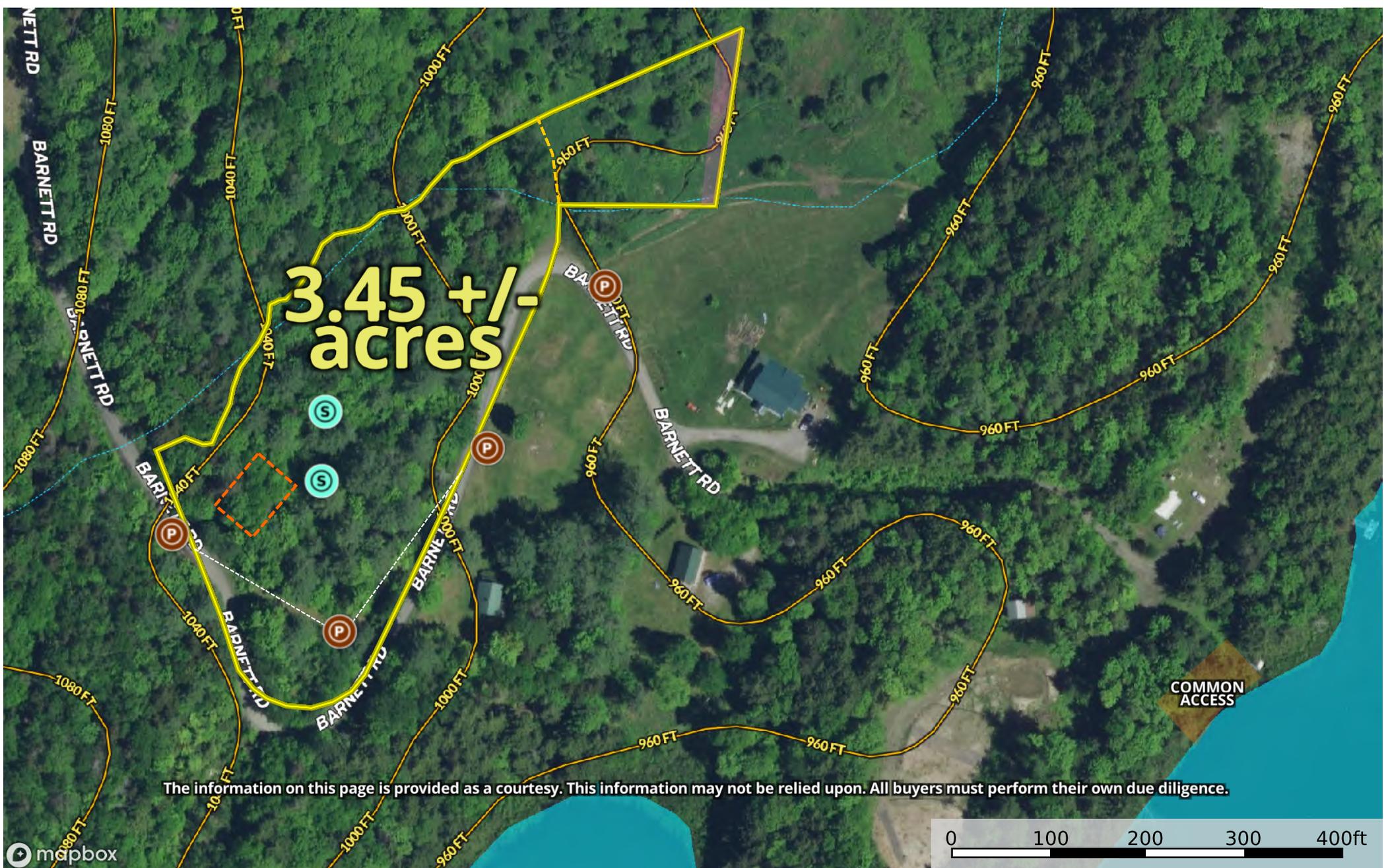


# Calais 3.45 acres - Barnett Road

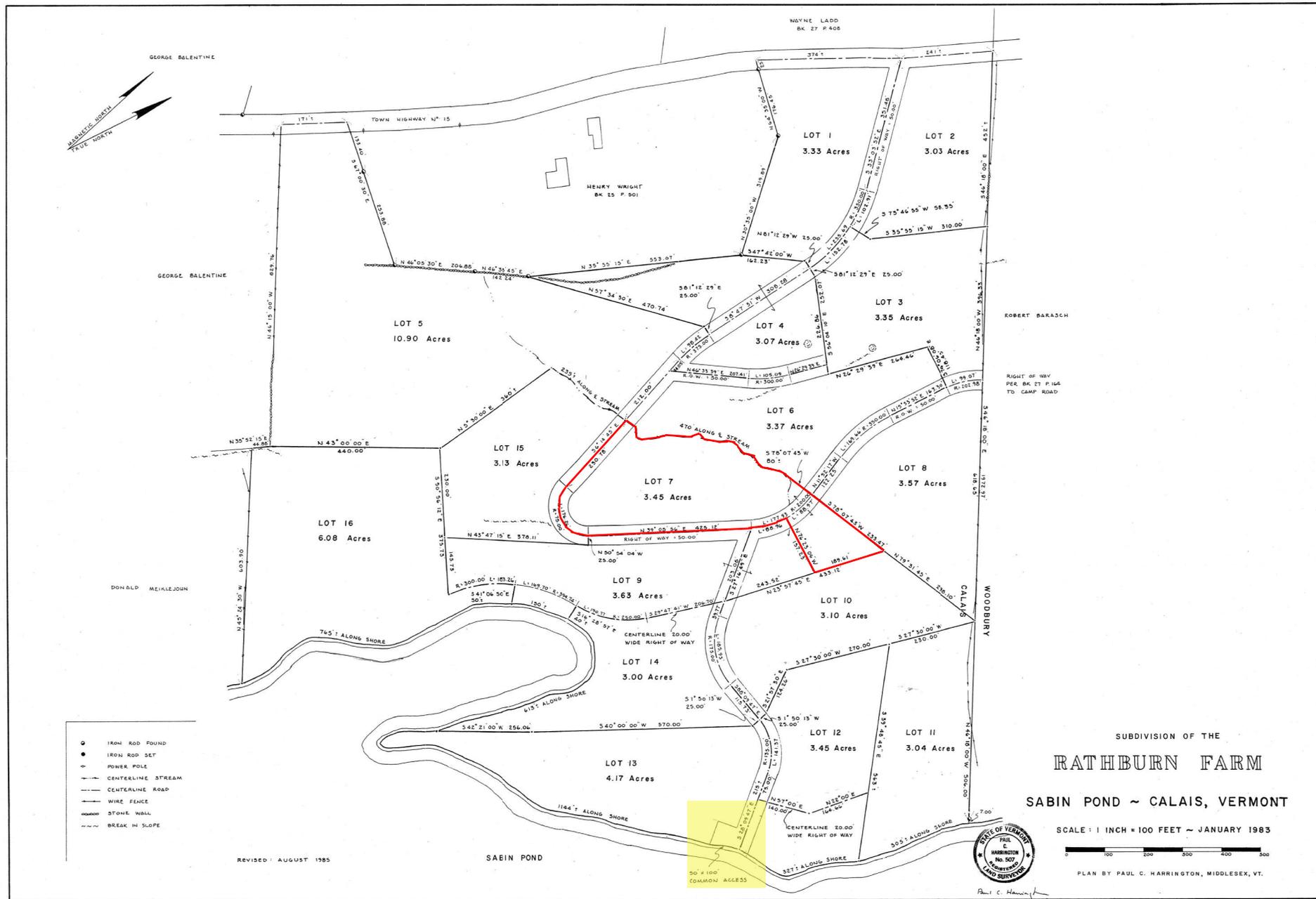
Vermont, 3.45 AC +/-



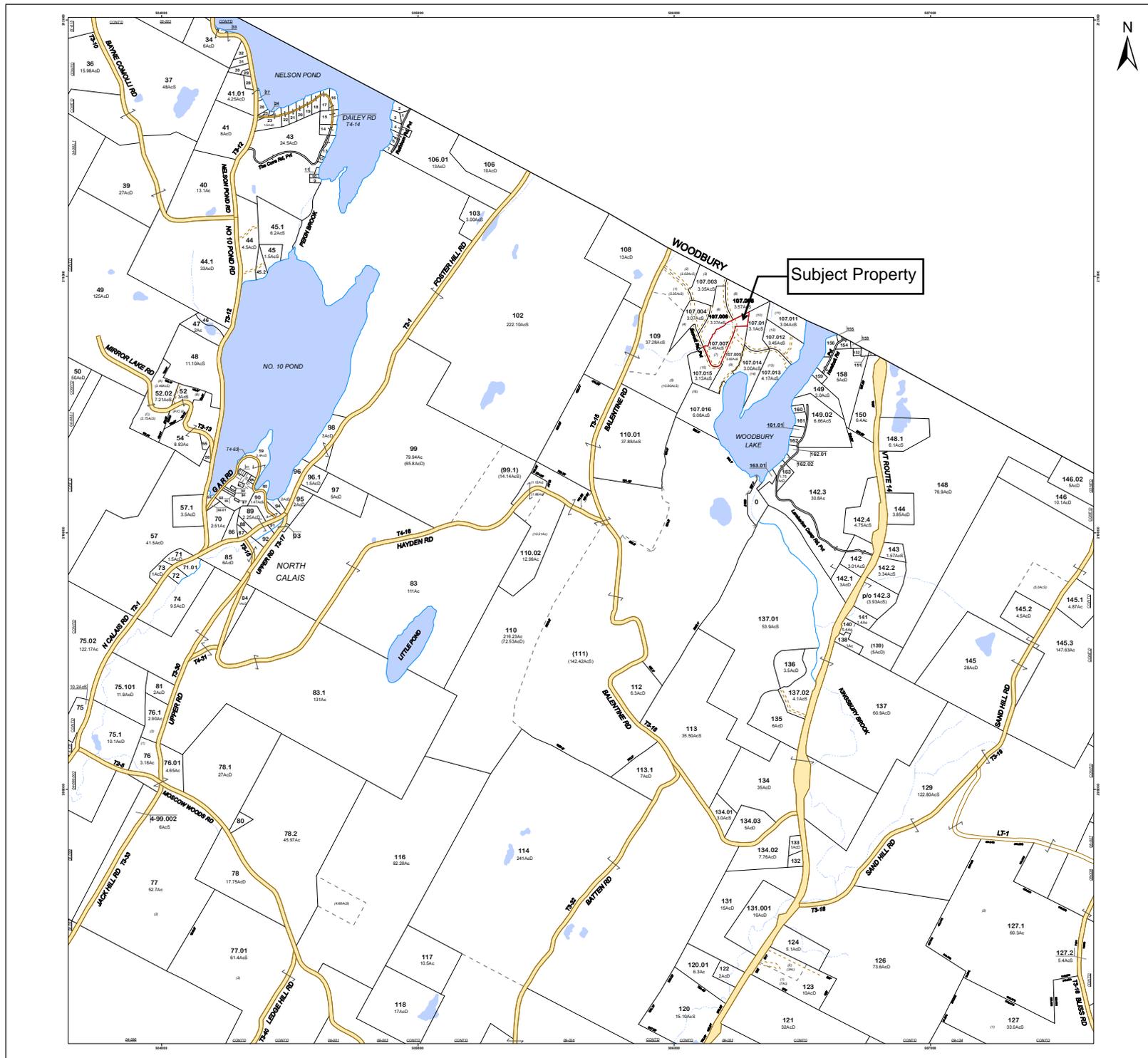
mapbox

- Approx Location of
- Approx Location of
- Utility Pole
- General Likely House Site
- Shared Walking Trail
- Transmission Line
- Flood Hazard Overlay
- Common Access
- 50' ROW Centerline
- Stream, Intermittent
- River/Creek
- Water Body

The information contained herein was obtained from sources deemed to be reliable. Land id™ Services makes no warranties or guarantees as to the completeness or accuracy thereof.



Filed Sept. 9, 1985  
at 10:30 AM  
Geo. M. Morse  
Town Clerk

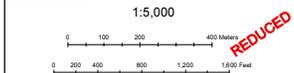


THIS MAP IS FOR ASSESSMENT PURPOSES ONLY. IT IS NOT TO BE USED FOR DESCRIPTION, CONVEYANCE, OR DETERMINATION OF LEGAL TITLE. ALL INFORMATION IS SUBJECT TO CHANGE.  
 UPDATED THROUGH APRIL 1, 2021

UPDATES BY  
**CHRISTINE CHAMBERLAIN**  
**MAPPING**  
 105 South St #113  
 Middlebury VT 05753  
 chrisc@chamberlainvt.com

- LEGEND**
- Town Boundary
  - Public Road Right-of-Way
  - Parcel Boundary
  - Parcel Boundary Water
  - Subparcel Boundary
  - Right-of-Way
  - Parcel Hooks
  - Surface Water

- 2 Parcel Number
- (2) Subparcel Number
- AcC Acres Calculated
- AcD Acres Deeded
- AcS Acres Surveyed



TOWN OF  
**CALAIS**  
 VERMONT



LOCAL MAP NO.  
**5**  
 STATE MAP NO. 156208  
 NORTH CALAIS

**Septic System Suitability Report**

Linda Valerio

Lot 7 of Rathburn Farm subdivision  
Barnett Road, Calais

Test pits dug 7/20/23

Observed and logged by

Craig Chase VT Certified Designer B+

Excavated by HPH excavation



**Surveyors & Septic Designers, Inc**

301 North Main Street, Suite 1

Barre, Vt. 05641

Phone 802-479-9636

Fax 802-479-4017

email: [cdchase@chasesurveyors.com](mailto:cdchase@chasesurveyors.com)

[billchase@chasesurveyors.com](mailto:billchase@chasesurveyors.com)

[kjurentkuff@chasesurveyors.com](mailto:kjurentkuff@chasesurveyors.com)

To whom it may concern:

On July 20<sup>th</sup>, 2023 I observed several soils test pits on the above referenced site. We found excellent soils for septic effluent disposal in 2 different areas easily capable of handling up to a 5 bedroom single family residence. Both areas will support a traditional in-ground stone and pipe system.

Further design, testing, and permitting will be required prior to development of the property.

Sincerely,

A handwritten signature in cursive script that reads "Craig D. Chase". The signature is written in dark ink on a white background.

