

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Petition of Vermont RSA Limited Partnership and                     )  
Cellco Partnership, each d/b/a Verizon Wireless,                     )  
under 30 V.S.A. § 248a to install   )  
a wireless telecommunications facility at                                     )  
2382 Ridge Road, Brookfield, Vermont                                     )

BROOKFIELD PLANNING COMMISSION'S  
MEMORANDUM ON ISSUE PRECLUSION

Under the doctrine of collateral estoppel or issue preclusion, the Public Service Board (PSB or Board), the Department of Public Service (DPS), the Petitioners (collectively, VZW), and American Tower Corporation (ATC) are bound by a prior decision of the District No. 3 Environmental Commission (District Commission) that conclusively determined the height limit and other provisions of Brookfield's telecommunications bylaw to constitute a clear written community standard under the Quechee test.

**I. District Commission Determination**

VZW proposes to increase the height of and install additional equipment (the Proposed Extension) at the existing wireless telecommunications facility at 2382 Ridge Road in Brookfield (the Project). In approving the Project, the District Commission stated:

The Commission notes the provisions of the Town of Brookfield Development Bylaw 4.16 entitled Telecommunications Facilities found in Exhibit 21 is a clear and written community standard intended to protect aesthetics and natural beauty. The provisions require that the height of a new telecommunications structure not exceed 10 feet above the average tree height. This project complies with the clear, written community standard.

In re T-Mobile Northeast, LLC, No. 3R1021, Findings of Fact, Conclusions of Law, and Order at 8 (Dec. 1, 2009).

District Commission cases have all the hallmarks of adjudicatory proceedings. Like the Board, the District Commissions are quasi-judicial tribunals that conduct contested cases under

the Vermont Administrative Procedure Act (APA). 3 V.S.A. §§ 801(b)(2), 809-14; 10 V.S.A. §§ 6002, 6084. Under the APA and Act 250 Rules 17 and 18, the rules of evidence apply to District Commission proceedings, witnesses are sworn, and opportunity for cross-examination is provided. District Commission decisions are appealable to the Environmental Division of the Superior Court. 10 V.S.A. §§ 6089, 8504(a). There was no appeal of the 2009 decision.

## II. The Doctrine of Issue Preclusion

Under the doctrine of issue preclusion, the District Commission's final order on the Project from 2009 bars the State of Vermont, including DPS and the Board, VZW, and ATC from contending or determining that the telecommunications bylaw does not constitute a clear written community standard under the Quechee test.

The doctrine bars relitigating a previously decided issue when:

(1) preclusion is asserted against one who was a party or in privity with a party in the earlier action; (2) the issue was resolved by a final judgment on the merits; (3) the issue is the same as the one raised in the later action; (4) there was a full and fair opportunity to litigate the issue in the earlier action; and (5) applying preclusion in the later action is fair.

Trepanier v. Getting Organized, Inc., 155 Vt. 259, 265, 583 A.2d 583, 587 (1990). The doctrine's purposes include promoting finality of judgments and decreasing the chances of inconsistent adjudication. In re Tariff Filing of Cent. Vermont Pub. Serv. Corp., 172 Vt. 14, 20 (2001). It applies to administrative contested case proceedings such as those before the PSB. Id.

## III. Application of Doctrine

The doctrine applies to the "clear written community standard" issue as follows:

### A. Party or in Privity

VZW and ATC. In this case, privity runs from T-Mobile Northeast, LLC (T-mobile) through ATC to VZW. ATC is in privity with T-mobile as its successor-in-interest on the

Project. VZW is in privity with ATC because of its proposal to extend the height of and add equipment at the Project and the permission it asserts it received from ATC. Petition at 1.

DPS. The DPS was a party by statute to the District Commission proceeding on the Project. 10 V.S.A. § 6085(c)(1)(E). This statute states that “[a]ny State agency affected by the proposed project” is a party. DPS, as the state agency that plans for telecommunications services in the State, was and is affected by the Project. 30 V.S.A. § 202d.

DPS also was and is in privity with the Agency of Natural Resources (ANR), which participated in the proceeding. T-Mobile Northeast, LLC at 2. ANR receives notice on behalf of the other affected state agencies and “coordinates technical review of Act 250 permit applications by state agencies and produces the weekly Act 250 Agenda.”<sup>1</sup> DPS was on notice of the Act 250 application for the Project through ANR, which placed the application for the Project on its weekly agenda on two occasions and provided a copy of the agenda to the DPS. Specifically, on August 26, 2009 and again on December 2, 2009, the Project was on the weekly agenda and ANR distributed the agenda to DPS employee Michael Kundrath, among other recipients. See Exhibits A and B.

DPS and PSB. Separately, the DPS and PSB are in privity with the District Commission because all three are agencies of the State of Vermont. In the case of the PSB, it stands in the shoes of the District Commission with respect to whether to approve the siting and construction of the Proposed Extension, since otherwise VZW would have to obtain a permit from the District Commission under Act 250. 10 V.S.A. §§ 6001(3)(A)(ix), (D) (ii), 6081; 30 V.S.A. § 248a(h).

Both the U.S. Supreme Court and the Second Circuit of Appeals have ruled that decisions of federal agencies acting in a quasi-judicial capacity have preclusive effect on other federal

---

<sup>1</sup> <http://anr.vermont.gov/planning/act250-section248-info/act-250>.

agencies because the agencies are in privity. Sunshine Anthracite Coal Co. v. Adkins, 310 U.S.

381, 402 (1940); Safir v. Gibson, 432 F.2d 137, 143 (2d Cir. 1970). In Adkins, the Supreme

Court stated:

The crucial point is whether or not in the earlier litigation the representative of the United States had authority to represent its interests in a final adjudication of the issue in controversy. . . . But here the authority of the [National Bituminous Coal] Commission is clear. There can be no question that it was authorized to make the determination of the status of appellant's coal under the Act. It represented the United States in that determination and the delegation of that power to the Commission was valid, as we have said. That suit therefore bound the United States, as well as the appellant. Where a suit binds the United States, it binds its subordinate officials.

