



**TOWN OF RICHMOND**  
**RICHMOND TOWN CENTER**  
203 Bridge Street, P.O. Box 285  
Richmond, Vermont 05477



July 3, 2023

Ed Grimley, Project Manager  
[egrimleym@gmail.com](mailto:egrimleym@gmail.com)  
802-343-2684

Josi Kytile and Brendan O'Reilly  
Buttermilk LLC  
5430 Waterbury Stowe Rd  
Waterbury Center, Vermont 05677

RE: Water and Wastewater Allocation for BR0125 and JC0074, Accounts #2170 and #2180

Dear Mr. Grimley, Ms. Kytile, and Mr. O'Reilly

This letter is in response to Mr. Grimley's inquiry regarding the current unused allocation for the above parcel ID's and accounts. In drafting this response, I am relying on the letter dated April 26, 2017 from then Town Manager Geoffrey Urbanik to Josi Kytile. This letter states the available allocations prior to development as:

- Water allocation of 14,400 gallons per day
- Wastewater allocation of 6,720 gallons per day

I have based the current allocation used in Building 1 on the State Wastewater System and Potable Water Supply Permit number WW-4-4835-1, which states the following for water and wastewater use in Building 1:

- Water allocation used in Building 1 per Permit number WW-4-4835-1:
  - 3,069 gallons per day
- Wastewater allocation used in Building 1 per Permit number WW-4-4835-1:
  - 2,708 gallons per day

Both the April 26, 2017 letter and Permit number WW-4-4835-1 are included with this letter for reference.



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Following are calculations to determine the unused allocations which can be applied to the needs of Building 2.

**Water**

- Water allocation per the April 26, 2017 letter:
  - 14,400 gallons per day
- Water allocation used in Building 1 per Permit number WW-4-4835-1:
  - 3,069 gallons per day
- Remaining water allocation:
  - 11,331 gallons per day

**Wastewater**

- Wastewater allocation per the April 26, 2017 letter:
  - 6,720 gallons per day
- Wastewater allocation used in Building 1 per Permit number WW-4-4835-1:
  - 2,708 gallons per day
- Remaining wastewater allocation:
  - 4,012 gallons per day

Please provide me with a copy of the State Wastewater System and Potable Water Supply Permit for Building 2. The allocation stated on the permit for Building 2 will be subtracted from the water and wastewater allocation remaining for the parcels. If the needed allocation exceeds what is remaining, you will have to apply to the Water and Sewer Commission for purchase of allocation in excess of what is remaining.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Arneson".

Josh Arneson  
Town Manager

CC: Richmond Water Resources Department  
Richmond Finance  
Property File



# TOWN OF RICHMOND

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## Service Capacity Letter

April 26, 2017

Josi Kytte  
Buttermilk, LLC  
5430 Waterbury Stowe Rd  
Waterbury Center, VT 05677

RE: Water & Sewer Allocation for BR0125 and JC0074, proposed Multi-tenant Commercial Building  
Accounts #2170 and #2180

Dear Ms. Kytte:

It has taken us some time to recreate the allocation dedicated to these two parcels, owned previously by Casing Development, LLC, who kept most of the original allocation dedicated to the former Jolina Foods operation but at some point in their 15 years of ownership gave back some of that allocation, ostensibly because of high costs. They indeed paid their billing based on the remaining allocation according to the Town of Richmond's billing until 2013, when the Town altered their billing to be based on Equivalent Residential Units instead of system allocation. Following that change, there being no recent usage history, no ERUs were assigned to these two accounts and no bills were generated. In 2016 the Town again changed their billing to create "Base Units" which were based on separate, identifiable living or commercial units within structures to more accurately reflect multi-tenant buildings' demand on the system. A bill was generated for these accounts while they were owned by the Richmond Community Senior Center, LLC, however, staff recognized an error in how the account billing was prepared and no further bills have been generated for these accounts.

Now that your project has Phase 1 approval (recognized as lot BR0125) and you are preparing for construction, we have been able to nail down the existing allocation held by both accounts, without separating them, which will allow you to utilize one account for Phase 1 and assign any remaining allocation to Phase 2.

You have an aggregate water allocation of 14,400 gallons per day and an aggregate sewer allocation of 6,720 per day. Based on your current preliminary allocation request for Phase 1, you will end up with a surplus of both water and sewer to allocate to Phase 2.

