

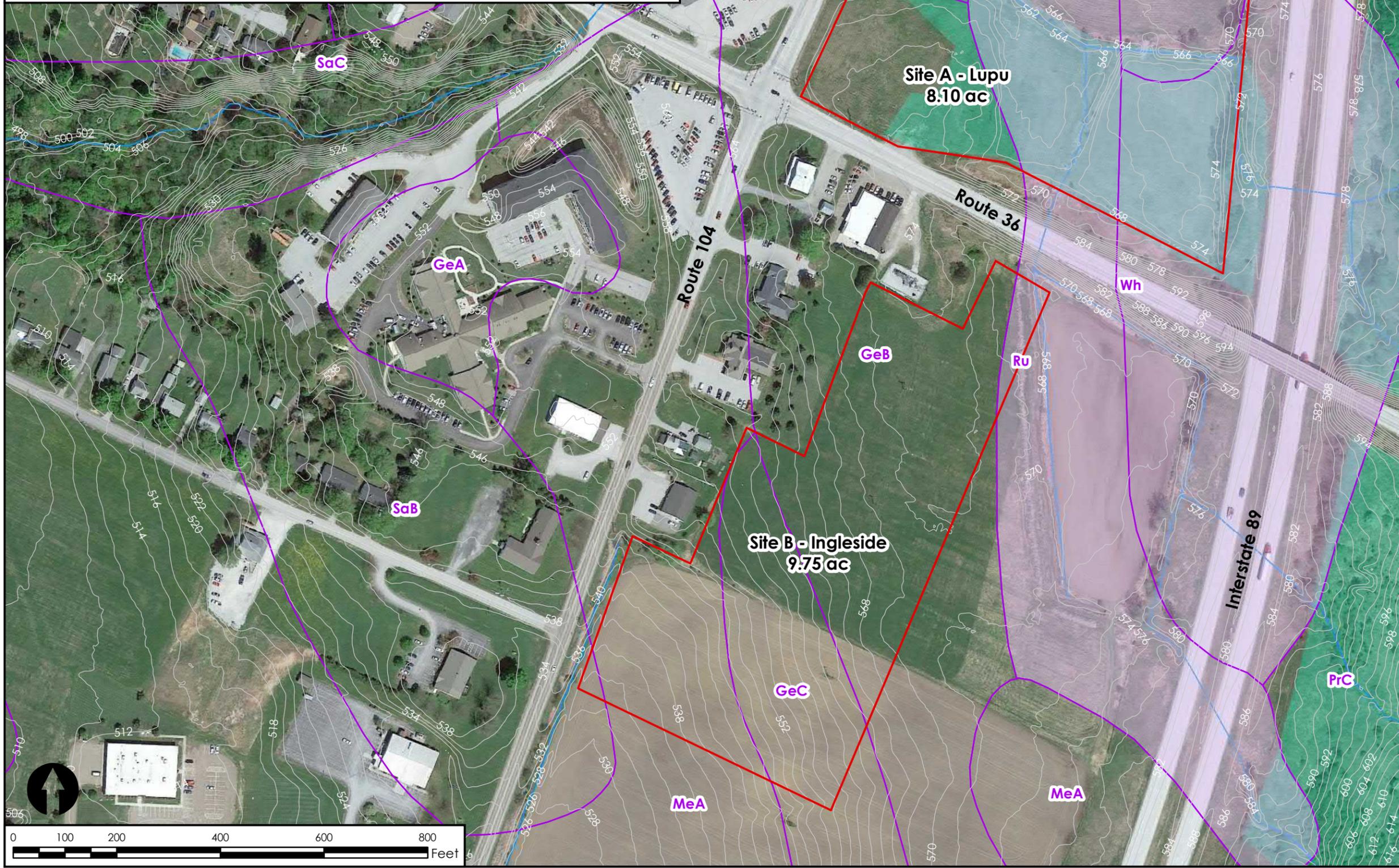
ST. ALBANS TOWN GATEWAY

ATTACHMENT A

OVERALL NATURAL RESOURCE MAP

Soil Key	Soil Description	Ag Value	Hydric	Hydrogroup	On Site
EnA	Enosburg loamy fine sand, 0 to 3 percent slopes	3d	Y	C/D	IVa
GeB	Georgia stony loam, 3 to 8 percent slopes	3	N	C	IIh
GeC	Georgia stony loam, 8 to 15 percent slopes	7	N	C	IIh
MeA	Massena stony loam, 0 to 3 percent slopes	3d	N	C/D	IIIc
Ru	Rumney variant silt loam	4d	Y	B/D	IVa
SaB	St. Albans slaty loam, 3 to 8 percent slopes	1	N	A	Ic
SaC	St. Albans slaty loam, 8 to 15 percent slopes	5	N	A	Ic
Wh	Wareham loamy fine sand	3d	Y	A/D	IVa

Location



Legend

- ▭ Project Area
- Contour (2')
- ▭ NRCS Soil
- ▭ NRCS Hydric Soil
- ▭ Groundwater Protection Area*
- ▭ Surface Water Protection Area*
- ▭ Outstanding Resource Waters*
- VHD Stream
- VHD Open Water*
- ▭ State River Corridor*
- ▭ State Significant Wetland*
- ▭ State Class 3 Wetland*
- ▭ State Wetland Advisory
- ▭ State RTE Species*
- ▭ State Uncommon Species*
- ▭ State Deer Wintering Area*

*Layer does not occur within map extent.

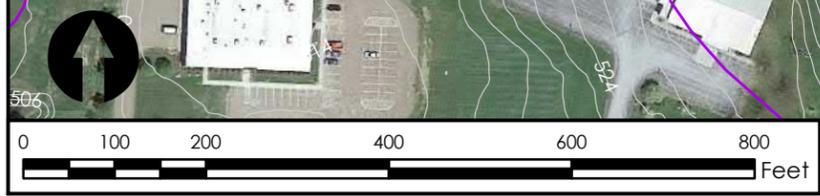
Sources: Google Earth Imagery (2015); Streams by VHD (2013); Project Area by TCE (2017); VT E911 Roads (2015); VT Significant Wetland by ANR (2015); Soils by NRCS (2015); Contours by VCGI & CCRPC (Various dates); RTE Species and Natural Community by VT Fish & Wildlife (2015); Uncommon Species by VT Fish & Wildlife (2015); Tax Parcel Boundary compiled by VCGI; Deer Wintering Area by ANR (2011); River Corridor by ANR (2015); Groundwater & Surface Water Protection Areas by ANR (2011/2010); Outstanding Resource Waters by ANR.

Disclaimer: The accuracy of information presented is determined by its sources. TCE is not responsible for any errors or omissions that may exist. Questions of on-the-ground location can be resolved by site inspections and/or surveys by a registered surveyor. This map is not a replacement for surveyed information or engineering studies.

Town Gateway
Fairfield Hill & Fairfax Rd
St Albans, VT

Natural Resource Overview Map

Project: 17-176
 Prepared By: ALD
 01/09/2018
 1 inch = 200 feet
Attachment A



ST. ALBANS TOWN GATEWAY

ATTACHMENT B

PETER J MORSE SUBDIVISION PLAT

ST. ALBANS TOWN GATEWAY

ATTACHMENT C

LUPU EXISTING CONDITIONS MAP

Site A - Lupu
 8.10 ac
 Useable Land: 2.58 ac

Location



Legend

- Project Area
- Front, Side & Rear Setbacks (30', 25', 25')
- Buildable Area
- Contour (2')
- Existing Easement
- Existing Sewer Line
- Overhead Power Pole
- Existing Overhead Power Line
- Existing Gas Line
- Existing Water Line
- Existing Culvert
- Existing Stormwater Catch Basin
- Existing Hydrant
- Stream Buffer (50')
- VHD Stream
- Potential Wetland Boundaries
- Potential Wetland Buffer (50')

Sources: ESRI Aerial Imagery (2015); Streams by VHD (2013); Project Area by TCE (2017); VT E911 Roads (2015); Soils by NRCS (2015); Contours by VCGI & CCRPC (Various dates); Utility Information by VTrans; Wetland Data by TCE (2018).

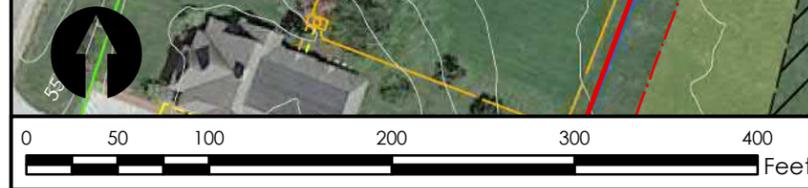
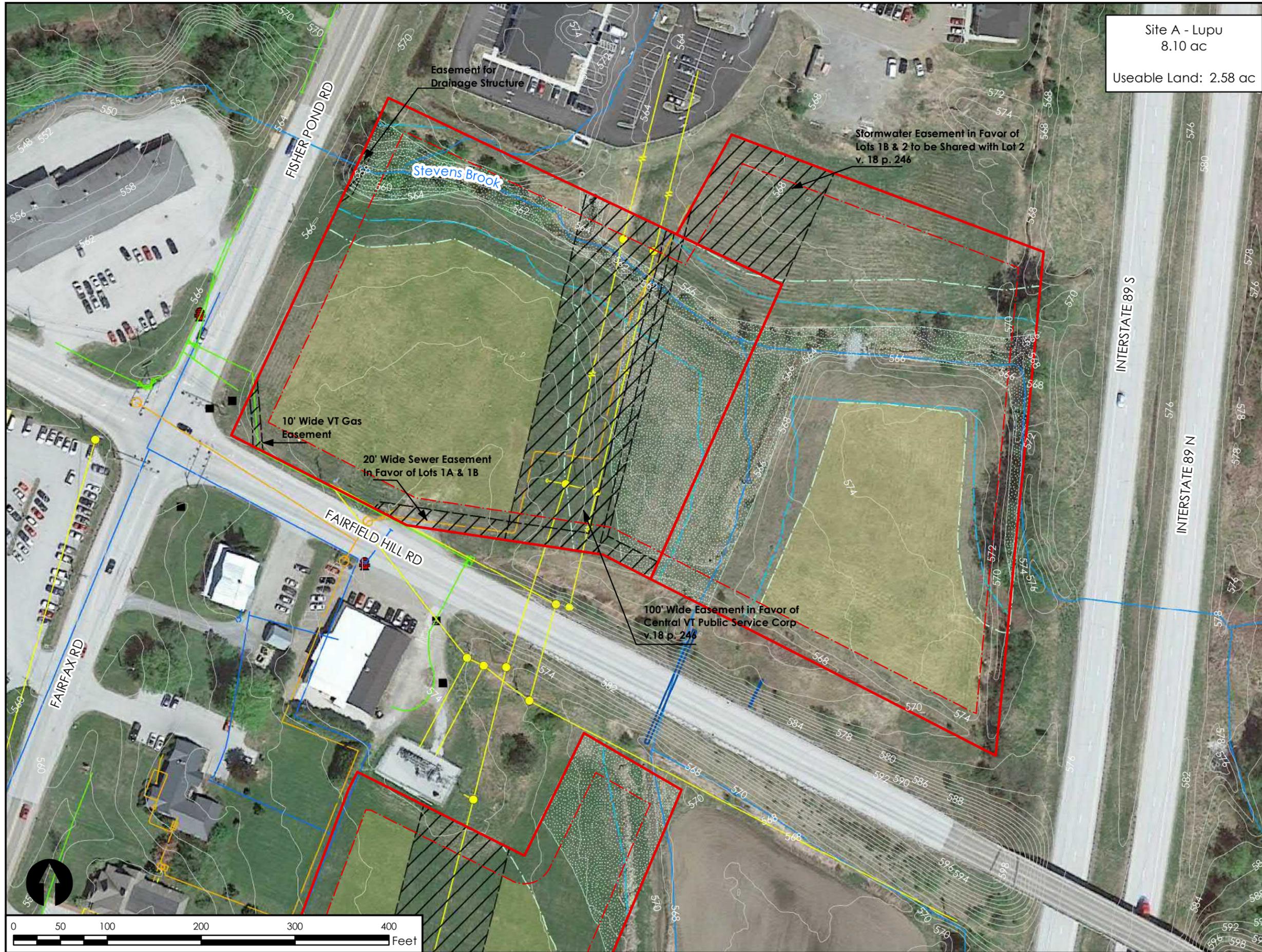
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Town Gateway
 Fairfield Hill & Fairfax Rd
 St Albans, VT

Site A - Lupu
 Existing Conditions Map

Project: 17-176
 Prepared By: ALD
 01/09/2017
 1 inch = 100 feet

Attachment C



ST. ALBANS TOWN GATEWAY

ATTACHMENT D

LUPU WETLAND CORRESPONDENCE

Jennifer Desautels

From: Jennifer Desautels
Sent: Friday, January 12, 2018 9:05 AM
To: Jennifer Desautels
Subject: FW: 1997-177 Wetland Permit Request
Attachments: C-1 TO PETER SPEAR 1-9-18.pdf

From: Freyer, Brock [<mailto:brock.freyer@vermont.gov>]
Sent: Friday, January 12, 2018 8:34 AM
To: Andrea Dotolo
Cc: Woods, Laura
Subject: RE: 1997-177 Wetland Permit Request

Andrea,
See attached. Note, I was only requested to review the western lot. The two eastern lots were not in my purview that day. Also worthy of noting is that the ditches on site are either "blue line" streams or function with them. The Rivers program may have jurisdiction?
Hope this is what you were looking for.
-Brock

From: Freyer, Brock
Sent: Wednesday, December 27, 2017 4:07 PM
To: Andrea Dotolo <Andrea.Dotolo@tcevt.com>
Cc: Woods, Laura <Laura.Woods@vermont.gov>
Subject: RE: 1997-177 Wetland Permit Request

Hey Andrea,
I was able to visit this site in 7/2016, but cannot find any site plans/delineations. From what I recall I reviewed the parcel and noted wetlands in ditches. I'll request a site plan from that consultant and see what is available.
-Brock

From: Woods, Laura
Sent: Wednesday, December 13, 2017 11:38 AM
To: Andrea Dotolo <Andrea.Dotolo@tcevt.com>
Cc: Freyer, Brock <brock.freyer@vermont.gov>
Subject: RE: 1997-177 Wetland Permit Request

Hello Andrea,

I just checked our database and it looks like we never issued a permit for this project. I didn't find any related site plans in the file either.

I've copied Brock Freyer as this project is in his district and he may be familiar with the site.

Regards,

Laura Woods

Section 401 Water Quality Certification Coordinator &
Wetlands Program Support
1 National Life Drive, Main 2
Montpelier, VT 05620-3522
P: 802-490-6100 | laura.woods@vermont.gov
www.watershedmanagement.vt.gov



See what we're up to on our [blog](#).

Written communication to and from state officials is considered public record and is subject to public review

From: Andrea Dotolo [<mailto:Andrea.Dotolo@tcevt.com>]
Sent: Wednesday, December 13, 2017 11:13 AM
To: Woods, Laura <Laura.Woods@vermont.gov>
Subject: 1997-177 Wetland Permit Request

Hi Laura,

I was wondering if you could send me a copy of wetland permit #1997-177 and any associated plans. The physical location is the northeast corner of Route 104 and Route 36 in St. Albans.

Please let me know if you have any questions.

Thank you!

Andrea Dotolo, E.I.

