

## **Exhibit 10**

### **List of project permits**

1. Project Approval #SUB-20-10 granted by the Town of Waitsfield Development Review Board on April 14, 2021 approving the construction of 20 single family residential condominium units and related site and infrastructure improvements, subject to certain conditions.
2. State of Vermont Land Use Permit No. 5W0147-22F, dated March 29, 2021, and recorded in Book 176, Page 287 of the Waitsfield Land Records, authorizing construction of twenty 20 3-bedroom single family residences on seven acres, with conservation areas on 13.5 acres and 7.5 acres, subject to certain conditions.
3. State of Vermont Stormwater Discharge Permit No. 4468-9050 under General Permit 3-9050, dated March 4, 2021, and recorded at Book 184, pages 207-210 of the Waitsfield Land Records authorizing the construction of site improvements and erosion control measures, including construction of water main and services, sewer main and services, and storm water systems.
4. State of Vermont Stormwater Discharge Construction Permit No. 4468-9020 under General Permit 3-9020, dated March 10, 2021 and recorded in Book 184, pages 211-215 of the Waitsfield Land Records.
5. State of Vermont Wastewater System and Potable Water Supply Permit No. WW-5-2862-2 dated January 20, 2021 and recorded in Book 175, pages 284-287 of the Waitsfield Land Records, which approves the construction of 20 3-bedroom single family residences, served by private water supply and private wastewater disposal services, subject to certain conditions.
6. Town of Waitsfield Zoning Permits No. [TBD] dated [TBD], which approve the construction of Homes #[TBD].



TOWN OF WAITSFIELD

# ZONING PERMIT

PERMIT #: SUB-20-10      DATE OF ISSUE: 4/14/21

PROPERTY OWNER: Mavis, LLC

APPLICANT: Mavis, LLC  
*(If other than owner)*

PROPERTY LOCATION: south of Airport Road (06001.000)

APPROVED FOR: Final Plan Approval - Estes Landing 20 unit PRD (amended from SUB04-06). See conditions.

Provided that the person accepting this permit shall in every respect conform to the terms of the application files and conditions of approval granted, and to the provisions of applicable Vermont statutes and the Waitsfield Zoning Ordinance.

THIS PERMIT GRANTED BY THE ZONING ADMINISTRATOR IS SUBJECT TO APPEAL FOR 15 DAYS FROM THE DATE OF ISSUANCE IN ACCORDANCE WITH 24 V.S.A. § 4464.

THIS PERMIT GRANTED BY THE DEVELOPMENT REVIEW BOARD IS SUBJECT TO APPEAL FOR 30 DAYS FROM THE DATE OF ISSUANCE IN ACCORDANCE WITH 24 V.S.A. § 4471.

**THIS POSTER MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON THE PREMISES AND VISIBLE FROM THE ROAD DURING THE APPEAL PERIOD AND THROUGHOUT CONSTRUCTION.**

BY: *Ann O'Neil*, Waitsfield Zoning Administrator



## DEVELOPMENT REVIEW BOARD FINDINGS OF FACT AND NOTICE OF DECISION

Application #:	SUB20-10 (Final Plan) Estes Landing
Landowner:	Mavis, LLC
Property Address:	south of Airport Road (access to the west of 149 Airport Rd)
Parcel Number:	06001.000 (the proposed ~28 acres included in the project site located in the Agricultural Residential District)
Meeting Dates:	Sketch Plan Review on November 10, 2020 Site Visit & Preliminary Plan Hearing on January 12, 2021 Final Plan Hearing on March 23, 2021
Proposal/Type:	Final Plan for Planned Residential Development proposed on 28-acre project site. The application is an amendment of a previously approved PRD (SUB04-06) for which an updated Sketch Plan application was also submitted in 2018.

### A. GUIDING ORDINANCE and POLICY PROVISIONS:

1. Waitsfield Subdivision Regulations, amended on January 21, 2008.
  - a. Article 3 (Subdivision Planning & Design Standards)
2. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through September 28, 2020.
  - a. Table 2.07 Agricultural Residential District Standards
  - b. Section 5.04 (Planned Residential Development Review)
3. Waitsfield Town Plan, as adopted on September 26, 2016.

### B. MATERIALS SUBMITTED

1. On February 22, 2021, the applicant submitted a complete Final Plan Application form, fee, project narrative, draft condo association bylaws, draft declaration of condominium, project site plans, stormwater plan, approved state wastewater/water permit, and approval letter from the Waitsfield-Fayston Fire Department.
2. On March 4, 2021, staff received an Act 250 notice
3. On March 12, 2021 the applicant submitted an approved stormwater discharge permit and associated construction erosion approval.
4. On March 29, 2021 staff received an approved Act 250 permit

### C. FINDINGS OF FACT:

1. The project area includes 28 acres south of Airport Road, currently part of parcel #06001.000 and located in the Agricultural-Residential District.

2. The property owner received Final Plan approval for the original 8 parcel, 24-unit PRD from the Waitsfield Planning Commission on June 21, 2005 (SUB04-06).
3. The project included the subject 28-acre project site, subdivided into 8 parcels, 6 identified for residential development, parcel 7 identified as open space (~13.28 acres), and parcel 8 as the location for wastewater disposal for the entire development (7.48 acres). The 6 residential parcels were intended to each have 4 residential units. The project received Act 250 approval, including a project amendment, on March 8, 2007.
4. The 28-acre project area includes deer wintering area on most of the site as well as prime agricultural soils. The original subdivision was approved with these factors in mind as the open space was found to help protect the wildlife habitat onsite and the Act 250 decision considered the presence of agricultural soils and required as a condition of approval (condition #14 in the amendment) that an "off-site mitigation agreement" be submitted to the District Environmental Commission before any of the original lots were conveyed. The access road to the development was installed and exists onsite.
5. In 2018 the applicant submitted an updated Sketch Plan application that included modifications to this proposed project site for more residential units. The DRB determined the project would require Major Subdivision Review. A Preliminary Plan application was never submitted for the change.
6. The applicant is now requesting an amendment to the original SUB04-06 project for 20 single family residential units to be clustered on a common lot and sold for condominium units. The project retains a similar layout to the original subdivision including 13.5 acres of protected wooded forest land to the west and 7.5 acres preserved to the east which will also include the wastewater system for the development. The new project includes about 6 acres of total residential development land and about 22 acres of protected land.
7. A Sketch Plan meeting was held on November 10, 2020 and the DRB determined that the project would be reviewed as a Major Subdivision.
8. A Site Visit was held on January 12<sup>th</sup>, attended by the Development Review Board, the applicant (TJ Kingsbury), the applicant's engineer (Chris Austin with Grenier Engineering), and the PZA.
9. A Preliminary Plan public hearing was held on January 12, 2021 and a Preliminary Plan decision was issued on February 8, 2021 with conditions.
10. A Final Plan public hearing was held on March 23, 2021. The abutting property owners were sent notice on December 18, 2020 and the notice appeared in the December 24, 2020 issue of *The Valley Reporter*.
  - a. A public comment was received from Zach Sargent via email before the hearing (on March 2<sup>nd</sup>, 2021) and included in the meeting packet. Mr. Sargent was concerned about the impacts of increased traffic on the condition of Airport Road as he finds the road already gets too dusty.
  - b. A public comment was received from Doug Hall via email on the day of the hearing and read onto the record by the PZA. Mr. Hall was also concerned about

the impacts of development on Airport Road as he finds the road is extremely dusty from the current use.

- c. Eve Silverman, a Fayston resident, attended the meeting but did not have any comments.
11. PRDs are subject to review under Section 5.04 of the Zoning Bylaws and Article 3 of the Subdivision Regulations. This project is also subject to the standards found in Table 2.07 which apply to development in the Agricultural Residential District.
12. The applicant proposes 20 residential units on the 28-acre project site and has not requested any density bonuses for the proposed PRD. The density and project area comply as proposed.
13. The uses proposed include 20 single family dwellings and the draft Declarations of Condominium also allow for home occupation uses. The open space includes a plan for recreation trails, to be coordinated with the VT Department of Fish and Wildlife. The uses proposed are permitted in the Ag-Res District and within PRDs.
14. There are 21 total acres of open space proposed, totaling ~73% of the project site. The minimum required is 60%. The leach field is in the eastern 7.5 acres of open space, as included with the previously approved PRD. The leach field takes up less than half of this area. The 60% open space requirement requires at least 16.8 acres of open space for this project which is still met.
15. The buildings as proposed are located within an identified development envelope, bound by the setbacks of the district as well as wetlands and their associated buffers. The plan includes the 20 specific building footprints for the condo units. The development envelope maintains a ~100ft front setback, 300+ ft on both sides, and a 25ft rear setback (Unit 12 is the closest). The condo units would be considered “zero lot lines” which support clustered development.
16. The development envelope as proposed is designed to protect wildlife habitat onsite. The applicant has provided over 20 acres of open space for the preservation of deer yard on the property and continues to work with VT Fish and Wildlife to ensure protection of deer and wildlife habitat onsite. Trail design is taking place in conjunction with VT Fish & Wildlife. The applicant also confirmed that the draft condo declaration addresses the need to control dogs in the deer yard area.
17. There are ag-soils on a majority of the project site and previous Act 250 approval included ag-soil mitigation requirements. An amended Act 250 application has been submitted to the state.
18. The applicant submitted a copy of the approved wastewater/potable water permit issued by the state on January 21, 2021, subject to conditions (Permit #WW-5-2862-2).
19. An 80' to 100' naturally forested buffer will be maintained along Airport Road and the open space area surrounding the development envelope will be left in forest. Some landscaping is proposed within the development envelope. The Board determined that the proposed plan provides adequate screening and landscaping.

