



In re: TB-529 Petition to allow for the installation of a longitudinal sewer utility within the right-of-way of Vermont Route 36.

PUBLIC HEARING ORDER

The Vermont Transportation Board on October 9, 2024, beginning at 10:00 a.m. will conduct a public hearing and site visit on a petition to allow for the installation of a longitudinal force main sewer utility within the right-of-way of Vermont Route 36, Lake Road in St. Albans, connecting the residence at 378 Lake Road, St. Albans with the municipal sewer system located at the intersection of Lake Road and Beauregard Drive, St. Albans. The petition is made pursuant to 19 V.S.A. §1111(d) and other applicable law.

The proceeding will commence at 10:00 a.m. at the Port Washington Room at the St. Albans Town Office, 398 Georgia Shore Road, St. Albans, Vermont, and leave for the site visit straightaway. Parties interested in attending the site visit should meet at 378 Lake Road in St. Albans on or about 10:05 a.m. Immediately following the site visit – at a time on or about 11:00 a.m. on October 9, 2024, the Transportation Board will begin the hearing on the application at the Port Washington Room at the St. Albans Town Office located at 398 Georgia Shore Road, St. Albans, Vermont. At the hearing, the Board will hear from the Petitioner Colin Randall Urban and any member of the general public interested in the right-of-way petition.

For more information, email Rachel Dimitruk at rachel.dimitruk@vermont.gov or call 802-595-9410.

Dated this 10th day of September 2024.

Rachel Dimitruk, Executive Secretary
Vermont Transportation Board

September 3, 2024

Vermont Transportation Board &
Vermont New Motor Vehicle Arbitration Board
134 State Street
Montpelier, VT 05620

Attn: John Zicconi, Executive Secretary

Subject: Petition to Override Jurisdiction

Dear Mr. Zicconi,

The intent of this letter is to request a hearing with the Transportation Board to petition for an override of the jurisdiction of the Vermont Agency of Transportation (VTrans) to allow for the installation of a longitudinal sewer utility within the right-of-way of VT Route 36 (Lake Road) in the Town of St. Albans. The VTrans jurisdiction is pursuant to *Vermont Statutes, Title 19 Highways, Chapter 11 PROTECTION OF HIGHWAYS § 1111 Permitted use of the right-of-way (d)*.

The installation of this sewer utility (force-main) is necessary to allow for the connection of the wastewater from the existing dwelling at 378 Lake Road to the municipal sewer system, which is owned by the City of St. Albans. The property at 378 Lake Road is owned by Colin Randall Urban.

The subject property was sold to Mr. Urban without a working septic system. The previous owner claimed there was a wastewater leaching field on a neighboring lot, although after investigation there was none. The only "wastewater" system is a holding tank in the ground that needs to be pumped out. To keep the sewer force-main on private property we would need to cross over two adjacent properties to gain access to the sewer. The first owner wants \$20,000 to cross their property and the second owner wants \$15,000 to enter their property plus the restoration of the pavement. While ARPA funds are available in some situations to remedy failing wastewater systems, these funds can only be used for onsite systems. With the lot being so small, an onsite will not work.

It is planned that the installation of the force-main will be accomplished using directional boring, so there should be little disturbance to the right-of-way. After the installation and before the certification of the installation to the state, the force-main will be pressure tested to ensure that it does not leak. With the force-main (built of High-Density Polyethylene – the same material as a natural gas line) being just inside the ROW, I do not foresee any issues with longevity or the hinderance of the maintenance of the highway.

In support of this petition, attached please find:

- Wastewater Plan C2-01 by Apex Engineering, LLC
- Wastewater System and Potable Water Supply Permit WW-6-4396
- Wastewater Allocation Approval
- VTrans permit application, signed by the landowner and the City of St. Albans
- List of abutting property owners

Please contact me if you have any questions or require additional information to support this request.

