



## **Project Review Committee Meeting**

January 21, 2015 at CVRPC Offices; 4:00-6:00PM

**Agenda:** (refer to attached letter)

1. Act 250: Update on Berlin Mall, LLC (Kohl's) project, Berlin
2. Section 248: VTel Wireless Telecommunications Facility, Fayston
3. Committee's Operating Guidelines and Procedures
  - Continue discussion of potential revisions and definition of Substantial Regional Impact (most recent draft attached)
  - Determine schedule for making recommendations to Executive Committee
4. Wrap-up and schedule next meeting

Hello Project Review Committee,

Two projects warrant discussion at the upcoming Project Review Committee meeting on Wednesday, January 21 from 4-6pm at CVRPC Offices.

## **ACT 250: BERLIN MALL, LLC (KOHL'S), BERLIN**

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Current Application: The public hearing has been scheduled for **Tuesday, February 3** at the Central VT Chamber in Berlin and staff will plan on attending.

Findings of Fact and Conclusion from the Berlin Development Review Board are also attached for your information.

According to an Applicant response circulated Dec. 16 to the Pre-Hearing Conference Order, we can expect to see a site plan with the following revisions:

- Reduced parking spaces from 294 to 247,
- A new sidewalk running along the westerly side of the Kohl's store, and
- A bus stop on-site.

### Next Steps:

Though we will likely not receive this revised site plan prior to next week's meeting, it sounds as though issues related to pedestrian access and public transit are being addressed by parties involved. Staff would propose we still circulate the previously drafted letter with the added sentence: *CVRPC supports optimizing pedestrian and public transit connections between Kohl's and the Mall.*

## **SECTION 248: VTEL WIRELESS TELECOMMUNICATION FACILITY, FAYSTON**

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Current Application: We recently received a pre-file notice for a Section 248 application for installation of a wireless telecommunications facility at 247 High Country Rd in Fayston. A few notes:

- It is proposed to be another 90' single carrier metal communications pole with panel antennas to be installed at 70'-82' above ground level.
- A balloon fly to gauge aesthetic impacts of the project is scheduled for Jan. 15, 2015 so we cannot yet see the results. This is the first 45-day pre-filing notice received in current staff's tenure that hasn't included the results of the balloon fly in the pre-filing package. The site appears to be located above 2,000 ft elevation.
- To our knowledge, there is not another tower in which co-location could be proposed.

Property and business owner letters: By way of Mad River Valley Planning District, we have been forwarded nine letters voicing opposition to the project for a variety of reasons. Those most pertinent to issues we'd potentially weight in on are related to aesthetics and include the following –

- Adam Greshin, Executive Vice President of Sugarbush: *I write to establish in unequivocal terms Sugarbush's opposition to the project...The ridge line of Bragg Hill is directly in the view shed of Mt. Ellen. Sugarbush was a major supporter of the preservation of the Bragg Farm, in large part because the iconic view to Bragg Hill and from Bragg Hill has been part of our guest experience since Mt. Ellen opened in 1963.*

- Alison Hobart, adjacent landowner writes: *The tower is at least twice the height of the tallest tree, and will be visible on the approach to our home from any direction. We feel it alters the character of this former dairy farm property and will negatively impact the value of our land. As others have already noted, this section of Bragg Hill is part of many tourist foliage recommendations, the conservation of the Bragg Farm shows the community's commitment to maintain the neighborhood as farmland, and the covenants of the Vasseur subdivision also serve to protect the character of the farm it once was.*
- Bill Post, adjacent landowner writes: *Surely if there is one part of Fayston that should be protected from this type of development, it is Bragg Hill. The Bragg Hill area was one of the Valley's first hill farms, and has been in continuous use for over 200 years. So important that the Vermont Land Trust felt it necessary to commit over \$750,000 to preserve Bragg Hill Farm in 2012.*
- Win Smith, President of Sugarbush writes: *As a major landowner in Fayston whose property value is enhanced by the beautiful aesthetics [sp] of Bragg Hill, Sugarbush is opposed to this applicaation. Bragg Hill is not only special to residents and visitors to the Valley but has also been used by the State in its branding initiatives. We were an active supporter of the preservation of the Bragg Hill Farm as we believed that the preservation of this icon was important for both current and future generations. We and our guests who visit Sugarbush and who purchase property here do need reliable cell phone coverage as well as internet connectivity. We already have that with AT&T and Verizon with respect to cell coverage and with Waitsfield telecom with respect to the internet and hard line phone service. In our opinion there is no need for another carrier placing their own unsightly cell tower in such a location and ruining the aesthetics of the Valley for current and future generations.*

Regional Significance: According to our draft definition of Substantial Regional Impact, SRI includes: *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, fragile and natural areas, public water supply watersheds, aquifer protection areas, agricultural and forest resources, and historic and **scenic resources**.*

Conformance to the Regional Plan: Policy 2 of the Wireless Telecommunications Facilities Policies related to facilities siting state that: *Telecommunication facilities should be sited, designed, maintained and operated so as to minimize negative impacts on natural, cultural and scenic resources. Use of stealth design and/or use of existing structures are encouraged where appropriate. The policies of this Plan addressing ridgeline and hilltop development (see Land Use Element, Goal 5)) are intended to apply to telecommunication facilities.*

Land Use, Goal 5, Policy 2: *Unless effectively screened, or clearly in the best interest of the general public, ridge line development or conspicuous development on locally prominent landscape features is discouraged.*

#### Next Steps

The deadline for CVRPC to respond to the 45-day pre-filing notice from VTel is February 7.

I will provide further information on the location and details regarding the above permit application at the 1/21/2015 meeting. We can certainly discuss whether the Committee feels this application merits CVRPC review and comment.

Thanks,  
Kim