



State of Vermont

LAND USE PERMIT

CASE NUMBER:	#1R0788	LAWS/REGULATIONS
APPLICANT :	Sunrise Plaza, Inc.	10 VSA Chapter 151
ADDRESS :	c/o William N. Gilbert	(Act 250),
	P.O. Box 452	Environmental Board Rules.
	Hydeville, VT 05750	

District Environmental Commission #1 hereby issues a Land Use Permit #1R0788 pursuant to the authority vested in it in 10 VSA Chapter 151. This permit applies to the lands identified in book 70, page 141, of the land records of the town of Castleton, Vermont, as the subject of a deed to Sunrise Plaza, Inc., the "permittee" as grantee. This permit specifically authorizes the permittee to create a five lot subdivision on a 3.36 acre tract which contains an existing commercial plaza located on the north side of Route 4A off the entrance road to the abandoned race track in Castleton, Vermont. The project involves creation of four residential lots (0.4 acre per lot), construction of four homes, to be served by a new 299 foot long gravel drive constructed to provide access, served by town sewer and individual on-site wells, and retention of the fifth lot currently improved by a commercial retail plaza.

Jurisdiction over this 3.36 acre tract of land, including the pre-existing commercial retail construction and .36 acre tract involving rights-of-way, is based upon the development of a subdivision under Environmental Board Rules 2(B), and 2(F).

The permittee, and its assigns and successors in interest, are obligated by this permit to complete and maintain the project only as approved by the District Environmental Commission in accordance with the following terms and conditions.

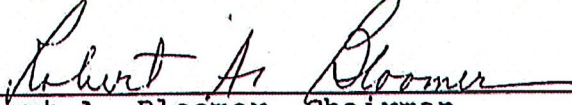
1. The project shall be completed in accordance with exhibits #1 through 32 and in accordance with plans stamped "Approved" and on file with the District Environmental Commission.
2. The project shall be completed and maintained in accordance with all the terms and conditions of Subdivision Permit #EC-1-1484 issued on October 6, 1994, by the Wastewater Management Division, Agency of Natural Resources. Any amendment to the Subdivision Permit shall be incorporated herein, unless this condition is modified in writing by the Commission.

3. No changes shall be made to the existing retail plaza prior to review and approval by the District Coordinator or District Environmental Commission under applicable Environmental Board Rules.
4. The road shall be maintained in accordance with the maintenance agreement cited as Exhibit #11.
5. Mobile homes are not permitted prior to review and approval of the District Environmental Commission.
6. The grass islands, post and rail fences, wood privacy fence at the back of the plaza, intersection paving, and gravel drive and cul-de-sac, shall be completed prior to sale or occupancy of the first new home. A stop sign shall be erected at the intersection of the right-of-way and Route 4A.
7. The 53 parking spaces required by the Town for the commercial space shall be constructed to town specifications within two years of the date of issuance of this land use permit.
8. By acceptance of this permit, the permittee(s) agree(s) 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 any applicable Vermont environmental and health statutes and regulations and with this permit.
9. By the acceptance of the conditions of this permit without appeal, the permittee confirms for itself and all assigns and successors in interest that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittee(s) and all assigns and successors in interest.
10. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed in accordance with the terms of the permit.
11. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the permittee(s) has not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 VSA Section 6091(b) (Amended June 21, 1994).

12. Pursuant to 10 V.S.A. § 6090(b), this permit is issued for an indefinite term, as long as there is compliance with the conditions of the permit (Amended June 21, 1994).
 13. All construction and site work associated with this project shall be completed in accordance with the approved plans by October 15, 1996, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
 14. Each prospective purchaser of any lot shall be shown a copy of the approved plot plan, the Subdivision Permit, the Land Use Permit, and the Findings of Fact and Conclusions of Law before any written contract of sale is entered into.
-

Dated at Rutland, Vermont, this 21st day of February, 1996.

