

May 15, 2017

Ms. Tanya Davis
District 2 Environmental Commission
100 Mineral St., Suite #305
Springfield, VT 05156

Re: Act 250 Application – Ski Magic, LLC Mountain Improvement Projects: Snowmaking

Dear Tanya:

On behalf of Ski Magic, LLC, Tech Environmental has submitted an application to the NRB.ftp site for the proposed reconstruction of snowmaking infrastructure at the Magic Mountain ski area in Londonderry, VT. Enclosed please find a check totaling \$3,885.00 for the filing fee.

Per my direct conversations with Kim Lutchko, this is one of two applications being filed on behalf of Ski Magic. This application includes proposed snowmaking projects only in the form of Conservation Flow Determinations, Dam Reconstruction, Stream Alteration and Snowmaking Pipe Installations.

Please contact me directly at 802-279-9418 if you have any questions or require any additional information in support of this Act 250 application submittal.

Sincerely,

TECH ENVIRONMENTAL, INC.



Timothy B. Jones
Associate

Natural Resources Board

Act 250 Application Form

NOTE: Please review the Application Guide at <http://www.nrb.state.vt.us/lup/publications.htm> before completing this form.

SELECT FORM TYPE

- Application -- Use for original applications, permit amendments, renewal of permits for earth extraction, solid waste disposal facilities, and logging above 2500', and renewal of partial findings (including Master Plan findings)
- Construction Completion Date Extension
- Administrative Amendment (*Discuss with District Coordinator before completing this type of form*)

Contact Information

Applicant(s)

NAME Ski Magic, LLC				
MAILING ADDRESS P.O. Box 188		TOWN Londonderry	STATE VT	ZIP 05148
PHONE 802-824-5645	CELL PHONE	EMAIL		
APPLICANT LEGAL INTEREST IN LAND <input checked="" type="checkbox"/> Ownership in simple fee <input type="checkbox"/> Lease agreement <input type="checkbox"/> Contract to purchase <input type="checkbox"/> Other (describe below)				
APPLICANT LEGAL FORM <input type="checkbox"/> Individuals <input type="checkbox"/> Partnership (list partners) <input checked="" type="checkbox"/> Corporation (provide details) <input type="checkbox"/> Municipal Govt <input type="checkbox"/> State Govt <input type="checkbox"/> Other				
DATE CORPORATION FORMED	PLACE FORMED	DATE CORPORATION REGISTERED IN VERMONT		

Landowner(s)

NAME Ski Magic, LLC				
MAILING ADDRESS P.O. Box 188		TOWN Londonderry	STATE VT	ZIP 05148
PHONE 802-824-5645	CELL PHONE	EMAIL ghatheway@magicmtn.com		

Others With Significant Interest(s) in Property Check if not applicable

NAME				
MAILING ADDRESS		TOWN	STATE	ZIP
PHONE	CELL PHONE	FAX NUMBER	EMAIL	

DESCRIPTION OF INTEREST

Primary Contact Person for Application

NAME Tim Jones - Tech Environmental
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MAILING ADDRESS P.O. Box 85		TOWN Waitsfield	STATE VT	ZIP 05673
PHONE 802-279-9418	CELL PHONE	FAX NUMBER	EMAIL tjones@techenv.com	

Other Contacts

CONTACT TYPE	NAME	EMAIL

Project Information

PROJECT TYPE

PLEASE INDICATE THE TYPE OF PROJECT
Amendment of existing Act 250 permit or permit condition

EXISTING ACT 250 PERMIT NUMBER(S)
2W0524-2C, -11, -12, -14, -14A, -14B

Please Note: If you are applying to amend a permit condition which was included to resolve an issue critical to the district commission's or the board's issuance of a prior permit, please contact the District Coordinator to determine whether you need to address the "Stowe Club Highlands" analysis. Also see Act 250 Rule 34(E) <http://www.nrb.state.vt.us/lup/rules.htm>.

ENFORCEMENT ACTIONS: Is the application the result of an enforcement action (such as a Notice of Alleged Violation, Citation, Assurance of Discontinuance, Administrative Order, or Court Order) by the Natural Resources Board or the Agency of Natural Resources?
 Yes No

GENERAL DESCRIPTION OF THE PROJECT (Include number and size of buildings/lots, use of buildings, number of lots, length of roads, etc.)
 Multiple projects contained in Ski Magic, LLC's 5-year capital improvement plan. These projects include: 1) Approval of updated Conservation Flows for the existing unnamed tributary stream and Thompsonburg Brook feeds into the existing snowmaking reservoir; 2) two runs of snowmaking pipe installations on the low mountain/base area totaling 5,100 ft., including 2,500ft. of underground line (2W0524-2C, 11, 12); 3) reconstruction of the snowmaking reservoir dam with disconnection of a tributary stream from the snowmaking dam, refurbishment and reuse of Thompsonburg Brook weir intake (2W0524-14, -14A, -14B); and 4) increase in storage capacity of snowmaking reservoir from existing volume of 4.7 MG to 8.7 MG (2W0524-14, -14A, -14B).

CONSTRUCTION DURATION (Months to complete) 36	DURATION OF PERMIT REQUEST IN YEARS (If project is for earth extraction, solid waste disposal, or logging above 2,500 feet.)
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Property Information

PROPERTY LAND ACREAGE

ACRES OWNED/CONTROLLED BY APPLICANT/LANDOWNER 709	ADDITIONAL ACRES IN EASEMENTS OR RIGHTS-OF-WAY
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PROPERTY LOCATION

TOWN (Primary) Londonderry	TOWN (Secondary, if applicable)
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STREET OR ROAD LOCATION (Provide E911 address if available.)
495 Magic Mountain Access Road

NEARBY LANDMARK
Intersection of VT Rte. 11

PROPERTY LATITUDE AND LONGITUDE COORDINATES (Using GPS set for NAD83 or as derived from NAD83-based map. Coordinates should be in decimal degrees to 4 decimal places.)

N - LATITUDE	W - LONGITUDE
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PROPERTY DEEDS

GRANTEE'S NAME

COUNTY	TOWN	BOOK	PAGE(S)	DATE RECORDED
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PROPERTY SPAN NUMBER

SPAN NUMBER (From property tax bill)
 357-110-11108

Additional Information

CHECK BELOW IF YOU ARE CONCURRENTLY APPLYING FOR ANY OF THE FOLLOWING PERMITS FROM THE AGENCY OF NATURAL RESOURCES:

Wastewater System & Potable Water Supply Permit
 Construction General Permit
 Air Pollution Control Permit
 Public Water System Permit to Construct
 Stormwater Discharge Permit
 Wetland Permit
 Other

DESCRIBE OTHER PERMITS
 VTDEC: Conservation Flows - Needs & Alternatives Analysis; Dam Reconstruction; Stream Alteration

HAVE YOU RECEIVED LOCAL ZONING AND/OR SUBDIVISION APPROVAL?

Yes (attach copy)
 Pending
 None Needed

ATTACH THE FOLLOWING UNLESS WAIVED BY THE DISTRICT COORDINATOR:

<input checked="" type="checkbox"/> Location Map (USGS map)	<input checked="" type="checkbox"/> Schedule B - Act 250 Information
<input checked="" type="checkbox"/> Site Plan or Plot Plan (see instructions)	<input checked="" type="checkbox"/> Schedule E - Project Adjoiner Information
<input type="checkbox"/> Building Elevation Drawings (excluding single family homes)	<input checked="" type="checkbox"/> Schedule G - Notice of Application
<input checked="" type="checkbox"/> Supporting documents (as recommended in Schedule B or as needed)	<input type="checkbox"/> Municipal Impact Questionnaire
<input checked="" type="checkbox"/> Schedule A - Fee Information	<input type="checkbox"/> School Impact Questionnaire
<input checked="" type="checkbox"/> Act 250 fee (payable to "State of Vermont")	

Signatures

I hereby swear that the information provided above or attached to this application is true and accurate to the best of my/our knowledge.

SIGNATURE OF APPLICANT

Geoff Hatheway
 CLEARLY PRINT NAME

DATE

I hereby certify that I understand that I must not commence construction, demolition, remodeling or commercial use of the property as described in Act 250 Rule 2(C) until I have received an Act 250 Land Use Permit as required by 10 V.S.A. § 6081.

SIGNATURE OF APPLICANT

Geoff Hatheway
 CLEARLY PRINT NAME

DATE

I hereby authorize the processing of this application for the above project on land(s) that I/we own, control, or have significant property interest in (attach letter if easier).

