

Langrock Sperry & Wool, LLP
ATTORNEYS AT LAW

February 25, 2020

Don Johnston, DRB Secretary
Pamela Kingman, Town Clerk
Town of New Haven
78 North Street
New Haven, VT 05472

Re: Appeal of Issuance of Certificate of Occupancy for Porky's Backyard BBQ

Dear Don and Pam:

I represent Rita Booska who resides at 7407 Ethan Allen Highway, in New Haven. Mrs. Booska's home is located directly across US Route 7 from Porky's Backyard BBQ. This will confirm that Mrs. Booska has appealed s the Zoning Administrator's February 14, 2020 issuance of a Certificate of Occupancy for the outdoor pavilion.

Condition 6 of the DRB's April 15, 2019 decision requires compliance with all State permits, including without limitation, the property's wastewater permit. A certificate of occupancy cannot issue absent proof of compliance with the applicable permits that regulate the use of the subject property. The existing wastewater permit dated August 25, 1995 predates the construction of the pavilion for which the DRB gave site plan approval in its decision of April 15, 2019. The 1995 Wastewater Permit states that there shall be no expansion of the restaurant project or any increase in occupancy beyond the basis of the approved 1995 design without prior review and approval of the Wastewater Management Division. My inquiry of the DEC Rutland office yielded no such review and approval.

Condition 3 of the DRB's December 16, 2019 decision required DEC approval of the use of a portable toilet. My inquiry of the DEC Rutland office again yielded no such review and approval.

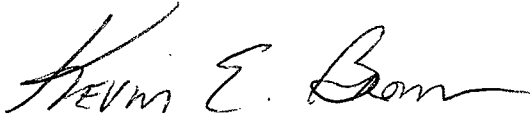
The Zoning Administrator's issuance of the Certificate of Occupancy was therefore erroneous.

REPLY TO: Middlebury Office • WEBSITE: www.langrock.com • EMAIL: attorneys@langrock.com

MIDDLEBURY: 111 S. Pleasant Street, P.O. Drawer 351, Middlebury, VT 05753-0351 • (802) 388-6356 • Fax: (802) 388-6149
BURLINGTON: 210 College Street, P.O. Box 721, Burlington, VT 05402-0721 • (802) 864-0217 • Fax: (802) 864-0137

A Limited Liability Partnership Including a Professional Corporation

Sincerely,

A handwritten signature in black ink that reads "Kevin E. Brown". The signature is written in a cursive style with a long horizontal flourish at the end.

Kevin E. Brown
kbrown@langrock.com
KEB:drb
Enclosure

Findings and Decision

Lonie Parker dba Porky's Backyard Barbecue, 7404 Ethan Allen Highway

Appeal of Notice of Violation # 2019-DRB-09-AP

In re: Lonie Parker dba Porky's Backyard Barbecue

Permit Application No. 2019-DRB-09-AP

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves an appeal of a Notice of Violation issued by the Zoning Administrator regarding three conditions set forth in 2019-DRB-02-SP, site plan approval for Porky's Backyard Barbecue signed April 15, 2019.
2. The application was considered by the Development Review Board (DRB) at a public hearing on October 7, 2019 and continued on November 18, 2019. The DRB reviewed the appeal under the Town of New Haven Zoning Bylaws adopted August 21, 2012. The appellant was Lonie Parker, owner of Porky's Backyard Barbecue.
3. Present at the hearings were the following members of the DRB:
 - Kathy Barrett, Chair (10/7, and 11/18)
 - Tom Fyles, Vice Chair (10/7, and 11/18)
 - Susan Smiley (10/7, and 11/18)
 - Carol Charbonneau (10/7)
 - Paul Audy (10/7, and 11/18)
 - Charlie Roy (10/7)
 - Donald Johnston (10/7, and 11/18)
 - Victor Laberge (alternate) (11/18)
4. The names of other persons present and available to provide testimony:

October 7: Fred Sargeant, John Van Hoesen, Jacob Reed, Paul Bolduc, Karen Gallot, Peter Lind, Daniel Poulin, Michael Buscher, Steve Delphia, Floyd Siple, Kevin Brown, Esq., Rita Booska, Dan Monger, Jeremy Ouimette, Esq., and Lonie Parker

