



ACT 47  
COMMISSION ON ACT 250

The Next 50 Years

# Materials from the Natural Resources Board/Act 250

## Commission on Act 250: The Next 50 Years

<b>1</b>	<b>HISTORY</b>	<b>1</b>
1.1	CHRONOLOGY	1
1.3	RICHARD BROOKS (LEGAL 1970-1995)	14
1.4	RICHARD BROOKS ( REFLECTIONS)	93
1.5	PAUL GILLIES (ACT 250, FROM BIRTH TO MIDDLE AGE, AND POSTSCRIPT)	104
<b>2</b>	<b>PROCESS</b>	<b>136</b>
2.1	HARDCOPY OF THE HISTORY AND OVERVIEW OF ACT 250 POWERPOINT PRESENTATION	136
2.2	BROCHURE	223
2.3	PERMIT APPLICATION PROCESS- VALUE STREAM NARRATIVE	225
2.3.1	List of Definitions	225
2.3.2	Pre-Permit Application Process	225
2.3.3	Permit Application Process	225
2.4	VALUE STREAM MAP	227
2.4.1	The Act 250 Pre-Application and Application Process as it currently exists (chart)	227
2.4.2	Post-LEAN revised Act 250 Application process for the future (chart)	227
2.5	LISTING OF CRITERIA	228
<b>3</b>	<b>REQUIRED DATA</b>	<b>229</b>
3.1	MAP SHOWING LOCATION OF ALL ACT 250 BASE PERMITS	229
3.2	NUMBER OF PERMITS PER YEAR BY TYPE: 1970-2016	231
3.3	NUMBER OF DECISIONS BY DISTRICT: 2007-2016	232
3.4	COMPARISON OF PROCESSING TIMES BY DISTRICT, OVER 5 YEARS	233
3.5	INTRO- DISTRICT PROCESSING	234
3.6	DISTRICT PROCESSING	235
3.6.1	Permits issued under 30 days	235
3.6.2	Permits Issued under 60 days	236
3.6.3	Permits issued, more than 90 days	237
3.6.4	Case Histories (permit issued in >60 days)	244
<b>4</b>	<b>STATISTICS ON APPEALS</b>	<b>245</b>
<b>5</b>	<b>ENFORCEMENT</b>	<b>246</b>
<b>6</b>	<b>CLIMATE CHANGE MEMO/ PETER GILL</b>	<b>247</b>
<b>7</b>	<b>COMMENTS COLLECTED AT COMMISSION MEETINGS, MUNICIPAL PLANNERS, MUNICIPAL DAY PRESENTATIONS</b>	<b>261</b>

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## Act 250 What a Difference It Makes From 1970 to Today

The completion of the Interstate Highway system in the 1960s brought Vermont an hour closer by car to Boston and New York City. Vermont began promoting tourism, and skiing became increasingly popular. Vermont towns quickly became sites for high density second home developments on sensitive mountainsides.

In the spring of 1970, inspired by the vision of Gov. Deane Davis, the Vermont Legislature passed the Land Use and Development Law, known as Act 250, to preserve and protect the environment, as well as maintain our traditional settlement patterns. It was innovative and bold at its inception, and the law is now part of the fabric of Vermont. Act 250 incorporates a process to guide development that complements the landscape.

Protecting Vermont's environmental integrity and promoting economic prosperity benefits everyone. For almost fifty years, Act 250 has helped Vermont retain its unsurpassed scenic qualities while undergoing substantial growth.

The future will certainly bring new challenges, and Act 250 will continue to adapt, by working collaboratively with all citizens to preserve Vermont's scenic beauty in alignment with the state's economic goals.



Act 250 is administered by the Natural Resources Board, an independent entity in state government.

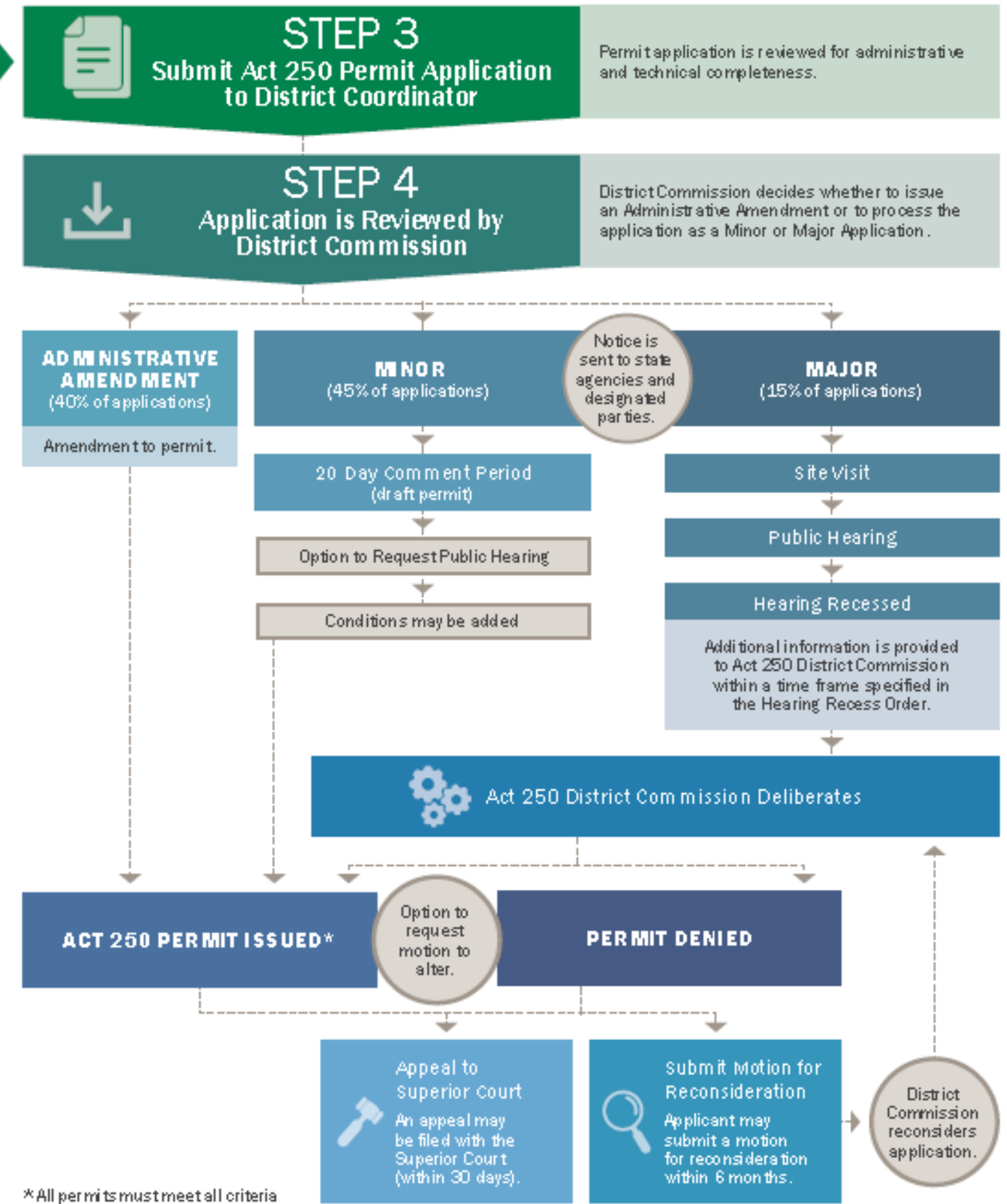
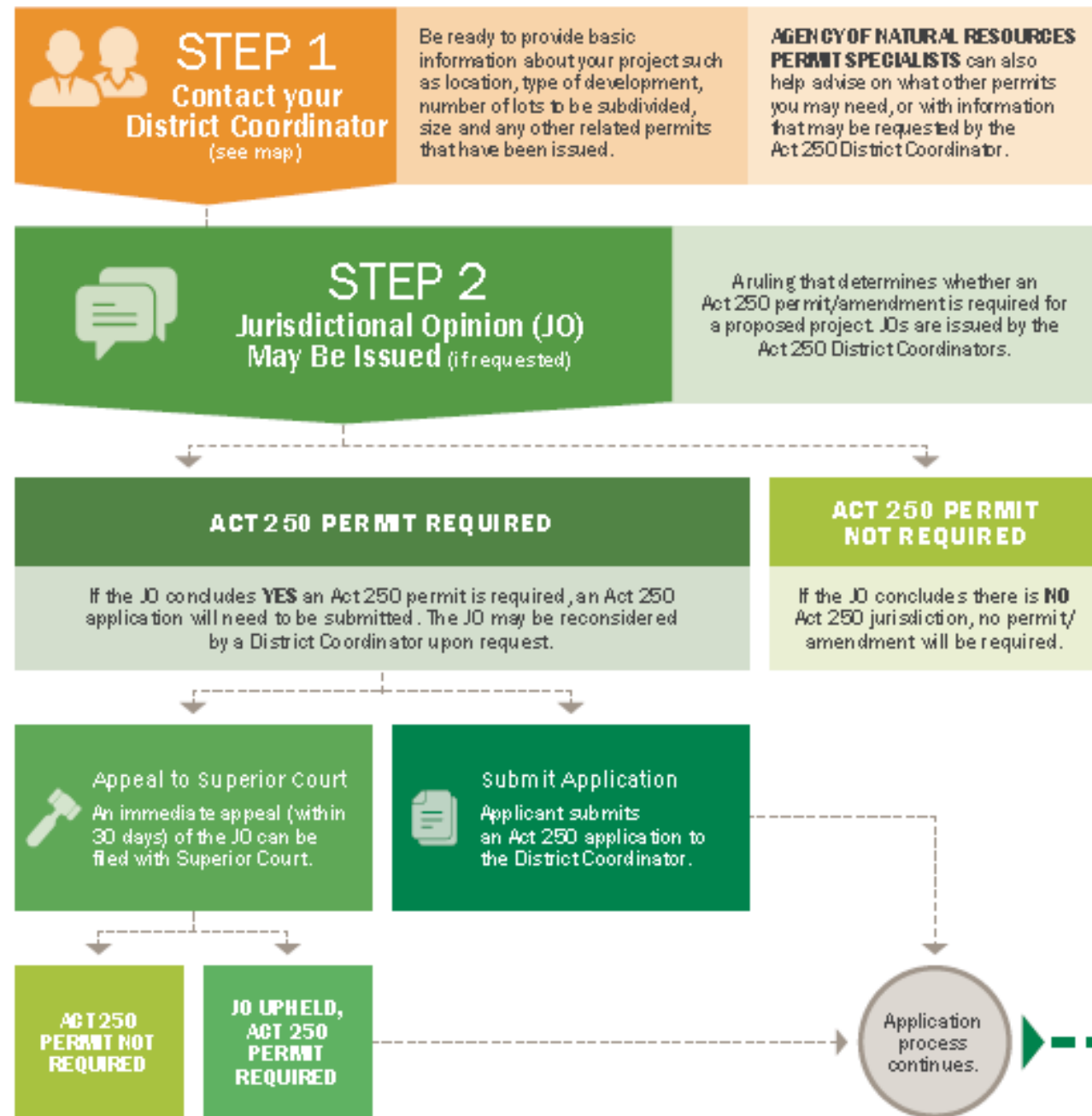
## Act 250 Protecting Vermont's Environment Promoting Economic Prosperity



NRB.VERMONT.GOV

# DO I NEED AN ACT 250 PERMIT?

If you are planning construction or subdivision of land in Vermont, you may need to obtain an Act 250 Permit. The steps outlined below provide an overview of the process. For more detailed information, visit [NRB.VERMONT.GOV](http://NRB.VERMONT.GOV) or call the designated Act 250 District Coordinator at the numbers listed on the reverse.



