

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
PLANNING ADVISORY COMMITTEE - MINUTES

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

Members Present:

Jessica Draper, Richmond
Michael Burris, Milton
Victor Sinadinoski, Milton
Meagan Tuttle, Burlington
Robin Pierce, Essex Junction
David White, Burlington
Daryl Benoit, Charlotte
Joss Besse, Bolton
Matt Boulanger, Williston
Larry Lewack, Bolton
Darren Schibler, Essex
Alex Weinhausen, Hinesburg
Eric Vorwald, Winooski
Cathyann LaRose, So. Burlington
Everett Marshall, Huntington

Dean Pierce, Shelburne
Sarah Hadd, Colchester
Wayne Howe, Jericho

Other:

Jacob Hemmerick, DHCD
Faith Ingulsrud, DHCD
Seth Jensen, Westford Planning Commission
Jason Grignon, Shelburne Planning Commission Chair
Dick Elkins, Shelburne Planning Commission

Staff:

Regina Mahony, Planning Program Manager
Emily Nosse-Leirer, Senior Planner
Melanie Needle, Senior Planner

1. Welcome and Introductions

Joss Besse called the meeting to order at 2:30 p.m.

2. Approval of September 12, 2018 Minutes

Alex Weinhausen made a motion, seconded by Dean Pierce, to approve the September 12, 2018 minutes. No further discussion. MOTION PASSED.

3. Neighborhood Development Area

Jacob Hemmerick and Faith Ingulsrud from the Department of Housing and Community Development (DHCD) provided an overview of the Neighborhood Development Area (NDA) Designation, and presentation on the difference the Priority Housing Project benefit is making. The presentation is attached to these minutes. A few notes from the presentation include:

- The NDA designation is an add on designation (on top of and surrounding a downtown, or new town center designation).
- A NDA can help you build affordable housing, in centered/walkable places, using traditional neighborhood design policies.
- Developments can be exempt from Act 250 Review, if they include priority housing. DHCD has proposed an enhanced designation that would provide a complete exemption from Act 250.
- Ag soil mitigation fees differ by district. The fee is currently \$5,295/acre in District 4 (Chittenden County).
- NDA's can be applied for by an individual land owner (they have to get municipal approval).
- Natural resources need to be excluded from the NDA designation. The new NDA in Manchester has the river corridor removed so the parcels are not contiguous.
- Proposed changes on the horizon include an exemption of all designated centers from Act 250 (except Village Designations). Municipalities would have to do some work around flood resiliency to qualify.

Seth Jensen explained Westford's recent efforts in trying to plan for increased growth and housing opportunities in their Village Center. This effort includes working on a solution for wastewater, and considering a NDA designation for Westford. They have form based code zoning that doesn't identify density as du/acre so they are working with

DHCD to figure out how to prove that they meet that requirement. A housing project will help pay for an incremental wastewater system, so it could help to have the NDA first to help incentivize the program.

4. Charlotte Enhanced Energy Review

Joss Besse opened the public hearing at 3:00pm; hearing none, the public comment period was closed.

Melanie Needle provided an overview of the staff report for Charlotte's enhanced energy plan. The Town Plan is already adopted, so this is just an amendment for the enhanced energy component. Staff has found that the Plan amendment meets that standards. Charlotte has a public hearing scheduled for November 15th; and then the Town will need to vote on the Plan either on Town Meeting Day or April 11th.

Daryl Benoit added that the technical assistance from CCRPC staff has been excellent.

Thoughts/comments from the PAC:

- The tomorrow chapter talks about doing the energy update to get substantial deference; but if this amendment is approved this will be done. Will this be updated? Daryl indicated that it won't likely be updated. Ultimately it would be better if there weren't two chapters (today and tomorrow).
- Table B-1 – there was a question about the efficiency gains in the transportation sector. EV's are much more efficient than fossil fuel vehicles so that is the difference.
- It would be helpful to add 2015 data to some of the tables even though it shouldn't be compared to the modeled data in 2025, 2035 & 2050.
- There was a suggestion to disclose the challenge of estimating industrial electricity use; it isn't currently stated anywhere in the Plan.
- Map 18 – title is known constraints, but it looks like this is the possible constraint map.

