

## **Town of Grafton Meeting Planning Commission Minutes**

Tuesday, August 13, 2019, Grafton Town Garage

Planning Commissioners Present: Dave Culver, Matt Siano, Eric Stevens, Chris Wallace. Staff present: Chuck Wise. Community Members Present: Liisa Kissel, Sam Battaglino

Meeting called to order: 7:15PM

### **Agenda approval**

No changes. Dave stated minutes cannot be approved because the people who attended last month's meeting all need to be here for a motion to pass.

### **Public Comment**

Liisa made two points. The meeting posting was not accurate. The minutes for three previous meetings have not been posted on the website.

### **Correspondence/Communications**

Dave has no updates.

### **Village Center Designation**

None

### **Windham Regional Commission**

Eric discussed his work on his subcommittee and advised Commissioners of the recent staff changes.

### **Development Review Board**

No updates

### **Grafton Village Wastewater Committee**

Chris stated the committee tested 47 sites in the village. Chris cautioned Commissioners about the survey – this committee was offering a free service to village residents and received a 50% response rate. As the Planning Commission develops its survey, we must consider incentives for people to respond or risk a low participation rate.

### **Grafton Town Plan Report**

Dave informed Commissioners of the plan adoption process. The Selectboard amended the town plan, the planning commission must now develop an amended report that explains how those changes comply with the state laws that govern municipal plans.

Chuck reviewed his handout on the town plan adoption process. This outlines all the steps a town must take to adopt a town plan. This process is intended to be comprehensive because town plans control how a town develops and directly impacts what property owners can and cannot do with their land.

Chuck noted that this report is strictly focused on its compliance with state law. The report does not address why the edits were made or if those edits are supported by this Commission. It is strictly an analysis of the changes and if they comply with state law.

Chuck and Dave believe the flood resiliency edits may have the cumulative effect of no longer complying with state law. It is hard to discern because many of the revisions are legalistic in nature – small changes that seem to change the narrative but are nuanced enough that they are unable to tell for certain. Language changes that weaken the recommendations, changes that appear to depart with requirements in state law. Examples are the removal of the river corridors and fluvial erosion areas in key areas of the text – state law requires these areas be covered and we are uncertain if removing them from the plan works. Legal revisions are beyond a planner’s expertise. The request is for the Selectboard to consult with their attorney or with the Windham Regional Commission to make sure it complies.

Dave stated many of these flood resilience changes are grey in nature, there is nothing here that presents a clear case of not meeting state law. Chuck and Dave emphasized that the Commission must meet its legal mandate and submit an updated report.

Dave stressed that we can write an additional opinion piece that responds to more general concerns. Chuck cited an example of another Selectboard that made a change in a town plan by striking a recommendation. The planning commission submitted a separate opinion piece informing the board that while the plan complies with state law, this recommendation was uniformly supported by the public and should not be eliminated.

Consensus is that the report language on flood resiliency is adequate. Eric cautioned Commissioners that the original language was careful to acknowledge river corridors, but to avoid adopting them in our flood regulations. The river corridor data remains inaccurate and is not appropriate to use in flood zoning.

Liisa suggested that the language changes in the land use chapter may hurt compliance with Act 171. These recent changes in the state law were specific about preserving wildlife corridors and large habitat blocks. Dave agreed that some of the language changes may not be in line with state law. This is a new law and it might be that the Selectboard is not aware of Act 171. Dave indicated that the changes in land use categories render resource lands comparable to productive rural lands. If those land categories are essentially the same, very close in definition, should the map be revised?

Dave talked about the education chapter being outdated. Chuck stated this is a constant problem due to the length of a plan development process. There is always going to be items out of date as soon as the plan finishes a multi-month adoption.

Dave consulted Commissioners about the Selectboard revisions to the town plan. Many Commissioners noted changes but indicated they did not rise above the threshold of being a

legal compliance issue. There are concerns, but that these concerns can be communicated outside of this report. A planning commission opinion paper, professional in writing, could be presented to the Selectboard and general public.

Dave summarized the issues to communicate in the report – flood resiliency, Act 171. All other concerns do not rise to the level of state law compliance. Motion to submit the town plan report as revised (Eric, Chris 2<sup>nd</sup>) PASSED.

**Village Center Designation**

Tabled, pending the outcome of the town plan

**Community Survey**

Dave is still working with drafts and will discuss the survey in more detail next month.

**New Business**

None

**Adjournment**

8:38 PM

**Next regular meeting:**

September 10, 2019