November 18: John Goetz, Bonnie Bashaw, Joseph Bashaw, Larry Rushford, Margaret Lattrell, Debra Brace, Mallory Brace, Sarah Boucher, Wyatt Vincent, Kendal Dunbar, Brad Bacher, Rodney Cyr, Shawn Freegard, Jen Munson, S. Davis, Karen Gallot, Roger Hamilton, Matt Ford, Iva Ford, Paul Bolduc, Ivy Naef, Paul Meacham, Steve Delphia, Judy Morse, Wendell Morse, Cody Haines, Jeremy Ouimette, Esq, Lonie Parker, Chrystal Parker, Allysha Devoid, Ralph Farnsworth, Norman LeBoeuf, Susan Schaefer, Kevin Brown, Esq, Rita Booska, John Van Hoesen, and Matt Prime

5. During the course of the hearing the following exhibits were submitted to the development review board:
 - Exhibit 1 – Site Plan Approval 2019-DRB-02-SP

Findings and Decision
Lonie Parker dba Porky's Backyard Barbecue, 7404 Ethan Allen Highway
Appeal of Notice of Violation # 2019-DRB-09-AP

- Exhibit 2 – ZA letter of Notice of Violation dated August 23, 2019
- Exhibit 3 – Letter from David Wetmore that accompanied permit to build pavilion

These exhibits are available at the New Haven Town Office, New Haven Zoning Administrator.

FINDINGS:

Based on the provided site plan, testimony, exhibits, and other evidence, the DRB makes the following findings:

1. The appellant disputes the three conditions in violation as per the Notice of Violation:
 - a. Use of outdoor pavilion without a Certificate of Occupancy.
 - b. Ability to serve liquor in the outside pavilion.
 - c. The number of events occurring each month.
2. 2019-DRB-09-AP was properly warned and noticed.
3. The period to appeal 2019-DRB-02-SP was April 16, 2019 to May 15, 2019 as it relates to item 1b and 1c above. Appellant did not appeal those two conditions as set out in the original permit within the appeal period.
4. The letter from David Wetmore, Acting Zoning Administrator, accompanying the permit to build the outdoor pavilion specifically stated that a Certificate of Occupancy was needed prior to using the pavilion.
5. The appellant received an outdoor consumption permit signed by the Town Clerk and presumed that he was able to sell liquor in the outdoor pavilion.

CONCLUSIONS:

1. The appellant did not appeal the original decision in a timely manner.
2. The appellant held events in the pavilion without a Certificate of Occupancy
3. The appellant served liquor in the pavilion, which was not allowed in the original site plan
4. There is no definition of “event” in the current By-laws

DECISION AND CONDITIONS:

Based upon the application record, testimony, above findings, and conclusions, the DRB offers a motion concerning 2019-DRB-09-AP as follows:

Findings and Decision

Lonie Parker dba Porky's Backyard Barbecue, 7404 Ethan Allen Highway
Appeal of Notice of Violation # 2019-DRB-09-AP

1. The DRB upholds the Notice of Violation with respect to 1a. A Certificate of Occupancy must be issued prior to any future use of the outside pavilion. The Certificate of Occupancy cannot be issued until all conditions of the original permit 2018-DRB-08-SP and as conditioned by 2019-DRB-07-SP, including the procurement of all required state permits within the prescribed time limits with respect to wastewater, septic and Department of Health.
2. With respect to 1b, the applicant can serve liquor in the outdoor pavilion as cited in the 2019-DRB-07-SP. This was a violation until the DRB approved 2019-DRB-07-SP.
3. With respect to 1c, it was determined that the wording of the 2018-DRB-08-SP meant that an event is considered to be any activity that extends beyond the normal closing time of 9:00 pm. There was no evidence presented of more than eight events occurring past 9:00 pm per month. Therefore, this violation was not upheld.

Vote:

Aye: 4

Nay: 0


Abstain: 1

Dated at New Haven, Vermont, this 16th day of December 2019.


Kathy Barrett, Chair

Tom Fyles, Vice Chair


Susan Smiley


~~Charlie Roy~~ Carol Charbonneau

Paul Audy


Donald Johnston

NOTICE: 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.

