

NOTICE IS HEREBY GIVEN THAT ON MAY 19, 1994 APPLICATION #2W0436-7 WAS FILED BY PUTNEY PAPER COMPANY, INC. P. O. BOX 226, PUTNEY, VT 05346 FOR A PROJECT TO UTILIZE SOIL MATERIAL AS DAILY COVER FOR ADJACENT LANDFILL OWNED AND OPERATED BY THE PUTNEY PAPER CO. THIS PROJECT IS LOCATED OFF RIVER ROAD IN PUTNEY.

PURSUANT TO ITS JURISDICTION AND AUTHORITY UNDER 10 V.S.A., SECTIONS 6001(3) AND 6085, THE DISTRICT ENVIRONMENTAL COMMISSION WILL CONVENE A PUBLIC HEARING ON JUNE 14, 1994 TO BE HELD AT THE PUTNEY TOWN OFFICES. THE HEARING WILL IMMEDIATELY FOLLOW THE SITE VISIT WHICH IS SCHEDULED FOR 1:30 P.M.

ANYONE WISHING TO ATTEND THE SITE VISIT CAN GET THERE BY TAKING EXIT 4 FROM I-91 AT EXIT 4 AND TAKE ROUTE 5 NORTH AND GO 1± MILES. THERE WILL BE A LARGE SIGN FOR LANDMARK COLLEGE ON THE RIGHT. TAKE THAT ROAD WHICH IS RIVER ROAD. GO 2 MILES AND JUST AFTER THE INTERSTATE UNDERPASS TAKE THE NEXT DIRT ROAD ON THE RIGHT TO THE PROJECT.

THE FOLLOWING PEOPLE OR ORGANIZATIONS MAY PARTICIPATE IN THIS HEARING:

1. STATUTORY PARTIES: THE MUNICIPALITY, THE MUNICIPAL PLANNING COMMISSION, THE REGIONAL PLANNING COMMISSION, ANY ADJACENT MUNICIPALITY, MUNICIPAL PLANNING COMMISSION OR REGIONAL PLANNING COMMISSION IF THE PROJECT LANDS ARE LOCATED ON A TOWN BOUNDARY, AND AFFECTED STATE AGENCIES.
2. ADJOINING PROPERTY OWNERS: MAY PARTICIPATE TO THE EXTENT THE PROPOSALS WILL HAVE A DIRECT EFFECT ON THEIR PROPERTIES UNDER THE TEN CRITERIA.
3. OTHER PERSONS OR ORGANIZATIONS: MAY PARTICIPATE PURSUANT TO ENVIRONMENTAL BOARD RULE 14(B) AT THE DISCRETION OF THE DISTRICT ENVIRONMENTAL COMMISSION.

IF YOU WISH FURTHER INFORMATION REGARDING PARTICIPATION IN THIS HEARING, PLEASE CONTACT THE COORDINATOR AT THE ADDRESS BELOW BEFORE THE FIRST HEARING DATE. IF YOU HAVE A DISABILITY FOR WHICH YOU ARE GOING TO NEED ACCOMMODATION, PLEASE NOTIFY US BY JUNE 3, 1994.

PLANS FOR THIS PROJECT ARE AVAILABLE FOR REVIEW AT THE MUNICIPAL OFFICE, THE REGIONAL PLANNING & DEVELOPMENT COMMISSION OFFICE AND THE DISTRICT II REGIONAL OFFICE IN NORTH SPRINGFIELD. PRIOR TO ISSUANCE OF A LAND USE PERMIT FOR THIS PROJECT THE DISTRICT ENVIRONMENTAL COMMISSION MUST FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE TEN CRITERIA OF 10 V.S.A., SECTION 6086(A) AND THAT IT IS NOT DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

DATED AT NORTH SPRINGFIELD, VERMONT, ON MAY 23, 1994.

BY: *Julia Schmitz*  
JULIA SCHMITZ, ASSISTANT DISTRICT COORDINATOR  
RR 1, BOX 33, NO. SPRINGFIELD, VT 05150  
TEL: 886-2215



STATE OF VERMONT

Exhibit PGAS-MS-9  
# PAGES 1 DATE 6/7 FAX # 828-2361  
TO Sandy Lee  
FROM A JL  
CO. Ag Dept.