DISTRICT ENVIRONMENTAL COMMISSION #1


Robert A. Bloomer, Chairman
William Corey
Charles Shortle

By William Burke
District Coordinator

Any appeal of this decision must comply with all provisions of 10 V.S.A. §6089 and Environmental Board Rule 40 including the submission of the original and ten copies of the following: notice of appeal, a statement of why the appellant believes the commission was in error, a statement of the issues to be addressed in the appeal, a summary of the evidence that will be presented, a preliminary list of witnesses, decision, and certificate of service. Decisions on minor applications may be appealed if a hearing was held by the district commission or timely requested by the appellant.

CERTIFICATE OF SERVICE

I, Joyce Fagan, hereby certify that I sent a copy of the foregoing Land Use Permit #1R0788, on February 21, 1996, by U.S. Mail, postage prepaid, to the following:

Sunrise Plaza, Inc.
c/o William N. Gilbert
P.O. Box 452
Hydeville, VT 05750

Anthony Stout
Land Use Consulting
R.R. 1, Box 1205
N. Ferrisburgh, VT 05473

Edward McNamara
Castleton Town Selectmen
R.R. 1, Box 2595
Fair Haven, VT 05743

William Turner
Castleton Town Planning
Commission
HC 62, Box 116
Bomoseen, VT 05732-7710

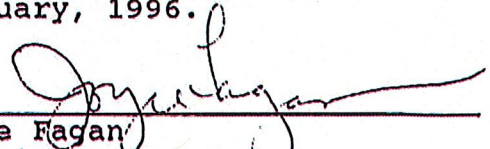
Patricia Ryan
Zoning Administrator
P.O. Box 727
Castleton, VT 05735

Rutland Regional Commission
c/o Mark Blucher
P.O. Box 965, The Opera House
Rutland, VT 05702

Kurt Janson
Land Use Attorney
103 South Main Street
Waterbury, VT 05676

George Springston
Agency of Natural Resources
Water Quality Division
Building 10 North, 2nd Fl
Waterbury, VT 05676

Dated at Rutland, Vermont,
this twenty-first day of
February, 1996.

By 
Joyce Fagan
Administrative Secretary

FOR YOUR INFORMATION ONLY

Ray Dean
Assistant Regional Engineer
450 Asa Bloomer State Office
Building
Rutland, VT 05701

Department of Public Service
c/o Stuart Slote
Energy Efficiency Division
120 State Street
Montpelier, VT 05620

