

STATE OF VERMONT

ENVIRONMENTAL COURT

Docket No. _____

**LAND USE PANEL of the
NATURAL RESOURCES BOARD,**

Petitioner,

ASSURANCE OF DISCONTINUANCE

v.

STEPHEN E. AND KIM S. GREAVES,

Respondents

VIOLATION

- I. Commencement of development without an Act 250 Land Use Permit. 10 V.S.A. §6081(a).

ASSURANCE OF DISCONTINUANCE

Pursuant to the provisions of 10 V.S.A. § 8007, the Land Use Panel of the Natural Resources Board (Panel) and Stephen E. and Kim S. Greaves (collectively Respondents) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS

1. Respondents Stephen E. and Kim S. Greaves own a 158.4 acre tract of land at 4407 VT Route 16 in Greensboro, Vermont described in Book 29, Page 281 of the Town of Greensboro land records (project tract).
2. On or before May 17, 2007 the Respondents constructed a 72 by 80 foot "Cover-all" fabric covered building for the storage of equipment use for their commercial operation without first obtaining an Act 250 Land Use Permit.
3. On September 25, 2007, District Coordinator, Kirsten Sultan, P.E., for the District 7 Environmental Commission (Commission) issued a jurisdictional opinion in the form of a Project Review Sheet finding that Act 250 jurisdiction attached to the project tract.
4. The Coordinator's jurisdictional opinion was not appealed, and no requests for reconsideration were made.
5. Respondents violated 10 V.S.A. § 6081(a) by commencing development on or before May 17, 2007 without obtaining an Act 250 Land Use Permit.

AGREEMENT

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

- A. Respondents shall submit a complete Act 250 permit application to the District 7 Environmental Commission for the construction of improvements that occurred on their property no later than August 15, 2008.
- B. If Respondents fail to file said permit application by August 15, 2008, or timely file said application and Respondents' permit application is denied by the Commission and said permit denial becomes final, then Respondents shall remove all unpermitted commercial improvements, including but not limited to "Cover-all" fabric covered building, and shall restore the project tract to its condition prior to the commencement of construction. Respondents shall remove all unpermitted commercial improvements within sixty (60) days from the date the permit denial becomes final, or from August 15, 2008 if they fail to timely file a permit application.
- C. Respondents shall pay to the State of Vermont, pursuant to 10 V.S.A. Ch. 201, a civil penalty in the amount of Two Thousand Three Hundred and Fifty Dollars (\$2,350.00) for the violation noted herein. Respondents' initial payment of Five Hundred Dollars (\$500.00) shall be made no later than July 25, 2008. Respondents shall make minimum monthly payments of Three Hundred and Seventy Dollars (\$370.00) on or before the third Friday of every month thereafter, and shall have the balance paid no later than December 19, 2008. Respondents shall make said payment by check made payable to the "Treasurer, State of Vermont" and shall be forwarded to:
- Denise Wheeler, Business Manager
Land Use Panel of the Natural Resources Board
National Life Records Center Building
National Life Drive
Montpelier, Vermont 05620-3201
- D. Any payment by the Respondents pursuant to this paragraph is made to resolve the violations set forth in this Assurance and shall not be considered to be a charitable contribution or business expense under the federal or state tax codes.
- E. The State of Vermont and the Land Use Panel reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and violations set forth herein above.
- F. Nothing in this Assurance shall be construed as having relieved, modified, waived or otherwise affected the Respondents' continuing obligation to comply with all other applicable state or local statutes, regulations or directives applicable to the Respondents.
- G. This Assurance shall become effective only after it is signed by all parties and entered as

- an order of the Environmental Court. When so entered by the Environmental Court, 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), the Respondents shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein and about which the Land Use Panel has notice on the date the Court signs this Assurance, provided that the Respondents fully comply with the agreements set forth above.
- I. 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 Environmental Court. 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.
- J. Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A. chapters 201 and/or 211.
- K. This Assurance is subject to the provisions of 10 V.S.A. § 8007.

SIGNATURES

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

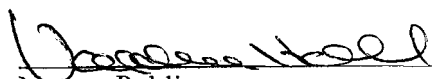
Dated at Greensboro, Vermont, this 10 day of July, 2008.


STEPHEN E. GREAVES

STATE OF VERMONT
COUNTY OF Orleans, ss.

BE IT REMEMBERED that on the 10th day of July, 2008, personally appeared Stephen Greaves, signer(s) of the foregoing instrument who is/are known to me or who satisfactorily established his/her/their identity to me and acknowledged the same to be his/her/their free act and deed.

Before me,


Notary Public
My Commission Expires: 2/10/2011

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

Dated at Greensboro, Vermont, this 10th day of July, 2008.

Kim S Greaves
KIM S. GREAVES

STATE OF VERMONT
COUNTY OF Orleans, ss.

BE IT REMEMBERED that on the 10th day of July, 2008 personally appeared Kim Greaves, signer(s) of the foregoing instrument who is/are known to me or who satisfactorily established his/her/their identity to me and acknowledged the same to be his/her/their free act and deed.

Before me,

Jessie Hall
Notary Public
My Commission Expires: 2/10/2001

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

Dated in Montpelier, Vermont, this 14th day of July, 2008.

LAND USE PANEL
By: [Signature]
Peter F. Young, Jr., Chair