Envtl. Bd., Nov. 4, 1985)* (cited in *Rinkers, No. 302-12-08 Vtec, Decision and Order at 12-13*).

The Project is within an area that features existing or permitted mixed use development. The Project will alter the appearance of the site, and may have an adverse visual effect in consideration of the loss of some existing vegetation and trees. The Project will generate significant noise; however, this noise is limited in duration and will occur during specific daytime hours. The Commission concludes that this Project will have an adverse aesthetic impact. Accordingly, the Commission must determine whether that impact is undue.

2. Undue Adverse Effect

An adverse aesthetic impact is undue if any of the following is true: (1) the project violates a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area; (2) the project offends the sensibilities of the average person, or is offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area; or (3) the Applicants failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the project with its surroundings. *In re Rinkers, 302-12-08 Vtec, Decision and Order at 15 (May 22, 2010)* (citing *In re: Times & Seasons, LLC, 2008 VT 7, ¶ 8; In re McShinsky, 153 Vt. at 592*).

(a) Clear, Written Community Standard

In evaluating whether a project violates a clear written community standard, the Commission looks to town plans, open land studies, and other municipal documents to discern whether a clear, written community standard exists to be applied in review of aesthetic impacts of a project. *Hannaford Brothers Co. and Southland Enterprises, Inc., #4C0238-5-EB, Findings of Fact, Conclusions of Law, and Order at 18 (Vt. Envtl. Bd. 4/9/02)*. A clear, written community standard must be intended

to preserve the aesthetics or scenic beauty of the area where the project is located. *Re: Green Meadows Center, LLC, The Community Alliance and Southeastern Vermont Community Action, #2WO694-I-EB, Findings of Fact, Conclusions of Law, and Order at 36 (Vt. Env'tl. Bd. 12/21/00).*

A plan which states "consideration should be made . . ." is not a clear, written community standard. *Barre Granite Quarries, LLC and William and Margaret Dyott, #7C1079(Revised)-EB, Findings of Fact, Conclusions of Law, and Order at 81 (Vt. Env'tl. Bd. Dec. 8, 2000).* Although the proposed Project does not meet the specific goals or objectives cited above, there are no clear community standards relevant to the proposed Project's impacts on aesthetics.

The Project has been reviewed and approved by the Shelburne development review board. The Commission did not receive any evidence demonstrating non-conformance with a clear written community standard relevant to aesthetic impact. Additionally, under the 2019 Shelburne Comprehensive Plan, the Project site is zoned "Mixed Use", the Project is consistent with the uses in the project area and does not change the use of the site. Therefore, the proposed Project does not violate a clear, written community standard.

(b) Offensive or Shocking Character

Criterion 8 "was not intended to prevent all change to the landscape of Vermont or to guarantee that the view a person sees from their property will remain the same forever." *Re: Okemo Mountain, Inc. #2S0351-S-EB Findings of Fact, Conclusions of Law, and Order (Dec. 18, 1986).* Criterion 8 was intended to ensure that as development occurs, reasonable consideration will be given to visual impacts on neighboring landowners, the local community, and on the special scenic resources of Vermont. *Rinkers, No. 302-12-08 Vtec, Decision and Order at 11-12; Horizon Development Corp., #4C0841-EB, Findings of Fact, Conclusions of Law, and Order (Vt. Env'tl. Bd. Aug. 21, 1992).*

The Project site is highly visible from two public roadways and will have an altered appearance, in particular due to the loss of some trees and vegetation. However, the Commission does not find that the resulting aesthetic appearance, notably as viewed from U.S. Route 7, will be unduly offensive or rise to the level of "offensive or shocking". The Commission notes that the Project does not encompass any buildings, exterior lighting or signage. However, it will be important to review these and all aesthetic design elements, along with a site landscaping design, when review of an amendment application for future development on the Project site occurs. The noise from the Project will be offensive, but will be of limited duration during reasonable daytime hours.

Given all of these considerations, the Commission concludes that the Project will not be offensive or shocking.

(c) Generally Available Mitigating Steps

The question under this factor of the aesthetics analysis is whether the applicant has “failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings.” *In re Times & Seasons*, 2008 VT 7, ¶ 8. If a project does have an adverse aesthetic effect, the applicant must “take generally available mitigating steps to reduce the negative aesthetic impact of a particular project,” otherwise, “[f]ailure to take advantage of available alternatives may render an aesthetic impact unduly adverse.” *In re Stokes Communications Corp.*, 164 Vt. 30, 39 (1995) (quoted in *In re Rinkers*, 302-12-08 Vtec, Decision and Order at 19 (May 22, 2010)). A generally available mitigating step “is one that is reasonably feasible and does not frustrate [either] the project's purpose or Act 250's goals.”

