

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

4 DATE: Wednesday, May 9, 2018
5 TIME: 2:30 p.m. to 4:30 p.m.
6 PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
7

Members Present:	Darren Schibler, Essex
Victor Sinadinoski, Milton	Sean Cannon, Colchester
Everett Marshall, Huntington	Meaghan Tuttle, Burlington
Ken Belliveau, Williston	
Matt Boulanger, Williston	Staff:
Paul Conner, South Burlington	Regina Mahony, Planning Program Manager
Robin Pierce, Essex Junction (for a few minutes)	Melanie Needle, Senior Planner
Sarah Hadd, Colchester	Emily Nosse-Leirer, Planner
Alex Weinhausen, Hinesburg	

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10 **1. Welcome and Introductions**

11 Paul Conner called the meeting to order at 2:35 p.m.

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13 **2. Approval of December 6, 2017 Minutes**

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15 Sarah Hadd made a motion, seconded by Alex Weinhausen, to approve the December 6, 2018 minutes. No further
16 discussion. MOTION PASSED. Darren Schibler abstained.
17

18 **3. Act 250/Section 248 Review Guidelines & Municipal Plan Review Guidelines**

19 Regina Mahony stated that we are updating these two CCRPC guidance documents to match changes that we've
20 made to the ECOS Plan (slated for adoption in June). The changes include the new enhanced energy component,
21 Determination of Energy Compliance, and the 8-year timeframe for municipal plans. This is an initial review and
22 then we'll ask for a recommendation to the Board in July. We are hoping the Board can adopt the changes to the Act
23 250/Section 248 guidelines in July and can adopt the changes to the Plan Review guidelines in September, because
24 while the new ECOS Plan will (hopefully) be adopted in June, the Certification of Energy Determination won't
25 happen until August.
26

27 Emily Nosse-Leirer went through the amendments to the Act 250/Section 248 Review Guidelines, namely:

- 28 • CCRPC does not intend to review the constraints for Act 250 projects since those are already covered by
29 local and state review.
- 30 • Regarding the Section 248 process, CCRPC will review all of the 45 day advance notice period projects and
31 provide information to the potential applicants within this time period so they are aware of the constraints in
32 the regional plan before they file their petition. For state constraints we will defer to the State regulating
33 authorities.
- 34 • If the constraints are not addressed in the petition, CCRPC will follow-up by participating in the PUC's
35 hearing, or requesting a hearing.
- 36 • There is also a new section describing how CCRPC will determine "preferred site" status for net metered
37 projects.
38

39 The PAC discussion included:

- 40 - There was consensus that it makes sense for CCRPC to not review the constraints in Act 250.
- 41 - Discussion regarding the constraints changing at the municipal level; and whether we would change the
42 ECOS Plan accordingly. CCRPC will eventually amend the ECOS Plan to try to ensure consistency with the
43 municipal plans if the targets and other goals can still be met.
- 44 - Discussion about which Town's participate in the 45 day advance notice period for Section 248 projects.
45 Hinesburg, Essex and Williston do. Others do to some extent.

- 1 - There was a suggestion to add in a sentence about working with an applicant after CCRPC's 45 day notice
2 letter, and before the full PUC hearing because it can be more effective and efficient (for all parties) to work
3 through these things outside of the more formal process. CCRPC will make this addition.
4

5 Emily Nosse-Leirer went through the amendments to the Municipal Plan Review Guidelines. Emily stated the
6 process for CCRPC approving the Determination of Energy Compliance for municipalities has been added.
7 Essentially, we'll follow the same process we do now for municipal plan approvals and plan amendments. CCRPC
8 asks that the municipalities submit the Act 171 requirements checklist, which will help CCRPC understand how the
9 enhanced energy planning standards are met.

10
11 There was also a discussion regarding the level of data update needed, now that the plans expire in 8 years rather than
12 5. Regina Mahony showed the PAC the two relevant statutory sections for data:

13
14 4382(c):

15 (c) Where appropriate, and to further the purposes of subsection 4302(b) of this title, a municipal plan shall be
16 based upon inventories, studies, and analyses of current trends and shall consider the probable social and
17 economic consequences of the proposed plan. Such studies may consider or contain, but not be limited to:

18 (1) population characteristics and distribution, including income and employment;

19 (2) the existing and projected housing needs by amount, type, and location for all economic groups within
20 the municipality and the region;

21 (3) existing and estimated patterns and rates of growth in the various land use classifications, and desired
22 patterns and rates of growth in terms of the community's ability to finance and provide public facilities and
23 services.

