



State of Vermont

LAND USE PERMIT

AMENDMENT

CASE No. **4C0489-1-EB**
 APPLICANT Spear Street Associates
 ADDRESS c/o Ray Pecor
 King Street Dock
 Burlington, VT 05401

LAWS/REGULATIONS INVOLVED

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

The Environmental Board hereby issues Land Use Permit Amendment #4C0489-1-EB pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit amendment applies to approximately 51 acres of land to be identified in the Land Records of South Burlington, Vermont, as the subject of a deed to Spear Street Associates, the "Permittee" as grantee from Aurora Nowland, Helen Gagnon and Marie Underwood. This permit amendment specifically authorizes the Permittee to construct 79 condominium housing units with related site improvements on approximately 10 acres located to the west of Spear Street in South Burlington, Vermont, but denies the subdivision of the remaining land into 55 single-family lots.

The Permittee, its 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 accordance with the conditions of Land Use Permit #4C0489, except as amended herein.

CONDITIONS

1. Condition #1 of Land Use Permit #4C0489 is amended to read as follows:
 1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #4C0489, except as modified by the Findings of Fact and Conclusions of Law of the Environmental Board in Land Use Permit Amendment #4C0489-1-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 as amended. No changes shall be made in the project without the written approval of the District Environmental Commission.
2. Condition #2 of Land Use Permit #4C0489 is amended to read as follows:
 2. By acceptance of the conditions of this permit without appeal, the Permittee confirms and agrees for itself and all assigns and successors in interest that the conditions of this permit as amended shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the Permittee and all successors in interest.

3. Condition #4 of Land Use Permit #4C0489 is amended to read as follows:
 4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed in accordance with the terms of the permit, as amended.
4. Condition #5 of Land Use Permit #4C0489 is amended to read as follows:
 5. The Permittee and its assigns and successors in interest shall install and maintain water-conserving plumbing fixtures in all multi-family units, including but not limited to low-flush toilets, low-flow showerheads, and aerator-type or flow-restricted faucets. All deeds and Condominium Bylaws for said units shall require the maintenance of the same.
5. Condition #6 of Land Use Permit #4C0489 is amended to read as follows:
 6. All heated structures to be erected and approved herein shall be constructed with insulation with an R-Value of at least R-19 in the exterior walls, at least R-38 in the roof or cap, and at least R-10 on the foundation.
6. Condition #7 of Land Use Permit #4C0489 is amended to read as follows:
 7. The Permittee and its assigns and successor% in interest, including the Homeowners Association, shall continually maintain the landscaping for the multi-family units substantially as approved in Exhibit #26 by replacing any dead or diseased plantings as soon as seasonably possible.
7. Condition #8 of Land use Permit #4C0489 is amended to read as follows:
 8. The Permittee shall comply with Exhibits #21, 22, 25, 40, and 41 for erosion control, with respect to the construction of the multi-family units. Hay-bale dams or silt fences shall be installed as depicted on the plans. From October 1 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 District Environmental 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 they deem necessary.

- 8. Condition #9 of Land Use Permit #4C0489 is amended to read as follows:
- 9. The Permittee shall incorporate all erosion controls set forth in Exhibits #21, 22, 25, 40, and 41 in the contract documents for site work with respect to the construction of the multi-family units and shall submit a copy to the District Environmental Commission prior to commencement of any site work-.
- 9. Conditions #11, 14, and 15 of Land Use Permit #4C0489 are deleted as they relate to the single-family lots which were not approved by the Environmental Board.
- 10. Condition #16 of Land Use Permit #4C0489 is amended to read as follows:
- 16. Prior to the commencement of construction, copies of both the covenants to be contained in the deeds to the multi-family units and the Homeowners Association Bylaws shall be submitted to the District Environmental Commission for review and approval.
- 11. Prior to the commencement of construction, the Permittee shall submit plans, showing a revised access route for the multi-family units, to the District Environmental Commission for review and approval.

All conditions of Land Use Permit #4C0489 remain in full force and effect except as amended herein.

Dated at South Burlington, Vermont this 26th day of October, 1982.

Members approving this decision:
 Lawrence H. Bruce, Jr.
 Donald B. Sargent
 Warren M. Cone
 Leonard U. Wilson
 Ferdinand Bongartz

For the Board:

Lawrence H. Bruce, Jr.

Donald B. Sargent

Warren M. Cone

Leonard U. Wilson

Ferdinand Bongartz
