

A Guide to Applying for a Certificate of Public Good to Build Telecommunications Facilities That Are Part of an Interconnected Network

Wireless Network Permitting Before the Vermont Public Service Board (Section 248a)

Overview

This guide provides information necessary for filing a complete application with the Public Service Board ("Board") to construct three or more telecommunications facilities that are part of an interconnected network. Applicants should note that Section 248a is separate and distinct from Section 248 — under which the Board reviews electric transmission and generation infrastructure — and the requirements of Section 248, including the requirements of Board Rule 5.400, do not apply to Section 248a.

Background to the 248a Process

In 2007, the Vermont General Assembly created a new option for telecommunications service providers and wireless infrastructure developers who wish to receive approval to build new infrastructure in Vermont that would expand coverage and improve or maintain service. This process, called "Section 248a," allows an applicant to seek approval to construct or expand a network of facilities at multiple sites through a single proposal. Under Section 248a, the Public Service Board considers such a proposal in a consolidated process that incorporates many of the environmental and other review criteria of other local and state permitting processes, in addition to considering the benefits that the project would provide for the public good of the state. Once an applicant has submitted a complete application to the Board, a decision is made by the Board within 180 days, or 90 days if the application raises no substantial issues. If the Board approves the application, it issues a certificate of public good authorizing the construction of the facilities. Once a certificate of public good is issued by the Board, any modifications to facilities subject to the certificate of public good that have the potential for significant impact to the criteria specified in Section 248a, must be approved by the Board.

What is a "Certificate of Public Good?"

In the context of Section 248a, a Certificate of Public Good ("CPG") is essentially a type of development permit, issued by the Public Service Board, for the development of telecommunications facilities. The term Certificate of Public Good is also used to refer to other types of authorizations provided by the Public Service Board, including approval for a company to provide telecommunications service in Vermont. Receipt of a CPG from the Board for construction of telecommunications facilities is not the same as receiving an approval in the form of a CPG from the Board to provide telecommunications services pursuant to 30 V.S.A. § 231.

An applicant may apply for a CPG to construct telecommunications facilities under Section 248a even if it is not required to hold a CPG to provide telecommunications services regulated by the Board. Conversely, an applicant who seeks to provide telecommunications services subject to the Board's jurisdiction must hold a CPG from the Board to provide those services, even if it receives a CPG to construct or install telecommunications facilities from the Board under Section 248a.

Who May Use the Section 248a Process.

An applicant who wishes to construct or install three or more telecommunications facilities within three years as part of an interconnected network may use the Section 248a process. To qualify for consideration under Section 248a, the following three factors, as established by statute, must be present:

1. The facilities proposed by the applicant must (a) include support structures which extend more than 50 feet above the ground, (b) be primarily for communications purposes, and (c) will support facilities that transmit and receive communications signals for commercial, industrial, municipal, county, or state purposes.

2. The facilities must be installed within three years of the date a certificate of public good is issued.

3. The three or more such facilities must also be part of an interconnected network. Facilities are part of an interconnected network if they allow one or more communications services to be provided throughout a contiguous area of coverage by means of the proposed facilities or by means of the proposed facilities in combination with other facilities already in existence.

Although towers and antennas themselves may be the most obvious features of a proposed project, roads, power and communications lines, sheds, buildings, fences, and other necessary equipment are also considered to be part of the project and must be reviewed. Applicants who receive approval for the project in the form of a CPG for the facilities are not required to obtain approval under Act 250 (10 V.S.A. Chapter 151), local zoning regulations, or local special ordinances regulating wireless development adopted pursuant to 24 V.S.A. § 2291(19) or a municipal charter.

Applicants must notify the Board once construction of all facilities is completed. If the facilities are not constructed within the three years provided by statute, the Board may initiate proceedings to determine whether the CPG should be revoked.

