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Permit number: _____ **4C0399** _____

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- **Note to Vendor:** replace "#####" with permit number from above

#####_Decision

#####_Application_Documents

▪ or #####_Application_Documents_Exhibits__-__

(fill in exhibit number range)

#####_District_Commission_Documents

#####_Post-Decision_Documents

#####_Associated_Documents

Exempt in this batch:



State of Vermont

LAND USE PERMIT

CASE No.	4C0399	<u>LAWS/REGULATIONS INVOLVED</u>
APPLICANT	Gary Bressor	
ADDRESS	Cliff House Richmond, VT 05477) 10 VSA, Chapter 151 (Act 250)

District Environmental Commission #4 hereby issues a Land Use Permit pursuant to the authority vested in it in 10 VSA, Chapter 151. This permit applies to the lands identified in Book 35, Page 330 of the Land Records of Richmond, Vermont, as the subject of a deed to Gary Bressor, the "permittee" as grantee. This permit specifically authorizes the permittee to construct 3,400 feet of road along Town Road #22, and to divide a maximum of (6) ten-plus acre parcels from a 220 acre tract of land at the end of Town Road #22 in Richmond, Vermont.

The permittee, his assigns and successors in interest are obligated by this permit to complete and maintain the project only as approved by the District Commission in accordance with the following conditions:

1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #4C0399, 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 permittee confirms and agrees for himself 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 permittee, and all assigns and successors in interest.
3. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file a written statement certifying that the project is being completed in accordance with the terms of the permit.
4. For temporary erosion control, hay bales shall be staked every 200' in roadside ditches above a 5% grade. A 72" culvert shall be installed in the larger of the two brooks and a 48" in the smaller at the culvert locations depicted on Exhibit 14, Williams Hill Road Profile, unless engineering evidence is submitted to and approved by the Regional Engineer, that shows culverts of smaller diameters are justified. Any such evidence or approval shall be supplied to all parties.
5. No later than November 1, 1979, the permittee shall supply the District Environmental Commission with a report from the Soil Conservation Service concerning whether the location and operation of the temporary erosion control and the box culverts are suitable. The permittee shall request the Soil Conservation Service to recommend in said report any additional erosion controls they deem to be necessary, such as riprapping ditches or culvert inlets and outlets. The District Environmental Commission shall review said recommendations and reserves the right to impose additional conditions with respect to erosion control. All mulch, hay

bale siltation dams, and other erosion control devices shall be maintained until vegetation is permanently established on all slopes and disturbed areas.

6. The permittee shall submit plans detailing the boundaries, the well location, and the subsurface disposal area designed by an engineer for each parcel to the District Environmental Commission and the Protection Division for approval as an amendment to this permit prior to executing any binding agreement of sale on any parcel. Evidence on the sufficiency of the water supply for each parcel shall be required prior to issuance of this approval.
7. The ten-plus acre parcel subject to a boundary disagreement with Raymond and Pearl Dupont has been withdrawn from this application. (Exhibit 11)
8. The road will be constructed in segments as the lots are developed; each section of road commenced during a calendar year shall be completed with all erosion controls in place by November 15 of that year.
9. The permittee, his assigns and successors in interest shall improve the road to the Town of Richmond road standards if the Town agrees to accept the responsibility for the maintenance of said road.
10. This permit shall expire on July 19, 1999, unless extended by the District Commission.

Dated at Essex Junction, Vermont, this 19th day of July, 1979.

Members participating in
this decision:

Duncan Brown
Helen Lawrence
Charles Tetzlaff

BY *Susan H. Cain*
Susan H. Cain, District Coordinator
For the District #4 Commission

STATE OF VERMONT
DISTRICT ENVIRONMENTAL COMMISSION #4

RE: Gary Bressor) Application #4C0399
3,400 foot road and) Findings of Fact and
(6) ten acre lots) Conclusions of Law
Richmond, VT) 10 VSA, Chapter 151
) (Act 250)

On April 24, 1979, an application for an Act 250 permit was filed by Gary Bressor, Cliff House, Richmond, Vermont, for a project generally described as the construction of 3,400 feet of road along abandoned Town Road #22 and the division of (6) ten + acre parcels from a 220 acre tract of land in Richmond, Vermont. The applicant's legal interest is ownership in fee simple.

Under Act 250 projects are reviewed based on the 10 environmental criteria of 10 VSA, §6086(a) 1-10. Before granting a permit, the Board or District Commission must find that the project complies with these criteria and is not detrimental to the public health, safety or general welfare.

Decisions must be stated in the form of findings of fact and conclusions of law. The facts we have relied upon are contained in the documents on file identified as Exhibits 1 through 18a, and the evidence received at a hearing held on May 8, 1979.

