



August 6, 2010

Carol Lackey
Fisher and Fisher
P.O. Box 1708
West Dover, VT 05356

Dear Carol:

Re: Jurisdictional Opinion #2-267 - Borga and Forrest Subdivision - Dover

You have requested a determination as to whether Lot 7 of the Borga subdivision in Dover required an Act 250 permit. You have provided information regarding lots created by the Patton Corporation in the Town of Dover within 5 miles of the Borga subdivision. From the information you have provided, Patten Corporation created seven lots and, thus, did not create sufficient lots to trigger Act 250 jurisdiction when looking just at lots created in Dover. However, your search thus far has not looked at the entire five-mile radius of the Borga subdivision --- the five-mile radius extends to two other towns. In order for me to give a definitive response, I would need assurance that Patten Corporation did not create more than two other lots within the five-mile radius. I hope this is of assistance.

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The Environmental Court mailing address is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701. (Tel: 802-828-1660)

Best regards,

A handwritten signature in black ink that reads "April Hensel".

April D. Hensel
District 2 Environmental Coordinator

cc: Certificate of Service