



BOARD OF COMMISSIONERS

July 11, 2017 at 7:00 pm

Central VT Chamber of Commerce, Paine Turnpike South, Berlin

(Coming off the interstate at exit 7, turn left at the first light.

At the next crossroads, the Chamber is on your left. It is the light yellow building.)

AGENDA

<u>Page</u>	<u>Time</u> ¹	<u>Description</u>
	7:00	Adjustments to the Agenda Public Comments
2	7:05	Meeting Minutes – June 13, 2017 (enclosed) ²
5	7:10	Staff Reports (enclosed)
	7:15	Central VT Economic Development Corporation Report , <i>Jamie Stewart, Executive Director</i>
13	7:20	Legislative Report (enclosed)
	7:30	Commissioner Training , <i>Bonnie Waninger, Executive Director</i> A refresher on CVRPC's mission, how we accomplish it, and the role of Commissioners.
18	7:50	5-Year Strategic Goals (enclosed) Discussion of CVRPC's 5-year direction and FY18 activities to achieve them.
	8:25	Municipal Consultations , <i>Eric Vorwald, Senior Planner</i> Trends observed. Commissioners share local training and assistance needs.
	9:00	Adjournment

Note: This meeting provides strategic background about what CVRPC is doing to organize and focus itself into the future. The September meeting will provide information about CVRPC's FY18 Work Plan and Budget.

¹ Times are approximate unless otherwise advertised.

² Anticipated action item.

CENTRAL VERMONT REGIONAL PLANNING COMMISSION
DRAFT MINUTES
June 13, 2017

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Commissioners:

- | | | | |
|---|--------------------------|--|-------------------------|
| <input checked="" type="checkbox"/> Barre City | Janet Shatney | <input checked="" type="checkbox"/> Montpelier | Kirby Keeton |
| <input checked="" type="checkbox"/> Barre Town | Byron Atwood, Chair | <input type="checkbox"/> | Mike Miller, Alt. |
| <input type="checkbox"/> | Mark Nicholson, Alt. | <input checked="" type="checkbox"/> Moretown | Dara Torre |
| <input checked="" type="checkbox"/> Berlin | Robert Wernecke | <input checked="" type="checkbox"/> Northfield | Laura Hill-Eubanks |
| <input type="checkbox"/> | Karla Nuissl, Alt. | <input checked="" type="checkbox"/> Orange | Lee Cattaneo |
| <input checked="" type="checkbox"/> Cabot | Dick Payne | <input checked="" type="checkbox"/> Plainfield | David Strong, Treasurer |
| <input type="checkbox"/> Calais | John Brabant | <input type="checkbox"/> | Robert Atchinson, Alt. |
| <input type="checkbox"/> | Jan Ohlsson, Alt. | <input type="checkbox"/> Roxbury | Jerry D'Amico |
| <input checked="" type="checkbox"/> Duxbury | Brian Fitzgerald | <input checked="" type="checkbox"/> Waitsfield | Don La Haye |
| <input type="checkbox"/> | Alan Quackenbush, Alt. | <input type="checkbox"/> | Harrison Snapp, Alt. |
| <input checked="" type="checkbox"/> E. Montpelier | Julie Potter, Vice Chair | <input type="checkbox"/> Warren | Camilla Behn |
| <input type="checkbox"/> | Jack Pauly, Alt. | <input type="checkbox"/> Washington | Gary Winders |
| <input type="checkbox"/> Fayston | Carol Chamberlin | <input checked="" type="checkbox"/> Waterbury | Steve Lotspeich |
| <input type="checkbox"/> Marshfield | Ivan Shadis | <input checked="" type="checkbox"/> Williamstown | Larry Hebert |
| <input checked="" type="checkbox"/> Middlesex | Ron Krauth | <input checked="" type="checkbox"/> Woodbury | Michael Gray |
| | | <input checked="" type="checkbox"/> Worcester | Bill Arrand |

Staff: Bonnie Waninger and Eric Vorwald

Guests: None

CALL TO ORDER

Chair B. Atwood called the meeting to order at 7:07pm. Quorum was present. The meeting began with introductions. B. Atwood thanked members of the Commission that were stepping down and welcomed those that were joining.

ADJUSTMENTS TO THE AGENDA

None.

PUBLIC COMMENTS

None.

APRIL 11, 2017 MEETING MINUTES

J. Shatney moved to approve the May 9, 2017 minutes as presented; D. La Haye seconded. Motion carried 17 – 0.

STAFF REPORTS

E. Vorwald reminded the Commission members that with the warmer weather staff will be spending more time in the field therefore requests for information, data, or maps may take longer than expected and to ensure adequate time is provided to complete any requests.

1 **EXECUTIVE DIRECTOR’S REPORT**

2 B. Waninger noted two letters in the meeting packet from VAPDA outlining their position against a
3 possible requirement that all municipalities submitting applications for Municipal Planning Grants be
4 required to contribute a match regardless of funding level requested. B. Waninger requested that the
5 Commission submit a letter to the Secretary of the Agency of Commerce & Community
6 Development also recommending that no match be required for all grant values. D. Strong suggested
7 that a draft letter be provided to outline the specific request based on Commission comments.
8

9 B. Waninger also requested that an internal policy regarding charging municipalities for major
10 projects be modified to assist small, rural towns without charge given the increasing difficulty these
11 towns have in accessing the Municipal Planning Grant program. Commissioner did not discuss the
12 request.
13

14 **CENTRAL VERMONT ECONOMIC DEVELOPMENT CORPORATION REPORT**

15 None.
16

17 **LEGISLATIVE REPORT**

18 B. Waninger noted a memo in the agenda which was VAPDA’s end of session report and included
19 updates on legislation that was relevant to the Commission.
20

