

State of Vermont
WATER RESOURCES BOARD

**In re: Herbert N. Laokshin (Denial of Conditional Use
Determination #92-386), Docket No. CUD-94-14**

DISMISSAL ORDER

On November 21, 1994, the Water Quality Division of the Department of Environmental Conservation, Agency of Natural Resources (ANR) issued Conditional Use Determination (CUD) #92-386 to George and Bonilyn Kablesh (the applicants), authorizing the placement of a dwelling, driveway, septic tank and pump station in a Class Two wetland and buffer zone in Quechee, Vermont. The subject wetland is located at Meadowland Farms, east of the Quechee-Hartland Road, approximately one mile south of Quechee village. On December 19, 1994, Herbert N. Lackshin, an adjoining property owner, appealed the ANR's decision to the Water Resources Board (Board) pursuant to 10 V.S.A. § 1269 and Section 9 of the Vermont Wetland Rules.

The appeal was noticed on February 1, 1995. The only persons entering timely appearances in this matter were Mr. Lackshin (the appellant), the applicants represented by John C. Candon, Esq., of Hughes, Miller & Candon, and the ANR, by James A. Caffry, Esq.

A prehearing conference was held in this matter on February 24, 1995, and March 10, 1995. A Prehearing Conference and Report and Order was issued on April 18, 1995, establishing party status, clarifying the issues on appeal, and setting forth a filing schedule for prefiled testimony, exhibits and other filings.

On April 26, 1995, the applicants filed a Motion to Abandon Permit with the Board. In this motion, the applicants indicated an intention to abandon CUD #92-386 and requested that the above-captioned appeal be deemed moot. On April 26, 1995, the Board informed all parties to this proceeding of the applicants' filing and provided them with an opportunity to file written objections or requests for oral argument. No party responded by the deadline set by the Board.

On May 9, 1995, the Board reviewed the file in this matter. The Board considered the applicants' motion and determined that CUD #92-386 should be declared null and void and that the above-captioned appeal should be dismissed for mootness.

Dismissal order

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ORDER

Therefore, it is hereby ordered that:

1. CUD #92-386 is declared null and void: and
2. The above-captioned appeal is hereby dismissed.

Dated at Montpelier, Vermont, this 10th day of May, 1995.

Vermont Water Resources Board



William Boyd Davies, Chair

Concurring:

William Boyd Davies
Stephen Dycus
Ruth Einstein
Gail Osherenko
Jane Potvin