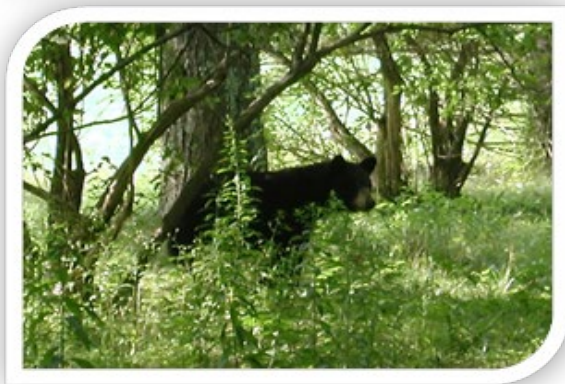


# APPLICATION GUIDE

## HOW TO APPLY FOR AN ACT 250 LAND USE PERMIT

[10 VSA Chapter 151](#)

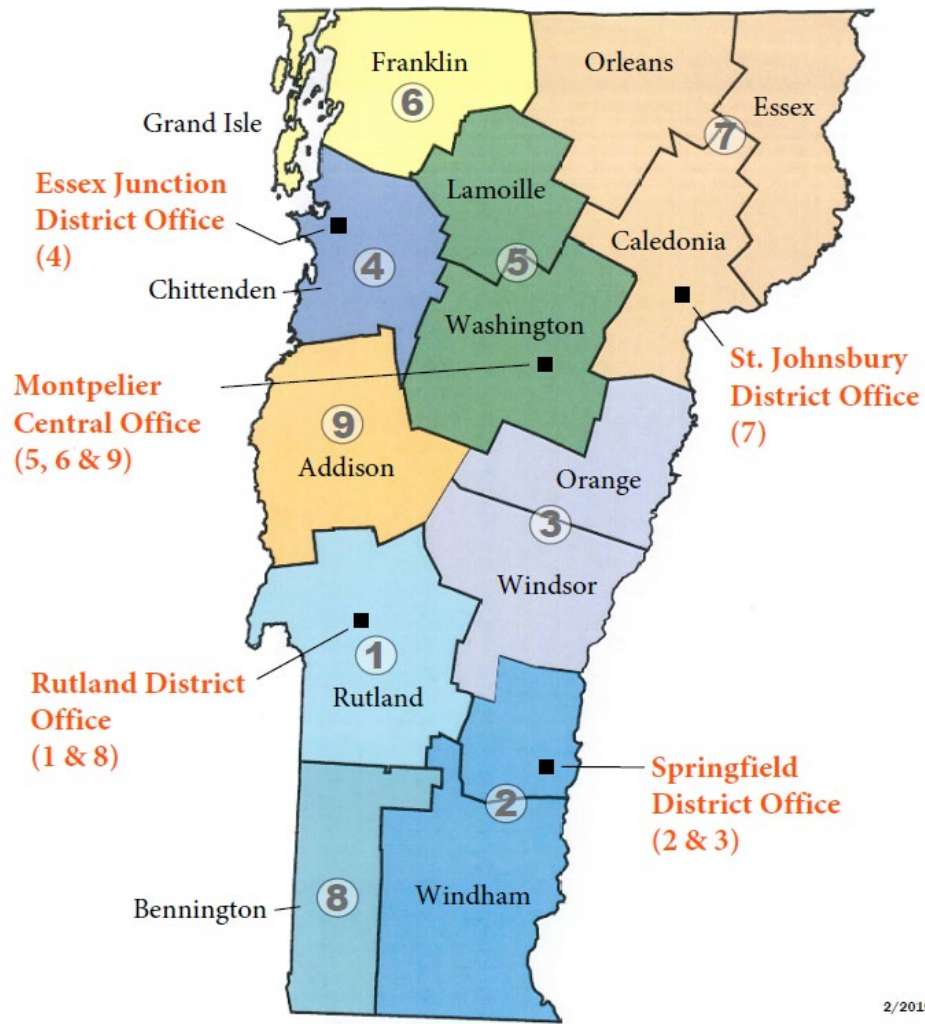


**Natural Resources Board**

10 Baldwin Street

Montpelier, VT 056533-3201

<https://nrb.vermont.gov>



The location of Act 250's five regional offices are in orange font. For addresses and staff contact information, click [here](#). For a list of towns by district, click [here](#).

**Helpful tip!** The below table is interactive. Use **Ctrl + click** to navigate to any section listed.

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## Act 250 Overview

### Introduction to Act 250

The Act 250 review process created by the Vermont Legislature in 1970 is intended to cover significant development and subdivisions in Vermont. To obtain a Land Use Permit (LUP) under Act 250, an applicant needs to demonstrate to a District Environmental Commission (here forward simply referred to as “Commission”) that the development or subdivision can meet 10 specific performance criteria. In fact, these criteria comprise 32 different concerns for the environment and the integrity of Vermont towns and regions. There are 9 Commissions that review applications. Each Commission is composed of 3 members and up to 4 alternates who reside in the district, and who are appointed by the Governor. The Commissioners are lay people, not professional planners.

Decisions of the Commissions are in writing and are based on a record established by an application and, in some cases, through a public hearing. During the review process, the Commissioners must avoid communication with the applicant or other people outside of a hearing to ensure that their decision is based only on the public record. In all cases, the Commission is required to follow the Vermont Rules of Evidence as followed in the courts to ensure that the record is developed in a fair manner.

If an applicant or another party does not agree with the Commission's final decision, an appeal may be filed with the Superior Court, Environmental Division. Appeals are heard anew on those issues raised on appeal and a new record is created. Environmental Division decisions are also in writing and may be appealed to the Vermont Supreme Court.

Each Commission is served by a Natural Resources Board (NRB) Act 250 District Coordinator (simply referred to as “Coordinator” here forward) who is responsible for the day-to-day administration of the Commission's business. The Coordinators rule on jurisdictional questions, assist applicants and other parties in preparing materials for presentation to the Commission, review applications for completeness, schedule public hearings, and provide advice to the Commissions on procedural matters. Questions about the Act 250 process should be directed to the Coordinator.

The Commissions are part of the NRB, which is an independent state organization. The Commissions are not part of the Agency of Natural Resources (ANR), although they share some administrative services. ANR and other state agencies may participate in the review of Act 250 applications, but only through the hearing process. Any evidence submitted by state agencies is subject to the rules of evidence and other procedural requirements.

Other parties to the review process include the municipality in which the project is located, the municipal planning commission, and the regional planning commission. Adjoining landowners will be allowed to participate to the extent that the proposed project will affect their interests. Other persons and organizations may be allowed to participate if they can demonstrate that the proposed project affects their interests or that they can assist the Commission by providing information. Anyone admitted as a party has the right to offer evidence and witnesses, ask questions relevant to their concerns, and appeal the Commission's decision to the Environmental Division of Vermont Superior Court.

Public hearings are convened for large or complex applications or when other parties request them. Most hearings begin with a brief overview of the project for the Commission and the public. Applicants should be prepared to provide a concise summary of the important aspects of the project. The overview is followed by discussion of party status. The applicant may object to the participation of certain people, although the Commission will make the final decision. A site visit may occur next, or it may be arranged before or after the hearing. It is important for the applicant to be prepared to show the Commission precisely where the improvements will be located. Many applicants stake the corners of proposed building locations and the centerlines of proposed roadways. After the site visit, the Commission will review the proposal against

each Act 250 criterion and sub-criterion, usually in order. The applicant should be prepared to summarize the material presented in the application and answer questions about it. In some cases, applicants may wish to provide experts to support their positions. After the criteria have been reviewed, the Commission will indicate what, if any, project modifications or additional information it will require to make a final decision. The Commission will also indicate whether it anticipates reconvening the hearing. In most cases, one meeting is sufficient. Participants should remember that hearings are subject to Vermont's Open Meeting Laws. By participating, participants are consenting to being audio/visually recorded, and for that recording to be published in the Board's online database and/or YouTube channel.

Many applications qualify for a "minor" review procedure under Act 250 Rule 51. These are cases where the Commission, after reviewing the application, determines that the project is unlikely to present significant adverse impacts under any of the Act 250 criteria. The minor application review process differs from the regular (or major) application review process in that no public hearing is scheduled unless requested by a party. This will usually save time for the applicant.

**Note: The application form and requirements are the same for the minor application process as they are for the major application process. As stated above, the Commission, not the applicant, makes the "minor" or "major" application review determination.**

For the Act 250 Statute and Act 250 Rules, visit our dedicated [webpage](#).

## **Project Planning**

To make the Act 250 review process as smooth as possible, applicants should consider the following suggestions when designing their projects:

- (1) Applicants should thoroughly read over the instructions in this guide, on our forms, and elsewhere as indicated, with particular attention to the requirements for addressing each criterion. The questions under each criterion in Schedule B and the related instructions below should be particularly helpful in determining how your project will comply with the law.
- (2) Prior to preparing an application, applicants should review their conceptual development plans against the criteria to determine whether there are any significant obstacles which could be overcome by redesign or by mitigation. Issues that might arise include the presence of primary agricultural soils under Criterion 9(B), conformance with the residential density allowed in the town plan under Criterion 10, encroachment within a stream buffer under Criterion 1(E), or the design of a driveway accessing a heavily traveled roadway under Criterion 5. The Coordinator is available to answer questions about the criteria.
- (3) Applicants should explore options for overcoming obstacles. Civil engineers are available to assist with many technical questions. State agency staff are available to discuss mitigation options for certain issues. In some cases, the applicant should review the conceptual plans with neighbors or town officials to solve potential problems. If a potential obstacle is too great, the applicant should consider either finding another site or using the land for a more compatible use. The emphasis should be on finding solutions to the problems before spending significant money on final plans and filing the application.
- (4) Once the major obstacles have been identified and solutions found, applicants should prepare the detailed application materials. Special attention should be given to showing enough detail in the plans and narratives to demonstrate compliance with the criteria. Remember that the Commission and some parties will be seeing the plans for the first time, and they are probably not familiar with the detailed site conditions. The burden is on the applicant to demonstrate that the project meets the criteria.

- (5) We recommend that Act 250 applicants request a **pre-application meeting** with their Coordinator before submitting an application and exhibits to ensure that there are no obvious omissions. Such a meeting is particularly helpful if the project is complex or if there are many obstacles to overcome. Some applicants will also arrange a similar pre-application meeting with the ANR staff who review all Act 250 applications. These efforts help avoid last-minute comments that can delay the review process. Contact your Coordinator for assistance in setting up these meetings. And, in the Act 250 online application portal, you can conveniently provide others, including state staff, access to your online application form through the **Manage Shared Access** feature described in Giving Others Access to Your Online Application (i.e., “Manage Shared Access”) later in this guide, so they can assist you with your application prior to submission.
- (6) Finally, above all, applicants should try to remain flexible in their planning to ensure compliance with the Act 250 criteria early in the process, before design changes become expensive.

## Act 250 Application Submission Overview

We continually strive to improve online access to Act 250 files for applicants, state agency staff, and the general public. Part of this effort involves expanding the currently available number of online Act 250 records and files in the Act 250 database to eventually contain all Act 250 applications and permit documents. To further this effort, applicants and parties are required to file electronic copies of all Act 250 submittals, including the Act 250 permit application and all exhibits, as well as any follow up submittals (supplemental documents), pursuant to Act 250 Rule 10(E), unless this requirement creates an undue burden for the applicant or a party. Remember that written information and exhibits submitted to state officials regarding state business are considered public records and will become part of the permanent record published in the Board’s online database.

The Act 250 application forms are available online through the ANR/NRB Online system. You must create an account to complete and submit an Act 250 application form. Application fee payments must be submitted by mail. Application exhibits and supporting documents must be submitted by uploading them to the NRB’s GlobalScape FTP site.

To submit a complete Act 250 application, follow the steps below:

- (1) Complete and submit an Act 250 application form via the ANR/NRB Online system. See [Submission of Application Forms](#) for further instructions.
- (2) Download and print a payment voucher for your application from the ANR/NRB Online system and mail a copy of the payment voucher and application fee check to the appropriate Act 250 District Office. See [Submission of Application Fees](#) for further instructions.
- (3) Complete an Exhibit List and upload all supporting exhibits to the NRB’s GlobalScape FTP site. See [Submission of Exhibits](#) for further instructions.

If you have questions about these electronic filing requirements, please contact your local [Act 250 District Office](#).

**Disclosure Statement:** Any links to third-party software available in this document are provided “as is” without warranty of any kind, either expressed or implied, and such software is to be used at your own risk. The use of the third-party software links provided herein is done at your own discretion and risk and with agreement you will be solely responsible for any damage to your computer system or loss of data that results from such activities. You are solely responsible for adequate protection and backup of the data and equipment used in connection with any of the software links provided in this document, and the NRB will not be liable for any damages you may suffer in connection with downloading, installing, using, modifying,



or distributing such software. No advice or information, whether oral or written, obtained by you from the NRB or from this document shall create any warranty for the software.

## Submission of Application Forms

The instructions below are intended to guide an applicant on how to file an Act 250 application through the ANR/NRB Online application portal.

### Creating an ANR/NRB Online Account

To create an ANR/NRB Online account, follow the steps below:

- (1) Go to [ANR/NRB Online](#). The page will open to NRB Landing Page.
- (2) At the top-right of the screen, in the menu bar, click on “Register,” which will load the “Register for a new account” window.
- (3) In the Register-for-a-new-account window, complete all fields and then click “Register” in the lower left-hand corner. Asterisked fields are required and cannot be skipped. Once your account has been saved, a “Confirm account” window will pop up asking for a confirmation code, which will be sent to the email address you used to create the account from ANR/NRB Online Services. Do not close this window.
- (4) While keeping the Confirm-account window open, open a new window to check the inbox of the email account you used to register at ANR/NRB Online Services to verify you received the confirmation code email.
- (5) Copy and paste the confirmation code into the corresponding box in the Confirm-account window. Type your password into the “Sign in” window. You will then be greeted by a pop-up window with a welcome message.
- (6) On the our page, scroll down the page and locate the “Forms” section for a list of available application forms to be used to submit your application and information about how to upload exhibits to the FTP (GlobalScape) site. See [Electronic Submission of Exhibits via GlobalScape](#).

### Online Application Forms

All Act 250 applications must be submitted through the ANR/NRB Online website. **We recommend you obtain prior authorization from your Coordinator before you start to fill in the application forms; specifically, Administrative Amendments require prior authorization.** If the wrong form is completed, you will need to start over with an entirely new form for your submission. Contact information for the Coordinators can be found [here](#). Be sure to copy the regional email inbox for that district.

The following forms can be accessed from [our page in ANROnline](#) by scrolling down to the list of forms on the bottom of the page. You must have an active ANR/NRB Online account to complete and submit an Act 250 application form (see [Creating an ANR/NRB Online Account](#)).

**Helpful tip!** Use Google Chrome for the best experience. Other browsers might cause issues like slow responses or software errors.

## **ORIGINAL PERMIT APPLICATION OR NON-ADMINISTRATIVE AMENDMENT APPLICATION**

Use the following application form if your property has never been issued an Act 250 LUP or if you need to amend an existing permit and this amendment is not administrative in nature.

- [Act 250 Application for Land Use Permit](#)

**Note: prior confirmation from the Coordinator for submission of this form is recommended.**

## **ADMINISTRATIVE AMENDMENT APPLICATIONS, INCLUDING CONSTRUCTION COMPLETION DATE EXTENSIONS**

All administrative amendments require prior authorization from a Coordinator. Once authorization has been obtained, use this application form to apply for an administrative amendment of an existing permit. Some construction completion deadline extension requests may also be processed as administrative amendments. Within the application form, you will be able to choose whether to submit the form as a construction completion date extension request or as a request to administratively amend an existing permit.

