

**Town of Londonderry, Vermont**

**Development Review Board  
Meeting Agenda**

**Wednesday, March 20, 2019 at 5:30PM**

**100 Old School Street, South Londonderry, VT 05155**

**The Londonderry Development Review Board will meet at 5:30 PM on Wednesday, March 20, 2019, at the Twitchell Building Town Office, 100 Old School Street, South Londonderry.**

1. Call the Meeting to Order
2. Additions or Deletions to the Agenda
3. Minutes Approval – Meeting(s) of [Date]
4. Public Hearing as warned:

Application 023-17 by Judith and Thomas Platt (Owners) for approval to elevate existing structure known as the old Post Office, located on Parcel 102016.000 along the southerly side of VT 11 and 100 within the Village Commercial zoning district and Flood Hazard Area.

5. Other Business

Stoesser-Veech, Subdivision. Consider acceptance of full-scale revised subdivision plat and narrative relevant to Bylaw Section 314 (2), Section 502 and Section 504 of the current Londonderry Zoning Bylaw, per condition of approval previously granted by DRB.

Swiss Inn-Stratton Corporation, Change of Use. Consider request for waiver from parking requirements for former Swiss Inn per Zoning Bylaw Section 413, and /or acceptance of parking plan for new use submitted per condition of approval previously granted by DRB.

6. New Business

Discussion of terms of service for DRB members  
Discussion of DRB regular meeting dates and public notice requirements

7. Next regular meeting date – Wednesday, April 17, 2019 at 5:30pm.
8. Adjourn

**Town of Londonderry, Vermont  
Development Review Board**

**Regular Meeting Minutes**

**Monday, March 20, 2019**

**Twitchell Building - 100 Old School Street, South Londonderry, VT**

**Board Members Present:** Esther Fishman, Denis Pinkernell, John Lancaster, Bob Maisey, Terry Hill and Sven Fedorow.

**Board Members Absent:** Chris Laselle.

**Others in Attendance:** Town Officials – Town Administrator/Zoning Administrator Shane O’Keefe. Members of the Public – Tom and Judith Platt, and Matt Beck, P.E.

**1. Call meeting to order**

Board Co-Chair Esther Fishman called the meeting to order at 5:30 PM.

**2. Additions or deletions to the agenda**

Sven Fedorow asked to add a discussion on procedural matters prior to future hearings. Esther Fishman added this discussion to New Business.

**3. Minutes**

*Motion by Bob Maisey, seconded by John Lancaster, to approve the minutes of the meeting of February 20, 2019. Motion PASSED with Esther Fishman, John Lancaster, Bob Maisey and Sven Fedorow voting aye, and both Denis Pinkernell and Terry Hill abstaining due to their not being in attendance at the meeting.*

**4. Public Hearing as warned:**

- A. Application 023-17 by Judith and Thomas Platt (Owners) for approval to elevate existing structure known as the old Post Office, located on Parcel 102016.000 along the southerly side of VT 11 and 100 within the Village Commercial zoning district and Flood Hazard Area.**

Co-Chair Esther Fishman opened the public hearing on this matter at 5:35 PM. All present introduced themselves to one another.

The Board reviewed a written narrative, dated February 13, 2019 from Matt Beck, P.E. that addresses Section 205 of the Zoning Bylaw pertaining to compliance with the floodplain regulations. Beck spoke in detail about the letter and its attached plans, noting that the new floor of the building would be approximately 5 inches above the base flood elevation. There would be no basement in the building as the existing basement would be filled with aggregate material topped by a concrete slab, thus resisting unbalanced hydrostatic loads.

Beck stated that the project is not altering any watercourse, or further impacting the flow of the river, as there is no change to the building footprint. He provided to the Board several maps depicting the building in relation to the special flood hazard area and the floodway. He claimed that the building is not in the mapped floodway, but all but the front of the building is in the special flood hazard area.

The heating oil tank will be removed from the building basement, and it is likely that it will be replaced by a buried propane tank stated Mr. Platt. Platt also state that There will be no changes to the existing onsite wastewater system, which dates from approximatey1963.

The Board reviewed with Beck the specific standards under Zoning Bylaw Section 205(m). It was agreed that subsections 6, 10, 11,12 and 13 were not applicable to this project.

