

State of Vermont
WATER RESOURCES BOARD

RE: Lost Cove Homeowners Assoc. Inc.
Docket No. CUD-98-04 (DEC #97-185)
(Gale Driveway, near Brickyard and Red Rocks Road, Colechester, Vermont)

RE: Barden Gale and Melanie Gale Amhowitz
Docket No. CUD-99-01 (DEC #98-340)
(Application of Gary and Paula Warner, Colchester, Vermont)

ORDER

On July 16, 1999, the Water Resources Board ("Board") issued its Findings of Fact, Conclusions of Law, and Order in the above-captioned matter. On August 3, 1999, the Agency of Natural Resources ("ANR") filed a Motion to Alter, requesting amendment of a condition imposed by the Board regarding the monitoring of nuisance plant species to assure that such monitoring occurs in early July.

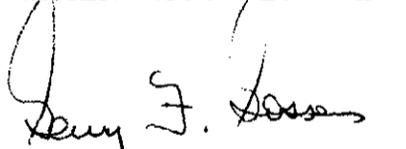
Rule 29(C) of the Board's 1988 Rules of Procedure ("Procedural Rules") allows a party to **file** a motion to alter within 15 days from the date of the decision and directs the Board to act upon such motion promptly, with or without a hearing as the Board deems appropriate. The running of the time in which to appeal is stayed by a "timely motion" filed under this rule. The **30-day** appeal period commences to run and is to be computed from issuance of a decision on the motion.

It appears that under the Procedural Rules applied in the above-captioned appeals, the ANR's Motion to Alter was not timely filed. However, given that the 30-day appeal period provided in 10 V.S.A. § 1270 has not yet run, the parties will be provided an opportunity to file with the Board on or before **4:30 p.m., Tuesday, August 17, 1999**, any objections to the ANR's motion, either on the grounds that it is untimely or based on the merits of the request. Likewise, a party who does not object to the granting of ANR's request is asked to **file** a statement to that effect by the same deadline.

The Board will consider the Motion to Alter and the parties' filings at its meeting on August 31, 1999. The Board will not hold a hearing in this matter. A decision will issue shortly thereafter. In the meantime, the parties should assume that the Board is retaining jurisdiction of this matter and that the period for appeal to the superior court is stayed until a decision is issued with respect to the pending motion.

Dated at Montpelier, Vermont, this 6th day of August, 1999.

WATER RESOURCES BOARD



Gerry E. Gossens
Chair