

**TOWN OF WILMINGTON
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND STATEMENT OF FINDINGS
WILMINGTON, VERMONT 05363**

A request for a permit was made to the Board by: **Town of Wilmington**

Owner/Applicant(s) Mailing Address: **2 East Main St., Wilmington, VT 05363**

Address of the subject property: **55 Miller Road**

Tax Map: # **07-02-002**

Application # **2017-082**

A copy of the request is filed in the office of the Board.

Description of Case per Public Notice:

Application # 2017-082: Owner: Town of Wilmington (Scott Tucker). Agent: Green Lantern Group (Ralph Meima). Application is being made for Conditional Use review to allow a 150 kw solar array. Residential zoning district: Sections 710, 721, 722 & 730; Location 55 Miller Road.

Notice for a public hearing was published in the Valley News on: **December 7, 2017**

Notice was posted in three public places on: **December 7, 2017**

A copy of the notice was mailed to the applicant on: **December 5, 2017**

A copy of the notice was mailed to the abutters on: **December 5, 2017**

There was no Site Visit

Public hearings were held on

December 18, 2017 and January 9, 2018

The following presented testimony as agent on behalf of the Applicant:

- **Ralph Meima, Principal of Green Lantern Group**
- **Scott Tucker, Town Manager, Town of Wilmington**

In addition to the Applicant/Agents, no additional persons were determined to be "Interested Persons". Enforcement of this decision shall be made by the Public Utility Commission in accordance with 24 V.S.A. Section 4414 (15)(C). Copies of this decision have been mailed to those persons listed below.

**Ralph Meima, Green Lantern Group
Scott Tucker, Town of Wilmington**

Appeal period for this Case expires on: March 2 , 2018

Approval Expires on: February 2, 2022

In addition to the above Interested Persons, the following attended the hearing, providing no testimony.

- Craig Ohlson, Zoning Administrator
- Chris Mays, Brattleboro Reformer

EXHIBITS

The following Exhibits were placed by the Applicant:

- 1. Application of 3 pages**
- 2. Abutters list**
- 3. Plat entitled 150 Solar Array Sketch, Wilmington Solar, Miller Road, Wilmington, Vermont dated December 15, 2017, Project # 17322**
- 4. A plat showing Tax Parcel 07-02-002, 55 Miller Rd, with the portion of the parcel located westerly of Miller Rd outlined in red.**
- 5. A plat entitled “Water Resources, Town of Wilmington, VT. November 2016” by the Windham Regional Commission.**
- 6. A plat entitled “Natural Resources, Town of Wilmington, VT, November 2016” by the Windham Regional Commission.**
- 7. A Memorandum of T.J. Boyle Associates dated December 11, 2017 from Jeremy B. Owens to Ralph Meima consisting of two pages.**
- 8. A copy of a letter from the Town of Wilmington Planning Commission and the Town of Wilmington Selectboard to the Public Utility Commission dated December 26, 2017 entitled “Designation as ‘Preferred Site’ under Rule 5.103”.**

SYNOPSIS

On December 18, 2017 an application was placed before the Development Review Board (the “Board”) for the approval of a 150 kW net-metered solar array to be located on a 66 acre parcel of land owned by the Town of Wilmington on Miller Road. The project is located northerly of the former “bone yard” area immediately to the west of the Miller Road transfer station and to the north of the capped landfill. It is the intention of the applicant to develop a community solar array where households and businesses can buy and own solar panels. Hearings were held on December 18, 2017 and January 9, 2018.

STATUORY POSTURE

To facilitate the construction of renewable energy resources, the Vermont Legislature has prohibited towns from regulating new power generating plants by Zoning By-Law. 24 V.S.A. Sections 2291a and 4413 (b). However, an exception to this prohibition has been made allowing the adoption of screening requirements for ground mounted solar plants so long as they are no more restrictive than similar requirements applied to commercial development and do not prohibit or interfere with the functional use of such a plant. 24 V.S.A. Section 4414 (15). The Town of Wilmington has adopted screening provisions under this statute as Section 730 F 2 v of the Zoning By-Law. The Public Utility Commission also requires certain minimum setback requirements under 30 V.S.A. Section 248(s). These setback requirements are incorporated in Section 732 I of the Wilmington By-Law.

