Agenda
Executive Committee
Wednesday, August 2, 2017 – 5:45 p.m.
Small Conference Room, CCRPC Offices
110 West Canal Street, Suite 202, Winooski, VT

1. Changes to the Agenda, Members’ Items

2. Approval of July 5, 2017 Executive Committee Meeting Minutes* (Action)

3. Act 250 & Sec 248 Applications*
   a. Cambrian Rise, Burlington, #4C1301 (Action)

4. FY18-21 Transportation Improvement Program ratification* (Action)

5. Clean Water Fund Board comments* (Action)

6. Chair/Executive Director Report (Discussion)
   a. Building Homes Together Campaign*
   b. Municipal Roads General Permit

7. Agenda Review – No August Meeting (Discussion)

8. Other Business (Discussion)

9. Executive Session – if needed (Action)

10. Adjournment (Action)

*Attachments

NEXT MEETING – Executive Committee – Wed. September 6, 2017; 5:45 p.m.

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Date: Wednesday, July 5, 2017
Time: 5:45 p.m.
Place: CCRPC Offices; 110 W. Canal Street; suite 202; Winooski, VT 05404
Present: Chris Roy, Chair  
Mike O’Brien, Vice-Chair  
Brian Bigelow, Secretary-Treasurer  
Barbara Elliott, At-Large  
John Zicconi, At-Large  
Staff: Charlie Baker, Executive Director  
Regina Mahony, Planning Program Manager  
Forest Cohen, Senior Business Mgr.  
Bernie Ferenc, Trans. Business Manager

The meeting was called to order at 5:45 p.m. by the Chair, Chris Roy.

1. **Changes to the agenda; Members’ Items.** There were none.

2. **Approval of June 7, 2017 Executive Committee Meeting Minutes.** MIKE O’BRIEN MADE A MOTION, SECONDED BY BRIAN BIGELOW, TO APPROVE THE JUNE 7, 2017 EXECUTIVE COMMITTEE MEETING MINUTES WITH ANY EDITS. Mike suggested on page 2, line 6 that we soften the language. We will change it to read “…had indicated that they believe they would maintain a more positive working relationship with Sullivan Powers & Co. Barbara Elliott noted a change on page 3, line 4 to change “these’ to “there”. MOTION CARRIED UNANIMOUSLY TO APPROVE THE MINUTES WITH EDITS.

3. **Act250/Section 248 Applications:**
   a. **Cambrian Rise, Burlington, #4C1301.** This project is on the former Diocese property on North Avenue. There is a pre-hearing and site visit set for next week, but no hearing is scheduled yet, but she wanted members to know what’s coming. She did just email District #4 to see why this isn’t exempt under the new rules. We have no traffic comments yet.
   b. **O’Brien Farm Road, LLC; South Burlington, application #4C1106-3.** This is for a development of 39.16 acres of land adjacent to Old Farm Road/Kennedy Drive/Eldredge Street & Kimball Avenue into a PUD with 118 residential units on footprint lots, along with six large residential/mixed use development lots, park space, and open space. This project seeks review of the residential units and associated infrastructure, and only partial findings for the six large residential/mixed use lots. The project has received master plan approval from the South Burlington Development Review Board, but each individual phase will be subject to site plan approval. The only issue we found was the LOS at Hinesburg Rd./Kimball intersection was quite different in a traffic engineering study done by Lamoureux & Dickinson dated August 2016 for this project showing LOS “D”; and the study done by Green International Affiliates in August 2015 for VTrans in conjunction with the culvert reconstruction currently underway just north of the intersection on Rt. 116 showing LOS “E”. A brief discussion about LOS “F” not always being equal – depending on the location-urban vs. rural. Regina noted we had this discussion in the ECOS plan development and we wanted to come up with a policy, but VTrans was working on a policy to address this issue. This issue remains unresolved. It was noted that LOS “F” is not always a bad thing and doesn’t mean the intersection is failing. Chris Roy suggested that we inform a municipality, but leave it up to them as to whether they feel LOS “F” is a bad thing. Regina said we could not be so negative about LOS “F” in the letter. JOHN ZICCONI MADE A MOTION TO APPROVE THE LETTER TO THE D.E.C. #4 WITH CHANGES AS DISCUSSED. MIKE O’BRIEN
SECONDED. Mike noted that he has worked on property in both applications, B & C, but the work was totally unrelated, so he will vote on these letters. VOTE: MOTION CARRIED UNANIMOUSLY.