Alex Weinhausen made a motion, seconded by Dean Pierce, that the PAC finds that the 2018 Charlotte Town Plan with the draft energy amendments, as submitted, does meet the requirements of the enhanced energy planning standards set forth in 24 V.S.A. §4352. Upon notification that the Plan has been adopted by the municipality, CCRPC staff will review the plan amendment. If staff determines that substantive changes have been made, the materials will be forwarded to the PAC for review. Otherwise the PAC recommends that the Plan should be forwarded to the CCRPC Board for an affirmative determination of energy compliance. No further discussion. MOTION PASSED.

5. 2019 Shelburne Comprehensive Plan & Enhanced Energy Review

Joss Besse opened the public hearing at 3:15pm; hearing none, the public comment period was closed.

Emily Nosse-Leirer provided an overview of the staff report for the Shelburne plan. This is the first time we are looking at both a Plan update and enhanced energy component. One thing that is needed for Plan approval and confirmation is a reference to the Tactical Basin Plans. Regarding the enhanced energy component there are some data additions that are needed. There are also some recommendations about where the Plan itself could be strengthened and clarified regarding use of the plan by the PUC, though these comments are not required changes for enhanced energy approval.

Dean Pierce introduced and thanked Jason Grignon, PC Chair, and Dick Elkins, PC Member. Dean also thanked Dana Hanley for using a designer to make the Plan much more readable. Shelburne's plan is a visually pleasing plan and is much more readable than previous versions. Shelburne no longer has a two volume plan. Dean and Jason expect that the pieces that are missing will be added back in at the public hearing. The PC is having a public hearing next week and will then hand it off to the Selectboard.

Questions/comments from the PAC:

- The beginning of the Plan explains what the intent is of the various plan pieces. While the policies are relevant in Act 250, the objectives aren't. Dean indicated that it's probably an artifact of the old plan, and they will likely change that.

Alex Weinhagen made a motion, seconded by Victor Sinadinovski, that the PAC finds that the draft 2019 Shelburne Comprehensive Plan, with the addition of a reference to the Northern Lake Champlain Tactical Basin Plan and the Winooski Tactical Basin Plan, meets all statutory requirements for CCRPC approval, and that the municipality's planning process meets all statutory requirements for CCRPC confirmation. The PAC also finds that the draft 2019 Shelburne Comprehensive Plan will meet the requirements of the enhanced energy planning standards ("determination") set forth in 24 V.S.A. §4352 with the addition of the data described in #10-12 above.

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. If staff determines that the required data and reference have not been added, or that substantive changes have been made, the materials 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, confirmation, and an affirmative determination of energy compliance.

Further discussion included how implementation will be handled. Dean Pierce stated that the PC is going to develop an annual workplan. They did a ranking of the current actions; and they also have a separate document with the top 3 actions from each section but it isn't included in the Plan. Dean Pierce indicated that they are not in danger of not implementing they Plan; they will work on bylaw amendments like they usually do. Other Town committees will implement components of the Plan as well.

No further discussion. MOTION PASSED.

6. 2019 Burlington Municipal Development Plan & Enhanced Energy Review

Joss Besse opened the public hearing at 3:31pm; hearing none, the public comment period was closed.

Emily Nosse-Leirer provided an overview of the staff report for the Burlington plan. The Plan does meet the requirements. Helpful to see that the City is undertaking a lot of effort and it is nice to see a document that brings it all together. Regarding the energy element, municipal energy targets are not set because Burlington is already meeting their target. They also meet the intent based on their net zero energy goal. Siting policies are quite different than the other municipalities. Burlington wants to recognize and promote renewable energy, but they wanted to be able to say they don't want rooftop solar on one or two story buildings to prevent development from going up.

Meagan Tuttle and David White explained that they wanted to re-organize a 20 year old plan. There isn't really any new policy changes. The Plan is much more readable and they are hoping the other departments will recognize it. The Plan is organized around Burlington's distinctive characteristics; and references many other Plans that exist and made it clear how those plans help meet the required comprehensive plan elements.

