

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

4 DATE: Wednesday, February 13, 2019
5 TIME: 2:30 p.m. to 4:30 p.m.
6 PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
7

Members Present:

Joss Besse, Bolton
Matt Boulanger, Williston
Larry Lewack, Bolton
Darren Schibler, Essex
Alex Weinhagen, Hinesburg
Eric Vorwald, Winooski
Everett Marshall, Huntington
Sarah Hadd, Colchester
Sean Cannon, Colchester
Victor Sinadinowski, Milton
Meagan Tuttle, Burlington
Paul Conner, South Burlington
Zachary Maia, Colchester (intern)

Andrew Strniste, Underhill (via phone)
Dean Pierce, Shelburne (via phone)

Other:

Pam Loranger, Colchester Planning Commission
Jacki Murphy, Colchester Selectboard Member
Deb Sachs

Staff:

Regina Mahony, Planning Program Manager
Emily Nosse-Leirer, Senior Planner
Melanie Needle, Senior Planner
Dan Albrecht, Senior Planner (in attendance for Other Business)

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9
10 **1. Welcome and Introductions**

11 Paul Conner called the meeting to order at 2:34 p.m.

12
13 **2. Approval of December 12, 2018 Minutes**

14
15 Darren Schibler made a motion, seconded by Victor Sinadinowski, to approve the December 12, 2018 minutes with a
16 correction in the title for item #3 to “State Parcel Mapping Project”; and the motion for the Richmond energy plan
17 should be corrected because the Plan wasn’t a draft with amendments at the time of review, so “the draft energy
18 amendments” will be changed to “enhanced energy elements”. No further discussion. MOTION PASSED.
19

20 **3. Data – 2018 Development Activity and Census Prep**

21 Melanie Needle sent out the annual data request for 2018 development activity and bike-ped infrastructure in
22 January. Thanks to those who have provided the data so far. We don’t yet have all of the municipal data, but the very
23 preliminary number is 560 units for 2018.
24

25 Melanie Needle provided an overview of the preparations for the 2020 Census including review and modification of
26 statistical boundaries. There are proposed changes to the census tracks and block groups based on the 2010 Census
27 population numbers. Melanie provided a preliminary map of roughly where these changes are proposed.
28

29 There is also an opportunity to request a Census Designated Places (CDP) designation, in order to receive data based
30 on that geography. Melanie Needle does not yet know how complicated the process is, or how likely it is to receive
31 the designations.
32

33 There was a question regarding how the block and census changes relate to previous Census’ data and how can we
34 compare that data going forward? Do they back correct the data? Melanie Needle will look into this. There was also a
35 question about whether the block geographies have gone away? Melanie Needle will look into this as well; it may
36 just be that there aren’t any changes proposed to them.
37

38 CCRPC will communicate with all municipalities that have proposed changes to the census tracks and block groups.
39 Once we have a way to view this data correctly, we will share the information.
40

41 **4. CCRPC’s draft Act 250 Legislative Recommendations**

1 Regina Mahony provided an overview of CCRPC's draft comments, and handed out the latest version with edits
2 from the Executive Committee meeting. The PAC reviewed the comments and had the following
3 comments/suggestions:
4

