

TOWN OF MARLBORO  
DEVELOPMENT REVIEW BOARD MEETING  
Tuesday, May 19, 2020, 7:00PM, by videoconference

**In attendance:**

*DRB:*

Steven John (Chair)  
Jean Boardman (Vice Chair)  
Mary Sargent (Zoning Administrator)  
Gail MacArthur  
John Nevin

*Applicants:*

Ben Joyce (Applicant for Owner)

*Public:*

John Broker-Campbell (ANR)  
Peter Barus (Recorder)

The meeting was called to order at 7:08 PM  
The videoconference was recorded.  
Everyone introduced themselves.

**Applicant:**

Dr. John administered the oath to the applicant's representative, Ben Joyce, on behalf of Andrew Connell, 51 Trumbull Ave., Stonington, CT 06378;

Mr. Joyce explained that the purpose of the application is for installation of a water and wastewater system on Mr. Connell's property, to service an existing Primitive Camp on the property at 5661 Augur Hole Road, Marlboro, Vermont

Documents were provided (see Appendix).

Proposal: Change of Use; Convert Primitive Camp into a Single-Family Residence.

Documents were shared on screen (Tax Map # 03-OO-24) during discussion.

Dr. John noted that he had observed the site from the road. It was noted that the driveway shown as "proposed" had been permitted previously. Mr. Joyce explained that "approximate property line" means the engineer's approximation, based on field evidence found, probably flags Mr. Joyce had placed along that line; that he had not been hired to do a full boundary survey, but had looked for monumentation from the deed, and found the "iron bars" by the road, and by the river, missing; and that the line shown is based on some remnants of fencing wire embedded in trees, and some rough measurements along the road north and south from boundaries of abutting properties.

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Mr. Joyce explained that the proposed two-bedroom house is not planned at this time; that the owner wants to install the wastewater and well system for the camp;

There was discussion of the system depicted on the site plan and whether it showed an accurate footprint of the camp. Dr. John noted concerns about approving a wastewater and well system, implying that a building permit would be approved for the two bedroom house shown on the plan; that Mr. Connell has asked to change use of the building, from a “primitive camp” to a residence.

Mr. Joyce explained that the applicant was asking to install a wastewater and well system that the camp can tie into; and that the two bedroom house was not part of the application; and that the “primitive camp” by definition is not attached to a wastewater and well system; and that they were only asking for approval of a wastewater and well system, changing use from camp to single family residence.

Ms. MacArthur suggested that the client was expected to have reviewed the Town’s Zoning Regulations, and must know that this is a flood zone. Mr. Joyce explained that his client probably did not understand the regulations very well.

Ms. Boardman asked whether the application had been submitted to the state showing the proposed two bedroom house, and whether the wastewater and well permit had allowed that septic system to be built for that additional building, in the location as shown. Mr. Joyce responded in the affirmative, that the wastewater and well system is for the proposed two-bedroom home depicted on the site plan, as well as the one bedroom “guest quarters” that had been the “primitive camp.”

Mr. Broker-Campbell clarified that he had not participated in that permit process.

Other questions were invited, and were raised about the proposed and existing buildings, as to use as residences, whether they would be connected, etc.

There was consensus that the site plan needed to be amended to show what was actually happening on the ground.

Dotted lines representing the leach overshadow and well radius with respect to setbacks from the stream and boundaries, noting that the proposed well was not yet drilled, and that there is no current water source. It was noted that the permit was for water and wastewater together, a new drilled well and new septic system installation.

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Mr. Joyce explained that a perk test had been done and that the permit was approved for the leach field and septic system, and as shown on this site plan; that this was the same plan submitted to the state.

Ms. Sargent suggested that the plan was not complete. Dr. John discussed whether approval of the current submission could be construed as implicit approval of further construction in the future, noting specifically that this would not be the case. Mr. Joyce inquired as to reasons it could not be built as shown.

Dr. John explained two difficulties, one being the vagueness of the property boundary shown in the plan, noting that the Board cannot make any variance in that regard, and until properly surveyed, as would normally be expected in such applications, the location of the leach field with respect to such a vague boundary is an open question. Mr. Joyce suggested that the site plan had been prepared by a civil engineer who was comfortable with the line as shown, whether or not it was fully surveyed beforehand. Dr. John explained that if the line was closer than shown in the plan, it was not in compliance, and could not be approved.

Dr. John explained that the second, larger concern regarding building on this property was the floodplain.

Mr. Broker-Campbell discussed the distinctions between the ANR Mapped River Corridor, the FEMA fluvial hazard overlay, and the Flood Plane, noting that the property is probably outside the FEMA Flood Hazard area, but likely within the Mapped River Corridor, and that the Town has a prohibition on building within that zone.

Dr. John noted that a Change of Use would be needed, but it was not clear that this could be approved for a building permit, as it appeared outside the regulations.

Mr. Joyce asked if this had to do with the stream buffer. Ms. Sargent explained that that measure only applies outside a Mapped River Corridor.

Dr. John noted that the Board was taking care not to mislead a taxpaying property owner; that if Mr. Connell was going to invest in a wastewater and well system, there would be the appearance of an intention to improve the property. Mr. Joyce responded that Mr. Connell's intention now was indoor plumbing in the existing Primitive Camp; that the two-bedroom home may never be built.

