

TRORC Board Meeting

Porter Community Room, Montshire Museum, Norwich, Vermont

August 21, 2019 – Board Meeting Minutes

Attendance:

Name	Town	8/21/19	6/27/19	5/22/19	4/24/19	3/27/19	2/27/19
Jerry Fredrickson	Barnard	X	X	X	X	X	X
Vacant	Bethel						X
Nancy Jones	Bradford		X	X	X	X	X
Marcey Carver	Bradford (Alt)			X			X
Vacant	Braintree						
Lynne Bertram	Bridgewater			X			
Gwynn Zakov	Brookfield	X					
Jon Binhammer	Brookfield (Alt.)		X	X	X	X	
Carl Pepperman	Chelsea	X	X		X	X	
Tim O'Dell	Corinth	X	X	X	X	X	X
Peter Berger	Fairlee	X	X	X	X		
Mark Belisle	Granville	X				X	X
Monica Collins	Hancock		X	X	X		
Lori Hirshfield	Hartford		X	X	X	X	
Bruce Riddle	Hartford (Alt)	X	X	X	X	X	X
Charles Jeffries	Hartland	X			X	X	X
Frank Tegethoff	Newbury	X	X		X	X	X
Rod Francis	Norwich	X		X			
Vacant	Pittsfield						
Anne Brown	Plymouth	X	X	X	X	X	X
Bill Emmons	Pomfret	X	X		X	X	X
Phil Dechert	Pomfret (Alt)			X	X	X	X
Ramsey Papp	Randolph		X		X	X	
Gary Dir	Randolph (Alt)	X	X	X			
Anni Mackay	Rochester		X				
Doon Hinderyckx	Rochester (Alt)		X				
David Brandau	Royalton	X	X			X	
Bushrod Powers	Royalton (Alt)	X	X	X	X	X	
Peter Anderson	Sharon	X		X	X	X	X
Bill Edgerton	Stockbridge	X			X		
John Echeverria	Strafford		X	X	X	X	X
Stuart Rogers	Thetford	X	X	X	X	X	X
Jim Masland	Thetford (Alt)	X	X				
Jim Bulger	Topsham						X
Michael Sacca	Tunbridge		X	X	X	X	X
Kevin Rose	Tunbridge (Alt)	X	X		X	X	
Bill Baylis	Vershire		X				
Nancy Malmquist	W. Fairlee	X		X		X	X
Don Bourdon	Woodstock	X			X		X
Steve Schneider	At-Large	X	X	X	X	X	
Jennifer Colby	At-Large		X		X		
Ken Alton	At-Large	X		X	X	X	
Vacant - Conservation	At-Large						
Beth Long	At-Large	X	X				
Meg Emmons	At-Large		X				

Staff: Pete Fellows, Kevin Geiger, Dee Gish, Peter Gregory, Tory Littlefield, Jess Richter

Guests: Adolfo Bailon, Randolph; Herb Durfe, Norwich; Bob Haynes, GMEDC; Cathy Melocik, Wilder; Cynthia Munroe, Wilder; Matt Osborn, Hartford

1. Call to Order, Introductions, and Public Comments:

Chair Jerry Fredrickson convened the Board Meeting at 6:30 p.m. A quorum was declared after roll call.

Public comments: Cynthia Munro voiced concern to read the Town of Hartford Planning Commissions' concern about prescriptive language. She believes it is critical to have prescriptive language in Plans for enforceability, otherwise, the plan is a "wish list" and aspirational. If merely aspirational, then the Plan does not need to be followed. She hopes that comments and ideas made by the public and encoded in the Plan will have "some teeth" and actually have to be followed. Critical to democratic process that Plans have prescriptive language. Make sure that prescriptive language is both prescriptive and flexible enough to take into account changing conditions.

Adolfo Bailon thanked representatives and alternates for hard work for their town representation.

2. Public Hearing – Town Plan Approval for Hartford:

Tory Littlefield noted some of the comments of the Hartford Town Plan Review, including how the Plan made improvements on the Flood Resilience and Energy chapters, and weaknesses including the lack of goals, strategies or actions to minimize strip development. TRORC staff recommend the Plan be approved. Hearing no public comments, Chairman Fredrickson closed the hearing.

3. Public hearing – Confirmation Action per 24 VSA §4350 for Hartford:

Peter Gregory reminded attendees that towns need to have a Planning Commission that is working to adopt a plan in conformance with Title 24 and is contributing financial support to a planning program. Staff feels that Hartford has met that test.

