

Central Vermont Regional Planning Commission  
September 8, 2015  
Minutes

Present were:

Barre City: Janet Shatney

Plainfield: David Strong

Robert Atchinson-absent

Barre Town: Byron Atwood

Roxbury: Gerry D'Amico-absent

Mark Nicholson-absent

Waitsfield: Don La Haye-absent

Harrison Snapp-absent

Berlin: Bob Wernecke

Warren: Camilla Behn-absent

Cabot: Dick Payne

Washington: Gary Winders-absent

Calais: Paul Rose-absent

Waterbury: Steve Lotspeich-absent

John Brabant-absent

Williamstown: Larry Hebert

Duxbury: Brian Fitzgerald

Woodbury:

East Montpelier: Julie Potter

Worcester: Bill Arrand

Jack Pauly

Fayston: Carol Chamberlin-absent

Marshfield:

Middlesex: Ronald Krauth

Montpelier: Tina Ruth

Kim Cheney-absent

Moretown: Dara Torre

Northfield: Laura Hill-Eubanks

Orange: George Malek

Staff: B. Waninger, L. Emery, G. Aloisio, D. Currier

Others: M. Miller, City of Montpelier; G. Burley, VT New Directions;

The meeting was called to order at 7:07 p.m.

Public Comments: There were no adjustments to the agenda and no public comments at this time.

The minutes of the July 14, 2015 CVRPC meeting were accepted as written. It was suggested that all committee agendas be emailed to all Commissioners whenever the committees are preparing to meet. It was stated that an email could be sent listing the link where agendas and minutes are posted. This was agreeable.

Staff Report Additions: The Clean Water Act implementation work statewide will be funded partially by an increase in the property transfer tax. The Natural Resources Board has established a list of projects that will be eligible for the funding, including municipal storm water runoff, road erosion, and agricultural runoff. Clean water will be the focus for several years. Senior Planner: Four candidates have been interviewed; two have been selected for second interviews. It is hoped that an offer will be made to one of the two finalists so that person can be on board by the third week of September.

Public Hearing for the Approval of the City of Montpelier's 2015 Municipal Plan and Confirmation of their Planning Process: The hearing was convened at 7:15 p.m. The Town Plan Review Committee met on September 3 to review the staff's review of the Plan and recommendations. It was noted that the housing data in the Plan includes the last five years of data and the growth center requirements. Otherwise, this Plan is the same as the City's 2010 Plan. Once the City's zoning revisions are completed, they will begin the preparation of their 2020 Plan which will include more specific bench marks targeted to implementation strategies. The Town Plan Review Committee recommends that the Commission approve the Plan and confirm the planning process. It was moved, seconded, and voted unanimously to close the hearing. It was moved and seconded to adopt the resolution approving the 2015 City of Montpelier Municipal

Plan and confirming the City's planning process. It was noted that it is preferred to approve a plan after it's been adopted by the legislative body whenever possible. The resolution notes that any significant changes made prior to final adoption of the Plan would warrant returning to the Commission for approval. The motion to adopt the resolution approving the City' Plan and confirming the planning process was unanimously approved.

The Committee was thanked for its work on the review of the Plan.

Brownfields Committee: CVRPC is looking for volunteers to serve on this committee. The committee will review applications for brownfield assessment funding, selection of sites, and selection of consultants for accepted projects. Sam Andersen of Central VT Economic Development Corporation; Ron Krauth, Middlesex; Julie Potter, East Montpelier, Laura Hill-Eubanks, Northfield, Janet Shatney, Barre City, and George Malek, Orange have volunteered to serve. In addition, there are groups that represent specific interest areas that also should be involved, including: economic development (CVEDC has volunteered already), housing, environment, realty, banking, and at large. Some of those groups include: Capstone, CVEDC, Central VT Solid Waste Management District, Friends of the Winooski River, Northfield Savings Bank, plus at-large members such as developers like Connor Contracting—businesses that have been through the brownfields assessment process and are familiar with the goals and challenges. Staff could reach out the organizations and seek participation. The committee will have no authority to act; only to recommend to the Executive Committee. It was stated that the Commission should support the membership concept presented and allow staff to make balanced selections, and the Commission approve the Commissioner appointments. It was moved and seconded to authorize staff to identify interest groups and pursue representation for the Brownfields Committee as staff deems appropriate. The motion was approved unanimously.

It was moved and seconded to appoint L. Hill-Eubanks, J. Potter, J. Shatney, R. Krauth and G. Malek as Commission representatives to the Brownfields Committee. The members would be involved in the brownfields process for the three year term of the EPA grant. Once sites are identified, staff would assist the landowners in going through the process, do the request for qualifications of consultants process, and guide proposals that are site-specific. The Committee would review the proposals, and recommend consultants to the Executive Committee to do the work . The motion was approved unanimously.

Public Hearing on the 2008 Amendments to the Regional Plan: The hearing was convened. The development of the three elements and the future land use map was reviewed noting that the Economic Element and the Utilities, Facilities and Services Element were previously accepted by the Commission. At the July 14, 2015 Commission meeting, amendments to the Land Use Element were suggested and then made by staff for tonight's hearing. There being no comments on the 2008 Regional Plan amendments, the hearing was adjourned.

