REGULAR MEETING AND PUBLIC HEARING AGENDA

Wednesday, September 19, 2018 - 6:15 p.m.
CCRPC Offices: 110 W. Canal Street, Suite 202
Winooski, VT 05404

TRAINING – MPO Introduction 5:15 – 6:00 p.m. (Light dinner will be available)

CONSENT AGENDA –

C.1 none

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; 1 minute)
4. Approve Minutes of July 18, 2018 Meeting* (Action; 1 minute)
5. Appoint Agriculture Sector Representative to Board – Tom Eaton* (Action; 5 minutes)
6. St. George Town Plan Public Hearing and Approval* (Action; 5 minutes)
7. Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans Review * (Action; 5 minutes)
8. Winooski Tactical Basin Plan Overview* (Discussion; 20 minutes)
9. Clean Water Advisory Committee (CWAC) Membership* (Action; 10 minutes)
10. Comment letter on DEC Draft Stormwater Permitting Rule* (Action; 5 minutes)
11. National Highway System Changes* (Action; 15 minutes)
12. Transportation Performance Measures Report* (Discussion; 20 minutes)
13. Chair/Executive Director Report (Discussion; 5 minutes)
   a. Commission on Act 250
   b. Governor’s Cabinet for a Day in Chittenden County – 9/26
   c. Legislative Breakfast
14. Committee/Liaison Activities & Reports * (Information, 2 minutes)
   a. Executive Committee (draft minutes July 18 and August 29, 2018)*
      i. Act 250 Sec 248 letters*
   b. CWAC & MS4 Subcommittee (draft minutes, September 4, 2018)*
   c. Planning Advisory Committee (draft minutes, July 11, 2018)*
15. Members’ Items, Other Business (Information, 5 minutes)
16. Adjourn

The September 19th Chittenden County RPC streams LIVE on YouTube at https://www.youtube.com/Channel17TownMeetingTV. The meeting will air on Sunday, September 23, 2018 at 1 p.m. and is available on the web at https://www.cctv.org/watch-tv/series/chittenden-county-regional-planning-commission.

In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext. *21 or evaughn@ccrpcvt.org, no later than 3 business days prior to the meeting for which services are requested.
Upcoming Meetings - Unless otherwise noted, all meetings are held at our offices:

- Planning Advisory Committee - Wednesday, September 12, 2018; 2:30 p.m.
- Transportation Advisory Committee - Tuesday, October 2, 2018; 9:00 a.m.
- Clean Water Advisory Committee - Tuesday, October 2, 2018; 11:00 a.m.
- CWAC MS4 Subcommittee - Tuesday, October 2, 2018; 12:15 p.m.
- Executive Committee - Wednesday, October 3, 2018; 5:45 p.m.
- CCRPC Board Meeting - Wednesday, October 17, 2018; 6:00 p.m.

Tentative future Board agenda items:

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<td>MPO Training Session in advance of Meeting (5:15 p.m.)</td>
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<td>TIP amendments (Consent Agenda)</td>
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<td>November 28, 2018</td>
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<td>VTrans Project Selection &amp; Prioritization Process - Discussion</td>
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<td>December ?</td>
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CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARING
DRAFT MINUTES

DATE: Wednesday, July 18, 2018
TIME: 6:00 p.m.
PLACE: CCRPC Offices; 110 W. Canal Street, Suite 202; Winooski, VT 05404

PRESENT: Bolton: Absent  Buel’s Gore: Absent
Burlington: Andy Montroll  Charlotte: Absent
Colchester: Jeff Bartley  Essex; Jeff Carr
Essex Junction: Dan Kerin  Hinesburg: Andrea Morgante
Huntington: Barbara Elliott  Jericho: Catherine McMains
Milton: Tony Micklus (6:06)  Richmond: Bard Hill (6:06)
St. George: Absent  Shelburne: Absent
So. Burlington: Chris Shaw  Underhill: Brian Bigelow
Westford: VACANT  Williston: Chris Roy
Winooski: Mike O’Brien  VTrans: Amy Bell
Bus/Industry: Tim Baechle  Socio/Econ/Housing: Absent
Cons./Env. Absent
Others: Matthew Langham, VTrans Rob Fish, Burlington Alternate
Scott Moody, CCTV Cameraman
Staff: Charlie Baker, Executive Director Regina Mahony, Planning Program Mgr.
Bryan Davis, Sr. Transportation Planner Christine Forde, Sr. Transportation Planner

1. Call to order. The meeting was called to order at 6:03 p.m. by the Chair, Chris Roy. Chris noted that our meetings are now being live-streamed on YouTube.

2. Changes to the agenda. There were none.

3. Public Comment Period for items not on the agenda. There were no members of the public present.

4. Approve Minutes of June 20, 2018 Annual Meeting. JEFF CARR MADE A MOTION, SECONDED BY CHRIS SHAW, TO APPROVE THE MINUTES OF JUNE 20, 2018 WITH CORRECTIONS, IF ANY. MOTION CARRIED WITH ABSTENTIONS FROM JEFF BARTLEY AND ANDREA MORGANTE.

5. FY19-22 Transportation Improvement Program (TIP).
   a. Presentation & Public Hearing. JEFF CARR MADE A MOTION, SECONDED BY DAN KERIN, TO OPEN THE PUBLIC HEARING AT 6:05 P.M. MOTION CARRIED UNANIMOUSLY. Christine Forde then made a Power Point presentation. She described what is involved with transportation planning and project implementation – the Metropolitan Transportation Plan (MTP)/ECOS Plan; planning studies and corridor studies; scoping studies; funding (TIP, STIP, Capital Program; and finally design, Right-of-way and construction. Christine then described what the TIP is, how projects get on the TIP and how to read the TIP. We are the only MPO in Vermont and we are federally mandated to develop a TIP and update it at least every four years; we update it every year. Our TIP is developed in cooperation with VTrans and GMT. Any project in the TIP has to be ready to go and has to have funding. In order to be funded the project also has to be in the State’s Capital Program and since we work closely with VTrans they are in alignment. Charlie
noted that the state cannot spend federal transportation dollars without a project being in the TIP. Christine then described the three sections of the TIP: I. Introduction; II Projects by Municipality; and III. Summary of Financial Statistics. The proposed TIP funding levels include: FY19 - $69.9 million; FY20 - $66.9 million; FY21 - $52.4 million and FY22 - $53.1 million for a four year total of $242.1 million. The TIP based on a federal fiscal year of October 1st – September 30th.

The TIP funding be category includes: Aviation - $32.5 million (we have no say in those expenditures); Bicycle/Pedestrian - $6.1 million (18 projects); Bridge Preservation - $14.4 million (8 projects); Intermodal - $2.3 million (1 project); New facility/Major Roadway Upgrade - $59.9 million (6 projects); Paving - $20.9 million (6 projects); Roadway Corridor Improvements – $150,000 (1 project); Safety/Traffic Operations/ITS - $42.7 million (15 projects); Transit - $58 million; and Stormwater/Environmental - $4.1 million (15 projects). All funds listed in the TIP are federal funds only and do not include state or local funds.

Christine then reviewed a chart showing Federal funds obligated in Chittenden County by use category from FY2000-FY2017. Charlie noted that there are performance measures that we'll be looking at in the fall. Christine has been working with VTrans on a new project prioritization process. JEFF CARR MADE A MOTION, SECONDED BY ANDY MONTROLL TO CLOSE THE PUBLIC HEARING AT 6:34 P.M. MOTION CARRIED UNANIMOUSLY.

b. Approval of the TIP. JEFF CARR MADE A MOTION, SECONDED BY ANDY MONTROLL, TO APPROVE THE TIP AS PRESENTED. MPO VOTE:

| Bolton: | Absent | Burlington: | Yes (4) | Charlotte: | Absent |
| Colchester: | Yes (2) | Essex: | Yes | Essex Jct: | Yes |
| Hinesburg: | Yes | Huntington: | Yes | Jericho: | Yes |
| Milton: | Yes | Richmond: | Yes | St. George: | Absent |
| Shelburne: | Absent | So. Burlington: | Yes (2) | Underhill: | Yes |
| Westford: | VACANT | Williston: | Yes | Winooski: | Yes |
| VTrans: | Yes | |

MOTION CARRIED WITH 19 OF 24 VOTES; AND 13 OF 18 MUNICIPALITIES VOTING IN THE AFFIRMATIVE.

c. Certification of the Planning Process. Christine had provided a memo in the meeting packet describing the federal requirements CCRPC must follow and a description of what each of those regulations cover. JEFF CARR MADE A MOTION, SECONDED BY ANDY MONTROLL, TO AUTHORIZE THE CHAIR TO SIGN THE CERTIFICATION OF THE PLANNING PROCESS. MOTION CARRIED UNANIMOUSLY.

6. FY19 Schedule of Meetings. The board packet included a list of proposed meeting dates for the Executive Committee and the Board for FY 2019. The Executive Committee reviewed it at their meeting earlier and recommend changing the September 5th Joint Executive/Finance Committee meeting to August 29th. ANDREA MORGANTE MADE A MOTION, SECONDED BY DAN KERIN, TO APPROVE THE FY19 MEETING SCHEDULE AS AMENDED. MOTION CARRIED UNANIMOUSLY.

7. Solicitation and Appointment of Members to serve on FY19 committees. Charlie noted that every year we do a review of our committees and solicit members to serve. Please let Chris or Charlie know if you want to serve on a particular committee. The bylaws say the chair shall establish and appoint
committees and their members with the concurrence of the full commission. JEFF CARR MADE A
MOTION, SECONDED BY CHRIS SHAW, TO AUTHORIZE THE CHAIR TO MAKE THESE COMMITTEE
APPOINTMENTS. MOTION CARRIED UNANIMOUSLY.

8. Guidelines and Standards for Reviewing Act 250 and Section 248 Applications. Emily Nosse-Leirer noted that the board reviewed this at their May meeting. The new draft includes comments from the Board as well as the Planning Advisory Committee (PAC) who met last week and those are highlighted in yellow. The PAC comments include explaining substantial deference and clarify that we’ll continue to work with municipal staff in this review. We do have a couple of additional changes we’re recommending that are highlighted in green in the handout of pages 6 and 7. It clarifies the difference between when the Executive Committee can act on its own to participate in Act 248 and when the full board should act. We have these outlined in Act 250 guidelines and we want to include these in the Section 248 guidelines as well. The new language is: Under Intervening in PUC Hearings on page 6, the new language added to the second paragraph says: “Action will be required by the CCRPC Board if the Notice of Intervention, discovery questions or testimony indicate that the proposed project unduly interferes with orderly development of the region or does not adhere to the land conservation measures and specific policies stated in the Regional Plan.”

Under Requesting a PUC Hearing, the new language states: Action will be required by the CCRPC Board if the hearing request, discovery questions or testimony indicate that the proposed project unduly interferes with orderly development of the region or does not adhere to the land conservation measures and specific policies stated in the Regional Plan.”

Jeff Carr said there is another dimension to this. We have given our Executive Committee authority to do a lot without coming to the Board. He is concerned about a large project that might be in a community that is not represented on the Executive Committee and feels it should then get feedback from the board. Chris Roy acknowledged that there would be projects that make sense to bring to the Board. He also noted that there are times when there isn’t enough time to get Board input prior to responding, but we can notify the board at the next meeting. Brief discussion continued. JEFF CARR MADE A MOTION, SECONDED BY ANDY MONTROLL, TO ACCEPT THE STAFF RECOMMENDATION TO ADOPT THE ACT 250/SECTION 248 REVIEW GUIDELINES. MOTION CARRIED UNANIMOUSLY.

9. Guidelines and Standards for Confirmation of Municipal Planning Process and Approval of Municipal Plans. Emily Nosse-Leirer noted that these draft guidelines outline how we’ll review municipal plans once we have a Determination of Energy Compliance from the state. Emily reviewed her memo that summarizes the additional steps we’ll need to take:

1. Municipalities write an enhanced energy plan or energy chapter that meets the Vermont Department of Public Service Energy Planning Standards for Municipal Plans (http://publicservice.vermont.gov/sites/dps/files/documents/Pubs_Plans_Reports/Act_174/Municipal%20Determination%20Standards_Final.pdf),

2. Municipalities request that CCRPC issue an affirmative determination,

3. CCRPC holds a public hearing and reviews the plan against the Energy Planning Standards, and

4. CCRPC makes a determination. An affirmative determination remains in effect until the plan expires. A municipality can edit the plan to address a negative determination and have it reviewed again.

Some housekeeping edits are also suggested at this time:

1. Clarify the difference between plan amendments and plan re-adoptions (page 2),
2. Clarify the need for updated data during the plan re-adoption process (page 4 of Appendix A), and

3. Remind CCRPC staff to distribute initial reviews of municipal plans to the CCRPC Board representatives for surrounding municipalities (page 5).

Jeff Carr thanked staff for the update. Between this new review and the new Act 250/Section 248 review there may be a lot more work for us. a) Do we have the funding to do this work? And b) is this amount of effort taking the place of something we did before in support of municipalities? He wants to be sure it’s not making it difficult for the Executive Director or staff. Charlie said it is a shift and the state did provide funds for energy planning work in the last couple of years and has funding for next year. Charlie said this is a shift in work, but not really displacing anything specific right now. We’ve been able to accommodate municipal requests. Jeff is concerned that we may have to drop some of the core functions and the board should know about that. Chris Roy noted that funding and efforts have shifted to energy and stormwater issues over the last couple of years. Discussion continued. Charlie said the state has been trying to address the funding issue for many of these topics. We’ll adjust as the needs change. Charlie asked members to review this document over the next couple of months and it will be an action item for the Board in September.

10. Chair/Executive Director’s Update:

a. Department of Public Service Public Hearing. Charlie noted that the Department of Public Service will be holding a public hearing on August 6, 2018 at CCRPC offices on CCRPC’s Request for a Determination of Energy Compliance with 24 VSA, Section 5352.

b. Act 250 public outreach meeting. Charlie noted that the board packet included Recommendations for Improving Vermont’s Permitting System approved by CCRPC in November 2014. On Wednesday, September 12, 2018 at the Elks Club in Burlington there will be an Act 250 Public Outreach Meeting. There are a lot of legislators working on updating Act 250 after 50 years. He noted that when you read the language in the bill authorizing that commission, it’s not just Act 250, but the entire permitting system. A major issue in Vermont permitting is lack of integration between all parties and agencies. A developer will talk to the state and hear one thing and then hear something else from the town. He asked members to review this for input and noted that we may want to form an ad hoc committee to look at this further. Chris Roy said typically Act 250 has been left alone because nobody wants to open Pandora’s box. The State is conducting the public forums and we can anticipate some real and earnest discussion on Act 250 covering all sides of the issue. Is there common ground we can agree on such as the November 2014 recommendations. Charlie asked members to feel free to contact him or Regina Mahoney with any thoughts on this.

11. Committee/Liaison Activities and Reports. There were Planning Advisory Committee minutes in the board packet.

12. Adjournment. JEFF CARR MADE A MOTION, SECONDED BY DAN KERIN TO ADJOURN AT 7:02 P.M. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Bernadette Ferenc
Chittenden County Regional Planning Commission  
September 19, 2018  
Agenda Item 5: Appoint Agriculture Sector Representative to the Board

**Issue:** The CCRPC has had a vacancy for the Agriculture sector representative for several years. Staff had contacted several organizations seeking a representative at that time. We were recently contacted by the Champlain Valley Farmer Coalition with a candidate, Tom Eaton. His resume is attached for your review.

The process for appointing regional board members is in this section of the bylaws:

“Article IV. C. Regional Board members represent the following sectors: Agriculture, Socio-Economic-Housing, Industrial/Business, and Conservation/Environmental. Staff shall solicit nominees from stakeholder organizations. Regional Board members shall be appointed by the Chittenden County Regional Planning Commission for a term of two years for even numbered fiscal years at the June meeting. Regional Board members shall serve at the pleasure of the Chittenden County Regional Planning Commission and may be removed during their term.”

**Staff Recommendation:** Executive Director, Charlie Baker, met with Tom and reviewed our work and his interests and recommends that the Board appoint Tom Eaton to the Board as the Representative of the Agriculture sector with a term ending in June 2019.

**Executive Committee Recommendation:** The Executive Committee recommends that the Board appoint Tom Eaton to the Board as the Representative of the Agriculture sector.

**Staff Contact:** Contact Charlie Baker with any questions: cbaker@ccrpcvt.org, 846-4490 ext. *23.
THOMAS EATON

PROFESSIONAL SUMMARY

I have been a Nutrient Management Planner and Agronomist with Agricultural Consulting Services, Inc. (ACS) since 2006. I started working in the field of Agricultural Consulting in high school, pulling soil samples for a local consulting firm in Western New York. I now help my clients maximize yields by utilizing the most up to date agronomy techniques and technologies, while focusing on soil health and the protection of waters of the state through compliance with state and federal regulation.

I currently manage approximately 50,000 acres, covering Vermont, New York, New Hampshire and Connecticut. I am the Senior Service Manager on 28 Medium Farm Operations (MFOs), 13 Large Farm Operations (LFOs) in Vermont, and 9 CAFO Farms in New York. I also oversee the development of approximately 15 Comprehensive Nutrient Management Plans (CNMPs) projects a year in Vermont.

PROFESSIONAL EXPERIENCE

SENIOR SERVICE MANAGER

January 2006 to Current

AGRICULTURAL CONSULTING SERVICES INC. – RICHMOND, VT (ITHACA, NY HEADQUARTERS)

- Manage and develop client accounts and relationships
- Manage Clients state specific annual environmental compliance permits (CAFO & LFO/MFO)
- Create and administer client Nutrient Management Plans and Best Management Practices
- Develop and provide full season Crop Management/Fertility Plans
- Provide Integrated Pest Management (IPM) strategies/plans
- Conduct and develop Farmstead Water Quality Management Plans
- Provide Clients with the resources and information to implement advanced agricultural technologies and techniques (Dragline manure systems, Yield Monitoring/Mapping, Variable Rate Application)

EDUCATION

Bachelor of Science: Environmental Science 2002
Specialization in Geography/GIS
Keene State College – Keene, New Hampshire

PROFESSIONAL DEVELOPMENT

Certified Crop Advisor (CCA) since 2007
New York Farm and Markets Agricultural Environmental Management Training
Chittenden County Regional Planning Commission
September 19, 2018
Agenda Item 6: 2018 St. George Town Plan, Approval and Confirmation

Issues: The Town of St. George has requested, per Title 24 V.S.A §4350, that the Chittenden County Regional Planning Commission (1) approve its 2018 Town Plan, and (2) confirm its planning process.

Attached is the proposed Resolution of approval and the staff report to the Planning Advisory Committee. The Planning Advisory Committee met on November 8, 2017 and recommended that the Plan, and the municipal planning process, should be forwarded to the CCRPC Board for approval.

The Plan was adopted by the St. George Selectboard on February 15, 2018. Upon final review of the adopted 2018 St. George Town Plan, CCRPC staff realized that we neglected to inform the Town that their “Compatibility” section references now-expired municipal plans and the 2006 Regional Plan. However, staff has confirmed that the St. George Town Plan is compatible with the current adopted municipal plans for all neighboring municipalities and the 2018 ECOS Plan. Staff is recommending approval by the CCRPC Board at this time.

This meeting of the CCRPC Board serves as the CCRPC public hearing for this plan and was warned as such. 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: On November 8, 2017: The PAC finds that the St. George 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.

Staff Recommendation: Staff recommends that the CCRPC Board approve the 2018 St. George Town Plan and confirm the Town of St. George’s planning process in accordance with the attached resolution.

For more information contact: Regina Mahony, Planning Program Manager 846-4490 ext. *28; rmahony@ccrpcvt.org
The Town of St. George has requested, per 24 V.S.A §4350, that the Chittenden County Regional Planning Commission (1) approve its 2017 Comprehensive Plan; and (2) confirm its planning process.

This draft 2017 St. George Comprehensive Plan is an update and re-adoption of the 2012 Plan, which has since expired. In accordance with statute, re-adoption means that this is a fully compliant plan that will expire eight years after adoption by the Selectboard. Accordingly, this 2017 Plan primarily addresses several new required elements. CCRPC staff had conducted an advance review of the 2012 Plan in December of 2015, and provided the Town with comments and suggestions for this update; we offer this formal review of the plan in advance of the Planning Commission’s upcoming public hearing on November 28, 2017.

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 draft 2017 St. George Comprehensive 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. The 2017 St. George Comprehensive Plan is consistent with the general goals of §4302. See the attached Appendix A submittal that describes how the Plan is consistent with these goals.

2. The 2017 St. George Comprehensive Plan is consistent with the specific goals of §4302. See the attached Appendix A submittal that describes how the Plan is consistent with these goals.

3. The 2017 St. George Comprehensive Plan contains the required elements of §4382. See the attached Appendix A submittal that describes how the Plan is consistent with these goals.

4. The 2017 St. George Comprehensive Plan is generally compatible with the planning areas, goals and strategies of the 2013 Chittenden County Regional Plan (amended in 2016), entitled the 2013 Chittenden County ECOS Plan.

5. The 2017 St. George Comprehensive Plan is compatible with the municipal plans for the adjoining municipalities of Hinesburg, Shelburne, and Williston, as described in Section 5.13.
6. St. George has a planning process in place that is sufficient for an approved plan. Staff is still waiting on information for this.

Additional Comments/Questions:

CCRPC staff understands that the Town prepared this update primarily to address new statutory requirements, while maintaining the community vision and most of the goals and objectives of the 2012 plan.

We find that the plan meets all the statutory requirements of 24 V.S.A. Chapter 117. However, much of the data are quite dated. If there is not time to research and incorporate data from more current sources, it may be helpful and appropriate to at least include citations for data sources in this Plan; for example:

New CCRPC population, household and employment forecasts for our 2018 ECOS Plan:
https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml. – Newer data were incorporated in some places. These changes are not required for approval and confirmation.

There are also a number of technical or grammatical updates or corrections needed, which have been communicated to the Town under separate cover. – Updated

For the next plan, we would encourage the Town to move beyond the required elements of the plan to a more forward-looking vision for the town and specific actions for getting there. This could include: protection of natural resources and ridgelines, encouraging appropriately scaled economic development, providing for a range of housing types affordable to varying income levels, and the like. Not incorporated. These changes are not required for approval and confirmation.

Proposed Motion & Next Steps:
PROPOSED MOTION: The PAC finds that the draft 2017 St. George Comprehensive 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.
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 October 19, 2016 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 St. George, Vermont is a member municipality of this Commission; and

WHEREAS, The Town of St. George formally requested CCRPC to approve its 2018 Town Plan and confirm its planning process; and

WHEREAS, The Planning Advisory Committee reviewed the 2018 Town Plan and planning process; and

WHEREAS, the Planning Advisory Committee reviewed the records and recommended that the Commission approve the 2018 St. George Town Plan 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; and

WHEREAS, though the 2018 St. George Town Plan as adopted refers to expired town plans and the expired 2006 Regional Plan in describing its compatibility with the plans of adjoining municipalities and the regional plan, CCRPC staff have confirmed that the 2018 St. George Town Plan is compatible with the current adopted municipal plans of adjoining municipalities and with the adopted 2018 ECOS Plan; and

WHEREAS, The Town of St. George Selectboard adopted the 2018 St. George Town Plan at a warned public hearing on February 15, 2018; and

WHEREAS, the CCRPC held a warned public hearing at the CCRPC, located at 110 W. Canal Street, Suite 202, Winooski, Vermont on September 19, 2018, to receive comments on the Plan;

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 the 2018 St. George Town Plan and the Commission finds that said Plan:
   1. is consistent with the goals established in Section 4302 of Title 24;
   2. is compatible with the 2018 Chittenden County Regional Plan, entitled the ECOS Plan, adopted June 20, 2018;
   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 St. George’s municipal planning process.

Dated at Winooski, this 19th day of September, 2018.

