

**State of Vermont  
NATURAL RESOURCES BOARD  
DISTRICT #3 ENVIRONMENTAL COMMISSION  
100 Mineral Street, Suite 305  
Springfield, VT 05156-3168**

**RE:** FARM Developing  
3925 VT Route 100  
22 North Main Street  
Randolph, VT 05060

Application #3R1113  
**Hearing Recess Order**  
10 V.S.A. §§ 6001-6093 (Act 250)

**I. Introduction**

On October 4, 2019, the District Commission held a public hearing for the above referenced application located approximately one quarter mile east of Exit 4 of I-89, off VT Route 66, in Randolph, Vermont. Pursuant to Act 250 Rule 13(B), the Commission recessed the hearing pending submittal of additional information by the Parties as set forth below.

**II. Party Status**

- A. The following persons have party status pursuant to 10 V.S.A. § 6085(c)(1):
1. The Applicants, by Tom Appel, Paul Rea, Steven Roy, and Brian Lane-Karnas;
  2. The Agency of Natural Resources by an entry of appearance dated October 3, 2019, by Jennifer Mojo, Regulatory Planning Analyst, ANR Office of Policy and Planning;
  3. The Agency of Agriculture, Farm & Markets by Ari Rockland-Miller, Act 250 Coordinator;
  4. The Vermont Division for Historic Preservation;
  5. The Randolph Selectboard;
  6. The Randolph Planning Commission; and
  7. The Two Rivers-Ottawaquechee Regional Commission, by Pete Fellows.
- B. At the hearing the Commission granted preliminary party status to the following parties under the listed criteria:
1. Linda LaFrance, 35 Kurt Road, Pittsford, NY 14534, owns and recreates on an adjoining parcel, and uphill and east of the proposed project. She requested party status under Criteria 3 Existing Water Supply, 5 Traffic Safety, and 8 Aesthetics. There were no objections. The Commission granted preliminary party status under Criteria 3, 5 and 8.
  2. Joan Sax, PO Box 185, Randolph Center, VT 05061, resides at 4142 VT Route 66, at the top of the hill and approximately 1.5 miles from the project site. Brooke Dingedine, Esq., represents Ms. Sax. She is concerned about the impact of the water withdrawal on the aquifer, as well as traffic and aesthetics, and requested party status under Criteria 3 Existing Water Supply, 5 Traffic Safety and 8 Aesthetics. There was no objection. The Commission granted preliminary party status under Criteria 3, 5 and 8.
  3. Nancy Rice, PO Box 4, Randolph Center, VT 05061, resides at 539 South Randolph Road, approximately one mile, as the crow flies, from the project site. Ms. Rice, also is represented by Brooke Dingedine, Esq. Ms. Rice is also concerned about the impact of the project on the aquifer and continued supply of water to her house, as well as traffic and aesthetics. She requested party status under Criteria 3 Existing Water Supply, 5 Traffic Safety, and 8 Aesthetics. There were no objections. The Commission granted preliminary party status under Criteria 3, 5 and 8.

4. Dwain Chabot, 195 Oak Ridge Lane, Randolph Center, VT 05061, adjoins the project site to the south and has a right-of-way easement over the FARM property to access the house. Mr. Chabot requested party status under Criteria 3 Water Supply, 5 Traffic Safety and 8 Aesthetics, particularly as it relates to noise. There were no objections. The Commission granted preliminary party status under Criteria 3, 5 and 8.
5. Exit 4 Open Space (Open Space), is a “grassroots” citizen’s group involved in protecting agricultural land in the area. At the hearing the organization was represented by two of its members, Joan Sax and Nancy Rice, and Brooke Dingleline, Esq. Open Space requested party status under Criteria 3 Existing Water Supply, 5 Traffic Safety, and 8 Aesthetics. Prior to granting final party status to Open Space, the Commission requires written confirmation that Ms. Sax and Ms. Rice, members, and Ms. Dingleline are authorized to represent the organization for this application. Also, please describe the organization, its purpose, and the nature of its membership. The Commission grants preliminary party status to Exit 4 Open Space under Criteria 3, 5 and 8.

Pursuant to 10 V.S.A. § 6085(c)(6), the Commission will re-examine its party status decisions prior to the close of the hearing and will state its final party status decisions either in the decision it issues on the case or in a separate memorandum.

### **III. Supplemental Evidence**

Pursuant to Act 250 Rule 20(A), and with regard to the testimony and application documents provided, the Commission requires that the Applicant address the following concerns:

1. Submit a noise monitoring and management plan for the different events that may be held outside at the event site.
2. Submit a traffic safety plan.
3. Advise whether the sign will be externally lit and submit specifications for the lighting. Consider reducing the size of the sign, using more subdued colors, and submit the revised specifications.

### **IV. Order**

1. The Commission requests the above documentation be provided electronically to all parties listed on the attached certificate of service with an email address, and by hardcopy sent postage prepaid by U.S. mail to the individuals without email addresses. All filings must be received in the District Commission office no later than **4:30 p.m. on November 6, 2019**, unless another time is specifically required or authorized. The Commission requests that the Commission’s digital version be supplied on a CD-ROM or attached as an email to the NRB public folder ([nrb.act250springfield@vermont.gov](mailto:nrb.act250springfield@vermont.gov)) or, if larger than 3 MB in size, uploaded to the NRB ftp site (see instructions at <https://nrb.vermont.gov/sites/nrb/files/documents/application-guide-act-250.pdf>). Any upload to the NRB ftp site should be followed up with an email to the NRB public folder and to the District Coordinator informing that the files have been uploaded.
2. The parties will have until **November 18, 2019** to submit any rebuttals.

After the above information has been received, the Commission will reconvene the hearing only if there are outstanding questions or if a party has reasonable questions about the additional information. If the information has not been received within 30 days from the date of this notice, or if the hearing is not reconvened, the Commission will set a date for adjournment and issue a final decision based on the existing record following a full deliberation of the issues. **If the applicant wishes to continue the recess beyond the scheduled date it must notify the District Commission in writing on or before November 6, 2019.**

An appeal from this order may be filed with the Environmental Court in accordance with 10 V.S.A. Chapter 220 and the Rules for Environmental Court Proceedings.

If any party has any questions or wishes to request the hearing be reconvened, please call the District Coordinator, Linda Matteson at 802-289-0598 or [linda.matteson@vermont.gov](mailto:linda.matteson@vermont.gov).

Dated at Springfield, Vermont this 9<sup>th</sup> day of October 2019.

A handwritten signature in blue ink that reads "Tim Taylor". The signature is written in a cursive style with a horizontal line underneath it.

Tim Taylor, Chair  
District #3 Environmental Commission

Commissioners participating in this matter: Roderick J. Maclay and Suzanne Butterfield

**E-Notification CERTIFICATE OF SERVICE #3R1113**

I hereby certify that I, the undersigned, sent a copy of the Hearing Recess Order on October 9, 2019, by U.S. Mail, postage prepaid, to the individuals without email addresses, and by electronic mail to the following with email addresses. All email replies should be sent to [NRB.Act250Springfield@vermont.gov](mailto:NRB.Act250Springfield@vermont.gov). **Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the NRB District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify the District Office of any email address changes.**

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**FOR INFORMATION ONLY**

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