24 4302(d):

25 (d) All plans and regulations prepared under the authority of this chapter shall be based upon surveys of existing
26 conditions and probable future trends, and shall be made in the light of present and future growth and
27 requirements, and with reasonable consideration, for the landowner, to topography, to needs and trends of the
28 municipality, the region and the State, to the character of each area and to its peculiar suitability for particular
29 uses in relationship to surrounding areas, and with a view to conserving the value of buildings.
30

31 Regina Mahony explained that these sections are a little bit hidden in 4382 (the elements) and 4302 (the goals).
32 CCRPC will add these to our Appendix A; and will identify needed data updates in our initial plan reviews.
33 However, we understand that some municipalities may want to rely on the actual census, or other more reliable data,
34 rather than the most recent. For example, the ACS data may be more recent, but the margins of error can be quite
35 high. Sarah Hadd explained that there is a JAPA article about how best to describe ACS data if you do use it, since
36 the data itself is not very accurate. Sarah Hadd asked if CCRPC could provide a 1 pager on what data could/should
37 be used. CCRPC will look into this.
38

39 **4. Input on Aviation Rules for Private Airports**

40 John Zicconi, Executive Secretary of the VT Transportation Board talked with the PAC about possible revisions to
41 aviation facilities including those that govern private helipads, seaplane landing sites, and private airstrips. John
42 explained that we are starting to see these more and more frequently and closer to residential, village areas. When the
43 Transportation Board looks at these applications, there is a municipal approval check. And most of the municipalities
44 don't have a process in place to review these. The Transportation Board is responsible for determining how this will
45 serve the public interest; but they have no way to review this either. The Transportation Board would appreciate local
46 feedback on how they should look at these by July 1.
47

48 The PAC discussion included:

- 49 - What authority municipalities have in these matters. Municipalities don't have a right to weigh in on public
50 airports, or private landing strips that the public has access to. These is a question about whether there is

1 enabling statute for municipalities to set up regulations for these totally private land strips and pads. As an
 2 example, municipalities don't have any authority to regulate sea planes on state waters.

- 3 - There was a discussion regarding what the FAA allows and covers. The FAA allows an operator to come and
 4 go a few times (i.e. a ski resort fixing a chair lift with a helicopter over a weekend); but once it becomes
 5 more frequent you need to go to the Transportation Board.
- 6 - There was a suggestion for the Transportation Board to look at other State programs, where there is a
 7 municipal component of a use generally governed at the state level. As an example, salvage yards are
 8 generally prohibited across the state, however for existing yards there is a Certification of Location process
 9 that happens every five years that the SLBs/Legislative Bodies approve. This, and others like it, may be a
 10 useful model to review and learn from.
- 11 - There was discussion about what avenues a municipality might use to review these types of uses: potentially
 12 kick it to ZBA/DRB if it is a use that isn't explicitly mentioned or allowed; an accessory use; review as a
 13 Conditional Use or Site Plan; develop and review against specific standards to determine if it would have an
 14 undue adverse impact or not; performance standards (i.e. noise). Suggestion that you do need to have some
 15 factual information in order to review as a Site Plan or CU, and the most important things will likely be
 16 performance measures like noise, etc. But it would help to have decibel levels and then you can start to
 17 standardize appropriate distances from those typical noise levels.
- 18 - Currently, the state doesn't have any standards either, but they are looking at what other State's are doing.
 19 Hopefully this will be a two-way street of information between what the Transportation Board learns, and
 20 what the municipalities can help with. The Transportation Board could cover more of the technical standards.
- 21 - The term used by the Federal government to describe these is 'restricted landing area'.
- 22 - There was a discussion about the variety of levels that come into play – sometimes you can land in a grass
 23 field and so nothing is even built or constructed.
- 24 - There was a question about data on the number of accidents or incidents. John indicated that there haven't
 25 been many accidents. The landing and take-off is covered by the FAA. The Transportation Board and the
 26 FAA can determine if the situation is safe.
- 27 - There was a discussion about fuel storage? The Transportation Board looks to the Emergency Responders for
 28 feedback on this. Not all applicants ask for a location to store fuel because they may just rent/lease, but
 29 others do.
- 30 - Transportation/Energy Plan – is this not consistent with those larger goals if there is a large increase in fuel
 31 for aircrafts. It isn't clear that it would use more energy depending on the trip and type of aircraft.
- 32 - CCRPC will send the PAC John's contact info so they can respond to him with comments.

33 **5. 2017 Housing Numbers**

34 Melanie Needle explained that we were hoping to finalize this after this meeting, but we are likely going to need
 35 another week or two. Some corrections are being made in South Burlington. The ECOS Plan Strategy 2 is the 80%
 36 smart growth goal, the 2017 housing numbers with demolitions is just shy of this at 79%.

37
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 39 There was a discussion about what exactly we are counting, and whether it makes sense to count housing starts rather
 40 than occupancy. There was an ask regarding how many new home zoning permits don't get built? Williston and
 41 South Burlington don't see many that don't get built. Hinesburg noted that it can take a long time between zoning
 42 permit and CO. Colchester only issues a condo CO once the unit is sold, so it is later than when it becomes online or
 43 available. The municipalities typically report housing starts, and not occupancy.

