

Town of East Montpelier

ZONING PERMIT

NOTICE

[To Be Displayed on the Property in Full View of the Public Right-of-Way]

Date Issued: April 13, 2018

Effective Date: April 28, 2018

Location: 940 Murray Road

Owner: Stephen S. Rauh Trust No. 1

For: 2-Lot Subdivision

Lot 1 10.8-acre building lot

Lot 2 22.44-acre lot w/ existing structures

Application # 18-003

Approved by: C. Bruce Johnson, ZA

Do not start project or commence use prior to the Effective Date. If this permit is based upon a Development Review Board approval, be advised that any appeal of that approval could affect the validity of this permit – do not start project or commence use until that DRB approval is final and clear of any state or local appeal process. This application is available for inspection at the Town Office. This poster must be displayed on the property in full public view for 15 days.

APPEALS TO DRB: A notice of appeal, including the \$150 fee, must be filed with the East Montpelier Town Clerk or Zoning Administrator at the Town Office by the listed Effective Date.

WARNING: State permits may be required for this project. Contact the state Permit Specialist, at (802) 505-5367, before beginning any construction.

TOWN of EAST MONTPELIER

P.O. Box 157
East Montpelier, VT
05651-0157

C. Bruce Johnson, ZA
eastmontadmin@comcast.net
(802) 223-3313 ext. 204

April 13, 2018

Stephen S. Rauh Trust #1
Stephen & Louise Rauh, Trustees
940 Murray Road
East Montpelier, VT 05651

Re: East Montpelier Zoning Application #18-003

Dear Mr. & Ms. Rauh:

Please find enclosed the written decision of the East Montpelier Development Review Board approving your subdivision application #18-003 subject to the following condition:

- The existing horse "run-in" shed near the new subdivision line between Lots 1 & 2 shall be removed or relocated to a conforming location

You have the right to appeal the decision of the Development Review Board. 10 V.S.A. §8504, 24 V.S.A. §4471 and V.R.E.C.P. 5 provide guidance on appeals to the Environmental Division of the Vermont Superior Court, but should you wish to appeal you should seek the advice of an attorney to determine your rights and duties in this particular situation. Generally any appeal must be filed with the Environmental Division within 30 days of the issuance of the decision.

Based on the above-referenced DRB approval I have issued East Montpelier Zoning Permit #18-003 for a 2-lot subdivision of your property at 940 Murray Road. You have 180 days to duly file and record a mylar copy of the approved subdivision plat with the East Montpelier Town Clerk as required by the East Montpelier Land Use & Development Regulations Section 6.6 coupled with 24 V.S.A. §4463(b). The mylar must be certified by me, the zoning administrator, as a true copy of the approved subdivision plat prior to recording.

Please keep me informed regarding the progress on shed removal. Generally we issue the E-911 address for a new lot once development is commenced. If for some reason you need the number prior to that point, just let me know. Feel free to contact me if you have any questions concerning this matter.

Sincerely,



C. Bruce Johnson
East Montpelier Zoning Administrator

**TOWN OF EAST MONTPELIER
DEVELOPMENT REVIEW BOARD**

FINDINGS & DECISION

In the matter of: Stephen S. Rauh Trust No. 1
 Stephen & Louise Rauh, Applicants
 940 Murray Road
 Parcel # 05-076.000 Tax Map # 08-03-74.000