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION

__________________________________________________
Christopher D. Roy, Chair
The 2018 ECOS Plan received a “Determination of Energy Compliance” from the Vermont Department of Public Service (DPS) on August 9, 2018. CCRPC is now able to review municipal plans and grant affirmative Determinations of Energy Compliance.

Edits are proposed to CCRPC’s “Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans” to reflect this new process. Edited guidelines were presented to the Executive Committee on May 2, to the Planning Advisory Committee on May 11, and the CCRPC Board on July 18. The PAC reviewed the document again at their meeting on September 12. The proposed amendments describe the additional steps that a municipality and CCRPC must take for CCRPC to grant an affirmative determination for a plan, which can be summarized as follows:

1. Municipalities write an enhanced energy plan or energy chapter that meets the Vermont Department of Public Service Energy Planning Standards for Municipal Plans (http://publicservice.vermont.gov/sites/dps/files/documents/Pubs_Plans_Reports/Act_174/Municipal%20Determination%20Standards_Final.pdf),
2. Municipalities request that CCRPC issue an affirmative determination,
3. CCRPC holds a public hearing and reviews the plan against the Energy Planning Standards, and
4. CCRPC makes a determination. An affirmative determination remains in effect until the plan expires. A municipality can edit the plan to address a negative determination and have it reviewed again.

Some housekeeping edits are also suggested at this time:

1. Clarify the difference between plan amendments and plan re-adoptions (page 2),
2. Clarify the need for updated data during the plan re-adoption process (page 4 of Appendix A), and
3. Remind CCRPC staff to distribute initial reviews of municipal plans to the CCRPC Board representatives for surrounding municipalities (page 5).
4. Add the Energy Planning Standards for Municipal Plans to the document as Appendix C.

Staff Recommendation: Staff recommends that the Board adopt these guidelines as edited.

Executive Committee Recommendation: The Executive Committee recommends that the CCRPC Board be presented these Guidelines as edited, including any edits recommended by the PAC at their September 12th meeting, for adoption at the September 19th Board meeting.

PAC Recommendation: The PAC recommends that the CCRPC Board adopt these Guidelines with the addition of the Energy Planning Standards for Municipal Plans as Appendix C of the document.

Staff Contact: Contact Emily Nosse-Leirer or Regina Mahony with any questions: enosse-leirer@ccrpcvt.org or rmahony@ccrpcvt.org, 846-4490 ext. *15 or *28.
Introduction

A municipality adopts a plan in order to define the kind of community that it desires to be. The approval of a municipal plan by the Regional Planning Commission supports this vision. In Vermont, a municipality is under no obligation to

- adopt a plan,
- have its plan be approved by a Regional Planning Commission, or
- have its municipal planning process be confirmed by a Regional Planning Commission.

However, a municipality that elects to have its planning process be confirmed obtains these benefits (24 VSA 4350(e)): 

- Eligibility to charge impact fees, to apply for municipal planning grants, and to participate in State Designation Programs;
- Immunity from review by the Department of Housing and Community Affairs of the municipality’s plan for compliance with affordable housing criteria established under 24 VSA §4351; and
- State agency plans adopted under 3 VSA Chapter 67 must be compatible with the municipality’s approved plan.

A municipality may write an enhanced energy plan to make progress towards Vermont’s energy goals. A municipality is under no obligation to adopt an enhanced energy plan, as defined by 24 VSA §4352. However, a municipality that receives a Determination of Energy Compliance is gains benefits, as described in 30 VSA §248 (b)(1)(C). 

“With respect to an in-state electric generation facility, the Commission shall give substantial deference to the land conservation measures and specific policies contained in a duly adopted regional and municipal plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352. In this subdivision (C), "substantial deference" means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy. The term shall not include consideration of whether the determination of energy compliance should or should not have been affirmative under 24 V.S.A. § 4352.”

Role of the Regional Planning Commission

Vermont law [24 VSA §4350(a)] requires each Regional Planning Commission to review the planning process of each of its member municipalities at least twice during an eight-year period (or more frequently at the request of a municipality). This “Guidelines” document identifies the procedures and standards that the Chittenden County Regional Planning Commission (CCRPC) will use for approving the plans and confirming the planning processes of CCRPC’s member municipalities.

Section 4350(a) establishes that CCRPC must confirm a municipal planning process that meets all of the following criteria:

1) The municipality is engaged in a continuing planning process that, within a reasonable time, will result in a plan that is consistent with the goals of Chapter 117 [see 24 VSA 4302];
2) The municipality is engaged in a process to implement its municipal plan, consistent with the program for implementation required under 24 VSA §4382; and
3) The municipality is maintaining its efforts to provide local funds for municipal and regional planning.

Section 4350(b) additionally requires that a municipality must have its plan be approved by the Regional Planning Commission in order to obtain or retain confirmation of its planning process. CCRPC shall approve a municipal plan if CCRPC finds that the plan meets all of these criteria:

1) The municipal plan is consistent with the goals established in 24 VSA §4302 [CCRPC may consider if a municipality has a valid explanation for why its plan does not advance a State goal];
2) The municipal plan is compatible with CCRPC’s current Regional Plan;
3) The municipal plan is compatible with the approved plans of other municipalities in the region; and
4) The municipal plan contains all the elements required by state law in 24 VSA §4382(a). At the time of the adoption of these guidelines, there are 12 required elements. However, the number of required elements may change based on future legislation.

24 VSA §4352 (b)-(c) states that a municipality that wishes to seek a Determination of Energy Compliance submits its plan to the Regional Planning Commission, if the regional plan has an affirmative determination of energy compliance. CCRPC’s regional energy plan received this determination on August 9, 2018. CCRPC shall issue an affirmative Determination of Energy Compliance if the plan:

1) is consistent with the regional plan,
2) includes an energy element,
3) is consistent with Vermont’s energy goals and policies:
   a. greenhouse gas reduction goals, 25 by 25 goal for renewable energy and Vermont’s building efficiency goals,
   b. State energy policy,
   c. the distributed renewable generation and energy transformation categories of resources to meet the requirements of the Renewable Energy Standard, and
4) meets the standards for issuing a determination of energy compliance included in the State energy plans, as described by the Vermont Department of Public Service in their Energy Planning Standards for Municipal Plans.

The Department of Public Service standards described in Part 4 and included as Appendix C have been written to ensure that compliance with those standards demonstrates that a municipal plan has met requirements 1-3 above.

Definitions

For the purposes of administering this policy, the following terms shall have the following meanings:

**Adopted Plan:** A municipal plan that

1) has been legally adopted by the local legislative body or voters, having followed the procedures of 24 VSA 4385,
2) includes the required elements set out in 24 VSA §4382, and
3) is consistent with the goals set out in 24 VSA §4302.

**Amended Plan:** A municipal plan that has been previously adopted and approved may be amended to change a limited portion of the plan. CCRPC has reviewed the plan to ensure that the section(s) continue to meet the required elements and goals related to the amended section(s), and consistency with the Regional Plan. An amended plan does not necessarily incorporate changes made to planning requirements since its adoption and approval, and the expiration date of the plan does not change based on the amendment.

**Approved Plan:** An adopted plan that has been approved by CCRPC because CCRPC has found that the plan meets all of the requirements of 24 VSA §4350 (b) [the four criteria listed at the end of the preceding section of these “Guidelines”].
**CCRPC:** Chittenden County Regional Planning Commission.

**Compatible with:** A plan is compatible with a second plan when the first plan

1) will not significantly reduce the desired effect of the implementation of the second plan or

2) includes a statement that identifies
   a) the ways that the first plan will significantly reduce the desired effect of the second plan,
   b) an explanation of why any incompatible portion of the first plan is essential to the desired effect of the plan as a whole,
   c) an explanation of why there is no reasonable alternative way to achieve the desired effect of the plan, and
   d) an explanation of how the first plan has been structured to mitigate its detrimental effects on the implementation of the second plan.

**Consistent with:** A plan is consistent with the goals of 24 VSA §4302 if

1) the plan is making substantial progress toward attainment of those goals, or

2) the planning body determines that a particular goal is not relevant or attainable (subject to review), in which case the planning body shall identify the goal in the plan and describe the situation, explain why the goal is not relevant or attainable, and indicate what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal.

**Confirmed Planning Process:** A municipal planning process that has been confirmed by CCRPC because CCRPC has found that the planning process meets the requirements of 24 VSA §4350 (a).

**Municipality:** A town, city, incorporated village, or unorganized town or gore. An incorporated village shall be deemed to be within the jurisdiction of a town, except to the extent that a village adopts its own plan and one or more bylaws either before, concurrently with, or subsequent to such action by the town.

**Program:** A schedule of sequenced actions that identifies information such as who is to undertake each action, anticipated costs, possible financing, and expected or desired outcomes.

**Readoption:** In accordance with 24 VSA §4385 and §4387 an expired plan or plan that is about to expire may be readopted. A readopted plan is one that is brought into full compliance with statute.

**Guidelines for Evaluating the Municipal Plans**

Appendix A includes the goals as specified in 24 VSA §4302 with which the municipal plans must be consistent, and the elements as specified in 24 VSA §4382(a) which must be contained within the municipal plans. There are many ways to satisfy each goal and element and a municipality should tailor the approaches it uses to local considerations. CCRPC encourages each municipality to confer with CCRPC staff early in the planning process to review how the municipality proposes to meet the goals and elements as well as to request assistance from CCRPC in developing its plan.
Confirmation of a Municipal Planning Process & Approving Readoption of a Municipal Plan

Materials to Submit:

A municipality requesting CCRPC to confirm its municipal planning process and to approve the municipal plan needs to provide the following materials to CCRPC:

- A letter signed by the appropriate municipal authority requesting CCRPC to consider confirmation of its planning process and approval of its plan (a sample letter is available from CCRPC staff);
- A summary of the municipality’s funding over the prior five years dedicated to municipal and regional planning purposes;
- A concise summary, in the format provided in Appendix A (CCRPC will make Appendix A available electronically), referencing the locations of statements within the municipal plan relating to how the plan:
  - Is consistent with the goals of 24 VSA §4302,
  - Is compatible with the most recent version of the Chittenden County Regional Plan,
  - Is compatible with the approved plans of adjacent municipalities (including those outside of Chittenden County),
  - Contains the required elements of 24 VSA §4382(a); and
- Documentation of the municipality’s process to implement the adopted plan, as described in 24 VSA §4350(c). Documentation can take two forms:
  - If the previously adopted plan includes an implementation table or spreadsheet, add a column indicating what progress has been made on actions from the previous plan (for example, “completed in 2017,” “ongoing,” or “no progress.”).
  - If the previously adopted plan does not include an implementation table or spreadsheet, fill out the Municipal Plan Implementation Assessment provided in Appendix B (CCRPC will make Appendix B available electronically).
  - Examples of implementation tables will be provided by CCRPC upon request.
- One pdf version of the plan (including maps) submitted for approval.

A municipality requesting a Determination of Energy Compliance - must submit

- A summary of how the plan meets the Energy Planning Standards for Municipal Plans. A checklist containing the standards is included as Appendix C of this document and can be downloaded from the Department of Public Service Website: http://publicservice.vermont.gov/content/act-174-recommendations-and-determination-standards.

CCRPC Review Process for Confirming a Municipality’s Planning Process & Approving a Municipal Plan

The general process is as follows:

1. Initial Staff Review – Staff will initiate informal plan reviews approximately 18-24 months prior to the expiration of each municipal plan. Staff will share these reviews with Municipal Staff, Municipal Planning Commissions and the PAC. This review shall also function as one of the two required consultations within an 8-year period (§4350(a)), and will include a review of progress made on the existing plan’s implementation program. When initial reviews are completed, CCRPC staff will provide the reviews to the CCRPC Board representatives and alternates from the municipality being reviewed, as well as its adjoining municipalities. This will ensure that municipalities are aware that their neighbors are beginning a plan update and provide an opportunity for neighboring municipalities to become involved early in the process.

The municipality may also request staff and/or PAC review of their draft Plan at any point in the Plan development process prior to the formal review described below. This allows the municipality to gain
detailed feedback and suggestions from staff and the PAC while there is still time to incorporate it.

CCRPC receives 30-day Planning Commission public hearing notice for Town Plan amendments. If not concurrent with the municipal request for approval as described in Step 2 below, CCRPC staff will review the draft plan and provide an informal Staff recommendation to both the Planning Advisory Committee (PAC) and the municipal Planning Commission in time for their public hearing. The CCRPC Board will be cc’d on the informal Staff recommendation.

2. **Planning Advisory Committee Review of Draft Plan** – In accordance with 24 VSA §4385(c) the municipal request for approval from the RPC may be before or after adoption of the plan by the municipality, at the option of the municipality. However, CCRPC would prefer if the formal request is made 120 days before the current municipal plan expires to aid with CCRPC review scheduling. Upon receipt of the formal review request, Staff will review the plan.

Staff will schedule the formal plan review for the next available PAC meeting (and hold the required public hearing at this meeting if there is adequate time to warn the hearing). The CCRPC Commissioner and Alternate Commissioner from the municipality and Commissioners/Alternate Commissioners from the municipality’s neighboring municipalities will be invited to participate in this formal PAC Review.

The PAC will provide its written recommendation to CCRPC and the municipality. If the PAC recommends that the plan not be approved because of deficiencies, the municipality may address that recommendation at the full CCRPC Board or agree to rectify the deficiencies and resubmit its plan for PAC review. The PAC review will serve as the second of the two consultations required every eight years by 24 VSA §4350(a).

3. **CCRPC Review and Action** CCRPC will hold a public hearing (if not held under Step 2) and consider the recommendation of the PAC at a regularly scheduled meeting. Scheduling of this meeting will occur in consultation with the municipality. The municipality may attend the CCRPC meeting and voice its positions related to the PAC’s recommendation.

   a. The CCRPC may approve or not approve the municipal plan. CCRPC must approve or disapprove a municipal plan or amendment within two months of CCRPC’s receipt of the plan following a final hearing held by the municipality to adopt the municipal plan pursuant to 24 VSA 4385.

   b. Pursuant to 24 VSA 4350 (f) CCRPC’s decisions to confirm a municipal planning process and to approve a municipal plan must be made by a majority vote of the Commissioners representing municipalities in

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The plan is in effect for 8 years after it is adopted by the municipality.

An amendment can occur anytime but does not change the expiration date of a plan.

**Implementation of the Municipal Plan**

<table>
<thead>
<tr>
<th>Year 1 – Year 5</th>
<th>Year 6</th>
<th>Year 7</th>
<th>Year 8</th>
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<tr>
<td>18-24 months before plan expiration: Initial plan review, first consultation</td>
<td>Approx. 6 months before plan expiration: PAC Review, second consultation</td>
<td>Around the time of plan adoption: Formal plan review hearing, approval of plan, confirmation of planning process.</td>
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accordance with CCRPC’s bylaws.

If CCRPC disapproves a plan or plan amendment, it must state its reasons in writing and, if appropriate, suggest modifications that would be acceptable to CCRPC. If the municipality requests approval of a resubmitted plan with modifications, CCRPC must give its approval or disapproval within 45 days. The municipality may appeal the decision in accordance with 24 VSA 4476.

The CCRPC forwards a copy of its resolution of approval to the Department of Economic, Housing and Community Development and the municipal clerk.

Expiration - The CCRPC’s approval of the plan will remain in effect until the plan expires, which will occur eight years after the plan is adopted by the municipality.

**CCRPC Review Process for Granting an Affirmative Determination of Energy Compliance**

1) Once a readopted or amended municipal plan with an enhanced energy element has been adopted, a municipality shall request CCRPC to issue a Determination of Energy Compliance. The municipality shall submit a summary of how the plan meets the Energy Planning Standards for Municipal Plans in the form of the Department of Public Service’s checklist, which can be downloaded from the Department of Public Service Website: [http://publicservice.vermont.gov/content/act-174-recommendations-and-determination-standards](http://publicservice.vermont.gov/content/act-174-recommendations-and-determination-standards)

2) Staff will review the plan against the Energy Planning Standards for Municipal Plans and make a recommendation to the PAC.

   a. If a municipality is seeking a Determination of Energy Compliance at the same time as it is seeking CCRPC approval of the plan and confirmation of the planning process, compliance with the Energy Planning Standards will be reviewed during the PAC review as described in Step 2, and the public hearing will be held following the public hearing on the full plan. If the energy element of the plan meets the requirements of 24 VSA 64348a(a)(3) but does not meet the more stringent Energy Planning Standards, the PAC may recommend approval and confirmation of the plan, but not recommend granting an affirmative Determination of Energy Compliance.

   b. A municipality may seek a Determination of Energy Compliance based on plan amendments without readopting its plan. If a previously approved plan with a confirmed planning process has been amended to meet the Energy Planning Standards but has not otherwise been changed to meet any revisions to planning statute, the PAC will review the energy section(s) of the plan. The CCRPC may grant an affirmative Determination of Energy Compliance to the amended plan without re-approving the plan or confirming the planning process. This will grant the municipality the benefits of having an enhanced energy plan, but will not change the expiration date of the plan.

2(3) CCRPC will hold a public hearing (if not held during PAC review) and consider the recommendation of the PAC at a regularly scheduled meeting. Scheduling of this meeting will occur in consultation with the municipality. The municipality may attend the CCRPC meeting and voice its positions related to the PAC’s recommendation. If the municipality is seeking confirmation and approval of the plan at the same time, CCRPC will review both issues during the same meeting.
a. Per 24 VSA §4352, the CCRPC may grant an affirmative determination of energy compliance. CCRPC must grant or not grant an affirmative determination of energy compliance within two months of CCRPC’s receipt of the adopted plan pursuant to 24 VSA 4385. Pursuant to 24 VSA 4350 (f), CCRPC’s decisions to grant an affirmative Determination of Energy Compliance must be made by a majority vote of the Commissioners representing municipalities in accordance with CCRPC’s bylaws.

If CCRPC does not grant an affirmative determination of energy compliance, it must state its reasons in writing and, if appropriate, suggest modifications that would be acceptable to CCRPC. If the municipality requests approval of a resubmitted plan with modifications, CCRPC must give its approval or disapproval within 45 days of the request.

The CCRPC forwards a copy of its resolution of approval to the Department of Public Service and the Municipal Clerk.

Expiration - The CCRPC’s determination of energy compliance will remain in effect until the plan expires, which will occur eight years after the plan is adopted by the municipality.

Amending an Un-Expired Plan

With the clarification in Act 90 that an amendment to a plan does not affect or extend the plan’s expiration date (24 VSA §4385(d)), CCRPC has a simplified review process for plan amendments. Upon request, CCRPC will review plan amendments to ensure that the amendment would not alter or risk the municipality’s standing plan approval and confirmation status.

Materials to Submit

A municipality requesting CCRPC to review an amendment to a municipal plan needs to provide the following materials to CCRPC:

- A letter from the municipality requesting CCRPC to review its plan amendment and briefly describing the amendment and the reason for amending (a sample letter is available from CCRPC staff);
- An electronic copy of the amended section/chapter in its entirety with the changes clearly indicated. It is not necessary to send a copy of the full plan.

CCRPC Review Process for Reviewing an Amended Municipal Plan

1. The municipality will contact CCRPC staff to inform staff of the intent to amend an unexpired plan that has been previously approved and for which the planning process has been confirmed.

2. Upon receipt of the amendment review request, Staff will review the amended section(s) of the plan to determine whether the section(s) continue to meet the required elements and goals related to the amended section(s), and consistency with the Regional Plan.
   a. If staff determines that the proposed amendments do not need to be formally reviewed by the PAC and the CCRPC, following staff review, staff will provide a letter stating that the plan amendment does or does not impact the municipality’s standing plan approval and planning process confirmation, or not. If not, Staff will provide recommendations to address the issues of concern. Staff will distribute the proposed amendments and the letter to the PAC for information.
   b. If staff are concerned that the amendments may impact the municipality’s standing plan approval and planning process confirmation, or have any other concerns, Staff will ask the PAC to review the amendment.
   c. If the municipality would prefer formal CCRPC approval of the plan amendment, CCRPC will conduct a formal review upon request and follow the full process for readoption of a plan described above.

3. The CCRPC will forward a copy of this letter to the Department of Economic, Housing and Community Development, the PAC, and the municipal clerk.
Appendix A – Municipal Plan Review Tool
Chittenden County Regional Planning Commission
Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans

This form addresses the statutory requirements of the State of Vermont for town plans, as cited in the Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A Chapter 117 (the Act). It includes the 12 required elements found in § 4382 of the Act; the four planning process goals found in § 4302(b), the 14 specific goals found in § 4302(c); and the standard of review found in § 4302(f), which covers consistency with goals and compatibility standards.

During the Regional approval and confirmation process, specified in § 4350 of the Act, the regional planning commission is required to assess town plans and the process whereby they are developed according to the criteria of the Act. Sections of relevant statute are quoted at each question.

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<tr>
<th>Required Elements § 4382</th>
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<tr>
<td>1 Statement of Objectives, Policies, Programs</td>
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<td>2 Land Use Plan</td>
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<td>4 Utility and Facility Plan</td>
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<td>5 Rare Natural Resources/Historic Resources</td>
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<td>6 Educational Facilities Plan</td>
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<td>8 Development Trends</td>
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<td>10 Housing Element</td>
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<td>11 Economic Development Element</td>
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<tr>
<td>12 Flood Resiliency Plan</td>
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<td>9 Agriculture and Forest Industries</td>
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TOWN PLAN REQUIRED ELEMENTS

Title 24 Chapter 117: Municipal and Regional Planning and Development

24 V.S.A. § 4382. The plan for a municipality

(a) A plan for a municipality may be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

(1) A statement of objectives, policies and programs of the municipality to guide the future growth and development of land, public services and facilities, and to protect the environment.

Comments:

(2) A land use plan, consisting of a map and statement of present and prospective land uses, that indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public and semi-public uses and open spaces, areas reserved reserved for flood plain, and areas identified by the State, the regional planning commission, or the municipality that require special consideration for aquifer protection; for wetland protection, for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes; sets forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service; identifies those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan’s goals and the goals of § 4302 of this title, and how the area meets the requirements for the type of designation to be sought; and indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests.

Comments:

(3) A transportation plan, consisting of a map and statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, with indications of priority of need;

Comments:
(4) A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs and method of financing;

Comments:

Choose an item.
Pages:

MAP
Utility and Facility

(5) A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources;

Comments:

Choose an item.
Pages:

(6) An educational facilities plan consisting of a map and statement of present and projected uses and the local public school system;

Comments:

Choose an item.
Pages:

MAP
Educational Facility

(7) A recommended program for the implementation of the objectives of the development plan;

Comments:

Choose an item.
Pages:

(8) A statement indicating how the plan relates to development trends and plans of adjacent municipalities, areas and the region developed under this title;

Comments:

Choose an item.
Pages:

(9) An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy;

Comments:

Choose an item.
Pages:
(10) A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, which provide affordable housing.

Comments:

(11) An economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.

Comments:

(12)(A) A flood resilience plan that:
(i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and
(ii) recommends policies and strategies to protect the areas identified and designated under subdivision (12)(A)(i) of this subsection and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

(B) A flood resilience plan may reference an existing local hazard mitigation plan approved under 44 C.F.R. § 201.6.

Comments:

§4382(c) Data:

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.

Comments:
GOALS AND STANDARDS OF REVIEW

GOALS

24 VSA § 4302
(a) General purposes . . .

(b) It is also the intent of the legislature that municipalities, regional planning commissions and state agencies shall engage in a continuing planning process that will further the following goals:

1. To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.

2. To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.

3. To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.

4. To encourage and assist municipalities to work creatively together to develop and implement plans.

(c) In addition, this chapter shall be used to further the following specific goals:

Goal 1:
To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

(A) Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.

(B) Economic growth should be encouraged in locally designated growth areas, or employed to revitalize existing village and urban centers, or both.

(C) Public investments, including construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 2:
To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:
Goal 3:
To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 4:
To provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.

