



Natural Resources Board
District #7 Environmental Commission
374 Emerson Falls Road, Suite 4
St. Johnsbury, VT 05819

April 12, 2021

Subject: Jurisdictional Opinion (JO) #7-312
10 V.S.A. § 6007(c)
Act 250 disclosure statement; jurisdictional determination

ARCO (Averill Recreational Camp Owners)

- (i) Use or occupancy of existing camps in excess of a seasonal camp
- (ii) Addition of children to the local school system
- (iii) ORV (off road vehicle) or ATV (all-terrain vehicle) use of roads and trails
- (iv) Road improvements

See also: Act 250 Permit #7E0041 as Amended, Previously Issued JO-7-206

To: All parties identified on the attached Certificate of Service

This jurisdictional opinion is written in response to a request received from the UTG on September 18, 2020. The UTG is the Unorganized Towns & Gores of Essex County, Vermont (comprised of the towns of Averill, Avery's Gore, Ferdinand, Lewis, Warner's Grant, and Warren's). The subject of this JO concerns reported land uses and activities located in the town of Averill.

I. Summary of Questions Raised in JO Request

At seasonal camp properties located in Averill, identify if Act 250 jurisdiction applies to:

- (i) use or occupancy of existing camps in excess of a seasonal camp, e.g. as a year-round residence or declared residence
- (ii) addition of children to the local school system
- (iii) ORV or ATV use of roads and trails
- and (iv) road improvements

As further identified below, this JO will focus on the 82 properties that are the subject of Act 250 permit #7E0041 as amended (issued in 1972) and/or one of the 140 lots for which a jurisdictional opinion, JO-7-206, was previously issued as a final JO, in 2000.

II. Summary of Opinion, Permit and JO History



Eighty-two (82) lots are subject to Act 250 permit #7E0041 as amended (the "Permit"), issued in 1975 for lease lots for seasonal recreation use. This Permit remains in effect, establishing continuing Act 250 jurisdiction over the 82 lots, including any common land and the access road used to access these lots. It is noted that an initial permit authorized improvements to support 100 lots, it appears this decision was appealed to the Environmental Board, and later that year, following a remand to the District Commission, the Permit approved 82 lease lots, and it is my interpretation of the file that only 82 lots (not 100) were approved (for construction of seasonal camps) under the Permit. These lots are located in proximity of Big Averill Lake, and none have frontage on the shore of Big Averill Lake (nor frontage on Little Averill Lake). These 82 lots have been referred to as the "Cluster Lots", and are depicted on the maps in Exhibit 019 as Lots 120-129, 131-136, 137-163, 169-171, 164-168, 172-184, and 185-203.

One-hundred-forty (140) lots are the subject of JO-7-206 (the "JO"), issued in 2000. Importantly, this JO was issued as a final jurisdictional opinion. It concerns the sale of 140 camp lots for seasonal use, cannot be reconsidered with respect to the facts therein, and remains in force and effect as further discussed below, with respect to the 140 camp lots, their access road, any common land, and the facts including the deed covenant in effect in connection with this JO. This JO pertains to the 82 lots that are subject to permit #7E0041 (i.e. the "Cluster Lots", as further identified above) and to other pre-1970 (or "pre-existing subdivision" lots) located on the shore of Big Averill Lake and Little Averill Lake. These other, additional, "pre-existing subdivision" lots are depicted on the maps in Exhibit 017 (Lots 1-9, 10-12, 14, 14A, 15, 16-20; total 22 lots located on Little Averill Lake, the "Little Averill Cottage Lots."). Note that it appears Lots 14 and 14A were initially comprised of two lots each) and depicted on the maps in Exhibit 018 (Lots 22-28, 29-38, 39-47, 48-56; total 35 lots located on Big Averill Lake, the "Big Averill Cottage Lots").

The lots that are the subject of the Permit, and of the JO, are depicted on Exhibit 017 to 020, and also on Exhibits 010 and 011 which are the original site plans from the Permit file.

