

The Land Use Review Board

Senate Finance

April 2, 2026

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Peter Gill, Executive Director

Does Act 250 Apply? Applicant's choice.

(3)(A) "Development" means each of the following:

(ix) Any support structure proposed for construction that is primarily for communication or broadcast purposes and that will extend vertically 20 feet or more above the highest point of an attached existing structure, or 50 feet or more above ground level in the case of a proposed new support structure, in order to transmit or receive communication signals for commercial, industrial, municipal, county, or State purposes, independently of the acreage involved.

(D) The word "development" does not include:

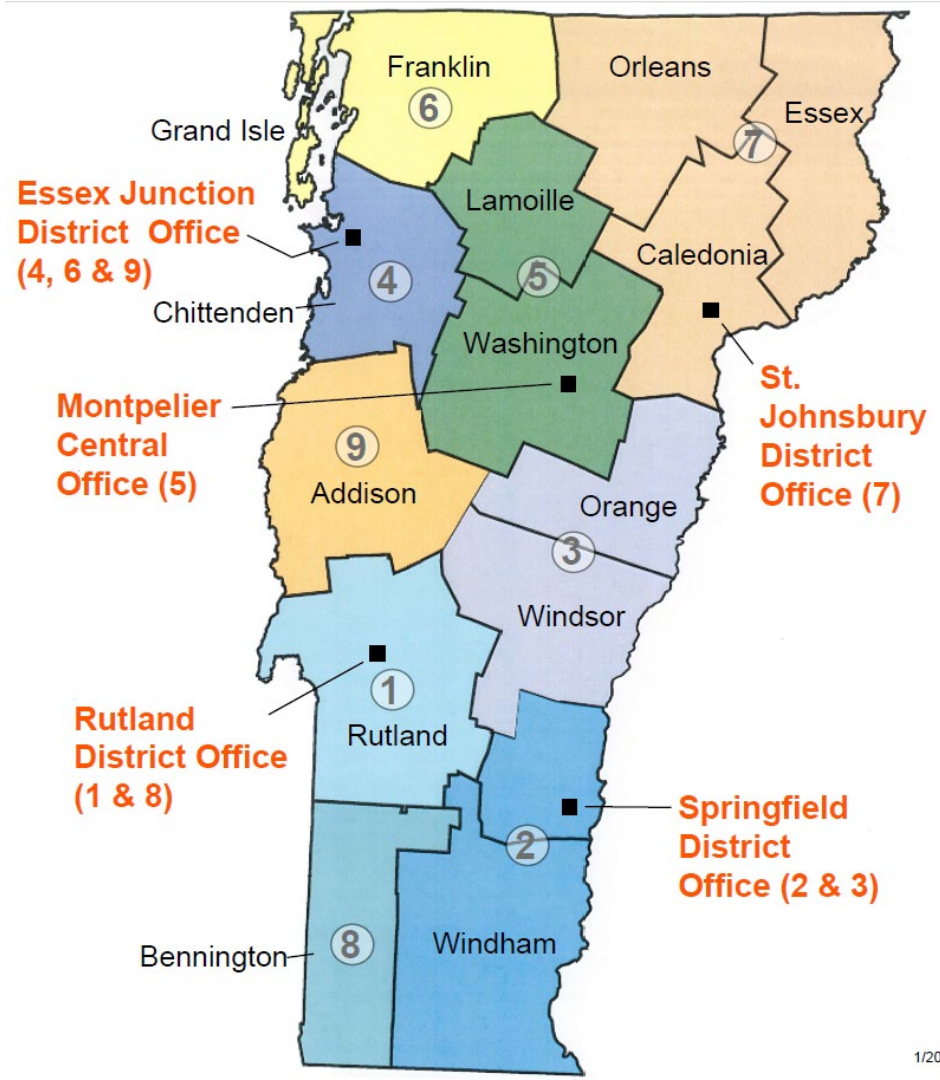
...

(ii) The construction of improvements fora telecommunications facility issued a certificate of public good under 30 V.S.A. § 248a.

The five appointed members of the **Land Use Review Board (LURB)** oversee Vermont's statewide land use review process and the District Commissions.

District Commissions (appointed) review and issue Land Use Permits.

District Coordinators (staff) issue jurisdictional opinions (JOs) deciding whether a permit is needed; shepherding permit process.