APPLICABLE DISTRICT

Findings of Fact: Subject property is identified as Parcel ID# 07-02-002

Conclusions of Law: The proposed land development is in the Residential District, Section 450 C.

USES - Section 450 C 3 & 4

Findings of Fact: The present use of the parcel is forest land and the Municipal transfer station. The intended use under this application is a solar array for the production of electricity. This use is not provided for under Section 450 C 3 or 4. However, a Municipal Utility is allowed as Conditional Use in the Residential District. The board finds that the proposed use is of the same general character as a Municipal Utility and will not be detrimental to other uses within the district or to the adjoining land uses. The use would be an additional use on the property.

Conclusions of Law: While the proposed use is not provided for in Section 450 C 3 or 4, the Board concludes that the proposed use can be considered as a Conditional Use under Section 426, Uses Not Provided For. The Board further concludes, as discussed above, that it is restricted by statute to consider only screening (Section 730 F 2 v) and setbacks (Section 732 I) and not other requirements for Conditional Uses contained in the By-Law.

SITE CRITERIA

Findings of Fact: The dimensional requirements of Section 450 C 5, the Residential District, and Section 732 I, Solar Projects not exceeding 150 kilowatts of capacity, are:

Max Lot Coverage: 25%

Structures/Uses Per Lot: 1 Principal Structure and 1 Principal Use

Min Lot Size: 1 acre

Min Lot Frontage: 150 feet

Min Lot Depth: 150 feet

Height Maximum: 35 feet to the highest point of the ridge line (over 24 feet requires DRB review)

Front Setback: 40 feet from any state or municipal highway.

Side & Rear Setback: 25 feet from the property boundary

The dimensions for proposed land development are set out in Exhibits 1, 3 and 4 as follows:

Lot Coverage: less than 25%. Exhibit 4

Structures/Uses: A portion of the lot is presently used for the municipal transfer station and has a kiosk and equipment for the service and compaction of waste. There are containers for recycling also on the premises. This would be an additional use of the premises. Exhibit 1

Lot Size: in excess of 1 acre

Lot Frontage: in excess of 150 feet

Lot Depth: in excess of 150 feet

Height: not applicable

Front Setback: in excess of 40 feet. The parcel is bisected by Miller Road and the proposed development lies westerly of the road. Exhibit 4

Side Setback: in excess of 25 feet. Exhibit 3

Rear Setback: in excess of 25 feet. Exhibit 3

Conclusions of Law:

Dimensional requirements of lot size, frontage, building height, and front, side, and rear setbacks are met for the Residential District and Solar Projects. The additional use of the premises as a solar array for the production of electricity is a Secondary Use under Section 424. While a Secondary Use is considered a Conditional Use under that Section, the Board, as discussed above, can only

consider screening and setbacks under the statute. The other requirements of Section 424 are met.

ARTICLE VI: FLOOD HAZARD DISTRICT

Section 602: Lands to which these regulations apply

- A. These regulations apply for development in all areas of the Town of Wilmington identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Dept. of Homeland Security (DHS), FEMA and the National Flood Insurance Program, as provided by the Agency of Natural Resources pursuant to 10 VSA 753.
- B. The base flood elevations and floodway limits (zones A1-A30, AE and AH) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.

Findings of Fact: The property is not in the flood hazard area. (Ralph Meima testimony)

Conclusions of Law: Flood Hazard Regulations do not apply to this Lot.

ARTICLE VII: STANDARDS

Section 710: Use Performance Standards

Pursuant to 24 V.S.A. § 4414(5) Performance Standards, the following standards on Vibration, Noise, Air Emissions and Injurious or Noxious Practices shall apply to all Uses and Land Development in the town. Notwithstanding the foregoing provisions of this Section, the Board finds that under the provisions of 24 V.S.A. 2291a and 4413(b), it cannot apply the standards of this Section to the current application.

Section 721: Conditional Use – General Standards

Under 24 V.S.A. 2291a and 4413b Towns are prohibited from regulating the construction of solar array requested by the applicant except for screening under 24 V.S.A. 4414(15). Therefore the Board cannot apply the criteria for Conditional Use contained in this Section to the application. These standards are reviewed for information only.

