

1 CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
2 REGULAR MEETING MINUTES
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4 Date: Wednesday, September 16, 2015
5 Time: 6:00 p.m.
6 Place: CCRPC Offices; 110 W. Canal St., Suite 202, Winooski, VT 05404
7 Present: Bolton: Sharon Murray, Alternate Buel's Gore: David Scherr, Alternate
8 Burlington: Andy Montroll Charlotte: Jim Donovan
9 Colchester: Marc Landry Essex: Absent
10 Essex Junction: Absent Hinesburg: Andrea Morgante
11 Huntington: Barbara Elliott Jericho: Absent
12 Milton: Lou Mossey Richmond: Absent
13 St. George: Jeff Pillsbury Shelburne: John Zicconi
14 So. Burlington: Chris Shaw Underhill: Absent
15 Westford: Dave Tilton Williston: Deb Ingram, Alternate
16 Winooski: Mike O'Brien VTrans: Amy Bell, Planning Coordinator
17 Socio/Econ/Housing: Justin Dextrateur Conservation/Environment: Don Meals
18 Business/Industry: Tim Baechle
19 Ex-Officio: CCTA: Karen Walton, Gen. Mgr. BIA: Amanda Hanaway-Corrente
20 FHWA: Absent FTA: Absent
21 Rail: Absent
22 Others: Matthew Langham, VTrans Eric Smeltzer, Env. Scientist, DEC
23 Steve Carlson, CCTA Project Dev. Mgr. Henry Bonges, Milton Alternate
24 Ellen Kane, Richmond Selectboard Scott Moody, CCTV
25 Staff: Charlie Baker, Executive Director Dan Albrecht, Senior Planner
26 Eleni Churchill, Trans. Program Mgr. Bryan Davis, Sr. Trans. Planner
27 Marshall Distel, Trans. Planner Bernie Ferenc, Trans. Business Mgr.
28 Christine Forde, Sr. Trans. Planner Peter Keating, Sr. Trans. Planner
29 Regina Mahony, Planning Program Mgr. Melanie Needle, Senior Planner
30 Emma Vaughn, Communication Mgr.
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32 The meeting was called to order at 6:03 p.m. by the Chair, Andy Montroll. Andy thanked Charlie for the
33 board training session which was held at 5:30 p.m. just prior to the meeting.
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- 35 1. Changes to the agenda. There were none.
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37 2. Public Comment Period for Items NOT on the agenda. There were none.
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39 3. Action on Consent Agenda. There was a minor amendment on the Pearl Street Improvements
40 project in Essex Junction to move \$60,000 for right-of-way from FY16 to FY15. MARC LANDRY MADE
41 A MOTION, SECONDED BY JIM DONOVAN, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED
42 UNANIMOUSLY.
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44 4. Approval of Minutes. SHARON MURRAY MADE A MOTION, SECONDED BY CHRIS SHAW, TO
45 APPROVE THE MINUTES OF JULY 15, 2015, WITH CORRECTION IF ANY. Justin Dextrateur made a
46 clarification to page 4, line 29-30 to add "...vacancy rate in the urban areas in that it demonstrates a
47 strong market for more downtown infill housing development." Motion carried to approve the
48 minutes as corrected, with abstentions from Debbie Ingram, John Zicconi, Amy Bell and Tim Baechle.