- 5 • #2, enhanced designation concept – there was a lot of discussion on this concept. There was an overall
6 sentiment that the existing designations are flawed so why build on a broken system? The Village and
7 Downtown designations are narrowly focused on commercial and civic uses and exclude redevelopment and
8 infill in existing neighborhoods surrounding Villages and Downtowns. The Neighborhood Development
9 Area designation is only intended for residential growth. Lastly, the Growth Centers (there are only 6) and
10 New Town centers are hardly used. And for those municipalities that have gone through the arduous growth
11 center and new town center designations, the enhanced designation concept would require them to get
12 another approval; rather than allowing them to stand up on their own under the existing Downtown Board
13 approval. It was also discussed that the Growth Center designation is not appealable, but the Enhanced
14 Designation is appealable. If the problem is that the Growth Center designation should be appealable, then
15 just fix that rather than creating another designation. It was also discussed that the Growth Center and
16 Neighborhood Development Area designations come with an affordable housing requirement, and this
17 should not be lost under a new structure. Overall there should be a more comprehensive growth strategy that
18 doesn't put existing growth in illogical silos; and accommodates planned areas for growth.
- 19 • #4, more costly development – There was general consensus that the point of this comment is unclear. These
20 changes are in the criteria, they aren't intended to dictate jurisdiction. There appear to be two concepts co-
21 mingled: all the fees should be comprehensively looked at including the impact on development costs and
22 what those fees will be used for, in light of reinforcing our goals in #2; and concepts are too new and not well
23 thought out – significantly more detail is needed. The fees should be purposed to disincentivize growth
24 where we don't want it. There was also a recommendation to get away from cost altogether in this statement,
25 and just explain that the fees/concepts are too new; and there may be unintended consequences such as
26 affordability issues. There was also agreement that CCRPC shouldn't be saying that forest block protection
27 adds to the cost of development; and that "catastrophic" is hyperbole and should be edited.
- 28 • #5, conceptual plans – There was a strong recommendation to delete this statement, as it isn't likely to make
29 a difference. After all the input on streamlining and coordinating ANR and Act 250 permits the Commission
30 ultimately decided that state permits should not be beyond reproach. Regina clarified that the intent is to
31 allow an opportunity in Act 250 for the neighbors to weigh in and adjust the design before more detailed
32 engineered plans are developed so that they don't need to be amended after the neighbor input. It is a
33 significant cost. There was a comment that generally, folks who are opposed to a project demand more detail
34 earlier on. The real solution would be to consolidate review at the local and state level so you don't need to
35 change the engineering plans at every level. There was a suggestion to perhaps re-word the statement to
36 consider incorporation of a sketch plan type of review; and/or an opportunity to contest Act 250 criteria
37 earlier in the process. There was some concern about overcomplicating the Act 250 review. There was also a
38 suggestion to perhaps fix the master planning process to address this concern.
- 39 • #6, mapping in local and regional plans – There was a suggestion to word this more strongly. The developed
40 areas and areas planned for growth should be defined at the local level.
41

42 Regina explained that these comments were developed by an ad hoc Committee of the Board. Both the Executive
43 Committee and the PAC were asked to weigh in on these comments. The comments will be edited based on today's
44 discussion and forwarded on to the Board for their consideration next week.
45

46 **5. 2019 Colchester Municipal Development Plan & Enhanced Energy Review**

47 Joss Besse opened the public hearing at 3:37pm. Regina Mahony distributed an email to the PAC that Charlie Baker
48 received from Deb Sachs. Deb Sachs was in attendance as well and indicated that she was here as a volunteer on
49 behalf of Sue Deppe, the Chair of the Colchester Energy Committee. Deb Sachs expressed concern that the draft
50 Colchester Plan (as well as the Regional Plan) is falling short of meeting statewide energy goals, including
51 greenhouse gas emission reduction goals that have actually gone up since 2011. She added that CCRPC is approving
52 the opportunity for the Plan to be used by the PUC, and from her view the Plan does not call for bold policy
53 necessary to meet the state's energy goals. In addition, the Town has developed a Scorecard to regulate renewables

1 over 15kW which is discriminatory against commercial solar. Deb Sachs added that perhaps there will be an
2 opportunity to re-work this planning framework at the state and regional plan level. Based on her math Colchester
3 would need about 2,000 acres of ground mounted solar to meet the goals, which is higher than what the Plan
4 indicates.

5
6 Joss Besse asked if there was any other public comment. Pam Loranger, Colchester Planning Commission Chair,
7 stated that the energy component of the Plan was at the forefront of the Plan update since 2017 and represents a
8 significant amount of work on the topic. They feel confident that the Plan meets the Act 174 standards.

9
10 Hearing no further comment, Joss Besse, closed the public comment period at 3:48pm.

11
12 Emily Nosse-Leirer started by providing an explanation of the process and working with the Act 174 enhanced
13 energy planning standards. She explained that the CCRPC Staff and the PAC have worked within the parameters of
14 the Act 174 standards, and we don't have the ability to adjust those in our process. Emily Nosse-Leirer provided an
15 overview of the staff report for the Colchester Plan. There were initial comments that the staff provided to the
16 Colchester Planning Commission for their public hearing on Feb. 5th. The staff report is annotated to explain that
17 these comments have been addressed. Further, the data on current electric vehicle registration has been added and the
18 state and local constraint maps have been included.

19
20 Sarah Hadd stated that she appreciated the staff review and the timing of the comments so the PC could review those
21 at their public hearing. She also appreciates the comments received from colleagues that can be categorized as typos.
22 Sarah Hadd added that the intent of the Scorecard is to be more supportive of solar siting and they've had legal
23 review of it.

