



State of Vermont

LAND USE PERMIT AMENDMENT

CASE NO: 2W0524-24
Ski Magic, LLC
PO Box 188
Londonderry, VT 05148

LAWS/REGULATIONS INVOLVED
10 V.S.A. §§ 6001 - 6093 (Act 250)

District Environmental Commission #2 hereby issues Land Use Permit Amendment #2W0524-24, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This Permit Amendment applies to the lands identified in Book 78, Pages 416, of the land records of Londonderry, Vermont, as the subject of a deed to Ski Magic, LLC.

This permit specifically authorizes the replacement and 400' extension of the existing Black Chair lift; top and bottom terminals; operator buildings; and associated infrastructure.

The project is located on 495 Magic Mountain Access Rd in Londonderry, Vermont.

Jurisdiction attaches because the Project constitutes material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

The Permittee, and 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.

1. 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.
2. All conditions of Land Use Permit #2W0524 and amendments are in full force and effect except as further amended herein.
3. 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.
4. A copy of this permit and plans shall be on the site at all times throughout the construction process.

5. 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.
6. No subdivision or further alteration or development on the tract of land approved herein shall be permitted without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
7. 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.
8. 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.
9. The Permittee shall not clear, cut, mow, or otherwise disturb the land along all streams and wetlands, from the water's edge to the top of bank or top of slope, and in the adjacent riparian buffer, which is 50 feet wide as measured inland and perpendicular from top of bank or top of slope. The Permittee shall keep this land as undisturbed and naturally vegetated. Snowplowing or storage of any materials within this buffer is prohibited.
10. 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.
11. No exterior lighting is approved in this project. The Permittee shall not erect exterior lighting without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules.
12. Pursuant to 30 V.S.A. § 53, the energy design and construction of operator buildings shall comply with Vermont's Commercial Building Energy Standards (CBES) and the CBES Stretch Guidelines in accordance with the NRB Criterion 9(F) Procedure effective at the time of construction.
13. The Permittee shall install and maintain a new drive for the lift that is a technological upgrade for energy efficiency from the drive that is currently part of the replacement chairlift. The Permittee shall implement and maintain the measures outlined in the Green Mountain Power letter in Exhibit 011.
14. The use of electric resistance space heaters shall be in connection with a low temperature thermostat with integrated time of day controls and a low ambient override.
15. 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).

16. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2021**, 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.
17. 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, 10 Baldwin St, Montpelier, VT 05633-3201; Attention: Certification.

Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. § 6027(g).

Dated at Springfield, Vermont, this 4th day of January, 2019.

By 
James Olivier, Chair
District #2 Commission

Members participating in this decision: Julia H. Schmitz and Cheryl Cox

Page 4

Land Use Permit Amendment #2W0524-24

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).

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 802-951-1740.

The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

E-Notification CERTIFICATE OF SERVICE # 2W0524-24

I hereby certify that I, the undersigned, sent a copy of the foregoing Land Use Permit and Exhibit List on January 4, 2019 by U.S. Mail, postage prepaid, to the individuals without email addresses, and by electronic mail to the following with email addresses. All email replies should be sent to NRB.Act250Springfield@vermont.gov. **Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the NRB 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 the District Office of any email address changes.**

Ski Magic, LLC
PO Box 188
Londonderry, VT 05148
gatheway@magicmtn.com

Tech Environmental
Tim Jones PO Box 85
Waitsfield, VT 05673
tjones@techenv.com

Londonderry Selectboard
100 Old School St.
South Londonderry, VT 05155
jpameden@yahoo.com

Londonderry Planning Commission
100 Old School St.
South Londonderry, VT 05155
Shacro@comcast.net

Windham Regional Commission
ccampny@windhamregional.org
wrc@windhamregional.org
johnbenn@windhamregional.org
asabetto@windhamregional.org

ANR Office of Planning & Legal Affairs
1 National Life Dr., Davis 2
Montpelier, VT 05620-3901
anr.act250@vermont.gov
elizabeth.lord@vermont.gov
jennifer.mojo@vermont.gov
kevin.anderson@vermont.gov
Karin.mcneill@vermont.gov

District 2 Environmental Commission
100 Mineral Street, Suite 305
Springfield, VT 05156
NRB.Act250Springfield@vermont.gov

FOR INFORMATION ONLY

Public Service Department
112 State Office Building
Montpelier, VT 05620-2601
barry.murphy@vermont.gov

Londonderry Town Clerk
100 Old School St.
South Londonderry, VT 05155
londontown@vermontel.net

Londonderry Fire Chief
Jpameden@yahoo.com

South Londonderry Fire Chief
jduda@blueflamegasco.com

Conservation Commission
conservation@londonderryvt.org

Vermont AOT, Utilities and Permits
1 National Life Drive
Montpelier, VT 05633
Craig.keller@vermont.gov
theresa.gilman@vermont.gov
brian.mcavoy@vermont.gov

Agency of Agriculture, Food & Markets
116 State St., Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@vermont.gov
Ari.rockland-miller@vermont.gov

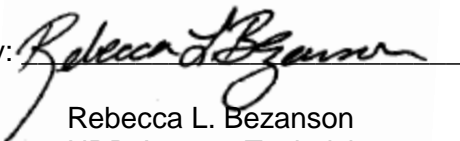
Division for Historic Preservation
National Life Building, 6th Floor
Drawer 20, Montpelier, VT 05620-0501
Accd.projectreview@vermont.gov
scott.dillon@vermont.gov
Elizabeth.Peebles@vermont.gov
James.duggan@vermont.gov
Yvonne.basque@vermont.gov
Devin.colman@vermont.gov

VT Dept. of Forests, Parks & Recreation
100 Mineral Street, Suite 304
Springfield, VT 05156-3168
nate.mckeen@vermont.gov

VT Fish & Wildlife Department
lael.will@vermont.gov
lee.simard@vermont.gov
forrest.hammond@vermont.gov
ryan.smith@vermont.gov

VT Dept. of Environmental Conservation
rebecca.chalmers@vermont.gov
chris.tomberg@vermont.gov

Windham County Natural Resources
Conservation District
28 Vernon Street, Suite 332
Brattleboro, VT 05301
Elizabeth.Rudegear@vt.nacdnet.net

By: 

Rebecca L. Bezanson
NRB Act 250 Technician
802-289-0599
Rebecca.bezanson@vermont.gov