

Agenda
Executive Committee Meeting
Wednesday, February 1, 2023 – 5:45 p.m.
Small Conference Room, CCRPC Offices
110 West Canal Street, Suite 202, Winooski, VT



Or Remotely:

Join Zoom Meeting: <https://us02web.zoom.us/j/84092670313>

One tap mobile: +16468769923,,84092670313#

Dial in: +1 646 876 9923 Meeting ID: 840 9267 0313

1. Call to Order, Attendance
2. Changes to the Agenda, Members' Items (Action)
3. January 4, 2023, Joint Finance and Executive Committee Minutes* (Action)
4. Act 250 & Section 248 Applications
 - a. O'Brien Eastview, LLC; South Burlington; #4C1106-5* (Action)
5. Admin/Personnel Policy updates (*draft to be provided at meeting*) (Discussion/possible Action)
6. TIP Amendment (*awaiting more info from VTrans*) (Discussion/possible Action)
7. Equity Update (Discussion)
8. Chair/Executive Director Report (Discussion)
 - a. Chittenden County Communications Union District
 - b. Legislative Update
 - i. [H.5 regional plan implementation](#)
 - ii. [Housing omnibus](#)
 - iii. Rural capacity
 - iv. Brownfields
 - v. Other
 - c. Other
9. February Board Meeting – *Cancel?* (Discussion/possible Action)
10. Other Business (Discussion)
11. Executive Session (possibly to discuss personnel issues – not anticipated) (Action)
12. Adjournment (Action)

*Attachments

NEXT MEETING – Executive Committee – March 1, 2023; 5:45 p.m.

*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. *121 or evaughn@ccrpcvt.org, no later than 3 business days prior to the meeting for which services are requested.*

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
JOINT EXECUTIVE and FINANCE COMMITTEE MEETING MINUTES
DRAFT

DATE: Wednesday, January 4, 2023

TIME: 5:45 PM

PLACE: Remote Attendance via ZOOM

PRESENT:	Catherine McMains, Chair	Chris Shaw, Vice-Chair
	Bard Hill, Secretary/Treasurer (5:55 PM)	Michael Bissonette, at large <5000
	Mike O'Brien, Past Chair	Jacki Murphy, at large >5000
	Jeff Carr, Finance	Amy Bell, VTrans
STAFF:	Charlie Baker, Executive Director	Eleni Churchill, Transp. Prog. Mgr.
	Taylor Newton, Planning Prog. Mgr.	Forest Cohen, Senior Business Mgr.
	Amy Irvin Witham, Business Office Mgr.	Mckenzie Spear, Business Office Assoc.
	Anne Nelson Stoner, Equity Mgr.	Bryan Davis, Senior Planner

1. Call to Order, Attendance. The Joint Executive and Finance Committee meeting was called to order by Catherine McMains at 5:48 PM.

2. Changes to the Agenda, Members items. There were none.

3. Approval of the December 7, 2022, Joint Finance and Executive Committee Meeting Minutes
CHRIS SHAW MADE A MOTION, SECONDED BY MIKE O'BRIEN TO APPROVE THE DECEMBER 7, 2022, JOINT EXECUTIVE AND FINANCE COMMITTEE MINUTES WITH EDITS. MOTION CARRIED UNANIMOUSLY.

- Edit: Delete the time reference of 5:55 PM for Mike O'Brien.

4. Act 250 & Section 248 Applications.

a. Mercer Drive, Colchester Solar Siting correspondence

Taylor Newton noted this project has been seen previously and referred members to the Colchester Solar Siting draft petition letter with accompanying maps included with the packet. The project is for the construction of a 150kW solar array located at 0 Mercier Drive in Colchester, VT. The parcel is owned by the Town of Colchester. Taylor explained that 1/3 of the project occupies a wetland. The CCRPC found the proposed project meets suitability and constraints policies of the 2018 Chittenden County ECOS Plan assuming a State wetlands permit is obtained and approved by Agency of Natural Resources.

