

STATE OF VERMONT
ENVIRONMENTAL BOARD
10 V.S.A., CHAPTER 151

RE: Daniel C. Lyons ·
RD #4
Montpelier, VT 05602
and
Berlin Associates, Ltd. by
John M. Kilmurry, Esq.
P.O. Box 190
Montpelier, VT 05602
and
former permittee
Juster Associates
1304 Medland Avenue
Yonkers, NY 10704

DISMISSAL ORDER
Land Use Permit #5W0556-EB

Appeals were filed with the Environmental Board (the "Board") in the above matter by the City of Montpelier on December 1, 1980, the Citizens for Vital Communities on December 3, 1980, and the Central Vermont Regional Planning Commission on December 4, 1980 from the Land use Permit, Findings of Fact and Conclusion of Law issued November 4, 1980 by District #5 Environmental Commission (the "Commission"). This Land Use Permit specifically authorizes the construction and leasing of 198,489 square feet of buildings for retail sales including a 169,096 square foot enclosed mall/department store building, a 35,500 square foot supermarket and smaller shop building, a 5,000 square foot restaurant building, and a 3,000 square foot bank building, all with 1,112 parking spaces and related site improvements in the Town of Berlin, Vermont.

Under date of December 11, 1980, Applicant Juster Associates removed the appeals to Washington Superior Court.

On May 26, 1982 the Commission determined that Juster Associates no longer holds an interest in the land subject to the permit. On September 30, 1982 the Washington Superior Court returned the appeals from the Commission's Findings of Fact and Conclusions of Law in Land Use Permit #5W0556 to the Board. The Court returned the action because under 10 V.S.A. §6089 only an applicant may remove an appeal to Superior Court. On October 12, 1982 the Board issued Land Use Permit Amendment #5W0556-2-EB to Daniel C. Lyons and Berlin Associates, Ltd. naming them successors to Land Use Permit #5W0556.

On November 10, 1982 the Board ordered the expiration of this land use permit and its amendments pursuant to its authority under 10 V.S.A. §6090(a) and Condition 3 in Land Use Permit #5W0556-1. Since this permit and its amendments are expired, the appeals returned to the Board under Land Use Permit #5W0556-EB are dismissed.

Dismissal Order
Land Use Permit #5W0556-EB
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Dated at Waterbury, Vermont this 10th day of November,
1982.

ENVIRONMENTAL BOARD

Board Members Participating
in this decision:

Leonard U. Wilson
Lawrence H. Bruce, Jr.
Priscilla N. Smith
Donald B. Sargent
Warren M. Cone
Melvin H. Carter
Dwight E. Burnham, Sr.
Ferdinand Bongartz

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