



**CENTRAL VERMONT REGIONAL PLANNING COMMISSION
PROJECT REVIEW COMMITTEE
REGULAR MEETING**

Central Vermont Regional Planning Commission Conference Room
29 Main Street, Suite #4, Montpelier, VT 05602
June 29, 2016
4:00pm

AGENDA

1. CALL TO ORDER

The Chair will call the meeting to order and ask for introductions of those individuals who are present.

2. CHANGES OR AMENDMENTS TO THE AGENDA

The Committee should determine if any alternations to the agenda should be made at this time.

3. APPROVAL OF MINUTES

Draft minutes from the January 21, 2016 Project Review Committee Meeting are included for review and consideration of approval.

4. REVIEW OF APPLICATIONS & PETITIONS THAT MAY QUALIFY FOR SUBSTANTIAL REGIONAL IMPACT

Included with the agenda is a summary of the projects that have submitted full applications or petitions for review. Staff will provide an overview of the projects and ask for comments from the Committee if necessary. The applicants may also provide information at this time. The projects include:

- a. Moretown Landfill Closure
- b. ER Thurston Farm Solar West, LLC
- c. Norwich University Engineering Building

5. REVIEW OF POLICIES & PROCEDURES AND THRESHOLDS FOR SUBSTANTIAL REGIONAL IMPACT

If time permits, staff will ask the Committee to continue a discussion of the criteria used to determine Substantial Regional Impact and any other aspects of the operating procedures the Committee wishes to discuss. The draft Policies and procedures are included with the agenda.

6. ADJOURNMENT

If no additional business is required the Chair should consider a motion to adjourn.

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION
PROJECT REVIEW COMMITTEE
JANUARY 21, 2016
MINUTES**

The regular meeting of the Central Vermont Regional Planning Commission's Project Review Committee was held on Thursday, January 21, 2016 in the Conference Room of the Central Vermont Regional Planning Commission.

Committee Members Present:

Bryan Fitzgerald – Town of Duxbury, Alternate
Bob Wernecke – Town of Berlin
Laura Hill Eubanks – Town of Northfield
Sam Anderson – Central Vermont Economic Development Corp.

Others Present:

Andy Thomas – Bullrock Deutsche, Eco.
Lincoln Lande - GroSolar
Samantha Mashler – Aegis Renewable Energy
Eric Vorwald, AICP – CVRPC Senior Planner
Gail Aloisio – CVRPC Assistant Planner
Bonnie Waninger – CVRPC Executive Director

CALL TO ORDER

With the chair and vice-chair both absent, the meeting was called to order at 3:17pm by Mr. Vorwald.

REVIEW OF APPLICATIONS & PETITIONS THAT MAY QUALIFY FOR SUBSTANTIAL REGIONAL IMPACT

Mr. Vorwald provided the Committee with an overview of the full petitions or applications that were submitted to the CVRPC for determination of Substantial Regional Impact or for informational purposes. These projects included:

Mountainside Condos – The reconstruction of a 36 unit building that was destroyed by fire. This was provided for informational purposes.

Grow Compost, LLC – A request for the operation to no longer be subject to the requirements of Act 250 and jurisdiction be handled by the Agency of Agriculture since they intend to only accept a limited amount of waste from outside sources and compost materials generated on-site. This was provided for informational purposes but may be reviewed at a later date.

Calais VTel Cell Tower – The applicant requested their application be withdrawn without prejudice since they have identified a viable option for colocation. This was provided for informational purposes.

Moretown Landfill – An updated application for closure of Cell 3 and part of Cell 2 was submitted but it was found to be incomplete. This was provided for informational purposes but may be reviewed at a later date.

Cellco Veriozn Wireless Tower – This project is located in Waterbury directly adjacent to the municipal boundary with the Town of Stowe. The Agency of Natural Resources has concerns due to the impact of important wildlife corridors due to the project location. After discussion by the Project Review Committee it was determined that this project does meet the definition of Substantial Regional Impact under Criterion 2 due to the impacts to the wildlife corridor. The Committee directed staff to provide correspondence to the Public Service Board indicating such to be included as an interested party on future correspondences.

