PROJECT REVIEW COMMITTEE
May 28, 2020 4:00 – 5:15 pm
Remote Participation via GoToMeetings
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Via Phone: +1 (872) 240-3212 Access Code 576-779-133
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AGENDA

4:00¹ Adjustments to the Agenda

Public Comments

4:05 Act 250 / Section 248 Applications & Projects of Substantial Regional Impact ²

3-17 a) Presentation & Preferred Site Request by Aegis/ Emancipation Energy, 150 KW Solar Installation located at 58 Center Road, Middlesex
b) Review Project Review Summery Sheet

20 5:00 Meeting Minutes³

Approve January 23, 2020 meeting minutes

5:15 Adjournment

- Next Meeting: Thursday, June 25, 2020 -

Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact Nancy Chartrand at 802-229-0389 or chartrand@cvregion.com at least 3 business days prior to the meeting for which services are requested.

¹ Times are approximate unless otherwise advertised.
² Possible action item
³ Possible action item
Video Conferencing Etiquette

DO THIS

▶ Download the e-meeting app before the meeting and test your technology (camera/microphone)
▶ Mute your cell phone
▶ Turn off notifications (ding!)
▶ Always assume your microphone is on
▶ Be courteous to other participants
▶ Give your full attention to others as you do when in the same room
▶ Raise your hand or say “question” or “comment” then wait to be recognized by the Chair
▶ Speak clearly
▶ Keep body movements minimal
▶ Move and gesture slowly and naturally
▶ Maintain eye contact by looking into the camera when speaking
▶ Dress appropriately
▶ Make the session animated - please keep your video on
▶ Be yourself and have fun!

AVOID THIS

▶ Don't make distracting sounds
▶ Don't shout
▶ Don't make distracting movements
▶ Don't interrupt other speakers
▶ Don't carry on side conversations
▶ Don't wear "noisy" jewelry
▶ Don't cover the microphone or camera
▶ Don’t be distracted by eating, drinking, checking email, Web surfing or texting
Emancipation Energy Request for RPC Letter of Support, Middlesex 150kW Solar Project
Emancipation Energy, Middlesex, VT Solar Project

As Emancipation Energy’s (“Emancipation”) representative Aegis Renewable Energy, Inc. (“Aegis”), requests a letter of support for "Preferred Site Status“, per section 5.103 of rule 5.100, from the Central Vermont Regional Planning Commission for a proposed 150-kilowatt solar array to be constructed and operated on lands owned by Stephen Van Esen and leased to Emancipation. The property is located at 58 Center Road in Middlesex Vermont.

Slides:

✓ Project Overview
✓ Site Location Map
✓ Site Layout
✓ Zoning Map
✓ Planning Commission Letter of Support
✓ Select Board Letter of Support
✓ Contact Info
• 150kW AC / 222.4kW DC Array
• To be interconnected to existing WEC, 3 phase distribution line onsite
• Wetland delineation and RTE work beginning on 5/22/2020
• 5 year old existing delineation shows no wetland or buffer in the array area
• Project area zoned Mixed Use
• Strong municipal support
• Zero visual impact concerns to any properties
• Site was previously cleared for other development
• Planning Commission confirmed that the municipal energy plan supports and encourages projects like this one and that this project is in compliance with the energy plan
April 16, 2020

Ms. Judith Whitney, Clerk
Public Service Board of Vermont
112 State Street
Montpelier, VT 05620-2701

Re: Preferred Siting Designation under Rule 5.100

Dear Ms. Whitney,

We refer to the application for a Certificate of Public Good (the “Application”) filed by Emancipation Energy LLC, in respect of the 150 kW-AC solar electricity generation project (the "Project") proposed to be sited on the property owned by Stephen Van Esen at 58 Center Road in Middlesex, Vermont (the “Location”). The Location falls within our jurisdiction and we have reviewed the proposed project in detail, including visual renderings, project layouts and designs. Having made our review, we wish to support the Project and declare our desire to have the Location designated as a "Preferred Site" under Section 5.103 of your Rule 5.100.