24
25 PAC comments/questions:

- 26 1. Are there any zoning changes proposed in the energy planning part of the Plan? Sarah Hadd stated that there
27 is an action to consider siting standards.
 - 28 2. The plan overall is very well written. A minor edit is needed on page 2 – clarify that you are talking about
29 electricity sources.
 - 30 3. Really like the Scorecard concept as well; perhaps a map of how areas rank could be helpful to show solar
31 developers the highest scoring locations.
 - 32 4. There is a lot of really good stuff in the Plan including the implementation analysis, and year by year
33 implementation program.
 - 34 5. Regarding energy/preferred sites – how does the Scorecard align with the state's preferred site locations.
35 Does the scorecard open up further areas to preferred site status? Sarah Hadd stated that the land use
36 chapter does identify areas where they are concerned about these utilities and places they don't want
37 to see any development, and areas where they want to see these energy facilities happen. Sarah
38 explained that the scorecard process of granting preferred sites is a way to incentivize net metering
39 development where they really want to see it. She stated that the town has been responsible for two
40 solar facilities coming online for their own electricity use during the drafting process of this plan,
41 both of which were granted preferred site status. Emily Nosse-Leirer clarified the difference
42 between net metering and non-net metering generation, and that the preferred site scorecard only
43 applies to net metering generation. Net metering means that the owner uses the power they
44 produced and get paid for any excess that goes back into the grid. Net metering generation can be
45 bigger and/or receive better buy back rates if it is located on a preferred site. Many preferred sites
46 are defined by the Vermont Net Metering Rules, but the rules also allow towns to define their own
47 preferred sites in addition. Net metering can still happen on non-preferred sites, it just can't be as
48 large and probably won't be as lucrative. Other generation isn't net metered at all, it just goes
49 directly into the grid. The preferred site process doesn't apply to this kind of commercial
50 generation. The only town plan policies that would be evaluated during that process are the land use
51 policies that are receiving substantial deference.
- 52

1 There was a question for Deb Sachs – are your comments specific to the CCRPC process which we are all following?
2 If you found that 2,000 acres of solar is much more than what this Plan calls for, is there a major flaw in the system?
3 Deb Sachs stated that the issue is that the LEAP model relies on importing half of renewable energy from outside of
4 the state, and the current Hydro Quebec - GMT deal expires in 2028. Therefore we may need more renewable energy
5 than the current planning framework calls for. This would need to be re-worked at the state level, and then the
6 regional level.

7
8 *Alex Weinhagen made a motion, seconded by Victor Sinadinovski, that the PAC finds that the draft 2019 Colchester
9 Town Plan meets all statutory requirements for CCRPC approval, and that the municipality's planning process meets
10 all statutory requirements for CCRPC confirmation.*

11
12 *The PAC also finds that the draft 2019 Colchester Town Plan will meet the requirements of the enhanced energy
13 planning standards (“determination”) set forth in 24 V.S.A. §4352.*

14
15 *Upon notification that the Plan has been adopted by the municipality, CCRPC staff will review the plan, and any
16 information relevant to the confirmation process. If staff determines that substantive changes have been made, the
17 materials will be forwarded to the PAC for review. Otherwise the PAC recommends that the Plan, and the municipal
18 planning process, should be forwarded to the CCRPC Board for approval, confirmation, and an affirmative
19 determination of energy compliance.*

20
21 *No further discussion; the MOTION PASSED.*

22
23 Colchester staff left the meeting at this point to prepare for a DRB meeting. Sarah Hadd expressed her support for the
24 Winooski Plan, and congratulated Eric Vorwald on a job well done.

25
26 Paul Conner thanked Deb Sachs for bringing these issues to the attention of the PAC and recognized that we do have
27 a disconnect between the state’s goals and the framework. Deb Sachs suggested that we have a conversation about
28 this outside of a particular Plan review process.

