

Applicant Name: Cheryl Dowd and Brian Dowd
Project Number: 2018-302

NOTICE OF AUTHORIZATION
VERMONT WETLAND GENERAL PERMIT
GENERAL PERMIT 3-9025
VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

A determination has been made that the applicant:

Cheryl Dowd and Brian Dowd
2713 Hinesburg Road
Richmond VT 05477

meets the criteria necessary for inclusion under Vermont General Wetland Permit #3-9025. Hereinafter the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit # 3-9025, the permittee is authorized to alter the Class II wetland and associated 50-foot buffer zone located on Hinesburg Road in Richmond, Vermont as described in the application for authorization dated 1/8/2021.

This authorization is for the construction of an access drive in association with a single-family home with impacts to 0 square feet of wetland and 920 square feet of buffer zone.

Public notice of the application was given in accordance with Section 9.7 of the Vermont Wetland Rules. Any comments received during the public comment period were considered during review of the application and issuance of this authorization.

Compliance with General Permit 3-9025 and this Authorization

Under 10 V.S.A. §901 et. seq. and the Vermont Wetland Rules, the Secretary may authorize activities in a significant wetland or in its adjacent buffer zone if the Secretary determines that it complies with the Wetland Rules and will have no undue adverse effect on the protected functions and values. The Secretary has determined that the proposed project complies with the above and will have no undue adverse impacts to the protected functions and values of the subject Class II wetlands or the adjacent wetland complex. If the project is constructed according to the permit application and the conditions of this authorization, the permitted activity is not expected to result in any violations of the Vermont Water Quality Standards.

The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9025. Any permit non-compliance constitutes a violation of 10 V.S.A. Chapter 37 and the Vermont Wetland Rules and may be grounds for an enforcement action or revocation of this authorization to discharge. The following General Conditions (§IX of Wetland General Permit 3-9025) shall apply:

A. All activities shall be completed, operated and maintained in accordance with the permittee's Notice of Intent and the conditions of this general permit. No

material or substantial changes shall be made in the project without the written approval of the Vermont Department of Environmental Protection Wetlands Program.

B. The permittee shall notify the Vermont Wetlands Program in writing prior to the start of this project and upon completion of the project. The notification of completion shall include a statement that the project was constructed in compliance with the conditions of this general permit and the authorization.

C. The Required Best Management Practices in §V of the general permit shall be used to comply with this general permit.

D. The permittee shall record its issuance notice under this general permit in the land records of the town(s) in which all affected lands are located. Any future deed for such lands shall reference the authorization. Within 30 days of the date of issuance of the authorization under this general permit, the permittee shall supply the Vermont Wetlands Program with a copy of the recording of the notice¹.

E. The Agency maintains continuing jurisdiction over a project authorized under this general permit and may at any time order remedial measures if it appears likely that undue adverse impacts to protected wetland functions and values are or will occur.

F. Authorization under this general permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.

G. By acceptance of an authorization under this general permit, the permittee agrees to allow Agency representatives access to the property covered by the authorization, at reasonable times and upon presentation of credentials, for the purpose of ascertaining compliance with the authorization, this general permit, the Vermont Wetland Rules and the Vermont Water Quality Standards and for the purpose of reviewing and copying all records required to be prepared pursuant to this general permit.

H. The Agency, by issuing this general permit and any authorization hereunder, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whomever suffered arising out of the approved project.

I. The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, an authorization under this general permit for cause, including, but not limited to:

1. Violation of the terms or conditions of this general permit;
2. Obtaining authorization by misrepresentation or failure to fully disclose all relevant facts;
3. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity.

¹ Reporting forms are located here: <https://anonline.vermont.gov/>

Rights to Appeal to the Environmental Court

Pursuant to 10 V.S.A. Chapter 220, an aggrieved person shall not appeal an authorization under this permit to the Environmental Division of the Vermont Superior Court unless the person submitted to the Secretary a written comment during the applicable public comment period or an oral comment at the public meeting conducted by the Secretary. Absent a determination of the Environmental judge to the contrary, an aggrieved person may only appeal issues related to the person's comments to the Secretary as prescribed by 10 V.S.A. § 8504(d)(2). Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The Appellant must attach the applicable entry fee payable to the State of Vermont to the Notice of Appeal. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401 (Tel. # 802-951-1740).

Effective Date and Expiration Date of this Authorization

This authorization shall become effective on February 16, 2021 and shall continue for five years until February 16, 2026.

Dated at Montpelier, VT this sixteenth day of February, 2021.

Peter Walke, Commissioner
Department of Environmental Conservation

By _____
Laura Lapierre, Program Manager
Wetlands Program
Watershed Management Division