

File

STATE OF VERMONT  
ENVIRONMENTAL BOARD

RE: ROBERT AND LAURA LEMERY  
ALBURG, VERMONT

DECLARATORY RULING  
NO. 65

The above matter came before the Board at its meeting  
June 11, 1975.

Appearing before the Board were:

George E. Spear II, Esq., representing Robert and  
Laura Lemery, respondents;  
William A. Bartlett on behalf of District #6 Environ-  
mental Commission;  
Stephen B. Sease, Administrator, Land Use & Develop-  
ment, representing the Agency of Environmental  
Conservation;  
Rene Prairie, Jr. pro se.

The issue was brought before the Board by way of a peti-  
tion for a Declaratory Ruling of District #6 Environmental  
Commission.

At issue before the Board was whether the respondents,  
after their application for an Act 250 permit had been denied,  
can avoid jurisdiction under the Act by divesting themselves  
of land which reduces the size of the parcel of involved land  
below that specified in the definition of development (10 VSA  
6001(3)).

The Environmental Board rules that the respondents by re-  
ducing the size of involved land owned or controlled by them-  
selves by a bona fide third party transaction below the minimum  
specified in the definition of development does avoid jurisdic-  
tion over the project as of the date of the conveyance.

The Board makes no ruling with regard to whether the  
respondents commenced a development as defined in the Act  
without a permit and by virtue thereof were at anytime prior

to the conveyance of land in violation of 10 VSA §6081(a).

Acted upon and voted by the Environmental Board on June 11,  
1975.

Entered into the record on the 9th day of September, 1975.

ENVIRONMENTAL BOARD

By



Schuyler Jackson  
Chairman