Environmental Scientist, Staff Engineer, GIS Analyst

Trudell Consulting Engineers

e. andrea.dotolo@tcevt.com

p. 802.879.6331 x127



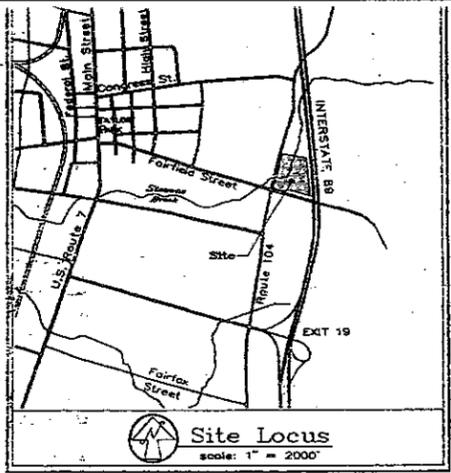
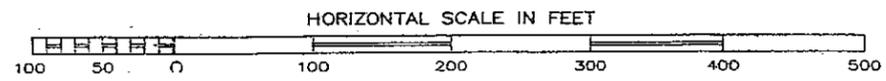
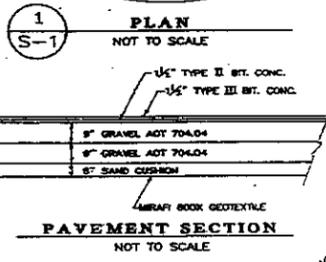
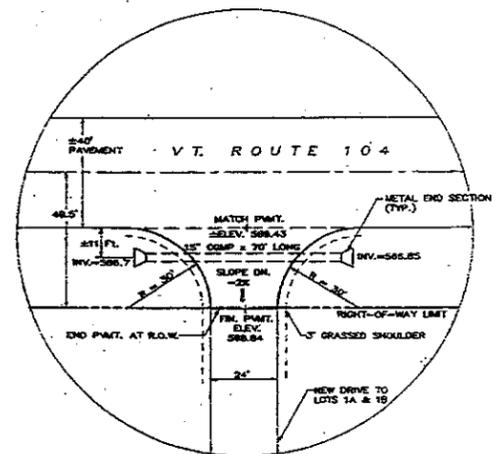
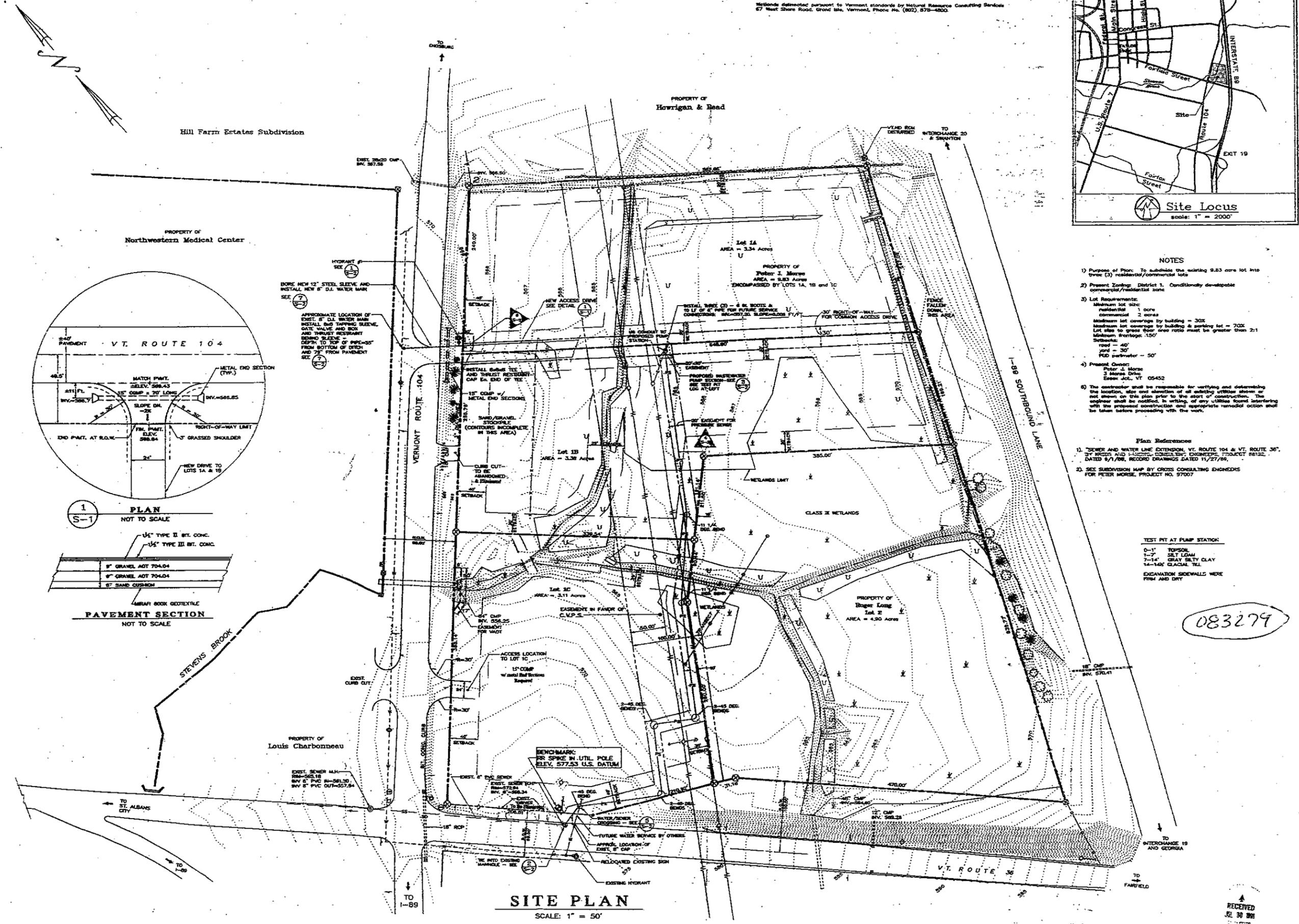
478 Blair Park Road, Williston, VT 05495
42 Mapleville Depot, St. Albans, VT 05478

 Please consider the environment before printing this email

ST. ALBANS TOWN GATEWAY

ATTACHMENT E

1998 PETER MORSE SITE PLAN PERMIT



NOTES

- Purpose of Plan: To address the existing 9.83 acre lot into three (3) residential/commercial lots.
- Present Zoning: District 1. Conditionally developable commercial/residential zone.
- Lot Requirements:
 - Minimum lot size: residential 1 acre, commercial 2 acres.
 - Maximum lot coverage by building = 30%.
 - Maximum lot coverage by building & parking lot = 70%.
 - Lot area to gross floor area ratio must be greater than 2:1.
 - Minimum frontage: 150'
 - Setbacks:
 - road = 40'
 - yard = 30'
 - RUD perimeter = 50'
- Present Owner: Peter J. Morse, 3 Morse Drive, Essex Jct., VT 05452.
- The contractor shall be responsible for verifying and determining the location, size and elevation of all existing utilities shown or not shown on this plan prior to the start of construction. The engineer shall be notified, in writing, of any utilities found interfering with the proposed construction and appropriate remedial action shall be taken before proceeding with the work.

Plan References

- SEWER AND WATER LINE EXTENSION, VT. ROUTE 104 & VT. ROUTE 36, BY MORSE AND ASSOCIATES, INC., ENGINEER, PROJECT #2122, DATED 8/17/98. RECORD DRAWINGS DATED 11/27/99.
- SEE SUBDIVISION MAP BY CROSS CONSULTING ENGINEERS FOR PETER MORSE, PROJECT NO. 97007.

TEST PIT AT PUMP STATION:

- 0-1' TOPSOIL
- 1-7' SLYT LOAM
- 7-14' GRAY SILTY CLAY
- 14-14K CLAYAL. SILT

EXCAVATION SIDEWALLS WERE FIRM AND DRY

PROJECT 97007
 DATE: 5/20/01
 DESIGN: SHR
 DRAWING: MHP/C
 CHECKED: MHP/C
 APPROVED: PH
 SCALE: 1" = 50'
 FILE NAME: 97007.DWG

CROSS CONSULTING ENGINEERS, P.C.
 51 ALBANY, VERMONT 05415
 (802) 878-4800

SITE PLAN

Revised 4/7/99 - Added Setback Limits
 Revised 4/17/98 - Adjust PS location and reference details
 Revised 6/12/98 - Added driveway between Lots 1A & 1B with details.
 Revised 7/24/99 - Added curb out location for Lot 1C.

Peter Morse
 ESSEX JUNCTION, VT.
 Proposed Development
 VT. ROUTES 36 & 104
 ST. ALBANS, VERMONT

SITE S-1

083279

RECEIVED
 JUN 30 2001

ST. ALBANS TOWN GATEWAY

ATTACHMENT F

LUPU CONCEPTUAL LAND USE MAP

Location



Legend

- Project Area
- Front, Side & Rear Setbacks (30', 25', 25')
- Useable Land**
- Municipal Building Lot (1.44 ac)
- Secondary Building Lot (1.14 ac)
- Existing Easement
- Overhead Power Pole
- Existing Overhead Power Line
- Existing Sewer Line
- Existing Gas Line
- Existing Water Line
- Existing Culvert
- Existing Stormwater Catch Basin
- Existing Hydrant
- Stream Buffer (50')
- VHD Stream
- Potential Wetland Buffer (50')
- Potential Wetland Boundaries

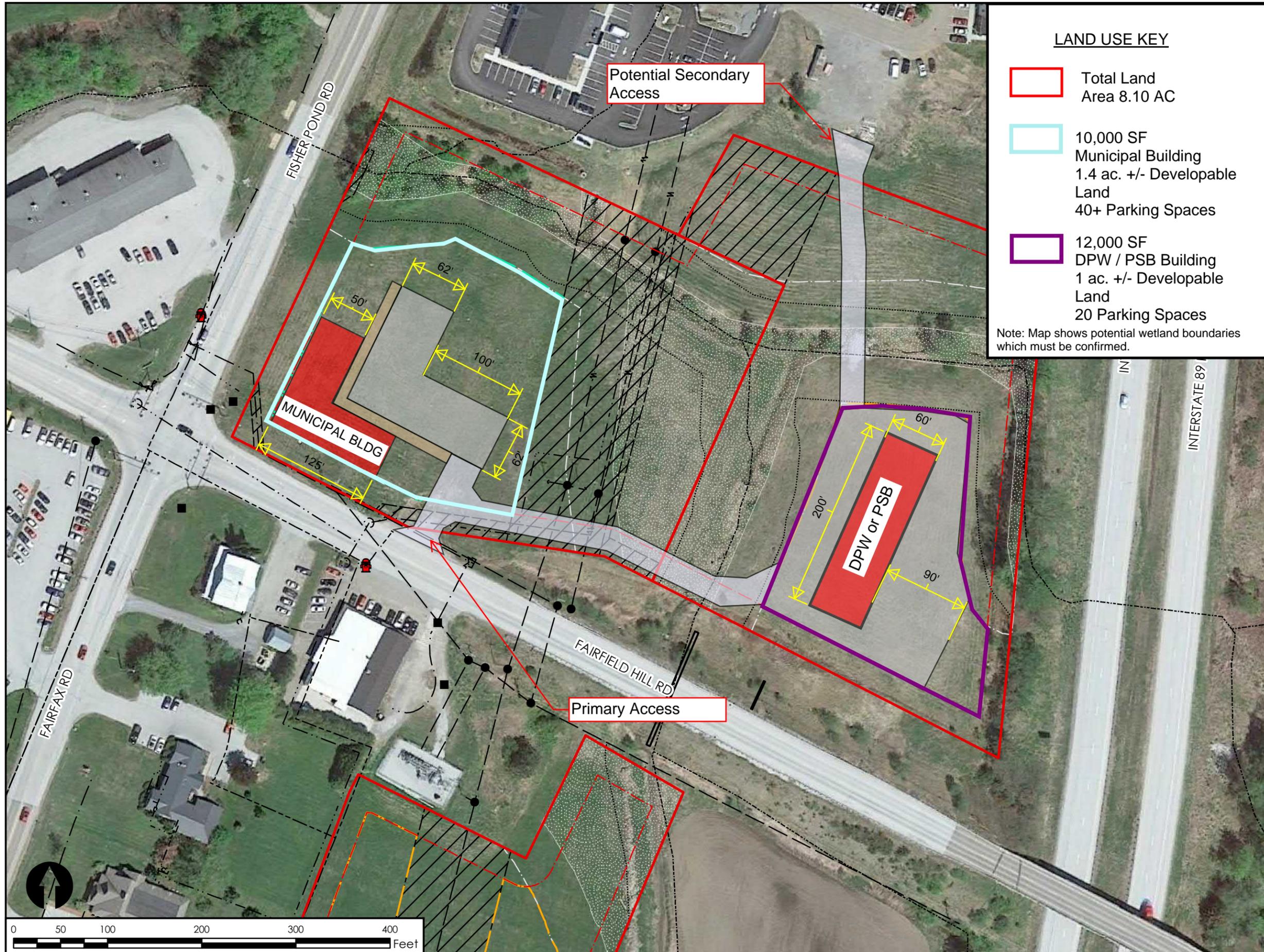
Sources: ESRI Aerial Imagery (2015); Streams by VHD (2013); Project Area by TCE (2017); VT E911 Roads (2015); Soils by NRCS (2015); Contours by VCGI & CCRPC (Various dates); Utility Information by VTrans; Wetland Data by TCE (2018).

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LAND USE KEY

- Total Land Area 8.10 AC
- 10,000 SF Municipal Building 1.4 ac. +/- Developable Land 40+ Parking Spaces
- 12,000 SF DPW / PSB Building 1 ac. +/- Developable Land 20 Parking Spaces

Note: Map shows potential wetland boundaries which must be confirmed.



Potential Secondary Access

Primary Access

MUNICIPAL BLDG

DPW or PSB

FAIRFIELD HILL RD

FISHER POND RD

FAIRFAX RD

INTERSTATE 89



Town Gateway
 Fairfield Hill & Fairfax Rd
 St Albans, VT

Site A - Lupu
 Concept Map

Project: 17-176
 Prepared By: ALD
 01/09/2017
 1 inch = 100 feet

Attachment F

ST. ALBANS TOWN GATEWAY

ATTACHMENT G

LUPU UTILITY COST ESTIMATE

Attachment G

Town Gateway - Site A: Lupu Parcel					
Engineer's Opinion of Probable Construction Cost for					
Municipal Water and Wastewater Connections					
					17-176
					Date: January 5, 2018
Connections to Route 36 Water and Sewer					
Item No.	Description/Item	Estimated Quantity	Units	Unit Price	Total Cost
1	Mobilization	1.0	LS	\$2,000.00	\$2,000
2	Water line trenching with 8" D.I. pipe	300.0	LF	\$43.00	\$12,900
3	Water line valves, components, hydrant	1.0	EA	\$12,163.00	\$12,163
4	Installation and testing of water line	1.0	EA	\$2,000.00	\$2,000
5	Sewer Force Main Trenching with 2" PVC pipe	300.0	LF	\$25.00	\$7,500
6	Manhole - core and boot for sewer line	1.0	LS	\$500.00	\$500
7	Sewer Pump Station	1.0	EA	\$6,000.00	\$6,000
	Subtotal				\$43,063
	10% Contingency				\$4,306
	TOTAL*				\$47,369
* Natural gas and electric cost estimates have not been included since these services are available adjacent to the site.					
<p><u>Notes:</u> Trudell Consulting Engineers, (TCE), is not a construction cost estimator nor a construction contractor, nor should TCE's rendering an opinion of probable construction costs be considered equivalent to the nature and extent of service a construction estimator or construction contractor would provide. The above probable construction cost opinion is a fair and reasonable estimate for construction costs of the listed site improvements in accordance with the applicable rules and regulations.</p>					

ST. ALBANS TOWN GATEWAY

ATTACHMENT H

LUPU VTRANS PERMITS & CORRESPONDENCE

Jennifer Desautels

From: Pochop, Peter <Peter.Pochop@vermont.gov>
Sent: Wednesday, December 13, 2017 8:46 AM
To: Jennifer Desautels
Cc: Frost, Sabine
Subject: Route 104 and 36 intersection - northeast
Attachments: Permit #30534.pdf; Permit - #3279.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jenn,

Here is are the couple permits I could find. The access drive stipulated in Permit #3279 was not constructed by the completion date, nor was it built when #30534 was constructed. Obviously, since the intersection was upgraded since #3279 was issued, there are additional lane issues here.