BDE East Montpelier Lazar Solar – This 500kW solar project was reviewed for potential Substantial Regional Impact under Criterion 3 due to its proximity to the East Montpelier Village Center. Mr. Andrew Thomas was present to provide an overview and answer questions related to the project. Discussion revolved around the slopes of the site and the suitability of development of residential structures. Mr. Thomas provided information related to screening against the adjacent properties. Following discussions, the Committee determined the project did not meet the criteria for Substantial Regional Impact and directed staff to submit a letter stating such while still reserving the right to comment in the future if details were to change.

Aegis Osborne Road Solar – This 500kW solar project located in Barre Town was reviewed for potential Substantial Regional Impact under Criterion 4 due to the zoning of the property. Ms. Samantha Mashler was present to provide an overview and answer questions related to the project. Following discussions, the Committee determined the project did not meet the criteria for Substantial Regional Impact and directed staff to submit a letter stating such while still reserving the right to comment in the future if details were to change.

At 4:20pm Mr. Wernecke left the meeting thus leaving the committee without a quorum.

GMP Solar Williamstown – This 5 Megawatt electric generation facility was discussed due to its size, however there were no criteria related to Substantial Regional Impact that would impact this project. Mr. Lincoln Lande provided the Committee with an overview of the project discussing particular issues related to screening and the overall Green Mountain Power energy portfolio with this project being one component of that. Following the discussion it was determined that no action was required or could be taken since the committee did not have a quorum.

Yestermorrow Design Build School – Mr. Vorwald provided information on the application and noted that it might meet Criterion 2 for Substantial Regional Impact, however additional information was required. He also noted that the Environmental Commission also requested additional information which may satisfy staff's concerns related to wastewater disposal. Staff informed the Committee that they would provide an update once the additional information was received.

POTENTIAL FUTURE APPLICATIONS OR PETITIONS

Mr. Vorwald provided the Committee with an update on potential future applications or petitions noting that there were six projects that provided pre-application notice for solar projects and at least four other

projects that had been reviewed by staff and determined to not meet the criteria for Substantial Regional Impact. Mr. Vorwald noted that he would bring future applications forward as necessary.

REVIEW OF POLICIES & PROCEDURES AND THRESHOLDS FOR SUBSTANTIAL REGIONAL IMPACT

Mr. Vorwald noted that the Committee would continue its discussion of policies and procedures at a future meeting and focus specifically on the operating procedures for the Committee. Specific discussions of Substantial Regional Impact criteria would be done as a more holistic discussion related to the Regional Plan update.

ESTABLISHMENT OF FUTURE MEETING SCHEDULE

Mr. Vorwald noted that he would pole the Committee to identify a time and day that would be best for everyone to conduct a standing monthly meeting of the Committee. This pole would be sent via email.

ADJOURNMENT

There being no additional items to discuss, the meeting concluded at 5:06 pm

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION
PROJECT REVIEW COMMITTEE**

**PROJECT SUMMARY LIST
JUNE 29, 2016**

Operating Guidelines for the Review of Projects

Adopted October 9, 1990 and amended March 12, 1996, June 12, 2007, June 1, 2010

1. Development projects of substantial regional impact are those that will have substantial and ongoing impact on two or more municipalities, including the host municipality.

Because CVRPC has defined housing as a critical need in the Region, CVRPC will participate in the Act 250 review for any project which proposes to: increase the total number of year round housing units (according to the most recent U.S. Census) in its host municipality by more than 2%; **or** create more than 30 housing units of any type; **or** create more than 5 “affordable” housing units, as defined by VSA 24 Chapter 117 Section 4303. (added June 12, 2007)

2. Among the development projects of substantial regional impact are those that will likely impact on a resource within the Region which is widely used or appreciated by people outside of the locality in which it is located.

3. Development projects of substantial regional impact are those which may affect settlement patterns to the extent that the character or identity of the Region (or its sub-regions) is significantly impacted.

4. Development projects of substantial regional impact are those that are likely to alter the cost of living, availability of choices, access to traditional way of life or resources widely used or appreciated by regional residents.

5. CVRPC will take a position with respect to conformance with the Regional Plan only on projects of substantial regional impact or when requested by the planning commission and legislative body of the host municipality, the District Commission, Public Service Board, or the Environmental Court or other relevant board or panel. Where a project has no substantial regional impact, a statement will be made that conformance with the Regional Plan is not germane.

