

STATE OF VERMONT  
DEPARTMENT OF PUBLIC SERVICE

RE: THE CHITTENDEN COUNTY REGIONAL PLANNING  
COMMISSION'S REQUEST FOR A DETERMINATION  
OF ENERGY COMPLIANCE PURSUANT TO 24 V.S.A.  
SECTION 4352

August 6, 2018  
6 p.m.

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110 W. Canal Street  
Winooski, Vermont

Public Hearing held before the  
Department of Public Service, at the Chittenden County  
Regional Planning Commission's Main Conference Room, 110  
West Canal Street, Suite 202, Winooski, Vermont, on August  
6, 2018, beginning at 6 p.m.

P R E S E N T

Vermont Department of Public Service:

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Sheila Grace, Special Counsel

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P R E S E N T

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Emily Nosse-Leirer  
Catherine McMaine  
Eleni Churchill  
Charlie Baker, Executive Director, CCRPC  
Chris Roy  
Will Dodge

1                   COMMISSIONER TIERNEY: So first, good  
2 evening, and thank you for being here. My name's  
3 June Tierney. I am the Commissioner of the  
4 Department of Public Service. And I am more pleased  
5 than you can possibly imagine to be here tonight  
6 because I made my career in public service, and I  
7 very much enjoy engaging the public. I wish more of  
8 you were here, but at least the people who are here  
9 tonight, it's nice to see.

10                   And what we're here to do is receive  
11 comment from the public about the energy plan that  
12 this particular region has prepared pursuant to Act  
13 174, which if it receives an affirmative  
14 certification from me as compliant with the statutory  
15 criteria of 24 V.S.A. 4352 will be entitled to  
16 substantial deference before the Public Utility  
17 Commission in proceedings that involve matters such  
18 as siting energy infrastructure subject to the  
19 statute I know as 30 V.S.A. 248, but that's perhaps  
20 more commonly considered our siting statute in  
21 Vermont, the law by which we put infrastructure in  
22 the ground here and use our land for those purposes.

23                   The format for tonight will simply be  
24 that we will have an overview presented by Regina --

25                   MS. MAHONY: Mahony.

1 COMMISSIONER TIERNEY: -- Mahony. Very  
2 good. Thank you. I tried so hard to remember that  
3 name too. And then we will go straight to comment  
4 from the public. Do we have a sign-up sheet, Dan?

5 MR. POTTER: Yes. Right there.

6 COMMISSIONER TIERNEY: With me tonight  
7 are Dan Potter who is a planning analyst in our  
8 planning energy resource division. And also with me  
9 is Sheila Grace our counsel from the public advocacy  
10 division. And they are the two principal staffers  
11 who will be advising me on the review of the plan for  
12 compliance with 24 V.S.A. 4352.

13 So without further ado, I think I'm  
14 going to ask Regina Mahony to begin the presentation.  
15 Thank you.

16 MS. MAHONY: All right. Thank you.  
17 Okay. So the -- our enhanced energy plan in  
18 Chittenden County is part of our larger ECOS plan.  
19 So what I'm going to do tonight pretty briefly is  
20 give an ECOS plan overview, then do a bit of an  
21 overview on the enhanced energy plan components, talk  
22 about our public outreach and the comments that we  
23 received throughout the process. And then at the end  
24 we will just quickly explain where in our sort of  
25 multi-layered plan Act 174 requirements are met.

1 COMMISSIONER TIERNEY: If I may ask at  
2 the outset, Regina, what does ECOS stand for? And if  
3 you don't know, that's okay.

4 MS. MAHONY: I block it out because I  
5 never refer to the acronym. Environment --

6 MR. BAKER: Community, Opportunity and  
7 Sustainability.

8 MS. MAHONY: Sustainability.

9 COMMISSIONER TIERNEY: Okay. So is it  
10 fair for me to think in my mind that this is the  
11 equivalent of what is otherwise known as a regional  
12 plan?

13 MR. BAKER: Yes.

14 MS. MAHONY: Yes.

15 COMMISSIONER TIERNEY: Please proceed.

16 MS. MAHONY: So starting in 2011 we got  
17 a grant from the federal government to really try to  
18 bring a variety of different planning elements  
19 together and sort of break out of silos and move  
20 forward collectively. So that resulted in 2013 with  
21 the ECOS plan, and it is the regional plan. It's  
22 also the metropolitan transportation plan and the  
23 comprehensive economic development strategy.

24 And it essentially -- and that regional  
25 analysis component of it is broken into four

1 categories; natural systems, social community,  
2 economic infrastructure, and the built environment.  
3 Within each of those four categories on the  
4 right-hand side here we have goals, 17 goals, broken  
5 down under each of those categories, and then on the  
6 left-hand side of the screen really helps define our  
7 implementation. These eight strategies are what we  
8 really focus on and work towards in meeting the  
9 vision and the goals for the region.