- A. The capacity of existing or planned community, municipal or educational facilities;

Findings of Fact: There will be no employees permanently on the site. It is anticipated that visits to the site will be twice yearly for brush hogging the array and maintenance. (Ralph Meima testimony)

Conclusions of Law: Proposed development will have a positive and contributory impact on the community. There will be no undue impact on municipal or educational facilities.

- B. Impact on traffic, roads, highways, transportation systems, pedestrian walkways in the vicinity;

Findings of Fact: The property is located in a remote area of the Town formerly used for the Municipal Land Fill and now partially used as the Municipal Transfer Station. There will be minimal employee presence as there will be no employees on site. See 721 A above. After construction is completed there will be little if any impact on traffic, roads, highways and transportation systems. Pedestrians will not be encouraged. (Ralph Meima testimony)

Conclusions of Law: This condition is satisfied

- C. By-laws and ordinances in effect at the time;

Findings of Fact: There is no anticipated impact on other town ordinances.

Conclusions of Law: Not applicable

D. Utilization of renewable energy resources;

Findings of Fact: The sole purpose of the project is to create electricity through solar power, a renewable energy resource.

Conclusions of Law: This condition is satisfied

E. Air quality – See Findings and Conclusions in Section 710 C above

F. The character, aesthetics, and scenic value of the neighborhood and area affected, as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of this ordinance and the Town Plan.

Findings of Fact: The purpose of the Residential Districts to provide areas for dwellings and low impact uses. Section 450 C 1. The solar array as proposed is a low impact use requiring little employee maintenance. The site is located just northerly of the capped landfill and approximately 230 feet westerly of Miller Road and the Municipal Transfer Station in an area presently used for derelict and discarded municipal equipment. The Planning Commission and the Selectboard have designated the site as a “Preferred Site” under Code of Vermont Rules 30 000 5.103 (7). It will not be visible from the Transfer Station. There will be no affect on the scenic value of the neighborhood. (Ralph Meima testimony, Exhibits 3, 4, 7 and 8)

Conclusions of Law: This condition is satisfied.

Section 722: Conditional Use – Preserving the Character of the Town

Under 24 V.S.A. 2291a and 4413b Towns are prohibited from regulating the construction of a solar array as requested by the applicant except for screening under 24 V.S.A. 4414(15). Therefore the Board cannot apply the criteria for Conditional Use contained in this Section to the application. These standards are reviewed for information only.

A. Preservation of the Town’s Character: Business development shall, to the extent reasonable and possible, occur in a manner that preserves the rural and agricultural character and ambiance of the community and the historic downtown.

Findings of Fact: The project is utilizing essentially waste land for a renewable energy project in a remote section of town. See also Section 721 F above.

Conclusions of Law: This standard is met.

B. Economic Development Contributing to the Character of the Town: Merchandise or services shall not detract from the historic character and nature of the town as a family destination for tourists and a family focused residential community.

Findings of Fact: The project is a renewable energy solar array for the production of electricity. It is located abutting a capped municipal landfill and near the Municipal Transfer Station. It will not detract from the historic nature of the town as a family destination and is an appropriate use for the property

Conclusions of Law: This condition is satisfied.

C. Development Consistent with the Rural, Agricultural and Historic Nature of the Town: Construction, reconstruction, or land development, whether allowed, Permitted or Conditional shall, to the extent possible, reflect and/or compliment the historic nature of the town and the rural and agricultural appearance of the neighborhood and region.

Findings of Fact: See Sections 721 F and 722 (A) and (B) above.

Conclusions of Law: This standard is met.

D. Formula Businesses: The visual appearance of Formula Businesses (see Article X for a complete definition), including signage, shall project an appearance harmonious with the character of the rural, agricultural and historic nature of the town, reflecting the distinctive and unique character of the town, consistent with the Site Plan and Design Guidelines of Appendix I.

Findings of Fact: The project is not a “Formula Business”

Conclusions of Law: Not applicable

E. Maximum Square Footage for Retail: Retail stores exceeding two thousand (2000) square feet may be approved by the Development Review Board in the event that the business:

1. is Consistent with the character and ambiance of the community
2. is found to be in the best interest of the community
3. is the minimum size required to reasonably accommodate the business
4. will enhance or preserve the economic base and economic diversity of the town as a whole
5. will create economic stability and viability for the community.

