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ENVIRONMENTAL BOARD  
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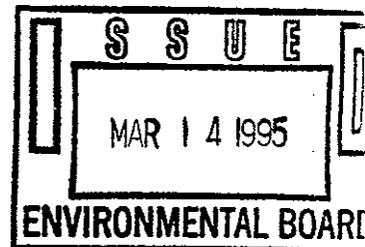
DATE: March 14, 1995  
TO: Parties  
FROM: Arthur Gibb, Acting Chair  
RE: Department of State Buildings and Vermont State Colleges  
Land Use Permit Amendment #3R0581-4-EB (Reconsidered) (Corrected)

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Pursuant to Rule 31(A) a change has been made to the above-referenced decision to correct manifest error. Specifically, Finding of Fact #13 has been restored to read as it did when the Board first issued a decision in this matter on November 10, 1994. The enclosed "reconsidered" decision supersedes the previous "reconsidered" decision issued on March 3, 1995.

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VERMONT ENVIRONMENTAL BOARD  
10 V.S.A. Chapter 151



Re: Department of State Buildings  
and Vermont State Colleges, #3R0581-4-EB

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (RECONSIDERED)

This decision pertains to an appeal of a permit issued for the construction of a building at Vermont Technical College and the associated demolition or removal of an historic structure, known as the Langevin House, on the project site. The decision is issued in the context of Section 7(b)(5) of Act 233 of the last biennium which authorizes such demolition or removal notwithstanding the structure's being on the state register of historic places. It is also issued in the context of Section 7(b)(6) of Act 233, which authorizes the construction of the project on the site of the historic structure.

As is explained below, the Environmental Board concludes that Section 7(b)(5) does not deprive the Board of all jurisdiction to impose conditions relating to the historic structure and that the Board may issue such conditions as are consistent with the purpose of Sections 7(b)(5) and 7(b)(6). The Board further concludes that the proposed demolition or removal constitutes an undue adverse effect on an historic site but that the Board may not, consistent with Sections 7(b)(5) and (6), prohibit or postpone such demolition or removal beyond a deadline specified in Section 7(b)(5). The Board requires that the structure be documented and its components be labelled and stored.

I. SUMMARY OF PROCEEDINGS

A. Proceedings through November 1994 Decision

On June 8, 1994, the District #3 Commission received land use permit application #3R0581-4 from the Department of State Buildings and Vermont State Colleges (the Applicants). The application is for the construction of a 2,400 square-foot wood-framed single story building to house a lab and storage garage at Vermont Technical College. Involved in the project is the removal or demolition of a farmhouse located on the construction site.

On June 17, 1994, the District Commission issued a notice of application and hearing. The notice stated that the District Commission was treating this application as a minor under Board Rule 51 and attached a proposed permit. Parties were given an opportunity to request party status and a hearing.

On July 6, 1994, the District Commission sent copies of the notice to several adjoining landowners, including John Farrow, with a cover memo stating that it had just received information that the landowners own property adjoining the project.

On July 15, 1994, Rachi **Farrow** filed a request for a hearing with respect to the project's compliance with 10 V.S.A. § 6086(a)(8) (historic sites) and (9)(H) (scattered development). With regard to Criterion 8, Ms. **Farrow** asserted that the farmhouse to be developed is an historic site formerly owned by Bernard Langevin.

On July 26, 1994, the District Commission issued Land Use Permit #3R0581-4, authorizing the Applicants to remove the Langevin House and to construct the single-story building. The permit includes Condition #8, which provides:

The historic farmhouse shall not be demolished until December 1, 1994; every effort shall be made prior to save the house by moving it to a suitable off-site location or by constructing the proposed building adjacent to the house, if possible.

Also on July 26, District #3 Coordinator Robert Sanford sent Ms. **Farrow** a letter "on behalf of the District 3 Environmental Commission" stating that there would not be a hearing on her request.

On August 17, 1994, Ms. **Farrow**, Elizabeth **LaFrance**, Joan Sax, and the Friends of Langevin House (collectively, the Appellants) filed an appeal and motion for a stay with the Environmental Board. The appeal raises 10 V.S.A. § 6086(a)(1)(B) (waste disposal), (8) (historic sites), and (9)(F) (energy conservation).