SIGNATURE OF LANDOWNER

Geoff Hatheway
 CLEARLY PRINT NAME

DATE

Submission Instructions

For Applications and Completion Date Extensions:

- Submit one electronic copy of the application and accompanying documentation, including Schedule G - Notice of Application Filing, to our FTP site, or on CD-ROM or flash drive, or, with District Office permission, by email. For all parts of the application that require signatures, please scan to PDF those pages, and include them with your electronic submission so that all parties' signatures are visible.
- In addition, submit one (1) complete, original paper application and accompanying documentation (site plans, etc.) to the District Coordinator for your district. See [Act 250 District Office](#) map for location of districts and staff contacts.
- Email Schedule G to the municipality, municipal planning commission, regional planning commission, and Agency of Natural Resources; if the property is located on a town line, also email Schedule G to the adjoining municipality and planning commissions.
- See the [Application Guide](#) for additional information regarding submission requirements.

For Administrative Amendments:

- Submit one electronic copy and one paper copy to the Act 250 District Office. For District 2 applications, submit one electronic copy only.

Schedule A - Fee Information

Submit with the application a check payable to the "State of Vermont". ***Municipal and state agency projects are exempt from fees but should still report construction costs on this form.*** Not-for-profit organizations are **not** exempt. Calculate the fee using the table below.

Note: All lines on the schedule must be filled out. If a line does not apply, or if there is no associated cost, enter 0. An incomplete schedule will result in a delay in application processing.

1) Number of lots being created	# of Lots		x \$125.00.....		\$ 0.00
Total Extraction Proposed in yd ³					
2) Earth Extraction (Gravel/Sand Pits and Quarries)			x \$0.02/yd ³ for 1st million yd ³ extraction proposed for life of the permit x \$0.01/yd ³ for yd ³ above 1st million proposed for life of the permit.....		\$ 0.00
3) Estimated Construction Costs:*					
	Building ft ²	Building \$/ft ²			
Buildings.....				\$	
Site preparation.....				\$	
Roads and parking.....				\$	
Utilities.....				\$	
Off-site improvements.....				\$	
Landscaping.....				\$	
Other.....				\$	525,000.00
Describe Other Reconstruction of snowmaking reservoir dam, stream alteration, new snowmaking water pipeline and new conservation flow determination.					
Construction Subtotal				\$	525,000.00
			Construction Cost <=\$15M	\$	525,000.00
				x 0.00665	3,491.25
			Construction Cost >\$15M	\$	0.00
				x 0.00312	0.00
NRB Fee SubTotal					3,491.25
ANR Fee (Construction Cost <=\$15M)**			\$	525,000.00	x 0.00075
					393.75
4) Total Fee***					3,885.00

*For residential subdivisions, include the estimated construction cost of all improvements proposed to be constructed by the applicant or a related person or entity, including common facilities, infrastructure, dwellings, and other. For more information, see the definition of "person" at 10 V.S.A. § 6001(14), on the web at <http://www.nrb.state.vt.us/lup/statute.htm>.

**As of July 1, 2015, the first \$15,000,000 of construction costs is subject to a base fee of \$6.65 per \$1,000 of construction costs (0.00665) and an additional fee of \$0.75 per \$1,000 of construction costs (0.00075) to account for review of Act 250 applications by the Agency of Natural Resources (ANR). See 10 V.S.A. § 6083a, on the web at <http://www.nrb.state.vt.us/lup/statute.htm> for the complete schedule of fees.

***Submit one check for the total amount payable to "State of Vermont"

- State and Municipal Projects are exempt from fees
- Minimum fee of \$187.50 for new applications
- Minimum fee of \$62.50 for amendment applications
- Maximum total application fee is \$165,000.00
- (Treat expansions of approved projects as new applications)

I attest by my signature that the above is true to the best of my knowledge.

	Geoff Hatheway	
SIGNATURE OF APPLICANT	CLEARLY PRINT NAME	DATE

Schedule E - Adjoiner Information

Submit with the application a list of all adjoining landowners with mailing addresses. An "adjoiner" is a person or organization which owns or controls land or easements on lands which physically abut the tract or tracts of land on which your project is located. Be certain to include landowners on the opposite sides of highways, railways, and rivers. Also include homeowner associations, utility companies, and others with significant legal interest in the project land. It is very helpful if you indicate the location of each adjoiner on your site plan.

If you do not provide a list which is thorough and up-to-date, your application could be delayed because of improper notice distribution!

Please note: For lists which include more than 20 adjoining landowners, our administrative staff appreciates receiving the list on mailing labels to facilitate the notification process. Thank you.

ADJOINER NAME	ADDRESS	TOWN	STATE	ZIP
Robert Wolber & Diane Ben-Eliyahu	29 Beaupre Court	Huntington	NY	11743
Stephen & Alexander Smith	414 Headquarters Road	Erwinna	PA	18920
James Philip	70 Shaw Road	Chestnut Hill	MA	02167
Thomas & Patricia Kelleher	339 Thayer Pond Road	Wilton	CT	06897
Peter Kocubinski	99 Mercer st	Jersey City	NJ	07302
Gregory & Barbara Benedict	PO Box 482	Stratton Mountain	VT	05155
Mark & Bryan Coppes	1227 Shancock Road	Charlestown	RI	02813
John & Julia Edvardsen	1227 Gardens Avenue	Point Pleasant	NJ	08742
John & Sarah Barnet	41 Princeton St	Boston	MA	02128
Steven Weiss & Scott Speaker	370 Mine Hill Rd	Fairfield	CT	06824
Dale & Glen Gradel	3 Trescott Path	Fort Salonga	NY	11768
Gail Leibowitz	213 70th Street New York	New York	NY	10023
John & Barbara Nelson	1 Benefit St	Providence	RI	02904
Philip & Mary Tropeano	237 Dodge St	Beverly	MA	01915-1275
Kelly Bruce & Diane Barbuto	71 Greenwood Road	Old Tappan	NJ	07675
Christopher & Carol Seiple	5 Lost Lodge Road	Westport	CT	06880
James & Alice Dana	1034 Newton Street	North Brunswick	NJ	08902

ADJOINER NAME	ADDRESS	TOWN	STATE	ZIP
Ann Marie Matta	183 Marion Dr	Plantsville	CT	06479
Thomas & Maria Walsh	415 East 85th Apt 9A	New York	NY	10028
Peter & Laurie Maglathlin	9 Pratt Island	Darien	CT	06820
Ronald & Margaret Sancho	PO BOX 1678	Montauk	NY	11954
William & Trac Ahearn	PO BOX 424	Ringwood	NJ	07456
Casey Waker	PO BOX 687	Manchester	VT	05255
John Campanello & Julius Camelio	3301 Campbell Dr	Bronx	NY	10469
RJC LLC	26 Loop Road	Bedford	NY	10506
Lucian Parziale	445 Hardscrabble Road	Briarcliff Manor	NY	10510
Bliss Charles & Mari Campbell	19 Valdepenas Lane	Clifton Park	NY	12065
Hanna Kurasz	113 Trailside Unit 2-13	Londonderry	VT	05148
Susan Foley	113 Trailside Condo Unit B5	Londonderry	VT	05148
Greg Williams	30 West Shore Drive	Clinton	CT	06413
Stanley & Susan J Czechel	297 Elwood Ave	Hawthorn	NY	10532
Christopher Hall	134 Milton St	Dorchester	MA	02124
James & Tammy Szczebak	126 Summit Street	Belchertown	MA	01007
Thomas Barker	891 Magic Circle	Londonderry	VT	05148
Mark & Patricia McAndrew	88 Paley Farms Rd	Portland	CT	
Timothy & Jennifer White	289 RT 148	Killingworth	CT	06419
Shirley & Alanson Partelow	206 Harrison Ave	Westfeld	NJ	07090
Brian & Fern Watts	7 Rieder Court	Somerset	NJ	07940
John Russell	51 Central Ave	Manasquam	NJ	08736