Jacki Murphy said Colchester is hopeful the project goes through; a lot of effort has been made for this and she is hopeful the wetlands permits is approved by the Agency of Natural Resources (ANR).

Mike asked if this was an existing wetland or if it was formed from outside factors? Taylor said it could have something to do with sand extraction during the construction of the Beltline. Mike hopes ANR takes this into consideration.

JACKI MURPHY MADE A MOTION, SECONDED BY CHRIS SHAW, TO APPROVE THE FULL PETITION APPLICATION LETTER. MOTION CARRIED UNANIMOUSLY.

5. FY23 UPWP and Budget Mid-Year Adjustment

Charlie referred members to the FY23 Mid-Year Budget and UPWP Draft documents included with the packet. He and Forest created three versions of the draft budget. He said this is the first time the CCRPC has been in a situation with an increase in ACCD funding which came between the time when the budget was adopted and the mid-year. Charlie said this is a big budget. With a total revenue amount of \$7,638,296 it is the largest we have ever had. Charlie highlighted various items, including the following:

- Charlie reminded members the CCRPC applied for and received the US Department of Transportation RAISE Grant. The grant is \$2.1 million dollars to be spent over a three-year period. He explained it will take some time to be under a formal contract. The CCRPC has staff and consultant dollars allocated to this and pointed out the budget line of \$100,000 for consultants. He explained, in terms of staffing levels, we are currently stretched thin and will likely need to bring in a consultant to serve as project manager. The first step will be sending out Requests for Proposals (RFP's). The scope of the work includes Transit Oriented Development plans for up to 12 communities within the Northwest region of Vermont in counties of Addison, Franklin, Washington, Chittenden, and Rutland. The project is focused on communities that have rail lines. CCRPC has asked municipalities to return a commitment letter by January 20, 2023. This will provide us with a clear idea of which towns are interested. This project will be a part of the FY24 work program.
- We expect to have close to \$100,000 in Brownfields monies coming in, however, we did not receive the Brownfields Grant through the EPA. We will apply again next year.
- There is also \$6,500 in new funding for a floodplain map and bylaw update project. We have a contract with Department of Environmental Conservation (DEC).
- The health department has a hot weather emergency response project with \$6,676 budgeted.
- There is \$16,286 in Broadband funding budgeted in staff time for Communications Union District (CUD). The CCRPC is facilitating this process. We do not expect to support long term, but we will help get this started. There may be a total of \$300,000 coming through our budget.

Chris asked if the \$60,000 on the Regional Planning Grant ACCD line was separate? Charlie said yes, it is being distributed between a few different projects. Charlie said with all the work coming our way, hiring additional staff was also worked into one of the budget versions as well as the proposal for a midyear bonus for current staff. Charlie asked members to weigh in on these.

Jeff Carr agreed with this approach. He said during the present climate, particularly with the labor market and the status of funding flowing our way, the CCRPC is currently in the "golden age" in terms of finances. He cautioned there could be a very different picture over the next three or four years and we don't want to be in a position where we must let staff go. Charlie said several staff members are looking at retiring over the next few years, and staff reductions, if needed, will occur naturally through attrition.

Mike O'Brien asked what the excess revenue will do to the indirect rate and wondered if we need to explain the increase in local dues to the towns because we have a surplus. Charlie said he and Forest examined the indirect rate today and found very minimal impact. He explained we want to increase our reserves to the goal of 3 months of expenses to protect the municipalities. Chris agreed taking care of employees is a benefit for the future. He asked what the proposed bonus amount is. Charlie said he would like to give \$1000 per employee which totals \$19,000. Jacki Murphy asked if there were enough funds in the salary budget line to cover hiring new staff and bonuses. Charlie explained there is an \$80,000 difference between the versions. Jacki agreed that staff bonuses were a good idea. Bard Hill agreed and said the bonuses are warranted considering inflation. Bard wonders if it is possible to hire out temporary term employees, working in more of a consultant basis. Catherine also agreed with hiring another staff member and with the proposal of mid-year bonus.