The Project design includes establishing vegetation on the sloped portion of the work area, that has higher visibility from U.S. Route 7 and Shagbark Lane, due to its higher elevation. This will substantially reduce the visual impact that would otherwise occur if an exposed rock surface were left as the final surface in this area. In addition, with respect to noise, these impacts will be of limited duration (\pm weeks), and occur during reasonable daytime hours.

Given all of these considerations, the Commission finds that the Applicants have taken the available mitigating steps to minimize the adverse impacts of the proposed Project on the scenic or natural beauty of the area.

(d) Conclusion

Based on the above, the Commission concludes that the Project will not have an undue adverse effect on the aesthetics or natural and scenic beauty of the area.

Criterion 8(A) - Wildlife Habitat and Endangered Species:

Findings of Fact

41. A snowy owl (*Bubo scandiacus*) was observed on the Project site and on the tract on multiple occasions in the winter of 2020-21 and had high public visibility due to the proximity to U.S. Route 7. The impact of the Project on the snowy owl species and habitat was evaluated by Doug Morin, Bird Project Leader and by Toni Mikula, Fish and Wildlife Specialist, for the ANR Fish and Wildlife Department, on request of the Commission. As identified by ANR:

- Snowy owls are not listed as threatened or endangered under 10 V.S.A. Chapter 153 and the Project site does not provide “necessary wildlife habitat” for this species. Pursuant to 10 V.S.A. § 6001(12), “necessary wildlife habitat” means concentrated habitat which is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life including breeding and migratory periods.

- Snowy owls are winter visitors to Vermont, and do not breed here. Snowy owls may visit Vermont to hunt when food sources are more scarce in the North and tend to be younger birds driven out to find food further away.
- The snowy owl species prefers an open ground setting for hunting, such as a field or golf course; the Champlain Valley provides abundant hunting opportunities for this species.
- It was surprising to see a snowy owl at the Project site setting as occurred in the winter of 2020-21, and it is unlikely that the particular visiting snowy owl will return to the Project site because it should be able to establish a hunting territory of its own.
- Snowy owls are listed as protected under the Migratory Bird Treaty Act, 16 U.S.C. §§703-712, and as such, harm to or death of a snowy owl that was a direct and foreseeable result of human activity is prohibited under Vermont law (*see* 10 V.S.A. § 4902).
- In the unlikely event that a snowy owl is present on the Project site when the construction activity occurs, Applicants will need to take necessary measures to prevent harm or death. To ensure snowy owls are not harmed, ANR encourages the Applicants to conduct tree removal and blasting when snowy owls are not present in the work area.

42. In order to ensure that no snowy owl is harmed during Project construction, the Commission will include the following condition in its Land Use Permit:

Snowy owls are listed as protected under the Migratory Bird Treaty Act, 16 U.S.C. §§703-712, and as such, harm to or death of a snowy owl that was a direct and foreseeable result of human activity is prohibited under Vermont law (see 10 V.S.A. § 4902). Snowy owls are typically present in Vermont in winter months, and a snowy owl was recently present at the Project site in winter months. Permittees shall take all necessary measures to prevent harm or death to any snowy owls if the species is present at or near the site, and will cease or postpone blasting and crushing activities if a snowy owl is present or re-appears following a recent sighting (noting that the expected blasting and crushing schedule does not coincide with winter periods when potential for snowy owl presence is greater).

43. No necessary wildlife habitat or endangered species have been identified on or near the Project site.

Conclusions of Law

Criterion 8(A) requires that the Commission not grant a permit if the proposed Project will destroy or significantly imperil necessary wildlife habitat or any endangered species, and

- (i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species, or
- (ii) all feasible and reasonable means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have not been or will not continue to be applied, or
- (iii) a reasonable acceptable alternative site is owned or controlled by the applicant which would allow the development or subdivision to fulfill its intended purpose.

10 V.S.A § 6086(a)(8)(A).

The burden of proof is on the opponent under Criterion 8(A). *Id.* § 6088(b).

Necessary wildlife habitat is defined by Act 250 as “concentrated habitat which is identifiable and is demonstrated as being decisive to the survival of a species or wildlife at any period in its life including breeding and migratory periods.” 10 V.S.A § 6001(12).

Criterion 8(A) involves a three-part test:

- (1) whether the Project will impact any “necessary wildlife habitat” or endangered species;
- (2) if so, whether the Project will destroy or significantly imperil such habitat or species; and
- (3) if so, whether one or more of sub-criteria (i) through (iii) is satisfied.