ADJOINER NAME	ADDRESS	TOWN	STATE	ZIP
4MYGIRLS LLC	18 Anderson Way	East Hampton	CT	06424
Emily Huff	113 Trailside Condo Unit 1-5	Londonderry	VT	05148
Robert & Alberta Walsh	19 Cardinal Dr	Flemington	NJ	08832
Stephen Robinson	212 Hemlocks	Lakeville	MA	02347
Erin & Mary Murray	155 Roselan Ave Apt 12	Caldwell	NJ	07006
Keith Taylor	PO BOX 461	Londonderry	VT	04148
Gross Irving A Trustee Revocable Trust	PO BOX 849	Londonderry	VT	05148
Micheal & Victoria Egan	312 Cox Road	Portland	CT	06480
Christopher Partelow & Nina Devlin	1021 Harding ST	Westfield	NJ	07090
Carmela & Gina Renaldo	183 Stone Oak Drive	Hartsdale	NY	10530
Jeffrey Bankman & Leila Lawrence	27 Franklin St	Northampton	MA	01060
Nelson Rodrigues	116 Cady Street	Ludlow	MA	01056
Anthony & Annew Kroon	15110 Windsdown	Houston	TX	77429
Debbie Gross	16 Golden Spruce Dr	Calverton	NY	11933
Robert & Ann Geagan	49 Hurd Point Rd	Dedham	ME	04429
Steven & Alicia Cohen	20 Portland Reservoir Road	East Hampton	CT	06424
Jack & Laura Palazzo	44 Ocean Drive	Monmouth Beach	NJ	07750
Colby Webb	27 West 72nd St Apt 908	New York	NY	10023
Eric Coon	3 Lascala Ave	Plymouth	MA	02360
James & Tammy Szczebak	126 Summit Street	Belchertown	MA	01007
John Rawlins	14 Bay Blvd #12	Seaside Heights	NJ	08751
Timothy Biggins & Sarah Cole	52 Thomas St	New York	NY	10013

ADJOINER NAME	ADDRESS	TOWN	STATE	ZIP
Lisa Franciosi	46 Carteret Ave	Seaside	NJ	08751
James & Kristine Martino	256 Watching Ave	Glen Ridge	NJ	07028
Donald & Patricia Archibald	459 Wood Pond Road	Cheshire	CT	06410
Josephine Booth	31358 Royal Oaks Drive	Temecula	CA	92591-2216
Paul Emmanuel	113 Trailside Condo Unit 2-6	Londonderry	VT	05148
Roman Kozak	239 Crest Drive	Tarrytown	NY	10591
James & Linda Prota	183 Stony Creek Road	Branford	CT	06405
David Patten	23 Griffith Road	Riverside	CT	06878
James McLaughlin	4 Lillionahridge Drive	New Milford	CT	06776
Christian & Josephine Von Ancken	11 Rosewood Drive	Easton	CT	06612
Michael & Melissa Balda	113 Trailside Unit 3-03	Londonderry	VT	05148
ITS JUST SKIING	18 Anderson Way	East Hampton	CT	06424
Jack & Laura Palazzo	44 Ocean Avenue	Monmouth Beach	NJ	07750
Anthony & Amy Girard	16 Fawn Trail	Tolland	CT	06084
Alexandra & David Urban	PO BOX 573	Jamesport	NY	11947
Roger & Joan Nutting	PO BOX 215	Temple	NH	03084
John & Wendy Vitale	77 Tarragon Drive	East Hampton	CT	06424
Jeffrey & Cynthia Govonii	63 Saffron Lane	East Hampton	CT	06424
Steven Cohen & Lisa Murphy	70 Meeks Point Road	East Hampton	CT	06424
Eagles Nest Inc C/O WF Young Inc	PO BOX 1990	East Long Meadow	MA	01028

Schedule B - Response to the 10 Criteria and Subcriteria

The [Act 250 Application Guide](http://www.nrb.state.vt.us/lup/publications.htm), available at the District Environmental Offices or online at <http://www.nrb.state.vt.us/lup/publications.htm>, provides additional information about how to answer the questions below or contact the District Coordinator. Provide the information requested in the form below. If an item does not apply to your project, explain why rather than responding N/A. For unusual projects and/or for review of a draft of your application, contact the District Coordinator. We are here to help!

Criterion 1 - Air Pollution: Demonstrate that the project will not cause undue air pollution.

a. What type of heating systems or other fuel-burning systems are proposed (Include information on any proposed wood-burning fireplaces, wood stoves or wood boilers)?

N/A - no permit required but Ski Magic, LLC was issued Air Pollution Control Permit #AOP-17-001 on April 24, 2017. This permit covers portable air compressors for seasonal snowmaking operations. See Exhibit 016.

b. Describe any process emissions, dust, smoke, odors or sources of noise will result from the project, and what measures are proposed for control? Will there be any burning of forest or construction debris? Any fire pits?

Possibly burning of forest debris from dam reconstruction and stream alteration project site.

c. Will there be blasting?

Yes No

d. What restrictions will there be for hours of construction and/or operations and how will noise be controlled, especially in residential areas?

e. Does your project require an ANR Air Pollution Control Permit?

Yes No

Criterion 1A - Headwaters: Demonstrate that the project will meet any applicable environmental conservation department regulations regarding any reduction of the quality of ground or surface waters in a headwaters area.

a. Is your project in a headwaters area (Headwaters are lands which are not devoted to intensive development and which contain steep slopes or shallow soils; or drain 20 square miles or less; or are watersheds for public water supplies; or provide significant recharge to aquifers; or are above 1,500 feet.)?

Yes No **Please contact the District Coordinator for additional guidance.**

Please describe:

All of the projects listed are proposed to upgrade existing facilities that are current uses at the Magic Mountain ski area. These projects are all planned in the general base area at/below 1,500 - 2,000' elevation.

Criterion 1B - Waste Disposal: Demonstrate that the project will meet any applicable health or environmental conservation department regulations regarding the disposal of wastes and demonstrate that the project will not involve the injection of wastes or toxic substances into ground waters.

a. Will the project use a wastewater disposal system?

Yes No

b. Are you required to obtain any of the following permits?

For assistance in identifying permits you may need for your project, contact an ANR Permit Specialist. You can find the Permit Specialist serving your area by visiting <http://dec.vermont.gov/environmental-assistance/permits/specialists>.

Wastewater System and Potable Water Supply Permit Yes No

Stormwater Discharge General Permit or Permit Amendment Yes No

Stormwater Discharge Individual Permit or Permit Amendment Yes No

Construction General Permit or Permit Amendment Yes No

Are you relying on the above permit as a presumption of compliance for this criterion, under Rule 19?

Yes No

Have you submitted the complete application for this permit to the Agency of Natural Resources?

Yes No **Your Act 250 permit application may be held incomplete until this complete application has been filed.**

Construction Individual Permit or Permit Amendment Yes No

Multi-Sector General Permit or Permit Amendment Yes No

Underground Injection Control Permit Yes No

Sewer Main Extension Permit Yes No

Solid Waste Facility Certification Yes No

Underground Storage Tank Permit Yes No

c. What is the acreage of the project site which will be disturbed during construction (Show the limits of disturbance on the site plan.)?

<5 acres

d. What is the acreage of the project site which will be permanently covered with buildings, roadways, parking areas, or other impervious areas as part of the project (Show all impervious surfaces on the site plan.)?

N/A - no new impervious

If your project is an amendment to a previously permitted project, how many acres of impervious surface currently exist on the site (Show all impervious surfaces on the site plan.)?

e. How will stormwater from the project be treated and disposed?

Erosion control practices and standards compliance (Erosion Control and Sediment Control Plan - EPSC) are documented in the attached Dam Reconstruction and Stream Alteration permit applications as submitted to VTDEC by DuBois & King. Full application submittal packages are included as Exhibits 008 through 011.

f. Are there any manufacturing or industrial processes which could affect wastewater?

Yes No

g. Is a permit or Vermont hazardous waste handler site ID form (notification) with the ANR Hazardous Waste Management Program required?

Yes No

h. Will hazardous materials (chemicals, pesticides, herbicides) be used or stored on site?

Yes No

i. Indicate how construction debris, including stumps, will be disposed.

The construction debris planned will be derived from clearing vegetation from the dam reconstruction/stream alteration tasks, vegetation would be stockpiled and burned under local permitting.

If the project involves more than 5,000 square feet of building construction, renovation, or demolition, complete the Waste Reduction Plan Template and attach to the application. The Plan template is available at http://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Act250_CD_WR_Plan3-15.docx. Additionally, information on reuse and recycling markets is available at the same website. Applicants may contact the ANR Solid Waste Program for guidance at (802) 828-1138.

j. Indicate if any building(s) on the property or the proposed project includes any floor drains.

No Floor Drains Existing Floor Drains Proposed to be Installed

Criterion 1C - Water Conservation: Demonstrate that the project will use the best available water conservation technology.

a. Describe the extent of water use for the project.

Water use under the snowmaking reconstruction project will include a new Conservation Flow determination from the VTDEC. Ski Magic proposes to use approximately 30,000,000 gallons of water over the snowmaking season from mid-November through mid-March, as weather conditions permit. The N&AA is attached as Exhibit 006. As proposed, the upgraded snowmaking reservoir is planned to hold 8.7 million gallons (MG) and Ski Magic plans to make snow on 80 acres of terrain. To cover the proposed 80 acre-feet of terrain, to a minimum depth of one (1) foot, it will take an estimated 28 MG and require the snowmaking reservoir to be drawn down and re-filled at least three (3) times over the season. The current uphill pumping capacity from the reservoir is rated at 150 gallon/minute (gpm) and could be expanded to 250 gpm. This is the rate limiting factor for snowmaking capacity.

b. Describe water conservation measures which have been incorporated into the project, such as the use of low flow plumbing fixtures.