Vermont Certified Septic Designer B+ 152.0126959

STP 1 0-8" 10YR, 3-3 Sandy Loam – loose – SBK  
 8-20" 10YR, 4-4 Loamy Sand – loose – SG  
 20-84" 10YR, 4-4 Coarse Sand (small-med. cobble) - loose – SG  
 No seasonal highwater table or bedrock observed to depth

STP 2 0-6" 10YR, 3-3 Sandy Loam – loose – SBK  
 6-28" 10YR, 4-4 Loamy Sand – loose – SG  
 28-64" 10YR, 4-4 Coarse Sand (small-med. cobble) - loose – SG  
 No seasonal highwater table observed to depth – Refusal at 64"

STP 3 0-6" 10YR, 3-3 Sandy Loam – loose – SBK  
 6-32" 10YR, 4-4 Loamy Sand – loose – SG  
 32-78" 10YR, 4-4 Coarse Sand (small-med. cobble) - loose – SG  
 No seasonal highwater table or bedrock observed to depth

STP 4 0-6" 10YR, 3-3 Sandy Loam – loose – SBK  
 6-28" 10YR, 4-4 Loamy Sand – loose – SG  
 28-78" 10YR, 4-4 Coarse Sand (small-med. cobble) - loose – SG  
 No seasonal highwater table or bedrock observed to depth

STP 5 0-8" 10YR, 3-3 Sandy Loam – loose – SBK  
 8-20" 10YR, 4-4 Loamy Sand – loose – SG  
 20-78" 10YR, 4-4 Coarse Sand (small-med. cobble) - loose – SG  
 No seasonal highwater table or bedrock observed to depth

STP 6 0-8" 10YR, 3-3 Sandy Loam – loose – SBK  
 8-24" 10YR, 4-4 Loamy Sand – loose – SG  
 24-82" 10YR, 4-4 Coarse Sand (small-med. cobble) - loose – SG  
 No seasonal highwater table or bedrock observed to depth



# State of Vermont

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## LAND USE PERMIT

CASE No. 5W0777 (Corrected)  
APPLICANT T. R. Barnett  
ADDRESS Box H  
Stowe, Vermont 05672

### LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 151 (Act 250)  
and Vermont State Environmental  
Protection Rules;  
Chapter 3, Subdivisions

District Environmental Commission V hereby issues Land Use Permit 5W0777 pursuant to the authority vested in it in 10 V.S.A., Chapter 151. This permit applies to the land identified in Book 27, Page 407 and Book 26, Page 394 of the land records of Calais, Vermont, as the subject of a deed to T. R. Barnett, the "permittee" as grantee. This permit specifically authorizes the construction of 3,700 feet of roadway and the creation of a 16 lot subdivision off Town Road 15 in Calais, Vermont.

The permittee, his 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 5W0777, 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 permittee confirms and agrees for himself and all assigns and successors in interest that the conditions of this permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the permittee and all assigns and successors in interest.
3. 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.

