

Bennington County Regional Commission

EXECUTIVE COMMITTEE

Minutes

Friday – August 25, 2023

Meeting Conducted via ZOOM

Present: Nick Zaiac, Dan Monks, Sheila Kearns, James Salerno, John Lavecchia, Jr., Dimitri Garder
Staff: Janet Hurley, Bill Colvin

The meeting was called to order at 8:47am.

Approval of Minutes: Monks moved and Zaiac seconded approval of the June 23, 2023 Executive Committee meeting minutes. Approved with Garder abstaining.

Financial- FY 23 Audit, FY23 Year End Draft Financials

With the upcoming retirement of Steve Love of Love, Cody & Company, BCRC needed a new auditing firm. Following an RFP process RHR Smith was selected. RHR Smith is well known in the RPC circles in Vermont performing many of the other RPC's audits. In further good news, the quote came in within budget at \$12,400. The firm plans to be on site beginning August 29, 2023.

The draft FY23 year end management report including profit and loss and balance statements was discussed. Colvin noted while it appears BCRC had a healthy increase to the fund balance (\$219,484.43) it should be noted that a substantial portion of the funding is being carried forward for expenditures to be made in FY24. That amount is \$215,270.12 making the projected net increase to the fund balance for FY23 \$4,214.31.

Regional Plan Update

The *Bennington Regional Plan* is due for an update in March 2025. The current regional plan was adopted in 2015 with minor revisions and graphic improvements to the previous plan. Then in 2017, the regional energy plan was adopted, which reset the 8-year clock on plan expiration. Our counterparts at Windham Regional Commission and Chittenden County Planning Commission are pursuing development of web-based plans. As those who were able to attend the July commission meeting know, Matt Bachler of WRC provided an overview of the process WRC has been following as well as lessons learned.

At the BCRC staff meeting the Monday following the July Commission meeting staff discussed, at length, Matt Bachler's presentation and their takeaways. Staff quickly concluded that given the complexity of moving to a web-based design and our desire for effective outreach as part of the design and content update process we should revise our approach to the regional plan renewal. Unless the Executive Committee objects, our plan now is to update LEAP model data in the Energy Plan, update general economic and demographic information throughout the Regional Plan, and revise areas where content

should be updated immediately. We would then put the plan out for readoption with these changes in summer or early fall 2024. Then we would commence the process of a comprehensive rewrite and migration to a web-based platform for the regional plan. We would expect that process to take two plus years.

Executive Committee members are in favor of this proposed two phase approach. Kearns noted that BCRC should be assessing its document management process in the initial phase in order to make the integration to a web-based plan more smooth. Hurley will follow up with Kearns and Garder to learn more.

Discussion turned to the issue of housing with Garder asking how BCRC, through the update to the regional planning process or otherwise, could communicate the urgency around the need for more housing. Many ideas were discussed including stronger language around the importance of housing in the regional plan, increased public educational efforts and strategic support for legislation.

It was agreed that Colvn and Hurley would bring suggestions to the Executive Committee at its October meeting for discussion and possible implementation.

Act 250/Section 248

Green Mountain Reserve/Benson Road: You will recall this application was approved and it has been appealed. BCRC comments were addressed in the findings, but the decision remains inconsistent with BCRC testimony. The decision to approve the project contains language suggesting that it should not be used to establish precedent for commercial development of this type in rural areas of the region. Previously, the BCRC through the Executive Committee determined that the best course of action is to provide testimony during the appeal process only as requested and work on an amendment to the Regional Plan to specifically address this type of "resort" development in the Plan's Rural land use district. We have been informed that BCRC is likely to receive a subpoena to provide testimony when the case appears in front of the Court.

Shaftsbury Solar: On May 3, 2023, VT Real Estate Holdings 1 LLC (Shaftsbury Solar) filed its Section 248 petition for a Certificate of Public Good with the Vermont Public Utility Commission. As currently envisioned, this 20MW project would be tied for the largest in Vermont with an existing array in Ludlow. Neighbors and Shaftsbury community members rallied opposition to the project even in advance of a formal filing. Stop Shaftsbury Solar is well organized, and scores of citizens have attended numerous public meetings. A site visit with the developers and the PUC was held on August 1st and was attended by about fifty people.

