



BOARD OF COMMISSIONERS

December 12, 2023 at 6:30 pm

Hybrid Meeting with Remote Participation via Zoom¹

<https://us02web.zoom.us/j/81136818419?pwd=dDFDbDhrTm56TUNQUlp3WEorYzRZZz09>

One tap mobile: +19294362866,,81136818419#,,,,*722490# US (New York)

Dial in via phone: 1-929-436-2866 • Meeting ID: 811 3681 8419 • Passcode: 722490

Or find your local number: <https://us02web.zoom.us/j/81136818419?pwd=dDFDbDhrTm56TUNQUlp3WEorYzRZZz09>

Download the app at least 5 minutes before the meeting starts: <https://zoom.us/download>

Page **AGENDA**

6:30² Introductions

Adjustments to the Agenda

Public Comments

2 6:35 Committee Appointments (Action)³

4 6:45 Winooski Basin Tactical Basin Plan Conformance Letter (Action - enclosed)³

24 7:00 Waitsfield Municipal Plan Approval & Confirmation of Planning Process & Certificate of Energy Compliance (Action - enclosed)³

28 7:15 VAPDA Regional Future Land Use Initiative (enclosed)

44 7:30 VAPDA Act 250 Local Delegation Report (enclosed)

74 7:45 Introduction to Climate Pollution Reduction Grant (enclosed)

76 8:00 Minutes (Action - enclosed)³

82 8:10 Reports (Action - enclosed)³ - Staff and Committee Reports

8:30 Adjourn

Next Meeting: January 9, 2024

¹ Persons with disabilities who require assistance or alternate arrangements to participate in are encouraged to contact Nancy Chartrand at 802-229-0389 or chartrand@cvregion.com at least 3 business days prior to the meeting for which services are requested.

² Times are approximate unless otherwise advertised.

³ Anticipated action item.



MEMO

Date: December 12, 2023

To: Board of Commissioners

From: Christian Meyer, Executive Director

Re: Filling Vacancies on CVRPC Committees

☒ **ACTION REQUESTED: Act to elect or appoint each candidate recommended by the Nominating Committee to their respective committee.**

1. **Move to appoint Alice Farrell (Barre Town) to the Brownfields Committee.**
2. **Move to appoint Alice Peal of Waitsfield as a municipal representative to the Clean Water Advisory Committee.**
3. **Move to elect Doug Greason (Waterbury) to the Regional Plan Committee.**

Following the resignation of Commissioner Clain (Barre Town), there is currently one open seat on each of the following CVRPC Committees: Brownfields Committee and Regional Plan Committee. There is also an open seat for a municipal representative on the Clean Water Advisory Committee.

CVRPC bylaws state that in the event of a resignation for any of these three committees, a successor shall be elected or appointed using the same process as provided in the case of the original election or appointment. Per the CVRPC bylaws and respective committee rules of procedure, the following actions are necessary:

- The CVRPC Board of Commissioners shall **appoint** committee members to the Brownfields Committee.
- The CVRPC Board of Commissioners shall **appoint** committee members to the Clean Water Advisory Committee.
- The CVRPC Board of Commissioners shall **elect** committee members to the Regional Plan Committee.

Staff sent out a recruitment email for these open seats and received responses from three individuals. The CVRPC Nominating Committee met to review the candidates and developed the following slate of recommendations:

1. Appoint Alice Farrell (Barre Town) to the Brownfields Committee.
2. Appoint Alice Peal of Waitsfield as a municipal representative to the Clean Water Advisory Committee. (letter of endorsement for this appointment received from the Town of Waitsfield on 12/6)
3. Elect Doug Greason (Waterbury) to the Regional Plan Committee.

Please note, additional nominations can be made from the floor immediately prior to the action.



MEMO

Date: December 12, 2023
To: Board of Commissioners
From: Brian Voigt, Program Manager
Re: Draft 2023 Winooski River Tactical Basin Plan conformance with the 2020 Central Vermont Regional Plan

✉ ACTION REQUESTED:

Approve the finding of conformance between the Draft 2023 Winooski River Tactical Basin Plan and the 2020 Central Vermont Regional Plan and authorize the Executive Director to sign a letter confirming the conformance finding to be sent to the Commissioner of the Department of Environmental Conservation.

The Agency of Natural Resources is updating the 2018 Winooski River Tactical Basin Plan. Keith Fritschie, Department of Environmental Conservation Watershed Planner for the Winooski River Basin, presented the draft plan and discussed the planning process at the Clean Water Advisory Committee September 2023 meeting and at the Board of Commissioner's October 2023 meeting.

CVRPC has the opportunity to provide recommendations to the Agency of Natural Resources regarding tactical basin plans pursuant to 10 V.S.A §1253(d). Statute directs the Agency to "develop, in consultation with the regional planning commission, an analysis and formal recommendation on conformance with the goals and objectives of applicable regional plans." In addition, Regional Planning Commissions are to assist the Secretary in implementing a project evaluation process to prioritize water quality improvement projects within the region to assure cost effective use of state and federal funds.

CVRPC staff reviewed the 2023 Draft Winooski River Tactical Basin Plan in June 2023 and provided detailed comments to the Department of Environmental Conservation's Watershed Planner (Keith Fritschie). Those comments were considered by the Department of Environmental Conservation prior to releasing the October 2023 Draft Winooski River

Tactical Basin Plan for public comment. Appendix A offers a detailed accounting of the June 2023 and October 2023 drafts of the Tactical Basin Plan, highlighting which CVRPC comments were / were not incorporated into the October 2023 draft plan. In general, CVRPC Staff found the October 2023 Draft Winooski River Tactical Basin Plan:

- 1) easier to read (when compared to the June 2023 draft) through better organization, language consistencies, and the removal of (some) acronyms;
- 2) integrated municipal and regional updates; and
- 3) improved figure descriptions and the simplification of one map.

However, there is still room for improvement, particularly in the following areas:

- 1) The document would benefit from overall data simplification and increased accessibility of maps;
- 2) More detail could be provided on wetlands in the Winooski River Basin and the surface water (re)classification process;
- 3) Incorporate data that municipalities would find useful, such as additional information on permit compliance trends and funding opportunities.

CVRPC staff also completed a conformance analysis of the Draft 2023 Winooski River Tactical Basin Plan with the 2016 Central Vermont Regional Plan. The conformance table is included in Appendix B. This conformance analysis was presented to the Regional Plan Committee at their November 2023 meeting. At that meeting, the Regional Plan Committee voted unanimously to recommend the Board of Commissioners approve the conformance finding and authorize the Executive Director to sign a letter of conformance to be sent to the Secretary of the Agency of Natural Resources.

The Draft 2023 Winooski River Tactical Basin Plan can be viewed on the [Department of Environmental Conservation website](#). The public comment period closed on 10 November 2023.

Appendix A

CVRPC Staff Comments Incorporated in October 2023 Draft Winooski River Tactical Basin Plan
<ul style="list-style-type: none"> • Spelling, grammar, and mathematical corrections were integrated including: <ul style="list-style-type: none"> ○ language consistencies (e.g. watershed vs. basin) ○ elimination of redundant sentences ○ acronyms were defined and or eliminated • Suggested web links were added to improve accessibility • Paragraph labels were added to correspond with various sections of the Lake Scorecard Assessment. • Table descriptions were added to improve clarity of data represented (pg. 43) • Simplification of Agriculture land use map (pg. 81) • Definitions of Agency of Natural Resources terminology such as “developed lands” were added • Inclusion of the year a town’s Stormwater Master Plan was completed in a table • Inclusion of the completion status for CVRPC’s 2023 initial review of the Region’s flood by-laws in preparation for new FEMA maps
CVRPC Staff Comments Not Incorporated in October 2023 Draft Winooski River Tactical Basin Plan
<ul style="list-style-type: none"> • Data simplification recommendation to reduce redundancy of maps and tables in Lake Scorecard Assessment section (pg. 30) • Percentage of wetlands inventoried in the Wetland Bioassessment and Vermont Rapid Assessment Method (pg. 35) • Differentiation of surface water classification process through the Tactical Basin Plan vs. on a case by case basis (pg. 38) • More information on wetlands in the basin, acres of land covered by various wetland designations, and changes since the 2018 Winooski River Tactical Basin Plan (pg. 45) • Reasoning for not pursuing Outstanding Resource Waters Designation for recommended waters (pg. 46) • Reconsider captions for Land use sector framework in figure 25 to more accurately depict land use vs. land cover (pg. 80) • Explanation for Washington County’s low compliance with Required Agricultural Practices (pg. 84) • Map of three-acre school sites eligible for Green Schools Block Grant (pg. 89) • Funding sources for towns recommended to complete Illicit Discharge Detection and Elimination studies (pg. 93)

- Summary of results from Rethink Runoff and Storm Smart projects (pg. 94)
- Further explanation of Municipal Roads General Permit requirements (pg. 96)
- Simplification of Figure 30 Road miles by Municipal Roads General Permit improvement priority (pg. 98)
- Clarification of the goals in the Vermont Agency of Transportation's Transportation Separate Storm Sewer System general permit (pg. 99)
- Identify alternative funding to meet waste water treatment facility requirements and avoid competition for Clean Water State Revolving Fund (pg. 104)
- Explain, "Montpelier is very close to status of no combined sewer overflow, with just a hydrologic problem causing overflows." (pg. 107)
- Include a map of permitted indirect discharge systems in the basin (pg. 109)
- Define "area-weighted" reach assignment (pg. 113)
- Define "run-of-river operation" (pg. 120)
- Expand caption of Figure 31 to clarify whether mapped Use Value and Appraisal (aka Current Use) parcels include both forests and agricultural parcels or just forests (pg. 131)
- Mention Act 154 in relation to project scoring for Winooski Clean Water Service Provider program (pg. 133)

Appendix B

<i>Draft 2023 Winooski River Tactical Basin Plan Strategies by Sector</i>	<i>2016 Central Vermont Regional Plan, amended 2020 Goals, Policies, & Actions</i>
AGRICULTURE	
<p>Conservation practices that reduce sources of pollution from farm production areas and farm fields.</p> <ul style="list-style-type: none"> • Target field Best Management Practice implementation in high priority watersheds. • Improve nutrient management planning (NMP) through technical support, NMP workshops, and financial support for improved nutrient utilization. • Implement NMPs and associated agricultural water quality practices in high priority catchments. • Support farm teams, conservation equipment programs, soil health assessments, and farmer participation in the Vermont Pay for Phosphorus Program. 	<p><u>General Land Use Goals, Policies, and Strategies:</u></p> <p>Goal 1: To promote sound management, conservation and use of the Region's natural resources.</p> <p>Policy 3: Support the betterment of surface water quality in the Region.</p> <p>Strategy 3a: Storage and utilization of fertilizers, pesticides, petro-chemicals, herbicides, sludge, or other potentially harmful industrial, agricultural, commercial or residential materials, must be accomplished in a manner compatible with existing regulations.</p> <p>Goal 7: To manage the quality and quantity of storm water runoff in order to avoid property damage and negative impacts on surface and groundwater.</p> <p>Policy 3: Acceptable Management Practices (AMP's, as defined by the Vermont Agency of Natural Resources) should be employed on all agricultural, silvicultural and earth extraction operations.</p>

<i>Draft 2023 Winooski River Tactical Basin Plan Strategies by Sector</i>	<i>2016 Central Vermont Regional Plan, amended 2020 Goals, Policies, & Actions</i>
DEVELOPED LANDS - STORMWATER	
<p>Practices that reduce or treat polluted stormwater runoff from developed lands, such as parking lots, sidewalks, and rooftops.</p> <ul style="list-style-type: none"> • Develop, design, and implement stormwater treatment projects identified in Phosphorus Control Plans, Stormwater Master Plans, stormwater mapping reports, or other assessments. • Support the design and implementation of small-scale stormwater practices through formula grant funding. • Provide outreach and technical support to landowners with 3-acre impervious parcels. • Promote and, where appropriate, coordinate existing campaigns to raise awareness and adoption of simple residential stormwater management approaches and chloride application best practices. 	<p><u>General Land Use Goals, Policies, and Strategies:</u></p> <p>Goal 7: To manage the quality and quantity of storm water runoff in order to avoid property damage and negative impacts on surface and groundwater.</p> <p>Policy 1: New development should, through design and maintenance, attempt to minimize changes in the volume and chemical composition of runoff. (The strategy includes a bulleted list of recommended methods on page 2-44).</p> <p>Policy 2: Structural Best Management Practices should be used, as appropriate, to control storm water on new development sites before, during and after construction, including plans for long term maintenance and operations. (The strategy includes a bulleted list of objectives and applications on page 2-44).</p> <p>Policy 4: Efforts should be made to minimize the extent of impervious surfaces and surface runoff associated with parking facilities. (The strategy includes a bulleted list of recommended methods on page 2-44).</p> <p>Policy 5: Municipalities should consider adopting policies and practices to reduce the volume and impacts of storm water runoff. (The strategy includes a bulleted list of policies and practices on page 2-44).</p>

<i>Draft 2023 Winooski River Tactical Basin Plan Strategies by Sector</i>	<i>2016 Central Vermont Regional Plan, amended 2020 Goals, Policies, & Actions</i>
DEVELOPED LANDS - ROADS	
<p>Stormwater and roadside erosion control practices that prevent erosion and treat road-related sources of pollution.</p> <ul style="list-style-type: none"> • Provide technical support and funding to towns to implement priority Municipal Roads General Permit projects and to update road erosion inventories. • Develop private road phosphorus reduction estimates and complete private road segmentation and assessments. 	<p><u>Transportation Goals and Policies:</u></p> <p>Goal 2: To preserve and maintain the existing transportation system.</p> <p>Policy 1: Support the necessary steps for evaluating, prioritizing, and implementing preventive maintenance programs for all elements of the transportation system.</p> <p>Goal 5: To establish a transportation system that minimizes consumption of resources and maximizes the protection of the environment.</p> <p>Policy 1: Support efforts to minimize negative environmental impacts associated with the transportation system (including air quality, noise levels, surface water, vegetation, agricultural land, fragile areas, and historical/archaeological sites).</p>

<i>Draft 2023 Winooski River Tactical Basin Plan Strategies by Sector</i>	<i>2016 Central Vermont Regional Plan, amended 2020 Goals, Policies, & Actions</i>
WASTEWATER	
<p>Improvements to municipal wastewater infrastructure that decrease pollution from municipal wastewater systems through treatment upgrades, combined sewer overflow (CSO) abatement, and refurbishment of aging infrastructure.</p> <ul style="list-style-type: none"> • Support municipalities pursuing wastewater treatment facility phosphorus optimization, expansion projects, and upgrades to meet total maximum daily load allotments, phosphorus optimization and combined sewer overflow requirements. • Support and ensure monitoring and permit compliance for waste management systems. • Provide technical assistance and funding to towns interested in exploring and implementing village wastewater systems and septic replacement through ANR Village Wastewater Solutions. • Promote septic system maintenance in communities adjacent to nutrient- or bacteria-degraded waters via Wastewater Workshops. 	<p><u>Facilities, Services and Utilities Goals, Policies and Strategies:</u></p> <p>Goal: Improvement and expansion of wastewater treatment facilities and options so as to protect public health, maximize public investment, and reinforce desired patterns of growth.</p> <p>Policy 3: Encourage continued efforts to improve water quality through the separation of combined sewers or other method to ameliorate the harmful impacts of combined sewer overflows.</p> <p>Policy 4: Support efforts to upgrade components of aging wastewater systems to address depreciation, improve energy efficiency and increase flood resilience of the Region's systems.</p> <p>Policy 4B: Perform outreach to municipalities whose systems are approaching 20-yr design life and connect local operators/commissions with available technical assistance.</p> <p>Policy 13: CVRPC encourages the use of shoreline zoning powers (24 V.S.A., Chapter 117, and Section 4411), in compliance with the Vermont Shoreland Protection Act, to regulate the design of sanitary facilities on lands adjacent to surface waters.</p>

<i>Draft 2023 Winooski River Tactical Basin Plan Strategies by Sector</i>	<i>2016 Central Vermont Regional Plan, amended 2020 Goals, Policies, & Actions</i>
NATURAL RESOURCE RESTORATION	
<p>Restoration of “natural infrastructure” functions that prevent and abate pollution. Natural infrastructure includes: floodplains, river channels, lakeshores, wetlands, and forest lands.</p> <p><i>Rivers:</i></p> <ul style="list-style-type: none"> • Evaluate water quality benefits of protection and restoration projects identified in state-supported plans and develop and implement priority projects. • Pilot the identification, development, and implementation of low-tech, process-based restoration projects to improve stream equilibrium. • Support municipalities in updating flood hazard bylaws and considering adoption of river corridor protections with new Federal Emergency Management Agency maps. • Scope, develop, and implement priority culvert upgrade and dam removal projects. • Encourage landowner and recreationist stewardship of riparian areas through established social marketing and signage campaigns for water quality and biodiversity benefit, e.g., Stream Wise. • Support outreach to towns on opportunities to reclassify waters based on recreation-fishing, 	<p><u>General Land Use Goals, Policies, and Strategies:</u></p> <p>Goal 1: To promote sound management, conservation and use of the Region's natural resources. Policies 3: Support the betterment of surface water quality in the Region.</p> <p>Strategy 3d. Native vegetated buffer strips in riparian zones and shoreland areas should be protected or maintained according to Best Management Practices outlined in the Vermont Handbook for Shoreland Development and VT Agency of Natural Resources Guidance Regarding Riparian Buffers to protect functional habitat and improve water quality.</p> <p>Strategy 3g. Assist landowners in identifying funding opportunities to support buffer plantings on their properties that would support stream bank and shoreland restoration.</p> <p>Strategy 5b. Encourage and provide technical assistance to municipalities in enhancing the regulatory standards in their municipal flood hazard regulations, including the incorporation of River Corridor regulations.</p> <p>Strategy 5e. Assist municipalities in identifying and limiting development on lands adjacent to waterways that provide flood storage or other beneficial function through acquisition, easement, deed restriction or zoning that encourages cluster</p>

aquatic biota and wildlife, and aquatic habitat uses.

Lakes:

- Implement Next Generation Lake Assessments to rapidly assess lake stressors and evaluate the need for more detailed lake assessments.
- Evaluate community support for and implement Lake Wise assessments and Lake Watershed Action Plans in populated lake communities with fair to poor shoreland or watershed conditions.
- Develop and implement priority projects identified during Lake Wise or Lake Watershed Action Plan assessment.
- Maintain and build the capacity for existing aquatic invasive species management and prevention programs.
- Where applicable, increase protections for high-quality lakes through reclassification or evaluate reclassification potential through additional monitoring.

Wetlands:

- Develop a process for crediting the phosphorus reduction of wetland protection and restoration projects.
- Scope and develop small-scale (10 – 50-acre) wetland protection and restoration opportunities.
- Provide support to the Wetlands Program for publicizing updated wetland mapping and local efforts for reclassification.

design, particularly for those upstream floodplains that provide flood protection functions for the Region 's downtowns and village centers.

Policy 6: Improve flood resilience planning, education and outreach activities to create a citizenry aware of flood risks, potential costs, and actions that can serve to reduce risk and future property loss.

Facilities, Services and Utilities Goals, Policies and Strategies – Emergency Management

Goal 1: To build disaster resistant communities in Central Vermont through sound emergency planning and management.

Goal 2: To ensure that all communities in Central Vermont have the appropriate information, resources, and tools to respond to disaster events and recover from their impacts.

Policy 6: Discourage residential, commercial, or residential development in floodplains.

Forests:

- Pilot forest road inventories and implement priority projects on state, municipal, and potentially private lands.
- Identify and implement feasible forest erosion projects identified with emerging forest erosion mapping tools.
- Support the use of skidder bridges through rental and incentive programs.
- Encourage land conservation and Use Value Appraisal enrollment where landowners are interested, especially in drinking water source protection areas.