We would need to start over with a new application for access to the property. All 3 lots to the south of the brook would be required to be accessed by whatever was decided on for new access.

Hope this helps.

Peter Pochop | Permit Coordinator
Vermont Agency of Transportation
1 National Life Drive | Montpelier, VT 05633
802-477-3123 | peter.pochop@vermont.gov
<http://vtrans.vermont.gov/planning/permitting>



From: Jennifer Desautels [<mailto:Jennifer.Desautels@tcevt.com>]
Sent: Tuesday, December 12, 2017 12:02 PM
To: Pochop, Peter <Peter.Pochop@vermont.gov>
Subject: RE: scan_67i200_1963-06-01_Georef_027.pdf

Hi Peter,

Thanks for this information. Were you able to determine if a VTrans access permit exists for the Lupu property?

Thank you.
Jenn

Jennifer A. Desautels, P.E.
Senior Project Manager

Trudell Consulting Engineers
e. jenn.desautels@tcevt.com
p. 802.528.5116
c. 802.370.4270



478 Blair Park Road, Williston, VT 05495
42 Mapleville Depot, St. Albans, VT 05478

From: Pochop, Peter [<mailto:Peter.Pochop@vermont.gov>]
Sent: Thursday, December 7, 2017 3:44 PM
To: Jennifer Desautels
Subject: scan_67i200_1963-06-01_Georef_027.pdf

3279

Route 104
Mile Marker St. Albans Town
Log Station 127+60 R.T.E
119+80 R.T.

STATE OF VERMONT
AGENCY OF TRANSPORTATION

PERMIT APPLICATION

Owner's Name, Address & Phone No. Peter J. Morse, 3 Morse Drive, Essex Junction, VT 05452
Telephone: (802) 878-2222

Co-Applicant's Name & Address & Phone No. (if different from above) None

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
St. Albans Town - VT Route 104, 680 feet north of VT Route 36

Description of the work to be performed (attach sketch) New commercial drive to serve Lots 1A and 1B

Have zoning or Act 250 permits been applied for? Zoning was approved April 7, 1998 and an Act 250 Permit is not required. No other permits are required.
If yes, give application # or other identification, if different from above.

Date work expected to begin July 1 19 98

Owner Peter J. Morse

By Peter J. Morse Date 6/15/98

Co-Applicant

By

PERMIT APPROVAL

This permit is issued with the following directions, restrictions and conditions, and covers only the work described hereinafter, and then only when the work described is performed as directed, and subject to the following special conditions:

Permission is granted to construct a 30 foot wide access road to serve lots 1A, 1B and all future development on these lots, and to construct a 24' wide access to serve Lot 1C and all future development to that lot, in accord with the attached 3 sheets of Special Conditions.

Work to be completed by December 1, 1998

Secretary of Transportation

By C. Allan Wright Date 6/5/98
C. Allan Wright, Chief of Utilities & Permits

NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Title 19 Section 1111 VSA. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations.

This permit is effective upon compliance with such of these other requirements as are applicable.

SEE OTHER SIDE FOR ADDITIONAL CONDITIONS

No work shall be done under this permit until the party or parties to whom it is granted shall have communicated with and received instructions from the District Transportation Administrator at the District 8 Office in St. Albans, DTA

John Bushey, phone (802)524-5926.

Applicant to complete

Peter J. Morse
St. Albans Town, VT 104, L.S. 124+60
August 11, 1998

SPECIAL CONDITIONS

This permit is granted subject to the conditions on the back of the permit, with particular attention given to the Special Conditions listed below.

Access to all future development on this entire parcel (Lots 1A, 1B and 1C) as shown on the attached plan, will be limited to the permitted drives at the above location unless approved by the Vermont Agency of Transportation.

All existing access drives to this parcel shall be eliminated.

All work shall be accomplished in accordance with detail C and the profile and notes of Standard Drawing B-71, copy attached, and the attached revised plan dated 7/24/98.

Act No. 86 of 1987 (30 VSA Chapter 86) ("Dig Safe") requires that notice be given prior to making an excavation. It is suggested that the Permit Holder or his/her contractor telephone 1-888-344-7233 at least 48 hours before, and not more than 30 days before, beginning any excavation at any location.

A preconstruction meeting must be held prior to the Permit Holder's employees or contractor beginning work to discuss work to be completed.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way.

Roadway shoulder areas will be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

All grading within the highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or his staff.

In areas to be grass covered, the turf shall be restored by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch to the satisfaction of the District Transportation Administrator.

All work in the State highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15, without specific, written permission from the District Transportation Administrator. These limitations will not apply for the purposes of maintenance, emergency repairs, proper protections of the work which includes, but is not limited to, the curing of concrete and for the repairing and servicing of equipment.

Peter J. Morse
St. Albans Town, VT 104, L.S. 124+60
Special Conditions
Page Two

Temporary pavement will be required prior to weekend shutdown after completion of backfilling where an open cut excavation has been made through a roadway subject to vehicular traffic or where construction for any roadway widening for turn lanes has been brought to grade. The temporary pavement shall consist of, at least, 2 inches of compacted bituminous concrete. Temporary pavement shall be properly maintained and shall be replaced with permanent pavement prior to completion of the project or suspension of work for the winter season.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a period of eighteen (18) months after final inspection by the District.

Any variance from approved plans is to be recorded on "as-builts" with copies provided to both the Utilities Engineer and the District Transportation Administrator.

Upon completion of the work by the Permit Holder, a final inspection will be held.

The Permit Holder shall be responsible for all damages to persons and/or property due to or resulting from any work done under this permit. The Permit Holder shall defend, indemnify and save harmless the State, the Agency, and all of their officers, agents, and employees from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons or property, including all costs or expenses to defend against such suits, actions or claims.

The access must be constructed in such a manner as to prevent water from flowing onto the highway. If the access is not constructed satisfactorily, the District Transportation Administrator can order reconstruction of the access at the Owner's expense.

New commercially-manufactured culverts shall be placed under both access. The sizes shall be 15 inches in diameter. The culverts shall be placed so that existing normal drainage flow is undisturbed and ponding is not created. The applicant may have to excavate the roadside drainage ditch to accommodate the required culverts. Culvert locations shall be staked, reviewed and approved by the District Transportation Administrator prior to installation. There shall be no headwalls allowed within the highway right-of-way on the ends of drive culverts.

Curbing or other suitable physical barriers must be installed to control ingress and egress of vehicles to the approved access only.

Peter J. Morse
St. Albans Town, VT 104, L.S. 124+60
Special Conditions
Page Three

In the event traffic from this project increases to the point where additional lanes for turning or any other modifications are necessary, the expense of such improvements or facilities shall be borne by the Permit Holder, his/her successors, and assigns. The Permit Holder may be required by the Agency to update or provide a traffic study to determine if additional modifications are necessary.

The Permit Holder is responsible for access maintenance (beyond the edge of paved shoulder).

In conformance with Title 19 VSA § 1111(f), this access may be eliminated in the future where development has burdened the highway system to such an extent that a frontage road or other access improvements, which may serve more than one property or lot, must be constructed to alleviate this burden. The expense of the frontage road shall be borne by the Permit Holder, his/her successors or assigns of the properties abutting said frontage road. The Agency of Transportation shall determine the need of a frontage road based upon and justified by standard Agency procedures.

Paving of commercial drives from the edge of paved shoulder to the highway right-of-way may be waived or modified at the discretion of the District Transportation Administrator.

It is incumbent upon the Permit Holder to verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency of Transportation Standards and any additional traffic control deemed necessary by the District Transportation Administrator. Failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

Construction will be performed in such a way as to minimize conflicts with normal highway traffic. Uniformed traffic officers or trained flagpersons, shall be provided when two-way traffic cannot be maintained, and at the request of the District Transportation Administrator whenever he deems it necessary for the protection of the traveling public.



STATE OF VERMONT
AGENCY OF TRANSPORTATION
133 State Street, Administration Building
Montpelier, Vermont 05633-5001



August 11, 1998

Mr. Peter J. Morse
3 Morse Drive
Essex Junction, Vermont 05452

Subject: St. Albans Town, VT 104, L.S. 124+60

Dear Mr. Morse:

Your application for a permit to construct a 30' wide access road to serve lots 1A, 1B and all future development on these lots, and to construct a 24' wide access to serve Lot 1C and all future development to that lot has been processed and is enclosed.

Please contact the District Transportation Administrator, John Bushey, to discuss the permit conditions and to arrange for his timely inspection of the work. His telephone number in St. Albans is (802)524-5926.

Sincerely,

A handwritten signature in cursive script that reads "Rob Hall".

Robert I. Hall
Project Supervisor
Utilities Section

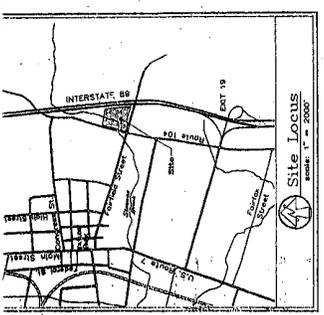
RIH:mw
Enclosures

cc: John Bushey, District Transportation Administrator #8
Katherine Dimitrik, Northwest Regional Planning & Development Comm.

Peter Morse
Essex Junction, VT
Proposed Development
VT Routes 38 & 104
ST. ALBANS, VERMONT

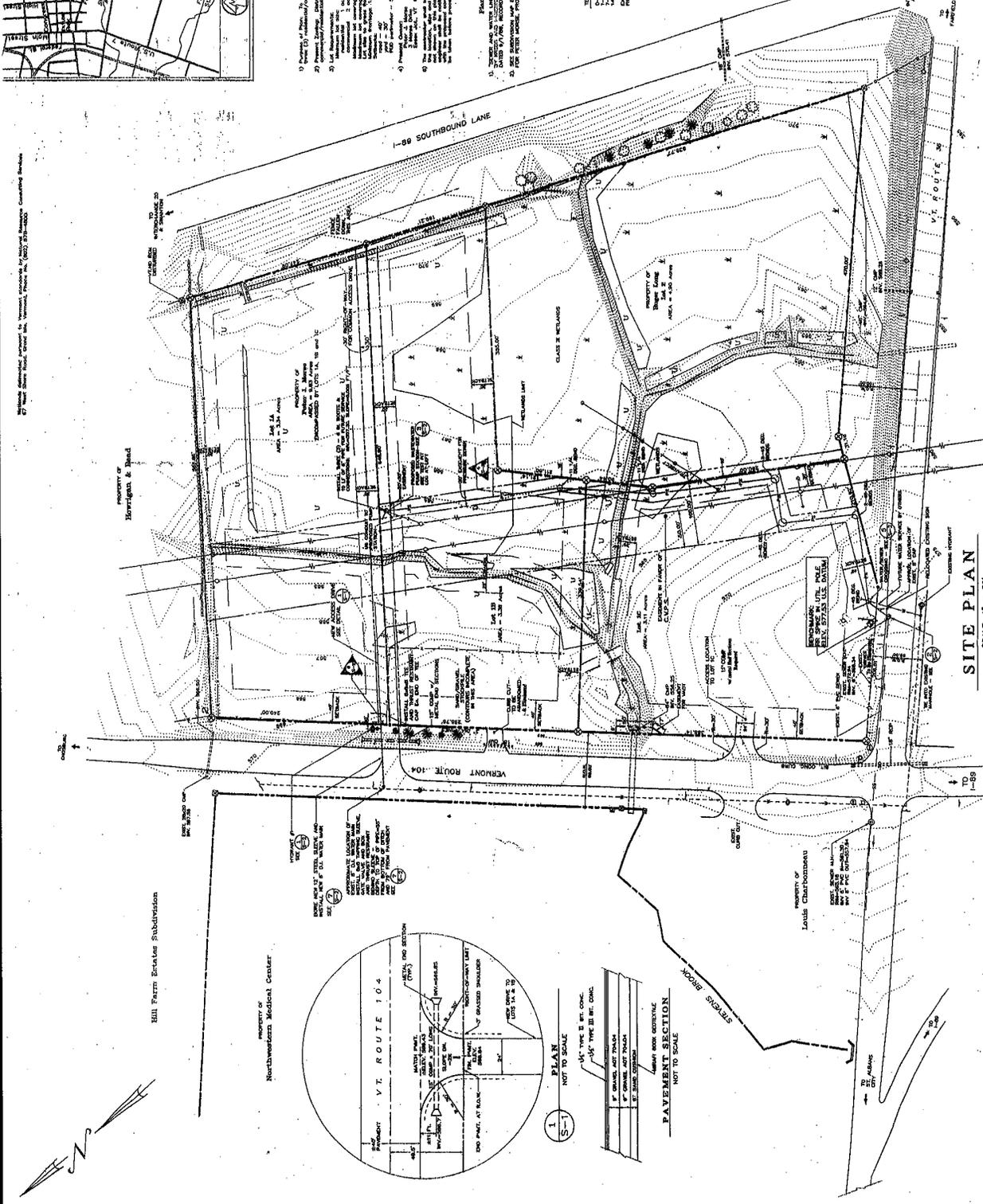
SITE PLAN

PROJECT 9702
DATE: 8/20/91
DRAWN: WHP/C
DESIGN: SMH
CHECKED: PWC
APPROVED: JPH
SCALE: 1" = 50'
FILE NAME: 9702

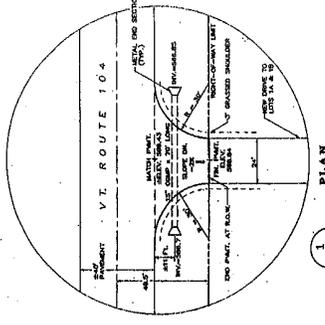
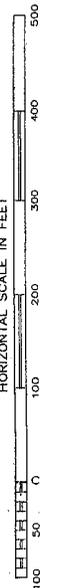


- NOTES
- 1) Owner to provide all utility lines within 60.00' from lot lines.
 - 2) All utility lines to be shown on site plan.
 - 3) All utility lines to be shown on site plan.
 - 4) All utility lines to be shown on site plan.
 - 5) All utility lines to be shown on site plan.
 - 6) All utility lines to be shown on site plan.
 - 7) All utility lines to be shown on site plan.
 - 8) All utility lines to be shown on site plan.
 - 9) All utility lines to be shown on site plan.
 - 10) All utility lines to be shown on site plan.
 - 11) All utility lines to be shown on site plan.
 - 12) All utility lines to be shown on site plan.
 - 13) All utility lines to be shown on site plan.
 - 14) All utility lines to be shown on site plan.
 - 15) All utility lines to be shown on site plan.
 - 16) All utility lines to be shown on site plan.
 - 17) All utility lines to be shown on site plan.
 - 18) All utility lines to be shown on site plan.
 - 19) All utility lines to be shown on site plan.
 - 20) All utility lines to be shown on site plan.

083279



SITE PLAN
SCALE: 1" = 50'



PAVEMENT SECTION
NOT TO SCALE



PLAN
NOT TO SCALE



PROPERTY OF
HARRINGTON & BOND

PROPERTY OF
HARRINGTON & BOND

Hill Farm Estates Subdivision

PROPERTY OF
Northwestern Medical Center

PROPERTY OF
Louie Charbonneau

PROPERTY OF
HARRINGTON & BOND

PROPERTY OF
HARRINGTON & BOND

Hill Farm Estates Subdivision

PROPERTY OF
Northwestern Medical Center

PROPERTY OF
Louie Charbonneau

PERMIT ID# 30534

FOR AGENCY USE ONLY

Town: St Albans Town
Route: VT 26 - VT 104
Mile Marker: 0303 0223
Log Station: 15975 11775

STATE OF VERMONT
AGENCY OF TRANSPORTATION
PERMIT APPLICATION

Owner's/Applicant's Name, Address & Phone No. VT Route 36 and VT Route 104 Intersection
Improvements Partnership, c/o Peter Morse, 3 Morse Drive, Essex Junction, VT
Co-Applciant's Name, Address & Phone No. (if different from above) _____ 05452

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
Intersection of VT Routes 36 and 104, St. Albans Town, Vermont
Description of work to be performed in the highway right-of-way (attach sketch) See enclosed drawings.
Intersection improvements, including turn lanes and full signalization.

