

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

Tuesday, September 10, 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: 6:30PM

### **Agenda approval**

No changes

### **Approval of Minutes**

Motion to approve the minutes as submitted (Eric, 2<sup>nd</sup> Chris) PASSED.

### **Public Comment**

Liisa congratulated Chris on his appointment to the Selectboard. Liisa stated that by law there is no conflict of interest in serving on the Selectboard and Planning Commission. In practice, there is a concern that the Town Plan as it is being processed by the Selectboard raises the capacity for a conflict of interest. The Selectboard and Planning Commission are on a very different page regarding the Town Plan and it is conceivable that Chris will have a challenge in representing those two viewpoints should they remain in conflict with one another. This dual position raises a possible situation that could be awkward, unethical. Liisa requests that Chris recuse himself from any discussion regarding the Town Plan on the Planning Commission.

Dave requested Chris address Liisa's comment. As Chair, Dave stated he will not tell Chris what to do going forward.

Chris provided clarification on his position in regard to the Town Plan. Chris stated he voted for the Planning Commission version of the Town Plan and will want to see that version of the Town Plan adopted. Chris stated his support of that version of the Town Plan does not change now that he is also serving on the Selectboard.

Liisa emphasized there is still an ongoing need for a discussion of the Town Plan by the Planning Commission. At the last meeting, it was discussed that the Planning Commission could issue an opinion piece regarding some of the changes being made by the Selectboard. How could Chris participate in a Planning Commission conversation about the Selectboard revisions of the Town Plan, then have the same discussion at the Selectboard meeting later on? This could be viewed as a real conflict.

Chris reiterated that he supports the work of the Planning Commission. The Town Plan was developed by consensus, the Planning Commission approved a version of the Town Plan that was forwarded to the Selectboard. Chris stated he is not going to make any edits of his own in his capacity of a Selectboard member, he supports the Town Plan as submitted by the Planning Commission. Liisa asked if Chris supports the edits that have been done by the Selectboard?

Chris said he would have to review each one of those edits individually, but in general he supports the version of the Town Plan submitted by the Planning Commission. Chris explained that he supports passing the Town Plan as developed by the Planning Commission and emphasized the most critical thing for the Town of Grafton is to have an adopted Town Plan. The Planning Commission sent the Selectboard a 99% solution of a Town Plan that is ready for adoption. Chris stated he does not support further edits or other Selectboard member changes. Chris stated that there could be edits that do not change the meaning of the plan, those could be acceptable. Chris repeated that he is not inclined to support changes that alter the meaning of the Planning Commission version of the Town Plan. Chris stated his ethical position is to stand by the version of the Town Plan he approved as a Planning Commissioner.

Liisa raised the point that Chris will be required to vote for a version of a Town Plan as a Selectman. Liisa asked for clarification on how Chris plans to vote based on the edits he has seen in the Town Plan. Liisa asked for clarification on how he would participate in conversations with the Planning and the Selectboard if he is on opposite sides of the issue. Chris stated that he is not on opposite sides of the issue, Chris reiterated his focus is to support the version of the Town Plan that was developed by the Planning Commission. Chris indicated he understands he is now at two levels, there is a potential for conflict, but his position with the Selectboard is just temporary and it may be appropriate to recuse himself from conversations of the Town Plan as either a Selectboard member or Planning Commissioner.

Dave stated first and foremost this is a decision for Chris to make and that he does not have the power to kick him off the Board. This is Chris's decision alone. Dave directed Commissioners to a VLCT (League) Attorney email that reviewed this issue in detail. Dave summarized that email by stating there is no legal conflict of interest for a person holding both positions. The Attorney did clarify that while no legal conflict exists, there are practical reasons why holding dual positions would present multiple occasions for the appearance of or actual conflict of interest. Examples included: Selectboard appointments of Planning Commission members when the Selectboard member votes for themselves to serve on the Planning Commission. Selectboard action to remove a Planning Commissioner by unanimous vote which creates the obvious conflict if the person is voting to remove themselves or a colleague on the Planning Commission. Last, the Selectboard vote on Town Plan or land use regulations that the person would have previously drafted as a Planning Commissioner but is now getting a second opportunity to vote on it. Dave stated the third example provided by the League is the situation we have today and this falls into a category of maybe being legal but not advisable.