20. Section 3.4 of the Subdivision Regulations requires that stormwater management systems shall be designed by a VT licensed engineer in accordance with accepted stormwater treatment practices. On March 12, 2021 the applicant submitted an approved stormwater permit from the state (Permit #4468-9050), including an approval for erosion control during construction.
21. Section 3.5 of the Subdivision Regulations sets standards for emergency service facilities. As a condition Preliminary Plan approval, the DRB required that the applicant consult with the Waitsfield-Fayston Fire Department to ensure that adequate safety facilities are available onsite including emergency access and fire protection (adequate water, etc.). On March 4, 2021 the applicant submitted an approval letter from the Waitsfield-Fayston Fire Department for the development as proposed, updated to include a fire truck pull off between Units #14 & 18, as included on the updated Site Plan.
22. Section 3.6 identifies standards for road design and road construction standards. This includes detail on road and right of way widths, road surfacing, intersection detail, and road names. The applicant submitted details on the internal roads and driveways as part of the stormwater plan and confirmed that all roads will be constructed to the relevant A-76 road standard. The DRB determined that the plans were drawn by an confirmed that the plans and detail provided were appropriate, but requested that the road details and site plan legend be updated to clarify the language used to describe each road section (internal roads vs. driveways).
23. The applicant presented updated detail on proposed traffic impacts on Airport Road. Traffic impacts are determined based on peak hour vehicle trips. The project was originally approved with 13 trips predicted during peak traffic hours, with 122 total trips generated throughout the day. With the project scaling down to 20 units, the applicant now projects 11 peak hour vehicle trips, with a total of 102 trips throughout the day. Act 250 review also includes a traffic/road capacity analysis with a typical trigger of 75 peak hour vehicle requiring additional studies. VTrans was able to provide turning movement count data for North Fayston Road and explained that if Airport Road has similar or lesser traffic volume than Airport Road, there would be no concern about the added capacity. Based on the provided information the Board determined that no additional traffic studies or mitigation are needed at this time.
24. The Board addressed the questions and concerns about the condition of Airport Road. Staff confirmed that Airport Road is included on the Town's Paving Plan, which ranks road paving by road condition. Airport Road is currently slated to be paved in 2025, with other roads in worse condition ranked higher priority at this time. The DRB also determined that this project results in a reduction of units from 24 to 20 which will result in less of an impact than what was already permitted onsite.
25. The applicant confirmed that all proposed utilities will be located underground, and that the location of these lines will be shown on the Final Site plan.
26. Section 3.9 of the Subdivision Regulations requires that a long-term ownership and maintenance plan be identified for any open space and that all costs associated with

maintaining this land is the responsibility of the application and subsequent landowners. The applicant provided a draft "Declaration of Condominium" and Condo Bylaws for the PRD identifying all open space as common land to be maintained/managed by the condo association.

27. The applicants presented a phased development plan for the project, outlining that it is likely that roadways, utilities, and associated units will be built in steps. The proposed phasing plan is as follows:
- a. **Phase 1-** Units 1-5,
  - b. **Phase 2-** Units 6-10
  - c. **Phase 3-** Units 15-20
  - d. **Phase 4-** Units 11-14

The applicant requested that the Board consider some flexibility in the phasing scheduled depending on demand. The DRB found that this is an appropriate request, so long as a plan is in place to ensure that infrastructure is built before units are permitted.

28. On March 29, 2021 an Act 250 Permit was issued for the project (5W0147-22F).

#### **D. CONCLUSIONS OF LAW**

Based on its review of the application materials, submitted site plans, presented testimony, and the Findings of Fact above, the Waitsfield Development Review Board hereby concludes this application as proposed, and when finalized and implemented with the modifications and conditions below, does meet the appropriate criteria of the Waitsfield Zoning Bylaws and Subdivision Regulations and is in conformance with the Waitsfield Town Plan.

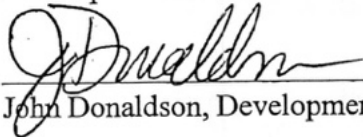
#### **E. DECISION**

The Final Plan Application for SUB20-10 (Estes Landing PRD) is hereby approved, subject to the following conditions:

1. Before the Final Plan is recorded, the Site Plan legend shall be updated to clarify the identification of different private road sections (internal roads vs driveways, etc.) which shall correspond with any road detail and as-built plans.
2. All issued state permits shall be recorded in the Waitsfield land records before the Final Plan is recorded.
3. The Final Declaration of Condominium and Final Condo Association Bylaws shall be recorded in the Waitsfield land records before the Final Plan is recorded.
4. The applicant may phase the development on the timeline appropriate for the project (either the plan as included in these findings, or an amended phasing plan appropriate at the time of development). A Certificate of Compliance shall be required for each phase. The Certificate of Compliance application shall include the submittal of "As-Built" drawings of all roads and utilities in the phase, prepared by an engineer. The application shall be reviewed by the PZA and Development Review Board, including a site visit. No zoning permits shall be issued for the development of any units or structures in any phase of the PRD until a Certificate of Compliance has been issued by the PZA for that phase.

5. The Selectboard shall review and approve all new private road names before signs are installed or addresses assigned.
6. The Planning & Zoning Administrator shall be notified of any updates to the existing access/curb cut from the existing development road onto Airport Road before work commences onsite.
7. There shall be no cutting of trees in the naturally forested buffer along Airport Road except for dead or diseased trees. The Planning & Zoning Administrator shall be notified at least 10 days before a dead or diseased tree is removed from the buffer.
8. This approval is subject to any and all applicable local, state, and federal permit approvals.
9. In accordance with the Act [Section 4463], within 180 days of final plan approval under Section 2.4(C), the applicant shall file a copy of the final subdivision plat, for recording in the Town in conformance with the requirements of 27 V.S.A Chapter 17. The size of the mylar plat shall be 18" x 24" for recording. Approval of subdivision plats not filed within 180 days shall expire, unless the subdivider requests and receives a 90-day extension from the Zoning Administrator based upon a determination by the Zoning Administrator that necessary final municipal, state, or federal permits are pending but have not been issued.
10. Prior to plat recording, the plat must be signed by two members of the Development Review Board who participated in issuing the applicable decision of approval. The mylar plat shall contain the following signature line, as required by the Subdivision Regulations:  
*"The subdivision depicted on this plat was duly approved, as conditioned, by the Waitsfield Development Review Board in accordance with the Waitsfield Subdivision Regulations and all other applicable laws and regulations on the \_\_\_ day of \_\_\_, 21\_\_.*  
*Subdivision Permit # \_\_\_\_\_.*  
*Signed: \_\_\_\_\_*  
*Signed: \_\_\_\_\_ [for the Development Review Board]. "*

Dated at Waitsfield, Vermont this 14<sup>th</sup> day of APRIL, 2021 for the Town of Waitsfield  
Development Review Board by:



John Donaldson, Development Review Board (Vice Chair)

Voting in the Affirmative: Duncan Brines, John Donaldson, Gib Geiger, Steve McKenzie, and JB Weir.

Abstaining: None.

Voting in the Negative: None.

Absent: Chris Cook and Rudy Polwin



**Pursuant to Title 24 VSA §4471 and §4472, an interested person who has participated in the review of this application may appeal this decision to the Vermont Environmental Court by filing a Notice of Appeal directly to the Environmental Court, 255 North Main Street, Barre, VT 05641, by certified mail within thirty (30) days of the date this decision is issued. A copy of the notice must also be sent to the Zoning Administrator or the Municipal Clerk who is required to provide a list of interested persons to the appellant within five days of receipt of the Notice. The appellant is required to send a copy of the Notice, via certified mail, to each interested person.**



INTEGRITY • ADAPTABILITY • EFFICIENCY

September 16, 2021

Mr. J.B. Weir  
Planning & Zoning Administrator  
Town of Waitsfield  
4144 Main Street  
Waitsfield, VT 05673

RECEIVED  
SEP 16 2021  
TOWN OF WAITSFIELD

4:20

**RE: SUB20-10 Final Decision Conditions - Documents for Review and Approval**

Dear J.B.,

On behalf of Mavis, LLC, we are submitting the Final Decision documentation listed under Section E. Decision, for SUB20-10. Please facilitate their internal circulation to the Selectboard and Development Review Board for sign-off. Below is an itemized list of conditions and status.

