



## LAND USE PERMIT

**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)<sup>1</sup>.

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.
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.
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 #028).
  - b. Authorization of Notice of Intent #7518-INDS under Stormwater Discharge General Permit issued on April 13, 2016 by the ANR Watershed Management Division.

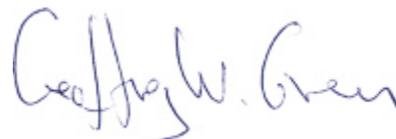
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<sup>1</sup> Jurisdiction attaches to the Federal Street Multimodal Connector Project. This Project is the first phase of the larger undertaking and therefore is a development.

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. 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.
14. 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.

15. At the completion of the project, the Permittee shall certify by affidavit from a nursery person or landscape architect that the landscaping improvements have been carried out as described in this permit.
16. Prior to any site work, the Permittee shall install and maintain temporary fencing around any trees within the construction limits of the Project to be retained.
17. 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.
18. 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).
19. 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.
20. 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 25<sup>th</sup> day of April, 2016.



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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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<b>E</b>	<b>DATE</b>	<b>E</b>	<b>A = Applicant</b>
<b>X</b>	<b>R</b>	<b>N</b>	<b>T = Town</b>
<b>H</b>	<b>E</b>	<b>T</b>	<b>O = Opponent</b>
<b>I</b>	<b>C</b>	<b>E</b>	<b>RPC = Regional Planning Commission</b>
<b>B</b>	<b>E</b>	<b>R</b>	<b>ANR = Agency of Natural Resources</b>
<b>I</b>	<b>I</b>	<b>E</b>	<b>VTRANS = Vt. Agency of Transportation</b>
<b>T</b>	<b>V</b>	<b>D</b>	<b>DPS = Department of Public Services</b>
	<b>E</b>		<b>M = Municipality</b>
	<b>D</b>		<b>DHP = Division for Historic Preservation</b>
			<b>WMD = Wastewater Management Division</b>
<b>N</b>		<b>B</b>	<b>L = Landowner</b>
<b>O.</b>		<b>Y</b>	
			<b>Nature of Exhibit and Date Entered</b>
001	12/23/15	A	Cover Letter by Michael Servestas (12/22/15)
002	"	"	Act 250 Application Form – Schedules, A,E,F,G,B
003	"	"	Project Location Map
004	"	"	Purpose and Need Narrative
005	"	"	Letter by Kenneth Sikora, FHA, Vt. Division re Environmental Assessment (4/16/13)
006	"	"	Overview – Proposed Interim Improvements Federal Street Coordinator (5/28/15)
007	"	"	Plan: Typical Section Sht. 5 (12/3/15)
008	"	"	Plan: Typical Section Sht. 6 (12/3/15)
009	"	"	Plan: Typical Section Sht. 7 (12/3/15)
010	"	"	Plan: Site Plan Sht. 16 (12/3/15)
011	"	"	Plan: Site Plan Sht. 17 (12/3/15)
012	"	"	Plan: Site Plan Sht. 18 (12/3/15)
013	"	"	Plan: Site Plan Sht. 19 (12/3/15)
014	"	"	Plan: Site Plan Sht. 20 (12/3/15)
015	"	"	Traffic Analysis (7/7/15)
016	"	"	Interim Intersection Traffic Analysis (6/1/15)

017	“	“	Plan: Signage Sht. 28 (12/3/15)
018	“	“	Plan: Signage Sht. 29 (12/3/15)
019	“	“	Plan: Signage Sht. 30 (12/3/15)
020	“	“	Plan: Lighting and Landscaping Sht. LA-5.0 (12/1/15)
021	“	“	Plan: Lighting and Landscaping Sht. LA-5.1 (12/1/15)
022	“	“	Plan: Lighting and Landscaping Sht. LA-5.2 (12/1/15)
023	“	“	Plan: Lighting and Landscaping Sht. LA-5.3 (12/1/15)
024	“	“	Section 106 Determination of Effect (11/20/12)
025	“	“	Excerpts from St. Albans City
026	“	“	Excerpts from Northwest Regional Plan
027	1/15/16	“	Letter by Taylor Newton, NWRPC re Comments on Project (1/15/16)
028	1/22/16	“	Application for NOI 7518-9020 for Stormwater Discharge Dated January 22, 2016
029	“	“	Notice of Authorization 7518-9020 – Date of Authorization January 22, 2016
030	4/14/16	“	ANR DEC Stormwater Discharge Permit 7518-INDS Issued April 13, 2016

## CERTIFICATE OF SERVICE

I hereby certify on this 25<sup>th</sup> day of April, 2016, a copy of the foregoing ACT 250 LAND USE PERMIT #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](mailto: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@stalbansvt.com](mailto:d.cloud@stalbansvt.com)

Dated at Essex Junction, Vermont, this 25<sup>th</sup>  
day of April, 2016.

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### **FOR YOUR INFORMATION**

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Dave Kimel, Vice Chair  
Mark Naud/Joseph Flynn  
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