

Vermont Environmental Court
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April 19, 2006

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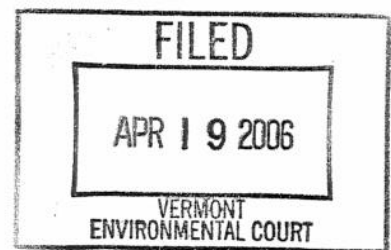
WHW Dev. Corp. Prelim. Subdivision

Docket No. 268-12-05 Vtec

Enclosed please find the Judgment Order signed by Judge Thomas S. Durkin on April 19, 2006.

cc: Vincent A. Paradis, Attorney for Appellant, WHW Development Corp.
Mark L. Sperry, Attorney for Appellee, Town of Richmond
Interested Person, Sandra J. Ferreira
Interested Person, Douglas H. Ferreira

STATE OF VERMONT
ENVIRONMENTAL COURT



RE: WHW DEVELOPMENT CORP.
PRELIM. SUB. DIV.

Vermont Environmental Court
Docket No. 268-12-05 Vtec

JUDGMENT ORDER

Based upon a Settlement Agreement signed by the parties in the above-referenced matters, it is hereby ORDERED, ADJUDGED AND DECREED that the Town of Richmond Development Review Board Decision dated November 22, 2005, in the matter of In RE: WHW Development Corporation/M.W. Aude Perrine - Preliminary Subdivision Application 05-057 for an 8 lot subdivision in the A/R Zoning District on parcel H1285 located at 1285 Hinesburg Road, shall be amended to read as follows:

The above referenced application is approved with the following conditions:

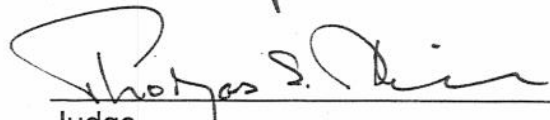
- 1. The request to waive final hearing is denied.*
- 2. The waiver requests for paved roadway, sidewalks, bike paths, street lighting and curbs are approved.*
- 3. The portion of Lot 7 located adjacent to Hinesburg Road shall be preserved without any building envelopes because it contains septic and disposal fields; except for the proposed building envelope for agricultural use only-no residential use. Any other construction on it would interfere aesthetically with the view of the rest of the home sites on the remaining lots and/or restrict the homeowner's association from properly managing the common facilities such as the septic system.*
- 4. Lots 7, 8, 9, 10, 11, 12, 13 and 14 shall not be further subdivided without first obtaining all required state or local permits under any laws or regulations in effect at the time of the proposed subdivision.*
- 5. The location of the building envelopes on Lots 7, 8, 9, 10, 11, 12, 13 and 14 shall be confined to the location as shown and laid down on a plans entitled "Site Plan, WHW Development Corporation, 1285 Hinesburg Road, Richmond, Vermont", Drawing No. S2, prepared by Summit Engineering, Inc., dated 7/27/05, last revised 3/06/06, and "Overall Site Plan, WHW Development Corporation, 1285 Hinesburg Road, Richmond, Vermont", Drawing No. S4, dated March 1, 2006, last revised 3/6/06. All structures shall be located within the building*

envelopes. Any relocation of a building envelope or additional building envelopes on any lot which is further subdivided is not approved without first obtaining all required state or local permits under any law or regulation in effect at the time of the proposed relocation or addition of the building envelope.


6. Lots 7, 9, 12, 13 and 14 are subject to the restriction that there shall be no cutting of trees or other vegetation in the area located between the northern and southern edges of the deer wintering area as shown on said plan without first obtaining a written management plan for the lot from a qualified wildlife consultant to maintain the area as a deeryard. Thirty (30) days prior to the commencement of any cutting activity, the written management plan and proposed cutting shall be filed with the Town of Richmond. Nothing herein shall be construed to prohibit cutting within the limits of the deer wintering area to install any roadway, utilities or pedestrian paths pursuant to the subdivision plan and this prohibition shall not preclude the removal of dead, damaged or diseased trees. In the event any of the lots are further lawfully subdivided at some time in the future, this prohibition against cutting shall not apply to approved building envelopes or for the clearing for roadways, utilities or pedestrian paths that may be approved pursuant to such application.

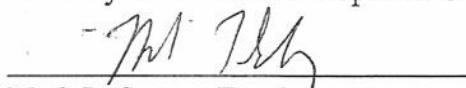
7. Preliminary subdivision approval is granted, subject to the above conditions, and pursuant to the plans entitled "WHW Development Corporation, 1285 Hinesburg Road, Richmond, Vermont", prepared by Summit Engineering, Inc., Drawing Nos. S2, S4, G1, and W1, all last revised March 6, 2006; and to the plans entitled "Bud Perrine", prepared by Summit Engineering, Inc., Drawing No. F1, dated July 27, 2005, last revised 9/22/05, and Drawing No. D1, dated September 22, 2005.

DATED at Barre, Vermont, this 19th day of April, 2006.


Judge
Vermont Environmental Court

Approved as to form:


Vincent A. Paradis, Esquire
Attorney for WHW Development Corporation


Mark L. Sperry, Esquire
Attorney for the Town of Richmond