

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. CHAPTER 15 1

Re: Appletree Point Associates Limited Partnership
(formerly Fairfield Associates, Ltd.)
Land Use Permit #4C0570-EB (Revised)

MEMORANDUM OF DECISION

This Memorandum of Decision pertains to a request for a Certification of Compliance pursuant to Environmental Board Rule ("EBR") 37. As explained below, the Environmental Board hereby issues a certification.

I. BACKGROUND

On March 20, 1984, the District #4 Environmental Commission issued Land Use Permit #4C0570 ("Commission Permit") and accompanying findings of fact, conclusions of law, and order.

On March 29, 1985, the Environmental Board issued Land Use Permit #4C0570-EB (Revised) ("Board Permit") to Fairfield Associates, Ltd., and accompanying memorandum of decision as its decision with regard to the appeal of the Commission Permit. The Board Permit authorizes the construction of a seven phase planned residential development, including certain storm water collection and treatment improvements, on Appletree Point Road in Burlington, Vermont ("Project"). In part, Condition #12 of the Board Permit added Condition #29 to the Commission Permit ("Condition #29").

On April 2, 1992, the Strathmore Homeowner's Association ("Association") filed a request with the Board pursuant to Condition #29 seeking a revision to that condition's requirements regarding water quality monitoring ("Request") at the Project.

On December 1, 1995, the Environmental Board issued its final decision ("Final Decision") with respect to the Association's Request. The Final Decision is attached hereto and incorporated herein. In part, the Final Decision granted the Request subject to the fulfillment of certain conditions.

On August 11, 1997, the Association filed a letter and supporting documentation regarding its fulfillment of the conditions set forth in the Final Decision.

On September 24, 1997, Environmental Board Chair John T. Ewing issued a memorandum to the parties regarding the Association's August 11 submission. In part, parties were given the opportunity to request a hearing. No hearing request has been filed.

On October 22, 1997, the Environmental Board deliberated regarding the Request.

II. DECISION

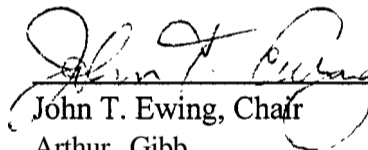
After a review of the Association's August 11 submission the Board concludes that the conditions in the Final Decision have been satisfied. As provided in the Final Decision's second condition, the Environmental Board makes this conclusion pursuant to EBR 37, Certificate of Compliance. Accordingly, the Association has complied with the proposal approved in the Final Decision, and monitoring may terminate at the Project pursuant to the proposal and the Final Decision.

III. ORDER

1. The conditions in the Final Decision have been satisfied.
2. Pursuant to EBR 37, the Association has complied with the proposal approved in the Final Decision, and monitoring may terminate at the Project pursuant to the proposal and the Final Decision.

Dated at Montpelier, Vermont this 6th day of November, 1997.

VERMONT ENVIRONMENTAL BOARD



John T. Ewing, Chair

Arthur Gibb
Marcy Harding
Samuel Lloyd
William Martinez
Rebecca M. Nawrath
Dr. Robert Page
Robert Opel