It was noted that an elevation certificate would need to be issued after the building is elevated.

The public hearing was closed at 6:05 PM, and it was noted that the Board would deliberate on this matter later in the meeting.

Beck and the Platts left the meeting.

## 5. Other Business

### **A. Stoesser-Veech, Subdivision. Consider acceptance of full-scale revised subdivision plat and narrative relevant to Bylaw Section 314 (2), Section 502 and Section 504 of the current Londonderry Zoning Bylaw, per condition of approval previously granted by DRB.**

Following up from the public hearing and Board vote on this matter on December 19, 2018, the Board reviewed a revised plat and letter dated February 27, 2019 from surveyor Brownson Spenser requesting waivers from Sections 314 and 504 of the Zoning Bylaw. This information was submitted in response to the Board's decision on this project, dated February 3, 2019, whereby the proposed subdivision was approved conditioned upon "(r)ceipt and acceptance of a full-scale revised plat with additional information as applicable and required by Section 314(2), Section 502 and Section 504 of the current Londonderry Zoning Bylaw".

There was lengthy discussion about some of the information for which waiver is requested being readily available from the Vermont Agency of Natural Resources mapping resources.

Due to lack of adequate information in the submittals from the applicant, the Board did not vote to approve or accept the plat or requested waivers.

It was the consensus of the Board that the Zoning Administrator should write a letter to the applicant requesting a written rationale/justification for each requested waiver or, in alternative, inclusion in the plat of the readily available mapping information, particularly the following:

- Critical wildlife habitat (including rare and endangered species)
- Steep slopes/shallow soils
- Prominent geological features.

**B. Swiss Inn-Stratton Corporation, Change of Use. Consider request for waiver from parking requirements for former Swiss Inn per Zoning Bylaw Section 413, and /or acceptance of parking plan for new use submitted per condition of approval previously granted by DRB.**

Following up from the public hearing and Board vote on this matter on February 20, 2019, the Board reviewed a revised parking plan submitted on March 15, 2019. This information was submitted in response to the Board's vote on February 20, 2019 to authorize a change of use to a boarding house for seasonal employees, with the following conditions: "1) Submittal of a parking plan depicting a minimum of 25 spaces meeting the specifications of the Zoning Bylaws Section 413 Parking and Article IV General Regulations for Lodging – Parking Spaces, prior to receipt of the zoning permit; 2) Compliance with the Zoning Bylaws Section 414 Performance Standards; and 3) no public use is approved with this permit".

O'Keefe noted that the applicant had submitted a parking plan that he had determined was inadequate, and that the applicant resubmitted another plan that again did not meet required dimensional specifications. The applicant had also submitted a request for waiver pursuant to Section 413(E)(4) of the Zoning Bylaw, which pertains to parking reductions for elderly and/or affordable housing units. O'Keefe stated that he subsequently rendered a decision on the number of parking spaces actually required, noting that the new use, absent the restaurant, would have a diminished parking requirement and the site was coming into greater conformance with the Zoning Bylaw by virtue of the approved change of use. The applicant submitted a new parking plan showing 17 parking spaces and adequate vehicular circulation within the designated parking area, which the Board had before them for consideration.

There was discussion about additional parking areas on the property should there be a need in the future, and the applicability of the parking waiver requested by the applicant. The Board also discussed the nature of the public use restriction approved at the previous meeting.

*Motion by Sven Fedorow, seconded by Bob Maisey, 1) to amend condition 1 of the Board's decision from February 20, 2019, to reflect that a minimum of 17 parking spaces are to be delineated for this project, the basis for this being that the change of use reduces the degree of noncompliance of the property; 2) amend condition 3 of the Board's decision from February 20, 2019, to reflect that there shall be no non-employee use of the Boarding House until such time as a revised parking plan is accepted by the Board that delineates or reserves additional parking areas; and, 3) to accept the parking plan as submitted on March 15, 2019. Motion PASSED unanimously.*

*Motion by Terry Hill, seconded by Denis Pinkernell, to accept the request for waiver of the number of required parking spaces for this specific project per Zoning Bylaw Section 413(E)(4) of the Zoning Bylaw. Motion FAILED unanimously.*

At 6:45 pm the Board entered private deliberative session. At 6:47 the Board discontinued deliberative session and made the following announcements:

**Application 023-17 by Judith and Thomas Platt (Owners) for approval to elevate existing structure known as the old Post Office, located on Parcel 102016.000 along the southerly side of VT 11 and 100 within the Village Commercial zoning district and Flood Hazard Area.**

*Motion by Bob Maisey, seconded by Terry Hill, to grant conditional use approval, per Zoning Bylaw Section 205(H), to elevate the subject building at or above the base flood elevation with the following condition: 1) that the property owner shall provide an updated elevation certificate acceptable to the Zoning Administrator prior to any occupancy or use of the subject building. Motion PASSED unanimously.*

## **6. New Business**

### **A. Discussion of terms of service for DRB members**

The Board discussed O’Keefe’s recommendation that the Board members have defined terms of office to allow for there to be opportunities for others to serve the community, and also to allow existing members to step off the Board without having to resign. It was recommended that terms be for three years, but that there be staggered transitional terms at this time that would become three-year terms at their end. He also suggested that terms begin and end in the fall of the year as the work of the Board heads into a slower time of year.

There was a brief discussion about the number of meetings attended by Board members each year, and a lengthy discussion about how appointments are made by the Selectboard and which staggered terms were preferred by existing Board members.

*Motion by Denis Pinkernell, seconded by Sven Fedorow, to recommend the following terms of office for its existing members, commencing on October 1, 2019:*

*Three 3-Year Terms: Denis Pinkernell, Chris Laselle and John Lancaster*

*Two 2-Year Terms: Esther Fishman and Terry Hill*

*Two 1-Year Terms: Bob Maisey and Sven Fedorow*

*Motion PASSED unanimously.*

It was noted that an alternate Board position remains vacant and still needs to be filled.

### **B. Discussion of DRB regular meeting dates and public notice requirements**

The Board reviewed three Board meeting schedules for the coming year prepared by O’Keefe, with each including hearing notice deadlines and application deadlines. He noted that the present practice does not provide adequate public notice and the schedule needs to change accordingly. Either the application submission deadline needs to be extended, establishing a 36-day period between application deadline and the Board meeting on the third Thursday each month, or meetings could be held on the third Thursday which would allow for a 30-day period.

It was noted that the Planning Commission just had its terms of office approved by the Selectboard this week.

Town of Londonderry, Vermont  
 Development Review Board Meeting Minutes – March 20, 2019

The consensus of the Board was to continue to hold its meeting on the third Wednesday of the month, and to adopt a schedule that provides for notice 21 days before the meeting and application deadline 36 days before the meeting. The 2019 schedule adopted was as follows:

Month	Meeting Date	Newspaper Posting	Newspaper Deadline	Application Deadline
	Wednesday	Wednesday	Friday	Tuesday
JAN	January 16, 2019	December 26, 2018	December 21, 2018	December 11, 2018
FEB	February 20, 2019	January 30, 2019	January 25, 2019	January 15, 2019
MAR	March 20, 2019	February 27, 2019	February 22, 2019	February 12, 2019
APR	April 17, 2019	March 27, 2019	March 22, 2019	March 12, 2019
MAY	May 15, 2019	April 24, 2019	April 19, 2019	April 9, 2019
JUN	June 19, 2019	May 29, 2019	May 24, 2019	May 14, 2019
JUL	July 17, 2019	June 26, 2019	June 21, 2019	June 11, 2019
AUG	August 21, 2019	July 31, 2019	July 26, 2019	July 16, 2019
SEP	September 18, 2019	August 28, 2019	August 23, 2019	August 13, 2019
OCT	October 16, 2019	September 25, 2019	September 20, 2019	September 10, 2019
NOV	November 20, 2019	October 30, 2019	October 25, 2019	October 15, 2019
DEC	December 18, 2019	November 27, 2019	November 22, 2019	November 12, 2019
JAN	January 15, 2020	December 25, 2019	December 20, 2019	December 10, 2019

**3rd Wednesdays\***  
**at 5:30 PM**

**Vermont Journal**  
 Ref: 24 VSA 4464(a)(1)(A)  
 and 24 VSA 4303a

**Submit to:**  
 Zoning Administrator  
 100 Old School Street  
 Londonderry, VT 05155

\* Unless otherwise indicated (See also 1 VSA 138 & 174)

**C. Procedural matter for public hearing process**

Sven Federow suggested that, prior to any public hearing and to show transparency and openness of the hearing process, Board members affirmatively state whether or not they have had ex-parte communications with interested parties to a matter under consideration. O’Keefe asked him if he could share with the Board any narrative that he can suggest.

