



State of Vermont

LAND USE PERMIT

CASE No. 8B0389-EB
APPLICANT Richard and Deborah Provencher
ADDRESS P.O. Box 645
West Brookfield, MA 01585

Jamie Provencher
44 Lund Road
Nashua, NH 03060

Vincent and Estelle Santelli
54 Fairlawn Avenue
Southbridge, MA 01550

Rudolph and Jeanne Provencher
45 Clark Street
Spencer, MA 01562

LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 151
(Act 250)

The Vermont Environmental Board hereby issues Land Use Permit #8B0389-EB pursuant to the authority vested in it by 10 V.S.A. Chapter 151. This permit applies to the lands identified in Book 30, Page 201 of the Land Records of the Town of Sandgate; Book 39, Page 1 of the Land Records of the Town of Rupert; Book 66, Page 421 of the Land Records of the Town of Dorset; and Book 106, Page 61 of the Land Records of the Town of Manchester, Vermont. This permit specifically authorizes the creation of a 5-lot residential subdivision on 540 acres and improvement of approximately 5,100 feet of road in the Towns of Sandgate, Rupert, Dorset, and Manchester.

The Permittees, and their successors and assigns, are obligated by this permit to complete and maintain the project only as approved by the District #8 Environmental Commission in its Findings of Fact and Conclusions of Law #8B0389 and by the Environmental Board in accordance with the following conditions:

1. The project shall be completed, operated, and maintained as set forth in Findings of Fact and Conclusions of Law #8B0389, as amended by Findings of Fact and Conclusions of Law #8B0389-EB, in accordance with the plans and exhibits stamped "Approved" and on file with the District Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the prior written approval of the District Commission.
2. By acceptance of the conditions of this permit without appeal, the Permittees confirm and agree for themselves and all successors and assigns that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding and enforceable against the Permittees and all successors and assigns.

3. 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.
4. Before any construction commences on each lot, engineering plans for the septic system with details as specified by the State's Regional Engineer must be submitted to and approved by the Regional Engineer.
5. No house may be occupied until an engineer has inspected the construction and installation of the septic system serving that house and filed an affidavit with the District Commission attesting that the construction complies with the approved plans and permit conditions.
6. All plumbing fixtures installed as part of this project shall be of a water conserving type including toilets with a maximum 3.5 gallons per flush, 2.75 gallons per minute showerheads, and 2.78 gallons per minute faucets.
7. The road shall be constructed to and maintained in accordance with Town of Sandgate specifications for Class III roads.
8. The provisions of the Declaration of Road Maintenance Covenants (Board Exhibit #7) are incorporated by reference into this permit except that they may not be amended or modified by the lot owners as provided by section 4.6 of the Covenants without the prior approval of the District Commission.
9. The Permittees shall take all necessary actions to ensure that no discharge of sediment reaches waters of the state or adjacent properties during any phase of this project.
10. From October 1 to April 15 of each year, all disturbed soils on any slope in excess of 10% shall be protected from rainfall and runoff with permanent vegetation, temporary vegetation, mulch, or other ground cover. No construction or site work shall occur on these soils during this time period except to maintain or replace necessary erosion controls.
11. The Applicants must strictly follow the erosion control plans submitted with Board Exhibits #20 and 31, as modified by Craig Heindel in Board Exhibit #60, and the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites.
12. Before commencing any construction or site work on the project, the Applicants must provide the Commission proof of a bond, escrow account, or letter of credit in the amount of \$25,000 to

ensure that the road is properly constructed. Such financial guarantee shall provide for the release of the money to the Permittees only upon certification to the District Commission by a licensed professional engineer that the road was constructed in compliance with the conditions of this permit. The guarantee shall also provide for the release of some or all of the money to the District Commission for the purpose of securing compliance with the conditions of this permit.

13. Before development of any of the lots begins, the Applicants shall install a stop sign at the intersection of Town Highway #13 and Beartown Road, a driveway warning sign on Beartown Road north of the intersection, and guardrails along the portion of Town Highway #13 that has a steep drop-off.
14. The property may not be developed except as provided in the Proposed Deed Restrictions (Board Exhibit #6) which are incorporated by reference into this permit and may not be amended or modified without prior approval of the District Commission.
15. All structures and improvements on the lots must be constructed within 400 feet of Town Highway #13.
16. The Permittees and all assigns and successors in interest shall waive all rights to apply to the Vermont Department of Fish and Wildlife for reimbursement for deer damage.
17. The use of electric space heating in the houses is prohibited. Insulation in all heated buildings shall have a minimum R-value of 19 in the exterior walls, 38 in the roof or cap, and 10 around the foundation or slab.
18. The Permittees and all successors and assigns shall provide a copy of this permit and accompanying Findings of Fact and Conclusions of Law, as well as the Findings of Fact and Conclusions of Law issued by the District Commission, to the prospective purchasers of any lots approved herein.
19. All construction on this project must be completed by October 1, 1991.
20. This permit shall expire on November 1, 2028, unless extended by the District Commission. Notwithstanding, this permit shall expire one year from the date of issuance if the Permittees have not demonstrated an intention to proceed with the project.

Dated at Montpelier, Vermont this 19th day of October, 1988.

ENVIRONMENTAL BOARD

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