Findings and Decision

Lonie Parker dba Porky's Backyard Barbecue, 7404 Ethan Allen Highway
Site Plan Application # 2019-DRB-07-SP

In re: Lonie Parker dba Porky's Backyard Barbecue

Permit Application No. 2019-DRB-07-SP

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves review of a request to seek clarification or amendments regarding three conditions set forth in 2019-DRB-02-SP, site plan approval for Porky's Backyard Barbecue signed April 15, 2019.
2. The application was considered by the Development Review Board (DRB) at a public hearing on September 16, 2019 and continued to October 7, 2019 and November 18, 2019. The DRB reviewed the application under the Town of New Haven Zoning Bylaws adopted August 21, 2012. The applicant was Lonie Parker, owner of Porky's Backyard Barbecue.
3. Present at the hearings were the following members of the DRB:
 - Kathy Barrett, Chair (9/16, 10/7, and 11/18)
 - Tom Fyles, Vice Chair (9/16, 10/7, and 11/18)
 - Susan Smiley (9/16, 10/7, and 11/18)
 - Carol Charbonneau (9/16 and 11/18)
 - Paul Audy (9/16, 10/7, and 11/18)
 - Charlie Roy (10/7 and 11/18)
 - Donald Johnston (9/16, 10/7, and 11/18)
 - Victor Laberge (alternate) (11/18)
4. The names of other persons present and available to provide testimony:

September 16: Rita Booska, Aaron Brown (Town Administrator/Zoning Administrator), Kevin Brown, Esq., Steve Delphia, Karen Gallot, Roger Hamilton, Lonie Parker, Fred Sargeant, and John Van Hoesen

October 7: Fred Sargeant, John Van Hoesen, Jacob Reed, Paul Bolduc, Karen Gallot, Peter Lind, Daniel Poulin, Michael Buscher, Steve Delphia, Floyd Siple, Kevin Brown, Esq., Rita Booska, Dan Monger, Jeremy Ouimette, Esq., and Lonie Parker

November 18: John Goetz, Bonnie Bashaw, Joseph Bashaw, Larry Rushford, Margaret Lattrell, Debra Brace, Mallory Brace, Sarah Boucher, Wyatt Vincent, Kendal Dunbar, Brad Bacher, Rodney Cyr, Shawn Freegard, Jen Munson, S. Davis, Karen Gallot, Roger Hamilton, Matt Ford, Iva Ford, Paul Bolduc, Ivy Naef, Paul Meacham, Steve Delphia, Judy Morse, Wendell Morse, Cody Haines, Jeremy Ouimette, Esq, Lonie Parker, Chrystal Parker, Allysha Devoid, Ralph Farnsworth, Norman LeBoeuf, Susan Schaefer, Kevin Brown, Esq, Rita Booska, John Van Hoesen, and Matt Prime

Findings and Decision

**Lonie Parker dba Porky’s Backyard Barbecue, 7404 Ethan Allen Highway
Site Plan Application # 2019-DRB-07-SP**

5. During the course of the hearing the following exhibits were submitted to the development review board:
- Exhibit 1 – Site Plan 2019-DRB-07 application dated August 6, 2019
 - Exhibit 2 – Site Plan Approval 2019-DRB-02-SP

These exhibits are available at the New Haven Town Office, New Haven Zoning Administrator.

The applicant concurrently appeals a notice of violation issued by the New Haven Zoning Administrator August 23, 2019.

FINDINGS:

Based on the provided site plan, testimony, exhibits, and other evidence, the DRB makes the following findings:

1. The applicant seeks to have clarified or amended three conditions of site plan approval 2019-DRB-02.
2. The period to appeal 2019-DRB-02 was April 16, 2019 to May 15, 2019.
3. 2019-DRB-07 was properly warned and noticed.
4. The applicant seeks to confirm that tarp material used on the northerly and southerly portions of the outdoor “pavilion” building meets the requirements set forth in 2019-DRB-02. The applicant proposes to eventually have a drop-down curtain on the easterly side of the building. The westerly wall is enclosed wood.
5. The applicant seeks to serve hard liquor in addition to beer and wine in the outdoor pavilion. 2019-DRB-02 allowed only beer and wine, but the applicant received an outdoor consumption permit from the Town Clerk.
6. The applicant seeks not to remove portable toilet(s) after every event and to leave such facilities on-site from May through October.