**7. Next regular meeting date – Wednesday, April 17, 2019 at 5:30pm.**

**8. Adjourn**

The meeting was adjourned at 7:20 PM.

Respectfully submitted,

  
 Shane O’Keefe, Zoning Administrator

*Approved on April 17, 2019*

  
 Esther Fishman, Co-Chair

**TOWN OF LONDONDERRY, VERMONT**  
**Development Review Board**

**Findings and Decision**

**Conditional Use Review**  
**Property of Judith and Thomas Platt, Old Post Office**  
**2152 North Main Street VT Routes 11 & 100**

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application submitted by Judith and Thomas Platt, Owners, for approval to elevate an existing structure known as the old Post Office to 26 (twenty-six) inches above the Tropical Storm Irene flood elevation level. The structure is located at 2152 North Main Street on Parcel 102016.000 and situated within the Flood Hazard Overlay district of the 2009 Londonderry Zoning Bylaws, which requires Conditional Use Review in accordance with Bylaw Section 203 District Standards and Section 205 Flood Hazard Overlay District.
2. The application – for the elevation of an existing structure only – was received by the Zoning Administrator for the Town of Londonderry on 07/26/2017. A copy of the application is available at the Town Offices in Londonderry.
3. On 7/29/2017, notice of a public hearing for review of the Platt application was posted at the following places:
  - The Londonderry Town Clerk’s Office
  - The Londonderry Post Office
  - The South Londonderry Post Office
4. On 7/29/2017, a copy of the notice of public hearing was mailed to the Applicant/Owner. The following adjoining property owners were notified by certified mail:

Scott and Rachel Febbie, 6135 VT Route 100, Londonderry, VT 05148  
DJs Market LLC, PO Box 3, Londonderry, VT 05148  
Apache Asset Management LLC, PO Box 250, Weston, VT 05161  
Arapahoe Partners LLC, PO Box 250, Weston, VT 05161  
George and Elaine Gordon. PO Box 1301, Manchester Center, VT 05255
5. On 8/2/2017, notice of a public hearing for the Platt application was published in the *Vermont Journal*.
6. The application was considered by the Board at a public hearing opened on 8/16/2017. Present through the proceedings were the following members of the Board: Esther Fishman (Co-Chair), Denis Pinkernell (Co-Chair), Terry Hill, Dwight Johnson, John Lancaster, and Bob Maisey. On 3/20/2019, the public hearing was closed.

7. During the proceedings, the following exhibits were submitted to the Board by the Owner/Applicant, along with the zoning permit application:

Exhibit 1: A "No-Rise" Analysis and Report for the West River in the vicinity of Derry Downtown, Londonderry, Vermont, prepared by: Beck Engineering PC, dated June 20, 2014, Revised August 1, 2014.

Exhibit 2: A sketch plan, excerpted from a Plat of a Survey of Lands of Thomas R. and Judith U. Platt, by Dauchy-Creamer Associates, dated May 1, 2013, Drawing NO: DC-0877, showing setbacks from the property lines to the old Post Office as hand drawn by Thomas Platt.

Exhibit 3: Elevation sheets of old Post Office and work shop (floor) Plan drawn to scale by Thomas Platt.

8. During the proceedings, the following exhibits relevant to the Platt application were received by the Town Administrator or Zoning Administrator and added to the Platt Elevation Project document records file:

Exhibit 4: Correspondence/Narrative from John Broker-Campbell, CFM, Regional Floodplain Manager, Department of Environmental Conservation, Watershed Management Division/Rivers Program, dated October 4, 2017, Subject: Substantial Improvement Application, 2152 North Main Street.

Exhibit 5: Elevation Certificate for Commercial Building 3-102016, VT Route 11, owned by Thomas and Judith Platt, certified by Kathleen A. Martin, Licensed Land Surveyor, expiration date, July 31, 2015 (establishes the pre-disaster elevation of the subject structure).

