



**Ellie's Pet Care Services, LLC
CU Appeal**

MERITS DECISION

In this matter, Ellie's Pet Care Services, LLC (Appellant) appeals a decision of the Town of Dummerston (Town) Development Review Board (DRB) dated October 17, 2023 denying Appellant's application for conditional use and site plan review, as well as two variances, to operate a dog daycare business at property located at 2002 Black Mountain Road, Dummerston, Vermont (the Property).

On July 8, 2025, this Court held a merits hearing via the WebEx videoconference platform. Appellant appeared and is represented in this matter by Ronald A. Ferrara, Esq. The Town appeared and is represented in this matter by Robert M. Fisher, Esq. The Court conducted a site visit at the request of the parties on Friday, August 29, 2025. Additionally, following trial, the parties filed post-trial proposed findings of fact and conclusions of law, which were due on August 8, 2025, at which point the Court took this matter under advisement.

Statement of Questions

Appellant poses 5 Questions in its Statement of Questions. They ask:

1. Should [Appellant]¹ be allowed to operate her dog daycare business under the Home Occupation permit issued by the Town of Dummerston, and as authorized by Vermont statute?
2. Should a Conditional Use permit, with appropriate conditions and/or waivers, be issued by the Town of Dummerston to permit [Appellant] to continue operating her business?
3. What is the proper zoning ordinance to apply in this case, given that the relevant Town of Dummerston Bylaws were amended, subsequent to issuance of her original permit?

¹ Appellant's Statement of Questions includes references to Susan Leslie Powers, the operator of Ellie's Pet Care Services, LLC. Because Ellie's Pet Care Services, LLC is the appellant as noted on the Notice of Appeal, we have noted references to Appellant, the business, as opposed to Ms. Powers individually. See Notice of Appeal (filed on Nov. 11, 2023). In so doing, the Court recognizes that Appellant is Ms. Powers' business.

4. Do the recently amended Town of Dummerston Bylaws contain a “grandfather” clause which would allow [Appellant] to continue operating her previously approved and permitted Home Occupation?
5. Does any configuration of zoning, use, conditions, and/or waivers exist that would permit [Appellant] to continue operating her previously approved and permitted business in the Town of Dummerston?

Statement of Questions (filed on Feb. 9, 2024),

In a December 20, 2024 Entry Order denying Appellant’s partial motion for summary judgment, the Court concluded that the applicable zoning regulations to review the application(s) before the Court were the ones in effect at the time of application, not the ones that were in effect when Appellant received her initial home occupation permit. See In re Ellie’s Pet Care Services, LLC, No. 23-ENV-00131, slip op. at 3 (Vt. Super. Ct. Envtl. Div. Dec. 20, 2024) (Walsh, J.). This conclusion resolved Question 3.² Id.

Findings of Fact

1. Ellie’s Pet Care Services is a dog daycare and boarding facility located at 2002 Black Mountain Road, Dummerston, Vermont (the Property).
2. The Property is within the Productive Lands District as that district is defined by the Town of Dummerston Zoning Bylaws (the Bylaws).
3. Appellant’s business is run by Leslie Powers, who resides at the Property.
4. The residence on-site is approximately 900 square feet.
5. The Property is accessed by a private, shared driveway that passes over the Property and provides access to another parcel, at which point it dead ends.
6. Ms. Powers purchased the residence on the Property in 2015 and began the business in 2016.
7. In 2019, Appellant received a permit to operate the business as a home occupation (the 2019 Home Occupation Permit) at the Property.³
8. Home occupations are allowed in all zoning districts in the Town subject to requirements in the Bylaws.
9. The 2019 application requested approval for “daycare . . . for dogs and some homestyle pet sitting.” Ex. O. The daycare aspect of the business was limited to Monday to Thursday, but there is no listed hours or days of operation for the “homestyle pet sitting.” Id.

² Appellant did not move for summary judgment on Question 3, but raised issues related to it that allowed the Court to reach its conclusion.

³ The parties dispute the scope of the 2019 Home Occupation Permit. The parties do not dispute its existence.

10. The 2019 Home Occupation Permit was not appealed and is final and binding on all parties, the Town, and the Court.

11. In 2021, following some complaints regarding the business's operations, the Town Zoning Administrator (Zoning Administrator) informed Appellant that the business had exceeded the 2019 Home Occupation Permit and a conditional use permit was required for the business.