(A) Highways, air, rail and other means of transportation should be mutually supportive, balanced and integrated.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 5:
To identify, protect and preserve important natural and historic features of the Vermont landscape including:

(A) significant natural and fragile areas;

(B) outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands;

(C) significant scenic roads, waterways and views;

(D) important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:
Goal 6:
To maintain and improve the quality of air, water, wildlife, forests and other land resources.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 7:
To encourage the efficient use of energy and the development of renewable energy resources.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 8:
To maintain and enhance recreational opportunities for Vermont residents and visitors.

(A) Growth should not significantly diminish the value and availability of outdoor recreational activities.

(B) Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 9:
To encourage and strengthen agricultural and forest industries.

(A) Strategies to protect long-term viability of agricultural and forestlands should be encouraged and should include maintaining low overall density.

(B) The manufacture and marketing of value added agricultural and forest products should be encouraged.

(C) The use of locally-grown food products should be encouraged.

(D) Sound forest and agricultural management practices should be encouraged.

(E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:
Goal 10:
To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 11:
To ensure the availability of safe and affordable housing for all Vermonters.

(A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income.

(B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.

(C) Sites for multi-family and manufactured housing should readily available in locations similar to those generally used for single-family conventional dwellings.

(D) Accessory apartments within or attached to single family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives or disabled or elderly persons should be allowed.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 12:
To plan for, finance and provide an efficient system of public facilities and services to meet future needs.

(A) Public facilities and services should include fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal.

(B) The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 13:
To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.

How has the Town Plan addressed this goal:
If the goal is not relevant or attainable, how does the plan address why:

Goal 14:
To encourage flood resilient communities.

(A) New development in identified flood hazard, fluvial erosion, and river corridor protection areas should be avoided. If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.

(B) The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.

(C) Flood emergency preparedness and response planning should be encouraged.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:
STANDARD OF REVIEW

24 V.S.A. § 4302(f)

(1) As used in this chapter, "consistent with the goals" requires substantial progress toward attainment of the goals established in this section, unless the planning body determines that a particular goal is not relevant or attainable. If such a determination is made, the planning body shall identify the goal in the plan and describe the situation, explain why the goal is not relevant or attainable, and indicate what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal. The determination of relevance or attainability shall be subject to review as part of a consistency determination under this chapter.

(2) As used in this chapter, for one plan to be "compatible with" another, the plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan. If a plan, as implemented, will significantly reduce the desired effect of the other plan, the plan may be considered compatible if it includes the following:

(A) a statement that identifies the ways that it will significantly reduce the desired effect of the other plan;

(B) an explanation of why any incompatible portion of the plan in question is essential to the desired effect of the plan as a whole;

(C) an explanation of why, with respect to any incompatible portion of the plan in question, there is no reasonable alternative way to achieve the desired effect of the plan, and

(D) an explanation of how any incompatible portion of the plan in question has been structured to mitigate its detrimental effects on the implementation of the other plan.

Details of CCRPC’s review process can be found in “Chittenden County Regional Planning Commission Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans,” as adopted October 19, 2016.
Appendix B – Municipal Plan Implementation Assessment Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans

Municipality: ____________________
Date: ____________________
Municipal Plan Expiration: ________________
Planning Process Currently Confirmed?: □ Yes □ No

<table>
<thead>
<tr>
<th>Activity</th>
<th>Progress? (select all that may apply)</th>
<th>Explanation of Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation or adoption of bylaws or amendments:</td>
<td>□ Activity Completed □ Currently Implementing □ Not a Priority During Time Period □ Not a Priority in Plan □ Hindered or Delayed □ No Activity</td>
<td></td>
</tr>
<tr>
<td>Capital budgets and programs:</td>
<td>□ Activity Completed □ Currently Implementing □ Not a Priority During Time Period □ Not a Priority in Plan □ Hindered or Delayed □ No Activity</td>
<td></td>
</tr>
</tbody>
</table>
Supplemental plans:
[list one or more identified in the plan, but not necessarily all]

- □ Activity Completed
- □ Currently Implementing
- □ Not a Priority During Time Period
- □ Not a Priority in Plan
- □ Hindered or Delayed
- □ No Activity

Other actions, programs, or measures undertaken or scheduled to implement the adopted plan:
[list one or more identified in the plan, but not necessarily all]

- □ Activity Completed
- □ Currently Implementing
- □ Not a Priority During Time Period
- □ Not a Priority in Plan
- □ Hindered or Delayed
- □ No Activity

**24 V.S.A. 4350(c):** In order to retain confirmation or the planning process, a municipality shall document that it has reviewed and is actively engaged in a process to implement its adopted plan.
(1) When assessing whether a municipality has been actively engaged in a process to implement its adopted plan, the regional planning commission shall consider the activities of the local boards and commissions with regard to the preparation or adoption of bylaws and amendments; capital budgets and programs; supplemental plan; or other actions, programs, or measures undertaken or scheduled to implement the adopted plan. The regional planning commission shall consider factors that may have hindered or delayed municipal implementation efforts.

(2) The consultation may include guidance by the regional planning commission with regard to resources and technical support available to the municipality its adopted plan and recommendations by the regional planning commission for plan amendments and for updating the plan prior to readoption under section 4387 of this title.

In order to obtain or retain confirmation, a municipality must be actively engaged in a process to implement its adopted plan. Actively engaged is defined as making progress in all of the four implementation categories above or a determination that the plan does not call for any implementation actions in a category.
Appendix C: Energy Planning Standards for Municipal Plans

Instructions
Before proceeding, please review the requirements of Parts I and II below, as well as the Overview document. Submitting a Municipal Plan for review under the standards below is entirely voluntary, as enabled under Act 174, the Energy Development Improvement Act of 2016. If a Municipal Plan meets the standards, it will be given an affirmative “determination of energy compliance,” and will be given “substantial deference” in the Public Service Board’s review of whether an energy project meets the orderly development criterion in the Section 248 process. Specifically, with respect to an in-state electric generation facility, the Board:

[S]hall give substantial deference to the land conservation measures and specific policies contained in a duly adopted regional and municipal plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352. In this subdivision (C), “substantial deference” means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy. The term shall not include consideration of whether the determination of energy compliance should or should not have been affirmative under 24 V.S.A. § 4352.

Municipal Plans should be submitted by the municipality’s legislative body to the Regional Planning Commission (RPC) if the Regional Plan has received an affirmative determination of energy compliance. If a Regional Plan has not received such a determination, until July 1, 2018, a municipality may submit its adopted and approved Municipal Plan to the Department of Public Service (DPS) for a determination of energy compliance (determination), along with the completed checklist below. After a Municipal Plan and completed checklist have been submitted to the RPC (or DPS), the RPC or DPS will schedule a public hearing noticed at least 15 days in advance by direct mail to the requesting municipal legislative body, on the RPC or DPS website, and in a newspaper of general publication in the municipality. The RPC or DPS shall issue a determination in writing within two months of the receipt of a request. If the determination is negative, the RPC or DPS shall state the reasons for the denial in writing and, if appropriate, suggest acceptable modifications. Submissions for a new determination following a negative determination shall receive a new determination within 45 days.

The plans that Municipalities submit must:

- Be adopted
- Be confirmed under 24 V.S.A. § 4350
- Include an energy element that has the same components as described in 24 V.S.A. § 4348a(a)(3)
- Be consistent with state energy policy (described below), in the manner described in 24 V.S.A. § 4302(f)(1)
- Meet all standards for issuing a determination of energy compliance (see below)

These standards will be revised after July 1, 2018 to reflect that Municipal Plans should be submitted only to the Regional Planning Commissions – which will all have had an opportunity to seek a determination of energy compliance – from that point forward.
Municipalities are encouraged to consult with their reviewer (either their RPC or DPS) before undertaking the process of plan adoption, which may help in identifying any deficiencies or inconsistencies with the standards or other requirements that would be more difficult to remedy after a plan has gone through the formal adoption process.

The state’s Comprehensive Energy Plan (CEP) is revised on a 6-year basis. When the next CEP is published in 2022, it will include a revised set of standards, as well as Recommendations that are customized to regions and municipalities. The Recommendations that accompany this initial set of Standards represent a subset of recommendations from the 2016 CEP, which were not written with regions and municipalities specifically in mind. A Guidance document – which is expected to evolve as best practices from regions and municipalities emerge – will be published shortly after the Standards are issued. It will serve as the warehouse for relevant recommendations from the 2016 CEP, links to data sources, instructions on conducting analysis and mapping, and sample language/best practices. Once issued and until the 2022 CEP is published, this Guidance document will supplant the Recommendations document.

Affirmative determinations last for the life cycle of a revision of the Municipal Plan, and Municipal Plans that are submitted after the 2022 CEP is issued will be expected to meet the Standards that are issued at that time. Municipalities are encouraged to consult with their RPC or DPS regarding interim amendments that might affect any of the standards below, to discuss whether a new review is triggered.

If you wish to submit your Municipal Plan to your RPC or to DPS for a determination, please read closely the specific instructions at the start of each section below, and attach your Municipal Plan to this checklist.

Determination requests to an RPC (and any other questions) should be submitted to your RPC’s designated contact. Determination requests to DPS until July 1, 2018 – and only for municipalities whose Regions’ plans have not received an affirmative determination – should be submitted to: PSD.PlanningStandards@vermont.gov.

<table>
<thead>
<tr>
<th>Part I: Applicant Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>The plan being submitted for review is a:</td>
</tr>
</tbody>
</table>

Please submit these plans to your RPC

Until July 1, 2018, please submit these to the DPS. After July 1, 2018, this option ceases to exist.

Applicant: Click here to enter text.

Contact person: Click here to enter text.

Contact information: Click here to enter text.

Received by: Click here to enter text. Date: Click here to enter text.
# Part II: Determination Standards Checklist

The checklist below will be used to evaluate your plan’s consistency with statutory requirements under Act 174, including the requirement to be adopted and approved, contain an enhanced energy element, be consistent with state energy policy, and meet a set of standards designed to ensure consistency with state energy goals and policies.

Please review and attach your plan (or adopted energy element/plan, along with supporting documentation) and self-evaluate whether it contains the following components. Use the Notes column to briefly describe how your plan is consistent with the standard, including relevant page references (you may include additional pages to expand upon Notes). If you feel a standard is not relevant or attainable, please check N/A where it is available and use the Notes column to describe the situation, explaining why the standard is not relevant or attainable, and indicate what measures your municipality is taking instead to mitigate any adverse effects of not making substantial progress toward this standard. If N/A is not made available, the standard must be met (unless the instructions for that standard indicate otherwise) and checked “Yes” in order to receive an affirmative determination. There is no penalty for checking (or limit on the number of times you may check) N/A where it is available, as long as a reasonable justification is provided in the Notes column.

---

### Plan Adoption Requirement

**Act 174** requires that municipal plans be adopted and approved in order to qualify for a determination of energy compliance. In the near term, it is likely municipalities will revise and submit isolated energy plans or elements, particularly due to long planning cycles. Therefore, the plan adoption requirement can be met through an amendment to an existing plan in the form of an energy element or energy plan, as long as the amendment or plan itself is duly adopted as part of the municipal plan and incorporated by reference or appended to the underlying, full plan (i.e., is officially “in” the municipal plan), as well as approved for confirmation with the region. If this route is chosen, the municipality should also attach the planning commission report required for plan amendments under 24 V.S.A. § 4384, which should address the internal consistency of the energy plan/element with other related elements of the underlying plan (particularly Transportation and Land Use), and/or whether the energy plan/element supersedes language in those other elements. Standards 1 and 2 below must be answered in the affirmative in order for a plan to receive an affirmative determination of energy compliance.

<table>
<thead>
<tr>
<th>1. Has your plan been duly adopted and approved for confirmation according to [24 V.S.A. § 4350]?</th>
<th>□ Yes. Adoption date: Click here to enter text.</th>
<th>□ No</th>
<th>Click here to enter text.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Is a copy of the plan (or adopted energy element/plan, along with underlying plan and planning commission report addressing consistency of energy element/plan with other elements of underlying plan) attached to this checklist?</td>
<td>□ Yes</td>
<td>□ No</td>
<td>Notes: Click here to enter text.</td>
</tr>
</tbody>
</table>

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### Energy Element Requirement

To obtain a determination of energy compliance, Act 174 requires municipalities to include an “energy element” that contains the same components
described in 24 V.S.A. § 4348a(a)(3), which was revised through Act 174 to explicitly address energy across all sectors and to identify potential and unsuitable areas for siting renewable energy resources:

An energy element, which may include an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.

The standards below are generally organized to integrate each component of the enhanced energy element with related determination standards that evaluate the plan’s consistency with state goals and policies. **Energy element components are identified in bolded text.**

While municipalities may choose to primarily address energy used for heating, transportation, and electricity in the required energy element, they may also choose to address some of these components in related plan elements (e.g., Transportation and Land Use) and should indicate as much in the Notes column. To the extent an energy element is designed to comprehensively address energy, it should be complementary to and reference other relevant plan elements.

3. **Does the plan contain an energy element, that contains the same components described in 24 V.S.A. § 4348a(a)(3)?**
   Individual components of the energy element will be evaluated through the standards below.

<table>
<thead>
<tr>
<th>☐ Yes</th>
<th>☐ No</th>
<th>Page: Click here to enter text.</th>
<th>Notes: Click here to enter text.</th>
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</thead>
</table>

### Consistency with State Goals and Policies Requirement

Act 174 states that regional and municipal plans must be consistent with the following state goals and policies:
- Greenhouse gas reduction goals under 10 V.S.A. § 578(a) (50% from 1990 levels by 2028; 75% by 2050)
- The 25 x 25 goal for renewable energy under 10 V.S.A. § 580 (25% in-state renewables supply for all energy uses by 2025)
- Building efficiency goals under 10 V.S.A. § 581 (25% of homes – or 80,000 units – made efficient by 2020)
- State energy policy under 30 V.S.A. § 202a and the recommendations for regional and municipal planning pertaining to the efficient use of energy and the siting and development of renewable energy resources contained in the State energy plans adopted pursuant to 30 V.S.A. §§ 202 and 202b
- The distributed renewable generation and energy transformation categories of resources to meet the requirements of the Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005

The standards in the checklist below will be used to determine whether a plan is consistent with these goals and policies. The standards are broken out by category. **Analysis and Targets** standards address how energy analyses are done within plans, and whether targets are established for energy conservation, efficiency, fuel switching, and use of renewable energy across sectors. **Pathways (Implementation Actions)** standards address the identification of actions to achieve the targets. **Mapping** standards address the identification of suitable and unsuitable areas for the development of renewable energy.

Municipalities may choose to incorporate the information necessary to meet the standards in their energy elements, and/or in other sections of their plans.
(many transportation items may fit best in the Transportation chapters of plans, for instance). However, plans must be internally consistent, and applicants should cross-reference wherever possible.

### Analysis and Targets Standards

For the **Analysis & Targets** determination standards below, municipalities will be provided with analyses and targets derived from regional analyses and targets no later than April 30, 2017 (and likely much sooner). Municipalities may choose to rely on these “municipalized” analyses and targets to meet the standards in this section. Municipalities which elect to use the analysis and targets provided by a region will be presumed to have met the standards in this section. Alternatively, municipalities may develop their own custom analyses and targets or supplement the analyses and targets provided by the regions with specific local data; if this option is chosen, the analysis and targets must include all of the same components and meet the standards required of regions, as described below.

For municipalities that choose to undertake their own analysis and target-setting (and for regions), DPS is providing a guidance document to explain the expected level of detail in and data sources and methodologies available for meeting the standards (including areas where it is understood data at the municipal level is unavailable, and therefore not expected). Note that standards 5A-4E are all derived directly from requirements in Act 174 (with minor modifications to make them feasible) and must be met affirmatively in order for a municipal plan to receive an affirmative determination of energy compliance.

Targets set by regions and municipalities should be aligned with state energy policy (see the goals and policies listed above). Where targets (and efforts to reach them) depart significantly from state energy goals and policies, an explanation for how the plan otherwise achieves the intent of the state goal or policy should be provided. The guidance document also offers additional clarification on alignment with state goals and policies.

The analysis items below are intended to provide regions and municipalities with an overview of their current energy use, and with a sense of the trajectories and pace of change needed to meet targets, which can be translated into concrete actions in the **Pathways** standards below. Targets provide regions and municipalities with milestones or checkpoints along the way toward a path of meeting 90% of their total energy needs with renewable energy, and can be compared with the potential renewable energy generation from areas identified as potentially suitable in the **Mapping** standards exercise below to give regions and municipalities a sense of their ability to accommodate renewable energy that would meet their needs.

<table>
<thead>
<tr>
<th>4. Does your plan’s energy element contain an analysis of resources, needs, scarcities, costs, and problems within the municipality across all energy sectors (electric, thermal, transportation)?</th>
<th>☐ Yes</th>
<th>☐ No</th>
<th>Page: Click here to enter text. Notes: Click here to enter text.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Does your plan contain an analysis that addresses A-E below, either as provided by your Regional Planning Commission or as developed by your municipality? <strong>Municipalities may meet this standard by using the analysis and targets provided by their regions, or by developing their own analyses and targets. If using the analysis &amp; targets provided by your region, please answer “Yes-Region” and skip ahead to #6. If developing a custom analysis, please answer “Yes-Custom” and address 5A-5E separately, below.</strong></td>
<td>☐ Yes-Region</td>
<td>☐ No</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
</tr>
</tbody>
</table>
Pathways (Implementation Actions) Standards

This section examines whether plans meet the Act 174 expectation that they include pathways and recommended actions to achieve the targets identified through the Analysis and Targets section of the Standards (above). Plans are expected to include or otherwise address all of the pathways (implementation actions) below; some actions may not be applicable or equally relevant to all applicants (small vs. large municipalities, for instance), in which case N/A may be checked (if available) and the justification provided in the Notes column. There is no penalty for choosing N/A one or more times, as long as a reasonable justification is provided in the Notes column, preferably including an explanation of how the plan alternatively achieves attainment of the targets should be included. If N/A is not provided as an option, the standard must be met, and “Yes” must be checked, in order for the plan to meet the requirements for a determination (unless the instructions particular to that standard indicate otherwise).

DPS will be issuing a guidance document in the near term providing potential implementation actions derived from the Comprehensive Energy Plan (relevant formal Recommendations as well as opportunities not specifically called out as Recommendations), from recent regional and municipal plans, and from other sources. The guidance document will be revised after the regions have compiled best practices from early municipalities pursuing energy planning to seek a determination of energy compliance, in the summer of 2017.

For the time being, we offer potential implementation action options for consideration as italicized text under each standard. Plans are encouraged to promote as diverse a portfolio of approaches as possible in each sector, or if not, to explain why they take a more targeted approach. Implementation actions may fit best in a holistic discussion contained within a plan’s energy element, though cross-referencing to other relevant plan elements is also acceptable.

Municipalities must demonstrate a commitment to achieving each standard in both policies and implementation measures in clear, action-oriented language.

6. Does your plan’s energy element contain a statement of policy on the

<p>| A. Does the plan estimate current energy use across transportation, heating, and electric sectors? | ☐ Yes | ☐ No | Page: Click here to enter text. |
| B. Does the plan establish 2025, 2035, and 2050 targets for thermal and electric efficiency improvements, and use of renewable energy for transportation, heating, and electricity? | ☐ Yes | ☐ No | Page: Click here to enter text. |
| C. Does the plan evaluate the amount of thermal-sector conservation, efficiency, and conversion to alternative heating fuels needed to achieve these targets? | ☐ Yes | ☐ No | Page: Click here to enter text. |
| D. Does the plan evaluate transportation system changes and land use strategies needed to achieve these targets? | ☐ Yes | ☐ No | Page: Click here to enter text. |
| E. Does the plan evaluate electric-sector conservation and efficiency needed to achieve these targets? | ☐ Yes | ☐ No | Page: Click here to enter text. |</p>
<table>
<thead>
<tr>
<th>A. Does the plan encourage conservation by individuals and organizations? (Actions could include educational activities and events such as convening or sponsoring weatherization workshops, establishing local energy committees, encouraging the use of existing utility and other efficiency and conservation programs and funding sources, etc.)</th>
<th>☐ Yes  ☐ No</th>
<th>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Does the plan promote efficient buildings? (Actions could include promoting compliance with residential and commercial building energy standards for new construction and existing buildings, including additions, alterations, renovations and repairs; promoting the implementation of residential and commercial building efficiency ratings and labeling; considering adoption of stretch codes, etc.)</td>
<td>☐ Yes  ☐ No</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
</tr>
<tr>
<td>C. Does the plan promote decreased use of fossil fuels for heating? (Actions and policies could promote switching to wood, liquid biofuels, biogas, geothermal, and/or electricity. Suitable devices include advanced wood heating systems and cold-climate heat pumps, as well as use of more energy efficient heating systems; and identifying potential locations for, and barriers to, deployment of biomass district heating and/or thermal-led combined heat and power systems in the municipality)</td>
<td>☐ Yes  ☐ No</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
</tr>
<tr>
<td>D. Does the plan demonstrate the municipality’s leadership by example with respect to the efficiency of municipal buildings? (Actions could include building audits and weatherization projects in schools and town offices, etc.)</td>
<td>☐ Yes  ☐ No ☐ N/A</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
</tr>
<tr>
<td>E. Other (please use the notes section to describe additional approaches that your municipality is taking)</td>
<td>☐ Yes  ☐ No ☐ N/A</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
</tr>
<tr>
<td>7. Does your plan’s energy element contain a statement of policy on reducing transportation energy demand and single-occupancy vehicle use, and encouraging use of renewable or lower-emission energy sources for transportation?</td>
<td>☐ Yes  ☐ No</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
</tr>
<tr>
<td>A. Does the plan encourage increased use of public transit? (Actions could include participation in efforts to identify and develop new public transit routes, promote full utilization of existing routes, integrate park-and-rides with transit routes, etc.)</td>
<td>☐ Yes  ☐ No ☐ N/A</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
</tr>
<tr>
<td>B. Does the plan promote a shift away from single-occupancy vehicle trips, through strategies appropriate to the municipality? (Actions could include rideshare, vanpool, car-sharing initiatives; efforts to</td>
<td>☐ Yes  ☐ No</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
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</tbody>
</table>
### C. Does the plan promote a shift away from gas/diesel vehicles to electric or other non-fossil fuel transportation options through strategies appropriate to the municipality?

*(Actions could include promoting the installation of electric vehicle charging infrastructure, providing education and outreach to potential users, supporting non-fossil fuel vehicle availability through outreach to vehicle dealers, etc.)*

- [ ] Yes
- [ ] No

### D. Does the plan facilitate the development of walking and biking infrastructure through strategies appropriate to the municipality?

*(Actions could include studying, planning for, seeking funding for, or implementing improvements that encourage safe and convenient walking and biking; adopting a “Complete Streets” policy, etc.)*

- [ ] Yes
- [ ] No
- [ ] N/A

### E. Does the plan demonstrate the municipality’s leadership by example with respect to the efficiency of municipal transportation?

*(Actions could include purchasing energy efficient municipal and fleet vehicles when practicable, installing electric vehicle charging infrastructure, etc.)*

- [ ] Yes
- [ ] No
- [ ] N/A

### F. Other (please use the notes section to describe additional approaches that your municipality is taking)

- [ ] Yes
- [ ] No
- [ ] N/A

---

### 8. Does your plan’s energy element contain a statement of policy on patterns and densities of land use likely to result in conservation of energy?

- [ ] Yes
- [ ] No

---

### A. Does the plan include land use policies (and descriptions of current and future land use categories) that demonstrate a commitment to reducing sprawl and minimizing low-density development?

*(Actions could include adopting limited sewer service areas, maximum building sizes along highways, policies or zoning that require design features that minimize the characteristics of strip development [multiple stories, parking lot to the side or back of the store], and requirements that development in those areas be connected by means other than roads and cars; adopting a capital budget and program that furthers land use and transportation policies; etc.)*

- [ ] Yes
- [ ] No

### B. Does the plan strongly prioritize development in compact, mixed-use centers when physically feasible and appropriate to the use of the development, or

- [ ] Yes
- [ ] No
- [ ] N/A
identify steps to make such compact development more feasible? 
(Actions could include participating in the state designation program, such as obtaining state designated village centers, downtowns, neighborhoods, new town centers, or growth centers; exploration of water or sewage solutions that enable compact development; etc.)

