mailed 1/27/15

ANR FORM 1
Notice of Overshadowing at the time of Filing an Application for a Wastewater System and Potable Water Supply Permit

To John Henry Siedlecki & Carla Contreras (Overshadowed Landowner):

I am currently preparing an application for a State of Vermont Wastewater System and Potable Water Supply Permit. My project proposes a water supply and/or wastewater (septic) system designed to comply with the technical standards of the Wastewater System and Potable Water Supply Rules (Rules). The Rules include required isolation distances around the supply or system. These isolation distances are designed to prevent wastewater systems and water supplies from being built too close to each other in order to protect drinking water quality and human health.

The isolation distances for my proposed water supply and/or wastewater system extend onto your property. The extension of these isolation distances is often referred to as an "overshadowing" of property.

In 2010, the legislature determined that people who own property that will be "overshadowed" by the required isolation distance be notified of that fact. This form is being sent to you in order to provide that notice. Attached to this form is a copy of a plan that shows what I propose to build and the isolation distance(s) that extend onto your property.

Please consider the following facts to help you understand what this actually means to you:

1. Under the existing Rules, an evaluation of the horizontal relationship between existing wastewater systems and potable water supplies and newly proposed wastewater systems and potable water supplies is required during the review of any application. Therefore, the horizontal isolation distance between newly proposed wastewater systems and potable water supplies and the location of your current water supply and wastewater system will be evaluated and determined to comply with the Rules as part of the permit process.

2. A permit application review does not determine if the proposed water supply or wastewater system may affect or restrict potential future development of a water supply or wastewater system on your property. These possible restrictions exist because of the required isolation distances between potable water supplies and wastewater systems.

3. It is important to note that in many instances overshadowing may have no effect on the ability to develop adjoining properties. Whether there is actually any effect is a very site specific determination that depends on a number of factors. For example, the fact that an isolation distance from a wastewater system may prohibit where a well could be drilled may have no real effect because that portion of the neighboring property that is overshadowed by the wastewater system is too steep to be accessed by a well drilling rig. Another example is where a well isolation distance means that no wastewater system could be placed in a certain area but that area is a wetland that prevents the construction of a wastewater system.

ANR FORM 1
Notice of Overshadowing

4. When considering potential effects on your property, you should be aware that you may drill a well within the identified well isolation zone and you may build a wastewater systems in the identified septic isolation zones provided the well or wastewater system complies with the technical standards of the Rules. What may not be allowed without providing additional technical information is putting a wastewater system in a well isolation zone and putting a well in a wastewater system isolation zone.

5. The water supply and wastewater system isolation zones only restrict the construction of water supplies and wastewater systems. Construction of other things such as houses, garages, and driveways may be in the isolation zones as allowed by the Rules.

6. This notification requirement did not start until 2010 and the state permit program has been in place since 1969 so it is possible that there are already water supplies or wastewater systems that "overshadow" your property or that your own wastewater system and/or water supply "overshadows" your neighbor's property.

7. The Legislature created the notification requirement so that neighbors have the opportunity to discuss the possible effects on future development and potentially resolve them before a well is drilled or a septic system is built. Therefore you are getting this notice before the permit application is filed so that you may consider having those discussions.

8. VERY IMPORTANT: Although the legislature has required notification to potentially affected landowners, the legislature did not give the Agency of Natural Resources the authority to deny a permit application based on isolation zones that may "overshadow" your property.

Please contact me if you have any questions.

Sincerely,

Name of Applicant Mike Hinsdale/ Kytoad, LLC

Address 915Old Hollow Road, P.O. Box 57

North Ferrisburgh, VT 05473

Phone Number 802-734-0470

8/24/12 Last Revised 9/11/12 (To Comply with Act 145 and Act 117)

Mailed 1/27/18

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To Richard & Martha Green (Overshadowed Landowner):

I am currently preparing an application for a State of Vermont Wastewater System and Potable Water Supply Permit. My project proposes a water supply and/or wastewater (septic) system designed to comply with the technical standards of the Wastewater System and Potable Water Supply Rules (Rules). The Rules include required isolation distances around the supply or system. These isolation distances are designed to prevent wastewater systems and water supplies from being built too close to each other in order to protect drinking water quality and human health.

The isolation distances for my proposed water supply and/or wastewater system extend onto your property. The extension of these isolation distances is often referred to as an "overshadowing" of property.

In 2010, the legislature determined that people who own property that will be "overshadowed" by the required isolation distance be notified of that fact. This form is being sent to you in order to provide that notice. Attached to this form is a copy of a plan that shows what I propose to build and the isolation distance(s) that extend onto your property.

Please consider the following facts to help you understand what this actually means to you:

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2. A permit application review does not determine if the proposed water supply or wastewater system may affect or restrict potential future development of a water supply or wastewater system on your property. These possible restrictions exist because of the required isolation distances between potable water supplies and wastewater systems.

3. It is important to note that in many instances overshadowing may have no effect on the ability to develop adjoining properties. Whether there is actually any effect is a very site specific determination that depends on a number of factors. For example, the fact that an isolation distance from a wastewater system may prohibit where a well could be drilled may have no real effect because that portion of the neighboring property that is overshadowed by the wastewater system is too steep to be accessed by a well drilling rig. Another example is where a well isolation distance means that no wastewater system could be placed in a certain area but that area is a wetland that prevents the construction of a wastewater system.

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