6. The Commission will focus its testimony on a project to those aspects of the project that have been determined to be of substantial regional impact.

7. The Commission will limit its determination of conformance with the Regional Plan to those aspects of the project that have been determined to be of substantial regional impact.

8. The Commission’s testimony will reflect its commitment to maximize the region’s environmental quality and the social and economic good of its citizens.

9. CVRPC’s “position” must state that the project is either “in conformance” with the Regional Plan or “not in conformance” with the Regional Plan. Position statements such as “generally in conformance” or “not in conflict” will not be given.

Moretown Landfill, Inc. – Act 250 Major Application

Location: Town of Moretown

In March of 2015, Moretown Landfill, Inc. submitted an application (#5W0164-38) pursuant to Act 250 for the closure of Cell 3. Upon review of this application, the CVRPC determined that it did not meet the criteria for Substantial Regional Impact and forwarded a letter indicating such. Since then, Moretown Landfill, Inc. withdrew application #5W0164-38 and, on November 2, 2015 filed a new application for the closure of Cell 3 and part of Cell 2 (totaling 18 acres). Based on discussions with the District 5 Environmental Commission, the application as submitted was incomplete and no action was taken.

In order to keep the process moving forward, a pre-filing meeting was held on February 26, 2016 between the applicant and the District Coordinator to discuss a new application. On April 11, 2016, Moretown Landfill, Inc. filed an application for the closure of the landfill. This latest application incorporates the required closure activities identified in previous applications therefore this new filing will effectively replace the previous applications.

This latest application is only intended to address specific issues that pertain to the work necessary to complete the closure of the landfill as discussed in the February 26th pre-filing meeting. Specific criteria addressed in the application include Criterion 1 (Air Pollution), Criterion 1(B) (Waste Disposal), and Criterion 8 (Aesthetics). A closure plan for Cells 2 & 3 was submitted to the Vermont Agency of Natural Resources and approved in October of 2015. Since this application is intended to only address the three criteria noted above, the existing Act 250 permit will remain in effect.

Staff is including this project for review based on the fact that this was classified as a major application. Additionally, this project may meet the threshold for **Criteria 1** or **2** as noted above. The Committee should consider any comments to forward along to the applicant and the Natural Resources Board for their consideration.

ER Thurston Farm Solar West, LLC – Section 248 Petition

Location: Town of Orange

A 45 day pre-application notice was filed by ER Thurston Solar Farm West, LLC on November 30, 2015 for a 500kW ground mounted net metered solar array in the Town of Orange. This project consists of approximately 2,200 solar panels installed on approximately 95 fixed tilt racking systems across approximately 3.5 acres of land. The project is proposed to be located in an existing farm field along Vermont Route 110 across from the intersection of Tucker Road.

On June 2, 2016, the CVRPC received a formal submission for this project and performed a review to determine if the thresholds for Substantial Regional Impact have been met. Upon review of the application, staff noted that the project encroaches into the buffer yard for deer wintering area as delineated by the Vermont Agency of Natural Resources. Because of this encroachment, staff is asking for input from the Committee regarding **Criterion 2** as noted above.

It should be noted that the project site was visited by the Vermont Fish & Wildlife Department (FWD) to review any potential impacts that the project might have on the buffer yard for the deer wintering area. At that time it was noted that the project would have no adverse impacts. The applicant intends to install a fence that will keep wildlife out of the project site. This is in conformance with accepted practices for deer wintering areas as outlined by FWD.

Norwich University Engineering Building – Act 250 Application

Location: Town of Northfield

On May 31, 2016, the CVRPC received an application for an Act 250 permit from Norwich University. Specifically, the application is for the removal of two small maintenance buildings on the south end of campus and replacing them with one building that will measure 64 feet by 128 feet. The new building will generally be accommodated on the same footprint as the two buildings being removed and will maintain the same number of parking spaces.

The application notes that the building will be used for both engineering classroom/laboratory space and maintenance space. It should be noted that areas identified for maintenance will be used as temporary classroom space prior to being converted over for maintenance areas to accommodate upgrades and construction of other buildings on campus. There is no timeline identified in the application for this to occur.