It was noted that we do not have 60% of the member towns represented and adoption of regional plan amendments requires a 60% affirmative vote. However, we only have 21 of the 23 member towns with duly appointed Commissioners and per CVRPC's Bylaws that means only the 21 duly appointed Commissioners can vote. Fourteen Commissioners are present; thirteen would need to vote in the affirmative to adopt the amendments to the 2008 Regional Plan.

It was moved, seconded, and unanimously voted to move forward with the vote on amending the 2008 Regional Plan.

It was moved and seconded to adopt the three elements (Economic, Utilities, Facilities and Services, and Land Use with a Future Land Use map). These items that the Agency of Commerce and Community Development wanted updated are the best parts of our Plan. We had a document we liked, but someone else decided the Plan was not strong enough. G. Malek feels that the amendments create some of the conflicts that the Plan was meant to avoid. He further stated that the Future Land Use map is a zoning map and that he will vote against the adoption of the amendments as a result. The motion to adopt the amendments to the 2008 Regional Plan failed ten yes and four no by roll call as follows: Commissioners voting yes were: Barre City, Barre Town, Berlin, Duxbury, East Montpelier, Montpelier, Moretown,

Northfield, Plainfield, and Worcester. Those voting no were: Cabot, Middlesex, Orange, and Williamstown. The motion failed to reach a 60% affirmative vote.

We now have a choice to redraft the 2008 amendments or move on to the 2016 updates.

Those voting no on the amendments explained that they do not like the Future Land Use map or its possible use and cannot be sure what the map was trying to show. In addition, they are not sure that the Future Land Use map follows the towns' growth areas. The map is not precise enough. What if there is a mistake in the data from which the map was made? There should be a caveat that everything has to be ground-truthed. It was noted that the statement on the map says, "*Data is only as accurate as the original sources. This map is for planning purposes only. This map may contain errors and omissions.*" In addition there are similar statements in the Land Use Element narrative on pages 2-18 ("*The planning areas are not meant to be detailed representations of current conditions, nor are they intended to be distinct areas of segregated future land uses....*," 2-19 ("*.....Data should be verified during permitting processes per the provisions of the regulatory authority,*" )and 2-31 ("*... Scale limitations exist and data is only as accurate as the original sources. Data may contain errors and omissions.*")

The Regional Plan is used in reviewing Act 250 and Section 248 projects. CVRPC uses the Plan to review a project's conformance. However, the District Environmental Commission can determine that we are not correct in our findings.

Staff reviewed the process for developing the Future Land Use map including looking at each town's plan using existing town plan boundaries, and reaching out to the town officials for comments. Some towns commented on why they thought something should be changed based on their intent in their town plan. Those requests were accommodated.

It was queried whether we could vote in the affirmative knowing that the amendments are only in place for one year; that the 2008 Plan expires in September 2016?

How would we keep the map current with town plan changes? It was noted that the map is always subject to revision as revisions are needed.

A level of comfort was expressed now that the caveat on the map and re-stating of the caveat in two places in the Land Use Element narrative was identified.

Further discussion highlighted that the concern is with the State permitting process; on whom is the burden to prove the resource listed on the map actually exists? The burden of proof will always be on the landowner, the source data is the State's data and it's the landowner who has to prove the resource exists or not. The burden of proof doesn't change by having a future land use map.

The issue was raised about voting again on a question that has lost; do we have to suspend the rules? It was noted in Robert's Rules of Order that we can either suspend the rules or reconsider the question during the same meeting. Someone voting on the negative would have to be willing to put forth a motion to reconsider.

L. Hebert moved, and R. Krauth seconded, to reconsider the motion to accept the 2008 amendments.

Discussion included that "this map is intended to be a general reflection of towns' uses; see town plan for more specifics."; that this statement could be added to the map or substituted for the first statement in the caveat on the map.

The motion to reconsider was voted in the affirmative.

It was moved, and seconded, to adopt the Economic Element, Utilities, Facilities and Services, and Land Use Element and

Future Land Use map amendments to the 2008 Regional Plan. Dividing the question was requested and agreed to.

The divided motion, as seconded, is to adopt the Economic Element as amended for the 2008 Regional Plan. The motion was approved unanimously.

It was moved and seconded to adopt the Utilities, Facilities, and Services Element as amended for the 2008 Regional Plan. The motion was approved unanimously.

Staff noted that if “any” language is changed in the Regional Plan, a new hearing would have to be held. The Regional Plan statute is stricter than the municipal plan statute which says any “significant” changes.

D. Currier suggested that the statement “Data is only as accurate as the original sources,” be removed from the map and the “call out” boxes in the Land Use Element, and that the statement: *“Data should be verified during the permitting process per the provisions of the regulatory authority. This map is for general planning purposes only. This map may contain errors and omissions.”* be added along with a reference to the correct pages in the Land Use Element to find more details.

It was moved and seconded to amend the Land Use Element and the Future Land Use map per D. Currier’s proposal for the purpose of warning another hearing.

Discussion reiterated that the checks on the ground should control what happens with permitting.

The motion to amend the Land Use Element and the Future Land Use map to remove the statement: “data is only as accurate as the original sources” and add the language as proposed by D. Currier was approved.

Health and Communities Element of the draft 2016 Regional Plan: This element will be reviewed at the October Commission meeting following the hearing on the amendments to the Land Use Element and Future Land Use map.

Next CVRPC Meeting: The next Commission meeting is scheduled for Tuesday, October 13, 2015.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Laurie Emery