

Testimony To Senate Natural Resources and Energy Committee  
Natural Resources Board  
Jon Groveman, Chair  
Louis Borie, Executive Director  
March 17, 2015

Act 250 Master Permit History

- “Industrial Park Policy” was adopted by the Environmental Board (EB) in 1975 to facilitate the development of industrial parks by non-profit development corporations (GBIC) by “pre-permitting” industrial park lots
- In 1980 the EB expanded the use of the Industrial Park Policy (also known as the “Umbrella Permit Policy”, a term no longer used) to commercial parks, e.g. Blair Park, Adams Park, and Tafts Corners Commercial Park in Williston
- In 1998 the EB adopted the Master Permit Policy and Procedure for Partial Findings of Fact to include ski areas and other large scale, phased development; Master Permit Guidance Document adopted in 1999
- Master Permit Policy objective:  
***The objective of the master permit policy and procedure, pursuant to Board Rule 21, is to provide guidance and greater predictability to the applicant and all parties in the review of complex development projects.***
- Act 199 requires NRB to review the Master Permit Policy and adopt as a rule; proposed Act 250 rules filed 1/16/15; hearings are underway

How are Master Permits Used in Act 250?

For large, phased developments such as ski areas, industrial and commercial parks, and mixed use developments:

- a. Applicant submits master plan application for a phased development (commercial or industrial park, ski area, mixed use development) with information on any Act 250 Criterion or set of Criteria
- b. District Commission reviews the development project and issues Findings of Fact and Conclusions of Law for as many of the 10 criteria as the applicant has provided sufficient information on which to base a finding; typically this includes natural resources criteria such as headwaters, streams, floodways, wetlands, wildlife habitat, primary agricultural soils and it also can include traffic impacts.
- c. At the request of the applicant, the District Commission may also issue a permit (“master permit”) for “Phase 1” if the applicant has satisfied all of the criteria for that phase; Phase 1 for an industrial park usually includes the subdivision of the lots and construction of infrastructure to serve the park (roads, water, sewer, stormwater facilities) and can also include archeological or primary agricultural soils mitigation.
- d. Permit amendments are issued for development of each lot in an industrial park; applicant addresses site specific issues only – wastewater, stormwater, water supply, erosion control, fire services, aesthetics (design of the building and lighting); these permit amendments are normally processed as Minor Amendments without a hearing.

### Section 31 – Industrial Park Master Permits

The NRB does not support this provision. The existing Master Permit review is a long established process that works well and is predictable. Exempting industrial park lots from Act 250 jurisdiction would result in a patchwork of jurisdiction in industrial parks that would create an uneven playing field and cause confusion about compliance with existing permit conditions in master permits. Resources for development review at the local level vary widely and towns do not have the ability to review issues of statewide or regional importance such as energy conservation, traffic, and aesthetics. For instance, a number of industrial parks are located along Vermont's interstates which are considered scenic corridors and conditions in Act 250 permits have protected the view from the interstates by requiring landscaping or berms in strategic locations. Similarly, in recent years Act 250 permits have required electric vehicle charging station infrastructure in parking lots for commercial and industrial buildings to insure compliance with Criterion 9(F) and the reduction of greenhouse gas emissions.

### Section 32 – Enterprise Zones

The NRB opposes this provision. It creates a new designation area by an entity other than the Downtown Development Board, and exemptions from Act 250 in these designated Enterprise Zones if a Master Plan Permit is obtained from Act 250. These designated zones that receive development incentives should be established by the existing Downtown Development Board that has expertise in making such designations, and determining whether these areas are consistent with Vermont's land use and development goals. In addition, the NRB is concerned that either a municipality or Regional Development Corporation will essentially be responsible for administering Act 250 Master Plan permits under this provision. Act 250 has the experience and expertise to administer these permits and ensure that development is consistent and complies with a Master Plan. The NRB is concerned that this proposal will create confusion and concerns about development of these Master Plans.

### Section 33 – 9L

The NRB, ACCD and ANR worked with the Senate Economic Development Committee on this language and supports this provision.

### Section 34 – Act 250 Exemptions in Growth Centers

This provision would exempt from Act 250 Priority Housing Projects (PHP) and small scale, low impact manufacturing in state designated growth centers. The NRB supported exempting PHPs from Act 250 in growth centers, new town centers and neighborhood development areas on sites without existing Act 250 permits last session, and the exemption was enacted by the Legislature. The NRB supports creating a faster track for PHPs in designated new town centers, neighborhood development areas and growth centers on sites with existing Act 250 permits. However, the NRB does not support the exemption language in the bill. The NRB is concerned that the provision as written will create legal issues and vulnerability to allow projects to be developed on the land covered by permits without addressing the underlying conditions that run with the land. The NRB, ACCD and ANR are developing alternative language to the provisions in Section 34 to expedite the permitting of PHPs in these designated areas.

Finally, the NRB opposes the proposed exemption for small scale, low impact manufacturing in state designated growth centers. These terms would need to be very specifically defined to understand the type of projects that would be exempt from Act 250 review before the NRB could consider supporting such an exemption.