



PROJECT REVIEW COMMITTEE

Thursday November 19, 2020

4:30 – 5:30 pm

Remote Participation via GoToMeeting

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PAGE AGENDA

	4:00¹	Adjustments to the Agenda Public Comments
2	4:10	Act 250 / Section 248 Applications & Projects of Substantial Regional Impact
		a) Continued - Review Act 250 5W1206-5 Application in Waterbury, VT for significant regional impact and conformance with regional plan.
13		b) Review <i>Project Review Summary</i> Sheet.
17	5:00	Committee Process
		Review and approve attached 2020 Draft Rules of Procedure
20	5:15	Meeting Minutes²
		Approve October 29, 2020 meeting minutes
	5:30	Adjournment

Next Meeting: Thursday, December 17, 2020

(Note: this is the 3rd Thursday, change in regular schedule due to Christmas Holiday)

Persons with disabilities who require assistance or special arrangements to participate in programs or activities 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



MEMO

Date: November 17, 2020

To: CVRPC Project Review Committee

From: Clare Rock, Senior Planner and Zachary Maia, Assistant Planner

Re: Act 250 Application 5W1206-5: John Mutchler

✉ **ACTION REQUESTED:** Consider Significant Regional Impact or other Regional Considerations of Act 250 Application 5W1206-5 in Waterbury, VT.

The following memo is an update to the October 27, 2020 Project Review Committee memo, which provides extensive background information on the 9-lot subdivision in Waterbury, VT. Please refer to that memo for background information.

Since the October 29, 2020 Meeting of the Project Review Committee, the VT Agency of Natural Resources has requested, and received, an extension to November 30, 2020 to allow the Agency and Applicants additional time to discuss mitigation measures and determine whether a hearing under Criterion 8 is warranted. No documents have been shared regarding the Agency and the Applicant's proposed conditions or site plan changes since the previous meeting.

To help guide the Committee in their decision-making at the November 19, 2020 meeting, this memo is broken into the following sections:

- I. Procedural History
- II. Significant Regional Impact
- III. Regional Plan Conformance

I. Procedural History:

October 29, 2020	VT Agency of Natural Resources requests a second extension of the deadline for comments or requests for hearings.
October 30, 2020	Central Vermont Regional Planning Commission requests an extension of the deadline for comments or requests for hearing, citing Project Review Committee concerns over Significant Regional Impact.
October 30, 2020	District Commission issues second extension of comment deadline to November 30, 2020. The extension would allow the Agency and

November 19, 2020	Applicants additional time to discuss mitigation measures and determine whether a hearing under Criterion 8 is warranted.
November 30, 2020	Central Vermont Regional Planning Commission holds a Project Review Committee meeting to continue review of this application and make a determination regarding significant regional impact.
	Second extension of comment deadline ends.

The Vermont Department of Fish and Wildlife's comments are attached to this memo, and primarily focus on the Shutesville Hill Wildlife Corridor. This project is located at the southeastern corner of the corridor, which extends west across Vermont Route 100 and north into Stowe. See attached map titled: Shutesville Hill Wildlife Corridor. The [resource](#) linked by the Vermont Department of Fish and Wildlife calls it "the only viable connection between the Green Mountains and Worcester Range. It is one of the five most important wildlife crossings in the state and a critical part of an international network of connected forest habitats in the northeast."

The Vermont Department of Fish and Wildlife requested to visit the site and explore how the project's impacts on this resource could be minimized or reduced. Primarily, they are concerned with the implications of developing sites along Sweet Road, as those currently undeveloped lots provide a habitat connector within the larger corridor.

From District Commission issued documents, the Department of Fish and Wildlife performed a site visit on October 15, 2020. No documents have been provided as a result of that site visit, and the Agency of Natural Resources has since requested a second extension in order to allow the Agency and Applicants additional time to discuss mitigation measures and determine whether a hearing under Criterion 8 is warranted. The District Commission granted this request and extended the deadline to November 30, 2020.

Staff discussed the comments with ANR staff on Thursday November 12, 2020. ANR indicates discussions with the property owner have been productive, and that the property owner is willing to make some changes to the subdivision based upon the site visit. The house site on lot 3 remains a concern. To date no revised site plan has been submitted.

As no revised site plan has been submitted the Project Review Committee is tasked with reviewing the site plan as currently submitted.

II. Significant Regional Impact:

Staff presents the following definition of Significant Regional Impact as a discussion point for the Committee to review at the October 29, 2020 meeting.

"Development projects of Substantial Regional Impact are those that will have substantial and ongoing impact on two or more municipalities, including the host municipality. 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.

- Which may affect settlement patterns to the extent that the character or identity of the Region (or its sub- Regions) is significantly affected.
- 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.”

At the October 29, 2020 meeting, the Project Review Committee discussed the significance of the Shutesville Hill Wildlife Corridor and members requested that CVRPC send a letter to the District Commission requesting an extension of the comment deadline in order to determine that the project will not pose a significant regional impact. Committee members agreed that impacts to the Shutesville Hill Wildlife Corridor may constitute an SRI mainly under bullet point #1, and cited the public comments during the Determination of Energy Compliance for Waterbury, VT’s Enhanced Energy Plan.

Committee: Consider the potential Significant Regional Impact posed by this project in regard to the Shutesville Hill Wildlife Corridor, and make a determination.

III. Regional Plan Conformance:

The proposed project is located within both the **Rural** and **Resource** Future Land Use areas as defined by the *2016 Central Vermont Regional Plan, Amended 2018*. The proposed project is also located within a Highest Priority Forest Block as mapped in the appendix “Natural Resources – 3” map. See attached map.

CVRPC Staff created a map overlaying the CAD site plan with the Region’s Future Land Use area. See attached map.

The **Rural** Future Land Use area encompasses much of the CVRPC region, and is where much residential development over the past few decades has occurred. Relevant policies for the Rural Future Land Use area include:

- Development should be designed to minimize its impact on the viability of agricultural operations or its contribution to fragmentation of forest Blocks.
- Development is encouraged to be built outside of farms and along the edges of forests, preferably with buffers between such development and agricultural uses or environmentally sensitive areas.
- Wildlife connectivity areas should be protected from fragmentation and uses that reduce their viability for movement of wildlife, particularly where they connect forest blocks.

Resource areas are dominated by lands requiring special protection or consideration due to their uniqueness, irreplaceable or fragile nature, or important ecological function. According to the Regional Plan: “Resource protection lands include: protected lands, wildlife habitat, high elevation areas, steep slopes, critical resource areas (National Natural Landmarks; State-designated Natural Areas; Sites listed on the Vermont Rare, Threatened and Endangered

Species, and Significant Natural Communities; and elevations over 2,500 ft), groundwater recharge areas, surface waters, wetlands, floodplains and scenic areas.” Relevant policies from these areas include:

- Conservation of the natural landscape and careful management of lands is sought for these areas. Development in these areas should be subject to extensive planning, review and conditions that ensure its protection.
- The extension of permanent roads, energy transmission facilities, and utilities into Resource areas is discouraged.
- Avoid development that fragments forest blocks and habitat connectors.

