



## ACT 250 JURISDICTIONAL OPINION 8-268

State of Vermont

Natural Resources Board

Districts 1 & 8 Environmental Commissions

440 Asa Bloomer State Office Building

88 Merchants Way, 4<sup>th</sup> Floor

Rutland, VT 05701

<https://nrb.vermont.gov/>

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 or an appeal with the Superior Court, Environmental Division within 30 days of the issuance of this opinion (see below). This Opinion identifies Act 250 Jurisdiction only. Other permits may be required (e.g., <https://dec.vermont.gov/permits>). For more information, please contact the Agency of Natural Resources Permit Specialist serving your area: (<https://dec.vermont.gov/environmental-assistance/permits/specialists>).

☒ 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.

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- ☐ Landowner  
☒ Agent  
☐ Other

**Project Description:** Proposed revisions to the Construction Site Waste Reduction Plan ("Plan") approved in Land Use Permit ("LUP") 8B0313-22 CWI Manchester Hotel, LLC, which followed from a proposal for an alternative demolition process ('controlled demolition/asbestos abatement').

**Existing Act 250 permit number(s) or series:** 8B0313-22

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 revised Plan resulting from an alternative demolition process is inconsistent with the previously authorized waste reduction plan, and therefore fails to conform with Condition 1 of LUP 8B0313-22. The demolition process recently proposed prevents the disposal of materials in the manner outlined in the authorized waste reduction plan. The proposed modifications to the Plan are a “material change” to the Project reviewed and permitted by the District Environmental Commission (“Commission”), and therefore require a permit amendment pursuant to Act 250 Rules 2(C)(6) and 34. Condition 1 in LUP 8B0313-22 is a ‘critical condition’, and any amendment application will require review by the Commission pursuant to Act 250 Rule 34(E) – Stowe Club Highlands Analysis.

For this decision, I relied on information provided in emails from Ms. Boepple sent on April 13, 2021 and April 14, 2021 (Exhibits 001-004, enclosed), as well as the evidence in [permit file 8B0313-22](#), including but not limited to Exhibits 011, 012, and 014.

/s/ Kim Lutchko  
Kim Lutchko, District Coordinator  
Districts 1 & 8 Environmental Commissions  
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This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). 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 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 the entry fee required by 32 V.S.A. § 1431 with the Notice of Appeal, which is \$295.00. The appellant must also 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.

Enclosure

cc: See attached COS