- [Administrative Amendment/Construction Completion Date Extension](#)

**Note: prior authorization from the Coordinator is required for submission of this short form.**

## **DOWNTOWN DEVELOPMENT FINDINGS**

For projects located entirely within a state designated Downtown Development District, an applicant may use this application form to request downtown findings pursuant to [10 VSA § 6086b](#) and Act 250 [Rule 22](#).

- [Downtown Findings Application - Act 250](#)

**Note: prior confirmation from the Coordinator is recommended for submission of this form.**

## **PARTIAL FINDINGS**

For projects seeking review under only a subset of Act 250 criteria, an applicant may use this application to request partial findings under a subset of the Act 250 criteria pursuant to Act 250 [Rule 21](#).

- [Partial Findings Application - Act 250](#)

**Note: prior confirmation from the Coordinator is recommended for submission of this form.**

## **CERTIFICATION OF ACTUAL CONSTRUCTION COSTS**

All permittees must use this form to certify the actual costs of construction after completing construction of an Act 250-permitted project.

- [Certification of Actual Construction Costs](#)

**Note: use this form upon completion of construction of your Act 250-permitted project.**

## **OTHER REQUIRED FORMS AVAILABLE ONLINE**

The forms listed below are available to download from the [NRB's website](#). If you have trouble downloading these forms online, contact your District Office for assistance.

**Helpful tip!** Need a PDF reader? Download [Adobe Reader](#) for free to open, save, and fill out PDF forms. Make sure to get the latest version!

APPLICATION SIGNATURE PAGE FORM.

This Application Signature Page is required with every application submission.

- [Application Signature Page](#)

EXHIBIT LIST FORM.

The Exhibit List is required with every application. The Exhibit List functions as the table of contents for your application. Instructions on how to download, complete and submit the Exhibit List form (an Excel file) are included in [Exhibit List Instructions](#) and [Exhibit List File Format and Submission instructions](#).

- [Exhibit List](#)

MUNICIPAL IMPACT QUESTIONNAIRE FORM.

The Municipal Impact Questionnaire is intended to help you to gather evidence for [Act 250 Criterion 7 – Municipal Services](#). The Municipal Impact Questionnaire is required with every application unless waived by the Coordinator.

- [Municipal Impact Questionnaire](#)

SCHOOL IMPACT QUESTIONNAIRE FORM.

The School Impact Questionnaire is intended to help you to gather evidence for [Act 250 Criterion 6 – Educational Services](#). The School Impact Questionnaire is required with every submission unless waived by the Coordinator.

- [School Impact Questionnaire](#)

## **Giving Others Access to an Application Form (in draft or submitted)**

Prerequisites:

- (1) You must have an existing ANR/NRB Online account.
- (2) Whoever you share your application with must have an existing ANR/NRB Online account (see [Creating an ANR/NRB Online Account](#)).

To share an application with others from **within the form**, follow the steps below:

- (1) Log into the [NRB landing page at ANR/NRB Online](#). Once you have logged in, at the top of the web page, locate and click on the “My Submissions” tab. A list of all your draft and in progress forms will appear.
- (2) From the list, choose which application you wish to share, then click on the blue right-arrow icon at the end of the line item to open the form.
- (3) From within the application, click on the gear icon that appears at the top of the window to the right of the form’s name.
- (4) In the new window that opens, click on ““Manage Shared Access.”
- (5) In the new window that opens called “Manage Access to the Submission,” in the designated field, type in the email address of the person you would like to share the form with.

- (6) To give the person **editing and submission** rights to the application, check the box next to “Can Manage Access to Submission?” If you wish to give **read-only** rights, do not check this box.
- (7) Within the same section, locate and click on “Add.” A “Verify User” window opens. Click “Confirm” to add the person, who will then receive an automatic email invitation to the form.
- (8) On the same page, click “Done” to complete the process. You will be returned to the Processing page. The added person will now have access to your form.

To share an application with others from the application’s **Summary** page, follow the steps below:

- (1) Log into the [NRB landing page at ANR/NRB Online](#). Once you have logged in, at the top of the web page, locate and click on the “My Submissions” tab. A list of all your draft and in-progress forms will appear.
- (2) From the list, choose the form you wish to share, then click on the blue right-arrow icon at the end of the line item to open the form.
- (3) On the “Summary” page that opens, scroll down the page, and on the right-hand side, locate and click on the box that states, “Manage Shared Access.”
- (4) In the new window that opens called “Manage Access to the Submission,” in the designated field, type in the email address of the person you would like to share the form with.
- (5) To give the person **editing and submission** rights to the application, check the box next to “Can Manage Access to Submission?” If you wish to give **read-only** rights, do not check this box.
- (6) Within the same section, locate and click on “Add.” A “Verify User” window opens. Click “Confirm” to add the person, who will then receive an automatic email invitation to the form.
- (7) On the same page, click “Done” to complete the process. You will be returned to the Processing page. The added person will now have access to your form.

**Helpful tip!** If multiple users are working on the same ANR/NRB Online form, everyone needs to refresh their browser often to see the latest changes.

You may also download a PDF of the application and share it via email for review; however, co-completion can only occur through the Manage Shared Access function above.

- (1) For any applications that you have in progress (whether draft or submitted), click on "My Submissions."
- (2) On the page that opens, locate the application you wish to download a PDF copy. Click on the right-hand arrow, which will open the application on the Summary page.
- (3) In the right-hand side menu, click on the "Download/Export" button.
- (4) In the window that opens, click "Download" to download the PDF to your computer.

## **Application Form Line-by-Line Instructions**

Use the below instructions to complete the application form required. **We strongly recommend consulting with your Coordinator prior to filling out an online form to ensure you are using the correct application.**

See [Appendix 2: Helpful Links](#) for links to online information to assist you in gathering all the information needed to submit a complete application.

## APPLICANT(S)

Provide the legal name and contact information for each applicant as it appears on deeds, mortgages, and other legal documents. Specify the applicant(s)'s legal interest in the land (as of the date the application is filed) and well as the legal form (type) of owner (individual, partnership, corporation, etc.). If the applicant is a partnership, click "Add New Applicant(s)" and list each partner and his/her respective mailing address as additional applicants in this section. If an applicant has more than one legal interest, repeat the applicant (i.e., "Duplicate Applicant" function) and specify the legal interest each time.

## LANDOWNER(S)

Once the LUP is issued, the permit "runs with the land" and is binding on all future owners. In this section, provide the legal name and contact information for each landowner at the time the application is filed as the name appears on deeds, mortgages, and other legal documents. If the landowner is one of the applicants, repeat his/her contact information here.

## PROPERTY INFORMATION

### ACRES IN PROJECT

Under "Acres Controlled by Applicant/Landowner," specify the total acreage of all tax parcels owned or controlled by the applicant and/or the landowner and involved in, or contiguous to, the project parcel. Under "Additional Acres in Easements or Rights-of-Way," specify the acreage of any additional easements or rights-of-way (ROW) involved in the project.

### PROJECT LOCATION

Indicate the location of the project by providing the name of the primary municipality (and the secondary municipality if the project is located in more than one town), the 911 street address of the road that provides access, a prominent landmark nearby that can be used to locate the project site, and the direction and distance from the landmark to the project site (e.g., "0.4 miles southwest of the post office").

If the applicant is a utility conducting a linear project (overhead lines, water/sewer lines, roads, railways, etc.) that spans several municipalities and/or stretches through a number of properties, list the primary municipality and street address of the most significant point on the line. Some examples include a logical midpoint for power lines, the point of the most significant intersection (e.g., a major roadway), a power station or water facility, or an important nearby landmark. Whatever point is chosen, use this information to base the selection of Primary Municipality, the closest street address if an exact address is not available, and a nearby landmark, if one is present.

If you are proposing development on a parcel or tract(s) of land that include(s) land devoted to farming as defined in 10 V.S.A. § 6001(22), and you intend to keep farming this land, then submit, at minimum, the following exhibits:

- (a) A written description of the specific farming activities conducted on the parcel or tract(s) at present.
- (b) Supporting information to substantiate the occurrence of farming on the tract(s) (e.g., farm determination letter from the Vermont Agency of Agriculture, letter(s) from the farmer(s), photos, aerial imagery, farm conservation plans, Use Value Appraisal Program Certification, etc.).
- (c) A site plan that clearly depicts the following minimum elements:
  - (i) the locations of farming activities currently conducted on the farm;

- (ii) The perimeter boundary of the parcel or tract(s);
  - (iii) The proposed development on the parcel or tract(s); and
  - (iv) The proposed perimeter boundary around the portions of the parcel or tract(s) that will be impacted or affected by the proposed development.
- (d) A written explanation of the basis for delineating the perimeter of the portions of the parcel or tract(s) that will be impacted or affected by the development.

#### LATITUDE AND LONGITUDE

To identify the location of your project, please specify the geographic coordinates (latitude and longitude in decimal degrees) for the location where construction or subdivision will occur. To make this task easier, the NRB has incorporated a Google Maps interface into the online application form. Just use your mouse and the “+” and “-” buttons on the Google Maps interface to zoom in and out of the integrated map until you can see your specific property on the map (Clicking the “Satellite” tab on the integrated map might help.). Once you’ve found your project location on the map, click a point on the map to indicate precisely where your project will be located. A red pin will appear where you click. Alternatively, enter the project’s precise street address into the field at the top of the Google Maps interface where it says, “Search by name or address.” Once the red pin appears on the map, the geographic coordinates of the pin location will auto-populate the latitude and longitude fields under “Location Coordinates.” If you choose to enter the location coordinates into the latitude and longitude fields without using the Google Maps interface, be sure to add a minus sign before the longitudinal coordinate, or the map will display your project as located in the eastern hemisphere (i.e., Kyrgyzstan). If the proposed project is a utility line, road, trail, or other linear feature, enter the coordinates for one point (such as a trailhead or central point along the project pathway) that represents the project location. Failure to enter the correct coordinates for your project location might cause project delays. If you need help determining the coordinates, contact the regional e-mail inbox for your [district office](#).

#### PROPERTY DEEDS

Provide information about the deed(s) to the parcel(s). Be sure to provide the most recent deed recording information for all of the project parcels. If easements or rights of way over other lands are involved, include recording information for those easements or rights of way as well. For each deed, easement, or right of way, include the grantee’s name as stated on the deed, the name of the town, the book and page numbers, and the date each document was recorded in the town land records. If several tracts of land are involved in the project, list each one separately. If the applicant is a utility, add only the deed information associated with the point chosen for the project location.

#### PROPERTY SPAN DETAILS

Provide the SPAN (School Property Account Number) for each parcel. This 11-digit identification number is assigned by a municipality to each property and can be found on the property tax bill. If your project involves more than one parcel, click “Add Row” to add additional SPAN numbers. If the applicant is a utility, add only the SPAN associated with the point chosen for the project location.

### **PRIMARY CONTACT FOR APPLICATION**

Provide the name and contact information for the individual you would like contacted for questions about the application.

### **OTHER CONTACTS**

Provide the name and contact information for any other contacts you would like to list in the application (e.g., project architect, attorney, consultant, or engineer).

## OTHERS WITH SIGNIFICANT LEGAL INTEREST IN THE PROPERTY

Provide the name and contact information for each person or entity who has a substantial legal interest in the land, such as an easement or ROW. If you have questions about what constitutes a significant legal interest, contact your Coordinator (see also [Act 250 Rule 10](#)).

## SCHEDULE E - ADJOINER INFORMATION

Unless waived by the Commission, the District Office will send a notice to all adjoining landowners stating that the application has been filed. In this section of the application, please list the correct names and mailing addresses of all adjoining landowners and others with legal interests in the project land or adjoining lands, if not already listed as co-applicants in the application. **Please provide up-to-date contact information for current owners of adjoining properties. Failure to provide the correct landowner and mailing address could result in a significant delay in the review process. Note that some landowners receive mail at a different address than their property's physical address.** You can obtain information about adjoining owners from municipal offices (listers' records (the municipal "Grand List"), deeds, tax maps), personal knowledge, or from nearby residents. VCGI's [Parcel Viewer](#) is an excellent online resource for obtaining Grand List information. Be sure to include landowners who share property corners with the project parcel(s), landowners on the opposite sides of roads, streams, and railways, as well as the holders of ROWs, such as water or power companies (unless the water or power line is within the public road ROW). Include the holders of spring rights and other encumbrances on the land. If the project involves a condominium project, include the individual owners if the common lands are owned jointly by the owners. Upon request and for good cause, the chair of the District Commission may authorize the applicant to provide a partial list of adjoining landowners in accordance with Act 250 Rule 10.

In completing this section of the online application, in the event that your list of adjoining owners includes more than 50 individuals/entities, download the [Adjoiner List form](#) and complete and submit it with your application's other supporting documents.

## PROJECT INFORMATION

### PROJECT TYPE

Of the two descriptions, choose the project type that best fits: amendment of an existing LUP, or no previous Act 250 jurisdiction.

### EXISTING ACT 250 PERMIT NUMBER(S)

If the project has a previous Act 250 permit, include those permit numbers in the dedicated field (e.g., 1R0400, 4C0120-3, etc.). If your application proposes to amend a permit condition that was intended to resolve an issue that was critical to the issuance of a prior permit, then you might need to provide a "Stowe Club Highlands" analysis [Act 250 Rule 34(E)]. Contact the Coordinator for more information.

### GENERAL DESCRIPTION OF PROJECT

We will use a version of the description that you provide in published legal notices about the application. Please provide a general description that is specific and concise (maximum 1,000 characters) and includes the number, size, and use of buildings; number of lots; length of roads; etc. If you are not sure whether your description is adequate, contact the Coordinator for guidance. If you wish to include a more detailed or lengthy summary of the project, submit it as an exhibit.

### DURATION

**Construction:** Please enter the number of months needed to construct the project, including final landscaping. Be sure to include enough time for unanticipated delays such as financing or marketing. If you are applying for approval of subdivision, completion of site work, and construction of common infrastructure only, do not include the time needed for lot purchasers to build their own houses.

**Permit request:** Please enter the number of years for the projected duration of operation for mineral extraction (sand and gravel pits, quarries, etc.), logging above 2,500 feet in elevation, or solid waste disposal facility projects.

#### ENFORCEMENT ACTIONS

Indicate whether the project is related to any ANR- or NRB-related enforcement actions.

### ADDITIONAL INFORMATION

#### ANR AND OTHER PERMITS

Check the boxes next to any permits the project requires from ANR. If you are not certain whether you need a permit from the Wastewater Management Division, contact the [Department of Environmental Conservation \(DEC\) Regional Engineer or the ANR Community Assistance Specialist](#) for your district.

**IMPORTANT:** Although an applicant may apply for permits from other authorities at any time under [Act 250 Rule 19](#), Applicants are strongly encouraged to apply for permits from other authorities (such as the Agency of Natural Resources) before filing an Act 250 application. This timing is encouraged because your land use permit application must include adequate information, in particular, site plans that depict all details of the project necessary to review the project under all Act 250 criteria and sub-criteria, including those criteria for which other permits provide presumptions of compliance with certain elements of the criteria under Act 250 Rule 19. Providing copies of those other permits, or at minimum, filing applications for them in a timely manner, will minimize delays in receiving a decision on your Act 250 application, and might enable the District Commission to consider reviewing your project without a hearing.

#### LOCAL ZONING APPROVAL

Indicate whether you have obtained or applied for all necessary local zoning approvals. If no local permits are needed, choose "None" from the drop-down menu. If you are uncertain, contact the municipality's town office for a determination. Note that many towns prefer you obtain local approval before filing your Act 250 application, so we recommend you contact your local municipal officials.

