

Agenda
Joint Executive & Finance
Committee Meeting
Wednesday, August 2, 2023 – 5:45 p.m.



Remotely: <https://us02web.zoom.us/j/85175064747>

Dial-in +1 646 876 9923 Meeting ID: 851 7506 4747

1. Call to Order, Attendance
2. Changes to the Agenda, Members' Items (Action)
3. Joint Finance and Executive Committee Minutes – July 5, 2023* (Action)
4. Act 250 & Section 248 Applications
 - a. Bay Ridge, Shelburne (Champlain Housing Trust, #4C1346-1) * FYI only (previously e-mailed)
 - b. 377 Cobblestone Circle, South Burlington; (#4C1013R-3) * (Action)
 - c. Milton Lamoille Solar, Town of Milton; (#23-2307-NMP) * (Action)
 - d. Hinesburg Center, Town of Hinesburg; (#4C1140-4)* (Action)
5. Procurement policy update* (Action)
6. MS4 Stormwater Program Services Agreement* (Action)
7. Committee Appointments FY24* (Discussion)
8. Equity Update – Review of Draft Equity Statement, \$100,000 UPWP project (Discussion)
9. Chair/Executive Director Report (Discussion)
 - a. July Flood Update
 - b. Act 47 Studies Update
 - c. Other
10. New Business (Discussion)
11. Executive Session (none) (Action)
12. Adjournment (Action)

*Attachments

NEXT MEETING – Executive Committee – **September 6, 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, July 5, 2023

TIME: 5:45 PM

PLACE: Remote Attendance via ZOOM

PRESENT: Chris Shaw, Chair Catherine McMains, Past Chair
Michael Bissonette, at large <5000 Elaine Haney, at large >5000
Jacki Murphy, Secretary/Treasurer Jeff Carr, Finance

ABSENT: Bard Hill, Vice-Chair

OTHERS: Matthew Arancio, VTrans

STAFF: Charlie Baker, Executive Director Eleni Churchill, Transp. Program Mgr.
Forest Cohen, Senior Business Mgr. Amy Irvin Witham, Business Office Mgr.
Emma Vaughn, Communications Mgr. Taylor Newton, Planning Mgr.
Anne Nelson Stoner, Equity Mgr. Bryan Davis, Senior Planner
Mckenzie Spear, Business Office Assoc.

1. Call to Order, Attendance. The Joint Finance and Executive Committee meeting was called to order by the Chair, Chris Shaw, at 5:45 PM.

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

3. Approval of the June 15, 2023, Joint Finance and Executive Committee Meeting Minutes
JACKI MURPHY MADE A MOTION, SECONDED BY CATHERINE MCMAINS, TO APPROVE THE JUNE 15, 2023, JOINT EXECUTIVE AND FINANCE COMMITTEE MINUTES WITH EDITS. MOTION CARRIED UNANIMOUSLY.

- Edit; Page 2, Line 44: add word "we" after "want to."
- Edit; Page 4, Line 7: add word "as" after "well".
- Edit; Page 4, Line 28: drop "s" in "coordinate."
- Edit; Page 5, Line 13: update word "religions" to "religious."
- Edit; Page 5, Line 14: remove comma after June 19.

4. FY24 Updated Budget

Charlie Baker referred members to the draft updated FY24 budget included with the packet and provided an overview. He reminded everyone that additional resources from the State came through and said the biggest changes were under the Regional Planning Grant-ACCD with an additional \$89K for staff time and an additional \$60K in direct expenses for making our ECOS Plan web-based and supporting the improvement of statewide planning manuals. Under the MPO line, Charlie said there was \$45K moved from the RAISE Grant consultant line into the MPO Transportation staff line. The last big change was the proposal for an additional staff member with a transportation-TOD focus. Charlie said the sustainability of higher staffing levels has been a question on our minds, however with retirements planned over the next few years, staffing levels should

work due to attrition. Catherine asked for clarification on the additional staff member; she asked if this is the most recent hire? Charlie said no, this is another separate position that will take us up from 20 to 21 full-time staff. Jeff said he assumes these new positions will be leaning toward transportation projects and finds this to be a very reasonable request.

JACKI MURPHY MADE A MOTION, SECONDED BY JEFF CARR, TO RECOMMEND THE UPDATED BUDGET TO THE BOARD AS PRESENTED. MOTION CARRIED UNANIMOUSLY

The financial portion of the meeting concluded at 6:01PM. Jeff said goodbye to everyone and excused himself from the meeting.

5. Act 250 & Section 248 Applications

a. College Parkway, VT Rt 15, Colchester, 45 Day Notice of Application, #23-2148-AN

Taylor Newton addressed members with a screen share and referred everyone to the 45-day Notice Letter to be submitted to Aaron Lavallee, Aegis Renewable Energy that was included with the packet. This is an application submitted by Aegis Renewable Energy for the construction of a 150-kW solar array to be located at 850 College Parkway in Colchester, VT. The CCRPC has reviewed the project's conformance with the CCRPC's 2018 Chittenden County ECOS Plan and finds the project meets Energy Goal #17 and the location meets the suitability policies. The review of the constraints indicated one State possible constraint, Agricultural Soils. The CCRPC requests that impacts to the soil be minimized in accordance with recommendations from the Vermont Agency of Agriculture, Food and Markets. These comments are based on information currently available. The CCRPC may have additional comments as the project continues. The CCRPC will review the project location again with each new submittal to confirm the findings.

CATHERINE MCMAINS MADE A MOTION, SECONDED BY MICHAEL BISSONETTE, TO APPROVE THE 45-DAY NOTICE APPLICATION LETTER AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

Michael Bissonette asked why the CCRPC doesn't request to have power lines buried underground? Taylor said the CCRPC has no policy on underground lines in the regional plan, and we defer to the Public Utility Commission on that topic. Many municipalities do require the lines be buried in the development regulations, but Taylor has not seen that come up with the solar arrays seeking approval via the Section 248 process.

6. Personnel Policy Updates

Charlie referred members to the "Appendix A - Salary Range" document included with the packet. Updates to the Business Office Manager salary levels were highlighted. Charlie reminded members that this was a follow-up to the conversation he had with them last month where the salary for the position exceeded the listed salary range in the Personnel Policy. Chris asked how many folks were in a grade 4 position. Charlie explained that the grade 4 level included Forest Cohen, Taylor Newton, and Eleni Churchill.

JACKI MURPHY MADE A MOTION, SECONDED BY MICHAEL BISSONETTE, TO APPROVE THE PERSONNEL POLICY WITH SALARY RANGE EDITS AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

7. Update Bank Account Signers & Resolution

Forest Cohen said we have two bank accounts with the Opportunities Credit Union; one for the Basin 5 CWSP and the other for CCRPC business accounts. He explained Catherine McMains, our past Chair, needed to be removed as an authorized signer and Jacki Murphy, our newly elected Secretary/Treasurer, needed to be added. Charles Baker, Christopher Shaw, and Bard Hill will remain as authorized signers. The resolutions will formalize the updates.

CATHERINE MCMAINS MADE A MOTION, SECONDED BY JACKI MURPHY, TO APPROVE THE UPDATES TO THE BANK ACCOUNT SIGNERS AND THE ADOPTION OF THE RESOLUTIONS FOR THE OPPORTUNITIES FEDERAL CREDIT UNION. MOTION CARRIED UNANIMOUSLY.

8. Committee Appointments FY24

Charlie referred members to the draft document for committee appointments in FY24. He said the document reflects existing appointments but wanted to review, edit, and refresh as needed. Catherine asked if Adam Wechsler was still a member of the Transportation Advisory Committee (TAC). Eleni said yes, Adam is still a member. Charlie said we will update the document to include Adam on the list for TAC and will add Anne Nelson Stoner to the Equity Advisory Committee.

9. Legislative Priority Review/check-in

Charlie referred members to the Potential Policy Participation Topics document included with the packet. He provided a review and said there were a few changes to the list. He explained this would be shared at the July Board meeting in preparation for the FY24 Legislative session. The following topics were included:

- HOME Act, Act 47 & related studies
 - Regional Future Land Use map - RPCs
 - Act 250 - Municipal Delegation - RPCs
 - Act 250 - Location based jurisdiction - NRB
 - State Designation Programs - DHCD
- Transportation Bill - VTrans Project Selection and Prioritization Process (VPSP2)
- Clean Water (2019 Act 76)
- Transit Financing
- Broadband Deployment in Vermont
- Climate Change - Global Warming Solutions Act and Vermont Renewable Energy Standards
- Cannabis Taxation and Regulation (Act 164 of 2020)
- Tax Increment Financing
- Equity Related Bills
- Increased Municipal Self-Governance
- Open Meeting Law
- Regional Dispatch Start-up Funding
- Planning Funding

10. Equity Update:

Anne Nelson greeted members and said she has been meeting with all staff to create and develop a formal equity statement for the CCRPC. She is also working with her intern, Annie Henderson, to weave more equity language into the ECOS Plan and continue developing the Equity Action Plan. Anne Nelson continues to hold many meetings with community partners. She, alongside the Equity Advisory Committee, is still exploring ways to use federal transportation funds to build community capacity for greater engagement. She will send a draft application and RFP to the Vermont

Department of Transportation (VTrans) and the Federal Highway Administration (FHA) for review. She is still working with Creative Discourse group to plan a regional equity workshop. Anne Nelson is also involved in a couple of specific CCRPC projects' engagement efforts. Chris said this sounds like a lot to manage and asked whether the intern was helpful. Anne Nelson said yes. Chris also clarified what content will be included in the Equity Action Plan. Anne Nelson responded it will be a living document that outlines a roadmap forward so our Equity Statement doesn't stand alone.