10 So in this sort of structure energy  
11 comes up a lot. And a big component of the ECOS plan  
12 is that a lot of these pieces are really sort of  
13 addressed like impact each other, and where it sort  
14 of all is sort of cross connected which this mural on  
15 our back wall was put together to try to sort of  
16 explain all of these different pieces are connected  
17 together, and we can't necessarily move forward in  
18 one component effectively without the other things  
19 being impacted as well. And energy is a really great  
20 example of that because it comes together from a lot  
21 of different pieces.

22 So specifically the enhanced energy  
23 plan within this, we kind of broke it down into three  
24 sort of distinct pieces that are kind of in line with  
25 the state's energy plan. So the first is using a

1 third less energy. So the first infographic on the  
2 left is explaining the amount of households that we  
3 have in Chittenden County and the amount of  
4 households that need to be weatherized. Then the  
5 graphic on the right is really our growth development  
6 strategy. The light blue in that map are what we  
7 refer to as our area's plan for growth. We have got  
8 a goal in the plan that 80 percent of growth happens  
9 in those blue areas. And since 2012 we have been  
10 exceeding that goal.

11 This has a lot of great energy  
12 benefits, and so this is sort of, you know, going --  
13 getting to this and even a better scenario than this  
14 is really a major component of our energy plan due to  
15 the reduced travel distances, more energy efficient  
16 buildings, and encourage walking, biking and transit  
17 use in this more smart growth development strategy.

18 90 percent of renewable energy from  
19 renewable sources by 2050. We have identified how  
20 much renewable energy we are generating so far and  
21 how much more we need to generate both for a low  
22 target and a high target. And then we have also  
23 determined how much land area is necessary in order  
24 to meet those targets.

25 So the plan itself and the

1 implementation component of it talks about land use  
2 constraints, so we have identified areas that are not  
3 suitable for any development as well as renewable  
4 generation facilities. And we have also identified  
5 guidelines that are really great places for solar and  
6 wind energy generation to go in.

7 Then the third part is really  
8 transforming transportation and heating sectors to  
9 electricity. And so these are just some of the  
10 numbers right now. The amount of cars that we have  
11 got in Chittenden County, how many are currently  
12 electric/plug-in, so got a long way to go there. And  
13 then also just the differences in efficiency between  
14 oil heating systems, and then going with cold climate  
15 heat pumps.

16 These infographics are something that  
17 we used in the public engagement session to try to  
18 explain to folks generally what the plan includes.  
19 The plan itself has a lot more actions than this, but  
20 these are some of the high level things that we have  
21 got. So just in terms of our outreach, so Catherine  
22 McMaine is here. She chaired our energy subcommittee  
23 which was really great. We had -- and Will Dodge is  
24 here as well. He was an energy subcommittee member.

25 This group was awesome enough to meet



1 17 times over the last two years essentially, and  
2 they really helped us put together the pieces of this  
3 plan.

4 And I should point out both Mel Needle  
5 and Emily Nosse-Lierer back here were the main staff  
6 folks doing this work. So also throughout this  
7 process again both Melanie and Emily went out and met  
8 with and gave presentations to 16 of our member  
9 municipalities. Everybody was offered. Other folks  
10 just didn't take us up, but we really got out to most  
11 of our communities.

12 Then prior to the public -- the  
13 official public hearing process for the ECOS plan we  
14 had the energy -- enhanced energy plan out for public  
15 comment for about a month prior to any of the  
16 official -- official public hearing process part of  
17 it. We got a good number of comments from that and  
18 were able to address them.

19 Then during the official public hearing  
20 process we also got a good number of comments from  
21 folks, organizations, agencies, individuals. In the  
22 first public hearing draft, we were able to  
23 incorporate most of those for our final second public  
24 hearing. And then the plan was adopted on June 20th.

25 Just to give you an overview of some of

1 the comments that we got and how we were able to  
2 address them. We have lots of great people with real  
3 technical knowledge and like identifying things in  
4 some of the nitty-gritty math that were really  
5 helpful comments that we were able to address. We  
6 added -- so we started the plan with the state's  
7 known and possible constraints. We also added in  
8 municipal siting constraints into the plan as well.  
9 Had some comments about the struggle in our region  
10 considering we are -- have natural gas and how we --  
11 the reality of switching over to 90 percent  
12 renewable.

13 We also got some comments from Vermont  
14 Gas about identifying renewable natural gas as a  
15 bridge fuel, and we were able to include that in the  
16 plan as something to be analyzed in the future.

17 I think the board energy subcommittee  
18 and the board felt that that industry is a little  
19 unknown at this moment, and so we have identified it  
20 as something to keep an eye on essentially going  
21 forward.