General Land Use Goal #1 (to promote sound management, conservation and use of the Region's natural resources), Policy 7 states: Minimize fragmentation of forest blocks and habitat connectors. Relevant Strategies include:

- Encourage municipalities to identify forest blocks and habitat connectors and plan for the minimization of forest fragmentation.
- Work with municipalities to incorporate development review standards in zoning and subdivision regulations that address forest and wildlife resources.

In assessing the characteristics of this particular portion of the Resource Future Land Use Area, Staff has concluded that this area may contain wildlife habitat and/or steep slopes. Protected lands, high elevation areas, critical resource areas, groundwater recharge areas, surface waters, wetlands, floodplains, and scenic areas are not applicable to this location. The Natural Resource Maps from the Regional Plan are attached to this memo and show (1) bear reproduction zones, (2) slopes greater than 25%, and (3) highest priority forest blocks present at the site.

According to the CVRPC-created map, it appears that some housing will be located in the Resource Future Land Use area. From staff review, the proposed project's site plan includes over 70 acres of conservation, including both forest and agricultural uses.

Committee: Consider the impacts of the proposed project with regard to the Rural and Resource Future Land Use areas, as well as Goal 1, Policy 7, and determine conformance with the regional plan.

802-371-9778

eric.sorenson@vermont.gov

Memorandum

To: Kevin Anderson and Elizabeth Lord, ANR Office of Planning
From: Eric Sorenson, Ecologist
Date: October 9, 2020
Subject: 5W1206-5, John Mutchler and Perrin Williams, Waterbury 9-lot subdivision
cc: Catherine Gjessing, Noel Dodge

The above-referenced project is proposed in a location of statewide and regional significance for ecological landscape connectivity. As such, the forests on the subject property and the ecological landscape connectivity functions they provide are potentially a rare and irreplaceable natural area. Vermont Fish and Wildlife Department (VFWD) would like to visit the site and explore how the project's impacts to the ecological landscape connectivity functions of this rare and irreplaceable natural area can be avoided or minimized.

Ecological landscape connectivity is the degree to which blocks of suitable habitat are connected to each other across the landscape, allowing wildlife to move about freely to satisfy their habitat needs, plants and animals can migrate in response to climate change, and ecological processes such as predator-prey relations and genetic exchange between populations.

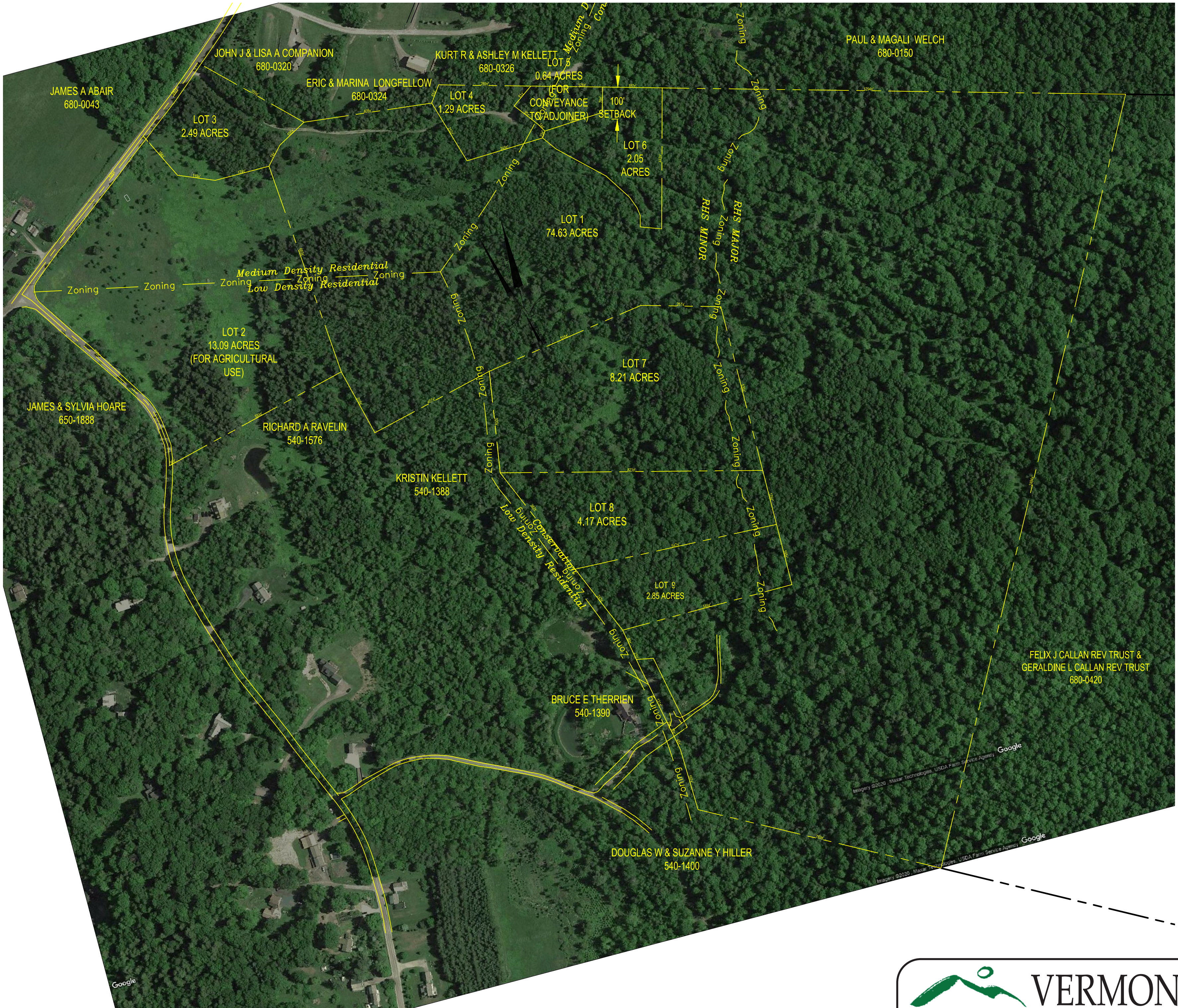
The Shutesville Hill wildlife crossing of Route 100 and the North Hill forest block have been identified as regionally significant landscape connectivity features by Vermont Fish and Wildlife Department, the Staying Connected Initiative, The Nature Conservancy, and other organizations. These features provide the best remaining landscape and wildlife connection between the Mount Mansfield forest block (Green Mountains) to the west and the Worcester Range to the east. There have been many active land conservation efforts in the Shutesville Hill and North Hill forest block over the past several years in order to conserve this regionally important landscape connectivity function; for example, the Shutesville Hill Wildlife Corridor Partnership (<http://stayingconnectedinitiative.org/shutesville/>)

This regionally significant landscape connection is at risk from continued development within the interior of forest blocks and development adjacent to area roads that still provide suitable connectivity habitat. The proposed nine-lot subdivision is in a location and designed in such a way that it would significantly reduce landscape connectivity in one of the few remaining locations along Sweets Road. Specifically, the permanent clearing of forests and the

construction of roads, buildings, and wastewater infrastructure on proposed lots 2, 3, 7, 8, and 9 would result in fragmentation of the forest on this 109 acres, resulting in significant loss of ecological connectivity functions.

