

**State of Vermont
WATER RESOURCES BOARD**

ORDER

**RE: Pinewood Manor, Inc. and BLMW
Docket No. CUD-02-10**

**Authority:
10 V.S.A. §1269 and
Vermont Wetland Rules,
Section 9**

On August 26, 2002, the Commissioner of the Department of Environmental Conservation (DEC), a Department of the Agency of Natural Resources (ANR), issued a Conditional Use Determination (CUD), pursuant to Section 8.1 of the Vermont Wetland Rules (VWR) to Bob Marcotte, Pinewood Manor, Inc. /BLMW (Pinewood Manor), 7 River Road, Unit 1003, Essex Junction, Vermont 05452.

On September 25, 2002, the CUD was appealed to the Water Resources Board (Board) by Duane Peterson, Laura Peterson, Heidi Klein, Steve Goldman, Elma Rickards, Gordon Starkey, Lauren Starkey, Bryan Cressy, Gretchen Garvey, Elizabeth Warren and Todd Warren. The appellants are represented by Stephanie Kaplan, Esq., 1026 Jack Hill Road, East Calais, Vermont 05650. There were no cross-appeals filed in the proceeding.

On October 22, 2002, the Chair of the Water Resources Board scheduled a prehearing conference in this matter for November 6, 2002.

On November 5, 2002 the attorney for the appellants informed the Executive Officer of the Water Resources Board that her clients intend to withdraw their appeal.

On November 6, 2002 the Board's Executive Officer convened the prehearing conference. The applicant and the applicant's attorney were the only attendees at the conference. The Executive Officer noted at the prehearing conference that the appellant's attorney had informed the Board on November 5, 2002 that her clients had decided to withdraw their appeal and a letter would be submitted to the to memorialize the withdrawal.

On November 8, 2002 the Board received a letter from the appellant's attorney officially withdrawing the appeal on behalf of her clients.

Accordingly, the Board Orders:

1. The Board dismisses this appeal with prejudice.

Dated at Montpelier, Vermont, this 18th day of November, 2002.

WATER RESOURCES BOARD
By its Chair

/s/ David J. Blythe

David J. Blythe