Jurisdiction over wireless telecommunications facilities was granted to the Public Service Board in 2007; consequently, there may be instances where the scope of the Board's authority over certain actions may be unclear. If it is unclear whether the Board has jurisdiction over a specific project, applicants may file a petition for a Declaratory Ruling, pursuant to Board Rule 2.403, to determine the scope of the Board's jurisdiction.

Prior to making significant modifications to towers permitted by the Board, applicants must obtain an amendment to its certificate of public good. In order to obtain such an amendment, applicants must file a petition describing the proposed change and providing sufficient detail regarding affected criteria to allow the Board to make a determination.

Submitting Petitions to the Public Service Board

Included below are the filing requirements and a description of the information necessary for the Board to review the proposed project. Please provide all of the information requested, including information requested as attachments, even if you believe that the question does not apply to your project. If you believe the information requested is not applicable, please explain why. The Board will not process incomplete applications.

When considering if the proposal promotes the general good of the state, the Board uses statutory criteria. The Board must make findings on each of the criteria of Section 248a. Prefiled testimony and supporting exhibits from the applicant should explain to the Board why the proposal promotes the general good of the state and meets each of the statutory requirements. Therefore a complete application, including prefiled testimony and supporting exhibits from the applicant that address each of the required criteria specifically, is necessary.

Any questions regarding this process should be directed to the Clerk of the Board at psb.clerk@state.vt.us or (802-828-2358).

Board Process for Considering Petitions

Upon receiving an application under Section 248a, Board staff will review the application for completeness. If the application does not contain sufficient information for Board review, the Clerk of the Board will inform the applicant of the deficiencies. If the application is complete, the Board will issue notice to the affected legislative bodies and municipal and regional planning commissions, the Agency of Natural Resources, the Department of Public Service, and adjoining landowners. The notice will provide a brief description of the proposed project and provide interested persons an opportunity to comment on the application. A similar notice will be published in the local newspaper for the area.

Notice and Filing

Section 248a requires applicants to file a copy of the application with certain governmental bodies and property owners who participate in the review process or who may choose to provide the Board with testimony or other information on the proposed project. In addition to filing an original and three copies of the application with the Board, the applicant must

- a. Provide written notice at least 45 days in advance of the application to the legislative bodies and municipal and regional planning commissions in the communities where the project will be located; the Secretary of the Agency of Natural Resources; the Commissioner of the Department of Public Service and its Director for Public Advocacy; and the landowners of record of property adjoining the project sites. The notice should state that the applicant intends to make an application, identify the location of the project

sites, and provide a description of the proposed project. This information must contain a general description of the proposed project with sufficient detail to allow these parties to understand the impact of the project on the interests that these parties are charged with protecting.

- b. Submit a copy of the application to the municipal planning commissions and the regional planning commissions in the communities where the projects are located, the Agency of Natural Resources, and two copies to the Department of Public Service.

Necessary Information

The following information is necessary for the Board to review the application. Applicants should ensure that testimony or exhibits address each of the areas listed below. Any witness sponsoring exhibits must have personal knowledge of the information contained in the exhibit and be able to testify to the validity of that information.

I. Applicant's Name

Applicants must include contact information and a description of the company.

II. Host landowners

Please list the names and addresses of the landowners on whose property the proposed facilities would be built.

III. Adjoining Landowners

Please list the names and addresses of adjoining property owners. This information should be derived from the most recent version of the town's grand list.

IV. Certification that Notice Requirements Have Been Met

Applicants must certify that they have complied with the advance notice requirements listed above.

V. Project Description

1. Site Plans

Provide a site plan for each location of a proposed facility. Include proposed telecommunications facility locations and any related structures, including supports and guy wires, emergency generator, if any, and any accessory building (communication equipment

shelter or other). Indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the related structures to those boundaries, and dimensions of all proposed improvements. Show proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines. Identify limits of areas where any vegetation is to be cleared or altered and any direct or indirect wetlands alteration proposed. Provide detailed plans for any drainage of surface and/or sub-surface water and plans to control erosion and sedimentation both during construction and as a permanent measure. Plans should indicate locations and specifics of proposed screening, landscaping, ground cover, fencing, etc., and any exterior lighting or signs. Show plans of any proposed access driveway or roadway and parking area at the facility sites. Include grading, drainage and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials. The site plans should also indicate the latitude and longitude coordinates for each proposed telecommunications facility.

