

STATE OF VERMONT

Superior Court

Environmental Division  
Docket No.

Natural Resources Board,  
Petitioner

ASSURANCE OF DISCONTINUANCE

v.

Gregory S. Hovey,  
Respondents

**VIOLATION**

Commencement of development for a commercial purpose without a Land Use Permit.  
10 V.S.A § 6081(a).

**ASSURANCE OF DISCONTINUANCE**

Pursuant to the provisions of 10 V.S.A. § 8007, the Natural Resources Board (Board) and Gregory S. Hovey (Respondent) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

**STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS**

1. Respondent owns a 10.4-acre parcel located on Victory Hill Road in Victory, Vermont. The parcel is identified in Book 20, Pages 41-42 of the Town of Victory, Vermont land records as the subject of a deed to Greg Hovey (the Project Tract).
2. Respondent constructed and is operating a commercial dog breeding facility (Facility) on the Project Tract.
3. Respondent constructed fenced outdoor pens with shelters for the dogs, a 10 x 14 foot whelping shed, and a storage shed used to store dog food and other dog supplies.
4. The Facility can accommodate up to fifty dogs and puppies.
5. The Respondent has disposed of the dog waste in an existing manure pile down slope from the Facility.
6. Respondent filed for a Land Use Permit application (7E1340) on June 6, 2013 after the construction of the Facility. Land Use Permit 7E1340 was issued on September 6, 2013.

7. By commencing construction on the Project Tract without a Land Use Permit the Respondent violated 10 V.S.A § 6081(a).

**AGREEMENT**

Based on the aforementioned Statement of Facts and Description of Violations, the parties hereby agree as follows:

- A. The Respondent shall comply with Land Use Permit 7E1340.
- B. The Respondent shall remove the two (approximately 400 sq. ft. each) temporary chain-linked fence kennels currently located on the Project Tract no later than June 1, 2014, unless the Respondent obtains an Act 250 Amendment for the Permit for their continued use prior to June 1, 2014.
- C. No later than **30 days** following the entry of this Assurance as an Order by the Superior Court, Environmental Division, the Respondents shall:
1. Pursuant to 10 V.S.A. Ch. 201, pay a civil penalty in the amount of **Five Hundred Dollars and Zero Cents (U.S.) (\$500.00)**, for the violations noted herein, by good check made payable to the "Treasurer, State of Vermont,"
  2. Pay the amount of **Ten Dollars and Zero Cents (U.S.) (\$10.00)**, for the purpose of paying the recording fee for the filing of a notice of this Assurance in the Town of Victory land records, by good check made payable to the "Town of Victory, Vermont."
  3. Sent via first class U.S. mail the Board an executed Acceptance of Service, on a form approved by the Board, showing that Respondent has actual notice of the Judicial Order and Assurance of Discontinuance.
- D. All payments and documents required by this Assurance shall be sent to:
- Natural Resources Board  
Dewey Building  
1 National Life Drive  
Montpelier, Vermont 05620-3201
- E. Respondent shall not deduct, nor attempt to deduct, any payment made to the State pursuant to this Assurance from Respondent's reported income for tax purposes or attempt to obtain any other tax benefit from such payment.
- F. The State of Vermont and the Board reserve continuing jurisdiction to ensure compliance with all statutes, rules, and regulations applicable to the facts and

**Assurance of Discontinuance**

*Natural Resources Board v. Gregory S. Hovey*

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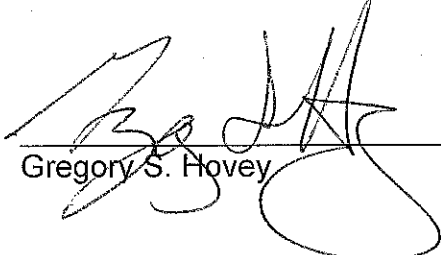
violations set forth herein.

