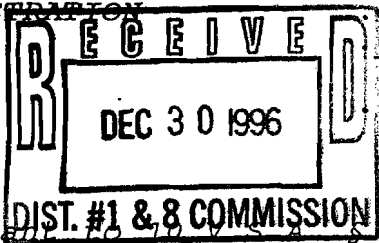


ACT 250
APPLICATION FOR
SLATE QUARRY
REGISTRATION

.file number 1-5-96 date received _____
.[] complete [] incomplete init. _____
.date completed _____
coordinator or clerk signature: 10 V.S.A. Chapter 151



.....OFFICE USE ONLY.....

Pursuant to 10 V.S.A. § 6001 et seq (Act 250), as amended, application is hereby made for registration as a "slate quarry" pursuant to 10 V.S.A. §6001 (25) and 6081(1), and for a final jurisdictional determination under subsection 6007(c) of Title 10 Vermont Statutes Annotated.

NAMES:

1. Applicant(s) Name: SLATE PRODUCTS INC
Address: RR 1 Box 146 West Pawlet VT 05775 - 9701 Phone: 578 642-3314

Legal form: [] individual [] partnership (attach list of partners)
[X] corporation: date formed 11/10/94 place formed VT
date reg. in Vt. _____ [X] municipal gov't [] state gov't
Legal interest in land: [X] ownership in fee simple [] lease agreement
[] contract to purchase [] other: _____

2. Landowner(s) Name: SLATE PRODUCTS INC
Address: West Pawlet VT Phone: 578 642-3314

3. Mineral Rights Owner Name: _____
Address: _____ Phone: _____

4. Leasehold Rights Owner Name: _____
Address: _____ Phone: _____

5. Contact Person: _____
Address: _____ Phone: _____

LAND:

6. Total acres owned or controlled by applicant and landowner at project site 12 AC more or less

7. Deed(s): Grantee's name as recorded State Products Inc
Recorded in book(s) _____ page(s) _____
on date(s) _____
Town West Pawlet County Rutland VT

2
QUARRY DESCRIPTION:

8. Applicant represents that dimensional stone (Note 1) was commercially extracted from this hole on or prior to June 1, 1970, as follows:

Somich Bros Slate Company
Graville NY 1950 - 1975

Quarry Hole #1:

9. Federal Mine Identification Number (Note 2): 4300 496

10. Mine Name: CLAY QUARRY

11. Directions to the Mine (mileage - direction from nearest town, city, and landmark). Note: Submit tax map, aerial photo, sketch or site plan to show quarry hole location.

12. Mine Location Address (city, county, state, zip code):
West Pawlet Ut Button Falls Road Rutland County
Box 146 RR1 West Pawlet Ut 05775

13. Commodity (type of slate product to be extracted): Raw Block
of Slate

14. Existing on-site operations:

Describe existing buildings (square footage, purpose, location shown on sketch) which are or were located on the premises prior to April 1, 1995.

- ① 3200 SQ. FT.
 - ② ~~1420~~ 196 SQ FT
 - ③ ~~1420~~ 196 SQ FT
 - ④ ~~1420~~ 196 SQ FT
 - ⑤ 420 SQ FT
 - ⑥ 420 SQ FT
- BUILT ~ 1950

If a building has been constructed on the tract since April 1, 1995, please contact the District Coordinator to determine whether an Act 250 permit is required.

Quarry Hole #2: (See Note 3)

15. Checklist of required documentation to be submitted with this application:

- Identify the location of Quarry Hole(s) (tax map, aerial photo, site plan or sketch).
- Current list of names and addresses of all adjoining property owners (Note 4) whose fee simple ownership of property shares a property boundary with the quarry tract or whose lands are adjacent and separated only by a river, stream, or public highway.

3
SIGNATURES:

16. I hereby swear that the information provided above or attached to this registration is true and accurate to the best of my knowledge.

Signature of applicant(s): State prod inc Helen Harrison ^{PRE} Date: 12/26/96

17. I hereby authorize the processing of this application for the above project on land(s) that I own control, or have significant property interest in.

Signature of landowner(s): State prod inc Helen Harrison ^{PRE} Date: 12/26/96
(Mineral rights landowner or fee landowner)

DISTRIBUTION:

18. Submit the original and four copies to the District Coordinator.

19. Submit additional copies to the Municipality, Municipal Planning Commission, Regional Planning Commission, and to any adjoining municipalities and planning commissions.

Note 1: "Dimensional Stone" refers to slate that is processed into regularly shaped blocks according to specifications.

Note 2: Contact U.S. Dept. of Labor and Mine Safety and Health Administration Phone (518) 436-8970.

Note 3: For additional holes on the same tract, identify the hole(s) on the maps, photos and/or sketch provided in #11 above.

Note 4: Abutting owners may only object to issues relating to pre-existing use and registration. If a particular quarry hole is contested, registration may proceed with uncontested quarry holes located on the same parcel

Approved by Board on November 29, 1995.