310 U.S. at 402-03 (citations omitted).

The same logic applies to agencies of the same state government. As in Adkins, the authority of the State of Vermont's District No. 3 Environmental Commission to determine the status of the Town's height restriction as a community standard under the Quechee test is clear. 10 V.S.A. §§ 6026, 6068(a)(8); In re Times & Seasons, LLC, 2008 VT 7, ¶ 8. The District Commission therefore represented the State of Vermont in that determination and its decision binds the State and its subordinate officials, including the Department and the Board.

#### **B. Resolution of Issue**

The District Commission's final order in the case resolved the issue of whether the telecommunications bylaw constitutes a clear written community standard under the Quechee test. T-Mobile Northeast, LLC at 8. In that case, the District Commission received a request for hearing on the aesthetics criterion and held a hearing. Id. at 3-5. This request and hearing necessarily raised the elements of the Quechee test, including the community standard issue. Specifically, the District Commission determined that the proposed facility would have an adverse effect on aesthetics and stated that it "must now apply" the community standard element

and other elements of that test. Id. at 8. It then went on to determine that the Town's height restriction constituted a clear written community standard under the test and that the application complied with the standard.

The Supreme Court has held that collateral estoppel bars relitigation of "those issues necessarily and essentially determined" in a prior action. Berisha v. Hardy, 144 Vt. 136, 138, 474 A.2d 90, 91 (1984). There is no reasonable dispute that, having found the proposed facility to have an adverse effect on aesthetics, the District Commission had to decide if the Town's height restriction was a clear written community standard and if so whether it was met, because those decisions were essential under the Quechee test to determine if the adverse effect was undue. In re McShinsky, 153 Vt. 586, 591 (1990).

Moreover, the Restatement of Judgements makes clear that "[w]hen an issue is properly raised, by the pleadings or otherwise, and is submitted for determination, and is determined, the issue is actually litigated within the meaning of this Section." Restatement (Second) of Judgments § 27 (1982). In the 2009 litigation, the community standard issue was triggered by a dispute on whether the proposed facility met the aesthetics criterion, and was affirmatively and necessarily determined in adjudicating that dispute.

**C. Same Issue**

VZW asserts that the Proposed Extension passes the Quechee test and that "there is no clearly written community aesthetic standard" the Extension would violate. Hodgetts, pf. at 6. This assertion raises the same issue determined by the District Commission in 2009.

The governing statutes in the proceedings support a conclusion of issue identity. The language of these statutes is nearly identical and the statute under which the District Commission

made its determination is incorporated into § 248a. 10 V.S.A. § 6086(a)(8); 30 V.S.A. § 248a(c)(1).

It will be no defense to argue that this application seeks approval under 30 V.S.A. § 248a rather than under 10 V.S.A. Chapter 151 (Act 250). Such an argument would conflate issue preclusion – which is asserted here – with claim preclusion. Assertion of a claim for a certificate of public good (CPG) under § 248a cannot defeat issue preclusion from an Act 250 decision because the question is whether the issues are the same and not the causes of action. As the Supreme Court has stated:

For issue preclusion, identity of subject matter or causes of action is not required. Thus, the fact that these cases arose in different contexts . . . is of no matter. The requirement is that the issue be the same in the two actions.

**D. Opportunity to Litigate**

A party opposing application of collateral estoppel has the burden of showing this element is not met. Cent. Vermont Pub. Serv. Corp., 172 Vt. at 31. There was full and fair opportunity to litigate this issue during the District Commission's proceeding. Notice was given to all parties, a hearing was held, and the issue was raised and decided. T-Mobile Northeast, LLC at 3, 6, 8. T-mobile could have litigated the issue in 2009 and its decision not to do so flows to ATC and VZW through privity. Similarly, as a statutory party with notice from ANR, DPS could have litigated the issue.

**E. Fairness**

The burden on this element also is on the party opposing application of collateral estoppel. Cent. Vermont Pub. Serv. Corp., 172 Vt. at 31. Applying preclusion is fair because both cases involve the Project and relitigating the issue may lead to inconsistent application of the same statutory standard, undue adverse effect on aesthetics. 10 V.S.A. § 6086(a)(8); 30

V.S.A. § 248a(c)(1). ATC received the Project under the terms of the District Commission's decision and VZW necessarily obtained full knowledge of that decision in preparing an application for the Proposed Extension.

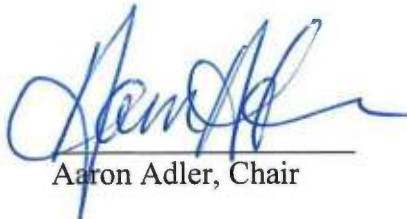
Further, the Town of Brookfield has obtained a final order from the State of Vermont determining that its telecommunications bylaw is a clear written community standard and deserves repose. Allowing relitigation of an issue already conclusively determined by the State of Vermont exposes the Town to the loss of repose and risk of inconsistent judgments that collateral estoppel is designed to protect. Cent. Vermont Pub. Serv. Corp., 172 Vt. at 20.

#### IV. **Conclusion**

Based on the foregoing, the Planning Commission requests that the Board determine that the doctrine of issue preclusion bars relitigating whether Brookfield's telecommunications bylaw constitutes a clear written community standard under the Quechee test

Brookfield, Vermont. November 19, 2015.

