

Notice of Permit Recording

Richard &amp; Ardelle Villeneuve

EXHIBIT

Z

STATE OF VERMONT ENVIRONMENTAL BOARD & DISTRICT COMMISSIONS  
NOTICE OF PERMIT RECORDING

Date: February 11, 1980

To: Clerk of the Town of Underhill  
Re: Recording Land Use Permit #400377-1

You are hereby notified that this Notice of Permit and the appended Land Use Permit #400377-1 are to be recorded in the Municipal Land Records under the authority of 27 VSA, Sec. 603-605. The grantor shall be shown as Richard and Ardelle Villeneuve, Underhill and the State of Vermont, District Commission #4, shall be listed as the grantee in the index in the Claimant's Book and in the general index for deeds.

The grantee's interest is limited to the lands of the grantor identified in Book 36, page 147, and the proposed improvements as delineated in Land Use Permit #400377-1 issued under the authority of 10 VSA, Chapter 151 (Act 250). (Also Book 37, Pages 201-202)

I swear that, to the best of my information and belief, the statements made above are true.

Susan M. Gain, District Coordinator for  
District Commission #4

## LAND USE PERMIT AMENDMENT

Case No. 400377-1  
Applicant Richard and Ardelle Villeneuve  
Address Underhill, Vermont 05489

10 VSA, Chapter 151 (Act 250)  
and Vermont State Board of Health  
Regulations, Chapter 5, Sanitary  
Engineering, and Subchapter 10,  
Part 1, Subdivisions

District Environmental Commission #4 hereby issues a Land Use Permit Amendment pursuant to the authority vested in it in 10 VSA, Chapter 151. This permit applies to the lands identified in Book 36, Page 147; and Book 37, Pages 201-202 of the Land Records of Underhill, Vermont, as the subject of deeds to Richard and Ardelle Villeneuve, the "permittees" as grantees. This permit specifically authorizes the permittees to subdivide 13 residential lots (#11-#23) and to construct 1,800 feet of road off of Hill Road, in Underhill, Vermont. Lots #17 and #23 will have access off of Pleasant Valley Road.

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

1. The project shall be completed as set forth in Findings of Fact and Conclusions of Law #400377-1, in accordance with the plans and exhibits stamped "Approved" and on file with the District Environmental Commission, and in accordance with the conditions of this permit. No changes shall be made in the project without the written approval of the District Environmental Commission.

2. By acceptance of the conditions of this permit without appeal, the permittees confirm and agree for themselves and all assigns and successors in interest that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittees and all assigns and successors in interest.

3. This permit hereby incorporates all of the conditions of the Certifications of Compliance #400377-1, issued on December 13, 1979; and #400377-2, issued on January 7, 1980 by the Regional Engineer, Division of Protection, Agency of Environmental Conservation in compliance with Vermont State Board of Health Regulations, Chapter 5, Sanitary Engineering, Subchapter 10, Part 1, Subdivisions. Conditions #2, 3, 5, & 7 of Certification #400377-1 for lots #11-#22 are as follows:

(2) Each lot is approved for on-site water supply from a drilled or driven well provided that each well is located as shown on the plans and no closer than 100 feet to any sub-surface wastewater disposal system.

(3) Each lot is approved for the on-site subsurface disposal of wastewater within the soil boring and percolation testing areas indicated on the certified plans.

(5) 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 dwellings, 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.

(7) The applicant will have to submit to the Division of Protection an application for a Deferral of Permit or Subdivision Permit for the lots identified on the stamped plans as #11A and #12B.

Certification of Compliance #400377-2 approved lot #23 subject to the same conditions as set forth above.

4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed in accordance with the terms of the permit.

5. All disturbed ditches and slopes of the road and of any lot shall be seeded and mulched immediately upon grading. The permittees shall maintain the mulch until final vegetative cover is established. Notwithstanding, all disturbed areas of the project shall be mulched from November 15 to April 15, regardless of whether final grading has been finished.

6. The lot purchasers and all assigns and successors in interest shall install and maintain water conserving plumbing fixtures in all residences, including but not limited to low-flush toilets, low-flow showerheads, and aerator-type or flow-restricted faucets.

7. All heated structures erected on lots approved herein shall be constructed with insulation with an R-Value of at least R-19 in the exterior walls and at least R-38 in the roof or eap.

8. Each prospective purchaser of any lot shall be shown a copy of the approved plot plan, the Certifications of compliance, and the Land Use Permit before any written contract of sale is entered into.

9. No further subdivision of any parcels of land approved herein shall be permitted without the written approval of the District Environment Commission and the Division of Protection.

10. Prior to the sale of the first parcel of land subject to this permit, the permittees shall amend the Restrictive Covenants dated January 7, 1979 (Exhibit #22) to require that in the event the lot owners petition the Town to accept the road, the lot owners shall first be responsible for bringing the road up to the then applicable Town standards. The land-owners shall also deed all lands within the right-of-way to the Town upon acceptance. The permittees shall submit a copy of these amended covenants to the District Commission prior to the sale of the first lot.

11. The permittees shall clear brush from the easterly side of the intersection of the development road with Mill Road to improve the site distance.

12. All road construction on this project must be completed by November 15, 1980.

13. This permit shall expire on February 11, 2000, unless extended by the District Commission.

Dated at Essex Junction, Vermont, this 11th day of February, 1980.

Members participating  
in this decision:  
Duncan Brown  
Helen Lawrence  
Charles Tetzlaff

By Susan Cain, District Coordinator  
For the District #4 Commission

Received for recording February 13, 1980 at 8:30 A.M.  
Attest: *Jill B. Mitchell*, Townclerk