2. Elevation Drawings

For each support structure, provide elevation drawings.

- a. Plans, elevations, sections and details must be at appropriate scales but no smaller than 1"/20'.
- b. Include two elevation drawings of the proposed structures drawn at right angles to each other, showing the ground profile to at least 100 feet beyond the edge of any proposed clearing, and showing any guy wires or supports. Show all proposed antennas, including their location on the tower or other support structure and the height of the tower or other support structure above grade at the base.
- c. Describe the proposed finish of the tower or antenna.
- d. For towers, indicate relative height of the tower to the tops of surrounding trees as they presently exist, and the approximate height to which the trees are expected to grow in ten years.
- e. For towers, include a description of available space on the structure, providing illustrations and examples of the type and number of communications facilities which could be mounted on the structure.

3. Coverage maps

The applicant shall provide a signal propagation study which clearly identifies the proposed coverage area of each communications service which will use the proposed facilities at the completion of construction of the facilities. For proposed support structures which will extend the coverage area of an existing communications network, show the areas of existing coverage as well as the new areas of coverage which the proposed facilities will enable. The coverage maps must demonstrate that the signal provided by the proposed facilities will together create a new area of contiguous coverage, or will create one or more contiguous expansions of an existing contiguous coverage area. Radial plots shall be in bright colors, showing clear demarcations between signal strengths. For each antenna or antenna array, identify the power output of the antenna(s) and any other assumptions used to calculate the projected coverage area. Each plan sheet shall be clearly labeled with the project title, date, revision date(s), scale, and

name of the professional or firm that prepared the plan.

4. Project Scope and Narrative

The applicant shall provide an overview describing how the proposed facilities will relate as part of a larger network to any other nearby telecommunications tower sites and to what extent the proposed facility relies upon these other sites. Identify in this description sites which may not be part of the application, including sites which use existing structures or which the applicant or service provider have permitted or plan to permit through municipal and Act 250 processes. Include within this discussion a description of the nature of the nearby sites (i.e. whether the sites are proposed or existing, whether the site involves a new structure or whether co-location is planned), and the status of any local or state permits.

VI. Public Good

The Board may grant a CPG under Section 248a if it finds that the proposed facilities will promote the public good, consistent with the state telecommunications purposes, found in 30 V.S.A. § 202c(b), which are as follows:

- 1 - Strengthen the state's role in telecommunications planning.
- 2 - Support the universal availability of appropriate infrastructure and affordable services for transmitting voice and high-speed data.
- 3 - Support the availability of modern mobile wireless telecommunications services along the state's travel corridors and in the state's communities.
- 4 - Provide for high-quality, reliable telecommunications services for Vermont businesses and residents.
- 5 - Provide the benefits of future advances in telecommunications technologies to Vermont residents and businesses.
- 6 - Support competitive choice for consumers among telecommunications service providers.
- 7 - Support the application of telecommunications technology to maintain and improve governmental and public services, public safety, and the economic development of the state.

Applicants must explain how the proposed project would meet these criteria and promote the general good of the state.

Examples. The following questions illustrate some types of public benefits which applicants may wish to highlight. These are examples of project attributes that may promote the public good, consistent with the state telecommunications purposes. This is not intended to be an exhaustive list of possible benefits.

- a. Will the proposal expand broadband or mobile wireless services into an area that is currently unserved?