CONCLUSIONS:

As required under Section 352 “Site Plan Review Procedure,” the following was reviewed:

1. Harmonious relationship between proposed uses and existing adjacent uses.
The project has generated both significant support and opposition regarding harmonious relationships with existing adjacent uses.
2. Maximum safety of vehicular circulation between the site and the street network.
No changes between the road network and the site are proposed.

Findings and Decision

**Lonie Parker dba Porky's Backyard Barbecue, 7404 Ethan Allen Highway
Site Plan Application # 2019-DRB-07-SP**

3. Adequacy of circulations, parking and loading facilities, with particular attention to safety.
No changes to parking or circulation are proposed.

4. Adequacy of landscaping, screening and setbacks to achieve maximum compatibility and protection to adjacent property.

The facility as previously permitted required screening the portable toilets, enclosing the northerly and southerly walls, and having the ability to enclose the westerly and easterly walls.

5. Freedom from flooding and ponding.

The applicant does not propose developing any known flood-prone areas.

6. Adequacy of landscaping and screening with regard to the potential shading of the most southerly facing wall and/or roof of adjacent buildings.

The applicant does not propose any relevant changes to shading.

7. Protection of renewable energy resources.

No changes to the use of renewable energy resources exist.

DECISION AND CONDITIONS:

Based upon the application record, testimony, above findings, and conclusions, the DRB offers a motion to approve application 2019-DRB-07, **subject to the following conditions**, as submitted.

The following conditions are applied to this site plan approval:

1. All findings as recorded in this decision are included as conditions in the granting of this approval.
2. The applicant must meet Article VIII: Performance Standards of the 2012 New Haven Zoning Bylaws. The burden of proof that the standards are met shall be on the applicant. The Zoning Administrator may refer questions of compliance to the Development Review Board or determine the method for demonstrating compliance. Such determinations may be appealed to the Development Review Board.
3. The applicant must provide evidence that the use of a portable toilet from May – October has been approved by the Department of Environmental Conservation Regional Drinking Water and Groundwater Division within 60 days of this decision.
4. The applicant must provide evidence that all permits required from the Vermont Department of Health have been obtained within 60 days of this decision.

Findings and Decision

Lonie Parker dba Porky's Backyard Barbecue, 7404 Ethan Allen Highway

Site Plan Application # 2019-DRB-07-SP

5. The applicant must secure any additional state or federal permits required for the proposed development. The applicant may contact the Agency of Natural Resources Permit Specialist at 802.282.6488 for more information.
6. The owner and his/her representative shall abide by the practices in the Vermont DEC Low Risk Site Handbook for Erosion Prevent and Sediment Control as necessary to ensure that sediment and sediment laden water do not leave the project parcel. Contact 802.540.1748 for a hard copy or visit <http://dec.vermont.gov/watershed/stormwater> for more information.
7. The applicant must obtain a certificate of occupancy prior to the reopening of the pavilion in May 2020.

Vote:

Aye: 4

Nay: 0

Abstain: 1

Dated at New Haven, Vermont, this 16th day of December 2019.



 Kathy Barrett, Chair

 Tom Fyles, Vice Chair



 Susan Smiley



 Carol Charbonneau

 Paul Audy



 Donald Johnston

NOTICE: 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.



February 13, 2020

Mr. Lonie Parker
Porky's Backyard Barbecue
7404 Ethan Allen Highway
New Haven, Vermont 05472

RE: December 16, 2019 DRB Findings and Decision, Porky's Backyard Barbecue Application # 2019-DRB-07-SP

Dear Mr. Parker:

This letter shall serve to clarify the permitted use of the outdoor pavilion pursuant to condition 3 and 4 of the above referenced New Haven DRB Decision under your existing wastewater permit. You propose to use the outdoor pavilion for various number of events from May through October. The following is based on The State of Vermont Agency of Natural Resources Department of Environmental Conservation Drinking Water and Groundwater Protection Division Environmental Protection Rules Chapter 1 Wastewater System and Potable Water Supply Rules Effective: April 12, 2019.

