

TOWN OF NEWFANE

P.O. Box 296

Newfane, VT 05345

Application to Development Review Board

Applicant Higher Ground Phone # 802.258.8598

Mailing Address: PO box 161 Williamsville VT 05362

Landowner (if other than above) Manitou Project Phone # 802.258.8598

Mailing Address: PO box 161 Williamsville

Interest in property (owner/lessee/agent) Date property acquired: 8/29/18

Legal description: Book: 141 Page 652 Tax Map Lot # F175.1

Type of application (check one)

- ☐ Request for interpretation of Newfane Zoning Bylaw or map
☐ Appeal from a decision of the Administrative Officer
☐ Application for a variance from requirements of the Zoning Bylaw
☒ Application for a Site plan review as per the Zoning Bylaw
☒ Application for a Conditional Use Permit under the provisions of _____
_____ of the Newfane Zoning Bylaw

Provision (s) of Zoning Bylaw in question: Sect 343

Reason for appeal: Require application for change of use.

DRB approval

Specific relief requested: Transfer of land to Higher Ground for use as natural burial.

Signature of Applicant chill ch Date 1/12/21

A fee of \$100.00 must be submitted with this application.

Application No: 21-003

Date Received 1/15/21

Fee Paid 125.00

TOWN OF NEWFANE, VERMONT
APPLICATION FOR ZONING PERMIT

21-003

(Please use ink)

APPLICANT.....Higher Ground Conservation Cemetery Assoc.....TELEPHONE (802).....258-8598.....

MAIL ADDRESS.....P.O. Box 161 Williamsville VT 05362.....

PROPERTY OWNER.....Manitou Project.....TELEPHONE (802).....258-8598.....

MAIL ADDRESS.....P.O. Box 161 Williamsville VT 05362.....

LOCATION #.....300.....ROAD.....Sunset Lake Rd.....TAX LOT #.....00F175.1.....# ACRES.....5.....

1. DIVISION OF PROPERTY:

NUMBER OF NEW LOTS CREATED.....TOTAL # OF LOTS.....

PLEASE SUPPLY SURVEY OF PROPERTY OR PLAT PLAN, TO SCALE, SHOWING EXISTING AND PROPOSED PROPERTY LINES,
ACREAGE, LEGAL RIGHTS-OF-WAY AND ANY OTHER PERTINENT INFORMATION

2. NEW CONSTRUCTION AND/OR NEW ADDITIONS:

TYPE AND USE OF STRUCTURE.....To establish an natural burial cemetery at 300 Sunset Lake Rd.....

SIZE OF STRUCTURE: FRONT.....SIDE.....SIDE.....REAR.....HEIGHT.....

FLOOR AREA- BSMT (FINISHED).....1ST FL.....2ND FL.....3RD.....TOTAL.....

STRUCTURE SET BACK FROM CENTER OF LEGAL RIGHT-OF-WAY.....

FROM ADJOINING PROPERTY LINES: SIDE.....SIDE.....REAR.....

EST. DATE WORK TO COMMENCE.....EST. DATE OF COMPLETION.....

(PLEASE SUPPLY SURVEY OF PROPERTY OR PLAT PLAN, TO SCALE, SHOWING PROPERTY LINES, LEGAL RIGHTS-OF-WAY, PROPOSED STRUCTURE, ALL SET BACKS AND ANY OTHER PERTINENT INFORMATION)

3. RESTORATIONS, RELACEMENT, RENOVATIONS AND SIGNAGE:

TYPE AND USE OF STRUCTURE.....

WARNING: State permits may be required for this project. Call 1-802-279-4747 to speak to the State Permit Specialist before beginning any construction.

APPLICATION FOR ZONING PERMIT

PAGE 2

HEALTH PERMIT NUMBER..... DATE

ACCESS PERMIT NUMBER..... DATE.....

STATE AND OTHER PERMITS..... DATE

I HEREBY CERTIFY THAT ANY AND ALL STATEMENTS CONTAINED HEREIN ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT, AND I WILL COMPLY WITH ALL THE REQUIREMENTS OF THE TOWN OF NEWFANE ZONING BY-LAWS.

