

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
CCRPC BOARD MEETING MINUTES
DRAFT

DATE: Wednesday, January 16, 2019
TIME: 6:00 p.m.
PLACE: CCRPC Offices; 110 W. Canal Street; Suite 202; Winooski, VT 05404
PRESENT: Bolton: Sharon Murray Buel's Gore: Absent
Burlington: Andy Montroll Charlotte: Jim Donovan
Colchester: Jeff Bartley Essex: Jeff Carr
Essex Junction: Jeff Carr, Alternate Hinesburg: Andrea Morgante
Huntington: Barbara Elliott Jericho: Catherine McMains
Milton: Tony Micklus Richmond: Bard Hill
St. George: Absent Shelburne: John Zicconi
So. Burlington: Chris Shaw Underhill: Brian Bigelow
Westford: Absent Williston: Chris Roy
Winooski: Mike O'Brien VTrans: Amy Bell
Bus/Industry: Absent Cons/Env.: Absent
Ag: Tom Eaton (6:55) Socio/Econ/Housing: Justin Dextrateur (6:03)
Ex-Officio: FHWA: Absent GMT: Absent
BIA : Absent
Others: Matthew Langham, VTrans Scott Moody, CCTV
Curt Carter, GBIC Mike Bissonette, Hinesburg Alt.
Wayne Howe, Jericho Alt.
STAFF: Charlie Baker, Exec. Director Eleni Churchill, Trans. Program Manager
Forest Cohen, Sr. Business Mgr. Bryan Davis, Sr. Transportation Planner
Bernadette Ferenc, Trans. Bus. Mgr. Christine Forde, Sr. Transportation Planner
Amy Irvin Witham, Bus. Office Assoc. Regina Mahony, Planning Program Manager
Melanie Needle, Sr. Planner Emily Nosse-Leirer, Sr. Planner

1. Call to Order; Changes to the Agenda. The meeting was called to order at 6:00 p.m. by the Chair, Chris Roy. There were no changes to the agenda.
2. Public Comment Period for items NOT on the Agenda. There were none.
3. Action on Consent Agenda – MPO Business. There were two items on the consent agenda for minor TIP amendments – one to add funds to the US2 Bridge over I-89 in Richmond; and the second to add funds in both FY19 and FY20 for the I-89 2050 (in Chittenden County) Scoping Study. JEFF CARR MADE A MOTION, SECONDED BY TONY MICKLUS, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY.
4. Approve Minutes of November 28, 2108 Meeting. JEFF CARR MADE A MOTION, SECONDED BY SHARON MURRAY TO APPROVE THE MINUTES OF NOVEMBER 28, 2018 WITH EDITS. MOTION CARRIED TO APPROVE THE MINUTES AS WRITTEN, WITH ABSENTIONS FROM TONY MICKLUS, CATHERINE MCMAINS, BARBARA ELLIOTT, JEFF BARTLEY AND JIM DONOVAN.
5. FY19 UPWP & Budget Mid-Year Adjustment (MPO and RPC Business). Charlie noted that annually at this time we make adjustments to the work program and budget to reflect known changes. He

1 distributed a revised memo requesting additional consultant funds totaling \$38,500 for five
 2 transportation tasks, which will affect the overall transportation budget. JEFF CARR MADE A
 3 MOTION, SECONDED BY ANDY MONTROLL TO APPROVE THE TRANSPORTATION PORTION OF THE
 4 FY19 UPWP MID-YEAR ADJUSTMENT. (MPO BUSINESS) VOTE:

5 Bolton:	Yes	Burlington:	Yes (4)	Charlotte:	Yes
6 Colchester:	Yes (2)	Essex:	Yes	Essex Jct.:	Yes
7 Hinesburg:	Yes	Huntington:	Yes	Jericho:	Yes
8 Milton:	Yes	Richmond:	Yes	St. George:	Absent
9 Shelburne:	Yes	So. Burlington:	Yes (2)	Underhill:	Yes
10 Westford:	Absent	Williston:	Yes	Winooski:	Yes
11 VTrans:	Yes				

12 MOTION CARRIED WITH 22 OF 24 VOTES; AND 16 OF 18 MUNICIPALITIES VOTING.

13
 14 MIKE O'BRIEN MADE A MOTION, SECONDED BY JEFF CARR, TO APPROVE THE OVERALL FY19 UPWP MID-
 15 YEAR ADJUSTMENT. MOTION CARRIED UNANIMOUSLY.