(quarry) quarry.a

Adjoining Land owners

To the West - Leiberger Strawberries West Pawlet VT 05775

To the South - Carrara Slate Co. Hampton NY 12837

To the North - Hadley & Williams Slate Co. W. Pawlet VT 05775

The East - Wilma Rice Timberland Trails Rd Shaftesbury VT 05262

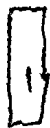
Camera Slate Co
Hampton NY 12837

~~5 + 305~~

Slate products inc
West Pawlet VT 05775 - 9701
RR 1 Box 146

West

to wood Building



Drive way



Quarry Hole

Land owner

Wilma
Timber land

Rice
trunk Road
Shut-bury VT 05262

RR 2

RR 2

To Slate prod inc

East

Hudy & Williams Slate company
West Pawlet VT
~~5 + 305~~

Mettowee River



STATE OF VERMONT
District #1 & 8 Environmental Commission
440 Asa Bloomer State Office Building
Rutland, VT 05701-5903
Telephone: (802) 786-5920
January 2, 1997

Slate Products, Inc.
RR1, Box 146
West Pawlet, VT 05775

Re: Slate Quarry Registration

Dear Sir or Madam:

We are in receipt of your slate quarry registration application. Please be advised however, that due to workloads and shortage of staff, there will be a delay in processing your application.

Because we have received your application prior to January 1, 1997, the deadline established by the Vermont Legislature, your application is considered to be timely filed under the statute. I will contact you if additional information is required prior to my issuance of a Jurisdictional Opinion. At the present time, approximately 10 opinions have been issued, and approximately 60 applications are pending. I expect that all opinions will be issued by March 1, 1997. If this presents any difficulty or inconvenience, please do not hesitate to contact me at (802) 786-5920.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "William Burke".

William Burke
District Coordinator



STATE OF VERMONT
District Environmental Commission #1 and #8
440 Asa Bloomer State Office Building
Rutland, VT 05701-5903
Telephone: (802) 786-5920
Fax: (802) 786-5915
January 24, 1997

Slate Products, Inc.
Clay Quarry
RR 1 Box 146
West Pawlet, VT 05775-9701

Dear Slate Products, Inc.:

Your slate quarry registration application(s) indicated the presence of buildings existing on the premises prior to April 1, 1995. In order to document the pre-existing structures or their remains, we are requesting photographs of such existing buildings be submitted to this office at the address above, no later than **February 7, 1997**. We are aware that the condition of the buildings will vary and that in some situations only foundations remain. The photographs may be color or black and white. We appreciate your cooperation and prompt response. Questions may be addressed to the above address and telephone number.

Sincerely,

Leslie Jones
Legal Intern



STATE OF VERMONT
Districts #1 & 8 Environmental Commissions
440 Asa Bloomer State Office Building
Rutland, VT 05701-5903
Tel: (802)786-5920
Fax: (802)786-5915
April 9, 1997

Helen Harrison
President
Slate Products, Inc.
RR 1, Box 146
West Pawlet, Vermont 05775

Subject: Jurisdictional Opinion #1-S-96; One Slate Quarry Hole and No Buildings on a ±12 Acre Tract Located Off the Button Falls Road in the Town of West Pawlet, Vermont

Dear Helen Harrison:

Pursuant to 10 V.S.A. §§6001(25), 6007(c), 6081(j), and 6081(l)(1), you submitted a slate quarry registration application and request for an Act 250 jurisdictional opinion on December 26, 1996.

I. Background

In 1993, the Vermont Legislature enacted new legislation (H.871§ 37 entitled "Slate Quarry Regulatory Review") which served to provide a temporary exemption from Act 250 for substantial or material changes to existing slate quarries provided that such changes were not "extreme changes" under the statute. See § 37 of H.871 supra.

In 1995, the Vermont Legislature enacted Act 30, adding subsections (j) through (l) to 10 V.S.A. § 6081 (Permits required; exemptions) of the Act 250 statute ("Act 30"). Among other things, Act 30 established a slate quarry registration program whereby quarries which are properly registered are deemed to be active (not abandoned) and exempt from Act 250 for enumerated "ancillary activities" (i.e. "Drilling, crushing, grinding, sizing, washing, drying, sawing and cutting stone, blasting, trimming, punching, splitting and gauging, and use of buildings and use and construction of equipment exclusively to carry out the above activities. Buildings that existed on April 1, 1995, or any replacements to those buildings, shall be considered ancillary." 10 V.S.A. § 6081 (k)(1).

The Act, effective April 13, 1995, further provided that the amendments to section 6081 of Act 250 shall be retroactive to June 1, 1970. Act 30, § 4.

II. Summary of Opinion

Having completed my review of your registration form (with enclosures), I conclude that the subject quarry hole constitutes a preexisting development, is not abandoned, and is not currently subject to a requirement for an Act 250 Land Use Permit. Accordingly, no Act 250 permit is currently required for the subject "Clay" Quarry as described in more detail below.

