

STATE OF VERMONT
ENVIRONMENTAL COURT

Town of Hartford, Plaintiff,	}	
	}	
v.	}	Docket No. 72-3-00 Vtec
	}	
Marc and Susan Wood, Defendants.	}	
	}	
	}	
	}	
	}	
In re: Appeals of Marc and Susan Wood	}	Docket Nos. 37-2-00 Vtec; 91-5-00 Vtec and 102-5-00 Vtec
	}	
	}	
	}	

Entry Order

Four cases have been filed involving the above parties, and some confusion regarding which docket number pertained to which case, and how the cases should be grouped for consolidation, was resolved at the May 15, 2000 hearing. This entry order specifically amends the Court's May 1, 2000 Order entered under Docket Nos. 72-3-00 and 37-2-00, which should have instead pertained to Docket Nos. 72-3-00 and **91-5-00**, and sets a schedule for the cases, as follows.

In Docket No. 72-3-00 Vtec, the Town of Hartford has sought injunctive relief and fines against Defendants, and filed an amended complaint on May 9, 2000. In Docket No. **91-5-00** Vtec, Appellants Marc and Susan Wood appealed from a decision of the Zoning Board of Adjustment (ZBA) of the Town of Hartford, upholding the Notice of Violation regarding the matters which are the subject of the enforcement action in Docket No. 72-3-00 Vtec. These two matters both relate to Phase II of Defendants' project.

In addition, Appellants in Docket No. 37-2-00 Vtec appealed from a decision of the Planning Commission regarding site plan approval of Phase III of their project. In Docket No. 102-5-00 Vtec, which had not reached the Environmental Court at the time of the May 15, 2000 hearing, they appealed from the ZBA's decision to uphold the Zoning Administrators's denial of a building permit for Phase III of the project.

The Town of Hartford is represented by Amanda S.E. Lafferty, Esq. and Stephen Stitzel, Esq.; Defendant-Appellant Marc Wood has appeared and represents himself. The Court issued an oral order on April 28, 2000, governing the work on the site over the weekend of April 29-30, allowing Defendants to re-stack the concrete slabs at the westerly end of the site, but allowing only such work on the embankment as necessary to render it more stable during those two days. On May 1, 2000, the Court issued an order as to the preliminary injunctive relief sought by the Town in its original enforcement complaint. That order was issued under the captions of Docket Nos. 72-3-00 and 37-2-00; the caption is hereby AMENDED to read Docket Nos. 72-3-00 and **91-5-00**.

The above-captioned and above-described cases are hereby consolidated in two groups of two cases each, as follows. The two cases pertaining to the enforcement action and appeal of the notice of violation: Docket Nos. 72-3-00 Vtec and 91-5-00 Vtec, are consolidated. They are set for hearing on the amended complaint and on Appellants' appeal of the Notice of Violation on June 19, 2000, to continue if necessary on June 27, 2000. The parties will receive a notice of hearing stating the place of each of those hearing dates: either the State Courthouse in White River Junction or the Hartford Town Hall.

The two appeals pertaining to Phase II of the project: Docket Nos. 37-2-00 Vtec and 102-5-00 Vtec, are consolidated. They will be heard if time remains after completion of the hearings on the other two cases, to continue if necessary on a date to be chosen at the conclusion of the June 27, 2000 date of hearing. The parties are advised that the Court is already scheduling time in August and September, and that any continuation of the Phase III cases may not be able to be heard until August.

Dated at Barre, Vermont, this 22nd day of May, 2000.

Merideth Wright
Environmental Judge