

**STATE OF VERMONT**  
**SUPERIOR COURT**  
**ENVIRONMENTAL DIVISION**

Agency of Natural Resources, )  
Petitioner, )  
v. )  
Coldbrook Corssing Homeowners )  
Association, Inc, et al )  
Respondents )

Docket # 111-9-19 Vtec

**FINDINGS**


PURSUANT TO 10 V.S.A. §8008(d) THE COURT FINDS AS FOLLOWS:

1. The Administrative Order in this matter has been properly served on the Respondent(s) in accordance with 10 V.S.A. §8008(a).
2. The Respondent(s) have not timely requested a hearing in this matter in accordance with 10 V.S.A. §8008(b).
3. The order otherwise meets the requirements of 10 V.S.A. Chapter 201.

**ORDER**

By the Court's signature below, the Administrative Order in this matter, filed with the Superior Court, Environmental Division, on September 30, 2019, has become a final Judicial Order pursuant to 10 V.S.A. §8008(d)(2).

Dated this 23<sup>rd</sup> day of October 2019.



Thomas S. Durkin, Judge  
Vermont Superior Court  
Environmental Division

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

Docket No.

SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
Plaintiff

v.

COLDBROOK CROSSING HOMEOWNERS ASSOCIATION, INC.,  
JEFFERY AND DENISE KOSLOWSKY, JOHN AND LESLEY OSBORN,  
BRIAN AND ALEXANDRA KREITER, CHRISTOPHER AND KARA DAVIS,  
CAMEO BUILDERS OF VERMONT, LLC, AND CRD, LLC,  
Respondents

ADMINISTRATIVE ORDER

Having found that Coldbrook Crossing Homeowners Association, Inc., Jeffery and Denise Koslowsky, John and Lesley Osborn, Brian and Alexandra Kreiter, Christopher and Kara Davis, Cameo Builders of Vermont, LLC (formerly known as Cameo Builders, LLC), and CRD, LLC (collectively, the "Respondents"), have committed a violation as defined in 10 V.S.A. § 8002(9), the Secretary (Secretary) of the Agency of Natural Resources (Agency), pursuant to the authority set forth in 10 V.S.A. § 8008, hereby issues the following Administrative Order:

VIOLATIONS

1. 10 V.S.A. § 1264(c)(1), Vermont Stormwater Management Rules § 18-302(a)(1), and Part I.B.1 of General Permit 3-9015 Stormwater Discharges from New Development: failure to obtain a stormwater discharge permit for more than 1 acre a new impervious surface

STATEMENT OF FACTS

1. Coldbrook Crossing at Haystack Mountain (the "Development") is a multi-lot residential development in Wilmington, Vermont.
2. The Development involves the phased development of two abutting properties by two related entities with common management: Cameo Builders of Vermont, LLC ("Cameo") and CRD, LLC ("CRD").
3. On June 25, 2014, Cameo acquired an approximately 10.29-acre parcel of land located on

Cold Brook Road, identified by the Town of Wilmington at the time as Parcel ID 002-02-048.100 (the "Southern Parcel").

4. On June 27, 2014, CRD acquired an approximately 10.55-acre parcel of land located to the north of and abutting the Southern Parcel, identified by the Town of Wilmington at the time as Parcel ID 002-02-048.300 (the "Northern Parcel").
5. On July 24, 2014, Cameo received a zoning permit from the Town of Wilmington to construct a single-family residence and extend the existing access road on the Southern Parcel.
6. On August 8, 2014, CRD received a zoning permit from the Town of Wilmington to create a 5-lot subdivision with associated infrastructure on the Northern Parcel. The new lots were identified by the Town of Wilmington with Parcel IDs ranging from 002-02-048.31 through 002-02-048.34.
7. Between 2014 and 2016, Cameo and CRD constructed 4 single-family residences on the Northern Parcel and 1 single-family residence on the Southern Parcel, along with common utilities and shared access roads on both parcels.
8. The construction of the 4 single-family residences on the Northern Parcel and the extension of the shared access road through the Southern Parcel resulted in approximately 1.34 acres of new impervious surface.
9. The construction of the single-family residence on the Southern Parcel increased by approximately 0.26 acres the amount of new impervious surface at the Development.
10. On October 5, 2016, CRD and Cameo obtained a wastewater system and potable water supply permit that authorized the single-family residence on the Southern Parcel to use a newly constructed wastewater disposal system on the Northern Parcel.
11. On April 19, 2016, CRD conveyed Lot 2 on the Northern Parcel to John and Lesley Osborn (Parcel ID 002-02-048.32).
12. On October 13, 2016, the Coldbrook Crossing Homeowners Association, Inc. (the "HOA") was formed for the landowners of Lots 1-5 on the Northern Parcel. One of the directors of the HOA at the time of formation was the managing member of Cameo and CRD.
13. On October 31, 2016, on the Northern Parcel to Brian and Alexandra Kreiter (Parcel ID 002-02-048.33).
14. On November 7, 2016, Cameo filed an application for a zoning permit from the Town of