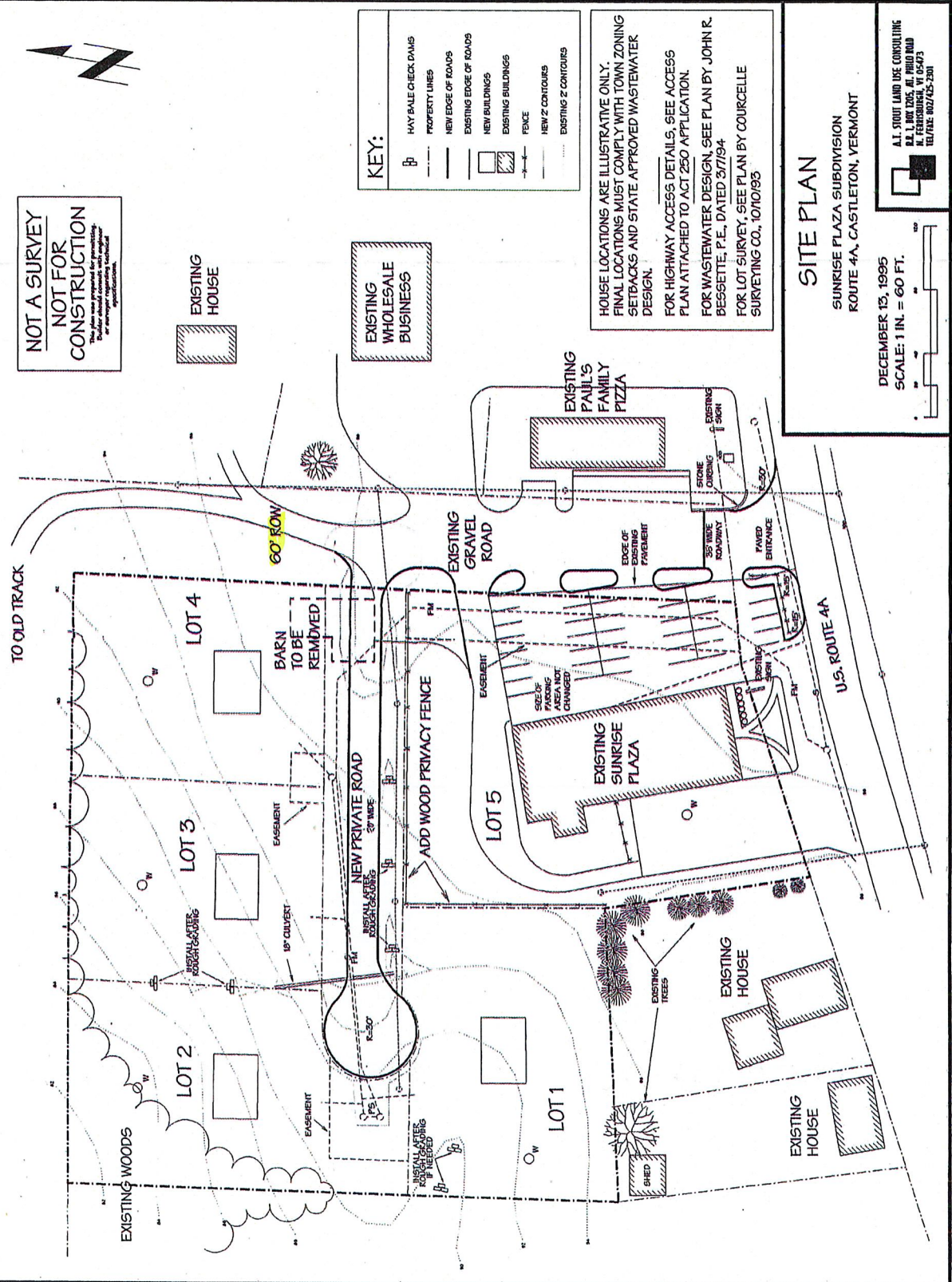
ROAD MAINTENANCE AGREEMENT
Sunrise Plaza Subdivision

WHEREAS, The Premises described herein are conveyed subject to and are benefitted by a fifty foot wide reciprocal right-of-way, twenty foot easement and sixty foot right-of-way, in common with Grantor and others over the Subdivision access roads as shown on the survey map entitled SUNRISE PLAZA SUBDIVISION, INC.,

1. Title to the Subdivision Roadways shall be retained by the Declarants provided that the Declarants may at their sole discretion may deed the Subdivision Roadways to the Lot owners as Tenants in Common in which event ownership of each of the Lots shall include an undivided 1/4 interest in the Subdivision Roadway (50') in common with all other owners of Lots in the Subdivision and subject to the provisions of these Covenants.
2. The right-of-way and easement over the Subdivision Roadways shall be recited in each deed of conveyance to the Lots.
3. Lot owners shall refrain from any construction of improvements on their lots which would impair or interfere with the Subdivision Roadways, utilities, or drainage easement. Declarants hereby reserve for themselves, their heirs, successors and assigns, the right to designate the location of the driveways from the lots within the subdivision to avoid interference with underground utility lines, prevent damage to Subdivision Roadways, and to assure safety in traffic patterns along the Subdivision Roads.
4. Declarants hereby reserve, to themselves, their heirs, successors and assigns, the right to enter upon the lots within the subdivision for the purpose of creating and maintaining slopes along the Subdivision Roadways as necessary to provide for public safety, and to promote proper drainage, and prevent erosion of the roads, ditches, culverts, slopes and other appurtenances.
5. Each of the Lot owners shall be responsible for 1/4th of the cost of maintenance and repair of Subdivision Roadways, as well as, the Sixty foot (60') right-of-way leading to the Subdivision Roadway. Including, but not limited to; snow plowing, grading, and maintenance of the road surface and subgrade. Annually, during the month of December, the Lot owners shall meet to determine the level and nature of maintenance required for the succeeding year, and to establish a projected annual assessment.