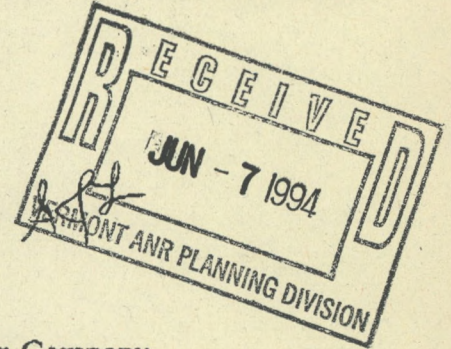
Page 2 of 13

DEPARTMENT OF AGRICULTURE, FOOD & MARKETS

OFFICE OF THE COMMISSIONER  
DIVISION OF AGRICULTURAL DEVELOPMENT  
DIVISION OF ANIMAL & DAIRY INDUSTRIES  
DIVISION OF PLANT INDUSTRY, LABORATORIES & CONSUMER ASSURANCE

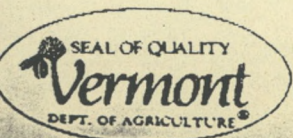
MEMORANDUM

TO: Sandy Lee, Planning Intern  
FROM: Amy Jestes Llewellyn, Agricultural Land Use Planner  
DATE: June 7, 1994  
SUBJECT: Land Use Permit Application #2W0436-7, Putney Paper Company



Putney Paper's seven-acre tract contains approximately five acres of primary agricultural soils. The excavation of this land for landfill soil cover will temporarily remove the land from agricultural production. After excavation is finished, the sideslopes will be too steep for cultivation, and therefore that acreage will be permanently removed from cultivation. The floor of the pit will be level and tillable. If it is properly reclaimed, the soils' agricultural potential can be returned to close to their undisturbed state.

Proper reclamation will require topsoil respreading, liming, fertilizing and seeding. As a condition of the permit, the Department recommends that the Applicant be required to stockpile all of the topsoil on-site and respread it after final grading is accomplished. Lime and fertilizer should be applied at rates determined by a soil test, and then the land should be reseeded, preferably to an agronomic crop.



116 STATE STREET  
DRAWER 20  
MONTPELIER, VT 05620-2901  
(802) 828-2500 FAX: (802) 828-2361

This pond will hold rain water until it evaporates or permeates down through the natural soils. There will be no direct discharge to any body of water. A stormwater discharge permit will not be required.

No oils, fuels, chemicals or any hazardous materials will be stored at the project site.

#### C: WATER CONSERVATION

This project does not require a water supply nor will water be used in the daily process.

#### D: FLOODWAYS

The project is not in the floodway of the Connecticut River. The flood elevation is 245 feet MSL and the project is located at or above 260 feet MSL.

#### E: STREAMS

The project is approximately 170 feet from the Connecticut River as shown on the attached site map. (see attachment 1B).

#### F: SHORELINES

The project will not be visible from the shoreline of the Connecticut River.

#### G: WETLANDS

The project will not be in or near a wetlands environment.

#### CRITERION 2 and 3: WATER SUPPLY

The project does not require a supply of water for the process. The nearest water supply to the project site is approximately 1100 feet north and upgradient of the project.

#### CRITERION 4: SOIL EROSION

a) The project site consists of approximately seven acres. The site slopes toward the Connecticut River.

- b) A twenty foot buffer strip would be left at present grade between the proposed site and the wooded steep grade to the Connecticut River.
- c) Once an area has been excavated to a point that no disturbance will take effect for a period to exceed four (4) months, that area will be graded, seeded and mulched.
- d) No exterior site work will take place between October 1 and April 15.
- e) Putney Paper Personnel will weekly inspect the site. If any repairs or maintenance is necessary, Putney Paper Company will perform the necessary repairs.
- f) There are no buildings, roadways, parking areas, or other areas impervious to water on this site.
- g) There will be no increase in stormwater runoff associated with this project.
- h) There is no dam associated with this project.

#### CRITERION 5: HIGHWAYS AND OTHER MEANS OF TRANSPORTATION

- a) Please refer to the site map and location map for access to the site. (see attachment 1B).
- b) Please refer to the site map and location map for a description of the access road to the site.
- c) There is no permit required from the Utilities Division of the Agency of Transportation. ( see attachment 5A from the original 250 permit in regard to the adjacent landfill).
- d) There are no municipal permits required for access on a town or city highway.
- e) There is no new roadway involved in this project.
- f) There is no subdivision roadway involved in this project.
- g) Turning radii are noted on the site plan.
- h) There is no parking required for this project.
- i) Permitting of this project will not increase the present traffic entering the access road. The adjacent landfill is running out of fill material. Traffic onto

the access road would increase if this project is not approved as off site fill would have to be utilized.

k) There are no airport issues involved with this project. There is a private railroad crossing the company uses to access the project site. The crossing is properly signed with rail crossing warning signs and there have been no problems associated with the use of this crossing in the past ten years.

