



15827

# LAND USE PERMIT

CASE NO 4C1145  
APPLICANT Richmond Land Trust, Inc.  
ADDRESS P.O. Box 605  
Richmond, VT 05477

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

RICHMOND, VT TOWN CLERK'S OFFICE  
Received for record  
*January 10* A.D. *2005*  
At *9* o'clock *00* minutes *4* M.  
and recorded in Book *161* Page *268* -  
of *Land* Records. *273*  
Attest:  
*Lincoln M Parent*  
Asst. Town Clerk

and  
Vermont Youth Conservation Corps  
92 South Main Street  
Waterbury, VT 05676

District Environmental Commission #4 hereby issues Land Use Permit 4C1145, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6092. This permit applies to the lands identified in Book 131, Page 589; and Book 115, Page 159, of the land records of the Town of Richmond, Vermont, as the subject of a deed to Richmond Land Trust, Inc., Co-Permittees as Grantees.

**This permit specifically authorizes the Permittees to construct a permanent statewide headquarters for the Vermont Youth Conservation Corps. This includes converting a portion of the historic West Monitor Barn for offices and meeting space; construction of an addition to the barn for additional offices, restrooms, mechanical systems and a kitchen; and construction of associated drives, parking areas, landscaping and other site improvements. The project also includes construction of rustic cabins and lean-tos on the back portion of the property. The project is located on U.S. Route 2 in the Town of Richmond, Vermont.**

The project is subject to Act 250 jurisdiction because the project involves the construction of improvements for a commercial purpose on more than ten acres and thus constitutes "development" pursuant to 10 V.S.A. § 6001(3) and Environmental Board Rule ("EBR") 2(A).

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:

1. By acceptance of this permit, the Permittees agree to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
2. The project shall be completed, operated and maintained in accordance with the plans and exhibits on file with the District Environmental Commission and the conditions of this permit.
3. The approved plans are:

- Sheet SP1 - "Site Master Plan," dated September 28, 2004;
- Sheet SP2 - "Site Plan," dated February 13, 2004, last revision October 6, 2004;
- Sheet A-1 - "Lower Floor," dated April 2, 2003, last revision July 1, 2004;
- Sheet A-2 - "Second Floor," dated April 2, 2003, last revision July 1, 2004;

Sheet A-3 - "Third Floor," dated April 2, 2003, last revision April 26, 2004;  
Sheet A-4 - "Highdrive Floor Plan," dated April 2, 2003;  
Sheet A-5 - "Elevation," dated April 2, 2003, last revision August 17, 2004;  
Sheet A-6 - "Elevation," dated April 2, 2003, last revision August 17, 2004;  
Sheet A-7 - "Elevation," dated April 2, 2003, last revision August 17, 2004;  
Sheet A-8 - "Elevation," dated April 2, 2003, last revision August 17, 2004;  
Sheet A-12 - "Window Schedule," dated April 2, 2003, last revision June 7, 2004;  
Sheet 1 - "Site Plan," dated May, 2004, last revision October 7, 2004;  
Sheet 2 - "Proposed Site & Details," dated May, 2004, last revision October 7, 2004;  
Sheet 3 - "Details," dated May, 2004, last revision September 20, 2004;  
Sheet L-1 - "Landscaping Plan," dated October 25, 2004; and  
Sheet 1 - "Erosion Control Plan," dated October 18, 2004.

4. A copy of this permit and approved plans shall be on the site at all times throughout the construction process.
5. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the Commission, whichever is appropriate under the Environmental Board Rules.
6. Pursuant to EBR 51(G), the permit application and material representations relied upon during the review and issuance of this permit by the District Commission shall provide the basis for determining future substantial and material changes to the approved project and for initiating enforcement actions.
7. 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, operated and maintained in accordance with the terms of the permit, as provided by 10 V.S.A. §§ 6001-6092 and the rules of the Environmental Board.
8. By acceptance of the conditions of this permit without appeal, the Permittees confirm and agree 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 Permittees and all assigns and successors in interest.
9. This permit hereby incorporates all of the conditions of the following Agency of Natural Resources Permit:
  - Wastewater System and Potable Water Supply Permit #WW-4-2266 issued on December 20, 2004 by the Wastewater Management Division

Any subsequent nonmaterial changes to this permit shall be automatically incorporated herein upon issuance by the Agency of Natural Resources. Subsequent amendments involving material changes to the Act 250 permit shall not be constructed prior to review and approval of the District Coordinator or the District Commission under applicable Environmental Board Rules.

