

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
Docket No. 154-12-15 Vtec

Old Lantern Non-Conforming Use

JUDGMENT ORDER

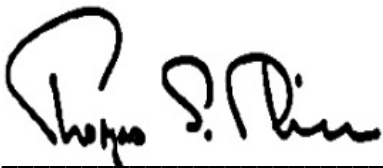
Four Hills Farm Partnership appealed certain conditions included in its Large Farm Operations Permit Amendment that was issued by the Vermont Agency of Agriculture, Food & Markets (“the Agency”) on September 16, 2016 for a dairy farm in Bristol, Vermont. Cross motions for summary judgment are now before the Court.

The Court finds that this matter can be determined by summary judgment pursuant to the Vermont Rules of Civil Procedure Rule 56(a) and applicable here through the Vermont Rules for Environmental Court Proceedings Rule 5(a)(2).

First, the Court concludes that Four Hills Farm Partnership’s permit amendment application was deemed approved on or about November 10, 2015 as per 6 V.S.A. § 4851(c). That date is 45 business days after Four Hills submitted information requested by the Agency in order to complete its application, triggering the deemed approval remedy. Second, because Four Hills’s permit amendment application was deemed complete in November 2015, the permit amendment issued by the Agency in September 2016 (#2000-04-A2) is invalid. The Agency added conditions to the invalid permit without cause, and without providing Four Hills with notice and an opportunity to be heard, as required under 6 V.S.A. § 4994.

For these reasons, which are explained in detail in the Decision on Cross Motions for Summary Judgment that accompanies this Judgment Order, the Court hereby **GRANTS** Four Hills’ motion for summary judgment and **DENIES** the Agency’s motion for summary judgment.

Electronically signed on August 22, 2017 at Burlington, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Superior Judge