

CENTRAL VERMONT REGIONAL PLANNING COMMISSION

Project Review Committee

April 29, 2025 4:00pm

Remote Participation via Zoom

Draft Minutes

Project Review Committee Members

X	Lee Cattaneo, Orange Commissioner
X	John Brabant, Calais Commissioner
X	Bill Arrand, Worcester Commissioner
X	Peter Carbee, Washington Commissioner
X	Robert Wernecke, Berlin Commissioner
X	Alice Peal, Waitsfield Alternate Commissioner

1 Staff: Christian Meyer, Will Pitkin (in person)

2 Public: Bob Atchinson

3

4 L. Cattaneo called the meeting to order at 4:02 pm.

5

6 Public comment

7 None

8

9 Adjustments to the Agenda

10 None

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12 Approval of Minutes

13 J. Brabant noted that minutes should state the time that the meeting adjourned. W. Arrand moved to
14 approve the March 27, 2025 meeting's draft minutes, R. Wernecke seconded, all in favor, motion
15 carried.

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17 Updates on Recent Act 250, Section 248, and Section 248a Applications

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19 RK Miles Berlin (Act 250)

20

21 W. Pitkin summarized RK Miles' Act 250 application for a proposed new retail facility in Berlin and an
22 analysis of whether the proposal conforms with the Regional Plan. J. Brabant stated that the proposal
23 appears to conform with the Regional Plan and noted that the roads in the proposed site would be more
24 able to accommodate the heavy truck traffic. R. Wernecke noted that he is also a member of the Berlin
25 Design Review Board and that they had found the proposal to be in conformance with the Berlin Town
26 Plan.

27

28 J. Brabant asked what Regional Plan language the applicant cited in its assertion that the proposal
29 conformed with the Regional Plan and how staff ensure that the applicants cite the relevant sections.
30 Staff discussed the permit application review process and noted that the current Regional Plan does not
31 lend itself to clear, concise quotes but that staff are writing the upcoming Regional Plan to be easier to

1 navigate when checking for conformance.

2
3 Discussion turned to how applicants navigate the various supporting permits that are part of an Act 250
4 permit application and the increased difficulty since the Agency of Natural Resources reduced or
5 eliminated its permit specialist positions.

6
7 W. Pitkin asked, for projects like this that reuse previously developed sites, whether the numerical
8 thresholds in the substantial regional impact guidelines in the recently adopted Project Review
9 Committee Rules of Process should refer to the total footprint of the development or just the new
10 additions beyond the previous footprint. The committee felt that only new additions beyond the original
11 footprint should be considered toward determining substantial regional impact, at least in applications
12 such as this one where the proposed reuse is similar to the previous use. The committee discussed
13 examples of when changes in use of an existing facility could cause substantial regional impacts.

14
15 Committee members generally agreed that the proposal did not have substantial regional impact and
16 was in conformance with the Regional Plan. J. Brabant moved to direct staff to submit comments to the
17 District Environmental Commission that the proposal did not have substantial regional impact and was
18 in conformance with the Regional Plan, R. Wernecke seconded, all in favor, motion carried.

19
20 **Update: Washington Cell Tower (Section 248a)**

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22 The committee discussed the Verizon affiliate's new advance notice filing – still not an official petition –
23 for the cell tower in Washington. The advance notice application stated that it was the same as the
24 previous application but with more detail in response to public questions. W. Pitkin summarized the
25 potential actions that the committee may take at this point then the committee discussed whether the
26 applicant had answered the committee's and public's questions.

27
28 CVRPC Project Review Committee submitted a letter to the applicant in December 2024, CC the Public
29 Utility Commission, with questions related to the risk of groundwater contamination from a diesel
30 backup generator proposed in a mapped groundwater source protection area (specifically, could the
31 applicant use a propane-fueled generator instead) and the potential for co-location on existing towers.
32 In response to that December 2024 letter, the applicant stated that the questions would be answered at
33 an upcoming public meeting in the Town of Washington.

