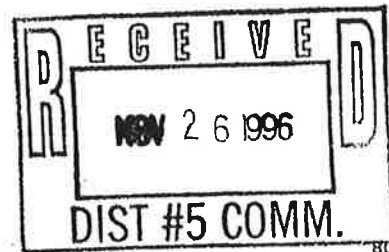


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22 November 1996

Agency of Natural Resources  
and Environmental Board  
Attention: Diana Peduzzi  
324 North Main Street  
Barre, VT 05641

Re: Complaint #BAA-332

Dear Ms. Peduzzi:

This letter is in response to your letter to Ellery Packard dated 20 November 1996. We feel that it is extremely important that we respond immediately as Mr. Packard also feels that there are serious problems pertaining to this matter which should be resolved as soon as possible. Unfortunately, the facts are somewhat different than you indicate in your letter. It certainly appears to us that this is nothing more than an attempt by Richard Casavant to place the blame on a potential problem which was caused directly by himself or by his agents and his refusal to do anything by way of remediation.

Without knowing all of the facts pertaining to this development, it is our understanding that Richard Casavant has owned this land for a number of years and that he hired an engineer to design a road as part of his Act 250 permitting process. The road was then built by someone at his direction. We now understand that the road was dedicated to the Town of East Montpelier which now owns it. We further understand that Mr. Casavant has contacted the Town and advised the Town that it has a problem now that it owns the road and should be resolving any problems caused by the road. As an aside, it appears that the way the road was designed, constructed, and the way it presently sheds water is a cause of the new erosion. The road drains into one low spot which happens to be the boundary between the Packard lot and a lot which was retained by Casavant and is still owned by him.

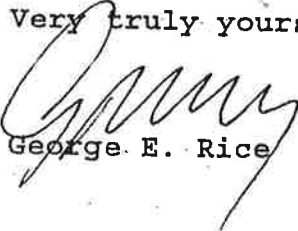
Casavant has accused Packard of creating ditches and swales, thereby channeling water to that area which failed a few weeks ago. Packard categorically denies causing any of the problems which have occurred. In fact, he has slowed the rate of water flow to the problem area.

Any work that was done while Casavant still retained ownership was with Casavant's knowledge and acquiescence. That included removing all of the trees on the lot but those that still remain and cutting approximately 5 trees on the bank at Casavant's suggestion. At the time that Packard purchased the lot, the foundation had already been put into place, rough grading had been completed, and all footing drains were in place. At no time did Casavant express any concern. It was not until the day of the closing that relevant permits and their conditions were provided to Packard.

Casavant's engineer, Wayne Lawrence, has viewed the area and should be providing advice and recommendations to his client so that this matter may be resolved before any damage is done to the Packard lot.

Obviously, Ellery Packard will cooperate in any way to ensure the integrity of his own property and has already advised Richard Casavant of his position. Feel free to contact me directly with reference to this matter.

Very truly yours,



George E. Rice

GER/nma  
cc: Ellery E. Packard, III