After notice to parties and an opportunity for written comments, by memorandum of August 25, 1994 the Board declined to issue a stay "because Condition #8 of Land Use Permit #3R0581-4 prohibits demolition of the historic farmhouse in question until December 1, 1994." The Board stated that it would endeavor to process this appeal in such a manner that the appeal is decided and a decision is issued prior to December 1, 1994. The August 25 memorandum is incorporated by reference.

On September 12, 1994, Board Chair Arthur Gibb convened a prehearing conference in Montpelier. During the prehearing conference the Appellants filed, among other items, a request for party status and a motion for appearance of witnesses. During the **prehearing** conference, Chair Gibb made a preliminary ruling pursuant to Rule 16(B) that the Appellants were granted party status with respect to Criteria 1(B), 8 (historic sites), and 9(F).

Because the Applicants stated on September 12 that they did not oppose the motion for appearance of witnesses, the Board deliberated concerning the motion on September 14, 1994. By memorandum of September 21, 1994, Chair Gibb informed the parties of the Board's decision. The September 21 memorandum is incorporated by

reference.

On September 21, 1994, in addition to the above-referenced memorandum, the Chair issued a prehearing conference report. The report is incorporated by reference. Among other things, the report stated the Chair's preliminary ruling regarding the Appellants' party status and stated that parties had one week to file any objections to that ruling. No objections to the ruling were filed by September 28, 1994.

On September 27, 1994, the Appellants filed a letter concerning the scope of allowed evidence under Criterion 8. On September 29, the Chair sent a reply, which is incorporated by reference.

On October 3, 1994, the Applicants filed a motion to dismiss this appeal for lack of jurisdiction. On October 4, Chair Gibb sent the Applicants a letter concerning the processing of their motion. The Chair's October 4 letter is incorporated by reference.

During October 1994, parties filed lists of witnesses and exhibits, prefiled testimony, and proposed findings of fact and conclusions of law. On October 20, the Applicants filed a written objection to some of the Appellants' prefiled testimony. On October 25, the Chair convened a second prehearing conference with all parties participating.

On October 26, 1994, the Board convened a hearing in Randolph, with the following parties participating:

The Department of State Buildings by William Rice, Esq.  
Vermont State Colleges by Stanley Carpenter, Esq.  
The Appellants by Marc Eagle, Esq.

After hearing argument on the motion to dismiss, taking a site visit, ruling on the Applicants' October 20 objection, and hearing testimony, the Board recessed pending review of the record, deliberation, and decision.

The Board deliberated concerning this matter following the hearing on October 26, 1994 and decided that this matter was ready for decision.- On November 10, the Board issued a permit and supporting findings of fact and conclusions of law.

B. Motions to Reconsider

On December 5, 1994, the Applicants filed a motion to reconsider the November 1994 decision. On December 12, the Appellants filed a motion for reconsideration. On

January 16, 1995, the Applicants filed a response.

The Board deliberated concerning the motions on January 26, 1995, and made the following decisions:

- a. The motions to reconsider are appropriate under Rule 31(A).
- b. The Board will alter Finding of Fact 17 concerning use of the historic site in **connection** with a nearby veterans' cemetery, and will delete a sentence from the Conclusions of Law on page 12 regarding the Applicants' failure to seek such a use for the site.
- c. The Board will remove a condition contained in the November 1994 permit prohibiting demolition or removal of the historic structure until June 1, 1995 and will add a condition pertaining to storage and documentation of the historic structure.
- d. The Board will alter a condition contained in the November 1994 **permit** which required the Applicants to obtain a permit amendment should **Section 7(b)(5)** ever cease to be law. On reconsideration, the Board believes such requirement to be unnecessary. However the Board will continue to include a condition which states: Should Section **7(b)(5)** cease to be law at any time, any authority contained in Land Use Permit #3R0581-4 and Land Use Permit Amendment #3R0581-4-EB (Reconsidered) for the demolition or removal of the House shall be void.

The Board also will clarify a reference in the conclusions of law on page nine to a Supreme Court case. The motions to reconsider otherwise are denied.

To the extent any proposed findings of fact and conclusions of law are included below, they are granted; otherwise, they are denied.

## II. ISSUES

The issues raised by the notice of appeal and the parties in this matter are as follows:

- a. Whether to grant, grant in part, or deny the motion to dismiss filed by the Applicants.

Depending on the decision regarding the motion to dismiss:

- b. Whether the proposed project complies with Criterion 1(B) (waste disposal).
- c. Whether the proposed project complies with Criterion 8 (historic sites).
- d. Whether the proposed project complies with Criterion 9(F) (energy conservation).

