

Project Review Sheet

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|----------------|------------|----------|-----|-------------|-----|------------------------|-------------------------------------|
| Date Initiated | 12/19/2018 | ANR PIN# | n/a | WW Project# | n/a | Pre-application Review | <input checked="" type="checkbox"/> |
|----------------|------------|----------|-----|-------------|-----|------------------------|-------------------------------------|

Project Information

General Information

| | | |
|--|------------------------|--------------|
| PROJECT NAME (if applicable) | | PROJECT TOWN |
| | | Derby |
| PROJECT LOCATION (911 address if available) | SPAN(S) (if available) | |
| West of Darling Hill Rd. & near Upper Quarry Rd. | | |

Contact(s)

| | | | | |
|--------------|-------------|-------------------------------------|-------|-----|
| CONTACT TYPE | NAME | ORGANIZATION NAME (if applicable) | | |
| Applicant | Bob Primeau | Memphremagog Ski Touring Foundation | | |
| ADDRESS | | TOWN | STATE | ZIP |
| | | | | |
| PHONE | CELL PHONE | EMAIL | | |
| 802-825-1673 | | elliebobp@gmail.com | | |

Project Description

| | | |
|---|--------------------|------------------|
| ENTERED BY | INFORMATION SOURCE | DATE ENTERED |
| Peter Kopsco | Individual | |
| PROJECT DESCRIPTION | | |
| Build up to 10 miles of new trails. The corridor will be 2-3 feet wide. | | |
| ENTERED BY | INFORMATION SOURCE | DATE ENTERED |
| Kirsten Sultan | Individual | 1/2/2019 2:02 PM |

PROJECT DESCRIPTION

The project is an expansion of an existing established trail system. The existing trail system, and the planned expansion are further described in emails from Robert Primeau to Kirsten Sultan, with maps and other attachments, dated 12/22/18 and 11/2/18. Memphremagog Ski Touring Foundation (MSTF) is a registered non-profit. Needed funds are currently raised in three ways: (1) Club memberships (and user day fees, both available for purchase on our website MSTF.net); (2) Targeted fundraising / donations - e.g. \$10,000 raised in fall 2018; (3) Grants, such as a current RTP grant administered by the Agency of Natural Resources. MSTF is slowly migrating its name to Memphremagog Trails but still does business as MSTF. MSTF has maintained ski trails for the past 20 years without obtaining financial support from state or federal sources. More than 30 landowners have hosted the trial system. MSTF (Memphremagog Trails - one and the same organization) will "own" and maintain the trail system. The organization has a 20 year history of trail and land stewardship. This jurisdictional determination address jurisdiction over the proposed trail system expansion (+/- up to 10 miles of new trails), and does not address jurisdiction over the existing trails to which the new trails will connect. The trail system is not currently a part of the Vermont Trail System, however MSTF has submitted an application for membership in the VTS (which is administered by the Vermont Trails and Greenways Council) and understands that its trails, including the subject trail expansion project, will be accepted into the VTS. The trail expansion project is located on land currently owned by Todd and Hilarie Wright, and another small piece on the North Country High School land lab property. A primary use of the existing trail system has been nordic skiing; with the subject trail system expansion, MSTF hopes to expand users to include mountain biking. The project is partially located in the so-called Damazo subdivision. Act 250 jurisdiction is in effect on the Damazo subdivision, pursuant to previously issued jurisdictional determinations (JO#7-019, JO#7-019-B, JO#7-047), and Act 250 permits # 7R0995 and amendment have been issued for Lots 4, 5, 6, 7, 8, and 9 of the subdivision; also it is noted that a building restriction is in effect in a portion of Lot 5 (and/or Lots 4 and 5) of the subdivision.

DEC Prior Permits

| | |
|-------------|---------------|
| PERMIT TYPE | PERMIT NUMBER |
| | |

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 Bob Primeau | REQUESTOR TYPE Other | ACT 250 PERMIT NUMBER (if any) 7R0995 and amendments | HAS THE LANDOWNER SUBDIVIDED BEFORE? <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--------------------------------|--|--|

TYPE OF PROJECT (check all that apply)

| | | | | | |
|-------------------------------------|--------------------------------------|---------------------------------------|---|---|----------------------------------|
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Residential | <input type="checkbox"/> Agricultural | <input checked="" type="checkbox"/> Municipal | <input checked="" type="checkbox"/> State | <input type="checkbox"/> Federal |
|-------------------------------------|--------------------------------------|---------------------------------------|---|---|----------------------------------|

IS AN ACT 250 PERMIT REQUIRED?