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<th>Section</th>
<th>Question</th>
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<td>C.</td>
<td>Other (please use the notes section to describe additional approaches that your municipality is taking)</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td>☐ N/A</td>
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9. Does your plan’s energy element contain a statement of policy on the development and siting of renewable energy resources?

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<th>Section</th>
<th>Question</th>
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<tr>
<td>A.</td>
<td>Does the plan evaluate (estimates of or actual) generation from existing renewable energy generation in the municipality? Municipalities should be able to obtain this information from their regions.</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td></td>
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<td>B.</td>
<td>Does the plan analyze generation potential, through the mapping exercise (see Mapping standards, below), to determine potential from preferred and potentially suitable areas in the municipality? Municipalities should be able to obtain this information from their regions.</td>
<td>☐ Yes</td>
<td>☐ No</td>
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<td>C.</td>
<td>Does the plan identify sufficient land in the municipality for renewable energy development to reasonably reach 2050 targets for renewable electric generation, based on population and energy resource potential (from potential resources identified in the Mapping exercise, below), accounting for the fact that land may not be available due to private property constraints, site-specific constraints, or grid-related constraints? If N/A, please describe how you are working with your regional planning commission to ensure overall regional objectives are achieved.</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td>☐ N/A</td>
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<td>D.</td>
<td>Does the plan ensure that any local constraints (locally designated resources or critical resources, from 12B and 12C under Mapping, below) do not prohibit or have the effect of prohibiting the provision of sufficient renewable energy to meet state, regional, or municipal targets? If N/A, please describe how you are working with your regional planning commission to ensure overall regional objectives are achieved.</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td>☐ N/A</td>
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<tr>
<td>E.</td>
<td>Does the plan include statements of policy to accompany maps (could include general siting guidelines), including statements of policy to accompany any preferred, potential, and unsuitable areas for siting generation (see 12 and 13 under Mapping, below)?</td>
<td>☐ Yes</td>
<td>☐ No</td>
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<tr>
<td>F.</td>
<td>Does the plan maximize the potential for renewable generation on preferred locations (such as the categories outlined under 12E in the Mapping)</td>
<td>☐ Yes</td>
<td>☐ No</td>
<td></td>
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### Standards

#### G. Does the plan demonstrate the municipality's leadership by example with respect to the deployment of renewable energy?

*Actions could include deploying renewable energy to offset municipal electric use, etc.*

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#### H. Other (please use the notes section to describe additional approaches that your municipality is taking)

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**Mapping Standards**

Act 174 requires plans to identify potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources. It furthermore requires that the standards address the potential generation from the potential siting areas.

The *Mapping* standards lay out a sequence of steps for planners to examine existing renewable resources and to identify potential (and preferred) areas for renewable energy development, and to identify likely unsuitable areas for development, by layering constraint map layers on to raw energy resource potential map layers. The maps should help municipalities visualize and calculate the potential generation from potential areas, and compare it with the 2025, 2035, and 2050 targets from the *Analysis and Targets* standards to get a sense of the scale and scope of generation that could be produced within the region to meet the municipality’s needs. DPS will provide additional guidance to accompany the standards that fleshes out the steps, layers, and standards more fully.

Plans must include maps that address all of the standards below, unless N/A is provided as an option, in which case a compelling reason why the standard is not applicable or relevant should be provided in the Notes column. Regions must develop their own maps (already underway through support being provided to regions by DPS), and to then break out the maps for their municipalities, who can use their region-provided maps to meet the municipal *Mapping* standards (such “municipalization” work is being supported through a training & technical assistance contract between DPS and regions, and all regions must supply completed maps to their municipalities by April 30, 2017, though many are expected to do so much sooner).

Municipalities may choose to rely on the maps provided by the regions to meet the standards in this section. Those maps should be somewhat familiar to municipalities, who are expected to be consulted as regions develop their maps. Alternatively, municipalities may choose to undertake their own mapping, according to the same set of standards as regions. Additionally, municipalities are expected to work collaboratively with their regions and with neighboring municipalities to ensure compatibility between the final products.

The map and the text describing the policies or rules used to construct the map, as well as the text describing specific policies applicable to map features, should be complementary. That should help ensure that any “land conservation measures and specific policies” that might be given substantial deference in the context of a particular project review under 30 V.S.A. § 248 are clearly identifiable in the text, should a map lack sufficient clarity or granularity regarding the area in which a project is proposed.

10. Does your plan contain one or more maps that address 11-13 below, as

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11. Does the plan identify and map existing electric generation sources?
Maps may depict generators of all sizes or just those larger than 15 kW, as long as information on generators smaller than 15 kW is summarized and provided or referenced elsewhere. It is expected that the best available information at the time of plan creation will be used. This information is available from the DPS.

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<th>Region</th>
<th>Yes</th>
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<td>Yes-Region</td>
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<td>Yes-Custom</td>
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12. Does the plan identify potential areas for the development and siting of **renewable energy resources** and the potential generation from such generators in the identified areas, taking into account factors including resource availability, environmental constraints, and the location and capacity of electric grid infrastructure?
Maps should include the following (available from VCGI and ANR), and the resulting Prime and Secondary Resource Maps will together comprise “potential areas”:

A. Raw renewable energy potential analysis (wind and solar), using best available data layers (including LiDAR as appropriate)

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B. Known constraints (signals likely, though not absolute, unsuitability for development based on statewide or local regulations or designated critical resources) to include:
- Vernal Pools (confirmed and unconfirmed layers)
- DEC River Corridors
- FEMA Floodways
- State-significant Natural Communities and Rare, Threatened, and Endangered Species
- National Wilderness Areas
- Class 1 and Class 2 Wetlands (VSWI and advisory layers)
- Regionally or Locally Identified Critical Resources
If areas are constrained for the development of renewable energy due to the desire to protect a locally designated...
critical resource (whether a natural resource or a community-identified resource), then the land use policies applicable to other forms of development in this area must be similarly restrictive; for this category, policies must prohibit all permanent development (and should be listed in the Notes column).

These areas should be subtracted from raw renewable energy resource potential maps to form Secondary Resource Maps.

C. Possible constraints (signals conditions that would likely require mitigation, and which may prove a site unsuitable after site-specific study, based on statewide or regional/local policies that are currently adopted or in effect), including but not limited to:

- Agricultural Soils
- FEMA Special Flood Hazard Areas
- Protected Lands (State fee lands and private conservation lands)
- Act 250 Agricultural Soil Mitigation areas
- Deer Wintering Areas
- ANR’s Vermont Conservation Design Highest Priority Forest Blocks (or Habitat Blocks 9 & 10, for plans using regional maps in regions whose plans will be submitted for adoption at the regional level by March 1, 2017)
- Hydric Soils
- Regionally or Locally Identified Resources

If locations are constrained for the development of renewable energy due to the desire to protect a locally designated resource (whether a natural resource or community-identified resource, like a view), then the land use policies applicable to other forms of development must be similarly restrictive (and should be listed in the Notes column).

These areas should be subtracted from Secondary Resource Maps to form Prime Resource Maps.

D. Transmission and distribution resources and constraints, as well as transportation infrastructure.

*(Including three-phase distribution lines, known constraints from*
resources such as Green Mountain Power’s solar map, known areas of high electric load, etc.)

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<tr>
<th>E. Preferred locations (specific areas or parcels) for siting a generator or a specific size or type of generator, accompanied by any specific siting criteria for these locations</th>
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<tr>
<td>Narrative descriptions of the types of preferred areas in accompanying plan text are acceptable, though mapping of areas and especially specific parcels (to the extent they are known) is highly encouraged, to signal preferences to developers, particularly for locally preferred areas and specific parcels that do not qualify as a statewide preferred location under i. below. The locations identified as preferred must not be impractical for developing a technology with regard to the presence of the renewable resource and access to transmission/distribution infrastructure.</td>
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<th>i. Statewide preferred locations such as rooftops (and other structures), parking lots, previously developed sites, brownfields, gravel pits, quarries, and Superfund sites</th>
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<th>ii. Other potential locally preferred locations</th>
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<td>For example, customer on- or near-site generation, economic development areas, unranked and not currently farmed agricultural soils, unused land near already developed infrastructure, locations suitable for large-scale biomass district heat or thermal-led cogeneration, potential locations for biogas heating and digesters, etc. These are particularly important to map if possible, as “a specific location in a duly adopted municipal plan” is one way for a net metering project to qualify as being on a preferred site.</td>
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<tr>
<th>13. Does the plan identify areas that are unsuitable for siting renewable energy resources or particular categories or sizes of those resources? Either Yes or No (“No” if the plan chooses not to designate any areas as unsuitable) is an acceptable answer here. “Resources” is synonymous with “generators.”</th>
</tr>
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| ☐ Yes ("Yes" for A and B must also be selected below) | ☐ No | Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text. |

<table>
<thead>
<tr>
<th>A. Are areas identified as unsuitable for particular categories or sizes of generators consistent with resource availability and/or land use</th>
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<th>☐ Yes</th>
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<td>Policies in the regional or municipal plan applicable to other types of land development (answer only required if “Yes” selected above, indicating unsuitable areas have been identified)?  If areas are considered unsuitable for energy generation, then the land use policies applicable to other forms of development in this area should similarly prohibit other types of development. Please note these policies in the Notes column.</td>
<td>(if no unsuitable areas are identified)</td>
<td>Notes: Click here to enter text.</td>
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<tr>
<td>B. Does the plan ensure that any regional or local constraints (regionally or locally designated resources or critical resources, from 12b-12c above) identified are supported through data or studies, are consistent with the remainder of the plan, and do not include an arbitrary prohibition or interference with the intended function of any particular renewable resource size or type? Please explain in the Notes column.</td>
<td>☐ Yes ☐ No</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
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<tr>
<td>14. Municipalities seeking a determination of energy compliance from the Department and not using their region's maps only: Does the plan ensure that its approach, if applied regionally, would not have the effect of prohibiting any type of renewable generation technology in all locations?</td>
<td>☐ Yes (also check Yes if seeking determination from region, or from DPS but using region-provided maps) ☐ No</td>
<td>Page: Click here to enter text. Paragraph #: Click here to enter text. Notes: Click here to enter text.</td>
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CCRPC Board of Directors
September 19, 2018
Agenda Item 8: Winooski Tactical Basin Plan Overview

Background: DEC’s process for updating the Winooski Tactical Basin Plan will be entering its final phase in the next few months. Staff and the Clean Water Advisory Committee (CWAC) have reviewed various working drafts and the formal Public Review draft is anticipated to be published on September 24th with comments due by October 31st.


For your September 19th meeting, staff will provide an overview of the Plan, including the purpose, top objectives, connection to implementation, and CCRPC’s role. If you’d like to look at the Plan itself in more detail, a 9/4 staff memo to the CWAC is attached with a summary of each of the key sections of the Plan.

The anticipated review schedule is:

- **September 25** - Staff sends draft CCRPC Regional Plan conformance & comments letter to CWAC for pre-meeting review.
- **October 2nd Clean Water Advisory Committee** -
  1. DEC staff attends to answer questions on TBP
  2. CWAC comments/edits conformance letter and forwards to full Commission
- **October 2nd (6 p.m.) @ CCRPC** - Public Forum on draft Winooski TBP co-hosted by CCRPC and DEC
- **October 17th CCRPC Commission** - Commission reviews and approves submission of conformance letter and final CCRPC comments to DEC.

Staff Recommendation: No action needed at this meeting. Staff will provide a presentation on the draft Plan. Action on the comment letter will be requested at the October meeting.

Staff Contact: Dan Albrecht, Senior Planner, dalbrecht@ccrpcvt.org Direct Line: 861-0133
Date: August 30, 2018  
To: CCRPC Clean Water Advisory Committee  
From: Dan Albrecht, Senior Planner  
Re: Analysis of August 29, 2018 draft of Winooski Tactical Basin Plan

The first purpose of this memo is to identify sections of the Tactical Basin Planning most applicable to municipalities so that you can focus your review.

Secondly, I’ll outline the anticipated schedule of meetings and actions before the Plan is signed by the ANR Secretary later this fall.

Top Objectives and Strategies, page x

Applicable strategies include “protect river corridors..., manage stormwater from developed areas..., ...implement high priority actions in existing road erosion inventoried sites, provide...financial assistance to wastewater treatment facilities, (and) assist municipalities in identifying areas of landslide hazards for protection of future development...”

This list is clear and comprehensive but suffers from a lack of prioritization.

Bottom of page 3

Note reference to role of RPCs to “develop an analysis and formal recommendation on conformance with the goals and objectives of applicable regional plans....”

See attached spreadsheet for RPC’s staff initial analysis of conformance.

Contributing Planning Process, page 4

This section has been improved through adding references to Regional Plans. However, this section could be improved through adding references to various Flow Restoration Plans and to the County’s Hazard Mitigation Plan which also “direct resources towards surface water protection and remediation strategies.”

Impaired Waters and Priority Surface Waters, pages 14-21

I encourage you to read through in detail, Table 4 “Basin 8 2018 Impaired, stressed and altered waters and planned management interventions” to identify the Pollutant/Stressors affecting several key stream reaches within the Basin in Chittenden County such as “...Sunnyside Brook, Muddy Brook, Shelburne Pond, the lower Winooski mainstem, Allen Brook, Sunderland Brook, Centennial Brook, Morehouse Brook, the Huntington River and Joiner Brook.”

Stormwater Master Plans and Mapping, page 31-32

It is good to see these plans referenced but it should be expanded to make clearer reference to Flow Restoration Plans as these are a major information sources on planned projects.
I encourage you to read through in detail, Table 11 “Additional proposed monitoring and assessment needs to inform remediation or protection strategies” which identifies monitoring needs in several key waterbodies such as “….Cobb Brook, Huntington River, Muddy Brook, Blanchard Brook and Mill Brook.”

Remediation and Protection Strategies by Subbasins, page 45-48

This is critical portion of the Plan as it states “The priority subbasins have been identified as providing significant phosphorus and sediment loads to the watershed and/or need protection for purposes of flood resilience as well as maintaining high quality waters.”

Readers should carefully review “Table 12 Strategies to address priority stressors and concerns in subbasins” which includes strategies to address “….Lower Winooski River mainstream; Centennial, Sunderland, Allen, Sucker, Alder and Muddy Brook; Mill, Johnnie, Duck, Joiner, Pinneo, Preston (and) Gleason (Brooks); (and) Cobb Brook, Hollow Brook.”

Staff feels that this section would benefit from separating out the stormwater-impaired streams for clarity.

Vermont Statewide TMDL for Bacteria-Impaired Waters, page 53

Note reference to 2.6-mile reach of Allen Brook and .5-mile reach of Huntington River which are listed as impaired. These reaches are subject to this TMDL which was completed in 2011 and sets “bacterial load targets for each impaired waterbody.”

Lake Champlain Phosphorus TMDL Phase II Plan, pages 59-61

This section describes how implementation of Tactical Basin Plans will help to meet the targets of this TMDL. Figure 11 Comparison of HUC 12 and catchment watershed scales within the Winooski River Basin and the HUC 12 Tool section describes how Total Phosphorus loading estimates can be generated for these geographic areas.

Table 15 Catchments with the greatest overall TP reductions as identified in the TMDL, pages 66-67

Note that catchments within Williston, Essex, Richmond, Jericho and South Burlington are included in this table.

Table 22 Catchments with highest estimated TP developed lands export, excluding roads, pages 91-92

Note that catchments within Williston, Essex, Richmond, Colchester and South Burlington are included in this table.

Table 23 Catchments with highest estimated TP export from paved roads, pages 93-94

Note that catchments within Williston, Essex, Richmond, Colchester and South Burlington are included in this table.

Table 24 Catchments with highest estimated TP export from unpaved roads, page 95

Note that catchments within Richmond, Hinesburg and Jericho are included in this table.
Municipal Managed Roads (Municipal Roads General Permit), pages 99-104

This section includes several maps and tables “to further assist municipalities in setting priorities through the road management planning process.” Table 26 Estimated loading for all non-VTRANS managed roads occurring in each non-MS4 municipality includes information for the towns of Bolton, Buels Gore, Hinesburg, Huntington, Jericho (and) Richmond.

Controlling Phosphorus from Wastewater Treatment Facilities and Other Industrial Discharges, pages 107-111

This section includes details on WWTF in “Burlington, Essex Junction, Global Foundries, Richmond, South Burlington (and) Winooski.

Chapter 5 – Implementation: Protection and Remediation Actions, pages 133-142

This section includes two important tables: “Table 36 objectives, focus areas and strategies” and “Table 37 Summary of Implementation Actions” which goes into more detail on the types of actions that will fulfill the Strategies. It is important to note unlike previous Tactical Basin Plans that include a lengthy spreadsheet of individual projects, this Plan makes it clear that the actual discrete recommended Actions are located in DEC’s Watershed Projects Database

Staff still has concerns over the hubris in the Plan’s statement -- “(It is envisioned that the action items currently in the database as of the signing of the plan will be accomplished within the next five years as resources allow---and hope that more realistic wording could be used.

This chapter includes the following strong statement on page 136 that “(i) is VDEC’s goal to prioritize staff time and direct internal and external grant funding opportunities towards the recommended actions. ....It is our hope that these tables outline priorities that are realistic to implement over a five-year period, noting that there are many unforeseen variables, like landowner willingness and funding availability.

In closing, staff anticipates meetings related to CCRPC & public consideration of the Winooski TBP as follows:

September 4
1. CWAC receives overview of TBP from Albrecht
2. Cmtee provides feedback

September 19
1. Cmsn receives overview of TBP from Albrecht
2. Cmsn formally provides notice of October 17th hearing

September 25
Albrecht sends draft CCRPC Regional Plan conformance & comments letter to CWAC for pre-meeting review

October 2
1. DEC staff attends to answer questions on TBP
2. CWAC comments/edits conformance letter and forwards to full Commission

October 2nd (6 p.m.) @ CCRPC
Public Forum on draft Winooski TBP co-hosted by CCRPC and DEC

October 17
1. Cmsn holds hearing to obtain comments on draft plan(s) content from municipalities and CCRPC Commission
2. Cmsn reviews and approves submission of conformance letter and final CCRPC comments to DEC
Chittenden County Regional Planning Commission
September 19, 2018
Agenda Item 9: Clean Water Advisory Committee Membership

Issue: The CCRPC bylaws provide for the CWAC membership as follows:

“There shall be members and representatives of organizations as follows:

- 1 CCRPC Board member or Alternate (who may also represent their municipality)
- Representatives of the County’s 19 municipalities
- University of Vermont
- Vermont Agency of Natural Resources (ANR)
- Vermont Agency of Transportation
- Burlington International Airport
- Other voting or non-voting members as may be determined appropriate by the CCRPC after a recommendation from the CWAC.”

In the FY19 agreement with DEC to assist with tactical basin planning and water quality planning, the follow requirement was added:

Each RPC will have an advisory committee that includes municipalities, conservation districts, watershed groups, and other interested parties to provide recommendations regarding TBPs and related water quality issues (existing committees, such as Natural Resource or Clean Water committees may serve this role).

The current membership of the CWAC does not include any other members beyond those initially named in the bylaws. It is staff’s understanding that the rest of the RPCs in the State include additional members such as watershed groups and conservation districts.

Staff has a concern that we will not comply with the grant agreement requirement in FY19 when the Winooski Basin Plan is considered by the CWAC at their October meeting. We understand that it would be best to have guidelines moving forward, but would like to see us take a step forward in being more inclusive in our deliberations by adding the three active watershed organizations: Friends of the Winooski, Lewis Creek Association, and Winooski Natural Resource Conservation District.

CWAC Recommendation: That the membership be kept as is until we can establish guidelines.

Staff Recommendation: That the Board add Friends of the Winooski, Lewis Creek Association, and Winooski Natural Resource Conservation District to the CWAC membership with the understanding that guidelines will be developed to guide future CWAC recommendations as to membership. These guidelines should include: 1) the organization’s primary focus is on watersheds that are within Chittenden County and 2) that they are established non-profit organizations with a track record of participating as partners with our municipalities on water quality projects.

Staff Contact: Contact Charlie Baker with any questions: cbaker@ccrpcvt.org, 846-4490 ext. *23.
CCRPC Board of Directors  
September 19, 2018  
Agenda Item #7

Comment letter on draft Stormwater Permitting Rule

Background:  
On August 1, 2018 the Vermont Agency of Natural Resources (ANR) provided public notice of the draft Stormwater Permitting Rule.

The purpose of the Rule:

to reduce the adverse effects of stormwater runoff, enhance the management of stormwater runoff to ensure compliance with the Vermont Water Quality Standards and the federal Clean Water Act (CWA), and maintain after development, as nearly as possible, predevelopment stormwater runoff characteristics.

Public comments will be accepted through COB on Monday, October 1, 2018. The draft permit as well as several other useful documents can be viewed here.


Staff Recommendation:  
Members of the MS4 Subcommittee developed the talking points in the attached draft letter and the Subcommittee voted at its 9/4 meeting to ask the CCRPC Board to review and consider approval of the comment letter and subsequent submission to DEC.

Staff Contact:  
Dan Albrecht, Senior Planner, dalbrecht@ccrpcvt.org  
Direct Line: 861-0133
Date: September 20, 2018

To: Padraic Monks via email: padraic.monks@vermont.gov
VT-DEC Stormwater Program Manager

From: Dan Albrecht, Senior Planner on behalf of CCRPC Board of Directors

Thank you for the opportunity to comment on the draft Stormwater Permitting Rule. Please consider these comments developed by our MS4 Subcommittee of our Clean Water Advisory Committee at its September 4, 2018 meeting and subsequently adopted by our full Board at its September 19, 2018 meeting.

General Comment
1. The definitions between the MS4 Stormwater Permit and the draft Stormwater Permitting Rule do not match. The Subcommittee recommends that the Agency reconcile the definitions in each of the documents to ensure they match.

Table of Contents
2. The page numbers do not match up with where the sections are actually located in the document.

Section 22-101(c)(9)
3. The Rule requires certifications of compliance by licensed professional engineers practicing within the scope of their engineering specialty to satisfy certain permit requirements. This requirement is limiting and expensive for municipalities that do not have a licensed professional engineer on staff. Most people working in the stormwater field are not licensed professional engineers and have the experience to certify whether a stormwater system is in compliance and satisfying permit requirements. The Subcommittee recommends that the requirement should either remove the requirement or extend to stormwater designers and certified inspectors and that the Agency look into offering a State-wide certification program similar to what the State offers for wastewater operators that would allow experts in the stormwater field certify compliance with stormwater systems.

Section 22-111(b)
4. How will compliance with MRGP standards be addressed? There are regulatory programs in place, but it is unclear how the Agency will determine how implementing the requirements under the MRGP will affect water quality standards.

Section 22-111(c)
5. The cost benefit of phosphorus removal by a stormwater system should also be considered when establishing watershed specific priorities in basin plans.
Section 22-201(25)
6. The definition of impervious surface should explicitly include gravel surfaces.

Section 22-201(40)
7. The definition of outfall is not consistent between the Stormwater Rule and the MS4 Permit. Outfall is not included in the definitions in the MRGP. Considering that municipalities are required to stabilize outfalls and that the difference between an outlet of a stormwater system and outfall is unclear, it is recommended that the Agency ensure that the definition is consistent across all permitting programs and that the differences between outfall and outlet are clearly indicated.

Section 22-201(45)(A)
8. Please include the reference that indicates that sewage from vessels is not considered a pollutant.

Section 22-201(64)
9. Please clarify why stormwater ponds are not included in the definition for stormwater system.

Section 22-302(a)
10. Please clarify what responsibility the Secretary has to respond to an application that is administratively complete. It is recommended that the Secretary should respond to an administratively complete application within 60 days and this time period should be indicated in the Rule.

Section 22-601(d)(3)(F)
11. Please clarify what additional information the Secretary may request from a designated MS4 operator seeking coverage under an individual permit. This statement is vague.