The forests on the subject property and the ecological landscape connectivity functions of the property are potentially considered a rare and irreplaceable natural area. The subject property is part of the 45,386-acre Worcester Range forest block, which has been identified as a Highest Priority Interior Forest Block and Highest Priority Connectivity Block in the VFWD's Vermont Conservation Design (<https://vtfishandwildlife.com/conservation/vermont-conservation-design>). Although the forests on the subject property have been harvested in recent years, these forests remain primarily under the influence on natural ecological processes of succession, nutrient cycling, and natural disturbance, and therefore are considered a **natural area**. The ecological landscape function of the subject property is a **rare landscape feature**, along with the North Hill forest block, as together they provide some of the only remaining effective ecological and wildlife connectivity between the Mount Mansfield and Worcester Range forest blocks, two of the most important forest blocks in Vermont. Once this ecological landscape connectivity function between the Mount Mansfield and Worcester Range forest blocks is lost, it is **irreplaceable**, as there is no known way of replacing or restoring it.

VFWD would appreciate additional time to visit the site, meet with the applicant, and explore development alternatives that avoid or minimize the impacts to the ecological landscape connectivity functions and rare and irreplaceable natural area.

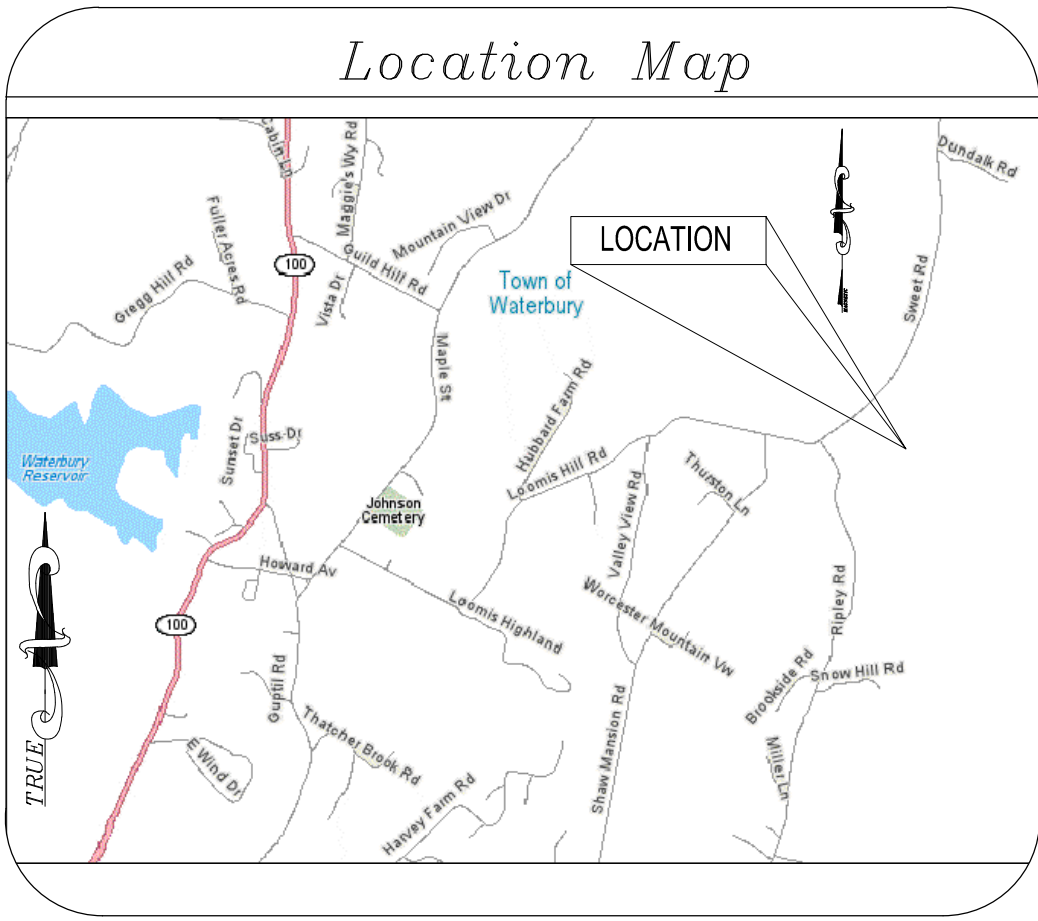



SHEET INDEX

C-1 - OVERVIEW
C-2 - OVERVIEW - SITE PLAN
C-3 - SITE PLAN - LOTS 2 & 3
C-4 - DETAILS - LOTS 2 & 3
C-5 - SITE PLAN - LOTS 4 & 6
C-6 - DETAILS - LOTS 4 & 6
C-7 - SITE PLAN - LOTS 7 & 8
C-8 - DETAILS - LOTS 7 & 8
C-9 - SITE PLAN - LOT 9
C-10 - DETAILS - LOT 9
C-11 - ACCESS PLAN
C-12 - ACCESS PLAN - PROFILES
C-13 - PRE-DEVELOPMENT CLEARING PLAN
SW-1 - EXISTING CONDITIONS PLAN
SW-2 - STORMWATER OVERVIEW
SW-3 - STORMWATER PLAN LOTS 2-4
SW-4 - STORMWATER PLAN LOT 5-7
SW-5 - STORMWATER PLAN LOT 8 - 9
SW-6 - STORMWATER DETAILS
SW-7 - SOILS MANAGEMENT PLAN
SW-8 - ANNOTATED MAINTENANCE PLAN

LEGEND

100	10' contours
Property line	Property line
Right of way line	Right of way line
Wetland boundary	Wetland boundary
Wetland buffer	Wetland buffer
Tree line	Tree line
Stream	Stream
Woods road	Woods road
Stone wall	Stone wall

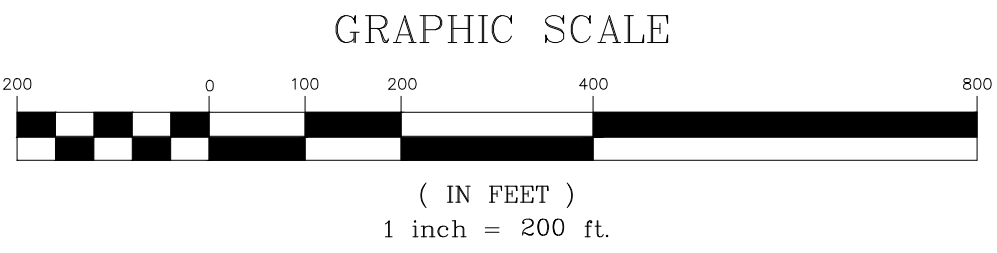


 **VERMONT**
ACT 250 District Commission # 5, 6, 9

Application #: **5W1206-5**

Exhibit #: **017**

Date Received: **8/4/2020**



Topography by Total Station
Contour Interval 2'
Datum NAVD 88

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION
ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND
DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL
NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR
DISCREPANCIES THAT ARISE FROM THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE
REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE FILING OF
SURVEY PLATS.

