



Project Review Committee Meeting Minutes

**Thursday, March 7, 2024 at 6:00 PM
Via Zoom**

Members present: Jack Cunningham (Chair), Bob Bois, Eric Stevens, Stephan Chait, Jim Pinkerton

Guests present: Andrew Cay and Katrina Wilson (Integrated Solar), Arthur Miller (Miller Farm), Jay Maciejowski (Windmill Hill Pinnacle Association)

Staff present: Alyssa Sabetto

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

1. **Welcome and Introductions**

2. **Minutes**

Minutes of September 5, 2023 meeting were approved on a motion from Jim and a second from Stephan. Bob abstained because he was not present at that meeting.

3. **Public Comment Period**

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

4. **Miller Farm Solar - Vernon**

Address: land at 1732 Fort Bridgman Road, Vernon

Land Use District: Resource / Productive Rural

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

Background: A proposal for a 500-kW ground-mount solar array. The site is on a 275-acre parcel that includes the landowner's home and farm. The array will cover about 3-acres, with 800 new feet of access driveway, parking and support utility infrastructure covering an additional 2-acres. The area where the panels are sited was cleared in 2019 and no new clearing is needed for the array. There are gravel reserves under the site and extending for about 90 acres of the parcel. The property owner intends to potentially create a future gravel operation but not to access it at this time. The soil on the proposed site is not prime agricultural soil and is not suitable for farming beyond hay production. No fencing proposed around the array. Notice sent to the WRC on February 6, 2024.

Wetlands mapped as potential on the site, per ANR Atlas. Rare, Threatened and Endangered Species are identified nearby. Gravel under the site was tested and did not meet standards expected from surrounding gravel sites, so unlikely to be quarried. Jim Pinkerton, who is also the Chair of the Vernon Planning Commission, said the Planning Commission went on a site walk and they agree that the site was not suitable for farming. The Planning Commission is going to recommend that the Selectboard issue a preferred site letter, which he expects the Selectboard to do. The two concerns or caveats that the town has are in regards to wetlands, and the town wants a site retirement plan for removing and restoring the array after its useful life.

Approval from GMP to be able to hook into the grid is still needed and will be sought through the application process. The alignment of the electrical line seems good, but if GMP requires another route the town would want to review that. Stephan asked if the power wires would be underground or require poles to the site. Jim said that poles would be minimally visible from any roadway. Andrew Cay said that the power line will be underground until past a couple of residences and then will be aboveground on poles every 200' feet. Stephan asked about what the power supports, and Andrew said that the power will likely be sold to Commonwealth Dairy in Brattleboro. Bob asked about stormwater and Andrew responded that it would be designed as part of the application. Stephan asked about the lack of fencing, and Andrew said that lack is for ease of habitat use by wildlife in the area and something ANR likes to see. Bob motioned approval to send a preferred site letter, Eric seconded. All approved. Jack said we don't need to await the town because Jim indicated he is confident the Town will issue one.

ACTION: Alyssa will send a preferred site letter to Andrew Cay for use in their application.

5. Pinnacle Trail expansion – Athens/Brookline – 2W1152-6

Address: 466 Brookline Road

Land Use District: Resource

Potential Policies (pages 12-51): Natural Resources 21, 23; Educational, Cultural 17

Background: This project proposes to construct: 10,555 feet x 2 feet (about 2 miles) of new hiking trail to Lily Pond from Brookline Road, and a trail head access area and kiosk which will be constructed on an existing former trailer site with a 50-foot access drive located at 466 Brookline Road in the Town of Athens. This access area will provide parking for up to eight vehicles for hikers to reach the existing Town-Line Trail on the east side of Brookline Road and the proposed trail to Lily pond on the west side of the Brookline Road. The proposed trail to Lily Pond is part of a larger recreational trails system for low density, non-motorized use within the 2,735 acres of conservation lands owned in fee by the applicant, Windmill Hill Pinnacle Association (WHPA). Some of the land is under conservation easement with the Vermont Land Trust, including the 615-acre parcel which is the subject of this trail expansion project. The DEC2 issued an incomplete letter on March 4.

WHPA has 28 miles of trails in 6 towns. The applicant has had an ecological review, as was asked for by the DEC2. The trail will lead near to Lily Pond, but not directly because there is an RTE plant species. Two primary goals of the WHPA are: preserve old growth forest and develop hiking trails for the public. A big reason for this particular project is to provide a parking area so people don't have to park on the road when they want to hike, which was a safety concern that the town of Athens had raised with WHPA. The parking area will hold 8 spaces; Stephan asked about traffic/usage and Jay Maciejowski replied that usage is usually 1-2 cars, but they are building for potential increased usage over time.

No motorized vehicles are allowed on WHPA trails. This trail will be utilizing existing logging road for some portion. It is designed to be about 400' from road in order to limit impacts to wildlife – 400' corridor from road is already impacted by road, so trying not to create new impact was part of trail alignment choice. The trail will be primitive, blazed, and have a couple of kiosks. There are a couple of steep areas that will need to have some grading and/or stone steps. WHPA is still determining where those features will go. WHPA will likely use volunteer assistance for most of the trail clearing, and just use outside assistance for the steeper areas and step building. Bob asked about trash handling, and Jay replied that it is carry in/carry out – no trash receptacles provided. Bob asked about hunting, and Jay said that hunting and trapping is allowed by permission. Jack said that wearing blaze orange is recommended during hunting season on any trail in the state.

Alyssa suggested to the applicant that a map showing what trail exists and what is proposed in one space would assist in understanding the total project, and overlaying that with the ecological features would be useful. The town has issued a driveway permit for the parking lot and an E911 address.