☒ Yes ☐ No

COPIES SENT TO STATUTORY PARTIES?

☐ Yes ☒ No

BASIS FOR DECISION

As identified in the project description above, this jurisdictional determination addresses Act 250 jurisdiction over the trail system expansion (the "project", i.e. the new trails), and does not address the status of Act 250 jurisdiction over the previously-established existing trails. Although the subject project will likely qualify as "state or municipal purpose" (i.e. upon the expected formal acceptance of the trails system and project trails into the Vermont Trails System), the creation and construction of trails within the #7R0995 subdivision is a "material change" pursuant to Act 250 Rule 2c(6) thus requires permit amendment pursuant to Rule 34; the project involves potential impacts under several criteria including criterion 4 soil erosion; 5 traffic, parking; and 7 municipal services. The portions of the project located beyond the #7R0995 tract may not qualify as regulated "development" (thus may not require a permit), this can be further reviewed and verified, and may depend in part on timing of construction of the project relative to VTS membership acceptance; if VTS membership is not established prior to commencement of the project, then all of the subject new trails (including where located beyond the #7R0995 tract) will be subject to Act 250 jurisdiction pursuant to 10 V.S.A. §6001(3)(A)(ii), as a "commercial purpose" project pursuant to Act 250 Rule 2C(4), with jurisdiction limited to the trail corridor (and other areas impacted by the project) pursuant to Act 250 Rule 71(A) where such trails are located beyond the #7R0995 tract.

Please do not hesitate to contact the Coordinator with any questions. Also, the Coordinator is available to assist with MSTF's preparation of an Act 250 permit application.

Note - Other: a commercial events venue (see <https://www.thebarnattopoftheworld.com/>) has been constructed on the #7R0995 tract, this existing facility lacks an Act 250 permit amendment, also the new structure (relocated barn) appears to be located in the restricted building area.

DISTRICT COORDINATOR SIGNATURE



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Kirsten Sultan, P.E., District Coordinator

[phone] 802-751-0126 [email] kirsten.sultan@vermont.gov
Natural Resources Board

District 7 Environmental Commission

374 Emerson Falls Road, Suite 4, St. Johnsbury, VT 05819

Wastewater System & Potable Water Supply Permit Jurisdictional Opinion

IS A WASTEWATER SYSTEM & POTABLE WATER SUPPLY PERMIT/APPROVAL REQUIRED?

| | |
|--|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> Permit application currently under review |
| <input checked="" type="checkbox"/> No | <input type="checkbox"/> Permit issued on _____ |

PERMIT NOT REQUIRED?

| | |
|---|---|
| <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

Project has no water or sewer issues

REGIONAL OFFICE STAFF SIGNATURE



2019.01.02
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Richard A. Wilson, Regional Engineer

[phone] 802-505-3931 [email] richard.a.wilson@vermont.gov
Department of Environmental Conservation

Drinking Water & Groundwater Protection Division - St. Johnsbury Regional Office

374 Emerson Falls Road, Suite 4, St. Johnsbury, VT 05819

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

☒ Wetlands [Fact Sheet #29]

☒ Essex, Lamoille, Orleans, and Washington:

Contact: Shannon Morrison

Email: shannon.morrison@vermont.gov

Phone: 802-490-6178

☒ Stream Alteration and Stream Crossing Structures [Fact Sheet #32] [See [ANR River Management Engineer District Map](#)]

☒ For Northeastern Vermont:

Contact: Patrick Ross

Email: patrick.ross@vermont.gov

Phone: 802-279-1143

☒ Stormwater: Developments [Fact Sheets #6.2 & 6.3] [See [Stormwater District Contacts Map](#)]

☒ Contact: Bryan Picard

Email: bryan.picard@vermont.gov

Phone: 802-490-6170

Division for Historic Preservation

☒ Historic Buildings & Archeological Sites [Fact Sheets #47.1 & 101]

Buildings:

Contact: James Duggan

Email: james.duggan@vermont.gov

Phone: 802-477-2288

Archeology:

Contact: Scott Dillon

Email: scott.dillon@vermont.gov

Phone: 802-828-3048

Local Permits

☒ See your Town Clerk, Zoning Administrator, Planning Commission or Public Works

PERMIT SPECIALIST SIGNATURE



2018.12.19

11:45:20 -05'00'

Peter Kopsco, Permit Specialist

 VERMONT

[phone] 802-505-5367 [email] pete.kopsco@vermont.gov

Department of Environmental Conservation

Environmental Assistance Office

1 National Life Drive, Main 2, Montpelier, VT 05620-3804