- b. Is the proposed project necessary to maintain or improve the quality of a wireless service provided to consumers?
- c. Will the proposed facilities enable new or more advanced wireless services in a part of the state?
- d. Will the project enable increased competition among providers of communications services?
- e. Will proposed support structures be open and readily available for use by multiple providers of cellular, broadband, or other wireless services through collocation or any other means?
- f. Do the proposed facilities promote the improvement or reliability of public safety or other essential communications services?
- g. Will the proposed facilities provide significant benefits for education, health care, or other important public services?
- h. Does the project respond to a specific local, state, or federal initiative or public policy?
- i. Does the proposal provide maps, plans, or other information that show that the project promotes the orderly development of necessary communications services while minimizing cumulative impact?

VII. Environmental Criteria

Section 248a review includes an evaluation of potential adverse effects on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety, with due consideration given to the criteria enumerated in 10 V.S.A. § 6086 and 1424a(d), as set forth below.

To the extent that the proposal will create an adverse impact affecting any of these criteria, the applicant should describe what measures, if any, will be taken to minimize such impact. The following questions are organized by each of the criteria and provide examples of questions that applicants should consider when preparing testimony related to each of the criteria.

Public Health and Safety: How will the project affect public health and safety?

- a. How will the project, including all proposed antennas, meet FCC standards regarding radio frequency radiation ("RFR")?
- b. How has the applicant ensured the structural integrity of the facilities proposed?
- c. Will the proposed project provide any benefits for public health and safety?

Air Pollution: Will the project cause undue air pollution?

- a. Please describe the type of heating and cooling systems proposed, if any. Will these systems cause undue adverse air pollution?
- b. What methods will be used to control dust during and after any access road construction?

Outstanding Water Resources: Will Outstanding Resource Waters be protected?

- a. Is any part of the project in or near an Outstanding Resource Water, as identified by the Agency of Natural Resources? If yes, what actions will be taken to protect the resource during construction and maintenance of the facilities?

Headwaters: How will the project meet applicable Environmental Conservation Department regulations regarding any reduction of the quality of ground or surface waters in a headwaters area?

- a. Is any part of the project in a headwaters area? Headwaters contain steep slopes or shallow soils; drain 20 square miles or less; are watersheds for public water supplies; provide significant recharge to aquifers; or are above 1,500 feet. If yes, explain how the project will comply with applicable regulations.

Waste Disposal: Will the project meet applicable Health or Environmental Conservation Department regulations regarding the disposal of wastes and will the project involve the injection of wastes or toxic substances into ground waters?

- a. Will hazardous materials (chemicals, fuel, batteries, etc.) be used or stored on site?
- b. If so, describe the materials, type of storage and use, and proposed disposal method.

Water Conservation: Will the project use the best available water conservation technology?

- a. Will any significant amounts of water be used? If yes, please describe the water conservation measures employed.
- b. Will any water be withdrawn from rivers, streams, or other bodies of water? If yes, please describe the water conservation measures employed.

Floodways: Will the project endanger the health, safety and welfare of the public or of riparian owners during flooding?

- a. Is the project tract located on a river or stream? If yes, what are the elevations of the project in relationship to the floodway and floodway fringe areas? Name all adjacent rivers and streams. (See USGS and FEMA Maps at the town office.)
- b. Will any portion of the project, including proposed fill or storage areas, gas tanks, dumpsters, buildings, etc., be located within the floodway or floodway fringe? If unsure, contact the ANR River Management Section (802-241-1554).

Streams: Will the project maintain the natural condition of any streams, when feasible?

- a. If the project, including any proposed access road, is located near a stream or watercourse, what is the distance from the nearest disturbed area to the top of the stream bank? Show streams and watercourses on a site plan. Include naturally vegetated, undisturbed buffer strips to protect streams.
- b. Describe any construction that will disturb the streambed or adjacent areas in any way.
- c. If there will be any stream or stream bank disturbance, a Stream Alteration Permit may be required. Contact the Stream Alteration Engineer with the ANR Water Quality Division (Northwest & Central Vermont – (802-879-5631), Northeast & Central Vermont – (802-476-2679), Southern Vermont – (802-786-5906)). If a Stream Alteration Permit is required, what is the status of your application?