The outdoor pavilion is exempt from Water and Wastewater Permitting pursuant to:

§ 1-304 Permit Exemptions

The following actions are exempt from permitting requirements in this subchapter, provided no other action is taken or caused to be taken that under these rules requires the issuance of a permit or permit amendment:

- (27) The construction and use of a building or structure that will be used for events, provided:
 - (A) The building or structure is not connected to a water service line, water service pipe, or sanitary sewer service line;
 - (B) there are no more than 28 days of events per year;
 - (C) there is no food preparation or dishwashing on site for the events unless the food preparation or dishwashing is:
 - (i) fully completed within a mobile unit licensed by the Vermont Department of Health as a Temporary Food Stand or motorized or push cart type mobile unit; and
 - (ii) does not require on site water or waste disposal;
 - (D) the events do not require water, including for food preparation, dishwashing, or clean-up, other than:
 - (i) for handwashing that is accommodated by alternative hand washing supplies; and
 - (ii) the disposal of wastewater that is accommodated by the use of alternative toilets;
 - (E) an adequate number of alternative toilets and alternative handwashing supplies are provided to accommodate everyone on site;
 - (F) there is no discharge of wastewater to the ground surface;
 - (G) the owner of the building or structure retains records of the following actions for at least 3 years following each event and provides them to the Secretary if requested by the Secretary:
 - (i) dates of each event;
 - (ii) the frequency of the pumping of the alternative toilets;
 - (iii) the number of gallons pumped from the alternative toilets; and

- (iv) the dates on which the alternative toilets and alternative handwashing supplies were delivered to the lot and removed from the lot.

From our conversations, it is clear to me that Porky's is committed to compliance with all conditions of the permit exemption: (A) The pavilion is currently not connected to water or sewer; (B) and the pavilion will only host 28 days of events per year; (C) food preparation will be provided by your Vermont Department of Health licensed food truck; (D) the events will not require onsite water or waste disposal; (E) an adequate number of alternative handwashing and toilets will be provided; and (G) records of each event will be kept for review by the Secretary as requested. As long as the above conditions are met the pavilion will remain exempt from water and wastewater permitting.

Moving forward, Porky's will be applying for a change in use to allow for additional seating both inside and outside the restaurant. Currently the restaurant is approved for 1580 gallons per day of water and wastewater flow based on 39 seats and 3 Meals per day. The proposed change in use will be based on 58 seats at 2 meals per day, which will not increase the permitted flow. I am in the process of filing for the change in use with the State of Vermont and expect to have this completed this spring. This change in use has no effect on the use of the pavilion based on the permit exemptions, as detailed above.

In summary, use of the pavilion will not require any changes to your current wastewater permit so long as you limit the use to no more than 28 days of events per year. Likewise, use of the pavilion is permitted under your presently existing permits from the State of Vermont pertaining to the restaurant and food truck.

As we discussed in our meeting, you understand that for the time being you must limit your use of the pavilion to not more than 28 days of events per year in order to avail yourself of the subject permit exemption. This can be revisited once the change in use from 39 seats at 3 meals per day to 58 seats at 2 meals per day has been approved.

If you have any questions, or if we can provide further assistance, please contact me at (800) 477-4384. Thank you for allowing Lincoln Applied Geology, Inc. the opportunity to assist you with your wastewater disposal needs.

Respectfully,
Lincoln Applied Geology, Inc.

Jeremy Revell
Licensed Designer #611 BW

Enclosures

Cc: Jeremiah Ouimette, Esq

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State of Vermont

WATER SUPPLY AND WASTEWATER DISPOSAL PERMIT

CASE No. WW-9-0243
APPLICANT G.S. Property Investment, Inc.
ADDRESS P.O. Box 470
E. Middlebury, VT 05740

LAWS / REGULATIONS INVOLVED
10 VSA, Chapter 61, Water Supply and
Wastewater Disposal, and Environmental
Protection Rules, Chapter 4, Public
Buildings, Chapter 2, Administration

This project, consisting of the construction of a replacement wastewater disposal system for an existing restaurant (formerly the Addison Restaurant), located on U.S. Route 7 in the Town of New Haven, Vermont, is hereby approved in accordance with the requirements of the regulations named above, subject to the following conditions:

1) The project shall be completed as shown on the plans prepared by G. Norman Schreib, P.E. entitled "Addison Restaurant, Route 7, New Haven, Vermont":

- Sheet 1 of 1, Septic Design, dated 7/31/95 and last revised 8/23/95
- Sheet 1 of 1, Septic Details, dated 7/31/95 and last revised 8/23/95

and which have been stamped "approved" by the Wastewater Management Division. Except as authorized herein, the project shall not deviate from the approved plans without prior written approval from the Wastewater Management Division.