Respectfully submitted,



Aaron Adler, Chair



**Lord, Elizabeth**

---

**From:** Morgan, Tina  
**Sent:** Wednesday, August 26, 2009 4:29 PM  
**To:** '?'; 'Brennan'; 'Carter, Curt OK'; 'Central Vermont Regional Planning Commission - OK'; 'Deen, David L. Strictly Trout - OK'; 'Dube, Joel - Northfield Savings Bank - Williston OK'; 'Gephart, Jeff - Vermont Energy Star Homes - OK'; 'Gray, Brian - Vermont Gas - OK'; 'Jenkins, John - Bank North - OK'; 'Lehder, Diane'; 'Peduzzi, Diana - OK'; 'Pelletier, David - Lamoille County Planning Commission - OK'; 'POTTER, ROSEMARIE - Works in Progress - OK'; 'Publisher - Putney Press - OK'; 'Ravaschiere, John'; 'Reed'; 'sflewelling - Vermont Builds Greener/LEED for Homes - OK'; 'Smith, Robin'; 'Strassburg, Matt'; /o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Alejandro.Fuentes; /O=state.vt.us/OU=SOV\_EXCHANGE/cn=Recipients/cn=Amy.Wakefield; /o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Anne.Hunter; /o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Doug.Burnham; /o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Lindsay.Harris; /o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Margaret.Torizzo; /O=state.vt.us/OU=SOV\_EXCHANGE/cn=Recipients/cn=Michael.Humling; /o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Peter.Marshall; 'Andrews, Alisa'; Appleton, Tim; Austin, John M; Bates, Karen; Bean, Randy; Becker, Laurence; Bernier, Chris; Blodgett, Doug; Brunelle, Chris; Burke, Kevin; Bushman, Steve; Byrne, Bernard; Cahoon, Barry; Campoli, Gina; Carr, Maureen; Chadwick, Krista; Chalmers, Rebecca; Chipman, Brian; Clancy, James; Colman, Devin; Conant, Sandra; Copans, Ben; Cox, Ken; Cueto, Jeff; Darling, Scott; Decker, Tom; Desch, George; DeWolfe, Matt; Dillon, Scott; Dolan, Kari; Elliott, Doug; Fitzgerald, Brian; Frost, Sabine; Gale, Marjorie; Gerardi, Len; Gibson, Dave; Gobeille, John; Grenier, Lori; Gruchacz, John; Gulka, Gary; Hales, Heidi; Hammond, Forrest; Hasen, John; Haslam, Bob; Hollingsworth, Jay; Ide, Robert; Jaquith, Shayne; Kehne, Melanie; Kelliher, Julie; Kirn, Rich; 'Kline, Scot'; Kuhn, Dolores; Laroche, Wayne; 'Lawrence, Donna'; Lord, Elizabeth; Lucas, Mark; Manley, Nancy; Marshall, Everett; Mason, Dan; Matteson, Linda; McMahon, Jeff; McMenemy, Jay; Metz, Mic; Miller, John; 'Moir, Megan'; Monks, Padraic; Moore, Julie; Morris, GC; Morrison, Shannon; Moulton.Powden, Pat; Nealon, Dennis; O'leary, Ed; Palmer, Eric; Pfeiffer, Rebecca; Pientka, Bernie; Precourt, Susan; Probasco, Matthew; Quackenbush, Alan; Sabourin, Gary; Sayers, Debra; Shearer, Terry; Shippee, Jodi; Smith, Bobbie; Stadlmayer, Maria; Sultan, Kirsten; Svec, Jeff; Thompson, Roger B; Van Hollebeke, Paul; Wheeler, Denise; 'White, Marian'; Wilcox, Dan; Witters, Christy; Wood, Jonathan; 'Zamos, Diane'; /o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=BDRISCOLL; /O=state.vt.us/OU=SOV\_EXCHANGE/cn=Recipients/cn=Bryan.Davis; /o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=SLEWIS; Adler, MaryBeth; 'Aja, Sandy'; Alexander, Cedric; Alfieri, Amy; 'Allen, Darren'; 'Balcom, Ian'; Borg, Mary; Borie, Lou; Bruhns, Matt; Cady, Barbara; Chapman, Matt; Coleman, Warren; Commo, Christine; Cosgrove, Brendan; 'Dunleavy, John'; Elliott, Alex; 'Englehardt, Ernie'; Foley, Julie; Gallagher, Charles; Gjessing, Catherine; Good, Shawn; 'Grossman, Joseph'; Haskell, Sabina; Hunt, Elizabeth; Hutchinson, Christina; Johnson, Justin; Keller, Craig; Kessler, Gary; Kratzer, Jud; Kundraht, Michael; McCrumb, Jeannine; Moore, Aaron; Oberkirch, Rick; Ogrady, Elaine; O'Shea, Brendan; Pingree, Rodney; Purvee, Meghan; Rast, Amy; Riddell, Linda; Sandberg, James; Smith, Ken; Surwilo, James; Swift, Dave; Swift, Ethan; Tetreault, Richard; 'Van Nostrand, Chris'; 'Wagner, Chris'; Wakefield, John; Walker, Monty; Waterman, Louise; Whiteley, Anne; Young, Peter; 'Zahner, Michael'

**Subject:** Weekly Agenda for 08-26-09



Tina Morgan, Admin. Assist.

Division of Regulatory Management &

Act 250 Review

Agency of Natural Resources

103 South Main Street, Ctr. Bldg., 3rd Floor

Waterbury VT 05671-0301

Telephone: (802) 241-3620

Fax: (802) 241-3796

VT Agency of Natural Resources  
103 South Main Street, Waterbury, VT 05671  
Phone (802) 241-3620 Fax (802) 241-3796

**ACT 250 WEEKLY AGENDA**  
**Issued Wednesday, 8/26/2009**

**3 Notices**

There is a Notice for #7R1010 Rodney Barrup. Date comments due to Land Use Attorney 9/10/09.

There is a Notice of Abandonment for #4C0383 Sisters and Brothers Investment Group LLP. Date comments due to Land Use Attorney 09/23/09.

There is a Memorandum of Decision on Motion to Alter for #4C0288-19B Costco Wholesale Corp.

**7 Act 250 Applications**

**1 Early Comments Due**

7R1259-1 Robert Jr. & Shannon Collins

**DATE FILED WITH DISTRICT COMMISSION: 07/28/2009**

**DATE RECEIVED: 08/19/2009**

**HEARING REQUEST DATE: 09/03/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 9/1/2009**

**TOWN: NEWPORT CITY ROAD: Farrar Road**

**PROJECT:** Phased construction of a 2,600sf commercial building, without plumbing, for automobile repairs and servicing on Lot 4, developed with an existing previously permitted single family residence, and includes a new (separate) access drive. Partially existing project was initiated without required Act 250 permit amendment.

