

Vermont Agency of Transportation

**Act 250 Proposal**

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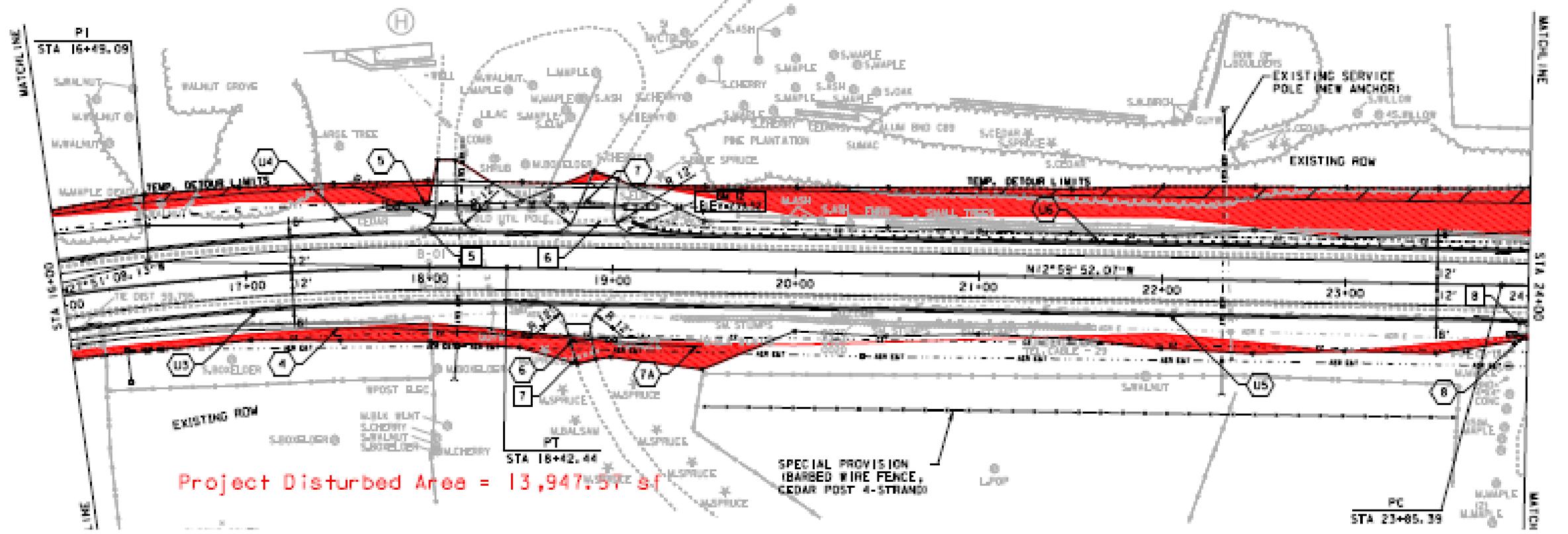
§ 6001 DEFINITIONS (3)(A) "Development" means each of the following:

(II) land that was previously disturbed as the result of construction of a transportation facility shall be excluded provided that the facility subject to this exclusion is a transportation facility, the project is funded in whole or in part by federal aid, and the project complies with the terms of the memorandum of understanding required by 19 V.S.A. § 7(1).

**This exclusion shall not apply to the creation of new or additional points of access to, or exit from, the interstate highway systems.** For purposes of this subdivision, “previously disturbed” land that has been changed by previous installation of transportation facilities including roads, railroads, runways, trails, sidewalks, ditching, drainage features, ledge removal, utility work, clear zones or other similar features associated with such facilities.

Proposed Language

SIA 19+10 - 19+48 L1



Project Disturbed Area = 13,947.57 sf

# EXAMPLE PLAN VIEW

red = newly disturbed to be included in jurisdictional calculation



## **AOT projects with 10 acres or more of new disturbance *will continue to fall under Act 250***

- Projects which result in land use changes such as
  - corridor projects with new climbing lanes or additional turning lanes,
  - major realignments,
  - new interstate exits

Example Projects - Champlain Parkway; Pittsford/Brandon;  
Cabot/Danville; Exit 12B South Burlington

