

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

RE: Okemo Mountain, Inc.  
Land Use Permit Amendment #2S0351-10-EB

MEMORANDUM OF DECISION

This decision, dated January 3, 1992, pertains to a motion to alter filed by Okemo Mountain, Inc. (the Applicant) on November 1, 1991. On November 13, the Environmental Board issued a memorandum allowing opportunity for responses to that motion. On November 27, Michael Fassler and Robert Rossini (the Appellants) filed a request on record. The Board deliberated on December 4 in Berlin.

DECISION

Rule 31(A) provides that, within 30 days from the date of a decision of the Board, parties may file such motions to alter as may be appropriate with respect to the decision.

The Applicant's November 1 motion pertains to Land Use Permit #2S0351-10-EB (Reconsidered) and supporting Findings of Fact and Conclusions of Law issued by the Board on October 23, 1991. The permit authorizes the Applicant to construct improvements to the Snowbridge Road which provides access to Phases I and II of the Applicant's Snowbridge subdivision located in Ludlow.

The Applicant seeks two alterations to the October 23 decision. **First**, the Applicant contends that there is a conflict between issue c on page seven of the decision, which addresses the need to divert runoff "away from the well on the property of Appellant Fassler," and Finding of Fact #27, which states that Mr. Fassler's house "is served by a well located on Lot 39 in which he owns a one-third interest."

The Board does not believe that these statements necessarily conflict. The Board also does not believe that it is appropriate for the Applicant to raise this question in its November 1 motion. The October 23 decision, to which that motion pertains, was a reconsideration of a decision dated June 4, 1991: Land Use Permit #2S0351-10-EB (Second Revision) and supporting findings of fact and conclusions of law. Issue c and Finding of Fact #27 were the same in the October 23 decision as they were in the June 4 decision. The Board therefore concludes that, under Rule 31(A), the purported conflict should have been raised within 30 days of the June 4 decision.

Second, the Applicant contends that there is a conflict between Condition #42 of the permit, which pertains to installation of curve warning signs with 15 mph advisory speed

plates on West Village Road, and language on page 15 of the supporting findings of fact and conclusions of law, which state that the speed *limit* on that road must be posted at 15 mph.

The Board did not intend to include in the October 23 decision the language on page 15 concerning speed limits. Instead, the Board intended to include language supporting its Condition #42, which requires advisory speed plates rather than mandatory speed limits. Accordingly, the Board will issue a correction to page 15.

Concerning the Appellants' request on record, the Appellants ask that the record "expressly reflect" that they did not file a response to the Applicant's November 1 motion to alter because the Board stated in its October 23 memorandum of decision that it will not accept further written submissions from the Appellants. The Board denies this request because the October 23 memorandum of decision did not preclude a response to the Applicant's motion by the Appellants.

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ORDER

1. The Applicant's motion to alter is denied in part and granted in part, as described above.
2. The Board will issue a corrected page 15 in accordance with this decision.
3. The Appellants' request on record is denied.

Dated at Montpelier, Vermont this *3rd* day of January, 1992.

ENVIRONMENTAL BOARD

*Leonard U. Wilson*

Leonard U. Wilson, Acting Chair  
Ferdinand Bongartz  
Arthur Gibb  
Samuel Lloyd  
Charles F. Storrow

A:okemo-10.MD (AWP5)