



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

Central Vermont Regional Planning Commission Conference Room
29 Main Street, Suite #4, Montpelier, VT 05602
June 28, 2017
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 March 23, 2017 Project Review Committee Meeting are included for review and consideration of approval.

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

Included with the agenda is a summary of new projects that have submitted full applications or petitions for review and updates on previous projects. Staff will provide an overview of the projects and ask for comments from the Committee if necessary. The projects include:

New Projects

- a. Friendly Gathering Music Festival - Town of Fayston (Sugarbush Resort)

Project Updates

- b. North East Materials Group, LLC – Barre Town
- c. Cellco Partnership Ruby Raymond Road Telecommunications Tower – Town of Waterbury

5. REVIEW OF COMMITTEE PROCEDURES AND PROCESS

Staff will ask the Committee to review the initial draft of the rules of procedure and the rules of process. These documents will help the Committee determine how and when they get involved in the review of applications under Act 250 or Section 248.

6. ADJOURNMENT

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

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION
PROJECT REVIEW COMMITTEE
MARCH 23, 2017
MINUTES**

The regular meeting of the Central Vermont Regional Planning Commission's Project Review Committee was held on Thursday, March 23, 2017 in the Conference Room of the Central Vermont Regional Planning Commission.

Committee Members Present:

Byron Atwood, Chair –	Town of Barre Town
Bon Wernecke –	Town of Berlin
Richard Payne –	Town of Cabot
Brian Fitzgerald –	Town of Duxbury, Alternate
Laura Hill-Eubanks –	Town of Northfield
Larry Hebert –	Town of Williamstown
Jamie Stewart –	Central Vermont Economic Development Corporation

Committee Members Absent:

None

Others Present:

Dan Currier -	CVRPC Transportation Program Manager
Eric Vorwald, AICP –	CVRPC Senior Planner

CALL TO ORDER

With a full quorum present, Mr. Atwood called the meeting to order at 4:05pm. Members of the committee and the public that were present introduced themselves.

CHANGES OR AMENDMENTS TO THE AGENDA

Mr. Vorwald noted that an additional major application was received by staff earlier in the week and that he would like to provide the committee with an overview of the project. The application was from Lawson's Finest Liquids, LLC. and involved the redevelopment of an existing use into a brewery and tasting room.

APPROVAL OF MINUTES

A motion was made by Mr. Hebert and seconded by Mr. Fitzgerald to approve the June 29, 2016 minutes of the Project Review Committee. The motion was passed by a vote of 6-0.

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

Mr. Vorwald provided the committee with an overview of the application from the North East Materials Group (NEMG) to continue the use of a rock crushing operation at the location of the Rock of Ages Quarry in Barre Town. Mr. Vorwald provided the committee with a brief history and overview of the project including that there had previously been jurisdictional opinions from the District Commission to allow the use to continue without the need to submit an Act 250 permit application. Recently, however, on appeal to the Vermont Supreme Court, it was determined that the use would need to submit an Act 250 application.

The committee discussed the use and noted the importance of having a use such as this in the community. Mr. Vorwald explained that the 2016 Central Vermont Regional Plan discusses the importance of the granite industry to the local economy and that this use is part of that process. Mr. Vorwald also noted that because this was defined as a major application, the Project Review Committee would need to review it as part of the CVRPC's agreement with the Agency of Commerce and Community Development.

After continued discussion including information on vehicular traffic provided by Mr. Currier, it was determined that this project did not meet the threshold for Significant Regional Impact and staff should provide a letter to the District Commission noting the specific sections of the regional plan that support this use. Ms. Hill-Eubanks made a motion to provide a letter noting this project did not meet the threshold for Substantial Regional Impact and that it was supported in the regional plan. The motion was seconded by Mr. Wernecke. The vote passed unanimously.