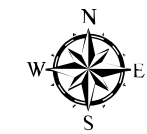
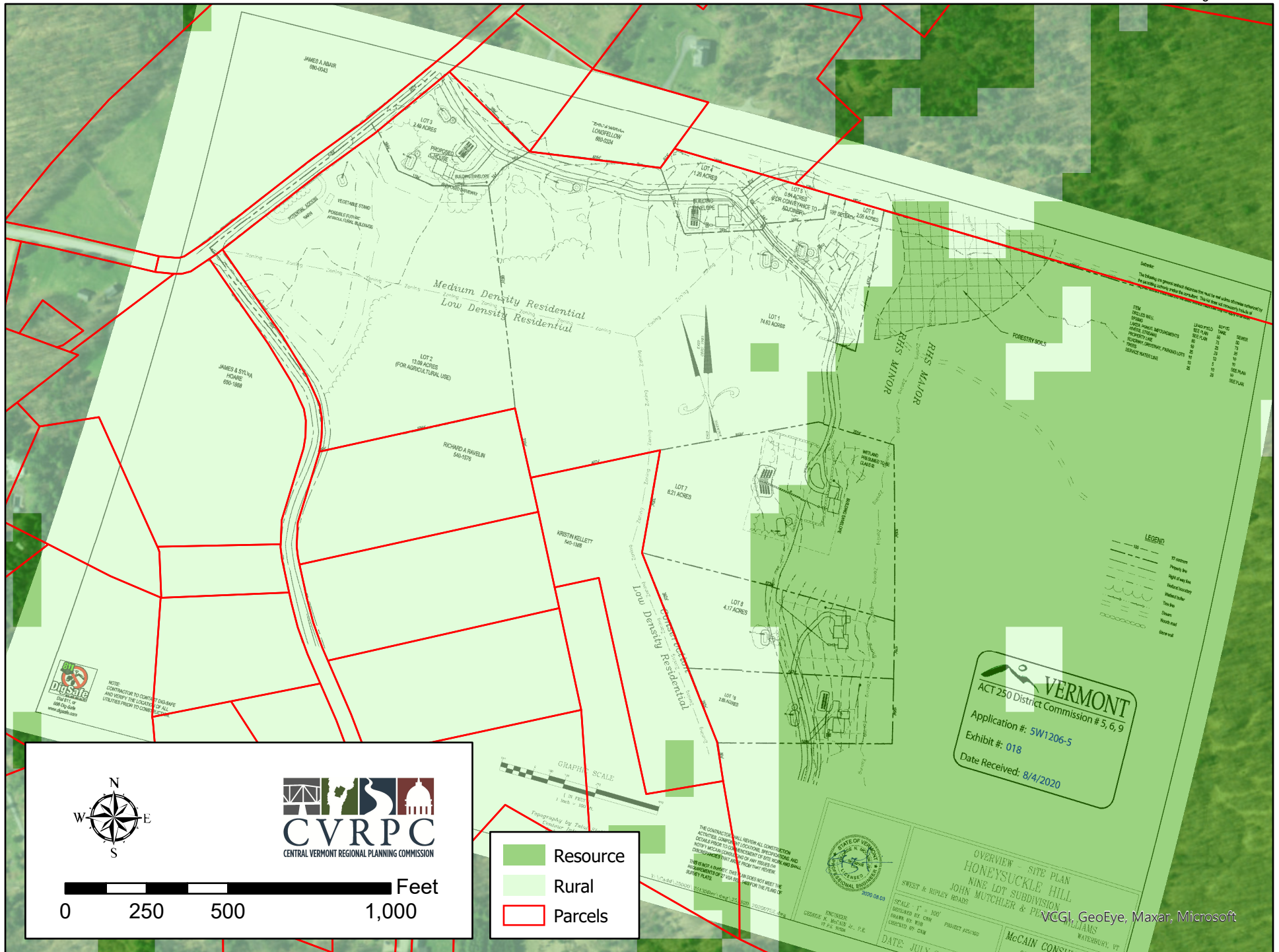
OVERVIEW
HONEYSUCKLE HILL
NINE LOT SUBDIVISION
JOHN MUTCHLER & PERRIN WILLIAMS
SWEET & RIPLEY ROADS WATERBURY, VT

SCALE : 1" = 200' DESIGNED BY: GNM PROJECT #25130D DRAWN BY: WDB CHECKED BY: GNM	MCCAIN CONSULTING, INC. 93 SOUTH MAIN STREET WATERBURY, VERMONT 05676
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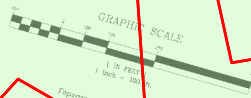
DATE: JULY 22, 2020 SHEET C-1



NOTE:
CONTRACTOR TO CONTACT DIG-SAFE
AND VERIFY THE LOCATION OF ALL
UTILITIES PRIOR TO CONSTRUCTION.