East Montpelier Zoning Application #18-003

INTRODUCTION & PROCEDURAL HISTORY

1. On March 12, 2018, Stephen & Louise Rauh, on behalf of the Stephen S. Rauh Trust No. 1, filed an application with the Town of East Montpelier to subdivide their property located at 940 Murray Road. The proposal would divide the 33.24-acre parcel into 2 lots: Lot 2 of 22.44 acres with existing structures; and, new building Lot 1 of 10.8 acres; both with frontage on Murray Road.
2. The property in question is located in the Rural Residential/Agricultural District – Zone D, where the minimum lot size is 3 acres and subdivisions require approval from the Development Review Board.
3. Applicant appeared before the DRB on February 6, 2018 for an East Montpelier Land Use & Development Regulations Section 6.3 sketch plan review of the proposed subdivision.
4. A public notice was duly published in the Times Argus on March 17, 2018 for a hearing, which was conducted on April 3, 2018.
5. Applicants Stephen & Louise Rauh, applicant representative Kris Jurentkuff, and Zoning Administrator Bruce Johnson appeared and participated in the April 3, 2018 hearing. There was no additional public comment.
6. The Board members who voted on this issue at the April 3, 2018 hearing were Curtis, Welch, Dworkin, Watson, Hill, and Lane.

FINDINGS OF FACT

1. Stephen and Louise Rauh, through the Stephen S. Rauh Trust No. 1, own a developed 33.24-acre parcel located at 940 Murray Road. The current proposal is to subdivide the property to create a new 10.8-acre building lot (Lot 1) and a 22.44-acre remainder lot (Lot 2) with the existing structures.
2. The property is located in Zone D – the Rural Residential & Agricultural District, where a conforming lot requires 3 acres and 250 feet of road frontage. Lot 1 contains 10.8 acres on the south side of Murray Road with approximately 370 feet of road frontage. Lot 2 contains 22.44 acres, including 16.39 acres on the south side of Murray Road with about 500 feet of road frontage.
3. Zone D mandates a front setback of 75 feet from road centerline and 50 feet from all other property lines. The majority of the existing structures on Lot 2 are located well away from the proposed subdivision line. A horse “run-in” shed is, however, located within approximately 30 feet of the new line. The Rauhs propose to take down the shed completely, potentially as soon as mid-April 2018. Complete removal is an acceptable solution, as is requesting and receiving an East Montpelier zoning permit to relocate the shed to a conforming location.
4. The East Montpelier Selectboard approved access for the proposed building lot (Lot 1) on March 5, 2018 (application #18-002).
5. The state has issued a wastewater system and potable water supply permit, WW-5-7623, for the subdivision as proposed.

CONCLUSIONS

The standards for the issuance of a subdivision permit are set forth in Sections 6.7 through 6.10 of the East Montpelier Land Use & Development Regulations. It is found that the standards in Sections 6.7, 6.8, & 6.9 have been reviewed, and the proposed subdivision meets all applicable requirements once the existing shed is removed. It is further found that Section 6.10 does not apply to this project.

DECISION

By unanimous vote, the DRB approves Zoning Permit #18-003 to allow the subdivision of the Rauh parcel located at 940 Murray Road as presented subject to the following condition:

- The existing horse “run-in” shed near the new subdivision line between Lots 1 & 2 shall be removed or relocated to a conforming location

This subdivision approval is subject to the East Montpelier Land Use & Development Regulations Section 6.6 plat recording requirements which, among other directives, mandate the filing of a mylar copy of the approved subdivision plat in the East Montpelier land records within 180 days of the date of subdivision approval.

Warning: State permits may be required for this project. The applicant or permittee retains the obligation to identify, apply for, and obtain relevant state permits for this project. Call (802) 505-5367 to speak to the state Permit Specialist before beginning any construction.

Dated this 7th day of April, 2018.

A handwritten signature in blue ink, appearing to read "Richard Curtis, Jr.", is written over a horizontal line.

Richard Curtis, Jr. -- Chair
East Montpelier Development Review Board

Notice: The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §4471.

1. "Participation" in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
2. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Division of the Vermont Superior Court and by mailing a copy to the East Montpelier Zoning Administrator, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Permit # 18-003
Zoning District D
Overlays WR

ZONING PERMIT APPLICATION
TOWN OF EAST MONTPELIER
PO Box 157, East Montpelier, VT 05651

Date Received: 3/12/18
Parcel # 05-076.000
Tax Map # 08-03-74.000

A. 1. Name of Landowner Stephen S. Rauh Trust No. 1 Phone No. 249-8788
2. Address of Landowner 940 Murray Rd. E. Montpelier, VT - 05651
3. Applicant (other than owner) Stephen & Louise Rauh Trustees Phone No. _____
4. Address of Applicant S/A
5. Location of Property 940 Murray Rd.