11. Chair/Director Report

a) Legislative Charlie said he doesn't have a lot to add, but Chris hit the nail on the head when he said we will be consumed with the study reports. The four studies coming out of the S.100 HOME Bill will be a big lift in the coming months, particularly with the regional plan for future land use maps and municipal delegation. These studies are the responsibility of the RPCs, and our core municipalities (Burlington, South Burlington, and Winooski) played a major role in getting the municipal delegation study added. Charlie will be in a leadership position for these over the coming months. Some of the local zoning requirements with Act 47 (S.100 HOME Bill) that were slated to be effective in December 2024 were made effective July 1, 2023. Charlie said the response was to discourage communities from undermining many of the provisions in S.100.

b) Annual Meeting Debrief

Charlie thanked Emma for her work in setting up the annual meeting from finding the venue at Maquam Barn and Winery, to the great appetizers and dinner. Charlie asked if members had any feedback. Chris said it was lovely to have Senator Kesha Ram Hinsdale as our guest speaker. Members agreed. Jacki said the only small negative was the sound system. Otherwise, it was a perfect evening.

12. Draft July 19, 2023, Annual Meeting Board Agenda

Charlie referred members to the Draft Board Agenda for July 19, 2023, included in their packets. It was noted that we need to add the budget revision to the agenda.

13. Other Business: There was none.

14. Executive Session: None needed.

15. Adjournment: MICHAEL BISONNETTE MADE A MOTION, SECONDED BY JACKI MURPHY, TO ADJOURN THE MEETING AT 6:37 PM. THE MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,
Amy Irvin Witham

July 31, 2023

Christine Commo
District Coordinator
111 West Street
Essex Junction, VT 05452

RE: Bay Ridge, Shelburne; #4C1346-1

Dear Ms. Hayes,

The Chittenden County Regional Planning Commission's (CCRPC) Staff and Executive Committee have reviewed the Act 250 application for the above-referenced project located at 3164 Shelburne Road in Shelburne. The project is described as the renovation of 20 motel units in 2 existing buildings into permanent apartments and the construction of a new road (Margaret's Way) serving 2 new 24-unit buildings and 26 townhouse units across 7 buildings for a total of 94 affordable homes.

The CCRPC offers the following comments on the proposed project:

The proposed project is located within the Center Planning Area as defined in the Chittenden County Regional Plan, entitled the *2018 Chittenden County ECOS Plan*. The CCRPC finds the proposed project to be consistent with the Planning Areas for the following reasons:

1. The Suburban Planning Area is identified in the Plan as an area authorized for residential development, 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.
2. The project is served by both municipal water and sewer and is served by a main-line GMT transit route.
3. The proposed land uses are consistent with the local regulations, as evidenced by the Town of Shelburne's approval of the project.

Therefore, the CCRPC finds the proposed project to be in conformance with the Planning Areas of the *2018 Chittenden County ECOS Plan*. Furthermore, the project will make a significant contribution towards ECOS Plan Strategy 2, Action 3 (to produce more affordable housing throughout the county).

The CCRPC has also reviewed the Transportation Assessment dated 2/15/2022 by the Wall Consultant Group. The CCRPC does not have any concerns with the proposed development's effects on traffic and generally concurs with the assessments findings.

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.

