

CENTRAL VERMONT REGIONAL PLANNING COMMISSION
MINUTES
May 14, 2019

Commissioners:

<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. 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

B. Arrand provided a report from the Town Plan Review Committee summarizing the public hearing on approval of and certification of energy compliance for the the Waterbury Town Plan. Individuals

1 participating in the hearing questioned the energy component of the plan and methodology used to
2 calculate available land for wind energy generation. Arrand directed the Board to a memo in the
3 meeting packet, which outlined the Committee's opinion regarding the methodology. He noted that it
4 was good to have people actively engaged in plan review. S. Lotspeich noted the energy plan had was
5 drafted by Eric Vorwald, previously of CVRPC, and the Waterbury Local Action Energy Partnership (LEAP)
6 provided a lot of input. Lotspeich believed there was a misunderstanding on how known constraints
7 and possible constraints are mapped; specifically related to large scale wind development. Known
8 constraints (rare endangered species sites, significant habitat – especially with state lands) are deleted
9 so as not to be shown as possible wind sites. Possible constraints (slopes over 25%, deer overwintering
10 yards, bear habitat) areas are shaded. Lotspeich noted there was a misunderstanding that the Town
11 might be trying to encourage development in the shaded area; which is not the case. Concerns remain.
12

13 Participants in the public hearing were also concerned that the Schutesville Wildlife Corridor does not
14 appear on the Plan's Land Use Map. Lotspeich stated the Municipal Plan addresses the Schutesville
15 Wildlife Corridor. He stated the Plan does not have a specific map of the corridor because it is still under
16 development and needs more public input.
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 directed the Board to page 3 of the packet, which lists recommendations for Waterbury to
24 consider in its next plan update. Arrand stated that the Committee determined the public comments
25 about wildlife and wind did not affect whether the plan complied with the statutory requirements
26 related to plan approval. J. Brabant inquired if any adjustments were made as a result of the public
27 comments received. C. Rock said that based on the outcome of the hearing the plan was not sent back
28 to the Town to make any adjustments. The Plan Review Committee did recommend a minor change to
29 update a 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. Lotspeich
31 confirmed the Town Plan was adopted in December 2018. The Town Plan Review Committee found the
32 Waterbury Town Plan was in conformance with statutory requirements. It met all the municipal plan
33 requirements, showed progress toward attainment of the goals, and met the standards as required for
34 the certification of energy compliance.
35

36 Chair Potter noted additional public comment had been received on the day of the Commission
37 meeting. Copies of comments were distributed. Rock noted the comments echoed those made at the
38 public hearing in that the Plan more stringently address development of constraints for the wildlife
39 corridor and the ridgeline. Similar comments were brought up at the Town Plan Review Committee
40 hearing and the Town Plan Review Committee stated the comments did not negate the Plan meeting
41 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. The
3 Committee also recommended the Board issue the Determination of Energy Compliance; however, staff
4 had determined there was a procedural problem with the public hearing warning. That problem did not
5 affect the Municipal Plan, approval of the Plan or confirmation of the Town's planning process. It only
6 affected the determination of energy compliance. Staff recommended, and the Executive Committee
7 concurred, that the Town Plan approval proceed and planning process confirmation move forward, and
8 that CVRPC hold a second hearing regarding the determination of energy compliance.

9
10 Additional discussion ensued regarding precluding wind development in certain areas and whether
11 height constraints were included in the Waterbury Plan.

12
13 Chair Potter suggested proceeding with motions related to the Town Plan and then having a discussion
14 regarding the energy compliance.

15
16 *B. Atwood moved to approve the Waterbury Town Plan to be in compliance with the Regional Plan and*
17 *approving the process of the Waterbury Plan, and the energy compliance portion being subject*
18 *to another warned hearing; J. Brabant seconded.*

19
20 B. Waninger suggested the motion be amended, *"to approve the municipal plan per 24 V.S.A. §4350(b)*
21 *with the recommendation that the plan text on page 72 be corrected to reference the correct map". B.*
22 *Atwood revised his motion; J. Brabant seconded. G. D'Amico asked whether the plan approval could*
23 *change if a second hearing results in a change to the plan. Waninger responded that the second hearing*
24 *will address the determination of energy compliance only. If the Plan does not receive a positive*
25 *determination, the Plan approval and confirmation would still be valid. B. Wernecke requested for*
26 *clarification that the current motion solely was to approve the Municipal Plan. Potter confirmed it was.*
27 *Motion carried with 1 no vote.*

28
29 Potter state the second component was to confirm the municipality's planning process per state statute.
30 *B. Atwood moved to confirm the municipality's planning process per state statute. R. Krauth seconded.*
31 *Motion carried.*

32
33 The Board requested the Town Plan Review Committee hold a second hearing regarding the
34 Determination of Energy Compliance and bring this item to Board at a future meeting.

