

# REGULAR MEETING & PUBLIC HEARING AGENDA



Wednesday, November 19, 2014 - 6:00 p.m.  
CCRPC Offices; 110 W. Canal Street, Suite 202  
Winooski, VT 05404

## CONSENT AGENDA –

C.1

## DELIBERATIVE AGENDA

1. Call to Order; Changes to the Agenda
  2. Public Comment Period on Items NOT on the Agenda
  3. Action on Consent Agenda (MPO Business) (Action; 5 min.)
  4. Approve Minutes of October 15, 2014 Meeting\* (Action; 5 min.)
  5. Public Hearing & Approval of TIP Amendment – Colchester Park & Ride\* (Action; 5 min.)
  6. FY14 Audit Presentation & Acceptance (Sullivan Powers & Co.)\* (Action: 20 min.)
  7. TMDL recommendations\* (Information: 10 min.)
  8. Presentation on Basin 5 Plan - Karen Bates, ANR (Information: 40 min.)
  9. Town Plan Approval for Jericho Town Plan Amendments\* (Action: 5 min.)
  10. Permit Improvement Recommendations\* (Action: 20 min.)
  11. Executive and MPO Directors' Updates (Information; 15 min.)
    - a. Electronic voting question
    - b. Legislative Breakfast – Dec. 18<sup>th</sup>, 7:30 am at the DoubleTree
    - c. ECOS State of the County themes?
    - d. FY16 UPWP Outreach to Communities
    - e. Monthly Project Status Report\* (sent separately)
  12. Committee/Liaison Activities & Reports (Information, 5 min.)
    - a. Executive Committee (draft minutes Nov. 5th)\*
      - i. Act 250/Sec 248 letters\*
    - b. Transportation Advisory Committee (draft minutes Nov. 4, 2014)\*
    - c. Permit Improvement Committee (draft minutes October 21, 2014)\*
  13. Members' Items, Other Business (Information, 5 min.)
  14. Adjourn
- \*=Attachments

The Nov. 19<sup>th</sup> Chittenden County RPC meeting will air on Tuesday, December 2nd, 2014 at 8 p.m. and repeat on Wednesday, December 3<sup>rd</sup> at 1 a.m. and 7 a.m. It can be viewed online at:  
<http://www.cctv.org/watch-tv/programs/chittenden-county-regional-planning-commission-45>

## Upcoming Meetings - Unless otherwise noted, all meetings are held at our offices:

- Transportation Advisory Committee – Tuesday, December 2, 2014; 9:00 a.m.
- Executive Committee, Wednesday, December 3, 2014; 5:45 p.m.
- Legislative Breakfast – Thursday, December 18, 2014 at the DoubleTree Hotel, So. Burl.
- Executive Committee, Wednesday, January 7, 2015; 5:45 p.m.
- Planning Advisory Committee – Wednesday, January 14, 2015; 2:30-4:30 p.m.
- CCRPC Meeting - Wednesday, January 21, 2015; 6:00 p.m.

1 **Chittenden County Regional Planning Commission**  
2 **Regular Meeting Minutes DRAFT**

3  
4 **Date:** Wednesday, October 15, 2014

5 **Time:** 6:00 p.m.

6 **Place:** CCRPC Offices; 110 W. Canal Street, Suite 202, Winooski, VT 05404

7 **Members:**

8 Bolton, Joss Besse	20 St. George, Barbara Young
9 Buels Gore, Absent	21 Shelburne, Absent
10 Burlington, Andy Montroll	22 So. Burlington, Chris Shaw
11 Charlotte, Jim Donovan	23 Underhill, Brian Bigelow
12 Colchester, Marc Landry	24 Westford, Absent
13 Essex, Jeff Carr	25 Williston, Chris Roy
14 Essex Junction, Dan Kerin	26 Winooski, Mike O'Brien (6:30)
15 Hinesburg, Andrea Morgante	27 VTrans, Amy Bell
16 Huntington, Absent	28 Socio/Econ/Housing, Justin Dextrateur
17 Jericho, Catherine McMains	29 Conservation/Environment, Don Meals
18 Milton, Absent	30 Industrial/Business, bsent
19 Richmond, Chris Granda	31 Agriculture, No Representative

32  
33 **Ex-Officio (non-voting):**

34 Burlington Int'l Airport, Absent	37 FTA, Absent
35 CCTA, Absent	38 Railroad Industry, Absent
36 FHWA, Absent	

39 **Others:**

40 Matthew Langham, VTrans	44 Ted Wimpey, Burlington Resident
41 Diane Meyerhoff, Third Sector Assoc.	45 Josh Bagnato, TDI New England
42 Scott Moody, CCTV	46 David Scherr, Buel's Gore PAC Rep.
43 Deb Ingram PPP Committee Chair	

47 **Staff:**

48 Michele Boomhower, Asst./MPO Director	52 Peter Keating, Senior Trans. Planner
49 Forest Cohen, Business Manager	53 Emma Long, Communication Manager
50 Bernadette Ferenc, Trans. Business Mgr.	54 Regina Mahony, Senior Planner
51 Christine Forde, Senior Trans. Planner	55 Melanie Needle, Senior Planner

56  
57 **1. Call to Order; Changes to the Agenda**

58 The meeting was called to order at 6:03PM by the Chair, Andy Montroll. Andy noted one change to the  
59 agenda; for the consent agenda item, the recommended action is to accept the communication and  
60 place it on file.

61  
62 **2. Public Comment Period on Items NOT on the Agenda.** There were none.

63  
64 **3. Approve Consent Agenda (MPO Business).**

65 JEFF CARR MADE A MOTION, DULY SECONDED BY JIM DONOVAN, TO ACCEPT THE CONSENT AGENDA  
66 FOR THE COMMUNICATION REGARDING EXPEDITED AMENDMENTS TO THE FY2014 TRANSPORTATION  
67 IMPROVEMENT PROGRAM. THE ACTIVITY IS PERMANENT REPAIRS TO TWO CULVERTS ON THE I-89  
68 SOUTHBOUND LANES IN MILTON. THE MOTION CARRIED UNANIMOUSLY.

1 **4. Approve Minutes of September 17, 2014 Meeting**

2 CATHERINE MCMAINS MADE A MOTION, DULY SECONDED BY CHRIS GRANDA, TO APPROVE THE  
3 MINUTES OF SEPTEMBER 17, 2014. THE MOTION CARRIED UNANIMOUSLY WITH FOUR ABSTENTIONS  
4 FROM JOSS BESSE, JIM DONOVAN, DON MEALS, AND CHRIS ROY.

5  
6 **5. Warn Public Hearing for TIP Amendment – Colchester Park & Ride**

7 Christine Forde of the CCRPC staff explained that the proposed Colchester Park & Ride, a new project,  
8 requires a major amendment to the Transportation Improvement Program (TIP). The proposed facility  
9 will be located at an existing parking lot on the west side of US Routes 2 and 7 just north of Interstate  
10 89 Exit 16 and opposite Hercules Drive. VTrans is considering buying the property and building the Park  
11 & Ride for a total cost of \$1.2 million. JEFF CARR MADE A MOTION, DULY SECONDED BY JIM  
12 DONOVAN, TO WARN A PUBLIC HEARING ON THE PROPOSED TIP AMENDMENT FOR THE NOVEMBER  
13 19, 2014 BOARD MEETING. THE MOTION CARRIED UNANIMOUSLY.

14  
15 **6. Public Hearing on the Public Participation Plan**

16 **6a. Presentation:** Michele Boomhower, CCRPC Assistant/MPO Director, introduced Emma Long, CCRPC  
17 Communications Manager, and Debbie Ingram, the Williston CCRPC Alternative and Chair of the Public  
18 Participation Advisory Committee. Emma explained that the plan is an update from the previous 2008  
19 version and is the methodology for involving the public in CCRPC's work. The advisory committee met  
20 for over a year; the draft plan before the Board is the result of that work. Debbie Ingram noted that  
21 although the plan is a federal requirement, it is an important document for the organization. As the  
22 county's demographics are changing, we have to be intentional in reaching those who traditionally  
23 have not been heard. Part of what came to light at the advisory committee level is that some members  
24 of our community need a stipend to participate. Residents with hourly jobs, young children at home,  
25 and lack of transportation find it difficult to participate in our activities. The stipend is meant to enable  
26 these people to participate.

27  
28 **6b: Public Hearing:** Chair Andy Montroll opened the public hearing at 6:22PM. There were no public  
29 comments either at the hearing or during the public comment period. Chris Jolly of FHWA provided  
30 minor comments on the plan today; he noted in his communication that his comments should not  
31 prohibit the Board from acting tonight. Chair Andy Montroll closed the hearing at 6:23PM.

32  
33 **6c. Board Adoption:** CHRIS GRANDA MADE A MOTION, DULY SECONDED BY CATHERINE MCMAINS, TO  
34 ADOPT THE CCRPC PUBLIC PARTICIPATION PLAN WITH MINOR REVISIONS AS RECOMMENDED BY  
35 STAFF. THE MOTION CARRIED UNANIMOUSLY.

36  
37 **7. Presentation of the Proposed [New England Clean Power Link Project](#)**

38 Josh Bagnato, Project Manager of the TDI New England Clean Power Link Project, explained that the  
39 proposed project will transmit 1,000 megawatts of electricity. The cost, \$1.2 billion, is being funded by  
40 Blackstone, a private equity firm. It will bring power from Canada to Vermont and New England  
41 through a high voltage direct current transmission line buried next to existing roads and under the  
42 Lake. The project will have a total of 154 miles of cable with 98 miles in Lake Champlain and 57 miles  
43 on land. Public comment is ongoing as part of the US Department of Energy (DOE) process. A Vermont  
44 Public Service Board Section 248 Certificate of Public Good will be filed next week, followed by permit  
45 applications to DOE, Army Corps, Vermont ANR, and VTrans. Construction could begin in 2016 with the  
46 link operational in 2019.