22 Got some comments in terms of the  
23 weakness of the suitability language. That  
24 essentially is because they are guidelines, and we  
25 are not sort of dictating precisely where these

1 things should go. But we felt it's a good place -- a  
2 good place to be where the plan is supportive of  
3 these renewable facilities and not a real barrier.

4 Some acknowledgment again about natural  
5 gas in terms of without real market changes that are  
6 somewhat out of our particular ability to influence,  
7 some of these goals are unrealistic. And consistent  
8 and enforceable energy code. So I think that's  
9 really pointing out the difference between the energy  
10 code required under Act 250 and the base energy code.  
11 But for the most part, we felt like we really got to  
12 a great place in the plan. We incorporated as much  
13 as we can.

14 It's a good balanced plan. I think we  
15 are advancing a lot of the state's renewable goals  
16 and entire energy plan goals much farther than we  
17 were before we got into a lot more of this detailed  
18 work.

19 Two issues that were not resolved based  
20 on the comments that we got. There were some  
21 comments to really take a hard line on fossil fuels,  
22 particularly in the transportation sector. We have a  
23 2050 scenario based on the transportation plan  
24 component of it where we really are taking transit to  
25 a next level. We are planning for much more bike/ped

1 facilities throughout the region, and we really feel  
2 like we got into a balanced place. But certainly the  
3 plan doesn't say by 2050 we are off fossil fuels  
4 altogether.

5 Then I sort of mentioned this on the  
6 last slide, just the request from Vermont Gas to  
7 really acknowledge renewable natural gas as a bridge  
8 fuel. Like I said, we didn't go quite that far. We  
9 did acknowledge it in the plan as something to keep  
10 an eye on.

11 So last slide is --

12 COMMISSIONER TIERNEY: Can we have that  
13 slide there, please?

14 MS. MAHONY: Sure.

15 COMMISSIONER TIERNEY: Just you use the  
16 word acknowledge but the slide says accommodate. Did  
17 you intend that difference, or is that just -- are  
18 you using words interchangeably?

19 MS. MAHONY: Good question. Request  
20 from Vermont Gas to accommodate natural gas as a  
21 bridge fuel. We talked quite a bit in the plan. I'm  
22 going to forget the phrase that we used in the plan.

23 MS. NEEDLE: Biogas.

24 MS. MAHONY: Biogas. We feel that that  
25 includes renewable natural gas. Vermont Gas was

1 asking us to sort of specifically state renewable  
2 natural gas. So we felt where we landed was not  
3 excluding renewable natural gas in any way. If that  
4 helps clarify.

5 COMMISSIONER TIERNEY: Yeah. I just  
6 wanted to understand the difference in the words, and  
7 I'm good. Thank you.

8 MS. MAHONY: So this is just a little  
9 bit of a quick framework in terms of the location of  
10 the required components for Act 174. What we did  
11 differently in this 2018 plan as opposed to the 2013  
12 plan was the implementation section is really the  
13 first main part of the document. So that's where  
14 you'll see all of those implementation strategies and  
15 actions. Those land use constraints policies and the  
16 suitability policies are up in that main document.  
17 Then supplement six includes the majority of the  
18 energy analysis targets and methodology. There is  
19 some of that in supplement two as well. And then  
20 supplement three is the regional plan components, and  
21 that's where we talk about the maps, and the specific  
22 land use constraints are sort of described in that  
23 section. So that's it for overview.

24 COMMISSIONER TIERNEY: Great. So a  
25 couple of questions. You mentioned in your

1 presentation that there were communities to whom  
2 presentations were offered, but they didn't take you  
3 up on that. Can you characterize those communities?  
4 Where they were located, what they are like. Do you  
5 have any insight into that?

6 MS. NEEDLE: So when we began our  
7 process we went to each -- we offered a presentation  
8 to each municipality. We went to every municipality  
9 except for Burlington, Williston, and St. George. In  
10 some cases the town planners in those communities  
11 were keeping their planning commission apprised of  
12 the updates to the ECOS plan. And I think -- most  
13 recently I think one of the other towns was  
14 Underhill, and most recently we had been out and  
15 talked with Underhill mostly in relation to the  
16 enhanced energy planning that they are doing at their  
17 Town Plan. But I would say that most of the, if not  
18 all of the municipalities in the region, are familiar  
19 with Act 174. We have held trainings here. And are,  
20 you know, familiar with the ECOS plan and the energy  
21 updates we have done.

22 COMMISSIONER TIERNEY: In some of these  
23 plans that I've reviewed there have been communities  
24 that have felt overwhelmed by the planning process.  
25 And so just trying to get a sense of whether any of

1 these communities that didn't take you up on your  
2 offer are communities that might feel like they don't  
3 have their arms quite wrapped around what we are  
4 doing and therefore perhaps didn't feel they could  
5 engage, and it wasn't worth their while. I gather  
6 that's not the case.