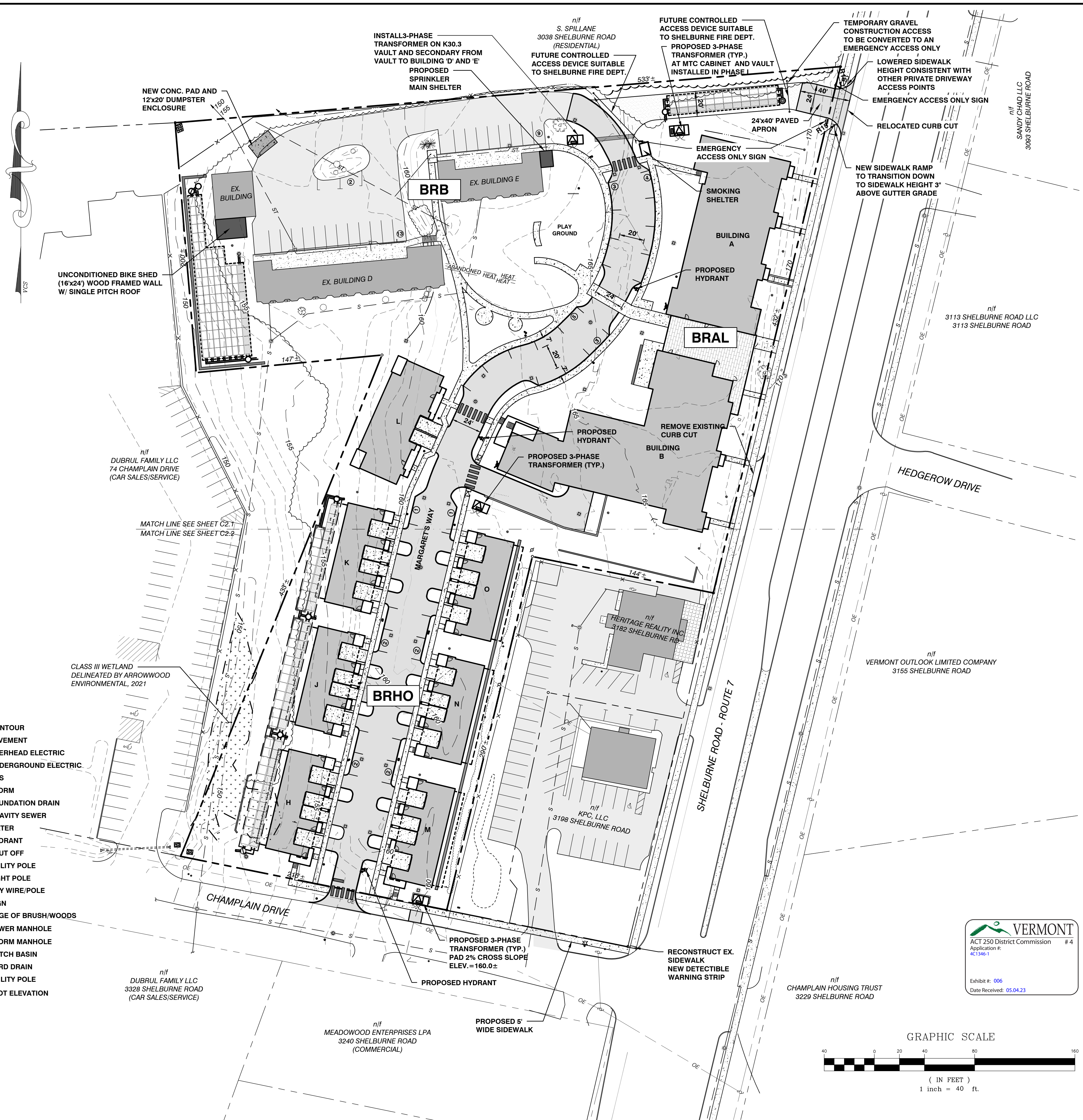
Sincerely,

Charlie Baker
Executive Director

CC: CCRPC Board
Certificate of Service

1. UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL HIRE A PRIVATE UTILITY LOCATING FIRM TO LOCATE OWNER OWNED UNDERGROUND UTILITIES PRIOR TO START OF ANY EXCAVATION.
2. ALL EXISTING UTILITIES NOT INCORPORATED INTO THE FINAL DESIGN SHALL BE REMOVED OR ABANDONED AS INDICATED ON THE PLANS OR DIRECTED BY THE ENGINEER.
3. THE CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS (WITH TIES) FOR ALL UNDERGROUND UTILITIES. THOSE PLANS SHALL BE SUBMITTED TO THE OWNER AT THE COMPLETION OF THE PROJECT.
4. THE CONTRACTOR SHALL REPAIR/RESTORE ALL DISTURBED AREAS (ON OR OFF THE SITE) AS A DIRECT OR INDIRECT RESULT OF THE CONSTRUCTION.
5. ALL GRASSED AREAS SHALL BE MAINTAINED UNTIL FULL VEGETATION IS ESTABLISHED.
6. MAINTAIN ALL TREES OUTSIDE OF CONSTRUCTION LIMITS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK NECESSARY FOR COMPLETE AND OPERABLE FACILITIES AND UTILITIES.
8. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL ITEMS AND MATERIALS INCORPORATED INTO THE SITE WORK. WORK SHALL NOT BEGIN ON ANY ITEM UNTIL SHOP DRAWING APPROVAL IS GRANTED.
9. IN ADDITION TO THE REQUIREMENTS SET IN THESE PLANS AND SPECIFICATIONS, THE CONTRACTOR SHALL COMPLETE THE WORK IN ACCORDANCE WITH ALL PERMIT CONDITIONS AND ANY LOCAL PUBLIC WORKS STANDARDS.
10. THE TOLERANCE FOR FINISH GRADES FOR ALL PAVEMENT, WALKWAYS AND LAWN AREAS SHALL BE 1.0 FEET. UNLESS NOTED OTHERWISE, ALL EXISTING MANHOLE COVERS, VALVES, CURB STOPS AND OTHER ITEMS TO REMAIN SHALL BE ADJUSTED TO THE NEW FINISH GRADE.
11. ANY DEWATERING NECESSARY FOR THE COMPLETION OF THE SITEWORK SHALL BE CONSIDERED AS PART OF THE CONTRACT AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
12. THE CONTRACTOR SHALL COORDINATE ALL WORK WITHIN TOWN ROAD R.O.W. WITH TOWN AUTHORITIES.
13. THE CONTRACTOR SHALL INSTALL THE ELECTRICAL, CABLE AND TELEPHONE SERVICES IN ACCORDANCE WITH THE UTILITY COMPANIES REQUIREMENTS.
14. EXISTING PAVEMENT AND TREE STUMPS TO BE REMOVED SHALL BE DISPOSED OF AT AN APPROVED OFF-SITE LOCATION. ALL PAVEMENT CUTS SHALL BE MADE WITH A PAVEMENT SAW.
15. IF THERE ARE ANY CONFLICTS OR INCONSISTENCIES WITH THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR VERIFICATION BEFORE WORK CONTINUES ON THE ITEM IN QUESTION.
16. PROPERTY LINE INFORMATION IS BASED ON A PLAT ENTITLED "SUBDIVISION PLAN, ROBERT PEDEN, CHAMPLAIN MOTOR LODGE" PREPARED BY ENGINEERS INCORPORATED OF VERMONT. DATED MARCH 1983. RECORDED IN THE SHELBOURNE LAND RECORDS MAP SLIDE 675-B. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDING TO BE USED AS ONE.
17. IF THE BUILDING IS TO BE SPRINKLERED, BACKFLOW PREVENTION SHALL BE PROVIDED IN ACCORDANCE WITH AWWA M14. THE SITE CONTRACTOR SHALL CONSTRUCT THE WATER LINE TO TWO FEET ABOVE THE FINISHED FLOOR. SEE MECHANICAL PLANS FOR RISER DETAIL.
18. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING TESTING AND INSPECTION SERVICES INDICATED IN THE CONTRACT DOCUMENTS, TYPICAL FOR CONCRETE AND SOIL TESTING.
19. THE CONTRACTOR IS RESPONSIBLE FOR ALL LAYOUT AND FIELD ENGINEERING REQUIRED FOR COMPLETION OF THE PROJECT. CIVIL ENGINEERING ASSOCIATES WILL PROVIDE AN AUTOCAD FILE WHERE APPLICABLE.
20. THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY AND ALL SAFETY FENCES OR RAILS ABOVE EXISTING AND PROPOSED WALLS. THE OWNER SHALL VERIFY LOCAL, STATE AND INSURANCE REQUIREMENT GUIDELINES FOR THE INSTALLATION AND VERIFY ANY AND ALL PERMITTING REQUIREMENTS.

	PROPERTY LINE		100
	SETBACK LINE		
	EXISTING CONTOUR		OE
	EXISTING CURB		UE
	EXISTING FENCE		G
	EXISTING GRAVEL		ST
	EXISTING PAVEMENT		FD
	EXISTING OVERHEAD ELECTRIC		S
	EXISTING UNDERGROUND ELECTRIC		W
	EXISTING GAS		
	EXISTING STORM		
	EXISTING GRAVITY SEWER		
	EXISTING TELEPHONE		
	EXISTING WATER		
	WETLANDS		
	EXISTING SEWER MANHOLE		
	EXISTING CATCH BASIN		
	EXISTING HYDRANT		
	EXISTING SHUT OFF		
	EXISTING UTILITY POLE		
	EXISTING GUY WIRE/POLE		
	EXISTING SIGN		
	EXISTING DECIDUOUS TREE		
	EXISTING CONIFEROUS TREE		
	EDGE OF BRUSH/WOODS		
	IRON ROD/PIPE FOUND		
	CONCRETE MONUMENT FOUND		
	PROJECT BENCHMARK		
	EXISTING SPOT ELEVATION		
	"NOW or FORMERLY"		



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DRAWN

MAF

CHECKE

DSM

APPROV

CLIENT:

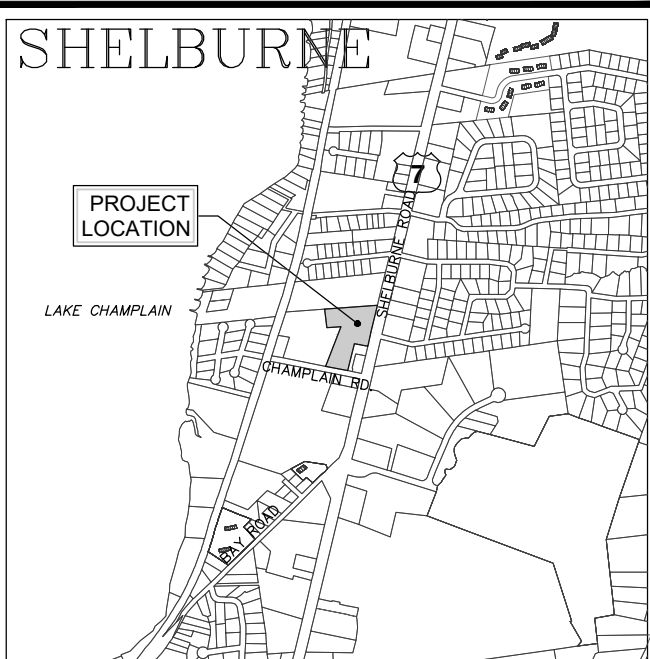
CHT - EVERNORTH

88 KING STREET
BURLINGTON
VERMONT 05401

PROJECT:

BAY RIDGE

3164 SHELBURNE ROAD
SHELBURNE, VT


$$1'' = 2000$$

DATE	CHECKED	REVISION
05/04/22	DSM	REVISED EMERGENCY ACCESS ROAD
05/13/22	DSM	REVISIONS PER TOWN COMMENTS

OVERALL
PROPOSED SITE
PLAN

DATE	DRAWING NUMBER
04/20/2022	
SCALE	
1" = 40'	C2.0
PROJ. NO.	
21220	

August 2, 2023

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

RE: 377 Cobblestone Circle, South Burlington; #4C1013R-3

Dear Ms. Hayes,

The Chittenden County Regional Planning Commission's (CCRPC) Staff and Executive Committee have reviewed the Act 250 application for the above-referenced project located at 377 Cobblestone Circle in South Burlington. The project is described as an after the fact permit for the re-development of a 4,637 square foot two-story single-unit dwelling into an approximately 4,637 square feet three-story single-unit dwelling with a walk out basement.

The CCRPC offers the following comments on the proposed project:

The proposed project is located within the Suburban Planning Area as defined in the Chittenden County Regional Plan, entitled the *2018 Chittenden County ECOS Plan*. The CCRPC finds the proposed project to be consistent with the Planning Areas for the following reasons:

1. The Suburban Planning Area is identified in the Plan as an area authorized for residential development, 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.
2. The project is served by both municipal water and sewer.
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, the CCRPC finds the proposed project to be in conformance with the Planning Areas of the *2018 Chittenden County ECOS Plan*. Furthermore, the project will make a significant contribution towards ECOS Plan Strategy 2, Action 3 (to produce more affordable housing throughout the county). The CCRPC also does not have any concerns with the proposed development's effects on traffic.

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 3rd day of August 2023, a copy of the foregoing letter concerning Act 250 Land Use Permit Application #4C1013R-3 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.

