

**Town of Proctor Selectboard Meeting Minutes**  
**Draft**  
**June 11, 2018**  
**6:00 p.m. – 8:02 p.m.**

**Board Members Present**

Bruce Baccei, Chair  
Judy Frazier  
Tom Hogan  
Joe Manning

**Employees Present**

Lisa Miser, Recorder  
Alan George, Town Attorney  
Stan Wilbur, Town Manager

**Other Guests Present**

Mike O'Brian  
David Carman  
Bob Curtis  
John Jozwiak  
Rick Moreno  
Kiah Oechsle  
David Weeks  
Peg TV

**Agreements/Approvals**

- Unanimously approved amended agenda.
- Unanimously approved the May 29,2018 regular meeting minutes, as written.
- Unanimously approved submitting Bike/Ped Grant Application.\
- Unanimously accepted the Class 2 Paving Grant.
- Unanimously agreed at 6:35 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners.
- Unanimously agreed at 6:39 p.m. to leave the Board of Water Commissioners and convene the Board of Sewage Commissioners.
- Unanimously agreed at 7:00 p.m. to adjourn the Board of Sewage Commissioners and resume the meeting of the Selectboard.
- Unanimously approved FUA for June 23,2018 at the Park. Insurance on file.
- Signed orders totaling \$473,762.02
- Unanimously agreed to enter executive session at 7:31 p.m.
- Unanimously agreed to exit executive session at 8:00 p.m.
- Unanimously agreed to give Rhoda Grace a \$500.00 end of year bonus
- Unanimously agreed at 8:02 p.m. to adjourn the June 11,2018 regular Selectboard meeting.

**Action Items**

**I. Call to Order - Pledge of Allegiance**

The meeting was called to order at 6:00 p.m. and began with a pledge of allegiance to the flag. All motions passed unanimously unless otherwise noted, four Selectboard members seated.

**II. Review and Approve Agenda**

Bruce Baccei added Audit Engagement letter and PVT invoice. Judy Frazier made the motion to approve the amended agenda. The motion as seconded by Tom Hogan, unanimously, approved.

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**III. Review of Minutes**

Tom Hogan made the motion to approve the May 29, 2018 regular meeting minutes as written. The motion was seconded by Judy Frazier, unanimously approved

**IV. Open Public Comment**

John Jozwiak: John Jozwiak was present to discuss top soil placement in front of a storm drain on a neighbor's property, causing water to be diverted and run across the property. He noted he has brought this to the Selectboard for two meetings with no action. Stan Wilbur stated it has been looked at, nothing has changed from prior year, not a high priority item

Mike O'Brian: Mike O'Brian was present to talk about the great assets in the Town of Proctor; the people and the history. He noted his concern that historical preservation has gone awry on Ormsbee Ave. He is disappointed by the disregard for historical preservation. Leadership is required to honor the history of the town. He submitted the two state letters to add as part of the meeting record.

Rick Moreno: Rick Moreno was present to request the letters submitted from the State be read into the minutes. The Selectboard agreed to attach the letters to the end of the minutes. Letters are from Jeffrey Fehrs, Vt Dept of Sentimental Conservation and James Duggan, VT Division for Historic Preservation. (see Board of Sewage Commissioners)

**V. Invited Guests**

No invited guests.

**VI. Good Stuff**

The following groups/organizations were recognized for their outstanding service to the Proctor community: The Selectboard recognized the Park & Recreation Committee for all the work completed at the Proctor Pool. Community members shared the fabulous PHS Graduation, the spectacular season of PHS Varsity Ladies Softball Team Runner-Up D-4, the 42<sup>nd</sup> Annual Crowley Race begins in Proctor every year and Proctor community members that have joined community committees.