## 2.3 PERMIT APPLICATION PROCESS- VALUE STREAM NARRATIVE

### 2.3.1 List of Definitions:

- “Commission” = Act 250 District Commission
- “Coordinator” = Act 250 District Coordinator
- “District Office” = Act 250 District Office
- “Specialist” = Agency of Natural Resources Permit Specialist
- “JO” = Jurisdictional Opinion
- “PRS” = Project Review Sheet
- “Application” = Act 250 permit application
- “AA” = Administrative Amendment
- “LUP” = Act 250 land use permit

### 2.3.2 Pre-Permit Application Process

1. The applicant contacts the Coordinator in the designated District Office and/or Specialist, who interview the applicant and gather facts about the project from the applicant and other information from other state agencies.
2. If the Specialist prepares a PRS, it may happen at this time or later in the process (ie, at the same time another agency permit is required), which would be sent to the Coordinator for review and subsequently distributed to the applicant and any parties.
3. The Coordinator would then interview the applicant and review the PRS, if available. The Coordinator subsequently determines whether the project falls under Act 250 jurisdiction. If no jurisdiction, the applicant need not apply for an Act 250 Permit. If there is jurisdiction, if requested, the Coordinator can issue a JO document, detailing the jurisdiction, to the applicant and a copy is sent to the Specialist. The JO is entered by District Office staff into the Act 250 Database and an electronic copy uploaded to the NRB website (<http://nrb.vermont.gov/decisions/jurisdictional-opinions>).
4. The Specialist issues a *finalized PRS*, which is distributed to the District Office, the applicant, and any parties.

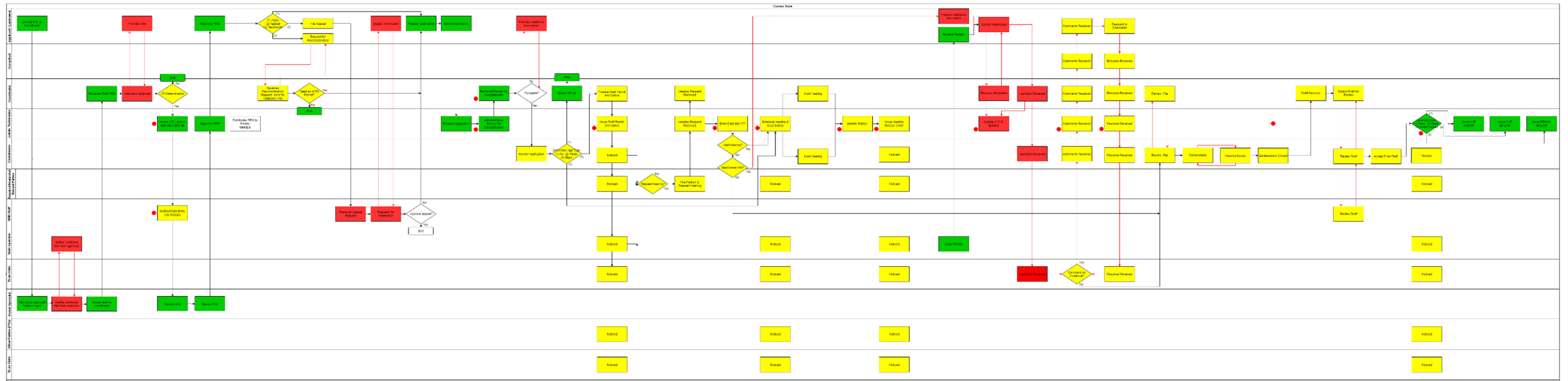
### 2.3.3 Permit Application Process

1. The applicant has three options: (1) submit an Act 250 permit application, as the PRS/JO requires; (2) request a JO Reconsideration from the Coordinator; or (3) contest the JO decision through an official appeal process (*see later section on JO procedures*). The applicant may also decide not to continue with the project at all and not submit an application.
2. The applicant prepares the application and submits it, plus any supporting or supplemental documentation/materials, to the District Office and the application review process begins.
3. The District Office’s two-step review process involves determining the administrative and technical completeness of the application. District staff follow up with the applicant for any outstanding components necessary for two-step completeness.
4. Once complete, the application is forwarded to the Commission who determines whether the application is an AA, Minor, or Major.
  - If deemed an AA, the Coordinator/support staff issues an AA LUP and the permit process is complete.

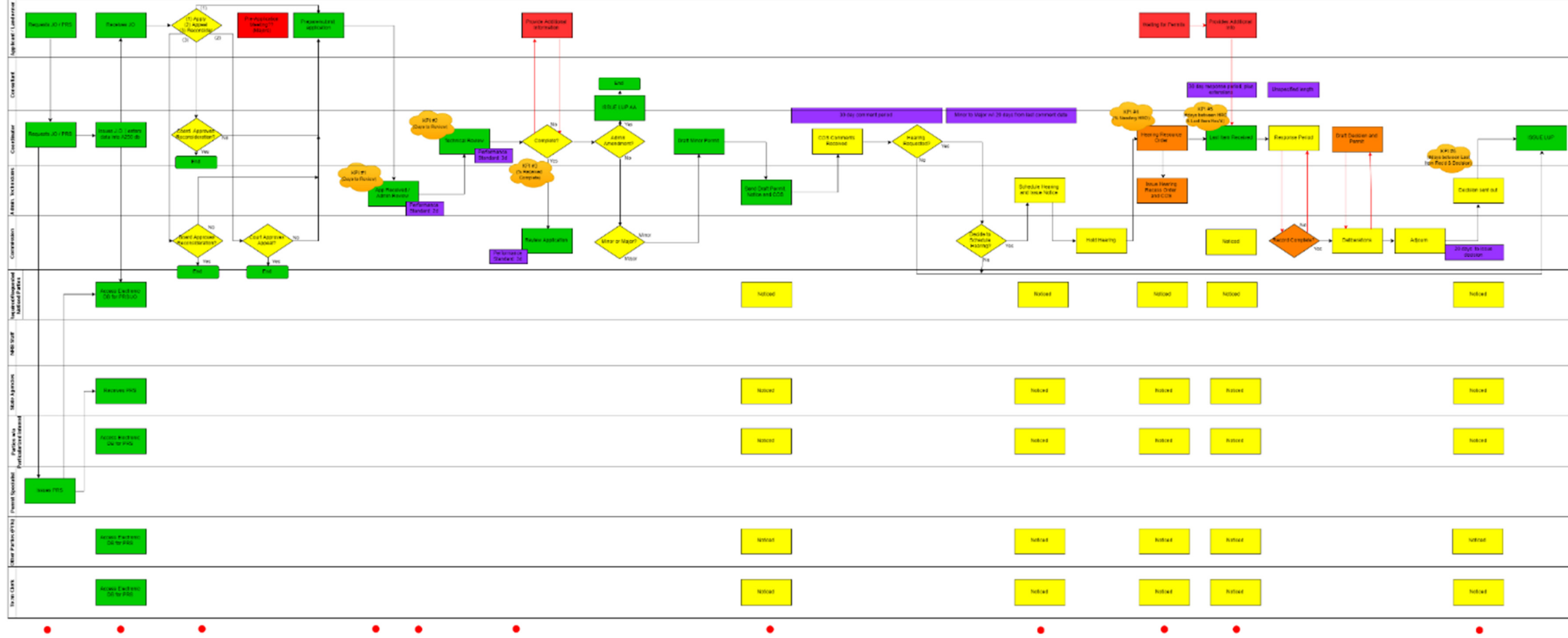
- If deemed a Minor, the Coordinator finalizes the *draft LUP* and *Draft Permit Notice*, which District staff forward to the Commission, required/requested noticed parties, state agencies, the corresponding town/city clerk, and other parties. (At this point, a petition requesting a hearing may be requested; if so, the process skips directly to the “If deemed a Major” bullet below.) After a 20-day comment period, the Coordinator and Commission review any comments and responses to comments received, deliberate, and resolve any issues. Permits from ANR need to be received before the LUP can be issued. Once received, the Coordinator/staff issues a *finalized Minor LUP* and the permit process complete.
  - **Note:** If a petition is filed requesting a hearing, the Commission decides whether to honor the request, which may depend on whether the Commission needs more information (if yes, the applicant will be required to provide the additional information). If the hearing is granted, the application automatically becomes a Major and the permit process for a Major followed (see below).
- If deemed a Major, District Staff schedule a hearing, a site visit, and issue a *Hearing Notice* to the Commission, required/requested noticed parties, state agencies, city/town clerk, and other parties. While the hearing is being held, District staff identify parties, adding any new parties. After the hearing, District staff issue a *Hearing Recess Order*, which is distributed to the Commission, required/requested noticed parties, state agencies, city/town clerk, and other parties. This document is a request for additional information and invites comments from those noticed, who have 7-15 days to respond to the order. Once the response period has concluded, the Coordinator and Commission deliberate the information and comments received. At this time, the Coordinator drafts the findings. Any outstanding ANR permits must be received before the findings and final permit can be issued. Upon receipt, the Coordinator issues the findings and final Major LUP and the permit process is complete.

