

Appeal Period Expires 9/18/24
Zoning District C1

Town of Essex, Vermont
Application for Zoning Permit
(Building Permit)

Application Date 1/1
Permit Number 2024-173

- Contact State Permit Specialist Jeff McMahon (477-2241) to check for state permitting and/or setbacks.
- Post permit card visible to the road immediately as Permit is appealable within 15 days of issuance.
- Call the Zoning Administrator at 878-1343 to schedule a Certificate of Occupancy inspection if indicated below as required.
- Call the Assessor at 878-1345 to schedule a re-assessment upon completion of work.
- Provide a diagram showing proposal and any easements, well or septic locations, etc.

SIGN HERE:

Parcel Account Numb. (Map-Parcel-Lot) 2- 0 1 0 - 0 5 7 - 2 0 8

Property Address: 133 Indian Brook Road

Owner: Matt Wheeler & Regina Limoge

Owner Address: 359 Browns Trace Road, Jericho, VT 05465

A Owner Phone: (work) 802-324-5726 (Cell) 802-324-0261
(Email) wheelhouse1967@outlook.com

Tenants name: Contractor TBD Phone: _____
(or contractor) Cell: _____

Estimated Construction Dates: Start: 9/20/24 Completion: 10/3/25

Sq. Feet: 1939 Estimated Cost (labor & materials): \$ 300,000

B Sewage Disposal (Please attach Sewer and/or State Septic Approval).

Public Septic Connection Fee \$ _____ Date Paid: / /

Proposed New Bedrooms: 1 Existing Bedrooms 0

C Water (Please attach Water Service Application if applicable).

Public Well Fee \$ _____ Date Paid: / /

D Driveway (Please attach copy of approved Curbcut / Utility Application).

Date of approval: 8/17/21 Existing

E Stormwater

Project disturbs an area greater than or equal to 1 acre – Erosion Control Permit Required. Attach completed permit application.

Project creates new or expands existing impervious surface greater than or equal to 1/2 acre – Erosion Control Permit and Stormwater Management Permit required. Attach completed permit application.

F Diagram – Show a sketch of project on reverse of this application with property lines, building, and setbacks or attach separate sheet.

See Attached To be constructed pursuant to Planning Commission Approval # 2015-22, issued on December 10, 2015.
Permit Application for Barn W/Apartment and Sitework Only. Future House Will Be Applied for at a Later Date

Signature of Tenant and
Signature of Owner

[Signature] 9/3/24

G

Check box(es) which describe proposed use or construction (circle choice in parenthesis).

N = New A = Addition R = Remodel

Residential: (SF W/ BARN)
Single Family BARN N A R
Two-family (duplex)(other)
Multi-family
Condominium / Townhouse
Mobile home

Inclusions or Additions:

Garage (attached) (detached)
Porch (enclosed) (open)
Deck
Pool (in) (above) ground
Shed
Barn (residential) (agriculture)

Non-residential:

Commercial / Industrial

Stormwater: (state stormwater permit attached)
Stormwater
Erosion Control

Other:

Change in use
Miscellaneous
Renewal

Office Use Only

Fees:	Type	Amount	Date Pd
Permit		\$ <u>810</u>	<u>9/3/24</u>
Recreation		\$ <u>128</u>	<u>9/3/24</u>
Recording		\$ <u>30</u>	<u>9/3/24</u>
Certificate of Occ		\$ <u>100</u>	<u>9/3/24</u>
Other		\$ _____	<u> </u> / <u> </u> / <u> </u>

Approved Building Permit 9,3,24
Rejected Date _____

Issued to: Matt Wheeler + Regina Limoge

Zoning Administrator: [Signature]

Notes: [Signature]