**VII. Highway Department**

• Manager's Report

Field Activities:

- Paving Cain, Reynolds & Williams Street
- Edging new pavement
- Ormsbee Avenue Construction
- Mower maintenance and servicing
- Mowing & trimming
- Roadside mower
- Cross Street & Gorham Bridge Road culverts
- Speed limit signs on Gorham Bridge Road
- Fishing/Swimming signs at Beaver Pond
- Town office A/C units
- West Street Storm drain repair
- VTrans meeting at North Street Railroad Bridge
- Sand for Pool beach

Pending Activities:

- Potholes
- Roadside trees and brush

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- Culvert replacements
- Culvert and road surface inventory with RRPC
- Overtime:
  - No overtime
- Bike/Ped Grant Application: Judy Frazier made the motion to authorize Stan Wilbur to submit the Bike/Ped Grant Application, Segment 3, Park to beaver Pond. The project would be \$550,000.00, the local share would be \$111,000.00. The motion was seconded by Tom Hogan, unanimously approved.
- Highway Paving Projects: The town received the Class 2 paving grant; Cross, School and North Street, state pays \$128,000.00, town pays \$32,000.00. Judy Frazier made the motion to authorize Stan Wilbur to sign the grant agreement. The motion was seconded by Tom Hogan, unanimously approved.
- Other New and/or Old Business: No other new and/or old business.

**VIII. Board of Water Commissioners**

Judy Frazier made the motion at 6:35 p.m. to adjourn the meeting of the Selectboard and convene the Board of Water Commissioners. The motion was seconded by Tom Hogan, unanimously approved.

- Manager's Report
  - Waiting for state approval for the O& M, approval for the Hydraulic Analysis and abandonment contract about scope of work and cost for outer district.
  - Items listed under Activities Planned or Needed, will be placed on a schedule to complete,
- Simon Operation Monthly Report: May 2018

Activities Completed:

  - Discovered leak on the Marble Company service line. Marked all water line and valves. Contractor repaired.
  - Located and uncovered valves on Ormsbee for emergency shut downs if necessary.
  - Located curb stop at 47 West Street
  - Turned the water on at the pool. Sampling will begin the week of the 4<sup>th</sup>.
  - Worked with D&K conducting the final flow hydrant.
  - Marked water service line at #1 Beaver Pond Road.
  - Attended training classes to maintain water licenses.

Activities in Progress

  - Leak detection. We did fill out the State's form requesting another round of free leak detection service. Will hear back shortly with schedule.
  - Determine cause for lack of flow at the Willow Street 1202(see 3), Pine Street 1301 (see 4) and the Larson Street 1602 (see 5). Awaiting D+K hydrant flow evaluation to determine if the hydrants meet current flow standards. If the hydrants do not meet the flow requirements an evaluation will determine course of action. Piping improvements may be needed.
  - The Pine/High street hydrant #1301 is noted in the D+K study to NOT meet flow. Hydraulic model confirms supply to the hydrant is inadequate. Solutions will be provided to address this hydrant.
  - Larson Street hydrant #1602 will meet flow requirements per D+K study. Larson Street does not have an isolation valve that can be found and therefore is unable to be shut down for service. Recommend shutting the main down and adding new isolation valve with a new hydrant.
  - VTrans project on North Street.

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Activities Planned or Needed:

- West Tank cathodic protection needs replacing. Quote may need to be updated.
- Test the new PRV conversion piping in the South vault. Establish a procedure for switching from SCADA control to pressure control in instances where both tanks may need to supply water to the West side. (fire protection) The conversion kit has been installed to allow either control scenario. (pressure or SCADA control)
- Schedule Larson Street Hydrant #1602 replacement and valve addition.
- Schedule Meadow street/Willow investigation. Hydrant #1202 low flow.
- Evaluate Pine/High Street Hydrant #1301 repair options. Upgrade main line, add supplemental supply piping or remove the hydrant. An approach will be prepared after final flow testing.
- Willow Hydrant #1202 meets flow requirements. It current does not flow and is placed out of order. The MEADOW STREET main line is suspected to have a restriction. The pressure loss is occurring all the way back to the intersection of Meadow and Beech Streets. The intersection needs to be excavated and the pipe needs to be evaluated.
- Other New and/or Old Business: No other new and/or old business.

**IX. Board of Sewage Commissioners**

Judy Frazier made the motion at 6:39 p.m. to adjourn the meeting of the Board of Water Commissioners and convene the Board of Sewage Commissioner. The motion was seconded by Joe Manning, unanimously approved.