c. Allen Brook Development, Essex, Application #4C0329-21. This is a development off of Allen Martin Drive in Essex. We find the project is in the area defined for growth, it meets requirements for Criterion 9(L), and going forward we suggest that the fee structure for additional development in this area should be reexamined in light of the town’s preferred alternative of a traffic signal at VT 15/Allen Martin Drive. JOHN ZICCONI MADE A MOTION TO APPROVE THE LETTER TO D.E.C. #4 AS DRAFTED. BRIAN BIGELOW SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

4. Energy Planning. Regina noted that we’ve refined and gathered additional information regarding the siting policy for the ECOS Plan. Regina, Emily and Melanie have been reviewing the natural resources constraints that towns do not feel would be appropriate for wind or solar. The original spreadsheet in your packet includes known constraints in nine municipalities; further inspection reduces that to about four or five towns that have zoning that 100% protects areas from all development. We know we can meet the renewable generation targets with the constraints as the municipalities originally asked for them; and we’ve pulled more out of the known/100% no-build category so we should still be able to meet the targets. We also received feedback from the municipal energy committees/planning commissions in response to this question (referred to as Question 4 on your spreadsheet): Do you want your regional plan (ECOS plan) to prohibit energy generation in areas with state and local known constraints? In other words, should we have a strong “shall” statement? Half of the municipalities did not provide a response to this question. One said they don’t want to answer until we get feedback from DPS. The other half said yes, we should do this. Regina and Melanie talked to staff at DPS. They will be comparing our plan to the Act 174 guidelines. They won’t care about whether we say “shall” or “should” or “maybe”. They will be checking to be sure we’re treating all development equally. Regina said what we think that means is we’d have to identify areas that are no-build zones for everything, not just wind and solar. Charlie said the question to the board is whether we should say “shall” not or “should” not. We have maps that show the constraints and then we need policy statements to describe how to use the maps. Discussion continued. Charlie said if we adopt the “should” course, the town will have to develop an energy plan to protect the resources. If we say “shall” based upon the Town having done strong zoning work we would be supporting their local regulations at the Public Utilities Commission (new name for the Public Service Board). Lengthy discussion continued. Having a regional energy plan is a pre-requisite to municipal energy plans. John asked how far we have to go if we put in these constraints. Mike O’Brien is in favor of having this be guidance and not put in roadblocks. He feels we should use “should” language and let the towns decide for themselves. Town energy plan has to be consistent with the regional plan for CCRPC to certify their plan after we have a certified regional plan. Towns can go to DPS with a plan through June 2018. We should have a certified regional energy plan by July 2018 and then the towns come to RPC’s for certification of their local energy plan. Regina – do you want the full board to discuss this, or would you like us to get comments from the municipal elected officials first (vs. the planning commissions and conservation committees we already heard from)? Chris Roy said we should give members a choice of A or B. Should board members be asked direction or do we check with legislative bodies? Chris feels we as an RPC need to decide this. We should have discussion at the July meeting and give staff direction since we don’t meet in August. We are reviewing the work the municipalities did to protect a resource such as zoning work. Did a municipality do a good job on the natural resource regulations? Regina noted it is pretty difficult to regulate regionally when it’s really town-by-town
Discussion continued about whether we use “shall” and if we’re ready to hire experts to deal with this. Chris feels that constraints for renewable energy sources are very different for wind turbines vs. solar farms. Regina said in the discussion with DPS, they said we could talk about scale and what makes sense in certain areas. She noted that all the maps are GIS data layers subject to inaccuracies. So they will provide a visual aid in the plan, but not site level information. The list of restrictions must be defined and then they’d have to be site verified. Lengthy discussion continued. If we want to say “shall,” we’re not putting anything in our plan that hasn’t been included in the local plans or zoning regulations. Plans can be just inspirational documents without being regulatory, it is a matter of what tone the town or region wants to take. Staff will prepare information for the Board packet.

