

1 CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
2 PLANNING ADVISORY COMMITTEE - MINUTES
3

4 DATE: Wednesday, July 12, 2017
5 TIME: 2:30 p.m. to 3:30 p.m.
6 PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
7

Members Present:

Jacob Hemmerick, Milton
Dana Hanley, Essex
Everett Marshall, Huntington
David White, Burlington
Darren Schibler, Essex
Andrew Strniste, Underhill
Ken Belliveau, Williston
Luke Valentine, St. George
Robin Pierce, Essex Junction

Others:

Diane Snelling, Chair of the Natural Resources Board
Donna Barlow-Casey, Executive Director of the Natural Resources Board

Staff:

Regina Mahony, Planning Program Manager
Emily Nosse-Leirer, Planner

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10 **1. Welcome and Introductions**

11 Regina Mahony called the meeting to order at 2:37 p.m.

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13 **2. Approval of May 10, 2017 Minutes**

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15 Ken Belliveau made a motion, seconded by Everett Marshall, to approve the May 10, 2017 minutes. No further
16 discussion. MOTION PASSED.

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18 **3. Act 250: the Next 50 Years Discussion & Input**

19 Donna Barlow-Casey provided an overview of Act 47 and described the study committee that it created. It created
20 a legislative committee to examine and report by December 15, 2018 on a broad list of issues relating Act 250. Act
21 47 also states that the Chair of the Natural Resources Board (NRB) convene a working group. The working group is
22 expected to make recommendations during October 2017.

23
24 Diane Snelling asked the group for any general feedback they wanted to provide regarding Act 250; and
25 specifically these four questions:

- 26 1. Examine the interface between Act 250 and other current permit processes at the local and State levels and
27 opportunities to consolidate and reduce duplication.
- 28 2. Consider the relationship of the scope, criteria, and procedures of Act 250 with the scope, criteria and
29 procedures of ANR permitting, municipal and regional land use planning and regulation.
- 30 3. Potential jurisdictional solutions for projects that overlap between towns with and without both permanent
31 zoning and subdivision bylaws.
- 32 4. Circumstances under which land might be released from Act 250 jurisdiction.
33

34 Comments included:

- 35 • Dana Hanley stated that we have two VT's: one with sophisticated staff and decision making; and one
36 without. For those with sophisticated staff Act 250 is largely a duplicative effort, perhaps with the
37 exception of agriculture soils, historic preservation and substantial regional impact. There should be relief
38 for the developers in these municipalities.
- 39 • David White offered an example of how the state could delegate Act 250 authority to municipalities with
40 adequate zoning and staff resources is the shoreland protection designation authority.
- 41 • David White stated that the regulatory landscape at the state and local levels has changed dramatically
42 since Act 250 started. Now there is so much duplication. Can we analyze this and identify the actual gaps?
43 Diane Snelling suggested that we define what we want to protect and then determine the best way to protect

1 it. David White added that would be a broader approach; while a specific gap analysis may be more
2 effective.

- 3 • Dana Hanley indicated that when she was at Act 250 there was a sense that municipalities would approve
4 any and all developments just to increase the tax base. That doesn't appear to be a valid concern any
5 longer.
- 6 • Ken Belliveau added that larger municipalities in Chittenden County have regulations that go hand in hand
7 with their plans. He has had great working relationships with district staff and the Commission as they
8 seem to support local decisions. The bigger challenge for Williston has been State agencies as applicants,
9 and conformance with local regulations. Diane Snelling added that they are working with state agencies
10 and departments for better coordination.
- 11 • David White suggested that we think about the process and experience from the applicant's perspective.
12 The applicant should not have to navigate all of the background decision making themselves. At the City
13 the applicant submits their application, and the staff works with the various departments to consolidate the
14 comments and reach consensus among technical reviews. Perhaps Act 250 can coordinate/facilitate all the
15 feedback and comments from all of the other state agencies and departments?
- 16 • While some of the other state permits may take some time, a lot of Act 250 reviews are completed under 30
17 days and 60 days; and a lot more get reviewed administratively.
- 18 • Jake Hemmerick suggested that we ask: 1. What do we want to protect; and 2. What benefit does Act 250
19 add to the protection of those resources? Perhaps it would be beneficial to look at jurisdictional designation
20 in areas planned for growth, based on adequate infrastructure and good zoning. Diane Snelling stated that
21 while that makes sense (and they have made it easier in downtowns), there is no consensus on making it
22 harder to build where we shouldn't build. Dana Hanley added that we can do that in local zoning, however
23 it is very difficult to take away the value of a rural landowners property when that is their only retirement.
- 24 • Regina Mahony asked if they are also looking at appeals; and stated that Act 250 isn't necessarily a
25 challenge to get through, but it provides an additional avenue for appeals from neighbors after they've
26 already had ample opportunity to appeal at the local level, and other state permits.
- 27 • Everett Marshall suggested that there could be some kind of hybrid jurisdiction for certain criteria
28 depending on the level of protection at the local level.

