


Natural Resources Board

Act 250 Application Form

NOTE: Please review the Application Guide at <https://nrb.vermont.gov/act250-permit> before completing



VERMONT
 ACT 250 District Commission # 4
 Application #: **4C0848-3**
 Exhibit #: **002**
 Date Received: **3/10/20**

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 City of Burlington			
MAILING ADDRESS 149 Church Street	TOWN Burlington	STATE VT	ZIP 05041
PHONE 802-497-7021	CELL PHONE	EMAIL mlee@burlingtonvt.gov	
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 type="checkbox"/> Corporation (provide details) <input checked="" type="checkbox"/> Municipal Govt <input type="checkbox"/> State Govt <input type="checkbox"/> Other			

Landowner(s)

NAME City of Burlington - DPW Water/Wastewater Department			
MAILING ADDRESS 235 Penny Lane	TOWN Burlington	STATE VT	ZIP 05041
PHONE 802-497-7021	CELL PHONE	EMAIL mlee@burlingtonvt.gov	

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 Kristen Lemasney, PE - Wright Pierce			
MAILING ADDRESS 230 Commerce Way Suite 302 (Portsmouth, NH)	TOWN portsmouth	STATE NH	ZIP 03801

PHONE 603.570.7109	CELL PHONE	FAX NUMBER	EMAIL kristen.jemasney@wright-pierce.com
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Other Contacts

CONTACT TYPE	NAME	EMAIL
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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) 4C0848

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.)
The Main Plant disinfection upgrade includes replacement of the existing sodium hypochlorite and sodium bromide chemical feed pumps, and replacement of the existing internal chemical tanks with three exterior chemical storage tanks. The tanks will be installed on a 12' x 39' concrete pad and will be surrounded by a proposed gravel area which will provide the required 20' of non-combustible area.

CONSTRUCTION DURATION (Months to complete) 6 Months	DURATION OF PERMIT REQUEST IN YEARS (If project is for earth extraction, solid waste disposal, or logging above 2,500 feet.) June 1, 2020 - December 31, 2020
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Property Information

PROPERTY LAND ACREAGE

ACRES OWNED/CONTROLLED BY APPLICANT/LANDOWNER 7.37	ADDITIONAL ACRES IN EASEMENTS OR RIGHTS-OF-WAY
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PROPERTY LOCATION

TOWN (Primary) Burlington	TOWN (Secondary, if applicable)
STREET OR ROAD LOCATION (Provide E911 address if available.) 53 Lavalley Lane	
NEARBY LANDMARK Roundhouse Park	

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 44°28'18.9"	W - LONGITUDE 73°13'11.4"
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PROPERTY DEEDS

GRANTEE'S NAME City of Burlington				
COUNTY Chittenden	TOWN Burlington	BOOK 196	PAGE(S) 13	DATE RECORDED 9/16/69

PROPERTY SPAN NUMBER

Submission Instructions

For Applications and Completion Date Extensions:

- Submit one electronic copy of the application and accompanying documentation, including Schedule G - Notice of Initial 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 set of paper site plans 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 set of paper site plans (if applicable) 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.

Please check this box if the subject of this application is a residential development project located in a State-Designated Vermont Neighborhood or Neighborhood Development Area designated according to 24 V.S.A. § 2793e.

1) Number of lots being created	# of Lots	0	x \$125.00.....	\$	0.00
2) Earth Extraction (Gravel/Sand Pits and Quarries)	Total Extraction Proposed in yd ³	0	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: ¹	Building ft ²	Building \$/ft ²			
Buildings.....	4,650	44.086		\$	204,999.90
Site preparation.....				\$	15,000.00
Roads and parking.....				\$	0.00
Utilities.....				\$	0.00
Off-site improvements.....				\$	0.00
Landscaping.....				\$	0.00
Other.....				\$	697,000.00
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> Describe Other Replacement of process equipment, including pumps, tanks, and ancillary items </div>					
Construction Subtotal				\$	916,999.90
Construction Cost <=\$15M				\$	916,999.90 x 0.00665 \$ 6,098.05
Construction Cost >\$15M				\$	0 x 0.00312 \$ 0.00
5) Master Plan Fee (if applicable) ⁴				\$	0 x 0.00010 \$ 0.00
NRB Fee SubTotal⁵				\$	6,098.05
4) ANR Fee (Construction Cost <=\$15M) ^{2, 5}				\$	916,999.90 x 0.00075 \$ 687.75
4) Total Fee³				\$	6,785.80

1 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 <https://legislature.vermont.gov/statutes/chapter/10/151>.