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10. The Permittees shall apply and maintain calcium chloride and/or water on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
  11. 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.
  12. The Permittees shall comply with Exhibits #5 & 39 (Schedule B; and Erosion Control Plan) for erosion control. The Permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. 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 it deems necessary.
  13. All mulch, hay bales, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Hay bales shall be incorporated four inches into the soil and equipped with filter fence on the upstream side, butted together and all joints filled with loose hay. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
  14. Grading shall be phased so that all exposed earth is mulched and water bars are in place at the end of each construction day.
  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 1 to April 15, all earth disturbing work shall conform with the "Winter Construction" standards and specifications of the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites* (1987).
  16. Prior to construction of the approved work, the Permittees shall complete the following: a) construction limits shall be clearly delineated with flagging or snowfencing; b) diversion ditches shall be placed on the uphill limits of the construction area; and c) temporary siltation controls shall be placed on the downhill limits of the construction. Immediately following the above, the permanent drainage system and/or roads shall be installed after which normal construction can begin.
  17. To the greatest extent practicable, construction debris including asphalt, concrete, brick, stone, scrap metal, carpet, clean wood and paper products, glass and most plastics, shall be recycled in accordance with the recommendations set forth in the *Vermont Construction Site Reuse and Recycling Directory* published in April, 1998 by the Agency of Natural Resources.
  18. A copy of the approved erosion control plan shall be on the site at all times during construction.
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19. In addition to conformance with all erosion control conditions, 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, Vermont's Water Pollution Control Law.
  20. All stumps shall be disposed of on-site above the seasonal high water table or at a State approved landfill so as to prevent groundwater pollution.
  21. The Permittees and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibits #5 & 38 (Schedule B; and Landscaping Plan) by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
  22. Prior to any site work, the Permittees shall install and maintain temporary fencing around trees to be retained as depicted on Exhibit #38 (Landscaping Plan).
  23. The installation of exterior light fixtures is limited to those approved in Exhibits #13 and 23 (Lighting Cut Sheets; and Site Plan), and shall be mounted no higher than (20) feet above grade level. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
  24. The Permittees shall not erect exterior signage without first obtaining approval from the District Commission. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs.
  25. Energy design and construction shall include custom energy measures found cost-effective on a life-cycle-cost basis. Any design or equipment features that do not comply with the 2001 Vermont Guidelines, or any custom measures not installed, shall be brought promptly to the attention of the Department of Public Service for comment, and to the District Commission for approval, prior to construction.
  26. The installation and/or use of electric resistance space heat is specifically prohibited without the prior written approval of the District Environmental Commission.
  27. The Permittees shall obtain a highway access permit from the Vermont Agency of Transportation for the purpose of upgrading the existing access to commercial standards. In performing this work, the Permittees shall adhere to all of the conditions set forth in the AOT permit.
  28. All work on the Monitor Barn shall meet the Secretary of the Interior's Standards for Treatment of Historic Properties and shall be undertaken as depicted on the project plans dated October 29, 2004, and in the Libby Memorandum dated November 2, 2004. The work includes: installation of 6/6 true-divided light wood double-hung windows on the walls of the barn; installation of a gray Vermont slate roof with lead-coated copper flashing; reconstruction of the monitor with 6-pane true-divided light wood windows that operate on an awning system that opens all the windows to a consistent angle not to exceed the pitch of the barn roof (6/12); installation of vents in the monitor in the 2<sup>nd</sup> bay; subdivision of the stock floor into offices; preservation of the open
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character of the haymow and highdrive levels with exposed framing, studding, rafters and sheathing; reconstruction of the cupola with a lead-coated copper roof; construction of a 2-story, clapboarded, gable-roofed addition set back as close as practical to the rear façade of the barn and connected to the barn by a shorter, recessed connector; and, construction of a 42-car gravel parking lot with soft edges and no painted lines. Any changes from the above-referenced plans will be reviewed and approved by the Division for Historic Preservation and the District Environmental Commission prior to construction. Exhibit #40 (November 12, 2004 DHP comment letter).