December 13, 2023

Mr. Jason Batchelder, Commissioner
Vermont Agency of Natural Resources
Department of Environmental Conservation
One National Life Drive
Montpelier, VT 05620-3520

Re: Conformance of the Draft 2023 Winooski River Tactical Basin Plan with the 2020 Central Vermont Regional Plan

Dear Mr. Batchelder,

The Central Vermont Regional Planning Commission (CVRPC) has reviewed the October 2023 Draft Winooski River Tactical Basin Plan. The purpose of this memorandum is to confirm the conformance of the Draft Tactical Basin Plan with the 2020 Central Vermont Regional Plan.

Introduction

CVRPC has the opportunity to provide recommendations to the Agency of Natural Resources regarding tactical basin plans pursuant to the following sections of Vermont Statutes Title 10, Chapter 47, §1253(d).

- (2)(G) ... the Secretary [of Natural Resources] shall: develop, in consultation with the regional planning commission, an analysis and formal recommendation on conformance with the goals and objectives of applicable regional plans.
- (3)(D) ... [the regional planning commissions are to] assist the Secretary in implementing a project evaluation process to prioritize water quality improvement projects within the region to assure cost effective use of State and federal funds.

CVRPC staff reviewed the June 2023 Draft Winooski River Tactical Basin Plan and provided detailed comments to the Department of Environmental Conservation Winooski River Basin Watershed Planner. Those comments were considered by the Watershed Planner prior to releasing the Draft Winooski River Tactical Basin Plan for public comment on October 9, 2023. The Watershed Planner also presented the draft plan, discussed the planning process and responded to questions and feedback at the CVRPC Clean Water Advisory Committee September 2023 meeting and at the CVRPC Board of Commissioner's October 2023 meeting.

CVRPC Comments

CVRPC offers the following comments:

- Simplify the presentation of data and maps to make this information more accessible to the reader. Incorporate lay-person language where possible to increase readability. Avoid the use of acronyms.
- Provide additional detail on wetlands in the Winooski River Basin, the surface water (re)classification process and progress towards meeting the Winooski River Basin's Total Maximum Daily Load requirements.
- Include data and information that municipalities would find useful, such as permit compliance trends and funding opportunities to pursue to implement priority strategies to help meet plan goals.
- Include actual phosphorus discharge numbers so it is clear which waste water treatment plants are meeting their targets and which are not.
- Highlight issues with combined sewer overflows and identify priority strategies to address this issue.
- Explain Washington County's low compliance with Required Agricultural Practices.

Plan Conformance

To assess the conformance of the Draft Winooski River Tactical Basin Plan with the 2020 Central Vermont Regional Plan, CVRPC staff reviewed the strategies by sector detailed in the Draft Winooski River Tactical Basin Plan and the Goals, Policies and Actions of the Central Vermont Regional Plan. The Conformance Matrix Table (see page 3) lists the Draft Tactical Basin Plan strategies and identifies those Regional Plan Goals, Policies and Actions which are mutually supportive.

Based on our analysis, the CVRPC Board of Directors has determined that the Draft 2023 Winooski River Tactical Basin Plan conforms with the 2020 Central Vermont Regional Plan.

Thank you for the opportunity to review the Draft 2023 Winooski River Tactical Basin Plan. We look forward to working with the Agency of Natural Resources on Plan implementation. Please contact Brian Voigt (voigt@cvregion.com) with questions regarding CVRPC's review of the Draft 2023 Winooski River Tactical Basin Plan or the conformance finding.

Sincerely,

Christian Meyer
Executive Director

Conformance Matrix Table

<i>Draft 2023 Winooski River Tactical Basin Plan Strategies by Sector</i>	<i>2016 Central Vermont Regional Plan, amended 2020 Goals, Policies, & Actions</i>
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<p>Conservation practices that reduce sources of pollution from farm production areas and farm fields.</p> <ul style="list-style-type: none"> • Target field Best Management Practice implementation in high priority watersheds. • Improve nutrient management planning (NMP) through technical support, NMP workshops, and financial support for improved nutrient utilization. • Implement NMPs and associated agricultural water quality practices in high priority catchments. • Support farm teams, conservation equipment programs, soil health assessments, and farmer participation in the Vermont Pay for Phosphorus Program. 	<p><u>General Land Use Goals, Policies, and Strategies:</u></p> <p>Goal 1: To promote sound management, conservation and use of the Region's natural resources.</p> <p>Policy 3: Support the betterment of surface water quality in the Region.</p> <p>Strategy 3a: Storage and utilization of fertilizers, pesticides, petro-chemicals, herbicides, sludge, or other potentially harmful industrial, agricultural, commercial or residential materials, must be accomplished in a manner compatible with existing regulations.</p> <p>Goal 7: To manage the quality and quantity of storm water runoff in order to avoid property damage and negative impacts on surface and groundwater.</p> <p>Policy 3: Acceptable Management Practices (AMP's, as defined by the Vermont Agency of Natural Resources) should be employed on all agricultural, silvicultural and earth extraction operations.</p>

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<p>Stormwater and roadside erosion control practices that prevent erosion and treat road-related sources of pollution.</p> <ul style="list-style-type: none"> • Provide technical support and funding to towns to implement priority Municipal Roads General Permit projects and to update road erosion inventories. • Develop private road phosphorus reduction estimates and complete private road segmentation and assessments. 	<p><u>Transportation Goals and Policies:</u></p> <p>Goal 2: To preserve and maintain the existing transportation system.</p> <p>Policy 1: Support the necessary steps for evaluating, prioritizing, and implementing preventive maintenance programs for all elements of the transportation system.</p> <p>Goal 5: To establish a transportation system that minimizes consumption of resources and maximizes the protection of the environment.</p> <p>Policy 1: Support efforts to minimize negative environmental impacts associated with the transportation system (including air quality, noise levels, surface water, vegetation, agricultural land, fragile areas, and historical/archaeological sites).</p>

<i>Draft 2023 Winooski River Tactical Basin Plan Strategies by Sector</i>	<i>2016 Central Vermont Regional Plan, amended 2020 Goals, Policies, & Actions</i>
WASTEWATER	
<p>Improvements to municipal wastewater infrastructure that decrease pollution from municipal wastewater systems through treatment upgrades, combined sewer overflow (CSO) abatement, and refurbishment of aging infrastructure.</p> <ul style="list-style-type: none"> • Support municipalities pursuing wastewater treatment facility phosphorus optimization, expansion projects, and upgrades to meet total maximum daily load allotments, phosphorus optimization and combined sewer overflow requirements. • Support and ensure monitoring and permit compliance for waste management systems. • Provide technical assistance and funding to towns interested in exploring and implementing village wastewater systems and septic replacement through ANR Village Wastewater Solutions. • Promote septic system maintenance in communities adjacent to nutrient- or bacteria-degraded waters via Wastewater Workshops. 	<p><u>Facilities, Services and Utilities Goals, Policies and Strategies:</u></p> <p>Goal: Improvement and expansion of wastewater treatment facilities and options so as to protect public health, maximize public investment, and reinforce desired patterns of growth.</p> <p>Policy 3: Encourage continued efforts to improve water quality through the separation of combined sewers or other method to ameliorate the harmful impacts of combined sewer overflows.</p> <p>Policy 4: Support efforts to upgrade components of aging wastewater systems to address depreciation, improve energy efficiency and increase flood resilience of the Region's systems.</p> <p>Policy 4B: Perform outreach to municipalities whose systems are approaching 20-yr design life and connect local operators/commissions with available technical assistance.</p> <p>Policy 13: CVRPC encourages the use of shoreline zoning powers (24 V.S.A., Chapter 117, and Section 4411), in compliance with the Vermont Shoreland Protection Act, to regulate the design of sanitary facilities on lands adjacent to surface waters.</p>

<i>Draft 2023 Winooski River Tactical Basin Plan Strategies by Sector</i>	<i>2016 Central Vermont Regional Plan, amended 2020 Goals, Policies, & Actions</i>
NATURAL RESOURCE RESTORATION	
<p>Restoration of “natural infrastructure” functions that prevent and abate pollution. Natural infrastructure includes: floodplains, river channels, lakeshores, wetlands, and forest lands.</p> <p><i>Rivers:</i></p> <ul style="list-style-type: none"> • Evaluate water quality benefits of protection and restoration projects identified in state-supported plans and develop and implement priority projects. • Pilot the identification, development, and implementation of low-tech, process-based restoration projects to improve stream equilibrium. • Support municipalities in updating flood hazard bylaws and considering adoption of river corridor protections with new Federal Emergency Management Agency maps. • Scope, develop, and implement priority culvert upgrade and dam removal projects. • Encourage landowner and recreationist stewardship of riparian areas through established social marketing and signage campaigns for water quality and biodiversity benefit, e.g., Stream Wise. • Support outreach to towns on opportunities to reclassify waters based on recreation-fishing, 	<p><u>General Land Use Goals, Policies, and Strategies:</u></p> <p>Goal 1: To promote sound management, conservation and use of the Region's natural resources. Policies 3: Support the betterment of surface water quality in the Region.</p> <p>Strategy 3d. Native vegetated buffer strips in riparian zones and shoreland areas should be protected or maintained according to Best Management Practices outlined in the Vermont Handbook for Shoreland Development and VT Agency of Natural Resources Guidance Regarding Riparian Buffers to protect functional habitat and improve water quality.</p> <p>Strategy 3g. Assist landowners in identifying funding opportunities to support buffer plantings on their properties that would support stream bank and shoreland restoration.</p> <p>Strategy 5b. Encourage and provide technical assistance to municipalities in enhancing the regulatory standards in their municipal flood hazard regulations, including the incorporation of River Corridor regulations.</p> <p>Strategy 5e. Assist municipalities in identifying and limiting development on lands adjacent to waterways that provide flood storage or other beneficial function through acquisition, easement, deed restriction or zoning that encourages cluster</p>

aquatic biota and wildlife, and aquatic habitat uses.

Lakes:

- Implement Next Generation Lake Assessments to rapidly assess lake stressors and evaluate the need for more detailed lake assessments.
- Evaluate community support for and implement Lake Wise assessments and Lake Watershed Action Plans in populated lake communities with fair to poor shoreland or watershed conditions.
- Develop and implement priority projects identified during Lake Wise or Lake Watershed Action Plan assessment.
- Maintain and build the capacity for existing aquatic invasive species management and prevention programs.
- Where applicable, increase protections for high-quality lakes through reclassification or evaluate reclassification potential through additional monitoring.

Wetlands:

- Develop a process for crediting the phosphorus reduction of wetland protection and restoration projects.
- Scope and develop small-scale (10 – 50-acre) wetland protection and restoration opportunities.
- Provide support to the Wetlands Program for publicizing updated wetland mapping and local efforts for reclassification.

design, particularly for those upstream floodplains that provide flood protection functions for the Region 's downtowns and village centers.

Policy 6: Improve flood resilience planning, education and outreach activities to create a citizenry aware of flood risks, potential costs, and actions that can serve to reduce risk and future property loss.

Facilities, Services and Utilities Goals, Policies and Strategies – Emergency Management

Goal 1: To build disaster resistant communities in Central Vermont through sound emergency planning and management.

Goal 2: To ensure that all communities in Central Vermont have the appropriate information, resources, and tools to respond to disaster events and recover from their impacts.

Policy 6: Discourage residential, commercial, or residential development in floodplains.

Forests:

- Pilot forest road inventories and implement priority projects on state, municipal, and potentially private lands.
- Identify and implement feasible forest erosion projects identified with emerging forest erosion mapping tools.
- Support the use of skidder bridges through rental and incentive programs.
- Encourage land conservation and Use Value Appraisal enrollment where landowners are interested, especially in drinking water source protection areas.



MEMO

Date: November 7, 2023

To: CVRPC Board of Commissioners

From: Bill Arrand, MPRC Chair

Re: *Waitsfield Town Plan*

☒ **ACTIONS REQUESTED: (consideration of the following actions following Committee update)**

- 1) **Approve the *Waitsfield Town Plan*.**
- 2) **Confirm the planning process of the Town of Waitsfield.**
- 3) **Issue an affirmative Determination of Energy Compliance for the *Waitsfield Town Plan*.**

On November 13, 2023 the Municipal Plan Review Committee (MPRC) will hold a hearing to consider approval the *Waitsfield Town Plan*, to consider confirmation of Waitsfield's planning process, and to affirm Waitsfield's Determination of Energy Compliance. The purpose of this update was to:

- 1) Comply with Act 171 (Natural Resources),
- 2) Comply with Act 174 (Energy),
- 3) Develop of a new Future Town Use Map, and
- 4) Complete minor edits to the housing chapter and implementation.

The Municipal Plan Review Committee will determine if the *Waitsfield Town Plan* was found to:

- be consistent with the State goals established in section §4302;
- be compatible with the Central Vermont Regional Plan;
- be compatible with approved plans of other municipalities in the region; and
- contain all the elements included in section § 4382.
- meet the standards for issuing a determination of energy compliance included in the State energy plans

The Committee will provide an update to the Board regarding approval of the Plan and issuance of an affirmative determination of energy compliance.

The Committee will also consider the Town's planning efforts and provide an update to the Board regarding confirmation of the Town's planning process as noted in the draft resolution provided to the Board.



RESOLUTION

Whereas Title 24, VSA, Section §4350 requires that regional planning commissions, after public notice, shall review the planning process of member municipalities and shall so confirm when a municipality:

1. is engaged in a continuing planning process that, within a reasonable time, will result in a plan that is consistent with the goals contained in 24 V.S.A. § 4302;
2. is engaged in a process to implement its municipal plan, consistent with the program for implementation required under 24 V.S.A. § 4382; and
3. is maintaining its efforts to provide local funds for municipal and regional planning purposes;

Whereas as part of the consultation process, a regional planning commission shall consider whether a municipality has adopted a plan;

Whereas a regional planning commission shall review and approve plans of its member municipalities, when approval is requested and warranted, and a commission shall approve a plan if it finds that the plan:

1. is consistent with the goals established in 24 V.S.A. § 4302;
2. is compatible with its regional plan;
3. is compatible with approved plans of other municipalities in the region; and
4. contains all the elements included in 24 V.S.A. § 4382(a)(1)-(12);

Whereas the Town of Waitsfield prepared a municipal plan in accordance with 24 V.S.A Chapter 117;

Whereas the Central Vermont Regional Planning Commission concluded that the *2023 Waitsfield Town Plan* meets the requirements for approval; now, therefore, be it

Resolved, that the Central Vermont Regional Planning Commission:

1. approves the *2023 Waitsfield Town Plan* adopted October 9, 2023; and
2. consulted with and confirms the planning process of the Town of Waitsfield.

Under 24 V.S.A. § 4350, when an adopted municipal plan expires, its approval and confirmation of the municipality's planning process also expire. Recommendations made by the Central Vermont Regional Planning Commission are attached and should be considered when developing the next municipal plan.

A municipality that has adopted a plan may define and regulate land development in any manner that the municipality establishes in its bylaws, provided those bylaws are in conformance with the plan and are adopted for the purposes set forth in 24 V.S.A. § 4302.

ADOPTED by the Central Vermont Regional Planning Commission on December 12, 2023.

Gerry D'Amico, Chair



DETERMINATION OF ENERGY COMPLIANCE

Determination of Energy Planning Compliance Pursuant to 24 V.S.A. §4352

2023 Waitsfield Town Plan, Waitsfield, VT

I. Procedural History

1. On October 18, 2023, the Town of Waitsfield submitted the *2023 Waitsfield Town Plan* to the Central Vermont Regional Planning Commission ("CVRPC") for a determination of compliance with the enhanced energy planning standards set forth in 24 V.S.A. §4352.
2. On October 19, 2023, notice of a public hearing scheduled for November 13, 2023 was posted on the website of the Central Vermont Regional Planning Commission, the entity from which the determination was requested.
3. On October 25, 2023, notice of a public hearing scheduled for November 13, 2023 was published in the Barre-Montpelier Times Argus.
4. On October 19, 2023, notice of a public hearing scheduled for November 13, 2023 was emailed directly to the Town of Waitsfield and posted in three other locations within the region.
5. On November 13, 2023, CVRPC's Municipal Plan Review Committee convened a public hearing via Zoom software with no physical location per the standards set forth in Act 1 (H.42) of 2023. The Municipal Plan Review Committee recommended that the *2023 Waitsfield Town Plan* receive a determination of energy compliance with the enhanced energy planning standards set forth in 24 V.S.A. §4352.
6. On November 14, 2023, CVRPC's Board of Commissioners reviewed the recommendation of the Municipal Plan Review Committee and voted to approve the determination of energy compliance pursuant to 24 V.S.A. §4352.

II. Public Comments

None

III. Conclusions

1. The *2023 Waitsfield Town Plan* includes an energy element that has the same components as described in 24 V.S.A. §4348a(a)(3) for a regional plan and is confirmed under the requirements of 24 V.S.A. §4350.
2. The *2023 Waitsfield Town Plan* is consistent with following State goals:
 - A. Vermont's greenhouse gas reduction goals under 10 V.S.A. § 578(a);
 - B. Vermont's 25 by 25 goal for renewable energy under 10 V.S.A. § 580;
 - C. Vermont's building efficiency goals under 10 V.S.A. § 581;
 - D. State energy policy under 30 V.S.A. § 202a and the recommendations for regional and municipal energy planning pertaining to the efficient use of energy and the siting and development of renewable energy resources contained in the State energy plans adopted pursuant to 30 V.S.A. §§ 202 and 202b (State energy plans); and
 - E. The distributed renewable generation and energy transformation categories of resources to meet the requirements of the Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005.
3. The *2023 Waitsfield Town Plan* meets the standards for issuing a determination of energy compliance included in the State energy plans as developed by the Vermont Department of Public Service.

Dated this 12th day on December, 2023.

Gerry D'Amico, Chair
Central Vermont Regional Planning Commission

DRAFT Regional Planning Report

Vermont Association of Planning and Development Agencies

November 2, 2023 - DRAFT

Table of Contents:

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Appendix 1 – Draft Future Land Use Areas

Appendix 2 Future Land Use Element Statutory Recommendations

Appendix 3 – Other Statutory Recommendations Related to Act 250, Designations, State Investments

1. Introduction and Background

The HOME Act (Act 47 of 2023, Section 15) required the Vermont Association of Planning and Development Agencies (VAPDA) to report on statutory recommendations to better integrate and implement municipal, regional, and State plans, policies, and investments by focusing on regional future land use maps and policies by December 15, 2023. The VAPDA is the statewide association of regional planning commissions.

The below sections describe the goals under which VAPDA proceeded with this study, findings, approach in carrying out this work, recommendations for consistent regional planning, recommendations related to integration with other State policy initiatives, recommendations for equitable engagement, and finally, how we addressed comments from stakeholders.

2. Legislative Charge

S.100 Sec. 15. REGIONAL PLANNING REPORT

(a) On or before December 15, 2023, the Vermont Association of Planning and Development Agencies shall report on statutory recommendations to better integrate and implement municipal, regional, and State plans, policies, and investments by focusing on regional future land use maps and policies. In the

process of creating the Regional Planning Report, the Vermont Association of Planning and Development Agencies shall consider possible new methods of public engagement that promote equity and expand opportunity for meaningful participation by impacted communities in the decisions affecting their physical and social environment.

(b) The recommendations shall address how to accomplish the following:

(1) Aligning policies and implementation between municipalities, regional planning commissions, and State entities to better address climate change, climate resiliency, natural resources, housing, transportation, economic development, other social determinants of health, and other place-based issues.

(2) Building upon municipal and regional enhanced energy plans and their implementation.