**THE ACT 250 LAND USE
PERMIT APPLICATION
REVIEW PROCESS**



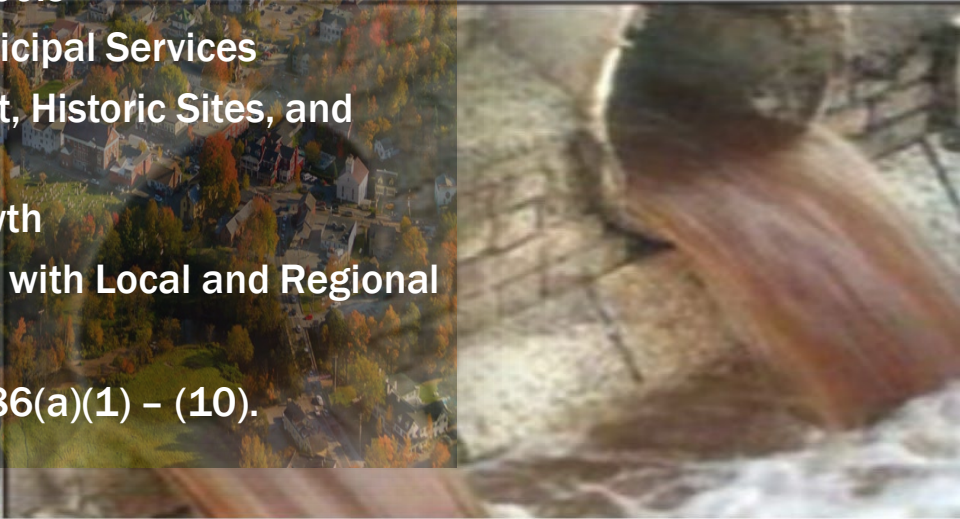
Citizen-Based Project Review Process

Act 250 is designed to facilitate **citizen participation** in the administration of environmental law.



The 10 Criteria

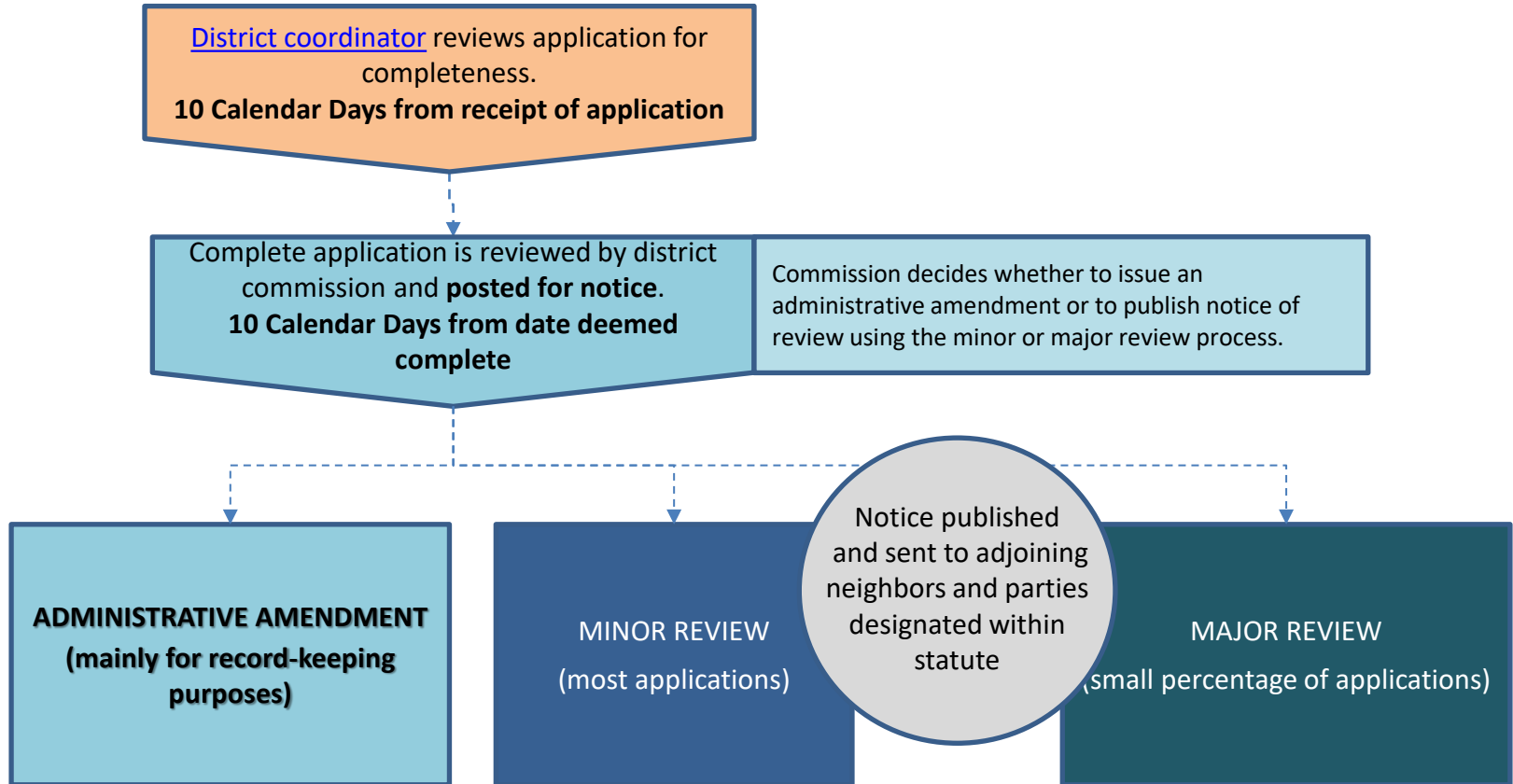
1. Air and Water Pollution
 2. Water Supply
 3. Impact on Existing Water Supplies
 4. Soil Erosion
 5. Transportation
 6. Impact on Schools
 7. Impact on Municipal Services
 8. Wildlife Habitat, Historic Sites, and Aesthetics
 9. Impact of Growth
 10. Conformance with Local and Regional Plans
- 10 V.S.A. § 6086(a)(1) – (10).