Wilmington to subdivide the Southern Parcel into 5 new lots with associated residences and infrastructure, one of which included the single-family residence previously approved and constructed. The zoning permit was issued on December 6, 2016. The new lots were identified by the Town of Wilmington with Parcel IDs ranging from 002-02-048.11 through 002-02-048.14.

15. On November 14, 2016, the HOA and Cameo jointly filed a stormwater permit application to obtain coverage under General Permit 3-9015 Stormwater Discharges from New Development (“GP 3-9015”) for impervious surface associated with construction on the Southern Parcel. The application was revised on December 21, 2016. The permit application excluded the single-family residence on the Southern Parcel that was previously constructed.
16. On December 19, 2016, CRD conveyed Lot 1 on the Northern Parcel to Jeffery and Denise Koslowsky (Parcel ID 002-02-048.31).
17. Since at least February 2017, Cameo has marketed the Development as Coldbrook Crossing at Haystack Mountain, a two-phase development that includes 12 residential lots: Phase I consists of Lots 1 through 5 on the Northern Parcel, while Phase II consists of Lots 6 through 12 on the Southern Parcel.
18. On May 1, 2017, the Agency sent a notice of alleged violation to CRD, Cameo, and the HOA, alleging that the construction of the single-family residences, the common utilities, and shared access included in the Development resulted in more than 1 acre of new impervious surface and required permit coverage under GP 3-9015.
19. Throughout 2017, Agency staff coordinated with a consultant working on behalf of CRD in effort to secure coverage under GP 3-9015 for the impervious surface within the Development.
20. On November 16, 2017, the HOA and CRD jointly filed a stormwater permit application to obtain coverage under General Permit 3-9015 for the impervious surface associated with the construction on the Northern Parcel and the extension of the access road through the Southern Parcel. The permit application did not include the single-family residence on the Southern Parcel.
21. On December 18, 2017, CRD conveyed Lots 4 and 5 to Christopher and Kara Davis (Parcel IDs 002-02-048.3 and 002-02-048.34).
22. On January 3, 2018, the HOA and Cameo withdrew the application for coverage under

General Permit 3-9015 for impervious surface associated with construction on the Southern Parcel (submitted November 14, 2016, and revised on December 21, 2016).

23. On January 17, 2018, Cameo filed articles of termination with the Vermont Secretary of State, dissolving the company.
24. By deed recorded in Book 322 at Page 399 of the Wilmington Land Records, Cameo remains record title holder to Lot 9 (Parcel ID 002-02-048.1), as well as the undeveloped Lots 6 through 12 on the Southern Parcel. The Southern Parcel is currently the subject of a foreclosure action in the Windham Unit of the Superior Court, as indicated by a complaint against Cameo by TVC Funding I, LLC, recorded in Book 343 at Page 330 of the Wilmington Land Records.
25. On March 19, 2019, CRD filed articles of termination with the Vermont Secretary of State, dissolving the company.
26. Respondents have not obtained coverage under GP 3-9015 for the discharge of stormwater from the Development's impervious surface, the receiving waters for which is Cold Brook and its unnamed tributaries.

### **ORDER**

Upon receipt of this Administrative Order:

- A. Cameo Builders of Vermont, LLC (formerly known as Cameo Builders, LLC), and CRD, LLC, shall pay a penalty of \$ 9,000.00 no later than thirty (30) consecutive calendar days following receipt of this Order. Payment shall be by check made payable to the "Treasurer, State of Vermont" and forwarded to:

Administrative Assistant  
Agency of Natural Resources  
Compliance & Enforcement Division  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3803

The Secretary reserves the right to augment the above stated penalty based upon the evidence adduced at the hearing in this matter. The penalty may be increased by the total costs incurred by the Secretary for the enforcement of this matter, by the total amount of economic benefit gained by the Cameo Builders of Vermont, LLC, and CRD, LLC from the violations,



and by further consideration of any other component of penalty found in 10 V.S.A. § 8010, each according to proof at hearing.

