



State of Vermont
Natural Resources Board
Act 250 Jurisdictional Opinion
JO-7-311

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:

☐ Landowner ☒ Agent ☐ Other:

Amy Rast, Owner of Lot in 7C0391 subdivision
832 Highland Circle
Lyndonville VT 05851

PROJECT DESCRIPTION:

Installation of an existing gate across the common road right-of-way, at the location where identified on the attached map, whereby the segment of road located between points "A" and "B" identified on the attached map is not usable for access by owners of lots in the 7C0391 (and amendments) subdivision, when the gate may be closed. The property is subject to Act 250 permit #7C0391 and amendments. The gate was reportedly installed by an owner of the residence at 445 Highland Circle (location on attached map), Suzanne Bruckner (445 Highland Circle, Lyndonville VT 05851), to whom this JO is issued.

Exhibits (maps) and a copy of this JO can be found on the Act 250 Database at:

<https://anrweb.vt.gov/ANR/vtANR/Act250SearchResults.aspx?Num=JO%207-311>

Project Type: ☐ Commercial ☒ Subdivision ☐ Municipal/State ☐ Mixed
 ☐ Farming/Forestry ☐ Housing ☐ Other:

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

AN ACT 250 PERMIT IS REQUIRED: ☒ YES ☐ NO

BASIS FOR DECISION:

Addition of a gate across the common road right of way (thus, potential for road blockage) is a material change to the 7C0391 subdivision pursuant to Act 250 Rule 2-C-6 (potential impacts under Criterion 5 and 7) thus requires permit amendment pursuant to Rule 34. See also related condition number 7, Exhibit 8, and Exhibit 9, of permit 7C0391. It is noted that this existing condition may force some lot owners to have access via only a road (Whipple Hill Drive) that is steeper than the road otherwise available without the blockage (Highland Circle), and emergency vehicles (e.g. fire trucks) may have difficulty accessing via the steeper road during inclement weather, if the gate is closed. The subdivision plans approved under permit 7C0391 provided for two means of ingress / egress, and the road blockage where indicated may result in a significant adverse impact under Criterion 5 traffic safety and 7 municipal services.



SIGNATURE: _____

DATE: January 19, 2021

Kirsten Sultan, Coordinator, District #7 Environmental Commission
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Jurisdictional opinions are 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. Appeals of jurisdictional opinions 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). 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 VRECP..