

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

**Act 250 Jurisdictional Opinion
JO #4-284 (corrected)**

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: Colin Judge, VTrans, 219 North Main Street, Barre, VT 05641

PROJECT DESCRIPTION:

The project includes a new staging area and two new soil disposal areas related to the construction of a new bicycle and pedestrian path along Route 15 between Lime Kiln Road and Susie Wilson Road also known as the Colchester-Essex NH 030-1(34) project. The construction of the bicycle and pedestrian path were previously permitted under Land Use Permits #4C0301-4A, 4C0320-21A, 4C0748-1A.

The staging area is proposed to be located on SPAN 153-048-22311 located to the east of the intersection of Route 15 and Lime Kiln Road in Colchester, Vermont. The proposed staging area is currently subject to Land Use Permit Series #4C0320 and amendments.

The two proposed off-site soil disposal locations include 16 Berard Drive in South Burlington, Vermont and 289 River Road in Essex, Vermont. Neither of the proposed soil disposal locations are currently subject to Act 250 jurisdiction.

Existing Act 250 permit: See notes above

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 use of the staging area is considered a material change to Land Use Permits #4C0301-4A, 4C0320-21A, 4C0748-1A pursuant to Act 250 Rule 2(C)(6). Therefore, the use of the staging area requires a permit amendment pursuant to Act 250 Rule 34.

Based on the available information, the use of the two soil disposal areas is considered a material change to Land Use Permits #4C0301-4A, 4C0320-21A, 4C0748-1A pursuant to Act 250 Rule 2(C)(6). The two soil disposal areas are considered involved land to the project previously permitted under Land Use Permits #4C0301-4A, 4C0320-21A, 4C0748-1A pursuant to Act 250 Rule 2(C)(5)(b). Therefore, the use of the two soil disposal areas requires a permit amendment pursuant to Act 250 Rule 34.

This JO was issued to correct a typographical error in JO #4-284 where Berard Drive was inadvertently spelled "Bedard Drive."

SIGNATURE: /s/ Rachel Lomonaco DATE: 3/16/21

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.

Y:\NRB\Essex\DISTRICTS\DIST4\JO\JO 4-201 to JO 4-300\JO-4-284\JO 4-284 (corrected).docx

CERTIFICATE OF SERVICE

I hereby certify on this 16th day of March 2021, a copy of the foregoing ACT 250 JURISDICTIONAL OPINION #4-284(Corrected), 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

Colin Judge, Construction Env. Engineer
Construction & Materials Bureau
Vermont Agency of Transportation
219 North Main Street
Barre, VT 05641
colin.judge@vermont.gov

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@vermont.gov; james.duggan@vermont.gov
accd.projectreview@vermont.gov

Chair, Selectboard/Chair, Planning Commission
Town of Colchester
781 Blakely Road
Colchester, VT 05446
jgraeter@colchestervt.gov

FOR YOUR INFORMATION

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

Chair, Selectboard/Chair, Planning Commission
Town of Essex
81 Main Street
Essex Jct., VT 05452
smcnamarahill@essex.org

Natural Resources Board
Diane Snelling, Chair
Greg Boulbol, General Counsel
Evan Meenan, Associate General Counsel
10 Baldwin Street
Montpelier, VT 05633-3201

Chair, City Council/Chair, City Planning Commission
City of South Burlington
575 Dorset Street
South Burlington, VT 05403
dkinville@sburl.com

Dated at Essex Junction, Vermont, this 16th day of March, 2021.

Chittenden County Regional Planning Commission
c/o Charlie Baker, Exec. Dir.
Regina Mahony, Planning Program Manager
110 West Canal Street, Suite 202
Winooski, VT 05404
permitting@ccrpcvt.org

/s/Christine Commo
Natural Resources Board Technician
879-5614
christine.commo@vermont.gov

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
anr.act250@vermont.gov

Y:\NRB\Essex\DISTRICTS\DIST4\JO\JO 4-201 to JO 4-300\JO-4-284\JO 4-284
coscorr.docx

Barry Murphy/Vt. Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov
psd.vtdps@vermont.gov

Craig Keller/Jeff Ramsey/Christopher Clow
VTrans Policy, Planning & Research Bureau
219 N. Main Street
Barre, VT 05641
aot.act250@vermont.gov

Vt. Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@vermont.gov