- B. No later than thirty (30) consecutive calendar days following receipt of this Administrative Order, Respondents shall submit to the Agency for its review and approval an administratively complete permit application to discharge stormwater from the Development pursuant to General Permit 3-9015. In the event the Agency rejects the application in whole or in part, Respondents shall submit a revised application no later than seven (7) consecutive calendar days following the Agency's rejection. The revised application shall address those aspects of the application that were rejected. In the event of additional rejections, Respondents shall submit any subsequent revisions for Agency approval within seven (7) consecutive calendar days following the rejection.

Respondents shall not construct additional infrastructure or impervious surface on either the Southern Parcel or the Northern Parcel unless and until the Agency issues Respondents a stormwater permit. Respondents shall complete the installation of any stormwater management infrastructure required by the permit within ninety (90) days of its issuance, unless Respondents obtain prior written authorization from the Agency.

### **RESPONDENT'S RIGHT TO A HEARING**

#### **BEFORE THE ENVIRONMENTAL DIVISION OF THE SUPERIOR COURT**

The Respondents have the right to request a hearing on this Administrative Order before the Superior Court, Environmental Division, under 10 V.S.A. § 8012 by filing a Notice of Request for Hearing within fifteen (15) days of the date the Respondents receive this Administrative Order. The Respondents must timely file a Notice of Request for Hearing with both the Secretary and the Environmental Division at the following addresses:

1. Secretary, Agency of Natural Resources  
c/o: Enforcement and Litigation Section  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3803
2. Clerk, Superior Court, Environmental Division  
32 Cherry St. 2<sup>nd</sup> Floor, Suite 303  
Burlington, VT 05401

**EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER**

This Administrative Order shall become effective on the date it is received by the Respondents unless the Respondents file a Notice of Request for Hearing within fifteen (15) days of receipt as provided for in the previous section hereof. The timely filing of a Notice of Request for Hearing by the Respondents shall stay the provisions (including any penalty provisions) of this Administrative Order pending a hearing by the Environmental Division. If the Respondents do not make a timely filing of a Notice of Request for Hearing, this Administrative Order shall become a final Judicial Order when filed with and signed by the Environmental Division.

**COMPLIANCE WITH THIS ADMINISTRATIVE ORDER**

If the Respondents fail or refuse to comply with the conditions of a final Judicial Order, the Secretary shall have cause to initiate any further legal action against the Respondents including but not necessarily limited to, those available to the Secretary pursuant to the provisions of 10 V.S.A. Chapters 201 and 211.

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

SECRETARY, VERMONT AGENCY OF NATURAL RESOURCES

By: 

Emily Boedecker, Commissioner  
Department of Environmental Conservation

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION  
Docket No.

SECRETARY, VERMONT  
AGENCY OF NATURAL RESOURCES,  
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v.

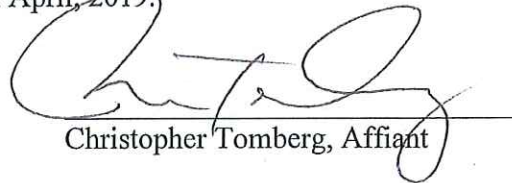
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Affidavit of Christopher Tomberg

I, Christopher Tomberg, being duly sworn do attest:

1. I am of legal age and a resident of the State of Vermont.
2. I am employed as an Environmental Analyst in the Stormwater Program, Watershed Management Division of the Agency of Natural Resources.
3. Based upon personal observations, review of the relevant Stormwater Program files, and conversations with witnesses, Respondents, and Agency staff, the violations described in the Statement of Facts section of the above-entitled Administrative Order occurred during the time periods set forth therein.

Dated at Montpelier, Vermont, this 23rd day of April, 2019,

  
Christopher Tomberg, Affiant

Subscribed and sworn before me on the 23rd of April, 2019.

  
Notary Public

My Commission Expires: 1/31/21

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