

1 PROJECT REVIEW COMMITTEE MEETING MINUTES

2 Wednesday, January 13, 2021

3 The meeting of the Project Review Committee was held remotely. Chair A. LaRocque called the meeting to
4 order at 6:01 PM.

5
6 ATTENDANCE:

7 Commission: Garrett, Harold ; Speer, Neal ; Steen, Colleen ; Irwin, William ; Voegele, Albin ;
8 Buermann, Robert ; LaRocque, Alisha .

9
10 Staff: Bethany Remmers, Emily Klofft.

11
12 Guests: Matt Darling, John Hulbert, Ernie Pomerleau (Pomerleau Real Estate), Benjamin Heath (Hamlin
13 Consulting Engineers, Inc), Steve Ploesser (Pomerleau Real Estate), Alex Halpern (Freeman French Freeman),
14 Peter Carroll (Perrigo), David R Cooper (Facey Goss & McPhee P.C.), Ward Catherwood, Tom Bursley (Freeman
15 French Freeman), Peter Cummins, Stephen Diglio (KAS Engineering).

16
17 **Changes to Additions to the Agenda:**

18 None.

19
20 **Public Comment**

21 None.

22
23 **Minutes**

24 *B. Buermann motioned to approve the minutes of the December 2020 meeting. B. Irwin seconded. The motion*
25 *carried.*

26
27 **Presentation**

28 B. Heath summarized the comments and questions that the Committee offered based on the past conceptual
29 design. He noted that when the design is further along, the team will be able to more fully address all the
30 comments. He reported that all the run-off will be infiltrated into the sandy soils on site. This is a preferred
31 method rather than detaining run-off and slowing discharging the water. He noted that passenger cars will
32 access the site from Skunk Hill Road. Industrial Park Road will be the access for truck traffic. The existing plant
33 and buildings will remain and serve as offices, R&D space and some continued production. There are two
34 dryers in current facility. One is at the end of life, the other will remain in place and will be kept in use. The
35 curb cut access to the former whey company will be improved. Once the project is complete, all warehousing
36 will be onsite which will reduce truck traffic to the site. The new facility will be 4.5 acres and the tallest
37 building will be 130 ft.

38
39 A. Halpern went over the viewshed images of the proposed new facility. He noted that the design utilizes
40 earth tone gradient metal panels on the outside of the building with shale and slate tones. The design does
41 not try to camouflage the building but have it fit into the surrounding environment. The viewshed analysis
42 was conducted using drones. The project team presented eight images from the drone study to show the
43 potential visual impacts. B. Heath noted that moving the facility to the east minimized the visual impacts from
44 I89 and US Route 7.

1 B. Heath outlined the work that will be done prior to finishing the Act 250 process included test piles to
2 understand the clay soils and potential impacts for construction and future settlement. There will be large
3 trucks doing the work but this work is exempt from permitting. The soil on the project site will be
4 reconsolidated to prevent the shifting of the building foundation. Perrigo will construct 38 acres of parking
5 and construction buildings needed to accommodate construction and up to 500 workers will be on site for
6 construction. Once the project is constructed, there is no intent to keep all 38 acres of the
7 impervious/parking. There will be landscaping plans, etc.
8

9 A. LaRocque asked about employment after the facility is upgraded. B. Heath noted the plant could retain
10 existing levels. There could be a slight drop in employee levels but with higher skilled positions for the
11 automated work. A. Voegele wanted to make sure that Perrigo is working with the tech centers to ensure the
12 regional workforce has the skills for these higher skilled positions. He asked that Catherine Dimitruk sit down
13 with Cold Hollow Career Center and Vermont Technical College to sit down with Perrigo to make sure that
14 students have the opportunity to gain these skills to access the jobs that will be coming to the facility.
15

16 B. Irwin asked about the water withdrawals from Arrowhead Mountain Lake. B. Heath explained the Georgia
17 Industrial Development Corporation owns the water treatment plant that treats the water from the lake and
18 sell the water to the tenant of the industrial park. Perrigo uses the 95-98% of that water. There will be
19 evaluation if the water treatment plant would need to be expanded to increase to meet the needs of the new
20 facility and how that will be addressed. It is likely that no new permit for water withdrawals will be required,
21 as the Industrial Park is well under the maximum water withdrawal allowed for in its permit.
22

23 B. Heath noted that the project team sent out letters to abutters and nearby property owners to notify them
24 of the project and to get input.
25

