



**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
March 23, 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 June 29, 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 projects include:

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

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
JUNE 29, 2016
MINUTES**

The regular meeting of the Central Vermont Regional Planning Commission's Project Review Committee was held on Wednesday, June 29, 2016 in the Conference Room of the Central Vermont Regional Planning Commission.

Committee Members Present:

Byron Atwood, Chair –	Town of Barre Town
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:

Bon Wernecke –	Town of Berlin
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Others Present:

Ron Krauth –	Town of Middlesex
Ron Lyon –	DuBois & King
Norm St. Onge –	Northfield University
Derek Moretz –	Encore Renewable Energy
Eric Vorwald, AICP –	CVRPC Senior Planner

CALL TO ORDER

With a full quorum present, Mr. Atwood called the meeting to order at 4:02pm. Members of the committee and the public that were present introduced themselves.

CHANGES OR AMENDMENTS TO THE AGENDA

Mr. Vorwald noted that the representative for the Moretown Landfill was unable to attend the meeting and the representative for the ER Thurston Solar Farm West, LLC. was going to be late. With that in mind, Mr. Vorwald recommended that the Norwich University project be discussed first since representatives for that project were in attendance. All were in agreement. There were no other changes or amendments noted.

APPROVAL OF MINUTES

A motion was made by Ms. Hill-Eubanks and seconded by Mr. Fitzgerald to approve the January 21, 2016 minutes with changes noted. The motion was passed by a vote of 2 – 0 – 3 with Messrs. Atwood, Payne, and Hebert abstaining as they were not in attendance.

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

Mr. Vorwald provided the committee with an overview of the Act 250 application for Norwich University noting that the project included the razing of two existing maintenance buildings and the construction of one building that would be used for engineering classroom space and maintenance. The new building would utilize approximately the same footprint as the two existing buildings and would have no net impact on parking or circulation within the site.

Messrs. Lyon and St. Onge provided additional information related to the project and Norwich University noting that the project would accommodate existing uses and no new programs were being created to necessitate this building construction. It was also noted that additional landscaping was being added to accommodate concerns from the neighbors near the site.

The Project Review Committee discussed additional aspects of the project. After this discussion Ms. Hill-Eubanks made a motion that staff provide a letter to the applicant indicating that the project, as presented, does not meet the thresholds for Substantial Regional Impact, which was seconded by Mr. Fitzgerald. The motion passed unanimously by a vote of 5 – 0 with no additional discussion.

Following the discussion of Norwich University, Ms. Hill-Eubanks noted that she had a conflict of interest with the Moretown Landfill project and would be abstaining from discussion. Mr. Vorwald presented an overview of the Moretown Landfill Closure project noting that a closure plan was in place that had been approved by Vermont Agency of Natural Resources. He also noted that the application was for very specific tenants of the project related to air pollution, waste disposal, and aesthetics. Mr. Vorwald provided the committee with an overview of several renderings that were provided by the applicant to indicate the aesthetics of the project.

Following discussion from the committee Mr. Fitzgerald made a motion that staff provide a letter to the applicant indicating that the project, as presented, does not meet the thresholds for Substantial Regional Impact, which was seconded by Mr. Hebert. The motion passed by a vote of 4-0-1 with Ms. Hill-Eubanks abstaining and no additional discussion.

With the applicant for the final project not yet present, the committee agreed to continue with the agenda and come back to the final project when the applicant arrived.

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 the committee forwarded a draft to the Executive Committee for their input, which was returned with several comments for discussion. Mr. Vorwald highlighted several of those comments. The committee discussed options to strengthen the language and directed staff to develop draft language that could be used. Finally, the committee noted that further discussion should include Mr. Wernecke since he was heavily involved with the draft language.

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

With discussion of the policies and procedures concluded, the committee asked for staff to present the final application for consideration since the applicant had not yet arrived. Mr. Vorwald provided an overview of the ER Thurston Solar Farm West project noting that it was a 500 kW solar project on 3.5 acres. He indicated that reason it was on the agenda for discussion was that the development would encroach in the buffer area for a deer wintering yard.

Mr. Vorwald noted that he had discussions with the applicant who indicated that the Vermont Agency of Natural Resources (ANR) had reviewed the plans and concluded that the deer wintering yard buffer area would not be impacted. ANR asked that three conditions be include with the Certificate of Public Good that included no cutting of the trees in the deer wintering area, the installation of a fence that would not adversely impact the deer populations, and prohibit activities on the site from mid-December to mid-April. During this discussion the applicant had arrived. Mr. Moretz noted that they had agreed to comply with the conditions put forth by ANR. Additional discussion occurred on the project with the applicant.