(3) Evaluating place-based policy and project decisions by the State, regional planning commissions, and municipalities related to implementing regional future land use maps and policies and recommending changes to which of those governmental levels those decisions should occur, if necessary.

(4) Ensuring that State agency investment and policy decisions that relate to land development are consistent with regional and local plans. The investments assessed should include, at a minimum:

(A) drinking water;

(B) wastewater;

(C) stormwater;

(D) transportation;

(E) community and economic development;

(F) housing;

(G) energy; and

(H) telecommunications.

(5) Achieving statewide consistency of future land use maps and policies to better support Act 250 and 30 V.S.A. § 248.

(6) How Act 250 and 30 V.S.A. § 248 could better support implementation of regional future land use maps and policies.

(7) Better support implementation of regional future land use maps and policies in the State designation program under 24 V.S.A. chapter 76A.

(8) Improving the quality and effectiveness of future land use maps in regional and municipal plans through changes to 24 V.S.A. chapter 117 including:

(A) future land use map area delineations, definitions, statements, and policies;

(B) existing settlement definitions and their relationship to future land use maps;

(C) the role of regional plans in the review and approval of municipal plans and planning processes; and

(D) a review mechanism to ensure bylaws are consistent with municipal plans.

(c) The report should also discuss how best to implement the recommendations, including the following:

(1) how best to phase in the recommendations;

(2) how to establish a mechanism for the independent review of regional plans to ensure

consistency with statutory requirements;

(3) what guidance and training will be needed to implement the recommendations; and

(4) what incentives and accountability mechanisms are necessary to accomplish these changes at all levels of government.

(d) The Vermont Association of Planning and Development Agencies shall consult with the Agency of Transportation, the Agency of Natural Resources, the Agency of Commerce and Community Development, the Department of Public Service, Vermont Emergency Management, the Natural Resources Board, the regional development corporations, the Vermont League of Cities and Towns, statewide environmental organizations, and other interested parties in developing the report and shall summarize comments.

(e) On or before December 15, 2023, the Vermont Association of Planning and Development Agencies shall submit the report to the following committees: the Senate Committees on Economic Development, Housing and General Affairs, on Government Operations, on Natural Resources and Energy, and on Transportation and the House Committees on Commerce and Economic Development, on Environment and Energy, on General and Housing, on Government Operations and Military Affairs, and on Transportation.

(f) The Vermont Association of Planning and Development Agencies shall be funded in fiscal year 2023 and fiscal year 2024 for this study through the regional planning grant established in 24 V.S.A. § 4306

3. VAPDA's Goals

VAPDA supports a consistent framework for regional land use planning that:

- More consistently defines areas planned for growth through collaborative coordination of municipal and regional plans;
- Supports shifting the mapping and delineation of areas for the purpose of achieving State Designations from the State to the RPCs while leaving the decision to approve a State Designation at the State level.;
- Strengthens the weight of regional plans in State capital investment decisions; and,
- Defines areas that should be exempt from Act 250 on the basis of established regional and municipal planning for compact development and provision of infrastructure.

Why is this important? There are a number of broader benefits to Vermont in having consistent land use plans supporting both municipal and state policy decisions including investments. These benefits include:

- Better implementing the first State planning goal: To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside. (24 V.S.A. § 4302).
- Providing clarity about the planned scale of development in different parts of the State to achieve the planning goal above.
- Advancing the State, regional, and municipal housing targets that will be developed as part of the State's Housing Needs Assessment in the spring of 2024.
- Addressing the housing shortage through policy change such as updating municipal and state regulations as we know that we can't publicly fund our way to a healthy housing market. The

lack of housing is exacerbating the mental health, substance misuse, and homelessness issues throughout the State.

- Achieving the State's climate goals including reducing greenhouse gas emissions through smart, planned growth that reduces the overall vehicle miles of travel.
- Reducing development pressure on our farms and forests by increasing opportunities for housing in our existing and planned growth areas.
- Improving public health by increasing physical activity and reducing social isolation with more walkable communities.
- Benefits our transit system by concentrating growth and having more riders closer to our transit routes.
- Supporting economic growth in all areas of the State consistent with municipal and regional plans.
- Maximizing the impact of State and Federal infrastructure investments.
- Other?

4. Findings

VAPDA find the following after review of the future land use elements of all eleven regional plans:

- There are several common elements (including land use categories) within regional plans and maps, but there is not always consistency in terms or how they are used.
 - While each region has areas clearly defined as having little to no development, there is less consistency in defining whether these areas are grouped together or further divided into rural residential, working lands (agriculture and forestry), or conservation areas.
 - Each region identifies development centers, but the terms used (or the scales of development) do not always translate among regions (and are not necessarily consistent with state planning area designations). Examples include Regional Center, Center, Town Center, Village Center, Service Center, and Hamlet.
 - All regional plans create distinctions between developed and undeveloped areas, often using a spectrum of urban to rural development patterns.
- There is variation in the level of detail future land use designations are addressed in regional plans.
 - Variation in how closely land use plan language is tied to maps
 - Specificity of desired future conditions
 - The degree to which regional plans contain regulatory provisions for use in Act 250
 - Mapping detail (ranging from simple point data, approximate areas, and specific geographic designations or districts)
- Several regions are using unique land use areas that showcase the variation in planning issues across the state. Examples include:
 - CCRPC's Transit-Oriented Development Overlay
 - LCPC's State Forest and Shoreland Regional Areas
 - TRORC's Interstate Interchange Areas
 - Resort Center Areas in CVRPC, MARC, and WRC

5. Approach to Developing Recommendations

The following describes the process undertaken by VAPDA to arrive at this report and its recommendations.

1. From July 1 to October 20, VAPDA developed and refined the following recommendations:

- a. Use polygon data to denote planning areas.
- b. Identify common features or elements of planning area descriptions.
- c. Identify criteria by which to define land use designations. VAPDA reviewed the criteria by which these land use areas might be defined based on review of current regional plans. This data helped VAPDA understand the different RPC FLU areas to make better recommendations about statewide consistency.
 - Intent for Future Land Use.
 - Residential density and/or e911 point density.
 - Scale & type of development.
 - Infrastructure available, or planned, to support development.
 - Natural and Historic/Cultural Resources.

VAPDA reviewed the results of this analysis in August, September, and October to reach a consensus on the common future land use areas.

2. From October 1 to December 15, VAPDA refined recommendations on the following:

How future land use areas interface with statewide policy. VAPDA discussed recommendations on how the new core regional land use areas and their associated criteria will be used in the following contexts:

- **State planning designations.**
- **Act 250.**
- **Updates to Chapter 117.**
- **State capital investment planning.**

3. From October – December VAPDA sought stakeholder feedback:

On November 3, 2023, VAPDA sent the draft FLU areas and criteria to the following organizations and offered meetings to review and discuss. One meeting for state agencies: Agency of Transportation, the Agency of Natural Resources, the Agency of Commerce and Community Development, the Department of Public Service, Vermont Emergency Management, and the Natural Resources Board; one meeting for regional development corporations; one meeting for the Vermont League of Cities and Towns and Vermont Planners Association; and one meeting for Vermont Natural Resources Council. Comments were requested by December 1, 2023.

4. From October 1-December 1, 2023, RPC Boards and Committees reviewed and commented on the draft recommendations.

5. Final Report Submission: VAPDA completed edits and submitted this report by December 15 to the following committees: the Senate Committees on Economic Development, Housing and General Affairs, on Government Operations, on Natural Resources and Energy, and on Transportation and the House Committees on Commerce and Economic Development, on Environment and Energy, on General and Housing, on Government Operations and Military Affairs, and on Transportation.

6. Recommendations for Consistent Future Land Use Plans

VAPDA has determined that all regional plans should use a core set of land use designations that represent a spectrum of development patterns and intensities. It is noted that regions should retain the ability to define special land use categories or overlays to address their unique circumstances, but which may not be treated equivalently at a statewide level. More details can be found in Appendix 1.

a. Proposed future land use planning area descriptions.

This initial list of land use areas were used for discussion purposes as the RPCs developed agreement on these definitions. Initial regional land use areas included:

- **Planned Growth Areas:** Includes the densest existing settlement and future growth areas with the highest concentrations of population, housing, and employment in each town. They include a mix of commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations, public water and/or wastewater and multi-modal transportation systems. These areas typically surround historic or new commercial downtowns and village centers.
- **Village Areas:** Includes the traditional settlement area or a proposed new settlement area, typically comprised of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. Village Areas may not have one of the following: water, sewer, or land development regulations. They provide some opportunity for infill development or new development areas where the village can grow and be flood resilient. These areas may typically include existing village center designations or plan to seek this designation (this area is not limited to the designation).
- **Transition/infill area (optional):** Includes areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a Planned Growth or Village Area or a new Transition Area and served by, or planned for, water and/or wastewater. The intent of this land use category is to transform these areas into higher-density, mixed use settlements, or residential neighborhoods through infill and redevelopment or new development. New commercial strip auto-oriented development is not allowed as to prevent negatively impacting the economic vitality of commercial areas in the adjacent or nearby Planned Growth or Village Area. This area could also include adjacent greenfields safer from flooding.
- **Resort-based Recreation Areas:** Includes large-scale resource-based, recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, which provide infrastructure, jobs, and housing to support recreational activities.
- **Enterprise:** Includes locations of high economic activity and employment which are not adjacent to Planned Growth Areas. These include industrial parks, areas of natural resource extraction, or

other commercial uses which involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.

- **Hamlet:** Small historic clusters of homes and perhaps a school, church, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems, and mostly focused along 1-2 roads. These may be depicted as points on the FLU map.
- **Rural - General:** Include areas that promote the preservation of Vermont's traditional working landscape and natural area features. They allow for low-density residential and sometimes limited commercial development that is compatible with productive lands and natural areas. This area could also include an area that a municipality is planning to make more rural than it is currently.
- **Rural - Agricultural and Forestry:** Include blocks of forest or farmland that sustain resource industries, provide critical wildlife habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the agricultural and forest resource value. Consistent with Act 171 requirements.
- **Rural - Conservation:** Include areas intended to be conserved often with regulations or property rights limiting development, fragmentation, and conversion in order to maintain ecological health and scenic beauty. These lands have significant economic value, and require special protection due to their uniqueness, fragility, or ecological importance. They may include protected lands, areas with specific features like steep slopes or endangered species, wetlands, flood hazard areas, and shoreline protection areas, and are intended to remain largely undeveloped for the benefit of future generations. Consistent with Act 171 requirements.

- b. Use polygon data to denote planning areas.** VAPDA agreed that the regions that use point data for land use designations will convert these to polygon areas to support clearer application of state-level policy. There may be exceptions, if necessary, potentially for small crossroads or hamlet settlement areas or site-specific industrial parks. Decisions on these delineations will be led by the municipalities and the regional planning commission, and should not be associated with specific zoning requirements, but rather an overall goal for development patterns.

7. Recommendations for Regional Plan Review and Approval Process

Below is a proposed process for reviewing and approving Regional Plans to maintain long term consistency:

1. **Draft Plan Development and Regional Approval** – The RPC will develop the Draft Regional Plan in consultation with their member municipalities and seek review by State agencies and other stakeholders. As part of the plan development process, the RPC should document efforts to engage marginalized communities. Equitable engagement best practices are included in Section 9 below.. The RPC will hold two public hearings consistent with current statute in their region to obtain any comments from their municipalities and other stakeholders. prior to approval of the draft regional plan by the RPC. State agencies will be asked to provide comments and a determination as to compliance with state statutory requirements in advance of the first public hearing. After consideration of the comments received, the RPC will adopt their regional plan.

2. State Approval – If the legislature determines that an additional process is needed for review and approval of a regional plan, VAPDA suggests that could be done by either a peer review by other RPCs, the Downtown Board, an enhanced NRB, or some other existing or new body. If this additional process is added, one major criterion in the review and approval should be how well the Regional Plan addresses fair housing and documents the ability to meet regional housing targets.
3. Accountability: There should be consequences of not following statute. If an RPC does not bring their plan into compliance, they should be provided a reasonable amount of time (up to 12 months depending upon what needs to be revised) to correct before any RPC member municipalities lose benefits related to Designations, Act 250, or State infrastructure investments.

8. Recommendations related to integration with other State policy initiatives

Describe how future land use areas interface with statewide policy. VAPDA provides the following recommendations on how the updated regional future land use areas and their associated criteria will be used in the following contexts:

- **State Designation Program.** VAPDA envisions the State requiring RPCs to delineate the areas *that will be used in an updated State Designation Program. [Placeholder: The State Designation Study is underway, and this section will be updated to consider those recommendations to the extent possible.]*
 - a. **Planned Growth Areas – In order to obtain a State Designation and benefits a recommendation letter** from RPC should be required. Designation should require identification in regional plan future land use element and regionally approved municipal plan. Benefits such as Act 250 exemptions and investment priority should apply to an area potentially as large as the entire Planned Growth Area while tax benefits, etc. would apply to properties in the mapped center and/or meeting certain criteria – historic preservation predominantly. Likely need State review for river corridors/floodplains and multi-modal transportation.
 - b. **Transition Areas-** Transition areas planned for increased development should be able to be included in a designation that encourages the redevelopment of auto-oriented strip development or the development into greenfields adjacent to a Planned Growth or Village Area. These areas may also be outside of any state designation.
 - c. **Village Areas** –Existing and any future Village Center designations (not included as Planned Growth Areas) will be included within the Village Areas. General benefits such as state grants and infrastructure investments should apply to the entire Village, while tax benefits should apply to properties meeting certain criteria – historic preservation predominantly.
 - d. **Resource-based Recreation Areas** – These are likely outside of any State designation.
 - e. **Enterprise Areas** – These are likely outside of any State designation.
 - f. **Hamlet** - Hamlets are outside of any State designation. Any currently designated village centers should be identified in a Village Area in regional plans' FLU element.
 - g. **Rural – General** – These are outside of any State designation.

- h. **Rural - Agricultural and Forestry** - These are outside of any State designation.
 - i. **Rural- Conservation** - These are outside of any State designation.
- **Act 250.** All or portions of Planned Growth Areas may meet criteria and be reviewed by the State to achieve exemption from Act 250 review or specific criteria.
 - a. **Planned Growth Areas** - Planned Growth Areas should be exempt from Act 250 jurisdiction when the municipality receives approval from the State through whatever process is adopted after the Act 250 and Designation studies' recommendations are implemented by the legislature. If exempt from future Act 250 jurisdiction, need a process for a property owner to transition any remaining Act 250 conditions to municipal jurisdiction when seeking a new permit. This process could include existing Act 250 permits in areas exempted to be superseded by, or relevant conditions get included in, a subsequent municipal permit. Need state review for river corridors/floodplains, historic preservation, and transportation – 60 days for review, include DEC permits before town issues final permit (could trails/paths be exempted?). Maybe different standards in the planned growth areas. (4449e)
 - b. **Transition** - Transition areas could be exempt from Act 250 jurisdiction when the community demonstrates planning and regulation that requires all new development to adhere to Vermont's land use goals (similar to current NDA requirements?).
 - c. **Village Areas** – Villages could be exempt from Act 250 jurisdiction or held to a different jurisdictional threshold than Rural areas. Planning and regulations that require new development to adhere to Vermont's land use goals should be required for reductions in, or exemptions from, Act 250 jurisdiction. Consider removing the 5-year, 5-mile jurisdictional trigger. Consider treating all Act 250 applications in these areas as minors. Consider reducing jurisdictional thresholds for commercial but not residential.
 - d. **Resource-based Recreation Areas** – These areas should be under Act 250 jurisdiction due to their potential impact on natural resources.
 - e. **Enterprise Areas** – These areas should be under Act 250 jurisdiction. Different Act 250 criteria could be considered. Nuisance type impacts should be reviewed at edge of area, rather than individual lots. Enable offsite ag soil mitigation.
 - f. **Hamlet** - These areas should be under Act 250 jurisdiction.
 - g. **Rural – General** – These areas should be under Act 250 jurisdiction.
 - h. **Rural - Agricultural and Forestry** - These areas should be under Act 250 jurisdiction. This area may be defined by constraint mapping done as part of Act 174 for Enhanced Energy Plans.
 - i. **Rural- Conservation** - These areas should be under Act 250 jurisdiction and may have a lower jurisdictional threshold and/or a higher standard of review. This area may be defined by constraint mapping done as part of Act 174 for Enhanced Energy Plans.
- **State capital investment planning.** For each FLU Area, we offer the following types of State investment that should be prioritized. These lists are not intended to be all inclusive.
 - a. **Planned Growth Areas** - Water, wastewater, stormwater, sidewalks, paths, complete streets, transit, EVSE, urban trees, state offices, schools, housing, historic preservation and adaptive re-use. Consideration of climate resilience is critical.

- b. **Transition Areas** - Water, wastewater, stormwater, sidewalks, paths, complete streets, transit, EVSE, urban trees, housing, historic preservation. Consideration of climate resilience is critical.
 - c. **Village Areas** – Water, wastewater, stormwater, sidewalks, paths, complete streets, transit, EVSE, urban trees, state offices, schools, housing, historic preservation and adaptive re-use. Consideration of climate resilience is critical.
 - d. **Resource-based Recreation Areas** – Water, wastewater, stormwater, sidewalks, paths, complete streets, transit, EVSE. Consideration of climate resilience is critical.
 - e. **Enterprise Areas** – Water, wastewater, stormwater, sidewalks, paths, complete streets, transit, EVSE.
 - f. **Hamlet** - Sidewalks, paths, EVSE.
 - g. **Rural – General** – Clean water, working lands, conservation easements, recreational trails.
 - h. **Rural - Agricultural and Forestry** - Clean water, working lands, conservation easements, recreational trails.
 - i. **Rural- Conservation** - Clean water, working lands, conservation easements, recreational trails.
- **Updates to Chapter 117.** Specifically, the required elements of regional plans in 24 V.S.A. § 4348a and consistency of municipal plans with regional plans as required in 24 V.S.A. §4382(a). See Appendix 2 [not yet drafted] for detailed suggestions regarding statutory changes.
 - **Other State Policy.** See Appendix 3 [not yet drafted] for detailed suggestions regarding statutory changes.
 - a. **Speed Limits** - In Planned Growth and Village Areas, consider allowing municipalities with these areas to adopt speed limits less than 25 mph.

9. Recommendations related to equitable engagement

RPCs should consider methods of public engagement that promote equity and expand opportunity for meaningful participation by impacted communities in the decisions affecting their physical and social environment.

When drafting regional plans that guide land use, inclusive community participation is important to eliminate racism and discrimination and achieve better outcomes.ⁱ Effective public education on what land use policies is, and what land use planning has the potential to do for a community can be a crucial element in encouraging participation from broader and more representative groups of citizens. However, inviting underrepresented and marginalized groups to attend events and meetings is not enough, pro-active recruitment, education, relationship building, and empowerment is needed for effective engagement around critical decisions about land use.ⁱⁱ

Additionally, the following recommendations from the American Planners Association should apply to updating land use policies:

- Drafting should allow for multiple opportunities for review of potential impacts on marginalized communities.
- Overly complicated language and regulations should be avoided. Planners should speak to the community in the language(s) they understand and use clear and objective, equity-based standards and review criteria.ⁱⁱⁱ

Although there are nearly always capacity constraints, thoughtful selection of a community engagement process should not overburden the community members who already face barriers to engaging with decision-making, while also allowing those same community members to have a voice in how Future Land Use Maps are developed. Achieving this will require that any engagement effort or activity is made accessible through providing services such as transportation, translation, and childcare. Food should be provided, and stipends whenever possible. Venue locations should be carefully selected while considering what spaces may or may not be inviting depending on lived experiences or generational trauma.

10. Recommendations related to implementation

Here are initial recommendations for the sequencing and scheduling of activities needed to properly implement the proposed changes described above. These recommendations assume that Act 250 and the State Designation Program have been updated consistent with the recommendations included in this report and the statute generally becomes effective July 1, 2024.

