

Central Vermont Regional Planning Commission

March 8, 2016

Minutes

Present were:

Barre City: Janet Shatney-absent

Barre Town: Byron Atwood

Mark Nicholson-absent

Berlin: Bob Wernecke

Cabot: Dick Payne

Calais: Paul Rose – absent

John Brabant-absent

Duxbury: Brian Fitzgerald

East Montpelier: Julie Potter

Jack Pauly

Fayston: Carol Chamberlin-absent

Marshfield:

Middlesex: Ron Krauth

Montpelier: Tina Ruth

Kim Cheney-absent

Moretown: Dara Torre

Northfield: Laura Hill-Eubanks

Orange: George Malek

Plainfield: David Strong

Robert Atchinson-absent

Roxbury: Gerry D'Amico

Waitsfield: Don La Haye

Harrison Snapp-absent

Warren: Camilla Behn-absent

Washington: Gary Winders-absent

Waterbury: Steve Lotspeich

Williamstown: Larry Hebert

Woodbury: Michael Gray

Worcester: Bill Arrand

Staff: B. Waninger, L. Emery, E. Vorwald, G. Aloisio, M. Wolz

Others: S. Andersen, CVEDC.

The meeting was called to order at 7:02 p.m. There were no members of the public in attendance.

Commissioners presented Laurie Emery with a plaque for her 34 years of service to CVRPC.

No adjustments were made to the agenda.

The minutes of the February 9, 2016 meeting were accepted as written.

Staff and Executive Director Reports: B. Waninger reported that towns are asking for increased assistance from our planning staff, and that enhanced consultations are going well. L. Hebert stated that the assistance provided to Williamstown on their Town Plan was very appreciated.

B. Waninger reported that the Rural Fire grant is not going to be pursued at this time. We had five fire departments interested, but didn't have enough information to proceed. Regarding the regional energy planning project, it looks as if we will be starting work sometime in April.

Legislation of Interest: S. 230 on energy siting is being marked up and we should know more about the changes by the end of the week.

Central Vermont Economic Development Corporation Report: S. Andersen reported that they are working with several businesses that are considering expanding or relocating to the Region. CVEDC and CVRPC will be working together on sites once they are identified. This will be a new way for the two organizations to collaborate and it should be very productive. The economic development legislation being proposed is huge and includes a variety of items such as work force development incentives, VEDA, and the Vermont training program.

March 31 CVEDC will hold a workshop on technology needs in the State.

Nominating Committee: The Nominating Committee needs three members to solicit nominations and prepare the slate of officers and at-large members of the Executive Committee for election at the May meeting. (Note: Historically, the slate has been finalized by April and paper ballots then mailed to Commissioners to return to CVRPC staff prior to the May meeting and the results are then announced at the May meeting.) Don La Haye, Larry Hebert and Bill Arrand were nominated, but Larry Hebert declined. Steve Lotspeich was then nominated. It was moved, seconded, and unanimously approved to appoint Don La Haye, Bill Arrand, and Steve Lotspeich as the Nominating Committee. Don La Haye volunteered to serve as Chair of the Committee.

Shared Services Presentation: E. Vorwald reviewed the statutory options for the sharing of services by municipalities and how regional planning commissions can assist. There are several formal methods to sharing services, including forming a union municipal district (such as the Mad River Valley Planning District, Wrightsville Beach Recreation District and the Mad River Resource Management Alliance); inter-local agreements, mutual aid agreements, and inter-municipal police services.

There are also informal ways to share services, such as agreeing to share equipment, that don't require a contract or written agreement.

E. Vorwald then reviewed the pending "council of regional governments" (COG's) legislation (H.249) in the Vermont Legislature. This proposed legislation has been amended to no longer reference COG's, but to provide a mechanism for inter-municipal service agreements whereby a regional planning commission would provide assistance in the formation of the service agreement and provide oversight if it's part of the agreement. Any agreements would be by towns that express an interest and sign on and that would then pay for the services. It is completely voluntary; if a town is not interested in the service others may need, then that town doesn't sign the agreement and doesn't pay for services which it isn't receiving. Before a regional commission could assist in forming these inter-municipal agreements, the regional commission would have to adopt bylaws to offer inter-municipal services and those bylaws would have to be approved by two-thirds of the voting members of the regional commission. Only after the bylaws have been approved could the regional commission form any inter-municipal service agreements, and those agreements would only be among the towns that want and are willing to pay for the service.

The question was asked about adjoining towns being part of a service agreement where they might be in a different regional planning commission region. The legislation doesn't address this situation, but staff will see what they can find out.

It was noted that this opportunity seems like another layer of bureaucracy that's not needed. Towns can already share services, and the concept seems to be too much for a planning organization to do. Our staff is already over-booked; how would they take on more work? It was stated that these service agreements are an option and not a requirement for regional commissions; we don't have to participate. Regional commissions would not have any legislative functions, taxing authority or eminent domain role if they were to get involved in a service agreement of this type. In addition, regional commissions cannot use already-existing funds for these new shared service agreements. The issue raised is that this opportunity could lead to county government. It was stated that this service agreement option is a new tool that doesn't currently exist and would be available in the future should the need arise.

