

IN THE VERMONT SUPERIOR COURT  
ENVIRONMENTAL DIVISION

In Re: Town of Chester, Vermont  
Act 250 Case No.: 2S0214-9 (REMANDED)  
Town of Chester  
P.O. Box 370  
Chester, VT 05143

Docket No. \_\_\_\_\_

NOTICE OF APPEAL

NOW COMES the Town of Chester, a Vermont municipal corporation and Permittee and Appellant in the captioned Act 250 Permit Proceeding (the "Town"), by and through its attorney, James P.W. Goss, Esq., Facey Goss & McPhee P.C., Rutland, Vermont, and pursuant to 10 V.S.A. § 8504(a) and V.R.E.C.P. 5 hereby appeals to the Vermont Superior Court, Environmental Division, from the decision of the District 2 Environmental Commission and related Findings of Fact, Conclusions of Law and Order, dated April 5, 2021 (the "Decision") which granted an Act 250 Permit Amendment to the Town for operation of a 5 acre municipal sand and gravel pit on 139.57 acres of land owned by the Town adjacent to Route 103 in Chester, Vermont (the "Project"). A copy of the Decision is attached hereto as **Exhibit A**. In the Decision, the Commission purported to implement Judge Durkin's Remand Order in Case No. 20-ENV-0008 by issuing a decision on the merits of the Town's Act 250 application. However, the Commission on remand materially altered the language of certain permit conditions directed to be imposed by the Judge, to the Town's detriment. The Commission also added other findings and a permit expiration date not supported by the evidence.

Appellant, Town of Chester, is the property owner and Applicant in this case. The Town is therefore a party by right pursuant to 10 V.S.A. §§8502(5)(A)(B) and (C), as well as being a "Persons Aggrieved" pursuant to 10 V.S.A. § 8502(7), with a right to appeal pursuant to 10 V.S.A. §§ 8503(b)(1) and 8504(a).

**V.R.E.C.P. 5(b)(3)(A) Notice to Interested Persons: You must enter an appearance in writing with the Court within 21 days of receiving the above notice of appeal or in such other time as may be provided in Vermont Rule of Environmental Procedure 5(c) if you wish to participate in this appeal.**

Dated this 22nd day of April, 2021.

FACEY, GOSS & MCPHEE P.C.  
Attorneys for Town of Chester

By: \_\_\_\_\_

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