**Decision Requirements:**

1. Update Site Plan Legend/Record Final Plan - COMPLETE.
  - a. Final Plan attached for DRB signature and forward to Town Clerk for recording.
2. All Final State permits recorded in land records – COMPLETE.
3. Record Final Declaration of Condominium and Final Condo Assoc. Bylaws - COMPLETE.
4. Development Phasing – N/A: No development activities have begun.
5. Selectboard review/approve street names - PZA to forward attached Plan for approval.
  - a. Attached is current Site Plan with proposed street names.
6. PZA Update on existing access/curb cut – N/A: No development activities have begun.
7. No tree cutting in forested buffer along Airport Road w/exceptions - No planned work.
8. Town Approval subject to applicable local/state/ federal permit approvals – COMPLETE.
9. File Final Subdivision Plat for recording (below) – PZA to forward attached Plat to DRB.
10. BEFORE Plat is recorded, sign by two members of DRB - PZA to facilitate signatures.
  - a. Signed plat to be recorded with Town Clerk.

Please let us know if you require anything additional to coordinate these final Town sign-offs.

Sincerely,

Timothy B. Jones  
Vice President

Attachments



## LAND USE PERMIT AMENDMENT

WAITSFIELD TOWN CLERKS OFFICE  
RECEIVED FOR RECORD

DATE 4.5.21 TIME 2:30 p.  
RECORDED IN BOOK 176 PAGE 287-294  
ATTEST J. [Signature] TOWN CLERK

State of Vermont  
Natural Resources Board  
District 5, 6 & 9 Environmental Commission  
10 Baldwin Street  
Montpelier, VT 05633-3201  
<https://nrb.vermont.gov/>

[phone] 802-476-0185

CASE NO: 5W0147-22F  
Mavis, LLC  
58 Center Road  
Middlesex, Vermont 05602

### LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6111 (Act 250)

The District 5 Environmental Commission hereby issues Land Use Permit Amendment #5W0147-22F, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 166, Pages 597-599 of the land records of Waitsfield, Vermont as the subject of a deed to Mavis, LLC.

This permit specifically authorizes construction of twenty (20) 3-bedroom, single-family residences as part of a redesigned residential development project that was issued partial findings under Land Use Permit #5W0147-22. The project site now includes delineated environmental boundaries and has been redesigned to cluster all approved dwellings on one development envelope. This permit also authorizes the merger of previously subdivided lots into one new ±28-acre Lot A. Lot A includes: (1) ±7.0-acre development envelope; (2) ±13.5-acre conservation/common land area to the west, and (3) ±7.5-acre conservation/common land area to the east of the Project tract. The Project is located on Airport Road in Waitsfield, 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 Permittee, and its assigns and successors in interest, are obligated by this permit to complete, operate, and maintain the project as approved by the District 5 Environmental Commission (the "Commission") in accordance with the following conditions. The Commission has reviewed the Declaration of Condominium (Exhibit 006) and associated draft Bylaws to understand the nature and structure of the Estes Landing Condominium Association and how it relates to the Project, however it does not rely on these documents in making any of its positive findings under the Act 250 Criteria.

2. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this permit and (b) the permit application, plans, and exhibits on file with the Commission and other material representations.

The approved plans are:

Sheet A2.1 – “Estes Cape Elevations,” dated 12/20/2020 (Exhibit #007);

Sheet A1.1 – “Estes Cape Floor Plans,” dated 12/10/2020 (Exhibit #008);

Sheet A2.1 – “Estes Two Story Elevations,” dated 12/10/2020 (Exhibit #009);

Sheet A1.1 – “Estes Two Story-First Floor Plans,” dated 12/10/2020 (Exhibit #010);

Sheet A1.1 – “Estes Single Floor-First Floor Plans,” dated 5/8/2020 (Exhibit #011);

Sheet A2.2 – “Estes Single Floor Elevations,” dated 5/8/2020 (Exhibit #012);

Sheet SP-1 – “Overall Site Plan,” dated 12/22/2020 (Exhibit #013); and

Sheet SP-2 – “Site Plan,” dated 12/22/2020 (Exhibit #014).

3. All conditions of Land Use Permit #5W0147 and amendments are in full force and effect except as further amended herein.
4. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permits:
  - a. **Wastewater System and Potable Water Supply Permit WW-5-2862-2 issued on January 20, 2021** by the ANR Drinking Water and Groundwater Protection Division.
  - b. **Authorization of Notice of Intent #4468-9020 under Construction General Permit 3-9020 issued on March 10, 2021** by the ANR Watershed Management Division.
  - c. **Authorization of Notice of Intent #4468-9050 under General Permit 3-9050 (Stormwater Discharge General Permit), issued on March 4, 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. 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 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 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 Permittee and all successors and assigns.
12. Construction hours shall be limited to Monday through Friday from 7:00AM to 7:00PM and Saturday from 8:00AM to 6:00PM, with no construction on Sunday and State or Federal holidays.
13. The Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division in the Project's Erosion Prevention and Control Plan on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
14. The buildings approved herein are not approved for any manufacturing use or the on-site disposal of any process wastes. The Permittee 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.
15. 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.
16. The Permittee 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.
17. The Permittee shall be obligated to implement the Construction Site Waste Reduction Plan approved by the Agency of Natural Resources Solid Waste Management Program and included as Exhibit #016.
18. No further subdivision of the protected deer winter habitat shall be allowed. These provisions must be expressly stated in the applicable deeds to the lands subject to this

protection. These protected lands shall be managed in such a way as to enhance the quality of the deer winter habitat over time. The Department and landowner shall coordinate on the future management and stewardship of the protected lands;

19. No softwood trees within the protected deer winter habitat shall be harvested or otherwise removed without the prior review and approval of the Department unless recommended in a habitat management plan approved by the Department;
20. The following language shall be incorporated as covenant into all applicable deeds:  
"Each landowner is hereby put on notice that this development is in immediate vicinity of deer winter habitat. Domestic dog activity seriously jeopardizes this critical habitat and the existence of the deer in this area. A person who owns a dog that is not leashed, kenneled or otherwise under the owner's immediate control is subject to the penalties of 10 V.S.A. section 4748 (Dogs Pursuing Deer) and section 4514 (Possession of Flesh of Game)."
21. Cross-country skiing, snowmobiling, and travel by ORVs must be restricted to trails approved by the Department and shall be expressly stated in any applicable deeds. Snowmobiling and ORVs shall be prohibited within a 500-foot radius of the protected deer winter habitat. Commercial ventures regarding these activities shall be prohibited.
22. The Permittee shall maintain an undisturbed, naturally vegetated riparian zone south of the development, wetlands, and wetland buffer zones as depicted on Exhibit #014, **except for the previously approved access road and tennis court**. The riparian zone shall be measured inland, perpendicular to and horizontally 50-feet from the top-of-bank or, in areas where a wetland is contiguous to the stream, from the upland edge of the delineated wetland, and extends to the water's edge at base flow conditions. The wetland buffer boundary shall be measured 50-feet from the upland edge of the delineated wetland. 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. The Permittee, at minimum, shall maintain an 80-foot undisturbed, naturally vegetated buffer zone along the Project's frontage with Airport Road.
24. The Permittee shall comply with Exhibits #017 and 018 for erosion prevention and sediment control. The Permittee 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.

25. 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.
26. 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 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).
27. 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).
28. Prior to construction of the approved work, the Permittee shall: a) clearly delineate the construction limits with flagging or snow fencing; b) place diversion ditches on the uphill limits of the construction area; and c) place temporary siltation controls on the downhill limits of construction.
29. A copy of the approved erosion prevention and sediment control plan shall be on the site at all times during construction.
30. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee 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 Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
31. The Permittee shall, prior to commencement of construction, submit the calculated off-site mitigation fee payment of \$43,054.20 to the Vermont Housing and Conservation Board (VHCB, General Counsel, 58 East State Street, Montpelier, VT 05602). The off-site mitigation fee is calculated as follows: 3.78 acres (number of acres of Primary Agricultural Soils to be impacted) × 2.0 (multiplier) × \$5,695 (cost to acquire conservation easements for primary agricultural soils in the same geographic region) = \$43,054.20. If the mitigation fee is not paid within one year from the date that a Land Use Permit is

- issued, the amount of the fee will be subject to a simple interest annual inflation factor increase of 2.8% and the fee will increase each year on the anniversary of the Land Use Permit to an amount equal to 102.8% of the previous year's amount, rounded to the nearest dollar.
32. 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.
  33. The Permittee and all assigns and successors in interest shall implement and continually maintain the landscaping as approved in Exhibit #014, including the maple trees identified therein, by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
  34. Prior to any site work, the Permittee shall install and maintain temporary fencing along the tree line to be retained and/or around any individual trees to be retained.
  35. Only building mounted lighting fixtures are authorized within the Project area.
  36. The installation of exterior light fixtures shall be mounted no higher than 10 feet above grade level. All exterior lighting shall be LED and 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.
  37. The Permittee is authorized to install one "Estes Landing" sign with landscaped plantings at the entrance to the development and shall file the final design plan with the District Commission. 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.
  38. Pursuant to 30 V.S.A. Section 51(e), the Permittee and/or subsequent or prospective owner of any approved residence, at a minimum, shall construct each single-family home or residential addition 500 square feet or greater in accordance with Vermont's Residential Building Energy Standards (RBES) Stretch Code effective at the time of construction.
  39. The Permittee and/or subsequent or prospective owner of any approved residence, at a minimum, shall construct each single-family home with a solar-ready rooftop, Energy Star certified appliances, and optional Electric Vehicle charging stations.
  40. The installation and/or use of electric resistance space heat is specifically prohibited without prior written approval from the District Environmental Commission.