4. This permit hereby incorporates all of the conditions of Certifications of Compliance 5W0777 and 5W0777(Revised) issued on June 10 and June 26, 1984 by the Assistant District Administrator, Department of Water Resources and Environmental Engineering, Agency of Environmental Conservation in compliance with Vermont State Environmental Protection Rules; Chapter 3, Subdivisions. Conditions 2.1, 3.1, 3.2, 3.3 and 3.4 of Certification 5W0777 are as follows:
  - 2.1 The lots are approved for the on-site water supply from individual drilled wells, provided that each well is located as shown on the plans and no closer than 100 feet to any subsurface waste water disposal system, 50 feet from any septic tanks and 50 feet from any sewer lines.
  - 3.1 The lots are approved for the on-site subsurface disposal of wastewater within the soil boring and percolation testing areas indicated on the approved plans.
  - 3.2 Each wastewater disposal system shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State.
  - 3.3 Prior to any construction on a lot, a plan showing the proposed building site and driveway shall be submitted to a Vermont Registered Professional Engineer or qualified consultant to assure conformance with the approved plans.
  - 3.4 Any lot where the building site cannot gravity feed to the sewage disposal area, a Vermont Registered Professional Engineer or qualified consultant shall submit a complete pumping station design to the Division of Protection for review and approval prior to the commencement of any construction on the lot.

Condition 2 of Certification 5W0777(Revised) reads as follows:

2. Condition number 3.5 as set forth in original Land Use Permit number 5W0777, dated June 19, 1984 is hereby modified to read as follows:

All systems shall be installed under the direct supervision of a Vermont Registered Professional Engineer or qualified consultant who shall certify in writing PRIOR to occupancy that all work was done according to the approved plans and this permit.

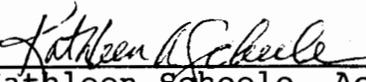
5. The District Commission shall also be provided copies of each engineer's certification as called for in Condition 2 of Certification of Compliance 5W0777 (Revised).
6. The District Commission specifically prohibits any home or drive construction on lot 16. Within 30 days of this decision, the permittee shall either indicate his preference that lot 16 will be conveyed with a deed restriction prohibiting development or will submit a revised site plan which combines the lot's 3.1 acres into an adjoining lot(s).
7. The permittee and all lot owners shall maintain 25 foot wide undisturbed buffers on either side of the stream located on lots 5, 6, 7 and 15. A 50 foot wide undisturbed buffer shall be maintained on either side of the stream on lots 7 (east of the project road), 9 and 10.
8. The homeowners association or the owner of the drive serving lot 17 and running along the Lake's edge shall maintain the culvert and sediment basin to be located on proposed lot 16 as depicted on Exhibit 15.
9. All homes constructed on these lots shall have and maintain water-conserving plumbing fixtures, including but not limited to low-flush toilets, low-flow showerheads, and aerator-type or flow-restricted faucets.
10. 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, at least R-38 in the roof or cap and at least R-10 around the foundation or slab.
11. The permittee shall comply with Exhibits 2, 6 and 15 for erosion control during road construction. Hay bale dams shall be installed as depicted on the plans. From October 15 to May 1 of any calendar year, all non-vegetated disturbed areas of the construction site shall be mulched until final vegetative cover is established. All erosion control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas. The Commission reserves the right to schedule hearings and site inspections to review erosion control, and to evaluate and impose additional conditions with respect to erosion control, as they deem necessary during the life of this land use permit. No earthwork shall be permitted from October 15 to May 1.
12. All outdoor lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view substantially beyond the perimeter of the area to be illuminated.

13. Each prospective purchaser of any lot shall be shown a copy of the Certifications of Compliance, the Land Use Permit and the approved engineering plans as to waste disposal and the approved District Commission site plan (Exhibit 15) as to locations of homes and drives. Each lot purchaser shall also be provided a copy of the attached Findings of Fact.
14. No further subdivision of any parcels of land approved herein shall be permitted without the written approval of the District Environmental Commission.
15. The permittee shall conduct a one-time thinning of trees within a 50 foot wide zone measured from the Lake's edge. This thinning shall be done in conjunction with input from the County Forester and consistent with our attached Findings of Fact.
16. The owners of lots 9, 11, 12, 13, 14, 16 and 17 shall maintain a 50 foot wide undisturbed buffer on the Lake's shoreline.
17. The permittee shall ensure that his contractor exercises extreme care in constructing the road turn-around in the vicinity of the Lake shoreline in order to prevent sedimentation and alteration of the shoreline.
18. Any beach area which may be proposed by the lot owners association must receive the prior review and approval of the Commission in addition to meeting the requirements of 20 V.S.A. Chapter 11.
19. Within 30 days of this decision, the permittee shall provide a corrected version of Exhibit 10 relative to lots 11 and 12.
20. The culvert under the project roadway in the vicinity of lot 15 must direct all road ditch runoff so as to prevent any flows over the steep bank present on lot 9.
21. Construction access to lot 9 must be from the upper portion of the project roadway and construction equipment must not damage or destabilize the steep bank present on this lot.
22. A revised site plan must be submitted within 30 days of this decision which depicts the relocation of the drive for lot 13.
23. The permittee shall be responsible for all construction of the road serving lot 17 in a manner consistent with our Findings of Fact in particular regard to the ditching and culvert on lot 16.
24. The permittee shall provide a supplemental plan and details relative to gravel extraction on lot 16 and as discussed in our Findings of Fact.

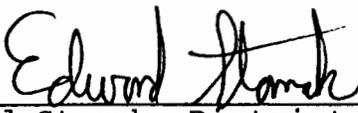
25. Any future road improvements as may be proposed by the lot owners' association must obtain the Commission's prior review and approval.
26. Any docks or similar entries onto or toward the lake as may be proposed by the owners of lots 17, 16, 14, 13, 12 or 11 must be reviewed and approved by this Commission prior to construction.
27. Following the completion of all road construction, the project engineer shall provide this Commission with his written certification that all permanent erosion control measures have been met.
28. No full-time residences at this subdivision shall utilize electric resistance baseboard units as primary heating sources.
29. The permittee shall revise his proposed restrictive covenants for these lots (Exhibit 14) in order to address the following concerns. A copy of the revised covenants shall be provided to the Commission and parties.
  - A - All references shall be removed to apartments as additional occupancy units attached to or included in the single family residences approved herein for these lots.
  - B - No lot owner shall make applications of fertilizer to lawn areas.
  - C - All lake front lots shall maintain a 50 foot wide undisturbed buffer zone as measured from the edge of the shoreline.
  - D - A 50 foot wide undisturbed buffer zone shall be maintained along the borders of the wetland present on lots 8, 10 and 11.
  - E - All lot owners shall strictly adhere to the individual lot development erosion control plan during construction of homes, drives and waste disposal systems.
30. All construction on this project must be completed by October 15, 1985.
31. This permit shall expire on September 20, 2004 unless extended by the District Commission.

32. Notwithstanding, this permit shall expire one year from date of issuance if the permittee has not demonstrated an intention to proceed with the project.

Dated at Barre, Vermont, this 20th day of September 1984.

BY   
Kathleen Scheele, Acting Chair  
District Environmental Commission V

  
Karen Saudek, Member  
District Environmental Commission V

  
Edward Stanak, District Coordinator  
For the District Environmental Commission V

STATE OF VERMONT  
DISTRICT ENVIRONMENTAL COMMISSION

RE: T. R. Barnett ) Application 5W0777  
Box H ) Findings of Fact and  
Stowe, VT 05672 ) Conclusions of Law and Order  
 ) 10 V.S.A., Chapter 151

On May 28, 1984, an application for an Act 250 permit was filed by T. R. Barnett, Box H, Stowe, Vermont for a project generally described as the construction of 3,700 feet of roadway and the creation of a 17 lot subdivision located off Town Road 15 and on Sabin Pond in Calais, Vermont. The tract of land consists of 63.9 acres with 63.9 acres involved in the project area. The applicant's legal interest is ownership in fee simple.

Under Act 250, projects are reviewed based on the 10 criteria of 10 V.S.A. §6086(a) 1-10. Before granting a permit, the Board or District Commission must find that the project complies with these criteria and is not detrimental to the public health, safety or general welfare.

Decisions must be stated in the form of findings of fact and conclusions of law. The facts we have relied upon are contained in the documents on file identified as Exhibits 1-19 (Applicant; 1-4 (Meiklejohn); 1 (Calais Planning Commission); 1 (Central Vermont Regional Planning Commission); 1 (Woodbury Lake Association) and 1-2 (Agency of Environmental Conservation), and the evidence received at hearings held on June 21, July 9 and August 16, 1984. A site visit was conducted to the tract immediately preceding the July 9, 1984 hearing. At the end of the final hearing, the proceeding was recessed pending submission of additional information. The hearing was finally adjourned on September 7, 1984 upon receipt of all additional information. (Exhibits 16 - Applicant and 4 - Meiklejohn).

