

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
Docket No. 76-7-19 Vtec

Snowstone LLC SW Discharge

ENTRY REGARDING MOTION

Count 1, ANR Storm Water Permit (76-7-19 Vtec)

Title: Motion to Clarify Statement of Questions (Motion 2)

Filer: Snowstone, LLC

Attorney: Lawrence G. Slason

Filed Date: October 8, 2019

Response in Opposition filed on 10/29/2019 by Attorney Merrill E. Bent for Appellant Neighbors

The motion is MOOT.

A group of neighbors¹ (“Neighbors”) are appealing a determination by the Vermont Agency of Natural Resources to authorize the discharge of stormwater proposed by Snowstone LLC (“Snowstone”) pursuant to Vermont Multi-Sector General Permit #3-9003.

This Court is limited to deciding only actual, live controversies between adverse litigants and may not issue merely advisory opinions. In re Keystone Development Corp., 2009 VT 13, ¶ 7, 186 Vt. 523. The case “must present a live controversy *at all stages of the appeal*, and the parties must have a ‘legally cognizable interest in the outcome.’” Chase v. State, 2008 VT 107, ¶ 11, 184 Vt. 430 (emphasis in original) (quoting Doria v. Univ. of Vt., 156 Vt. 114, 117 (1991)). Otherwise, the issue is moot, as the Court “can no longer grant effective relief.” In re Unnamed Defendant, 2011 VT 25, ¶ 2 (mem.) (quoting Houston v. Town of Waitsfield, 2007 VT 135, ¶ 5, 183 Vt. 543 (mem.)).

In the matter presently before the Court, Snowstone has moved to Clarify Neighbors’ Statement of Questions.² Following this motion, Snowstone on November 22, 2019 filed a

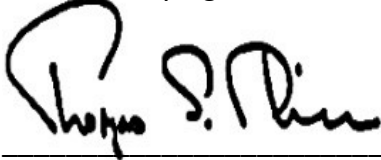
¹ The Neighbors who submitted the above-captioned appeal are: Michael Harrington, Bruce and Linda Watson, Izzet and Sandy Haci, Kim and James Bergeron, Paul Hogan, Maryellen and James Wichelhaus, Ellen and Edward Beatty, Kevin and Ann Brown, Kern and Svetlana Phillips, Judy and Dan Massey, Joe Calzone, and Teresa Harrington.

² Snowstone sought clarification, in accordance with this Court’s Interim Order, concerning how the questions related to “whether all activities necessary for operation of the proposed [dimensional stone extraction

Motion to Dismiss all of Neighbors' Questions. This Court granted Snowstone's motion to dismiss all of Neighbors' Questions, and their appeal, and therefore this appeal no longer presents a live controversy. In re Snowstone, LLC, Nos. 151-11-17 Vtec & 76-7-19 Vtec, slip op. at 9 (Vt. Super. Ct. Env'tl. Div. Jan. 27, 2020) (Durkin, J.). Consequently, this motion is **MOOT** and hereby **DIMISSED**.

So Ordered.

Electronically signed on January 28, 2020 at Burlington, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Superior Judge
Environmental Division

Notifications:

Merrill E. Bent (ERN 5013), Attorney for Appellants Michael Harrington, Bruce and Linda Watson, Izzet and Sandy Haci, James and Kim Bergeron, Paul Hogan, James and Maryellen Wichelhaus, Edward and Ellen Beatty, Kevin and Ann Brown, Kern and Svetlana Phillips, Daniel and Judy Massey, Joseph Calzone, and Teresa Harrington
Lawrence G. Slason (ERN 2443), Attorney for Snowstone, LLC
Samantha Snow (ERN 6873), Co-Counsel for Snowstone, LLC
Gregory J. Boulbol (ERN 1712), Attorney for the Vermont Natural Resources Board
Elizabeth Lord, Attorney for the Vt. Agency of Natural Resources (FYI Purposes Only)
David R. Cooper (ERN 4756), Attorney for Petitioners to Intervene Justin and Maureen Savage