



Project Review Committee Meeting Minutes

**Tuesday, September 5, 2023 at 6:00 PM
Via Zoom**

Members present: Jack Cunningham (Chair), Todd Davidson, Eric Stevens, Stephan Chait, Jim Pinkerton

Guests present: Brian Sudaholc and Kevin Harrington (Mount Snow); Peter Smiar and Robert Wildey (VHB for Mount Snow), David Cooper (Clock Tower); Jenn Conley (VHB on behalf of Mount Snow and Clock Tower); Geoff Martin and Martha Staskus (Norwich Solar for Newfane Road Solar); Donna Sebastian (Town of Wardsboro Planning Commission Chair); several members of the public were also present

Staff present: Alyssa Sabetto

Called to order at 6:00pm with a quorum present and chaired by Jack Cunningham.

1. **Welcome from the Chair**

2. **Minutes**

Minutes of June 6, 2023 meeting were approved with a minor correction to the heading of the document by all members, on a motion from Jim and a second from Stephan.

3. **Public Comment Period**

No comments were made during this opportunity for members of the public to comment on non-agenda items.

4. **Clock Tower Development at Mount Snow – Dover – 2W0599-1 and 2W0599-2**

Address: North Access Drive, West Dover

Land Use District: Productive Rural

Potential Policies (pages 12-51): Transportation Plan – Land Use policy 2

Background: Clock Tower development is seeking to remove permit condition #6 (a condition joint with Snow Vidda) in permit 2W0599-1 issued 1/3/2007 and reiterated as condition #11 of permit 0599-2 issued 11/22/2022 which require a uniformed traffic enforcement officer at the intersection of the North Access Road and Route 100. Act 250 has asked VTrans and the WRC Project Review Committee to comment on this request. Per the applicant, the Dover Police Chief supported the request “indicating that they never need to direct traffic and, in fact, that doing so would exacerbate the problem—which, by the way, is to be resolved in a few years with signalization pursuant to Mt. Snow’s master traffic plan”. VTrans deferred to the position of the Dover Police Department and so also supported the request.

Alyssa shared the comment from Colin Bratton regarding the request:

From WRC Transportation Planner, Colin Bratton: While Route 100 in Dover as a whole is a high crash area according to the VTrans data, there is no particular danger at the intersection of Route 100 and N. Access Road that necessitates further traffic control beyond normal measures employed throughout the rest of town. The intersection is not considered by VTrans as a high crash location and over the last ten years crashes in this location have not occurred more frequently than other high traffic intersection in

Dover. According to VTrans public crash data, since 2013 there have been 6 reported crashes at this intersection, an average of less than 1 per year, and no injuries were reported in those 6 crashes. Over this same time period there have been a similar number or more crashes reported at the intersection of Route 100 and Mountain View Loop, of 100 and Stugger Road, at the 7/11 location along Route 100 and at the intersection of Dover Hill and Captain Copeland Road among others. According to this data there is no specific danger to drivers or pedestrians at N. Access Road intersection that requires police coverage beyond that of other locations in town.

Jim asked if there is any expectation of increased future traffic at this intersection and Jenn Conley of VHB replied that there was no expected increase in traffic in the next 10-years. Jenn asked if the vote could consider the three entities involved with this condition and not just Clock Tower since the same condition affects others, but Jack said the Committee was only considering the request before them from Clock Tower.

ACTION: The Committee voted in support of writing a letter stating that the Committee has no objection to the applicant's request to remove permit conditions #6 in permit 2W0599-1 and #11 in 2W0599-2. Alyssa will draft and submit that letter to David Cooper.

5. Mount Snow Master Plan update – Dover – 2W1281-5

Address: Handle Road, West Dover

Land Use District: Resort Center

Potential Policies (pages 12-51): Land Use 1, 2, 4, 7, 8, 15; Energy 7; Economy 3, 9; Natural Resources 8, 9, 11, 12, 13, 15, 16, 17, 20, 21, 22, 26, 27, 30, 33, 34, 35; Housing 2, 3, 5, 9; Educational, Cultural 1, 16; Utilities, Facilities 1, 4, 10, 19, 24, 29

Background: Mount Snow Resort is requesting a 10-year renewal of the Findings of Fact and Conclusions of Law and Order #2W1281 for the Mount Snow Master Plan, with miscellaneous updates to certain criteria. The prior Master Plan had received a one-year extension due to Covid-19, and that expired in July 2022. The update application was submitted 6/24/2022. An incomplete letter for the current renewal request was issued on 8/2/22, and a site visit and pre-hearing conference were held on 10/27/2022. A pre-hearing conference report was issued 1/20/2023 identifying a number of items that the applicant needed to address before a hearing could be held. Responses to those items were submitted on 7/14 and 8/22/2023. A hearing is scheduled for 9/7/2023 and Alyssa would attend.

