

3426-9020.2



**Notice of Intent (NOI) for Stormwater Discharges**  
 Associated with Construction Activities on **LOW RISK SITES**  
 Under Vermont Construction General Permit 3-9020

Submission of this completed Notice of Intent (NOI) constitutes notice that the entities in Section A intend to be authorized to discharge pollutants to Waters of the State, from the project identified in Section 3, under Vermont's Construction General Permit (CGP). Submission of the NOI constitutes notice that the parties identified in Section 1 of this form have read, understand, and meet the eligibility conditions of the CGP; have determined that the project qualifies for coverage as a Low Risk project in conformance with Appendix A of the CGP; agree to comply with all applicable terms and conditions of the CGP; understand that continued authorization under the CGP is contingent on maintaining eligibility for coverage; and that all applicable practices in the Low Risk Site Handbook for Erosion Prevention and Sediment Control must be implemented and maintained for the duration of construction activities. In order to be granted coverage, all information required on this form must be provided and an application fee payable to the State of Vermont must be submitted.

**A. Applicant(s) Information**

1. Name: Pinewood Development, LLC (c/o Brian Marcotte)

2a. Mailing Address: 57 River Road, Unit 1003

2b. Town: Essex Junction      2c. State: VT      2d. Zip: 05452

3. Phone: (802) 878-4606      4. Email: brianbuilds@comcast.net

5. Additional Contact Name/Email (if applicable): Sterling Land Company, LLC

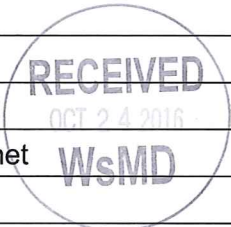
6. Principal Operator (if known): Bart Frisbie

7a. Mailing Address: 1037 Hinesburg Road, Suite A

7b. Town: South Burlington      7c. State: VT      7d. Zip: 05403

8. Phone: (802) 864-0600      9. Email: bart@sterlingconstructioninc.com

10. Additional Contact Name/Email (if applicable):



**B. Application Preparer / Consultant Information**

1. Company: O'Leary-Burke Civil Association, PLC

2. Name: Karl Marchessault

3a. Mailing Address: 13 Corporate Drive

3b. Town: Essex Junction      3c. State: VT      3d. Zip: 05452

4. Phone: (802) 878-9990      5. Email: karlm@olearyburke.com

6. Additional Contact Name/Email (if applicable):

**C. Project Information (all fields are required)**

1. Project Name: Pinewood Manor - Section H

2a. Is this project part of a Common Plan of Development?  Yes       No

2b. If yes, name of Development: Pinewood Manor

3a. Does this project have any previously issued or pending stormwater discharge permits?  Yes       No

3b. If yes, prior NOI number(s): 3426-9020.1, 3426.9010

4a. Physical Address of Project: Stonebrook Circle

4b. Town: Essex      4c. County: Chittenden

**Project Coordinates (project center in Decimal Degrees with 6 digits to the right of the decimal)**

5a. Latitude: 44.492500      5b. Longitude: 73.073056

6. SPAN: Enter the 11-digit number that is printed on the property tax bill for the applicable parcel(s). Projects that involve more than 1 parcel shall list all applicable SPANs.

_____ - _____ - _____	_____ - _____ - _____	_____ - _____ - _____
_____ - _____ - _____	_____ - _____ - _____	_____ - _____ - _____

7. Name of receiving water(s): Tributary of Lower Winooski (VT 08-02)  
 Include a topographic location map - Must provide sufficient information to determine the location of the project.  
 Must be in the form of a USGS topographical map or directional map.

8. Total area of disturbance: 2.4 Acres (<= 5 acres: \$100 per application, > 5 acres: \$220 per application)

9. Brief description of construction activities to be permitted:  
 Approximately 8 single family lots remaining in section H. Average lot approximately 0.3 acres of disturbance x 8 = 2.4 acres. Typically building 1 or 2 houses at one time. Digging of foundations and installation of utilities and driveways with main infrastructure completed.

