

1 H.662

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; natural resources; Act 250;

6 slate quarries

7 Statement of purpose of bill as introduced: This bill proposes to repeal the Act

8 250 exemptions related to slate quarries.

9 An act relating to Act 250 and slate quarries

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 10 V.S.A. § 6081 is amended to read:

12 § 6081. PERMITS REQUIRED; EXEMPTIONS

13 (a) No person shall sell or offer for sale any interest in any subdivision
14 located in this State, or commence construction on a subdivision or
15 development, or commence development without a permit. This section shall
16 not prohibit the sale, mortgage, or transfer of all, or an undivided interest in all,
17 of a subdivision unless the sale, mortgage, or transfer is accomplished to
18 circumvent the purposes of this chapter.

19 (b) Subsection (a) of this section shall not apply to a subdivision exempt
20 under the regulations of the Department of Health in effect on January 21,

1 1970 or any subdivision which has a permit issued prior to June 1, 1970 under
2 the Board of Health regulations, or has pending a bona fide application for a
3 permit under the regulations of the Board of Health on June 1, 1970, with
4 respect to plats on file as of June 1, 1970, provided such permit is granted prior
5 to August 1, 1970. Subsection (a) of this section shall not apply to
6 development which is not also a subdivision, which has been commenced prior
7 to June 1, 1970, if the construction will be completed by March 1, 1971.
8 Subsection (a) of this section shall not apply to a State highway on which a
9 hearing pursuant to 19 V.S.A. § 222 has been held prior to June 1, 1970.
10 Subsection (a) of this section shall not apply to any telecommunications
11 facility in existence prior to July 1, 1997, unless that facility is a
12 “development” as defined in subdivision 6001(3) of this title. Subsection (a)
13 of this section shall apply to any substantial change in such excepted
14 subdivision or development.

15 * * *

16 (j) ~~With respect to the extraction of slate from a slate quarry that is~~
17 ~~included in final slate quarry registration documents, if it were removed from a~~
18 ~~site prior to June 1, 1970, the site from which slate was actually removed, if~~
19 ~~lying unused at any time after those operations commenced, shall be deemed to~~
20 ~~be held in reserve, and shall not be deemed to be abandoned. [Repealed.]~~

21 (k)(1) ~~With respect to the commercial extraction of slate from a slate~~
22 ~~quarry, activities that are not ancillary to slate mining operations may~~

1 ~~constitute substantial changes, and be subject to permitting requirements under~~
2 ~~this chapter. "Ancillary activities" include the following activities that pertain~~
3 ~~to slate and that take place within a registered parcel that contains a slate~~
4 ~~quarry: drilling, crushing, grinding, sizing, washing, drying, sawing and~~
5 ~~cutting stone, blasting, trimming, punching, splitting and gauging, and use of~~
6 ~~buildings and use and construction of equipment exclusively to carry out the~~
7 ~~above activities. Buildings that existed on April 1, 1995, or any replacements~~
8 ~~to those buildings, shall be considered ancillary.~~

9 ~~(2) Activities that are ancillary activities that involve crushing, may~~
10 ~~constitute substantial changes if they may result in significant impact with~~
11 ~~respect to any of the criteria specified in subdivisions 6086(a)(1) through (10)~~
12 ~~of this title. [Repealed.]~~

13 (1)(1) By no later than January 1, 1997, any owner of land or mineral rights
14 or any owner of slate quarry leasehold rights on a parcel of land on which a
15 slate quarry was located as of June 1, 1970, may register the existence of the
16 slate quarry with the District Commission and with the clerk of the
17 municipality in which the slate quarry is located, while also providing each
18 with a map which indicates the boundaries of the parcel which contains the
19 slate quarry.

20 (2) Slate quarry registration shall state the name and address of the
21 owner of the land, mineral rights, or leasehold rights; whether that person
22 holds mineral rights, or leasehold rights or is the owner in fee simple; the

1 physical location of the same; the physical location and size of ancillary
2 buildings; and the book and page of the recorded deed or other instrument by
3 which the owner holds title to the land or rights.

4 (3) Slate quarry registration documents shall be submitted to the District
5 Commission together with a request, under the provisions of subsection
6 6007(c) of this title, for a final determination regarding the applicability of this
7 chapter.

8 (4) The final determination regarding a slate quarry registration under
9 subsection 6007(c) of this title shall be recorded in the municipal land records
10 at the expense of the registrant along with an accurate site plan of the parcel
11 depicting the site specific information contained in the registration documents.

12 (5) ~~With respect to a slate quarry located on a particular registered~~
13 ~~parcel of land, ancillary activities on the parcel related to the extraction and~~
14 ~~processing of slate into products that are primarily other than crushed stone~~
15 ~~products shall not be deemed to be substantial changes, as long as the activities~~
16 ~~do not involve the creation of one or more new slate quarry holes that are not~~
17 ~~related to an existing slate quarry hole. [Repealed.]~~

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19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2016.