Alyssa provided an overview of what has occurred to this point in terms of the master planning process. Peter Smiar provided an overview of the Master Plan vision, which is a 35-year vision and was approved in 2011. The plan has not changed much; going forward in the next 10-years they are anticipating undertaking the Snow Lake restoration and dam removal as well as five lift replacements. Jack asked what the major changes are in this update compared to their prior Master Plan. Peter said that the major change is just the timing because the new ownership is more operational based, and while they are ultimately keeping the 2011 Master Plan vision, they are not planning to accomplish it in the next 10-years. Peter showed the five lift replacement projects they anticipate pursuing in the next 10-years, which is a newer development in the last year per conversation with District Environmental Commission staff.

Alyssa raised Windham Regional Plan (WRP) Land Use policy #7 implications in terms of an expired plan for any projects going forward before a new master plan is in place.

Criteria 1 – Air and water pollution

- There is a memo on the Act 250 Database from Leal Will of VT Fish and Wildlife sent on 9/1/22 that asks for a Master Riparian Management Plan for ANR review. Alyssa asked if that had been done and Peter replied that they had proposed to Lael doing that for any individual permit applications vs. a Master Plan. No response yet received on that proposal.

- Iron Stream – Alyssa asked how much of the Iron Seep Remediation Plan has been completed, and specifically whether anything has been done on the southern end of the parking lot. Robert Wildey said that for all work completed they have integrated iron seep remediation into those projects. They are also continuing to yearly monitor Iron Stream. In regards to the parking lot in question, they have replaced a large culvert under the lot but iron seep work is ongoing. It is an “adaptive management” process that is still underway. Alyssa asked if they could quantify the percentage they have completed, but Robert said he could not as it was ongoing. Stephan asked about what the annual monitoring involved and Robert replied with that information. They have to achieve two consecutive years of attainment for water quality standards in order to be removed from the 303d list and cease monitoring. No results yet achieve that.
- Alyssa said that Snow Lake is proceeding and she is involved as the project manager for that project. She suggested that the Committee ask for a timeline on the construction completion of Snow Lake. Peter said that they have presented ANR with a November 2027 completion proposal, and that it is a complex process that is not entirely predictable. Jack said that having a deadline for completion is important.

Criteria 5 - Transportation

- Jack asked about skier visits and Brian Sudaholc said that they could not release that information as they are a publicly traded company.
- Alyssa noted that their revised Traffic Study is based on a vision that they say is not their 10-year plan, but is their 35-year plan. Therefore the revised Transportation Plan around Snow Lake area is not reflective of what Mount Snow has indicated they have any plans of doing. This is concerning in regards to the north culvert at Snow Lake. That culvert is needing to be replaced by the Town and would need to be realigned to support Snow Lake Drive as shown in their Transportation Plan. The idea of doing this work in conjunction with Snow Lake remediation was brought up by Alyssa in her Snow Lake Project Manager role and suggested to be integrated into the process. Mount Snow did not want to do any shift of the culvert or formalization of Snow Lake Drive as part of the Snow Lake remediation, yet this is the new traffic pattern that their Transportation Plan is based on and this change would assist in remediating the highest crash location in the Resort.
- Assumptions of the Transportation Plan are based on their vision that they have no plans on completing in the next 10-years, therefore no mitigation is proposed in the next 10-years for the highest crash location intersection (Handle Road and South Access Road).
- Jenn Conley said that because there is no development change there is no triggering point for the Handle Road intersection consideration. Alyssa asked what the trigger would be and Jenn replied “the addition of new housing units”. Alyssa said that seemed “very general”.
- Jenn said that the intersection is non-standard and has a lot to do with the grades there.

