

**James Carroll**

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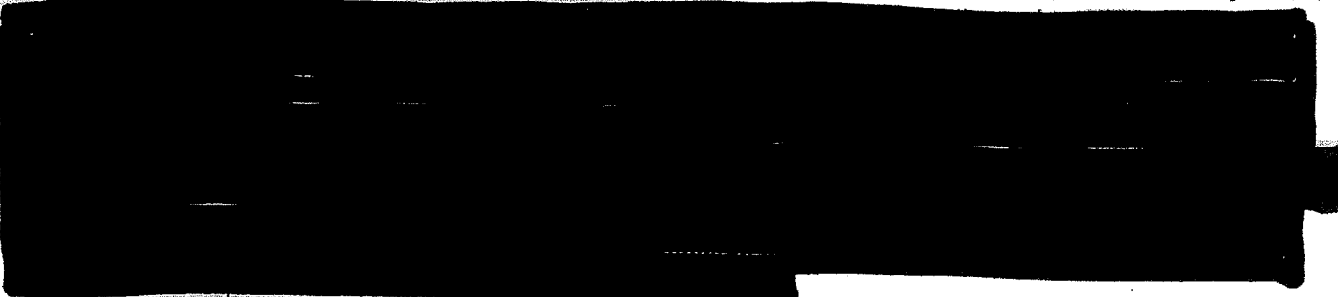
**From:** Jim Goss <jgoss@fgmvt.com>  
**Sent:** Thursday, May 23, 2019 9:57 AM  
**To:** David Pisha  
**Cc:** Jim Goss; Cindy Knipes  
**Subject:** Town of Chester Sand and Gravel Pit-PRIVILEGED AND CONFIDENTIAL

Dave: At your request, I am writing to summarize where we are with respect to the Town of Chester's proposed small sand and gravel operation located off of Route 103. As you are aware, this property previously received an Act 250 Amendment allowing construction of the Town's water tower and other related facilities on the property. That Act 250 Amendment, which is now final and supersedes all prior permitting for this property, also expressly allows consideration of a future amendment application for a sand and gravel extraction operation in the area where it is presently proposed by the Town provided that the consent of the Department of Fish & Wildlife is obtained to protect deer wintering habitat on the site. For approximately the past 9 months, the Project engineer and I have engaged in negotiations with the State of Vermont to obtain that permission. After much discussion with the State, we have now arrived at a Project Site Plan and a set of stipulated permit conditions which will allow the Project to proceed with the Department's consent.

At the same time that we have been negotiating with the State to obtain their consent to this Application, we have also been working with Town officials and the Project engineer to come up with a Project Program for the Act 250 Application. The Project Program includes operational parameters which will guide the related Application processes. We have now arrived at such a Program which fits in with the final extraction and reclamation plans developed by the Project engineer. I do wish to stress that my understanding is that this is to be a small, non-commercial operation, that is, it is to be used for municipal purposes and will likely only be operated sporadically. However, because of the nature of the permit process, the applied for limits must be for the maximum level of operation which could ever occur, even in highly exceptional circumstances. This has driven the Program numbers that are presently being contemplated.

We also spent time confirming that legal access exists to Route 103 from this site for the proposed operation. The Town presently has a valid right-of-way which is sufficient to allow that access. We approached the underlying property owners to see if they would be willing to convey this road in fee to the Town, as this would give the Town greater control over use of the road in the future. However, we encountered resistance to this from the underlying property owners with the result that we will proceed with the Application process utilizing the right-of-way as it already exists. This is expressly allowed under Act 250 case authority.

At this time, we have drafted the preliminary Act 250 Application and the related Zoning Application required for this Project, and have been working with the engineer to assemble the necessary exhibits. However, two of the needed exhibits which had to await the finalization of the Site Plan are a Noise Report and Traffic Report for this Project.



[REDACTED]

it is literally impossible for me to estimate how much more this matter may cost the Town as I have no way of predicting whether opposition will arise and what issues they will raise. I can represent that your expenses to date are very reasonable compared to other projects I have done given the extensive discussions that had to occur with the State to come to a final Site Plan and Project Program and the other design factors noted above.

Please let me know if you require additional information.



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