Parties to this application present at the hearings were:

- (A) The Applicant by Donald Marsh and Paul Harrington
- (B) The Calais Municipal Planning Commission by Kristina Bielenberg, Mary Cherington, Bradford Perkins, Jim Moser
- (C) The Central Vermont Regional Planning Commission by Susan Sinclair and Robert Apple
- (D) The Agency of Environmental Conservation by Virginia Garrison

Adjoining property owners and the criteria they were allowed to participate on:

- (A) Donald and Elizabeth Meiklejohn by Steven Stitzel, Esq. under Criteria 1 (b) (e), 4, 6, 7, 8 and 9(A)

- (B) Wayne Ladd under Criteria 1(B), 4, 6, 7, 8 and 9(A)
- (C) George and JoAnne Ballentine under Criteria 5 and 8

Persons admitted under Rule 14(B) and the criteria they were allowed to participate on:

Woodbury Lake Association by its President, Merrill Gosbee, was granted party status under Criteria 1, 1(d), (e), (f), 4 and 8 upon a showing that the Association represents 75% of the 98 camps on the Lake and that the Association members have interests in preventing a deterioration of water quality in the Lake.

#### FINDINGS OF FACT

In making the following findings, we have summarized the statutory language of the 10 Criteria of 10 V.S.A., §6086(a):

1. The project as proposed will not result in undue water or air pollution:

##### AIR POLLUTION:

There will be no process emissions, noxious odors or noise pollution from this project. (Exhibits 2 and 16).

##### WATER POLLUTION:

###### (A) Headwaters:

This project is not in a headwaters area as defined by this section because of its elevations and location. (Exhibits 2, 11 and 16).

###### (B) Waste Disposal:

Sewage will be disposed of through individual on-site subsurface disposal systems. The soils' data for each disposal area is specified on Exhibit 4. The location of each approved disposal field and corresponding replacement areas are depicted on Exhibit 15 which is the final revised site plan. A significant portion of our hearings was centered on the proximity of these waste disposal systems to Woodbury Lake (Sabin Pond). The opposing parties presented evidence indicating serious concerns regarding eventual eutrophication of the Lake and this evidence demonstrated that phosphorus loading in conjunction with soil erosion, can be a major contributing factor. (Exhibit 1 - Lake Association). One indisputable source of phosphorus is human excrement. Exhibit 1 for the Meiklejohns concludes that phosphorus loading from the

sanitary waste systems for the six most critical building lots (#17, 16, 14, 13, 12 and 11) could generate some 3,840 g/p/yr into the southern basin of the Lake. The Commission recognizes that undue discharges of phosphorus in excessive amounts could well lead to the demise of the basin in the 5 to 10 year period cited in the Henson study. For example, were all 17 lots to border on the lake, were the treatment systems not designed so that the septic tanks (Exhibit 5) and soils would retain portions of the overall phosphorus content and were all 17 lots to be inhabited on a year round basis,\* a strong case could, perhaps, be made for undue water pollution from from the overall project. But the facts do not support such a negative finding. While the soils may retain less phosphorus than "average soils" they have met the technical requirements of the State's Environmental Protection Rules as administered by the Department of Water Resources and Environmental Engineering. A Certification of Compliance has been issued (Exhibits 17 and 19) which, pursuant to Environmental Board Rule 19(A), establishes a rebuttable presumption that the disposal systems will function properly and not result in undue water pollution. The State's review also ensures adequate isolation distances (i.e. disposal fields from waterway).\*\* Based on the evidence before us, we cannot find that the entire evidentiary presumption of the Certification of Compliance has been rebutted.

However, the parties have convinced the Commission that project modifications are necessary in order to ensure ongoing affirmative findings under this subcriteria. We shall require that each purchaser be provided a copy of these findings, the land use permit and the approved plans in order to underscore proper installation of the disposal fields. Additionally, the Commission shall require the

\*The overall intent of the applicant's submittals is that the majority of the lots are for seasonal uses. (See, e.g., discussion under Criterion 6 relative to an estimate of 5 lots occupied on a year-round basis and See Exhibit 2, in general.)

\*\*It is imperative to note that the Assistant District Administrator who issued the Certification of Compliance also drafted a directive (Exhibit 18) which emphasizes the necessity for placing these disposal areas exactly in the locations as approved. Given the site's terrain, purchasers may be tempted to construct homes on the approved disposal sites. By condition in our permit, we shall re-inforce the criticality for extreme caution in the construction and location of the approved waste systems in the designated areas.

elimination of any reference to "separate residential or camp apartment[s]" in the proposed covenants (Exhibit 14). These lots are only approved for single family residences with occupancy levels as limited by the Certification of Compliance. Any increase in waste flows, as may be generated by increased apartment occupancies could easily overload the disposal systems. Similarly, testimony relative to the location of the waste system for lot 16, as well as the Commission's observations during the site visit, lead us to conclude that it seems unreasonable to expect that this disposal field will function properly over time. The field is laid out in an area with adequate soils but directly in the path of an intermittent stream which has flows of at least 60 gpm at certain periods. (See Exhibit 3). The field is in very close proximity to the Lake basin. The margin for error is slim. In light of these concerns and others regarding Lot 16 as set out under 1(F) and 4 below, the Commission does not authorize the subdivision of Lot 16 as a developable parcel. These 3.1 acres must be transferred with a prohibition against development or may be combined in the area of surrounding lots. Within 30 days of this decision, the applicant shall indicate his preference as to Lot 16 in a manner consistent with these findings.

In a related matter, the Commission finds that another unexpected "waste" from these lots may accelerate the basin's demise. The parties have demonstrated that common lawn fertilizers could run off the varied lots and introduce measurable amounts of nutrients to the Lake. These fertilizers represent a significant source of pollution and, by condition, we shall prohibit their use on the lots. The proposed covenants must be revised to specifically restrict the use of fertilizers on any lawn areas on the building lots.

The Commission finds that, if the subdivision is developed and maintained in a manner consistent with our findings and conditions made herein, no undue water pollution will result.

(C) Water Conservation:

The Covenants require the installation and maintenance of water-conserving plumbing fixtures in all houses constructed on these lots. (Exhibit 14).

The Commission accepts the above as evidence that water conservation has been considered in the design of the project and that provisions have been included for the continued efficient operation of these devices.

(D) Floodways:

The project will not be located in the floodway or floodway fringe as defined by the Act. (Exhibits 2 and 16).

(E) Streams:

Two intermittent streams course through the 63 acre tract. The northern stream is clearly reflected on Exhibit 15. The southern stream, though not depicted, flows in a deep ravine through Lot 16 and its proposed disposal field. In order to minimize impacts on the natural condition of these streambeds and, most importantly, to prevent sediment from entering the Lake through these streams, the applicant has agreed to maintain specific undisturbed buffer zones adjacent to the streams on each lot as follows: a 25 foot buffer on either side of the stream on lots 5, 6, 7 and 15; a similar 50 foot buffer on lots 7 (east of the project road), 9 and 10. These buffers will be specified as a condition in our permit. The southern stream is, again, critical in its proximity to the Lake. As will be discussed more fully under criterion 4, a culvert will be required under the proposed driveway to lot 17. The culvert, with sedimentation basin, represents the best means of crossing the drive and maintaining a close approximation of the stream's condition and function. The culvert and basin will be installed by the applicant and be maintained by the users of the drive or the overall homeowners' association.

(F) Shorelines:

The project will be located on a shoreline. (Exhibit 15). The nature of this project takes advantage of its prime lake front locations in the subdivision of its 64 acres. Seven of the lots have direct lake access while others will share a common access area. Because of overlapping concerns, reference is made to related findings under Criteria 1(B), 4 and 8. Those findings and imposed conditions are incorporated herein insofar as applicable. A major test under this subcriterion is the reasonable retention of a shoreline in its natural condition in light of the project's purpose. We find that the applicant's proposal to require a permanent, undisturbed 50 foot buffer on the shoreline for each of these 7 lots is adequate under this test. (Exhibit 16) and will be an enforceable measure when included in the proposed covenants. The Commission accepts the applicant's position that a one-time thinning of trees be allowed in this 50 foot zone but we shall require that this thinning take place only after a site review by the County Forester and a strict

adherence to his/her recommendations. This thinning must ensure that adequate growth is retained to both reasonably screen the development and provide shading for aquatic life. We have reviewed the State's concerns as set out in Exhibit 2 - AEC and conclude that the most serious concerns will be addressed by appropriate conditions in the permit.