The following summary corresponds to the numbered items in the above questions raised by the UTG:

- (i) The Permit authorizes seasonal recreational use only. The JO was based on lot conveyance and camp lots for residential living on a seasonal basis only. As such, year-round use or occupancy of any of the camps that are subject to the Permit or the JO, is not authorized. Such year-round use or occupancy has potential for significant impact under several Act 250 criteria, and is a "substantial" or "material" change, for which an Act 250 permit or permit amendment is required.
- (ii) Addition of school aged children to the local school system was not encompassed within the scope of uses reviewed and approved under the Permit nor the JO. Such addition has potential for significant impact under Act 250 criteria, and is a "material change" to the permitted subdivision and/or a "substantial change" to the pre-existing subdivision, and requires an Act 250 permit or permit amendment.
- (iii) The Permit does not encompass ATV or OTV usage. Likewise the JO does not encompass consideration of ATV or OTV usage. Such usage has potential for impact under several Act 250 criteria, and is a "substantial" or "material" change, for which an Act 250 permit or permit amendment is required.
- (iv) ARCO has reported that it does not own most of the roads, and that there are no current or future plans for road improvements. It is not yet clear if road improvements have occurred in recent years, or not, and who has undertaken such alleged improvements, and where. Due to general lack of evidence and information concerning alleged road improvements, the present JO #7-312 does not

encompass review of road improvements. A future JO concerning road improvements can be issued when sufficient relevant information is available.

III. Facts and Documents

In reaching the conclusions identified above, I relied upon facts and information obtained from the Averill Recreational Camp Owners Association ("ARCO"), from the Unorganized Towns & Gores of Essex County, Vermont (UTG), and additional information obtained from public records.

This information is compiled as Exhibits 001-024 and can be found on the Act 250 Database at the link below:

<https://anrweb.vt.gov/ANR/vtANR/Act250SearchResults.aspx?Num=JO%207-312>

Following is a summary of project history and facts:

1. Act 250 permit #7E0041 (Exhibit 007, the "Permit") was issued in 1972 to the St. Regis Paper Company, and authorized 82 lease lots, subject to specific conditions. It is noted that two #7E0041 permits were issued, the first was issued in February 1972 and denoted that "*Applicant may commence development or subdivision [...]*", and later in September 1972, the permit was issued (or re-issued) for "82 lease lots". Both of the #7E0041 permits are subject to the Findings of Fact which contain detailed relevant information and conditions. The 1972 #7E0041 permits and Findings (Exhibit 007) include the following, emphasis added.

*Nature of Development or Subdivision: 100 lease lots for **seasonal recreational use.***

*Findings 4. That the road access to the lease lots will be closed during winter and spring months, and that **normal occupancy will be seasonal in nature occurring during the summer and fall;***

*11 d. That due to the **seasonal use planned for the lease lots, the road will not normally be kept plowed in winter months;***

*Conditions 4. The applicant will maintain a passable roadway to allow vehicular traffic during **normal summertime usage.***

2. Jurisdictional Opinion JO-7-206 (Exhibit 006, the "JO") was issued in May 2020 and addresses Act 250 jurisdiction over the sale of 140 camp lots by Champion Realty Corporation. The Coordinator's analysis in the JO included the following summaries, emphasis added:

*"It is my opinion that, **based on the facts and evidence presented to me,** Act 250 jurisdiction does not attached to the proposed sale because (i) the subdivision of lots located south of Big Averill Lake is a **previously permitted subdivision under Act 250 and the sale of those lots does not represent a substantial or material change;** and (ii) the two subdivisions consisting of all of the lots located along the shores of Big Averill Lake and Little Averill Lake, respectively, qualify as "**pre-existing**" (the subdivisions and associated lots were in existence prior to 1969) and because **the sale of these lots will not change the subdivision such that there will be a significant impact with respect to the ten Act 250 criteria as specified in 10 V.S.A. § 6086(a)(1) through (a)(10).***

[...]

Champion has agreed to include covenant language in the deeds for all of the Big and Little Averill Cottage lots, and the covenants are modeled on the deed covenants used for Champion's sale of its Maidstone lots. The deed covenants insure that there will be no significant negative impact to water quality as a result of potential increased camp use following the Champion sale. A copy of the deed covenant language is attached as Appendix A and is intended to be circulated as a necessary part of the factual basis upon which this opinion is rendered.