#### TOPOGRAPHIC MAP, SITE PLANS AND BUILDING ELEVATION DRAWINGS

Most applications must include a basic topographic map that depicts the existing topography on the project site, as well as the property boundaries. The [ANR Atlas online](#) can be used to create this exhibit if you do not have access to other topographic mapping software. A USGS map or a recent aerial photograph provides a good base map for this exhibit. All subdivisions and all new applications must include a topographic map. If your project involves only interior construction or minor alterations to existing construction without enlarging the construction footprint, then a topographic map might not be necessary.

In addition to the basic topographic map, every application for a new project or substantial alteration of an existing project should include a site plan or plans with sufficient detail to show how the project meets the Act 250 criteria. During the application review process, the site plans provide critical information to the District Commission. Therefore, the plans must be accurate, detailed, and legible.

The scale of the site plans should be sufficient to show necessary details without being confusing. Drawings at 20 feet to the inch are best for buildings, septic systems, and road details. 50 or 100 feet to the inch are acceptable scales for subdivisions, as long as 20 scale (1" = 20') plans are drawn for the septic systems, any stream crossings, and areas of extensive cuts and fills. If the use of 20 scale plans results in the need for overlapping sheets, it is helpful to provide a 100 scale (1" = 100') plan showing major features with an index to the various 20 scale plan sheets. For complex projects, separate sheets should be used to show various details such as grading, landscaping, erosion controls, and the like.



In general, the site plans should include the following details:

- (a) **Topography:** The existing topography of the site should be shown and the proposed changes in grading should be superimposed upon it, as well as all proposed construction. Contour lines on site plans should use an interval of two feet, except for large tracts of land, where a five-foot contour interval is acceptable. It is helpful to label the contour lines using elevations above sea level. For subdivisions, the proposed grading for site work, roads, and other common features is required.
- (b) **Property Lines:** The property boundaries of the involved tract(s) of land should be included on the site plans or shown on a separate survey plan. Note that a formal survey is not required, although the boundary lines should be accurately shown. Please note the names of all adjoining property owners on all adjoining parcels. If easements or rights of way over adjacent lands are involved, these elements should be depicted on the site plan as well. Proposed lot lines and easements for subdivisions should be shown, and each lot numbered.
- (c) **Existing Features:** Existing natural and human-made features on the project site should be shown, including intermittent streams, ponds, rivers, wetlands, tree lines, buildings (existing, proposed, and those to be removed) driveways, parking areas, roads, power lines, stone walls, fences, and the like.
- (d) **Proposed Improvements:** New site features should be shown on the site plan as you would like them approved. They should be drawn accurately since any permit issued will require compliance with the site plan. Details should include:
  - (i) **Buildings:** The footprint of proposed structures should be shown with the finished floor elevation shown. For subdivisions where homes will be built by persons unaffiliated with the Permittee (see [10 V.S.A. § 6001\(14\)](#)), footprints are not necessary. However, building envelopes (i.e., the area in which dwellings and accessory structures would be constructed by future lot owners) must be clearly delineated on site plans to ensure that any important environmental, scenic, or cultural resources on the lots are protected.
  - (ii) **Roads and Driveways:** Proposed roadways, drives, and parking areas must be depicted on the site plan. For roadways, delineate the right-of-way, the amount of clearing required, the size and location of culverts, swales, drainage ditches, etc. If a drive exceeds five percent grade (one-foot vertical per twenty feet horizontal), you should prepare a road profile and typical cross-sections depicting the amounts of cuts and fills along the centerline of the road and the final grade of the road. Profiles and cross-sections for roads with lesser grades may be required if extensive earth moving is necessary.
  - (iii) **Limits of Disturbance:** Clearly indicate the limits of all earth and vegetation disturbance that will occur during construction.
  - (iv) **Landscaping:** Proposed plantings and other improvements, such as fences and walkways, should be included. Include a key to the plants with the species and initial size provided. The height and caliper of young trees should be specified to ensure that they are healthy.
  - (v) **Signs, Lights, Utilities:** Functional improvements such as signs, lights, gas tanks, power lines, and the like should be shown. A separate detail drawing of any business sign showing sign dimensions and type of lighting is recommended. Likewise, details of all proposed exterior lighting fixtures, including the height, type of element (fluorescent, LED, etc.), the wattage, shape, and type of shielding should be provided.
  - (vi) **Sewage Disposal Systems:** Details of the proposed sewage disposal system(s) should be shown on the site plan as required under the Wastewater System and Potable Water Supply

Rules administered by the ANR Drinking Water and Groundwater Protection Division (<http://dec.vermont.gov/water/laws>).

- (vii) **Water Supplies:** Details of the proposed water supply should be shown on the site plan, as required under the Wastewater System and Potable Water Supply Rules administered by the ANR Drinking Water and Groundwater Protection Division (<http://dec.vermont.gov/water/laws>). Be certain to include all applicable isolation distances.
- (viii) **Mitigation Measures:** If mitigation measures are required to satisfy a particular criterion (e.g., undisturbed buffer along a stream, primary agricultural soil preservation, erosion controls), please clearly delineate or depict those measures on the site plan.
- (e) **Cross-Sections of Site:** If the project site is located in a scenic area or if the project is unusually large or located on a prominent rise, a cross-section drawing of the site and building(s) could be necessary to understand the scale and visibility of the project.
- (f) **Building Elevation Drawings:** Drawings of the façades of any buildings should be included, except for homes in subdivisions where the homes will be constructed later by persons unaffiliated with the Permittee (see [10 V.S.A. § 6001\(14\)](#)). The drawings should provide an accurate representation of the final exterior appearance of the building.
- (g) **Other Details:** Any other site details necessary to show compliance with the criteria should be included with the site plan (e.g., details of underground fuel tanks, traffic signal details).
- (h) **Date:** Please provide the date that each plan was originally drawn, and the date(s) of any revisions made, so that the correct plans can be referenced in a permit.

## SCHEDULE A: FEE INFORMATION

Most applications must be accompanied by a fee payable to the "State of Vermont." Schedule A calculates the fee based on the applicant and the type of project. Applications for Downtown Findings and municipal and state agency projects are exempt from fees but must still report construction costs in this section. Nonprofit organizations are not exempt from fees.

In Schedule A, enter values that represent an accurate estimate of the construction costs per the itemized fields in this section. If the application is for a new project or the next phase of an existing project, the minimum fee is \$187.50. If the application is for an amendment to an existing project, the minimum fee is \$62.50. An applicant may petition the Commission to waive an application fee in the event that a project or project impacts have previously been reviewed. See [10 V.S.A § 6083a](#); contact your Coordinator with any questions about statutory provisions for fee waivers.

**Note: After project construction is complete, you are required to file a Certification of Actual Construction Costs (CACC) form. See [Certification of Actual Construction Costs](#).**

### PARTIAL AND FULL FINDINGS APPLICATIONS

For application submissions seeking **only** partial or full findings (not a permit to construct anything), please be sure to enter zeroes for all the fields in the Schedule A form so that the minimum/maximum fees are correctly assessed (\$62.50 for amendments or \$187.50 for a new project or the next phase of an existing project).

### MASTER PLANS

Master Plan applications are typically used to review larger projects where development occurs in phases over a period of time. To discuss whether your project might be a good candidate for a Master Plan review, contact your Coordinator.

RESIDENTIAL DEVELOPMENT IN A VERMONT NEIGHBORHOOD OR NEIGHBORHOOD DEVELOPMENT AREA

**Residential** developments located entirely within a Vermont Neighborhood Development Area designated pursuant to 24 VSA § 2793e can qualify for a 50% fee reduction. To determine whether your project qualifies for this fee reduction, check the [Vermont Planning Atlas](#) and contact your Coordinator for guidance.

NUMBER OF LOTS

Enter the number of separate lots that this application proposes to create, including any condominium “footprint lots,” if applicable. For example, if you are dividing an existing lot into two parcels, enter “2” in the “number of lots” field. See our [Lot Counting Guidance](#) for more information.

EARTH EXTRACTION

Please enter the number of cubic yards of earth resources (stone, sand, gravel, etc.) that will be extracted from the project tract over the life of the permit.

ESTIMATED CONSTRUCTION COSTS

For applications that involve residential subdivisions, do not include the construction costs associated with constructing houses on each lot if those houses will be constructed in the future by persons unaffiliated with the Permittee (see [10 V.S.A. § 6001\(14\)](#)). You should include the cost of constructing any single or multi-family dwellings that you intend to construct on any of the lots. Include the cost of constructing the common utilities which serve the subdivision, such as roads, sewer lines, and water lines.

**Buildings**

Estimate building costs by providing building square footage and construction cost per square foot. Include costs for equipment integral to the building.

**Site Preparation**

Include the costs of clearing and grading the land, including any demolition or excavation required.

**Roads and Parking**

Include the costs of fill, gravel, paving, labor, etc.

**Utilities**

Include the costs to install gas, oil, electrical, water, and sewer services.

**Off-site Improvements**

Include the costs of any construction associated with the development necessary for the success of the project, such as upgrades to sidewalks, town roads, intersections, or other mitigation measures.

**Landscaping**

Include the costs of plantings, hardscape, stormwater infrastructure, other materials, and labor.

**Other**

Include any other estimated costs not covered by the fields above.

**SCHEDULE B: ACT 250 QUESTIONS TO SATISFY THE 10 CRITERIA**

You must provide narrative responses and evidence to document how the project will satisfy each Act 250 criterion and sub-criterion. Your responses to the questions in Schedule B provide critical evidence for the Commission to rely upon when reviewing the application, and great care should be taken in providing them.

Your narrative written responses must detail how the project conforms with each of the 32 criteria and sub-criteria of [10 VSA § 6086](#). Schedule B requests the specific information necessary to address the criteria and provides suggestions as to the appropriate evidence.

The applicant has the burden of providing sufficient evidence to address all of the criteria, even if there are no opposing parties (this is sometimes referred to as the “burden of production”). If the Coordinator does not find sufficient evidence in your application for the Commission to review your application, the Coordinator may send you a letter requesting that you submit additional information. If a public hearing is held and the Commission does not find the evidence sufficient, the Commission may send you a hearing recess order requesting that you submit additional information. Either scenario will delay your project. To avoid these potential delays, you are strongly encouraged to provide thorough and clear responses to all application questions.

As you address each section of the Schedule B, please detail project compliance with each criterion as follows:

- Provide a direct answer to each question that is supported by the site plan or other evidence (e.g., a letter, manufacturer's specifications, etc.).
- If your application is for a Master Plan, provide a separate narrative response under each application question for both (a) the phase currently proposed for construction and (b) future phases of the project.
- Provide an exhibit that contains a longer technical explanation from an expert (engineer, architect, geologist, or the like) that can be evaluated by the Commission, state agencies, or other parties. Reference the exhibit in your narrative response.
- Provide evidence of state agency or municipal approval, such as an approval letter or an issued permit. Include this document as an exhibit and reference the exhibit in your narrative response.

**Note: Certain state agency and municipal water authority permits create presumptions of compliance with elements of certain Act 250 criteria (see [Act 250 Rule 19](#)).**

The applicant should be prepared to back up provided materials with testimony at a hearing if one is held. Other parties and the Commission may also question the applicant or other parties about letters of support and technical documents.

A brief description of the statutory language found in [10 VSA § 6086](#) is included at the beginning of each section in Schedule B. Additional guidance is provided below. The complete statutory language is available for your review online. Appendix 2 provides a list of links to online resources with important information for preparing your application. If you have any questions about how to address the criteria, please contact your Coordinator.

#### CRITERION 1 – AIR POLLUTION

Every project should be designed to minimize air pollutants to levels that will not threaten public health or create an unreasonable nuisance for nearby residents. Some areas of concern include:

- industrial/manufacturing emissions, such as paint fumes, sawdust, chemical vapors, and fly ash;
- vehicle exhaust at congested intersections;
- excessive dust or smoke during construction or operation;
- odors;
- processing or storage of radioactive materials; and
- noise during construction or operations, to the extent that it may have an adverse effect on health.

The precise standards for these various air pollutants may vary from case to case, and applicants should contact the Coordinator or the [ANR Air Quality and Climate Division](#) if they are not certain what acceptable standards might be. If the project will generate significant or prolonged noise, applicants should consider submitting a noise study prepared by a qualified noise consultant. In addition, all necessary air pollution permits must be obtained. These permits can be used to create rebuttable presumptions of compliance under [Act 250 Rule 19](#).

Some levels of air pollutants such as noise and dust may not have the potential to cause health hazards but may be a significant nuisance for neighbors. Applicants are encouraged to try to reduce these nuisances and to communicate with area residents in advance of application submission. Air pollutants, including the nuisance impacts of noise, may also be considered under Criterion 8 (Aesthetics).

#### CRITERION 1(A) – HEADWATERS

Every project must comply with the applicable State water quality regulations. This is particularly true in headwater areas. Criterion 1(A) applies to lands that are not already devoted to intensive development and that meet at least one of the following subcategories:

- headwaters of watersheds characterized by steep slopes and shallow soils;
- drainage areas of 20 square miles or less;
- lands at greater than 1,500 feet in elevation above sea level;
- lands within watersheds of public water supplies designated by the [ANR Drinking Water & Groundwater Protection Division](#); or
- areas supplying significant amounts of recharge waters to aquifers.

Criterion 1(A) is about protecting groundwater and surface water quality. Therefore, the information you provide to address Criteria 1(B), 1(E), 1(G), and 4 should help to inform your response under this criterion. Applicants for projects in headwaters areas should clearly document how the project complies with the Vermont Water Quality Standards (VWQS) and protects wetlands, riparian zones, and surface and groundwater Source Protection Areas (SPAs) through permanent buffering, temporary and permanent pollution control measures, and other strategies. Contact your Coordinator if you need additional guidance.

#### CRITERION 1(B) – WASTE DISPOSAL

In addition to meeting any other applicable regulations regarding waste disposal, every project should be designed to provide treatment or proper disposal of wastes or toxic materials that are generated at the project site. Wastes or materials of typical concern include the following:

- domestic septic wastewater;
- industrial or manufacturing wastewater (including anything discharged into floor drains);
- stormwater from parking lots and other contaminated surfaces;
- fuels, chemicals, pesticides, and the like;
- batteries and other hazardous products; and
- construction debris.

For most of these concerns, permits must be obtained from [ANR](#). If you are not certain what the up-to-date standards are, try the [ANR Permit Navigator](#) online tool or contact the [ANR Community Assistance Specialist](#) before submitting your application. Some ANR permits may be used as presumptions of compliance with elements of certain Act 250 criteria under [Act 250 Rule 19](#).

**IMPORTANT:** Although an applicant may apply for permits from other authorities at any time under [Act 250 Rule 19](#), Applicants are strongly encouraged to apply for permits from other authorities (such as the Agency of Natural Resources) before filing an Act 250 application. This timing is encouraged because your land use permit application must include adequate information, in particular, site plans that depict all details of the project necessary to review the project under all Act 250 criteria and sub-criteria, including those criteria for which other permits provide presumptions of compliance with certain elements of the criteria under Act 250 Rule 19. Providing copies of those other permits, or at minimum, filing applications for them in a timely manner, will minimize delays in receiving a decision on your Act 250 application, and might enable the District Commission to consider reviewing your project without a hearing.

If your project involves more than 5,000 square feet of building construction, renovation, or demolition, complete a Construction Waste Reduction Plan, and include it as an exhibit. For guidance on how to prepare a Construction Waste Reduction Plan, contact [ANR's Waste Management & Prevention Division](#).

