

# State of Vermont

## LAND USE PERMIT

**CASE NO:** 3W0405-5  
**PERMITTEES:** Ray G. & Lynda J. Colton  
**ADDRESS:** P.O. Box 688  
Pittsfield, VT 05762

**LAWS/REGULATIONS INVOLVED:**  
10 V.S.A., §§ 6001 - 6092 (Act 250)

District Environmental Commission #3 hereby issues Land Use Permit #3W0405-5, pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6092. This permit applies to the lands identified in Book 29, Page 327, of the land records of the Town of Pittsfield, Vermont, as the subject of a deed to Ray G. & Lynda J. Colton, the permittees as grantees.

**This permit specifically authorizes the permittees to store up to 1000 cords of logs on-site, to reclaim topsoil from the log storage area at least once annually, to grind and store wood bark, occasional wood chipping, to increase daily truck traffic, to replace the existing generator with a 210-kW generator and to operate year round. The tract of land is 7 acres. The project is located on Route 100 in Pittsfield.**

The project is subject to Act 250 jurisdiction because the project is a substantial and material change to a permitted project, Land Use Permit #3W0405, and thus constitutes "development" pursuant to Board Rules 2(A)(5) and 2(P).

The permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Environmental Commission in accordance with the following conditions:

1. The project shall be completed, operated and maintained in accordance with: (a) Findings of Fact and Conclusions of Law #3W0405-5, (b) the plans and exhibits on file with the District Environmental Commission, and (c) the conditions of this permit.

The approved plan is:

Sheet 1 - "Site Plan," dated April 3, 2001, last revised June 14, 2001.

2. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the District Environmental Commission, whichever is appropriate under the Environmental Board Rules.
3. By acceptance of the conditions of this permit without appeal, the permittees confirm and agree 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 permittees and all assigns and successors in interest.

4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holders file an affidavit certifying that the project is being completed, operated and maintained in accordance with the terms of the permit, as provided by 10 V.S.A., Chapter 151 and the rules of the Environmental Board.
5. By acceptance of this permit, the permittees agree 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 Vermont environmental and health statutes and regulations and with this permit.
6. All conditions of Land Use Permit #3W0405 and amendments are in full force and effect except as amended herein.
7. The project is approved for the following maximum impacts:
  - 1,000 cords of logs stored on-site;
  - chipping wood no more than 24 hours per year;
  - 40 vehicle round trips per day.
8. Hours of operation shall be limited to Monday through Saturday, except holidays, from 7:00 a.m. until 6:30 p.m.
9. The permittees shall chip waste wood for a maximum of 24 hours per year. This shall occur no more than four times per year for six hours during the middle of the day. The permittees shall notify the neighbors with party status prior to chipping.
10. The permittees shall use dry wood chips to start the boilers.
11. The permittees shall install a wind sock and only start the boilers when the wind is not blowing toward the Grays' house.
12. The permittees shall maintain the generator in accordance with the manufacturer's specification. The permittees shall operate the generator only with the door closed.
13. The permittees shall operate the bark mulch business on a rotating basis. The first product in shall be the first product out. The permittees shall remove stockpiles of bark mulch prior to July 31 of each year.
14. The permittees shall prohibit all truck activity, including deliveries, shipments and idling, from 6:30 p.m. until 7:00 a.m.

15. The District Environmental Commission reserves the right to evaluate and impose additional conditions with respect to Criterion 1 Air Pollution, specifically emissions. The Commission reserves the right for the duration of the permit.
16. The permittees shall store all materials outside the floodway fringe.
17. In addition to conformance with all erosion control conditions, the permittees shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the permittees from compliance with 10 V.S.A., Chapter 47, Vermont's Water Pollution Control Law.
18. The permittees shall maintain a 50-foot undisturbed, naturally vegetated, unmowed buffer strip from the top of the bank of the stream adjacent to Route 100.
19. The permittees shall maintain a 75-foot undisturbed, naturally vegetated, unmowed buffer strip from the top of the bank of the Tweed River as outlined in Exhibit 42. The permittees shall reclaim a portion of the stream buffer and shall not plow snow into the stream buffer.
20. The permittees may allow snowmobiling within the 75-foot stream buffer. The trail shall be limited to no wider than the groomer and shall be mowed not more than once a year.
21. The permittees shall not extract gravel from the Tweed River.
22. No further subdivision, alteration, and/or development of any parcel of land approved herein shall be permitted without the written approval of the District Environmental Commission.
23. Pursuant to 10 V.S.A. § 6090(b), this permit is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.
24. All construction shall be completed in accordance with the approved plans by October 1, 2002, unless an extension of this date is approved in writing by the District Environmental Commission.

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Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., § 6090(c).

Dated at Springfield, Vermont, on October 15, 2001.

BY 

Sharetha Marsicovetere, Chair  
District 3 Environmental Commission  
Environmental Board

Members participating in  
this decision:

Alvin Converse  
Mary B. Russell

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The permittees or a party may file a motion to alter within 30 days from the date of this decision, pursuant to Environmental Board Rule 31. 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 and this decision.

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**CERTIFICATE OF SERVICE**

**#3W0405-5**

I hereby certify that I sent a copy of the foregoing Land Use Permit, Findings of Fact and Conclusions of Law and Exhibit list on October 15, 2001, by U.S. Mail, postage prepaid, to the following:

Ray G. & Lynda J. Colton  
P.O. Box 688  
Pittsfield, VT 05762

Pittsfield Selectboard  
Donald Gray, Chair  
P.O. Box 658  
Pittsfield, VT 05762

Pittsfield Town Planning  
Thomas Yennerell, Chair  
P.O. Box 685  
Pittsfield, VT 05762

Two Rivers Ottauquechee  
Regional Commission  
The King Farm  
Woodstock, VT 05091

Nancy Caparell  
1 Arthur Court  
Warwick, NY 10990

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Pittsfield, VT 05762

Dorothy Gray  
P. O. Box 658  
Pittsfield, VT 05762

Gordon Gray  
P. O. Box 584  
Pittsfield, VT 05762

Sarah Gray  
P. O. Box 584  
Pittsfield, VT 05762

Elizabeth Lord, Legal Assistant  
Agency of Natural Resources  
103 So. Main St., Ctr. Bldg. 3rd Fl.  
Waterbury, VT 05671-0301

**FOR INFORMATION ONLY**  
District 3 Environmental Commission  
100 Mineral Street, Suite 305  
Springfield, VT 05156

Pittsfield Town Clerk  
Patricia S. Haskins  
P.O. Box 556  
Pittsfield, VT 05762

Sandy Cooch  
The Herald of Randolph  
P. O. Box 309  
Randolph, VT 05060

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Ludlow, VT 05149

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331 Olcott Drive  
White River Jct., VT 05001


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Public Service Department  
State Office Building  
Montpelier, VT 05602

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Rutland Herald  
Tom Mitchell  
Box 102  
Castleton, VT 05735

By:   
Julia Schmitz  
District 3 Coordinator