2 As of July 1, 2015, an Agency of Natural Resources (ANR) fee of \$0.75 per \$1,000 of construction costs (0.00075) for the first \$15,000,000 of construction costs is collected to account for ANR's review of Act 250 applications. See 10 V.S.A. § 6083a, on the web at <https://legislature.vermont.gov/statutes/fullchapter/10/151> for a complete schedule of fees.

3 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

4 For projects involving the review of a master plan, a fee of \$0.10 per \$1,000.00 (0.00010) of **total estimated cost to construct all phases** is due **in addition** to other applicable fees. 10 V.S.A. § 6083a(5).

5 Fees for residential development projects in a State-Designated Vermont Neighborhood or Neighborhood Development Area designated according to 24 V.S.A. § 2793e should be reduced to 50% of the fee otherwise charged. 10 V.S.A. § 6083a(d).

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



SIGNATURE OF APPLICANT

Megan Moir

CLEARLY PRINT NAME

3/9/20

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 City DPW Parks Rec Dept	ADDRESS 1 MAPLE ST	TOWN Burlington	STATE VT	ZIP 05401
ADJOINER NAME 101 LAVALLEY LN	ADDRESS VERMONT STATE OF AOT RAIL UNIT	TOWN Burlington	STATE VT	ZIP 05401

Schedule B - Response to the 10 Criteria and Subcriteria

The Act 250 Application Guide, available at the District Environmental Offices or online at <https://nrb.vermont.gov/act250-permit>, 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)?

There are no proposed heating or fuel-burning systems.

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?

Dust will be controlled by water during construction. Noise produced during construction will be minimal and will only occur during normal construction hours of 8am-4pm. The majority of the construction will be contained indoors. Exterior work includes the construction of a concrete pad, 3 chemical storage tanks, and the construction of a gravel area around the tanks. There will be no burning of forest/construction debris, and no fire pits as a result of this project. Any disturbed surfaces will be stabilized after construction with vegetative cover.

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?

Hours of construction will be from 8am to 4pm Monday-Friday. Noise disturbances will be minimized by limiting construction to these hours and is not expected to be problematic.

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

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

Indicate whether the project will use an onsite or municipal wastewater disposal system:

Onsite System Municipal System

Indicate which site plan(s) the location of the treatment systems/piping is shown on:

C-2, PR-3-6,8, 9, M-2-7

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 | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Stormwater Discharge General Permit or Permit Amendment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Stormwater Discharge Individual Permit or Permit Amendment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Construction General Permit or Permit Amendment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Construction Individual Permit or Permit Amendment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Multi-Sector General Permit or Permit Amendment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Underground Injection Control Permit | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Sewer Main Extension Permit | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Solid Waste Facility Certification | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Underground Storage Tank Permit | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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.)?

0.05

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.)?

0.01

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.)?

0.92

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

The stormwater due to the addition of a 12'x39' generator pad will be treated on site through infiltration. The addition of a gravel area surrounding the generator will improve infiltration around the proposed work while acting as an incombustible buffer. Proper erosion control measures will be installed prior to construction and will be consistent with Vermont Standards and Specifications for Erosion Prevention and Sediment Control, 2019.

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

Describe the materials, type of storage, and use:

The hazardous materials that will be used and stored on site include the chemicals used by the treatment facility's disinfection systems: sodium hypochlorite and sodium bromide.

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

All construction debris that will be generated will be disposed of per State and local regulations.

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

If there are existing or proposed floor drains, where do they discharge?

