

TOWN'S INTERPRETATION OF PLAN UPHeld BY ACT 250

The District 5 Act 250 Commission recently upheld the Town of Roxbury's interpretation of its Town Plan in denying a Central Vermont Public Service Corporation (CVPS) after-the-fact application to reconstruct utility lines along Route 12A. *Central Vermont Public Service Corporation and TDS TELECOM, Inc.*, Land Use Permit Application #5W1345 (August 15, 2000). The main issue in the case involved the impact of the project on the scenic qualities of the Route 12A scenic corridor. The Town of Roxbury took the position that installing taller poles with increased infrastructure to support an upgrade from a 12.5 kv system to a 34.5 kv system would have an undue adverse impact on the scenic beauty of Route 12A and violated the town plan.

The Town, represented by the selectboard and planning commission chairs, pointed out to the Commission that its town plan:

- Recognizes Route 12A as a scenic resource;
- Establishes the goals of maintaining the rural character of Roxbury and maintaining its scenic highways; and
- Clearly states that utility poles and lines should be designed to minimize aesthetic impacts.

Based on these provisions of the town plan, the District Commission ruled that the CVPS project did not conform with the community standard for siting utility lines established by Roxbury (Act 250 criterion 8). The Commission also found that the project did not comply with the town plan (Act 250 criterion 10).

The decision is an example of how municipalities can have an impact on the outcome of an Act 250 case by adopting a clear town plan. Because the town plan clearly expressed the importance of Route 12A as a scenic resource and concern about the aesthetic of impact of utility lines, Roxbury was able to convince the District Commission that the CVPS project was not designed to fit into the surroundings of Roxbury.

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