John & Pauline Fife
303 East Wacker Drive, Ste. 2401
Chicago, IL 60601
jfife@chicagoventure.com

TCE, Inc., Attn: Lucy Thayer, PLA
478 Blair Park Road
Williston, VT 05495
lucy.thayer@tcevt.com

TCE, Inc., Attn: Sheila McIntyre
478 Blair Park Road
Williston, VT 05495
sheila.mcintyre@tcevt.com

MSK Attorneys
Attn: A.J. LaRosa
ajlarosa@mskvt.com

LBD Design Group
Attn: Carolyn Bever
carolyn@lcbdesigngroup.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
Attn: Parkier Riehle, Kate Purcell,
Pamela Loranger
111 West Street
Essex Junction, VT 05452
NRB.Act250Essex@vermont.gov
Nrb.act250agenda@vermont.gov

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

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

Vermont Agency of Ag., Food and
Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@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 & Andrew Wood / ANR-
Fish & Wildlife
111 West Street
Essex Junction, VT 05452
ethan.tapper@vermont.gov
john.gobeille@vermont.gov
andrew.wood@vermont.gov

Green Mountain Power Corp.
c/o Josh Castonguay
163 Acorn Lane
Colchester, VT 05446
josh.castonguay@greenmountainpower.com

Vermont Gas Systems
PO Box 467
Burlington, VT 05402
efficiency@vermontgas.com

Efficiency Vermont
128 Lakeside Avenue
Suite 401 Burlington, VT 05401
pics@veic.org

ADJOINING LANDOWNERS

Raymond M. Keller & Elisabeth
Goldsborough
367 Cobblestone Circle
South Burlington, VT 05403

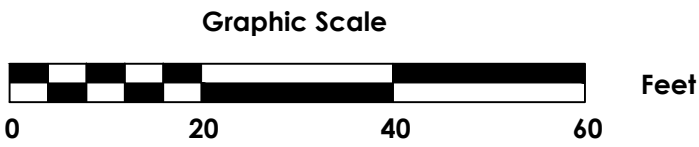
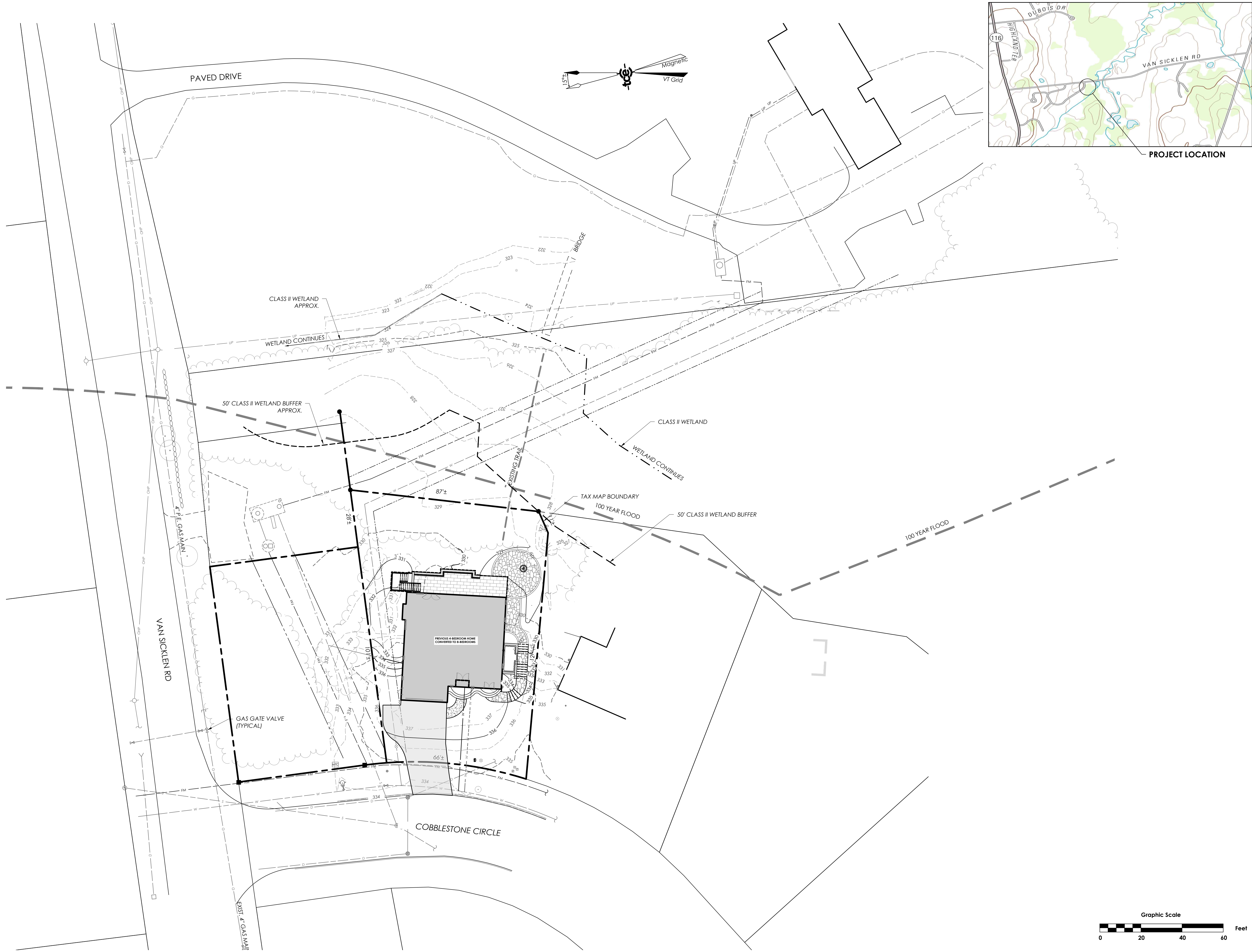
Daniel Streeter
100 Dorset St., Ste. 12
South Burlington, VT 05403

Stone House Village Homeowners
Association, Inc.
c/o Margie Bowin, Treasurer
107 Fieldstone Drive
South Burlington, VT 05403

Dated August 3, 2023

/s/ Darren Schibler

Darren Schibler
Senior Planner, CCRPC
permitting@ccrpcvt.org



ENGINEERING • SURVEY
PLANNING • ENVIRONMENTAL
478 BLAIR PARK ROAD | WILLISTON, VERMONT 05495
802 879 6331 | WWW.TCEVT.COM

Revisions		Date	By
No.	Description		
1	As-Built Plan	04/28/2023	LET

PARCEL ID: 0433-00377

Use of These Drawings

1. Unless otherwise noted, these Drawings are intended for preliminary planning, coordination with other disciplines or utilities, and/or approval from the regulatory authorities. They are not intended as construction drawings unless noted as such or marked approved by a regulatory authority.

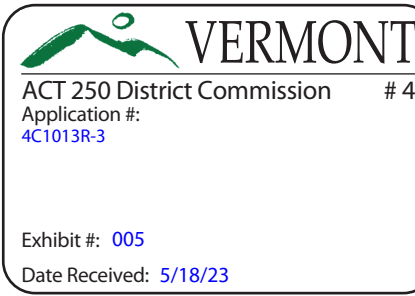
2. By use of these drawings for construction of the Project, the Owner represents that they have reviewed, approved, and accepted the drawings, obtained all necessary permits, and have met with all applicable parties/disciplines, including but not limited to, the Engineer and the Architect, to insure these plans are properly coordinated including, but not limited to, contract documents, specifications, owner/contractor agreements, building and mechanical plans, private and public utilities, and other pertinent permits for construction.

3. Owner and Architect, are responsible for final design and location of buildings shown, including an area measured a minimum five (5) feet around any building and coordinating final utility connections shown on these plans.

4. Prior to using these plans for construction layout, the user shall contact TCE to ensure the plan contains the most current revisions.

5. These Drawings are specific to the Project and are not transferable. As instruments of service, these drawings, and copies thereof, furnished by TCE are its exclusive property. Changes to the drawings may only be made by TCE. If errors or omissions are discovered, they shall be brought to the attention of TCE immediately.

6. It is the User's responsibility to ensure this copy contains the most current revisions.



Project Title

John Fife
377 Cobblestone Circle
South Burlington, Vermont

Sheet Title

Overall Site

Date:	01/11/2023
Scale:	1" = 20'
Project Number:	20-353
Drawn By:	
Project Engineer:	JAD
Approved By:	
Field Book:	256

C2-00

August 2, 2023

Holly R. Anderson
Clerk of the Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

Re: Town of Milton's Petition for 145 Lamoille Terrace, Milton (#23-237-NMP)

Dear Ms. Anderson,

The Chittenden County Regional Planning Commission ("CCRPC") has received the petition submitted by Norwich Solar to develop a 500kW solar array to be located at 145 Lamoille Terrace in Milton, VT. This parcel is owned by the Town of Milton and hosts its wastewater treatment facility. In addition, the developer and Town wish to designate this site as a "preferred site" as described in PUC Rule 5.100.

CCRPC has reviewed this project's conformance with CCRPC's *2018 Chittenden County ECOS Plan* ("the Plan"), which gained a Determination of Energy Compliance from the Vermont 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 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 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.

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 CCRPC finds that the location of this project meets all relevant suitability policies as follows:

1. Strategy 2, Action 4(b)(i): Locate energy generation proximate to existing distribution and transmission infrastructure with adequate capacity and near areas with high electric load: The project is located with direct access to three-phase power and is near a Vermont Electric Power Company transmission line without distribution constraints. In addition, the project is located close to the areas of highest development density and electric load in Milton.
2. Strategy 2, Action 4(b)(ii): Locate renewable energy generation in areas designated by a municipality: The Milton Selectboard, Milton Planning Commission, and the CCRPC have signed letters designating this site as a preferred site.
3. Strategy 2, action 4(b)(iii): Locate solar generation (including but not limited to net metering) on previously impacted areas: The project is located at an existing wastewater treatment facility.

4. Strategy 2, action 4(b)(iv): Locate ground-mounted solar larger than 15 kW...outside of state designated village centers: The project is located outside of Milton's designated village center.
5. Strategy 2, action 4(b)(v): Locate ground-mounted solar generation in Chittenden County's areas planned for growth, while allowing for infill development wherever reasonably practical: The project is located in the growth-oriented Metro Planning Area and utilizes an existing partially developed site not available for other forms of development, but still allows for expansion of the wastewater treatment facility.