C.O. Required (Certificate of Occupancy) Yes No

**THIS PERMIT VALID FOR TWELVE (12) MONTHS FROM DATE OF ISSUE
RENEW FOR 1 YEAR (FREE) IF NOT EXPIRED**

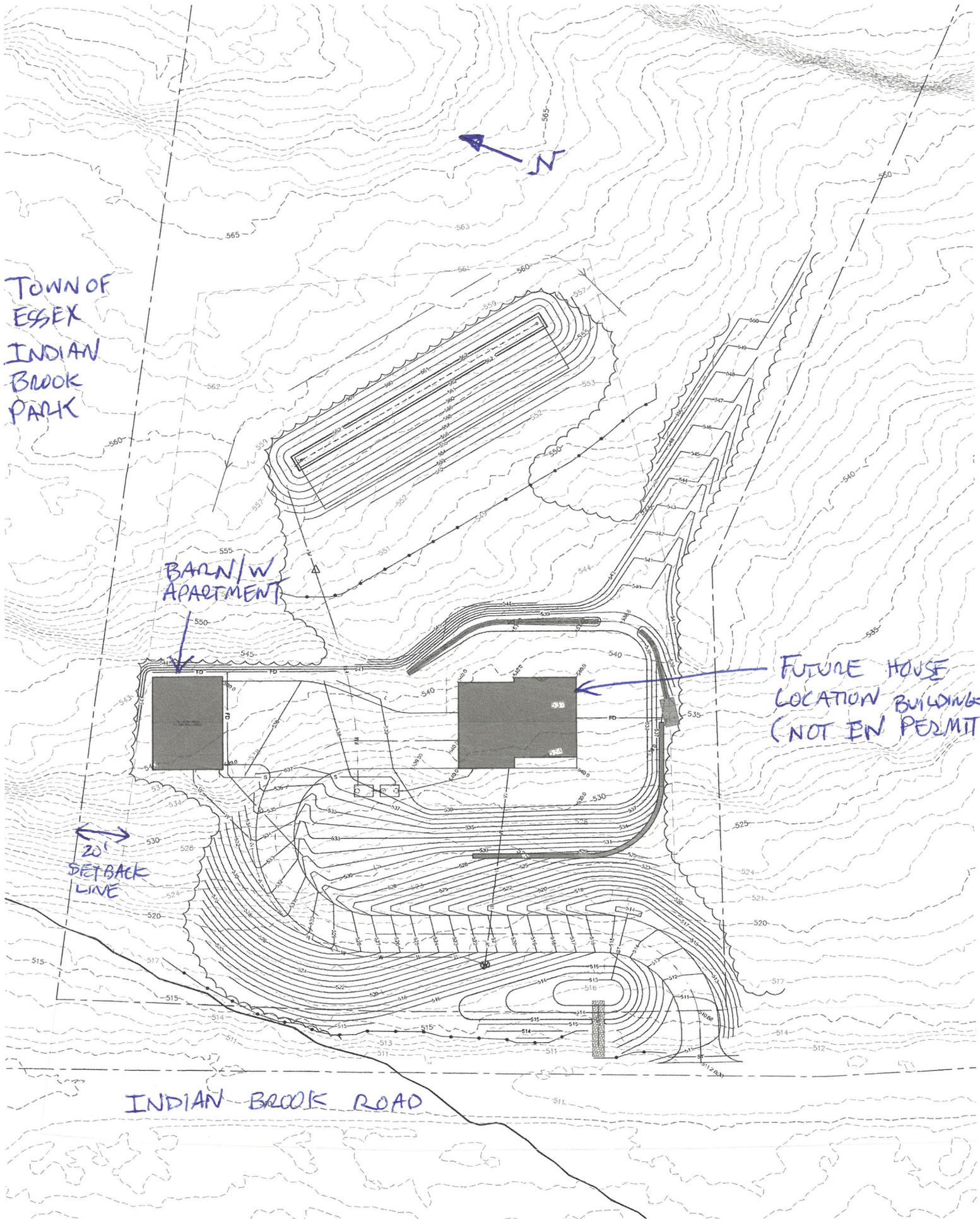
TOWN OF
ESSEX
INDIAN
BROOK
PARK

BARN/W
APARTMENT

FUTURE HOUSE
LOCATION BUILDING
(NOT IN PERMIT)

20'
SETBACK
LINE

INDIAN BROOK ROAD



**TOWN OF ESSEX, VERMONT
APPLICATION FOR CURB CUT / UTILITY PERMIT**

Pursuant to Title 19 V.S.A. Section 43. Application for curb cut and Utility Installation in Town Right-of-Way

All applications for curb cuts and utility installations shall be submitted to the Director of Public Works / Town Engineer for review. Applicants shall submit the information requested on this form and any additional information requested by the Director of Public Works / Town Engineer for a clear understanding of this application. The permit is issued under authority of the Town Manager in accordance with Section 601 of the Town Charter and 24 V.S.A. paragraph 1236 (2).

Application No. 1 / 8-12-21
Date

Property Address: 133 INDIAN BROOK ROAD

Owner Address: 359 BROWNS TRACE ROAD, JEDUCHA, VT 05465

Owner Name: MATTHEW WHEELER + REGINA LIMOGNE

Phone Number: (home) 802-324-5726 (work) _____ (cell) 802-324-5726

Tax Map # 010 Tax Parcel 057 Tax Lot 208

Application is for: (check one)

A) New Curb Cut B) Utility Installation: Overhead Underground

Please use attached diagram to describe location and type of installation.

Comments by Director of Public Works / Town Engineer:

Culvert: Yes No

Water Bar(s): Yes No

Culvert Diameter: (18 inch minimum) 18"

Total length of Culvert: (30 foot minimum) _____

*** FOR OFFICE USE ONLY ***

Signature of Owner:

[Signature]

Fee Paid \$ N/A

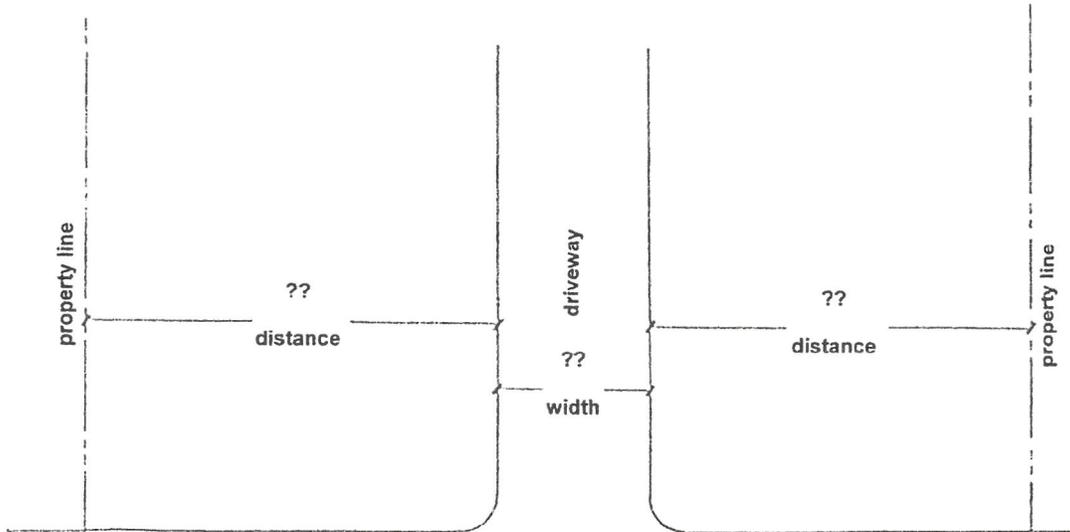
Approved Rejected

[Signature] Aug 17, 2021

Per Authority of the Town Manager by the
Director of Public Works / Town Engineer

SEE
CONNECTIONS

1. Culvert must be HIGH DENSITY POLYETHYLENE (HDPE) PIPE
2. Culvert will be purchased by the Applicant
Culvert will be purchased and installed by the applicant. The Town of Essex Department of Public Works will inspect.
3. Note: A MINIMUM OF 24 HOURS NOTICE IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION. WITHIN 24 HOURS OF COMPLETION, THE APPLICANT IS REQUIRED TO NOTIFY THE DIRECTOR OF PUBLIC WORKS / TOWN ENGINEER FOR INSPECTION PURPOSES.



