

STATE OF VERMONT
ENVIRONMENTAL BOARD

RE: TESSIER-DUFF
Burlington, Vermont
Building conversion

DECLARATORY RULING #73
Substantial change
Board Rule 2(G)

The above matter came before the Environmental Board at its meeting on February 11, 1976 on a request for an advisory opinion whether proposed conversion of commercial buildings within the City of Burlington into housing for the elderly was subject to the permit requirements of Act 250.

Appearing before the Board were:

Timothee Tessier, developer and petitioner;
William A. Duff, architect.

The petitioner proposes to rehabilitate two buildings in Burlington located on College Street into 66 units of housing for the elderly. The buildings are currently used for storage and warehousing; the buildings have been previously used for commercial and manufacturing purposes (distillery). The floor space of the buildings at this time is essentially open. The buildings are located in close proximity and will be connected by a common elevator shaft serving the residents of both buildings. Work required for conversion includes repointing the exterior of the buildings and installation of partitions, plumbing and wiring.

According to the 1970 U.S. Census, the City of Burlington had a population of 38,633 and 12,025 housing units.

The conversion of the buildings is subject to the approval of the City of Burlington under its planning and regulatory controls.

10 V.S.A. §6081(b) exempts developments from the requirements of the Act in existence at the time of the effective date of the Act unless there is a substantial change made to the development. Rule 2(G) of the Environmental Board defines substantial change to mean any change in a development which may result in significant impact under any of the Act 250 criteria.

The work to be undertaken to convert the buildings does constitute construction of improvements within the meaning of Act 250 - see Board Rule 2(D); however, the Board concludes that the conversion of existing buildings into 66 units of housing for the elderly within the City of Burlington presents little or no possibility of a significant impact under Act 250.


Therefore, the Board finds that the proposed construction of improvements described above does not constitute a substantial change and no permit under Act 250 is required.

This ruling will become final on March 10, 1976 unless an objection is filed with the Board.

Dated at Montpelier, Vermont this 1st day of March, 1976.

ENVIRONMENTAL BOARD

By


Schuyler Jackson
Chairman

Board members participating
in decision: Dr. James W. Marvin,
John D. Veller, William D. Country-
man, Robert E. Broderick, Schuyler
Jackson.

CERTIFICATE OF SERVICE

I hereby certify that I, Schuyler Jackson, Chairman of the Environmental Board, sent a copy of the foregoing Declaratory Ruling #73 - Tessier-Duff - by U.S. Mail on this 1st day of March, 1976 to the following:

Mr. Timothee Tessier
2 Burlington Square
Burlington, Vermont 05401

Mr. William A. Duff
P.O. Box 7
Essex Junction, Vermont 05452

Board of Aldermen
City of Burlington
City Hall
Burlington, Vermont 05401

Burlington Planning Commission
c/o Mr. Randy Kamerbeek - City Hall
Burlington, Vermont 05401

Arthur H. Hogan, Jr., Executive Director
Chittenden County Regional Planning Commission
P.O. Box 108
Essex Junction, Vermont 05452

Stephen B. Sease, Administrator
Land Use and Development
Agency of Environmental Conservation
Montpelier, Vermont 05602

Curtis W. Carter, Coordinator
District #4 Environmental Commission
111 West Street
Essex Junction, Vermont 05452

Dated at Montpelier, Vermont this 1st day of March, 1976.

ENVIRONMENTAL BOARD

By


Schuyler Jackson
Chairman