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Dr. John asked whether the property was buildable with a permanent structure; was there sufficient setback from road and flood zone, and the vague northern boundary; noting that this must be verified and regulations met. Mr. Nevin noted that there was an opportunity to build, but one structure only. Dr. John suggested that an ideal solution would be to make sure that the owner's attention had been called to the fact that for improvements to be contemplated, they must comply with the Town regulations.

A site visit was suggested, to ensure that the Mapped River Corridor is accurately mapped; this would be a visit from the state agency.

There was discussion of the Mapped River Corridor calculation and its application in wastewater system design; and of GIS lines versus site plan lines; the accuracy of the MRC lines. Mr. Broker-Campbell explained that the MRC is based on a computer-generated map, and should be verified by a site visit, noting that with 15,000 miles of streams to walk, accuracy could not be certain; but the state can go into the field and verify what is shown on the map; that for smaller streams, towns typically impose 50 to 75 ft. setbacks; that the rule of thumb is six times channel width.

There was discussion of streams and boundaries shown on the aerial photographs and the site plan; of the setback of the Primitive Camp eleven feet from the drawn property line that had been "grandfathered in," never legalized; and the suggestion that an abutter had surveyed their boundaries, which could be used for an accurate line.

Mr. Joyce noted that monumentation from those surveys was missing, but old wire fence fragments embedded in trees were referenced, and the rest was drawn by a compass bearing; and asked if there was other information that the application required.

Ms. MacArthur asked if the applicant planned to convert the Primitive Camp to a one bedroom home. Mr. Joyce explained that only the wastewater and well system was planned.

Dr. John noted that if there was a wastewater approval from the state, it would usually be sufficient, and asked whether there was concern that it did not comply with the Town regulations.

It was noted that the location of the two-bedroom home shown in the site plan meets



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the state requirement, but does not meet the town bylaws; that this permit would have to be amended, because the two-bedroom house is not in compliance and cannot be located there; that the state recognizes this; that the permit is incomplete.

Ms. Sargent explained that the Town zoning regulations include the additional overlay, and the Town overrides the state.

Dr. John invited discussion of the question, since the wastewater and well installation is a Change-of-Use from Primitive Camp to Dwelling, and they have a state permit, would the Board be able to approve?

Mr. Broker-Campbell noted that the Wastewater Permit as signed is only approval for the well and wastewater system; and while it seems to say it's also valid for the two bedroom house, it is unlikely that the two-bedroom house can be built there, because the house is not in compliance with Marlboro regulations

Ms. Sargent concurred.

Mr. Joyce suggested, if that was the case, that the Board write into the decision that it is only for the wastewater and well system, and does not recognize the two-bedroom house shown in the site plan.

Ms. Sargent explained that the permit needs to be amended to recognize an updated site plan, without the two-bedroom house.

Dr. John noted another reason the application was not complete: the setbacks were not known to be accurate. Mr. Joyce suggested that as with the plan submitted, approximate lines on a wastewater site plan were normal procedure, and there was no reason to suspect it was not accurate; and that 5 or 49 feet is a pre-existing nonconforming structure ("grandfathered in").

Dr. John noted that that was still a Change of Use, from camp to year-round, plumbed dwelling.

Mr. Joyce explained that this was why the application was for Change of Use, although realistically it may not be a change of actual use.

Ms. MacArthur explained that the wastewater system redefined it as a residence.

Further discussion was invited.

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Mr. Joyce listed the concerns as, site within Mapped River Corridor, and a state site visit was needed to ensure compliance regarding the leach field.

It was noted that in some cases a site visit by the ANR is appropriate to verify the mapped RC data.

Mr. Broker-Campbell explained that the MRC doesn't affect Change of Use, but only the proposed structure; and suggested that the Town might want to look into this bylaw with a view toward modification. There was discussion of whether a grandfathered property could be "up-developed." Mr. Broker-Campbell explained that, if the setback from the stream is not decreased, a grandfathered property that overlaps may be upgraded.

Mr. Joyce asked what the client needs to do, to proceed. There was discussion, that requesting a site visit by the ANR when a revised application is submitted would be possible.

Dr. John noted concerns about this document for Change of Use, that it showed items not relevant to Change of Use.

Ms. Boardman noted that the Board must consider that structure would become a residence, and the plot must show correct setbacks for the grandfathered structure, and any plans to extend it; that care should be taken to avoid future conflict between property owners; that the Board should be forthright with the neighbors about what it is doing.

Mr. Broker-Campbell departed the meeting at 8:08PM.

There was discussion of setbacks; that a legal setback was 50ft; that the camp was nonconforming, but grandfathered; that the footprint could not be expanded. Mr. Joyce noted that the owner recognized these points.

There was discussion, reviewing the Zoning Bylaws, of §384 para. 8 on "repair, relocation, replacement or enlargement for use within a special flood hazard area" provided compliance with standards in §385, such as "reasonably safe from flooding, anchored, etc."

Dr. John noted that, at some expense, the owner can usually mitigate flood issues; Ms. MacArthur noted that the existing camp, but not a new structure, might be

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repaired, relocated, replaced, enlarged as suggested. Ms. Sargent noted construction requirements for raising the level of the lowest floor above the base flood level, for example.

Mr. Joyce observed that the building was located within the stream buffers, not within the special flood hazard area – the 100 yr flood plain shown on the plan – and the leach field still 70 feet away from that. Dr. John explained that the disagreement was about something else.

There was discussion of the special flood hazard overlay and the definitions in the bylaws.