INDIAN BROOK ROAD

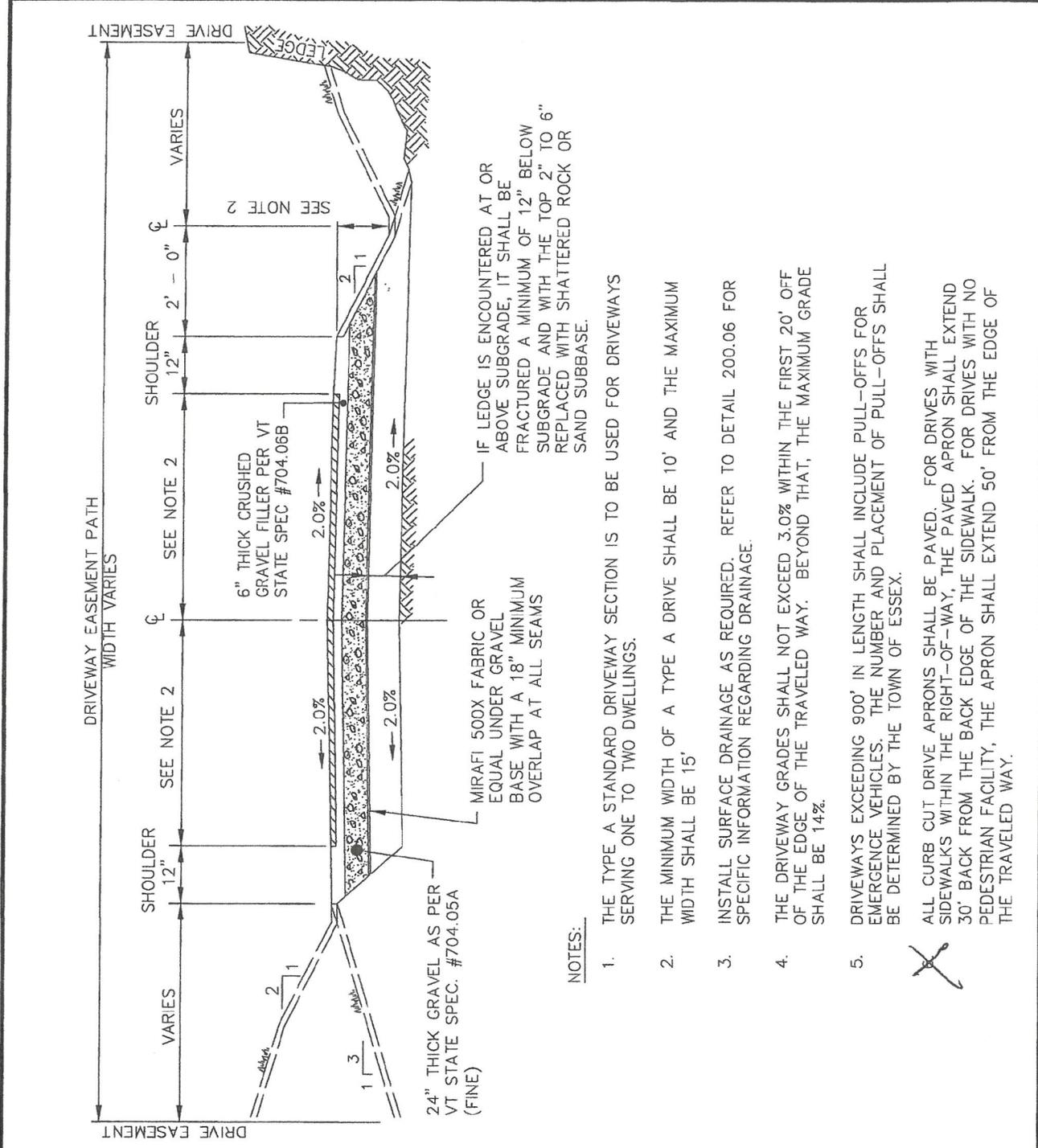
STREET NAME

Comments and / or special instructions from Director of Public Works / Town Engineer :

CONDITIONS

- SEE ENCLOSED PLAN FOR CURB CUT LOCATION, CULVERT LOCATION + DRIVEWAY DETAILS
- CLEAR TREES FROM TRAVELWAY TO THE ROW LINE.
- ROAD SIDE DITCHING REQUIRED ALONG ENTIRE FRONTAGE.
- DRIVE APRON TO ROW CROSS SECTION AS PER DETAIL 100.10, ATTACHED, NOTE #6 DOES NOT APPLY.
- LAYOUT AND GRADES OF APRON AS PER DETAIL 100.09, ATTACHED.

NOTE: A MINIMUM OF 24 HOURS IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION. WITHIN 24 HOURS OF COMPLETION, THE APPLICANT IS REQUIRED TO NOTIFY THE DIRECTOR OF PUBLIC WORKS / TOWN ENGINEER FOR INSPECTION PURPOSES.