30 **6. 2019 Winooski Master Plan & Enhanced Energy Review**

31 There is no public hearing for this Plan review because it was held in December.

32
33 Emily Nosse-Leirer provided an overview of the staff report which addresses concerns that the PAC expressed at the
34 December meeting. The Planning Advisory Committee reviewed this plan at their December 12, 2018 meeting and
35 requested that several changes be made to the plan to ensure compliance with statutory requirements. Additionally,
36 the PAC’s motion indicated that they would review the plan again before deciding whether to recommend that the
37 CCRPC board grant approval, confirmation and a determination of energy compliance to the plan. The comments
38 from the December PAC meeting and the City of Winooski’s response to them are summarized in the Staff report
39 and memo. Emily provided an overview of these comments and changes. We also now have clarity that the City is
40 indeed requesting the enhanced energy designation. Staff finds that the Plan meets all of the statutory requirements.

41
42 Paul Conner thanked Eric Vorwald for the clarifications and found that they really helped. He added that while we
43 would all like to have every planning area clearly defined, that isn’t always possible. The three aerial photos in the
44 beginning are super helpful in conveying Winooski’s story.

45
46 *Paul Conner made a motion, seconded by Darren Schibler, that the PAC finds that the draft 2019 Winooski Master
47 Plan will meet all statutory requirements for CCRPC approval, and that the municipality's planning process meets
48 all statutory requirements for CCRPC confirmation.*

49
50 *The PAC also finds that the draft 2019 Winooski Master Plan meets the requirements of the enhanced energy
51 planning standards (“determination”) set forth in 24 V.S.A. §4352.*

52
53 *Upon notification that the Plan has been adopted by the municipality, CCRPC staff will review the plan, and any
54 information relevant to the confirmation process. If staff determines that substantive changes have been made, the*

1 *materials will be forwarded to the PAC for review. Otherwise the PAC recommends that the Plan, and the municipal*
2 *planning process, should be forwarded to the CCRPC Board for approval, confirmation, and an affirmative*
3 *determination of energy compliance.*

4
5 *No further discussion; the MOTION PASSED.*
6
7

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

9 Milton: mixed use development proposal at 444 Route 7 South – Sawyer property.

10 Huntington: still seeking projects

11 Burlington: nothing going to Act 250

12 Winooski: there is an application for a hotel and parking structure in Downtown under an Act 250 master plan, so
13 this will go to Act 250, and the City Council needs to be a co-applicant.

14 Williston: Shunpike and Williston Road – industrial project. Jurisdictional question about whether they will need to
15 go to Act 250 or not.

16 Essex: Nothing significant. Just minor amendments.

17 Bolton: nothing.

18 South Burlington: Three airport projects (quick turn-around for rental cars, relocation of taxiway G, establishment of
19 airplane waiting area). New hotel on south end of the parking garage.

20 Hinesburg: Nothing new.

21 Shelburne: no longer on the call.

22 Underhill: nothing.
23

24 **8. Other Business**

25 a. Underhill Amendment Letter. Regina Mahony stated that Underhill did a minor plan amendment as the letter
26 suggests. This does not change the Plan expiration date, and staff has indicated that the Plan still meets their
27 Plan approval and confirmation process. As is our approved process, the letter is attached as a FYI for the
28 PAC.

29 b. River Corridor Maps – The State has now released a new version of the River Corridor maps with the old
30 geomorphic/fluviol erosion hazard area data incorporated. Regina Mahony showed the PAC CCRPC's River
31 Corridor [online map](#) where you can compare the newest River Corridor map layer, with the previous version
32 and your municipal setbacks. Regina Mahony stated that the state included the geomorphic/fluviol erosion
33 hazard area data into the latest river corridor boundary. The state is also open to further edits of the map for a
34 period of time; there was no end date specified. Regina Mahony urged the PAC members to review the map
35 layers and let CCRPC staff know if they'd like any assistance with this. This is relevant for two reasons: this
36 is the boundary that ANR will regulate to via Act 250; and ERAF match funds. Currently the ERAF rule is
37 not changing and most of our municipalities have early adopter status. That may change down the road.
38 Related to this, the current ERAF rule and information from DEC was attached to the packet.

39 c. Dan Albrecht provided the PAC with a quick reminder that we have a Brownfields Program here at CCRPC
40 – we can help support municipal projects with Phase I and II assessments. Anytime you want to buy a
41 property or are thinking of doing a land swap let us know because we might be able to help.
42

43 **8. Adjourn**

44 *Matt Boulanger made a motion, seconded by Victor Sinadinowski, to adjourn. MOTION PASSED. The meeting*
45 *adjourned at 4:40 p.m.*
46

47 Respectfully submitted, Regina Mahony