Dr. John observed that while appreciating that the applicant was not knowledgeable about all of this, the application has not put the Board in a position to come to a positive decision for the land owner at this point.

Mr. Joyce cited §202 para. 4, listing activities not requiring Zoning permits. Ms. Sargent explained that the application did not qualify for any of the listed exemptions.

Dr. John explained that this matter would take further considerations on the part of the property owner; that the Board must deal with what is presented, and further work was needed before the Board could consider a Change of Use; that there would be deliberations in Executive Session on what the needs were, but the Board could not anticipate what the client wanted to do.

Mr. Joyce observed that a punch-list to install the wastewater and well was the original intent of the application. Dr. John noted that the application seemed to indicate something of a higher level in the offing; that the Board can say specifically what would be proper in a permit; but that the problem was that the Primitive Camp could not be so designated after installing the wastewater system; and that the owner would be well advised to explore alternatives.

Ms. Sargent observed that to make improvements, owners must comply with the code.

Dr. John noted that it seemed possible to build something there that would become a residence, but it was not clear from this application how that would be possible.

Mr. Nevin noted that, were the second building taken off the plan, something more

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straightforward could be addressed.

Dr. John explained that the wastewater meant it was no longer a camp; and that was what the owner wanted to do; so the Board must be satisfied that the requirements for Change of Use were met; and the submission showed another building.

There was discussion of the camp footprint. Dr. John requested more detail on compliance with the setbacks, before the Board could respond; and asked whether the camp would be a residence, as wastewater would define it.

It was noted that the two-bedroom house was not part of the Change of Use application; that it must be established whether the wastewater system was in the MRC.

It was suggested that the wastewater system was possible to build, but the two-bedroom house was not.

Dr. John noted that, observed from the road, it was clear that it was all river bottom on that side of the road; and it was necessary to know where the MRC was; that there could be an opportunity to conform the zoning, if the owner decided to build in a permissible location; that the Board could take the permit application for just the camp and septic system, with sufficient additional information.

Ms. Sargent noted that structures to be substantially improved must have a FEMA Elevation Certificate

Ms. MacArthur noted that different interpretations were being presented; that the permit asked to build a wastewater system, not to improve the camp; that if improvements to the camp were being asked, these regulations would apply.

Mr. Joyce requested a letter to the owner describing options. Dr. John explained that the property owner presents what they want to do; the burden is on the them to read the regulations and figure things out; the DRB is not a consultant, it is a quasi-Judicial entity that makes decisions on what is presented. It can provide a short list of requirements, but until the inherent conflict in the application is resolved, between hooking up the septic system, and changing a camp to a residence, everyone is stuck with Change of Use. It isn't sufficient to make a more accurate map and establish property lines, because of the complication of the MRC question.

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There was discussion about Mr. Broker-Campbell's mention that the ANR would approve the wastewater within the MRC. Dr. John suggested that a letter of opinion from the ANR would be helpful, if based on their site visit and not just the map provided, which does indicate the camp, and the wastewater system, is within the MRC.

Ms MacArthur suggested that if the ANR could come out and map the site as it exists on the ground, something might come of that to the owner's benefit, or not.

Dr. John noted that with that documentation, the Board would seek legal counsel as to what was permissible under the Town bylaws; but the Board is unable to approve the application as submitted.

There was discussion of Variances; that there are five criteria to meet; that it seemed doubtful that this case would meet all five criteria.

It was suggested that the applicant withdraw this application; that the Board deliberate and send a letter saying there is not sufficient documentation to reach a decision,

Mr. Joyce explained that withdrawing would not be beneficial; that if a survey was needed, the regulations require a site plan; that if the state remaps the stream buffer area, and it all turns out the same, the same situation would result.

Dr. John suggested that Mr. Joyce let Ms. Sargent know, and that she would advise the Board that legal counsel was needed about the Change of Use requirement.

Dr. John asked, if the properly owner did not want a properly surveyed line there, what was the state regulation regarding this radius line around the septic system, and whether 20 feet from the abutting property was enough for a leach field.

Ms. MacArthur noted that the state did issue a permit for that (23 feet).

Mr. Joyce noted that the site plan was a typical plan from engineers.

Dr. John thanked the applicant, and explained that after Executive Session the Board would probably return the submission for further review and consultation; not so much a checklist as a redirection on what needed to be considered; and asking for advance notice so the Board could seek legal advice if need be.

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The applicant was excused.

### **Executive Session**

The Board entered Executive Session by unanimous consent at 8:45 PM, and returned at 9:15pm

Ms. Boardman moved that the Board draft a memorandum to the applicant advising them to review and revise the site plan, and resubmit for wastewater permit approval only; and further advising them to establish the site plan with a Letter of Opinion from the Agency of Natural Resources, regarding whether the Primitive Camp and the wastewater and leach field are within the Mapped River Corridor. Second by John Nevin. After discussion, by roll call vote, All in Favor.

### **Other Business**

Two items were noted for next month, a meeting will be held the third Tuesday, June 16, 2020, 7:00PM by zoom videoconference.