While the Natural Resources Board has not yet determined if this is a major or minor application, staff felt it was appropriate to bring this project before the Committee for their review since it deals with a regional employment and activity center. As such, this project may meet the threshold under **Criterion 1** as noted above. The proposal does not indicate that there will be any significant increase in vehicle traffic, however additional pedestrian traffic may be realized therefore dedicated paths and crossings have been identified as part of the project.



PROJECT REVIEW COMMITTEE PROCEDURES

Adopted October 9, 1990,
Amended May 12, 1992, March 12, 1996, July 9, 1996, July 8, 1997,
June 11, 2002, June 1, 2010

Draft May 14, 2015

Purpose: To guide staff and Commissioners on when and how the Regional Planning Commission participates in the Act 250 and Section 248 regulatory proceedings.

Background: Regional planning commissions (RPCs) are statutory parties (Title 10) and are required by statute to participate in Act 250 proceedings (Title 24). Contracts from the Agency of Commerce and Community Development also require that CVRPC submit testimony on all major Act 250 permit applications. Vermont Statutes require RPCs to develop and adopt Regional Plans that contain a definition of Substantial Regional Impact.

How we get involved? The CVRPC Project Review Committee will make a determination on behalf of the full Commission regarding conformance or non-conformance with the Regional Plan based on information provided. The conclusions reached will so state that they are made on available information. CVRPC's "position" must state that the project is either "in conformance" with the Regional Plan or "not in conformance" with the Regional Plan. Position statements such as "generally in conformance" or "not in conflict" will not be given. CVRPC staff shall represent the Commission at review proceedings.

When do we participate? CVRPC will actively participate in the Act 250/Section 248 hearing process and other relevant review processes in the following manner:

1. If a project has substantial regional impact, might contribute to cumulative impacts, and/or is precedent setting, for the purpose of advancing the goals and objectives of the Regional Plan. CVRPC reserves its statutory right to participate in the Act 250/Section 248 hearing process if it must appear to ensure proposed projects are in conformance with the Regional Plan, regardless of whether the proposal has substantial regional impact.
2. CVRPC will become involved in the review of a project on behalf of a member municipality according to the following:

- a. Staff will provide limited technical assistance at the request of either the legislative body or the planning commission. Limited technical assistance will consist of providing factual information allowing the requesting body to develop its own independent determinations regarding its participation and position. Limited technical assistance will not consist of involvement in hearings on behalf of a municipality or statements of support of municipal participation or positions.
- b. CVRPC involvement on behalf of a member municipality beyond the scope of limited technical assistance as defined above must be at the request of the legislative body, in writing. This involvement will be provided only if the local position is compatible with the adopted Regional Plan.

Review Process: CVRPC staff reviews every application that is filed and makes the initial determination of substantial regional impacts. When a project appears to have substantial regional impacts, staff will then circulate an initial review pertaining to relevant Regional Plan goals and policies to the Project Review Committee via mail or electronic mail. Staff will schedule a Project Review Committee meeting and invite the applicant or the applicant's representative.

The stated policies within the adopted Regional Plan shall serve as guidance for participation by CVRPC as a statutory party in Act 250/Section 248, or other relevant review processes. The Project Review Committee will identify information needs, issues and areas of non-conformance with the Regional Plan as necessary.

The Committee will also consider the cumulative impacts that may occur. CVRPC may initiate cumulative impact review by requesting, coordinating and reviewing cumulative impact studies. The scope of each cumulative impact study should address impacts to both the natural and human environment and offer measures to avoid and/or mitigate adverse impacts. The costs of such studies should be borne by the applicant.

Who serves on the Committee? The Project Review Committee will consist of a standing body of five municipal commissioners and one alternate to the Committee, appointed by the Commission annually for three year, staggered terms, and to include at least one member of the Executive Committee.

The alternate will only vote when filling in for one of the five standing members or if otherwise designated. If none of the standing members are from the municipality hosting the project under review, the host municipality's commissioner will be asked to participate on the Project Review Committee as a non-voting member for the duration of the review of the project in his or her municipality. A majority vote of the members appointed is required to decide an issue.

The officers of the Project Review Committee shall consist of a Chair and a Vice-Chair, each of whom shall be duly appointed annually by the Committee.