The construction of a new building or buildings, or the opening up of a new quarry hole will require a land use permit under 10 V.S.A. §6001 et seq (Act 250).

III. Documents and Facts

In forming this opinion, I relied upon the accuracy of the following factual representations and documents:

1. Slate Quarry Registration form filed by Helen Harrison on behalf of Slate Products, Inc, dated December 26, 1996.
2. A site map illustrating one quarry hole and six outbuildings.
3. A list of adjoining property owners.
4. Federal Mine Safety and Health Administration Identification #4300496.

IV. Conclusions

Based upon the information submitted, I conclude that there is sufficient evidence that the subject quarry hole preexisted Act 250 (June 1, 1970) and is not abandoned. 10 V.S.A. §6081(j). Although the registration application indicated the existence of six outbuildings¹, I find the evidence of ancillary buildings to be insufficient. Applicant failed to timely submit photographs of any of the outbuildings. Therefore, there is no evidence that the six outbuildings meet the statutory requirements of 10 V.S.A. §681(k)(1).² Pursuant to 10 V.S.A. §6081(l)(5), operation of and changes to the

¹ Applicant listed six preexisting outbuildings: one, 3,200 sq. ft.; three, 196 sq. ft.; and two, 420 sq. ft.

² "Buildings that existed on April 1, 1995, or any replacements to those buildings, shall be considered ancillary." 10 V.S.A. § 6081(k)(1).

Jurisdictional Opinion #1-S-96
April 9, 1997
Page 3

subject quarry will not require a land use permit under 10 V.S.A. §6001 et seq (Act 250) provided that the changes do not involve the creation of a new quarry hole or holes or the construction of new buildings on the tract.

V. Reconsideration or Appeal

This is a jurisdictional opinion and interested parties may file a request to the District Coordinator, at the address above, to reconsider the opinion, or may file an appeal to the State Environmental Board, pursuant to 10 V.S.A. §6007(c). A jurisdictional opinion of a district coordinator shall be subject to a request for reconsideration or it may be appealed to the board by the applicant, by individuals or entities who may be affected by the outcome of the opinion, or by parties that would be entitled to notice under section 6084, if jurisdiction were determined to exist. **An appeal from a jurisdictional opinion must be filed within 30 days of the mailing of the opinion to the person appealing. Failure to appeal within the prescribed period shall render the jurisdictional opinion the final determination with respect to jurisdiction under this chapter unless the opinion has not been properly served on parties that would be entitled to notice under section 6084, if jurisdiction were determined to exist, and on persons and entities which may be affected by the outcome of the decision, according to the rules of the board.** Any appeal shall be by means of a petition for declaratory ruling, and must be accompanied by a \$25.00 filing fee. The filing should be directed to the Environmental Board, National Life Records Center Building, Drawer 20, Montpelier, Vermont 05620-3201.

VI. Recordation

This jurisdictional opinion becomes a final determination at the conclusion of the thirty day appeal period explained above. Pursuant to 10 V.S.A. §6081(l)(4) the final determination regarding a slate quarry registration under subsection 6007(c) of this title shall be recorded in the municipal land records by, and at the expense of, the registrant - along with an accurate site plan of the parcel depicting the site specific information contained in the registration documents.

Sincerely,



William T. Burke
District Coordinator

Enclosure: (1) Certificate of Service

CERTIFICATE OF SERVICE

I, Carmelita L. Brown, hereby certify that I sent a copy of the foregoing Jurisdictional Opinion #1-S-96, on April 9, 1997, by U.S. Mail, postage prepaid, to the following:

Slate Products, Inc.
RR 1 Box 146
West Pawlet, VT 05775

Ashley D. Waite
Town of Pawlet Selectmen
P.O. Box 117
Pawlet, VT 05761-0117

Thomas Nelson
Pawlet Town Planning Commission
P.O. Box 68
West Pawlet, VT 05775-0068

Joanne Waite
Pawlet Town Clerk
P.O. Box 128
Pawlet VT 05761-0128

Rutland Regional Commission
P.O. Box 965
Rutland, VT 05702

Andrew Raubvogel, Esq.
Land Use Attorney
103 South Main Street
Waterbury, VT 05676

FOR YOUR INFORMATION ONLY

Mike Music
Supervisory Mine Safety & Health Insp.
P.O. Box 248
Glenmont, NY 12077-0248

Laurence Becker
State Geologist
Center Building
103 South Main Street
Waterbury, VT 05671-0301

Phillip & Iva Liebig
RR 1 Box 530
West Pawlet, VT 05775


Liebig Strawberries
West Pawlet, VT 05775

Camara Slate Co.
Hampton, NY 12837

Hurdy & Williams Slate Co.
West Pawlet, VT 05775

Wilma Rice
Timberland Trails Road
Shaftsbury, VT 05262

Dated at Rutland, Vermont, this 9th day of April, 1997.

By 
Carmelita L. Brown
District Office Chief Clerk