35
36 *B. Wernecke moved to have the Chair sign the resolution regarding approval of the Waterbury Town*
37 *Plan and confirmation of the Town's planning process; J. Shatney seconded. Motion carried.*

38 39 **CVRPC Bylaws**

40 Potter noted the draft bylaws are being brought as an introduction and discussion item; no action is
41 being requested. She advised the Board of the reasoning behind the Bylaw amendments and the work

1 of the Bylaws Work Group. The Executive Committee has reviewed the draft and believes the
2 amendments are appropriate. It recommends the Board adopt the revised bylaws.

3
4 Potter outlined the bylaw adoption process. Once the Board reaches consensus on the amendments,
5 Commissioners must vote to place the Bylaws on a subsequent meeting's agenda for approval. 60% of
6 Board-designated seats (14 Commissioners) must vote in favor for the amendments to be approved.

7
8 Questions ensued regarding quorum number change (seats vs. members). A municipality without an
9 appointed Commissioner counts towards the vote.

10
11 Potter noted the current bylaws are available on CVRPC's website under Operating Policies. N.
12 Chartrand will provide a link to Commissioners.

13
14 CVRPC's attorney will be asked to review the draft prior to next Board meeting.

15
16 Further discussion ensued regarding establishment of Committees and voting vs. non-voting seats. L.
17 Cattaneo suggested further clarification in Section 606 regarding individuals vs. towns being the
18 appointed seats on Committees.

19
20 Following a question by J. Brabant, it was confirmed that dissolution of the Commission requires an
21 affirmative vote of all Board members.

22 23 **PROPOSED LEGISLATIVE CHANGES TO ACT 250**

24 B. Waninger advised the bill is not out of Legislature yet. She provided a presentation regarding two
25 provisions in the bill - interstate interchange jurisdiction and enhanced designation jurisdiction – for
26 discussion.

27
28 Significant discussion ensued regarding triggering of Act 250 jurisdiction near interstate interchanges.
29 Jurisdiction would apply to commercial or industrial construction within a 3,000 foot radius of an
30 interchange, unless within an existing settlement. The Board requested additional information about
31 the definition of "existing settlement" and the Interstate Interchange Design Guidelines referenced in
32 the bill.

33
34 Enhanced designation jurisdiction is the trigger for when a municipality can apply to complete Act 250
35 review in designated downtowns, growth centers, village centers, new town centers, and/or
36 neighborhood development areas. For a municipality to be eligible, it must have an approved
37 Municipal Plan and meet a multitude of other requirements. Commissioners concurred that smaller
38 towns would be unable to meet all the necessary requirements. It was suggested that small towns need
39 to be considered more in this process and how Act 250 can better serve them.

40 41 **NOMINATING COMMITTEE REPORT**

1 B. Atwood, Nominating Committee Chair, presented the final slate for Officers/Executive Committee as
2 follows:

3
4 Julie Potter, Member at Large / Past Chair

5 Gerry D'Amico, Member at Large

6 Janet Shatney, Member at Large

7 Dara Torre, Secretary

8 Michael Gray, Treasurer

9 Steven Lotspeich, Vice Chair

10 Laura Hill-Eubanks, Chair
11

12 J. Potter entertained nominations from the floor. None were made, and Potter closed nominations. She
13 said CVRPC's bylaws state the election is done by paper ballot. Staff will mail the ballots within the week.
14 It was questioned if the Commission could move the slate at the meeting. Potter noted he bylaws state
15 paper ballots must be used. Results will be shared at June meeting (Annual Meeting). The current
16 bylaws dictate the elected positions take effect upon announcement of the election results.
17

18 B. Towbin commended Chair Potter on her job as chair, which the entire Board endorsed.
19

20 **MEETING MINUTES**

21 *G. D'Amico moved to approve April 9, 2019 minutes; B. Atwood seconded. Motion carried.*
22

23 **REPORTS**

24 J. Brabant thanked staff for all the help they've provided Calais; J. Shatney mirrored the sentiment
25 indicating CVRPC has a great staff. Chair Potter requested the Director relay the sentiments to staff.
26

27 **ADJOURNMENT**

28 *D. La Haye moved to adjourn at 8:10 pm; B. Wernecke seconded. Motion carried.*
29

30 Respectfully submitted,

31
32 Nancy Chartrand

33 Office Manager