Dave solicited input of other Commissioners. Matt stated he feels Chris could be walking into challenges and to make a decision one way or the other (to serve on the Selectboard or Planning Commission). Eric agreed that a decision should be made, but that is not appropriate for tonight and Chris should seek guidance from both boards before making a decision. It is possible Chris can define a role on both boards and avoid some of the potential for conflict of interest over the next 6 months. Eric would not want a decision tonight, but to consider these items over time.

Dave finished by stating this is Chris's decision and asked how Chris would want to proceed for tonight's meeting. Chris stated he will participate as a Planning Commissioner tonight and will think about his options going forward. Dave reiterated this is not a decision for the Chair, but if asked for his opinion he believes the two roles will be problematic. Chris thanked everyone for the input, will take it under consideration, and will consult with the Selectboard members.

Sam said he agrees with Liisa. Sam indicated that with all due respect, Chris will do the right thing and to understand he cannot serve two masters. The Town Plan is contentious enough and does not need to be any more contentious than it already has become. Sam reiterated that Chris is going to do the right thing with the best option is to leave one board or another or to bow out during conversations on the Town Plan.

Liisa emphasized the need that this conversation be on the record. Chuck agreed that this will be on the record and will be fully annotated in the minutes. Dave advised everyone that FactTV is doing a live recording and to watch your language.

#### **Correspondence/Communications**

Dave had two different letters in support of not changing the Town Plan. The ball is in the Selectboard's court, but these letters were sent to the Planning Commission and should be noted. Dave promised to scan the letters and that we can attach them to the meeting minutes at a later date.

#### **Windham Regional Commission**

Eric discussed an upcoming energy forum that is connecting all the local energy committees for a meeting on October 3, 2019 5:30pm to 8:00pm. The gathering will be a discussion of energy issues and the function of town energy committees. This meeting will have the Vermont Natural Resources Council in attendance.

Eric updated everyone on a new staff addition to WRC. Margo Ghia has accepted the position of natural resources planner for WRC.

#### **Development Review Board**

No updates

#### **Grafton Village Wastewater Committee**

Chris and Matt provided an update of project progress. None of the tests have come back positive for biological contamination. We are getting confirmation tests back right now. We will get a full report of the results on September 26, 2019. These tests results will guide our Committee's focus in the months to follow. Dave asked about options going forward and Chris stated that the Committee will not present alternatives but instead release the information that has been collected and analyzed. Chris indicated it will be for the citizens to decide what they want to do with the water quality information.

### **Town Plan report**

Chuck advised Commissioner we had a few technical edits that Bill Kerns provided based on legal language, etc. There were nothing of substance, Dave said he is inclined to accept what Bill did because it is clean and accurate. Chuck mentioned that there is that last formal step of having the Chair of the Planning Commission submit the addendum report to the Chair of the Selectboard. This is just a formality but was a needed step. The public hearing for the Town Plan remains October 17, 2019. Liisa asked if the addendum to the report had been forwarded to the WRC. Chuck said no, the Planning Commission can only send this to the Selectboard Chair. Chuck noted that the Selectboard has already followed up on a Planning Commission recommendation that the Selectboard have their changes reviewed by WRC. So its clear that the Addendum has had an impact on their thinking already. Dave reiterated that this is a strange situation in that WRC has to be conservative in how the process unfolds going forward – this is an official process now. WRC works for the Selectboard at this time and will not work directly with the Planning Commission. The Planning Commission can only give its input if the Selectboard asks us to give input. Sam requested Chris, as a newly appointed Selectboard member, consult the Board to see if they have submitted the addendum report to WRC.