Logistical Considerations: In the event that the number of projects to be reviewed at any one time outstrips the Commission's ability to staff, coordinate, and undertake project review through the review committee process described herein, the Executive Committee may perform the duties of the Project Review Committee, as needed.

CVRPC appeals of a hearing board's decision on a project shall be approved by the Executive Committee or the full Commission.

CVRPC will offer to mediate disputes regarding a project if the effects of a project advance the purposes of the Regional Plan, or a local plan where there is no substantial regional impact, and staff resources are available.

If, in its review, the Project Review Committee determines that a conflict exists between the provisions of town plans and the Regional Plan, CVRPC will work with town officials to alleviate or minimize the conflict. If a conflict between a town plan and the Regional Plan cannot be resolved, the town plan will prevail except as provided below.

If the Project Review Committee believes that a conflict exists between the provisions of the Regional Plan and any applicable town plan with respect to the development proposal under consideration, then the Project Review Committee, with the assistance of CVRPC staff, shall prepare a report that assesses Substantial Regional Impact and gives consideration to the following:

Operating Guidelines for the Review of Projects

Adopted October 9, 1990 and amended March 12, 1996, June 12, 2007, June 1, 2010

DRAFT July 31, 2014

Projects that meet any one, or combination of, the below criteria may characterize a development proposal as having substantial regional impact.

1. A development will have substantial and ongoing impact on two or more municipalities, including the host municipality.
2. A development exceeding the following thresholds:
 - a. increases the total number of year round housing units (according to the most recent U.S. Census) in its host municipality by more than 2%;
 - b. creates more than 30 housing units of any type; *or*
 - c. commercial, industrial or institutional new construction or expansion involving 20,000 square feet or more of gross floor area.
3. A development which may affect settlement patterns to the extent that it:

- a. requires the alteration, degradation or destruction of designated regionally significant historic, cultural, natural, aesthetic or scenic features;
 - b. is locating in geographic areas that have not supported the type, scale or intensity of proposed development in the past, and is not supported by local or regional Future Land Use Maps; *or*
 - c. is disregarding the scale, architectural or design features of nearby existing structures.
4. A development that may affect infrastructure capacity by:
- a. substantially affecting the safety of the traveling public on highways and other transportation facilities within other towns;
 - b. adding an additional 75 vehicles per hour to any intersection or road segment on the regional highway system in one or more municipalities;
 - c. adding an additional 75 vehicles per hour to any intersection or road segment in two or more municipalities, even if the highway or streets affected are not included on the regional highway system;
 - d. contributing to a reduction in the peak hour Level of Service (LOS) from D to E or from E to F¹ at a signalized intersection;
 - e. substantially changing the service area or capacity of utility services, including but not limited to, public water and sewer systems, and/or solid waste services; or
 - f. creating capital improvements such as the extension, upgrading or enlargement of electrical transmission lines.
5. A development which may place substantial demands on the region's economy, or on a major sector of the economy by:
- a. increasing the cost or availability of affordable housing in municipalities immediate to the project site;
 - b. increasing the cost or availability of energy for users in the Region immediate to the project site;
 - c. having an impact on the tax rates of major employment centers or growth centers in the region;
 - d. generating new employment equal to or greater than 1% of the region's existing employment level.
6. A development which endangers the perpetuation or appreciation of regionally significant natural or cultural features, including, but not limited to: wildlife habitats, gravel resources, hydrogeological resources, critical resource areas, public water supply watersheds, aquifer protection areas, agricultural and forest resources, and historic and scenic resources.
7. A development which impairs the continued function of significant regional facilities, including, but not limited to, Interstate highway systems, waterways, educational institutions, hospitals, recreational facilities, bridges, dams, airports and trails.

¹ LOS D: A small increase in traffic may cause substantial increases in delay at intersections and decreases of travel speeds on road segments. LOS E: Significant delays at intersections with road segment travel speeds at approximately 1/3 of the posted speed. LOS F: Extremely slow travel speeds, high delays, and extensive vehicle back-ups at intersections. (VTrans)

8. A development or series of developments:
 - a. located within a limited geographic area;
 - b. under the control of a single applicant; and
 - c. developed and planned incrementally over a relatively short period of time, the impacts of which may result in environmental, economic or social conditions substantially adverse to Regional Plan goals and policies.

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