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

RE: Killington, Ltd.,
Pico Peak Ski Resort,
Pico Pond Associates,
Department of Forests, Parks and Recreation
Application #1R0704-EB

DISMISSAL ORDER

On August 26, 1991, appeals were filed with the Environmental Board by the Appalachian Trail Conference (ATC) and the Green Mountain Club (GMC), through their attorney, William E. Roper, and by the Vermont Group of the Sierra Club through its representative, Jonathan Gibson, from Land Use Permit #1R0704 and supporting Findings of Fact, Conclusions of Law and Order issued by District #1 Environmental Commission on July 26, 1991. The Appellants also filed a motion to stay any proceedings before the Board pending the resolution of other issues raised by various parties before the District Commission.

On December 10, 1991, the ATC and the GMC renewed their motion for a stay. On December 16, the Applicants' attorney, Frank Urso, informed the Board that the Applicants had no objection to the renewed motion for a stay. The Board granted a stay on January 3, 1992.

By letter dated January 17, 1992 to the District Commission, Mr. Urso requested the District Commission to withdraw the Applicants' motion for reconsideration filed on August 23, 1991, and to declare the permit void and abandoned pursuant to Environmental Board Rule 38(B).

The Board deliberated on May 6, 1992, and determined that unless parties objected to the District Commission's decision within two weeks of the issuance date, the appeal would be dismissed. On June 9, 1992, the District Commission issued a Memorandum of Decision to void Land Use Permit #1R0704 because of abandonment. No parties objected to this decision.

On July 15, 1992, the Board deliberated and decided that dismissal of this matter is not contrary to the values embodied in Act 250. Therefore, these appeals are dismissed and Land Use Permit #1R0704 is void.

Dated at Montpelier, Vermont this 17th day of July, 1992.

ENVIRONMENTAL BOARD

Elizabeth Courtney

Elizabeth Courtney, Chair
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Terry Ehrich
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