B: Application is made (check appropriate boxes):

To:	For:	For:
<input type="checkbox"/> Construct	<input type="checkbox"/> One <input type="checkbox"/> Two-family dwelling	<input checked="" type="checkbox"/> Subdivision of land
<input type="checkbox"/> Repair	<input type="checkbox"/> Multi-family dwelling	<input type="checkbox"/> Boundary adjustment
<input type="checkbox"/> Alter	<input type="checkbox"/> Accessory Structure	<input type="checkbox"/> Extraction of earth resources
<input type="checkbox"/> Extend	<input type="checkbox"/> Commercial / Business	<input type="checkbox"/> Ground water withdrawal
<input type="checkbox"/> Remove	<input type="checkbox"/> Light Industrial	<input type="checkbox"/> Landfilling
<input type="checkbox"/> Change use	<input type="checkbox"/> Industrial	<input type="checkbox"/> Other

Describe work to be performed Create new 10.8 acre building lot out of existing 33.24 acre parcel. LOT 1 (10.8 Acres) for construction of a 4 bedroom residence w/ 1 bedroom apt. LOT 2 (22.44 AC.±) with an existing 4 bedroom residence & accessory buildings

C. Lot description:
1. acreage #1 10.8 #2 22.4
2. road frontage #1 370'± #2 499'± Ft.
3. depth front yard T.B.D. Ft. (Road centerline to building)
4. depth side yards T.B.D. Ft. (building to lot lines)
5. depth rear yard T.B.D. Ft. (building to lot line)

Important - Submit site location map which describes the property on which the proposed land development is to occur. The map should indicate the length in feet of each boundary, the location and dimensions in feet of the development within the property, the distance from that development to all adjacent property lines and the distance to the public road centerline. Each parcel created by land development should be clearly described.

READ BELOW CAREFULLY AND SEE SECTION D ON PAGE 2 OF APPLICATION:

In accordance with 24 V.S.A. §4446, no development or subdivision of land may begin in the Town of East Montpelier until all applicable municipal land use permits and approvals have been issued. The undersigned requests a zoning permit as described above, understanding that the permit will be voided and penalties imposed, if the land development is not completed as described. The permit will be voided if development is not substantially commenced within one year from date of issue. The undersigned hereby applies on the basis of the representations contained herein, and to the best of his/her knowledge believes them to be true. The undersigned acknowledges the Section D notices on page 2 of this application.

Landowner Stephen & Louise Rauh Date 3/12/18
Applicant Stephen & Louise Rauh Date 3/12/18
Co-Trustees

Zoning Permit Fee: \$ 250.00 Cash _____ Check #1079 Date 3/12/18 Rec'd by D.S.
DRB Hearing Fee: \$ _____ Cash _____ Check _____ Date _____ Rec'd by _____

Make checks payable to the "Town of East Montpelier"

D. Warning: State permits may be required for this project. The applicant or permittee retains the obligation to identify, apply for, and obtain relevant state permits for this project. Call (802) 505-5367 to speak to Peter Kopsco, our region's state permit specialist, before beginning any construction.

Notice: ~~Your project may be subject to the state's residential or commercial energy code.~~ For more information contact the Energy Code Assistance Center at 855-887-0673 or see the following web pages:
Residential Building Energy Standards: http://publicservice.vermont.gov/energy_efficiency/rbes
Commercial Building Energy Standards: http://publicservice.vermont.gov/energy_efficiency/cbes

E. Action by Zoning Administrator:

1. ☒ Granted ☐ Denied Date Reason.....

2. Appealed to Development Review Board By
Date

Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.

3. Final Action: Permit # 18-003.. Date Issued 04/13/18..... Effective Date 04/28/18

DO NOT start this project prior to the effective date, as the statutes require a 15-day appeal period. If this permit is based upon a Development Review Board approval, be advised that any appeal of that approval could affect the validity of this permit – do not start project or commence use until that DRB approval is final and clear of any appeal process.

