



State of Vermont
Natural Resources Board
Act 250 Jurisdictional Opinion
JO-7-291

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:

☒ Landowner ☐ Agent ☐ Other:

Ben Tipton
 307 Sugarhouse Road
 West Burke, VT 05871
 bensimpleliving@gmail.com

PROJECT DESCRIPTION:

On a ± 29.5 acre property located at 307 Sugarhouse Road, Burke, developed with an existing single family residence and barn, occupied by the landowner and used for farming (including a small CSA): construct recreation trail(s) for personal private use, e.g. friends and family, extended friends and family, neighbors, etc. At this time, there are no plans to use the trail(s) for a commercial purpose – no fees or donations will be collected for trail(s) usage. Further, the trail(s) are not currently being planned or pursued as a component of a specific larger trail, or trail system, development plan. The property is not subject to Act 250 jurisdiction via previously issued Act 250 permit, or via any existing unpermitted “development”. The Town of Burke has adopted permanent zoning and subdivision bylaws and is a so-called “10 Acre Town”.

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 recreation trail project is not for a commercial purpose pursuant to Act 250 Rule 2(C)(4), thus does not qualify as a “development” pursuant to 10 V.S.A. §6001(3)(A)(i). The project is not a state or municipal purpose project (or portion thereof) involving greater than 10 acres of land, thus does not qualify as a “development” pursuant to 10 V.S.A. §6001(3)(A)(v).

SIGNATURE: _____

DATE: June 10, 2019

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

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.

CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier for Gina St Sauveur, Natural Resources Board Technician, District #7 Environmental Commission, sent a copy of the foregoing document Jurisdictional Opinion #JO-7-291 for Ben Tipton by U.S. Mail, postage prepaid to the following individuals without e-mail addresses and by e-mail to the individuals with e-mail addresses listed, on this 10th day of June, 2019.

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 e-mail below. If you have elected to receive notices and other documents by e-mail, it is your responsibility to notify our office of any e-mail address changes.


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Lori Grenier for Gina St Sauveur
Natural Resources Board Technician