

From: [David G. Carpenter](#)
To: [NRB - Comments](#)
Subject: Comments on Draft NRB Civil Citation 13EC00101 (Shale Hill Adventure Farm, LLC)
Date: Monday, December 09, 2013 3:10:01 PM

The following comments on Draft NRB Civil Citation 13EC00101 are submitted **on behalf of Respondent Shale Hill Adventure Farm, LLC** :

Respondent is a small local business owned by Benson residents Rob and Jill Butler. Neither Respondent nor its owners have any prior violations. Respondent appreciates that the activities described in the Proposed Civil Citation were conducted prior to issuance of its Act 250 permit, but respectfully notes that when Respondent first received notice that its activities might be in violation of any laws, Respondent was engaged in *de minimus*, preliminary activities that had been approved by the Town. Respondent and the owners (proceeding without the aid of counsel at the time) were unaware that those preliminary activities might be prohibited without an additional Act 250 permit from the State. In addition, no harm, environmental or otherwise, was caused by Respondent's activities, and an Act 250 permit that expressly permitted the activities in question was subsequently issued to Respondent.

For the above reasons, therefore, Respondent respectfully requests that the Proposed Civil Citation be withdrawn.

Respondent has paid the State of Vermont and a roster of professionals thousands of dollars to obtain a variety of permits to start up this business, which attracts visitors from all over the state and the Northeast to engage in healthy outdoor athletic activities, has no negative impact on the environment, preserves open space, and allows agricultural uses (haying) to continue on the property. The local economy has benefitted as well, as Respondent hires numerous vendors from Addison and Rutland Counties to provide services at the events held at Respondent's facilities. The facility has welcomed the Boy Scouts and the Army National Guard at its events, and has been a model neighbor.

If, however, the NRB does not believe that withdrawal is appropriate, for the same reasons as stated above, Respondent respectfully requests that the NRB consider, pursuant to 10 VSA 8007, issuing an "Assurance of Discontinuation" in lieu of any administrative or judicial proceedings. This would be appropriate, as referenced by 10 VSA 8007(b)(3), because the activities referenced in the Proposed Civil Citation did not affect the natural environment or cause any environmental harm. Respondent proposes that it would make a contribution – such as \$100 – toward public educational projects that will enhance the public's awareness of and compliance with Act 250, especially as might benefit other similarly situated small businesses.

Finally, if the NRB believes that it must issue a Citation, for all the reasons stated above, Respondent respectfully takes the position that the violations alleged should be classified as "*de minimus*" as opposed to "minor" , and that a nominal fine of \$100 or less should be levied.

On behalf of Respondent, I appreciate your review and consideration of these comments. If you have any questions please do not hesitate to contact me.

Respectfully submitted,

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