Findings of Fact: The business is not retail.

Conclusions of Law: Not applicable

F. Building Scale Conformity: Development shall conform to the scale of the established neighborhood.

Findings of Fact: The project consists of six lines of solar panels approximately 175 feet long. These arrays will be constructed just northerly of the capped municipal landfill off Miller Road which is presently used for the access to the municipal transfer station. It will cover a 1.2 acre area. There are no residential or other activities beyond the transfer station in the area. (Ralph Meima testimony and Exhibit 3)

Conclusions of Law: This standard is satisfied.

G. Utility Placement: to preserve the aesthetics and natural beauty of the area, underground utilities are encouraged where possible, particularly in areas of natural scenic beauty and in the Historic Design Review District.

Findings of Fact: The solar array will be connected to the electrical grid through the existing single phase power line. No additional utility lines beyond the connecting line from the array to the existing line will be constructed. (Ralph Meima testimony)

Conclusions of Law: This standard is satisfied.

Section 730: Conditional Use – Specific Standards

As 24 V.S.A. Section 4414 (15) restricts a Town’s regulation of Solar projects to screening and setbacks, the Board will review the application under Section 730 F 2 v Screening and Buffering Areas for Ground Mounted Solar Arrays only. The remaining standards of this Section are reviewed for information only.

A. Lighting and Glare: All exterior lighting in all districts shall be shielded and downcast. Interior and exterior lighting, glare or reflection are prohibited if they:

1. Constitute a unreasonable nuisance
2. Are found not to contribute to the aesthetics, scenic value or character of the area and community
3. Are found to impair the vision of pedestrians or the driver of a motor vehicle or an aircraft.

Findings of Fact: No lighting is proposed.

Conclusions of Law: Not applicable

B. Safety: Shall minimize physical hazards where there are potential safety hazards.

Findings of Fact: Miller Road is gated northerly of the Municipal Transfer Station which restricts access during times when the transfer station is not operating. Produced electricity is conveyed by wires in conduits between racks to inverters and transformers and thence to the utility line. The inverters and transformers are protected by perforated metal panels or netting known as “scrim”.

Conclusions of Law: This condition is satisfied.

C. Traffic and Pedestrian Safety: Development shall provide for pedestrian walkways to ensure safe and efficient navigation by foot or bicycle. Special consideration shall be made for children’s safety. Traffic patterns will be reviewed for safety, ease of traffic flow and efficiency.

Findings of Fact: This is a project for the production of electricity. Pedestrians are not encouraged. (Ralph Meima testimony)

Conclusions of Law: Not applicable.

D. Commercial Parking and Loading Areas: Pursuant to 24 V.S.A. Section 4414 (4) All commercial parking and loading areas in all districts in the town shall adhere to the following standards:

Findings of Fact: There will be no employees on premises on a regular basis. There will be brush hogging of the property two or three times a year. No parking is required. (Ralph Meima testimony)

Conclusions of Law: Not applicable.

E. Road Development: New roads, public and private, shall conform to the town’s Highway Ordinance.

Findings of Fact: No new roads are proposed.

Conclusions of Law: Not applicable.

F. Landscaping, Screening and Buffer Areas: As defined in Section 722(A) development shall “preserve the rural and agricultural character and ambiance of the community”. Natural features characteristic of the town’s rural and agricultural character shall be used in Landscaping and Screening to preserve and protect the aesthetic and scenic value of the town, its neighborhoods, residents, and neighboring properties. In particular:

F 2 v. Screening & Buffer Areas for Ground Mounted Solar Arrays and Related Unaesthetic Features: When a ground mounted solar array and/or related unaesthetic features create an undue adverse impact on the aesthetics of an abutting property, neighborhood or state, municipal, or private road, screening of the solar array and/or related non-aesthetic features shall be provided. All reasonable effort shall be made to maximize the visual aesthetics of ground solar development. For ground installation of solar arrays and related unaesthetic features larger than 200 square feet and within 50 feet of a road or abutting property, a minimum Buffer Area of 10 feet in depth shall be provided.