0 250 500 1,000 Feet



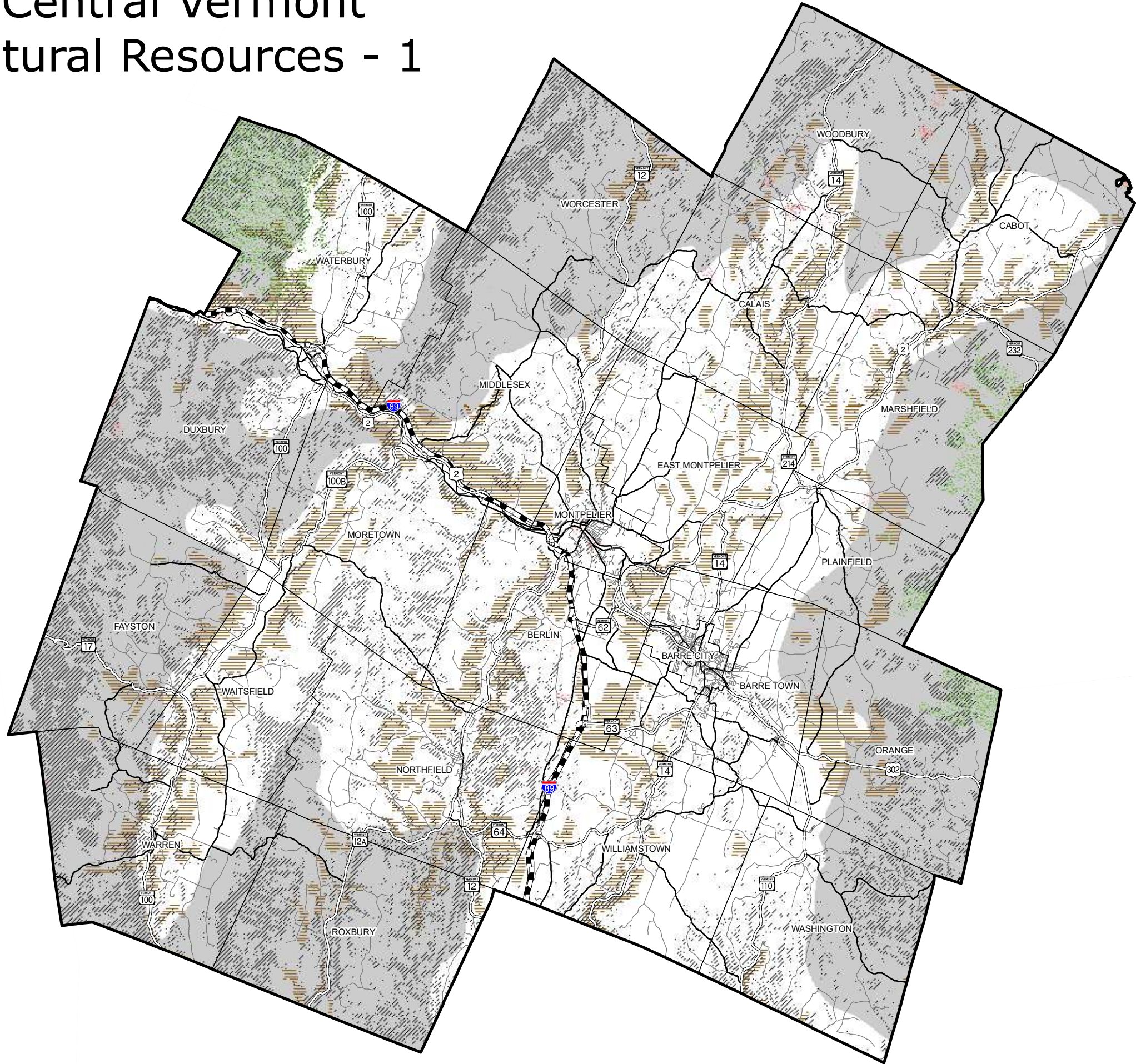
- Resource
- Rural
- Parcels



OVERVIEW - SITE PLAN
HONEY SUCKLE HILL
NINE LOT SUBDIVISION
JOHN MUTCHELL & PETER WILLIAMS
McCAIN CONSTRUCTION
DATE: JULY 2020

GeoEye, Maxar, Microsoft

Central Vermont Natural Resources - 1



Legend

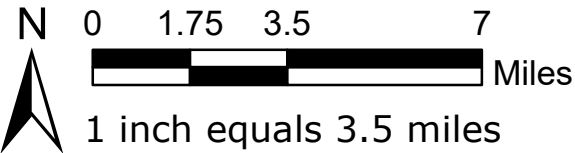
Natural Communities

Endangered Species

Deer Wintering Habitat

Bear Reproduction Zones

25% Slope or Greater

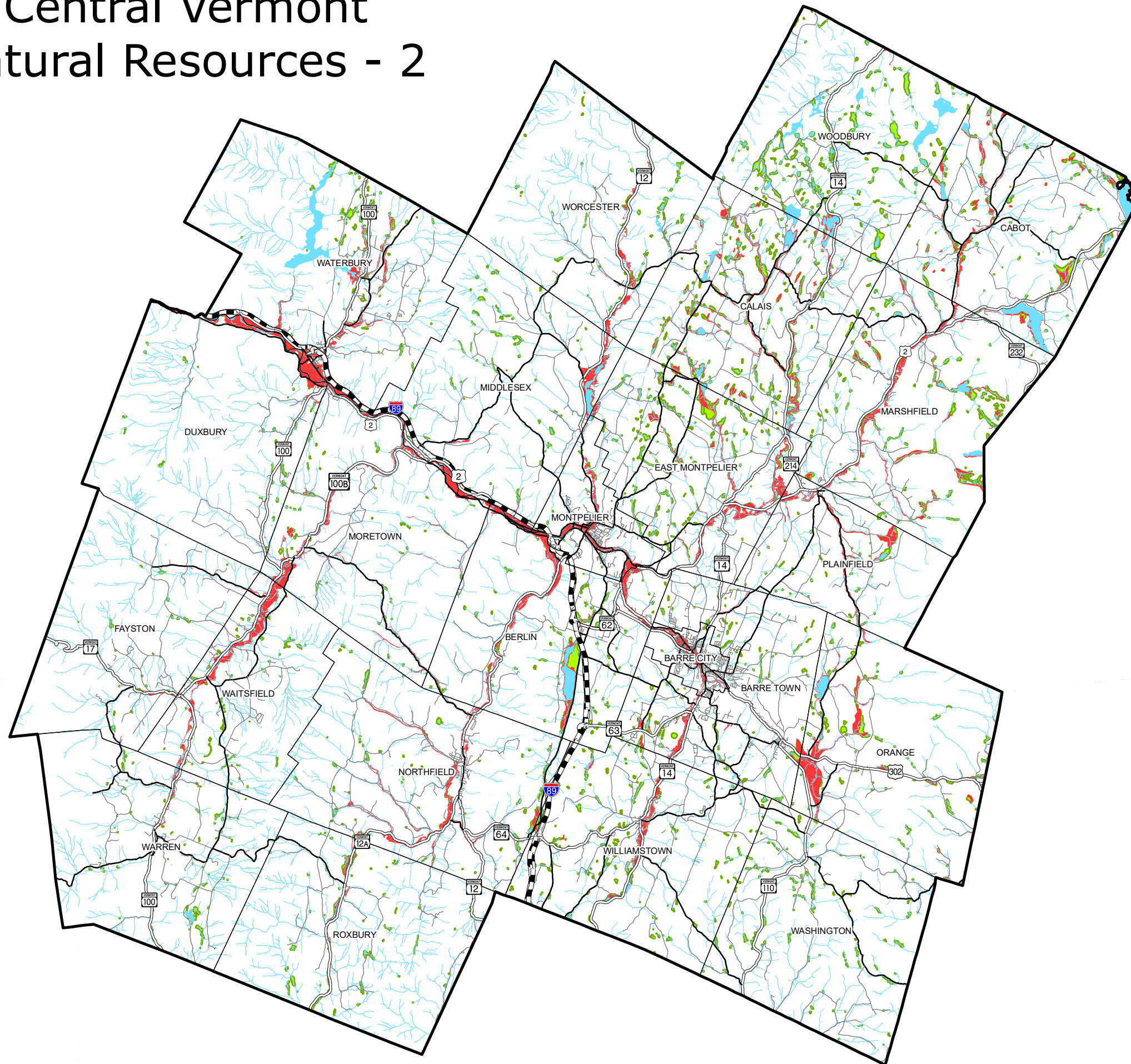
Roads: Class 1 Town Highway Class 2 Town Highway Class 3 Town Highway State Highway; US Highway Interstate

Data Source:
Deer Yards - ANR
Bear Habitat - ANR
Slopes - ANR
Roads - VTrans, VGIS 2007
Regional Boundaries - VCGI 2006

Created 12/27/07 by CVRPC
M:/Region/RegionalPlan_Update200/GIS/
Maps/Natural Resources 1.mxd

Data is only as accurate as the original
source materials. This map is for planning
purposes. This map may contain errors
and omissions.

