



September 26, 2014

Nate Stearns
Hershenson, Carter, Scott & McGee, P.C.
P.O. Box 909
Norwich, VT 05055-0909
nate@hcsmlaw.com

Re: Jurisdictional Opinion #3-175 Reconsideration, Bonnie Oaks, Fairlee;
Act 250 Permit #3R0051-4 and amendments

Dear Nate:

I have reviewed your request for reconsideration of Jurisdictional Opinion #3-175 regarding whether the change in location of the house and allowable footprint of the house on Lot 3 which is subject to Act 250 Permit #3R0051-4 is a material change thereby requiring a permit amendment. In this reconsideration request, you have supplemented your filing with additional information, including an overlay of the footprint of the previously approved footprint and location and the requested change and expanded footprint. You have also provided information as to a stormwater plan. Please be advised that I am declining to revise my opinion that the change is a material one requiring Commission review.

Based on the additional information provided, it is now even clearer that the change is significant in terms of the potentially expanded views and massing of the structure across the expanse of this small lot. The previous footprint, limited to 2,000 square feet, would have limited the massing to a smaller *portion* of the lot even if the house could have been constructed with a third story. The current footprint significantly extends the massing of the structure along the shoreline (as shown in your newly submitted Exhibit 13). The overlay comparison of the footprints and the resulting construction along the shoreline is shown in your newly submitted Exhibit 11. The significant extension of the proposed building further along the shoreline and associated interior and exterior lighting has the potential for significant impact under Criteria 1(F)(iii) Shorelines as well as 8 Aesthetics.

It is my opinion that the change is material and, thus, the Commission needs to exercise its judgment as to whether the project, as redesigned, continues to conform to the criteria.

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Best regards,



Linda Matteson
District Coordinator

Enclosures/Attachments: See Exhibit list
cc: Statutory Parties – see certificate of service

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Effective July 1, 2013, no appeal may be taken from a jurisdictional opinion or coordinator's decision on reconsideration without reconsideration by the Natural Resources Board. Requests for reconsideration by the Board must be submitted to the Board within 30 days of the mailing of this decision or a coordinator's decision on reconsideration. The mailing address is: Natural Resources Board, Dewey Building, National Life Drive, Montpelier, VT 05620-3201. For additional information, see the Board's Interim Procedure on Jurisdictional Opinions and Reconsideration [<http://www.nrb.state.vt.us/policies/recon.pdf>].