Applicant to Complete

Property Deed Reference Book: N/A Page: _____ (only required for Permit Application for access)

Is a Zoning Permit required? Yes No - If Yes, # _____

Is an Act 250 permit required? Yes No - If Yes, # _____

Other permit(s) required? Yes No - If Yes, name and # of each _____

Date applicant expects work to begin September 1 2005

Owner/Applicant: Peter Morse : Position Title: owner's Representative
(Print name above)

Sign in Shaded area: Peter Morse Date: 8/3/05

Co-Applciant: _____
(Print name above)

Sign in Shaded area: _____ Date: _____

PERMIT APPROVAL

This covers only the work described below: Permission is granted to work within the state highway right-of-way to construct turn-lanes and install a traffic signal a well in accordance with the agency standard details and the attached plan and permit special conditions.

The work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).

Date work is to be completed December 1, 2006

Date work accepted: _____

By Ways Keller
Authorized Representative for
Secretary of Transportation

Issued Date October 5, 2005

By: _____
DTA or Designee

NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Title 19 Section 1111 VSA. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations.

SEE OTHER SIDE FOR ADDITIONAL CONDITIONS

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:
District #8, (802) 524-5926

SPECIAL CONDITIONS

This permit is granted subject to the conditions on the back of the permit, with particular attention given to the Special Conditions listed below.

All work shall be accomplished in accordance with the details, profile and notes of VTrans standard drawings the attached plan dated January 20, 2005 and as last revised September 8, 2005.

Failure to complete all the work, approved under this permit, by the "work completion date" may result in suspension of the permit (by separate correspondence) until the work is completed and approved by the Agency of Transportation.

No work on this project shall begin until a surety in the form of a bond or irrevocable letter of credit is provided to VTrans. The surety shall be in the amount equal to the estimated construction costs and shall remain in effect until 90 days after the acceptance of work.

Prior to beginning work, an inspection agreement shall be executed between the State and the Permit Holder.

The existing fire hydrant at approximate station 37+50 LT is owned by the City of St. Albans and shall be relocated to the southwesterly edge of the VT 36 right-of-way by the City. The Contractor/Permit Holder shall contact Mr. Allen Robtoy, Superintendent of Sewer, Water and Streets, at Tel (802) 524-1521 three weeks prior to the facilities needing adjustment. The plans shall be revised to reflect this.

The Permit Holder shall remove all material that is tracked or spilled onto the state highways by means of equipment that has an enclosed sweeper apparatus as well as the ability to remove the material. No open Broom equipment shall be used.

Act No. 86 of 1987 (30 VSA Chapter 86) ("Dig Safe") requires that notice be given prior to making an excavation. It is suggested that the Permit Holder or his/her contractor telephone 1-888-344-7233 at least 48 hours before, and not more than 30 days before, beginning any excavation at any location.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such meeting.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

All grading within the highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or their staff.

In areas to be grass covered, the turf shall be restored by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch to the satisfaction of the District Transportation Administrator.

Except with the specific, written permission of the District Transportation Administrator, all work in the State highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

Temporary pavement will be required prior to weekend shutdown after completion of backfilling where an open cut excavation has been made through a roadway subject to vehicular traffic or where construction for any roadway widening for turn lanes has been brought to grade. The temporary pavement shall consist of, at least, 2 inches of compacted bituminous concrete. Temporary pavement shall be properly maintained and shall be replaced with permanent pavement prior to completion of the project or suspension of work for the winter season.

The placement, size, shape, and color of all pavement markings will be in accordance with the Manual on Uniform Traffic Control Devices and Vermont Standards. All existing pavement markings that become disturbed or overlaid with pavement shall be replaced with "in kind" (durable or paint) markings. All costs associated with this work shall be borne by the Permit Holder.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a period of eighteen (18) months after final inspection by the District.

Any variance from approved plans is to be recorded on "as-builts" with copies provided to both the Utilities Engineer and the District Transportation Administrator.

Upon completion of the work, the Permit Holder shall be responsible to schedule and hold a final inspection. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such inspection.

The Permit Holder shall be responsible for all damages to persons and/or property due to or resulting from any work allowed under this permit. The Permit Holder shall defend, indemnify and save harmless the State, the Agency, and all of their officers, agents, and employees from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons or property, including all costs or expenses to defend against such suits, actions or claims.

Open trenches or pits shall be filled at the end of each day. With permission from the District Transportation Administrator, trenches and pits may be left open for short periods of time if properly protected. In no case shall trenches or pits be left open over a weekend.

Where a trench is excavated within the roadbed, all backfill material within 24 inches of the bottom of pavement shall be new material from a source approved by the District Transportation Administrator. All backfill material shall be placed in six inch layers and compacted to not less than 95% of the material's maximum dry density as determined by AASHTO Standard Method of Test, T-99, Method C, using air or mechanical tampers.

It is incumbent upon the Permit Holder to verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency of Transportation Standards and any additional traffic control deemed necessary by the District Transportation Administrator. Failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

Vt Route 36 & Vt Route 104 Intersection Improvements Partnership
St. Albans Town, VT104, L.S. 117+75 / VT 36, L.S. 159+75
October 05, 2005
Page 4 of 4

Construction will be performed in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, a sign package that conforms to the MUTCD or VAOT Standards, and trained Flaggers shall be provided. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of USOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

When traffic control becomes so complex that the traffic control cannot be accomplished using Agency standards, the Permit Holder must submit a traffic control plan to the Agency's Utilities Unit for Agency approval prior to beginning work.



State of Vermont
Agency of Transportation
National Life Building
Drawer 33
Montpelier, VT
05633-5001

VTrans *Working to Get You There*

October 05, 2005

Mr. Peter Morse
Vt Route 36 & Vt Route 104 Intersection Improvements Partnership
3 Morse Drive
Essex Junction, Vt 05452

Subject: St. Albans Town, VT 104, L.S. 117+75

Dear Peter:

Your application for a permit to work within the State highway right-of-way to construct turn-lanes and install a traffic signal, at the location indicated, has been processed by this office and is enclosed.

Please contact the District Transportation #8 Office, to discuss the permit conditions and to arrange for their timely inspection of the work. The telephone number in St. Albans is (802) 524-5926.

Sincerely,

A handwritten signature in black ink that reads "Rob Hall".

Rob Hall
Project Supervisor
Utilities & Permits Unit

Enclosures

cc: Ernie Englehardt, District Transportation Administrator #8
District Transportation Office #8
George Decell, General Manager, District #8
Sam Ruggiano, Ruggiano Engineering, Inc.
Allen Robtoy, City of St. Albans Superintendent of Sewer, Water and Streets
Town of St. Albans
District Environmental office #6
Northwest Regional Planning Commission

www.aot.state.vt.us
Telecommunications Relay Service 1-800-253-0191

Vermont is an Equal Opportunity Employer

ST. ALBANS TOWN GATEWAY

ATTACHMENT I

LUPU PRELIMINARY PERMIT AND FEE ESTIMATE

	Permit Required?	Rate	Fee Variable	Total
Local Permits				\$ 8,674.00
Sketch Plan	<input type="checkbox"/>	waived		
Site Plan	<input type="checkbox"/>	waived		
Conditional Use	<input type="checkbox"/>	waived		
Application to Subdivide/BLA	<input type="checkbox"/>	waived		
Final Subdivision Plat	<input type="checkbox"/>	waived		
Wastewater Allocation	<input checked="" type="checkbox"/>	To City-\$3,000 per EU		\$ 4,500.00
Water Supply Allocation	<input checked="" type="checkbox"/>	To City-\$2,000 per EU		\$ 3,000.00
Wastewater Connection	<input checked="" type="checkbox"/>	\$735/1000gpd, use 675		\$ 496.00
Water Supply Connection	<input checked="" type="checkbox"/>	\$27 each - need 4		\$108.00
Water Meter Fee	<input checked="" type="checkbox"/>	\$285 per meter		\$570.00
Overweight Vehicle Permit	<input type="checkbox"/>	N/A		
Access Permit	<input type="checkbox"/>	N/A		
Sign Permit	<input type="checkbox"/>	waived		
Zoning Permit	<input type="checkbox"/>	waived		
Local Impact Fees				\$ -
School Impact	<input type="checkbox"/>	N/A		
Traffic Impact	<input type="checkbox"/>	N/A		
State Permits and Fees				\$ 34,990.00
Wastewater System & Potable Water Supply	<input checked="" type="checkbox"/>	Municipal - no fee		
Water Source Approval Permit	<input type="checkbox"/>	N/A		
Water System Permit to Construct	<input checked="" type="checkbox"/>	\$900		\$ 900.00
Water System Operational Permit	<input type="checkbox"/>	N/A		
Act 250	<input type="checkbox"/>	N/A		
Stormwater General Permit	<input type="checkbox"/>	N/A		
Stormwater Individual Permit	<input checked="" type="checkbox"/>	Impaired	Estimate	\$ 1,600.00
Construction General Permit	<input checked="" type="checkbox"/>	Moderate Risk		\$ 640.00
State Wetlands	<input checked="" type="checkbox"/>		Estimate	\$ 500.00
State Wetlands Impact Fees	<input checked="" type="checkbox"/>	4000 sf @ \$0.75/sf	Estimate	\$ 3,000.00
State Wetland Buffer Impact Fees	<input checked="" type="checkbox"/>	6000 sf @ \$0.25/sf	Estimate	\$ 1,500.00
Division of Fire and Safety Permit	<input checked="" type="checkbox"/>	\$4M project basis		\$ 26,500.00
Highway Access Permit	<input checked="" type="checkbox"/>	Major Commercial Dev.		\$ 350.00
Transportation Impact Fees	<input type="checkbox"/>	N/A		
Act 250 - Agricultural Soils Fee	<input type="checkbox"/>			
Total Fees**				\$ 43,664.00

** Fees are subject to change as the project and scope of work evolves

ST. ALBANS TOWN GATEWAY

ATTACHMENT J

INGLESIDE EXISTING CONDITIONS MAP

Location



Legend

- Project Area
- Front, Side & Rear Setbacks (30', 25', 25')
- Useable Land
- Contour (2')
- Existing Easement
- Existing Sewer Line
- Overhead Power Pole
- Existing Overhead Power Line
- Existing Gas Line
- Existing Water Line
- Existing Culvert
- Existing Stormwater Catch Basin
- Existing Hydrant
- Ditch
- Stream Buffer (50')
- - VHD Stream
- Potential Wetland Buffer (50')
- Potential Wetland Boundaries

*The Wetland Assessment shown on this plan was performed on 12/13/17. This assessment was completed outside of the accepted US Army Corps and Northeast Regional Supplement growing season, therefore boundaries are only an approximation and conditional upon an official growing season wetland delineation.

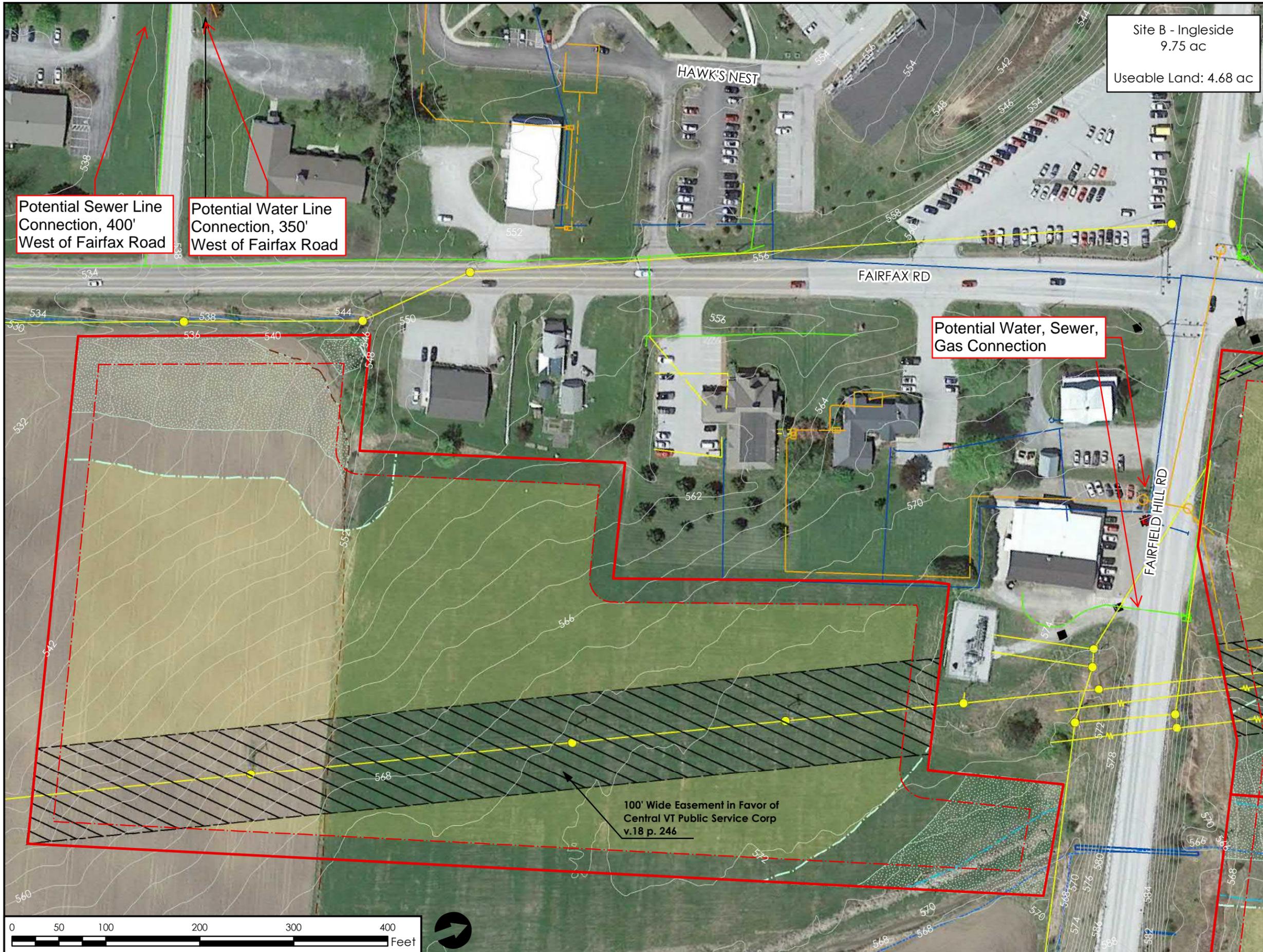
Sources: ESRI Aerial Imagery (2015); Streams by VHD (2013); Project Area by TCE (2017); VT E911 Roads (2015); Soils by NRCS (2015); Contours by VCGI & CCRPC (Various dates); Utility Information by VTrans; Wetland Data by TCE (2018).

Disclaimer: The accuracy of information presented is determined by its sources. TCE is not responsible for any errors or omissions that may exist. Questions of on-the-ground location can be resolved by site inspections and/or surveys by a registered surveyor. This map is not a replacement for surveyed information or engineering studies.