Questions/comments from the PAC:

- What is the plan to get off natural gas for heating? Meagan Tuttle stated that the City's net zero goal is to produce enough energy to meet all of the thermal, electricity and transportation goals. BED has started a partnership with VT Gas to work hand in hand to help meet the goal. The utilities have their own efficiency mandates that will help reduce the amount of gas that will be consumed. Burlington is in a good place with BED and district wide heating to offer alternatives to VT Gas – they won't likely go away but they will probably be a smaller and smaller share over time.

Sarah Hadd made a motion, seconded by Dean Pierce, that the PAC finds that the draft planBTV Comprehensive Plan 2019 Update, 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 also finds that the draft planBTV Comprehensive Plan 2019 Update meets the requirements of the enhanced energy planning standards ("determination") set forth in 24 V.S.A. §4352.

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. If staff determines that substantive changes have been made, the materials 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, confirmation, and an affirmative determination of energy compliance.

No further discussion. MOTION PASSED.

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

Richmond: Nothing Act 250 related, but their Town Plan passed yesterday.

Milton: Middle Road, categorical waste facility still in Act 250. There is also an 8 unit subdivision in PUD review.

Essex Junction: 100 room hotel across from Expo. 250 housing units proposed in the Village.

Burlington: nothing right now.

Huntington: Sleepy Hollow got approval for an extra snow making pond.

Williston: 44 lot subdivision hearing tomorrow.

Winooski: There is a very small (300 sq.ft.) change of use in the designated downtown that Act 250 is reviewing.

Most of the other proposed developments are in the Neighborhood Development Area and they may do priority housing and not be required to do Act 250.

Charlotte: They have a mixed use, sketch application – including TDR credits and more density.

Bolton: Nothing.

Essex: Nothing significant, just amendments.

Colchester: 90+ hotel on water tower hill. Smaller residential that will go to act 250 b/c developers are required to.

There are other early residential proposals in the growth center.

Shelburne: Snyder golf course project still moving forward.

So. Burlington: Maplefields on Shelburne road potentially expanding. Dorset and Williston potential hotel. A number of residential projects throughout the city.

Hinesburg: A few projects that were on hold due to the water issue will get moving after the first of the year.

Hannaford back under appeal.

8. Other Business

a. **Need a December PAC Meeting** – Wednesday, December 12th

b. **ACS Final Data Guide:** https://www.ccrpcvt.org/wp-content/uploads/2018/10/ACS_Guide_Final_20181003.pdf Melanie indicated that an error in a formula on page 6 has been corrected.

c. **Emerald Ash Borer (EAB) Management website:** <https://vtcommunityforestry.org/community-planning/tree-pests>. There will also be an EAB workshop with FPR on Nov. 28, 4-6 pm, at UVM Extension in Berlin. Most of the municipalities around the table are actively planning for this.

d. **Enabling Better Places: Users' Guide to Zoning Reform by CNU:**

<https://www.cnu.org/sites/default/files/PCR-9-15-18.pdf>

e. **Municipal Enhanced Energy in Vermont – Best Practices and Resources:**

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

f. **Unified Planning Work Program (aka CCRPC's Annual Work Plan) Committee PAC Rep** – any volunteers? Regina indicated that this is our full workplan. If there are any projects that you want our help on, please ask. The land use projects are fee for service, unlike the transportation projects. Dean Pierce expressed interest.


g. Alex Weinhausen asked for the CCRPC dues as he is working on his Town budget. Other municipalities have already received their letter, so it is likely in the mail.

7. Adjourn

The meeting adjourned at 4:15 p.m.

Respectfully submitted, Regina Mahony

Neighborhood Development Area Designation Program



Faith Ingulsrud / Jacob Hemmerick
VT Department of Housing and Community Development

CCRPC | PAC Meeting
November 7, 2017

Division of Community Planning & Revitalization

Providing tools, training, grants, and incentives for local leaders to plan and implement projects that support thriving, walkable communities.



STATE OF VERMONT
Agency of Commerce & Community Development
Department of Housing & Community Development

Resources

VERMONT Strong Communities



Downtown and Village Center Tax Credit Awards Announced

With St. Albans' new five-story, 84-room Hampton Inn as the backdrop, Governor Shumlin announced the winners of \$2.25 million in state tax incentives. This year, 21 downtown and village projects, valued at over \$4.7 million, received support. Projects include the Trout River Brewing Co. in Springfield, renovation of a longtime stock in downtown Newport, rehabilitation and code upgrades of a community arts center in Waterbury Center, expansion of the South Roydon Memorial library to make the building accessible, and housing projects in Brattleboro, St. Albans, White River Junction and Winooski. Two municipalities were awarded sales tax reduction dollars: in Utopia, the award will be used in conjunction with a new mixed use development and function center and in St. Albans, designated taxes will support public infrastructure improvements associated with the new hotel. For a complete list of projects, visit our website.

