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STATE OF VERMONT

DECLARATORY RULING

Re: Kurn Hattin Homes
Westminster, Vermont

Environmental Board
Montpelier, Vermont
May 12, 1972

WHEREAS, Kurn Hattin Homes of Westminster, Vermont, presently operates an educational facility which accommodates 90 to 100 boys; and,

WHEREAS, Kurn Hattin Homes plans to construct 8 cottages to house these boys; and,

WHEREAS, the tract of land involved is in excess of 10 acres in size; and,

WHEREAS, the Town of Westminster does not have both permanent zoning and subdivision regulations; and,

WHEREAS, Kurn Hattin Homes contends that no permit is required pursuant to 10 VSA, § 6081, in that:

- (1) The cottages are for educational purposes;
- (2) The proposed construction is not within the intent of 10 VSA, Chapter 151;
- (3) Kurn Hattin Homes predates 10 VSA, Chapter 151; and,

WHEREAS, upon notification, John F. Watson, Director of Kurn Hattin Homes, and Gordon R. Ingram, architect for Kurn Hattin Homes, appeared before the Environmental Board on April 19, 1972;

NOW, THEREFORE, the Environmental Board rules that a permit must be filed pursuant to 10 VSA, Chapter 151, in that:

- (1) The construction of 8 cottages to house 90 to 100 boys is a development according to 10 VSA, § 6001 (3) wherein it states that:

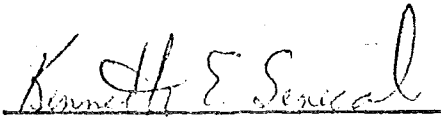
"Development' shall also mean the construction of improvements for commercial or industrial purposes on more than one acre of land within a municipality which has not adopted permanent zoning and subdivision bylaws."; and,

(2) Rule 2 (a) (2) of the Rules and Regulations of the Environmental Board states that:

"Commercial or industrial purposes' shall mean any use, for profit or not for profit, except for a family residence."

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

FOR THE ENVIRONMENTAL BOARD


KENNETH E. SENECHAL
Executive Officer