Sincerely,



Peter Mazurak, P. E.
(802)-752-7328

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 November 6, 2023**Permittee(s): Colin Randall Urban
378 Lake Road
Saint Albans, VT 05478****Permit Number: WW-6-4396**

This permit affects the following property/properties in Saint Albans Town, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
649	00000LRT03-649	552-174-12245	0.08	Book:385 Page(s):476-477

This application, consisting of the replacement of a failed wastewater system for an existing three-bedroom single family residence on an existing 0.08-acre parcel utilizing a proposed municipal wastewater service connection and an existing municipal water service connection located at 378 Lake Road in Saint Albans Town, 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 for recording this permit in the Saint Albans Town Land Records within 30 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 for recording the design and installation certifications and other documents that are required to be filed under these Rules or under a permit condition in the Saint Albans Town 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. The landowner is responsible for establishing any necessary easement(s). The land deeds that establish and transfer ownership of the approved lot(s) shall allow future owner(s) the right to construct, maintain, and repair the wastewater and/or potable water supply systems approved herein. If the landowner does not properly execute said easement(s), this permit becomes null and void for any subject lot conveyed without easement(s).
- 1.5. 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.
- 1.6. The Drinking Water and Groundwater Protection Division relied upon the Vermont Licensed Designer's certification that the design-related information submitted is true and correct and complies with the Wastewater System and Potable Water Supply Rules. This permit may be revoked if it is determined the design of the wastewater system or potable water supply does not comply with these rules.
- 1.7. 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 Apex Engineering, LLC (Peter Mazurak, P.E.) with the stamped plans listed as follows:

Title	Sheet #	Plan Date	Revision
WASTEWATER PLAN	C2-01	03/08/2024	03/27/2024
WASTEWATER DETAILS	C8-01	03/08/2024	03/27/2024

- 2.2. The landowner shall complete construction of the wastewater system approved by this permit no later than **March 1, 2025**. The landowner may request an extension of this deadline, provided the landowner makes the request in writing prior to the specified date, and shows good cause why construction cannot be completed by the stated date. If this condition is not met, this permit shall no longer remain effective for the purpose of inspection and certification of the replacement system under Condition 3.1 and will require an application for an amendment.
- 2.3. The landowner is required to continue any measures necessary to prevent wastewater from surfacing on top of the ground, entering surface waters of the State, or backing up into the existing residence until such time as the approved wastewater system is constructed, activated, and all the conditions of this permit are satisfied.
- 2.4. 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.

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) on a Secretary-approved form 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 wastewater system was installed in accordance with the permitted design and all permit conditions, was inspected, was properly tested, and has successfully met those performance tests.”

or which satisfies the requirements of §1-311 of the referenced rules.

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
649	Existing	3-bedroom single family residence	210	360

5. WASTEWATER SYSTEM

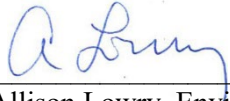
- 5.1. This project is approved for connection to the municipal wastewater treatment facility as depicted on the plan(s) stamped by the Drinking Water and Groundwater Protection Division.
- 5.2. This permit is based, in part, on a determination by the municipality that sufficient capacity exists in the wastewater treatment facility and associated sanitary sewer collection line to accommodate the design flow of this project. This permit does not imply the municipality will grant allocation to the building.

6. POTABLE WATER SUPPLY

6.1. This project is approved with an existing connection to the municipal water supply system as depicted on the plan(s) stamped by the Drinking Water and Groundwater Protection Division.

Julia S. Moore, Secretary
Agency of Natural Resources

Dated March 27, 2024

By 
Allison Lowry, Environmental Analyst VI
Essex Junction Regional Office
Drinking Water and Groundwater Protection Division

cc: Apex Engineering, LLC

Location: _____

Acct. No. _____

City of St. Albans
Wastewater Allocation Application

Date: 6/20/2023

Location: 378 Lake Road, St. Albans, VT 05478

Owner: Colin Randall Urban

Applicant: Same as above

Applicant's Address: 378 Lake Road, St. Albans, VT Telephone: 802-398-5927

City Property: or Non-City Property: X (please check one)

Allocation Amount: 450 gpd (gallons per day)

Specific Use: Connect the sewer of the existing dwelling to the City WW system

<u>Colin Urban</u>	<u>6/29/2023</u>		
Property Owner	Date	Applicant if different from property owner	Date

*Applicant must be property owner or authorized to act for property owner. Please attach legal documentation of authority.