Shorelines: If the project is located along a shoreline, will it comply with the four standards relating to the condition of the shoreline listed in b. below?

- a. Does the project involve development on or near a river, lake, pond or reservoir shoreline? If yes, describe the activity including distance between high water mark and any construction area.
- b. Describe methods used to retain the shoreline in a natural condition, control erosion, screen the project from the waters, and allow continued public access to the waters.

Wetlands: Will the project meet applicable Water Resources Board regulations regarding any impacts on designated significant wetlands?

- a. Is the proposed development in or near a wetland? If yes, show the wetlands on the site plan and describe any disturbance that may occur within 50 ft. of the wetland.
- b. Is a Conditional Use Determination ("CUD") from the ANR Water Quality Division (802-241-3770) required for work in the wetland or wetland buffer? Contact the ANR Wetlands Ecologist for further guidance. If a CUD is required, are you relying on the CUD to satisfy this criterion?

Water Supply: Does the project have sufficient water available for its needs? Will the project cause an unreasonable burden on an existing water supply?

- a. Are there any anticipated impacts to existing private or public water supplies?

Soil Erosion: Will the project cause unreasonable soil erosion and will it cause a reduction in the capacity of the land to hold water so that a dangerous situation results?

- a. Describe the areas proposed for development and how vulnerable they are to potential erosion problems. Describe the terrain (including slope) in areas where any access road or other earth work is proposed. Describe the nature and extent of ground disturbance proposed, including the sequence of construction activities.
- b. Describe what erosion control measures will be taken to prevent eroded sediment from reaching a water body or adjoining property. (Include hay bale dams, stone check dams, or silt fences, daily mulching, diversion ditches, sediment basins, etc.)
- c. Describe what permanent erosion control measures will be taken after construction to stabilize any access road and site from continued erosion. (Include stone-lined ditches, grassed swales, paving, rip-rap, seeding mixtures, etc.)
- d. How frequently will the erosion controls be inspected and who will be accountable for their maintenance?
- e. Describe the construction or improvements to roads and power or communications line corridors, then describe proposed temporary and permanent erosion control measures.
- f. On a site plan show details and locations for all erosion control measures. Include plans for monitoring and repairing erosion control devices, along with grading, seeding, and mulching. Include procedures, monitoring, and scheduling.

Highways and Other Means of Transportation: Will the project cause unreasonable congestion or unsafe conditions with respect to the use of highways and other means of transportation?

- a. Describe the access to the project.
- b. Describe the sight distances at the intersection of access points or driveways on state or town highways.
- c. Indicate the speed limit on the adjacent town or state highways.
- d. Provide a copy of the town or state approval for the project access (If you are unsure whether a state approval is necessary, contact the Utilities Unit of the Vermont Agency of Transportation ("Vtrans") at (802-828-2653). If approval is not needed, explain why.
- e. Describe specifications of new or existing access road(s). If a new road is proposed, provide a profile showing existing and proposed grades, cuts, and fills.

Educational Services: Will the project cause an unreasonable burden on the ability of local governments to provide educational services?

- a. Will the project result in the addition of any children to the school system or require the physical expansion of any local school?
- b. Will the proposed project expand communications services available for use by local governments in education?

Municipal Services: Will the project cause an unreasonable burden on the ability of local governments to provide municipal or governmental services?

- a. Identify the municipal services that will be utilized, such as Police, Fire Protection, or Ambulance. Please describe the level of municipal services which will be used.
- b. Will the proposed facilities assist in making communications services available for use by municipalities?

Aesthetics and Scenic Beauty: Will the project have an undue adverse effect on the scenic or natural beauty of the area, or its aesthetics?