5. Continued. Once the projected assessment is established the owner of each lot shall pay 1/4th of the annual assessment for each lot owned into a common account established by the Lot owners not later than January 31, next following the meeting, providing that assessments for emergency maintenance and repair may be made at any time and shall be due and payable by the Lot owners no later than thirty (30) days following the special assessment. The Lot owners shall designate an agent to arrange for maintenance and make payments for such maintenance from the common fund. If the Lot owners fail to meet as required above, any individual Lot owner may undertake such maintenance as reasonably required and assess the cost of such maintenance against all other Lot owners in accordance with the Foregoing provisions. Failure of any Lot owner to pay his 1/4th share of assessments shall be subject to the provisions of paragraph 6 next following.
6. In the event any assessment is not paid within thirty (30) days following the date of mailing of the notice of such assessment, the assessment shall thereafter bear interest at the rate of one and one-half percent (1.500%) per month until the delinquent assessment is paid in full, with partial payments to be credited first against accrued interest and the remainder if any, against the principal balance of the assessment. In the event that it becomes necessary to collect any assessment by legal process, the delinquent Lot owner shall be liable for reasonable costs of collection and attorney's fees, including all interest as aforesaid on amounts advanced by other Lot owners in addition to all other sums due whether or not such action is pursued to judgement.
7. Included in the Road Maintenance agreement is a sewer pump station agreement which would also be covered under the same terms and conditions as above.

**NOT A SURVEY
NOT FOR
CONSTRUCTION**
This plan is intended for informational purposes only and should not be used for any legal or engineering purposes.



KEY:

	HAY BALE CHECK DAMS
	PROPERTY LINES
	NEW EDGE OF ROADS
	EXISTING EDGE OF ROADS
	NEW BUILDINGS
	EXISTING BUILDINGS
	FENCE
	NEW 2' CONTOURS
	EXISTING 2' CONTOURS

HOUSE LOCATIONS ARE ILLUSTRATIVE ONLY.
FINAL LOCATIONS MUST COMPLY WITH TOWN ZONING
SETBACKS AND STATE APPROVED WASTEWATER
DESIGN.
FOR HIGHWAY ACCESS DETAILS, SEE ACCESS
PLAN ATTACHED TO ACT 250 APPLICATION.
FOR WASTEWATER DESIGN, SEE PLAN BY JOHN R.
BESSETTE, P.E., DATED 5/7/94
FOR LOT SURVEY, SEE PLAN BY COURCELLE
SURVEYING CO., 10/10/93

SITE PLAN
SUNRISE PLAZA SUBDIVISION
ROUTE 4A, CASTLETON, VERMONT

DECEMBER 13, 1995
SCALE: 1 IN. = 60 FT.

AL STOUT LAND USE CONSULTING
22 L. HWY 105, AL. PHO ROAD
N. FERRISBURGH, VT 05473
TEL/FAX 802/425-2301

EXHIBIT # 24
180758

LAND USE PERMIT

120788-2



State of Vermont

DISTRICT COMMISSION #1
APPLICATION #
EXHIBIT # 1
DATE: 6/5/10

LAND USE PERMIT

CASE NUMBER: 1R0788-2

APPLICANT : Sunrise Plaza, Inc.
ADDRESS : c/o William N. Gilbert
P.O. Box 452
Hydeville, VT 05750

LAWS/REGULATIONS

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

District Environmental Commission #1 hereby issues a Land Use Permit Amendment #1R0788-2 pursuant to the authority vested in it in 10 V.S.A. Chapter 151. This permit amendment applies to the lands identified in book 70, page 141, of the land records of the town of Castleton, Vermont, as the subject of a deed to Sunrise Plaza, Inc., the "permittee" as grantee. This permit specifically authorizes the permittee to extend the construction deadline for the installation of the wood privacy fence to between the commercial plaza and residential lots from October 15, 1998 to December 15, 1998. Sunrise Plaza is located off the north side of VT Route 4A in Hydeville, Vermont.

