

STATE OF VERMONT

SUPERIOR COURT
Environmental Division Unit

ENVIRONMENTAL DIVISION
Docket No. 147-10-13 Vtec

Killington Village Master Plan Act 250 Application

ENTRY REGARDING MOTION

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Title: Motion for Withdrawal of Opposition by Pinnacle Condo Assoc. (Motion 13)
Filer: SP Land Company, LLC
Attorney: Christopher D. Roy
Filed Date: November 4, 2015

No response filed

The motion is GRANTED IN PART.

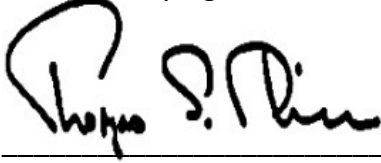
SP Land Company, LLC (“Applicant”) moves this Court to allow for the withdrawal of the opposition presented by Pinnacle Condominium Association, Inc. (“Pinnacle”), subject to the acceptance by the Court of the revised site plans that have been offered in the companion parking project appeal. See In re Killington Resort Parking Project Act 250 Amend. App., No. 173-12-13 Vtec. Pinnacle assents to Applicant’s pending motion, on the condition that the revised site plans are accepted into evidence. Id.

Applicant filed its pending motion on November 4, 2014 and certified that it had served all parties. To date, the Court has not received an objection to Applicant’s motion from any party to this appeal. Based upon the lack of objection and the benefit of the settlement reached between two of the principal parties to this litigation, the Court hereby **GRANTS** Applicant’s requests, subject to the condition that the proposed revised plans in the Parking Project appeal are accepted into evidence.

Given that a final determination on the admissibility of the revised site plan will not be made until after the parties in the Parking Project appeal give notice to the Court on or before January 15, 2015, the Court will suspend the issuance of its Merits Decision in this appeal until after that date. To the extent that notices of no objection to Applicant’s requested admission of the revised site plans are received by the Court prior to January 15th, we will take appropriate action upon the Merits Decision.

So ordered.

Electronically signed on December 11, 2015 at Newfane, Vermont, pursuant to V.R.E.F. 7(d).



Thomas S. Durkin, Judge
Environmental Division

Notifications:

Christopher D. Roy (ERN 1352), Attorney for Appellant/Applicant SP Land Company, LLC

Jon S. Readnour (ERN 2166), Attorney for Interested Person Pinnacle Condo. Association, Inc.

Nathan H. Stearns (ERN 3585), and C. Daniel Hershenson (ERN 3586), Attorneys for Cross-Appellants Stephen Durkee, Mountainside Properties, Inc., Mountainside Development, Inc., Fireside Properties, LLC, and Village Prop. Inc.

Carl H. Lisman (ERN 3882), Attorney for Interested Person Highridge Condominium Owners'

Robert E. Woolmington (ERN 3047), Attorney for Interested Persons Rutland County Regional Planning Comm., Two Rivers Ottauquechee Regional Planning Comm., and South Windsor County Regional Planning Comm.

Melvin B. Neisner (ERN 3792), Attorney for Interested Persons Sherburne Volunteer Fire Dept., Mike Moriaty, Mountain Green Condo Assoc., and Edgmont Homeowners Assoc.

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

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