Better Connections Grants

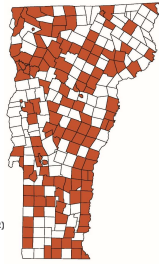
State Designation Programs

PLANNING MANUAL, JANUARY 2016




The Designation Program

The 5 Designations

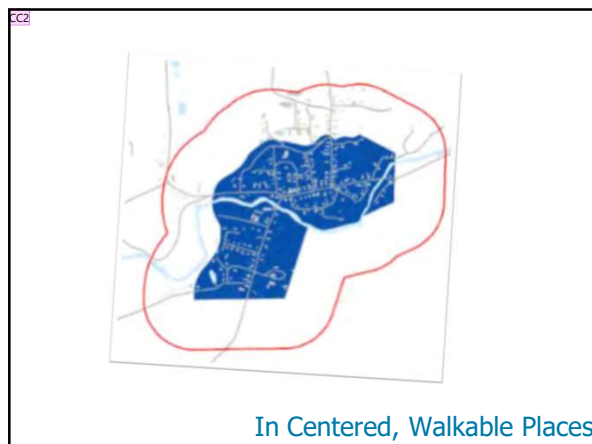
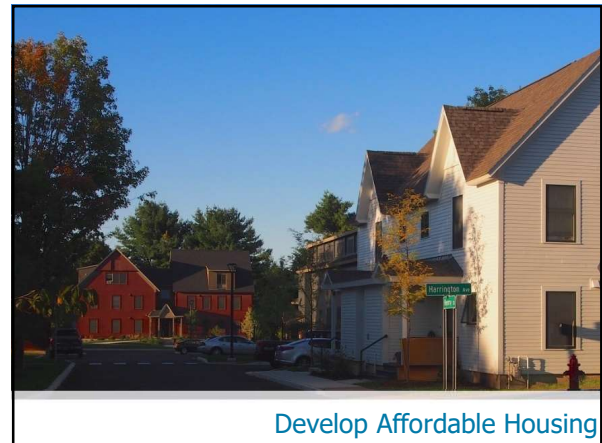
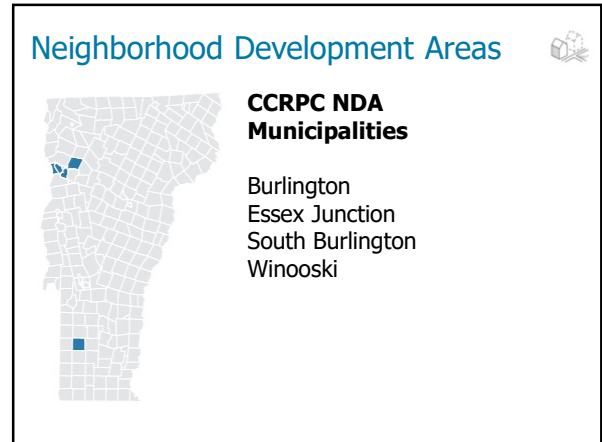
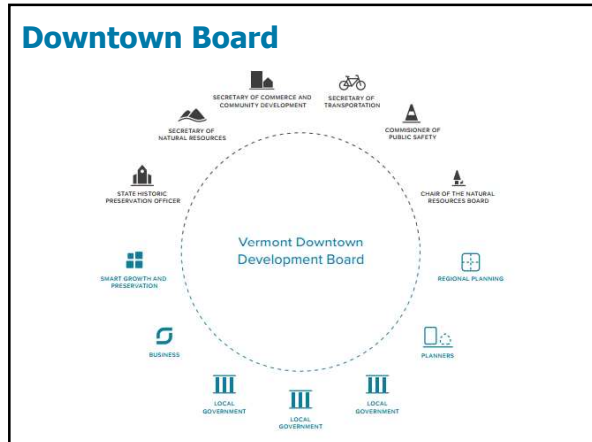