The Public Service Board has used the "Quechee Analysis," based on the decision of the Vermont Environmental Board In Re: Quechee Lakes Corp., No. 3W0411-EB and No. 3W0439-EB (Nov. 4, 1985), to evaluate the aesthetic impacts of projects. The first part of the Quechee Analysis is to determine whether or not the project is aesthetically adverse. This is done by describing the surroundings, then examining how the project "fits" into the surroundings. Color, size, viewing area, materials, and open space are some of the factors to be considered. If the project's visual impact is not adverse, then the analysis is finished.

The second part of the Quechee Analysis is required if the Board determines that the project will have an adverse aesthetic impact. In the second part of the analysis, the Board determines whether or not the adverse impact is undue. The impact is undue if any one of the following is true: 1) the project violates a clear, written community standard intended to preserve the scenic, aesthetic or natural beauty of the area; 2) the project offends the sensibilities of the average person; or 3) the applicant has failed to take reasonable steps to mitigate the aesthetic impacts. In addition to the Quechee Analysis, the Board's consideration of aesthetics has been significantly informed by the overall societal benefits of the project (In Re: Northern Loop Project, Docket 6792, Order of July 13, 2003). (These should be documented in the public benefits section of the testimony.)

- a. Determination of Project "Fit" (Adverse Impact):

The applicant should provide an assessment of the project's overall visual impact on the surrounding area, referencing the information provided in the project description, site plan, elevations, and project narrative.

Visibility and visual impact is a substantial part of the analysis. For projects with substantial visibility or visual impact, the applicant may wish to provide evidence in the form of a viewshed analysis. A viewshed analysis may include all or some of the following elements, depending on the scale and impact of the project:

1. Describe the visual appearance of the project and its surroundings.

Use photographs, computer simulation or other techniques to illustrate as accurately as possible the character of the surrounding landscape and the proposed facilities as viewed from abutting properties, public highways, rivers, water bodies, historic resources and other prominent viewing points. Photographs should be panoramic views. Lens length should be 50 mm or equivalent. Any deficiencies with simulation technology should be noted. GIS or similar technology should be used to display lines of sight and topographical profiles to prominent viewing points. Balloons can be flown at the tower location to help the Board visualize the project's appearance and effect on the landscape.

Describe the type and height of surrounding trees and vegetation. How much of the native tree and scrub cover does the project preserve?

If a tower is proposed for a hill or mountain location, where is it proposed in relation to the summit and ridgeline?

Key all photographs and simulations to a site location topographic map (USGS 1:24000 if available). Accurately locate the project on the site location map. Include abutting property lines and any state property within the area.

2. Analyze the scenic character of the surrounding landscape as viewed from the viewing points.

Is the project located in a designated scenic corridor, or in a public recreation area, or can it be seen from such areas? Does it impact a scenic landscape? Is there a high degree of scenic quality, such as distant views, historic buildings or rural landscapes, etc.? The Agency of Natural Resources' (ANR) Scenic Resource Evaluation Process provides helpful guidance in assessing a landscape's scenic character. This document is available from the ANR Policy Research and Planning Division (802-241-3620).

3. Analyze the visual impact of the proposed facility within the landscape.

Assess the project's visibility from the various viewing points and the visual impacts from those vantage points. What is the duration of view along the highway? How distant is the view? How does the project affect the landscape? Does it draw the eye? Is it in the foreground of a distant view? Does it break the skyline or do hills rise behind it? How will mitigation steps help reduce the visual impacts?

In addition, other factors may impact the level of adverse aesthetic impact of a project and should be addressed if applicable; for example:

4. Do the proposed facilities use existing or new roads or trails for access? If a new access road is proposed, does it minimize width and avoid visual dissection of cleared fields and lots?