Exhibit 6: Record of Environmental Consideration, Determination of Categorical Exclusion for Elevation Project at 2152 Main Street, Londonderry, VT, FEMA HMGP-4022-VT, dated September 8, 2015.

Exhibit 7: Correspondence/ Narrative from Mathew Beck, PE, Beck Engineering, PC, dated February 13, 2019, Subject: Elevation of 2152 Main Street/FEMA-HMGP-4022-VT.

Exhibit 8: Correspondence via electronic mail from John Broker-Campbell including review and update of his previous guidance for proposed Platt Elevation Project as reflected in the approved Board meeting minutes of 9/20/2019.

These exhibits are available at the Town Office.

9. Thomas and Judith Platt, Owners/Applicants, discussed the proposed elevation project, designed to 'flood proof' a single-story building, formerly a Post Office, which they own and operate as an accessory 'workshop' for maintenance projects

related to their restaurant, market/deli/cafe and rental housing units located on the adjacent property.

The Platts explained that the former Post Office structure was significantly damaged in 2011 by flooding of the West River caused by Tropical Storm Irene. Mr. Platt stated that the proposed elevation project plan was approved for FEMA (Federal Emergency Management Agency) Disaster Relief and VT HMGP (Hazard Mitigation Grant Program) funding in 2015, to be completed in 2018. He said the plan provides for the structure to be elevated 4.5 (four and a half) feet which is 1 foot above flood level as required in the flood hazard area.

Mr. Platt confirmed that, once the elevation project is completed, he intends to continue the present use of the structure as a workshop with paints and flammable materials stored inside, no employees and no retail.

Mr. Platt testified that the project and application were originally developed with the assistance of the Windham Regional Commission, and both Londonderry's Town Administrator and Zoning Administrator. He said Beck Engineering Inc. prepared a technical report entitled 'No-Rise' Analysis for the elevation project, although he could not confirm whether it included all the information required for Conditional Use review. Mr. Platt acknowledged an unresolved issue with Beck Engineering regarding an overdue balance for the Analysis as being a possible problem with obtaining necessary information.

10. No one else appeared or spoke at the hearing on this date regarding the proposed Platt Elevation Project.
11. The Board acknowledged the unique nature and complexity of the project requiring careful review and consideration and decided to continue the hearing pending receipt of additional necessary information from the Platts.
12. The public hearing for the Platt Elevation Project was continued on each of the following dates: 9/20/2017, 10/18/2017, 11/15/2017 and 12/20/17. Over the course of the continued proceedings, multiple submittals and presentations were made.

John Broker-Campbell, VT Department of Environmental Conservation, Watershed Management Coordinator, appeared to discuss the Platt project with the Owner and the Board. Mr. Campbell's written determination with advisory comments was subsequently delivered for the record to Acting Zoning Administrator Sharon Crossman on October 4, 2017. (See Exhibit 4)

Mr. Campbell also recommended to the Board some possible conditions to consider in review of local projects located within flood hazard areas: to require an 'as built' of the completed project with confirmation by a certified engineer that the project conforms with all specifications, particularly related to base flood

elevation, as part of Bylaw Section 205 (P) (2) Recordkeeping; and to consult with an attorney prior to considering or issuing a variance in any FHA.

Mr. Platt provided the Board with specific construction details regarding the elevation project including: existing basement to be back-filled with bank run gravel prior to addition of several courses of concrete block; existing floor to be torn out and replaced with 6mil poly and 4 square mesh; concrete slab to have gas-fired radiant heat lagged in along with the underground propane line to existing propane tanks and piping to existing septic tank and leach field serving the building.

Mr. Platt mentioned that the loading dock was removed, two exterior lighting fixtures will stay with no additional lighting proposed at this time. Regarding the 'crawl space,' he stated that when the project is complete, the structure will rest on a concrete slab over the filled basement, leaving no crawl space, per the terms of the FEMA /HMGP agreement.

Mr. Platt indicated several times to the Zoning Administrator that the required engineering certification for specific applicable flood hazard standards was forthcoming. In fact, the record indicates that as of December 2017 such information had still not materialized, resulting in the cancellation of the hearing scheduled for continuation on 12/20/2017. The Development Review Board records further indicate that the Platt Elevation Project was not discussed again by the Board until 2019.

