

Town of Halifax
Zoning Board of Adjustment

C.A. Denison Lumber Company and Ashfield Stone, LLC
Application for Conditional Use Permit

Supplemental Memorandum Concerning Proposed Quarry Project

There will be minimal impact on the road infrastructure given the low frequency of stone transport. The Town will not be required to make improvements to TH52 as a result of this project. Thus, the cost of potential repairs should be negligible and should not adversely impact the Town's budget and tax rates. The Applicant proposes to limit truck travel to two loaded trucks per day. Additional vehicles will be pickup trucks and other personal vehicles. Significantly larger trucks have historically accessed the site without incident in connection with timber harvests.

The existing haul road is passable for larger trucks. The construction of the new section of road will be adequate for these trucks, pickup trucks, and other personal vehicles. Thus, emergency vehicles and emergency responders' personal vehicles with less ground clearance will be able to utilize the road to access the site.

The proposed truck route is shown on Exhibit 19. The existing access road through the Denison tract intersects with Town Highway 52 inside the Denison tract. Town Highway 52 is generally untraveled at its intersection with the Denison access road. The 2012 Agency of Transportation General Highway Map for the Town of Halifax identified the easterly portion of Town Highway 52 (1.54 miles), including where it intersects with the Denison access road, as "untraveled." Although Town Highway 52 is fully driveable by truck or passenger vehicle from Jacksonville Stage Road up to the Denison access road, the road conditions deteriorate significantly as one travels along TH 52 in a westerly direction from the Denison access road.

Jacksonville Stage Road (Town Highway 2) is posted at 35 miles per hour. Jacksonville Stage Road is between 25 and 30 feet in width at the intersection with Town Highway 52. As you travel west along Jacksonville the width of the road varies from roughly 18.5 feet up to 25 feet. There is a sweeping curve in the road as you head west as shown on Exhibit 19. The road is approximately 18.5 feet around the curve near providing sufficient room to maneuver.

Amidon Road (Town Highway 32) is posted at 35 miles per hour. The width of Amidon road ranges from 18.5 to 25 feet providing sufficient room to maneuver.

Stark Mountain Road (Town Highway 39) is posted at 35 miles per hour. The width of Stark Mountain Road ranges from 16.5 to 19 feet. There are some wider sections along Stark Mountain Road and there are a few wider pull off areas.

Stark Mountain Road/Route 112 intersection. The posted speed limit on the Massachusetts side of Route 112 is 45 miles per hour and the posted speed limit on the Halifax side of Route 112 is 50 miles per hour. Sight and stopping distances are in excess of 500 feet at this intersection.

It should be noted that there is a very low traffic level on the route along Jacksonville Stage Road, Amidon Road, and Stark Mountain Road. There is only a limited chance that a quarry truck and another vehicle would be on any of these roads at the same time. The possibility of seeing multiple vehicles on the roads at the same time is made even more unlikely by the proposed limit of 2 loaded trucks per day. If a truck were travelling at 20 miles per hour, it would only be on Stark Mountain Road for 3.51 minutes per trip, Amidon Road for 1.2 minutes per trip and Jacksonville Stage Road for 6.45 minutes per trip.

It should also be noted that this route is the predominant route that was utilized for truck traffic following Tropical Storm Irene. Moreover, the size of the trucks that the Applicant proposes to use is the same size that the municipality utilizes on the same roads.

The Town of Halifax adopted its plan on June 15, 2004. The Town re-adopted the plan on March 2, 2010. The Town re-adopted the plan again on March 4, 2014. In order to implement the Town Plan, the Town adopted a Zoning Regulation which was most recently approved on March 6, 2012. The intent of the Zoning Regulation is to provide for orderly growth in Halifax and it sets forth General Conditional Use Standards and Specific Conditional Use Standards to ensure conformity with the purpose of the zoning district within which the project is located and the policies of the Town plan. See Zoning Regulation §101, §203.

The project is located within the Conservation District as defined in the Town Plan and in the Zoning Regulation. The Conservation District is shown on Proposed Land Use map which is part of the Town Plan. Among other things, the purpose of the Conservation District, as set forth in the Town Plan, is to “protect the natural resource value of lands that are essentially underdeveloped.” Town Plan at 21. The Conservation District shall be used for “Agriculture, forestry, open space conservation, strict resource management, recreation, hunting and [disperse and limited residential development].” Town Plan at 21.