Town Gateway
 Fairfield Hill & Fairfax Rd
 St Albans, VT

Site B - Ingleside
 Existing Conditions Map

Project: 17-176
 Prepared By: ALD
 01/09/2017
 1 inch = 100 feet
Attachment J



ST. ALBANS TOWN GATEWAY

ATTACHMENT K

INGLESIDE CONCEPTUAL LAND USE MAP

Location



Legend

- Project Area
- Front, Side & Rear Setbacks (30', 25', 25')
- Useable Land**
- Municipal Building Lot (1.64 ac)
- Secondary Building Lot (3.03 ac)
- ▭ Existing Easement
- Overhead Power Pole
- Existing Overhead Power Line
- Existing Sewer Line
- Existing Gas Line
- Existing Water Line
- Existing Culvert
- Existing Stormwater Catch Basin
- Existing Hydrant
- Ditch
- Stream Buffer (50')
- VHD Stream
- ▭ Potential Wetland Buffer (50')
- ▭ Potential Wetland Boundaries

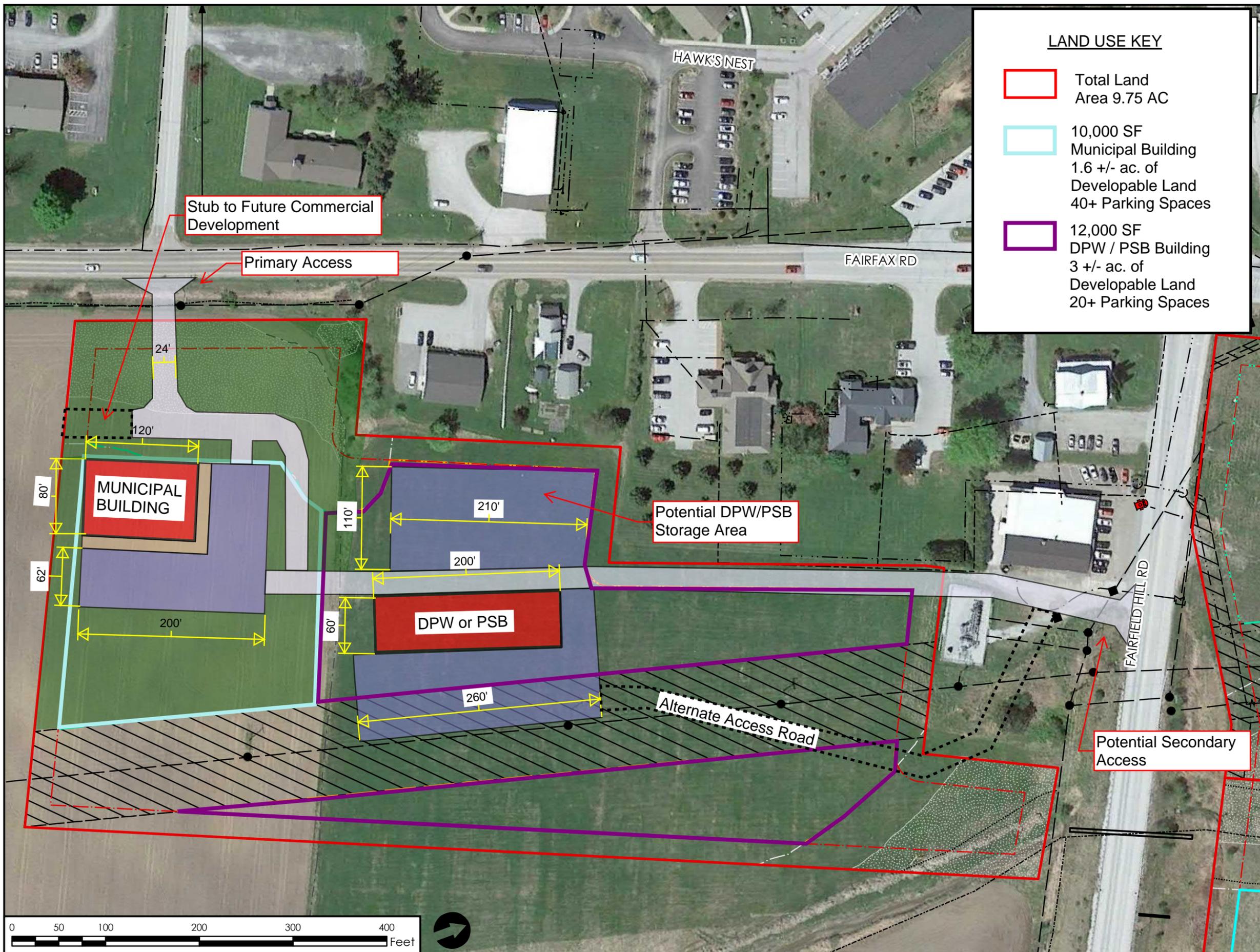
*The Wetland Assessment shown on this plan was performed on 12/13/17. This assessment was completed outside of the accepted US Army Corps and Northeast Regional Supplement growing season, therefore boundaries are only an approximation and conditional upon an official growing season wetland delineation.

Sources: ESRI Aerial Imagery (2015); Streams by VHD (2013); Project Area by TCE (2017); VT E911 Roads (2015); Soils by NRCS (2015); Contours by VCGI & CCRPC (Various dates); Utility Information by VTrans; Wetland Data by TCE (2018).

Disclaimer: The accuracy of information presented is determined by its sources. TCE is not responsible for any errors or omissions that may exist. Questions of on-the-ground location can be resolved by site inspections and/or surveys by a registered surveyor. This map is not a replacement for surveyed information or engineering studies.

LAND USE KEY

- Total Land Area 9.75 AC
- 10,000 SF Municipal Building 1.6 +/- ac. of Developable Land 40+ Parking Spaces
- 12,000 SF DPW / PSB Building 3 +/- ac. of Developable Land 20+ Parking Spaces



Town Gateway
 Fairfield Hill & Fairfax Rd
 St Albans, VT

Site B - Ingleside
 Concept Map

Project: 17-176
 Prepared By: ALD
 01/09/2017
 1 inch = 100 feet

Attachment K

ST. ALBANS TOWN GATEWAY

ATTACHMENT L

INGLESIDE UTILITY COST ESTIMATE

Attachment L

**Town Gateway - Site B: Ingleside Equities Parcel
Engineer's Opinion of Probable Construction Cost for
Municipal Water and Wastewater Connections**

17-176
Date: January 5, 2018

Alternate 1: Connections to Route 104 / Upper Welden St. Water and Sewer

Item No.	Description/Item	Estimated Quantity	Units	Unit Price	Total Cost
1	Mobilization	1.0	LS	\$2,000.00	\$2,000
2	Water Trenching with 8" D.I. pipe	1000.0	LF	\$43.00	\$43,000
3	Horizontal bore - Water Line, with sleeve	1.0	LS	\$5,000.00	\$5,000
4	Water line valves, components, hydrant	1.0	EA	\$12,163.00	\$12,163
5	Installation and testing of water line	1.0	EA	\$4,000.00	\$4,000
6	Sewer Force Main Trenching with 2" PVC pipe	1000.0	LF	\$25.00	\$25,000
7	Horizontal bore - Sewer Line, with sleeve	1.0	LS	\$4,000.00	\$4,000
8	Sewer Pump Station	1.0	EA	\$6,000.00	\$6,000
Subtotal					\$101,163
10% Contingency					\$10,116
TOTAL					\$111,279

Alternate 2: Connections to Route 36 Water and Sewer

Item No.	Description/Item	Estimated Quantity	Units	Unit Price	Total Cost
1	Mobilization	1.0	LS	\$2,000.00	\$2,000
2	Water Trenching with 8" D.I. pipe	1300.0	LF	\$43.00	\$55,900
3	Water line valves, components, hydrant	1.0	EA	\$12,163.00	\$12,163
4	Installation and testing of water line	1.0	EA	\$4,000.00	\$4,000
5	Extend Sewer Main along Route 36	250.0	LF	\$25.00	\$6,250
6	New Sewer Manhole	1.0	LS	\$3,100.00	\$3,100
7	Sewer Force Main Trenching with 2" PVC pipe	1100.0	LF	\$25.00	\$27,500
8	Horizontal bore - Sewer Line, with sleeve	1.0	LS	\$4,000.00	\$4,000
9	Sewer Pump Station	1.0	EA	\$6,000.00	\$6,000
10	Pavement patching, 4" layer, 175 ft x 8 ft.	36.0	TN	\$135.00	\$4,860
11	Pavement Base, 15" thick	66.0	CY	\$25.00	\$1,650
Subtotal					\$127,423
10% Contingency					\$12,742
TOTAL *					\$140,165

* Natural gas and electric cost estimates have not been included since these services are either directly adjacent or across the road from this site.

Notes: Trudell Consulting Engineers, (TCE), is not a construction cost estimator nor a construction contractor, nor should TCE's rendering an opinion of probable construction costs be considered equivalent to the nature and extent of service a construction estimator or construction contractor would provide. The above probable construction cost opinion is a fair and reasonable estimate for construction costs of the listed site improvements in accordance with the applicable rules and regulations.

ST. ALBANS TOWN GATEWAY

ATTACHMENT M

INGLESIDE PERMIT AND FEE ESTIMATE

Attachment M

	Permit Required?	Rate	Fee Variable	Total
Local Permits				\$ 8,674.00
Sketch Plan	<input type="checkbox"/>	waived		
Site Plan	<input checked="" type="checkbox"/>	waived		
Conditional Use	<input checked="" type="checkbox"/>	waived		
Subdivision/BLA	<input checked="" type="checkbox"/>	waived		
Wastewater Allocation	<input checked="" type="checkbox"/>	To City-\$3,000 per EU		\$ 4,500.00
Water Supply Allocation	<input checked="" type="checkbox"/>	To City-\$2,000 per EU		\$ 3,000.00
Water - Wastewater Connection Fee	<input checked="" type="checkbox"/>	\$735/1000gpd, use 675		\$ 496.00
Water - Wastewater Allocation & Hookup Fees	<input checked="" type="checkbox"/>	\$27 each - need 4		\$108.00
Water Meter Fee	<input checked="" type="checkbox"/>	\$285 per meter		\$570.00
Overweight Vehicle Permit	<input type="checkbox"/>	N/A		
Access Permit	<input type="checkbox"/>	N/A		
Sign Permit	<input type="checkbox"/>	waived		
Zoning Permit	<input type="checkbox"/>	waived		
Local Impact Fees				\$ -
School Impact	<input type="checkbox"/>	N/A		
Traffic Impact	<input type="checkbox"/>	N/A		
State Permits and Fees				\$ 89,030.00
Wastewater System & Potable Water Supply	<input checked="" type="checkbox"/>	Municipal - no fee		\$ -
Water Source Approval Permit	<input type="checkbox"/>	N/A		
Water System Permit to Construct	<input checked="" type="checkbox"/>	\$900		\$ 900.00
Water System Operational Permit	<input type="checkbox"/>	N/A		
Act 250	<input checked="" type="checkbox"/>	\$4M project basis		\$ 29,600.00
Stormwater General Permit	<input type="checkbox"/>			
Stormwater Individual Permit	<input checked="" type="checkbox"/>	Impaired	Estimate	\$ 1,600.00
Construction General Permit	<input checked="" type="checkbox"/>	Moderate Risk		\$ 640.00
State Wetlands	<input checked="" type="checkbox"/>		Estimate	\$ 500.00
State Wetlands Impact Fees	<input checked="" type="checkbox"/>	4,000 sf @ \$0.75/sf	Estimate	\$ 3,000.00
State Wetland Buffer Impact Fees	<input checked="" type="checkbox"/>	2,000 sf @ \$0.25/sf	Estimate	\$ 500.00
Division of Fire and Safety Permit	<input checked="" type="checkbox"/>	\$4M project basis		\$ 26,500.00
Highway Access Permit	<input checked="" type="checkbox"/>	Minor Commercial Dev.		\$ 350.00
Transportation Impact Fees	<input checked="" type="checkbox"/>	\$580/PM Peak, assume 18 trips		\$10,440
Act 250 - Agricultural Soils Fee	<input checked="" type="checkbox"/>	Potentially Required		*unknown
Stormwater Impact fee	<input checked="" type="checkbox"/>	\$6000/ impervious acre 2.5 acres		\$ 15,000.00
Total Fees**				\$ 97,704.00

** Fees are subject to change as the project and scope of work evolves

ST. ALBANS TOWN GATEWAY

ATTACHMENT N

LAND USE PERMIT

STATE OF VERMONT
DISTRICT #6 ENVIRONMENTAL COMMISSION
111 West Street
Essex Junction, Vermont 05452

Attachment N

RE: Avis Smith
c/o Sam Smith
92 South Main Street
St. Albans, Vermont 05478

Decision
and Order #6F0391-1

I. INTRODUCTION

On October 4, 1994 an application was filed by Sam Smith, on behalf of Edwin and Avis Smith (the "Applicant"), for review and approval of a conceptual master plan, pursuant to Condition #20 of Land Use Permit #6F0391-EB issued by the Environmental Board on May 11, 1989. The District #6 Commission, on December 23, 1994, issued Partial Findings of Fact and Conclusions of Law and Order. The Commission concluded that the application was deficient due to inadequate evidence and information necessary to make affirmative findings of fact under the relevant criteria. The Commission found that approval of the conceptual master plan, pursuant to Condition #20, was not possible until the relevant information was submitted under Criteria 1(E), 1(G), 8 and 9(B).

On January 10, 1995 the Applicant appealed the Commission's decision to the Environmental Board on the grounds that the Commission improperly determined that review of the conceptual master plan should be measured by the applicable criteria of Act 250. The Applicant sought review and approval of the conceptual master plan pursuant to Condition #20 of Land Use Permit #6F0391-EB and to limit proper scope of review to Condition #20. The appeal was withdrawn by the Applicant and on October 10, 1995 additional information was filed by the Applicant and a hearing before the District #6 Commission was held on November 21, 1995.

The Commission deliberated on December 6th and 12th and is now ready to issue its decision.

II. SCOPE OF REVIEW

The Applicant has not filed information or sought review of a master plan under all Act 250 criteria or partial review of the project under selected criteria as allowed in Rule 21. The Applicant maintains that there are no plans to develop the property and therefore can not supply any site specific information regarding the development of the property. Therefore the Commission can not adequately evaluate the application under the criteria set forth in 10 V.S.A. §Section 6086(a)(1) through (a)(10).

The Commission finds that Condition #20 is ambiguous in that it does not clearly define the term "conceptual master plan" and therefore the Commission it can not apply the same standards required under a master plan or partial review, pursuant to Environmental Board Rule 21, to this application and decision. This has resulted in a review of the application that is limited to Condition #20 as requested by the Applicant in the appeal to the Environmental Board. There will be no findings of fact issued under any of the criteria and subsequently no vested right in the development of this tract or tracts of land until a complete application is filed and reviewed by the District Commission. Furthermore, the Commission wishes to make it clear that any subsequent application for development of this property shall address all ten criteria and provide a plan for future development of each specific parcel (South, West, East and Central), pursuant to Environmental Board Rule 21. This would occur on a parcel by parcel basis as each parcel is proposed for development.

The Commission will limit its review to the six items referenced in Condition #20 of Land Use Permit #6F0391-EB.

III. REVIEW OF CONDITION #20

Condition #20 of Land Use Permit #6F0391-EB states:

Prior to the further development or subdivision of the Permittees' land, the Permittees shall submit to the District Commission, for review and approval, a conceptual master plan that incorporates at least the following information:

- 1 a) designation of use category (i.e., residential, commercial, industrial, agricultural, open space);
- 2 b) identification of the location and size of primary agricultural soils on the involved lands and the location and size of those primary agricultural soils to be protected and preserved for the life of the Land Use Permit;
- 3 c) identification of buffer zones between houses and agricultural land uses;
- 4 d) identification of the size and location of open spaces which will remain unbuilt after development of the involved lands for the life of the Land Use Permit;
- 5 e) intensity of uses;
- 6 f) the master plan shall reflect a good faith attempt to create a favorable visual statement of the Applicants' land.

A. Designation of Uses by Category.

The Applicant has divided the property for descriptive purposes into five parcels, as identified in the application as the following: the South Parcel, West Parcel, East Parcel, South Central Parcel and the Central Parcel.

The zoning map overlays each parcel and designates its use based on the zoning districts for the Town of St. Albans as follows:

- the South Parcel is designated as a Commercial C Zoning District,
- the West Parcel is designated as a Commercial C and Residential District Zoning District,
- the East Parcel falls is designated as an Agricultural/Rural and Recreation/Conservation District Zoning District,
- -the South Central Parcel is designated as a Commercial C Zoning District and
- the Central Parcel is designated as a Commercial/Residential and a Commercial Zoning District.

The Town of St. Albans Zoning Bylaws specifically define the permitted and conditional uses in each district and define the dimensional requirements for each district.

