

VERMONT SUPERIOR COURT  
Environmental Division  
32 Cherry St, 2nd Floor, Suite 303,  
Burlington, VT 05401  
802-951-1740  
www.vermontjudiciary.org



Docket No. 25-ENV-00058

Land Use Review Board,  
Plaintiff,

v.

3643 VT Route 103, N, LLC, et al,  
Respondent.

## JUDGMENT ORDER

This matter involves a disputed Administrative Order (AO) issued by the Vermont Land Use Review Board (LURB) against multiple Respondents, who are the collective owners and operators of three quarries located on separate parcels of land in the Town of Chester, Vermont.<sup>1</sup> The LURB filed the AO with this Court on July 23, 2025, and Respondents filed a request for hearing on that same day.

The Court conducted a one-day merits hearing on September 5, 2025, in which both the LURB and Julian participated.<sup>2</sup> Respondent Julian was represented by Attorney Mark G. Hall. The LURB was represented by Attorney Jenny Ronis.

As set forth in the attached merits decision, the Court has concluded that:

- (1) By operating the North Quarry, from its acquisition by Julian in 2018 until January/February 2024, without first applying for and obtaining a permit amendment, Julian violated Land Use Permits 2S0775 and 2S0775-1 (Altered), and JO 2-324. The evidence demonstrates, however, that quarrying operations at the

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<sup>1</sup> Respondents include: 3643 VT Route 103 N, LLC; 137 Chandler Road, LLC; 137 Chandler Road VT, LLC; Julian Materials, LLC; Julian Development, LLC; M Julian, LLC; Jason Julian; Andrew Julian; Maureen Julian; and Michele Julian. At trial, the parties agreed to collectively refer to the Respondents as "Julian" unless more specific identification is required.

<sup>2</sup> Representatives of the Town of Chester and certain neighbors, and their counsel, also observed the merits hearing.

North Quarry, which was scheduled to close in 2008, ceased in January/February 2024 and, therefore, Julian did not violate this Court's Decision on Motions and Judgment Order in Docket No. 23-ENV-00043 and this violation is not continuing.

- (2) By using a hydraulic hammer at the North and South Quarries, beginning in 2018, without first obtaining a permit amendment, Julian violated Land Use Permits 2S0775 and 2S0775-1 (Altered). Further, to the extent Julian used a hydraulic hammer at the Chandler Quarry between the time that it began co-mingling that quarry with the North and South Quarries and March 2024, without first applying for and obtaining an Act 250 permit or permit amendment, that use also constituted a violation.<sup>3</sup> However, Julian ceased all use of and sold the hydraulic hammers by March 1, 2024. Therefore, Julian did not violate this Court's Decision on Motions and Judgment Order in Docket No. 23-ENV-00043 and this violation is not continuing.
- (3) By failing to take all required steps to implement the reclamation plans for the North Quarry and the South Quarry, including applying for permit amendments to extend deadlines in a timely manner, Julian violated Land Use Permits 2S0775 and 2S0775-1 (Altered), JO 2-324, and this Court's Decision on Motions and Judgment Order in Docket No. 23-ENV-00043. Julian admits that it has not reclaimed the North or South Quarries, nor has it applied for the necessary permit amendments to do so. Julian's representatives do not know precisely when those amendment applications will be filed. This is a continuing violation.
- (4) By failing to install and maintain the required sound berm at the South Quarry, without first applying for and obtaining an Act 250 permit or permit amendment, Julian violated Land Use Permit 2S0775-1 (Altered). Julian admits this violation, which is continuing.

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<sup>3</sup> The Court understands that rock hammering was a lawful activity that occurred at the Chandler Quarry as part of its pre-existing operation. When Julian co-mingled operations at Chandler Quarry and the North and South Quarries, affecting a substantial change, it triggered Act 250 jurisdiction, such that the Chandler Quarry could no longer lawfully operate as a quarry without an Act 250 permit or permit amendment. Since rock hammering was a component of quarrying activity at the Chandler Quarry that occurred after Act 250 jurisdiction was triggered, and before a permit or permit amendment was obtained, it was an aspect of the violation that occurred there (i.e., quarrying, subject to Act 250 jurisdiction, without a permit). Rock hammering at the Chandler Quarry, in and of itself, did not constitute an independent violation separate from other (unpermitted) quarrying activity.

- (5) By operating the Chandler Quarry in conjunction with the North and South Quarries, without first applying for and obtaining an Act 250 permit or permit amendment, Julian violates JO 2-324 and this Court's Decision on Motions and Judgment Order in Docket No. 23-ENV-00043. This is a continuing violation.
- (6) By not timely applying for and obtaining required permit amendments for its unauthorized activities between 2018 and 2025, as described herein and in 23-ENV-00043, Julian violated JO 2-324. Julian admits that it has not yet applied for Act 250 permit amendments. This is a continuing violation.

Julian largely admits the violations identified above that occurred prior to this Court's March 13, 2024 Decision on Motions. Further, Julian has stipulated to the administrative penalty of \$29,965 requested by the LURB. Considering the factors listed in 10 V.S.A. § 8010(b), and given the history recited above, this penalty amount (which does not exceed statutory maximum limits) is reasonable and, therefore, the Court adopts it.<sup>4</sup>

The Court concludes that Julian has failed to show that the changes and operations at Chandler Quarry are sufficient to extinguish Act 250 jurisdiction. The evidence presented at trial demonstrates that the 2021 construction of a building at Chandler was by Julian's own admission, a "big physical change" to the property, and that although use of the building has ceased, it remains on the property. The presence of that building constitutes a physical change to the land that prevents the dissolution of Act 250 jurisdiction in this context. As such, Chandler Quarry remains subject to Act 250 jurisdiction and Julian's failure to apply for and obtain a permit for its operations at Chandler constitutes a continuing violation.

Further, given the continuing violations identified herein, the Court affirms the LURB's "stop work" order until Julian has obtained the appropriate Act 250 permit/permit amendments. The Court does not take this step lightly but feels compelled to do so, considering the clear and unambiguous language of the applicable regulatory documents, referenced above, the long duration of the continuing violations, the direction provided to Julian by the JO and Decision on Motions, the relatively small number of employees (3) presently working at the Chester quarries (and the reduced activity there), and the potential for Julian to mitigate economic harm to its employees by diligently pursuing necessary Act 250 permits/permit amendments.

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<sup>4</sup> This penalty amount is comprised of \$27,500 for the violations noted in the AO, \$2,450 for the LURB's costs in enforcing this action, and a \$15 recording fee to file the AO in the Town of Chester Land Records.

Julian, the LURB, and the Attorney General have a right to appeal this decision to the Vermont Supreme Court in accordance with the Vermont Rules of Appellate Procedure. The decision shall become final if no appeal is requested within 10 days of the date the decision is received. 10 V.S.A. § 8012(c)(4)-(5).

Electronically signed on September 30, 2025, pursuant to V.R.E.F. 9(d).

A handwritten signature in blue ink, appearing to read "Joseph S. McLean", with a long horizontal flourish extending to the right.

Joseph S. McLean  
Superior Court Judge  
Environmental Division