

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

RE: H.A. Manosh, Inc. Land Use Permit Application
Vermont RSA Limited Partnership #5L1331-EB
Lamoille County Sheriff's Department
Vermont Electric Cooperative, Inc.

DISMISSAL ORDER

This proceeding concerns an application for a permit to construct and operate a 160 foot telecommunications tower on Carpenter Hill located south of the intersection of Cleveland Corners Road and Davis Hill Road in the Town of Hyde Park, Vermont (Project). This Dismissal Order grants a request to withdraw the appeal.

I. PROCEDURAL SUMMARY

The history of this appeal through May 10, 2002 appears in the Revised Scheduling Order issued on that date.

On February 13, 2003, H.A. Manosh filed a request to withdraw its appeal.

On February 14, 2003, the Chair issued a Proposed Dismissal Order.

On March 3, 2003, GHNA submitted comments supporting dismissal of the matter.

II. DISCUSSION

The Board and district commissions are charged to protect and conserve the lands and environment of the state. 1969 Vt. Laws, No. 250 §1 (Adj. Sess.). An administrative agency has discretion to reject a withdrawal or dismissal of an appeal if it would prejudice the public interest that the agency is charged to protect. *Ronald L. Saldi*, #5W1088-1-EB, Memorandum of Decision at 3 (Oct. 1, 1996); *and see Rockwell Park Associates and Bruce J. Levinsky*, #5W0772-5-EB, Dismissal Order (Feb. 17, 1994); *H.A. Manosh Corp.*, Declaratory Ruling #247 (Dec. 13, 1991).

Given that no permit has been issued in this matter and that the applicant is seeking to withdraw the appeal, it is hard to conceive of how dismissing the appeal could possibly prejudice the public interest. No party objected to the Chair's Proposed Dismissal Order. Therefore, the Chair has determined that dismissing this matter will not prejudice the public interest that the Board is charged to protect.

III. ORDER

1. This appeal is dismissed with prejudice.
2. Jurisdiction is returned to the District 5 Environmental Commission.

Dated at Montpelier, Vermont this 7th day of March, 2003.

ENVIRONMENTAL BOARD

 /s/Patricia Moulton Powden_____
Patricia Moulton Powden, Chair