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June 7, 1998

Ed, Stanak, District Coordinator  
District 5 Environmental Commission  
324 North Main Street  
Barre, Vt. 05641

Dear Ed,

This letter addresses complaint #BAA-332 and the notice of alleged violations dated November 20, 1996. I would like to voice the same concerns as Bill Bryant in his letter of June 4, 1998. This is a problem that was first reported to us in late Oct. of 1996. I called Mr. Packard and met him at the site and thought we had an agreed that he would take care of the problem. When it became apparent that nothing was going to be done about the problem, we reported it to your office in November of 1996.

As a result an inspection was made by Diane Peduzzi in mid November and a notice of alleged violations was issued to the Packard's. Mr. Packard, through his agent George Rice, wrote a letter dated November 22, 1996 to the board admitting they cut the trees on the bank and did the site grading. They also admit to running their footing drain which exits into the town's right of way. Their defense is, they weren't given permits. The purchase of this lot was a deal that was done on a hand shake. We plead guilty to doing the Packard's a favor by not requiring payment until their closing, thereby saving them the expense and the hassle of interim financing. However, Mr. Packard would do well to check his files.

The ditch line was a matter of going into the town, right of way and reconstructing a ditch line that had been officially inspected by the Agency of Transportation prior to the town accepting the road. This, I am told, was done without the town's knowledge or consent

I am under the impression that Ellery Packard, as an experienced construction contractor, is thoroughly familiar with the regulations of subdivision and development by the State of Vermont. He also knew that this project was subject to act 250, because I told him so. Indeed, he had, prior to doing any work on his own house, detailed knowledge of this subdivision, because he constructed the first 1000 ft. of road, and had the entire plan at that time.

As to the wash out, which is the real serious problem. I haven't heard anyone disagree with the fact that the way the ditch line IS presently shaped IS the problem, including the Packard's thru their agent, in the 22 November letter. The ditching that now exist from Packard's drain to the washout does not even remotely resemble that which was built, approved and deeded to the town.

In the same 22 November letter the charge is made that we have told the town it's there problem to resolve. We have no intention of going out the back door and leaving our name associated with anything this poorly done.

In summary, Mr. Packard does not dispute the fact that he cut the trees nor does he dispute that fact that he regraded and removed vegetation from the top of the bank. People in the construction and engineering professions agree that it's just not done. These are serious violations and have undermined the integrity of the whole bank.

There has been another significant slide this spring which undermined another large section. It's only a question of time before another large slide occurs. More importantly this area does pose a significant danger to anyone in the area, especially children. I would suggest that you take a look for yourself.

Although Ellery Packard, thru his agent, admits to the violations the remedial actions to date have been to do absolutely nothing. This is a very serious situation that needs addressing. I would ask that enforcement action of some sort be undertaken at once.

We have gone to a significant expense to review the original design to ascertain if indeed we had erred in our design and or construction. To accomplish this, we brought in two other contractors and contracted with Craig Heindel, of Heindel and Noyes. Mr. Heindel, in addition to his many other qualifications, is a consulting hydrogeologists. He is also the author of the VERMONT HANDBOOK FOR SOIL EROSION AND SEDIMENT CONTROL dated 1982 revised 1987. These are the erosion control regulations for the St. A list of his clients would read like the who's who of Vermont I would be more than happy to arrange a meeting between Mr. Heindel and your enforcement people to discuss his findings. At my expense I am also extending this invitation to the Town of East Montpelier.

I am enclosing one of many pictures taken in the last two years of the Packard Ditch. I am also enclosing some correspondence that hopefully explains the towns policy on road acceptance. There is also the report of the Transportation Agency.

Sincerely

A handwritten signature in cursive script, appearing to read "Richard K. ...". The signature is written in dark ink and is positioned below the word "Sincerely".