



State of Vermont

LAND USE PERMIT AMENDMENT

CASE No. 6G0220-3-EB
APPLICANT John Roach
ADDRESS Bay Harbor Yachts, Ltd.
 P.O. Box 156
 No. Hero, Vermont 05474

LAWS/REGULATIONS INVOLVED
 10 V.S.A., Chapter 151
 (Act 250)

The Environmental Board hereby issues Land Use Permit Amendment #6G0220-3-EB to supplement the terms and requirements of Land Use Permit Amendment #6G0220-2 issued by the District #6 Environmental Commission pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit amendment applies to the lands identified in Book 29, Page 452 of North Hero Land Records, North Hero, Vermont, as the subject of a deed to Bay Harbor Yachts, Ltd., the permittee as grantee.

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 Environmental Commission in Land Use Permit #6G0220 as amended, and in accordance with the following conditions:

1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #6G0220-2-EB, dated April 22, 1982, in accordance with the plans, exhibits and testimony submitted to the Environmental Board in its hearings on this matter, 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. Conditions #2 and #3 of Land Use Permit Amendment #6G0220-1-EB remain in full force and effect as to the private right-of-way providing access to the project and must be completed no later than June 30, 1982.
3. The following improvements must be completed no later than June 30, 1982:
 - a. Any cables providing electricity to the marina must be buried according to previously approved plans;
 - b. Requisite, permanent restroom facilities must be installed according to approved plans;
 - c. Three inches of "pea stone" gravel must be added to the boat storage and 100 lot parking areas;
 - d. The boat storage area must be elevated above the floodplain;
 - e. Access roads, both public and private, must be widened at least 18 feet:

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- f. Drainage along the access roads must be improved as required by Condition #2a of Land Use Permit Amendment #6G0220-1-EB. The District Highway Engineer or his representative will assist the Permittee in determining where drainage improvements are necessary: and
- g. Unsafe drive-sight distances must be eliminated as required by Condition #2c of Land Use Permit Amendment #6G0220-1-EB. The District Highway Engineer or his representative will assist the Permittee in determining what steps must be taken in order to eliminate unsafe drive-sight distances. The Board suggests that the Permittee and District Highway Engineer or his representative comply with the requirements of the "Policy on Geometric Design of Rural Highways" (a portion of which was identified as Exhibit #30 before the Board) when considering the alternatives available to eliminate unsafe drive-sight distances;
- h. The pump-out and holding tank facilities referred to in Revocation Issues #4 and #5 must also be completed no later than June 30, 1982, unless an earlier date is set by the Water Resources Board.

The Permittee shall certify to the District Commission that the requirements to be completed by June 30, 1982, have been satisfied.

- 4. The permittee must also implement and maintain dust suppressing measures as needed on the gravel roads serving this project. At a minimum, these measures must be implemented each time the roads are graded.
- 5. Condition #3 of Land Use Permit #6G0220-2 is hereby amended as follows:-

The District Commission shall convene a hearing in this matter on September 16, 1982 to ascertain the effectiveness of those measures herein approved and relative to the issues of fugitive dust and traffic congestion/safety as a result of this project on the public section of the **Pelot's Point Road**. A traffic count on the public portion of **Pelot's Point Road** shall be made during the week of July 4, the week of August 8, and the week of September 5, 1982. The traffic count will be conducted by the Agency of Transportation. The information from the traffic count will be made available to the District **Commission at or before its September 16, 1982, hearing.**

- 6. The Board exempts two road improvements from its June 30, 1982, completion date of the items contained in Finding #12. These improvements are the 25 mph speed limit and six-inch gravel base with no more than seven per cent silt. At its September 16, 1982, hearing, the District Commission shall determine whether these two road

improvements are required in light of its review of the effectiveness of the other measures. Should the District Commission determine the remaining or other improvements are necessary, the District Commission, at that time, shall also determine the date of their completion.

7. Condition #4 of Land Use Permit Amendment #6G0220-2 is hereby amended as follows:

The permittee shall strictly comply with all terms of an agreement between itself and the State of Vermont identified as "Exhibit #1 - state of Vermont" in this proceeding and relative to the private section of the Pelot's Point Road, except that any construction required by said agreement shall be completed by June 30, 1982.

8. Condition #5 of Land Use Permit Amendment #6G0220-2 is hereby amended as follows:

All construction, not specifically referred to herein, must be completed by April 1, 1983.

All conditions of Land Use Permit #6G0220-2 remain in full force and effect, except as amended herein.

Dated at Montpelier, Vermont this 22nd day of April, 1982.

ENVIRONMENTAL BOARD

BY Jan S. Eastman
Jan S. Eastman
Executive Officer

Members participating
in this decision:
Leonard U. Wilson
Ferdinand Bongartz
Dwight E. Burnham, Sr.
Melvin H. Carter
Priscilla N. Smith