21 **ELECTION OF OFFICERS & ADDITIONAL MEMBERS OF THE EXECUTIVE COMMITTEE**

22 B. Waninger read the results of the Executive Committee voting. The results were
23

- 24 – Chair, Julie Potter
- 25 – Vice Chair, Laura Hill-Eubanks
- 26 – Treasurer, Michael Gray
- 27 – Secretary, Dara Torre
- 28 – At large, Steve Lotspeich, Don LaHaye, and Byron Atwood.
29

30 B. Atwood thanked the Commission for allowing him to serve as their chair. He then turned the meeting
31 over to J. Potter.
32

33 J. Potter thanked B. Atwood for serving as the chair and for his leadership on the Commission.
34

35 **COMMISSION APPOINTMENTS**

36 J. Potter highlighted the process and the list of committees and possible appointments in the agenda. M.
37 Gray volunteered to be removed from the list of members interested in the Town Plan Review Committee
38 therefore having an equal number of vacant seats and interested Commissioners. Next, J. Potter noted
39 that the Project Review Committee had two open seats with three interested Commissioners. J. Potter
40 suggested a ballot with the top two vote getters filling the vacancies and the third Commissioner serving
41 as the alternate. Ballots were distributed and voting commenced. D. Torre, Secretary, and L. Hill-
42 Eubanks, Vice Chair, counted the ballots noting the vacant seats would be filled by B. Fitzgerald and J.
43 Shatney with J. D’Amico serving as the alternate. *B. Atwood moved to approve the Project Review*
44 *Committee appointments as presented; L. Hebert seconded. The motion carried 17 – 0.*
45

1 Next, J. Potter discussed specific appointment to various organizations.

2
3 *D. Strong moved to appoint J. Potter as the representative to the Vermont Association of Planning &*
4 *Development Agencies; B. Atwood seconded. The motion carried 17 – 0.*

5
6 *D. Strong moved to appoint B. Waninger to the Vermont Economic Progress Council; B. Atwood*
7 *seconded. The motion carried 17 – 0.*

8
9 *B. Atwood moved appoint H. Garabedian at the representative and B. Waninger as the alternate to Green*
10 *Mountain Transit; B. Arrand seconded. The motion carried 17 – 0.*

11
12 *S. Lotspeich E. Vorwald as the representative and B. Waninger as the alternate to the Mad River Valley*
13 *Planning District; D. Strong seconded. The motion carried 17 – 0.*

14
15 Following the appointments, B. Wernecke asked for clarification on whether the Vermont Association of
16 Planning & Development Agencies was a public body and subject to open meeting laws. After some
17 discussion, it was decided the B. Waninger would bring the issue up with VAPDA and report back to the
18 Commission.

19
20 **REGIONAL ENERGY PLAN**

21 E. Vorwald provided an overview of the efforts that have occurred to date regarding the regional energy
22 plan and highlighted a memo and relevant draft plan materials that were included in the agenda. E.
23 Vorwald also noted that the Commission would be asked to provide input on a conflict resolution policy
24 and how to specifically incorporate the regional energy plan into the regional plan. Following the
25 overview, E. Vorwald requested that the Commission consider a motion recommending transmittal of the
26 draft to the Department of Public Service for their initial review. *B. Fitzgerald made a motion to transmit*
27 *the draft Regional Energy Plan to the Department of Public Service. The motion was seconded by L.*
28 *Hebert.*

29
30 In discussion, Commissioners asked several questions regarding implementation and for clarification on
31 why multiple action items were listed without any additional costs anticipated. E. Vorwald explained
32 that, to the extent possible, efforts would be combined to limit the need for dedicated funding or staff to
33 complete the tasks. Additional discussion included clarification of language in several sections of the
34 draft; review of priorities & timing of implementation; and information related to the LEAP modeling. E.
35 Vorwald agreed to make the changes to the language prior to submitting the draft by the June 30, 2017
36 deadline. With no other discussion, J. Potter as for a vote on the motion. *The motion carried 17 – 0.*

37
38 **ADJOURNMENT**

39 *D. Strong moved to adjourn at 8:45 pm; D. La Haye seconded. The motion carried 17 – 0.*

40
41
42 Respectfully submitted,

43
44 Eric Vorwald

Central Vermont Regional Planning Commission

802/229-0389

Staff Report, July 2017

Fax: 802/223-1977

LAND USE PLANNING

Regional Energy Planning: Contact Eric Vorwald, Vorwald@cvregion.com.

The Draft Regional Energy Plan was presented to the Commission in June. This initial draft was submitted to the Public Service Department for review. Staff will continue public outreach through the summer and fall before finalizing the Plan in December.

MUNICIPAL PLANNING & ASSISTANCE

Local Energy Planning – Barre Town, Waterbury, and East Montpelier completed energy plan drafts consistent with the standards outlined in Act 174. Staff met with Waterbury and East Montpelier’s energy committee and planning commission to discuss the draft and next steps, and will meet with Barre Town in July 19. Draft local energy plans are due by July 31.

The Legislature provided funds for additional local energy plan development. Communities interested in assistance are invited to contact CVRPC as soon as possible. Communities with support from the local Planning Commission, Selectboard, and energy committee (if applicable) will be most competitive for assistance.

East Montpelier Village Master Plan: The Planning Commission hosted a public hearing in June. Staff provided a summary of comments received. In general, those attending reacted positively to the plan, the vision, and the direction of the planning effort.

Municipal Planning Grants: The Municipal Planning Grant cycle is open. Applications are due by October 2. The maximum grant amount for this year’s cycle is \$20,000. Staff will be reaching out to towns in the coming weeks to discuss potential projects and CVRPC assistance. If your community would like grant writing assistance, please contact Eric Vorwald at Vorwald@cvregion.com.

EMERGENCY PLANNING & HAZARD MITIGATION

LEOPs (Local Emergency Operations Plans): Eighteen towns adopted and received state acceptance of their 2017 LEOP. Marshfield will submit its plan shortly. Northfield will adopt its

plan in July. Woodbury, Washington, and Plainfield are finalizing updates.

