

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

4 DATE: Wednesday, July 8, 2015
5 TIME: 2:30 p.m. to 4:30 p.m.
6 PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT

Members Present

Joss Besse, Bolton
Paul Conner, South Burlington
Ken Belliveau, Williston
Dana Hanley, Essex
Sarah McShane, Underhill
Jeannine McCrumb, Charlotte
Katherine Sonnick, Jericho
David White, Burlington
Jacob Hemmerick, Milton
Alex Weinhausen, Hinesburg

Melissa Manka, Westford
Dean Pierce, Shelburne
Sarah Hadd, Colchester

Staff

Regina Mahony, Planning Program Manager
Lee Krohn, Senior Planner
Emily Nosse-Leirer, Planner
Charlie Baker, Executive Director

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9 **1. Welcome and Introductions**

10 Joss Besse called the meeting to order at 2:37 p.m.
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12 **2. Approval of March 11, 2015 Minutes**

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14 Ken Belliveau made a motion, seconded by Dean Pierce to approve the March 11, 2015 minutes. No further
15 discussion. MOTION PASSED. Alex Weinhausen and David White abstained.
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17 **3. South Burlington Comprehensive Plan**

18 This is an initial review, and therefore no public hearing was held. Regina explained that the format is
19 different than what the PAC would typically see, however it is an initial review and we are expecting South
20 Burlington to come back to the PAC for the formal review.
21

22 Emily Nosse-Leirer conducted the CCRPC Staff review and described her recommendations. She explained
23 that the flood resiliency section could be strengthened combining the emergency management and blue
24 infrastructure sections. There were a few other suggestions that could be improved: housing and income;
25 unclear on education capacity, etc. Paul Conner thanked Emily for the thorough comments and explained that
26 they wanted to come here early for input prior to finalizing the Plan. Paul Conner described a few things about
27 the Plan including the new Future Land Use map – the planning area boundaries are purposefully fuzzy to
28 allow for some flexibility/adjustment at the more specific zoning district level.
29

30 Alex Weinhausen reiterated a comment made by Emily Nosse-Leirer and asked about the number of strategies
31 and how the City might prioritize them. Paul Conner explained that they moved about 70 strategies into an
32 “ongoing” section which helped a bit. So far they’ve been encouraging the Planning Commission (PC) to
33 establish a full list of everything that needs to be done then they will prioritize and identify a 5 year strategic
34 work plan. Alex asked if prioritization will be the responsibility of the PC or the City Council. Paul
35 explained that the PC’s first public outreach meeting will be to the City Council, and the Council will likely
36 want the PC to take the first stab at strategy prioritization and the shorter term work plan. Joss Besse asked if
37 the 5 year strategic work plan will likely be just for the PC or for the larger community; and Paul Conner
38 indicated that they are still thinking about the specifics of the strategic work plan.
39

40 There was a discussion regarding the strategy matrix that is referenced but not yet included in the draft. Paul
41 explained that this will be a cross matrix that describes which strategies address the City’s top ten goals, and is
42 hoping that the strategies that address most of the goals will help them prioritize. There was some discussion
43 regarding the typical strategy matrix in the back and the limitations on its usefulness; and the benefits (clear

1 and focused strategy for implementing the plan) and challenges (people may hold you to strategies that may
2 prove to be unrealistic; the Plan is a holistic document that should include all things that need to be
3 accomplished) associated with establishing a shorter prioritized strategy list. There was also discussion on
4 what a Plan can and can't do. For example, Dean Pierce mentioned that there is some limited benefit in tying
5 the Plan to the Capital Plan because the Planning Commission doesn't have authority over other Town
6 departments.

7
8 Dean Pierce indicated that he found the Plan to be very ambitious – he is particularly interested to see how all
9 of the housing goals will be met. In light of this, Dean Pierce asked CCRPC if they had any plans to produce
10 new housing guidelines as required in state statute. Regina Mahony explained that the ECOS Plan calls for
11 more housing at all levels everywhere – certainly less specific than the municipal housing targets previously
12 produced. Dean Pierce stated that Shelburne could use more specific targets. Regina Mahony indicated that
13 she will look into the statute requirements on this. Dean Pierce appreciated the discussion on the connections
14 with Shelburne, and indicated that there may be long-term (20 years down the road) growth pressure on
15 Shelburne but he doesn't have any concerns with the direction South Burlington is going in. Dean Pierce will
16 email Paul Conner the specific comments that he has on the Plan. Sarah Hadd was surprised to see how brief
17 the compatibility with other municipalities is because this is the section that can be used if a potential land use
18 on in a neighboring municipality is unwelcome. Sarah Hadd also suggested the addition of visuals to
19 geographically describe the neighborhood locations. Alex Weinhagen asked about the existing school
20 capacity. Paul Conner stated that they are not at capacity and don't expect to be. The school district is looking
21 at potentially closing 2 of the 3 elementary schools, building a new one and shifting other classes. Sarah Hadd
22 added that Colchester is also looking to consolidate two K-2 schools.