41. The Permittee, upon completion of the construction of each residential building and prior to use or occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 51(f).
42. The Estes Landing Condominium Association shall contract with a waste hauler with recycling and composting capabilities. Trash, recycling, and compost shall be kept in individual unit garages until day of scheduled pick up.
43. All utilities shall be owned, operated, and maintained by the Estes Landing Condominium Association and dues shall be collected from individual unit owners to fund maintenance of shared utilities.
44. Should the Town at any time agree to accept any private utilities being then operated by the Permittee and/or its assigns and successors in interest, the Permittee and/or its assigns and successors in interest shall be responsible to improve the same to Town specifications and shall deed all lands involved with said improvements to the Town. Such improvements may require a land use permit amendment.
45. At the completion of the project, and prior to the occupancy of the building(s), the Permittee shall certify by affidavit that the Project has been constructed in accordance with this permit pursuant to Act 250 Rule 32(A).
46. The Permittee shall reference the requirements and conditions imposed by Land Use Permit 5W0147-22F in all deeds of conveyance and leases.
47. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the original Land Use Permit and Amendments and any Findings of Fact before any written contract of sale is entered into.
48. 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 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).
49. **All site work and construction of roadways and utilities shall be completed in accordance with the approved plans by October 15, 2025** unless an extension of this date is approved in writing by the District Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
50. The Permittee 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 Permittee 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.

51. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this 29<sup>th</sup> Day of March 2021.

By /s/ Matt Krauss  
Matt Krauss, Chair  
District 5 Commission

Members participating in this decision:

Jeremy Reed

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).

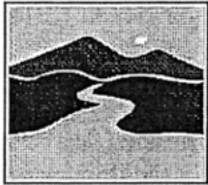
Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the 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, 2<sup>nd</sup> Floor, Suite 303, Burlington, VT 05401.



VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**WATERSHED**  
MANAGEMENT DIVISION  
STORMWATER PROGRAM

**Town Recording of Permit Issued**

FOR STORMWATER DISCHARGE PERMIT BY THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Notice is hereby given that the Vermont Department of Environmental Conservation gives authorization to discharge pursuant to a general stormwater discharge permit that has been issued to Permittee(s) named herein for the discharge of stormwater runoff for the property identified below from impervious surfaces (e.g. roadways, rooftops, parking lots, walkways) pursuant to 10 V.S.A. 1264. The 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): **Mavis, LLC**

Permit/Authorization Number: **4468-9050**

911 Address of Property: **Airport Road, Waitsfield**

Name of association (if applicable): Estes Landing Homeowner's Association, Inc  
*(condominium, subdivision or planned community)*

Printed Name of Permittee or Authorized Representative: Travis J. Kingsbury

Signature of Permittee or Authorized Representative: [Signature] Date: 9-11-2023

**FOR TOWN CLERK USE ONLY:**

Recorded under Book: 184 Page: 207-210

Date Recorded with Town: 9-11-23 @ 8:55 a. Signature / Stamp: [Signature]

\*\*\*\*

**Recording information for Municipal Clerks** - please index this document listing the State of Vermont, Department of Environmental Conservation as "Grantee," and 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."

*Can be Completed by Clerk or Permittee:*  
**Please upload this completed form to ANR Online by visiting the following link**  
<https://anronline.vermont.gov>

Permit Number: 4468-9050

PIN: BR93-0014

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AUTHORIZATION TO DISCHARGE UNDER  
GENERAL PERMIT 3-9050

A determination has been made that the applicant(s):

Mavis, LLC  
58 Center Rd  
Middlesex, VT 05602

Impervious Area: 1.74 acres

meets the criteria necessary for inclusion under General Permit 3-9050. Hereinafter, the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit No. 3-9050, the permittee is authorized to discharge stormwater as described herein:

*Project Name:* Estes Landing

*Project Location:* Airport Road in Waitsfield, Vermont

*Receiving Waters:* Mad River

*Replacing Permit #(s):* 4468-9010.T

*Manner of Discharge:* S/N 001: Stormwater runoff from new residential rooftops, gravel roadway and driveways and grassed areas will flow through a system of grassed swales, catch basins, stormdrain pipes into a gravel wetland. The gravel wetland will discharge runoff to an unnamed tributary of the Mad River which flows to the South of the project area.

Stormwater runoff from some back-side portions of new residential rooftops will be flow into simple disconnect areas which discharge directly to unnamed tributaries of the Mad River to the North and South of the project area.

*Design:*

This project shall be constructed and operated in accordance with the site plans and details designed by Grenier Engineering, PC  
Sheet SP-1, "Overall Site Plan", dated 12/22/2020;  
Sheet SP-2, "Site Plan", dated 12/22/2020, last revised 02/11/2021;  
Sheet SP-3, "Sewer Profiles - North", dated 12/22/2020, last revised 01/11/2021;  
Sheet SP-4, "Sewer Profiles - South", dated 12/22/2020;  
Sheet SP-5, "Storm Profiles", dated 12/22/2020, last revised 01/11/2021;  
Sheet SP-6, "Utility Details", dated 12/22/2020;  
Sheet SP-7, "Pump Station Details", dated 12/22/2020;  
Sheet SW-1, "Existing Stormwater Plan", dated 12/22/2020;  
Sheet SW-2, "Proposed Stormwater Plan", dated 12/22/2020;  
Sheet SW-3, "Post Construction Soil Depth & Quality Plan", dated 12/22/2020;  
Sheet SW-4, "Annotated Maintenance Plan", dated 12/22/2020;  
Sheet SW-5, "Stormwater Details", dated 12/22/2020, last revised 02/11/2021;  
Sheet EPSC-1, "Erosion Protection and Sediment Control Plan", dated 12/22/2020; and all supporting information.

By reference, the above noted plans are made part of this authorization.

Compliance with General Permit 3-9050 and this Authorization

The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9050, including the payment of annual operating fees to the Department. A billing statement for such fees will be sent to the permittee each year.

An invoice for the first year's operating fee will be sent separately. Any permit non-compliance, including a failure to pay the annual operating fee, constitutes a violation of 10 V.S.A. Chapter 47 and may be grounds for an enforcement action or revocation of this authorization to discharge.

Construction of the Stormwater Management System:

The stormwater management system as described in the approved Design above shall be installed prior to the discharge of stormwater from any new or redeveloped impervious surface covered by this authorization. Where stormwater from existing impervious surface is being treated pursuant to "Site Balancing", per the Approved Design, the stormwater system treating such areas shall be installed prior to the discharge of stormwater from new or redeveloped impervious surface.

For any existing impervious surface covered by this authorization, except for existing impervious surfaces used for Site Balancing, as noted above, the stormwater management system as described in the approved Design above shall be installed no later than 3/03/2026.

Annual Inspection and Report

The stormwater management system shall be properly operated. The permittee shall submit an annual inspection report on the operation, maintenance and condition of the stormwater management system. The inspection report shall be submitted regardless of whether the project has been constructed. The inspection shall be conducted between the conclusion of spring snow melt and June 15th of each year and the inspection report shall be submitted to the Secretary by July 15th of each year, or by July 30th if performed by a utility or municipality pursuant to a duly adopted stormwater management ordinance. The inspection report shall note all problem areas and all measures taken to correct any problems and to prevent future problems. The online submittal system, ANR Online, can be accessed at <https://anronline.vermont.gov>.

Initial Statement of Compliance

An initial statement of compliance, signed by a designer, must be submitted to the Stormwater Management Program no later than 30 days following completion of construction of the stormwater management system. Forms for completing this requirement are available on the Stormwater Management Program's website. The online submittal system, ANR Online, can be accessed at <https://anronline.vermont.gov>.

Transferability

This authorization to discharge is not transferable to any person except in compliance with Part 8.4 of General Permit 3-9050. A copy of General Permit 3-9050 is available from the Department via the internet at [https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/2020\\_09\\_01%20Final%20GP%203-9050.pdf](https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/2020_09_01%20Final%20GP%203-9050.pdf)

Changes to Permitted Development

In accordance with Part 8.6. of General Permit 3-9050, the permittee shall notify the Department of any planned development or facility expansions or changes that may result in new or increased stormwater discharges. The Department shall determine the appropriateness of continued inclusion under General Permit 3-9050 by the modified development or facility.

Recording in Land Records

The permittee shall record in the local land records, within 30 days of issuance of this authorization, a one-page notice of permit coverage. A one-page notice form may be obtained from the Secretary. A copy of the recording shall be provided to the Secretary within 14 days of the permittee's receipt of a copy of the recording from the local land records. Permits for public linear transportation projects shall be exempt from this requirement provided the permit is retained by the permittee in the official project file.

Right to Appeal

(A) Pursuant to 10 V.S.A. Chapter 220, any appeal of this permit, except for appeal of a renewable energy plant as described in (B), must be filed with the clerk of the Environmental Division of the Superior 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 Division; and must be signed by the appellant or the appellant's 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.