29
30 Diane Snelling explained a few other things they are working on: new website, electronic application, and scanning
31 older files. Diane Snelling and Donna Barlow-Casey thanked the PAC for their time and input.

32 33 **4. 2020 Census Local Update of Census Addresses Operation (LUCA)**

34 Regina Mahony explained that LUCA is the only opportunity offered to local governments to review and comment
35 on the U.S. Census Bureau's residential address list for their jurisdiction prior to the 2020 Census. The Census
36 Bureau relies on a complete and accurate address list to reach every living quarters and associated population for
37 inclusion in the census. Regina Mahony explained that the Census will send a notice to the "highest elected
38 official" in every municipality in July. Who knows where it will end up, so keep an eye out for it. No one has seen
39 anything like this yet.

40
41 If you are unable to participate in LUCA, you may designate an alternate reviewer for your government, such as
42 CCRPC. Does anyone anticipate requesting CCRPC's assistance with your LUCA? David White stated that they
43 may ask someone like Burlington Electric Department to do the review since they likely have the most relevant
44 data.

45
46 There was some discussion about updating e-911 and if that will make this process relatively seamless. Ideally,
47 that would be the case though there may be some challenges with condos/multi-family apartments. Hopefully there
48 will be a unique id that we can match the information to; but we don't have any further information at this time.

49
50 Regina Mahony asked the PAC members to please let her and Pam know if they would like assistance in this work.

51 52 **5. Consultant Selection Approval**

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1 Regina Mahony explained that CCRPC issued a Request for Qualifications (RFQ) to select qualified and innovative
2 consultants to provide a suite of services for a wide range of planning studies including land use planning. This is
3 something we've done on the transportation side for quite some time. It helps to get the projects started more
4 quickly when we have a pool of consultants to pull from, rather than doing RFPs for every single project in the
5 workplan.
6

7 After reviewing the proposals, the review committee (which Robin Pierce and Ken Belliveau participated in on
8 behalf of the PAC) determined that the experience offered by the consultants did not match the forecasted needs of
9 the CCRPC. Based on the limited number of land use projects in the FY18 Work Program, the CCRPC does not
10 anticipate a need to hire a consultant for land use work in FY18, with the exception of projects related to impact
11 fees. Therefore, given their impact fee experience, the committee recommends the selection of RSG to work on
12 impact fee projects. If we have more land use projects in the FY19 Work Program we may go out for another
13 planning-specific RFQ next spring.
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15 Ken Belliveau made a motion, seconded by Everett Marshall, to approve Resource Systems Group, Inc as
16 recommended by the selection committee, for impact fee projects under the RFQ for Planning, Engineering and
17 Environmental Services. No further discussion. MOTION PASSED.
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19 **6. Regional Act 250/Section 248 Projects on the Horizon**

- 20 • Milton – Milton Farms Banquet Hall on Duffy Road, new barn for agricultural and banquet hall use with
21 133 parking spaces. Bove's is also seeking an accessory use in Catamount. Old Dominion is locating in
22 Catamount.
- 23 • Burlington – nothing new.
- 24 • Huntington – nothing.
- 25 • Essex – nothing new.
- 26 • St. George – the mobile home park may be sold.
- 27 • Williston – S.D. Ireland is moving their cement operation from Burlington to their current location in
28 Williston. The Town is hoping to local a recreational path in an area that is an agricultural mitigation area.
29 Finney Crossing is adding a 100 room hotel.
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31 **7. Other Business**

- 32 a. Regina Mahony stated that she'll send out information on a good Fair Housing presentation that was
33 provided at the VLCT conference; and an Impact Fee Zoning Practice that could be useful.
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35 **8. Adjourn**

36 The meeting adjourned at 4:00 p.m.

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38 Respectfully submitted, Regina Mahony