#### CRITERION 1(C) – WATER CONSERVATION

Every project that consumes water should be designed to conserve water. This reduces burdens on municipal sewage and water systems, saves energy used to heat water, and protects groundwater reserves during droughts. For domestic plumbing, water-conserving plumbing fixtures are available. For larger commercial water users, applicants should detail how the project will use the "best available technology" for conserving water.

#### CRITERION 1(D) – FLOOD HAZARD AREAS; RIVER CORRIDORS

If a project will impinge on the flood hazard areas of a river or stream, it should be designed to withstand flooding and to avoid causing any significant increase in the flood levels or flood-related erosion. Every effort should be made to locate new development outside of flood hazard areas and river corridors. If flood hazard areas and river corridors cannot be avoided, proposed construction should be reviewed by an engineer or other qualified expert to document that it will not cause peak flood levels or flood-related erosion hazards to increase.

The Secretary of ANR is responsible for determining the location of flood hazard areas and river corridors and can provide information on potential threats posed by stream flooding or instability to public health, safety, and welfare [see [10 VSA § 6001\(6 & 7\)](#) and [§ 6086\(a\)\(1\)\(D\)](#)]. ANR determines the Act 250 flood hazard area and river corridor limit by considering the inundation hazards as delineated by National Flood Insurance Program (NFIP) inundation maps (Flood Insurance Rate Maps, or FIRMs) and fluvial erosion hazards as delineated in river corridor maps. Questions relating to the NFIP maps or ANR river corridor maps should be addressed to the ANR [Regional Floodplain Manager](#). For more guidance on determining flood hazard area and river corridor limits and related regulatory requirements, please review the [ANR Natural Resources Atlas online](#) and ANR's [Flood Hazard Area and River Corridor Protection Procedure](#). Please note that not all NFIP maps are available on the ANR Natural Resources Atlas. If your project is located in Addison, Grand Isle, Franklin, Lamoille, Orleans, Essex, Caledonia, or Orange County, you will need to access the official NFIP map at the [FEMA Flood Map Service Center](#).

Particular care should be taken if a road or bridge is being proposed to cross a Flood Hazard Area or a River Corridor. An engineer or other qualified expert should be consulted to ensure that floodwaters will not be impeded.

#### CRITERION 1(E) – STREAMS

Any project that encroaches on a stream should be designed to maintain the natural condition of the stream by avoiding or minimizing impacts. Impacts are considered to the stream channel itself as well as to the riparian area adjacent to the channel. The definition of a stream includes perennial streams as well as intermittent streams where there is a defined channel and evidence of sediment transport, regardless of whether there is surface water flow throughout the year. Applicants are encouraged to avoid disturbing

any streams (by minimizing crossings, locating buildings away from riparian zones, etc.) and to provide a natural riparian zone (buffer) along all perennial and intermittent streams to provide shade, attenuate floodwaters, filter out sediment and other pollutants, and to provide habitat and food sources for both aquatic and terrestrial organisms. Riparian buffers will also be applied to wetlands that are contiguous with a stream. For guidance on appropriate riparian zone widths, refer to [ANR's Riparian Buffer Guidance](#).

Any proposal to alter a stream channel or cross it with a culvert should be proposed as a last resort, and details of the construction work will be necessary. As a general rule, any construction in a stream channel should be confined to a very short time during which water can be diverted around the construction. Furthermore, any construction within a stream channel should be naturalized with vegetation and rocks to restore the stream's natural values. Under ANR's Stream Alteration Rule, construction of new on-stream ponds is prohibited.

Disturbance of 10 cubic yards or more within the bankfull limits of a perennial stream requires coverage under a Stream Alteration Permit from the [ANR Watershed Management Division](#), Rivers Program. The [ANR Regional Fisheries Biologist at the Vermont Fish & Wildlife \(F&W\) Department](#) can provide critical assistance regarding minimizing impacts on stream habitats and fish populations. Other questions can be answered by your Coordinator.

#### CRITERION 1(F) – SHORELINES

Projects must be designed to avoid or minimize the impact to, and maintain the natural condition of, the shoreline of any river, pond, or lake. A project involves the development or subdivision of a shoreline if one or both of the following applies:

- (a) the project involves construction on, or the use of, the land between the mean high-water mark and the mean low water mark of a lake, pond, reservoir, or river; and/or
- (b) the project, or an element of it, has the potential to adversely affect the four values of shorelines listed below:
  - (i) Retention of the shoreline and the waters in their natural condition;
  - (ii) Continuing access to the waters and their recreational opportunities;
  - (iii) Retention or provision of vegetation to screen the development or subdivision from the waters; and
  - (iv) Vegetative stabilization of the bank to prevent erosion.

Note, projects on lands adjacent to a shoreline—even those that do not involve the physical development of the land between the high and low water marks—may also trigger review under Criterion 1(F) if they may have adverse impacts on the criterion's four sub-criteria (i)–(iv) above.

Shorelines, and the extent to which they encompass lands at some distance from the water's edge may vary. When filling out your application, detail any project activities during construction or in the future that will occur within 250 feet of the shoreline, or be visible from the water body.

Projects must retain the shoreline's natural topography and native vegetation to provide cool water and healthy habitat for fish, birds, plants, and other important species. Direct any questions about retaining the natural condition of the shoreline to the [ANR Regional Fisheries Biologist](#).

In addition, projects along shorelines must provide continued public access to the water. The law does not require a landowner to create a new public access if one does not exist already. It merely prohibits a landowner from restricting an already existing access.

Furthermore, projects must retain existing vegetation or install new vegetation that will screen the development from view from the perspective of anyone using the water body, such as boaters, anglers, and swimmers. To comply with sub-criterion (i), any shoreline vegetation retained or installed for screening should be native to the region of Vermont where the project is located. The [ANR Fisheries Program](#) can provide planting guidance for the revegetation of riparian areas in Vermont.

Finally, applicants must ensure that the banks of the waterbody are well-stabilized with vegetation to protect the shoreline from erosion. Native groundcovers, shrubs, and trees can provide natural stabilization and filter dirty runoff. Contact the [ANR Regional Fisheries Biologist](#) for planting guidance.

#### CRITERION 1(G) – WETLANDS

Any project that encroaches on a wetland considered significant under the [Vermont Wetland Rules](#) should be designed to avoid and minimize project impacts on the wetland and the wetland buffer. Significant wetlands are those determined to be significant by ANR, including, but not limited to, those on the Vermont Significant Wetland Inventory (VSWI) maps, available online on the [ANR Natural Resources Atlas \(aka, the ANR Atlas\)](#). VSWI maps are intended to denote approximate locations and boundaries of some wetlands, but these maps are incomplete and therefore, should not be relied upon to provide precise information regarding the location or configuration of wetlands (see [Vermont Wetland Rules](#), Section 3.2). Additionally, not all wetlands are mapped, and many wetlands not mapped on the VSWI are still considered significant. Only a qualified wetland scientist can determine the absence or presence of a wetland and its boundaries. The boundaries of a wetland can shift over time. Therefore, a professional wetland delineation is valid only for a period of five years.

Wetlands not considered to be significant may still have values protected under other criteria, including 1(E) (streams), 1(F) (shorelines), 4 (soil erosion), 8 (scenic beauty, rare and irreplaceable natural areas), 8(A) (endangered species, necessary wildlife habitat), and 10 (local and regional plans). Direct questions regarding wetlands to the [ANR Wetlands Biologist](#) or your Coordinator.

#### CRITERIA 2 AND 3 – WATER SUPPLIES

Every project that consumes water should be designed to have an adequate supply of water without creating an unreasonable burden on an existing water supply. Typically, applicants demonstrate they will have an adequate water supply by providing information on nearby wells or by providing a commitment letter from a municipal water department.

If the water supply in question is marginal because of low flows or low pressure, mitigation measures should be considered to store water or to upgrade the water main.

If a water system is shared by more than one owner, measures should be considered for the continued maintenance of the water system. In addition, approval may be needed from the [ANR Drinking Water & Groundwater Protection Division](#) if there are more than 10 connections to a water system.

In cases where groundwater supplies are very limited or where many wells are located in one area, a hydrogeologic study of the groundwater situation may be necessary to prove that an adequate water supply exists without interfering with existing wells and springs.

Finally, if an existing community water system, such as a well serving a mobile home park or a condominium complex, is located nearby, the ANR Water Supply Division may have specific concerns for protecting the recharge area for that water supply. Applicants should contact the [Water Supply Division](#) if they have any questions.

#### CRITERION 4 – SOIL EROSION AND DRAINAGE

Every project should be planned in a manner to prevent undue soil erosion during and after construction. This usually requires that measures be implemented to retain soil on the construction site and prevent



sediment from entering any streams or other water bodies or allowing sediment-contaminated runoff to flow onto adjoining property.

The potential for erosion should be evaluated by looking at the soil type, the length and steepness of disturbed slopes, the proximity of site work to drainage ways and streams, property lines, and the length of time during which the soil will be exposed. The greater the risk, the greater the mitigation measures required.

Erosion can usually be controlled by avoiding steep slopes, using silt fences to capture eroded sediment, stabilizing exposed soils during construction with mulch, and establishing vegetation on exposed soils as soon as possible. During winter months, additional measures are needed to protect exposed soils because vegetation cannot establish itself and with frozen ground, drainage is often a problem.

A site-specific erosion control site plan must be submitted showing the location and type of erosion control measures to be used during the construction of all buildings, roadways, utilities, stormwater retention ponds, and other features. This site plan should be accompanied by a written plan detailing when specific erosion controls will be installed, who is responsible for inspecting and maintaining them, and when inspection and maintenance will occur. For more information about the elements of an erosion control plan, see ANR's [Erosion Prevention and Sedimentation Control Plan Checklist](#).

A critical aspect of erosion control is the reliability of the person responsible for implementing the necessary measures. Applicants must be prepared to explain how they intend to ensure that the contractor will implement and monitor these measures.

Recommendations for erosion control measures can be obtained from qualified engineers and from ANR's [Low Risk Site Handbook for Soil Erosion and Sediment Control](#). For guidance on evaluating the level of erosion and sedimentation risk associated with your project, see ANR's [Construction General Stormwater Permit \(Appendix A\)](#). For additional guidance, contact your Coordinator.

In addition to erosion control, every project should be designed to retain stormwater as necessary to prevent dangerous or unhealthy situations from occurring downhill or downstream. Most applicants focus attention on where the drainage flows off the site and how the project will affect peak flows of stormwater. If additional drainage flows or changes in the drainage pattern are likely to be a problem, provisions for retaining stormwater on-site or for obtaining formal drainage easements are recommended.

If stormwater will reach water bodies or municipal storm drains in concentrated flows, a Stormwater Discharge Permit may be needed from the [ANR Watershed Management Division](#), as discussed under Criterion 1(B) above.

#### CRITERION 5 – TRANSPORTATION

Criterion 5 consists of the following two sub-criteria and requires the Commission to find that projects:

(5)(A) will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports and airways, and other means of transportation existing or proposed; and,

(5)(B) as appropriate, will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. In determining appropriateness under this subdivision (B), the Commission shall consider whether such a strategy, access, or connection constitutes a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision.

## CRITERION 5(A)

Every project should be designed to have safe access onto local or state roadways. In addition, projects should not create or contribute to unreasonable congestion on area roadways. To ensure safe access will be provided, applicants should focus on the design of the intersection of any driveways or access roads with the main road. Typical concerns include:

- sight distance along the main road from the driveway or access road;
- approach grades on the driveway or access road (ability to stop in slippery weather);
- traffic controls (stop signs, automated signals, etc.);
- speed limits on the main road;
- turning or stacking lanes on the main road or driveway;
- radii of corners (ability to make turns at reasonable speeds);
- width of driveways or access roads; and
- number of driveways onto the main road.

For driveways and roads onto state highways, and new subdivisions of land that is adjacent to a state highway, the State has established technical standards to address safety concerns, and a permit is required from the [Vermont Agency of Transportation \(VTrans\) Permitting Services Unit](#). For local roads, most towns have standards that are sometimes the same as the state standards. For large projects, a professional traffic planner may be required to design the driveway intersection to ensure that it operates safely.

If the project involves a subdivision roadway, applicants should provide enough evidence to demonstrate that the road can provide reasonable access for emergency vehicles. Most Towns prefer roads with slopes of <10%. Allowable widths may vary depending on the number of users of the road and whether the road will be maintained by the Town. Applicants should contact the Town in advance of submitting the application to resolve any questions about the design of subdivision roads.

Every project should be designed with adequate parking, so vehicles do not have to park in the road. Municipal zoning ordinances frequently have formulas for parking requirements.

For projects that generate significant traffic, applicants must demonstrate that traffic congestion will not be a problem on area roads. If sufficient concern exists, a traffic study might be necessary to document existing conditions and to forecast what peak traffic conditions will be like after the project is constructed. As a general rule, **if a project will generate >75 one-way vehicle trips per peak hour (in or out), a traffic study may be warranted.** In the alternative, applicants can have a traffic planner prepare a traffic assessment indicating whether a full traffic study is necessary. When referring to traffic generation in your application, a “trip” is a single or one-direction vehicle movement with either the origin or the destination inside the project site. The “total trips” over a given period of time is the sum of all trips entering and exiting the project site. For example, every visit to and from a facility equals two (2) “trips.” See VTrans [Traffic Impact Study Guidelines](#) for more details.

If a traffic study is necessary, it should focus on the trip generation rates associated with the project, the predicted “levels of service” (estimates of delay) at nearby intersections, and any mitigation measures that will be implemented to maintain safe and uncongested traffic conditions. Where applicable, traffic studies should also address multi-modal transportation concerns, such as pedestrian and bicycle access and safety and opportunities for project users to access mass transit.

## CRITERION 5(B)

Applicants must also demonstrate the project will, as appropriate, incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. “Transportation demand management” (TDM) can be defined as a broad set of strategies that strive to either reduce or reallocate automobile travel to achieve benefits such as reduced roadway congestion, improved air quality, reduced energy use and greenhouse gas emissions, reduced parking demand, improved public health for those biking or walking, and reduced commuting and travel costs. (VTrans [Transportation Demand Management Guidance](#), February 2016). TDM strategies include ride sharing programs, van pooling, bicycling, walking, park-and-ride lots, car sharing, traffic calming, preferential parking for ride share/carpool/van pool, public transportation vouchers, and staggered shifts (arrival and departure times) to avoid peak hour traffic. The application should explain how these requirements will be met considering the type, scale, and transportation impacts of the proposed development or subdivision. For multi-unit structures containing >10 housing units, long-term, sheltered, secure bicycle storage should be provided. Direct questions about transportation issues under Criterion 5 to your Coordinator, the [VTrans Development Review Services Unit](#), local road commissions or selectboards, regional planning commissions, or professional traffic planners.

**Act 145 of 2014, Transportation Impact Fees (10 VSA § 6101-6111)**

Under Vermont Statutes Title 10 §§ 6101–6111, the Act 250 District Commission and VTrans have the authority to establish Transportation Impact Fees to mitigate the impacts of new development on local and state highways. These impact fees may be established within or outside of a Transportation Improvement District (TID) designated by VTrans. To determine whether Act 145 Transportation Impact Fees apply, visit VTrans’ dedicated [Development Review Services web page](#) for general information on Act 145 and about VTrans’ review under Act 250. The specific Act 145 guidance document is available [here](#). Answers to the questions below will enable the Commission to determine whether your project may be subject to this impact fee requirement.

**Within a TID**

(1) Has VTrans designated a TID in which your project is located? For additional information, contact the [VTrans Policy and Planning & Research Bureau](#).