4468-9050

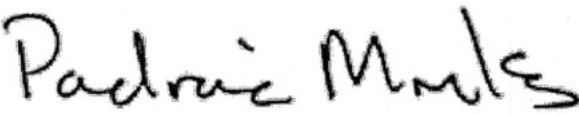
(B) If this permit relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. § 248, any appeal of this decision must be filed with the Vermont Public Utility Commission pursuant to 10 V.S.A. § 8506. This section does not apply to a facility that is subject to 10 V.S.A. § 1004 (dams before the Federal Energy Regulatory Commission), 10 V.S.A. § 1006 (certification of hydroelectric projects), or 10 V.S.A. Chapter 43 (dams). Any appeal under this section must be filed with the clerk of the Public Utility Commission within 30 days of the date of this decision; the appellant must file with the clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2) and shall also serve a copy of the notice of appeal on the Vermont Public Service Department. For further information, see the Rules and General Orders of the Public Utility Commission.

Effective Date and Expiration Date of this Authorization

This authorization to discharge shall become effective on March 4, 2021 and shall expire on March 3, 2026. The permittee shall reapply for coverage prior to the expiration of this authorization.

Dated March 4, 2021.

Peter Walke, Commissioner  
Department of Environmental Conservation

By:   
Padraic Monks, Stormwater Program Manager

DATE 9-11-23 TIME 8:55 a.

4468-9020

RECORDED IN BOOK 184 PAGE 211-215ATTEST J. Oet TOWN CLERK

Vermont Department of Environmental Conservation  
Watershed Management Division  
1 National Life Drive, Davis 3  
Montpelier, VT 05620-3522

Agency of Natural Resources  
[phone] 802-828-1115

3/10/2021

Dear Permittee(s),

The Notice of Intent for the discharge of stormwater runoff from Low Risk Construction Activity under Construction General Permit (CGP) 3-9020 (March 19, 2020) has been authorized. You will need the following documents to maintain compliance with this authorization. Enclosed with this cover letter is your **Authorization to Discharge under General Permit 3-9020** and a copy of the **Notice of Authorization** that you must post at your construction site. In addition, any additional Owners and Operators that were not identified on the Notice of Intent at the time of application must file a **Notice of Addition of Co-Permittee**. See below for more details on these and other permit requirements.

1. **Authorization to Discharge under General Permit 3-9020**

The authorization for Low Risk Construction Activity is valid for five years from the date of the authorization. If the project will proceed past the expiration date, you must reapply for coverage under this or another construction stormwater permit before that time. If the project is completed or is sold before that time, you may terminate the authorization by submitting a Notice of Termination, subject to Subpart 7.4 of CGP 3-9020. Any proposed project changes must be first evaluated in accordance with the terms, conditions, and eligibility provisions set forth in Part 5 of CGP 3-9020.

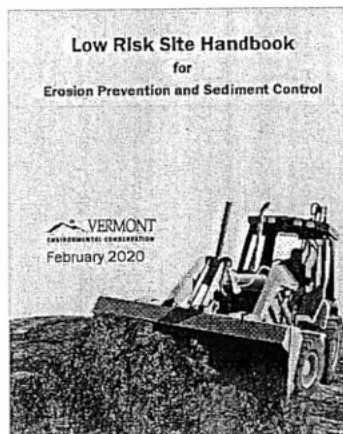
2. **Notice of Authorization for Posting**

The Notice of Authorization, which details the authorization and conditions you selected in completing Appendix A to the CGP, must be posted in a location visible to the public in accordance with Subpart 4.5.C of the CGP.

3. **Notice of Addition of Co-Permittee**

This form must be submitted for every additional Owner and/or Operator who joins the project, in accordance with Subpart 7.3 of the CGP. Use ANR Online to file all Notice of Additions. ANR Online can be accessed using the following link: <https://anronline.vermont.gov>. Instructions on creating an account are available on the main page.

**Low Risk Site Handbook for Erosion Prevention and Sediment Control**



Please provide the Owner(s) and Operator(s) access to the Low Risk Site Handbook for Erosion Prevention and Sediment Control. This handbook details the practices that must be implemented throughout the construction project to prevent erosion and the discharge of sediment from the construction site. Some practices must be in place before construction begins, so please review the entire handbook before starting the project. The handbook can be found at the website below. Please email [anr.wsmdstormwatergeneral@vermont.gov](mailto:anr.wsmdstormwatergeneral@vermont.gov) to request a printing of the handbook if you are unable to do so.

The CGP, copies of pertinent forms, and an electronic version of the Low Risk Site Handbook for Erosion Prevention and Sediment Control are available on the [Stormwater Program](#) website. If you have any questions related to your authorization, please contact the Environmental Analyst in the [Stormwater District](#) where your project is located.

Sincerely,  
Stormwater Management Program

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**Notice of Authorization**  
Under Vermont Construction General Permit 3-9020  
For Low Risk Construction Activity

**Permittee Directions for Posting:**

This notice shall be placed near the construction entrance at a location visible to the public. If displaying near the main entrance is infeasible, the notice shall be posted in a local public building such as the municipal office or public library. For linear projects, the notice shall be posted at a publicly accessible location near the active part of the construction project (e.g., where a pipeline project crosses a public road) or, in the event posting in a publicly accessible location near the active part of the project is infeasible, the permittee shall post in a local public building such as the municipal office or public library.

<b>Project Name:</b>	Estes Landing
<b>Permittee Name(s):</b>	Mavis, LLC
<b>NOI Number:</b>	4468-9020
<b>Date of Authorization:</b>	March 10, 2021
<b>Date of Expiration:</b>	March 09, 2026

**The project listed above has received authorization under General Permit 3-9020 to discharge stormwater from the following construction activities:**

Grading activities, construction of new gravel roadway, driveways and 20 residential structures with associated sanitary sewer, storm drain and well water utilities and a gravel wetland stormwater treatment area.

**This authorization includes the following requirements:**

- Implementation and maintenance of erosion prevention and sediment control practices required by the Low Risk Site Handbook for Erosion Prevention and Sediment Control.
- All areas of disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. The following exception to the above stabilization requirements apply:
  - Temporary stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption and the exemption applies only to the excavated area itself.
- The total authorized disturbance is 5.00 acre(s).
- No more than 5 acres of land may be disturbed at any one time.
- All stormwater discharges from the construction site to any receiving water shall first filter through a 50-ft. vegetated buffer.
- Inspections shall be conducted at least once every (7) calendar days and daily during the winter construction period (October 15 through April 15), for all areas that have been disturbed and are not yet finally stabilized. In addition:
  - If visibly discolored stormwater runs off the construction site or discharges to waters of the State, the permittee shall take immediate corrective action to inspect and maintain existing best management practices (BMPs), and to install supplemental BMPs necessary to minimize and prevent the discharge.
- If, after completing corrective action, there continues to be a discharge of sediment from the construction site to waters of the State, the permittee shall notify DEC by submitting a Discharge Report within 24 hours of discovering the discharge.
- The permittee shall comply with all inspection, maintenance, corrective action, record keeping, and reporting requirements, and all other terms, conditions, and eligibility provisions, including those conditions related to project changes, as set forth in General Permit 3-9020 and this authorization.
- Following receipt of authorization under General Permit 3-9020, additional Owner(s) and Operator(s) not identified on the Notice of Intent at the time of application shall be added as a co-permittee by filing a Notice of Addition of Co-Permittee with the Secretary. The co-permittee shall be subject to all terms and conditions of the permittee's authorization and General Permit 3-9020.

To request information on this authorization, or to report compliance concerns, please contact:

**Vermont Department of Environmental Conservation**  
Watershed Management Division  
1 National Life Drive, Davis 3  
Montpelier, VT 05620

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AUTHORIZATION TO DISCHARGE UNDER  
GENERAL PERMIT 3-9020

A determination has been made that the applicant(s) (here in after "permittee"):

Mavis, LLC  
58 Center Rd  
Middlesex, VT 05602

meets the criteria necessary for inclusion under General Permit 3-9020 for low risk construction activities. Subject to the conditions and eligibility provisions of General Permit 3-9020, the permittee is authorized to discharge stormwater to Mad River from the following construction activities: Grading activities, construction of new gravel roadway, driveways and 20 residential structures with associated sanitary sewer, storm drain and well water utilities and a gravel wetland stormwater treatment area. The project is located at Airport Road in Waitsfield, Vermont.

1. **Effective Date and Expiration Date of this Authorization:** This authorization to discharge shall become effective on March 10, 2021 and shall continue until March 09, 2026. The permittee shall reapply for coverage at least 60 days prior to expiration if the project has not achieved final stabilization or if construction activities are expected after the date of expiration.
2. **Compliance with General Permit 3-9020 and this Authorization:** The permittee shall comply with this authorization and all the terms, conditions, and eligibility provisions of General Permit 3-9020. The completed Notice of Intent (NOI) and Appendix A completed for this project are incorporated by reference into this authorization and are included in the terms of this authorization. These terms include:
  - Implementation and maintenance of erosion prevention and sediment control practices required by the Low Risk Site Handbook for Erosion Prevention and Sediment Control.
  - All areas of disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. The following exception to the above stabilization requirements apply:
    - Temporary stabilization is not required if 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). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption and the exemption applies only to the excavated area itself.
  - The total authorized disturbance is 5.00 acre(s).
  - No more than 5 acres of land may be disturbed at any one time.
  - All stormwater discharges from the construction site to any receiving water shall first filter through a 50-ft. vegetated buffer.
  - Inspections shall be conducted at least once every (7) calendar days and daily during the winter construction period (October 15 through April 15), for all areas that have been disturbed and are not yet finally stabilized. In addition:
    - If visibly discolored stormwater runs off the construction site or discharges to waters of the State, the permittee shall take immediate corrective action to inspect and maintain existing best management practices (BMPs), and to install supplemental BMPs necessary to minimize and prevent the discharge.
  - If, after completing corrective action, there continues to be a discharge of discolored stormwater from the construction site to waters of the State, the permittee shall notify DEC by submitting a Discharge Report within 24 hours of discovering the discharge.