Central Vermont Natural Resources - 2

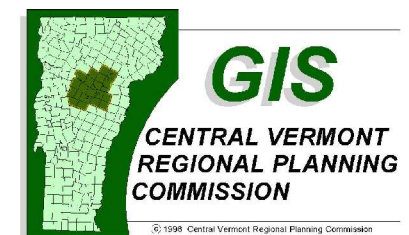
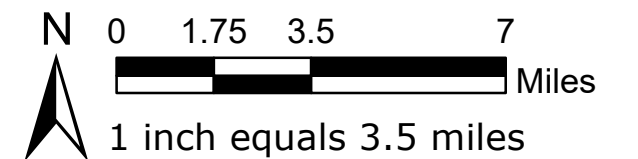


Legend

- Fema Floodplain
- Wetlands
- Streams/Rivers
- Surface Water

Roads:

- Class 1 Town Highway
- Class 2 Town Highway
- Class 3 Town Highway
- State Highway; US Highway
- Interstate






Data Source:
Wetlands - ANR
FEMA Floodplain - FEMA
Roads - VTrans, VGIS 2007
Regional Boundaries - VCGI 2006

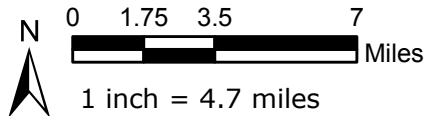
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source materials. This map is for planning
purposes. This map may contain errors
and omissions.

Central Vermont Natural Resources - 3

Legend

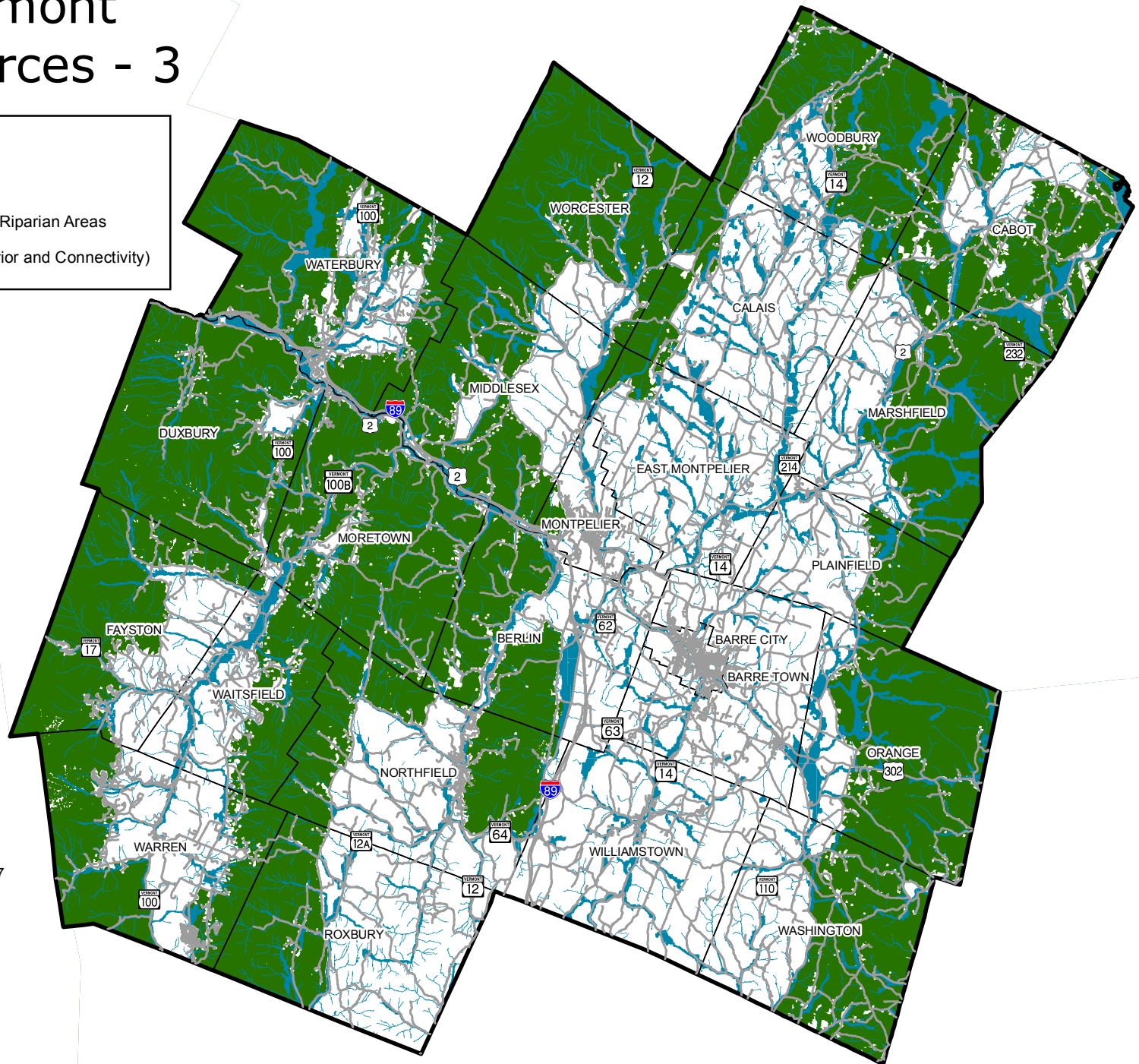
-  Roads
-  Highest Priority Surface Water and Riparian Areas
-  Highest Priority Forest Blocks (Interior and Connectivity)



Data Source:
 Surface Water and Riparian Areas: ANR Biofinder 2017
 Forest Blocks: ANR Biofinder 2017
 Roads - VTrans, 2017
 Regional Boundaries - VCGI 2006

Created 1/18/18 by CVRPC
 M/Regional Plan/2016 Regional Plan/
 2017 Amendment/Land Use/Natural_Resources3.mxd

Data is only as accurate as the original
 source materials. This map is for planning
 purposes. This map may contain errors
 and omissions.





PROJECT REVIEW COMMITTEE

SUMMARY SHEET

November 19, 2020

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.