### **Village Center Designation**

Dave got in touch with Jeff Nugent to make sure the Planning Commission has everything done so we are ready to submit the village center designation application once we have an approved Town Plan. The map still needs to get made to this higher standard which will have landmarks and other items noted. The map is not just a boundary line and Dave showed Commissioners the example of the Saxtons River Village village designation. Jeff is on vacation, but Dave will meet with him the first week in October to make sure the map is more complete.

### **Community Survey**

Dave started piecing together 30+ pages of survey questions into factual and opinion based questions. There are strategies for connecting many of the questions together and allowing people to answer many items using a quick table.

Liisa asked about the people being asked questions – residents, part-time residents. Dave stated google forms can manipulate a person's survey such that if they answer part-time resident they are then automatically skipped down the page and not forced to answer questions only relevant to full time residents.

Dave asked about Question #1 and that it is only looking at three primary cohorts; residents, part-time residences, and 'other.' Are there other groups we want to target?

Liisa asked about the purpose of the survey. Chuck gave an example of the energy chapter and home heating. The data surrounding home heating is horrible because it is based upon statewide averages and sampling. It would be extremely useful for our Town Plan to have better data on how people heat their homes.

Dave stated his focus is about representing the town. We are here to write a Town Plan for everybody and we could use more information about how citizens think and what everyone's priorities are. Each Commissioner has their opinions and that is important, we also make every effort to consider everyone in each decision made, but the survey gives us directly relevant information on each person and their own interests for Grafton.

Sam asked if second homeowners are included. Dave said yes and he would modify the question to include second homeowners and landowners.

Dave discussed the question matrixes that are used to ask a ton of questions very quickly. Several questions on the survey were reviewed.

Chuck stated the survey should be done in paper and electronically.

Eric requested a question about a home energy audit. We should ask if people have had an energy audit of their home. We have older housing stock and this is relevant because drafty homes could be upgraded and have significant impacts on the town's energy use.

Dave thanked everyone for the input and stated the survey will be raised again at the next meeting.

Dave stated he has 3 pages of survey questions just on septic systems which is a lot to ask a resident. Chuck said this data, while useful, would not result in a Town Plan recommendation which could change how people use septic systems. The goal would be to ask questions that give us data we can use to make desirable changes.

Chris asked about an acceptable participation rate. Dave said 10-20% is considered successful but we have only 600 people in town so the participate rate really needs to be as high as possible. We need to improve our participate rate with a strong role out and making sure everyone knows this survey is for updating the Town Plan. Chris stated one of the lessons learned in the water testing project is that getting participation is difficult even when they were giving out a free water test. They received a 50% participation rate even when committee members were making calls, knocking on doors, begging people to fill out the survey.

Liisa stated the need for participation raises a bunch of questions and making sure the town has the resources to conduct this survey properly. The town will need to decide to spend the money to conduct a survey. Dave asked about resources and seeing if WRC would know how much money is needed to conduct a survey. Dave stated that if we know how much money is involved, we could apply for a municipal planning grant and the town would only have to pay the 10% share.

Liisa supports the survey and that the Town Plan should be regularly updated as we receive additional information that guides future amendments to the Town Plan.

Dave asked if there is anything missing. Liisa asked what sections of the Town Plan do not have any questions. Dave said all elements of the Town Plan are covered but there are weak sections like education. We do not have many questions about the school system.

Dave will send draft copies of the survey to Commissioners for them to review, revise. Dave's next step is to move the print survey into an electronic format. Right now, survey edits are easy using Microsoft Word and doing the final version online. That said, Dave indicated he wants to make Commissioners aware of how the survey would look electronically and having some questions online will be helpful

**New Business**

None

**Adjournment**

7:32 PM

**Next regular meeting:**

October 8, 2019