7 MS. NEEDLE: I would say not, because  
8 even though we didn't necessarily go out and do a  
9 presentation to the municipalities, because we  
10 included local constraints for each -- for most of  
11 the municipalities, they were able to have a voice in  
12 the process and felt involved along the way.

13 COMMISSIONER TIERNEY: Or at least  
14 that's your assessment, and that's what I'm asking  
15 for. Thank you.

16 MS. NEEDLE: Assessment.

17 MS. MAHONY: The other thing I would  
18 add to that.

19 COMMISSIONER TIERNEY: Yes.

20 MS. MAHONY: We have a number of  
21 committees that we host here on a monthly basis. One  
22 of them is the transportation advisory committee  
23 where an -- it's mostly the Public Works directors  
24 from each of our towns coming or town administrators  
25 coming to these meetings. The planning advisory

1 committee or most of the planning staff come to those  
2 meetings. And throughout the last two years, those  
3 committees have been kept up to date and asked for  
4 input throughout this process as well.

5 And I should have mentioned also that  
6 the energy subcommittee is a subcommittee of our  
7 long-range planning committee which is another  
8 committee that's pulled together to put -- to work on  
9 these plans. Those -- that committee is also made up  
10 of our board members that are representatives from  
11 the municipalities as well as some town staff as  
12 well. So I think throughout that whole kind of  
13 structured process and our communications with the  
14 municipalities, I think everybody was pretty well  
15 engaged. And I don't know that anybody felt it was  
16 too overwhelming to get involved in.

17 COMMISSIONER TIERNEY: So it will come  
18 as no surprise to you that I can't think of another  
19 corner of Vermont that is organized along these  
20 lines. I'm a veteran of living in big cities around  
21 the world and in the United States. But Burlington  
22 is really a distinctive metropolitan area insofar as  
23 the -- you carry a lot of weight in a very small  
24 state.

25 So a question for you, if you wouldn't



1 mind educating me, how do folks get appointed to  
2 these committees? And to what degree are they in the  
3 end responsive to an electorate that may perhaps at  
4 some point not care for the output, recognizing that  
5 from where I'm sitting, the output's been above the  
6 call of duty.

7 MR. BAKER: Do you want to answer that?

8 MR. ROY: Sure. I can jump in a little  
9 bit. I'm Chris Roy, chair of the regional planning  
10 commission.

11 COMMISSIONER TIERNEY: Yeah, I remember  
12 you with dark hair, Chris.

13 MR. ROY: Only fond memories, I hope.

14 COMMISSIONER TIERNEY: A long time ago.  
15 There was a beer bottle involved too. I was a summer  
16 associate. Charlie, I remember you, I think, from  
17 the Snelling Institute, if I'm not mistaken.

18 MR. BAKER: Possibly.

19 COMMISSIONER TIERNEY: Is there another  
20 Charlie Baker running around?

21 MR. BAKER: Could be. I know there is  
22 in Massachusetts.

23 COMMISSIONER TIERNEY: Obviously, yes.  
24 The comparison is not very apt. I know this guy as  
25 well. Good evening.

1 MR. DODGE: In my disguise.

2 COMMISSIONER TIERNEY: Baseball cap  
3 hides nothing. So back to you, Chris.

4 MR. ROY: Yes. The regional -- the  
5 full commission has a representative and an alternate  
6 from each of our member communities. And we have  
7 made a special effort to have town representatives on  
8 our full commission be folks who either are current  
9 officeholders, current management of the town, or  
10 fairly recent ones. For instance, when I was first  
11 appointed now I would say six years ago I was on the  
12 Williston select board at the time. Since then I've  
13 decided to give someone else a chance to serve in  
14 that capacity.

15 But the hope for that is to have -- not  
16 have a commission that is completely divorced from  
17 the policymakers in the town. In addition, every  
18 year Charlie goes around with the respective rep and  
19 presents to the select board issues over the  
20 preceding 12 months that we have worked on, be it  
21 transportation, and now the new areas we are getting  
22 into; water quality, energy planning, and the like,  
23 and get direct feedback from them.

24 And then finally we have these TAC and  
25 the PAC and the CWAC, the clean water advisory that

1 work with technical staff in the towns. And  
2 Chittenden County has the benefit, unlike a number of  
3 the other regions, where most, I would say nearly  
4 all, of our communities have really good  
5 sophisticated staff, so we don't have to sort of fill  
6 the divots in the first instance, and we really --  
7 and this is in contrast to some of the other RPCs.  
8 We really view ourselves not as a top-down  
9 organization. We have towns as different as  
10 Huntington and Burlington. On energy issues, as you  
11 can imagine in Chittenden County, we have got every  
12 possible view there is about energy policy siting and  
13 the like.