Jurisdiction over this application is conferred by 10 V.S.A., Chapter 151 because it represents a material change to Land Use Permit # 1R0788 per Environmental Board Rules 2(A)(5) and 2(P).

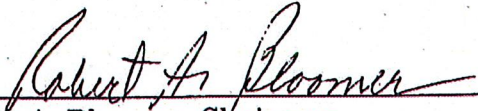
The permittee and its assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project only as approved by the District Environmental Commission in accordance with the following terms and conditions.

1. The project shall be completed in accordance with exhibits #1 through 8 and in accordance with plans on file with the District Environmental Commission. In the event of any conflict, the terms and conditions of this permit shall supersede the approved plans and exhibits.
2. All of the terms and conditions of Land Use Permit #1R0788, as amended, shall remain in full force and effect, except as specifically modified herein.
3. The permittee shall install and continually maintain a 6-foot tall wooden privacy fence between Lots #1 and 5, and between Lot #5 and the access road to Lots #2-4 as shown in Exhibit #3A. The fence shall be installed no later than December 15, 1998.

4. The Agency of Transportation finds that the permittee is not in compliance with their Access Permit granted April 4, 1996. Exhibit #7. The permittee shall comply with all conditions of the Access Permit no later than December 1, 1998. The permittee shall file a letter with the District Environmental Commission no later than December 31, 1998 providing evidence that the permittee is in full compliance with the Access Permit.
4. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the Commission, whichever is appropriate under the Environmental Board Rules.

Dated at Rutland, Vermont, this 30th day of October, 1998.

DISTRICT ENVIRONMENTAL COMMISSION #1



Robert A. Bloomer, Chairman
Charles Shortle
William M. Corey

By: Carmelita L. Brown
Assistant Coordinator

Any appeal of this decision must comply with all provisions of 10 V.S.A. §6089 and Environmental Board Rule 40 including the submission of the original and ten copies of the following: notice of appeal, a statement of why the appellant believes the commission was in error, a statement of the issues to be addressed in the appeal, a summary of the evidence that will be presented, a preliminary list of witnesses, decision, and certificate of service. Decisions on minor applications may be appealed if a hearing was held by the district commission or timely requested by the appellant.

CERTIFICATE OF SERVICE

I, Joyce Fagan, hereby certify that I sent a copy of the foregoing Land Use Permit #1R0788-2 on October 30, 1998, by U.S. Mail, postage prepaid, to the following:

Sunrise Plaza, Inc.
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Patricia Ryan
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Castleton, VT 05735

Rutland Regional Commission
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Rutland, VT 05702

Jon Groveman, Esq.
Land Use Attorney
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FOR YOUR INFORMATION

David Swift
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Rutland, VT 05702

Joseph P. Pellerin Estate
c/o Daniel Pellerin
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Albert & Sharon Peltier
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Castleton, VT 05735

Franklin Taggart
P.O. Box 437
Castleton, VT 05735

David & Jo Ellen McMahon
P.O. Box 175
Hydeville, VT 05750

Rodney Ward
Route 4A
Hydeville, VT 05750

Hydeville Baptist Church
P.O. Box 86
Hydeville, VT 05750

Lucille Reed-Mason &
Andrea Davis
P.O. Box 203
Hydeville, VT 05750

Kathy Ann Dempsey
P.O. Box 403
Bomoseen, VT 05732

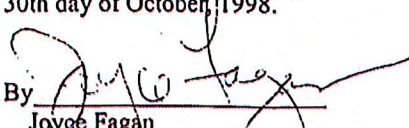
Joseph E. McCarthy
Patricia A. Lewis
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Hydeville, VT 05750

William & Vicki Mohan
P.O. Box 181
Hydeville, VT 05765

Paul & Judy Wiskoski
Scotch Hill Road
Fair Haven, VT 05743

District Commission:
Robert Bloomer
Charles Shortle
William Corey
440 Asa Bloomer State Office
Building
Rutland, VT 05701

Dated at Rutland, Vermont, this
30th day of October, 1998.

By 
Joyce Fagan
Administrative Assistant