Water conservation under the snowmaking project will include a new Conservation Flow determination from the VTDEC. Ski Magic submitted a Needs & Alternatives Analysis under ANR Rules, Chapter 16 Water Withdrawals for Snowmaking, on April 28, 2017. The application petitions for a new flow determination under Ch. 16-07, Expanded Existing System, for two local water sources that currently serve the existing snowmaking withdrawal system. In addition to the hydrology analysis, Ski Magic, LLC has already completed upgrades to snowmaking infrastructure to include a new portfolio of HKD snow guns, placement of variable speed drives (VFDs) on its water pumps and repairs to pipelines. In sum, these system upgrades, in addition to a reconstructed dam and stream alteration, will represent the best available water conservation technology. The N&AA is attached as Exhibit 006. On a conservative basis using a scaling analysis of other like watersheds, combined a seasonal pump supply petition for Conservation Flows will be made for the unnamed tributary and Thompsonburg Brook.

c. Will any water be used for commercial or industrial manufacturing or processing?

Yes No

Describe commercial or industrial water uses.

Winter snowmaking withdrawals.

d. Will any water be withdrawn from rivers, streams, or other bodies of water?

Yes No

Describe the nature and volume of the water withdrawal.

Per the referenced N&AA in Sections a. and b. above, the proposed snowmaking reservoir will have a standing water volume of 8.7 MG. Ski Magic is proposing to withdrawal reservoir recharge water from two local sources, previously permitted to serve this system: 1) unnamed tributary flowing from west side of Glebe Mountain; and 2) Thompsonburg Brook. Conservation flows and withdrawal volumes have been proposed in the N&AA and are currently under VTDEC review. The tributary would be disconnected from the reservoir and water withdrawn through a new proposed weir structure. The Thompsonburg Brook intake is in working condition and would require seasonal maintenance to place it back into service. Conservative estimates, yet to be approved by VTDEC, will petition for tributary flows of at least 106 gpm from the tributary and at least 1,265 gpm from Thompsonburg Brook.

e. Are any permits or approvals for water withdrawal required by the Agency of Natural Resources?

Yes No

List ANR permit(s) required for water withdrawal and the status of the permits.

Conservation Flow Determination through a ANR Ch. 16-07 Needs & Alternatives Analysis (submitted 4/28/17) and the tandem permits for Dam Reconstruction and Stream Alteration (submitted 5/1/2017). All permits are currently under review at VTDEC with a permit application review to be held on May 16 with all parties. An updated scaling analysis was prepared on May 15, 2017 and will be reviewed for Conservation Flow determinations.

Criterion 1D - Floodways: Demonstrate that the Project will not restrict or divert the flow of flood waters, and endanger the health, safety and welfare of the public or of riparian owners during flooding. **Floodway Fringe:** Demonstrate that the Project will not significantly increase the peak discharge of the river or stream and endanger the health, safety and welfare of the public or of riparian owners during flooding.

a. Is any portion of the project located within 100 feet of a perennial stream or river? "Perennial" means that the stream or river flows continuously within its channel year around.

Yes No

Explain and describe:

The dam reconstruction and stream alteration portions of the project will disconnect the aforementioned tributary stream from the existing reservoir and re-route it to below the newly constructed reservoir spillway/outlet. All resource protections are enumerated within the applications and engineering details. John Broker-Campbell, VTDEC Floodplain Manager, has also been consulted.

Please provide a site map of the project location from the VT ANR Natural Resource Atlas, which can be found at: <http://anrmaps.vermont.gov/websites/anra>. Attach documentation from the VT ANR Natural Resource Atlas and any additional documentation from the ANR River Corridor and Floodplain Management Program.

The Secretary of the Agency of Natural Resources determines the limits of the Floodway and the Floodway Fringe (see 10 V.S.A. § 6001(6) and (7) at: <http://www.nrb.state.vt.us/lup/statute.htm>). Floodway determinations are made by considering the Special Flood Hazard Area and the Fluvial Erosion Hazard Area. For more information, see ANR's Procedure on ANR Floodway Determinations in Act 250 Proceedings and the accompanying Technical Guidance for Determining Floodway Limits Pursuant to Act 250 Criterion 1(D) (both available at: http://www.anr.state.vt.us/dec/waterq/rivers/htm/rv_floodhazard.htm).

b. Is any portion of the project located in the Special Flood Hazard Area (SFHA)?

 Yes No

c. Is any portion of the project located in a River Corridor?

 Yes No

Explain and describe.

There is an existing Thompsonburg Brook intake embedded in the stream bed and requires simple placement of weir diversion boards (Permitted under 5W0524-14). It will be proposed for re-use from mid-November through mid-March, typical 'in/out' conditions within the Vermont ski industry. The system is intact and has been reviewed in the field with Scott Jensen, VTDEC Stream Engineer.

Please contact the ANR Floodplain Manager for your region before applying to determine if any part of the Project may be in the FEH area. Floodplain manager regions and contact information may be found at: http://watershedmanagement.vt.gov/rivers/docs/rv_floodplain_regions.pdf. Attach documentation from the ANR Floodplain Manager.

Special Flood Hazard Area and River Corridor data layers are available on the ANR Natural Resources Atlas (<http://anrmaps.vermont.gov/websites/anra5/>). These layers are found under the Watershed Protection layer grouping. Please provide a copy of Atlas Map with the Special Flood Hazard Area and River Corridor layers shown for the subject parcel.

Please note that the ANR Natural Resources Atlas only has Special Flood Hazard Areas available for the following counties: Chittenden, Washington, Rutland, Bennington, Windham and Windsor. For the remainder of the state, Special Flood Hazard Areas are shown on Flood Insurance Rate Maps available on the FEMA Map Service Center website: <https://msc.fema.gov/portal/search>. River Corridors on streams draining less than 2 square miles are designated on the Atlas as small stream setbacks and will need to be measured on the ground.

If the project is located within a designated Special Flood Hazard Area or River Corridor, it will need to comply with No Adverse Impact standards contained in the DEC Flood Hazard Area & River Corridor Protection Procedure (<http://dec.vermont.gov/sites/dec/files/documents/dec-fharcpr-2014-12-5.pdf>). Contact the Vermont Rivers Program of the ANR Watershed Management Division to speak with a Regional Floodplain Manager for your area: http://dec.vermont.gov/sites/dec/files/wsm/rivers/docs/floodplain_mgr_regions.pdf.

Criterion 1E - Streams: Demonstrate that the project will maintain the natural condition of any streams, when feasible.

a. Is the project located near a stream or watercourse?

 Yes No

What is the distance from the nearest disturbed area to the **top** of the stream bank (Show all streams and watercourses and their buffers on a site plan. This includes showing stream buffers for all subdivisions.)?

This project proposes to relocate a portion of an unnamed tributary stream from its existing terminus in the Magic Mountain snowmaking reservoir to a location below the newly reconstructed dam and control outlet.

b. Describe any construction that will disturb the stream, the stream bed or the adjacent 50-foot buffer as measured from the tops of the stream banks.

The dam reconstruction and stream alteration portions of the project will disconnect the aforementioned tributary stream from the existing reservoir and re-route it to below the newly constructed reservoir spillway/outlet. All resource protections are enumerated within the applications and engineering details. Lee Simard, VT F&W Biologist, and Scott Jensen, VTDEC Stream Engineer, have been consulted.

If there is disturbance of a stream or stream bank, a Stream Alteration Permit may be required. Contact the **River Management Program of the ANR Watershed Management Division** to speak with a Stream Alteration Engineer for your region at (802) 828-1535. If a Stream Alteration Permit is required, what is the status of your application?

Completed and attached In process

c. Does the project involve dam construction or withdrawal or impoundment of water from a river, stream, or pond?

Yes No

Describe below and contact the ANR Watershed Management Division (802) 828-1535 for comments for the Act 250 application (Provide comments as part of the application).

This project proposes to reconstruct the existing Magic Mountain snowmaking dam and increase its standing capacity from 4.7 MG to 8.7 MG. Dam Reconstruction and Dam Safety applications were filed with Ben Green and Steve Hanna at VTDEC on 5/1/2017. These applications are currently under technical review and will be discussed amongst the parties at VTDEC on May 16, 2017.

Criterion 1F - Shorelines: Demonstrate that if the project is located along a shoreline, it complies with the four standards relating to the condition of the shoreline listed in b. below.

a. Does the project involve development or subdivision on or near a river, lake, pond, or reservoir shoreline?

Yes No

Describe the activity, including the distance between the high water mark and any area disturbed or any project component visible from the water body.

