



District Environmental Commissions 4,6,9
111 West Street
Essex Jct., VT 05452
(802)879-5614
<http://nrb.state.vt.us>

RE: Bayberry, LLC
c/o Patrick O'Brien
P.O. Box 2286
South Burlington, VT 05407

Application #4C1275-1
Decision and Order
10 V.S.A. Chapter 151 (Act 250)

DECISION AND ORDER

On July, 20, 2015, VTrans filed a request with the District #4 Environmental Commission (“District Commission” or “Commission”) to grant an extension in order to provide comments. VTrans requested that they have until August 15, 2015 to provide comments and they reserved the right to request a hearing if needed. The minor notice and draft permit for the application in question were issued on July 2, 2015 and listed July 29, 2015 as the comment deadline.

In considering this request, the Commission notes that Partial Findings of Fact, Conclusions of Law and Order #4C1275 were issued on October 29, 2014 for the majority of criteria, including Criteria 5 (Traffic) and 9(K) (Public Investments). These Findings and Conclusions were neither disputed nor appealed by VTrans.

ORDER

1. The Commission denies VTrans’ request for an extension of time for comments because the criteria pertaining to VTrans have been adjudicated in the previous application and are now final.

Dated at Essex Junction, Vermont this 23rd day of July, 2015.

By: /s/ Thomas A. Little
Thomas A. Little, Chair
District #4 Commission

Other Commissioners participating in this decision:
Parker Riehle
Monique Gilbert

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A). The applicant may file an application for reconsideration with the District Commission within six months of this decision, pursuant to Act 250 Rule 31(B). Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the \$265 entry fee required by 32 V.S.A. § 1431.

For additional information on filing appeals, see the Court’s website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 828-1660. The Court’s mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

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CERTIFICATE OF SERVICE

I hereby certify on this 23rd day of July, 2015, a copy of the foregoing **ACT 250 DECISION AND ORDER #4C1275-1**, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

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. All email replies should be sent to nrb-act250essex@state.vt.us Please note you can now fill out and submit the Act 250 survey online at: <http://permits.vermont.gov/act250-survey> instead of printing and mailing the attached pdf version.

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FOR YOUR INFORMATION

DISTRICT #4 ENVIRONMENTAL COMMISSION
Thomas A. Little, Chair
Parker Riehle/Monique Gilbert
111 West Street
Essex Junction, VT 05452

Dated at Essex Junction, Vermont, this 23rd day of July, 2015.

 /s/ Barbara J. Cady
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