



Our remand of the site plan, conditional use, and planned unit development proceedings in Docket No. 92-5-07 Vtec, and our remand of the Act 250 proceedings (LUP #6F0583) in Docket No. 116-6-08 Vtec, is hereby AMENDED to require both of the following conditions in both permit proceedings:

- There shall be no sale of gasoline for automobiles on Lot 3 without the permittee, its successors, or assigns first submitting an application for amendment of the underlying permit, and actual receipt and final disposition of all necessary permit amendments, for authority to sell gasoline on Lot 3.

And

- The proposed Wal-Mart discount store shall not devote more than 10,000 square feet of retail floor space (including aisle space) to the sale of food items (i.e., not including paper goods, cleaning items, and other non-edible items commonly available for purchase in both grocery and discount stores) without first submitting an application for amendment of the underlying permit, and actual receipt and final disposition of any necessary permit amendments, for authority to use more than 10,000 square feet of retail floor space in its Wal-Mart discount store to sell such food items.

The Court Manager is hereby directed to note on our original Merits Decision, as well as the electronic copy of it posted on the Vermont Judiciary web site, that we have hereby AMENDED our January 20, 2010 Merits Decision. In all other respects, except as further amended by the Entry Order on Appellant VNRC's motion to amend (also issued today), our January 20, 2010 Merits Decision remains in full force and effect, subject to appeals pending before the Vermont Supreme Court.

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Thomas S. Durkin, Judge	May 3, 2010
	Date

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Date copies sent to: \_\_\_\_\_ Clerk's Initials \_\_\_\_\_

Copies sent to:

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- Attorney Gerald R. Tarrant Esq. (co-counsel for VRNC)
- Attorney Stewart H. McConaughy for Appellee JLD Properties  
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- Attorney John H. Hasen for the Natural Resources Board/LU Panel (FYI only)
- Attorney Judith L. Dillon for the Agency of Natural Resources
- Attorney David A. Barra for Interested Person Town of St. Albans
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