The applicant's contractor shall exercise extreme caution in constructing the access turn-around so that sediment is kept from the lake and minimal alteration occurs on the shoreline. Should the lot owners eventually plan a beach area - despite the shallow nature of the basin area - review and approvals shall be obtained from this Commission in addition to meeting all requirements under 29 V.S.A., Chapter 11. (See Exhibit 1 - AEC). The Commission has concluded that lot 16 is not approvable for development under this subcriterion. The potential for both water pollution and erosion (i.e. construction of a home site, driveway and disposal area) are so serious that irreparable damage would also result to the natural condition of the shoreline. This lot must be redesigned as discussed under subcriterion 1(B). In conclusion, we find that the applicant has met his burden under this subcriterion. A balance has been struck which will protect the recreational/aesthetic values of this portion of Woodbury Lake (See Exhibit 1-Lake Assoc.) while allowing these lot owners the enjoyment and benefit of their properties.

- 2-3. There is sufficient water available and no existing water supply will be unreasonably burdened:

Given the project's location, there is ample reason to conclude an adequate aquifer will serve these lots. The Commission also incorporates all conditions from the Certification of Compliance relative to individual lot water supplies. (Exhibits 17 and 19).

4. There will be no unreasonable soil erosion or effects on the capacity of the land to hold water:

This project required extensive review under this criterion in order to determine whether unreasonable soil erosion conditions would result from any facet of the project and, as a result, introduce sediment to the southern basin of Woodbury Lake. Exhibits 1-Lake Association and 3-Meiklejohn discuss the implications of any sediment

discharges into this shallow basin - essentially, its transformation into a marsh area in conjunction with the phosphorus loading discussed under subcriterion 1(B).

The applicant indicated that precautions would be taken to prevent soil erosion during the construction of the 3,700 foot access road (Exhibit 2) and submitted an erosion control plan for such activities. (Exhibit 6). Special directives were specified for road crossings of the northern intermittent stream and they include hay bale dam installations. During the course of our hearings and based upon our site visit, several critical areas of concern have been identified: steep banks on several lots, close proximity to the Lake, the "drive" to lots 16 and 17, gravel extraction in the vicinity of lot 16 and individual lot construction activities.

The applicant cooperated in this review by revising his site plan which now depicts the actual placement of erosion control devices during road construction. (Exhibit 15). Additionally, the plan shows varied culvert locations as they will be placed under the roadway to properly direct runoff.\* The applicant must ensure careful and complete use of this plan by the project contractor. The applicant provided a supplemental erosion control plan for use by individual lot owners as construction proceeds by each purchaser. (Exhibit 10). Reference to this individual lot erosion control plan must be made in the project covenants in order to insure actual implementation. The Commission shall also require that each lot purchaser be provided a copy of the final site plan (Exhibit 15) in order that improvements (i.e. homes, drives and disposal areas) shall take place as shown and as approved herein by this Commission. The Commission notes that the details in Exhibit 10 relative to lots 11 and 12 were reversed and a corrected Exhibit 10 must be provided the Commission as well as each lot purchaser.

The Commission has concluded that the potential for damage to the Lake is so great from erosion risks from the project

\*The culvert under the road in the vicinity of lot 15 must divert all road ditch flows under the road in order to prevent runoff from adversely affecting the steep erodable bank on lot 9. Relatedly, construction access to lot 9 must be from the upper portion of the project roadway in order to prevent damage to the steep bank area.

that several other conditions will be necessary in our permit. A revised site plan must be provided which shows the relocation of the drive on lot 13 in light of the project engineer's statement that it could "be moved up" for better alignment with existing contours. Serious concerns exist regarding the construction of the 12' wide drive to lots 16 and 17. The applicant, rather than the owners of lots 16 and 17, has agreed to construct this drive as part of the overall road construction discussed on Exhibit 16. The drive will be constructed as noted in the submissions and extreme care must be taken to leave undisturbed all lakeside portions for the existing drive right-of-way. The Commission agrees with the proposal submitted by the applicant relative to drainage from lot 16: a road ditch along the west side of the drive; \* a culvert under the drive and a detention basin on lot 16 to remove sediment. This sediment basin must be regularly maintained by the owner of the new drive or the homeowners' association. Relatedly, the gravel extraction contemplated in the vicinity of lots 16 and 17 as a source for road material requires additional clarification. At the June 21st hearing the project engineer stated that 2 knolls on lot 16 would be leveled in order to provide a home site and that the extracted gravel would yield a good material for roadbed construction. In light of our prohibition for development on lot 16, the knolls may not have to be disturbed. We have insufficient detail regarding the amounts of gravel and a reclamation plan if the applicant would still level the knolls solely for road work. Prior to such extraction and with strong concerns as to soil erosion, the Commission shall require a detailed site plan ( ) for this extraction area along with a specific reclamation plan. This plan must be approved prior to any such gravel removals. Finally, any future modifications or improvements to the project road by the homeowners' association shall be subject to prior review and approval of this Commission to ensure minimal effects on the Lake. Likewise, any docks or similar entries onto or toward the Lake from lots 17, 16,

\*The Commission will prohibit the development of the 3 acres constituting lot 16 in order to prevent undue soil erosion conditions. Since the drive will now serve only one lot (#17), the road ditch can be provided while the road width is maintained at 12 feet.

14, 13, 12 or 11 must be approved by this Commission following review of appropriate plans of action.

The Commission incorporates by reference all other aspects of the project's erosion control plans not specifically explicated above. (See Exhibits 2, 6, 10 and 15.) Earthwork at the site shall be limited to a period between May 1 and October 15 of any calendar year. Under all circumstances, all disturbed surfaces must be fully stabilized by October 15 of any year.\* Because of the serious implications any erosion may have on the Lake, the Commission maintains specific ongoing jurisdiction during the life of the permit and may require corrective measures by the permittee, his assigns or heirs or the homeowners association.

5. This project will not cause unreasonable safety or congestion conditions with respect to highways or other means of transportation:

Except for highways, no other means of transportation will be involved.

Access to the project will be onto Town Road 15. (Exhibit 5). Sight distances at the intersection with this Class 3 road are sufficient. We received no adverse comments regarding the project's increased use of the Town Road from either the Selectmen or Road Commissioner. Based upon the record before us, the opposing parties have not met their burden pursuant to 10 V.S.A. 6088(b). We note that a potential right-of-way exists onto the lands of Barasch adjacent to lots 3 and 8. At most, this right-of-way will be used for emergency vehicle access. This right-of-way cannot be utilized or developed as a secondary access by lotowners without prior review and approval by this Commission.

- 6-7. There will be no unreasonable burdens on educational or other municipal services:

\*Following all road construction, the project engineer shall inspect the site and provide written certification to this Commission that all permanent erosion control measures have been properly completed.

EDUCATION:

While the intent of the developer is to offer these lots as a recreational subdivision, there are not covenant restrictions limiting occupancy on a seasonal basis. (See Exhibit 14). In fact, the project engineer theorized that approximately 5 lots would evolve into full-time residences. Accordingly, some potential exists for the generation of additional pupils into the Calais school system. Nevertheless, the Calais School Board has not identified any expected unreasonable burdens on its ability to provide educational services. (Exhibits 8 and 12). The parties presented no other evidence under this criterion as required by 10 V.S.A. 6088(b). We find no unreasonable impacts will result from this proposal.

MUNICIPAL SERVICES:

Municipal services to be provided to the project are fire protection and use of the town road system. As noted under Criterion 5, no unreasonable burden will result on the town roads. Similarly, the Woodbury Fire Department will have adequate access to this residential subdivision and the Lake provides a readily available source for emergency water needs.

8. There will be no unreasonable adverse effects on aesthetics, scenic beauty, historic sites or natural areas:

Historic sites, necessary wildlife habitat and rare and irreplaceable natural areas will not be affected by this project. (Exhibit 2). The Commission was provided evidence that a wetland included on the National Wetlands Inventory is located on portions of lots 8, 10 and 11 (Exhibit 1-Planning Commission) and onto adjoining lands in the Town of Woodbury. In order to preserve the important natural functions and beauty of the wetland, the applicant has agreed to require a 50 foot undisturbed buffer along the borders of the wetland as depicted on Exhibit 15. This buffer must be specifically included in the restrictive covenants in order to protect the wetland's integrity as a habitat. The natural qualities and assets of Woodbury Lake have been well documented in Exhibit 1-Lake Association. The Commission concludes that these qualities and assets will not be unduly adversely affected by this project in light of final project revisions and permit conditions. The lot owners should be well-cognizant of the special natural conditions found in the Lake's southern basin and the Commission encourages

their participation in its ongoing use and protection by intergrating their overall subdivision development into the setting by having minimal lawn areas and maximized lot screening.

9. The project is in conformance with the Capability and Development Plan:

(A) Impact of Growth:

The Town of Calais has identified no undue burdens on any facilities or services.

The increase in tax revenue from the project will offset any burden resulting.

Based on the above, the Commission finds that the municipality will be able to accommodate the total growth and rate of growth that will result from this project.

