

**Andrew Strniste**

**From:** CATHY MCNAMARA <cmcnamara\_80@comcast.net>  
**Sent:** Wednesday, December 06, 2017 6:46 PM  
**To:** Andrew Strniste  
**Cc:** Heidi Duke; cmcnamara\_80@comcast.net; hardacrevt@gmail.com; Steve Coddling; ROY TOWLEN; Cathy Leathersich; Geoffrey Duke; Dianne Terry; John Michael & Nancy Hall; Chantal OConnor; John Koier; Thad Gembczynski; Amy & Greg Leech/Golodetz; Sue May; Leslie Dee  
**Subject:** Duval application for Conversion of Use to a Multi-Unit Dwelling

Dear Underhill Development Review Board

We truly appreciate the opportunity we had to present our concerns at the hearing regarding the Duval plan to convert their single family to a 4 unit multi-family dwelling on their property. During the hearing Nancy Hall presented a copy of the Pine Ridge Road Act 250/Land Use Permit #400377-1.

In particular, she pointed out:

Item #2 which states: "that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittees and all assigns and successors in interest".

Item #3 (5) which states: "This project has been reviewed and is approved for the construction of one single family residence on each of the approved lots. Construction of other type of dwelling, including public buildings, duplexes and condominium units, is not allowed without prior review and approval of the Agency, and such approval will not be granted unless the proposal conforms to the applicable laws and regulations."

The DRB stated the document could be significant but noted that the permit listed an expiration date of February 11, 2000 and asked if there was a current version. We have done some investigation and found that the State of Vermont, Natural Resources Board Act 250 Rules effective December 4, 2015, specifically address the "Duration of Permits". On page 44, section 32 B, Duration of Permits it states the following:

(B) Duration of permits. Permits for extraction of mineral resources, solid waste disposal facilities, and logging above the elevation of 2500 feet shall contain specific dates for completion of the project, reclamation of the land, and for expiration of the land use permit. Permits issued for all other developments and subdivisions shall contain dates for completion of the project but shall not contain a date for expiration of the permit. Effective June 30, 1994, permits issued for all other developments and subdivisions shall be for an indefinite term. Expiration dates contained in permits (involving developments and subdivisions that are not for extraction of mineral resources, operation of solid waste

disposal facilities and logging above the elevation of 2500 feet) are extended for an indefinite term. See 10 V.S.A. §§ 6090(b)(1) and (2).

The link to the full regulation is:

<http://nrb.vermont.gov/sites/nrb/files/documents/2015rules.pdf>

This regulation effectively extends our Act 250/Land Use permit #400377-1 for an indefinite term. We respectfully request that the board consider the restrictions listed in the permit and deny the Duval application for Conversion of Use to a Multi-Unit Dwelling.

We would appreciate if you could please acknowledge receipt of this email.

Sincerely

John McNamara on behalf of the Pine Ridge Road Neighborhood