This project proposes to reconstruct the existing Magic Mountain snowmaking dam and increase its standing capacity from 4.7 MG to 8.7 MG. Dam Reconstruction and Dam Safety applications were filed with Ben Green and Steve Hanna at VTDEC on 5/1/2017. These applications are currently under technical review and will be discussed amongst the parties at VTDEC on May 16, 2017. The existing water mark/level stands at 1289.5' and the final proposed water elevation is at 1293', a net rise in 3.5'. The pond will be de-watered for the proposed work, no earth disturbance will contact existing water levels.

b. If the project is located on or near a shoreline (answer if the project will be seen from the water body and/or has the potential to affect the condition of, or access to, the water body.), then answer i) through v) below:

i. Why is it necessary that the project be located on the shoreline?

The existing reservoir has been in place since approximately 1968. This project proposes to reconstruct the dam from prior approvals and continue its utilization as snowmaking water supply.

ii. How will the shoreline be maintained in its natural condition (Show undisturbed buffers, erosion controls, and the like on the site plan)?

No new shoreline disturbance, construction work relegated to existing dam and tributary stream inlet channel.

iii. Indicate how and where any existing public access to the water body can be reasonably maintained (Show details on site plan).

N/A - no access changes. Reservoir is located on private property.

iv. Indicate how the vegetation will be provided or retained to screen the project from the water body (Show details on site plan).

N/A - existing water feature. Increase in standing water depth will not negatively impact the area or alter its visibility.

v. Indicate how the shoreline will be stabilized from erosion with vegetation (Show details on site plan).

Any shoreline disturbance at the dam and tributary stream locations will be managed according to the EPSC plans included in the Dam Reconstruction and Stream Alteration permit applications, include in this application as exhibits.

c. Do you need a Shoreland Encroachment Permit from ANR Watershed Management Division (Contact the Watershed Management Division at (802) 828-1535 for further guidance)?

Yes No

Criterion 1G - Wetlands: Demonstrate that the project will meet applicable Water Resources Board regulations regarding any impacts on designated significant wetlands.

a. Does the tract contain Class I or Class II wetlands or wetland buffers?

Yes No

Describe the wetlands and any disturbance that may occur within 50 feet of the wetland. Show all wet areas and buffers on site plan and label Class I, II and III wetlands and wet areas on plan. Contact the **ANR Wetlands Biologist** for assistance and information on the protocol for identification/delineation of wetlands.

A portion of the existing reservoir is classified as a Class II - open water resource. No impacts/alterations to this resource are proposed.

b. Is an individual Wetland Permit (IWP) or a General Wetland Permit (GWP) needed from the ANR Watershed Management Division (802) 828-1535 required for work in the wetland or wetland buffer (Contact the **ANR Wetlands Biologist** for further guidance)?

Yes No

Status of permit?

Completed and attached In process

Criterion 2 and 3 - Water Supply: Demonstrate that the project has sufficient water available for its needs; and that the project will not cause an unreasonable burden on an existing water supply.

a. How will water be supplied to the project and what are the demands (gallons per day)?

Water supply will be used for on-mountain snowmaking operations. Conservation Flows have been submitted to Jeff Crocker, VTDEC Supervising River Ecologist, via a Ch. 16-07 Needs & Alternatives Analysis. As a basis of design, the withdrawal pump has an uphill rated capacity of 150 gpm. Based on the 24-hour potential, the water can be withdrawn at a maximum capacity of approximately 216,000 gallons per day.

Is the water supply public or private (Show location of wells and piping on site plan)?

Public Private

b. Is a Wastewater System and Potable Water Supply Permit from the ANR Drinking Water and Groundwater Protection Division required?

Yes No

c. Is approval from the ANR Drinking Water and Groundwater Protection Division necessary for a shared water system or extension of a municipal water line (Contact the Regional Manager with the ANR Drinking Water and Groundwater Protection Division (800) 823-6500 (in-state only) or (802) 828-1535)?

Yes No

d. Identify adjacent water supplies. Demonstrate that that use of water will not restrict or negatively affect the water of existing users. Provide information on distance to other wells and hydrological studies for larger projects.

This project analyzed use of subsurface water supplies under the Needs & Alternative Analysis but has discounted them to avoid negative impacts to local water supplies.

Criterion 4 - Soil Erosion: Demonstrate that the project will not cause unreasonable soil erosion and will not cause a reduction in the capacity of the land to hold water so that a dangerous situation results.

a. Describe the terrain (including slope) in areas where earth work is proposed. Describe the nature and extent of ground disturbance proposed including the sequence of construction. For more information about the elements of an erosion control plan see ANRs *Erosion Prevention and Sedimentation Control Plan Checklist* available at http://dec.vermont.gov/sites/dec/files/wsm/wetlands/docs/wl_vtstepsc.pdf.

Overall, projects are proposed on previously developed portions of the ski area property, ranging from approximately 2500' in elevation to 1500'. The Dam Reconstruction permit submitted for this project identifies the land features/terrain around the tributary stream and existing dam. A soil survey is included at Exhibit 015 in addition to prescribed EPSC practices for the duration of the work. The proposed pipeline work will disturb < 1 acre as only 2,500' of pipeline will be installed underground in a 10 ft. wide trench. All other disturbance in the form of pipe trenching and ground surface leveling will be buffered by existing vegetation and will be immediately re-seeded following facility installation.

b. Are you required to obtain the following permits?

Construction General Permit or Permit Amendment Yes No

Are you relying on the above permit as a presumption of compliance under this criterion, for construction related soil erosion under Rule 19?

Yes No

Have you submitted the complete application for this permit to the Agency of Natural Resources?

Yes No **Your Act 250 permit application may be held incomplete until this complete application has been filed.**

Construction Individual Permit or Permit Amendment Yes No

c. Describe erosion control measures to be taken during construction.

Standard EPSC plan measures will be in effect during construction, as specified in VTDEC Low/Moderate Risk CGP and DuBois & King Erosion Control details. Non-jurisdictional measures around piping and surface lift projects will include use of existing vegetated buffers surrounding work areas, employment of erosion controls as needed and finished with seed and mulch.

d. Describe permanent erosion control measures to be taken after construction to stabilize the site (Show details on the plan.).

Post-construction erosion control measures are specified in the DuBois and King engineering details in addition to those prescribed by the VTDEC CGP stormwater program.

e. How frequently will the erosion controls be inspected during construction and who will be accountable for their maintenance?

As prescribed above, limits on total open work areas to be observed during the project duration.

Criterion 5 - Transportation (Amended effective June 1, 2014): Demonstrate that the project will not cause unreasonable congestion or unsafe conditions with respect to the use of highways and other means of transportation and that it will provide access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services.

a. Describe the access to a State or local highway from the project. Show driveways for all proposed lots on the plans. Describe the design of roads, driveway(s) or road intersections including grades, sight distances and speed limit of the town or State highway. Show locations and details on site plan.

N/A - ski area is pre-existing and was operational up to the November 2016 acquisition by Ski Magic, LLC. Existing Magic Mountain Access road from VT Route 11.

b. Has the town or State approved the project access (For State, contact the Utilities Unit of the Vermont Agency of Transportation (802) 828-2653. Attach a copy of the approval.?)

Yes No

c. If a new roadway is involved, indicate the length of the road and the maximum gradient (Show road location, profile, and cross sections on site plan unless waived by District Coordinator.). Also, if the road enters onto a State highway, the intersection geometrics will need to conform with VTrans Access Guidelines and Standards.

Length of Road Maximum Gradient

d. Explain how emergency vehicles and trucks will have sufficient access into the project site and can easily turn around (Show details on site plan).

N/A - Facility is pre-existing, no change to facility capacities.

e. How many trips per day will the project generate?

Total one-way trips AM peak hour trips PM peak hour trips

f. Explain how the traffic associated with the project will not create unreasonable congestion or unsafe conditions on nearby highways and nearby intersections. Larger projects and/or projects in areas with existing traffic problems may require a traffic study which details Level of Service and turning movements (Contact the District Coordinator to determine if a traffic study is necessary). Traffic studies should include mitigation strategies for impacts, including use of demand management strategies.

N/A - Facility is pre-existing, no change to facility capacities.

g. Describe any Transportation Demand Management (TDM) strategies being employed in the project to reduce trip generation, including the number of AM and PM peak hour trips which will be mitigated through the use of these strategies. TDM strategies include: ride sharing programs, public transportation vouchers, staggered shifts (arrival and departure times) to avoid peak hour traffic. For assistance with developing and participating in TDM programs, contact your Regional Planning Commission.

N/A - Facility is pre-existing, no change to facility capacities.

h. Explain how pedestrian and bicycle safety will be provided (show details on site plan).