**D. Public Notice Requirement**

Prior to submitting the complete NOI for review, you must provide a copy of this complete NOI and related Appendix A to the municipal clerk for posting in the municipality in which the project is located. If the project and the related discharge(s) are located in different municipalities, then the completed NOI must be filed with the municipal clerk in each municipality. In order to be considered complete, you must include the date of posting.

Date of Posting at Municipal Office(s): 10/20/2016  
 Information for the Municipal Clerk regarding posting instructions can be found on Page 3 of this NOI.

\* In addition to the NOI and Appendix being posted in the Town Clerk(s) office(s), once the application is deemed administratively complete, the Stormwater Program starts its required 10 day public comment period. This includes sending an email notice to a list of interested parties as well as posting on our Division website for 10 days.

**E. Certification Relating to the Accuracy of the Information Submitted**

I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I also certify that the applicable practices in The Low Risk Site Handbook for Erosion Prevention and Sediment Control will be implemented for the duration of the project for which this NOI is submitted.

Landowner Name: Pinewood Development, LLC Title: Managing Partner

Signature: Brian Marchessault Date: 10/20/16

Principal Operator (if known): ADDITIONAL OWNER OF SOME LOTS Title: GEORGE BURKE, LLC PARTNER

Signature: Robert A. Pinette Date: 10/20/16

Application Preparer (if applicable): Karl Marchessault Title: P.E.

Signature: Karl Marchessault Date: \_\_\_\_\_  
Digitally signed by Karl Marchessault  
 DN: cn=Karl Marchessault, o=O'Leary-Burke, ou,  
 email=kasm@olearyburke.com, c=US  
 Date: 2016.10.20 09:28:04 -0400

Submit this form, Appendix A, location map, and the \$ 100.00 fee to:  
 Vermont DEC - Watershed Management Division, Stormwater Program  
 1 National Life Drive, Main Building Second Floor  
 Montpelier, VT 05620-3522

### PUBLIC COMMENT

Public comments concerning this Notice of Intent to discharge under CGP 3-9020 (amended 2008) are invited and must be submitted within 10 days of receipt of this Notice by the Municipal Clerk. Comments should address how the application complies or does not comply with the terms and conditions of CGP 3-9020 (amended 2008). A letter of interest should be filed by those persons who elect not to file comments but who wish to be notified if the comment period is extended or reopened for any reason. All written comments received within the time frame described above will be considered by the Department of Environmental Conservation in its final ruling to grant or deny authorization to discharge under CGP 3-9020 (amended 2008). Send written comments to:

Vermont Department of Environmental Conservation  
Watershed Management Division, Stormwater Program  
1 National Life Drive, Main Building Second Floor  
Montpelier, VT 05620-3522

*Please cite the NOI number in any correspondence*

### APPEALS

#### Renewable Energy Projects – Right to Appeal to Public Service Board

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. For further information, see the Public Service Board website at <http://psb.vermont.gov> or call (802) 828-2358. The address for the Public Service Board is 112 State Street Montpelier, Vermont 05620-2701.

#### All Other Projects – Right to Appeal to Environmental Court

Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental 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 Court; and must be signed by the appellant or their 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 online at [www.vermontjudiciary.org](http://www.vermontjudiciary.org) or call (802) 951-1740. The address for the Environmental Court is 32 Cherry Street, 2<sup>nd</sup> Floor Suite 303, Burlington, Vermont 05401.

A copy of CGP 3-9020 (amended 2008) may be obtained by calling (802) 828-1535; by visiting the Department at the above address between the hours of 7:45 am and 4:30 pm; or by download from the Watershed Management Division's Web site at: <http://dec.vermont.gov/watershed>

### INFORMATION FOR MUNICIPAL CLERK

Please post this notice and instruction sheet in a conspicuous place for 10 days from the date received (per 10 V.S.A. Chapter 47 §1263(b)). If you have any questions, contact the Watershed Management Division of the Department of Environmental Conservation at (802) 828-1535.

## APPENDIX A

### Part I – Basic Risk Evaluation

A project may automatically be categorized as Low Risk based on a few basic project characteristics. Answer each question below to determine if a project is automatically categorized as Low Risk. For definitions of terms used in the following questions (e.g. disturbance, vegetated buffer) refer to Appendix C.