(a) If **yes**:

- (i) Provide the VTrans per-trip fee for the TID;
- (ii) Provide your project’s peak-hour trip generation using **Trip Generation Manual, 11<sup>th</sup> Addition** (from the Institute of Transportation Engineers);
- (iii) Provide any existing peak-hour traffic allocation that your project may benefit from;
- (iv) Provide the number of peak-hour vehicle trips you anticipate will stop at your project **but** are not created because of your project (“pass by trips”—the vehicle would have already been passing by the project regardless of the development of the project);
- (v) Have you been or will you be paying a municipal impact fee for your project relative to any transportation improvements? If so, explain;
- (vi) Have you been or will you be providing any other traffic mitigation for your project (dedications in land or other traffic improvements)? If so, explain; and
- (vii) Explain any traffic demand management strategies that are part of the project that might qualify for a reduction in the Act 145 fee.

(b) If **no**, proceed to the next section.

**For Local/State Highways with No Designated TID**

(1) Has VTrans or a municipality created a capital plan to address the transportation demands in the general area that your project will benefit from?

**or**

Has VTrans, a municipality, or a private developer recently completed a transportation infrastructure project that your project will benefit from? Visit this [VTrans site](#) for an online map that identifies transportation infrastructure projects where Act 145 fees have been established and other project locations that are eligible for Act 145 fees. If any transportation infrastructure projects for which Act 145 fees have been established or estimated are located within several miles of your proposed project, proceed to question 2.

(2) If you answered **yes** to either question in 1, review the [Act 145 Transportation Impact Fee Guidance](#) and:

- (a) Provide your project's peak-hour trip generation using **Trip Generation Manual, 11th Addition** (from the Institute of Transportation Engineers);
- (b) Provide any existing peak-hour traffic allocation (from a prior permit proceeding) that your project might benefit from;
- (c) Provide the number of peak-hour vehicle trips that you anticipate will stop at your project **but** that are not created because of your project ("pass by trips"—the vehicle would have already been passing by the project regardless of the development of the project);
- (d) Have you been or will you be paying a municipal impact fee for your project relative to any transportation improvements? If so, explain what the municipal fee will be directed toward;
- (e) Have you been or will you be providing any other traffic mitigation for your project (dedications in land or other traffic improvements)? If so, explain; and
- (f) Explain any traffic demand management strategies that are part of the project that might qualify for a reduction in the Act 145 fee.

Contact your Coordinator for more information.

**CRITERION 6 – EDUCATIONAL SERVICES**

If a project will have an impact on area schools, the applicant must demonstrate that the project will not create an unreasonable burden on the municipality's ability to provide educational services. [Title 16 of Vermont Statutes](#) provides each town with a block grant from the State Education Fund for the operating expense of educating each student in the school system. Therefore, the operating expenses of educating the additional students resulting from the project are generally not considered to be a burden on the municipality's ability to provide educational services. However, if the new students cause the need for an addition to the school or other capital improvements, applicants will need to address the potential financial burden to the municipality that this might cause.

Applicants should indicate how many new students will likely reside at the project and what schools they may attend. Published statistics for numbers of children per household in the project's area may be available, or you might want to review comparable projects that already exist in the area. Most applicants also assume equal age distribution. Once this information is collected, applicants should upload either 1) a letter from the School District concerning its capacity to provide educational services to the additional students that this project will generate; or 2) a copy of the [School Impact Questionnaire](#) as an Exhibit to the GlobalScape site. If the School District has legitimate concerns, applicants should consider various mitigation measures as may be appropriate, such as impact fees, construction phasing, and the like.

When a project will introduce many new employees to an area, Commissions may examine the ability of the area Towns to provide school services to the employees' children. In these cases, contact your Coordinator for further guidance.

#### CRITERION 7 – MUNICIPAL SERVICES

Most projects require services from the municipality, and applicants need to demonstrate that the project will not place an unreasonable burden on those services. Areas of concern usually include the following:

- fire and police protection;
- solid waste disposal (landfill, transfer station, etc.);
- sewage treatment;
- water supply;
- rescue service (volunteer or paid professional); and
- road maintenance.

Applicants need to indicate what services they will need and why their project will not place an unreasonable burden on those services. In general, if the project demands services in no greater quantity than similar projects that already exist, then little problem is likely. If, on the other hand, the project creates disproportionate burdens on one of these municipal services, some sort of mitigation might be appropriate. Applicants should contact the municipality early in the process to determine whether concerns exist.

Applicants should use the companion Act 250 Application form called [Municipal Impact Questionnaire](#) to make their case. Once this form is fully completed and signed by the appropriate municipal official, it should be uploaded as an Exhibit to the GlobalScape site. If there is no possibility whatsoever that your project might impact municipal services in the future, then your district coordinator may waive the submission of this form at their discretion.

**Note: If a municipality does not already provide a service, focus on whether the municipality will have to adopt the service as a result of the project or whether an adjacent municipality will need to provide the service while receiving no tax revenues or fees.**

Direct questions about municipal services to the Town or City in question.

#### CRITERION 8 – SCENIC BEAUTY, AESTHETICS, HISTORIC SITES, AND NATURAL AREAS

##### **Scenic Beauty and Aesthetics**

Every project should be designed to be consistent with the visual character of the area, and not have an undue adverse impact on the aesthetics of the area. If a project is out of context with the scenic qualities or character of the area, it may be considered to have an adverse impact. The type of visual aesthetic concerns to watch for include:

- compatibility with nearby land uses (commercial, residential, retail, agricultural, etc.);
- proximity to prominent visual features (ridgelines, wetlands, open meadows, scenic overlooks, historic buildings, shorelines, etc.);
- frequency and duration of public view;
- compatibility with nearby architectural styles and colors;
- consistency with area building density; and,

- visibility from nearby residences.

Additional aesthetic concerns to watch for include:

- noise and
- odor.

An adverse impact is considered undue if the project violates a clearly written community standard regarding aesthetics, if it is visually shocking or offensive to the average person, or if the applicant does not use reasonably available mitigation measures to reduce the visual impact. Of these three factors, considerable attention is often focused on what mitigation measures will be used. Typical mitigation measures include:

- relocating buildings and driveways;
- modifying building size, materials, and color;
- adding landscaping and preserving existing vegetation;
- limiting the size and number of signs;
- limiting the number and brightness of lighting fixtures;
- screening parking and utilities from public view;
- screening the project from view from neighboring residences;
- screening elements of the project to minimize noise impacts; and
- limiting hours of operation.

For highly visible projects, or for those that might be inherently unsightly, applicants might wish to consult with a professional architect, landscape architect, or site planner. If the project will generate significant or prolonged noise, applicants should consider submitting a noise study prepared by a qualified noise consultant.

### **Historic Sites**

In addition to scenic qualities, projects must respect existing historic sites. Historic sites may include buildings, structures, districts, or archeological sites listed on, or eligible for, the State or National Registers of Historic Places. The [Vermont Division for Historic Preservation \(DHP\) at the Agency of Commerce and Community Development \(ACCD\)](#) evaluates all applications involving impacts to historic sites according to the Vermont Historic Preservation Act Rules. For more information about DHP's review process and a link to the Rules, see the [Division's dedicated web page for Act 250 - Criterion 8](#) or contact the Division directly. Applicants are strongly encouraged to contact DHP for assistance in advance of applying to avoid project delays.

In general, a building or structure may be listed on, or eligible for, the Historic Registers if it is at least 50 years old. A Historic District may include a group of buildings that is at least 50 years old. For example, part or all of an older village center may be considered a Historic District.

Archeological sites might include prehistoric Native American sites or the remains of 18th- and 19th-Century occupation, including, but not limited to, cellar holes and ruins. Unlike other types of historic sites that are readily visible on the landscape, a prehistoric Native American site or area of high prehistoric archeological sensitivity might not be immediately apparent to the layperson. Using information about the

project area and the applicant's project description, DHP can provide applicants or the Commissions with a determination of archeological sensitivity and the potential for project impacts to archeological sites.

**IMPORTANT:** The applicant is responsible for providing sufficient information for the Commission to make affirmative findings under this criterion. The applicant must provide evidence demonstrating whether the project tract is eligible for listing on the State or National Registers of Historic Places. [Contact the [State Architectural Historian \(State and National Registers of Historic Places\)](#) for information about the Historic Registers.] If the project tract is not on one of the Historic Registers, the DHP, acting on behalf of the Vermont Advisory Council for Historic Preservation, may seek to establish by testimony to the Commission that the site is “historically significant.” This is a threshold determination the Commission must make before reviewing any potential impacts to historic sites created by the proposed project. More information about the applicant’s responsibility and the burden of proof under this criterion is available in the [District Commission Training Manual, Chapter 18 - Criterion 8 \(Historic Sites - Archeology\)](#) or by contacting your Coordinator.

### Natural Areas

Finally, in addition to scenic qualities and historic sites, applicants must avoid and protect rare and irreplaceable natural areas. The [F&W Wildlife Diversity Program](#) maintains an inventory of mapped significant natural communities that can be viewed on the [ANR Atlas](#). However, additional rare and irreplaceable natural areas exist statewide that have not yet been mapped. Therefore, applicants should detail any significant natural communities, concentrations of rare, threatened, or endangered species, or other rare natural features on or within a ½ mile radius of the project tract as documented on the [ANR Atlas](#) or as discovered through other sources. If such features exist, applicants should describe any impacts that the project might have on these features and what measures will be taken to avoid or mitigate any undue adverse impacts. Applicants are encouraged to contact F&W staff early in the project planning process to incorporate protections of sensitive natural communities into the project design.

### CRITERION 8(A) – ENDANGERED SPECIES AND NECESSARY WILDLIFE HABITAT

All projects should be designed to avoid impacts to necessary wildlife habitat, threatened and endangered species, and any designated endangered species habitats. Necessary wildlife habitat is defined as concentrated habitat that is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life, including breeding and migratory periods. Necessary wildlife habitat need only be decisive to the survival of the wildlife using that habitat, not to the survival of the entire species. Applicants should search the [ANR Atlas online for documented habitat features and rare, threatened, and endangered species](#). Note that not all sites for these resources have been mapped; but if such features or species have been documented within ½ mile of the project site, then that could be an indication that the habitat or species extends onto the project site. [F&W’s Wildlife Division and/or Fisheries Division](#) can identify critical wildlife habitat and endangered species habitat on a site-specific basis. A field review might be necessary. Typical habitats identified by F&W or other state agencies include, but are not limited to the following:

- deer wintering areas, which include, among other characteristics, dense evergreen tree cover and steep southern-facing woodlands;
- bear feeding areas, which include, among other characteristics, remote stands of beech trees and remote wetlands above 1,500 feet in elevation;
- salmonid spawning areas, found in streams and rivers with gravel bottoms; and
- small mammal, reptile, amphibian, and bird feeding and breeding areas.

Projects should not destroy or significantly imperil such habitat. Even if the project tract itself does not contain necessary wildlife habitat, the project should not disrupt wildlife use of habitat that is located off of the project site. Applicants should describe any impacts that the project might have on such habitats or species, and what measures will be taken to avoid or mitigate any undue adverse impacts. If a project cannot be designed to avoid the destruction or significant imperilment of necessary wildlife habitat or an endangered species, then the applicant must justify the necessity for the project by providing evidence to demonstrate compliance with one or more of the following three statements:

- the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will outweigh the economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species; or
- all feasible and reasonable means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have been or will continue to be applied; or
- a reasonably acceptable alternative site is not owned or controlled by the applicant which would allow the development or subdivision to fulfill its intended purpose.

F&W maintains a [web page](#) with contact information pertinent to their role in reviewing Act 250 proposals and other regulatory reviews.

#### CRITERION 9(A) – IMPACT OF GROWTH

Applicants must demonstrate that the project will not significantly impact the municipality's ability to provide services to its residents. For instance, if a project adds significantly to the population of a town, the town's budget may become so strained that it will have difficulty providing services to its residents. Similarly, if a large retail project causes other retail establishments to fail, the subsequent loss of property tax revenues may also affect the town's ability to provide services. In this latter example, the emphasis is not on the loss of existing retail stores themselves; rather, it is on the impact that this loss might cause to the Town's financial health and its ability to serve its residents.

For residential projects, applicants should indicate how many additional people could live in the project, what portion of that population might be seasonal, and what percentage of the total population of the municipality these additional people represent. For commercial or recreational projects, applicants should provide information regarding anticipated employment growth, growth in personal income, retail sales growth, or growth in tourism.

For all projects, applicants should provide an estimate of the tax revenues the project will generate. This includes property tax revenues paid to the municipality as well as income tax, sales, and rooms and meals taxes paid to the State, if appropriate.

If the project is anticipated to result in a significant amount of growth in relation to historic growth rates for the town and region, applicants will be required to provide a fiscal impact analysis. Contact your Coordinator prior to preparing such an analysis.

For more guidance under this criterion, see [Re: St. Albans Group and Wal\\*Mart Stores, Inc., #6F0471-EB, Findings of Fact, Conclusions of Law, and Order \(Altered\) \(June 27, 1995\)](#).

#### CRITERION 9(B) – PRIMARY AGRICULTURAL SOILS

##### **Definition of Primary Agricultural Soils (10 VSA § 6001(15)):**

“Primary agricultural soils” means each of the following:

- (A) [It is an] important farmland soils map unit that the Natural Resources Conservation Service (NRCS) of the US Department of Agriculture has identified and determined to have a rating of



prime, statewide, or local importance, unless the Commission determines the soils within the unit have lost their agricultural potential.

In determining that soils within an important farmland soils map unit have lost their agricultural potential, the Commission shall consider:

- (i) impacts to the soils relevant to the agricultural potential of the soil from previously constructed improvements;
  - (ii) the presence on the soils of a Class I or Class II wetland under Chapter 37 of this title;
  - (iii) the existence of topographic or physical barriers that reduce the accessibility of the rated soils so as to cause their isolation and that cannot reasonably be overcome; and
  - (iv) other factors relevant to the agricultural potential of the soils, on a site-specific basis, as found by the Commission after considering the recommendation, if any, of the Secretary of the Vermont Agency of Agriculture, Food & Markets.
- (B) Soils on the project tract that the District Commission finds to be of agricultural importance, due to their present or recent use for agricultural activities and that have not been identified by the NRCS as important farmland soil map units [[10 VSA § 6001\(15\)](#)].

**Note: If your project does not involve earth disturbance or subdivision of land, you are not required to provide information under this criterion. Contact your Coordinator if you have questions about addressing this criterion.**

#### **Classification of Primary Agricultural Soils**

For information about the classification and identification of primary agricultural soils in Vermont, see NRCS publication [Farmland Classification Systems for Vermont Soils](#).

#### **Soil Maps**

The NRCS Web Soil Survey is an online soil mapping tool that covers most of Vermont (some areas of the Northeast Kingdom are excluded). This tool displays a soils map for any parcel of land defined by the user and then calculates the number of acres of each soil type. The tool will also calculate the number of acres of primary agricultural soils for any parcel. For a link to the Web Soil Survey (instructions and brochure) and specific instructions on how to use it to determine soil types and acreages, visit the [NRB website](#). A direct link to the NRCS Web Soil Survey is available [here](#).

The [ANR Atlas](#) is also an online mapping tool that provides information about the location of important natural resources in Vermont, including primary agricultural soils (The soil layers can be found in “Atlas Layers” under the “Geology” heading).

#### **Required Information**

If the project involves any soil disturbance or subdivision of land, provide a summary of the soils on the entire project parcel in a matrix format showing the following (a sample matrix with these details is provided below):

- the number of acres of each type of soil on the parcel (use soil type abbreviations and soil name); and
- the Agricultural Value Group (1–11) for each soil listed.