- Manager's Report
- Simon Operation Monthly Report: May 2018

Activities Completed:

- Performed all compliance monitoring for the wastewater facility and samples tested passed state requirements except for BOD which was slightly over the MCL. This is most likely due to the lagoon height being dropped to accommodate the pipe repair.
- Worked with A-1 to clean out pump station wet wells, two remaining. Unable to get the Vac-truck to Library PS or Columbian Ave PS. We will re-schedule the pump truck to finish these two pump stations.
- Installed a new hour meter at Willow Street pump station.
- Used portable generator during a power outage to maintain levels at the Columbian Ave PS and Styles PS. Friday evening into Saturday (May4-5)
- Marked utilities on Church St for highway project. Assisted HW with camera work o storm water pipes.
- Called A-1 to pump out wet well inside lab building. Pump were down due to transformer issue on the pole.
- Repaired a manhole riser on Park/Grove St. Man hole cover sunk in due to heavy construction traffic.
- Weekly mowing and trimming
- Responded to sewer back up on Williams Street
- Worked with contractor on Ormsbee locating old and new service line connections.
- Installed new radio in the Willow Street MISSION dialer system
- Worked with contractor to uncover the pipe between 2 lagoons. This pipe was covered with concrete and a new approach was needed.
- Pulled pump 1 at the Library PS and removed rags. The spare pump is being repaired. Should have it back soon.
- Placed illicit discharge warning signs up at the outfall behind LaFond's and near the power station per the State of Vermont.

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- Cleaned the UV unit's numerous times due to turbidity problems with the final effluent discharge. Also caused by low water levels in lagoon 2.

Activities in Progress:

- Sludge Depth profiles are in progress. A depth finder was purchased to provide depth readings in 2 lagoons.
- Routine sewer flushing in the problem areas.
- Algae blooms are already affecting the final effluent. The increase this early in the season is most likely due to the additional mixing the pumps create. We will be treating the lagoon with algaecide and decreasing the pH at final effluent to level below 8.0. Algal blooms increase pH and 8.5 is the State maximum.
- Repair lagoon EQ pipe.
- Install alarm system for UV building for power outage and low UV intensity. Patch Electric is relocating a MISSON from West side tank that is no longer in use.

Activities Planned or Needed:

- Repairs to Park Street Sewer Main. (In front of #9 Lower Park) Large roots were removed from a hole in the top of the pipe. Hole is in front of the service. This pipe is a good candidate to slip line as the pipe is now cleared and intact. A& E has been notified of this.
- Repairs to Upper Park. MH.2.E.9, specially 2 holes in the pipe between MH.2.E.7 and MH.2.E.8( below recently repaired area at #104 Park.) Video shows significant amount of ground water flowing into the holes. A&E has been updated on this.
- Address the items Stone Environmental identified in their report. Dave Braun has given an updated list to be followed up on. Jim Pease has also helped move this along. Follow up samples being collected.
- Root removal or repair on the sewer main crossing vacant lot on North Street.
- Ormsbee Avenue Sewer/Stormwater Improvements Update: Stan Wilbur discussed a letter from DEC pertaining to a storm drain in front of 41 Ormsbee Ave and the three options. The preferred alternative is to eliminate the storm drain in front of 41 Ormsbee Ave. Stan Wilbur contends the water line to 41 Ormsbee Ave was not broken but simply crimped, the homeowner disputes this claim. An entire water service line will be replaced with copper to the main, as the water service line is too close to the sanitary manhole. Stan Wilbur provided two handouts to address three issues sighted by DEC and State Historic Preservation. One is damage done by tree cutting which was not identified in the scope of work, nor included in the regulatory review. The second is the damage to the wall and structure at 41 Ormsbee Ave. Rick Moreno noted his property, 41 Ormsbee Ave. is listed on the State Register of Historic Places. He listed a number of concerns/issues with the project and how it relates to his property (these concerns are outlined in the attached letters from the state). He requested the Selectboard conduct an investigation and place the Town Manager on administrative leave.
- Dosing Manhole Update: Continue to wait for divers.
- Other New and/or Old Business: No other new and/or old business.

Tom Hogan made the motion at 7:00 p.m. to adjourn the meeting of the Board of Sewage Commissioners and resume the meeting of the Selectboard. The motion was seconded by Judy Frazier, unanimously approved.

**X. Additional Items Requiring Action from the Board**

- Review of Bills & Signing of Selectboard Orders: The Selectboard reviewed and signed orders totaling \$473,762.02.