2) This permit is granted pursuant to Section 2-03 VARIANCES of the Environmental Protection Rules, given that:

1) The proposed wastewater treatment/disposal system is intended to eliminate an existing health hazard, public nuisance, or source of pollution from an existing structure;

2) Site conditions exist which render strict compliance impossible;

3) There are no other feasible means of legally treating and disposing of the sewage;

and 4) A sewage treatment/disposal system can be constructed which will function in a satisfactory manner so as not to create a health hazard, public nuisance, or source of pollution.

Consequently, the subject sewage disposal system is not eligible to service any expansion or increase in occupancy of the existing establishment.

3) The wastewater disposal system was designed and the project is approved based on the anticipated daily volume of wastewater from a restaurant with 39 seats serving three meals per day. There shall be no expansion of the project or increase in occupancy beyond this basis of design without prior review and approval by the Wastewater Management Division.

4) The project is approved for wastewater disposal by construction and utilization of the mound type wastewater disposal system depicted on the approved plans. No other method or location of wastewater disposal shall be allowed without prior review and approval by the Wastewater Management Division.

5) The mound type wastewater treatment/disposal system herein approved shall be routinely and reliably inspected during construction by a Vermont-registered professional engineer who shall, upon completion and prior to occupancy of the subject establishment, report in writing to the Wastewater Management Division that the installation was accomplished in accordance with the approved plans and permit conditions.

STATE OF VERMONT

Water Supply and Wastewater Disposal Permit WW-9-0243

page 2

6) Prior to covering of the disposal field within the mound, the inspecting engineer shall conduct a performance test of the pressure distribution network, to measure the uniformity of distribution. All necessary modifications shall be made to the piping network to achieve a variation in discharge rate between any 2 orifices no greater than 15 percent. The results of such testing shall be specifically addressed in the inspecting engineer's written report.

7) This project has been granted a 10% reduction in design wastewater flow, based on the proposed installation of water saving plumbing fixtures. Accordingly, the plumbing fixtures utilized throughout the project shall comply with the following performance specifications: water closets - 3.5 gallons/flush, maximum; showerheads - 2.0 gpm, maximum; and lavatory/sink faucets (aerators or flow regulators) - 2.0 gpm, maximum. Fixtures complying with such performance standards shall be permanently maintained throughout the project.

8) A copy of the approved plans and this Water Supply and Wastewater Disposal Permit shall remain on the project during all phases of construction and, upon request, shall be made available for inspection by State or local personnel.

9) The herein approved mound type wastewater disposal system shall be completed and the written construction report required in Condition #5 above shall be submitted to the Wastewater Management Division by September 25, 1995. Until that date or until the new system is constructed, operational, and certified, whichever is sooner, the restaurant may open and operate by disconnecting the septic tank from the existing leach field, capping the septic tank outlet pipe, and contracting with a septage hauler to pump and truck the sewage, as needed, to an approved wastewater treatment plant. Under no circumstances shall the tank be allowed to overflow on the ground or into anything but the herein approved mound type wastewater disposal system. After September 25, 1995 the restaurant must be connected to the new mound system.

10) 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 Vermont environmental/health statutes and regulations, and with this permit.

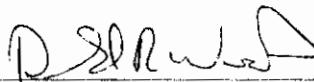
11) In the event of a transfer of ownership (partial or whole) of this project, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.

12) This permit does not constitute Act 250 approval (Title 10 V.S.A., Chapter 151). The permittee is hereby reminded to procure all relevant State and local permits prior to proceeding with this project.

13) This permit shall in no way relieve the permittee of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

William C. Brierley, Commissioner
Department of Environmental Conservation

By



Donald Woods
Assistant Regional Engineer

Dated at Rutland, Vermont this 25th day of August, 1995

cc: Div.

Town Planning, New Haven
G. Norman Schreib, P.E.
Robert Manfredi, Dept. of Health



State of Vermont

LAND USE PERMIT

CASE No.
APPLICANT
ADDRESS

PB-9-0046
Ms. Millie Norris
c/o Millie's Dinette
RFD #2
Vergennes, Vermont 05491

LAWS/REGULATIONS INVOLVED

Vermont State Board of Health Regulations,
Chapter 5, Sanitary Engineering, Subchapter 1,
Public Buildings

A land use permit is hereby issued to the above named applicant for the replacement of an existing failed subsurface disposal system at Millie's Dinette located in Vergennes, Vermont, and shall be subject to the conditions set forth in the Certification of Compliance dated September 19, 1975, attached hereto.

