

**STATE OF VERMONT
ENVIRONMENTAL COURT**

**In re: Bouffard Family PRD
Preliminary Plat**

}
}
}
}

Docket No. 43-3-09 Vtec

Judgment Order

This appeal was taken from the preliminary approval issued on February 5, 2009, by the Village of Essex Junction Planning Commission concerning a 48-unit planned residential development to be located at 216 Maple Street. This appeal was filed on March 6, 2009 by two groups, the first known as the Concerned Neighbors of Essex Junction and the second by a group of ten or more voters or real property owners in the Town of Essex.

At a status conference the Court conducted on February 22, 2010, Judge Durkin suggested that, since the proposed project had only thus far received preliminary plat approval by the Planning Commission, and the parties expressed an interest in attempting to reach agreement upon project modifications that could allay the Appellants' concerns, this appeal could be dismissed in a manner so that a final plat application could be considered and all material issues could be resolved or addressed in a subsequent appeal. The parties concurred with this suggestion.

Therefore, the above-referenced Docket is hereby **DISMISSED**, without prejudice to any party and the claims and responses that could be raised in this proceeding; should an appeal be taken from the Planning Commission's determination on the final plat application, a party here shall not be precluded from asserting in that subsequent appeal a claim or response that they could have asserted in this appeal.

This completes the proceedings currently before this Court in this appeal.

Done at Berlin, Vermont this 5th day of April, 2010.

Thomas S. Durkin, Environmental Judge