

1 **CENTRAL VERMONT REGIONAL PLANNING COMMISSION**
2 **BOARD OF COMMISSIONERS**
3 **Draft MINUTES**
4 **October 8, 2024**

5 **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 checked="" type="checkbox"/>	Northfield	Royal DeLegge
<input type="checkbox"/>		Vacant	<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"/>		Melanie Kehne, Alt.	<input checked="" type="checkbox"/>	Waitsfield	Don La Haye
<input type="checkbox"/>	Duxbury	David Wendt	<input checked="" type="checkbox"/>		Alice Peal, Alt.
<input type="checkbox"/>		Vacant	<input checked="" type="checkbox"/>	Warren	Alexis Leacock
<input checked="" type="checkbox"/>	E. Montpelier	Zoe Christiansen	<input type="checkbox"/>		Jenny Faillace, Alt.
<input type="checkbox"/>		Clarice Cutler, Alt.	<input checked="" type="checkbox"/>	Washington	Peter Carbee, Vice Chair
<input checked="" type="checkbox"/>	Fayston	Andrew McNealus	<input checked="" type="checkbox"/>	Waterbury	Doug Greason
<input type="checkbox"/>	Marshfield	Vacant	<input checked="" type="checkbox"/>	Williamstown	Richard Turner
<input checked="" type="checkbox"/>	Middlesex	Ron Krauth	<input type="checkbox"/>		Jacqueline Higgins, Alt.
<input type="checkbox"/>		Mitch Osiecki, Alt.	<input checked="" type="checkbox"/>	Woodbury	Michael Gray
<input checked="" type="checkbox"/>	Montpelier	Mike Miller, Alt.	<input checked="" type="checkbox"/>	Worcester	Bill Arrand
<input type="checkbox"/>		Vacant			

6
7 Staff: Christian Meyer, Nancy Chartrand, Will Pitkin, Keith Cubbon, Lincoln Frasca

8 Guests: Stephen Whitaker, Montpelier resident; Melissa Bounty, Central Vermont Economic Development Corp.

9
10 **Call to Order:** Chair D’Amico called the meeting to order at 6:30 pm, a roll call was completed, and a quorum
11 was present.

12 **Adjustments to the Agenda:** It was noted that the Regional Plan Chapter Review on Natural Systems may need
13 to be placed later in the agenda (after the minutes).

14 **Public Comments:** John Brabant shared the news of John Hoogenboom’s recent passing, and a moment of
15 silence was observed in remembrance.

16 Stephen Whitaker, resident of Montpelier, requested the Board of Commissioners direct the Executive Director,
17 who has replaced Charlie Baker on the Vermont Community Investment Board (CIB), to join in a motion for
18 reconsideration of the approval of Montpelier’s Growth Center. Montpelier’s Growth Center application was
19 reviewed at the September 23rd CIB meeting, and he believes it is grossly deficient of statutory requirements.
20 He outlined several items missing from Montpelier’s application, including conformance with the Regional Plan
21 and written description from the RPC of the role of the proposed growth center and neighboring communities.
22 He believes the RPC has been bypassed and that should not happen.
23

1 Significant discussion ensued, and it was concluded that the Board would like to hear more about this topic.
2 Christian Meyer provided background noting the application between City of Montpelier and Community
3 Investment Board is about expanding downtown growth center designation and we have not been asked to
4 make a decision on this.
5

6 It was noted that this is the public comment part of meeting, and we need to decide as a body if we want to
7 discuss any further at a future meeting. There was discussion about the timeline and Christian advised he can
8 confirm whether the Board would need to meet in advance of the next CIB meeting on 10/28. It was requested
9 that staff research further and come back with a timely report to determine if a special meeting of the Board
10 needs to be scheduled.
11

12 Chair D’Amico thanked Stephen for his comments and advised we will take it under consideration.
13

14 **Central Vermont Economic Development Corporation Update:** Chair D’Amico introduced Melissa Bounty of
15 CVEDC. Melissa noted they are working in coordination with CVRPC on Regional Project Prioritization. She
16 noted quite a few municipal applications have been received this year. An info session was held yesterday at
17 Kellogg Hubbard library and there will be another session held virtually tomorrow.
18

19 CVEDC was named statewide technical assistance provider for the BEGAP grant to support businesses and farms
20 flood impacted in 2023 or 2024. If anyone is aware of farms that had physical damage from 2024 flooding,
21 please encourage them to apply – it closes on November 15th. CVEDC has staff available to assist with accessing
22 this grant. There is a significant amount of money available.
23

24 CVEDC has received a grant from the Vermont Department of Labor to subsidize internships in the region. They
25 can pay 50% of intern wages. The grant was originally regional but has been extended to be statewide
26 (excluding Chittenden County). If members are aware of a business that could benefit from an intern this fall or
27 spring, direct them to CVEDC.
28

29 It was confirmed that meetings for the Regional Project Prioritization Committee have not been scheduled yet.
30 The application window closes on October 15th, applications will be provided to committee members and a
31 meeting scheduled in November. It was confirmed that Paula Emery, Doug Greason and Mitch Osiecki are the
32 CVRPC Commissioners on the Committee.
33

34 **Municipal Dues:** Christian Meyer provided an overview of the memorandum outlined in the packet outlining
35 the Executive Committee’s recommendation to raise dues from \$1.33 per capita to \$1.38 per capita (3.9%).
36

37 Peter Carbee noted he agrees with increase and advised that another organization he is involved in has decided
38 to increase dues by weight of inflation each year, in case the Commission wants to consider that in the future. It
39 was confirmed that 2020 census data is used for the capita. There was inquiry as to whether the increase went
40 to salaries, and it was noted it was hard to say specifically.
41

42 *David Stapleton moved to accept the Executive Committee’s recommendation and increase CVRPC’s municipal*
43 *dues assessment rate from \$1.33 per capita to \$1.38 per capita for Fiscal Year 2026; seconded by Peter Carbee.*
44 *Motion passed unanimously.*

1
2 **Municipal Aid Agreement Presentation:** Emergency Management Planner Keith Cubbon further reviewed the
3 information as provided in the meeting packet. He noted CVRPC is host to the Regional Emergency
4 Management Committee (REMC), and that each town has two representatives. The REMC requested CVRPC put
5 together a public works mutual aid agreement to allow communities to share assets/equipment with each other
6 in emergencies/disasters. This agreement provides the paperwork a municipality would need to submit to
7 FEMA for borrowing equipment from another town. Tonight is an introduction to this agreement. Christian
8 noted that generally agreements such as these are approved by the Executive Committee, but we wanted to
9 bring this proposed agreement to the full Board of Commissioners to allow for further comment/input. Our
10 bylaws allow us to have such an agreement. The agreement would use the NIMS system for natural disaster
11 reimbursement and would use the FEMA reimbursement tables.

12
13 Discussion ensued including confirmation that this agreement is more public works focused than the current
14 Capital Fire Mutual Aid agreement. Also discussed was potential conflicts between towns; and Keith has not
15 heard of any from other regions, noting that NIMS resources have federally assigned values which helps to
16 clarify rates.

17
18 It was confirmed that this is an optional agreement for towns and would allow a town to cast a wider net than it
19 may currently have with abutting town agreements.

20
21 **Update on Regional Flood Coordination:** Christian Meyer provided an update on how we are addressing flood
22 mitigation region wide. We've met with regional partners, the State, Friends of the Winooski and some active
23 municipalities to try and think about what would be a productive way to begin the conversation at the full basin
24 level with the idea of working towards some type of campaign or engagement process that could help build
25 momentum among municipalities to work towards a shared vision. As an Commission in midst of updating its
26 Regional Plan, it is also beneficial to get input on things we want to consider for our own regional plan and how
27 we want to get involved in flood mitigation as a region. It is an ongoing process and Christian will keep the
28 Board updated and we may have requests for representatives from municipalities in the future.

29
30 **Minutes – (9/10/24):** *Peter Carbee moved to accept the minutes as written, seconded by Doug Greason.*
31 *Motion passed unanimously.*

32
33 **Regional Plan Chapter Review – Natural Systems:** Natural Resources Planner Lincoln Frasca provided an
34 overview of the information included in the meeting packet.

35 It was noted that this updated draft has taken a list of all the things we have in the region and helped to make it
36 into a useful tool. There was discussion on the timeline for comment and it was noted that the Regional Plan
37 Committee is working through chapters, so the sooner comments can be provided, the easier it will be to
38 integrate them. The Regional Plan Committee has been providing input to staff, who are taking that input into
39 consideration for the next draft. If Commissioners provide comments using the same process it would work the
40 best.

41
42 It was requested that comments be sent by email to Community Planner Will Pitkin pitkin@cvregion.com and he
43 will get them to the Committee. It was noted that the next Regional Plan Committee meeting, scheduled for

1 October 15th at 4 pm, will review the housing chapter and also have an Act 250 presentation and begin the
2 comment period on new land use plan and land use map. All commissioners were encouraged to attend.
3

4 **Reports:** Christian Meyer followed up on the National Association of Development Organizations (NADO)
5 survey that was sent out last week. Regional Planning Commissions have been asked to do a self-performance
6 study which NADO is leading. Surveys were sent to all Commissioners and Alternates, as well as municipal
7 officials and we request that you please provide your input.

8 Peter Carbee made note that the Washington Select Board asked that Sam Lash be recognized for her help with
9 MERP and their Planning Commission wanted to thank Niki Sabado for her work on their getting Town Plan
10 completed.

11 There was significant discussion related to housing targets and when staff will be meeting with municipalities.
12 Christian advised staff are happy to come at any time that is convenient for the town. We are also looking and
13 waiting to see what regional numbers come back at with regard to county wide housing targets, as they appear
14 to be higher at the county level than what we estimated internally. We aren't developing a methodology yet –
15 we are in early stages of preparing for this. It was noted that there is lots of vacant housing in need of
16 rehabilitation and this can become part of the Regional Plan Committee conversation.

17 Will Pitkin expressed appreciation to Regional Plan Committee members for their feedback on the chapters they
18 are reviewing.

19 *Peter Carbee moved to accept the reports as presented, seconded by John Brabant. Motion passed unanimously.*
20

21 **Adjournment:** *Don La Haye moved to adjourn at 7:59 pm; seconded by Lee Cattaneo.*
22

23 Respectfully submitted,
24 Nancy Chartrand, Office Manager

Stephen Whitaker's Motion for Reconsideration of Montpelier Growth Center Expansion

From Stephen Whitaker <whitaker.stephen@gmail.com>
Date Mon 10/7/2024 2:20 PM
To alex.ferrell@vermont.gov <alex.ferrell@vermont.gov>
Cc Christian Meyer <meyer@cvregion.com>

 2 attachments (23 MB)

CPR-CIBoard-DRAFT-MeetingMinutes-240923.pdf; 2024.09.23 VCIB Montpelier GCB findings and decision.pdf;

Now comes Stephen Whitaker of Montpelier pursuant to 24 V.S.A. 2793c (d)(8) move for reconsideration of the Vermont Community Investment Board's (VCIB) decision made September 23, 2024 to approve the expansion of Montpelier's Growth Center boundaries.

Petitioner offered both spoken and written comments at the September 23rd meeting and thus has standing to move for reconsideration pursuant to the above cited statute.

The above referenced statutory subsection requires that:

"Any such request for reconsideration shall identify each specific finding of the State Board for which reconsideration is requested and state the reasons why each such finding should be reconsidered."

A review of the draft meeting minutes document that the motion was to approve the decision only, making no mention of the "findings". The so-called findings included in the Board packet prior to the proposed decision by staff were not represented as findings made by or subscribed to by staff **nor were they adopted as findings of the State Board.** Therefore there is no basis to rely upon for meeting the requirement that movant *"identify each specific finding of the State Board for which reconsideration is requested and state the reasons why each such finding should be reconsidered."* The findings preceding the staff's proposed decision are merely a cut and paste from the applicant's submission, whose application is otherwise wholly incomplete and non-compliant with statute.

Missing is an application based upon an approved municipal plan. The 2017 approved plan makes no mention of use of the Country Club property for civic use or

housing.

Also Missing

1. written confirmation from CVRPC that the proposal to expand the growth center to include the Country Club property conforms with the regional plan
2. written description from CVRPC of the role of the proposed growth center in the region, and the relationship between the proposed growth center and neighboring communities.
3. statutorily required adopted capital budget and program that includes existing and planned wastewater treatment, water, stormwater, and transportation infrastructure; **public spaces; other infrastructure necessary to support expanded growth center development; and a reference map.**
4. documented existing or planned transportation infrastructure serving the expanded growth center adequate to implement growth center development over the 20-year period;
5. evidence of multi-modal access to the downtown, village center, **or new town center; which shall incorporate, accommodate, and support the use of public transit systems; and shall encompass a circulation system that is conducive to pedestrian and other nonvehicular traffic;**
6. quantification of the type and amount of development and land area needed to support the proposed growth center beyond what is available in the designated downtown, village center, or new town center;
7. evidence of how the expanded growth center shall avoid or minimize the inclusion of important natural resources and identified flood hazard and fluvial erosion hazard areas. If an applicant includes an important natural resource or flood hazard or fluvial erosion hazard area within a proposed growth center, the applicant shall identify the resource or area, explain why the resource or area was included, describe any anticipated disturbance to the resource or area, and describe how the municipality's land use bylaws will avoid or minimize impacts to the resource or area.
8. required maps identifying in the expanded growth center important natural resources, identified flood hazard and fluvial erosion hazard areas, National Register Historic Districts, National or State Register Historic Sites, and other significant cultural and natural resource;
9. required maps identifying in the expanded growth center **the concept plan depicting the character of the streets and public spaces within the expanded growth center, and depicting the size and placement of buildings envisioned in the municipal plan;**
10. required maps identifying in the expanded growth center existing slopes of 20 percent or greater;

11. required maps identifying in the expanded growth center **existing and planned public facilities, including public buildings, public spaces, wastewater and water services, roads, sidewalks, paths, transit centers, parking areas, parks, and schools** within the growth center boundaries.

Movant also relies on prior submitted written comments to call specific attention to many, but not all of the deficiencies of the City of Montpelier's application. The entire universe of deficiencies of the application are the obligation of DHCD/ACCD/VCIB staff to identify and present analysis for, or justification for approval despite the deficiencies. No such rationale was offered by staff.

Applicant City of Montpelier makes repeated reference to the so-called "Actional Master Plan" for the Country Club Road but conspicuously fails to mention that the document, prepared by White & Burke, was never adopted by the City Council, which merely "accepted" the document with many reservations, referring to it as a "working discussion draft" or an "actual plan" as in the motion to accept the document. Nor is the document in question anything close to a municipal plan, nor was it reviewed by the CVRPC, nor was there any decision made to pursue any five story development on eight acres nor a 12 acre set-aside for recreation. All of those decisions were to follow the specified next steps for due diligence, none of which have yet been completed nor even begun by issuance of an RFP!. These included analysis of hydro-geology, prime ag soils delineation, wetlands, slopes, flood zones, protected flora and fauna and most importantly, the problem of access and egress other than Route 2 with a railroad siding, which might require one or more new roads costing tens of millions of dollars across land which is not under the city's control and for which no agreement has been reached to accomodate a new road and under what terms. No road design, approval nor adopted Capital Budget includes such conceptual roads, first notice to Montpelier citizens of which appears in the defective and incomplete application and as reported by the Montpelier Bridge.

A comment was made repeatedly by ACCD staff (Jake Hemmerick) that the Board's proposed decision in the Montpelier case is relying on precedent established by prior decisions of the Board yet no such precedents were cited in the proposed decision nor in the staff memo introduction preceding the cut and paste of the applicant's irrelevant flotsam and jetsam. I repeat: the applicants findings are not and were **not the findings of staff nor were they made the findings of the Board.**

Additionally, the Board is not a quasi-judicial body under Vermont law as are the Public Utility Commission, the Green Mountain Care Board and the Natural Resources Board. As such, there is no role for precedent as might have been established in prior

decisions under the *Stare Decisis* doctrine. The discovery of this misunderstanding may indeed call into question any number of other decisions made by the Board which may have been based upon the misunderstanding that the Board's decisions constitute precedent or "*settled law*".

The Board should reconsider and reject the application by the City of Montpelier for expansion of the Growth Center boundaries due to an incomplete municipal plan and the many missing elements of the application as detailed in the requirements of statute found in 24 V.S.A. 2793c.

Respectfully submitted this 8th day of October, 2024, by,

Stephen Whitaker
Montpelier, Vermont