**APPLICANT TELEPHONE: 334-5825 CONTACT: Shannon Collins**

**TELEPHONE: 334-5825**

## **6 Comments Due**

### **2W0052-42A Aimee Pritcher**

**DATE FILED WITH DISTRICT COMMISSION: 08/18/2009**

**DATE RECEIVED: 08/21/2009**

**HEARING REQUEST DATE: 09/09/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 9/07/2009**

**TOWN NAME: DOVER ROAD: Dover Hill Road**

**PROJECT: Construction of an extension of a sewer line to connect to Dover Manor Sewer Assoc. LLC.**

**APPLICANT TELEPHONE: 348-6363 CONTACT: Aimee Pritcher**

**TELEPHONE: 348-6363**

### **6F0576-1 Tim & Carol Reed**

**DATE FILED WITH DISTRICT COMMISSION: 08/13/2009**

**DATE RECEIVED: 08/20/2009**

**HEARING REQUEST DATE: 09/21/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 9/17/2009**

**TOWN NAME: GEORGIA ROAD: Reynolds**

**PROJECT: Further subdivide a previously approved tract into 11 lots: lots 1-8 are for single family residential homes, Lot 9 is a common land lot, Lot 10 is an agricultural preservation lot, and Lot 11 is retained land. Project will be served by on-site water and wastewater services and private access road.**

**APPLICANT TELEPHONE: 782-0830 CONTACT: Brad Ruderman**

**TELEPHONE: 229-6378**

### **3R1021 T-Mobile Northeast LLC**

**DATE FILED WITH DISTRICT COMMISSION: 08/18/2009**

**DATE RECEIVED: 08/26/2009**

**HEARING REQUEST DATE: 09/10/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 9/8/2009**

**TOWN: BROOKFIELD ROAD: Ridge Road**

**PROJECT: Construction of a 75' monopole tower and a short gravel access road. Permit also authorizes permittees to install 9 panel antennas to be mounted and centered at 72' agl, as well as related equipment including cabinets and necessary infrastructure.**

**APPLICANT TELEPHONE: 658-2311 CONTACT: Mark Hall TELEPHONE: 658-2311**

**2S0126-5A Luzenac America Inc.**

**DATE FILED WITH DISTRICT COMMISSION: 08/18/2009**

**DATE RECEIVED: 08/25/2009**

**HEARING REQUEST DATE: 09/14/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 9/10/2009**

**TOWN: Ludlow & Cavendish ROAD: East Hill Road**

**PROJECT: Extend completion of reclamation project for 10 more years and revise proposed final grading plan for backfilling and reclamation of Blackbear Talc Mine site.**

**APPLICANT TELEPHONE: 228-6494 CONTACT: Robin Reilly TELEPHONE: 228-6494**

**3W1023 CVPS**

**DATE FILED WITH DISTRICT COMMISSION: 08/21/2009**

**DATE RECEIVED: 08/26/2009**

**HEARING REQUEST DATE: 09/15/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 9/11/2009**

**TOWN: PLYMOUTH ROAD: Route 100A**

**PROJECT: Relocate and reconstruct approx. 2,970' of single-phase, electrical distribution and telephone lines from an off-road location. Poles will extend approx. 40-45' above ground.**

**APPLICANT TELEPHONE: 747-5438 CONTACT: Jason Smith TELEPHONE: 747-5438**

**7C0667-7 Lyndon Institute**

**DATE FILED WITH DISTRICT COMMISSION: 08/14/2009**

**DATE RECEIVED: 08/26/2009**

**HEARING REQUEST DATE: 09/09/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 9/7/2009**

**TOWN: LYNDON ROAD:**

**PROJECT: (i) Removal of 2 existing 1800sf buildings, (ii) construction of a 36'x96' (3,456sf) 3 story residence hall for 23 residents featuring municipal water and sewer, and (iii) redevelopment of 11,500sf parking, construction of an additional 3,500sf parking, and associated improvements.**

**APPLICANT TELEPHONE: 626-3357 CONTACT: Kristen Lepine TELEPHONE:**

**5L1492-2 Robert Colaceci**

**DATE FILED WITH DISTRICT COMMISSION: 08/10/2009**

**DATE RECEIVED: 08/20/2009**

**HEARING DATE: 09/01/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY:**

**TOWN: Hardwick & Wolcott ROAD: Route 15**

**PROJECT: Creation of a tire storage, transfer and recycling facility on a 2.44 acre lot being a portion of a 15 acre tract.**

**APPLICANT TELEPHONE: 755-9993 CONTACT: Ned Houston TELEPHONE: 244-7829**



**1 Jurisdictional Opinion(s):**

**JO-4-218 Stray Cat Flower Farm**

**PROJECT:** Proposed improvements to Depot Building at Gardener's Supply Company parcel.

**ACT 250 APPLIES:** No

**Pending Applications 5 for early review**

**2S0185-15 Windsor Minerals**

**PROJECT:** Pending - Propose to 1) regrade pallet storage parking lot and redirect drainage away from stream on East Hill Road; 2) regrade Ludlow Mill parking lot, redirecting drainage away from lot to northwest; and 3) install a new rail siding catch basin to improve drainage to east of Ludlow Shopping Center.

**TOWN NAME:** LUDLOW **ROAD:** East Hill Road

**MATERIALS AVAILABLE ON DATABASE:** Yes

**MATERIALS ONLY AVAILABLE BY HARD COPY:**

**3R0608-6 Central Vermont Shopping Center, Inc.**

**PROJECT:** Pending - Construction of an 11,583sf drug store and a 1924sf (net) retail addition at existing Randolph Shopping Center.

**TOWN NAME:** RANDOLPH **ROAD:** Route 12

**MATERIALS AVAILABLE ON DATABASE:**

**MATERIALS ONLY AVAILABLE BY HARD COPY:** Yes

**500003-5 Union High School, District No. 32**

**PROJECT:** Pending - Addition of a new 3,300sf administrative building, upgrade of an existing 10' wide gravel road to a 20' wide gravel road, new gravel driveway and parking, a new domestic water supply well, new grinder pump station and low pressure sewer to an existing sewer manhole on site, underground electric conduit, and a new stormwater treatment swale.

