

**Flood Hazard Area & River Corridor Individual Permit  
10 V.S.A. § 754**

PERMIT #: FP-6-0001-IND

Date: 3/3/2016

Applicant: Long Wind Farm

Contact: Jesse Pacht

Phone: 802-785-4642; cell: 802-310-0202

Email: jesse.longwind@gmail.com

Project Location: 82 Wilson Road, East Thetford, VT 05043

Flooding Source: Connecticut River

Project Description: Replacement of existing wooden greenhouse with metal greenhouse

Based upon the Findings contained in this permit, the Secretary has determined that the proposed project will comply with the Flood Hazard Area & River Corridor Rule (Environmental Protection Rule, Chapter 29) and is hereby approved under the following conditions and specifications.

**I. Findings**

The Secretary of Natural Resources has determined that:

- (a) The project is located within the Special Flood Hazard Area (Zone AE) as shown on FIRM 5000750020C. The project is outside of the Floodway, based upon the floodway analysis reviewed by ANR in 2012. The project is located within the River Corridor.
- (b) This project is exempt from municipal regulation because it is an Accepted Agricultural Practice.
- (c) This project authorization includes the construction of a 30' x 80' metal framed greenhouse replacing an existing 28' x 48' wood frame greenhouse. The replacement metal-framed 30' x 80' greenhouse shall include four flood vents (17" x 32") installed. A slab will be created under the south end of the new 30 x 80' greenhouse with the dimensions not to exceed 30' x 10' x 0.5'. The site of a second adjacent greenhouse to be removed (permitted to be removed by May 31, 2016) will be converted to at-grade parking. No fill is authorized.
- (d) This project meets the Standards of the Flood Hazard Area & River Corridor Rule (Subchapter 4), based on the following:
  - (1) The proposed farm structure is considered to be infill development within a farm production area and is no closer to the river than the shortest distance between the river and the immediately adjacent existing farm structures.
  - (2) The proposed structure replaces an existing non-flood-vented structure in the flood hazard area and, with the removal of existing concrete slabs in the wood frame greenhouse and the adjacent greenhouse (to be removed by May 31, 2016) provides for more flood water storage and

conveyance, thus the compensatory storage analysis requirement has been waived. The proposed structure will be sited where 2 previous greenhouses will be removed this spring, which had occupied a larger area than the current proposed metal frame greenhouse. The proposal includes the use of flood vents and avoids any additional fill. Thus, the project is anticipated to have no more than minimal effect on floodwater storage and will not divert floodwaters.

- (3) The project will not adversely affect public safety by increasing flood elevations, flood velocities, or decreasing flood storage volume.
- (4) The project is designed to be reasonably safe from flooding as required by §29-401(c)(2) of the Rule.
- (5) The project is designed to comply with the NFIP Floodplain Management Criteria in 44 C.F.R. § 60.3.

## II. Specific Conditions

- (a) The development shall be constructed according to the site plan and accompanying design information prepared by the applicant in order to comply with the Rule. This would include adequate anchoring of the proposed metal frame greenhouse to resist movement during flooding (as shown on [LWF greenhouse foundation detail \(NAK\).pdf](#)); incorporating four flood openings of 17" x 32" no more than 1' above the interior grade of the greenhouse (as shown on [LWF proposed greenhouse end wall w flood vent detail.pdf](#), [LWF proposed flood vent detail \(NAK\).pdf](#), and [LWF flood vent and flow direction.pdf](#)); and flood proofing of the heat system ([Long Wind underground pipes - quick sketch.pdf](#)) and by elevating electric services to 399.6 feet (NAVD88) ( [LWF proposed greenhouse relocation w elevations, '16.pdf](#), [Proposed Greenhouse Relocation Plan \(NAK\).pdf](#) ) more than a foot above the Base Flood Elevation (398' NAVD88) ([Long Wind Farm Engineering Letter.pdf by SVE Associates 8/3/2015](#)).
- (b) The replacement greenhouse shall be used for the propagation and growing of crops and shall not be used for storage. The structure shall not be converted to any other use.
- (c) The permittee must notify the Floodplain Manager by phone or email when construction begins and when the project is complete. Pursuant to Condition III(c) of this permit, no changes shall be made to the approved plans or permit information without prior written approval from this office.
- (d) As-built documentation prepared by a licensed land surveyor or professional engineer shall be submitted to the Floodplain Manager when the project is complete.

