State of Vermont

LAND USE PERMIT

CASE No.	4C0581-EB	**LAWS/REGULATIONS INVOLVED**
APPLICANT	Brattleboro Chalet Motor Lodge, Inc. by	
ADDRESS	Philip K. Dodd, Esq. Gibson, Noble & Goodrich P.O. Box 159 Montpelier, Vermont 05602	10 V.S.A., Chapter 151 (Act 250)

The Vermont Environmental Board hereby issues Land Use Permit #4C0581-EB pursuant to the authority vested in it by 10 V.S.A., Chapter 151. This permit applies to the lands identified in Book 72, Pages 350-352 of the Land Records of the Town of Williston as the subject of a deed to Brattleboro Chalet Motor Lodge, Inc., the "Permittee" as grantee. This permit authorizes the Permittee to construct a 103 room motor lodge consisting of two structures (a three story main building containing 75 rooms and a two story connected wing containing 28 rooms), parking areas, access drives, municipal water and sewer interconnections, and related improvements located adjacent to Vermont Route 2A and Interstate 89 in Williston, Vermont.

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 #4 Environmental Commission in accordance with the Conditions of Land Use Permit #4C0581, except as amended herein.

CONDITIONS

Conditions 4, 11, 12, 13, 15, 16, 17, 22, 23, 24, 25, 26, 27, and 28 of Land Use Permit #4C0581 are deleted. Conditions 1, 2, 3, 5, 6, 7, 8, 9, 10, 14, 18, 19, 20, and 21 of Land Use Permit #4C0581 shall remain in full force and effect and are renumbered as Conditions 1 through 11 as set forth below. Conditions 12 through 18 are added by the Board as set forth below:

1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #4C0581, in accordance with the plans and exhibits stamped "Approved" and on file with the District Environmental Commission ("the Commission"), and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the Commission.

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 shall** run with the land and the land uses herein permitted, and will be binding upon and enforceable against the Permittee and all assigns and successors in interest. The granting of less than an undivided whole interest in this project is prohibited without prior approval of the Commission.

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3. The 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.

4. The Permittee and all assigns and successors in interest shall install and maintain water-conserving plumbing fixtures, including but not limited to low-flush toilets, low-flow showerheads, and aerator-type or flow-restricted faucets. Any deeds for this building shall require the maintenance of the same.

5. The motor lodge approved herein shall be constructed with insulation with an R-Value of at least R-19 in the exterior walls, at least R-31.28 in the roof or cap and at least R-10 around the foundation or slab and with double glazed windows. The motor lodge shall be heated with a gas-fired heating system with individual thermostat controls for each lodge unit.

6. Prior to the commencement of site work or other construction, the Permittee shall submit revised erosion control plans to the Commission and secure its approval of those plans. Hay bale dams shall be installed as depicted on the plans prior to commencement of construction. 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 Permittee shall install rip-rapping, as recommended by the Soil Conservation Service, in the southwest corner of the site. The Permittee shall prevent the transportation of any eroded sediment beyond that area necessary for the construction. 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 they deem necessary. The approved erosion control plans shall be available on the site at all times during construction and those plans shall be incorporated into any contract documents for project site work.

7. The Permittee shall post a financial guarantee in the amount of $10,000 to the Vermont Environmental Board, District #4 Environmental Commission. The financial guarantee may be in the form of a bond, an escrow account, or an irrevocable letter of credit from a recognized lending institution. The content of the document establishing the financial guarantee is subject to the approval of the Commission. This document must be filed with the Commission prior to the commencement of this project and shall remain in effect until five years after the applicant notifies the Commission that the project has been completed.

8. The Permittee shall apply and maintain water or calcium chloride on all roadways within the project during construction and until

paved to control dust. The Commission reserves the right to evaluate and impose additional conditions with respect to dust control.

9. Prior to the commencement of construction the Permittee shall file a copy of the highway access permit to be issued by the Vermont Agency of Transportation with the Commission.

10. All power service shall be located underground.

11. *The removal of topsoil from the project site is prohibited.

12. The Permittee may install only the following signs: a) a facade sign consisting of the Permittee's logo as depicted in Board Exhibit #9, to be located over the entrance doorway or adjacent to the entrance doorway on the east side of the three-story building; b) an exterior-lit free-standing sign as depicted in Board Exhibit #8, to be located adjacent to the entrance drive in the locale identified on the project Site Plan as revised November 27, 1984 (Board Exhibit #23).

13. This Permit does not approve the construction of a restaurant or site work in preparation for construction of a restaurant. The Permittee shall obtain an amended land use permit from the Commission prior to commencement of construction on a restaurant or any other material change to the project.

14. The flagpole to be erected adjacent to the entrance doorway as depicted on Board Exhibit #23 shall not extend above the 26'8" roofline of the main building. The color scheme of the two buildings shall remain substantially similar to that previously approved by the Commission.

15. The Permittee shall comply with the planting plan dated November, 1584 (Board Exhibit #24). All diseased or dying plantings shall be replaced as soon as seasonably possible. The existing clump of hardwoods adjacent to the southern project line and the existing apple trees identified on Exhibit #24 to be retained shall be protected from damage or destruction during construction and shall be bounded by snow fence. If the Permittee or its successor has not applied to the Commission for approval of a restaurant prior to occupancy of the motor lodge, a vegetation plan for the north end of the main building shall be submitted to the Commission prior to such occupancy. Such landscaping shall be subject to approval by the Commission and installation at a time determined appropriate by the Commission.

16. Lighting shall be installed only at the locations depicted on Exhibit #23. No floodlights shall be mounted on the facade of the buildings. Light poles shall not exceed 12' in height and light fixtures shall be substantially equivalent to those depicted in Board Exhibit #11.

17. A revised Public Buildings certification of compliance and a revised temporary pollution permit shall be secured from the Agency of Environmental Conservation prior to the commencement of construction. Any such certification and permit shall be filed with the Commission and incorporated into this permit by way of administrative amendment.

18. All construction on this project must be completed on or before December 10, 1985. This permit shall expire on December 10, 2014 unless extended by the Commission. Notwithstanding the latter date, this permit shall expire one year from the 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 date this permit is issued.

Dated at Montpelier, Vermont this 10th day of December, 1984.

VERMONT ENVIRONMENTAL BOARD

By:
Margaret P. Garland, Chairman