5. Are power and communications lines provided via an existing cleared right-of-way? If no cleared right-of-way exists, is new service proposed to be located underground or on the ground? If lines are not provided via an existing cleared right-of-way, indicate where the new above-ground poles would be located.
6. What kind of fencing, if any, does the project propose?
7. Describe noise levels from all noise producing machinery such as generators or other equipment. Describe proposed noise reduction measures.

b. Determination of Undue Adverse Impact:

If the Board determines that there is no adverse aesthetic impact, there will be no need to determine whether or not such impact is undue. However, the applicant should address these questions at the same time as the questions in section a (Determination of Project "Fit") above in order to facilitate completion of the review process in a timely manner.

1. Are there clear, written community standards designed to preserve the scenic, aesthetic, or natural beauty of the area in the towns in which the facilities are to be located?

Please provide a copy of the documents, or section of the documents, where these community standards are found and, if possible, show how the project complies with the standards. The local plan, regional plan, and zoning ordinance may be considered.

2. Is the project offensive or shocking to the average person because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area? The applicant should provide any additional analysis or information it wishes the Board to consider below.
3. What generally available mitigating steps has the applicant taken to improve the harmony of the project with its surroundings?

Does the proposed project use techniques that reduce the visual impact of the proposed structure? Were there additional mitigating steps that were considered and rejected by the applicant as unreasonable? Why or why not?

How does the proposal's combination of the number and location of sites, height, form, number of collocation slots, and other factors minimize the aesthetic impact in the aggregate of the facilities which would be constructed or installed to provide the communications service coverage which the facilities would support?

Historic Sites: Will the project have an undue adverse effect on historic sites?

- a. Historic impact of proposed communications facilities in Vermont are reviewed under state and federal (Section 106) law. Contact the Division for Historic Preservation (802-828-3049) for information on how to coordinate and streamline the two review processes.
- b. Will the proposed project be sited on, near, or within a historic site or district? If yes, what steps will be taken to minimize adverse impacts?

Rare or Irreplaceable Natural Areas: Will the project have an undue adverse effect on rare or irreplaceable natural areas?

- a. Are the proposed facilities in or near any rare or irreplaceable natural areas? If yes, what steps will be taken to minimize adverse impacts?

Wildlife and Endangered Species: Will the project destroy or significantly imperil necessary wildlife or endangered species habitat?

- a. Are the proposed facilities in or near any necessary wildlife habitat or endangered species? If yes, what steps will be taken to minimize adverse impacts? Contact the ANR Wildlife Biologist at the appropriate district office to identify any significant wildlife habitat resources. District Offices: Springfield – (802-885-8855), Rutland – (802-786-0040), Barre – (802-476-0199), Essex – (802-878-1564), St. Johnsbury – (802-751-0100).

Public Investments: Demonstrate that the project will not endanger any adjacent public investment.

- a. How will the project affect any adjacent public property or investment, such as adjacent governmental or public utility facilities, services and lands, including highways, airports, waste disposal facilities, buildings, fire and police stations, universities, schools, cultural facilities including museums, hospitals, electric generation and transmission facilities, oil and gas pipelines, parks, hiking trails, forest and game lands, etc.
- b. Does the proposed project provide any enhancements to public investments such as those mentioned in a.?

VIII. Local and Regional Plans

Section 248a states that the Board must find that:
unless there is good cause to find otherwise, substantial deference has been given to the land conservation measures in the plans of the affected municipalities and the recommendations of the municipal and regional planning commissions

regarding the municipal and regional plans, respectively.

Provide copies of the relevant sections of the Town Plans and Regional Plans in effect in the communities in which the proposed facilities will be located and describe how the project meets or complies with them. If the project does not comply with them, explain why not and how the applicant has nevertheless given substantial deference to them.

IX. Existing Permits

Section 248a states:

When issuing a certificate of public good under this section, the board shall give due consideration to all conditions in an existing state or local permit and shall harmonize the conditions in the certificate of public good with the existing permit conditions to the extent feasible.

Provide copies of any relevant local or state permits (including Act 250 and municipal zoning permits) that relate to the subject property and identify conditions in the permits that could impact the proposed development.