

STATE OF VERMONT  
ENVIRONMENTAL BOARD

RE: FRANKLIN AND MADELINE SKINNER  
WILLOUGHBY BEACH PROPERTY  
WESTMORE, VERMONT

DECLARATORY RULING  
NO. 70

The above matter came before the Board on October 22, 1975. Appearing before the Board:

Franklin Skinner, petitioner.

At issue is whether the improvements proposed by the petitioners are a development within the meaning of 10 VSA section 6001(3) and therefore a permit required under Act 250.

On the basis of representations made by the petitioner and letter of petitioners dated September 23, 1975 marked Exhibit A; rough sketch of involved property and plans marked Exhibit B; plans for sewage disposal systems 9/11/75 Walter L. Urie, P.E. - Project No. 803 marked Exhibit C, the following facts are found:

The petitioners are the owners of 36 acres of land located at the north end of Lake Willoughby in Westmore previously owned by the Harter family. The property abuts State Route 16 and includes shore frontage on the Lake. The location of the boundary of the right-of-way of Route 16 and petitioners' property along the Lake has not been ascertained.

The property includes seven cottages and an A-frame which was previously a short-order restaurant. The petitioners intend to:

(1) expand the A-frame by at least 50% of its square footage for use as a restaurant with 50 to 75 seats;

(2) to provide rest room and changing facilities for persons using the beach. Plans for these facilities are not provided;

(3) to elevate the seven cottages above high water stage by replacement of fill;

(4) to provide parking facilities on the property. Plans for parking have not been prepared;

(5) to control access by persons to the beach area in some manner by charging a fee. At this time there has been uncontrolled access by the public to the beach area;

(6) to control, if necessary, vehicular access to the beach area by placement of posts;

(7) to install a sewage disposal system to serve the cottages and A-frame restaurant.

The Board concludes that the proposed improvements are for a commercial purpose on more than one acre of land and, therefore, constitute a development within the meaning of 10 VSA §6001(3) and a permit pursuant to 10 VSA §6081(a) is required prior to commencement of construction.

Dated at Montpelier, Vermont this 27th day of October, 1975.

ENVIRONMENTAL BOARD

By



Schuyler Jackson  
Chairman

Members participating: Schuyler Jackson, William D. Countryman, Margaret Garland, Stephen R. Wheelock, Roland E. Keenan.