14 So we have really viewed our role as to  
15 take the charge from the legislature, do the research  
16 and the work, and figure out what is expected of  
17 Chittenden County. Lay that information out, and  
18 come up with a regional plan that will facilitate  
19 each community coming at the issue in its own way.  
20 And Will's involved in Essex. Essex has a very  
21 active energy committee. I'm in Williston. We have  
22 an active -- and it's certainly not for lack of  
23 interest. I think they are very well informed in  
24 other ways, and they just decided they didn't need  
25 another planning commission presentation.

1                   So we tried to come up with something  
2                   that was a bottom-up document, allows us to support  
3                   our communities in a way that doesn't pick sides.  
4                   And also defers, as appropriate, to state and federal  
5                   agencies that have the technical expertise when  
6                   that's required. We are a lay commission. We are  
7                   very mindful of that. We are community based, and we  
8                   make decisions of policy. But we don't want to  
9                   encroach upon areas where there are good technical  
10                  folks who understand the issues better. We certainly  
11                  look to them, are advised by their work, and try to  
12                  again do things that are going to dovetail with that,  
13                  but we don't try to usurp those technical areas.

14                 That's sort of been our approach not  
15                 only in the energy area but generally with land use  
16                 planning, community planning, water quality. That's  
17                 the approach that this particular RPC has taken over  
18                 the years.

19                 COMMISSIONER TIERNEY: Thank you,  
20                 Chris. That's very helpful. Perhaps you can help me  
21                 understand this in a nutshell. It sounds like in the  
22                 very layered governmental structure, and also as you  
23                 put it, a lay commission, so I don't question that  
24                 folks are appointed to it through due powers that are  
25                 held by somebody.

1                   And what I'm just trying to understand  
2                   is if by chance there were a nucleus of citizens in  
3                   Chittenden County that were inclined to band together  
4                   and to say a pox on this plan, how direct is their  
5                   recourse in order to assert themselves, gather the  
6                   requisite numbers, and attack a different course if  
7                   they wanted to. I just want to understand that.

8                   MR. ROY: Well a couple things. One as  
9                   was mentioned, we had a really robust public comment  
10                  process.

11                 COMMISSIONER TIERNEY: You have, yes.

12                 MR. ROY: And again, we try to do that  
13                 with all elements of the ECOS plan or any other  
14                 initiative. We go through every year. We put  
15                 together our long-term transportation plan. And we  
16                 really -- we are on the local access cable. We take  
17                 comments by email and the like. And we have comment  
18                 sessions at every one of our meetings. So we really  
19                 do try to engage in that way.

20                 We also, if there is an issue where and  
21                 we try to -- our -- we not only have our agenda, but  
22                 we also have something that looks ahead over the  
23                 ensuing months, and lets commissioners know, because  
24                 we have -- a lot of these things have regular  
25                 rotations, and renewables and issues are coming up

1 that we have to deal with. Sort of let people know  
2 these are the things that are coming up, and more  
3 often than not, we will have a presentation by staff  
4 about something not at the meeting where a decision  
5 needs to be made.

6 So we try to get it out. Then we get  
7 off-the-cuff arguments at the time. We find out if  
8 there are areas of significant disagreement, and  
9 everybody has an opportunity to then loop around with  
10 their individual communities.

11 We have been fortunate recently to  
12 really be able to move forward on a consensus basis.  
13 I think the last time we had really -- I wouldn't say  
14 contentious -- but some spirited debate about things  
15 had to do with the climate change section of our  
16 regional plan. The last time that went around. And  
17 we frankly, I think we embraced that. You might  
18 remember some of that, Melanie.

19 And so we really did go through  
20 multiple iterations, multiple meetings, heard from  
21 the public multiple times. We really do bend over  
22 backwards.

23 COMMISSIONER TIERNEY: Don't get me  
24 wrong. I'm not questioning the public engagement. I  
25 really am trying to understand accountability.

1 Perhaps I should ask the question differently. How  
2 did you -- yes, you would be?

3 MS. McMAINE: Catherine McMaine.

4 COMMISSIONER TIERNEY: I was going to  
5 guess, Catherine. You're on the select board. I'm  
6 in the town of Bethel. People run for the office.  
7 They get elected. That's what happened to you;  
8 right?

9 MS. McMAINE: Yes.

10 COMMISSIONER TIERNEY: How did your  
11 neighbor over there with the gray hair get on this  
12 commission is my question. Were you appointed?