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5. State Rail Plan Comments. Peter Keating noted that VTrans has prepared an update to the state rail plan and it is in the public comment phase. Because of concerns raised by Charlotte, we prepared comments that were reviewed by the Executive Committee, TAC and back to the Executive Committee. This is a summary of all of comments from this review. The comment period actual ended yesterday, but VTrans has agreed to accept our comments tomorrow. Peter reviewed each comment we propose sending to VTrans. The first paragraph talks about specific projects that are in the plan that the MTP supports. The second paragraph deals with the Burlington Railyard Enterprise project. The third paragraph talks about the Essex Junction passenger rail station. The fourth paragraph relates to concerns raised by Charlotte and Shelburne related to what is being transported and that local emergency management personnel need to be informed so that can be prepared in case of an accident. The last paragraph asks that the rail plan complement local municipal plans. A brief discussion ensued. Chris Shaw wondered in line with those concerns, the rail cars have gone through upgrades to make them safer but the older cars from Canada are being used here and we should be sure we monitor older rail equipment. Charlie noted that this plan deals with investments in the rail lines and may not have an impact on that issue. When mentioned that municipalities need to know what is being transported in the cars, Charlie said federal law provides a process for that through the State. There is a limited right for the right people to know. Andrea said we should explain that relationship about who owns the track and why we don't have the information locally. Charlie said the plan is trying to set up priorities for state and federal capital investments in rail. The State has ownership in some of the tracks, but not all. They do have economic interest because of freight moving on the tracks. The state owns more track on the western side of the state. Charlie noted that 150 years ago a lot of authority was given to railroads. It was noted that municipalities bear the responsibility for any kind of accident, Charlie said along with the state. Andrea feels it's really important for local officials to know that. Charlie said the state emergency management people feel the responsibility for getting that information to locals and for training. Peter said Charlotte and Shelburne have submitted much more detailed comments to the state on this. Amy Bell said there is only one agency of the state being notified, which is Hazardous Materials Section, Fire Safety Division. Justin said the All Hazards Mitigation Plan is another tool to address these concerns. Jim Donovan said Charlotte did have more extensive comments that included concerns from neighbors. They are suggesting one additional comment to this document. He would like to add to the fourth paragraph – "Additionally the current and future placement of storage siding for rail cars containing hazardous materials should be reviewed and an overall plan for their location and use be created through a public process." Members agreed to add that language. **JIM DONOVAN MADE A MOTION, SECONDED BY JUSTIN DEXTRADER, TO ACCEPT THE COMMENTS WITH THE AMENDMENT TONIGHT. MOTION CARRIED WITH JOHN ZICCONI AND AMY BELL ABSTAINING.**
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6. Downtown Burlington Transit Center Update. Karen Walton introduced Steve Carlson who is the Project Development Manager at CCTA and is in charge of this project. Mr. Carlson reviewed the history of the downtown transit center and the various locations looked at before settling on the Cherry Street location. The facility is now under construction and is expected to be completed for a grand opening late summer 2016. He answered questions from board members.
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7. TMDL Update. Charlie Baker introduced Eric Smeltzer, who is an Environmental Scientist with the Watershed Management Division of the Vermont Department of Environmental Conservation. Mr. Smeltzer gave an update on the Total Maximum Daily Load (TMDL) plan recently prepared by the EPA. The Draft Plan is out for public review right now until October 15th. He distributed an

1 information sheet for municipalities. Lake Champlain is divided into 13 segments for phosphorus
2 monitoring. We need to do a TMDL because we don't meet our own state or federal standards. He
3 described various definitions: WLA – Waste Load Allocation; LA – Load Allocation; MOS – Margin of
4 Safety; and various federal required permits and other regulations. There are several categories
5 that are new in “developed land.” EPA has added 5% as the MOS. He showed various tables
6 showing goals for TDML and reduction requirements. A 34% reduction is being required based on
7 new estimates of current load. Lengthy discussion ensued. It was noted that the feds are writing
8 this TMDL because they rescinded the 2002 Vermont TMDL plan after a lawsuit filed by
9 Conservation Law Foundation (CLF). Right now there is an annual limit of 55 metric tons for all the
10 wastewater treatment facilities in the Lake Champlain basin. In 2014 the total for all facilities was
11 about 18 metric tons, so even if the level was lower, we'll still meet it. Waste load allocations for
12 wastewater treatment facilities include Main Lake, Shelburne Bay, Burlington Bay, St. Albans Bay
13 and Missisquoi Bay. He gave load limits for large, medium and small facilities. He reviewed
14 flexibility DEC will use for wastewater discharge permits; the Vermont Clean Water Act (Act 64
15 2015), and Vermont phase 1 Lake Champlain TMDL implementation plan which includes:
16 stormwater runoff management; road related stormwater management; agricultural land water
17 quality; increased revenue and new clean water fund. Comments on TDML are due October 15th
18 and those have to go to EPA. Mr. Smeltzer then reviewed new stormwater requirements for
19 municipalities. He noted that we have a lot of work to do with all of these permits. EPA will look at
20 dates in their plan to be sure we meet the deadlines. Charlie noted that in 2016 & 2017 they will be
21 drafting rules for all of these permits. When asked if the percent reduction required would be
22 shown for each municipality, Mr. Smeltzer said no, it would be by watershed. Charlie noted that we
23 will be collecting information about each project in order to estimate and track progress.
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25 8. Charge to Clean Water Advisory Committee (CWAC). Charlie noted this is a recommendation to
26 form an ad hoc committee. The TAC, PAC, Board, and MS-4 (Municipal Separate Storm Sewer
27 System) committees have talked about this. It would include representatives from CCRPC, municipal
28 reps, ANR, and the other MS4 organizations: UVM, VTrans, and Burlington International Airport.
29 Charlie reviewed the five activities this committee would undertake. We will piggyback this
30 committee with the TAC meetings to help reduce meeting travel, especially for rural communities
31 who may have the same rep on both committees. JOHN ZICCONI MADE A MOTION, SECONDED BY
32 CHRIS SHAW, TO ACCEPT THE CREATION AND CHARGE TO THE CLEAN WATER ADVISORY
33 COMMITTEE. Andrea wondered where watershed communities fit in here. She wants to be sure we
34 don't lose this resource. Charlie said he hoped the information from the watershed organizations
35 could be used for watershed basin planning. Dan said the thought is that this is a new committee
36 and that we should keep it small for the first year. Charlie suggested a friendly amendment in item
37 1, b. to add “...and data collection activities, including information from watershed organizations, to
38 inform...” John and Chris accepted the friendly amendment. MOTION CARRIED UNANIMOUSLY.
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40 9. CCRPC Strategic Planning & ECOS Plan Update. Andy noted that when we first merged, we talked
41 about revisiting things in about five years to see how everything was going. He said he, Chris Roy
42 and Charlie had discussed this then talked with the Executive Committee. At first we were going to
43 jump in and have a board and staff retreat, but then we decided that we really didn't have to change
44 anything because everything seems to be going well. He wanted to bring it to the full board to see if
45 there were any thoughts about that. The Executive Committee thinks the status quo is going well
46 and we don't have to revisit at this time. Justin Dextrateur wants to be sure we understand that the
47 strategic planning process would have to do with board policy and organization. He agreed nothing
48 was needed at this time.