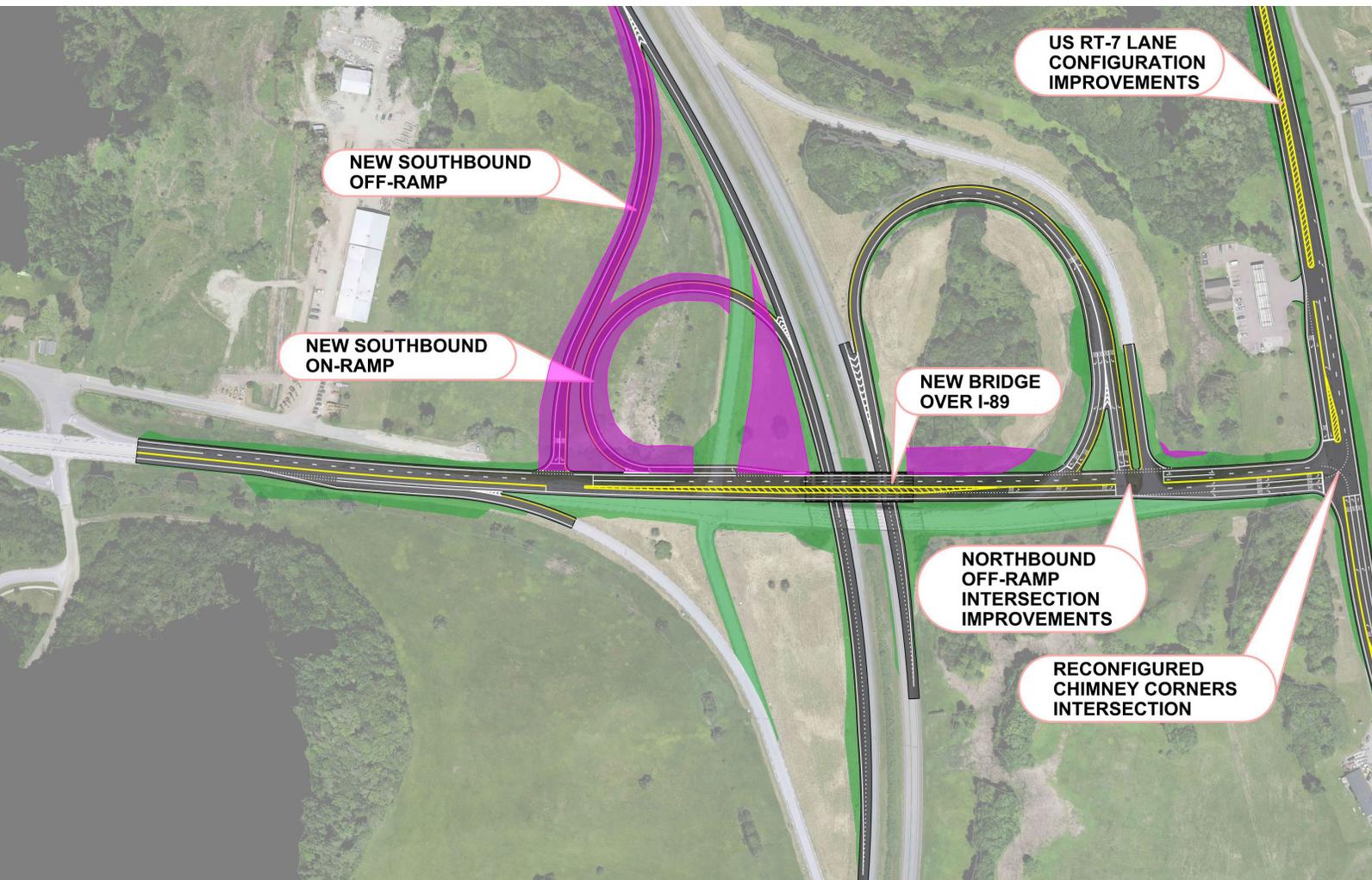
# WHAT REMAINS UNDER ACT 250 JURISDICTION?

**AOT projects with 10 acres or less of new disturbance  
*will not be subject to Act 250 jurisdiction***

- Reconstruction and upgrades of existing infrastructure such as
  - reconstruction of roads on existing alignment,
  - intersection updates,
  - sidewalks,
  - pathways

Example Project – Colchester Exit 17

WHAT CHANGES?



- Disturbed area calculated to be approximately 21.6 acres via current practice (depicted within the bounds of green shading)
- All but approximately 3.5 acres of that is on what would be considered previously disturbed soil; the majority of which are located at the location of the relocated interstate ramps (impacts depicted inside of the red shading)

## EXAMPLE SITE LAYOUT

green shading = previously disturbed area to be excluded from jurisdictional calculation  
red shading = newly disturbed to be included in jurisdictional calculation



- September 2017 – VTrans began preparation of Act 250 Exemption
  - Numerous State & Federal permits apply
  - No Fisheries impacted
  - VTrans offer to Agency of Ag. to mitigation soils rejected as soils were deemed to be sub-prime
- February 2019 – District Commission denies VTrans request and issues JO
- April 2019 – District Commission declines to reconsider
- 6 months and \$50,000 in consultant fees (excludes Agency staff costs) to prepare application
- November 2019 - District Commission issued a notice to review the project as a minor application
- December 2019 – Public comment period ended – no comments – District Commission may decide to hold a hearing on its own
- As of today, VTrans does not have a timeline in which to expect receiving a permit or notice of a hearing.

## Exit 17 Act 250 Jurisdiction Timeline

The draft permit issued for the project includes 31 conditions, including compliance with:

- Vermont Wetland Permit issued by ANR-DEC (Condition 3(c))
- Stormwater Discharge Permit issued by ANR-DEC (Condition 3(b))
- Construction General Permit issued by ANR-DEC (Condition 3(a))
- A blasting plan in compliance with ANR's best management practice guide (Condition 12)
- Construction site waste reduction plan by ANR Solid Waste (Condition 11)
- Watershed Management Division Erosion Prevention and Control Plan (EPSC) (Condition 14)
- VTrans' own lighting design guide (Condition 25)
- Manual on Uniform Traffic Control Devices (MUTCD) (Condition 26)
- 50-foot buffer from the edge of wetlands in which snowplowing is prohibited (Condition 20)
- The project explicitly acknowledges that the project falls below the threshold for mitigation of primary agricultural soils (Condition 21)

## Exit 17 Act 250 Criteria Evaluation