



State of Vermont

LAND USE PERMIT

CASE NO: 2W0899

APPLICANT: E.G.P. Inc.

P.O.Box 532

Brattleboro, VT 05301

LAWS/REGULATIONS INVOLVED:

10 V.S.A., Chapter 151

(Act 250)

District Environmental Commission II hereby issues Land Use Permit #2W0899 pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit applies to the lands identified in Book 56, Pages 253-254, of the land records of Vernon, Vermont, as the subject of a deed to E.G.P. Inc., the "permittee" as grantee. This permit specifically authorizes the permittee to operate and expand an existing gravel pit. The project is located off Tyler Hill Road in the Town of Vernon.

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

1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #2W0899 in accordance with the plans and exhibits stamped "Approved" and on file with the District Environmental Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the District Environmental Commission.
2. By acceptance of this permit the permittee agrees to allow representatives of the State of Vermont access, at reasonable times, to the property covered by the permit, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
3. By acceptance of the conditions of this permit without appeal, the permittee confirms and agrees for itself and all assigns and successors in interest that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittee and all assigns and successors in interest. The granting of less than an undivided whole interest in this project is prohibited without prior approval of the District Environmental Commission.
3. 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 in accordance with the terms of the permit.

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4. The District Environmental Commission reserves the right to evaluate and impose reasonable additional conditions necessary to ensure no undue adverse impact with respect to I Air and Noise Pollution. The Commission reserves this right for a period of time commencing and expiring with the permit.
5. Erosion Control: All hay bales and siltation dams shall be installed prior to further excavation. Hay bales shall be incorporated four inches into the soil and equipped with filter fence on the upstream side, butter together and all joints filled with loose hay.
6. Crushing and screening activities are limited to November to April. The permittee shall control fugitive dust.
7. Hours of operation shall be from 6:30 a.m. to 5:00 p.m., Monday through Friday, with no work on weekends or holidays, except in an emergency situation, such as a natural disaster. If the permittee installs backup sensors on all equipment operations may commence at 7:00 a.m.
8. The permittee shall take all necessary steps to control dust from trucks entering and leaving the site. All loads shall be covered or trucks loaded so material does not escape from the truck. Other activities to control dust may require watering or applying chloride to the project access road, paving the access road and/or watering or sweeping affected portions of Tyler Hill Road.
9. Noise levels from pit operation shall not exceed 75 decibels at the property line. During the next crushing or screening operation the permittee shall take noise readings and certify compliance with this condition.
10. A copy of the approved extraction plan and reclamation control plan shall be posted in a clearly visible location so it can be readily referred to by operators of the pit.
11. The permittee shall install snow fencing to delineate the limits of clearing and excavation in the area near the wetland and yellow panic grass to prevent any inadvertent disturbance. The location and placement of the snow fencing shall be inspected and approved by the Wetlands and Natural Heritage Divisions prior to excavation near these areas.
12. In addition to conformance with all erosion control conditions, the permittee 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 permittee from compliance with 10 V.S.A., Chapter 47, Vermont's Water Pollution Control Law.
13. There shall be a maximum of 50 round trip truck trips per day.

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14. The permittee shall obtain a permit for stump disposal.

15. The permittee shall comply with the revised plans Exhibit 18 as modified by the requirements of the Wetlands and Natural Heritage Program (Exhibit 21) with respect to wetlands and natural areas protection.

16. At six month intervals a professional engineer or landscape architect shall inspect the site and certify by affidavit to the District II Environmental Commission that all erosion control excavation, reclamation and other permit requirements are being followed.

17. The permittee shall install a "Trucks Entering" sign for the eastern approach to the project driveway.

18. Prior to any taking of yellow panic grass plants the permittee shall obtain necessary permits.

19. The permittee shall establish an escrow account for reclamation. The executed escrow documents shall be submitted to the District II Environmental Commission for review and approval by April 1, 1992.

20. All reclamation on this project must be completed by October 15, 2012.

20. This permit shall expire on October 15, 2016, unless extended by the District Commission. Notwithstanding the latter date, this permit shall expire two years from date of issuance if the permittee has not demonstrated an intention to proceed with the project. Substantial construction must occur within two years of the permit issuance date, unless construction has been delayed by litigation to secure other necessary permits or approvals, in accordance with Environmental Board Rule 38.

Failure to comply with any of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., Section 6090(b).

Dated at North Springfield, Vermont, on February 7, 1992.

By: Robert Pu
Robert Pu, Chairman
District II Environmental Commission
Environmental Board

Others participating in this decision:
Arthur Kimbell and Thomas C. Spater

Vernon, Vermont Town Clerk's Office February 19 A.D. 1992 at 8:30 A.M. then received an instrument of which the foregoing is a true copy.