PRINT NAME OF APPLICANT Higher Ground..... DATE

SIGNATURE OF APPLICANT [Signature]..... DATE 3/9/21.....

PRINT NAME OF OWNER Manitou Project..... DATE

SIGNATURE OF OWNER [Signature]..... DATE 3/9/21.....

(Do not write in the spaces below)

APPLICATION NO. 21-003..... DATE RECEIVED FEE: APPLICATION 140.00
RECORDING 15.00

..... APPLICATION APPROVED

X..... APPLICATION DENIED for the following reasons:

Section 343 Article Paragraph Sub-Paragraph
Of the TOWN of NEWFANE ZONING BY-LAWS

EXPLANATION: Conditional use requires DRB approval

Applicant may appeal a rejection of this application to the DEVELOPMENT REVIEW BOARD (DRB) within FIFTEEN (15) DAYS of the denial date.

Referred to Development Review Board (DRB)

Date 3/9/21..... Zoning Administrator, [Signature]

Natural Burial Ground Subdivision — DRB Proposal Summary

Sunset Lake Rd Williamsville

January 27, 2021

Executive Summary

For 35 years, the nonprofit Manitou Project has provided *Community with Nature* on 225 acres of woodlands in Williamsville conserved by the VT Land Trust. It proposes to give 5 acres to another nonprofit, Higher Ground Conservation Cemetery Association formed in 2019, for its sole purpose as a Natural Burial Ground¹. A Zoning Bylaw amendment to allow Natural Burial Grounds in the Resource District (location of the proposed project) was unanimously recommended by the Planning Commission, and unanimously moved for approval by the Select Board at a public hearing on March 9, 2020². VT Land Trust (VLT) has provided its conditional approval for the project.

The DRB is requested to approve a change of use subdivision of the proposed 5-acre site for a Natural Burial Ground as per the amended Zoning Bylaw that allows Natural Burial Grounds as a conditional use in the Resource District.

Mission

The mission of Higher Ground is to hold and steward a compassionate, co-creative and life-affirming space for all beings that sustains a thriving native ecosystem—including native plant, animal and microbe populations—and the social health of our community, by creating natural burial opportunities that conserve land and reunite people with the Earth. By being in right relationship to the land, we aspire to be a resource for families, conservation groups and other stakeholder interests in the community that share our passion for a healthy, sustainable woodlands ecosystem.

Brief Description

Broad-based community support (75 petition signatures to the amendment), then Planning Commission and Select Board approvals, demonstrate the goodwill towards and perceived benefit of natural burial. VLT recognizes it as part of a broader conservation strategy for the Manitou land as reflected in the range of ecological benefits (Exhibit A).

Test holes establish that minimum requirements are met for depth (3.5') and setback (150' from any stream, 200' from drilled well) for over 100 proposed burial plots. All parking would be off road, primarily through the main entrance serving 24 cars from an existing driveway off Sunset Lake Rd, approximately 1.2 miles up from Depot Road. Established parking for 30 cars is also available ¼ mi up the road at the entrance to Manitou and the Mayer residence.

The 5-acre terrain is wooded and gently sloping upwards from the main parking area, which is flat, open and to be left either as a grassy field or stabilized if needed with gravel to accommodate up to 24 cars (3 rows of 8 cars each³). Careful thinning of the natural burial lands will be done consistent with the current forest management plan developed and overseen by forester George Weir, for the purpose of fostering growth of forest glens that support the health and growth of mature, indigenous specimen trees and younger trees for the future. Footpaths, accessible trails and access for a light excavation vehicle for digging plots will balance existing tree falls, thickets and brush cover to support wildlife habitat and ongoing soil enrichment. Finely crushed stone (Surepac) may be used and/or boardwalks constructed to provide wheelchair, walker and stroller access to the conserved woodlands.

The 5-acre Higher Ground site is almost entirely surrounded by the much larger conserved land of Manitou, which currently operates as an "Outdoor Recreational Facility" (as per definition of the local Zoning Bylaw) with 9 miles of trails and existing parking for up to 30 cars. This spill-over capacity is important so as to not require any parking along Sunset Lake Rd. This secondary parking has direct access to the upper (southern) end of the Natural Burial Grounds.