Manchester Cell Tower: An advance notice for a proposal by AT&T to construct a cell tower on property owned by Donald Dorr just south of Depot Street in Manchester Center generating a lot of attention in the spring. A public meeting to discuss the project took place on Tuesday, April 25th in Manchester. At that meeting the Manchester Select Board and the Manchester Planning Commission both voted unanimously not to support the project in its proposed form. The applicant may be pursuing alternatives. A formal application to the PUC has not yet occurred.

Chelsea Solar: Chelsea Solar has submitted a revised plan for a 2MW solar facility in Bennington (third time). As discussed, and agreed at the October 28, 2022, BCRC Executive Committee meeting there is

no need for new testimony or involvement. Following the Town of Bennington Select Board's decision to reject Chelsea's request to name the site a preferred location Chelsea again sued the Town.

Orchid LLC: Application filed on June 7th by Bill & Stephen Drunic. Application is for a 67-room hotel and spa on 46.1 acres located across Main Street from the Manchester Town Offices. This permit would replace the previous one for an 80-room hotel on the same site.

Additional 45-Day Advance Notices: BCRC has also received 45-Day Advance Notices from Stamford Main Renewables for 2.2MW single wind turbine in Stamford, from MSK Engineers on behalf of Verizon for a wireless communications facility on Hunter Park Road in Manchester and from Furnace Brook Solar LLC for a 1.65MW solar installation off Shields Drive in Bennington.

Program Updates: Q&A Time with Bill & Janet

Community and Economic Development

Putnam Phase 2: Planning for the next phase of the Putnam Block Redevelopment is picking up steam as M&S Development has completed an initial feasibility study and a draft investor pitch deck. Investors and other funding will be sought through the fall and winter with the goal of lining up all financing by summer 2023. BCRC continues to support the effort and had a pre-development services agreement for FY23 and is working on a new one for FY24.

Southern Vermont College Redevelopment: Jonathan and Bill met with a representative of the Alfred Weissman Real Estate (AWRE) the development group hoping to attain the former Southern Vermont College campus from Southwestern Vermont Healthcare and to convert it into a high-end resort. AWRE has over fifty years' experience developing hospitality and commercial properties, primarily in the Northeast. The representative noted the work BCRC did on the Everett Reuse Study and Trails Report. BCRC will continue to serve as a resource to the developers assisting them with state, local and regional connections and weighing in on permitting issues.

Pownal Commercial Siting Criteria Study: A delayed round of municipal planning grant (MPG) funding is supporting this project with BCRC working with the Town of Pownal to develop siting criteria and identify potential sites for commercial and industrial uses in the community. A list of forty-seven potential sites has been presented to the Planning Commission which will be narrowed to a list of about twenty priority sites over the course of the project.

Community Recovery & Revitalization Program (CRRP): CRRP grants are available to for-profit, nonprofit, and municipal applicants. The funding is intended for projects making capital improvements or capital expansions that spur economic recovery and revitalization in communities across the state. Eligible projects may include those that assist industries most impacted by the COVID-19 pandemic such as arts and entertainment, hospitality, agriculture, and educational services. The funding is also available for capital expenditures that support childcare and affordable housing opportunities for low- and moderate-income households, and to establish or improve municipal water and wastewater systems to build housing or create jobs through business creation and expansion. Projects must show a COVID impact. In the first round three awards were made to three Bennington County entities – \$603,776 to the Town of Manchester for a sewer line extension and water system upgrades, \$500,000 to Hale

Resources for the creation of housing at the former Benn High building and \$36,944 to Bennington Museum. The Town of Dorset received \$1,000,000 for water system upgrades in Round 2. Applications still pending include one for Putnam Phase 2 and another one for Benn High. The Round 3 awards announcement is imminent.

