

file 2

STATE OF VERMONT

DECLARATORY RULING

Re: The Swiss Ski Club of) Environmental Board
New York, Inc.) Montpelier, Vermont
) July 5, 1972

WHEREAS, Canute Dalmasse, District Coordinator for District #5, requested that the Environmental Board determine whether the Swiss Ski Club of New York, Inc. is required to obtain a permit under 10 VSA, § 6001 et seq.; and

WHEREAS, Lothar Genge appeared before the Environmental Board on June 26, 1972; and

WHEREAS, Mr. Genge requested that the Board declare that the Swiss Ski Club, Inc. be considered exempt in that it is not a commercial development, or in the event that the Board ruled that it was a commercial development, that the Board allow the Swiss Ski Club to commence construction without a permit; and

WHEREAS, the Swiss Ski Club proposes to construct a facility on more than one acre of land in the Town of Waitsfield, Vermont, which town does not have both permanent zoning and subdivision bylaws; and

WHEREAS, 10 VSA, § 6001, subsection 3, definition two states that "'Development' shall 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

WHEREAS, Rule 2 (a) (2) of the Rules and Regulations of the Vermont Environmental Board states that "'Commercial or industrial purposes' shall mean any use, for profit or not for profit, except for a family residence."; and

WHEREAS, the proposed building would be to accommodate twenty to thirty people and comprise an area of seventy (70) feet in length by thirty-two (32)

feet in width and be two stories high; and

WHEREAS, 10 VSA, § 6081 (a) states "No person shall sell or offer for sale any interest in any subdivision located in this state, or commence construction on a subdivision or development, or commence development without a permit.";

NOW, THEREFORE, the Environmental Board denies both requests by the Swiss Ski Club, Inc. in that the proposed construction is a development as defined in 10 VSA, Chapter 151, and by the Rules and Regulations of the Environmental Board, and that no construction on a development within the State of Vermont may begin without first complying with 10 VSA, § 6081.

Dated at Montpelier, Vermont this 5th day of July, 1972.

FOR THE ENVIRONMENTAL BOARD



KENNETH E. SENECHAL
Executive Officer