Trainings and Workshops: Staff has been coordinating efforts with Vermont Emergency Management staff (formally known as DEMHS) for various trainings and seminars. Scheduled trainings include:

- Introduction to the Role of EMD/EMC , August 2, 5:30 – 7 pm, CVRPC office. New EMD's and those who have never been trained for their role as the town EMD are encouraged to attend this seminar. Registration is through Laura Ranker at ranker@cvregion.com. A repeat of the seminar will be held at the Chittenden County Regional Planning Commission office in Winooski on August 1 at 5:30pm.
- AWR-147 Rail Car Incident Response, October 7, 8am – 5 pm, VTrans Dill Building, Berlin State Airport. This 8-hour awareness level course will educate emergency responders on freight rail car incidents involving hazardous materials. Registration is through the Vermont On-line Learning Management System at <http://vem.vermont.gov/training/trainingprogram/lms>. The registration deadline is September 23.

Staff is working staff to schedule two other trainings: Dam Safety in September, and EPA's Tier II Reporting with Len Wallace, EPA Region I, for early December.

For assistance submitting an LEOP or addressing training needs, contact Laura Ranker, ranker@cvregion.com.

LEPC #5: LEPC 5 meets July 10 at the Central Vermont Medical Center Board Room. Emily Harris from VT Emergency Management will lead the group in planning and coordination of a Table Top Exercise that will take place on September 11. A Table Top Exercise simulates an emergency situation. It allows exercise participants to verbally walk through their response roles, which helps identify gaps and areas to strengthen among participating responders. The LEPC 5 has welcomed several new members. Staff continued working with Barre City, VT Department of Health, and Capstone on the fiscal agent Memorandum of Understanding for the Medical Reserve Corp (MRC).

SEOC Support – VEM requested regional planning commission (RPC) support over the July 4 holiday weekend as the State responded to the severe storm event. RPCs contacted municipalities for preliminary damage reports. RPC participation insures more accurate and timely information is collected, resulting in more rapid assessment of damages. Based on the assessment, Vermont has requested FEMA review damages for a potential federal disaster

declaration. If federal thresholds are met, communities would be eligible for 75% reimbursement of public damages and additional state reimbursement based on the community's level of participation in the Emergency Relief Assistance Fund (ERAF). Under ERAF, communities that take specific actions can increase state reimbursement share for federally declared disasters from 7.5% to 17.5%.

Duxbury, Orange, Washington, Williamstown, and Waitsfield received the most significant damages in our region. Towns are requested to document damages and repairs, track all expenses by damaged site, keep payroll sheets, and photograph damaged sites before and after repairs.

Towns must follow competitive procurement practices as soon as it is known that damages will exceed \$150 thousand for a contractor to receive federal funding for efforts utilizing contract work. Towns must:

1. Follow the town's own local procurement.
2. Follow Federal procurement procedures. These procedures can be found here (<https://www.fema.gov/media-library/assets/documents/111781>). A few include:
 - All projects over \$150,000 need to be competitively bid. The request for bids must be placed in the newspaper and must encourage women/minority businesses to respond.
 - A town can work without a contract for only an emergency for up to 70 billable hours. After 70 billable hours, the contractor MUST be procured competitively for the town to be reimbursed.
 - For projects less than \$150,000, towns should contact at least three (3) contractors for estimates, document those responses, and select the most qualified contractor for the job that can work at a reasonable rate.
3. Towns need to do what is best for the town, and should not wait for FEMA. Documenting costs by site and taking before and after photographs is essential. Work should not be contingent on federal funding.

Local Hazard Mitigation Plans

Fayston – Congratulations to Fayston, which received formal FEMA approval of its plan!

Northfield – The Selectboard adopted the LHMP. It will be sent to FEMA for formal approval.

Waterbury - The Waterbury Working Floodplain Group continues to updated the plan.

Orange – The draft plan is ready for submission to VEM. Copies will be distributed to adjoining towns and posted in various locations for public comment. Comments are due by July 24 to the Town Office or CVRPC.

New Towns – CVRPC requested additional towns be added to its grant: Berlin, Duxbury, East Montpelier, Moretown, Plainfield, Warren, Williamstown, and Woodbury. VEM has submitted the scope change to FEMA for approval. Work with towns is expected to begin this fall.

VT State Hazard Mitigation Plan

Staff participated in the Planning and Policy Workgroup meeting to update the Plan. VEM has three workgroups for the update. Town officials are invited to participate to shape the State's actions for the next five years. The State Plan's actions reflect decisions about resilience activities, actions that may be requested or required from towns, and grant program decisions.

CVRPC worked with Plainfield to prioritize hazard mitigation projects related to flooding and fluvial erosion hazards. CVRPC provided a map and table of potential projects which town officials used to select five priority projects. This pilot effort informs the State Hazard Mitigation plan on community project status and provides the community with grant application information for funding the projects. Staff will be working with Waterbury this summer. Contact Pam DeAndrea at deandrea@cvregion.com.

TRANSPORTATION

Counts: Contact Ashley Andrews, Andrews@cvregion.com, with count location requests. Staff installed counters in Middlesex, Barre Town, Cabot, and Marshfield.

Inventories: Summer field work is in full swing! Staff completed "connected road" inventories for Montpelier, Roxbury and Warren. Connected roads are sections of the road network that are connected to surface waters through ditches, culverts or other drainage structures. Connected roads present greater risks to water quality. The Municipal Roads General Permit requires inventories.

Staff began culvert and bridge inventories for Washington, Warren, and Orange. For inventory updates or to find out more about VTCulverts.org, contact Dan Currier, currier@cvregion.com.

GIS: Contact Pam DeAndrea, deandrea@cvregion.com, or Ashley Andrews, Andrews@cvregion.com.