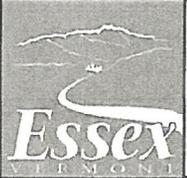


NOTES:

1. THE TYPE A STANDARD DRIVEWAY SECTION IS TO BE USED FOR DRIVEWAYS SERVING ONE TO TWO DWELLINGS.
2. THE MINIMUM WIDTH OF A TYPE A DRIVE SHALL BE 10' AND THE MAXIMUM WIDTH SHALL BE 15'
3. INSTALL SURFACE DRAINAGE AS REQUIRED. REFER TO DETAIL 200.06 FOR SPECIFIC INFORMATION REGARDING DRAINAGE.
4. THE DRIVEWAY GRADES SHALL NOT EXCEED 3.0% WITHIN THE FIRST 20' OFF OF THE EDGE OF THE TRAVELED WAY. BEYOND THAT, THE MAXIMUM GRADE SHALL BE 14%.
5. DRIVEWAYS EXCEEDING 900' IN LENGTH SHALL INCLUDE PULL-OFFS FOR EMERGENCY VEHICLES. THE NUMBER AND PLACEMENT OF PULL-OFFS SHALL BE DETERMINED BY THE TOWN OF ESSEX.



ALL CURB CUT DRIVE APRONS SHALL BE PAVED. FOR DRIVES WITH SIDEWALKS WITHIN THE RIGHT-OF-WAY, THE PAVED APRON SHALL EXTEND 30' BACK FROM THE BACK EDGE OF THE SIDEWALK. FOR DRIVES WITH NO PEDESTRIAN FACILITY, THE APRON SHALL EXTEND 50' FROM THE EDGE OF THE TRAVELED WAY.



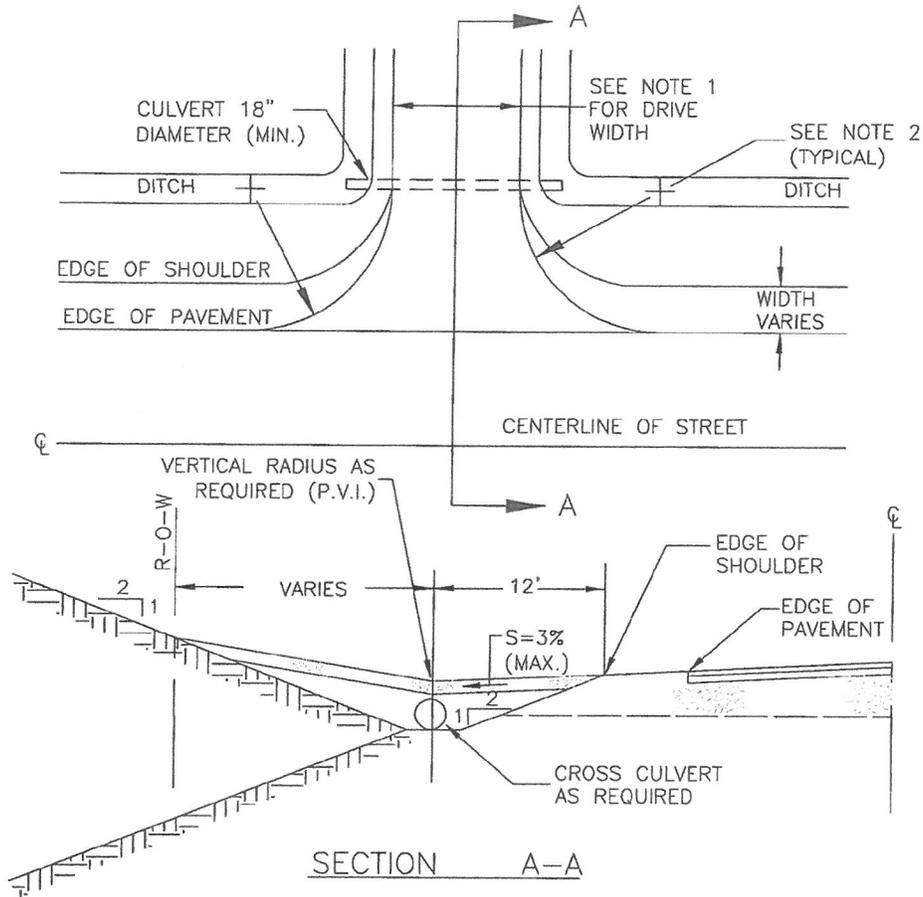
TOWN OF ESSEX
PUBLIC WORKS
81 MAIN STREET
ESSEX JCT., VT
05452
P: 802 878-1344
F: 802 878-1355
E: www.essex.org

TOWN OF ESSEX, VERMONT
STANDARD SPECIFICATIONS FOR CONSTRUCTION

DRIVEWAY (TYPE A)

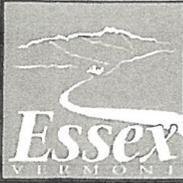
Detail No:	100.10
Scale:	NOT TO SCALE
Date:	JAN. 2017

A-10



NOTES :

- 1) DRIVE WIDTHS SHALL BE AS FOLLOWS
 SINGLE DRIVE: 10 FEET (MIN.)
 DOUBLE DRIVE: 15 FEET (MAX.)
 COMMERCIAL DRIVE: 40 FEET (MAX.)
- 2) EDGE OF PAVEMENT RADII
 MAJOR / COLLECTOR ROAD: 30 FEET
 MINOR ROAD / DEAD END: 25 FEET
 COMMERCIAL / INDUSTRIAL: 30 FEET (MIN.)
- 3) MAXIMUM DRIVE GRADE SHALL BE 3%
 FROM PVI TO EDGE OF SHOULDER



TOWN OF ESSEX
 PUBLIC WORKS
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TOWN OF ESSEX, VERMONT
 STANDARD SPECIFICATIONS FOR CONSTRUCTION