The applicant is reminded that this permit is being issued only for the laws and regulations stated above. Any applicable state or local permit not included above must be obtained in addition to this permit.

A handwritten signature in black ink, appearing to read 'Curtis W. Carter'.

For the Agency of Environmental Conservation
Curtis W. Carter
District Office, 111 West Street
Essex Junction, VT 05452

Dated at Essex Junction, Vermont,
this 10th day of October, 1975.

Distribution:
Mr. Fred Bird
Applicant
Vergennes Planning Commission
Sharon Pecor
Canute Dalmasse

APPLICANT
G.S. Property Investment, Inc.
P.O. Box 470

CROSS-REFERENCE
Larry Grace
P.O. Box 470
E. Middlebury, VT 05740



ly

E. Middlebury, VT 05740

TOWN: New Haven

ROAD/RIVER: US Route 7

DEVT NAME : Addison Restaurant
DESCRIPTION: construction of a replacement
wastewater disposal system for
existing Addison Restaurant

DATES
RECEIVED 08/10/95
LOGGED IN 08/22/95
INIT REV. 8/15/95
COMP RESP 8/25/95
FINAL DATE 8/21/95
FINAL ACTION P

[Handwritten signature]

FEE RECEIVED: \$ 50.00

CONSULT ENGR : Norman Schreib
HYDROGEOLOG. :
REG. REVIEWER: Woods

FINAL ACTION CODES
P = Permit D = Denial
C = Cert of Compliance
N = Cert of NonCompl.
W = Withdrawn

A1: TNC	A2:	A3: PB-9-0046	A4:
N1: 1755.00	N2: 0.00	N3: 0.00	N4: 101.00
H1: RU95	H2: 0031	H3:	H4:

TO BE COMPLETED AFTER FINAL ACTION

MINOR? *NO*
WATER SUPPLY *—*
SEWAGE DISP: *NO*
DATE RECORDED:

OF LOTS: 0
OF MOUNDS: 0
GALS. SEWAGE: 0 1500

FOR SUBDIVISIONS ONLY:
DEFERREAL ID REMOVED (if any):

FOR DEFERRALS ONLY:
RETAINED/CONVEYED: CONTIGUOUS/NONCONTIGUOUS:

FOR STREAM ALTERATION / HIGHWAY DEPT. ONLY:
STREAM PURPOSE:

Vermont Department of Taxes

133 State Street PO Box 547 Montpelier, VT 05601-0547

MEALS AND ROOMS TAX LICENSE

This License is hereby issued to PORKYS PLACE in accordance with the provisions of Chapter 225 of Title 32, V.S.A., to operate an establishment known as PORKY'S PLACE LLC located at 7404 ETHAN ALLEN HWY, NEW HAVEN, VT

PORKYS PLACE
PORKY'S PLACE LLC
7404 ETHAN ALLEN HWY
NEW HAVEN, VT 05472-1005


Commissioner of Taxes

This license is issued effective Aug-01-2018 to Vermont business tax account number MRT-10956663-001. It is not transferable, and must be surrendered upon sale, transfer, merger, termination of business, or revocation of the license.

Display this license in a prominent place at the business location.

STATE OF VERMONT - AGENCY OF HUMAN SERVICES
STATE BOARD OF HEALTH
License to Operate

I.D.# **9974**
LICENSE TYPE: **RESTAURANT - SEATING 26-50**
EFFECTIVE DATE: **09/06/2019**

CAPACITY : **39** FEE: **\$180.00**

EXPIRATION DATE: **09/06/2020**

ESTABLISHMENT NAME & LOCATION:
PORKYS PLACE/PORKYS BACKYARD BBQ
7404 ETHAN ALLEN HWY
NEW HAVEN, VT 05472

THIS IS TO CERTIFY THAT ABOVE ESTABLISHMENT IS LICENSED TO OPERATE UNDER THE PROVISIONS OF TITLE 18, SECTIONS 4351-4451 VERMONT STATUTES ANNOTATED. THIS LICENSE IS VALID PENDING RATIFICATION BY THE VERMONT BOARD OF HEALTH.