### III. FINDINGS OF FACT

1. The Department of State Buildings and the Vermont State Colleges (the Applicants) proposed and have constructed a 2,400 square foot building (the Building) on Furnace Street in the Town of Randolph on property belonging to the Vermont Technical College.
2. Two-thirds of the Building is lab space for the Construction Practices and Management Program at the College. The other third of the building will be used for storage of maintenance equipment for use at the Veterans Memorial Cemetery, which is adjacent to the site of the Building.
3. The Building is located at the site of the so-called "Langevin House." The Applicants plan to demolish or remove the Langevin House as part of the project.
4. The Langevin House, the Building, and Vermont Technical College are within the area of the Town of Randolph known as Randolph Center.
5. The Langevin House is listed on the state register of historic places.
6. The Langevin House is historically significant as one of the early houses of Randolph Center. It was built around 1804 by Tilton Eastman, who served as minister to the Randolph Center Congregational Church. After his death the property was put into agricultural use. Around 1910, the house came into the possession of the Langevin family, who lived in the house and farmed the property until 1987.
7. The architecture of the Langevin House and is of the Federal style with a hip-roof. The Federal style was a common type of architecture in Randolph in the early 1800s. Although there have been several modifications to the Langevin House in past years, the House is the only house of this architectural type

remaining in Randolph which has not been modified beyond recognition of the Federal style.

8. The Langevin House was constructed during the early period of the development of Randolph Center. The House is the only remnant of a small settlement that once existed along the stage route which ran from Boston, through Randolph Center, to Montreal.
9. The setting of the Langevin House is important to appreciating the historic nature of the House. The House, in its setting, represents a way of life, style of architecture, construction, and workmanship that is a part of history that is important to Randolph and to Vermont. In addition, the Langevin House is a farm house set in surrounding hills and valleys that were the source of income when the property was an active farm.
10. Setting is what gives an historical property its context. That context is important to understanding the history of the property. It contributes to the public's ability to understand or appreciate the property. Important information is lost if an historic building is removed from its place in the landscape.
11. The following is a list of treatments for an historic property in descending order of desirability:
  - a. Preservation of a property in place in its historic setting. This is the best way to allow the public to appreciate a property.
  - b. Moving a property to another location close to the original location and within the same setting. This allows the public to appreciate the structure in its setting but the use of the building and the relationship to the land may be obscured.
  - c. Moving a property to a similar setting nearby. This will confuse the understanding of the building's history but allows isolated appreciation of the style, construction, and materials of the building.
  - d. Moving a property to a distant and dissimilar setting. This takes the property entirely out of context and only allows appreciation of the style, construction, and materials of the building.

- e. Dismantling, documenting, and storing a property for later use. This destroys much historic material in the house and only keeps major elements. It allows appreciation by the public if the house is reassembled, and reassembled accurately.
  - f. Demolition. All ability of the public to appreciate the actual property is lost. Documentation may provide some ability to appreciate what has been lost.
12. The Applicants have advertised and sought people who are willing to move the house to a suitable alternative site. To date, they have not found such a person.
  13. If the Applicants cannot find a person to move the house to an alternative site, they will take the house apart, catalog and label all salvageable materials, and store those materials against the future possibility that someone will be willing to reassemble the House on a suitable alternative site. The Applicants also will photograph and document the House.
  14. The Applicants have constructed the Building on the site of the Langevin House immediately behind the House. To do this, they demolished an addition to the house which had been built sometime during the nineteenth century, and built the Building on the site of the addition.
  15. The Building is a one-story structure of modern design with a peaked, standing-seam roof and shiplap siding. There is no evidence that the Applicants designed the Building to be compatible with the Langevin House. Given the Applicants' plan to demolish or remove the Langevin House, the Board infers that the Applicants did not design the Building to be compatible with the House.
  16. The Building is on a tract owned by the Applicants consisting of approximately 680 acres. The Applicants have made no effort to find another location for the Langevin House within those acres.
  17. While suggestions have been made to renovate the Langevin House and use it as a visitor's center for the adjacent veterans' cemetery, such use is not practical because an advisory board which oversees the cemetery has voted not to use the House for such a center.
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IV. CONCLUSIONS OF LAW

A. Motion to Dismiss

The Applicants move that the Board dismiss this appeal for lack of jurisdiction. They have advanced two separate arguments. The first argument applies to Criterion 8 (historic sites). The second argument applies to Criteria 1(B) and 9(F). Having reviewed each argument, the Board denies the motion with regard to Criterion 8, and grants the motion with respect to Criteria 1(B) and 9(F).