Parties to this application are: (A) The Applicant by Gary Bressor; (B) The Regional Planning Commission by David Holden; (C) Agency of Environmental Conservation by Ernest Christianson, Regional Engineer; (D) Adjoining property owners: Raymond and Pearl Dupont, (boundary disagreement).

In making the following findings, we have summarized the statutory language of the 10 criteria of 10 VSA, §6086(a):

1. There will be no undue water or air pollution:

- i) The Peru and Lyman soils have severe limitations for on-site sewage disposal. The applicant has agreed to submit plans designed by an engineer for the subsurface disposal areas for each parcel to the Regional Engineer for approval prior to the construction of each house. It is likely due to the hardpan at 2'-3' that mound systems will be required.
- ii) The Covenants will prohibit open burning and will require water conserving plumbing fixtures where they will not interfere with the architectural integrity of the building.
- iii) The tract could be classified as a headwater which feeds the Huntington River. The Protection Division review of each disposal area will consider its proximity to the stream and beaver ponds.

2-3. There is sufficient water available and no existing water supply will be unreasonably burdened:

- i) The nearest well to the applicant's property is a dug stone well which according to its former owners, never went dry in 18 years.

- ii) The applicant will supply water for each site prior to the sale of any parcel.
4. There will be no unreasonable soil erosion or effects on the capacity of the land to hold water:
 - i) The entire road will be constructed along an existing roadbed with a minimum of cut slopes. Hay bales will be staked every 200' along roadside ditches within one week of grading the roadside slopes.
 - ii) Metal culverts will be installed as shown on Exhibit 14. Wooden box culverts will be installed in the road to direct stormwater over adjacent fields. All box culverts will be replaced with metal ones before the third house is sold.
5. This project will not cause unreasonable safety or congestion conditions with respect to highways or other means of transportation:

The applicant will improve old Town Road #22 to a 14 foot width with turn-outs every 300-400 feet. The Town fire chief has determined this width to be satisfactory to maneuver equipment.
- 6-7. There will be no unreasonable burdens on educational or other municipal services:
 - i) Town Road #22 is not officially abandoned, however, the Richmond Selectmen have agreed to start the abandonment procedure as the applicant wishes to maintain the road privately.
 - ii) Louis Boutin, Richmond Fire Chief, has stated that a 14' wide road with periodic turn-outs is wide enough for the fire equipment to maneuver. (Exhibit 17)
 - iii) The Selectmen have indicated that the parcel project will not impose any undue burden on the Town Highway system, police or fire departments. (Exhibit 7)
 - iv) Harold Boyden, Superintendent of Schools, has stated that building two houses per year will not adversely affect the local school system. (Exhibit 9)
8. There will be no undue adverse effects on aesthetics, scenic beauty, historic sites or natural areas:
 - i) There will be a maximum of six houses constructed on at least 10 acre parcels. The houses will not be highly visible from any surrounding area as the land is in a valley between three mountains.
 - ii) There will be no street lights.
 - iii) The beaver ponds will be retained.
 - iv) The applicant intends to move old houses dismantled from other sites onto parcels and restore them.
9. The project is in conformance with the Capability and Development Plan:

- i) The meadows were once part of an operating farm in the 1920's. They have been abandoned and have grown up since then. The number of parcels and nature of the development will not significantly impact the Lyman and Perus soils which have good potential for agriculture.
 - ii) Vermont Electric Cooperative has indicated that it can provide utility service to this project.
 - iii) Some of the old houses to be moved to these sites have 8" x 8" wall beams. The applicant will install 6" of insulation in the walls and 12" in the roof when at all possible within the confines of the old structures.
 - iv) Power will be underground.
 - v) The homeowners will be required by the Covenants to maintain the roads and improve them to Town Standards if the Town agrees to accept them.
10. The project is in conformance with the local or regional plan:

Carol Chiriatti, Chairperson of the Richmond Planning Commission, has stated that the project is in conformance with Richmond's Comprehensive Plan. (Exhibit 18a)

CONCLUSION OF LAW

Based upon the foregoing Findings of Fact, it is the conclusion of this District Environmental Commission that the project described in the application referred to above if completed and maintained in conformance with all of the terms and conditions of that application, and of Land Use Permit #4C0399, will not cause or result in a detriment to public health, safety or general welfare under the criteria described in 10 V.S.A., §6086(a) and that, pursuant to such section, a permit is therefore issued.

Dated at Essex Junction, Vermont, this 19th day of July, 1979.

Members participating in
this decision:

Duncan Brown
Helen Lawrence
Charles Tetzlaff

BY Susan H. Cain
Susan H. Cain, District Coordinator
For the District #4 Commission