



# LAND USE PERMIT AMENDMENT

State of Vermont

Natural Resources Board

Districts 5, 6 & 9 Environmental Commission

10 Baldwin Street

Montpelier, VT 05633-3201

<https://nrb.vermont.gov/>

[phone] 802-476-0185

**CASE NO:** 9A0358-3

Stoney Hill Properties, LLC  
72 Munsil Avenue, Building #6  
Bristol, VT 05443

**LAWS/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 9 Environmental Commission hereby issues Land Use Permit Amendment #9A0358-3, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 149, Page 337 of the land records of the Town of Bristol, Vermont as the subject of a deed to Stoney Hill Properties, LLC.

**This permit specifically authorizes the construction of the “Stoney Hill Business Park” with three new buildings of various size ranging from 21,000 - 26,000 square feet with a capacity for a maximum of 320 employees. The project includes new water main extension, new wastewater collection & disposal system, new stormwater treatment system, new underground electric & communications, the extension of Firehouse Drive, new lighting, and paved parking areas and sidewalks. This permit also authorizes subdivision of the existing Project tract as follows:**

- (a) Building A – ±2.42-acres
- (b) Building B – ±1.95 acres
- (c) Building C – ±1.89 acres

**The project is located on Firehouse drive in Bristol, Vermont.**

Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittee, and its assigns and successors in interest, is obligated by this permit to complete, operate, and maintain the project as approved by the District 9 Environmental Commission (the “Commission”) in accordance with the following conditions.

2. The project shall be completed, operated, and maintained in accordance with: (a) the conditions of this permit and (b) the permit application, plans, and exhibits on file with the Commission and other material representations.

The approved plans are:

Sheet C1 – “Title Sheet & Location Plan,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #007A);

Sheet C2 – “Legend and General Construction Notes,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #008A);

Sheet C3 – “Existing Conditions Site Plan,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #009A);

Sheet C4 – “Overall Concept Site Plan,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #010A);

Sheet C5 – “Water & Wastewater Site Plan,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #011A);

Sheet C6 – “Stormwater Infrastructure Site Plan,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #012A);

Sheet C7.1 – “Final Grading & Landscaping Site Plan,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #013A);

Sheet C7.2 – “Phase 1 Grading Site Plan,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #014A);

Sheet C8 – “Lighting & Electrical Plan,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #015A);

Sheet C9 – “Overall Site Plan w/ Stormwater Discharge Areas & Erosion Control Measures,” dated 03/26/2021, last revision 06/04/2021 (Exhibit #016A);

Sheet C10 – “Sewer and Water Profiles,” dated 03/26/2021 (Exhibit #017);

Sheet C11 – “Water System Details,” dated 03/26/2021 (Exhibit #018);

Sheet C12 – “Wastewater System Details,” dated 03/26/2021 (Exhibit #019);

Sheet C13 – “Stormwater System Details,” dated 03/26/2021 (Exhibit #020); and

Sheet C14 – “Miscellaneous Details,” dated 03/26/2021 (Exhibit #021); and

Sheet 022 – “Conceptual Subdivision Plan,” dated 02/26/2021 (Exhibit #022).

3. All conditions of Land Use Permit #9A0358 and amendments are in full force and effect except as further amended herein.
4. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permits:

- a. **Wastewater System and Potable Water Supply Permit #WW-9-2366-1 issued on May 13, 2021** by the ANR Drinking Water and Groundwater Protection Division;
  - b. **Authorization of Notice of Intent #7468-9020.2 under Construction General Permit 3-9020 issued on May 19, 2021** by the ANR Watershed Management Division; and
  - c. **Authorization to Discharge Stormwater Permit #7468-9050 under General Permit 3-9050 (3-Acre General Permit) issued on August 3, 2021** by the ANR Watershed Management Division.
5. Any nonmaterial changes to the permits listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
  6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
  7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
  8. No change shall be made to the design, operation or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
  9. No further subdivision, alteration, and/or development on the tract/tracts of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
  10. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
  11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and their successors and assigns.
  12. Construction hours shall be limited to Monday through Saturday from 7:00AM to 6:00PM, with no construction on Sunday or State or Federal Holidays.
  13. **The Permittee shall ensure that Firehouse Drive remain unobstructed at all times by any vehicles or construction equipment as detailed in Exhibit #008A.**
  14. **The cutting or trimming of trees measuring 5 inches in diameter at breast height or greater is prohibited unless carried out during the winter months, from November 1 to March 31, or with prior written approval from the Vermont Fish and Wildlife Department.**