Jack proposed that this project supports a number of WRP policies related to recreation and conservation, and asked the Committee if they want to issue a support letter for the project. Bob suggested that this is a good project, well thought out, well located and utilizing the latest thinking in trail development. Bob motioned that we draft a letter of support for the project, Jim seconded. All approved.

ACTION: Alyssa will draft a letter of support citing Regional Plan policy and send to the District Environmental Commission.

6. 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 Ltd is requesting a 5-year renewal of 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 was held 9/7/2023. A Hearing Recess Order was issued and the applicant responded in January 2024. A second Hearing Recess Order was issued 2/23/24 which quoted WRP Land Use Policy 7. The second Hearing Recess Order expressed that what the applicant provided to the DEC2 did not provide adequate answers to the prior requests/questions.

What the applicant has presented thus far is that they want to do 5 lift projects and complete Snow Lake remediation in the next 10-years. They have not thus presented a revised Master Plan vision for the Resort, or updated the data in the 2010 Master Plan. Alyssa shared this thought with Brian Sudaholc, General Manager at Mount Snow, in a private conversation on 3/1 because he was unable to attend this meeting. She shared with the Committee that on 3/1 she advised Brian that in order to do just the items they want to do in the next 10-years they do still need to have an up-to-date master plan in place. She suggested to him that perhaps they could “phase” the plan; Brian was under the assumption that the 2010 plan had no role and was basically gone. Alyssa let Brian know that a master plan is needed because they are a resort, and they don’t have to “remove” their prior goals if they remain for a longer time horizon, but what is planned for the next years should be considered in the update, and what is longer range should be noted as such. An updated vision of the Resort lands, with plans for the next 10-years – the Act 250 Master Plan cycle - is what would be considered “a development master plan” and would enable the assessment of “cumulative impacts of the potential growth of the development” (quotes from WRP Land Use Policy 7). Many of the items in the 2010 master plan resolved then current concerns with improvements planned in conjunction with development that has not happened to date, and current ownership has no plans to carry out those “improvements” under their new vision. The concern is not that the plan hasn’t been carried out, the concern is that solutions to issues that exist now need to be proposed in light of how things exist now and with the new vision and plan.

Items in need of resolution that are here reiterated to the applicant and were discussed at the September Committee meeting and the Act 250 Hearing relate to:

- A deadline for completing the Snow Lake dam removal and stream channel restoration, which is currently in the planning phase now. Along with a deadline, as part of the Master Plan update the applicant should present the basics of the new vision for the area in and around Snow Lake to update the 2010 plans for that area.

- Mitigation to the difficult traffic intersection setup at South Access Road / Handle Road. The 2010 Master Plan reconfigures roadways to eliminate this intersection/concern here and routes traffic around Snow Lake on Snow Lake Drive. If that is not going to happen, how is this currently dangerous high-crash intersection going to be addressed?
- Employee Housing has historically been a concern at Mount Snow, and new leadership has resolved the issue by utilizing Snow Lake Lodge for employee housing which they propose to keep doing. The Master Plan should be updated to reflect this and showing how employee housing needs are being met now and going forward.

Basically, if there is no update to the 2010 Master Plan, we have no way to understand the development of the Resort into the future and the cumulative impacts of individual development projects. Alyssa on 3/1 had suggested to the applicant:

- Updating the baselines of relevant data points to reflect the current reality to determine if what's being done currently is adequate to meet needs now and into the future based on Resort usage.
- Bringing the Master Plan into line with the current and renewed vision of new ownership. It may make sense to show future phases beyond 10-years, but that is something the DEC2 can advise on.
- We need to understand what the next ten years hold for the resort so that in the future we can judge individual project applications through an approved master plan lens, with the considerations and conditions that come about through the master planning process having been addressed.

The applicant cannot receive permits for projects without having a master plan, and these projects, such as stormwater improvements and Snow Lake remediation, have impacts outside of just the Resort. Jack said that the DEC2 has their own Master Plan Rules, even if they are citing WRP policy. The need for a master plan in a resort development is clear. We could either let Mount Snow and VHB take the input we've given them and go do the job, or we could give them a detailed tutorial of what constitutes a master plan. Bob said that it is not our job to write their master plan. Bob expressed confusion about whether they aren't renewing a former master plan. Jack explained the reason that the 2010 master plan is expired. The mutual understanding of the Committee is that there seems to be a lack of interest from the applicant in wanting to do the planning needed to get the master plan through the process, and they instead want to just focus on the individual projects that they want to do.

Jack motioned that we write a *brief* letter that stands by our position that we cannot judge individual projects in a multi-phased resort development without a current master plan. What is needed for this master plan has been noted in several discussions with the applicant and by the District Environmental Commission 2. Having an approved current master plan is an expectation of any resort development in Vermont. Stephan moved the motion, Bob seconded and all approved.

ACTION: Alyssa will draft and submit a comment letter as approved.

7. Recent Decisions and Updates

- Hermitage Club booster pumphouse – Wilmington – 700002-30A – permitted 10/20/23
- GMP line upgrade and relocation – Whitingham – 2W1381 – permitted 11/21/23
- Mount Snow stump removal for Sundance lift project – Dover – 2W0359-66 – permitted 11/14/23
- Barkus Excavating – Whitingham – 2W1385 – permitted 2/2/2024

8. **Next meeting**

The next regularly scheduled meeting is Tuesday, April 2nd. Determination of need to hold that meeting will be made closer to the meeting date and the Committee will be informed either way. Meetings are held on an as-needed basis.

9. **Adjourned at 7:32pm.**

Respectfully Submitted, Alyssa Sabetto, Senior Planner