<b>Basic Risk Evaluation</b>				
	<b>Criteria</b>	<b>Answer</b>	<b>Score Direction</b>	<b>Enter Score</b>
1.	Will the proposed independent project alone disturb more than 2 acres of land?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If YES, enter 1, if NO enter 0	1
2.	Is the project within a watershed impaired due to stormwater or sediment as specified on Part A of the Vermont 303(d) list?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
3.	Will the project have any stormwater discharges from the construction site to receiving water(s) that <b>do not</b> first pass through a 50 ft vegetated buffer area?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
4.	Will the project have disturbed earth in any one location for more than 14 consecutive calendar days without temporary or final stabilization?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
5.	Will the project have more than five acres of disturbed earth at any one time?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
<b>Total Score for Basic Risk Evaluation (add score from questions 1-5)</b>				<b>1</b>

**If the Total Score for Basic Risk Evaluation is 0, the proposed project is eligible for coverage under this permit as a Low Risk project. Proceed to Part IV of Appendix A for a summary of the application requirements for Low Risk Projects. If not, proceed to Part II.**

**Criterion 1:** Only include the disturbance planned for an independent project. For example, if a lot owner is only building on a single house lot in a residential subdivision, only consider the disturbance associated with that lot, not the entire common plan. Refer to Appendix C for definitions of independent project and disturbance.

**Criterion 2:** Refer to the following web page for a list of waters in these categories:  
[http://www.vtwaterquality.org/stormwater/hwm/sw\\_cgpeeligibility.htm](http://www.vtwaterquality.org/stormwater/hwm/sw_cgpeeligibility.htm)

**Criterion 3:** Refer to the Appendix C for the definition of vegetated buffer area.

**Criterion 4:** Refer to Appendix C for definitions of temporary and final stabilization.

**Criterion 5:** Refer to Appendix C for the definition of disturbed earth.

## Part II – Detailed Risk Evaluation

For projects not automatically categorized as Low Risk in Part I, this Detailed Risk Evaluation must be completed to determine if a project is Low Risk, Moderate Risk, or requires an Individual Permit. This evaluation determines the risk category by weighing the balance of factors which contribute to and mitigate against the risk of a discharge of sediment from the construction project. Complete all questions in Part II for the independent project. For definitions of terms used in the evaluation, refer to Appendix C.

Detailed Risk Evaluation – Identify Risk Factors				
Criteria		Answer	Score Direction	Enter Score
A.	Will the proposed project have earth disturbance within 100 ft (horizontal) upslope of any lake or pond or 50 feet (horizontal) upslope of any rivers or stream (perennial or seasonal)?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
B.	Will the project have stormwater discharges by direct conveyance (tributary, channel, ditch, storm sewer, etc.) to a water of the state listed on the 303 (d) Part A list as being impaired by stormwater or sediment; a Class A Water; or an Outstanding Resource Water?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
C.	Will the project have more than five acres of disturbed earth at any one time?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
D.	Will the project have disturbed earth in any one location for more than 14 consecutive calendar days without temporary or final stabilization?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
E.	Will the project include more than one acre of disturbance on soil that is greater than 15% slope?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
F.	Will the project include more than one acre of disturbance of soils with a high ( $K > 0.36$ ) erodibility rating?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
G.	<b>Total Score for Risk Factors (add A through F)</b>			0

**Criterion A:** Measure lake distance from mean water level, and stream or river distance from top of bank. Do not include disturbance for the installation of stormwater treatment facilities or road stream crossings if there are no reasonable alternative locations.

**Criterion B:** Refer to [http://www.vtwaterquality.org/stormwater/htm/sw\\_cgpeeligibility.htm](http://www.vtwaterquality.org/stormwater/htm/sw_cgpeeligibility.htm) for the listing.

**Criterion C:** The maximum allowable for Low Risk Projects is 7 acres. **Moderate risk projects over 5 acres may be required to file an Individual Discharge Permit application if determined necessary by the Secretary.**

**Criterion D:** The maximum allowable for Low Risk Projects is 21 days. **Moderate risk projects over 21 days may be required to file an Individual Discharge Permit application if determined necessary by the Secretary.**

**Criterion E:** Include disturbance for the duration of the project, not at any one point in time. Slope determinations should be based on a site survey of the future disturbance area.