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- Facility Use Permit- Park Gazebo: Judy Frazier made the motion to approve the FUA for June 23,2018 2-6pm, insurance on file. The motion was seconded by Tom Hogan, unanimously approved.
- State Auditor Response: Stan Wilbur continues to work on the response, currently not a high priority.
- Mosquitos: The Proctor Pool will spray the facility for mosquitos from there budget. Stan Wilbur is waiting to hear back from the District. Community members inquired about hiring a biologist to access the surge of the mosquitos in Proctor. This item will be placed on the next Selectboard agenda.
- Proctor's Future Task Forces: There are upcoming meetings. Possibility of funds to support committee projects.
- Property Maintenance Ordinance: Will be an agenda item at the June 25,2018 meeting.
- Junk and Junk Vehicle Ordinance Violation: Certified letters sent and Stan Wilbur has received receipt. Currently, under the purview of the RCSD.
- Delinquent Tax Sale: Handout provided. Continuing to gather information.
- Sullivan,Powers & Co.,P.C.: Engagement letter provided for review.
- Preservation Trust of Vermont: Handout provided for review.
- Budget Report: Information only. Handout provided.
- Sheriff Department Report: Information only. Handout provided.
- Other New and/or Old Business: No other new and/or old business.
- Executive Session- FY 2019 Employee Compensation: Judy Frazier made the motion at 7:31 p.m. to enter executive session for FY2019 Employee Compensation. The motion was seconded by Tom Hogan, unanimously approved. Judy Frazier made the motion at 8:00 p.m. to exit executive session. The motion was seconded by Tom Hogan, unanimously approved  
Action: Judy Frazier made the motion to give Rhoda Grace a \$500 (net after payroll taxes) end of year bonus in recognition of the many services she has provided the Town during Celia's absence from the office. The motion was seconded by Tom Hogan, unanimously approved.
- **XI. Adjourn**  
Judy Frazier made the motion to adjourn the June 11,2018 regular Selectboard at 8:02 p.m. The motion was seconded by Tom Hogan, unanimously approved.

**Vermont Department of Environmental Conservation**

Facilities Engineering Division

1 National Life Drive, Main 1

Montpelier VT 05620-3510

<http://dec.vermont.gov/facilities-engineering>*Agency of Natural Resources*

[phone] 802-798-2094

[fax] 802-828-1552

June 5, 2018

Stan Wilbur, Town Manager & Authorized Representative  
Town of Proctor  
45 Main Street  
Proctor, Vermont 05765

**Subject:** Ormsbee Avenue Sewer and Stormwater Improvements Project  
Vermont/USEPA Clean Water Loan# RF1-209

Dear Mr. Wilbur:

The Facilities Engineering Division (FED) received complaints that the Ormsbee Avenue Sewer and Stormwater Improvements Project caused damage and other impacts to private property. We request that:

- The Town work with the property owners to resolve any damage or issues.
- The Town provide property owners notification about construction activities that could impact their property.
- The Town work with its consultant and contractor to minimize the potential for future damage including implementing the recommendations made by James Duggan, Senior Historic Preservation Review Coordinator with the Department of Housing & Community Development in his e-mail dated June 1, 2018 (copy attached). Note: the impacts described in Mr. Duggan's e-mail may require FED to reopen the Finding of No Significant Impact (FSNI) issued for this project. If this is the case, the revised FNSI may require additional mitigation measures to protect historic property or resources.
- The Resident Project Representative observe and document any damage to waterlines, sewer laterals, stone walls, trees, landscaping, driveways, or other private property.
- The FED Construction Engineer be updated on the status of any disputes and issues at the monthly construction meetings as well as the mitigation measures or resolutions being taken to address the issues and recommendations in James Duggan's e-mail dated June 1, 2018.

Any disputes or issues regarding this construction project may result in disbursement holds being placed on this loan until the dispute or issue is resolved.

Thank you for your attention to this matter. We look forward to resolution of property owner's concerns and a successful completion of the Ormsbee Avenue Sewer and Stormwater Improvements Project.