*In addition, **any further development of lots located along Big and Little Averill Lakes, other than for seasonal residential use, that constitutes a substantial change, including any further subdivision of lots, may be subject to Act 250 (by virtue of jurisdiction established over all Champion lands by prior permitting)**. Any development also is subject to the Averill Zoning Regulations. Those regulations include a "Shoreland District" that includes all lands withing 250 feet of lakes and ponds over 5 acres. This district imposes set backs of 100 feet from the seasonal high water mark, and requires landowners to maintain a minimum 50 feet vegetative buffer strip along the shoreline.*

The regulations also include a "Conservation Overlay District" that imposes further development limitations in areas of hydric soil or wetlands, including conditional-use review of any development in such areas. These zoning requirements will help preserve the Big and Little Averill Lakes.

The same concern is not present with the Cluster Lots as each of those lots has been previously permitted for subsurface septic installations as part of the original Act 250 permitting (see the Health Department Permit).

***In summary, the proposed Champion sale of the Camp Lots will not result in any immediate, cognizable physical change.** There is no reason to expect any significant impact under the ten Act 250 criteria or impacts on the underlying terms of the Cluster Lot Act 250 permit. **While the potential for camp conversions may increase as camp owners gain full control of their lots, the potential for negative impacts to the Big and Little Averill Lakes from increase use of inadequate septic systems is eliminated due to (1) prior permitting of septic systems for the Cluster Lots and (2) proposed deed covenants for the Big and Little Averill Cottage Lots** that (i) limit camp conversions where septic systems are inadequate, and (ii) require testing and, where necessary, remedying or polluting systems upon sale or transfer of all lots into the future. Given the above, the sale of the Camp Lots does not alter the "basic nature" of the pre-existing Cluster Lot subdivision or the pre-existing Big and Little Averill Cottage Lot subdivisions.*

3. Exhibit 017 to 020 consist of updated mapping of the lots, with lot numbers and roadways, submitted to the Act 250 office for the files. These Exhibits are not the originally reviewed and approved site plans (Permit site plans are provided as Exhibits 010 and 011).
4. According to the JO, at the time of issuance of the JO, in 2000, no known conversions of camps into year-round dwellings had occurred.
5. The Averill Recreational Camp Owners Association ("ARCO") is a Vermont non-profit corporation and voluntary association, which is responsible for ongoing maintenance of the access roads necessitated by camp lot owners' use (and to the extent allowed by the underlying easement) for maintenance of the water wells and trash removal service. An ARCO social media page (Exhibit 022) identifies that "ARCO, Inc. is a private Vermont corporation formed for the purpose of serving our limited membership while providing guidance for living in harmony with neighbors and nature".

6. When asked by the Coordinator about owners establishing year-around residency at ARCO seasonal camps, ARCO provided the following response (Exhibit 003, October 2019):

"Our ARCO members are familiar with our bylaws, rules and regulations as well as their deeds. We currently know of a few situations where owners are claiming residency".

7. The UTG provided a list of 9 camp lot owners reporting planned use or occupancy of their camp as a residence (Exhibit 014), which is understood to have originated from information filed by each lot owner to the Vermont Department of Taxes. Not all of these owners' properties correspond to lots subject to the Permit or JO. Exhibits 015a to 015f contain the owner and lot information for properties subject to the Permit and/or the JO. Exhibits 016a to 016b contain the owner and lot information of properties that are NOT subject to the Permit nor the JO. The owners and location of lots currently or previously reporting residency or planned residency, as identified by the UTG, and subject to the Permit and/or the JO (as noted below), are as follows:

- Patrick Kerin, Lot 149, 104 Loop Road (subject to the Permit and the JO)
- Kim Hubbard, Lot 51, 1097 Jackson Road (subject to the JO)
- George and Gail Ackerson, Lot 3, 2631 Jackson Road (subject to the JO)
- Stephen and Rebecca Scott, Lot 53, 1175 Jackson Road (subject to the JO)
- John and Sheryl Hull, Lot 193, 277 Beach Road (subject to the Permit and the JO)
- John and Sheryl Hull, Lot 49, 1031 Jackson Road (subject to the JO)

It is noted that the present JO, #7-312, is issued to all those identified on the attached Certificate of Service, and pertains to ALL interested or potentially interested persons and parties, including the UTG, ARCO, and owners or lessors of all ARCO lots, in particular those that are the subject of the Permit and/or the JO, and the applicability the present JO #7-312 is not limited to the individual lots identified above.

