

STATE OF VERMONT
ENVIRONMENTAL BOARD
10 V.S.A. CHAPTER 151

RE: Pinnacle Associates
c/o Peter Joslin, Esq.
141 Main Street
Montpelier, Vermont 05602

ORDER
DISMISSAL OF APPEAL
Land Use Permit #1R0385-EB

On August 21, 1980 the Agency of Environmental Conservation (the "Agency") filed an appeal with the Environmental Board (the "Board") from District #1 Environmental Commission's (the "District Commission") Findings of Fact, Conclusions of Law and Land Use Permit #1R0385, dated July 29, 1980. This permit specifically authorized 100 condominium units and related site development located off the Killington Access Road in the Town of Sherburne, Vermont. A hearing scheduled for September 19, 1980 was postponed at the request of the parties for the purpose of reaching a settlement.

On May 7, 1981 Pinnacle Associates ("Pinnacle") notified the Board that it was submitting a new application to the District #1 Environmental Commission and would probably withdraw Land Use Permit #1R0385 if the District Commission granted a new permit to Pinnacle. The District Commission granted a new permit (#1R0415) for 150 condominiums on June 25, 1981 and Pinnacle Associates withdrew its previous application.

On August 12, 1981 the Agency withdrew its appeal from Land Use Permit #1R0385 based on Pinnacle's withdrawal of its original application, Land Use Permit #1R0385, and the District Commission's approval of Pinnacle's new application.

The Environmental Board has reviewed this matter and now accepts appellant's withdrawal, finding it not contrary to the purposes or requirements of Act 250.

Dated at Montpelier, Vermont this 16th day of September, 1981.

ENVIRONMENTAL BOARD

By Jan S. Eastman
Jan S. Eastman
Executive Officer

Board members participating
in this decision:
Leonard U. Wilson
Ferdinand Bongartz
Lawrence H. Bruce, Jr.
Dwight E. Burnham, Sr.
Melvin H. Carter
Roger N. Miller