Mr. Vorwald provided a brief history on the Cellco telecommunications tower located on the Shutesville Hill area and noted that this was an on-going project. He also noted that the committee had previously reviewed and discussed the project in January of 2016. Since that discussion, there had been many back-and-forth discussions with the parties involved including site visits and negotiations. Mr. Vorwald did not have extensive information on the project to update the committee and noted that the process was still on-going. After discussing the issues, it was determined that the committee did not have adequate information to make any formal decisions. With this in mind, it was determined that this project would be tabled until more information could be provided.

Finally, Mr. Vorwald introduced the application from Lawson's Finest Liquids, LLC. and noted that it was received earlier in the week so the committee did not have any information in their packets regarding this application. Mr. Vorwald also noted that this project was listed as a major application and therefore would need to be reviewed by the committee. After a brief overview of the project and additional information provided by Mr. Stewart, a motion was made by Mr. Wernecke and seconded by Mr. Hebert noting that this project did not meet the threshold for Significant Regional Impact. The motion passed unanimously.

REVIEW OF POLICIES & PROCEDURES AND THRESHOLDS FOR SUBSTANTIAL REGIONAL IMPACT

Mr. Vorwald provided an overview of the policies and procedures that the committee has been working on over the past year. He noted that over the past several months there has been an effort by the Commission to develop more standardized policies and procedures for consistency among the standing

committees. Mr. Vorwald suggested that staff be afforded an opportunity to reorganize the policies and procedures to include additional language that would help establish this consistency and the committee could discuss the new version at a later date. The committee agreed this would be a logical way to proceed.

Mr. Vorwald asked the committee to establish a consistent day and time for the committee to meet in the future to eliminate the need to poll the committee when a meeting needed to occur. It was discussed that a meeting wouldn't be needed every month but a consistent time and day would allow for the meetings to be scheduled more efficiently. The committee determined that the 4th Thursday of each month at 4:00pm would suit everyone.

ADJOURNMENT

With no additional business to discuss, Mr. Atwood called for a motion to adjourn which was offered by Mr. Hebert and seconded by Mr. Fitzgerald. The motion was passed unanimously and the meeting was adjourned at 5:32pm.

DRAFT

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

**PROJECT SUMMARY LIST
JUNE 28, 2017**

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.

NEW PROJECTS

Frendly Gathering Music Festival – Act 250 Major Application

Location: Town of Fayston

On April 7, 2017, Summit Ventures NE, LLC. (Sugarbush Ski Area) submitted a request to amend an existing Act 250 permit (#5W1045-5) issued May 4, 1994, authorizing Sugarbush Resort to host eight summer concerts at the base of Mt. Ellen, in Fayston, Vermont. The existing permit allows music to be played until 11:00pm. The amendment seeks approval to extend the hours of amplified music until 1:00am on Friday and Saturday night only for the Frendly Gathering Music Festival which will occur at the end of June into the beginning of July. No other changes to the existing permit are requested.

The festival organizers anticipate approximately 3,500 people will attend the event and camping will be offered on-site. Additionally, parking for the event will be accommodated at both the Mount Ellen and Lincoln Peak parking areas with a shuttle transporting patrons between the two locations. This amendment would only apply to this one music festival and would not impact other events covered by the permit.

As noted above, this is classified as a major application and therefore requires review by the Project Review Committee. Staff may provide additional information at the meeting.

PROJECT UPDATES

North East Materials Group, LLC – Act 250 Major Application

Location: Town of Barre

The North East Materials Group, LLC. (NEMG) submitted an application (#5W0996-7) pursuant to Act 250 for the continued operation of a rock crusher at the Rock of Ages Stone quarry in Barre Town. This application is for the continued use of a rock crusher that has been functioning at this location since 2010. Additionally, rock crushers have operated at this location periodically since the 1900's and have played an integral part in the extraction process by turning waste materials into useful products such as rip-rap, road construction materials, and aggregate for concrete.

