

State of Vermont

LAND USE PERMIT

Case No. 5W0921-2R-EB (Revised)
Name: Raymond Duff
Address: Mountain View Road
Barre, VT 05641

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

The Vermont Environmental Board hereby issues Land Use Permit #5W0921-2R-EB (Revised) pursuant to the authority vested in it in 10 V.S.A. Chapter 151. This permit applies to the lands identified in Book 101, Page 253 of the land records of the Town of Barre, Vermont, as the subject of a deed to Raymond Duff (the Permittee) as grantee. This permit supersedes Land Use Permit #5W0921-2R-EB issued on April 26, 1991.

This permit specifically authorizes the Permittee to create a 32-lot subdivision for single family housing to be served by municipal sewer and by Fire District #7 water supply. The project site is located off Cobble Hill Road in the Town of Barre. The tract of land consists of 26.5 acres. Of this acreage, 14.4 acres will be used for the creation of 31 lots and an 1800-foot road. One of these lots will be used as part of a stormwater discharge system and will include a retention pond and water pumping station. The other 30 lots will be used for single family homes. The remaining 12.1 acres will be devoted to agricultural use.

The Permittee, and his assigns and successors in interest, is obliged by this permit to comply with the following conditions:

CONDITIONS

1. The project shall be completed, operated and maintained in accordance with Findings of Fact and **Conclusions of Law #5W0921** (Sept. 14, 1987), as modified by Findings of Fact and Conclusions of Law #5W0921-2R (March 31, 1989), and Findings of Fact and Conclusions of Law #5W0921-2R-EB (Revised) (June 14, 1991); in accordance with the plans and exhibits presented to the District #5 Environmental Commission (the District Commission) and the Environmental Board by the Permittee; and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the District Commission. In the event of conflict among the referenced findings and conclusions, the following order shall control: first, #5W0921-2R-EB (Revised); then #5W0921-2R; and lastly, #5W0921. The same order shall control any conflict among the exhibits presented by the Permittee during the proceedings which led to issuance of the referenced findings and conclusions.
2. The District 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, operated, and maintained in accordance with the terms of **the permit**.

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3. By acceptance of the conditions of this permit without appeal, the Permittee confirms and agrees for himself 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 Permittees and all assigns and successors in interest.
 4. By acceptance of this permit, the Permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
 5. All construction, site excavation, and driveway installation shall be performed in accordance with the State of Vermont Erosion and Sedimentation Control guidelines. All seeding and mulching of exposed surfaces shall be done within 72 hours of grading.
 6. To reduce smoke emissions, catalytic converters shall be attached to any wood burning stoves or fireplace inserts used in any homes at the subdivision.
 7. This permit incorporates all of the conditions of the Subdivision Permit #EC-5-1762 issued on June 18, 1989 by Eric Blatt, Regional Engineer, Division of Protection, Department of Environmental Conservation, Agency of Natural Resources.
 - a. The Permittee shall not sell Lots #16 through 30 until he has provided proof acceptable to the District Commission that the Town of Barre has authorized sewer hook-ups for these lots.
 9. Prior to commencement of construction, the Permittee shall post a financial guarantee in the amount of \$25,000. This guarantee shall be in the form of an interest-bearing escrow account with at least **one** member of the Town of Barre Fire District #7 as co-trustee. Funds from this account shall be used to indemnify Fire District #7 from all costs related to the maintenance, repair, and operation of the subdivision's water system until 50 percent of the subdivision's units are built and occupied. The content of the document establishing the financial guarantee is subject to the approval of the District Commission. The document must be filed with the District Commission.
 10. Prior to commencement of construction, the Permittee shall post a financial guarantee in the amount of \$15,000. This guarantee is separate from that identified in Condition 9, above. The guarantee shall be in the form of an interest-bearing escrow account with the Barre Town Manager as co-trustee. Funds from this account shall be used in the event the Town of Barre is
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required to operate or maintain the subdivision's stormwater retention system because of default or abandonment by the Permittee. The content of the document establishing the financial guarantee is subject to the approval of the District Commission. The document must be filed with the District Commission.