To assist towns with the upcoming Municipal Roads General Permit, staff created maps of hydrologically connected roads for each town. Maps by town and tables displaying the total hydrologically connected road miles for each town are available at <http://centralvtplanning.org/programs/transportation/>.

Grant Assistance: Staff reviewed municipal applications to VTrans Bike and Pedestrian grants program and provided letter of support to Barre Town, Montpelier, and Plainfield.

Staff completed outreach for the Municipal Grant in Aid Pilot Program. This is a new grant opportunity towns can use to address connected road segments that are not in compliance with the current draft of the Municipal Roads General Permit. In Central Vermont, 20 of 23 municipalities elected to participate in the program. Towns should anticipate receiving contracts for work by mid-August. The amount towns receive depends on the number of towns participating statewide. Roughly 170 of Vermont's 250 towns elected to participate.

Planning: At the June Transportation Advisory Committee (TAC) meeting, staff presented the FFY 18 work program and budget and reviewed projects for special planning funds available through CVRPC's Transportation Program. The TAC selected intersection studies in East Montpelier and Orange for funding.

Staff attended the National Association of Development Organizations' (NADO) 2017 National Regional Transportation Conference. The conference provided opportunities to learn about the direction of transportation planning in the US and federal initiatives that will pass through to states. Federal initiatives usually pass through to states in two years, and to towns within four years. Staff also presented on the Plainfield Village Bridge Study completed by CVRPC, the Town of Plainfield, and UVM Spatial Analysis Lab. The Study received NADO's Excellence in Regional Transportation Award for innovative use of unmanned aerial vehicles to map river debris, which helped identify solutions for bridge replacement.

Public Transit: GMT is completing a Comprehensive System Analysis, called the Next Gen Study. Look for GMT staff and presentations at upcoming events and venues as GMT solicits input for the study. CVRPC represents Central Vermont on the project Advisory Committee.

NATURAL RESOURCES

Winooski Basin Plan: Contact Pam DeAndrea, deandrea@cvregion.com.

Staff scheduled outreach events to present the Winooski Basin planning process and to collect feedback from communities on their priorities for the Plan. The events are:

- July 11, 6 – 8 pm, Plainfield Town Hall/Opera House
- August 3, 6:15 – 7:15 pm, Fayston Town Hall
- August 17, 6 – 8 pm, Brown Public Library Community Room, Northfield

- Date/time TBD, Steele Community Room, Waterbury Municipal Building

Mad River Moretown Stream Geomorphic Assessment: Staff assisted CVRPC's contractor in informing riparian landowners in Moretown about the upcoming assessment. Staff will be in the stream with the contractors to assess the impacts to the physical nature and fish habitat health of the streams. The assessment provides data to build a River Corridor Plan Moretown can use to prioritize projects that improve water quality, flood resilience, and habitat enhancement. Contact Pam DeAndrea at deandrea@cvregion.com.

Riparian Buffer Analysis, Mad River Watershed: Staff began a GIS analysis of gaps in riparian buffer along the Mad River and tributaries. These areas will be mapped and linked with parcel data. The Friends of the Mad River will use the information to target outreach efforts for buffer plantings and conservation easements. Key data, such as stage of channel evolution and sub basin phosphorous loading, will be incorporated to prioritize areas for riparian buffer gap mapping. Contact Pam DeAndrea at deandrea@cvregion.com.

Grant Assistance: Staff assisted Moretown and Warren with applications to the Ecosystem Restoration Program for implementation of stormwater management at their Elementary Schools. Moretown will also implement stormwater improvements at its town office.

Upper Winooski Resilience: The High Meadows Fund requested additional information about the team effort to explore forest integrity and flood resilience in the upper Winooski watershed. CVRPC is working with Cabot, Marshfield, Marshfield, the Friends of the Winooski River, and Vermont Woodlands Association. The project uses a joint effort with forest land owners and the communities. High Meadows will meet with the partners in July. Grant awards will be announced in August.

COMMUNITY DEVELOPMENT

CDBG-18 Elevation: DuBois & King submitted the final report and flood modeling. Results were shared with the communities.

Brownfields: Contact Bonnie Waninger, Waninger@cvregion.com
CVRPC accepted the Montpelier Union Elementary School property into the program. The School is working to updates its playground. Its design consultant had advised the School of proposed changes to State rules related to development (urban) soils. Development soils may have higher levels of lead and arsenic and of PAHs, a byproduct of incomplete combustion, all of which may have health impacts at certain levels. These contaminates are prevalent in urban

areas due to historic development. VT has naturally high levels of arsenic in its soils. Remediating one urban site does not necessarily reduce overall exposure and risk. CVRPC will invest up to \$65,000 to complete sampling that characterizes soil contaminants and develops a Corrective Action Plan that explore options for remediation and outlines the School's choice for addressing any required issues. The funds also include site redesign work that may be required to shift playground and stormwater treatment components in light of soil contaminants.

NEWS & ANNOUNCEMENTS

GIS: Contact Pam DeAndrea, deandrea@cvregion.com, or Ashley Andrews, Andrews@cvregion.com.

Please contact staff early with mapping needs as summer field work is underway and in-office hours are limited

Clean Water Fund Priorities

CVRPC encourages municipalities to join the Clean Water conversation. The Clean Water Fund supports municipalities, farmers, and others in making needed investments in priority projects to improve water quality in Vermont's lakes, rivers, and wetlands. The Clean Water Fund Board opened a 30-day public comment period to better understand public priorities for funding clean water improvements in the next state fiscal year. **Here are two ways you can weigh in!**

Join the Conversation: July 12 online or in-person

VT DEC will host a webinar to learn about the Clean Water Fund budget process and opportunities to provide input on next year's allocations. The webinar takes place from 5:00-6:30 pm.