(B) Primary Agricultural Soils:

The project is located on soils that do not qualify as primary agricultural soils because of the tract's slope and location. (Exhibits 2 and 16).

(C) Forest and Secondary Agricultural Soils:

The soils on the site do not qualify as forestry or secondary agricultural soils. (Exhibits 2 and 16).

(D) Earth Resources:

There are no significant earth resources on the property. (Exhibits 2 and 16).

(E) Extraction of Earth Resources:

This project does involve the potential extraction of earth resources as referenced in Criterion 4 and with regard to road construction. Prior to any such extraction, the Commission requires additional information as set out under Criterion 4.

(F) Energy Conservation:

All houses on these lots must be constructed with an insulation "R" factor of at least 19 in the walls, at least 19 in the walls, at least 38 in the roof or cap, and at least 10 in the foundation walls.

The applicant has required these insulation standards in the Protective Covenants. The Commission is concerned regarding the potential demand that could be created should these homes utilize electricity as a primary means of heat for full-time residency. The covenants shall prohibit such inappropriate use of electrical heating systems.

(G) Private Utility Services:

The private utility proposed for the project is its road system. The Covenants require maintenance of the road by a homeowners association. We reference our findings under other criteria regarding adequate ongoing care of culverts and related road system components - including any association plan to develop a common access to the lake.

(H) Costs of Scattered Development:

The project is not contiguous to an existing settlement. (Exhibit 3).

The additional costs of public services and facilities caused directly or indirectly by the proposed subdivision do not outweigh the tax revenue or other public benefits of the project because impacts on the Town road and school systems will be extremely minimal.

(J) Public Utility Services:

The public utility services required for this project include electric service by the Village of Hardwick which has indicated its ability to serve the subdivision. (Exhibit 7).

(K) Development Affecting Public Investments:

There is no public or quasi-public investment which is adjacent to this project. (Exhibit 16).

(L) Rural Growth Areas:

The project is in a rural growth area as defined in this section 6001(16), but no adverse impacts have been identified in light of our findings above under Criteria 9(A) (G) (H) and (J)

10 The project is in conformance with the local and regional plans:

The Acting Chair of the Calais Planning Commission indicated that the project conforms to the local plan as stated at the last hearing.

The District Commission has reviewed relevant excerpts of the Regional Plan identified as Exhibit 1-CVRPC and finds that the project as designed and herein conditioned is in conformance with the plan.

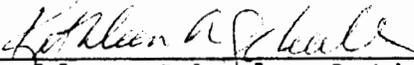
CONCLUSION OF LAW

Based upon the foregoing Findings of Fact, it is the conclusion of this District Environmental Commission that the project described in the application referred to above, if completed and maintained in conformance with all of the terms and conditions of that application, and of Land Use Permit 5W0777 will not cause or result in a detriment to public health, safety or general welfare under the criteria described in 10 V.S.A. §6086(a).

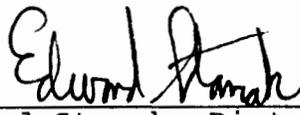
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, Land Use Permit 5W0777 is hereby issued.

Dated at Barre, Vermont, this 20th day of September 1984.

BY   
Kathleen Scheele, Acting Chair  
District Environmental Commission V

  
Karen Saudek, Member  
District Environmental Commission V

  
Edward Stanak, District Coordinator  
For the District Environmental Commission V

Exhibits 5W0777

Applicant

1. Application
2. Narrative under the Criteria
3. Location Map
4. Soils Data May 14, 1982
5. Septic Tank Specifications/Maintenance
6. Erosion Control Plan February 25, 1984
7. Hardwick Electric Department Letter April 26, 1984
8. Principal - Calais Elementary School Letter June 20, 1984
9. Agency of Environmental Conservation Hydrogeologist re Phosphorus Renovation in Soils July 13, 1984
10. Erosion Control Addendum re Individual Lots August 11, 1984
11. Barnett Letter re Homeowners' Association June 27, 1984
12. School Board Letter August 10, 1984
13. Original Site Plan
14. Protective Covenants, Articles of Association and By-Laws
15. Revised and Final Site plan
16. Proposed Findings of Fact
17. Certification of Compliance 5W0777
18. District Administrator Letter re Need for Adherence to Plans June 19, 1984
19. Certification of Compliance 5W0777(Revised) re Condition #3.5

Meiklejohns

1. Hensen Report re Phosphorus and Southern Basin July 25, 1984
2. Hensen Report re Morphometric Vales Southern Basin
3. Heindel re Soil Erosion Plan Evaluation
4. Proposed Findings of Fact

Calais Planning Commission

1. Pagel re Wetlands June 28, 1984

Central Vermont Regional Planning Commission

1. Excerpts of Regional Plan

Woodbury Lake Association

1. Woodbury Lake: Lake Eutrophication Series #45 by the Agency of Environmental Conservation (1977)

Agency of Environmental Conservation

1. Agency of Environmental Conservation Comments
2. Garrison Memo re Water Quality Issues

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that PATTEN CORPORATION  
 NORTHEAST, a Vermont corporation with a principal place of  
 business in Stamford, Vermont, Grantor, in the consideration of  
 TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, paid to  
 its full satisfaction by ANTHONY G. VALERIO and LINDA J.  
 VALERIO, husband and wife, as Tenants by the Entirety, of  
 Waterbury, Connecticut, Grantees, does freely GIVE, GRANT,  
 BARGAIN, SELL, CONVEY and CONFIRM unto the said Grantees,  
 ANTHONY G. VALERIO and LINDA J. VALERIO, husband and wife, as  
 Tenants by the Entirety, and their heirs and assigns forever, a  
 certain piece of land in the Town of Calais, in the State of  
 Vermont, described as follows, viz:

Being a portion of all and the same lands and premises conveyed  
 to Patten Corporation Northeast by deed of Theodore R. Barnett,  
 dated September 14, 1987, recorded at Book 30, Page 496 of the  
 Calais Land Records and being more particularly described as Lot  
 7 as shown on a survey entitled "Subdivision of the Rathburn  
 Farm, Sabin Pond, Calais, Vermont," dated January, 1983,  
 prepared by Paul C. Harrington registered land surveyor,  
 Middlesex, Vermont, and being more particularly described as  
 follows:

Beginning at a point located in the centerline of the fifty  
 foot wide access road providing access to the above noted  
 subdivision as shown on said survey said point marking the  
 northwesterly corner of the parcel herein conveyed and the  
 northeasterly corner of Lot 15 as shown on said survey.

Thence proceeding in a northeasterly direction 470 feet  
 along the centerline of a stream marking the northerly  
 boundary of the parcel herein conveyed to a point.

Thence proceeding N 78° 07' 43" E, a distance of 80 feet  
 more or less to the centerline of a branch of the aforesaid  
 fifty foot wide access right-of-way.

Thence continuing N 78° 07' 43" E, a distance of 233.47 feet  
 to a point marking the northeasterly corner of the parcel  
 herein conveyed.

Thence proceeding S 23° 57' 45" W, a distance of 189.61 feet  
 to a point.

Thence proceeding N 76° 23' 06" W, a distance of 157.23 feet  
 to a point located in the centerline of said access road.

Thence proceeding in a southerly direction along said  
 centerline along a curve having the following dimensions: R  
 = 200 feet, L = 88.96 feet to a point marking the point of  
 intersection of the centerlines of two branches of the  
 aforesaid fifty foot wide right-of-way.

Thence continuing S 39° 05' 56" W, a distance of 425.12 feet  
 to a point.

Thence proceeding in a southerly direction in said  
 centerline along a curve having the following dimensions: R  
 = 75 feet, L = 176.26 feet to a point.

Thence continuing in said centerline N 6° 14' 45" W, a  
 distance of 230.78 feet to a point marking the point and  
 place of beginning containing 3.45 acres more or less.

Vermont Property Transfer Tax

32 V.S.A., Chap. 231

**ACKNOWLEDGMENT**

Return Rec'd. by the Public Record or Health Cert. Recd. by  
 the Land Use & Development Plans Act Cert. Recd.

Return No. CAL-89-20

Signed Curtis J. Stone, Clerk

Date 4-13-89

The premises herein are specifically benefited by and conveyed subject to a reciprocal right-of-way and easement by and between Grantee, their heirs and assigns and the remaining lots in the Rathburn Farm Subdivision as shown on the abovesaid survey over the 50 foot wide common access road shown on said survey. Said reciprocal easement shall be for the purposes of vehicular and pedestrian ingress to and egress from the premises herein conveyed, repair and maintenance of the same and the laying repair and maintenance of all ordinary and necessary water, sewer and utility lines, poles, pipes and wires. Grantees their heirs and assigns further agree to abide by and be subject to the common maintenance agreement for said common access roads, as hereinafter described.

