

D.R. FA

August 7, 1970

Mr. James Pizzagalli, Treasurer
Pizzagalli Construction Company
Joy Drive
South Burlington, Vermont 05401

Dear Jim:

Pursuant to our telephone conversation this date, this letter is to inform you that the Attorney General's office concurs in the opinion that your two Housing for the Elderly Projects in Burlington and Winooski are not exempt from the provisions of Act 250 of the 1970 Legislature.

In this regard, your attention is directed to Section 2 (3) which reads: "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." As you can see, there is no acreage requirement on this definition of "development."

The Attorney General's office also feels that these projects would not be exempt under the criteria of involving less than 10 acres of land and are to be used for municipal or state purposes. The feeling here being that these "turnkey" projects are not under the definition of "municipal or state purposes."

It should be noted, that the Rules and Regulations of the Environmental Board allow for declaratory rulings "as to the applicability of any statutory provision or any rule or order of the Board or District Commissions." If you feel this case merits such a ruling, thereby determining the status of your projects, please be assured that this matter will be

Mr. James Pizzagalli

-2-

August 7, 1970

handled expeditiously.

If I can be of further assistance, please let me know.

Sincerely,

Robert S. Babcock Jr., Executive Officer
Environmental Board

RSB/sa

cc: Donald Webster, Director Environmental Protection Division
Agency of Environmental Conservation

Steele Griswold, Chairman, Chittenden District Commission

Brian Lloyd, Coordinator, Chittenden District Commission

Martin Miller, Assistant Attorney General