N/A - Facility is pre-existing, no change to facility capacities.

i. Explain how the proposed project will not cause unreasonable delays or unsafe conditions for users of existing pedestrian, bicycle, and/or public transportation facilities.

N/A - Facility is pre-existing, no change to facility capacities.

j. Is parking required for the project?

Yes No

k. Explain how the project will provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services.

N/A - Facility is pre-existing, no change to facility capacities.

l. Explain how the measures outlined in k and g above are appropriate, given the type, scale, and transportation impacts of the project.

N/A - Facility is pre-existing, no change to facility capacities.

Criterion 6 - Educational Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide educational services.

a. Estimate the number of additional students who may attend the local schools as a result of this project and explain how this estimate was calculated.

N/A - Facility is pre-existing, no change to facility capacities.

b. Provide evidence that area schools will be able to accommodate these additional students (Narrative response or School Impact Questionnaire).

N/A - Facility is pre-existing, no change to facility capacities.

Criterion 7 - Municipal Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide municipal or governmental services.

a. Check the municipal services that will be utilized:

- Police
- Fire Protection
- Ambulance
- Road Maintenance
- Water Supply
- Sewage Disposal
- Solid Waste Disposal

b. Provide a comment letter from any non-municipal entity and a completed Municipal Impact Questionnaire unless waived by the District Coordinator.

Criterion 8 - Scenic Beauty, Historic Sites, and Natural Areas: Demonstrate that the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare or irreplaceable natural areas.

a. Describe the tract (include terrain, open space, woodlands, ridgelines, wetlands, streams, existing vegetation and buildings, if any), surrounding area, and any natural areas (Attach photos if available).

N/A - Facility is pre-existing, no change to facility capacities. The proposed projects are focused on rehabilitating existing facilities.

b. Is the project use (residential, retail, industrial, etc.), size, architecture and density consistent with the existing or planned land uses in the area? What is the building style? What materials and exterior colors will be used? Provide elevation drawings. If the project is a subdivision and the building style is unknown, show building envelopes on the site plan and provide covenants that address tree cutting, lighting etc. and proposed architectural restrictions/requirements.

N/A

c. Will the project generate any significant noise during and/or after construction? How long will construction take place? If noise is an ongoing factor in the project or construction takes place for an extended period, provide a noise analysis.

The only noise generation will be during construction and will include the use of earth moving equipment and construction worker vehicle traffic. Noise will be relegated to a typical 7AM - 5PM summer construction schedule. Some Saturday or extended work day schedules are likely if the construction schedule is impacted by unfavorable conditions.

d. Describe the proposed architectural style and building materials and colors in relation to the style of area buildings. Provide elevation drawing(s) of building(s).

N/A

Identify site plan(s) which depict this information:

Exhibit 004 identifies the locations of these planned facilities. Local permitting with the Town of Londonderry Zoning Administrator and Development Review Board is in progress.

e. Describe any proposed signs, including location and details on size, illumination, and colors (Show location(s) on site plan).

Identify site plan(s) which depict this information:

f. Describe exterior lighting, including location, lamp wattage, fixture style, and height of pole. How will lights be controlled, timed or switched? For large parking lots and roadways, provide details about light levels. Show lighting on site plan and include manufacturer's specification sheets. Lighting should be dark-sky compatible and fixtures fully shielded for most applications.

Identify site plan(s) which depict this information:

g. Describe how utilities (propane tanks, trash dumpsters, electric distribution lines and poles, etc.) have been designed to minimize their visibility.

N/A

h. Describe landscaping. How will landscaping minimize visual impacts? Show limits of tree cutting, landscaping and planting legend on site plan.

N/A - reservoir work to be completed in place of existing facility.

Identify site plan(s) which depict this information:

i. Describe any recorded historic sites, including historic structures (more than 50 years old) or districts (i.e. on the State or National Register of Historic Places) located on the tract. Attach a letter from the Division for Historic Preservation (DHP) (802-828-3048) regarding any potential historic sites which might be affected by the project.

- Yes No

j. Is the project located on land that contains or is likely to contain a prehistoric Native American archeological site?

- Yes No

If you are unsure, contact the Vermont Division for Historic Preservation (DHP) at (802) 828-3048 or a professional archeologist. To determine whether a project is located on or near an archeological site, the DHP has developed the Environmental Predictive Model which is available at <http://www.dhca.state.vt.us/DHP/programs/model.pdf>.

k. Does the project area contain any evidence of historic settlement such as stone walls, foundations, or ruins (If yes, show on site plan)?

- Yes No

l. Are there any designated rare or irreplaceable natural or fragile area on or near the project site (Contact the ANR District Fish & Wildlife Office for assistance in identifying natural or fragile areas)?

- Yes No

Criterion 8A - Wildlife and Endangered Species: Demonstrate that the project will not destroy or significantly imperil necessary wildlife or endangered species habitat.

a. Does the project tract include necessary wildlife habitat or endangered species?

- Yes No Unsure

b. Describe any impact the project will have on identified necessary wildlife habitat or endangered species (including any logging or land filling on the tract) and what measures will be taken to mitigate impact.

N/A

Criterion 9A - Impact of Growth: Demonstrate that the project will not significantly affect the ability of the town and region to accommodate growth.

If the project is anticipated to result in a significant amount of growth in relation to historic growth rates for the town and region, you will be required to provide an impact of growth analysis to address the ability of the municipality and the region to accommodate the growth, including the need for new infrastructure, adequate housing, and demand on services. The District Coordinator can provide examples. Also see the Application Guide for more information, available at <http://www.nrb.state.vt.us/lup/publications.htm>.

a. For residential projects and subdivisions, indicate how many additional people may live in the project, what portion may be seasonal, and what percentage of the total population of the municipality these additional people represent. For commercial or recreational projects, provide information regarding anticipated employment growth, growth in personal income, retail sales growth, or growth in tourism.

N/A

b. For all projects, provide an estimate of the tax revenues the project will generate (property tax revenues paid to the municipality, as well as income tax, sales, and rooms and meals taxes etc.). paid to the State, if appropriate. Also, provide information on anticipated employment.

N/A - Magic Mountain is an existing business that was fully operational prior to its sale to Ski Magic, LLC in November 2016.

Criterion 9B - Primary Agricultural Soils: Demonstrate that the project will not reduce the agricultural soils.

All commercial, industrial, residential projects and subdivisions must address this criterion. See Criterion 9(B) section in the Guide to Applying for an Act 250 Land Use Permit before proceeding with the section below. The Guide is available at <http://www.nrb.state.vt.us/lup/publications.htm>. Also, contact the district coordinator if you have any questions.

a. Does your project involve any potential earth disturbance or subdivision of land?

Yes No

b. Has Act 250 previously issued findings of fact regarding primary agricultural soils on your tract or tracts of land?

Yes No

c. Does the tract of land contain any soils classified by Natural Resource Conservation Service (NRCS) as primary agricultural soils (<http://websoilsurvey.nrcs.usda.gov/app/>)?

Yes No **Please provide a copy of the map from NRCS and continue to the next Criterion, 9C.**

Criterion 9C - Productive Forest Soils: Demonstrate that the project will not result in any reduction in the potential of productive forest soils.

"Productive forest soils" are soils which are not primary agricultural soils, have a reasonable potential for commercial forestry and have not been developed. Indications that the soils qualify as productive forest soils, include, but are not limited to, previous logging on the site or enrollment in the use value appraisal program. (See definition of Productive Forest Soils at 10 V.S.A. Sec. 6001(8)).

If your site may contain productive forest soils, you should read the Criterion 9(C) section in the Guide to Applying for an Act 250 Land Use Permit before proceeding with the section below.

a. Has the property been logged or managed for commercial forestry in the past?

Yes No

b. Is the site currently being managed for commercial forestry?

Yes No

c. Is the property enrolled in the Use Value Appraisal Program?

Yes No

d. Does the project site contain productive forest soils?

Yes No

If there are no productive forest soils on the site, you do not need to answer any additional questions for this section. If you are unsure, the district coordinator, a consulting forester or the County Forester for your area may be of assistance.

Criterion 9D and 9E - Earth Resources: Demonstrate that the project will not interfere with the future extraction of earth resources; and demonstrate that if the project involves the extraction of earth resources, it will not unduly harm the environment or neighboring land uses, and will be reclaimed for an alternative use.

a. Are there any mineral or earth resources on the site with a high potential for extraction?

Yes No

Identify site plan(s) which depict this information:

N/A - the site is in its current use as a ski area and outdoor recreation facility. Proposed projects are planned to enhance existing features and entail minimal earth disturbance on the ground surface. More invasive earth disturbance at the snowmaking reservoir is within previously disturbed soils from existing dam construction.

