

STATE OF VERMONT
ENVIRONMENTAL BOARD

RE: LAWRENCE FOWNES PROJECT
Whitingham, Vermont

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW
DECLARATORY RULING #74

The above petition came before the Environmental Board for hearing on April 14, 1976.

Appearing before the Board were:

James H. Rifkin, Esq., representing the Town of Whitingham, petitioner;
Timothy J. O'Connor, Jr., Esq., representing Lawrence Fownes, property owner;
Stephen B. Sease, Esq., representing the Agency of Environmental Conservation.

The issue before the Board is whether a certain road located on property owned by Lawrence Fownes to provide access to a subdivision was constructed and in existence prior to June 1, 1970, the effective date of the permit requirements of Act 250, Chapter 151 of Title 10.

FINDINGS OF FACT

1. Lawrence Fownes proposes to divide into 8 lots certain property owned by himself located on Lake Sadawga in the Town of Whitingham. The plan for the subdivision is shown on petitioner's 3(C). Fownes represents that deeds will contain covenants which will prohibit resubdivision of lots.

2. The road located on the property as shown on petitioner's 3(C) and on a 1970 aerial photograph (Fownes 1 and 2) was constructed by Haynes Brothers, Inc. in 1965 (Fownes 3).

3. Fownes has not constructed improvements for a road or roads on the property while owned by himself at any time after June 1, 1970.

OCT. 4 1978

74

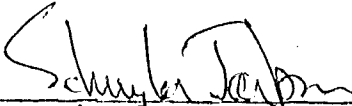
CONCLUSIONS OF LAW

The road to serve the proposed 8 lot subdivision is exempt from the permit requirement of Act 250 under the provisions of 10 V.S.A. §6081(b) by being a development which was commenced prior to June 1, 1970 and was completed by March 1, 1971.

Dated at Montpelier, Vermont this 14th day of April, 1976.

ENVIRONMENTAL BOARD

By


Schuyler Jackson
Chairman

Members participating:
Schuyler Jackson, Dr. James W.
Marvin, Margaret Garland and
William D. Countryman.

CERTIFICATE OF SERVICE

I hereby certify that I, Schuyler Jackson, Chairman of the Environmental Board, sent a copy of the foregoing Findings of Fact and Conclusions of Law by U.S. Mail on this 19th day of April, 1976, to the following:

James H. Rifkin, Esq.
South Main Street
P.O. Box 427
Wilmington, Vermont 05363

Timothy O'Connor, Jr., Esq.
40 Western Avenue
Brattleboro, Vermont 05301

William Schmidt, Executive Director
Windham Regional Planning &
Development Commission
139 Main Street
Brattleboro, Vermont 05301

Whitingham Planning Commission
Whitingham
Vermont 05361

Board of Selectmen
Town of Whitingham
Whitingham, Vermont 05361


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

Paul A. Nergaard, Coordinator
District #2 Environmental Commission
P.O. Box 275
North Springfield, Vermont 05150

Dated at Montpelier, Vermont this 19th day of April, 1976.

ENVIRONMENTAL BOARD

BY


Schuyler Jackson
Chairman