

State of Vermont
WATER RESOURCES BOARD

RE: E. Bruce and Deborah Hallett
Docket No. CUD-00-09

DISMISSAL ORDER

On October 3, 2000, the Water Resources Board ("Board") received a letter from the Appellants, E. Bruce and Deborah Hallett, advising the Board that they seek dismissal of the above-captioned appeal.

The parties to this proceeding are those identified in the Prehearing Conference Report and Order (Sept. 6, 2000) and Supplemental Prehearing Order (Sept. 22, 2000): the Appellants, as Conditional Use Determination Applicants, the Agency of Natural Resources ("ANR"), and Signa Mills, an adjoining property owner. Also participating is the Vermont Natural Resources Council ("VNRC") as petitioner for Amicus Curiae status.

On October 5, 2000, the Board Chair, David J. Blythe, Esq., issued a Chair's Preliminary Order in which he advised the parties that the above-captioned appeal would be dismissed by summary order if no party filed a written objection and request for oral argument on or before October 28, 2000, if all parties affirmatively concurred in the dismissal.

On October 19, 2000, Signa Mills filed a written notice of consent to the proposed dismissal. On October 20, 2000, ANR and VNRC each filed written notices of consent to the proposed dismissal. No written requests for oral argument were filed by the October 20, 2000 deadline.

The Board considered the Appellants' uncontested dismissal request in deliberations on November 2, 2000. The Board concluded that dismissal of this matter is not contrary to law and is consistent with the Board's power to allow informal disposition of contested case matters. 3 V.S.A. § 809(d). Accordingly, it is hereby ordered that:

1. Docket No. CUD-00-09 is dismissed; and
2. The ANR's decision denying Conditional Use Determination Application #1999-447, dated June 8, 2000, is binding and in full force and effect.

Dated at Montpelier, Vermont this 2nd day of November, 2000

Concurring:
Barbara Farr
Jane Potvin

WATER RESOURCES BOARD
By its Chair



David J. Blythe, Esq.