4. Permittee is required to submit a Certificate of Compliance form to the Zoning Administrator in accordance with East Montpelier Land Use & Development Regulations Section 7.4:

☐ Yes (form included with permit) ☒ No


Zoning Administrator

F. Action by Development Review Board:

1. Public Notice Date 3.12.18.....

2. Date(s) of Hearing 4.3.18.....

3. ☐ Granted ☐ Without conditions ☒ With conditions (See written decision for conditions)

4. ☐ Denied (See written decision for reasoning)

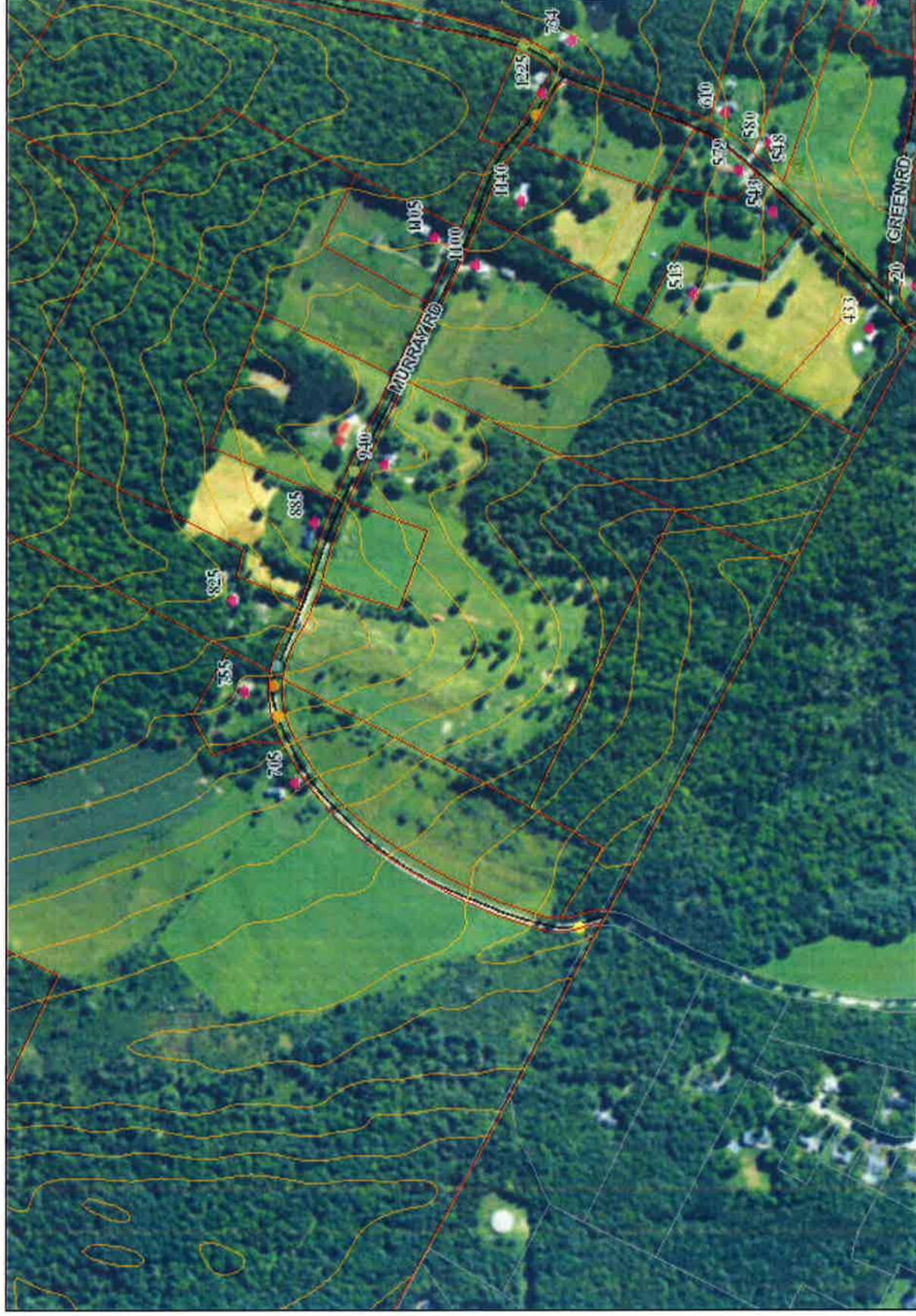

Chairman, Development Review Board

The DRB's written decision was issued on: 04/13/18.....

The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §4471.

1. "Participation" in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
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Rauh -- 940 Murray Road



March 14, 2018

1:9,028
DATE

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT**LAWS/REGULATIONS INVOLVED**

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007
Chapter 21, Water Supply Rules, Effective December 1, 2010

Landowner(s): Stephen S. Rauh Trust No. 1
940 Murray Road
East Montpelier, VT 05651

Permit Number: WW-5-7623

This permit affects the following properties in East Montpelier, Vermont:

<i>Lot</i>	<i>Parcel</i>	<i>SPAN</i>	<i>Acres</i>	<i>Book(s)/Page(s)#</i>
<i>1</i>	<i>05-076.000</i>	<i>195-062-10895</i>	<i>33.24</i>	<i>Book: 144 Page(s): 192-193</i>

This project, consisting of subdividing an existing parcel of 33.24 acres into lot 1 of 10.8-acres for the construction of a 4-bedroom single family residence with an attached 1-bedroom apartment and lot 2 of 22.44-acres with an existing 4-bedroom single family residence located at 940 Murray Road, East Montpelier, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

1. GENERAL

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Craig D. Chase, with the stamped plans listed as follows:

<i>Title</i>	<i>Sheet Number</i>	<i>Plan Date</i>	<i>Revision Date</i>
<i>DETAILS SHEET</i>	<i>DTLS1</i>	<i>02/19/2018</i>	