B. Identification of the Location and Size of Primary Agricultural Soils.

The Applicant has identified 133 acres of primary agricultural soils on the project lands.

The Applicant has agreed in principle to an off-site mitigation agreement with the Department of Agriculture and the Vermont Housing and Conservation Board that would require the Permittee to escrow a sum of money sufficient to ensure that conservation easements could be purchased on twice as many acres of primary agricultural soils as will be converted by the project. Such a mitigation proposal was approved by the Environmental Board in Land Use Permit #6F0357R-EB, Gerbode.

The Applicant testified that all 133 acres of primary agricultural soils will be lost to development.

C. Identification of Buffer Zones.

The Applicant proposes to establish a 50 foot buffer zone between the Commercial/ C Zoning District and the Commercial/Residential Zoning District, identified in the Central Parcel.

The Applicant proposes to establish a 100 foot buffer zone between the Commercial C Zoning District and the Residential Zoning District, identified in the South and West Parcel.

According to the customary and common meaning, the term "buffer zone" means a the customary and common meaning, the term "buffer zone" means a land area used to visibly separate one land use from another or shield or block noise, lights or other nuisances.

D. Identification of the Size and Location of Open Space.

The Applicant agreed in Land Use Permit #6F0391-EB to preserve two parcels of primary agricultural soils totaling 13.93 acres. The parcels are located on both sides of the Interstate within the Smith Farm and are connected by an equipment underpass. The farmhouse, barn and outbuildings are included on one of the parcels. These soils will be used only for agricultural purposes and will not be developed for the length of the land use permit issued for proposed subdivision.

The Applicant has identified the open space to primarily consists of land within the highway right of way, stream centerline setbacks, buffer zones (as identified above) and property line setbacks.

The size of the allotted open space is defined in the St. Albans Town Plan's Density requirements to consist of a maximum 60% for structures and parking, and a minimum 40% open space.

The common and customary meaning of the term open space is land that is essentially unimproved, dedicated, designated, or reserved for public or private use or for use and enjoyment of owners and occupants of land adjoining or neighboring such open spaces.

The total acreage in the South, West and Central parcels is approximately 130 acres. According to the zoning bylaws 40% or approximately 50 acres shall be designated open space.

The Applicant has not provided the calculations to demonstrate that the area depicted on the plan, excluding land previously set aside for agricultural purposes, constitutes 50 acres of open space.

E. Intensity of Uses.

The Applicant proposes that the Town of St. Albans Zoning Bylaws govern the intensity of uses and any proposal for development will be in conformance with the zoning bylaws and in conformance with the St. Albans Town Plan.

The Applicant will identify the open space for each project and demonstrate compliance with the St. Albans Plan.

F. Favorable Visual Statement.

The Applicant's attempt to create a favorable visual statement of the project consists of a visual analysis of the area and the project's impact on the area's scenic resource. The following is a summary of the findings, conclusions and recommendations from the visual analysis.

- The site consists of 281 acres in the Town of St. Albans, Vermont. The land surrounds exit #19 of Interstate 89 and is essentially divided into four parcels by Interstate 89, Interstate 189 and Route 104. The four pieces include: the East Parcel - 151 acres east of I-89; the South Parcel - 15 acres on both sides of Route 104; the West Parcel - 53 acres, west of Route 104 and bordering the City of St. Albans and; the Central Parcel - 62 acres north of I-189, east of Route 104 and west of I-89.

development. After a mile the interstate curves south through a mile wide slot between the hills and have a direct view of a residential development to the west. The interstate then passes below Route 36 and travels along the eastern edge of the Central Parcel for some 2000 feet. In this area the former Smith farmstead is clearly visible with their three silos and several maple and spruce trees rise above the horizon.

- The views along this segment of the interstate are formed by the open fields of the South, West and Central Parcels and the vegetation and topography of the contours sweeping down from Aldis and St. Albans Hill. This middle ground frames the views of Lake Champlain and the Adirondack high peaks region, including views of Mt. Ellen and Dannemora Mountain. At this point the Central Parcel is about 40 feet below the traveled portion of the interstate.
- The views last for 21 seconds and finally diminish as the interstate increases in grade and passes behind St. Albans Hill.
- Traveling north on I-89, motorists enjoy several fleeting long range views, the most notable about two miles north of exit 18 at the northbound rest stop. This view is visible for about 30 seconds, then it is blocked by St. Albans Hill. When the view reappears, (about 1 mile south of exit 19) the Smith Farm is not visible due to foreground trees in the center median and on the road shoulders. As the viewer travels down the long incline toward exit 19, the view of the lake and mountains is to the west.
- Near interchange 19, the combination of height of road above the project site, superelevation, guard cables and location of the southbound lanes, only the westernmost edge of the site is visible. I-89 orients away from the lake view, passes below Route 36, Route 104 and Route 105 and has northern views of farms, fields, scattered suburban development along the base and sides of the extension of Bellevue Hill.
- Exiting from the Interstate, St. Albans Hill and Aldis Hill from the long distance view. As one approaches the off-ramp, the hard braking and sharp turn leading to the underpass demand the driver's attention. As viewers emerge from the underpass a slot-like view appears directly ahead in line with Route I-189. This view is termed slot view because the popular trees on the west property line and the houses south of I-189 at about the same point block the most of the view. The view is further interrupted by the interstate signs over the on-ramp, a major power line crossing and the clutter of traffic and directional signs clustered around the I-189/Route 104 intersection. From this location the relative height of the distance lake and hills beyond is about the same proportion as the height of the popular trees at the west property line. The lake and mountains remain in sight until the viewer drives past the poplar trees near the break in topography at the west end of the property.

The following are protection recommendations, proposed by the Applicant, to mitigate development impact and create an appropriate setting for the project:

- Conform to the Town of St. Albans highway right of way and stream centerline setbacks;
- Minimize curb cuts, limit of one per parcel for continuity of green perimeter encircling the development as well as for safety;
- Establish and maintain plantings to reinforce the open spaces, especially in those bands running north and south parallel to the direction of the interstate. Establish a landscape backbone consisting of trees that will eventually grow above the buildings;
- Adhere to the Town Plan's requirement for a landscape screen between the residential and commercial zone along the western edge of the property;

- The Smith land is located approximately 1 mile from downtown St. Albans and 3 miles from Lake Champlain. The land west of the Interstate is relatively flat and essentially lies at the foot of Bellevue Hill and is situated between Aldis Hill, 1 mile to the north, and St. Albans Hill, 1.5 miles to the south.
- The topography of the site essentially is split east and west by I-89. Land west of the interstate roll gently down to the western property line at a 2-3% grade. The land beyond slopes downward to St. Albans's Main Street at 5%. The grade near the western property line is elevation 500 feet and gradually increases to elevation 520 feet along Route 104, elevation 540 feet at the base of the fill places to construct the interstate, to elevation 580 feet at the travel lanes of I-89. Land east of I-89 is on west facing Bellevue Hill. Beginning at elevation 580 feet adjacent to the highway slopes range from 10-30% rising to elevation 1060 at the parcel's southeast corner. Grade continues to climb to any elevation of 1200 feet about 1500 feet east of the property line.
- St. Albans Hill elevation 900 feet is one and a half miles southeast of the site. It runs north and south for two miles and is one half mile wide. The highest lands (above elevation 620) have a natural appearance. They are 30-50% forested slopes with exposed rock outcrops. Recent residential development has occurred over a wide area north of St. Albans Hill between elevation 420 and 600 contour.
- Aldis Hill elevation 850 feet is one mile due north of the site. This hill is one half mile wide and three quarters of mile long running north and south, forested above elevation 660, slopes ranging from 30-50%. Development covers much of the southeast slopes below elevation 640 and wraps around the hill down the south slope into the City of St. Albans.
- The Exit 19 ramps run over a distance of 1200 feet, begin at elevation 580 and descend to elevation 560. The northbound exit ramp curves sharply to the left and passes under I-89 at elevation 560. It continues to slope down at 4% for a distance of approximately 1000 feet where it intersects with Route 104 at elevation 520 feet. I-189 heads west along the site for 3/10 mile dropping at 2% (el. 500). Near the west property line the grade increases to 5% as the road descends to the intersection with Route 7, one-half mile away (el. 410). This break in topography is noticeable and creates important site lines from areas to the east. Route 104 intersects Route 36 at elevation 570 and descends to elevation 520 feet at the intersection of I-189.
- The South, West and Central Parcels are predominantly open land having most recently been used as cropland. There is a 41 acre mature hardwood grove located on Bellevue Hill, the East Parcel; a row of 40 foot poplars across the western boundary near the north and south sides of I-189 and, a line of 30 foot high russian olives grows along the interstate right of way on both the north and south sides of the I-189 exit ramp. A continuous tree line projects above all buildings from Aldis Hill to St. Albans Hill.
- The site has operated as a farm for many years and is open and flat. The area is undergoing a transition with commercial and residential development occurring all around the site. A existing truck stop, a permitted 100 room motel and the Collins Perley Sports Complex are located near the southeast corner of Intersection I-189 at Route 104. Additional commercial development has taken place just north of the property's northern boundary at the in Route 104 and 36 intersection. The areas south, southwest, northwest and north are checkered with residential neighborhoods, although some areas are open. The Bellevue Hill area to the east is rural in character but changing slowly as larger lot residences are constructed along the middle and upper elevations.
- Traveling south on I-89 from Exit 20, motorists are orientated southeast and view a panorama of the six mile long wooded ridge running two miles west of St. Albans (northern reaches of Bellevue Hill) and to the right of Aldis Hill. Both of these hills are dotted with residential

- Follow the St. Albans Town Plan's Density requirements of a maximum 60% for structures and parking, and a minimum of 40% open space. Use this guideline to develop a plan that breaks up parking into a series of well defined smaller lots, defined by bands of planting, again emphasizing the north/south direction parallel with the interstate;
- Site buildings in a series of layers running north and south, with smaller buildings to the east (foreground), increasing in size to the west to accommodate larger structures in background;
- Adhere to Town Plan height limit regulations for buildings;
- Possibly develop the parcel south of Interstate Access I-189 with residences. Although land is zoned commercial and would require a zoning change, residential would be more appropriate due to the existing character of the area, access, the overall proportions of the land;
- Use low cutoff luminaires to illuminate parking, maximum 24 foot high poles;
- Create pedestrian linkage between the project and neighborhoods to the west utilizing Grice Brook Road and extending Thorpe Avenue;
- Set aside the lands around the Smith Homestead as open space to maintain a graceful setting for this historic structure. Incorporate new use compatible with the structures;
- Organize the signage on the Interstate exit ramp in cooperation with the Agency of Transportation, consider an alternate sign to the sign over the on-ramp which blocks part of the distant view.

IV. SCOPE OF REVIEW

The Commission has the authority to review and approve an application for a master plan or a partial plan as outlined in Environmental Board Rule 21. Typically such a review is at the request of the Applicant who may either seek review under all criteria or seek partial review of the project under selected criteria. However the Applicant maintains that the proper scope of review is limited to the six subcriteria outlined in Condition #20.

The purpose for a master plan or partial review under Environmental Board Rule 21 is to avoid unnecessary and unreasonable costs associated with filing a complete application under all ten criteria. Environmental Board Rule 21 allows the Commission to issue findings of fact and conclusions of law which are final and which may be appealed to the Environmental Board.

However, as a result of the Applicant's request to limit the scope of review to Condition #20 and lack of request for a Rule 21 review, the Commission hereby limits its review to Condition #20 and does not make any findings of fact under any of the criteria with respect to this project. Any future application for development shall address all ten criteria of Act 250.

V. COMPLIANCE WITH CONDITION #20

With respect to items a, b, c and e of Condition #20, the Commission finds the Applicant has submitted the necessary information to comply with said items. With respect to Item d, the Commission finds that the Applicant has not delineated the size and location of open spaces within the commonly accepted meaning of the word. Furthermore, the Commission questions whether the area designated on the plan as open space, constitutes the minimum 40% open space density requirement.

With respect to Item f, the Applicant has made a good faith attempt to create a favorable visual statement. However, the Commission has several serious concerns. The Commission is unable to determine whether such a plan creates an undue adverse impact on aesthetics and scenic value of the area in part because the Applicant did not submit sufficient information in regards to the projected use of the property with a site specific development proposal. Furthermore, the Commission is concerned with several of the planning

concepts that were proposed and whether all reasonable measures have been taken to mitigate the development's impact on the scenic value of the area.

The Applicant proposes to develop the site in essentially three strips or layers, running north to south and parallel to and within 2500 feet of the interstate. The existing site consists of 130 acres of open space. Development surrounding the site consists of pockets of scattered residential and commercial growth extending throughout the fore and middle ground. Travelers, heading south, view the project site for about 20 seconds from an elevated position and will essentially view the buildings western elevations and the roof tops and parking lots and cars. The perimeter setbacks from the highway right of ways and property lines, the Applicant's so called open space, does very little to mitigate the project's impact on the loss of existing open space, nor does it mitigate the impact on the existing viewshed from the interstate, especially in the fore and middle ground. The Applicant's concept is based on the old planning concept of linear development and does not respect the current cluster planning and open space techniques.

VI. CONCLUSION

The Commission finds that the Applicant has complied with Condition #20, except as mentioned above. The Commission finds that a review of each parcel as it is proposed for development under Environmental Board Rule 21 is necessary to prevent the unplanned, uncoordinated and uncontrolled use of the project lands. The Commission finds authority in Environmental Board Rule 20, when necessary to complete an adequate evaluation of an application under the criteria set forth in 10 V.S.A. § Section 6086(a)(1) through (a)(10), to require supplementary data concerning the projected use of the site. On the otherhand the Commission recognizes the Applicant's position that site specific plans for the development of the project site are unknown at this time. Therefore, the Commission will require that the application for the first development within each parcel address the projected use of the remaining land in that parcel and shall submit an application pursuant to Environmental Board Rule 21. Such an application shall seek affirmative findings of fact under all ten criteria for the construction of improvements phase of the development and must also seek a partial or full review for the remaining development of that particular parcel. The application shall address the issues outlined in this decision.

VII. ORDER

1. The Applicant has satisfied Condition #20, with the Commission's concerns noted above.
2. Any subsequent application shall address all ten criteria of Act 250 for the construction of improvements within each parcel proposed for development. The application must also include the development plan for the remaining lands within that parcel (North, West, East or Central), pursuant to Environmental Board Rule 21.

Dated at Essex Junction, Vermont on this 19th day of January, 1996.

By Martha Rainville
Martha Rainville, Chairperson - District #6
Environmental Commission.