**TOWN NAME:** MONTPELIER **ROAD:** Gallison Hill Road

**MATERIALS AVAILABLE ON DATABASE:** Yes

**MATERIALS ONLY AVAILABLE BY HARD COPY:**

**5L1338(Alt)-Z Mt. Mansfield Company, Inc.**

**PROJECT:** Pending - Selected additional clearing necessary of 7 areas ranging in length from 78' - 200' will be hand cut with no earth disturbance or grading necessary. In addition, an area on existing trail approx. 300' long located above 2,500' will be allowed to naturally revegetate.

**TOWN NAME:** STOWE **ROAD:** Big Spruce Road

**MATERIALS AVAILABLE ON DATABASE:** Yes

**MATERIALS ONLY AVAILABLE BY HARD COPY:**



**7C1027-2 Miles Sherts**

**PROJECT:** Pending - Bring 8 small out buildings into compliance. Modify previous permit amendment. Clarify current and proposed uses of facility, all as built except proposed sauna.

**TOWN NAME: STANNARD ROAD:** Winchester Road

**MATERIALS AVAILABLE ON DATABASE:**

**MATERIALS ONLY AVAILABLE BY HARD COPY:** Yes

**Actions Taken 16**

**7R0739-1 Town of Jay**

**DATE DECISION ISSUED:** 08/19/2009

**DATE FILED WITH DISTRICT COMMISSION:** 03/26/2009

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION:** -  
146

**PROJECT:** This permit specifically authorizes construction of improvements to upgrade the municipal wastewater treatment facility and to increase its total capacity to 800,000 gallons per day. Project also includes conversion from existing 4-cell lagoon to tertiary treatment for phosphorous removal, renovation of existing control building, new headworks building, new control building with tertiary filters and UV disinfection, new greenhouse type sludge dewatering building, 2 new sludge storage buildings, 3 bay solar sludge treatment system, new chlorine contact tank, 12" forcemain, and new stormwater treatment system. Project will access via existing access road. Existing 12" sewer outfall to Missisquoi River will remain unchanged; also, project does not include expansion or modification of existing off-property municipal sewer service area or collection infrastructure. Project is located on Routes 242 & 101 in Troy & Jay.

**2S1253 Jewell Brook LLC**

**DATE DECISION ISSUED:** 08/23/2009

**DATE FILED WITH DISTRICT COMMISSION:** 04/01/2009

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION:** -  
144

**PROJECT:** This permit specifically authorizes permittee to deconstruct and remove all former buildings at Jewell Brook Woolen Mill site except for the historic office building which will be converted into a condominium unit. This permit also authorizes construction of 2 additional buildings and associated infrastructure. There will be 3 condominiums in the new building adjacent to office and 30 condominiums in a new building that will be situated on former mill building footprint. Project is located off Andover Street in Ludlow.

**4C0608-22B Omnipoint Communications Inc.**

**DATE DECISION ISSUED: 08/25/2009**

**DATE FILED WITH DISTRICT COMMISSION: 06/17/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -69**

**PROJECT:** This permit specifically authorizes Permittees to add 9 antennas (72"x13.5"x6") mounted on an existing 30' rooftop centered at approx. 35' agl.

Related equipment includes: 3 cabinets (94"x24"x16"), one battery cabinet (76"x28"x31") to be located in a 10x8' leased 2nd floor utility room; small E911 GPS and GSM antennas and cables port with 7/8" cable connecting antennas, cabinets and related equipment. Project is located on Essex Way in Essex.

**4C1219 LNP Inc.**

**DATE DECISION ISSUED: 08/20/2009**

**DATE FILED WITH DISTRICT COMMISSION: 06/24/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -57**

**PROJECT:** This permit specifically authorizes Permittee to convert Soutiere Electric building into 8 residential units, with municipal water and wastewater systems and associated infrastructure. Project is located on Barrett Street in Burlington.

**5W1271-1 Norwich University**

**DATE DECISION ISSUED: 08/13/2009**

**PROJECT:** This permit specifically authorizes Permittees to construct a 9,540 sf building, with associated drives, walkways and parking, to connect existing previously permitted Kreitzburg Arena and Andrews Hall. Project is located on University Drive in Northfield.

**6F0618 Terry & Mary Lynn Riggs**

**DATE DECISION ISSUED: 08/25/2009**

**DATE FILED WITH DISTRICT COMMISSION: 07/15/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -41**

**PROJECT:** This permit specifically authorizes Permittee to approve 2 previously constructed commercial buildings (56'x60' and 8'x30') for a sawmill operation and a 1300' access road. Project is located off Fletcher Road in Fletcher.

**5W1045-31 Summit Ventures**

**DATE DECISION ISSUED: 08/20/2009**

**DATE FILED WITH DISTRICT COMMISSION: 07/06/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -45**

**PROJECT:** This permit specifically authorizes creation of a total of 70 acres of tree skiing areas on Lincoln Peak and Mount Ellen at Sugarbush Resort. Also includes a forest management plan for Spring Fling parcel. Project is located on Sugarbush Access Road & Mt. Ellen Access Road in Warren and Fayston.



**2S0455-7B Duncan's Spirits Inc.**

**DATE DECISION ISSUED: 08/25/2009**

**DATE FILED WITH DISTRICT COMMISSION: 07/22/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -34**

**PROJECT:** This permit specifically authorizes construction and operation of a 5,130sf micro-distillery and parking for about 35 vehicles at Windsor Industrial Park. Project is located on Route 5 in Windsor.

**300022-4 Omnipoint Communications Inc.**

**DATE DECISION ISSUED: 08/25/2009**

**DATE FILED WITH DISTRICT COMMISSION: 06/25/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -61**

**PROJECT:** This permit specifically authorizes Permittees to install an additional 9 antennas (72"x13.5"x6") to be mounted on an existing 36' rooftop centered at approx. 43' agl. Related equipment to be installed within 15'x15' leased area. Includes 3 cabinets (94"x24"x16") with boosters, one battery cabinet (76"x28"x31") located in a 5'x12' leased area in the 3rd floor equipment room, small E911 GPM and GSM antennas mounted on a rooftop coaxial port and cable port with 7/8" cables connecting antennas, cabinets and related equipment. Project is located on Williston Road in South Burlington.