Following discussion from the committee Mr. Fitzgerald made a motion that staff provide a letter to the applicant indicating that the project, as presented, does not meet the thresholds for Substantial Regional Impact, which was seconded by Mr. Hebert. The motion passed by a vote of 5-0-with no additional discussion.

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 by a vote of 5-0 with no additional discussion at 5:42pm.

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

**PROJECT SUMMARY LIST
March 23, 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.

North East Materials Group, LLC. – Act 250 Major Application

Location: Town of Barre

In September of 2016, 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.

Based on information provided in the Act 250 application, for the past 25 years, the District #5 Coordinator has issued jurisdictional opinions concluding that the operation of crushers at the Rock of Ages quarry did not substantially change the extraction and processing operations and therefore was not subject to Act 250 jurisdiction.

In 2012, adjacent property owners requested a new jurisdictional opinion and the District Coordinator ruled that no Act 250 permit was required. This decision was appealed to the Environmental Court, which upheld the District Coordinator's decision. That was subsequently appealed to the Vermont Supreme Court, who remanded the case back to the Environmental Court, which upheld the previous ruling that no Act 250 permit was required. Again, the decision was appealed to the Vermont Supreme Court. On August 12, 2016, the Vermont Supreme Court ruled by a 3 to 2 vote that an Act 250 permit was now required.

NEMG is requesting a permit be issued for the continued use of the rock crusher in substantially the same manner as it has been operated in previous years. The operation is consistent with existing permits including air quality, stormwater prevention, and limits on extraction/truck volumes from the site.

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.

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."

As of a letter dated October 19, 2015, the attorney representing Verizon Wireless proposed a schedule for filings that would include all parties that entered an appearance in this matter. This includes the applicant, the Towns of Stowe and Waterbury, the Agency of Natural Resources, the

Department of Public Services, and several adjacent land owners. The proposed schedule identifies January 31, 2016 as the deadline for anyone providing information regarding this petition. Furthermore, it identifies February 29, 2016 as the deadline for replies to information with a pre-hearing conference to be held thereafter.

Since the original filing, multiple meetings have occurred including site visits and discussions between the petitioners and multiple state agencies to address concerns. The primary issue that has been discussed in recent months has been the disruption of wildlife habitat in the subject area.

The location of the proposed telecommunication tower is within the Worcester Mountains to Northeast Kingdom Wildlife Linkage which is a significant migratory pathway through Central Vermont. Due to this linkage, development activity in this corridor could impact the migratory patterns of bears, moose, or other animals.

When the Project Review Committee met in January of 2016, it was determined that this project was of significant regional impact and that the committee may provide comments once the full scope of the discussions and negotiations were known. A technical hearing on this petition is scheduled to occur during the week of March 20, 2017 therefore additional information may be forthcoming.

This project may meet the threshold for **Criteria 1** or **2** as noted above. Additionally, the 2016 Central Vermont Regional Plan states:

Rural Future Land Use Planning Area – Policy 6:

Identified wildlife corridors should be protected from fragmentation and uses that reduce their viability for movement of wildlife, particularly where they connect large contiguous tracts of land.

Land Use Goal 4: To protect environmentally sensitive or unique areas

Policy 5: It is the policy of CVRPC to encourage the maintenance of existing critical wildlife habitats. Communities are encouraged to identify locally important habitats.

PROJECT OVERVIEW

North East Materials Group, LLC Crushing Operation Act 250 Permit

This Act 250 Permit Application is being filed with respect to the existing rock crushing operation conducted by North East Materials Group, LLC (“NEMG”) on land leased from Rock of Ages Corporation, within the Rock of Ages Stone Quarry and processing yard on the south side of Graniteville Road in the Town of Barre, Vermont (the “Project”). **See Tab 1, Location Map.**

NEMG’s rock crushing operation has been functioning on the Rock of Ages property since 2010. Rock crushing has occurred as an integral part of the Rock of Ages stone extraction operation throughout the Rock of Ages quarry in every decade since at least 1900. As Rock of Ages continues its dimensional stone extraction operation, a large quantity of waste rock or “grout” is created which must be piled up on the property. Crushing has occurred periodically at Rock of Ages to convert this waste rock into useful products such as rip rap to reinforce stream banks, road construction material and aggregate for concrete. **See, Tab 4, Environmental Division Decision (Altered) Dec. 23, 2015.**