12. Appellant submitted a conditional use application in January 2022.

13. That application was denied and Appellant timely appealed to this Court.

14. That appeal was withdrawn without prejudice to refile to allow Appellant to pursue additional permitting.

15. Appellant then applied for a variance which was denied. Appellant timely appealed that denial to this Court.

16. Presently before the Court are both the appeal of the 2022 conditional use and site plan application and the variance application.

17. Appellant's business operates and seeks approval to occur both within the residence on the Property and outside the residence.

18. During the weekday dog daycare operation, occurring Monday through Thursday, Appellant typically has between 10 and 15 dogs on-site. The most Appellant has on-site is 20 dogs.

19. During the weekend pet-sitting aspect of the operation, during which Appellant has dogs staying at the Property overnight, 3 to 5 dogs are typically on-site. The most Appellant will allow at a time during this time is 6 dogs.

20. The number of dogs is not consistent with the number of trips to the Property, however, because some clients have more than one dog attending daycare.

21. From Monday through Thursday, the hours of operation are from 7:00 AM to 5:30 PM.

22. Drop off for dog daycare is between 7:00 and 9:00 AM only. Dogs arriving later than 9:00 AM are not accepted.

23. Pick up for those days is between 3:00 and 5:30 PM only.

24. Friday through Sunday, during which overnight pet sitting occurs, pick up and drop may occur by appointment only during 8:00 AM and 4:00 PM.

25. When dropping off a pet, a client will make a reservation through a reservation application related to the business, and then text Ms. Powers within 10 minutes of arriving at the Property.

26. There is one parking space located on-site inside the perimeter fence that is largely used by Ms. Powers.

27. Presently, when dropping off or picking up pets, clients perform a three-point turn and pull to the side of the shared driveway parallel to the private shared driveway to drop off or pick up their dogs. They then exit their vehicle to help their dog(s) onto the Property via dog gate, then reenter their vehicle to leave the Property.

28. Cars do not park in the traveled portion of the shared driveway.

29. Some days there may be one car waiting to drop a car off on Black Mountain Road but overlapping drop offs are not typical and usually one client is dropping off or picking up their dog(s) at a time. Occasionally, a client may stay for a few more minutes to talk to Ms. Powers.

30. Appellant instituted this drop off and pick up system in response to concerns about the business and the purpose is to limit impacts from cars coming to/from the Property.

31. This system has improved impacts from the business to the surrounding neighborhood.

32. Aspects of the business occur inside the house, such as keeping all or some dogs inside the residence for some period, including in a crate as needed.

33. The Property is fenced in. Dogs are only allowed in a portion of the fenced outdoor area to the west of the residence and are not allowed in the front or back yards of the Property.

34. In this area, there are two umbrellas to provide shade. These umbrellas are visible from Black Mountain Road.

35. Other outdoor materials include hooks for leashes and solar lights for clients picking up their dogs in the winter months.

36. There are no signs associated with the business.

37. There is no retail sales associated with the business.

38. Appellant has installed fencing and other screening to mitigate views of the Property and business and noise from dogs.

39. Dogs bark occasionally at the Property, but there is no evidence that the barking is excessive at the Property line or continues for extended periods of time.

40. Appellant also works to mitigate dog barking during drop off/pick up and when deliveries are made to the residence.

41. With the screening and operational changes, dogs cannot be heard from the neighboring home occupied by Randy Hickin on Black Mountain Road.

42. Dog waste is disposed by local trash removal, as noted in the original 2019 Home Occupation Permit.

43. There is no hazardous wastes or materials stored on site.

44. There are no other employees associated with the business. Ms. Powers is assisted in cleaning the residence by Dawna Harwood, who cleans the residence once every 5 to 6 days. Dr. Harwood, a retired veterinarian, is not an employee of Appellant and does not live at the residence.

45. The application is the sole home business proposed on site and no other preexisting home businesses are located at the Property.