13 MR. BAKER: Catherine is also  
14 appointed.

15 MR. ROY: We are all appointed by the  
16 select board.

17 COMMISSIONER TIERNEY: Very good. If  
18 we were to conclude, which we won't, that this were a  
19 terrible plan, horrible outreach and so forth, we  
20 would be looking at the select board and saying what  
21 a miserable choice you made; is that right?

22 MS. McMAINE: Right. The fact is I'm  
23 also on the bylaws committee. So and our bylaws make  
24 the recommendation that the commissioners be an  
25 elected official.

1 COMMISSIONER TIERNEY: Yes. I  
2 understood that from Chris's first answer. So thank  
3 you.

4 MS. McMAINE: They are incredible. And  
5 then the staff for the energy plan made a real push  
6 through all the Front Porch Forums. So either  
7 comments came through the RPC or through the select  
8 board member, so we really did get and have to  
9 respond to all these comments.

10 COMMISSIONER TIERNEY: So let me be  
11 clear again. That's obvious from the presentation  
12 and also from what staff have been telling me. And  
13 my question really was about accountability if there  
14 were folks in the community who didn't care for, not  
15 questioning the quality of outreach at all. Which  
16 leads to my next question.

17 So in your presentation you said that  
18 most of the comments were incorporated. Were there  
19 any comments that took issue with the direction that  
20 the plan was taking? And how did you deal with that?  
21 Were there folks who just outright were at 180  
22 degrees, and I have a shaking head here and not here.

23 MS. McMAINE: Most of the comments said  
24 we actually didn't go far enough.

25 COMMISSIONER TIERNEY: Fair enough.



1 MR. BAKER: Two big issues were the  
2 ones that Regina pointed out.

3 COMMISSIONER TIERNEY: Okay. But there  
4 weren't any folks out there saying, you know, why  
5 isn't living in a cave yesterday good enough for us.  
6 We don't need to be doing this.

7 MR. ROY: Well I think -- and we tried  
8 to do a good job of putting it in the context of, you  
9 know, this is the charge from the general assembly.  
10 And you know, we have been instructed to do certain  
11 things. And so that's guiding this process.

12 And to the extent, you know, we have  
13 tried -- and it's an iterative process -- it's not  
14 carved in stone for the next 50 years. This is our  
15 first time doing it. And it provides us the means to  
16 get where we need to get and the flexibility to alter  
17 our course as we learn more going forward.

18 COMMISSIONER TIERNEY: Okay. You also  
19 mentioned, Regina, in the presentation that the  
20 slides frankly acknowledged that the goals are  
21 unrealistic. And I wondered if -- unless there is  
22 significant market changes. And I wondered whether  
23 you meant that you accept as a given that they are  
24 not fully achievable unless there are significant  
25 market changes that perhaps we can't foresee today.

1 Is that a fair way to understand that?

2 MS. MAHONY: Yeah. I mean I think the  
3 plan really identifies implementation goals,  
4 strategies, and actions that we can influence, that  
5 both the region can influence and the municipalities  
6 can influence. And I think if we implement those, we  
7 will certainly get a good step of the way.

8 COMMISSIONER TIERNEY: Yeah. I was  
9 wondering whether there is recognition that progress  
10 is a good thing. It's not a failure to target goals  
11 that are not achievable off the bat. They are more  
12 aspiration I suppose in the end. But there is, you  
13 know, it's a difference between my saying my goal is  
14 to have a million dollar nest egg for retirement, and  
15 my goal is to win the lottery to retire. I was just  
16 trying to get a little sense of what we were frankly  
17 admitting to here. So I gather it's the million  
18 dollar nest egg; is that fair?

19 MS. MAHONY: Yeah. I mean I think that  
20 we have identified a plan that really moves us far  
21 into the direction of a better energy future. And I  
22 think the region is fully on board with that. It  
23 just was -- we did want to just acknowledge that in  
24 terms of meeting the mathematical targets in full,  
25 those will be challenging with Vermont Gas

1 essentially as it is now, and our transportation  
2 sector being as fossil fuel based as it still  
3 currently is right now.

4 COMMISSIONER TIERNEY: Indeed. All  
5 right. Realism is a good thing.

6 So I have a sign-up sheet here with  
7 seven people, and three have indicated they would  
8 like to make a public comment. Wouldn't you know  
9 it's all people that have already spoken tonight. So  
10 perhaps I could ask Will Dodge to make a comment.

11 MR. DODGE: Sure. Thank you very much.  
12 I'm Will Dodge. I'm here representing the Essex  
13 energy committee, Essex. There is a lot of funny  
14 things about it. One of them is that our energy  
15 committee is covering both the town and the junction,  
16 which is a little bit -- which is only interesting  
17 insofar as we have the state's largest consumer of  
18 electricity in Essex Junction. And realistically  
19 speaking, just as a municipality alone, even if we  
20 plaster all of Essex Junction with solar panels, we  
21 still would not, you know, meet the 90 by 2050.