JEFF CARR MADE A MOTION, SECONDED BY JACKI MURPHY, TO RECOMMEND THE BOARD APPROVE THE PROPOSED FY23 MID-YEAR ADJUSTMENT BUDGET #3 AND UPWP. MOTION CARRIED UNANIMOUSLY.

Jeff Carr proposed we think about evaluating our current financial situation and provide a predictor for the next few years to ensure we do not overextend. Charlie agreed and said as an organization it is also about monitoring what is happening with legislature. We usually have a few months' notice when funding is going to be discontinued or added.

The financial portion of the meeting concluded at 6:43 PM and Jeff Carr excused himself.

6. Equity Update

Charlie asked Anne Nelson Stoner to provide an Equity Update. Anne Nelson said there is a community meeting scheduled for the evening of Thursday, January 5 at our CCRPC office. She is currently working on the CCRPC's internal equity statement, the South Burlington Climate Action Plan, and the Winooski Walk-Bike plan. She is conducting a lot of community outreach and getting to know many people. There were no questions from members.

7. Legislative Priorities:

Charlie referred members to the Policy Participation Topics document included with the packet. The list includes 14 separate topics to be discussed at the January Board meeting. Charlie reviewed the topics. Chris Shaw said item 4. Housing Bill including Permit Process Reform is a hot topic. Chris also said, in Massachusetts, there are state mandates that are meeting some resistance. In towns served by public transit, zoning for multi-family housing is encouraged for density purposes. This is not necessarily a model that works in Vermont currently, but it might be good to approach this subject. There is a point of emphasis we can make on maximizing areas of density.

Charlie said there has been talk about a state planning office that would serve to help guide policy. This is a long-term plan. As an alternative, Rep. Bongartz is asking RPCs to look at how to strengthen the role of regional plans in [House Bill 5](#).

8. Chair Director Report

a. Chittenden County Communications Union District.

Charlie said the vote for a CUD passed in five municipalities: Essex, Essex Junction, Shelburne, South Burlington, and Williston. The organizational meeting of the CC CUD Board will be meeting held tomorrow. Charlie and Ann Janda will represent the CCRPC in this

endeavor and with the start up. We are not looking to stay on as staff. We are only helping with the start up.

b. Municipal Building Energy Resilience Grant Program

Charlie said there is over \$40 million dollars in funding and the contract document Act 172 Grant Agreement was recently signed by Catherine. This is \$200K worth of work for us to lend support over the next three years. There are some questions about the criteria to be considered as a cost burdened community and Chittenden County does not necessarily score well. Charlie is hoping there will be more discussion on how the factors are determined. He said the Legislature wanted to enable smaller towns will little staff to apply for this. Bard said the counties in Vermont are a hypothetical construct. If we cluster Winooski high school with Mt. Mansfield, the average doesn't describe either place very well. He wrestles with this, because within Chittenden County there are isolated cohorts of disadvantaged groups. He feels the overall data may not work because it masks the subtleties that exist. Charlie agreed.

9. Draft Board Agenda Charlie reviewed the January Board meeting agenda included with the packet with members. He reminded everyone there will need to be a public forum for the FY23-UPWP Mid-Year Adjustment and Budget.