. . . but actually, 32 Criteria & Sub-criteria:

- **Criterion 1:** Air and water pollution
 - 1(A): Headwaters
 - 1(B): Waste disposal
 - 1(C): Water conservation
 - 1(D): Floodways
 - 1(E): Streams
 - 1(F): Shorelines
 - 1(G): Wetlands
- **Criterion 2:** Water supply
- **Criterion 3:** Impact on water supply
- **Criterion 4:** Erosion and capacity of soil to hold water
- **Criterion 5:** Transportation
 - 5(A): Traffic
 - 5(B): Transportation
- **Criterion 6:** Educational services
- **Criterion 7:** Municipal services
- **Criterion 8:** Aesthetics, scenic & natural beauty
 - Historic sites
 - Historic sites - archeology
 - Rare and irreplaceable natural areas
 - 8(A): Necessary wildlife habitat
- **Criterion 9:**
 - 9(A): Impact of growth
 - 9(B): Primary agricultural soils
 - 9(C): Productive forest soils
 - 9(D): Earth resources
 - 9(E): Extraction of earth resources
 - 9(F): Energy conservation
 - 9(G): Private utility services
 - 9(H): Costs of scattered development
 - 9(J): Public utility services
 - 9(K): Public investments
 - 9(L): Settlement patterns (*formerly "Rural growth areas"*)
- **Criterion 10:** Local and regional plans

Application Review Process: Initial Review



Application Review Process: Minor Review

Act 250 Rule 51: “ if the district commission determines that there is demonstrable likelihood that the project **will not present significant adverse impact** under **any** of the 10 criteria,” then an application may be reviewed in accordance with this rule as a “minor application.”

Draft permit posted on Act 250 database online.

7- to 20-day notice period for hearing/party status requests.
Parties by right may submit comments.

Notice published in local newspaper and sent to adjoining neighbors and parties designated within statute