APPLICATION		APPLICANT	MUNICIPALITY	PROJECT SUMMARY
Act 250 Applications				
1	Act 250 – 5W1286-1 Minor Amendment	Thomas Goodrich	Northfield	Reconfigure lots from 3 to 2 with lot 1 being 8.30 acres with an existing 3-bedroom single family residence and lot 4 now being 23.00 acres for the construction of a new 4-bedroom single family residence. 10/8/2020: Applicant provides supplemental information showing no conflict with Deer Wintering Area (DWA). 11/10/2020: ANR submits comments under Criterion 8A in reference to the DWAs noting the revised site plans and requests consistency in conditions referencing revised exhibits and inclusion of language protecting the DWAs. No further update.
2	Act 250 – 5W1206-5 Minor Application	John Mutchler	Waterbury	Construction of a 9 lot subdivision including 6 residential lots, one agricultural lot, one lot to be conveyed to an adjoiner, and one lot for common land to be controlled by the Homeowner's Association. Construction also includes upgrades to existing roads, and on-site stormwater management, septic and water supplies. Draft Permit issued on 9/18/2020. VT Fish & Wildlife submits preliminary comments re: rare & irreplaceable natural area (Shutesville Hill Wildlife Corridor) impact of this application, and requests site visit in order to reduce impact of this development. November 2020: ANR requests second extension, granted to November 30, 2020 in order to determine impacts under Criterion 8A and if a hearing shall be warranted. No further information.

APPLICATION		APPLICANT	MUNICIPALITY	PROJECT SUMMARY
3	Act 250 – 5W0784-16 Minor Application	Vermont Public Radio	Montpelier	Project consists of installation of one (1) 17' 2 Bay Shively 6832 FM antenna, attached to an existing pipe mount on the rooftop of the National Life building; two (2) antenna bays spaced 77" apart located on the rooftop; and operating equipment to be located within the existing window washer closet on the rooftop, all situated within the same space as existing telecommunications infrastructure. Permit issued on 10/21/2020.
4	Act 250 – 5W1600 Minor Application	Norwich University	Northfield	Demolition of a 2.5 story vacant historic residence with a detached one car garage located at 429 Central Street in Northfield, Vermont. After demolition, the site will be maintained as a lawn for infrequent use as a grassed, overflow parking lot and tent location for Norwich events. Draft permit issued 10/2/2020. 10/27/2020: VDHP submits comments finding no substantial archaeological impact, that the structure is on the State Register of Historic Places and demolition poses an adverse impact that can be mitigated, and adding condition that development on property shall be reviewed by VDHP in the future. ANR submits comments on Criterion 1(B) Waste Disposal and Criterion 8(A), requesting applicant divert construction waste from landfill and that there appear to be no bats using the structure for nesting or shelter. Permit issued on 10/28/2020.
5	Act 250 - 5W1147-3 Minor Application	Lawrence W. Westover, Jr.	Duxbury	Construction of a three-bedroom single-family residence on Lot 11 of the Duxfarm Estates, located in Duxbury, Vermont. Permit issued 10/28/2020.
6	Act 250 – 5W1411-3 Minor Application	Morse Family Revocable Trust	East Montpelier	Subdivision of the existing 128.57 ac. property located at 918 County Rd. into two (2) lots. Proposed Lot 2 would be 3.01 ac. and retain the existing farm house and three existing accessory structures. Proposed Lot 1 would retain the remaining 125.56 ac. and retain the existing barn. No construction or development is proposed in conjunction with this application. Draft permit issued on 10/27/2020, requesting comments by 11/16/2020. Duxbury Fire Department files comment finding no issues with providing service.
7	Act 250 – 5W0147-27 Minor Application	Ward's Energy, Inc.	Waitsfield	To construct a 60' x 40' office/shop for a bulk fuel depot on existing Lot #7 in the Mad River Park Industrial subdivision in Waitsfield. The project includes two above ground propane bulk tanks and two above ground fuel oil bulk tanks. Schedule G filed

APPLICATION		APPLICANT	MUNICIPALITY	PROJECT SUMMARY
				9/16/2020. Draft permit issued 11/16/2020, requesting comments or requests for hearings by 12/6/2020.
8	Act 250 – 5W0730-15 Minor Application	Murray Hill Homeowner's Association	Montpelier	The construction of an 8-inch, 1,650 LF water distribution main to connect the City of Montpelier's water system to the Murray Hill water system to replace unreliable groundwater wells in the Murray Hill Development. ANR files comments on 10/23/2020 regarding Criterion 1B Waste Disposal, and the applicant stated no issues in compliance. Permit issued 11/4/2020.
Sec. 248 Applications				
9	Sec. 248 – 20-2941-AN Advance Notice	Agri-Mark, Inc/ Cabot Creamery	Cabot	45-day advance notice of Agri-Mark, Inc./Cabot Creamery for a certificate of public good, pursuant to 30 V.S.A. § 248, to file a petition to build and operate a 250 kW a biodigester facility in Cabot, Vermont under Standard Offer program. 45 Day Notice filed 10/6/2020. Comment period ends 11/20/2020.
10	Sec. 248 – 20-3356-AN Advance Notice	Blush Hill Meadows Ten, LLC	Waterbury	45-day advance notice of Blush Hill Meadows Ten, LLC, pursuant to V.S.A. § 8010, for an amendment to CPG No.20-0081-NMP to add an additional 14 kW of capacity to the project, resulting in a proposed size of 149kW. Notice filed on 11/4/2020. Comment period ends 12/19/2020.
11	Sec. 248a – 20-3447-AN Advance Notice	New Cingular Wireless PCS, LLC	East Montpelier	60-day advance notice of New Cingular Wireless PCS, LLC. pursuant to 30 V.S.A. § 248a, proposing a certificate of public good authorizing the installation of wireless telecommunications at 750 Jacobs Road, East Montpelier, Vermont. Notice filed on 11/12/2020. Comment period ends 1/11/2021.
12	Sec. 248 – 20-3293-NMP Petition	Lawson's Finest Liquids, LLC	Waitsfield	Petition of Lawson's Finest Liquids, LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 248, 8010, authorizing the installation and operation of a 150.0 kW AC solar electric generation system in of Waitsfield, Vermont. Filed 10/30/2020.
13	Sec. 248 – 20-3460-AN Advance Notice	City of Montpelier	Montpelier	45-day advance notice of the City of Montpelier, pursuant to 30 V.S.A. § 8010, for a 400 kW digester gas conditioning electrical generating facility in Montpelier, Vermont. Filed 11/13/2020, Comment Period Ends 12/28/2020.

APPLICATION		APPLICANT	MUNICIPALITY	PROJECT SUMMARY
Active Applications with No Updates				
14	Act 250 – Minor Application 5W1045-45	Vermont Adaptive Ski and Sports	Fayston	Three story addition to the Sugarbush Mt. Ellen Ski Lodge. The 30' by 102' footprint will encompass and replace various existing structures, add an elevator and modern restrooms accessible from all floors of the existing lodge. Permit was to be issued on 4/14/2020 – not yet issued. Valley Reporter 6/9/2020: Applicant is postponing construction and permitting due to COVID-19 uncertainty. November 2020: No further update.
15	Act 250 – Minor Application 5W1111-4	Sugarbush Mountain Resort, Inc.	Warren	Replace and upgrade the existing snowmaking water withdrawal infrastructure on the Mad River adjacent to the snowmaking pond during the summer 2020 construction season. ANR submits comments on 6/22/2020. November 2020: No further update.
16	Act 250 – 5W0779-23 Minor Application	Ben & Jerry's Homemade	Waterbury	Construction of a truck access road from the existing main access to the loading dock area. Two new culverts will be constructed where the new road will cross an unnamed tributary to Thatcher Brook. Additionally, a trailer-drop lot and 3 gravel wetlands to treat stormwater runoff are being proposed. 8/4/2020: ANR submits comments on Criteria 1(B) Waste Disposal, 1(D) Floodways, 1(E) Streams, requesting inclusion of BMPs for Blasting in permit, revision of gravel wetland 1 location to conform to River Corridor, and request for amendment to Riparian Management Plan. November 2020: No Further Update.