If any of the soils listed on the matrix have been identified as have a rating of prime, statewide, or local importance by the NRCS, display the following information on a single site plan:

- the boundaries of the entire parcel;

- the location of all soils, by soil type, on the parcel;
- any existing improvements on the property (existing buildings, roads, parking, etc.);
- proposed development impacts, including any proposed lot lines, all building footprints, buffer zones, utilities, leach fields, pipelines, access roads, and parking. The development impact area should be clearly delineated on the site plan so the Commission can see how you calculated the impact of the project on primary agricultural soils. Please also note that even though some primary agricultural soils may not be physically disturbed by the project, they may need to be included in the calculation of “impacted” soils if they will be fragmented or isolated by the development and thus, unable to contribute to an economic agricultural operation; and
- the name, location, and type of neighboring agricultural operations, including leased farmland.

Provide a summary of the impacts to primary agricultural soils in a second matrix (sample matrix below) detailing the following:

- the number of acres of each type of primary agricultural soil (use soil type abbreviations) on the tract or tracts of land, including the Agricultural Value Group (1–11) for each soil listed;
- the number of acres of primary agricultural soils already impacted by existing development on the project tract or tracts (if any); and
- the number of acres of each type of prime, statewide, or locally important soils to be directly or indirectly impacted by the project.

**Example Act 250 Criterion 9(B) Soils Matrix**

Project Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Summary of Project Soils\***

Soil Key	Soil Description	Agricultural Value Group	Area (acres)
<b>FaE</b>	Farmington extremely rock loam	11	19.6
<b>HnC</b>	Hinesburg fine sandy load	7	1.4
<b>MyB</b>	Munson and Raynham silt loam	4	15.3
<b>Lh</b>	Livingston clay	6	3.9
<b>Wo</b>	Winooski very find sandy loam	1	10.2

\*Obtained from the NRCS Web Soil Survey.

**Summary of Impacts to Primary Agricultural Soils**

Soil Key	Soil Description	Agricultural Value Group	Total Area (acres)	Existing Impacts (acres)	Proposed Direct & Indirect Impact (acres)
<b>HnC</b>	Hinesburg fine sandy loam	7	1.4	0	0
<b>MyB</b>	Munson and Raynham silt loam	4	15.3	0.9	4
<b>Lh</b>	Livingston clay	6	3.9	0	0
<b>Wo</b>	Winooski very fine sandy loam	1	10.2	0	4
<b>Total</b>			<b>30.8</b>	<b>0.9</b>	<b>8</b>

Primary agricultural soils, as defined by Act 250, occur in value groups 1 through 7.

If you believe that any of the soils listed in the matrix do not meet the definition of primary agricultural soils [defined in [10 VSA § 6001\(15\)](#)], you are required to list the soils and explain why they do not meet the definition.

Please provide all of the information above and a location map to the [VAAFMs Act 250 Coordinator](#), so he/she can issue a soil review letter, which you will need to upload as an exhibit to the NRB's GlobalScape FTP site as an Exhibit (more details on the letter [below](#)).

#### CRITERION 9(B)'S FOUR SUB-CRITERIA

When a project results in the reduction of the agricultural potential of **any** primary agricultural soils on the project tract, applicants must generally demonstrate compliance with sub-criteria (i)–(iv) of Criterion 9(B). Compliance with specific sub-criteria depends on whether the project tract is located **within or outside of certain State-designated areas** where the State seeks to encourage development, subject to the mitigation flexibility of [10 VSA § 6093](#). These specific areas are designed to encourage development near Vermont's historic downtowns and designated growth centers pursuant to [24 VSA § 2793c](#). For assistance determining whether your project tract is located within or outside of a designated area, please contact your town office or consult the Vermont Department of Housing and Community Development (DHCD)'s [Planning Atlas](#) online. Projects located within a designated area must comply with only sub-criteria (i) and (iv). Projects located outside of a designated area must comply with all four sub-criteria subject to any exercise of mitigation flexibility by the Commission in accordance with [10 VSA § 6093\(a\)\(3\)](#).

- (i) For all projects, applicants must demonstrate that the project will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; and
- (ii) for projects located outside of a designated area, the applicant must demonstrate that there are no lands other than primary agricultural soils owned or controlled by the applicant that are reasonably suited to the purpose of the project; and
- (iii) for projects located outside of a designated area, the applicant must demonstrate the project has been planned to minimize the reduction of agricultural potential of the primary agricultural soils through innovative land use design resulting in compact development patterns, so that the remaining primary agricultural soils on the project tract are capable of supporting or contributing to an economic or commercial agricultural operation; and
- (iv) for all projects, the applicant must provide "suitable mitigation" for any reduction in the agricultural potential of the primary agricultural soils caused by the project.

#### Suitable Mitigation

For projects located **within** a State-designated Downtown Development District, a Growth Center, a New Town Center designated on or before January 1, 2014, or a Neighborhood Development Area associated with a designated Downtown Development District, suitable mitigation can take the form of an **off-site mitigation fee** paid to the Vermont Housing and Conservation Board (VHCB), based on the number of acres of primary agricultural soils impacted by the project, multiplied by a statutory factor based on the quality of the soil, multiplied by the recent per-acre cost of purchasing conservation easements on primary agricultural soils within the same geographic area. Statutory language concerning mitigation for the conversion of primary agricultural soils is found in [10 VSA § 6093](#). See [VAAFMs website](#) for more details on implementation.

For projects located **outside of** a Downtown Development District, a Growth Center, a New Town Center designated on or before January 1, 2014, or a Neighborhood Development Area associated with a designated Downtown Development District, in most instances, applicants are required to provide **on-site mitigation** by using innovative land use design, resulting in compact development patterns that will preserve primary agricultural soils on the project tract for present or future agricultural use. The remaining soils must be capable of supporting or contributing to an economic or commercial agricultural operation.

The Commission has the flexibility to approve alternate mitigation proposals in “appropriate circumstances.” See [10 VSA § 6093](#) for a more complete description of mitigation requirements. You should also contact the [VAAFMs Act 250 Coordinator](#) to discuss mitigation for your project.

### Soil Review Letter

Whether you are required to provide off-site mitigation in the form of a fee or on-site mitigation by preserving soils on the project tract, you will need to contact the [VAAFMs Act 250 Coordinator](#) for a soil review letter. Submit the soil review letter to the Commission as evidence regarding the existence of primary agricultural soils; if the project is located outside of a designated area, the letter should indicate whether the proposed mitigation complies with the required mitigation ratios of [10 VSA § 6093](#). The Commission will decide all issues relating to the suitability of proposed mitigation (either on- or off-site), which is primarily dependent on the location of the project. The Commission will also determine whether mitigation flexibility is appropriate pursuant to [10 VSA § 6093\(a\)\(3\)](#).

**Note: It is the applicant’s responsibility to keep [VAAFMs](#) informed about the project, including any changes in the design of the project, the classification of soils, or proposed soils mitigation.**

### CRITERION 9(C) – PRODUCTIVE FOREST SOILS

“Productive forest soils” [see [10 VSA § 6001\(8\)](#)] means:

“...those soils that are not primary agricultural soils but that have a reasonable potential for commercial forestry and that have not been developed. In order to qualify as productive forest soils, the land containing such soils shall be of a size and location, relative to adjoining land uses, natural condition, and ownership patterns, so that those soils will be capable of supporting or contributing to a commercial forestry operation. Land use on those soils may include commercial timber harvesting and specialized forest uses, such as maple sugar or Christmas tree production.”

As with primary agricultural soils, the general rule is to avoid developing productive forest soils if possible. Questions about how to minimize project impacts on forest soils are best addressed by a Vermont Forests, Parks and Recreation [County Forester](#) for the project area or by a consulting forester. Your Coordinator can also provide further assistance as needed.

### CRITERION 9(C)’S THREE SUB-CRITERIA

When a project results in the loss of **any** productive forest soils on the project tract, applicants must demonstrate compliance with sub-criteria (i)–(iii) of Criterion 9(C). Compliance with these sub-criteria depends on whether the project tract is located within or outside of a designated “growth center” as defined by [24 VSA § 2793c](#). For assistance determining whether your project tract is located within or outside a designated growth center, consult DHCD’s [Planning Atlas](#) online. Projects located **within** a designated growth center must comply with only sub-criterion (i). Projects located **outside** a designated growth center must comply with sub-criteria (i)–(iii). The three sub-criteria are:

- (i) The development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agriculture or forestry potential; and
- (ii) except in the case of an application for a project located in a designated growth center, there are no lands other than productive forest soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; and
- (iii) except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of the potential of those productive forest soils through innovative land use design resulting in compact development

patterns, so that the remaining forest soils on the project tract may contribute to a commercial forestry operation. [\[10 VSA § 6086\(a\)9\(C\)\]](#)

CRITERION 9(D) – PROTECTION OF EARTH RESOURCES

Similar to primary agricultural soils and productive forest soils, all projects with high potential for extraction of mineral or earth resources should be designed to retain the potential for future extraction or processing of those earth resources. To identify where potential reserves of earth resources may be located, check local and regional planning maps, hire a consulting geologist, or consult the geology layers of the [ANR Atlas](#).

If a valuable earth resource is located at a project site, it should be determined whether the resource could reasonably be extracted given its quantity, depth, and environmental limitations. If the resource could be extracted in the future, the project should be designed to protect access to the resource for future extraction.

Questions about this criterion should be addressed to your Coordinator, local or regional planners, or the [Vermont Geological Survey](#).

CRITERION 9(E) – EXTRACTION OF EARTH RESOURCES

If the project involves the extraction of earth materials, such as topsoil, sand, gravel, crushed rock, marble, slate, granite, or other stone, the extraction process should be designed to minimize impacts on neighboring land uses and the environment, and a suitable reclamation plan must be prepared.

Impacts on neighboring land uses most often include noise, dust, water supplies, and traffic. Applicants should contact area residents during the planning of their project and prior to submitting a land use permit application, to explore mitigation measures that might be acceptable. Many applicants limit the hours of operation and use earthen berms or wooded buffers to reduce noise. Dust can be controlled by various means, including water spray, truck covers, and the like. Water supplies can be protected by limitations on blasting depth and preservation of drainage patterns.

Reclamation plans for projects must specify the maximum extent of excavation, depict final topographic contours, provide specifications for topsoil stockpiling and replacement in a progressive manner, and parameters for revegetating exposed soils. In many cases, applicants must provide financial surety that reclamation will occur, either through bonding or through regular contributions to a growing escrow account as the operation progresses.

Provide a written blasting plan for any project that involves blasting. The blasting plan should detail how the applicant will ensure that adjoining land uses will be protected from the potential impacts of blasting, including, but not limited to noise, dust, vibrations, flyrock, groundwater contamination, and property damage. It should describe the explosive material to be used, the maximum number of blast events per day, the size of blasting charges, noise and vibration standards that will be met, hydrogeologic reports, insurance information, pre-blast inspection protocol, neighbor notification process, etc. Your blasting contractor might be able to assist you with drafting the blasting plan.

Questions about earth resource extraction can be addressed by your Coordinator or the Vermont Geological Survey, which maintains a set of [Act 250 Guidance Documents for Quarries and Gravel Pits that should be reviewed before submitting your application](#).

CRITERION 9(F) – ENERGY CONSERVATION

All projects must incorporate the best available technology for energy efficiency and reflect principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy. All projects must also provide evidence that the project complies with the applicable building energy standards under [30 VSA § 51 or 53](#) [Residential Building Energy Standards (RBES), and the RBES Stretch Code and Commercial Building Energy Standards (CBES), respectively].

### Residential Buildings

Applicants for residential projects (single-family dwellings, two-family dwellings, and multi-family housing three stories or less in height) must certify that the project, when constructed, will meet the [RBES–Stretch Code](#). (Multi-family housing projects that are four stories or greater in height must meet the [CBES](#). See below). Post-construction, you will need to submit certification from the Department of Public Service (PSD) that the project meets the Stretch Code. Contact [PSD](#) for the [RBES Certificate](#) forms. Under the [Criterion 9\(F\) Procedure](#) and statute, these actions create a presumption of compliance with Criterion 9(F). If the presumption cannot be met, additional documentation will be required.

### Commercial Buildings

Applicants for commercial projects (including multi-family housing projects that are four stories or greater in height) must certify that the project, when constructed, will meet the [CBES](#). A Department of Public Service certification that the project meets the CBES must be filed post-construction. Contact the [PSD](#) for the [CBES Certificate form](#). However, compliance with the CBES does not serve as a presumption of compliance with Criterion 9(F). To demonstrate compliance with Criterion 9(F), applicants must prove that they have incorporated the best available technology for efficient use or recovery of energy. Applicants are encouraged to list details related to the energy features of the project, such as interior and exterior lighting, energy controls, space heating and cooling, water heating, ventilation systems, insulation levels, fenestration, and other proposed energy conservation measures that exceed the CBES. Applicants are encouraged to submit “renewable ready” building designs, including providing the electrical infrastructure to support the future installation of electric vehicle charging stations, photovoltaics, solar hot-water systems, or other infrastructure to reduce greenhouse gas emissions from the use of energy from the project.

Applicants are encouraged to contact [Efficiency Vermont](#), your electric utility, or a private energy consultant who can offer guidance on how to incorporate the best available technology for cost and energy savings. Efficiency Vermont is a statewide organization that assists individuals and businesses in determining their energy use, designing energy efficient systems, and obtaining rebates. Efficiency Vermont can assign an Energy Consultant to provide review and analysis of, and recommendations for, energy efficiency measures for new residential and commercial construction projects.

#### CRITERION 9(G) – PRIVATE UTILITIES

If a project involves a utility, such as a road, water line, sewer line, well, or the like, that will be shared by more than one user, the applicant must provide a mechanism to protect the municipality from having to assume responsibility for the utility in the future or that ensures that the utility will not be a burden on the municipality.

Most applicants either design the utility to meet municipal specifications when built or provide a legal mechanism for the owners to maintain and eventually repair or replace the utility. If possible, the municipality should be consulted about its preference. Other questions may be directed to your Coordinator.

#### CRITERION 9(H) – SCATTERED DEVELOPMENT

This criterion is intended to preserve the viability of the traditional community centers of Vermont, to channel growth into such centers, to keep the growth proportionate to the existing size of Vermont’s towns and villages unless a locality seeks otherwise, and to ensure that any growth outside of the traditional centers would not have an adverse impact on state and local government. If the proposed subdivision or development is located outside of an existing settlement, then the applicant must demonstrate that the project will not impose additional costs to public services and facilities that outweigh the tax revenue and other public benefits that the development or subdivision will provide.

The first step under this criterion is to determine whether the project tract is physically contiguous to an existing settlement. “Existing settlement” means an area that constitutes one of the following:

- (i) a designated center; or
- (ii) an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens.

Strip development outside of an area described in subdivision (i) or (ii) above shall not constitute an existing settlement. [\[10 VSA § 6001\(16\)\(A\)-\(B\)\]](#)

If the project is contiguous to an existing settlement, Criterion 9(H) does not apply.

If the project is not contiguous to an existing settlement as defined above, then applicants must demonstrate that the additional tax revenues and other public benefits of the project outweigh the additional costs of providing municipal services to the project. Information generated under Criteria 5, 6, 7, and 9(A) may be relevant under this criterion. Evidence under this criterion is often submitted in the form of a ratio of benefits vs. costs (dollar for dollar). For example, \$1.95 in revenue is generated for every \$1.00 of municipal costs to serve the project. Contact your Coordinator if you have questions.

#### CRITERION 9(J) – PUBLIC UTILITIES

All projects must be designed to prevent excessive or uneconomical demands on public utilities, which include natural gas companies, electric companies, telephone companies, cable television companies, water companies (public or private), sewer utilities (public or private), and highway departments.