- On November 9, 2016, the District 5 Environmental Commission (Commission) held a Prehearing Conference on the above-mentioned application pursuant to Act 250 Rule 16;
- The Commission conducted a site visit of the crushing operation on December 7, 2016; On December 15, 2016, a hearing was held on Criterion 5 (Transportation);
- On January 23, 2017, a hearing was held on Criterion 5 (Transportation);
- On January 26, 2017, a hearing was held on Criterion 1 (Air); and
- On February 1, 2017, a final hearing was held on Criterion 8 (Aesthetics).

The Commission held several hearings, and conducted a site visit. At the end of the hearings the Commission recessed the proceeding pending the submittal of additional information – as

requested in Hearing Recess Orders – dated January 10 and February 21, 2017 – and a Prehearing Conference Report – dated November 23, 2016.

The Commission adjourned the hearing on May 1, 2017 after receipt of the additional information, an opportunity for parties to respond to that information, and the completion of Commission deliberations. The Commission held deliberations on April 20, 2017 and June 7, 2017.

Based on the testimony and information provided, On June 14th, the District 5 Environmental Commission denied the application for land use permit #5W0966-7 based on Criterion 1 (Air Quality) and Criterion 8 (Aesthetics). The decision was appealed by the applicant on June 15th.

Cellco Partnership Telecommunications Tower – Section 248 Petition

Location: Town of Waterbury

In September of 2015 Cellco Wireless (d/b/a Verizon Wireless) submitted a petition to construct a wireless communication tower along Ruby Raymond Road in the Town of Waterbury. The proposed site is directly adjacent to the municipal boundary with the Town of Stowe. The proposed tower would be approximately 90 feet tall and be located atop what is commonly referred to as “North Hill.”

A technical hearing was held on this application on April 18th and 19th. This hearing included two days of discussions, testimony, and cross examination by representatives for Verizon Wireless, the Agency of Natural Resources, The Towns of Waterbury & Stowe, and other interested parties. At the conclusion of the technical hearing, the Hearing Officer and the parties concluded that briefs would be provided by June 9th and replies to the briefs would be provided by June 30th.



PROJECT REVIEW COMMITTEE

RULES OF PROCEDURE

June 28, 2017

DRAFT v.1

PURPOSE: The Project Review Committee (PRC) serves in an advisory capacity to the CVRPC Board of Commissioners for projects that are seeking a permit through Act 250 (10 V.S.A. Chapter 151) as a state designated statutory party; or projects seeking a Certificate of Public Good through Section 248 (30 V.S.A. Chapter 5) of Vermont Statute. The primary purpose of the PRC is to provide guidance to the Commissioners and staff on how and when the Regional Planning Commission participates in proceedings related to a specific project. This is a standing committee of the Regional Planning Commission and maintains an active role in review, oversight, and guidance on projects that meet the Region's threshold for Significant Regional Impact.

GENERAL ACTIVITIES:

- ◆ Evaluate projects in relation to the criteria for Substantial Regional Impact and provide a determination based on input from staff.
- ◆ Provide input and recommendations on behalf of the Board of Commissioners regarding projects that are identified as having Significant Regional Impact.
- ◆ Solicit input from staff, applicants, or other parties as needed to gather information and render a decision.
- ◆ Evaluate potential cumulative impacts for specific projects that are phased, projects within a specific geographic area, or other factors that may result in cumulative impacts in a condensed time period.
- ◆ Make a determination regarding conformance between a proposed project and the Regional Plan.
- ◆ Provide guidance to staff regarding amendments or changes to the criteria used to define Substantial Regional Impact as may be necessary to address changing conditions or development trends over time.

ADVISORY ROLE: The PRC shall be advisory to the Board of Commissioners. The PRC will offer advice, input, and opinions to applicants, the District 5 Environmental Commission, the Public Service Board, and other organizations and individuals as appropriate, provided it is

compatible with plans, policies, positions or resolutions adopted by the Board of Commissioners. The advice, input, and opinions provided by the PRC may be reviewed, confirmed or reversed by the CVRPC Board of Commissioners at the Board's discretion. New or amended plans, policies, positions or resolutions shall be ratified/approved by the Board of Commissioners.