PROJECT REVIEW COMMITTEE

RULES OF PROCEDURE

~~September 12, 2017~~ April November, 2020

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.
- ◆ 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 within a five year 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 Vermont Public Utility Commission, and other organizations and individuals as appropriate, consistent 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.

MEMBERSHIP: The PRC shall consist of five (5) members plus one (1) committee alternate, each of whom shall be a Commissioner or an Alternate. Committee members and the committee alternate shall be elected at the Board's Annual Meeting. Committee members and the committee alternate shall have staggered three-year terms.~~The PRC shall consist of five (5) representatives of the Board of Commissioners and one (1) alternate who serve three year staggered terms.~~ The alternate may participate in committee discussions but will only vote in the absence of a standing 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. The Chair will be responsible for running meetings, setting agendas in conjunction with staff, 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: Members are encouraged to attend all regular meetings and special meetings as they arise. A quorum shall consist of a majority of the voting members.

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.
- ◆ The PRC will report on committee discussions or activities to the Board of Commissioners on a regular basis.
- ◆ The PRC will provide the Board copies of all written decisions and recommendations regarding Act 250 and Section 248 projects.
- ◆ 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 if the majority of voting PRC members in attendance at the meeting determine a conflict of interest exists. A member of the PRC with an identified conflict of interest shall not deliberate or vote with the PRC but may participate in the open public discussion.

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 [Project Review Committee Rules of Process](#), 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: [09/12/17](#)

~~Julie Potter~~, [Laura Hill-Eubanks](#), Chair
CVRPC Board of Commissioners

CENTRAL VERMONT REGIONAL PLANNING COMMISSION

Project Review Committee

October 29, 2020 4:00 – 5:15 pm

Remote Participation via GoToMeeting

Draft Minutes

Project Review Committee Members

x	Lee Cattaneo, Orange Commissioner	1
	John Brabant, Calais Commissioner	2
x	Jerry D'Amico, Roxbury Commissioner (Alternate Seat)	3
x	Peter Carbee, Washington Commissioner	4
x	Janet Shatney, Barre City Commissioner	5
	Bob Wernecke, Berlin Commissioner	6

7

8 Staff: Clare Rock, Zach Maia

9 Guests: None

10

11 J. Shatney, Chair, called the meeting to order at 4:02pm.

12

13 Adjustments to the Agenda

14 None.

15

16 Public Comments

17 None.

18

19 Election of Officers

20 C. Rock explains election process and need. J. D'Amico asks about current positions, C. Rock clarifies J.

21 Shatney is chair, L. Cattaneo is vice-chair.

22

23 J. D'Amico moves to nominate L. Cattaneo as chair, P. Carbee seconds. All in favor. Motion carries.

24

25 J. Shatney asks for nominations for vice chair position. L. Cattaneo nominates J. D'Amico, but C. Rock
26 clarifies that vice chair must be a full time Commissioner, and J. D'Amico is an alternate.

27

28 J. Shatney nominates P. Carbee, L. Cattaneo seconds. All in favor. Motion carries.

29

30 Act 250 / Section 248 Applications & Projects of Substantial Regional Impact

31

32 **a) Review Act 250 5W1206-5 Application in Waterbury, VT for significant regional impact and**
33 **conformance with regional plan.**

34

35 J. Shatney opens the floor to Act 250 application. C. Rock clarifies that Z. Maia will be presenting.

36

37 Z. Maia provides overview of the Act 250 application before the committee. This application can be

summarized as a 9 lot subdivision of 109 acres in Waterbury, VT. 6 lots are proposed for residential development. Vermont Fish and Wildlife provided comments prompting staff to bring the project before the committee. These comments discuss potential impacts to the Shutesville Hill Wildlife Corridor. Z. Maia presents maps of the site, answers general questions, and provides an overview of the Shutesville Hill Wildlife Corridor.

J. D'Amico initially states that this project is not significant regional impact, as there is still forest around it, and indicates that this amount of development won't affect bear habitat to extent, but would leave this determination to wildlife professionals. P. Carbee adds that he is unsure of our exact role, but notes that this development will affect the Shutesville corridor, and he would want to see ANR's comments. J. Shatney and rest of committee review SRI details and begin comparing project to the SRI criteria. J. Shatney recognizes that this project does meet SRI Criterion 1.

L. Cattaneo recalls previous hearing about Waterbury Enhanced Energy Plan, where adjoining municipalities were concerned about Shutesville, and he recognizes that people outside of Waterbury will be effected. Committee members agree and weigh the impacts of designating an SRI. J. Shatney asks if the determination must be made tonight. Staff and Committee discuss timeline and recognize that a second extension has not yet been granted.

L. Cattaneo and J. D'Amico state that it may not be SRI until we receive more information. Staff asks inquires about what facts would change the committee's mind. Committee members discuss the need to understand ANR's position and what the developer intends on changing. L. Cattaneo says that prior to issuing statement on SRI, the Committee must know what ANR's comments are.

P. Carbee began a motion to request staff send a letter requesting the comment period be extended until November 30, backing up ANR information, so that the committee can make comments after more information is prepared.

Discussion ensues between Staff and Committee regarding next steps. Staff presents opportunity to have applicant attend next committee meeting, where they can present proposed changes in response to meetings with ANR. J. D'Amico asks if determining SRI would force the application into a major application, to which C. Rock says yes.

P. Carbee moves to have staff send a letter to the District Commission requesting comment period be opened until November 30, to allow CVRPC to meet with developer at next meeting, as we [the Project Review Committee] do not have enough information to make a determination that this project is not a Significant Regional Impact. J. D'Amico seconds. All in favor. Motion carries.

b) Review Project Review Summary Sheet

Z. Maia provides overview of project updates received between September and October, 2020. No discussion ensues.

Approve meeting minutes

L. Cattaneo moves to approve May 28, 2020 minutes, P. Carbee seconds. Discussion: Janet requests spelling on page 17, line 40 – summary is "ary". L. Cattaneo thanked staff for adequately summing up comments by L. Cattaneo and J. D'Amico regarding energy storage. All in favor. Motion carries.

Adjournment

1 J. Shatney recognizes next meeting is on Thanksgiving., C. Rock proposes November 19. J. Shatney
2 clarifies time at 4:00pm. Next meeting is Thursday November 19 at 4:00pm.

3
4 L. Cattaneo moves to adjourn. P. Carbee seconds. All in favor. Motion carries. Meeting adjourned at
5 5:07pm.
6
7

DRAFT