- Civic and Commercial Core Designations**
 - Village Centers: 152** (Est. 2002)
 - Downtowns: 23** (Est. 1998)
 - New Town Centers, 2** (Est. 2002)
- Add-On Designations to a Core Designation**
 - Neighborhood Development Areas, 5** (Est. 2013)
 - Growth Centers, 6** (Est. 2006)

Comparing the Designations

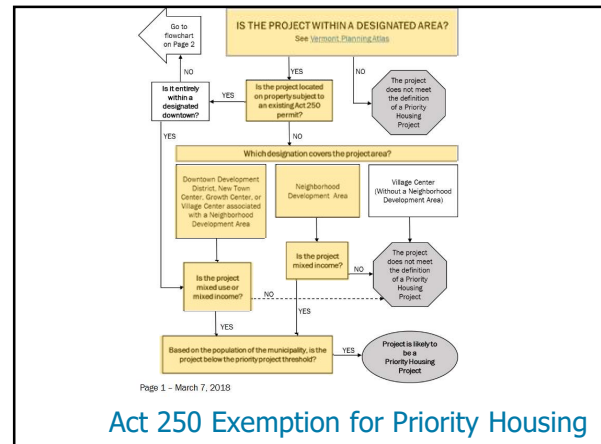
Comparison of Designation Programs

	DOWNTOWN	VILLAGE CENTER	NEW TOWN CENTER	GROWTH CENTER	NEIGHBORHOOD DEVELOPMENT AREA
AUTHORITY					
Statute Section (24 V.S.A. Chapter 76A)	2793	2793a	2793b	2793c	2793d
Date Established	1998	2002	2002	2006	2013
ADMINISTRATIVE REQUIREMENTS					
Pre-application meeting with DHCD staff	✓	✓	✓	✓	✓
Complete application submitted by the legislative body of a municipality*	✓	✓	✓	✓	✓
Notice sent to RPC and RDC of intent to apply	✓	✓	✓	✓	✓
Notice of application published in local newspaper	✓				
Notice of application sent to adjoining towns and interested parties	✓				
Map of proposed designation**	✓	✓	✓	✓	✓
Preliminary application required					
Number of days to a designation decision after application received	45	45	45	90	45
Number of years the designation remains in effect (renewal required to maintain designation)	8	8	8	20	***
Interim review required (interval of years) ***	4		4	5	***
LOCAL CAPACITY AND CHARACTERISTICS					
Area listed or eligible for National Register of Historic Places	✓				
Community reinvestment agreement - signed by municipality & others	✓		✓		
Source of funding for necessary improvements	✓				
An organizational structure for long-term revitalization	✓				
Meet requirements for sewage and water systems	✓		✓	✓	✓
Existing or planned multi-modal transport options including transit			✓	✓	





What are the benefits of a NDA?



Definition of Mixed Income Housing

Rental					Owner Occupied	
At least 20% of units are affordable housing (rented to households not making more than 80% of MSA, County or State median income*) Cost of housing including rent, utilities and fees must be no greater than 30% of gross annual household income					At least 15% of units initial price is equal to or less than 85% of VHFA price limits	At least 20% of units initial price is equal to or less than 90% of VHFA price limits
					* Duration of rental affordability at least 15 years.	
Effective August 2016.						
Media	1 p. H.H.	2	3	4	Targeted area purchase price limit*	
93,000 in Burlington/S.Burlington MSA					90%	\$270,000
80%	50,350	57,550	64,750	71,900	85%	\$255,000