## III. General Conditions

- (a) **Access to property.** By conducting any activity authorized under this permit, the permittee agrees to allow Agency representatives access to the property covered by this permit, at reasonable times and upon presentation of credentials, for the purpose of ascertaining compliance with the Vermont Flood Hazard Area & River Corridor Rule and this permit. This permit does not grant the permittee the right to enter onto any property not owned by the permittee.
- (b) **Changes to authorized activity.** All activity shall be completed and maintained in accordance with the terms and conditions of this permit. The permittee shall notify the Secretary of any planned changes to the authorized activity prior to carrying out such changes. The Secretary may require the permittee to submit additional information on the proposed change. The Secretary may require an amendment to this permit, which may require re-noticing of the project for public comment.
- (c) **Remedial measures.** The Secretary maintains continuing jurisdiction over an activity authorized under this permit and may at any time order remedial measures if it appears the activity is not in compliance with this permit.

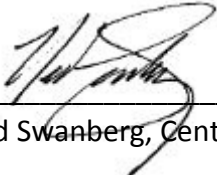
- (d) **Compliance with other regulations.** This permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.
- (e) **Legal responsibilities for damages.** The Secretary, by issuing permit, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whomever suffered arising out of the approved activity.
- (f) **Revocation.** The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, this permit for cause, including:
  - (1) Violation of the terms or conditions of this permit;
  - (2) Obtaining authorization by misrepresentation or failure to fully disclose all relevant facts;
  - (3) A change in any condition or new information that requires either a temporary or permanent reduction or elimination of the authorized activity.
- (g) **Duty to comply; enforcement.** The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the Flood Hazard Area & River Corridor Rule and may be cause for an enforcement action and/or revocation and reissuance, modification, or termination of this permit.
- (h) **Transfer of permit.** The permittee may transfer this permit by submitting a notice of transfer on a form provided by the Secretary. The notice shall be submitted at least 10 days prior to transfer and shall include at a minimum, the name and address of the new permittee, the name and address of the former permittee, the date of transfer, and a statement signed by the new permittee stating that he/she has read and is familiar with the terms and conditions of this permit and agrees to comply with it.
- (i) **Reopener.** If, after granting this permit, the Secretary determines, at his or her discretion, that there is evidence indicating that an authorized activity does not comply with the requirements of the Flood Hazard Area & River Corridor Rule, the Secretary may reopen and modify this permit to include different limitations and requirements.
- (j) **Limitations.** This permit conveys no vested rights or exclusive privileges. This permit conveys no title to land nor authorizes any injury to public or private property.
- (k) **Appeals.**
  - (1) **Renewable Energy Project.** If this decision relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. § 248, any appeal of this decision must be filed with the Vermont Public Service Board pursuant to 10 V.S.A. § 8506. This section does not apply to a facility that is subject to 10 V.S.A. § 1004 (dams before the Federal Energy Regulatory Commission), 10 V.S.A. § 1006 (certification of hydroelectric projects), or 10 V.S.A. Chapter 43 (dams). Any appeal under this section must be filed with the Clerk of the Public Service Board within 30 days of the date of this decision; the appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For further information, see the Rules and General Orders of the Public Service Board, available online at [www.psb.vermont.gov](http://www.psb.vermont.gov). The address for the Public Service Board is 112 State Street, Montpelier, Vermont, 05620-2701 (Tel. # 802-828-2358).
  - (2) **All Other Projects.** Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the decision. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or the

appellant's attorney. In addition, the appeal must give the address or location and description of the property, project, or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address for the Environmental Division is: 32 Cherry St.; 2nd Floor, Suite 303; Burlington, VT 05401. Telephone # 802-951-1740.

If the development is constructed as described and according to the above conditions, there is no reason to expect an adverse impact on either the river corridor or flood hazard area.

This permit shall be effective on the date of signing and shall be valid for a period of five years.

Alyssa B. Schuren, Commissioner  
Vermont Department of Environmental Conservation

By  dated 3/3/2016  
Ned Swanberg, Central Vermont Floodplain Manager

cc:

Abutters:

- David Chapman; Daniel & Vicki Grilli; Thomas & Sarah Monego; Claudia Henrion; Vaughan Farms, LLC; Louis Peters
- Tracy Borst, Town Clerk, Town of Thetford
- Two Rivers Ottauquechee Regional Commission
- Stephanie Smith, VT Agency of Agriculture, Food & Markets