**Criterion F:** Include disturbance for the entire individual project, not at any one point in time. The Erosion Factor K, is a measure of the inherent erodibility of a soil type. Refer to NRCS soil maps for your county. If soils data is not available (e.g. if the site is built on assorted fill material), contact ANR for directions on evaluating soil erodibility.

**Part II Continued – Detailed Risk Mitigation Factor Evaluation**

<b>Detailed Risk Evaluation – Identify Risk Mitigation Factors</b>				
	<b>Criteria</b>	<b>Answer</b>	<b>Score Direction</b>	<b>Enter Score</b>
H.	Will stormwater leaving the construction site pass through at least 50 feet of established vegetated buffer before entering a receiving water?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If YES, enter 1, if NO enter 0	1
I.	Will the project be limited to two acres or less of disturbed earth at any one time?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	If YES, enter 1, if NO enter 0	1
J.	Will the project have a maximum of 7 consecutive days of disturbed earth exposure in any location before temporary or final stabilization is implemented?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
K.	Will the project disturb less than two acres of soil with an erodibility higher than K=0.17?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
L.	Will the project include less than two acres of disturbance on soil that is greater than 5% slope?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If YES, enter 1, if NO enter 0	0
M.	<b>Total Score for Risk Mitigation Factors (add H through L.)</b>			2

**Criterion H:** Refer to Appendix C for a definition of vegetated buffer.

**Criterion I:** Refer to Appendix C for a definition of earth disturbance.

**Criterion J:** Refer to Appendix C for definitions of temporary and final stabilization.

**Criterion K:** Include disturbance for the duration of the project, not at any one point in time. The Erosion Factor K, is a measure of the inherent erodibility of a soil type. Refer to NRCS soil maps available at USDA-NRCS District Offices. If soils data are not available (e.g. if the site is built on assorted fill material), contact DEC for directions on evaluating soil erodibility.

**Criterion L:** Include disturbance for the duration of the project, not at any one point in time. Slope determinations should be based on a site survey of the proposed disturbance area.

<b>Total Risk Score</b>		
N.	<b>Moderate Risk Base Score</b>	2
O.	<b>Enter Score from Line G above (Risk Factor Total)</b>	0
P.	<b>Add lines N and O</b>	2
Q.	<b>Enter Score from Line M above (Risk Mitigation Factor Total)</b>	2
R.	<b><u>OVERALL RISK SCORE:</u> Subtract line Q from line P</b>	0

UNITED STATES  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS

6373 II SE  
(ESSEX CENTER)

PHILL 8.9 MI.  
CENTER 2.2 MI.

ESSEX CENTER 1 MI.  
0.7 MI. TO VT. 15 2'30"

652

5'