PHP: Requires Mixed-Income Housing

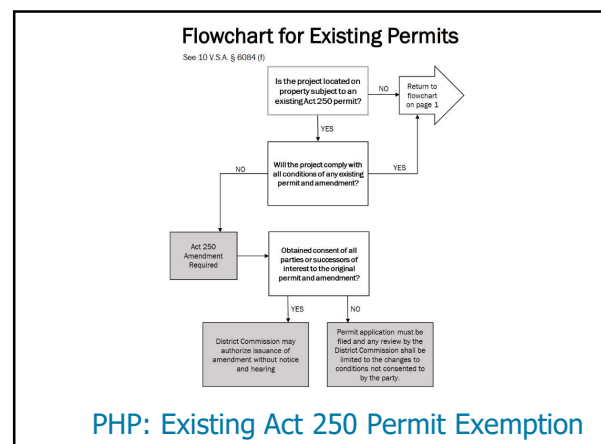


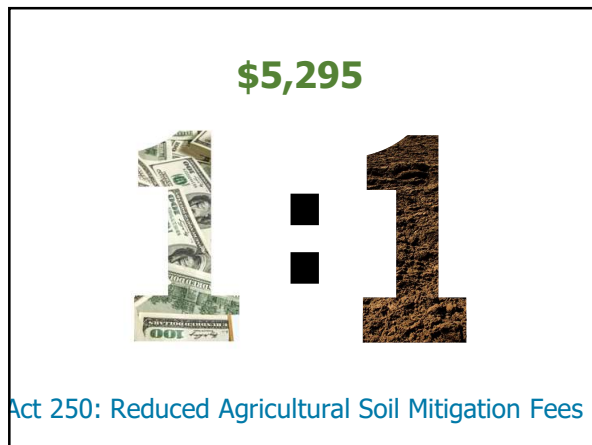
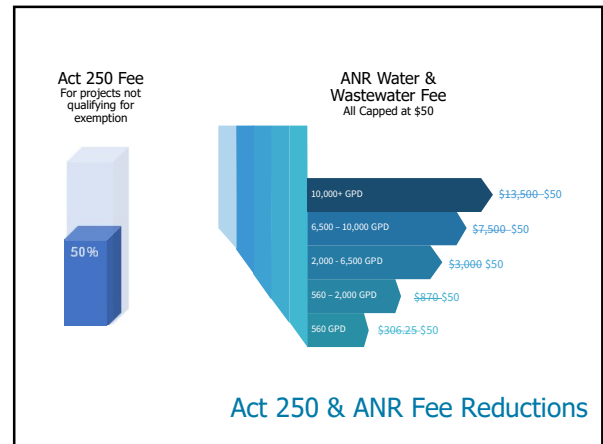
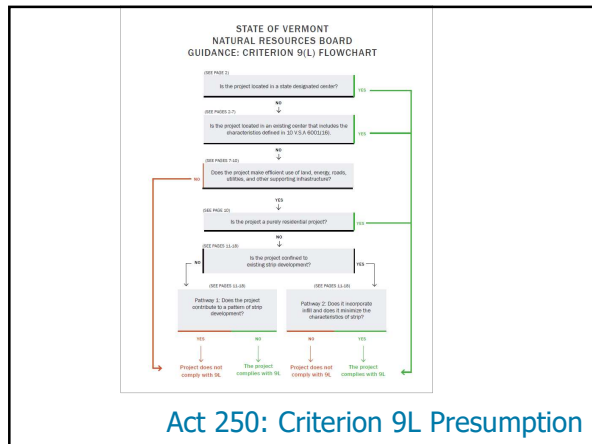
Population and Number of Units

Priority Housing Projects do not exceed the following limits based on municipal population. See annual [population estimates](#).

- 10,000 or more people – NO CAP ON NUMBER OF UNITS*
- 6,000 to 9,999 people – 75 UNIT CAP
- 3,000 to 5,999 people – 50 UNIT CAP
- Less than 3,000 people – 25 UNIT CAP

PHP: Caps Number of Units by Population





Years Land Held	Gain, as a Percentage of Basis		
	0-99%	100-199%	200% +
Less than 4 months	60%	70.0%	80%
4 months, but less than 8	35%	52.5%	70%
8 months, but less than 1 year	30%	45.0%	60%
1 year, but less than 2	25%	37.5%	50%
2 years, but less than 3	20%	30.0%	40%
3 years, but less than 4	15%	22.5%	30%
4 years, but less than 5	10%	15.0%	20%
5 years, but less than 6	5%	7.5%	10%

