

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. §§ 6001-6092

RE: Stratton Corporation
Master Plan Application #2W0519-10-EB

CHAIR'S PRELIMINARY RULING

This proceeding concerns a master plan Application for 1,370 housing units, restaurants, shops, a theater, redeveloped Golf Clubhouse and Base Lodge, ice skating rink, improved pedestrian and vehicular circulation and expansion of the Sports Center, replacement of existing lifts, installation of additional lifts (total of 15 lifts at build-out), ski trail expansion of 220 acres, construction of 32,000 square feet of additional Base Lodge facilities in the Sun Bowl area with expanded parking, renovation of the Village Base Lodge, construction of a new Welcome Center, and an overhead people mover system to transport people from the Welcome Center parking area directly to the Village ("Project"). The Project is located on Stratton Mountain in the Towns of Stratton and Winhall on approximately 2,340 acres of land.

This Chair's Preliminary Ruling addresses a request to continue the Board Hearing scheduled for Wednesday, October 11, 2000.

I. PROCEDURAL SUMMARY

On February 11, 1997, The Stratton Corporation ("Applicant") filed Master Plan Permit Application #2W0519-10 with the District # 2 Environmental Commission ("Commission") seeking authorization for the Project.

On September 30, 1999, the Commission issued Partial Findings of Fact, Conclusions of Law, and Order ("Decision") for the Project.

On October 28, 1999, Applicant and Stratton Area Citizen's Committee filed motions to alter the Decision. On October 29, 1999, the Vermont Natural Resources Council ("VNRC") filed a motion to alter the Decision.

On March 28, 2000, the Commission issued Revised Partial Findings of Fact and Conclusions of Law ("Revised Decision").

On April 27, 2000, VNRC filed an appeal with the Environmental Board ("Board") from the Revised Decision alleging that the Commission erred in its conclusions concerning 10 V.S.A. § 6086(a) Criteria 1, I(A), I(B), I(E), 5, 8(A), 9(A), 9(H), 9(K), 9(L) and by denying the Appellant party status on Criteria 5 and 9(K). The appeal was filed pursuant to 10 V.S.A. § 6089(a) and Environmental Board Rule ("EBR") 6 and 40.

On June 15, 2000, Board Chair Marcy Harding convened a prehearing conference and on June 19, 2000, she issued a Prehearing Conference Report and Order.

On August 1, 2000, the Applicant filed a motion to dismiss VNRC's appeal of Criterion 9(L).

On August 17, 2000, VNRC filed a reply to the Applicant's motion to dismiss VNRC's appeal of Criterion 9(L).

On September 20, 2000, the Board deliberated and issued a Memorandum of Decision denying the motion to dismiss.

On October 6, 2000, the Chair held a Second Prehearing Conference which was attended by the Applicant, ANR, VNRC, and Windham Regional Commission. At the Second Prehearing Conference, the parties requested that the hearing be continued.

II. PRELIMINARY RULINGS

EBR 16(B) authorizes the Board Chair to make preliminary rulings as to matters of notice, scheduling, party status and such other procedural matters as are necessary to expedite and facilitate the hearing process. Any such ruling may be objected to by any interested party and the matter then resolved by the Board.

III. DISCUSSION

The Applicant, ANR, and VNRC have been negotiating a settlement for Criterion 1. At the time of the Second Prehearing Conference the parties were close to a settlement but unsure that any remaining issues on Criterion 1 could be resolved in the few days left before the hearing. No parties objected to granting a continuance to allow completion of the settlement discussions.

Pursuant to EBR 13, the Board has discretion to grant continuances. Providing adequate time for the parties to reach settlement is an appropriate justification for a continuance. Given the Board's broad discretion to grant continuances and the fact that there are no objections, the Chair will grant the request for a continuance.

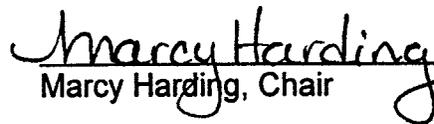
The Board will reschedule the hearing to hear the remaining issues in the appeal.

III. ORDER

1. The request for a continuance is granted.
2. The hearing scheduled for Wednesday, October 11, 2000 is continued.
3. This Chair's Preliminary Ruling is issued pursuant to EBR 16(C) and is binding on all parties unless a written objection to it, in whole or in part, is filed on or before **Tuesday, October 10, 2000.**

Dated at Montpelier, Vermont this 6th day of October, 2000.

ENVIRONMENTAL BOARD



Marcy Harding, Chair