LICENSEE NAME & ADDRESS:
PORKYS PLACE LLC
7404 ETHAN ALLEN HWY
NEW HAVEN, VT 05472

THIS LICENSE IS NOT TRANSFERRABLE AND IS VALID ONLY FOR THE LICENSEE LISTED. THIS LICENSE SHALL BE CONSPICUOUSLY POSTED.

STATE OF VERMONT - AGENCY OF HUMAN SERVICES
STATE BOARD OF HEALTH
License to Operate

I.D.# **8512**
LICENSE TYPE: **CATERER - COMMERCIAL**
EFFECTIVE DATE: **05/05/2019**

FEE: **\$260.00**

EXPIRATION DATE: **05/05/2020**

ESTABLISHMENT NAME & LOCATION:
PORKY'S BACKYARD BBQ AND SMOKEHOUSE
192 PINE OAK PARK
VERGENNES, VT 05491

THIS IS TO CERTIFY THAT ABOVE ESTABLISHMENT IS LICENSED TO OPERATE UNDER THE PROVISIONS OF TITLE 18, SECTIONS 4351-4451 VERMONT STATUTES ANNOTATED. THIS LICENSE IS VALID PENDING RATIFICATION BY THE VERMONT BOARD OF HEALTH.

LICENSEE NAME & ADDRESS:
CHRYSTAL YANTZ
192 PINE OAK PARK
VERGENNES, VT 05491

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VERMONT

2019

Licensee # 9828-001

License # 9828-001-3RST-001

THIRD CLASS RESTAURANT/BAR LICENSE TO SELL SPIRITUOUS LIQUORS
For On-Premise Consumption

Granted to

NAME Poriky's Place, LLC

Doing Business as: Poriky's Place

Town or City of: NEW HAVEN

Business/Legal Address
7404 Ethan Allen Parkway
Route 7
New Haven
VT 05472

County of: ADDISON

and State of Vermont, to sell spirituous liquors in the interior of the restaurant/bar hereinafter described, for consumption in the said premises only, under and in accordance with Title 7 of the Vermont Statutes Annotated as amended.

LOCATION AND DESCRIPTION OF PREMISES:

1st class license on the main floor of a single story stand alone building to include storage in the basement. Located on the east side of Route 7, designated as 7404 Ethan Allen Highway (Route 7) In the Town of New Haven, Vermont.

This license framed under glass shall at all times be displayed in a conspicuous place in the interior of the licensed premises so that it may be read by the public.

This license is void unless licensee is holder of a current food license issued by the State Board of Health.

This license is void unless licensee is licensed with the Vermont Department of Taxes to collect the Vermont Meals and Rooms Tax.

This license is granted in consideration of the application therefor, and said application and all statements, information, answers, promises and agreements therein contained are hereby referred to and made a part hereof.

Dated at Montpelier, in the county of Washington, and State of Vermont.

LIQUOR AND LOTTERY CONTROL BOARD

Statutory authority: VSA Title 7 Chapter 9 sub.sec.222 & sub.sec.236

Effective May 1, 2019
Expires April 30, 2020 unless sooner revoked

VERMONT

2019

Licensee # 9828-001

Permit # 9828-001-OUTC-001

OUTSIDE CONSUMPTION PERMIT

Granted to

NAME Porky's Place, LLC

Doing Business as: Porky's Place

Town or City of: NEW HAVEN

County of: ADDISON

Business/Legal Address
7404 Ethan Allen Parkway
Route 7
New Haven
VT 05472

only in the delineated area described below:

60' X 40' Pavilion and fenced off area adjacent to the north end of the building and behind business. Permanent use 11:00am - ~~12:00am~~
11:00pm (P.K.)

This permit is granted in consideration of the application therefor, and said application and all statements, information, answers, promises and agreements therein contained are hereby referred to and made a part hereof.

Dated at New Haven, in the County of Addison and State of Vermont, this 7 day of June A.D. 2019

Control Commissioners of the Town or City of.....New Haven.....

in the County of....Addison..... and the State of Vermont

Authorized Agent:

Pamela Kingman
.....
Signature of Town/City Clerk

Effective June 7, 2019
Expires April 30, 2020 unless sooner revoked