

**NATURAL RESOURCES BOARD**  
**Minutes of the Meeting of the Board**  
**TUESDAY, May 9th, 2017**  
**10:00 am**

**Location of Meeting:**

NRB – Dewey Building  
1 National Life Drive  
Montpelier, Vermont 05620-3201

**Present at Meeting:**

**Board Members**

Diane Snelling, Chair  
Dominic Cloud, Member  
Martha (Marty) Illick, Member  
Don Sargent, Member  
Brad Aldrich, Member

**Staff**

Donna Barlow Casey, Executive Director  
Gregory Boulbol, General Counsel  
Aaron Brondyke, Enforcement Officer  
Peter Gill, Associate General Counsel  
Kimberley Lashua, Business Director  
Elexandra Arthers, Legal Technician

**Members of the Public**

Kate McCarthy, VNRC  
Denise Venus Kirkpatrick – Neighbors for Healthy Communities  
Lori Bernier – Neighbors for Healthy Communities  
John Brabant– Neighbors for Healthy Communities  
Melyssa Danilowicz– Neighbors for Healthy Communities  
Shaun Kirkpatrick– Neighbors for Healthy Communities  
Ed Stanak

The Natural Resources Board meeting was called to order at 10:01 AM on May 9th, 2017 at NRB – Dewey Building- by Diane Snelling.

Diane welcomed new Board Member Brad Aldrich, and thanked Bill Davies for his many years of invaluable service with the Board.

**I. Approval of the Minutes**

Meeting minutes of April 10<sup>th</sup> 2017 and May 9<sup>th</sup> 2017 will be reviewed and approved at the next regularly scheduled meeting.

## **II. Opportunity for Public Comment on Non-Agenda Items**

Members of the Neighbors for Healthy Communities group along with Ed Stanak appeared before the Board seeking the position of the Natural Resources Board concerning a new crusher operation that has commenced by NEMG within the last few weeks on the ROA tract.

They were specifically interested in understanding why the NRB has not taken steps to cease the operation of this crusher plant which has allegedly commenced without a requisite land use permit.

Lori Bernier walked the Board through the steps they have taken in this case, including litigation before the District Commission, the Environmental Division of the Superior Court, and the Supreme Court. They concluded by expressing their disheartenment that the same corporate entities that operate the crusher plant, which is the subject of pending application 5W0966-7, and operated for almost 7 years without benefit of a land use permit, have again commenced another apparent clear and obvious violation of Act 250.

The Chair thanked the members of the Neighbors for Healthy Communities and Ed Stanak for their passionate presentation as well as their commitment to the town, and asked them to seek a JO from the District Coordinator as to whether the alleged activities trigger Act 250 jurisdiction. General Counsel Greg Boulbol explained the unique jurisdictional challenges associated with a 1,200 acre parcel of land with pre-Act 250 operations. The Chair recommended that the Board review the situation and respond to the Neighbors concerns.

## **III. NRB, Office, and Budget Updates**

### Budget-

We are still within range of meeting budgetary goals for the 2017 fiscal year, and are moving ever closer to this goal.

We will continue to track this progress.

### Website-

Our new website is scheduled to launch May 15<sup>th</sup>. The new address will be circulated to the Board when this happens.

### Board & Commission Training-

We have identified proposed Board and Commission Spring Training dates. There will be a meeting held on June 20<sup>th</sup> in Montpelier VT and June 22<sup>nd</sup> in Rutland Vermont. A save the date invitation will follow.

## **IV. Discussion on engaging Alternate Board Members**

—Diane proposed the question of how we better engage our alternate Board Members. She suggested that perhaps we invite them to Board Meetings. Marty Illick reiterated this suggestion and requested that alternate Board Members be invited to attend future Board meetings.

## **V. Legislative/Policy updates**

Greg, Peter, and Diane updated the Board on active legislative and policy matters as follows:

### H.424:

The Bill was passed by the Senate, and the House concurred.

House appropriations changed the commission membership from 7 to 6 members.

We expect that the bill will be signed and enacted in the coming days.

### Act 174 (Appeal Procedure for Energy Compliance Determinations):

Under the statute, the NRB hears appeals of the Department of Public Service Energy Compliance Determinations. The Board reviewed a draft procedure. Dominic Cloud requested an overview of the current energy policy under review. Greg Boulbol and Peter Gill explained the policy and what projects had potential to be seen before the Board.

Dominic Cloud made a motion to adopt the 174 procedure with the changes as written. Don Sargent seconded this motion, and the motion was passed unanimously.

## **VI. Appeals (Summary Discussion/ Status)**

Dominic Cloud made a motion to ratify the slate of previously ratified appeals: Chester Water Tower, Mountain Top, Mathez, Mt. Snow, Costco SW JO, Big Rock Gravel, Gerald Scott, Daniel Clay, Long Associates, Dearborn, and Divergent Diamond Exchange, as one vote. Don Sargent seconded the motion, and the motion was unanimously approved.

The Board upheld the Chairs decision to enter an appearance in the slate of previously ratified appeals with a 4-0 roll call vote.

Diane Snelling – Yes

Marty Illick – Yes

Dominic Cloud – Yes

Don Sargent – Yes

Brad Aldrich- Abstain

Greg Boulbol and Peter Gill gave status updates to the Board on the following appellate matters, Scott Farm, and Brady Sullivan JO.

Marty Illick made a motion to ratify the Chair's decision to enter an appearance in the Scott Farm case. Don Sargent seconded this motion and the motion was unanimously approved.

Dominic Cloud made a motion to ratify the Chair's decision to enter an appearance in the Brady Sullivan Act 250 case. Marty Illick seconded this motion and the motion was unanimously approved.

**VII. Executive Session**

Dominic Cloud made a motion to find that premature disclosure of matters would compromise the Board. The motion was seconded by Marty Illick. Don Sargent made a motion to enter executive session to discuss such matters. Marty Illick seconded the motion, and the motions were unanimously approved by the Board. The Board entered Executive Session at 11:24 pm. The Board came out of Executive session at 11:54 pm. The Board took no further action.

**VIII. Other Business- Adjourn**

Marty Illick made a motion to adjourn the meeting. Don Sargent seconded the motion and the Board unanimously approved the motion.