



State of Vermont

AGENCY OF ENVIRONMENTAL CONSERVATION

Montpelier, Vermont 05602

ENVIRONMENTAL BOARD
Schuyler Jackson, Chairman
828-3309

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Division of Environmental Protection
Division of Recreation
Division of Planning
Natural Resources Conservation Council

January 30, 1975

Mr. William A. Bartlett
District Environmental Commission #6
P.O. Box 586
Waterbury, Vermont 05676

Re: Subdivision of Land -
Costes - St. Albans, Vermont

Preliminary Declaratory
Ruling #63

Dear Bill:

Mr. Costes before July 15, 1974 but after June 1, 1970 prepared a plot plan for a tract of land dividing the land into 10 or more lots. Prior to March 5, 1973 Mr. Costes sold two lots and plans to sell the remaining lots as delineated on the plot plan gradually over time.

You have requested a ruling whether the sale of the two lots by Mr. Costes was a subdivision as defined in 10 VSA, section 6001(19) because the sale of the two lots occurred prior to the effective date of Board Rule 2(B)1 of July 15, 1974 which provides that a subdivision is created when:

The sale or offer to sell or lease of the first lot within a tract of land in accordance with a plot plan for all or any part of the tract of land whereby 10 or more lots are delineated.

The issue has been raised a number of times whether the preparation of a plot plan for a tract of land constituted partitioning or division of land within the meaning of 10 VSA section 6001(19):

"subdivision" means a tract or tracts of land.... which have been partitioned or divided for the purpose of resale into 10 or more lots....

The words "partitioned" and "divided" have been consistently construed within the context of the Act to include the

*DO
Permit*

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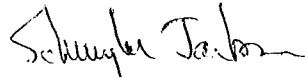
delineation of lots on a plot plan. The purpose of Rule 2(B)1 was to codify this construction and not to establish new limits to jurisdiction.

Therefore, Mr. Costes did create a subdivision after 10 or more lots were laid out on his tract of land on a plot plan and there was an offer to sell one of the lots so delineated.

Any party may object to this preliminary ruling upon filing an objection within seven days, in which event a hearing on the matter will be held on Thursday, February 13, 1975 at 1:30 p.m. at the City Hall, South Burlington.

Thank you for your cooperation in this matter.

Very truly yours,



Schuyler Jackson
Chairman

SJ/h

cc: Parties w/encs.