Action – Responsible Party	Timeframe or deadline
Training and Education – The RPCs, NRB, and DHCD should collaborate on a training presentation for municipalities, RPCs, NRB, District Environmental Commissions, State agency staff, developers, and other interested parties.	7/24-6/25
Updated State Designation Guidance - DHCD	12/31/24
Updated Act 250 Rulemaking as required - NRB	12/31/25
<i>If Act 250 and/or Designation reforms are adopted by the Legislature:</i>	
RPCs refine future land use criteria guidance	7/25
RPCs update regional plan future land use elements including equitable engagement process.	to be completed within three years after guidance

11. Comments from State Agencies and other stakeholders with responses

To be added after they review in November...

Appendix 1 – Draft Future Land Use Areas

Appendix 2 Future Land Use Element Statutory Recommendations

Appendix 3 – Other Statutory Recommendations Related to Act 250, Designations, State Investments

DRAFT

APPENDIX 1 DRAFT FUTURE LAND USE AREAS

PLANNED GROWTH AREA	
Description	Includes the densest existing settlement and future growth areas with the highest concentrations of population, housing, and employment in each town. They include a mix of commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations, public water and/or wastewater and multi-modal transportation systems. These areas typically surround historic or new commercial downtowns and village centers.
Key Criteria description	
Residential Density	Among highest in town or region; per Act 47 at least 5 du/ac net densities should be allowed in zoning. If zoning is not yet updated in compliance with Act 47, delineate the PGA anyway.
Housing Target	They are planned to accommodate most, if not all, of the municipal housing target through a diversity of residential building types when considered in combination with adjacent Transition Areas.
Types of Appropriate Development	Redevelopment, renovation and adaptive re-use of historic buildings, infill, adjacent greenfield development where needed to meet housing targets, serve civic and commercial needs and be flood resilient.
Zoning/Subdivision	land development regulations required
Community Water	Existing or planned water service area required (if needed to meet Act 47 minimum densities) (still PGA even if limited)
Community Sewer	Existing or planned sewer service area required (if needed to meet Act 47 minimum densities) (still PGA even if limited)
Transportation	Varied options emphasizing walking, biking, and transit.

VILLAGE AREA	
Description	Includes the traditional settlement area or a proposed new settlement area, typically comprised of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. Village Areas may not have one of the following: water, sewer, or land development regulations . They provide some opportunity for infill development or new development areas where the village can grow and be flood resilient. These areas may typically include existing village center designations or plan to seek this designation (this area is not limited to the designation).
Key Criteria description	
Residential Density	Relatively denser and more diverse housing types than surrounding rural areas in that town but does not achieve Act 47 required densities.
Housing Target	Demonstrate ability to accommodate some portion of municipal housing target within this area.
Types of Appropriate Development	Redevelopment, renovation and adaptive re-use of historic buildings, infill, adjacent greenfield development where needed to meet housing targets and be flood resilient.

Zoning/Subdivision	land development regulations optional
Community Water	Possible without having either sewer or zoning
Community Sewer	Possible without having either water or zoning
Transportation	Pedestrian-oriented including at least some existing or planned sidewalks or walking opportunities(?)

TRANSITION/INFILL AREA (OPTIONAL)	
Description	Includes areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a Planned Growth or Village Area or a new Transition Area and served by, or planned for, water and/or wastewater. The intent of this land use category is to transform these areas into higher-density, mixed use settlements, or residential neighborhoods through infill and redevelopment or new development. New commercial strip auto-oriented development is not allowed as to prevent negatively impacting the economic vitality of commercial areas in the adjacent or nearby Planned Growth or Village Area. This area could also include adjacent greenfields safer from flooding.
Key Criteria description	
Residential Density	Per Act 47, at least 5 du/ac net densities allowed in zoning. Intent to add housing to these strip commercial corridors or in adjacent greenfields safe from flooding.
Housing Target	Demonstrate ability to accommodate some significant portion of municipal housing target within this area.
Land Uses	Should be planned (and zoned) for a mix of uses
Zoning/Subdivision	land development regulations optional
Community Water	Existing or planned water service area required
Community Sewer	Existing or planned water service area required
Transportation	Varied options emphasizing walking, biking, and transit.

RESOURCE-BASED RECREATION AREA (OPTIONAL)	
Description	Includes large-scale resource-based, recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, which provide infrastructure, jobs, and housing to support recreational activities.
Key Criteria description	
Housing Density	High but less overall than Planned Growth Areas, often seasonal housing
Land Uses	Recreation, accessory and/or seasonal residential & commercial
Community Water	Often present but limited capacity
Community Sewer	Often present but limited capacity
Transportation	Road access and transit may be seasonal

ENTERPRISE (OPTIONAL)	
Description	Includes locations of high economic activity and employment which are not adjacent to Planned Growth Areas. These include industrial parks, areas of natural resource extraction, or other commercial uses which involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.
Key Criteria description	
Housing Density	None or low (from existing homes)
Employment	High employment
Land Uses	Industrial, Office, Limited retail, resource extraction not adjacent to a Planned Growth Area
Community Water	May be present
Community Sewer	May be present
Transportation	Driven by freight transportation (large truck, rail, air, and/or boat)

HAMLET	
Description	Small historic clusters of homes and perhaps a school, church, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems, and mostly focused along 1-2 roads. These may be depicted as points on the FLU map.
Key Criteria description	
Housing Density	low density residential
Land Uses	Hamlets may become Village Centers and/or Areas when they meet either the designation or future land use criteria.
Community Water	None required
Community Sewer	None required

RURAL AREAS	
Description	Rural – General: Include areas that promote the preservation of Vermont's traditional working landscape and natural area features. They allow for low-density residential and sometimes limited commercial development that is compatible with productive lands and natural areas. This area could also include an area that a municipality is planning to make more rural than it is currently.
	Rural - Agricultural and Forestry: Include blocks of forest or farmland that sustain resource industries, provide critical wildlife habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the agricultural and forest resource value. Consistent with Act 171 requirements.
	Rural – Conservation: Include areas intended to be conserved often with regulations or property rights limiting development, fragmentation, and conversion in order to maintain ecological health and scenic beauty. These lands have significant economic value, and require special protection due to their uniqueness, fragility, or ecological importance. They may include protected lands, areas with specific features like steep slopes or endangered species, wetlands, flood hazard areas, and shoreline protection areas, and are intended to remain largely undeveloped for the benefit of future generations. Consistent with Act 171 requirements.
Key Criteria description	
Housing Density	Very low
Employment	Resource-based employers and scattered sites
Land Uses	Predominantly farms, forests, and very low density residential

We should keep in mind that RPCs may call out special land use areas beyond this list and include some statutory language providing the ability and parameters.

ⁱ American Planners Association (2022). Equity in Zoning Policy Guide. [Equity in Zoning Policy Guide \(planning-org-uploaded-media.s3.amazonaws.com\)](https://planning-org-uploaded-media.s3.amazonaws.com)

ⁱⁱ American Planners Association (2022). Equity in Zoning Policy Guide. [Equity in Zoning Policy Guide \(planning-org-uploaded-media.s3.amazonaws.com\)](https://planning-org-uploaded-media.s3.amazonaws.com)

ⁱⁱⁱ American Planners Association (2022). Equity in Zoning Policy Guide. [Equity in Zoning Policy Guide \(planning-org-uploaded-media.s3.amazonaws.com\)](https://planning-org-uploaded-media.s3.amazonaws.com)

Municipal Delegation Framework Report

As requested by the Vermont Legislature in Act 47 of 2023

11/01/2023 **DRAFT**

Reported to the Legislature by the Vermont Association of Planning and Development Agencies (VAPDA)

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Appendix B – Possible Permits Related to Act 250 Permitting

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Municipal Delegation in the Act 250 Process

The State of Vermont has recognized that it is in a housing crisis, one that is deeply intertwined with its workforce, demographic, equity and environmental goals and priorities. With the passage of Act 47 (S.100) of 2023, the Legislature took major steps to address regulatory barriers to new housing in municipal zoning. Key provisions of Act 47 include requiring multi-unit dwellings and minimum residential density standards in municipalities that are served by public water and wastewater and temporarily increasing a key jurisdictional threshold that triggers Act 250 review of housing projects in designated places (specifically, the threshold commonly known as the “10/5/5” rule—or the creation of 10 units within five miles within five years by the same developer). The aim of these provisions was to increase the number of homes in places that are planned and suitable for growth.

Consistent with the Legislature’s intent to increase housing opportunities statewide, Act 47 also directed three studies in addition to this one to review and recommend modernizations to statewide regional land use planning, the Act 250 process, and state designation programs. These discreet studies are closely interrelated, particularly in terms of their relationship to where and to what degree Act 250 review is applicable. Despite these relationships, **the concept for Municipal Delegation outlined herein is feasible independent of the other tangentially related efforts.**

In the more than 50 years since the inception of Act 250, statewide development considerations have evolved, and many municipalities have modernized their planning and permitting efforts. Act 250 was enacted in 1970, providing a new forum to review developments that would have major regional or environmental impacts. Today, many municipalities have adopted plans in compliance with statutes guiding municipal and regional planning; robust regulatory measures adopted accordingly (24 VSA Chapter 117); professional staff; and boards and commissions that provide consistent review and interpretation of local land use regulations. In communities with such resources, Act 250 can often present a duplicative review process, and in some locations require the review of criteria that are not applicable.

Duplicative state permitting processes can add significant expenses to new housing developments in the form of time, money, and expertise required to prepare an Act 250 application and shepherd it through the review process. In fact, a 2017 report by the Agency of Commerce and Community Development found that current exemptions from Act 250 for Priority Housing Projects¹ “facilitated the development of more than 200 housing units by saving an estimated 6 months in state permitting timelines and more than \$250,000 in permitting fees”.²

During the 2023 session, as the legislature discussed strategies to meet the state’s housing needs and the role of Act 250, a group of municipalities proposed the concept of **Municipal Delegation as a time-sensitive complement to other broad reforms under consideration—one that would help reduce this permitting redundancy and support housing production.** As a result, the legislature included the Municipal Delegation framework study among other studies directed by Act 47.

This report outlines a proposed process for Municipal Delegation whereby municipalities with high quality bylaws and other statutorily authorized ordinances that are functionally equivalent to the criteria of Act 250 can pursue an agreement with the Natural Resources Board (NRB) to delegate review of development to the municipality and exempting development within the municipality from Act 250 review. This concept is not unique—other forms of municipal delegation exist in statute, including Lake Shoreland Protection Standards (10 V.S.A. § 1448), Potable Water Supply and Wastewater Systems (10 V.S.A. § 1976), and Building Codes/Fire Safety Standards (20 V.S.A. § 2736), all with slightly different processes. In fact, municipalities such as Burlington & South Burlington have Municipal Inspection Agreements with the Division of Fire Safety to issue one or more local permits in compliance with fire, electrical, accessibility, plumbing, and/or structural building codes. In Burlington, a Shoreland Delegation Agreement with the Agency of Natural Resources allows the city to issue permits for construction or vegetation removal in a protected shoreland area.

This report’s recommendations for Municipal Delegation do not entail a municipality administering Act 250 permits and review processes on behalf of the local District Commission. Rather, upon demonstrating to the NRB that local regulations provide a similar or more stringent level of review for any relevant Act 250 criteria within the municipality, a municipal permit can be issued in lieu of Act 250

¹ <https://nrb.vermont.gov/sites/nrb/files/documents/PHP%20Flowchart%202023.pdf>

Act 157 Report to the Vermont General Assembly on ways to improve the quality and quantity of housing and tools to finance infrastructure prepared by the Agency of Commerce and Community Development; January 15, 2017 - <https://accd.vermont.gov/community-development/resources-rules/publications/Act157-Housing-Report>

review. Such delegation would eliminate the need for an Act 250 permit in addition to a municipal land use permit for the same project.

Legislative Report Requested

The legislature asked the Vermont Association of Planning and Development Agencies (VAPDA) to develop a proposed framework for delegating administration of Act 250 permits to municipalities. The specific language from Act 47 requesting this report states:

Sec. 18a. REPORT; ACT 250 MUNICIPAL DELEGATION

*(a) The Vermont Association of Planning and Development Agencies, in consultation with the Natural Resources Board, shall develop a **proposed framework for delegating administration of Act 250 permits to municipalities** (emphasis added). They shall consult with other relevant stakeholders, including those with experience issuing Act 250 permits under 10 V.S.A. chapter 151, environmental organizations, State agencies, and municipal planning and zoning officials. Each regional planning commission shall hold one public meeting on the framework.*

(b) On or before December 31, 2023, the Vermont Association of Planning and Development Agencies shall report to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy on the proposed framework to delegate Act 250 permit administration to municipalities.

Alternative Municipal Delegation Framework Recommended – Functional Equivalency

After discussions with various municipalities (primarily Burlington, South Burlington, St. Albans City, and Winooski,) and other stakeholders engaged in the Act 250 process, it became clear that there is **no interest or support for municipalities taking on responsibility of issuing and administering Act 250 permits as it is currently done by the District Environmental Commissions**. Chief among the concerns about this potential process for delegation is that it would not address the central concern behind this proposal: to eliminate the duplication of local and state permitting. Such a framework would in fact maintain parallel reviews—instead of duplicate reviews between municipalities and District Commissions, there would be parallel reviews at the local level itself. Additionally, there are concerns that this could create new or additional inconsistencies in Act 250 decisions, even within District Commission boundaries, with some localities reviewing state requirements.

Instead, these municipalities with local capacity are interested in a process for delegation that involves an agreement with the NRB based upon a determination by the municipality, the Regional Planning Commissions (RPCs) and the NRB, that the municipality's regulations are functionally equivalent to the ten criteria of Act 250. More specifically, this process is envisioned to function like other existing forms of municipal delegation in which the state defers to a municipal permit issued in lieu of a state permit. These existing forms of delegation are based on state agencies' review of applicable municipal regulations to determine they will have either a substantially similar or better effect than the state's regulations, or evidence that a municipality has locally adopted and administers the same codes as the state.

[Placeholder – RPCs to discuss this concept with their largest, highest capacity municipalities to see what interest might exist. RPCs to distribute draft report on or about 11/13/2023 seeking input from NRB, District Coordinators, statewide environmental organizations, and Vermont planners. RPCs will also

discuss this at a public meeting in each region to solicit input. Add summary of comments and responses.]

Based on municipal input, **VAPDA recommends a framework that includes a review and recommendation by the municipality's RPC and approval of the NRB that a municipality has local regulations, enforcement, and administration of development permits that are functionally equivalent to relevant Act 250 criteria.** Upon a recommendation by the RPC and approval of the NRB, the NRB will execute an agreement with the municipality that exempts development within that municipality from requiring an Act 250 permit and certifies that a municipal permit can be issued in lieu of an Act 250 permit.

The municipalities contributing to this report estimate that approximately 90% to 95% of the issues covered by Act 250 criteria are addressed by their local regulations, and this framework would not have an adverse impact on other applicable state permitting requirements. In support of this recommended framework for Municipal Delegation, four municipalities reviewed the existing criteria in Act 250 (including sub-criteria) and identified the extent to which local regulations provide similar or enhanced review and regulation for each issue. Further, this report identifies other applicable state permits that may be triggered for development projects regardless of Act 250's jurisdiction over a project (see Appendix B). As such, this proposed framework only relates to the need for an Act 250 permit itself; other applicable state permits including wetlands, stormwater, and wastewater would still be required. These permits are currently issued by the authorized state agencies independent of the Act 250 process and continue to be applicable even when a Priority Housing Project may otherwise be exempt from Act 250.

While this concept deviates from the legislative language included in Act 47, the resulting process would address the legislative intent. Specifically, the intended outcome of this alternative option would be to create a system where municipalities, through their local regulatory processes, can demonstrate that local bylaws, ordinances, and regulations provide standards of review to regulate and enforce the criteria and sub-criteria included in Act 250 where applicable based on the specifics of project and its location. This would also have the benefit of consistency in interpretations of regulations, reduced time to receive permits to begin projects, and reduced permitting costs that can be reinvested in the projects themselves.

Benefits of Municipal Delegation

Municipalities with functionally equivalent regulations that successfully receive delegation from the NRB will be on the forefront of helping to alleviate the housing crisis and begin to realize positive impacts on state and local economies. Specific benefits of this process include:

- Municipalities will be incentivized to adopt stronger regulations and establish best practices related to land use regulations and planning.
- Enforcement of permit conditions and regulatory requirements will be addressed at the local level.
- District Environmental Commissions can focus more resources on communities with less robust regulations and local capacity; or projects that have significant regional impacts as defined by regional plans.

- The NRB will maintain formal oversight of the program, including benchmarks to ensure continued compliance with delegation standards.
- Reduced permitting requirements in communities that have infrastructure and regulations to support additional growth will help reduce development pressure in open natural areas and working agricultural landscapes.
- Provide cost and time savings for new developments in areas planned for growth and supporting the creation of much-needed housing and mixed-use projects in those communities.

Existing Statutory Provisions for Delegation of State Permitting or Review

Delegation of statutory requirements to municipalities is not new. As stated previously, statutes provide municipalities with an opportunity to regulate specific statutory requirements (Lake Shoreland Protection; Potable Water Supply and Wastewater Systems; and Building Codes/Fire Safety Standards) through agreements between the state agencies and the municipality when municipal regulations have been found to be functionally equivalent.

In addition, statute already provides a form of delegation through an exemption to Act 250 permitting for Priority Housing Projects. Projects that are proposed in Downtown and Neighborhood Development Areas (NDA) and meet the housing affordability standards for Priority Housing are exempt from Act 250 review and only require local land use permits and other applicable state permits³.

In order to receive the NDA designation, a municipality must receive approval from the Vermont Downtown Board by demonstrating that:

- The municipality has a confirmed planning process as outlined in 24 V.S.A. § 4350.
- The proposed NDA area conforms to complete street standards as outlined in 19 V.S.A.309d.
- The proposed NDA area is compatible with Historic Register Historic Districts including state or national historic sites and significant cultural resources.
- Mapping includes Important Natural Areas consistent with 24 V.S.A. § 2791(14).
- Municipal bylaws meet minimum standards for density, accessory dwelling units, and design guidelines.

Exempting Priority Housing Projects from Act 250 review is an important tool to support the construction of affordable housing in areas planned for growth. However, it is important to note that such projects can have the same land use and infrastructure impacts as non-priority housing projects of the same scale within those locations. The current exemption recognizes the importance of reducing duplicative permitting that can add cost and time to affordable housing development, and defers to the adequacy of municipal land use regulations and other applicable state regulations. The proposed Municipal Delegation framework builds on this limited exemption from Act 250 and provides a more thorough foundation for examining the effect of local regulations in order to exempt other projects as well.

Proposed Process for Issuing a Municipal Delegation Agreement

³ Other state permits such as wetland, stormwater, and wastewater permits are still required even with Priority Housing Projects.

In order to advance this Municipal Delegation Framework, this report suggests a new, key definition in statute:

Municipal Delegation of Act 250 through functional equivalency is an agreement between the NRB and a municipality upon the NRB finding the municipality's regulations, standards of review, and enforcement mechanisms are functionally equivalent or better at reviewing development issues currently covered by each applicable Act 250 criterion. This will be commonly referred to as Municipal Delegation of Act 250. Areas of a municipality included in the Municipal Delegation agreement will be exempt from Act 250 review.

The process for achieving such Municipal Delegation is described in the two sections below.

