

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. Chapter 151

RE: Frank P. Elnicki, Inc. by Dismissal Order
Eugene Rakow, Esq. Land Use Permit Amendment
Biederman & Rakow PC #1R0567-1-EB
P.O. Box 9 Revocation Proceedings
Rutland, VT 05701

On January 5, 1987 a Petition for Revocation of Land Use Permit #1R0567 was filed with the Environmental Board by William D. Cohen, Esq. on behalf of Gail M. Buck, an adjoining land owner. Land Use Permit #1R0567 authorizes the Permittee to develop Phase I and Phase II of a 22 acre gravel pit, access to which is by a 4000± foot roadway from the Cold River Road in Clarendon, Vermont. Land Use Permit Amendment #1R0567-1 authorizes the Permittee's use of on-site portable crushing equipment, the intermittent burning of slash, removal of the five-acre exposed pit restriction in favor of a ten-acre restriction and the use of calcium chloride on the haul road for dust control.

Of concern to the Petitioner was the alleged failure of the Permittee to disclose in his application any adjoining land owners to his property and the alleged consistent failure of the Permittee to comply with the conditions of his permits.

In April 1987 the Board was advised that the issues which led to filing the request for permit revocation had been resolved by stipulation. On July 1, 1987 the Board requested a copy of the terms of said stipulation so that it might consider dismissal. No such information has been received. However, the Permittee continues to be bound by any permit conditions included in Land Use Permit #1R0567 and #1R0567-1 and the District #1 Environmental Commission has continuing jurisdiction over said permitted project.

Dismissal of the Petition is not contrary to the intent or purposes of Act 250 or the Board's Rules. The Petition to Revoke is, therefore, dismissed.

Dated at Montpelier, Vermont *this 22nd* day of November, 1987.

ENVIRONMENTAL BOARD

Robert H. Wilson

DO 1R0567-1-EB