

From: [Cochran, Chris](#)
To: [Holloway, Gary](#); [Seiler, Annina](#)
Subject: FW: memo regarding municipal plan amendments
Date: Thursday, October 13, 2016 9:48:33 AM
Attachments: [image004.png](#)

From: Julie Iffland [<mailto:julie@racdc.com>]
Sent: Tuesday, August 30, 2016 4:28 PM
To: Cochran, Chris <Chris.Cochran@vermont.gov>
Cc: Melinda Gervais-Lamoureux <MelindaG@ruraledge.org>
Subject: RE: memo regarding municipal plan amendments

I'm not sure the answer to your question...Mel, what does happen when there's a typo or other oversight (scrivener's error)? J.

From: Cochran, Chris [<mailto:Chris.Cochran@vermont.gov>]
Sent: Tuesday, August 30, 2016 4:24 PM
To: Julie Iffland <julie@racdc.com>
Cc: Melvin Adams <MAdams@randolphvt.org>
Subject: RE: memo regarding municipal plan amendments

Yep. But despite what Peter says, RPCs have been flexible and this is not been a big deal to date.

I do understand his position too. Things are easy when they are black and white. But most planning decisions are about collaboration and striking a reasonable balance.

You say not adding the map was a mistake. What happens in your region when a town wants to fix a typo or an incorrect number or table?

I would add that Peter was an advocate for this law and this change specifically.

So ...

-C

From: Julie Iffland [<mailto:julie@racdc.com>]
Sent: Tuesday, August 30, 2016 3:57 PM
To: Cochran, Chris <Chris.Cochran@vermont.gov>
Cc: Melvin Adams <MAdams@randolphvt.org>
Subject: RE: memo regarding municipal plan amendments

I know *of course* that was not the intent, but the timing for some of the downtowns meant that they would need to reopen the town plan mid-cycle. The biggest problem is that the requirement was not tied to the town's next plan renewal period but to a specific date, meaning that it's not a

problem for some but a big problem for others. Plus, if different regions can interpret it differently, then it's not evenly applied state-wide. While I completely understand where Peter is coming from in terms of being consistent, this seems to me a case of the perfect being the enemy of the good. J.

From: Cochran, Chris [<mailto:Chris.Cochran@vermont.gov>]
Sent: Tuesday, August 30, 2016 3:53 PM
To: Julie Iffland <julie@racdc.com>
Cc: Manager@randolphvt.org; Holloway, Gary <Gary.Holloway@vermont.gov>
Subject: RE: memo regarding municipal plan amendments

There was no intention to put any town in a choke hold. This law went into effect July 2014 and we've done our share of renewals since then.

Most RPCs read the statute like we do.

Sorry this has been a challenge.

This has not been issue until now.

--C

From: Julie Iffland [<mailto:julie@racdc.com>]
Sent: Tuesday, August 30, 2016 3:40 PM
To: Cochran, Chris <Chris.Cochran@vermont.gov>
Cc: Melvin Adams <MAdams@randolphvt.org>
Subject: FW: memo regarding municipal plan amendments

Hi, Chris,

See below the last email from Peter Gregory responding to my email with Dale's opinion letter. Mel will forward his account of his conversation with Peter yesterday & today. I already have the planning confirmation letter from TRORC, also attached.

We will present the renewal application to the Select Board for approval on Sept 8th, and will submit the application draft to them this week for their review. We appreciate your help in navigating this map issues and avoiding a lapse of our designation. (Is it worth noting that TRORC does all the map-making for the town plan and zoning?)

If there is ever proposed legislation that puts our town in this potential timing choke-hold again, count on me to testify. I don't mind holding us up to meet the rules, but we're dealing with complex issues, volunteers and understaffed organizations here. The idea that we need to reopen a town plan process every time there's a new requirement – substantive or not - is unnecessarily burdensome.

Thank you! Julie

From: Peter G. Gregory [<mailto:pgregory@trorc.org>]
Sent: Monday, August 15, 2016 9:46 AM
To: Julie Iffland <julie@racdc.com>
Cc: Melvin Adams <manager@randolphvt.org>; Kevin Geiger <kgeiger@trorc.org>; Lorelee Morrow <lmorrow@trorc.org>; Chris Sargent <csargent@trorc.org>
Subject: Re: memo regarding municipal plan amendments

Hi Julie;

Yes, I did see this memo from the state last year. We, along with most RPCs, disagreed with her interpretation. But it was not important as the statutes do not dictate how RPCs must discharge their duties on reviews so we have continued our practice of rendering decisions on approvals that last the life of the plan or until such time the Plan is amended and readopted. We did not want to be put in a position of determining each time whether a change was "big" or "medium" or "little", thus requiring a new approval. The safest, cleanest and most consistent way was to continue doing what we have done.

As I said on the phone, we must be consistent in our treatment of the different towns.

So, if the state is not going to follow the statutes and require a map with your Boundary in your Town Plan before renewing your application, go with it and get the renewal nailed down.

Then the Town can address all statutory requirements in the next Plan. We drafted a Flood Resiliency chapter and gave it to Mardee to edit some months ago.

Take care.

Peter

Peter G. Gregory, AICP
Executive Director

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From: Julie Iffland <julie@racdc.com>
Sent: Friday, August 12, 2016 4:52 PM
To: Peter G. Gregory
Cc: Melvin Adams
Subject: FW: memo regarding municipal plan amendments

Hi, Peter,

Gary just share Dale's opinion, attached, regarding a similar question that Faith posed to her last year. I don't know if you've seen this or agree with it, but her interpretation of statute is that Town would not need to go through a reconfirmation process for a simple amendment, but it is up to the RPC discretion to allow this. TRORC could simply review and approve the amendment and provide a memo without complete review of the plan. Gary indicates that they have done this before with other RPC's to make the process a little easier for communities who find themselves in this position. As he explains it, the process for plan amendment at the local level would still have to take place as with any amendment to a plan, but the modification could be limited to the map and anything that similarly would not require deliberation, and any other plan modifications that might require more deliberation and time for your review could be done on a more relaxed schedule. Do you disagree with her interpretation? Thanks, Julie



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