We note that we take no position on the Project’s compliance with any requirement of Rule 5.100 or of other applicable provisions of Vermont law. This letter is solely for the purpose of providing support for the Project under Section 5.103.

Sincerely,

Town of Middlesex
Planning Commission

By:

Sandra Levine
Chair
April 30, 2020

Judith Whitney, Clerk
Public Service Board of Vermont
112 State Street
Montpelier, VT 05602-2701

Dear Ms. Whitney:

The Middlesex Select Board has reviewed a proposal by Aegis Renewable Energy, Inc. to site a 150KW-AC solar electricity generation project at 58 Center Road in Middlesex, Vermont. Aegis asked the Board to determine that this site, which is in the Town of Middlesex and, therefore, in the Board’s jurisdiction, is a “Preferred Site.” You may be more familiar with the application for a Certificate of Public Good as filed by Emancipation Energy LLC.

The Board discussed this request at our April 7th and April 21st meetings, weighing input from Aegis, an abutting residential neighbor, and the Chair of the Middlesex Planning Commission. While the Board reserves the right to address any potential concerns in the future regarding this project, it found no reason to object to 58 Center Road as a Preferred Site due to its relatively hidden location near the interstate and commercial properties. By a vote of 4-1, on April 21, 2020, the Select Board approved Aegis’s request to designate 58 Center Road as a Preferred Site for this 150 KW-AC solar electricity generation project.

The Board notes that it takes no position on whether this project complies with Rule 5.100 or other applicable provisions of Vermont law. This letter is solely for the purpose of providing support for this project under Section 5.103.

On behalf of the Middlesex Select Board,

Peter O. Hood, Chair
CONTACT INFO
Nils Behn

340 Mad River Park, Suite 6 Waitsfield, VT 05673.

802-560-0055

nbehn@aegis-re.com
MEMO

Date: May 25, 2020
To: Project Review Committee
From: Zachary Maia, Assistant Planner
Re: Staff Review of Section 248 Middlesex 150kW Application (20-0871-AN)

ACTION REQUESTED: Respond to the Preferred Site Designation Request.

The following information is contained in regard to the Preferred Site Request:

1. Aegis Email dated April 28, 2020 (2 pages)
2. Aegis presentation (9 slides)

STAFF REVIEW
To aid in the Committee’s review and anticipated action item for a Preferred Site Designation request staff recommends the Committee consider:

a) The site’s relationship to its Land Use Planning Area as defined in the Regional Plan;
   b) Direction provided in the Energy Element and incorporated Regional Energy Plan; and
   c) The development’s known impacts related to other goals and policies of the Regional Plan.

a) Land Use Planning Area
The site is located within the Rural Future Land Use Area – See attached Regional Plan 2008 Future Land Use Map. The Regional Plan (on page 2-27) describes Rural Areas as: the majority of the Region’s land area and are generally rural in character. Much of the Region’s residential development in recent decades has occurred in these areas in a low-density pattern along transportation routes. These areas encompass much of the Region’s large forest blocks, sand/gravel/mineral de- posits, and prime agricultural soils that, when in productive use, contribute to the working landscape and have significant economic value. Rural areas also include residential, small-scale commercial and industrial, and recreational uses.

Policies related to the Rural planning areas include:

- Minimize impact to the viability of agricultural operations and forest fragmentation.
• Encourage location of development outside of farms and along the edges of forests, preferably with buffers between such development and the ag/forest resource.
• Support enabling owners of farm and forestland to bear the financial responsibility of resource protection.
• Provide direction on development principles to be used related to:
  o vehicular and pedestrian movement,
  o compact development as it related to power and transportation infrastructure,
  o maintaining traditional density and settlement patterns as development occurs,
  o protecting wildlife corridors from fragmentation,
  o limiting the number and size of non-residential uses,
  o enabling home occupations, and
  o enabling expansion and development of outdoor recreation areas.