MEMBERSHIP: The PRC shall consist of five (5) representatives of the Board of Commissioners and one (1) alternate who serve three year staggered terms. Additionally, the Central Vermont Economic Development Corporation will be allotted one (1) representative that serves as a non-voting advisory member.

OFFICERS/ELECTIONS: The PRC will elect a Chairperson and Vice-Chairperson at the first meeting following the annual appointment by the Board of Commissioners of any vacant positions. The Chair will be responsible for running meetings, setting agendas in conjunction with staff, reviewing and signing correspondence on behalf of the PRC, and representing the PRC at various meetings as needed. The Vice-Chair will provide support to the Chair as needed. If the Chair or Vice-Chair should resign before his/her term is expired, an interim election shall be held within two meetings.

ATTENDANCE AND QUORUMS: A quorum shall consist of a majority of the voting members. Members are encouraged to attend all regular meetings and special meetings as they arise.

COMMUNICATION AND COORDINATION:

- ◆ Meetings shall be noticed and held in accordance with Vermont Open Meeting Law.
- ◆ Draft policies and resolutions shall be forwarded to PRC members and interested/affected parties for comment before action by the PRC, or final action/approval by the Board of Commissioners.
- ◆ Minutes of all regular and special meetings will be prepared by staff, distributed to PRC members and interested parties, and made available to the public in accordance with open meeting and public records law described in 1 VSA.
- ◆ PRC members are encouraged to report on committee discussions or activities to the Board of Commissioners on a regular basis.
- ◆ PRC members are encouraged to offer input on all matters before the PRC, and are encouraged to bring up items of local or regional concern for PRC consideration.

CONFLICT OF INTEREST: In the event any PRC member has a personal or financial interest with any individual, partnership, firm or corporation seeking to contract with the CVRPC, or to provide materials or labor thereto, or has a personal or financial interest in any project being considered by the PRC, the member shall state on the record the nature of his or her interest. If the member is uncertain whether he/she should participate in the discussion or

decision, the PRC shall determine by vote whether the member should participate. The PRC may also make a determination of conflict of interest and disallow participation and voting by a member if the majority of voting PRC members in attendance at the meeting determine a conflict of interest exists.

ADOPTION OF ORGANIZATIONAL PROCEDURES: The PRC may, at any time, vote to amend these procedures, in accordance with quorum requirements noted above. Proposed amendments will be forwarded to PRC members before consideration at a regular PRC meeting. Amendments will then be forwarded to the Board of Commissioners for ratification.

The PRC is a standing committee of the Regional Planning Commission, and is therefore subject to the Commission's bylaws. As such, these Rules of Procedure, combined with the Central Vermont Regional Planning Commission's bylaws and Robert's Rules of Order, provide procedural and administrative guidance for the PRC.

Adopted by the Board of Commissioners: _____ / _____ / 2017

Julie Potter, Chair
CVRPC Board of Commissioners

DRAFT



PROJECT REVIEW COMMITTEE

RULES OF PROCESS

June 28, 2017

DRAFT v.1

PURPOSE: To provide a uniform and consistent process by which the Project Review Committee (PRC) will review, evaluate, and comment on projects that meet the thresholds for Significant Regional Impact. The PRC serves in an advisory capacity to the CVRPC Board of Commissioners for projects that are seeking a permit through Act 250 (10 V.S.A. Chapter 151) as a state designated statutory party; or projects seeking a Certificate of Public Good through Section 248 (30 V.S.A. Chapter 5) of Vermont Statute. This process will ensure a fair and equitable evaluation of projects that are submitted for review.

