

**STATE OF VERMONT
SUPERIOR COURT – ENVIRONMENTAL DIVISION**

VERMONT NATURAL)	
RESOURCES BOARD,)	
Petitioner)	
)	Docket No.
v.)	
)	
Sisters and Brothers)	
Investment Group, LLP,)	
Joseph Handy and H. Robare)	
Construction, Inc.)	
Respondents)	
)	

ASSURANCE OF DISCONTINUANCE

Pursuant to the provisions of 10 V.S.A. § 8007, the Natural Resources Board (Board), Sisters and Brothers Investment Group, LLP (Sisters), Joseph Handy, and H. Robare Construction, Inc. (Robare) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

VIOLATION

Failure to obtain a Land Use Permit amendment pursuant to Act 250 Rule 34(A) for a material change to a permitted development. Commencement of demolition at 277 East Allen Street, Winooski, Vermont, prior to issuance of an Act 250 Permit Amendment by the District 4 Commission.

STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS

1. Respondent, Sisters, a Vermont corporation with a principal mailing address of 75 South Winooski Avenue, Burlington, VT 05402, owns a property located 277 East Allen Street in Winooski, Vermont (the Subject Property).
2. Respondent, Joseph Handy, is a principal of Sisters and Brothers Investment Group, LLP.
3. Respondent, Robare, is a Vermont corporation with a principal mailing address of 673 Church Road, Colchester, VT, 05446, USA.
4. Sisters hired Respondent, Robare, to be the General Contractor for the work discussed herein.

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5. All Respondents were on notice that an Act 250 LUP had not yet been issued for the work discussed herein.
6. The Subject Property is subject to Act 250 Land Use Permit 4C0857 (series), as amended (the Permit).
7. Paragraph 30 of the Permit (4C0857-2) states:

“No further subdivision, alteration, and/or development of any parcel of land approved herein shall be permitted without the written approval of the District Commission or a written determination from the District Coordinator that a permit is not required.”
8. During November 2013, Respondents, Sisters, Robare and Handy visited the Subject Property with representatives of the State of Vermont’s Division of Historic Preservation, Act 250, and the City of Winooski. During that site visit, the respondents were advised repeatedly to obtain all City and Act 250 approvals prior to commencing demolition activities.
9. On January 10, 2014, the Respondent, Sisters, filed minor application #4C0857-2D for a project generally described as the demolition of an existing historic house and replacing it with a new house in the same location. The Commission posted draft amendment 4C0857-2D for 30 days of public comment. The draft amendment included a number of plans and conditions that pertained to the proposed demolition and construction planned for the site.
10. By January 29, 2014, Respondent had demolished the historic house.
11. On February 3, 2014, District 4 Coordinator Stephanie Monaghan visited the Subject Property and photographically documented that the structure that had previously stood on the Subject Property had been reduced to rubble.
12. Subsequent to the violations discussed herein, the Permit relative to application #4C0857-2D was issued on April 16, 2014.
13. The Respondents have violated Act 250 Rule 34(A) [Failure to obtain a permit amendment for a material change to a permitted development].

AGREEMENT

- A. Respondents shall comply with Land Use Permit series 4C0857.
- B. Within 30 days of the date upon which this Assurance is entered as an Order by the

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Superior Court, Environmental Division, the Respondents shall:

- a. Pay a civil penalty in the amount of **\$6,250.00** (U.S. dollars), by check payable to the: **State of Vermont.**
 - b. Reimburse the Board **\$203.00** (U.S. dollars) for its enforcement costs pursuant to 10 V.S.A. § 8010(e)(2), by check payable to the: **State of Vermont.**
 - c. Pay **\$10.00** (U.S. dollars) for the fee for recording notice of this Assurance in the municipal land records, by check payable to: **City of Winooski, Vermont.**
 - d. Deliver to the Board an executed Acceptance of Service, on a form approved by the Board, showing that the Respondent has actual notice of the Judicial Order and Assurance of Discontinuance.
- C. Unless otherwise specified herein, Respondents shall send all payments and documents required by this Assurance to:
- Vermont Natural Resources Board
Dewey Building
National Life Drive
Montpelier, Vermont 05620-3201.
- D. Respondents shall not deduct or attempt to deduct any payment made to the State pursuant to this Assurance from that Respondents' reported income for tax purposes or attempt to obtain any other tax benefit from such payment.
 - E. The Natural Resources Board reserves continuing jurisdiction to ensure compliance with all statutes, rules, and regulations applicable to the facts and violations set forth herein.
 - F. Nothing in this Assurance shall be construed as having relieved, modified, waived or otherwise affected the Respondents' continuing obligation to comply with applicable state or local statutes, regulations or directives.
 - G. 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.
 - H. Pursuant to 10 V.S.A. § 8007(d), Respondents shall not be liable for additional civil or criminal penalties with respect to the specific facts set forth herein, provided that the Respondents fully complies with this Assurance.

