

1 **CENTRAL VERMONT REGIONAL PLANNING COMMISSION**
2 **Regional Plan Committee**
3 **Minutes**
4 **August 29, 2018**

5
6 Present:

- | | | |
|---|--|-------------------------------------|
| <input checked="" type="checkbox"/> Laura Hill-Eubanks, Chair | <input checked="" type="checkbox"/> Julie Potter | <input type="checkbox"/> Ron Krauth |
| <input checked="" type="checkbox"/> Dara Torre, Vice Chair | <input checked="" type="checkbox"/> Kirby Keeton | |

7
8 Staff: Bonnie Waninger, Clare Rock, Pam DeAndrea

9 Guests: Rick Weston, Regulatory Assistance Project; Peter Carbee, Washington Regional Commissioner

10
11 L. Hill-Eubanks called the meeting to order at 4:00 pm. Quorum was present to conduct business.

12
13 **Adjustments to the Agenda**

14 None.

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16 **Public Comment**

17 None.

18
19 **Winooski Tactical Basin Plan**

20 P. DeAndrea described the review process. She noted the RPC review draft is not a “public” draft. The
21 goal is to develop comments for consideration at the October 9 Commission meeting.

22
23 DeAndrea described the Clean Water Advisory Committee’s (CWAC) review. CWAC comments were
24 provided to DEC in advance.

25
26 C. Rock discussed the draft Basin Plan conformance with the Regional Plan. The crosswalk document
27 demonstrates the alignment of Basin Plan objectives with Regional Plan. She found one major conflict.
28 The Regional Plan allows for floodplain development in historic centers while the Basin Plan did not
29 acknowledge this. Rock suggested it was unrealistic for the Basin Plan to include no development in
30 historic centers given the State’s policy to focus growth in these areas. She suggested the Basin Plan
31 needed to acknowledge other State’s policies.

32
33 The Committee recommended staff highlight language from the Basin Plan regarding its intent not to
34 conflict with municipal zoning.

35
36 DeAndrea clarified that the Basin Plan itself did not have regulatory use/power. Staff anticipates the
37 Agency of Natural Resources will use it to comment on proposed development projects and to prioritize
38 projects for grant funding.

1 DeAndrea discussed project prioritization and recommended the following comments:

- 2 • The CWAC commented that the phosphorus focus overshadows other pollutants that may be an
3 issue in the basin. Nitrates in groundwater was provided as an example. Other pollutants
4 should be included.
- 5 • When grant funds require match, and communities may not be able to provide them for more
6 expensive stormwater solutions. She recommended a comment that requests match
7 requirements be flexible based on community ability to pay versus the overall project cost.
- 8 • DeAndrea recommended the Basin Plan list all areas needing stormwater master plans.
9 Currently, Williamstown is the only community listed. She recommended the Plan's language be
10 updated to include stormwater master plans for villages, more developed municipalities, and
11 more developed, non-village areas.
- 12 • The Plan is challenging for a lay person to read. DeAndrea recommended conclusions be
13 included at the end of each chapter, and objectives and strategies be brought to one location.

14
15 DeAndrea reviewed other comments included with the draft letter included in the Committee's packet.

16
17 The Committee asked that the draft Commission letter to DEC include the conformance table as a
18 standalone document and a summary comment letter. The CWAC have been submitted, so they will not
19 be included in the Commission's comments.

20
21 Discussion included that the Basin Plan does not help the public understand priority locations for
22 treatment and resource protection. This may result in misalignment of local and regional resource
23 investment with water quality improvement needs.

