



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

R e : Grand Union Co. & Mrs. Ralph Humiston
Application #1R0733-EB

MEMORANDUM OF DECISION AND ORDER

This decision pertains to a motion for clarification filed by Robert L. Merkert d/b/a Triple-M Markets (the Appellants) with respect to a memorandum of decision and prehearing order issued in this appeal by the Environmental Board on August 26, 1992. The appeal concerns a permit issued for a supermarket in Brandon. The August 26 decision states that appeal will go forward on a number of criteria set forth at 10 V.S.A. § 6086(a), including, in relevant part, Criterion 8 (aesthetics, scenic or natural beauty).

The motion was filed on September 4, 1992. In the motion, the Appellant asks the Board to clarify whether, in its August 26 decision, the Board intended to preclude consideration of this application's compliance with another part of Criterion 8, namely, historic sites. See 10 V.S.A. § 6086(a)(8). The Appellant requests that this issue be considered part -of its appeal. In support of its request, the Appellant contends that it obtained party status before the District #1 Commission on historic sites and that it requested party status on that issue in a previous filing with the Board. It also points out that, in an earlier submission, the Applicants stated that the Appellant had party status on Criterion 8 (historic sites).

The Applicants have filed no opposition to the motion. The Board deliberated on October 21 and reached the decision set forth in the following order.

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