Commission members participating in decision:
Claudette Rainville
Ohmer Corbin

CERTIFICATE OF SERVICE

I hereby certify that I, Marsha Cota, Secretary for the Environmental Board, sent a copy of the foregoing DECISION AND ORDER #6F0391-1 by U.S. Mail, postage paid on this 19th day of January, 1996 to the following:

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St. Albans, VT 05478

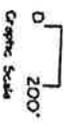
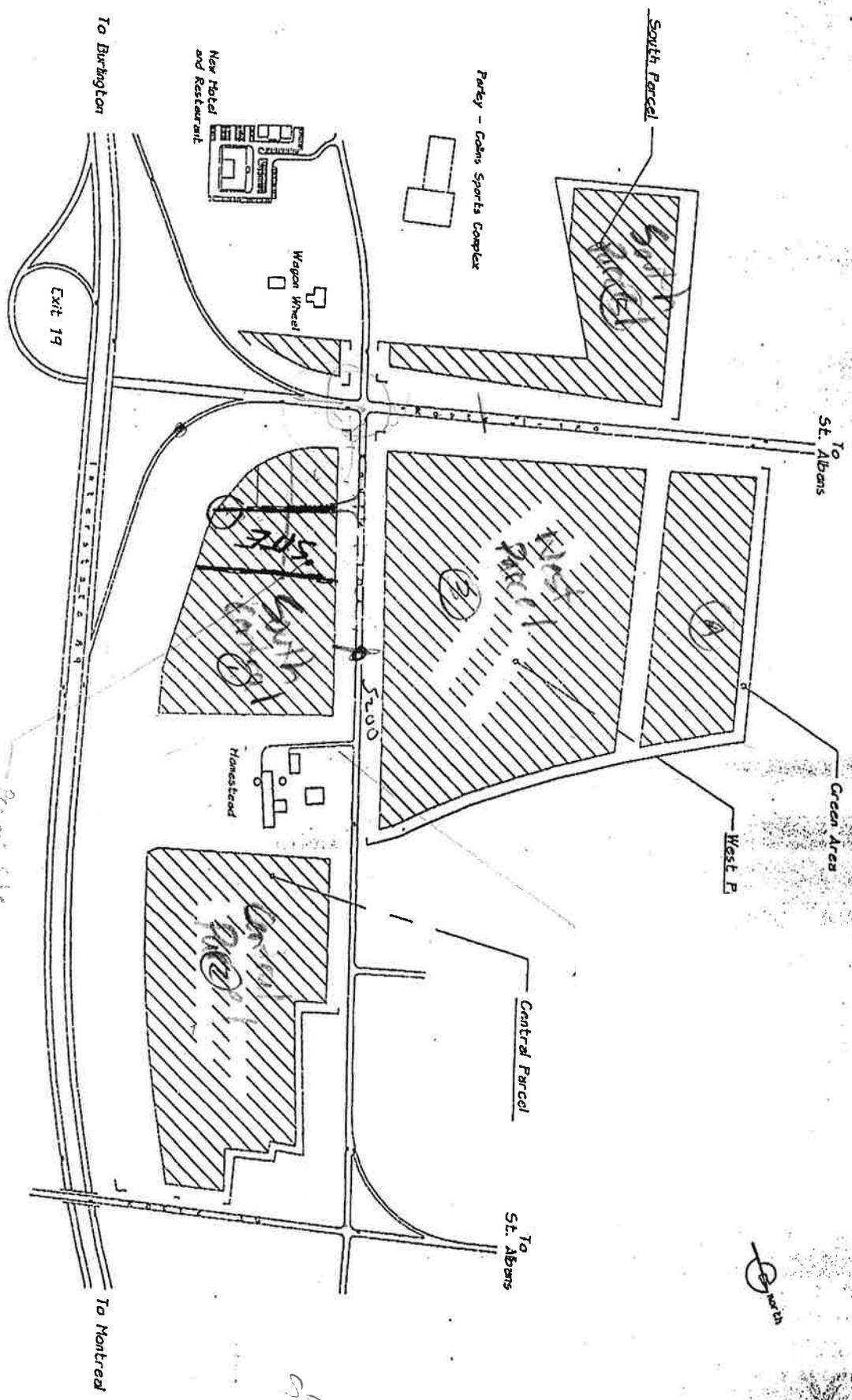
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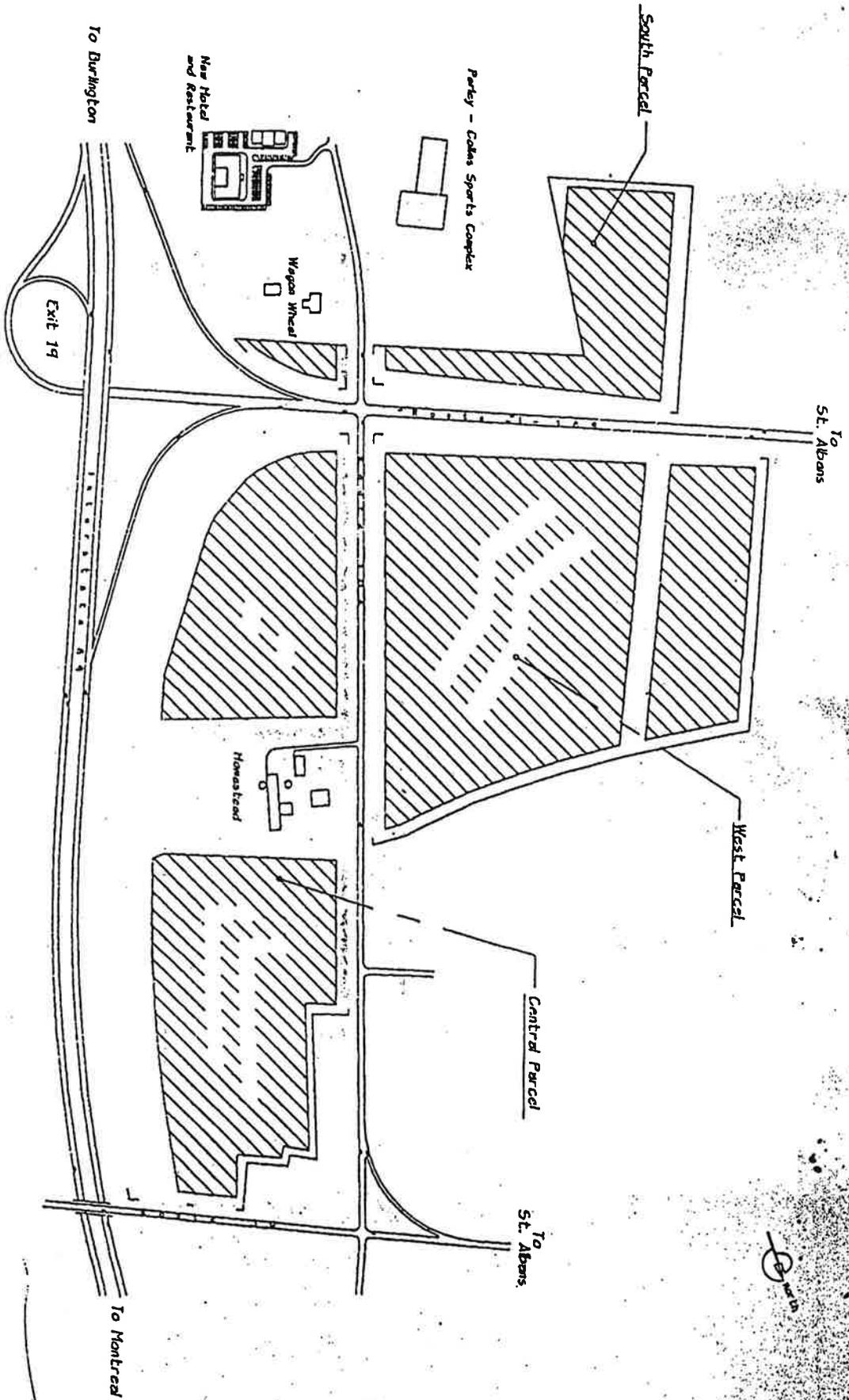
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Smith Property
St. Albans, Vermont



Smith Property
St. Albans, Vermont

11/23/94

STATE OF VERMONT
DISTRICT #6 ENVIRONMENTAL COMMISSION

RE: Edwin & Avis Smith
c/o Sam & Rachel Smith
92 South Main Street
St. Albans, Vermont 05478

Application #6F0391-1
Partial Findings of Fact and
Conclusions of Law
and Order, Rule 21
10 V.S.A., Chapter 151
(Act 250)

I.

INTRODUCTION

On October 4, 1994 application materials were filed by Sam and Rachel Smith, 92 South Main Street, St. Albans, Vermont 04578 on behalf of Edwin and Avis Smith (Applicants) for a ~~review~~ review of the Smith Farm, located off of Route 104 in St. Albans, Vermont. The request is made pursuant to Condition #20 of Land Use Permit #6F0391-EB issued by the Environmental Board on May 11, 1989 which states:

Prior to the further development or subdivision of the Permittees' land, the Permittees shall submit to the District Commission, for review and approval, a conceptual master plan that incorporates at least the following:

- a) designation of use areas by category (i.e., residential, commercial, industrial, agricultural, open space);
- b) identification of the location and size of primary agricultural soils on the involved lands and the location and size of those primary agricultural soils to be protected and preserved for the life of the Land Use Permit;
- c) identification of buffer zones between houses and agricultural land uses;
- d) identification of the size and location of open spaces which will remain unbuilt after development of the involved lands for the life of the Land Use Permit;
- e) intensity of uses;
- f) the master plan shall reflect a good faith attempt to create a favorable visual statement of the Applicants' land.

The Permittees' land subject to Condition #20 is depicted on Exhibit #4 and contains approximately 281 acres. The facts the Commission has relied upon are contained in the documents on file identified as Exhibits #1 through #11, and the evidence received at a hearing held on November 8, 1994. At the end of the final hearing, the proceeding was recessed pending submission of

additional information. The hearing was adjourned on December 14, 1994 upon completion of Commission deliberations.

Generally under Act 250, projects are reviewed based on the 10 criteria of 10 V.S.A., Section 6086(a) 1-10. Before granting a permit, the District Commission must find that the project complies with these criteria and is not detrimental to the public health, safety or general welfare. However, as discussed below the review was limited to Criteria 1(E), 1(G), 8, and 9(B) pursuant to Environmental Board Rule 21.

Parties to this application who attended the hearing are:

The Applicant by Carl Lisman and Michael Dugan.

The State of Vermont, Agency of Natural Resource and Department of Agriculture by Kurt Janson and Amy Justees-llewellyn.

PERMITTEES' MOTION TO REVIEW CRITERIA

At the hearing, the Permittees requested the Commission review and issue findings of fact under Criteria 8 and 9(B) as they apply to Condition #20 and issue findings of fact on all relevant remaining criteria. The Commission has reviewed the evidence submitted by the parties and finds the evidence sufficient to issue partial findings of fact under Criteria 1(E), 1(G), 8, and 9(B).

The Commission is unable to issue findings of fact under the remaining criteria due to insufficient evidence. Mr. Smith did not demonstrate a sufficient basis for qualifying as an expert witness under the criteria, except for Criterion 9(B). The Commission considers Mr. Smith's specialized knowledge and training as expert qualification in areas relating to primary agricultural issues only. The Commission believes Mr. Smith's testimony on the remaining issues did not provide the Commission with sufficient evidence upon which to base affirmative findings of fact. Therefore, the Commission concludes that the review must be confined to the above referenced criteria only.

A review under the remaining criteria is impractical without evidence and testimony from experts and without approvals or certifications from other agencies. Therefore the Permittees request for a review under all ten criteria is denied. The Commission will move forward and issue partial findings of fact under Environmental Board Rule 21 for Criteria 1(E), 1(G), 8, and 9(B).

II. **PARTIAL FINDINGS OF FACT**

SECTION 6086 (a) (1) (E) STREAMS:

1. A stream means a current of water which is above an elevation of 1,500 feet above sea level or which flows at any time at a rate of less than 1.5 cubic feet per second (10 VSA Chapter 151, Section 1001(18)).
2. Grice Brook runs east to west through the property, along the northern property line, west of Route 104, of the land subject to the master plan requirement. The stream is shown on Exhibit #4.
3. The closest earth disturbance on the south side of the brook is approximately 50 feet. The land between the brook and any earth disturbance is designated "open land with agricultural soils". (Exhibit #4)
4. There are no buffer zones to protect Grice Brook shown on the plans. Exhibit #4
5. Proposed land uses, buffer zones, and construction limits on the north side of the brook are not shown on the site plan. (Exhibit #4)

Discussion and Conclusions:

The Commission cannot find that the project will maintain the natural condition of the stream whenever feasible because specific buffer zones are not identified and specific construction and erosion control measures are not specified or described in the application. This is a deficiency in the proposal which can be corrected by clearly delineating on the site plan specific not-to-be-disturbed buffer zones on the north and south side of Grice Brook. In addition, it will be necessary to specifically identify the construction and erosion control measures that will be taken to prevent the disturbance of the stream and prevent discharge of material and stormwater into Grice Brook.

SECTION 6086(a) WETLANDS:

6. There are wet areas on the site which require further investigations to determine their classification, function, and value. (Testimony of Kurt Janson)
7. The information in the application does not address the wetland criteria.

Discussion and Conclusions:

The Commission cannot find that the project complies with the wetland regulations because a wetland evaluation has not been prepared for the master plan lands. This is a deficiency in the application which can be corrected by identifying any wetlands and evaluating the impact of the development on any of the wetland functions. It is advisable that before the Applicants undertake this assessment that they contact the Wetlands Coordinator in the Agency of Natural Resources.

SECTION 6086 (a) (8) AESTHETICS, SCENIC BEAUTY, HISTORIC SITES AND NATURAL AREAS:

8. The Applicants' lands are located on both sides of Interstate 89 in the vicinity of Exit 19. The lands on the west side of the Interstate are open, agricultural fields. The lands to the east of the Interstate slope steeply up towards Bellevue Hill and are mixed open/forested lands.
9. The master plan land on both sides of the Interstate is clearly visible to travellers on the north and southbound lanes of the Interstate. Other than a few commercial establishments and a large sports complex, the foreground view from the Interstate is predominantly open, agricultural space with most of the residential development located in the background view.
10. Travellers on Interstate 89 experience a panoramic view to the west that includes rural farmlands, Lake Champlain, and the Adirondack Mountains in the distance. This stretch of Interstate 89 serves as the gateway to the St. Albans area and is an important scenic resource of the State. The open pasture land of the Smith farm contributes significantly to the scenic view. (Findings of Fact #7, #6F0391-EB)
11. The Town of St. Albans zoning bylaws separate the master plan lands into 4 planning districts: Commercial, Commercial/Residential, Residential, and Agricultural/Rural Residential.
12. The Commercial planning district includes land bounded on the east by the Collins-Perley Sports Complex, on the north by Grice Brook, on the south by the I-89 access road, on the west by a line approximately 1400 feet west of Route 104.
13. The commercial planning district bounded by I-89 to the east and the I-89 access road to the south, Route 104 to the west, and to the north by an easterly extension of Welden Street is approximately 36 acres. The 36 acres is essentially divided into three areas: the middle third consists of the original homestead and is bounded on either side by proposed commercial development. The conceptual plan for the commercial area to the north consists of a

center parking lot bounded on the west, south, and east by commercial buildings. The development for the commercial area to the south of the farmstead consists of three buildings, each with their own parking lots.

14. The commercial planning district bounded to the south by the interstate access road, to the west by a line running north-south approximately 1400 feet west of Route 104, and to the north by Grice Brook is approximately 40 acres. The proposal for this area consists of an approximately 250,000 square foot building essentially in the middle of 40 acre parcel, with over 1000 parking spaces located in the front of the building facing the interstate. There are 4 additional buildings facing Route 104 also proposed for this 40 acre parcel.
15. The Commercial/Residential planning district includes the lands bounded on the east by I-89, on the north by Route 36, on the south by an easterly extension of Welden Street, and on the west by Route 104. This area is approximately 12 acres. The development plan for this area consists of dividing the area in half by a north-south access road and locating two buildings on the east side of the road and two buildings on the west side of the road.
16. The Residential planning district is bounded on the south by I-89 access road, the north by Grice Brook, the east by the commercial zone and the west by an extension of Thorpe Avenue. This area is approximately 10 acres. The development plan for this area consists of an outer ring of single family homes around an inner ring of multi-family units.
17. The Residential planning district extends across the interstate access road to a small area that is an extension to the previously approved 14 lot subdivision. The development plan is to create an addition 7 lots, similar to those already adjoining the parcel.
18. The Rural/Residential planning district lands are easterly of I-89 to the westerly side of Bellevue Carriage Road. The development plan for these lands is to create 8, greater than 10 acre lots with shared driveways.
19. The Master Plan application designates two "Buffer Zones": a 100 foot buffer zone between the residential zone and the commercial zone and; a 50 foot buffer zone between the commercial/residential zone and the commercial zone, located on the east side of Route 104 directly across from Upper Welden Street.

