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November 11, 1971

Mr. Norman J. Bernstein, Esq.
Ulbrich & Bernstein
Henry Office Building
Chester, Vermont 05143

Dear Mr. Bernstein:

To confirm the Environmental Board's verbal decision to you on your request for a declaratory ruling on the exempt status of Thompsonburg, Inc., a condominium development in the Town of Londonderry, the Board voted unanimously, with one abstention, at a meeting on November 10, 1971, in favor of the following order:

"Whereas, Thompsonburg, Inc. is proposing to construct a condominium complex in the Town of Londonderry; and

"Whereas, said improvements constitute a development within the meaning of 10 VSA Chapter 151; and

"Whereas, no permit has been granted to Thompsonburg, Inc. pursuant to 10 VSA Chapter 151; and

"Whereas, Thompsonburg, Inc., formerly known as Derry Meadows, Inc., commenced construction of two condominium units prior to the effective date of 10 VSA Chapter 151; and

"Whereas, Derry Meadows, Inc. received a letter from the Agency of Environmental Conservation on July 14, 1970 indicating Derry Meadows, Inc. was an existing subdivision under the regulations of the Board of Health, and, therefore, no permit would be required pursuant to those regulations, nor would a permit be required under 10 VSA Chapter 151 for said subdivision; and

"Whereas, condominium complexes are defined as 'subdivisions' under the Board of Health regulations, but are defined as 'developments' under 10 VSA Chapter 151; and

"Whereas, Thompsonburg, Inc. proceeded to construct a commercial unit on its tract of land in the Town of Londonderry after the effective date of 10 VSA Chapter 151 and without a permit pursuant thereto on the assumption none was required by virtue of the letter from the Agency of Environmental Conservation; and

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"Whereas, the Vermont Environmental Board heard oral arguments on the request from Thompsonburg, Inc. for a declaratory ruling on the status of Thompsonburg, Inc.;

"Therefore, it is hereby ordered that the condominium complex proposed by Thompsonburg, Inc. is a development and not a subdivision under 10 VSA Chapter 151, but that the content of the letter sent by the Agency of Environmental Conservation could be misinterpreted;

"And it is further ordered that Thompsonburg, Inc. may finish construction of the commercial unit currently under construction;

"And it is further ordered that any further development by Thompsonburg, Inc. on said tract of land shall not be commenced until a land use permit has been granted pursuant to 10 VSA Chapter 151."

If I can be of any further assistance to you, please feel free to contact me.

Sincerely,

ROBERT S. BABCOCK, JR.
Executive Officer
Vermont Environmental Board

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