

CHAPTER 2 – METHODOLOGY AND COORDINATION

2.1 Regulatory Framework

Criterion 8 of Act 250 states that in order to receive an Act 250 permit, projects subject to Act 250 must “not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas” (10 V.S.A § 6086(8)). The procedure to determine if an aesthetic effect is an “undue adverse effect” was defined by the State Environmental Board’s 1985 Quechee Lakes Decision (*Quechee Lakes Corporation #W04-110A-EB (11/4/85)*). This procedure is called the Quechee Lakes test and consists of two parts, the determination of whether an aesthetic effect is adverse, and second if the effect is adverse, the determination of whether the adverse effect is “undue.”

Under the Quechee Lakes test, adverse effects are assessed by considering the harmony and fit of a project with its surroundings. If a project fits in its context, it will not have an adverse effect. The five elements that should be considered in the determination of whether an effect is adverse are: the context of the surrounding landscape, the project design, color and materials, project visibility and effects on open space.

Once an effect has been defined as adverse, the following three questions must be answered affirmatively for the adverse effect to be considered undue.

- 1) Does the project violate a clear written community standard intended to preserve the aesthetics or scenic natural beauty of the area?
- 2) Does the project offend the sensibilities or the average person... when viewed as a whole is (it) offensive or shocking, because it is out of character with its surroundings, or significantly diminishes the scenic qualities of the area?
- 3) Has the applicant failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the proposed project with its surroundings?

2.1 Data Collection and Methodology

2.2.1 Data Collection

Data collection efforts included:

- Extensive site visits within and around the VT 2A and Circ A/B corridors.
- Ground level photographs of existing conditions
- Review of preliminary engineering plans.
- Review of visual simulations of the Build Alternatives.
- Review of public feedback on potential visual impacts during the February 2006 Public Design workshops.
- Review of the Williston Town Plan and Open Space Plan.

2.2.2 Visual Impact Assessment Methodology

Roadway projects may change the character and or/quality of the visual environment, as experienced by viewer groups such as local residents, through travelers, commuters, and tourists. The potential impact of the proposed project on important visual resources and viewer

groups was assessed using a Visual Impact Assessment. The Visual Impact Assessment (VIA) assessed potential effects on visual resources by identifying important views and landscape features, identifying the viewer groups that would experience changed views, and analyzing the impact of the project alternatives in the context of the existing landscape. The results of the VIA were used to develop appropriate mitigation measures for potential impacts. The results of the VIA provides information that could inform the analysis of whether the alternatives have an undue adverse effect on the scenic or natural beauty of the area under Criterion 8 of Act 250.

The FHWA publication, Visual Impact Assessment for Highway Projects contains general procedures that were used as the basis for the VIA (FHWA, 1981). The VIA involved the following steps:

1. Describe the context of existing regional and local landscape.
2. Identify important visual features of the natural and human-made environment.
3. Identify sensitive viewpoints for views of important visual features and views of the roadway.
4. Define viewer groups and assess viewer exposure and relative sensitivity to visual resource changes.
5. Assess visual impacts on sensitive viewpoints, important visual features, and effects on viewer perceptions.
6. Identify appropriate mitigation to avoid or minimize adverse effects.

The results of steps 1 through 4 are described in Chapter 3: Existing Conditions while the results of steps 5 and 6 are described in Chapter 4: Impacts and Mitigation.

2.2.3 Agency Consultation and Coordination

Visual analysis was briefly discussed by the federal, state, and regional cooperating agencies at the agency scoping meeting held on February 10, 2005. It was recommended that the visual analysis should follow the Quechee Lakes test methodology. The VIA conducted for the DEIS (based on FHWA VIA guidance) includes discussion of key elements of the Quechee Lakes test, including consideration the context of the surrounding landscape, the project design, color and materials, project visibility and effects on open space. However, the VIA does not make Quechee test conclusions about undue adverse effects, these conclusions will be made following the selection of a preferred alternative and further development of mitigation measures.