20. The lands that will be left open lie primarily on either sides of the Interstate and around the perimeter of the master plan land as shown on Exhibit #4. The maple woods on the lands east of the Interstate will be left intact and the pasture lands on the hill will remain largely open.
21. Intensity of uses will be governed by the Town of St. Albans zoning bylaws and will be in conformance with local ordinances. The land will be developed along the guidelines set out in the town plan with the exception of the land in the rural district. The use in this district will be completely residential and the lot size will be ten acres instead of the one acre lot size called for in the town plan.
22. The master plans favorable visual statement consists of designating lands as open space on either sides of the interstate. On the west side of the interstate this consists of a strip of land approximately 300 feet wide, running north to south along the southbound lane of I-89 from Route 36 to the interstate access intersection with Route 104. The commercial buildings between Route 104 and I-89 will be required to establish a favorable front to the interstate. On the east side of the interstate, the rural district will consist of lots greater than 10 acres and will provide natural buffering of the homesites from the interstate.
23. The visual concept is shown on two perspective sketches west of Interstate 89 exit 19 as shown on Exhibit #8. The sketches were derived from wire frame perspectives from photographs taken from two locations on the interstate. The sketches depict one story buildings.
24. The "original farmstead" site depicted on Exhibit #4 may have historical significance. (Testimony of Sam Smith)
25. The information in the application does not address rare and irreplaceable natural areas.

Discussion and Conclusions:

The Commission agrees with the Environmental Board and the Agency of Natural Resources "that a master plan is the product of a planning process and must include a comprehensive inventory of the land's natural features and identification of sensitive environmental resources that warrant protection" (In Re: Smith, Declaratory Ruling #266, November 3, 1992). Declaratory Ruling #266 provides further guidance to the Commission in the review process and states:

In order for the District Commission to be able to determine whether the Petitioner's master plan adequately protects the resources on the land, the District Commission will need more information than was submitted to the Board. The District Commission will be unable to make findings without a visual analysis that identifies what the scenic resources is, where it is, and how it is vulnerable to change. Expert testimony should include an analysis of the view from Interstate 89, both northbound and southbound, in order for the Commission to determine the location, extent, and sensitivity of the visual resources.

Specifically under Criterion 8, the Applicants have failed to provide the District Commission with a visual analysis sufficient to determine the impact of the conceptual master plan on the area's visual resources. The Applicants have not identified what the scenic resource is, where it is, and how it is vulnerable to change. The Applicants have provided two prospective drawings of the conceptual master plan with a proposed development scheme: one drawing from the northbound lane, and one drawing from the southbound lane. However, the Commission is unable to determine the location, extent, and sensitivity of the visual resources from this submittal alone. This deficiency may be corrected by providing a visual analysis, supported by testimony from a qualified expert, as required by the Environmental Board in Declaratory Ruling #266.

The purpose of the hearing was "to determine whether the master plan submitted by the Applicants adequately protects the values sought to be protected by the Stipulation and the Act 250 criteria..." (In Re: Smith, Declaratory Ruling #266 (November 3, 1992)). Under Criterion 8, the Applicants' favorable visual statement consists of essentially a narrow strip of open space around the perimeter of three layers of strip commercial development, aligned along essentially a north-south axis: a strip of commercial development aligned along a north-south axis between Route 104 and the interstate and the interstate access road; a strip of commercial development along the west side of Route 104; and a huge commercial/retail development also located west of Route 104.

Ultimately, the Commission must determine whether the master plan development proposal fits aesthetically within the context of the Smith farm and the viewshed described above. In order to answer this question, the District Commission will need the visual analysis prescribed by the Environmental Board which will include a description of the scenic resource. To assist the Applicants in preparing this information, the Commission recommends the following reference material: "Vermont's Scenic Landscapes: A Guide for Growth and Protection", (Published by Agency of Natural Resources - April 1991). In summary, the Commission finds it does not have sufficient evidence to evaluate the project's impact under Criterion 8 and therefore must find that the project does create an undue adverse effect on the

scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

SECTION 6086 (a) (9) CONFORMANCE WITH THE CAPABILITY AND DEVELOPMENT PLAN:

SECTION 6086(a) (9) (B) PRIMARY AGRICULTURAL SOILS:

26. The tract of land contains approximately 133 acres of primary agricultural soils. The primary soils to be protect are shown on Exhibit #4 and consist of approximately 35 acres. The majority of the soils are located on the western side of the interstate and include the 14 acres previously protected under Land Use Permit #6F0391-EB. The remaining lands include the lands in the set back areas and are primarily located around the periphery of the areas to be developed.
27. It has been proposed that additional agricultural soils will be preserved through of off-site mitigation and the payment of a fee to the Housing and Conservation Board for the preservation of agricultural soils. (Testimony of Sam Smith)

Discussion and Conclusions:

The Commission finds that essentially all 133 acres of primary agricultural soils will be effectively taken out of production and will no longer be available for agricultural use. The primary agricultural soils on the western side of the interstate were previously protected as mitigation lands under Land Use Permit #6F0391-EB and is inappropriate to include them in the protected soils calculation for this development. The remainder of the primary agricultural soils are located around the perimeter of the site and are too narrow to be practically farmed. They will not contribute to an economic agricultural operation.

The Commission encourages the Applicants to move forward with their initiatives to satisfy Criterion 9(B) through the preservation of other agricultural lands. The Commission endorses two methods of off-site mitigation: 1) payment of a preservation fee to the Vermont Housing and Conservation Board, 2) transfer of development rights or agricultural easements to a bonafide local or state land trust or a combination thereof. All efforts should be closely coordinated with the Department of Agriculture.

The present proposal does not contain sufficient information for the Commission to issue affirmative findings under Criterion 9(B), therefore the Commission finds that the development will significantly reduce the potential of the agricultural soils on the site. This is a deficiency in the application which may be corrected with the submission of a specific off-site mitigation proposal based on a ratio of at least two acres to be preserved

for every one acre destroyed. In otherwords the preservation fee or the amount of land protected should be based on the protection of 266 acres. Once the method of preservation is chosen, the Applicants need to submit all the necessary details and agreements in order for the Commission to properly review the plan.

III. CONCLUSION OF LAW

Based upon the foregoing Partial Findings of Fact and in accordance with Environmental Board Rule 21, it is the conclusion of the District #6 Environmental Commission that the project described in the application referred to above is deficient due to inadequate evidence and information under the relevant criteria. The deficiencies may be corrected as stated under the above partial findings of fact.

The partial findings of fact and conclusions of law made under the terms of this section shall be binding upon all parties for two years from date of issuance unless it is clearly shown that there was misrepresentation or fraud or that the facts relevant to the matter have so materially changed as to render the findings or conclusions clearly erroneous, contrary to the purposes of the Act and without basis in fact.

Approval of the conceptual master plan shall not be granted under Condition #20 of Land Use Permit #6F0391-EB until the Applicants have fully complied with Criteria 1(E), 1(G), 8, and 9(B) and all affirmative findings have been made by the District Commission as required by Act 250. Any subsequent phases shall be reviewed as amendments under all ten criteria of Act 250.

IV. ORDER

Based upon the foregoing Partial Findings of Fact and Conclusions of Law, the conceptual master plan is hereby not approved.

Dated at Essex Junction, Vermont, this 23 day of December, 1994.

By Martha Rainville
Martha Rainville, Chairwoman
District #6 Commission

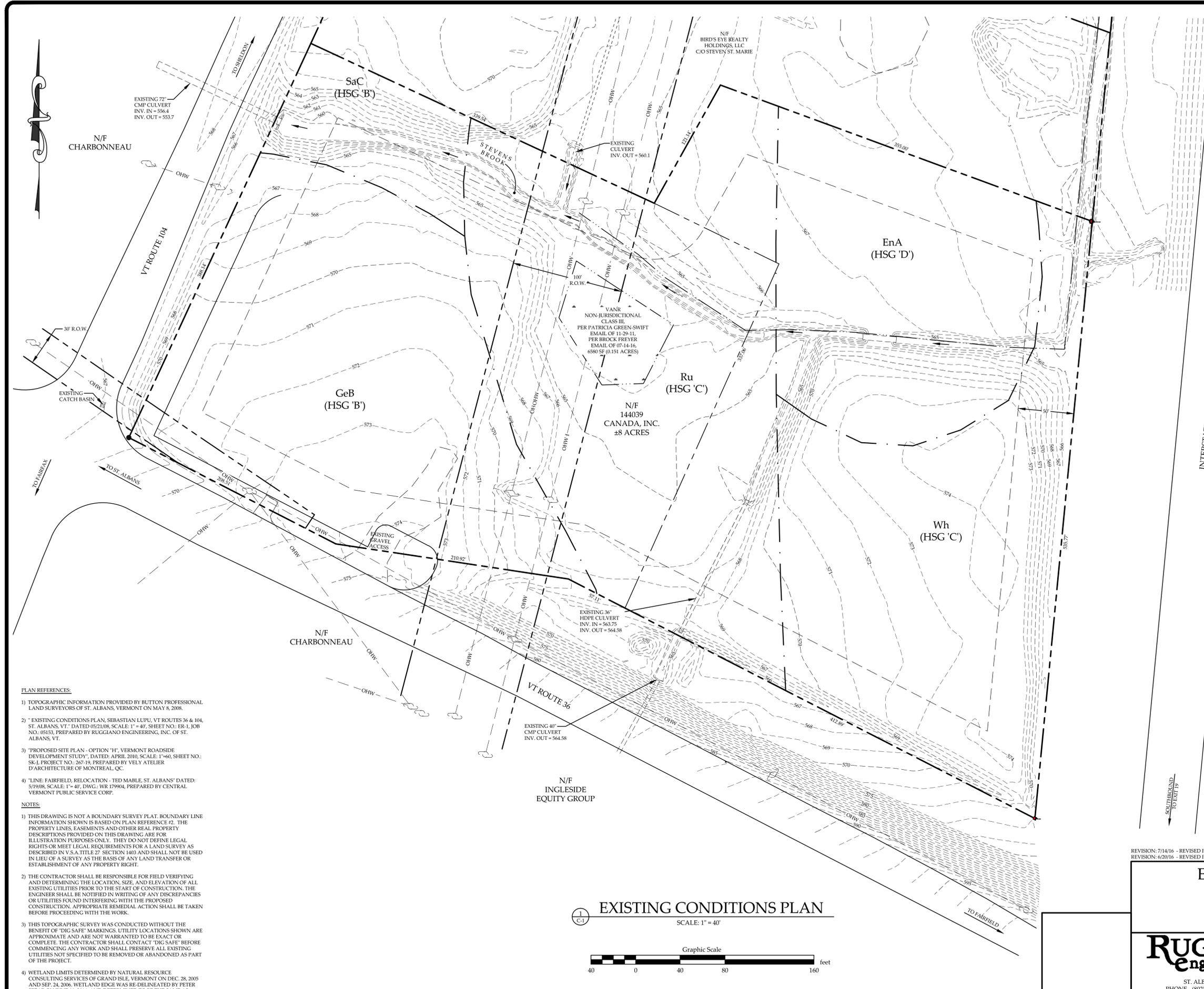
Commissioners participating in
decision:

Martha Rainville, Chair
Claudette Rainville, Commissioner
Ohmer Corbin, Commissioner

ST. ALBANS TOWN GATEWAY

ATTACHMENT O

LUPU EXISTING CONDITIONS MAP



SITE LOCATION MAP
NOT TO SCALE

LEGEND

N/F	NOW OR FORMERLY OWNED BY
■	EXISTING CONCRETE MONUMENT
●	IRON PIPE / REBAR FOUND
○	EXISTING CATCH BASIN
□	EXISTING UTILITY POLE & GUY WIRE
○	EXISTING CATCH BASIN
---	PROPERTY LINE
- - -	RIGHT OF WAY / EASEMENT
- · - · -	LIMIT OF SOIL TYPE DESIGNATION
- · - · -	EDGE OF WETLANDS
- - -	EXISTING OVERHEAD WIRES
---	EXISTING CONTOUR
---	PROPOSED STORM DRAIN
---	PROPOSED CONTOUR

LIST OF DRAWINGS

C-1	EXISTING CONDITIONS PLAN
C-2	PROPOSED SITE PLAN
C-3	STORMWATER PLAN
C-4	STORMWATER DETAILS
C-5	STORMWATER DETAILS

SOILS KEY

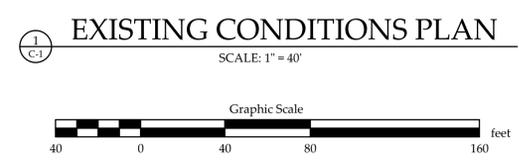
SYMBOL	SOIL NAME	HYD. SOIL GROUP	AREA (ACRES)
GeB	GEORGIA STONY LOAM	B	±2.15
SaC	ST. ALBANS SLATY LOAM	B	±0.56
Ru	RUMNEY VARIANT SILT LOAM	C	±2.60
Wh	WAREHAM LOAMY FINE SAND	C	±1.62
EnA	ENOSBURG LOAMY FINE SAND	D	±1.07
			TOTAL ±8.00 ACRES

PLAN REFERENCES:

- 1) TOPOGRAPHIC INFORMATION PROVIDED BY BUTTON PROFESSIONAL LAND SURVEYORS OF ST. ALBANS, VERMONT ON MAY 8, 2008.
- 2) "EXISTING CONDITIONS PLAN, SEBASTIAN LUPU, VT ROUTES 36 & 104, ST. ALBANS, VT." DATED 05/21/08, SCALE: 1" = 40', SHEET NO.: ER-1, JOB NO.: 05153, PREPARED BY RUGGIANO ENGINEERING, INC. OF ST. ALBANS, VT.
- 3) "PROPOSED SITE PLAN - OPTION 'H', VERMONT ROADSIDE DEVELOPMENT STUDY", DATED APRIL 2010, SCALE: 1" = 40', SHEET NO.: SK-1, PROJECT NO.: 207-19, PREPARED BY VELY ATELIER D'ARCHITECTURE OF MONTREAL, QC.
- 4) "LINE: FAIRFIELD, RELOCATION - TED MARLE, ST. ALBANS" DATED: 5/19/08, SCALE: 1" = 40', DWG.: WR 179904, PREPARED BY CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTES:

- 1) THIS DRAWING IS NOT A BOUNDARY SURVEY PLAT. BOUNDARY LINE INFORMATION SHOWN IS BASED ON PLAN REFERENCE #2. THE PROPERTY LINES, EASEMENTS AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED ON THIS DRAWING ARE FOR ILLUSTRATION PURPOSES ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN V.S.A. TITLE 27 SECTION 1403 AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.
- 2) THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING AND DETERMINING THE LOCATION, SIZE, AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES OR UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION. APPROPRIATE REMEDIAL ACTION SHALL BE TAKEN BEFORE PROCEEDING WITH THE WORK.
- 3) THIS TOPOGRAPHIC SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF "DIG SAFE" MARKINGS. UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND ARE NOT WARRANTED TO BE EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT "DIG SAFE" BEFORE COMMENCING ANY WORK AND SHALL PRESERVE ALL EXISTING UTILITIES NOT SPECIFIED TO BE REMOVED OR ABANDONED AS PART OF THE PROJECT.
- 4) WETLAND LIMITS DETERMINED BY NATURAL RESOURCE CONSULTING SERVICES OF GRAND ISLE, VERMONT ON DEC. 28, 2005 AND SEP. 24, 2006. WETLAND EDGE WAS RE-DELINEATED BY PETER SPEAR ON JUNE 11, 2016, AND DETERMINED TO BE THE SAME AS EARLIER DATES.



REVISION: 7/14/16 - REVISED PER PETER SPEAR
REVISION: 6/20/16 - REVISED PER PETER SPEAR'S EMAIL 6/20/16.

EXISTING CONDITIONS PLAN
144039 CANADA, INC.
VT ROUTES 36 & 104
ST. ALBANS, VERMONT

RUGGIANO Engineering, inc.
5 LAKE STREET
ST. ALBANS, VERMONT 05478
PHONE - (802) 524-9300 FAX - (802) 524-9700
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PROJECT NO.05153
DRAWN BY:JGE/CRC
CHECKED BY:SHR
SCALE:1" = 40'
DATE:03/09/11

SHEET NO.
C-1
1 OF 5 SHEETS