13. In January and February of 2019, new Town Administrator/Zoning Administrator Shane O'Keefe assisted in the resolution of several issues that stalled the Platt Elevation Project during 2018.
14. John-Broker Campbell confirmed via electronic mail on 2/12/2019 that the previously issued comments and recommendations of October 4, 2017, as reflected in the VT DEC Development Review Checklist, remain valid for the Platt Elevation Project as is, with no need for update, since the project plans are unchanged.
15. On 2/13/2019, Matt Beck of Beck Engineering submitted a narrative with 2 (two) drawings attached entitled 'Elevation of 2152 Main St/ FEMA-HMGP-4022-VT to the Zoning Administrator on behalf of the Platts to satisfy the need to certify compliance with Londonderry's Special Flood Hazard Zoning Regulations Section 205.
16. On 3/5/2019, the public hearing for the Platt Elevation Project was warned for 3/20/2019 and notice of public hearing was mailed to the Owner and adjoining property owners by certified mail. On 3/6/2019, notice of a public hearing for the Platt application was published in the *Vermont Journal*.

17. At a public hearing opened on 3/20/2019, Application 023-17 by Judith and Thomas Platt was considered by the Board. Present through the proceeding were the following members of the Board: Esther Fishman (Co-Chair), Denis Pinkernell (Co-Chair), Terry Hill, Dwight Johnson, John Lancaster, and Bob Maisey. Also present on this date were the Platts and Matt Beck, P.E.
18. During his testimony, Matt Beck, P.E. reviewed in detail with the Board his written narrative and associated drawings dated 2/13/2019 of the Platt Elevation Project as they address compliance with Section 205 of the Zoning Bylaw floodplain regulations. The Board and Matt Beck agreed that some subsections of these regulations were not applicable to this project.
19. On 3/20/2019, the public hearing was closed. After deliberative session that evening, the Board approved a decision on the application with conditions.

## **FINDINGS**

Based on the application, exhibits, testimony at the hearing by Thomas and Judith Platt, Mathew Beck, P.E., Principal of Beck Engineering, and other evidence presented, the Board makes the following findings:

1. The Owner of Record of Parcel 102016.000, located at 2152 VT Route 11 & 100, is Thomas and Judith Platt ("Owner"), per a deed recorded in Book 48, Page 598 of the Londonderry Land Records.
2. The property is in the Village Commercial Zoning District as described on the Town of Londonderry Zoning Map and Article II of the Bylaw and located in the mapped Flood Hazard Overlay district.
3. In this application, the Owner seeks approval to elevate an existing single-story structure known as the old Post Office for the purpose of mitigating damage to the structure from future flooding events.
4. The property was flooded during the Tropical Storm Irene in August 2011. The project is funded with Hazard Mitigation Grant Program funding offered by FEMA to mitigate property with a documented history of flood damage and that meets a standardized cost/benefit ratio. According to separate, previously executed agreements, the Town is a subrecipient of the grant and is required to manage the project and the grant funding. The Owner is fully responsible for the 25% match of the project costs.
5. The former and intended continued use of the property is described by the Owner as a workshop to accommodate their neighboring commercial businesses, potentially involving storage of flammable materials including paints. The current use of the structure as a workshop is a change of use from former use of the structure as a Post Office. This proceeding does include consideration of a change of use, which may require a local zoning permit unless an existing one is found.

6. As presented, the elevation project for the structure known as the old Post Office, designed by Matt Beck of Beck Engineering, appears to meet the criteria of the Londonderry Flood Hazard Overlay district and Conditional Use Standards of Section 205 of the 2009 Londonderry Zoning Bylaw.

## **DECISION AND CONDITIONS**

Based upon the Findings above and any Conditions set forth below, the Board grants Conditional Use approval per Zoning Bylaw Section 205 (H), to elevate the subject building at or above the base flood elevation with the following conditions:

1. That the property owner shall provide an updated elevation certificate acceptable to the Zoning Administrator prior to any occupancy or use of the subject building.
2. Any and all required state permit approvals to be received and submitted to the Town, prior to undertaking the specific improvements approved herein.

Dated at Londonderry, Vermont, this 30 day of April 2019.



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Esther Fishman, Co-Chair

**NOTICE OF RIGHT TO APPEAL:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.