



Project Review Committee Meeting Summary

August 24, 2015
CVRPC Offices

SUBJECT TO APPROVAL

Project Review Committee Members in Attendance:

- Bob Wernecke, *Town of Berlin* (via telephone)
- Larry Hebert, *Town of Williamstown*
- Byron Atwood, Chair, *Barre Town*
- Brian Fitzgerald, *Town of Duxbury*
- Richard Payne, *Town of Cabot*

Additional Attendees:

- Gail Aloisio, *CVRPC Staff*
- Sam Andersen, *Central Vermont Economic Development Corporation*
- Charles Storrow, *Storrow & Buckley, LLP, representing Berlin Mall, LLC*
- George Malek, *Central Vermont Chamber of Commerce, Regional Commissioner Town of Orange*
- David Delcore, *Times Argus*

SUMMARY:

The meeting commenced at 4 pm.

Staff member Gail Aloisio summarized the Motion to Alter submitted by the Vermont Agency of Natural Resources (VTANR) regarding stormwater management conditions and conclusions of law under a District 5 Environmental Commission decision issued for the Berlin Mall, LLC/Kohl's Department Store proposed in Berlin, VT. The VTANR has requested that Condition 14 and the corresponding conclusion of law under Criterion 1(B) be deleted or altered.

The committee proceeded to discuss varying considerations in forming an RPC response to the decision of the District Commission. The process for Motions to Alter was reviewed by Mr. Storrow and Ms. Aloisio. Several committee members expressed that if developers can't rely on the presumptions of previously issued permits, it undermines predictability in the permitting process. Concern was also expressed that the non-technical District Commission was

introducing conditions other than those in the ANR Stormwater Permit without a presentation of technical evidence challenging the presumptions of the issued permits.

One committee member expressed discomfort with the RPC signing on to statements that were not prepared by the RPC itself. This member also stated that commenting on the Motion to Alter is not the appropriate avenue through which the RPC should take up the policy issues which are in question.

The committee discussed its role representing the Full Regional Commission and whether or not the Executive Committee or Full Commission would have the authority to overturn statements issued by the Project Review Committee.

Mr. Fitzgerald disclosed that the ANR attorney preparing the Motion to Alter, as well as one of the District 5 Commissioners issuing the permit decision were colleagues of his when he worked at the Agency of Natural Resources, and that he also considers them friends.

Larry Hebert made a motion that CVRPC support the VT ANR Motion to Alter and that CVRPC believes that if a previous permit is granted it should be valid, as is provided by Rules of the Natural Resources Board & Act 250. Bob Wernecke seconded this motion and it was carried with 4 committee members voting in favor and one opposed. The vote was taken by a roll call.

The meeting was adjourned at 5:30 pm.