Minimum Requirements for Municipal Eligibility

To be considered for municipal delegation, the municipality must demonstrate that robust planning, permitting, administration, and enforcement are in place. To accomplish this, a municipality would need to provide supporting information to show at a minimum:

- An adopted municipal plan, approved by the RPC as compatible with the Regional Plan and statewide planning goals and objectives.
- An approved municipal plan that has received an affirmative Enhanced Energy Plan designation for applicability for Section 248 review.
- Adopted zoning and subdivision bylaws, in compliance with Title 24, Chapter 117 of Vermont Statute, and other duly adopted municipal ordinances or codes enabled by statute, which regulate issues relevant to any applicable Act 250 criteria within the municipality.
- One or more current (or future equivalent) state designated area including Downtown, Neighborhood Development Area, or Growth Center designations within municipal limits.
- Professional staff to administer and enforce municipal codes and ordinances and commitment from the legislative body to invest in, and support, enforcement.
- Utility infrastructure to support growth and development including the ability to expand capacity when necessary.
- The municipality will demonstrate that their local regulations and processes are functionally equivalent to the applicable criteria currently evaluated through Act 250
- Received approval from the municipal legislative body at a public meeting to pursue municipal delegation through an agreement with the NRB.

Process to Recommend and Approve a Municipal Delegation Agreement

The process to receive municipal delegation is proposed to be a collaborative effort between the municipality, the local RPC, and the NRB. This process would require the municipality to demonstrate that their local regulations and processes are functionally equivalent to the applicable criteria currently evaluated through Act 250 permitting. It may be possible that only a specific area of a municipality has the necessary regulatory and physical infrastructure to support municipal delegation, or that certain Act 250 criterion are not applicable within the municipality (i.e. lands above 2,500 ft. elevation). As such, each municipality will have an individualized agreement with the NRB outlining terms of the delegation agreement, if granted. An example of this process would include the following three steps:

1. RPC Review & Recommendation of an Application

- Applications for delegation would be prepared by the municipality, based on responses to an available checklist, and submitted to their RPC for a recommendation.
- The RPC would review the application to confirm the municipality has a regionally approved municipal plan and planning process, document findings regarding the extent that the municipal regulations look at similar areas of impact as Act 250, and provide additional technical input and advice as needed to improve the application. Upon affirmative findings of functional equivalency, the RPC provides a letter of recommendation to accompany the application.
- The municipality would submit the application with the letter of recommendation from the RPC to the NRB for approval. If the RPC raises objections to the municipality's application, the municipality could choose to rework the application and resubmit it to the RPC or submit the application for review by the NRB without RPC approval. In the latter instance, the municipality would have to prove to the NRB that the application is consistent with the regional plan and explain why it chose not to rework its application.
- In order to address projects that may have significant regional impacts, consider a statutory change to provide RPCs with interested party status in those municipal permitting processes for projects that are defined as having significant regional impacts by the RPC.

2. NRB Review of an Application

- The NRB would hold a public meeting to review a municipal application, which includes an opportunity for public comment, and then issue a determination on the application.
- During the NRB review, an RPC's recommendation and affirmative finding of functional equivalency should create a presumption that the application is consistent with the regional plan, and therefore state planning goals, and shall be given deference with regard to the adequacy of municipal bylaws.

3. NRB Decisions on an Application

- Upon concurrence with the findings of an RPC, the NRB may execute an agreement with responsible municipal officials outlining the terms of the Municipal Delegation. The agreement may include identifying areas of the community or certain project types that remain within Act 250 jurisdiction due to their regional significance (such as airports or ski resorts) as determined by the NRB. The agreement shall exempt developments from review under all of Act 250's current criteria and identify criteria which are not applicable within the municipal boundaries and therefore not required to be regulated at the local level.
- If the NRB rejects a municipal application which has received a recommendation from its RPC, the NRB must clearly articulate deficiencies in municipal planning or bylaws relative to any applicable Act 250 criteria within the municipality. Municipalities shall be allowed to address those deficiencies, modify their applications, and reapply.
- If approved, Municipal Delegation Agreements must be reviewed and recertified every 8 years.
- Delegation agreements may be amended if the underlying Act 250 thresholds or criteria are adjusted by the State, if a municipality substantially amends local regulations that are applicable to such agreement, or if a municipality fails to administer or enforce local regulations according to the terms of the agreement.

- During the term of the Municipal Delegation Agreement, the municipality shall report to the NRB on a schedule, and with the content, as included in the Municipal Delegation Agreement.

Existing Act 250 Permits in Municipalities with Delegation

If prior to the effective date of the Municipal Delegation agreement an Act 250 permit exists for a property, the permit (including any conditions and enforcement) would remain under the authority and enforcement of the District Environmental Commission that has jurisdiction. However, when a property with an existing Act 250 permit proposes redevelopment or substantial modification in a community with Municipal Delegation, the property may proceed under the requirements of the Municipality's bylaw/ordinance and any other applicable state and local laws and regulations and is not required to be reviewed by Act 250. The applicant shall provide the municipal permit to the District Environmental Commission for the District Environmental Commission to terminate the Act 250 permit.

Appendix A – Draft Act 250 Criteria and Municipal Regulation Crosswalk

The following information lists the 10 criteria and sub-criteria in Act 250 and the specific impacts they set out to evaluate. Included below each criterion is an **initial draft** set of questions or requests for information to provide an example of the information that may be used by a municipality to demonstrate functional equivalency. This is not intended to be the final format or final list. Specific standards should be agreed upon by the municipality, the RPC, and the NRB in order to receive Municipal Delegation.

GENERAL INFORMATION
NAME OF MUNICIPALITY
SIZE OF MUNICIPALITY (Acres or Square Miles)
POPULATION
FORM OF GOVERNMENT
POINT OF CONTACT FOR DELEGATION
MASTER PLAN ADOPTION DATE
EFFECTIVE DATE OF LAND USE REGULATIONS
DEPARTMENT RESPONSIBLE FOR ADMINISTERING LAND USE REGULATIONS
NUMBER OF STAFF IN DEPARTMENT
DEPARTMENT BUDGET (if applicable)
CRITERION 1 - AIR POLLUTION
Every project should be designed to minimize air pollutants to levels that will not threaten public health or create an unreasonable nuisance for nearby residents. Some areas of concern include:
industrial/manufacturing emissions, such as paint fumes, sawdust, chemical vapors, and fly ash;
vehicle exhaust at congested intersections;
excessive dust, smoke, or noise during construction;
processing or storage of radioactive materials;
noise during operations, to the extent that it may have an adverse effect on health
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
List the section of from the municipal land use regulations that include standards consistent with 24 V.S.A. § 4414(5)
Last enforcement action related to these standards
Federal or state agencies included
Outcome of enforcement action
CRITERION 1(A) - HEADWATERS

Every project must comply with the applicable water quality regulations. This is particularly true in headwater areas. Criterion 1(A) applies to lands that are not already devoted to intensive development and that meet at least one of the following subcategories:
headwaters of watersheds characterized by steep slopes and shallow soils;
drainage areas of < 20 square miles;
lands > 1,500 feet in elevation;
lands within watersheds of public water supplies designated by the ANR Drinking Water & Groundwater Protection Division; or
areas supplying significant amounts of recharge waters to aquifers.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
List any headwaters that include steep slopes and shallow soils
List any drainage areas within the municipality, including the size (in square miles)
List any public drinking water supplies within the municipality that are designated by the ANR Drinking & Groundwater Protection Division
List any areas supplying recharge waters to aquifers within the municipality
Provide maps that identify any of the above information
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(B) - WASTE DISPOSAL
In addition to meeting any other applicable regulations regarding waste disposal, every project should be designed to provide treatment or proper disposal of wastes or toxic materials that are generated at the project site. Wastes or materials of typical concern include the following:
domestic septic wastewater;
industrial or manufacturing wastewater (including anything discharged into floor drains);
stormwater from parking lots and other contaminated surfaces;
fuels, chemicals, pesticides, and the like;
batteries and other hazardous products; and
construction debris
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide citations for any land use regulations or municipal code sections that regulate water, wastewater, waste disposal, toxic chemicals, construction debris, or other hazardous products
Provide maps that identify any areas served by municipal water, wastewater, and stormwater
Include information on any MS4 permitting that may be applicable in the municipality
Provide maps that identify industrial properties including brownfields, superfund sites, or similar locations
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(C) - WATER CONSERVATION

Every project that consumes water should be designed to conserve water. This reduces burdens on municipal sewage and water systems, saves energy used to heat water, and protects groundwater reserves during droughts. For domestic plumbing, water-conserving plumbing fixtures are available. For larger commercial water users, applicants should detail how the project will use the "best available technology" for conserving water.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Identify any building codes that are enforced within the municipality
Provide information on public water supply sources, including capacity
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(D) - FLOOD HAZARD AREAS; RIVER CORRIDORS
If a project will impinge on the flood hazard areas of a river or stream, it should be designed to withstand flooding and to avoid causing any significant increase in the flood level. This usually means no construction should occur in Flood Hazard Areas. Any proposed construction in River Corridors should be reviewed by an engineer or other qualified expert to document that it will not cause peak flood levels or fluvial erosion hazards to increase.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide information on land use regulations, including section citations, where flood hazards, river corridors, or floodways are regulated
Provide information on municipal standards, including citations, for erosion and sedimentation control
Provide mapping of flood hazard areas and river corridors, including any structures located in these areas
Provide details on any vulnerable structures located in flood hazard areas or river corridors
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(E) - STREAMS
Any project that encroaches on a stream should be designed to minimize the impact and maintain the natural condition of the stream. A stream may include any intermittent flow of water where there is a defined channel. Applicants are encouraged to avoid disturbing any streams (by minimizing road crossings, locating buildings away from riparian zones, etc.) and to provide a natural riparian zone (buffer) along all perennial and intermittent streams to provide shade and filter out sediment and other pollutants. For guidance on appropriate riparian zone widths, refer to ANR's Riparian Buffer Guidance.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide maps that identify all streams within the municipality
Provide information, including citations, for land use regulations that will limit impacts to identified streams
Provide information, including citations, for any riparian buffer standards that are consistent with ANR's Riparian Buffer Guidance

Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(F) - SHORELINES
Projects must be designed to avoid or minimize the impact to, and maintain the natural condition of, the shoreline of any river, pond, or lake. Refer to the discussion of streams under Criterion 1(E) for general guidelines. Direct any questions about retaining the natural condition of the shoreline to the ANR Regional Fisheries Biologist.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide maps that identify all water bodies within the municipality
provide information, including citations, for any land use regulations that will limit impacts to water bodies
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 1(G) - WETLANDS
Any project that encroaches on a wetland considered significant under the Vermont Wetland Rules should be designed to avoid and minimize project impacts on the wetland. Significant wetlands are those determined to be significant by ANR, including, but not limited to, those on the Vermont Significant Wetland Inventory (VSWI) maps, available online on the ANR Natural Resources Atlas (aka, the ANR Atlas). VSWI maps are intended to denote approximate locations and boundaries of some wetlands, but these maps are incomplete and therefore, should not be relied upon to provide precise information regarding the location or configuration of wetlands (see Vermont Wetland Rules, Section 3.2). Additionally, not all wetlands are mapped, and many wetlands not mapped on the VSWI are still considered significant. Only a qualified wetland scientist can determine the absence or presence of a wetland and its boundaries.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide maps that identify any Class I and Class II wetlands within the municipality
Provide information, including citations, for any land use regulations that will limit impacts to wetlands
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERIA 2 AND 3 - WATER SUPPLIES
Every project that consumes water should be designed to have an adequate supply of water without creating an unreasonable burden on an existing water supply. Typically, applicants demonstrate they will have an adequate water supply by providing information on nearby wells or by providing a commitment letter from a municipal water department.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on the source of municipal water supply (this does not require the exact location of the water supply to be identified)
Provide detailed information on current use and overall capacity of the municipal water supply

Provide detailed information on any planned expansions, upgrades, or improvements to the water supply
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 4 - SOIL EROSION AND DRAINAGE
Every project should be planned in a manner to prevent undue soil erosion during and after construction. This usually requires that measures be implemented to retain soil on the construction site and prevent sediment from entering any streams or other water bodies or allowing sediment-contaminated runoff to flow onto adjoining property.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including citations, on municipal regulations that address erosion and sedimentation
Provide information to ensure the municipal regulations meet or exceed the Vermont DEC Green Stormwater Infrastructure and Low Impact Development Standards
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 5 - TRANSPORTATION
Criterion 5 consists of the following two sub-criteria and requires the Commission to find that projects:
(5)(A) will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports and airways, and other means of transportation existing or proposed; and,
(5)(B) as appropriate, will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. In determining appropriateness under this subdivision (B), the Commission shall consider whether such a strategy, access, or connection constitutes a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision.
CRITERION 5(A) Every project should be designed to have safe access onto local or state roadways. In addition, projects should not create or contribute to unreasonable congestion on area roadways. To ensure safe access will be provided, applicants should focus on the design of the intersection of any driveways or access roads with the main road. Typical concerns include:
sight distance along the main road from the driveway or access road;
approach grades on the driveway or access road (ability to stop in slippery weather);
traffic controls (stop signs, automated signals, etc.);
speed limits on the main road;
turning or stacking lanes on the main road or driveway;
radii of corners (ability to make turns at reasonable speeds);
width of driveways or access roads; and
number of driveways onto main road

CRITERION 5(B) Applicants must also demonstrate the project will, as appropriate, incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. The application should explain how these requirements will be met considering the type, scale, and transportation impacts of the proposed development or subdivision. For multi-unit structures containing >10 housing units, long-term, sheltered, secure bicycle storage should be provided.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on standards and specifications for intersection, curb cut, driveway, and other access design elements
Provide detailed information on standards and specifications related to sight distances from intersections, driveways, or access points
Provide detailed information on standards that limit or otherwise consolidate curb cuts that access public roadways
If the municipality requires a Transportation Impact Study in conjunction with development applications, provide details on the information required to be included
Provide detailed information on requirements for vehicle parking, bicycle parking, and pedestrian facilities
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 6 - EDUCATIONAL SERVICES
If a project will have an impact on area schools, the applicant must demonstrate that the project will not create an unreasonable burden on the municipality's ability to provide educational services. Title 16 of Vermont Statutes provides each town with a block grant from the State Education Fund for the operating expense of educating each student in the school system. Therefore, the operating expenses of educating the additional students resulting from the project are generally not considered to be a burden on the municipality's ability to provide educational services. However, if the new students cause the need for an addition to the school or other capital improvements, applicants will need to address the potential financial burden to the municipality that this might cause.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on how your municipality measures impacts to educational facilities from new development
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 7 - MUNICIPAL SERVICES
Most projects require services from the municipality, and applicants need to demonstrate that the project will not place an unreasonable burden on those services. Areas of concern usually include the following:
fire and police protection;
solid waste disposal (landfill, transfer station, etc.);
sewage treatment;

water supply;
rescue service (volunteer or paid professional); and
road maintenance
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on the land development review process that includes reviews for impacts to municipal services, including municipal code citations where applicable
Provide information on municipal staff including police, fire, public works, and similar departments that provide municipal services
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 8 - SCENIC BEAUTY, AESTHETICS, HISTORIC SITES, AND NATURAL AREAS
Scenic Beauty and Aesthetics Every project should be designed to be consistent with the visual character of the area, and not have an undue adverse impact on the aesthetics of the area. If a project is out of context with the scenic qualities of the area, it may be considered to have an adverse impact. The type of visual aesthetic concerns to watch for include:
compatibility with nearby land uses (commercial, retail, agricultural, etc.);
proximity to prominent visual features (ridgelines, wetlands, open meadows, scenic overlooks, historic buildings, shorelines, etc.);
frequency and duration of public view;
compatibility with nearby architectural styles and colors;
consistency with area building density; and
visibility from nearby residences
Historic Sites
In addition to scenic qualities, projects must respect existing historic sites. Historic sites may include buildings, structures, districts, or archeological sites listed on, or eligible for, the State or National Registers of Historic Places. The Vermont Division for Historic Preservation (DHP) at the Agency of Commerce and Community Development (ACCD) evaluates all applications involving impacts to historic sites according to the Vermont Historic Preservation Act Rules. For more information about DHP's review process and a link to the Rules, see the Division's dedicated web page for Act 250 - Criterion 8 or contact the Division directly. Applicants are strongly encouraged to contact DHP for assistance in advance of applying to avoid project delays. In general, a building or structure may be listed on, or eligible for, the Historic Registers if it is at least 50 years old. A Historic District may include a group of buildings that is at least 50 years old. For example, part or all of an older village center may be considered a Historic District. Archeological sites might include prehistoric Native American sites or the remains of 18th- and 19thCentury occupation. Unlike other types of historic sites that are readily visible on the landscape, a prehistoric Native American site or area of high prehistoric archeological sensitivity might not be immediately apparent to the layperson. Using information about the project area and the applicant's project description, DHP can provide applicants or the Commissions with a determination of archeological sensitivity and the potential for project impacts to archeological sites.
Natural Areas

Finally, in addition to scenic qualities and historic sites, applicants must avoid and protect rare and irreplaceable natural areas. The F&W Wildlife Diversity Program maintains an inventory of mapped significant natural communities that can be viewed on the ANR Atlas. Additional rare and irreplaceable natural areas exist statewide that have not yet been mapped. Applicants are encouraged to contact F&W staff early during project design to incorporate protections of sensitive natural communities.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information on historic districts and regulations for historic properties
Provide maps detailing natural, historic, architectural, cultural, or archeological resources that have been identified in your municipality
Provide specific citations in your municipal regulations that provide regulations or protections for natural, historic, architectural, cultural, or archeological resources
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 8(A) - ENDANGERED SPECIES AND NECESSARY WILDLIFE HABITAT
All projects should be designed to avoid necessary wildlife and endangered species habitats. Necessary wildlife habitat means concentrated habitat that is identifiable and is demonstrated as being decisive to the survival of a species of wildlife at any period in its life, including breeding and migratory periods. Necessary wildlife habitat need only be decisive to the survival of the wildlife using that habitat, not to the survival of the entire species. F&W's Wildlife Division and/or Fisheries Division can identify critical wildlife habitat and endangered species habitat on a site-specific basis. Typical habitats identified by F&W or other state agencies often include the following:
deer wintering areas, which include, among other characteristics, evergreen tree cover, browse areas, and steep southern-facing woodlands;
bear feeding areas, which include, among other characteristics, stands of beech or oak trees and certain wetlands;
salmonid spawning areas, found in streams and rivers with gravel bottoms; and
bat, reptile, amphibian, and bird feeding and breeding areas
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed maps that identify any endangered species or necessary wildlife habitat
Provide detailed information, including citations, for municipal regulations that provide protections or limit impacts to endangered species or necessary wildlife habitat
Identify local staff that will be responsible for reviewing this information, including their credentials; or provide information on contractual agreements or similar arrangements for review of areas that include endangered species or necessary wildlife habitat
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(A) - IMPACTS OF GROWTH

Applicants must demonstrate that the project will not significantly impact the municipality's ability to provide services to its residents. For instance, if a project adds significantly to the population of a town, the town's budget may become so strained that it will have difficulty providing services to its residents. Similarly, if a large retail project causes other retail establishments to fail, the subsequent loss of property tax revenues may also affect the town's ability to provide services. In this latter example, the emphasis is not on the loss of existing retail stores themselves; rather, it is on the impact that this loss might cause to the Town's financial health and its ability to serve its residents. For residential projects, applicants should indicate how many additional people could live in the project, what portion of that population might be seasonal, and what percentage of the total population of the municipality these additional people represent. For commercial or recreational projects, applicants should provide information regarding anticipated employment growth, growth in personal income, retail sales growth, or growth in tourism. For all projects, applicants should provide an estimate of the tax revenues the project will generate. This includes property tax revenues paid to the municipality as well as income tax, sales, and rooms and meals taxes paid to the State, if appropriate.

POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY

Provide detailed information on the municipal budget, including funding levels for core government services

Provide detailed information on any municipal departments or supported organizations that specifically target business development and retention

Provide detailed information on municipal capacity to expand and accommodate new residential and non-residential growth

Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250

CRITERION 9(B) - PRIMARY AGRICULTURAL SOILS

Definition of Primary Agricultural Soils (10 VSA § 6001(15)): "Primary agricultural soils" means each of the following: (A) [It is an] important farmland soils map unit that the Natural Resources Conservation Service (NRCS) of the US Department of Agriculture has identified and determined to have a rating of prime, statewide, or local importance, unless the Commission determines the soils within the unit have lost their agricultural potential. In determining that soils within an important farmland soils map unit have lost their agricultural potential, the Commission shall consider: (i) impacts to the soils relevant to the agricultural potential of the soil from previously constructed improvements; (ii) the presence on the soils of a Class I or Class II wetland under Chapter 37 of this title; (iii) the existence of topographic or physical barriers that reduce the accessibility of the rated soils so as to cause their isolation and that cannot reasonably be overcome; and (iv) other factors relevant to the agricultural potential of the soils, on a site-specific basis, as found by the Commission after considering the recommendation, if any, of the Secretary of the Vermont Agency of Agriculture, Food & Markets. (B) Soils on the project tract that the District Commission finds to be of agricultural importance, due to their present or recent use for agricultural activities and that have not been identified by the NRCS as important farmland soil map units [10 VSA § 6001(15)].

POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY

Provide detailed maps that identify any prime agricultural soils as defined in statute
Provide detailed information, including citations, for any municipal regulations that protect or preserve prime agricultural soils
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(B)'S FOUR SUB-CRITERIA
When a project results in the reduction of the agricultural potential of any primary agricultural soils on the project tract, applicants must generally demonstrate compliance with sub-criteria (i)–(iv) of Criterion 9(B). Compliance with specific sub-criteria depends on whether the project tract is located within or outside of certain State-designated areas where the State seeks to encourage development, subject to the mitigation flexibility of 10 VSA § 6093. These specific areas are designed to encourage development near Vermont’s historic downtowns and designated growth centers pursuant to 24 VSA § 2793c. For assistance determining whether your project tract is located within or outside of a designated area, please contact your town office or consult the Vermont Department of Housing and Community Development (DHCD)’s Planning Atlas online. Projects located within a designated area must comply with only sub-criteria (i) and (iv). Projects located outside a designated area must comply with all four sub-criteria subject to any exercise of mitigation flexibility by the Commission in accordance with 10 VSA § 6093(a)(3).
for all projects, applicants must demonstrate that the project will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; and
for projects located outside of a designated area, the applicant must demonstrate that there are no lands other than primary agricultural soils owned or controlled by the applicant that are reasonably suited to the purpose of the project; and
for projects located outside of a designated area, the applicant must demonstrate the project has been planned to minimize the reduction of agricultural potential of the primary agricultural soils through innovative land use design resulting in compact development patterns, so that the remaining primary agricultural soils on the project tract are capable of supporting or contributing to an economic or commercial agricultural operation; and
for all projects, the applicant must provide “suitable mitigation” for any reduction in the agricultural potential of the primary agricultural soils caused by the project.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
<i>See standards under Criterion 9(B)</i>
CRITERION 9(C) - PRODUCTIVE FOREST SOILS

<p>“Productive forest soils” [see 10 VSA § 6001(8)] means: “...those soils that are not primary agricultural soils but that have a reasonable potential for commercial forestry and that have not been developed. In order to qualify as productive forest soils, the land containing such soils shall be of a size and location, relative to adjoining land uses, natural condition, and ownership patterns, so that those soils will be capable of supporting or contributing to a commercial forestry operation. Land use on those soils may include commercial timber harvesting and specialized forest uses, such as maple sugar or Christmas tree production.”</p>
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed maps that identify any productive forest soils as defined in statute
Provide detailed information, including citations, for any municipal regulations that protect or preserve productive forest soils
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(C)'S THREE SUB-CRITERIA
<p>When a project results in the loss of any productive forest soils on the project tract, applicants must demonstrate compliance with sub-criteria (i)–(iii) of Criterion 9(C). Compliance with these sub-criteria depends on whether the project tract is located within or outside of a designated “growth center” as defined by 24 VSA § 2793c. For assistance determining whether your project tract is located within or outside a designated growth center, consult DHCD’s Planning Atlas online. Projects located within a designated growth center must comply with only sub-criterion (i). Projects located outside a designated growth center must comply with sub-criteria (i)–(iii). The three sub-criteria are:</p>
<p>the development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agriculture or forestry potential; and</p>
<p>except in the case of an application for a project located in a designated growth center, there are no lands other than productive forest soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; and</p>
<p>except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of the potential of those productive forest soils through innovative land use design resulting in compact development patterns, so that the remaining forest soils on the project tract may contribute to a commercial forestry operation. [10 VSA § 6086(a)9(C)]</p>
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
<i>See standards under Criterion 9(C)</i>
CRITERION 9(D) - EXTRACTION OF EARTH RESOURCES

<p>If the project involves the extraction of earth materials, such as topsoil, sand, gravel, crushed rock, marble, slate, granite, or other stone, the extraction process should be designed to minimize impacts on neighboring land uses and the environment, and a suitable reclamation plan must be prepared. Impacts on neighboring land uses most often include noise, dust, water supplies, and traffic. Applicants should contact area residents during the planning of their project and prior to submitting a land use permit application, to explore mitigation measures that might be acceptable. Many applicants limit the hours of operation and use earthen berms or wooded buffers to reduce noise. Dust can be controlled by various means, including water spray, truck covers, and the like. Water supplies can be protected by limitations on blasting depth and preservation of drainage patterns.</p>
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed maps identifying any locations that include extraction areas for earth resources
Provide detailed information, including citations, for municipal regulations that include information on the operations locations, or proximity of earth resource extraction areas to other land uses
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(F) - ENERGY CONSERVATION
<p>All projects must incorporate the best available technology for energy efficiency and reflect principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy. All projects must also provide evidence that the project complies with the applicable building energy standards under 30 VSA § 51 or 53 [Residential Building Energy Standards (RBES), and the RBES Stretch Code and Commercial Building Energy Standards (CBES), respectively].</p>
Residential Buildings
<p>Applicants for residential projects (single-family dwellings, two-family dwellings, and multi-family housing three stories or less in height) must certify that the project, when constructed, will meet the RBES–Stretch Code. (Multi-family housing projects that are four stories or greater in height must meet the CBES. See below). Post-construction, you will need to submit certification from the Department of Public Service (PSD) the project meets the Stretch Code. Contact PSD for the RBES Certificate forms. Under the Criterion 9(F) Procedure and statute, these actions create a presumption of compliance with Criterion 9(F). If the presumption cannot be met, additional documentation will be required.</p>
Commercial Buildings

<p>Applicants for commercial projects (including multi-family housing projects that are four stories or greater in height) must certify that the project, when constructed, will meet the CBES. A Department of Public Service certification that the project meets the CBES must be filed post-construction. Contact the PSD for the CBES Certificate form. However, compliance with the CBES does not serve as a presumption of compliance with Criterion 9(F). To demonstrate compliance with Criterion 9(F), applicants must prove that they have incorporated the best available technology for efficient use or recovery of energy. Applicants are encouraged to list details related to the energy features of the project, such as interior and exterior lighting, energy controls, space heating and cooling, water heating, ventilation systems, insulation levels, fenestration, and other proposed energy conservation measures. Applicants are encouraged to submit “renewable ready” building designs, including providing the electrical infrastructure to support the future installation of electric vehicle charging stations, photovoltaics, solar hot-water systems, or other infrastructure to reduce greenhouse gas emissions from the use of energy from the project.</p>
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including regulatory citations, that require recording certification of RBES or CBES with the municipal clerk
Provide detailed information, including regulatory citations, that include information on requirements for energy conservation measures in land development projects
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(G) - PRIVATE UTILITIES
<p>If a project involves a utility, such as a road, water line, sewer line, well, or the like, which will be shared by more than one user, the applicant must provide a mechanism to protect the municipality from having to assume responsibility for the utility in the future or that ensures that the utility will not be a burden on the municipality.</p>
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including regulatory citations, that include information on design standards for private utilities such as roads, water lines, sewer lines, or similar utilities
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(H) - SCATTERED DEVELOPMENT

<p>This criterion is intended to ensure that a proposed subdivision or development outside of an existing settlement doesn't impose additional costs of public services and facilities that outweigh the tax revenue and other public benefits that the development or subdivision will provide. The first step under this criterion is to determine whether the project tract is physically contiguous to an existing settlement. "Existing settlement" means an area that constitutes one of the following: (i) a designated center; or (ii) an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens. Strip development outside of an area described in subdivision (i) or (ii) above shall not constitute an existing settlement. [10 VSA § 6001(16)(A)-(B)] If the project is contiguous to an existing settlement, Criterion 9(H) does not apply.</p>
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including maps, on municipal service areas such as water, wastewater, stormwater, and emergency services
Provide detailed information on any regulatory measures that would limit subdivision of land in locations outside of municipal service areas
Provide detailed information on land uses that are permitted in locations outside of municipal service areas
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(J) - PUBLIC UTILITIES
All projects must be designed to not cause excessive or uneconomic demands on public utilities, which include natural gas companies, electric companies, telephone companies, cable television companies, water companies (public or private), sewer utilities (public or private), and highway departments.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide certification from any public utility providers that indicate their ability to serve the municipality; or any issues or constraints to future service of a municipality
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(K) - PUBLIC INVESTMENTS
Projects should be designed to avoid unreasonable impacts on any public investments adjacent to the project site. Typical investments of concern include highways (existing or proposed), sewer and water lines, schools, parks and wildlife refuges, recreation trails, municipal or state buildings, publicly financed projects, and public waterways. Direct any related questions to your Coordinator.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY

Provide detailed information on any review processes that coordinate discussions between municipal departments, state agencies, or other community partners that relate to protection or preservation of public investments
Provide information on any future capital projects, including maps that show locations in relation to existing public investments
Provide detailed information and citations on any measures that are included in municipal regulations to protect public investments
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 9(L) - SETTLEMENT PATTERNS
Criterion 9(L) is intended to prevent and minimize linear commercial development along public highways that erodes the functions and benefits of Vermont's traditional land use pattern of compact centers separated by rural lands.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide detailed information, including citations from municipal regulations that will prohibit or limit linear development along public highways
Provide maps that identify where growth is planned in the municipality, including land use categories
Provide detailed information on why some or all of this criterion is not applicable or otherwise regulated outside of Act 250
CRITERION 10 - LOCAL AND REGIONAL PLANS
All projects must be in conformance with the municipal plan, the regional plan, and any capital improvement plan that may exist.
POTENTIAL APPLICATION INFORMATION TO DEMONSTRATE EQUIVALENCY
Provide information on the municipal plan, including adoption date, and acknowledgement by the regional planning commission of conformity with state statute and regional plans

Appendix B – Possible Permits Related to Act 250 Permitting

The following is a list of common permits that the state requires. In many cases, these permits are needed regardless of the project needing an Act 250 permit. This list is intended to provide information on the level of oversight that may still be required if a municipality receives delegation through functional equivalency; including any municipal role in issuing a similar permit. This does not represent and is not intended to be an exhaustive list of all possible state permits that may apply to a project.

POSSIBLE REQUIRED PERMITS RELATED TO ACT 250 PERMITTING		
PERMIT	STATE AGENCY	LOCAL ROLE
Stormwater permitting	ANR – Department of Environmental Conservation	
Water and/or Wastewater Permitting	ANR – Department of Environmental Conservation	State permit typically issued based on municipality's ability to serve.
Construction/Modification of Source	ANR – Air Pollution Control Division	Generally covered under nuisance regulations
Demolition Waste	ANR – Waste Management & Prevention Division	
Hazardous Waste Handler Site ID	ANR – Waste Management & Prevention Division	
Used Septic System Components/Stone	ANR – Waste Management & Prevention Division	Only applies if septic systems are used
Universal Recycling and Food Waste	ANR – Department of Environmental Conservation	
Construction Permit – Public Drinking Water Systems	ANR – Drinking Water & Groundwater Protection Division	Covered under building codes and building permitting
Nongame & Natural Heritage Program (Threatened and Endangered Species)	ANR – Department of Fish & Wildlife	
Wetlands	ANR – Department of Environmental Conservation	
Floodplains	ANR – Watershed Management Division	
Stormwater: Developments	ANR – Watershed Management Division	
Construction Permit – Public Drinking Water System	ANR – Drinking Water & Groundwater Protection Division	
Multi-Sector General Permit for Stormwater Associated with Industrial Activities	ANR – Watershed Management Division	
Construction Permit Fire Prevention, Electrical, Plumbing, ADA	Department of Public Safety	If building codes are delegated to municipalities, this would be covered locally

POSSIBLE REQUIRED PERMITS RELATED TO ACT 250 PERMITTING		
PERMIT	STATE AGENCY	LOCAL ROLE
Plumbing in residences served by public water/sewer with 10 or more customers	Department of Public Safety	If building codes are delegated to municipalities, this would be covered locally
Historic Buildings & Architectural Sites	Division for Historic Preservation	Local historic regulations would address these issues
Program for Asbestos Control & Lead Certification	Department of Health	
Food, Lodging, Bakeries, Food Processors, Children's Camps	Department of Health	
Liquor Licenses	Department of Liquor Control	Also requires local liquor control approval
Access to State Highway	Agency of Transportation	Only applicable if on state highway, otherwise local access permit is required
Signs	Agency of Transportation	Local sign regulations address this
Construction within State Highway Right-of Way	Agency of Transportation	Only applicable if on state highway, otherwise local right-of-way permit required
Airports and Landing Strips	Agency of Transportation	Super specific permitting
Vermont Building Energy Standards	Vermont Energy Code Assistance Center	Certification required for local CO issuance
Business Registration	Secretary of State	
Income and Business Taxes (sales, meals/rooms, etc.)	Department of Taxes	

Appendix C – Technical Memo on Proposed Delegation of Act 250

Editors Note: The following memo was provided to Senator Wendy Harrison in February of 2022. The purpose of this memo was to outline a process whereby municipalities would receive delegation through functional equivalency for Act 250 permitting. This was the foundational document that outlined how this process may work and is provided for informational purposes only. Many of the concepts included in this memo have been outlined in this report.

To: Honorable Senator Wendy Harrison, Windham District

From: Paul Conner, AICP, Director of Planning and Zoning, City of South Burlington
Meagan Tuttle, AICP, Director of Planning, City of Burlington
Eric Vorwald, AICP, Planning & Zoning Manager, City of Winooski

RE: **Technical Memo on Proposed Delegation of Act 250**

Date: February 22, 2023

Overview

The purpose of this memo is to provide information as requested on a possible process for delegation of Act 250 review to municipalities where state and local development review are substantially similar. This process would require municipalities to demonstrate that-- through adopted regulations, policies, and plans-- local regulations are functionally equivalent to the ten criteria (including sub-criteria) outlined in Act 250 (10 V.S.A. Chapter 151), and that capacity exists to perform development review and permitting at the local level.

Other forms of municipal delegation exist in statute, including Lake Shoreland Protection Standards ([10 V.S.A. § 1448](#)), Potable Water Supply and Wastewater Systems ([10 V.S.A. § 1976](#)), Building Codes/Fire Safety Standards ([20 V.S.A. § 2736](#)), local Act 250 review of municipal impacts ([24 V.S.A. § 4420](#)), and acceptance of permits or approvals by state agencies or municipalities for identified criteria ([10 V.S.A. § 6086\(d\)](#)) in Act 250 permitting. This memo outlines a mechanism to expand upon current Act 250 delegation by authorizing a process for municipal review and permitting for all criteria, town-wide, which is most closely related to the current shoreland delegation process.

Municipal Delegation as a Response to Jurisdictional Challenges***Planning as a foundation for development review***

As originally envisioned, the Land Use and Development Law, or Act 250, would have relied on a Statewide Capability and Development Plan to guide decision-making through the permitting process at the District Commissions ([10 V.S.A. § 6042](#)). However, this plan did not come to fruition and for the last 40 years there has been no statewide land use plan providing the foundation for Act 250's review.

As such, **current jurisdictional thresholds¹¹ provide a proxy for developments of regional significance or impacts on resources of statewide interest.** These thresholds apply to both the most urban and rural places within the state. However, a new ten-unit development in downtown Winooski has very different land consumption and infrastructure impacts than a ten-lot subdivision

in a rural municipality or a ten-acre commercial development. Similarly, the current Act 250 thresholds present substantial discrepancies even within urban areas: a ten unit residential development in an urban area will have a much lesser impact than a 9-acre commercial project, which would currently be exempt. As a result, for decades both proponents and opponents of the law have documented ways in which Act 250's jurisdiction has not been effective at preventing certain development impacts-- such as sprawl and natural resource fragmentation-- nor at effectively directing growth into areas planned for it.

A municipality must have a municipal development plan that is in conformance with the 14 state planning goals ([24 V.S.A § 4302](#)) in order to adopt or amend municipal zoning regulations, establish local impact fees, and for the plan to have standing in Act 250 or Section 248 (Public Utility Commission) proceedings. These plans include current and future land use maps; information on future population projections; and policies regarding development impacts that should be planned for and mitigated. These municipal development plans are reviewed and approved by the Regional Planning Commissions to ensure consistency, and effectively act as a local capability and development plan.

In the 50 years since Act 250's adoption, **many municipalities have successfully utilized this planning framework to adopt increasingly specific bylaws and other ordinances to implement municipal plans.** The state's economic development and planning programs recognize and reward this planning. For example, growth center designations require municipalities to commit to meeting minimum standards through zoning and other land development controls that advance the statewide goal of dense mixed-use centers.

Over the years, **some local regulations have evolved to be more finely tuned to development thresholds that will impact municipal or regional systems' capacity to support growth.** For example, in Burlington, the City's major impact criteria evaluate many of the same development impacts in Act 250's criteria-- these standards apply to developments of as few as five units in areas planned for the lowest-density development, but are only applicable to developments of fifty units or more in downtown. In other municipalities, thresholds may be based on specific impacts, such as traffic.

Due to statewide applicability, **not all of Act 250's criteria include clear tests for when a particular criteria will be relevant or how developments demonstrate that a potential impact has been minimized,** which can vary significantly based on context and in some cases rely on decisions of the courts. Some local zoning bylaws provide more specific standards-- such as Winooski's Form Based Code. This code includes specific guidelines and parameters for the siting, design, and overall context for how a building interacts with both the individual building site and the adjacent streetspace. A number of other communities throughout the state have also adopted form-based codes to provide detailed and prescriptive standards to guide new developments with sensitivity to an area's existing character. Another example includes Burlington's natural resource overlay zones, which apply specific development regulations to the natural areas and resources that were inventoried and mapped in the city's open space plan.

Leveraging municipal resources to reduce permitting redundancy

Despite this evolution at the municipal level, **Act 250 jurisdiction and its limited exemptions have not evolved to recognize the capacity of local review processes, which has created significant redundancy in some communities.** Today, full exemption from Act 250 jurisdiction is possible only

for priority housing projects of varying sizes within state-designated downtowns, neighborhood development areas, and growth centers. This creates a process where two identical developments-- but for the fact that one incorporates 20% of its housing units at an affordable rate-- can have substantially different review processes. While this is an important incentive for the creation of more affordable homes in the state's designated areas, the local impacts, including review and permitting, from these developments are the same and have the opportunity to be treated as such.

A more robust local delegation process can eliminate duplicative development review, which can speed housing development without compromising Act 250's jurisdiction and criteria. For decades, there have been tensions between Act 250's regulatory structure and certain statewide goals-- including the increasingly urgent need to speed housing production statewide. Significant reforms to this law take time, and there are many important perspectives on how to do so. New delegation authority does not replace the need or ability to consider these reforms, but provides a time-sensitive solution in areas equipped to manage development review at the local level.