You may arrange allocation however you wish, and you may purchase additional allocation for future uses if required. The Town of Richmond requests that you confirm in writing how you wish to arrange the accounts - #2170 & #2180 – as either Phase 1 or Phase 2, as well as how much allocation you will assign to each account. It would be advisable to allow room to grow on Phase 1.

As explained earlier, our base charge billing is not based on system allocation but Billable Units, defined as separate identifiable living or commercial spaces within a structure served by our system. As of May 1, 2017, Accounts #2170 and #2180 shall be considered active by the Town of Richmond and you will be billed for 1 Billable Unit on our commercial rate scale for each account until Phase 1 has an operational water meter and the building is able to be occupied. At that time Phase 1 account will reflect the accurate Billable Units, and the second account will continue as 1BU until it is constructed. In early July 2017 you will receive two bills pro-rated for the current quarter, at 1 BU each. I've attached a copy of our rate schedule, which is subject to change, however I do not anticipate any significant re-evaluations of how we establish base charges or alter metered charges.

This letter serves as official, written confirmation of these facts and Richmond Water Resource Department's position on the issue. Please let me know if you have any questions.

Sincerely,



Geoffrey Urbank  
Town Manager

Cc: Planning/Zoning File  
Richmond Water Resources Department  
Richmond Finance  
Grenier Engineering, for the applicant

**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): Buttermilk, LLC.  
5430 Waterbury-Stowe Road  
Waterbury Center VT 05677**

**Permit Number: WW-4-4835-1**

This permit affects the following properties in the Town of Richmond, Vermont:

<b>Lot</b>	<b>Parcel</b>	<b>SPAN</b>	<b>Acres</b>	<b>Book/Page#'s</b>
<b>1</b>	<b>JC0074</b>	<b>519-163-11283</b>	<b>5.70</b>	<b>Book:237 Pages:93-96</b>

This project, consisting of a commercial/residential building (six, two bedroom units and eight, one bedroom units located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, floor 1 and the basement remain as previously approved in Permit # WW-4-4835), on an existing, 5.70 acre parcel utilizing previously approved municipal water and wastewater services, located off Jolina Court in the Town of Richmond, 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 Grenier Engineering, P.C., (John Grenier P.E.)
- 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 the Act 250 District Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; 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 Town of Richmond 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 Town of Richmond Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 This project/building is approved for a commercial/residential building (six, two bedroom units and eight, one bedroom units located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, floor 1 and the basement remain as previously approved in Permit # WW-4-4835). 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.
- 1.6 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.7 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.
- 1.8 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 This project/building is approved for connection to the water supply system owned by the **Town of Richmond** as depicted on the plan(s) stamped by the Drinking Water and Groundwater Protection Division. The project is approved for **3,069 gallons** of water per day.
- 2.2 The landowner shall install and maintain backflow prevention devices that conform to Vermont Department of Public Safety standards and NFPA 13 for any connection of a sprinkler fire suppression system to a public drinking water system.
- 2.3 This permit is based, in part, on a determination by the municipality that sufficient capacity exists in the municipal water supply and associated water distribution system to accommodate the design flow of this project. This permit does not imply that the municipality will grant allocation for the project subject to this permit to physically connect to or receive water from the municipal water supply. It is recommended the landowner forward a copy of the final municipal allocation to the Drinking Water and Groundwater Protection Division with the installation certification required by Condition 1.5 of this permit for inclusion in the project file.

## **3. WASTEWATER DISPOSAL**

- 3.1 This project/building is approved for connection to the **Town of Richmond** wastewater treatment facility as depicted on the plan(s) stamped by the Drinking Water and Groundwater Protection Division. The project is approved for **2,708 gallons** of wastewater per day.
- 3.2 This permit is based, in part, on a determination by the municipality that sufficient capacity exists in the wastewater treatment facility and associated sewerage collection system to accommodate the design flow of this project. This permit does not imply that the municipality will grant allocation for the project subject to this permit to physically connect or discharge wastewater to the municipal sewer. It is recommended the landowner forward a copy of the final municipal allocation to the Drinking Water and Groundwater Protection Division with the installation certification required by Condition 1.5 of this permit for inclusion in the project file.
- 3.3 All conditions set forth in **Permit Number WW-4-4835** shall remain in effect except as amended or modified herein.

Emily Boedecker, Commissioner  
Department of Environmental Conservation

Dated February 28, 2019

By 

William E. Zabiloski  
Assistant Regional Engineer  
Essex Junction Regional Office  
Drinking Water and Groundwater Protection Division

cc: Grenier Engineering, P.C.  
Town of Richmond Planning Commission