Colin Randall Urban Print Name

Print Name

APPROVAL

Special Conditions:

1. The capacity allocated in conjunction with this approval is subject to the connection and retention fees prevailing as of the date of payment, is not transferable without written consent of the City of St. Albans and shall revert to the City of St. Albans if the recipient has failed to connect to City's wastewater system by three years from the date of this approval. The property owner understands and agrees that this allocation will be relinquished and returned to reserve capacity of the City of St. Albans Wastewater Department if this allocation has not been extended or used/connected.
2. Any change or expansion in the use of the property will require new approval.
3. Backflow prevention valves are required.
4. The wastewater policies of the City of St. Albans, and all state laws pertaining to the installation of wastewater services must be complied with.
5. The minimum allocation fee of \$3,000 per equivalent unit is due and owing as of the date of this approval. This fee will be prorated for uses in excess of one equivalent unit; however, there is a minimum charge of 1 EU per account. It is understood that this allocation fee is a wastewater disposal charge, and shall constitute a lien upon the real estate of the property owner in the same manner and to the same effect, as taxes are a lien upon real estate.

This is an allocation approval only. Prior to any connection, permits must be obtained.

There is a \$27.00 application fee and \$10.00 recording fee that must accompany this application.



 Dominic Cloud, City Manager

Date: 7/15/23

Town: _____
Route: _____
Mile Marker: _____
Log Station: _____

**VERMONT AGENCY OF TRANSPORTATION
State Highway Access and Work Permit**

Owner's/Applicant's Name, Address, E-mail & Phone No. Colin Randall Urban

378 Lake Road Saint Albans, VT 05478, colin.urban@gmail.com, 802-398-5927

Co-Applicant's Name, Address, E-mail & Phone No. (if different from above) City of St. Albans, c/o Martin Manahan
100 North Main Street, St. Albans, VT 05478, m.manahan@stalbansvt.com, 802-524-1500

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
St. Albans, VT Route 36, #378 Lake Road to Beaugard Drive, South Side

Description of work to be performed in the highway right-of-way (attach plan) Installation of a sewer force-main
within the right-of-way. To be performed with directional boring and / or open trenching.

Property Deed Reference Book: 385 Page: 476 (only required for Permit Application for access)
Fee \$ _____ (fees do not apply for residential or agricultural purposes)

Is a Zoning Permit required? Yes No - If Yes, # _____

Is a 30 VSA § 248 permit required? Yes No - If Yes, # _____

Is an Act 250 permit required? Yes No - If Yes, # _____

Other permit(s) required? Yes No - If Yes, name and # of each State Wastewater

Date applicant expects work to begin May 2024

Owner/Applicant: Colin Randall Urban Position Title: Owner / Applicant
(Print name above)

Sign in Shaded area: [Signature] Date: 3/13/24

Co-Applicant: Martin Manahan COSA Position Title: _____
(Print name above)

Sign in Shaded area: [Signature] COSA Date: 6/4/24

INSTRUCTIONS: -Contact the Development Review and Permitting Services Section (802.636.0037) or your local area Transportation Maintenance District Office to determine your issuing authority. The issuing authority will determine what plans, fee and other documents are required to be submitted with your Vermont Statutes Annotated, Title 19, Section 1111, permit application request.

- Original signatures are required on an original Form. The Owner/Applicant and Co-Applicant (if applicable) declares under the pains and penalty of perjury that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

FEE: -See Fee Schedule for applicable administrative processing and application review fee.

PERMIT APPROVAL

The work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).

Date work is to be completed _____ Date work accepted: _____

By _____ Issued Date _____ DTA or Designee _____
Authorized Representative for Secretary of Transportation

NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Vermont Statutes Annotated, Title 19, Section 1111. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations. This permit addresses only access to, work within, and drainage affecting the state highway. It does not address other possible transportation issues, such as access to town highways, use of private roads, and use of railroad crossings. If relevant to the proposed development, such issues must be addressed separately.

