



10 V.S.A §8019 Civil Citation
Natural Resources Board

Citation Number: 2023_47

VC: NR115 1st Violation

Respondent: Ronald Rodriguez

Address: 4659 Main Street

City, State, Zip: Manchester, VT 05255

Respondent committed the following acts in violation of Vermont Law, Statute, Rule, or Permit:

Violation Citation: Violation of an Act 250 rule or an Act 250 permit

Description: See attached.

Town: Manchester

Date: 08/09/2024

Penalties: If you plead ADMITTED or NO CONTEST, you may pay the waiver amount instead of appearing in court. If you plead DENIED and the State proves the violation, the penalty must be within the penalty range plus any court costs.

Penalty Range: Minimum \$ 300.00 Maximum \$ 1500.00 Waiver \$ 1125.00

Mailed to: Select

Mailing Address:

City, State, Zip:

Date Mailed: Select

Select Signature: _____

Public Notice & Opportunity to Comment: I certify that a draft of this civil citation was posted for public notice and written comment for a period of 30 days. []

Comments were received and are attached [] No comments were received []

Service Members Civil Relief Act Affidavit: Under oath, I state Respondent is NOT on active duty in the U.S. armed forces because: Select

Select Signature: _____

Signed and sworn at State of Vermont, County of _____, on _____, before me,

[Notary Stamp]

Notary Public State of Vermont

Printed Name _____

Commission No. _____

My Commission Expires _____

Respondent's Plea to this Civil Citation

Mark ("X") your plea: Admitted [] No Contest [] Denied []

Respondent or Corporate Officer Signature: _____ Date: _____

Mailing Address: _____

City, State, Zip: _____

Phone: _____ Email: _____



State of Vermont
Natural Resources Board
10 Baldwin Street
Montpelier, VT 05633-3201
nrb.vermont.gov

[phone] 802-828-3309

August 21, 2024

Ronald Rodriguez
4659 Main Street
Manchester, VT 05255

RE: Proposed Civil Citation 2023_47; Attachment

Description of Civil Citation:

Respondent owns the property located at 4659 Main Street, Manchester Center (the "Project Tract"), which is subject to Act 250 Land Use Permit (LUP) #8B0334-5. The Project Tract contains a 2 ½ story building which includes a restaurant (formerly, the Ponce Bistro) on the ground floor and an apartment on the upper floor. The subject building had previously been used as a retail space. On May 23, 2023, the Act 250 District 8 Office issued Jurisdictional Opinion #8-286 specific to the Project Tract, which determined that the change of use from a retail space to a restaurant and apartment constituted a material change to an existing development under Act 250 Rule 2(C)(6), requiring an amendment to LUP Series 8B0334, pursuant to Act 250 Rule 34. On June 6, 2023, Respondent was issued a Notice of Alleged Violation with a directive to apply for an after-the-fact LUP amendment for the material change by August 31, 2023.

Respondent did not file the requisite LUP application (#8B0334-10) until February 28, 2024. Furthermore, Application #8B0334-10 has remained in an incomplete status. On August 9, 2024, a new restaurant, Nong's Kitchen (replacing the Ponce Bistro), opened at the Project Tract without Respondent resolving the deficiencies identified in incomplete Application #8B0334-10 and being issued the LUP amendment, thereby constituting a continued violation of Act 250 Rule 34.

A handwritten signature in blue ink, appearing to read "Chris Kinnick".

Christopher Kinnick

Compliance & Enforcement Officer