26 A. LaRoque thanked the project team for considering the committee's past comments and concerns and
27 making adjustments to the project.
28

29 **Project Reviews:**

30 **Act 250- NERP Holding & Acquisitions Co. LLC-Tractor Supply:**

31 Project Details: The proposed project is a 19,000 square foot retail store with 15,000 square foot of outside
32 fenced retail space and 65 parking spaces. It is located in Enosburg Falls on Jayview Drive. The current
33 Hannaford's parcel will be subdivided into 3 parcels, a parcel with the Hannaford's, a 5-acre parcel for the
34 project site, and a 1.5-acre parcel located along Route 105.
35
36

37 E. Klofft went through the draft project review sheet with the committee. The applicant has proposed
38 extending sidewalks, but the existing sidewalk on Jayview Drive does not conform with the ADA. There are
39 wetlands on site which will be impacted. The project is located in the subregional growth area. The building
40 entrance & orientation faces Route 105. The 1.46 acre northern parcel that is proposed for later development
41 has a limited development footprint due to wetlands and utility corridor. Prior to any development on the
42 northern parcel, parking will be located between Route 105 and the proposed structure. E. Klofft stated that
43 the Committee would have to consider whether or not the application met the regional plan land use goals
44 and the state's 9L development criteria. The potential future ROW for Jayview Drive is not shown in project
45 site plans.
46

1 B. Irwin noted that they committee should request the sidewalk access be upgraded by the applicant. E.
2 Pomerleau noted he was willing to collaborate with the applicant on upgrading the sidewalk to ADA standards.

3
4 The applicant M. Darling noted that he was willing to work with Pomerleau on addressing the sidewalk issue.
5 E. Pomerleau stated that he is willing to collaborate on the access to the Franklin Foods property but noted
6 there was another parcel in between his property and the plant. E. Pomerleau noted that if the community
7 wanted to move forward with the Jayview Drive extension, he would be willing to donate the land. The
8 community would have to gain the rights of way over the other parcel.

9
10 M. Darling reported that the project team added six bike racks to the northwest corner based on the feedback
11 from the last meeting project review committee meeting. D. Cooper outlined the timeline for Act 250 filing.

12
13 M. Darling brought up the potential 9L issue and stated that he believed this project was infill development
14 because it was in between the Village Center and the developed Hannaford's parcel.

15
16 E. Klofft gave an overview on the 9L criteria. To meet criteria 9L the project must either be in an existing
17 settlement, or make efficient use of land and resources and not contribute to strip development. She stressed
18 that there are specific definitions. To be considered an existing settlement, the area must have a mix of land
19 uses including substantial residential development. To be considered infill to existing strip development there
20 needs to be commercial development on both sides. In this case, there is commercial one side but more
21 residential development on the other side.

22
23 Several committee members noted that they did not see an issue with 9L. B. Buermann noted that it will be
24 up to the District Commission to make a decision on 9L and the Committee will be making a decision on
25 conformance with the regional plan.

26
27 M. Darling stated that the stormwater plan has changed to an aboveground plan, which is a Tier 2 practice
28 under the State's guidelines.

29
30 A. LaRocque asked where a potential extension of Jayview Drive could be located. E. Pomerleau stated that he
31 believed the extension would need to curve away from the Tractor Supply due to constraints on the site.

32
33 E. Klofft brought up issue of substantial regional impact. Based on the guidance in the regional plan, would
34 meet the square footage for substantial regional impact if both the indoor and outdoor retail space was
35 considered. The Committee thought it would have substantial regional impact but would revisit the issue
36 when the application is submitted.

37
38 B. Irwin asked whether or not there needed to be any traffic improvements to the intersection of Route 105
39 and Jayview Drive. M. Darling stated that a traffic study was completed and found no need for additional
40 traffic improvements, and VTrans agreed with this opinion.

41
42 **Section 248a- New Cingular Wireless:**

43 Project Details: The proposed project is a 180-foot telecommunications tower to be located at 45 Fisher Road
44 in Fairfax, VT. The tree line in the area is 75', and the tower will employ a "monopine" false tree design. There
45 will be a 50' by 50' compound at the base of the tower. The project will include a generator that will run once

1 weekly for 30 minutes, and during extended power outages. The tower will support AT & T's FirstNet program
2 which prioritizes cellular bandwidth to first responders.