For electric companies, often the greatest concern is whether they can provide electricity without having to eventually build new and expensive generating and/or transmission facilities or purchase more expensive electricity from other utilities. To alleviate this concern, applicants should make every effort to minimize electrical usage during periods of peak electrical demand. In general, this can be accomplished by avoiding electric space heating, electric water heating, and other uses of electricity for which reasonable alternatives exist. For commercial projects with large electrical demands, applicants should contact [PSD's Planning and Energy Division Energy Efficiency Program Specialist](#) or the electric utility serving the project.

For utilities with cables on the project site, applicants should demonstrate the project will not interfere with the cables or that they will work with the utility to relocate the cables. If the cables are not along the road and may be affected by the project, most applicants include a letter from the utility confirming that any such issues have been resolved.

For sewer, water, and highway services, information provided under Criteria 5, 6, and 7 is often sufficient. If these services were not addressed under those criteria, then applicants should provide information on any impacts under this criterion.

#### CRITERION 9(K) – PUBLIC INVESTMENTS

Projects should be designed to avoid unreasonable impacts on any public investments adjacent to the project site. Typical investments of concern include highways (existing or proposed), sewer and water lines, schools, parks and wildlife refuges, recreation trails, municipal or state buildings, publicly financed projects, and public waterways. Direct any related questions to your Coordinator.

#### CRITERION 9(L) – SETTLEMENT PATTERNS

Criterion 9(L) is intended to prevent and minimize linear commercial development along public highways that erodes the functions and benefits of Vermont's traditional land use pattern of compact centers separated by rural lands.

To promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when

it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision:

- (i) will make efficient use of land, energy, roads, utilities, and other supporting infrastructure; and
- (ii) (I) will not contribute to a pattern of strip development along public highways; or  
(II) if the development or subdivision will be confined to an area that already constitutes strip development, will incorporate infill as defined in [24 VSA § 2791](#) and is designed to reasonably minimize the characteristics listed in the definition of strip development under subdivision [10 VSA § 6001\(36\)](#). [[10 VSA § 6086\(a\)\(9\)\(L\)](#)].

### **Strip Development**

“Strip development” means linear commercial development along a public highway that includes three or more of the following characteristics:

- broad road frontage;
- predominance of single-story buildings;
- limited reliance on shared highway access;
- lack of connection to any existing settlement except by highway;
- lack of connection to surrounding land uses except by highway;
- lack of coordination with surrounding land uses; and/or
- limited accessibility for pedestrians.

In determining whether a proposed development or subdivision constitutes strip development, the Commission shall consider the topographic constraints in the area in which the development or subdivision is proposed to be located [[10 VSA § 6001\(36\)](#)].

### **Existing Settlement**

“Existing settlement” means an area that constitutes one of the following:

- (i) a designated center; or
- (ii) an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens. [10 VSA § 6001\(16\)](#).

Strip development outside of an area described in subdivision (i) or (ii) above shall not constitute an existing settlement.

### **Designated Center**

“Designated center” shall mean a Downtown Development District, Village Center, New Town Center, Growth Center, Vermont Neighborhood, or Neighborhood Development Area designated under [24 VSA Chapter 76A](#).

### **Determination**

NRB’s [Criterion 9\(L\) Guidance](#) provides technical assistance on Criterion 9(L) in the form of narrative, diagrams, photographs, and a flow chart that walks an applicant through a series of steps to evaluate project compliance with the criterion.



The first step is to determine whether the project site is located within a designated center or other existing settlement as defined above. If so, the project complies with Criterion 9(L).

If the project is not located within a designated center or an existing settlement, additional factors must be evaluated. First, the project must make efficient use of land, energy, roads, utilities, and other supporting infrastructure. If your project makes efficient use of these resources and is purely residential, then it complies with Criterion 9(L). Commercial projects that meet the efficient use requirement must undergo additional review.

Even if your commercial project makes efficient use of land, energy, roads, utilities, and other infrastructure and is not confined to an existing area of strip development, it must not contribute to a pattern of strip development along public highways. The Criterion 9(L) Guidance provides examples of ways to design and site a project in order to avoid contributing to such a pattern.

Finally, if the project will be confined to an area that already constitutes strip development, then the project must incorporate “infill,” (meaning the use of vacant land or property within a built-up area for further construction or development), and must reasonably minimize the characteristics listed in the definition of strip development above. The Criterion 9(L) Guidance describes the seven characteristics common to strip development as described above and offers suggestions for how to minimize those characteristics. To determine whether the project is confined to an area that already constitutes strip development, look at the area surrounding the project site to see if it meets the definition of strip development. If the project is confined to such an area, provide information to support this assertion. For example, it may be helpful to include aerial photographs of the area from Google Maps or Google Earth (satellite view) or the [ANR Atlas](#), indicating the project location and showing the surrounding area.

#### CRITERION 10 – LOCAL AND REGIONAL PLANS

All projects must conform with the municipal plan, the regional plan, and any municipal capital improvement plan that may exist.

To demonstrate compliance with a plan, applicants should provide copies of the relevant portions of the plan, including the future land use map and copies of the policies that relate to appropriate uses for the district(s) identified on the map. Applicants should also provide their own interpretation of the policies and describe how the project conforms to these policies. As with all criteria, the Commission must make its own determination of compliance of the project with local and regional plans. Simply attaching a letter from the local or regional planning commission indicating compliance in 1 or 2 sentences is not adequate to address this criterion. Questions about local plans can usually be answered by the local planning commission or municipal staff.

Compliance with a regional plan can be documented in the same manner as the local plan. Questions about the regional plan should be addressed to the staff of the regional planning commission. In cases where local and regional plans conflict on appropriate use or density of use, the Commission may apply the regional plan only to the extent that the project has regional impacts, such as traffic impacts that go beyond the immediate vicinity of the project.

If a municipality has a capital plan, applicants should explain why any impacts on municipal services, such as streets or sewers, are consistent with the Town's plans for expansion of the facilities. If your project is not consistent with the municipal plans, then mitigation measures should be considered. These concerns are similar to those addressed under Criteria 5, 6, 7, 9(A), 9(G), 9(J), and 9(K). Questions about capital plans should be addressed to the municipality.

#### CERTIFY AND SUBMIT

Once you reach the “Certify and Submit” section of the ANR/NRB Online forms, follow the instructions and then click on “Finalize Submission: Submit Form” to submit the application form. The process for downloading the payment voucher is covered in the next section.

## Submission of Application Fees

Once you submit your online application, you must also submit your payment voucher and application fee by mail. To properly complete and submit the payment voucher and application fee, take the following steps:

- (1) Upon submission of your application form in ANR/NRB Online, a “Submissions Received” window will open.
- (2) Click on “Pay by Mail” then click “Download Payment Voucher.”
- (3) Print a copy of the payment voucher and mail a copy of the payment voucher and the application fee check made payable to “State of Vermont” to your Act 250 [District Office](#). It is important that the fee check matches the fee amount on the payment voucher.

The application fee is calculated using the electronic **Schedule A – Fee Information** form included in the online application forms. The application will not be deemed complete until the correct application fee is received at the appropriate District Office.

## Submission of Exhibits

Once you submit your online application, you must also submit your Exhibits (i.e., your supporting documents) and the required Exhibit List via the NRB’s GlobalScape FTP site. To properly complete and submit the Exhibits and Exhibit List, use the instructions included in the sections below. Whenever possible and appropriate, reference the exhibit numbers in the application form under the relevant questions in Schedule B.

It is important to thoroughly document your position under each criterion, but please do not submit excessive, irrelevant, or repetitive information. For example, if you are submitting well log information to meet Criterion 2 (water supplies), it might be more effective to include a summary of the well log results on a single page with a map showing the well locations, rather than providing a separate page for each well. You can always produce the originals on demand later if the accuracy of the information is challenged. Likewise, attaching several pages of erosion control specifications from a construction contract is more effective than submitting the entire contract, which likely contains details not relevant to the Commission’s review. The applicant must balance providing sufficient information to satisfy the Commission and other parties against overwhelming them with superfluous detail. When in doubt about how much or how little information to provide, contact your Coordinator for guidance.

Likewise, take care not to include sensitive information in your application. For example, the presence of archaeological sites or threatened or endangered plants or animals on the land might be critical elements to address within your application. If any of the site plans, photographs, or reports included as exhibits in your application identify the locations of specific archaeological resources or sensitive species, be sure to check with the [Vermont Division for Historic Preservation](#) or the [Vermont Fish & Wildlife Department’s Wildlife Program](#) prior to submitting those materials to ensure that state experts are comfortable with public distribution of that information. Certain elements of your application package might need to be redacted prior to posting on Act 250’s public database in order to protect those resources.

## Exhibit List Instructions

An Exhibit List must be submitted with each application. To properly complete and submit an Exhibit List, take the following steps:

- (1) Download and save the Exhibit List (.xlsx file) to your computer.

(2) Fill in the following fields listed in the upper portion of the Exhibit List form. Please leave the “Application #” field blank, as this number will be assigned by the District Office.

- **Applicant(s):** Provide the legal name of the applicant as it appears on deeds, mortgages, and other legal documents.
- **Landowner(s):** Provide the legal name of the landowner at the time the application is filed, as the name appears on deeds, mortgages, and other legal documents.
- **Project Town(s):** Provide the location of the project by providing the name of the town(s) in which the project parcel(s) are located.

(3) In the remainder of the Exhibit List form, type the name of each exhibit. Follow the instructions below.

- An “Exhibit” is each document uploaded to the GlobalScape FTP site as part of your set of application documents.
- The “Exhibit List” (Excel file itself) acts as a table of contents for your full set of application documents and is always listed as Exhibit “000”.
- The exhibit numbering scheme (000, 001, 002, etc.) represents the order in which your electronic exhibits will appear in the Act 250 Database online. File names must start with a three-digit number. The exhibit numbers 000 and 001 should be assigned to the Exhibit List file and the Application Form, respectively. Continue numbering the files, assigning 002 to first attachment (e.g., Application Signature Page), 003 to the next attachment, and so forth.
- Each exhibit must be saved as a **separate** file.
- When entering document names and descriptions in the Exhibit List, please be as specific or precise as possible. **Especially for site plans and other miscellaneous documents, please include the date of the plan (including revised dates, when applicable), sheet/drawing numbers, and document titles themselves on the exhibits and in the Exhibit List.** This helps our District Office staff properly identify and match up each entry in your Exhibit List with the exhibits you provide and moves the application process forward more quickly.
- File names may contain spaces, but the following characters are not allowed in any file names because they are not recognized by our database: # % & \* : < > ? \ { | }
- An example of an Exhibit List is included below, for reference. The fields are highlighted in yellow to indicate which portions of the form the applicant must complete.
- You only need to submit the Exhibit List once, when you first submit your application. If revised or supplemental exhibits are submitted later, our District Office staff will update the Exhibit List for you.

(4) Upload the completed Exhibit List as an Excel file (.xlsx) along with the other application exhibits to the GlobalScape FTP site. See [Electronic Submission of Exhibits via GlobalScape](#).


### Exhibit List

**Application #**

**Applicant(s)**

**Landowner(s)**

**Project Town(s)**



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No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000		000 Exhibit List	
001		001 Act 250 Application; and cover letter (if provided)	
002		002 Authorization/Signature form	
003		003 Municipal Impact Questionnaire	
004		004 Site Plan 1A - 02-05-2021	
005		005 Site Plan 1B - 02-05-2021	

## Exhibit File Formats

- The Exhibit List must be submitted as an Excel file (.xlsx). **Do not convert the Exhibit List file to PDF.**
- All other exhibit files should be submitted in Adobe PDF format (.pdf). The accepted format for photographs is JPG or JPEG. URLs are not an acceptable format: convert to PDF or JPG/JPEG as appropriate for submission. PDF guidelines are as follows:
  - PDF is short for “portable document format.” This format allows users to universally view documents regardless of their computer operating system. By saving your files in PDF, any user of the Act 250 Database can view all files related to your Act 250 application.
  - Whenever possible, please convert your documents to PDF directly from the word processing or engineering design program in which the documents were created, rather than scanning the paper version of the document.
  - If you are unable to convert documents to PDF directly from the software program the document was created in and need to scan a paper document to PDF, **please be sure to enable Optical Character Recognition (OCR)** in the scanning program; otherwise, the document is simply an image and its word content is not searchable, a feature that will help our staff and Commissions to review your documents and process your application more quickly.
  - For the [Application Signature Page](#), print the page and sign and/or have your parties sign and date the page where indicated. Then, scan the fully signed and dated paper document(s) as a PDF, and upload the fully executed signature page to the GlobalScope FTP site as an exhibit.

- If you are required to include a [Municipal Impact Questionnaire](#) or a [School Impact Questionnaire](#) with your application, print the questionnaire(s), have the appropriate municipal or school official sign the questionnaire(s), scan each signed paper questionnaire, and upload each questionnaire as a separate exhibit.
- Photographs may be submitted in JPEG format (.jpg), though PDF is preferred. For large files (i.e., files with extensive use of color and/or multiple photos or graphic images), please use settings such as “Reduce file size” or “PDF optimizer” in Adobe Acrobat or other scanning programs to help reduce file size while still maintaining adequate resolution for clear images. Contact your District Office staff if you need more information on how to reduce file size.
- Include all supporting documents (letters, reports, photographs, etc.), saving each document as a **separate** PDF file.
- Include all site plans, location maps, and engineering drawings. All plan sheets should be saved as **separate** PDF files.
- All of your supporting documents will be distributed and reviewed electronically. Please create your documents using font sizes that can easily be read on a standard computer screen.

## Electronic Submission of Exhibits

To avoid duplicate file submissions and ensure users choose only one method (GlobalScape or email) for their electronic submissions, you can revise the instructions as follows.

### VIA GLOBALSCAPE

To streamline our process and avoid handling duplicate files, please follow these instructions for submitting your exhibits:

(1) Access GlobalScape FTP site:

- Open a web browser, such as Google Chrome or Microsoft Edge
- Enter the following credentials:
  - **GlobalScape site:** <https://gs.anr.vermont.gov>
  - **Username:** A250
  - **Password:** Act250P@ssword

**Note: The username and password are case-sensitive.**

- Click “Log in.”

(2) Prepare your application files:

- Create and save the application files to a folder named with the **submission number** assigned to your application. This number is provided in the submission confirmation email or under “My Submissions” in ANROnline.

- If submitting supplemental information later in the application review process, name the folder with the assigned land use **permit number** provided by the Act 250 District Office (e.g., 4C1234) and the date of submission. The project number assigned to your project is provided on the Schedule G form.

(3) Upload your electronic folder:

- In GlobalScape, select the “Upload folder” icon.
- Select your folder using File Explorer.
- Click “Upload” (you will be prompted twice).

(4) Log Off GlobalScape:

- Click on the Act 250 icon in the upper right-hand corner.
- Click “Log off” to exit GlobalScape.

(5) Notify your Act 250 District Office:

- Send an email to your [Act 250 District Office](#) to notify them that you uploaded new application files to the GlobalScape site.
- Mention the name of the folder (submission number or permit number) you uploaded to GlobalScape in your email.
- **Important:** Do not attach the files to this email.

**Friendly Reminder: Once you upload your documents to GlobalScape, you can not delete them, so please double-check your folder before uploading. Only Act 250 staff can delete files from GlobalScape. If you have uploaded documents to GlobalScape, you do not need to email them too.**

## VIA E-MAIL

If you are unable to submit exhibits via GlobalScape, use one of the following alternatives to electronically submit your Act 250 application documents. Contact your [District Office staff](#) with any questions

(1) **Submissions under 3 MB:**

- Email your files to the District Office.
- **Important:** If you email your files, **do not upload them to GlobalScape.**

(2) **Submissions over 3 MB:**

- Schedule an appointment to bring your files to the District Office on a flash/thumb drive.
- **Important:** If you bring your files on a flash/thumb drive, **do not upload them to GlobalScape.**

## Submission of Supplemental Information

If the district office requests additional or revised documents after your initial application, please follow these instructions. Remember to use **either** GlobalScape **or** email, but not both.

