



State of Vermont

LAND USE PERMIT

CASE NO.	1R0038-4-EB	<u>LAWS/REGULATIONS INVOLVED</u>
APPLICANT	Rutland Public Schools by	10 V.S.A., Chapter 151
ADDRESS	Allan Keyes, Esq. Ryan Smith & Carbine, Ltd. P.O. Box 310 Rutland, VT 05702-0310	(Act 250)

The Vermont Environmental Board hereby issues Land Use Permit #1R0038-4-EB pursuant to the authority vested in it in 10 V.S.A. Chapter 151. This permit applies to the lands identified in Book 78, Page 103 recorded on May 11, 1946; in book 141, page 309 recorded on April 1, 1968; in book 151, page.282 recorded on March 28, 1990; and in book 151, page 279 recorded on March 28, 1990; and in book 151, page 279 recorded on March 30, 1990 in the Land Records of the City of Rutland, Vermont. This permit authorizes the Permittee to construct a 112,000 square foot high school building with a capacity of 870 students, with associated road improvements, on a 79.8 acre tract of land at the corner of Stratton Road and Woodstock Avenue in the City of Rutland.

The Permittee, and its assigns and successors in interest, are obliged by this permit to complete and maintain the project only as approved by the Environmental Board and in accordance with the following conditions:

1. The project shall be completed, operated, and maintained in accordance with the following: Findings of Fact and Conclusions of Law #1R0038-4, except as amended by Findings of Fact and Conclusions of Law #1R0038-4-EB; Findings of Fact and Conclusions of Law #1R0038-4-EB; the plans, exhibits, and testimony submitted by the Permittee to the Environmental Board; and the conditions of this permit. In the event of a conflict between any of the exhibits or testimony presented to the Environmental Board by the Permittee, and any of the Findings of Fact #1R0038-4-EB, the Findings of Fact shall control.
2. No changes shall be made in the design or use of the project without the written approval of the District Commission or the District Coordinator, whichever is appropriate under the Environmental Board Rules.
3. By acceptance of the conditions of this permit without appeal, the Permittee confirms and agrees for itself and all assigns and 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 Permittee and all assigns and successors in interest.

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4. The District 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 in accordance with the terms of the permit.
 5. By acceptance of this permit, the Permittee agrees 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 Regulations and with this permit.
 6. The Permittee shall take all necessary actions, including the use of water or chloride, to ensure that dust from construction activities does not become a nuisance for adjoining property owners.
 7. The Permittee shall limit the normal hours of construction to between 7:00 a.m. and 6:00 p.m., Monday through Saturday. No construction shall occur on Sundays and federal holidays.
 8. Prior to any grading or construction, the Permittee shall obtain a Water Supply and Wastewater Disposal Permit from the Environmental Protection Division of the Agency of Natural Resources.
 9. The Permittee shall install and maintain only low-flow plumbing fixtures in the high school building, including toilets with flows not to exceed 3.5 gallons per flush, faucets with flows not to exceed 3.0 gallons per minute or which have automatic shut-off valves and showerheads with flows not to exceed 3.0 gallons per minute.
 10. Final grading plans shall be submitted to the Water Quality Division of the Agency of Natural Resources so that a wetlands coordinator may confirm that the final design reflects an agreement between the wetlands office and the Permittee. The Permittee shall comply with any restrictions on grading of tree cutting specified on the plans by the wetlands coordinator. Any disagreement shall be resolved by the District Commission.
 11. The Permittee shall comply with the approved plans for erosion control **labelled** District Commission Exhibits #56 and 57. In addition, the Permittee shall take all necessary actions to ensure that no discharge of eroded sediment reaches waters of the state or adjacent properties during any phase of this project.
 12. A program for recycling white paper, plastics, and other materials shall be continued at the new high school.
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13. The Permittee shall construct the building to energy standards listed in ASHRAE publication 90A-80: "Energy Conservation in New Building Design." In addition, the new boiler shall have an efficiency rating above 85 percent and an air-to-air heat recovery system shall be installed to capture residual heat in the air before it is exhausted to the outside.
 14. The Permittee shall install **florescent** light fixtures with electronic ballasts unless it obtains a life cycle cost analysis from Central Vermont Public Service Corporation which demonstrates that magnetic ballasts are more economical over a 15 to 20 year life cycle.
 15. Landscaping shall be implemented and continually maintained as shown in the "Proposed Landscaping Plan for the Upper End of Stratton Road" dated May 5, 1992 (Board Exhibit #A26) and in accordance with the Site Plan dated 1/31/92 (Board Exhibit #A10). Lighting shall be installed as shown in Board Exhibits #A25 and #A26. No part of the lighting elements or the reflectors shall be directly visible from off of the project site.
 16. Prior to the opening of the high school, improvements to Stratton Road and to the Stratton Road intersection with Woodstock Avenue shall be completed in accordance with the following: **"Conceptual Plan Intersection Improvements"** dated May 2, 1991 (Board Exhibit #A6); **"Memorandum regarding Traffic Signal Timing"** (Board Exhibit #A5); **"Stratton Road Plans"** (Board Exhibit #A14); and the testimony presented by the Permittee.
 17. The Permittee shall establish a traffic monitoring plan capable of determining the following: the number of trips at the site driveway during the a.m. and p.m. peak design hours; the actual levels of service of the turning movements onto Woodstock Avenue from Stratton Road during the peak design hour; the levels of pedestrian traffic to and from the high school, including but not limited to the number of pedestrians crossing Stratton Road at the intersection with Woodstock Avenue; and pick-up/drop-off trips to and from the school. The data generated **shall be** submitted to the District Commission on an annual basis, at the end of each school year. The District Commission shall have continuing jurisdiction to impose additional conditions with regard to traffic, if the monitoring data shows that the project has created unsafe conditions or unreasonable congestion.
 18. If, on more than 30 days per year, more than 629 trips during the a.m. peak hour or more than 519 trips during the p.m. peak hour are generated at the site driveway, the Permittee shall take immediate steps to reduce traffic volumes to no more than the specified number of trips by whatever means necessary.
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19. The granting of less than an undivided whole interest in this land or any lot approved herein, is prohibited without the written approval of the Commission.
20. Failure to comply with any of the conditions of this permit may be grounds for permit revocation pursuant to 10 V.S.A. § 6090(b).
21. Notwithstanding anything above, this permit shall expire two years from the date of issuance if the Permittee has not demonstrated an intention to proceed with the project in accordance with 10 V.S.A. § 6091(b) and the Environmental Board Rules.
22. Prior to any site work, the Permittee shall conduct a pre-construction conference with the District Coordinator or other representative of the District Commission, and the contractor to review the terms and conditions of this permit.
23. Construction shall not commence until the Permittee has read this permit and returned a signed copy of the permit to the District Commission.
24. All construction and site work associated ~~with this~~ project shall be completed in accordance with the approved plans by August 1995, unless an extension of this date is approved in writing by the District Commission. Such approval may be granted without notice or public hearing. ,
25. This permit shall expire on June 30, 2012, unless extended by the District Commission.

Dated at Montpelier, Vermont, this 26th day of June, 1992.

ENVIRONMENTAL BOARD

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