## 2.4 Value Stream Map

### 2.4.1 The Act 250 Pre-Application and Application Process as it currently exists (chart)



### 2.4.2 Post-LEAN revised Act 250 Application process for the future (chart)



## 2.5 LISTING OF CRITERIA

Criterion 1 - Air

Criterion 1 - Water

Criterion 1(A) - Headwaters

Criterion 1(B) - Waste Disposal

Criterion 1(C) - Water Conservation

Criterion 1(D) - Floodways

Criterion 1(E) - Streams

Criterion 1(F) - Shorelines

Criterion 1(G) - Wetlands

Criterion 2 - Water Supply

Criterion 3 - Impact on Water Supply

Criterion 4 - Soil Erosion and Drainage

Criterion 5(A&B) - Transportation

Criterion 6 - Educational Services

Criterion 7 - Municipal Services

Criterion 8 - Aesthetics, Scenic and Natural Beauty

Criterion 8 - Historic Sites

Criterion 8 - Historic Sites - Archeology

Criterion 8 - Rare and Irreplaceable Natural Areas

Criterion 8(A) - Wildlife and Endangered Species Habitat

Criterion 9(A) - Impact of Growth

Criterion 9(B) - Primary Agricultural Soils

Criterion 9(C) - Productive Forest Soils

Criterion 9(D) - Protection of Earth Resources

Criterion 9(E) - Extraction of Earth Resources

Criterion 9(F) - Energy Conservation

Criterion 9(G) - Private Utilities

Criterion 9(H) - Scattered Development

Criterion 9(J) - Public Utilities

Criterion 9(K) - Public Investments

Criterion 9(L) - Settlement Patterns

Criterion 10 - Local and Regional Plans



## 3 REQUIRED DATA

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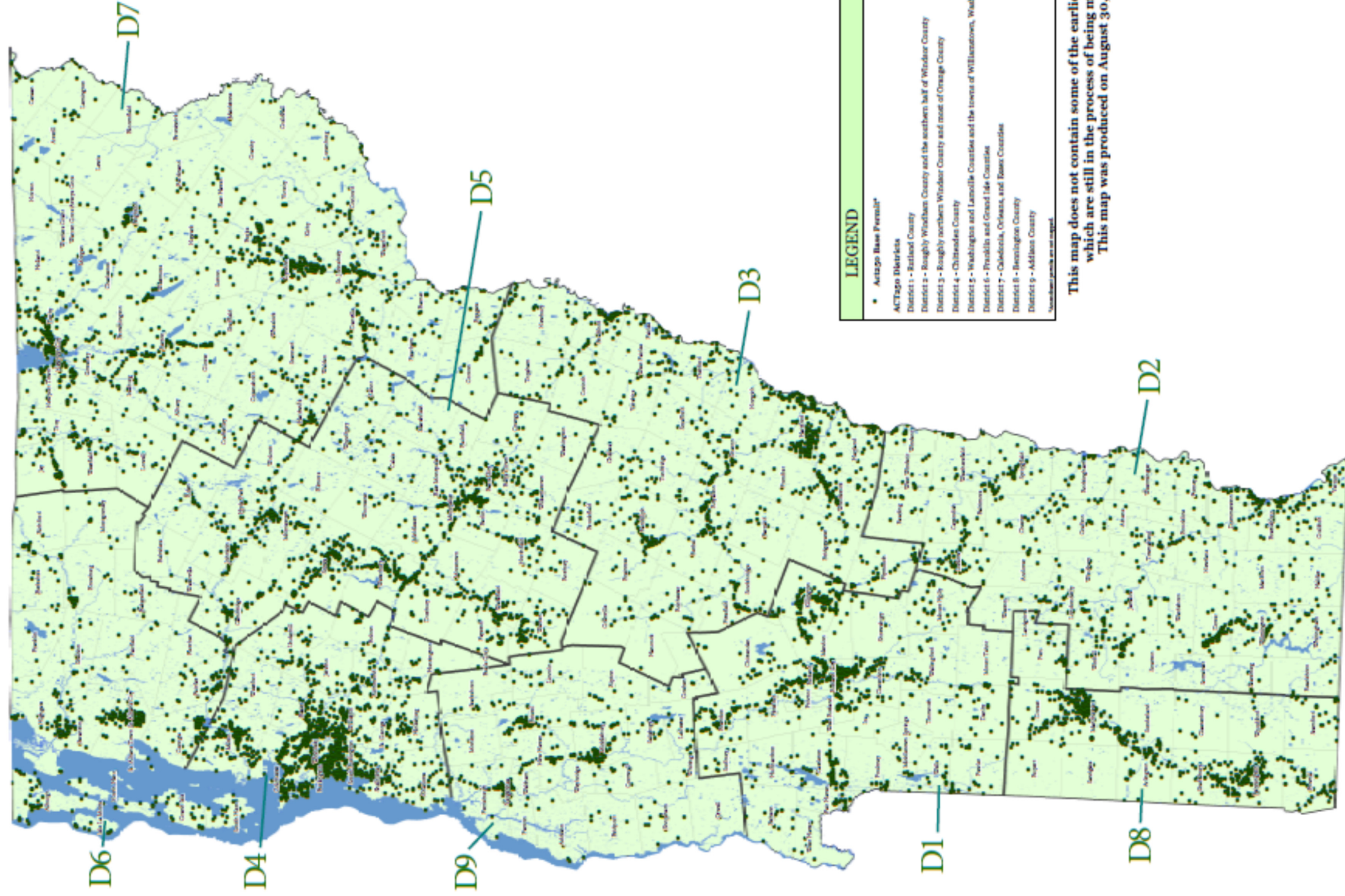
### 3.1 MAP SHOWING LOCATION OF ALL ACT 250 BASE PERMITS

Below is a map on which the nine Act 250 Districts are delineated. Each dot on the map represents the approximate location of an initial Act 250 permit (i.e., “base permit”) associated with a specific property. To date, the Act 250 District Offices have issued close to 30,000 base permits and amendments. As the map shows, every community in the state has been touched by Act 250 in the past 47 years, and, the map also allows for quick identification of where the majority of development has occurred over the same timeframe.

Use the following link for an interactive version of the map, that has a zoom feature:

[http://nrb.vermont.gov/sites/nrb/files/documents/ACT250\\_base\\_permit\\_distribution.pdf](http://nrb.vermont.gov/sites/nrb/files/documents/ACT250_base_permit_distribution.pdf)

# Vermont ACT250 Permit Distribution



### 3.2 NUMBER OF PERMITS PER YEAR BY TYPE: 1970-2016

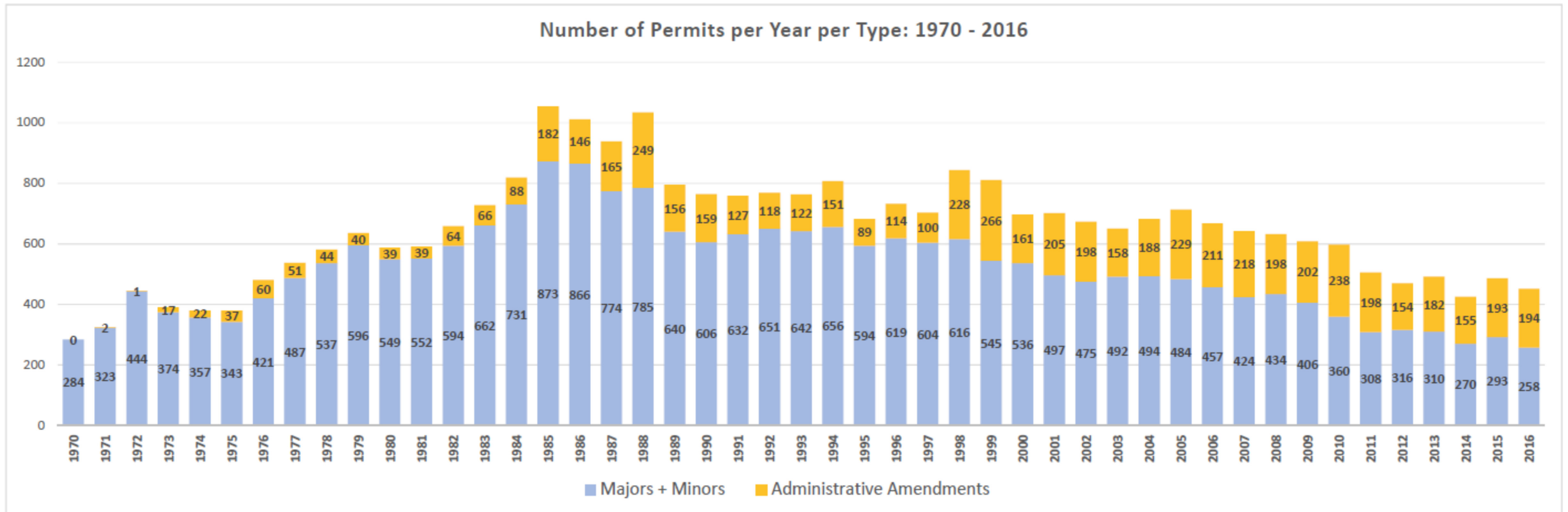
The graph below tracks annual totals of both Major and Minor Applications and Administrative Amendments issued since the Natural Resources Board/Act 250's inception. It should be noted that the word "issued" used in relationship to Act 250 permits does not encompass 100% of the work undertaken by Districts nor- does it represent all the possible results. Specifically, applications *withdrawn* and *denied* are not included, nor is the issuance of any *findings* by a District Coordinator.

The total of all permits - both Major and Minor applications plus Administrative Amendments - issued by Act 250 in its 47-year history totals 30,395. On average, 647 permits have been issued annually, an estimated 71+ per District. It should be noted, however, that some Districts are consistently busier than others due to geographic size, population, and level of local commerce and development opportunities resulting in more permits historically issued by Districts 4 and 5.

As can be seen, the number of **Administrative Amendments (AA's) issued annually by Act 250** show growth each year until recently (2010 – 2016). In its first decade, Act 250 issued an average of 267.4 Administrative Amendments per year. The chart below shows cumulative totals by decade, with the current period partially completed. This current period (2010-2016) shows a slight decline in AA's issued (the average being 187.7 AA's per year compared with 196.8 for the prior period) and, if the remaining three years hold to the average for this decade, it is likely that the total of Administrative Amendments issued in this decade could show the first overall decline in issuance of this type of decision. This should not come as a surprise. Growth for the period beginning 2010 has lagged in the New England States, according to the New England Economic Partnership. The Federal Reserve Bank of Boston announced recently, however, that "The New England economy continues to move in a mostly positive direction...a turnaround from a year or more earlier."