1. Decision on Dismissal of Criterion 8 (Historic Sites)

Regarding the historic sites criterion, the Applicant contends that the General Assembly exempted this project from Act 250 review. This argument is based on Sections 7(b)(5) and 7(b)(6) of Act 233, passed in the last biennium. These sections are part of the so-called capital construction bill, which each year authorizes various state building projects. The sections provide:

(5) Randolph, Vermont Technical College, removal of the "Langevin House" from its present site on or before January 1, 1995, **notwithstanding any status the building may have on a public register of historic places**, either by making a gift of the structure to a party willing to remove it, or by demolition.

(6) Randolph, Vermont Technical College, on **site of former "Langevin House,"** build structure for use by the college construction and management program, and for use by the-Vermont Veterans' Cemetery.

1994 Vt. Laws. No. 233 § 7 (Adj. Sess.) (emphasis added).

The Applicants argue that the phrase regarding "notwithstanding" being on a "public register of historic places" demonstrates that the legislature mandated that this project occur and be exempt from review under 10 V.S.A. § 6086(a)(8), which provides, in relevant part, that before issuing a permit the Board or district commission must find that a proposed project will not have an "undue adverse effect on ... historic sites." As used in Criterion 8, the term historic sites means:

[A]ny site, structure, district or archeological landmark which has been officially included in the National Register of Historic Places and/or the state register of historic places or which is established by testimony of the Vermont Advisory Council on Historic Preservation as being historically significant.

10 V.S.A. § 6001(9).

In response to the Applicants' arguments, the Appellants contend that Section 7(b)(5) of Act 233 is unconstitutional and ask that the Board so rule. However, administrative bodies such as the Board do not have the power to declare statutes invalid. Such power is reserved to the courts. Westover v. Village of Barton Electric Department, 149 Vt. 356,359 (1988).

While the Board will not pass on the constitutionality of Section 7(b)(5), the Board denies the Applicants' motion with respect to Criterion 8 because the Board concludes that Section 7(b)(5) does not deprive the Board of jurisdiction to review the project for compliance for Criterion 8. Instead, Section 7(b)(5) prevents the Board, after engaging in such a review, from denying the application on the basis of the site's being on a public historic register, or from conditioning the permit in a manner which prohibits the ultimate demolition or removal of the Langevin House from the site. However, the Board may impose conditions to mitigate any undue adverse effect the demolition or removal may have on the historic site, provided that such conditions are consistent with Sections 7(b)(5) and (6).

The Board reaches this conclusion for several reasons. First, Act 233 does not reference or repeal 10 V.S.A. Chapter 151 (Act 250) in general, or specifically Criterion 8. Further, Act 233 does not reference or repeal 10 V.S.A. § 6086(c), which authorizes the Board to impose such conditions as appropriate to the Act 250 criteria and are within the police power.

Second, the Applicants do not contend that an Act 250 permit is not required for the proposed project under 10 V.S.A. § 6081(a). In fact, the Applicants would be precluded from making such a contention following issuance of a decision by the Board because they did not appeal the permit issued by the District Commission on jurisdictional grounds and they have not raised an argument before the Board that no permit is required. In re Demo, 158 Vt. 230, 234-35 (1992).

Third, the Applicants do not contend that Criterion 8 was not raised before the District Commission or that this appeal was not timely filed. In fact, Criterion 8 was raised before the District Commission by appellant Rachi Farrow and the District Commission imposed Conditions #8 and #9 regarding the historic site. Moreover, the Appellants filed an appeal of the District Commission's decision within 30 days in accordance with 10 V.S.A. § 6089(a) and Rule 40(A).

Finally, the Applicants cite rules of statutory construction designed to aid the decision-maker in determining the intent of the legislature. For example, the Applicants

contend that Section 7(b)(5) is more specific than Criterion 8, and that more specific statutes control over the more general. Similarly, the Applicants argue that Section 7(b)(5) was enacted later in time than Criterion 8, and that subsequent statutes control over prior statutes.

However, the rules of construction cited by the Applicants are designed to assist the decision-maker in resolving statutes that are in conflict. State v. O'Connell, 135 Vt. 182, 184 (1977), appeal after remand 136 Vt. 43 (1978). Another rule of statutory construction is that, whenever possible, laws should be construed to harmonize. State Agency of Natural Resources v. Riendeau, 157 Vt. 615, 620 (1991).

