

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION
DRAFT MINUTES
May 14, 2019**

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Commissioners:

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|---|--------------------------|--|--------------------------------|
| <input checked="" type="checkbox"/> Barre City | Janet Shatney | <input type="checkbox"/> Moretown | Dara Torre, Secretary |
| <input type="checkbox"/> | Heather Grandfield, Alt. | <input checked="" type="checkbox"/> | Joyce Manchester, Alt |
| <input checked="" type="checkbox"/> Barre Town | Byron Atwood | <input checked="" type="checkbox"/> Northfield | Laura Hill-Eubanks, Vice-Chair |
| <input type="checkbox"/> | Mark Nicholson, Alt. | <input checked="" type="checkbox"/> Orange | Lee Cattaneo |
| <input checked="" type="checkbox"/> Berlin | Robert Wernecke | <input checked="" type="checkbox"/> Plainfield | Bram Towbin |
| <input type="checkbox"/> | Karla Nuissl, Alt. | <input type="checkbox"/> | Jim Volz, Alt. |
| <input checked="" type="checkbox"/> Cabot | Amy Hornblas | <input checked="" type="checkbox"/> Roxbury | Jerry D’Amico |
| <input checked="" type="checkbox"/> Calais | John Brabant | <input checked="" type="checkbox"/> Waitsfield | Don La Haye |
| <input type="checkbox"/> | Jan Ohlsson, Alt. | <input type="checkbox"/> | Harrison Snapp, Alt. |
| <input checked="" type="checkbox"/> Duxbury | Alan Quackenbush | <input type="checkbox"/> Warren | Alison Duckworth |
| <input checked="" type="checkbox"/> E. Montpelier | Julie Potter, Chair | <input type="checkbox"/> | J. Michael Bridgewater, Alt. |
| <input checked="" type="checkbox"/> | Jack Pauly, Alt. | <input type="checkbox"/> Washington | Peter Carbee |
| <input type="checkbox"/> Fayston | Karl Klein | <input checked="" type="checkbox"/> Waterbury | Steve Lotspeich |
| <input checked="" type="checkbox"/> Marshfield | Robin Schunk | <input checked="" type="checkbox"/> Williamstown | Richard Turner |
| <input checked="" type="checkbox"/> Middlesex | Ron Krauth | <input type="checkbox"/> Williamstown | Jacqueline Higgins, Alt. |
| <input checked="" type="checkbox"/> Montpelier | Kirby Keeton | <input type="checkbox"/> Woodbury | Michael Gray, Treasurer |
| <input type="checkbox"/> | Mike Miller, Alt. | <input checked="" type="checkbox"/> Worcester | Bill Arrand |

Staff: Bonnie Waninger, Nancy Chartrand, Clare Rock

Guests: Joshua O’Gorman, Waterbury Record

CALL TO ORDER

Chair J. Potter called the meeting to order at 6:33 pm. Quorum was present to conduct business and the meeting began with introductions. Chair Potter welcomed new Board member Robin Schunk of Marshfield.

ADJUSTMENTS TO THE AGENDA

None

PUBLIC COMMENTS

None

MUNICIPAL PLAN APPROVAL & CONFIRMATION OF PLANNING PROCESS

Chair Potter asked Bill Arrand to provide a report from the Town Plan Review Committee. The Committee met on 4/25 in Waterbury with a large crowd in attendance for the hearing regarding the Waterbury Town Plan. Those in attendance included members of the public who were questioning the

1 energy component of the plan. Arrand directed the Board to the packet and the Committee's opinion
2 regarding the methodology. He advised Stewart Clark from Worcester had a lot of input at the meeting
3 and it was good to have people actively engaged. S. Lotspeich spoke to the concern with the
4 methodology and directed the Board to those comments in the packet for further detail. He noted
5 Energy Plan was drafted by Eric Vorwald, previously of CVRPC, and there was a lot of input from
6 Waterbury Local Action Energy Partnership (LEAP). Lotspeich believed there was a misunderstanding on
7 how known constraints and possible constraints are mapped; specifically related to large scale wind
8 development. Known constraints (rare endangered species sites, significant habitat – especially with
9 state lands) are deleted so as not to be shown as possible wind sites; however possible constraints
10 (slopes over 25%, deer overwintering yards, bear habitat) areas are shaded. There was a
11 misunderstanding that they may be trying to encourage development in the shaded area; which is not
12 the case, however, concerns remain.

13
14 There was also concern raised that the Schutesville Wildlife Corridor does not appear on the Land Use
15 Map. Lotspeich advised the Municipal Plan addresses the Schutesville Wildlife Corridor but does not yet
16 have a specific map of the corridor, which is pending a more public input to develop.