5. **Resolutions to recognize employee service & board recognition.** Staff has prepared resolutions recognizing three staff members who celebrate their 10th anniversary at CCRPC: Eleni Churchill, Bryan Davis and Jason Charest. Marc Landry has been replaced as Colchester’s RPC representative, so we also want to recognize his twelve years of service. BARBARA ELLIOTT MADE A MOTION TO RECOMMEND THE BOARD ADOPT ALL FOUR RESOLUTIONS. MIKE O’BRIEN SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

6. **Recommend FY18 Meeting Schedule to Board.** Staff presented a schedule of meeting dates for the Board and Executive Committee meetings for FY18. BARBARA ELLIOTT MADE A MOTION, SECONDED BY MIKE O’BRIEN, TO RECOMMEND THE BOARD APPROVE THE FY18 MEETING SCHEDULE. MOTION CARRIED UNANIMOUSLY.

7. **Review Commission Committees/members.** Members reviewed current list of board members on various committees. It was noted that Sandy Dooley and Marc Landry are no longer rep or alternate, so we need new board members on the Board Development Committee and Long Range Planning Committee respectfully. We will solicit board members who are not currently serving on any committee to serve. We will ask Bard Hill to serve on Long Range Planning Committee and Jeff Bartley of Colchester to serve on FY19 UPWP Committee.

8. **Chair/Executive Director’s Update.**
   a. **Priorities for the next year.** Include water quality funding and various grants. RPCs statewide got $1.5 million for Water Quality block grant. Southern Windsor RPC is the lead RPC for construction projects on the capital eligible list. We will also be updating our ECOS Plan with a new Energy section, the MTP (Metropolitan Transportation Plan) and CEDS (Community Economic Development Strategy). Charlie noted that a consultant was here a couple of week ago – Urban3 out of North Carolina. They are looking at data around how we use land. There is a conversation with several folks to try to do this analysis statewide since it might be helpful for decision-making. He will send members the link to a video.
   b. **Shared Dispatch Services update.** This effort is going well. Aaron Frank of Colchester has been doing a lot of number crunching on project costs. We are still on track to have this put on town meeting agendas for March.
   c. **Building Homes Together Campaign.** It was noted that we have 600 new residences in each of the last two years; and it’s looking like 962 for last year. This is the first year they have included demolitions. John Zicconi suggest we show trends in this spreadsheet.

9. **Agenda Review – July 19th meeting.** Members reviewed and made changes to the draft agenda.
10. **Other Business.** There was none.

11. **Executive Session.** None needed.

12. **Adjournment.** MIKE O’BRIEN MADE A MOTION TO ADJOURN AT 7:18 P.M. BARBARA ELLIOTT SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Bernadette Ferenc
July 10, 2017

Stephanie Monaghan
District #4 Coordinator
111 West Street
Essex Junction, VT 05452

RE: Cambrian Rise; Burlington; Application #4C1301 – DRAFT

Dear Ms. Monaghan:

The Chittenden County Regional Planning Commission’s Staff and Executive Committee have reviewed this Act 250 application for a Project described as the creation of a 10-lot subdivision, along with construction of 12 new buildings with 739 residential units, 18,000 square feet of non-residential support/amenity space, 49,000 square feet of neighborhood oriented commercial space, 42-room hotel, 1,084 off-street parking spaces, and 2,250 linear feet of public roadway with supporting landscaping and utility infrastructure. The Project is located at 311-375 North Avenue in Burlington, VT. The City of Burlington’s Development Review Board has approved the project. We offer the following comments:

The project is located within the Metro Planning Area as defined in the Chittenden County Regional Plan, entitled the 2013 Chittenden County ECOS Plan. We find this project to be consistent with the Planning Areas for the following reasons:

1. The Center Planning Area is identified in the Plan as an area planned for growth, and therefore this project helps implement Strategy #2 of the Plan, which calls for 80% of new development in the areas planned for growth.
2. The project is proposed in a state-designated Neighborhood Development Area and is served by municipal water and sewer, is served by a CCTA transit route and is within walking distance to many services.
3. The density and uses are consistent with the local regulations.

Therefore, we find this project to be in conformance with the Planning Areas of the 2013 Chittenden County Regional Plan.

Additionally, we find that this project complies with Criterion 9(L), as it is located in a state-designated Neighborhood Development Area.

We concur with the overall findings of the traffic study conducted by RSG dated December 21, 2016. The applicant proposes several Transportation Demand Management efforts including the placement of a CarShare car on the property, joining CATMA, and heated transit shelter. In addition, when coupled with the existing and proposed multimodal infrastructure, the project’s proximity to amenities on site and off reduce the need to make trips by car.