Findings of Fact: As shown on Exhibit 3, the solar panels will be contained in an array of 6 rows covering an area of approximately 24,500 square feet. The array is located approximately 230 feet westerly from Miller Road on a downward sloping south facing area and run approximately 175 feet westerly to approximately 70 feet from the westerly bound of the lot. There will be vegetative clearing of 1.6 acres around the installation. This cleared area begins approximately 130 feet westerly of the road and runs to the westerly bound of the property. Two small areas of additional vegetative clearing is to be done southerly of the installation. The whole installation area is

northerly of the capped landfill. (Exhibit 3) The project site will not be visible from the roadway, transfer station or within the view shed of any surrounding properties. (Exhibit 7, Ralph Meima testimony)

Conclusions of Law: The location of the project will not have an undue adverse impact on the aesthetics of any abutting property, neighborhood or state, municipal or private roadway as presently exists in the area. No additional screening is required.

G. Land and Water Management: Pursuant to 24 V.S.A. Section 4414(1)(G) and 24 V.S.A. Section 4414(9) the development plan shall protect properties, transportation systems and public safety by:

- a. Providing for safe and appropriate water management including but not limited to water supply quality/availability, storm water retention/absorption, and impervious surface runoff management.
- b. Preventing and controlling against water pollution
- c. Making appropriate provision for management of erosion, preservation of rivers & streams, river/stream banks wetlands, waterways, channels, and agricultural lands.
- d. Preserving and promoting scenic or aesthetic features and open spaces

Findings of Fact: No water supply is required by the project. Prior to the installation of the solar panels there will be vegetative clearing of approximately 1.6 acres. After clearing and stumping the area will be seeded with grass to prevent erosion. Two small areas southerly of the installation area will be similarly treated. These grassed areas will be brush hogged to prevent growth of vegetation that would shade the solar array. There are no streams in the project area nor is the land a scenic resource with aesthetic features. (Ralph Meima testimony, Exhibits 3 and 5)

Conclusions of Law: This condition is satisfied.

H. Wastewater and Potable Water: Pursuant to 24 V.S.A. Section 4414 (13), the Zoning Administrator may issue an initial Permit conditioned upon receipt of evidence of a wastewater and potable water supply Permit, if none is provided with the submitted application. A final Permit may be issued by the Zoning Administrator after receiving evidence that a Permit has been issued, as applicable, under chapter 64 Title 10. Development Review Board decisions shall instruct the applicant of their responsibility in obtaining state and federal Permits and may condition their decision on obtaining such a Permit if none has been obtained.

Findings of Fact: The proposed project is a solar array for the production of electricity. There will be no plumbing or running water.

Conclusions of Law: Not applicable.

I. Natural Resources and Features: Existing vegetation, native species, native trees, scenic views, river access and other natural features shall be preserved to the extent possible and to the extent that they will enhance and promote the natural assets of the town. Clearing of land to create pastureland and scenic spaces/vistas is allowed provided it does not have an unreasonable impact on natural resources. Development shall blend with the topography, vegetation, and natural land features. It shall not have an undue adverse impact on natural features, natural resources or renewable energy. This includes no adverse impact on forested lands, streams and stream banks, steep slopes, wetlands, watersheds, floodplains, soil unsuitable for development, pervious surfaces essential to storm water detention, agricultural lands, open scenic lands, scenic vistas, scenic features, unique natural or manmade features, and renewable energy sources.

Findings of Fact: The proposed project will utilize approximately 1.6 acres of a 66 acre parcel. The land to be utilized presently contains second growth scrub and Norway maples, an invasive

species, and is located northerly of the capped landfill and an area used to dispose of town equipment. This old “bone yard” of disposed equipment will be cleaned up by the Town during the installation process to provide access to the project area. There is a Class II wetland south westerly of the project area which is not impacted by the development. A 50 foot buffer area is provided for these wetlands. The development will not have an adverse impact on any of the items listed in Section 730 I above and utilizes the property for a renewable energy source. (Exhibits 3, 5, 6 and 7)

Conclusions of Law: This condition is met.

J. Wildlife Protection: Development shall not have an undue adverse impact on wildlife habitats and wildlife corridors.

Findings of Fact: The project will not have an undue adverse impact on wildlife habitats and wildlife corridors. (Ralph Meima testimony and Exhibit 5)

Conclusions of Law: This condition is satisfied

K. Shoreland Protection: Pursuant to 24 V.S.A. Section 441 (13) all development shall be in conformity with the Shoreland Protection Act (applying to all development within 250 feet of a body of water greater than or equal to 10 acres)

Findings of Fact: The premises are not “shoreline” as defined in 24 V.S.A Section 4414.

