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

Re: NJM Realty Limited Partnership
Land Use Permit #2W0312-EB (Revocation)

CERTIFICATE OF COMPLIANCE

1. This certificate applies to the lands identified at Book 58, Page 354 of the land records of the Town of Newfane as the subject of a deed to NJM Realty Limited Partnership and a lease to Michael Fitzpatrick, the grantees. The certificate concerns Land Use Permit #2W0312, as amended by Land Use Permit #2W0312-1, which authorize a gravel extraction operation on those lands.
2. On December 17, 1991, the Environmental Board issued Findings of Fact, Conclusions of Law, and Order #2W0312-EB (Revocation). In that decision, the Board concluded that Land Use Permit #2W0312, as amended by Land Use Permit #2W0312-1, was revoked for violation of Condition #3. The revocation was subject to an opportunity to correct the violation.
3. In the December 17, 1991 decision, the Board delineated steps to be taken by the Permittee to correct the violation. These steps included in part the submission of a reclamation plan and an escrow agreement to guarantee reclamation. In its decision, the Board stated that, if the submissions were adequate to correct the violation, it would issue a written decision so stating which incorporates the submissions into Land Use Permit #2W0312.
4. The Board has concluded that the violation has been corrected. The following documents, on file with the Board, are hereby incorporated as "plans" within the meaning of Condition #1 of Land Use Permit #2W0312:
 - a. A reclamation plan entitled "Gravel Operation, NJM Realty Limited, River Road, Newfane, Vermont 05345." The date of the plan is January 17, 1992, revised to "remove road work" on May 1, 1992. Only the plan as revised on May 1, 1992 is approved. The plan consists of three sheets, entitled: Plan 1, Step 1, Operation Plan; Plan 1, Step 2, Operation Plan; and Plan 1, Step 3, Operation Plan.
 - b. An escrow agreement dated May 29, 1992, signed by Nicholas J. Mercede for the Permittee, Michael Fitzpatrick for Fitzpatrick Excavating and Crushing, Inc., and Theodore C. Kramer, Trustee. Only the agreement dated May 29, 1992 is approved.

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5. The incorporation of the above documents as "plans" within the meaning of Condition #1 of Land Use Permit #2W0312 means that compliance with those documents is required on the part of the Permittee and its successors and assigns.
6. Because the violation has been corrected, the Board has concluded that the permit should not be revoked. Land Use Permit #2W0312, as amended by Land Use Permit #2W0312-1, remains in full force and effect, with the above-referenced documents incorporated therein.

Dated at Montpelier, Vermont this 10th day of July,
1992.

ENVIRONMENTAL BOARD

Elizabeth Courtney

Elizabeth Courtney, Chair
Ferdinand Bongartz
Terry Ehrich
Lixi Fortna
Arthur Gibb