Number of Administrative Amendments Issued Per Period Noted				
1970-79	1980-89	1990-1999	2000-09	2010 - 16*
274	1,194	1,474	1,968	1,314

\* The report below was prepared by running the Standard List report from the SharePoint Database for all permits issued between 1/1/1970 and 12/31/2016. After calculations in Excel, the data was exported as the below graph

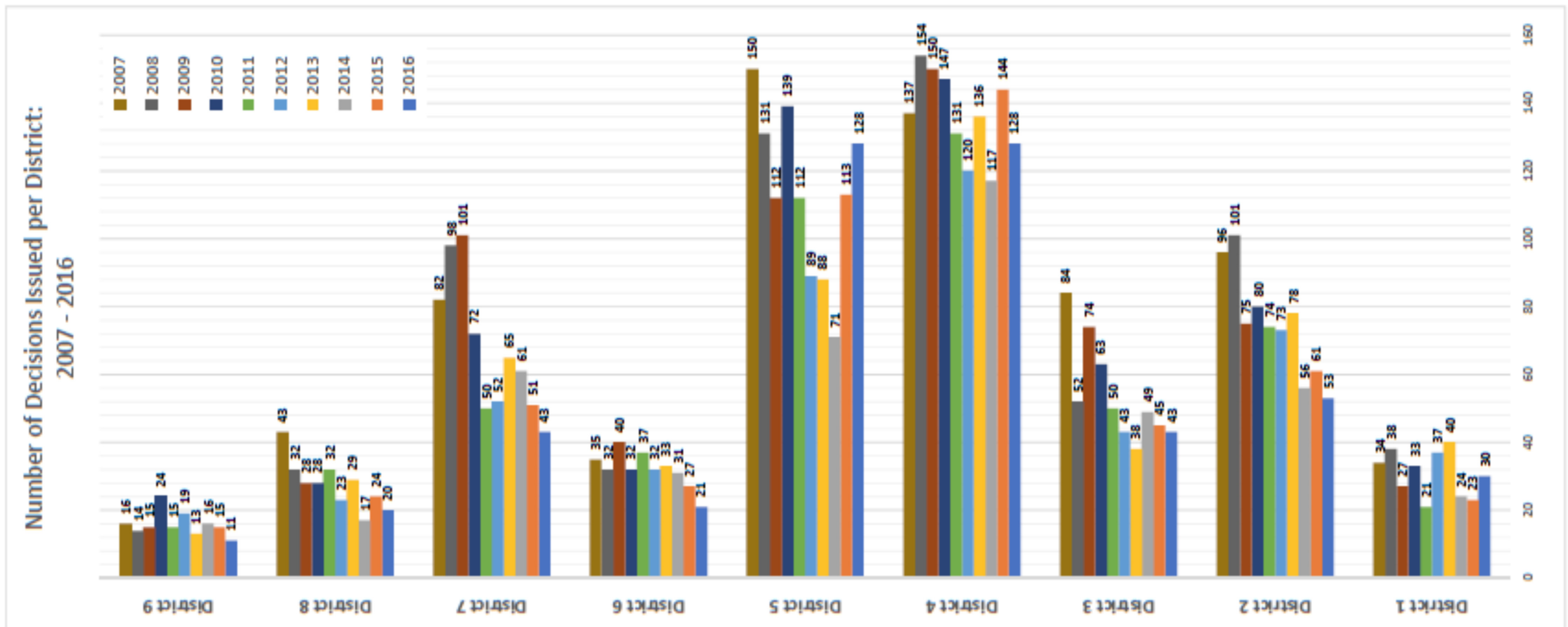


### 3.3 NUMBER OF DECISIONS BY DISTRICT: 2007-2016

The "Summary Decisions Issued" report was run from January 1 to December 31 for each year from 2007 to 2016 for all nine districts.

As the report implies, the data was run for "issued decisions," which includes not just issued *permits*, as presented in the previous tables in this report, but also the following statuses: *withdrawn*, *denied*, and *findings*.

As is clear from the graphic information below, in terms of overall work processed per individual district, Districts 4 and 5 are the busiest in terms of output. This historic fact accounts for the assignment of more than one Coordinator to each of those Districts. All other Districts are staffed by a single Coordinator, and in some instances, Coordinators are responsible for more than one District. (See the Act 250 brochure provided to Act 47 Commission members or on the NRB/Act 250 website to review staff assignments by District and office locations.)



<b>Average number of days to process a permit</b>					
<b>District No.</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
<b>District 1</b>	54	90	30	38	44
<b>District 2</b>	50	74	50	75	54
<b>District 3</b>	91	33	53	65	43
<b>District 4</b>	90	61	93	77	64
<b>District 5</b>	77	65	63	97	93
<b>District 6</b>	51	140	56	87	88
<b>District 7</b>	60	57	86	82	52
<b>District 8</b>	55	35	38	40	77
<b>District 9</b>	66	76	77	80	77

### 3.4 COMPARISON OF PROCESSING TIMES BY DISTRICT, OVER 5 YEARS

When reviewing the data above, it is important to understand that there are factors outside of the control of the Natural Resource Board’s staff that regularly contribute to processing time. The following represent examples of these circumstances: ANR permits that applicants may need to obtain, and which may require additional consideration and investigation by Agency staff; legwork the applicant needs to carry out for their own purposes and/or purposes of the permit; challenges to the permit’s issuance posed by Adjoiners and/or parties; and the complexity, size and scope of the application.

A good example of how permit issuance can take longer than the NRB’s standard 60-day performance indicator is the 1254 days it took to issue a permit for a gravel extraction operation and the 794 days it took to issue a permit for the demolition and reconstruction of a convenience store/gas station - both in District 6 in 2012. Averaged in with all other permits processed in that District in 2012, these permit records, out of the 119 permits issued in that year in District 6, added 49 days to that District’s final average of 140 days.

More information on days to process a permit appears later in this data section.

\*To create the table (above) information was extracted from the NRB’s “Standard List” report and reviewed with staff prior in order to avoid any errors.

### 3.5 INTRO- DISTRICT PROCESSING

What follows are three pages of charts and graphs that provide graphic data related to processing times for all permits across all District offices. The information is broken up into categories as follows:

- Permits issued in under 30 days;
- Permits issued in under 60 days; and
- Permits issued in over 90 days.

It's important to note that the permits issued in the *under 60 days category* is not exclusive of those issued in under 30 days. Permits denied and withdrawn are also not included in any of the above categories, nor are the issuance of findings.

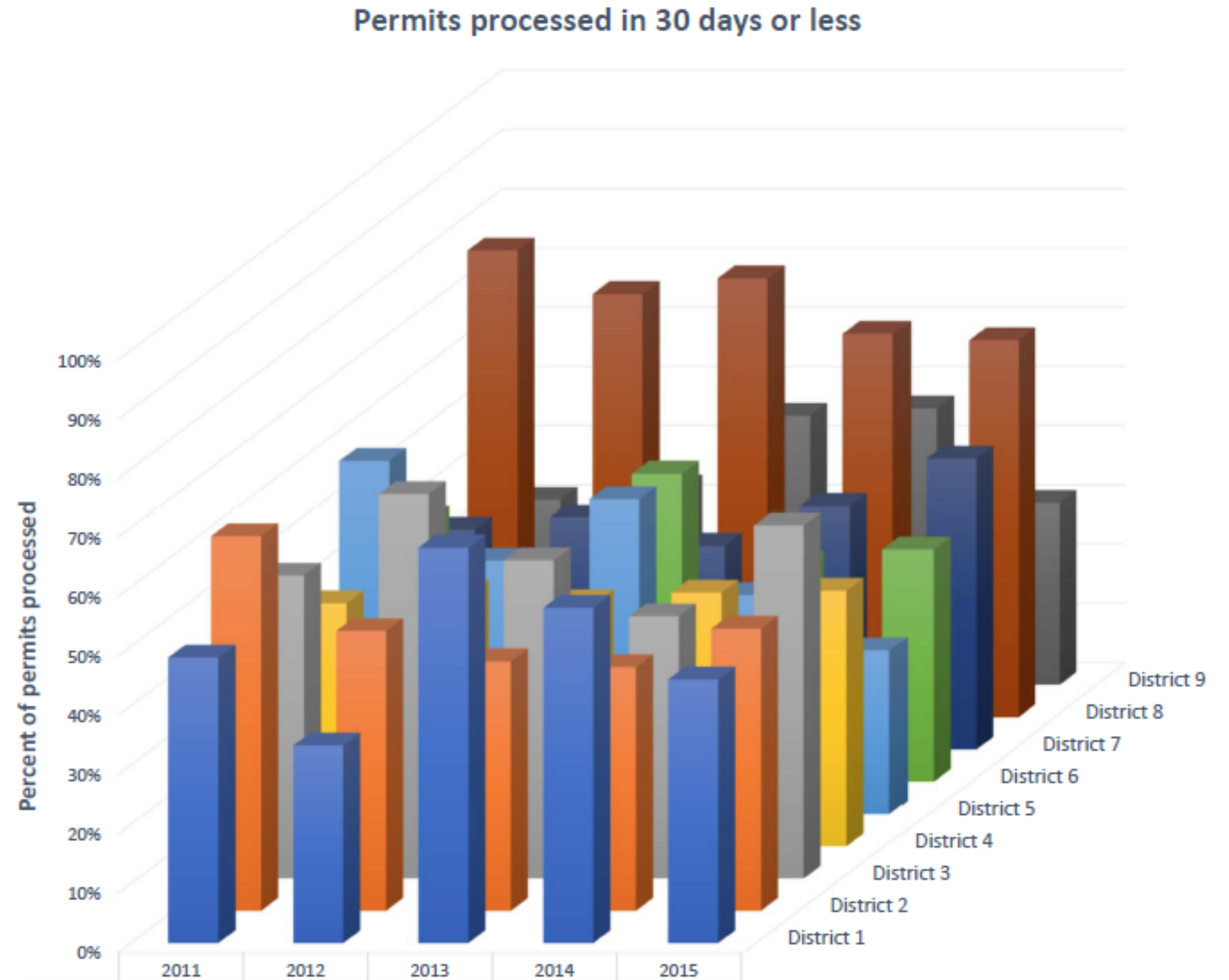
Charts with data by District for the past 5 years show the percent of permits processed in the stated timeframes. And, the graphic representation offers insight into how the different Districts generally compare per year both within their own 5-year history and, also, in comparison to other Districts. It is important to note that impacts to timelines regularly include circumstances outside the direct control of District Coordinators (as mentioned previously.) Projects also vary in size and complexity. The data contributing to the following charts and graphs should not be compared between Districts, as the number of Majors, with the complexity that this category represents, is not consistent across all Districts or consistently seen from year to year. The data provided is intended to offer one view of the timing of work within each District office, and may be best utilized for looking at averages, consistencies and trends across the system.

The final information provided looks at case histories for a subset of those applications that took more than 90 days to process and provides some clarifying information on situations which contributed to additional time being required for processing.