Notice of Opportunity Walloomsac Inn: Similar to the BCRC's previous work with Southwestern Vermont Health Care and the former Southern Vermont College campus, we were hired by the Preservation Trust of Vermont to put together a Notice of Opportunity for the Walloomsac Inn. The historic structure in old Bennington is in a period of transition as the children of the prior owner contemplate its future.

Shaftsbury Economic Development Services Agreement: Jonathan prepared a response to Shaftsbury's RFP for economic development planning work. As a result, BCRC will likely be engaged with the Shaftsbury Economic Development Committee for community development planning primarily in South Shaftsbury Village. Jonathan, Bill and Janet will meet with Town Administrator Dave Kiernan and committee chair Martha Cornwell on August 16th and will be following up with additional proposals as requested by the town.

Southern Vermont CUD: Jonathan Cooper, Callie Fishburn and Shelia Kearns were front and center as United States Senator Peter Welch cut the ribbon to celebrate Southwestern Vermont's fourteen "Gig" communities with the Southern Vermont CUD And Fidium Fiber. At the event, there were several great shout outs to BCRC for its support of the work of the CUD.

Planning Programs

Bylaw Modernization Grant (BMG) Program: Janet is working with the 9 funded member municipalities to wrap-up work under this FY22 grant. Revisions are focused on provisions that will remove housing barriers.

With FY24 applications due on November 1, 2023, Janet is recommending that Manchester Village and Shaftsbury apply to support more comprehensive changes to their bylaws.

Municipal Planning Grant (MPG) Program: BCRC continues to monitor the adoption of a revised zoning ordinance for Arlington. Arlington prepared the proposed new ordinance for public hearing with planned adoption by October. A grant extension through October was received by the town earlier this year, so to work is on tract.

BCRC is working with the Bennington Planning Commission under a FY23 MPG to develop and implement a public engagement effort focused on DEI for phase one of a town plan update. BCRC is urging the town to apply for FY24 MPG funding for phase two of the town plan work (drafting the plan based on the public engagement effort).

In Pownal under a FY23 MPG, BCRC is coordination the public outreach and report development for a town green or park adjacent to the new town hall.

With FY24 applications due on November 1, 2023, and its village plan expiring in 2025, BCRC is recommending that Old Bennington pursue municipal planning grant to fund a comprehensive effort to draft and adopt a new village plan.

Manchester secured a FY23 MPG to fund work on a new town plan, but the town asked to postpone the effort for a year. BCRC will engage the town about whether it will be prepared to pursue the project in 2024.

Designation Program: BCRC is monitoring Sunderland's effort to revise its town plan so that a village center designation can be pursued. BCRC has already assisted the development of an application. The proposed area for Village Center designation is along Route 7A near the access road to Equinox Mountain.

Other municipal Planning Efforts: Under an hourly contractual basis BCRC is helping Manchester to prepare zoning revisions. The draft revisions have been to public hearing by the Planning Commission and a hearing before the Selectboard is upcoming.

Energy: The BCRC has been coordinating work statewide, with the Public Service Department, on updates to energy data, electricity generation modeling, and local and regional energy plan guidelines. Callie Fishburn serves on a team of three energy planners statewide to coordinate directly with BGS, on behalf of all the RPCs, on the roll out of the MERP program. Applications are live for the \$4,000 mini-grants for public education efforts and regional municipalities have been applying for funding.

Spurred by the public concern over the proposed 20MW solar project, the Shaftsbury Planning Commission is engaged with BCRC in developing an Act-174 compliant enhanced energy plan so that the town plan can receive "substantial deference" in future PUC proceedings. Callie Fishburn, Samantha Page, and Janet Hurley are conducting this work with Shaftsbury. A meeting to present a draft plan is scheduled for August 30, 2023.

Environmental: BCRC applied to the EPA for a \$500,000 Brownfields assessment grant but was not funded. We will receive a new round of \$50,000 State Brownfields funding and may request additional funds when that is committed. We are also continuing to assist towns and villages with municipal roadway general permit requirements and other stormwater management and flood resiliency projects.

There being no other business the meeting was adjourned at 9:54am.

Respectfully submitted,

Bill Colvin, Director

