

State of Vermont

LAND USE PERMIT

CASE No. 6G0217-EB
APPLICANT Richard and Napoleon LaBrecque
ADDRESS Isle La Motte, Vermont 05463

LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 151
(Act 250) and Vermont State
Board of Health Regulations
Chapter 5, Sanitary Engi-
neering, Subchapter 10,
Part I, Subdivisions

The Environmental Board hereby issues a Land Use Permit pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit applies to the lands identified in Book 11, Page 222; Book 13, Page 145; and Book 14, Page 95 of the Land Records of Isle La Motte, Vermont, as the subject of deeds to Richard and Napoleon LaBrecque, the "permittees" as grantees. This permit specifically authorizes the permittees to create a 20 lot residential subdivision with a 1700[±] foot access road located off Shrine Road in Isle La Motte, Vermont.

The permittees, their assigns and successors in interest, are obligated by this permit to complete and maintain the project only as approved by the Environmental Board in accordance with the following conditions:

1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #6G0217 and 6G0217-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. No changes shall be made in the project without the written approval of the District Environmental Commission.
2. By acceptance of the conditions of this permit without appeal, the permittees confirm and agree for themselves 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.
3. This permit hereby incorporates all of the conditions of the Certification of Compliance #6G0217, issued on January 16, 1980, and Land Use Permit EC-6-0613 issued on July 24, 1978, by the Regional Engineer, Division of Protection, Agency of Environmental Conservation in compliance with Vermont State Board of Health Regulations, Chapter 5, Sanitary Engineering, Subchapter 10, Part I, Subdivisions. The conditions of said Certification and Permit are as follows:
 1. The subdivision must be completed as shown on the plans prepared by Green Mountain Surveys, Inc. on February 19, 1979, revised dated on November 19, 1979

and December 19, 1979, and the plans prepared by Jay Rutherford on June 5, 1978, and which have been stamped "Approved" by the Division of Protection. No changes shall be made to the approved plans without prior written approval of the Agency of Environmental Conservation.

2. Each lot is approved for the on-site water supply from a drilled or driven well provided that each well is located as shown on the plans and no closer than 100 feet to any subsurface wastewater disposal system.
- 3 . Each lot is approved for the on-site subsurface disposal of wastewater within the soil boring and percolation testing area indicated for each lot on the approved plans.
4. Each prospective purchaser of each lot shall be shown a copy of the approved plot plan, the engineer's site report and the Land Use Permit before any written contract of sale is-entered into.
5. This project has'been reviewed and is approved for the construction of one single family residence on each of the approved lots. Construction of other type dwellings, including public buildings, duplexes and condominium units, is not allowed without prior review and approval of the Agency, and such approval will not be granted unless the proposal conforms to the applicable laws and regulations.
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.
5. The permittees and all assigns and successors in interest shall install and maintain water-conserving plumbing fixtures in all residences, including but not limited to low-flush toilets, low-flow showerheads, and aerator-type or flow-restricted faucets.
6. All heated structures erected on lots approved herein shall be constructed with insulation with an R-Value of at least R-19 in the exterior walls and at least R-38 in the roof or cap.
7. The permittees and all assigns and successors in interest including all homeowners shall continually maintain the landscaping substantially as approved by replacing any dead or diseased plantings as soon as seasonably possible.

8. The permittees shall seed disturbed areas and slopes associated with the construction of the road before October 15 of any year in which construction occurs,
9. All outdoor lighting shall **be installed** or shielded in such a manner as to conceal light sources and reflector surfaces from view substantially beyond the perimeter of the area to be **illuminated**, and especially from the Shrine Road.
10. Each prospective purchaser of any lot shall be shown a copy of the approved plot plan, the Certification of Compliance, and the Land Use Permit before any written contract of sale is entered into.
11. The permittees shall supply a landscaping plan (as discussed in the Board's findings) to the Environmental Board for review and written approval prior to the sale of any of the lots herein approved and shall complete the landscaping in accordance with those plans as approved. The Environmental Board may request a hearing to consider said plans.
12. No more than three lots shall be sold, and no more than three house starts shall occur during any given calendar year.
13. Further subdivision or division of the remaining 131 acres owned by the applicants at this site is prohibited unless this land use permit has been amended by the District Environmental Commission.
14. This permit shall expire on November 14, 2000, unless extended by the District Environmental Commission.
15. Notwithstanding, this permit shall expire one year from date of issuance if the permittees have not demonstrated an intention to proceed with the project.

Dated at Montpelier, Vermont, this 17th'day of November, 1980.

ENVIRONMENTAL BOARD

Members voting to issue
this decision:

Leonard U. Wilson
Ferdinand Bongartz
Dwight E. **Burnham**, Sr.
Melvin H. Carter
Michael A. Kimack

BY Richard H. Cowart
Richard H. Cowart
Executive Officer