44
 45 There was also a discussion about units that are truly assisted living, and spaces with shared kitchens like dorms.
 46 These units are counted as group quarters and may not be included in the total "new home" count. Senior
 47 independent living is in a gray area. If they are functionally independent, call them dwelling units. Quarry Hill is
 48 more like a fancy hotel room and maybe should just be listed as group quarters.

49 **6. Regional Act 250/Section 248 Projects on the Horizon**

50 Milton: Winterlane neighbors appealing the Act 250 and Town sand pit approval

51 Huntington: None

52 Williston: Finney Crossing amendments - bank will come in next and then a 100 room hotel. There is also another
 53 hotel at Blair Park Road/Williston Road that is approved by the DRB. Potential warehouse/store style business
 54

1 coming. Potential new state police barracks. Channel 5 came in for preliminary review for consolidating operations
2 from Plattsburgh and Colchester.

3 South Burlington: Cider Mill II another attempt, currently between preliminary and final DRB review. Phase III of
4 South Village has received final approval at the local level. There will be another three phases on Quarry Hill. Hotel
5 at airport.

6 Colchester: Holiday Inn Express at Exit 16 Water Tower Hill circle with 92 rooms; Lomartire Anna's Court Pt. II on
7 Mallett's Bay – preliminary plat approval, already have partial Act 250. Some other Severance Corners projects, but
8 they will probably be priority housing. Town's solar project on 0.9 acres.

9 Essex: Solar project - 4.5 MW & 2 MW battery storage on Sand Hill Road. Already reviewed at the SLB and going
10 to PC. 287 River Road will be used as the staging area for the Rte. 117 paving project - not sure if that will go to Act
11 250 or not. Other small amendments.

12 Hinesburg: Nothing new.

13 Burlington: Nothing new on permitting; but seeing construction projects getting started.

14 15 **7. Other Business**

- 16 a. Staff recommended that both Charlotte and Milton Town Plans be approved by the CCRPC Board as these
17 Plans have been adopted at the local level and have not had any significant changes since the last PAC
18 review. These plans were adopted by the CCRPC Board in March. You've also seen the initial plan reviews
19 as well.
- 20 b. Discussion about whether an Essentials Training for our region (101 to planning & development review)
21 would be helpful for new PC/DRB members? While there are some new members and this might be valuable
22 information for them; it isn't likely that folks would come and some of the municipalities prepare their new
23 members with the essentials already. Regina Mahony stated that this is helpful feedback and she'll keep
24 thinking on what to do on this.
- 25 c. Drinking Water Protection Resources – Staff will post resources from a workshop on our website:
26 <https://www.ccrpcvt.org/our-work/municipal-planning-assistance/comprehensive-plans/>
- 27 d. Act 171 guidance from ANR is final as of March 2018:
28 <http://anr.vermont.gov/sites/anr/files/co/planning/documents/guidance/Act171Guidance.pdf>.
- 29 e. The Form-Based Codes Institute (FBCI) at Smart Growth America is looking for five communities to host
30 our highly-regarded, [two-day classes](#) where you can learn the nuts and bolts of form-based codes. To host a
31 [class](#) in your community, simply [email us \(info@smartgrowthamerica.org\)](mailto:info@smartgrowthamerica.org) by Friday, May 18 with your
32 responses to the following questions: are folks interested, do we have a room to offer for 50 attendees, and
33 identify two or three local organizations (like APA or CNU chapters, ULI district council, municipal league,
34 or zoning association) in your area who you think would be interested in helping FBCI market the class. A
35 few PAC members would potentially be interested; likely only for a day. There were some questions about
36 whether this would be both the 201 and 301 level classes? Regina Mahony will look into this further.
- 37 f. There were two questions for Alex Weinhagen as the VPA Legislative Liaison:
- 38 i. Accessory on farm businesses? The bill has the potential to move forward, but they are trying settle
39 the bill between the different versions approved by the house and the senate. As drafted it will enable
40 municipalities to have site plan review for on-farm businesses. Municipalities can't prohibit the uses,
41 they are allowed, but they have to go through Site Plan approval (specifically not CU). There are no
42 specific provisions regarding the number of events. There was talk of connecting these to the state
43 water & wastewater rules which only allow for four or five events with porta-potties. There is no
44 connection made in the bill, but the water & wastewater rules still stand.
- 45 ii. Statute enabling distribution of plans and bylaw amendments digitally was in the Omnibus bill, but
46 the Governor threatened to veto the bill. These have been added to S.94 which has a better chance of
47 passage.

48 49 **7. Adjourn**

50 The meeting adjourned at 4:40 p.m.

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52 Respectfully submitted, Regina Mahony