Other Considerations

¹ Pursuant to 18 V.S.A. § 5800 et seq.

² Informed sources anticipate formal Select board approval of the Zoning Bylaw amendment—inadvertently overlooked with the sudden onset of Covid-19 last March—to be given in the very near future.

³ (24) 9'x18' parking spaces, with two feeder lanes 24' and 18' wide, require 96' x 72' area. Open parking field is 120' x 100'.

Natural Burial Ground Subdivision — DRB Proposal Summary

Sunset Lake Rd Williamsville

January 27, 2021

- Location of the 5-acre parcel—parallel to Sunset Lake Road—preserves conservation value to the interior forest and wetlands, and creates minimum impact on current, natural forest conditions of the larger conserved parcel.
- The driveway off Sunset Lake Rd leads immediately to a break in the stonewall running parallel to the driveway on the left. It opens to a short, relatively steep slope up to where occasional parking for green burial attendees will occur. Cutting into the slope at the top, and lengthening the slope from the bottom with gravel fill, will reduce the slope to acceptable grade for a single lane driveway to the parking area.
- Maintenance of the 5-acre site will be done in collaboration with the abutting Manitou conservation land. GPS coordinates shown on the survey will be listed on a central map to identify burial locations, with optional markers of native stone (or possibly clay plaques with etched name of the deceased laid flush to the ground).
- Conditional use approval will be subject to deferral of Act 250 Permit 2W 278 currently being processed by engineer Michael Marquise, and Wastewater and Potable Water Supply Permit WW-2-4880 to be amended by attorney Sam Angell of Windham Law. Both of these permits relate to prior activities conducted on the larger Manitou parcel, not related to the use of 5 acres associated with the proposed Natural Burial Grounds.
- Our goal is to be certified as a conservation cemetery, the highest standard of natural burial, with Vermont Land Trust as our 'Land Trust Partner' and recognized in the same manner as a select number of other land trusts around the country, see www.conservationburialalliance.org. Green burial in a nutshell:
 - Entails operating guidelines shaped around best practice for conservation burial to support the conserved ecosystem and contribute to the permanent protection of the natural environment. The land it occupies and stewards retains its natural identity in welcoming people who come to mourn, contemplate, or participate in responsible recreational activities. Sound ecological land management practices promote biodiversity and minimize the impact of land use.
 - Green burial practices support the natural process of the human body's decomposition in healthy soil, recycling elements from the body into nutrients for the entire ecosystem. Decomposers, microorganisms, fungi, and insects contribute to recycling the carbon and nitrogen present in biologically active layers of the soil. Within 4' of the surface, the sun's heat, oxygen and bacteria interact with human remains to foster rapid, aerobic decomposition, which frees and recycles all the nutrients back into the environment, furthering the environment's capacity to maintain balance and self-regulate.
 - Because soil is a synchronized biological matrix, it acts as a filter that prevents foreign materials from greatly changing the balance of its composition. Thus, green burial is not considered an environmental or public health risk according to studies on the effects of mass graves on the environment. Soil also counteracts the chemicals associated with the smell of decomposition, such that a 10-inch soil barrier is thick enough to not attract scavengers, as documented in a 2017 survey of over 150 green burial sites where no disturbance of burial sites was reported.

Natural Burial Ground Subdivision — DRB Proposal Summary

Sunset Lake Rd Williamsville

January 27, 2021

Exhibit A

Ecological Overview

Summary of how the Higher Ground natural burial project, and our low-impact approach to conducting green burials, support the conservation and ecology of the area:

- I. **Features of the forest-scape** that guide our identification and selection of the proposed natural burial grounds, and location of specific burial sites and access:
 - **Canopy & species** — A number of mature white oak, ash, yellow birch, black birch, other hardwoods and conifers are present in the area. We give high priority to protecting species that have been overharvested in the past (especially spruce and white oak) and maintaining a healthy mix of high, medium & low canopy, managing understory regeneration and overpopulation of certain sapling species (beech, striped maple). Thinning will be done consistent with the forest management plan developed by forester George Weir, for the purpose of fostering the growth of forest glens that support the health and growth of mature specimen trees today, and younger trees for generations to come.
 - **Terrain** — Proposed configuration of the 5-acre site follows the topography of the land so burial sites are on relatively flat terrain, or terraced sections in a few cases. Location of the natural burial sites comply with the 150' setback requirement from one seasonal stream along the northern boundary. Areas of 'pillows and cradles'—mounds and troughs caused by uprooting of trees some dating back hundreds of years—indicate that a significant portion of this terrain was not leveled by sheep farming in the mid-1800's. This accounts for the presence of notable healthy yellow birch that are observed by experts to be 200+ years old.
 - **Soil composition** — Test auger holes drilled 36" deep in over 100 locations⁴ reveal consistent soil conditions comprised of a top layer of organic matter and sandy loam up to 10" – 12", then increasingly sandy layers down to 36". In less than 10% of the test holes, varying amounts of clay in the soil (that coincide with proximity to ledge near the bottom of the hole) showed proportionate reduction in permeability. Since all holes were drilled in early Spring with last snow patches visible and significant soil saturation, holes with the most clay (under 5% of the total) produced soil with muddy texture at the bottom of the hole.

These observations indicate good drainage conditions exist in approximately 95% of the test holes, which make existing soils in those sites suitable for conservation burial and the oxygen exchange necessary for efficient and ecologically sound decomposition of human remains.
 - **Weather & seasonal events** — Since the vast majority of disruptive weather events come in from the west, the lay of the land protects the site due to the relatively steep sloop upwards that begins just west of the parcel and runs along its length. Uprooting of major trees in recent decades created falls to the east. Site design and placement of proposed burial plots take this into account, e.g., Higher Ground plans to leave most of these tree falls just as they are so as to further their natural breakdown and decomposition to enrich the forest floor. One gully up to 200' long indicates where Spring runoff may occur, though runoff was not observed this past Spring⁵. A 150' setback from the gully is drawn on the survey to restrict burial plots from

⁴ Test holes indicate final location of most proposed burial sites, demonstrating soil permeability across the 5-acre parcel in areas that appear most suitable for burial location.

⁵ The center of the gully is depicted on the survey as the southerly stream.

Natural Burial Ground Subdivision — DRB Proposal Summary

Sunset Lake Rd Williamsville

January 27, 2021

intruding on the area that might be construed as carrying surface water leading to “a permitted potable water supply” [18 V.S.A. § 5319]. The 200 ‘well shield for a neighbor’s well is also shown on the survey.

II. **Guidelines for low impact soil disturbance** in the way we conduct burial site excavation and create pathways for mechanized vehicle, wheelchair, and pedestrian access:

- **Soil stability** — Higher Ground will consistently follow contours of the land, creating pathways that traverse slopes so as to avoid grades prone to erosion. Higher Ground will maintain existing profile and character of pillows and cradles by having only foot traffic in those areas; with modest leveling as needed through partial buildup in troughs to prevent pooling on a pathway using organic matter collected from nearby fallen trees and branches.
- **Resource retention** — Protect root systems of high value trees through:
 - Hand digging selected burial sites to minimize the cutting or disturbance of roots.
 - Placing burial plots perpendicular to high value trees, starting no closer than 6 to 8 feet from the trunk, and avoiding the western side in most cases to protect the root system from where virtually all high winds come; all uprooted trees in the area are blowdowns caused by westerly winds.
 - Creating clusters of burial plots, 3 – 5 sites per cluster in most cases, and leaving intact areas that are particularly sensitive, beautiful, serene, or otherwise significant. Examples include discrete groves of majestic trees, and areas characterized by either unique specimen trees, stone piles or cairns of historic significance, or major blowdowns—honoring the natural cycle of forest regeneration.
 - Minimizing the effect of impacted soil from vehicular access through (i) using the lightest tracked excavator possible—by agreement with the contractor who has already dug burial sites for the existing ½ acre Mayer Family Cemetery; (ii) planning a 2-track ‘trunk line’ excavator access path that runs north to south from the parking area off Sunset Lake Rd; and (iii) siting ‘branch lines’ for the excavator between burial clusters to minimize their number and length.
 - Restricting motorized vehicular access to only an excavator for digging as required, except for the possibility of one ferrying vehicle for any visitor unable to access a burial site otherwise.
 - Planning pathways for walking that follow the natural contours of the land, some of which (nearest the parking area) would be prepared so as to accommodate strollers and wheelchair access through use of a permeable surface cover (Surepac).
 - Building the driveway with crushed stone as per industry standard to prevent erosion, using finer grade crushed stone in portions of the parking area as per advice for proper drainage.