- Join in-person at CVRPC's office, 29 Main Street, Montpelier, VT
- Join the webinar from anywhere via Skype for Business

For information, contact Pam DeAndrea (229-0389 or deandrea@cvregion.com).

Take the Online Questionnaire: Responses Due by August 2

Share your input on Vermont's draft clean water funding priorities and allocations for the next state fiscal year by completing this online questionnaire. The deadline for responding is 4:30 pm, Wednesday, August 2. For questions or a hard copy, contact Bethany Sargent.

For more information, please see this factsheet on the Clean Water Fund budget process and opportunities for public participation and the Clean Water Fund Budget Process webpage.

Upcoming Meetings:JULY

July 10	2:30 pm	Personnel Policy Review Committee, CVRPC Office
July 10	6 pm	Local Emergency Planning Committee #5, Central Vermont Medical Center, Berlin
July 11	6 pm	Winooski Basin Plan, Plainfield Opera House
July 11	6:30 pm	Executive Committee, CVRPC Office (special meeting)
July 11	7 pm	Board of Commissioners, Central VT Chamber of Commerce, Berlin
July 12	5 pm	Clean Water Fund Priorities Webinar, CVRPC office
July 17	4 pm	Brownfields Advisory Committee, CVRPC Office
July 25	6 pm	Transportation Advisory Committee, CVRPC Office
July 31		Local Energy Plans due to the Public Service Department

AUGUST

Aug 2	4:30 pm	Clean Water Funding Priority questionnaire responses due
Aug 2	5:30 pm	Introduction to the Role of EMD/EMC, CVRPC Office
Aug 3	6:15 pm	Winooski Basin Plan, Fayston Town Hall
Aug 17	6 pm	Winooski Basin Plan, Brown Library, Northfield

OCTOBER

Oct 2		Municipal Planning Grant applications due
Oct 7	8 am	Rail Car Incident Response, Berlin Airport

Remember to visit CVRPC's web site at www.centralvtplanning.org to view our blog and for the latest planning publications and news.

MEMORANDUM

TO: Municipal Planning and Development Review Officials
FROM: Faith Ingulsrud and Dale Azaria
Vermont Department of Housing and Community Development (DHCD)
DATE: June 27, 2017
RE: **2017 Legislative Revisions to Vermont’s Planning and Development Act, the Downtown Development Act and Act 250**

In 2017 the General Assembly enacted several laws and amendments affecting local planning and regulation. As in past years, we are issuing this memo to inform municipal officials of changes in statute and to provide web links to the pertinent statutory language.

The [Vermont Statutes Online](#) are updated in October and will not include the 2017 changes until then. Links provided below go to the bills as enacted.

In compiling these statutory amendments, we are indebted to Alex Weinhagen, for his work as Legislative Liaison for the [Vermont Planners Association](#) (VPA) and to the [Vermont League of Cities and Towns](#) (VLCT) for their 2017 Legislative Updates.

Economic Development Bill

Act 69 (S.135)

<http://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT069/ACT069%20As%20Enacted.pdf>

Amends multiple statutes

Act 69 updates existing law addressing housing and downtown development as well as infrastructure investment. Recommendations of the 2016 [Act 157 Report](#) on housing and infrastructure solutions informed the legislation that increases funding for the downtown and village center tax credits, expands the existing Act 250 exemptions for Priority Housing Projects and enables new Tax Increment Financing districts. Combined, these changes aim to help municipalities and the state increase housing and economic development investments in ways that respects Vermont traditional development pattern of compact centers surrounded by rural, working lands. Provisions of the act that relate to municipal planning and regulation include the following.

Outreach to Municipalities – Directs the Agency of Natural Resources to conduct an outreach campaign to make municipalities aware of the opportunity under current law (10 V.S.A. § 1976), to delegate authority to qualified municipalities for permitting for water and sewer connections. To date, only two municipalities have sought and obtained delegation. This law aims to increase the number of municipalities with authority to issue water/wastewater permits, thereby speeding permitting overall by eliminating state water/wastewater permitting in those municipalities

Definition of Affordable Housing (24 V.S.A. Chapter 117 and Act 250) – Adjusts definition of “affordable housing” in 24 V.S.A. § 4303 (municipal zoning) and 10 V.S.A. § 6001 (Act 250) for owner-occupied housing in the following ways:

- The housing unit must be affordable to a household (30% of income) that earns 120% of the area median income, as defined by HUD. Current law requires 80% of area median income for owner-occupied housing.
- The percentage of gross annual income – 120% for owner occupied and 80% for rental – may be based on either the county median income or on median income defined in the standard metropolitan statistical area as was the case previously or on the statewide median income as defined by HUD, whichever is higher.
- For rental housing, the definition of “mixed income housing” was changed to reduce the duration of affordability to not less than 15 years.

These changes in the definition of “affordable housing” are intended to encourage more middle-income housing development.

The Department of Housing and Community Development (DHCD) together with the Vermont Housing Finance Agency (VHFA) are required to annually publish data and information on median income levels for determining if a housing project is “affordable” for use in Act 250 review and in local planning and regulation. This task was added to 3 V.S.A. § 2472 (a), the statute identifying the functions of DHCD.

Provisions on Priority Housing Projects – Within the Act 250 definitions for what constitutes “development” in 10 V.S.A. § 6001, adjustments were made to broaden the range of housing projects that qualify as a Priority Housing Projects (PHPs) – mixed income housing projects in state designated areas (downtowns, etc.) that are exempt from Act 250 review (see [PHP flow chart](#)). Other changes establish administrative procedures to expedite PHPs on land with existing permits while addressing any underlying Act 250 issues for the property. These changes involve the following:

- The cap on the size of a development project qualifying as a PHP in municipalities with a population of 10,000 or more is removed. The previously defined caps still exist for municipalities having less than 10,000 residents as detailed in 10 V.S.A. § 6001(3)(A)(iv)(I).
- The duration of the affordability requirement for rental housing units in a PHP was reduced from 20 years to 15.
- Any substantial change to a previously exempt PHP will be subject to Act 250 review if the state designation for the area is removed.
- No permit or permit amendment is required for PHPs located in a designated area on property with an existing Act 250 permit as long as the PHP complies with all conditions of the underlying permit and the project does not exceed the cap on the number of units for the municipality as referenced above.
- An administrative amendment process is established to permit PHPs on properties that have existing Act 250 permits. The Administrative amendment may be issued without notice or a hearing if the applicant demonstrates that all parties have consented to the changes that the PHP would require. If parties identify issues of concern, Act 250 review of the PHP is limited in scope to just those criteria for which the parties or successors had previously obtained party status. Added as 10 V.S.A. § 6084 (f).

