

ACT 250 NOTICE
MINOR APPLICATION #300002-1 / 300016-3
10 V.S.A. §§ 6001 - 6093

On April 5, 2016, Mount Mansfield Modified Union School District, P.O. Box 282, Richmond, VT 05477 filed application #300002-1 / 300016-3 for a project generally described as construction of site circulation and parking improvements with related drainage, landscaping and lighting work at Underhill I.D. Elementary School and Browns River Middle School. The Project is located at 10 and 20 River Road in Jericho, Vermont.

The District #4 Environmental Commission is reviewing this application under Act 250 Rule 51 -- Minor Applications. Copies of the application and proposed permit are available for review at the Jericho Town Office, Chittenden County Regional Planning Commission Office, and the office listed below. The application and a draft permit may also be viewed on the Natural Resources Board's web site (www.nrb.state.vt.us/lup) by clicking on "Act 250 Database" and entering the project number "300002-1 / 300016-3".

No hearing will be held and a permit may be issued unless, on or before **April 29, 2016**, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing or the Commission sets the matter for hearing on its own motion. Any hearing request must be in writing to the address below, must state the criteria or subcriteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other interested person must include a petition for party status. Prior to submitting a request for a hearing, please contact the district coordinator at the telephone number listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law will not be prepared unless the Commission holds a public hearing.

If you feel that any of the District Commission members listed on the attached Certificate of Service under "For Your Information" may have a conflict of interest, or if there is any other reason a member should be disqualified from sitting on this case, please contact the district coordinator as soon as possible, no later than prior to the response date listed above.

Should a hearing be held on this Project and you have a disability for which you are going to need accommodation, please notify us by **April 29, 2016**.

Parties entitled to participate are the Municipality, the Municipal Planning Commission, the Regional Planning Commission, affected state agencies, and adjoining property owners and other persons to the extent they have a particularized interest that may be affected by the proposed project under the 10 criteria. Non-party participants may also be allowed under 10 V.S.A. Section 6085(c)(5).

Dated at **Essex Junction**, Vermont this 7th day of April, 2016.

By: /s/Stephanie H. Monaghan
Stephanie H. Monaghan
District #4 Coordinator
Natural Resources Board
111 West Street
Essex Jct., VT 05452
802-879-5662
stephanie.monaghan@vermont.gov

This is a **PROPOSED** permit; please submit any written comments to Stephanie H. Monaghan, District #4 Commission, 111 West Street, Essex Jct., VT 05452 by April 29, 2016.

A permit will NOT be issued until the District Commission receives and reviews the following information:

1. Stormwater Discharge Permit issued by the ANR-DEC Watershed Management Division.
2. Construction General Permit issued by the ANR-DEC Watershed Management Division.
3. Agreement with Condition #22 – “The Permittee shall install conduit infrastructure for future vehicle charging stations **within the outside parking lot.**”

AMENDMENT

Case No: 300002-1 / 300016-3
Mount Mansfield Modified Union
School District
P.O. Box 282
Richmond, VT 05477

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6093 (Act 250)

District Environmental Commission #4 hereby issues Land Use Permit Amendment #300002-1 / 300016-3, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 39, Page 443; and Book 41, Page 2 of the land records of Jericho, Vermont, as the subject of deeds to Mount Mansfield Modified Union School District.

This permit specifically authorizes the construction of site circulation and parking improvements with related drainage, landscaping and lighting work at Underhill I.D. Elementary School and Browns River Middle School. The Project is located at 10 and 20 River Road in Jericho, 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 its 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 plans are:

Sheet 1 - “Overall Site Plan,” dated 3/28/16 (Exhibit #006);

Sheet 2 - “Pavement Overlay Layout,” dated 3/28/16 (Exhibit #007);

Sheet 3 - “Layout Plan - East,” dated 3/28/16 (Exhibit #008);

Sheet 4 - “Layout Plan - West,” dated 3/28/16 (Exhibit #009);

Sheet 5 - “Signs & Pavement Markings,” dated 3/28/16 (Exhibit #010);

- Sheet 6 - "Erosion Prevention & Sediment Control Plan," dated 3/28/16 (Exhibit #011);
Sheet 7 - "Sitework Details & Specifications," dated 3/28/16 (Exhibit #012);
Sheet 8 - "Stormwater Details & Specifications," dated 3/28/16 (Exhibit #013); and
Sheet L - "Proposed Lighting Illumination Plan," dated 3/28/16 (Exhibit #014).
3. All conditions of Land Use Permit #300002 and amendments, and Land Use Permit #300016 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 Permits:
 - a. Authorization of Notice of Intent #X-9020 under Construction General Permit #3-9020 issued on **date** by the ANR Watershed Management Division;
 - b. Authorization of Notice of Intent #X-9015 under General Permit #3-9015 (Stormwater Discharge General Permit), issued on **date** by the ANR Watershed Management Division;
 5. Any nonmaterial changes to the permits 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. Construction shall be limited to Monday through Friday from 7AM to 6PM, and Saturdays from 8AM to 5PM.
 12. The Permittee shall apply and maintain water on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
 13. At a minimum, the Permittee shall comply with the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
 14. The Permittee shall comply with Exhibits #002 and 011 (Schedule B; and Erosion Prevention & Sediment Control Plan) for erosion prevention and sediment control. The

- Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas.
15. All mulch, 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. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
 16. 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).
 17. 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).
 18. 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.
 19. Any extracted stumps shall be disposed of on-site above the seasonal high water table and not in any wetland, or at a State approved landfill, so as to prevent groundwater pollution.
 20. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibits #008 and 009 (Layout Plan – East; and Layout Plan – West) by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
 21. Prior to any site work, the Permittee shall install and maintain temporary fencing around trees to be retained as depicted on Exhibits #008 and 009.
 22. The Permittee shall install conduit infrastructure for future vehicle charging stations **within the outside parking lot.**
 23. The installation of exterior light fixtures is limited to those approved in Exhibit #014 (Proposed Lighting Illumination 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. No exterior signage is proposed in conjunction with this Project. The Permittee shall not erect exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
 25. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
 26. 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).
 27. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2019**, 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.
 28. The Permittee 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 Permittee 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, Dewey Building, National Life Drive, Montpelier, VT 05620-3201; Attention: Certification.
 29. 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 _____ day of _____, 2016.

By _____
Parker Riehle, Acting Chair in this matter
District #4 Commission

Members participating in this decision:
James McNamara

Anthony Stamper

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 \$265 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, Dewey Building, National Life Drive, 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: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401

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CERTIFICATE OF SERVICE

I hereby certify on this 7th day of April 2016, a copy of the foregoing ACT 250 NOTICE OF MINOR APPLICATION 300002-1, 300016-3, 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@vermont.gov. You can now fill out and submit the Act 250 survey online at: <http://permits.vermont.gov/act250-survey>.

Mount Mansfield Modified Union School District
PO Box 282
Richmond, VT 05477
jeff.forward@cesuvt.org

Jericho Underhill Library District
8 River Road
Jericho, VT 05465
director@drml.org

Andy Rowe
Lamoureux & Dickinson
14 Morse Drive
Essex Jct., VT 05452
andy@ldengineering.com

Jessica Alexander, Town Clerk
Chair, Selectboard/Chair, Planning Commission
Town of Jericho
PO Box 67
Jericho, VT 05465
jerichovermont@yahoo.com

Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, VT 05404
rmahony@ccrpcvt.org

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
anr.act250@vermont.gov

FOR YOUR INFORMATION

District #4 Environmental Commission
Parker Riehle, Acting Chair
James McNamara/Anthony Stamper
111 West Street
Essex Junction, VT 05452

Barry Murphy/Vt. Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov

Craig Keller/John Gruchacz/Jeff Ramsey
VTrans Policy, Planning & Research Bureau
One National Life Drive, Drawer 33
Montpelier, VT 05633
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john.gruchacz@vermont.gov
jeff.ramsey@vermont.gov

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
james.duggan@vermont.gov

NRCS, District Conservationist
USDA Soils Conservation Service
1193 S. Brownell Road, Suite 35
Williston, VT 05495-7416
john.thurgood@vt.usda.gov

Winooski NRCD Office
617 Comstock Road, Suite 1
Berlin, VT 05602
whiterivernrcd@gmail.com

County Forester/Agency of Natural Resources
111 West Street
Essex Junction, VT 05452

Patty Malenfant/ANR, Dept. of Fish & Wildlife
5 Perry Street, Suite 40
Barre, VT 05641-4266
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John Gobeille, Wildlife Biologist
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111 West Street
Essex Jct., VT 05452
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Seven Days/Classified Ad Section
255 South Champlain Street, PO Box 1164
Burlington, VT 05402
classifieds@sevendaysvt.com

Green Mountain Power Corporation
c/o Pam Allen & Kim Jones
163 Acorn Lane
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kim.jones@greenmountainpower.com

Brian Gray/Vermont Gas Systems
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Efficiency Vermont
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Burlington, VT 05401
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Michael Barsotti, Water Quality Director
Champlain Water District
403 Queen City Park Road
South Burlington, VT 05403
mikeb@cwd-h20.org

ADJOINING LANDOWNERS

On File at District Commission Office

Dated at Essex Junction, Vermont, this 7th day of April, 2016.

Christine A. Commo

Natural Resources Board Technician
879-5614
christine.commo@vermont.gov