2020 Cemetery Proposal

Property: Mayer 1 (Manitou Project, Inc.)

Location: Newfane, Vermont

THIS IS AN ORIGINAL INK DRAWING - NOT A REPRODUCTION

NOTES

1. Method of Survey: Random Traverse with Leica TS12 Robotic Total Station #270520. Bearings are oriented to Map Reference 1 (magnetic north 12/2014) and were only to define angular relationships between courses.
2. This plot depicts a subdivision survey of the subject property.
Current Owners: Manitou Project, Inc.
Current Deed: Newfane Land Records Book 141, Page 652, dated 8/29/2018
Tax Map Parcel: F175.1
Area of parcel to be conveyed: 5.3 Acres ±
3. Title to these properties may extend to the centerline of Sunset Lake Road Tr-42, subject to the public right of way. The right-of-way boundary is shown hereon as 3'-road wide, running along existing stone walls on the east and west side of said road. Area has been calculated to the right-of-way boundary only.
4. Unless otherwise noted, monuments set are #4x30" rebar with 2" aluminum cap stamped: Higher Ground LS 830.

MAP REFERENCE

1. "Subdivisor of Property of The Mayer Family Trust," dated Dec. 2014, by L.L. Steele Survey LLC, Arthur A. Martin, LS 713, recorded in the Newfane Land Records as Map Slide 145A.

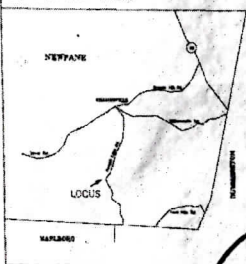
House Site
Area B

Mayer 5
(proposed
subdivision)

Mayer 1
(Manitou, Inc.)

Mayer 3

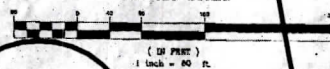
Location Map



LEGEND

- MONUMENT FOUND
- MONUMENT SET (this note)
- TEST AUGER HOLE
- STONE WALL
- BOUNDARY LINE (Subject)
- OTHER BOUNDARIES
- STREAM

GRAPHIC SCALE



SUBDIVISION SURVEY	
HIGHER GROUND	
CONSERVATION CEMETERY	
ASSOCIATION INC.	
NEWFANE	
Scale: 1"=80'	
DATE: July 23, 2020	
HOLT GILMOUR SURVEY ASSOCIATES LLC Woodstock, VT www.hgssurvey.com	
 (802) 457-4648	



Mayer (all)

0 100 200 400 600 800 Feet

0 25 50 100 150 200 Meters



Scale: 1:2,716

Selectboard Minutes Public Hearing Sunday, February 28, 2021

To join (Zoom) information

<https://zoom.us/j/2642477645?pwd=MTVUZGRMSFJ4MXpMcFhNN0JBk0yZz09>

One tap mobile

+13126266799, 2642477645#, *490269# US (Chicago)

+19292056099, 2642477645#, *490269# US (New York)

BOARD MEMBERS PRESENT:

Marion Dowling, Mike Fitzpatrick, Christopher Williams and Angela Sanborn

Absent: Shelly Huber

OTHERS PRESENT:

Merle Tessier, Ken Estey, Jane Douglas, Michael Mayer, Eve Hochwald, David Cotton, Austin -BCTV and Wannetta Powling

CALL TO ORDER: The meeting was called to order at 2:00 p.m. by Chair Marion Dowling.