### **Adjournment**

Ms. Boardman moved to Adjourn. Second by Mr. Nevin. All in Favor.  
The meeting was Adjourned at 9:24 PM

*Respectfully submitted, April 21 , 2020, Peter Barus, Admin. Asst.*

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## Appendix

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- 2 : Warning Notice of Hearing on May 19, 2020
- 3-6 : Permit Application, signed by Owner dated April 27, 2020, and by Applicant dated 4/27/20
- 7 : Water Supply & Septic System Design, Details and Notes, dated 1-31-2020, revised 4-17-20, prepared by Marquise & Morano for the Connell property (Tax Map # 03-00-24)
- 8-9 : Approved WasteWater System Permit # WW-2-6046, dated March 10, 2020
- 10 : Town of Marlboro CTI Map: Tax Map # 03-00-24, showing parcel boundaries, dimensions, and 20-foot contours, printed on May 6, 2020
- 11 : Town of Marlboro CTI Map: Tax Map # 03-00-24, showing parcel boundaries and Bing Imagery, printed on May 6, 2020
- 12-13 : Town of Marlboro CTI Maps (2): Tax Map # 03-00-24, with Bing Imagery enlarged to reveal existing structures on the ground (not recognized on the Tax Map), showing approximate location on the parcel
- 14 : Authorization of Applicant Ben Joyce to represent Owner Andrew Connell, dated April 27, 2020
- 15-16 : List of abutters to Andrew Connell property (Tax Map # 03-00-24), with corresponding Town of Marlboro CTI map, printed on April 30, 2020

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LEGALS  
TOWN OF MARLBORO  
DEVELOPMENT REVIEW BOARD

A public hearing before the Development Review Board of the Town of Marlboro will be held as a Zoom electronic meeting at 7 PM on Tuesday, May 19, 2020, to consider:

1. Permit # 20-04 CH: Owner: Andrew Connell, 51 Trumbull Ave., Stonington, CT 06378;  
Applicant: Benjamin Joyce, PO Box 115, Wilmington, VT 05363;  
Location: 5661 Augur Hole Road, Marlboro, VT; Tax Map Number 03-00-24;  
Proposal: Change of Use; Convert Primitive Camp into a Single-Family Residence.

The above application is available for inspection at the Marlboro Town Office.

Persons wishing to participate in the meeting from a remote location should contact the Zoning Administrator no later than May 15, 2020. Persons wishing to appeal and be heard may do so in person or be represented by an agent or attorney. Communication about an application may be filed in writing with the DRB or at the Hearing.

Mary Sargent, Zoning Administrator  
[marlborozoningoffice@gmail.com](mailto:marlborozoningoffice@gmail.com)

Scheduled Zoom meeting:

Topic: DRB Hearing: May 19, 2020  
Time: May 19, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/84111878924>

Meeting ID: 841 1187 8924  
One tap mobile  
+13126266799,,84111878924# US (Chicago)  
+16465588656,,84111878924# US (New York)

Dial by your location  
+1 312 626 6799 US (Chicago)  
+1 646 558 8656 US (New York)  
+1 301 715 8592 US (Germantown)  
+1 346 248 7799 US (Houston)  
+1 669 900 9128 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
Meeting ID: 841 1187 8924  
Find your local number: <https://us02web.zoom.us/j/84111878924>



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**ZONING PERMIT APPLICATION**

Permit # 20-04 CH

Town of Marlboro, Vermont

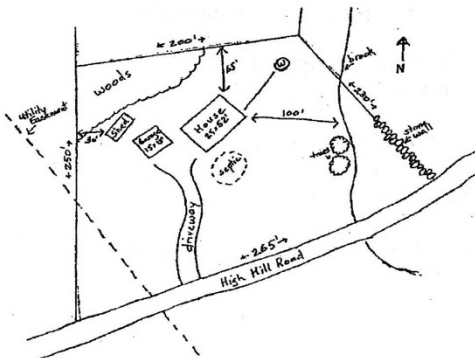
PO Box E Marlboro, VT 05344 802-254-2181

Fax 802-257-2447 [marlborozoningoffice@gmail.com](mailto:marlborozoningoffice@gmail.com)

**General Information for Permit Applicants**

- An application can not be processed until it is complete and accurate, and the appropriate fees have been paid.
- A complete application requires the signature of the owner(s) of record of the property **and** authorization to represent owner, if the applicant is not the owner of record.
- Any additional pages or attachments must be signed and dated by the applicant, and must include the tax map number of the parcel being developed.
- Fees must be submitted with the application. See permit fee schedule for amounts due.
- Inspection by the Zoning Administrator may be required before the project start.
- The Zoning Administrator has 30 days to act after the receipt of a **complete** application [24 V.S.A. 4448(d)]. **Plan your projects with this time frame in mind.** No permitted development may be undertaken until the appeal period (15 days following the issuance of a zoning permit) has passed.
- Denials may be appealed to the Development Review Board by filing a written request within 15 days of the denial.

EXAMPLE



Marlboro, Vermont Town Clerk's Office Received & Recorded	
Date _____	
Book _____	Page _____
Attest: _____	
Town Clerk	

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**Complete all information in ink.** If an item does not apply to you, please write in "n/a".