Section 22-901(c)(1)
12. Please clarify why the January 1, 2018 date is being used when this date has passed and the three-acre general permit has not been issued.

Section 22-901(c)(3)(D)
13. Has the Agency determined whether credits can be used across sectors?
14. Will a municipality be able to provide input on where funds are allocated within the watershed?
15. Define the watershed scale the Agency is referring to.

Section 22-901(d)(2)
16. The Subcommittee echoes the same comments mentioned above regarding the requirement to obtain a licensed professional engineer to certify compliance with the stormwater system. The Secretary should either remove this requirement or extend this requirement to stormwater designers, certified stormwater inspectors, etc.
Section 22-1001(c)(2)
17. The Rule indicates that a permittee may receive credit for treating all or portions of a site through the use of practices in the Vermont Stormwater Manual and based on a design storm different than specified in the Vermont Stormwater Manual. Please clarify how different of a design storm a permittee can design for, because this statement can be interpreted as the permittee being allowed to design to a smaller design storm.

Section 22-1001(c)(4)(C)
18. Clarify what type of land use the Rule is referring to. Is it existing land use or re-development?

Section 22-1001(c)(4)(F)
19. This criteria should be removed.

Section 22-1001(c)(4)(G)
20. The Subcommittee recommends that the word “natural” should be added before wetland as there are constructed wetlands, gravel wetlands, etc. that are included in stormwater systems.
21. Construction should be allowed within a managed buffer. There is a difference between a natural wetland buffer and a managed buffer that has been maintained over time and this should be noted within the Rule. The utilization of buffer space for water quality improving BMPs may in many cases restore the natural hydrology of the site. Excluding construction of a stormwater system in a managed buffer is too restrictive and will hinder a municipality’s ability to meet their stormwater permit requirements.

Section 22-1002(b)(4)
22. Please provide a detailed analysis on how the Agency determined that $10,000 per acre of impervious surface was an accurate amount to charge as an impact fee. There are numerous resources available, including national standards and the ERP grants, which indicate the cost of constructing, operating, and maintaining a stormwater system. The Subcommittee agrees that this impact fee amount is too low and needs to be set at the actual cost, because this will de-incentivize applicants from doing more on their site. Please see the table below which details the cost to retrofit various stormwater systems in the Town of Williston. The average retrofit is about $19,000 which is twice the amount that the draft Rule is proposing to charge as an impact fee.

<table>
<thead>
<tr>
<th>ERP Grant #</th>
<th>Type</th>
<th>$/Impervious Acre Treated</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-ERP-M-1-16</td>
<td>Wet Pond Retrofit</td>
<td>$5,537</td>
</tr>
<tr>
<td>2018-ERP-M-1-17</td>
<td>Wet Pond Retrofit, New Grassed</td>
<td>$21,421</td>
</tr>
<tr>
<td></td>
<td>Swale</td>
<td></td>
</tr>
<tr>
<td>Project ID</td>
<td>Project Description</td>
<td>Cost</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>2018-ERP-M-1-18</td>
<td>Wet Pond Retrofit</td>
<td>$7,000</td>
</tr>
<tr>
<td>2018-ERP-M-1-19</td>
<td>Wet Pond Retrofit</td>
<td>$26,190</td>
</tr>
<tr>
<td>2018-ERP-M-2-05</td>
<td>Wet Pond Retrofit</td>
<td>$11,261</td>
</tr>
<tr>
<td>2018-ERP-M-2-06</td>
<td>Wet Pond Retrofit</td>
<td>$65,910</td>
</tr>
<tr>
<td>2017-ERP-BG-001</td>
<td>Wet Pond Retrofit</td>
<td>$43,193</td>
</tr>
<tr>
<td></td>
<td><strong>Average Retrofit</strong></td>
<td><strong>$19,100</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Single New Construction</strong></td>
<td><strong>$65,910</strong></td>
</tr>
</tbody>
</table>

23. Impact fees should not be allowed for new development. Please provide clarity on the Agency’s decision to allow this.

**Section 22-1002(b)(5)**

24. The Stormwater Fund will have a limited amount of money. How will projects be prioritized for funding?

25. There should be a timeline for when funds can be spent within a watershed. Funds should not be indefinitely reserved for an applicant to utilize. The Subcommittee recommends that the Agency develop a timeline for how long funds can be reserved.

**Section 22-1201(b)(13)(C)(i)**

26. The Rule requires a permittee to orally report any noncompliance which may endanger health or the environment within 24 hours. Who is the representative that municipalities are required to report to?

**Section 22-1201(b)(13)(C)(ii)(II)**

27. There isn’t a numerical amount listed for the maximum daily discharge limitation for any pollutants listed in the permit. Should there be or what document should municipalities refer to for this limitation?
Proposed Chittenden County National Highway System Changes

**Background:** Following the Federal Highway Administration’s approval to change the functional classification of 64 roadways in Chittenden County, the Chittenden County Regional Planning Commission (CCRPC) initiated a review of the county’s National Highway System (NHS). The NHS consists of the Interstate Highway System and other roadways that are central to the nation’s economy, defense and mobility. In 1995, the NHS was adopted by Congress after multiple years of planning and cooperation with the states, local officials and metropolitan planning organizations (MPOs). The main function of the NHS is to improve mobility and access to major intermodal transportation terminals and to support continued economic growth.

On October 1, 2012, with the passage of the Moving Ahead for Progress in the 21st Century Act (MAP-21), all existing principal arterials were added to the NHS. As a result, 44.59 miles of new NHS routes were added in Chittenden County (see Existing NHS Map attached). However, following the addition of these new NHS routes, VTrans determined that many of these routes do not meet the purpose of the NHS. VTrans subsequently removed all MAP-21 NHS additions outside of Chittenden County, with the CCRPC agreeing to evaluate the NHS within Chittenden County upon completion of the functional classification updates.

**Initial Staff Recommendation:** CCRPC staff presented a proposed updated NHS in Chittenden County at the May TAC meeting and solicited feedback on the recommended changes. The Chittenden County NHS changes proposed by CCRPC staff have been detailed in an interactive online map: [http://map.ccrpcvt.org/ProposedNHS/](http://map.ccrpcvt.org/ProposedNHS/).

**TAC Recommendation:** At the June TAC meeting, having received no prior comments, CCRPC staff asked the TAC to accept the proposed NHS as presented and to recommend that the CCRPC Board requests VTrans to consider these changes for submittal to FHWA. At the end of the discussion, Richard Hosking suggested adding the section of VT 117 (Maple Street), from 5-Corners to VT 289, as a third intermodal connector to the Amtrak station. Dennis Lutz concurred with this. Subsequently, the TAC made a recommendation to accept the NHS as proposed with the addition of the VT 117 section between 5-Corners and VT 289 and to send to the CCRPC Board for approval.

**VTrans Recommendation:** Following the TAC recommendation, VTrans indicated that they do not support the addition of VT 117 section as a third intermodal connector to the Amtrak station. VTrans would endorse the initial CCRPC staff recommendation with only two intermodal connectors to the train station in Essex Junction: 1) north along VT 2A from Taft Corners in Williston; and 2) south along VT 15 from VT 289. VTrans also agreed with subsequent staff recommendation to retain as NHS the segment of VT 15 west of Exit 15 to the US 7/US 2 intersection (Circulator) in Winooski and the segment of US 7/US 2 north of the Circulator to Exit 16.
**Municipal Comments:**

Staff reached out to Dennis Lutz, Public Works Director for Essex, and Robin Pierce, Planning Director for Essex Junction, to get their feedback on VTrans’ comments. Their feedback is summarized below:

*Dennis Lutz:* Believes that the VT 117 portion between VT 289 and 5-Corners should be part of the NHS considering that it provides access to Global Foundries but he does not feel very strongly about it and he indicated that the Village might have a different view of this issue.

*Robin Pierce:* His comments focused more on the possible future closure of Main Street and potential designation of the Crescent Connector as part of the NHS. He also suggested continuing the NHS designation for VT 2A through 5-Corners to Central Street, which is a direct route to the Amtrak station.

**Executive Comm. Recommendation:**

Board accepts the final CCRPC Staff recommendation as presented (Proposed NHS Map) with the understanding that it should be reviewed and amended as necessary as the transportation system changes.

**Final Staff Recommendation:**

The Board accepts the final CCRPC Staff recommendation as presented (Proposed NHS Map) with the understanding that it will be reviewed and amended as necessary as the transportation system changes. The Board requests that VTrans considers these changes as presented for submittal to FHWA.

**Staff Contacts:**

Marshall Distel, mdistel@ccrpcvt.org or 861-0122, Jason Charest, jcharest@ccrpcvt.org or 861-0127
Existing NHS
(Including Map 21 Additions)

Legend
- Interstate
- Intermodal Connector
- Amtrak Train Station
- Burlington International Airport
- Other NHS
- Unbuilt NHS
- MAP-21 NHS Principal Arterials
DRAFT CCRPC PERFORMANCE MANAGEMENT REPORT

Introduction

The most recent federal transportation bills, Moving Ahead for Progress in the 21st Century (MAP-21) Act and Fixing America’s Transportation System (FAST) Act, place considerable emphasis on system performance and direct State Departments of Transportation (DOTs), Metropolitan Planning Organizations (MPOs) and Public Transit Providers to evaluate how well the transportation system is performing. At the national level, performance management has become part of the Federal Highway Administration’s (FHWA) and Federal Transit Administration’s (FTA) Transportation Performance Management (TPM) program (https://www.fhwa.dot.gov/tpm/ & https://www.transit.dot.gov/PerformanceManagement). The TPM program is a strategic initiative that uses system information to direct investments and implement polices to help achieve national performance goals. The intent is to measure progress towards the national goals through a reliable data-driven process.

COORDINATION

In establishing targets for all performance measures, state DOTs are required to coordinate with all MPOs in the state as well as Public Transit Providers (where applicable). The schedule to establish targets varies by measure. Federal regulations generally have state DOTs set performance targets in the various categories and then give MPOs another 180 days to either adopt the State targets or establish their own.

The CCRPC has an agreement with VTrans and Green Mountain Transit (GMT – transit provider in the MPO area) dated May 18, 2016 that describes our intent to work collaboratively in carrying out the performance based planning as outlined in federal rules. The agreement can be accessed at: https://www.ccrpcvt.org/wp-content/uploads/2016/02/CCTA-CCRPC-VTrans-Agreement-May-2016.pdf.

On May 27, 2016, the final rule for statewide and metropolitan transportation planning was published. As part of this final rule, 23 CFR 450.314 (h) was amended to state:

*The MPO(s), State(s), and the providers of public transportation shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see §450.306(d)) ... These provisions shall be documented either as part of the metropolitan planning agreements required under paragraphs (a), (e), and (g) of this section, or documented in some other means outside of the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation.*

The Vermont Agency of Transportation (VTrans) has coordinated with the Chittenden County Regional Planning Commission (CCRPC), which serves as the only MPO that operates within Vermont, on all statewide targets developed for the following areas: Safety, Infrastructure Condition, NHS Reliability, and Freight Movements.
DEVELOPING AND SHARING OF DATA

VTrans is the agency primarily responsible for developing statewide data for all established measures to track progress towards meeting the performance targets under each category. VTrans has in the past and we anticipate will continue in the future to provide data for the MPO area so that the CCRPC can track progress towards various transportation goals under the 2018 ECOS/Metropolitan Transportation Plan (MTP). Relevant data will be shared with GMT to facilitate their transit planning and tracking their established targets.

National Transportation Goals and FHWA Performance Measures

MEASURES AND TARGETS

FHWA has established or will be establishing measures for the following National Goal areas:

- **Safety**: To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- **Infrastructure Condition (Pavement & Bridges)**: To maintain the highway infrastructure asset system in a state of good repair.
- **System Reliability (NHS Performance)**: To improve the efficiency of the surface transportation system.
- **Freight Movements and Economic Vitality**: To improve the National Highway Freight Network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- **Congestion Reduction**: To achieve a significant reduction in congestion on the National Highway System.
- **Environmental Sustainability**: To enhance the performance of the transportation system while protecting and enhancing the natural environment.
- **Reduced project delivery delays**: To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

The established performance measures under each of these categories are:

- **Safety**
  1. Number of Fatalities
  2. Rate of Fatalities per 100 million Vehicle Miles Traveled (VMT)
  3. Number of Serious Injuries
  4. Rate of Serious Injuries per 100 million VMT
  5. Number of Non-Motorized Fatalities and Non-Motorized Serious Injuries

- **Infrastructure Condition**

  **Pavement**
  1. Percentage of pavement on the Interstate in good condition
  2. Percentage of pavement on the Interstate in poor condition
3. Percentage of pavement on the non-Interstate National Highway System (NHS) in good condition
4. Percentage of pavement on the non-Interstate National Highway System (NHS) in poor condition

**Bridges**
1. Percentage of NHS bridges in good condition
2. Percentage of NHS bridges in poor condition

- **National Highway System Reliability**
  1. Percent of Interstate System person-miles traveled that are reliable
  2. Percent of non-Interstate NHS person-miles traveled that are reliable

- ** Freight Movements and Economic Vitality**
  1. Percent of Interstate System providing reliable truck travel times

- **Congestion Reduction** - *Not required in Vermont because we are not a designated nonattainment area*
  1. Annual Hours of National Highway System Peak-Hour Excessive Delay Per Capita
  2. Percent of National Highway System Peak-Hour Non-SOV travel
  3. Total CMAQ project emissions

- **Environmental Sustainability** – *No Rulemaking on this measure*
  1. Percent change in tailpipe carbon dioxide (CO2) emissions on the National Highway System

- ** Reduced Project Delivery Delays** – *No measures*

**Safety Performance Targets**

**STATEWIDE AND CCRPC TARGETS**

The Vermont Agency of Transportation (VTrans) and the CCRPC have closely collaborated through the winter and spring of 2017 to develop statewide targets for the five performance measures that were established under the Safety category in support of the Highway Safety Improvement Program (HSIP). These targets are set by DOTs and MPOs to evaluate performance on reducing fatalities and serious injuries on our highways. State HSIP targets are reported by August 31 each year and MPOs must establish targets within 180 days of the State reporting their targets or by February 27 of each year.

**COORDINATION – CCRPC/VTRANS**

On January 10, 2017 VTrans and CCRPC staff attended an FHWA sponsored workshop on safety performance target setting. Following the workshop VTrans established a multi-disciplinary task force to evaluate crash data and propose the 2017 safety targets for Vermont’s public roads. The task force met in February 2017 and discussed data for each of the five performance measures from 2005 to the most recent year that data was
available and developed proposed targets for the established measures that were vetted by the VTrans’ Executive Staff and the Vermont Highway Safety Alliance (VHSA) Board of Directors throughout the spring of 2017. VTrans Task force participants are listed below:

**VTrans and CCRPC/MPO Attendees:**
Bruce Nyquist, Director, VTrans OHS  
Scott Davidson, Chief, VTrans GHSP  
Mario Dupigny-Girioux, VTrans HSIP  
Evelyn McFarlane, VHSA  
Costa Pappis, VTrans Planning Coordinator  
Jon Kaplan, VTrans, Bike & Ped Coordinator  
Eleni Churchill, CCRPC/MPO Transportation Program Manager

**VTRANS AND MPO SAFETY TARGETS**

Table 1 presents VTrans’ statewide safety targets as reported in the 2017 Highway Safety Improvement Program (HSIP) report ([https://safety.fhwa.dot.gov/hsip/reports/pdf/2017/vt.pdf](https://safety.fhwa.dot.gov/hsip/reports/pdf/2017/vt.pdf)). Figures 1 through 5 illustrate the crash data tracked to help establish statewide safety targets for Vermont’s public roads.

The CCRPC Board adopted the VTrans statewide safety targets for the MPO area at their meeting on February 21, 2018.

**Table 1 – 2018 VTrans and CCRPC Adopted Safety Performance Targets**

<table>
<thead>
<tr>
<th>VTrans Safety Performance Management Targets (5-Year Averages)</th>
<th>2018 Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Fatalities</td>
<td>57.0</td>
</tr>
<tr>
<td>Number of Fatalities per 100M VMT</td>
<td>0.830</td>
</tr>
<tr>
<td>Number of Serious Injuries</td>
<td>280.0</td>
</tr>
<tr>
<td>Number of Serious Injuries per 100M VMT</td>
<td>4.0</td>
</tr>
<tr>
<td>Number of Non-Motorized Fatalities and Non-Motorized Serious Injuries</td>
<td>39.4</td>
</tr>
</tbody>
</table>
Figure 1: Statewide and Chittenden County: Annual and 5-Year Average Fatalities

Figure 2: Statewide and Chittenden County: Annual and 5-Year Average Serious Injuries
Figure 3: Statewide and Chittenden County 5-year Average Fatality Rate

Figure 4: Statewide and Chittenden County 5-year Average Serious Injury Rate
Figure 5: Statewide Annual Pedestrian & Bicyclist Fatalities & Serious Injuries

Annual Pedestrian & Bicyclist Fatalities & Serious Injuries
(5-Year Average P&B Fatalities & Serious Injuries)

NHS Pavement and Bridge Performance Targets

BACKGROUND

The final FHWA rule on establishing performance measures for State DOTs to use in managing pavement and bridge performance on the NHS was published in the Federal Register on May 20, 2017. DOTs had one year from the effective date to establish statewide performance targets and MPOS have an additional 180 days to either accept the statewide targets or adopt their own. This final rule also establishes the process for DOTs and MPOs to report targets and the process that FHWA will use to assess progress towards achieving the targets. The established NHS pavement and bridge performance measures are:

- Percentage of pavements on the Interstate System in Good condition;
- Percentage of pavements on the Interstate System in Poor condition;
- Percentage of pavements on the NHS (excluding the Interstate System) in Good condition;
- Percentage of pavements on the NHS (excluding the Interstate System) in Poor condition;
- Percentage of deck area of NHS bridges classified as in Good condition; and
- Percentage of deck area of NHS bridges classified as in Poor condition.

VTrans collects NHS pavement condition data in 0.1 mile segments. Pavement condition is computed using the following metrics: International Roughness Index, Cracking Percent, Rutting, and Faulting. If two or more
metrics are rated poor for a specific segment then the pavement for that segment is rated “Poor.” All metrics must be good in order for pavement of a specific roadway segment to be considered “Good.” Pavement segments not meeting any of the criteria above are considered to be in “Fair” condition.

VTrans collects NHS bridge data and computes the percent of deck area classified as “Good” and “Poor” using National Bridge Inventory (NBI) condition ratings for Deck, Superstructure, Substructure. The condition of a specific bridge is determined by the lowest rating of these components. If the lowest rating is greater than or equal to 7, the bridge is classified as good; if any component is less than or equal to 4, the bridge is classified as poor (structurally deficient). Deck area not meeting any of these criteria is considered to be “Fair.”

COORDINATION MEETING

As required by federal rules, VTrans, CCRPC and FHWA staff met on January 24, 2018 to review and discuss potential targets for the NHS bridge and pavement performance measure targets. Participating staff are listed below:

VTrans Attendees:

Chad Allen, Asset Management & Performance (AMP) Bureau Director
Amy Bell, Transportation Planner & VTrans’ MPO Coordinator
Reid Kiniry, Pavement Subject Matter Expert
Kevin Marshia, AMP Budget & Programming Manager
Zoe Neaderland, Transportation Planner and Lead Writer on VTrans’ TAMP
Costa Pappis, VTrans Transportation Planning Coordinator
Dave Pelletier, Transportation Planner & Long Range Transportation Plan Lead
Jason Tremblay, Risk Management Engineer

MPO: Chittenden County Regional Planning Commission (CCRPC)

Charlie Baker, CCRPC Executive Director
Eleni Churchill, CCRPC Transportation Program Manager

FHWA:

Chris Jolly, Planning & Programming Engineer
Tod Kimball, Structures/Bridge Engineer
Paul Maloney, Program Analyst
Larkin Wellborn, Field Operations Engineer

STATEWIDE PERFORMANCE TARGETS

VTrans, in collaboration with the CCRPC, developed the statewide targets for the NHS pavement and bridge measures and these targets were submitted to FHWA on April 30, 2018. The CCRPC has until October 27, 2018 to either accept the statewide targets or adopt targets for the MPO area. Statewide targets for NHS pavement and bridges are presented in Tables 2 and 3, respectively.
### Table 2 – Vermont NHS Pavement Condition and Targets

<table>
<thead>
<tr>
<th>Pavement</th>
<th>NHS Pavement Condition as of 12/31/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Interstate System</td>
</tr>
<tr>
<td></td>
<td>640.35 miles</td>
</tr>
<tr>
<td>VTrans</td>
<td>Percentage of pavements of the Interstate in <strong>Good</strong> Condition</td>
</tr>
<tr>
<td></td>
<td>173.3 miles 27.1%</td>
</tr>
<tr>
<td></td>
<td>Target: 35.0%</td>
</tr>
<tr>
<td></td>
<td>Percentage of pavements of the Interstate in <strong>Poor</strong> Condition¹</td>
</tr>
<tr>
<td></td>
<td>13.27 miles 2.1%</td>
</tr>
<tr>
<td></td>
<td>Target: 4.9%</td>
</tr>
<tr>
<td></td>
<td><strong>Federal Maximum:</strong> 5.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CCRPC</th>
<th>Interstate System</th>
<th>Non-Interstate NHS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>77.2 miles²</td>
<td>71.87 miles²</td>
</tr>
<tr>
<td></td>
<td>Percentage of pavements of the Interstate in <strong>Good</strong> Condition</td>
<td>Percentage of pavements of the non-Interstate in <strong>Good</strong> Condition</td>
</tr>
<tr>
<td></td>
<td>8.0 miles² 10.3%</td>
<td>10.97 miles² 15.3%</td>
</tr>
<tr>
<td></td>
<td>Target: 35.0%*</td>
<td>Target: 30.0%*</td>
</tr>
<tr>
<td></td>
<td>Percentage of pavements of the Interstate in <strong>Poor</strong> Condition</td>
<td>Percentage of pavements of the non-Interstate in <strong>Poor</strong> Condition</td>
</tr>
<tr>
<td></td>
<td>0 miles² 0.0%</td>
<td>12.562 17.5%</td>
</tr>
<tr>
<td></td>
<td>Target: 4.9%*</td>
<td>Target: 9.9%*</td>
</tr>
</tbody>
</table>

**Notes:**

¹ - Indicates the enforcement of a possible penalty! If for 3 consecutive years the minimum Interstate condition level is not met then the State must obligate and set aside NHPP funds for eligible pavement projects on the NHS.

² - These values could change significantly as the NHS within the MPO is currently being evaluated and significant changes are expected.

*Proposed CCRPC Target*
Table 3 – Vermont NHS Bridge Condition and Targets

<table>
<thead>
<tr>
<th>Bridges</th>
<th>NHS Bridge Condition by Deck Area as of 12/31/2017</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All NHS Bridges</td>
</tr>
<tr>
<td><strong>VTrans</strong></td>
<td></td>
</tr>
<tr>
<td>Percentage of NHS Bridges classified as in <strong>Good</strong> Condition:</td>
<td></td>
</tr>
<tr>
<td>Current:</td>
<td>47.1%</td>
</tr>
<tr>
<td>Target:</td>
<td>35.0%</td>
</tr>
<tr>
<td>Percentage of NHS Bridges classified as in <strong>Poor</strong> Condition</td>
<td></td>
</tr>
<tr>
<td>Current:</td>
<td>2.5%</td>
</tr>
<tr>
<td>Target:</td>
<td>6.0%</td>
</tr>
<tr>
<td><strong>Federal Maximum:</strong></td>
<td>10%¹</td>
</tr>
<tr>
<td><strong>MPO</strong></td>
<td></td>
</tr>
<tr>
<td>Percentage of NHS Bridges classified as in <strong>Good</strong> Condition:</td>
<td></td>
</tr>
<tr>
<td>Current:</td>
<td>37%²</td>
</tr>
<tr>
<td>Target:</td>
<td>35.0%*</td>
</tr>
<tr>
<td>Percentage of NHS Bridges classified as in <strong>Poor</strong> Condition</td>
<td></td>
</tr>
<tr>
<td>Current:</td>
<td>1.1%²</td>
</tr>
<tr>
<td>Target:</td>
<td>6.0%*</td>
</tr>
</tbody>
</table>

**Notes:**

¹ - Indicates the enforcement of a possible penalty! If for 3 consecutive years the minimum Interstate condition level is not met then the State must obligate and set aside NHPP funds for eligible bridge projects on the NHS.