1 During discussion, Josh explained that the link would have “black start” capability to jump start the  
2 electrical grid in case of a major system failure. The project is privately funded and therefore the “toll”  
3 paid to the developer by the electrical shipper/generator is not regulated and the amount is  
4 confidential. There is no Canadian financial interest in construction of this infrastructure.  
5

#### 6 **8. TMDL Committee Recommendations**

7 Don Meals of the TMDL Committee explained that the committee focused on specific areas of  
8 developing feedback for the VT Department of Environmental Conservation (DEC) regarding the  
9 proposed Lake Champlain TMDL Implementation Plan, namely stormwater runoff, developed land  
10 runoff, and stormwater planning. The committee developed principles, including that TMDL work be  
11 done on a watershed basis and focus on specific problems rather than forcing a blanket solution. The  
12 committee made recommendations for program improvements, prioritization, and possible funding  
13 mechanisms. The deadline for comments to DEC is November 15<sup>th</sup>. The committee realized today that  
14 they didn’t solicit comments from MS4 municipalities or the CCRPC Transportation and Planning  
15 Advisory Committees.  
16

17 Andrea Morgante asked about the relationship between DEC and VTrans regarding state highways and  
18 how they will meet the proposed TMDL recommendations. Don doesn’t know; DEC publishes manuals  
19 of best practices for reducing roadway runoff. Amy Bell of VTrans hasn’t been involved in this effort.  
20 Andrea suggested adding private roads to GIS modeling; the nature of private roads and their  
21 contribution to pollution and runoff is crucial.  
22

23 In response to a question, Don noted that the questions in the report are those that the committee  
24 was asking for clarification from the DEC rather than necessarily an outcome. He will review these  
25 questions again.  
26

27 There was discussion about the lack of input from the nine MS4 communities and the need for a  
28 cooperative effort between the CCRPC and these municipalities. The CCRPC needs to be careful not to  
29 insert itself between DEC and these communities; contacting these communities should have been  
30 part of the protocol prior to coming to the Board. There is also an opportunity for the CCRPC to play a  
31 role by thinking regionally to solve the problem and helping non-MS4 municipalities learn from others.  
32

33 Don will work with Charlie to reach out to the TAC, PAC, and the MS4 communities. The timing of these  
34 meetings is difficult with the November 15<sup>th</sup> DEC deadline. The Board asked that staff contact the  
35 committees and communities and try to get TAC feedback prior to the TAC meeting on November 4<sup>th</sup>.  
36 Comments and concerns will be brought to the Executive Committee at their meeting on November  
37 5<sup>th</sup>. Discussion of email voting was discussed; the CCRPC Bylaws do not allow it.  
38

39 MARK LANDRY MADE A MOTION, DULY SECONDED BY JEFF CARR, TO DIRECT THE CCRPC STAFF TO  
40 CONSULT WITH THE PLANNING ADVISORY COMMITTEE, TRANSPORTATION ADVISORY COMMITTEE,  
41 AND MS4 COMMUNITIES AND REPORT TO THE FULL BOARD AND EXECUTIVE COMMITTEE BY  
42 NOVEMBER 5, 2014. THE BOARD DELEGATES AUTHORITY TO THE EXECUTIVE COMMITTEE TO APPROVE  
43 THE TMDL RECOMMENDATIONS REPORT WITH CHANGES AS APPROPRIATE AND AUTHORIZE THE  
44 BOARD CHAIR AND EXECUTIVE DIRECTOR TO SHARE THE REPORT WITH APPROPRIATE STATE OFFICIALS  
45 AND LEGISLATORS. THE MOTION CARRIED UNANIMOUSLY.  
46  
47

1 **9. FY15 Board Meeting Scheduled – Revised**

2 The Legislative Breakfast is scheduled for December 11, 2014 from 7:30-9:00AM. The Board will hold a  
3 meeting on November 19, 2014. JEFF CARR MADE A MOTION, DULY SECONDED BY JOSS BESSE, TO  
4 APPROVE THE REVISED FY2015 MEETING SCHEDULE. THE MOTION CARRIED UNANIMOUSLY.

5  
6 **10. FY16 Municipal Dues**

7 Staff recommended no dues increase this year. JIM DONOVAN MADE A MOTION, DULY SECONDED BY  
8 DAN KERIN, TO APPROVE THE FY16 MUNICIPAL DUES AS SHOWN IN THE TABLE, "FY15 TO FY16  
9 MUNICIPAL ASSESSMENTS." THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSTENTION FROM AMY  
10 BELL.

11  
12 **11. Executive and MPO Directors' Updates**

13 **11a. Monthly Project Status Report:** Emailed today.

14 **11b. Meetings with Municipal Selectboards, Trustees, Councils:** Michele reported that she and Charlie  
15 have begun their outreach to municipal boards. Topics of discussion include the CCRPC Annual Report,  
16 the upcoming Work Program project solicitation, Public Participation Plan, TMDL, watershed mapping,  
17 and the Neighbor Rides Program.

18 **11c. FHWA Accelerated Innovation Deployment Grant:** A grant application for \$1.2 million was  
19 submitted to install advanced technologies that are proven to accelerate transportation projects;  
20 specifically, blue tooth and dedicated short range communications monitoring devices for the purpose  
21 of traffic monitoring and communications. Proposed corridors include areas where significant  
22 construction projects are expected to be underway: Exits 14, 16, 17, and the Route 2A corridor in  
23 Williston. Awards will be announced in three to five months.

24 **11d. Construction Alert:** Vermont Route 15 in Winooski at the East Allen/Hood Street railroad crossing  
25 will be closed beginning Thursday at 6:00PM and ending Monday evening for rail reconstruction.

26  
27 **12. Committee/Liaison Activities & Reports:** Included in the Board packet.

28  
29 **13. Members' Items/Other Business**

30 Jim Donovan suggested that staff revisit the bylaws regarding the development of recommendations to  
31 be sure there isn't a repeat of a deadline curtailing our process (like the TMDL work). He also suggested  
32 that electronic voting be researched to see if it is allowed under the new Public Meeting Law.

33  
34 Chris Shaw, the South Burlington alternate, introduced himself; Pam McKenzie, the South Burlington  
35 CCRPC Representative has resigned.

36  
37 **15. Adjourn**

38 DON MEALS MADE A MOTION, DULY SECONDED BY MARC LANDRY, TO ADJOURN AT 7:54PM. THE  
39 MOTION CARRIED UNANIMOUSLY.

40  
41 Respectfully submitted,  
42 Diane Meyerhoff



DATE: October 28, 2014  
TO: CCRPC Member Municipalities  
FROM: Bernadette Ferenc, Transportation Business Manager

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### **PUBLIC HEARING NOTICE**

The Chittenden County Regional Planning Commission (CCRPC) will hold a public hearing on **Wed., November 19, 2014 at 6:00 p.m.** in its offices at 110 West Canal Street, Suite 202; Winooski, to consider the following proposed major amendment to the FY15-18 Transportation Improvement Program (TIP) for adoption.

**Colchester Park and Ride** (Project IN014, Amendment FY15-08)-- Add a new project to the TIP in FY15 authorizing VTrans to begin developing a new public park and ride lot to be constructed on an existing parking lot west of US 7 and adjacent to Hercules Drive in Colchester. Add \$1,200,000 in federal funds in FY15.

Please notify your CCRPC representative of any concerns. Written comments on the proposed major amendment may be submitted by mail to the address above or by telephone or email to Christine Forde ([cforde@ccrpcvt.org](mailto:cforde@ccrpcvt.org)) or phone, ext. 13.

Additional copies of this notice and draft TIP amendment have been sent to each municipal clerk for posting on the public bulletin board.

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cc: CCRPC Board members

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**CCRPC Board**

**11/19/2014**

**Agenda Item 7: Information Item**

**TMDL Recommendations**

**Issues:** Pursuant to a Draft Vermont Lake Champlain Phosphorus TMDL prepared earlier in 2014, the Vermont Agency of Natural Resources (ANR) and the Vermont Agency of Agriculture, Food, and Markets (AAFM) have prepared a *Draft Phase I Implementation Plan* (May 29, 2014) that presents an outline of the State's policy commitments to provide reasonable assurance that the goals.

Commissioner Mears will be making additional recommendations to the Legislature by November 15<sup>th</sup> with more details about how to implement and fund the draft Plan. The recommendations attached are intended to provide input to the Commissioner and Legislature as they develop legislation this coming year.

A sub-committee of the CCRPC Board (Don Meals, John Zicconi, Justin Dextrateur, and Brian Bigelow) created the first draft of the recommendations. At the October 16<sup>th</sup> CCRPC meeting, the board asked that the MS4 communities and TAC be asked for their recommendations.

Additional comments were received from Jim Jutras, Dennis Lutz, Peter Wernsdorfer, Megan Moir, Dean Pierce, Don Meals, Jon Leinwohl, Bruce Hoar, and Tom DiPietro. The attached draft reflects staff efforts to reflect the comments made. The TAC recommended approval of the attached draft recommendations after a few edits to the CCRPC Executive Committee for their consideration on November 5<sup>th</sup>

**Outcome:** The CCRPC Executive Committee Staff approved the attached recommendations at their meeting on November 5<sup>th</sup> and asked the Executive Director to transmit it to the appropriate parties. It is attached for your information.

**For more information contact:** Charlie Baker  
[cbaker@ccrpcvt.org](mailto:cbaker@ccrpcvt.org) or 846-4490 ext. 23



## **TMDL Recommendation Report**

### **Approved – November 5, 2014**

#### **1.0 Introduction and approach**

A clean Lake Champlain is of vital importance to all Vermonters, and in particular to residents of Chittenden County, where the most populous lakeshore communities reside. To address nonpoint source phosphorus pollution issues, the U.S. Clean Water Act calls for a Lake Champlain Phosphorus Total Maximum Daily Load (TMDL), a plan that caps the amount of phosphorus allowed to enter different parts of Lake Champlain and allocates those maximum amounts to various sources within the Lake Champlain Basin so that the Lake can meet its water quality standards for all its intended uses. Because current phosphorus inputs to the Lake are too high, the TMDL will require wide-ranging and innovative measures to reduce the amount of phosphorus leaving the land and entering the Lake. These measures will affect virtually all sectors of the community.

Pursuant to a Draft Vermont Lake Champlain Phosphorus TMDL prepared earlier in 2014, the Vermont Agency of Natural Resources (ANR) and the Vermont Agency of Agriculture, Food, and Markets (AAFV) have prepared a *Draft Phase I Implementation Plan* (May 29, 2014) that presents an outline of the State's policy commitments to provide reasonable assurance that the goals will be achieved. ANR has requested review and comment on this draft plan.

In June, 2014, the Chittenden County Regional Planning Commission (CCRPC) began to study the TMDL documents, including the *Draft Phase I Implementation Plan* in order to offer comments and recommendations to ANR on specific elements of the draft Plan. The CCRPC recognizes that because the majority of nonpoint source phosphorus comes from agricultural land and activities, much of the TMDL should be focused on reducing these agricultural sources, including regulatory measures if current voluntary programs do not achieve necessary progress. Because Chittenden County is the most urbanized region of the Lake Champlain Basin, the RPC's comments below mainly address issues of developed land and transportation systems of concern to our municipal members.

Section 2.0 below presents what CCRPC believes are important principles that should guide the development and implementation of specific policies and programs for the TMDL. Subsequent sections address individual components of the Draft Phase I Implementation Plan and present questions and recommendations applying to those components.

#### **2.0 Principles**

CCRPC recommends that the following principles guide the specific policies and programs implementing the TMDL.

- 2.1. Restoring and improving clean water for future generations depends on controlling non-point sources, avoiding water quality degradation, and continuing to provide effective wastewater treatment all in a cost-effective manner.



- 2.2. The state must provide financial and technical support to municipalities to supplement local resources in order to implement the Clean Water Act and its associated TMDLs through locally appropriate watershed plans and water management provisions that promote the health of the economy and the environment.
- 2.3. All Vermont municipalities benefit from clean lakes and rivers. Implementation of TMDLs for waters of the state, including Lake Champlain, must ensure that public dollars are spent in the most fair, effective, and efficient manner to reduce phosphorus and other TMDL regulated discharges. Vermont must achieve tangible progress in reducing phosphorus and other TMDL regulated discharges. All potential mitigation efforts should undergo a cost-effectiveness analysis, and implementation should be prioritized in a manner that considers that analysis and other relevant factors. This analysis should also prioritize across TMDL permit sectors within the basin.
- 2.4. The legislature must direct ANR to work closely with the Environmental Protection Agency (EPA) to develop a reasonable TMDL implementation plan for phosphorus for Lake Champlain that will lead to a cleaner lake, a more vibrant landscape, and a healthy economy. State policy must not needlessly require municipalities to construct or upgrade treatment plants that meet the highest available technical standards for discharges to impaired waters, regardless of cost, because doing so won't measurably improve the health of those waters or significantly advance TMDL compliance. Rather, it will force municipalities to bear a disproportionate share of costs. Instead, state and local governments, developers, farmers, and other stakeholders must reduce runoff from non-point sources. This should not be taken to mean that needed improvements to wastewater treatment facilities should not be made. (This principle is articulated in more detail in the Governor's commitment letter of May 29, 2014.)
- 2.5. The existing NPDES permit holders are already making significant investments. Other proposed permit sectors need to share equally in the effort and burden.
- 2.6. Each regulated entity should only have one stormwater permit to address non-point source pollution. No new permits should be required for entities already having a NPDES permit. Any new requirements should be included in amendments to those existing permits. For municipalities without an NPDES permit, any new requirements should be combined into one permit.
- 2.7. New Permit programs and technical requirements implemented in support of the TMDL should be based on the Lake or at least river basin watershed unit, rather than applied piecemeal by individual municipalities. This principle is particularly applicable to road permits, river corridors, and floodplains that commonly cross jurisdictional boundaries. The idea is to facilitate targeting of improved management to critical source areas, rather than to require some base level of treatment across the board.
- 2.8. The permitting program should allow for offsets or nutrient trading across watersheds, across different sources of pollution (e.g. agriculture vs. developed land), and between point and non-point sources of pollution (with an adequate margin of error). DEC's proposal to study a cap and trade system announced on October 24, 2014 is a necessary step in this direction.

