

State of Vermont
WATER RESOURCES BOARD

In re: **Norbert Blaskowski (Appeal of Conditional Use Determination #93-447)**, Docket No. CUD-94-07

DISMISSAL ORDER

On April 11, 1994, the Agency of Natural Resources (ANR) issued Conditional Use Determination (CUD) #93-447 to New England Telephone Company (NET) for the installation of two telecommunications equipment cabinets in the buffer zone of a Class Two wetland off Route 78 and Campbell Bay Road in Swanton, Vermont. On May 10, 1994, Norbert Blaskowski of Swanton, Vermont, appealed this decision to the Water Resources Board pursuant to 10 V.S.A. § 1269 and Section 9 of the Vermont Wetland Rules.

The appeal was noticed on June 30, 1994. The only persons entering timely appearances in this matter were the appellant, pro se, and NET, represented by Annette L. Anson.

On July 7, 1994, the Board received a letter from NET notifying the Board withdrawing its request for CUD #93-447. On July 21, 1994, the Board notified the appellant and interested persons of this filing. It proposed to dismiss this appeal, unless written objections or requests for oral argument were timely filed with the Board, pursuant to Rule 21 of the Board's Rules of Procedure.

No party filed written objections or requested oral argument. On July 28, 1994, the Board received a letter from George E. Spear, II, of Swanton, Vermont, requesting that the Board require NET to remove debris that it placed in the subject buffer zone in anticipation of construction and return the site to its original condition. On August 4, 1994, the Board received a letter from Annette L. Anson for NET, representing that the site had been cleaned and inspected. Cleanup of the site was confirmed in writing by the appellant on August 19 and Mr. Spear on August 22, 1994.

On August 24, 1994, the Board reviewed the file in this matter. The Board considered the parties' filings and determined that NET had abandoned its CUD request. It concluded that CUD-#93-447 should be declared null and void and that the above-captioned appeal should be dismissed for mootness.

Dismissal Order

In re: Norbert Blaskowski (Appeal of Conditional Use Determination
#93-447), Docket No. CUD-94-07

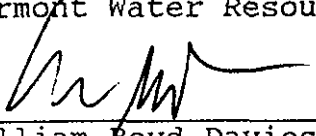
page 2 of 2

ORDER

1. CUD #93-447 is declared null and void.
2. The above-captioned appeal is hereby dismissed.

Dated at Montpelier, Vermont, this 24th

Vermont Water Resources Board



William Boyd Davies, Chair

Stephen Dycus
Ruth Ein'stein
Jane Potvin