

**Natural Resources Board
111 West Street
Essex Jct., VT 05452**

**Act 250 Jurisdictional Opinion
JO #4-283**

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 (10 V.S.A. § 6007 (c) and Act 250 Rule 3 (b)) or an Appeal with the SUPERIOR COURT, Environmental Division within 30 days of the issuance of this opinion

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: Andrea Morgante

PROJECT DESCRIPTION:

The project includes the dredging of the canal located to the northwest of Mechanicsville Road in Hinesburg, Vermont. The canal is used by the Town for firefighting purposes. The extent of dredging is proposed to be from the dam located at the northeast corner of the property at 223 Commerce Street to the dam located to the west of Route 116 and north of the property at 10442 VT Route 116.

Act 250 jurisdiction currently exists on the Commerce Street Commercial Park under Land Use Permit series 4C0654. A dam and a portion of the canal currently coexist on Lot #8 of the commercial park (223 Commerce Street) and at the time of the original subdivision a portion of the canal coexisted on Lot #15 of the commercial park (138 Commerce Street).

Existing Act 250 permit: 4C0654 and amendments

Project Type: Commercial Residential Municipal/State Mixed
 Agriculture Silviculture Other
Has the landowner subdivided before? Yes No N/A

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

BASIS FOR DECISION:

Based on the available information, the project located within the portion of the canal that overlaps the Commerce Street Commercial Park constitutes a material change to a permitted development pursuant to Act 250 Rule 2(C)(6). The portion of the canal that is proposed to be dredged and is located outside of the Commerce Street Commercial Park is considered to be involved land to the proposed project pursuant to Act 250 Rule 2(C)(5)(b). Therefore, the project as proposed requires a permit amendment pursuant to Act 250 Rule 34.

SIGNATURE: /s/ Rachel Lomonaco DATE: 2/18/21

Rachel Lomonaco, District Coordinator
Environmental Commission District #4
111 West Street, Essex Junction, VT 05452
802-879-5658
rachel.lomonaco@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 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.

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CERTIFICATE OF SERVICE

I hereby certify on this 18th day of February, 2021, a copy of the foregoing ACT 250 JURISDICTIONAL OPINION #4-283, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to NRB.Act250Essex@vermont.gov

Andrea Morgante
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Chief Al Barber
Hinesburg Fire Department
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Alex Weinhagen
Director of Planning & Zoning, Town of Hinesburg
aweinhagen@hinesburg.org

Melissa Ross, Town Clerk
Chair, Selectboard/Chair, Planning Commission
Town of Hinesburg
10632 VT Route 116
Hinesburg VT 05461
mross@hinesburg.org

Chittenden County Regional Planning Commission
110 West Canal Street, Suite 202
Winooski, VT 05404
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Agency of Natural Resources
1 National Life Drive, Davis 2
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ANR.Act250@vermont.gov

Dept. of Public Service
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Agency of Agriculture, Food & Markets
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Division for Historic Preservation
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Natural Resources Board
Diane Snelling, Chair
Greg Boulbol, General Counsel
Evan Meenan, Associate General Counsel
10 Baldwin Street
Montpelier, VT 05633-3201

Dated at Essex Junction, Vermont, this 18th day of February, 2021.



Jessica Mason
Natural Resources Board Technician
802-879-5614
Jessica.Mason@vermont.gov

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FOR YOUR INFORMATION

District #4 Environmental Commission
111 West Street
Essex Junction, VT 05452