Constraints Policies

The 2018 ECOS Plan states that renewable energy facility 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). Our review indicates that a state known constraint (wetlands), a state possible constraint (highest priority wildlife crossings), and a local possible constraint (habitat blocks) are located on the property but will not be impacted by the proposed project.

Our review also indicates that one state possible constraint will be impacted by the project:

State Possible Constraints

- **Agricultural Soils.** Primary Agricultural Soils underlie the southern two-thirds of the site. CCRPC requests that impacts to the agricultural soils be minimized in accordance with the recommendations of the Vermont Agency of Agriculture, Food, and Markets.

The project meets the suitability policies and the constraints policies provided the applicant works with the appropriate State agencies to mitigate impacts to the above cited constraint.

This review is based on the information currently available. CCRPC will review and comment on materials submitted as the Section 248 review process continues.

Thank you for your time and attention.

Sincerely,

Charlie Baker
Executive Director

CC: CCRPC Board
Don Turner, Milton Town Manager
Cymone Bedford, Milton Planning & Development Review Director

LEGEND

- EXISTING / PROPOSED POWER POLE
- EXISTING GRADE CONTOUR LINES
(5 FOOT INTERVALS)
- EXISTING GRADE CONTOUR LINES
(1 FOOT INTERVALS)
- EXISTING OVERHEAD POWER LINES
- APPROXIMATE PROPERTY LINES
- APPROXIMATE PROJECT PROPERTY LINES
- SETBACKS TO SOLAR PANEL RACKING
- WETLANDS (LOCATED BY AE)
- 50' WETLAND BUFFER
- STREAM (LOCATED BY AE)
- VERNAL POOL (LOCATED BY AE)
- 100' VERNAL POOL BUFFER
- STREAM TOP OF BANK (LOCATED BY AE)
- 50' RIPARIAN BUFFER
- MAPPED SOIL BOUNDARY (VCGI)
- RIVER CORRIDOR (VCGI)
- 100-YEAR FLOOD LIMITS (VCGI)
- EXISTING CHAIN LINK FENCE
- PROPOSED 12" GRAVEL ACCESS ROAD
- PROPOSED UNDERGROUND POWER
- PROPOSED OVERHEAD POWER
- PROPOSED FIXED SOLAR PANEL RACKING
- PROPOSED STAGING AREA
- PROPOSED CLEARING AND
LIMIT OF DISTURBANCE (LOD)

SETBACK DISTANCES

POINT OF INTEREST	DISTANCE FROM NEAREST PROJECT RELATED STRUCTURE TO POINT OF INTEREST
NORTHERN PROPERTY LINE	50'
EASTERN PROPERTY LINE	350'
SOUTHERN PROPERTY LINE	125'
WESTERN PROPERTY LINE	445'
NEAREST RESIDENCE	450'
EDGE OF TRAVELED WAY	260'

IMPACT AREA CALCULATIONS

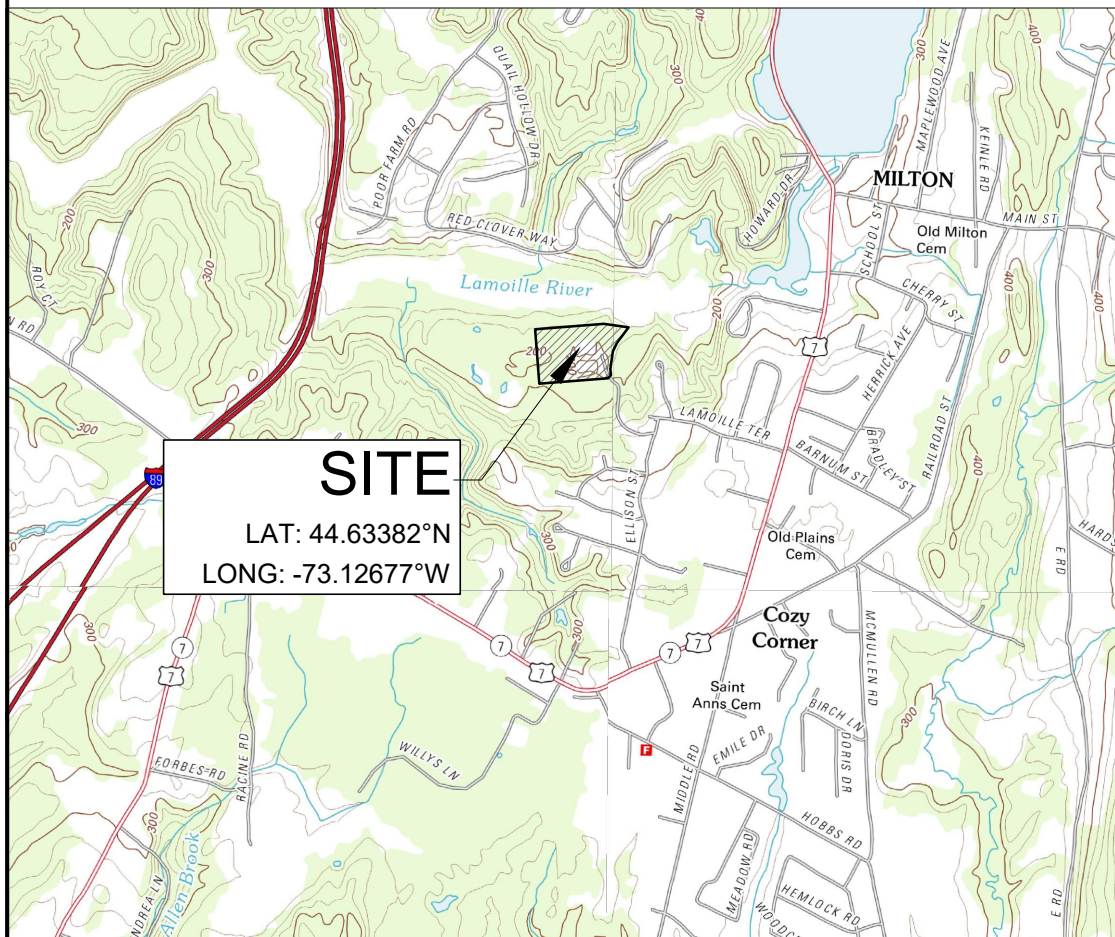
IMPERVIOUS SURFACE POST CONSTRUCTION Existing Pavement & Buildings NO ADDITIONAL IMPERVIOUS PROPOSED BY PROJECT	ACRES
LIMIT OF DISTURBANCE (LOD) According to Vermont DEC, all areas of the solar site have the potential for ground disturbance under the stormwater permit due to driving vehicles or other activities during construction. For the State construction stormwater discharge permit we will consider the entire site disturbed.	±1.45
TOTAL PRIME AG SOILS WITHIN PROJECT LOD	±3.65
TOTAL PRIME AG SOILS DISTURBED FROM EXCAVATION Installation of Underground Power	±3.20
	±0.06

NOTES ON DISTURBANCES OF
PRIME AGRICULTURAL SOILS (PAS)

SOIL EXCAVATION FOR INSTALLATION OF
CONDUIT TRENCHING, AC DISCONNECT, AND AC
COMBINER PEDESTALS WILL BE EXCAVATED AND
BACKFILLED IN THE SAME SOIL LAYERS, AND WILL
NOT REQUIRE SOIL STORAGE STOCKPILES.

