



# State of Vermont

## LAND USE PERMIT

CASE No. 2W0434-FB  
APPLICANT C & K Brattleboro Associates  
ADDRESS c/o Jonathan Bump, Esq.  
Fitts & Olson  
Brattleboro, Vermont 05301  
and  
Gerald G. Scanlan  
c/o Timothy J. O'Connor, Jr.  
40 Western Avenue  
Brattleboro, Vermont 05301

### LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 151 (Act 250)  
and Vermont State Board of Health  
Regulations, Chapter 5, Sanitary  
Engineering, Subchapter 10,  
Part 1, Subdivisions

The Environmental Board hereby issues Land Use Permit #2W0434-EB pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit supplements and amends the terms and requirements of Land Use permit #2W0434 issued by the District #2 Environmental Commission on October 24, 1979. This permit applies to the lands identified in Book 143, Page 172 of the Land Records of Brattleboro, Vermont as the subject of a deed to Gerald C. Scanlan and C & K Brattleboro Associates, "permittees" as grantees. This permit specifically authorizes the permittees to develop a 70<sup>±</sup> acre industrial park in Brattleboro, Vermont.

The permittees, their assigns and successors in interest are obligated by this permit to complete and maintain the project only, as approved by the District Environmental Commission in Land Use Permit #2W0434 except as modified and supplemented herein:

1. Condition #1 of the permit is hereby amended to read:
  1. The project shall be completed and maintained as set forth in Findings of Fact and Conclusions of Law #2W0434-EB, in accordance with the plans and exhibits stamped "Approved" and on file with the District Environmental Commission, and in accordance with the conditions of this permit.
2. Condition #4 of the permit is hereby amended to read:
  4. Construction of any improvement or industrial facility within the park except for landscaping, utility services and internal roads developed by the applicants in accordance with the overall plans for the industrial park as approved in this permit, is prohibited until amendments to this permit are issued by the District Environmental Commission for each individual proposed industrial or other use. In such event, the proposed tenant or other developer shall be a co-applicant with the applicant C & K Brattleboro Associates.

3. Condition #5 of the permit is hereby amended to read:

5. The District Commission **shall evaluate** amendment requests and may impose conditions with respect to industrial facilities within this park in accordance with the following criteria of Act 250: 1 (regarding air pollution); 1(B); 1(C); 1(E); (4); (5); (8); 9(A); 9(F) and 9(K). A rebuttable presumption exists as a result of this permit that industrial developments in conformance with the applicants' overall plans and covenants satisfy the other criteria of Act 250.

4. Condition #7 of the permit is hereby amended to read:

7. a. The applicants shall submit a revised landscaping plan to the District **Environmental** Commission for its review and approval before commencement of construction. That plan shall provide for a minimum of 60% linear screening of the upper and middle plateaus from traffic moving in both directions along Interstate T-91. This coverage shall be provided by a mixture of evergreens, **deciduous** trees and native shrubs planted in clumps rather than rows. At planting, the evergreen trees shall be 6'-8' in height, the deciduous trees shall be of 1"-1½" caliper, and the native shrubs shall be 12"-18" in height. These plantings may be phased as different parts of the **project** are actually developed. The plantings shall be in the **areas** shown in cross-hatch on the applicants' screening study (Exhibit #6).
- b. The applicants shall amend the proposed **covenants** for this project to provide for the continued maintenance of the landscaping on each parcel, and shall be responsible for the maintenance of the supplementary screening required in Condition #7(a) above. This amended **covenant** shall become a condition of this permit.
- c. The applicants shall amend the proposed covenants for this **project** to require interior landscaping within large parking **areas**. A landscaped, unpaved area equal to two spaces for every 25 spaces over 100 parking spaces shall be provided to break up the aesthetic impact of expansive parking areas. These areas must be planted in shrubs or trees, or grassy mounds capable of partially shielding vehicles in the parking lot from public view. This amended covenant shall become a condition of this permit.

5. Condition #11 is hereby amended to read:

11. Construction may not commence on this project until the applicants have applied for and received a permit for storm-water discharges from the project site from the Agency of

Environmental Conservation. If no permit is received, or if none is required, the applicants must apply to the Environmental Board for a hearing on the issue of storm-water discharges under Criterion 1(E), 9(A) and 9(K) of 10 V.S.A., §6086 (a).

6. Condition #12 is hereby deleted in its entirety and replaced with the following:

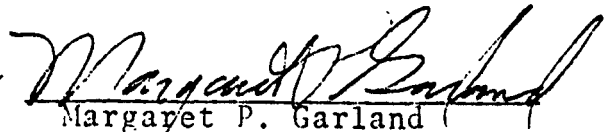
12. Commencement of construction is prohibited until a Certification of Compliance with the Vermont State Board of Health Subdivision Regulations has been issued by the Regional Engineer, Division of Protection, Agency of Environmental Conservation. This permit hereby incorporates all conditions of said Certification of Compliance.

7. Condition #13 is hereby deleted from the land use permit.

Dated at Montpelier, Vermont this 2nd day of January, 1980.

ENVIRONMENTAL BOARD

By

  
Margaret P. Garland  
Chairman

Voting to issue  
this decision:  
Margaret P. Garland  
Ferdinand Bongartz  
Dwight E. Rurnham, Sr.  
Melvin H. Carter  
Michael A. Kimack  
Roger N. Miller  
Donald B. Sargent  
Leonard U. Wilson