15. VT-AD-1725 Locus 1 and Locus 2 site areas shall be marked on all relevant site plans and construction drawings as not-to-be-disturbed archaeological buffer zones. All contractors shall be notified of the construction limitations and other ground disturbing restrictions within the site area. Exclusionary fences constructed of silt fence or other structural barrier shall be placed on the VT-AD-1725 site boundaries prior to the start of any construction activity including site preparation.
16. Topsoil removal, grading, scraping, cutting, filling, stockpiling, planting, or any other type of ground disturbance is prohibited within the VT-AD-1725 buffer zones without the approval of the District #9 Environmental Commission and the Vermont Division for Historic Preservation (VDHP) except for the authorized construction activity in Locus 2.
17. Authorized construction activity within VT-AD-1725 Locus 2 shall be limited to tree clearing provided it is done by hand with chainsaws or other hand equipment and no vehicles are used. Stumping or stump pulling is not permitted but stumps can be ground down to the existing ground surface using handheld equipment. In addition, placement of up to 12 inches of topsoil is allowed but must occur by hand with no modification to the existing ground surface. Placement of the topsoil can be assisted by mechanized equipment set up outside the buffer zone limits.
18. In the event that additional parking lot construction is necessary in VT-AD-1725 Locus 1, an archaeological study to further evaluate and mitigate potential impacts to the affected area shall be completed prior to any disturbance.
19. The archaeological study must be conducted by a qualified consulting archeologist and follow the VDHP's Guidelines for Conducting Archaeological Studies in Vermont. An appropriate scope-of-work shall not exceed excavation of 4.3 percent of the affected area, or 20 square meters. The Permittee's archaeological consultant must submit any scope of work to the VDHP for review and approval.
20. Construction start of the ancillary parking lot in VT-AD-1725 Locus 1 shall require written approval from the District #9 Environmental Commission and VDHP following successful completion and documentation of the archaeological mitigation work.
21. Tree clearing necessary for the parking lot construction in Locus 1 shall proceed similarly to tree clearing done in Locus 2 and be completed by hand with no stumping or stump pulling. Stumps can be ground down to the existing ground surface using handheld equipment.
22. The parking lot will be constructed by placing fill on geotextile fabric laid on the existing ground surface, or by using a ground grid material similarly placed. A combination of these procedures can also be used. Fill depth must be limited to a maximum depth of two feet, and any structural material placement will need to occur from the aggrading fill prism without using heavy equipment.

23. The Permittee shall provide a minimum of 5-day notice to the VDHP prior to the start of the parking lot construction in VT-AD-1725 Locus 1 to allow the opportunity for on-site monitoring by the VDHP.
24. The archaeological studies implemented as part of this project will result in one or more interim or final reports, as appropriate, that meet the VDHP's Guidelines for Conducting Archeological Studies in Vermont (2017). A digital copy of any report shall be submitted to the VDHP. Archaeological reports submitted to the District #9 Environmental Commission to be available to the public on the Act 250 Database shall have specific archaeological site locational information redacted in accordance with 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c)(20).
25. The Permittee shall draw up and execute covenants identifying the VT-AD-1725 archaeological buffer zones and enter them in the deed for the property. The covenants shall reference all the above restrictions and copies shall be filed with the District #9 Environmental Commission and the VDHP.
26. The Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division in the Project's Erosion Prevention and Control Plan on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
27. The Permittee shall apply for and receive amended approval from the District Commission for any change in the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.
28. The building(s) approved herein are approved for light manufacturing uses as authorized by Town of Bristol zoning regulations.
29. The Permittee and/or its successor in interest shall apply for and receive amended approval from the District Commission prior to construction of Building C and B.
30. The Permittee and/or prospective purchaser or tenant of any of the approved buildings shall apply for and receive amended approval from the District Commission prior to occupancy of any of the approved buildings.
31. No floor drains shall be installed without first obtaining a permit or submitting other necessary documentation, as required by the Vermont Department of Environmental Conservation.
32. The Permittee and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
33. The Permittee shall be obligated to implement the Construction Site Waste Reduction Plan approved by the Agency of Natural Resources Solid Waste Management Program and included as Exhibit #037.

