

VERMONT SUPERIOR COURT
Environmental Division
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Docket No. 25-ENV-00081

Camara Slate Products, Inc. JO 1-502

ENTRY ORDER

Title: Motion for Summary Judgment (Motion: #1)

Filer: Nicholas A.E. Low, Esq.

Filed Date: June 5, 2026

Opposition to Motion, filed on July 6, 2026, by Benjamin J. Canellys, Esq.

Camara Slate Products, Inc. Reply in Support of Motion, filed on July 17, 2026, by Nicholas Low, Esq.

Memorandum in Support of Environmental [Division] Entry Order, filed on August 28, 2026, by Benjamin J. Canellys, Esq.

In this matter, Camara Slate Products, Inc. (Camara) appeals Jurisdictional Opinions #1-502 (the JO) issued by the District #1 Coordinator concluding that certain activities occurring at Camara's property located at 963 Main Street, Fair Haven, Vermont (the Property) constituted a material change to Camara's Act 250 permit and required a permit amendment.

Initially, Camara moved for summary judgment asking the Court to determine applicable burdens of proof in this case and conclude the Land Use Review Board's (LURB) participation in this appeal is improper. The LURB opposed the motion on both grounds. The LURB did not cross-move for summary judgment.

On August 7, 2026, this Court issued an Entry Order indicating it was inclined to grant summary judgment to the LURB on the burden of proof issue because of prior Environmental Board, a predecessor to the LURB, precedent. See In re Camara Slate Products, Inc. JO 1-502, No. 25-ENV-00081 (Vt. Super. Ct. Env'tl. Div. Aug. 7, 2026) (Walsh, J.). The Court further wrote that it was inclined to conclude that this resolution of the burden of proof issue would render Camara's arguments related to the LURB's participation moot. *Id.* at n. 5. Therefore, the Court was inclined to grant judgment to the non-moving party on grounds not addressed by either party. Pursuant to V.R.C.P. 56(f), the Court gave the parties 21 days to provide additional filings responsive these legal issues. The LURB

submitted a filing in support of the Court's ruling on August 28, 2026. Camara did not submit any filings.

For the reasons set forth in the Court's previous Entry Order, Camara bears the burden of proving that the changes at the Property either comply with its existing permit or do not constitute material changes that would require permit amendments in this appeal. See RE: Green Mountain Power Corp. & Town of Wilmington, DR #405 (Vt. Env'tl. Bd. Sept. 18, 2001) (quotations and citations omitted).

Further, because Camara bears the burden of proof in this case and there is no obligation for the jurisdictional opinion's initial requestor to appear in this matter, Camara's assertion that the LURB is improperly participating in this appeal in support of the below jurisdictional opinion is incorrect. The LURB is entitled to participate in this matter. See 10 V.S.A. § 8502(n)(3) (noting the LURB's entitlement to intervene); see also In re Ranney Dairy Farm, LLC Major Subdivision Appeal, No. 22-ENV-00018, slip op. at 2 (Vt. Super. Ct. Env'tl. Div. Feb. 6, 2025) (Walsh, J.) (concluding that parties identified in V.R.E.C.P. Rule 5(c) by reference to 10 V.S.A. § 8502(n)(1)-(3) need not file a motion to intervene to participate in an appeal if they file a timely notice of appearance and those who timely file such a notice of appearance are entitled to party status unless challenged).

Thus, the material facts not being in dispute, the LURB is entitled to judgment as a matter of law. The LURB's motion is **GRANTED** and Camara's is **DENIED**. Camara bears the burden of proof in this case.

This matter was initially set for a one-day remote merits hearing in June. Trial was cancelled to allow for resolution of the pending motions. On or before **September 18, 2026**, the parties are **ORDERED** to file their dates of unavailability for a one-day remote merits hearing in the months of October, November, and December 2026.

Electronically signed September 3, 2026 pursuant to V.R.E.F. 9(D).

A handwritten signature in black ink that reads "Tom Walsh". The signature is stylized, with the first name "Tom" and the last name "Walsh" written in a cursive-like script.

Thomas G. Walsh, Judge
Superior Court, Environmental Division