#### CRITERION 6: EDUCATIONAL SERVICES

There are no additional pupils that will result from this project.

#### CRITERION 7: MUNICIPAL SERVICES

There are no municipal services required for this project. (see attachment 7A ).

#### CRITERION 8A: SCENIC BEAUTY, HISTORIC SITES, AND NATURAL AREAS

a) The project is located in a setting that uses interstate 91 as a visual buffer from private dwellings located to the west of the proposed project. Between the interstate and the proposed project is a railbed and an area of natural trees and vegetation. This natural buffer zone will be left untouched. The topsoil stockpile will also be between the proposed site and the railbed. This project will not be visible from Interstate 91.

The project is not visible from the Connecticut River because of the higher (50 feet) elevation of the site from the waterline of the river. The site is also screened from the river and New Hampshire by natural trees and vegetation. This area will also be left undisturbed to protect the surrounding areas from the project.

b) The project will not be visible from any of the surrounding property owners. The only activity or impact relating to this project will be the occasional truck entering or exiting the project.

bi) The only noise generated by this project will be a truck hauling fill from this site to the adjacent disposal facility. A wheel loader will also be used to load the truck with the fill from the proposed project. Both of these activities are normal ongoing activities

at the adjacent disposal facility. This project is consistent with the related land use occurring in the area.

bii) There is no building involved in this project.

biii) There is no building involved in this project.

biv) There are no parking areas required for this project.

bv) There are no project signs associated with this project.

bvi) There is no lighting required for this project.

bvii) There are no utilities required for this project.

bviii) There is no additional landscaping required to minimize the visual impact from this project.

bix) There is no tree cutting or additional land disturbance outside of the 7 acres related to this project.

c) The site does not contain any Historically significant Resources, (see attachment 8A).

#### CRITERION 8B: WILDLIFE and ENDANGERED SPECIES

The site is half of a 14+/- acre lot. Seven (7) acres have been previously disturbed by excavation for a sludge disposal facility. The proposed project site is directly adjacent to this facility and does not contain any wildlife or endangered species.

#### CRITERION 9A: IMPACT OF GROWTH

This project will not have an effect on the increase of population in the area.

#### CRITERION 9B: PRIMARY AGRICULTURAL SOILS

a) This site does contain primary agricultural soils. Excavation of the area will be done in sections, only 1.5 acres out of the total 7.3 will be used at a given time. Once an area has been excavated to completeness, the area will be recovered with topsoil and seeded with vegetation.

b) i) Due to the landlock nature of the property, the

Blood form  
MBC &  
W J Paper

# Know all Men by these Presents

**That** It, M.B.C.C. CORPORATION, a corporation organized and existing under the laws of the State of Vermont and having its principal place of business in

*of* Putney *in the County of* Windham  
*and State of* Vermont *Grantor, in the consideration of*

-----One Dollar and other valuable consideration-----*Dollars*

*paid to its full satisfaction by*

NORTHERN STATES PAPER CORPORATION

*of* *in the County of* Windham  
*and State of* Vermont *Grantee, by these presents, do*  
*freely Give, Grant, Sell, Convey and Confirm unto the said Grantee*

NORTHERN STATES PAPER CORPORATION

successors  
*and its / heirs and assigns forever, a*  
*certain piece of land in* Putney *in the*  
*County of* Windham *and State of Vermont, described as*

*follows, viz:*

Meaning and intending hereby to convey all and the same lands and premises conveyed to M.B.C.C. Corporation by warranty deed of Elsie Blood dated July 20, 1971, recorded in Book 47, Page 279 of the Putney Land Records and therein described as follows:

"Beginning on the Connecticut River at the southeast corner of land owned now or formerly by George F. Whitney and Ida Whitney; thence running in a northerly direction on lands now or formerly of said Whitney to a corner; thence in a westerly direction on lands now or formerly of said Whitney to lands now or formerly of C. DeMuth; thence in a northerly direction on lands now or formerly of said DeMuth to lands now or formerly of George Stockwell; thence in an easterly direction on lands now or formerly of said Stockwell and on lands now or formerly of Henry Frost to lands now or formerly of John Maley; thence in a southerly direction on lands now or formerly of said Maley, lands now or formerly of Roy Hallock, and lands formerly of John Nichols, to the highway leading from Putney to East Putney Station; thence in an easterly direction along said highway to a point where said highway comes to the right of way of the Vermont Valley Railroad; thence westerly on said Railroad's right of way to lands formerly of Fred Leach; thence southerly on lands formerly of said Leach to the Connecticut River; thence down said River to the place of beginning.