34
35 Committee members and staff who attended the Washington public meeting discussed whether the
36 applicant had provided sufficient answers to the committee's questions. Attendees generally agreed
37 that the applicant did not, plus numerous Washington residents stated at that meeting that they had
38 some cell and internet service in Washington until one day several years ago when service suddenly
39 stopped. Washington residents at that public meeting asked why service suddenly stopped – not, as the
40 applicant's representatives at the meeting speculated, gradually diminish over time – and committee
41 members and staff who attended that meeting felt that the applicant did not sufficiently explain what
42 happened.

43
44 Regarding potential groundwater contamination by a backup generator, the new advance notice filing
45 provided more detail on spill containment measures but still proposed a diesel-fueled generator, not
46 propane-fueled as the committee's December 2024 letter to the applicant suggested. J. Brabant noted
47 that the proposed spill containment measures described in the new filing were required by the Agency

1 of Natural Resources and did not exceed minimum requirements. A. Peal asked whether the applicant
2 will also need to get a permit from ANR to build in a groundwater source protection area.

3
4 Regarding potential co-location on existing towers, committee and staff felt that the applicant had not
5 sufficiently answered the committee's and public's questions in the new advance notice filing or at the
6 public meeting in Washington.

7
8 The new advance notice filing includes maps of service areas with the proposed new tower vs. current
9 service areas; however, it does not show service areas on any existing towers. Given Washington
10 residents' claims at the public meeting that they had some cell service in the town until it suddenly
11 disappeared, a possible explanation is that Verizon or its affiliates previously co-located their equipment
12 on an existing tower nearby. The committee would like to know whether that is what happened and, if
13 so, on which tower and why did the applicant cease using that tower? The committee agreed that
14 coverage maps of the proposed equipment co-located on existing towers, especially any nearby towers
15 that may have been previously used by the applicant or its affiliates, are necessary to understand the
16 potential for co-location.

17
18 The applicant's representatives at the Washington public meeting stated that no existing towers could
19 provide the same level of service to Washington as the proposed tower next to the village center. This
20 statement avoids the question of whether adequate service could be provided on an existing tower; of
21 course, service will be better in the village if there is a tower right next to the village, but there was
22 previously service that many Washington residents felt was good enough. The committee wanted more
23 information on why, according to residents, previous service stopped several years ago. The committee
24 and staff stated the question of what tower Verizon or its affiliates previously used to provide service to
25 Washington was critical to understanding whether the applicant could co-locate its equipment on an
26 existing tower.

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28 P. Carbee moved to direct staff to send another letter to the applicant to seek clarification on the above
29 issues, J. Brabant seconded, all in favor, motion carried. : groundwater contamination risk and the
30 potential to use a propane-fueled backup generator instead of the proposed diesel-fueled generator,
31 potential for co-location on existing towers, and why did Verizon service in Washington reportedly stop
32 suddenly several years ago – could the applicant use an existing tower that previously provided service
33 to Washington instead of building a new tower?

34 35 **Substantial Regional Impact Definition – When Should Regional Plan Take Precedence over Municipal** 36 **Plans?**

37
38 The committee discussed the intent of a possible substantial regional impact definition in the regional
39 plan. L. Cattaneo suggested that the definition include a criterion related to development's impact on
40 quality of life in neighboring municipalities. A. Peal suggested that the identity or character of
41 neighboring municipalities should also factor into the definition.

42
43 J. Brabant and W. Arrand addressed the possibility of CVRPC playing an increased role in reviewing
44 municipal permit applications due to Act 250 exemptions.

1 L. Cattaneo suggested adding a criterion about when development would be incompatible with land use
2 in neighboring municipality(ies) and suggested that all criteria say “municipality(ies)” instead of
3 “municipalities.”

4
5 A. Peal suggested adding a criterion about increasing risk of flooding or other hazards in adjacent
6 municipality(ies).

7
8 J. Brabant suggested adding a criterion about noise/sound pollution.

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10 A. Peal suggested adding a criterion about light pollution.

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12 **Adjournment**

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14 *R. Wernecke moved to adjourn, J. Brabant seconded, all in favor, motion carried. Meeting adjourned at*
15 *5:42pm.*

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17 *Minutes taken by W. Pitkin.*