

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

RE: Earle Simpson, Jr.  
Rochester, Vermont

ORDER DISMISSING  
PETITION

Declaratory Ruling Request 112

A Declaratory Ruling Request was filed by adjoining property owner Marvin Harvey on January 14, 1980 in the above matter from an Advisory Opinion issued by District #3 **Commission** on January 2, 1980. The issue is whether or not the construction of federally assisted housing units and the rehabilitation of housing units on Main Street in Rochester, Vermont require an Act 250 permit.

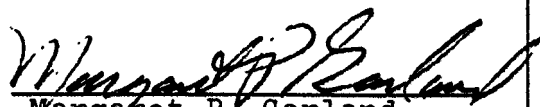
A hearing was initially scheduled to be held on this matter on February 14, 1980, with the Chairman of the Environmental Board, Margaret P. Garland, sitting as an administrative hearing officer pursuant to Board Rule 17. However the petitioner, Marvin Harvey, and the affected developer, The Simpson Partnership, subsequently requested postponement of the hearing until the first week of March. The parties have since requested further continuances, but the petitioner has failed to respond to the Board's request for a reply in writing and has failed to propose a date for the speedy resolution of this issue.

On April 15, 1980 the Environmental Board notified the parties that the matter would be dismissed unless the petitioner declared his intention to proceed with the request by May 2, 1980. Because the petitioner failed by that date to take any affirmative action with respect to the request, it is now dismissed.

Dated at Montpelier, Vermont this 5th day of May, 1980.

ENVIRONMENTAL BOARD

By

  
Margaret P. Garland  
Chairman

5/5/80