Due to the detailed level of development review in most Chittenden County municipalities and the environmental permit reviews at the Department of Environmental Conservation, CCRPC will give specific attention in its Act 250 reviews to the type of use and the Planning Areas section of the 2013 Chittenden County ECOS Plan. While there are many other topics covered in the 2013 Chittenden County ECOS Plan, there has been significant analysis at the Regional level regarding transportation impacts. The CCRPC will also focus its attention on transportation, where appropriate, in accordance with the Metropolitan Transportation Plan, which is within the 2013 Chittenden County ECOS Plan.
These comments are based on information currently available; we may have additional comments as the process continues. Please feel free to contact me should you have any questions.

Sincerely,

Charlie Baker
Executive Director

Cc: CCRPC Board
   Certificate of Service
Federal regulations require the Chittenden County Regional Planning Commission (CCRPC), as the designated Metropolitan Planning Organization (MPO) for Chittenden County, to develop and maintain a Transportation Improvement Program (TIP). The TIP contains funding information for transportation projects proposed to spend federal transportation funds in Chittenden County. Projects must be listed in the TIP to spend federal transportation funds. The TIP includes all modes of transportation including highways, bicycle and pedestrian facilities and transit.

The TIP covers a four-year period and it must be fiscally-constrained. It is typically updated every year with the assistance of the Transportation Advisory Committee (TAC), the Vermont Agency of Transportation (VTrans), Green Mountain Transit (GMT) and Burlington International Airport.

The TIP lists federal funding amounts in the federal fiscal year when they are expected to be needed. It should be noted that the TIP is a planning and not a budget document. The TIP represents the intent to construct or implement a specific project and the anticipated flow of federal funds. Funds correspond to the following project development phases:

- Scoping – a process that develops safe and effective alternatives based on documented rational that meet the stated purpose and need while minimizing environmental impacts
- Preliminary Engineering – detailed design of the preferred alternative
- Right-of-Way - process of determining if land rights are needed for construction and negotiation of appropriate compensation
- Construction

The Draft Fiscal Year 2018–2021 TIP is available on CCRPC’s website http://www.ccrpcvt.org/our-work/our-plans/transportation-improvement-program/. Please contact Christine if you wish to receive a paper copy.

TAC Recommendation:
Recommend that the Board approve the FY2018-2021 TIP.

Board Action:
TO APPROVE THE TIP AFTER THE WARNING PERIOD ENDS ON JULY 28TH AND HAVE THE EXECUTIVE COMMITTEE RATIFY IT AT THEIR MEETING ON AUGUST 2ND.

For more information contact:
Christine Forde
846-4490 ext. *13 or cforde@ccrpcvt.org
DRAFT July 19th Board meeting minutes excerpt:
CCRPC comments on State Treasurer’s Clean Water Report. Charlie noted that comments are due to the state by August 2nd. The Clean Water Advisory Committee (CWAC) talked about this and added some comments to the memo the board had approved previously. Don Meals is concerned that not all of the CWAC members have seen this version and asked that this be on their agenda for the August 1st meeting. That way they entire committee can act on it and then the Executive Committee can take final action at their meeting on August 2nd. It was noted that this is not the only time in the process that we will be asked for comments. After a brief discussion DON MEALS MADE A MOTION TO REFER THIS TO THE CWAC. SHARON MURRAY SECONDED AND THE MOTION CARRIED UNANIMOUSLY.

CCRPC Comments on the State Treasurer’s Clean Water Report, Required by Act 64 of 2015
Approved by the CCRPC Board on XXXX (needs to be updated – CB)

The Clean Water Advisory Committee thanks the State’s Clean Water Fund Board for this opportunity to comment publicly on the water quality funding decision making process. While the provided survey has been made available to our Committee members we would like to take the opportunity to provide more detailed comments from a municipal perspective. We appreciate your valuable time and efforts on this issue of paramount concern for all Vermonters.

State-Wide Per Parcel Fee:
We endorse the implementation of a State-wide funding per parcel fee which spreads the costs of water quality improvements among all Vermonters. This type of “all in” approach would incorporate all properties including those which are exempt from property taxes while establishing a direct nexus between development and water resources issues, that of impervious cover.