RURAL DRIVEWAY

Detail No: 100.09
 Scale: NOT TO SCALE
 Date: JAN. 2017

A-9



State of Vermont
Department of Environmental Conservation

Agency of Natural Resources
Drinking Water and Groundwater Protection Division

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

LAWS/REGULATIONS INVOLVED

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective April 12, 2019

Permittee's: **Matt Wheeler**
359 Browns Trace Road
Jericho, VT 05465

Permit Number: WW-4-4538-2

Regina Limoge
359 Browns Trace Road
Jericho, VT 05465

This permit affects the following property/properties in the Town of Essex, Vermont:

Lot	Parcel	SPAN	Acres	Book/Page #'s
8	2010057208	207-067-42284	10.20	Book:1060 Page:565

This application, consisting of a three bedroom, single family residence with a one bedroom, accessory apartment on an existing, 10.20 acre parcel utilizing a shared, on-site drilled well water supply and shared, on-site wastewater disposal system, located at 133 Indian Brook Road in the Town of Essex, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions. Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

1. GENERAL

- 1.1 The permittee is responsible to record this permit in the Town of Essex Land Records within 30 days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.2 The permittee is responsible to record the design and installation certifications and other documents that are required to be filed under these Rules or under a permit condition in the Town of Essex Land Records.
- 1.3 Each assign or successor in interest shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s) prior to the conveyance of a lot.
- 1.4 By acceptance of this permit, the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.5 This permit does not relieve the landowner from obtaining all other approvals and permits from other State Agencies or Departments, or local officials prior to construction.
- 1.6 All conditions set forth in Permit Number's WW-4-4538 and WW-4-4538-1 shall remain in effect except as amended or modified herein.
- 1.7 A Homeowners' or Landowners' Association or equivalent legal entity shall be established (if applicable), and registered with the Secretary of State, **or other legal mechanism shall be implemented**, that shall provide for all the necessary rights and easements for the full operation, maintenance, and repair of the water supply system and shared wastewater disposal system.



4. DESIGN FLOW

4.1 Lot use and design flows (gpd) shall correspond to the following:

Lot	Building Use / Design Flow Basis	Wastewater	Water
8	Thrcce bedroom, single family residence with a one bedroom, accessory apartment	560	560

WASTEWATER SYSTEM

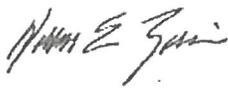
- 5.1 Prior to construction or site work, a designer shall flag the proposed leachfield, and the owner shall maintain the flags until commencement of construction of the system.
- 5.2 Should the wastewater system fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.
- 5.3 This permit does not relieve the permittee of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

6. POTABLE WATER SUPPLY

- 6.1 Prior to construction or site work, a designer shall flag the center of the proposed potable water source and the owner shall maintain the flag until commencement of construction of the source.
- 6.2 Should the potable water supply fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.

Peter Walke, Commissioner
Department of Environmental Conservation

Dated April 14, 2021

By 

William E. Zabiloski
Environmental Analyst VI
Essex Junction Regional Office
Drinking Water and Groundwater Protection Division

Essex, Vermont Town Clerk's Office
APR 16, 2021 12:33 PM
Received for record and recorded in
book: 1066 on page: 347 - 349
Of Essex Land Records
Attest: Susan McNamara-Hill
Town Clerk

cc: Lamoureux & Dickinson Consulting Engineers, Inc.

2. CONSTRUCTION

2.1 Construction shall be completed as shown on the plans and/or documents prepared by Lamoureux & Dickinson Consulting Engineers, Inc. (Douglas Goulette P.E.), with the stamped plans listed as follows:

Title	Sheet number	Plan Date	Revision
Lot 8 Site & Grading Plan	1	03/15/2021	04-13-21
Lot 8 Wastewater Disposal & Potable Water Supply Details & Specifications	2	03/15/2021	

2.2 Construction of wastewater systems or potable water supplies, or buildings or structures (as defined by the Wastewater System and Potable Water Supply Rules), or campgrounds, not depicted on the stamped plans, or identified in this permit, is not allowed without prior approval by the Drinking Water and Groundwater Protection Division.

2.3 No buildings, roads, water pipes, sewer services, earthwork, re-grading, excavation, or other construction that might interfere with the operation of a wastewater system or a potable water supply are allowed on or near the site-specific wastewater system, wastewater replacement area, or potable water supply depicted on the stamped plans. Adherence to all isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules is required.

3. INSPECTIONS

3.1 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) on a Secretary-approved form that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully met those performance tests"

or which satisfies the requirements of §1-311 of the referenced rules.

3.2 Prior to the use of the potable water supply, the permittee shall test the water for Arsenic, Escherichia coli (E. coli), Fluoride, Lead, Manganese, Nitrate as N, Nitrite as N, Total Coliform Bacteria, Uranium, Adjusted Gross Alpha Particle Activity, Chloride, Sodium, Iron, Odor and pH. All water quality tests shall be conducted at a laboratory certified by the Vermont Department of Health (a list of which can be found on the VDH website). Results of the water tests shall be submitted to the Drinking Water and Groundwater Protection Division and the Vermont Department of Health prior to use.

3.3 Prior to constructing the potable water supply, other than drilling of the water source, the permittee shall submit to the Drinking Water and Groundwater Protection Division a report by a Class 1 or Class BW Designer that includes the estimated yield of the source, specifications for the pump, and the design flow, design rate, and peak instantaneous demand of the potable water supply. If the estimated yield of the source cannot provide water in a quantity that satisfies the design flow, design rate, and instantaneous peak demand, the permittee shall submit an application to the Drinking Water and Groundwater Protection Division that includes a design prepared by a Class 1 or Class BW Designer for the water distribution system, including sizing calculations, specifications for pumps, hydropneumatic tanks, and storage facilities.



