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

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

1. Welcome and Introductions  
Paul Conner called the meeting to order at 2:35 p.m.

2. Approval of December 6, 2017 Minutes  
Sarah Hadd made a motion, seconded by Alex Weinhagen, to approve the December 6, 2018 minutes. No further discussion. MOTION PASSED. Darren Schibler abstained.

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

Emily Nosse-Leirer went through the amendments to the Act 250/Section 248 Review Guidelines, namely:
- CCRPC does not intend to review the constraints for Act 250 projects since those are already covered by local and state review.
- Regarding the Section 248 process, CCRPC will review all of the 45 day advance notice period projects and provide information to the potential applicants within this time period so they are aware of the constraints in the regional plan before they file their petition. For state constraints we will defer to the State regulating authorities.
- If the constraints are not addressed in the petition, CCRPC will follow-up by participating in the PUC’s hearing, or requesting a hearing.
- There is also a new section describing how CCRPC will determine “preferred site” status for net metered projects.

The PAC discussion included:
- There was consensus that it makes sense for CCRPC to not review the constraints in Act 250.
- Discussion regarding the constraints changing at the municipal level; and whether we would change the ECOS Plan accordingly. CCRPC will eventually amend the ECOS Plan to try to ensure consistency with the municipal plans if the targets and other goals can still be met.
- Discussion about which Town’s participate in the 45 day advance notice period for Section 248 projects. Hinesburg, Essex and Williston do. Others do to some extent.
- There was a suggestion to add in a sentence about working with an applicant after CCRPC’s 45 day notice letter, and before the full PUC hearing because it can be more effective and efficient (for all parties) to work through these things outside of the more formal process. CCRPC will make this addition.

Emily Nosse-Leirer went through the amendments to the Municipal Plan Review Guidelines. Emily stated the process for CCRPC approving the Determination of Energy Compliance for municipalities has been added.

Essentially, we’ll follow the same process we do now for municipal plan approvals and plan amendments. CCRPC asks that the municipalities submit the Act 171 requirements checklist, which will help CCRPC understand how the enhanced energy planning standards are met.

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

4382(c):
(c) Where appropriate, and to further the purposes of subsection 4302(b) of this title, a municipal plan shall be based upon inventories, studies, and analyses of current trends and shall consider the probable social and economic consequences of the proposed plan. Such studies may consider or contain, but not be limited to:

1. population characteristics and distribution, including income and employment;
2. the existing and projected housing needs by amount, type, and location for all economic groups within the municipality and the region;
3. existing and estimated patterns and rates of growth in the various land use classifications, and desired patterns and rates of growth in terms of the community's ability to finance and provide public facilities and services.

4302(d):
(d) All plans and regulations prepared under the authority of this chapter shall be based upon surveys of existing conditions and probable future trends, and shall be made in the light of present and future growth and requirements, and with reasonable consideration, for the landowner, to topography, to needs and trends of the municipality, the region and the State, to the character of each area and to its peculiar suitability for particular uses in relationship to surrounding areas, and with a view to conserving the value of buildings.

Regina Mahony explained that these sections are a little bit hidden in 4382 (the elements) and 4302 (the goals). CCRPC will add these to our Appendix A; and will identify needed data updates in our initial plan reviews.

However, we understand that some municipalities may want to rely on the actual census, or other more reliable data, rather than the most recent. For example, the ACS data may be more recent, but the margins of error can be quite high. Sarah Hadd explained that there is a JAPA article about how best to describe ACS data if you do use it, since the data itself is not very accurate. Sarah Hadd asked if CCRPC could provide a 1 pager on what data could/should be used. CCRPC will look into this.

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

The PAC discussion included:
- What authority municipalities have in these matters. Municipalities don’t have a right to weigh in on public airports, or private landing strips that the public has access to. These is a question about whether there is
enabling statute for municipalities to set up regulations for these totally private land strips and pads. As an example, municipalities don’t have any authority to regulate sea planes on state waters.

- There was a discussion regarding what the FAA allows and covers. The FAA allows an operator to come and go a few times (i.e. a ski resort fixing a chair lift with a helicopter over a weekend); but once it becomes more frequent you need to go to the Transportation Board.

- There was a suggestion for the Transportation Board to look at other State programs, where there is a municipal component of a use generally governed at the state level. As an example, salvage yards are generally prohibited across the state, however for existing yards there is a Certification of Location process that happens every five years that the SLBs/Legislative Bodies approve. This, and others like it, may be a useful model to review and learn from.