<i>SUBDIVISION PLAN</i>	<i>PLAT</i>	<i>02/19/2018</i>	<i>03/16/2018</i>
<i>SITE PLAN</i>	<i>SP1</i>	<i>02/19/2018</i>	

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits PRIOR to construction including, but not limited to, those that may be required from other State departments; or local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the East Montpelier Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the East Montpelier Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.



- 1.6 Lot 1 now being 10.8-acres is approved for the construction of a 4-bedroom single family residence with a 1-bedroom attached apartment. Construction of additional nonexempt buildings, including commercial and residential buildings, is not allowed without prior review and approval by the Drinking Water and Groundwater Protection Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.7 Lot 2 of 22.44-acres is approved with an existing 4-bedroom single family residence. No alterations to the existing building other than those indicated in this permit that would change or affect the potable water supply or wastewater system shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division. Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations.
- 1.8 Each purchaser of lot 1 of the project shall be shown copies of the Wastewater System and Potable Water Supply Permit, the stamped plans, and **Innovative/Alternative System Approval letter #2004-02-R4 for Advanced Enviro-Septic (AES), Enviro-Septic® (ES), and Simple Septic® (SS) Pipe Leaching System)** prior to conveyance of the lot. The Innovative/Alternative Approval contains special requirements that need to be complied with for the project to remain in compliance with this permit.
- 1.9 Each new owner of lot 1 shall inform the Drinking Water and Groundwater Protection Division and vendor within 30 days of the transfer of the property and include the name and mailing address of the new owner.
- 1.10 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.11 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

