

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. §§ 6001-6092

RE: Filskov Brothers, Inc.
2341 Griffin Road
Poultney, VT 05764

Declaratory Ruling
Request #395

DISMISSAL ORDER

This matter concerns a Petition for Declaratory Ruling filed by Filskov Brothers, Inc. ("Filskov") from a Jurisdictional Opinion that its application for a 10 V.S.A. Ch. 151 ("Act 250") Land Use Permit is incomplete.

I. PROCEDURAL SUMMARY

On October 11, 2000, Filskov submitted an application for an amendment to Land Use Permit #1R0729, as amended, to the District #1 Environmental Commission ("Commission") for the construction of commercial improvements, *inter alia*, a new building, site grading, and a driveway extension, located in the Town of Rutland, Vermont.

On October 12, 2000, the Assistant Coordinator ("Coordinator") for the Commission issued a Jurisdictional Opinion, in which she determined that the application was substantially incomplete pursuant to Environmental Board Rule ("EBR") 10(D).

In response to the Coordinator's "incomplete letter" of October 12, 2000, Filskov submitted a revised application on February 2, 2001.

On February 6, 2001, the Coordinator issued a second Jurisdictional Opinion ("JO") in which she reviewed the revised application and determined that it remained substantially incomplete. In this JO, the Coordinator noted that one of the reasons the application remained incomplete was that it did not include a copy of a water supply and wastewater permit ("WW permit") issued by the Department of Environmental Conservation ("Department") or a letter from the Department that such a permit was not required.

On March 7, 2001, Filskov filed a Petition for Declaratory Ruling ("Petition") with the Environmental Board ("Board"), appealing the JO and contending that its application is complete and ready for review by the Commission.

On May 16, 2001, the Regional Engineer for the Department informed Filskov that a WW permit is required from the Department for the proposed