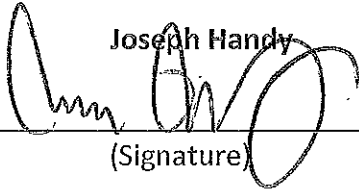
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- I. The Board may grant reasonable extensions from any deadline in this Assurance upon request, for good cause beyond the Respondents' control.
- J. This Assurance sets forth the complete agreement of the parties and, except as otherwise provided herein, it may be altered, amended, or otherwise modified only by subsequent written agreement 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, a 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. Respondents are jointly and severally liable for all obligations under this Assurance.
- M. This Assurance is subject to the provisions of 10 V.S.A. §§ 8007 and 8020.

SIGNATURES

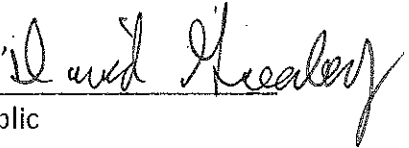
The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at Burlington, Vermont, this 22nd day of August, 2014.

By 
 Joseph Handy
 (Signature)

STATE OF VERMONT
 COUNTY OF Chittenden, ss.

BE IT REMEMBERED that on the 22nd day of August, 2014, personally appeared _____, Joseph Handy signer and sealer of the foregoing instrument who is known to me or who satisfactorily established his identity to me.

Before me, 
 Notary Public

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My Commission Expires: 2/10/15

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

Dated at Burlington, Vermont, this 22nd day of August, 2014.

Sisters and Brother Investment Group, LLP

By [Signature]
(Signature)

Joseph Hardy, Duly Authorized Agent
(Printed Name)

STATE OF VERMONT
COUNTY OF Chittenden, ss.

BE IT REMEMBERED that on the 22nd day of August, 2014, personally appeared Joseph Hardy, as the duly authorized agent of **Sisters and Brother Investment Group, LLP**, signer and sealer of the foregoing instrument who is known to me or who satisfactorily established his identity to me and acknowledged the same to be his free act and deed and the free act and deed of **Sisters and Brother Investment Group, LLP** and that he has the authority to contract on behalf of **Sisters and Brother Investment Group, LLP** and that he has been duly authorized to enter into the foregoing Assurance on behalf of that entity.

Before me, [Signature] David Greenberg

Notary Public
My Commission Expires: 2/10/15

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

Dated at Burlington, Vermont, this 22nd day of August, 2014.

H Robare Construction, LLC

By [Signature]
(Signature)

Henry Robare, Duly Authorized Agent
(Printed Name)

STATE OF VERMONT
COUNTY OF Chittenden, ss.

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BE IT REMEMBERED that on the 25th day of August, 2014, personally appeared Henry Robare, as the duly authorized agent of **H Robare Construction, LLC**, signer and sealer of the foregoing instrument who is known to me or who satisfactorily established his identity to me and acknowledged the same to be his free act and deed and the free act and deed of **H Robare Construction, LLC** and that he has the authority to contract on behalf of **H Robare Construction, LLC LLP** and that he has been duly authorized to enter into the foregoing Assurance on behalf of that entity.

Before me,
David Huebner
Notary Public
My Commission Expires: 2/10/15

Dated in Montpelier, Vermont, this 2 day of October, 2014.

NATURAL RESOURCES BOARD

By: [Signature]

Ronald A. Shems, Chair