

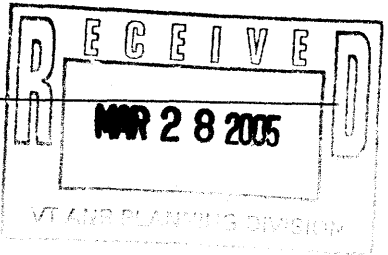
App: 12-20-04
permit: 3-24-05
days: 94

Agenda Item IV.1



State of Vermont

3 years



LAND USE PERMIT

LUP #: 9A0301
Name: Bruce R. Ladeau & Jeanie M. MacDonough
Address: 1603 Lime Kiln Road
Charlotte, Vermont 05445

Laws/Regulations:
10 V.S.A., Chapter 151
Act 250.

Lawson Hammon Estate, C/O Maureen Garofano
476 Main Street
Winooski, Vermont 05404

District Environmental Commission #9 hereby issues a Land Use Permit #9A0301, pursuant to the authority vested in it by 10 V.S.A., Chapter 151. This permit applies to the land identified in the land records of Bristol, Vermont, as the subject of a deed to the Lawson Hammon Estate, as Grantee and a purchase and sales agreement to Bruce R. Ladeau & Jeanie M. MacDonough, the Permittees. This permit specifically authorizes the Permittees to subdivide a 2.54 acre lot into 7 residential lots for single family homes and a 200 foot access road to serve three of the lots (Project). The Project is located off of Pine Street/Liberty Street in Bristol, Vermont

This permit specifically authorizes the Permittees to subdivide a tract of land into lots and to construct a single family home on each of the lots.

The Permittees and any assigns and successors in interest are obligated to complete, operate and maintain the Project as approved by the District Commission in accordance with the following conditions:

1. The Project shall be completed, operated and maintained as set forth in accordance with the plans and exhibits on file with the District Environmental Commission, and in accordance with the conditions of this permit. No material or substantial changes shall be made in the Project without the written approval of the District Environmental Commission.
2. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the Project is being completed, operated and maintained in accordance with the terms of permit.
3. By acceptance of the conditions of this permit without appeal, the Permittees confirm and agree for themselves and any successors in interest that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the Permittees and all assigns and successors in interest.

4. By acceptance of this permit, the Permittees agree to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
5. This permit hereby incorporates all of the terms and conditions of the following permits issued by the Agency of Natural Resources. Any subsequent nonmaterial changes shall be incorporated herein automatically.
 - Potable Water Supply and Wastewater Disposal Permit #WW-6-0682.
6. The Permittees and all assigns and successors in interest shall install and maintain water conserving plumbing fixtures, including but not limited to low flush toilets, aerator type or flow restricted faucets and if applicable low flow showerheads.
7. Pursuant to 21 VSA Section 266, et seq., the Permittees and/or subsequent lot owner shall construct the single family homes in accordance with the Vermont's Residential Building Energy Standards (RBES) in effect at the time of construction.
8. Upon completion of the construction, the Permittees and successors in interest or assigns shall ensure that a certification label available from the Department of Public Service or one substantially like it is issued. The certification label shall be signed by the builder of the home, a licensed architect or engineer or a Vermont-accredited home energy rating system, certifying that the residential building or addition has been constructed in compliance with the requirements of the Residential Building Energy Standards (RBES). This label shall be permanently affixed to the outside of the heating or cooling equipment, to the electrical service panel located inside the building, or in a visible location in the vicinity of one of these areas. The Permittees and its successors and assigns shall ensure that the person certifying compliance provides a copy of each certificate to the Department of Public service and that each certificate is recorded and indexed in the town records.
9. All energy conservation devices shall be maintained in good working order and any failed devices shall be promptly replaced by equipment which is as energy efficient as the failed device being replaced if the device were operating as designed.
10. The Permittees shall comply with all exhibits for erosion control. The Permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All soils shall be stabilized within fourteen days of initial disturbance. From September 15 to April 15 of any calendar year, all disturbed areas of the construction site shall be mulched until final grading and vegetative cover is established. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. The Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control, as they deem necessary.

11. The Permittees shall incorporate all erosion controls set forth in the approved plans in the contract documents for site work and excavation.
12. The Permittees and all assigns and successors in interest shall continually maintain the landscaping as approved by replacing any dead or diseased plantings as soon as seasonably possible.
13. The installation of exterior light fixtures shall be installed and shielded in such a manner as to conceal the light source and reflector surface from view beyond the perimeter of the area needed for illumination.
14. No exterior signs shall be installed without the prior written approval of the District Commission.
15. All heated structures shall include the energy conservation measures in accordance with the approved plans and exhibits.
16. The Permittee shall purchase and install landscaping along the southern property in accordance with Exhibit 23. The landscaping shall include three, 6-7' Colorado spruce and nine, 5-6' Hemlock or equivalent species. The trees shall be warranted for two years and any dead or diseased tree shall be replaced.
17. The installation and/or use of electric resistance heating are specifically prohibited without the prior written approval of the District Commission.
18. No material shall be buried or burned on-site. Construction material shall be disposed of in a State approved landfill.
19. Each prospective purchaser or lessee of the building shall be given a copy of the Land Use Permit before any written contract of sale is entered into.
20. This permit authorizes the construction of a single family home on each lot approved for subdivision. No further subdivision, alteration, and/or development of any parcel of land approved herein shall be permitted without the written approval of the District Commission or a written determination from the District Coordinator that a permit is not necessary.
21. Pursuant to 10 V.S.A. § 6091(b), nonuse of this permit for a period of three years following the date of issuance shall constitute an abandonment of the Project and the permit shall be considered expired. "Nonuse" is defined in 10 V.S.A. § 6091(b).
22. Pursuant to 10 V.S.A. § 6090(b), this permit is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.
23. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6090(b).