Stretch Code Required for Priority Housing Projects (PHPs) – PHPs must meet or exceed the [Stretch Code](#) for energy efficient residential building construction. This requirement found in 30 V.S.A. Subchapter 1 on Building Energy, increases the initial cost of multi-income housing construction but is intended to reduce the maintenance and energy costs long term.

Other Economic Incentives for Housing:

- Increases the annual amount of tax credits for renovating of historic buildings from \$2,200,000.00 to \$2,400,000.00. These [downtown and village center tax credits](#) have been an effective tool for revitalization throughout the state.

Tax Increment Financing (TIF) Opportunities Expanded – The cap on new TIF districts is increased to allow an additional six TIF districts beyond those already approved with a maximum of two from each county. TIFs allow a portion of the increased tax receipts on newly improved properties in the TIF district to be redirected to fund the public infrastructure that supports the project. The amount of the increment that can be used for repaying the financing of infrastructure in the TIF district was reduced from 75% to 70% of the state education property tax increment. At least 85% of the municipal property tax increment must now be used for repaying the financing. Other TIF changes include:

- Updated criteria for the Vermont Economic Progress Council (VEPC) to approve TIF districts. See 32 V.S.A. § 5404a (h).
- Enabling municipal-only TIF districts that do not use the statewide education property tax increment, with procedures established in a new section: 32 V.S.A. § 1904.

A multi-agency report to the legislature is required on TIF with annual updates concerning the fiscal impacts, projected costs and the documented benefits of TIFs. This will be used to help the legislature determine if additional TIF districts will be authorized.

Rural Economic Development Infrastructure (REDI) Districts – The purpose of this chapter is to enable formation of special municipal districts to finance, own, and maintain infrastructure that provides economic development opportunities in rural and under resourced areas of the State, including areas within one or more municipalities. Specifically, this chapter provides mechanisms for public and private partnerships, including opportunities for tax-incentivized financing and voluntary citizen engagement, to help overcome hardships inherent to rural areas.

Rural Economic Development Initiative (REDI)

Act 77 (S.34)

<http://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT077/ACT077%20As%20Enacted.pdf>

Separate from the REDI Districts in Act 69 described above, the Rural Economic Development Initiative in Act 77 enables small towns with a population of less than 5,000 and the businesses within those towns to be eligible for help with identifying, applying for and administering funding opportunities to facilitate business development and siting, workforce development, broadband and infrastructure development and other economic opportunities. The Vermont Housing and Conservation Board (VHCB) receives \$75,000 to facilitate these services in coordination with ACCD and other state agencies. This initiative may be useful to municipalities with limited staff that wish to pursue economic development goals in several priority areas such as value-added forest and food products, outdoor equipment and recreation, and compost facilities.

Commission on Act 250

Act 47 (H.424)

<http://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT047/ACT047%20As%20Enacted.pdf>

Act 47 creates a legislative committee to examine and report by December 15, 2018 on a broad list of issues relating Act 250. The legislative committee includes 6 members, 3 from the House and 3 from the Senate. Advisors to the legislative committee include

- Chair of the NRB,
- Representative from a statewide environmental organization
- Vermont college or university professor,
- Representative from Vermont Association of Planning and Development Agencies,
- Representative from Vermont Planners Association
- Representative from a Vermont-based real estate development business
- Municipal official
- Chair of the Environmental Law Section of the Vermont Bar
- Secretary of Agriculture or designee
- Secretary of Commerce or designee
- Secretary of Natural Resources or designee
- Secretary of Transportation or designee
- Act 250 district coordinator or commissioner

The Commission is instructed to familiarize itself with the history and outcomes of Act 250 and Chapter 117, convene a series of public hearings (next summer/fall), and prepare a report for the legislature by December 15, 2018.

Act 47 also states that the Chair of the Natural Resources Board (NRB) has convened a working group on Act 250 to include the NRB and the Agencies of Commerce and Community Development and of Natural Resources, with assistance from the Agencies of Agriculture, Food and Markets and of Transportation. The working group is expected to make recommendations during October 2017.

Permitting for Planting Projects in Flood Hazard Areas

Act 4 (H.53)

<http://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT004/ACT004%20As%20Enacted.pdf>

Amendments to 24 V.S.A. § 2291, 4412 and 4424

This act provides that a planting project in a flood or other hazard area or river corridor protection area shall be considered to have a municipal land use permit by operation of law. However, a planting project will not be considered to have a permit by operation of law if it is part of a larger undertaking that includes construction or other physical disturbance of land, or is a forestry operation or a component of such an operation. The permit applies to “planting projects” – planting vegetation to restore natural and beneficial floodplain functions, as defined in 42 U.S.C. § 4121(a), that include floodwater storage, water quality improvement, and supporting riparian and aquatic habitat.

The Act amends the required provisions and prohibited effects of 24 V.S.A. 4412, prohibiting a bylaw from requiring an application or the issuance of a permit by the municipality for a planting project considered to have a permit by operation. The permit by operation is detailed in a new subsection in 24 V.S.A. § 4424(c).