24
25 *J. Potter moved to have staff incorporate additional comments identified and provide the letter to the*
26 *Commission for review; K. Keeton seconded. Motion carried.*

27
28 **Rick Weston, Director of Policy at the Regulatory Assistance Project (RAP)**

29 R. Weston formerly worked with the Public Service Board (now Public Utilities Commission) and was the
30 Waterbury Planning Commission/DRB Chair. He now works for RAP, which advises governments on
31 energy issues. Weston stated his understanding of the question CVRPC is working to address is, "How
32 should CVRPC deal with preferred sites for "small" net-metering projects?" In this instance, "small"
33 means those at the commercial scale of more than 15 kW and less than or equal to 500 kW

34
35 Weston recommended CVRPC begin with state statute. From his perspective, statute gives local
36 jurisdictions the opportunity to change their minds after identified preferred sites in a municipal plan or
37 to "grant a variance" by identify preferred sites not included in a plan. In these circumstances, the
38 question is what criteria should apply?

39
40 Weston reminded the Committee that statute doesn't provide guidance on site designation through the
41 letter process. He suggested the Committee consider whether there was good cause for deviating from

1 statute if the municipality does not have a plan in place. Sections 12 and 13 of the Standards address
2 mapping and begin to provide guidance in this area. A neighbor using 50% of the power generated may
3 be an obvious reason to designate a site after completing a planning process. Weston suggested the
4 Committee use the mapping standards as a base criterion for screening preferred sites. He
5 recommended the Commission develop a how-to guide for municipal preferred site planning and then a
6 how-to-guide to address after-the-fact requests through defined criteria. Weston proposed that even
7 without a full planning effort, municipalities and the Commission could benefit from starting with the
8 mapping and other guidance from the Standards to develop the equivalent of an “emergency rule” to
9 address preferred site designation requests. He also suggested municipalities and the Commission put
10 the burden for demonstrating why a site should be designated preferred on the applicant. He
11 recommended that instead of a joint letter, the Commission write a letter addressing whether a site is in
12 conformance with the Regional Plan and that this act as the Commission’s designation process.

13
14 Weston offered to craft 2-3 pages of ideas that might be used as criteria to guide local and regional
15 organizations.

16 17 **Preferred Site Designation**

18 The Committee continued its discussion by discussing potential Regional Plan conformance issues:

- 19 • whether preferred sites will always be located in Regional Plan Rural Land Use Planning Areas,
- 20 • whether municipally-owned lands are always a constraint, and if not, when they would be.

21
22 The Committee wrestled with the question of whether the RPC role of presenting consensus among all
23 member municipalities means the RPC should act as a gatekeeper. Some members expressed that if
24 municipalities complete town-wide planning, CVRPC should deferring to them. If a municipality has not,
25 CVRPC might want to act as gatekeeper, especially if a decision appears to be arbitrary.

26
27 The Committee agreed CVRPC’s letter for a designation needs to stand on its own and should not
28 discuss the merits of a project since project information is incomplete. At the same time, the letter
29 should include specific reasons a site is/is not designated as preferred to help establish precedence for
30 future decisions.

31
32 Committee members asked if renewable energy generation systems should be located near energy
33 users. Waninger discussed information from the Public Service Department staff, which indicated that
34 finding an energy users is often the last step and energy development takes.

35
36 Waninger asked how the Committee wanted to focus its next agenda. The Committee expressed its
37 priorities are:

- 38
39 • finalizing the draft municipal planning process included in the August meeting packet so it can
40 be distributed to and commented on by municipalities. Committee members will bring specific
41 suggestions for the municipal planning process so the Committee can finalize its initial thoughts;
- 42 • finalizing the flow chart of when the Commission engages in discussion and when it doesn’t;

- 1 • focusing on creating an emergency patch by creating guidance that makes negotiating CVRPC's
2 process easier; and
3 • further developing how and when CVRPC weighs in on preferred site designations.
4

5 **Meeting Minutes**

6 This item was tabled to the next meeting.
7

8 **Next Meeting**

9 The Committee asked staff to poll members regarding a next meeting date and a regular meeting date.
10

11 **Adjourn**

12 *D. Torre moved to adjourn at 6:28 pm; J. Potter seconded. Motion carried.*