



ACT 250 JURISDICTIONAL OPINION

JO 7-456

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 jurisdictional opinion based upon available information and a written request from the landowner/agent or other person. Any notified person or entity will be bound by this opinion unless that person or entity files a request for reconsideration with the District Coordinator or an appeal with the Superior Court, Environmental Division within 30 days of the issuance of this opinion (see below). This opinion identifies Act 250 jurisdiction only. Other permits may be required (e.g., <https://dec.vermont.gov/permits>). For more information, please contact the Agency of Natural Resources Environmental Assistance Office: (<https://dec.vermont.gov/assistance/permits>).

☒ 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.

Jon Prue
Town of Lyndon
PO Box 167
Lyndonville, VT 05851
zoning@lyndonvt.org

- ☐ Landowner
☐ Agent
☒ Other

Project Description: Construction of a remote-controlled (RC) car racing venue, including two tracks (one large, one small), a parking lot and camping area for racers and spectators, an observation deck, and areas for trailer and equipment storage, RC car maintenance, and sale of RC car parts. RC car part sales occur out of a moveable shed on skids and only on race days. The tracks, observation deck, and areas for trailer, equipment storage, RC car maintenance, and RC car part sales are fenced in. Pole-mounted lights surround the fence. Portalets are provided for attendees. Municipal water is used to wet the track. The maximum number of campsites is 15. Entry fees are charged for racers. Approximately 100 racers and spectators, at most, attend the venue on operating days. Race days are Sundays and occasional Saturdays. Practice occurs on Wednesday nights during the summer.

Project Location: 160 Commercial Lane, Lyndonville, VT. SPAN 369-114-10151.

Existing Act 250 permit number(s) or series: 7C0630

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: Material change to a permitted development (Act 250 Rule 34(A)).

Act 250 Rule 34(A) provides that any material change to a permitted development requires a permit amendment.

“Material change” means “any cognizable change to a development or subdivision subject to a permit under Act 250 or findings and conclusions under 10 V.S.A. § 6086b, which has a significant impact on any finding, conclusion, term or condition of the project’s permit or which may result in a significant adverse impact with respect to any of the criteria specified in 10 V.S.A. § 6086(a)(1) through (a)(10).” Act 250 Rule 2(C)(6).

“Cognizable change” means “any physical change or change in use, including, where applicable, any change that may result in a significant impact on any finding, conclusion, term or condition of the project’s permit.” Act 250 Rule 2(C)(26).

The project is part of the tract of land subject to Land Use Permit 7C0630 and amendments. The most recent Land Use Permit Amendment applicable to the project site is 7C0630-B, issued in 2015. It authorized subdivision of three unimproved lots, including the lot hosting the project, and did not authorize any construction of improvements.

I visited the project on November 5, 2025 with landowner Robert Montminy. The project is constructed. The project description on page one is based on my observations and conversation with Mr. Montminy.

The project is a cognizable change because it involved physical changes to the land and changed land use from unimproved land to an RC car racing venue.

At minimum, the project has or had the potential for significant adverse impacts to the protected criteria of Act 250 because it involves or involved: (1) over one acre of earth disturbance and compaction associated with grading and surfacing (Criteria 1(B) and 4); (2) may require permits from the Department of Environmental Conservation (Criterion 1(B)); (3) has the potential for adverse aesthetic impacts from exterior lighting and noise during operation (Criterion 8); and (4) generates significant, albeit occasional, traffic on area roadways (Criterion 5(A)).

Therefore, the project is a material change that requires a permit amendment pursuant to Act 250 Rule 34(A).

/s/ Kevin Anderson DATE: November 25, 2025
Kevin Anderson
District Coordinator, District 7 Environmental Commission
374 Emerson Falls Road, Suite 4, St. Johnsbury, VT 05819
Telephone: 802-522-6074
Email: Kevin.Anderson@vermont.gov

Any party may file within 30 days from the date of a decision of the District Coordinator a request for reconsideration with respect to the jurisdictional opinion, pursuant to Act 250 Rule 3(B). Any reply to a request for reconsideration shall be filed within 15 days of the service of the request, unless otherwise provided by the District Coordinator.

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.

Please note that there are certain limitations on the right to appeal, including interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. 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 requests for reconsideration and appeals are intended for informational purposes only. They neither supplant 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.

CERTIFICATE OF SERVICE

I hereby certify that I, Gina St. Sauveur, Land Use Review Board Technician, District 7 Environmental Commission, sent a copy of the foregoing **Jurisdictional Opinion JO 7-456** by U.S. Mail, postage prepaid, on this November 26, 2025 to the following individuals without email addresses, and by electronic mail, to the following individuals with email addresses:

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

Town of Lyndon Zoning, Attn: Jon Prue
PO Box 167
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zoning@lyndonvt.org

Robert & Malisha Montminy
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Lyndon Planning Commission
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Northeastern Vermont Development
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Agency of Natural Resources
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FOR INFORMATION ONLY

Land Use Review Board Chair
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