LAND USE PERMIT AMENDMENT

State of Vermont
Natural Resources Board
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452
<https://nrb.vermont.gov/>

[phone] 802-879-5614

CASE NO: 4C1289R-3

Matt Wheeler and Regina Limoge
359 Browns Trace Road
Jericho, VT 05465

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 4 Environmental Commission hereby issues Land Use Permit Amendment #4C1289R-3, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 1060, Page 565, of the land records of the Town of Essex, Vermont, as the subject of a deed to Matt Wheeler and Regina Limoge.

This permit specifically authorizes the construction of a 1-bedroom accessory residence over a detached barn, enlargement of the wastewater mound system, and revised locations of the single family residence and driveway on Lot 8. The project is located at 133 Indian Brook Road in Essex, 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 4 Environmental Commission (the "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 District Commission's April 14, 2017 Findings of Fact and Conclusions of Law #4C1289R (excepting the Commission's findings and conclusions under Criterion 9(B)), and the Vermont Superior Court Environmental Division's September 11, 2017 Stipulation and Order (including its findings and conclusions under Criterion 9(B)), In re: Indian Brook Properties, LLP, Docket No. 50-4-17 Vtec., and (c) the permit application, plans, and exhibits on file with the District Commission and the Court, and other material representations.



The approved plans are:

Sheet 1A – “Lot 8 Site Plan,” dated 3/15/21 (Exhibit #006);

Sheet 1 – “Lot 8 Site & Grading Plan,” dated 3/15/21, last revision 6/11/21 (Exhibit #007);
and

Sheet 8 – “Typical Details & Specifications - Erosion Prevention & Sediment Control,”
dated 7/1/15 (Exhibit #008).

3. All conditions of Land Use Permit #4C1289R 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. Wastewater System and Potable Water Supply Permit #WW-4-4538-2 issued on April 14, 2021 by the ANR Drinking Water and Groundwater Protection Division; and
 - b. Authorization of Notice of Intent (NOI #7475-9020.1) under Construction General Permit 3-9020 issued on May 10, 2021 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 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 Commission or the Natural Resources Board 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 Permittees and their successors and assigns.
11. Construction hours shall be limited to Monday through Friday from 7:00AM to 6:00PM, Saturdays from 8:00AM to 4:00PM, and no construction on Sundays or State/Federal holidays.

12. The Permittees shall apply and maintain water and/or other agents approved by the Watershed Management Division on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
13. No floor drains shall be installed without first obtaining a permit or submitting other necessary documentation, as required by the Vermont Department of Environmental Conservation.
14. The Permittees and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
15. At a minimum, the Permittees shall comply with the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
16. The Permittees shall comply with Exhibit #010 (Blasting and Rock Excavation) and implement the Vermont Department of Environmental Conservation's *Best Management Practices for Blasting Activities to Avoid Environmental Contamination (2016)*^a.
17. The Permittees shall comply with Exhibits #001, 006 and 008 (Schedule B; Site Plan; and Typical Details and Specifications Erosion Prevention and Sediment Control) for erosion prevention and sediment control. The Permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.
18. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
19. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no

^a Best Management Practices for Blasting Activities to Avoid Environmental Contamination (2016), <http://anr.vermont.gov/sites/anr/files/co/planning/documents/guidance/Best%20Management%20Practices%20for%20Blasting%20to%20Avoid%20Environmental%20Contamination%20%28Dec%202016%29.pdf>

precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).

20. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
21. 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.
22. The Permittees shall maintain an undisturbed, naturally vegetated, unmowed 50-foot buffer from the edge of wetlands and any disturbed areas. The term "undisturbed" means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to construction, earth-moving activities, storage of materials, tree trimming or canopy removal, tree, shrub or groundcover removal; plowing or disposal of snow, grazing or mowing.
23. Any extracted stumps shall be disposed of on-site above the seasonal high water table and not in any wetland, or at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.
24. Prior to any site work, the Permittees shall install and maintain temporary fencing along the tree line to be retained as depicted on Exhibit #006 (Site Plan).
25. 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.
26. The Permittees shall not erect exterior signage without prior written approval from the District Coordinator or the District 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.
27. Pursuant to 30 V.S.A. Section 51(e), the Permittees and/or subsequent lot owner, at a minimum, shall construct the single family home and detached barn with accessory dwelling in accordance with Vermont's Residential Building Energy Standards (RBES) Stretch Code effective at the time of construction.

28. Manufactured housing (mobile homes) shall, at a minimum, meet the requirements of Title VI of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5421-5426).
29. The installation and/or use of electric resistance space heat is specifically prohibited without prior written approval from the District Environmental Commission.
30. The Permittees shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
31. 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).
32. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2024**, 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 a public hearing.
33. 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. 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, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
34. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this 16th day of June, 2021.

By /s/Thomas A. Little
Thomas A. Little, Chair
District 4 Commission

Members participating in this decision:

Parker Riehle
Pam Loranger

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. The appellant must file with the Notice of Appeal the relevant 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, 10 Baldwin Street, Montpelier, VT 05633-3201, 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, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

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.

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STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

STORMWATER DISCHARGE PERMIT

STORMWATER RUNOFF TO WATERS OF THE STATE

In compliance with provisions of 10 V.S.A. §1264, the Stormwater Management Rule for Stormwater-Impaired Waters and in accordance with "Terms and Conditions" hereinafter specified,

Indian Brook Properties LLP
P.O. Box 123
Essex Junction, VT 05452
and

Indian Brook Homeowners Association, Inc.
P.O. Box 123
Essex Junction, VT 05452

Impervious Area: 1.45 acres

the permittee, is hereby granted permission to discharge stormwater runoff from Indian Brook Properties, located at 61 Indian Brook Road in Essex, Vermont to Indian Brook. This individual permit is required due to the impairment of the receiving water.