10. Other Business: There was none.

11. Executive Session: None needed.

12. Adjournment: CHRIS SHAW MADE A MOTION, SECONDED BY MIKE O'BRIEN, TO ADJOURN THE MEETING AT 7:08 PM. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
Amy Irvin Witham

February 3, 2023

Kaitlin Hayes
District Coordinator
111 West Street
Essex Junction, VT 05452

RE: O'Brien Eastview; South Burlington; #4C1106-5

Dear Ms. Hayes,

The Chittenden County Regional Planning Commission's (CCRPC) Staff and Executive Committee have reviewed this Act 250 application for the above-referenced project described as the development of approximately 102 acres of land including subdivision of 42 new lots, construction of 155 dwelling units and construction of infrastructure improvements consisting of 7608 feet of roadways, recreation paths and sidewalks. The project is located in South Burlington, Vermont, adjacent to Old Farm Road, Kimball Avenue, Kennedy Drive and Eldredge Street. The City of South Burlington Planning Commission has approved the project.

CCRPC understands that full findings of fact are requested for the residential, infrastructure, and park space components of the project (including lots 16, 18-20, 24, 31-39, 47-48), and only Master Plan findings are requested for the remaining lots (17, 21-23, 25-30, 40-46, 49-57).

CCRPC offers the following comments on the proposed project:

The proposed project is located within two Planning Areas as defined in the Chittenden County Regional Plan, entitled the *2018 Chittenden County ECOS Plan*.

The residential and some commercial components of the project are in the Metro Planning Area. CCRPC finds these proposed components of the project to be consistent with this planning area for the following reasons:

1. The Metro Planning Area is identified in the Plan as an area planned for growth, and therefore the proposed project helps implement Strategy #2 of the Plan, which calls for 80% of new development in the areas planned for growth. The Metro Planning Area is identified in the plan as an area that provides for jobs and housing in a compact development pattern.
2. The proposed project is served by municipal water and sewer, is in proximity to public transit, and is within walking distance to many services/jobs.
3. The proposed land uses are consistent with the local regulations, as evidenced by the City of South Burlington's approval of the project.

The industrial/commercial component of the project is in the Enterprise Planning Area. CCRPC finds this proposed component of the 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 the proposed project helps implement Strategy #2 of the Plan, which calls for 80% of new development in the areas planned for growth. The Enterprise Planning Area is identified in the plan as an area planned for a concentration of employment uses that attract workers from the County and multi-county region.
2. The proposed project is served by municipal water and sewer, is in proximity to public transit, and is within walking distance to many services/jobs.
3. The proposed land uses are consistent with the local regulations, as evidenced by the City of South Burlington's approval of the project.

Therefore, CCRPC finds the proposed project to be in conformance with the Planning Areas of the *2018 Chittenden County ECOS Plan*.

The Traffic Impact Analysis (TIA) dated 3/30/2022, and associated supporting documents, assembled by Lamoureux & Dickinson Consulting Engineers, TCE, and WCG were reviewed. The CCRPC would like to clarify that the VT 116/Kimball Avenue/Tilley Drive Area Land Use & Transportation Plan analyzed the transportation network effects of constructing Exit 12B. The study does not recommend or endorse the construction of Exit 12B. The I-89 2050 Study further evaluated Exit 12B along with a full build-out of Exit 13 and reconstruction of Exit 14. The final I-89 Implementation Plan (<https://envision89.com/>) recommends initiation of a NEPA process for Exit 12B and Exit 13, as a long-term alternative, once certain conditions are met as articulated in the plan.

The CCRPC sincerely appreciates the additional Technical Memorandum dated 1/18/2023 that examined the effects of exclusive pedestrian phases at the Kennedy Drive intersections. The proposed development is anticipated to increase walking and biking which the CCRPC fully supports. With transportation planning becoming increasingly multimodal in nature it is critical to understand the effects of pedestrian phasing on intersection capacity. Reductions in intersection levels of service when pedestrian phases are utilized should be an acceptable trade-off in areas planned for growth.

The CCRPC does not have any concerns with the proposed development's effects on traffic. We further commend the use of connected roads and gridded streets in the project's layout. This design improves roadway capacities and emergency response times by providing multiple access points.

