

BASIS FOR DECISION:

Based upon the scope of the proposed project and the agreement between the Town of Lincoln and landowner established in Exhibit A to this request for the transfer of ±8.04 acres of land via purchase (±6.85 acres) and appurtenant easement (±1.19 acres) for the operation of a municipal gravel pit, which constitutes an “arms-length” transaction between the buyer and seller, the project as proposed does not constitute “development” pursuant to 10 V.S.A. § 6001(3)(A)(v) and Act 250 Rule 2(C)(14) and (15), therefore an Act 250 permit is not required.

Dated at Essex Junction, Vermont this 26th day of April 2019.



BY: _____
Josh Donabedian, District Coordinator
District #9 Commission
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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 As of May 31, 2016, with the passage of Act 150, Act 250 Rule 3(C) (Reconsideration by the Board) is no longer in effect.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.

CERTIFICATE OF SERVICE

I hereby certify on this 26th day of April 2019, a copy of the foregoing **JURISDICTIONAL OPINION 9-074 (TOWN OF LINCLON)**, 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-act250barre@vermont.gov.

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