1. Expiration Date: Five years from issuance date of final permit. Note: This permit, unless revoked, modified or suspended, shall be valid until the designated expiration date not withstanding any intervening change in water quality, effluent, or treatment standards, or classification of the receiving waters including groundwater. However, any such changed standard or classification, and any applicable requirement in a total maximum daily load (TMDL), shall be applied in determining whether or not to renew this permit, and in determining the conditions of a renewed permit.

The permittee shall reapply for a renewed discharge permit ninety days prior to the expiration date of this permit.

2. Revocation: 10 V.S.A. §1267 provides as follows:

The Secretary may, after notice and opportunity for a public hearing, revoke, modify or suspend this permit if it is found that the permittee submitted false or inaccurate information in its application or has violated any requirement, restrictions, or condition of this permit, or if there is any change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. The Secretary shall impose conditions as the Secretary deems necessary for regulating the discharges of a permittee whose permit has been revoked, modified or suspended. Revocation shall be effective upon actual notice thereof to the permittee.

3. Operating Fees: This discharge is subject to operating fees under 3 V.S.A. §2822. The permittee shall submit the operating fees to the Agency in accordance with procedures provided by the Secretary.

4. Recording in Land Records: The permittee shall record a one-page notice of issuance of this discharge permit in the local land records within fourteen (14) days of issuance of this permit on the form provided by the Secretary, per §22-312 of the Stormwater Management Rule for Stormwater-Impaired Waters. A copy of this form is available on the Stormwater Management Program website. The permittee shall provide a copy of the recording to the Stormwater Management Program within fourteen (14) days of the permittee's receipt of the copy of the recording from the local land records.
5. Transfer of Permit: This permit is not transferable without prior written approval of the Secretary. Provided all applicable fees under 3 V.S.A. §2822 have been paid, a permittee may submit a notice of transfer to the Stormwater Management Program. The notice shall be submitted at least five (5) days prior to the proposed date of transfer. The notice shall state that the prospective permittee has adequate funding to comply with this permit. The permittee shall provide a copy of this permit to the new owner or tenant and inform him of the responsibility to make application for a permit which shall be issued in his name. Any failure to do so shall be considered a violation of this permit.
6. Right of Entry: The permittee shall allow the Secretary, or his or her authorized representatives, at reasonable times, upon presentation of credentials, to enter upon and inspect the permitted premises, and the stormwater collection, treatment and control system; and to sample any discharge to determine compliance with this permit; and to have access to and inspect and copy any records required to be kept pursuant to this permit.
7. Receiving Waters: Unnamed tributary to Indian Brook.
8. Manner of Discharge:
 - S/N 001: Stormwater runoff from driveways and rooftops on Lots #1-6 via sheet flow, grass channels and enclosed pipes routed to Dry Detention Basins discharging to an unnamed tributary to Indian Brook. The Environmental Sensitive Rural Development Credit has been applied to Lot 1-6.
 - S/N 002: Stormwater runoff from driveways and rooftops on Lots #7 & 8 via sheet flow, grass channels and enclosed pipes routed to Dry Detention Basins discharging to an unnamed tributary to Indian Brook. The Environmental Sensitive Rural Development Credit has been applied to Lot 7 & 8.
9. Wastes Permitted: Stormwater runoff from the above named areas of the project permitted herein after treatment as specified in the manner of discharge.
10. Volumes Permitted and Frequency of Discharge: Such volumes and frequency as required by the discharge specified in #8 above.
11. Approved Project Design: This project shall be constructed and operated in accordance with the following site plans, details and supporting information prepared by Lamoureux & Dickinson Consulting Engineers, (Sheet 01, "Overall Site Plan," dated 07/01/2015, last revised 10/16/2015; Sheet 05, "Driveway Profile & Typical Details & Specifications," dated 07/01/2015, last revised 12/09/2015; Sheet 08, "Typical Details & Specifications, Erosion Prevention & Sediment Control," dated 07/01/2015; Sheet ST-1, "Stormwater

Overall Site," dated 10/16/2015, last revised 2/7/2017; Sheet ST-2, "Stormwater Detailed Points of Interest LOTS 1-5," dated 10/16/2015, last revised 1/24/2017; Sheet ST-3, "Stormwater Detailed Points of Interest LOTS 6-8," dated 10/16/2015, last revised 1/24/2017) and all supporting information.

By reference herein, the above material is made a part of this permit.

12. Inspection and Maintenance Reporting Requirements:

- a. The stormwater collection, treatment and control system, and shall be maintained in good operating condition at all times and **shall be inspected annually and cleaned as necessary to maintain design specifications. The inspections shall be conducted between the conclusion of spring snow melt and June 15th of each year.**
- b. Any sediment removed from the stormwater collection, treatment and control system shall be disposed of properly in accordance with state and federal statutes and regulations.
- c. **By July 15 of each year the permittee shall submit an annual inspection report to the Secretary; or by July 30 of each year if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance. Annual Inspection Reports shall be submitted to:**

DEC- Watershed Management Division
Stormwater Program
1 National Life Drive, Main 2
Montpelier, Vermont 05620-3522

Or by email to anr.wsmdstormwatergeneral@state.vt.us

This report shall include, at a minimum items c.i. through c.vii. below. The permittee(s) may utilize the Annual Inspection Report form available from the Stormwater Program if determined by inspector to be sufficient to fully document inspection and maintenance of the authorized system.