Ground Surface Subsurface Municipal Sewer Other

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.

The proposed project will not increase water consumption at the WWTF as it is replacing existing equipment in kind.

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

N/A - the only proposed plumbing features are emergency eyewash/shower units.

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

Yes No

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

Yes No

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

Yes No

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

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

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-fharcv-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

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 proposed project will not impact a stream, stream bed, or 50 foot adjacent stream buffer.

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

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.

The activity will occur approximately 105 feet from the ordinary high water mark of Lake Champlain and will include disturbance of previously disturbed land within the WWTF footprint. This activity includes excavation and construction of a concrete pad, non-combustible gravel area, and 3 chemical storage tanks.

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 proposed project is necessary to be located on the shoreline because the upgrades are to occur at an existing WWTF located near the shoreline.

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

The proposed site work will occur in previously disturbed land and will not impact the undisturbed buffers. See site plan sheet C-2 for erosion control and buffer locations.

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

There is no existing public access to Lake Champlain within the proposed project location. N/A

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

Existing Vegetative buffer will remain. Construction equipment will be screened from the existing buffer.

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

Erosion controls will be installed prior to any ground breaking activity. Vegetation will be used by the contractor to stabilize disturbed areas in accordance to the Vermont Standards and Specifications for Erosion Prevention & Sediment Control.

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

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 and demand will remain the same before and after construction.

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.

N/A

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_vtepsc.pdf.

The proposed earth work is located in previously disturbed areas that are landscaped and consist of mowed grass and paved walkways. The proposed earth work is limited to the gravel area and concrete pad. The contractor will be required to comply with Vermont Erosion Control requirements.

b. Are you required to obtain the following permits?

Construction General Permit or Permit Amendment Yes No

Construction Individual Permit or Permit Amendment Yes No

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

The contractor will be required to comply with Vermont Erosion Control requirements found in the Vermont Standards and Specifications for Erosion Prevention & Sediment Control.

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

Disturbed areas are to be stabilized after construction through proper seeding, mulch, rip-rap, or surface gravel in accordance to the Vermont Standards and Specifications for Erosion Prevention & Sediment Control.

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

The contractor shall be responsible for erosion control measures including inspection and maintenance.

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.

The project is located on Railway Lane, a dead end road shared with Vermont Railway. Access to Exit 14 of Interstate 89 to and from the WWTF is provided by Route 2. There are no proposed driveways, roadways, or intersections to be constructed. The work will be limited within the City owned property at the WWTF.

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).

The proposed project will not impact existing emergency access. Contractors, subcontractors, and deliveries will be coordinated such that emergency access will be maintained.

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.

The Main WWTF upgrades will not have any affect on the existing traffic. The work will be performed within the City's WWTF property. This criterion is not applicable.

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

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

The proposed project is limited to the existing WWTF footprint and will not impact pedestrian and bicycle safety.

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.

The proposed project is limited to the existing WWTF footprint and will not cause unreasonable delays or unsafe conditions.

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.

The proposed project is limited to the existing WWTF footprint and will not impact access/connections to existing lands, facilities, or existing/planned networks. The Island Line Trail will not be impacted by this project.

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

These measures are appropriate as the project is located within the existing WWTF footprint, will only impact previously disturbed land, and will have minimal impact on transportation.

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.

This project is not residential. This criterion is not applicable.

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

N/A

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).

The proposed project is for an upgrade to an existing WWTF and all work will be done within the WWTF property. The proposed work will not have any effect on the surrounding area. The proposed concrete pad will be installed on previously disturbed land directly adjacent to the western wall of the Control Building. The majority of the disinfection upgrades will occur within existing buildings.

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.

The proposed tanks and concrete pad are consistent with the existing land use located at the WWTF.

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 project is not anticipated to generate significant noise during and after construction. Construction is estimated to take 6 months.

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).

There are no proposed buildings or additions.

Identify site plan(s) which depict this information:

N/A

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

There are no proposed signs.

Identify site plan(s) which depict this information:

N/A

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.

There is no proposed exterior lighting.