Land Gains Tax Exemption

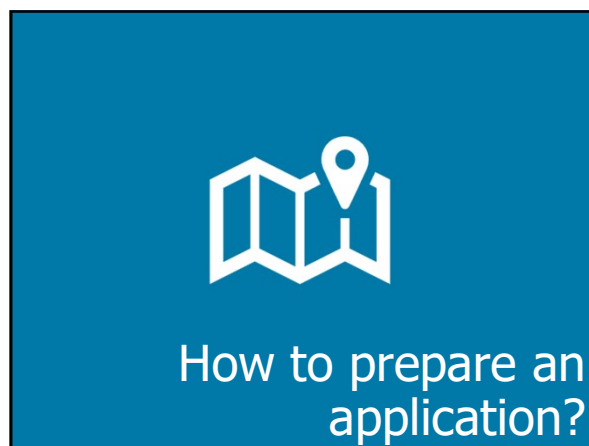
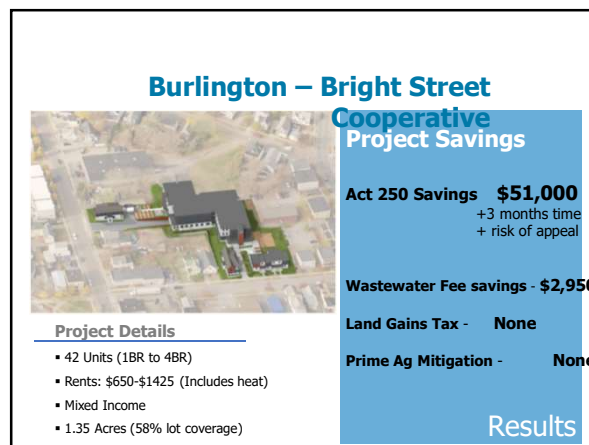


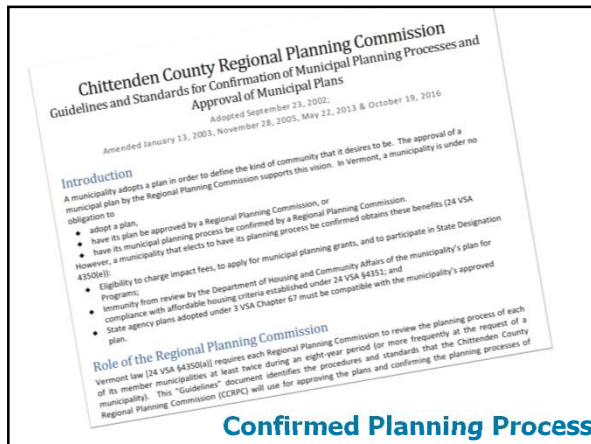
State Designation Programs Benefits Overview						
AUTHORITY	1701	1704	1705	1706	1707	1708
Public Welfare Act, Chapter 16A	1941	1943	1944	1945	1946	1947
PURPOSE						
Economic Development	✓	✓	✓	✓	✓	✓
Historic Preservation	✓	✓	✓	✓	✓	✓
Inventory Enhancement	✓	✓	✓	✓	✓	✓
Smart Growth	✓	✓	✓	✓	✓	✓
Tourism Development	✓	✓	✓	✓	✓	✓
BENEFITS	✓	✓	✓	✓	✓	✓
Other Statewide Benefits Not Listed	✓	✓	✓	✓	✓	✓
PRIORITY CONSIDERATION***						
All State Agencies and Funding Programs – first priority	✓	✓				
Specific State Agencies and Funding Programs:						
Municipal Planning Grants	✓	✓	✓	✓	✓	✓
Ride/Ped and Transportation Alternatives Grants	✓	✓	✓	✓	✓	✓
Property Assessment Fund (Contaminated Sites / Brownfields)	✓	✓	✓	✓	✓	✓
Community Development Block Grants	✓	✓	✓	✓	✓	✓
ANR Wastewater funding	✓	✓	✓	✓	✓	✓
State affordable housing funds	✓	✓	✓	✓	✓	✓
Locating State Buildings	✓	✓	✓	✓	✓	✓

*May not apply to all growth centers.

**Agricultural soil mitigation benefits apply to designated neighborhood development areas only when they are associated with a designated downtown or applies only to new town centers created before V/PA.

***Statute establishes that designated downtowns and village centers should have greater priority for state funding and programs than rural towns or unincorporated communities. 23A V.S.A. § 777(1)(a) & 24 V.S.A. § 777(b)(1)-(2).