Burlington, South Burlington, and Winooski have professional staff and development review boards which develop local bylaws; apply these bylaws and other codes; review development plans; and coordinate with local, regional, and state agencies to identify appropriate mitigations where needed. Within these three cities, Zoning Administrative Officers are unaware of a situation in the past 5 to 10 years in which a development that was approved at the local level was subsequently denied by Act 250, or for which Act 250 conditions resulted in the need for substantial modifications to the local permit.

As noted above, the state has recognized local capacity and expertise by creating processes through which **other state permits can be administered or replaced by municipalities with functionally equivalent local regulations and the professional capacity to administer.** A similar process for Act 250 delegation could recognize where local regulations have the necessary foundation to review and permit projects within the context of local and statewide goals together. These procedures can identify areas where municipal regulations may not adequately address certain critical statewide resources, and provide a route for local regulations to be amended or for the expertise of certain state agencies to continue to apply to certain aspects of a local development review. It is possible to engage the important and valuable expertise of these agencies for targeted issues without a duplicative development review framework for all other aspects of a project.

A more robust delegation of Act 250 review would provide a direct impact on new development, particularly for housing. These impacts include reduced review times; reduced permitting and professional service fees; and more predictability in development review and permitting processes. This could also enable the Natural Resources Board (NRB) to leverage the capacity and resources of municipalities in support of meeting statewide housing needs. For example, local delegation offers the opportunity for direct enforcement of regulations including potential violations after a project has been completed and can also reduce the number of projects that require review by the District Commissions in areas with functionally equivalent regulations, increasing access to resources for project review in municipalities that have fewer local technical resources.

An Expanded Process for Local Act 250 Delegation

Delegation based on functional equivalency

Statute currently provides for partial local delegation of Act 250, limited to a review on municipal impacts ([24 V.S.A. § 4420](#)). This enables municipal review of Act 250's criteria 6, 7, and 10 only. Once

established, this requires municipal review of these criteria for all projects that meet Act 250's current jurisdictional thresholds. All other criteria continue to be reviewed by the District Commissions, or by state agencies where enabled by [10 V.S.A. § 6086\(d\)](#)--therefore, both state and local review remains. Just 12 municipalities have local delegation, including communities such as Brattleboro, Vergennes, Middlebury, Morristown and Hardwick.

Amendments to 24 V.S.A. § 4420 may be a logical place to authorize another tier of local delegation that exempts Act 250 jurisdiction where municipal regulations and review processes are functionally equivalent to Act 250's development thresholds and criteria. In the case of municipal delegation for Lake Shoreland Protection Standards, the City of Burlington entered into a delegation agreement with the Secretary of the Agency of Natural Resources (ANR) to issue and enforce local permits in lieu of state permits after demonstrating adopted ordinances were functionally equivalent to shoreland protection standards in statute, and that the City had adequate resources to administer and enforce its ordinances. This review and agreement identified two key areas of the City's ordinances that were required to be amended in order to obtain full municipal delegation of this process. This agreement requires the City to take on the cost of administering this review, but enables municipal assessment and retention of permit fees to do so, and requires routine reporting to ANR regarding local permits issued.

The intent is not for municipalities to issue Act 250 permits, but rather ensure the outcomes of the local review and permitting process are functionally equivalent or better. Act 250 delegation similar to the shoreland delegation would enable a municipality to demonstrate, through a series of benchmarks, that local zoning bylaws, other enforceable local ordinances, permitting requirements, and locally adopted plans provide a substantially similar or greater level of consideration to development projects. This process would expand upon the three criteria currently enabled by 24 V.S.A. § 4420 to enable municipal review of most, if not all, of Act 250's criteria. For example, an analysis of Winooski's local development regulations relative to Act 250 criteria has been provided to the Senate Committee on Economic Development, Housing, and General Affairs; similar analyses have been prepared for Burlington and South Burlington and can be provided if helpful.

Statutory framework vs. rulemaking

Changes to statute would only need to accommodate a process for expanded authority for local delegation of Act 250 review, the minimum benchmarks that must be demonstrated for such delegation, and an exemption from Act 250 jurisdiction in such circumstances. Similar to the legislation that created Act 250, the statutory language provides the basis for the 10 criteria ([10 V.S.A. § 6086](#)), but what is expected to be demonstrated by an applicant is set out through NRB and other agencies' rulemaking processes. A more robust local delegation could be formalized through a similar rulemaking process which includes local planning professionals, regional planning commissions, the NRB, and district commissions.

Local delegation would not eliminate the need for certain state permits such as wetland permits, erosion & sedimentation control permits, or similar statewide requirements where applicable. Rather than relying on the Act 250 review process as the clearinghouse for ensuring applicable state permits are issued, the rulemaking process could establish processes for ensuring these reviews take place-- this is particularly relevant since Act 250 is not currently applicable to all projects that may require such permits. Additionally, the statutory framework can make it clear that a community with delegated authority may consult state agencies' expertise on specific topics (such as reviewing particular wildlife habitats, prime agricultural soils, or intermunicipal impacts on state highways if applicable).

Finally, like other delegation processes, routine reporting is an appropriate mechanism to ensure delegated municipalities' bylaws and administrative capacity maintain agreed upon standards. Consistent reviews at set intervals would also ensure a municipality is reviewing and updating local regulations and processes consistent with any applicable changes to Act 250 statutes.

[1] Throughout this memo, "jurisdiction" or "jurisdictional thresholds" refer to the [location or circumstances](#) that require a development project to be reviewed through Act 250, and "the criteria" refers to the [ten standards](#) outlined in statute that are used in an Act250 project review.

DRAFT

**Introduction to Climate Pollution Reduction Grant memorandum forthcoming
and to be distributed prior to the meeting**

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and to be distributed prior to the meeting**

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION
BOARD OF COMMISSIONERS
Draft MINUTES
October 10, 2023**

Commissioners:

<input type="checkbox"/> Barre City	Janet Shatney, Sec/Treas	<input checked="" type="checkbox"/> Moretown	David Stapleton
<input type="checkbox"/>	Vacant	<input type="checkbox"/>	Joyce Manchester, Alt
<input type="checkbox"/> Barre Town	George Clain	<input checked="" type="checkbox"/> Northfield	Royal DeLegge
<input type="checkbox"/>	Alice Farrell, Alt	<input type="checkbox"/>	Jeff Schulz, Alt
<input checked="" type="checkbox"/> Berlin	Robert Wernecke	<input checked="" type="checkbox"/> Orange	Lee Cattaneo
<input type="checkbox"/>	Karla Nuissl, Alt.	<input checked="" type="checkbox"/> Plainfield	Paula Emery
<input checked="" type="checkbox"/> Cabot	Brittany Butler	<input type="checkbox"/>	Bob Atchinson, Alt.
<input checked="" type="checkbox"/> Calais	John Brabant	<input checked="" type="checkbox"/> Roxbury	Jerry D'Amico, Chair
<input type="checkbox"/>	Jan Ohlsson, Alt.	<input checked="" type="checkbox"/> Waitsfield	Don La Haye
<input checked="" type="checkbox"/> Duxbury	Alan Quackenbush	<input checked="" type="checkbox"/>	Alice Peal, Alt.
<input type="checkbox"/>	David Wendt, Alt.	<input checked="" type="checkbox"/> Warren	Alexis Leacock
<input type="checkbox"/> E. Montpelier	Vacant	<input type="checkbox"/>	Jenny Faillace, Alt.
<input type="checkbox"/>	Clarice Cutler, Alt.	<input checked="" type="checkbox"/> Washington	Peter Carbee, Vice Chair
<input type="checkbox"/> Fayston	Vacant	<input checked="" type="checkbox"/> Waterbury	Doug Greason
<input type="checkbox"/> Marshfield	Vacant	<input type="checkbox"/> Williamstown	Richard Turner
<input checked="" type="checkbox"/> Middlesex	Ron Krauth	<input type="checkbox"/>	Jacqueline Higgins, Alt.
<input checked="" type="checkbox"/>	Mitch Osiecki, Alt.	<input checked="" type="checkbox"/> Woodbury	Michael Gray
<input type="checkbox"/> Montpelier	Ariane Kissam	<input checked="" type="checkbox"/> Worcester	Bill Arrand
<input type="checkbox"/>	Mike Miller, Alt.		

Staff: Christian Meyer, Nancy Chartrand, Lincoln Frasca, Brian Voigt, Eli Toohey

Guests: Keith Fritschie, Department of Environmental Conservation; Wendelyn Bolles (Berlin Conservation Commission); Gary Gulka, Cabot

Call to Order: Chair D'Amico called the meeting to order at 6:32; roll call conducted and a quorum was present.

Adjustments to the Agenda: None

Public Comments: None

Winooski Basin Plan Hearing/Presentation with Department of Environmental Conservation: Chair D'Amico advised he would like to adjourn the meeting for the hearing and reconvene upon hearing/presentation conclusion.

Robert Wernecke moved to adjourn, seconded by Lee Cattaneo, motion carried.

Keith Fritschie of the Department of Environmental Conservation shared a high overview presentation of the draft basin plan. He noted that today was the beginning of the public comment period which goes until November 10. Comments can be submitted by mail (Keith Fritschie, Basin 8 Comments, 1 National Life Drive,

Montpelier, VT 05602) or email - keith.fritschie@vermont.gov. The core components of the plan will be shared today. A copy and video of the presentation will be available on CVRPC's website. The draft plan and story map are available on the DEC webpage: <https://dec.vermont.gov/water-investment/watershed-planning/tactical-basin-planning/basin8>

John Brabant left the meeting prior to it reconvening.

Alan Quackenbush moved to reconvene the October 10th RPC meeting; seconded by Robert Wernecke. Motion carried.

Municipal Dues: Christian Meyer noted the rate has held steady through FY23 and FY24 and now into FY25.

Robert Wernecke moved to adopt an FY25 municipal dues assessment rate of \$1.33 per capita, as recommended by the Executive Committee; seconded by Peter Carbee. It was confirmed this information will be sent to towns for March budgeting. Vote called and motion carried.

ACCD/VAPDA Regional Future Land Use Initiative: Christian provided an overview of the memorandum, draft VAPDA report, and CVRPC comments on the report that were included in the packet. He also advised, with regret, that Clare Rock will be leaving CVRPC later this month. It was noted that the Regional Plan Committee has reviewed also this future land use information at two of their meetings.

The legislature put a short timeline on this and a semi-final draft will be returned to the Board at the next meeting. Christian encouraged Board members to review the document and provide comment as soon as possible. Robert Wernecke advised he believed the comments on the draft included in the packet were good comments. Alice Peal advised the Regional Plan Committee had initial discussion on this project and are looking at what parts of this they could then bring into the updated Regional Plan and Regional Land Use map. She noted it fits into current discussions on state designations, FEMA mapping and clean water strategies. There was also brief discussion related to the intersection of this project with Act 250.

Minutes – (9/12/23)

Lee Cattaneo moved to approve the minutes as presented, seconded by Peter Carbee. Vote called and motion carried.

Reports: Christian advised the Board of Green Mountain Transit's temporary service reductions due to a lack of drivers. This has had a significant impact on riders coming from Barre for commuting to work. They are working hard to solve the problem. In addition, Barre City is formally requesting reinstatement of an early morning route that was terminated in 2020.

Robert Wernecke moved to accept the reports as presented in the packet. Seconded by Don LaHaye. Motion carried.

1 **Adjournment**

2 *Don LaHaye moved to adjourn at 8:18 pm; seconded by Lee Cattaneo. Motion carried.*

3

4

5 Respectfully submitted,

6 Nancy Chartrand, Office Manager

7

DRAFT

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION
BOARD OF COMMISSIONERS
Draft MINUTES
November 14, 2023**

Commissioners:

<input type="checkbox"/> Barre City	Janet Shatney, Sec/Treas	<input checked="" type="checkbox"/> Moretown	David Stapleton
<input type="checkbox"/>	Vacant	<input type="checkbox"/>	Joyce Manchester, Alt
<input type="checkbox"/> Barre Town	Alice Farrell	<input type="checkbox"/> Northfield	Royal DeLegge
<input type="checkbox"/>	Vacant	<input type="checkbox"/>	Jeff Schulz, Alt
<input type="checkbox"/> Berlin	Robert Wernecke	<input checked="" type="checkbox"/> Orange	Lee Cattaneo
<input type="checkbox"/>	Karla Nuissl, Alt.	<input type="checkbox"/> Plainfield	Paula Emery
<input type="checkbox"/> Cabot	Brittany Butler	<input type="checkbox"/>	Bob Atchinson, Alt.
<input type="checkbox"/> Calais	John Brabant	<input checked="" type="checkbox"/> Roxbury	Jerry D'Amico, Chair
<input type="checkbox"/>	Jan Ohlsson, Alt.	<input checked="" type="checkbox"/> Waitsfield	Don La Haye
<input checked="" type="checkbox"/> Duxbury	Alan Quackenbush	<input checked="" type="checkbox"/>	Alice Peal, Alt.
<input type="checkbox"/>	David Wendt, Alt.	<input checked="" type="checkbox"/> Warren	Alexis Leacock
<input type="checkbox"/> E. Montpelier	Vacant	<input type="checkbox"/>	Jenny Faillace, Alt.
<input type="checkbox"/>	Clarice Cutler, Alt.	<input checked="" type="checkbox"/> Washington	Peter Carbee, Vice Chair
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<input checked="" type="checkbox"/> Middlesex	Ron Krauth	<input type="checkbox"/>	Jacqueline Higgins, Alt.
<input checked="" type="checkbox"/>	Mitch Osiecki, Alt.	<input type="checkbox"/> Woodbury	Michael Gray
<input type="checkbox"/> Montpelier	Ariane Kissam	<input checked="" type="checkbox"/> Worcester	Bill Arrand
<input type="checkbox"/>	Mike Miller, Alt.		

Staff: Christian Meyer, Nancy Chartrand, Keith Cubbon

Call to Order: Chair D'Amico called the meeting to order at 6:36; a roll call was conducted and a quorum was not present to address action items.

Adjustments to the Agenda: Christian Meyer advised he would like to add an informational item related to the 2024 Legislative Flood Priorities.

Public Comments: None

Committee Appointments: A quorum was not present.

Waitsfield Municipal Plan Approval & Confirmation of Planning Process & Certificate of Energy Compliance:
A quorum was not present.

VAPDA Regional Future Land Use Initiative: The most recent draft VAPDA report, which was included in the meeting packet was discussed. Suggestions were shared and noted for sharing with VAPDA for the upcoming draft. There was consensus that the terms 'paths' and 'recreation trails' needed defining. Comments supplied

tonight and also comments from other RPCs will be compiled and provided. CCRPC has been editing the document and it will be discussed at VAPDA in December. It was confirmed that VAPDA will submit their final report as a guiding document for the Legislature to move on potential legislation for the upcoming session.

Any additional comments to be included can be sent to Christian Meyer by meyer@cvregion.com.

Central Vermont Public Safety Communications Improvement Project: Keith Cubbon advised Capital Fire Mutual Aid (CFMA) has asked if we would be willing to work with them on the communications plan previously developed by the Central Vermont Public Safety Authority to help secure funding for the implementation of the plan. It was noted that all municipal fire departments belong to CFMA and it is beneficial to our towns to have improved interdepartmental communication. Also noted was the importance of better communication equipment for safety and integration across the region. It was confirmed that there are 27 towns in CFMA, with a few being outside our region. While no action was needed, there was consensus that the Executive Director should assign these hours under EMPG grant.

2024 Legislative Flood Priorities: Christian advised we have been approached by State representatives in our region heading into 2024 legislative session to put together a list of programs they can promote that will benefit the region. He shared some initial staff concepts for this list such as: funding to expedite the removal of dams throughout the watershed; full time regional Emergency Management Planners at RPCs; hydrologic model of the Winooski River Basin to better understand flood risk; Best Management Practices document for rebuilding in the river corridor; Reverse E911 policy for use in extreme weather situations; state goal of planting 50' riparian buffers along 100% of river banks outside of established settlements; identifying shelters based on population size and access during expected disasters in the VEM Best Management Practices for Local Emergency Management Plans; review and update Emergency Action Plans and inundation maps for all high hazard potential dams every 10 years or after 100-year flood event, whichever comes sooner; funding for floodproofing wastewater plants; GIS/mapping position at VEM or a liaison position housed at the Vermont Center for Geographic Information; expand or create sub-category under Better Roads Program expressly for culvert upsizing to meet current recurring rain events.

It was also suggested to include low income housing sites, and Christian noted we are kicking off a small study with Barre City to help them identify within their current bylaws opportunities for new housing within the existing urban fabric. Also discussed was a need to look at the small things the state, towns and RPC could support that landowners could do to capture water from flowing downhill so rapidly. It was noted that Friends of the Mad River has developed Storm Smart to educate property owners on what they can do on their own properties to help mitigate free flows from their properties.

It was requested that the Regional Plan Committee also review and potentially add to the outlined recommendations with a deliverable of a bringing all recommendations to the full Commission at the December meeting.

Minutes – (10/10/23): A quorum was not present.

Reports: Christian advised we are actively interviewing new planners and anticipates that by the first of January there will be new hires. It was confirmed we are currently three staff below what we have budgeted for.

1 A quorum was not present to take action on the reports.

2
3 David Stapleton requested to hear from Waitsfield regarding what they encountered during their town plan
4 update process. Alice Peal of Waitsfield provided an overview of the process they went through to update their
5 town plan and offered suggestions. There was also discussion on using Municipal Planning Grants to hire
6 consultants to assist towns, as well as ensuring town input is a priority. It was also noted that
7 DHCD maintains a database of consultants who specialize in all types of projects.
8

9 **Adjournment**

10 *Don LaHaye moved to adjourn at 7:52 pm; seconded by Doug Greason. Meeting adjourned.*
11

12 Respectfully submitted,
13 Nancy Chartrand, Office Manager
14

Central Vermont Regional Planning Commission

P: 802-229-0389

Staff Report, October 2023

cvrpc@cvregion.com

Staff are in the office on Mondays through Thursdays. Due to telework schedules, please schedule in-person meetings in advance. Masks are appreciated in public areas of the office.

COMMUNITY DEVELOPMENT

Contact Clare Rock, rock@cvregion.com unless otherwise noted.

Municipal Planning & Plan Implementation:

- Corresponded with Middlesex Planning Commission about prioritizing natural resource strategies this winter to prepare for a Municipal Planning Grant in FY25 (Lincoln and Brian)
- Prepared Municipal Planning Grant application for Moretown Planning Commission to review for Village Wastewater feasibility study, affordable housing opportunities, and flood resiliency work (Lincoln)
- Met with Woodbury Planning Commission and prepared rough draft of Bylaw Modernization Grant Application
- Provided guidance to Waitsfield regarding town plan adoption process and changes to zoning map.
- Prepared Roxbury Municipal Planning Grant for a Village Vitalization Study.
- Prepared updated zoning and neighborhood district boundaries for City of Montpelier. (Brian)
- Provided City of Montpelier's consultant with geospatial data. (Brian)

Regional Planning and Implementation:

- Regional Plan Update:
 - The Regional Plan committee met to discuss VAPDA's Future Land Use Area Profiles proposal.
- Continued background research and editing of Natural Systems and Working Lands Chapter. (Lincoln)
- See below (Sam)

Health Equity: (Contact Eli Toohey, toohey@cvregion.com)

- Onboarded staff to regional project and health equity training; attended health equity THRIVE community event (Sam)
- Attended monthly RPC health equity meeting; submitted quarterly report (Sam)

Economic Development: (Contact Christian Meyer, meyer@cvregion.com)

- The working group met to discuss getting several member municipalities to provide letters of support for a Western Central Vermont Economic Development District application to EDA.