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:

Applicant to Complete

Abutter List

Subject Property:

COLIN RANDALL URBAN
378 Lake Road
Saint Albans, VT 05478

Abutting Properties:

TODD & LORI MCCLELLAN
380 LAKE RD
SAINT ALBANS, VT 05478

MARK J. SAVAGE
374 LAKE RD
SAINT ALBANS, VT 05478

THOMAS MICHEL
69 JEWETT AVE
SWANTON, VT 05488

MILL RIVER HOLDINGS LLC
1371 MILL RIVER RD
SAINT ALBANS, VT 05478

Abutting Properties across VT Route 36:

MICHAEL J. GOSSELIN RENTALS II LLC
PO BOX 126
SAINT ALBANS, VT 05478

375 LAKE RD LLC
PO BOX 211
FAIRFAX, VT 05454

PROFESSIONAL PLAZA LLC
375 LAKE RD
SAINT ALBANS, VT 05478

SITE NOTES:

- CONTACT THE CITY OF SAINT ALBANS PUBLIC WORKS DEPARTMENT BEFORE CONSTRUCTION TO VERIFY THE CONNECTION POINT OF THE FORCE-MAIN TO THE EXISTING MANHOLE.
- DESIGN ENGINEER IS TO BE CONTACTED PRIOR TO CONSTRUCTION FOR AN ON-SITE MEETING WITH THE CONTRACTOR AND THE OWNER TO DISCUSS THE PLANS.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL CODES AND ORDINANCES.
- ALL DIMENSIONS AND ELEVATIONS SHOWN MUST BE VERIFIED BY THE CONTRACTOR DURING CONSTRUCTION BY THE AID OF DRAWINGS AND FIELD CHECKS.
- CONTRACTOR SHALL PROTECT EXISTING FACILITIES, STRUCTURES, AND UTILITY LINES FROM ALL DAMAGE.
- CONTRACTOR IS RESPONSIBLE FOR ADEQUATE BRACING OF WALLS AND/OR SHORING OF EXCAVATIONS DURING CONSTRUCTION.
- GENERAL BACKFILL SHALL BE COMPACTED TO 90% (95% BELOW ROADWAY SURFACES) OF THE MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT, PER ASTM D1557.
- TRENCHES SHALL BE COMPLETELY DEWATERED PRIOR TO THE PLACING OF PIPE BEDDING MATERIAL AND SEPT DEWATERED DURING THE INSTALLATION OF THE PIPE AND BACKFILL MATERIAL.
- ALL DISTURBED AREAS, UNLESS OTHERWISE NOTED, TO BE TOPSOILED, SEEDED, AND MULCHED.

REFERENCE PLANS:

- SITE PLAN ENTITLED "MUNICIPAL SEWER CONNECTION", DATED 09/27/2000, LAST REVISED 11/29/2001, PROJECT NUMBER 94006, SHEET S-1, PREPARED BY CROSS CONSULTING ENGINEERS, P.C. THIS PLAN WAS APPROVED BY THE STATE OF VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION THROUGH PERMIT WW-6-0373-3.
- SITE PLAN ENTITLED "PAQUIN ENTERPRISES MUNICIPAL SEWER CONNECTION", DATED 10/28/1991, LAST REVISED 08/03/92, PREPARED BY MICHAEL DUGAN AIA. THIS PLAN WAS APPROVED BY THE STATE OF VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION THROUGH PERMIT WW-6-0183-1.

EXISTING CONDITIONS NOTES:

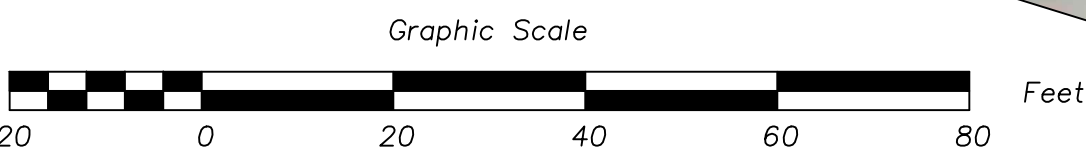
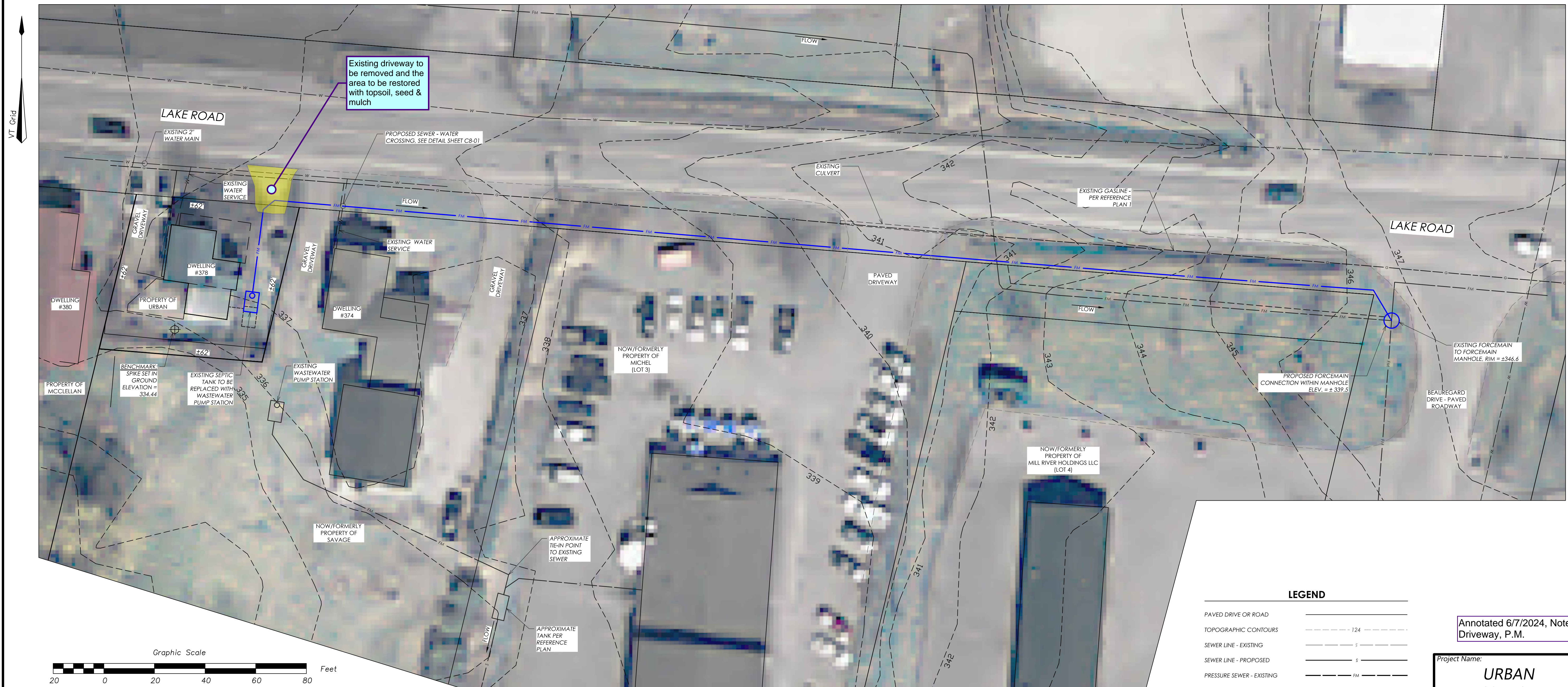
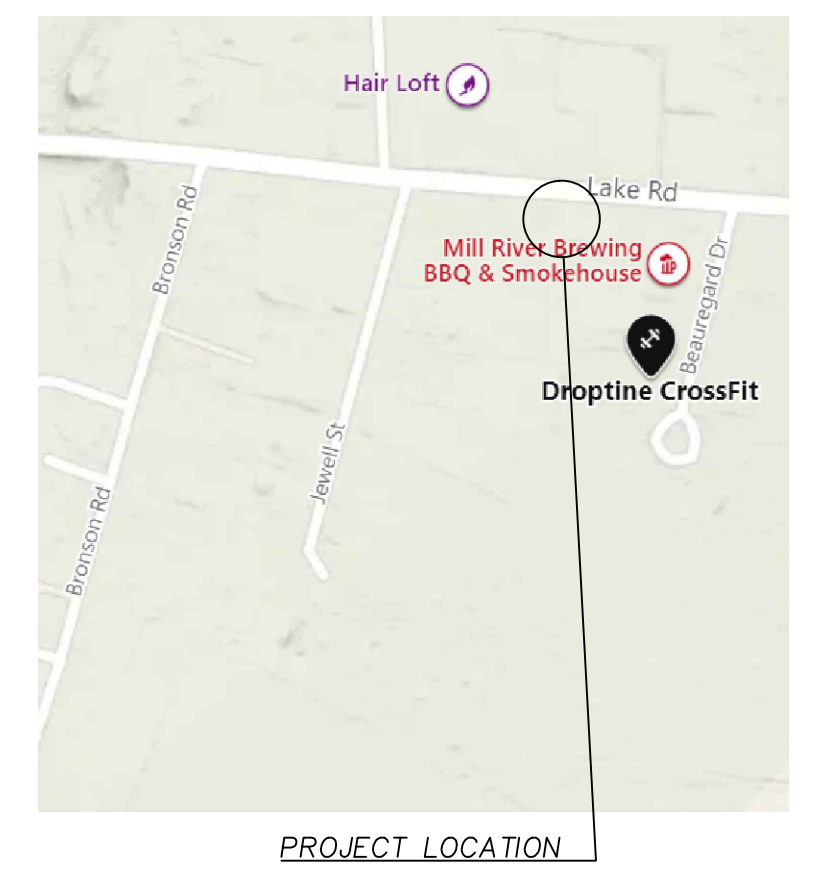
- THIS PLAN DEPICTS THE PERTINENT EXISTING CONDITIONS AS OF MAY, 2023.
- THIS PLAN IS NOT THE RESULT OF A BOUNDARY SURVEY. BOUNDARY INFORMATION DEPICTED WAS OBTAINED FROM ASSESSOR'S RECORDS.
- SEE SITE PLAN ENTITLED "PAQUIN ENTERPRISES" DATED 10/28/91 PREPARED BY MICHAEL DUGAN AIA.
- VERTICAL DATUM IS BASED ON NAVD88 (GEOID 12).
- COORDINATE SYSTEM IS BASED ON VERMONT STATE PLANE (U.S. SURVEY FEET).
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND IMPROVEMENTS SHOWN ARE BASED ON RESEARCH, UTILITY PLANS PROVIDED BY OTHERS, AND/OR SURFACE EVIDENCE ENCOUNTERED AND WERE OBTAINED IN A MANNER CONSISTENT WITH THE ORDINARY STANDARD OF PROFESSIONAL CARE AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE DESIGN ENGINEER. ADDITIONAL UTILITIES NOT SHOWN MAY EXIST. ENGINEER SHALL BE NOTIFIED IF ANY DISCREPANCIES ARE ENCOUNTERED. ACTUAL LOCATION OF UNDERGROUND UTILITIES MAY VARY. CONTRACTOR TO CONTACT DIG SAFE PRIOR TO ANY EXCAVATION. CALL 1-888-DIG SAFE [344-7233].