2. WATER SUPPLY

- 2.1 Lot 2 is authorized to utilize the existing on-site water supply system for 490 gallons per day provided the potable water supply is operated at all times in a manner that keeps the supply free from contamination. No changes shall be made to the existing water system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division. No other means of obtaining potable water shall be allowed without prior review and approval by the Drinking Water and Groundwater Protection Division unless otherwise exempt. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".
- 2.2 The 4-bedroom single family residence with a 1-bedroom attached apartment on lot 1 is approved for a potable water supply using a drilled or percussion bedrock well for 630 gallons of water per day provided the supply is located as shown on the stamped plan(s) and meets or exceeds the isolation distances, construction standards, and water quality standards required in the Water Supply Rule.
- 2.3 The landowner shall operate the potable water supply in a manner that keeps the supply free from contamination. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".
- 2.4 The components of the potable water supply herein approved for lot 1 shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 2.5 The water source location for lot 1 as shown on the stamped plan(s) shall be accurately staked out and flagged prior to any construction on this project with the flagging being maintained until construction is complete.


- 2.6 Prior to constructing the potable water supply for lot 1, other than drilling of the well, the landowner shall obtain an amended permit or approval letter from the Drinking Water and Groundwater Protection Division. The landowner shall submit plans prepared by a qualified Vermont Licensed Designer for a water distribution system, including sizing calculations, specifications for pumps, hydropneumatic tanks, and storage facilities, to the Drinking Water and Groundwater Protection Division for approval.
- 2.7 Prior to the use of the water system for the apartment on lot 1, the landowner shall test the water for total coliform bacteria, arsenic, chloride, iron, manganese, nitrate, nitrite, odor, PH, sodium and uranium content and the water quality analyses shall be found to comply with the standards in the Water Supply Rules. All water quality tests shall be conducted at a laboratory certified by the Vermont Department of Health (a list of which can be found on the VDH website) to conduct the specific tests. Results of the water tests shall be submitted to the Drinking Water and Groundwater Protection Division for review and approval prior to use.

3.WASTEWATER DISPOSAL

- 3.1 Lot 2 is approved with an existing wastewater system for 490 gallons per day. No changes shall be made to the existing wastewater system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division. Should the system fail and not qualify for the minor repair or replacement exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and to submit an application to the Drinking Water and Groundwater Protection Division and receive written approval prior to correcting the failure.
- 3.2 The 4-bedroom single family residence with a 1-bedroom attached apartment on lot 1 is approved for the disposal of wastewater in accordance with the design depicted on the stamped plan(s) for 630 gallons of wastewater per day.
- 3.3 The system(s) shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. The landowner shall immediately notify the Division if the wastewater system fails to function properly and becomes a "failed system". Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.4 The 4-bedroom single family residence with a 1-bedroom attached apartment on lot 1 is approved for wastewater disposal by construction and utilization of the site-specific **Innovative/Alternative System** wastewater system depicted on the stamped plans. The Drinking Water and Groundwater Protection Division shall allow no other method or location of wastewater disposal without prior review and approval.
- 3.5 The components of the wastewater system herein approved for lot 1 shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or when allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 3.6 The 4-bedroom single family residence with a 1-bedroom attached apartment on lot 1 is approved for a mound wastewater system provided the mound is constructed in strict accordance with the following conditions:
 - a. The mound system is to be located and constructed as depicted on the plans that have been stamped by the Drinking Water and Groundwater Protection Division.
 - b. A qualified Vermont Licensed Designer shall inspect the mound system during critical stages of construction. This shall include the staking of the location of the mound, ensuring the site has been properly plowed prior to placement of the appropriate sand fill, the installation and testing of the distribution piping, final grading of the mound including side slopes, and pump station installation.
 - c. The construction of the mound shall adhere to the requirements set forth in Section 1-913(f) of the above referenced rules.
- 3.7 The corners of the proposed primary wastewater area(s) for lot 1 shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.

- 3.8 The wastewater systems for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.9 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater systems are allowed on or near the site-specific wastewater disposal systems depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater disposal field.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By  _____ Dated March 21, 2018
Carl Fuller, PE
Regional Engineer
Montpelier Regional Office
Drinking Water and Groundwater Protection Division

Enclosures:

Innovative/Alternative System Approval letter #2004-02-R4

cc: Craig D. Chase
East Montpelier Planning Commission
Presby Environmental Inc.