1 The ECOS Plan Update. Regina Mahony said we finished up the FY13 Regional Plan and had a review
2 shortly thereafter and we failed a couple of areas: childcare, relationship to other regions; and
3 utility/facilities. We have to address these issues and when we open the plan we'll have to include
4 the All Hazard Mitigation Plan as well. We are asking to reconvene the Long Range Planning
5 Committee (LRPC). We will open this up to do quick updates and then in 2018 will deal with the
6 larger issues for updating the regional plan concerning the MTP and CEDS.
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- 8 10. Appointment of Members to serve on Committee. Andy Montroll noted the board packet
9 contained a memo showing the various committees and who he proposes to appoint to each one.
10 ANDY THEN MADE THESE APPOINTMENTS ADDING JIM DONOVAN AND CHRIS SHAW TO THE LRPC.
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12 11. Executive Director's Update.

- 13 a. Monthly report. This will be mailed out by the end of the week.
14 b. Public Participation Plan. We're working to improve our public involvement. One area is with
15 the City of Winooski where we're reaching out to get low cost help to bring in folks who might
16 not normally get involved. We're also updating our website to provide better access for public
17 involvement.
18 c. MOU. There is a federal requirement for MPO's to have a Memorandum of Understanding with
19 the state agency of transportation and the transit authority. We are updating that agreement
20 which was last updated in the early 2000's.
21 d. Charlie distributed two documents we just became aware of. The first is a bill the legislature
22 passed in 2013 that specifically authorizes RPCs and RDCs to play a role in brownfield
23 transactions. He distributed the guidance on that. A week or so ago, he received a request for
24 CCRPC to take ownership of a brownfield property for a little while to be able to use grant
25 dollars to clean up. He talked to the Executive Committee who decided we should not get
26 involved. The developer is looking for a decision fairly quickly. Ellen Kane of the Richmond
27 Selectboard said they've been working on this brownfield site which has been vacant for 17
28 years. It is the former Richmond Creamery in the downtown area and is the last commercial lot
29 in their downtown. In the last six months a developer has shown interest, but it would cost
30 about \$500,000 to clean up the brownfield, and therefore they are looking to apply for a grant
31 to help fund the clean-up. The developer is proposing a mixed use development, with 60%
32 commercial and 40% residential. The Selectboard just agreed to have a public hearing on
33 interim zoning on September 28th. The rush is that if the building collapses this winter, the cost
34 of clean-up goes up exponentially. Andy said the Executive Committee discussed this a little, but
35 at the time we didn't have the background about the legislation regarding RPCs. We'd be willing
36 to help in any way, but that in the absence of better understanding our potential liability we
37 decided that it was not appropriate for us. When asked why the town can't purchase the
38 property, Charlie noted that the Town cannot get the same liability coverage that the RPCs or
39 RDCs can because the property is not in arrears to the Town. Discussion ensued. Don Meals
40 said there are other non-profits that are in the business of owning property for the short-term,
41 as well as GBIC and those should be the avenue to pursue. Ellen said they are talking to another
42 non-profit. Justin said that given what he does with development during the day and serving on
43 the brownfields committee for a long time, he suggested that before we enter into anything we
44 should talk to an attorney to see what the real liability might be. Andy suggested that whether
45 we do this project or not, we should have an attorney review this legislation to see what this
46 would mean. Right now there doesn't seem to be any interest in CCRPC owning property.
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- 48 12. Committee/Liaison Activities and Reports. Minutes and reports are in the meeting packet.

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13. Members' Items, Other business.

- a. Jim Donovan asked if there was any kind of action we took in terms of moving up the Section 248 hearing for TDI. Charlie said TDI did get approval for moving the hearing up, but the question has been sent to the communities to see how far they wanted to pursue this. Charlie said Charlotte is interested in pursuing the legislative route, we haven't yet heard from the other three towns.
- b. Andrea Morgante noted that 2015 is the Centennial of when communities were able to own town forests. Hinesburg has their celebration on September 26th with a fall festival and things will be happening in the town forests. She feels that municipal ownership has been very effective in maintaining these forests.

14. Adjournment. MARC LANDRY MADE A MOTION, SECONDED BY JIM DONOVAN, TO ADJOURN THE MEETING AT 8:00 P.M. THE MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Bernadette Ferenc