



LAND USE PERMIT

CASE NO.	4C0698	<u>LAWS/REGULATIONS INVOLVED</u>
APPLICANT	J. Graham Goldsmith	10 V.S.A., Chapter 151
ADDRESS	35 King Street Burlington, Vermont 05401	(Act 250)

District Environmental Commission #4 hereby issues a Land Use Permit #4C0698 pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit applies to the lands identified in Volume 49, Pages 412-414 of the land records of Charlotte, Vermont, as the subject of a deed to J. Graham Goldsmith, the "Permittee" as "grantee". This permit specifically authorizes the Permittee to subdivide 305.6 acres into 14 single family residential lots to be served by on-site water and wastewater disposal and individual and shared driveways located off of Spear Street Extension and Guinea Road in Charlotte, 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 and maintained as set forth in Findings of Fact and Conclusions of Law #4C0698, 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 an affidavit certifying that the project is being completed in accordance with the terms of the permit.
4. The Permittee and all assigns and successors in interest shall install and maintain water conserving plumbing fixtures, in all residences, including but not limited to low-flush toilets, low-flow showerheads, and aerator-type or flow-restricted faucets. All deeds for said lots shall require the maintenance of the same.
5. The heated structures erected on lots approved herein shall be constructed with insulation with an R-Value of at least R-19 in the exterior walls, at least R-38 in the roof or cap and at least R-10 around the foundation or slab.
6. The Permittee and all assigns and successors in interest shall comply with Exhibit #8 for erosion control. Hay bale dams shall be installed as specified within 24 hours of grading of the slopes and drainage swales. From October 1 to April 15 of any calendar year, all non-vegetated disturbed areas of the construction site shall be mulched until final vegetative cover is established. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. The Commission reserves the right to schedule hearings and site inspections to review erosion control, and to evaluate and impose additional conditions with respect to erosion control, as they deem necessary.
7. Each prospective purchaser of any lot shall be shown a copy of the approved plot plan and the Land Use Permit before any written contract of sale is entered into.
8. No further subdivision of any parcels of land approved herein shall be permitted without the written approval of the District Environmental Commission.
9. The Permittee shall include in each deed to any lot to be served by common sewage disposal systems or roadways the following covenant:

At no time and under no circumstance shall the Town of Charlotte without its expressed consent, become responsible in any way for the domestic wastes generated within the lots served by common sewage systems or for roadways nor shall it be responsible in any way for the construction, operation, maintenance, repair and/or replacement of the common sewage disposal systems or roadways.

