

STATE OF VERMONT

SUPERIOR COURT
Vermont Unit

ENVIRONMENTAL DIVISION
Docket No. 110-8-14 Vtec

LeGrand & Scata Variance Application

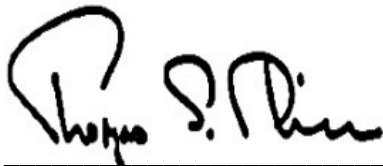
Judgment Order

On November 12, 2015, this Court issued a decision denying summary judgment to Applicants Paul LeGrand and Donna Scata ("Applicants"). In that decision, the Court also gave notice of its intent to enter summary judgment against the pending application, unless one or more parties submitted legal arguments within thirty days as to why the pending application should not be dismissed; the Court also afforded time for replies to any filings, with the final filing deadline occurring on December 28, 2015. See In re Legrand & Scata Variance Application, No. 110-8-14 Vtec, slip. op. at 4 (Vt. Super. Ct., Env. Div. Nov. 12, 2015)(Durkin, J.).

The basic foundation of the Court's reasoning was that it appeared that Applicants had now decided that they did not need to receive a variance for their proposed development and that they wished to convert their variance application into an application for a zoning permit. Id. at 3-4. We rejected Applicants' suggestion as being outside our jurisdictional authority within the pending appeal. Id.

No party has made any filings within the dates directed. We therefore conclude that no party disputes the factual assertions that the Court understands to be undisputed. We therefore **DISMISS** the pending variance application; the consequence of this dismissal is that the decision rendered by the Town of Troy Zoning Board of Adjustment, dated July 22, 2014, denying the variance application has become final.

Electronically signed on January 5, 2015 at Burlington, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Judge
Environmental Division