



## ACT 250 JURISDICTIONAL OPINION JO 3-231

### Natural Resources Board

District 3 Environmental Commission  
100 Mineral Street, Suite # 305  
Springfield, VT 05156-3168  
<https://nrb.vermont.gov/>

[phone] 802-289-0603

This is a Jurisdictional Opinion based upon available information and a written request from the landowner/agent or other person. Any notified person or entity will be bound by this opinion unless that person or entity files a request for reconsideration with the District Coordinator or an appeal with the Superior Court, Environmental Division within 30 days of the issuance of this opinion (see below). This Opinion identifies Act 250 Jurisdiction only. Other permits may be required (e.g., <https://dec.vermont.gov/permits>). For more information, please contact the Agency of Natural Resources Permit Specialist serving your area: (<https://dec.vermont.gov/environmental-assistance/permits/specialists>).

I hereby request a jurisdictional opinion from the District Coordinator or Assistant District Coordinator regarding the jurisdiction of 10 V.S.A. Chapter 151 (Act 250) over the project described below.

Julie Deamer  
Executive Director, Harpo Foundation  
[jdeamer@harpofoundation.org](mailto:jdeamer@harpofoundation.org)  
323-899-3533

- Landowner  
 Agent  
 Other

**Project Location:** 2393 Back River Road, Royalton

### **Project Description:**

This 10.2 acre parcel was the summer residence of Ed Levine, an artist who constructed 62 sculptural installations on the site. The installations are primarily constructed of wood. Some feature spaces that can be entered by a person. None will be used as a sleeping unit. The Harpo Foundation now plans to host two six-week artist residencies in Mr. Levine's former one bedroom house with a loft. The residencies will each be for one artist, a couple, or a collaborative team of up to two people.

The Foundation also plans to hold an annual open house over one or two days during a summer weekend, scheduled so that 7-10 people would take guided tours over the course of each day over one weekend.

They may shore up the sculptures, but they do not plan to make changes or construct anything new to accommodate these projects.

**Existing Act 250 permit number(s) or series:** none

Project Type:  Commercial       Subdivision       Municipal/State       Mixed  
 Farming/Forestry       Housing       Other \_\_\_\_\_

Has the landowner or affiliated person subdivided before?  Yes       No       N/A

If Yes: Location: \_\_\_\_\_ no. of lots: \_\_\_\_\_ Date \_\_\_\_\_

**AN ACT 250 PERMIT IS REQUIRED:**       YES       NO

**BASIS FOR DECISION:**

No permit is required because there will be no construction of improvements. Please contact me if you plan to make any improvements. Improvements could include changes to the driveway, addition of parking, changes to the house to accommodate residents or guests. NRB Rule 2(C)(2).



DATE: April 7, 2022

Pete Kopsco  
District Coordinator, District 3 Environmental Commission  
100 Mineral Street, Suite # 305, Springfield, VT 05156-3168  
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Email: Peter.Kopsco@vermont.gov

*This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(B). 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 Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file the entry fee required by 32 V.S.A. § 1431 with the Notice of Appeal, which is \$295.00. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.*