10. Should the Town at any time agree to accept any private utilities being then operated by the lot owners, said lot owners shall be responsible to improve the same to Town specifications and shall deed all lands involved with said improvements to the Town pursuant to the Roadway Agreement and Waiver between the permittee and the Town of Charlotte (Exhibit #43).
11. The Permittee and all assigns and successors in interest shall comply with the following conditions regarding sewage disposal on these lots:
 - (1) The subdivision must be completed as shown on the plans: Sheet number WWP-1 "Site Plan" dated September 22, 1986, revised 3-87; Sheet WWP-1A dated January 1987; DWG. No. 1 of 3 - Lot 1 dated 10-86, revised 1-87 and 3-87; DWG. No. 1 of 3 - Lot 2 dated 10-86, revised 1-87; DWG. No. 1 of 3 - Lot 3 dated 10-86 revised 1-87; DWG. No. 1 of 3 - Lot 4 dated 10-86 revised 1-87 and 3-87; DWG. No. 1 of 3 - Lot 6 dated 10-86 revised 1-87 and 3-87; DWG. No. 1 of 3 - Lot 7 dated 10-86 revised 1-87; DWG. No. 1 of 3 - Lot 8 dated 10-86 revised 1-87; DWG. No. 1 of 3 - Lot 11 dated 10-86 revised 1-87; DWG. No. 1 of 3 - Lot 12 dated 10-86 revised 1-87; DWG. No. 2 of 3 - Lots 1-4 and 6-8, 11 and 12 dated 10-86 revised 1-87; DWG. No. 3 of 3 - Pump Station Design dated 10-86 revised 1-87 and DWG. No. 1 of 3 - Lots 5, 9 and 10 dated 10-86.
 - (2) This project has been reviewed and is approved for the construction of one single family residence on each of the approved lots No. 1 through 12. Construction of other type dwellings, including public buildings, duplexes, and condominium units, is not allowed without prior review and approval by the Agency, and such approval will not be granted unless the proposal conforms to the applicable laws and regulations.
 - (3) This project has been reviewed and is approved for the existing single family residence on lots 13 and 14. Construction of other type dwellings, including public buildings, duplexes, and condominium units, is not allowed without prior review and approval by the Agency, and such approval will not be granted unless the proposal conforms to the applicable laws and regulations.
 - (4) Each lot is approved for the on-site water supply from a drilled (or driven well) provided that the wells are located as shown on the plans and no closer than 100 feet to any subsurface wastewater disposal system, 50 feet from any septic tanks, and 50 feet from any sewer lines.
 - (5) Prior to any construction on any of the approved lots or of roadways, a professional engineer, registered in the State of Vermont, shall stake out and cordon off all mound sites. Each mound site shall be defined as the area to include the mound and a buffer strip of at least 25 feet around the toe of each mound site. The professional engineer shall submit to the Commission a written certification that this condition has been complied with. The certification shall be submitted prior to any construction.
 - (6) The mound systems for lots #1, 2, 4 and 6 are located off-site. Any deed establishing lots shall include wording to permit the owners of lots the right to enter upon lands of others as may be required to construct, maintain, or replace sewer force mains, mound disposal systems, etc., as may be required to properly dispose of septic tank effluent. The legal easements shall correspond to the force main and mound disposal areas as depicted on the stamped approved plans, Sheet WWP-1.
 - (7) Lots 1, 2, 3, 4, 6, 7, 8, 11 and 12 are approved for the mound wastewater disposal system provided the mound is constructed in strict accordance with the following conditions:

- A. The mound system is to be constructed and located as shown on the drawings prepared by John H. Stuart, P.E., and which have been stamped by this office.
- B. A qualified consultant, who has been determined acceptable by the Division of Protection shall inspect the mound during the critical stages of construction. This shall include the staking of the mound, ensuring the site has been properly plowed prior to the placement of the fill, and the installation of the distribution piping.
- C. Prior to the construction of the mound, the Division of Protection is to be notified of the inspecting consultant.
- D. The construction of the mound is to strictly adhere to the guidelines set forth in Section 7-14(E)(6) of the above referenced rules. A copy of Section 7-14(E)(6) is enclosed.
- E. Prior to the placement of the proposed fill material the inspecting consultant shall submit to the Protection Division, for approval, the results of at least one sieve analysis conducted on the fill material.
- F. Upon completion of construction, but prior to occupancy of any structure being served by the mound, the inspecting consultant is to submit to the Division of Protection a written certification stating the construction has been completed in accordance with the stamped plans and this authorization letter.
- G. The consultant's certification mentioned in condition F is to include the consultant's inspection of the plowed native soil, the numerical results of the pressure testing of the distribution pipes and testing procedure, final grading of the mound including side slopes, and pump station installation.
- (8) Prior to the occupancy of the single family residence on each lot, the supervising engineer shall submit to the Act 250 Commission a site plan identifying the final location of the house, pump station, force main, and mound system.
- (9) Lots 5, 9 and 10 shall be provided a common conventional in-ground sewage disposal system on lot 14. Any deed establishing lots 5, 9 and 10 shall include wording to permit the owners of lots 5, 9 and 10 the right to enter upon lands of others as may be required to construct, maintain or replace sewer force mains, or sewage disposal systems as may be required to properly dispose of septic tank effluent. The legal easements shall correspond to the force mains and sewage disposal areas as depicted on the approved plans Sheet WWP-1.
- (10) The installation of the sewage disposal area for lots 5, 9 and 10 shall be inspected by a professional engineer registered in the State of Vermont who shall report in writing prior to use, that the work has been done in accordance with the approved plans and the permit.
- (11) Each sewage disposal system shall be constructed as shown on the APPROVED plan and shall be operated at all times in a manner that will not permit discharge of effluent onto the surface of the ground or into the waters of the State. No construction (buildings, roads, water lines, etc.) that might interfere with the installation or operation of the sewage disposal field or its replacement area is permitted. All isolation distances as set forth in Environmental Protection Rules, Chapter 8, Section 8-08, and Chapter 7, Appendix 7-D. shall be adhered to.
12. The Commission reserves the right to schedule hearings and site inspections with regard to sewage disposal, and to evaluate and impose additional conditions with respect to erosion control, as they deem necessary.