- G. Nothing in this Assurance shall be construed as having relieved, modified, waived or otherwise affected the Respondent's continuing obligation to comply with applicable state or local statutes, regulations or directives.
- H. This Assurance shall become effective only after it is signed by all parties and entered as an order of the Superior Court, Environmental Division. When so entered by the Superior Court, Environmental Division, this Assurance shall become a judicial order pursuant to 10 V.S.A. § 8007(c). In the event that such order is vacated, the Assurance shall be null and void.
- I. Pursuant to 10 V.S.A. § 8007(d), Respondent shall not be liable for additional civil or criminal penalties with respect to the specific facts set forth herein, provided that Respondent fully complies with this Assurance.
- J. This Assurance sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties hereto or their legal representatives and incorporated in an order issued by the Superior Court, Environmental Division. Alleged representations not set forth in this Assurance, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall have no legal force or effect.
- K. When this Assurance is entered as a judicial order, violation of any provision of this Assurance shall be deemed to be a violation of a judicial order and may result in the imposition of injunctive relief and/or penalties, including penalties under 10 V.S.A. chapters 201 and/or 211.
- L. This Assurance is subject to the provisions of 10 V.S.A. §§ 8007 and 8020.

**SIGNATURES**


The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

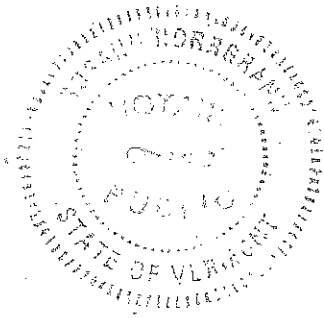
DATED at St. JOHNSBURY, Vermont, this 5<sup>th</sup> day of NOV, 2013

  
\_\_\_\_\_  
Gregory S. Hovey

BE IT REMEMBERED that on the 5<sup>th</sup> day of November, 2013, personally appeared Gregory S. Hovey, signer of the foregoing instrument who is known to me or who satisfactorily established Gregory Hovey's identity to me and acknowledged the same to be Gregory Hovey's free act and deed.

Before me,


  
\_\_\_\_\_  
Notary Public SUSANN NORRGRAN  
My Commission Expires: 2/10/15



The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated in Montpelier, Vermont, this 9<sup>th</sup> day of December, 2013.

NATURAL RESOURCES BOARD

By:   
\_\_\_\_\_  
Ronald A. Shems, Chair

**From:** ceaster@cufly.com [mailto:ceaster@cufly.com]  
**Sent:** Sunday, December 08, 2013 1:24 PM  
**To:** Gill, Peter  
**Subject:** Re: NRB v. Hovey

Mr. Gill,

I tried to put in a comment for the third time and I don't think it went. So I am sending it to you .

There are several things that need to be addressed as far as Mr. Hovey's puppy mill.

He is disposing of the dogs poop by throwing it into the bushes down hill from his pens. All of this area on Victory Hill is the water shed for Victory Bog. There are numerous small streams that feed into Umpier and Mill Stream Brooks which flow into Victory Bog. Due to fact that dog poop is not the same as farm animal poop there are several nasty bacteras that never break down, so all of this ends up in the bog. I think the State of Vermont should shut down all fishing in the bog and those streams that flow into the bog. I can't belive the state is letting this man do this.

The ACT 250 hearing was a joke. He wanted 25 dogs SO the board gave him 50 dogs. Also the board did not let all of the evidence be presented. In my opinion the ACT 250 is a waste of tax payers money. Just let him do what he wants.

Mr. Hovey started his puppy mill in March of this year and never applied for ACT 250 until June or July, running ofr three or four months with no more then a "OH, that's ok you can have 50 dogs" now it is Dec. and he is still running the puppy mill SHAME ON THE STATE OF VERMONT.

He is an animal abuser which I have seen first hand.

Carol Easter

2428 Victory Hill

Victory, VT. 05858



**From:** [doug preston](#)  
**To:** [NRB - Comments](#)  
**Subject:** Comment on Natural Resources Board v. Gregory S. Hovey  
**Date:** Saturday, November 09, 2013 5:28:55 AM

