

24 V.S.A. § 2793e  
**§ 2793c. Designation of growth centers**

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(f) Review by the Natural Resources Board and issuance of Act 250 findings of fact and conclusions of law. Subsequent to growth center designation by the State Board, an applicant municipality may submit a request for findings of fact and conclusions of law under specific criteria of 10 V.S.A. § 6086(a) to the Natural Resources Board for consideration in accordance with the following:

(1) In requesting findings of fact, the applicant municipality shall specify any criteria for which findings and conclusions are requested and the nature and scope of the findings that are being requested.

(2) The Natural Resources Board shall notify all landowners of land located within the proposed growth center, entities that would be accorded party status before a District Commission under 10 V.S.A. § 6085(c)(1)(C) and (D), and all owners of land adjoining the proposed growth center of a hearing on the issue. The Natural Resources Board may fashion alternate and more efficient means of providing adequate notice to persons potentially affected under this subdivision. Persons notified may appear at the hearing and be heard, as may any other person who has a particularized interest protected by 10 V.S.A. chapter 151 that may be affected by the decision.

(3) The Natural Resources Board shall review the request in accordance with and shall issue findings of fact and conclusions of law under the applicable criteria of 10 V.S.A. § 6086(a) which are deemed to have been satisfied by the applicant's submissions during the formal designation process, any additional submissions, as well as associated municipal plan policies, programs, and bylaws. Findings and conclusions of law shall be effective for a period of five years, unless otherwise provided. The Natural Resources Board, before issuing its findings and conclusions, may require specific changes in the proposal, or regulatory changes by the municipality, as a condition for certain findings and conclusions. These findings and conclusions shall be subject to appeal to the Environmental Division pursuant to 10 V.S.A. chapter 220 within 30 days of issuance.

(4) During the period of time in which a growth center designation remains in effect, any findings and conclusions issued by the Natural Resources Board or any final adjudication of those findings and conclusions shall be applicable to any subsequent application for approval by a District Commission under 10 V.S.A. chapter 151 and shall be binding upon the District Commission and the persons provided notice in the Natural Resources Board proceeding, according to the rules of the Natural Resources Board, provided the proposed development project is located within the designated growth center.

(5) In any application to a District Commission under 10 V.S.A. chapter 151 for approval of a proposed development or subdivision to be located within the designated growth center, the District Commission shall review de novo any relevant criteria of 10 V.S.A. § 6086(a) that are not subject to findings of fact and conclusions of law issued by the Natural Resources Board pursuant to this section.

(6) The decision of the State Board pursuant to this section shall not be binding as to the criteria of 10 V.S.A. § 6086(a) in any proceeding before the Natural Resources Board or a District Commission.

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(i) Benefits from designation. A growth center designated by the State Board pursuant to this section is eligible for the following development incentives and benefits:

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(5) Regulatory incentives.

(A) Master plan permit application. At any time while designation of a growth center is in effect, any person or persons who exercise ownership or control over an area encompassing all or part of the designated growth center or any municipality within which a growth center has been formally designated may apply for a master plan permit for that area or any portion of that area to the District Commission pursuant to the rules of the Natural Resources Board. Municipalities making an application under this subdivision are not required to exercise ownership of or control over the affected property. The District Commission shall be bound by any conclusions or findings of the Natural Resources Board, or any final adjudication of those findings and conclusions, pursuant to subsection (f) of this section but shall consider de novo any of the criteria of 10 V.S.A. § 6086(a) that were not subject to the final issuance of findings and conclusions by the Natural Resources Board pursuant to that subsection. In approving a master permit, the District Commission may set forth specific conditions that an applicant for an individual project permit will be required to meet.

(B) Individual project permits within a designated growth center. The District Commission shall review individual Act 250 permit applications in accordance with the specific findings of fact and conclusions of law issued by the Natural Resources Board under this section, if any, and in accordance with the conditions, findings, and conclusions of any applicable master plan permit. Any person proposing a development or subdivision within a designated growth center where no master plan permit is in effect shall be required to file an application with the District Environmental Commission for review under the criteria of 10 V.S.A. § 6086(a).