ADDITIONS/ AMENDMENTS TO AGENDA:

BUSINESS:

The purpose of the hearing is to consider a proposed Amendment to Article 3, Section 343 of the Newfane Zoning Bylaws, to Establish Natural Burial as a Conditional Use in Resource Districts in the Town of Newfane.

Ms. Dowling read the Planning Commission's proposed By-Law amendment into the minutes. It was opened to the public. Michael Mayer acknowledges that Natural Burial has become a National movement. That Newfane Selectboard will take prompt action on this matter.

Mr. Estey was thankful that he and the Planning Commission could be part of the support for the involvement.

Ms. Sanborn made a motion to accept the amendment to the By-Law changes. Mr. Fitzpatrick seconded the motion. The motion passed 4/0

The Planning Commission will update the documents to the Town Plan to show that the amendment was adopted.

CORRESPONDENCE: None

ADJOURN: Mr. Fitzpatrick made a motion to adjourn. Meeting adjourned at 2:09pm.

Respectfully Submitted,

Administrative Assistant Wannetta Powling

Newfane Planning Commission
Draft Amendment to Newfane Zoning Bylaw
November 21, 2019

B. Article 3, Section 343 Conditional Uses

Current Bylaw

343 Conditional Uses. The following uses are allowed with Conditional Use approval by the DRB in accordance with Section 212.5:

Accessory Use/Structure to a conditional use
Extraction of Earth Resources (see Section 530)
Home Business
Outdoor Recreational Facility
Ponds (see Section 570)
Bridges and Culverts

Amended Bylaw

343 Conditional Uses. The following uses are allowed with Conditional Use approval by the DRB in accordance with Section 212.5:

Accessory Use/Structure to a conditional use
Extraction of Earth Resources (see Section 530)
Home Business

Natural Burial Ground

Outdoor Recreational Facility
Ponds (see Section 570)
Bridges and Culverts

C. Article 7: Definitions

Cemetery: Land used or dedicated to the burial of the dead, including as accessory structures mausoleums or maintenance facilities, but excluding crematoriums. An individual or family burial site on private land, registered with the Newfane Town Clerk in accordance with state law, is exempted from this definition. **(Also see Natural Burial Ground below)**

Motor Vehicle Service Station: An area of land, including the structures thereon, used for the sale of motor fuel, oil and motor vehicle accessories and which may include facilities for lubricating, washing, servicing and repairing motor vehicles exclusive of body work.

Natural Burial Ground: a cemetery maintained using ecological land management practices and without the use of vaults for the burial of unembalmed human remains or human remains embalmed using nontoxic embalming fluids and that rest in either no burial container or in a nontoxic, nonhazardous, plant-derived burial container or shroud. 18 V.S.A. §5302 Definitions, ¶ 11



Vermont Land Trust

November 20, 2020

Manitou Project, Inc.
Attn: Michael Mayer
P.O. Box 161
Williamsville, VT, 05360

8 Bailey Avenue
Montpelier, VT 05602
(802) 223-5234
(802) 223-4223 fax
vlt.org

RE: Request for Higher Ground Conservation Cemetery, Mayer (Manitou Project, Inc.)

Dear Michael,

REGIONAL OFFICES

Central Vermont
8 Bailey Avenue
Montpelier, VT 05602
(802) 223-5234

Champlain Valley
P.O. Box 850
Richmond, VT 05477
(802) 434-3079

Northeast Kingdom
171 Scott Farm Road
Newport, VT 05855
(802) 748-6089

Southeast Vermont
54 Linden Street
Brattleboro, VT 05301
(802) 251-6008

Southwest Vermont
10 Furnace Grove Road
Bennington, VT 05201
(802) 442-4915

You have submitted requests (1) for a 5.3-acre subdivision from the Mayer property in Newfane ("Mayer 1") currently owned by Manitou Project, Inc. at House Site Area B; (2) to operate a natural burial ground ("Higher Ground Conservation Cemetery") on the subdivided land; and (3) for reciprocal rights-of-way for pedestrian access between the newly subdivided parcel (henceforth "Mayer 5") and your residential land ("Mayer 3"), which was subdivided from the main Mayer 1 property in 2015. You outlined your requests in a proposal dated July 31, 2020 and submitted a preliminary site plan dated July 23, 2020.