- 2.9. DEC should provide structure, coordination, and guidance to assure technical consistency of measures implemented across watersheds and municipalities. Information, education, and training should be provided to municipalities on how to identify problems, set priorities, and develop site-specific actions. Some such efforts are already underway, e.g., development of remote sensing information and inventory methods for municipalities to identify and prioritize high-risk areas of erosion from local roads.
- 2.10. ANR must work with municipalities and the EPA to implement the “Integrated Planning Approach Framework” that provides for municipalities to prioritize Clean Water Act responsibilities and necessary investments in compliance, according to greatest need and benefit. As noted by EPA, *“the integrated planning approach is not about lowering existing regulatory or permitting standards or delaying necessary improvements. Rather, it is intended to be an option provided to help municipalities meet their CWA obligations by optimizing the benefits of their infrastructure improvement investments through the appropriate sequencing of work.”* DEC should provide a clear role for involving municipalities (with RPC assistance as needed) in project prioritization for any additional state or federal funding as part of the basin plan development process.
- 2.11. As part of the planning process, DEC should develop a system that encourages municipalities to coordinate their water quality improvement efforts, including funding and priority setting, particularly on roads, other transportation facilities, and developed areas that cross town boundaries. The planning system should also allow the integration of stormwater master plans, town road management plans, and impervious surface management plans, flow restoration plans, and other plans as appropriate to minimize the number of separate plans needed. RPCs should be available to provide assistance to their member municipalities upon request and as appropriate.

### **3.0 Recommendations regarding proposed program improvements**

#### **3.1 Municipal road permits<sup>1</sup>**

*DEC will issue a stormwater general permit covering municipal roads. The permit will require development of management plans based on local road conditions including road slope, connectivity to receiving waters, and other factors, that identify the type and scope of BMPs necessary for the municipality. The management plan will include an implementation schedule informed by sub-watershed phosphorus reduction priorities. At a minimum, BMPs shall be as protective as those identified in the 2011 Town Road and Bridge Standards and focused on the prevention of erosion and the transport of sediment containing phosphorus.*

#### Questions:

1. How do we integrate the municipality’s capital planning process with the basin plan priorities so that we take advantage of roads that are already planned for improvement?
2. Are municipalities expected to add new road projects to their capital plan/program or will this influence priorities at the municipality schedule?

#### Recommendations:

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<sup>1</sup> Text in italics denotes text from Draft Phase I plan, May 29, 2014

1. Any new requirement should be included in the existing permit if there is one or combined into one permit so that there is only one permit per municipality.
2. Additional state and federal funding is needed to invest in additional projects to improve the priority local roads.
3. Rename “management plans” to better convey the idea that the town is required to develop conceptual design improvements for priority roads in their capital plan/program that would then qualify for and be approved for additional state funding and assistance in development of final engineering plans.

### **3.2 Existing developed land stormwater management**

*Stormwater runoff from existing developed land, exclusive of surfaces regulated under the State or municipal roads stormwater programs, will be addressed in a staged and prioritized manner through a system of watershed-based stormwater permitting using a combination of state law and NPDES-based regulatory authority.*

*The first stage of implementation will require permit coverage for all stormwater discharges on sites where impervious surfaces exceed 3 acres. Additionally, impervious surfaces discharging to municipal stormwater systems where such impervious surfaces exceed 15 acres, in aggregate, and the density of impervious surface is greater than 7%, shall be addressed by a stormwater permit, issued to the municipality and requiring implementation of a stormwater management and phosphorus control plan. These are preliminary criteria that may require refinement during future implementation plans to ensure targets are met.*

*Stormwater management practices will be consistent with the Vermont Stormwater Management Manual, with an emphasis on surface infiltration where feasible to maximize phosphorus reduction.*

#### Questions:

1. Could this apply to less than 3 acres if it was shown that the site was a critical source?
2. What will be the monitoring system for this?
3. Are under-drained infiltration systems considered infiltration?
4. How do individual site owners work through a town to move forward in this structure?
5. Explain and elaborate on the process for delineating the qualifying areas of >15 acres impervious surface.
6. Explain and elaborate whether measures applying to existing developed land will take the form of regulatory enforcement on private property owners or will this be a municipal obligation. More discussion about how this will be enforced would be helpful (liens, etc).
7. How will this apply to existing private roads that did, or did not, have previous stormwater permits?

#### Recommendations:

1. Any new requirement should be included in the existing permit if there is one or combined into one permit so that there is only one permit per municipality or property owner.

2. Technical assistance is needed for condo and homeowner associations. Templates or guides or generic plans for these groups would be helpful.
3. These permits must be clearly linked to the basin plan priorities and compete against other types of priorities for available funding.
4. The municipal stormwater and phosphorus control plan should be clearly integrated with the basin plan priorities.

### **3.3 New development stormwater permits**

*This strategy is implemented via DEC's post-construction stormwater permit program. DEC's Stormwater Program administers a post-construction stormwater permit program pursuant to state statute. Regulated projects are required to implement BMPs in accordance with the Vermont Stormwater Management Manual (VSMM). The final adopted Manual will employ state-of-the-art stormwater BMPs designed to maximize phosphorus removal. These practices combined with Vermont's regulatory program that requires permits for all new and redevelopment projects with over one acre of impervious surface, as well as expansions greater than 5,000 square feet, will prevent substantial phosphorus loading.*

Questions:

None.

Recommendations:

1. Complete update of this manual as soon as possible.
2. Increase the level of enforcement and establish effective penalties on erosion and sediment control plans.

### **3.4 Non-regulatory stormwater management**

*Stormwater Master Planning (SWMP) is an analytical process designed to prevent and reduce stormwater runoff from the impervious areas that are currently not regulated by the DEC. The process serves as the basis for targeting management actions in areas of the developed landscape thought to be critical sources of phosphorus. The process directs a variety of mitigation actions, including Green Stormwater Infrastructure and Low Impact Development approaches, and promotes municipal adoption of the Vermont League of Cities and Town's model stormwater ordinance to protect water quality and save municipalities money by avoiding the increasing costs of collecting and treating stormwater runoff. Recommended actions identified by a stormwater master planning process are then integrated into tactical basin plans.*

Questions:

1. Under what circumstances/criteria will DEC exercise its authority to designate a non-MS4 area for compliance with MS4 requirements?
2. Is there a role for RPCs in the GIS analysis?
3. Would these stormwater management plans take the place of the management plans in 3.1 and the pollution control plans in 3.2?

Recommendations:

1. Consider adding private roads to the GIS modeling.

### **3.5 Minimizing river corridor and flood plain encroachments and restoring riparian buffers**

*DEC will use existing statutory authority to manage the program, including the development of Flood Hazard Area and River Corridor Rules, Protection Procedures, and General Permits, and Inter-Agency Floodplain and River Corridor Management MOUs.*

Questions:

1. Will ANR actively pursue MOUs with other state agencies, including Agriculture, to regulate developments within their purview to be consistent with or more stringent than the National Flood Insurance Program (NFIP)?
2. Has the impact on the use of federal cost share been evaluated when considering new mandates for agriculture operations in riparian corridors?

Recommendations:

1. CCRPC supports the DEC recommendation to train and certify floodplain technicians to assist municipalities and landowners in floodplain protection and to make available enhanced model bylaws that exceed the NFIP minimum requirements
2. CCRPC supports the DEC recommendation to implement an outreach program to promote cross-agency, flood resiliency planning, peer-to-peer learning, and community progress barometers to increase Vermont municipal adoption of enhanced floodplain, river corridor, and riparian buffer protection bylaws and other mitigation measures to minimize flood risks and maximize floodplain and riparian function.
3. FEH zones and maps need to be produced and publicized as soon as possible.

#### **4.0 Recommendations regarding proposed funding and prioritization**

Recommendations for program funding below represent a list of ideas, not necessarily tied to any particular component of the TMDL implementation plan.

General:

Resources needed to achieve our clean water standards should include existing federal funds, existing state funds, and new federal and state funds. Any new revenue should be dedicated to the highest priority projects that provide the most benefit per dollar and may be required under TMDL requirements. Existing funding should be used to incentivize participation in the TMDL programs and permits.

Potential funding sources:

We support a statewide revenue generation mechanism that is easy to implement, such as a per parcel or per acre fee. Consideration might be made for land use types, impervious cover and existing water quality improvement investments, if feasible.

Municipalities and other existing NPDES permit holders must be given credit for investments that are already being made (such as through a municipality's stormwater utility) so that property owners do not have to pay twice.

Transportation specific funding sources should also be considered (like car rental fees, surcharge on registration, increase gas tax). A portion of state funding for local transportation could be dedicated to water quality improvements that are prioritized on a statewide or watershed basis.

Consider an additional tax or fee on rooms, without increasing the meals tax.

Consider an additional tax or fee on moorings, marinas.

Our member municipalities are concerned about having to be responsible for the collection of any such fee on property owners, particularly since it will require payment by owners currently exempt from property taxes. We prefer fees be collected directly by the state or some other effective means. If municipalities are tasked with fee collection, provisions should be made so that municipal costs of collection are recovered.

## Chittenden County Regional Planning Commission November 19, 2014

### Agenda Item 9: Jericho Town Plan Amendment Approval and Confirmation

**Issues:** The Town of Jericho has requested, per Title 24 V.S.A §4350, that the Chittenden County Regional Planning Commission (1) approve its Town Plan amendment; and (2) confirm its planning process. The Town of Jericho has undergone amendments to its 2011 Town Plan for the purposes of meeting the Act 59 requirements. These requirements include a description of how Jericho's designated Village Centers support the community's goals and to include maps showing the designated Village Center boundaries, in order to apply for Village Center designation renewals. Since the 2011 Town Plan was confirmed by the CCRPC, the legislature has added two new Town Plan requirements: Economic Development (element) and Flood Resiliency (element & goal). The 2011 Town Plan previously included an Economic Development element, and Flood Resiliency language has been added with this update.

Attached is the proposed Resolution of approval and the staff report to the Planning Advisory Committee. The Planning Advisory Committee has not yet met prior to this Board packet going out, however they will meet on the afternoon of November 12<sup>th</sup>. I do not anticipate any issues with their review. Similarly, the Town of Jericho Selectboard's hearing is scheduled for November 18<sup>th</sup>.

