

AMENDMENT

CASE NO	5L0267-19	LAWS/REGULATIONS INVOLVED
APPLICANT	Friends of Stowe Conservation Inc.	10 V.S.A., §§ 6001 - 6093
ADDRESS	d/b/a/ Stowe Land Trust PO Box 284 Stowe Vermont 05672	(Act 250)
	Birch Hill Development Company, LLC c/o Stevens Law Office PO Box 1200 Stowe Vermont 05672	
	Broad Vista, Inc. Syn-Cronamics of Canada, Ltd. Marie Cabral 2004 Cabral Family Trust c/o Steven Law Office PO Box 1200 Stowe Vermont 05672	

The District 5 Environmental Commission issues Land Use Permit #5L0267-19, pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6093. This permit amendment applies to the lands identified in Books 65, 94, 101, 122, 103, 107 and 122, Pages 543-545, 66-67, 406-408, 391, 253, 523, 439-440, 386 and 391, of the land records of the Town of Stowe, Vermont, as the subject of deeds to Broad Vista, Inc., Syn-Cronamics of Canada, Ltd., Marie Cabral and 2004 Cabral Family Trust, the Permittees as Grantees.

This permit specifically authorizes the reconfiguration of three tracts owned by Broad Vista, Inc., Syn-Cronamics, Ltd. and the Cabral Family Trust for purposes of conveyance of approximately 215 acres for conservation and public recreation purposes. Approximately 62 acres will be retained by Broad Vista, Inc. et al in four parcels for future development as single family residences. Other components of the overall proposal are described in the application submittals. The project tracts are located off Cady Hill and Birch Hill Roads and VT Route 108 in the Town of Stowe.

The project is subject to Act 250 jurisdiction pursuant to Act 250 Rule 2(C)(6)

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 Environmental Commission in accordance with the following conditions:

1. 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.
2. The project shall be completed, operated and maintained in accordance with exhibits 1-21 on file with the District Environmental Commission and the conditions of this permit.
 3. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the District Environmental Commission, whichever is appropriate under the Natural Resources Board Rules.
 4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holders 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., Chapter 151 and the rules of the Natural Resources Board.
 5. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and all assigns and successors in interest.
 6. The Permittees, and all assigns and successors in interest, shall comply with the exhibits 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.
 7. 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., Chapter 47, Vermont's Water Pollution Control Law.
 8. This permit herein incorporates as conditions of approval the Permittee's representations specific to the protection of deer wintering habitat, as set out in the Stowe Land Trust's position dated February 15, 2012 and identified as Exhibit 23.
 9. This permit herein incorporates as conditions of approval the terms of agreement among the Permittees and the Department of Fish & Wildlife as set out in the Department's position dated February 15, 2012 and identified as Exhibit 24.
 10. In consultation with the Vermont Department of Fish and Wildlife, the Permittees shall develop a Management Plan as allowed by a perpetual Grant of Development Rights, Conservation Restrictions and Public Access Easement held by Vermont Housing and Conservation Board ("VHCB") and Stowe Land Trust ("SLT") (the "conservation easement")

11. The conservation easement shall include language and provisions that are substantially similar the language contained in Exhibit O, and shall protect the natural resource and wildlife values of the property, including but not limited to, any mapped deer wintering areas, while allowing public access for non-commercial recreational activities which are consistent with the natural resource and wildlife values and attributes.
12. The management plan shall address the need to provide for and conserve the shelter value of the coniferous tree species (hemlock, spruce, fir and pine) that sustain the function and value of the deer wintering area while also integrating the non-motorized trail network.
13. Prior to any conveyances of, and physical improvements upon, the 62 acres of developable lands retained by co-permittees Broad Vista, Inc. et al, amendment applications shall be filed for the review of the District Commission under all applicable criteria.
14. No subdivision, alteration, and/or further development of the tracts of land approved herein shall be permitted without the written approval of the District Commission.
15. All conditions of Land Use Permit #5L0267 and amendments are in full force and effect except as amended herein.
16. Pursuant to 10 V.S.A. § 6090(b), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.
17. 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 Barre, Vermont, this 23rd day of February, 2012.

By /s/ Jito Coleman
Jito Coleman, Chair
District 5 Environmental Commission

Members participating in this decision:

M. Jerome Diamond
Charles Haynes

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

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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 05641-8701.