

Joint Planning Commission and Selectboard Meeting Minutes
October 2, 2014
Approved

Present: Selectboard - Scott Bassage, John Brabant, Rose Pelchuck, Toby Talbot, Denise Wheeler; Planning Commission – Jack Russell, Jan Ohlsson, John McCullough, Betsy Parah, Richard Quelch; Conservation Commission – Drew Lamb, Stephanie Kaplan; Donna Fitch, Clerk; Dot Naylor, Paul Rose, Ginny Kern, Peter Harvey; Kim McKee (Central Vt Regional Planning).

Denise Wheeler, Chair, called the meeting to order at 7:00 pm, continuing the meeting from September 22, 2014. The purpose was review of the Town Plan.

Denise made the following opening remarks: We are gathered here tonight to continue our discussions with the Planning Commission (PC) and others on revisions to the Town Plan. I think the PC and SB have worked well together and everyone has made considerable effort to focus on the Town Plan while giving up valuable personal time. We respect and appreciate the dedication and countless hours the PC has committed to this process. We also appreciate the work of other bodies in town as well who have truly tried to be helpful. This has been a long process and not without some disagreements but in the end we all need to focus on what is best for the town. Controversy isn't necessarily a bad thing; it means people are paying attention and sincerely care. Tonight we want to hear and listen to everyone. I think everyone involved is exhausted by this process and tempers are short, so this is a reminder that we are all in this together - there are no sides to take. This is not "us" or "them" it is *Calais*. In the end, we are all still neighbors and we all believe in what we are doing and that we are doing the right thing. I have high expectations on how we conduct ourselves tonight - that everyone will be respectful and not interrupt others when they are speaking. The SB needs to balance all factors between what the PC and others have presented and advised. It is our responsibility to give consideration to all the information gathered, but in the end it is the SB's decision. After the PC has their public hearing and hands the Town Plan to the SB, we have a public hearing. We could then make changes that would then be sent back to the PC. If the SB makes significant changes, we need to hold an additional public hearing and abide by the noticing provisions set out in statute. The PC must then submit to the SB at, or prior to the public hearing, a report that analyzes the extent to which the changed proposal is consistent with the rest of the plan.

A reminder to the SB of things to consider: In order for a Town Plan to be enforced in an Act 250 or Act 248 context, plan provisions must be mandatory, based on a specific policy in the plan, and stated in language that is clear and unqualified. If there are natural resources in the Town that the Selectboard believes equivocally require protection or forms of development that the Selectboard does not want to see approved (i.e., ridgeline and hilltop development; development on slopes over a certain grade; development or clearing within buffer areas), it is reasonable to include this language in the plan as well as in bylaws. What should happen is that the Board should first identify those resources that it believes require extra protection (taking a "surgical" rather than a broad brush approach) and perhaps include mandatory language/specific policies in the plan only with regard to those resources. In this go around, we won't be able to protect every natural resource in the Town through mandatory language/specific policies – only those that are the most special and the most in need of protection through such language/policies. Let's take this one bite at a time instead of trying to eat it all at once.

A couple of options are, 1) re-adopt the current plan which would allow the SB to spend additional time reviewing and determining what needs protecting, or 2) hold our public hearing and see what additional

input we receive and make recommendations for changes to the PC and go through the process I identified previously. This is a work in progress and we have made great strides - now let's move forward.

The Selectboard then began reviewing sections of the Town Plan.

- 1) Early Childhood is now combined with Education. There were no comments.
- 2) Energy – the PC received feedback from the Energy Group, but has not yet digested that input.
- 3) Municipal Facilities:
 - a) Denise – add goal of expanding town office building to “get it on the radar.”
 - b) John Brabant – add goal of researching a satellite fire station for the tanker pumper in order to improve response time before the larger fire equipment arrives on the scene; encourage people from Calais to join East Montpelier Fire Department.
- 4) Municipal Services:
 - a) Denise – change manager of web site from volunteer to Assistant Town Clerk
 - b) Jack – May want to use regulatory language regarding water protection.
 - c) John B. spoke to water source protection; make hazardous tanks and buffer zones two separate areas; cell towers vs. ridgelines – make sure there is not conflicting language between maintaining ridge lines and wanting cell service; Jack thinks this might be in zoning regs already; he will check before changing wording in Town Plan. John: We can't ban cell towers, but we can restrict their location.
 - d) Discussion of wording for no extraction of water for commercial resale. Suggestions:
 - i) “No extraction of water for commercial sale.”
 - ii) “No extraction of water for direct bottled resale.”
 - iii) “No extraction of water for value added products.”
 - iv) Define the maximum amount of water that can be extracted by gallons; John McCullough said PC will investigate that.

The Calais Road Standards are in the appendix.

John B. requested a copy of the Plan with track changes so that all changes to date could be seen. PC didn't know SB would want a copy with ALL the track changes. Kim McKee will look into legislative software for tracking changes.

- 5) Housing – no comments.
- 6) Economic Development:
 - a) Peter Harvey (Calais Raods Advisory Committee) stated he is happy with the input he gave that has been incorporated into the Town Plan.
 - b) Denise asked Toby and road crew to read this section.
 - c) toby will review “shall” language in this section and give Jack his feedback.
 - c) Remove “Scenic Roads Committee.” It does not exist.

7) Historic:

a) Add: Request right of first refusal for town to purchase Kent Museum property if State sells.

8) Natural Resources:

a) Jack handed out documents listing the Action Steps and the town entity responsible for carrying out the steps which he had extracted from the Town Plan. Stephanie Kaplan said the Conservation Commission (CC) had sent the Natural Resources section with regulatory language to the PC recently. Therefore, there is a difference in the language in the Action Steps between PC version and CC version. Denise suggested listening to the SB and PC first. Stephanie reiterated that CC suggestions were not included. The PC and CC had met, discussed differences and made compromises. The differences are not that big, Drew Lamb stated. Rich Quelch explained: 1) The PC stepped out of its comfort zone; 2) The PC started with the CC's Natural Resources document and maintained the structure; 3) A huge hurdle was identifying the natural resources; 4) The conflict between the PC and CC came down to the regulatory language; 5) Regarding setbacks – where did the language come from? It sounds like zoning language, not town plan language.

b) Jack said you don't need regulatory language as long as it's somewhere. Jack spoke to Attorney Joe McLean who said that regulatory language can be put in the Action Steps and it's good as long as the word "shall" is used. The "regulatory guidance" section in the previous Town Plan is not necessary if the wording is in the Action Steps.

John B. suggested the PC and CC get together. Toby suggested the PC and CC make up a regulatory item list for the Selectboard to review. Paul Rose suggested that, since there are few areas of conflict, that the Boards determine what are the priorities and address some of the differences that way.

Rich said he has CC documents with the PC's responses to each item. Jack said the PC has other issues to deal with and needs to finish Town Plan. It was agreed that just one or two people from PC and CC meet to work out the differences.

The meeting adjourned at 9:10.

Respectfully submitted,

Donna Fitch, Clerk