In anticipation of an approval recommendation from the PAC and adoption of the Plan amendments without substantial changes by the Selectboard, Staff is recommending approval by the CCRPC Board. We will report on the PAC and Selectboard processes at the Board meeting.

Please note that municipal planning process confirmation and plan approval decisions shall be made by majority vote of the commissioners representing municipalities, in accordance with the bylaws of the CCRPC and Title 24 V.S.A. § 4350(f).

**Planning Advisory  
Committee  
Recommendation:**

**Anticipated:** The Planning Advisory Committee held a public hearing on November 12, 2014 at 3:50 pm at the CCRPC Offices and made the following motion: "The PAC finds that the 2014 Jericho Town Plan, as submitted, meets all statutory requirements for CCRPC approval, and that the municipality's planning process meets all statutory requirements for CCRPC confirmation. The PAC recommends that the Plan, and the municipal planning process, should be forwarded to the CCRPC Board for approval."

**Executive  
Committee  
Recommendation:**

NA

Staff recommends that the CCRPC Board approve Jericho's Town

**Staff  
Recommendation:**

Plan and confirm the Town of Jericho's planning process in accordance with the attached resolution.

**For more  
information  
contact:**

Regina Mahony, Senior Planner  
802-846-4490 x28; rmahony@ccrpcvt.org



**Chittenden County Regional Planning Commission (CCRPC)  
Resolution**

**Jericho's Town Plan Amendments & Planning Process**

WHEREAS, Title 24, V.S.A. § 4350 in part requires that CCRPC shall review the municipal planning process of our member municipalities including review of plans; that each review shall include a public hearing which is noticed as provided in 24 V.S.A. § 4350(b); and that before approving a plan the Commission shall find that it:

1. is consistent with the goals established in Section 4302 of this title;
2. is compatible with its Regional Plan;
3. is compatible with approved plans of other municipalities in the region;
4. contains all the elements included in § 4382(a)(1)-(12) of this Title.

WHEREAS, the CCRPC at its May 22, 2013 meeting approved the *CCRPC Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans* dealing with local plans and CCRPC action; and

WHEREAS, The Town of Jericho, Vermont is a member municipality of this Commission; and

WHEREAS, The Town of Jericho's Selectboard **adopted** the 2014 Town Plan amendments on November 18, 2014; and

WHEREAS, The Town of Jericho formally requested CCRPC to approve its Town Plan update and confirm its planning process; and

WHEREAS, The Planning Advisory Committee **reviewed** the Town Plan update and planning process; and

WHEREAS, the Planning Advisory Committee held a warned public hearing at the CCRPC, located at 101 W. Canal Street, Suite 202, Winooski, Vermont on November 12, 2014 at 3:50 PM, reviewed the records and recommended that, upon Trustees adoption, the Commission approve Jericho's Town Plan update as meeting the requirements of 24 V.S.A. § 4350 and the *Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans* and confirms the community's planning process as consistent with Title 24, Chapter 117.

NOW, THEREFORE, BE IT RESOLVED BY THE CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION, that, in compliance with 24 V.S.A. § 4350 and the *Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans*, CCRPC approves Jericho's Town Plan amendment and the Commission finds that said Town Plan:

1. is consistent with the goals established in Section 4302 of Title 24;
2. is compatible with the *2013 Chittenden County Regional Plan, entitled the ECOS Plan*, adopted June 19, 2013;
3. is compatible with the approved plans from other adjacent Chittenden County municipalities; and
4. contains all the elements included in § 4382(a)(1)-(12) and/or is making substantial progress toward attainment of the elements of this subsection;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION, that, in compliance with 24 V.S.A. § 4350 and the *Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans*, CCRPC confirms the Town of Jericho's municipal planning process.

Dated at Winooski, this 19<sup>th</sup> day of November, 2014.

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION

\_\_\_\_\_  
Andy Montroll, Chair

**Staff Review of the 2014 Jericho Town Plan Amendments**

**Regina Mahony, CCRPC Senior Planner**

**October 30, 2014**

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The Town of Jericho has requested, per 24 V.S.A §4350, that the Chittenden County Regional Planning Commission (1) approve its 2014 Town Plan (amendments to the 2011 Town Plan); and (2) confirm its planning process.

The Town of Jericho has undergone amendments to its 2011 Town Plan for the purposes of meeting the Act 59 requirements. These requirements include a description of how Jericho’s designated Village Centers support the community’s goals and to include maps showing the designated Village Center boundaries, in order to apply for Village Center designation renewals. Because Jericho’s Village Center designation expired in September, 2014 (the Town is now within a 90 day grace period) this amendment needed to be completed prior to the scheduled Town Plan update in 2016. The Jericho Planning Commission held its public hearing on October 15, 2014; and the Selectboard has scheduled their hearing for November 18, 2014. CCRPC Staff provided the Planning Commission comments for their hearing.

Since the 2011 Town Plan was confirmed by the CCRPC, the legislature has added two new Town Plan requirements: Economic Development (element) and Flood Resiliency (element & goal). The 2011 Town Plan previously included an Economic Development element, and Flood Resiliency language has been added with this update. Because there are no other new requirements, or other updates to this Plan, CCRPC Staff has only reviewed the Economic Development and Flood Resiliency sections of the Plan. We also reviewed the Village Center designation amendments along with the State and we both found that they met the new Act 59 requirements.

Following the Chittenden County Regional Planning Commission’s (CCRPC’s) *Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans (2013)* and the statutory requirements of 24 V.S.A. Chapter 117, I have reviewed the amendments to the Jericho Town Plan to determine whether it is:

- Consistent with the general goals of §4302;
- Consistent with the specific goals of §4302;
- Contains the required elements of §4382;
- Compatible with the 2013 Chittenden County Regional Plan, entitled the *2013 Chittenden County ECOS Plan* (per §4350); and
- Compatible with approved plans of other municipalities (per §4350).

Additionally, I have reviewed the planning process requirements of §4350.

Staff Review Findings and Comments

1. Jericho’s Town Plan amendments are consistent with all of the general goals of §4302. See the attached Appendix A, completed by Jericho Staff and reviewed by CCRPC Staff, which describes how the Plan amendments are consistent with the goals associated with the amendments. CCRPC Staff further finds that based on the 2011 Town Plan review and approval the Town Plan in its entirety is consistent with all of the general goals of §4302.

## CCRPC Formal Staff & PAC Review – 2014 Jericho Town Plan Amendments

### November 12, 2014 PAC Meeting

2. Jericho's Town Plan amendments are consistent with the specific goals of §4302. See the attached Appendix A, completed by Jericho Staff and reviewed by CCRPC Staff, which describes how the Plan amendments are consistent with the goals associated with the amendments. CCRPC Staff further finds that based on the 2011 Town Plan review and approval the Town Plan in its entirety is consistent with all of the specific goals of §4302. Because flood resiliency is a new goal requirement, it was added to the Plan and CCRPC reviewed it for consistency:
  - a. The 2011 Town Plan includes comprehensive language on Water Resources and protection of them – including floodplains, fluvial erosion and shorelands. It also includes language regarding upland protections. This update adds a flood resiliency section that clarifies the protections already in place (including protections above and beyond those required by the National Flood Insurance Program), references the All Hazard Mitigation Plan and the Emergency Operation Plan. A floodplain and fluvial erosion hazard area map has also been added. While flood resiliency could be strengthened, the existing and proposed text together is found to be consistent with the specific flood resiliency goal and contains the required flood resiliency element.
3. Jericho's Town Plan amendments contain the required elements of §4382. See the attached Appendix A, completed by Jericho Staff and reviewed by CCRPC Staff, which describes how the Plan amendments are compliant with the required elements associated with the amendments. CCRPC Staff further finds that based on the 2011 Town Plan review and approval the Town Plan in its entirety is compliant with the required elements of §4382. Because both economic development and flood resiliency are new element requirements since the 2011 Town was approved, CCRPC reviewed the Plan and amendments for these elements:
  - a. Regarding the flood resiliency element, see section 2.a. above for a description of how this element is met.
  - b. The 2011 Town Plan already included a strong and comprehensive economic development element, therefore no amendment was needed. Among other things the economic section describes the infrastructure challenges and includes arts, wildlife & natural resources, and travel & tourism industry opportunities. The Economic Development chapter meets the new Economic Development element requirement.
4. Jericho's Town Plan amendments are generally compatible with the planning areas, goals and strategies of the 2013 Chittenden County Regional Plan, entitled the *2013 Chittenden County ECOS Plan*.
5. Jericho's Town Plan amendments are compatible with the municipal plans for Bolton (re-adopted in 2012 without any changes), Essex (adopted in 2011 essentially around the same time the Jericho 2011 Plan was adopted), Richmond (re-adopted in 2012 without changes), Underhill (adopted in 2010), and Williston (adopted in 2012). Only Williston's Town Plan that has been amended since the 2011 Jericho Town Plan approval. The Jericho and Williston Town Plans are compatible as they share the borders of the Winooski River and both Towns have the adjacent lands designated as Agriculture (Jericho) and Agriculture/Rural Residential (Williston).
6. Jericho has a planning process in place that is likely to result in an approved plan. In addition Jericho has provided information about their planning budget and CCRPC finds that Jericho is maintaining its efforts to provide local funds for municipal and regional planning.

#### Additional Comments/Questions:

**While, Staff does not find that any amendments are necessary for approval and confirmation of the process by the CCRPC, the following recommendation is for the full Plan update in 2016:**

**CCRPC Formal Staff & PAC Review – 2014 Jericho Town Plan Amendments  
November 12, 2014 PAC Meeting**

1. CCRPC Staff suggests some flood resiliency cross references within the goal, strategy and implementation sections to be more effective in implementing the statewide flood resiliency goals. For example, incorporating flood resiliency concepts into Strategy #4.1.2 would be beneficial.

Proposed Motion & Next Steps:

**PROPOSED MOTION:** The PAC finds that the draft 2014 Jericho Town Plan, as submitted, meets all statutory requirements for CCRPC approval, and that the municipality's planning process meets all statutory requirements for CCRPC confirmation.

Upon notification that the Plan has been adopted by the municipality, CCRPC staff will review the plan, and any information relevant to the confirmation process, for changes. If staff determines that changes are substantive, those changes will be forwarded to the PAC for review. Otherwise the PAC recommends that the Plan, and the municipal planning process, should be forwarded to the CCRPC Board for approval.



**CCRPC Board**

**11/19/2014**

**Agenda Item 10: Action Item**

**Permit Reform Recommendations**

**Issues:** Each year in the legislature there are several bills introduced to improve aspects of the land development permitting process at the state agency, Act 250, or municipal levels.

CCRPC has previously developed recommendations regarding permit process improvements in 2011 and in 2013.

This year, CCRPC formed an ad hoc committee to develop revised recommendations. The committee members were Justin Dextrateur, Brain Palaia, and Curt Carter.

The recommendations are attached. The recommendations are, for the most part, a refinement of previous recommendations.

The recommendations were reviewed and revised by the TAC and PAC at their November meetings for board consideration.

**TAC and PAC Recommendations:** Both the TAC and PAC are recommending revisions as shown in track changes in the attached. PAC revisions are highlighted in yellow.

**For more information contact:** Charlie Baker  
[cbaker@ccrpcvt.org](mailto:cbaker@ccrpcvt.org) or 846-4490 ext. 23

**Improving Vermont's Permitting System  
CCRPC Permit Improvement Committee**

**Draft Recommendations for review by PAC & TAC  
October 21/November 5, 2014**

There continue to be opportunities to improve the permitting system in Vermont. In identifying these opportunities, we have grouped them into three categories of focus: smart growth improvements, economic development improvements, and process improvements. The following reflect statements of principles and ideas and not specific legislative proposals including all of the details necessary for statutory change.

