

STATE OF VERMONT  
ENVIRONMENTAL COURT

In re: Appeal of	}	
Cumberland Farms, Inc.	}	Docket No. 59-4-98 Vtec
	}	
	}	
	}	

Decision and Order on Motion for Clarification

Appellant Cumberland Farms, Inc., appealed in Docket No. 59-4-98 Vtec from a decision of the Zoning Board of Adjustment (ZBA) of the Town of Richmond, upholding the Zoning Administrator's notice of violation. In Docket No. 32-2-00 Vtec, the parties filed an enforcement complaint and answer under V.R.C.P. 8(g). Appellant is represented by David A. Sunshine, Esq.; the Town of Richmond is represented by F. Rendol Barlow, Esq. The Court ruled on October 2, 2000, resolving all issues in Docket No. 59-4-98 Vtec on summary judgment and entering final judgment under V.R.C.P. 54(b) for that case. The Town moved for clarification of one issue in that appeal, and in the alternative for relief from judgment or an extension of time to appeal if the issue were resolved adversely to the Town. Appellant did not file a memorandum in response. We also note that the parties have not yet filed the memoranda requested in the final paragraph of the October 2 order.

Appellant had abandoned one of its issues: Question 2 of its Statement of Questions, relating to the location of the dumpster, by not addressing it by summary judgment on the agreed schedule. Accordingly, the October 2, 2000 Order dismissed Appellant's appeal on this issue, leaving the ZBA order in effect on this issue. As the Town prevailed on this issue, we need not reach the Town's alternative motions for relief from judgment.

Dated at Barre, Vermont, this 15<sup>th</sup> day of December, 2000.

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Merideth Wright  
Environmental Judge