**5W0784-11 National Life Insurance Co.**

**DATE DECISION ISSUED: 08/13/2009**

**PROJECT:** This permit specifically authorizes Permittee to construct an approx. 1,022 sf addition to North Wing entrance to existing previously permitted commercial building, and to construct an enclosed walkway to replace existing sidewalk. Project is located on National Life Drive in Montpelier.

**4C0854-2 Green Street LLC**

**DATE DECISION ISSUED: 08/25/2009**

**PROJECT:** This permit incorporates a modification for the access road to excavate 4' less deep. Project is located on Charlotte-Hinesburg Road in Hinesburg.

**6F0209-1A Riverbend Housing Assoc. L.P.**

**DATE DECISION ISSUED: 08/21/2009**

**PROJECT:** This permit specifically authorizes Permittees to renovate interior of building and upgrade mechanical systems; redesign exterior parking and traffic flow, remove existing parking structure and construct a shed building at south-eastern corner of building. Project is located off School Street in Enosburg.

**4C0748-2C Lowe's Home Centers Inc.**

**DATE DECISION ISSUED: 08/24/2009**

**PROJECT:** This permit incorporates minor changes (see scanned documents). Project is located on Susie Wilson Road in Essex.

**5L0706-32B Smugglers' Notch Management Co. Ltd.**

**DATE DECISION ISSUED: 08/24/2009**

**PROJECT:** This permit reauthorizes improvements necessary to establish a ski trail ranging from 40-50' in width with an approx. length of 1,000' and to be situated generally within corridor of a rope tow which will be removed on Sterling Mountain at Smugglers' Notch Resort. Project is located in Cambridge.

**4C0663-5A T-Mobile Northeast LLC**

**DATE DECISION ISSUED: 08/24/2009**

**DATE FILED WITH DISTRICT COMMISSION: 07/10/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -45**

**PROJECT:** This permit specifically authorizes Permittees to install 4 panel antennas, mounted on an existing 21' rooftop with related equipment. Project is located off Hurricane Lane in Williston.

**8B0523-7 Kaplan Development Group LLC**

**DATE DECISION ISSUED: 08/23/2009**

**DATE FILED WITH DISTRICT COMMISSION: 07/07/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -47**

**PROJECT:** This permit specifically authorizes Permittees to construct a 9,810sf single story addition dedicated to 24 Alzheimer's and memory loss patients (12 rooms), as part of Village at Filmore Pond. Project is located on Route 9 in Bennington.

**DIRECTIONS FOR THOSE HAVING DIFFICULTY UNDERSTANDING HOW TO ACCESS THE SCANNED FILES.** In order to view the files place the cursor over the file number and press control click. If this does not lead you to the file go to [Search the ANR Act 250 Database.](#) Follow this link to find the files. PLEASE NOTE: Files scanned on same day agenda is sent out will not be accessible until 24 hours later.



Exhibit B

Lord, Elizabeth

**From:** Morgan, Tina  
**Sent:** Wednesday, December 02, 2009 1:27 PM  
**To:** '?'; 'Apple, Rob'; 'Brennan'; 'Carter, Curt OK'; 'Central Vermont Regional Planning Commission - OK'; 'Deen, David L. Strictly Trout - OK'; 'Drew, B'; 'Dube, Joel - Northfield Savings Bank - Williston OK'; 'Gephart, Jeff - Vermont Energy Star Homes - OK'; 'Gray, Brian - Vermont Gas - OK'; 'Holland, Amanda'; 'Jenkins, John - Bank North - OK'; 'Lehder, Diane'; 'McGuire, Tim'; 'Nixon, Amy'; 'Peduzzi, Diana - OK'; 'POTTER, ROSEMARIE - Works in Progress - OK'; 'Publisher - Putney Press - OK'; 'Ravaschiere, John'; 'Reed'; 'sflewelling - Vermont Builds Greener/LEED for Homes - OK'; 'Simpson, Deborah'; 'Smith, Robin'; 'Strassburg, Matt';  
/o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Alejandro.Fuentes;  
/O=state.vt.us/OU=SOV\_EXCHANGE/cn=Recipients/cn=Amy.Wakefield;  
/o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Anne.Hunter;  
/o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Doug.Burnham;  
/o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Lindsay.Harris;  
/o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Margaret.Torizzo;  
/O=state.vt.us/OU=SOV\_EXCHANGE/cn=Recipients/cn=Michael.Humling;  
/o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=Peter.Marshall; 'Andrews, Alisa';  
Appleton, Tim; Austin, John M; Bates, Karen; Bean, Randy; Becker, Laurence; Bernier, Chris; Blodgett, Doug; Brunelle, Chris; Burke, Kevin; Bushman, Steve; Byrne, Bernard; Cahoon, Barry; Campoli, Gina; Carr, Maureen; Chadwick, Krista; Chalmers, Rebecca; Chipman, Brian; Clancy, James; Colman, Devin; Conant, Sandra; Copans, Ben; Cox, Ken; Cueto, Jeff; Darling, Scott; Decker, Tom; Desch, George; DeWolfe, Matt; Dillon, Scott; Dolan, Kari; Elliott, Doug; Fitzgerald, Brian; Flewelling, Joel; Frost, Sabine; Gale, Marjorie; Gerardi, Len; Gibson, Dave; Gobeille, John; Grenier, Lori; Gruchacz, John; Gulka, Gary; Hales, Heidi; Hammond, Forrest; Hasen, John; Haslam, Bob; Hollingsworth, Jay; Jaquith, Shayne; Kehne, Melanie; Kelliher, Julie; Kirn, Rich; 'Kline, Scot'; Kuhn, Dolores; Laroche, Wayne; 'Lawrence, Donna'; Lord, Elizabeth; Lucas, Mark; Manley, Nancy; Marshall, Everett; Mason, Dan; Matteson, Linda; McMahon, Jeff; McMenemy, Jay; Miller, John; 'Moir, Megan'; Monks, Padraic; Moore, Julie; Morris, GC; Morrison, Shannon; Moulton.Powden, Pat; Nealon, Dennis; Oleary, Ed; Palmer, Eric; Pfeiffer, Rebecca; Pientka, Bernie; Precourt, Susan; Probasco, Matthew; Quackenbush, Alan; Sabourin, Gary; Sayers, Debra; Shearer, Terry; Shippee, Jodi; Smith, Bobbie; Stadlmayer, Maria; Sultan, Kirsten; Svec, Jeff; Thompson, Roger B; Van Hollebeke, Paul; Wheeler, Denise; 'White, Marian'; Wilcox, Dan; Witters, Christy; Wood, Jonathan; 'Zamos, Diane';  
/o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=BDRISCOLL;  
/O=state.vt.us/OU=SOV\_EXCHANGE/cn=Recipients/cn=Bryan.Davis;  
/o=state.vt.us/ou=SOV\_EXCHANGE/cn=Recipients/cn=SLEWIS; Adler, MaryBeth; 'Aja, Sandy'; Alexander, Cedric; Alfieri, Amy; 'Allen, Darren'; 'Balcom, Ian'; Benoit, Thomas; Borg, Mary; Borie, Lou; Bruhns, Matt; Cady, Barbara; Chapman, Matt; Commo, Christine; Cosgrove, Brendan; 'Dunleavy, John'; Elliott, Alex; 'Englehardt, Ernie'; Foley, Julie; Gjessing, Catherine; Good, Shawn; 'Grossman, Joseph'; Haskell, Sabina; Hunt, Elizabeth; Hutchinson, Christina; Johnson, Justin; Keller, Craig; Kessler, Gary; Kratzer, Jud; Kundrath, Michael; McCrumb, Jeannine; Moore, Aaron; Oberkirch, Rick; Ogrady, Elaine; O'Shea, Brendan; Pingree, Rodney; Purvee, Meghan; Riddell, Linda; Sandberg, James; Smith, Ken; Surwilo, James; Swift, Dave; Swift, Ethan; Tetreault, Richard; 'Van Nostrand, Chris'; 'Wagner, Chris'; Wakefield, John; Walker, Monty; Waterman, Louise; Whiteley, Anne; Young, Peter  
**Subject:** Weekly Agenda for 12-02-09