The Rural Land Use Planning Area description references “residential, small-scale commercial and industrial, and recreational uses.” It should be noted that commercial and industrial land uses generally refer to those common uses which are defined by local zoning. Commercial and industrial uses and activities generally include activities involving the sale of goods or services carried out for profit; or uses which are engaged in manufacturing, packaging, storage and distribution of products. Commercial and industrial uses generally require a permeant structure or building with associated parking areas and infrastructure. The impacts of commercial and industrial land uses generally include regular traffic, stormwater runoff, noise, and odor.

The proposed 150KW array is to be built on an 5.37-acre property which has been previously partially-cleared. The array will utilize 0.75 acres, and associated fencing will utilize 1.00 acre on the property, within the previously cleared portion of the property. Access to the property will be served by an existing gravel driveway. Currently, there exists a commercial garage and office building at the parcel on 58 Center Road, which has the capacity for 68 employees.

Commercial scale renewable energy generation systems do not always equate to commercial land use planning areas. Commercial scale renewable energy generation systems range from 15kw to <1 MW in size. A 150 kW system is considered a medium scale commercial system. Systems over 500 kW do not qualify for preferred site incentives. Aegis proposes a 150kW project. Residential scale renewable energy generation systems are incorporated into preferred site incentives by right. CVRPC does not need to address these.

A commercial scale solar energy project would not generate the same level of impacts (traffic, stormwater runoff, noise and odor) of a commercial or industrial land use. At the project site, there already exists development on the site, which further minimizes potential impact of the solar array.

➢ **Staff Suggestion:** It would be beneficial for the Committee to make a determination of whether the proposed project is in conflict with the Rural Land Use Area.
Based upon staff review the Aegis project would be compatible with the Rural Planning Areas.

b) Energy Element and Regional Energy Plan
Both the Energy Element and the Energy Plan (as contained within the Regional Plan appendix) state that it is the responsibility of the local municipality to determine a Preferred Site. The Energy Element states on page 3-7:

>Siting of all renewable energy generation facilities will take careful planning to ensure infrastructure (including three phase power), land use regulations (including zoning if applicable), and community support exists before the development can occur. In this regard the Central Vermont Regional Energy Plan does not specify locations beyond what has been identified by the state as preferred locations for renewable energy generation. This will provide opportunities for each municipality to identify locations that are preferred or restricted based on local insights and interests.

The Chapter also includes the following Goal and Policy:

GOAL: Renewable energy generation is sited to maximize potential while minimizing locally identified impacts.

Policy: Evaluate generation from potential renewable energy generation by municipality including the identification of constraints, resource areas, and existing infrastructure by energy type.

As contained within the Regional Energy Plan (see Appendix of Regional Plan, page 35)

> The Regional Energy Committee further concluded that the final determination and identification of suitable sites would be left to the individual municipalities as they develop and evaluate their needs, development patterns, and future land use goals....Finally, the Central Vermont Regional Energy Plan supports the development of renewable energy generation technology that will not result in an undue adverse impact on the built or natural environment or conflict with identified regional policies.

Energy Plan Maps -
- Known Constraints Map: Aegis site – appears no Known Constraints identified.
- Possible Constraints Map: Aegis site - appears there maybe presence of Possible Constraints on a portion of the site (deer wintering areas).
- Solar Source Resource Map: Aegis site – appears to be a Secondary site, property may contain possible constraints.