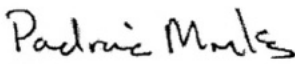
3. Transferability and Addition of Co-Permittee: This authorization to discharge is not transferable to any person, nor may any person be added as a permittee, except in compliance with General Permit 3-9020 including submission of a complete Notice of Transfer or Notice of Addition of Co-Permittee.
4. Following receipt of authorization under General Permit 3-9020, additional Owner(s) and Operator(s) not identified on the Notice of Intent at the time of application shall be added as a co-permittee by filing a Notice of Addition of Co-Permittee with the Secretary. The co-permittee shall be subject to all terms and conditions of the permittee's authorization and Construction General Permit 3-9020.
5. Right to Appeal:

(A) Pursuant to 10 V.S.A. Chapter 220, any appeal of this permit, except for appeal of a renewable energy plant as described in (B), must be filed with the clerk of the Environmental Division of the Superior 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 Division; and must be signed by the appellant or the appellant's 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.

(B) If this permit relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. § 248, any appeal of this decision must be filed with the Vermont Public Utility Commission pursuant to 10 V.S.A. § 8506. This section does not apply to a facility that is subject to 10 V.S.A. § 1004 (dams before the Federal Energy Regulatory Commission), 10 V.S.A. § 1006 (certification of hydroelectric projects), or 10 V.S.A. Chapter 43 (dams). Any appeal under this section must be filed with the clerk of the Public Utility Commission within 30 days of the date of this decision; the appellant must file with the clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2) and shall also serve a copy of the notice of appeal on the Vermont Public Service Department. For further information, see the Rules and General Orders of the Public Utility Commission.

Dated March 10, 2021

Peter Walke, Commissioner  
Department of Environmental Conservation

By: 

Padraic Monks, Stormwater Program Manager

**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): Mavis, LLC.  
58 Center Road  
Middlesex, VT 05602****Permit Number: WW-5-2862-2**

This permit affects the following property/properties in Waitsfield, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
A	06001.000	675-214-10591	28.00	Book:166 Page(s):597-599

This application, consisting of amending WW-5-2862-1 by merging previously approved lots (Lots 1 through 8) to create Lot A of 28± acres now to be improved with twenty 3-bedroom single-family residences served by the previously approved community wastewater system and five proposed potable water supplies where Well #1 serves Building Nos. 1, 2, 3, and 5, Well #2 serves Building Nos. 17 through 20, Well #3 serves Building Nos. 11 through 14, Well #4 serves Building Nos. 4, 7, 15, and 16, and Well #5 serves Building Nos. 6, 8, 9, and 10, located on Airport Road in Waitsfield, 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 Waitsfield 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 Waitsfield Land Records.
- 1.3 All General conditions set forth in **WW-5-2862-1**, dated 01/17/2005, shall remain in effect except as amended or modified herein.
- 1.4 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.
- 1.5 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.
- 1.6 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.



## 2. CONSTRUCTION

- 2.1 Construction shall be completed as shown on the plans and/or documents prepared by John Grenier P.E., with the stamped plans listed as follows:

Title	Sheet #	Plan Date	Revision
<b>Overall Site Plan Estes Landing Mavis LLC Airport Road Waitsfield</b>	SP1	12/22/2020	None.
<b>Site Plan Estes Landing Mavis LLC Airport Road Waitsfield</b>	SP2	12/22/2020	01/11/2021
<b>Sewer Profiles North Estes Landing Mavis LLC Airport Road Waitsfield</b>	SP3	12/22/2020	01/11/2021
<b>Sewer Profiles South Estes Landing Mavis LLC Airport Road Waitsfield</b>	SP4	12/22/2020	None.
<b>Storm Profiles South Estes Landing Mavis LLC Airport Road Waitsfield</b>	SP5	12/22/2020	01/11/2021
<b>Utility Details Estes Landing Mavis LLC Airport Road Waitsfield</b>	SP6	12/22/2020	None.
<b>Pump Station Details Estes Landing Mavis LLC Airport Road Waitsfield</b>	SP7	12/22/2020	None.

- 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 each 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 each 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 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 Designer for the water distribution system, including sizing calculations, specifications for pumps, hydropneumatic tanks, and storage facilities.
- 3.4 Each proposed water source is located within the minimum potential interference distances specified in Table A11-4 of the Water Supply Rules from a proximate water source. Prior to use of each water system a Class 1 or qualified Class B Licensed Designer shall conduct an interference test on the proximate water sources in accordance with the Water Supply Rules, Section 11.6.3. Should the water source have unacceptable interference, a Class 1 or qualified Class B Licensed Designer shall provide to the Drinking Water and Groundwater Protection Division for review and approval a water system design to alleviate unacceptable interference.

**4. DESIGN FLOW**

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

Lot	Proposed Building	Building Use / Design Flow Basis	Wastewater	Water
A	1	3-Bedroom Single-Family Residence	245	420
	2	3-Bedroom Single-Family Residence	245	420
	3	3-Bedroom Single-Family Residence	245	420
	4	3-Bedroom Single-Family Residence	245	420
	5	3-Bedroom Single-Family Residence	245	420
	6	3-Bedroom Single-Family Residence	245	420
	7	3-Bedroom Single-Family Residence	245	420
	8	3-Bedroom Single-Family Residence	245	420
	9	3-Bedroom Single-Family Residence	245	420
	10	3-Bedroom Single-Family Residence	245	420
	11	3-Bedroom Single-Family Residence	245	420
	12	3-Bedroom Single-Family Residence	245	420
	13	3-Bedroom Single-Family Residence	245	420
	14	3-Bedroom Single-Family Residence	245	420
	15	3-Bedroom Single-Family Residence	245	420
	16	3-Bedroom Single-Family Residence	245	420
	17	3-Bedroom Single-Family Residence	245	420
	18	3-Bedroom Single-Family Residence	245	420
	19	3-Bedroom Single-Family Residence	245	420
	20	3-Bedroom Single-Family Residence	245	420
N/A	N/A	Infiltration	573	None.
N/A	N/A	Reserve Capacity	407	None.

**5. WASTEWATER SYSTEM**

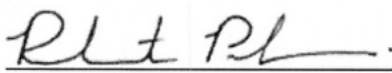
5.1 This project is approved for connection to an existing wastewater system. No additional changes shall be made to the existing wastewater system unless otherwise exempt without prior approval from the Drinking Water and Groundwater Protection Division.

- 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 All Wastewater System conditions set forth in **WW-5-2862-1**, dated 01/17/2005, shall remain in effect except as amended or modified herein.
- 5.4 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 sources and the owner shall maintain the flag until commencement of construction of the source.
- 6.2 Should any 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.
- 6.3 All Wastewater System conditions set forth in **WW-5-2862-1**, dated 01/17/2005, shall remain in effect except as amended or modified herein.

Peter Walke, Commissioner  
Department of Environmental Conservation

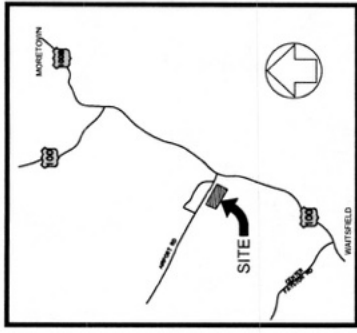
By:   
Robert Pelosi  
Environmental Analyst V  
Montpelier Regional Office  
Drinking Water and Groundwater Protection Division

Dated January 20, 2021

cc: John Grenier P.E.

# ESTES LANDING

AT  
AIRPORT ROAD  
WAITSFIELD, VT  
DECEMBER 22, 2020

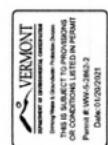


VICINITY MAP  
N/S



SHEET	TITLE
SP-1	OVERALL SITE PLAN
SP-2	SITE PLAN
SP-3	SEWER PROFILES - NORTH
SP-4	SEWER PROFILES - SOUTH
SP-5	STORM PROFILES
SP-6	UTILITY DETAILS
SP-7	PUMP STATION DETAILS
SW-1	EXISTING STORMWATER PLAN
SW-2	PROPOSED STORMWATER PLAN
SW-3	EROSION CONTROL, SOIL, DITCH, & QUALITY PLAN
SW-4	ANNOTATED MAINTENANCE PLAN
SW-5	STORMWATER DETAILS
EPSC-1	EROSION PROTECTION AND SEDIMENT CONTROL PLAN

GRAPHIC SCALE  
(AS SHOWN)  
1 inch = 100 ft.



