

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

Re: *Rinaldo and Anne Vasquez*

Land Use Permits 600016, 600016-2
and 600016-2 (Revocation)

Memorandum of Decision

This decision pertains to a petition to revoke Land Use Permit #600016 filed on November 7, 1997. Having found that the Permittee has corrected the violations which were the subject of the petition, the Vermont Environmental Board (Board) dismisses the petition.

I. Background

On April 15, 1971, the District #1 Environmental Commission (Commission) issued Land Use Permit #600016 to Michael and Zerrita Halligan together with supporting Findings of Fact, Conclusions of Law, and Order (Original Permit), pursuant to 10 V.S.A. §§6001-6092 (Act 250). The Original Permit authorized the construction and operation of a travel trailer park and campground on approximately ten (10) acres of land located between Otter Creek and U.S. Route 7 in Danby, Vermont (Project).

On May 28, 1979 and November 26, 1979, the Commission issued Land Use Permits #600016-1 and #600016-2, respectively, to Rinaldo and Anne Vasquez, successors in interest to the Halligans, together with supporting Findings of Fact, Conclusions of Law, and Order (Dash 1 Permit and Dash 2 Permit). The Dash 1 Permit and the Dash 2 Permit authorized the construction, renovation, and operation of a camp store and recreation room on the Project site.

On November 7, 1997, Petitioner Lawrence White filed a petition to revoke (Petition) the Original Permit, the Dash 1 Permit, and the Dash 2 Permit (collectively, the Permits). The Petition was based upon the allegation that George and Alice Araskiewicz, as successors in interest to Michael and Zerrita Halligan and Rinaldo and Anne Vasquez, had violated the terms of the Permits.

Following a hearing on April 1, 1998 and Board deliberations on May 26, 1998, the Board issued Findings of Fact, Conclusions of Law, and Order (Decision), revoking the Permits. The Decision concluded that the Permits had been violated in that

1. the Original Permit authorized 31 trailer sites and the Araskiewiczs were using more than the authorized number of sites;
2. the Original Permit allowed one trailer per site and the Araskiewiczs had more than one trailer on some sites; and

3. the Araskiewiczzs had allowed trailers in locations not authorized by the Original Permit.

Pursuant to Environmental Board Rule 38(A)(3)(a), the Board allowed the Araskiewiczzs the opportunity to correct the violations, either by bringing the Project back into compliance with the Original Permit or by filing an amendment application with the Commission seeking authorization for those activities not brought into compliance.

II. Discussion

In response to the Decision, the Araskiewiczzs filed Application #600016-4 on August 14, 1998. The application was held in abeyance pending the issuance of a Tent and Travel Trailer Campground Permit by the Agency of Natural Resources, Department of Environmental Conservation (Department).

On April 23, 2002, the Department issued the Tent and Travel Trailer Campground Permit, and following a hearing and site visit on July 8, 2002, the Commission issued Land Use Permit #6000616-4 on August 12, 2002 (Dash 4 Permit). The Dash 4 Permit authorizes, *inter alia*, the Araskiewiczzs to relocate certain camping sites at the Project.

The Dash 4 Permit, which has not been the subject of an appeal or a motion to alter and is therefore final, represents the correction of the violations which formed the basis for the revocation ordered by the Decision.

III. Order

The revocation petition is dismissed.

Dated at Montpelier, Vermont this 19th day of September 2002.

ENVIRONMENTAL BOARD

 /s/Marcy Harding
Marcy Harding, Chair
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