Owner(s) <u>ANDREW CONNELL</u> Mail Address <u>51 TRUMBULL AVE.</u> <u>STONINGTON, CT 06378</u> Phone <u>1-917-345-7326</u> Email <u>acorcovado@yahoo.com</u>	Applicant (if different) <u>BENJAMIN JOYCE</u> Mail Address <u>PO BOX 115</u> <u>WILMINGTON, VT 05363</u> Phone <u>802-464-1244</u> Email <u>joycelandsurveying@myfairpoint.net</u>
Address <u>5661 AUGUR HOLE ROAD</u> House #                      Road Tax Map # <u>03</u> - <u>00</u> - <u>24</u> Zone <u>RUR</u> # Acres <u>6.20</u> Book <u>64</u> Page <u>59</u>	<b>Present Use</b> <input type="checkbox"/> Single or Two-Family Residence <input type="checkbox"/> Multi-family Residence <input type="checkbox"/> Accessory Dwelling Unit <input checked="" type="checkbox"/> Camp <input type="checkbox"/> Educational <input type="checkbox"/> Commercial <input type="checkbox"/> Undeveloped Land <input type="checkbox"/> Other _____
<b>Proposed Project (sketch plan required)</b> <input type="checkbox"/> New Structure <input type="checkbox"/> Additional to Existing Structure <input type="checkbox"/> Accessory Use <input checked="" type="checkbox"/> Other <u>CONSTRUCT NEW WATER &amp; WASTEWATER</u> <u>SYSTEM.</u>	<b>Proposed Project (site plan required).</b> <input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> PUD <input type="checkbox"/> Other _____

Explain proposal. (Attach additional sheets if needed. **Each** additional sheet must include the tax map number in the upper right corner of pages.)

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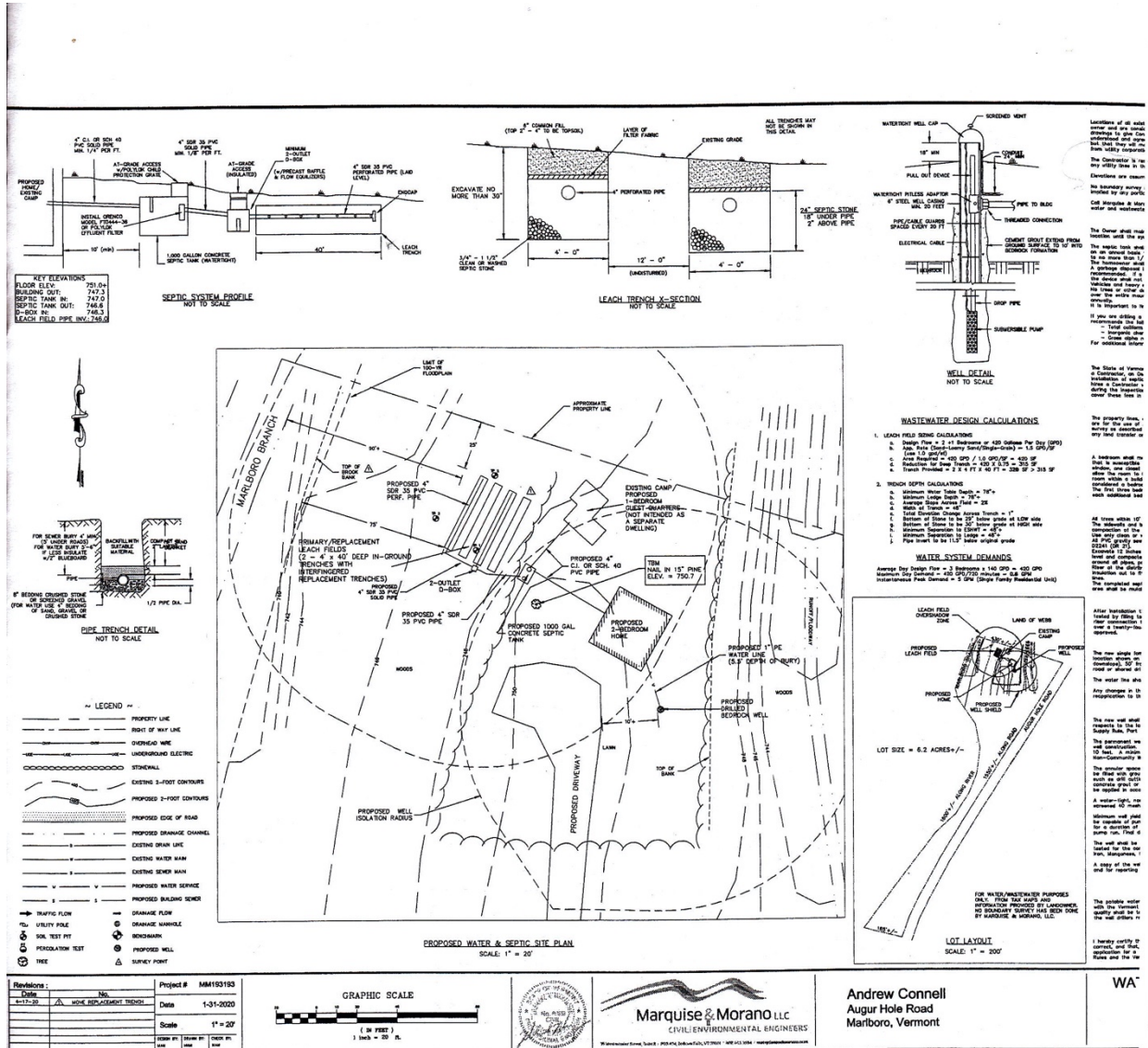


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Submit a project sketch, locating the project area. The sketch plan must be **in ink** and must:

- ☒ show boundary lines, road frontage, driveways, easements, and rights-of-way
- ☒ locate **all** existing buildings/structures, with dimensions, heights, and setback distances from property lines, roads, brooks, and ponds.
- ☒ locate all proposed structures, with dimensions and setback distances from property lines, roads, brooks, and ponds
- ☒ indicate existing and/or proposed wells, septic tanks, and leach fields
- ☒ indicate North
- ☒ show location of brooks, ponds, wet areas, and significant landmarks or resources, such as stone walls or cellar holes.