- i. Unless previously submitted by the permittee(s) under a previously issued authorization or discharge permit, the first report shall include an inspection and designer's certification that the project was built in compliance with the Approved Project Design per #11 above;
- ii. A description of any vegetated areas that require mowing or other maintenance;
- iii. A description of any catch basins that require maintenance or sediment removed from sumps;
- iv. A description of any illicit discharges to the system (illicit discharges would include dumping of oil, gas, detergent, vehicle wash water, etc.) and corrective action/preventative measures taken if applicable;
- v. A description of any re-routing of stormwater to avoid the system;

- vi. A description of any erosion noted during inspection (i.e. areas of exposed soil in channels, outlets, or on pond berms);
 - vii. A description of any cleaning, maintenance operations, or repairs needed to maintain design specifications, including a schedule for correction of any identified deficiencies;
- d. Should any erosion problems occur; the permittee is required to immediately correct any such problems.
 - e. Any basins, grass channels, or related stormwater devices used during construction for erosion control shall be inspected and cleaned to design specifications immediately after construction has been completed.
13. Description of Required Offset and Offset Projects: In order to meet the statutory standard for new discharges set forth in 10 V.S.A. §1264 and the Stormwater Management Rule for Stormwater-Impaired Waters, the permittee is required to offset **50** pounds of sediment per year associated with permittee's proposed stormwater discharge. The Secretary hereby assigns the permittee an offset charge of **50** pounds of sediment per year from Offset Project Permit No. 5715-INDO.R issued to the Town of Essex for the Colbert Street Stormwater Treatment System – Phase I, which discharges to Indian Brook.
14. Margin of Safety: The Secretary has determined that an appropriate margin of safety was applied in evaluating and approving the above named offset project.
15. Secretary's Determination: The Secretary has determined that this project meets the requirements of the Agency's 2002 Stormwater Management Manual and does not increase the sediment or hydrologic load of the receiving stormwater-impaired waters. The Secretary has determined that the proposed discharge will not reduce the quality of the receiving waters below the classification established for them.
16. Implementation of Offset: The offset project(s) specified in the Description of Required Offset paragraph of this permit shall be complete prior to the initiation of the permitted discharges.
17. Personnel and Training Requirements: Such personnel and training as necessary to fulfill the requirements of Inspection and Maintenance Reporting above.
18. Monitoring and Reporting Requirement: No monitoring required; reporting requirement as specified in Inspection and Maintenance Reporting above.
19. Other Requirements:
- a. Treated stormwater runoff is the only waste authorized for disposal under the terms and conditions of this permit. The discharge of any hazardous materials or hazardous waste into the stormwater management system is prohibited.
 - b. The issuance of this permit does not relieve the permittee from the responsibility to obtain any other local, state or federal permits required by law.
20. Compliance with Anti-degradation and Water Quality Standards: The Secretary has determined that the permitted discharges satisfy Vermont's Anti-degradation Policy provided in Section 1-

03 of the Vermont Water Quality Standards and the Department of Environmental Conservation's Interim Anti-degradation Implementation Procedure because the applicant has demonstrated how the proposed development will implement practices and offset projects as necessary to ensure water quality is maintained in receiving waters. In particular, the applicant has demonstrated how the proposed development will implement appropriate best management practices (BMPs) designed in accordance with the requirements of the Vermont Stormwater Management Manual, Volume I and as necessary offset projects in accordance with Chapter 22: Stormwater Management Rule for Stormwater-Impaired Waters. These BMPs and offset projects where necessary will manage and mitigate the proposed stormwater discharge from the project such that no lowering of water quality is expected to occur in the receiving waters.

21. All Other Projects – Right to Appeal to Environmental Court:

Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2nd Floor Suite 303 Burlington, Vermont 05401.

Dated this 22nd day of March, 2017

Emily Boedecker, Commissioner
Department of Environmental Conservation

By Padraic Monks
Padraic Monks, Program Manager
Watershed Management Division

**NOTICE OF ISSUANCE OF STORMWATER DISCHARGE PERMIT
BY THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

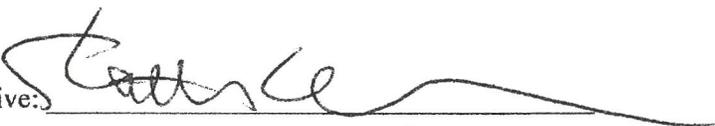
Notice is hereby given that an individual stormwater discharge permit or an authorization to discharge pursuant to a general stormwater discharge permit has been issued by the Vermont Department of Environmental Conservation to Permittee(s) named herein for the discharge of stormwater runoff from impervious surfaces (e.g. roadways, rooftops, parking lots, walkways) pursuant to 10 V.S.A. Section 1264 for the property identified below. The permit/authorization requires treatment and control of stormwater runoff, long-term maintenance of the treatment and control structures and payment of yearly operational fees.

Permittee(s): **Indian Brook Properties, LLP & Indian Brook Homeowner's Association Inc.**

Permit/Authorization Number: **7475-INDS**

911 Address of Property: **61 Indian Brook Rd, Essex**

Name of condominium, subdivision or planned community association (if applicable):
Indian Brook Properties

Signature of Permittee or Authorized Representative: 

Printed Name of Permittee or Authorized Representative: Stephen H. Unsworth

Date of Signature: 03/22/2017

Recording information: Municipal clerks - please index this document listing the State of Vermont, Department of Environmental Conservation as "Grantee". Please index this document listing the above named Permittee(s) as "Grantor(s)". Additionally, if this notice lists the name of a condominium, subdivision or planned community association, please list the named association as an additional "Grantor".

Please mail this stamped/recorded/completed form to:

**DEC - Watershed Management Division
Stormwater Management Program
1 National Life Drive, Main 2
Montpelier, VT 05620-3522**

Or email to: anr.wsmdstormwatergeneral@vermont.gov

Essex, Vermont Town Clerk's Office
March 23, 2017 at
10 o'clock 00 minutes AM
Received for record and recorded in
book 973 **on page** 764-769
of Essex Land records
Attest: Lenny Willingham, Asst.
Town Clerk