Criterion 9F - Energy Conservation: Demonstrate that the project reflects the principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy, and incorporates the best available technology for energy efficiency. Provide evidence of compliance with the applicable building energy standards.

a. Applicants are required to provide evidence that the project will comply with the building energy standards (either the [Commercial Building Energy Standard \(CBES\)](#) (30 V.S.A. §53) or the applicable [Residential Building Energy Standards Stretch Code \(RBES\)](#) (30 V.S.A. §51)). By signing this application do you certify that the project will comply with the applicable building energy standards at the time of construction?

Yes No

b. As per the [Criterion 9\(F\) Procedure](#) you will be required to submit a copy of the applicable [RBES Certificate](#) and/or [CBES Certificate](#) submitted to the Public Service Department under 30 V.S.A. §53(d) and/or 30 V.S.A. §51(f) prior to occupancy. Will you ensure that condition is met?

Yes No

c. Applicants for commercial projects are required to provide evidence that "the planning and design of the subdivision or development reflect the principles of energy conservation, including the reduction of greenhouse gas emissions from the use of energy, and incorporate the best available technology for efficient use or recovery of energy." Compliance with the CBES and [CBES Stretch Guidelines](#) serves as a presumption of compliance with Criterion 9(F) in accordance with the [Criterion 9\(F\) Procedure](#).

Do you certify that the project, when constructed, will meet the [CBES Stretch Guidelines](#)?

Yes No

d. If you answered No above, describe below why your project can not meet the [CBES Stretch Guidelines](#):

N/A - upgrades to water pump motor drives and and snow gun technology have been implemented in concert with Efficiency Vermont.

e. Describe how your project meets the best available technology standard through incorporation of conservation measures that exceed the CBES:

f. List the energy conservation measures incorporated into the project design that will reduce greenhouse gas emissions from the use of energy through:

1. Building Construction, such as automatic energy controls (e.g. timers or sensors for lighting or heating/cooling), renewable or alternative energy sources, heat pumps, LEDs, Energy-Star appliances, etc.

N/A

2. Building Use, such as bike and walking paths, rideshare programs, designated carpooling parking spaces, facilities to promote public or alternative modes of transportation, etc.

N/A

g. What renewable energy components or, at least the infrastructure required for future renewable energy installations (i.e. the project is "renewable ready") have been incorporated into the project? These components or infrastructure can include electric vehicle charging stations, photovoltaic panels, solar hot-water, or other mechanisms to reduce "greenhouse gas emissions from the use of energy" or their related structural or electrical infrastructure required to support their future installation.

Describe such features:

N/A

h. Have you contacted Efficiency Vermont (1-888-921-5990), your electric utility, or other energy efficiency entity to learn about cost-effective methods to reduce energy consumption and greenhouse gases?

Yes No

i. Detail what additional measures are being incorporated that are being subsidized or jointly undertaken with Efficiency Vermont, your electric utility, or other energy efficiency entity.

New VFD drives on snowmaking water pumps and new low-e snow guns from HKD.

Criterion 9G - Private Utilities: Demonstrate that any private utilities shared by two or more owners will not become a burden on the municipality if it must assume responsibility for them.

a. Indicate whether the project involves any private utilities (road, water system, stormwater system, sewer line, septic system, etc.) which will be controlled by more than one owner.

N/A

b. If private utilities will not be transferred to the municipality, indicate how the utilities be maintained? Will a sinking fund or other long term fund be established to provide for future repair or replacement of the private utilities? (Attach copy of covenants, maintenance schedule, or other evidence which will ensure maintenance and eventual replacement of the utilities.)

Criterion 9H - Scattered Development: Demonstrate that if the project is not physically contiguous to an existing settlement, it will not result in greater costs to the municipality than it provides in additional tax revenues and other public benefits.

a. Is the project tract physically contiguous to a downtown development district, village center, new town center, growth center, Vermont neighborhood, or neighborhood development area as designated under 24 V.S.A. , chapter 76A?

Yes No

If not, is the project physically contiguous to an existing settlement (an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and may be served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens)?

Yes No

Please explain:

Magic Mountain is an existing ski area with adjacent residential areas, homes and condominiums. The area also includes private inns along the Magic Mountain Access Rd.

b. If the project is not contiguous to an existing settlement, provide an analysis comparing the public benefits and costs of the project. (Cost of services vs. taxes and other benefits such as needed housing and employment).

Criterion 9J - Public Utilities: Demonstrate that the project will not place an excessive or uneconomic demand on any necessary governmental or public facilities or services.

a. Indicate whether an excessive or uneconomic demand will be placed on supportive governmental or public utility services, such as electric services, municipal water or sewer services, solid waste and recycling services, etc.). If the Project is commercial, industrial, or a multi-family building, show on a plan how solid waste and recycling services will be accommodated. Attach copies of utility letters.

N/A - Magic Mountain was an existing operation that was purchased by a new ownership group, the footprint of the ski area is not expanding.

Criterion 9K - Public Investments: Demonstrate that the project will not endanger any adjacent public investment.

a. List any adjacent governmental or public utility facilities, services and lands, including highways, airports, waste disposal facilities, buildings, fire and police stations, universities, schools, hospitals, electric generation and transmission facilities, oil and gas pipelines, parks, hiking trails, forest and game lands, etc.

N/A - Magic Mountain was an existing operation that was purchased by a new ownership group, the footprint of the ski area is not expanding.

b. How will the project affect any such adjacent property?

Criterion 9L - Settlement Patterns: If outside an existing settlement, demonstrate how the project will promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside.

NOTE: See [Criterion 9L Procedure](#) for additional information prior to answering the questions below.

a. Is the project tract physically inside a downtown development district, village center, new town center, growth center, Vermont neighborhood, or neighborhood development area designated under 24 V.S.A., chapter 76A?

Yes No

If not, is the project inside an existing settlement (an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and may be served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens)?

Yes No

Please explain:

Magic Mountain is an existing ski area with adjacent residential areas, homes and condominiums. The area also includes private inns along the Magic Mountain Access Rd.

b. If the project is outside a designated center or other existing settlement:

i. Explain how the project will make efficient use of land, energy, roads, utilities, and other supporting infrastructure.

N/A - Magic Mountain was an existing operation that was purchased by a new ownership group, the footprint of the ski area is not expanding.

ii. Demonstrate that the project will not contribute to a pattern of strip development along public highways.

iii. If the project is confined to an area that already constitutes strip development (as defined in 10 V.S.A. §6001(36)), demonstrate that it incorporates infill (as defined in 24 V.S.A. §2791) and is designed to reasonably minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title ([see Guide for definitions](#)).

Criterion 10 - Local and Regional Plans: Demonstrate that the project conforms to the municipal plan and regional plan.

a. Does the municipality have a duly adopted plan?

Yes No What date was it adopted? Apr 2, 2012

In what land use district, as designated in the town plan future land use map, is the project located?

Recreation Commercial (RC) and Rural Residential - 3 (RM)

b. How does the project conform to the uses and policies identified for that district?

The Magic Mountain Ski Area conforms to use and policy of both RC and RM zones.

c. Are there town plan policies that apply to the project? What are they and how does the project conform?

The proposed project is consistent with the goals of the Town Plan. Under Community Resources - Recreation: Skiing – Cross Country skiing is available at the Viking Touring Center, Lowell Lake and the West River Trail. Magic Mountain Ski Area provides down-hill skiing, enhancing local winter recreation, together with nearby Stratton, Bromley and Okemo Ski resorts.

Under Policies & Actions - the Plan highlights Policies: 2. Improve existing recreational opportunities for residents and community guests. 3. Require that development not diminish the value and availability of outdoor recreational activities; and Actions: 1. Promote the Town's public amenities and recreational opportunities.

d. Have local approvals/permits been obtained? (Attach copies)

Yes No None Required

e. What regional plan applies to the project?

Windham Regional Plan

What date was it adopted? Sep 30, 2014

In what land use district, as designated in the regional plan future land use map, is the project located?

Resort Center, Rural Residential & Resource.

How does the project conform to the uses and policies identified for that district?

Under Regional Goals, this project fits the goal: To maintain and enhance recreational opportunities for both residents and visitors in keeping with the carrying capacity of natural resources and public facilities.

Under Chapter 2 - Resort Center: Magic Mountain is an existing resort facility with development concentrated around the base area. While the resort pressurizes the local community with seasonal visitation and auto-oriented development, the Resort Centers are located either in or adjacent to the region's resource lands designation where soils are often shallow and slopes are steep. Many streams and rivers originate from these lands, and some are productive forestlands and valuable wildlife habitat. The proposed project represents a rebuild/refurbishment of existing facilities with a focus on delivering a 'throwback' type of guest experience.

