



# LAND USE PERMIT AMENDMENT

State of Vermont  
Land Use Review Board  
District 8 Environmental Commission  
440 Asa Bloomer State Office Building  
Rutland, VT 05701-5903  
<https://act250.vermont.gov/>

TFB Realty LLC  
40 Garfield Place,  
Brooklyn, NY 11215

**PERMIT NUMBER:**  
**800017-1,8B0009-2**

**LAW/REGULATIONS INVOLVED:**  
10 V.S.A. §§ 6000 – 6111 (Act 250)

The District 8 Environmental Commission (the “Commission”) hereby issues Land Use Permit amendment 800017-1,8B0009-2, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 124, Page 534 of the land records of the Town of Shaftsbury, Vermont as the subject of a deed to TFB Realty LLC.

**This permit specifically authorizes the demolition of 15,647 sf of a deteriorating building, removal of concrete foundation, restoration of the area, reconstruction of the culvert located under the existing building, and reconstruction of the wall between the remaining building and the structure proposed for demolition (the “Project”).**

**The Project is located at 372 VT Route 67E in Shaftsbury, Vermont.**

Jurisdiction attaches because the Project constitutes a material change to a permitted development and thus requires a permit amendment pursuant to Act 250 Rule 34.

The Permittee and its assigns and successors in interest are obligated by this permit to complete, operate, and maintain the Project as approved by the Commission in accordance with the following conditions.

1. The Project shall be completed, operated, and maintained in accordance with the conditions of this permit and the permit application, plans, and exhibits on file with the Commission and other material representations. In the event of any conflict, the terms, and conditions of this permit shall supersede the approved plans and exhibits.

The approved plans are:

Sheet A0.01 – “Site Plan,” last revision 01/21/26 (Exhibit 028);

Sheet C1.02 - “Work Plan,” last revision 01/07/26 (Exhibit 024);

Sheet C1.02 – “Site Plan,” last revision 09/12/25 (Exhibit 015<sup>1</sup>);

Sheet C1.04 – “Traffic Control Plan,” last revision 01/21/26 (Exhibit 029); and

Sheet C5.01 - “Details,” last revision 01/07/26 (Exhibit 026).

2. **All conditions of Land Use Permits 800017, 8B0009, 800008, and amendments are in full force and effect except as further amended herein.**
3. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources (“ANR”) Permit:
  - a. Authorization to Conduct Stream Alteration Activities (**Project Number: SA-4312**) issued on **July 3, 2025**, by the ANR Watershed Management Division (Exhibit 007).
4. Any nonmaterial changes to the permit listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
5. All conditions of the Title 19 Section 1111 Permit (**Permit ID Number: 47565**) issued on **January 26, 2026**, by the Vermont Agency of Transportation (VTrans) (Exhibit 031), are incorporated herein. Any nonmaterial changes to the permit shall be automatically incorporated herein upon issuance by VTrans.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
8. No change shall be made to the design, operation, or use of this Project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit amendment is not required.
9. No subdivision or further alteration or development on the tract of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
10. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Land Use Review Board may at any time require that the permit holder file an affidavit certifying that the Project is in compliance with the terms of this permit.
11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and its successors and assigns.
12. Construction hours shall be limited to Monday through Saturday from 7:00 AM to 5:00 PM, with no construction on Sundays or federal holidays.
  - a. All work in the State Highway right-of-way shall be limited to Monday through Friday from 7:00 AM to 4:00 PM, with no construction on Saturdays, Sundays, or federal holidays. The Permittee shall comply with the additional work hour restrictions detailed in Exhibit 031.
13. The existing building on the project tract is not approved for any manufacturing use or the on-site disposal of any process wastes. The Permittee shall apply for and receive amended

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<sup>1</sup> Depicts the 25-foot riparian buffer that was not maintained in the more current version of Sheet C1.02.

approval from the Commission for any change in the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.

