



State of Vermont
Natural Resources Board
Act 250 Jurisdictional Opinion
JO-7-304

This is a Jurisdictional Opinion based upon available information and a written request from the Landowner/Agent or Other Person identified below. This Jurisdictional Opinion will become final and any person or entity who is individually notified will be bound by this Opinion unless that person or entity files a timely request for reconsideration (see bottom of page). This Jurisdictional Opinion addresses Act 250 Jurisdiction only. Other permits may be required (see <http://www.anr.state.vt.us/dec/permits.htm>). For additional information, please contact the Agency of Natural Resources permit specialist (see <http://www.anr.state.vt.us/dec/ead/pa/index.htm>).

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

Will Veve will@vwdev.com

and

David G. Carpenter, Esq.
DavidC@GreenLanternDevelopment.com

Green Lantern Development, LLC

Landowner Agent Other:

PROJECT DESCRIPTION:

At the property subject to Act 250 permit 7C1161 (series), Mitchell Drive, Burke, where a solar array is to be constructed at a site formerly used for earth extraction (sand pit), complete satisfactory reclamation of the sand pit, pursuant to the conditions of Act 250 permit 7C1161 (series). This JO is issued pursuant to conditions number 15, and 17 of the CPG for the solar array, PUC CPG Case No. 19-2683-NMP:

15. The sand pit required to be reclaimed for purposes of the Project ("Reclamation Area") is located on two tracts of land currently in common ownership and taxed as a single parcel (Map ID: 06040029.02A; SPAN: 111-034-11145). All final reclamation of these areas shall be undertaken and completed in accordance with Act 250 Land Use Permit No. 7C1161 (series).

17. Prior to operation of the Plant, Petitioner shall obtain a written determination (Jurisdictional Opinion) issued by the Act 250 District Coordinator asserting that reclamation has been completed, pursuant to the directives contained in Act 250 Land Use Permit No. 7C1161 (series).

Project Type: Commercial Subdivision Municipal/State Mixed
 Farming/Forestry Housing Other: **earth extraction reclamation**

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

AN ACT 250 PERMIT IS REQUIRED: YES NO

BASIS FOR DECISION:

Site visits were completed on October 9, 2019; June 1, 2020; June 22, 2020; and July 16, 2020. The reclamation work is not a “development”, and the sand pit Reclamation Area has been satisfactorily reclaimed, and is now sufficiently vegetated, as mutually observed during site visits. Sand pit reclamation has been completed, pursuant to the directives contained in Act 250 Land Use Permit No. 7C1161 (series).

It is noted that:

- (i) the sand pit was expanded beyond the scope identified in Act 250 permit 7C1161 (series) onto the adjacent “Patoine” lot, and this “expansion area” has also been satisfactorily reclaimed, pursuant to condition 15 of the CPG;
- (ii) the exact grading (slope) of all reclaimed areas was not surveyed (measured) by Act 250 personnel to verify conformance with the 1v:3h grading requirement; overall grading appears satisfactory and supports vegetation.



SIGNATURE: _____

DATE: July 24, 2020

Kirsten Sultan, Coordinator, District #7 Environmental Commission
Telephone: (802) 751-0126 Email: kirsten.sultan@vermont.gov
374 Emerson Falls Road, Suite 4, St. Johnsbury, VT 05819

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 (32 Cherry Street, 2nd Floor, Ste. 303, Burlington, VT 05401) 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 with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431(b)(1) (2015), which is \$295.00. The appellant also must 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.