

State of Vermont

WATER RESOURCES BOARD

In re: **Mazzola v. Department of
Environmental Conservation**
Docket No. WET-92-10

Authority:
10 V.S.A. §1269

DISMISSAL ORDER

On August 24, 1992, Mario Mazzola of Shaftsbury, Vermont, by and through his attorney, Rodney E. McPhee, Esq., filed a Notice of Appeal with the Water Resources Board (Board). The Agency of Natural Resources (ANR) had issued a notice of alleged violation to Mr. Mazzola for certain activities within a Class II wetland. Mr. Mazzola sought a determination from the Board concerning the proper classification of the subject wetland and dismissal of the agency's notice of alleged violation. Mr. Mazzola's appeal was deemed complete on September 21, 1992.

Notice was published on November 17, 1992. A prehearing conference was held in Montpelier on November 24, 1992, at which the appellant and ANR appeared.

The ANR issued Mr. Mazzola a conditional use determination (CUD 92-262) on March 24, 1993. A copy of this CUD was filed with the Board on March 30, 1993. On April 2, 1993, the appellant filed a Motion to Withdraw Appeal with the Board on the basis, that the CUD resolved the issues that gave rise to the appeal. Both ANR and the appellant waived oral argument on dismissal of the appeal. On April 20, 1993, the Board reviewed the appellant's motion and determined that dismissal of this matter is not contrary to law.

Therefore, the above-captioned appeal is hereby dismissed.

Dated at Montpelier, Vermont, this 22nd day of April, 1993.

Vermont, Water Resources Board

Dale A. Rocheleau
Dale A. Rocheleau, Chair

concurring:
Jane Potvin
Stephen Reynes