

STATE OF VERMONT
NATURAL RESOURCES BOARD - DISTRICT COMMISSIONS

ACT 250 JURISDICTION CATEGORIES

Vermont's Land Use and Development Law prohibits the commencement of certain categories of development without first obtaining a Land Use Permit. These categories are generally described below. To determine whether a specific project requires a permit, you should contact the District Coordinator at the regional office listed on the back of this page to obtain a written Project Review Sheet.

ACT 250 DOES REGULATE AND CONTROL:

1. Construction of improvements for a commercial, industrial, or residential use above the elevation of 2,500 feet.
2. The construction of improvements for any commercial or industrial purpose (including not-for-profit developments but excepting farming, logging, or forestry) on more than 10 acres of land; or on more than one acre of land if the municipality does not have both permanent zoning and subdivision bylaws.
3. The construction of 10 or more housing units, or the construction or maintenance of mobile homes or trailer parks with 10 or more units, within a radius of 5 miles. (In Designated Downtowns, Designated Growth Centers, Vermont Neighborhoods, and Neighborhood Development Areas the 10-unit threshold may be higher for some projects – see the District Coordinator for more information.)
4. Subdivision of land creating 10 or more lots of any size within a 5-mile radius or within the jurisdictional limits of a District Commission within a continuous period of 5 years.
5. Within a town that does not have both permanent zoning and subdivision regulations, subdivision of land creating 6 or more lots of any size within a continuous period of five years.
6. The construction of improvements for a governmental purpose if the project involves more than 10 acres or is part of a larger project that will involve more than 10 acres of land.
7. Any construction of improvements which will be a substantial change or addition to or expansion of a grandfathered (existing pre-1970) development of the type which would require a permit if built today.
8. The construction of a support structure which is primarily for communication or broadcast purposes and which extends 50 feet, or more, in height above ground level or 20 feet, or more, above the highest point of an attached existing structure.
9. The exploration for fissionable source materials beyond the reconnaissance phase or the extraction or processing of fissionable source material.
10. The drilling of an oil or gas well.
11. The sale, by public auction, of any interest in a tract or tracts of land, owned or controlled by a person, which have been partitioned or divided for the purpose of resale into five or more lots within a radius of five miles and within any period of ten years.
12. Any withdrawal of more than 340,000 gallons of groundwater per day from any well or spring on a single tract of land or at a place of business, independent of the acreage of the tract of land.

ACT 250 DOES NOT REGULATE OR CONTROL:

1. The construction of improvements for farming, logging or forestry purposes below the elevation of 2,500 feet.
2. The construction of improvements for an electric generation or transmission facility.
3. The construction of improvements for agricultural fairs that are registered with the Agency of Agriculture, Food and Markets and that are open to the public for 60 days per year or fewer, provided that, if the improvement is a building, the building was constructed prior to January 1, 2011, and is used solely for the purposes of the agricultural fair.
4. The construction of improvements for the exhibition or showing of equines at events that are open to the public for 60 days per year, or fewer, provided that any improvements constructed do not include one or more buildings.
5. The construction of improvements for certain composting operations located on farms, depending on the source, composition, and amount of the inputs to such compost.

ACT 250 PROCEDURE

The Act 250 hearing is conducted by a three-member District Environmental Commission. The Commissioners are appointed by the Governor of the State of Vermont. Their responsibility is to consider each application for a land use permit in accordance with the 10 criteria of 10 V.S.A. Chapter 151.

At the conclusion of the hearing, the District Commission will either adjourn the hearing or declare a recess to a later date to allow additional information to be presented. If the hearing is adjourned, the Commission will issue a decision in the form of findings of fact and conclusions of law, and, if appropriate, a Land Use Permit within twenty days.

Any of the parties may appeal a decision issued by the District Commission. The appeal from a District Commission decision is to the Superior Court, Environmental Division. A decision of the Environmental Division may be appealed to the Vermont Supreme Court.

Act 250 permits do not supersede or replace the requirements of other local or state permits. For additional information about Act 250 and its relationship to local or state land use laws, contact the District Coordinator at any of these locations:

Districts 1 and 8

440 Asa Bloomer State
Office Building, 4th Floor
Rutland, VT 05701
(Location: 88 Merchants Row)
(802-786-5920)

District 4

111 West St.
Essex Jct., VT 05452
(802-879-5614)

District 7

374 Emerson Falls Rd., Suite 4
St. Johnsbury, VT 05819-2099
(802-751-0120)

Districts 2 and 3

100 Mineral Street, Suite 305
Springfield, VT 05156
(802-289-0603)

District 5, 6 and 9

10 Baldwin Street
Montpelier, VT 05633-3201
(802-476-0185)

Natural Resources Board

10 Baldwin Street
Montpelier, VT 05633-3201
(802-828-3309)

Natural Resources Board Website: <http://www.nrb.vermont.gov> (Updated: June 25, 2019)