

Watershed Management Division

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**Authorization under the Flood Hazard Area & River Corridor General Permit  
Reporting Activities Requiring an Application  
10 V.S.A. § 754**

PERMIT #: FP-6-0013-2017 GP

Date: AMENDMENT 12/4/2017

Applicant: SunCommon

Contact: Lauren Dennis

Phone: 802.882.8357

Email [lauren@suncommon.com](mailto:lauren@suncommon.com)

Project Location: 978 Cabot Road, Marshfield

Flooding Source: Winooski River

Project Description: Installation of a timber frame solar canopy structure. The canopy consists of 21 solar modules, racking to support the system and electrical equipment to interconnect to the home's electrical system and the utility. The original permit of 10/31/17 is here amended with regards to drainage system for the installation of the system.

Based upon the Findings contained in this authorization, the Secretary has determined that the proposed project complies with the requirements of the 2016 Flood Hazard Area & River Corridor General Permit and the Flood Hazard Area & River Corridor Rule (Environmental Protection Rule, Chapter 29) and is hereby approved subject to the conditions of the 2016 Flood Hazard Area & River Corridor General Permit and this authorization.

**I. Findings**

The Secretary of Natural Resources has determined that:

- (a) The project is located within the river corridor, Special Flood Hazard Area and Floodway.
- (b) This project is exempt from municipal regulation because it is covered under a Certificate of Public Good issued by the Public Service Board for a Public utility power generating plant(s) and/or transmission facility.
- (c) This project includes installation of a Solar PV system within the river corridor, but further from the top of bank than the existing encroachments, as noted on the map with filename: Leonard, David – Marshfield 21 GxB 321.pdf. After this permit was issued, during early construction, the contractor noted that the excavation for the foundation

of the installation was poorly drained and concrete cannot be poured or maintained at the site without drainage. The plan on "David Leonard Canopy drainage draft.pdf" (of 11/16/17) identifies a proposed drainage system for the installation. The drainage proposal includes a drainage pipe from the PV installation, of a length up to 220' to a 4'x4'x6" stone dry well with < 1" stone. The drain will pass south (downstream) of the existing house and terminate approximately 150' from the Winooski River. (email communication from Lauren Dennis, 11/8/17).

- (d) Based on the information provided by the applicant, the proposed PV installation and foundation will be adjacent to, and further from, the Winooski River, than the existing house. This is compatible with the standards in the Flood Hazard Area & River Corridor Rule. The newly proposed drainage pipe and dry stone well will intrude further into the River Corridor of the Winooski, and, into the Floodway portion of the Special Flood Hazard Area. To meet the No Adverse Impact Standards for the River Corridor and Floodway, the permit of 10/31/17 is here amended to require:
1. All material excavated during the installation of the drainage pipe and dry well system will be removed from the Floodway, and the final installed system will be at or below current grade.
  2. The dry stone well will be at least 50' from the top of bank of the Winooski River.
  3. The property owner is prohibited from the installation of streambank armoring for the specific purpose of protecting the drainage pipe and dry well.

If the work is constructed as described and conditioned above, the project will meet the standards in the General Permit and may proceed.

## II. General Conditions

- (a) **Compliance with General Permit and this Authorization.** The permittee shall comply with this authorization and all the terms and conditions of the 2016 Flood Hazard Area & River Corridor General Permit.
- (b) **Access to property.** By conducting any activity under this authorization, the permittee agrees to allow Agency representatives access to the property covered by this authorization, at reasonable times and upon presentation of credentials, for the purpose of ascertaining compliance with the Vermont Flood Hazard Area & River Corridor Rule and the General Permit. This authorization does not grant the permittee the right to enter onto any property not owned by the permittee.
- (c) **Authorization for Substantial Changes.** All activity shall be completed and maintained in accordance with the terms and conditions of the General Permit and this authorization. The permittee shall notify the Secretary of any planned changes to the authorized activity. The Secretary may require the permittee to submit additional information on any proposed changes. The Secretary will notify the permittee if, based on the proposed changes to the authorized activity, a revised application for an individual permit must be submitted.

- (d) **Remedial measures.** The Secretary maintains continuing jurisdiction over the activity authorized under this authorization and may at any time order remedial measures if it appears the activity is not in compliance with the General Permit or this authorization.
- (e) **Compliance with other regulations.** This authorization does not relieve the permittee of the responsibility to comply with any other applicable federal, state, and local laws, regulations, and permits.
- (f) **Legal responsibilities for damages.** The Secretary, by issuing this authorization, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whomever suffered arising out of the approved activity.
- (g) **Revocation.** The Secretary may, after notice and opportunity for a hearing, revoke or suspend, in whole or in part, this authorization for cause, including:
  - (1) Violation of the terms or conditions of the General Permit or this authorization;
  - (2) Obtaining authorization by misrepresentation or failure to fully disclose all relevant facts;
  - (3) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized activity.
- (h) **Duty to comply; enforcement.** The permittee shall comply with all terms and conditions of the General Permit and this authorization. Any 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 authorization.
- (i) **Transfer of Authorization.** This authorization may be transferred provided that a notice of transfer is submitted to the Secretary no later than five days prior to the transfer and the notice includes the following:
  - (1) The name, mailing address, and contact information of the present permittee;
  - (2) The name, mailing address, and contact information of the prospective permittee;
  - (3) The proposed date of transfer; and
  - (4) A statement signed by the prospective permittee, stating that the prospective permittee has read and is familiar with the terms and conditions of the permit and the authorization and agrees to comply with the permit and authorization.
- (j) **Limitations.** This authorization conveys no vested rights or exclusive privileges. This authorization 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

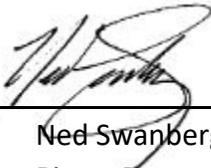
days of the date of this decision; the appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of 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 online 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 three years.

Emily Boedecker, Commissioner  
Vermont Department of Environmental Conservation

By  dated 12/5/2017  
Ned Swanberg, VT DEC Rutland Regional Floodplain Manager  
Rivers Program, Watershed Management Division

cc: Marshfield Town Clerk 122 School Street, Room 1, Marshfield, VT 05658  
Abutters:  
Resident 1030 Cabot Road, Marshfield, VT 05658  
DuCharme Family 989 Cabot Road, Marshfield, VT 05658  
Green Mountain Power, c/o Karly Carrara, 2152 Post Road Rutland, VT 05702