Further, no rule of statutory construction constitutes an inflexible mandate. The primary purpose of statutory construction is to determine and give effect to the intent of the legislature. In re C.S., 158 Vt. 339, 343 (1992).

Based on the language of Sections 7(b)(5) and 7(b)(6) as quoted above, including particularly the emphasized portions, the Board concludes that the **purpose** of the "notwithstanding" language was simply to authorize the demolition or removal of the Langevin House in order to allow the Applicants to build the construction practices and management lab. This of necessity involves a limit on how the Board can exercise its authority under Criterion 8, but does not demonstrate an intent to deprive the Board of all authority under that criterion.

Based on the foregoing, the Board concludes that it has authority review the proposed project for compliance with Criterion 8 and may impose such conditions as are consistent with the purpose of Sections 7(b)(5) and 7(b)(6). Accordingly, the Board denies the motion to dismiss Criterion 8.

2. Decision on Dismissal of Criteria 1(B) (Waste Disposal) and 9(F) (Energy Conservation)

The Applicants contend that the Board does not have jurisdiction to review Criteria 1(B) and 9(F) because the Appellants did not raise these criteria **before the** District Commission.

The Board previously has stated that a party may not appeal criteria on which the party did not even seek party status before a district commission. Re: Derby Plaza Associates Limited Partnership, #7R0886-EB, Memorandum of Decision at 5 (Feb. 25, 1994). Accordingly, the Board grants the motion to dismiss Criteria 1(B) and 9(F).

B. Criterion 8 (Historic Sites)

As quoted above, 10 V.S.A. § 6086(a)(8) requires, in relevant part, that before issuing a permit the Board or district commission must find that a proposed project will not have an “undue adverse effect on ... historic sites.” The burden of proof is on the opponents under this criterion, but the Applicants must provide sufficient information for the Board to make affirmative findings. 10 V.S.A. § 6088(b); Re: Killington, Ltd. and International Paper Realty Corp., #1R0584-EB-1, Findings of Fact and Conclusions of Law and Order (Revised) at 21 (Sep. 21, 1990).

Further, 10 V.S.A. § 6001(9), quoted above, provides that an historic site includes: (1) a site on the National Register of Historic Places, (2) a site on the state register of historic places, or (3) a site which is established as historically significant by the testimony of the Vermont Advisory Council on Historic Preservation.

The Appellants contend that the Langevin House is on the state register of historic places and therefore qualifies as an historic site for purposes of Act 250. The Appellants also contend that the setting of the house in its present location is historically significant. They contend that the proposed project will have an undue adverse effect on this historic site in two ways: (a) the Langevin House will either be demolished or removed from the site and (b) the new lab building is not compatible with the Langevin House. The Appellants seek to have the house remain in its present location and setting.

The Applicants do not dispute that the Langevin House is on the state register and therefore that the Langevin House is an historic site. They have not argued to the Board that the setting of the house in its present location is not historically significant or that the proposed project will not have an undue adverse effect on this historic site. Instead, they rely on their jurisdictional arguments, discussed above. They state that they are simply following the mandate of the General Assembly.

The Board concludes that the proposed project will have an undue adverse effect on an historic site.

Specifically, the Langevin House is an historic site under 10 V.S.A. § 6001(9) because it is listed on the state register of historic places.

The proposed project will have an adverse effect on the historic site in two separate and independent ways. First, the Applicants plan to demolish or remove the historic site. The Board previously has stated that physical destruction of an historic site is an adverse effect. Re: Middlebury College, #9A1077-EB, Findings of Fact,

Conclusions of Law, and Order at 10 (Jan. 26, 1990). Moreover, the setting of the Langevin House is historically significant because the historic nature of the house cannot be fully appreciated if the House is not on the site. If the House is removed from this setting, then the ability of the public to appreciate the historic nature of the House will be diminished. If the house is demolished, then such ability will be practically eliminated.

Second, even if the House were left on the site, the design of the Building is incompatible with the House because of the intrusion of the modern design of the Building into the appreciation of the Federal design of the House, and the intrusion of a new, modern structure into the open, agricultural setting which is important to the appreciation of the House's historic context. The Board previously has stated that introduction of new elements incompatible with an historic site is an adverse effect. Id.