Sincerely,



Jeffrey E. Fehrs, P.E., Supervisor  
Design & Construction Engineering Section

Cc: Jason Booth, A+E, PC (electronic copy)

Don Richard Moreno, Resident, Town of Proctor

Eric Blatt, Director, Facilities Engineering Division, DEC (electronic copy)

Don Haddox, Construction Engineer, Facilities Engineering Division, DEC (electronic copy)

## Fehrs, Jeff

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**From:** Duggan, James  
**Sent:** Friday, June 1, 2018 11:00 AM  
**To:** Claudon, Lynnette; Haddox, Don; Fehrs, Jeff  
**Cc:** Trieschmann, Laura; Azaria, Dale  
**Subject:** DWSRF Ormsbee Avenue Proctor

Lynette & Don,

Thank you for your recent communication about the DWSRF project taking place on Ormsbee Avenue in Proctor. As you are all aware, this project was initially reviewed under our DWSRF Programmatic Agreement and given our concurrence with a "No Adverse Effect" determination at that time.

The following observations and recommendations are based on the previously conducted review of the project, as well as new information provided on-site during our discussion with the Owner of 41 Ormsbee Avenue on Friday, May 25, 2018.

A number of issues have been brought to your attention by the homeowner of 41 Ormsbee Avenue in relation to the infrastructure project taking place on the street. In particular, the owner identified a number of concerns related to historic resources involved with the property:

1. Concerns with the tree clearing activities along the entirety of the parcel boundary line/street frontage at Ormsbee Avenue.
2. Concerns with the treatment of the mortared stone boundary wall that also runs along the entirety of the parcel boundary on Ormsbee Avenue (and elsewhere).
3. Concerns with the impacts of vibration from the construction activities on the stone wall and residence.

To be clear, the property at 41 Ormsbee Avenue is a historic site that is listed on the State Register of Historic Places as a contributing resource to the Proctor Village Historic District. (SR Survey#1118-2 entered into SR 5.7.1980) The house was built c. 1910-15 and known historically as the Redfield Proctor Jr. estate. It is considered one of the finest examples of the Colonial Revival-style of architecture in the state and features a large brick mansion set upon a generous manicured lawn surround by mature vegetation and set back from the tree-lined street frontage. The layout and design of the house and grounds is consistent with estate planning during the era of construction, as well as an indication of the wealth and importance of Redfield Proctor Jr., who at the time of construction was the heir apparent of the largest marble fortune in the world.

Our understanding of the project, which was based on the plan set and supporting documentation submitted for review, led to a determination of No Adverse Effect as those plans and documents stated the limits of construction would not encroach beyond the existing roadway. It is obvious from the impacts identified above that the project has moved beyond the defined limits and created impacts that were not previously identified. These impacts have created, or have the potential to create, adverse effects on the historic resources present with the area of potential effect.

Below are some observations and recommendations for the items listed above.

1. **Issue-** When we evaluate the historic significance of a property or resource, we look to a number of factors including: design, setting, location, feeling, association, materials and workmanship. Together, these criteria contribute to the historic significance of a property. The mature, tree-lined street frontage at 41 Ormsbee Avenue is a component of the property that contributes to its character and historic significance. Any potential impacts to this component should have been identified and included as part of the regulatory review for the



project. The tree cutting activities were never identified in the scope of work, and as a result were not evaluated for potential impacts. Frankly, I would suggest the general scale and height to which the clearing was completed seems excessive and unnecessary, certainly if based on the size of the equipment being used on site. If this clearing work had been included, we likely would have requested the need for an arborist to provide professional recommendations on the best way to protect and/or minimally trim these important landscaping/boundary/privacy features. Unfortunately, this was not how things proceeded, and at this point the damage is done and frankly the results have created indirect adverse effects (visual/aesthetics).

**Recommendation** - There should be a discussion on how to resolve this after-the-fact situation and identify if any mitigation is required/appropriate at this time. A professional arborist should be tasked with a plan to triage/restore/protect the vegetation, to the extent feasible, for future preservation.

