

STATE OF VERMONT  
WATER RESOURCES BOARD

In re: Great Outdoors Trading Company  
Docket No. CUD-96-02

MEMORANDUM OF DECISION AND DISMISSAL ORDER

I. BACKGROUND

On July 25, 1996, Earl W. Richardson and Pauline L. Richardson ("Richardsons") filed a notice of appeal ("Appeal") from Conditional Use Determination ("CUD") 94-014 issued on June 25, 1996, by the Water Quality Division, Department of Environmental Conservation ("DEC"), Agency of Natural Resources ("ANR"). CUD-94-014 authorizes Mr. Chuck Wagenheim, The Great Outdoors Trading Co., Inc. ("Permittee") to construct a commercial building and expand a parking lot along Woodstock Avenue/U.S. Route 4 in Rutland, Vermont ("Project") in a Class Two wetland and adjacent 50 foot buffer zone ("Wetland"). The Wetland is substantially located on land owned by the City of Rutland that is known as the poor farm ("Poor Farm"). The Richardsons filed the Appeal pursuant to Section 9 of the Vermont Wetland Rules ("VWR") and 10 V.S.A. § 1269.

On August 9, 1996, the Permittee filed a Motion to Dismiss the Appeal ("Motion").

On December 12, 1996, the Board convened a deliberation regarding the Proposed Prehearing Conference Report and Order issued by its designee on November 15, 1996.

II. ORDER

For the reasons stated in the Prehearing Conference Report and Order issued of even date herewith, the Appeal is dismissed with prejudice.

Dated at Montpelier this 20th day of December, 1996.

WATER RESOURCES BOARD

  
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William Boyd Davies, Chair

Concurring:  
William Boyd Davies  
Ruth Einstein  
Jane Potvin

Abstaining:  
Gail Osherenko