² - These values could change significantly as the NHS within the MPO is currently being evaluated and significant changes are expected.

*Proposed CCRPC Target

**RECOMMENDED CCRPC PERFORMANCE TARGETS**

Preliminary staff recommendation: Board should adopt the VTrans statewide targets for the NHS pavement and bridge measures as presented in Tables 2 and 3. Reasons for this recommendation include:

- There are no practical policy or funding benefits or negative implications for the CCRPC to adopt separate targets.
- Extra work and coordination would be required to set separate CCRPC targets with no clear benefits.
- Currently, there is no historic data for pavement conditions on municipally owned NHS highways in the state, including Chittenden County – VTrans began collecting pavement condition data for these NHS...
segments in 2017. Furthermore, the CCRPC is recommending changes to the NHS system that might render the initial 2017 NHS data not fully useable.

- As we collect and monitor data under this category, the Board will have the opportunity to set targets for the MPO area in the future.

NHS System Reliability & Freight Movement Performance Targets

BACKGROUND

The final FHWA rule on establishing performance measures for State DOTs to use in managing operational performance on the National Highway System (NHS) was published in the Federal Register on May 20, 2017. DOTs had one year from the effective date to establish statewide performance targets and MPOs have an additional 180 days to either accept the statewide targets or adopt their own. This final rule also establishes the process for DOTs and MPOs to report targets and the process that FHWA will use to assess progress towards achieving the targets. The three performance measures for assessing NHS and Freight Performance which are applicable to Vermont are:

- Interstate NHS Travel Time Reliability Measure;
- Non-Interstate NHS Travel Time Reliability Measure; and
- Interstate NHS Truck Travel Time Reliability Index.

Travel time reliability is a measure of how reliable, or predictable, travel times are on the NHS over the course of a calendar year and is presented as the percent of person-miles traveled on the Interstate and non-Interstate NHS that are reliable.

- For more information please go to: https://www.fhwa.dot.gov/tpm/workshop/az/reliability.pdf.

Truck time travel reliability index is a measure of how reliable is truck travel on the Interstate.

- For more information go to: https://www.fhwa.dot.gov/tpm/workshop/az/freight.pdf.

COORDINATION MEETING

As required by federal rules, VTrans, CCRPC and FHWA staff met on March 13, 2018 to review and discuss potential targets for the NHS operations and freight performance targets. Participating staff are listed below:

**VTrans:**
- Josh Schultz, TSMO Manager
- Amy Bell, Transportation Planner & VTrans‘ MPO Coordinator
- Zoe Neaderland, Transportation Planner
- Joe Segale, Policy, Planning and Research Bureau Director
- Kevin Viani, Chief of Performance
- Mike Pologruto, Chief of Quality Assurance
- Ian Degutis, Traffic Mobility Engineer

**MPO:** Chittenden County Regional Planning Commission (CCRPC)
STATEWIDE PERFORMANCE TARGETS

VTrans, in collaboration with the CCRPC, developed the statewide targets for NHS travel time reliability for passenger vehicles and freight movements and these targets were submitted to FHWA on May 14, 2018. The CCRPC has until November 10, 2018 to either accept the statewide targets or adopt targets for the MPO area.

VTrans used FHWA’s National Performance Management Research Data Set (NPMRDS v2) to monitor travel time performance for passenger vehicles and trucks on the National Highway System. Vermont’s statewide data and performance targets are presented in Figures 6 through 8.

Figure 6 – Statewide Interstate Travel Time Reliability

<table>
<thead>
<tr>
<th>2017 Interstate Travel Time Reliability for Vermont</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAP–21 Percent of the Person-Miles Traveled on the Interstate That Are Reliable (the Interstate Travel Time Reliability measure)</td>
</tr>
<tr>
<td>2017 Target at least 90.0%</td>
</tr>
<tr>
<td>Vermont Year-to-Date 2017 99.6%</td>
</tr>
<tr>
<td>Target: At least 90% of the system should have a LOTTR less than 1.50</td>
</tr>
</tbody>
</table>

Calculated using 100.60% of miles in Vermont
Data source: NPMRDS INRIX
Figure 7 – Statewide Non-Interstate NHS Travel Time Reliability

2017 Non-interstate NHS Travel Time Reliability for Vermont

**Vermont**

MAP-21 Percent of the Person-Miles Traveled on the Non-Interstate NHS That Are Reliable (the Non-Interstate NHS Travel Time Reliability measure)

**2017 Target**

at least 80.0%

**Year-to-Date 2017**

88.2%

Target: At least 80% of the system should have a LOTTR less than 1.50

![Show map...](image1)

Calculated using 100.00% of miles in Vermont

Data source: NPMRDS INRIX

Figure 8 – Statewide Interstate Truck Travel Time Reliability Index

2017 Truck Travel Time Reliability Index for Vermont

**Vermont**

MAP-21 Truck Travel Time Reliability Index

**2017 Target**

less than 1.75

**Year-to-Date 2017**

1.69

Target: The system should have a TTTR less than 1.75

![Show map...](image2)

Calculated using 100.00% of miles in Vermont

Data source: NPMRDS INRIX
CHITTENDEN COUNTY TRAVEL TIME RELIABILITY DATA

Travel time reliability data for the MPO region are presented in Figures 9 through 11. Target values shown are VTrans’ statewide target values; The CCRPC has 180 days following the VTrans submittal of the NHS Performance targets to determine targets for their region.

Figure 9 – Chittenden County Interstate Travel Time Reliability

Figure 10 – Chittenden County Non-Interstate NHS Travel Time Reliability
RECOMMENDED CCRPC PERFORMANCE TARGETS

Preliminary staff recommendation: Board should adopt the VTrans statewide targets as presented in Figures 6, through 8 for the NHS time travel reliability and truck travel reliability index for the MPO area. Reasons for this recommendation include:

- There are no practical policy or funding benefits or negative implications for the CCRPC to adopt separate targets.
- Extra work and coordination would be required to set separate CCRPC targets with no clear benefits.
- Generally, there is limited historic data (2 years) from which to set statewide or regional targets and furthermore the available data for the non-Interstate NHS routes in Chittenden County is unreliable.
- As we collect and monitor data under this category, the Board will have the opportunity to set targets for the MPO area in the future.
FTA Performance Measures and targets – Under Development

TRANSIT ASSET MANAGEMENT PLAN (TAM)

The Federal Transit Administration’s (FTA) Performance Management Program establishes a system to monitor and manage public transportation assets for improved safety, reliability and performance with the goal of maintaining transit assets in a State of Good Repair (SGR). Under this program, every transit agency must develop a transit asset management (TAM) plan if it owns, operates, or manages capital assets used to provide public transportation and receives federal financial assistance under 49 U.S.C. Chapter 53. These agencies must also designate an Accountable Executive to ensure appropriate resources for implementing the agency's TAM plan as well as the Public Transit Agency Safety Plan (PTASP) – see more on the PTASP below.

Under the program, Green Mountain Transit (GMT- formerly CCTA) is tasked with developing a TAM Plan, in coordination with the CCRPC. Each TAM Plan should include:

- An outline on how people, processes, and tools come together to address asset management policy and goals
- Provide accountability and visibility for furthering understanding of leveraging asset management practices
- Support planning, budgeting, and communications to internal and external stakeholders

The TAM Plan must include the following elements:

- An inventory of their capital assets - The number and type of capital assets to include: Rolling Stock, Facilities, and Equipment.
- Condition assessment of these assets - The condition of those inventoried assets for which GMT has direct ownership and responsibility.
- Description of the analytic or support tool used to prioritize investments - The analytical processes and decision-support tools that GMT uses to estimate capital investment needs over time and to develop its investment prioritization.
- Investment prioritization - GMT’s project-based prioritization of investments, developed in accordance with 49 CFR §625.33.

GMT’s TAM Plan is currently under development, with GMT Board approval anticipated in October 2018.

Critical dates related to the TAM are:

PUBLIC TRANSPORTATION AGENCY SAFETY PLAN (PTASP)

In addition to the TAM plan, GMT will also be required to develop a PTASP Plan intended to improve public transportation safety by guiding them to more effectively and proactively manage safety risks in their systems. The PTASP rule sets flexible minimum standards for safety plans, that include requirements for the identification, assessment, and mitigation of risks and strategies to minimize exposure to hazards, a safety training program, safety performance targets, and a process and timeline for conducting an annual review and update of the safety plan.
As part of PTASP requirements, safety performance targets must be set based on the following safety performance measures that FTA has established:

1. Fatalities
2. Injuries
3. Safety Events
4. System Reliability

GMT will coordinate establishment of their safety performance targets with VTrans and the CCRPC.

Through the implementation of its TAM Plan, GMT should consider the results of its condition assessments while performing safety risk management and safety assurance activities. The results of the condition assessments, and subsequent safety management system analysis could inform GMT’s TAM Plan elements, specifically investment priorities.

The PTASP rule takes effect on July 19, 2019 and GMT must have its safety plan in place no later than July 20, 2020.
DATE: Wednesday, July 18, 2018
TIME: 5:15 p.m.
PLACE: CCRPC Offices, 110 W. Canal Street, Suite 202; Winooski, VT 05404
PRESENT: Chris Roy, Chair
       Mike O’Brien, Vice-Chair
       Barbara Elliott, At Large <5,000
       Catherine McMains, At-Large>5,000
       Andy Montroll, Immediate Past Chair (5:30 p.m.)
STAFF: Charlie Baker, Executive Director
       Regina Mahony, Planning Program Mgr.
       Forest Cohen, Senior Business Mgr.
       Emily Nosse-Leirer, Senior Planner
       Bernadette Ferenc, Transportation Business Mgr.

The meeting was called to order at 5:15 p.m. by the Chair, Chris Roy.

1. Changes to the Agenda, Members’ Items. Regina Mahoney noted we have an additional letter that was emailed to members regarding a solar project in Richmond to add to Item 3.

2. Approval of June 6, 2018 Executive Committee Minutes. BARBARA ELLIOTT MADE A MOTION, SECONDED BY MIKE O’BRIEN, TO APPROVE THE MINUTES OF JUNE 6, 2018. MOTION CARRIED WITH CATHERINE MCMAINS ABSTAINING.

3. Act 250 & Sec. 248 Applications:
   a. 2800 Roosevelt Highway Town Solar, Colchester, #18-2364-NMP. Emily noted that we have seen this project before. It’s for a 150kW solar project off Roosevelt Highway in Colchester. In our comments during the advance notice period we noted that there were some possible constraints for them to note. The final project application does show that the project will directly impact .86 acres of prime ag soils, but we will defer to the Vermont Agency of Agriculture. We had also noted in that early review that it appeared that highest priority forest blocks and priority wildlife crossings might be impacted. ANR has determined that no changes to this project are necessary to avoid an undue adverse impact to these constraints. BARBARA ELLIOTT MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO APPROVE THE LETTER TO AEGIS RENEWABLE ENERGY. MOTION CARRIED UNANIMOUSLY.

   b. Malletts Bay Town Solar, Colchester, Case #18-2408-NMP. Emily noted we have seen this project before when we commented in the advance notice stage. This is for a 150kW solar project off Malletts Bay Avenue in Colchester. The CPG Petition included materials showing the exact location of the project, the delineation of known and possible constraints nearby and testimony describing the location of the project in relations to these constraints. Based on this information, it appears that this project avoids known constraints and minimizes impact to possible constraints. CCRPC has no further comments. BARBARA ELLIOTT MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO APPROVE THE LETTER TO AEGIS RENEWABLE ENERGY. MOTION CARRIED UNANIMOUSLY.

   c. Union Bank/Snyder Market Street, Williston, Case #4C0887-1R-M. Emily noted that this is another amendment to the Finney Crossing project. It adds a bank in an area planned for growth. The traffic comments highlighted were contingent on confirmation from Lamoureux and Dickinson that these are correct, which we have since confirmed. Brief discussion on the decrease of two vehicle trip ends per hour and if it really made a difference. Regina noted that the original permit allowed a certain
number of trip ends, and that when the project reached a certain threshold, it would require a review
of the traffic, so every trip end counts. MIKE O’BRIEN MADE A MOTION, SECONDED BY BARBARA
ELLIOTT TO APPROVE THE LETTER TO THE D.E.C. MOTION CARRIED UNANIMOUSLY.

d. Aegis Renewable Energy/Buttermilk LLC’s Proposed 50kW Solar Carport Facility project. Emily
noted that we have seen this before. It is for a 50 kW solar project at 74 Jolina Court in Richmond. In
the advance notice stage, we strongly supported it because it was on a rooftop and this letter
confirms that. BARBARA ELLIOTT MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO
APPROVE THE LETTER TO AEGIS RENEWABLE ENERGY. MOTION CARRIED UNANIMOUSLY.

4. Recommend FY 19 Meeting Schedule to Board. Members reviewed the proposed meeting schedule
for both the Executive Committee and Commission meetings for July 2018 through June 2019. After it
was noted that at least two members were not available on September 5, 2018, it was agreed to hold
the joint Executive/Finance Committee meeting on August 29, 2018. BARBARA ELLIOTT MADE A
MOTION, SECONDED BY MIKE O’BRIEN, TO RECOMMEND THE MEETING SCHEDULE AS AMENDED,
TO THE BOARD. MOTION CARRIED UNANIMOUSLY.

5. Review Commission Committees/Members. Staff presented a list of committees and current
members. Chris will ask board members where they’d like to serve.

6. Bank Signatures/resolutions for FY19. Forest noted that since we have a new officer we need to
update the signatures on the business accounts. In the past we have had a motion authorizing the
Executive Director and officers as signers on our accounts. BARBARA ELLIOTT MADE A MOTION,
SECONDED BY CATHERINE MCMAINS, TO AUTHORIZE THE EXECUTIVE DIRECTOR AND THE OFFICERS AS
ACCOUNT SIGNERS FOR CCRPC. MOTION CARRIED UNANIMOUSLY. (Andy Montroll arrived at the
meeting.) Charlie said our accounts were with Chittenden Bank which is now Peoples United which is
not a local bank. He wondered if members objected to us researching a local bank or credit union, such
as Opportunities Credit Union. In the interest of full disclosure, he noted that he is currently chair of
their board. It is a low-income community development credit union. Members were okay with
researching other banking options, especially if we could earn more interest.

7. Guidelines & Standards for reviewing Act 250 & Section 248 Applications. Emily noted that the
Executive Committee and Board reviewed this in May and made some suggestions and the PAC met last
week and suggested other changes that are highlighted in yellow. The proposed changes differentiate
between CCRPC’s review of Act 250 applications and Section 248 applications.

1. Act 250 review will remain largely unchanged. During Act 250 review, the known and possible
constraints listed in the ECOS Plan are reviewed by municipalities and state agencies. CCRPC will
defer to the relevant municipality or state agency with jurisdiction over the constraint, rather
than submit separate comments on constraints. CCRPC will continue to focus review on land use
and transportation.

2. During Section 248 review, some, but not all, known and possible constraints listed in the ECOS
Plan are reviewed by municipalities and state agencies. CCRPC will defer to state agencies to
review constraints within their jurisdiction, but will review and provide comments on local
constraints when municipal plans do not have substantial deference. This review will take the
form of submitting comments on advance notices and may include commenting on applications
during hearings, intervening in hearings or requesting hearings on applications.
Emily distributed new pages 6 & 7 which adds language to address a question from Jeff Carr earlier today about how does the Executive Committee determine when to bring an application to the full board. These changes are highlighted in green.

Under Intervening in PUC Hearings on page 6, the new language added to the second paragraph says:

“Action will be required by the CCRPC Board if the Notice of Intervention, discovery questions or testimony indicate that the proposed project unduly interferes with orderly development of the region or does not adhere to the land conservation measures and specific policies stated in the Regional Plan.”

Under Requesting a PUC Hearing on top of Page 7, the new language states: Action will be required by the CCRPC Board if the hearing request, discovery questions or testimony indicate that the proposed project unduly interferes with orderly development of the region or does not adhere to the land conservation measures and specific policies stated in the Regional Plan.”

Brief discussion ensued, and it was noted that if there is a timing issue, we may allow the Executive Committee to intervene, with action by the Board at their next meeting. MIKE O’BRIEN MADE A MOTION, SECONDED BY ANDY MONTROLL TO RECOMMEND THE REVISED GUIDELINES TO THE FULL COMMISSION AS AMENDED. MOTION CARRIED UNANIMOUSLY.

8. Chair/Executive Director’s Report.
   a. We’ve updated our timesheets and reports for the new fiscal year.
   b. We are also testing a new staff evaluation form after some staff requests for improvement.
   c. Our website was down for about 24 hours when the host was having hardware problems.
   d. The Commission on the future of Act 250 is holding a public outreach meeting on September 12th at the Elks club in Burlington. We have some recommendations that we came up with in 2014 and we’ll use that as the basis for comment. That document is in the board packet. There was brief discussion that we might want to set up an ad hoc Act 250 update committee.
   e. The Department of Public Service Hearing on CCRPC’s Request for a Determination of Energy Compliance with 24 VSA Sec. 4352 will be held at CCRPC offices at 6 p.m. on August 6th.

9. Other Business – August or September Executive Committee meeting date? When discussing the meeting schedule, it was decided that since several members are not available August 1st or September 5th that the Executive Committee next meet jointly with the Finance Committee on August 29th.

10. Executive Session. None needed.

11. Adjournment. MIKE O’BRIEN MADE A MOTION, SECONDED BY ANDY MONTROLL, TO ADJOURN THE EXECUTIVE COMMITTEE MEETING AT 5:55 PM. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Bernadette Ferenc
DATE: Wednesday, August 29, 2018
TIME: 5:45 p.m.
PLACE: CCRPC Offices, 110 W. Canal Street, Suite 202, Winooski, VT 05404
PRESENT: Chris Roy, Chair
John Zicconi, Secretary-Treasurer
Catherine McMains, At-Large
Jeff Carr, Finance Committee
STAFF: Charlie Baker, Executive Director
Eleni Churchill, Trans. Program Manager
Forest Cohen, Sr. Business Manager
Bernie Ferenc, Trans. Business Manager

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

1. Changes to the Agenda; Members’ Items. Charlie asked for an executive session to discuss personnel matters.

2. Approval of July 18, 2018 Executive Committee Meeting Minutes. BARBARA ELLIOTT MADE A MOTION, SECONDED BY MIKE O’BRIEN, TO APPROVE THE MINUTES OF JULY 18 WITH CORRECTIONS IF ANY. Barbara asked for an update on the potential move to another bank. Charlie said there is no news on that yet. Barbara then asked whether any more had been done regarding Ad Hoc committee on Act 250 updates. Charlie anticipated that we’d set one up in October or November. MOTION CARRIED UNANIMOUSLY TO APPROVE THE MINUTES OF JULY 18TH.

3. FY18 Year End Financial Reports. Forest Cohen noted that we finished much better than what we had budgeted. We had anticipated a deficit of $98,000, but we are showing a deficit of only $10,000 in pre-audit numbers.

Forest Cohen reviewed the balance sheet: Cash in checking (operating)- $181,662; cash in savings (match) - $110,170; Cash in money market & CDs (reserve)-$217,059. Current assets over liabilities: $586,333. Deferred income communities – is $0 (remaining $36,359* (subject to change) on June 29 booked to revenue on June 30. Income Statement: ACCD funds were 100% expended in May, which was expected; transportation staff billing was billed at 97%; brownfields staff time estimates were about 90% of budgeted, with consultant lines showing funds to bill in FY19. Water quality basin planning grant was expended closely to budget. Clean Streets phosphorus credit project has been more challenging at 37.6%. Expenses: The salaries and benefits expenses were slightly under budget at year end. We are under budget overall in our expenses, but we will monitor telephone/internet line more closely in FY19 as we were slightly over budget at 108%. When asked if the lower deficit number will impact on next year’s indirect rate, Forest said no because we’ve gotten closer in our budgeting as far as indirect rate and are solving the problem of the large swings in rate. Brief discussion ensued. Cash Flow: Forest reviewed the cash flow noting that we started with $596,789 and ended up with $508,889. We are in range of previous years. Members agreed we are doing ok.

4. FY18 4th Quarter Journal Entries. Jeff Carr questioned a couple of the year-end entries especially the unbilled receivables as income. Forest explained they are unbilled receivables because they haven’t been billed to a grant yet. MIKE O’BRIEN MADE A MOTION, SECONDED BY JEFF CARR TO APPROVE THE 4TH QUARTER JOURNAL ENTRIES. MOTION CARRIED UNANIMOUSLY. (Jeff Carr left the meeting.)
5. Act 250 & Sec. 248 Applications:
   a. **Ratify – Northern Power Systems 2MW Storage, Hinesburg (Case #18-2743-AN).** Chris Roy recused himself from any discussion/action. **ANDY MONTROLL MADE A MOTION, SECONDED BY ANDY MONTROLL, TO RATIFY THE LETTER TO NORTHERN POWER SYSTEMS CORPORATION.** MOTION CARRIED UNANIMOUSLY WITH CHRIS ROY ABSTAINING.
   b. **Ratify – Beaudoin Categorical Disposal Facility, Milton (Case #4C1314).** **CATHERINE MCMAINS MADE A MOTION, SECONDED BY JOHN ZICCONI TO RATIFY THE LETTER SENT TO DISTRICT #4 COMMISSIONER.** MOTION CARRIED UNANIMOUSLY.
   c. **GMP Airport Substation, South Burlington (Case #18-2910-PET).** Charlie noted that this and the next letters are ones we reviewed prior to the application submissions. He reviewed Emily’s notes – We added a line under ag soils saying that “Based on the submitted CPG petition, it appears that this project avoids prime ag soils,” (we now have a map that shows the exact location of the substation vs. this constraint.) We added a line under Forest Blocks that says “As noted in the 2018 ECOS Plan, CCRPC supports locating energy development in areas planned for growth and especially on previously-impacted sites. (This was written this way because we worried that saying “CCRPC defers to Fish and Wildlife” might give our blanket support to Fish and Wildlife restricting development here.) When Catherine asked where the forest blocks are, Mike O’Brien noted that it’s an urban forest. Charlie said we are just trying to be more up front about this site already being pretty impacted. **ANDY MONTROLL MADE A MOTION TO APPROVE THE LETTER TO GREEN MOUNTAIN POWER FOR THE AIRPORT SUBSTATION. CATHERINE MCMAINS SECONDED AND THE MOTION CARRIED UNANIMOUSLY.**
   d. **GMP-Essex Solar/Storage 4.45 MW Solar Array (Case #18-2902-PET).** John Zicconi questioned the exact location. Charlie said it’s off River Road east of Sand Hill Road. John then questioned the note on the last line regarding slopes. We added a line that says “With these conditions, the project will avoid local known constraints and minimize impacts to local possible constraints.” (This is the conclusion that the Essex PC and Essex staff came to.) Charlie said we added that because we got the information we had asked for. **CATHERINE MCMAINS MADE A MOTION, SECONDED BY JOHN ZICCONI, TO APPROVE THE LETTER TO GREEN MOUNTAIN POWER REGARDING THE ESSEX SOLAR ARRAY/STORAGE.** MOTION CARRIED UNANIMOUSLY.