**(1) For submission of files larger than 3 MB:**

- **Upload** your additional documents to GlobalScape using the same procedures outlined in the [Electronic Submission of Exhibits via GlobalScape](#) instructions.
- Be sure to reference the application number and date with your upload.

**(2) For submission of files of less than 3 MB:**

- **Attach** the additional documents to an email.
- Reference the application number in the email and send it to the regional Act 250 email inbox for your district.
- **Important:** Do not upload these documents to GlobalScape if you are emailing them.

**(3) Notify recipients:**

- Email all persons listed on the most recent Certificate of Service (COS) issued by your District Office.
- Inform them that you have submitted additional documents, which will be posted to the Act 250 Database by District Office staff.
- **Important:** Be sure to include the [regional Act 250 email inbox](#) for your district.

**(4) Resubmitting your application through ANROnline:**

- When resubmitting your application, click on the “Review” section and scroll down to “Certify & Submit.” Failing to do this will block your ability to submit your revised application.

Thank you for your cooperation in following these guidelines!

## Troubleshooting and Assistance

If you are having trouble with any portion of the application form submission process, including uploading your exhibits to the GlobalScape FTP site, please contact the appropriate [District Office](#).

## Schedule G – Notice of Initial Application Filing

When you file your application, the District Office will send by electronic means (and by mail, if necessary) a *Schedule G - Notice of Initial Application Filing* that includes the assigned project number and a URL link to your application in the [Act 250 Database](#) to the following persons: the applicant, the landowner if the applicant is not the landowner, the municipality in which the land is located, the municipal and regional planning commissions for the municipality in which the land is located, ANR, and any adjacent Vermont municipality and municipal and regional planning commission if the land is located on a municipal or regional boundary. The Town Clerk will publicly post the notice in the Town office. From that point forward, anyone will be able to review your application documents on the Act 250 database by searching for the project number contained in the Schedule G Notice.

## Newspaper Notice & Publication Costs

Except for Administrative Amendment and Construction Completion Deadline Extension applications, a legal notice of each application must be published in a local newspaper. The District Office will take responsibility for sending the legal notice to the newspaper. However, **the applicant is responsible for paying for the publication cost of the newspaper notice**. Most newspapers in Vermont send the invoice directly to the applicant after the notice has been published. However, some newspapers require payment prior to publication. It is important for the applicant to submit prompt payment in order to avoid delays in the application review process. If for some reason the newspaper does not bill the applicant, the District Office will make other arrangements to bill you.

## Hearing Sign

If a hearing or prehearing conference is scheduled for the application, the applicant must also post a sign on the property in accordance with 10 V.S.A. § 6084(f). The sign must include a general description of the project, the date and place of the hearing or prehearing conference, the identification number of the application and the internet address, and the contact information for the District Commission. The District Office will take responsibility for preparing and emailing an electronic copy of the sign to the applicant when it sends out notice of the hearing or prehearing conference. However, **the applicant is responsible for printing and posting the sign on the subject property**. The sign must be posted in a visible location 14 days prior to the first hearing or prehearing conference on the application and until the permit is issued or denied. It is the applicant's responsibility to ensure that the sign is legible and in good condition throughout the duration of posting. One option is to place the sign inside of a clear plastic document sleeve with the sleeve opening at the bottom, and then staple it to a post in a prominent location.

## Application Withdrawal

If an applicant decides not to pursue a project before a permit is issued, the applicant may submit a written request to the Commission to withdraw the pending application. Within 90 days of the date upon which a commission issues a written decision concluding that an application has been withdrawn, an applicant may submit a written request to the Commission for a partial fee refund. The portion of the fee that the Commission may refund is outlined in [10 V.S.A. Section 6083a\(e\)](#).



## Appendix 1: Glossary

ACCD – Vermont Agency of Commerce and Community Development

ANR – Vermont Agency of Natural Resources

CACC – Certification of Actual Construction Costs

CBES – Commercial Building Energy Standards

COS – Certificate of Service.

DEC – Vermont Department of Environmental Conservation

DHCD – Vermont Department of Housing and Community Development

DHP – Vermont Division of Historic Preservation

F&W – Vermont Fish & Wildlife Department

FIRMs – Flood Insurance Rate Maps

ITE – Institute of Transportation Engineers

LUP – Land Use Permit

NFIP – National Flood Insurance Program

NRB – Vermont Natural Resources Board

NRCS – Natural Resources Conservation Service (US Department of Agriculture)

PSD – Vermont Department of Public Service

RBES – Residential Building Energy Standards

ROW – right-of-way

SPAN – School Property Account Number

TID – Transportation Improvement District

VAAF – Vermont Agency of Agriculture, Food & Markets

VHCB – Vermont Housing and Conservation Board

VSWI – Vermont Significant Wetland Inventory

VTrans – Vermont Agency of Transportation

## Appendix 2: Helpful Links

This section contains links to useful online information to refer to as you prepare your Act 250 application.

Link	Maintained by	Notes
<ul style="list-style-type: none"> <li>▪ <a href="#">Public Act 250 Database</a></li> </ul>	NRB	You can search for Act 250 projects here. We're still adding old permit records and project reviews to this database. Since October 2016, permit applications and documents are processed electronically. This database includes some older records, but not everything. For records not found here, please contact the designated district <a href="#">office</a> <sup>1</sup> for help
<ul style="list-style-type: none"> <li>▪ <a href="#">Act 250 Agenda "Subscribe"</a></li> </ul>	NRB	You can view the our automated Act 250 Agenda through the link on the left. To get email updates every Monday, use the "subscribe" feature. You will receive a confirmation email with a link to unsubscribe if needed. The Agenda shows all Major and Minor applications under public notice and includes recent Act 250 jurisdictional opinions and district commission decisions. It's updated daily, so check the link often for the latest updates.
<ul style="list-style-type: none"> <li>▪ <a href="#">Act 250 District Office contact information</a></li> </ul>	NRB	Contact information for our district offices. The 9 District Commissions are supported by District Coordinators and Technicians located in 5 regional offices (one of which is co-located with the Central Office in Montpelier).
<ul style="list-style-type: none"> <li>▪ <a href="#">NRB Staff List</a></li> </ul>	NRB	Contact information for our staff.
<ul style="list-style-type: none"> <li>▪ <a href="#">Act 250 home page</a></li> </ul>	NRB	Your primary portal for all things Act 250.
<ul style="list-style-type: none"> <li>▪ <a href="#">Act 250 Jurisdiction Categories</a></li> </ul>	NRB	A general description of the categories of development and subdivision that Act 250 regulates and controls.
<ul style="list-style-type: none"> <li>▪ <a href="#">Act 250 District Commissioner Training Manual</a></li> </ul>	NRB	Reference for Commissioners with chapters on the 10 criteria, legal issues, policies, and procedures. Also, a useful guide for Act 250 participants and others seeking a comprehensive source of information about Act 250 and its implementation.
<ul style="list-style-type: none"> <li>▪ <a href="#">Criterion 9(L) Guidance</a></li> </ul>	NRB	Helps Commissions, Act 250 applicants, and concerned citizens understand the key concepts involved in the analysis and interpretation of the terms adopted by the Legislature and provides a mechanism to ensure consistency among Commissions in Criterion 9(L) analysis.

<sup>1</sup> To view documents for a specific project in the public Act 250 database, go to the "Associated Documents" section and click the "View" button. If you're using Google Chrome, make sure pop-up windows are enabled. You can find instructions [here](#).

Link	Maintained by	Notes
<ul style="list-style-type: none"> <li>▪ <a href="#">Vermont Natural Resources Atlas (aka, ANR Atlas)</a></li> </ul>	ANR	Excellent source for identifying significant natural communities and potential habitats for rare, threatened, endangered, and uncommon species. Also, search for dozens of other land features to help inform the preparation of your application. Recommended. View a tutorial on using the ANR Atlas at: <a href="#">ANR Atlas Tutorial</a> .
<ul style="list-style-type: none"> <li>▪ <a href="#">Planning Atlas Online</a></li> </ul>	ACCD DHCD	Identifies boundaries of State designated areas, such as designated Downtown Districts, Village Centers, New Town Centers, Growth Centers, Neighborhood Development Areas, and more.
<ul style="list-style-type: none"> <li>▪ <a href="#">Dedicated Act 250 page at ANR</a></li> </ul>	ANR	Natural resources-related guidance and corresponding contacts conveniently organized by the relevant Act 250 criteria.
<ul style="list-style-type: none"> <li>▪ <a href="#">Community Assistance Specialists</a></li> </ul>	ANR	Search by town for specialists in your region who provide guidance for all permits that support Act 250 applications.
<ul style="list-style-type: none"> <li>▪ <a href="#">Permit Handbook</a></li> </ul>	ANR DEC	Additional permits are often required from ANR, other state agencies, and other authorities to support Act 250 applications and projects. The handbook provides permit information sheets that offer an overview of applicability, jurisdiction, and more for that permit or approval. This handbook covers most DEC permit programs and numerous other Vermont and federal regulatory programs that may be required for an Act 250 project.
<ul style="list-style-type: none"> <li>▪ <a href="#">Permit Navigator</a></li> </ul>	ANR	To determine which ANR permits might be needed for a project, use ANR's online Permit Navigator tool. It asks a series of questions and generates a report with referrals to specific ANR permitting programs. For further assistance, contact your ANR Community Assistance Specialist.
<ul style="list-style-type: none"> <li>▪ <a href="#">UVM Extension</a></li> </ul>	UVM	Programs that support agriculture and the environment.
<b>Energy Conservation</b>		
<ul style="list-style-type: none"> <li>▪ <a href="#">Vermont Residential Building Energy Code Handbook</a></li> </ul>	PSD	Guide to Complying with Vermont's Residential Building Energy Standards.
<b>Historic Sites</b>		
<ul style="list-style-type: none"> <li>▪ <a href="#">Preservation in Act 250</a></li> </ul>	ACCD	VDHP conducts Act 250 project reviews pursuant to Criterion 8: Historic Sites, which consists of evaluating the project's potential impacts to historic buildings and structures, historic districts, historic landscapes and settings, and known or potential archaeological resources.
<b>Primary Agricultural Soils</b>		
<ul style="list-style-type: none"> <li>▪ <a href="#">Agency of Agriculture, Food &amp; Markets Act 250 Criterion 9(B)</a></li> </ul>	VAAF	If a project subject to Act 250 jurisdiction contains soils that are mapped by NRCS as of "prime," "statewide," or "local" importance, or any soils in

Link	Maintained by	Notes
		recent agricultural use, VAAFM will review and provide recommendations under Criterion 9(B) - Primary Agricultural Soils. It is in the Applicant's best interest to submit project information directly to the Agency early in the application process so that the Agency's comments can be included with the application.
<ul style="list-style-type: none"> <li>▪ <a href="#">Natural Resources Conservation Service Vermont State Office</a></li> </ul>	USDA	USDA NRCS office in Vermont.
<ul style="list-style-type: none"> <li>▪ <a href="#">Web Soil Survey</a></li> </ul>	USDA	Provides soil data and information produced by the National Cooperative Soil Survey. This information, and the ANR Atlas, can help applicants to design projects with regard to Act 250 Criterion 9(B) - Primary Agricultural Soils.
<b>Regional Planning</b>		
<ul style="list-style-type: none"> <li>▪ <a href="#">Vermont Association of Planning and Development Agencies</a></li> </ul>	VAPDA	Provides contacts to all of Vermont's Regional Planning Commissions.
<ul style="list-style-type: none"> <li>▪ <a href="#">Addison County Regional Planning Commission</a></li> </ul>	ACRPC	
<ul style="list-style-type: none"> <li>▪ <a href="#">Bennington County Regional Commission</a></li> </ul>	BCRC	
<ul style="list-style-type: none"> <li>▪ <a href="#">Central Vermont Regional Planning Commission</a></li> </ul>	CVRPC	
<ul style="list-style-type: none"> <li>▪ <a href="#">Chittenden County Regional Planning Commission</a></li> </ul>	CCRPC	
<ul style="list-style-type: none"> <li>▪ <a href="#">Lamoille County Planning Commission</a></li> </ul>	LCPC	
<ul style="list-style-type: none"> <li>▪ <a href="#">Northeastern Vermont Development Association</a></li> </ul>	NVDA	
<ul style="list-style-type: none"> <li>▪ <a href="#">Northwest Regional Planning Commission</a></li> </ul>	NRPC	
<ul style="list-style-type: none"> <li>▪ <a href="#">Rutland Regional Planning Commission</a></li> </ul>	RRPC	
<ul style="list-style-type: none"> <li>▪ <a href="#">Southern Windsor County Regional Planning Commission</a></li> </ul>	SWCRPC	
<ul style="list-style-type: none"> <li>▪ <a href="#">Two Rivers-Ottawaquechee Regional Commission</a></li> </ul>	TRORC	
<ul style="list-style-type: none"> <li>▪ <a href="#">Windham Regional Commission</a></li> </ul>	WRC	
<b>Transportation impact information</b>		
<ul style="list-style-type: none"> <li>▪ <a href="#">Transportation Permitting Services</a></li> </ul>	VTrans	The VTrans Permitting Services unit reviews and issues commercial and residential permits for all work performed within Agency-owned ROWs (such as driveways).
<ul style="list-style-type: none"> <li>▪ <a href="#">Transportation Development Review Services</a></li> </ul>	VTrans	The VTrans Development Review Services unit reviews all submitted Act 250 applications relative to their impact on the transportation system
<ul style="list-style-type: none"> <li>▪ <a href="#">Traffic Impact Study Guidelines</a></li> </ul>	VTrans	VTrans standards and guidance for Traffic Impact Studies.

Link	Maintained by	Notes
<ul style="list-style-type: none"> <li>▪ <a href="#">Transportation Demand Management Guidance</a></li> </ul>	VTrans	Provides guidance to estimate vehicle trip reductions from TDM measures implemented for new developments. These estimates may inform adjustments to any impact or mitigation fee paid under Act 250 and/or Act 145 proportional to traffic generated by the site.
<ul style="list-style-type: none"> <li>▪ <a href="#">Transportation Impact Fee Guidance</a></li> </ul>	VTrans	Provides background information on Act 145, outlines the circumstances under which it applies, describes the methods VTrans uses to estimate the basic impact fee for a specific transportation project, and demonstrates how the fee is applied to development proposals.
<ul style="list-style-type: none"> <li>▪ <a href="#">Transportation Impact Fee Map</a></li> </ul>	VTrans	Interactive online map that identifies the transportation projects for which Act 145 transportation impact fees have been established to date and includes the basic fee and other descriptive information. The map also identifies potential locations where an Act 145 transportation impact fee may be applied but has not yet been officially established.
<ul style="list-style-type: none"> <li>▪ <a href="#">Section 1111 Permitting</a></li> </ul>	VTrans	State Highway Access and Work Permit for projects involving access to a state highway.
<b>Utilities</b>		
<ul style="list-style-type: none"> <li>▪ <a href="#">Vermont Utilities Electric Service Requirements Manual</a></li> </ul>	GMP	General manual given to all Vermont utility providers that contains information regarding the Act 250 process in sections 503 and 504 of the Manual.

**This guide is available from our website:**

**<http://nrb.vermont.gov/documents/application-guide-act-250>**