Discussion

I. Questions 1 and 4: Prior Permits

Questions 1 and 4 functionally ask if Appellant may continue to operate her business as permitted by the 2019 Home Occupation Permit. As the Court noted in its December 20, 2024 Entry Order on Appellant's motion for partial summary judgment, this Court is one of limited jurisdiction. See In re Torres, 154 Vt. 233, 236 (1990). Before the Court are Appellant's appeals related to applications for 2022 conditional use and site plan review, and for variances. The scope of the 2019 Home Occupation Permit is not before the Court in this matter.⁴

As a practical matter, however, it is undisputed that the 2019 Home Occupation Permit exists and is final and binding on all parties, the Town, and the Court. Appellant is free to continue its operations under the terms of that permit. For the reasons set forth above, the Court will not opine on what operations are consistent with the terms of the 2019 Home Occupation Permit. See In re Snowstone Stormwater Discharge Authorization, 2021 VT 36, ¶ 28, 217 Vt. 587 (“Courts are not authorized to issue advisory opinions because they exceed the constitutional mandate to decide only actual cases and controversies.”).

Thus, to the extent Questions 1 and 4 ask, generally, whether Appellant may continue operations at the Property consistent with the 2019 Home Occupation Permit, the Court answers those Questions in the affirmative. To the extent, however, Questions 1 and 4 ask the Court to conclude whether the current applications are within the scope of the 2019 Home Occupation Permit and/or for an advisory opinion as to what operations would be within the scope of the Permit, the Court declines to answer this issue as it is outside the scope of the Court's jurisdiction in this appeal.

⁴ Consideration of the scope of the 2019 Home Occupation Permit would be within the Court's jurisdiction in an enforcement action, which has not been pursued and is not before the Court.

II. Questions 2 and 5: Present Applications

Questions 2 and 5 require the Court to consider whether the application's proposed use is a home business as defined by Bylaws § 605. If so, the Court must then determine whether Appellant is entitled to a conditional use permit.

Such an analysis requires the Court to interpret the Bylaws. When interpreting a zoning bylaw, the Court's goal is to effectuate the intent of the drafters, first by looking at the plain meaning of the regulation at issue and "the whole of the ordinance." In re Tyler Self-Storage Unit Permits, 2011 VT 66, ¶ 13, 190 Vt. 132 (quotation omitted). Our paramount goal is to implement the intent of the drafters. Morin v. Essex Optical/The Hartford, 2005 VT 15, ¶ 7, 178 Vt. 29. We will therefore "adopt a construction that implements the ordinance's legislative purpose and, in any event, will apply common sense." In re Laberge MotoCross Track, 2011 VT 1, ¶ 8, 189 Vt. 578; see also In re Bjerke Zoning Permit Denial, 2014 VT 13, ¶ 22 (quoting Lubinsky v. Fair Haven Zoning Bd., 148 Vt. 47, 49, 195 Vt. 586 (1986)) ("Our goal in interpreting [a zoning regulation], like a statute, 'is to give effect to the legislative intent.'). Moreover, we will not interpret zoning regulations in ways that lead to irrational results. See Stowe Club Highlands, 164 Vt. 272, 280 (1995) (refusing to interpret regulation such that it leads to irrational results). Finally, because zoning regulations limit common law property rights, we resolve any uncertainty in favor of the property owner. Bjerke Zoning Permit Denial, 2014 VT 13, ¶ 22. With these provisions of interpretation in mind, we turn to the applicable Bylaws.

The Property is located within the Productive Lands District. Home businesses are allowed in all zoning districts subject to the requirements of Bylaws § 605. A home business is "any business operated out of the principal dwelling or accessory structure of the business owner or operator, where the business aspect is secondary to the residential use and does not change the residential character of the property or the surrounding area." Bylaws § 605. A "kennel" is a use defined by the Bylaws and not listed as a permitted or conditional use in the Productive Lands District. Bylaws § 210. A "kennel" is "a commercial establishment for boarding or breeding of dogs, cats or other small pets." Bylaws, Art. 8 ("Kennel").

The Town asserts that Appellant seeks approval for a "kennel" which is impermissible in the Productive Lands District such that the application must be denied. It argues this is because Appellant's use is a commercial business for boarding dogs either overnight or during the day. The Town's assertion is confusing when considering the permitting history of the Property. In 2019, the Town issued Appellant a zoning permit for a home business. The use described therein was "daycare

. . . for dogs and some homestyle pet sitting.” Town Ex. O, p. 7.⁵ The Town also recognized the commercial nature of the use by reviewing it as a home occupation. *Id.* The Town does not explain why it would be permissible for a business related to the care for dogs left at the Property to be permitted as home occupation in 2019 but be impermissible in 2025.⁶