# TOWN OF MARLBORO DEVELOPMENT REVIEW BOARD MEETING Tuesday, May 19, 2020, 7:00PM, by videoconference



**NOTE: THIS PERMIT IS VOID IN THE EVENT OF MISREPRESENTATION. PERMITS EXPIRE ONE YEAR FROM THE EFFECTIVE DATE IF THE PROJECT HAS NOT BEEN STARTED, AND TWO YEARS FROM THE EFFECTIVE DATE IF THE PROJECT HAS NOT BEEN SUBSTANTIALLY COMPLETED.**

Date Approved:

Date Posted:

Date Valid:



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TAX MAP NUMBER 03 - 00 - 24

**Authorization of Owner(s) of Record:**

I (We) certify that all information on this document is true and accurate. I (We) authorize the Zoning Administrator to enter the property.

Andrew Cornell  
Signature(s)

April 27, 2020  
Date

**Certification of Applicant (if different):**

I hereby certify that all information on this document is true and accurate, and that I am acting on behalf of the owner of record.

[Signature]  
Signature

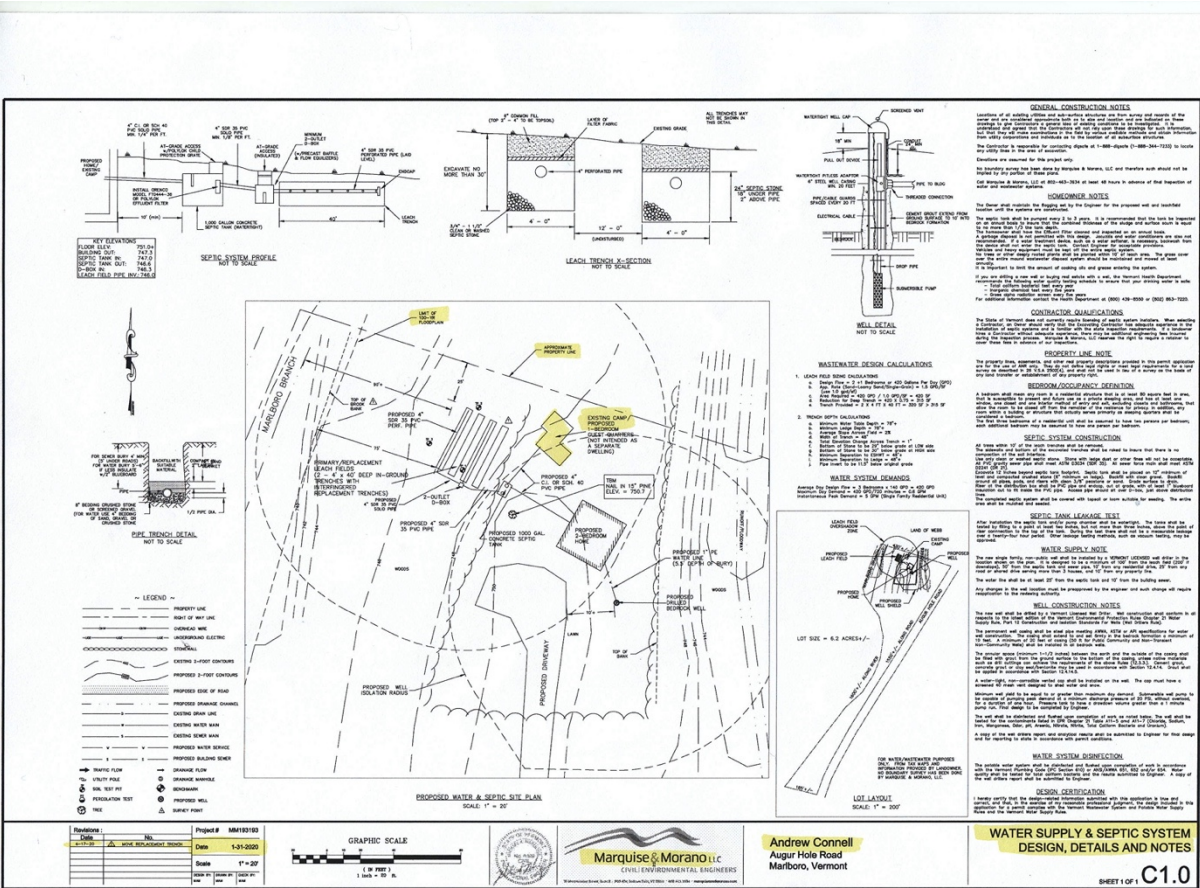
4/27/20  
Date

**MARLBORO OFFICIAL USE ONLY**

Permit # 20-04 CH

Zoning Administrator	Development Review Board
Date received: <u>27 APRIL 2020</u>	Date DRB determines application complete:
Date accepted as complete:	Date of hearing: <u>19 MAY 2020</u>
Fee received: \$ <u>165.00</u> Date: <u>27 APRIL 2020</u>	
ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input checked="" type="checkbox"/> REFERRED TO DRB	ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED
Date of action: <u>REFERRED TO DRB: 6 MAY 2020</u>	Date of action:
Effective date:	Date decision issued:
Expiration date:	
Inspection date:	
Notes & Conditions:	Conditions/Findings Letter: (within 45 days of hearing adjournment)
Signature:	Signature:





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State of Vermont  
Department of Environmental Conservation

Agency of Natural Resources  
Drinking Water and Groundwater Protection Division

**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 April 12, 2019

**Permittee(s):** **Andrew Connell**  
**51 Trumbull Avenue**  
**Marlboro, VT 05101**

**Permit Number: WW-2-6046**

This permit affects the following property/properties in Marlboro, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
1	03-00-24	378-117-10182	6.20	Book:64 Page(s):59

This application, a proposed new 2-bedroom home to be served by new water and wastewater systems that will also be connected to an existing seasonal camp which will be used as a year round guest quarters, located at 5661 Augur Hole Road in Marlboro, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions. 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.

**1. GENERAL**

- 1.1 The permittee is responsible to record this permit in the Marlboro Land Records within thirty days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.2 The permittee is responsible to record the design and installation certifications and other documents that are required to be filed under these Rules or under a permit condition in the Marlboro Land Records.
- 1.3 Each assign or successor in interest shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s) prior to the conveyance of a lot.
- 1.4 By acceptance of this permit, the permittee 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.
- 1.5 This permit does not relieve the landowner from obtaining all other approvals and permits from other State Agencies or Departments, or local officials prior to construction.

**2. CONSTRUCTION**

- 2.1 Construction shall be completed as shown on the plans and/or documents prepared by Michael A. Marquise, with the stamped plans listed as follows:

Title	Sheet	Plan Date
Water Supply and Septic System Design, Details, and Notes for Andrew Connell	1 of 1	01/31/2020

- 2.2 Construction of wastewater systems or potable water supplies, or buildings or structures (as defined by the Wastewater System and Potable Water Supply Rules), or campgrounds, not depicted on the stamped plans, or identified in this permit, is not allowed without prior approval by the Drinking Water and Groundwater Protection Division.
- 2.3 No buildings, roads, water pipes, sewer services, earthwork, re-grading, excavation, or other construction that might interfere with the operation of a wastewater system or a potable water supply are allowed on or near the site-specific wastewater system, wastewater replacement area, or potable water supply depicted on the stamped plans. Adherence to all isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules is required.



Regional Offices – Montpelier/Essex Jct./Rutland/Springfield/St. Johnsbury



TOWN OF MARLBORO  
DEVELOPMENT REVIEW BOARD MEETING  
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Wastewater System and Potable Water Supply Permit  
WW-2-6046

Page 2 of 2

**3. INSPECTIONS**

- 3.1 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 permit conditions, were inspected, were properly tested, and have successfully met those performance tests"* or which satisfies the requirements of §1-311 of the referenced rules.
- 3.2 Prior to the use of the potable water supply, the permittee shall test the water for Arsenic, Escherichia coli (E. coli), Fluoride, Lead, Manganese, Nitrate as N, Nitrite as N, Total Coliform Bacteria, Uranium, Adjusted Gross Alpha Particle Activity, Chloride, Sodium, Iron, Odor and pH. 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). Results of the water tests shall be submitted to the Drinking Water and Groundwater Protection Division and the Vermont Department of Health prior to use.

**4. DESIGN FLOW**

- 4.1 Lot use and design flows (gpd) shall correspond to the following.

Lot	Building	Building Use / Design Flow Basis	Wastewater	Water
1	1 & 2	2-bedroom home @ 4 occupants with 1-bedroom guest house @ 2 occupants	420	420

**5. WASTEWATER SYSTEM**

- 5.1 Prior to construction or site work, a designer shall flag the proposed leachfield, and the owner shall maintain the flags until commencement of construction of the system.
- 5.2 Should the wastewater system fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.
- 5.3 This permit does not relieve the permittee of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

**6. POTABLE WATER SUPPLY**

- 6.1 Prior to construction or site work, a designer shall flag the center of the proposed potable water source and the owner shall maintain the flag until commencement of construction of the source.
- 6.2 Should the potable water supply fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.

