

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

RE: Raymond Duff by DISMISSAL ORDER
Dana Cole-Levesque, Esq. Application #5W0921-EB
P.O. Box 417
Bethel, VT 05032

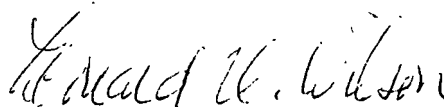
On October 8, 1987, Raymond Duff (the Applicant) filed an appeal with the Environmental Board of the decision of the District #5 Environmental Commission denying land use permit application #5W0921-EB pursuant to Criteria 9 and 10. At a prehearing conference on November 12, 1987, the Applicant asked to withdraw its appeal on all criteria but Subcriterion 9(B) because the District Commission had agreed to hear further evidence concerning Criterion 10 and other Criterion 9 subcriteria.

On January 5, 1988, the Board refused to allow appeal solely on Subcriterion 9(B), stating that all the subcriteria of Criterion 9, as well as Criterion 10, must be appealed simultaneously. On January 14, 1988, the Applicant requested a stay of the appeal pending the District Commission's further proceedings, which the Board granted on March 5, 1988.

On June 15, 1988, the Applicant requested permission to withdraw its appeal in order to proceed before the District Commission with a second, revised application. Withdrawal of the appeal is not contrary to the intent or purposes of Act 250 or the Board's rules. Therefore, this appeal is hereby dismissed.

Dated at Montpelier, Vermont this 10th day of January, 1989.

ENVIRONMENTAL BOARD



Leonard U. Wilson, Chairman
Ferdinand Bongartz
Lawrence H. Bruce, Jr.
Jan S. Eastman
Arthur Gibb
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DO 5W0921-EB (ap119)

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