Brownfields: (Contact Eli Toohey, toohey@cvregion.com)

- Monitored progress of the Turning Point Phase I ESA and the Northfield Phase II ESA.

Partnerships for Progress:

CVFiber: Processed incoming mail

THRIVE: Participated in monthly meeting; coordinated flood response frontline communities including coordinating VGS/utilities assistance program and Efficiency Vermont recovery programs; attended community health equity event

CVEDC: Coordinated with CVEDC for distribution of project prioritization materials

WBRD: Provided support for mail processing

MRVPD: Worked with subcommittee to finalize draft organizational Bylaws and presented draft to Steering Committee.

EMERGENCY MANAGEMENT & HAZARD MITIGATION

Contact Keith Cubbon, cubbon@cvregion.com, unless otherwise noted.

Local/Regional Planning:

- Supported towns in disaster response. Forwarded emails with FEMA and VEM guidance. Sharing appeals process for individual assistance information.
- Shared with staff and completed flood response survey from Vermont Emergency Management (VEM)
- Met with regional State legislative representatives to discuss flood response programs
- Supported towns in discussion about RFP process for Local Hazard Mitigation Plan (LHMP) and upcoming BRIC funding
- Read information about state Vermont Economic Resiliency Initiative (VERI) report
- Supported Plainfield in sub-applicant management costs discussion with VEM
- Completed quarterly progress report
- Provided training resources to new Emergency Management Directors and updated state and Regional Emergency Management Committee (REMC) member lists
- Prepared information before Barre Up flood recovery forum meeting and participated in community forum
- Reviewed LHMP 2023 changes from trainings
- Met with Lisa Kolb about Building Resilient Infrastructure and Communities (BRIC) progress reporting
- Held a discussion with Barre City deputy fire chief about possible grant funding for regional communications
- Shared Emergency Action Plan for Wrightsville and Marshfield with Montpelier
- Met with FEMA community assistance representatives to discuss communities within the region in need
- Met with VEM and Plainfield to discuss Sub applicant management costs draft paperwork
- Attended monthly VEM/RPC meeting
- Met with Montpelier on LHMP update process post disaster
- Communicated with Cabot about ERAF score and LHMP funding

American Rescue Plan Act (ARPA):

- No activity to report

TRANSPORTATION

Contact Keith Cubbon, cubbon@cvregion.com, unless otherwise noted.

Field Services:

- Completed eight speed studies and shared reports with municipalities
- Updated Barre City connected streets to get initial REI accepted
- Collected October Park and Ride counts

Public Transit: *CVRPC represents Central Vermont on the Green Mountain Transit (GMT) Board of Commissioners.*

Municipal Assistance:

- Provided outreach to towns for Transportation Alternatives and Stormwater mitigation grants
- Participated in discussion and reviewing location data for salt shed applications for two towns
- Met with Sugarbush Access Path committee in support of Warren
- Participated in phone call with Plainfield to discuss Route 2/Main St. project
- Provided Orange, Waterbury, and Worcester with 1:1 EVSE funding, planning, and site selection support; submitted pre-application info for workplace chargers for Orange municipal complex

Regional Activities:

- Hosted Transportation Advisory Committee meeting

- Worked on Federal Urban Area boundary adjustment
- Facilitated fall road supervisor meeting included upcoming opportunities for fleet electrification/efficiency planning, EVSE, and collaboration on town garage project development (MERP updates)
- Completed Task 3.1.3 environmental planning report
- Contacted road supervisors about town road surface report task 4.1.5
- Recorded and inventoried new traffic and pedestrian counters
- Compiled and completed yearly traffic counting report for VTrans
- Met with Mad River Path to discuss multi town Transportation Alternatives grant for scoping study along route 100

NATURAL RESOURCES

Contact Brian Voigt, voigt@cvregion.com, unless otherwise noted.

Tactical Basin Planning Assistance:

- Draft 2023 Winooski Tactical Basin Plan:
 - Distributed flyer advertising the Department of Environmental Conservation's presentation of the Draft 2023 Winooski Tactical Basin Plan at the October CVRPC Board Meeting.
 - Provided a comment to be included in the Department of Environmental Conservation's press release announcing the opening of the public comment period on the Draft 2023 Winooski Tactical Basin Plan.
 - Distributed the Draft 2023 Winooski Tactical Basin Plan Executive Summary to the Clean Water Advisory Committee for review and comment.
 - Corresponded with Clean Water Advisory Committee members about Draft 2023 Winooski Tactical Basin Plan content.
- Outreach to watershed partners about participation in upcoming Clean Water Advisory Committee Meetings:
 - Confirmed November panelists from Winooski Natural Resources Conservation District, Vermont River Conservancy, and Waitsfield Conservation Commission to discuss Riparian Buffers and Invasive Species.
 - Confirmed March presentation by the Department of Environmental Conservation's Lakeshore Manager about Lake Watershed Action Plans.
- Staff Attended the following meetings:
 - VT Floodplain Management Drop-In, Discussion on the new Elevation Certificates
 - VT Floodplain Management Drop-In, Post Flood Permitting and Substantial Damage Reporting
 - Lake Champlain Sea Grant's Research Webinar "Farmers' Attitudes Towards Government Agencies and Conservation Programs in Vermont's Lake Champlain Basin."

Clean Water Service Provider (CWSP):

- Hosted Winooski Basin Water Quality Council meeting. Discussion topics included:
 - CVRPC Staff work to identify potential water quality improvement projects to shepherd through implementation and Staff intent to pursue Design Implementation Block Grant funding to support this effort.
 - Adopting a formal Outreach & Communications Policy to formalize our approach to advertise Project Solicitation and increase the number of project proposals submitted for funding consideration.
 - Council members discussed projects for which they may seek Formula Grant funding in a future Project Solicitation round.

- Completed Risk Assessment for Vermont Land Trust Master Agreement. Master Agreement signed by all parties. Master Agreement updated with Addendum 1 – funding for preliminary design of berm removal project along the mainstem of the Winooski River.
- Corresponded with Caledonia Natural Resource Conservation District and Redstart Consultant about the pre-qualification application and round three project solicitation timeline.
- Reviewed Draft Verification & Maintenance Reporting Form and met with the Department of Environmental Conservation and funding partners to review and comment on draft form.
- Updated Operation & Maintenance Contacts Database with organizations requesting reimbursement for August and September Department of Environmental Conservation trainings.

604b:

- CVRPC Staff met with the Department of Environmental Conservation's Winooski Basin Planner to review the award document and prioritize next steps in grant implementation.

FEMA Map & Flood Bylaw Updates:

- No activity to report. CVRPC is waiting to receive additional funding to support this program area.

Water Quality Projects:

- Prepared application for a Clean Water Project Development Block Grant through Addison County Regional Planning Commission.
 - Created list of top ten priority projects from approximately 50 projects identified through the Department of Environmental Conservation's Watershed Project Database, Storm Water Master Plans, Stream Geomorphic Assessments, and River Corridor Plans in the Upper Winooski Basin.
 - Met with Winooski Tactical Basin Planner to discuss prioritization of river planting and berm removal projects.
 - Prepared data for 100 projects for entry into the Department of Environmental Conservation's Watershed Project Database.

Stormwater Projects:

Barre City Auditorium Final Designs – No activity to report.

Calais / Woodbury Stormwater Implementation – No activity to report.

Moretown School Stormwater Implementation – Met project partners on site for four check-in meetings. Construction is 90% complete.

Plainfield Gully Stormwater Implementation – Construction phase complete. Administrative close out underway.

CLIMATE & ENERGY

Contact Sam Lash, lash@cvregion.com unless otherwise noted.

Municipal Energy Resilience Program (MERP)

- 1:1 town assistance (application support, utility bill and material technical assistance, attended town meetings, etc.)
 - Assessment application [reminders](#)
 - Mini Grants submitted this month: Orange & Waterbury
 - Assessment application support (*=submitted, **this month**): Barre City*, Cabot*, Plainfield*, Worcester*, Williamstown*, Washington*, Roxbury*, Berlin*, Marshfield*, Warren*, **Orange***, East Montpelier*, Calais*, Moretown*, Woodbury, Northfield*, Middlesex*, Montpelier*, Duxbury*, Fayston*, Waitsfield, **Waterbury***

- Assessments have now been approved in our region, Sam will reach out once vendors are ready to schedule (likely November/December); PLEASE ensure utility data is submitted- schedule with Sam for support or questions: https://calendly.com/slash_cvrpc/15min?month=2023-10
 - Coordinated with Building & General Services (BGS), Regional Planning Commissions, and assessment vendors (Nova Group, DuBois&King), regarding assessment scheduling, workflow, report template and components (TENs consideration, baseline, project development, labor and equipment cost estimates)
- Coordinated with RPCs and other partners: project prioritization and development (+community engagement); develop possible funding stacking (Rural Energy Improvements, MTAP, etc); provided update at monthly road crew roundtable, submitted quarterly report, etc.
- Participated in [Department of Energy/National Renewable Energy Laboratory Clean Energy to Communities cohorts](#) Developing on-site clean energy procurement strategy (ownership and finance models; RFP templates)

Municipal Planning and Implementation

- Facilitated and hosted ***EmPOWERing Municipal Solar: Building connections between communities and industry experts*** at the 2023 Annual Conference (30+ attendees, 6 developers & bond bank, reps from towns and RPCs- included town leadership from Waterbury, Roxbury, Middlesex, Warren, and more)
- Met with Worcester Planning Commission Chair, provided recommendations on Municipal Planning Grant and supported Enhanced Energy Planning process (Sam)
- Provided introduction to Enhanced Energy Plan & Act 174 (components, workflow, responsibilities, and approval process) to Marshfield Energy Committee Chair and Washington Commissioner (Sam)
- Continued working on municipal breakout and explanation of targets and analyses, draft maps, and more for Enhanced Energy Planning underway in Worcester, East Montpelier, Marshfield, Williamstown, and potentially Duxbury, Warren, Moretown, and more (Sam)
- Supported municipal building and facilities planning projects in Roxbury, Orange, Moretown, Worcester, and Washington

Regional Planning and Implementation

- Conducted outreach (with flyers and [virtual](#)) and hosted central Vermont events, in coordination with RPCs and Public Service Department for **Renewable Energy Standard Update Community Engagement Campaign [Say Watt?](#)** (85+ participants across tabling discussions held at Aldrich Library (10/10) and Rabble Rousers (10/7), online survey (closed 10/31), and small virtual discussion 10/11); began aggregating results/feedback.
- Met with UVM Professor around Central Vermont Project for climate adaptation capstone course (regional flood high water mark mapping, remediation/mitigation action impact tracking, resilience hubs, etc)
- Attended State Treasury climate infrastructure funding public entities meeting, drafted comments for submission
- Participated in [Technical Analysis Stakeholder Advisory Group](#) meetings (Renewable Energy Standards Update), provided feedback on draft BCA results including tier and scenario benefit differences including type and scale.
- Continued analyses for regional plan update including customization of generations scenarios tool and regional energy infrastructure
- Coordinated with regional and state peers on climate resilience initiatives (flood recovery and more so long-term planning and program development efforts): VCRD, Efficiency VT, VNRC, Ridge to River, Climate Office, Public Service Department, utilities, etc.
- Participated in [Department of Energy/National Renewable Energy Laboratory Clean Energy to Communities cohorts](#): Incorporating Community Voices in Clean Energy Planning and Deployment workshops.
- Participated in [Energy Equity Project](#) Community of Practice: energy equity metrics and tools
- Participated as core member [Thermal Networks working group](#) included finalizing draft for external review of municipal/community toolkit and session at the annual 2023 REV Conference on community thermal networks.
- Participated office hours on [Energy Efficiency and Conservation Block Grant](#) on voucher and blueprint use in preparation of Washington County Allocation application;

- Attended sessions on VT Utilities & Distributed Energy Grids, Clean Grid ISONE, In-State Hydropower Growth Opportunities, Regulatory Issues (Act 250, 248, 174), Res Updates, etc. at REV Conference.
- RPC Energy Planning Monthly Meeting: Thermal Energy Networks (role in regional & municipal thermal sector planning, mapping thermals sources, toolkit, wastewater opportunities, MERP); updated SOW Climate Pollution Reduction Grant sub-grants; implications of RES BCA results for regional energy infrastructure.

OFFICE & ANNOUNCEMENTS

Office:

- Initiated recruitment for a Land Use & Community Planner
- Issued a Request for Proposals to identify an Information Technology firm to assist with network upgrades and provide ongoing service and support. Met with eight prospective firms.
- Staff met with Representatives Casey, Williams, Anthony and Chapin to discuss the response to the July 2023 flood and how to better prepare and plan for future flooding events.
- Prepared health insurance recommendation for Executive Committee review.
- Completed FY23 audit with Sullivan Powers.

Professional Development:

- Brian attended the Northeast Arc Users Group Conference in New Haven, CT to learn about advances in geographic information systems technology and data, water resources monitoring and management, and addressing municipal governance concerns with GIS.
- Brian attended a training to learn about best practices for accessible data representation.
- Staff participated in a Wheels of Power and Privilege activity to explore issues of power and privilege in an intersectional way and highlight how different people might benefit from or be marginalized by systems in our society.

Upcoming Meetings:

CVRPC meetings currently offer remote access unless otherwise noted. Meeting access information is provided on agendas at www.centralvtplanning.org.

November

Nov 6	4 pm	Executive Committee
Nov 7	4 pm	Regional Plan Committee
Nov 8	TBD	Nominating Committee
Nov 8	5 pm	Regional Emergency Management Committee
Nov 9	4 pm	Clean Water Advisory Council
Nov 10		Office Closed due to Holiday
Nov 13	4 pm	Municipal Plan Review Committee – Waitsfield Town Plan Hearing
Nov 14	6:30 pm	Board of Commissioners
Nov 16	1 pm	Winooski Basin Water Quality Council
Nov 20	4 pm	Brownfields Committee
Nov 23		Office Closed due to Holiday
Nov 24		Office Closed due to Holiday
Nov 28	6:30 pm	Transportation Advisory Committee
TBD		Project Review Committee

December

Dec 4	4 pm	Executive Committee
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Dec 5	4 pm	Regional Plan Committee
Dec 11	10 am	CVEDC Economic Project Prioritization Committee
Dec 12	6:30 pm	Board of Commissioners
TBD		Brownfields Committee
Dec 21	1 pm	Winooski Basin Water Quality Council
TBD	4 pm	Project Review Committee
Dec 26	6:30 pm	Transportation Advisory Committee

RECENT CVRPC NEWS HEADLINES

Click on a week to read more about the headlines listed. *To receive Weekly News via email, sign up on our [website](#).*
Visit CVRPC's web site at www.centralvtplanning.org to view our blog and for the latest publications and news.

[October 6th](#)

- Empowering Municipal Solar Event
- Join the CVRPC team as a Land Use and Community Planner
- New Unemployment Mandate for Small Nonprofits
- 2023 State and Local Government Municipal Day
- Vermont Community EV Charging Grant
- Network Upgrades & Information Technology Managed Service Provider Request for Proposals

[November 3rd](#)

- CVEDC Regional Project Priority List - Informational Meeting Registration & Application Instructions
- Central Vermont WindowDressers Community Builds - Warming Homes- Helping the Environment- Building Community
- Public Hearing on Waitsfield Town Plan
- FY 2024 Transportation Alternatives Program (TAP) and Municipal Highway and Stormwater Mitigation Program (MHSMP) Grant Opportunity

[November 10th](#)

- Vermont Research Overview and Symposium Substitute Report
- [2023 VOREC Community Grant Program](#)
- Small Business Technical Assistance Exchange Grant Open Now
- Public Hearing on Waitsfield Town Plan
- FY 2024 Transportation Alternatives Program (TAP) and Municipal Highway and Stormwater Mitigation Program (MHSMP) Grant Opportunity

Central Vermont Regional Planning Commission
Committee & Appointed Representative Reports, October 2023

Meeting minutes for CVRPC Committees are available at www.centralvtplanning.org.

EXECUTIVE COMMITTEE (Monday of week prior to Commission meeting; 4pm) [10/18/23 & 11/6/23]

Authorized the Executive Director to sign contracts for Town of Waterbury– Local Hazard Mitigation Plan, City of Barre – Local Hazard Mitigation Plan, Town of Orange – Municipal Project Manager, Town of Waitsfield – Local Hazard Mitigation Plan

- Accepted the August and September 2023 unaudited financials.
- Approved the CY24 health insurance employer contribution and employee choice of health plans.
- Discussed appointment process for municipal representatives to committees

NOMINATING COMMITTEE (February - April; scheduled by Committee)

- Did not meet

PROJECT REVIEW COMMITTEE (4th Thursday, 4pm)

- Did not meet

REGIONAL PLAN COMMITTEE (1st Tuesday, 4pm)

Discussed VAPDA Future Land Use Profiles report.

MUNICIPAL PLAN REVIEW COMMITTEE (as needed; scheduled by Committee)

- Scheduled to meet 11/13/23 to review Waitsfield Town Plan

TRANSPORTATION ADVISORY COMMITTEE (4th Tuesday; 6:30 pm)

- Held meeting but quorum not present discussed work plan for TAC moving forward and possible work if VPSP2 is not restarted

CLEAN WATER ADVISORY COMMITTEE (2nd Thursday, 4pm)

- No October meeting.
- Next meeting scheduled for 9 November 2023

BROWNFIELDS ADVISORY COMMITTEE (3rd Monday, 6pm)

- Scheduled to meet 11/20/23

WINOOSKI BASIN WATER QUALITY COUNCIL (3rd Thursday, 1pm)

- Hosted a Winooski Basin Water Quality Council meeting on 19 October 2023.
 - CVRPC staff discussed ongoing work to identify water quality improvement projects to shepherd through implementation and Staff intent to pursue Design Implementation Block Grant funding to support this effort.

- Discussed the need for adopting a formal Outreach & Communications Policy to formalize our approach to advertise Project Solicitation and increase the number of project proposals submitted for funding consideration.
 - Basin Water Quality Council members discussed projects for which they may apply for Formula Grant funds in upcoming Project Solicitation rounds.
- Next meeting is scheduled for 16 November 2023

VERMONT ASSOCIATION OF PLANNING & DEVELOPMENT AGENCIES (VAPDA)

- Kevin Chu from VT Futures Project discussed recent VT Futures data collection work and regional listening sessions. He requested any feedback RPCs wish to provide.
- Charlie Baker reviewed the current draft of the Act 250 Delegation Study. CVRPC will hold a public hearing on this report in December.
- RPCs discussed strategic assessments for RPCs or reinstituting peer reviews to review regional planning process.
- Final group edits to Draft FLU report.

VERMONT ECONOMIC PROGRESS COUNCIL

No Central Vermont activity.

GREEN MOUNTAIN TRANSIT

- The Board heard public comment on service needs for the City Commuter between Barre and Montpelier.
- Barre City representatives, including the City Manager and Mayor, requested the restoration of the first and last trips of the City Commuter. GMT Staff spoke to the past performance of these trips and the expected costs of reinstating them. The GMT Board will consider the request at its November meeting.
- The Board Passed a budget adjustment
- The Board authorized staff to begin negotiating an update to the e Collective Bargaining Agreements to include union members retaining seniority for 90 days after changing to a non-CDL position in the event that they would like to rejoin the union workforce, and approval for staff to update the FGI non-CDL wage to \$22.00 per hour, and update maintenance fleet technician wages to \$23.50
- Several other issues were discussed that would affect services in Chittenden County

MAD RIVER VALLEY PLANNING DISTRICT

Presented draft Bylaws along with other subcommittee members, participated in discussion about defining organization priorities.