

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

Re: Mark Frohman and
Christopher Sellers by
Sheila Ware, Esq.
Darby, Laundon, Stearns, Thorndike & Kolter
89 South Main Street
Waterbury, VT 05676-1 538

Land Use Permit
#5W1303-EB

DISMISSAL ORDER

I. INTRODUCTION

On August 13, 1999, the District #5 Environmental Commission ("Commission") issued Land Use Permit #5W1303 ("Permit") and supporting Findings of Fact, Conclusions of Law, and Order to Mark Frohman and Christopher Sellers. The Permit specifically approves three buildings (a garage with a guest apartment and two rental cabins) and a sewage disposal field, which were previously constructed without a permit, and construction of one additional rental cabin ("Project"). The project tract is 14 acres and is located off Route 100 in Duxbury, Vermont.

On January 31, 2000, Mark and Alicia Lorenzo ("Appellants") filed an appeal with the Environmental Board ("Board") from the Commission's December 30, 1999 Memorandum of Decision denying the Appellants' Motion to Alter.

On April 5, 2000, the parties and their counsel filed a Stipulated Dismissal of the appeal. As set forth in detail below, the Board accepts the parties' stipulation, and the appeal is dismissed.

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-

[Docket #748]

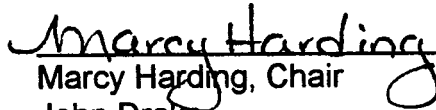
Allowing dismissal of the appeal in this matter will not prejudice the public interest that the Board is charged to protect. The Commission's Permit, which will become final with this dismissal, governs the Project and thereby protects the interests of the public.

III. ORDER

1. This appeal is dismissed with prejudice. Environmental Board Rule 1 8(D).
2. Jurisdiction is returned to the Commission.

Dated at Montpelier, Vermont this 20th day of April 2000.

ENVIRONMENTAL BOARD



Marcy Harding, Chair
John Drake

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