

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

RE: Leisure Living Parks, Inc. by Findings of Fact and  
Hershenson, Carter, Scott & Conclusions of Law  
McGee and Order  
P.O. Box 909 Application #3W0466-2-EB  
Norwich, VT 05055

This decision pertains to an appeal filed with the Environmental Board on September 27, 1989 by Leisure Living Parks, Inc. from the Findings of Fact and Conclusions of Law issued by the District #3 Environmental Commission on July 10, 1989 and September 1, 1989. That decision denied an application for approval to construct 11 mobile home lots, a community septic system, and 600 feet of private access road. The lots are proposed for an existing mobile home park located off Route 5 in the Towns of Hartland and Hartford, Vermont that contains 25 pre-existing lots and 51 lots authorized by Land Use Permit #3W0466.

I. Backaround

The District #3 Environmental Commission denied a permit for 11 additional mobile home lots and associated infrastructure because it found 1) that such construction would destroy or significantly imperil necessary wildlife **habitat under 10 V.S.A. § 6086(a)(8A)** and that the Applicant had not provided sufficient information for the Commission to find that the project complies with the subcriteria of Criterion 8(A) and 2) that the project would unnecessarily endanger or materially jeopardize the public investment in the **deeryard** located on and adjacent to this property under 10 V.S.A. § 6086(a)(9)(K).

After receiving a notice of appeal from the Applicant on September 27, 1989, the Board scheduled a prehearing conference. Prior to the prehearing, the Applicant and the State notified the Board that they were attempting to reach an agreement. The Board sent a memorandum to all parties of **record** to the District Commission proceedings, notifying them of the appeal and requiring any persons who wish to participate in the appeal to notify the Board by November 10, 1989. No requests to participate were received.

On January 24, 1990, the Applicant and the State submitted a stipulation to the Board that provides for the Applicant to implement mitigation measures to protect the **deer** habitat identified on Exhibit B attached to the stipulation marked as Board Exhibit #1.

II. Findinas of Fact

The following findings of fact are based upon the application and the stipulation between the Applicant and the State of Vermont.

1. The Applicant has proposed constructing 11 mobile home lots, a community septic system, and 600 feet of private access road as an addition to an existing mobile home park containing 25 pre-existing lots and 51 lots subject to Land Use Permit #3W0466. The project is located on 10 acres of a 58.7-acre tract of land off Route 5 in the Towns of Hartland and Hartford, Vermont.
2. The project site contains necessary wildlife habitat which would be destroyed or significantly imperiled by this project.
3. The Applicant has agreed to implement certain mitigation measures to protect the identified deer habitat. These measures are incorporated as conditions in the permit attached to these findings.
4. The State of Vermont, Department of Fish & Wildlife had opposed the issuance of a permit for this project because of the effect of the project on necessary wildlife habitat. The State believes that, based upon the mitigation measures proposed by the Applicant, the Applicant has taken reasonable and feasible means of lessening the destruction of the wildlife habitat and it no longer opposes the project.

### III. CONCLUSIONS OF LAW

The Board concludes that this project as proposed, including the mitigation measures which the Applicant has agreed to implement, will not destroy or significantly imperil necessary wildlife habitat pursuant to Criterion 8(A), and that it **will not** unnecessarily or unreasonably endanger the public investment in the **deeryard** pursuant to Criterion 9(K).

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IV. ORDER

Land Use Permit #3W0466-2-EB is hereby issued in accordance with the Findings of Fact and Conclusions of Law herein and the Findings of Fact and Conclusions of Law of the District #3 Environmental Commission dated July 10, 1989 and September 1, 1989, except as amended herein.

Jurisdiction over this matter is returned to the District #3 Environmental Commission.

Dated at Montpelier, Vermont this 9th day of April, 1990.

ENVIRONMENTAL BOARD



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Stephen Reynes, Chairman  
Ferdinand Bongartz  
Rebecca Day  
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Samuel Lloyd III  
Charles F. Storrow, Jr.  
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