

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

Re: Richard and Nancy Jewett
Land Use Permit #1R0714-1-EB

MEMORANDUM OF DECISION

This decision pertains to a request for a stay of the appeal in this matter pending the District Commission's review of an amendment application for this project. For the reasons explained below, the Board grants the stay.

I. BACKGROUND

On February 14, 1994, Robert Christian and Karen Lawton filed an appeal from Land Use Permit #1R0714-1 (the permit) issued to Richard and Nancy Jewett. The permit authorizes the Jewetts to construct a meat, fish, and assorted frozen food product retail market building of 3,600 square feet with docking and storage space for up to six refrigerated truck trailers attached to the building (the project). The project is located on a tract of land containing a pre-existing retail building currently used for the same operations as this project.

The appellants are adjoining landowners to the project who were admitted as parties on Criteria 1 (air pollution) and 8 (noise and aesthetics). They object to the District Commission's findings and conclusions with respect to Criteria 1 and 8. They also object to the issuance of the Water Supply and Wastewater Disposal Permit for the project.

II. PREHEARING CONFERENCE

On April 20, 1994,¹ a prehearing conference was convened by Board Chair Arthur Gibb in Pittsford. Attending the prehearing conference were Robert and Nancy Jewett, and Victor Segale, Esq. on behalf of the appellants.

During the prehearing conference, the Jewetts brought out revised plans for the project. They explained that they are working on a revised building plan that would incorporate the refrigeration inside so that the outside refrigerated trailers could be eliminated, except for the one that would deliver the product. They intend to file an amendment application with the District Commission soon.

¹ The parties requested a delay in the prehearing conference and waived the 40-day deadline due to their working schedules.

Attorney Segale stated that the new plans may eliminate the appellants' concerns. The parties agreed that since the reasons for the appeal may become moot, it would make sense for the Board to stay the appeal pending review of the new plans by the District Commission.

III. DECISION

The Board deliberated on the stay request on April 27, 1994. The Board agrees that the appeal should be stayed.

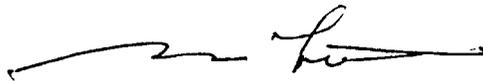
IV. ORDER

1. The appeal of Land Use Permit #1R0714-1 is hereby stayed pending review by the District #1 Environmental Commission of an amendment application for revised plans for the project.

2. Within two weeks from the District Commission's decision on the amendment application the appellants shall notify the Board as to whether they wish to proceed with the appeal or have it dismissed.

Dated at Montpelier, Vermont this 4th day of May, 1994.

ENVIRONMENTAL BOARD



Arthur Gibb, Chair
Darby Bradley
Lawrence Bruce
John Ewing
Lixi Fortna
Steve E. Wright