### 3.6 DISTRICT PROCESSING

#### 3.6.1 Permits issued under 30 days

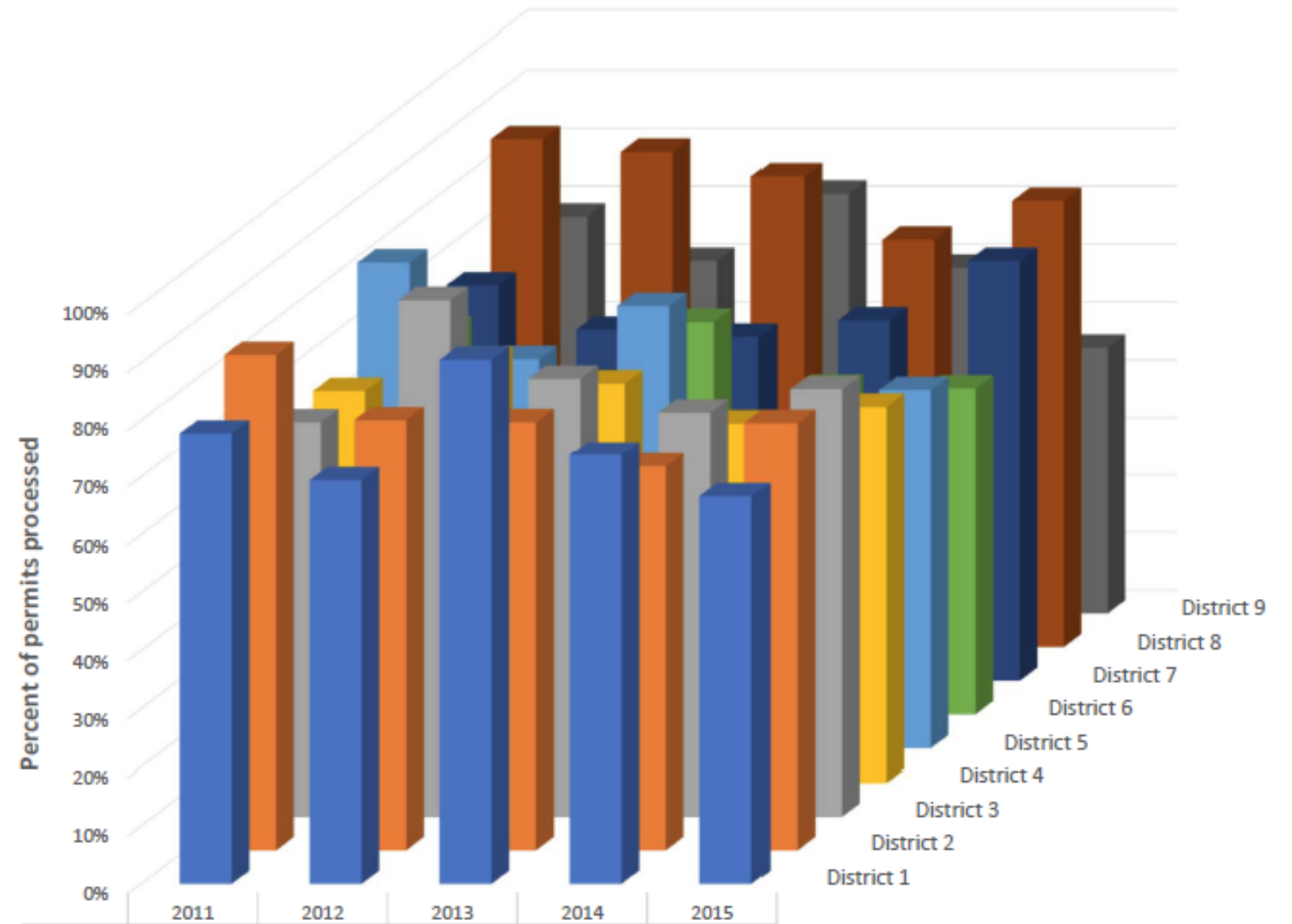
Percent permits processed in <= 30 days					
District No.	2011	2012	2013	2014	2015
District 1	48%	33%	67%	57%	44%
District 2	63%	47%	42%	41%	48%
District 3	51%	65%	54%	44%	60%
District 4	41%	43%	41%	43%	43%
District 5	60%	43%	53%	37%	28%
District 6	44%	27%	52%	37%	39%
District 7	37%	39%	34%	41%	49%
District 8	79%	71%	74%	65%	64%
District 9	31%	33%	45%	47%	31%



3.6.2 Permits Issued under 60 days

Percent permits processed in <= 60 days					
District No.	2011	2012	2013	2014	2015
District 1	78%	69%	90%	74%	67%
District 2	86%	74%	74%	66%	74%
District 3	68%	89%	76%	70%	74%
District 4	68%	73%	69%	62%	65%
District 5	84%	67%	77%	55%	62%
District 6	67%	49%	68%	57%	57%
District 7	69%	61%	60%	63%	73%
District 8	88%	86%	81%	71%	77%
District 9	69%	61%	73%	60%	46%

Permits processed in 60 days or less

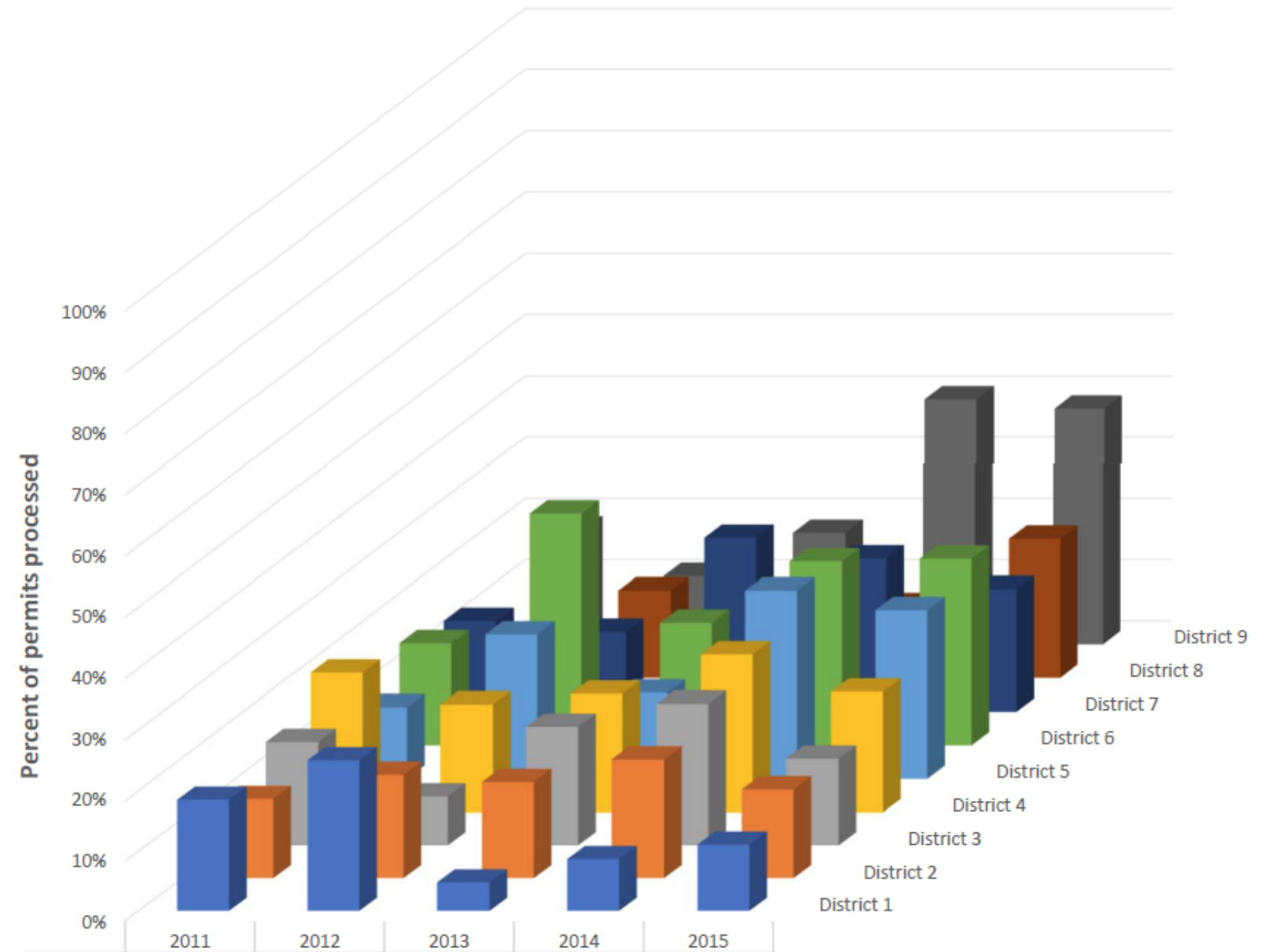




3.6.3 Permits issued, more than 90 days

Percent permits processed in >90 days					
District No.	2011	2012	2013	2014	2015
District 1	19%	25%	5%	9%	11%
District 2	13%	17%	16%	20%	15%
District 3	17%	8%	20%	23%	14%
District 4	23%	18%	19%	26%	20%
District 5	12%	24%	14%	31%	28%
District 6	17%	38%	20%	30%	30%
District 7	15%	13%	28%	25%	20%
District 8	6%	14%	7%	12%	23%
District 9	19%	11%	18%	40%	38%

Permits processed in over 90 days



District Offices were asked to report back on 10 permits in each district in the period of 2007 to 2016 that took longer than 60 days to issue. The permits chosen were selected by dividing the entire number of permits over 60 days for that district by 10 and using the derived product number to count out and select the permit. For example, if there were 150 permits over 60 days in District X,  $150 \div 10 = 15$ , so every 15th permit in the list was selected as the permit to be reported upon.

## 4 DISTRICT 1 SUMMARY

Permit Number	Project Description	Application_Type_1	Applicant name	Date complete	Date issued	Status	Town	No. days to process	Notes/summary
1R0980	SUBDIVISION APPR OF 15 LOTS; & REAFFIRM 10 LOTS; & MASTER PLAN CONSTRUCT 2,300 RESIDENTIAL UNITS;	Major	Vermont Agency of Transportation/SP LAND COMPANY, LLC; MTB KILLINGTON LLC	3/5/2012	10/7/2013	Permit 10/7/2013	Killington	581	The subdivision of lots approved herein was initially permitted as an administrative amendment and completed in less than a month. That was challenged by an adjoiner, upheld by the E-Court, and subsequently reversed by the Supreme Court. The subdivision activities were then added by the applicant to the "Killington Master Plan" application (1R0980) which was again heavily litigated by an adjoiner.
1R0567-12	EXPANSION OF EXIST SAND & GRAVEL QUARRY TO WEST (FORMER OLIVE HALEY) 30,000 SQ YARDS	Major	ELNICKI AGGREGATE, INC./ELNICKI AGGREGATE, INC.	5/24/2011	1/31/2012	Permit 1/31/2012	Clarendon	252	The applicant took seven months to submit the final recess order item - a legal ROW/Easement with Forests, Parks and Recreation.

