



LAND USE PERMIT AMENDMENT

State of Vermont
Land Use Review Board
District 7 Environmental Commission
374 Emerson Falls Road, Suite 4
St. Johnsbury, VT 05819
<https://act250.vermont.gov/>

This is a **PROPOSED** permit. Please submit any written comments to Kevin Anderson, 374 Emerson Falls Road, Suite 4, St. Johnsbury, VT 05819, Act250.StJohnsbury@vermont.gov, on or before November 19, 2025.

Kingdom Trail Association
P.O. Box 204
East Burke, VT 05832

PERMIT NUMBER:
7C0600-16

LAW/REGULATIONS INVOLVED:
10 V.S.A. §§ 6000 – 6111 (Act 250)

The District 7 Environmental Commission hereby issues Land Use Permit Amendment 7C0600-16, pursuant to the authority vested in it by 10 V.S.A. §§ 6000-6111. This permit amendment applies to the lands identified in Book 248, Page 588 and Book 253, Page 415 of the land records of the Town of Lyndon, Vermont as the subject of deeds to the Kingdom Trail Association.

This permit amendment specifically authorizes the construction of approximately 1,000 linear feet of singletrack mountain biking trail with a finished, prepared width of three feet (the “Project”). The Project is located off Darling Hill Road in Lyndon, Vermont.

Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision and thus requires a permit amendment pursuant to Act 250 Rule 34.

The Permittee and its assigns and successors in interest are obligated by this permit amendment to complete, operate, and maintain the Project as approved by the District Commission (the “Commission”) in accordance with the following conditions.

1. The Project shall be completed, operated, and maintained in accordance with: (a) the conditions of this permit amendment and (b) the permit application, plans, and exhibits on file with the Commission and other material representations. In the event of any conflict, the terms and conditions of this permit amendment shall supersede the approved plans and exhibits.

The approved plan is “Project Area / Site Plan,” undated (Exhibit 004).

2. All conditions of Land Use Permit 7C0600 and amendments are in full force and effect except as further amended herein.
3. Representatives of the State of Vermont shall have access to the property covered by this permit amendment, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit amendment.

4. A copy of this permit amendment and plans shall be on the site at all times throughout the construction process.
5. No change shall be made to the design, operation, or use of this Project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit amendment is not required.
6. No further subdivision, alteration, or development on the tract of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
7. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Land Use Review Board may at any time require that the permit holder file an affidavit certifying that the Project is in compliance with the terms of this permit amendment.
8. The conditions of this permit amendment and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and its successors and assigns.
9. Construction hours shall be limited to Monday through Saturday from 7:00 AM to 5:00 PM, with no construction on Sundays.
10. At a minimum, the Permittee shall comply with the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
11. The Permittee shall not cause, permit, or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
12. The existing ground conditions in the area identified as ASA 1 in Exhibits 004 and 008 shall be maintained and then reinforced with a permeable geotextile fabric, laid out by hand, with a three-foot overlap on either side of the Project trail. The above-ground vegetation in ASA 1 that must be removed to construct the Project shall be removed at or above the ground surface by hand, with no ground disturbance occurring. The finished tread surface of the trail in ASA 1 shall be constructed of locally harvested sterile soils from outside ASA 1 and the area identified as ASA 2 in Exhibits 004 and 008.
13. Pursuant to 10 V.S.A. § 6081(s), no permit amendment is required for farming that will occur on primary agricultural soils preserved in accordance with 10 V.S.A. § 6093 or will not conflict any permit condition issued pursuant to 10 V.S.A. §§ 6000 – 6111 (Act 250).
14. Farming is permitted on lands exempt from amendment jurisdiction pursuant to 10 V.S.A. § 6081(s).
15. Any extracted stumps shall be disposed of on-site above the seasonal high water table and not in any wetland, or at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.
16. New permanent signage is limited to that identified in the application (trail signs). The Permittee shall not erect additional exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.

17. The Permittee shall provide each prospective purchaser of any interest in this Project with a copy of this permit amendment before any written contract of sale is entered into.
18. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit amendment shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
19. All site work and construction shall be completed in accordance with the approved plans by October 15, 2029, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
20. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Land Use Review Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Land Use Review Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
21. Within one year of the issuance of this permit amendment, the Permittee shall file for Commission approval an application for a permit for any existing trails on the Project tract that were constructed by the Permittee without a required permit amendment.

Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. § 6027(g).

Dated this November , 2025.

By _____
Eugene Reid, Chair
District 7 Commission

Members participating in this decision: Keith Johnson, Nicole Davignon.

Any party, or person denied party status, may file within 15 days from the date of a decision of the District Commission one and only one motion to alter with respect to the decision, pursuant to Act 250 Rule 31(A). Under Rule 31(A), no party, or person denied party status, may file a motion to alter a District Commission decision concerning or resulting from a motion to alter. Per Rule 31(A)(3), the running of the time for filing a notice of appeal is terminated as to all parties by a timely motion to alter.

Any person aggrieved by an act or decision of a District Commission or District Coordinator, or any party by right, may appeal to the Environmental Division of Vermont Superior Court within 30 days of the act or decision pursuant to 10 V.S.A. § 8504. Such appeals are governed by Rule 5 of the Vermont Rules for Environmental Court Proceedings. The appellant must file a notice of appeal with the clerk of the court and pay any fee required under 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Land Use Review Board and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. The Land Use Review Board's copy may be sent to act250.legal@vermont.gov and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

Note, there are certain limitations on the right to appeal, including on interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. There shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an

administrative amendment. 10 V.S.A. § 8504(k)(1). If a District Commission issues a partial decision under 10 V.S.A. § 6086(b), any appeal of that decision must be taken with 30 days of the date of that decision. 10 V.S.A. § 8504(k)(3). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

The foregoing statements regarding motions to alter and appeals are intended for informational purposes only. They neither supplant nor augment any rights or obligations provided for by law nor do they constitute a complete statement of the rights or obligations of any person or party.

PROPOSED