

STATE OF VERMONT
NATURAL RESOURCES BOARD - DISTRICT COMMISSIONS

ACT 250

Vermont's Land Use and Development Law prohibits the commencement of certain kinds of development without first obtaining a Land Use Permit. The descriptions below are general in nature. To determine whether a specific project requires a permit, you should contact the District Environmental Coordinator at the regional office listed on the back of this page to obtain a written Project Review Sheet.

ACT 250 DOES REGULATE AND CONTROL:

1. Construction of improvements for a commercial, industrial, or residential use above the elevation of 2,500 feet.
2. The construction of improvements for any commercial or industrial purpose (including not-for-profit developments but excepting farming, logging, or forestry) on more than 10 acres of land; or on more than one acre of land if the municipality does not have both permanent zoning and subdivision bylaws.
3. The construction of 10 or more housing units within a radius of 5 miles, or the construction or maintenance of mobile homes or trailer parks with 10 or more units. (In "designated downtowns," "designated growth centers," and "Vermont Neighborhoods" the 10 unit threshold may be higher for some projects – see the District Coordinator for more information.)
4. The subdivision of land into 10 or more lots of any size within a 5 mile radius or within the jurisdictional limits of a District Commission within a continuous period of 5 years.
5. Within a town that does not have both permanent zoning and subdivision regulations, the subdivision of land into 6 or more lots of any size within a continuous period of five years.
6. The construction of improvements for a governmental purpose if the project involves more than 10 acres or is part of a larger project that will involve more than 10 acres of land.
7. Any construction of improvements for a commercial, industrial or governmental purpose which will be a substantial change or addition to or expansion of an existing pre-1970 development of the type which would require a permit if built today.
8. The construction of a support structure which is primarily for communication or broadcast purposes and which extends 50 feet, or more, in height above ground level or 20 feet, or more, above the highest point of an attached existing structure.
9. The exploration for fissionable source materials beyond the reconnaissance phase or the extraction or processing of fissionable source material.
10. The drilling of an oil or gas well.
11. The sale, by public auction, of any interest in a tract or tracts of land, owned or controlled by a person, which have been partitioned or divided for the purpose of resale into five or more lots within a radius of five miles and within any period of ten years.

ACT 250 DOES NOT REGULATE OR CONTROL:

1. The construction of improvements for farming, logging or forestry purposes below the elevation of 2,500 feet.
2. The construction of improvements for an electric generation or transmission facility.
3. The construction of improvements for agricultural fairs and horse shows that are open to the public for 60 days per year, or fewer, provided that any improvements constructed do not include one or more buildings.

ACT 250 PROCEDURE

The Act 250 hearing is conducted by a three-member District Environmental Commission. The Commissioners are appointed by the Governor of the State of Vermont. Their responsibility is to consider each application for a land use permit in accordance with the 10 criteria of 10 V.S.A. Chapter 151.

At the conclusion of the hearing, the District Commission will either adjourn the hearing or declare a recess to a later date to allow additional information to be presented. If the hearing is adjourned, the Commission will issue a decision in the form of findings of fact and conclusions of law, and, if appropriate, a Land Use Permit within twenty days.

Any of the parties may appeal a decision issued by the District Environmental Commission. The appeal from a District Commission decision is to the Environmental Court. A decision of the Environmental Court may be appealed to the Vermont Supreme Court.

Act 250 permits do not supersede or replace the requirements of other local or state permits. For additional information about Act 250 and its relationship to local or state land use laws, contact the Natural Resources Board, Montpelier, Vermont (802-828-3309), or the District Coordinator at any of these locations:

Districts #1 and 8

440 Asa Bloomer State
Office Building
4th Floor
Rutland, VT 05701
(Location: 88 Merchants Row)
(Tel. 786-5920)

Districts #4, 6 and 9

111 West St.
Essex Jct., VT 05452
(Tel. 879-5614)

District #7

1229 Portland St., Suite 201
St. Johnsbury, VT 05819
(Tel. 751-0120)

Districts #2 and 3

100 Mineral Street
Suite #305
Springfield, VT 05156
(Tel. 885-8855)

District #5

5 Perry Street Suite 60
Barre, VT 05641-4267
(Tel. 476-0185)

Natural Resources Board

National Life Records Ctr. Bldg.
National Life Drive
Montpelier, VT 05620-3201
(Tel. 828-3309)

Natural Resources Board Website: www.nrb.state.vt.us

(Updated: September 9, 2008)

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