Commission deliberates

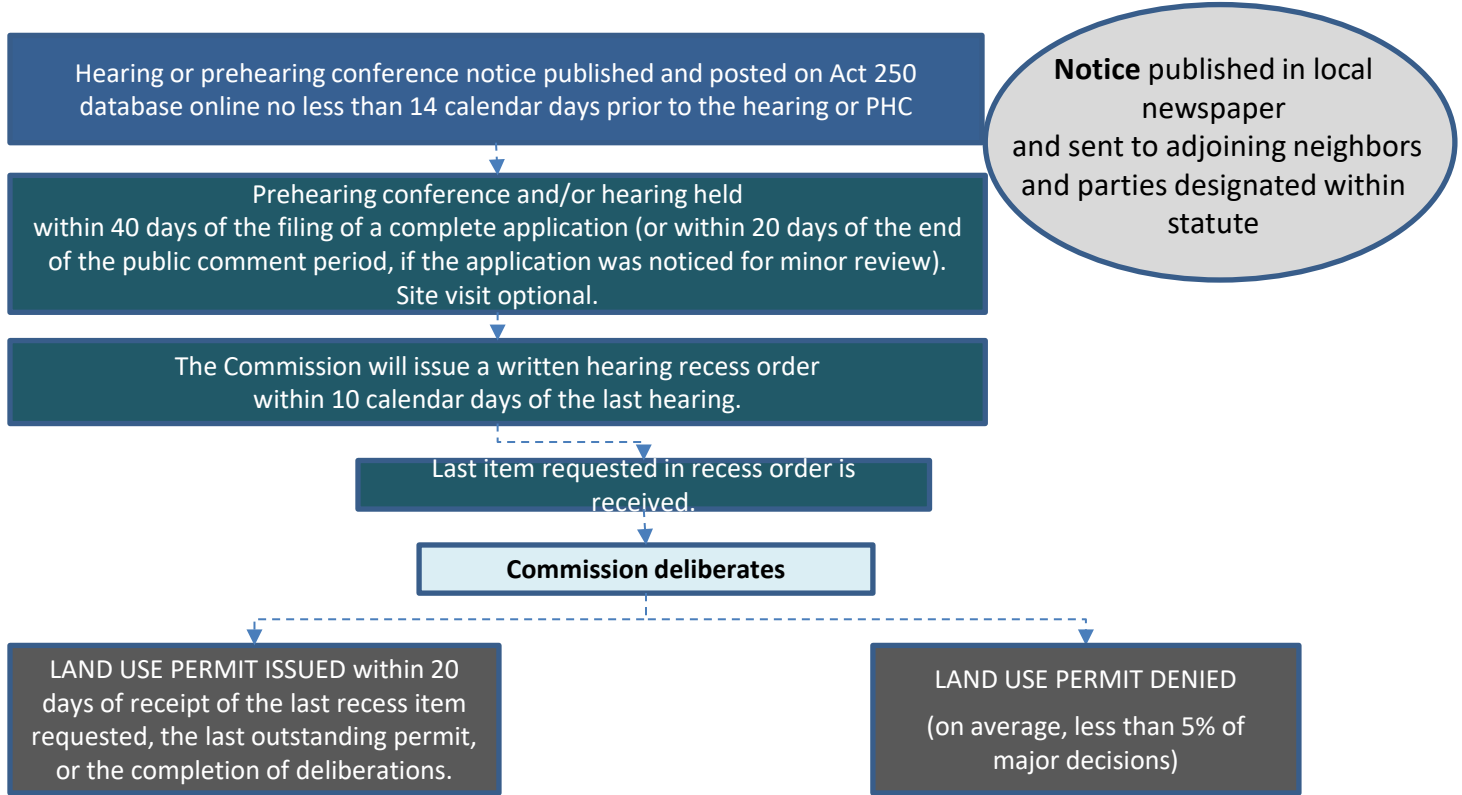
If NO hearing is requested, LAND USE PERMIT **ISSUED within 14 days** after the last outstanding permit or other outstanding evidence is received.

If a hearing IS requested, or on its own motion, the commission may elect to proceed with the MAJOR REVIEW process by scheduling a **hearing within 20 days** of the end of the notice period.

Hearing
See “Major Review”

Application Review Process: Major Review

Upon receipt of a complete application, the commission may elect to proceed directly to a major review process.



The coordinator will keep the commission apprised of these deadlines.

What happens at a typical hearing?

- Chair opens hearing, explains process.
- Applicant presents an overview of the proposed project.
- Commission accepts petitions for party status; makes preliminary determinations.
- Applicant presents information under the Act 250 Criteria, including any expert witnesses (engineer, traffic expert, etc.).
- Rule 19 Permits are discussed: Rebuttable presumptions.
- Parties have opportunities to ask questions and cross-examine.
- Parties have opportunities to present evidence and witnesses.
- Commissioners ask questions.
- Chair recesses the hearing.
- After the hearing, the commission issues a recess order listing any outstanding items that it needs to review before rendering a decision.

Participation in Act 250 Applications:

PARTY STATUS

10 V.S.A. § 6085 and Act 250 Rule 14

“Statutory Parties” or “Parties by Right”

**10 V.S.A. §
6085(c)(1):
“The following
persons shall be
entitled to party
status:”**

The applicant

The landowner

The municipality in which the project site is located, and the municipal and regional planning commission for that municipality

Municipalities and regional planning commissions adjacent to the project

State agencies affected by the project

PARTY STATUS ELEMENTS

1



ANY PERSON

2



**PARTICULARIZED
INTEREST**

3



**MAY BE
AFFECTED BY
THE PROJECT**

FINAL PARTY STATUS

- District Commissions confirm party status in their written decisions.

Administrative Amendments

Exclusively for record-keeping purposes or to authorize minor revisions to permitted projects raising no likelihood of impacts under the criteria of the Act.

- The District Commission does not sign the amendment.
- No notice to the public or other state agencies.
- No notice to adjoining until amendment issues.
- Not suitable for enlargement or reconfiguration of the footprint of any component of a project.
- Example: a short-term extension of a permitted construction completion deadline, subject to 10 V.S.A. § 6091(d) and Act 250 Rule 32(B)(1).
- AA [Guidance](#).

Questions

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