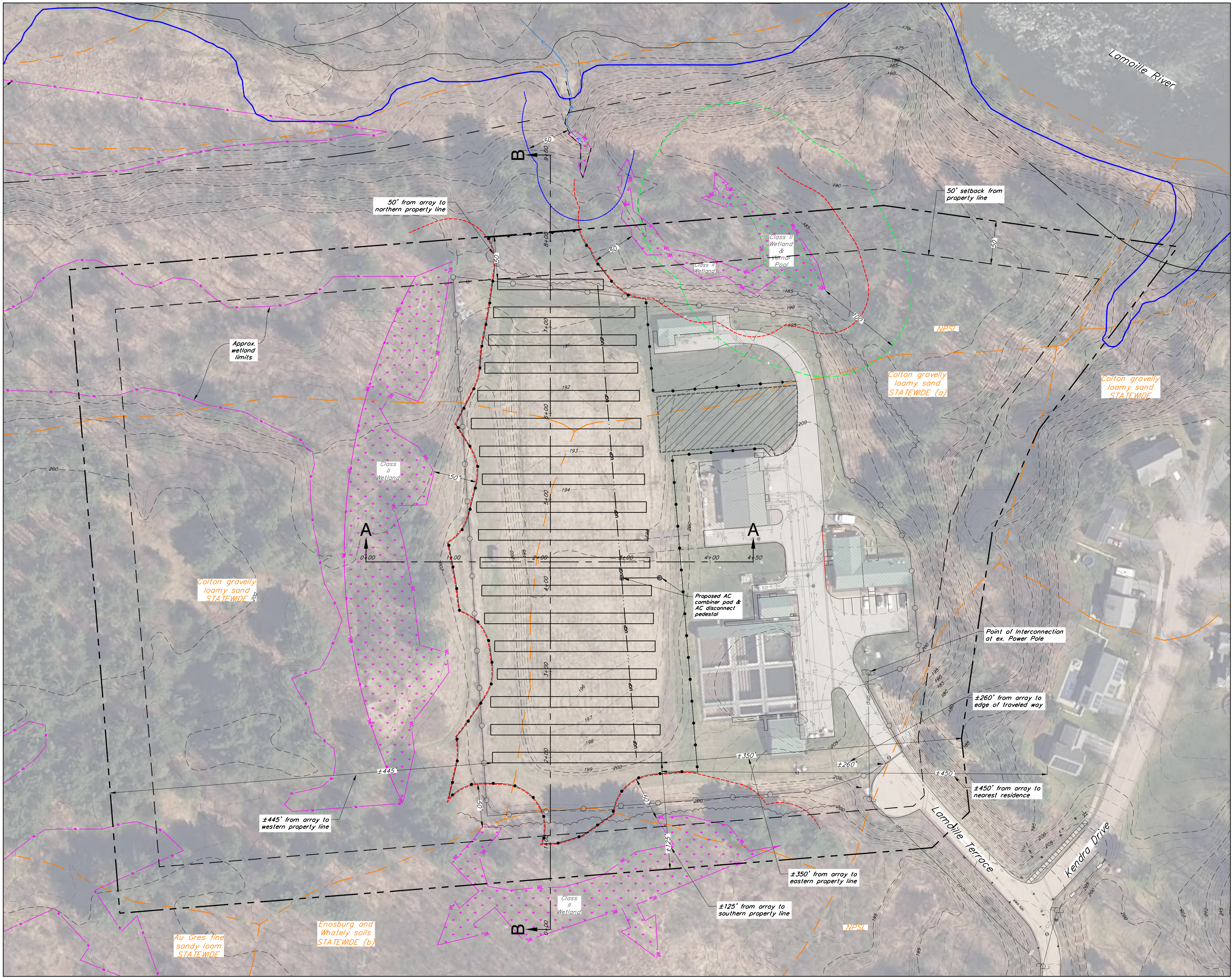
NOTES:

- ASPECTS OF PLAN ARE APPROXIMATE AND DERIVED FROM 2022 ORTHO IMAGERY FROM VCGI.
- THE HORIZONTAL COORDINATE SYSTEM IS BASED ON NAD83 VERMONT STATE PLANE 4400 (US SURVEY FEET). ELEVATIONS ARE BASED ON NAVD88 (US SURVEY FEET).
- EXISTING GROUND ELEVATIONS ARE BASED ON 2014 LIDAR DATA FROM VCGI.
- EXISTING UTILITIES SHOWN ARE NOT WARRANTED TO BE COMPLETE OR ACCURATE. CONTRACTOR SHALL CONTACT DIG SAFE BEFORE BEGINNING ANY EXCAVATION.
- THIS IS IN NO WAY A BOUNDARY SURVEY. PROPERTY LINES SHOWN ARE BASED ON TAX MAP INFORMATION PROVIDED BY THE TOWN AND ADDITIONAL BOUNDARY WORK PERFORMED BY HORIZONS ENGINEERING IN MAY 2023.
- THIS IS A PRELIMINARY DESIGN PLAN. FINAL DESIGN WILL BE MODIFIED TO MATCH EQUIPMENT PURCHASED AND POSSIBLE PERMIT CONSTRAINTS REVEALED DURING PROJECT'S REVIEW.



LOCATION MAP

SCALE: 1" = 1/2 MILE



Milton
Lamoille
Solar LLC

Lamoille Terrace
Milton, Vermont



15 RAILROAD ROW, SUITE 201
WHITE RIVER JUNCTION, VERMONT 05001
802-285-3413
WWW.NORWICHSOLAR.COM

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164 Main Street, Suite 201
Colchester, Vermont 05446

P: (802) 878-0375
www.krebsandlansing.com

ISSUED FOR PERMIT REVIEW
NOT FOR CONSTRUCTION

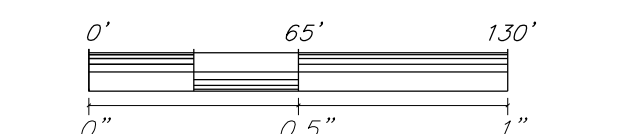
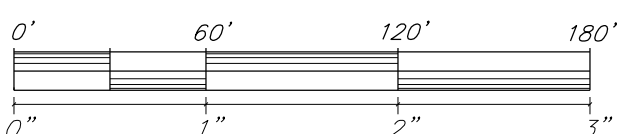
SOURCE DATA LEGEND

MAPPING SOURCE DATA USED FOR PLAN COMPIATION

Electrical Design:
Norwich Solar Technologies
15 Railroad Row
White River Junction, Vermont 05001

Civil Engineering:
Krebs and Lansing Consulting Engineers, Inc.
164 Main Street, Suite 201
Colchester, Vermont 05446

Environmental:
Arrowwood Environmental
950 Bert White Rd
Huntington, Vermont 05462



Proposed
Solar Array

SET REV	REVISIONS/COMMENTS	DATE

Drawing Title:

PRELIMINARY
SITE PLAN

DATE of Issue: 6/20/2023

Drawn by: JBC Checked by: JBC

Project No.: 23141 Scale: 1" = 60'

Drawing No.: Rev No.:

C-100



Executive Committee

August 2, 2023

Agenda Item 5: CCRPC Action Item

Procurement Policy Update

Background: On August 12, 2021, the State of Vermont adopted Environmental Protection Rule Chapter 39 Clean Water Service Provider Rule, the “Rule.” In the appendix of the Rule, the CCRPC was assigned as the Clean Water Service Provider (CWSP) for the Northern Lake Champlain Direct Drainages Basin (aka Basin 5) and as the backup CWSP for the South Lake, Otter Creek, Missisquoi, Lamoille, Winooski and Memphremagog basins. In June 2022, the CCRPC amended several elements of its Procurement Policy to assure consistency with DEC rules and guidance. Recently, however, DEC has indicated the need for further refinement as follows:

Old language (pages 80-81)

After selection, that contractor may continue to work for the SUBGRANTEE on further phases through construction/implementation of that clean water project provided that their costs are generally consistent with standard costs (as may be adjusted by inflation and market conditions) as identified by the Secretary of the Agency of Natural Resources as noted in Act 76 and as long as the CCRPC and/or its Subgrantee who is managing the project is satisfied with their work.

Recommend Change (strike old language, insert new language as follows)

A contractor may continue to work for a SUBGRANTEE or the CCRPC on future phases (e.g., through Final Design, Construction/Implementation, etc. of a clean water project) but only under a strict set of circumstances. The circumstances are if the initial solicitation for contractor services mentions the need for both: a. a cost quote and a detailed Scope of Work on the ‘current’ solicited phase, and
b. a cost range estimate (staff, equipment, etc.) and a general description of potential/anticipated work tasks on future phases, and
Thus, unless a subgrantee can show that a solicitation was sought from three or more firms for all, applicable proposed current and future phases of a project (e.g., Preliminary Design, Final Design, Construction Oversight, Operations/Management and/or Inspection/Verification), a subgrantee would need to repeat the procurement process at each step.

Staff

Recommendation:

Recommend adoption of the proposed edits to the *CCRPC Administrative and Operating Policies and Procedures* for the Chittenden County Regional Planning Commission

**For more
information
contact:**

Charlie Baker; cbaker@ccrpcvt.org; 802-735-3500
Forest Cohen; fcohen@ccrpcvt.org

Attachments:

None



Executive Committee

August 2, 2023

Agenda Item 6: CCRPC Action Item

Renewal of Stormwater Services Program Agreement

Background: Since 2003, the CCRPC has provided Lead Agency Services to nine municipalities and three organizations to assist them in complying with certain Minimum Control Measures (MCM) of their Municipal Separate Storm Sewer System (MS-4) permit. Essentially the CCRPC collects annual dues from these twelve entities which are then used to hire subcontractors to conduct Public Education & Outreach (MCM#1) and Public Participation & Involvement (MCM#2). Direction from the MS4s is provided via monthly meetings of the MS4 Subcommittee of the Clean Water Advisory Committee. The total dues collected on an annual basis are in the range of \$72,000 to \$84,000.

The attached Stormwater Services Program Agreement was approved by the MS4s at a Special Meeting of the MS4 Subcommittee on 7/25/2023. It mimics similar agreements approved in 2022, 2017 and prior years.

**Staff
Recommendation:**

Authorize the signing of the Stormwater Services Program Agreement on behalf of the CCRPC Board and review with the Board at the September meeting.