The premises are subject to the terms, provisions, conditions and restrictions of Land Use Permit 5W0777 dated September 20, 1984, recorded at Book 30, Page 55 of the Calais Land Records, as the same may have been amended and the conditions and restrictions of said permit shall be deemed to pertain to and run with the land hereof. Particular reference is made to the requirements in said Permit of a buffer strip along the stream forming a portion of the northerly boundary of the parcel herein conveyed.

The premises are subject to a certain Declaration of Protective Covenants pertaining to the lots in the subdivision of which the premises herein conveyed are a part dated, November 1, 1988, recorded in Book 31, Page 186 of the Calais Land Records.

The foregoing premises are subject further to any utility rights or easements of record.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said ANTHONY G. VALERIO and LINDA J. VALERIO, husband and wife, as Tenants by the Entirety, Grantees, and their heirs and assigns, to their own use and behoof forever; and the said Grantor does covenant with the said Grantees, ANTHONY G. VALERIO and LINDA J. VALERIO, husband and wife, as Tenants by the Entirety, and their heirs and assigns, that until the ensembling of these presents it is sole owner of the premises and has good right and title to convey the same in the manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE, except as aforesaid; and Grantor hereby engages to WARRANT AND DEFEND the same against all lawful claims whatsoever, except as aforesaid.

In Witness Whereof, Grantor has set its hand and seal hereto this 9th day of April, 1989, by its attorney in fact.

PATTEN CORPORATION NORTHEAST,  
a Vermont Corporation

By [Signature] its attorney in fact  
JAMES P. W. GOSS, its  
attorney in fact

[Signature]  
WITNESS  
[Signature]  
WITNESS

STATE OF VERMONT )  
COUNTY OF RUTLAND )SS.

At the Rutland, Vermont this 9th day of April, 1989, James P.W. Goss, attorney in fact for PATTEN CORPORATION NORTHEAST, personally appeared and acknowledged the foregoing instrument by him sealed and subscribed to be their free act and deed, and the free act and deed of Patten Corporation Northeast.

[Signature] Notary Public Comm. Exp. 2-10-91

Calais Town Clerk's Office, April 13 A.D. 1989 at 10:50 a.m. received the above deed for record, of which the foregoing is a true copy.

Attest, [Signature] Town Clerk

**DECLARATION OF PROTECTIVE COVENANTS**

**Patten Corporation Northeast**  
**Sabin Pond/Rathburn Subdivision**

WHEREAS, Patten Corporation Northeast, a Vermont corporation with a principal place of business in Stamford, Vermont (the "Declarant"), is owner of certain lands and premises located on Sabin Pond in the Town of Calais, Vermont acquired by deed of Theodore R. Barnett dated September 14, 1987, recorded at Book 30, Page 496 of the Calais Land Records, being a 16 lot subdivision (the "Subdivision") served by a common access road as shown on a survey by Paul C. Harrington, Registered Land surveyor dated January, 1983, to be recorded in the Calais Land Records, and;

WHEREAS, Declarant wishes to establish certain protective covenants, restrictions and conditions on ownership and use of the land comprising the Subdivision and said access road and maintenance and repair of said access road, said covenants to be binding upon and to run with the land of the lots comprising the Subdivision.

NOW THEREFORE, Declarant hereby promulgates and establishes this Declaration of Protective Covenants with regard to the Subdivision and the common access road serving the same which covenants shall be deemed to pertain to and run with the land comprising the lots in the Subdivision (the "Premises").

1. Subdivision. The Premises shall not be subdivided for purposes of sale or any other purpose.

2. Permitted uses. The Premises shall be used for recreational and residential purposes only.

3. Permitted Structures. The only structures permitted to be built upon the Premises are one single family dwelling or camp per subdivided lot each containing at least five hundred square feet of living room, one garage-workshop, and/or barn. Under a single family dwelling roof structure, one separate residential or camp apartment may be established.

4. Site and Architectural Approval. The exterior of all structures shall be completed in natural wood or earth tone colors. All plans and specifications for the construction, alteration, or reconstruction of, or addition to, any building or other structure to be erected and site plan and landscaping of the same shall be approved in writing by Grantor, or upon sale of the fourth lot in the Subdivision, the Owners Association, prior to commencement of construction. In the event Grantor or the Owner's Association fails to approve or disapprove within fourteen days from the submission of plans and specification such plans and specifications shall be deemed to be approved.

5. Energy & Water Conservation. All year round dwellings shall be insulated with an insulation factor of at least R-19 in exterior walls, R-38 in the roof and R-10 surrounding the foundation. All dwellings, whether year round or seasonal, shall be equipped with water conservation fixtures meeting the following specifications: showers - maximum flow of two gallons per minute; bathroom and kitchen sinks - maximum flow of two gallons per minute; toilets - maximum of 3.5 gallons per flush.

6. Grounds Maintenance. The Premises grounds shall be maintained in a neat and presentable fashion. There shall be no exterior storage of unregistered motor vehicles or parts thereof and there shall be no storage or accumulation of refuse or debris upon the Premises.

7. Easements. The lot owners shall not grant or convey any easement other than for utility purposes across, upon, or under the Premises, without the prior written consent of Grantor or the Owner's Association.

8. Main Access Road. Owners of all lots, except for lots 1, 2, & 5, shall be responsible for their proportionate share, as hereinafter defined, of the costs of maintaining the 50 foot wide common access road leading from Town Road No. 15 to Sabin Pond, which costs shall include grading, graveling, culvert installation and/or replacement and other ordinary and necessary maintenance and repair costs. Said costs shall not include snow plowing, the costs of which shall be borne equally by those lot owners who desire to make use of their respective lots during the winter. Until such time as the Grantor has sold four lots (other than lots 1, 2, & 5) within the subdivision, the Grantor shall be responsible for maintaining the main access road with each lot owner, other than the Grantor, contributing one-fourth (1/4) of the costs thereof. By way of example upon the conveyance of the first lot (other than lots 1, 2, & 5) the owner of said lot shall be responsible for one-fourth (1/4) of the costs of road maintenance and the Grantor shall be responsible for three-quarters (3/4); upon the conveyance of the second lot (other than lots 1, 2, & 5), each owner shall be responsible for one-fourth (1/4) and the Grantor responsible for one-half (1/2) of the cost of road maintenance. Upon Grantor's sale of the fourth lot (other than lots 1, 2, & 5), Grantor shall have no further responsibility for either maintaining said main access road or sharing in the costs thereof. Following Grantor's sale of the fourth lot (other than lots 1, 2, & 5), those lot owners other than lots 1, 2, & 5 shall become responsible for the entire costs of road maintenance. Each lot owner's proportionate share of said costs shall thereafter be determined by the total number of lots within the development, excluding lots 1, 2 & 5, owned by persons or entities other than the Grantor.

9. Owners Association. Grantor shall set up a Vermont non-profit corporation at the time of conveyance of the fourth lot (other than lots 1, 2 & 5). Upon its incorporation, the Owners Association shall become responsible for maintenance of the main access road; and shall make and collect such periodic and special assessments from its members as may be necessary or advisable for the costs of maintaining the access road, as well as other costs of the Owners Association. By acceptance of their deeds to lots in the Subdivision, the Lot Owners, their heirs and assigns accept membership in the Owners Association to preserve and promote the character of the subdivision and to preserve, maintain and improve the roadways and common areas. Owners shall be subject to and shall abide by all bylaws, rules and regulations adopted by said Owners Association from time to time.

10. Enforcement. In the event of a breach or violation of any one or more of these covenants, restrictions, and conditions by the owner of any lot, Grantor, the Owners Association or any lot owner may enforce these Protective Covenants against or any lot owner by appropriate proceedings for monetary damages, injunctive relief, or otherwise. All costs and expenses, including reasonable attorney's fees, incurred in such enforcement shall be the obligation of and paid by the offending owner. In the event owner fails or refuses to pay such costs and expenses, or any costs and expenses related to repair and maintenance of the subdivision common access road as above described, a lien shall arise against the offending owner's lot and shall continue thereon in favor of Grantor or the owners Association upon recordation of a notice of such lien in the Calais Land Records. Any such lien shall be subordinate to any mortgage existing against the property at the time of filing the lien. Interest shall accrue on the amount of said lien at the rate of 12% per annum until all costs and expenses secured by said lien have been paid in full. If payment in full is not received within sixty days of the date of recordation of the notice of lien, then said lien may be foreclosed in accordance with the provisions of Vermont law applicable to the foreclosure of mortgages on real property. In the event of foreclosure of the lien, the offending lot owner shall be required to pay all costs and expenses of such proceedings, including reasonable attorney's fees. The owner shall not be responsible for any costs incurred in any action brought by the Grantor or the Owners Association, when the Owners Association or Grantor does not prevail.