This is true whether or not the dogs stay during daytime hours or overnight. Again, the application approved by the Town in 2019 authorized “daycare for dogs and some homestyle pet sitting.” *Id.* While the application does not state that “boarding” will occur, the use of “homestyle pet sitting,” in contrast to “daycare . . . for dogs,” strongly implies that the pet sitting aspect of the business would be different from the daycare aspect of the business in some respects. This is particularly true when considering that the “daycare” aspect is identified as occurring Monday through Thursday, but there are no listed days or business hours for the pet sitting aspect. *Id.* Ms. Powers also testified that “homestyle pet sitting” means, to her, overnight boarding of dogs in her home. Further, any ambiguity in the permit must be resolved in favor of the landowner. See *In re Barry*, 2011 VT 7, ¶ 18, 189 Vt. 183 (citations omitted). Thus, the Town’s argument that this use at the Property is a “kennel” that is not allowed in this district, generally, or as a home business, specifically, is inconsistent with its own application of the Bylaws to this Property and business and functionally amounts to a collateral attack on the 2019 permit. See *Levy v. Town of St. Albans Zoning Bd. of Adjustment*, 152 Vt. 139, 142—42 (1989) (explaining the bar on collateral attacks of previously issued permits); see also *Town of Bennington v. Hanson-Walbridge Funeral Home, Inc.*, 139 Vt. 288, 293 (“The use applied for and contemplated by the zoning permit must now stand unchallenged.”). Thus, the Court concludes that the use contemplated by the application, must be allowed to be considered as a home business under the Bylaws.

We turn now to whether the application may be approved under Bylaws § 605(c), which allows home businesses under specific standards and with conditional use review. The specific standards of § 605(c) are:

1. The home business is conducted by residents of the dwelling unit and involves no more than ten non-resident employees on-site.

⁵ This citation refers to the page number within the PDF file.

⁶ While the 2019 Home Business Permit was issued under a different iteration of the Bylaws, the Town points to no change in the Bylaws made through the 2022 Bylaw amendments that would be relevant to the use of the Property. Appellant has provided as Exhibit D minutes related to Bylaw amendments in 2021, ultimately adopted in 2022. These minutes and draft revisions do not show changes to the definition of a kennel, nor amending whether a kennel would be allowable in this Productive Lands District. Instead, the potentially relevant amendments were related to changes to home business standards.

2. In addition to other conditions, the DRB may limit the hours of operation as deemed necessary to minimize adverse impacts to neighboring properties and protect the character of the area.
3. Storage or display of goods, materials, or equipment visible from the roadway or from adjacent properties may be allowed as specified in the conditional use permit, with screening as appropriate.
4. The home business will not generate traffic, including but not limited to delivery truck traffic, in excess of volumes suitable for all roads providing access to the site.
5. Off-street parking conforms with the standards set forth in Section 620.
6. Signs must conform to requirements in Sections 665-670
7. The home business conforms to all performance standards under Section 660 - Storage of hazardous waste or materials shall comply with the Vermont Hazardous Waste Management Regulations.
8. Retail sales may be conducted as specified in the conditional use permit.
9. The aggregate of all home businesses in a single dwelling unit does not exceed restrictions 1 through 8.
10. The zoning permit clearly states that the use is limited to a home business, approved in accordance with the above provisions and meets the definition of home business pursuant to this bylaw. Any proposed expansion of the home business beyond that permitted will require a new conditional use permit for the home business under this section.

Bylaws § 605(c).

First, the business is conducted by Ms. Powers. Ms. Powers resides at the Property and does not employ more than 10 non-residents. Thus, the use complies with Bylaws § 605(c)(1).

Second, Appellant has limited the hours of operation of the business to mitigate adverse impacts to the neighborhood and the character of the area. Monday through Thursday, the business operates from 7:00 AM to 5:30 PM. Drop off for dog daycare is between 7:00 and 9:00 AM only. Dogs arriving later than 9:00 AM are not accepted. Pick up for during those days is between 3:00 and 5:30 PM only. Friday through Sunday, during which overnight pet sitting occurs, pick up and drop may occur by appointment only during 8:00 AM and 4:00 PM. When dropping off a pet, a client will make a reservation through the business' reservation application, and then text Ms. Powers within 5 to 10 minutes of arriving at the Property. The purpose of this system is to limit impacts from cars dropping off pets and keep the process moving efficiently. Some days there may be one car waiting to drop a car off on Black Mountain Road but overlapping drop offs are not the norm. Neighbor Randy Hickin testified that scheduling changes Appellant has imposed have improved impacts in the neighborhood. No other neighbor testified regarding impacts from the Property due to hours of

operation. Thus, the Court concludes that the hours of operation proposed as a part of this application, which are imposed by this Court as a condition of the permit as set forth herein, are appropriate to minimize adverse impacts in the area and the project complies with Bylaws § 605(c)(2).