Under Chapter 7 - Recreation: Ski resorts play an important role in the Windham Region by, among other things, providing recreation to residents and tourists alike. The ski resorts have become a destination for all four seasons, marketing sports such as mountain biking and golf, in addition to traditional winter activities, to attract visitors.

f. Are there other regional plan policies that apply to the project? What are they and how does the project conform?

g. Explain how the project conforms to a duly adopted capital program, if the town has one.

Municipal Impact Questionnaire

This questionnaire is intended to help applicants gather evidence to submit under Criterion 7 - Municipal Services. A letter or narrative from the Town Manager, Selectboard Chair or appropriate official may also serve as evidence.

To be completed by Applicant:

APPLICANT NAME	MUNICIPALITY
TITLE OF SITE PLAN SUBMITTED	DATE OF SITE PLAN SUBMITTED

To be completed by Town Manager, Department Heads, or Equivalent:

a. Does the municipality have the capacity to provide the following services without unreasonable burdens for the above project?

Fire Protection Yes No Municipality does not provide this service.

Police Protection Yes No Municipality does not provide this service.

Rescue Service Yes No Municipality does not provide this service.

Road Maintenance Yes No Municipality does not provide this service.

Solid Waste Disposal Yes No Municipality does not provide this service.

b. Would the deficiencies occur without this project?

Yes No

c. If the deficiencies are common to many projects, does this project create burdens which are disproportionate to the taxes and user fees to be paid to the municipality?

Yes No

d. Are you available, after sufficient notice, to answer questions related to the above statements at an Act 250 hearing?

Yes No

I certify that the above information is true and accurate to the best of my knowledge.

NAME	POSITION	DATE
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School Impact Questionnaire

This questionnaire is intended to help applicants gather evidence to submit under Criterion 6 - Educational Services. A letter or narrative from the Superintendent or appropriate school official may also serve as evidence.

To be completed by Applicant:

APPLICANT NAME		MUNICIPALITY
NUMBER OF LOTS OR UNITS	ESTIMATED NUMBER OF STUDENTS	SOURCE OF ESTIMATE

To be completed by Town Manager, Department Heads, or Equivalent:

a. What schools under your supervision will provide educational services for families who live in this project?

- Elementary School
 Middle School
 High School

b. Do these schools have the capacity to accept the additional students listed above?

- Yes No

c. Do you have other comments?

- Yes No

d. Are you available, after sufficient notice, to answer questions related to the above statements at an Act 250 hearing?

- Yes No

I certify that the above information is true and accurate to the best of my knowledge.

NAME	POSITION	DATE
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GRANTEE'S NAME				
COUNTY	TOWN	BOOK	PAGE(S)	DATE RECORDED

PROPERTY SPAN NUMBER

SPAN NUMBER (From property tax bill)
 357-110-11108

Additional Information

CHECK BELOW IF YOU ARE CONCURRENTLY APPLYING FOR ANY OF THE FOLLOWING PERMITS FROM THE AGENCY OF NATURAL RESOURCES:

Wastewater System & Potable Water Supply Permit
 Construction General Permit
 Air Pollution Control Permit
 Public Water System Permit to Construct
 Stormwater Discharge Permit
 Wetland Permit
 Other

DESCRIBE OTHER PERMITS
 VTDEC: Conservation Flows - Needs & Alternatives Analysis; Dam Reconstruction; Stream Alteration

HAVE YOU RECEIVED LOCAL ZONING AND/OR SUBDIVISION APPROVAL?

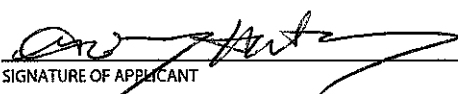
Yes (attach copy)
 Pending
 None Needed

ATTACH THE FOLLOWING UNLESS WAIVED BY THE DISTRICT COORDINATOR:

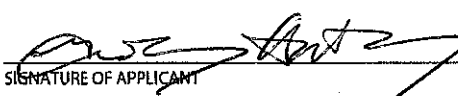
<input checked="" type="checkbox"/> Location Map (USGS map)	<input checked="" type="checkbox"/> Schedule B - Act 250 Information
<input checked="" type="checkbox"/> Site Plan or Plot Plan (see instructions)	<input checked="" type="checkbox"/> Schedule E - Project Adjoiner Information
<input type="checkbox"/> Building Elevation Drawings (excluding single family homes)	<input checked="" type="checkbox"/> Schedule G - Notice of Application
<input checked="" type="checkbox"/> Supporting documents (as recommended in Schedule B or as needed)	<input type="checkbox"/> Municipal Impact Questionnaire
<input checked="" type="checkbox"/> Schedule A - Fee Information	<input type="checkbox"/> School Impact Questionnaire
<input checked="" type="checkbox"/> Act 250 fee (payable to "State of Vermont")	

Signatures

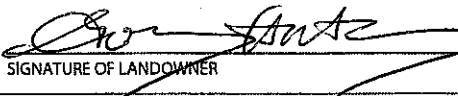
I hereby swear that the information provided above or attached to this application is true and accurate to the best of my/our knowledge.

 SIGNATURE OF APPLICANT	Geoff Hatheway CLEARLY PRINT NAME	5/15/17 DATE
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I hereby certify that I understand that I must not commence construction, demolition, remodeling or commercial use of the property as described in Act 250 Rule 2(C) until I have received an Act 250 Land Use Permit as required by 10 V.S.A. § 6081.

 SIGNATURE OF APPLICANT	Geoff Hatheway CLEARLY PRINT NAME	5/15/17 DATE
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I hereby authorize the processing of this application for the above project on land(s) that I/we own, control, or have significant property interest in (attach letter if easier).

 SIGNATURE OF LANDOWNER	Geoff Hatheway CLEARLY PRINT NAME	5/15/17 DATE
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Schedule A - Fee Information

Submit with the application a check payable to the "State of Vermont". **Municipal and state agency projects are exempt from fees but should still report construction costs on this form.** Not-for-profit organizations are **not** exempt. Calculate the fee using the table below.

Note: All lines on the schedule must be filled out. If a line does not apply, or if there is no associated cost, enter 0. An incomplete schedule will result in a delay in application processing.

1) Number of lots being created	# of Lots				
		x \$125.00.....	\$	0.00	
2) Earth Extraction (Gravel/Sand Pits and Quarries)	Total Extraction Proposed in yd ³				
		x \$0.02/yd ³ for 1st million yd ³ extraction proposed for life of the permit x \$0.01/yd ³ for yd ³ above 1st million proposed for life of the permit.....	\$	0.00	
3) Estimated Construction Costs: ^a	Building ft ²	Building \$/ft ²			
Buildings.....			\$		
Site preparation.....			\$		
Roads and parking.....			\$		
Utilities.....			\$		
Off-site improvements.....			\$		
Landscaping.....			\$		
Other.....			\$	525,000.00	
Describe Other Reconstruction of snowmaking reservoir dam, stream alteration, new snowmaking water pipeline and new conservation flow determination.					
Construction Subtotal			\$	525,000.00	
			Construction Cost <=\$15M	\$	525,000.00
				x 0.00665	\$
					3,491.25
			Construction Cost >\$15M	\$	
				x 0.00312	\$
					0.00
			NRB Fee SubTotal		\$
					3,491.25
			ANR Fee (Construction Cost <=\$15M)**	\$	525,000.00
				x 0.00075	\$
					393.75
			4) Total Fee***		\$
					3,885.00

^aFor residential subdivisions, include the estimated construction cost of all improvements proposed to be constructed by the applicant or a related person or entity, including common facilities, infrastructure, dwellings, and other. For more information, see the definition of "person" at 10 V.S.A. § 6001(14), on the web at <http://www.nrb.state.vt.us/lup/statute.htm>.

**As of July 1, 2015, the first \$15,000,000 of construction costs is subject to a base fee of \$6.65 per \$1,000 of construction costs (0.00665) and an additional fee of \$0.75 per \$1,000 of construction costs (0.00075) to account for review of Act 250 applications by the Agency of Natural Resources (ANR). See 10 V.S.A. § 6083a, on the web at <http://www.nrb.state.vt.us/lup/statute.htm> for the complete schedule of fees.

***Submit one check for the total amount payable to "State of Vermont"

State and Municipal Projects are exempt from fees
 Minimum fee of \$187.50 for new applications
 Minimum fee of \$62.50 for amendment applications
 Maximum total application fee is \$165,000.00
 (Treat expansions of approved projects as new applications)

I attest by my signature that the above is true to the best of my knowledge.


 SIGNATURE OF APPLICANT

Geoff Hatheway
 CLEARLY PRINT NAME

5/15/17
 DATE