16
 17 JIM DONOVAN MADE A MOTION, SECONDED BY TONY MICKLUS, TO APPROVE THE OVERALL FY19 MID-
 18 YEAR ADJUSTMENT BUDGET. MOTION CARRIED UNANIMOUSLY.

19
 20 6. Richmond Town Plan Approval, Confirmation of Planning Process, and Determination of Energy
 21 Compliance. Emily Nosse-Leirer noted that the Town of Richmond has requested CCRPC 1) Approve
 22 its 2018 Town Plan; 2) confirm its planning process; and 3) grant a determination of energy
 23 compliance to its 2018 Town Plan. Staff provided a proposed resolution, a staff review of the 2018
 24 Richmond Town Plan dated June 5, 2018 and annotated January 9, 2018; and staff review of that
 25 plan's enhanced energy plan. Richmond is the first municipality in Chittenden County to request a
 26 determination of energy compliance. Bard Hill thanked CCRPC staff for all of their help. BARD HILL
 27 MADE A MOTION, SECONDED BY JIM DONOVAN, THAT THE CCRPC BOARD APPROVE THE 2018
 28 RICHMOND TOWN PLAN, CONFIRM RICHMOND'S PLANNING PROCESS; AND GRANT AN AFFIRMATIVE
 29 DETERMINATION OF ENERGY COMPLIANCE TO THE 2018 RICHMOND TOWN PLAN; AND AUTHORIZE
 30 THE CHAIR TO SIGN THE RESOLUTION. MOTION CARRIED UNANIMOUSLY.

31
 32 7. Clean Water Advisory Committee Membership Guidelines Recommendation. Charlie noted that we
 33 had discussed this last fall and asked the CWAC to come up with guidelines for non-municipal
 34 membership. The following guidelines were approved 15-2 by the committee:
 35 1) the organization's primary focus is on watersheds that are within Chittenden County;
 36 2) that they are established non-profit organizations with a track record of participating as partners
 37 with our municipalities on the implementation of water quality research, outreach and improvement
 38 projects;
 39 3) that the organization be nominated by at least one CWAC municipal member; and
 40 4) that the organization not be primarily engaged in political or lobbying activities.

41
 42 Jeff Carr questioned what "primarily" is defined as in #4. Brian Bigelow feels #4 is covered in #1.
 43 Charlie noted that Don Meals felt there shouldn't be a limit on membership as defined by #4. Chris
 44 Roy noted that these are guidelines that can be changed. Discussion ensued. Any recommendation
 45 for membership would come from CWAC and would have to be approved by the Board. There are no
 46 non-voting members and that was discussed. ANDREA MORGANTE MADE A MOTION, SECONDED BY
 47 BARBARA ELLIOTT, TO APPROVE THE GUIDELINES FOR NON-MUNICIPAL MEMBERSHIP AS

1 RECOMMENDED BY THE CLEAN WATER ADVISORY COMMITTEE (CWAC). MOTION CARRIED
2 UNANIMOUSLY.

3
4 8. Commission on Act 250 Recommendations. Regina Mahony distributed a two-page introduction
5 to a legislative bill on Act 250 reform. She gave a slide presentation including some background,
6 commission report findings, commission recommendations, etc., which are appended to these
7 minutes. A very lengthy discussion ensued with many questions. Sharon Murray represented
8 Vermont Planners Association on the Act 250 Commission and was able to shed some light on some
9 of the questions. Chris Roy is also quite familiar with the proposals and added to the conversation.
10 The CCRPC ad hoc Act 250 Committee will develop comments for the Executive Committee and PAC
11 review. We anticipate there being recommendations for Board consideration in February.
12

13 9. Chair/Executive Director's Report.

- 14 a. Welcome new Business Office Associate. Charlie introduced Amy Irvin Witham, our new
15 Business Office Associate, who started on January 7th.
16 b. Congratulations to Lee Krohn who recently became the permanent Shelburne Town Manager.
17 We will not replace him at this time, but Christine Forde will take on some of the emergency
18 management responsibilities.
19 c. ECOS Annual Report. CCRPC staff is working with partners on the ECOS Annual Report which
20 should be ready for the February meeting.
21 d. Legislative Breakfast feedback. Jim Donovan heard from several legislators that these were
22 very good meetings. Charlie said some suggested fewer topics and delving deeper. Jeff Carr
23 noted it was good to have municipal managers speaking about various topics.
24 e. Legislative Update. Charlie said another bill he is watching deals with water quality funding.
25 The administration initially suggested water quality utilities and trying to set them up for the
26 express purpose of having municipalities take more responsibility for non-regulatory projects.
27 These are projects that are likely to be done in partnership with conservation districts or
28 watershed associations. Andrea feels we have to work with local landowners to get the
29 projects in the basin plans done, not just municipal projects.
30


