

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES AND ENVIRONMENTAL BOARD
324 North Main Street, Barre, Vermont 05641

NOTICE OF ALLEGED VIOLATION

10 V.S.A. Section 8006(b)

Investigation Date: November 14, 1996

Complaint # BAA-332

TOWN CLERKS OFFICE
EAST MONTPELIER, VT
RECEIVED

Alleged Violator (Respondent):

Ellery Packard
East Montpelier
Vermont 05651

NOV 21 1996
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You are hereby put on notice that the Agency of Natural Resources believes that you are in violation of the Vermont Statutes, Regulations, and Permits noted below:

Act 250 (Land Use Permit #500032-7, Conditions 1 and 20, and Findings of Fact under
Criteria 4 and 8.
Water Quality Regulations

Description of Alleged Violation: A serious bank failure has occurred which may be related to the ditch draining your residential property. If left unstabilized, winter and spring runoff will result in additional slumping and eventual discharge into the Winooski River. This failure appears to be partially located on land owned by Richard Casavant and the Town of East Montpelier (road right-of-way). It also appears that trees have been cut on the river bank in violation of condition #20 of the Land Use Permit, and that natural vegetation on top of the river bank has been cleared. These actions may result in additional bank failure immediately behind your house.

Compliance Directive: The top of the bank should be stabilized or bermed to prevent additional runoff in the short term. Contact your engineer for professional advice on how this should be accomplished. Repairs to the bank itself must be approved by Barry Cahoon, Stream Alteration Specialist (802) 748-8787.

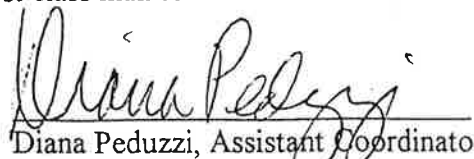
Mr. Cahoon will not be available until after December 2. Until that time this Notice should be considered as a warning that the involved parties should prepare a stabilization plan to insure that further damage does not occur before a repair plan can be approved and implemented. A copy of the interim stabilization plan should be sent to Dan Maxon at the Water Quality Division, 103 South Main Street, Waterbury, Vt 05671-0408.

If you have any questions, you should call me at 479-3621. We request a written response by November 25 which sets forth the reasons for the existence of the alleged violation and your intentions with respect to prompt correction.

This Notice of Alleged Violation was served on the above-designated Respondent by registered mail, return receipt requested, on November 20, 1996, and copied by first class mail to Richard Casavant and the Town of East Montpelier.

Dated: November 20, 1996

BY:


Diana Peduzzi, Assistant Coordinator
District 5 Environmental Commission

11/25/96 Bruce called - Richard has retained Bruce who has contacted Bruce