On April 15th 2020 the Middlesex Planning Commission received a presentation from the applicant. The Planning Commission agreed to sign the applicant’s provided preferred site designation letter. At the April 21st, 2020 Middlesex Selectboard meeting, the Selectboard also signed off on the provided preferred site designation letter.
Appendix A of the Regional Plan contains “Known & Possible Constraint Definitions & Descriptions” Appendix B contains the “Regional Resource Maps.” To check out the sections of the Regional Plan which have been referenced within this memo visit:

➢ **Staff Suggestion:** It would be beneficial for the Committee to make a determination of whether the proposed projects do minimize locally identified impacts as stated in the Goal above.

c) **Other Goals and Policies of the Regional Plan**

Beyond Land Use Planning Areas, the Regional Plan uses its goals and policies to address other impacts and to direct development and conservation. However, nearly all policies in the Regional Plan use advisory language (should, encourage, discourage, where feasible). Advisory policies do not offer substantial guidance in development review because they can be interpreted in different ways for different developments and may be interpreted inconsistently. The following policies provide directive language that could be used effectively in Section 248 development review:

- Protect or maintain native vegetated buffer strips in riparian zones and shoreland areas using Best Management Practices
- Avoid or limit development and investment in identified flood hazard areas. Development in established economic and institutional centers shall adhere to strict floodplain management standards. [staff note: may be considered advisory]
- Fill and new structures within mapped floodways as identified on FEMA Flood Insurance Rate Maps shall be prohibited, except where a substantial public benefit is provided. [staff note: may be considered advisory]
- Specifically, development activities in designated WHPA’s [wellhead protection areas] shall be carefully reviewed for groundwater impacts.
- Prevent the spread of terrestrial invasive species and forest pests.
- Light sources shall be shielded and not directly visible from public roads or adjacent residences.
- Utility infrastructure and corridors shall be sited so as to minimize aesthetic impacts, particularly in areas of local and regional scenic importance. [language in A, B, and C may negate the “shall”]
- Wherever practicable, utility lines will be installed underground or behind structures in downtowns and village centers
- The use of wood support structures, appropriate conductor colors for the background, and landscape compatibility techniques are encouraged.
- Municipalities, in their plans, should consider the visual impacts of the siting of utility poles.
- Traffic safety and water quality issues may also be pertinent in certain locations.
- Resource areas, as identified by this Plan, shall be avoided wherever possible, in the location or routing of new substation or transmission facilities. [wherever possible may negate the “shall”]
- CVRPC will track indicators that show impacts on aesthetic quality and natural beauty in Central Vermont.
- CVRPC will exercise its status as a statutory party in Act 250 whenever new development has the potential to impact the form and function of an interchange area or adjacent communities.
- New development that places a significant impact on local and regional educational systems must address and mitigate these impacts.

➢ **Staff Suggestion**: It would be beneficial for the Committee to make a determination of whether the proposed projects conflict with any of the identified regional policies.
The following is a list of projects that have been received by staff since the last Project Review Committee meeting. Staff will provide a general overview of the projects if necessary to determine if additional discussion is warranted at a future meeting.

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<th>PROJECT SUMMARY</th>
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<tr>
<td>3</td>
<td>Act 250 – Minor Application 5W1142-5</td>
<td>Yestermorrow, Inc.</td>
<td>Waitsfield</td>
</tr>
<tr>
<td>4</td>
<td>Act 250 – Minor Application 5W1186-4</td>
<td>Dale &amp; Julie Bickford</td>
<td>Marshfield</td>
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</table>
| 5 | Act 250 – Minor Application 5W0721-17 | Mad River Path Association | Waitsfield | 1.3 miles of trail will be built on this parcel; 400 ft of which will be a 5 ft wide boardwalk across a Class 2 wetland. Comments issued by ANR re: wetlands and VDHP re: historic archaeological impact on site. VDHP
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<td>6</td>
<td>Act 250 – Minor Application 5W1045-45</td>
<td>Vermont Adaptive Ski and Sports</td>
<td>Fayston</td>
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<td>7</td>
<td>Act 250 – TBD 5W1111-4</td>
<td>Sugarbush Mountain Resort, Inc.</td>
<td>Warren</td>
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<td>8</td>
<td>Act 250 – Minor application 5W0441-14E</td>
<td>LaGue, Inc.</td>
<td>Berlin</td>
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<tr>
<td>9</td>
<td>Act 250 - TBD</td>
<td>Ben &amp; Jerry’s Homemade</td>
<td>Waterbury</td>
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Call to Order
L Cattaneo called the meeting to order at 4:04 pm. J Shatney arrived at the beginning of the CVMC presentation and chaired the rest of the meeting.