3
4 E. Klofft went through a draft project review sheet with the Committee. The parcel was selected because it is
5 currently the location of VELCO infrastructure, no information on alternate sites considered was provided. The
6 project is only located 137' feet from the nearest property boundary, which is less than the height of the
7 tower. The project is located roughly 1 mile away from the other telecommunications tower being proposed in
8 Fairfax.

9
10 The Committee discussed the FirstNet program. B. Irwin stated that it allows priority access to first responders
11 but also provides normal cellular service to AT & T customers.

12
13 The Committee discussed the possibility that the telecommunications infrastructure from the two 248a
14 projects currently proposed in Fairfax may be able to be co-located on a single tower. A. LaRocque stated that
15 the applicants may not be aware of the other project. B. Remmers suggested sending a comment letter to
16 each application noting the Regional Plan goal of co-location. The Committee generally agreed, and requested
17 that staff send a letter to both applicants and request that the applicants respond either individually or jointly
18 as to whether the facilities can be co-located. B. Irwin stated that if they believe both towers are necessary,
19 they can demonstrate the need through an engineering study. The Committee agreed that this should be a
20 separate letter from the general comment letter.

21
22 A. Voegelé asked whether 5G service would be provided. B. Irwin stated that most of the infrastructure
23 needed to develop 5G service is close to the consumer, and that most existing towers can support 5G with
24 that additional infrastructure.

25
26 A. LaRocque noted that there could be fall zone concerns because the edge of the property line is only 137
27 feet from the base of the tower. B. Buermann requested that the applicant provide more information on
28 whether the tower would collapse entirely within the property.

29
30 B. Buermann stated that many times false tree designs may draw more attention to the tower than the tower
31 itself. He requested that the applicant provide a viewshed analysis with and without this design to determine
32 if the false tree design is helpful to limiting the visual impact of the project.

33
34 The Committee asked whether or not the tower was of sufficient height that it would require a light for air
35 traffic.

36 37 38 39 **Section 248- Georgia BESS, LLC**

40 Project Details: The proposed project is a 5 MW grid-scale battery electric storage system located on Ballard
41 Road in Georgia. The project will consist of 6 containerized energy storage systems that are each 53' in length
42 and 8' in height. The project will be located on a .83 square acre portion of parcel.

43
44 E. Klofft reviewed the draft project review sheet. The applicant stated in its advance notice that the project
45 will reduce rate-payer costs by distributing electricity during peak times. The system may encourage increased
46 use of renewable energy because it can take energy generated from renewable energy sources and deploy it

1 at times when those resources aren't generating energy. The project will be screened by existing trees, this
2 screening will be much more significant during "leaf-on" conditions. Depending on final siting, the project may
3 have prime agricultural soils and stream corridor impacts. An existing farm access road will be used to access
4 the project, which will be fenced. No decommissioning plan was proposed in the advanced notice.
5

6 A. Voegele questioned whether the project would result in rate payer savings and requested that staff look
7 into the financial impact of other similar projects. E. Klofft stated that she would follow up on the financial
8 impacts to ratepayers.
9

10 B. Irwin requested that the applicant come in to talk with the committee because it is a technology that is new
11 to the Northwest region. Additionally, B Irwin requested that Green Mountain Power present on the
12 technology to the full Board of Commissioners.
13

14 A. LaRocque stated that having a decommissioning plan for the project is important since disposal of batteries
15 can be complicated and expensive. She requested that the applicant provide a decommissioning plan or bond.
16

17 A. LaRocque asked about the potential fire hazard associated with the project and whether the Town of
18 Georgia has the proper equipment and training to address a fire at this location.
19

20 B. Irwin asked about lighting and security. B. Buermann asked if there was a solar array on the project parcel.
21

22 A. Voegele noted that the current Northwest Regional Energy Plan only includes one sentence on battery
23 electric storage. He stated that this should be a priority to update with more information in the future.
24

25 E. Klofft stated that she had looked into a similar project located in Hinesburg. In that project one of the
26 concerns identified by the Department of Public Service was potential noise impacts. The Committee
27 requested that the applicant provide a noise study to determine potential impacts.
28
29

30 **Updates**

31 None.
32

33 **Other Business**

34 None.
35

36 **Adjourn**

37 *B. Irwin motioned to adjourn. A. Voegele seconded. The Committee adjourned at 8:15 PM.*