6. **Recommend Agriculture Representative – Tom Eaton to Board.** Charlie noted that CCRPC has been without a representative for Agriculture since shortly after he started. He planted a seed about seven years ago and two months ago we received information about Tom Eaton who is an Agronomy consultant who works with agriculture all over the state. He lives in Richmond and has a lot of knowledge about a lot of farms and could help with our basin planning. Charlie met with Mr. Eaton and Charlie recommends his appointment to the board. (We’ll check with other interest group representatives as well.) **MIKE O’BRIEN MADE A MOTION THAT THE EXECUTIVE COMMITTEE RECOMMEND THE BOARD APPOINT TOM EATON TO THE AGRICULTURE POSITION ON THE BOARD. JOHN ZICCONI SECONDED AND THE MOTION CARRIED UNANIMOUSLY.**

7. **Personnel Policy Update – Dependent Care Account Benefit.** Forest noted that we are proposing a new employee benefit. This allows the employee to have pre-tax dollars deducted from their paycheck and put into a dependent care FSA or DCA. It can be used to pay for daycare, nursery school, as well as adult dependent care. The cost to CCRPC will be an annual administration fee of $250 plus $50 per account. **ANDY MONTROLL MADE A MOTION TO APPROVE THE ADDITION OF THE DEPENDENT CARE ACCOUNT BENEFIT TO OUR PERSONNEL POLICIES. JOHN ZICCONI SECONDED AND THE MOTION CARRIED UNANIMOUSLY.**
8. National Highway System Update. Charlie reviewed the memo and the attached maps. The first map is the NHS as it appears today. Under MAP-21 (passed in 2012) Congress made a change that all existing principal arterials be added to the NHS. So subsequently, 44.59 miles of new NHS routes were added in Chittenden County. Following this addition, VTrans determined that many of these routes do not meet the purpose of the NHS, so they removed all MAP-21 NHS additions outside of Chittenden County, with the CCRPC agreeing to evaluate the NHS within Chittenden County upon completion of the functional classification updates. Staff evaluated the current NHS, developed and presented a proposed updated NHS in Chittenden County to the TAC in June. After discussion, the TAC recommended a change to include VT-117 west of VT-289 to the NHS—a recommendation that VTrans did not agree with. VTrans did however agree with a subsequent staff recommendation to retain as NHS the segment of VT15 west of Exit 15 to the US7/US2 intersection (Circulator) in Winooski and the segment of US 7/US2 north of the circulator to Exit 16. The proposed NHS map in the packet includes the final staff recommendation for the Executive Committee’s consideration. Brief discussion ensued to clarify the different comments and recommendations received by various parties and the committee decided to recommend to the Board the final staff proposed NHS as described in the memo and presented in the map included in the packet. The Executive Committee also added that the NHS map should be revisited if/when major changes happen such as construction of the Crescent Connector in Essex Junction and other circulation changes in the village. Charlie said the staff recommendation would be to approve the proposed NHS map as presented with the understanding that it should be reviewed and amended as necessary as the transportation system changes. JOHN ZICCONI MADE A MOTION, SECONDED BY CATHERINE MCCOMAINS, THAT THE EXECUTIVE COMMITTEE RECOMMEND THE CCRPC BOARD APPROVE THE PROPOSED NHS MAP AS PRESENTED, WITH THE UNDERSTANDING THAT IT COULD BE AND SHOULD BE AMENDED AS THE SYSTEM CHANGES. MOTION CARRIED UNANIMOUSLY.

9. Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plan Review. Members reviewed the proposed changes. Members agreed to a minor edit on page 7, to add after...within 45 days “of the request”. This will clarify when the start day is. BARBARA ELLIOTT MADE A MOTION, SECONDED BY JOHN ZICCONI, THAT THE EXECUTIVE COMMITTEE RECOMMENDS THAT THE CCRPC BOARD BE PRESENTED THESE GUIDELINES AS EDITED, INCLUDING ANY EDITS RECOMMENDED BY THE PAC AT THEIR SEPTEMBER 12TH MEETING, FOR ADOPTION AT THE SEPTEMBER 19TH BOARD MEETING. MOTION CARRIED UNANIMOUSLY.

10. Transportation Performance Measures introduction. Eleni Churchill said the CCRPC is required as a designated MPO to develop targets for a number of FHWA performance measures in support of National Transportation Goals. There is a requirement to coordinate with VTrans on the development of the targets and also include performance measures and adopted targets in the MTP and TIP but could also be included in a separate document that will be referenced in any future MTP and TIP document. Staff is currently developing a separate Performance Management Report (PMR) for the MPO area that will include the measures and adopted targets so for any future changes to the targets we would only amend this document and not go through the extensive public hearing process to amend the MTP. Eleni provided a brief memo (excerpt from the PMR) that included background information on the performance management efforts at the federal level. She stated the National Transportation Goal areas: Safety, infrastructure condition (pavement and bridges), system reliability (NHS performance), freight movement and economic vitality, congestion reduction, environmental sustainability, and reduced project delivery delays. Eleni mentioned that we have already dealt with safety category by adopting the VTrans statewide targets back in February and now we have a deadline to set target for the rest of the relevant measures by the end of October/early November. John Zicconi said this will affect
VTrans spending if we’re not meeting these performance measures. Eleni said the preliminary staff recommendation will be to adopt the VTrans statewide targets for all measures. A draft PMR will be sent to the Board and will be reviewed at the September meeting with action (on the targets) in October. Discussion continued.

11. Chair/Executive Director Report.
   a. Winooski Basin Plan. – Charlie provided a brief update as to the status of the Winooski Basin Plan review by the CWAC. It will be an information item at the September Board meeting and an action item at the October Board meeting.
   b. Clean Water Advisory Committee (CWAC). Charlie said the State is asking that we have a more inclusive membership that includes not only municipal representatives, but watershed groups, conservation committee reps, etc. CCRPC bylaws state that there shall be members and representatives of organizations as follows: 1 CCRPC board member, reps of 19 municipalities; UVM, ANR, VTrans, BT and “other voting or non-voting members as may be determined by the CCRPC after a recommendation from the CWAC.” Charlie said there are three watershed organizations he recommends be added to the CWAC: Winooski Natural Resources Conservation District, Friends of the Winooski River and Lewis Creek Association. We won’t have to amend the bylaws, but just get appointments from these organizations.
   c. BTV Plan. Charlie has been asked to participate in the Airport’s Master Plan process. A key part is that their consultant has a recommendation for a connection to the interstate as Exit 14 N. Neither South Burlington or CCRPC have ever included that in our MTP. FHWA will not pay for an airport access only, but FAA will. The Master Plan process will take 18-24 months. There is a technical committee and all members are from inside the fence organizations: Air guard, Heritage Air, flight school, etc. He has heard in these briefings that BTV is the same size in acreage as Logan. BTV is the only airport in the Northeast that has de-icing stations at each gate.

12. Review Agenda for September 19th Board meeting. Members reviewed the proposed agenda. There will be an MPO training session from 5:15 – 6:00 p.m. It was noted that Yom Kippur begins on the 18th and ends at nightfall on the 19th. Members did not feel we should change the date of the meeting. We have a public hearing on the St. George Town Plan. There may be an issue because the plan refers to our old Regional Plan. It was agreed to move the Transportation Survey Results to the October meeting.

13. Other Business. There was no other business.

14. Executive Session. MIKE O’BRIEN MADE A MOTION, SECONDED BY ANDY MONTROLL, TO GO INTO EXECUTIVE SESSION AT 7:26 P.M. WITH THE EXECUTIVE DIRECTOR PRESENT TO DISCUSS PERSONNEL MATTERS. MOTION CARRIED UNANIMOUSLY.

MIKE O’BRIEN MADE A MOTION, SECONDED BY ANDY MONTROLL, TO COME OUT OF EXECUTIVE SESSION AT 7:35 P.M. MOTION CARRIED UNANIMOUSLY.

BARBARA ELLIOTT MADE A MOTION, SECONDED BY CATHERINE MCMAINS TO ADJOURN THE MEETING AT 7:45 P.M. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
1 Bernadette Ferenc
July 19, 2018

Rachel Lomonaco  
Act 250 Coordinator  
111 West Street  
Essex Junction, VT 05452  

RE: Union Bank and Market Street; Williston; Application #4C0887-1R-M  

Dear Ms. Lomonaco:

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 Market Street from Zephyr Road to Holland Lane, and construction of a new commercial building near the intersection of Zephyr Road and Williston Road for use as a bank and office space. The project is located on Zephyr Road in Williston, Vermont. The commercial building and street construction received a discretionary permit from the Town of Williston’s Development Review Board on May 22, 2018. We offer the following comments:

The project is located within the Center 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 located in a state-designated Growth Center, will be served by municipal water and sewer service, and is accessible via GMT transit routes.
3. The density and uses are consistent with the local regulations, as demonstrated by the local permit.

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) as it is located within a state designated Growth Center.

The Technical Memorandum dated 6/26/2018 written by Lamoureux & Dickinson Consulting Engineers, Inc. indicates a decrease in the previously estimated pm peak hour trip generation of 331 vehicle trip ends per hour (vte/hr) to 329 vte/hr. We concur with these findings and therefore have no concerns regarding transportation.

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
July 19, 2018

Eric Phaneuf, Director of Business Development
Aegis Renewable Energy, Inc.
340 Mad River Park, Suite 6
Waitsfield, VT 05673
ephaneuf@aegis-re.com

RE: Petition for a CPG for Aegis Renewable Energy/Buttermilk LLC’s Proposed 50kW Solar Carport Facility Project at 74 Jolina Court in Richmond, VT (Case #18-2677-NMP – formerly #18-1391-AN)

Dear Mr. Phaneuf:

Chittenden County Regional Planning Commission has received the Petition for a Certificate of Public Good as filed with the Vermont Public Utility Commission for a 50kW solar project at 74 Jolina Court in Richmond, Vermont (Case #18-2677-NM). CCRPC reviewed this project during the advance notice stage and submitted comments at that time (Case #18-0952-AN). Please note that CCRPC recently adopted the 2018 Chittenden County ECOS Plan, which has an effective date of July 25, 2018.

**ECOS Energy Goal**

CCRPC finds that this project meets the intent of the Energy Goal (Goal #17) of the 2018 ECOS Plan: “Move Chittenden County’s energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State’s Comprehensive Energy Plan goals.”

Strategy 2, Action 4b of the ECOS Plan states “CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan’s goals of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment”. Development of this solar facility helps implement this action. The Plan’s suitability policies help determine whether projects are cost effective, and the Plan’s constraint policies help determine whether projects respect the natural environment.

**Suitability Policies**

The 2018 ECOS Plan recommends the location of renewable energy generation facilities in appropriate locations, as defined by the policies in Strategy 2, Action 4b. The project as proposed advances the following suitability policies:

- The project is located proximate to 3-phase power in an area with adequate grid capacity.
- The project is located on a previously impacted area.
- The project is located in an area planned for growth.

The 2018 ECOS Plan strongly supports the building of renewable energy facilities on areas that are already impacted, including rooftops and parking lots. Therefore, the location of this project meets the suitability policies of the 2018 ECOS Plan.

**Constraints**

The 2018 ECOS Plan states that ground mounted renewable energy generation is constrained in certain areas due to state and local restrictions on development. Strategy 2, Action 4b states: “Site renewable energy generation to avoid state and local known constraints and to minimize impacts to state and local..."
possible constraints, as defined in Strategy 3, Action 1.f, and Strategy 4, Action 1.f, and Action 2.e. Renewable energy generation sited on existing structures or parking lots complies with this policy.”

This project will be located on a parking lot which was approved by the Town of Richmond Development Review Board on April 11, 2018 and is currently under construction. Therefore, CCRPC finds that this project complies with the siting constraint policies in the ECOS Plan.

These comments are based on information currently available; we may have additional comments as the process continues. We understand that the project may change between the advance notice and the final application. CCRPC will review the project location again after the final application is submitted to confirm our initial findings above.

Please feel free to contact me with any questions.

Sincerely,

Charlie Baker
Executive Director

cc: CCRPC Board
Jessica E. Draper, Richmond Town Planner
July 19, 2018

Nils Behn, CEO
Aegis Renewable Energy, Inc.
340 Mad River Park, Suite 6
Waitsfield, VT 05673

RE: Petition for CPG for Aegis Renewable Energy/Town of Colchester’s Proposed 150 kW Project in Colchester, Vermont (Case #18-2408-NMP – formerly #18-0952-AN)

Dear Mr. Behn:

Chittenden County Regional Planning Commission (CCRPC) has received the petition for a Certificate of Public Good as filed with the Vermont Public Utility Commission for a 150kW solar project off of Mallets Bay Avenue in Colchester, VT (Case #18-2408-NMP). CCRPC reviewed this project during the advance notice stage and submitted comments at that time (Case #18-0952-AN). Please note that CCRPC recently adopted the 2018 Chittenden County ECOS Plan, which has an effective date of July 25, 2018.

ECOS Energy Goal
CCRPC finds that this project meets the intent of the Energy Goal (Goal #17) of the 2018 ECOS Plan: “Move Chittenden County’s energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State’s Comprehensive Energy Plan goals.”

Strategy 2, Action 4b of the ECOS Plan states “CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan’s goals of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment”. Development of this solar facility helps implement this action. The Plan’s suitability policies help determine whether projects are cost effective, and the Plan’s constraint policies help determine whether projects respect the natural environment.

Suitability Policies
The 2018 ECOS Plan recommends the location of renewable energy generation facilities in appropriate locations, as defined by the polices in Strategy 2, Action 4b. The project as proposed meets the following suitability policies:
- The project is located in an area with adequate grid capacity.
- The project is outside of any state designated centers or historic districts.

CCRPC finds that the location of this project meets the suitability policies of the 2018 ECOS Plan. As demonstrated by CCRPC’s letter of support for the project to be considered a preferred site location, CCRPC strongly supports this project’s location.

Constraints
The 2018 ECOS Plan states that ground mounted renewable energy generation is constrained in certain areas due to state and local restrictions on development. Strategy 2, Action 4b states: “Site renewable energy generation to avoid state and local known constraints and to minimize impacts to state and local...
possible constraints, as defined in Strategy 3, Action 1.f, and Strategy 4, Action 1.f, and Action 2.e. Renewable energy generation sited on existing structures or parking lots complies with this policy.”

CCRPC has reviewed the constraints that exist near the proposed project. In our comments on the advance notice application, we noted that the following constraints appeared near the parcel, but did not appear to be impacted: primary agricultural soils, hydric soils, highest priority forest blocks and slopes over 20% appeared near the parcel. The CPG Petition included materials showing the exact location of the project, the delineation of known and possible constraints nearby, and testimony describing the location of the project in relation to these constraints. Based on this information, it appears that this project avoids known constraints and minimizes impacts to possible constraints. CCRPC has no further comments on constraints at this time.

These comments are based on information currently available; we may have additional comments as the process continues.

Please feel free to contact me with any questions.

Sincerely,

Charlie Baker
Executive Director

cc: CCRPC Board
July 19, 2018

Eric Phaneuf, Director of Business Development
Aegis Renewable Energy, Inc.
340 Mad River Park, Suite 6
Waitsfield, VT 05673
ephaneuf@aegis-re.com

RE: Petition for CPG for Aegis Renewable Energy/Town of Colchester’s Proposed 150 kW Project in Colchester, Vermont – 2800 Roosevelt Highway (Case #18-2364-NMP – formerly #18-1329-AN)

Dear Mr. Phaneuf:

Chittenden County Regional Planning Commission has received the Petition for a Certificate of Public Good filed with the Vermont Public Utility Commission for a 150kW solar project at 2800 Roosevelt Highway in Colchester, VT (Case #18-2364-NMP). CCRPC reviewed this project during the advance notice stage and submitted comments at that time (Case #18-1329-AN). Please note that CCRPC recently adopted the 2018 Chittenden County ECOS Plan, which has an effective date of July 25, 2018.

ECOS Energy Goal
CCRPC finds that this project meets the intent of the Energy Goal (Goal #17) of the 2018 ECOS Plan: “Move Chittenden County’s energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State’s Comprehensive Energy Plan goals.”

Strategy 2, Action 4b of the ECOS Plan states “CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan’s goals of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment”. Development of this solar facility helps implement this action. The Plan’s suitability policies help determine whether projects are cost effective, and the Plan’s constraint policies help determine whether projects respect the natural environment.

Suitability Policies
The 2018 ECOS Plan recommends the location of renewable energy generation facilities in appropriate locations, as defined by the polices in Strategy 2, Action 4b. The project as proposed meets the following suitability policies:

- The project is located proximate to existing 3-phase power and is in an area with adequate grid capacity.
- The project location has been endorsed by the Colchester Select Board in a letter to the Public Utilities Commission dated August 23, 2017.
- The project is located outside of Colchester’s Designated Growth Center and Designated New Town Center.

CCRPC finds that the location of this project meets the suitability policies of the 2018 ECOS Plan. As demonstrated by CCRPC’s letter of support for the project to be considered a preferred site location, CCRPC strongly supports this project’s location.
Constraints
The 2018 ECOS Plan states that ground mounted renewable energy generation is constrained in certain areas due to state and local restrictions on development. Strategy 2, Action 4b states: “Site renewable energy generation to avoid state and local known constraints and to minimize impacts to state and local possible constraints, as defined in Strategy 3, Action 1.f, and Strategy 4, Action 1.f, and Action 2.e. Renewable energy generation sited on existing structures or parking lots complies with this policy.”

CCRPC has reviewed the constraints that exist near the proposed project. In our comments on the advance notice application, we noted the presence of several constraints possibly impacted by the approximate location of the project. The CPG Petition includes materials showing the exact location of the project, the delineation of known and possible constraints nearby, and testimony describing the location of the project in relation to these constraints. Our conclusions on these constraints are below:

- **Agricultural Soils**: During the review of this project’s advance notice, CCRPC noted that it appeared that statewide agricultural soils would be impacted by this project. The information submitted with this petition show that the proposed array will directly impact 0.86 acres of primary agricultural soils, which are a possible constraint in the 2018 ECOS Plan. CCRPC defers to the expertise of the Vermont Agency of Agricultural, Farms and Markets in determining whether impacts to this constraint are minimized. We have no further comments on this constraint at this time.

- **Highest Priority Forest Blocks and Highest Priority Wildlife Crossings**: During the review of this project’s advance notice, CCRPC noted that it appeared that highest priority forest blocks and highest priority wildlife crossings might be impacted by this project. Following review of this petition, the Vermont Agency of Natural Resources (ANR) has determined that no changes to this project are necessary to avoid an undue adverse impact to these constraints. CCRPC defers to the expertise of ANR in determining impacts to these constraints. We have no further comments on these constraints at this time.

These comments are based on information currently available; we may have additional comments as the process continues. We understand that the project may change between the advance notice and the final application. CCRPC will review the project location again after the final application is submitted to confirm our initial findings above.

Please feel free to contact me with any questions.

Sincerely,

Charlie Baker
Executive Director

cc: CCRPC Board
Sarah Hadd, Director of Planning and Zoning, Colchester
August 14, 2018

Rachel Lomonaco  
District #4 Commissioner  
111 West Street  
Essex Junction, VT 05452

RE: Beaudoin Revocable Trust/Middle Road Categorical Disposal Facility; Milton; Application #4C1314

Dear Ms. Lomonaco:

The Chittenden County Regional Planning Commission’s Staff and Executive Committee have reviewed this Act 250 application described as the after-the-fact approval of a categorical disposal facility. The Project is located at 262 Middle Road in Milton, VT. The project was approved by the Milton Development Review Board on July 11, 2018. **We offer the following comments:**

The project is located within the Rural Planning Area as defined in the Chittenden County Regional Plan, entitled the **2018 Chittenden County ECOS Plan** (the Plan). We find this project to be consistent with this Planning Area. The Rural Planning Area is identified in the plan as an area appropriate for low density industrial and residential development that is compatible with working lands and natural areas. This area has been in use for waste disposal since it was certified as a categorical disposal facility by the Vermont Solid Waste Management Program in 2010. 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 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:
   (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 this project makes efficient use of land, energy, roads, utilities and other infrastructure. It will use existing roads and curb cuts; it does not require the expansion of any utilities; and the site has previously been used for solid waste disposal. We also find that this project will not contribute to strip development. The Natural Resources Board Act 250 Criterion 9(L) Guidance indicates that a project does not contribute to a pattern of strip development if:

- The project is designed to have limited visibility from a public highway, does not use water or wastewater infrastructure and will not generate significant additional traffic.
- The project is a use that contributes to and supports Vermont’s working lands economy, as such projects traditionally fit into the rural landscape.

Both are true of this project. Therefore, we find this project meets the requirements of Criterion 9(L).

CCRPC has reviewed the traffic impacts of this development. We have no concerns about traffic at this time. 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 2018 Chittenden County ECOS Plan. While there are many other topics covered in the 2018 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 2018 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
August 22, 2018

Kyle Ellis, Project Manager
Northern Power Systems Corporation
29 Pitman Road
Barre, VT 05641

RE: Advance Notice of Petition for Viridity Energy Solutions, Inc. and Northern Power Systems, Inc. for a 2MW Battery Storage Project at 1121 Pond Brook Road in Hinesburg, VT (Case #18-2743-AN)

Dear Mr. Ellis:

Chittenden County Regional Planning Commission has received the 45-day notice of a Section 248 Petition to be filed with the Vermont Public Utility Commission for a 2MW battery storage project at 1121 Pond Brook Road in Hinesburg, VT. The project is adjacent to an existing Vermont Electric Cooperative substation. We have reviewed this project in light of CCRPC’s 2018 Chittenden County ECOS Plan, which gained a Determination of Energy Compliance from the Vermont Department of Public Service on August 9, 2018.

The project is located within the Rural Planning Area as defined in 2018 ECOS Plan. The plan states that “the Rural Planning Area...provides for low density commercial, industrial, and residential development...that is compatible with working lands and natural areas.” The Plan is not intended to prescribe uses and we find that this project, which is efficiently located next to existing transmission infrastructure on a developed parcel, is not inconsistent with this planning area. Therefore, we find this project to be generally in conformance with the Planning Areas of the 2018 Chittenden County Regional Plan.

ECOS Energy Goal
CCRPC finds that this project meets the intent of the Energy Goal (Goal #17) of the 2018 ECOS Plan: “Move Chittenden County’s energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State’s Comprehensive Energy Plan goals.”

Strategy 2, Action 4b of the ECOS Plan states “CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan’s goals of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment.” Development of this battery storage project will increase the resilience and capacity of existing grid infrastructure.

Constraints
The 2018 ECOS Plan states that development should be located to avoid state and local known constraints that have been field verified, and to minimize impacts to state and local possible constraints that have been field verified (Strategy 3, Action 1.f and Strategy 4, Action 1.f and Action 2.e).

Based on the site plan included in the advance notice, CCRPC has reviewed the constraints that exist on the site of the proposed project. This location avoids most constraints, but it appears that some constraints may be impacted by this project:
• **Deer Wintering Areas**: Based on the deer wintering areas shown on the ANR Natural Resources Atlas, it appears that this project may impact this possible state constraint. CCRPC will defer to the Vermont Fish and Wildlife Department in determining the impact of development on deer wintering areas. **CCRPC is not requesting further information or action related to this constraint at this time.**

• **Slopes between 15-25%**: Based on the preliminary site plan submitted by Northern Power Systems, it appears that this project will affect slopes between 15-25%, a possible constraint in Hinesburg. The Hinesburg Planning Commission has requested further information on this project’s impacts to these constraints. **CCRPC requests more information on the impact this project will have on slopes between 15-20%.**

Based on our review of this project’s location using the ANR Natural Resources Atlas and ANR BioFinder, it appears that there are primary agricultural soils, hydric soils, Class II wetlands and VSWI advisory layer areas, river corridors and highest priority forest blocks on the parcel, but not impacted by this project. We mention the presence of these nearby constraints simply for your information, given that our review is based on a preliminary site plan and data that have not been verified by on-the-ground studies. **CCRPC is not requesting further information or action related to these constraints at this time.**

These comments are based on information currently available; we may have additional comments as the process continues. We understand that the project may change between the advance notice and the final application. CCRPC will review the project location again after the final application is submitted to confirm our initial findings above.

Please feel free to contact me with any questions.

