

STATE OF VERMONT

SUPERIOR COURT

Environmental Division Unit

ENVIRONMENTAL DIVISION

Docket No. 60-6-18 Vtec

Michael Heller/166385 Canada Inc NOV

Judgment Order

The Court began hearing the merits of the above-referenced appeal on the morning of January 31, 2019, at the Vermont Superior Court, Civil Division, in St. Albans, Vermont. As Appellant Michael Heller was completing the presentation of his case in chief, the Court took its morning recess and encouraged the parties to speak about a possible resolution that Mr. Heller's neighbor, Gary Langlois, had suggested during his testimony.

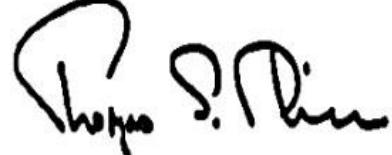
When the hearing resumed, Mr. Heller advised that the parties had not been able to reach an agreement on all of their disputes, but that their discussions had convinced Mr. Heller to offer to remove the lakeside deck that is the subject of the appealed notice of alleged zoning violation ("NOV"). He offered that he would complete the deck removal work by April 30, 2019. In return, Mr. Heller asked that the appealed NOV be dismissed.

Mr. Langlois, the only other Interested Person in this appeal, offered no objection to Mr. Heller's planned deck removal, timeline, or NOV dismissal request. The Court thereafter accepted Mr. Heller's proposed resolution to this appeal.

Therefore, based upon the parties' representations, the Court hereby **VACATES** the appealed NOV and **DISMISSES** the pending appeal. Any request for an extension of time to complete the deck removal work must be filed with the Court no later than **April 30, 2019**. If any party wishes to move for the Court to vacate its decision here due to Mr. Heller's failure to timely remove the deck, such a motion must be filed no later than **May 30, 2019**, or thirty days after any extended removal date that this Court approves.

This concludes the matter before this Court.

Electronically signed on February 06, 2019 at Newfane, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Superior Judge
Environmental Division