

STATE OF VERMONT

DECLARATORY RULING

Re: Shelburne Home for the
Elderly
Shelburne, Vermont

Environmental Board
Montpelier, Vermont
May 12, 1972

WHEREAS, Lang Associates, Inc., 507 Shelburne Road, Burlington, Vermont, requested a declaratory ruling on whether the conversion of an existing building for use as a home for the elderly required a permit under 10 VSA, Chapter 151; and,

WHEREAS, the land involved is located on the west side of Harbor Road and encompasses about 6 acres in size; and,

WHEREAS, no construction will be done except within the existing building, and except for the installation of a septic system which is subject to the Public Buildings Regulations for the State of Vermont; and,

WHEREAS, the Town of Shelburne has both permanent zoning and subdivision regulations; and,

WHEREAS, 10 VSA, § 6001 (3) states that:

"'Development' means the construction of improvements on a tract or tracts of land, owned or controlled by a person, involving more than 10 acres of land within a radius of five miles of any point on any involved land, for commercial, or industrial purposes."; and,

WHEREAS, 10 VSA, § 6001 (3) states that:

"The word 'development' shall mean the construction of housing projects such as cooperatives, condominiums, or dwellings, or construction or maintenance of mobile homes or trailer parks, with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land.";

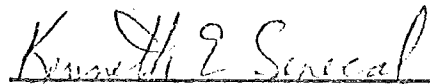
NOW, THEREFORE, the Environmental Board rules that no permit shall be required in that:

(1) The proposed home for the elderly is not a development in that it does not involve more than 10 acres of land in a town with both permanent zoning and subdivision regulations; and,

(2) Since the structure already exists and construction will be confined to the interior, the project does not represent the "construction" of a housing project or dwelling with 10 or more units.

Dated at Montpelier, Vermont this 12th day of May, 1972.

FOR THE ENVIRONMENTAL BOARD



KENNETH E. SENECHAL
Executive Officer