Due to the detailed level of development review in most Chittenden County municipalities, and the environmental permit reviews at the Vermont Department of Environmental Conservation, CCRPC focuses its Act 250 reviews on the type of proposed land use and the Planning Areas section of the *2018 Chittenden County ECOS Plan*. The CCRPC also focuses its review on transportation-related issues, 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.

Thank you for the opportunity to comment on the application. Please do not hesitate to contact me at (802) 846-4490 or cbaker@ccrpcvt.org.

Sincerely,

Charlie Baker
Executive Director

Cc: CCRPC Board
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify on this 2nd of February 2023, a copy of the foregoing letter concerning Act 250 Land Use Permit Application #4C1106-5 was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed

O'Brien Eastview LLC
1855 Williston Road
South Burlington, VT 05403
andrew@obrienbrothersvt.com

O'Brien Brothers LLC
1855 Williston Road
South Burlington, VT 05403
andrew@obrienbrothersvt.com

O'Brien Family Limited Liability Company
1855 Williston Road
South Burlington, VT 05403
andrew@obrienbrothersvt.com

O'Brien Home Farm, LLC
1855 Williston Road
South Burlington, VT 05403
andrew@obrienbrothersvt.com

Gravel and Shea
Attn: Bob Rushford
rrushford@gravelshea.com

Krebs and Lansing
Attn: Scott Homsted
scott.homsted@krebssandlansing.com

South Burlington City Council
Helen Riehle, Chair 180 Market Street South Burlington, VT 05403
hriehle@sburl.com

South Burlington Planning Commission Jessica Louisos, Chair 180 Market Street South Burlington, VT 05403
jlouisos@sburl.com

Agency of Natural Resources 1 National Life Drive, Davis 2 Montpelier, VT 05620-3901
anr.act250@vermont.gov

FOR YOUR INFORMATION

District #4 Environmental Commission
Tom Little, Chair
Monique Gilbert/Pam Loranger
111 West Street
Essex Junction, VT 05452
NRB.Act250Essex@vermont.gov
Nrb.act250agenda@vermont.gov

Seven Days/Classified Ad Section 255 South Champlain St., PO Box 1164 Burlington, VT 05402
legals@sevendaysvt.com
(The newspaper receives an abbreviated notice for publishing.)

South Burlington City Clerk
Donna Kinville 180 Market Street
South Burlington, VT 05403
dkinville@sburl.com

State of Vermont/Dept. of Public Service 112 State Street, Drawer 20 Montpelier, VT 05620-2601
barry.murphy@vermont.gov
PSD.VTDPS@vermont.gov

Vermont Agency of Transportation Barre City Place 219 N. Main Street Barre, VT 05641
AOT.Act250@vermont.gov

Vermont Agency of Ag., Food and Markets 116 State Street, Drawer 20 Montpelier, VT 05620-2901
AGR.Act250@vermont.gov

Vermont Division for Historic Preservation National Life Building, 6th Floor, Drawer 20 Montpelier, VT 05620-0501
ACCD.ProjectReview@vermont.gov

NRCS, District Conservationist
Natural Resources Conservation Service 356 Mountain View Drive, Suite 105 Colchester, VT 05446
joe.buford@usda.gov

Winooski NRCD Office 617 Comstock Road, Suite 1 Berlin, VT 05602
info@winooskinrcd.org

