

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

Act 250 Jurisdictional Opinion  
#4-304

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: Phillip Peterson, Burlington Department of Public Works

**PROJECT DESCRIPTION:**

The project includes improvements to University Place in Burlington, Vermont. The proposed project includes: (1) creating a one-way traffic flow along University Place with buffered bike lanes; (2) modifying turning movements at the intersections with Colchester Avenue and Main Street; (3) improving pedestrian crossings including constructing a consolidated pedestrian crossing plaza near Old Mill and Williams Hall; (4) constructing new sidewalk segments; (5) widening existing sidewalks; (6) constructing new on-street parking areas near Old Mill and Ira Allen Chapel; and (7) removing approximately 250 feet of an existing walkway within the UVM Green. The project is located within the City's right-of-way except for the removal of an existing sidewalk and tying into existing sidewalks which are located on UVM-owned land. The project includes less than 10 acres of disturbance.

Existing Act 250 permit: Permit series 4C0852 and 4C0571 apply to land owned by UVM, but none specifically for this property

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 does not constitute development under 10 V.S.A. Section 6001(3)(A)(v) because the project is municipal in nature and does not involve more than 10 acres of disturbance.

The portions of the project that are located on UVM-owned land include the removal of approximately 250 feet of existing sidewalk within the UVM Green and tying into existing sidewalks. These portions of the project do not constitute a substantial change or a material change.

Therefore, the project does not require an Act 250 permit.

SIGNATURE: /s/ Rachel Lomonaco      DATE: 9/1/21  
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.

Y:\NRB\Essex\DISTRICTS\DIST4\JO\JO 4-301 to JO 4-400\JO-4-304\JO 4-304.docx

## CERTIFICATE OF SERVICE

I hereby certify on this 1<sup>st</sup> day of September, 2021, a copy of the foregoing ACT 250 JURISDICTIONAL OPINION #4-304, 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)**

Phillip Peterson  
Burlington Department of Public Works  
645 Pine Street  
Burlington, VT 05402  
[ppeterson@burlingtonvt.gov](mailto:ppeterson@burlingtonvt.gov)

Katherine Schad, Town Clerk  
Chair, Selectboard/Chair, Planning Commission  
City of Burlington  
149 Church Street  
Burlington, VT 05401  
[burlingtontownclerk@burlingtonvt.gov](mailto:burlingtontownclerk@burlingtonvt.gov);  
[lolberg@burlingtonvt.gov](mailto:lolberg@burlingtonvt.gov)

Chittenden County Regional Planning Commission  
110 West Canal Street, Suite 202  
Winooski, VT 05404  
[permitting@ccrpcvt.org](mailto:permitting@ccrpcvt.org)

Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
[ANR.Act250@vermont.gov](mailto:ANR.Act250@vermont.gov)

Dept. of Public Service  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601  
[barry.murphy@vermont.gov](mailto:barry.murphy@vermont.gov); [PSD.VTDPS@vermont.gov](mailto:PSD.VTDPS@vermont.gov)

VTrans Policy, Planning & Research Bureau  
Barre City Place  
219 N. Main Street  
Barre, VT 05641  
[AOT.Act250@vermont.gov](mailto:AOT.Act250@vermont.gov)

Agency of Agriculture, Food & Markets  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
[AGR.Act250@vermont.gov](mailto:AGR.Act250@vermont.gov)

Division for Historic Preservation  
National Life Building, Drawer 20  
Montpelier, VT 05620  
[scott.dillon@vermont.gov](mailto:scott.dillon@vermont.gov); [james.duggan@vermont.gov](mailto:james.duggan@vermont.gov)  
[ACCD.ProjectReview@vermont.gov](mailto:ACCD.ProjectReview@vermont.gov)

### FOR YOUR INFORMATION

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

Dated at Essex Junction, Vermont, this 1<sup>st</sup> day of September, 2021.



Jessica Mason  
Natural Resources Board Technician  
802-879-5614  
[Jessica.Mason@vermont.gov](mailto:Jessica.Mason@vermont.gov)

Y:\NRB\Essex\DISTRICTS\DIST4\JO\JO 4-301 to JO 4-400\JO-4-304\JO 4-304  
COS.docx