

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
Docket No. 59-5-19 Vtec

Capitol Plaza Act 250

JUDGMENT ORDER

Mr. Les Blomberg and Mr. Daniel Costin (Appellants) appeal Act 250 Findings of Fact, Conclusions of Law and Order 5W1591 issued on May 2, 2019 by the District #5 Environmental Commission for the construction of a hotel and neighboring parking garage in the City of Montpelier’s Downtown Development District. The City of Montpelier and Capitol Plaza Corporation, as cross appellant applicants, (collectively, Applicants) moved for partial summary judgment on the basis that the proposed parking garage did not constitute a “development” pursuant to 10 V.S.A. § 6001(3)(A)(v) and is therefore exempt from Act 250 jurisdiction. Appellants and the Natural Resources Board separately moved for summary judgment.

For the reasons described in the Decision on the Motion that accompanies this Judgment Order, the Court concludes that the proposed parking garage is a development for a municipal purpose on less than 10 acres and is therefore exempt from Act 250 jurisdiction. Thus, we **GRANT** Applicants’ motion for partial summary judgement on Question 1 of Applicants’ Statement of Questions. Additionally, we **DENY** both Appellants’ and the NRB’s motions for summary judgment.

This concludes the current proceedings in this matter.

So ordered.

Electronically signed on April 14, 2020 at 01:24 PM pursuant to V.R.E.F. 7(d).



Thomas G. Walsh, Judge
Superior Court, Environmental Division

Notifications:

James A. Dumont (ERN 1948), Attorney for Appellant Les Blomberg

James A. Dumont (ERN 1948), Attorney for Appellant Daniel Costin

Joseph S. McLean (ERN 2100), Attorney for Cross Appellant Capitol Plaza Corporation

David W. Rugh (ERN 1507), Attorney for party 7 Co-counsel

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

Joseph S. McLean (ERN 2100), Attorney for Cross Appellant City of Montpelier