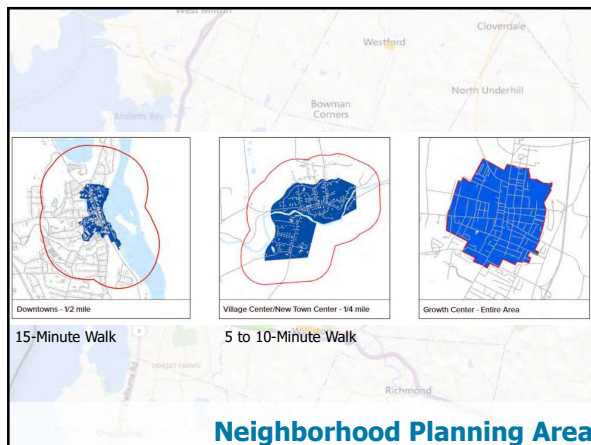




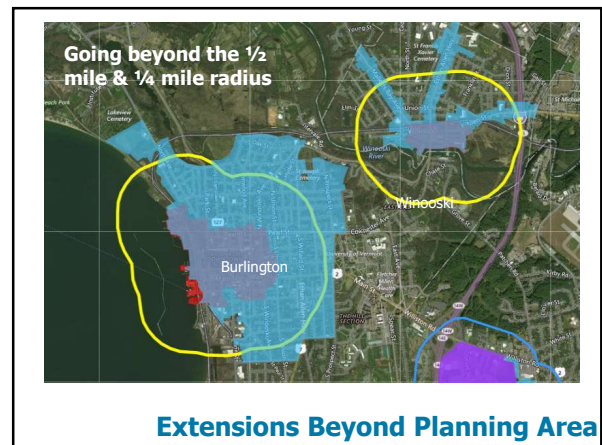
Confirmed Planning Process



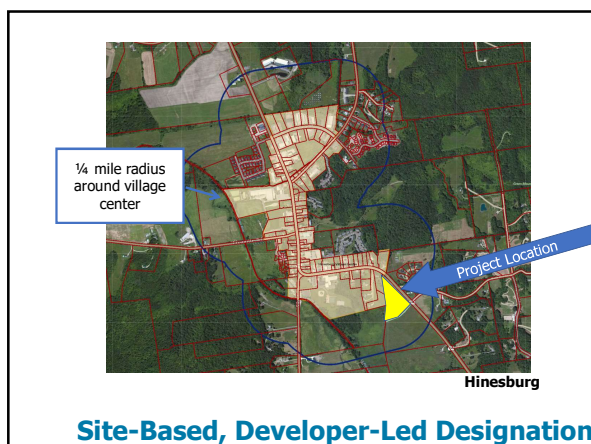
Wastewater System



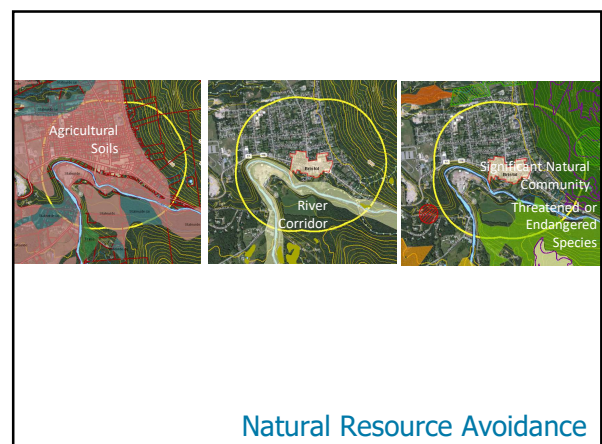
Neighborhood Planning Area



Extensions Beyond Planning Area



Site-Based, Developer-Led Designation



Natural Resource Avoidance

1	Density Minimum 4 DU/Acre
2	Building & Lot Patterns
3	Uses
4	Complete Streets



Neighborhood Development Area Designation Program

Application Guidelines



 VERMONT
 OFFICE OF PLANNING AND DEVELOPMENT
 DIVISION OF LAND USE CONTROL AND RECORDS

Density

Minimum 4 DU/Acre



Source: [Visualizing Density](#)



22 units • 5.8 acres • 3.8 units/acre

Density