The NEMG crushing plant consists of one jaw crusher, two secondary/tertiary cone crushers, one secondary/tertiary impact crusher, as well as related screeners, feeders, and conveyors. **Tab 2, Crusher Photos.** The primary crusher takes large waste stone blocks and sizes them to 18” minus. That material then goes through a secondary crushing machine that sizes the 18” minus material to 5” minus, and a cone crusher that finally sizes the material to 2” minus. These machines are part of a single integrated process that takes the waste stone from Rock of Ages extraction operations and converts it into useful earth resource materials. **Tab 11,**

Crusher Site Plan. This crushing operation, with all of its component parts, is referred to herein as the “Crusher.” The Crusher is located immediately adjacent to a stone processing yard where dimensional stone is sawed and split as part of Rock of Ages primary extraction operation, as well as a stone inventory yard where blocks of stone are moved, stored and transported from.

Tab 3, Aerial Photo of Rock of Ages/Crusher Location. The Crusher employs nine individuals and utilizes two loaders, one haul truck (for hauling on interior roads), and two excavators. NEMG operates no off-site haul trucks. Rather, customers bring their own trucks to the site where they are loaded with stone for off-site transport. The NEMG Crusher played an integral role in supplying crushed stone for road and river bank repairs in the aftermath of Tropical Storm Irene.

Over the course of the past 25 years, the District #5 Act 250 Coordinator has issued at least five Jurisdictional Opinions concluding that the operation of crushers at the Rock of Ages Quarry, including the NEMG Crusher, is not a substantial change to the preexisting Rock of Ages stone extraction and processing operation and therefore is not subject to Act 250 jurisdiction. Nonetheless, in 2012, certain neighbors requested another jurisdictional opinion as to whether the Crusher required an Act 250 Permit. Once again, the District Coordinator held that no Act 250 Permit was required. The neighbors appealed, and the Environmental Division affirmed holding that no Act 250 Permit was required. **Tab 4, E. Division Decision (Altered) Dec. 23, 2015.** Neighbors appealed to the Vermont Supreme Court, which remanded the case back to the Environmental Court, which again affirmed and held no Act 250 Permit was required. Neighbors appealed yet again, and on August 12, 2016, the Vermont Supreme Court, in a split 3 to 2 decision, determined for the first time, and on novel legal grounds, that an Act 250 Permit is required for the NEMG Crusher. The Crusher has been shut down since that time

and the employees associated with that operation laid off. This Application therefore seeks authorization for NEMG to continue operating the Crusher in substantially the same manner as it has for the past six years and to put its employees back to work.

The Project has obtained the following additional permits which establish the following presumptions with respect to the Act 250 Criteria under Act 250 Rule 19:

1. Air Pollution Control Permit #AP-14-007 dated February 19, 2014, establishing the presumption that the Project will not result in undue air pollution. **Tab 5.**
2. Multi-Sector General Permit #4407-9003R, dated Feb. 29, 2012, and amended Stormwater Pollution Prevention Plan establishing the presumption that the Project will not result in undue water pollution and that stormwater runoff will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water. **Tab 6, Multi-Sector General Permit; Tab 7, SWPP and Spill Control Plan.**

The Air Pollution Control Permit requires NEMG to take steps to minimize dust emissions, including the use of a wet suppression system and various standard fugitive dust emission control measures, which significantly reduce dust emissions. **See Tab 5, Air Pollution Control Permit.** Permittee also utilizes a street sweeper periodically to sweep and control dust along the primary haul road from the crusher. The Crusher is connected to and relies upon three-phase power to operate the equipment. A state-of-the art, EPA Tier 2 Emissions Certified diesel generator, which burns ultra low sulfur diesel fuel, is present on site but is used only when electric power is not available.