Tina Morgan, Admin. Asst.

Division of Regulatory Management &

Act 250 Review

Agency of Natural Resources

103 South Main Street, Ctr. Bldg., 3rd Floor

Waterbury VT 05671-0301

Telephone: (802) 241-3620

Fax: (802) 241-3796

**VT Agency of Natural Resources  
103 South Main Street, Waterbury, VT 05671  
Phone (802) 241-3620 Fax (802) 241-3796**

**ACT 250 WEEKLY AGENDA  
Issued Wednesday, 12/2/2009**

**3 Act 250 Applications**

**0 Early Comments Due**

**3 Comments Due**

**5W1508 Food Works**

**DATE FILED WITH DISTRICT COMMISSION: 01/26/2009**

**DATE RECEIVED: 12/02/2009**

**HEARING REQUEST DATE: 12/18/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 12/16/2009**

**TOWN: MONTPELIER ROAD: Home Farm Way**

**PROJECT: Construction of improvements associated with conversion of a residence into use as an educational facility with assembly areas having capacity for 90 people along with a 40 seat cafe.**

**APPLICANT TELEPHONE: 223-1515 CONTACT: Brian Lane-Karnas**

**TELEPHONE: 223-4727**

**3R0624-7B Gifford Medical Center**

**DATE FILED WITH DISTRICT COMMISSION: 11/23/2009**

**DATE RECEIVED: 11/30/2009**

**HEARING REQUEST DATE: 12/16/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 12/14/2009**

**TOWN: RANDOLPH ROAD: South Main Street**

**PROJECT: Approval of temporary surface treatment of previously permitted filled ravine area, installation of exterior lighting and drainage structures and use of stabilized area for parking.**

**APPLICANT TELEPHONE: 728-7000 CONTACT: Theron Manning**

**TELEPHONE: 782-2240**

**3W0943-2A Sports Venue Foundation Inc.**

**DATE FILED WITH DISTRICT COMMISSION: 11/19/2009**

**DATE RECEIVED: 11/30/2009**

**HEARING REQUEST DATE: 12/14/2009**

**DATE COMMENTS DUE TO LAND USE ATTORNEY: 12/10/2009**

**TOWN: HARTFORD ROAD: Arboretum Lane**

**PROJECT: Place directional signs off Route 5 to Upper Valley Aquatic Center. One sign will be 10' long x4' high and mounted approx. 7.5' AGL and placed at intersection of Arboretum Lane and Route 5. An 18"x24" directional will be placed at intersection of Arboretum Lane and Aquatic Center driveway. Neither sign will be illuminated.**

**APPLICANT TELEPHONE: 296-2850 CONTACT: Sue Kirincich TELEPHONE: 295-1456**

**1 Jurisdictional Opinion(s):**

JO-4-220 Reconsideration Peter Baldwin  
PROJECT DESCRIPTION: Subdivision  
ACT 250 APPLIES: No

**Pending Applications 1 for early review**

6F0589-1 LNP Inc.

**PROJECT:** Pending - Proposed creation of a 19 unit Planned Residential Development on 26.75 acres. Project will be served by on-site drilled wells and municipal sewer. Project also includes a proposed roadway and a closed drainage system with stormwater detention pond.

**TOWN NAME:** FAIRFAX ROAD: Main Street

**MATERIALS AVAILABLE ON DATABASE:** Yes

**MATERIALS ONLY AVAILABLE BY HARD COPY:**

**Actions Taken 12**

4C1138-2 Cupola Golf Course Inc.

**DATE DECISION ISSUED:** 12/02/2009

**DATE FILED WITH DISTRICT COMMISSION:** 01/16/2008

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION:** - 686

**PROJECT:** This permit specifically authorizes Permittee to subdivide the OHC parcel of land into 3 lots (creation of new lots QHC #3 and #4) and to construct a 32 unit building (Bldg "A") on QHC #1. This is Phase I of a 3 phase project. Project is located on Quarry Hill Road in South Burlington.