23
24 David White suggested a joint Burlington/South Burlington planning project to look at increased pedestrian
25 crossings on Shelburne Road, and mixed use infill. Joss suggested this as a potential UPWP project as multi-
26 municipal projects are ideal for the RPC's workplan. Paul Conner suggested other joint projects with
27 Williston as well. Ken Belliveau mentioned Muddy Brook and its potential to be listed as an impaired stream,
28 and whether their two municipalities should ensure collaborative protection measures on both sides. Paul
29 Conner indicated that it is impaired for turbidity already. So. Burlington has been pretty active on conserving
30 land along the brook. Williston has a 150' buffer; and So. Burlington has a 100' buffer.

31
32 Paul Conner indicated that they will likely come back to the PAC in November-ish; and he asked folks to send
33 him good examples of any of the sections discussed. Paul Conner also indicated that So. Burlington really
34 could/should have two state designated growth areas – K-mart area being the other area and they don't have
35 the tools necessary to make that happen.

36 37 **4. Legislation & Other Updates**

38 a. Water Quality/TMDL bill (H.35 – Act 64): Regina Mahony first described a few Chapter 117 changes that
39 came out of this bill (**attached**) – namely the addition of tactical basin plans to the water quality goal
40 (§4302(6)(B)). Regina Mahony then provided an overview of a few components of the Water Quality bill
41 including: a more robust Tactical Basin Planning outreach effort (the RPC's will be contracted to work
42 with the municipalities to ensure broad participation in these Plans); ANR may use the Tactical Basin
43 Plans to establish watershed-specific priorities for stormwater management; general permit for stormwater
44 runoff from municipal roads (this is new for the non-MS4 municipalities); ANR will study and report on
45 the potential lowering of the impervious surface threshold for stormwater permits from one acre to one-
46 half acre; a revenue source of 0.2 percent surcharge on the value of the property subject to the property
47 transfer tax; and municipal wastewater treatment plants must comply with a 0.80 milligram per liter
48 phosphorus discharge standard (even if State funding is not provided to the municipality). The summary
49 of the Act can be found [here](#). Charlie Baker explained that CCRPC is considering the establishment of a
50 Water Quality Committee (similar to the current TAC and PAC) to help prioritize the stormwater projects
51 in the Tactical Basin Plans and manage other CCRPC responsibilities under the new Act. The Water
52 Quality Committee will like meet at an adjacent time slot to the TAC as some of those members will

- 1 overlap.
- 2 b. The Energy Bill (H.40 – Act 56): Regina Mahony described a few of the relevant changes within the
3 Energy Bill:
- 4 i. Municipal party status in Section 248a proceedings.
- 5 ii. Statewide minimum setbacks for in-ground solar facilities > 15 kW, as measured from travel ways
6 and property lines.
- 7 iii. Authority has been provided for municipalities to establish screening bylaws (Ch 117, new
8 4414(15)) for ground-mounted solar facilities >15kW only for application in Section 248—no
9 local permits, administration or enforcement. There was quite a bit of discussion over the details
10 of this legislation – particularly regarding “Screening requirements under this subdivision shall not
11 be more restrictive than screening requirements applied to commercial development in the
12 municipality...” Screening requirements may change depending on the zoning district so this is
13 not very clear.
- 14 c. 10 year Municipal Plan – VPA will continue to work on this in the Summer/Fall. There was some
15 discussion regarding concern from the other RPC’s. Sarah Hadd indicated that the bill came up relatively
16 quickly for some people and there was some debate over whether this change should be partnered with a
17 larger look at the goals and elements in Chapter 117.
- 18 d. All Hazard Mitigation Plan (AHMP) municipal meetings – Municipal outreach will begin in Sept & Oct,
19 with drafts of the annexes done in the winter. Still working on a schedule and will discuss more with the
20 AHMP Committee on Sept. 9th.

21 **5. Regional Act 250/Section 248 Projects in the Horizon**

- 22 • So. Burlington – Pillsbury manor senior housing expansion on Williston road, and an application for
- 23 BJs has been submitted near the Williston border on 9.82 acres (so may avoid Act 250).
- 24 • Colchester – The VT Respite House is looking to relocate to Colchester south of the village off of
- 25 Roosevelt highway on an 88 acre parcel. St. Mike’s is working on a new residential hall.
- 26 • Shelburne – nothing
- 27 • Westford – 13 lot subdivision in residential area.
- 28 • Williston – submittal by GMP to build a 5 megawatt solar array – going to be the largest in the state
- 29 on Mtn. View Road owned by GLOBALFOUNDRIES. 60 acre parcel.
- 30 • Bolton – nothing
- 31 • Jericho – market in Act 250 now and has been working with CCRPC on traffic related issues
- 32 • Hinesburg – nothing new
- 33 • Milton – nothing
- 34 • Burlington – Burlington Town Center don’t know Act 250 obligations yet; City Market just
- 35 announced purchase of property on Flynn Ave.; Burlington College still in community outreach.
- 36
- 37