With this application, the Permittee seeks an Act 250 Permit authorizing a maximum production rate of 250,000 tons of crushed stone per year, consistent with the limit imposed by the Air Pollution Control Permit. However, the Crusher does not operate constantly and may stand idle for extended periods depending on the demand for stone. The hours of operation will be Monday through Saturday from 6:00 a.m. to 4:00 p.m. consistent with Rock of Ages general

operating hours. With respect to off-site truck traffic, the allowed production limit in the Air Permit would result in an applied for maximum number of daily truck trips of 150 loaded trucks over the 10 hour work day. However, this would represent an extraordinary level of activity which would be precipitated by a major emergency such as Tropical Storm Irene or a highly unusual job. Thus, the Applicant is willing to stipulate to an average of 75 loaded trucks per day leaving the site as averaged over a year with the option of requesting a higher average number of trucks in a particular circumstance with the permission of the District Coordinator or the District Commission. Until the scheduled signalization project is performed at the Truck Route Quarry St./Route 14 intersection, the Applicant will limit loaded truck trips leaving the Crusher to a maximum of 70 trucks per day. All trucks will utilize either the existing designated truck routes prescribed by the Town of Barre or Pirie Road in Williamstown. Resource Systems Group has performed a Traffic Analysis of the projected Project traffic and has determined that even at the maximum level of operation noted above, the Project will not cause traffic congestion or unsafe conditions on local roads or adversely impact the public investment in local infrastructure. **Tab 8, RSG Traffic Analysis.** Stopping sight distances at the Project accesses onto Graniteville Road and Pirie Road meet or exceed required VTrans standards. Intersection sight distances at the Graniteville Road and Pirie Road accesses meet or exceed design targets. No turning lane warrants, excessive queues, or similar adverse traffic issues will result from the Project. *Id.*

The Project is established on land located within the existing Rock of Ages Quarry. That Quarry, which is the largest and oldest stone quarry in the State of Vermont, has defined the context of its area for over a century and encompasses intensive blasting, heavy equipment operation, sawing, splitting and on and offsite heavy truck operation. **See Tab 3, Aerial Photo of Rock of Ages.** The Crusher and associated infrastructure is located adjacent to extensive

grout/waste rock piles located on the site and an active stone processing yard as well as other Rock of Ages operations. The Crusher is not visible off of the Rock of Ages property.

The area surrounding the Crusher is designated as Industrial or for Earth Extraction under both the Barre Town Plan and Zoning Regulations. **Tab 10, Barre Town Plan.** The closest residence to the Crusher is approximately 1,500 feet away. As part of this proceeding, noise engineers from Resource Systems Group will perform a two-day sound study of actual crusher operations once the Commission gives permission for that test. This will present the most accurate information possible regarding sound levels from the Project. The Applicant is thus requesting that the Commission convene a site visit at which time Crusher operations in connection with the sound study will be commenced, and the Commission can observe for itself the operation of the Crusher from various locations in the area. The Applicant would request that a pre-hearing conference for the purpose of determining party status and to address preliminary matters be convened immediately after the site visit and that the hearing itself be convened a week to ten days later when the results of the sound study will be presented. The Applicant believes the foregoing represents the most efficient way of proceeding in this matter.



January 21, 2016

Ms. Susan M. Hudson, Clerk of the Board
State of Vermont Public Services Board
112 State Street, 4th Floor
Montpelier, Vermont 05620-2358

RE: Docket Number 8601 – Vermont RSA Limited Partnership & Cellco Partnership, each d/b/a Verizon Wireless

Dear Ms. Hudson;

The Central Vermont Regional Planning Commission (CVRPC) received a Scheduling Stipulation for the above mentioned project seeking a Certificate of Public Good identified as Docket Number 8601 on October 23, 2015. Docket Number 8601 refers to the request to construct an approximately 90 foot wireless communications facility in the Town of Waterbury. The location of the proposed site would require an extension of Ruby Raymond Road and clearing of land for the tower site and equipment pad. The location of the facility would be directly adjacent to the municipal boundary between Waterbury and Stowe.

Upon review of this petition by the CVRPC's Project Review Committee it was determined that it meets the threshold for Substantial Regional Impact as defined in the Central Vermont Regional Plan. Specifically, Criterion 2 of the Project Review Committee's Operating Guidelines states, "*Among the development projects of substantial regional impact are those that will likely impact on a resource with the Region which is widely used or appreciated by people outside of the locality in which it is located.*" The Project Review Committee felt this Criterion applied due to the location of the project in relation to the sensitive wildlife corridor and natural habitat. As such, the Central Vermont Regional Planning Commission would like to maintain its status on these proceedings. As additional information is provided on this petition, the CVRPC reserves the right to provide future comments regarding consistency between this project and the Regional Plan.

Please feel free to contact the CVRPC if you have any questions or need additional information.

Regards,

A handwritten signature in blue ink, appearing to read "Eric Vorwald".

Eric Vorwald, AICP
Senior Planner

Cc: Docket 8601 Service List – 10.19.2015



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.

DRAFT