Review of Energy Facilities and Telecommunications Siting

Act 53 (S.52)

<http://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT053/ACT053%20As%20Enacted.pdf>

Amendments to 30 V.S.A.

Act 53 makes adjustments to the Section 248a review addressing energy and communications facilities for a Certificate of Public Good (CPG). The changes allow for municipal and regional planning commissions to hold public hearings, recommend that the Department of Public Service retain experts to review proposed facilities, and make recommendations regarding the facility to the petitioner and/or to the Public Service Board (now known as the Public Utility Commission). Procedures for permit enforcement by the Public Service Department are also clarified.

In Section 9 of this legislation, the name of the decision-making body, the Public Service Board, is changed to the Public Utility Commission.

Telecommunications siting law

Act 32 (H.50)

<http://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT032/ACT032%20As%20Enacted.pdf>

Amendments to 30 V.S.A. § 248a

Act 32 modifies the telecommunications siting law to impose new requirements for the notice that applicants for a Certificate of Public Good (CPG) must provide to municipalities, to notify the municipal bodies of rights and opportunities that they have under existing law, as well as notice of how to obtain an existing guide to the telecommunications siting process before the Public Utilities Commission (PUC) – formerly the Public Service Board. The new law does not change the municipality's process or response.

The legislation also extends the sunset on PUC jurisdiction over telecommunications facilities from July 1, 2017 to 2020.

Prior DHCD memos summarizing the statutory changes starting in 2007 can be found at <http://accd.vermont.gov/community-development/resources-rules/planning>.



MEMO

Date: July 5, 2017
To: Board of Commissioners
From: Bonnie Waninger, Executive Director
Re: FY18 Strategic Activities

In FY16, the Executive Committee approved 5-year strategic goals as statements of what CVRPC desires to achieve through 2021. The goals included strategies and measures to achieve the goals. The strategies and measures were intended to be updated annually as an ongoing plan of action. Due to FY17's extraordinary events, CVRPC did not update or track activities for that year.

For FY18, strategies were refined and activities and measures were targeted to set direction for the upcoming year. The Executive Committee approved this document in July and will monitor the organization's progress through quarterly check-ins.

Background

The strategic goals are an outline for action, not a formal strategic plan for CVRPC. The goals:

- **Provide Focus** for the Executive Committee and staff to meet CVRPC's mission;
- Work to **Increase Motivation and Cohesion** by giving staff a direction for excellence and involving them in the outcomes; and
- **Offer Measurability** to gauge progress and determine whether/how the efforts have an impact.

Each goal is followed by strategies designed to assist CVRPC to reach the goals, activities for the fiscal year, and measures to act as goalposts for knowing if we have succeeded annually and made progress during the five year period.

CENTRAL VERMONT REGIONAL PLANNING COMMISSION

Five Year Strategic Goals

FY18 Activities and Measures

07/05/17

MISSION

The mission of CVRPC is to assist member municipalities in providing effective local government and to work cooperatively with them to address regional issues.

GOAL 1: Enhance Financial Security

CVRPC retains the financial resources and policies to support its mission and work priorities, and to continue to operate in fiscally challenging times.

Strategies:

- I. Manage organizational budget and project funds in a sustainable and transparent manner
- II. Increase reserve fund to \$200,000 by 2023 (~2.75 months operating reserves)
- III. Refresh and expand policies to strengthen organizational oversight and comply with 2 CFR Part 200 requirements

FY18 Activities and Measures

- I. Restructure financial system by September 30, 2017
 - a) Financial tracking and reporting time reduced by ~15%
 - b) Executive Committee receives monthly balance sheet, profit and loss statement, budgets to actuals report, and financial summary report
 - c) Financial system assists staff to complete 95% of projects within budget
 - d) CVRPC maintains unqualified audit reports
- II. Complete audit annually by October 31
 - a) Executive Committee reviews audit at November meeting
 - b) Audit and Indirect Rate Proposal submitted annually by November 30
- III. Develop 5-year plan to reduce administrative costs
 - a) Plan with targets developed by 09/30/17; plan identifies the most administratively efficient level of expenses for use as direct costs, which is reflected in CVRPC's FY19 Indirect Rate Proposal Cost Policy Statement
 - b) Administrative costs are reduced to the extend practical by 2022
- IV. Budget \$20,000 contribution to reserve fund for FY18
 - a) Pro-rated contributions made at least quarterly (\$5,000)
 - b) Reserve fund balance reaches 2023 goal
- V. Create/update the following policies/procedures:
 - a) Personnel Policies updated by 09/30/17
 - b) Records Retention and Access Policy updated by 10/31/17
 - c) Administrative and Financial Procedures updated by 12/31/17

d) Grants Management procedures incorporated into Administrative and Financial Procedures by 06/30/18

VI. *Develop 2 CFR Part 200 training schedule for staff by 12/31/17; implement plan*

- a) Staff acquires and maintains the knowledge and skills required to manage grant-funded projects within federal requirements
- b) Staff contributes to building effective grants management procedures
- c) CVRPC maintains unqualified audit reports
- d) CVRPC achieves unqualified outcomes from program audits

GOAL 2: Create Operational Excellence

CVRPC continually builds a workplace and workplace philosophy in which problem-solving, teamwork, and leadership results in the ongoing improvement of the organization.