## District 3 Summary

Permit Number	Project Description	Application_Type_1	Applicant name	Date complete	Date issued	Status	Town	No. days to process	Notes/summary
3R0942-1	Re-deck and reactivate existing bridge and re-route existing road	Major	Chief Crushing & Excavation, Inc.	11/14/2011	10/5/2016	Permit 10/5/2016	Newbury	1787	ANR and Applicant were at a standstill over river buffers and public access to the Waits River. VF&W own a one-rod wide strip along the river bank for public access. I contacted the consultant many times throughout the process and finally got him to request a hearing. He requested a hearing on 8/6/14. The hearing was scheduled and rescheduled to accommodate two "neighbors" who requested an American Sign interpreter. The hearing was held on 9/9/14 and a recess order was issued on 9/11/14 asking for evidence on Stormwater. I contacted the engineer many times on the status of the applicant's response. The Stormwater permit and plan were submitted on 8/1/16 and the permit and findings were issued on 10/5/16.
3R1006-1	install new waterline on Inner Traditions land w/225 lf of 12" waterline; 175 lf of waterline; and	Minor	Inner Traditions Distribution Center, LLC/Town of Randolph	3/16/2009	5/4/2010	Permit 5/4/2010	Randolph	414	The Town of Randolph had to work out an easement deed with Inner Traditions. The easement was submitted on 5/4/10 and the permit issued on 5/4/10.
3W0973	previous vehicle storage, stock piling materials, stone and fill	Minor	JBW Partners	9/5/2006	4/26/2007	Permit 4/26/2007	Woodstock	233	this was a flood plain issue between the town and applicant. It was finally determined that development was not within the FEMA SFH Area and a town permit not needed. A memo from River Management Program, ANR, received on 4/19/07 confirmed. Permit issued on 4/26/07.
3R1086	convert a 9-bedroom house, a 5-bedroom house, a 2-bedroom cabin and whole property to a retreat cent	Major	Galusha hill Farm, LLC	5/8/2014	11/6/2014	Permit 11/6/2014	Topsham	182	minor turned major. Hearing originally scheduled for 6/26/14, but hearing had to be scheduled later on account of applicants, parties and attorneys scheduling. A motion to continue "sometime after July 30, 2014." The hearing was held on 9/4/14, permit issued 11/6/14. Probably workload is why the permit and findings took 2 months to issue.
3W1049(R)	Motion for Reconsideration	Major	Andrew and Lisa O'Brien/Frog City LLC	10/31/2013	4/3/2014	Permit 4/3/2014	Plymouth	154	After TS Irene, this old pit was re-opened following protocol and submitted an application to continue to operate. The project was denied 4/30/13. The Applicant submitted a Motion to Reconsider (6 mos. later as allowed) and revised the project to the removal of the 5000 c/yds of post-Irene stockpiled material. Hearing on 12/2/13 neighbors still cranky. last evidence rcvd 1/17/14. Workload as well as commission deliberations accounted for those 2+ months. On 4/24/14 the Permittee petitioned to voluntarily abandon the permit, but then withdrew the request on 6/4/14.
3W0943-1	Aquatic Center - construct a 40,000 square foot building	Major	Atlas Ledge, LLC/Sports Venue	3/26/2007	7/16/2007	Permit 7/16/2007	Hartford	112	Hearing on 5/3/07; recess order 5/4/07 with 8 items; WW permit issued 6/4/07; Stormwater permit issued 6/28/07 rcvd on 7/13/07; LUP and findings issued 7/16/07

	w/leisure pool for Aquatic Center		Foundation, Inc.							
3W0994	89' tower with 12/30' equipment shelter, 12 panel antennas, 550' new access	Major	Trustees of the Bettis Family Trust/Verizon	8/29/2007	1/4/2008	Permit 1/4/2008	Hartford	128	Hearing on 9/25/07; Stormwater permit rcvd 1/3/08 (issued 12/31/07).	
3R0516-2A	construct 1, 2-bedroom cabin to replace side 2 of carol house	Minor	THE ALOHA FOUNDATION, INC	4/18/2011	7/21/2011	Permit 7/21/2011	Fairlee	94	WW permit issued 6/1/11 and Historic Preservation letter submitted 7/20/11. Proposed permit indicated these 2 items needed prior to issuing LUP. Permit issued 7/21/11.	
3W0352-9	demolish porch and construct a 2-story, 847 sf addition onto Curtis house for office space	Minor	Vermont Law School	2/17/2011	5/9/2011	Permit 5/9/2011	Royalton	81	Historic Preservation comments rcvd 5/6/11	
3W0885-2	add 8' addition to 92' monopole w/3 panel antennas and equipmenet shelter	Major	Verizon	6/13/2007	8/21/2007	Permit 8/21/2007	Hartford	69	D3 coordinator retired, this application was farmed out. Hearing held on 7/19/07. Last evidence rcvd 8/23/07, LUP issued 8/31/07 (not as in col. H).	

## District 4 Summary

Permit Number	Project Description	Applicatio n_Type_1	Applicant name	Date complete	Date issued	Status	Town	No. days to process	Notes/Summary
4C0492-1	After-the-fact construction by permittees of greater than 800' to access 4 lots & another new lot	Minor	William Shriner	11/20/1987	7/18/2012	Permit 7/18/2012	Richmond	9007	Project was deemed incomplete and inadvertently filed downstairs and discovered during a title search
4C1138-5	Larkin Parcels #1, #2 & QHC Lot #3 Changes	Minor	Cupola Golf Course, Inc./Larkin Realty	3/3/2011	2/8/2012	Permit 2/8/2012	South Burlington	342	Justice Dooley appealed project to Supreme Court
4C1249	Creation of a five lot residential subdivision	Minor	South Road Land Company, LLC	5/20/2011	12/21/2011	Permit 12/21/2011	Williston	215	Waiting for state permits to be issued until LUP could be issued
4C0739-8	Construction of a one-bedroom detached residence.	Minor	James and Lorraine Manley	1/28/2015	7/9/2015	Permit 7/9/2015	Milton	162	Waited for other state permits to be issued before LUP was issued
4C0905-2	Subdivision of 6.44 acre parcel into two single family lots	Minor	Andrea Estates/Rod Reynolds	3/19/2012	7/27/2012	Permit 7/27/2012	Milton	130	Waited for other state permits to be issued before LUP was issued
4C1188-1	Construct one duplex,10 three-unit bldgs.,3 four-unit bldgs.	Minor	H.V. 2007, Inc./Housing Vermont	7/30/2008	11/20/2008	Permit 11/20/2008	Colchester	113	Waited for other state permits to be issued before LUP was issued
4C0388A-27C	Increase permitted bldg. size to 25,238sf on Lot #4 - general office/medical use w/79 parking spaces	Minor	Earn Turns, LLC/DEW Construction Corp.	8/28/2007	11/28/2007	Permit 11/28/2007	Williston	92	Waited for other state permits to be issued before LUP was issued
4C0887-1R-H	Completion of the construction of Dunmore Road and construction of 11 single family homes on Lots S1	Minor	The Snyder Taft Corners, LLC	9/26/2014	12/16/2014	Permit 12/16/2014	Williston	81	Waited for other state permits to be issued before LUP was issued
4C1053-7	After-the-fact demolition of Hideaway Restaurant and merging of two lots	Minor	The Automaster	11/7/2012	1/18/2013	Permit 1/18/2013	Shelburne	72	Demolition was started before applying for Act 250 and NOAV was issued which delayed project
4C1197	Subdivision of 95.97 acres into two parcels - subdivide. 16 lots, 14 unit PRD - no const. of houses	Major	Forest Park Realty Corporation	11/20/2007	1/23/2008	Permit 1/23/2008	Shelburne	64	Waited for other state permits to be issued before LUP was issued

## District 5 Summary

Permit Number	Project Description	Applicatio n_Type_1	Applicant name	Date complete	Date issued	Status	Town	No. days to process	Notes/summary
5L0543-3	Extend life of gravel extraction project	Major	Peter J. Kullman	7/14/2000	4/23/2011	Permit 4/23/2001	Johnson	3935	Data is incorrect. Permit was issued 4/23/01, not 4/23/11. Applicant delayed supplemental filing for completeness for 14 months.
5W0870-17	transfer to Agri-Mark/increase in daily rate of land applications/use of Lower Walden Road	Major	Agri-Mark, Inc.	5/30/2008	6/2/2009	Permit 6/2/2009	Cabot	368	There were 4 hearings and a site visit; numerous parties; and outstanding state permits.

5L1486	Storage structures	Major	Alan Lehouiller	8/30/2007	4/29/2008	Permit 4/29/2008	Johnson	243	The project was an as-built review with the structures being built in 2004 and 2005. They requested a Stonybrook and the applicant delayed responding to Commission requests.
5W0164-34	Expand soil/stone extraction area; construct new access road; changes to Stormwater collection system	Major	Moretown Landfill, Inc.	7/7/2011	12/19/2011	Permit 12/19/2011	Moretown	165	Applicant delayed responding to the hearing recess order for 4 months. Decision was issued 3 days after the applicant finally responded to the Commission.
5W0847-B	To amend condition 21 in 5W0847 to allow dogs if they are kenneled	Adm. Amend	Ashford Lane Homeowners	11/2/2012	3/14/2013	Permit 6/12/2014	Waterbury	132	See E-Court history. Applicant was required to file a 34(E) analysis, and did not. Commission denied the permit. E-Court remanded against NRB/ANR appeals. Commission held a hearing and F&W did not respond for 2 months.
5W1150-7	increase tonnage from 300 tons per day to 750 tons per day at transfer station	Major	C.V. LANDFILL INC./Casella Waste Management, Inc.	5/13/2013	9/3/2013	Permit 9/3/2013	East Montpelier	113	At least two recess order extensions were requested by the applicant.
5L1338(Alt)-14	Enlargement and relocation of performing arts center	Minor	Spruce Peak Realty, LLC	7/3/2008	10/8/2008	Permit 10/8/2008	Stowe	97	Applicant delayed in applying for compliance under Rule 19. After several months, applicant requested to be approved under Rule 19 without presumptive permits. Presumptive permits were issued after the decision.
5L1338(Alt)-P	Revised conservation easement to reflect 3.2 acres involved land rep. under 8(A)	Adm. Amend	Mt. Mansfield Company, Inc.	11/2/2006	1/22/2007	Permit 1/22/2007	Stowe	81	Legal issues and numerous signatories delayed the issuance. It was simply a revised conservation easement. No development was proposed.
5L0708-10	Redevelopment of 2 existing buildings on 2 adjacent lots	Minor	H.A. Manosh Corporation/Manufacturing Solutions, Inc.	9/28/2009	12/8/2009	Permit 12/8/2009	Morristown	71	Statutory parties - VTrans and ANR - delayed the issuance due to entries of appearance and two outstanding permits.
5W1447(Cor)D-1A	Lot line adjustments between lots 9 and 10/single family residence	Adm. Amend	Michael & Kaoru Morgan	12/22/2008	2/24/2009	Permit 2/24/2009	Warren	64	Applicant filed incorrect site plans which caused a delay of 2 months.

