

VERMONT ENVIRONMENTAL BOARD
10 V.S.A., Chapter 151

RE: Lance and Deborah Shader Findings of Fact and
 15 Allerton Avenue Conclusions of Law
 Brattleboro, VT 05301 and Order
 Land Use Permit #2W0739-EB

On February 4, 1988, an appeal was filed with the Environmental Board by the Town of Vernon from Land Use Permit #2W0739 issued by the District #2 Environmental Commission on January 5, 1988. The permit authorizes the Permittees to create a 12-lot subdivision, construct 1200 feet of roadway, and improve 1100 feet of existing roadway on a 19.95 acre tract of land in the Town of Vernon, Vermont. The Town believes the Commission erred in its findings and conclusions with respect to Criteria 5, 6, 9(A), 9(B), and 10.

A prehearing conference was scheduled for March 11, 1988. Prior to that date, the parties notified the Board that they were stipulating to a settlement and the prehearing conference was cancelled. On March 11 the parties filed a stipulation with the Board. On April 13, the Board conducted a deliberative session and reviewed the stipulation. On April 20, the Chairman of the Board notified the parties that in order for the Board to accept a stipulation from the parties, the parties needed to address all the concerns raised by the Town in its appeal and that a stipulation should include the facts necessary to make positive findings.

On June 23, the Board received an amended stipulation from the parties, and on June 30 the Board conducted a deliberative session and reviewed the amended stipulation. This matter is now ready for decision.

I. FINDINGS OF FACT

1. On January 5, 1988, the District #2 Environmental Commission issued a permit that authorized the creation of a 12-lot subdivision, construction of 1200 feet of new roadway, and improvement of 1100 feet of existing roadway. The Town is concerned that the Town will ultimately be required to take over maintenance of the roadways.
2. The Permittees agree to upgrade the entire 2300 feet of roadway serving the project to provide for a 26-foot travelled way with a 30-foot shoulder-to-shoulder width and a 75-foot radius turn-around at the end of the roadway and to complete the travelled portion of the roadway with a minimum of 18 inches of course bank gravel and five inches of crushed gravel surface. The

Permittees agree that they will apply calcium chloride to **the** roadways before May 15 of each year and additionally as necessary to control dust.

3. The Permittees agree that the Town does not consent to take over the project roadways as a town highway.
4. The Town withdraws its objections to Findings #6, 9, and 10 of Land Use Permit #2W0739.

II. CONCLUSIONS OF LAW

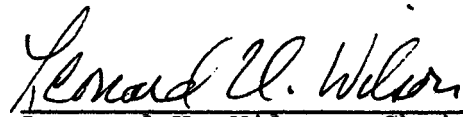
The Board concludes that the stipulation submitted by the parties participating in this appeal does not contravene the values which Act 250 is designed to protect. Therefore, the Board will revise the permit as stipulated.

III. ORDER

Land Use Permit #2W0739-EB is hereby issued in accordance with the Findings of Fact and Conclusions of Law herein. Jurisdiction over this matter is returned to the District #2 Environmental Commission.

Dated at Montpelier, Vermont this 17th day of August, 1988.

ENVIRONMENTAL BOARD


Leonard U. Wilson, Chairman

Members participating:
Lawrence H. Bruce, Jr.,
Acting Chairman
Ferdinand Bongartz
Elizabeth Courtney
Jan S. Eastman
Arthur Gibb
Samuel Lloyd
Roger N. Miller