



LAND USE PERMIT AMENDMENT

State of Vermont
Natural Resources Board
District 5, 6 & 9 Environmental Commission
10 Baldwin Street
Montpelier, Vermont 05633-3201
<https://nrb.vermont.gov/>

Phone: 802-476-0185

This is a **PROPOSED** permit; please submit any written comments to Susan Baird, District Coordinator at susan.baird@vermont.gov and nrb.act250barre@vermont.gov by November 16, 2020.

ASE NO: 5W1411-3

Morse Family Revocable Trust
c/o Harry Morse , 1168 County Road
Montpelier, Vermont 05602

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 5 Environmental Commission hereby issues Land Use Permit Amendment 5W1411-3, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 155, Page 269, of the land records of the Town of East Montpelier, Vermont, as the subject of a deed to Morse Family Revocable Trust. This permit specifically authorizes the subdivision of a portion of a 156.8 acres tract located on both sides of County Road in East Montpelier. The project involves 128.57 acres, located at 918 County Road, which would be subdivided as follows: Lot 2, comprised of 3.01 acres would include the existing farmhouse and three accessory buildings, plus a shed to be relocated. Lot 1, comprised of the remaining 125.56 acres to be retained, would include the existing barn. No subdivision or development of the retained land is proposed at this time.

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 its assigns and successors in interest, are obligated by this permit to complete, operate, and maintain the project as approved by the District 5 Environmental Commission (the "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 Commission and other material representations. The approved plans are:

Sheet C1.0 - "Overall proposed Conditions Site Plan," dated 7/2/20 (Exhibit 5)



Sheet C2.0- " Partial Proposed Conditions Site Plan", dated 7/2/20 (Exhibit 6)

"Subdivision of Lands of Morse Family Trust", dated July 2020 (Exhibit 7)

3. All conditions of Land Use Permit 5W1411 and amendments are in full force and effect except as further amended herein.
4. The Permittee shall comply with the conditions of Wastewater System and Potable Water Supply Permit WW-5-5252-1, issued on September 21, 2020 by the Agency of Natural Resources Drinking Water and Ground Water Protection Division.
5. 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.
6. No change shall be made to the design, operation or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
7. No further subdivision, alteration, and/or development on the tract of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
8. Pursuant to 10 V.S.A. § 8005(c), the 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.
9. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the and their successors and assigns.
10. The Permittee shall provide each prospective purchaser of any interest in this project a copy of the approved plot plan and the Land Use Permit Amendment before entering into any written contract of sale.
11. The Permittee shall reference the requirements and conditions imposed by Land Use Permit 5W1411-3 in all deeds of conveyance and leases.
12. 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).
13. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this day of 2020.

By _____
Matthew Krauss, Chair
District 5 Environmental Commission

Commissioners participating in this decision:
John H. Fitzhugh

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. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, 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, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

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