Smart Growth recommendations:

1. Continue to encourage infill development over sprawl pattern.
- 1.
- 2.
2. To encourage infill and redevelopment, Consider expanding opportunities for delegation of Act 250 review to municipalities that have strong municipal bylaws and enforcement in state designated areas (downtown, neighborhood, new town center, growth center). Evaluate which criteria are better handled at the municipal level.
  - a. eliminate Act 250 review entirely in the state-designated areas (downtown, neighborhood, new town center, growth center, village) creating more of an incentive to go through the designation process. If Act 250 exemptions or limitations are approved in these designated locations, those properties with previous Act 250 permits should be granted the same benefit.
3. Revise Energy code requirement in Act 250 Criterion 9f – The current requirement to conceptually model building design to document energy code compliance 10% better than code does not make sense. It is selectively targeting only the projects that go through Act 250 and creating a disincentive for going through Act 250 in smart growth locations.
4. When Act 250 evaluates traffic impacts, clarify how credit should be given for pre-existing development so as to encourage redevelopment.
5. Prime Agricultural soils on-site mitigation should not be required in areas targeted for development in by the municipality and regional plans.

Community and Economic Development -

1. Target Infrastructure Planning Funds – Increase ANR funding and give priority to municipalities planning for water, wastewater, storm water, and other infrastructure to support designation/efficient land use/compact development.

**Draft Recommendations for review by PAC & TAC – 10/21/14**

2. Target, promote and install water/wastewater systems in villages/downtowns/growth centers and enterprise zones.
3. Authorize the opportunity for additional TIF districts.
4. Re-affirm support for local infrastructure financing in designated areas consistent with municipal and regional plans.
5. Create a new designation for Enterprise Zone.
  - a. Zones must be clearly identified in the adopted regional and municipal plans. With RDC, confirm that the site is needed for high wage, value-added employment. Consider having Downtown Board approve designation.
  - b. Expand the VEDA managed revolving loan fund for the creation or improvement of industrial parks in Enterprise Zones to include municipalities and private companies as eligible entities.
6. Have VEDA provide financing up to 50% of site planning, acquisition, and infrastructure costs for employment in any state designation. The State can either fund projects using grants, loans (to be recovered from initial lot sales) or a combination of both.
7. Authorize municipalities to put local options tax into place by a municipal vote only.
8. Expand the capacity of the bond bank to issue revenue bonds (not just general obligation) in revenue bond districts. Reduce interest rate for projects in state designations from the bond bank. Like VEDA, provide 1 % loans to be paid back with additional property taxes in the designated area until the loan is paid off; plus one additional year of the property tax revenue to mitigate risk in the pool.
9. Expand the State Treasurer's municipal equipment loan fund for more eligible uses related to municipal infrastructure.

Permitting Process recommendations:

In general, the state permit process should encourage development in appropriately planned places and discourage development outside of those areas. If this recommendation would result in a more efficient and timely process in designated growth areas, it may be appropriate to develop more stringent standards and thresholds for development review in rural areas.

1. Electronic submissions –
  - a. Revise state statute to allow for electronic signatures and electronic file submission to be the official record.
  - b. Use technology to create a common application form with basic applicant and project information for use in all applications and link databases so that all permits/applications are accessible through one portal. This should include state agency (ANR, VTrans) and Act 250 applications.
2. Review times –
  - a. Consider a reasonable and timely deadline for review of applications. For major projects, this might be cConsider 30 or 60 days time frames for review of major projects. Implement a 15 day completeness review with a 30 to 60 day

compliance review by state agencies except for Act 250. Applicants need clear guidelines as to what constitutes a complete and compliant application.

- b. Improve the system to complete the reviews in the timeframes by increasing the use of certifications and 3rd party reviews.
3. Appeals-related -
    - a. There should be an option of an appeal at the administrative level first within agencies to resolve issues of consistency of review.
    - b. Given the numerous permits required to develop, when one permit is appealed that should by law pause the clock on other permits.
    - c. Work towards allowing an “on the record review” process at the state and District Environmental Commission levels at the choice and expense of the applicant. Then the Environmental Court can decide an appeal based on evidence developed before these review boards instead of having an entirely new trial.
  4. Vesting -
    - a. Clarify statute for determining at which point an applicant is vested with regards to basic zoning (use and density) compliance prior to obtaining other local and state technical permits.
  5. Master Planning –
    - a. Master plan permitting should rely more on conceptual plans and capacity analysis as opposed to engineer sealed plans with more detail. Master plan permit approval should include conditions of obtaining the other more detailed permits (stormwater, wastewater, etc.).
  6. Integrating Municipal and State Permitting –
    - a. Consider expanding opportunities for delegation of Act 250 review to municipalities that have strong municipal bylaws and enforcement. Evaluate which criteria are better handled at the municipal level.
    - b. Provide a mechanism for municipalities to issue Wastewater System and Potable Water Supply Permits for connections to their municipal water and wastewater facilities without having to take responsibility for private water and on-site septic system permits as well.
    - c. If Act 250 is not engaged, municipal DRB approval should include conditions that any state permits required by a project review sheet be obtained prior to construction.
  6. Municipal permitting
    - a. Modernize the notice requirements.
      - i. Revise the certified mail requirement to allow for other options.
      - i.ii. Develop consistent municipal notification requirements for site plan and conditional use review.



1 CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION  
2 JOINT EXECUTIVE & FINANCE COMMITTEE MEETING  
3 MINUTES  
4

5 Date: Wednesday, November 5, 2014  
6 Time: 5:45 p.m.  
7 Place: CCRPC offices; 110 W. Canal Street, Suite 202, Winooski, VT 05404  
8 Present: Andrea Morgante, At-Large John Zicconi, At-Large  
9 Debra Kobus, Secretary-Treasurer Andy Montroll, Chair  
10 Chris Roy, Vice-Chair Jeff Carr, Finance Committee  
11 Charlie Baker, Executive Director Michele Boomhower, Asst/MPO Director  
12 Regina Mahony, Senior Planner Bernadette Ferenc, Trans. Business Manager  
13 Marc Landry, Colchester Rep. Fred Duplessis, Sullivan Powers & Co.  
14

15 The meeting was called to order at 5:45 p.m. by the Chair, Andy Montroll.  
16

17 1. Changes to the Agenda, Members' Items: There were none.  
18

19 2. Approval of October 1, 2014 Executive Committee Minutes. DEBRA KOBUS MADE A MOTION  
20 SECONDED BY ANDREA MORGANTE, TO APPROVE THE MINUTES OF OCTOBER 1, 2014 AS WRITTEN.  
21 MOTION CARRIED UNANIMOUSLY.  
22

23 3. FY 14 Draft Audit Presentation. Fred Duplessis of Sullivan Powers & Co. noted that our FY14 audit is  
24 done and unless this group makes any changes it will be the final report. The financial statements have  
25 been presented and there are no new principles, but next year we will have to show unfunded  
26 retirement for VMERS, as of June 2014. Because we're a small group and VMERS is well funded, it will  
27 not be significant. It shouldn't be a big expense, but was a change to acceptable accounting standards  
28 and there is a note about this on page 14. Mr. Duplessis noted that the first part of the audit report is  
29 management's discussion and analysis and pretty much sums it all up. Financial statements begin on  
30 page 9. The statement of Net Position shows us at \$545,372. The income statement shows we took in  
31 \$4.85 million and spent \$4.7 million. The net position increased by \$149,586. That will decrease in  
32 FY15 with the lower indirect rate. Page 18 shows how the Commission wants the reserves to show.  
33 Schedule 1 shows we did about \$128,000 better than budgeted. Schedules 2 & 3 are calculations for  
34 indirect rate. FY14 rate was 88%, but FY 15 is 71.24% based on the FY 13 audit. We just got approval for  
35 the FY16 indirect rate last week. Fred further described various schedules. There were no findings and  
36 we are now a low risk auditee. They have issued a management letter that is clean because any  
37 previous findings have been taken care of. Jeff Carr asked if there will anything else besides VMERS on  
38 the horizon for next year. Fred noted that there were changes in the federal circulars to make things  
39 easier to find, but nothing significant other than pension liabilities. Fred will attend the November 19<sup>th</sup>  
40 meeting to present the audit to the full board. Andy asked staff to step out of the room so the  
41 Executive/Finance Committee members could speak to Fred alone, as has been our practice over past  
42 several years. Meeting resumed at 6:05 p.m.  
43

44 4. Quarterly Journal Entries (July-September 2014). Members reviewed the quarterly journal entries.  
45 Jeff questioned two entries for H.S.A.s that seemed in conflict. Bernie explained that the larger entry  
46 shows prepaid H.S.A. payments that were made to employee accounts for the pay date closest to the  
47 first day of the new quarter and then entries made each month for the actual expenditure of that  
48 month. Jeff still had questions because the numbers don't add up. We'll ask Forest for a better  
49 explanation. JEFF CARR MADE A MOTION TO APPROVE THE QUARTERLY JOURNAL ENTRIES. CHRIS ROY

1 SECONDED AND THE MOTION CARRIED UNANIMOUSLY. Jeff asked if we have a policy on when and how  
2 monies are transferred from the money market accounts. Staff will get back to the Finance Committee  
3 on this.

4  
5 5. FY15 First Quarter Financial Statements (July – September 2014). Since Forest was unable to be here,  
6 Charlie reviewed the financial statements and answered members' questions. We are showing about  
7 negative \$30,000 to this point in the year. Most of this is due to a significantly lower indirect rate with  
8 vacations in August and under billing of our regional planning work contributing to the short fall. We  
9 will continue to monitor this situation, but will not be surprised if we end up negative for the year.

10  
11 6. Line of Credit Renewal. Charlie noted that historically we have had a Line of Credit that has not been  
12 used in the last 4-5 years, but it is up for renewal in December. Members agreed that it's a good idea to  
13 have one in place and agreed it should be renewed.

14 The Finance Committee portion of the meeting ended and Jeff Carr left at 6:30 p.m.

15  
16 7. Act 250 & Sec. 248 Applications: Regina noted that all four letters require action. In the context  
17 of Act 250 applications, D.E. C. stands for District Environmental Commission.

18 a. Freeman Woods, Essex – Application #4C0608-30. Regina noted that this a project located near *The*  
19 *Essex* for construction of a 71-unit assisted care facility, 56-unit memory care unit, 6,000sf office  
20 building and 17 townhouses. Regina noted that our letter references Criterion 9(L) which is strip  
21 development restriction. First we have to determine if a development is in a very narrowly defined  
22 definition of "existing settlement" served by infrastructure. Many applications we see do not meet  
23 that definition, so then we go to the next level. However, this development meets the definition of  
24 existing settlement in full. Michele wondered if we want to comment on the new Criterion 9(L)  
25 because of our planning areas that we don't want interpreted as strip development. Regina said  
26 D.E.C. wants to test procedures before going to rulemaking. Regina then moved on to  
27 transportation and noted that there is a new Criterion 5(B) that deals with TDM (Transportation  
28 Demand Management) strategies as appropriate. We are concerned about how to get people  
29 across roads in certain areas of the development; and recommend that they coordinate with CATMA  
30 to coordinate possible TDM measures. When John Zicconi questioned what CATMA was, Michele  
31 noted that is it the Campus Area Transportation Management Area, which we have been trying to  
32 change to Chittenden Area TMA to go beyond the Hill institutions. There will be a new membership  
33 structure as they change things. This will be important as we move into TID (Transportation  
34 Improvement Districts), where we have an applicant who wants to use trip reduction strategies to  
35 reduce their financial impact which is based on rate per trip. They could join CATMA and we'd  
36 have an independent agent to review the strategies. We are actually meeting with CATMA in a  
37 couple of weeks and then take the recommendations to the D.E.C to see their take on it. Discussion  
38 continued. JOHN ZICCONI MADE A MOTION, SECONDED BY ANDREA MORGANTE, TO APPROVE THIS  
39 LETTER TO THE D.E.C. MOTION CARRIED UNANIMOUSLY.