PROPERTY DISCLOSURE - LAND ONLY



TO BE COMPLETED BY SELLER

- 1. SELLER: Linda J. Valerio
- 2. PROPERTY LOCATION: 3.45 +/- acres off Barrett Road, Calais, VT 05648
- 3. The following answers and explanations are true and complete to the best of SELLER'S knowledge. This statement has been prepared to assist prospective BUYERS in evaluating SELLER'S property. This disclosure is not a warranty of any kind by SELLER, or any real estate broker or salesperson representing SELLER, and is not a substitute for any inspection by BUYER. SELLER'S authorize the Listing Broker in this transaction to disclose the information in this statement to other real estate agents and to prospective BUYERS of this property.

4. NOTICE TO SELLER(S): COMPLETE ALL INFORMATION AND STATE NOT APPLICABLE OR UNKNOWN AS APPROPRIATE. IF ANY OF THE INFORMATION IN THIS PROPERTY DISCLOSURE FORM CHANGES FROM THE DATE OF COMPLETION, YOU ARE TO NOTIFY THE LISTING FIRM PROMPTLY IN WRITING.

- 5. WATER SUPPLY (Please answer all questions regardless of type of water supply)
  - a. TYPE OF SYSTEM:  None  Public  Private  Seasonal  Unknown  
 Drilled  Dug  Other
  - b. INSTALLATION: Location: \_\_\_\_\_ Installed By: \_\_\_\_\_  
 Date of Installation \_\_\_\_\_ What is the source of your information? \_\_\_\_\_
  - c. USE: Number of Persons currently using the system: \_\_\_\_\_  
 Does system supply water for more than one household?  Yes  No
  - d. MALFUNCTIONS: Are you aware of or have you experienced any malfunctions with the (public/private/other) water systems?  
 Pump:  Yes  No  N/A Quantity:  Yes  No  Unknown  
 Quality:  Yes  No  Unknown  
 If YES to any question, please explain in Comments below or with attachment.
  - e. WATER TEST: Have you had the water tested?  Yes  No Date of most recent test \_\_\_\_\_  
 IF YES to any question, please explain in Comments below or with attachment.  
 To your knowledge, have any test results ever been reported as unsatisfactory or satisfactory with notations?  Yes  No  
 IF YES, are test results available?  Yes  No  
 What steps were taken to remedy the problem? \_\_\_\_\_
  - f. COMMENTS: \_\_\_\_\_

- 6. SEWAGE DISPOSAL SYSTEM
  - a. TYPE OF SYSTEM: Public:  Yes  No Community/Shared:  Yes  No  
 Private:  Yes  No Unknown:  Yes  No  
 None:  Yes  No Septic/Design Plan in Process?  Yes  No  
 Septic Design Available?  Yes  No
  - b. IF PUBLIC OR COMMUNITY/SHARED:  
 Have you experienced any problems such as line or other malfunctions?  Yes  No  
 What steps were taken to remedy the problem? \_\_\_\_\_
  - c. IF PRIVATE:  
 TANK:  Septic Tank  Holding Tank  Cesspool  Unknown  Other  
 Tank Size  500 Gal.  1,000 Gal.  Unknown  Other \_\_\_\_\_  
 Tank Type  Concrete  Metal  Unknown  Other \_\_\_\_\_  
 Location: \_\_\_\_\_  Location Unknown Date of Installation: \_\_\_\_\_  
 Date of Last Servicing: \_\_\_\_\_ Name of Company Servicing Tank: \_\_\_\_\_  
 Have you experienced any malfunctions?  Yes  No Comments: \_\_\_\_\_
  - d. LEACH FIELD:  Yes  No  Other  
 IF YES: Size \_\_\_\_\_ Location: \_\_\_\_\_  Unknown  
 Date of installation of leach field: \_\_\_\_\_  Installed By: \_\_\_\_\_  
 Have you experienced any malfunctions?  Yes  No  
 Comments: See recent septic soils tests per Chase and Chase.
  - e. IS SYSTEM LOCATED ON "DEVELOPED WATERFRONT" \_\_\_\_\_  Yes  No  Unknown  
 IF YES, has a site assessment been done?  Yes  No  Unknown  
 SOURCE OF INFORMATION: \_\_\_\_\_  
 COMMENTS: \_\_\_\_\_

SELLER(S) INITIALS  \_\_\_\_\_

BUYER(S) INITIALS \_\_\_\_\_

07/29/23  
8:49 PM EDT  
dotloop verified

PROPERTY DISCLOSURE - LAND ONLY



TO BE COMPLETED BY SELLER

PROPERTY LOCATION: 3.45 +/- acres off Barrett Road, Calais, VT 05648

7. HAZARDOUS MATERIAL

UNDERGROUND STORAGE TANKS - Current or previously existing:

Are you aware of any past or present underground storage tanks on your property?  YES  NO  UNKNOWN

IF YES: Are tanks currently in use?  YES  NO

IF NO: How long have tank(s) been out of service? \_\_\_\_\_

What materials are. or were. stored in the tank(s)? \_\_\_\_\_

Age of tank(s): \_\_\_\_\_ Size of tank(s): \_\_\_\_\_ Owner of tank(s) \_\_\_\_\_

Location: \_\_\_\_\_

Are you aware of any problems, such as leakage, etc.?  Yes  No Comments: \_\_\_\_\_

Are tanks registered with the Department of Environmental Services (D.E.S.)?  YES  NO  UNKNOWN

If tanks are no longer in use, have tanks been abandoned according to D.E.S.?  YES  NO  UNKNOWN

Comments: \_\_\_\_\_

8. GENERAL INFORMATION

a. Is this property subject to Association fees?  YES  NO  UNKNOWN

If YES, Explain: \_\_\_\_\_

If YES, what is your source of information? \_\_\_\_\_

b. Is this property located in a Federally Designated Flood Zone?  YES  NO  UNKNOWN

c. Are you aware of any liens, encroachments, easements, rights-of-way, leases, restrictive covenants, special assessments, right of first refusal, life estates, betterment fees or attachments on the property?  YES  NO  UNKNOWN

If YES, Explain: Property subject to Act250. 50' Row through lower section of property used currently as walking path. Power easement

d. What is your source of information? Maps and deeds

e. Are you aware of any landfills, hazardous materials or any other factors, such as soil, flooding, drainage or any unusual factors?  YES  NO  UNKNOWN

If YES, Explain: \_\_\_\_\_

f. Are you receiving a tax exemption or reduction for this property for any reason including but not limited to current use, land conservation, etc.?  YES  NO  UNKNOWN

IF YES, Explain: \_\_\_\_\_

g. How is the property zoned? Shoreline District Upto 800' from Lake Source: Town

h. Has the property been surveyed?  YES  NO  UNKNOWN If YES, is the survey available?  YES  NO

i. Has the soil been tested?  YES  NO  UNKNOWN If YES, are the results available?  YES  NO

j. Has a percolation test been done?  YES  NO  UNKNOWN If YES, are the results available?  YES  NO

k. Has a test pit been done?  YES  NO  UNKNOWN If YES, are the results available?  YES  NO

l. Have you subdivided the property?  YES  NO  UNKNOWN

m. Are there any local permits?  YES  NO  UNKNOWN Please explain: \_\_\_\_\_

n. Are there attachments explaining any of the above?  YES  NO  UNKNOWN

o. Septic/Design plan available?  YES  NO  UNKNOWN

p. Methamphetamine Production: Do you have knowledge of methamphetamine production ever occurring on the property?  YES  NO If YES, please explain: \_\_\_\_\_

9. NOTE TO PURCHASER(S): PRIOR TO SETTLEMENT YOU SHOULD EXERCISE WHATEVER DUE DILIGENCE YOU DEEM NECESSARY WITH RESPECT TO ADJACENT PARCELS IN ACCORDANCE WITH THE TERMS AND CONDITIONS AS MAY BE CONTAINED IN PURCHASE AND SALES AGREEMENT.



PROPERTY DISCLOSURE - LAND ONLY



TO BE COMPLETED BY SELLER

SELLER(S) MAY BE RESPONSIBLE AND LIABLE FOR ANY FAILURE TO PROVIDE KNOWN INFORMATION TO BUYER(S).

**ACKNOWLEDGEMENTS:**

SELLER ACKNOWLEDGES THAT HE/SHE HAS PROVIDED THE ABOVE INFORMATION AND THAT SUCH INFORMATION IS ACCURATE, TRUE AND COMPLETE TO THE BEST OF HIS/HER KNOWLEDGE. SELLER AUTHORIZES THE LISTING BROKER TO DISCLOSE THE INFORMATION CONTAINED HEREIN TO OTHER BROKERS AND PROSPECTIVE PURCHASERS.

*Linda J. Valerio*

dotloop verified  
07/29/23 8:49 PM EDT  
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