Criteria 9 related to Housing

- Alyssa said that because Howe Farm is the ultimate plan, but it is not part of the 10-year plan, they are therefore not addressing employee housing in their Master Plan update application. Jack agreed that the application should reflect what is happening in the next 10-years and Brian Sudaholc said that he understood that feedback.
- No development of employee housing in considered in the next 10-years and Snow Lake is deemed adequate by Mount Snow at this time.
- Jack said that formalizing employee housing should be addressed in their application, and he raised the implication of Land Use policy #7 as well as whether the holding off of the development of a Master Riparian Management Plan would affect that policy. Robert said that he has not heard from Lael on their proposal because there are not riparian impacts to what’s proposed currently. Jack

proposed that Alyssa draft a letter based on the comments discussed and use her discretion based on the site visit and hearing discussions. Jim moved that Alyssa draft the letter and share it with the Committee for review prior to filing. All voted in support.

Stephan asked if Vail has a business plan to go along with the Master Plan, to show the business and financials behind the Master Plan to make it happen. Brian S. replied that Vail is a ski company that is focused on skier experience and there is no guarantee of any development or when it would happen. Robert said that they do have habitat trade off agreements with ANR with any new trails they put in. Brian S. said they do want to expand their system in terms of snowmaking. They did not receive comments related to snowmaking from Act 250 staff, just in terms of lifts. Peter said that the Master Planning process is valuable in terms of providing input into their plans.

ACTION: Alyssa will attend the hearing and then draft a comment letter and share it with the Committee for review prior to filing.

6. **Mount Snow Carinthia Stormwater Upgrades – Dover – 2W1281-6**

Address: Handle Road, West Dover

Land Use District: Resort Center

Potential Policies (pages 12-51): Natural Resources 17, Land Use 7

Background: Construction of stormwater treatment for the Carinthia area of Mount Snow.

Alyssa explained the history of the Carinthia parking area, including the historic stump dump permit, the soil borings done in conjunction with the underground parking permit application, and the resulting Soil Management Plan (SMP) required by ANR brownfields program. She pointed out a change between Act 250 database figure 15 (Jan 2023) to figure 38 (May 2023) that moves a gravel wetland (GW-1) from south of the entrance road to the south end of the parking lot, where the past borings have shown to have contamination and the Soil Management Plan (SMP) requires special handling and disposal of soil excavated from that area. The depth of a gravel wetland would put it in the depth where borings showed contamination. Alyssa asked why this is not included or addressed in their Act 250 application.

Robert said that ANR asked for interim stormwater improvements for the impervious surfaces that exist now. They still plan to ultimately carry out the underground parking plan. Robert said that when they did soil excavation of another contaminated area in the northern end of the parking lot that they followed the SMP and had someone on-site during the dig to test soil if needed. When any excavation happens in the southern end of the parking lot, they will follow the SMP and do testing according the plan. Alyssa asked if soil disposal areas (SDAs) are a part of this project. Robert said that SDAs are included in the operational stormwater permit. Alyssa noted that neither SMP and SDAs are included in the Act 250 application and that she felt it important to connect those dots for the District Environmental Commission.

Alyssa asked about tree clearing that has occurred in the area of the original site of GW-1 which is in the vicinity of a wetland buffer. Robert said that there is a discharge of GW-2 that leads there, and he said that the clearing was done in preparation for that discharge to be installed (they do not yet have this permit).

Jack proposed commenting to the District Environmental Commission about the SMP and SDA issues. Alyssa asked if the Committee would like to bring up WRP Land Use policy #7 implications and Jack said that they should. Peter asked that the Committee consider this in terms of the environmental benefit/cleanup of the project. Jack said that the Committee is not saying the project is not beneficial but that resort master planning is important and the policy is there for a reason. Jack proposed commenting on linking the contaminated soil to the project, and that the project in general is in conflict with Land Use

policy 7. Stephan agreed with Jack, saying that clearly this is a cleanup project but we have policies that we need to respect. Jack said not advocating for the policy would set up a bad precedent. There is a line between cleanup and construction. Alyssa added that Natural Resources policy 17 relates to the improvement of water quality, and asked if she should comment using both policies; Jack said yes and Stephan agreed. Stephan moved that comment should identify that this is a piece of a master plan, that the project is supported by Natural Resources 17 and also has Land Use policy 7 implications. Todd seconded and all approved.

ACTION: Alyssa will draft and file a comment letter per the Committee's direction.