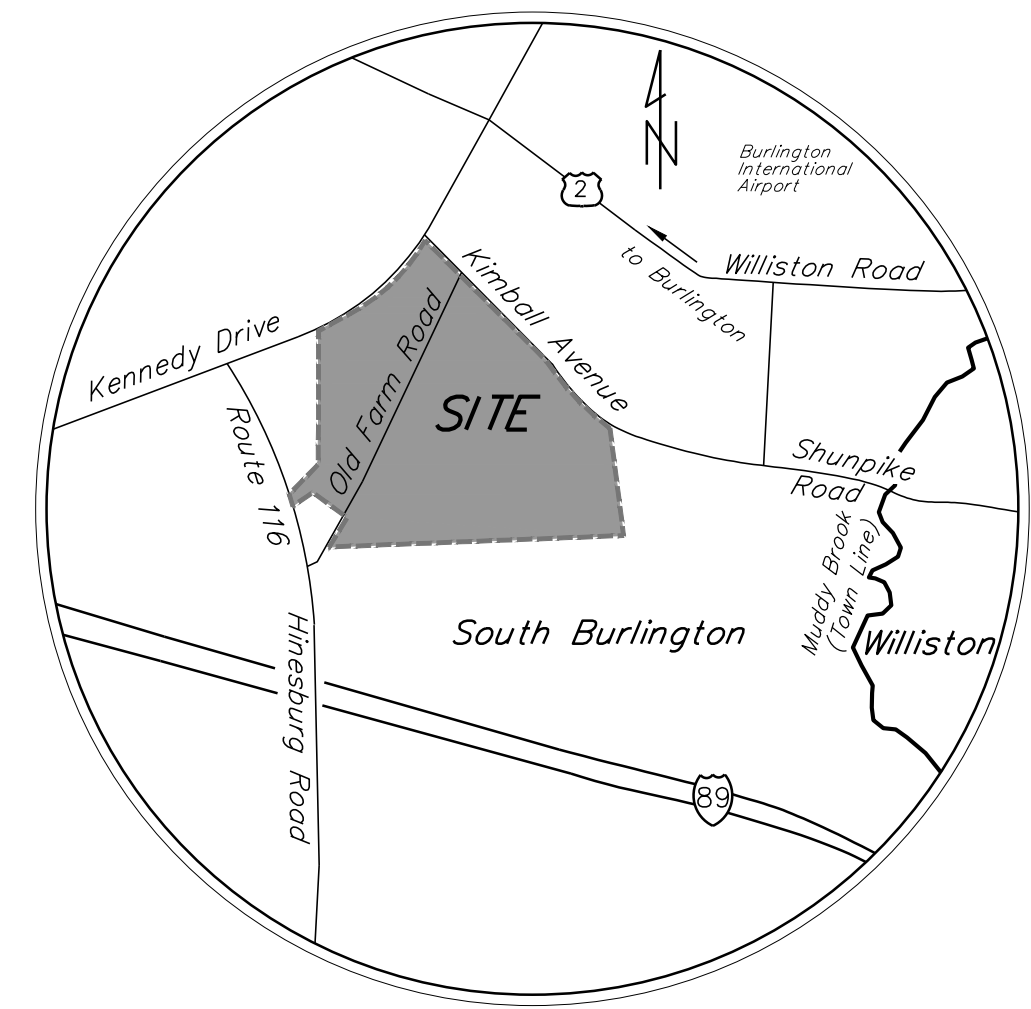
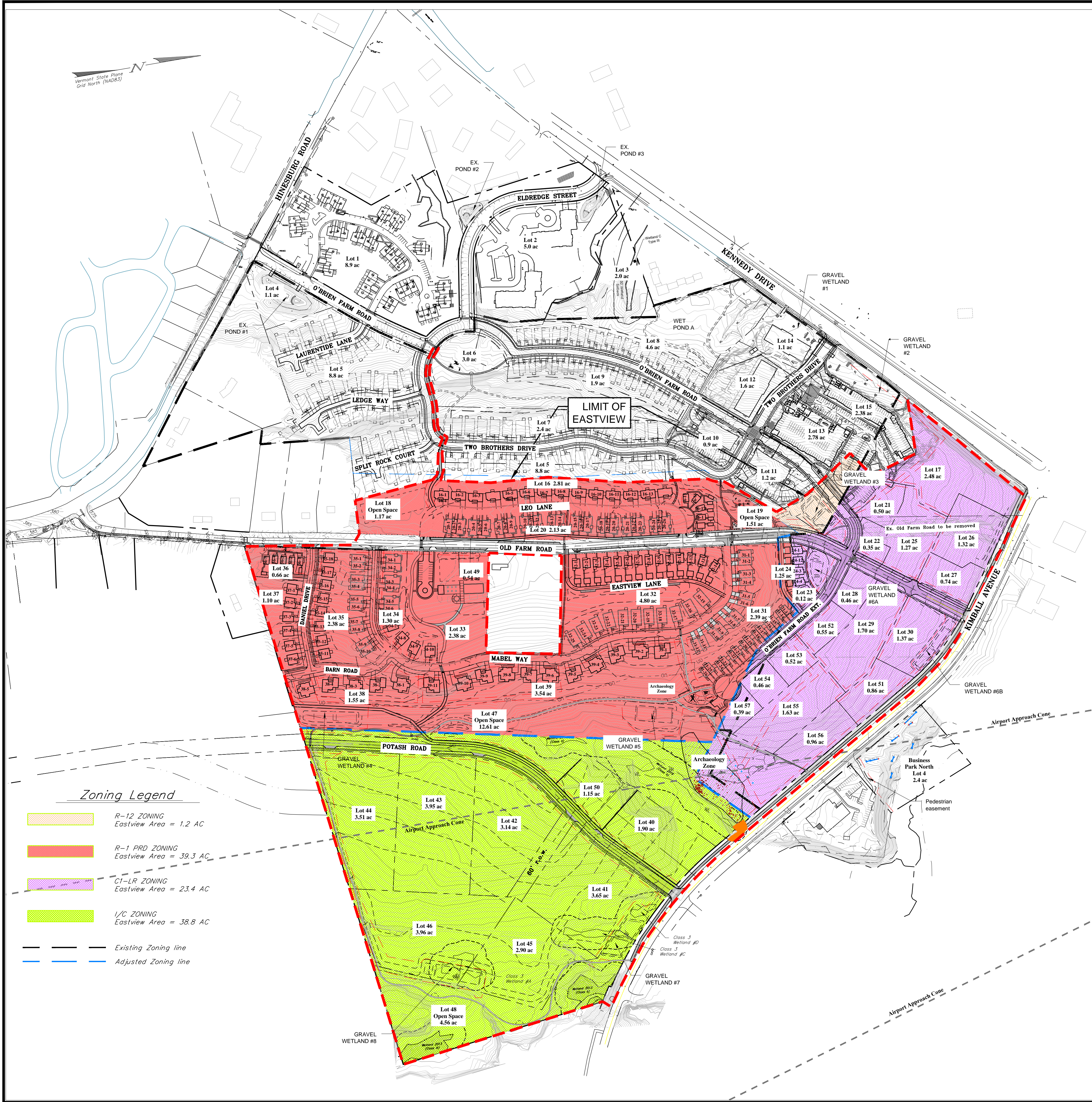
Ethan Tapper, County Forester/FPR John Gobeille & Toni Mikula/ANR - Dept. Of Fish & Wildlife 111 West Street Essex Junction, VT 05452
ethan.tapper@vermont.gov
john.gobeille@vermont.gov
toni.mikula@vermont.gov