## District 6 Summary

Permit Number	Project Description	Application Type_1	Applicant name	Date complete	Date issued	Status	Town	No. days to process	Notes/summary	BONUS
6F0630-2	Gravel Extraction Operation w/total extraction of 60,000 cubic yards over a 5 year period	Major	B & T Black Creek Farms, LTD	8/22/2012	1/28/2016	Permit 1/28/2016	Fairfield	1254	The applicant and the East Fairfield Fire delayed reaching an agreement until the Commission held a final hearing to review updated water data and moved forward to issue its decision.	
6F0635	Permit operation of existing salvage yard	Major	Ray's Salvage	2/9/2012	2/14/2013	Permit 2/14/2013	Swanton	371	Last item rec'd from ANR regarding wetlands on 1/17/13; permit issued on 2/14/13.	
6G0467-2	Construction of 5 cabins, maintenance building, addition, columbarium, gravel walking paths, road	Minor	St. Anne's Shrine	9/13/2012	4/7/2013	Permit 4/7/2013	Isle LaMotte	206	Last item rec'd was WW permit on 4/1/13; permit issued on 4/7/13	
6F0092-4B	Construction 20 new parking spaces and pave 20 existing gravel spaces	Minor	600 Realty Development, LLC	11/21/2011	4/23/2012	Permit 4/23/2012	St. Albans Town	154	Last item rec'd was Discharge Permit issued on 4/16/12; permit issued on 4/23/12.	
6L0135-39G	North Hill Phase 3C	Minor	Smugglers' Notch Mgmt. Co., Ltd.	3/16/2012	7/24/2012	Permit 7/24/2012	Cambridge	130	Not in my district; Lamoille county done out of District 5, Barre Office	
6F0334-7	16 Lot Subdivision	Minor	Bakersfield Country Club/Bakersfield Country Club	4/11/2008	7/29/2008	Permit 7/29/2008	Bakersfield	109	Last item rec'd was WW permit on 6/26/08	
6F0657	Interim improvements to existing city roadways in vicinity of Federal Street/Lake Street/Market Street	Minor	City of St. Albans	1/25/2016	4/25/2016	Permit 4/25/2016	St. Albans City	91	Last item rec'd was ANR Discharge Permit on 4/14/16; permit issued 4/25/16.	
6F0408-6B	Construct a 1700 sf Chemical Room Storage Addition	Minor	Ben & Jerry's Homemade, Inc.	1/31/2012	4/20/2012	Permit 4/20/2012	St. Albans Town	80	Last item rec'd was ANR Discharge permit issued on 4/18/12; permit issued on 4/120/12.	
6F0645	Installation of nine panel antennas to existing silo	Minor	Mark St. Pierre/T-Mobile Northeast	3/24/2014	6/4/2014	Permit 6/4/2014	Berkshire	72	No explanation	
6F0602	re-open, expand & operate a gravel pit & extract an average rate of 25,760 CY/yr for 4 yrs	Major	B & T Black Creek Farms, LTD	1/17/2008	3/24/2008	Permit 3/24/2008	Fairfield	67	Good example of a earth resource extraction application for a gravel pit being expanded and reopened in less than 60 days, if you subtract mandatory 20 day comment period. (response to Item 4 of Memo)	**
6F0014-3	Remove existing store & gas island, expand conv. Store, gas island, canopy	Minor	R.L. Vallee, Inc.	9/2/2008	11/7/2008	Permit 11/7/2008	Georgia	66	Last item rec'd was ANR WW permit on 10/23/08; permit issued 11/7/08	

6F0018-2	Construct 17,000 sf building to connect plants B & E	Minor	Mylan Technologies, Inc.	8/20/2007	10/23/2007	Permit 10/23/2007	Swanton	64	Major manufacturing project, Act 250 comment period ended 9/24/07 but had to wait until Discharge permit was issued on 10/17/07. Act 250 could have issued its permit almost 30 days earlier. (response to Item 4 of Memo	**
6G0614-1	Construct add'l dock to existing marina, travel lift U-dock & dredge sand & silt from bay	Minor	New England Powerboat Service	5/12/2010	7/14/2010	Permit 7/14/2010	North Hero	63	Good example of concurrent filing of ANR permits, including Army Corps, Shore land Encroachment, and Discharge permits. Potentially significant impacts but addressed by Commission. (Response to Item 4 of Memo.	**

## District 7 Summary

Permit Number	Project Description	Application Type_1	Applicant name	Date complete	Date issued	Status	Town	No. days to process	Notes/summary	BONUS
7C1136	Increase extraction at pre-existing gravel pit and add truck scale	Major	Russell & Anne-Marie Riendeau	9/28/2001	1/26/2011	Permit 1/26/2011	Lyndon	3407	Substantive environmental resources issues identified at a hearing, applicant returned with needed revised plans 7+ years later, decision took a long time to finalize.	
7C1167	Operate a municipal gravel pit with 8,000 cy annual extraction	Major	Hardwick Electric Department/Hardwick Electric Department/Town of Hardwick	2/14/2003	11/7/2008	Permit 11/7/2008	Hardwick	2093	Complicated archaeological and river flooding issues, Applicant put project on hold and later resumed	**
7C1065-1	Construct and operate a 25 tent-site campground	Minor	KERMIT & GAIL WEED	4/23/2013	6/6/2016	Permit 6/6/2016	Burke	1140	Applicant's husband died, application was put on lengthy hold and later resumed, Commission waited for WW permit that Applicant was relying on.	**
7R0854-3-A-7	Construct two 5-unit condominiums V311 thru V320 (VC2 & VC3)	Minor	JAY PEAK, INC.	7/14/2006	6/16/2008	Permit 6/16/2008	Jay	703	Project was redesigned, and Commission waited for ANR Stormwater permit that Applicant relied on.	**
7R0615-5	160,000 sf retail building (Walmart)	Major	Shattuck Hill Investments LLC	5/22/2014	4/3/2015	Permit 4/3/2015	Derby	316	Big project with traffic and lighting design issues, Commission waited for DRAFT Individual ANR Stormwater permit.	
7C0558-3	Reconstruction of .7 miles of US Route 2 through Danville/underground utilities/turn lane at Marty's	Major	Vermont Agency of Transportation/TOWN OF DANVILLE/Vermont Agency of Transportation	8/1/2006	3/15/2007	Permit 3/22/2007	Danville	226	Commission waited for ANR Stormwater permit that Applicant relied on.	
7R1081-2	Construct a 6,000 sf bank with parking, drive thru teller, and related transportation improvements	Major	Passumpsic Savings Bank	4/30/2007	10/12/2007	Permit 10/12/2007	Newport City	165	Commission waited for DRAFT Stormwater permit (ANR notice of complete application).	
7R0836-7	Construct a new 40 space parking area at Northern State Corr. Facility	Minor	VT. Dept. of Buildings & General Services	5/19/2011	9/30/2011	Permit 9/30/2011	Newport City	134	Commission waited for resolution of ANR wetland permit issue, and updated corrected Schedule A.	
7C0667-7	Demolish 2 bldgs., construct dorm, additional parking	Minor	LYNDON INSTITUTE	8/14/2009	12/8/2009	Permit 12/8/2009	Lyndon	116	Commission waited for ANR Stormwater permit.	
7C1217-B	Replace 3 antennas at 120' with 3 new antennas	Adm. Amend	Nextel WIP Lease Corporation	9/7/2007	12/14/2007	Permit 12/14/2007	Waterford	98	Unclear why this AA took so long (emails of former assistant coordinator may be missing from the paper file or record)	
7R0644-4	Gravel Pit re-opening and expansion-25,000cy for 10 years	Minor	Mark & Sarah Barnes	8/6/2012	10/29/2012	Permit 10/29/2012	Jay	84	Commission received hearing request (involved review of detailed permit history), also Applicant filed revised plans.	
7R1330	Develop and operate sand pit with 5,000 cy per year limit	Minor	Richard A. G. Morse, Jr./William & Jacqueline Riegel	4/27/2012	7/12/2012	Permit 7/12/2012	Glover	76	Issue with proposed stream crossing detail and need for ANR site visit.	
200038-2	Construct 1,858 sf single-story addition to existing Derby Green Nursing Home	Minor	NORTH COUNTRY HOSPITAL/HC	1/18/2013	3/28/2013	Permit 3/28/2013	Derby	69	Commission waited for ANR WW permit that Applicant relied on.	

## District 8 Summary

Permit Number	Project Description	Application_Type_1	Applicant name	Date complete	Date issued	Status	Town	No. days to process	Notes/summary
8B0417-2	EXTRACT GRAVEL ON 6 ACRES UP TO 20,000 CUBIC YARDS PER YEAR	Major	JOSEPH LORA III/JOSEPH LORA III	1/23/2009	9/17/2012	Permit 9/17/2012	Stamford	1333	Mr. Lora was converting his subdivision into a gravel pit instead; but he'd sold one lot and had to negotiate a reasonable price to buy it back. That took much time because the guy wanted a fortune.
8B0611	GRAVEL EXTRACTION OF 200,000 CU YDS PER YR OFF ROUTE 7 IN POWNAL	Major	HART GRAVEL BANK, LLC	8/23/2011	10/30/2012	Permit 10/30/2012	Pownal	434	this gravel pit was pre-existing for 40 years w/o any reclamation to date, so ANR and others had a lot to argue about
8B0573-3	Construction of 24 apt units in 7 buildings on Lot 3; including new roadway, sidewalks, lighting, la	Major	Shires Housing, Inc.	9/30/2015	8/24/2016	Permit 8/24/2016	Bennington	329	all surrounding neighbors opposed; permit was stayed pending enforcement action by NRB
8B0271-9	Change of use to a day school with 65 students, 11 staff and a 1-bedroom apartment	Minor	GREEN MOUNTAIN CHRISTIAN CENTER	8/10/2015	1/29/2016	Permit 1/29/2016	Bennington	172	WW permit took a long time due to contaminants found in drinking water
8B0586	CONSTRUCT & OPERATE A C&D UNLINED LANDFILL ON 4.5 ACRES	Major	BURGESS BROTHERS, INC.	9/22/2006	2/12/2007	Permit 2/12/2007	Woodford	143	certification from ANR for landfill took a while
8B0588	100' TELECOMMUNICATIONS TOWER; 1800' ACCESS ROAD; INSTALL 12 PCS PANEL ANTENNAS; ASSOCIATED UTILITIES	Major	CELLCO PARTNERSHIP D/B/A VERIZON WIRELES	12/21/2006	4/18/2007	Permit 4/18/2007	Arlington	118	ANR wildlife concerns
8B0591	CONSTRUCT 30,000SF WHOLESALE PLUMBING SUPPLY WAREHOUSE W/42 PARKING SPACES	Major	M&S CONSTRUCTION, LLC/F.W. WEBB	5/31/2007	9/7/2007	Permit 9/7/2007	Bennington	99	prime ag concerns/mitigation debate
8B0601	CONSTRUCTION OF AUTO SALES DEALERSHIP & RELATED SITE IMPROVEMENTS ON 5.7 ACRES	Major	JADE REALTY OF VERMONT, LLC	10/27/2009	1/19/2010	Permit 1/19/2010	Bennington	84	Stormwater permitting wait
8B0325-16	CONSTR ONE 4,932SF AUTOMOTIVE REPAIR SHOP & TOWING SERV; ONE 5,000 SF BUILDING FOR ANOTHER AUTO SHOP	Minor	GAVIN W. CORNELL	4/24/2008	7/3/2008	Permit 7/3/2008	Dorset	70	WW permit wait
8B0629	Conversion of former antique/furnishings store into craft beer retail shop and tasting bar	Minor	4026 Main Street, LLC	10/13/2016	12/15/2016	Permit 12/15/2016	Manchester Village	63	stream buffer issue; WW permit wait