653

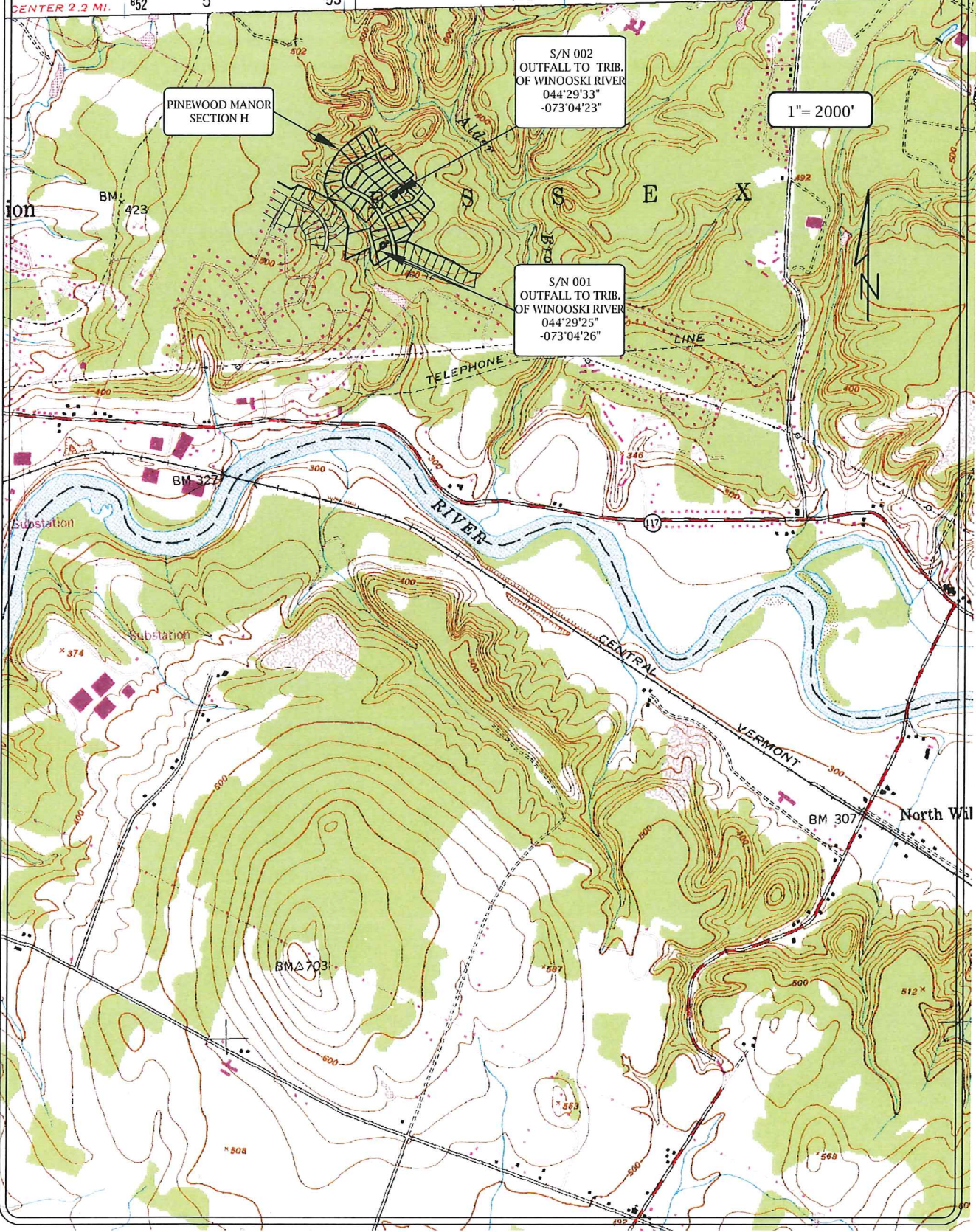
655

PINEWOOD MANOR  
SECTION H

S/N 002  
OUTFALL TO TRIB.  
OF WINOOSKI RIVER  
044°29'33"  
-073°04'23"

1" = 2000'

S/N 001  
OUTFALL TO TRIB.  
OF WINOOSKI RIVER  
044°29'25"  
-073°04'26"





# O'Leary-Burke Civil Associates, PLC

CIVIL ENGINEERING | REGULATORY AND PERMIT PREPARATION | LAND SURVEYING | CONSTRUCTION SERVICES | LAND USE PLANNING

October 20, 2016



Ashley Carver  
Watershed Management Division  
1 National Life Drive  
Main Building, 2<sup>nd</sup> Floor  
Montpelier, VT 05620-3522

Re: Pinewood Development - Essex, VT  
CGP Application

Dear Ashley,

We are writing on behalf of Pinewood Development, LLC c/o Brian Marcotte and Sterling Land Company Incorporated (c/o Bart Frisbie) to submit for a 'Low Risk' CGP for the construction of the remaining single family homes in section H of Pinewood Manor.

Construction of Stonebrook Circle, the public roadway that accesses the project (CGP #3426-9001.1) has been completed and is fully stabilized with grass established. Over the next few years, as per demand, the owner plans to develop the remaining lots that are available. Approximately 0.3 acres will be disturbed with the construction of each house. The estimated total disturbed area of the remaining lots is 2.4 acres. Erosion prevention and silt control measures as outlined by the 'Low Risk' handbook will be applied.

The following items are enclosed for your review.

- NOI (Notice of Intent);
- Appendix A;
- \$100 Low Risk fee;
- USGS Map

If you have any questions, email or call.

Sincerely,

Karl Marchessault, P.E.

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