

**Vermont Agency of Natural Resources
Department of Environmental Conservation
Drinking Water and Groundwater Protection Division**

Wastewater Program Guidance Document #2023-001

Topic: Clarification of “attached 1 bedroom living unit” definition

Rules: Environmental Protection Rule, Chapter 1, Wastewater System and Potable Water Supply (WW) Rules; Effective April 12, 2019 (WW Rules): **Section 1-1109 Instantaneous Peak Demand**

Background:

The construction of accessory apartments (also known as accessory dwelling units (ADUs)) or conversion/modification of existing rooms, buildings or structures are common changes to single family dwellings in Vermont. From a regulatory perspective, the permit trigger for ADUs is based on the fact that they result in a modification of the operational requirements of the building or structure’s potable water supply due to an increase in the instantaneous peak demand that may result from the change in use of a bedroom to a living unit.

Instantaneous peak demand requirements are described in Section 1-1109 of WW Rules. Questions arise regarding Sub-section 1-1109 (d)(2), in terms of definition of an attached 1 [one] bedroom living unit, in the context of a building or structure with a total of four or fewer bedrooms. However, the WW Rules do not provide a definition of “attached” and thus has left some confusion among landowners, licensed designers and regional office staff as to when an external ADU is considered to be attached.

Rule Clarification:

Use of the word “attached”, as part of the phrase “attached 1 bedroom living unit”, within the Rule, means a structural connection between the two buildings, such as a common wall or an enclosed passageway with a permanent roof, walls and floor which are weather-proof for year-round use.

Therefore, buildings or structures that meet this definition for an attached one-bedroom living unit and have a total of four or fewer total bedrooms do not need to address Instantaneous Peak Demand requirements of Section 1-1109. This clarification only pertains to the above water supply issues. Wastewater operational changes or increases in design flow, or other actions would need to be addressed as required by the WW Rules.

Signed: _____
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