



State of Vermont

LAND USE PERMIT

CASE No. 4C0570-EB
APPLICANT Fairfield Associates, Ltd.
ADDRESS Stephen R. Crampton, Esq.
Gravel, Shea & Wright
P.O. Box 1049
Burlington, Vermont 05402

LAWSI REGULATIONS INVOLVED

10 V.S.A., Chapter 151
(Act 250)

The Environmental Board hereby issues Land Use Permit #4C0570-EB pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit applies to the lands identified in Eook 260, Pages 598-600 of the Land Records of the City of Burlington, Vermont as the subject of a deed to Fairfield Associates, Ltd., the Permittee as grantee. This permit specifically authorizes the Permittee to establish a seven phase planned residential development, construct 230 attached dwelling units, create 60 single-family residential lots, install roadways, sewer lines, stormwater collection and treatment facilities, water lines, sidewalks, lighting, landscaping and related facilities on Appletree Point Road in Burlington, Vermont.

The Permittee, its assigns and successors in interest, are obligated by this permit to complete and maintain the project only as approved by the District #4 Environmental Commission ("the Commission") in accordance with the conditions of Land Use Permit #4C0570, except as amended hereby.

CONDITIONS

1. Condition #5 of Land Use Permit #4C0570 is amended to read as follows:

5. No construction on any phase of this project beyond Phase I may commence until the Northern Connector has been completed and opened to traffic.

2. Condition #6 of Land Use Permit #4C0570 is amended to read as follows:

6. Prior to the commencement of construction the Permittee shall submit to the Commission detailed plans, including a timetable for completion, in respect to the following traffic access improvements:

- a) improvement of pedestrian signing and crosswalks along Staniford Road at North Avenue, Stanbury Road and west of the bike path;

- b) removal of vegetation and geometric reconfiguration of Appletree Point Road and Staniford Road immediately west of the bike path;
- c) installation of an approximately 100' long right turn lane at the Staniford Road-North Avenue intersection;
- d) elimination of parking on one side of Staniford Road.

The plans shall be submitted to and approved by the City of Burlington prior to filing with the Commission. Said plans shall be approved by the Commission prior to commencement of construction. The improvements listed above shall be completed at such time or times as the Commission deems appropriate but in no event shall construction on Phase II begin prior to completion of all items.

3. Condition #7 of Land Use Permit #4C0570 is amended by the addition of the following final sentences:

Prospective purchasers shall also be informed that the City is unable to provide school transportation for residents of the project. The declarations, restrictions, covenants and bylaws submitted to the Commission pursuant to Condition #20 below shall require that unit and home owners inform any non-owner occupant that the City is unable to provide school transportation.

4. Condition #10 of Land Use Permit #4C0570 pertaining to identification of an off-site stream is deleted and the following new Condition #10 is substituted therefor:

Prior to the commencement of construction on Phase I, the Permittee shall file with the Board a proposed plan for the continued monitoring of traffic conditions. Such plan shall include, at a minimum:

- a) periodic traffic counts (daily, A.M. peak and P.M. peak) on Staniford Road as well as North Avenue near its intersection with Staniford Road (both North and South of the intersection);
- b) periodic turning movement counts at the Staniford-North Avenue intersection;

- c) evaluation of vehicle queuing at the intersection.

The plan shall also describe a protocol for discussing potential traffic flow and control improvements with the City of Burlington, should on-going traffic monitoring suggest the need for such improvements, including a formula for the sharing of any capital costs associated with traffic control and flow improvement. This plan shall be submitted for review and approval by the City prior to filing with the Board. No residence in Phase I may be occupied until the traffic monitoring plan has been approved by the Board and implemented by the Permittee.

5. Condition #21 of Land Use Permit #4C0570 is amended by the substitution of September 1, 1992 as the construction completion date.

6. Condition #25 is added to read as follows:

Permittee shall comply with at least the following conditions of its stipulation with Merrill and Lucille Jarvis dated June 6, 1984 as filed with the Board: Paragraphs 1, 2, 4, 5, 6, and 11.

7. Condition #26 is added to read as follows:

The Permittee shall install the stormwater collection system serving Curtis Avenue as provided in the Permittee's agreement with the Curtis Avenue Residents Association.

8. Condition #27 is added to read as follows:

The Permittee shall share in the cost of evaluating the cause of the North End sewer infiltration problem as well as the cost of any correction of that problem. The Permittee's share shall be determined on an equitable basis as determined by the Permittee and the City with any disputes submitted to this Board for resolution.

9. Condition #28 is added as follows:

The declaration of covenants, restrictions and bylaws filed with the Commission pursuant to Condition #20 shall include provision for the continued maintenance of the stormwater detention basin, including protection from storm and ice damage.

10. Condition #29 is added as follows:

The Permittee shall identify the design of a minimum flow device to be installed in the stream channelization culvert adjacent to the stormwater detention basin in an effort to maintain natural water flow into the wetlands area while preventing discharge of stormwater to the stream. The design shall be reviewed and approved by AEC prior to installation.

11. Condition #30 is added as follows:

The Permittee shall install sidewalks or pedestrian pathways the full length of Appletree Point Road and Starr Farm Road and connecting the project to Curtis Avenue.

12. Condition #31 is added as follows:

The Permittee shall relocate the stormwater detention basin, in accordance with Department of Water Resources stormwater management guidelines, to a location upstream of the wetlands area. The revised location shall be chosen such that stormwater will be discharged to the wetland area only after filtration through the relocated basin. The wetland shall remain undisturbed by construction activities. Plans for relocation shall be submitted for approval by the Department of Water Resources and shall then be filed with the Board. Such plans shall also indicate the elimination of the proposed stream channelization from the south side of Appletree Point Road to Lake Champlain.

All conditions of Land Use Permit #4C0570 remain in full force and effect except as amended herein.

Dated at Montpelier, Vermont this 29th day of August, 1984.

VERMONT ENVIRONMENTAL BOARD,

By: Melvin H. Carter
Melvin H. Carter, Vice Chairman

Board members participating
in this decision:
Ferdinand Bongartz
Lawrence H. Bruce, Jr.
Melvin H. Carter
Donald B. Sargent
Dwight E. Burnham, Sr. - dissenting