7. **Newfane Road Solar preferred site letter request – Wardsboro**

Address: south of intersection of Newfane Road and Townshend Dam Road

Land Use District: Productive Rural

Potential Policies (pages 12-51): Energy 1, 3, 11, 14, 15

Background: A proposal for a 500kW solar array. The applicant is seeking a preferred site support letter. The Wardsboro Planning Commission and the Selectboard have submitted letters.

Jack said that the Selectboard and the Planning Commission have both commented, but the letters do not specifically say that the site is a 'preferred site'. Donna Sebastian said that is because part of the site is not entirely identified as suitable for solar and that the site would interfere with wood harvest, which does not meet two criteria in the Town Plan for a preferred site. She said that the Town wants to preserve forests where possible. The Town Planning Commission said in their letter that a "qualified person" should weigh the benefits of solar generation on this site versus the loss in timber potential and the environmental benefits of the forested land. Jack asked whether the Town actually designated the site as preferred. Donna said that the site doesn't completely meet the Town's eight preferred site criteria, as it does not align with two criteria. Donna said their letter outlines how the site aligns with the Town Plan criteria and the two areas where it does not. The Selectboard letter follows the Planning Commission letter.

Alyssa showed the WRC Energy Maps that look at possible constraints and areas suitable for solar generation and discussed what those maps illustrate.

Jack suggested that the Town clarify their stance related to preferred site status for this site before the WRC can comment; the Committee does not like to consider a site for preferred site status before the Town is clear that it is. Martha Staskus said that the request of Norwich Solar to the Selectboard was designation of the site as preferred until Rule 5.1. Martha said that Norwich Solar will make the request to the Selectboard to be more definitive in its position so that it's clear to the Public Utility Commission. Martha said that they are required to have preferred site status in order to even submit an application to the PUC.

Alyssa brought up a prior project that the Committee addressed before town comment and asked if it was precedent to send a letter in this case. Stephan felt that that prior situation was different because the town in that case did intend to support the preferred site status, this is more of an unclear stance from the town. Stephan said that he would like to see a more definitive statement from the town that this is a preferred site. Alyssa raised questions around the two criteria that are not met at the town level, as the solar generation factor is unchangeable and the wood harvest potential of a site is the discretion of the property owner. Jack agreed with Alyssa, noting that these criteria are not necessarily possible to be met in this instance. Martha proposed that the Committee support the site as a preferred site pending the town submitting clarifying letters. Jim proposed that Alyssa draft a letter if and once she receives clarifying letters from both the town Selectboard and Planning Commission. Todd said that he supported that motion, but he was unclear how the criteria could be met. Donna said that the two unmet items are not necessarily a 'big deal' for the Planning Commission but there was a possibility that the site would be

moved farther east where there is a wetland, and that is part of the reason the Planning Commission was not completely supportive. Jack said that if the site was moved during the application period, the Town could say that it is no longer a preferred site. Donna said that the Planning Commission was unclear about the ramifications of preferred site status. Jack proposed that the preferred site status needs to be made clear at the town level and then the Committee can follow suit.

Donna said that she would work with the Selectboard to get a more definitive preferred site letter. Jack motioned that Alyssa draft and submit a preferred site letter if and when she receives a definitive clarifying letter that states that both the Wardsboro Selectboard and Planning Commission identify the site as preferred. Stephan asked about the Committee's independent stance on preferred siting and the Committee agreed that they felt the site could be supported as a preferred site pending the Town's position. Martha will work with Donna to get that letter from the Town. Donna said that the Planning Commission would attend a Selectboard meeting to get such a letter approved. The Committee voted unanimously in support of Jack's motion.

ACTION: Alyssa will draft and submit a preferred site letter after she receives a definitive clarifying letter stating that both the Wardsboro Selectboard and Planning Commission identify the site as preferred.

8. Recent Decisions and Updates

- Renaud addition and other improvements – Vernon – 2W0583-4 – permitted 6/22/23
- Faith's Toyota rebuild – Westminster – 2W1311-1 – permitted 6/22/23
- Mad King Quarry expansion – Londonderry – 2W1283-3 – permitted 7/18/23
- Closure of Rowes pit – Londonderry – 2W1213-4 – permitted 7/19/23
- Whetstone Brook floodplain restoration – Brattleboro – 2W0148-8 – permitted 8/22/23

9. Next meeting

The next regularly scheduled meeting is Tuesday, October 3rd at 6pm.

10. Meeting adjourned at 8:20pm.

Respectfully Submitted, Alyssa Sabetto, Senior Planner