State of Vermont
Natural Resources Board
Act 250 Jurisdictional Opinion
4-261

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:

City of South Burlington via VHB
Attn: Brad Ketterling, Environmental Scientist

PROJECT DESCRIPTION:

Reconstruction of Market Street from Dorset Street to Hinesburg Road (Vermont Route 116) in the City of South Burlington, Vermont. The City's Market Street project will reconstruct the roadway on its existing alignment. The roadway layout will be modified to include on-street parking and curb extensions ("bump-outs") at proposed crosswalk locations to calm traffic and enhance pedestrian safety. The project includes new curbing, rehabilitated or new subsurface utilities, new shared-use paths for pedestrians and cyclists, on-street parking, and streetscape amenities (i.e. green space for landscaping, benches, street signs, and dark-sky compliant lighting), and stormwater treatment practices (catch basins and underground pipes and two treatment facilities referred to as the West and East Ponds). The project includes the intersection improvements necessary to connect the project with Dorset Street, Hinesburg Road, the Rick Marcotte Central School entrance and other driveways, and the proposed future Garden Street. The project will disturb less than 10 acres. The property is subject to Act 250 Permit #4C0503 and amendments, and is further detailed in letters (with attachments) from Brad Ketterling, VHB, dated August 15, 2017 to Peter Keibel, and dated October 19, 2017 to Kirsten Sultan.

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: Municipal purpose project involving less than 10 acres of land is not a "development" pursuant to 6001(3)(A)(v). Also, the Project is not a "material change" to the #4C0503 development, pursuant to Rule 2(c)(6), thus does not require Act 20 permit amendment pursuant to Rule 34.

SIGNATURE: DATE: 12/18/17

Kirsten Sultan, Acting Coordinator, District #4 Environmental Commission
Telephone: (802) 751-0126 Email: kirsten.sultan@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. As of May 31, 2016, with the passage of Senate Bill 123 (Act number pending), 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 and the 5% surcharge required by 32 V.S.A. § 1434a(a), which is $262.50. The appellant also must serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.