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## Quarry in Moretown denied state permit

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By Erin Post

A controversial quarry proposed for Moretown has been denied an Act 250 permit from the state because it failed to meet air pollution and Town Plan criteria.

Moretown town attorney Ron Shems said the District Five Environmental Commission handed down their decision January 19, after concluding evidentiary hearings last spring.

The commission determined that the project did not meet two of Act 250's 10 Criteria: Criterion one, dealing with water and air pollution; and the 10th Criterion, which requires conformance with the town plan.

In their 96-page decision, the commission raised concerns about air pollution and silica dust in particular, a known carcinogen present in certain rock formations. In denying the project an Act 250 permit, the commission cites a lack of "any data regarding the impact [of air pollutants] on at least the closest residences" to the quarry site.

The application also did not meet its burden of proof in a number of other areas for Criterion one, the decision states. The lack of detail on how water would be used to suppress dust from gravel stockpiles was cited as a concern, as was the lack of testing regarding how prevailing winds may affect the flow of air pollutants.

The application filed by Waitsfield resident Richard Rivers Jr. called for a quarry to be located on 93 acres off Route 100B about 2.5 miles north of the village of Moretown in an area zoned agricultural/residential. The quarry would have produced about 75,000 cubic yards of stone annually over the course of 33 years, according to the project application.

In the denial of a permit based on Criterion 10, the commission referenced chapter seven of the Moretown Town Plan as well as Moretown's zoning bylaws. Taken together, the commission stated that the two documents allow light industry-- which includes earth extraction--in the Route 100B corridor but do not permit "basic industrial processing."

Because the proposed quarry included a "substantial component" of on-site processing, "as opposed to the extraction of sand and gravel," the commission stated that the application would not be "compatible or consistent with the terms of the Town Plan."

Also in relation to Criterion 10, the commission discussed how Moretown's Town Plan encourages "active town participation" at the state level to ensure proposals meet the town's guidelines.

"The select board and planning commission have done so in the present proceedings," the decision states. This participation, along with the repetition of statements in the Town Plan that push for preservation of the rural character of the agricultural district, lead the commission to conclude that "this quarry land use, with on-site processing, is not a land use which the residents of Moretown envision for the Route 100B/Mad River corridor and the agricultural/residential district."

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"We are extremely pleased that Act 250 appropriately implemented Moretown's laws," said select board chair Paula Mastroberardino in a prepared statement. "The district commission concluded that this project just did not fit in this highly scenic location important to so many of Moretown's values."

The Town Plan designates Route 100B a "scenic corridor and one of Moretown's most important attributes," Mastroberardino said, adding that the state and federal governments also recently designated the road a scenic corridor. Plans are in the works to install signs and other attractions that highlight the route's attributes.

The federal and state governments' scenic designation came after the quarry hearings began and could not be considered as part of Act 250 review, according to state guidelines.

Rivers, reached by telephone this week, said he has not yet decided if he will appeal the state's decision.

"We're taking a look at it," he said. "There's quite a bit of stuff to go through."

Plans called for the quarry to operate from April to December, with less than 10 acres to be disturbed at any one time. Blasting would have occurred 10 to 12 times per year, for roughly five to six days at a time. Witnesses for the applicant estimated during Act 250 hearings that an average of 36 trucks per day would be hauling crushed stone and other material away from the site.

In 2004, Moretown's development review board (DRB) denied a conditional use permit for the quarry after months of contentious hearings. Neighboring residents mobilized against the proposal, citing concerns about everything from noise pollution to property values to the possibility for groundwater contamination. The slogan "Keep 100B Quarry Free" became the catch phrase for opponents.

After the Moretown DRB denied the quarry a permit, Rivers decided to move forward with the Act 250 hearing process at the state level.

Those hearings began in March of 2005 and continued through June. Many Moretown residents, as well as members of the Moretown Select Board, took the stand at the Moretown Town Hall.

Select board members testified that property values in Moretown could fall by as much as 10 to 15 percent if the quarry were approved. They also questioned whether the increase in truck traffic would negatively impact the village, especially the elementary school located on Route 100B.

Witnesses for the applicant refuted those claims and presented plans for safety measures including a testing system for groundwater contamination and a warning system for nearby residents on blasting days.