

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

Re: Shelburne Partnership
Land Use Permit Application #4C0815-EB

MEMORANDUM OF DECISION

This decision, dated August 26, 1992, pertains to a Motion to Dismiss and Remand in the above-captioned matter, filed by Shelburne Partnership (the Partnership) on July 15, 1992. As explained below, the Board has decided to remand the matter to the District #4 Environmental Commission and to stay the appeal pending a decision by the District Commission.

On January 16, 1992, the District Commission granted a land use permit to the Partnership for the subdivision of a 290-acre parcel of land. Approximately 240 acres of the parcel are located in Charlotte and approximately 50 acres are located in Shelburne. The Applicant contends it has no plans for the portion of land located in Shelburne; as a consequence, the District Commission did not include that land in its review of this application.

On February 14, 1992, David Miskell filed an appeal from the decision and on February 18 the Town of Charlotte filed an appeal.

A prehearing conference was held on March 24. Subsequently the Applicant worked with the parties to address the concerns raised in the appeal. On July 15, the Applicant filed the motion to remand and dismiss, along with a Grant of Development Rights and Conservation Restrictions concerning the Charlotte lands and a Stipulation Concerning Parameters Related to Farmland Protection concerning the Shelburne land. Both the Town of Charlotte and David Miskell join the Applicant in seeking remand to the District Commission for review of these documents and amendment of the permit. They also support the Partnership's request for the Board to dismiss the appeal.

The Board deliberated on August 26, 1992.

ORDER

1. This matter is remanded to the District #4 Commission for its review of the Grant of Development Rights and Conservation Restrictions and the Stipulation Concerning Parameters Related to Farmland Protection as an amendment to this application.