The Mayer land is conserved under a 1995 Grant of Development Rights and Conservation Restrictions ("the Grant") held by Vermont Land Trust (VLT). Per the Grant, all past and future subdivisions of the original Mayer property are perpetually subject to its terms.

Section III-15 of the Grant permits one single family dwelling at House Site Area B on Mayer 1, and Section III-17 permits its subdivision from Mayer 1, up to an area equaling minimum zoning (or two acres, whichever is larger). These rights must be exercised with the prior written approval of VLT. Mayer 1 is located in the town of Newfane's "Resource District," which currently has a minimum zoning of five acres.

Section III-19 of the Grant permits, with prior written approval at VLT's sole discretion, accessory uses of the Mayer property that are related to agriculture, forestry, education, and open space. Approval requires that the use be consistent with purposes of the Grant as set forth in its section I.

2020 Mayer Preliminary Approval: Higher Ground Conservation Cemetery

The July proposal you submitted states the cemetery will operate solely within the subdivided lot, and will host approximately 120 burial sites, a parking area for about 24 cars, an unpaved access road, and walking trails. Higher Ground Conservation Cemetery will be operated by a nonprofit and will offer burial sites on a sliding fee scale.

By this letter, VLT provides preliminary approval for requests 1, 2, and 3. Preliminary approval means that VLT agrees that, in concept, these requests can be approved, but that additional requirements must be met to receive final approval.

The final approvals for these requests are subject to Manitou Project, Inc. meeting the following conditions:

Related to the subdivision (1):

1. The parcel size of Mayer 5 may not exceed five acres per the requirements of Section III-17 of the Grant. Please submit to VLT an updated site plan that meets this requirement.
2. VLT must review the deed prior to conveyance of Mayer 5 to Higher Ground Conservation Cemetery. It must reference the Grant.

Related to the operation of Higher Ground Conservation Cemetery (2):

3. Higher Ground Conservation Cemetery may not operate (i.e., inter human remains) beyond the five-acre Mayer 5 parcel as approved by VLT and recorded in the Newfane Town Records.
4. Higher Ground Conservation Cemetery will develop a succession plan to map out the future of the parcel should the cemetery organization dissolve.
5. VLT must review any legal instruments that will be utilized in the transaction of burial plots at Higher Ground Conservation Cemetery.
6. VLT has approved the proposed parking area, which will be entirely contained within the proposed Mayer 5 parcel, and the paths and access roads. If there are changes, please submit the plans for additional review and approval.
7. Construction of boardwalks, privies, and other infrastructure may be permitted if consistent with the purposes of the Grant; please obtain prior written approval by VLT.

Related to the reciprocal easements (3):

8. VLT has reviewed the proposed route of the reciprocal rights-of-way for pedestrian access between Mayer 3 and proposed Mayer 5; if there are changes, please submit the plans for additional review and approval.
9. Please submit both rights-of-way deeds for VLT review. VLT must sign each deed.

Upon satisfaction of these requirements, VLT will provide a letter of a final approval. This preliminary approval is valid for two years, expiring on November 20, 2022. If the conditions

2020 Mayer Preliminary Approval: Higher Ground Conservation Cemetery

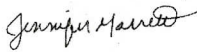
have not been met by this date, and you wish to proceed with your plans, you will need to resubmit your requests for review and approval.

It is anticipated that Higher Ground Conservation Cemetery will limit the ability of the Mayer 5 lot to accommodate a future dwelling. Please note VLT will not approve modifications to the lot to accommodate a future dwelling.

Please also note, in addition to the approval of VLT, you may need approval of the state of Vermont and the town of Newfane. If anyone operates the cemetery in a manner not consistent with this letter, VLT has a right to withdraw its approval.

Please contact me if you have any questions about this letter (802-246-1503, jennifer@vlt.org).

Sincerely,



Digitally signed by
Jennifer Garrett
Date: 2020.11.20
11:16:56 -05'00'

Jennifer Garrett
Regional Stewardship Manager

VLT # 700047

Enclosed: Preliminary Site Map of Higher Ground Conservation Cemetery