8. Neither the JO nor the Permit specifically address or authorize usage of ORV (off road vehicles) or ATV (all-terrain vehicles) on roads and trails. A 1961 travel easement agreement between property owners states that *"there shall be no travel by vehicle of any kind over any part of said graveled road during the spring thaw or 'mud season'"*. Logging roads are located to the south and neither lot owners nor ARCO have deeded access over these logging roads, however the logging traffic and loaded logging trucks may travel on roads managed by ARCO. ORV and ATV motorized vehicle usage has potential for significant impacts under Act 250 Criterion 1 (air pollution), 4 (soil erosion), 5 (traffic safety), 8 (aesthetics, particularly as it relates to noise), and 8A (necessary wildlife habitat). It is noted that ARCO land encompasses shoreline areas, and that the ARCO roads are used by large logging trucks, for example when logging occurs on the adjacent land; ATV or OTV usage concurrent with other vehicular and truck traffic creates potential for unsafe conditions on the roads used by ARCO.
9. When asked by the Coordinator about ATV usage on the land that ARCO manages, ARCO provided the following response: (Exhibit 003, October 2019):

"ARCO rules and regulations for common lands list that no powered vehicles such as ATVs, unregistered vehicles, off-highway recreation vehicles, dirt bikes, three-and four-wheelers, doodlebugs, or snowmobiles are permitted on any roads, rights of ways or common lands. ARCO has a contract with the Essex County Sheriff's office to regularly patrol the roads in and around camps and common lands".

10. The JO and the Permit were based on seasonal occupancy of the camp lots, and do not directly address the possibility of persons with school-aged children residing in the seasonal camps, and families potentially requesting that the UTG bear financial responsibility for public education-related expenses (as has reportedly occurred once in Averill in recent years). The State of Vermont sets a base rate for “equalized per pupil spending” however the actual costs to a municipality may be greater than this amount, also a new local student population may necessitate a costly capital improvement such as a new school facility or school expansion. For these reasons, school-age children residing in the seasonal camps has potential for significant adverse impact under Criterion 6 and/or 7 (the ability of the municipality to provide education services, and the ability of the local governments to provide municipal or governmental services, respectively).
11. In 2014, a JO was issued to the owner of Lot #35 (Douglas C. McArthur, 501 Jackson Road) for a project described as “*construction of a single family residence*”. This 2014 JO is provided as Exhibit 012, and identifies that an Act 250 permit is required, with the following basis of the decision:

The noted jurisdictional opinion (JO #7-206) includes express terms regarding seasonal occupancy, and seasonal use of the access road, and references the Shoreline District which includes all land within 250 feet of lakes and ponds over 5 acres, and which imposes 100 feet setback from the seasonal high water mark, and a 50 foot vegetated buffer strip. The parcel may not be developed with a single family residence (only a seasonal camp or seasonal dwelling are permitted). Please contact the Coordinator at 751-0126, thank you.

12. Though not requested by the Coordinator in preparing this #7-312 jurisdictional opinion, the Vermont Department of Taxes contacted the Coordinator and provided some information (Exhibit 023a to 023d) including the following:
- There are many factors that can be considered when determining a domicile status, and these include intent; the 2004 definition of domicile encompasses that “*Domicile means the place where an individual has a true, fixed permanent home, and to which place, whenever the person is absent, he or she has the intention of returning. An individual may have several places of abode in a year, but at no time can he or she have more than one domicile*”.
 - The 2004 definition of “Homestead” includes “*the principal dwelling and parcel of land surrounding the dwelling, owned and occupied by a resident individual as the individual’s domicile; an individual can only have one homestead*”. 32 V.S.A. § 5410(a). [...]
 - As further identified in Exhibit 023b, emphasis added: “Second homes and camps are not homesteads and should be listed as nonresidential property on the grand list. **A camp may be an exception to this statement if it is in fact the taxpayer’s principal dwelling. If it could not be occupied year-round under typical conditions, it does not qualify as a homestead** [...] a house that could be occupied year-round is not a homestead simply because the owner spends a considerable amount of time there. Ownership and occupation of a house are not sufficient to make it a homestead. The owner must be domiciled in Vermont and the house must be occupied “as the principal residence” of the individual”.
 - A homestead must be owned “and occupied” by the resident. **The law does not specify any requisite number of days that the resident must occupy the dwelling in order for it to qualify as a homestead.** An individual’s employment may require him or her to spend a majority of days away from the dwelling, but if the individual is domiciled in Vermont, and the dwelling is

his or her permanent dwelling, and if no other homestead has been claimed, it constitutes the homestead.

