



VERMONT ENVIRONMENTAL BOARD

TO: Interested Persons
FROM: Michael Zahner, Executive Director *M.Z.*
DATE: February 19, 1999
SUBJECT: Application Completeness -- Minor Applications

Under Environmental Board Rule 10(B) the Environmental Board (Board) may periodically issue guidelines for the use of district commissions, Board staff, and applicants in determining the information and documentation necessary for thorough review and evaluation of land use permit applications. Such guidelines provide for consistency from district to district and ensure the fair and efficient administration of Act 250 statewide. The purpose of this memo is to provide guidance for determining when applications to be processed under Board Rule 51 (Minor Applications) can be accepted as complete.

A district commission may review a land use permit application under Board Rule 51 if the commission finds that there is demonstrable likelihood that the project will not present significant adverse impact under any of the 10 criteria. In making this determination the commission considers several factors, including the extent to which the commission is able to draft proposed permit conditions addressing potential areas of concern and the thoroughness with which the application has addressed each of the 10 criteria. The commission may also consider whether or not other State permits identified in Board Rule 19 are required and, if so, whether those permits have been obtained or will be obtained in a reasonable period of time. In practice, applications which are to be processed under Rule 51 must include all information required by the commission to issue a land use permit. Applications which are not complete in all respects will not be accepted for processing under Rule 51. The exception to this practice, as stated above, is that the commission may, at its discretion, accept an application for processing under Rule 51 if it has determined that certain other required state permits (such as wastewater disposal, subdivision and stormwater discharge permits issued by the Agency of Natural Resources Wastewater Management Division) will be obtained in a reasonable period of time. In this instance, the Act 250 application may be processed concurrently with the application(s) for other state permits. This determination will be made on a case by case basis.

The district coordinator is responsible for determining application completeness, pursuant to Board Rule 10(D). A coordinator's decision that an application is substantially incomplete may be appealed to the Environmental Board. This memo provides guidance to coordinators in making this determination and will, I believe, result in more consistent processing of Rule 51 applications from district to district and will also greatly reduce Act 250 permit processing times for "minor projects" overall. If you have any questions regarding this issue, please don't hesitate to contact me (828-3300) or Chief Coordinator Lou Borie (828-5778).