40 b. Holly Girl/Vermont Information Processing, Inc, Colchester; Application #4C0757\*4B-1 This is a  
41 request to revise conditions #12 and 27 of their land use permit relating to peak hour vehicle trips  
42 and the previously imposed traffic mitigation fee. We are suggesting they join CATMA and monitor  
43 to see if they reach trip reduction. If they can't, they can work with CATMA and CCRPC to make  
44 additional changes; however, if they can't meet the trip reductions within a year after occupancy,  
45 they would have to pay the fees associated with the peak hour trips than have not been reduced. If  
46 we have CATMA monitoring the system it will be consistent, especially with money involved. In this  
47 development the mitigation fee is \$123,000. In this letter, we're finding they do not meet the exact  
48 definition of "existing settlement." While "strip development" does not seem to accurately describe  
49 this type of development, it does appear to fit the definition. Because this is an established office

- 1 park within the municipal water and sewer service area, is on the CCTA transit line, and this  
2 particular project is an expansion of an existing use in an already developed area we find that the  
3 proposed project is making efficient use of land, energy, roads, utilities and other infrastructure.  
4 We also find that this project will not contribute to strip development as it is already developed; and  
5 the project is infill as the construction is adding capacity to a use in an area that is already developed  
6 and therefore is not contributing to strip development. It was agreed that the definition for  
7 "existing settlement" is too narrow. CHRIS ROY MADE A MOTION, SECONDED BY ANDREA  
8 MORGANTE, TO APPROVE THIS LETTER TO THE D.E.C. MOTION CARRIED UNANIMOUSLY.
- 9 c. All Metals Recycling, Inc., Williston; Application #300007-10C. Chris Roy recused himself because he  
10 approved it at the Selectboard. Regina said we're saying it doesn't meet existing settlement but  
11 does meet 9(L) in our opinion. We went back and forth about whether we should say anything  
12 about 13-14 trips per hour throughout the day but not necessarily at peak hours. There are capital  
13 improvement projects on both ends of Industrial Avenue and we recommend that there should be  
14 an appropriate share traffic mitigation fee applied. There are no TDM measures in there. JOHN  
15 ZICCONI MADE A MOTION, SECONDED BY DEBRA KOBUS, TO APPROVE THE LETTER TO D.E.C.  
16 MOTION CARRIED UNANIMOUSLY, WITH CHRIS ROY ABSTAINING.
- 17 d. Shelburne Green, LLC, Shelburne; Application #4C0822-5. Regina noted we talked about this a  
18 number of times and previously submitted a letter. We had suggested they put in bus access along  
19 Route 7. They have since met with developer, town and CCTA. There are bus stops on Marsette  
20 Road and there seem to be reasonable pedestrian crossings, so we should leave it alone for now. If  
21 it changes in the future, we could make improvements. This letter supports CCTA's new position.  
22 JOHN ZICCONI MADE A MOTION, SECONDED BY ANDREA MORGANTE, TO APPROVE THE LETTER TO  
23 THE D.E.C. MOTION CARRIED UNANIMOUSLY.  
24
- 25 8. Act 250 Policy Revisions re. Criteria 5(B) & 9(L). Regina distributed a memo giving an overview of new  
26 Criteria 9(L) and 5(B). Right now our policy says we will address conformance with our planning areas;  
27 and whether a project "fails to comply with one or more of the 10 Act 250 criteria with specific attention  
28 paid to the criteria dealing with transportation and/or traffic and the other criteria with CCRPC's  
29 expertise based on approved technical reports and/or in-house technical expertise or expert opinion of  
30 individuals consulted by in-house staff." Staff asked whether the Executive Committee feels we should  
31 add these new criteria to our policy. After a brief discussion, members felt that we should leave our  
32 policies vague so if we get more expertise, we can include other criteria. Members decided to leave the  
33 policy alone at this time. For now we will give the District Commission our interpretation of existing  
34 settlement for urban areas in our comment letters. Our staff will make an effort to attend the hearings  
35 for these projects. Regina said the state has no set schedule for rulemaking, but we should find out  
36 whether they can let us know when to comment.  
37
- 38 9. TMDL (Total Maximum Daily Load) Recommendations. Andy Montroll said this was presented at the  
39 last board meeting and there was a glitch in that we had not reviewed this with the MS4 communities or  
40 the TAC or PAC before bringing it to the board. Charlie acknowledged this failure in process and noted  
41 that the TAC and MS4 representatives have now had an opportunity to provide comments. Charlie  
42 distributed a track-change version of the policy we received in our packet showing comments from the  
43 TAC. The only substantive change was on page 7 with concern about municipalities having to collect  
44 another state fee with multiple layers. For example, churches and other non-profits don't pay property  
45 taxes, but would have to pay mitigation fees. So the TAC added language to cover that. There were a  
46 lot of changes that were made when Charlie asked for comments at the end of October from VLCT &  
47 MS4 professionals. When Andy asked if committee had seen this, Charlie said they saw last week's  
48 version and Don Meals had a concern with 2.4, which Charlie described. The whole premise of Sec.  
49 Mears' proposal is to force permits on other than point source pollution. There was some feedback

1 from all committee members. Item 2.3 was changed to add that there may be other relevant factors  
2 than cost. Discussion continued. Andrea asked about changes to 2.7 and 2.8 to allow a system that gets  
3 to the worst sources of pollution not small ones. Andy questioned VTrans take on this, regarding  
4 permitting road projects, Charlie noted that VTrans is an MS4 permittee and is providing comments  
5 separately to ANR. Lengthy discussion continued. JOHN ZICCONI, MADE A MOTION, SECONDED BY  
6 CHRIS ROY, TO APPROVE THE TMDL RECOMMENDATIONS AS REVISED. MOTION CARRIED  
7 UNANIMOUSLY. Andy Montroll thanked everyone for their hard work on this. Discussion continued  
8 about how the MS4 communities are becoming experts on this issue and more rural communities are  
9 looking to them for help. This may be an area in which CCRPC can provide some support.

10  
11 10. Permit Improvement Recommendations. Charlie said we have looked at this a couple of times in  
12 the past – 2011 and 2013. We had a small committee of Brian Palaia, Justin Dextrateur and Curt Carter.  
13 Most of the content in this new document is restated from previous recommendations. The only thing  
14 new is in Smart Growth recommendations regarding revision of Energy code requirement in Act 250  
15 Criterion 9(F). The TAC looked at this and Charlie distributed track-change version. They're hoping the  
16 PAC can address Vesting. The only other new thing was 6.c. to get more authority for septic system  
17 permits. Executive Committee members want to see what the PAC will have to say and then debate it at  
18 the board level. The Executive Committee was not ready to act on this today.

19  
20 11. Chair/Executive/MPO Directors' Reports.

21 a. Legislative Breakfast. The legislative breakfast will be held Thursday, December 18<sup>th</sup> at 7:30 a.m. at  
22 the Double Tree.

23 b. At the same time we're working with our ECOS partners to prepare our annual report, so we'd like to  
24 limit our priority issues for legislative breakfast to 3 topics. The first thoughts on these are: 1) TMDL; 2)  
25 What are we doing for employment/ economy? 3) Education funding. These are topics that come from  
26 town managers, as well as shared municipal services. Discussion ensued about what topics to discuss at  
27 the breakfast – municipal issues vs. regional issues. Charlie noted that none of these goals can be  
28 accomplished without funding. Charlie has been viewing this as a forum for our municipalities to  
29 interact with our legislators. Andy mentioned another area of concern is keeping young folks here to  
30 put into our schools.

31 c. Electronic voting question. This question came up at the last board meeting. Michele noted that we  
32 are not allowed to vote electronically on anything. There has to be room for debate. You can have  
33 telephone conferences as long as there is someone in the room that was publicly advertised and allows  
34 for discussion. The new Open meeting law is very explicit on this.

35 d. Compensation Study Update. Charlie reported that we're updating the compensation study done  
36 five years ago. The consultant had sent a survey to staff a few weeks ago and met with staff last week to  
37 review the survey responses. The consultant is now sending a survey to comparable public and private  
38 entities to gather data for comparison. We should have a draft report in December.

39  
40 12. Agenda Review for November 19<sup>th</sup> board meeting. Members reviewed and approved the agenda for  
41 the November board meeting.

42  
43 15. Adjournment. JOHN ZICCONI MADE A MOTION, SECONDED BY CHRIS ROY TO ADJOURN AT 8:05  
44 P.M. MOTION CARRIED UNANIMOUSLY.

45  
46 Respectfully submitted,

47  
48  
49 Bernadette Ferenc

November 6, 2014

Peter Keibel  
District #4 Coordinator  
111 West Street  
Essex Junction, VT 05452

RE: Freeman Woods, Essex; Application #4C0608-30

Dear Mr. Keibel:

The Chittenden County Regional Planning Commission's Staff and Executive Committee have reviewed this Act 250 application for a Project described as the construction of a 71-unit assisted care facility, 56-unit memory care facility, 6,000sf office building and 17 townhomes. The Project is located on Freeman Woods Road, in Essex, VT. The project has received approval from the Town of Essex Planning Commission. **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 Metro 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 to be served by municipal water and sewer, and is located approximately 0.4 miles from two CCTA transit service routes (while a quarter mile is ideal, under a half mile is still considered reasonable).
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*.

In addition, we'd like to take the opportunity to comment on Criterion 9(L). We find that this project meets the following definition of an existing settlement in full: an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens. Therefore, we find this project to be in conformance with Criterion 9(L).

Regarding transportation, the proposal has comprehensively included an internal network of sidewalks. However, regarding Criterion 5(B), we find this project to be in a location where transportation demand management strategies are appropriate and would be utilized. Therefore, there are a number of additional transportation demand management strategies that would be appropriate in this circumstance:

1. It was noted on the plans that the sidewalk on the northern side of Freeman Woods Road does not continue to Essex Way and a crosswalk across Freeman Woods Road is not shown. Consideration should be given to establish a safe connection for pedestrians travelling beyond this terminus on the northern side of Freeman Woods.

2. The Applicant should install bike racks for employees working at the facilities.
3. CCRPC strongly encourages the property manager to coordinate with CATMA on possible TDM measures through the "Go! Chittenden County" program ([www.gochittendencounty.org](http://www.gochittendencounty.org)). This program provides tools and resources for employers/property managers to reduce parking needs and address traffic issues, and connects individuals to the range of transportation commuting options in our region.

