

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. Chapter 151

Re: J.P. Carrara & Sons, Inc.
Application #1R0589-3-EB (Stay Request)

MEMORANDUM OF DECISION

This decision, dated August 3, 1992, pertains to a request for a stay originally submitted with a motion for interlocutory appeal filed on July 2, 1992 by adjoining landowners Ron and Marilyn Seymour. The appeal concerned the District #1 Commission's proceedings regarding an application to amend an existing land use permit in order to continue blasting at a rock quarry in the Town of Clarendon.

On July 9, 1992, J.P. Carrara & Sons, Inc. (the Applicant) filed a response to the motion. On that date, the District #1 Commission issued a final decision on the application, Land Use Permit Amendment #1R0589-3 and supporting findings of fact and conclusions of law.

On July 13, 1992, the Seymours amended the stay request to seek a stay of the permit amendment. The Board deliberated on July 15. On that date, the Board denied the motion for interlocutory appeal and delayed decision on the amended stay request to give the Permittee an opportunity to reply.

On June 20, 1992, the Board issued a memorandum of decision which is incorporated by reference. Also on that date, the Permittee filed a reply to the amended stay request. The Board deliberated on July 29.

DECISION AND ORDER

Pursuant to Board Rule 42, aggrieved parties may seek a stay of a district commission decision. Similarly, Board Rule 40 specifies that aggrieved parties may file appeals of district commission determinations.

We are not persuaded that the Seymours are aggrieved because the Seymours have not filed an appeal of the permit amendment. In this regard, we note that the interlocutory appeal was not an appeal of the amendment.

The Seymours' request to stay the permit amendment is denied pending appeal of the permit amendment.

8/3/92
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Dated at Montpelier, Vermont this 3rd day of August,
1992.

ENVIRONMENTAL BOARD

Elizabeth Courtney

Elizabeth Courtney, Chair
Ferdinand Bongartz
Terry Ehrich
Lixi Fortna
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William Martinez
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