

thereto by the board or a party interested, to enforce the orders, rules and regulations of the board made under the provisions of sections 1201-1214 and 1218 of this title.

Sec. 2. 18 V.S.A. § 1218 is added to read:

(a) The Vermont health regulations pertaining to subdivisions adopted by the Vermont board of health on December 18, 1969, are ratified and given full force and effect as of that date.

(b) The Vermont board of health shall have the power to amend or repeal the regulations referred to in subsection (a) of this section in accordance with the provisions of chapter 25 of Title 3, Vermont Statutes Annotated.

(c) A procedure is to be followed by the Vermont department of health in administering the regulations referred to in subsection (a), as follows:

(1) Upon receipt of an application for a permit in proper form, the department of health shall within 10 days issue a notice of receipt to the applicant.

(2) Within 60 days of the issuance of the notice of receipt, the department of health will indicate, in writing, approval or denial of the application.

(A) If the application is approved, the department of health shall issue a permit enabling the applicant to proceed with the development on such conditions as it shall deem necessary to insure compliance with its rules.

(B) If the application is denied, the department of health shall give written notice to the applicant, specifying the reason or reasons for denial, and citing the specific section or subsection of the regulations which were not met.

(3) If the board of health fails to act within 60 days of the notice of receipt, the application shall be deemed approved and a permit shall issue.

(4) In the event that the department of health shall determine upon inquiry at any time that an application for a permit contained false or misleading information, that a permit was issued on the basis of false or misleading information, or that any of the conditions of the permit are not being complied with by the applicant, the department of health may revoke a permit as set forth in section 814 of Title 3.

Sec. 3. There is appropriated \$15,000.00 to be allocated for the use of the department of health in order to administer the provisions of section 2 of this act. Said funds shall be used to pay the

salaries of either full or part-time personnel hired specifically for the purpose of reviewing applications for permits under the regulations referred to in section 2 of this act.

Approved: April 4, 1970.

NO. 250. AN ACT TO CREATE AN ENVIRONMENTAL BOARD AND DISTRICT ENVIRONMENTAL COMMISSIONS.

(H. 417)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. Findings and declaration of intent

Whereas, the unplanned, uncoordinated and uncontrolled use of the lands and the environment of the state of Vermont has resulted in usages of the lands and the environment which may be destructive to the environment and which are not suitable to the demands and needs of the people of the state of Vermont; and

Whereas, a comprehensive state capability and development plan and land use plan are necessary to provide guidelines for utilization of the lands and environment of the state of Vermont and to define the goals to be achieved through land environmental use, planning and control; and

Whereas, it is necessary to establish an environmental board and district environmental commissions and vest them with the authority to regulate the use of the lands and the environment of the state according to the guidelines and goals set forth in the state comprehensive capability and development plan and to give these commissions the authority to enforce the regulations and controls; and

Whereas, it is necessary to regulate and control the utilization and usages of lands and the environment to insure that, hereafter, the only usages which will be permitted are not unduly detrimental to the environment, will promote the general welfare through orderly growth and development and are suitable to the demands and needs of the people of this state;

Now, therefore, the legislature declares that in order to protect and conserve the lands and the environment of the state and to insure that these lands and environment are devoted to uses which

are not detrimental to the public welfare and interests, the state shall, in the interest of the public health, safety and welfare, exercise its power by creating a state environmental board and district environmental commissions conferring upon them the power to regulate the use of lands and to establish comprehensive state capability, development and land use plans as hereinafter provided.

Sec. 2. Definitions

When used in this act:

(1) "Board" means the environmental board.

(2) "Capability and development plan" means the plan prepared pursuant to section 19.

(3) "Development" means the construction of improvements on a tract or tracts of land, owned or controlled by a person, involving more than 10 acres of land within a radius of five miles of any point on any involved land, for commercial, or industrial purposes. "Development" shall also mean the construction of improvements for commercial or industrial purposes on more than one acre of land within a municipality which has not adopted permanent zoning and subdivision bylaws. The word "development" shall mean the construction of housing projects such as cooperatives, condominiums, or dwellings, or construction or maintenance of mobile homes or trailer parks, with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land. The word "development" shall not include construction for farming, logging or forestry purposes below the elevation of 2500 feet. The word "development" also means the construction of improvements on a tract of land involving more than 10 acres which is to be used for municipal or state purposes. In computing the amount of land involved, land shall be included which is incident to the use such as lawns, parking areas, roadways, leaching fields and accessory buildings. The word "development" shall not include an electric generation or transmission facility which requires a certificate of public good under section 246¹ of Title 30. The word "development" shall also mean the construction of improvements for commercial, industrial or residential use above the elevation of 2500 feet.

(4) "District commission" means the district environmental commission.

¹ Ed. note. Former "§ 246" of Title 30 has been renumbered as "§ 248" of such title.