NOTE: ORIGINAL PLAN 24" x 36" - OTHER SIZES NOT TO SCALE



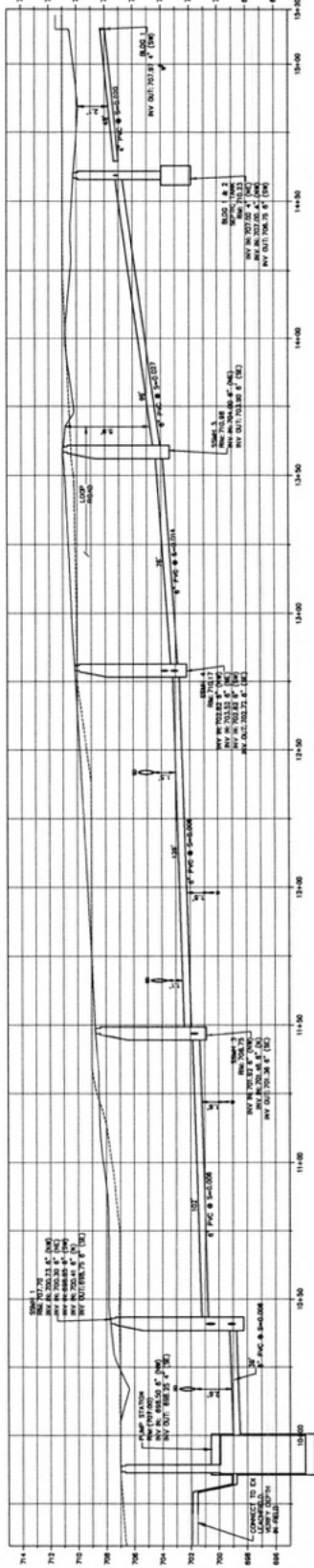
OVERALL SITE PLAN  
ESTES LANDING - MAVIS, LLC  
AIRPORT ROAD  
WAITSFIELD

**GRENIER**  
ENGINEERING, P.C.  
155 DEMERITT PLACE #2  
WAITSFIELD, VT 05675  
PHONE: (802) 244-1172  
FAX: (802) 244-1172  
www.greniereng.com

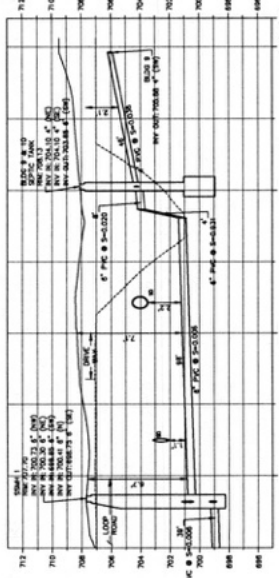
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Project: 2020



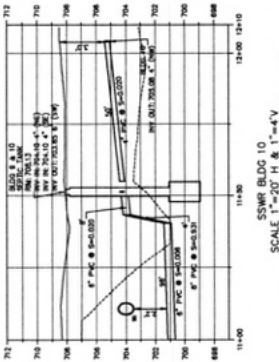




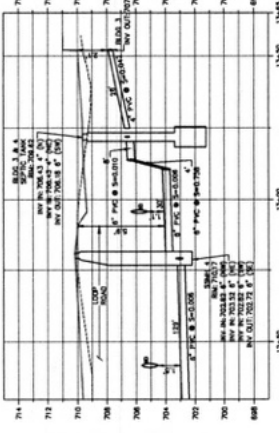
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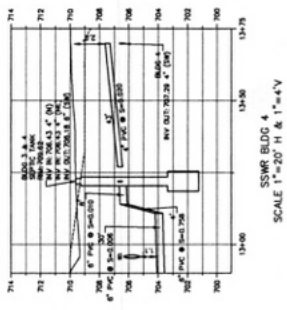
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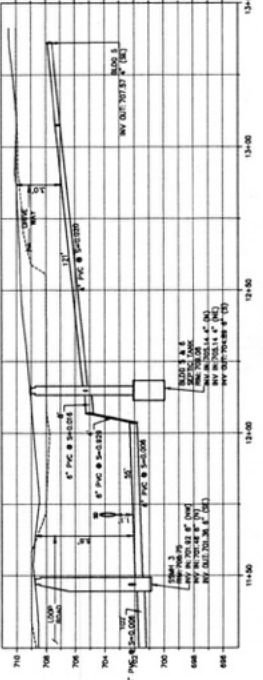
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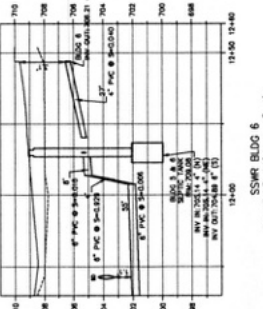
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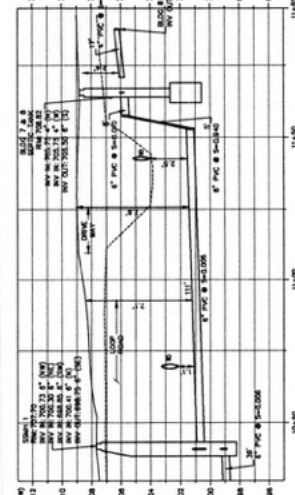
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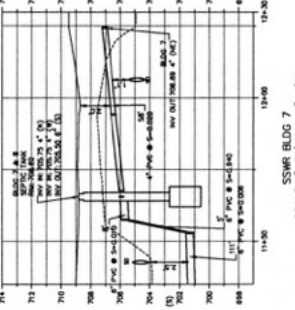
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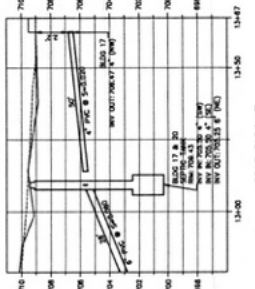
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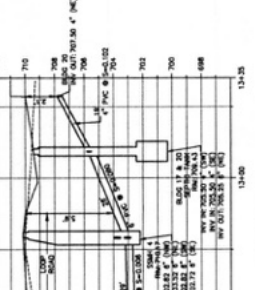
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SSMR BLDG 17  
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SSMR BLDG 20  
SCALE 1"=20' H & 1"=4' V

**VERMONT**  
DIVISION OF CONSTRUCTION  
Professional Engineer License No. 10000  
OR CONDITIONS LISTED IN FOOTNOTES  
Date: 01/05/2021

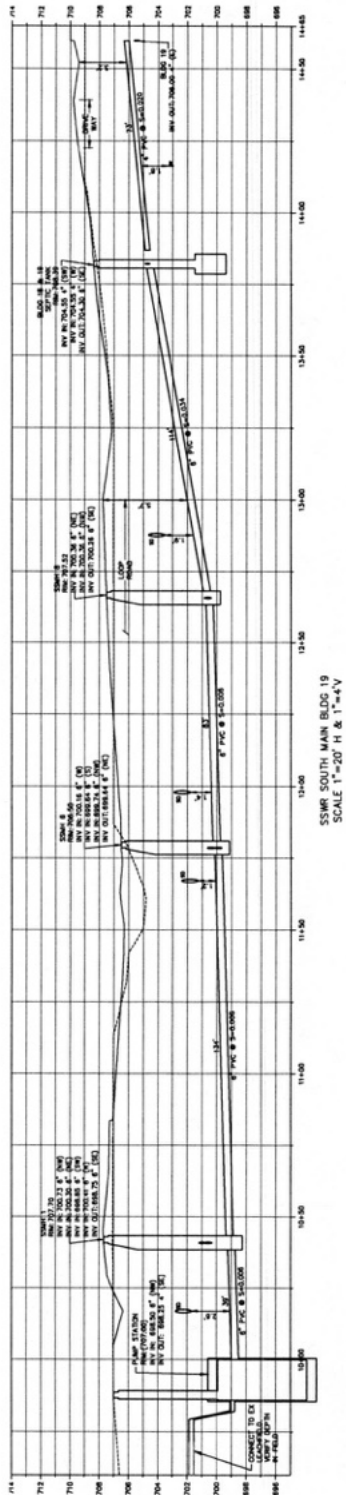
NOTE: ORIGINAL PLAN 24" x 36" - OTHER SIZES NOT TO SCALE



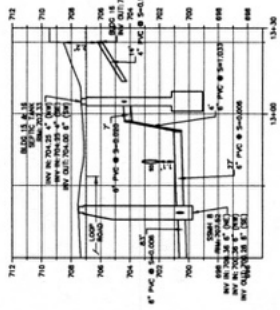
**GRENIER ENGINEERING, P.C.**  
155 BUREAU PLACE #2  
AIRPORT ROAD  
ESTES LANDING - MAVIS, LLC  
SEWER PROFILES - NORTH

**WATTSFIELD**

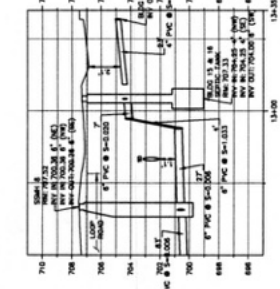
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Check: MJB  
Design: MJB  
Project: 155 BUREAU PLACE #2  
Sheet No.: 01



