

STATE OF VERMONT
ENVIRONMENTAL BOARD
10 V.S.A. CHAPTER 151

RE: Burtek, Inc. Findings of Fact, Conclusions
c/o James A. Loney of Law and Order of Dismissal
156 Vernon Street Land Use Permit #2W0501-EB
Brattleboro, Vermont 05301
and
Brattleboro Housing Authority
Melrose Terrace
Brattleboro, Vermont 05301

On June 22, 1981, adjoining property owners, Michael Henry, Paul Normandeau, and Maurice Rondeau d/b/a P&R Associates, filed an appeal from Land Use Permit #2W0501 with the Environmental Board. District #2 Environmental Commission granted a permit on May 20, 1981 to applicants, Burtek, Inc. and Brattleboro Housing Authority, to construct a seven-story, 60-unit highrise for the elderly with a parking lot, to be located on one acre in the Town of Brattleboro, Vermont. A pre-hearing conference was held on this matter on July 9, 1981, Chairman Leonard U. Wilson presiding.

On July 27, 1981, the parties submitted a stipulation in an attempt to resolve the issues under appeal. Parties requested the Board to incorporate into the permit the terms contained in the stipulation.

Under the provisions of the Administrative Procedure Act, 3 V.S.A. §809(d), the parties to a contested case may make informal disposition of the case by stipulation, unless otherwise precluded by law. On July 28, 1981 the Board reviewed the stipulation, and made the following findings and conclusions:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Board finds that the parties agreed to the addition of two conditions to Land Use Permit #2W0501 that would govern the use and development of the site. The remaining conditions govern the use and development of land outside the project site, and not within the ownership or control of the applicants, Burtek, Inc. and Brattleboro Housing Authority.
2. The Board concludes Conditions #1 and #3 of the stipulation are relevant to the criteria under Act 250 and will be incorporated in substance into the terms and conditions of Land Use Permit #2W0501. The remaining conditions of the stipulation are not relevant to the criteria of Act 250 and will not be incorporated into the permit.

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3. The Board concludes that the project described in Land Use Permit #2W0501 and Amendment #2W0501-1-EB, if completed and maintained according to the terms and conditions contained in those permits, and in conformance with the associated Findings of Fact and Conclusions of Law, will not cause or result in a detriment to the public health, safety or general welfare under the criteria described in 10 V.S.A. §6086(a).

ORDER

Accordingly, it is hereby ordered that the above Findings of Fact shall be added to those issued by the District Environmental Commission and the conditions of Land Use Permit Amendment #2W0501-1-EB, as determined by the Environmental Board, shall be added to the conditions of Land Use Permit #2W0501, as issued by the District Commission. Jurisdiction over this permit shall be returned to the District Commission.

Dated at Montpelier, Vermont this 5th day of August, 1981.

ENVIRONMENTAL BOARD

By *Jan S. Eastman*
Jan S. Eastman
"Executive Officer

Members participating
in this decision:
Leonard U. Wilson
Ferdinand Bongartz
Lawrence H. Bruce, Jr.
Melvin H. Carter
Warren Cone
Roger N. Miller