INVOLVEMENT BY THE REGIONAL PLANNING COMMISSION: The PRC will make a determination on behalf of the full Commission regarding conformance or non-conformance with the Regional Plan when a Substantial Regional Impact has been identified, cumulative impacts will result in a Substantial Regional Impact, or may set a precedent within the Region. The conclusions reached will so state that they are made on available information. The PRC may also reserve 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.

The PRC will become involved in the review of a project on behalf of a member municipality according to the following:

1. 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.
2. PRC involvement on behalf of a member municipality beyond the scope of limited technical assistance as defined above must be at the request of the municipality's legislative

body, in writing. This involvement will be provided only if the local position is compatible with the adopted Regional Plan.

REVIEW PROCESS: Staff will review all applications that are submitted. Through this review, staff will evaluate the nature of the project and make an initial determination of Substantial Regional Impact based on the established criteria, application type¹, and project description. This determination will guide staff in establishing which of the following processes will be used.

1. Action by Staff

If a clear determination can be made that no Substantial Regional Impact will occur, staff will provide a letter to the appropriate oversight body (the District 5 Environmental Commission or the Public Service Board) including all interested parties, that the project does not meet the criteria for Substantial Regional Impact as identified in the Regional Plan. A clear determination would include applications that are classified as jurisdictional opinions or administrative amendments which typically propose time extensions, lot line adjustments, change of use for an existing structure, or similar activities.

2. Action by the Project Review Committee

If, after their review, staff determines that a project may meet the any or all of the criteria for Substantial Regional Impact, a summary of the proposal including the criterion on which staff feels the project may meet Substantial Regional Impact and any pertinent information related to the application will be forwarded to the PRC in advance of a regularly scheduled meeting. At the meeting, the PRC will discuss the project and make a determination regarding Substantial Regional Impact. The applicant and Commissioner from the host municipality (if not a Committee member) will be invited to attend and provide information related to the project or answer questions. If the PRC determines that Substantial Regional Impact has been met, they will identify whether the project is in conformance or not in conformance with the Regional Plan. Staff will prepare a letter to the District 5 Environmental Commission or the Public Service Board outlining the position of the PRC including any follow-up that may be requested.

3. Action by the Board of Commissioners

If, after review and discussion by the PRC, the scope and potential impacts are such that the PRC cannot establish a consensus opinion, the PRC will request that the project be reviewed by the full Commission in order to provide a position including the project's conformity with the Regional Plan. If the Board of Commissioners are unable to provide a determination of a project's conformity with the Regional Plan, the Board of Commissioners can choose to:

¹ Applications are generally classified as jurisdictional opinion, administrative amendment, minor application, or major application.

- a. Refer the project back to the PRC and request the PRC to continue the discussion in an effort to provide a determination
- b. Choose to transmit correspondence to the District 5 Environmental Commission or the Public Service Board outlining the Board's discussion and indicating that no consensus could be reached. In this case, specific reasons shall be included to fully inform and detail the reasons or issues that led to this result.

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

Appeals of a decision by the District 5 Environmental Commission or the Public Service Board on a project shall be approved by the Executive Committee or the full Commission.

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

If, in its review, the PRC determines that a conflict exists between the provisions of municipal plans and the Regional Plan, the PRC will work with municipal officials to alleviate or minimize the conflict. If a conflict between a municipal plan and the Regional Plan cannot be resolved, the municipal plan will prevail unless a Substantial Regional Impact is identified. In which case, staff will prepare a report that assesses the Substantial Regional Impact based on the criteria adopted. The PRC will work with the municipality to remedy the conflict.

ADOPTION OF ORGANIZATIONAL PROCESS: The PRC may, at any time, vote to amend these rules of process, in accordance with quorum requirements noted in the Project Committee Rules of Procedure. Proposed amendments will be forwarded to PRC members before consideration at a regular PRC meeting. Amendments will then be forwarded to the Board of Commissioners for ratification.

Adopted by the Board of Commissioners: _____ / _____ / 2017

Julie Potter, Chair
CVRPC Board of Commissioners