Conclusions of Law: Not applicable.

L. Flood Hazard Protection: Development must comply with the provisions of Article VI Flood Hazard District, if applicable. All floatables in any district and in an area which has historically flooded and all Flood Fringe Areas, shall be raised above the estimated Base Flood Elevation (BFE) or firmly secured so as to ensure they are not dislodged in the event of a flood. This includes but is not limited to propane, oil, and gas tanks, chemicals, explosives, flammable liquids, toxic or hazardous materials. (See Flood Hazard Regulations Section 620 (B) (12)). While hay bales and logs are protected Agricultural and Silviculture industries in Vermont, conformity with this provision is encouraged.

Findings of Fact: See Section 602 above.

Conclusions of Law: This condition is met.

M. Energy Resources: Commercial Development shall comply with Commercial Building Energy Standards. Residential Development shall comply with Vermont Residential Building Energy Standards.

Findings of Fact: No building is proposed

Conclusions of Law: Not applicable

N. Technical Review Costs: DRB may require applicant pay reasonable technical review costs.

Findings of Fact: No technical review is required.

Conclusions of Law: Not applicable.

Section 732 I: Solar Projects Pursuant to 24 V.S.A. Section 4414(15) the Public Service Board shall enforce the requirements of this ordinance. No solar energy generation land development or facility shall be approved that is not in conformity with the following municipal requirements:

Setbacks: Ground mounted solar generation development shall meet a minimum setback of:

For development plans with a plant capacity of 15-150 kilowatts:
40 feet from any state or municipal highway, and
25 feet from each property boundary that is not a state or municipal highway.

Findings of Fact: These setback requirements are shown on Exhibit 3 and are incorporated in Site Criteria above.

Conclusions of Law: These setback requirements are satisfied

The application for development is **approved** with the following conditions, restrictions, requirements, limitations and specifications:

Recommendations

Under the provisions of 24 V.S.A. Section 4414 (15) and 30 V.S.A Section 248(b)(1)(B), the following recommendation in this case is made to the Public Utility Commission to be adopted as a condition of any Certificate of Public Good issued there under: Except as otherwise required to accommodate the conditions of this decision, development will be executed in accordance with Exhibits and testimony. Any changes to the plans will require a review by the Development Review Board, in conformance with the Zoning Ordinance. There is no need for additional screening or setbacks beyond that shown in the Exhibits.

The applicant is responsible for obtaining all state and federal permits.

If unused, this Approval expires 2 years from the date of issue. A request for extension may be made in writing to the Development Review Board before the expiration date. Such request shall be in the form of an APPLICATION FOR EXTENSION.

There is a thirty (30) day appeal period from the date of signature before this Approval becomes final. In addition, all fees must be paid and a Zoning Permit *must* be issued prior to the commencement of any work requested in this application. When a Zoning Permit is issued, there is an additional fifteen (15) day appeal period before the Permit becomes final. Work may commence when the Permit has been issued and all Appeal periods have ended.

This approval ***does not relieve you***, as applicant, from obtaining any and ALL applicable State and other local permits.

Town of Wilmington, Zoning Administrator reserves the right to monitor compliance with this decision and all decisions issued by the Development Review Board

IN FAVOR of granting the APPROVAL FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Fred Houston
Wendy Manners Seaman
Peter Wallace

OPPOSED:

None

ABSTAINING:

None

For the Board: Fred Houston, Vice Chairperson

Date: February 2, 2018

Appeal Rights: An interested person may appeal this decision to the Vermont Superior Court, Environmental Division, pursuant to 24 VSA 4471 and VRECP Rule 5, in writing, within 30 days from the date this decision is issued. If you fail to appeal this decision, your right to challenge this decision at some future time may be lost because you waited too long. You will be bound by the decision, pursuant to 24 VSA 4472(d) (exclusivity of remedy; finality).

This approval does not relieve the Applicant of the responsibility to obtain all other applicable approvals that may be required by Federal, State, and local laws and ordinances.