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

November 6, 2014

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

RE: Holly Girl/Vermont Information Processing, Inc., Colchester; Application #4C0757-4B-1

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 a request to revise Conditions #12, 26 and 27 of Land Use Permit Amendment #4C0757-4B relating to PM peak hour vehicle trips and the previously-imposed traffic mitigation fee. The Project is located at 402 Water Tower Circle in Colchester, VT. Land Use Permit Amendment #4C0757-4B was for a 35,000 sq.ft. office building along with a 64 space parking lot to serve the growth of Vermont Information Processing. The project has received approval from the Town of Colchester Development Review Board. **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 Metro 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 to be served by municipal water and sewer, and is located along a CCTA transit service route (the Milton Commuter).
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*.

We also find that this project meets the requirements of Criterion 9(L). We find that this area does not meet the exact definition of "existing settlement". Therefore, under Criterion 9(L), the applicant must show that any project outside an existing settlement:

- i. Makes efficient use of land, energy, roads, utilities and other infrastructure, and either:
  - ii. (I) Will not contribute to strip development, or
  - (II) If the project is "confined to" existing strip development, it incorporates infill and minimizes the characteristics of strip development.

We find that while "strip development" does not seem to accurately describe this type of development it does appear to fit the definition. Because this is an established office park within the municipal water and sewer service area, is on the CCTA transit line, and this particular project is an expansion of an existing use in an already developed area we find that this proposed project is making efficient use of land, energy, roads, utilities and other infrastructure. Secondly, we find that this proposed project will not contribute to strip development as it is already developed. Thirdly, we find that this proposed project is infill as the construction is adding capacity to a use

in an area that is already developed and therefore is not contributing to strip development.

Regarding transportation, and particularly Criterion 5(B), the amendment proposal includes numerous Transportation Demand Management measures that the Applicant estimates will result in 15 fewer pm peak hour trips. The TDM measures include: preferential carpool parking, subsidized transit passes, guaranteed ride home, staggered work schedules, sheltered bicycle parking, and on-site shower facilities. These measures will enable employees to choose alternate modes of travel, potentially reduce single occupancy vehicle trips, and lessen peak hour congestion impacts. We sincerely applaud the applicant's TDM efforts and would like to see the trip reduction estimates realized, therefore we suggest that the District Commission require the Applicant to:

1. become a member of CATMA to assist the owner in realizing the estimated trip reductions through support programs (for example, CATMA will alert the owner of bike commuter workshop offerings twice/year); and
2. monitor their peak hour trip count a year after building occupancy in order to determine if the estimated reductions are being realized; and
3. if the trip reductions are not realized within a year after building occupancy, work with CATMA and CCRPC on mechanisms to improve the reductions, or pay the traffic mitigation fees associated with the peak hour trips that have not been reduced.

In addition, CCRPC would like to clarify that regardless of the amount of federal funding for capital projects, it continues to be the developer's responsibility to provide a fair share of the cost when a transportation impact fee has been established pursuant to Act 145 of 2014.

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



November 6, 2014

Peter Keibel  
District #4 Coordinator  
111 West Street  
Essex Junction, VT 05452

RE: All Metals Recycling, Inc., Williston; Application #300007-10C

Dear Mr. Keibel:

The Chittenden County Regional Planning Commission's Staff and Executive Committee have reviewed this Act 250 application for the construction of a scrap metal recycling facility consisting of a office/metal storage building, scale, material unloading/processing area, excavator operation area, fence, gates and vegetative buffer, on-site septic system and municipal water. The Project is located on Avenue B, in Williston, VT. This project has received approval from the Williston Development Review Board and the certificate of approved location required for salvage yards has been approved by the Selectboard. **We offer the following comments:**

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

1. The Enterprise 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. While the project is within the sewer service area it is proposed to be served by an on-site septic system (the sewer line does not exist this far down Avenue B and this use has minimal septic needs, likely making the sewer line expansion cost prohibitive). The project will be on the municipal water system and is within 0.4 miles of a CCTA transit line on Industrial Ave (while a quarter mile is ideal, under a half mile is still considered reasonable access).

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

We also find that this project meets the requirements of Criterion 9(L). We find that this area does not meet the exact definition of "existing settlement". Therefore, under Criterion 9(L), the applicant must show that any project outside an existing settlement:

- i. Makes efficient use of land, energy, roads, utilities and other infrastructure, and either:
  - ii. (I) Will not contribute to strip development, or
  - (II) If the project is "confined to" existing strip development, it incorporates infill and minimizes the characteristics of strip development.

We find that while "strip development" does not seem to accurately describe this type of development it does appear to fit the definition. Because this is an established industrial area within the municipal water and sewer service area, is within 0.4 miles of a CCTA transit line, and this particular project site is already being used as a precast concrete staging area and is largely impervious we find that this proposed project is making efficient use of land, energy, roads, utilities and other infrastructure. Secondly, we find that this proposed project will not contribute to strip development as it is already developed. Thirdly, we find that this proposed project is infill as the redevelopment is adding a use to an area that is already developed and therefore is not contributing to strip

development.

We find that it may be appropriate to apply a proportionate share traffic mitigation fee in this circumstance for the following two capacity projects in the VTrans Capital Program: restructuring of the US2/Industrial Avenue Intersection and resurfacing of US2; and improvements to the VT 2A/Industrial Avenue/Mountain View Drive intersection.

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,

A handwritten signature in blue ink that reads "Charlie Z Baker". The signature is written in a cursive, flowing style.

Charlie Baker  
Executive Director

Cc: CCRPC Board  
Certificate of Service

November 6, 2014

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

RE: Shelburne Green, LLC; Shelburne; Application #4C0822-5

Dear Ms. Monaghan:

The Chittenden County Regional Planning Commission's Staff and Executive Committee previously submitted a letter on this project in July 17, 2014. Please accept this second letter in response to the Applicant's submittal on October 29, 2014. In our July 17, 2014 letter, we included the following statement (among others):

"Regarding transportation, the proposal takes advantage of existing curb-cuts. However, there are a number of recommended transportation considerations:

1. Due to the lack of transit access currently in this area, CCRPC encourages the District Commission to require improvements that would enhance transit access. The District Commission should require the implementation of one or more improvements contained on the following list.
  - a. Establishment of CCTA bus stops, both north and southbound, that serve the development;
  - b. Sidewalks connecting up to two bus stops that serve the development property and provide access to the development property;
  - c. Sidewalks along the Shelburne Green driveway from Route 7 to the main entrance(s); and
  - d. Signalized crossings at up to two bus stops proximate to the project where pedestrians must cross Route 7 to access the development property."

As the Applicant indicated in their letter, dated October 14, 2014 (attached), we had a meeting on September 24, 2014 with CCTA, the Town and the Applicant to understand the transit improvements that could be made to this site. Following that meeting, CCTA studied the existing service and ultimately recommended in the short term: "those wishing to access the Shelburne Green site use the current bus stop on Marsett and walk south on the community housing path that ends at the Shelburne Green driveway on Cynosure Drive." CCTA further recommended as a medium-long term solution: "If Shelburne Green tenants or their employees begin requesting more direct transit access, CCTA and Shelburne Green should consider the option to add a stop at Shelburne Green on the "Teddy Bear" Shelburne Road trips."

We believe these suggestions from CCTA are the most appropriate method to address transit service at this time, along with our original Transportation Demand Management recommendations that I will repeat here:

2. There is an opportunity to reduce single occupancy vehicle trips through increased Transportation Demand Management (TDM) measures (an action under Strategy 3.2.2 in the Plan). CCRPC strongly encourages the property manager to coordinate with CCRPC on possible TDM measures through the "Go! Chittenden County" program ([www.gochittendencounty.org](http://www.gochittendencounty.org)). This program provides tools and resources for employers/property managers to reduce parking needs and address traffic issues, and connects individuals to the range of transportation options in our region. Specifically CCRPC suggests that the property manager join CATMA to reduce trip ends for this project – and thereby reducing their proportional share for the

development of the transportation access elements.

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,

A handwritten signature in blue ink that reads "Charlie Z Baker". The signature is written in a cursive, flowing style.

Charlie Baker  
Executive Director

Cc: CCRPC Board  
Certificate of Service

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

4 DATE: Tuesday, November 4, 2014  
5 TIME: 9:00 a.m.  
6 PLACE: CCRPC Office, 110 West Canal St. Winooski, VT  
7

8 **Members Present**

9 Nicole Losch, Burlington  
10 Dean Bloch, Charlotte  
11 Bryan Osborne, Chair, Colchester  
12 Robin Pierce, Essex Junction  
13 Jennifer Murray, Jericho  
14 Roger Hunt, Milton  
15 Dean Pierce, Shelburne  
16 Brian Bigelow, Underhill  
17 Brent Meacham, Westford  
18 James Sherrard, Williston  
19 Peter Wernsdorfer, Winooski  
20 Charlene Wallace, Bike/Pedestrian  
21 Sandy Thibault, CATMA  
22 Meredith Birkett, CCTA  
23 Maryann Michaels, Rail  
24 Bob Henneberger, Senior Citizens  
25 Amy Bell, VTrans  
26

**Staff**

Charles Baker, Executive Director  
Michele Boomhower, Assistant/MPO Director  
Jason Charest, Senior Transportation Planning Engineer  
Eleni Churchill, Senior Transportation Planning Engineer  
Bryan Davis, Senior Transportation Planner  
Chris Dubin, Transportation Planner  
Christine Forde, Senior Transportation Planner  
Peter Keating, Senior Transportation Planner  
Sai Sarepalli, Transportation Planning Engineer  
Regina Mahony, Senior Planner

**Others**

Steve Carlson, CCTA  
Matthew Langham, VTrans  
Dick Hosking, VTrans District 5

27 Bryan Osborne convened the meeting at 9:00AM with a round of introductions.  
28

29 **1. Consent Agenda**

30 This is no consent agenda this month.  
31

32 **2. Approval of Minutes**

33 A MOTION WAS MADE TO APPROVE THE MINUTES OF OCTOBER 7TH BY NICOLE LOSCH AND  
34 SECONDED BY BRIAN BIGELOW. THE MOTION PASSED UNANIMOUSLY.  
35

36 **3. Public Comments**

37 No members of the public were present.  
38

39 **4. Consultant Selection: Shelburne Project**

40 Regina provided an overview of this project which is to develop a spreadsheet sheet based model that will  
41 output a variety of quantitate measures associated with various growth scenarios for Shelburne. The concept is  
42 to establish the model to evaluate the possible outcomes various different future scenarios. The project uses  
43 Envision Tomorrow which is a set of urban and regional planning tools. CCRPC is hoping that this model will  
44 be transferrable to other municipalities in Chittenden County. The contract amount is \$34,000 and the 20  
45 percent match will be provided by Shelburne. Shelburne is recommending Crane Associates, Inc. and  
46 Fregonese Associates.  
47

48 A MOTION WAS MADE BY BRIAN BIGELOW AND SECONDED BY ROGER HUNT TO APPROVE  
49 THE SELECTED CONSULTANT, CRANE ASSOCIATES, INC. AND FREGONESE ASSOCIATES, AS  
50 RECOMMENDED BY THE SHELburne SELECTBOARD, FOR DEVELOPMENT SCENARIO  
51 ANALYTICAL TOOL CONSULTANT SERVICES FOR THE TOWN OF SHELburne. THE MOTION  
52 PASSED UNANIMOUSLY.  
53  
54

## 5. TMDL Recommendations

Charlie provided an overview of this item. Commissioner Mears of the Vermont Department of Environmental Conservation is preparing recommendations for the Vermont Legislature regarding how the state will implement the TMDL implementation plan. The TMDL draft implementation plan is being reviewed by EPA right now and EPA is waiting to see what the state is going to do to follow through on the plan and if funding will be made available to implement the TMDL plan as proposed.

