

State of Vermont
Superior Court – Environmental Division

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ENTRY REGARDING MOTION

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In re Union Bank
(Appeal from District #5 Environmental Commission Decision)

Docket No. 7-1-12 Vtec

Title: Motion to Stay Appeal (stipulated) (Motion 14)

Filed: June 26, 2014

Filed By: Village of Jeffersonville

Attorney: David W. Rugh

Response in support filed on 07/28/2014 by Elizabeth Lord, Attorney for Interested Person
Vermont Agency of Natural Resources

☐ Granted

☐ Denied

☒ Other

The parties have been successful in negotiating certain revisions to the development Union Bank proposes in the Village of Jeffersonville. In order for the proposed redesign of Applicant's development to receive the appropriate review and consideration, the parties have proposed that the Court stay the pending appeal, which concerns an application for an Act 250 permit for the Applicant's original proposed development. The Village of Jeffersonville has filed a motion for stay of the current appeal; no party has expressed an opposition to the Village's motion.

The Court expressed its concern that the amount of time that this appeal will continue to remain open (although stayed), given the time required to complete a land swap that the revised plan requires and to complete the review of an application and plans for the revised project by municipal and state permitting authorities. The Court discussed these concerns with the parties during an August 4, 2014 telephone conference. Based upon the Court's representations, all parties agreed that the current appeal may be dismissed, without prejudice, upon the terms recited below.

Based upon the above, the Court does hereby **DISMISS** the above-referenced appeal, **without prejudice** to the right of any party requesting that this appeal be re-opened. Such a request to reopen must be filed within thirty (30) days of either: (1) denial of any necessary permit; (2) withdrawal or dismissal of any necessary municipal or state land use permit application; or (3) notice of default under the parties' Settlement Agreement.

If a re-opening is granted by the Court, this appeal shall be reactivated, with full effect of all prior orders and party statuses as existed prior to this dismissal. A re-opened appeal shall have this same docket number; no additional filing fee shall be required to re-open this appeal.

Any party who wishes to request a reconsideration of the terms of this dismissal shall file the appropriate motion within ten (10) business days of this Entry Order.

Thomas S. Durkin, Judge

August 7, 2014

Date

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Date copies sent: _____

Clerk's Initials: _____

Copies sent to:

Claudine C. Safar (ERN 3985) and Courtney E. Butler (ERN 5095), Attorneys for Appellant Union Bank

David W. Rugh (ERN 1507), Attorney for Interested Person Village of Jeffersonville

Cross-Appellant Jean Jenkauskas

Gregory J. Boulbol (ERN 1712), Attorney for Interested Person Vermont Natural Resources Board

Elizabeth Lord (ERN 4256), Attorney for Interested Person Vermont Agency of Natural Resources