



State of Vermont
Natural Resources Board
Act 250 Jurisdictional Opinion
JO-7-290

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: Town of Burke
 Landowner Agent Other: and
Gingue Construction
and
Charles J. Santo, landowner

PROJECT DESCRIPTION:

Within a residential subdivision identified in permit WW-7-3339-2, located at 2007 Vermont Route 114, East Burke, extract, process, stockpile and remove earthen material (e.g. gravel), in an area ± 400' X ± 100', to improve a planned residential building site; to achieve grading needed to remediate an existing drainage problem (basement flooding in an existing residential structure); and to gift the Town with a needed source of gravel for its planned road maintenance work. No gravel will enter the commercial marketplace or be delivered to users other than the Town of Burke. No money or other compensation will be exchanged between the landowner and the Town of Burke. The project will not physically disturb in excess of 10 acres. The work will include use of standard erosion prevention and sediment control measures, and the site will be stabilized by June 30, 2019. After this date, the Town (or its contractor) will have access to a stockpile of gravel product, and will remove all such stockpiled materials by October 15, 2020.

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: The subdivision house site construction is exempt pursuant to a jurisdictional opinion issued 10-20-16 via Project Review Sheet (not a "subdivision" pursuant to §6001(19)). Also the project is not for a commercial purpose and involves less than 10 acre of land, therefore is not a "development" pursuant to §6001(3)(A)(v).

SIGNATURE: _____
Kirsten Sultan, Coordinator, District #7 Environmental Commission
Telephone: (802) 751-0126 Email: kirsten.sultan@vermont.gov
374 Emerson Falls Road, Suite 4, St. Johnsbury, VT 05819

DATE: April 29, 2019

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. 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(b)(1) (2015), 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.