As appropriate as the State-wide fee is as a funding method, multiple municipalities have previously implemented a per parcel fee in the form of a stormwater utility. The CWAC asks the CWFB to formally recognize existing stormwater utilities and allow them the flexibility to continue to meet State permitting and TMDL requirements through the funding mechanisms they already have in place.

Property owners/municipalities with existing stormwater fees should not be “double charged”. To avoid double charging stormwater utilities it is suggested that utilities be exempt from state fees which are lesser than a municipal fee. If state fees are greater than any given municipal fee it may be appropriate for those municipalities to contribute the difference between the two fees to the Clean Water Fund. Essentially, any statewide fee levied for the purpose of water quality should not reduce funding of municipal stormwater programs/utilities, nor should a municipalities local management of stormwater render it ineligible for grant/loan programs.

Collection of Per Parcel Fees:
While collection may be most cost effective if administered at the state level, a detailed analysis of the cost of administration for the available options is needed. Municipalities have major concerns about being asked to bill on behalf of the state including tax exempt properties that do not receive municipal bills. Accordingly, the CWAC suggests that an analysis is performed to determine the collection method which has the lowest administrative cost. Regardless of state collection, local/regional collection, or a third party collection similar to Efficiency Vermont, the method resulting in the lowest administrative costs will provide the greatest amount of capital funds for water quality improvements.
Long Term Costs of Operation and Maintenance:
It is important to keep in mind that costs estimated in the recent Treasurers Report do not include project planning and development costs or ongoing operating and maintenance costs, which may be as much or more than the capital costs on an annual basis and are ongoing. Considering these additional project planning and development costs and the operating and maintenance costs which continue in perpetuity, the State should raise enough revenue to cover no less than 80% of capital costs.

Funding Efforts and State/Municipal Communication:
Vermont DEC recently created a number of new water quality funding programs. Unfortunately, these new programs had a very tight turnaround time which didn’t allow municipalities time to plan or budget according to funding eligibility requirements. Leading up to the most recent round of grants, municipalities were contacted by multiple branches of DEC, neither of which described the context of their information requests. This lack of background from the State resulted in confusion and inadequate information sharing at the municipal level. The grant application period is also occurring at a time of year when it is very difficult for municipalities to pull new projects together (during summer construction season). These funding programs are also predominantly for construction and do not provide significant funding for project development (i.e. engineering). In the future, it would be helpful for State staff to be more forthcoming and transparent with the reasoning behind their requests in addition to coordinating their efforts to prevent municipalities answering similar questions multiple times. For future state/municipal coordination efforts careful consideration of funding timelines, to include traditional bidding and construction schedules and capital planning processes, is requested.

Municipalities have been told that the reason for these issues is that the legislature has put pressure on DEC to spend enough FY18 funds to facilitate receiving adequate FY19 funds. However, since we (municipalities) weren’t given a reasonable amount of time to develop and plan projects it will be difficult to utilize these funds to the extent that DEC and others are hoping. This is further exacerbated by the fact that DEC is offering solely a 50% grant for MS4 communities (as opposed to the 80% grant for non-MS4’s). This grant allocation punishes the communities which have performed the most advanced planning level efforts as part of their Flow Restoration Plans, and are therefore more likely to have “shovel ready” projects for implementation. CWAC members have been told that the reason for this is to facilitate the geographic spread of projects across the State. While this is a reasonable policy goal, it is unreasonable to strive for geographic equity in each fiscal year when certain areas of the State may require different levels of effort at varying times. Geographic equity may take place over a number of years therefore allowing the state to provide an influx of funds when and where needed.

Clean Water Fund Allocations:
Clean Water Funds should be prioritizing the development (i.e., engineering) and implementation (i.e., construction) of both municipal and agricultural water quality projects. Over the short term (2-5 years), the Clean Water Funds should simultaneously allow for significant project development and not solely focus on construction. Over the longer term (5-20 years), the Clean Water Fund Board can continue to increase the percentage of implementation projects while phasing out engineering efforts.

Ultimately, when it comes to constructing water quality improvements, municipalities have the potential to be DEC’s largest, most cooperative, and most effective partners. As such, the funding programs developed by DEC will be far more successful if they take into account the suggestions above and consider the timelines by which municipalities operate.