34. The Permittee is authorized to use a rock crusher as necessary throughout the construction period between the hours of 8:00AM and 5:00PM. The Permittee shall not allow the operation of a gravel or stone crushing plant on the premises with a maximum rated capacity (based on the crusher's largest possible setting and maximum throughput, not actual operating rate) of greater than 150 tons per hour, unless said crushing plant has a permit to operate from the District Commission and the Vermont Air Pollution Control Division.
35. The Permittee shall comply with Exhibits #012A, 016A, and 020 for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.
36. Prior to construction of the approved work, the Permittee shall: a) clearly delineate the construction limits with flagging or snow fencing; b) place diversion ditches on the uphill limits of the construction area; and c) place temporary siltation controls on the downhill limits of construction.
37. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
38. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).
39. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
40. A copy of the approved erosion prevention and sediment control plan shall be on the site at all times during construction.

41. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee shall not cause, permit, or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
42. Any extracted stumps shall be disposed of on-site above the seasonal high-water table and not in any wetland, or at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.
43. The Permittee shall maintain undisturbed Archaeologically Sensitive Areas as depicted on Exhibits #009A through 016A.
44. No construction is authorized within the limits of the archaeologically sensitive areas depicted on the Project exhibits without prior review and approval from the Vermont Division for Historic Preservation.
45. The Permittee and/or successor in interest of any approved building, at a minimum, shall construct each approved building with a solar-ready rooftop.
46. The Permittee shall install infrastructure and pre-wiring for electric vehicle charging stations pursuant to C708.1 (Commercial Stretch Code Guidelines).
47. The Permittee and all assigns and successors in interest shall install and continually maintain the landscaping as approved in Exhibits #013A and 014A by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
48. Prior to any site work, the Permittee shall install and maintain temporary fencing along the tree line to be retained and around trees to be retained as depicted on the approved Exhibits.
49. The installation of exterior light fixtures is limited to those approved in Exhibits #015A and 021 and shall be mounted no higher than 15 feet above grade level. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
50. The Permittee is authorized to construct one "Stoney Hill Business Park" sign as described in Exhibit #001 and depicted in Exhibit #015A. The Permittee shall not erect additional exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
51. Pursuant to 30 V.S.A. § 53, the energy design and construction shall comply with Vermont's Commercial Building Energy Standards (CBES) in accordance with the NRB Criterion 9(F) Procedure effective at the time of construction. (More information on this

subject can be found at [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/energy_efficiency/cbes) and [https://nrb.vermont.gov/documents/9f-procedure\\_2020-09-01.](https://nrb.vermont.gov/documents/9f-procedure_2020-09-01.))

52. The installation and/or use of electric resistance space heat is specifically prohibited without prior written approval from the District Environmental Commission.
53. The Permittee, upon completion of the construction of each commercial building and prior to use or occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d).
54. Should the Town at any time agree to accept any private utilities being then operated by the Permittee and/or its assigns and successors in interest, the Permittee and/or its assigns and successors in interest shall be responsible to improve the same to Town specifications and shall deed all lands involved with said improvements to the Town. Such improvements may require a land use permit amendment.
55. The Permittee shall reference the requirements and conditions imposed by Land Use Permit #9A0358-3 in all deeds of conveyance and leases.
56. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
57. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
58. All site work and construction of roadways and utilities shall be completed in accordance with the approved plans by **October 15, 2026** unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
59. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by



check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.

60. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this 17<sup>th</sup> day of August 2021.

By /s/ Fred Baser  
Fred Baser, Chair  
District 9 Commission

Members participating in this decision:

Allen Karnatz  
Connie Houston

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

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, 2<sup>nd</sup> Floor, Suite 303, Burlington, VT 05401.

## CERTIFICATE OF SERVICE

I hereby certify on this 17<sup>th</sup> day of August 2021 a copy of the foregoing Land Use Permit 9A0358-3 (Stoney Hill Properties, LLC) was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

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. All email replies should be sent to [nrb-act250barre@vermont.gov](mailto:nrb-act250barre@vermont.gov).

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### **FOR YOUR INFORMATION**

Sharon Lucia, Clerk  
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BY: /s/ Lori Grenier  
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