Strategies:

- I. Build a knowledgeable, professional, and interdisciplinary staff
- II. Strengthen Commissioner understanding of, and participation in, Commission activities and services
- III. Enhance the office environment to support operations and delivery of services

FY18 Activities and Measures:

- I. *Train staff to enhance knowledge and skills*
 - a) Develop a 3-year professional development plan with/for all staff by 02/28/18
 - b) Provide at least three individual professional development opportunities for all staff annually, one of which is outside their current project discipline
 - c) Credential 1-2 staff as Certified Floodplain Managers and/or Certified Planners by 06/30/18
- II. *Enhance team morale*
 - a) Provide on-going visibility for staff accomplishments through CVRPC's communication portals, office celebrations, etc.
 - b) Complete quarterly team building activities, including social events, community tours, learning opportunities, etc.
- III. *Enhance Committee effectiveness*
 - a) Develop consistent Rules of Procedure for all committees by 12/31/17
 - b) Designate chairs for all committees by 09/30/17
 - c) Train chairs on the roles and responsibilities of the chair by 10/31/17
 - d) Notice Commissioners of committee meetings with links to agendas
 - e) Report Committee activities and actions to Commissioners regularly
- IV. *Enhance Commissioner engagement*
 - a) Host new Commissioner training by 07/31/17
 - b) Conduct Commissioner survey regarding Commission meeting effectiveness and understanding of the role of a Regional Commissioner by 08/31/17
 - c) Implement meeting changes and/or develop tools and/or host trainings as needed

- 1 d) Complete and distribute Commissioner Handbook by 09/30/17
- 2 e) Solicit Commissioner input into FY19 workplan development by 01/31/18

3 V. *Implement office enhancements to include:*

- 4 a) Clean and organize office to project a professional work environment 10/31/17
- 5 b) Develop a furniture replacement schedule by 12/31/17, and budget for its
- 6 implementation beginning FY19
- 7 c) Paint walls to increase staff energy and project a more fresh and vibrant
- 8 organization by 03/31/18

11 **GOAL 3: Enhance Services**

12 CVRPC focuses on the needs of member municipalities, and continually works to increase their
13 desire and ability to work cooperatively to address regional issues.

14
15 Strategies:

- 16 I. Align organizational thinking to anticipate municipal and regional needs
- 17 II. Increase municipal plan implementation activities by building CVRPC project
- 18 development and management services
- 19 III. Pursue funding opportunities more strategically to implement CVRPC priorities

20
21 FY18 Activities and Measures:

- 22 I. *Identify municipal planning and implementation priorities for FY19 by 03/31/18*
 - 23 a) Review municipal plans to identify local and regional areas of assistance by
 - 24 01/31/18
 - 25 b) Complete a municipal survey assessing local assistance and regional needs by
 - 26 02/28/18
 - 27 c) Host at least one Commission meeting in which Commissioners share the top
 - 28 three challenges faced by their communities by 01/31/18
- 29 II. *Market CVRPC municipal project manager services*
 - 30 a) Identify municipalities that may need project management assistance in FY18 by
 - 31 09/30/17
 - 32 b) Identify municipalities that may need project management assistance in FY19 by
 - 33 04/30/18
- 34 III. *Complete Plan Central Vermont*
 - 35 a) Final Draft completed by 02/01/18
 - 36 b) Final Draft reviewed by Board of Commissioners at March meeting
 - 37 c) Draft distributed for to statutory parties and for public and agency comment by
 - 38 06/30/18
- 39 IV. *Target 10% of FY19 and 20% FY20 funding applications to regional action priorities in*
40 *Plan Central Vermont*
 - 41 d) Identify *Plan Central Vermont* implementation link in contract approval requests
 - 42 e) Include report on regional plan implementation in annual report

43

1 **GOAL 4: Increase Perception of CVRPC as Leader and Partner**

2 CVRPC assists others to achieve their goals, and in doing so, achieves its own goals.

3
4 Strategies:

- 5 I. Increase visibility for activities at local, regional, state, federal levels
- 6 II. Increase work with State/Federal Legislators
- 7 III. Enhance CVRPC relationship with other regional organizations

8
9 FY18 Activities and Measures:

- 10 I. *Enhance communications with municipalities*
 - 11 a) Develop communications plan by 09/30/17
 - 12 b) Implement the communications plan
 - 13 c) Meet with each Selectboard/Trustee/Council and each Planning Commission at least
 - 14 annually
- 15 II. *Position CVRPC as a regional leader*
 - 16 d) Participate in, or lead, two or more VAPDA shared activities or initiatives
 - 17 e) Participate in at least three partner activities that address Regional Plan priorities
 - 18 and provide partner updates on CVRPC activities
- 19 III. *Engage Commissioners in statewide policy development*
 - 20 a) Identify State plans, policies, and rules anticipated for public comment by 07/31/17
 - 21 b) Comment on at least two plan, policy or rule documents developed by the State
 - 22 annually
 - 23 c) Submit comments to at least one Summer Study Committee annually
 - 24 d) Identify FY18 Summer Study Committees of interest by 07/31/17

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5-year Strategic Goals – FY18 Activities

Activity	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Goal 1: Enhance Financial Security												
Financial restructure complete			X									
Complete audit				X								
Audit/Indirect Proposal submitted					X							
Administrative cost reduction plan			X									
Reserve contribution	X			X			X			X		
Personnel Policy adopted			X									
Records Retention Policy adopted				X								
Admin/Financial Procedures adopted						X						
Grants Management Manual complete												X
2 CFR staff training plan and implementation						X	X	X	X	X	X	X
Goal 2: Create Operational Excellence												
3-year staff development plan								X				
Credential 1-2 staff as CFM or AICP												X
Develop Committee Rules of Procedure						X						
Designate Committee Chairs			X									
Host Chair training				X								
Host new Commissioner training	X											
Commissioner survey		X										
Commissioner Handbook			X									
Commissioner input into FY19 Work Plan							X					
Clean office				X								
Furniture replacement plan						X						
Paint office walls									X			
Goal 3: Enhance Services												
Municipal Plan review for needs identification							X					
Municipal needs survey								X				
3-Challenges Commission meeting							X					
Identify towns for project management services			X							X		
Plan Central VT to Commission								X				

Activity	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Draft Plan Central VT sent for review												X
<i>Goal 4: Increase Perception of CVRPC as Leader and Partner</i>												
Communications Plan			X									
Identify State Plans, etc. for comment	X											
Identify Summer Study Committees for comment	X											