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To ACT 250 Board/ Review board. Apparently, Its ok to let Mr Hovey off the hook. Its ok to not follow the original submitted application. Its ok to sell puppies/dogs without a permit. Its ok to build a kennel, with a reduced fine, without an Act 250 permit. Its ok, to not really enforce the one agreement Mr Hovey agreed to not use, his metal cages. Apparently, its ok ,not to include a dog run on the site plan, for the training of his hunting dogs that he sells. Apparently, Its ok that my yard continues to be used as a training ground. Apparently, Its ok, with a reduced fine, to dump poop in the bushes, that slopes into a small stream in the back yard. Its also ok that there are only 8 small, barely insulated dog houses, for 20+ dogs. Its also ok that there is little shade for the dogs in the hot summer sun. Apparently, its also ok to have no heated shelter for the harsh winter up here. Its also ok that a couple highway signs are used as wind break for the cold mountain wind. Its ok that the noise abatement was disregarded by the board. Its also ok that the 2 adjacent landowners have little say on how this kennel effects there lives and property. Apparently its ok the 3 surrounding homesteads have no say about how there property and lives are to be effected, As a neighborhood, we have had many problems with Mr Hovey and his dogs. Apparently its ok to do what ever you want, because ACT 250 and the Review board will make sure Its ok.. Keep up the good work!!!





**From:** Toni  
**To:** Gill, Peter  
**Subject:** Re: FW: NRB v. Hovey  
**Date:** Wednesday, November 06, 2013 5:38:22 PM

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Hi Peter

I am writing to you my comments as follows

Greg Hovey has continued to go against all actions relating to Act 250. He does nothing on his property until he is notified of a inspection then and only then is when he does things that pertain to Act 250. I am appalled that the board will and has done nothing to address this. This man has on tape admitted to breaking the law and he will continue like Greg has said until a badge comes up there.

We as home owners are equally upset and outraged that the board will allow this. The damage has been done that now again we are not being treated equally here. This man is operating a breeding kennel without a kennel license and breeders license, again that is illegal in Vermont and that's okay again not following protocol. Not to mention that this kennel has been up and running since March of this year and we found out that he has been raising beagles for a couple of years. How in your right mind can you think that 1 man can handle 50 dogs on a part time basis, he is always gone. I have been up there when he was gone all day long and no one went to check on these dogs, so who is cleaning up after them on a daily basis like he is suppose to. Also the people at the dump where Mr Hovey is suppose to be disposing of the dogs waste hasn't been seen weeks, I was informed by the neighbors that he was gone all weekend, again who is tending to the dogs and the environmental issues. Why is the board ignoring all of this? The fine amount is nothing to what this man has done to the land around all of us and the ground water for all we know he is still dumping waste in the back and no one has made any attempt to clean up the raspberry bushes where he has been dumping dog waste for approx. 2 years now. This impact will cost us more to remediate if this should arise. This man is lazy in all sense of the word he will manipulate and twist things to tell you what you want to hear. The man lies all the time I am convinced that he is incapable of telling the truth. He said that on July 6 he had on his website that he had 1100lbs of dog food delivered, when he showed us he dog food shed there was nothing in there on Aug 15. Lie I think so. My house will be worth nothing because of this man so his 500 dollar fine is nothing compared to the loss of my house value. We have had this vacation home to go to for quiet and relaxation only to now be confronted with a man who has no sense in the word of taking care of dogs, It will be constant barking and the smell from the waste that he doesn't pick up everyday. He has mentioned that he has a stone wall, there is no stone wall for seepage, there's another violation. A stone wall in my experience in a construction family is that a stone wall will not control seepage, he will have to construct jersey barriers in order to do this.. He has not done that either. The board also ignored the fact that this man did all of the ground digging and disturbance without applying to Act 250, again this is okay and only worth a 500 dollar fine.

My recommendations for this man and his lack there of business.

He should have been shut down and given a stricter fine.

The reason for this is he has not and will not follow Act 250 instead the board gives him 7 months to move kennels that will take less then an hour to take down and to apply again. What for he will just keep the kennels up and not follow through with applying with Act 250 and that will be ok with the board, because then the board will just slap him on his wrist again. Yes I am very angry and upset that you call yourselves environmentalist when you really aren't concerned at all about this issue.

Instead other people we have talked with that have had to go through Act 250 were fined 10,000 dollars over a stupid path, seriously I feel that out of towners are treated more harshly then residents. Remember us out of towners bring in more revenue to your state and with out us the state will take a big hit. So tell me where's the equality under the Act 250 in Vermont,

If you need to speak with me please call me

Bob and Toni Flanigan