Third, Appellant has installed fencing to screen the Property, including the storage of any materials related to the business outdoors. Materials stored outside include umbrellas and hooks for leashes. Neighbor Mr. Hicklin testified that with the fencing, he cannot see the activity on the Property. No other neighbor testified as to the storage of materials or equipment outside the residence on the Property or impacts therefrom. Thus, we conclude that the fencing is appropriate given the scope of the use and, to the extent any storage of equipment and/or materials related to the business occurs outside, they are adequately screened and comply with Bylaws § 605(c)(3).

Fourth, the business does generate traffic. From Monday through Thursday, the business usually has 10 to 15 dogs on-site. The number of dogs on-site is not always consistent with the number of cars coming to the Property because some clients have more than one dog coming for daycare at a time. Mr. Hickin testified that traffic on Black Mountain Road has remained largely consistent since the business began operation. Queuing on Black Mountain Road is rare with the present drop off/pick up process. The Town argues that traffic from the business adversely impacts the private, shared driveway that accesses the Property that is only used to access the Property and one other landowner's property. The Town does not provide details as to why a private, shared driveway constitutes a roadway under the Bylaws.

The Bylaws do not define “road” or “roadway” and the Town has pointed to no provision where a shared driveway would be a “roadway.” Absent such a definition, the Court concludes that the Town is functionally arguing that the application overburden's the shared driveway, which is a private property matter outside of this Court's jurisdiction.⁷ See In re DJK, LLC, 2024 VT 34, ¶ 26 (“Whether the requirements of an easement are satisfied is the type of private-property dispute that the Environmental Division lacks jurisdiction to resolve.”). Further, to the extent that the Bylaws are ambiguous as to what constitutes a “roadway,” we must resolve that ambiguity in Appellant's favor and look to traffic generated on Black Mountain Road as opposed to the shared driveway. See Bjerke Zoning Permit Denial, 2014 VT 13, ¶ 22. There is no evidence to support the Town's contention that the traffic associated with the business is unsuited for the roads accessing the Property and there is

⁷ What's more, the only other landowner that uses the shared driveway did not participate at trial as a witness or party and the Town would appear to lack standing to raise alleged impacts to their interest given that this is a private, shared driveway. See Baird v. City of Burlington, 2016 VT 56, ¶ 15, 201 Vt. 112; Bischoff v. Bletz, 2008 VT 16, ¶ 16, 183 Vt. 235.

credible evidence to the contrary before the Court. Thus, when considering the hours of operation, including designated pick up and drop off times, coupled with the reservation system, the Court concludes that the traffic generated from the business is suitable for the roads providing access to the Property.

Fifth, the Property has one existing parking space inside the gate and off-street. Businesses and other unspecified uses are to provide “[o]ne parking space for every motor used in the business, plus one parking space for every two hundred square feet of floor area.” Bylaws § 620(6). The DRB, or this Court on appeal, however, may permit fewer off-street parking spaces for any use upon a finding that the required number of spaces is excessive. See Bylaws § 620(11). There is no vehicle associated with the business. The residence on the Property is approximately 900 square feet and, while the Town does not specify the exact number of parking spaces it believes to be required, the Court understands it to argue that at least 4 off-street spaces must be available, or three more than what is currently provided. This is excessive when considering the scope of the business and how clients come and go from the Property. Presently, clients come to the Property one at a time with advance notice to Ms. Powers. They drive to the Property and pull to the side of the shared driveway and do not remain in the traveled portion of the driveway. They exit their vehicle to drop off or pick up their dog(s) and, then reenter their vehicle and immediately leave the Property. In some limited circumstances clients may stay for a few more additional minutes to talk to Ms. Powers, but this is not the norm. Because clients come to the Property one at a time and for brief periods, 3 additional off-street parking spaces are unnecessary, as is requiring additional parking spaces associated with the business. Given the scope of the use and how it relates to parking, the Court concludes that the application complies with Bylaws § 605(c)(5).