29. All future work on the Monitor Barn shall meet the Secretary of the Interior's Standards for Treatment of Historic Properties. The design and location of the following anticipated features shall be reviewed and approved by the Division for Historic Preservation prior to construction in order to ensure compatibility with the historic agricultural character of the property and/or protection of potential archeological sites; high drive ramp and related retaining walls; insulation for external walls and stock floor ceiling; parking lot design and lighting plan; exterior building lighting; signs; sliding barn doors with inset egress door; vertical lift to the high drive level; two 4'x4' wooden air shafts to the vents in the monitor; accessible parking area; additional structures on the site, including transportation shed, dumpster enclosure, and rustic cabins and lean-to's. In addition, designs for any future buildings on the site, including those for office, dormitory and meeting spaces, shall be reviewed and approved by the Division for Historic Preservation and the District Environmental Commission prior to construction. Exhibit #40.
  30. The Permittees shall identify VT-CH-864 on the site plan and label it as a not-to-be-disturbed buffer zone. Copies of the revised site plan will be submitted to the District Commission and to the Division. In addition, the Permittees shall also submit an archeological assessment(s) of all project components not included in the original review, such as the proposed cabins, lean-tos, and related infrastructure. If archeologically sensitive areas are identified, they shall also be identified as archeological buffer zones and treated in a similar manner to the procedures outlined below for VT-CH-864. Exhibit #40.
  31. Topsoil removal, grading, scraping, cutting, filling, stockpiling, logging or any other type of ground disturbance is prohibited within the buffer zones without written approval of the District Commission and the Division. Exhibit #40.
  32. In the event that maintenance of all or part of the buffer zone is no longer feasible, VT-CH-864 shall be subject to additional archaeological study prior to any construction impact. Exhibit #40.
  33. All archeological studies and assessments must be conducted by a qualified consulting archeologist and shall follow the Division's Guidelines for Conducting Archeological Studies in Vermont. The Permittees' archeological consultant shall submit any scope of work to the Division and District Commission for review and approval. Exhibit #40.
  34. VT-CH-864 shall not be impacted until any necessary mitigation measures have been carried out. Mitigation may include but is not limited to further site evaluation, data recovery, redesign of one more proposed project components, or specific conditions that may be imposed during construction. Exhibit #40.
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35. Proposed mitigation measures shall be discussed with and approved by the Division prior to implementation, and a copy of all mitigation proposals shall be filed with the District Commission. The archeological studies will result in one or more final reports, as appropriate, that meet the Division's Guidelines for Conducting Archeological Studies in Vermont. Copies shall be submitted both to the Division and the District Commission. Exhibit #40.
36. At the completion of the project, and prior to the occupancy of the building, the Permittees shall certify by affidavit that the site improvements have been constructed in accordance with this permit pursuant to Environmental Board Rule 32(A).
37. 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.
38. The Permittees shall reference the requirements and conditions imposed by Land Use Permit #4C1145 in all deeds of conveyance and leases.
39. Pursuant to 10 V.S.A. § 6090(b) this permit 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).
40. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6090(c).

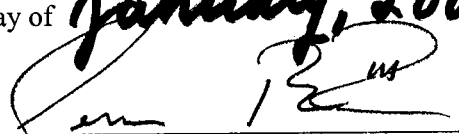
Dated at Essex Junction, Vermont, this

7

day of

January, 2005.

By:

  
Gene Richards, Acting Chair in this matter  
District #4 Environmental Commission

Members participating in this decision:

Michael Flaherty  
Inge Schaefer

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The applicant or a party may file a motion to alter within 15 days from the date of this decision, pursuant to Environmental Board Rule 31. Any appeal of this decision must comply with all provisions of 10 V.S.A. §6089 and Environmental Board Rule 40 including the submission of the original and ten copies of the following: notice of appeal, a statement of why the appellant believes the commission was in error, a statement of the issues to be addressed in the appeal, a summary of the evidence that will be presented, a preliminary list of witnesses and this decision. Decisions on minor applications may be appealed if a hearing was held by the district commission or timely requested by the appellant.

EXHIBIT NO.	DATE	E N T E R E D	A = Applicant T = Town EC = Environmental Conservation RPC = Regional Planning Commission ANR = Agency of Natural Resources AOT = Agency of Transportation DPS = Department of Public Services VDH = Vermont Department of Health DP = Division for Historic Preservation WMD = Wastewater Management Division  Nature of Exhibit and Date Entered
1	10/7/04	A	Act 250 Land Use Permit Application
2	"	"	Schedule A - Fee Information
3	"	"	Schedule E - Adjoiner Information
4	"	"	Schedule F - Certificate of Service
5	"	"	Schedule B - Act 250 Narrative
6	"	"	Permit Application for Zoning or Onsite Septic Approval Town of Richmond
7	"	"	Wastewater & Pump Station Design & Distribution Calcs (9/9/04)
8	"	"	Letter by April Moulaert, Water Quality Division re Wetlands (8/10/04)
9	"	"	Traffic Impacts
10	"	"	Letter by Trent Coletta, VTrans re Permit
11	"	"	School Impact Questionnaire
12	"	"	Summary of Archaeological Work Conducted Between 5/1/98 & 5/04
13	"	"	Lighting Cut Sheets
14	"	"	Letter by John Gobeille, Fish & Wildlife Dept. re Criteria 8(A) - Deer Wintering Area (9/10/04)
15	"	"	Letter by Jodi Shippee, Dept. of Fish & Wildlife re No Known Occurrences of Rare or Endangered Plants or Animals (7/29/04)
16	"	"	Biological Natural Areas of Chittenden County - Brett Engstrom/Nongame & Natural Heritage Program - 1/91
17	"	"	Letter by Richard Becker, Rabideau Architects re Criterion 9(J) (10/5/04)

