

STATE OF VERMONT

SUPERIOR COURT  
Vermont Unit

ENVIRONMENTAL DIVISION  
Docket No. 155-11-14 Vtec

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Killington Resort Parking Project  
Site Plan Approval

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Judgment Order

The above captioned appeal is currently on inactive status, pursuant to this Court's December 11, 2015 Decision, which was based upon the settlement stipulation filed by the parties in this appeal. Killington/Pico Ski Resort Partners, LLC ("Applicant"), represented in this matter by Christopher D. Roy, Esq., and Pinnacle Condominium Association, Inc. ("Appellant"), represented by Jon S. Readnour, Esq., are the only parties who have appeared in this appeal.

During a Court ordered mediation, the parties reached a settlement of all outstanding legal issues in this appeal. Their settlement was premised upon some revisions to a portion of Applicant's site plan, specifically related to the orientation of the proposed internal Road H and a sidewalk adjoining that Road. Appellant agreed as part of the parties' settlement stipulation to withdraw its objection to the approval of Applicant's site plan application, subject to the Road H and sidewalk revisions being incorporated into this municipal site plan appeal and two related applications also pending on appeal with this Court: Applicant's request for an Act 250 permit for this same Parking Project (In re Killington Resort Parking Project Act 250 Amendment Application, No. 173-12-13 Vtec, in which this Court issued a Merits Decision and Judgment Order on March 24, 2016) and a separate applicant's<sup>1</sup> request for Act 250 permits for several developments within or near the Killington Resort Village Core, approval of certain subdivisions, and partial positive findings upon applicant's Master Plan (In re Killington Village Master Plan Act 250 Application, No. 147-10-13 13 Vtec, in which this Court has today issued a Merits Decision and Judgment Order). As part of its Merits Decision in these two other appeals, the Court has accepted the revised Road H site plans into evidence and incorporated those revised

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<sup>1</sup> SP Land Company, LLC is the applicant in the Killington Village Master Plan Act 250 Application appeal.

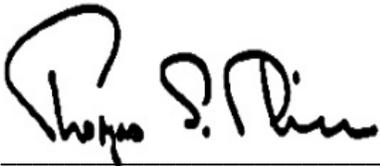
site plans into these Decisions, both of which have approved the respective applications, with conditions.

In light of these determinations, the Court does hereby place this pending appeal (Docket No. 155-11-14 Vtec) back on the Court's active Docket. Based upon the parties' settlement stipulation, the Court accepts and adopts the revised Road H site plans and approves Applicant's site plan application, as revised. All other provisions of the Town of Killington Planning Commission's October 8, 2014 site plan approval that were not challenged by Appellant in this appeal shall remain in full force and effect.

These proceedings are hereby remanded to the appropriate Town of Killington administrative officials, solely for the purpose of completing the remedial acts necessary to issue zoning permits and approvals for the proposed Parking Project, in conformance with this Judgment Order and the unappealed provisions of the Planning Commission's October 8, 2014 Findings of Fact, Conclusions of Law, and Order.

This completes the current proceedings in this Docket before this Court.

Electronically signed at Newfane, Vermont on June 21, 2016 pursuant to V.R.E.F. 7(d).

A handwritten signature in black ink, appearing to read "Thomas S. Durkin". The signature is written in a cursive, somewhat stylized font. It is positioned above a horizontal line that serves as a separator between the signature and the printed name below.

Thomas S. Durkin, Judge  
Environmental Division