Peter Walke, Commissioner  
Department of Environmental Conservation

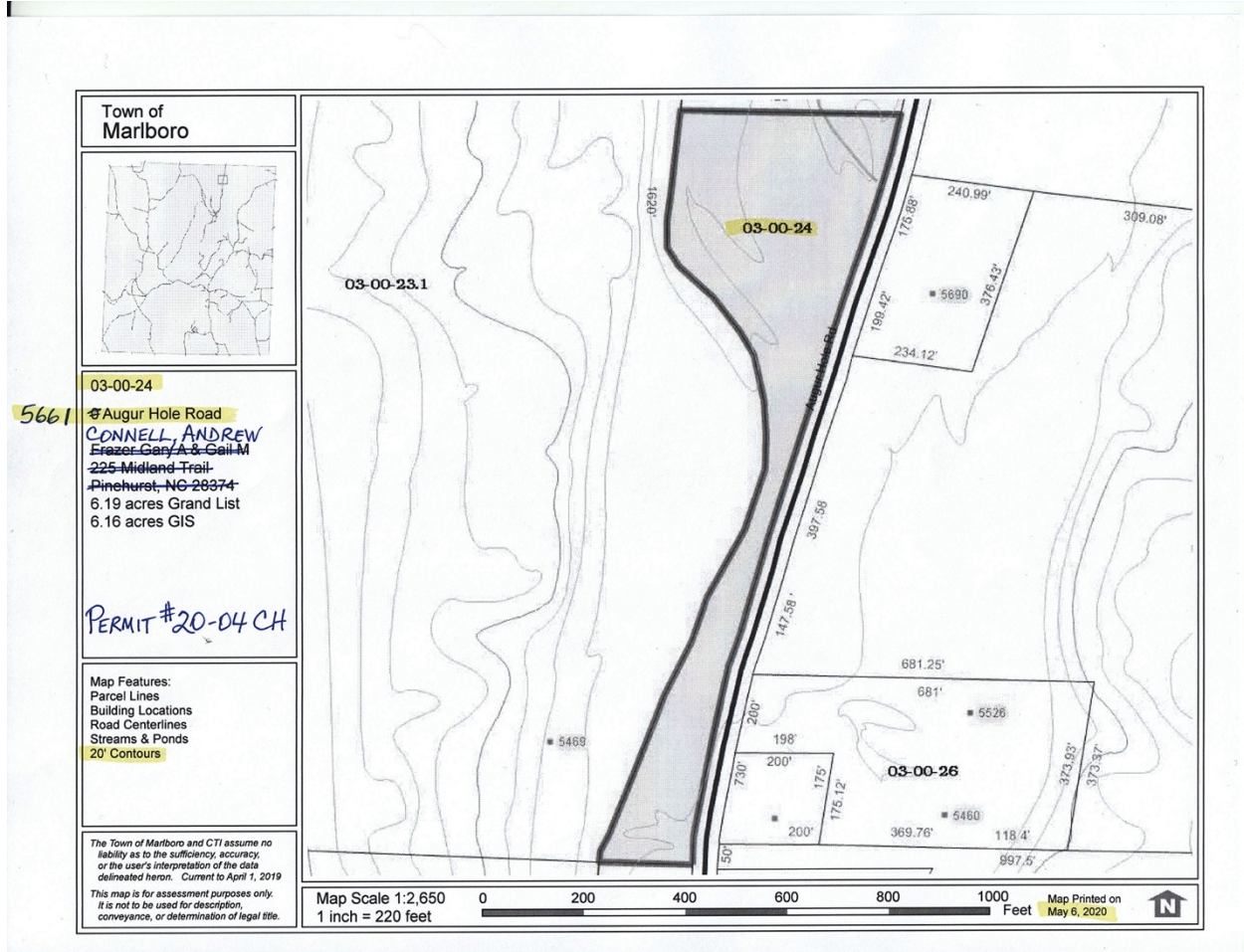
By 

Dated March 10, 2020

Jeff Svec, Assistant Regional Engineer  
Springfield Regional Office  
Drinking Water and Groundwater Protection Division

cc: Michael A. Marquise  
Marlboro Planning Commission  
Department of Public Safety, Division of Fire Safety

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PERMIT #20-04 CH

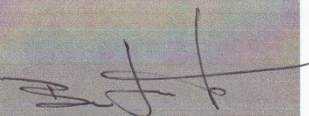
April 27, 2020

I authorized \* Ben Joyce  
to be an applicant for me.

Thank you!

Andrew Cornell

TAX MAP # 03-00-24

  
03-00-24



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DEVELOPMENT REVIEW BOARD MEETING  
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Date: 5/5/2020

**Abutters to Connell Property**  
**Tax Map # 03-00-24**

Page 1 of 1

Location: 5661 Augur Hole Road

<b><u>Tax Map #</u></b>	<b><u>Location / E911 Address</u></b>	<b><u>Name of Abutter</u></b>	<b><u>Mailing Address</u></b>
03-00-07	5848 Augur Hole Road	Harold & Lois Kvitek	PO Box 70 South Newfane, VT 05351-0070
03-00-23.1	5469 Augur Hole Road	Charles & Joanne Boardman	5469 Augur Hole Road South Newfane, VT 05351
03-00-23.2	5835 Augur Hole Road	Todd Webb	5835 Augur Hole Road South Newfane, VT 05351
03-00-24	5661 Augur Hole Road	Andrew Connell (Owner)	51 Trumbull Avenue Stonington, CT 06378
03-00-25.1	5690 Augur Hole Road	Jason & Heather Sperling	5690 Augur Hole Road South Newfane, VT 05351
03-00-25.2	Augur Hole Road (no E911 address)	David Snyder & Sara Coffey	542 Fitch Road Guilford, VT 05301-8485
03-00-26	5526 Augur Hole Road	Susan North	5526 Augur Hole Road South Newfane, VT 05351
03-00-27	5480 Augur Hole Road	Russell Greenwood & Ellen Fuller	5480 Augur Hole Road South Newfane, VT 05351
03-00-28.111	5420 Augur Hole Road	Todd & Tara Brown	5420 Augur Hole Road South Newfane, VT 05351
03-00-28.112	5460 Augur Hole Road	Vanessa Redfield	PO Box 14 South Newfane, VT 05351-0014
03-00-32	5415 Augur Hole Road	Estate of Alice Churchill	c/o Richard Churchill 3544 Taft Street Wantagh, NY 11793
03-00-33.2	Alexander Road (no road frontage)	Alexander Vermont Trust	c/o Irene Lutz 830 Alexander Road South Newfane, VT 05351

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