MEMORANDUM OF DECISION AND ORDER

State of Vermont Land Use Review Board
District 5 Environmental Commission
10 Baldwin Street, Montpelier, VT 05633-3201
https://act250.vermont.gov/

Swenson Granite Company, LLC
Attn: Mark Geiger
369 North State Street
Concord, NH 03301

CASE/APPLICATION/PERMIT NUMBER:
5W0838-6
LAW/REGULATIONS INVOLVED:
10 V.S.A. §§ 6000-6111 (Act 250)

I. Summary

The District 5 Environmental Commission circulated a notice and draft proposed Land Use Permit 5W0838-6 for the above-referenced application on February 20, 2026. The notice set March 17, 2026, as the deadline to file any comments. The Town of Woodbury filed a timely hearing request raising issues under Criteria 5 and 7 regarding the Parties' failure to establish an appropriate fee to be paid by the Applicant to cover the impacts to town roadways from the proposed expansion of its quarry operations.

On June 17, 2026, in response to the Commission's issuance of a hearing notice, wherein the submittal of pre-filed testimony was required from both Parties, the Parties filed a joint Stipulated Motion to Stay the Proceedings for 60 days in order to engage in good faith negotiations to a mutually acceptable fee agreement. The Commission granted the Motion which stayed the hearing for 60 days.

On August 21, 2026, the Parties filed a Stipulated Motion to extend the stay of proceedings for another two weeks, which the Commission granted.

In a Motion filed on September 3, 2026, the Parties advised that an agreement in principal had been reached but noted that additional time is required to develop a written agreement. Consequently, the parties jointly requested an extension in the stay of proceedings until September 18, 2026, whereupon the Parties would update the District Commission and either (i) file a stipulation with the District Commission resolving the fee issue, (ii) seek additional time for further discussions; or (iii) request the setting of a new deadline for Swenson's prefiled testimony and a new hearing date. The Commission granted the Motion to Extend.

On September 18, 2026, the Parties signed and filed *Act 250 Permit Stipulation between Swenson Granite Company, LLC and the Town of Woodbury, Vermont,* which established the following:

Starting January 1, 2027, Swenson shall pay the impact fee on a monthly basis based on the total volume of granite material shipped from the Quarry during the immediately preceding calendar month. The fee shall be calculated at a rate of $0.09 per cubic foot for the first 500,000 cubic feet of material as calculated on an annual basis for each calendar year, and $0.065 per cubic foot once loads exceed 500,000 cubic feet during the same calendar year;

b. Reporting and Invoicing: Within ten (10) business days after the end of each calendar month, Swenson shall provide a certified shipping log detailing the total volume of granite material shipped. The Town shall then issue an invoice for the fee based on these records; and,

c. Payment Terms: Swenson shall remit payment for the fee within thirty (30) calendar days from the date of the invoice. Past-due balances shall accrue interest at a rate of 1.5% per month

II. Decision and Order

The Commission accepted the signed stipulation between the Parties as demonstration that the issues associated with an acceptable impact fee were resolved, thereby obviating the town's hearing request.

Accordingly, for the reasons set forth in the Order and herein, Land Use Permit Amendment 5W0838-6 is hereby issued.

Dated this 3rd day of November 2026.

By /s/ Donald Marsh
Donald Marsh, Chair
District 5 Environmental Commission

Commissioners participating in this decision:
Gary Nolan
David Soucy

Any party, or person denied party status, may file within 15 days from the date of a decision of the District Commission one and only one motion to alter with respect to the decision, pursuant to Act 250 Rule 31(A). Under Rule 31(A), no party, or person denied party status, may file a motion to alter a District Commission decision concerning or resulting from a motion to alter. Per Rule 31(A)(3), the running of the time for filing a notice of appeal is terminated as to all parties by a timely motion to alter.

Any person aggrieved by an act or decision of a District Commission or District Coordinator, or any party by right, may appeal to the Environmental Division of Vermont Superior Court within 30 days of the act or decision pursuant to 10 V.S.A. § 8504. Such appeals are governed by Rule 5 of the Vermont Rules for Environmental Court Proceedings. The appellant must file a notice of appeal with the clerk of the court and pay any fee required under 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Land Use Review Board and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. The Land Use Review Board's copy may be sent to act250.legal@vermont.gov and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

Note, there are certain limitations on the right to appeal, including on interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. There shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment. 10 V.S.A. § 8504(k)(1). If a District Commission issues a partial decision under 10 V.S.A. § 6086(b), any appeal of that decision must be taken with 30 days of the date of that decision. 10 V.S.A. § 8504(k)(3). For additional information on filing appeals, see the Court's website at: http://www.vermontjudiciary.org/GTC/environmental/default.aspx or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

The foregoing statements regarding motions to alter and appeals are intended for informational purposes only. They neither supplant nor augment any rights or obligations provided for by law nor do they constitute a complete statement of the rights or obligations of any person or party.

CERTIFICATE OF SERVICE

I hereby certify that I, Melissa Marden, Land Use Review Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **MEMORANDUM OF DECISION AND ORDER** 5W0838-6 by U.S. Mail, postage prepaid, on this November 3, 2026, to the following individuals without email addresses and by electronic mail, to the following individuals with email addresses:

Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the 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 our office of any email address changes.

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FOR INFORMATION ONLY

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Town of Woodbury
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Vermont Division for Historic Preservation
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Dated this November 3, 2026.

By: /s/ Melissa Marden
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