

State of Vermont
Superior Court – Environmental Division

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ENTRY REGARDING MOTION

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In re Chelsea Sand Pile Conditional Use Permit,
(Appeal from Town of Chelsea DRB approval)

Docket No. 89-7-12 Vtec

Title: Order in Response to Parties' Settlement Stipulation (Filing No. 4)
Stipulation filed October 23, 2013

Granted Denied Other

This matter had been scheduled for a trial, beginning on October 23, 2013. Prior to trial, the parties advised that they had reached an agreement on how the proposed project may be modified so as to allay the concerns expressed by Appellants and Interested Persons. The parties' agreement envisions that further investigation and possibly engineering services would be needed to complete the investigation of the modifications. In light of this, the parties requested in their Settlement Stipulation that the Court continue the matter and any needed trial until after January 1, 2015.

The Court then held a telephone conference on October 28, 2013 to thank the parties for their efforts at reaching a settlement, but expressed concerns about the length of the suggested continuance. Based upon the Court's expressed concerns, and with agreement of the parties attending the October 28 conference, we do hereby **DISMISS** this appeal, without prejudice to any party petitioning to reinstate this appeal if the terms and expectations of the parties' Settlement Stipulation are not met, **PROVIDED HOWEVER** that any such petition to reinstate the appeal shall be filed no later than **Friday, January 30, 2015**.

Thomas S. Durkin, Judge

November 20, 2013
Date

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Date copies sent: _____

Clerk's Initials: _____

Copies sent to:

- Attorney Jeffrey P. Guevin for Appellants Steven and Millicent Knudsen
- Attorney Peter M. Nowlan for Cross Appellant/Applicant Town of Chelsea
- Caleb Rick, on behalf of Interested Person Petitioner Group of 10