The project is consistent with the Conservation District purpose in a number of respects. The project is limited to 14.5 acres of the total leased area of 69 acres. The

project has been sited to avoid, to the extent feasible, direct impacts on natural resources as explained in detail in the Natural Resources Assessment (Exhibit 8). The project has been limited in operating scope to the spring (weather and road conditions permitting), summer, and fall months thus minimizing the indirect impact on winter habitat. During the operating season, the project will generate no more than two loaded truck trips per day together with employee trips.

The Town Plan provides a series of specific implementation guidelines. The Implementation measures applicable to extraction of earth resources are found on Page 59 and read as follows:

Goal 10: To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and proper restoration and preservation of the aesthetic qualities of the area.

- Town Plan Goals – 8 and 10
- Land Use Policies – 6
- Natural Area Policies – 2, 3 and 5
- Earth and Mineral Extraction Resources Policies – 1, 2, 3 and 4
- Earth and Mineral Extraction Resource Recommendations – 1

Each of the Town Plan implementing guidelines, and the manner in which the project has been designed to comply with the guidelines, are discussed in the following narrative.

The first implementing guidelines are Town Plan Goals 8 and 10. Town Plan Goals 8 and 10 are as follows:

8. To encourage environmental awareness by protecting the community's natural resources including its air, water, wildlife habitat and land resources.
10. To encourage the continued availability and good management of lands for agriculture, forestry, and earth/mineral extraction.

The project is consistent with Goal 10 in that the project is earth/mineral extraction. A specific goal of the Town Plan is to encourage earth/mineral extraction.

With respect to Goal 8, natural resources are protected in a number of ways as more fully described in Exhibit 8 (Natural Resources Assessment). A substantial portion of the 69-acre leased area will not be disturbed by the project. Topsoil/overburden will not be removed from the site. All topsoil will be available for reclamation. Upon completion of the project and reclamation of the site, the quarry area will be available for continued forestry purposes.

The implementing guidelines also refer to one of the Land Use Policies. Land Use Policy 6 reads as follows:

6. Encourage the use of innovative land saving techniques such as cluster development, planned unit developments, and fixed area density allocation to protect agriculture, forest, and mineral resources lands from development and fragmentation.

The project is consistent with Policy 6 in that the project does not result in degradation of mineral resources lands as would be the case if the project area were developed for residential or other purposes. The Applicant seeks to utilize the mineral resources. Policy 6, like Town Plan Goal 10, encourages the responsible extraction of resources.

The implementing guidelines also direct the reader to the “Natural Areas” section of the Town Plan. There are several policies in the Town Plan that are designed to protect “natural areas.” A “natural area” is an “area of land or water that, in contrast to the normally encountered landscape, retains or has re-established its natural character and has unusual or significant flora, fauna, geological, or similar features of scientific or educational interest.” The Town Plan identifies a number of natural areas, specifically Halifax Gorge, the summit of Mount Jolly, the Trust for Wildlife Lands, and a rare aquatic plan located in Deer Park Pond. None of these identified areas will be impacted by the project.

Deer Park Pond is located more than 3,000 feet westerly of the project area. See Exhibit 11. There is a large undeveloped parcel of land between the project and Deer Park Road. Deer Park Pond is located to the west of Deer Park Road, and even further from the project site. Deer Park pond will not be impacted by the project. The Halifax Gorge, the summit of Mount Jolly, and the Trust for Wildlife lands will not be impacted by the project.

The project area does not contain “unusual or significant flora, fauna, geological, or similar features.” The project area is moderately sloping with bedrock faces. Elevations range from 1,200 to 1,500 feet above sea level. Forest within the project area is unevenly aged and actively managed for timber harvesting. Forests in the project area are classified as northern hardwood, hemlock, and hemlock-northern hardwood. Soils within the project area are not considered hydric by the National Resources Conservation Service. Exhibit 8 (page 1-2). The quarry area has been sited to avoid direct impacts to all Class II wetlands and to minimize impacts to Class III wetlands. The quarry has been sited to avoid any direct impacts on potential bear wetlands habitat. Exhibit 8 (pages 4-5, 6-7). The natural communities within the project area are not considered significant natural communities. Exhibit 8 (page 5-6). A targeted onsite field study did not identify any rare, threatened, or endangered plant species within the project area. Exhibit 8 (page

7-8). The project area does not fall within the “natural area” definition of the Natural Areas section of the Town Plan.