- **A statewide education tax is imposed on all homestead and nonresidential property. 32 V.S.A. § 5402(a). However, the tax is imposed at different rates on those two categories of property.**

This information highlights that a person COULD possibly occupy a seasonal camp as their official “domicile”, providing certain factors are met. This does not mean that such person necessarily occupies the residence on a year-round basis, nor that the seasonal camp qualifies as a person’s “Homestead” for purpose of property taxes.

The Natural Resources Board does not administer or enforce property tax laws. It is noted, however, that the Act 250 Permit and JO authorize use of the 140 camp lots for seasonal occupancy only.

IV. Analysis

Act 250 Rule 34(A) states in pertinent part that:

Material change to a permitted development or subdivision. A permit amendment shall be required for any material change to a permitted development or subdivision, or administrative change in the terms and conditions of a land use permit. Commencement of construction on a material change to a permitted development or subdivision without a permit amendment is prohibited.

Act 250 Rule 34(B) further provides that:

Substantial change to a pre-existing development or subdivision. A substantial change to a pre-existing development or subdivision shall be subject to a new application process including the notice and hearing provisions of 10 V.S.A. §§ 6083, 6083a, 6084 and 6085 and the related provisions of these rules.

This jurisdictional opinion addresses whether the changes and uses identified above as (i) to (iii) are a “material change” to the existing “subdivision”, pursuant to Act 250 Rules 34(A) and 2C(6), with respect to the 82 lots subject to jurisdiction via the Permit, and addressed in the previously issued JO. Additionally, this jurisdictional opinion addresses whether the changes and uses identified above as (i) to (iii) are a “substantial change” to the “pre-existing subdivision”, pursuant to Act 250 Rules 34(B) and 2C(7), with respect to the portion of the 140 lots that qualify as a “pre-existing subdivision” (55 lots) and are the subject of the noted previously issued JO.

This jurisdictional opinion does not address item (iv) the reported road improvements, because insufficient information was received. A separate jurisdictional opinion can be issued for this item, on receipt of sufficient relevant information.

With respect to the 82 lots (and access roads and land owned in common) that are already subject to Act 250 jurisdiction via the Permit, and which are also the subject of the previously issued JO, a Land Use Permit Amendment is required for a “material change” to a “permitted subdivision”. Rule 34(A). A material change is “any cognizable change to a development or subdivision subject to a permit under Act 250 or findings and conclusion under 10 V.S.A. §6086b, which has a significant impact on any finding, conclusion, term or condition of the project's permit or which may result in a significant adverse impact with respect to any of the criteria specified in 10 V.S.A. §§ 6086(a)(1) through (a)(10).” Rule 2(C)(6).

In addition, with respect to the 140 lots (for which the JO was previously issued in 2000), a portion of these lots (55 lots) qualify as a “pre-existing subdivision” as determined in the previously issued JO, and a Land Use Permit is required for a “substantial change” to this pre-existing subdivision. Rule 34(B). A substantial change means any cognizable change to a pre-existing development or subdivision which may result in significant adverse impact with respect to any of the criteria specified in 10 V.S.A. §6086(a)(1) through (a)(10). Rule 2(C)(7).