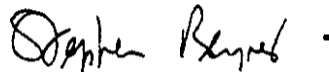
11. Prior to commencement of construction, the Permittee shall post a financial guarantee to be used in the event the Town is required to operate and maintain the sewer lines within the subdivision. This guarantee is separate from those identified in Conditions 9 and 10, above. The amount of the guarantee shall be subject to approval of the Town of Barre Board of Selectmen. The guarantee shall be in the form of an interest-bearing account with the Barre Town Manager as co-trustee. The amount of the guarantee and the content of the document establishing the guarantee are subject to the approval of the District Commission. The document must be filed with the District Commission.
 12. 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. All leases and deeds shall require maintenance of these fixtures.
 13. In addition to any other requirements of this permit, the Permittee shall comply with Exhibit #10 to Findings of Fact and Conclusions of Law #5W0921-2R for erosion control. Bay bale dams and silt fences shall be installed as depicted on the plans prior to commencement of construction. All road ditches having slopes in excess of five percent shall be lined with stone. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All soils shall be stabilized, seeded and mulched within 14 days of initial disturbance. All earthwork shall be limited to between April 15 and October 1 of any calendar year. All erosion control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas. The District Commission retains jurisdiction 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.
 14. All heated structures approved herein shall be constructed with an R value of at least R-19 in the exterior walls, R-38 in the roof or cap and R-10 around the foundation. The installation or use of electric resistance space heating is specifically prohibited without the prior written approval of the District Commission.
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15. Prior to commencement of construction, the Permittee shall file with the District Commission a maintenance program and schedule for the subdivision's stormwater retention system. The Permittee must obtain the District Commission's approval for this program and schedule before any construction begins. The program must include a plan to ensure the thawing of the inlets and outlets associated with the retention pond.
 16. Without prior amendment of this permit by the District Commission, no person may direct stormwater runoff into the subdivision's stormwater retention system such that discharge from the system exceeds 15.9 cubic feet per second.
 17. This permit incorporates all conditions of Discharge Permit #1-0742 issued on January 3, 1989 by the Department of Environmental Conservation, Agency of Natural Resources.
 18. The Permittee shall dedicate the approximately 12-acre retained parcel for agricultural or open space use in perpetuity. This retained parcel is identified on Sheet 1 of Board Exhibit #2. Within six months of the date below, the Permittee shall execute an amendment to his deed to the tract which is the subject of this permit. The amendment shall include a covenant restricting the retained parcel to agricultural or open space use in perpetuity. The amendment shall be recorded on the land records of the Town of Barre. In addition, within six months of the date of this permit, the Permittee shall take all necessary steps to dedicate the retained parcel in perpetuity for agricultural or open space use. Within the above six-month period, the Permittee shall file a copy of the deed amendment and any other documents associated with such dedication with the District Commission. The District Commission shall retain jurisdiction to approve or disapprove the content of the deed, amendment or other documents referenced above, and to ensure that the retained parcel is in fact dedicated for agricultural or open space use in perpetuity.
 19. In the event there is no one to farm the retained parcel, it shall be kept open and shall be mowed at least once a year during late summer or early fall.
 20. Any deed from the Permittee to another person regarding the retained parcel referenced in Condition 18, above, shall restrict the use of that parcel to agriculture or open space in perpetuity.
 21. The Permittee, and his assigns and successors in interest, including all owners and lessees of lots at the subdivision, are prohibited from engaging in activities which will interfere with the use of the above-referenced retained parcel for agriculture.
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22. Before any written contract of sale or lease is entered into regarding any land subject to this permit, each prospective purchaser or lessee of a lot or building shall be given a copy of Land Use Permit #5W0921-2R-EB (Revised) and all Findings of Fact and Conclusions of Law referenced in Condition 1, above.
23. No further subdivision or development of any parcels of land approved herein shall be permitted without the written approval of the District Commission.
24. The Permittee shall reference the requirements and conditions imposed by Land Use Permit #5W0921-2R-EB (Revised) in all deeds to property to which the permit applies.
25. All construction on this project must be completed by November 15, 1994.
26. This permit shall expire within 50 years of the date below unless extended by the District Commission.
27. Failure to comply with any of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6090(c).

Dated at Montpelier, Vermont, this 14th day of June, 1991.

ENVIRONMENTAL BOARD



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A:DUFF.PMT (DW410)
