

**CASE NO:** 4C1004R-EB

**LAWS/REGULATIONS INVOLVED:**

10 V.S.A. Ch.151 (Act 250)

Environmental Board Rules

**PERMITTEES:** Burlington Broadcasters, Inc.  
d/b/a WIZN, Charlotte Volunteer  
Fire and Rescue Services, Inc.  
and John Lane

The Vermont Environmental Board (Board) hereby issues Land Use Permit 4C1004R-EB pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6092 (Act 250).

This permit applies to the tract of land described in a deed recorded at Book 24, Page 480 of the land records of Charlotte, Vermont, with former owners Henry and Marion Lane as Grantees, which tract is currently owned by John Lane, with 3 acres of that tract, along with access right-of-way and power right-of-way, on the northwest side of Pease Mountain, leased to Burlington Broadcasters, Inc., and further subleased to the Charlotte Volunteer Fire and Rescue Services, Inc. for the Project. John Lane, Burlington Broadcasters, Inc., and Charlotte Volunteer Fire and Rescue Services, Inc. are herein collectively referred to as Permittees.

This permit specifically authorizes the previous construction and continued operation of a 199-foot communication and broadcast tower, with broadcast antennas used by Burlington Broadcasters, Inc., d/b/a WIZN, and Charlotte Volunteer Fire and Rescue Services, Inc., and an 18-foot-by-24-foot equipment building on the northwest side of Pease Mountain, off Church Hill Road in the Town of Charlotte, Vermont (Project). Verizon, formerly NYNEX Mobile Limited Partnership, currently maintains four (4) antennas on the Project tower, authorized by Land Use Permit #4C0901.

Each Permittee and all Permittees, their assigns, and successors in interest, are required by this permit to complete, operate, and maintain the Project in accordance with the following conditions:

1. The Permittees shall complete, operate and maintain the Project in accordance with:
  - (a) the Environmental Board's Findings of Fact, Conclusions of Law, and Order #4C1004R-EB, issued on even date herewith;
  - (b) the plans and exhibits on file with the Environmental Board; and
  - (c) the conditions of this Permit.
2. All conditions of Land Use Permit #4C1004R, issued by the District 2 Environmental Commission on June 4, 2003, are in full force and effect, except as amended herein.

3. Permittees shall operate and maintain the Project in accordance with the FM Broadcast License issued to Burlington Broadcasters, Inc. by the Federal Communications Commission, most recently renewed in 1999, and shall renew said license in a timely manner, as required by the Federal Communications Commission.
4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit, and may require that any or all Permittees file an affidavit or other certification that the Project is being operated and maintained in accordance with the terms of the Permit, pursuant to Act 250 and Environmental Board Rules.
5. No physical change to, or change in use of, this Project shall be made without the written approval of the District Coordinator or the District Environmental Commission, whichever is appropriate under the Environmental Board Rules and other applicable law.
6. By acceptance of the conditions of this permit without appeal, the Permittees each confirm and agree that the conditions of this Permit run with the land and the land uses herein permitted, and are binding upon and enforceable against each Permittee and all of them, and all assigns and successors in interest.
7. Pursuant to 10 V.S.A., § 6090(b), this permit is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.

Failure to comply with any of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6090(c).

DATED at Montpelier, Vermont this 29<sup>th</sup> day of October, 2004.

ENVIRONMENTAL BOARD

/s/ Patricia Moulton Powden

Patricia Moulton Powden, Chair

Jill Broderick\*

Samuel Lloyd

W. William Martinez

Patricia Nowak\*\*

Richard C. Pembroke, Sr.\*\*\*

A. Gregory Rainville

Jean Richardson

Christopher D. Roy

\* Board Alternate member Jill Broderick was unable to attend the April 15, 2004 hearing date, but listened to the audio record. She was also unable to attend the Board's deliberations on September 15, 2004, but has reviewed and joins in the Board's permit and decision.

\*\* Board member Patricia Nowak was unable to attend the Board's deliberations on September 15, 2004, but has reviewed and joins in the Board's permit and decision.

\*\*\* Board member Richard C. Pembroke, Sr. was unable to attend the May 12, 2004 hearing date, but listened to the audio record and has reviewed and joins in the Board's permit and decision.