

ACT 250 NOTICE
MINOR APPLICATION #6F0657
10 V.S.A. §§ 6001 – 6093

On January 25, 2016 City of St. Albans, c/o Dominic Cloud, 100 North Main Street, PO Box 867, City of St. Albans, VT 05478 filed application #6F0657 for a project generally described as the construction of interim improvements (Phase 1) to existing city roadways in the area of Federal Street/Lake Street/ Market Street and Catherine Street intersections in the City of St. Albans. The project is located in the City of St. Albans, Vermont. No hearing will be held and a permit will be issued unless, on or before February 19, 2016, a party notifies the District #6 Commission in writing at the address below of an issue requiring a hearing or the Commission sets the matter for hearing on its own motion. Such hearing request must include a petition for party status. The application and proposed permit may also be viewed on the Natural Resources Board's web site (www.nrb.state.vt.us/lup) by clicking "Act 250 Database" and entering the project number #6F0657. For more information contact Geoffrey W. Green at the address or telephone number below.

Dated at Essex Junction, Vermont this 26th day January, 2016.

BY: /s/Geoffrey W. Green, District Coordinator
Geoffrey W. Green, District Coordinator
111 West Street, Essex Junction, Vermont 05452
802-879-5657
(geoffrey.green@vermont.gov)



LAND USE PERMIT

This is a **PROPOSED** permit; please submit any written comments to Geoffrey W. Green, District Coordinator, 111 West Street, Essex Junction, Vermont 05452 by February 19, 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. Comments from the Northwest Regional Planning Commission

CASE NO: 6F0657

City of St. Albans
c/o Dominic Cloud
100 North Main Street, PO Box 867
City of St. Albans, VT 05478

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6093 (Act 250)

District Environmental Commission #6 hereby issues Land Use Permit #6F0657, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit applies to the lands identified in the land records of City of St. Albans, Vermont. This permit specifically authorizes the construction of interim improvements to existing city roadways in the area of Federal Street/Lake Street/ Market Street and Catherine Street intersections in the City of St. Albans.

Jurisdiction attaches because the Project constitutes a development pursuant to 10 V.S.A. § 6001 (3)(A)(v)¹.

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.

¹ Jurisdiction attaches to the Federal Street Multimodel Connector Project. This Project is the first phase of the larger undertaking and therefore is a development.

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:
3. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permits:
 - a. Authorization of Notice of Intent #7518-9020 under Construction General Permit #3-9020 issued on January 22, 2016 by the ANR Watershed Management Division; (Exhibit #).
 - b. Authorization of Notice of Intent # under General Permit #3-9015 (Stormwater Discharge General Permit), issued on **(date)** by the ANR Watershed Management Division.
4. Any nonmaterial changes to the permits listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
5. 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.
6. A copy of this permit and plans shall be on the site at all times throughout the construction process.
7. 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.
8. 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.
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. No construction shall be permitted between the hours of 9 PM and 7 AM.
12. No blasting shall occur without prior approval of the District Commission.
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 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.
15. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Sheets 32 – 35 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
16. At the completion of the project, the Permittee shall certify by affidavit from a nursery person or landscape architect that the site improvements have been carried out as described in this permit.
17. Prior to any site work, the Permittee shall install and maintain temporary fencing along the tree line to be retained (around trees to be retained) as depicted on Sheets (to be identified).
18. The installation of exterior light fixtures is limited to those approved in Sheets 28 – 36. 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.
19. The Permittee 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.
20. Pursuant to 10 V.S.A. § 6090(b)(1) this permit 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).

21. 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.
22. 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 _____
Geoffrey W. Green, District Coordinator
as authorized by Dave Kimel, Vice Chair
in this matter
District #6 Commission

Members participating in
this decision:

Mark Naud
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.

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CERTIFICATE OF SERVICE

I hereby certify on this 26th day of January, 2016, a copy of the foregoing ACT 250 NOTICE OF MINOR APPLICATION #6F0657, 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>.

Dominic Cloud, City Manager
Chair, City Council/Chair, City Planning Commission
City of St. Albans
PO Box 867
St. Albans, VT 05478
d.cloud@stalbanstv.com

Kaitlin O'Shea, VHB
Michael Servetas, Project Manager
40 IDX Drive, Building 100, Suite 200
South Burlington, VT 05403
koshea@vhb.com
mservetas@vhb.com

Catherine Dimitruk/Taylor Newton
Northwest Regional Planning Commission
155 Lake Street
St. Albans, VT 05478-2219
tnewton@nrpcvt.com
cdimitruk@nrpcvt.com

Elizabeth Lord, Land Use Attorney/ANR
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
anr.act250@vermont.gov

FOR YOUR INFORMATION

District #6 Environmental Commission
Dave Kimel, Vice Chair
Mark Naud/Joseph Flynn
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
craig.keller@vermont.gov
john.gruchacz@vermont.gov
jeff.ramsey@vermont.gov

Vt. Agency of Agriculture, Food & Markets
116 State Street
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

Brian Gray/Vermont Gas Systems
PO Box 467
Burlington, VT 05402
bgray@vermontgas.com

Kris Smith/Vt. Electric Coop
42 Wescom Road
Johnson, VT 05656-9579
ksmith@vermontelectric.coop

Efficiency Vermont
128 Lakeside Ave., Suite 401
Burlington, VT 05401
pics@veic.org

Nancy Patch, County Forester
Dept. of Forests, Parks & Recreation
278 South Main St.
St. Albans, VT 05478-1866
nancy.patch@vermont.gov

Franklin County Natural Resources Conservation District
c/o Renae Masse
27 Fisher Pond Road, Suite One
St. Albans, VT 05478-6274
renae.masse@vt.nacdnet.net

Patty Malenfant/Dept. of Fish & Wildlife
Agency of Natural Resources
5 Perry Street, Suite 40
Barre, VT 05641-4266
patty.malenfant@vermont.gov

John Gobeille, Wildlife Biologist
ANR, Dept. of Fish & Wildlife
111 West Street
Essex Jct., VT 05452
john.gobeille@vermont.gov

St. Albans Messenger
Gary Rutkowski, Executive Editor
Attn: Classified Messenger
281 North Main Street
St. Albans, VT 05478
classifieds@samessenger.com
gary@samessenger.com

ADJOINING LANDOWNERS

On File at District Commission Office

Dated at Essex Junction, Vermont, this 26th
day of January, 2016.



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