Sixth, there are no signs associated with the business. Thus, it complies with Bylaws § 605(c)(6).

Seventh, the business complies with the Bylaws performance standards. Section 660 sets forth these standards. Standards set forth in Bylaws § 660(2) (vibration), § 660(4) (heat, cold or moisture), § 660(5) (electronic signals or emissions), § 660(6) (glare, lights, reflections), and § 660(8) (fire, safety, explosive, or other hazard) are irrelevant to the application, which does not propose any such impacts.

With respect to noise set forth in Bylaws § 660(1), there is no evidence that noise from the business is excessive at the Property line with the screening that Appellant has installed. Appellant has installed fencing and other screening to limit noise from the Property and has scheduled drop offs in a way to keep the business moving. While dogs may occasionally bark, neighbor Mr. Hickin testified

that he doesn't hear dogs barking at his home with the screening installed. The Court received no evidence demonstrating that excessive noise is generated from the business as it presently operates such that the business is incompatible with the reasonable use of the surrounding area.⁸ Thus, the Court concludes that the application complies with § 660(1) as it relates to noise.

With respect to waste and, potentially odors, Appellant disposes of solid waste associated with the business through local trash removal, as noted on the 2019 Home Occupation Permit. See Ex. 9. There has been no allegation that this process has proven to be insufficient for the removal of waste or mitigation of any associated odors. Thus, we conclude that the application complies with § 660(3) and (7).

Thus, we conclude that the application complies with the performance standards.

Finally, with respect to Bylaws § 605(c)(7), the business does not propose to store hazardous wastes or materials. Thus, the application complies with Bylaws § 605(c)(7).

Eighth, there are no retail sales associated with the business.

Ninth, there are no other home businesses in the residence and, for the reasons set forth herein, the sole home business at issue in this application does not exceed the restrictions of Bylaws § 605(c)(1) through (8).

Finally, the use is limited to a home business as defined by the Bylaw and consistent with the provisions therein. Should Appellant seek to expand the home business beyond what is permitted by this Decision, a new permit would be required as set forth in Bylaws § 605(c)(10).

For the reasons set forth herein, the application complies with the home business standards in the Bylaws. Thus, we conclude that Appellant is entitled to a conditional use permit as conditioned herein. Thus, Questions 2 and 5 are answered in the affirmative.⁹ Because we conclude that Appellant is entitled to a conditional use permit, the Court need not determine whether a variance would be appropriate as that issue is **MOOT**.

⁸ The Town Zoning Administrator visited the Property in 2021 and noted many dogs barking for approximately 10 minutes when he arrived. This was, however, prior to the Town informing Appellant of the need to get additional permitting for the business. It also appears prior to Appellant undertaking efforts to mitigate noise impacts from the dogs. Thus, this sole evidence is not relevant to the present operations of the Property and runs contrary to the testimony of Mr. Hickin, who testified that he does not hear the dogs as the business is presently operated.

⁹ The Court notes that in its post-trial brief, the Town argues that the application must be denied because the Property does not conform to lot coverage requirements. In so arguing, the Town asserts that only 10% of the Property may be used, or as they assert "covered," by the business. The Bylaws define "coverage" as "that percentage of the lot area covered by buildings and other structures, parking areas, and driveways." Bylaws Art. 8 ("Coverage"). Thus, the concept of coverage relates to the portion of a lot "covered" by structures or other buildings, not related to how a lot is used. The Court therefore concludes that the Town's arguments related to this issue are misplaced.

Conclusion

For the foregoing reasons, we conclude that the 2019 Home Occupation Permit is final and binding on all parties, including the Town and the Court. To the extent that Appellant seeks to maintain the business at the Property consistent with that permit, it may do so. The Court declines, however, to opine upon what the scope of that permit is in this permit appeal.

Further, the Court concludes that the application before the Court is entitled to conditional use approval. The currently installed screening and drop off/pick up process, inclusive of the present hours of operation must be maintained. The Court declines to address whether a variance may be approved as that issue is now **MOOT**.

This concludes the matter before the Court. A Judgment Order accompanies this Decision.
Electronically signed September 4, 2025 pursuant to V.R.E.F. 9(D).

A handwritten signature in black ink that reads "Tom Walsh" with a stylized flourish at the end.

Thomas G. Walsh, Judge
Superior Court, Environmental Division