14. No floor drains shall be installed without first obtaining a permit or submitting other necessary documentation, as required by the Vermont Department of Environmental Conservation.
15. The Permittee and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
16. The Permittee shall implement the Construction Site Waste Reduction Plan approved by the Agency of Natural Resources Solid Waste Management Program and included as Exhibit 006.
17. The Permittee shall apply and maintain water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, on all roadways or disturbed areas within the project as necessary during construction and until pavement and/or vegetation is fully established to effectively limit visible dust emissions.
18. The Permittee shall comply with Exhibits 024 and 026 for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.
19. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all permanent vegetation is established on disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
20. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).
21. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. During the period between October 15 and April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
22. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee shall not cause, permit, or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
23. The Commission reiterates Standard Condition 7 of Exhibit 007 (Authorization to Conduct Stream Alteration Activities, issued by the ANR Watershed Management Division): In-stream working dates for all General Permit activities are from July 1<sup>st</sup> through October 1<sup>st</sup>, any in-

stream work outside these dates will require consultation with and prior authorization from the River Management Engineer.

24. Subsequent to the completion of activities permitted herein, the Permittee shall maintain an undisturbed, naturally vegetated 25-ft riparian buffer zone on the Project Tract along Paran Creek, as depicted on Exhibit 015. The term "undisturbed" means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to construction, earth-moving activities, storage of materials, tree trimming or canopy removal, tree, shrub, or groundcover removal; plowing or disposal of snow, grazing or mowing. Exhibit 020.
25. During demolition activities, the Permittee shall only maintain temporary dumpsters at the location identified in Exhibit 024.
26. No tree removal or cutting is authorized as part of this permit amendment.
27. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibit 028 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
28. The installation of new exterior light fixtures shall be limited to lighting described in Exhibit 024 (new exterior egress door lighting). All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
29. Excepting the signage detailed in Condition 30 below, no exterior signage shall be installed as part of this permit amendment. The Permittee shall not install additional exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
30. A Roadside Historic Site Marker detailing the history of the Eagle Square Manufacturing Company and the site at 372 Route 67 shall be installed on the property in a location to be agreed upon by the Vermont Division for Historic Preservation (VDHP) and the Permittee within eighteen (18) months of the issuance of this permit. The text shall be written by the Permittee and be submitted to VDHP for review within six (6) months of the issuance of this permit. VDHP will review the text within thirty (30) days. The cost of the sign shall be paid by the Permittee, and VDHP shall install the sign at its own expense. Exhibit 021.
31. The Permittee shall replicate the Eagle Square Mural at the new southern building façade as depicted and described in Exhibit 028.
32. The Permittee shall relocate the existing Eagle Monument as depicted and described in Exhibit 028.
33. Pursuant to 30 V.S.A. § 53, the energy design and construction shall comply with Vermont's Commercial Building Energy Standards (CBES) in accordance with the Board's Criterion 9(F) Procedure effective at the time of construction. (More information on this subject can be found at [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/energy_efficiency/cbes) and <https://act250.vermont.gov/documents/9Fprocedure>.)
34. The installation and/or use of electric resistance space heat is specifically prohibited unless (i) it is approved in writing by the Commission and/or (ii) it specifically qualifies as an exception to the prohibition of electric resistance building heating, pursuant to Section C403.2.3 of the 2020 Vermont Commercial Building Energy Standards.

35. The Permittee, upon completion of the construction of each commercial building and prior to use or occupancy, shall submit to the Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d).
36. The Permittee shall provide each prospective purchaser of any interest in this Project with a copy of the Land Use Permit amendment before any written contract of sale is entered into.
37. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
38. **All site work and construction shall be completed in accordance with the approved plans by October 15, 2028, unless an extension of this date is approved in writing by the Commission.** Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
39. **The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Land Use Review Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed.** If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Land Use Review Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.

Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this January 27, 2026

By /s/Michael McDonough  
Michael McDonough, Acting Chair  
District 8 Commission

Members participating in this decision:

Jon Hale  
Jim Sullivan

Any party, or person denied party status, may file within 15 days from the date of a decision of the District Commission one and only one motion to alter with respect to the decision, pursuant to Act 250 Rule 31(A). Under Rule 31(A), no party, or person denied party status, may file a motion to alter a District Commission decision concerning or resulting from a motion to alter. Per Rule 31(A)(3), the running of the time for filing a notice of appeal is terminated as to all parties by a timely motion to alter.