Green Mountain Power Corporation c/o Kim Jones 163 Acorn Lane Colchester, VT 05446
kim.jones@greenmountainpower.com

Vermont Gas Systems PO Box 467 Burlington, VT 05402
efficiency@vermontgas.com
Efficiency Vermont 128 Lakeside Ave., Suite 401 Burlington, VT 05401
pics@veic.org

Michael Barsotti, Water Quality Director Champlain Water District 403 Queen City Park Road South Burlington, VT 05403
mike.barsotti@champlainwater.org

Dated at Winooski, Vermont, this 2nd day of February 2023.



Location Map
N. T.S.

Legend

- Existing property line/ right of way
- Proposed Right of way
- Existing contour line
- WL Delineated wetland
- 50' wetland buffer
- Zoning line
- Existing wood line
- Existing Setback
- Existing Easement
- Survey Control Point
- Existing Sign
- Existing Light Pole
- Existing Deciduous Tree
- Existing Evergreen Tree
- Existing Gas Line/Valve
- Existing Sewer Line/Manhole
- Existing Storm Line/Manhole/Basin
- Existing Underground Electric & Telephone Line
- Existing Water Line/Hydrant/Valve/Shutoff
- New stone retaining wall
- Proposed road/recreation path/parking
- Proposed 5' sidewalk
- New Sewer Line/Manhole
- New Water Line/Hydrant/Valve/Shutoff
- New Storm Line/Manhole/Catch basin
- Finish Contour
- New Gas line
- New Underdrain
- New Clearing Limits
- New underground electric
- New underground electric/telephone/cable
- New utility pedestal cluster
- New finish spot grade
- Average pre-construction grade for unit

Notes:

- This plan is not a boundary survey. See plans entitled "Boundary Survey, O'Brien Home Farm, O'Brien Family Limited Partnership and O'Brien Home Farm, LLC" dated June 20, 2002, and "Final Plat, O'Brien Home Farm" dated February 25, 2002 last revised July 7, 2004, as well as sheets PL-1 through PL-5 prepared by Krebs & Lansing Consulting Engineers Inc. for boundary information.
- The location of existing underground utilities are approximate and not warranted to be exact or complete. Dig Safe shall be contacted prior to any excavation.
- Elevations are based on the NAVD 88 (Geoid 12A) vertical datum.
- Project Horizontal Coordinates derived from GPS observation using reference frame NAD83 (2011) 2010.00 epoch.
- The building footprints for single family and duplex units shown are illustrative. The applicant reserves the right to select an approved model which differs in footprint from the illustrative plan.

HILLSIDE @
O'BRIEN FARM

Old Farm Road and Kennedy Drive,
South Burlington, Vermont

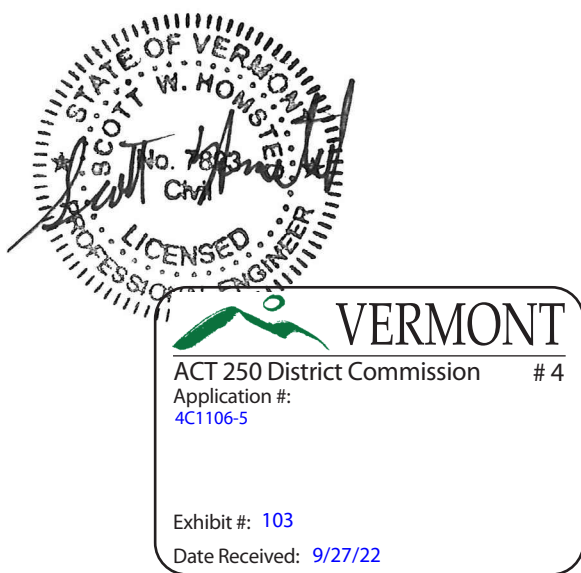


164 Main Street, Suite 201 P: (802) 878-0375
Colchester, Vermont 05446
email@krebsslansing.com

ISSUED FOR PERMIT REVIEW
NOT FOR CONSTRUCTION

OWNER AND APPLICANT:
O'BRIEN BROTHERS
1855 WILLISTON ROAD
SOUTH BURLINGTON, VT 05403

PROPERTY INFORMATION:



EASTVIEW



REV. NO.	REVISIONS/COMMENTS	DATE
	Staff comments, IC lots, Act 250	09/21/22

DRAWING TITLE:

OVERALL ZONING
PLAN

DATE ISSUED: 04/1/22

DRAWN BY: SWH

CHECKED BY:

PROJECT NO.: 19182

SCALE: 1" = 200'

DRAWING NO.:

REV. NO.:

C-1.

DWG NAME: 19182 - Eastview - 2022.dwg