

Project Review Sheet

Date Initiated	9/22/2020	ANR PIN#	RU03-0168	WW Project#	WW-1-1074-1	Pre-application Review	<input type="checkbox"/>
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Project Information

General Information

PROJECT NAME (if applicable) Kings Pines Development	PROJECT TOWN Killington
PROJECT LOCATION (911 address if available) 140 Burke Hollow Road	SPAN(S) (if available) 588-185-10785

Contact(s)

CONTACT TYPE Landowner	NAME Kings Pines Associates LLC	ORGANIZATION NAME (if applicable)		
ADDRESS 33 Macaulay Lane		TOWN Niskayuna	STATE NY	ZIP 12309
PHONE 518-210-1901	CELL PHONE	EMAIL thekingspines@gmail.com		
CONTACT TYPE Applicant	NAME Anthony Massaroni	ORGANIZATION NAME (if applicable)		
ADDRESS		TOWN	STATE VT	ZIP
PHONE 518-210-1901	CELL PHONE	EMAIL		

Project Description

ENTERED BY Rick Oberkirch	INFORMATION SOURCE Individual	DATE ENTERED 11/18/2020 11:00 AM
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PROJECT DESCRIPTION
 Add 1 unit of housing. Kings Pines is a five-lot subdivision with eight duplex units and one single family residence (9 total units) constructed in 2005. The development's parking and septic has the capacity to sustain 10 duplex units, so the intent is to zone all five lots as duplexes (10 total units). Convert Building B from a single family residence to a six bedroom duplex building .

DEC Prior Permits

PERMIT TYPE Act 250	PERMIT NUMBER 1R0931 Denied
PERMIT TYPE Wastewater System & Potable Water Supply	PERMIT NUMBER WW-1-1074-1

*Jurisdictional Opinion(s) for permits that may be needed from the District Environmental Office **PRIOR TO COMMENCEMENT OF CONSTRUCTION***

Act 250 Jurisdictional Opinion

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. Effective May 31, 2016, 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.

PERSON REQUESTING JURISDICTIONAL OPINION Anthony Massaroni	REQUESTOR TYPE Landowner/Agent	ACT 250 PERMIT NUMBER (if any) 1R0931 Denied	HAS THE LANDOWNER SUBDIVIDED BEFORE? <input type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF PROJECT (check all that apply)	
<input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Federal	
IS AN ACT 250 PERMIT REQUIRED?	COPIES SENT TO STATUTORY PARTIES?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
BASIS FOR DECISION The construction of housing projects with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land, and within any continuous period of five years constitutes 'development' pursuant to 10 V.S.A. Section 6001 (3)(A)(iv). Based on material representations in JO 1-361, permit file 1R0931, and the requesting party through a series of emails and phone conversations, it is my determination that the 10th residential unit was constructed in 2005, triggering jurisdiction at that time. Construction of the first 4 duplex buildings (8 units) occurred between 2003 and 2005; in 2005, application 1R0931 was submitted requesting authorization to convert the final (5th) building, mid-construction, from a 'single-family residence' (9th unit) to a duplex (10 total units). Application 1R0931 was denied. However, the building "was constructed as a duplex like the others to conform with the look of the development and requirements of HOA, but they connected the kitchens of the 2 units and left it vacant as a SFH". The town certificate of occupancy indicates it was approved for either SFH or duplex. The building, despite the inclusion of a single doorway ("wall opening connecting the Unit 1 and Unit 2 kitchens"), was constructed as a duplex and could be utilized as 2 units.	
DISTRICT COORDINATOR SIGNATURE	Kim Lutchko, District Coordinator
2020.11.17 13:23:30 -05'00'	[phone] 802-786-5099 [email] kim.lutchko@vermont.gov Natural Resources Board Districts 1 & 8 Environmental Commissions 440 Asa Bloomer State Office Bldg, 4th Floor, Rutland, VT 05701-5903

Wastewater System & Potable Water Supply Permit Jurisdictional Opinion

IS A WASTEWATER SYSTEM & POTABLE WATER SUPPLY PERMIT/APPROVAL REQUIRED?	PERMIT NOT REQUIRED?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Permit application currently under review <input type="checkbox"/> No <input type="checkbox"/> Permit issued on _____	<input type="checkbox"/> Boundary Line Adjustment <input type="checkbox"/> Home Occupation <input type="checkbox"/> Clean Slate <input type="checkbox"/> Notice of Permit Requirement
BASIS FOR DECISION Based on the documentation contained in the archived project records for the two permits issued to date, there appears to be a substantial lack of compliance with multiple conditions specified in those permits. Although the original permitting anticipated a duplex residence on each of the five lots, including Building B, the proposed addition of one living unit to Building B at this time would require prior restoration of compliance with the previous permit conditions, except as may qualify for exemption pursuant to the "clean slate" permit exemption (§1-303 of Chapter 1 of the Environmental Protection Rules). Procedurally, the resolution of the current aspects of non-compliance with the parameters of the previous permits will require a permit amendment to establish the particular actions and corresponding schedule pertinent to achievement of such compliance, and may also need to entail confirmation that the existing potable water and wastewater facilities that would be utilized by the expanded Building B are compliant with the minimum design standards in the current Environmental Protection Rules (which have been revised twice since the issuance of the previous two permits).	
REGIONAL OFFICE STAFF SIGNATURE	Dave Swift, Regional Engineer
2020.09.29 18:34:03 -04'00'	[phone] 802-345-7493 [email] dave.swift@vermont.gov Department of Environmental Conservation Drinking Water & Groundwater Protection Division - Rutland Regional Office 450 Asa Bloomer Office Bldg., Rutland, VT 05701-5903

 The following are preliminary, non-binding determinations made by DEC Permit Specialists identifying other permits that may be needed **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

SPECIAL WETLANDS DISCLAIMER

A desktop review cannot definitively confirm the presence or absence of a wetland in or within fifty feet of your project site. This review sheet is the result of a desktop review that included reviewing the project site with these mapping tools available at <https://anr.vermont.gov/maps>. Many wetlands do not appear on these maps. You are advised to review the site on the ground for wetlands, regardless of whether this box is checked or not (<https://dec.vermont.gov/watershed/wetlands/what/guide>). To confirm the presence/absence of wetlands, contact a qualified environmental consultant (<https://dec.vermont.gov/watershed/wetlands/what/id/wetland-consultant-list>) or the State Wetlands Program (<https://dec.vermont.gov/watershed/wetlands>).

Preliminary, Non-binding Determination of the Applicability of Other State Permits

 Note: Fact Sheet numbers below refer to permit fact sheets available at: <http://dec.vermont.gov/permits/handbook/info-sheets>

Agency of Natural Resources - Department of Environmental Conservation

WATERSHED MANAGEMENT DIVISION

Stormwater: Developments [Fact Sheets #6.2 & 6.3] [See Stormwater District Contacts Map]
 Contact: Terry Purcell Email: terry.purcell@vermont.gov Phone: 802-490-6166

Department of Public Safety

Construction Permit Fire Prevention, Electrical, Plumbing, Accessibility (ADA) [Fact Sheets #49, 50, 50.1, & 50.2]**Local Permits** See your Town Clerk, Zoning Administrator, Planning Commission or Public Works

PERMIT SPECIALIST SIGNATURE



2020.11.18

11:01:08 -05'00'

Rick Oberkirch, Permit Specialist[phone] 802-282-6488 [email] rick.oberkirch@vermont.gov**Department of Environmental Conservation**

Environmental Assistance Office - Rutland Regional Office

450 Asa Bloomer Office Bldg., Rutland, VT 05701-5903