



# State of Vermont

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## LAND USE PERMIT

CASE No. #3W0496-EB-1  
APPLICANT Liberty Oak Corporation  
ADDRESS c/o William Kolhepp  
117 Strongs Avenue  
Rutland, VT 05701

### LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 151  
(Act 250)

The Vermont Environmental Board (Board) hereby issues Amended Land Use Permit #3W0496-EB-1 pursuant to the authority vested in it by 10 V.S.A. Chapter 151. This permit applies to the lands identified in Book 112, Pages 484-485, of the land records of the Town of Hartford, Vermont, as the subject of a deed to Liberty Oak Corporation, the "permittee" as '\*grantee.' This permit specifically authorizes the Permittee to construct a 96-room motel and a 200-seat restaurant with associated driveways, parking areas, utilities, and landscaping on a 4.1 parcel of land on Ballardvale Drive in the Town of Hartford, Vermont.

The Permittee, its assigns and successors in interest, are obligated by this permit to complete and maintain the project only as approved in accordance with the terms and conditions of Land Use Permit #3W0496, except as amended hereby. This amendment also incorporates Findings of Fact and Conclusions of Law #3W0496-EB issued by the Board on May 21, 1987, except as amended hereby.

### CONDITIONS

1. Condition #1 of Land Use Permit #3W0496 is amended to read:
  1. The project shall be completed as set forth in the permit conditions and Findings of Fact and Conclusions of Law of Land Use Permit #3W0496, except as modified by the Environmental Board's Findings of Fact and Conclusions of Law #3W0496-EB (dated May 21, 1987) and Findings of Fact and Conclusions of Law #3W0496-EB-1 (dated January 14, 1988) attached to this permit, and in accordance with the plans and exhibits marked "approved" and on file with the District #3 Environmental Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the District #3 Environmental Commission.

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Book of # 323.

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2. Condition #7 of Land Use Permit #3W0496 is amended to read:

7. The Permittee and all assigns and successors in interest shall complete the project in accordance with the revised elevations (Board Exhibit #42) and the revised site plan (Board Exhibit #49) and implement and continually maintain the landscaping as approved in Board Exhibit #49, with the addition of the following:

a. Those portions of the knoll in the northern end of the site which are not on the permittee's property shall be retained. The existing red pines on the northern boundary of the site shall be retained. Two Washington Hawthornes and six little leaf lindens shall be planted as indicated on Board Exhibit #50.

b. Twenty-one 8' to 10' high white pines shall be planted in the land owned by the Vermont Agency of Transportation adjacent to the eastern boundary of the site, as indicated on Board Exhibit #50.

c. Four white pines, 10' to 12' high and 10' on center, shall be planted on the south side of the parking lot at the southeast corner of the site.

d. A total of five little leaf lindens, each 4' to 5" caliper, shall be planted on the south side of the motel as indicated on Board Exhibit #50.

e. Four little leaf lindens, each 4' to 5' caliper, shall be planted at the east end of the motel instead of the Washington Hawthornes.

f. Eight 4" to 5" caliper little leaf lindens shall be planted in the motel parking lot island instead of the mountain ash trees.

g. Nine 3½" caliper mountain ash trees shall be planted between the motel island and the restaurant, as follows: Four at the northeast corner, two in the center, and three in the western corner.

Any dead or diseased plantings shall be replaced as soon as seasonably possible.

3. Condition #7A of Land Use permit #3W0496 is added to read:

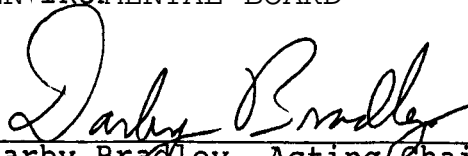
7A. The maximum height of all signs shall be 30' and the maximum size of any sign shall be 69 square feet, as indicated in Board Exhibit #52.

4. Condition #8 of Land Use Permit #3W0496 is amended to read:
    8. The Permittee shall strictly comply with Commission Exhibits #9 and 17 for soil erosion control except as otherwise modified by conditions of this permit. Silt fences shall be installed as depicted on the plans prior to commencement of excavation. All disturbed areas not otherwise stabilized by gravel surfacing shall be thoroughly seeded and mulched immediately following final grading. No disturbed areas may be left untreated for more than seven days. From October 15 to April 15 of any calendar year, all non-vegetated disturbed areas of the construction site shall be mulched until final vegetative cover is established. All erosion control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas. The Commission reserves the right to schedule hearings and site inspections to review erosion control, and to evaluate and impose additional conditions with respect to erosion control, as it deems necessary.
  5. Condition #9 of Land Use Permit #3W0496 is amended to read:
    9. All outdoor lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view substantially beyond the perimeter of the area to be illuminated. The maximum height of the poles shall be 25'.
  6. Condition #11 of Land Use Permit #3W0496 is amended to read:
    11. The restaurant shall be a high-quality facility that shall generate a maximum of 351 vehicle trips per day.
  7. Condition #11A is added to read:
    - 11A. The Permittee shall install a traffic light at the intersection of Ballardvale Drive and Route 5. The signal shall consist of a three-phase signal with a lead green left turn to Ballardvale Drive, and a semi-activated signal with loop detectors installed for both existing lanes from Ballardvale Drive at Windsor Drive and for the left turn from Route 5 southbound onto Ballardvale Drive.
  8. Condition #11B is added to read:
    - 11B. The Permittee shall repaint the stripes on Route 5 into three lanes, each one 12' wide. The middle lane shall be a left-turn lane onto I-91 travelling east, which will turn into a left-turn lane onto Ballardvale Drive when travelling west. The shoulders on both sides of Route 5 shall be a minimum of 4' each.
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9. Condition #13 of Land Use Permit #3W0496 is amended to read:
13. The exterior materials for both the restaurant and the motel shall be clapboards and wood, with shingled roofs. The colors of the buildings and the roofs shall be earthtone colors: "Yorktown" clapboards, "chocolate chip" trim, and "pecan-blend" roofing shingles.
10. Condition #14 of Land Use Permit #3W0496 is deleted.
11. The first condition following condition #16 of Land Use Permit #3W0496 (#10) is renumbered as follows:
17. Each prospective purchaser of the subdivided restaurant lot shall be shown a copy of the approved plot plan, the Certification of Compliance, and the Land Use Permit before any written contract of sale is entered into.
12. The second condition following condition #16 of Land Use Permit #3W0496 (#11) is renumbered as follows:
18. No further subdivision of any parcels of land approved herein shall be permitted without the written approval of the District Environmental Commission.
13. The third condition following condition #16 of Land Use Permit #3W0496 (#12) is renumbered and amended as follows:
19. All construction on this project must be completed by December 1, 1988.
14. The fourth condition following condition #16 of Land Use Permit #3W0496 (#13) is renumbered and amended as follows:
20. This permit shall expire on February 1, 2018, unless extended by the District Commission. Notwithstanding the latter date, this permit shall expire one year from date of issuance if the permittee has not demonstrated an intention to proceed with the project. In any event, substantial construction must occur within two years of the issuance date.

Dated at Montpelier, Vermont, this 14th day of January, 1988.

ENVIRONMENTAL BOARD



Darby Bradley, Acting Chairman  
Environmental Board