A subcommittee of the CCRPC Board was formed to provide comments to Commissioner Mears and the Legislature as they develop legislation this year. The subcommittee developed a recommendation report which was provided in the TAC packet. Charlie opened the floor to questions and suggestions from the TAC.

Bryan Osborne made the following comments:

Section 1.0, second paragraph, second to the last sentence - missing the end of the sentence after “goals”.

Section 1.0, third paragraph, second sentence - insert a period after “progress”.

Section 2.4, fourth line – Bryan requested that the phrase “or upgrade” be inserted after “construct”.

Bryan requested a summary of the Governor’s commitment letter referenced in the last sentence of Section 2.4. Charlie explained that the Governor’s commitment letter accompanied the TMDL plan submitted to EPA. The letter contained a section that stated that it does not make financial sense to require costly upgrades to wastewater treatment plants that will result in have minimal phosphorus reductions when we can achieve make much greater phosphorous reductions by addressing other sources such as agriculture and rural roads. Charlie pointed out that some wastewater treatment plants might need to make some may still need upgrades to meet today’s standards.

Bryan commented on Section 4.0 funding and made several specific comments regarding how funding the program would work acknowledging that it is a huge undertaking.

Bryan requested that language be added that specifically includes giving credits for stormwater utility fees.

Bryan expressed a preference for the fee to be collected directly by the state. Discussion followed that while municipalities already collect property taxes it isn’t on all properties, and this fee would need to be collected from every property. Therefore administering the collection would take quite an effort and be costly. In addition, there was some concern that residents the fee may be easier to collect at the local level, but there was concern that it would be viewed this as and a local fee rather than a state fee. Concern was also expressed regarding the cost to the community to collect the fee. If the fee is to be collected by the municipality, the cost to administer the program should be included in the fee cost.

A MOTION WAS MADE BY BRIAN BIGELOW AND SECONDED BY ROGER HUNT TO APPROVE THE DRAFT RECOMMENDATIONS WITH REVISION TO THE CCRPC EXECUTIVE COMMITTEE FOR THEIR CONSIDERATION ON NOVEMBER 5<sup>TH</sup>. THE MOTION PASSED UNANIMOUSLY.

## 6. Permit Reform Recommendations

Charlie explained that this item is not the result of any specific legislative effort. There was interested expressed in updating CCRPC’s recommendations regarding permit reform. Recommendations were previously made in 2011 and 2013. A subcommittee was formed to review and update the previous recommendations. A written summary is provided in the TAC packet. The only significant difference from the previous versions was the addition of an energy code item. This item was added because the legislature added that requirement about a year and a half ago. Charlie invited the TAC to provide input on this item.

In the Permitting Process recommendations section Bryan Osborne had a comment on item b under Integrating Municipal and State Permitting. One issue Colchester has encountered was whether the town could attach operating conditions to onsite wastewater permits issued prior to Colchester’s administration of the permits that

1 predate the new rules. The problem Colchester has encountered is that when they try to manage a large area that is  
2 served predominantly by decentralized wastewater they don't have the regulatory tools that they would have for a  
3 new permit. Colchester would like to see clarification or modification of the regulations that would allow  
4 municipalities to attach operating conditions to older onsite wastewater permits.

5  
6 Dean Pierce questioned the point of item 4a concerning vesting with regards to basic zoning. Charlie explained  
7 that some towns require more technical engineering work to be done before a project is vested with regards to  
8 basic zoning. Dean requested that the intent of this item be clarified.

9  
10 Robin Pierce requested that Planning Commissions DRP be added under item 6c.

11  
12 Regina stated that this item will also be reviewed by the PAC at their next meeting.

13  
14 A MOTION WAS MADE BY ROBIN PIERCE AND SECONDED BY ROGER HUNT TO APPROVE THE  
15 DRAFT RECOMMENDATIONS WITH REVISIONS AS APPROPRIATE TO THE CCRPC BOARD FOR  
16 THEIR CONSIDERATION ON NOVEMBER 19<sup>TH</sup>.

#### 17 18 **7. CCTA Burlington Transit Center Update**

19 Steve Carlson from CCTA provided an update on the Burlington Downtown Transit Center. A number of  
20 years ago the bus terminal was located on St. Paul Street just north of Main Street. In 1981 the current station  
21 on Cherry Street opened and it has been inadequate since it opened. The current process of finding a new home  
22 for the station looked at 37 locations and took over a year. Most of the locations considered were in the  
23 Burlington central business district. Through an increasingly detailed process the St. Paul Street location was  
24 chosen as the preferred site.

25  
26 Steve presented a diagram of the St. Paul Street site plan. The station will occupy the entire section of St. Paul  
27 Street between Cherry Street and Pearl Street. There will be a small transit station building on the south end of  
28 the block, ten bus berths and a platform that will run north-south along the center of St. Paul Street. There will  
29 be eight bus berths on Pearl Street and three bus berths on the north side of Cherry Street.

30  
31 The platform will have overhead signage identifying bus stop locations. There will be windbreaks along the  
32 center of the platform. The windbreaks will have canopy covers that have radiant heating elements that can be  
33 activated by push buttons.

34  
35 On the Pearl Street end there will be a small building that will contain bathroom facilities for the drivers.

36  
37 Steve showed a diagram of the transit building which is very small. The entrance is on Cherry Street. The  
38 station contains a waiting area, a glass enclosed ticket booth, a couple of vending machines and public  
39 restrooms. The lower level of the transit building is the employee break room and contains a small kitchen  
40 space, a lounge areas, restrooms for the drivers and other employees and a couple of computer work stations.

41  
42 The Burlington City Council approved an easement agreement for the use of St. Paul Street and the adjacent  
43 bus bays on October 20. The easement is for a 40-year term with two 20-year extensions. At the end of the  
44 first 40 years CCTA will do a transportation study to substantiate the continuing need for the space. There are  
45 six easement areas on St. Paul Street, Pearl Street and Cherry Street. There is also an operations agreement  
46 with Burlington covering hours of operation and other issues.

47  
48 Bryan Osborne asked if this facility will accommodate 80 years of transit use in Chittenden County. Steve  
49 stated that it is the intent of the facility to accommodate future needs. There are five additional bus berth  
50 locations that could be used in the future. It was also discussed that the hub-and-spoke and pulse systems that  
51 CCTA currently used may not continue into the future. Other satellite hubs are being used such as the Essex  
52 Junction train station and the University Mall.

1  
2 CCTA will have a ticket agent and a supervisor on site. There is currently a ticket agent at the Cherry Street  
3 station.

4  
5 St. Paul Street will not be open to traffic except for access to the Zampieri parking garage.

6 Dick Hosking asked about availability of the bus berths on Cherry Street and Pearl Street for public parking.  
7 Steve indicated that CCTA would be working with the City to determine days and hours when those areas  
8 might be available for public parking.  
9

10 CCTA is also working on an MOU with the state Department of Buildings and General Services regarding use  
11 and access to the Zampieri Office Building covering issues such as access for pedestrian, vehicles, deliveries,  
12 handicapped access and air quality.  
13

14 There was an extensive public outreach program for this project. There were three advisory committee  
15 meetings, two public meetings, three meetings with the Ward 3 NPA, events focused on eliciting transit rider  
16 and drive comments with posters and outreach on the buses. In total there were over 130 meetings. CCTA also  
17 outreached to businesses including small businesses on Pearl Street.  
18

19 The current cost estimates indicate that the project is over budget. CCTA is hopeful that they can  
20 accommodate the increased cost without changing the design.  
21

22 Steve reviewed the project schedule. CCTA plans to issue an invitation to bid to contractors on November 17  
23 with construction to begin in the spring of 2015 and be completed by the summer of 2016.  
24

25 In response to a question from the TAC Steve explained that CCTA is working with an arborist on an  
26 extensive and detailed plan to protect and preserve existing trees located on the cathedral property.  
27

28 An eight foot easement was acquired from the cathedral through a friendly condemnation process.  
29

30 Five-foot-wide bike lanes will be provided on both sides of St. Paul Street adjacent to the bus berths. Bryan  
31 Davis added that Burlington, CCTA and CCRPC are looking at bicycle access in the project area and, as a  
32 pilot project, four electronic bicycle lockers are being installed on the south side of Cherry Street.  
33

34 A summary of the benefits of the transit station location include the following:

- 35 † It uses a public space for a public purpose
- 36 † It doesn't remove property from the tax base
- 37 † The location is convenient for riders
- 38 † It reduces the number of buses that cross Church Street
- 39 † The bus bays are contiguous and convenient
- 40 † The project is supported by the City and businesses.  
41

#### 42 **8. CCRPC Sidewalk Analysis**

43 Chris Dubin summarized a recent sidewalk data model developed by CCRPC. The model was piloted in  
44 Colchester this summer. The purpose of the model was to develop a more comprehensive inventory of  
45 sidewalks, what deficiencies are present and where they are located for better planning. The inventory was  
46 carried out by summer interns. Every sidewalk slab was inventoried individually. The inventory is mapped, but  
47 the intent is not to create maps but to use the output for decision making. Various types and severity of  
48 distresses are inventoried. The interns inventoried an average of 3 miles of sidewalk per day. Chris discussed  
49 the various ways the data was summarized. The data model can be customized according to the needs of the  
50 user.  
51



1 Michele stated that the UPWP application process will contain a new form for data requests. Sidewalk  
2 inventory requests should be made using this form.

3  
4 Meredith added that CCTA is looking at barriers that prevent patrons from using the fixed route system over  
5 ADA paratransit services. One barrier is sidewalk conditions adjacent to transit stops. This model could be  
6 useful to identify and help eliminate those barriers.

7  
8 **9. Status of Projects and Subcommittee Reports**

9 Bryan referred members to the project list on the back of the agenda and asked for any question for staff.  
10 Based on TAC comment Michele indicated that there will be an update to the TAC on the Drive Electric  
11 program in the near future.

12  
13 **10. CCRPC October Board Meeting Report**

14 Christine noted that the Board warned for public hearing on the Colchester Park and Ride, approved the Public  
15 Participation Plan and reviewed the TMDL recommendation.

16  
17 **11. Chairman's/Members' Items**

18 Charlene invited members to attend the annual Burlington Walk Bike Council meeting a week from Thursday  
19 at the Fletcher Free Library in Burlington from 5:30 to 8. Ann Lusk is coming to speak. She is the founder of  
20 the Stowe Bike Path and is now with the Harvard School of Public Health.

21  
22 Bryan and Michele are working on scheduling a second opportunity for municipalities to attend right-of-way  
23 training conducted by VTrans.

24  
25 A MOTION TO ADJOUR WAS MADE BY ROGER HUNT AND SECONDED BY CHARLENE  
26 WALLACE.

27  
28 The meeting adjourned at 10:30 a.m.

29  
30 Respectfully submitted, Christine Forde

CCRPC Permit Integration Committee  
Draft meeting summary  
October 21, 2014

Attendees: Justin Dextrateur (Chair), Brian Palaia, Curt Carter. Staff: Charlie Baker, Regina Mahony

The meeting convened at 1:40 pm.

The committee reviewed the latest draft and made edits per the revised draft recommendations.

The committee asked staff to provide the draft to the TAC and PAC for comment before presenting to the CCRPC board for consideration at their 11/19 meeting. Staff was asked to do their best to integrate comments of the PAC and TAC in the recommendation to the board. If there are differences in opinion they will have to be resolved at the board.

The committee agreed that they did not need to meet again.

The meeting adjourned at 3:00 pm.