

**ANR Form 2**  
**Notice of Overshadowing after Filing an Application for a Wastewater System and Potable Water Supply Permit**

To \_\_\_\_\_ (Overshadowed Landowner):

The Regional Office of the Agency of Natural Resources is currently reviewing application for a State of Vermont Wastewater System and Potable Water Supply Permit. During the course of review, changes were made to my application and associated designs that may affect you. My project proposes a water supply and/or wastewater system designed to comply with the technical standards of the Wastewater System and Potable Water Supply Rules (Rules). The Rules include required isolation distances around the supply or system. These isolation distances are designed to prevent a wastewater system from being built too close to a well or a well too close to a septic system in order to protect drinking water quality and human health.

The isolation distances for my proposed water supply and/or wastewater system extend onto your property. The extension of these isolation distances is often referred to as an “overshadowing” of property.

In 2010, the legislature determined that people who own property that will be “overshadowed” by the required isolation distance be notified of that fact. This form is being sent to you in order to provide that notice. Attached to this form is a copy of the revised plan that shows what I propose to build and the isolation distance(s) that extend onto your property.

Please consider the following facts from the Agency of Natural Resources to help you understand what this actually means to you:

1. Under the existing Rules, an evaluation of the horizontal relationship between existing and newly proposed wastewater systems and potable water supplies is required during the review of any application. Therefore, the locations of your current water supply and wastewater system will be evaluated and determined to comply with the Rules as part of the permit process.
2. What is not assessed when a permit application is reviewed is the possibility of the water supply and wastewater system in the permit application to affect or restrict potential future development of a water supply or wastewater system on your property. These possible restrictions exist because of the required isolation distances between potable water supplies and wastewater systems.
3. It is important to note that overshadowing in many instances may have no effect on the ability to develop adjoining properties. Whether there is actually any effect is a very site specific determination that depends on a number of factors. For example, the fact that an isolation distance from a wastewater system may prohibit where a well could be drilled may have no real effect because that portion of the neighboring property that is overshadowed by the septic system is too steep to be accessed by a well drilling rig. Another example is where a well isolation distance means that no wastewater system could be placed in a certain area but that area is a wetland that prevents the construction of a wastewater system.

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4. When considering potential effects on your property, you should be aware that you may drill a well within the identified well isolation zone and you may build a septic system in the identified septic isolation zones provided the well or septic system complies with the technical standards of the Rules. What may not be allowed without providing additional technical information is putting a wastewater system in a well isolation zone and putting a well in a wastewater system isolation zone.

5. The water supply and septic system isolation zones only restricts the construction of water supplies and wastewater systems. Construction of other things such as houses, garages, and driveways may be in the isolation zones as allowed by the Rules.

6. This notification requirement did not start until 2010 and the state permit program has been in place since 1969 so it is possible that there are already water supplies or wastewater systems that “overshadow” your property or that your own septic system and/or water supply “overshadows” your neighbor’s property.

7. The Legislature created the notification requirement so that neighbors have the opportunity to discuss the possible effects on future development and potentially resolve them before a well is drilled or a septic system is built. Therefore you are getting this notice before the permit is issued so that you may consider having those discussions.

**8. VERY IMPORTANT: Although the legislature has required notification to potentially affected landowners, the legislature did not give the Agency of Natural Resources the authority to deny a permit application based on isolation zones that may “overshadow” your property.**

Please contact me if you have any questions.

Sincerely,

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

8/29/12 Last Revised 9-10-12 (To Comply with Act 145 and Act 117)