Amicus Brief Participation: The Executive Committee decided to help fund, up to \$1,000, an action to help keep regional plans as plans and not be considered zoning documents. The draft Brief has been provided to Commissioners. We are obligated to meet our participation of \$1,000, but can discuss whether our name is on the Brief or not. During discussion, Commissioners made the following points:

- In favor of signing and participating in the Brief;
- Do we know enough about the circumstances to know that we are supporting the correct solution?
- Do we know how the Judge and District Commission reached their decisions?
- Want to be sure that the regional plan doesn't become a zoning document.
- Sign onto the Brief--support the concept of the regional plan not being a zoning document.

- Support participating in the Brief. The Judge seems to have over-thrown the accepted practices by regional planning and Act 250. This issue is that the regional plan's criteria was deemed to not be specific enough. The intent is to defend the process that's been historically in place. The State has empowered the regional commissions to have enforceable regional plans.
- Regional plans should not be zoning documents and we should support the difference between planning and zoning.
- Does the Two Rivers Regional Plan document its vision sufficiently?
- Do not want regional plans to be zoning documents.
- The town supported the development project initially. It seems Two Rivers is against any development at interchanges. We should not set a precedent by joining and then having it come back on us in the future.
- The concept of regional plans not being zoning documents needs to be addressed by all the regional commissions, but this particular case is not the one. Every regional commission has its own definition of significant regional impact.
- Support the Brief. The decision by the Court should be challenged that regional plans are visionary and regional and not local.
- Support the Brief to educate the Court for the future.
- A clearer distinction should be made between local plans and regional plans which are broader than a local plan.
- Strengthen the distinction and bring it to the Court's attention.
- Do not see where the Court used the word "zone," but the Court said the terms need to be defined.
- Concerned that the area for this development was identified by the local plan as a growth center.
- There isn't enough information to put our name to the Brief; it raises more questions than it answers.
- The Two Rivers Plan is well written and is the gold standard for Vermont plans.
- Concerned that the draft Brief spends too much time talking about this particular case rather than the broader concepts. The Judge asked for the specificity of zoning which does not belong in a regional plan, and it seems the Judge did not look at the regional plan as a whole.
- Support weighing in on the broader issues, but not on the details of this particular case.
- We should not be in the job of writing more specific regional plans; they are not bylaws.
- Support for CVRPC to sign on to the Brief. It's going to the Supreme Court which is the last stop for appeal and what the Court recommends will have a bearing into the future on how regional plans are used.
- We will be seeing more of these kinds of cases and should weigh in and have a voice in the process.
- CVRPC has not weighed in before on a case not in our Region.

It was moved and seconded that CVRPC participate in the Amicus Brief appealing the Environmental Court decision in the B&M Realty case.

An amendment to the motion was proposed: that we do not think that the Court should require more specific language in regional plans and to strike certain language from the Brief.

Discussion ensued with the following comments:

- Do not believe that the level of detail as proposed by the Environmental Court is appropriate.
- Regional plans are not zoning documents.
- Sign on to the Brief and let CVRPC's Executive Director share our comments.
- The regional plan was misinterpreted by the Judge; so more or less detail does not need to be included in the motion. We do not need to amend the motion.
- Agree; stick with the function of the regional plan and don't worry about the individual facts of the case.
- Concerned about the regional plan be seen or used as zoning.
- Think the Court should not be telling us to write a regional plan as zoning.
- We should stay out and fight our own battles.
- Our focus should be as stated in the Brief (page 3) "When read in the context of the entire Regional Plan, including its reason, purpose and consequences, the policy statements in a regional plan are clear, unambiguous and enforceable."

The question was called and seconded which needs a two-thirds vote (12). Should the question be called (to amend the motion)? 16 yes 1 no Calling the question was agreed to.

Should the motion be amended as proposed? 15 no and 2 abstained

The vote is now on the original motion: that CVRPC participate in the Amicus Brief appealing the Environmental Court decision in the B&M Realty case.

The vote by roll call was requested. By roll call, the following votes were made:

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| Berlin - no | Moretown - yes | Waterbury - yes |
| Cabot - yes | Northfield - yes | Williamstown - no |
| Duxbury - yes | Orange - no | Woodbury - abstain |
| East Montpelier - yes | Plainfield - yes | Worcester - yes |
| Middlesex - yes | Roxbury - yes | Barre Town - abstain as Chair |
| Montpelier - yes | Waitsfield - yes | |

The motion was approved with 12 yes, three no, and two abstaining.

Commissioners were thanked for having a substantive and respectful dialogue.

The meeting was adjourned at 9:14 p.m.

Respectfully submitted,

Laurie Emery