Adjustments to the Agenda
None.

Public Comments
None.

Act 250 / Section 248 Applications & Projects of Substantial Regional Impact
a) Presentation by Presentation by Central Vermont Medical Center

The CVMC project team provided a presentation of the hospital’s conceptual expansion plans followed by a discussion with the committee members. The hospital has not submitted an Act 250 application nor a local permit application at this time. CVMC spoke about the hospital’s directive to increase inpatient mental health capacity and this will help increase the efficiency of the Emergency Department. Currently mental health patients are occupying emergency department beds in the absence of a dedicated wing for mental health patients.

The expansion plans includes building a new multi-story wing on the northwest side of the existing building (currently a visitor parking area). The emergency department would move from the south side of the building into the ground floor of the new wing and adding a 25 new beds to a new psychiatric ward which would be located on the upper floor. The addition would be designed to accommodate additional floors if the hospital needed to expand again the
future. A new multi-story parking structure would be built on the east side of the building and a new enclosed entry area would provide direct access from the parking structure to the main building. Internally, the hospital registration area would remain in the same location.

The expansion would result in increased patient capacity and anticipate about 100 new employees. CVMC noted there is already a nursing shortage in the Vermont and attracting new nurses to the State is a challenge. Lack of adequate workforce housing is also recognized as a challenge to attracting staff.

Increased capacity would also result in increased parking needs and traffic impacts. A traffic study will be conducted as part of the permit process. Discussion continued about the transportation and circulation pattern both internally and leading off site. CVMC recognizes the need to have good pedestrian access from the hospital to the mall site and is interested in furthering the access and usability of an on-site trail system to the north of the building. It was suggested public transit coordination with the service providers is helpful in the early stages of project development.

Incorporation of renewable energy resources was discussed; approximately 4 electric car charging stations will be planned for plus incorporation of solar panels on the parking garage. No solar will added to the floor of the new wing incase future floors are built.

Storm water will be treated via green roofs on portions of the new wing and with sand filters. Overall the project isn’t proposing for much new impervious surface. Water (is provided by the City of Montpelier and there is plenty of capacity) and wastewater service is provided by Berlin.

CVMC anticipates project costs to be about $21 million, and decisions still to be decided how it is funded. Construction is likely to be 4 years until occupancy, with construction hopefully to start by next year.

The committee said goodbye to the guests.

L Cattaneo expressed concern about the cumulative impacts on infrastructure including the transportation system. Discussion followed about the new town center planning along with the assisted living facility proposed for the mall site and the affordable housing and childcare facility which is pre-development phases currently which is also proposed for the mall site.

b) Review Project Review Summery Sheet –

Staff Z Maia provided an overview of the recent comments on the Spruce Place Act 250 application process. VTrans provided comments on the lack of adequate pedestrian facility on the Berlin Mall Road section between the Fisher Road intersection and the mall building. A previous Act 250 permit required a sidewalk to be constructed but to date that permit condition appears not to be have been met.

Regarding other permits listed on the Project Review Summery Sheet, the committee raised a few questions about why certain projects are required to go through the Act 250 process and how minor projects (such as the construction of a single family house in an Act 250 approved subdivision) are required to go through the duplicative permit process.
Approve meeting minutes

Motion by L Cattaneo to approve the September 26, 2019 minutes, seconded by P Carbee all in favor.
Motion carried.

Adjournment

Motion by L Cattaneo to adjourn the Project Review Committee at 5:30 pm, seconded by B Wernecke, all in favor. Motion carried.