Reservation is hereby made of all spring and water rights owned now or formerly by George F. Whitney and sister, Ida Whitney. Also rights of way owned by the New England Telephone and Telegraph Company, and by the Fall Mountain Power Line Company, and rights of way on lands owned by the Vermont Valley Railroad, and lands owned by the public in said highway.



hereby engage to ~~Warrant and~~ **Defend** the same against all lawful claims  
whatever, except as aforesaid.

In Witness Whereof, I hereunto set my hand and seal  
this 14<sup>th</sup> day of July A. D. 19 78.

In Presence of

M.B.C.C. CORPORATION

~~Frank A. Mc Guffigan~~  
~~Notary Public~~  
Boston B. Coffey

BY David F. Buckley  
David F. Buckley, Officer and  
Duly authorized Agent



State of Vermont, } ss. At Bellows Falls this  
Windham County } 14 day of July A. D. 19 78

M.B.C.C. Corporation, through its officer and authorized agent,  
David F. Buckley, personally appeared and he acknowledged this

~~personally appeared and~~ ~~acknowledged this~~ instrument, by  
him sealed and subscribed, to be his free act and deed.

Before me Frank A. Mc Guffigan  
Notary Public  
S/ Frank A. Mc Guffigan

M.B.C.C. CORPORATION  
RESOLUTION OF BOARD OF DIRECTORS

I HEREBY CERTIFY that I am the duly elected and qualified Secretary of the M.B.C.C. Corporation and the keeper of the records and corporate seal of said corporation and that the following is a true and correct copy of a resolution duly adopted at a meeting of the Board of Directors held in accordance with the By-Laws of said Corporation at its offices at 18 Bridge Street, Bellows Falls, Vermont on the 30<sup>th</sup> day of June, 1978.

"BE IT RESOLVED, that David F. Buckley, Director and authorized agent for said corporation, is authorized to convey the premises located in the Town of Putney, Vermont and known as the Blood Farm and to sign any and all documents in connection therewith."

IN WITNESS WHEREOF, I have hereunto affixed my name as Secretary and have caused the corporate seal of said Corporation to be hereto affixed this 30<sup>th</sup> day of June, 1978.

(Seal)

*David F. Buckley*  
Secretary

I, William J. T. Calnen, a director of said Corporation, do hereby certify that the foregoing is a correct copy of a resolution adopted as above set forth.

*William J. T. Calnen*  
Director

Vermont Property Transfer Tax  
32 V.S.A. Chap. 231  
-ACKNOWLEDGMENT-  
Return Rec'd.-Tax Paid-Board of Health Cert. Rec'd.-  
vt. Use & Development Plans Act Lic. Rec'd.  
Return No. 1944539  
Signed Edith King Clerk  
Date July 19, 1978

Received for record July 19 A.D., 1978  
at 1:18 P.M. Edith King Asst. Clerk

60/336

# Know all Men by these Presents

That Northern States Paper Corp., a Vermont corporation with  
a place of business

ofx at Putney in the County of Windham  
and State of Vermont Grantor, in the consideration of  
-----One and more----- Dollars

paid to its full satisfaction by

Putney Paper Co., Inc. (formerly Putney Acquiring Corp.), a Delaware Corporation, successor by merger to Putney Paper Co., Inc., a Vermont corporation, having a place of business at

ofx Putney in the County of Windham  
and State of Vermont Grantee, by these presents, do<sup>s</sup>  
freely Give, Grant, Sell, Convey and Confirm unto the said Grantee  
Putney Paper Co., Inc.

and its successors  
certain piece of land in Putney in the  
County of Windham and State of Vermont, described as  
follows, viz:

Being all and the same lands and premises conveyed to the Grantor herein by warranty deed of M.B.C.C. Corporation dated July 14, 1978, recorded in Book 52, pages 327-30 of Putney Land Records, and in said deed described as follows:

"Meaning and intending hereby to convey all and the same land and premises conveyed to M.B.C.C. Corporation by warranty deed of Elsie Blood dated July 20, 1971, recorded in Book 47, Page 279 of the Putney Land Records and therein described as follows:

"Beginning on the Connecticut River at the southeast corner of land owned now or formerly by George F. Whitney and Ida Whitney; thence running in a northerly direction on lands now or formerly of said Whitney to a corner; thence in a westerly direction on lands now or formerly of said Whitney to lands now or formerly of C. DeMuth; thence in a northerly direction on lands now or formerly of said DeMuth to lands now or formerly of Geroge Stockwell; thence in an easterly direction on lands now or formerly of said Stockwell and on lands now or formerly of Henry Frost to lands now or formerly of John Maley; thence in a southerly direction on lands now or formerly of said Maley, lands now or formerly of Roy Hallock, and lands formerly of John Nichols, to the highway leading from Putney to East Putney Station; thence in an easterly direction along said highway to a point

60/337

where said highway comes to the right of way of the Vermont Valley Railroad; thence westerly on said Railroad's right of way to lands formerly of Fred Leach; thence southerly on lands of said Leach to the Connecticut River; thence down said River to the place of beginning.

"Reservation is hereby made of all spring and water rights owned now or formerly by George W. Whitney and sister, Ida Whitney. Also rights of way owned by the New England Telephone and Telegraph Company, and by the Fall Mountain Power Line Company, and rights of way on lands owned by the Vermont Valley Railroad, and lands owned by the Public in said highway.

"Being all and the same land and premises as conveyed to Reuben Blood and Elsie Blood by Harold E. Farrington and Lena F. Farrington by two deeds dated March 6, 1946, and April 4, 1946, respectively, and recorded in the office of the Town Clerk in said Putney in Book 30, at Pages 130-131 and in Book 30 at Pages 153-154, respectively.

"EXCEPTING HOWEVER, so much of the above described premises as were conveyed to the State of Vermont by virtue of an order of the County Court for Windham County in a certain condemnation proceeding in connection with the construction of the highway known as Interstate 91 in said Town of Putney, said order being dated January 8, 1959, and recorded in the office of the Town Clerk in Putney in Volume 35, Page 761. (should be Page 61).

"Said premises are conveyed SUBJECT to a certain easement given by Reuben D. Blood and Elsie L. Blood to Green Mountain Power Corporation, which easement is dated January 31, 1967, and is recorded in the Office of the Town Clerk of Putney in Volume 42, at Page 296."

Subject to real property taxes assessed for the tax year commencing April 1, 1984, which the Grantee by the acceptance hereof assumes and agrees to pay.

**To have and to hold** said granted premises, with all the privileges and appurtenances thereof, to the said Grantee

Putney Paper Co., Inc.

its successors ~~here~~ and assigns, to their own use and behoof forever;

And it the said Grantor

Northern States Paper Corp.

for itself and its ~~successors~~ successors and assigns ~~does not~~ does covenant with the said Grantee

Putney Paper Co., Inc., its

successors ~~here~~ and assigns, that until the ensembling of these presents it is the sole owner of the premises, and have good right and title to convey the same in manner aforesaid, that they are **Free from every encumbrance;** except as aforesaid.

60/338

And it does

hereby engage to **Warrant and Defend** the same against all lawful claims whatever, except as aforesaid..

Northern States Paper Corp. has hereunto affixed its corporate hand by its Treasurer, thereunto duly authorized,

In Witness Whereof,

this 25<sup>th</sup> day of July A. D. 19 84.

In Presence of

NORTHERN STATES PAPER CORP.

By Shirley K. Stockwell Shirley K. Stockwell, Treasurer

Robert T. [Signature]



State of Vermont, } ss. At Brattleboro this  
Windham County } 25<sup>th</sup> day of July A. D. 19 84  
Shirley K. Stockwell, Treasurer of Northern States Paper Corp.

personally appeared, and she acknowledged this instrument, by her ~~acted and~~ subscribed, to be her free act and deed.. and the free act and deed of said corporation. Before me

Notary Public

Vermont Property Transfer Tax  
31 V.S.A. Chap. 241  
-ACKNOWLEDGMENT-  
Return to the State of Vermont, Land Cert. Regd.  
Vt. Land Office, Montpelier, Vt. 05602. Rec'd.  
Ret'n No. E 541390  
Signed [Signature] Clerk  
Date July 25, 1984

Received for record July 26 A.D., 1984 at 9:00 AM.  
Anita H. Coomes, Town Clerk