## District 9 Summary

Permit_Number	Project_Description	Application_Type_1	Applicant name	Date complete	Date issued	Status	Town	No. days to process	Notes/summary
9A0333	Construct 5965 sf exhibit building, drive, parking, wastewater system	Minor	Rowland Robinson Memorial Association	3/28/2008	10/4/2010	Permit 10/4/2010	Ferrisburgh	920	Construction General permit issued on September 30, 2010 (last item needed to close out file), permit was issued on October 4, 2010.
9A0308-4	Construction of 16 townhouses with municipal water	Major	Middlebury South Village/Retrovest Associates, Inc.	6/10/2014	2/23/2015	Permit 2/23/2015	Middlebury	258	Last item rec'd from recess memo was WW permit filed on 1/23/2015; commission deliberations complete on 1/26/2015, decision issued 2/20/15.
9A0011-9	Modification of an existing and approved feed mill to include exterior improvements for new equipment	Major	Newton Holdings, LLC/Phoenix Feeds and Nutrition, Inc.	10/15/2014	5/8/2015	Permit 5/8/2015	New Haven	205	Last item rec'd from recess memo was discharge permit filed on 5/5/15; permit issued 5/8/15
9A0354	Construct an approx. 4,100 sf medical facility on an undeveloped parcel	Minor	Community Health Center of the Rutland R	1/3/2014	6/6/2014	Permit 6/6/2014	Shoreham	154	Last item rec'd was COMCHECK and Agric mitigation agreement on 5/19/14; permit issued 6/6/14.
9A0330	Subdivision of 50.22 acres into ten residential building lots - lots 2-11	Minor	Stanley Livingston	11/14/2007	3/5/2008	Permit 3/5/2008	Bristol	112	Last item rec'd was CUD on 2/19/08; permit issued on 3/5/08
9A0308-3	Construction of single story commercial bldg. on Lot MU6	Minor	Liblaze Properties, LLP	1/24/2014	5/1/2014	Permit 5/1/2014	Middlebury	97	

400008-5	Permanently located asphalt drum plant to new location on property, testing lab & storage structure	Major	Pike Industries, Inc.	12/6/2011	3/2/2012	Permit 3/2/2012	New Haven	87	Last item rec'd from recess memo on 2/13/12 was a visual assessment photographs; permit issued on 3/2/12
9A0185-2	Construction of a 5,450 SF addition to an existing previously approved 6000 SF building with	Minor	Lars Hubbard Redmond Properties L	8/21/2015	11/5/2015	Permit 11/5/2015	Middlebury	76	Comment period ended 10/23/15 and permit issued on 11/5/15.
9A0034-18D	Construction of single story 11,442 sf animal processing facility, storage shed	Minor	Delineation Corporation/ESNID, LLC	4/16/2012	6/20/2012	Permit 6/20/2012	Middlebury	65	Last item rec'd was Wastewater permit on 6/14/12; permit issued 6/20/12
9A0034-24	Construct 2,310 sf propane distribution facility on Lot 6	Minor	Knappmiller & Knappmiller	9/24/2007	11/26/2007	Permit 11/26/2007	Middlebury	63	Last item rec'd was WW permit on 11/20/07; permit issued on 11/26/07

#### 4.1.1 Case Histories (permit issued in >60 days)

The Act 250 District Offices were asked to report on various permits that took over 60 days to issue for the period of 2007-2016 And to identify factors which contributed to the timeframe. To diminish bias in this examination, the permits surveyed were randomly selected by dividing the whole number of permits issued (>60 days) for the given period by 10 (ten) and using the derived product x to count out every x permits. *As an example: District Y had 150 permits that took longer than 60 days to issue,  $150 \div 10 = 15$ , so every 15th permit in the list was selected.* In addition, the permit in each district that took the longest to issue was identified for examination.

From this possible pool of permits we received information from the District Offices on 78 permits.

The results are tallied as follows for all 78 permits.

**Note:** Regarding the following listing, it is important to understand that permit issuance could depend **on one or more** of the factors listed below.

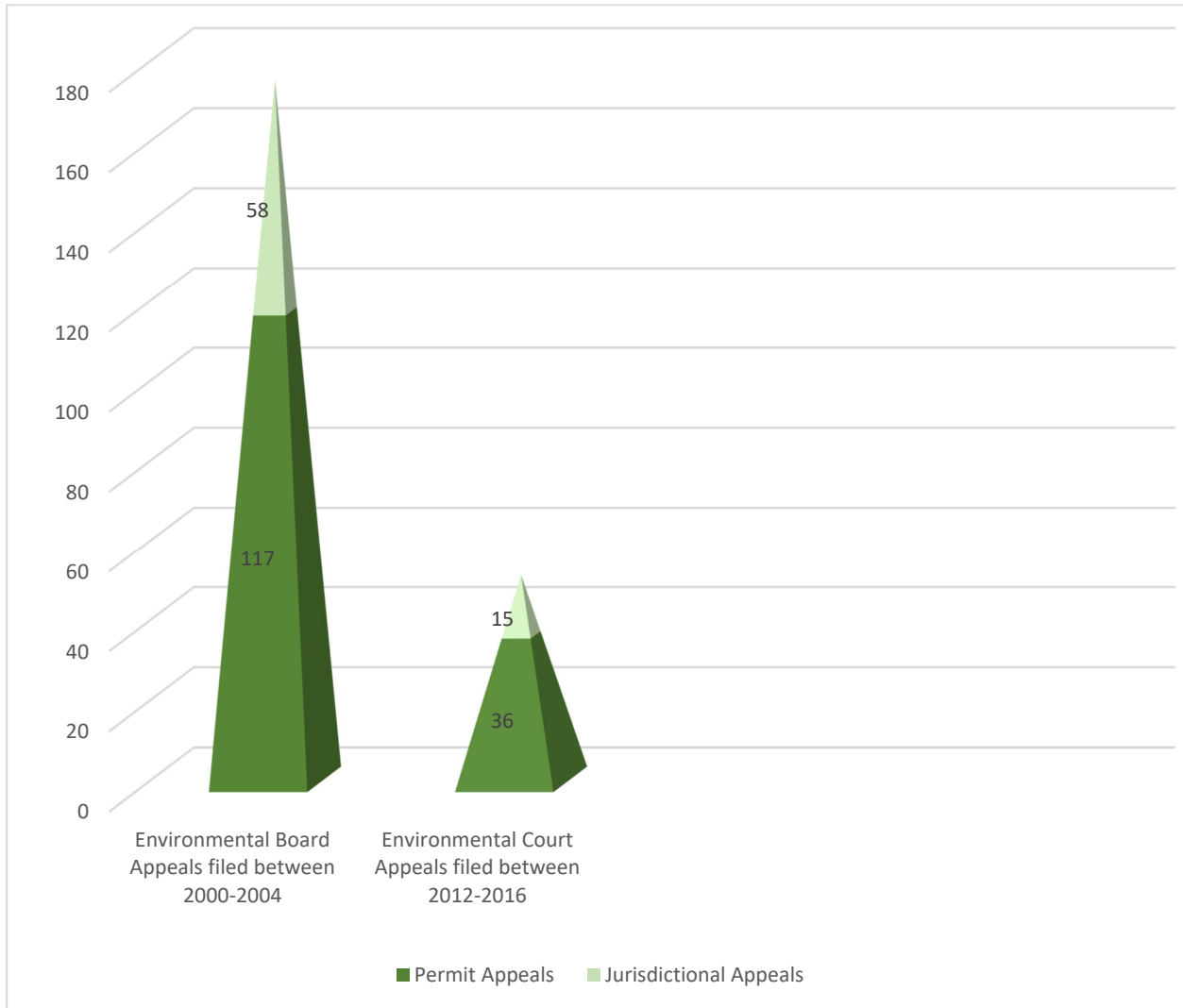
Circumstances	No. of instances
Other State permits	32
Applicant delay	12
Staff (workload, finalizing decision, misfiled, typo, retirement)	5
ANR concerns	4
Adjoiner challenge	2
Enforcement action	2
Historic Preservation concerns	2
Legal issues (unspecified)	2
Municipal delay	2
Project redesign	2
Ag mitigation agreement	1
ANR certification	1
Appeal to the Supreme Court	1
Commission deliberations	1
Construction General permit	1
CUD (Conditional Use Determination)	1
Design/traffic issues	1
Hearing scheduling delays (applicant and/or parties)	1
Minor → major (i.e., hearing required)	1
Municipal easement	1
Municipal permit	1
Other State agency site visit	1
Prime Ag concerns	1



## 5 STATISTICS ON APPEALS

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Comparison of appeals by appeal type in a 5-year period between the Environmental Board & the Environmental Court (Division)



## 6 ENFORCEMENT

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### Enforcement Statistics 2010-2016

The Natural Resources Board employs one Enforcement Officer, responsible for investigations of Act 250 violations across the State of Vermont.

	<b>CY2012</b>	<b>CY2013</b>	<b>CY2014</b>	<b>CY2015</b>	<b>CY2016</b>
<b>New Investigations Opened</b>	102	75	132	102	98
<b>Formal Enforcement Actions Initiated</b>	20	35	29	19	24
<b>Violations Resolved through Formal Enforcement</b>	19	19	23	19	23
<b>Violations and Complaints Resolved without Formal Enforcement</b>					39
<b>Total Penalties Assessed</b>	\$183,180	\$220,740	\$103,264	\$78,950	\$143,302
<b>Total Penalties Collected*</b>	\$82,421	\$177,890	\$90,000	\$61,982	\$72,366
<b>Enforcement Costs Assessed</b>	\$5,912	\$8,021	\$5,282	\$7,267	\$16,342

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\* Total penalties collected does not reflect outstanding payments not yet due or those penalties paid in 2017.