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PLANNING & ZONING



State of Vermont

LAND USE PERMIT ADMINISTRATIVE AMENDMENT

CASE NO: 4C0698-5A
John & Lisa Hauenstein
6300 Spear Street
Charlotte, VT 05445

LAWS/REGULATIONS INVOLVED
10 V.S.A. §§ 6001 - 6092 (Act 250)
Act 250 Rule 34(D)

District Environmental Commission #4 hereby issues Land Use Permit Administrative Amendment #4C0698-5A, pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6092. This permit amendment applies to the lands identified in Book 72, Pages 144-148, of the land records of the Town of Charlotte, Vermont.

This permit specifically authorizes the Permittees to construct a two-family residence (duplex) inside an existing carriage barn on previously-subdivided Lot 10b (aka Lot 2). The outside dimension of the barn is 42ft x 56ft. **The Project is limited to the carriage barn rehabilitation, construction of the pump house, and installation of the wastewater system.** The Project is located at 6311 Spear Street in the Town of Charlotte, Vermont.

Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Commission in accordance with the following conditions.
2. The Project shall be completed, operated and maintained in accordance with: (a) the plans and exhibits on file with the District Environmental Commission, and (b) the conditions of this permit.
3. All conditions of Land Use Permit #4C0698 and amendments are in full force and effect except as amended herein.
4. The Permittees shall comply with all of the conditions of the following Agency of Natural Resources Permit:
Wastewater System and Potable Water Supply Permit #WW-138-1414 issued on October 28, 2014 by the ANR Wastewater Management Division
5. Any nonmaterial changes to the permit listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.

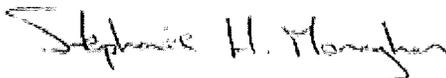
7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
8. No change shall be made to the design, operation or use of this project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
9. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
10. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and their successors and assigns.
11. The Permittees shall apply and maintain water and/or other agents approved by the Watershed Management Division in the Project's Erosion Prevention and Control Plan on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
12. The Permittees and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
13. At a minimum, the Permittees shall comply with the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
14. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each work day. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches).
15. All disturbed areas of the site shall be stabilized, seeded and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 1. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
16. The Permittees shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittees from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
17. All work on the historic buildings on the property shall conform with the plans provided by the Applicant to VDHP (Vermont Division for Historic Preservation).

18. Any changes to the current plans shall be submitted to VDHP for additional review and comment.
19. **Archaeologically sensitive areas and historic buildings are present on the property and any future work on the grounds or the historic buildings requires additional review by VDHP and the District Environmental Coordinator and/or Commission.** Submittal of plans for future work to VDHP early in design development will facilitate the review and comment process.
20. There is no exterior lighting, signage or landscaping proposed in conjunction with this Project.
21. The installation and/or use of electric resistance space heat is specifically prohibited without the prior written approval of the District Environmental Commission.
22. Pursuant to 30 V.S.A. Section 51, the Permittees and/or subsequent lot owner, at a minimum, shall construct the two-family home in accordance with Vermont's Residential Building Energy Standards (RBES).
23. No further subdivision, alteration, and/or development of any parcel of land approved herein shall be permitted without the written approval of the District Commission.
24. A copy of this permit and approved plans shall be on the site at all times throughout the construction process.
25. The Permittees shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment and stormwater permits before any written contract of sale is entered into.
26. Upon completion of the construction of each building and prior to occupancy, the Permittee shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 51(f).
27. Pursuant to 10 V.S.A. § 6090(c), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittees have not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. § 6091(b).
28. All construction shall be completed in accordance with the approved plans by **October 1, 2021**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
29. The Permittees shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittees shall provide all documents or other

information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification

30. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., § 6027(g).

Dated at Essex Junction, Vermont, this 21st day of May, 2018.

By 
Stephanie H. Monaghan
District #4 Coordinator

This permit is issued pursuant to Act 250 Rule 34(D), Administrative Amendments, which authorizes a district coordinator, on behalf of the District Commission, to "amend a permit without notice or hearing when an amendment is necessary for record-keeping purposes or to provide authorization for minor revisions to permitted projects raising no likelihood of impacts under the criteria of the Act." The rule also provides that all parties of record and current adjoining landowners shall receive a copy of any administrative amendment.

Prior to any appeal of this Administrative Amendment to the Superior Court, Environmental Division, the applicant or a party must file a motion to alter with the District Commission within 15 days from the date of this Administrative Amendment, pursuant to Act 250 Rule 34(D)(2).

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CERTIFICATE OF SERVICE

I hereby certify on this 21st day of May, 2018, a copy of the foregoing **ACT 250 LAND USE PERMIT #4C0698-5A**, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent nrb-act250essex@vermont.gov Please note you can now fill out and submit the Act 250 survey online at: <http://permits.vermont.gov/act250-survey> instead of printing and mailing the attached pdf version.

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Craig Keller/John Gruchacz/Jeff Ramsey/Christopher Clow
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Act 250 Development Coordinator
Vt. Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.ACT250@vermont.gov

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@vermont.gov
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FOR YOUR INFORMATION

DISTRICT #4 ENVIRONMENTAL COMMISSION
Thomas A. Little, Chair
111 West Street
Essex Junction, VT 05452

ADJOINING LANDOWNERS

For Schedule E – Ctrl Click on link below:

<https://anrweb.vt.gov/ANR/vtANR/Act250SearchResults.aspx?Num=4C0698-5A>

Dated at Essex Junction, Vermont, this 21st day of May, 2018.

/s/ Barbara J. Cady
879-5614