Any person aggrieved by an act or decision of a District Commission or District Coordinator, or any party by right, may appeal to the Environmental Division of Vermont Superior Court within 30 days of the act or decision pursuant to 10 V.S.A. § 8504. Such appeals are governed by Rule 5 of the Vermont Rules for Environmental Court Proceedings. The appellant must file a notice of appeal with the clerk of the court and pay any fee required under 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Land Use Review Board and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. The Land Use Review Board's copy may be sent to [act250.legal@vermont.gov](mailto:act250.legal@vermont.gov) and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

Note, there are certain limitations on the right to appeal, including on interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. There shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment. 10 V.S.A. § 8504(k)(1). If a District Commission issues a partial decision under 10 V.S.A. § 6086(b), any appeal of that decision must be taken with 30 days of the date of that decision. 10 V.S.A. § 8504(k)(3). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2<sup>nd</sup> Floor, Suite 303, Burlington, VT 05401.

The foregoing statements regarding motions to alter and appeals are intended for informational purposes only. They neither supplant nor augment any rights or obligations provided for by law nor do they constitute a complete statement of the rights or obligations of any person or party.

## CERTIFICATE OF SERVICE

I hereby certify that I, Elaine McDevitt, Land Use Review Board Technician, District 8 Environmental Commission, sent a copy of the foregoing **LAND USE PERMIT AMENDMENT 800017-1,8B0009-2** by U.S. Mail, postage prepaid, on this January 27, 2026 to the following individuals without email addresses and by electronic mail, to the following individuals with email addresses:

**Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.**

TFB Realty LLC  
Attn: Mitchell Bernstein  
40 Garfield Place  
Brooklyn, NY 11215  
[mitch@bernsteindisplay.com](mailto:mitch@bernsteindisplay.com)

Beyer A & E  
Attn: Michael Beyer  
[mike@beyer-ae.com](mailto:mike@beyer-ae.com)

Herrmann Construction  
Attn: Susan Herrmann  
[susan@herrmannconstructionvt.com](mailto:susan@herrmannconstructionvt.com)

Shaftsbury Selectboard  
Naomi Miller, Chair  
PO Box 409  
Shaftsbury, VT 05262  
[naomimiller@shaftsburyvt.gov](mailto:naomimiller@shaftsburyvt.gov)

Shaftsbury Planning Commission  
Chris Williams, Chair  
PO Box 409  
Shaftsbury, VT 05262  
[chris.williamsvt@gmail.com](mailto:chris.williamsvt@gmail.com)

Bennington County Regional Commission  
Bill Colvin, Executive Director  
210 South Street, Suite 6  
Bennington, VT 05201  
[bcolvin@bcrcvt.org](mailto:bcolvin@bcrcvt.org)

Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901  
[anr.act250@vermont.gov](mailto:anr.act250@vermont.gov)

### **FOR INFORMATION ONLY**

Attn: Michael McDonough, Jon Hale, Jim Sullivan  
District 8 Environmental Commission  
440 Asa Bloomer State Office Building, 4th Floor  
88 Merchants Row  
Rutland, VT 05701  
[Act250.Rutland@vermont.gov](mailto:Act250.Rutland@vermont.gov)  
[Act250.Agenda@vermont.gov](mailto:Act250.Agenda@vermont.gov)

Shaftsbury Town Clerk  
Marlene Hall  
PO Box 409  
Shaftsbury, VT 05262  
[townclerk@shaftsburyvt.gov](mailto:townclerk@shaftsburyvt.gov)

State of Vermont  
Dept. of Public Service  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601  
[barry.murphy@vermont.gov](mailto:barry.murphy@vermont.gov)  
[PSD.VTDPS@vermont.gov](mailto:PSD.VTDPS@vermont.gov)

Vermont Agency of Transportation  
Barre City Place  
219 N. Main Street  
Barre, VT 05641  
[AOT.Act250@vermont.gov](mailto:AOT.Act250@vermont.gov)

Vermont Agency of Agriculture, Food and Markets  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
[AGR.Act250@vermont.gov](mailto:AGR.Act250@vermont.gov)

Vermont Division for Historic Preservation  
National Life Building, 6th Floor, Drawer 20  
Montpelier, VT 05620-0501  
[ACCD.ProjectReview@vermont.gov](mailto:ACCD.ProjectReview@vermont.gov)

Dated this January 27, 2026.

/s/Elaine McDevitt  
Elaine McDevitt  
Land Use Review Board Technician  
802-786-5920  
[Act250.Rutland@vermont.gov](mailto:Act250.Rutland@vermont.gov)