

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

**Act 250 Jurisdictional Opinion  
JO #4-284**

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 Bedard 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.

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](mailto: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, 2<sup>nd</sup> 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 16<sup>th</sup> day of March 2021, a copy of the foregoing ACT 250 JURISDICTIONAL OPINION #4-284, 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](mailto: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](mailto:colin.judge@vermont.gov)

Division for Historic Preservation  
National Life Building, Drawer 20  
Montpelier, VT 05620  
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Chair, Selectboard/Chair, Planning Commission  
Town of Colchester  
781 Blakely Road  
Colchester, VT 05446  
[jgraeter@colchestervt.gov](mailto: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](mailto: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](mailto:dkinville@sburl.com)

Dated at Essex Junction, Vermont, this 16<sup>th</sup> 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](mailto:permitting@ccrpcvt.org)

/s/Christine Commo  
Natural Resources Board Technician  
879-5614  
[christine.commo@vermont.gov](mailto:christine.commo@vermont.gov)

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Elizabeth Lord, Land Use Attorney  
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Craig Keller/Jeff Ramsey/Christopher Clow  
VTrans Policy, Planning & Research Bureau  
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Vt. Agency of Agriculture, Food & Markets  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
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