Items (i) to (iii) have been evaluated with respect to the criteria specified in 10 V.S.A. Section 6086 (a)(1) through (a)(10) to determine if the uses have potential for significant adverse impact pursuant to Rule 2(C)(6) and Rule 2(C)(7). Following are the results, as further detailed and supported by the facts and information above, and attached Exhibits 001 to 024:

(i) use or occupancy of existing camps in excess of a seasonal camp, e.g. as a year-round residence or declared residence

Both the Permit and the JO clearly establish that the camps are for seasonal use only. Such references include winter road closure and camp usage in summer and fall. If a seasonal camp is converted or used as a year-round residence, this is not consistent with the Permit and has a significant impact on the term of the Permit which authorizes only a seasonal camp use, and not more. While the JO contemplated that some camps might be converted to year-round usage, it focused on water quality (with the inclusion of a deed covenant) and did not fully address impact to the municipality. Also, importantly, the previously issued JO expressly identified that a cognizable change, a physical change, may constitute a “substantial change” for which Act 250 jurisdiction could apply, therefore a conversion of a seasonal camp, for year-round occupancy, that encompasses a physical or cognizable change, was not evaluated under the previously issued JO, and is considered in this JO #7-312. A cognizable change could be an addition or enlargement to an existing camp; winterizing a camp to support year-round use or occupancy as a year-round residence; a reconstruction or expansion of utilities and services such as water, sewer, electric; or expansion of parking areas or lakefront improvements. These are the kind of improvements and cognizable changes that may commonly occur when a typically small seasonal camp is converted into a year-round residence, and these kinds of construction activities and change in use have potential for significant adverse impacts under several Act 250 criteria, for example 1(B) waste disposal, 1(F) shorelines, 2/3 Water Supply, 4 Soil Erosion, and 8 Aesthetics. In addition, as noted by the UTG, conversion of seasonal camps to year-round residence may implicate a new and different, and potentially significantly higher or adverse burden on the municipality’s ability to provide services, which is relevant to Criterion 6 and 7.

Usage of a camp in excess of seasonal usage and/or conversion of a seasonal camp into a residence that could support year-round occupancy, is a “substantial or material change” for which an Act 250 permit or permit amendment is required, pursuant to Act 250 Rule 2(c)(6), Rule 2(C)(7), and Rule 34.

(ii) addition of children to the local school system

As outlined above, both the Permit and the JO clearly establish that the camps are for seasonal use only, and did not contemplate or encompass review of education of school-age children by the municipality. If this occurs, it raises potential for significant adverse impact under Act 250 Criteria 6 and 7, and is a “substantial or material change” for which an Act 250 permit or permit amendment is required, pursuant to Act 250 Rule 2(c)(6), Rule 2(C)(7), and Rule 34.

(iii) ORV or ATV use of roads and trails

As outlined above, ORV and ATV motorized vehicle usage has potential for significant adverse impacts under Act 250 Criteria 1 (air pollution), 4 (soil erosion), 5 (traffic safety), 8 (aesthetics, particularly as it relates to noise), and 8A (necessary wildlife habitat). It is again noted that ARCO land encompasses shoreline areas, and that the ARCO roads are used by large logging trucks, for example when logging occurs on adjacent land; ATV or OTV usage concurrent with other vehicular and truck traffic creates potential for unsafe conditions. For these reasons, ATV or OTV usage is a “substantial or material change” for which an Act 250 permit or permit amendment is required, pursuant to Act 250 Rule 2(c)(6), Rule 2(C)(7), and Rule 34.

V. Conclusion

Items (i) to (iii) have potential for significant adverse impact with respect to one or more of the criteria specified in 10 V.S.A. §§ 6086(a)(1) through (a)(10). These uses are a “material change” to the existing 82-lot subdivision which is subject to Act 250 Land Use Permit #7E0041 as amended (Exhibits 007 to 009), therefore an Act 250 permit amendment is required pursuant to Rule 2C(6) and rule 34(A).

Further, items (i) to (iii) have potential for significant adverse impact with respect to one or more of the criteria specified in 10 V.S.A. §§ 6086(a)(1) through (a)(10) and are a “substantial change” to the 55 lots comprising the pre-existing subdivision, therefore an Act 250 permit is required for these uses pursuant to Rule 2C(7) and Rule 34(B).

Item (iv) (reported road improvements) has not (yet) been evaluated due to lack of information. On receipt of sufficient relevant information, a JO can be issued for this item, in the future.

VI. Right of Appeal

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. As of May 31, 2016, with the passage of Act 150, Act 250 Rule 3(C) (Reconsideration by the Board) is no longer in effect. Instead, 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 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.

Anyone should please feel free to contact me with any questions.

Sincerely,



Kirsten Sultan, Coordinator
District #7 Environmental Commission
Natural Resources Board