17
18 Lotspeich noted another important point that arose was if a municipality prohibits the development of
19 renewable energy in a certain area in their plan, the municipality must prohibit any type of development
20 (i.e. if wind is disallowed, all other development may need to be disallowed as well). Therefore,
21 municipalities need to be careful in the energy plans in how they address these types of issues.

22
23 Arrand further directed the Board to Page 3 of the packet which lists recommendations for Waterbury
24 to consider in it's next plan update. He advised the Committee determined the comments about wildlife
25 and wind did not affect whether the plan complied with the statutory requirements. J. Brabant inquired
26 if any adjustments were made as a result of the public comments received. C. Rock of CVRPC advised
27 that based on the outcome of the hearing the plan was not sent back to the town to make any
28 adjustments; however, that the Committee did have a recommendation of a minor change to update a
29 page reference to reference the correct map. S. Lotspeich advised the Waterbury Planning
30 Commission did not see any need to make any changes based on the public comment. S. Lotspeich
31 confirmed the Town Plan was adopted in December of 2018. The Town Plan Review Committee found
32 the Waterbury Town Plan was in conformance with statutory requirements, and had all the municipal
33 plan requirements, showed progress toward attainment of the goals and did meet the standards as
34 required for the certification of energy compliance.

35
36 Chair Potter advised the recommendations from Town Plan Review Committee are located at the top of
37 page 3 in the packet. She also advised additional public comment was received today; copies of which
38 were distributed to the Board. Rock noted the comments echoed those made at the public hearing in
39 that the Plan more stringently address development of constraints for the wildlife corridor and the
40 ridgeline. Similar comments were brought up at the Town Plan Review Committee hearing and the
41 Town Plan Review Committee opined they did not negate the plan meeting the statutory requirements.

42

1 Chair Potter advised that the Town Plan Review Committee has recommended that the Board confirm
2 the local planning process and recommended that the Board approve the Municipal Plan; and that they
3 also recommended the Board issue the Determination of Energy Compliance; however there was a
4 procedural problem noted by staff with the warning of the public hearing. This does not affect the
5 Municipal Plan itself, but procedurally there was a problem with the warning of the hearing with regard
6 to the determination of energy compliance. It is recommended by staff and Executive Committee that
7 the Board move forward with with approving the Town Plan and approving the planning process, but
8 that the Committee go back and hold a second hearing regarding the determination of energy
9 compliance issue and bring that back to the Board at a subsequent date.

10
11 Additional discussion ensued regarding precluding wind development in certain areas and whether
12 height constraints were included in the Waterbury Plan.

13
14 Chair Potter suggested proceeding with motions related to the Town Plan and then have a discussion
15 regarding the energy compliance issue.

16
17 *B. Atwood made motion to approve the Waterbury Town Plan to be in compliance with the Regional Plan
18 and approving the process of the Waterbury Plan, and the energy compliance portion being subject
19 to another warned hearing. Seconded by J. Brabant.*

20
21 *B. Waninger requested that the motion be amended to approve the municipal plan per 24 VSA section
22 4350b with the recommendation that the plan text on page 72 be corrected to reference the correct
23 map. B. Atwood concurred with this amendment. Seconded by J. Brabant. G. D'Amico asked if the plan
24 is approved and there is a subsequent hearing, that recommends changes, what happens. It was
25 clarified that the hearing is to address the Energy Compliance, and if a determination of Energy
26 Compliance was not approved; the Municipal Plan would still stand approved. B. Wernecke
27 asked for clarification that the current motion was just to approve the Municipal Plan; which Chair
28 Potter confirmed. *Voting ensued for approval of the Town Plan. Motion carried with 1 no vote.**

29
30 Chair Potter confirmed the second component was *to confirm the municipality's planning process per
31 state statute. B. Atwood so moved the motion. Seconded by R. Krauth. Motion carried.*

32
33 It was reconfirmed that staff recommended not to proceed with certification of energy compliance; and
34 there was Board consensus to hold a second hearing and bring this item back to Board at a future
35 meeting.

36
37 B. Waninger asked if the Board wanted to sign the Standard Resolution (Page 14 in the packet) which is
38 a resolution without the Energy Compliance. It was noted that in future there could be a second
39 resolution which is a Determination of Energy Compliance which would go to the Public Service Board.
40 Therefore the Board could still authorize signature of the Standard Resolution by the Chair as it does not
41 address Energy Compliance.

1 *B. Wernecke made a motion to sign the resolution, seconded by J. Shatney. Motion carried.*

2
3 **CVRPC Bylaws**

4 Chair Potter directed the Board to the Memo in the packet. She noted these draft bylaws are being
5 brought as an introduction and discussion item; with no action being requested. She advised the Board
6 of the reasoning behind the Bylaw amendments and the work of the Bylaws Work Group. The Executive
7 Committee has reviewed the draft and believes the amendments are appropriate and requested it be
8 forwarded to the Board for consideration with recommendation they be adopted.