5L0947-6 & 5L0576-7A Matthew & Bobbi Rooney

**DATE DECISION ISSUED:** 11/25/2009

**DATE FILED WITH DISTRICT COMMISSION:** 09/17/2008

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION:** - 434

**PROJECT:** This permit specifically authorizes Permittees to subdivide 25.14 acres into a 5 lot residential subdivision. Lots 1-4 range in acreage from 2.0 acres to 4.1 acres, and are to be conveyed for the construction of a single family residence on each. Lot 5, comprised of 13.8 acres will be retained and is not proposed for development at this time. Project is located on Melody Lane in Johnson.

3W0324-6 Alan Pidgeon

**DATE DECISION ISSUED:** 12/01/2009

**DATE FILED WITH DISTRICT COMMISSION:** 09/29/2009

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION:** -63

**PROJECT:** This permit specifically authorizes permittees to construct a 19,450sf building for operation of a transportation terminal/warehouse in a portion or all of building. Project includes 61 parking spaces for cars, tractor trailers, box trailers, and delivery cars/vans. Project is located on Route 14 in Hartford.



**3R1021 T-Mobile Northeast LLC**

**DATE DECISION ISSUED: 12/01/2009**

**DATE FILED WITH DISTRICT COMMISSION: 08/18/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -105**

**PROJECT:** This permit specifically authorizes permittees to construct a 75' monopole tower. This permit also authorizes permittees to install 9 panel antennas to be mounted and centered at 72' agl, as well as related equipment including cabinets and necessary infrastructure. Project is located on Ridge Road in Brookfield.

**4C1170-2 Gardner Construction Inc.**

**DATE DECISION ISSUED: 11/25/2009**

**DATE FILED WITH DISTRICT COMMISSION: 09/03/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -83**

**PROJECT:** This permit specifically authorizes Permittees to subdivide a 32+/- acre parcel of land into 23 lots and to construct a total of 7 duplexes on lots #8A and #8B of subdivision. Lot #9-#14 are approved for single family homes. Construction of single family homes on lots #9-#14 by Permittees or persons related is not authorized until a permit amendment is issued for this purpose. Project is located on Black Walnut Lane in Jericho.

**4C1180-4 Town Meadow LLC**

**DATE DECISION ISSUED: 11/30/2009**

**DATE FILED WITH DISTRICT COMMISSION: 10/09/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -52**

**PROJECT:** This permit specifically authorizes Permittee to construct a 3 story, 49 unit congregate housing building with a 17,595sf footprint (Building D). Project is located on Carmichael Street in Essex.

**4C0320-23 Independent Wireless One Leased Realty**

**DATE DECISION ISSUED: 11/19/2009**

**DATE FILED WITH DISTRICT COMMISSION: 10/15/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -35**

**PROJECT:** This permit specifically authorizes Permittees to install 25 antennas on 9 existing buildings in a Distributed Antenna System ("DAS"). A radio communication cabinet consisting of a "head end unit" (host unit) in a 10' x 20' leased area, equipment consists of a base station/BTS radio cabinet (5' x 3' x 3') and a head end/host unit (5" x 19" x 19") will be located within the attic of Cheray Hall and remote units (4' x 1' x 1') will be located within existing utility closets in each building and connected to the antennas with small diameter coaxial cables. Project is located off Route 15 in Colchester.

**4C0320-24 Independent Wireless One Leased Realty**

**DATE DECISION ISSUED: 11/19/2009**

**DATE FILED WITH DISTRICT COMMISSION: 10/16/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -34**

**PROJECT:** This permit specifically authorizes Permittees to install 9 antennas on 5 existing buildings in a Distributed Antenna System ("DAS") at St. Michael's North Campus. Remote units communication cabinets (4' x 1' x 1') will be located within existing utility closets in each building and connected to antennas with small diameter coaxial cables. The remote units will be connected via fiber optic cables to the host unit on the main campus. Project is located off Ethan Allen Avenue and Barnes Avenue in Colchester.

**3W0637-1A Mark & Lee Ann Bergeron**

**DATE DECISION ISSUED: 11/25/2009**

**DATE FILED WITH DISTRICT COMMISSION: 10/29/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -27**

**PROJECT:** This permit specifically authorizes permittees to construct a 10'x32'x6" concrete slab and to operate a wood waste heated firewood kiln. Project is located on Route 14 in Hartford.

**4C0149-5B R.E.M. Development Company LLC**

**DATE DECISION ISSUED: 12/02/2009**

**DATE FILED WITH DISTRICT COMMISSION: 11/05/2009**

**TOTAL TIME (DAYS) FROM APPLICATION SUBMISSION TO DECISION: -27**

**PROJECT:** This permit specifically authorizes Permittees to construct a 1,250sf addition to an existing commercial building, along with related site improvements (parking, sidewalks, driveways, lighting, etc.), on Lot #2 of Green Tree Park to house South Burlington Police Department. Project is located on Gregory Drive in South Burlington.

**7C0353-2-A Thornhill Farm LLC**

**DATE DECISION ISSUED: 12/01/2009**

**PROJECT:** This permit specifically (a) is issued for record-keeping to identify current Permittee (land owner) for the +/-1.9 acre portion of the tract and (b) authorizes revision of previously issued permit for project lighting. Project is located on VT14 & VT15 in Hardwick.

**7E1271-A CVPS Corp.**

**DATE DECISION ISSUED: 12/02/2009**

**PROJECT:** This permit specifically amends #7E1271 (see scanned document). Project is located in Concord.

**DIRECTIONS FOR THOSE HAVING DIFFICULTY UNDERSTANDING HOW TO ACCESS THE SCANNED FILES.** In order to view the files place the cursor over the file number and press control click. If this does not lead you to the file go to [Search the ANR Act 250 Database](#). Follow this link to find the files. PLEASE NOTE: Files scanned on same day agenda is sent out will not be accessible until 24 hours later.