

State of Vermont
NATURAL RESOURCES BOARD
DISTRICT 6 ENVIRONMENTAL COMMISSION
10 Baldwin Street, Montpelier, Vermont 05602

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 regarding the jurisdiction of 10 V.S.A. Chapter 151 (Act 250) over the project described below: Sam Ruggiano, P.E., Ruggiano Engineering, Inc., 5 Lake Street, St. Albans, VT 05478.

PROJECT DESCRIPTION:

144039 Canada Inc. (landowner) is the owner of record of two ±4-acre lots located at the intersection of Vermont Routes 36 and 104 in St. Albans Town, Vermont. Both lots were once part of a larger ±15-acre lot that was subsequently subdivided into four new lots prior to their acquisition by landowner. The landowner now proposes commercial developments for each of its ±4-acre lots, both of which will be accessed from Vermont Route 36. On October 31st, 2019, a representative of the landowner met with the District 6 Coordinator seeking a determination regarding whether the proposed developments for each lot will trigger Act 250 jurisdiction and require an Act 250 Permit.

Existing Act 250 permit: There is no existing Act 250 Permit on the subject 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:

Because St. Albans Town is a “10-acre town” and neither of the lots proposed for development are 10 acres or greater in size, the project as proposed does not constitute a “development” pursuant to 10 V.S.A. § 6001(3)(A), therefore an Act 250 permit is not required.

Dated at Essex Junction, Vermont this 6th day of November 2019.


BY: _____
Josh Donabedian, District Coordinator
District #6 Commission
10 Baldwin Street, Montpelier, VT 05602
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.

CERTIFICATE OF SERVICE

I hereby certify on this 6th day of November 2019 a copy of the foregoing **JURISDICTIONAL OPINION 6-019 (144039 CANADA, INC. via SAM RUGGIANO, RUGGIANO ENGINEERING, INC.)** 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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BY /s/ Lori Grenier
NRB Technician
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