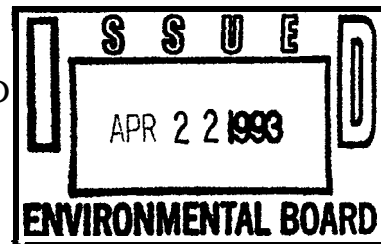


VERMONT ENVIRONMENTAL BOARD
10 V.S.A. Chapter 151



Re: Quechee Lakes Corp. and Ridge Condominiums, Inc.
Land Use Permit #3W0364-1A-EB

SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This decision pertains to a landscape management plan submitted by Ridge Condominiums, Inc. (RCI), a successor-in-interest to the applicant Quechee Lakes Corp., as required by the Environmental Board's order of December 22, 1992 (the 1992 Order). As is explained below, the Environmental Board concludes that the plan submitted by RCI meets the 1992 Order.

I. SUMMARY OF PROCEEDINGS

On December 22, 1992, the Board issued Findings of Fact, Conclusions of Law, and Order #3W0364-1A-EB (the 1992 Order), requiring RCI to submit a landscape management plan to the Board on or before January 27, 1993. The 1992 Order is incorporated by reference. RCI filed a landscape management plan with the Board on January 26, 1993. The Board deliberated concerning this matter on February 24, 1993.

II. ISSUE

Whether the plan submitted by RCI complies with the Board's order of December 22, 1992.

III. FINDINGS OF FACT

1. On February 3, 1987, the Board issued Findings of Fact, Conclusions of Law, and Order #3W0364-1A-EB (the 1987 Order), concerning the 28-unit Ridge Condominium project located in the village of Quechee within the town of Hartford. In the decision, the Board concluded that the project was not built in compliance with its original Act 250 permit and that the manner in which it was built had an undue adverse effect on aesthetics and scenic and natural beauty under 10 V.S.A. § 6086(a)(8). The Board included conditions in the order requiring various actions and stated that, once the order's conditions were fulfilled, it would issue a permit.
2. After lengthy litigation, the Board issued an order concerning this matter on December 22, 1992 (the 1992 Order). This order provides as follows:
 1. RCI will have met the conditions of the 1987 Order provided that it timely submits to the Board, for its approval, a landscape management plan which will ensure the long-term maintenance

of the existing plantings and those made in response to the approved landscaping plans and to our July 19, 1991 order.

2. RCI shall submit said landscape management plan on or before January 27, 1993. A copy of the management plan shall be sent simultaneously to Beverly and Burton Foster.
 3. The Board will review the landscape management plan in deliberative session during its meeting scheduled for February 10, 1993¹ and will issue a written decision approving it, approving it with modifications, or disapproving it.
 4. On approval of a landscape management plan, the Board will issue a permit approving the proposals specified in paragraph one of the 1987 Order, with conditions requiring RCI to comply with the findings of fact issued today and with the plans submitted to the Board in fulfillment of the 1987 Order as the Board has modified them or, with respect to the landscape management plan, may modify. The Board reserves the right to order RCI to take other action to meet the 1987 Order if it does not timely submit an adequate landscape management plan.
3. The Board also issued findings of fact and conclusions of law with the 1992 Order. Those findings and conclusions are incorporated by reference.
 4. RCI filed a landscape management plan with the Board on January 26, 1993, under cover of a letter of that date signed by Richard W. Darby. This plan provides that existing and required plantings be maintained so that the vegetative screening which blocks exposed glazing area on the western facades of each of Buildings 1-5 stays in place. A copy of the plan was sent to all parties on January 26, including a copy to Mrs. Beverly Foster.
 5. RCI's landscape management plan is adequate to maintain the existing and required plantings in such a manner that the plantings will continue to block enough exposed glazing area on the western facades of each of Buildings 1-5 such that no more than **109.3** square feet of glazing area is exposed at any one time.

1. The Board was unable to deliberate on February 10 and deliberated on February 24.

IV. CONCLUSIONS OF LAW

Our order of December 22, 1992 was issued pursuant to a conclusion that the conditions of the 1987 Order will be met as long as RCI submits to the Board a landscape management plan which will ensure the long-term maintenance of the existing plantings and plantings made in response to the approved landscaping plans and to our July 19, 1991 order. We stated our belief that this requirement was necessary because it is the plantings which contribute to the overall blocking of the glazed areas of Buildings 1-5, bringing the net exposed glazing area at each of those buildings down below a limit of 109.3 square feet specified in the 1987 Order.

RCI has now submitted a landscape management plan that fulfills the conditions of the 1992 Order and we conclude that the conditions of the 1992 Order have been met.

The 1987 and 1992 Orders call for issuance of a permit on fulfillment of their conditions. Accordingly, we will issue a permit in accordance with those orders.

V. ORDER

Land Use Permit Amendment #3W0364-1A-EB is hereby issued. Jurisdiction over this matter is returned to the District #3 Environmental Commission.

ENVIRONMENTAL BOARD



Elizabeth Courtney, Chair
Ferdinand Bongartz
Terry Ehrich
Lixi Fortna
Arthur Gibb
Samuel Lloyd
William Martinez