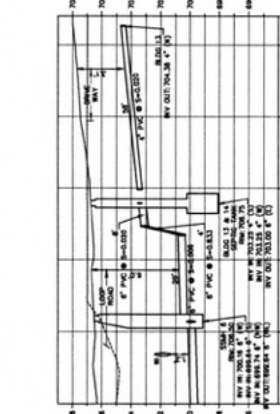
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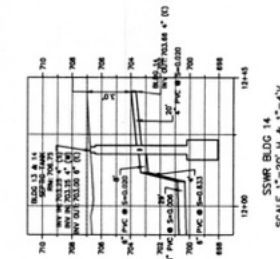
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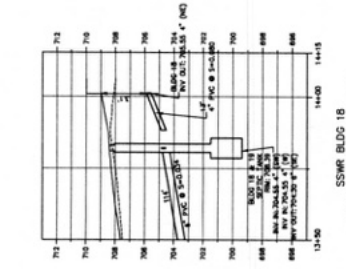
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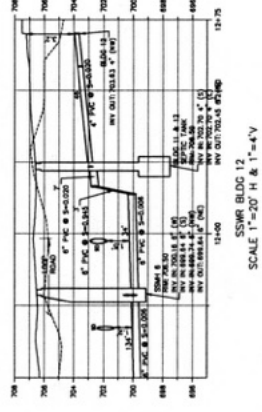
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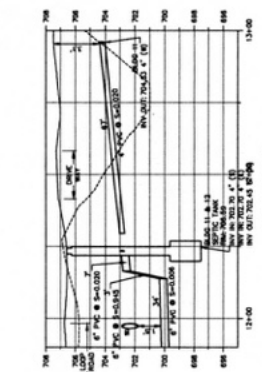
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SSWM BLDG 18  
SCALE 1"=20' H & 1"=4' V



SSWM BLDG 12  
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SSWM BLDG 11  
SCALE 1"=20' H & 1"=4' V

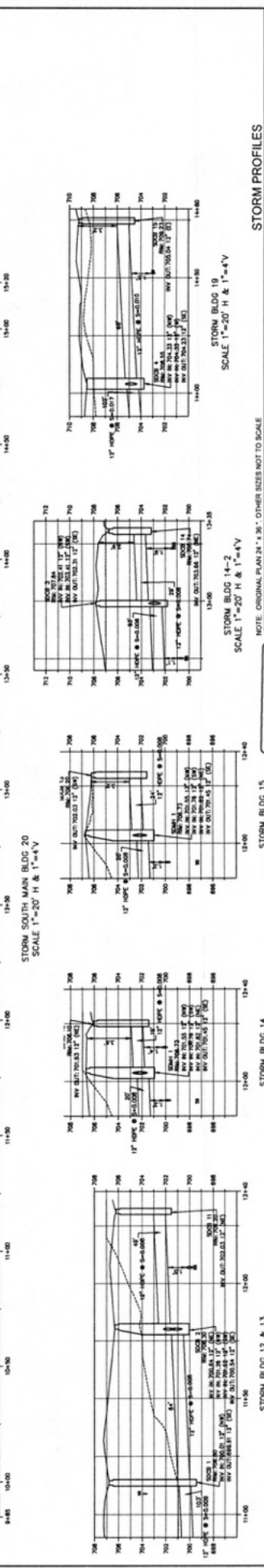
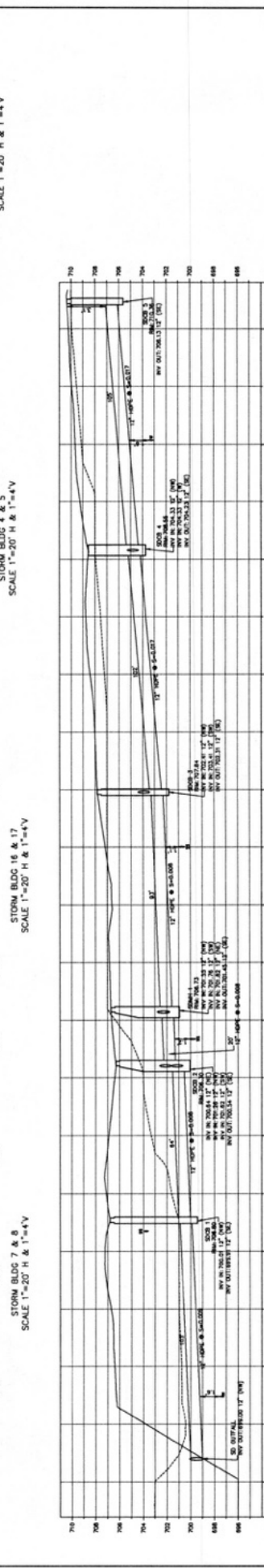
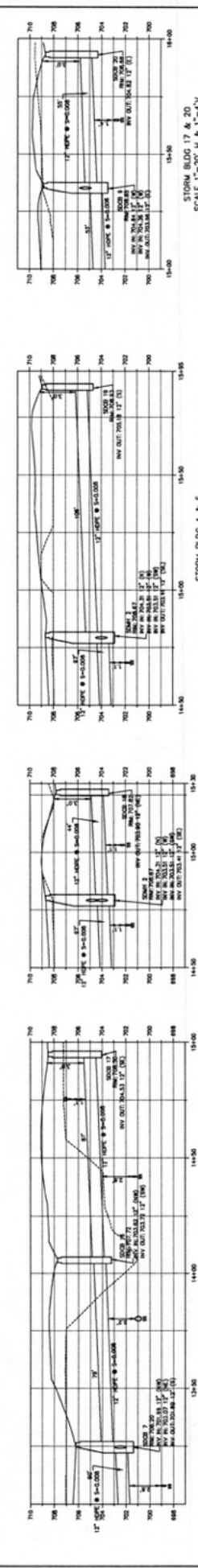
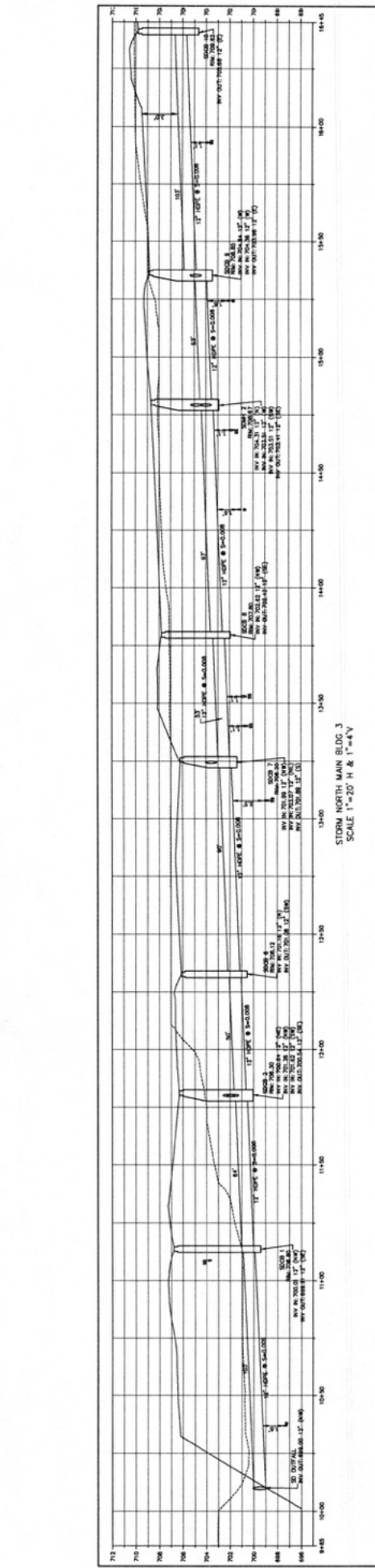
NOTE: ORIGINAL PLAN 24" X 36" - OTHER SIZES NOT TO SCALE



**GRENIER ENGINEERING, P.C.**  
 155 DEMERITT PLACE #2  
 AIRPORT ROAD  
 WAITSFIELD

Date: 12.22.20  
 Scale: 1"=20'  
 Drawn: JWG  
 Checked: JWG  
 Project No. 2021-001

SEWER PROFILES - SOUTH  
 ESTES LANDING - MAVIS, LLC  
 AIRPORT ROAD  
 WAITSFIELD



NOTE: ORIGINAL PLAN 24" x 36" - OTHER SIZES NOT TO SCALE

No.	Date	Description
1	11/11/21	ISSUED FOR PERMITTING

**VERMONT**  
DIVISION OF CONSTRUCTION  
REGISTERED PROFESSIONAL ENGINEER  
THIS IS SUBJECT TO PROVISIONS OF CONDITIONS LISTED IN PERMIT  
Permit No. 19-000-0000-2  
Date: 01/05/2022

**STORM LANDING - MAVIS, LLC**  
**AIRPORT ROAD**  
**GRENIER ENGINEERING, P.C.**  
155 DUMFRIES PLACE #2  
P.O. Box 145  
Newbury, VT 05652  
Phone: (802) 544-5172  
Fax: (802) 544-5172  
www.grengineering.com

Date: 12.22.20  
Scale: 1"=20'  
Drawn: MAB  
Checked: GRS



