



LAND USE PERMIT

AMENDMENT

CASE NO: 6F0487-6
Brad Morse
18 Morse Drive
Essex Junction, VT 05452

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

and

Chad & Kristine Jenkins
200 Carpenter Hill Road
St. Albans Town, VT 05478

District Environmental Commission #6 hereby issues Land Use Permit Amendment #6F0487-6, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 104, Pages 4-5, of the land records of Georgia, Vermont, as the subject of a deed to Brad Morse and a lease to Chad & Kristine Jenkins. This permit specifically authorizes the construction of a self storage facility consisting of six buildings with a gated entrance. The project is located on Lot 8, Morse Drive in Georgia, 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 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.
2. The project shall be completed, operated and maintained in accordance with: (a) the conditions of this permit, (b) the permit application, plans, and exhibits on file with the District Environmental Commission and other material representations.

The approved plans are:

Sheet C-1 - "Site Plan," dated 06/26/15 (Exhibit #17) revised 07/07/15; and

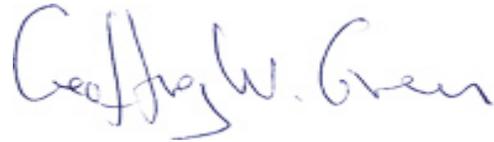
Sheet C-2 - "Details," dated 06/26/15 (Exhibit #18) revised 10/15/15.

3. All conditions of Land Use Permit #6F0487 and amendments are in full force and effect except as further amended herein.
4. The Permittees shall comply with all of the conditions of the following Agency of Natural Resources Permits:
 - a. Authorization of Notice of Intent #3370-9020.1 under Construction General Permit #3-9020 issued on August 5, 2015 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. No further subdivision, alteration, and/or development on the tract/tracts 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.
10. 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.
11. 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 their successors and assigns.
12. No later than 10 days prior to commencement of building demolition/construction, the Permittee shall submit a Construction Waste Reduction Plan to be approved by the Agency of Natural Resources Solid Waste Management Program. The contractor shall be obligated to implement the Plan.

13. The buildings approved herein are not approved for the on-site disposal of any process wastes. The Permittees shall apply and receive amended approval from the District Commission for any change in the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.
14. There shall be no floor drains installed at the Project.
15. The Commission reserves the right to review erosion prevention and sediment control and to evaluate and impose additional conditions with respect to erosion prevention and sediment control as it deems necessary.
16. In addition to conformance with all erosion prevention and sediment 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) Chapter 47, Vermont's Water Pollution Control Law.
17. The Permittees shall maintain an undisturbed, naturally vegetated, unmowed 100-foot buffer from the edge of wetlands and any disturbed areas. Snowplowing or storage of materials within this buffer is prohibited.
18. 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.
19. The Permittees and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibit #17 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
20. The installation of exterior light fixtures is limited to those approved in Exhibits #17 and, 6. 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.
21. The Permittees shall not erect (additional) 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. The sign approved for the project is depicted on Exhibits #6, 17 and 18.

22. Pursuant to 30 V.S.A. § 53, energy design and construction shall, at a minimum, comply the *2015 Vermont Commercial Building Energy Standards*. (More information on this update can be found at http://publicservice.vermont.gov/topics/energy_efficiency/cbes).
23. 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 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).
24. All site work and construction shall be completed in accordance with the approved plans by **October 15, 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.
25. The Permittees 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 Permittees 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.
26. 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 4th day of December, 2015.



Geoffrey W. Green, District Coordinator
as authorized by Dan Luneau Chair in
this matter, District #6 Commission

Members participating in
this decision:

David Kimel
Joe Flynn

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 \$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.

E X H I B I T N O.	DATE	E N T E R D B Y	<p>A = Applicant T = Town O = Opponent RPC = Regional Planning Commission ANR = Agency of Natural Resources VTRANS = Vt. Agency of Transportation DPS = Department of Public Services M = Municipality DHP = Division for Historic Preservation WMD = Wastewater Management Division L = Landowner</p> <p>Nature of Exhibit and Date Entered</p>
001	10/19/15A		Application Cover Sheets and Schedules AEFG & B
002	"	"	Ability to Serve Letter by Town of Georgia Fire Department (06/22/15)
003	"	"	Ability to Serve Letter by Franklin County Sheriff's Office (06/10/15)
004	"	"	Ability to Serve Letter by Georgia First Response (06/20/15)
005	"	"	Ability to Serve Letter by Green Mountain Power (06/12/15)
006	"	"	Lighting Cut Sheet
007	"	"	Soils Map and Legend
008	"	"	Previous Land Use Permit #6F0487-1 (06/14/1999)
009	"	"	Authorization to Discharge Stormwater Permit #3370-9010.R (12/20/10)
010	"	"	Notice of Intent (NOI) for Stormwater Discharges No. 3370-9020.1 (08/05/15)
011	"	"	Ruggiano Letter to Tom Benoit VT DEC RE: Project Description (07/23/15)
012	"	"	Solor Reflectivity, Building Colors and Elevations
013	"	"	Town of Georgia Zoning Conditional Use Approval (08/25/15)
014	"	"	Signage Detail, SK-1 (10/15/15)
015	"	"	Amendment to Declaration of Covenants (07/01/1999)
016	"	"	Town of Georgia Planning Approval (10/13/15)
017	"	"	Plan: Site Plan, C-1 (Rev 07/07/15)
018	"	"	Plan: Details, C-2 (Rev 10/15/15)
019	11/23/15	"	Vtrans Review Letter and Comments (11/23/15)
020	10/28/15	"	DEC Stormwater Permit Authorization by Thomas A. Benoit (10/28/15)
021	08/09/15	"	DEC NOI #3370-9020.1-Authorization to Discharge Under General Permit #3-9020 (08/05/15)
022	11/30/15	"	DEC (11/25/15) & Natural Resources Board Project Review Sheet 11/18/15

CERTIFICATE OF SERVICE

I hereby certify on this 4th day of December, 2015, a copy of the foregoing **ACT 250 LAND USE PERMIT #6F0487-6**, 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@state.vt.us
Please note you can now fill out and submit the Act 250 survey online at: <http://permits.vermont.gov/act250-survey> instead of printing and mailing the attached pdf version.

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FOR YOUR INFORMATION

District #6 Environmental Commission
Dan Luneau, Chair
David Kimel/Joe Flynn
111 West Street
Essex Junction, VT 05452

Dated at Essex Jct., Vermont, this 4th day of December, 2015.

/s/ Barbara J. Cady
879-5614
Barbara.cady@vermont.gov