PROJECT INFORMATION:

- OWNER OF RECORD: COLIN RANDALL URBAN
- SPAN: 552-174-12245
- PHYSICAL ADDRESS: 378 LAKE ROAD, ST. ALBANS, VT

PURPOSE OF DESIGN:

THESE PLANS ARE BEING SUBMITTED TO ACQUIRE THE APPROVAL TO CONNECT THE SEWER FROM THE EXISTING SINGLE FAMILY DWELLING #378 TO THE CITY OF ST. ALBANS MUNICIPAL SEWAGE SYSTEM.



LEGEND

PAVED DRIVE OR ROAD	---
TOPOGRAPHIC CONTOURS	--- 124 ---
SEWER LINE - EXISTING	---
SEWER LINE - PROPOSED	---
PRESSURE SEWER - EXISTING	---
PRESSURE SEWER - PROPOSED	---
WATER LINE - EXISTING	---
PROPERTY LINE	---
EASEMENT	---
SETBACKS	---
WATER VALVE	⊕
UTILITY POLE	⊕
IRON ROD FOUND	⊕
BENCHMARK	⊕

Annotated 6/7/2024, Note Regarding Existing Driveway, P.M.

Project Name: URBAN 378 LAKE ROAD ST. ALBANS, VT 05478	Sheet Title: WASTEWATER PLAN
Project #: 23-026 Date: 3/08/2024 Drawn By: PM Scale: 1 INCH = 20 FEET	
Apex Engineering, LLC p. (802) 752-7328 e. aevermont@gmail.com	
Sheet # C2-01	

Revisions: