



State of Vermont
PERMIT AND LICENSE INFORMATION

NATURAL RESOURCES BOARD – ACT 250

**SUMMARY
 DESCRIPTION
 OF PERMIT**

Act 250 is Vermont's land use and development law, established in 1970. The law provides a public, quasi-judicial process for reviewing and managing the environmental, social and fiscal consequences of major subdivisions and development in Vermont through the issuance of land use permits. The Governor appoints citizens to the nine District Commissions and the Natural Resources Board. Activities include review of land use permit applications for conformance with the Act's ten environmental criteria, issuance of opinions concerning the applicability of Act 250 to developments and subdivisions, monitoring for compliance with the Act and with land use permit conditions, and public education.

**CRITERIA FOR
 JURISDICTION**

Act 250 permits are required for the following:

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, or the construction or maintenance of mobile homes or trailer parks with 10 or more units, within a radius of 5 miles. (In certain designated centers the 10 unit threshold may be higher for priority housing projects – see the District Coordinator for more information.)
4. Subdivision of land creating 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, subdivision of land creating 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 which will be a substantial change or addition to, or expansion of, a grandfathered (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.
- 12. Any withdrawal of more than 340,000 gallons of groundwater per day from any well or spring on a single tract of land or at a place of business, independent of the acreage of the tract of land.

INFORMATION REQUIRED

Applicants will need to supply sufficient information for the District Commission to make findings on the ten environmental criteria. In so doing, certifications and/or approvals from other agencies and departments, utilities, regional planning commissions, and local government may be necessary.

WEB ADDRESS

<http://nrb.vermont.gov/>

FEES

\$7.40 per \$1,000 of the first \$15,000,000.00 of construction costs and \$3.12 for each \$1,000.00 of construction costs above \$15,000,000.00
 \$125 for each subdivided lot.
 For earth extraction, \$0.02/cubic yard of total extraction over the life of the permit up to one million cubic yards; \$.01/cubic yard for amounts over one million cubic yards.

Minimum Fees: Original Application	\$187.50
Amendment Application	\$ 62.50 plus publication and recording costs.

Maximum Fee: \$165,000.00

APPLICATION TIME FRAME

Average processing time: 60 to 80 days.

ADMINISTERING AGENCY

NATURAL RESOURCES BOARD ACT 250	
CONTACT:	District Environmental Coordinator
ADDRESS:	see Regional Map for telephone and address of District Office
ADMINISTRATIVE ADDRESS:	Natural Resources Board 10 Baldwin Street Montpelier, VT 05633-3201 Telephone: 802-828-3309

AUTHORITY

[10 V.S.A. Chapter 151](#) (Act 250) (Effective July 1, 2016)

APPLICABLE RULES

[Act 250 Rules](#) (Effective December 4, 2015)
 Department of Environmental Conservation permits or approvals must be obtained prior to the issuance of an Act 250 permit since many of these permits or approvals are used by the applicant to satisfy air and water quality criteria of Act 250. It is also the preferred practice that local zoning and subdivision approvals should be obtained prior to the filing of an Act 250 application so that local issues have been resolved.

**APPEAL
PROCESS**

Filing Deadline for Appeals: Any party may appeal a decision of the District Commission to the Superior Court, Environmental Division within 30 days, in accordance with [10 V.S.A. Chapter 220](#). Appeals of District Coordinator jurisdictional opinions are also to the Court.

**OTHER PERMITS
AND APPROVALS**

Contact a [Permit Specialist](#) for a Project Review Sheet.