**For more
information
contact:**

Charlie Baker; cbaker@ccrpcvt.org; 802-735-3500
Dan Albrecht, dalbrecht@ccrpcvt.org; 802-861-0133

Attachments:

Stormwater Services Program Agreement, effective 7/28/2023

**CHITTENDEN COUNTY MS4
STORMWATER PROGRAM SERVICES AGREEMENT
EFFECTIVE JULY 28, 2023, THROUGH JULY 27, 2028**

Preamble

This Stormwater Program Services Agreement (“Agreement”) is entered into by and between a group of Municipal Separate Storm Sewer System (“MS4”) permittees (“MS4 Permittees”) and the Chittenden County Regional Planning Commission (“CCRPC”) to operate an MS4 Stormwater Program (“Program”) that conforms with and satisfies the relevant requirements of both Minimum Control Measure One (Public Outreach and Education) and Minimum Control Measure Two (Public Involvement and Participation) of the Phase II NPDES Permit issued by the Vermont Department of Environmental Conservation (“DEC”) on July 17, 2018 through General Permit 3-9014 (“MS4 Permit”) and then re-issued by DEC as General Permit 3-9014 (2023), as these requirements may be amended, or otherwise modified during the term of this Agreement.

1. **Service Agreement** – This Agreement constitutes a service agreement pursuant to 24 V.S.A. § 4345b (Intermunicipal Service Agreements).
2. **Definitions**—For purposes of this Agreement, the term “MS4 Permittees” includes the Vermont Agency of Transportation, which on December 28, 2016 became eligible for coverage under General Permit 3-9007 for Stormwater Discharges from the State Transportation Separate Storm Sewer System (TS4).
3. **Parties** – The following are the parties to this Agreement:
 - a. **MS4 Permittees** – the undersigned MS4 Permittees, and
 - b. **CCRPC** – the undersigned regional planning commission.
5. **MS4 Steering Committee**
 - a. **Composition** – The Members of the Steering Committee shall consist of one representative from each of the signatory MS4 Permittees to this Agreement. Another MS4 permittee may request to join this Agreement if approved by a two-thirds vote of the Members. The Members shall be appointed either by the governing bodies or their designee of their municipalities at publicly warned meetings or, if a Member representing an MS4 Permittee is a non-municipal agency, via a process consistent with that agency’s practices and policies. At its first meeting, the Steering Committee shall elect a Chair or Co-Chairs by a majority vote. The Chair or co-Chairs shall serve until such time as the Chair or Co-Chairs resigns or the Steering Committee elects a new Chair or Co-Chairs.
 - b. **Duties** – The Steering Committee shall direct the CCRPC on the development and performance of Program Services in particular and on all other matters bearing on the administration of this Agreement. All actions of the Steering Committee shall be by majority vote unless otherwise specified in this Agreement.

- c. **Organization of Meetings** – The CCRPC shall provide Steering Committee Members with reasonable notice of meetings via email. Notice shall include a meeting agenda and draft meeting minutes. In addition, the CCRPC shall post notice of Steering Committee meetings on its website and on the Program website. Regular meetings shall be held on a monthly basis at a date and time as agreed upon by members from year to year. Meeting notices shall be issued consistent with the Vermont Open Meetings law.

6. **CCRPC**

- a. **Duties** – The CCRPC shall:

- 1) Administer this Agreement and agreements with contractors (including executing contracts approved by the Steering Committee, receiving and disbursing funds, and monitoring the provision of services) for the benefit of the MS4 Permittees.
- 2) Provide other services contributing to the operation of the Program (including, but not limited to, social media management, public relations, grant writing, creating and managing a Program website, organizing meetings as set forth in Section 4.c, above, etc.) as directed by the Steering Committee; and at a level consistent with each year's Program Budget as described in Section 8.b, below.
- 3) Provide a quarterly budget report to the Steering Committee detailing expenses the CCRPC incurred and the payments it has received.
- 4) Pay contractors and vendors for charges consistent with the relevant contract, using funds from the Program Budget, as defined in Section 8, below.
- 5) Upon approval of the Steering Committee or its designee, reimburse itself for reasonable personnel expenses and other reasonable expenses for approved charges consistent with its duties, using funds from the Program Budget.
- 6) Consult with the Steering Committee prior to authorizing any contractor activities or charges outside the scope of work of a contract.
- 7) Notify the Steering Committee when 75% of the annual budget (as defined in Section 8, below) for an individual category of expenses (e.g., contractors, CCRPC fees, advertising, etc.) is reached.
- 8) At the request of the Steering Committee, assign any or all contracts that the CCRPC has entered into pursuant to this Agreement to the MS4 Permittees who are signatories to this Agreement at the time or to another contractor of the Steering Committee's choosing.
- 9) Comply with all applicable federal, state, and local laws, including Burlington's Livable Wage Ordinance as applicable.

- b. **Compensation** – Through the Program Budget, the MS4 Permittees shall compensate the CCRPC for the actual costs of performing its duties defined in Section 5.a, above; provided, however, that the CCRPC shall not be entitled to compensation that would exceed ten percent (10%) of

the Program Budget as specified in Section 8.b, below, without the prior written approval of a majority of the Steering Committee.

- c. **Invoices** – The CCRPC shall invoice the Program to cover personnel charges, mileage reimbursement, and other direct expenses necessary to perform its duties. Personnel charges for CCRPC staff shall be calculated at a rate of salary plus fringe plus CCRPC's applicable indirect rate as required by 24 V.S.A. § 4345b. As set forth in Section 5.b, above, upon approval of the Steering Committee or its designee, the CCRPC may reimburse itself for charges consistent with its duties, using funds from the Program Budget, subject to the approval of the Chair or Co-Chairs. Invoices from vendors to CCRPC may be paid by CCRPC subject to contract limits consistent with the budget without the approval of the Chair or Co-Chairs.

7. Selection of Contractors

- a. The CCRPC, in consultation with the Steering Committee, shall competitively bid for contract(s) for Program services that collectively satisfy the requirements for Minimum Control Measure One (Public Outreach and Education) and Minimum Control Measure Two (Public Involvement and Participation) of the Phase II NPDES Permit then in effect. The parties to the contracts shall be the contractors and the CCRPC. All contracts shall require the contractor to indemnify and hold harmless the MS4 Permittees from any claims related to the contract and to procure and maintain commercially reasonable liability insurance for all services performed under the contract.
- b. In addition to meeting the insurance and indemnity requirements described in subsection (a) above, all contracts shall be awarded based on qualifications, price, and the ability of the entity to provide services that meet the relevant MS4 Permit requirements. The selection of contractors shall comply with the procurement policy of the CCRPC and with applicable state and federal procurement laws and procedures.
- c. Contracts shall generally be 1 to 5 years in length (not exceeding five years) and shall include, but not be limited to, a Maximum Limiting Amount and the right of the CCRPC to 1) cancel a contract if services are not being adequately provided, 2) specify that payments to contractors shall be made only for services rendered, 3) specify the annual scope of work and budget as approved by the Steering Committee, 4) allow a contract extension if desired, and 5) assign the contract to the MS4 Permittees that are signatories to this Agreement at the time of the assignment or to a contractor of the Steering Committee's choosing.
- d. Contracting for services under this Agreement shall comply with the Fair Employment Act and Americans with Disabilities Act: the CCRPC shall comply with the requirement of Title 21 V.S.A Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. The CCRPC shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Steering Committee under this Agreement. This provision shall also be included in all contracts and subcontracts executed under this Agreement.
- e. The CCRPC and the Steering Committee recognize the important contribution and vital impact which small businesses have on the State's economy. In this regard, the CCRPC shall ensure a

free and open bidding process that affords all businesses equal access and opportunity to compete, except under circumstances where competitive bidding may not be practicable and is not required by applicable procurement policies. The CCRPC and the Steering Committee also recognize the existence of businesses owned by minorities and women, and the CCRPC shall make a good faith effort to encourage these firms to compete for contracts involving state or federal funds and comply with applicable law relating to civil rights and disadvantaged business enterprises.

8. **Program Services** – The Steering Committee, assisted by the CCRPC and its contractors, shall implement a unified Program that satisfies the relevant requirements of Minimum Control Measure One (Public Education and Outreach) and Minimum Control Measure Two (Public Involvement and Participation) of the MS4 Permit.

The Program Content for each Program Year shall be as defined in writing by a majority of the Steering Committee. The Program Year shall be the State of Vermont’s fiscal year. The Program Content shall implement the following deliverables:

- a. **Public Education and Outreach** – Elements shall include, at a minimum:
 - 1) operating the Program’s website, www.smartwaterways.org, or its equivalent; and
 - 2) advertising in various media.
- b. **Public Involvement and Participation** – Elements shall include, at a minimum:
 - 1) operating the Program’s website, www.ccstreamteam.org, or its equivalent;
 - 2) hosting and/or organizing workshops, projects, and other events to engage the public; and
 - 3) recruiting volunteers to support projects, promote events, and/or engage the public.
- c. **End of MS4 permit year annual reporting** – Elements shall include preparation of a narrative report 25 business days prior to the MS4 Permittees’ reporting deadline to DEC.

9. **Program Dues, Budget, Costs, and Payments**

- a. **Dues**
 - 1) For State Fiscal Year, FY24, July 2023-June 2024, the annual dues for each of the undersigned MS4 Permittees shall be \$7,000.
 - 2) For FY25 and following fiscal years, the annual dues shall be set by a two-thirds majority by December 15th of the preceding calendar year. In the absence of agreement, the dues shall be \$6,000.
 - 3) The CCRPC shall invoice each MS4 Permittee on or about July 1st of each year with payment to the CCRPC due 30 days later.