Sincerely,

Charlie Baker
Executive Director

cc: CCRPC Board
Alex Weinhagen, Director of Planning & Zoning, Town of Hinesburg
September 4, 2018

Timothy Upton, Manager of Environmental Services
Green Mountain Power
163 Acorn Lane
Colchester, VT 05446

RE: Petition for a Certificate of Public Good for Green Mountain Power’s Relocation and Rebuild of the Airport Substation at 5 and 7 Shamrock Road in South Burlington, VT (Case #18-2910-PET – formerly #18-1423-AN)

Dear Mr. Upton:

Chittenden County Regional Planning Commission has received the Petition for a Certificate of Public Good for the relocation and rebuilding of Green Mountain Power’s Airport Substation at 5 and 7 Shamrock Road in South Burlington, VT. CCRPC has reviewed this Petition with regards to the policies in the 2018 Chittenden County ECOS Plan, which received a Determination of Energy Compliance from the Department of Public Service on August 9, 2018.

The project is located within the Enterprise Planning Area as defined in the Chittenden County Regional Plan, entitled the 2018 Chittenden County ECOS 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. Additionally, this project supports electric infrastructure that serves development in areas planned for growth.

Therefore, we find this project to be generally in conformance with the Planning Areas of the 2018 Chittenden County Regional Plan.

ECOS Energy Goal
CCRPC finds that this project meets the intent of the Energy Goal (Goal #17) of the 2018 ECOS Plan: “Move Chittenden County’s energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State’s Comprehensive Energy Plan goals.”

Strategy 2, Action 4b of the ECOS Plan states “CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan’s goals of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment.” Development of this substation will increase efficiency and allow for future installations of distributed renewable energy generation.

Constraints
The 2018 ECOS Plan states that development should be located to avoid state and local known constraints that have been field verified, and to minimize impacts to state and local possible constraints that have been field verified (Strategy 3, Action 1.f and Strategy 4, Action 1.f and Action 2.e).

CCRPC has reviewed the constraints that exist near the proposed project. In our comments on the
advance notice application, we noted the presence of several constraints near or possibly impacted by the approximate location of the project. The CPG Petition includes materials showing the exact location of the project, the delineation of constraints nearby, and testimony describing the location of the project in relation to those constraints.

- **Statewide Primary Agricultural Soils**: In our comments on the advance notice application, we noted that primary agricultural soils were located near the parcel. The CPG Petition included materials showing the exact location of the project, the delineation of known and possible constraints nearby, and testimony describing the location of the project in relation to these constraints. Based on the submitted CPG petition, it appears that this project avoids primary agricultural soils.

- **Highest Priority Forest Blocks**: The GIS layers shown on the ANR Biofinder Map show the presence of highest priority forest blocks. This site is already disturbed by development, including VELCO transmission lines. As noted in the 2018 ECOS Plan, CCRPC supports locating energy development in areas planned for growth and especially on previously-impacted sites.

These comments are based on information currently available; we may have additional comments as the process continues. Please feel free to contact me with any questions.

Sincerely,

Charlie Baker  
Executive Director

cc: CCRPC Board  
Paul Conner, Director of Planning and Zoning, South Burlington
September 4, 2018

Kirk Shields
Green Mountain Power
163 Acorn Lane
Colchester, VT 05446

RE: Petition for a Certificate of Public Good for GMP-Essex Solar/Storage LLC’s Proposed Project in Essex, Vermont (Case #18-2902-PET – formerly #18-0944-AN)

Dear Mr. Shields:

Chittenden County Regional Planning Commission has received the Petition for a Certificate of Public Good for a ±4.45 MW solar project with a 2 MW battery storage facility, to be known as the GMP-Essex Solar/Storage Project, on River Road in Essex, VT. CCRPC has reviewed this Petition with regards to the policies in the 2018 Chittenden County ECOS Plan, which received a Determination of Energy Compliance from the Department of Public Service on August 9, 2018.

ECOS Energy Goal
CCRPC finds that this project meets the intent of the Energy Goal (Goal #17) of the 2018 ECOS Plan: “Move Chittenden County’s energy system toward a cleaner, more efficient and renewable system that benefits health, economic development, and the local/global climate by working towards the State’s Comprehensive Energy Plan goals.”

Strategy 2, Action 4b of the ECOS Plan states “CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan’s goals of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment”. Development of this solar facility helps implement this action. The Plan’s suitability policies help determine whether projects are cost effective, and the Plan’s constraint policies help determine whether projects respect the natural environment.

Suitability Policies
The 2018 ECOS Plan recommends the location of renewable energy generation facilities in appropriate locations, as defined by the policies in Strategy 2, Action 4b. The project as proposed meets the following suitability policies:

- The project is located in an area with 3-phase power and adequate grid capacity.
- The project is a reuse of a previously disturbed sand pit.
- The project is located in one of Chittenden County’s areas planned for growth (Enterprise District) but is not located in a state designated center or a historic district.

CCRPC finds that the general location of this project meets the suitability policies of the 2018 ECOS Plan.

Constraints
The 2018 ECOS Plan states that ground mounted renewable energy generation is constrained in certain areas due to state and local restrictions on development. Strategy 2, Action 4b states: “Site renewable energy generation to avoid state and local known constraints and to minimize impacts to state and local
possible constraints, as defined in Strategy 3, Action 1.f, and Strategy 4, Action 1.f, and Action 2.e. Renewable energy generation sited on existing structures or parking lots complies with this policy."

CCRPC has reviewed the constraints that exist near the proposed project. In our comments on the advance notice application, we noted the presence of several constraints possibly impacted by the approximate location of the project. The CPG Petition included materials showing the exact location of the project, the delineation of constraints nearby, and testimony describing the location of the project in relation to those constraints.

- In our comments on the advance notice application, we noted that there were river corridors, highest priority forest blocks and Class II wetlands near the project site or possibly impacted. Based on the submitted CPG petition, it appears that this project avoids river corridors, highest priority forest blocks, and Class II wetlands.
- Agricultural Soils: The agricultural soils GIS layer shown on the ANR Natural Resources Atlas shows statewide agricultural soils on the site of this project. Testimony submitted by the applicant indicates that the soils in question were removed during the parcel’s use as a sand pit. As noted in the “suitability” section above, CCRPC supports locating renewable energy development in areas planned for growth and especially on previously-impacted sites such as sand pits.
- Slopes Higher than 20% and Slopes 15-20%: Based on the slopes layer shown on the ANR Atlas and the contour lines shown on the submitted site plan, selective vegetative clearing is proposed on an area of slopes over 20%. Slopes over 20% are a known constraint in the Town of Essex, and slopes 15-20% are a possible constraint in the Town of Essex. In comments on the advance notice for this project, CCRPC requested more information on the impact of the project on these constraints. The applicant has indicated that they will limit cutting on these slopes to only those trees that will shade the array, leaving all other non-shading vegetation in place. The stumps of trees that are cut down will remain in place, and clearing will be done by hand to limit slope damage from machinery. With these conditions, the project will avoid local known constraints and minimize impacts to local possible constraints.

These comments are based on information currently available; we may have additional comments as the process continues. Please feel free to contact me with any questions.

Sincerely,

Charlie Baker
Executive Director

cc: CCRPC Board
DATE: Tuesday, September 4, 2018
SCHEDULED TIME: 11 a.m. to 12:00 p.m.
PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
DOCUMENTS: Minutes, documents, and presentations discussed accessible at: http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/

Committee Members in Attendance
| Bolton: Joss Besse | Hinesburg: Merrily Lovell | St. George:          |
| Buels Gore:       | Huntingdon: Darlene Palola | Underhill: Brian Bigelow |
| Burlington: Jenna Olson | Jericho:               | Westford:            |
| Charlotte:        | Milton: Dave Allerton   | Williston: James Sherrard |
| Colchester: Karen Adams | Richmond: Jess Draper | Winooski:            |
| Essex: Annie Costandi | Shelburne: Chris Robinson |                  |
| Essex Junction: Chelsea Mandigo | South Burlington: Tom DiPietro |                  |
| Burlington Airport: Polly (Stantec)        | University of VT: Lani Ravin | CCRPC Board: Don Meals |

Other Attendees: Jason Sorensen-USGS, Kristen Balschunat-Winooski NRCD
CCRPC Staff: Dan Albrecht, Regina Mahony, Chris Dubin, Charlie Baker

1. **Call to Order** The meeting was called to order by Annie Costandi.

2. **Review and action on draft minutes of June 5, 2018**

   After a brief recap by Dan Albrecht, Chelsea Mandigo made a motion, seconded by Brian Bigelow to approve the minutes. MOTION PASSED with Harris, Meals abstaining.

3. **Overview: draft 2018 Winooski Tactical Basin Plan & review timeline: Dan Albrecht, CCRPC**

   Dan Albrecht provided an overview of the 200-page draft Winooski Tactical Basin Plan, based on his August 30th memo to the CWAC. The memo highlights locations of the TBP that municipalities should review in order to prepare CCRPC’s comment letter that will be finalized at the October meeting. The following discussions ensued:

   - The list of top objectives is comprehensive, but not prioritized. In particular agriculture is not prioritized, though this document is a DEC document and they don’t have authority over agriculture.
   - There was a question regarding the statement “…the TBP does not preclude any development…” Is this a cop-out? Should it instead say that DEC will work with municipalities to establish appropriate regulations? Dan suggested that we come back to this.
   - Upper Cobb Brook – reclassification? There is an upper and a lower and the upper part should be reclassified. Dan and Darlene will follow up with Karen Bates after the meeting.
   - Essex Junction is not identified separately as a municipality in the tables.
   - Burlington isn’t listed on many of the phosphorus input tables; likely because the Intervale and wetlands are the majority of the land uses within the Winooski Basin.
   - Are private roads included in the road phosphorus input model?
   - There was a question about how the catchments are assigned to each municipality (e.g. Muddy Brook is in Williston, Shelburne and St. George but the majority of it is in Williston and Williston is the only municipality listed on the table). Christy Witters confirmed that phosphorus loads for the phosphorus control plans will not be assigned based on these models.
   - There doesn’t appear to be any dis-harmony between our Regional Plan and the draft TBP.
   - There was discussion that the Plan doesn’t clearly speak to what a municipality is required to do. The TBPs are essentially guidance documents, not regulatory. It may be helpful in supporting grant applications. But the requirements will come from the permits (i.e. Municipal Roads General Permit).

Dan Albrecht went over the timeline for the next couple of months to explain how we will draft a CCRPC comment and conformance with the regional plan letter.
4. **CCRPC Tracking of municipal road segment improvements: Chris Dubin, CCRPC staff**

Chris Dubin provided a status update for the Municipal Roads General Permit work:

- Grants in Aid program.
- CCRPC’s water quality/transportation planning assistance. These funds can be used for up to 20/30% design. CCRPC did not receive any requests this summer but it will be kept open. There are 5 water quality consultant teams on board and so the projects can get started relatively quickly.
- Overview of Conceptual Plans for priority REI sites.
- Outlet mapping – we need to connect the outlets back to the road segments to understand how and what outfalls are covered by the MRGP. Still need to do this in South Burlington, Williston, Shelburne, Town of Essex and Colchester. There is some time to get these done. Christy explained the difference between the outlet (meet road standards) and outfall (meet Illicit Discharge Detection Elimination (IDDE) requirements) as distinguished between the two different permits. May want to have another meeting regarding IDDE’s and what the expectations will be. Especially considering the location of these on private property.
- MRGP Compliance Targets – the municipalities have addressed 115 out of 262 overall segments; and 17 out of 138 very high priority segments.

5. **Expansion of CWAC membership to conservation districts, watershed groups and other interested parties. (Action)**

Somewhere between a request and a requirement for the RPC’s to expand membership of this group. Staff recommendation is to expand to Friends of the Winooski, Lewis Creek and Winooski Natural Resource Conservation District. This would not affect the MS4 sub-committee. There was a question about guidelines about what groups to include. Some suggestions include: organized non-profit with an interest in Chittenden County and/or Lake Champlain. There was discussion regarding having a deeper discussion to establish guidelines on the next meeting. The timeline issue is that we should have broader perspective on commenting on the Winooski TBP.

*Jenna Olson made a motion, seconded by Don Meals, to recommend to the CCRPC Board that the membership be kept as is until we can establish guidelines. No further discussion. MOTION PASSED. Polly Harris abstained.*

6. **Updates**

Grant programs are out: ERP, Block Grant, etc.

**Adjournment**

The meeting adjourned at 12:20 p.m.  

Respectfully submitted, Regina Mahony & Dan Albrecht
CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
MS4 SUBCOMMITTEE
OF CLEAN WATER ADVISORY COMMITTEE – DRAFT MINUTES

DATE: Tuesday, September 4, 2018
SCHEDULED TIME: 12:00 p.m. to 2:00 p.m.
PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
DOCUMENTS: Minutes, documents, and presentations discussed accessible at:
http://www.ccrpcvt.org/meetings/clean-water-advisory-committee/

Committee Members in Attendance

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<tr>
<th>Location</th>
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<tbody>
<tr>
<td>Burlington</td>
<td>Jenna Olson</td>
<td>Burlington Airport: Polly Harris (Stantec)</td>
<td>Williston: James Sherrard</td>
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<td>Colchester</td>
<td>Karen Adams, Co-Chair</td>
<td>Milton: Dave Allerton</td>
<td>Winooski:</td>
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<td>Essex:</td>
<td>Annie Costandi, Co-Chair</td>
<td>Shelburne:</td>
<td>VAOT: Jennifer Callahan</td>
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<td>Shelburne:</td>
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<td>Essex Junction:</td>
<td>Chelsea Mandigo, Co-Chair</td>
<td>South Burlington: Tom DiPietro</td>
<td>University of VT: Lani Ravin</td>
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<td>Other Attendees:</td>
<td>DEC: Jim Pease; USGS: Jason Sorenson; City of St. Albans: Chip Sawyer; WNRCD: Kristen Balschunat; Pluck: Dave Barron</td>
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<td>CCRPC Staff:</td>
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1. **Call to Order:** Chelsea Mandigo called the meeting to order at 12:25 p.m.

2. **Changes to the Agenda** – None

3. **Review and action on draft minutes of June 5 2018**

   After a brief recap by Dan Albrecht, Tom DiPietro made a motion, seconded by Jenna Olson to approve the minutes. MOTION PASSED. Polly Harris, Lani Ravin and Christy Witters abstained.

4. **Review & approve fall & winter media: Dave Barron, Pluck**

   Dave recapped the planned media. He noted that the program has evolved to where there is more regular advertising presence from mid-April into September rather than just the six-week and four-week ad buys we used to do. That means the messaging is spread out over time and can vary as needed, for example, recently, we started this spring with ads about fertilizer, then linked the messages to water recreation themes and just ran ads related to Clean Water Week. Also, now with the media buys, since we are doing more online ads, media buys are now done more as an iterative process that shifts each week depending upon pricing. For example, when deciding how much to bid per click or per impression. For example, you could bid really high and thus get all the allotted ads but then you’d blow your budget all at once, therefore it makes better sense to watch and bid week to week.

   The committee briefly discussed whether to also authorize a spring 2019 ad buy of $19,186 (exceeding the $15k previously allocated for FY19) but decide to wait until later this fall when, as Albrecht indicated, more information on how FY18 finished in terms of a surplus would be available and we can also address a potential increase to the WNRCD budget. Karen Adams noted that at least for Colchester attention needs to be made on how much advertising effort needs to be made to meet the permit requirements and that she is reticent to approve budget and dues increases as we are not required to “grow the program.”

   A motion was then made by Tom DiPietro, seconded by James Sherrard to approve ad buys of $7,422 for fall 2018 and $2,663 for winter 2018/2019. The motion passed with Polly Harris abstaining.

5. **Stream Team Qtr. Report & Decision on Rain Gardens: Kristen Balschunat, WNRCD**

   Kristen introduced herself to the subcommittee and provided information on her professional background. With regards to WNRCD, the executive director hiring process is still ongoing. She then walked the committee through the report. Highlights include: outreach events are scheduled in September for Milton, Shelburne and Winooski; successful engagement during Clean Water Week and all 11 rain gardens have been visited and their status assessed. Dave Barron will update the rain garden logo signage and then Kristen will reinstall the circular placards.
6. Updates
   a. Clean Streets Sweeping Study results to date: Jim Pease, DEC & Jason Sorenson, USGS
   Jim Pease and Jason Sorenson walked through the preliminary results. Their presentation can be viewed at the
subcommittee webpage. With regards to the projected exact credit municipalities will eventually receive for
practices from 2000-2009 as well from 2010 to the present, more analysis remains to be done. To a large
extent, this will depend upon the relative frequency & timing of street sweeping and catch basin cleaning
carried out by municipalities.

   James Sherrard raised concerns that MS4s not participating in the study would not be able to obtain
phosphorus reduction credits. Jim Pease indicated that Williston and other non-participant MS4s would still be
able to obtain the credit, but they would need to conduct their own analysis. DEC hopes to have finalized a
GIS method within the next year so that an MS4 could conduct that analysis.

Due to the meeting running later than expected the Committee then decided to not discuss the following
agenda items: Projected FY18 surplus and potential revisions to FY19 budget and Items for Tuesday, October
2nd meeting agenda.

7. New MS4 Permit
   a. Review and consider adoption of Subcommittee comment letter on draft Stormwater Permitting
      Rule
      The co-chairs briefly walked through the proposed letter which had previously been developed by
subcommittee members. Various minor wording changes were suggested by Tom DiPietro.

      A motion was then made by James Sherrard, seconded by Jenna Olson to approve adoption of the
letter, as amended by DiPietro. The motion carried with abstentions by Polly Harris, Jennifer Callahan and
Lani Ravin.

   b. discussion of further coordination among permittees
      Karen Adams stated that it would be good to have standardized descriptive language that MS4s can use to
describe how our regional efforts on Minimum Measure #1 and #2 came to be. Christy Witters indicated
that clarity needs to be reached on measurable goals as well as discussing examples of what does not work.
Members agreed that further discussion of coordination should continue to take place.

8. Updates
   Jennifer Callahan noted that changes to DEC’s Drinking Water and Groundwater Protection Rule will be
coming up for public comment soon and members may wish to look over the sections regulating
infiltration.

9. Adjournment
   The meeting adjourned at 2:16 p.m. Respectfully submitted, Dan Albrecht
CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
PLANNING ADVISORY COMMITTEE - MINUTES

DATE: Wednesday, July 11, 2018
TIME: 2:30 p.m. to 4:00 p.m.
PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT

Members Present: Victor Sinadinoski, Milton
Ken Belliveau, Williston
Jessica Draper, Richmond
Paul Conner, South Burlington
Dana Hanley, Essex
Darren Schibler, Essex

David White, Burlington
Eric Vorwald, Winooski
Everett Marshall, Huntington
Regina Mahony, Planning Program Manager
Emily Nosse-Leirer, Planner

1. Welcome and Introductions
Regina Mahony called the meeting to order at 3:33 p.m. Regina welcomed Winooski’s new Planner, Eric Vorwald, and the Committee introduced themselves.

2. Approval of June 13, 2018 Minutes
David White made a motion, seconded by Everett Marshall, to approve the June 13, 2018 minutes. No further discussion. MOTION PASSED. Eric Vorwald abstained.

3. Act 250/Section 248 Review Guidelines
Emily Nosse-Leirer provided a brief overview of the amendments to these guidelines; and explained the changes since the last time the PAC saw the amendments. The PAC had the following comments/questions:

1. Add in “PUC proceedings” to the end of the highlight on Page 4, and change “should” to “will”.
2. There was a discussion about whether CCRPC should be reaching out to more Staff than the Planning office to determine the municipalities position on an application. The PAC indicated that the PUC only notifies the Planning Commission and the Selectboard. Those Departments decide how the applications are handled in house; and the process is probably different from municipality to municipality. More than likely the Planning Office is going to be the right place to get the information as they do the development review themselves and coordinate with other Departments as needed. CCRPC Staff have never had a problem with the Planning Office as the main point of contact. After discussion, there was consensus to leave the policy as “municipal staff” generally.
3. There was a question about whether CCRPC Staff is now looking at every PUC advanced notice and petition. CCRPC Staff is looking at them all for energy generation. We will only look at telecommunications projects if they go to hearing. This should be made clear in the guidelines.

Everett Marshall made a motion, seconded by David White, to recommend that the CCRPC adopt the Guidelines and Standards for Reviewing Act 250 and Section 248 Applications with the amendments described above. No further discussion. MOTION PASSED.

4. Essex Land Use Regulation Housing Audit Study
Dana Hanley explained that Essex requested CCRPC to conduct an audit of their land use regulations to identify barriers to affordable housing. They are struggling with affordable housing and weren’t ready to conduct a housing needs assessment yet (VHFA is updating their website which will be a big help once this is done). This was a good step to start thinking about what amendments may be needed from the regulatory side to address affordable housing.

Regina Mahony provided an overview of the report and explained some of the research that she included in the report; as well as municipal comparisons. The report includes a review of the Development Review Process, Accessory

Members Present: Victor Sinadinoski, Milton
Ken Belliveau, Williston
Jessica Draper, Richmond
Paul Conner, South Burlington
Dana Hanley, Essex
Darren Schibler, Essex

David White, Burlington
Eric Vorwald, Winooski
Everett Marshall, Huntington
Regina Mahony, Planning Program Manager
Emily Nosse-Leirer, Planner
Dwelling Units (ADU), Base Density, Bonus Density & Planned Unit Developments and Parking. Overall the recommendations are to make the regulations more predictable, objective and less-discretionary in the areas where the Town would like to see more growth.

There was a good discussion about eliminating the owner occupancy requirement associated with ADUs to create more flexibility and promote the use of them. Or a much simpler approach would be to allow duplexes and multi-family in single family districts. In Huntington they tried to allow ADUs in detached structures as a permitted use, and the DRB wanted to keep it as a Conditional Use.

There was further discussion regarding the Town Center Master Plan process and a hesitancy from the community to go to 6 stories. They may get to 5 stories. There may be a change in the construction standards that allow for a 5 story wood construction; where it used to be 4. If that is the case allowing 5 stories would go a long way in more units, and affordability within a cheaper construction style.

There was a question about whether solar canopies over parking lots have been installed in Vermont. A number of examples were mentioned.

Regina Mahony will send out a link to the resources used for the study for others to download.

5. Regional Act 250/Section 248 Projects on the Horizon

Burlington: nothing new
Huntington: nothing
Essex: just minor amendments to existing permits.
South Burlington: There is a project in 2 front of the Holiday Inn in the FBC that is subject to Act 250. Eventually a large residential neighborhood (160 3 housing units at Nolan Farm and Dorset) will go to Act 250. Other projects are in priority housing areas and not subject to Act 250.
Richmond: nothing
Williston: Additional amendments/phases for Finney Crossing. A previous amendment for the Hotel is under appeal. They’ve begun preliminary talks with the State Police & VTrans to relocate the police barracks adjacent to the park & ride.
Milton: 252 Middle Road solar project expansion.
Winooski: nothing

6. Other Business

a. FloodTraining.vermont.gov is now fully available for administrative officers (AO) of municipal flood hazard and river corridor bylaws. The site features tools and case studies for AOs, members of Development Review Boards and other community officials. The new site complements FloodReady.vermont.gov with its focus on community planning for flood resilience, and the technical materials available at the DEC Rivers page.
b. FY19 Municipal Planning Grant program has been announced and applications are due on October 1. See the Program Description for more details. Also as a reminder CCRPC’s work program solicitation will go out in November, and are due in January so you can pair the two programs if you’d like.
c. Here are the 2018 Legislative Session Summaries:
   iii. VPA’s summary was included in the meeting packet.
d. White + Burke is looking for a municipal project to “workshop” at the VT Development Conference.
e. VPA’s Summer Celebration will be in Bromley this year.
f. Regina Mahony has not yet had a chance to organize the next convening of the Housing Committees. This will likely take place at the end of October, as the end of August may not be the best time.
7. **Adjourn**

The meeting adjourned at 4:30 p.m.

Respectfully submitted, Regina Mahony