- Issue**- The mortared stone wall, that runs along the entirety of street frontage of the property on Ormsbee Avenue, has been identified as a character-defining feature of the estate and noted in the State Register and other listings. This boundary wall appears at other locations on the parcel, as well as on adjacent parcels that have been subdivided away over the years. There are even similarly constructed walls of the same general size and appearance (height, width; stone, mortar) across the Otter Creek and appear on the west side of the river near the Vermont Marble Company facility. Again, the original scope of work suggested that all construction activity would avoid any impacts to this resource. During the site visit, the Owner stated concerns about his observations of the treatment of the historic stone wall by the construction workers. Apparently, workers were climbing on and standing on the wall to reach tree limbs they were to cut, and large limbs were dropped on the wall with little care or concern. I did note a few areas where top level stones were loose, displaced and/or had tumbled down. A few were set back upon the wall. Again, this was an encroachment beyond the stated limits of construction and thus far has created minor, but repairable, damage in select areas.

A second issues brought up by the Owner was the confusion as to what are the exact limits of the Town's right of way and the positioning of the wall, especially as this relates to the current project and its stated limits. There is a pre-existing area of failure along the wall (between the circular drive entries towards the southern end of this section) and anecdotal reports from the Owner suggest that discussion between the Town and Owner have not successfully confirmed whose responsibility maintenance of the wall falls upon. It seems that neither party knows conclusively the true boundaries at play here. Furthermore, reports suggest that if the wall is within the Town's right of way, there may not be a willingness to protect and preserve this historic resource with the appropriate care and consideration. Finally, there is concern about the remaining scope of work and the physical impacts that it may have on the wall. The next phase of excavation will be taking place inboard (closer) to the wall from the recently installed alignment. This is of concern due to the proximity of construction equipment nearer to the wall and the potential for further physical damage.

**Recommendation** – Before any further construction activities commence in this area, the entire length of stone wall adjacent to the project along the Ormsbee Avenue frontage needs to be inspected and protected. At minimum, the wall should be isolated from the construction activities with a highly visible marker such as orange-colored snow fence or another visible physical barrier that no equipment or personnel should traverse beyond the construction project area. On-site monitoring to ensure the wall is not physically impacted when construction activities resume may be prudent. Any physical damage identified as a result of this project should be repaired in-kind by a mason with experience dealing with historic stonework and mortar to ensure the existing construction is matched accurately. In addition, the issue of road width/right-of-way boundaries needs to be investigated and the party with ultimate responsibility for the long-term preservation of this historic structure needs to be clearly identified. Under no circumstances should any section of this wall be dismantled or removed due to its location relative to this project or extant conditions.

- Issue**- The Owner has voiced concerns over the impacts vibratory compaction is having on historic resources. There is concern with the very localized impacts of high vibration on the stone wall, as well as impacts to the house, which is located further away from the compaction. We have great concern that the continuing vibratory compaction called for in the scope of work will negatively impact the condition of the stone wall. This wall relies on mortar to keep the stones in place, rather than a dry-laid wall which relies more on the placement of stones throughout the matrix. High levels of vibration shake the materials loose, break the bond between stone and

mortar, eventually contributing to a degradation of its structural integrity. Anecdotal reports from the Owner also suggest vibration originating from compaction is occurring at levels sufficient to create potential damage to the historic fabric within the house as well.

**Recommendation** – Before any further construction activities commence in this area, a protocol requiring vibrational limits along with active monitoring should be designed and implemented (similar to the strategy employed on Northfield Street in Montpelier last year.) This protocol should be designed to minimize the levels seen locally at the wall, as well as at greater distance from the subject source in the house. Moreover, there are numerous historic resources along the project alignment and the implementation of the protocol should be considered for all remaining compaction work within the area of potential effect along Ormsbee Avenue.

Please feel free to reach out with any further questions or need for clarification. We will look forward to hearing about your plans to address/resolve the concerns identified.

I am available to continue consultation with interested parties and help develop the necessary stipulations required. Let me know what I can do to help at this time.

Thank you,  
Jamie



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**James P. Duggan** | Senior Historic Preservation Review Coordinator

Division for Historic Preservation

Department of Housing & Community Development

1 National Life Dr, Davis Bldg, 6th Floor | Montpelier, VT 05620-0501

802-477-2288 direct |

[acd.vermont.gov/historic-preservation/review-compliance](http://acd.vermont.gov/historic-preservation/review-compliance)

[james.duggan@vermont.gov](mailto:james.duggan@vermont.gov)