4. Approval of Hartford Town Plan:

A motion was made by Don Bourdon and seconded by Bill Emmons to approve the Hartford Town Plan. Bruce noted that the PC is working hard to continue with revisions to the Plan. Tim O'Dell noted that Item 4 on page 19, the plan does not include any goals, actions or recommendations to specifically address manufactured housing. But earlier under goal 11 D, under the Plan there are few restrictions on available sites for manufactured housing and that they can't be discriminated against. Tim found that what the Plan includes for available siting for manufactured housing is material and that the criticism does not give enough credit where it is due. Peter Gregory noted that TRORC will correct the Review on page 19 and make it consistent what appears elsewhere in the Plan. The Hartford Town Plan was unanimously approved.

5. Confirmation of Hartford planning efforts:

A motion was made by Bill Emmons and seconded by Don Bourdon to confirm Hartford's planning efforts. Approved unanimously.

6. Approval of TRORC Board Minutes – May 22, 2019 and Annual Meeting June 26, 2019:

Bill Emmons asked why the June Annual Meeting minutes were up for approval, when historically, they would be voted on at the next Annual Meeting. Dee Gish explained that staff had decided to approve the Annual Meeting minutes at the next subsequent Board meeting so that Commissioners would be able to recall the events of the Annual Meeting closer to the date of approval. Bill thought the decision should be made by the Executive Committee. A motion was made by Bushrod Powers and seconded by Frank Tegethoff to approve the May and June minutes. Approved unanimously.

7. Acceptance of June and July, 2019 Financial Reports:

Peter Gregory reminded Commissioners that while the Balance Sheet is a snapshot accrual report, the Income and Expense report is a cash report. Peter noted that the independent auditors have completed five days of field visits to TRORC and are drafting the FY19 audit report. The Balance Sheet reports a loss, but not as great as the deficit budget that was approved for FY19. The accounts receivables were high at the end of June due to quarterly billing and have largely been recovered. In July, TRORC receives the majority of town dues as well as the first quarterly payment for planning support from ACCD, revealing a healthy net income for the month. The auditor noted their pleasure that policies are reviewed regularly and kept up to date. A motion was made by Bill Emmons and seconded by Mark Belisle to accept the June and July financial reports.

8. Acceptance of TRORC Regional Plan Responsiveness Summary:

A motion was made by Anne Brown and seconded by Stuart Rogers to accept the Regional Plan Responsiveness Summary. Peter Gregory reported that the Responsiveness Summary is a way to capture all comments made in good faith and memorialize the public input and, to help expedite the Board's review, the Summary noted which comments warranted changes in accordance with Vermont statutes. The Executive Committee has reviewed the draft Summary and recommends acceptance.

Bruce Riddle distributed a 10-page letter signed by the Hartford Planning Commission and Selectboard Chairs with comments regarding draft Regional Plan. Bruce reported that the Town of Hartford's Planning Commission and Selectboard wanted to note areas of concern of the Regional Plan for possible areas of revision or compromise. Bruce noted that the Regional Plan sends signals to our community about what is important to the region. He encouraged Commissioners to read VSA chapter 117, the basis for planning in Vermont. Hartford sees chapter 117 as allowing for more flexibility than the Regional Plan for setting priorities and prefers language that is less prescriptive and constraining. Hartford feels that the Land Use Chapter, as written, takes away authority from municipal planning bodies. Specific concerns include:

- Page 4, Policy 7. The review policy of Regional Centers can create hardships. Don't have authority to mandate design outside of the Design Review Board.
- Policy 8. Medical and professional centers would not be allowed outside designated regional centers. Hartford feels that medical and professional centers should be allowed in town centers.

- Quechee Gorge. There are an estimated 100,000 visitors to the Gorge each year. Hartford does not think that a Mixed Use designation is appropriate. Hartford believes that the primary retail catering to the visiting public is critical to the economic vitality to the area and would prefer to keep the Town Plan language designation as Gateway Commercial or the Regional Plan designation as a Hamlet for Quechee Gorge.
- Page 9 under Rural Areas Goals and Recommendations. Hartford strongly objects to the proposed density or limitations for 5 dwelling units. TRORC staff response was to wait until 2021/22 for the new housing study. Hartford notes the severe housing shortage in the region and feels the proposed limits discourage investment and that the Regional Plan should allow for more flexibility. Hartford feels that the ways the policies are written do not take into account the competency of local planning and that the Land Use chapter needs to allow for more experimentation and innovation.

Beth Long agreed with many of Bruce's comments and voiced concern that a 100% increase on Rural designation would have an impact on the ability to provide for affordable housing. Beth thinks that this is an area requiring continued attention.

Adolfo Bailon also noted his agreement with Hartford's comments and feels that it is important that municipal governments have the ability to self-determine their own path's forward. Adolfo noted that towns each have different challenges and need flexibility to planning for development.

Kevin Geiger noted that the Responsiveness exercise was very useful and, in response to Hartford's comments that "must" is contained in the current Regional Plan, and likely has been in previous iterations of the Regional Plans. Kevin appreciated Hartford's comments and noted that Quechee Gorge is currently designated as a Rural area and with this draft would go to Mixed-Use, which is closer to where they want to be.

Pete Fellows noted that the increase in Rural Area designation was made at the expense of more restrictive areas such as Conservation Areas. Regional Growth Areas increased by a small percentage and that is where we want dense development. He noted that 160,000 acres were added to the less restrictive Rural Area designation. So this actually addresses Commissioner Long's concerns.

Cathy Melocik is looking for enforceable and stronger language to protect some of the historic areas, such as the Historic District in Wilder. She noted that Wilder is under significant development pressure and that without enforceable language "we are in trouble." There is only a conditional use consideration that says character must be taken into consideration, but "character" is not defined. Cathy would like Wilder to have a Design Review district, with flexibility to protect what the down has designated as a nationally registered Historic District.

Cynthia Munro spoke in favor of enforceable language and noted that citizens rarely lose by protecting a resource that will only become more valuable. Development should fit with the long-term planning of Vermont's citizens. Without protections from development, boom-towns can occur.

Adolfo Bailon noted that Randolph submitted several requests for changes of the draft and would like to see the responses. Kevin Geiger noted the responses could be found

on pages 7 and 8 of the Summary. Peter Gregory noted that Randolph's comments were verbatim and presented to the Board.

Tim O'Dell noted on page 10-11 that ANR requests greater detail of the implications of a Determination of Energy Compliance and the concept of Substantial Deference. The response might actually be more in line with the state of affairs, since there is a lack of any proceedings that would reveal what Substantial Deference actually means. Peter Gregory noted that TRORC will add a sentence to the top of page 11 something to the effect of "exactly what Substantial Deference means has not been yet determined by the Public Utility Commission."

Don Bourdon asked about the notice to the public hearing process. Peter Gregory noted that Hartford's and other comments tonight will be recorded. If the Board accepts the Responsiveness Summary, the Board will consider Hartford's comments at the next public hearing. Gary Dir asked if Randolph's comments can be re-submitted. Peter responded that they could for the next hearing.

The Responsiveness Summary was unanimously accepted as amended by Commissioner O'Dell's energy comment.

9. Set Regional Plan Public Hearing for September 25, 2019:

A motion was made by Don Bourdon and seconded by Rod Francis to set the Regional Plan Public Hearing for September 25, 2019. Accepted unanimously.

10. Staff/Commissioner Updates:

Peter Gregory reported on some recent Act 250 applications in the region including one in Pittsfield to enlarge a log treatment and storage facility on Route 100 and another to create an oil storage and transfer station. There is also an application from the Greater Upper Valley Solid Waste District to use a landfill site as a transfer point for organics. There is a hearing scheduled for Freedom Foods in Randolph. TRORC is required to participate in major applications: those that go to hearing. Changes to Act 250 will be picked up by the Legislature in January.

Peter reported on Brownfields funding and encouraged Commissioners to contact staff if they know of redevelopment projects. The Housing Study project is kicking off with UVLSRPC and Southern Windsor County RPC. Woodstock has submitted an application for funding for the Housing project. Peter noted that an event to kick off the Efficiency Vermont energy funding to support town energy committees is scheduled for September 5. Peter will also be sending out an invitation from the state for towns to volunteer to participate in autonomous vehicle testing. There is also an effort underway known as the Transportation Climate Initiative (TCI), an idea similar to the Regional Greenhouse Gas Initiative where carbon emissions are capped and traded. The TCI idea is for new England states to participate to cap and invest transportation emissions.

Gary Dir asked about the process for Brownfields funding. Kevin Geiger cited current examples of Mowers News Service and Will John former drycleaners in White River Junction, Tip Top Tire in Wilder and Valley Motors in Bethel. These sites were assessed for contaminants prior to redevelopment. A Phase 1 assessment is a good idea when transferring commercial ownership, but is not suited for a land fill. It is assumed that any

land in downtowns or Villages are contaminated, since asphalt and burned buildings contaminate soils.

Frank Tegethoff thanked Commissioners and towns for their support for the Tucker Mountain town forest in Newbury.

Chairman Fredrickson solicited ideas for future meeting speakers. Bruce suggested a presentation on the permitting requirements for 5G internet service. Ken Alton suggested an update from ECFiber. Gary Dir suggested a presentation from the Energy Action Network regarding their action plan and how the state is falling short of its' Comprehensive Energy Plan goals.

Adjourn:

Bushrod Powers made a motion to adjourn at 7:34 pm.

Minutes prepared by Dee Gish 8/25/19