



NATURAL RESOURCES BOARD

Dewey Building
National Life Drive
Montpelier, Vermont 05620-3201

NATURAL RESOURCES BOARD MEETING TUESDAY, MARCH 10, 2015

MINUTES

PRESENT

Jon M. Groveman, Esq., Chair
William Boyd Davies, Esq., Vice Chair
Martha (Marty) Illick, Member (participated by telephone)
Gail Fallar, Alternate Member
Charles (Chuck) Haynes, Alternate Member

STAFF

Melanie Kehne, General Counsel
Peter Gill, Associate General Counsel
Greg Boulbol, Associate General Counsel
Aaron Brondyke, Permit Compliance Officer
Kimberley Lashua, Administration Manager
Donna Seckington, Administrative Secretary

ALSO ATTENDING

Kate McCarthy, Sustainable Communities Director, Vermont Natural Resources Council
Ed Stanak, former District 5 Coordinator

The Vermont Natural Resources Board convened at approximately 9:50 a.m. on Tuesday, March 10, 2015, at the Dewey Building Conference Room, National Life Drive, Montpelier, Vermont; Chair Jon M. Groveman presiding. Chair Groveman welcomed everyone to the meeting and started introductions.

1. Approval of Minutes

Bill Davies moved to approve the minutes of the February 10, 2015 meeting as noted with corrections on page 2. The motion was seconded by Marty Illick and approved by the Board a 4-0-1 roll call vote:

Jon Groveman – Yes
Bill Davies – Yes
Marty Illick – Yes



Gail Fallar – Yes

Chuck Haynes – Abstained (Chuck was not at previous meeting)

2. Office and Budget Update

Chair Groveman advised the Board of Karen Dupont's retirement and her departure from the NRB at the end of the month.

Chair Groveman gave a brief update on the budget. He expressed that whatever changes we make as a result of the provision to save \$200,000 cannot impair Act 250. At the next meeting we will present several options and details of how each option will impact the program. There is no longer a focus on the March 31st deadline to submit our reduction plan. He expressed that at this time we would not fill Karen's position. The Board members had no comments.

Chair Groveman is in the process of meeting with all staff, including visiting all of the District Offices to check in and see how things are going in general. He has already met with Barre. He will meet with Springfield and Essex this week and with St. Johnsbury and Rutland the following week.

3. Legislative Update

Chair Groveman and Melanie Kehne gave brief updates on legislation of interest to the Board. The budget and fee bills, as outlined by Chair Groveman, are the top legislative priorities this year. There will also be an Act 250 miscellaneous bill, H.315, sponsored by Rep. Rebecca Ellis. More work is needed to two sections of the bill, dealing with permit renewals, revocation, abandonment, and extension. Many other bills affecting Act 250, including Criterion 9(L) and jurisdiction, have been introduced this session. There is also a bill to change the Open Meeting Law.

4. Discussion of Litigation and Attorney – Client and Work Product memoranda (Executive Session)

Bill Davies made a motion to go into executive session in accordance with 1 V.S.A. Sec. 313 (a)(1) for discussion of privileged documents and civil actions by the State where premature public knowledge would clearly place the Board at a substantial disadvantage, and invited its legal and administrative staff into the executive session. Gail Fallar seconded the motion, which was approved 5-0. The Board went into executive session at 10:50 am.

Jon Groveman – Yes

Bill Davies – Yes

Marty Illick – Yes

Gail Fallar – Yes

Chuck Haynes - Yes

5. Action on Pending Appeals and Enforcement Matters



The Board came out of executive session at 11:05 a.m.

Bill Davies made the motion to participate in The Snyder Taft Corners, LLC, JO Reconsideration Appeal (4C0887-1R-H), Docket No. 15-2-15 Vtec. The motion was seconded by Chuck Haynes and approved unanimously by the Board by roll call vote.

Jon Groveman – Yes
Bill Davies – Yes
Marty Illick – Yes
Gail Fallar – Yes
Chuck Haynes - Yes

6. Other Business

Peter Gill gave an update on the recent F-35 decision by the Vermont Supreme Court.

The Board's next meeting is set for April 14, 2015. Bill Davies, Gail Fallar will be present, and Chuck Haynes will be, if needed.

Ed Stanak, former District 5 Coordinator, offered comments on the Act 250 Program. He expressed that there is frustration with the program by the applicants in terms of the time it takes to complete the application process. He suggested that the Board set standards for participating in appeals, and cited an appeal at the Vermont Supreme Court. The Board cannot participate at the Supreme Court, but will look into providing more transparency on its decisions to participate as a party in Environmental Division appeals, possibly through factors, standards, or greater detail in the minutes regarding the basis for decision.

Ed Stanak also shared concerns about how it looks when a Board attorney advises a district coordinator or District Commission, and then the same attorney staffs any related appeal or reconsideration matter. Chair Groveman said that this is like having the Appropriate Municipal Panel decide a zoning matter, then the Selectboard decide whether to participate in the appeal.

7. Adjournment

At approximately 11:45 a.m., Bill Davies moved to adjourn. Gail Fallar seconded the motion, and it was approved by unanimous roll call vote:

Jon Groveman – Yes
Bill Davies – Yes
Marty Illick – Yes
Gail Fallar – Yes
Chuck Haynes - Yes



Respectfully submitted,

Jon M. Groveman, Chair

Approved by the Board at its _____ meeting.

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