

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

Act 250 Jurisdictional Opinion

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: **Jeremy Dean, Project Engineer, Donald L. Hamlin Consulting Engineers, Inc., 136 Pearl Street, Essex Junction, VT 05452**

PROJECT DESCRIPTION:

The Missisquoi Valley Union High School (MVUHS) in Swanton and Highgate, Vermont is proposing to construct several building expansions, which include: (1) construction of an addition to an existing wood chip plant building to accommodate a new HVAC system, (2) construction of a secure entryway to the school, (3) construction of a covered walkway from the main school building to the "J-Pod" building, and (4) redevelopment of the existing HVAC pit into a new above-ground electrical control room.

Existing Act 250 permit: #6F066 Missisquoi Valley Union High School

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:

MVUHS is an existing municipal "development" project under Act 250 Permit #6F0066 issued on September 24, 1973. On February 17th, 1997 a Project Review Sheet was issued stating that construction of the "J-Pod" building, despite being a 20,000 square foot building addition to an existing municipal development project, did not constitute "a substantial change to a pre-existing development" and therefore did not require a permit amendment. Similarly, a Project Review Sheet was issued on May 5th, 2008 stating that construction of the 2,100 square foot boiler room building was "not a material change to the existing development" and therefore did not require a permit amendment. In accordance with these previous determinations, the proposed physical improvements to MVUHS likewise cannot legally be considered a "material change" to the existing municipal development project. Therefore, no Act 250 permit amendment is required.



SIGNATURE: _____

DATE: February 8, 2019

Josh Donabedian, District Coordinator
Environmental Commission District #6
111 West Street, Essex Junction, VT 05452
802-879-5657
joshua.donabedian@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, 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.