Further, the project's adverse effect on the historic site will be undue because the Applicants have failed to take sufficient measures to mitigate the adverse effect. The Board previously has stated that failure to take reasonable measures to mitigate an adverse effect on an historic site may render the effect undue. Id.

The Applicants have undertaken only to advertise and seek for someone to remove the House from the current site and maintain it elsewhere as an historic structure. Failing that, the Applicants will take down the House, catalog and label all its parts, and store against the day they find someone to put the House back together on another site.

These do not constitute sufficient reasonable measures available to mitigate the adverse effect that will occur by removing the House from the site or by constructing an incompatible building next to the House. The Applicants could have, but did not, seek to find a suitable site within the 680 acres that they own and a source of funding to maintain the House at the site. Further, the record demonstrates no attempt by the Applicants to design the Building in a way which would be of a design compatible with the Langevin House.

With regard to the Board's discussion of reasonable measures, the Board understands that the Applicants contend that Section 7(b)(5) mandates that they demolish or remove the Langevin House. However, the Board does not believe that Section 7(b)(5) determines how the Board analyzes the proposed project under Criterion 8. Instead, having concluded that the proposed project will have an undue adverse effect on an historic site, the Board must now consider what conditions it may issue, consistent with its discussion above of Section 7(b)(5)'s effect on the Board's review. As stated above, the Board believes that it cannot prohibit the demolition or removal of the House

because Section 7(b)(5) authorizes such demolition or removal.

In the November 10, 1994 decision, the Board had included a permit condition which delayed demolition or removal of the Langevin House until after June 1, 1995. The Board did so to allow for further efforts by all parties to find another site for the Langevin House.

On reconsideration, the Board concludes that such a condition is not consistent with Section 7(b)(5) because that section specifies demolition or removal by January 1, 1995. Accordingly, the Board will issue a revised permit without the delay of demolition or renewal until after June 1, 1995.

The Board's revised permit will contain a condition that any demolition is subject to a requirement that the Applicants catalog, label, and store all salvageable materials, and photograph and document the House, in accordance with their intent as stated in Finding 13, above. Such a condition is consistent with Sections 7(b)(5) and (6) in that it allows demolition or removal of the House and construction of the Building. Such a condition also constitutes reasonable and appropriate mitigation under 10 V.S.A. § 6086(c) because it will preserve as much as is possible (without running afoul of Act 233) of the public's ability to appreciate the building and the history it represents. To ensure that the condition is not an unreasonable burden, the Board will include a provision allowing the Applicants to seek written approval from the District Commission should they seek at any time to cease storage. The Board notes that the District Commission issued a Condition #9 regarding documentation and the Board's altered permit will revise Condition #9 in accordance with this paragraph.

Finally, the Board also will condition its approval to state that any authority contained in the Act 250 permits for the demolition or removal of the Langevin House is valid only so long as Section 7(b)(5) remains law. The Board finds this condition reasonable and appropriate because the Board has concluded that the proposed project will have an undue adverse effect on a historic site. Therefore, in the absence of Section 7(b)(5), the Board could not find compliance with Criterion 8 (historic sites), and therefore could not issue a permit. See 10 V.S.A. § 6086(a).

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V. ORDER

1. The Applicants' motion to dismiss is denied with regard to Criterion 8 (historic sites).

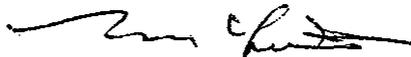
2. The Applicants' motion to dismiss is granted with respect to Criteria 1(B) (waste disposal) and 9(F) (energy conservation).

3. Land Use Permit Amendment #3R0581-4-EB (Reconsidered) is hereby issued. Such reconsidered permit amendment, including these reconsidered Findings of Fact and Conclusions of Law, shall supersede Land Use Permit Amendment #3R0581-4-EB and supporting findings and conclusions issued November 10, 1994.

4. Jurisdiction is returned to the District #3 Environmental Commission.

Dated at Montpelier, Vermont this 14th day of March, 1995.

ENVIRONMENTAL BOARD



Arthur Gibb, Acting Chair

Rebecca Day

John Ewing

Marcy Harding

William Martinez\*

Robert Page

Steve E. Wright

\*Member Martinez dissents from the Board's decisions regarding Criterion 8 (historic sites) because he concludes that the General Assembly, in Section 7(b)(5) of Act 233, intended to exempt this project from review under Criterion 8. He concurs in the dismissal of Criteria 1(B) and 9(F).

vtc.dec(a9)