

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
Docket No. 13-1-10 Vtec

LAND USE PANEL of the
NATURAL RESOURCES BOARD

Petitioner,

v.

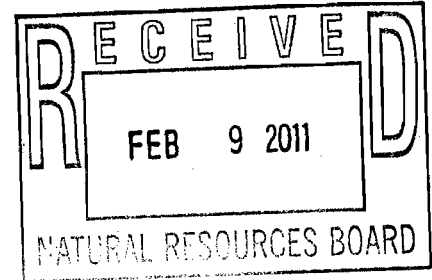
ALLEN LAFLAMME

Respondent.

FILED

FEB 9 2011

VERMONT
SUPERIOR COURT
ENVIRONMENTAL DIVISION

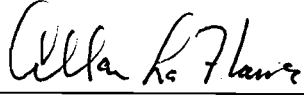



STIPULATION AND ORDER

This action was scheduled for hearing before the court on the 9th day of February, 2011. In settlement of the Administrative Order dated December 28, 2009, the parties hereby stipulate and agree to the following:

1. On or before March 2, 2011, Respondent shall remove all vehicles and other property or material from the Rt. 113 right of way in the area of Allen's Auto Salvage in Vershire, Vermont. The right of way at that location is 33 feet from the center line of the road.
2. Respondent shall comply with all provisions of the court ordered Assurance of Discontinuance dated September 29, 1999 in Docket No. 171-9-99Vtec.
3. Respondent shall comply with Act 250 Land Use Permit series #3R0410, as amended (the initial permit and all amendments thereto).
4. Respondent shall pay a total penalty of \$4,000.00 to the State of Vermont, which shall include \$100.00 to the Vermont Natural Resources Board for its costs resulting from this enforcement action. The Respondent shall pay \$500.00 per month, beginning June 1, 2011, until the fine is paid in full. The Respondent shall ensure the fine is received by the Land Use Panel no later than the first day of each month thereafter. Payment shall be made as follows, all by good checks payable to Treasurer, State of Vermont, and forwarded to: Denise Wheeler, Business Manager, Natural Resources Board, National Life Records Center Bldg, National Life Dr., Montpelier, Vt., 05620-3201.
5. Failure to make timely payments as specified herein shall cause the total remaining balance to be immediately due.

6. If Respondent fails to comply with the provisions of paragraph 1 of this order (i.e. the vehicles have not been moved from the right of way) by 12:01a.m. March 3, 2011 the Respondent shall pay an additional \$1,000.00 fine, for a total penalty of \$5,000.00. If Respondent fails to comply with the provisions of paragraph 1 of this order, (i.e. the vehicles have not been moved from the right of way) by 12:01a.m. March 17, 2011 the Respondent shall pay an additional \$1,000.00 fine, for a total penalty of \$6,000.00. If Respondent fails to comply with the provisions of paragraph 1 of this order, (i.e. the vehicles have not been moved from the right of way) by 12:01a.m. March 31, 2011 the Respondent shall pay an additional \$1,000.00 fine, for a total penalty of \$7,000.00. In a like manner, the fine shall increase for every two week period the vehicles remain in the right of way thereafter (i.e. if the vehicles have not been moved from the right of way by 12:01a.m. April 14, 2011 the Respondent shall pay an additional \$1,000.00 fine for a total penalty of \$8,000.00).


Allen LaFlamme
2.9.11
Date


Ken Smith
Associate General Counsel for
Land Use Panel of the Natural
Resources Board
2/9/11
Date

It is hereby ordered that:

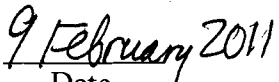
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7. Respondent is permanently enjoined from placing vehicles, property or other materials, or establishing, operating, or maintaining a salvage business, within the State's 33 foot right of way at his location on Vermont Route 113 in Vershire, VT.

DATED at Berlin, Vermont, this 9th day of February, 2011.


Merideth Wright, Environmental Judge


Date