18	"	"	Soil Types
19	"	"	Future Land Use
20	"	"	2001 Regional Plan Future Land Use Map of Chittenden County
21	"	"	Proposed Feature Location Map
22	"	"	Plan: Site Master Plan Sht. SP1 (9/28/04)
23	"	"	Plan: Site Plan Sht. SP2 (Rev. 10/6/04)
24	"	"	Plan: Lower Floor Sht. A-1 (Rev. 7/1/04)
25	"	"	Plan: Second Floor Sht. A-2 (Rev. 7/1/04)
26	"	"	Plan: Third Floor Sht. A-3 (Rev. 4/26/04)
27	"	"	Plan: Highdrive Floor Plan Sht. A-4 (4/2/03)
28	"	"	Plan: Elevation Sht. A-5 (Rev. 8/1/04)
29	"	"	Plan: Elevation Sht. A-6 (Rev. 8/17/04)
30	"	"	Plan: Elevation Sht. A-7 (Rev. 8/17/04)
31	"	"	Plan: Elevation Sht. A-8 (Rev. 8/17/04)
32	"	"	Plan: Window Schedule Sht. A-12 (Rev. 6/7/04)
33	10/08/04	"	Plan: Site Plan Drw. No.1 (Rev. 10/07/04)
34	"	"	Plan: Proposed Site & Details Drw. No. 2 (Rev. 10/07/04)
35	"	"	Plan: Details Drw. No. 3 (Rev. 9/20/04)
36	10/29/04	"	Rabideau Architects Cover Letter re Additional Information Requested (10/28/04)
37	"	"	Photographs of Existing Cabins and Lean-tos
38	"	"	Plan: Landscaping Plan Sht L-1 (10/25/04)
39	"	"	Plan: Erosion Control Drw. 1 (10/04)
40	11/22/04	"	Letter by Eric Gilbertson, Div. for Hist. Pres. re Comments for Monitor Barn/VYCC (11/12/04)
41	"	"	Memo by Steve Libby, Richmond Land Trust re Monitor Barn Project - Compliance w/Historic Preservation Standards (11/2/04)
42	11/30/04	"	ANR Entry of Appearance Comments (11/23/04)
43	"	"	WW-4-2266 Issued 12/20/04



CERTIFICATE OF SERVICE

I hereby certify on this **7** day of January, 2005, a copy of the foregoing ACT 250 LAND USE PERMIT #4C1145, was sent first class mail, postage prepaid to:

**PARTIES:**

Richmond Land Trust, Inc.  
PO Box 605  
Richmond, VT 05477

Vermont Youth Conservation Corps  
92 South Main Street  
Waterbury, VT 05676

Gregory Rabideau  
Rabideau Architects, Inc.  
299 College Street  
Burlington, VT 05401

Velma E. Plouffe, Town Clerk  
Chair, Selectboard, Chair, Planning Commission  
Town of Richmond  
PO Box 285  
Richmond, VT 05477

Chittenden County Regional Planning Commission  
30 Kimball Avenue, Suite 206  
South Burlington, VT 05403

Elizabeth Lord, Land Use Attorney  
Agency of Natural Resources  
103 South Main St. - Center Bldg., 3rd Floor  
Waterbury, VT 05671-0301

**FOR YOUR INFORMATION**

District #4 Environmental Commission  
Gene Richards, Acting Chair/Michael Flaherty/Inge Schaefer  
111 West Street  
Essex Junction, VT 05452

Ernie Christianson, Env. Analyst V  
ANR, 111 West St.  
Essex Jct., VT 05452

Michael Pologruto  
Technical Services, VTrans  
National Life Bldg., Drawer 33  
Montpelier, VT 05633

Dated at Essex Junction, Vermont, this **7** day of January, 2005.

  
Christine Commo, Administrative Secretary  
879-5660