



State of Vermont

## LAND USE PERMIT AMENDMENT

**CASE NO:** 4C0698-5

John H. Hauenstein  
6373 Speat Street  
Charlotte, VT 05445

**LAWS/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 - 6093 (Act 250)

District Environmental Commission #4 hereby issues Land Use Permit Amendment #4C0698-5, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 72, Pages 144-148, of the land records of the Town of Charlotte, Vermont, as the subject of a deed to John H. Hauenstein .

This permit specifically authorizes the Permittee to subdivide a 30.8-acre parcel of land into two lots for the purpose of constructing a solar farm on lot #2 of the subdivision. Lot #1 contains an existing single family residence. Construction of a single family home or commercial use on lot #2 is not authorized until a permit amendment is issued for this purpose. The Project is located on Spear Street Ext. in 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 Permittee, and his assigns and successors in interest, is 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: the conditions of this permit; and the permit application, plans, and exhibits on file with the District Environmental Commission and other material representations.

The approved plan is:

"[Plat], untitled" undated (Exhibit #14);

3. All conditions of Land Use Permit #4C0698 and amendments are in full force and effect except as further amended herein.
4. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permit:
  - a. Wastewater System and Potable Water Supply Permit #ww-138-1414 issued on October 28, 2014 by the Town of Charlotte for 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. No further subdivision, alteration, and/or development on the tract/tracts of land approved herein shall be permitted without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
10. 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.
11. 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.
12. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee 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 Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
13. The Permittee shall maintain an undisturbed, naturally vegetated, unmowed 50-foot buffer from the edge of wetlands and any disturbed areas. Snowplowing or storage of materials within this buffer is prohibited.
14. Although no house construction is permitted on Lot #2, any house constructed on these lots shall be located at least 200 feet or no closer than the 240 foot contour from Lewis creek, whichever is farther. [Condition #14 of LUP #4C0698 with modification]
15. Except for necessary road and sewer line crossings, 100 foot undisturbed buffers shall be maintained between any construction and the streams, wetlands and ponds located on these lots. All construction activities within the streams shall occur only during periods of low stream flow and all sewer line crossings shall be constructed as specified in Exhibit #48 of LUP #4C0698. All fire ponds to be constructed shall be completed in strict conformance with the recommendations of the Natural Resources Conservation Service. [Condition #15 of LUP #4C0698 with modification]
16. No exterior light fixtures or signage has been proposed or approved by this permit amendment. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
17. The permit does not authorize the construction of single family home on Lots #2 of the approved subdivision.
18. The Permittee shall reference the requirements and conditions imposed by Land Use Permit 4C0698-5 in all deeds of conveyance and leases.

19. Pursuant to 10 V.S.A. § 6090(b)(1) 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 Permittee has not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. § 6091(b).
20. 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 1<sup>st</sup> day of December, 2014.

By /s/ Marcy Harding  
As authorized by  
Marcy Harding, Vice Chair  
District #4 Commission

Members participating in  
this decision:

Monique Gilbert  
James McNamara

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431 and the 5% surcharge required by 32 V.S.A. § 1434a(a), which is \$262.50 as of January 2011.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal. See 10 V.S.A. § 8504(k).

For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 828-1660. The Court's mailing address is: Superior Court, Environmental Division, 2418 Airport Road, Suite 1, Barre, VT 05641-8701.

E X H I B I T	DATE	E N T E R D E D	A = Applicant T = Town O = Opponent RPC = Regional Planning Commission ANR = Agency of Natural Resources VTRANS = Vt. Agency of Transportation DPS = Department of Public Services M = Municipality DHP = Division for Historic Preservation WMD = Wastewater Management Division L = Landowner
N O.		B Y	Nature of Exhibit and Date Entered
1.	05/07/14	A	Act 250 Cover Sheets
2.	"	"	Schedule A – Fee Information
3.	"	"	Schedule E – Adjoiner Information
4.	"	"	Schedule G – Act 250 Participants
5.	"	"	Schedule F – Certification of Service and Notice of Application
6.	"	"	Schedule B – Response to the 10 Criteria and Subcriteria
7.	"	"	School Impact Questionnaire for Residential Projects
8.	"	"	Municipal Impact Questionnaire
9.	"	"	Agency of Agricultural, Food & Market Letter RE: Prime Ag Soils (04/24/14)
10.	"	"	Soils Matrix Lewis Creek Subdivision
11.	"	"	#4C0698 Findings of Fact and Conclusions of Law and Order (04/15/1987)
12.	"	"	Protective Covenants Lewis Creek Farms, Charlotte, VT (04/30/1987)
13.	"	"	ANR Project Location Map
14.	"	"	Map: Project Location Map and Adjoining Property Owners' Names
15.	06/02/14	"	ANR Comments RE Criterion 1E – Streams (06/02/14)
16.	10/28/14	"	WasteWater System & Potable Water Supply Permit #WW-138-1414 (10/28/14)

## CERTIFICATE OF SERVICE

I hereby certify on this 1<sup>st</sup> day of December, 2014, a copy of the foregoing **ACT 250 LAND USE PERMIT #4C0698-5**, 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 to [nrb-act250essex@state.vt.us](mailto:nrb-act250essex@state.vt.us) 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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Chair, Selectboard/Chair, Planning Commission  
**Town of Charlotte**  
PO Box 119  
Charlotte, VT 05445

Charlie Baker, Executive Director  
Regina Mahony, Senior Planner  
**Chittenden County Regional Planning Commission**  
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**Agency of Natural Resources**  
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Beth Fenstermacher, Act 250 Coordinator  
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**Division for Historic Preservation**  
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### FOR YOUR INFORMATION

**District #4 Environmental Commission**  
Marcy Harding, Vice Chair  
Monique Gilbert/James McNamara  
111 West Street  
Essex Junction, VT 05452

Dated at Essex Junction, Vermont, this 1<sup>st</sup> day of December, 2014.

/s/ Barbara J. Cady  
Administrative Secretary - 879-5614