22 So part of the reason that I guess we  
23 are very supportive of the plan is because, a little  
24 bit going to one of your questions, is that rather  
25 than sort of a preclusive effect on those siting

1 policies, what we have is the suitability policies  
2 that Regina referred to where we are basically having  
3 a safety valve that says normally you want to go in  
4 this direction, but we are going to allow you to go  
5 in the other direction if the circumstances warrant.

6 And just thinking about the way that we  
7 have in our municipality sort of a very rural area  
8 and then a very urbanized area right on top of one  
9 another, where we are trying to preserve a lot of the  
10 wooded areas, and make the most use of those  
11 urbanized areas, we have a feeling that we are going  
12 to encounter a number of different -- of exceptional  
13 circumstances that I can't predict now. But I can  
14 predict that they are going to occur.

15 So that was just to provide a little  
16 color as to why -- why did we come out this way and  
17 not have very strict guidelines about where you can  
18 and cannot have something.

19 COMMISSIONER TIERNEY: I see. Thank  
20 you. Chris Roy. You've signed up to make a comment.

21 MR. ROY: And I've already made it. So  
22 --

23 COMMISSIONER TIERNEY: Okay.

24 MR. ROY: I figured that might be my  
25 one shot, so I incorporated most of what I was going

1 to say in there anyway.

2 COMMISSIONER TIERNEY: The thing is the  
3 rejoinders are plentiful, but it's not the time or  
4 the place. So Catherine McMaines, was it?

5 MS. McMAINE: Yes.

6 COMMISSIONER TIERNEY: Very good. You  
7 also signed up for a comment.

8 MS. McMAINE: Well I said some of it.  
9 But I was not -- I'm not an energy expert. I  
10 represented essentially the municipalities on the  
11 committee. And I was impressed by the quality and  
12 the energy geekdom of members of our committee as  
13 well as the effort that the staff put into it. But  
14 it goes to what Chris and Will said. There was a  
15 real argument within the committee whether we should  
16 go to the shalls and really dictate where, you know,  
17 how much we needed to do. And because the RPC really  
18 is there to support the municipalities, not dictate  
19 to the municipalities, we took the other tack where  
20 the energy goals are there, but they are  
21 technologically neutral, so you could go all solar,  
22 or if you happened to have a real good wind source,  
23 you could go that way.

24 But we also incorporated it because  
25 people really cared about their natural resources,

1 ways to protect that, and still allow our energy, you  
2 know, to be distributed throughout the area.

3 COMMISSIONER TIERNEY: And so I'm aware  
4 that Mr. Roy and Mr. Dodge -- at least Mr. Roy -- was  
5 on the CCRPC with you, fair enough? But Mr. Dodge,  
6 you were on the Essex energy committee but not on the  
7 CCRPC per se. My question really is did your  
8 commission have counsel, legal counsel? Because  
9 Chris, I assume you were just there in your capacity  
10 as a citizen.

11 MR. ROY: Oh, yeah. I am not the  
12 lawyer for the --

13 COMMISSIONER TIERNEY: But in coming up  
14 with your plan did you guys take counsel from anybody  
15 especially on the shall versus no shalls?

16 MR. BAKER: I can't remember if we  
17 checked in -- Joe McLean is our legal counsel. We  
18 may have checked in with him months ago. I can't  
19 remember now.

20 MS. MAHONY: I don't remember that we  
21 did. Do you guys remember it? I don't think --

22 MR. BAKER: It was more of a policy  
23 conversation.

24 COMMISSIONER TIERNEY: All right. So  
25 it's hot tonight, but the Red Sox are not playing, so

1 I have more time with you. Fine game last night. I  
2 have three other names here. Four other names here.  
3 And so far what I have been able to do in all of  
4 these meetings is coax comments out of everybody who  
5 signs up. And I guess the question is, because this  
6 is not an attendance sheet, this is a sign-up sheet  
7 for public comment. So Eleni Churchill.

8 MS. CHURCHILL: Here.

9 COMMISSIONER TIERNEY: My friend from  
10 Cypress. Did you have a comment you wanted to make  
11 or just enjoy the banter?

12 MS. CHURCHILL: I enjoy the energy, of  
13 course. No, I work here, and I work mainly  
14 transportation. So some of the transportation, you  
15 know, related energy goals we work very closely with,  
16 you know, staff, that they did the energy, so I was  
17 here just in case a question came. Yes.

18 COMMISSIONER TIERNEY: Just in case  
19 there were questions. Thank you. So you have  
20 nothing more you would like to say?

