



ACT 250 JURISDICTIONAL OPINION

JO 7-467

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 (JO) 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 JO 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 JO (see below). This JO 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: Reconstruction of the Sanborn Covered Bridge, including construction of new abutments and approaches, for use as a public facility, as more particularly described in the JO request and exhibits on file with this opinion (see Project Number JO 7-467 on the [Act 250 Database](#) online).

Project Location: Bridge to span Passumpsic River between lands at addresses 703 Main Street (SPAN 369-114-11480) and 791 Main Street (SPAN 369-114-12791), Lyndon, Vermont.

Existing Act 250 permit number(s) or series: 7C0627.

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

The project is for a municipal purpose and involves less than 10 acres. Therefore, the project is not "development" as defined at 10 V.S.A. § 6001(3)(A)(v).

However, Act 250 Rule 34(A) requires a permit amendment for any material change to a permitted development or subdivision.

“Material change” means “any cognizable change to a development or subdivision subject to a permit under Act 250..., 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).

The project occurs on land subject to Land Use Permit 7C0627 and amendments (the "Permitted Tract"). This makes the project eligible for Act 250 Rule 34(A) jurisdiction.

The project involves construction of improvements, including earth disturbance, on the Permitted Tract in and adjacent to the Passumpsic River, including the Flood Hazard Area. These activities have the potential to result in significant adverse impacts under Act 250 Criteria 1(D) (Floodways and River Corridors), 1(E) (Streams), 1(F) (Shorelines), and 4 (soil erosion).

The project also has a significant impact on findings and conclusions issued for application 7C0627-2. This is because construction of improvements would occur in the area subject to the landscaping and riparian management plan described in those findings and conclusions. See Finding 43 and Conclusions of Law on p. 8 of 7C0627-3.

Therefore, it is my opinion that the project is a material change to the development permitted in 7C0627 and amendments that requires a permit amendment pursuant to Act 250 Rule 34(A).

/s/ Kevin Anderson DATE: February 3, 2026
Kevin Anderson
District 7 Coordinator
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 7-467** by U.S. Mail, postage prepaid, on this February 3, 2026 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,
Attn: Jon Prue
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Louis Buzzi
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louieej@ gmail.com

Lyndon Municipal Administrator
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Lyndon Planning Commission
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Northeastern Vermont Development
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FOR INFORMATION ONLY
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