



## LAND USE PERMIT

LUP#: 6F0633  
Name: Town of Swanton  
Address PO Box 711  
Swanton, Vermont 05488

10 V.S.A., Chapter 151  
Act 250

District #6 Environmental Commission (“Commission”) hereby issues Land Use Permit #6F0633, pursuant to the authority vested in it by 10 V.S.A., Chapter 151. This permit applies to the land identified in Book 48, Pages 101-102 of the land records of Swanton, Vermont, as the subject of a deed to the Permittee, as Grantee. This permit specifically authorizes the Permittee to subdivide a 23.8 acre tract of land into 5 industrial lots, construct a new access road, stormwater system and utilities to serve the park (Project). The Project is located off of Route 78 in Swanton, Vermont.

The project is subject to Act 250 jurisdiction because it involves the construction of improvements pursuant to T.10 § 6001 (3)(A)(v).

The Permittee and any assigns and successors in interest are obligated to complete, operate and maintain the Project as approved by the Commission in accordance with the following conditions:

1. The Project shall be completed, operated and maintained as set forth in accordance with the plans and exhibits on file with the Commission, and in accordance with the conditions of 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. Pursuant to Act 250 Rule 51(G), the permit application and material representations relied upon during the review and issuance of this permit by the Commission shall provide the basis for determining future substantial and material changes to the approved project and for initiating enforcement actions.
4. No material 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 Act 250 Rules
5. The 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 permit.
6. 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.
7. 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.
8. Prior to commencement of construction on any of the commercial or industrial lots, the Permittee and the lot purchaser or tenant shall file an amendment application as co-applicants and shall address each of the 10 criteria of Act 250.
9. The Permittee 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 are fully established to control dust.

10. The Permittee shall plant street trees (2.5" caliper hardwood), every 50' along both sides of the access road. The street trees shall be planted upon completion of the infrastructure and prior to occupancy of the first tenant.
11. The Permittee shall submit a certification from a registered engineer in the State of Vermont that the road and all infrastructure, including landscaping, has been completed in accordance with the plans.
12. The Permittee and all assigns and successors in interest, shall comply with all applicable Agency of Natural Resource permits included the following:
  - Wastewater System and Potable Water Supply Permit #WW-6-2375 issued on November 4, 2011
  - Construction General Permit 3-9020(Amended 2008) NOI # 6626-9020 issued on July 22, 2011
  - Stormwater Discharge Permit 6626-9015 (Project ID # EJ11-0112) issued on August 8, 2011
13. Prior to construction of the approved work, the Permittee 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.
14. The Permittee and all assigns or successors in interest shall operate the Park and comply with the Declaration of Covenants, Conditions and Restrictions as outlined in Exhibit #11. Any material changes to the Declaration shall be reviewed and approved by the District Commission.
15. The Permittee shall comply with the terms and conditions of the Agency of Transportation's Letter of Intent, as depicted as Exhibit #8.
16. A copy of the approved erosion control plan shall be on the site at all times during construction.
17. In addition to conformance with all erosion 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., Chapter 47, Vermont's Water Pollution Control Law.
18. 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.
19. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibit #6 (Schedule B) by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
20. The Permittee shall comply with the terms and conditions of Exhibit #37, the Primary Agricultural Soils Off-Site Mitigation Agreement, dated November 14, 2011.
21. Each prospective purchaser of any lots shall be shown a copy of the approved plans, Wastewater System and Potable Water Supply Permit, the Construction General Permit, the Stormwater Permit, and the Land Use Permit before any written contract of sale is entered into.

22. 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.
23. A copy of this permit and approved plans shall be on the site at all times throughout the construction process.
24. The Permittee shall reference the requirements and conditions imposed by Land Use Permit #6F0633 in all deeds to said property.
25. 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.
26. 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 roadway construction, stormwater and utility work shall be completed in accordance with the approved plans by October 15, 2015, 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, National Life Records Center 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 on this 17<sup>th</sup> day of November, 2011.

By /s/Daniel Luneau, Chair  
District #6 Environmental Commission

Commissioners participating in this decision:

Dan Luneau, Chair  
Joe Flynn, Commissioner

*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.*