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

Timothy and Mary Baker by
Rhys Evans, Esq.
P.O. Box 1205
Manchester Ctr., Vermont 05255

Memorandum of Decision
#8B0356-EB

On November 25, 1986, an appeal was filed by Charles R. Eichel, Esq., on behalf of Susan and Richard Rawls, from the District #8 Environmental Commission's Land Use Permit #8B0356 dated November 6, 1986. Mr. Eichel was notified several times by letter and by phone that the Board needed more information as to the grounds for the appeal. On January 9, 1987, the Applicants filed a motion to dismiss the appeal for failure to comply with Board Rule 40(A) which requires that the Notice of Appeal include the reasons why the Appellants believe the District Commission was in error and the issues which the appellants claim are relevant to the appeal. Having received no response either to its inquiries or to the Motion to Dismiss, the Board scheduled a preliminary hearing for February 3, 1987, and a prehearing conference for February 5.

On February 5, a prehearing conference was convened by Board Chairman Darby Bradley in South Londonderry, Vermont. Attending the conference were the Applicants by Rhys Evans, Esq. and Mike Peloso, and the State of Vermont by Scott Darling. The Appellants did not appear. At the conference, the Applicants argued that the appeal should be dismissed because the Applicants are being prejudiced by the long delay caused by the Appellant's lack of response or participation.

DECISION

Based upon the Appellant's total unresponsiveness and apparent lack of interest in proceeding with this matter, the Board hereby dismisses this appeal.

Dated at Montpelier, Vermont this 17th day of February, 1987.

ENVIRONMENTAL BOARD

BY: Darby B. Bradley
Darby Bradley, Chairman
Lawrence H. Bruce, Jr.
Ferdinand Bongartz
Elizabeth Courtney
Jan S. Eastman
Samuel Lloyd III
Donald B. Sargent

daw
MD 8B0356
APL13

325.