4) All Members shall pay equal dues.

b. Program Budget

- 1) The annual Program Budget shall consist of the sum of the annual payments for each Program Year made by MS4 Permittees, plus any funds from other sources made available to the Program by majority vote of the Steering Committee.
- 2) Prior to the start of each Program Year, the Steering Committee shall adopt a Program Budget governing expenditures for the subsequent Program Year. Budget categories shall include, but not be limited to: CCRPC Duties, Minimum Measure #1 Services, Minimum Measure #2 Services, Advertising Costs and Expenses.
- 3) Once the Program Year starts, after written notice and meeting or by written consent, a majority of the Steering Committee may amend the Program Budget as needed, for example to reflect any surplus or deficits from the prior Program Year, receipt of new sources of funds, or a desired change in the Program Budget, subject to Section 8.a, above.
- 4) In the event that costs are less than anticipated or if grants or other funding sources become available, a majority of the voting Members of the Steering Committee may decide to reduce each Member's payment by an equal amount or to credit all or part of the following Program Year assessment to each MS4 Permittee.

c. **Maximum Annual Costs and Payments** – Except as otherwise provided by this section, each MS4 Permittee shall within 30 days of receipt of an invoice make a single annual dues payment, as provided by Section 8.a, above.

d. **Other Funds** – Any funds made available to the Program shall be dedicated to reducing the annual costs of each MS4 Permittee participating in the Program, except as a majority of the voting Members of the Steering Committee may decide.

e. **Excess Funds** – Any funds remaining at the end of a Program Year shall be carried over to the next Program Year, unless a majority of the voting Members of the Steering Committee decides otherwise.

f. **Non-appropriation** – The obligations of each MS4 Permittee to make payments under this Agreement shall constitute a current expense of the MS4 Permittee and shall not in any way be construed to be a debt of the MS4 Permittee in contravention of any applicable constitutional or statutory limitation or requirement, or the MS4 Permittee's charter or articles of incorporation; nor shall anything contained in this Agreement constitute a pledge of the credit or tax revenues, funds, or monies of the MS4 Permittee. The decision whether or not to budget and appropriate funds during each fiscal year of the MS4 Permittee is within the discretion of the governing body of the MS4 Permittee. The obligations of a MS4 Permittee under the Agreement are subject to annual appropriations by the governing body of the MS4 Permittee, except as provided by Section 12 of this Agreement. An MS4 Permittee cannot choose to not appropriate funds and then withdraw in a manner that shifts prior contractual obligations on to the others. Non-appropriation will be considered withdrawal and must be prospective in fairness to all signatories as per Section 13.

10. **Contract Approval** – All CCRPC contracts related to this agreement shall be conditioned upon approval by a majority of the voting Members of the Steering Committee and shall be consistent with Section 6, above.
11. **Termination of CCRPC** – The CCRPC on its own or the Steering Committee by a majority vote of its full Membership may elect to terminate the CCRPC’s future participation in this Agreement by providing 90 days’ written notice to the other party. In the event of termination under this section, the CCRPC shall continue to administer and comply with each existing contract, and the MS4 Permittees shall continue to reimburse the CCRPC from the Program Budget for the actual costs of administering and complying with each contract, as provided by this Agreement, unless and until the CCRPC assigns the contract pursuant to Sections 5.a.8 and 6.c of this Agreement.
12. **Termination of Agreement**
- a. This Agreement shall become null and void with no further obligation of the parties if:
 - 1) After written notice and meeting, two-thirds of the Members of the Steering Committee vote to end participation, or
 - 2) DEC determines that the Program outlined in this Agreement does not meet the relevant requirements for Minimum Control Measure One (Public Education and Outreach) or Minimum Control Measure Two (Public Involvement and Participation), and the parties to this Agreement are unable to craft a Program to satisfy DEC.
 - b. In the event of termination, any funds remaining in the Program Budget (after payment of obligations to vendors or to satisfy debts) shall be reimbursed to the MS4 Permittees with each MS4 Permittee receiving a share proportional to the number of MS4 Permittees at the time of termination. For example, if there are twelve MS4 Permittees at the time of termination, each MS4 Permittee shall receive a 1/12th share.
13. **Withdrawal of Member** – If an MS4 Permittee wishes to withdraw from participation, it may do so with or without cause and it shall provide at least 90 days’ notice to the other MS4 Permittees and the CCRPC. After withdrawal, a MS4 Permittee shall remain responsible for its share of the costs of contracts that the Steering Committee approved prior to the effective date of the withdrawal.
14. **Effective Date and Duration of Agreement** – The effective date of this Agreement shall be July 28, 2023, 2023_, and this Agreement shall terminate on July 27, 2028
15. **Amendment** – This Agreement may be amended only in writing and upon unanimous action of all the Members.
16. **Counterparts** – This Agreement may be executed in multiple counterparts, each of which is deemed an original and all of which constitute one and the same document. Each such counterpart may be a facsimile or PDF copy, and such facsimile or PDF copy shall be deemed an original.

17. **Public Records** – This Agreement and any and all records submitted to the CCRPC or MS4 Permittees - including Bids, Proposals, Qualifications, Contracts, etc.-- whether electronic, paper, or otherwise recorded, are subject to the Vermont Public Records Act.

Signature of CCRPC

Christopher A. Shaw, Board Chair, CCRPC

Date

Signatures of Members

Name Title The Burlington International Airport

Date

Name Title The City of Burlington

Date

Name Title The Town of Colchester

Date

Name Title The Town of Essex

Date

Name Title The City of Essex Junction

Date

Name Title The Town of Milton

Date

Name Title The Town of Shelburne

Date

Name Title The City of South Burlington

Date

Name Title Vermont Agency of Transportation

Date

Name Title The University of Vermont

Date

Name Title The Town of Williston

Date

Name Title The City of Winooski

Date



Chittenden County Regional Planning Commission Executive Committee

August 2, 2023

Agenda Item 7: Discussion Item

FY2024 Regional Board Member & Committee Appointments

Regional Board Member Appointments per the Bylaws: Article IV.C. "... 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..."

Agriculture: Tom Eaton, **Socio-Economic-Housing:** Bruce Wilson, Deac (Katherine) Decarreau (alt.), **Industrial/Business:** Tim Baechle **Conservation/Environmental:** Miles Waite

Committee Appointments per the Bylaws: Article VII.B. "The Chair shall ... with concurrence of the Chittenden County Regional Planning Commission, establish and appoint committees and their members." Article XI: "All Chittenden County Regional Planning Commission Board members are encouraged to participate in a minimum of at least one standing committee. The Chair may appoint ad hoc committees for a specific purpose with the approval of the Chittenden County Regional Planning Commission. Committees should include subject matter experts as needed to provide advice to the Chittenden County Regional Planning Commission Board."

Finance Committee (Secretary/Treasurer, Vice Chair and 1 other board member): Jacki Murphy, Colchester, Secretary/Treasurer; Bard Hill, Richmond, Vice Chair; and Jeff Carr, Shelburne alt.

Board Development Committee (past Chair and up to 4 other board members): Catherine McMains, Jericho; Mike O'Brien, Winooski; Elaine Haney, Essex Junction; Jeff Carr, Shelburne alt.; Andy Montroll, Burlington.

Unified Planning Work Program Committee (3-5 board members Bard Hill, Richmond (Chair); John Zicconi, Shelburne; Michael Bissonette, Hinesburg; Jacki Murphy, Colchester.

Transportation Advisory Committee (1 board member): Kurt Johnson, Underhill alt.

TAC Interest Group Reps: Elderly - Bob Henneberger; Bike/Ped - Jonathon Weber; Rail - Mary Anne Michaels; Environmental - Richard Watts; Disabled - Adam Wechsler; Business - Sam Andersen

Planning Advisory Committee (1 board member): Wayne Howe, Jericho alt.

Long Range Planning Committee (3-6 board members, one of them to be Chair of the LRPC): Abby Bleything, Winooski; Tracey Delphia, Essex; Andy Watts, Williston; Dana Hanley, Charlotte; Benjamin Bornstein, Westford.

Clean Water Advisory Committee: (1 board member) Miles Waite; and Tom Eaton as alternate

ad hoc Brownfields Advisory Committee: Sam Andersen, GBIC; Matt Vaughn, LCBP; Samantha Dunn, Burlington CEDO; Jon Rauscher, City of Winooski; Dr. Pablo Bose, UVM; Amanda Froeschle; VT Dept of Health; Kristie Farnham, VT Dept of Economic Development (ex officio); Sarah Palmer Bartlett, VT DEC (ex officio); Christine Beling, EPA Region One (ex officio); _____, CCRPC Board

ad hoc All Hazards Mitigation Plan Update Committee: Chris Shaw, So. Burlington.

Equity Advisory Committee: Mike O'Brien, Winooski; Jacki Murphy, Colchester; Elaine Haney, Essex Jct.; Anne Nelson Stoner, Emma Vaughn, and Bryan Davis, staff.

For questions, contact Charlie Baker, 735-3500 or cbaker@ccrpcvt.org.