ATTEST: Glenn Davis
TOWN CLERK

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State of Vermont

LAND USE PERMIT

CASE NO: 2W0899 (Reconsideration) LAWS/REGULATIONS INVOLVED:
APPLICANT: E.G.P. Inc. 10 V.S.A., Chapter 151
P.O.Box 532 (Act 250)
Brattleboro, VT 05301

District Environmental Commission II hereby issues Land Use Permit #2W0899 (Reconsideration) pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit applies to the lands identified in Book 56, Pages 253-254, of the land records of Vernon, Vermont, as the subject of a deed to E.G.P. Inc., the "permittee" as grantee. This permit specifically authorizes the permittee to operate and expand an existing gravel pit. The project is located off Tyler Hill Road in the Town of Vernon.

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

1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #2W0899 and #2W0899 (Reconsideration) in accordance with the plans and exhibits stamped "Approved" and on file with the District Environmental Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the District Environmental Commission.

2. By acceptance of this permit the permittee agrees to allow representatives of the State of Vermont access, at reasonable times, to the property covered by the permit, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.

3. By acceptance of the conditions of this permit without appeal, the permittee confirms and agrees for itself and all assigns and successors in interest that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittee and all assigns and successors in interest. The granting of less than an undivided whole interest in this project is prohibited without prior approval of the District Environmental Commission.

3. 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 in accordance with the terms of the permit.

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4. The District Environmental Commission reserves the right to evaluate and impose reasonable additional conditions necessary to ensure no undue adverse impact with respect to Criterion I Air and Noise Pollution, and Criterion 10 Conformance with Local Plan. The Commission reserves this right for a period of time commencing and expiring with the permit.

5. Erosion Control: Hay bales and siltation dams shall be installed as needed to prevent erosion. Hay bales shall be incorporated four inches into the soil and equipped with filter fence on the upstream side, butted together and all joints filled with loose hay. The applicant shall comply with the erosion control measures outlined in Exhibits 18 and 21.

6. Crushing and screening activities are limited to April through November. The permittee shall control fugitive dust.

7. Hours of operation shall be from 7:00 a.m. to 5:00 p.m., Monday through Friday, with no work on weekends or holidays, except in an emergency situation, such as a natural disaster. If the permittee installs backup sensors on all equipment operations may commence at 6:30 a.m. Operating times shall be inclusive of transport of the loader from Route 142 up Tyler Hill Road to the project site.

8. The permittee shall take all necessary steps to control dust from trucks entering and leaving the site. All loads shall be covered or trucks loaded so material does not escape from the truck. Other activities to control dust may require watering or applying chloride to the project access road, paving the access road and/or watering or sweeping affected portions of Tyler Hill Road.

9. Noise levels from pit operation shall not exceed 75 decibels at the property line. During the next crushing or screening operation the permittee shall take noise readings and certify compliance with this condition.

10. A copy of the approved extraction plan and reclamation control plan shall be posted in a clearly visible location so it can be readily referred to by operators of the pit.

11. The permittee shall install snow fencing to delineate the limits of clearing and excavation in the area near the wetland and yellow panic grass to prevent any inadvertent disturbance. The location and placement of the snow fencing shall be inspected and approved by the Wetlands and Natural Heritage Divisions prior to excavation near these areas.

12. In addition to conformance with all erosion control conditions, the permittee 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 permittee from compliance with 10 V.S.A., Chapter 47, Vermont's Water Pollution Control Law.

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13. There shall be a maximum of 50 round trip truck trips per day with the exception of twenty days per year on which there shall be a maximum of 100 round trips. On these twenty days there shall be no more than 100 one-way trips on Tyler Hill Road between the gravel pit entrance and Route 142.

14. The permittee shall obtain a permit for stump disposal.

15. The permittee shall comply with the revised plans Exhibit 18 as modified by the requirements of the Wetlands and Natural Heritage Program (Exhibit 21) with respect to wetlands and natural areas protection.

16. At six month intervals a professional engineer or landscape architect shall inspect the site and certify by affidavit to the District II Environmental Commission that all erosion control excavation, reclamation and other permit requirements are being followed.

17. The permittee shall install a "Trucks Entering" sign for the eastern approach to the project driveway.

18. Prior to any taking of yellow panic grass plants the permittee shall obtain necessary permits.

19. The permittee shall establish an escrow account for reclamation. The executed escrow documents shall be submitted to the District II Environmental Commission for review and approval by June 1, 1992.

20. All reclamation on this project must be completed by October 15, 2014.

21. This permit shall expire on October 15, 2016, unless extended by the District Commission. Notwithstanding the latter date, this permit shall expire two years from date of issuance if the permittee has not demonstrated an intention to proceed with the project. Substantial construction must occur within two years of the permit issuance date, unless construction has been delayed by litigation to secure other necessary permits or approvals, in accordance with Environmental Board Rule 38.

Failure to comply with any of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., Section 6090(b).

Dated at North Springfield, Vermont, on May 5, 1992.

By: Robert M. Pu
Robert Pu, Chairman
District II Environmental Commission
Environmental Board

Others participating in this decision:
Cheryl Thompson Cox and Thomas C. Spater

Vernon, Vermont Town Clerk's Office May 8 A.D. 1992 at 10:30 A.M. then received an instrument of which the foregoing is a true copy.

ATTEST: Clarence D. Lewis
TOWN CLERK

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