

STATE OF VERMONT
Water Resources Board

Appeal of Wesco Inc,
Jacob & Harmke Verburg
In re: Denial of Public
Building Permit application
#PB-4-1450 and Subdivision
Permit application #EC-4-1274

Pre-hearing Conference
Report

INTRODUCTION

On June 30, 1988, Wesco, Inc. and Jacob and Harmke Verburg filed a notice of appeal with the Vermont Water Resources Board. This appeal is taken from the decision of the Department of Environmental Conservation dated June 30, 1988 to deny Public Building Permit application, PB-4-1450 and Subdivision Permit application EC-4-1274. The authority for this appeal is 3 V.S.A. § 2873(C) (4).

On July 5, 1988, the Water Resources Board gave notice of the filing of this appeal and of a pre-hearing conference scheduled for July 25, 1988. The pre-hearing conference was held as scheduled at 58 East State Street, Montpelier, Vermont.

REPORT OF BRE-HEARING CONFERENCE

1. Party' Standing,

a. Entry of Appearance

The following persons attended the pre-hearing conference and entered their appearance in this proceeding:

- (1) Wesco, Inc. and Jacob and Harmke Verburg, the appellants, represented by John R. Ponsetto, Esquire.
- (2) Agency of Natural Resources (Agency) seeking standing under Rule 22(A)(4) represented by Anne Whiteley.
- (3) Richmond Land Trust (Land Trust) seeking standing under Rule 22(A) (7) represented by Steve Libby;

The Land Trust agreed to file a written petition for party status including a description of its organization, membership and purposes with the Board and all parties by July 27, 1988.

b. Objections

The appellant's indicated their objection to the granting of party standing to the Land Trust. All parties agreed that the issue of the Land Trust's **standing** in this proceeding be **resolved** in accordance with the schedule described in paragraph 4 below.

2. Matters at Issue

All parties agreed that the matters at issue in this proceeding are limited to **those set** forth in paragraph 4 of the **appellant's** notice of appeal dated June 30, 1988;

3. Pending Evaluation of Alternative Site

The appellants advised the Board that they are in the **process of** reviewing with the Agency the possibility of utilizing a different site for on-site waste disposal. The **alternative** site is in the process of being evaluated by the Agency and if approved would render this appeal moot.

4. Schedule

All parties agreed to a continuation of this appeal pending completion of Agency's evaluation of the alternative site. The parties further agreed that the -deadline for the appellants to file their motion and brief on its objection to the Land Trust's **standing** in this proceeding shall be thirty **(30) days** from the date of the Agency's decision regarding **the** suitability of the **alternative sites** and that the Land Trust and the **Agency** shall have seven **(7) days** after the filing of any such objection to file their reply.

ated at Montpelier, Vermont, this 26th day, of July, 1988.

For the Water Resources Board



William A. Bartlett
Executive Officer