- 13. Prior to the sale of the 3.1 acre park lot to the Town of Charlotte, the Permittee shall obtain a Deferral of Subdivision Permit from the Department of Water Resources and shall apply for an amendment to this permit to incorporate said Deferral of Permit.
- 14. All houses 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.
- 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 of the streams shall be constructed as specified in Exhibit #48. All fire ponds to be constructed shall be completed in strict conformance with the recommendations of the Soil Conservation Service.
- 16. The installation of buried fuel storage tanks is specifically prohibited without the prior written approval of the District Environmental Commission and evidence that such tanks comply with all applicable Agency of Environmental Conservation standards.
- 17. The Permittee, his heirs, assigns and successors in interest, shall not erect any fence, other barrier, or signage, on any lot within 100 feet of the shoreline of Lewis Creek which would infringe upon any right of public use of the shoreline or its waters.
- 18. The Permittee and all assigns and successors in interest shall maintain the shoreline of Lewis Creek in its natural condition. The clearing of vegetation for the purpose of obtaining views is specifically prohibited.
- 19. The Permittee and all assigns and successors shall construct all roads and driveways, fire ponds, and dry hydrants in accordance with the recommendations of the Charlotte Fire Chief (Exhibit #7).
- 20. Prior to any alteration to the schoolhouse located on lot 9, the Permittee and any assigns and successors in interest shall review any proposed changes with the Vermont Division for Historic Preservation and shall implement any recommendations received.
- 21. No buildings within this subdivision shall be constructed within 100 feet of the Quinlan Cemetary.
- 22. The Permittee and all subsequent owners of lots 1 and 3 shall maintain the open areas of these lots as open, cleared and uncluttered land available for agricultural uses.
- 23. In addition to conformance with the requirements of condition #5, the Permittee shall not cause, permit or allow the discharge of waste materials into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A., Chapter 47, Vermont's Water Pollution Control Law.
- 24. All construction on this project must be completed by October 15, 1990.
- 25. This permit shall expire on April 13, 2012, unless extended by the District Commission. Notwithstanding the latter date, this permit shall expire one year from date of issuance if the Permittee has not demonstrated an intention to proceed with the project. In any event, substantial construction must occur within two years of the issuance date.
- 26. Failure to comply with any of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., Section 6090(a).

CHARLOTTE CLERK'S OFFICE

Dated, at Essex Junction, Vermont, this 15th day of April, 1987.
April 16 1987

Received for record at 3:00 o'clock P. M

and recorded in Vol. 51 on Page 540-543

Attest. *Margaret B. Harvey* Town Clerk

Peter B. Meyer
Peter B. Meyer
Environmental Board Coordinator
District #4 Commission

By *John T. Ewing*
John T. Ewing, Chairman
District #4 Commission

Commissioners participating in this decision:

John T. Ewing
Helen B. Lawrence
Lynn Whalen