

CASE NO: 4C1013R-EB  
*PERMITTEES: The Van Sicklen Limited Partnership*

Laws/Regulations Involved  
10 V.S.A. Ch. 151 (Act 250)

The Vermont Environmental Board hereby issues Land Use Permit 4C1013R-EB, pursuant to the authority vested in it by 10 V.S.A. §§6001-6092. This permit amendment applies to the lands identified in Books 465, 387 and 388, Pages 149, 10 and 77, Page 91 of the land records of the City of South Burlington, Vermont, as the subject of a deed to The Van Sicklen Limited Partnership, the Permittee as Grantee.

This permit specifically authorizes the Permittee to construct a planned residential development, known as "Old Stone House Farm", consisting of 28 single-family residential lots, 20 detached carriage home units and one homestead parcel (containing the existing farm house) to be served by municipal water and sewer facilities (the Project). The Project also involves construction of 2100 linear feet of new public street and 875 feet of new private roadway with related utilities, including a four-inch sewer force main and a separate eight-inch water line within a 2200-foot long easement between the terminus of Dubois Drive and the project tract. The sewer force main will be connected to a new pump station to be located on Lot 50 in the northeast corner of the project parcel adjacent to Van Sicklen Road.

The Permittee, and its assigns and successors in interest, is obligated by this permit to complete, operate, and maintain the Project in accordance with the following conditions:

1. The Project shall be completed, operated and maintained in accordance with: (a) the terms and conditions of Land Use Permit 4C1013R issued by the District 4 Environmental Commission on December 4, 2000, except as amended hereby; (b) *The Van Sicklen Limited Partnership*, Land Use Permit 4C1013R-EB, Findings of Fact, Conclusions of Law, and Order, issued by the Vermont Environmental Board on March 8, 2002, as modified by the Board's Memorandum of Decision issued on even date herewith, (c) the plans and exhibits on file with the Vermont Environmental Board; and (d) the conditions of this permit. The Permittee shall not make any changes to the Project without the written approval of the District 4 Environmental Commission.

2. The Declaration of Covenants, Easements and Restrictions for the Homeowners' Association, and a paragraph to be included in the deeds to all lots, shall include the following language:

The Class Two wetland and associated 50-foot buffer zones shown on the site plans entitled "The Old Stone Farm House Site Plan" by Lamoureux & Dickinson, Consulting Engineers Inc. dated December 1, 1999, will remain in a natural undisturbed manner with the exception of the proposed impacts as shown on the site plan. There shall be no draining, dredging, tilling, grading, dumping of yard waste or other debris and refuse, alterations of the water flow, cutting, clearing or removal of vegetation within the wetland or buffer zone with the exception of the proposed impact areas as are approved by the Conditional Use Determination for this property. Construction of paths into or through the wetlands and wetland buffers is specifically prohibited. Allowed uses within the wetlands and their buffer zones are to be in conformance with Section 6 of the Vermont Wetland Rules effective February 23, 1990. These restrictions run with the land and are enforceable under the Vermont Wetland Rules and the associated Conditional Use Determination for this property.

3. A line of northern white cedars, five to six feet tall at planting, will be the marker trees planted at 25 foot intervals along the portions of the rear and side boundaries of Lots 17 through 24 which are adjacent to wetland buffers. On Lots 25 through 29, iron pipes will mark the rear corners, but no marker trees will be required since the rear of the Lots are partially forested. The marker trees will be planted in the spring or fall after construction has begun on a phase of the project to provide the best chance for survival, and in any event will be planted before the sale of the first Lot in the phase. During construction, silt fencing will be placed around disturbed areas to ensure no construction encroaches into a wetland buffer. All other terms and conditions of Conditional Use Determination #2000-043, dated May 4, 2000, shall be complied with by Permittee.
4. A sediment or treatment basin approximately 10 feet by 20 feet at the top and 24 inches deep, with plantings in the bottom to cause further settlement of any solids, shall be constructed at the back corner of Lots 28 and 29. Stone check dams will be placed in the remaining swale area leading from the basin to the wetland area to further reduce velocity.

5. The Van Sicklen Limited Partnership shall pay for the construction of up to two rumble strips or speed tables on Van Sicklen Road in Williston and two rumble strips or speed tables on Van Sicklen Road in South Burlington at locations approved by the respective municipalities after consultation with both The Van Sicklen Limited Partnership and Friends of Muddy Brook Basin. The choice of which traffic calming devices are selected shall be at the sole discretion of the Town/City. The Van Sicklen Limited Partnership shall also pay for the installation of one "Strictly Enforced Speed Limit" sign in each municipality at locations approved by the Town/City. The obligations in this condition are contingent upon final approval being obtained from the appropriate municipal entity with the authority to do so within three years of the date of the final land use permit issued to the Van Sicklen Limited Partnership for the Project.
  
6. A permit amendment shall be obtained before any user other than the Project may hook up to the water and sewer lines to the Project from the Ledge Knoll development through presently undeveloped lands immediately to the north of the Project.

Dated at Montpelier, Vermont this 16<sup>th</sup> day of May 2002.

ENVIRONMENTAL BOARD

    /s/Marcy Harding      
Marcy Harding, Chair  
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