Re: Gary Savoie d/b/a WLPL and Eleanor Bemis, #2W0991-EB, Findings of Fact, Conclusions of Law, and Order (Vt. Envtl Bd. October 11, 1995). If the Project will destroy or significantly imperil necessary wildlife habitat, and if any of the sub-criteria apply, then the permit must be denied. *Southview Associates, 153 Vt. 171 (1989).*

The Project does not impact any necessary wildlife habitat or endangered species. Although the Project will not impact necessary wildlife habitat, due to the recent presence of a snowy owl on the tract (listed as protected under the Migratory Bird Treaty Act), the Commission will include a special condition to ensure that the species, if present on or near the Project site, is not harmed by the limited duration construction activity. Therefore, the Project complies with Criterion 8A.

Conclusion

As set forth above, the Project complies with Criterion 8A.

Criterion 10 – Town and Regional Plans:

Findings of Fact

44. Findings of Fact 39 and 40, pertaining to the municipal and regional plan, are incorporated herein.
45. The Project is not a change in use and is in conformance with the municipal plan and the regional plan.
46. The Town of Shelburne has a capital program and this Project does not impact nor require any modification to the Town’s capital program.

Conclusions of Law

Before issuing a permit, the District Commission must find that the Project is in conformance with any duly adopted local or regional plan or capital program. 10 V.S.A § 6086(a)(10). The Project complies with Criterion 10.

VII. SUMMARY CONCLUSION OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes that the Project, if completed and maintained as represented in the application and other representations of the Applicants, and in accordance with the findings and conclusions of this decision and the conditions of Land Use Permit #4C0824-4A, will comply with the Act 250 criteria. 10 V.S.A § 6086(a).

VIII. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, Land Use Permit #4C0824-4A is hereby issued.

DATED this 21st day of April, 2021.

By /s/Thomas A. Little, Chair
Thomas A. Little, Chair
District 4 Environmental Commission

Commissioners participating in this decision:

Parker Riehle

Monique Gilbert

Findings of Fact, Conclusions of Law, and Order #4C0824-4A
Page 18

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

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. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also 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 Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

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Exhibit List



Application #	4C0824-4A (4/12/21)
Applicant(s)	Rice Lumber Company, Inc.
Landowner(s)	Rice Lumber Company, Inc and Rice Realty, Inc
Project Town(s):	Shelburne

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000		000 Exhibit List	
001	1/15/21	001 Act 250 Application; and cover letter	Applicant
001a	2/3/21	001a Act 250 Application; and cover letter Revised 2-3-21	Applicant
002	1/15/21	002 Schedule G	Applicant
002a	2/3/21	002a Schedule G Revised 2-3-21	Applicant
003	1/15/21	003 Location Map	Applicant
004	1/15/21	004 Blasting Specs	Applicant
004a	3/23/21	004a Revised Blasting Plan	Applicant
005	1/15/21	005 C2.0 Proposed Grading Plan, May 1 2020, Rev 12 22 20	Applicant
006	1/15/21	006 C3.0 EPSC, May 1 2020, Rev 12 22 20	Applicant
007	1/15/21	007 Section View, Nov 4 2020	Applicant
008	2/3/21	008 Final Plat Rice Lumber Redevelopment Project, February 27 2020	Applicant
009	3/5/21	009 Letter by CCRPC re Review of Project (3/4/21)	Regional Planning Commission
010	3/19/21	010 ANR Entry of Appearance Comments (3/19/21)	ANR
011	3/23/21	011 Supplemental Cover Letter (3/23/21)	Applicant
012	3/23/21	012 CGP 6968-9020.2 Issued 3/10/21	Applicant
013	3/23/21	013 Resume of Louis Rumore	Applicant
014	3/23/21	014 Air Pollution Control Permit to Construct AP-20-010 Issued 4/6/20	Applicant
015	4/12/21	015 Individual Stormwater Discharge Permit 6968-INDS.R (11/14/18)	Applicant
016		016	
017		017	

CERTIFICATE OF SERVICE

I hereby certify on this 21st day of April 2021, a copy of the foregoing ACT 250 LAND USE PERMIT & FINDINGS OF FACT & CONCLUSIONS OF LAW & ORDER #4C0824-4A, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to NRB.Act250Essex@vermont.gov

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Regina Mahony, Planning Program Manager
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FOR YOUR INFORMATION

District #4 Environmental Commission
Thomas Little, Chair
Parker Riehle/Monique Gilbert
111 West Street
Essex Junction, VT 05452

Dated at Essex Junction, Vermont, this 21st day of April, 2021.

/s/Christine Commo
Natural Resources Board Technician
879-5614
christine.commo@vermont.gov

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