Dated at Essex Junction, Vermont on this 24th day of March, 2005.

By /s/ Thomas Wallace
Thomas Wallace, Chair - District #9 Environmental
Commission

Commissioners participating in this decision:

Thomas Wallace, Chair
Dean George, Commissioner

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Environmental Board Rule 31(A). 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. See 10 V.S.A. § 8504(k). Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont.

The Notice of Appeal must include all information required by Rule 5(b)(3) of the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. As of February 14, 2005 the address for the Environmental Court is: Environmental Court, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701. (Tel. # 802-828-1660)

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2004 a copy of the foregoing **ACT 250 LAND USE PERMIT #9A0301**, was sent first class mail, postage prepaid to:

PARTIES:

Bruce R. Ladeau & Jeanie M. MacDonough
1601 Lime Kiln Road
Charlotte, VT 05445

Lawson Hammond Estate
c/o Maureen Garofano
476 Main Street
Winooski, VT 05404

Penny Sherwood, Town Clerk
Chair, Selectboard/Chair, Planning Commission
Town of Bristol
PO Box 249
Bristol, VT 05443

Adam Lougee, Executive Director
Addison County Regional Planning Commission
79 Court Street
Middlebury, VT 05753

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
103 South Main Street - Ctr. Bldg., 3rd Floor
Waterbury, VT 05671-0301

FOR YOUR INFORMATION

District #9 Environmental Commission
Thomas Wallace, Chair/Willem Jewett/Dean George
111 West Street
Essex Junction, VT 05452

Asst. Regional Engineer, ANR/Wastewater Management Division
Rick Oberkirch, Permit Specialist/Dept. Environmental Conservation
450 Asa Bloomer State Office Building
Rutland, VT 05701

Michael Pologruto, Technical Services/VTrans
National Life Building, Drawer 33
Montpelier, VT 05633

Dated at Essex Junction, VT this 24th day of March, 2004.

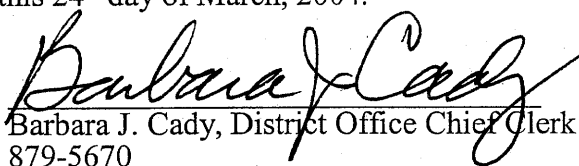

Barbara J. Cady, District Office Chief Clerk
879-5670

EXHIBIT NO.	DATE	E N T E R E D B Y	A = Applicant
	R		T = Town
	E		EC = Environmental Conservation
	C		RPC = Regional Planning Commission
	E		ANR = Agency of Natural Resources
	I		AOT = Agency of Transportation
	V		DPS = Department of Public Services
	E		VDH = Vermont Department of Health
	D		DP = Division for Historic Preservation
			WMD = Wastewater Management Division
			Nature of Exhibit and Date Entered

1	12/20//04	A	Act 250 Application Cover Sheets
2	"	"	Schedule A - Fee Information
3	"	"	Schedule B - Response to the 10 Criteria & Subcriteria
4	"	"	Schedule E - Adjoiner Information
5	"	"	Schedule F - Certification of Service & Notice of Application
6	"	"	Map: Location Map
7	"	"	Map: Project Site Map
8	"	"	Town of Bristol Application for Zoning Permit for Subdivision of Land
9	"	"	Town of Bristol Planning Commission Meeting Minutes (11/09/04)
10	"	"	School Impact Questionnaire for Residential Projects
11	"	"	Ability to Serve Letter by Town of Bristol, Re: Water Supply (11/05/04)
12	"	"	Municipal Impact Questionnaire
13	"	"	Bristol Water District WSID #5002 - Application for New Connection
14	"	"	Photographs of Property, Including Historic Structure
15	"	"	Summary - Historic Structures
16	"	"	Summary - Native American Archeological Site
17	"	"	Fish & Wildlife Letter, Re: Significant Wildlife Species & Habitats (11/30/04)
18	"	"	Ability to Serve Letter by CVPS (12/14/04)
19	"	"	Conformance to the Town of Bristol Municipal Plan

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|----|----------|---|---|
| 20 | “ | ” | Plat: of Subdivision, Project #2004-13(11/04) |
| 21 | “ | ” | Plan: Site Plan, Sht. #1 (11/04) |
| 22 | “ | ” | Plan: Wastewater, Sht. #2 (11/04) |
| 23 | 02/24/05 | ” | Landscape Plan with Landscape Description |
| 24 | 01/03/05 | ” | Potable Water Supply and Wastewater System Permit |
| 25 | 01/05/05 | ” | Letter by Vermont Division for Historic Preservation (01/03/05) |