

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

RE: Pike Industries, Inc.
Route 3
Tilton, N.H. 03276'

ORDER

Land Use Permit #8B0204-EB

On April 30, 1979 an appeal was filed with the Environmental Board by Robert and Susan Kesner, Richard and Lorraine Mattison, Paul and Virginia Hamburg, Gail and Gary Gardner, Estate of Thomas W. Hall, Jr., and Lawrence A. Sherwin from the decision of District #8 Environmental Commission to issue Land Use Permit #8B0204. The permit authorized the applicant, Pike Industries, Inc., to operate a temporary quarry in the vicinity of Hale Mountain, Shaftsbury, Vermont. On May 10, 1979 an additional appeal was filed by the Town of Shaftsbury and the Shaftsbury Planning Commission. A third appeal was filed on May 16, 1979 by the applicant, Pike Industries, Inc. from the decisions of the District Commission with respect to the party status of the individual appellants.

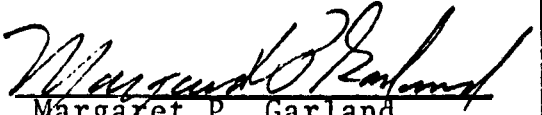
The Environmental Board has received notice that the parties have resolved the issues raised in the appeals. On May 31, 1979 the individual appellants withdrew their appeal of the Land Use Permit. On December 20, 1979 the Town of Shaftsbury and the Shaftsbury Planning Commission and the applicant, Pike Industries, Inc., filed a stipulation for dismissal of their appeals. That stipulation states in part: ". . .except as is necessary for Pike Industries, Inc. to complete its performance of U.S. Route #7 improvement project F019-1(14) Bennington - Sunderland and F319-1(15) Arlington - Sunderland, that neither Pike Industries, Inc., nor the Town of Shaftsbury shall conduct any future quarrying operations on Hale Mountain."

Section 809(d) of the Administrative Procedure Act permits the parties to a contested case to make informal disposition of the case by stipulation unless otherwise precluded by law. The parties to these appeals have by stipulation reached agreement on the issues contested and have stipulated the dismissal of the appeal. We find that such a dismissal in accordance with the terms of that stipulation is not contrary to the requirements of Act 250. We therefore dismiss all three appeals in this matter. We accept and incorporate in this order the terms of the stipulation filed by the parties. Jurisdiction over this permit is returned to the District Environmental Commission.

4/14/80
S. J. [unclear] 107.

Dated at Montpelier, Vermont this 14th day of January,
1980.

ENVIRONMENTAL BOARD

BY 
Margaret P. Garland
Chairman

Members in favor
of this decision:
Margaret P. Garland
Ferdinand Bongartz
Dwight E. Burnham, Sr.
Melvin H. Carter
Michael A. Kimack
Daniel C. Lyons
Donald B. Sargent
Leonard U. Wilson