- There was discussion about what avenues a municipality might use to review these types of uses: potentially kick it to ZBA/DRB if it is a use that isn’t explicitly mentioned or allowed; an accessory use; review as a Conditional Use or Site Plan; develop and review against specific standards to determine if it would have an undue adverse impact or not; performance standards (i.e. noise). Suggestion that you do need to have some factual information in order to review as a Site Plan or CU, and the most important things will likely be performance measures like noise, etc. But it would help to have decibel levels and then you can start to standardize appropriate distances from those typical noise levels.

- Currently, the state doesn’t have any standards either, but they are looking at what other State’s are doing. Hopefully this will be a two-way street of information between what the Transportation Board learns, and what the municipalities can help with. The Transportation Board could cover more of the technical standards.

- The term used by the Federal government to describe these is ‘restricted landing area’.

- There was a discussion about the variety of levels that come into play – sometimes you can land in a grass field and so nothing is even built or constructed.

- There was a question about data on the number of accidents or incidents. John indicated that there haven’t been many accidents. The landing and take-off is covered by the FAA. The Transportation Board and the FAA can determine if the situation is safe.

- There was a discussion about fuel storage? The Transportation Board looks to the Emergency Responders for feedback on this. Not all applicants ask for a location to store fuel because they may just rent/lease, but others do.

- Transportation/Energy Plan – is this not consistent with those larger goals if there is a large increase in fuel for aircrafts. It isn’t clear that it would use more energy depending on the trip and type of aircraft.

- CCRPC will send the PAC John’s contact info so they can respond to him with comments.

5. 2017 Housing Numbers
Melanie Needle explained that we were hoping to finalize this after this meeting, but we are likely going to need another week or two. Some corrections are being made in South Burlington. The ECOS Plan Strategy 2 is the 80% smart growth goal, the 2017 housing numbers with demolitions is just shy of this at 79%.

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

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

6. Regional Act 250/Section 248 Projects on the Horizon
Milton: Winterlane neighbors appealing the Act 250 and Town sand pit approval
Huntington: None
Williston: Finney Crossing amendments - bank will come in next and then a 100 room hotel. There is also another hotel at Blair Park Road/Williston Road that is approved by the DRB. Potential warehouse/store style business
coming. Potential new state police barracks. Channel 5 came in for preliminary review for consolidating operations from Plattsburgh and Colchester.

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

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

Essex: Solar project - 4.5 MW & 2 MW battery storage on Sand Hill Road. Already reviewed at the SLB and going 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 250 or not. Other small amendments.

Hinesburg: Nothing new.

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

7. Other Business

a. Staff recommended that both Charlotte and Milton Town Plans be approved by the CCRPC Board as these Plans have been adopted at the local level and have not had any significant changes since the last PAC review. These plans were adopted by the CCRPC Board in March. You’ve also seen the initial plan reviews as well.

b. Discussion about whether an Essentials Training for our region (101 to planning & development review) would be helpful for new PC/DRB members? While there are some new members and this might be valuable information for them; it isn’t likely that folks would come and some of the municipalities prepare their new members with the essentials already. Regina Mahony stated that this is helpful feedback and she’ll keep thinking on what to do on this.

c. Drinking Water Protection Resources – Staff will post resources from a workshop on our website:

https://www.ccrpcvt.org/our-work/municipal-planning-assistance/comprehensive-plans/

Act 171 guidance from ANR is final as of March 2018:


d. The Form-Based Codes Institute (FBCI) at Smart Growth America is looking for five communities to host our highly-regarded, two-day classes where you can learn the nuts and bolts of form-based codes. To host a class in your community, simply email us (info@smartgrowthamerica.org) by Friday, May 18 with your responses to the following questions: are folks interested, do we have a room to offer for 50 attendees, and identify two or three local organizations (like APA or CNU chapters, ULI district council, municipal league, or zoning association) in your area who you think would be interested in helping FBCI market the class. A few PAC members would potentially be interested; likely only for a day. There were some questions about whether this would be both the 201 and 301 level classes? Regina Mahony will look into this further.

e. There were two questions for Alex Weinheren as the VPA Legislative Liaison:

i. Accessory on farm businesses? The bill has the potential to move forward, but they are trying settle the bill between the different versions approved by the house and the senate. As drafted it will enable municipalities to have site plan review for on-farm businesses. Municipalities can’t prohibit the uses, they are allowed, but they have to go through Site Plan approval (specifically not CU). There are no specific provisions regarding the number of events. There was talk of combining these to the state water & wastewater rules which only allow for four or five events with porta-potties. There is no connection made in the bill, but the water & wastewater rules still stand.

ii. Statute enabling distribution of plans and bylaw amendments digitally was in the Omnibus bill, but the Governor threatened to veto the bill. These have been added to S.94 which has a better chance of passage.

The meeting adjourned at 4:40 p.m.

Respectfully submitted, Regina Mahony