38 **6. Other Business**

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- 40 a. Congrats to Melissa Manka, VPA Professional Planner of the Year!
- 41 b. [Downtown and Village Tax Credit Program](#). This year, legislative changes to the program include updates
42 to make the tax credits more useful and effective. A new tax credit, of up to \$40,000, is now available for
43 affordable elevators known as LULAs (Limited Use Limited Application), and the cap for state building
44 code-required improvements increases from \$25,000 to \$50,000.
- 45 c. Sustainable Communities Network info - [SCLearningNetwork.org](#). Great resources from the HUD
46 Sustainable Communities grant program are now available to everyone.
- 47 d. APA Sign Webinar on Thursday, July 30th from 1pm to 2:30pm: This webcast will discuss what local
48 governments need to do to ensure that their sign codes comply with the U.S. Supreme Court's June 2015
49 decision in Reed v. Town of Gilbert. This is free but if anyone wants to come here and watch it as a group
50 we have the Main Conference Room booked for it.
- 51 e. FEMA mitigation grant funds available for damages resulting from the severe winter storm which

1 occurred on Dec. 9-12, 2014. Applications can be downloaded from the DEMHS website at:
2 www.vem.vermont.gov. There is also a grant program available from the Lake Champlain Basin Program
3 that can be found here: <http://www.lcbp.org/about-us/grants-rfps/available-grants/>

- 4 f. Local Foods, Local Places will provide direct technical support to selected communities. A team of experts
5 will help community members develop action plans that use local foods to support healthy families and
6 communities and to drive downtown and neighborhood revitalization. The assistance process features a
7 community workshop that brings people together to develop shared goals and steps to achieve them. For
8 more information and a link to the application, visit [http://www2.epa.gov/smart-growth/local-foods-local-](http://www2.epa.gov/smart-growth/local-foods-local-places)
9 [places](http://www2.epa.gov/smart-growth/local-foods-local-places).
- 10 g. There is a good APA Cell Tower article which may be of interest – printed copies are available.
- 11 h. Regional Energy Forums - to solicit Vermonters' thoughts on how the state can meet its energy goals –
12 and energy needs – in the coming years. The input will inform the next revision of Vermont's long-range,
13 Comprehensive Energy Plan. A final plan is due to the Legislature in December. July 9th in Woodstock;
14 July 16th in Middlebury; July 20th in Manchester; and July 23rd in St. Albans.
- 15 i. Written comments are welcome at (<https://www.surveymonkey.com/s/vtcepOC> ([link is](#)
16 [external](#))) by **July 24, 2015**.
- 17 ii. You may also provide comment in response to specific questions raised by the Department
18 at (<https://www.surveymonkey.com/s/vtcepFQ> ([link is external](#))) by **July 24, 2015**. Throughout
19 the spring and summer, the PSD is particularly interested in public input on the questions
20 contained in [this document \(link is external\)](#).
- 21 i. Food Insecurity Fact Sheets are now available – printed copies are available.
- 22 j. Your next PAC and AHMP meeting is September 9th, 2015 at 2:30pm to 3:30pm. This is the same day as
23 ANR/VTrans Municipal Day. There was little familiarity in the room regarding the Municipal Day.
24 Regina Mahony will provide this information to the PAC and follow-up to determine if there is a need to
25 re-schedule the meeting.
26

27 **7. Adjourn**

28 The meeting adjourned at 4:24 p.m. The next meeting will take place on September 9th, 2015 at 2:30pm to
29 3:30pm. We will follow this with the next AHMP Committee meeting.
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31 Respectfully submitted, Regina Mahony

The Clean Water Act (H.35) and Its Effects on 24 VSA Chapter 117

The Vermont Legislature's website states that the following statutes will be affected:

§ 4302. Purpose; goals

Goal 6, "To maintain and improve the quality of air, water, wildlife, and land resources," has an added Goal B:

(B) Vermont's water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

§ 4413. Limitations on municipal bylaws

The section on agricultural and silvicultural practices now reads:

(d) A bylaw under this chapter shall not regulate ~~accepted~~ required agricultural ~~and silvicultural~~ practices, including the construction of farm structures, as those practices are defined by the ~~secretary of agriculture, food and markets~~ Secretary of Agriculture, Food and Markets or ~~the commissioner of forests, parks and recreation, respectively,~~ ~~under 10 V.S.A. §§ 1021(f) and 1259(f) and 6 V.S.A. § 4810~~ accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices which are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation.

§ 4348. Adoption and amendment of regional plan

§4348(c) is amended to add the Agency of Natural Resources and the Agency of Agriculture, Food and Markets to the list of parties to which a plan must be distributed 30 days before a hearing.

§ 4348a. Elements of a regional plan

A regional plan must now include "A statement of policies on the...(B) protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253"