The Town Plan also contains a section that is specific to earth and mineral extraction. Earth and Mineral Extraction Resource Policies 1, 2, and 3 are as follows:

1. Require that earth and mineral resources and their removal be regulated so as to encourage responsible use of the town’s resources over time while minimizing damage to Halifax's scenic and natural resources.
2. Minimize noise and adverse impact on public highways, aesthetics, surface water, air quality, adjacent properties and the character of the area.
3. Require that all proposals for extraction include a site rehabilitation plan, and a bond or escrow account to assure restoration of mineral, stone, sand and gravel extraction areas.

The project is regulated by Agency of Natural Resources, by the Natural Resources Board, and by the Town of Halifax. The Town of Halifax has adopted a zoning regulation that regulates removal of earth and mineral resources. Earth extraction is considered “resource industry” under the Zoning Regulation adopted March 6, 2012. Resource industry is permitted as a conditional use in the Conservation District. The project will need to obtain conditional use approval, site plan approval. The project is subject to the general performance standards (Section 405) and the earth/mineral extraction standards (Section 501).

The Applicant has taken steps to minimize noise impacts. Blasting is not proposed. Drill barriers are proposed to be used in areas nearest the property lines. Onsite processing such as crushing and screening is not proposed. Weekend operations are not proposed. Winter operations are not proposed.

The Applicant has taken steps to minimize impacts on public highways. Truck traffic is limited to two loaded trucks per day. Trucks will not operate in the winter. Trucks will not operate when there are adverse road conditions in the spring.

The Applicant has taken steps to preserve the character of the area and minimize aesthetic impacts. The project area is quite isolated from existing residential development. The nearest residence is located over 2,300 feet from the project area. Exhibit 13 (page 1). The project cannot be seen looking easterly from Deer Park Road due to topography. See Exhibit 1. The same holds true looking from the north and northeast of the project area. See Exhibit 1. Visibility from the south is expected to be limited to the Denison tract itself. Noise impacts are discussed in detail in Exhibit 13.

Surface water quality is protected by avoiding wetland and stream features to the extent practical. See Exhibit 8. Secondly, the project has been designed to comply with applicable State stormwater and water quality regulations. See Exhibits 4, 5, and 7.

Air quality is protected by limiting the scope of the project. Blasting, crushing and screening are not proposed. The equipment that will be used onsite falls below the threshold for a permit from the Air and Climate Division of ANR. Exhibit 2.

The Applicant has prepared a final site plan which was included with the application. The project does not involve the removal and sale of topsoil/overburden from the project site. All topsoil that is currently at the site will be available to reclaim the site. All of the equipment necessary for reclamation will be onsite for the duration of the project. No more than two acres will be concurrently disturbed. Reclamation will occur in a given area as the final depth of extraction is reached. The Applicant proposes creating an escrow fund of \$1,000 per year until the fund reaches \$10,000 to ensure that funds are available for site reclamation.

The proposed \$10,000 escrow amount is sufficient for reclamation because the materials for reclamation will be on site and reclamation will occur as the project progresses. This figure is the same escrow amount allowed in a Land Use Permit issued for a similar project. See Land Use Permit #3W1044 (Altered).

At the end of the project's life, the project area will be mostly flat with benches on the westerly side. Benches will be covered with organic materials from the site and allowed to re-vegetate. The quarry floor will be fully capable of supporting forest regeneration or other use.

The final section of the Town Plan identified in the implementation section is the Earth and Mineral Extraction Resource Recommendation. This section pertains to sand and gravel resources that the Town might be interested in pursuing. It is not applicable to this project as the Applicant has not identified excess sand and gravel deposits on the site.

In summary, the Halifax Town Plan has a goal of encouraging the reasonable extraction of earth resources. The Town Plan also discourages uncoordinated or incompatible development. The Applicant has designed a project that limits the potential impacts to the extent practical. The project is very isolated from other existing development. The project design employs a number of mitigation measures as stated above. The project complies with applicable environmental standards. Stone is removed generally along natural seams thus avoiding the need for blasting. Processing of removed stone will not take place at the site. No onsite sale is proposed. The project is in compliance with the applicable sections of the Town Plan.