9
10 The draft is being provided now to allow time before the next meeting to review for discussion and
11 potential amendments. There would then be a vote to put the Bylaws on a subsequent meeting's
12 agenda for vote to approve. It was noted that 60% of seats must vote in favor for approval of the
13 amendments.

14
15 Questions ensued regarding quorum number change (seats vs. members). Current bylaws talk about
16 number of members; but it needs to be number of seats. Therefore a Town without an appointed
17 Commissioner would still be taken into account in the quorum count.

18
19 Chair Potter noted the current bylaws are on the CVRPC website under Operating Policies for reference
20 and N. Chartrand was requested to provide the Board with this link via email.

21
22 S. Lotspeich asked Potter to address the need for legal review. It was noted that counsel will be asked to
23 review the draft prior to next Board meeting with any comments provided to be shared.

24
25 Further discussion ensued regarding establishment of Committees and voting vs. non-voting seats. L.
26 Catteneo suggested further clarification in Section 606 regarding individuals vs. towns being the
27 appointed seats on Committees.

28
29 Following a question by J. Brabant it was confirmed that dissolution of the board requires an affirmative
30 vote of all of the Board members.

31
32 **PROPOSED LEGISLATIVE CHANGES TO ACT 250**

33 B. Waninger advised the bill is not out of Legislature yet. She provided a presentation regarding two
34 specific Summary Recommendations in the bill: Interstate Interchange Jurisdiction and Enhanced
35 Designation Jurisdiction; and was requesting that the Board advise if they were in agreement to support
36 or not support these recommendations.

37
38 Significant discussion ensued regarding the Interstate interchange jurisdiction recommendation; which
39 applies to commercial or industrial construction within a 3,000 foot radius of an interchange, unless
40 within an existing settlement. The Board had consensus that this recommendation could not be decided
41 at this time due to its complexity and potential for contention. They felt more information was needed

1 such as a definition of existing settlement as well as the appropriateness of the guidelines being used
2 and whether or not they were developed for use in the regulatory context.

3
4 Waninger suggested Board members review the guidelines for informational purposes.

5
6 Enhanced designation jurisdiction is the trigger for a municipality to take over Act 250 review in
7 designated downtowns, growth centers, village centers, new town centers, and/or neighborhood
8 development areas.

9
10 In order for a municipality to be eligible to take over this review, in addition to an approved Municipal
11 Plan they must meet a multitude of other requirements which Waninger outlined. There was significant
12 discussion suggesting that smaller towns would be unable to meet all the necessary requirements and
13 that likely only those communities with a designated downtown would be able to do so. It was further
14 suggested that small towns need to be considered more in this process and how Act 250 can better serve
15 them.

16
17 There was no decision to move forward on this recommendation.

18 19 **NOMINATING COMMITTEE REPORT**

20 B. Atwood noted the final slate for Officers/Executive Committee as follows:

21 Julie Potter, Member at Large / Past Chair

22 Gerry D'Amico, Member at Large

23 Janet Shatney, Member at Large

24 Dara Torre, Secretary

25 Michael Gray, Treasurer

26 Steven Lotspeich, Vice Chair

27 Laura Hill-Eubanks, Chair

28
29 Chair Potter entertained nominations from the floor. There were no nominations made from the floor
30 for any of the seats. Chair Potter closed nominations from the floor and the slate was finalized. She
31 advised the election was to be done by paper ballot mailed out by staff within the week. It was
32 questioned if we could move the slate at the meeting and advised bylaws must be followed utilizing the
33 paper ballot. Results will be shared at June meeting (Annual Meeting) and current bylaws dictate the
34 seats take effect immediately following the announcement at that meeting.

35
36 Chair Potter was commended for her job as chair by B. Towbin which was further endorsed by entire
37 board.

38 39 **MEETING MINUTES**

40 *G. D'Amico moved to approve April 9, 2019 minutes; seconded by B. Atwood. Motion carried.*

41 42 **REPORTS**

1 Chair Potter directed the Board to Staff and Committee Reports in the packet and encouraged the Board
2 review them. J. Brabant thanked staff for all the help they've provided Calais, J. Shatney mirrored the
3 sentiment indicating there is great staff now. Chair Potter wanted to ensure staff was advised of these
4 kudos.

5

6 **ADJOURNMENT**

7 *D. La Haye moved to adjourn at 8:10 pm; B. Wernecke seconded. Motion carried.*

8

9 Respectfully submitted,

10

11 Nancy Chartrand

12 Office Manager

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