21 MS. CHURCHILL: Nothing more. Thank  
22 you.

23 COMMISSIONER TIERNEY: All right. So  
24 Mr. Baker, I've met Charlie Baker. I know Charlie  
25 Baker, and you're no Charlie Baker. I'd like to know

1           --

2                   MR. BAKER: I'm not sure I can help you  
3 tonight. I'm really here as staff and supporting  
4 that. I have nothing else to add.

5                   COMMISSIONER TIERNEY: I got you to say  
6 something on the record. That's the most important  
7 thing.

8                   MR. BAKER: Thank you for that.

9                   COMMISSIONER TIERNEY: I am -- the  
10 provenance of this hyphenated name is intriguing me.  
11 Nosse-Leirer.

12                   MS. NOSSE-LEIRER: Nosse-Leirer.

13                   COMMISSIONER TIERNEY: What can you  
14 tell me about that?

15                   MS. NOSSE-LEIRER: About the energy  
16 plan?

17                   COMMISSIONER TIERNEY: About the name  
18 first and then the energy plan.

19                   MS. NOSSE-LEIRER: It is both of my  
20 parent's names.

21                   COMMISSIONER TIERNEY: Okay. I have to  
22 say I don't recognize the provenance of either one of  
23 those names. German, French, English, Spanish?

24                   MS. NOSSE-LEIRER: Nosse is a Slovenia  
25 name.



1 COMMISSIONER TIERNEY: Slovenia. Okay.

2 Very good.

3 MS. NOSSE-LEIRER: And an Austrian  
4 name.

5 COMMISSIONER TIERNEY: Nosse-Leirer.  
6 Ms. Nosse-Leirer, anything to say about the plan?

7 MS. NOSSE-LEIRER: I don't have any  
8 comments. No.

9 COMMISSIONER TIERNEY: Nothing to say  
10 in public. Okay. Fair enough. I'll respect that.  
11 Last but not least, Ms. Needle.

12 MS. NEEDLE: I don't have any comments.

13 COMMISSIONER TIERNEY: No comments.  
14 Well at least you said something. In that case, I  
15 would just note for the record that we do have  
16 contact information up here. If members of the  
17 public were not able to make it here tonight, would  
18 like to provide some comments, Sheila and Dan, what  
19 is the outside limit when people can provide comments  
20 before the plan is due?

21 MS. GRACE: Our determination is due on  
22 August 21st, so I think --

23 COMMISSIONER TIERNEY: Up until  
24 midnight. Sometime short of August 21 would be a  
25 good time to send those comments in. I'll at least

1 have a look at them. And if not, you can tell me  
2 afterwards you didn't like the determination.

3 So anyway, I have contact information  
4 up here. And of course we will have a transcript of  
5 the hearing as well which will be made public as soon  
6 as possible. But not lickety-split because we can't  
7 afford that. We try to use your taxpayer dollars  
8 judiciously -- or ratepayers dollars, forgive me.  
9 Although in this case -- never mind.

10 I think I have covered everything. Dan  
11 or Sheila, have I left anything out?

12 MS. GRACE: No.

13 COMMISSIONER TIERNEY: Kim, was I too  
14 soft spoken?

15 THE COURT REPORTER: No.

16 COMMISSIONER TIERNEY: I was good.  
17 Thank you. In that case, we are adjourned ladies and  
18 gentlemen. Thank you very much.

19 (Whereupon, the proceeding was  
20 adjourned at 6:43 p.m.)  
21  
22  
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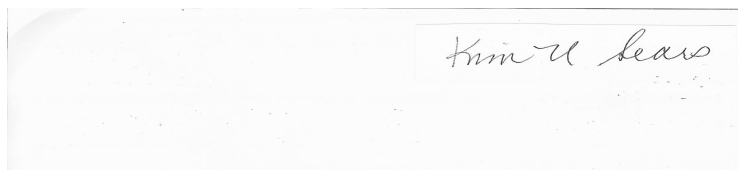
C E R T I F I C A T E

I, Kim U. Sears, do hereby certify that I recorded by stenographic means the Public Hearing re: Chittenden County Regional Planning Commissioner's Request for a Determination of Energy Compliance Pursuant to 24 V.S.A. Section 4352 at the Chittenden County Regional Planning Commission's Main Conference Room 110 West Canal Street, Suite 202, Winooski, Vermont, on August 6, 2018, beginning at 6 p.m.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting and the foregoing 34 pages are a transcript of the stenograph notes taken by me of the evidence and the proceedings to the best of my ability.

I further certify that I am not related to any of the parties thereto or their counsel, and I am in no way interested in the outcome of said cause.

Dated at Williston, Vermont, this 10th day of August, 2018.

A rectangular box containing a handwritten signature in cursive script that reads "Kim U. Sears". The signature is written in dark ink on a light-colored, slightly textured background.

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