31 10. Committee/liaison Activities Reports. Chris Roy noted that minutes of various committee meetings
32 were included in the meeting packet.
33

34 11. Members' Items, Other Business. There was none.
35

36 12. Adjourn. JEFF CARR MADE A MOTION, SECONDED BY JIM DONOVAN, TO ADJOURN THE MEETING
37 AT 7:27 P.M. MOTION CARRIED UNANIMOUSLY.
38

39 Respectfully submitted,

40
41 Bernadette Ferenc



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Proposed Act 250 Amendments

CCRPC Board Meeting
1/16/2019

1

Background

- Act 250 enacted in 1970
- Most amended legislation
- Effectiveness is highly debated
- Legislative committee was charged to review the legislation and propose recommendations in light of 50 years in 2020




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Commission Report Findings

- Development occurred 2.5 to 6 times greater than population growth since 1982
- Impairment of VT waters remains significant
- Significant creation of small parcels (0 to 10 acres) from 2004 to 2016
- Approximately 75% of development in VT is not subject to Act 250
- Effects of Climate Change are manifesting in Vermont
- Federal and state environmental regulation has expanded; Act 250 no longer the primary environmental protection law




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Commission Recommendations

VPA Legislative Liaison, Alex Weinhagen:

"In my estimation, most of the **proposed changes relate to strengthening Act 250 protections and review jurisdiction**. Many of the **proposals to limit Act 250's jurisdiction** or streamline the review process (e.g., give more deference to ANR permits, exempt certain forestry and agricultural accessory uses, etc.) **were rebuffed as counter to the spirit** of Act 250's public process or lacking in data to support the need for change. **The tenor of the recommendations seems to be more clarity (e.g., capability and development maps), more ecosystem protection, continued robust public participation, and very limited streamlining or wholesale reshaping.** All of this married with a **dramatic change to the first level of the appeals process - i.e., a return to an administrative board review of appeals** rather than the current judicial process through the Environmental Division of the VT Superior Court."



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The Good

- Emphasis on importance of regional and local plans
- Change in jurisdiction to natural resource based rather than arbitrary project size, though this does expand jurisdiction
- Permit release provision
- Consolidated appeal route for Act 250 and ANR permits



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Initial Concerns

- Decreased jurisdiction in existing settlements isn't entirely clear, enhanced designation only tied to geographically limited state designations, and little to no accommodation for 'areas planned for growth'
- Regional Plan approval by the Vermont Environmental Review Board (replaces the Natural Resources Board)
- More costly development through climate change, energy, and forest block (including a mitigation fee) criteria in relation to our overall lack of affordable housing
- River Corridor maps have not been updated with accurate data



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Jurisdiction Proposal

- Subject to Act 250 Review if project is in "rural and working lands" and "critical resource area"
- No Act 250 Review for commercial, industrial and subdivisions in "enhanced designation" areas – which if approved are no larger than the state designations
- Proposal lacks Act 250 relief for "existing settlement" areas (except interstate exchanges in these areas) or areas planned for growth.



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Act 250 Map

- Expanded/clarified jurisdiction map: critical resource areas, forest blocks.
- Only our center planning areas and some villages have some relief with a lot more work to do first.



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Capability and Development Maps

- Update done by Board and Secretaries of Commerce and Community Development, Digital Services, Agriculture and Natural Resources by January 2021.
- Consult RPCs prior to *completion* of update
- Public Hearing process
- Include: environmental constraints, critical resource areas, facilities and infrastructure, and areas targeted for conservation, public investment and development. Not clear how the areas for development will be used at all.
- Update at least every 8 years



9

Other Components

- Clarifying recreational trails
- Ag and Forest exemptions
- Regulating over 2,000 ft. rather than 2,500 ft.
- Increased jurisdiction in interchange areas outside of existing settlements
- No presumption of an ANR permit for discharge into an impaired water
- Appeals
- Reactivate Development Cabinet (doesn't require a legislative change)



10

Enhanced Designation

- In Commission's proposed bill and Administration's proposed bill
- An add on to existing designation programs and doesn't appear to provide an avenue for geographic expansion of designated areas
- The bar is high in some circumstances: historic preservation bylaws, water & wastewater for Villages, and river corridor bylaws if can't amend mapped boundary



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Next Steps

- CCRPC ad hoc Committee develop comments for Executive Committee and PAC review
- Recommended comments for Board action in February



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