Identify site plan(s) which depict this information:

N/A

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

The chemical storage tanks are being placed between the existing Control Building and Final Clarifiers. The tanks will not be visible from the road and will only be partially visible from the adjacent public access (Island Line Trail) .

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

There is no proposed landscaping.

Identify site plan(s) which depict this information:

N/A

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

Describe any plans to rehabilitate, alter, demolish, or move any existing buildings, structures, or historic features that are more than 50 years old. Provide photos if these features are present.

The existing Operations Building was originally constructed in the early 1950s. Since then, several upgrade projects have modified the building and the equipment contained within. The proposed project includes construction of a CMU wall in the basement area to separate the Chemical Feed Room from the adjacent process spaces.

If such features are present, has the Vermont Division for Historic Preservation (DHP) (802) 828-3048 been contacted or made a site visit? Attach comments.

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.

The proposed project will not have impacts on wildlife habitat or endangered species as the project will occur on previously disturbed land and is not suitable habitat.

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 <https://nrb.vermont.gov/act250-permit>.

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

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 <https://nrb.vermont.gov/act250-permit>. 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

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 *Skip questions d. through i. of this Criterion and go to Criterion 9(G).*

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

N/A

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

N/A

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.

N/A

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.

The project does not involve private utilities.

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.)

N/A

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:

This site is isolated from any residential or higher density developments.

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).

N/A - Municipal project

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 - Municipal project

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.

Roundhouse Park, Vermont Railway, Island Line Trail, & Perkins Pier

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

This project will have no affect on any adjacent properties.

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:

The project is not located within an existing settlement or development area. The project is located on City owned property that is already designated for municipally operated wastewater treatment.

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.

The project is not located within an existing settlement or development area. The project is located on City owned property that is already designated for municipally operated wastewater treatment. Land will be used efficiently by limiting development to within the WWTF footprint. Energy will be used efficiently by replacing existing lights with LED lights in the Chemical Feed Room. This project will improve the WWTF's ability to reliably disinfect wastewater.

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

This project is an upgrade of an existing WWTF to improve the treatment of wastewater and will have no impact on strip development.

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](#)).

N/A

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?

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

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

This project conforms to the uses and policies of this district as it will not impact the current land use and improve the ability for the City to effectively treat wastewater generated by variety of commercial and residential constituents. Disinfecting wastewater in an effective manner is essential to maintaining the health of Lake Champlain and ensuring safe usage of the recreational opportunities on the lake. The project will not impact concerns over through traffic, noise, pedestrian safety, and will improve concerns about access to the lake. By improving disinfection processes, this project will enhance access to the lake by limiting closures due to water quality which have previously been a concern.

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

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

Yes No None Required

e. What regional plan applies to the project?

What date was it adopted?

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

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

This project conforms to the uses and policies identified for the Metro Planning Area as this district accommodates jobs and housing development within a given sewer service area. Promoting growth within a particular sewer service area also comes with the need to treat wastewater generated by the sewer service area. This project will improve the treatment of the wastewater generated, which is a responsibility of the City to both the environment and the health of the constituents.

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

One of the goals of the Regional Plan is to "Ensure adequate infrastructure and facilities (i.e. water supply, wastewater treatment, stormwater treatment, broadband coverage and solid waste recovery and recycling) to support areas planned for growth while conserving resources". This is goal 16 of the built environment which was set to make investments in the built environment and was developed to minimize environmental impact and improve public health. This project will minimize environmental impact by improving the quality of water discharged into Lake Champlain and reduce public health risks related to releasing improperly disinfected wastewater. This is also consistent with Goal #1 of conserving, protecting and improving water quality health.

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 Megan Moir (City of Burlington)	MUNICIPALITY Burlington
TITLE OF SITE PLAN SUBMITTED Disinfection Upgrades, 90% Design Review	DATE OF SITE PLAN SUBMITTED Feb 19, 2020

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 Meg Moir	POSITION Division Head Water Resources	DATE 3/9/20
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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 Exempt		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 Meg Mc	POSITION Megan McIV	DATE 3/9/20
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